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The first amendment sought to impose a condition upon a gift already determined upon; the second amendment made a further and additional gift upon the same condition. I do not of course mean that the gentleman from Kentucky is actuated by friendship for Canada. He, too, like the gentleman from Texas, seeks to change the tariff system of this country for what he believes to be the ultimate and permanent benefit of our own people. But if the gentleman from Kentucky had really been endeavoring to represent in this matter the interests of the Dominion, and the gentleman from Maine had been representing the interests of the United States, their respective amendments might consistently have been exactly what they in fact are.

Mr. Chairman, the amendment of the gentleman from Kentucky consists of two distinct propositions. By the first we give to Canada a free market for Canadian fish as a bonus for the fulfillment by Canada of the duties which a decent regard for our rights and a decent regard for the obligations of civilization ought to induce her to fulfill without condition. By the second proposition Canada can have commercial reciprocity with ourselves whenever she desires it. And mark that these two propositions are not only distinct, but independent. Canada can at her option accept either or both.

Canada can, therefore, accept the second proviso and reject the first. The effect of that would be that Canada could enjoy the full benefit of the commercial reciprocity conferred by the second proviso without abating one whit the tyrannical and barbarous persecution which she has visited upon American fishermen since the termination of the last reciprocity treaty. As for the second proviso, I do not care to discuss it at length. If we are to adopt the policy of reciprocity or commercial union at all, it must come before us in a more complete and well-considered form than is given it in the pending proviso. And I can say without hesitation that whatever may be the ultimate benefits to be derived by the people of this country from the adoption of that policy, I can not believe that Congress will patiently discuss or even entertain the proposition so long as the policy of the Dominion toward our fishing vessels continues to be guided by the narrow and illiberal spirit which has heretofore characterized it. Still less can I believe that a patriotic American Congress can patiently accept the first proviso of the gentleman from Kentucky, which gives the American market to Canada for Canadian fish in consideration that Canada will grant privileges which we have always claimed as matter of right. We do not ask Canada to grant us favors in her ports. We insist that she ought to concede certain privileges as ours by right.

My colleague from Illinois [Mr. HITT] did not put the case too strongly when he declared that the language of the amendment of the gentleman from Kentucky was a virtual surrender of the claims we have been making for fifty years. True it is, as the gentleman from Kentucky says, that we are not the treaty-making power. The Senate and the President, he thinks, will take care of that matter, regardless of what we may do in this House. But the gentleman from Kentucky will certainly concede that what we do or say here in this House may have an important bearing on any negotiations that may hereafter be conducted between the United States and Great Britain with reference to the fisheries question. True, there is a treaty now pending before the treaty-making power. What we do or say here can not change the terms of that treaty. But that treaty is not certain to be ratified. Indeed, it is not likely to be, and ought not to be.

The treaty that is to settle this whole question on terms satisfactory to the interest and to the honor of the United States is yet to be made. As the gentleman from Massachusetts [Mr. RUSSELL] has just said, if the pending treaty fails another treaty will be made. Even if we have a war, or if the President uses the power which the Forty-ninth Congress placed in his hands to retaliate upon the Dominion for the wrongs of our fishermen, the end of it all will be a treaty of some kind to settle the whole question. That is true. It is equally true that the negotiations upon which any future treaty will rest will be affected by what our public men say here and elsewhere, and by the action of this House even in voting upon the proposition of the gentleman from Kentucky.

Mr. HITT. It would be the declaration of a public body.

Mr. ADAMS. Yes, it would be the declaration of the House of Representatives in Committee of the Whole, and our action and the language of the proposition upon which we vote could not fail to have its effect. The gentleman from Kentucky says that he wants the Committee of the Whole to adopt his amendment to the amendment of the gentleman from Maine, and then wants the amendment so amended to be voted down. I say it would be a public misfortune to have the amendment of the gentleman from Kentucky adopted even upon these terms. I say it is a positive injury to the country even to have his proposition presented here by so prominent a member as the gentleman from Kentucky. We can not afford to have this House or any prominent member of it give away the claims which we have been making against Canada for so many years in behalf of the rights of our fishing vessels.

These claims have been strongly stated this afternoon by the gentleman from Massachusetts [Mr. LODGE] and by others. In my judgment they have not been stated quite so strongly as the facts warrant. Gentlemen have said that we have always made certain claims for our fishing vessels under the provisions of the treaty of 1818. Their statement might imply that these claims have always been disputed by the Dominion officials. I do not think that is precisely correct. I have a strong impression that we have at least one decision of a Canadian court in our favor. I refer to the decision in the case of the White Fawn, tried in the admiralty court of New Brunswick in 1870. It related to the right of American vessels to buy bait in a Canadian port. It was decided, as I understand, by that court that the purchase of bait, unless proved to have been in preparation for illegal fishing, was not a violation of the treaty or of any existing law. If I am wrong, the gentleman from Massachusetts [Mr. COGSWELL] or the gentleman from Massachusetts before me [Mr. LODGE] will correct me. I will ask the gentleman if there was not such a case decided substantially on the grounds I have mentioned.

Mr. LODGE. I so understand it.

Mr. ADAMS. Here, then, we have claims persistently made on the part of the United States and admitted by at least one judicial tribunal of the Dominion, which are virtually given away by the language of the pending amendment.

So far as the treaty of 1818 is concerned it was, I think, an unfortunate if not an ignominious surrender of valuable rights. I do not care who made it. It took from our fishermen the right to fish within 3 miles of the shore, a right which they possessed theretofore, as has been suggested, as subjects of Great Britain when the Revolutionary war broke out, and which they did not lose by reason of that war. When that limitation on their rights was imposed it was provided that they should be subject to such regulations as would prevent the abuse of the rights conferred by the treaty.

The main contention between the United States and Great Britain has been as to whether the vexatious restrictions imposed on our fishermen in Canadian ports have been reasonable regulations within the meaning of the treaty of 1818. We have insisted that they are not. If this House is not a part of the treaty-making power it is its duty not to take any action or use any language which ingenuity can construe into a surrender of the ground maintained by our diplomatists on behalf of our fishermen. I hope the amendment to the amendment will be voted down. To me, Mr. Chairman, the question is interesting not because it is of any local importance to the part of the country in which I live, but because I believe, as other gentlemen have said, that it is a national question, a question of national honor, and rises far above the level of the tariff question. It is simply a question whether we shall gratuitously concede any advantage whatever to a country which has never gratuitously conceded anything to us, but has used in a barbarous and insulting way the rights they have and rights which they do not possess in order to extort from us important commercial advantages for themselves.

I reserve the remainder of my time.

The CHAIRMAN. The gentleman has three minutes of his time remaining.

Mr. BYNUM. Mr. Chairman, I do not propose to enter into a discussion of the rights and privileges of American citizens or fishermen to enter the Canadian ports for the purchase of supplies and bait as claimed by them. I simply desire to call the attention of this House to the position assumed by gentlemen on the other side, and especially the gentleman from Maine [Mr. DINGLEY] and the gentleman from Illinois [Mr. HITT] upon this question when the bill granting the President power to exclude Canadian vessels and fish from our ports until equal rights and privileges were granted American fishermen by the Canadian Government was under consideration in the Forty-ninth Congress. The Senate passed a bill providing that in case of the refusal of the rights which were claimed and had been enjoyed by our fishermen in the ports of Canada of purchasing supplies and bait and of shipping fish, that the President of the United States should have the power to prevent the importation of Canadian fish and to exclude Canadian vessels from those rights in the ports of the United States. It was proposed by the Committee on Foreign Relations to amend the bill so that the President would be clothed with the power of prohibiting the locomotives and cars of Canadian railroads from entering our territory; but gentlemen upon the other side objected to any amendment of that character.

They stated that the provisions of the Senate bill were all they desired, and that was all they wished upon this question.

They wanted no other commerce interfered with, they did not desire any other class of products from Canada interfered with; but simply desired the enactment of this provision to prevent the importation of Canadian fish and to exclude Canadian fishermen from the rights in our ports which they denied to ours in theirs.

Mr. HITT. Will the gentleman permit me a minute? I held just the reverse of that, and the argument will show the position I assumed.

Mr. BYNUM. It is true the provisions of the law go further and include all other products; but it was substantially stated by the gentleman and others that other productions than fish were put in the bill only for the reason that when we should prohibit the importation of Canadian fish, Canada might retaliate by excluding from her ports all American products, and in that event we should want to do the same thing. I think it will fully appear from the debate upon that bill that all that the fishermen and their representatives desired was the exclusion of Canadian fish and a denial to Canadian fishermen of the rights and privileges which they denied to us.

The gentleman from Maine [Mr. DINGLEY] upon the subject said:

The Senate bill, which passed the Senate with so entire unanimity, meets this situation exactly. It is not a bill looking to retaliation, but it is simply responsive to the policy of Canada. It authorizes the President to withdraw from Canadian vessels and Canadian products—naming fish as the article particularly intended, although all other products of the British North American possessions may also be prohibited—substantially the same privileges as are withheld from us. It simply says in effect that the privileges which we accord to Canadian fishing vessels and fish were given on condition that Canada extended the same privileges to American fishing vessels and the fish caught by such vessels. If she chooses to withdraw such privileges from our fishing vessels and fish products, we propose to withdraw the same from her fishing vessels and fish products so long, and only so long, as she continues to discriminate against us.

The so-called Belmont bill proposes to go further than this and to authorize the President to stop communication by rail with Canada. I regard this as unnecessary and unwise. Canada has not discriminated against American locomotives and cars passing into her territory as vehicles of transportation.

* * * * * * *

This bill, Mr. Speaker, looks to a peaceful solution of the differences between the United States and Canada by making it for the interest of both to grant full commercial privileges to the vessels of each other.

Again he says:

But if our fishermen shall see that Canadian fishing vessels are denied the same privileges as are denied them; if they shall see that Canadian fish are denied entrance into our territory while American fishing vessels are denied the privilege of landing their fish in Canadian ports, they will be content and will willingly suffer the increased inconvenience and expense caused them by being compelled to use larger vessels and to carry more extensive supplies in order that they may be under no necessity of entering Canadian ports for supplies or discharge of part of cargo.

Mr. HITT. The gentleman quoted me a moment ago, and I ask that the gentleman will do me the justice to read what I said in that connection. I urged that the bill conferred power to exclude all their products.

Mr. BYNUM. I will give the gentleman's own language. I certainly have no desire or intention to put him in a false position. He said:

The Senate measure is strong and efficient; it confers full powers on the President to retaliate for the ill-treatment of our fishing vessels, by excluding all Canadian vessels, all their fish, and all their productions, if he chooses in his discretion to do so.

When it passed the Senate no party voice was heard, but all were Americans. And we, in acting upon that measure, are asked now to substitute for it a new bill containing a provision which was rejected in the Senate by an overwhelming vote, and which if adopted here is certain to cause delay and to endanger all action. * * * The Senate bill is one which attempts to do a thing in the very best way in which the experience of nations shows it ought to be done. It is an answer to an inquiry by responsive action and retaliates in kind.

I call your attention particularly to the words of the gentleman from Illinois, in which he says: "It is an answer to an injury by responsive action and retaliates in kind."

While other products were and are in the law, I think it is perfectly clear from the language of the gentleman from Illinois and the language of the gentleman from Maine the power thus conferred was not to be used by the President in the first instance, but only in case Canada should, when her fish were excluded by us, retaliate by excluding other of our products from her territory.

Mr. REED. Will the gentleman yield to me for a moment?

Mr. BYNUM. I will after quoting the language used by Mr. Rice, who at the time was a member from Massachusetts.

Mr. Rice, speaking on the subject, used this language:

Again, it is really no vital matter that we shall go into the Canadian ports at all. If they see fit to shut out of their ports our deep-sea fishing vessels, which go there for the purpose of buying supplies, upon the sale of which many of their poor people live, let them do it. We say there is no treaty provision that we shall not go there; they say there is.

That is the question upon which the two governments have joined issue. But suppose that their contention is correct and that our vessels have no right there, still we can get along without going there. But—and here let gentlemen of the House understand—Great Britain has no treaty rights whatsoever with us on this point. If the Canadians can shut our vessels out of their ports we can shut theirs out of our ports. We are under no treaty obligation to let them in. If they can shut our fishermen out of their ports, we can shut their fish out of ours.

Mr. REED. Has that act been put in force?

Mr. BYNUM. I am not talking about whether it has or has not been enforced. I simply say that the gentlemen representing the interests of the fishermen said it was all the remedy they desired. The gentleman knows that a treaty is pending, and that an effort has been made to amicably settle the fishery troubles, and that that is the reason for its non-enforcement. I have heard no complaints from the gentlemen who represent the interests of the fishermen because it has not been enforced.

Mr. REED. But has that remedy been applied? You can not complain that we are not satisfied with the operation of a remedy if it has never been applied.

Mr. BYNUM. There is a way to secure its application, but I am not talking about that now. Gentlemen upon the other side said it was sufficient. In fact it is sufficient, because it in reality confers greater power upon the President than is asked for by the proposed amendment. The amendment offered by the gentleman from Maine provides that in case Canada does not accord to our fishermen the rights we claim for them, the present rates of duty shall be charged upon their lumber, while the law passed by the last Congress gives to the President power to prohibit the importation of the same. The effect of the amendment is to reduce rather than to enlarge the retaliatory powers of the Government.

Mr. Chairman, I say that these gentlemen have here all the remedy asked for, and the position they are taking now is simply for the purpose of embarrassing the passage of this bill and preventing a reduction of the revenue. It is not taken because they need a more efficient remedy for the maintenance of the rights of our fishermen. In fact they have a greater remedy than the one they are seeking to ingraft upon this bill. I do not want our difficulties and entanglements over the fishery question with Canada to be ingrafted upon this bill; it will only complicate them and embarrass the administration of both enactments.

The admission of Canadian lumber is not solely a benefit to the Canadians, but a benefit to our own people. It is for the interests of six millions of people in the United States that we are asking the passage of this measure. We have given to the fishermen of Maine, Massachusetts, Delaware, Maryland, and other coast-bound States all they asked for and all they desired. Now that we are trying to do something for the people of the West, let them be generous enough not to attempt to involve the interests of others in their disputes and difficulties.

Mr. PARKER. Mr. Chairman, how much time is there remaining for this side of the House?

The CHAIRMAN. Seventeen minutes.

Mr. ROWELL. Mr. Chairman, I do not know much about the fishery question. A resident of a prairie State, a thousand miles from the seacoast, is not required to know very much about it. But I do know that the Forty-ninth Congress gave the President of the United States ample power to settle this much-vexed question in accordance with the claims of this Administration as to American rights. I do know that in all our history the question of these fisheries has been a disturbing one, and I know also that this Administration has neglected and refused to exercise the power granted by the Congress; and it is no answer to say that a commission was appointed to settle the question, when that commission was appointed in direct opposition to the expressed will of Congress.

Mr. DUNN. Where do you find that expressed will of Congress?

Mr. ROWELL. The expressed will was found in the refusal to grant the request of the President of the United States for the appointment of a commission as proposed by his Secretary of State, and it was further found in the enactment of Congress giving to the President power to retaliate to the extent of maintaining the rights of the American fishermen as claimed by the Secretary of State in all his correspondence with the British Government. I do know that in violation of that expressed will of Congress a commission was appointed, and the result of that commission was to surrender the claims of the American Government. All that it has obtained, if the treaty shall be ratified, is the privilege of having our fishermen treated by Canada as all civilized nations treat them. I know, further, that the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE] is in furtherance of the surrender of the American Government of its own claim of right, and is a proposition to buy what we have from the beginning claimed, and what this Administration has claimed, as a matter of right.

Now, if the Democratic party want to stand by that proposition, if they want to go back on the law passed by the Forty-ninth Congress, if they want to surrender the rights that the American Government has claimed, and to obtain by purchase that which we are entitled to by law, let them stand by that record and vote for the proposed amendment brought in here by the gentleman from Kentucky in opposition to an amendment designed to obtain in another way that which we supposed we had obtained when by solemn act we had instructed the Executive to take measures looking to that end.

[Here the hammer fell.]

The CHAIRMAN. The Chair was in error a while ago in stating that there were seventeen minutes remaining at the disposal of the gentlemen on the left of the Chair. There were but thirteen minutes. Ten minutes now remain—five of which are to be occupied by the gentleman from New York [Mr. PARKER] and five by the gentleman from Maine [Mr. DINGLEY].

Mr. PARKER. Mr. Chairman, in the few words that I have to say I do not wish to refer to the partisan view of the subject under consideration or to the fishery question. I wish to ask attention particularly to the last paragraph of this pending amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE] and its effect; that paragraph provides—

That whenever the Dominion of Canada admits products, wares, and merchandise grown, produced, or manufactured in the United States free of duty, then the products, wares, and merchandise grown, produced, or manufactured in said Dominion of Canada shall be admitted free of duty.

Here is free trade in reality, but upon a small scale. I can not understand why the gentleman from Kentucky offered this amendment, unless it was upon the theory that he wishes now to go beyond the present controversy and to throw the dark shadow of what he and his party friends intend as a coming event upon this debate, and thus attract the attention of the country.

This certainly seems to be a project to establish free trade with Can-

ada, and in the direction of that general free trade toward which the Democratic party is now distinctly moving.

I am aware, sir, that this project of reciprocity is a proposition which, in one form or another, has received some support from men upon both sides. My very respected friend from Ohio [Mr. BUTTERWORTH] has from time to time taken much interest in a project for, as he says, extending the American tariff wall so as to include the United States and Canada. I wish to warn that gentleman, who represents so ably the important interests of Ohio, the manufacturing interests and the metal interests that are so valuable to his constituents, that he is digging at the foundations of a great edifice, and if he does not have a care he may tumble down the whole structure about him.

His project, unless guarded as perhaps he hopes to guard it, is a very dangerous one. I consider it a very dangerous one in any event; but the scheme contained in the proposition and the argument presented here by the gentleman from Kentucky [Mr. BRECKINRIDGE] is a blow to the farmers, the mechanics, and the manufacturers of this country. It is a direct attack upon the farmers upon the whole border line from the Pacific Ocean to the Atlantic. Where would our farming interests stand along the northern line of the States if this plan were carried out? How should we succeed, for example, with the raising of potatoes and in the manufacture of starch? The Canadians can raise potatoes and can manufacture and put their starch upon the market cheaper than we can ours, because of the cheaper lands of the provinces and the high wages of American workingmen, and because of the habits and customs of the two people, and we should be unable to compete with them without going to their level.

Again, this proposition offers to open our markets to the great wheat region of the Canadian northwest, the Manitoba country. It would give to about five millions of Canadians this great market of over sixty millions of people, as to everything raised, produced, or manufactured in Canada, without our receiving any adequate consideration in return. Mr. Chairman, I submit that this is a proposition to bring the Canadians into direct competition with us in our markets not only in lumber, fish, and ores, but in seeds, grain, vegetables, meats, animals, and everything that Canadians produce, manufacture, or obtain in their own country. The Toronto Globe understands this subject better than our opponents on this floor, and it truthfully says of its own interests:

If we had reciprocity, that capital which we have been so often told lies in the United States waiting for investment in Canada would find its way to us. New smelting works would be set up not only in Nova Scotia, but also in many parts of Ontario and Quebec, as the demand for charcoal-iron has become so great in the United States that it can scarcely be supplied. The development of our coal and iron mines would be of incalculable benefit. That, our experience has proved, we can not reasonably expect unless the great market of the United States be opened to us. Our other mineral wealth would also be developed. Despite duties meant to be prohibitory we sent to the United States in 1886 of crude gypsum, 106,737 tons; of copper ore, 5,224 tons; of plumbago, 3,645 hundred weight; of salt, 384,283 bushels; of stone, 14,850 tons, and small quantities of manganese, silver ore, phosphates, etc. It is evident that what we supply in small quantities, despite prohibitory duties, we would supply in large quantities were those duties removed. The high import duty system has failed completely to develop our mineral wealth. The only means of developing that wealth satisfactorily is unrestricted reciprocity, which would give us free admission to a market of 60,000,000 of people.

Certainly the Canadians know what they want and why they want it. The strange thing about the matter is that they find Americans who are ready and quick to serve them.

Another effect of the proposed amendment if adopted will be to develop the shipping of the Canadians on the northern lakes. The theory of the Canadians is the same as that of Great Britain—the building up of their maritime strength. Wherever there has been an opportunity, we have seen that this is their course. They would control the carrying trade of the lakes and the great rivers. By their laws now in force they not only compel us to pay tolls through their canals, and when our vessels are bound to American ports refuse the rebate allowed to vessels destined for Canadian ports, but they go further. Not only do they exhibit a jealous spirit in such matters as wrecking, referred to by my colleague [Mr. NUTTING], but they permit the bottoms which represent Canadian shipping to come into and leave their ports for a whole year with only a single charge of 50 cents, paid once, while the American bottoms that go into Canadian ports are taxed by charges of entry fees, exit fees, and other charges. They protect their own interests.

It has been truly said elsewhere that by reciprocity—

Our navigation laws, which enable our citizens to maintain a commercial marine on the great lakes, would be blotted out, and the inevitable result would be that commerce in American bottoms would be driven from the lakes as it has been from the ocean. The Canadians are ready for this commerce. Again, the Canadians would, with the assistance of British steamship companies, monopolize imports for distribution to the lake cities and the West, through the Welland Canal and over the great lakes. Imported goods could be sent to all of the lake cities more cheaply from Montreal than from New York, the import duties being the same. Montreal would grow at the expense of New York and Boston, and the great highway of commerce would be down the St. Lawrence.

We have had some experience in Canadian reciprocity and are not in haste to have it repeated.

If Canadians want the benefit of our institutions and our markets and of our scale of prices and wages let them come (as thousands of the most progressive and energetic are now coming) and let them become citizens of the great Republic.

Let us be done with this attempt to annex the United States to Canada.

Mr. DINGLEY. I yield my time to the gentleman from Massachusetts [Mr. LODGE]. I supposed we had more time.

Mr. LODGE. Mr. Chairman, the gentleman from Kentucky [Mr. BRECKINRIDGE] announced that he intended to print in his remarks extracts from my article in the North American Review of February last. I wish to express the hope that he will print the whole of it, and not give extracts garbled in their arrangement, as has already been done in the RECORD with regard to extracts from some of my writings.

Mr. Chairman, it is always a pleasure to me when I can agree with my colleague [Mr. RUSSELL], who has been defending the treaty that has been negotiated by the present Administration; and when he says that this treaty has been made by that Administration to the best of its ability, I cordially agree with him. I think it has.

But, sir, the point I wish to make is this: The Forty-ninth Congress took the ground that we ought to adopt retaliatory measures to the extent of the outrages committed on our citizens. If the Administration had followed the direction of Congress, and had retaliated on the Canadian fishermen, then it would have been proper to treat. We could have gone to the Canadian or the British authorities and said, "Rights of humanity for rights of humanity; commercial privileges for commercial privileges;" and a treaty could have been made which would have met the assent of every one. But we entered the negotiation at a disadvantage. We submitted to outrages on their part which they consented to stop if we would alter our domestic legislation.

Mr. Chairman, Webster said in the House of Representatives in the heated debates of the war of 1812 that all party animosities ceased at the water's edge. I believe that they ought to cease there; and the fault I find with this treaty is that it has not been made from an American standpoint, but from a political standpoint. It has been made to advance the interests of free trade. The question of the tariff is a question to be settled here by the representatives of the American people; it is not a question to be settled in a treaty made with English negotiators in accordance with English ideas and by the sacrifice of the rights of American citizens and of the honor and dignity of this great nation.

Mr. DINGLEY. I reserve the remainder of my time.

The CHAIRMAN. There remain two minutes to be occupied in opposition to the amendment.

Mr. BRECKINRIDGE, of Kentucky. I take the floor and yield five minutes to the gentleman from Minnesota [Mr. WILSON].

[Mr. WILSON, of Minnesota, withholds his remarks for revision. See APPENDIX.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I propose to close the debate; but I believe the gentleman from Maine [Mr. DINGLEY] desires to make some further remarks.

Mr. DINGLEY. I will speak now or after the gentleman from Kentucky.

The CHAIRMAN. The gentleman from Maine has two minutes.

[Mr. DINGLEY withholds his remarks for revision. See APPENDIX.]

Mr. BRECKINRIDGE, of Kentucky. The amendment of the gentleman from Maine [Mr. DINGLEY] is not intended to lighten the burden of the American people, and therefore, being in favor of taxation, it is entirely honorable, patriotic, and courteous. My amendment had the effect in the same contingency which the gentleman's amendment provided for, and precisely on the same terms, copying *ipsissimus verbis* his amendment to relieve the American people from taxation—to partly remove the burden of taxation from them, and it therefore, in the mind of the gentleman from Maine [Mr. REED], is unpatriotic and pusillanimous.

Nothing that grants the claim of a particular class interest to tribute from the American people is so peculiarly attractive as when it can be done in the name of the American flag and patriotism. Anything that lightens the burden, removes a tax, and makes the necessaries of life cheaper in consequence is, in their vocabulary, pusillanimous and unpatriotic.

And that is the exact difference between the tone of thought of the gentleman from Maine and the Democratic members of the Ways and Means Committee of this House. Our conception of the duty of true patriotism is to make a prosperous people by taking from their shoulders the burden of taxation as far as we can, and in removing taxes to take them from the necessaries of life and from the poorer classes of our people.

I am not surprised that the gentleman from Maine resists in the name of the American fishermen and the American flag for the benefit of those who own fishing vessels.

I make no surrender to Canada. If so, then his amendment also does. All I offer is to enlarge the terms of his amendment. He offered to Canada free lumber and I proposed to enlarge the offer by adding free fish as well as free lumber, and we are called pusillanimous for making the results of concession better for our citizens.

Mr. BURROWS rose.

Mr. BRECKINRIDGE, of Kentucky. The act passed by the Forty-ninth Congress to which the various gentlemen have referred conferred on the President the power to enforce partial non-intercourse. This is

an extreme measure, only to be resorted to as the last remedy before actual hostilities, and from which much annoyance, loss, and irritation must result, and most probably war. It was therefore wise and patriotic statesmanship in the Administration to exhaust all the resources of diplomacy before putting the provisions of that act into operation. The thoughtful who desire honor with peace, who have only the interest of the Republic at heart, will approve this conduct; and those who for partisan or pecuniary purposes defeat a peaceful settlement of the irritating questions involved will find that they have blundered.

The Republican Senate, in the blind partisanship preceding a Presidential election, may leave to the Executive no discretion, and may force non-intercourse. I sincerely deplore the drift that way, and believe that it will cause loss to many. But the responsibility will be on that Republican majority. Gentlemen who sneer at the three distinguished Americans who negotiated the treaty now pending do themselves injustice; each one of those gentlemen is the peer of any member of either House of Congress, and a charge that they or either of them was either unpatriotic, cowardly, or unintelligent is only a reproach to him who makes it.

And to the gentlemen who have so hotly participated in this debate, the proper punishment to be inflicted on Canada is to make fish dear to the American consumer; that the honor of the flag is to be preserved only by increasing the cost of fish, and that true patriotism consists in increasing the profits of the fishing-ship owners from their American fellow-citizens.

The gentleman from Maine who preceded me, not my courteous friend [Mr. DINGLEY], but the leader of the Republican House who preceded him, said it was a mere parliamentary trick of mine to offer this amendment, with the statement to the House that when it was put on the amendment of the gentleman from Maine [Mr. DINGLEY] it should be voted down.

There is no parliamentary trick whatever about it. I am opposed to the amendment of the gentleman from Maine, and I frankly say so. I am opposed to the introduction of that treaty and the questions involved into the House, and I am opposed to interfering with it in this connection. The gentleman has put his amendment in. Now, if the House entertains the proposition, I want to put in something substantial to relieve the American people instead of increasing the burdens, or leaving them undiminished.

I say, therefore, frankly to this House, to Democrats and Republicans alike, that what I have desired by the amendment, after consultation with the chairman of the committee in charge of the bill, is that if the House shall see proper to adopt the Dingley amendment, to adopt it with some substance in it. And what we desire to see to-day is that the House shall vote the amendment to the Dingley amendment and then vote the whole thing down, leaving the bill just as it is. Because, Mr. Chairman, we think it is in the best possible shape now in which it can be put. We take the duty off of lumber not for the benefit of Canada, but for the benefit of the American people. If on the other side they look on the question of relief from taxation to our citizens as a boon given to foreigners, we on this side look upon it as a benefit to the American people. They regard it as the highest effort of statesmanship to succeed in putting some tax upon the people for the benefit of some few classes, or for the benefit of a single class, while we on this side look on the removal of any tax as a step in the right direction for the relief of all the people.

Mr. Chairman, the purpose of this amendment was to demonstrate to the country that if we are going into the fisheries treaty at all, and if negotiations are to be had with Canada under this bill, then we are going to get something by it. When we do settle these questions we hope to see free fish, a wider market for our people, another country in which to sell our goods, and in the end that freedom of trade between us and Canada that we have inside of our boundaries. So that we, who believe that our people are able to compete with any English-speaking people, we who have tried a protective tariff in competition with a protective tariff, believe that we can carry on that competition with the barrier on both sides removed. Not that we ask that; not that the bill goes that far, or that we want it to go that far now; but if the gentleman from Maine and his friends want to make a bargain with Canada and make this bill the vehicle of it on the fisheries question, we say to you gentlemen, all right; it is not the proper bill on which to do it, but if you will do so, we will write into the bargain some terms of advantage to the people who consume the fish and to the agriculturists who have some agricultural products to sell. That is the whole proposition, Mr. Chairman.

I believe the time has expired, and I now call for a vote.

The CHAIRMAN. The time fixed by the House for debate has expired.

The question is on the amendment to the amendment of the gentleman from Maine, on which the gentleman from New York demands a division.

Mr. PARKER. Since it has been suggested that the vote on the amendment is anticipated upon the other side, it may as well all be taken together, and I beg to withdraw the call for a division.

The question was taken on the amendment of Mr. BRECKINRIDGE, of Kentucky.

The committee divided; and there were—ayes 99, noes 94.

Mr. REED. Tellers.

Tellers were ordered.

Mr. REED and Mr. BRECKINRIDGE, of Kentucky, were appointed tellers.

The committee again divided; and the tellers reported—ayes 98, noes 87.

So the amendment to the amendment was agreed to.

The question recurring on the amendment as amended, it was rejected.

Mr. VANDEVER. I offer a further amendment to this paragraph.

The Clerk read as follows:

Provided further, That if the above-mentioned articles, or either of them, are the product of Chinese labor in the country whence imported, they shall be subject to duty as now provided by law, under such regulations as may be prescribed by the Secretary of the Treasury.

Mr. PARKER. I suggest an amendment, after the word "Chinese" to insert "or convict;" so that it will read, "the product of Chinese or convict labor."

Mr. VANDEVER. I have no objection to that.

Mr. MILLS. I make the point of order upon the amendment. It can not be applicable here——

Mr. REED. But the Chair has decided the question that all argument, after debate has been closed, whether on points of order or otherwise, is cut off.

The CHAIRMAN. The Chair desires the gentleman to state the point of order.

Mr. MILLS. The point of order is that it is not germane to this paragraph of the bill.

Mr. BURROWS. Why not?

The CHAIRMAN. The Chair thinks that it is germane to the proviso of the bill which relates to products of foreign nations, and makes a reservation as to certain goods or articles that are excluded. The Chair will submit the amendment to the committee.

Mr. MILLIKEN. I move to amend the amendment by adding, after the word "convict," the words "or Canadian."

Mr. BURROWS. Is that in order?

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. VANDEVER. I should like to have a separate vote on the amendment relating to the Chinese question.

Mr. MILLIKEN. Very well, I will withdraw the amendment.

The CHAIRMAN. Then the Chair will submit the question.

Mr. VANDEVER. I ask a separate vote in regard to the Chinese, and then the gentleman can take a vote upon the other proposition.

Mr. MILLS. There is no debate.

The CHAIRMAN. Debate has been closed by order of the House, but the gentleman asks a separate vote. The Chair thinks the question is not divisible at this time, while the vote is being taken.

Mr. FARQUHAR. I will withdraw that amendment of mine for a moment, at the suggestion of the gentleman from California, as he does not accept, as I understand it, the amendment to be voted upon as a part of the original amendment.

The CHAIRMAN. The Chair understood the gentleman from California to accept the amendment.

Mr. VANDEVER. I want to withdraw that acceptance so as to have a separate vote on the first proposition submitted by me.

Mr. MCMILLIN. Has the gentleman any right to amend his proposition when a division is about to be taken? I desire simply to save time.

The CHAIRMAN. The gentleman has a right, the Chair thinks, before the vote is taken, to withdraw the acceptance of the amendment.

Mr. VANDEVER. I do withdraw the acceptance.

The CHAIRMAN. Without objection the gentleman from New York will be permitted to withdraw his amendment.

There was no objection.

Mr. FARQUHAR. I will submit the amendment after action is taken upon the first amendment.

The question being taken on the amendment of Mr. VANDEVER, the committee divided; and there were—ayes 83, noes 86.

Mr. REED. Tellers.

Tellers were ordered.

Mr. REED and Mr. MILLS were appointed tellers.

The committee again divided; and the tellers reported ayes 82—noes 92.

So the amendment was rejected.

Mr. BAYNE. I ask unanimous consent that a yea-and-nay vote be taken upon this proposition in the House.

The CHAIRMAN. The committee can not make any arrangement of that kind which would bind the House. Under the Constitution, when the question is reached in the House the requisite number of members may demand the yeas and nays.

Mr. FARQUHAR. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

And provided further, That none of the above articles manufactured either wholly or in part by convict labor shall be admitted except upon the payment of double the duties now imposed, and any person who shall import any such

articles so manufactured shall be guilty of a misdemeanor, and upon conviction shall be fined $100 for each and every article so imported.

The question was taken on the amendment of Mr. FARQUHAR, and the Chair declared that the noes seemed to have it.

Mr. FARQUHAR. I ask for a division.

The House divided; and there were—ayes 73, noes 92.

So the amendment was rejected.

The Clerk read the next paragraph, as follows:

Salt in bags, sacks, barrels, or other packages, or in bulk, when imported from any country which does not charge an import duty upon salt exported from the United States.

Mr. BURROWS. Mr. Chairman, I move to strike out the salt paragraph. It is now half past 4 o'clock, and I understand that the chairman of the Committee on Ways and Means proposes that the Committee of the Whole shall soon rise.

Mr. MILLS. Mr. Chairman, now that we have got to the salt paragraph, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER from the Committee of the Whole reported that they had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, I desire to present a privileged report.

Mr. JOHNSTON, of North Carolina. I ask the gentleman to yield to me to call up a bill.

Mr. HOLMAN. I yield to the gentleman for that purpose.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill which I send to the Clerk's desk, and that it be put upon its passage.

A MEMBER. Regular order.

Mr. REED. I would suggest, Mr. Speaker, that consent be asked for both sides, because I find it too often happens that consent closes when the other side gets through.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Maine that this morning, according to the Chair's recollection, nothing got through, nor did anything get through yesterday evening. The Chair has tried to make the unanimous consents equal on both sides.

Mr. REED. I know that the Chair has tried to do so, but the Chair, of course, commences on the other side of the House each time, and the result is a certain percentage of advantage to that side.

The SPEAKER *pro tempore*. So far as the Chair knows, it has always been the custom to take that course. The Chair recollects that it was the course taken in recognitions by the Speaker of the Forty-seventh Congress.

Mr. REED. I am not complaining of it at all, but simply calling attention to the result.

The SPEAKER *pro tempore*. The Clerk will report the bill sent up by the gentleman from North Carolina [Mr. JOHNSTON], after which the Chair will ask for objections.

The Clerk read as follows:

A bill (H. R. 477) for the relief of Allen Gunter.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby directed to place the name of Allen Gunter on the muster-rolls of Company B, of the Third Regiment North Carolina Mounted Infantry, of the war of 1861 to 1865, and that he be mustered from the 14th day of June, 1864, and mustered out on the 8th day of August, 1865.

The Committee on Military Affairs had recommended an amendment inserting after "muster-roll," in line 4, the words "as a private."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

W. A. LEMASTER.

Mr. ANDERSON, of Iowa. Mr. Speaker, I move that the Committee of the Whole be discharged from the further consideration of the bill (S. 647) for the relief of W. A. Lemaster, and that it be put upon its passage.

Mr. GROSVENOR. I ask that that bill be read before I consent.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to pay to W. A. Lemaster, of Iconium, Iowa, the whole sum of the pension due to George Lemaster, deceased, at the date of the death of said George Lemaster, namely, June 23, 1873, said pension having been erroneously withheld from said George Lemaster from March, 1861, during and up to June 23, 1873: *Provided*, That said W. A. Lemaster shall first make proof satisfactory to said Secretary that he is the sole surviving heir of the said George Lemaster, deceased.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ANDERSON, of Iowa, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. HOLMAN. Mr. Speaker, I am instructed by the Committee on Public Lands to report back to the House the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes, with an amendment in the nature of a substitute; and to ask that the bill and report be printed and recommitted to the Committee on Public Lands. Also, that leave be granted to file the views of the minority, to be printed with the report.

There was no objection, and it was so ordered.

BRIDGE ACROSS THE TOMBIGBEE IN ALABAMA.

Mr. DAVIDSON, of Alabama. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 6910) to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River in Alabama, that the amendments of the Senate be concurred in, and that the bill be put upon its passage.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama?

Mr. JOHNSTON, of Indiana. I object.

JOSEPH R. WHITE.

Mr. MCKINLEY. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 988) for the relief of Joseph R. White, and that it be now put on its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph R. White, out of any money in the Treasury not otherwise appropriated, the sum of $——, or so much thereof as may be necessary to settle his claim for pay and allowance while serving in the United States Army as a private in Company K, One hundredth Pennsylvania Volunteers.

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on War Claims to fill the blank in the bill by inserting $299.33 was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCKINLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM R. TRAVIS.

Mr. STONE, of Kentucky. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 2273) for the relief of William R. Travis, and that the House now proceed to consider it.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay William L. Travis, late lieutenant Company K, Seventeenth Kentucky Cavalry Volunteers, out of any money in the Treasury not otherwise appropriated, the pay and emoluments of a first lieutenant of cavalry from October 23, 1864, to April 25, 1865.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BYNUM. Let us hear the report.

The report (by Mr. STONE, of Kentucky) was read, as follows:

This is a claim for pay for services rendered prior to muster by William L. Travis, formerly first lieutenant Company K, Seventeenth Kentucky Cavalry. The case was considered in the War Department under the provisions of the act approved June 3, 1884, and the act amendatory thereof, approved February 3, 1887, and rejected by that office. While the decision of the War Department may be in accordance with the law, the fact remains that from October 23, 1864, to April 25, 1865, Lieutenant Travis was on duty and recognized as a first lieutenant of Company K, Seventeenth Kentucky Cavalry; that his services as such were accepted by the Government.

Having obtained the benefit of Travis's services, the Government ought not to set up a technical plea in bar of its obligation to make compensation therefor; and your committee are of opinion that payment should be made Lieutenant Travis, and report back the bill and recommend its passage.

Mr. BYNUM. I desire to hear some explanation in regard to this bill.

Mr. STONE, of Kentucky. There were two men attempting to raise regiments in this particular part of Kentucky at the same time. A number of companies were raised under the supervision of each of these gentlemen. Finally these various companies were consolidated; Lieutenant Travis belonged to one of the companies which was raised for the Seventeenth Kentucky Cavalry; and when that regiment was mustered into service in March, 1865, he was absent on detached duty,

so that he was not mustered in at that time, but subsequently. When his application was made to the War Department for pay for the six months prior to that time, it was rejected on the ground that the gentleman who raised the regiment and who claimed to be the colonel had had brought against him some charges of misconduct while raising the regiment, and was not recognized by the Department as the colonel. Yet these men actually enlisted and did service.

Mr. BYNUM. Did they get pay prior to the time they were mustered in?

Mr. STONE, of Kentucky. The proposition is to pay these men from the time they were enlisted and actually entered the service up to the time when they were mustered in. They were actually doing service during those six months.

Mr. BYNUM. Why was not Lieutenant Travis there when the men were mustered?

Mr. STONE, of Kentucky. He was absent on detached duty.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM COLLINS.

Mr. MILLIKEN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 793) for the relief of William Collins, and that it be now put on its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay out of the Treasury, from any moneys not otherwise appropriated, to William Collins the sum of $240, for a fishery bounty due him as master of the fishing-schooner Sarah Franklin, hailing from Castine, Me.

The amendment reported by the Committee on Claims was read, as follows:

Strike out "$240" and insert "$167.80."

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Let the report be read.

The report (by Mr. LANHAM) was read, as follows:

The Committee on Claims have considered House bill No. 793, for the relief of William Collins, and recommend that it do pass with the following amendment: Strike out the words "two hundred and forty dollars" and insert "one hundred and sixty-seven dollars and eighty cents" instead.

This claim was considered in the last Congress by the Committee on Claims, and the following facts were found:

"The Committee on Claims, to whom was referred the bill (H. R. 1030) for the relief of William Collins, submit the following report:

"The committee find that on the 7th day of April, 1866, William Collins, a citizen of the United States and the State of Maine, took out a license to be employed in cod-fishing, as owner and master of the schooner Sarah Franklin, burden 41.95 tons. At that time, by virtue of existing laws, a bounty of $4 per ton was allowed and paid to vessels of the class of the Sarah Franklin engaged in cod-fishing during a period of four months within the year. While said Collins was engaged in cod-fishing, the laws relating to fishing bounty were repealed (act July 28, 1866, section 4), and Collins was never paid the bounty to which he was entitled, although he completed the full period of four months' cod-fishing within the time which the law prescribed."

Mr. BYNUM. It appears to me the report does not present any satisfactory reason for the passage of this bill.

Mr. MILLIKEN. If the gentleman will withhold his objection, I will make a statement.

Mr. BYNUM. Reserving the right to object, I will hear the gentleman's statement.

Mr. MILLIKEN. The facts about this bill are these: In 1866 the law provided that any craft engaged in cod-fishing on the banks which should continue in that business for four months continuously should be entitled to a bounty of $4 a ton. This man William Collins, an old sailor, went fishing in his vessel, and was engaged in that way for four months, complying entirely with the conditions of the law. But while he was gone the law was repealed, and when he came home the custom-house authorities refused to pay the bounty. Now, as he engaged in good faith in cod-fishing for the term of four months, complying with every condition of the law, he is entitled, if any man ever was, to the bounty which the Government provided in such cases. The amount is very small—$167; and it is a matter of justice that payment, now so long delayed, should be made.

Mr. BYNUM. I do not think there was any vested right to the bounty under the circumstances described; and for that reason I object.

ESTATE OF DOUGLAS DALE.

Mr. STONE, of Missouri. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 8141) for the relief of the estate of Douglas Dale, deceased, and that it be now put on its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and hereby is, authorized and directed to pay to the executor or administrator of the estate of Douglas Dale, deceased, late of Cass County, Missouri, the sum of $274.95, out of any moneys in the Treasury not otherwise appropriated, to reimburse him for an income tax for that amount improperly assessed and collected in 1870 on his salary as sheriff and collector of said Cass County.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BYNUM. I ask for the reading of the report.

The report (by Mr. MANSUR) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 8141) for the relief of the estate of Douglas Dale, deceased, having had the same under consideration, submit the following report, recommending that the bill do pass:

The facts are as follows: In 1869 Douglas Dale was sheriff and collector of the county of Cass, in the State of Missouri, and there was assessed by the United States upon him for that year the sum of $274.95 as an income tax, and that the same was paid to the United States collector of internal revenue for the fifth district of Missouri on August 5, 1870.

Afterward the Supreme Court of the United States, in a case from Massachusetts (Collector *vs.* Day, 11 Wallace, page 113), says:

"It is not competent for Congress, under the Constitution of the United States, to impose a tax upon the salary of a judicial officer of a State."

After this decision Congress passed a law refunding the money in such cases, provided that application was made within two years from the adoption of the act.

Mr. Dale was living at a small village in the interior of the State, and did not know of the passage of this act until after the expiration of the time for filing claims under it had expired. Major Dale was a gallant soldier, and died leaving but little property.

As the official records show all the facts of the illegal assessment and payment of the money, and the United States has had the use of it for eighteen years, your committee think that justice requires its return, and they recommend that the bill do pass.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. MILLIKEN. I object.

Subsequently—

Mr. MILLIKEN said: As I understand that this bill is for the benefit of the widow of a soldier, I withdraw my objection.

There being no further objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STONE, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FISH COMMISSION DEFICIENCY.

Mr. MORROW, by unanimous consent, introduced a bill (H. R. 10404) making appropriation to supply deficiency for United States Fish Commission on account of the fiscal year ending June 30, 1888; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

RAILROAD BRIDGE, DECATUR, NEBR.

Mr. STRUBLE. I ask unanimous consent to call up for consideration the bill (H. R. 8841) to authorize the construction of a railroad bridge at or near Decatur, Nebr.

Mr. BRECKINRIDGE, of Kentucky. Read the bill.

The bill and amendment were read.

The SPEAKER *pro tempore*. Is there objection?

Mr. JOHNSTON, of Indiana. I object.

Mr. SHAW. I present and ask to have read a privileged report from the Committee on Accounts.

The Clerk proceeded to read the report.

The SPEAKER *pro tempore*. The hour of 5 o'clock p. m. having arrived, under previous order the House stands adjourned until 11 o'clock a. m. to-morrow.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. DAVIS, of Massachusetts: A bill (H. R. 10379) granting a pension to Ephraim Petty—to the Committee on Invalid Pensions.

By Mr. DUNN: A bill (H. R. 10380) for the relief of Samuel Lanier—to the Committee on War Claims.

By Mr. FORAN: A bill (H. R. 10381) to amend naval record of Francis Dawson, late gunner United States Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 10382) granting arrears of pension to Henry Z. Gill—to the Committee on Invalid Pensions.

By Mr. McCREARY: A bill (H. R. 10383) for the relief of the Madison Female Institute, located at Richmond, Ky.—to the Committee on War Claims.

By Mr. McCULLOGH: A bill (H. R. 10384) granting a pension to Benjamin F. Miller—to the Committee on Invalid Pensions.

By Mr. TAULBEE: A bill (H. R. 10385) for the relief of H. C. Jett—to the Committee on Military Affairs.

Also, a bill (H. R. 10386) for the relief of Harrison Barrett—to the Committee on Military Affairs.

Also, a bill (H. R. 10387) for the relief of Miles M. Ward—to the Committee on War Claims.

Also, a bill (H. R. 10388) for the relief of Brice Patrick—to the Committee on War Claims.

Also, a bill (H. R. 10389) for the relief of Samuel T. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10390) for the relief of Lucinda Holderby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10391) for the relief of Francis M. Eagle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10392) for the relief of Susan Banner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10393) for the relief of Mary A. Maynard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10394) for the relief of John Brumley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10395) for the relief of Arch Huffman—to the Committee on War Claims.

Also, a bill (H. R. 10396) for the relief of William Preston—to the Committee on War Claims.

Also, a bill (H. R. 10397) for the relief of the estate of Esther Gearhart—to the Committee on War Claims.

Also, a bill (H. R. 10398) for the relief of the estate of James P. Harris—to the Committee on War Claims.

By Mr. J. D. STEWART: A bill (H. R. 10399) for the relief of Michael Kries—to the Committee on War Claims.

By Mr. STONE, of Kentucky: A bill (H. R. 10400) for the relief of Thomas K. Torian—to the Committee on War Claims.

Also, a bill (H. R. 10401) for the relief of J. H. Bugg and others—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 10402) for the relief of John Jones—to the Committee on War Claims.

By Mr. SEYMOUR (by request): A bill (H. R. 10403) for the relief of Peter Trusel—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ABBOTT: Petition of citizens of Kaufman County, Texas, for payment of claims of Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. CARUTH: Papers relating to the contesting election claim of Samuel McKee—to the Committee on Claims.

By Mr. DOCKERY: Petition of citizens of Clay County, Missouri, asking that the interstate-commerce law be amended—to the Committee on Commerce.

By Mr. DORSEY: Petition of the Board of Trade of South Omaha, Nebr., for the passage of the Outhwaite bill—to the Committee on Pacific Railroads.

By Mr. ENLOE: Petition of C. S. Lewis, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. LANHAM: Petition of citizens of Callahan County, and of Eastland County, Texas, for payment of claims for Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. LEE (by request): Petition of Charles O. Embrey, for estate of Tabitha A. Waugh; of William A. Bickers and John T. Bickers, administrators of James Bickers, and of Samuel A. Griffin, of Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MILLS: Petition of citizens of Bell County, Texas, for payment of claims for Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. NEAL: Petition of David A. Cleage, administrator of David Cleage, of McMinn County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROMEIS: Petition of Charles C. West, of Catawba Island, Ohio, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. SAYERS: Petition of citizens of McCulloch County, Texas, for payment of claims for Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. STONE, of Kentucky: Petition of 94 citizens of the First district of Kentucky, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. TAULBEE: Proof to accompany bill for the relief of Brice Patrick—to the Committee on War Claims.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. S. V. WHITE: Of citizens of Manhasset, N. Y.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. THOMAS WILSON: Of 70 citizens of Steele County, Minnesota.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. TAULBEE: Of citizens of Kentucky.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 8, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read.

Mr. STONE, of Missouri. Mr. Speaker, the gentleman from Indiana on yesterday reported a Senate bill—I do not remember the number of it—forfeiting certain lands in aid of railroads. The Journal recites the fact that the gentleman from Illinois [Mr. PAYSON] filed the views of the minority. It should also state, and I ask that it be corrected to show, that there is another minority report to be submitted.

The SPEAKER. The correction will be made by inserting also the name of the gentleman who files the additional dissenting views.

The Journal was then approved.

APPROPRIATION FOR FISH COMMISSION VESSELS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Commissioner of Fish and Fisheries of an additional appropriation for the maintenance of the vessels of the United States Fish Commission for the fiscal year ending June 30, 1888; which was referred to the Committee on Appropriations, and ordered to be printed.

RETURN OF BILL TO THE SENATE.

The SPEAKER. The Senate requests the House to return the bill of the Senate No. 2058, to increase the pension of John Taylor. Without objection the Clerk will be instructed to return the bill.

There was no objection, and it was so ordered.

BRIDGE OVER THE MISSOURI RIVER AT OMAHA.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 6440) to authorize the construction of a bridge over the Missouri River at or near the city of Omaha, Nebr.

Mr. CRISP. I ask consent to concur in the Senate amendment.

Mr. McSHANE. What is the Senate amendment?

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Add to the bill:

"SEC. 7. This act shall be null and void unless the construction of the bridge hereby authorized shall be commenced within two years and completed within four years from the date of the approval of this act."

There being no objection, the amendment was concurred in.

JUDICIAL DISTRICTS, MINNESOTA.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5932) to provide for holding terms of United States courts in the district of Minnesota.

Mr. NELSON. I ask, as this relates to courts in Minnesota, that the House non concur in the Senate amendments, and request a committee of conference.

Mr. ADAMS. What is the bill?

Mr. NELSON. The bill fixing the terms of the Federal courts in Minnesota.

There being no objection, the amendments were non-concurred in, and a committee of conference requested thereon.

ALFRED PLEASONTON.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 2972) authorizing the President to appoint and retire Alfred Pleasonton with the rank and grade of colonel.

Mr. FORD. Mr. Speaker, there has been already appointed a committee of conference on that bill; and I ask unanimous consent that we non-concur in the Senate amendments.

Mr. REED. But the House has never non-concurred in those amendments.

The SPEAKER. The Chair is advised that the appointment of the conferees was premature and was subsequently withdrawn.

Mr. FORD. Then I move to non-concur.

Mr. REED. I object.

The bill was read a first and second time, and referred to the Committee on Military Affairs.

PARIS, CHOCTAW AND LITTLE ROCK RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 2929) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and operate a railway, telegraph and telephone line through the Indian Territory, and for other purposes; which was read a first and second time.

Mr. CULBERSON. The Committee on Indian Affairs of the House have unanimously recommended a bill which is an exact copy of the Senate bill. I therefore ask unanimous consent that the Senate bill be now considered.

The SPEAKER. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted, etc., That the Paris, Choctaw and Little Rock Railway Company, a corporation duly created under and by virtue of the laws of the State of Texas, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a

point, to be selected by said company, on Red River, at the most convenient crossing of said river, at or near the point known as Hook's Ferry, a crossing of said river from the south bank of the same in Red River County, Texas, near the northwest corner thereof; thence in a northeasterly direction, in the general direction of Hot Springs and Little Rock, Ark., to a point on the east boundary line of the Indian Territory in the Choctaw Nation, which is the west boundary line of the State of Arkansas, with the right to construct, use, and maintain such tracks, turnouts, branches, sidings, and extensions as said company may deem it to their interest to construct along and upon the right of way and depot grounds herein provided for.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, and for no other purpose, a right of way 100 feet in width through said Indian Territory, and to take and use a strip of land 200 feet in width, with a length of 3,000 feet, in addition to right of way, for stations, for every 10 miles of road, with the right to use such additional ground where there are heavy cuts or fills as may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no more than said addition of land shall be taken for any one station: *Provided further*, That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes only as shall be necessary for the construction and convenient operation of said railroad, telegraph, and telephone line; and when any portion thereof shall cease to be used, such portion shall revert to the nation or tribe of Indians from which the same shall have been taken.

SEC. 3. That before said railway shall be constructed through any lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes through which it may be constructed, full compensation shall be made to such occupants for all property to be taken or damage done by reason of the construction of such railway. In case of failure to make amicable settlement with any occupant such compensation shall be determined by the appraisement of three disinterested referees, to be appointed, one (who shall act as chairman) by the President, one by the chief of the nation to which said occupant belongs, one by said railroad company, who, before entering upon the duties of their appointment, shall take and subscribe, before a district judge, clerk of a district court, or United States commissioner, an oath that they will faithfully and impartially discharge the duties of their appointment, which oath, duly certified, shall be returned with their award to and filed with the Secretary of the Interior within sixty days from the completion thereof; and a majority of said referees shall be competent to act in case of the absence of a member, after due notice. And upon the failure of either party to make such appointment within thirty days after the appointment made by the President, the vacancy shall be filled by the district judge of the court held at Fort Smith, Ark., or at the district court for the northern district of Texas, upon the application of the other party. The chairman of said board shall appoint the time and place for all hearings within the nation to which such occupant belongs. Each of said referees shall receive for his services the sum of $4 per day for each day they are engaged in the trial of any case submitted to them under this act, with mileage at 5 cents per mile. Witnesses shall receive the usual fees allowed by the courts of said nations.

Costs, including compensation of the referees, shall be made a part of the award, and be paid by such railroad company. In case the referees can not agree, then any two of them are authorized to make the award. Either party, being dissatisfied with the finding of the referees, shall have the right, within ninety days after the making of the award and notice of the same, to appeal by original petition to the district court held at Fort Smith, Ark., or the district court for the northern district of Texas, which court shall have jurisdiction to hear and determine the subject-matter of said petition, according to the laws of the State in which the same shall be heard provided for determining the damage when property is taken for railroad purposes. If, upon the hearing of said appeal, the judgment of the court shall be for a larger sum than the award of the referees, the costs of said appeal shall be adjudged against the railroad company. If the judgment of the court shall be for the same sum as the award of the referees, then the costs shall be adjudged against the appellant. If the judgment of the court shall be for a smaller sum than the award of the referees, then the costs shall be adjudged against the party claiming damages. When proceedings have been commenced in court, the railway company shall pay double the amount of the award into court to abide the judgment thereof, and then have the right to enter upon the property sought to be condemned and proceed with the construction of the railroad.

SEC. 4. That said railroad company shall not charge the inhabitants of said Territory a greater rate of freight than the rate authorized by the laws of the State of Texas for services or transportation of the same kind: *Provided*, That passenger rates on said railway shall not exceed 3 cents per mile. Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and messages on said telegraph and telephone lines, until a State government or governments shall exist in said Territory within the limits of which the railway, or a part thereof, shall be located; and then such State government or governments shall be authorized to fix and regulate the cost of transportation of persons and freights within their respective limits by said railway; but Congress expressly reserves the right to fix and regulate, at all times, the cost of such transportation by said railway or said company whenever such transportation shall extend from one State into another, or shall extend into more than one State: *Provided, however*, That the rate of such transportation of passengers, local or interstate, shall not exceed the rate above expressed; *And provided further*, That said railway company shall carry the mail at such prices as Congress may by law provide; and until such rate is fixed by law the Postmaster-General may fix the rate of compensation.

SEC. 5. That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of $50, in addition to compensation provided for in this act for property taken and damages done to individual occupants by the construction of the railway, for each mile of railway that it may construct in said Territory; said payments to be made in installments of $500 as each 10 miles of road is graded: *Provided*, That if the general council of either of the nations or tribes through whose land said railway may be located shall, within four months after the filing of maps of definite location, as set forth in section 6 of this act, dissent from the allowances provided for in this section, and shall certify the same to the Secretary of the Interior, then all compensation to be paid to such dissenting nation or tribe under the provisions of this act shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupant of lands, with the right of appeal to the courts upon the same terms, conditions, and requirements as therein provided: *Provided further*, That the amount awarded or adjudged to be paid by said railway company for said dissenting nation or tribe shall be in lieu of the compensation that said nation would be entitled to receive under the foregoing provision. Said company shall also pay, so long as said Territory is owned and occupied by the Indians, to the Secretary of the Interior, the sum of $15 per annum for each mile of railway it shall construct in said Territory. The money paid to the Secretary of the Interior under the provisions of this act shall be apportioned by him in accordance with the laws and treaties now in force among the different nations and tribes, according to the number of miles of railway that may be constructed by said railway company through their lands: *Provided*, That Congess shall have the right, so long as said lands are occupied and possessed by said nations and tribes, to impose such additional taxes upon said railroad as it may deem just and proper for their benefit; and any Territory or State hereafter formed, through which said railway shall have been established, may exercise the like power as to such part of said railway as may lie within its limits. Said railway company shall have the right to survey and locate its railway immediately after the passage of this act.

SEC. 6. That said company shall cause maps showing the route of its located lines through said Territory to be filed in the office of the Secretary of the Interior, and also to be in the office of the principal chief of each of the nations or tribes through whose lands said railway may be located; and after the filing of such maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when filed as herein provided for, said company shall commence grading said located line within six months thereafter, or such location shall be void; and such location shall be approved by the Secretary of the Interior in sections of 25 miles before construction of any such section shall be begun.

SEC. 7. That the officers, servants, and employés of said company necessary to the construction and management of said road shall be allowed to reside, while so engaged, upon such right of way, but subject to the provisions of the Indian intercourse laws and such rules and regulations as may be established by the Secretary of the Interior in accordance with said intercourse laws.

SEC. 8. That the United States circuit and district courts for the northern district of Texas and the western district of Arkansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Paris, Choctaw and Little Rock Railway Company and the nations and tribes through whose territory said railway shall be constructed; said courts shall have like jurisdiction, without reference to the amount in controversy, over all controversies arising between the inhabitants of said nations or tribes and said railway company; and the civil jurisdiction of said courts is hereby extended within the limits of said Indian Territory, without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act.

SEC. 9. That said railway company shall build and complete its railway in said Territory within three years after the passage of this act, or the rights herein granted shall be forfeited as to that portion not built; that said railroad company shall construct and maintain continually all fences, road and highway crossings, and necessary bridges over said railway wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 10. That the said Paris, Choctaw and Little Rock Railway Company shall accept this right of way upon the express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking towards the changing or extinguishing the present tenure of the Indians in their land, and will not attempt to secure from the Indian nations any further grant of land or its occupancy than is hereinbefore provided: *Provided*, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.

SEC. 11. That all mortgages executed by said railway company conveying any portion of its railroad, with its franchises, that may be constructed in said Indian Territory shall be recorded in the Department of the Interior, and the record thereof shall be evidence and notice of their execution, and shall convey all rights and property of said company as therein expressed.

SEC. 12. That Congress may at any time amend, add to, or alter or repeal this act; and the right of way herein and hereby granted shall not be assigned or transferred in any form whatever prior to the construction and completion of the road, except as to mortgages or other liens that may be given or secured thereon to aid in the construction thereof.

The SPEAKER. Is there objection to the present consideration of the bill.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill (H. R. 10062) of the same title was ordered to be laid on the table.

LEWIS DAVIS.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 5903) for the relief of Lewis Davis, a soldier of the war of 1812; which were referred to the Committee on Pensions.

ADDITIONAL ASSOCIATE JUSTICES, DAKOTA.

The SPEAKER also laid before the House the bill (S. 1497) to provide for two additional associate justices of the supreme court of Dakota, and for other purposes; which was read twice.

Mr. GIFFORD. I ask unanimous consent that that bill be allowed to remain on the Speaker's table for the present.

There was no objection, and it was so ordered.

REFERENCE OF BILLS.

The SPEAKER also laid before the House Senate bills of the following titles; which were read twice and referred as follows, namely:

The bill (S. 2305) to authorize and provide for the disposition of useless papers in the Executive Departments—to the Committee on Printing.

The bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company—to the Committee on the District of Columbia.

The bill (S. 2662) for the erection of a public building at Salt Lake City, Utah—to the Committee on Public Buildings and Grounds.

The bill (S. 2727) authorizing the purchase of a site for a building for the accommodation of the Supreme Court of the United States—to the Committee on Public Buildings and Grounds.

The bill (S. 2925) in relation to cadets at the Naval Academy—to the Committee on Naval Affairs.

The bill (S. 905) to incorporate the District of Columbia Suburban Railway Company—to the Committee on the District of Columbia.

And bills of the following titles, which were severally referred to the Committee on Invalid Pensions:

A bill (S. 332) granting a pension to Harrison Wagner;

A bill (S. 849) granting a pension to Morgan Gordon;
A bill (S. 876) granting a pension to Catharine Simmonds;
A bill (S. 885) to increase the pension of Adrian C. Dodge;
A bill (S. 889) granting a pension to Mary O. Hall;
A bill (S. 1002) granting a pension to Thomas Todd;
A bill (S. 1307) to increase the pension of Washington T. Otey;
A bill (S. 1427) granting an increase of pension to Elnathan Meade;
A bill (S. 1719) granting a pension to Levi B. Smith;
A bill (S. 1750) granting a pension to George W. Wilburn;
A bill (S. 2101) granting a pension to Daniel K. Smith;
A bill (S. 2162) for the relief of Mary M. Strong;
A bill (S. 2275) granting a pension to Mary Calvert Truxtun;
A bill (S. 2344) granting a pension to Minnie A. Bailey;
A bill (S. 2385) granting a pension to Caroline R. Haseltine;
A bill (S. 2483) granting a pension to Catherine Tate;
A bill (S. 2549) for the relief of Mary Isabella R. Clements;
A bill (S. 2593) granting a pension to Sarah E. McNamara;
A bill (S. 2639) granting a pension to Mrs. Louisa Ward;
A bill (S. 2665) granting a pension to Charles J. Esty;
A bill (S. 2666) granting a pension to Lemuel S. Skinner;
A bill (S. 2675) granting an increase of pension to Lieut. James R. Durham;
A bill (S. 2677) granting a pension to Jane Reilly;
A bill (S. 2683) granting a pension to Andrew J. Foust;
A bill (S. 2711) restoring Phebe McLaughlin to the pension-roll;
A bill (S. 2724) for the relief of H. H. Helper;
A bill (S. 2726) granting an increase of pension to Margaret S. Heintzelman;
A bill (S. 2733) granting an increase of pension to Shadrach Brown;
A bill (S. 2746) granting a pension to Ezra E. Annis;
A bill (S. 2750) to increase the pension of Samuel A. Tate;
A bill (S. 2759) granting a pension to James M. Frost;
A bill (S. 2782) granting a pension to Charity J. Towns and minor children;
A bill (S. 2825) granting an increase of pension to Benjamin T. Baker;
A bill (S. 2833) granting a pension to Caspar Blanke, of Portland, Oregon;
A bill (S. 2838) granting a pension to Betsey A. Mower;
A bill (S. 2842) granting an increase of pension to William H. H. Welsh;
A bill (S. 2861) granting a pension to David A. Hall;
A bill (S. 2862) granting a pension to William M. Dean;
A bill (S. 2874) granting a pension to George W. Padgett;
A bill (S. 2879) increasing the pension of Sophia Schimmelfennig, widow of Alexander Schimmelfennig, late brigadier-general and major-general by brevet;
A bill (S. 2880) granting an increase of pension to Adam Dennis;
A bill (S. 2890) granting a pension to Fannie A. Kimball;
A bill (S. 2898) granting a pension to Sarah E. Boulter;
A bill (S. 2899) granting a pension to Harriet Welch;
A bill (S. 2910) to increase the pension now paid to Elizabeth B. Smith, widow of Bvt. Maj. Gen. Thomas Kilby Smith, United States Volunteers;
A bill (S. 2945) granting a pension to James McDonald;
A bill (S. 2945) granting a pension to J. S. May;
A bill (S. 2947) granting an increase of pension to William C. Shimoneck;
A bill (S. 2995) granting a pension to Mrs. Elizabeth Stewart;
A bill (S. 2979) granting a pension to Laura J. Ives;
A bill (S. 3021) granting a pension to Carrie V. Miller; and
A bill (S. 3076) granting a pension to Mary M. Shattuck.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. MORGAN, indefinitely, on account of important business.
To Mr. WILBER, until June 25, on account of important business.
To Mr. DAVIDSON, of Florida, indefinitely, on account of sickness.

PERSONAL EXPLANATION.

Mr. DAVIDSON, of Florida. Mr. Speaker, I wish to state that I was absent from the session yesterday on account of sickness. I had had filed a request for leave of absence, but it was overlooked on the Speaker's table and consequently did not appear in the RECORD.

WITHDRAWAL OF PAPERS.

Mr. GALLINGER, by unanimous consent, obtained leave to withdraw from the files of the House after leaving certified copies, the papers in the pension case of Mrs. Addie L. McComber.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1191) for the relief of the legal representatives of Mary H. Pike, deceased; and
A bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn.

ORDER OF BUSINESS.

The SPEAKER. The regular order is a privileged report which was under consideration yesterday when the House adjourned.

The Clerk will read the report.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* —, 1888.

Resolved, That the Clerk of the House be authorized to employ a page for the enrolling room of the House at an annual salary of $80 per month.

Your committee to whom was referred the resolution submit the following report:

They have examined fully into the necessity for the employment of said page and find that there is now no messenger or page assigned to this room; that the enrolling clerks are compelled to quit their work frequently to attend to small matters of detail which could be better or more quickly attended to by a page, and thus save valuable time. Especially is this the case when the House has passed a large number of bills, and towards the close of a session when the appropriation bills are being hurried through Congress.

Your committee would therefore recommend the following substitute for the original resolution, namely:

Resolved, That the Clerk of the House be authorized to employ a page for the room of the enrolling clerk at an annual salary of $60 per month during the session of Congress; to be paid for out of the contingent fund of the House until otherwise provided for, and that the Committee on Appropriations be directed to provide in one of the general appropriation bills for the payment of this page for the next fiscal year."

The SPEAKER. The question is on agreeing to the substitute proposed by the committee.

Mr. TAULBEE. Mr. Speaker, I will inquire of the gentleman in charge of this resolution, what is the necessity for an annual page for the enrolling clerks?

Mr. HOLMAN. There is none whatever.

Mr. SHAW. This page is to be assigned to the room, and we are advised that the room is occupied during the entire year by a force of clerks engaged in indexing private claims and doing other work. They need the assistance of a page; in fact, they have always had one, but have been compelled to pay him out of their own pockets.

Mr. TAULBEE. I do not understand that we need any pages during the vacation. I move to amend the substitute by striking out the word "annual," so as to give the page this pay during the session, when his services are needed, letting him go when he is not needed.

Mr. WEAVER. The gentleman will notice that $60 a month amounts to $720 a year, whereas it is proposed if he is employed for the session to pay him at the rate of $80 a month, throwing him out of employment the rest of the year. I suppose that is the equity of the report.

Mr. SHAW. A page has been detailed to this room through the kindness of the Doorkeeper, but he now needs all his pages, and we are advised by the Clerk of the House that the necessity for this page is an urgent one, and we so believe. The Clerk has not heretofore asked for any increase of force, and from our investigation of the matter we are entirely satisfied that this page is needed.

Mr. TAULBEE. It is probable, I think, that the present session of Congress may continue for two months, and possibly for three; then follows the vacation. Next winter we shall have the short session, and then follows the long vacation. I see no necessity for providing for an annual page for this purpose, and therefore I must insist on my amendment.

The SPEAKER. The question is on the amendment of the gentleman from Kentucky.

Mr. SPRINGER. Let the original resolution be read.

The Clerk read as follows:

Resolved, That the Clerk of the House be authorized to appoint a page for the enrolling room of the House, at an annual salary of $60 per month.

The SPEAKER. The question is on the amendment of the gentleman from Kentucky [Mr. TAULBEE].

Mr. BYNUM. The gentleman from Kentucky is clearly right. There is no necessity for creating this annual position. The service is required only during the session of Congress, and the appointment of an annual page is simply for the purpose of making a soft place for somebody.

Mr. TAULBEE. I think each member of the House knows very well that we have annual messengers, whose duty it is to perform such services as those which this page would be assigned to during the vacation.

The fact is that we keep only about one-quarter of the messengers here; even the annual officers of the House go home during vacation; and I see no necessity whatever for providing for the expenditure of this annual salary when we have annual employés whose duty it is to perform such services.

Mr. BUCHANAN. In addition to that, it may be observed that the salary proposed for this page is just double what this House has declared by its votes on three several occasions to be sufficient for a laborer in the Departments.

The amendment of Mr. TAULBEE was agreed to—ayes 70, noes 9.

The SPEAKER. The question is on agreeing to the amendment of the committee as amended.

Mr. TAULBEE. I ask to have the resolution as amended read.

The Clerk read as follows:

Resolved, That the Clerk of the House be authorized to employ a page for the room of the enrolling clerk, at a salary of $60 per month during the session of

Congress, to be paid out of the contingent fund of the House until otherwise provided for.

The substitute as amended was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The resolution was adopted.

Mr. SHAW moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMERCIAL DISCRIMINATIONS ON THE WELLAND CANAL.

Mr. DINGLEY. I desire to present a privileged report from the Committee on Merchant Marine and Fisheries.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, June 4, 1888.

Mr. DINGLEY submitted the following; which was referred to the Committee on Merchant Marine and Fisheries:

"Whereas the treaty of Washington, between the United States and Great Britain, provides that 'citizens of the United States shall have the use of the Welland, St. Lawrence, and other canals in the Dominion of Canada on terms of equality with the inhabitants of the Dominion,' in return for which citizens of the Dominion of Canada were given the use of the Sault Ste. Marie Canal at the foot of Lake Superior on the same terms of equality: Therefore,

"*Resolved*, That the Secretary of the Treasury inform the House (if compatible with the public interest) whether any order has been issued by the authorities of the Dominion of Canada and is now in force, by which vessels from ports of the United States laden with wheat or other merchandises for exports, or otherwise, are required to pay a less toll in passing through the Welland Canal when they pursue their voyages by the way of the St. Lawrence and Montreal than when they pursue their voyage by way of Lake Ontario and American ports; and if so, what steps have been taken to secure the removal of such discrimination against American ports in violation of the spirit of the treaty of Washington; and whether any further legislation is required to authorize the Secretary of the Treasury to impose tolls upon vessels passing through the Sault Ste. Marie Canal and bound for Canadian ports, in case the Dominion authorities should continue to discriminate against vessels passing through the Welland Canal and bound to ports of the United States."

The Committee on Merchant Marine and Fisheries, having had under consideration a resolution of inquiry into alleged discriminations against ports of the United States as to vessels passing through the Welland Canal, report the same back with a recommendation that it be amended by inserting after the word "Superior," in the 8th line, the words "and St. Clair Flats Canal," and also by inserting after the words "Sault Ste. Marie Canal," in the 24th line, the words "or St. Clair Flats Canal," and that as thus amended the resolution be passed.

The amendment reported by the committee was agreed to.

The resolution as amended was adopted.

Mr. DINGLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. I move to dispense with private business to-day.

The motion was agreed to.

Mr. MILLS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue.

Mr. MORRILL. Before the question is taken on that motion, I wish to ask unanimous consent that committees have leave to file with the Clerk reports for reference to the appropriate Calendars.

The SPEAKER. If there be no objection, that order will be made.

There was no objection.

Mr. WHEELER. Will that include reports of a public nature?

The SPEAKER. In the form in which the request was put, it includes public as well as private reports.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

F. W. CLAUSSEN VS. THE UNITED STATES.

Mr. HENDERSON, of North Carolina, from the Committee on the Judiciary, reported back favorably the bill (H. R. 2892) authorizing the Court of Claims to grant a rehearing in the case of F. W. Claussen vs. The United States; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DISPOSITION OF LANDS EAST OF THE MISSISSIPPI RIVER, LOUISIANA.

Mr. WHEELER, from the Committee on the Public Lands, reported back favorably with amendment the bill (H. R. 9423) to restore to the public domain and to regulate the sale and disposition of certain lands east of the Mississippi River in the State of Louisiana; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TO CANCEL CERTAIN RESERVATIONS OF LAND.

Mr. WHEELER also, from the Committee on the Public Lands, reported favorably the bill (S. 196) to cancel certain reservations of lands on account of live oak, in the southwestern land district of the State of Louisiana; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF JOSEPH FENNO, DECEASED.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (S. 1190) for the relief of the estate of Joseph Fenno, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REFUNDING TO WEST VIRGINIA MONEY PAID DURING THE WAR.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (S. 1807) to refund to the State of West Virginia the money paid to officers of the One hundred and thirty-third West Virginia Militia for services rendered during the rebellion; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHANNA GEYER.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2689) granting a pension to Johanna Geyer, widow of Gustav W. Geyer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMSON M. DAVID.

Mr. WALKER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6300) granting a pension to Samson M. David; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLOTTE T. ALDERMAN.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2439) granting a pension to Charlotte T. Alderman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LOANDO SHERMAN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2604) granting a pension to Mrs. Loando Sherman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH W. FELLER.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10274) granting a pension to Joseph W. Feller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA CHAPMAN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3013) for the relief of Eliza Chapman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. M'CLAIN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3502) for the relief of Mary A. McClain; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE MUTZ.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7123) for the relief of Catharine Mutz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH J. FRAILY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6001) granting a pension to Sarah J. Fraily; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH HUNTER, D. D.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10275) granting a pension to Joseph Hunter, D. D.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LANE also, from the Committee on Invalid Pensions, reported back adversely bills of the House of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 720) granting a pension to James Trimble;

A bill (H. R. 2069) for the relief of John G. Schuler;

A bill (H. R. 9726) granting a pension to Samuel Hays; and

A bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin.

JAMES H. LAWLER.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8327) for the relief of James H. Lawler;

which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN LYNN.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 308) granting a pension to John Lynn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM T. UNDERWOOD.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9172) granting a pension to William T. Underwood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM J. BROWN.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9684) granting a pension to William J. Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. W. RASE.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7160) granting an increase of pension to A. W. Rase; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH B. REED.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9930) granting a pension to Joseph B. Reed; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH R. HULL.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 309) granting a pension to Elizabeth R. Hull; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEWIS TELYEA.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7491) granting a pension to Lewis Telyea; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN ETZELL.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10212) to amend an act granting a pension to John Etzell, approved March 3, 1879; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PERRY D. MARTIN.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably with amendments the bill (H. R. 3772) granting a pension to Perry D. Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HUGH BRADY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7683) granting increase of pension to Hugh Brady; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY A. HAWLEY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2885) granting a pension to Henry A. Hawley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN B. ROSS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2720) granting a pension to John B. Ross; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN K. EVANS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2717) granting a pension to John K. Evans; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CARL M. SCHWANTES.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2716) granting a pension to Carl M. Schwantes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS MARION WALKER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2168) granting a pension to Francis Marion Walker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MILITARY BUILDINGS, FORT OMAHA, NEBR.

Mr. LAIRD, from the Committee on Military Affairs, reported back favorably the bill (S. 671) to provide for the sale of the site at Fort Omaha, Nebr.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RELIEF OF OFFICERS AND ENLISTED MEN.

Mr. GEAR, from the Committee on Military Affairs, reported back favorably the bill (H. R. 9701) for the relief of the officers and enlisted men and the widows and children and dependent parents of the officers and enlisted men who served in the South Cumberland Battalion of Kentucky State troops during the late war of the rebellion; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REGULATION OF RAILWAYS CHARTERED BY THE GOVERNMENT.

Mr. WILSON, of Minnesota, from the Committee on Commerce, reported back favorably the bill (H. R. 8367) to provide in certain cases for the regulation of railway companies chartered by the United States by the several States and Territories in which the railways of such companies run and are operated; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

RAILWAY AND TELEGRAPH FROM LAKE SUPERIOR TO PUGET SOUND.

Mr. WILSON, of Minnesota, also, from the Committee on Commerce, reported back favorably the bill (H. R. 8645) to amend an act entitled "An act granting lands to aid in the construction of a railway and telegraph line from Lake Superior to Puget Sound;" which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

E. J. ALDRICH.

Mr. THOMAS, of Wisconsin, from the Committee on War Claims, reported back favorably the bill (H. R. 3155) for the relief of E. J. Aldrich; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES MOLSEED.

Mr. LYNCH, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 8889) granting a pension to Charles Molseed; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH KUGLER.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 4060) granting a pension to Joseph Kugler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH S. WILSON.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 549) granting a pension to Joseph S. Wilson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ANNIE GIBSON YATES.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1239) granting an increase of pension to Mrs. Annie Gibson Yates; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN FAGAN.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 781) granting a pension to John Fagan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY R. ARMSTRONG.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1070) granting a pension to Mrs. Mary R. Armstrong; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PENROSE FRANK.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2069) granting a pension to Penrose Frank; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL LANE.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 122) granting a pension to Samuel Lane; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY F. KAISER.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 124) granting a pension to Henry F. Kaiser; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA SLATER.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1319) granting a pension to Anna Slater; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MADISON M. MEREDITH.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1590) granting an increase of pension to Madison M. Meredith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY MOTT.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1838) granting a pension to Mrs. Mary Mott; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM SMITH.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1926) granting a pension to William Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN B. COVERT.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2314) granting a pension to John B. Covert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN MILLER.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2117) granting a pension to Ellen Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY M. GIBSON.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2129) to increase the pension of Mary M. Gibson, widow of Commander William Gibson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SETH F. MYERS.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2595) to increase the pension of Seth F. Myers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHERINE M. LEE.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1320) granting a pension to Catherine M. Lee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE MOTZ.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 654) granting a pension to Caroline Motz; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. CATHARINE WAGNER.

Mr. LYNCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1654) granting a pension to Mrs. Catharine Wagner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF THEODORE BLAND.

Mr. GAINES, from the Committee on War Claims, reported back favorably with amendments the bill (H. R. 8819) for the relief of the legal heirs of Dr. Theodore Bland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RESTORATION OF BOYS TO REFORM SCHOOL.

Mr. ATKINSON, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 7762) authorizing the restoration to the reform school of boys who have been discharged on probation, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HEZEKIAH MYERS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 10405) for the relief of Hezekiah Myers; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. A. B. HUDDLESTON.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 6228) for the relief of J. A. B. Huddleston; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

POST-OFFICE SITE, WASHINGTON, D. C.

Mr. DIBBLE, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. 10324) authorizing the purchase of square 489, in Washington City for post-office and district offices; which was laid on the table.

He also, from the same committee, reported back, in the nature of a substitute for the foregoing, a bill (H. R. 10406) for the purchase of square 489, in the city of Washington, as the site for the post-office and other Government uses; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

TARIFF.

The question being taken on the motion of Mr. MILLS that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The Clerk read the pending paragraph, as follows:

Salt, in bags, sacks, barrels, or other packages, or in bulk, when imported from any country which does not charge an import duty upon salt exported from the United States.

The CHAIRMAN. The pending question is on a motion made by the gentleman from Michigan [Mr. BURROWS] to strike out the lines just read.

Mr. BURROWS. I withdraw the motion and yield to my friend from Ohio [Mr. GROSVENOR], who desires to renew the motion if the Chair will recognize him.

Mr. GROSVENOR. Mr. Chairman, I move to strike out the paragraph now under consideration—the language putting all salt on the free-list. Mr. Chairman, none of the arguments which have constituted the great stock of the discussion during the last ten days upon the lumber schedule apply with any force whatever in favor of placing upon the free-list the article of salt. I represent a district in the State of Ohio where substantially all the salt made west of Michigan and east of the Alleghany Mountains is made, excepting about a like quantity manufactured in the district of West Virginia which lies immediately opposite mine. I read from a local paper of my district the following, as showing the value of the salt industry in the single county of Meigs.

I read from the Meigs County Telegraph:

SALT SHIPMENTS FOR MAY.

The aggregate shipments of salt from this point will be about 40,000 barrels for the month of May, with an additional 10,000 barrels for this week, making a total of 50,000 barrels. If the river continues at a fair stage through June the shipments will be as large as they have been during the past month. Large amounts of salt are now being shipped over the Ohio River Railroad.

The principal value of the salt industry in my section of the country grows out of the amount of employment that it gives to labor. Those 50,000 barrels of salt were worth on the yard in Pomeroy and in the neighborhood about $35,000 in cash; and of that $35,000 fully $32,000 represents labor; so that there is left not exceeding $3,000 to the owners of the plants, the royalty on the coal which is used in the furnace, and the timber out of which the cooperage is manufactured.

So we do not have in support of the proposition to put salt on the free-list either of the two lines of argument to which I have listened with so much interest during the past two weeks. There are no monopolies being created in salt which are putting any money into anybody's hands. There are no trusts in the offensive sense in connection with this manufacture, for there is no occasion or necessity for them, no profit to come out of them; and the real necessity being to manufacture

the salt at the lowest rate possible in competition with other American products.

The article of salt enters into the consumption of every family in the United States, and we consume in this country about 60,000,000 bushels of salt annually, or about 1 bushel to every man, woman, and child in the United States. Of course I do not mean to say that every man, woman, and child consumes directly—sprinkles directly upon food—a bushel of salt during the year; but taking together the salt which is used in the manufacture of provisions and all the other uses of salt, the consumption averages about 1 bushel to every man, woman, and child, making an aggregate of 60,000,000 bushels annually. If the industry can be properly protected, and reasonable assurance of a continuance of protection, the capacity of this country is equal to the production of all the salt needed in America and furnish a large amount for export. With the threat or fact of the abandonment of protection, the industry will languish, and in the end die.

Under our present duty of 12 cents per hundred pounds for salt in sacks and barrels and 8 cents per hundred pounds on salt imported in bulk, this makes a tax upon every man, woman, and child in this country of somewhere in the neighborhood of 6 cents a head; and I claim for this industry that without this protection there can be no considerable amount of salt manufactured in the United States. This is not because salt from abroad seeks this country as a market so much as it is that the salt abroad wends its way into the United States for a reason that is not incident to any other commodity. The protection given to the salt industry operates to circumscribe the territory into which foreign salt can profitably come, or, in other words, it operates to enlarge the territory controlled by the domestic article. Cheapen the tariff, cut off the present $1.60 per ton now charged, and that amount of money can project a ton of salt a long way into the territory now occupied by the salt of New York, Ohio, West Virginia, and Michigan.

At the present foreign salt invades the markets of the United States at New York, and all along the seacoast away down to Galveston, and works its way up into the country as far as Nashville and quite as far as Memphis, and pushes its way up to St. Louis until it comes in competition with the manufacture of salt in Ohio and Michigan.

The CHAIRMAN. The gentleman's time has expired.

Mr. McKINLEY. I ask by unanimous consent that my colleague be allowed ten minutes more.

Mr. BRECKINRIDGE, of Kentucky. I am willing to extend the time five minutes, but I do not think under the circumstances we should agree to an extension of ten minutes.

Mr. McKINLEY. My colleague represents a salt district, and it occurs to me that he should have fifteen minutes at least for the purpose of presenting this question.

Mr. BRECKINRIDGE, of Kentucky. I withdraw the objection.

The CHAIRMAN. The Chair hears no further objection, and the gentleman will proceed.

Mr. GROSVENOR. I was showing that the aggression of foreign salt into this country struck along the coast line and works its way up through certain channels of communication. It comes to New Orleans in ballast, and is pushed in the empty barges up the Mississippi and Ohio Rivers. To illustrate:

Last year the value of salt at Liverpool from the Liverpool works was $2.75 per ton.

Salt sold in the Saginaw Valley last year at the same rate—$2.75 a ton. The freight on salt from Liverpool to any port on our seaboard is $1.40 a ton. The duty on a ton of salt is $1.60, so that the Liverpool producer of salt can produce his ton of salt and pay the freight and pay the duty of $1.60 a ton and lay his salt down on the seaboard from Maine to Galveston for $5.75 a ton. That is what the salt costs. Now, take the Saginaw salt with the same cost of production, $2.75 a ton, and the freight on a ton of salt from Saginaw to any point of the seaboard is $5.45 a ton, which, added to the cost of production, makes the sum total $8.15 a ton; so while the foreign producer of salt can put his salt on the seaboard at $5.75, Michigan can not do so for less than $8.15. But draw a line from Portland, Me., back from the coast down to Nashville and across to Little Rock, and thence down to Galveston, and south of that line you will find that the entire market there is filled almost exclusively with foreign salt. And why? Because we can not pay the freight on our salt and carry it south of this line, while the foreign salt landed on our shores at a cost of $5.75 a ton after paying freight and duty can be sold there at a profit and to the entire exclusion of our domestic product. That is all, and the result is that south of this line all the salt practically is foreign salt.

The above I quote from the speech of the gentleman from Michigan [Mr. BURROWS].

I have seen the time when foreign salt came into competition with Ohio salt as far up the Ohio River as Portsmouth, and when it found its way to Columbus and Cleveland and many other points far inland.

I am speaking, Mr. Chairman, of what I fairly understand, and that is that the manufacture of salt has become unprofitable. The demand for the article has become so great that the salt works in my section of the country had been run for the purpose of supplying that domestic demand, and to give employment to the laborers and others who are engaged in that industry, rather than with any hope of making any considerable profit out of the capital invested in it. I believe I am right in saying that in the last ten years there has not been over one-quarter of 1 per cent. profit upon the capital originally invested in the manufacture of salt in my section. I have seen in the last five years a salt plant in my country which cost $100,000 and which had paid a handsome profit on the capital invested sell for $2,500 under the hammer of the sheriff.

And while this has been going on the price of salt has been decreasing. In this country prior to the war it was $2.50 a barrel. In 1867 it was $1.77 a barrel. From then it has steadily gone down at the salt-works. In my district it brings only 65 to 75 cents a barrel, showing that the effect of domestic competition has brought the salt industry down to a point where it can stand no further reduction. And if the present tariff is removed the effect of it will be—and I have a statement here of a number of prominent men who were formerly connected with the production of salt—to close out the salt-works in my district and to close out the salt-works in the district opposite to mine, represented by the gentlemen from West Virginia [Mr. HOGG], and drive into other employments or other occupations every man, woman, and child dependent on that industry for support.

And while this is being done we can not hope to cheapen the commodity in the smallest degree. The smallest margin of reduction upon the present rates in the price of salt will destroy the manufacture of it in my section. I have shown the least rate for that section necessary for the protection of this industry, and if you take off the smallest fraction of that you will destroy the industry and open the future of that commodity in this country to the grasping tendencies of the foreign manufacturer, who will at once put up the price to the rate in other times.

If you destroy this industry, as I maintain this bill will, you will close all of our salt-works. And I need not say to the intelligent members of this committee that salt-works closed up for one year will deteriorate in value, as the appliances will corrode and become worthless. The closing of the salt-works in this country, therefore, will practically terminate the manufacture of salt. It certainly will where I live. I do not know how it is in the State of Michigan where the manufacturers of salt are not exposed to the competition of foreign salt, which is transported in empty coal-barges, making the freight almost insignificant. So that when this has happened and the time has come when this nation has to look about within its own borders for means to make it an independent country, we shall be without salt. There are gentlemen here who can remember how hard it was for people during the war to get salt. Salt got to be an article worth as much as gold. The possession of the salt-works in East Tennessee became a matter of strategic importance almost equal to the opening of the Mississippi River.

And so it seems to me that in a country that produces no greater quantity of salt than does America, in a country that is not being robbed or plundered by this industry in any respect whatever, it is a part of wise statesmanship to maintain the industry, and let it remain among us to the end that the people should be permitted to have what profit there is upon it, and the country may produce always and under all circumstances a commodity that in time of war or in time of exclusion from foreign markets may become a matter of prime and indispensable necessity.

Mr. Chairman, in offering this amendment I stated that in the salt business, so far as I have any knowledge, there is no such thing as a salt "trust;" and I want to say to my friend from Maryland [Mr. RAYNER], who is so zealous in his opposition to "trusts" of every form, that every combination or agreement of capital for the purpose of co-operation ought not to be denominated by the offensive modern name of a "trust." I did not undertake to say that the manufacturers of salt in my section of the country had never combined for purposes which I will now indicate. The Ohio River Salt Company was formed when salt was selling at $2.25 a barrel. The work accomplished by the combination consisted simply in getting the product together, selling it at common agencies, defraying the expenses out of the proceeds, and returning the balance to the different establishments that contribute the barrels of salt. By doing this, by offering larger quantities to the shipper and thus cheapening transportation, by curtailing the expenses of the sale and management, they reduced the cost of the product in the market. They have never limited the product of salt, and have never raised the price. This is all that was involved in my original statement. Salt, having been at $2.25 a barrel when this company was formed, is to-day worth 65 to 70 cents a barrel; and the great struggle was to produce the article as economically as possible. Since that time other combinations have been formed for similar purposes, and no one ever charged that prices had ever been increased or other wrong done. It was an honest system of business, organized by honest business men; and I repel with scorn and indignation any insinuation that a "trust" for illegal purposes had been formed.

Mr. RAYNER. Do you believe that a "trust" lowers prices?

Mr. GROSVENOR. The gentleman refused to allow me a question.

Mr. RAYNER. No; I have always desired to answer your questions. Do you think that a "trust" lowers prices?

Mr. GROSVENOR. I am talking about the matter of salt manufacture as it has come under my knowledge. I believe that one of the great factors in the reduction of the price of salt in the Ohio and Kanawha valleys was the organizations of which I have spoken.

Mr. RAYNER. How was it that during a period of years preceding the organization of the company, prices went down at double the ratio that they did afterward?

Mr. GROSVENOR. I can tell you why they went down in our valley. The Michigan product, which can be made 15 cents a barrel

cheaper than ours, crowded itself down upon our territory and stranded our industry, and it in turn was crowded by New York and it by Europe.

Mr. RAYNER. If a "trust" in salt is a good thing and cheapens prices, it must be a good thing in anything else.

Mr. GROSVENOR. It seems that unless the gentleman from Maryland can knock a thing into a "trust," he can not understand it.

Now, I want to talk about this subject of dairy salt, of which the gentleman from New York so forcibly spoke. The addition to the price of that commodity, allowing that it has advanced in price by reason of the tariff, amounts to one one-hundred-and-twenty-eighth part of a cent a pound. Now, if my friend will allow me, I will apply to his argument on this subject the rule of *de minimis*.

The gentleman from Michigan [Mr. WHITING] made a most interesting statement in regard to his connection with the manufacture of salt. He manufactures not the salt about which I am speaking, but a very fine article of dairy and table salt. It comes into the town where I live; it is sold upon the shelves of the grocers in the towns of my district; it is a different article from that which we have been talking about.

Replying still further to the statements of the gentleman from New York [Mr. COX] that our domestic salt is not as valuable for certain purposes as foreign salt, I reproduce an extract from an able report on that subject made by a committee of New York salt manufacturers:

2. In reference to the claim that American dairy salt is not equal to the English, and that fine grades of butter can not be made with it, we will simply state that the organization known as the National Butter and Cheese Association, representing the whole country, appoints judges to examine and pass upon the exhibits of butter and cheese made at its annual meetings. At the meeting held at Manchester, Iowa, in November, 1887, fifteen premiums were awarded on butter, of which thirteen were taken by butter salted with American salt. At the annual meeting of the association held in Chicago in 1886 the majority of prizes for butter and cheese were taken by users of American salt. The most noted producer of creamery butter in the world, the Elgin Butter Company, uses American dairy salt exclusively. As their butter commands the highest market price, they would certainly employ English salt if it were in reality of better quality than American. We conceive that assertion No. 2 needs no further refutation.

3. The assertion that meats preserved in brine made with American salt will not keep so well as those in which foreign salt is used is met by the fact that the principal packing-houses of this country, situated at Cincinnati, Chicago, St. Louis, and Kansas City, rely almost exclusively on American salt.

Mr. Chairman, I can not conclude these remarks better than by adding an extract from the speech I had the honor to make on April 30, last in this House:

I have seen the growth and development and decline of this industry myself. I have seen the encroachment of domestic competition coming legitimately from Michigan and circumscribing the territory in which our own salt was sold. That was the result of legitimate enterprises by American citizens, and against it no word of clamor was raised. But now that this industry is narrowed down to the minimum of profit, when it is being operated for the laboring man more than for the capitalist, I want to raise my voice, without hesitation, in solemn protest against the removal of the only barrier that stands between the absolute destruction of this industry and its present scarcely remunerative condition.

There are in my district quite a large number of laboring men who depend upon this industry for their support. Their wives and children look to it for their daily bread, clothing, and education. These hardy men erected their homes and raised their roof-trees in the Ohio and Kanawha Valleys in view of the profit to them of employment in this industry. They have by their sturdy attention to business and their honest industry cheapened the American production of salt in the ratio which I have already mentioned. Now, without any reason but the cold-blooded hostility of the Southern free-trader to Northern labor and Northern laboring men, they see impending over them the sword of destruction. I appeal on their behalf that this blow shall not fall; I demand that my people shall be protected from this outrage. Standing here in my place, as their representative, I protest on their behalf that this wrong be not done.

I will do my best to defend every industry of my district and my country from the ravages of Democratic free trade.

Mr. COX. Mr. Chairman, I agree fully with what my friend from Ohio [Mr. GROSVENOR] says so well as to the preciousness of salt. It is indeed of a golden quality. The more we shut it in, the narrower we make the market, the more precious it becomes.

The gentleman gives a good illustration of this fact when he recites the history of what took place during our civil war. During that period and when our Southern ports were blockaded, salt was shut in. It therefore became more and more valuable—so precious as almost to be priceless. So it is all the world round. Salt is almost as precious for health and nutriment as bread itself.

If I may draw a little on some of my own observations as a practical person, I would say that I have seen, not exactly in the interior of Africa, but down near the Atlas Mountains, Arab or Kabyle women who had walked 50 miles with their little pans in order to scrape the rocks and gather in that manner the salt which had been left there by the evaporation of the sun. It is indeed, sir, a precious commodity; and, therefore, being so precious, we ought to have the larger market for it.

The gentleman from Ohio speaks for his district. That is all right; because it is representative. I know something about salt on the Hocking, on the Kanawha, and as it used to be on the Muskingum River.

Mr. GROSVENOR. There is some there yet.

Mr. COX. The question is of the same import in Michigan, where so much of the article is produced.

The gentleman from Ohio speaks for the producer of salt. Very well; I commend the honorable gentleman and every man who speaks for his own district. It is proper to keep in view local interests when we regard proper suggestions as to taxation; but I beg to say to the gentleman that I speak on this question not only for the general consumer, but for the producers of certain articles, known as butter and cheese, etc., in the fabrication of which salt is indispensable.

Mr. BELDEN. Will the gentleman permit me to ask him a question?

Mr. COX. Well, I do not know whether I am going to be allowed any time to answer questions.

Mr. BELDEN. I hope the gentleman will have all the time he wants to answer this question. Do you not speak for the importers of salt?

Mr. COX. No, sir.

Mr. BELDEN. And have they not posted you on this subject?

Mr. COX. No.

Mr. BELDEN. And are they not the only men who have said a word to you, or given you any figures, or asked you to represent them in any shape, form, or manner on this question? [Laughter.]

Mr. COX. No, sir. [Laughter.]

Mr. BELDEN. And can you name a single dairyman or a single individual on earth who ever said a word about it or who wanted free salt?

Mr. COX. I will say to my friend from New York, in answer to his numerous questions, that I have never been approached by a single importer on this subject.

Mr. BELDEN. That is a mistake.

Mr. COX. I never have been.

Mr. BELDEN. Well, I introduced you to one myself. [Laughter.]

Mr. COX. I did not know it. [Renewed laughter.]

Mr. BELDEN. I introduced you to one, who said he wanted to talk to you on the subject of salt.

Mr. COX. That is news to me, for I did not know it. I can say to the gentleman, though I may have met an importer, that I did not promise any one to vote to keep salt under a tariff. I am speaking now for the dairymen of this country.

Mr. BELDEN. Did any dairyman ask you to speak for him?

Mr. COX. Yes, sir. The dairymen throughout this country have petitioned for this relief.

Mr. BELDEN. Name one.

Mr. COX. I will give the gentleman the information he wants before I get through.

Mr. BELDEN. Very well. Now give me the name of any one dairyman who asked you.

Mr. COX. I have an article here on brine-salting butter from Professor T. D. Curtis——

Mr. BELDEN. Oh, that is a professor. [Laughter.] I do not ask you for the opinion of professors. Tell us of a dairyman who asked this.

Mr. COX. He represents the dairymen, and gives the chemistry of this subject. Now, if my friend who represents Onondaga and its salt will allow me to proceed——

Mr. BELDEN. The gentleman says he represents the dairymen in this respect. I claim that there does not exist one in New York or in any other place who has asked you to represent them, as you say here; and I have asked you to name one.

Mr. COX. Well, now, if I have any rights here on this floor which a white man is bound to respect—— [Laughter.]

Mr. OUTHWAITE. There are no rights which a man is bound to respect when you come in competition with the salt in his district.

Mr. COX. The agricultural papers of the country have demanded that we regulate this matter somewhat in the interest of cheese and butter, of which the State of New York is a large producer.

Mr. GROSVENOR rose.

Mr. COX. Now do not interrupt me, for I will have to ask an extension of my time, and then you will be sorry. [Laughter.]

Mr. GROSVENOR. I want to give you a reference here which I shall ask you to answer.

Mr. COX. Well, we pay 27 cents on each sack of salt and about 12 cents on a hundred pounds of salt by way of a duty in the larger packages. This payment goes into the hands of the producers of salt, and is paid by the dairymen or the consumers of the dairyman's products.

Mr. BELDEN. Does the dairyman ask you for it? Do they ask you to give them this reduction?

Mr. COX. I will say to my friend, if he will not interrupt me, that the references to which I shall presently call the attention of the House come from agriculturists and from agricultural journals throughout the country in the interest of the great body of the dairymen.

Professor Curtis gives us the chemistry of this subject; and it is an important element in the question. He says:

The salt used in salting butter should be freely soluble, fine, and even-grained and pure—qualities not found in our American salts. The reason for this is that our brines are so impure as to require chemical purification. This is costly, difficult, and uncertain. Hence American salts are unreliable. They may be quite pure at one time, and quite impure at another. Some English brines are so pure that they do not need chemical purification, but only careful handling

to eliminate the impurities. One of the worst impurities is sulphate of lime, which appears in the salt in thin scales or flakes, known as "panscale." These are found more or less in all English salts, except the Higgin "Eureka," which is made by a patented process that entirely eliminates the panscale; and as there is no grinding to produce the grain which is natural, none of the panscale is ground up in the salt, which is left almost perfectly pure. After recently thoroughly examining the Higgin salt works, Professor L. B. Arnold, the great American dairy authority, says: "I became satisfied that the 'Eureka' salt is just what it claims to be, a very clean, pure, and honestly made salt, uniform in quality, and in as good a condition for dairy purposes as any salt ever offered to the public."

But are our best dairymen, who use English salt in their butter and cheese, aware that they have to pay 27 cents tariff on every large sack of salt they use? Yet such is the fact. The duty is 12 cents per 100 pounds on all salt in packages, and by a repeal of the tariff every dairyman could buy his salt for that much less. In this case, at least, the duty is added to the price of the salt to the consumer. And why should not the tariff be repealed? The Government has too much revenue and wishes to reduce the receipts, and the American salt interest is not benefited in the least by the tariff, the difference in price between foreign and domestic salt being sufficient protection—the difference being due to the inferiority of the American article. The tariff is a direct tax on the dairyman and a discouragement to the manufacture of the best dairy goods, which demands the use of the best salt. In short, it is a discrimination against our dairymen, the meat-packer and the fisherman getting the tariff paid back to them on all salt used for packing meat and fish for a foreign market. Why this discrimination in their favor and none in favor of the dairyman? But the dairyman asks no discrimination. He simply asks for the repeal of the duty on salt in the interest of every one.

Mr. BELDEN. Please state what that is you are quoting from.

Mr. COX. I am quoting from Professor D. T. Curtis in an agricultural paper. If this be wrong you will have a chance to show it.

Mr. BELDEN. I will show it.

Mr. GROSVENOR. It is wrong, and I will show it.

Mr. COX. Well, I want to discuss this question. That is the object of having the bill in committee. We should find out by debate where, if at all, we are wrong. I propose to repeal this duty on salt for the purpose of giving the dairyman, who is a special producer, some little consideration in connection with our public taxation.

Mr. BELDEN. No dairyman has asked you to do anything of the kind.

Mr. COX. Well, I think you are mistaken, as I will show. I do not want to say it very intensely, but you are mistaken. [Laughter.] Our best dairymen, who use salt in making their butter and cheese, are aware of this high tax and have petitioned——

[Here the hammer fell.]

Mr. GROSVENOR. I ask unanimous consent that the time of the gentleman be extended for ten minutes.

Mr. COX. I do not want to talk so long as that.

Mr. Chairman, there never was an article, unless it be lumber, on which the lines are so clearly drawn between gentlemen who favor protection and those who favor the reduction of unnecessary taxes. This duty is a direct tax on the dairyman, and therefore a discouragement to the manufacture of all things made in the dairy. The dairy demands the use of the best salt, and the testimony is that you can not get it in this country for dairy purposes. Therefore, there is a discrimination against our dairymen. They have just as much right to claim exemption from this tax as the producer of any other article has, and as the great body of consumers have. Does not your meat-packer get some advantage by buying salt free of duty, when his meat is exported? Does not the man who catches and packs fish get his bounty in the shape of free salt for curing his fish? In packing meat for the foreign market and curing fish for all markets, is there not some advantage in having salt free? If not, why not repeal these statutes? For the same reason, why should not the dairyman have a similar advantage? Why discriminate in favor of one class and against another? Such discrimination is the essence of injustice and inequality, the bane of fair taxation.

Mr. NUTTING. Will the gentleman permit a question?

Mr. COX. You can answer my question: Why do you discriminate in favor of the fish-packer of New England and against the dairyman of Orange County, New York? [Laughter.]

Mr. NUTTING. I want to ask you a question.

Mr. COX. I want you to answer mine first. A man as intelligent as my friend [Mr. NUTTING] ought not to boggle about answering a simple question. [Laughter.]

Mr. NUTTING. Will you let me ask you a question?

Mr. COX. No; I want information. You can see that by my anxious inquiry. [Laughter.]

Mr. GROSVENOR. Will the gentleman [Mr. COX] permit me to ask him a question?

Mr. COX. I want to know why it is that you discriminate in your laws in favor of the fish-packer of New England, the man who catches and packs codfish, herring, and mackerel, and against the dairyman of New York and other States?

Mr. MILLIKEN. Do you want an answer to that?

Mr. COX. I am asking that gentleman [pointing to Mr. NUTTING]. I have never taken my eye off him since he got up. [Laughter.]

Mr. NUTTING. Well, I say we do not. Now, will you answer my question?

Mr. COX. Of course, I will answer any question that is genteel. [Laughter.]

Mr. NUTTING. The salt which the butterman uses adds to the weight of the butter, does it not? And can the gentleman tell us how much salt it takes to salt a hundred pounds of butter?

Mr. COX. Does not the salt add to the weight of the fish also? [Laughter.]

Mr. NUTTING. It takes 100 ounces of salt to salt 100 pounds of butter, and that adds to the weight of the butter. Butter is worth 25 cents a pound; so the farmer sells his salt at 25 cents a pound, while it costs him less than one-tenth of a cent.

Mr. COX. And because the salt adds to the weight of the butter and the dairyman gets a little benefit in that way the gentleman would tax the dairyman while giving immunity to the fish-packer of New England and the pork-packer of the West. Has the farmer who owns a dairy no right to exemption?

Mr. NUTTING. Oh, no.

Mr. COX. There is your dilemma. Since nature has been so bountiful in providing salt; since she has made large crystallized mines of it in our country; since the very sea itself gives up its saline wealth under the evaporating influence of the sun; since nature beckons us to be liberal, let us be liberal about this article, which is so precious for the producer of our dairy products and so necessary to the well-being of our human bodies and the very beasts of the field, sheep, cows, etc. It is in such general use I do not see why the American Congress should discriminate against such an article of all others.

Mr. BELDEN. They do not do any such thing.

Mr. COX. Well, you can show that in your own time.

Mr. BELDEN. They do not. You do not know what you are talking about. You are all off. [Laughter.]

Mr. COX. I am perfectly willing to admit that all the intelligence of this country is in the brain of my friend from Onondaga. [Laughter.]

Mr. BELDEN. You say that Congress gives the pork-packer a drawback and discriminates against the dairyman, and you have got nothing to back that statement.

Mr. COX. Do you not know that the rules of this House require that you shall ask my permission before you interrupt me? [Laughter.] I have let you in several times because in one sense you are a perfect gentleman, and I will let you in again; but you have no right to break in without my permission.

Mr. BELDEN. And you have no right to make a statement that is false.

Mr. COX. I have a right to say what I please in my own time under the rules, and to say what I think to be in the interest of the people, and you are not the man to challenge me in any regard.

Mr. BELDEN. Well, I intend to do it.

Mr. COX. Well, you can not do it, unless you do it in accordance with the rules of the House and common decency.

Mr. BELDEN. I will take care of myself.

Mr. COX. You can not take care of yourself. If you could, you could get your own time, and make your speech in it.

Mr. BELDEN. When a man makes a bold, false statement——

Mr. COX. I have given my authority for the statement I have made, and I stand by the statement, and every agricultural paper reflecting the sense and judgment of the dairymen of the country backs it up. When the gentleman brought an importer to me the other day—I do not remember who he was—I did not give much encouragement to the importer, because I did not know exactly what he wanted; but, sir, I believe that even the importers have some rights in this country. Why? Why should we not have the right to bring in salt of so pure a quality that it can be used in packing butter, when, according to the testimony of Professor Curtis and the petitioners to Congress, American salt can not be used advantageously for that purpose?

Mr. GROSVENOR. Will the gentleman allow an interruption at that point?

Mr. COX. You have had fifteen minutes.

Mr. GROSVENOR. If you do not want to yield I do not want to interrupt you.

Mr. COX. I will yield to the gentleman.

Mr. GROSVENOR. Is it not a fact that, under the highest tests that have been applied, American salt, or American salted butter, has uniformly taken the premium over the best butter made with imported salt?

Mr. COX. There is one class of salt, called "Higgin's Eureka," that has some peculiar virtue, but its supply is limited. It is referred to by Professor Curtis in the extract from which I have quoted.

But I do not stop on details or on small matters. I want this article of common consumption to come into this country free; not merely that the dairymen, the cheese-makers, the butter-makers and meat-packers may have equal privileges with other people, but as the article seasons the food of the breakfast-table, the dinner-table and the supper-table, we should, if possible, reduce the cost to the consumer, who is everybody.

A MEMBER. How about sugar?

Mr. COX. Sugar! I am for a reduction on that to some extent. I have always said so. Why not? It is also an article of common consumption. There is no point of that kind that I can not answer. Like the gladiator of the arena, I am greased for the occasion. The mo-

ment you undertake to trip or grip me your clinch slips. I am for reduction in every proper way on every article sufficient to cut down this surplus. It is the surplus, as I have said, that is the main object of all our discussions; the tariff being only the incident. If we can only bring this discussion down to the surplus as the main point, and take off something on sugar, something on salt, something on other matters——

Mr. GROSVENOR. You propose to take off all on salt.

Mr. COX. All on salt—yes.

Mr. GROUT. Why not all on sugar?

Mr. COX. The gentleman understands very well (for he is a Yankee, and ought to know everything) that the question of revenue is not the same in regard to sugar as it is in regard to salt.

Mr. LEHLBACH. How much will be the saving to every family if you take the tax off salt?

Mr. COX. I have heard such questions asked before, how much will be the saving to each family? It may be a mere modicum—almost nothing. But "many mickles make a muckle."

Mr. LEHLBACH. If you take the duty off sugar you will then do something substantial for the relief of the consumer.

Mr. COX. Gentlemen say that the saving per capita by a reduction upon salt would be very little. But they forget the main object of a tariff. Taking off "here a little and there a little" there results a great aggregate of reduction, and thus the Treasury is relieved from its plethora. The various small sums collected under the tariff go to make up our $100,000,000 excess of revenue. We are bound to look at details in order to accomplish something more momentous.

Mr. GROSVENOR. The amount raised on salt is only $600,000, while on sugar it is $60,000,000.

Mr. COX. We propose to take a great deal off of sugar.

Mr. LEHLBACH. You do not propose any material reduction upon sugar, which is one of the very considerable expenses of a household, while you take the duty off salt, which does not amount to more than two or three cents to every family in the country.

Mr. COX. How many families are there in the country?

Mr. LEHLBACH. Why do you not take the duty off sugar?

Mr. COX. How many families are there in this country?

Mr. LEHLBACH. You can figure that as well as I.

Mr. COX. There are nearly 60,000,000 people; how many people to a family? Three cents per head to each family amounts to a good deal at the end of the year.

Mr. LEHLBACH. This duty on salt is no tax on the people.

Mr. COX. The duty goes into the price of the article, and is paid into the Treasury to swell your surplus, now bloated to an unhealthy size.

Mr. LEHLBACH. The tax on sugar amounts to dollars to every family, while the tax on salt amounts to only a few pennies to every family.

Mr. COX. Would you make salt free to the fisherman and not to the dairyman? Now, come up "like a little man" and answer that question. Are you in favor of that?

Mr. MILLIKEN. Let me reply.

Mr. COX. No, you are not the man I am addressing; you are from Maine; I know you. [Laughter.]

Mr. MILLIKEN. I will answer if you want an answer.

Mr. COX. The gentleman from Maine believes——

Mr. MILLIKEN. "The gentleman from Maine" will tell you what he believes; he does not want you to tell.

[Here the hammer fell.]

Mr. BURROWS obtained the floor.

Mr. FARQUHAR. I move that the time of my colleague [Mr. COX] be extended. Now, will my colleague permit me——

Mr. COX. You look so good-natured that I will yield to you. Your colleague [Mr. BELDEN] ought to have kept good-natured. "A dram of sweet is worth a pound of sour." Your dram is more agreeable than the "sour" of my colleague.

Mr. BLAND. I rise to a question of order. Back here we can not hear anything that the gentleman from New York [Mr. COX] is saying. We would like very much to hear him.

Mr. COX. I am very sorry to turn my back on the gentleman.

Mr. FARQUHAR. I simply wanted to remark to my colleague when his time expired that I notice considerable of his rhetoric this morning is upon the lapel of his coat; and I think that after reading Professor Curtis's analysis he will see that his argument is on the *merum sal*, instead of on the practical question of Onondaga salt. [Laughter.]

Mr. COX. I——

Mr. FARQUHAR. The salt of my colleague is Attic, instead of Onondaga.

Mr. COX. The Attic salt is very good in debate. I appreciate the gentleman's classic suggestion.

The CHAIRMAN. The committee will come to order. The gentleman from Michigan [Mr. BURROWS] has been recognized.

Mr. BURROWS. Mr. Chairman, I was in hope that in the discussion of the provision of this bill under consideration the committee would confine itself to the matter at issue. I do not propose to follow the gentleman from New York [Mr. COX] to Africa, where he went in his speech, but to direct what I have to say to the question of salt.

The gentleman from New York says that the main object of those having this bill in charge is the reduction of the revenue, and a revision of the tariff is merely incidental. I had supposed it to be the purpose of the Democratic party not only to reduce the revenue, but at the same time to take care that no American industry should be destroyed.

I will refrain from continuing my remarks until gentlemen on the other side of the House cease their conversations.

The CHAIRMAN. Gentlemen will resume their seats and preserve order.

Mr. BURROWS. Mr. Chairman, I suppose it is predetermined to pass this bill in obedience to caucus dictation just as it is, without regard to the effect upon any American industry, and hence the other side are utterly indifferent to anything w hich may be said. [Applause on the Republican side.] But I think I shall be able to demonstrate to gentlemen, if they will give attention, that what is proposed, instead of enlarging our market for salt, as suggested by the gentleman from New York, will curtail it; that instead of les ening the price of salt it will increase it; and that it is a bold, baldtsproposition to surrender the American market for American salt to he English manufacturers of that product. [Applause.]

The gentleman from New York, in the beginning, says we need this salt for the purpose of salting the butter and cheese produced by the dairymen. In reply to that statement let me show to him, or let me read a paragraph which I think completely answers that statement. I take issue with him on this point. I think it is susceptible of proof that the salt produced in this country is not only fitted for salting butter and cheese, but is adapted to preserving meat, and that we have no earthly use for any imported salt in this country.

In reference to the claim that American dairy salt is not equal to the English, and that finer grades of butter can not be made with it, we will simply state that the organization known as the National Butter and Cheese Association, representing the whole country, appoints judges to examine and pass upon the exhibits of butter and cheese made at its annual meetings. At the meeting held at Manchester, Iowa, in November, 1887, fifteen premiums were awarded on butter, of which thirteen were taken by butter salted with American salt. At the annual meeting of the association held in Chicago in 1886, the majority of prizes for butter and cheese were taken by users of American salt. The most noted producer of creamery butter in the world, the Elgin Butter Company, uses American salt exclusively. As their butter commands the highest price, they would certainly employ English salt if it were in reality better quality than American. We concede that assertion No. 2 needs no other refutation.

Mr. COX rose.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BAKER, of New York. I move that the time of the gentleman from Michigan be extended.

Mr. BAYNE. Let it be extended for ten minutes.

The CHAIRMAN. The Chair hears no objection.

Mr. COX. Does not the gentleman from Michigan know that the meat exported from this country is free?

Mr. BURROWS. That is not the issue. The gentleman only tries to draw me away from the point I am now discussing to something entirely foreign to the issue. Let us discuss one question at a time. I will answer the gentleman later on.

Mr. COX. Is it not a fact that fish salted with American salt which is exported is free?

Mr. BURROWS. What the gentleman has said has no reference to the point we are now discussing. His effort to draw me from the point we are discussing to what he regards as bad legislation will not be successful. [Laughter and applause.]

I start out with the assertion that there is no need of foreign salt in the American market. It is a fact to day that we consume annually in the United States 10,000,000 barrels of salt. That is the home consumption. Of that Michigan produces one-third; the State of New York and ten of the other States of the Union produce another third, and we import one-third. The gentleman from New York will say that it is perfectly natural for me to defend this industry of Michigan, she producing one-third of the entire consumption of salt in this country. But I want to say to the gentleman that I take no such narrow view of the tariff question, and the salt industry does not exist in my district, but I defend the protection of salt, because I believe it for the interest of all the people, for the man at his breakfast table, in whose behalf the gentleman from New York entered his plea, and I defend it not simply because it is an industry of Michigan, but because it is an industry of the United States.

I believe we ought to produce our own salt.

Let me say to you, gentlemen, that if you put salt on the free-list the only effect of it will be that it will surrender a portion of our market to the foreign producer of salt. Now, why? Before coming to that may I be permitted to use and have printed in my remarks a table showing that the effect of this protective duty has been to cheapen salt. In 1861 we produced in Michigan only about 4,000 barrels of salt. The price of salt at that time, or in 1866, was $1.80 per barrel. We now produce nearly 4,000,000 barrels of salt annually, and the price has gone down to 60 cents a barrel, barrel and all, the barrels costing about 22 cents apiece.

Mr. OUTHWAITE. May I ask the gentleman a question?

Mr. BURROWS. Certainly.

Mr. OUTHWAITE. Has not the duty on salt gone down, too?

Mr. BURROWS. The duty has not been changed since 1872.

Mr. OUTHWAITE. But you spoke of 1866.

Mr. BURROWS. Yes; but I will make the comparison with 1872, at which time salt was $1.47 a barrel in the Saginaw Valley, and now under the present rate of duty it has gone down from $1.47 to 60 cents a barrel. Now, when it produces such results as to cheapen salt to the consumers of the country what reason can there be for removing the duty?

Mr. OUTHWAITE. If the effect of the protective tariff is to reduce the price of salt, how does it benefit or strengthen the salt industry by keeping it on. I would like to ask the gentleman to answer what harm this bill can do to that industry?

Mr. BURROWS. That is the standing reply on the other side always.

Mr. OUTHWAITE. Yes; and which has never been answered on yours.

Mr. BURROWS. If a protective tariff reduces the price of an article to the consumer how does it benefit the producer of the article? I will tell the gentleman how it does in this case. Last year the value of salt at Liverpool from the Liverpool works was $2.75 per ton.

Salt sold in the Saginaw Valley last year at the same rate—$2.75 a ton. The freight on salt from Liverpool to any port on our seaboard is $1.40 a ton. The duty on a ton of salt is $1.60, so that the Liverpool producer of salt can produce his ton of salt and pay the freight and pay the duty of $1.60 a ton and lay his salt down on the seaboard from Maine to Galveston for $5.75 a ton. That is what the salt costs. Now, take the Saginaw salt with the same cost of production, $2.75 a ton, and the freight on a ton of salt from Saginaw to any point of the seaboard is $5.45 a ton, which, added to the cost of production, makes the sum total $8.15 a ton; so while the foreign producer of salt can put his salt on the seaboard at $5.75, Michigan can not do so for less than $8.15. What is the result? I hold in my hand a small map, which is so small that unless gentlemen are very near me they can not see the outlines of it, but I have drawn a line from Portland, Me., back from the coast down to Nashville and across to Little Rock, and thence down to Galveston, and south of that line you will find that the entire market there is filled almost exclusively with foreign salt. And why? Because we can not pay the freight on our salt and carry it south of this line, while the foreign salt landed on our shores at a cost of $5.75 a ton after paying freight and duty can be sold there at a profit and to the entire exclusion of our domestic product. That is all, and the result is that south of this line all the salt practically is foreign salt.

Mr. BLAND. Why does my friend then desire to tax the people in that section of the country unnecessarily on salt where it can be of no possible benefit to your producers in Michigan?

Mr. BURROWS. Ah, my friend is now raising another question.

Mr. BLAND. Oh, no; you say yourself it is not doing any good there.

Mr. BURROWS. I will come to that in a moment.

Under the tariff as it stands to-day the result is as I have indicated. That territory south of that line is surrendered exclusively almost to the British manufacturers. It seems to me, gentlemen, that this ought not to be so.

Now, what is the proposition here pending? It is to put salt on the free-list. What will be the effect? The moment you put salt on the free-list and take off the duty of $1.60 a ton the English manufacturer of salt in Liverpool will push that line so much farther inland and absorb so much more of our market.

Mr. WASHINGTON. Will you allow me a question at this point?

Mr. BURROWS. Certainly.

Mr. WASHINGTON. If we can not get your Michigan salt south of that line, what is the reason that this Kanawha salt and the Ohio salt does not come down?

Mr. BURROWS. If the gentleman had listened to my friend from Ohio [Mr. GROSVENOR] he would not have found it necessary to ask that question.

Mr. WASHINGTON. I did not have an opportunity of hearing him.

Mr. BURROWS. The evil effects of this condition of things would be increased by even reducing the duty on salt; but instead of protecting this industry and so enabling the people of this country to manufacture the salt which they themselves consume, your proposition is to take the duty off entirely and admit foreign salt free of duty, and surrender our territory to the foreign producer.

Mr. HOOKER. If that be the case, why did you reduce the duty on salt one-half in 1873?

Mr. BURROWS. Does that answer this question? Let us stick to this.

Mr. HOOKER. But if the tariff benefited your people and enabled them to compete with the English salt-producers, why did you reduce it or take it off?

Mr. BURROWS. Whatever reason I might assign now for the action taken in 1873, does the gentleman think it would meet this question at all?

Mr. HEARD. Will the gentleman permit me a question?

Mr. BURROWS. Yes, sir.

Mr. HEARD. As I understand you, salt is produced and can be sold in the Saginaw Valley at the same price that it can be produced and sold for in England?

Mr. BURROWS. That was true last year.

Mr. HEARD. Then is not the protection you are asking for now, and which is calculated to enhance the price of salt to the great body of consumers in the South and elsewhere, a protection against the transportation companies instead of against the foreign producers?

Mr. BURROWS. Am I discussing that question?

Mr. HEARD. I think you are. You give the cost of transportation as a reason why we should keep on this duty, as a reason why we should tax the consumer for the benefit of the producer of salt——

Mr. BURROWS. Now, I should deny two of my friend's propositions—that we tax it for the benefit of the producer or that the duty operates as a tax upon the consumer—and the gentleman can not make any intelligent audience feel the burden of the salt tax. But that is another question, and if my friend would discuss my proposition——

A MEMBER. Let us hear your proposition.

Mr. BURROWS. I say that when we take the duty off salt the result will be that we will still farther surrender our Southern market to the foreign producer. So far as Michigan is concerned, let me say to the gentleman from New York that it will not be harmed very much, because we have the Northwestern and the Western markets, and we can send our salt to the Northwest and to the West, and the foreign salt can not compete with us, because we have the advantage in transportation. But if you put salt on the free-list you will close out every salt work in the State of New York, because, with the advantage of $1.60 which you give to the English salt producer, he can push his salt all over New York and close up her works.

Mr. GROSVENOR. And the same will be true of Ohio and West Virginia.

[Here the hammer fell.]

On motion of Mr. MCKINLEY, Mr. BURROWS's time was extended for five minutes.

Mr. BURROWS. The result of this system has been to crowd us out of the Eastern market almost entirely. It was not until within the last three years that we sold a spoonful of salt in the New England States. England had control of that market—the Liverpool salt had control of it. Now, is it wise—not for Michigan, not for New York, but for this great country—is it wise, I ask, to surrender this field to the foreign producers of salt? Is it wise to give them an advantage of $1.60, to enable them to push their salt so much further inland?

Mr. OUTHWAITE. We do not do that.

Mr. BURROWS. My friend says we do not do it; but I say that will be the effect. If they can bring their salt now inland to the line, which I have indicated, and pay a duty of $1.60 a ton, is it not clear that if we take that duty off they can push their salt still farther northward, and drive us from the market and close out our business?

Mr. OUTHWAITE. No; your monopolists will take less profit.

Mr. BURROWS. My dear sir, there is no competition in the Southern market. We can not put a barrel of salt in that market.

Mr. OUTHWAITE. Because you sell all your products outside of it at the same price.

Mr. BURROWS. No; our salt works are going to decay. Let me tell the gentleman that the salt works in the United States are sufficient to supply the entire American demand and have a surplus. They are gaining on the demand constantly. Let me call attention to another fact. In the State of Texas, but a few feet under the surface, there is an inexhaustible supply of brine, the richest in the world. Why do you not develop it? You walk heedlessly over it and pay $2.50 a barrel for English salt, instead of pumping that brine from the earth and making it into salt for yourselves. There is a great mine in Louisiana, the purest salt on the face of the globe, absolutely pure, yet you close it up and buy foreign salt.

Mr. ANDERSON, of Iowa. Why do you not fight for cheap freights?

Mr. BURROWS. See where my friend from Iowa is going now! Why do not we fight for cheap freights? That is not the question here. Let us stick to one thing at a time. When we come to discuss the railroads we will talk about that.

Mr. ANDERSON, of Iowa. Cheapen your freights. That is the remedy.

Mr. BURROWS. We have legislated on that question, but that does not settle this one. I was calling attention to this great mine of salt in Louisiana. Three different companies have endeavored to develop that mine, and three several times they have been driven into bankruptcy by the Englishmen. Within the last ninety days that mine has been closed and the corporation has been driven into bankruptcy because the foreign producer pushed in his salt and put the price down to less than $2.50 per barrel—low enough to drive these men out of the business, and close the mine, and then having done that he puts up the price.

Mr. HEMPHILL. Will the gentleman permit a question? Is not the money which the consumers would have paid for salt at the higher price now remaining in the pockets of the consumers, and why should not a man be permitted to keep his own money?

Mr. BURROWS. If I could hear the gentleman's question in this confusion I would try to answer it.

Mr. HEMPHILL. You say that the foreign producer ran the price of salt down?

Mr. BURROWS. Yes.

Mr. HEMPHILL. And that the consumer paid less for his salt than he would otherwise have had to pay?

Mr. BURROWS. Certainly.

Mr. HEMPHILL. Now, where is that money which the consumer saved? Is it not in the pockets of the consumer? Answer that question.

Mr. BURROWS. I will answer the gentleman's question.

Mr. HEMPHILL. Well, answer it.

Mr. BURROWS. I will. Temporarily, so long as the foreign producers were putting their salt into that market and selling it at less than it could be produced for in the mine, the low price was an advantage to the consumer; but so soon as they had closed this American mine and stopped American development in that direction they put up the price of salt and recovered all they had lost, and then it was a damage to the consumer. [Applause on the Republican side.]

Mr. HEMPHILL. Well, if those people in Louisiana preferred to trade in that way, why should you from Michigan say that they shall not have the privilege of doing it?

Mr. BURROWS. Because I am an American—not concerned for Michigan alone—[applause on the Republican side]—because I am just as much interested——

Mr. HEMPHILL. Are they not Americans as well as you?

Mr. BURROWS. My friend will allow me——

Mr. HEMPHILL. Now answer that question—are they not Americans as well as yourself?

Mr. BURROWS. Certainly they are.

Mr. HEMPHILL. Then why should they not have the privilege of managing their own business in their own way?

Mr. BURROWS. I see that my friend looks at this question as a mere local matter.

Mr. HEMPHILL. No, I do not; I look at it as a question involving the liberty of American citizens to buy where they want to buy.

Mr. BURROWS. My friend is looking upon this question as a Presidential candidate once looked upon it, as a matter once heard of in the school districts.

Mr. HEMPHILL. The gentleman must not put words in my mouth.

Mr. BURROWS. This is a great question for the nation; and when you say to me that Louisiana will manage the matter for herself——

Mr. HEMPHILL. I do not say Louisiana; I say that the American citizen ought to have the right to do with his own as he sees fit.

Mr. BURROWS. If the American citizen in Louisiana sees fit to do that which cripples American labor, thwarts American industry and development, then I say the citizen has no right to do that. [Applause on the Republican side.]

Mr. HEMPHILL. Now let me reply to that.

Mr. BURROWS. Mr. Chairman, I insist upon my right to the floor; and I insist that the gentleman ought not to interrupt me with a question unless I give him permission.

Mr. HEARD. Will my friend from Michigan allow me just one moment?

Mr. BURROWS. What is your question?

Mr. HEARD. I understand my friend from Michigan to state——

The CHAIRMAN. Does the gentleman from Michigan yield?

Mr. BURROWS. Yes; but I do not want gentlemen to consume all my time.

Mr. HEARD. I do not mean to consume any more of your time than is reasonably fair; we will give you all the time you want. I understood the gentleman from Michigan [Mr. BURROWS] to say that the manufacturers of English salt importing it into Louisiana ran down the price in the district of country supplied by this Louisiana mine to so low a figure that the Louisiana company was obliged to suspend operations and cease the manufacture of salt.

Mr. BURROWS. Yes, sir.

Mr. HEARD. And thereupon the price of salt to the consumer was raised to the original price.

Mr. BURROWS. Thereupon what?

Mr. HEARD. Upon the suspension of operations by the Louisiana company.

Mr. BURROWS. Yes.

Mr. HEARD. Now I ask the gentleman whether that has not uniformly been the course of the salt manufacturers? Whenever, by competition, the price of salt has been made low have they not by means of the salt combination reduced the output and thereby advanced the price to the consumer in this country?

Mr. BURROWS. Now my friend has come to the question of "trusts" and "combinations."

Mr. HEARD. Is it not a fact that the output is controlled by concert among the manufacturers for the purpose of advancing the price?

Mr. BURROWS. When I come to that question I will answer my friend; but that has nothing to do with the topic I am discussing.

Mr. GROSVENOR. Prices have never advanced as the gentleman from Missouri states. I am talking about a matter of which I know something and of which he does not know anything.

Mr. BURROWS. Suppose that all the gentleman from Missouri says is true, does that keep the mine open in Louisiana? I am discussing that question.

Mr. HEARD. Concede that it does not keep the mine open. If the interests of——

Mr. BURROWS. I decline to yield further.

Mr. HEARD. The gentleman asked me a question and will not permit me to answer.

Mr. BURROWS. My friend is simply wandering around in a maze, and I can not undertake to follow him. I decline to yield further.

Mr. HEARD. You asked me a question and will not let me answer it.

Mr. BURROWS. Mr. Chairman, I was saying that the effect of this policy is to close up the salt works in this country. It is the policy of foreign countries to control this whole market; yet there is brine enough and salt enough in this country to supply the whole United States.

Mr. HEMPHILL. At what price?

Mr. BURROWS. At less than you pay now by one-half. You are paying three times more for salt than you need pay, if you would develop this industry; yet you propose to lie down on your backs and be bound hand and foot to the foreign manufacturers of salt.

Take the case as it existed during the war, to which reference has been made. In the State of Texas, knowing that brine was under the surface and feeling the need of salt, what did you do? You exempted from military service men who would produce a certain number of pounds of salt per day. They went into the State of Texas, dug holes in the ground, and with kettles and pans attempted to make salt. Circumstances then forced you to develop it. Now, when the war was over——

[Here the hammer fell.]

Mr. TARSNEY. I ask unanimous consent that the time of my colleague be extended for five minutes.

There was no objection.

Mr. BURROWS. I stand on this question, as I have said, not for my State, but for the Government of the United States. In the name of reason, why should we import one spoonful of salt? My friend smiles, but again I ask why?

Mr. HEMPHILL. I will tell you why.

Mr. BURROWS. I do not wish you to answer now. I decline to yield. My friend, when he begins talking, talks all the time.

Instead of maintaining the duty on salt as it now stands—a duty which has constantly reduced the price of the article until we are now buying it for 60 cents a barrel in Saginaw—instead of maintaining our ground and holding this market, your proposition is to surrender a portion of this territory, to crowd this line over New York up to the Ohio, and to surrender the whole Southern country to the foreign producer of salt.

Not as a citizen of Michigan, not as a citizen of a State having some interest in this industry, but as an American I would put such a duty on salt as would stimulate its development in Texas and Louisiana to such a degree that in five years we would drive the foreign producer of salt from our market and produce our supply ourselves; and instead of paying $2.50 a barrel you would buy it all along the Southern coast for 60 cents to 75 cents a barrel and reduce the price of salt to the American consumer. [Applause on the Republican side.]

So I say this question involves something more than the mere reduction of revenue. The gentleman from New York [Mr. COX] says, "We make this reduction because it lessens the revenue; that is the main object; revision of the tariff is incidental." True, you take out of the Treasury $676,000 which is now annually paid by the foreign producer of salt, but you do much more than that; you destroy the salt works in New York; you drive us out of the market we now have, and bind the whole Southern country under the feet of the foreign producer of salt.

This is what free trade leads to. I beg you, gentlemen, although this may reduce the revenue, I beg you to consider something else. Let us, instead of reducing the duty on salt, maintain it, and, as I said before, the time is not far distant when you will develop the great salt industry throughout the South, in Texas, and Louisiana, and instead of paying enormous prices for foreign salt you will buy the domestic salt at less than one-half the present price; you will give investment to your capital, you will give employment to American labor, and contribute something to the wealth and glory of the Republic. [Applause.]

Mr. WHITING, of Michigan. Mr. Chairman, although I am a manufacturer of salt, I do not feel justified in taking a course against tariff reduction on this article or commodity. Had I thought that would be wise, I could not have accepted a nomination for a seat upon this floor upon a platform which clearly and boldly asked for tariff reduction.

I see the gentleman from Michigan [Mr. BURROWS] does not clearly understand the facts as to this question of salt. The foreign salt which is imported into Michigan sells there at wholesale, or at the agencies, at $2.75 for 224 pounds of salt, which is 4 bushels of salt. The dairymen buy this salt; the farmers also buy it. The ordinary Mich-

igan salt brings the manufacturers about 60 cents for 280 pounds of salt, which is 5 bushels. Now, is it not a bad criticism on the intelligence of these men if they will pay $2.75 for 224 pounds of foreign salt, if the ordinary domestic salt, which brings the manufacturer but 60 cents for 280 pounds, will answer just as well? But they buy the foreign salt because they believe it to be a necessity on their part. They pay the higher price for foreign salt because they believe it keeps their butter better. If they did not so believe they would buy the cheaper American product and not pay so large a price for the foreign salt. But they feel that it is an injustice to them, when there is really no competition between the ordinary American product and the foreign salt, that they should be compelled to pay 27 cents a sack duty on every sack of foreign salt. They are in favor of putting salt on the free-list.

They know very well, Mr. Chairman, that the large exporter of meat has the duty on salt remitted when he exports his product.

Mr. COX. He gets a rebate.

Mr. WHITING, of Michigan. Yes; the large exporters of meat get a rebate when their product is exported. The exporters of meat and fish get their salt free. Why, then, should the dairyman or farmer be compelled to pay 27 cents a sack on foreign salt when that foreign salt does not come in competition with the common grade of American salt, and the higher grades when they bring anything like the price of English salt duty free do not need any protection.

The dairymen use foreign salt because they get more for their butter. They sell their product for an average price of 30 cents a pound, and they use fine English salt to keep up the price; and the duty on salt imported is therefore a burden upon them which ought to be remitted.

Now, the claim made by the gentleman from Michigan, that we can not sell our salt in New York City, is not in accordance with the fact, so far as my knowledge goes.

Mr. BURROWS. Do I understand the gentleman to say that salt produced in Michigan is not fit to use in the manufacture of butter?

Mr. WHITING, of Michigan. I say a good many use the common salt in making butter. Those who wish to use that are privileged to do it. If they so prefer, of course they can do so; but those who produce the best butter and expect a good and higher price for it use the finer imported salt.

Mr. BURROWS. Does the gentleman say that Michigan salt is not fit for use in the making of butter?

Mr. WHITING, of Michigan. I do not.

Mr. BURROWS. Can it be used?

Mr. WHITING, of Michigan. I have already stated, in reference to that matter, that Michigan salt is used. I produce about 100 barrels of salt a day. I make the best salt in the world. I can compete successfully with the English manufacturers of salt anywhere in America and make a profit. [Applause on the Democratic side.]

Mr. BURROWS. You think your salt is fit to preserve butter and meat?

Mr. WHITING, of Michigan. I know it is. The salt I produce is the best salt produced anywhere in the world.

Mr. BURROWS. If you make the best salt, why then do you not put it along the coast?

Mr. WHITING, of Michigan. I do put it along the coast, and sell it there. [Applause.]

Mr. BURROWS. Where on the coast?

Mr. WHITING, of Michigan. The gentleman asks where we sell our salt. I tell him that we sell it in New York City——

Mr. BURROWS. To what points do you ship it on the Atlantic coast? That is the point I want to get at.

Mr. WHITING, of Michigan. To New York City, to Boston, and Philadelphia——

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. BURROWS. I ask unanimous consent that the gentleman from Michigan may be permitted to proceed for ten minutes longer.

There was no objection.

Mr. WHITING, of Michigan. The gentleman asked me to what points on the Atlantic coast and in what amounts we shipped our salt from Michigan. I respond to him that we ship it to Washington, Baltimore, Philadelphia, New York City, Boston, and to Portland. [Applause on the Democratic side.]

Mr. WASHINGTON. Ask him another one. [Laughter.]

Mr. BURROWS. What proportion of that product do you ship to the Atlantic coast?

Mr. WHITING, of Michigan. I think we are shipping at present nearly one-half of the product.

Mr. BURROWS. But on the average annually?

Mr. WHITING, of Michigan. Well, we have only been running for about a year and a half, and claim that we can manufacture a better quality of salt than the British salt, although there are people who believe that the salt produced in this country is not as good for packing meat or butter.

Mr. BURROWS. Are the freight charges on salt of a good quality different from those charged for the inferior grades?

Mr. WHITING, of Michigan. The freight on salt is $3.90 a ton from Michigan to New York; and we sell it for $10.50 a ton in New York City, and part of it for $20 a ton. [Applause on the Democratic side.]

Mr. BLAND. I guess the gentleman over there is pretty well salted down now. [Renewed laughter.]

Mr. WHITING, of Michigan. The gentleman from Michigan said that the English salt could be landed in New York City for $5.75 a ton. I have been told by a gentleman there, a very intelligent gentleman, and in the salt business, that this Liverpool salt cost there $6 a ton. That is not a material difference, therefore, in that respect. But the Warsaw salt people of the State of New York send their salt to New York City and sell it at $4.25 a ton. Church & Co., the saleratus manufacturers, buy their salt at $4.25 a ton and are satisfied with the quality of it in their business. There is no reason in the world why Michigan should send its common salt, or what is called "fine salt," into New York at all.

New York State can supply the city of New York with salt, and she need not go West to interfere with the Michigan industries.

Now, I want to say that salt is bulky and will not bear very great transportation as a rule. It will not pay to ship salt to Kansas, as there have been discovered great salt fields in Kansas; and I have been of opinion lately that at my first opportunity I would like to go to Kansas and manufacture salt there.

Mr. PETERS. Come on.

Mr. WHITING, of Michigan. It can be made there, and let me tell you that English salt free, or even with a premium added to it, could not be transported to Kansas and compete with salt made there. [Applause on the Democratic side.] And if there are places somewhere on the seaboard where British salt can be laid down in competition with American salt I do not think it is fair for the manufacturer to ask the people living there to pay from four to six dollars a ton transportation to get it there. It is not honest. [Applause on the Democratic side.]

Now, on this tariff question generally I have but one thing to say. I believe that a reduction of the tariff simply reduces the toll which a foreign manufacturer pays for access to our markets. [Cries of "Good!" and applause on the Republican side.] If that toll is reduced it will make that access freer and easier to him, but that necessarily increases competition, and competition means lower prices, and that is what the people demand. [Loud applause on the Democratic side.] It is what the manufacturers need if they would make a success of manufacturing long in this country. [Renewed applause.] I do not see how manufacturers can expect with impunity to combine, close up part of their factories, and then ask the overtaxed agricultural people of this country to pay them higher prices. It curtails business and throws labor out of employment. [Applause.]

Mr. HEARD. That is just the point I wanted to ask a question upon, and I want to renew the question that I submitted to the gentleman's colleague from Michigan, whether such combinations exist, or such an association as he has suggested, among the salt men, that would necessarily curtail the production and increase prices?

Mr. WHITING, of Michigan. I must say there is not. I never knew of there being any such combination in our State of Michigan to curtail production. [Loud applause and cheers on the Republican side.]

Mr. HEARD. Mr. Chairman——

Mr. BUTTERWORTH. The gentleman from Michigan and the gentleman from Missouri ought to have settled among themselves this question in advance. [Laughter.]

Mr. HEARD. I am very much obliged to my friend from Ohio. Now, Mr. Chairman——

Mr. MCKENNA was recognized.

Mr. COX. The gentleman from Michigan has promised to yield to me the remainder of his time.

The CHAIRMAN. The Chair did not know that the gentleman had yielded, but had recognized the gentleman from California, Mr. MCKENNA.

Mr. COX. The gentleman from Michigan had not occupied all of his time, and I hope he will yield to me for a moment.

Mr. HEARD. I should like to be permitted to say a word——

Mr. WEBER. Because that was a misplaced trust? [Laughter.]

Mr. WHITING, of Michigan. I yield the remainder of my time to the gentleman from New York [Mr. COX].

Mr. COX. My colleague from New York [Mr. BELDEN] gave me a very flat contradiction, I will not say a discourteous one, when I said that the dairymen have appealed for a remedy from the burdens they are suffering, and for relief at the hands of this Congress. I hold in my hand thirty-three petitions, being only a small number of those which have been submitted by the agricultural communities from Maine, Vermont, Ohio, Iowa, Kansas, Illinois—everywhere, asking for the repeal of this salt duty.

Mr. BELDEN. Will not you read one from New York?

Mr. COX. I have only a small number of them here, and have not even gone over the names on them all to see where they came from.

Mr. BELDEN. But just read one from New York.

Mr. COX. But the gentleman did not limit me to New York when he contradicted me. I said that the dairymen petition for this repeal.

Mr. BELDEN. I have no doubt the gentleman can produce some outside of New York. I asked him for one from New York.

Mr. COX. I will find some from New York, for I have had them; but I will not be led from my statement. The gentleman said that no dairymen had asked for it. He did not say New York dairymen.

Mr. BELDEN. Then I will correct myself.

Mr. COX. No matter now; but the gentleman ought to apologize to me before he takes the floor again. [Laughter.]

Mr. BELDEN. For what?

Mr. COX. For contradicting me and saying that the dairymen had not petitioned Congress on this subject.

Mr. REED. He did not contradict you. He asked you to name some dairymen that had petitioned for this, and you could not do it.

Mr. COX. I do not see exactly just how you come into this debate. [Laughter.]

Mr. REED. Why did you not name somebody?

Mr. COX. Because I did not have these petitions in my hand, because they were shut up in that terrible "dungeon keep" called the Ways and Means Committee. [Laughter.]

Mr. REED. You are right about that.

Mr. COX. Now here is a petition which was sent to the gentleman from Iowa [Mr. GEAR], and the man who sent it indorses this:

Hon. J. H. GEAR:

DEAR SIR: I could furnish a petition many yards long, of all our cream patrons, who, so far as I know, are a unit on this subject. Democrats, Republicans, Greenbackers, Prohibitionists, and what not, all join hands on this issue.

You see they are unanimous. Even the "what nots" are in favor of repeal. [Laughter.] There never was such a demand from the dairymen for relief. And what do they say? Here is the petition sent to the gentleman from Iowa [Mr. GEAR]:

THE DAIRYMEN'S PETITION.

To the Congress of the United States:

We, the dairymen, dealers in and consumers of dairy products, respectfully petition your honorable body to remove the duty on foreign salt. The revenue derived from it is not needed by the Government, and the tariff does not protect nor have the effect to improve the quality of American salt, while the tax is a direct one on the leading dairymen of the country, who must have the best English salt to use in their butter and cheese. A salt trust has been proposed by American manufacturers for further increasing this burden, and it would seem that the interests of the millions of consumers (salt is a necessity used as much by the laborer as the millionaire) should prevail as against the interest of a few score of manufacturers, having according to the last census, but about 4,000 employés. A rebate is now given to fishermen and meat-packers on all goods exported that have been salted with foreign salt. This is a discrimination in their favor. We ask for no discrimination for our benefit, but respectfully petition your honorable body to forthwith remove the unnecessary tariff on salt, which is now a burden thrown upon the dairy interest, and by such removal to encourage the use of the best material and the production of the best dairy goods.

I have here also another similar petition, which I see was presented by my distinguished friend from Ohio [Mr. MCKINLEY.] It is signed by Mr. C. N. Case and many others, citizens of Hudson, Ohio. So much for that.

Now, Mr. Chairman, I observed that my friend from Michigan [Mr. BURROWS], although his time was extended, took care never to say a word by way of explaining why relief should be given to the pork-packers or the fish-packers in the matter of salt, while it was denied to the dairymen. He never said a word about that. He carried along his beautiful argument in his usually fluent and smooth way, but never a word as to the inequality between fish-curers and beef-packers and our dairymen.

The gentleman indulges also in sweet and honied phrase; but my colleague [Mr. BELDEN] belongs to the sour and acrid kind, and I want him to apologize. [Laughter.]

Mr. BELDEN. For what?

Mr. COX. For contradicting me when I said the dairymen had petitioned. [Laughter.]

Mr. WHITING, of Michigan. I withdraw the formal amendment.

Mr. MCKENNA was recognized and offered to yield to Mr. HEARD.

Mr. HEARD. I thank the gentleman for his intended courtesy, but I will take the floor later in my own right.

Mr. MCKENNA. Mr. Chairman, I have been reluctant to engage in the debate on this bill from a persuasion of its absolute inutility. There is not much stimulus to speech and action in such a feeling as that. One likes to reserve his efforts for cases and situations where he can entertain a rational hope of producing some effect. No such hope can be entertained here and on this bill. If it ever was doubted, it can not now be doubted, that the Democratic party in this House intends that no amendment but of its moving shall receive anything but an idle hearing; no suggestion of any interest or industry represented on this side of the House shall be given anything more than the temporary toleration and consideration commanded by the rule. Now, Mr. Chairman, I am not disposed to whine about this. It is the invariable effect of Democratic supremacy, and the least evil effect of that supremacy.

My regret, sir, occurred when the Democratic party achieved its triumph at the polls. That instant informed the country of all the future of that party. What has followed since has been and is of course, and even those who will not see anything until the evil overtakes them and overwhelms them, must be now convinced of the purpose of the Democratic party here and hereafter. The obtusest-angled intellect, the opaquest comprehension can not but discern that they intend with relentless resolution to pass this bill as it is, or in such shape as the majority alone shall put it, and, Mr. Chairman, for myself, and speaking only for myself, I would not stay them a day, nay not an instant. If it were not vulgar I would say, "Let her go, Gallagher." [Laughter.] Mr. Chairman, in correcter language, I would dare them to it and rejoice at the suicide, and hope, ay, confidently hope, to turn the funeral into a festival for the country. [Laughter.] But, Mr. Chairman, others think differently. I, as I have said, think that our impediment we may put in the way can only consume valuable time, time that could be more usefully employed here and at home—better and more pleasantly at home. It seems to me, sir, that on this subject ingenuity and reason are exhausted, attention is fatigued, and decision must be ready.

[Here the hammer fell.]

Mr. BIGGS. I ask unanimous consent that my colleague be granted five minutes longer.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. BYNUM. I shall not object, with the understanding that this side of the House shall have equal indulgence.

Several MEMBERS on the Republican side. Certainly.

Mr. PETERS. There is no disposition to be unfair on this side of the House. We have accorded you gentlemen over there all the time you ask for.

There being no objection, Mr. MCKENNA's time was extended.

Mr. MCKENNA. Mr. Chairman, to complete the thought I was expressing, I say that others for whose judgment I have great respect think differently from what I do about hastening the passage of this bill. They think that the funeral and festival we are sure of, and both will be the completer and the joyfuller for the waiting. It may be so, and I have deferred to the judgment of those gentlemen. Besides, Mr. Chairman, it appears to be the sentiment of the country that this bill shall be pelted further in the committee, as it can be pelted; that the evil of it and the evil that it is prophetic of shall be pointed out to the country and emphasized to the country. It is part of my function, sir, to point out its evil and the evil that is ambushed in it to my district and to my State. It carefully, industriously, cruelly discriminates against every California industry—wool, lumber, salt, borax, fruits, marble—all those industries of my State, although most of them in a nascent condition have been put upon the free-list, all taken from the labor and the profits of Americans and given to the labor and the profits of foreigners. Mr. Chairman, it is whispered that my colleagues on the other side have saved prunes. [Laughter.] Well, sir, prunes are something, and maybe we should be thankful for that something, whether fear or favor or mercy or satiated free-trade appetite has granted it to us. But I would like to ask the Democrats of this House, and especially my Democratic colleagues, to answer this question: Why so indulgent to prunes and so rigorous to other fruits; to wool, to lumber, to salt, to borax? What virtue is there in prunes and the producers of them that is not in wool, lumber, borax, salt, and the producers of them?

To my crude legislative notion, Mr. Chairman, if any one of these things is entitled to protection all are; and a Democratic legislator from California, if he dared to discriminate, might find warrant and guaranty in the sentiment of the party in his State for favoring wool instead of prunes. I will read the Democratic platform of California for 1886, upon which my two colleagues were elected. I wish to see whether that portion of the Democratic party was represented upon the Committee on Ways and Means, as its chairman said the Democratic party was represented:

Resolved, That the present tariff on wool, prepared by a Republican commission appointed by a Republican President, is an unjust discrimination against a great industry; and we denounce the same and demand the restoration of the tariff of 1867.

[Applause on the Republican side.]

How is that for free wool? Now I would not be much of a prophet if, in answer to my colleague's prediction about the majority Mr. Thurman will receive in California, I should predict that he would receive the same majority that Mr. Hendricks did, that gentleman having been left in a minority by 13,000.

Mr. Chairman, if concessions are to be made by Democrats because they are Democrats, or if concessions are to be made to Democrats because they are Democrats, why should not a California Democrat demand favor for wool? When a California Democrat begged alms or forced concessions, why did he not beg alms and force concessions for wool and for lumber and for the other things in which his State is so largely interested?

Now, Mr. Chairman, I do not blame my colleagues; they, no doubt, did the best they could. They are not to blame, because they could not overcome the insuperable. Their fault is that they are Democrats. Their merit is that they are better than their party. If they had supreme merit they would be Republicans. [Laughter.]

[Here the hammer fell.]

Mr. McKENNA. No, Mr. Chairman, I rose to talk upon the subject of salt. [Laughter.]

The CHAIRMAN. The gentleman's time has expired.

Mr. McKENNA. I ask a few moments more, and then I will not trespass again upon the indulgence of the House.

Mr. MACDONALD. I give notice that hereafter I shall object to any extension of time, unless gentlemen confine themselves to the pending paragraph of the bill. I object to any general discussion, as general discussion on the bill has closed.

The CHAIRMAN. Is there objection to extending the time of the gentleman from California [Mr. McKENNA]? The Chair hears none.

Mr. McKENNA. Mr. Chairman, it is asserted that a tariff duty is a tax on the consumer. I shall not stop to deny or assent to that proposition. I simply say that if the tax on salt is a tax on the consumer, it strikes me there can not be very much ground for complaint, because it has passed into a proverb that a fellow who can not "make his salt" is not worth much. [Laughter.] But, Mr. Chairman, if this duty were a tax on the consumer it would still be only a question of wise statesmanship whether we should impose it or not. The question would be one for discussion like that connected with any other tax. In connection, however, with this proposition I wish to read an advertisement of the Carmen Island Salt Company, of Lower California, Mexico, in which they declare that they will furnish—and I ask the attention of gentlemen from New York—the finest of salt to the people of California. They say that their salt upon a test is "found to contain 93.10 per cent. of sodium." I will remark in passing that our California crystal salt contains 99.63 per cent. of chloride of sodium, and is purer than the foreign salt. This is what the Carmen Island Company say:

The undersigned general manager of the Carmen Island salt-lake and works, situated in the Gulf of Lower California, Mexico, 120 miles north of the port of La Paz, and at an equal distance south of the port of Guaymas, being desirous to suppress the continued introduction of spurious salt manufactured by competitors and sold at foreign ports or abroad as Carmen Island salt, causing by said deception in many instances great losses to farmers, miners, and other industrial pursuits wherein the use of pure salt is indispensable, has resolved to reduce the rates out of all competition and is willing to make satisfactory arrangements to the consumers, at prices which will cover the freight, duties, and other expenses in foreign markets, placing it in San Francisco, Cal., as low as the prices asked by monopolists for an inferior salt.

As no Carmen Island salt has been shipped to San Francisco, Cal., or to any other port of that State for the past four years, this is a good opportunity for parties interested in this line.

Special contracts can be made to advantage by applying to James Viosca, general manager, La Paz, Lower California, or to Messrs. Thannhauser & Co., No. 311 California street, San Francisco, Cal.

Now, Mr. Chairman, what I have just read is pertinent upon the question as to who pays the duty on salt—whether it is the consumer or not; because here is a company in Mexico that offers to pay the duty and undersell domestic salt in our market. I thank the House for its attention.

[Here the hammer fell.]

Mr. BIGGS. Mr. Chairman and gentlemen of the committee, as my colleague [Mr. McKENNA] has taken particular pains to refer to the effort to get prunes on the free-list. I propose now to "prune" him a little. I think a little "pruning" is very essential to my colleague. He means well; his heart is right; but his head is a little wrong on this question. And in "pruning" I propose to use a little salt, but not any pepper. [Laughter.]

My colleague has read the Democratic platform which was adopted by the Democratic State convention of California held two years ago. I was elected on that platform, but the Committee on Ways and Means have done so much for us I say we can afford to give up free wool. I propose to go before my people and make the issue fairly and squarely. Now, I challenge the gentleman and ask him to come out and define his position, whether he is in favor of free sacks or not. I pause for an answer.

Mr. McKENNA. I can answer very quickly.

Mr. BIGGS. Then answer.

Mr. McKENNA. It does not embarrass me to answer questions of that sort put to me by my colleague. I tell him if sacks or bags are made in this country I am not in favor of putting them on the free-list.

Mr. BIGGS. Answer the question, yes or no.

Mr. McKENNA. If they are made in this country and the foreign article comes into competition with them, I am not in favor of putting them on the free-list; but, on the contrary, I am in favor of protecting them. If they are not made in this country, I am in favor of putting them on the free-list.

Mr. BIGGS. The gentleman knows as well as I do that at the California penitentiary at San Quentin they manufacture 15,000 sacks a day, which, however, is only a drop in the bucket compared to the 60,000,000 sacks we have to import for the purpose of transporting our wheat and corn and oats to market. If those sacks were allowed to enter free it would amount to a saving of some $700,000 annually to the people of California.

Mr. McKENNA. By making in this country I do not mean in prisons.

Mr. BIGGS. Let the gentleman get up here and say whether he is not in favor of keeping the duty upon imported sacks, which imposes such a heavy duty on the part of our farmers and fruit-growers in California. Why should our plums and prunes, and wheat and corn, and oats and barley have to pay such a duty? What necessity is there for it? [Applause.]

There is a great industry in California which has been overlooked. It is the wood-pulp interest; that, and all other interests in which California is concerned, will fare better under this bill than under the present tariff. If the bill should become a law, as I have already stated, on the one single article of sacks we will make an enormous saving on the 60,000,000 sacks which are imported annually for the transportation of the products of our agriculture.

Mr. McKENNA. Let me ask my colleague whether the bill has restored the duty on raisins?

Mr. BIGGS. It makes the duty 1½ cents a pound.

Mr. McKENNA. But has it restored the duty to what it was?

Mr. BIGGS. It has not.

Mr. McKENNA. Were you not elected upon a platform which insisted upon keeping up that duty on raisins?

Mr. BIGGS. That is all right. We propose to carry out the wishes of the people. The gentleman seems to have forgotten that we adopted a new platform quite recently [great laughter and applause], and we intend to carry it out. Henry Clay once said, "A wise man changes his opinion, but an idiot and a fool never does." [Renewed laughter and applause.]

So far as California is concerned, this bill is far better than the present tariff. It is not in favor of protecting the great producers and the great manufacturers at the expense of the many, but it is to relieve the many of heavy burdens and compel the few to pay their share of the revenues.

I have been a laboring man all my lifetime. I have labored at mauling rails at 50 cents a day, and am not ashamed to avow it.

I want to know of my colleague whether he is in favor of keeping up the duty on salt, when every man, woman, and child in the State of California has to use that article not only as an article of food, but in preparing products for market? Is he in favor of keeping up the tax on the necessary articles of life used by the poorer classes of people and allow the luxuries of the rich to go untaxed? [Applause.]

Mr. McKENNA. Will the gentleman permit me to ask him a question?

Mr. BIGGS. Yes, I will yield to my colleague or any other gentleman on that side of the House. I am not afraid of any of their questions; only let them come one at a time. [Laughter and applause.] I feel confident to dispose of them all one at a time.

I must express my thanks to my Democratic colleagues of the Committee on Ways and Means for providing for the importation of free sacks by putting them upon the free-list. Every article we produce, such as wheat, corn, rye, and oats, has to be shipped in sacks. I will go before the people of California with my colleague, and we will see whether they will sustain him or sustain the committee which has reported the pending bill. In my judgment his majority of 2,500 will not save him from defeat. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. McKENNA. I ask that my colleague's time be extended.

Mr. BIGGS. I have said all that I desire to say, and I do not wish for any extension.

Mr. BLAND. I understand the gentleman from Michigan [Mr. TARSNEY] is entitled to the floor, but I now give notice that after he has been heard I shall insist upon confining this debate to the five-minute rule, and shall object to any more extensions.

Mr. TARSNEY. I believe I have the floor.

Mr. MILLS. I ask for a fair division of time between this side and the other. This morning two-thirds of the time have been consumed by gentlemen on the other side.

Mr. REED. There will be no objection on this side to what you demand, if we understand the gentleman correctly.

Mr. BREWER. I believe the floor was yielded to me. We have not had any more time on this side of the House than was allowed to the other.

The CHAIRMAN. The Chair has not kept an account of the time of either side, but he does not think more has been occupied by one side than by the other.

Mr. BREWER. I will yield the floor to my colleague [Mr. TARSNEY].

The CHAIRMAN. The Chair hears no objection, and informal amendments are withdrawn.

Mr. TARSNEY. I renew the *pro forma* amendment.

Mr. Chairman, I can hardly allow this paragraph to pass by without making some observations in relation to the product of which it treats. It happens, sir, that I come from the center of the salt-producing district of the Northwest, the great Saginaw district, the city in which I live. Last year we produced 3,944,000 and some odd barrels of salt. That is just about our average annual products, although this year it will probably exceed 4,000,000 barrels. That, as has been said by my distinguished colleague [Mr. BURROWS], is more than one-third of the entire salt consumed within the limits of the United States. About one-half of the balance is produced in the other States of the Union outside of Michigan, and the remainder is imported.

Now, I desire to make a statement concerning the true position that

salt has held, which may be startling to some of my friends on the other side, and I ask their careful attention to it. I desire to make this statement, and I make it from personal observation, as well as from the best testimony that I can get from leading salt manufacturers, even from the president of the Salt Association of Michigan himself, and all of these point to the fact, which is admitted by the president of the Salt Association to which I have referred, that salt is practically upon the free-list to-day.

Now listen; if while you are talking about protecting salt I point to the record of the Republican party and show the fact that it was from your hands came the very first blow that struck down the duties on salt, then I think your arguments on this subject will have been largely met. I refer to the record of your acts in 1871, and I call your attention to what a leader of your party then said, Mr. EUGENE HALE. Do you know him? He introduced a bill into this House, or rather he called it up for consideration, to place salt upon the free-list. There was the first attack upon this product, and you will find by reference to page 24 of the RECORD of that session of Congress the evidence of what was done.

Mr. COX. Under order of Mr. Blaine.

Mr. TARSNEY. I will not stop to read what the gentleman then said, but will content myself by referring you to the RECORD; it is here.

Mr. COX. What Congress was that; the Forty-second?

Mr. TARSNEY. Yes; in 1871.

I will call the attention of the committee to that now. The very next day the distinguished decliner of the Presidency, now abroad, moved to place coal upon the free-list. Then time passed on again until 1883, and what do we find there? This provision of law, to be found on page 514 of the Statutes of that year, which did ruin, if that term can be applied, the industry of salt, and why? Because the duty was removed to the extent of 90 per cent. on all salt manufactured in the country for the purposes of curing meats, especially upon proof that it was used for that purpose; but salt imported for the purpose of curing fish was admitted in bond, and that meant absolutely free. Who is benefited by it? Why, the gentleman from Maine, who has so manfully attacked this proposition, and the gentleman from Michigan, with his salt. But who passed that bill? I find upon the pages of that RECORD, having it here before me, that on March 3, 1883, on the vote for free salt, there were recorded the names of such distinguished gentlemen as the following (now I ask you to listen): JULIUS C. BURROWS, of Michigan. [Laughter and applause.] I find another protective patriot loudly proclaiming for protection, then representing the district from which my friend from New York comes, the Syracuse district. I refer to Mr. FRANK HISCOCK. His name I find appended there in favor of free salt. I find the name of another distinguished gentleman who marshals his forces here upon the floor of the House to-day in opposition to every proposition suggested by the Committee on Ways and Means to benefit the people of this country by a reduction of these charges—Mr. REED, of Maine, who voted for free salt on that 3d day of March, 1883. [Applause on the Democratic side.] There is your record, gentlemen, that you have made.

I remember well, Mr. Chairman, when, in 1884, I stood upon a platform in the city of Saginaw, with a CONGRESSIONAL RECORD in my hand and the United States Statutes before me—at that time as now the attorney for many salt producers of the State—and made the bold and open declaration that there was then no such thing as protection to them upon their salt. I pointed out the record that Mr. HALE had made and Mr. HOAR had made, and the record of Mr. HISCOCK upon this question.

I also pointed out to them the record my distinguished friend from Maine [Mr. REED] had made. I stated, these are the men who have protected you; see what they have done. [Laughter and applause.] Oh, yes; but before that the same man HALE, who struck the blow at our salt industry, came to Saginaw and took a great interest in that question of our protection. Oh! you ought to have seen, Mr. Chairman, the elaborate preparations they made to receive the distinguished protectionist, the man who was doing so much for their local industries. A platform of salt barrels and lumber and shingles was erected in an angle of the street, and the distinguished gentleman from Maine had talked boldly and loudly about protecting the very salt that he voted to destroy and tried to destroy. [Laughter.]

[Here the hammer fell.]

Mr. BREWER. I ask unanimous consent that my colleague be permitted to have additional time.

There was no objection.

Mr. TARSNEY. I thank the committee for its indulgence.

Mr. COX. The committee thanks you. [Laughter.]

Mr. TARSNEY. And I beg its pardon for obtruding my remarks so long upon its attention. But this is a matter in which I feel a deep interest. Now let me give you some more facts from the history of this question.

A distinguished gentleman whose death we mourned here but a few months ago, Hon. John A. Logan—he, too, voted for free salt; and one of my predecessors, one John F. Griggs, who represented the Saginaw district, and as consistent and honorable a gentleman as ever lived, came here then, an ex-member of Congress, deputed to plead for the salt industries of that district in my State. Mr. Logan turned to him and said: "Why, Griggs, I voted at that time to maintain the duty upon salt, and I never got the devil so much in my life as I did from my constituents for the vote that I then gave." [Laughter.]

Now, then, Mr. Chairman, I do not desire to occupy the attention of this committee but a moment longer, and I simply do so to call to the attention of the committee the fact that I represent a district and the people of a district whom I know well. Knowing the ground upon which I stand, knowing the situation of our people there, I could not permit myself to remain silent upon this floor, and have one of my colleagues, who hitherto has voted to strike down the very industry for which he now pleads, undertake to represent me or my constituents. [Applause on the Democratic side.]

I will take care of myself. I will do my duty to my own constituents without his aid. [Applause.] I can go home to my constituents at Saginaw, and I can justify the vote that I shall cast upon this question to them. [Applause on the Democratic side.]

To my distinguished friend from Maine I desire to say, and to the House, that every time I have been a candidate for Congress in the Saginaw district that gentleman has been there opposing me.

Mr. COX. You ought to thank him for it. [Laughter.]

Mr. TARSNEY. I do thank him for it; and I desire to say more than that: that if I should ever be so unfortunate, as I hope I shall not be, of becoming again a candidate for Congress, all I desire is, on behalf of myself, and on behalf of the salt manufacturers of Saginaw, on behalf of my constituents generally, to invite the gentleman from Maine to come down again and help to send me back here. [Laughter and applause on the Democratic side.]

Mr. BRECKINRIDGE, of Arkansas. How does the record of the time stand, Mr. Chairman?

The CHAIRMAN. The Chair has endeavored to divide the time evenly between the two sides; but in cases where the time of gentlemen has been extended by the committee the Chair has regarded that action as taking the matter, to that extent, out of his hands, and has not kept account of such extensions.

Mr. BREWER. Mr. Chairman, I have listened with much attention to all, or nearly all, the speeches that have been delivered on the other side of the House during this debate, and while our friends on that side have told us that they were not in favor of absolute free trade, yet I must say that every argument that has been adduced in those speeches has tended toward that result. But, Mr. Chairman, while this is a fact, yet when these gentlemen come to apply the principles which they advocate in their speeches to their own districts they usually desire a proviso that those principles shall not be applied practically to the industries that exist there. We see this illustrated in the one hundred and more amendments proposed to this bill in the Democratic caucus. We see it also in the action of that caucus in adopting some forty amendments in order to ease the consciences and secure the votes of certain members for the bill under consideration. But, sir, there are some honorable exceptions to the rule which I have stated, and those exceptions, I am proud to say, come from my own Peninsular State.

There are gentlemen upon the other side representing great industries in my State who are free-traders on principle, and they propose to stand here and advocate their principles, even though the effect may be to destroy the industries of their districts; and I commend to the consideration of the people of Michigan the fact that my friends, Mr. WHITING, Mr. TARSNEY, and Mr. FISHER will stand here and vote to strike down those great industries which were built up not by those districts alone but by the State of Michigan. Although there is no salt manufactured in the district which I represent, yet my district was taxed to help to build up the salt industry which these gentlemen, I think, misrepresent upon this floor. About the year 1859 the Legislature of Michigan enacted a law offering a bonus of 10 cents per bushel for all the salt that should be manufactured in the State, and that was what induced the capitalists of the Saginaw Valley to put down a well for brine. That proved a success and salt was produced. About the year 1865 the act was repealed because it was found that we could manufacture enough salt to bankrupt the State with that bonus. But the result has been that a great industry has been built up, extending all over the northern portion of the lower peninsula of Michigan, and when these gentlemen stand here now and insist that the people whom my colleague [Mr. BURROWS] and myself here represent have no interest in that industry, I deny the statement.

It is said by my friend and colleague [Mr. WHITING] that he is able to manufacture and send salt to New York and to other places upon the Atlantic coast and sell it in competition with that which is produced in England. But why is that? If I am correctly informed, my colleague stands at the head of a salt monopoly which is protected by an English patent, and which has the exclusive right to sell that kind of salt in the United States free from competition of the English product, and that is the reason why he is enabled to send his salt to New York and sell it in competition with English salt.

Mr. WHITING, of Michigan. Did I understand the gentleman to say that our company had the exclusive right to sell that salt?

Mr. BREWER. I have so understood.

Mr. WHITING, of Michigan. That is a mistake.

Mr. BREWER. Has not the gentleman an English patent for the manufacture of a certain kind of salt?

Mr. WHITING, of Michigan. Not at all, sir.

Mr. BREWER. Have you not a patent for the manufacture of a certain kind and quality of salt?

Mr. WHITING, of Michigan. Our salt is made under a patented process; but the patent is not English, and it is not restricted to us.

Mr. BREWER. It is restricted, I suppose, to those who have an interest in the patent.

Mr. WHITING, of Michigan. They now propose to put up a plant in Ithaca, N. Y., to make salt there.

Mr. BREWER. But no one can manufacture by that process who has not acquired an interest in that patent?

Mr. WHITING, of Michigan. The owner of the patent sells it.

Mr. BREWER. Of course.

Mr. BURROWS. I ask my friend [Mr. BREWER] to yield for a moment to let my colleague [Mr. WHITING] make a correction. I am sure that my colleague left the impression upon the committee that the ordinary salt manufactured in the Saginaw Valley can be put down on the seacoast in competition with foreign salt.

Mr. WHITING, of Michigan. I did not say that. I say they ought not to try to put it there.

Mr. BURROWS. Then you referred only to your particular kind of salt?

Mr. WHITING, of Michigan. Yes, sir. That is the only salt from Michigan that goes there.

[Here the hammer fell.]

A MEMBER. I ask unanimous consent that the gentleman be allowed to continue for five minutes.

Mr. BLAND. Mr. Chairman, I gave notice awhile ago that I would have to object to these extensions of time.

Mr. OWEN. Did you operate that rule against the gentleman from Michigan [Mr. TARSNEY]?

Mr. BLAND. I will not object in this case, but I give notice now that hereafter I shall object. I shall endeavor to confine this debate, if I can, to the five-minute rule, in order that you may proceed with this bill.

Mr. WHITING, of Michigan. I would like to state the reason to my friend [Mr. BREWER].

Mr. BREWER. I hope my colleague will wait until I get through. My colleague from the Saginaw district [Mr. TARSNEY] in the fifteen minutes which he occupied forgot to tell the House, or to tell his constituents through the RECORD, whether he was in favor of free salt or not, just as he forgot to tell his constituents whether he was in favor of free lumber or not.

Mr. TARSNEY. I told you that salt was free to-day.

Mr. BREWER. The gentleman has said that our colleague, Mr. BURROWS, and my friend Mr. REED, and other prominent gentlemen on this side of the House voted for free salt. I presume he found that stated in a letter contained in the correspondence between myself and the gentleman who is a prominent candidate for governor of Michigan, the president of the Salt Association of that State.

It is true that an act was passed allowing packers of meats who export such meats a rebate of duty upon the salt used in that way. But, sir, that was done to accord with a law applicable to everything else that was imported into this country for the purpose of being manufactured or worked over and exported again—a law which had been upon the statute-book for years. I refer the gentleman to sections 3019 and 3020 of the Revised Statutes, and for his information I will insert them in my remarks at this point. They are as follows:

SEC. 3019. There shall be allowed on all articles wholly manufactured of materials imported, on which duties have been paid when exported, a drawback equal in amount to the duty paid on such materials, and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury. Ten per cent. on the amount of all drawbacks so allowed shall, however, be retained for the use of the United States by the collectors paying such drawbacks, respectively.

SEC. 3020. When fire-arms, scales, balances, shovels, spades, axes, hatchets, hammers, plows, cultivators, mowing-machines, and reapers, manufactured with stocks or handles made of wood grown in the United States, are exported for benefit of drawback under the preceding section, such articles shall be entitled to such drawback in all cases when the imported material exceeds one-half of the value of the material used.

SEC. 3021. Railroad-iron, partially or wholly worn, may be imported into the United States without payment of duty, under bond to be withdrawn and exported after such railroad-iron shall have been repaired or remanufactured. The Secretary of the Treasury is hereby authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud, and secure the identity, character, and weight of all such importations when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of the importation.

As I have said, this law was upon the statute-books long before the revision of the tariff in 1883, when the rebate on salt was granted. Therefore, in making that enactment with regard to salt, Congress only put that article upon the same basis with other articles imported into this country to be worked over and exported again; and, protectionist as I am, if I had been here I should have voted for that act granting the rebate, because it simply placed salt upon an equality with other articles imported under like conditions. The gentleman speaks of the fish-packers and the rebate allowed to them, forgetting to state that that law was passed many years ago, even, I believe, before the Republican party came into power. The gentleman talks also about the Democratic party protecting the salt industries of the country.

Sir, there has not been a session of Congress within twelve years past at which a bill has not been introduced by some Democratic member for the purpose of putting salt on the free-list—not one. Such a proposition has never received any support to speak of from this side of the House, while it has received the strongest support from the other side. Reference has been made to the colloquy between Mr. Driggs and General John A. Logan, and to the vote in the Senate on the proposition to put salt on the free-list. Let me state that when that proposition was voted upon, among the twenty-six Senators who voted to retain the duty on salt there were but two Democrats; and of the twenty-four members who voted in favor of free salt every one was a Democrat, except Mr. Davis, who was then an Independent.

Mr. TARSNEY. My colleague will allow me to say that 90 per cent. of the gentlemen who voted for this rebate in 1883 were Republicans.

Mr. BREWER. I have conceded that, and I said that if I had been here I would have voted for it; and I have explained the reason why. And now, Mr. Chairman, believing as I do fully in the policy of protection, I desire that principle applied to every industry in the United States, whenever the products of such industry come in competition with similar productions from abroad, whether such industry is in South Carolina or Ohio, in Texas or Michigan. Recognizing the fact that whatever inures to the general benefit of any one State will, generally speaking, benefit the Union as a whole, I can draw no sectional lines on this question. As I have said, there is no salt produced in the district which I have the honor to represent, but there are large quantities of salt produced in Michigan, more especially in the districts represented by my colleagues Messrs. FISHER, TARSNEY, CUTCHEON, and WHITING.

In 1868 the Legislature at the request of the salt producers enacted a law authorizing the governor to appoint a salt inspector, so as to protect all parties interested, both the producer and the consumer. In 1866 salt was worth at the works $1.80 per barrel, and in 1869 there was manufactured 561,288 barrels, and the average price at which it was sold was $1.58, including the barrel. During the fiscal year 1887 there was manufactured in Michigan 4,260,012 barrels of salt, and the average price at which it was sold was 57.4 cents per barrel. This included the price of the salt and barrel also, as I have stated. I will here give the average price of salt per barrel at the works, from the year 1866 to 1887, both inclusive.

1866	$1.80	1877	$0.85
1867	1.77	1878	.85
1868	1.85	1879	1.02
1869	1.58	1880	.75
1870	1.32	1881	.83½
1871	1.46	1882	.70
1872	1.46	1883	.81
1873	1.37	1884	.75½
1874	1.19	1885	.70
1875	1.10	1886	.66
1876	1.05	1887	.57½

The total amount of salt produced in Michigan up to the close of the last fiscal year was 41,322,895 barrels. In the year 1857, I think it was, salt was worth in the city of Detroit $2 per barrel, and I well remember in taking a load of flour consisting of eight barrels, which was all the team could draw as the roads were then, to Detroit, which was 32 miles from my father's farm, it took three days to make the trip, and I sold the flour for $3 per barrel, and paid $2 for a barrel of salt, and spent what little money was left after paying my expenses for land-plaster. I should not have had any left to buy the plaster had I not carried my own lunch to eat upon the road and my own feed for the team. These were in the good old days of a low Democratic tariff and James Buchanan. The impetus which the bounty paid by Michigan gave to this industry I have no doubt has been worth millions of dollars to the people of my State, and has cheapened this product to the people of the whole Northwestern portion of our country. The average amount of salt used per capita of our population costs about 12 cents, I believe.

About one-third of all the salt consumed in this country is produced in Michigan, and one-third is produced in New York and other States, while one-third is imported. Although salt is worth more at Liverpool than in Michigan, yet the rates of freight are so low from Liverpool that salt can be laid down in the cotton States and on the Atlantic coast cheaper than Michigan salt can. I have no doubt salt costs the consumer in the Gulf States more than twice as much as it does in Michigan. I do not know how true it may be, but I have been informed that there can be good salt or brine found in Louisiana and Texas, but what have our friends done to build up the salt industry in these States? Acting upon the same policy which they are seeking to force upon the whole country, they prefer to raise cotton and send it to England and bring back in exchange salt—that article that they so much needed but a few years ago when communication was cut off between that portion of our country and England.

You then saw how utterly helpless any nation must be which can not supply its own people with the necessaries of life, and yet you would by your ruinous policy, if carried out, soon place our whole country in this dependent state. You would destroy our ship-yards by buying

free ships. You would destroy our salt industry, our wool industry, our ship-building, and all other industries, if you thought by buying in foreign markets you could save a farthing, although such course should destroy our national industries, bankrupt the nation itself, and make us entirely dependent upon foreign lands for many of the necessaries of life which we can now produce in abundance. My friends, every true American heart must rebel against such a policy as you advocate. The ideas which you are seeking to advance to-day were held by your fathers forty years ago; but since that time this nation has grown and prospered beyond the brightest dreams of our fathers, and yet you dream on as of old, proposing to buy the products of strangers rather than from your own household or neighbors if you can save the paltry cent thereby.

Your policy is un-American, unpatriotic, and I believe unwise, and such will be the verdict of the people on the 6th day of November next.

But dream on my friends, if you will, but as you dream the march of American progress will pass you by as in the past. New industries will continue to spring up and old ones will be enlarged. The active, energetic, inventive genius of our people at the North, which has been stimulated by our protective tariff laws, will work out new machinery for the benefit of our toiling people, and new forces will be brought under the subjection of mind and controlled for the prosperity and glory of man.

Do not be deceived. Your conventions may be controlled in some of the Northern States by the power of the Administration through its thousand of public officials which have filled these conventions in Pennsylvania, Ohio, and Michigan. You may by this influence strike down your Randalls, your Forans, and other protection Democrats, but you can not stifle the voice of the people in these States.

Mr. Chairman, nearly every speech which has been made upon the other side of the House has been based upon three propositions: First, that protection is legalized robbery; second, that protection tends to depress our national industries; third, that protection tends to decrease the rate of wages, and is injurious to the laborer. If either of these propositions is true, and I think neither of them is, then how can any Democrat ask for the protection of any industry, although it may be found in his district? Yet the gentleman from Connecticut [Mr. VANCE] is willing apparently to vote for free wool and almost anything else, but wood-screws must be protected because this industry is found in his district. The gentleman from Missouri [Mr. CLARDY] is for free trade in everything save glass, but glass is manufactured in his district, and therefore it must be protected. The gentleman from Chicago [Mr. LAWLER] is for free trade in everything save glue, but glue is a great industry in his district and gives employment to labor. As I have said, my friends and colleagues, Messrs. FISHER, TARSNEY, and WHITING, I am glad to say stand upon a higher plane. They are opposed to protection and they say so. They are in favor of free wool, free hemp and flax, free potatoes and other vegetables which the farmers produce, and they do not propose to protect the lumber barons or salt industries which may be found in their respective districts.

They believe, as proclaimed by the Democratic platform in Michigan in 1886, that protection is legalized robbery, and they do not intend to be instrumental in perpetuating these industries, which, according to the belief of our friends, have been, as stated by my colleague [Mr. TARSNEY], violating law, oppressing labor, and robbing the people under our protective laws. No selfish interest of their constituents is to influence their action or belief touching this question. But, sir, as I have stated, the people of my district have an interest in the salt industry of Michigan, and they do not believe with my friends that protection is legalized robbery. They do not believe with my friends that protection tends to depress our national industries, to decrease the wages of labor, and to the injury of the laborer, but they believe to the contrary. They helped to build up the salt industry, and they help to supply the food upon which the labor employed therein subsists. Here our farmers find a market for some of their surplus productions, and they do not wish in any way to see this market lessened or destroyed. Sir, knowing many of the constituents of my friend from the Saginaw district, I can not believe that they are violators of law and oppressors of labor, as charged by him. I wish here to annex a statement of Hon. W. R. Burt, president of the Salt Association of Michigan, touching the salt industry in that State and the quality of salt produced:

Of all the salt consumed in the United States Michigan furnishes two-sixths, New York one-sixth, one sixth by ten other salt-producing States, and two-sixths is imported. There is very little salt produced in the Southern and Eastern States, Michigan and New York manufacturing three-fourths of all the domestic salt in the United States. The salt manufactured in Michigan and New York during the last two years has been placed upon the market and sold at substantially the same price for which English salt has been sold in Liverpool. The question would naturally be asked how could it be bought in Liverpool at the same price for which it is selling in this market, brought to the United States, paying a duty of $1.60 a ton, and sold in competition with domestic salt, so as to furnish one-third of the total amount consumed in this country. Were the freights from the West and New York as low to all points in the Southern States as from Liverpool there would be very little or no salt imported, as there is capacity enough in the United States to manufacture more salt than can be consumed.

The Northern and Western markets are largely overstocked with salt, there being at least one-fifth as much salt in the hands of the manufacturers, waiting for purchasers, as would supply the United States for one-third of a year, and it could be readily bought at the average Liverpool price for the same grade. In fact, there is no market in the world where the same grades of salt can be purchased cheaper than they can be in Michigan or New York. Notwithstanding this, you hear the cry go up "that the tariff must be removed, that the poor man may receive his salt cheaper;" and this while he is purchasing it at about 3 mills a pound, or 12 cents for each individual per year. The United States are divided into two districts, as it were, one being supplied with foreign salt entirely, or nearly so, and the other with domestic, the question of transportation making this division.

The territory supplied by foreign salt extends from Galvesten, Tex., to Bangor, Me., reaching back into the country until it meets the domestic salt, which, with the present duty, would be on a line drawn east and west through Little Rock, Ark., and Nashville, Tenn., foreign salt supplying south of this line, and domestic north of it. The average price of English salt in Liverpool and Michigan salt in Michigan, for the last two years, for the same grades, has been about $2.75 a ton; the average freight from Liverpool to the entire seacoast is about $1.40 a ton, making $4.15, to which add the duty of $1.60 a ton, and you have $5.75 as the cost of a ton of salt laid down at any point on our coast. Starting with Michigan salt at the same price, $2.75 a ton, add the average freight to these various points on the seacoast, of $5.40 a ton, making $7.95 as the cost of a ton of domestic salt laid down at these same points, which is $2.40 a ton more than the cost of the imported salt.

It will be seen from these figures that it is impossible for domestic salt to compete with foreign salt in the South and East owing to the difference in transportation. The foreign manufacturers having absolute control of the Southern and Eastern markets, while the domestic manufacturers control the Northern and Western markets; the effect the removing of the duty from foreign salt will have upon the domestic will be to restrict the market, and instead of foreign salt meeting the domestic at the above-mentioned line, it would be extended to, say, the Ohio River.

The charge has been broadly made that the Michigan salt product is unfit for canning meats and for dairy purposes, notwithstanding the fact that more than three-fourths of the beef, pork, and butter packed in the United States every year is canned with domestic salt. As to the quality of this domestic salt, it is guarantied to be equal to any salt in the world, either for salting pork, beef, or butter, and the Salt Association of Michigan have $10,000 to meet this guaranty, and stand ready to deposit that sum with a like sum to be put up by any other organization or individual in the world to enter into a series of tests with competent judges to be agreed upon to determine the superiority or otherwise of the high grade of Michigan salt over all other salts, either as to flavor or "staying qualities." Not only this, but the foregoing figures showing the shipments of bulk salt to Chicago packers tells the story. As a matter of fact Chicago packers are increasing their purchases of Michigan salt every year. If it was unfit for packing purposes would they be likely to buy 565,282 barrels of it in 1887 against 36,571 barrels in 1878 and 113,072 barrels in 1880?

MICHIGAN DAIRY SALT.

The Michigan Dairy Salt Company's works are located on the west side of the Saginaw River, opposite East Saginaw, and were established in 1877. This is the only manufactory at Saginaw for the production of a fine grade of dairy and table salt. The production of last year was over 85,000 barrels, and it is sold, like all other salt, through the Michigan Salt Association. The principal distributing points are Milwaukee, Chicago, St. Louis, Memphis, Nashville, Louisville, and Toledo, from which commercial centers it is shipped to all parts of the country. Employment is given to from forty-five to fifty hands, who are engaged in the several departments in purifying, grinding, sacking, and putting the sacks in barrels. This particular product is manufactured from the first and second lifts only of No. 1 fine salt, which is first washed in a purified solution of brine to remove all traces of calcium. This process is a patented one and is used solely by this company. The salt is then dried in a cylinder and screened to get rid of all impurities. It is next ground and packed in sacks, and then into barrels. It is also sold in bulk. The cost of production is about treble that of No. 1 fine salt. The output averages nearly 2,000 barrels per week. Twenty-four girls are engaged in bagging the salt, and they are paid at the rate of $1 per day. The following are the analyses of the four principal manufacturers of dairy salt in the world, and were made by George A. Mariner, analytical chemist of Chicago:

Constituents.	Michigan Dairy Salt Company dairy salt.	Onondaga F. F. Dairy.	Ashton, England, F. F. Dairy.	Higgin, England, F. F. Dairy.
Chloride of sodium (salt)	99.4495	99.152	98.547	98.506
Insoluble matter	.0627	.026	.056	.030
Calcium sulphate	.3562	.721	1.227	1.206
Calcium chloride	.1316	.047	.....	.....
Magnesium chloride	Trace.	.034	.059	.031
Magnesium sulphate	.....	.....	.076	.161
	100.0000	99.980	99.965	99.934

The present range of prices for Saginaw dairy salt is as follows:

Per barrel, 280 pounds	$1.30
Per barrel, containing 28 10-pound sacks	1.60
Per barrel, containing 60 5-pound sacks	1.80
Per barrel, containing 100 3-pound sacks	2.00
Per barrel, containing 140 2-pound sacks	2.20
28-pound sacks	.15
52-pound sacks	.32

The Michigan dairy salt is supplanting the Ashton salt in all Western markets. The Dairymen's Associations of Illinois, Ohio, Wisconsin, and other States, after a series of the most critical tests, declared Michigan salt to be the best for dairy purposes, and hundreds of testimonials have been received by the Salt Association in support of this statement. Following are a few of the

TESTIMONIALS.

LAFOX, ILL., *July* 4, 1887.

GENTLEMEN: I inclose this testimonial, which you are at liberty to use if you see fit. I do so the more cheerfully as it is true, every word of it, and as you know that is more than most of such are.

Yours, etc.,

L. M. POTTER.

Having used your new brand, the Michigan Salt Association dairy salt, ever since you first put it upon the market, we do not hesitate in pronouncing it as being fully equal to any domestic or foreign salt we ever used or sold. In our experience of nearly twenty years in the creamery business (during which time we have used nearly all of the leading brands) we have never been able to produce finer butter than that salted with your salt, and intend to use it exclusively in the future, both in our store and creamery. In fact, you may look for an order for another 150 sacks soon.

Very respectfully, yours,

POTTER & BARKER.

ELGIN, ILL., *July* 30, 1887.

GENTLEMEN: Referring to your inquiry as to the merits of the Michigan Salt Association dairy salt recently purchased from you, I will state the foremen of my creameries are much pleased with it, and fully as well as with any other salt they have ever used, such as Higgin's Eureka, Ashton, etc.

Yours, truly,

A. M. C. TODSON.

JOY MORTON & CO.

GENTLEMEN: Your Michigan Salt Association dairy salt is the only domestic dairy salt I have ever seen that I considered equal to Ashton's, and I am recommending my friends to use it.

E. P. GAINES, *Napierville, Ill.*

L. O. Bliss, Iowa Falls, Iowa, says: "The first lot of Michigan Salt Association salt I got of you was taken under protest, but on your recommendation I took it, recommended it to our butter-makers; they have used it with satisfaction. I have handled and sold their butter, and it has given satisfaction."

With this came an order from Mr. Bliss for another lot of Michigan Salt Association salt.

The CHAIRMAN. The Chair will assume, if there be no objection, that the *pro forma* amendment is withdrawn.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I renew the *pro forma* amendment. The present state of the law with reference to salt is quite similar to that relating to the lumber schedule which we have just completed. We allow now a drawback upon all salt used in curing meat for foreign consumption, and salt is also free when used in curing fish for either foreign or domestic consumption. There is, perhaps, no case in our legislation more strikingly indicative of class favoritism than that of the salt tax at the present time.

We find gentlemen here very earnest in contending for free salt for the fishermen of the New England coast, but utterly unwilling to give free salt to the farmers of the West and the interior of the country. Now, what would be the effect upon the manufacturers of salt if we should make salt free for the interior? I hold in my hand data showing that a certain grade of domestic salt is now put free on board the cars in Baltimore at $1 a ton, while English salt of the same character is now laid down there at $1.95 a ton. Take the duty off of the price of the English salt, and you have it in Baltimore at $3.35 a ton. But, sir, the freight on salt to Hagerstown is $2.06 a ton. Adding that to the price of untaxed salt it would make the cost of English salt carried to Hagerstown $5.41 a ton, when the salt works are now laying salt down in Baltimore at $4 a ton.

It is perfectly evident, therefore, that this whole contention is to enable the manufacturers of salt to put a higher price upon it than they are willing to take in many localities, and higher than they need at all. It is to hold the remoter parts of our country in bondage in order that they may be compelled to buy salt from the privileged few. This works a corresponding increase in price to the near by communities.

But, sir, before 1861 we had no tax at all on salt. Does the gentleman from Michigan [Mr. BURROWS] mean to say that we had no salt industry in this country prior to 1861? Sir, the flourishing condition of the salt industry is itself positive proof that it did not need, as it does not now need, any tax in order to sustain it. I read, from page 233 of one of the volumes of the Tariff Commission, the testimony given by Mr. E. P. Wheeler, of New York, a gentleman known to all of you as very intelligent, accurate, and well informed. He says:

I remember as long ago as 1855 visiting the great salt works in the neighborhood of Syracuse, N. Y.; and these manufactories were then thriving, vigorous, and making money. They had no protection then, and they need no protection now.

Sir, here is the testimony of parties very competent to speak—Jackson & Kilpatrick, of New Orleans. They state in their communication to Secretary Manning:

To show the use these few favored capitalists who own or control the salt works in the United States make of the protection granted them by the representatives of a patient people, and how little they need protection, it is asserted by a standard authority that the Onondaga Salt Company at Syracuse, N. Y., have issued their price-list offering to lay down salt, freight prepaid by the company, at various points along the Grand Trunk Railroad in Canada at a price much less per barrel than any citizen could buy the same article for in Syracuse.

Mr. BELDEN rose.

Mr. BRECKINRIDGE, of Arkansas. Does the gentleman from New York, whom I see rising, want to contradict that statement? If he does, I have some more evidence to give him.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. I would like a little more time.

The CHAIRMAN. If there be no objection, the gentleman from Arkansas will be allowed to proceed five minutes longer.

There was no objection.

Mr. BELDEN. Will the gentleman from Arkansas repeat the statement he has just made? I did not understand him.

Mr. BRECKINRIDGE, of Arkansas. I asked whether the gentleman wanted to contradict the statement I read; but it does not matter now.

Mr. BELDEN. I did not hear what the gentleman said.

Mr. BRECKINRIDGE, of Arkansas. Very well; let it pass.

Mr. Chairman, one thing is significant: Our friends on the other side of the House, whatever may have been their record in the past, and whatever may have been their promises in regard to the repeal of taxes on the necessaries of life, are now here ready to maintain and to increase taxation, even upon so necessary an article as salt. The gentleman from Michigan [Mr. BURROWS] has, by the very figures he has submitted here in support of his position, stated himself entirely out of court; he has shown that this industry does not need protection at all; yet he has distinctly avowed that he is in favor of a higher duty on salt in order that the remote parts of this country may be held in bondage to the salt-makers.

Sir, the record of our friends was very well stated in this House on May 9, 1872, by Mr. HALE (now a Senator of the United States from Maine). He said:

One year ago, on the yeas and nays, the House voted to put salt on the free-list by a vote of more than two-thirds. We have the record here. The vote was 147 in the affirmative and 47 in the negative. I see no reason why members of the House should go back on the record which they then made. Nothing since has occurred which ought to change their views.

Something else has now occurred. Sir, the manufacturers and the protected classes have made their demands; and that is what has occurred; and our friends on the other side are ready to yield absolute obedience to the utmost demands of the privileged classes of this country.

If there is any further evidence needed as to the facts about this salt business, it will be found in the extract which I send to the Clerk's desk to be read, and with which I will conclude what I have to say on this subject.

The Clerk read as follows:

[May 18, 1872.]

Mr. GARFIELD. And I know, moreover, that for nearly two years the wholesale price of American salt in Toronto, Canada, was a dollar lower per barrel than the same salt was selling for on the New York side of the lake. That is, we produced it, shipped it across, paying whatever portage, freights, and transportation were required, and then sold it to our Canadian neighbors at a dollar per barrel less than it was sold to people on our shores. Certainly, gentlemen will not want a duty continued that enables that thing to be done.

[Here the hammer fell.]

Mr. KELLEY. Mr. Chairman, I renew the *pro forma* amendment, and I do so to interpret an object-lesson presented to us by the gentleman from New York [Mr. COX] just as I was called from the House. He told us that when traveling among mountains in Africa he had seen a poor woman who had come 50 miles with her pan to collect salt which had been distilled from the rocks by the sun and tropical atmosphere.

He said salt was very precious to the people of that country, who were very poor. Who were these people that were so poor they could not dig a hole into a salt spring and avail themselves of the brine that would issue and be converted into salt? They were evidently living under the revenue system which President Cleveland and his friends, the framers and promoters of the Mills bill, desire to establish in this country—entire dependence for revenue on internal taxes; and the result is, that let their native supply of brine be what it may it can not be utilized by the manufacture of salt. They are in the condition of the natives of British India, the revenues of which country are drawn in the form of internal taxes under British legislation, from the poor of India.

It is but a few years since more than a million of people died in one district, that of Orissa, of famine and diseases produced by want of food, that lack of food having been created and aggravated by the enormous internal tax on native salt imposed by the Government in order to admit British manufactures free of duty. So the poor people dragged their rivers and gathered their annual supply of fish on the shore; but the internal tax upon salt of native manufacture was so great that the people in a season of short crops could not purchase enough to cure and save their fish. Pestilence spread among the starving hordes from the decaying fish, and soon came the further pestilence from the putrid bodies of a million of Britain's Indian subjects in that single province.

We want to develop our resources; and doubtless on the very spot on which the gentleman saw that poor woman scraping the salt which had been oozing from the spring and by the evaporation of the sun and air was a supply provided by nature when suppressed by the unwise laws of man.

No, we want no internal taxes on salt. We want protective duties, so that every salt-lick and salt-spring available for commerce may be worked.

The gentleman from Arkansas said——

The CHAIRMAN. The gentleman's time has expired.

Mr. KELLEY. I ask for an extension of five minutes. It has been granted to everybody else.

There was no objection, and it was ordered accordingly.

Mr. KELLEY. The gentleman from Arkansas said we were perfectly willing to grant salt to the fishermen, but not to the farmers of the West. Some gentlemen have just been charged with inconsistency because they voted in 1883 for the provision to give a rebate on salt used in preparing the beef, the pork, and other provisions of the West for foreign markets. I am in favor of everything which will promote the exportation of our surplus products. I was not for free salt, but I voted for the proposition that the farmers of the West might prepare their provisions so that they would not rot, as the Indians' fish rotted, because they could not procure salt with which to cure them.

Sir, we have been discussing our fisheries as a school for our sailors. Our fishermen made the Navy that first won distinction for the Amer-

ican flag, American valor, and American seamanship. They manned the privateers which captured the naval vessels of Britain. They thronged around John Paul Jones and sustained him in all his adventures. And for what they did the Government was in favor of giving them free salt with which to cure their catches when they got them aboard, and when the time came that the American farmers asked us to give them the same privilege which we had given to the fishermen in order that they might prepare their meats for exportation, I was in favor of it; and, sir, I believe that no blow could be struck at the independence and prosperity of our country by a single act of Congress that would be more fatal than to put salt on the free-list. It would dry up many of our springs and close works that convert our brine into the purest and best dairy salt known to the dairymen of the world.

Mr. MILLS. I now ask that we have a vote upon this proposition. We have consumed several hours upon it already.

Mr. HEARD. I want to occupy the floor for a short time.

Mr. MILLS. But we must get through with the bill somehow or other.

Mr. HEARD. I have not consumed very much of the time of the committee, and I hope the gentleman will not press the point now.

Mr. MILLS. Very well; go on.

Mr. HEARD. I desire in the beginning to invite the attention of the committee to the remarks of the gentleman from Pennsylvania [Mr. KELLEY] who has just taken his seat. He says he is one of the number who voted for free salt, or to give a rebate to the curers of American meat on the salt they used, to stimulate that industry.

Mr. KELLEY. That was in 1883.

Mr. HEARD. Yes, 1883, as I understand.

Now, I want to draw attention to the difference between the concessions which the producers of meat products get and those made to the fish interests in the present tariff law. While the rebate on salt used in curing meat is 90 per cent., that given for curing fish is 100. The fisherman's salt is duty free.

Mr. KELLEY. That was to build up our Navy.

Mr. HEARD. Leaving the Navy question outside this discussion altogether, the difference is this, that beyond this difference of 10 per cent., the producers of the meat products of this country get a rebate only on the salt used on meat which is exported, and which the foreigners consume, while the tariff is kept up on fish, and those engaged in the fishing interests get free salt for fish which are consumed by Americans as well as foreigners.

Now, sir, a moment in reply to my friend from Michigan [Mr. BREWER]. He appeals to this House and to the country that the tarift ought to be kept at the present rate on salt in order to do what? In order that the salt-manufacturing industry shall not suffer injury. But, Mr. Chairman, he answers his own argument by a statement of fact more forcible than I or any other man can present except by a reference to the legislation in his own State in this connection.

He tells us that in order to encourage the manufacture of salt in Michigan, the Michigan Legislature voted a bounty of 10 cents per bushel on all salt manufactured in that State; and the gentleman tells us that the State of Michigan has since been obliged to repeal the law giving that bounty, because under that stimulus so much salt was manufactured there that it would have bankrupted the people to have kept on paying the bounty. The tariff on salt consumed in this country, however, under the existing duty is 33½ cents per barrel, and now he resists any effort on the part of Congress to repeal that tariff in the interests of the whole people, although the burden is not less onerous than that which the Legislature of the State of Michigan, having originally placed upon her people to encourage the manufacture of salt in that State, has been obliged to repeal.

If Michigan was obliged to withdraw the State bounty from her manufactures the gentleman should not complain if Congress, in the interests of the whole country, insists upon giving the consumers of salt that article at a fair price, and without continuing to pay the bounty which the State has withdrawn.

Now, a word in reference to the suggestion of the gentleman from Michigan [Mr. BURROWS] as to the reasons why Texas and Louisiana can not manufacture salt. The gentleman criticises the want of enterprise in the people there to develop these great resources and bewails the decay of the industry in said States. I call attention first to the fact that the decaying condition of said industry in the States of Texas and Louisiana referred to by the gentleman has been brought about under existing law and not under any contemplated change to be affected by the bill under consideration; therefore to be logical the gentleman must go further and ask an increase in the existing duties in order to give prosperity to this industry in said localities.

This is the doctrine held by the gentleman, pure and simple—that where an industry be started in this country and it is not profitable to the owner, the Government must come to his relief and force its prosperity by a bounty collected from those engaged in other pursuits.

The gentleman complains of existing conditions, because, forsooth, the people of that section prefer to buy salt which is cheaper than they can profitably make it, and all because said salt is not of American manufacture. He should remember that the consumers of salt in that section have a right to feel that they should not be cut off from the benefit of the cheaper salt from Liverpool, when they know that their own great staple, cotton, to the amount of over $200,000,000 annually, has to be sold by them without any protection in the same open market from which this cheap salt comes.

[Here the hammer fell.]

Mr. PETERS. Mr. Chairman, I move to strike out the last line. I was very glad to hear a short time ago from the gentleman from Michigan [Mr. WHITING], who said that he contemplated coming to Kansas to invest in salt mines in that State. I want to say to the gentleman that I invite him to come and bring with him the capital to develop one of the most important salt finds in the United States. Since I left Kansas in November last a large deposit of salt has been discovered in six counties in my district, and the manufacture of salt in one of these counties has already begun. I therefore speak in relation to this industry, not only because I am a protectionist at heart and from principle, but because I believe the interests of the district I represent are in line with the defeat of the bill which is now pending before this House for consideration. [Applause.]

Mr. WHITING, of Michigan. Will the gentleman allow me a moment, to tell him why the salt business will be better in Kansas than in Michigan?

Mr. PETERS. I will let the gentleman take his own time.

Mr. WHITING, of Michigan. I can tell the gentleman why it will be better in Kansas than in Michigan, if he will permit me.

Mr. PETERS. I do not care whether it is better or not. All I want is that this industry shall be developed in that State. I welcome every man who comes to aid us in building up the industries of that State. I do not care whether he is a protectionist or a free-trader. We welcome all enterprising, law-abiding citizens who come to help us develop the wonderful resources of that marvelous State.

Mr. WHITING, of Michigan. But do you not want to hear why the salt interest would be better in Kansas than in Michigan?

Mr. PETERS. The gentleman, as I have said, can take his own time to tell that. I want to speak now on the question of salt from the farmers' standpoint and from the standpoint of this very county where the manufacture of this industry has been started within the last three months, the county of Reno.

A manufactory for the purpose of making salt has been started during the last three months at Hutchinson, the county seat of that county. That county has 161,000 acres of land, over 100,000 of which are fit for agricultural purposes and are being now so used. Salt in inexhaustible quantities has been found there within 500 feet of the surface. If that salt industry can be developed, it will add $2 in value to every acre of land in that county, or at least to every acre of the 100,000 acres that are adapted to agricultural pursuits. That means to the farmers of Reno County, alone, $200,000 which they have at stake in the development of the salt industry there. Gentlemen upon the other side say that the taking off of this duty will not have any effect upon the development of the salt industry, that it is immaterial whether there is a tariff or not, the industry will still be developed. But, Mr. Chairman, the Kansas farmer is a man who reasons, and he reasons thus:

> On one side men say that the tariff does develop these industries; on the other side men say that it does not. But I know that within twenty years past something has developed the salt industry and the other industries of this country. I know that under the law as it exists to-day capital is coming into Kansas and putting down plants for the purpose of developing this salt industry, which will add at least $2 to the value of every acre of our land.

Not merely the experience of the country for twenty years, but his own experience in Kansas has shown him this; so he says:

> I would rather rely upon the present law and upon what I know to be a certainty, than do away with the present law and take my chances in the uncertain realms of free trade.

The farmer reasons thus, and is in favor of the protection of this industry in the great State of Kansas, and for the principle of protection generally, which some gentlemen on the other side seem unable to understand to be in the interest of the farmer.

I want to call attention now for a moment to the remarks made the other day by my friend [Mr. BLAND] who represents some of the sleepy hollows along the Missouri River, and who represents the capital city of that State, a city that is as dead as the Egyptian mummy of the year 3000 B. C. My friend evinces a wonderful interest in the affairs of the farmers of Kansas, and sympathizes with them for being misrepresented by the Kansas delegation upon this floor; but if he would go out there and see the interest that the farmers of Kansas take in inducing manufacturing plants to come into every county and every town, he would then understand the difference between a Kansas man who is a Republican, a protectionist, and a progressive farmer, and the ones that repose in the sleepy hollows of Missouri. [Laughter and applause on the Republican side.]

Mr. RAYNER. Mr. Chairman, I rise merely to say a few words in reference to a particular branch of this subject. The gentleman from Michigan [Mr. BURROWS] was asked a question which he did not answer. His colleague [Mr. WHITING] was asked the same question, and he made an answer which is not quite satisfactory, in view of the evidence that has been submitted on the subject. The gentleman from Michigan [Mr. BURROWS] was asked the question whether or not the whole production and manufacture of salt in the State of Michigan was

controlled by a trust. There has been no answer made to that interrogatory. And now, Mr. Chairman, I call attention to the fact that for the first time upon these schedules, as far as I am aware, we come in contact with an article the production of which is within the absolute control of a combination known as a trust; an organization which controls the entire manufacture and output of salt in the State of Michigan. There is not to-day—if I am mistaken the gentleman will correct me—there is not to-day a ton of salt produced or made in the State of Michigan that is not monopolized and controlled by the Michigan Salt Association.

Mr. WHITING, of Michigan. The gentleman is wrong. It is not so. [Laughter and applause on the Republican side.]

Mr. RAYNER. With the greatest deference to the gentleman from Michigan [Mr. WHITING], and fully appreciating the stand that he has taken upon this subject, I must have an answer to that question from some person who is not a member of the trust.

Mr. BURROWS. Will the gentleman yield for a moment?

Mr. RAYNER. Just let me finish. I shall be very glad to answer any question or to receive any information, if I am mistaken about this, because I propose to produce, before I finish, a statement made by the trust itself. Now, let me say to the gentleman [Mr. WHITING] that I am not stating the proposition that the effect of this trust has been to raise prices. I do say, however, that in the period from 1866 to 1876 the price of salt went down from $1.80 to $1.05, that in 1876 this trust was organized, and that since the organization of the trust, while the price has gone down, the fluctuations have been very small and not at all comparable with the fluctuations that occurred before the trust was formed.

Mr. WHITING, of Michigan. The manufacturers can not give their salt away.

Mr. RAYNER. I am not now discussing the effect which the trust has had upon the price of salt, but I put this proposition to the gentleman, and if I am not correct I will take his correction. I say that every dollar's worth of salt that is made in the State of Michigan is in the hands of a plundering combination—no, I will take that back—[laughter] in the hands of a trust known as the Michigan Salt Association, which trust controls all the salt that is manufactured in the State.

Mr. WHITING, of Michigan. If the gentleman will permit me I will say in reply, that within 8 miles of my town there exists what is known as the Marine City Stave and Salt Company. That company manufacture from 300 to 500 barrels of salt per day, and they never have been in any association. [Laughter and applause on the Republican side.]

Mr. RAYNER. The Michigan Salt Association has put itself upon record as contradicting that statement, and asserting that there is not a manufactory in the State that does not belong to the association.

Mr. WHITING, of Michigan. Then their statement is not correct.

Mr. RAYNER. I will read it for the gentleman's information. It is the statement of the Saginaw Board of Trade, a declaration made against interest. I am not talking now about the effect of the combination upon the price. I am simply establishing the existence of the trust.

Mr. ANDERSON, of Iowa. Simply identifying the monster.

Mr. RAYNER. I am simply showing that this trust exists. In arguing upon the tariff, when I alluded to this trust, the answer came to me repeatedly from the other side: "Wherever you come in contact with a trust, strike it down." Now I say we do come in contact with a trust here, a trust which has put itself upon record as controlling the entire salt product of the State of Michigan, and Michigan furnishes one-third of the salt consumed in the United States. And, Mr. Chairman, let me say further that this trust controls not only the production and manufacture of salt, but also its shipment and transportation. It controls not only the shipment and transportation of salt from the Saginaw region to the city of Chicago, but it has formed another trust association which manufactures the very cars that carry the salt from the Saginaw works to Chicago. There are three separate trusts connected with the Michigan Salt Association, and I want to say in this connection that, if I am not mistaken, the very first case that was ever decided in the United States holding that a combination of this sort to fix a given price for a product was illegal, was decided by the supreme court of Michigan in the case of Clancy *vs.* Onondaga Fine Salt, etc., Co., 62 Barb. 305.

[Here the hammer fell.]

Mr. HATCH. I ask unanimous consent that the time of the gentleman from Maryland be extended for five minutes.

There was no objection.

Mr. RAYNER. I desire to read from a pamphlet entitled "Seventh Annual Review of the Saginaw Board of Trade, showing the lumber and salt production and auxiliary industries of the Saginaw Valley:"

The Michigan Salt Association was organized in 1876, expired by limitation in 1881, was at once reorganized under the name of the Salt Association of Michigan, and in 1885 was again reorganized under its old name, the "Michigan Salt Association." The principal agencies of the association are at Chicago, St. Louis, Milwaukee, Duluth, Louisville, Cincinnati, Toledo, Nashville, and Sandusky. The capital stock is $200,000, and the general office is at East Saginaw. The association handles the product of the manufacturers, taking their salt as fast as made, making liberal advances thereon, placing it on the market and making returns in full when sold. The benefits derived from a unity of interest—

I wish to call the particular attention of the gentleman from Michigan and of the House to this passage. If it does not correctly state the facts, it can be corrected.

The benefits derived from a unity of interest—

Among whom? Among the men who control the monopoly; for a "unity of interest" among the consumers is promoted by free competition.

Mr. GROSVENOR. Will the gentleman allow me?

Mr. RAYNER. Let me finish what I am reading, and then I will yield.

The benefits derived from a unity of interest were so patent that during the past year all of those manufacturers who had previously operated independently (with two or three exceptions) became members of the association, which now practically handles the entire product of the State.

The sales of the association during 1887, as shown by the secretary's books, were 3,201,537 barrels, as against 2,685,989 barrels in 1886.

* * * * *

During 1887 the movement of the salt product was greatly delayed owing to scarcity of cars. To obviate this as much as possible a car-line company composed of salt manufacturers has been organized to be known as the "Michigan Salt Line."

The officers are: President and treasurer, W. C. McClure; secretary, D. G. Holland; trustees, W. G. McClure, East Saginaw; F. C. Stone, C. A. Rust, Saginaw City; J. F. Eddy, Thomas Cranage, Bay City. The capital stock is $75,000.

Contracts have been let to the Michigan Car Company for the construction of one hundred and twenty freight cars to constitute the Michigan Salt Line, and to be run in four solid trains of thirty cars each, between the Saginaw Valley and Chicago. The cars will each have a capacity of 50,000 pounds, equal to one hundred and fifty barrels of salt, and the whole number can move eighteen thousand barrels. It is also proposed to construct a number of lighters to be used in transferring salt from the various works to the cars.

Now, Mr. Chairman, if these statements are not correct, of course they can be corrected. If they are true, and I take it for granted they are, because they are in the nature of declarations made against the interest of the parties making them, and that sort of declaration is the highest evidence known to the law, we have presented for the first time the spectacle of a product of the State of Michigan, constituting one-third of the consumption of the article in this country, handled and controlled by a monopoly known as a "trust."

Mr. Chairman, that is not all. And I do not mean to say, for I do not know, what effect this combination has had on prices. I do not know whether it has put prices up or down, or whether it has kept prices at a fair standard; but if it has put prices down, it has done differently from any other "trust" ever known in this country. If the salt trust has put prices down, I defy any man on this floor to point me to any other "trust" that has ever put prices down.

Mr. BURROWS. The price of salt in 1876—the year this association was organized—was $1.05 a barrel; in 1887 it was 62 cents a barrel.

Mr. RAYNER. Did the trust put the price down?

Mr. BURROWS. I have stated a fact.

Mr. RAYNER. Has not the competition between the producers been the cause of putting the price down?

Mr. BURROWS. The gentleman stated that he did not know what the effect had been upon the price. I say the price has gone down from $1.05 a barrel in 1876 to 62 cents a barrel in 1887.

Mr. RAYNER. I again ask, has the trust put the price down? I want to call the attention of the gentleman from Michigan to the fact that from 1866 to 1876 salt went down from $1.80 to $1.05 a barrel. Was the "trust" the cause of that decrease in price? No. Why? Because there was no "trust" to put down the price. The argument presented here is like the argument that the tariff puts down prices. First, it is claimed that the tariff puts down the prices, and then it is claimed that the "trusts" put them down. I ask, how is it that the price went down from $1.80 to $1.05 a barrel between 1866 and 1876, when there was no "trust" in existence, and when there was a "trust" the fall in the price did not equal by 33 cents on the dollar the fall which took place before the "trust" was formed?

[Here the hammer fell.]

Mr. RAYNER. I would like just two or three minutes more. I have been interrupted two or three times.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Maryland?

Mr. MACDONALD. Mr. Chairman, we shall not get through for two years at the rate we are going on. I object.

Mr. WHITING, of Michigan. I rise to a personal explanation.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to make a personal explanation. Is there objection? The Chair hears none.

Mr. WHITING, of Michigan. Mr. Chairman, when I was first asked by the gentleman from Missouri whether there was an association which had kept down the product of salt, I answered in the negative. That was true; the manufacture goes right along and is not curtailed by this association. All that the association in Michigan has to do with the sale of salt is to furnish, by unity of action, as the article just read suggests, lower freights, lower storage, and to effect a saving sometimes by the avoidance of bad debts. The price of salt has constantly gone down. The association would keep up the price of salt if it could; it would be very glad to put up the price at any time; but it can not do it because New York State is not in the association. But the trouble

in regard to the low price of salt in Michigan to-day, the reason the industry languishes and why salt blocks can be bought at less than cost, is not because of the importation of foreign salt.

The foreign salt bears a much higher price—four or five times the price of our common salt—therefore this is not the trouble. The trouble is this: There are manufacturers of lumber—one in particular in Manistee, who has just completed works capacitated to make 3,000 barrels of salt a day, this right in the face of the very low prices prevailing. Why does he do this? He has been protected in the lumber interest, has become four or five times a millionaire, and he now seeks to freeze out every legitimate salt-maker in Michigan. This is what the salt-makers have to contend with. If lumber had been placed on the free-list five or ten years ago, we would not have this kind of competition that we have to-day.

Mr. MILLS. I move that the committee rise for the purpose of closing debate on this item of the bill.

Mr. REED. I think the gentleman from New York ought to be allowed to speak, having given up the floor to another gentleman on that side. I refer to Mr. BELDEN. He has given way to permit a gentleman on that side to answer from that standpoint.

Mr. MILLS. He can have time after the debate is limited.

Mr. BAYNE. I would suggest to the gentlemen on the other side that there are several here—I know of five myself—who desire to be heard on this question.

Mr. MILLS. Well, of course we can not expect to indulge the wishes of every gentleman who wants to talk on this question. I shall be very glad to close the debate, and will suggest twenty minutes—ten on each side. Will that be agreeable to gentlemen on that side?

Mr. BAYNE. You will arrive at a conclusion far sooner if you will make concessions to those who want to be heard on this side.

Mr. MILLS. I have proposed twenty minutes—ten on each side. Every concession has been made that any reasonable person could ask.

Mr. PETERS. There are some of us from the West who represent this industry and do not care about the other items, but want time to discuss it. I want some time myself.

Mr. MILLS. But the gentleman has already spoken. Now, I have not opened my mouth on this question. I will modify my suggestion and say thirty minutes—fifteen on each side. Is that enough?

Mr. BAYNE. Let the debate run on a while, and then we can better fix a limit.

Mr. MILLS. No; I think there ought to be some limit now. I move that the committee now rise.

The motion of Mr. MILLS was agreed to; there being on a division—ayes 84, noes 76.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the tariff bill had come to no resolution thereon.

APPOINTMENT OF CONFEREES.

The SPEAKER *pro tempore* appointed as conferees on the bill (H. R. 5932) providing for holding terms of the United States courts in the district of Minnesota, Mr. COLLINS, Mr. GLOVER, and Mr. ADAMS.

ORDER OF BUSINESS.

Mr. MILLS. Mr. Speaker, I want to see if we can not come to some understanding as to the time when this debate shall close on this paragraph. What time would gentlemen on the other side suggest?

Mr. BAYNE. I know several gentlemen on this side who want to speak.

Mr. REED. I think there should be an hour on each side.

Mr. MILLS. Oh, no; say an hour between the two sides.

Mr. REED. There is no disposition to do anything except to debate the paragraph of the bill, and there are many gentlemen who desire to be heard on it on this side. I say to the gentleman from Texas that it is the purpose and an honest desire on the part of the gentlemen on this side to express their views. I do not think the time should be curtailed.

Mr. MILLS. Then I propose that we take a vote at fifteen minutes before 5 o'clock. Let us close the debate at that time. That will give an hour and a half.

Mr. REED. Very well.

Mr. MILLS. Then I move that the House resolve itself into Committee of the Whole House on the state of the Union, and, pending that, I move that debate on the pending paragraph and all amendments thereto be closed at fifteen minutes before 5 o'clock.

Mr. GROSVENOR. I want to say simply that I have an amendment I desire to have voted upon. I want to offer an amendment after the pending paragraph is disposed of, but shall not ask to debate it.

Mr. MILLS. You will have all the time for offering amendments that may be necessary after debate closes.

The motion to limit debate was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

TARIFF.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the tariff bill, and by order of the House all debate is to be closed at 4 o'clock and 45 minutes p. m. As debate has been limited by order of the House, the Chair will not ask that formal amendments be presented, but the debate will be considered as applicable to the pending amendment without the necessity for submitting *pro forma* amendments.

Mr. SAWYER. Mr. Chairman, in what I have to say upon this subject I do not wish to discuss the question in any sense as a partisan measure. I do not wish to attack or justify the action of any man who has ever been here, be he Republican or Democrat, or of no political party.

I have the honor to represent a district which contains within its borders, as I understand it, the largest salt interest of any Congressional district in the United States. Men of all political parties are engaged in that industry in my district, and men of all parties have been here to see me in reference to it. They have written to me assuring me that if the duty is removed it will seriously affect their interests; and hence I wish to be frank with this committee and say that I am speaking now in the interest of the producers.

The salt interest of this country has been practically developed since the year 1866. At that time the production of salt in the United States, as nearly as I can now ascertain, was about one and one-half million barrels per year. That industry had so developed that in 1886 the production of salt was nearly 8,000,000 barrels. Not only has there been this large increase in the production of salt, but there has been a corresponding decrease in the price. About the year 1860 the cost of salt per barrel upon our northern lakes was about $2.35. Last year in the district I represent salt in packages, delivered on board cars, was sold at only 55 cents per barrel, and as I understand it, salt was sold in the valley of the Saginaw for about the same price. So that there has been not only a constant, but a very marked decrease in price; and I think I make a correct statement when I say that since 1860 or 1866 there has been this large decrease in the price of salt. But while there has been this large increase in the production and decrease in price, there has been a corresponding decrease in the importation of salt.

For the seven months ending on the 30th day of April, 1888, as compared with the corresponding period ending with April 30, 1887, there has been a decrease of 116,185,131 pounds of salt imported into this country.

Not only has there been a decrease in the importations of salt, but to-day, according to a circular which I hold in my hand, the English exporters are now selling their salt at a loss. From the circular of H. E. Falk, of the Meadow Bank Mines and Salines, of Winsford, Cheshire, this statement appears:

> The salt trade is at the most deadly crisis. Implacable competition among a small section of the largest makers has brought prices below all records, salt being freely offered at 50 per cent. below cost. All the large chemical contracts for 1888 have been taken at ruinous prices. Nor has there been any more extensive demand for the article below cost. The total export, shown on annexed list, proves a considerable decrease on the average. The principle of association has been violated again, and with more disastrous result than ever yet known. Nothing but a new form of general consolidation can resuscitate the trade.

So that we stand now, so far as this question is concerned, with this situation of affairs: Our production of salt has been increased, the price of salt has been steadily decreasing, the importation of salt has been constantly diminishing, and our English importers are placing their salt on the market 50 per cent. below cost. Now, the proposition is to take off the duty upon salt. In my own district I know that the producers regard that as a proposition destructive of their industry, and I understand—I do not speak so positively about this, but I understand—that the Michigan producers of salt regard the removal of the duty as prejudicial to their interests. The extent of the injury which they may receive depends largely, as I understand it, upon the quality of salt which they manufacture, but the producers of ordinary salt in Michigan regard the proposed removal of the tariff as prejudicial to their interests. Now, I understand the policy of the Democratic party to be, that while they favor the reduction of our revenues, believing that the interests of the country demand that we should collect less revenue, they are not in favor of an unnecessary reduction at the expense of any interest in this country.

[Here the hammer fell.]

Mr. BAKER, of New York. I ask unanimous consent that the time of my colleague be extended.

Mr. BLAND. I have no objection, with the understanding that there is to be an equal division of time.

The CHAIRMAN. The Chair will take care of that. The time for debate being limited, and expiring at forty-five minutes after 4 o'clock, of course that limit can not be extended.

Mr. SAWYER. I should like three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman for additional time?

Mr. BYNUM. I shall not object, provided the time is charged to the other side of the House.

Mr. SAWYER. Now, Mr. Chairman, I wish to compare the action of the Committee on Ways and Means as to two items. They propose to place salt on the free-list, while at the same time they propose to protect the production of rice by a tariff duty, and I would be very glad if they would explain to us the consistency of their action in respect to those two articles. It is claimed that the tariff upon salt is a tax upon the consumer, and it would seem to follow that a tariff upon rice is also a tax upon the consumers of rice. The salt producers of this country produce over two-thirds of all the salt we consume, while the producers of rice produce only a little over one-half the rice we consume. The receipts from the tariff upon salt are less than $700,000, while the income from the duty upon rice is over $900,000 annually. Now why should the producer of rice be protected by a tax upon the consumer of over $900,000, while at the same time you remove the protection from the producer of salt? I am unable to see the reason of it. [Applause on the Republican side.]

Mr. STOCKDALE. Mr. Chairman, I have listened to this discussion thus far and I find this peculiar feature about it, namely, that all along from Maine to Michigan and across to Oregon the manufacturing interests discuss this measure with reference to their own advantage, without ever so much as recognizing the fact that there is another set of people in this country, who are the consumers. I realize how unfortunate it is for any man in this great country to live in the interior, because people take position upon the coast and establish their manufactures, and whenever any one from the great interior wealth-producing regions dares to say that he would like to have any product cheaper, they stand up and rail at him and cry out, "Would you destroy the industries of the country?"

We saw it illustrated yesterday upon the question of lumber. The people of the interior, the people of the West, were discussing the question of cheap lumber with gentlemen along the Canadian border, and the question before the House was, shall lumber be put on the free-list? That alone was under discussion, but that discussion must needs pause for three hours because, forsooth, Maine wanted fish-bait, and Canadian lumber should have no consideration until the coast of Maine was satisfied about its fish and its bait, and we were even given to understand that if what Maine wanted were not granted, the whole population of this great country, sixty millions of people, must be involved in a quarrel, and if needs be war, about a "mess" of fish.

That is the only reasonable conclusion to be drawn from the tone of the debate on that side, and the vigorous denunciation in not the most elegant diction of the Administration and its supporters for what they term a "cowardly back-down" on the fisheries question with Canada and Great Britain.

And as an exhibition of their superior skill in diplomacy they propose to ingraft a new fisheries treaty upon a free lumber clause in the tariff bill. No matter that the Republican Senate is now considering for ratification a treaty that settles all these questions. I do not suppose it will be claimed, it would hardly be courteous to Senators to claim, that they had given out to gentlemen what the result is to be, particularly in view of the spectacle now before the country of the Senate having made this treaty and exception and opened the doors and invited the world to its executive sessions.

This all may be statesmanship, but to people not profoundly educated on the subject of fish-bait it might be mistaken for a side-show to the coming campaign.

Mr. Chairman, as I have said, all these protected interests stand together from Maine to Oregon. When the people of the New England coast would push their separate interest to the verge of war—on the fisheries question—Oregon applauds, and when the Michigan mining and manufacturing pools would lay an embargo on the salt in every poor man's loaf, New England smiles her approval and all sing with a chorus, "We are a band of brothers." What makes such pools and trusts less excusable than those of private corporations is that the latter pursue their own business and take some risk and may have competition, while the former, under the guise of friendship to labor, use the legislative power of the Government to make their trusts permanent and safe. The latter enter upon a private enterprise and must depend on their own sagacity to induce people to buy from them at the advanced prices, while the former use the law-making power of the Government to make it penal to buy from any one but themselves or pay a bonus for the privilege of buying from others.

Protectionists generally, out of respect to their own intelligence, have learned to argue that the producer and not the consumer pays the tariff. In the days of the people's ignorance on tariffs that was winked at, childish as it was. True, that dogma has been occasionally asserted, even on this floor, coupled with the sneering remark that want of knowledge caused men to disbelieve it, but to vary the phraseology of a gentleman on the other side [Mr. REED] that certain actions of this side of the House seemed to savor of hypocrisy," it is proper to say such assertions seem to savor of arrogance, which usually exists in inverse ratio to knowledge.

I would like to have one of those gentlemen illustrate by crossing the Canadian line 2 feet and purchasing a barrel of salt for a dollar and a half and start home with it, and as he put his foot on the line 50 cents had to come for the privilege of crossing it, and see whether he or the Canadian would pay it. Or, if he would ask the Canadian to bring it across and pay the 50 cents for crossing, see whether that innocent youth would sell it for a dollar and a half on this side. If he had purchased his cargo in Canada for a dollar and a quarter and could sell on that side of the line at a dollar and a half at the fair profit of 2 bits a barrel, but bring it across the line and pay 50 cents per barrel duty, making the whole cost $1.75, and sell on this side for the same dollar and a half, he would not thrive in business.

Mr. Chairman, I have always been regarded as a conservative man in views and expression, but I must confess that this persistence in keeping a tariff on salt produces a strain on both. It is an article the use of which no human being can dispense with, and hence its relations to mankind are different from articles of food even. Its daily and liberal use is a prerequisite to health, and it is the one element, so far as our knowledge goes, by which the most substantial articles of food can be rescued from the all-pervading breath of decay. Without it these articles could not be transported except for the short time that ice would preserve them, and that is expensive. The great dairy industries, the whole meat, and the fishing industries, about which gentlemen are so anxious for an international broil, would cease without the free use of this great boon of God's benevolence.

The agriculturists, when they prepare the winter supply of food for mankind, would be powerless without it. No extended voyage could be made, and commerce would dwindle into insignificance. The lowing herds would add their wail. In every family the Divine blessing would be invoked upon unsavory and unhealthful meats, however sumptuous or humble, that would be half eaten and unrelished.

The earth's great reservoirs of water, from which all fountains are fed by the agency of the clouds, and to which all streams return for purification, would become stagnant, and animal life finally cease. The air we breathe is scarcely more important to life and health than is this element of salt.

And to-day we find it under an embargo imposed by an American Congress, and the toiling millions denied the use of it except upon conditions.

There are less than a million of people engaged in this industry, and the owners not ten thousand, perhaps. And yet the fifty-nine millions are made to pay a royalty to these more than favored few for the privilege of putting into their bread that which God made necessary to human life and health and supplied with bountiful hand.

It would seem that when the Government granted exclusive ownership of these great salt deposits to those who, ever alert, swooped down upon them, it did enough in the way of discrimination in favor of the few and against the many; but when that Government prepared her prisons and infests the seas with armed vessels to run down and incarcerate all her citizens who dare to attempt to procure a morsel of God's liberal bounty except upon burdensome conditions, it is a tyranny as unauthorized by the laws of God and more reprehensible than even New York or Massachusetts or Pennsylvania or any other State committed when they held people in slavery, and that is just what the Government does when it makes the attempt to purchase imported salt a penal offense.

On yesterday the gentleman from Maine [Mr. REED], while speaking of free lumber, and in that connection dissenting from the opinion of scientists that the forests should be preserved to induce rainfalls, said, as reported in the RECORD:

> The truth of the matter is that the most of the things of this world have been provided by God for the happiness of human beings, and for human beings to exploit—to increase the riches, the comfort, and the happiness of the people of the world. And when people proclaim that it is injurious to the world for human beings to reap the riches thereof, as nature provided they should, they are doing something for a special purpose of which, when they become better informed, they will be duly ashamed.

To which I assent, and I maintain that salt is one of those things so provided and to be so used.

But when gentlemen who have been fortunate enough to get exclusive control of the localities of the country where God has been most profuse in His blessings in providing this article of necessity for mankind are asked to assent, as they are by this bill, that mankind should be free to procure where they can this article of salt, "made for the happiness and comfort of the world"—yea, an inevitable necessity of human health and life—they resist it as an invasion of their sacred rights. They say by their actions, "True, God has placed these deposits upon the earth, but in our keeping, and the unannointed of the Lord may taste only upon condition that they pay tribute to the saints, and we intend to see to it that when the books are opened there shall be found always there the terrors of the law to be held over the heads of the masses of the people, warning them that we hold a royalty upon their privilege to partake of this great life-preserving element." And right well are these gentlemen making their words good.

Protectionists for protection's sake are not satisfied with the liberal plan adopted by the Creator of all good things in distributing over the world with bountiful hand and putting within reach of all His creatures this article of inevitable necessity. It looks too much like free trade. They want to help God and alter the plan.

[Here the hammer fell.]

Mr. BELDEN. Mr. Chairman, I desire to confine myself, in the first

place, to the apology which my colleague from New York [Mr. COX has demanded. The members about me all say that I demanded of him the authority for his statement, and denied that he could give it. I so understood the matter myself. If I did make a direct denial of what he said, I desire to apologize for it, since the gentleman has produced a petition from Iowa——

Mr. COX. Thirty-three petitions.

Mr. BELDEN. Only one, as I understood.

Mr. COX. Thirty-three.

Mr. BELDEN. I heard only one read.

Mr. COX. The petitions are from almost every State; I could not read them all.

Mr. GROUT. Was there one from Vermont?

Mr. COX. I think so.

Mr. GROUT. I should like to hear it.

Mr. COX. I think the gentleman, when he examines these various petitions, will be utterly astounded.

Mr. BELDEN. I asked the gentleman to show me one from New York. But if he has produced from the secrets of the committee-room a petition even from Iowa he has accomplished what has not been accomplished before, and I desire to thank him. One of these petitions has been made public.

Mr. COX. I say there are thirty-three petitions, and I obtained only a small fragment of the number sent to the committee.

Mr. BELDEN. Well, never mind; I have said all I desire to say on that question.

Mr. COX. I desire only to bring out the truth, as I have a right to do, for it is of record.

Mr. BELDEN. Among other things, my colleague has produced the statement of a mugwump professor to show that the salt produced in this country is not pure. In answer to that I desire to present here a number of tests made by the Government of the United States, all of them certifying that the Onondaga salt is better than the English salt, the best imported salt having been furnished by Englishmen for tests. These tests are a sufficient answer to the statement of my colleague's friend, the professor.

The attached is the report upon the Government tests of salt to which I have referred:

COMPARATIVE MERITS OF FOREIGN AND DOMESTIC SALT.

Attempts having been made to depreciate the quality of American manufactured salt, and especially to prejudice the minds of the friends of the protective policy against the purity and preservative properties of salt produced in this country, the salt manufacturers of Syracuse, in the State of New York, respectfully submit for the consideration of members of Congress, in both branches, the following testimonials as to the merits of the article produced by them. It will be proper to observe here that the kind of salt referred to, and mostly used for packing purposes, is called the "Onondaga solar or coarse salt"—a variety resembling Turk's Island in appearance, and manufactured principally in the State of New York; but there is nothing to prevent the manufacture of this description at any of the salines in this country; or, under a suitable system of protection, to limit the amount to anything less than what is needed for consumption in the United States.

The first testimonials in relation to this production are derived from the annual report of the superintendent of the Onondaga Salt Springs, in the year 1856, as follows:

[Extracts from said report.]

REPORT OF GOVERNMENT TESTS.

Results of certain trials of Onondaga solar salt and Turk's Island salt, instituted by the General Government during the years 1851, 1852, 1853, and 1854.

Complaint having been made to the President in 1851 that the regulations of the War Department in this respect unjustly discriminated against the character of the solar salt of the State of New York, an order was issued by Secretary Conrad, directing that 300 barrels of pork should be packed in New York with salt of both descriptions, in equal quantities, for the purpose of testing, by actual and thorough experiment, the comparative merits of the two kinds. The agent of the Onondaga manufacturers, N. Randall, esq., was apprised of this order, and the pork was put up in his presence, in New York City, in November, 1851. The hogs were of the best quality, fattened in the river counties near the city; each hog was split in two, and one half packed with Onondaga and the other with Turk's Island salt. The barrels were distinguished by numbers—those containing Onondaga salt receiving the odd number, and those with Turk's Island the even number.

Six barrels of this pork were sent to each of the different military posts along the seaboard and at the South and West, and in the year following a lot was shipped to California. Instructions were given to the commanding officers of the several posts to have two barrels of pork inspected in each of the three succeeding years by a regularly organized board of survey, the results to be reported to the Department at Washington.

ABSTRACT OF REPORTS.

Trials made upon two barrels of pork (packed as above stated) at Fort Trumbull, Conn., August 24, 1852.

No. 31. Onondaga salt: Color, the fat portions of a clean, white color; the lean of a clean, dark red. Hardness, the meat of both the fat and lean very hard and firm. Sweetness, very sweet and sound. Loss in boiling, 17½ pounds; boiled one and one-half hours, weighed 13¾ pounds. Quality after boiling, was firm and hard, same color as before, and of good taste. Weight, 198¾ pounds.

No. 32. Turk's Island: Color, the fat portions of a clean, fine, white color; lean of a clear, bright red color. Hardness, No. 32 not as hard and firm as that of No. 31. Sweetness, very sweet and sound. Loss in boiling, 17½ pounds; boiled as in No. 31, weighed 13½ pounds. Quality after boiling, soft and liable to run, but had the same color, and the taste was good. Weight, 198¾ pounds.

Conditions the same in both barrels.

Trial at Fort Mifflin, Pa., August 24, 1852: Pork all quite firm and solid. No. 56 was the whitest; No. 55 appeared to be the hardest. An offensive smell issued from No. 56 on opening the barrel, which was not the case in No. 55. Throughout No. 55 the meat was sweetest in smell. The piece boiled from No. 55 was the sweetest and firmest, and apparently the best preserved.

Trial at Fort Moultrie, S. C., August, 1852: The examiners sum up their observations with the remark that "the board is of opinion that for immediate use the difference between the two barrels is very slight, but, judging from the appearance and retentive firmness of the pork in the two barrels, they think No. 91 will retain its present state of preservation longer than No. 92." "The inside of the pieces in No. 92 were of a slightly greenish tinge."

Trial at Castle Pinckney, S. C., August, 1852: The smell and taste of No. 1 was decidedly the sweetest and best flavored, that of No. 2 being strong and rank.

Trial at Fortress Monroe, Va., August, 1852: The board concluded their examination by saying: "There appears to be so little difference in the qualities of the two barrels of pork that the board can not express any decided opinion as to their comparative merits.

Trial at Key West, Fla., August, 1852: To the statement of the examiners is appended the following, by Capt. J. Vogdes:

"I concur with the board in the above report. I would, in addition, beg leave to state that the salt was much better dissolved in No. 26 than in No. 25. The salt in No. 26 tasted strongly of the pork, whilst that of No. 25 seemed as pure as when it had been packed. No. 25 was issued immediately (August 24), No. 26 on the 10th of this month (September). The soldiers prefer No. 25 for eating-meat to No. 26."

Trial at Fort Adams, R. I., September, 1852: Major Sherman concludes his report thus:

"It is the opinion of the board that at the present time no essential difference can be found to exist between the two barrels of pork. They both appear to be good and sweet and of sufficient hardness," etc.

Colonel Gates adds a statement as follows: "I have carefully examined the said barrels of pork and tasted some of each (cooked and uncooked), and I am of opinion that the pork contained in the barrel marked No. 25 is preferable at this time to that contained in No. 26 by reason of its more fine appearance and more agreeable taste, upon the whole, and I should prefer for my own use the meat contained in barrel No. 25."

Trial at East Pascagoula, Miss., August, 1852: "The board is of opinion that the pork examined is uncommonly good. Before it was boiled the board was of the opinion that No. 38 was better than No. 37. After boiling there was no perceptible difference between the two."

Trial at East Pascagoula, Miss., September 7, 1853: "The board is of opinion that the pork in both barrels is uncommonly good and very well preserved, so much so that it is difficult to say which is the best; in the hardness and color there is a slight difference which would lead the board at this time to decide in favor of the salt in No. 39."

Trial at Fort Sullivan, Eastport, Me., August, 1853: "Both pieces were found to be very good, but that from barrel No. 3 was a little the hardest, a little the sweetest, and a little the best. The color of both was the same and pretty white."

Trial at Fortress Monroe, Va., August, 1853: Colonel Bankhead remarks: "The orderly sergeants of the companies report that they have used the entire contents of the two barrels (No. 81 and No. 82) and give a decided preference to the pork in No. 81, being sweeter, more solid, and less loss on boiling, and less affected after the barrels were opened by exposure to the air. The pork in No. 82 exhibted a slight taint by being kept a few days before boiling."

Trial at New York, September 29, 1853: The examination took place in the presence of the principal pork packers and pork dealers of the city.

Barrels Nos. 51 and 52 were opened in the presence of these gentlemen, and the results given were the unanimous opinion. No. 51, before boiling. Color: yellow on the surface, looking as if rusted; scraping the surface it showed white and clean.

No. 52. Color: bright and clean, both lean and fat, looking as if just packed. Both sweet and firm.

After boiling:

No. 51. Color: yellowish on the surface, white and clean within. Hardness: harder than 52, but attribute that to the hog being younger. Loss in boiling: 6 pounds 3 ounces. Quality: very firm and sweet. Weight, 195 pounds.

No. 52. Color: fat, white; lean, pink; both bright; hardness: firm, but not equal to No. 51. Loss in boiling: 7 pounds. Weight, 199.

A number of barrels of each kind were then opened. The result in color was, in all, the same. The barrels unevenly numbered were uniformly stained yellowish, whilst the even-numbered barrels presented the pork white and clean.

The pork in the uneven-numbered barrels was invariably better cured.

It was the unanimous opinion of the packers, that for sale in the New York market, the even-numbered barrels would be preferred, because of the better color of the pork. But for long shipments the preference would be given to the uneven-numbered barrels, the pork being better cured.

All other differences, except the two last named, were deemed by them due to the age and feeding of the hog.

Trial at Fort Washington, N. H., August, 1853.—"Altogether the pork in 75 was superior to 76 in color, sweetness, and firmness, and fewer pieces rusty."

Trial at Key West, Fla., August, 1853.—"Pork in No. 27 much superior to No. 28, and so preferred by the men."

Trial at Fort Mifflin, Pa., August, 1853.—"On opening barrel No. 57 I found that about 6 or 8 inches of brine had leaked out, and that the pork was slightly rusted. Otherwise it was white, tolerably hard, and perfectly sweet.

No. 58 was full of brine. The pork of quite a red color, rather soft, and had an offensive odor. The salt had not penetrated or 'struck in' the pork, which is tainted and unfit for use."

Trial at Fort Trumbull, Conn., August, 1853.—"No. 34, after boiling, had flavor decidedly rusty; No. 33 not perfectly sweet, but much superior to 34."

Trial at Fort Vancouver, W. T., August, 1854.—"The board is of opinion that the pork in barrel No. 61 is better preserved in every respect than that in No. 62."

Trial at Fort Reading, Cal., August 30, 1854.—"The flavor of No. 73 was better and more agreeable than No. 74, although No. 74 was not quite so salt. Both 73 and 74 were considered excellent in quality, but the preponderance in favor of No. 73." At a previous trial, same post, in February, the report says: "From the above experiments and tests, the board are of the opinion that No. 71 is a superior quality of pork, losing less in weight and generating less thirst—two very important points," etc.

Trial at Key West, Fla., August 24, 1854.—"No. 29. Hardness: Firmer than usual contract pork; fat and lean; no appearance of separation. Color: A little redder than usual contract pork; very healthy appearance; fat very white. Sweetness: Sweeter than the usual contract pork; no offensive smell on opening barrel. Loss in boiling: 20 pounds reduced to 11¾. Quality after boiling: Firm, sweet, of a good color, much more acceptable to the men than the usual contract pork; by the men considered the best pork they have ever had at this post."

No. 30. Hardness: Rather soft. Color: Bright red; unhealthy; very offensive smell when barrel was opened. Sweetness: Sour before and after boiling. Loss in boiling: 20 pounds reduced to 7¾. Quality after boiling: Soft, sour, greenish, and lean inclined to separate; not good pork; the fat had separated from the lean in the barrel; salt well dissolved.

Trial at Fort Moultrie, S. C., August 24, 1854: "In regard to the color of the pork, the board is of the opinion that the pork in barrel marked 95 is superior, it having apparently changed its color but slightly since it was packed, whilst that in barrel No. 96 was changed to a dingy yellow. As to hardness, that in barrel No. 95 is superior, being quite hard, while that in 96 has become somewhat soft. As to sweetness, 95 is superior." Same after boiling.

Mr. Chairman, the production of salt in New York State at present approximates 10,000,000 bushels or 2,000,000 barrels annually. In

the manufacture of this great staple there are employed in the State upwards of three thousand people. The wages paid range from $2.15 to $2.25 per day, and the labor thus employed and paid for constitute the chief portion of the cost of salt.

Now, sir, it needs no rhetoric and no speech to demonstrate that the proposed removal of the duty upon salt would ruin the industry. In my remarks on this bill published in the RECORD of May 12, I incorporated affidavits of gentlemen interested in the salt business which show that every cent received from the sale of the product of the common salt works of Onondaga County went to the employés of the companies. The cost of each bushel of common salt produced last year was .0797, or $3.188 per gross ton. Nearly 10,000 tons were sold in New York at $3.136 per gross ton, exclusive of cost of transportation. On every ton of Syracuse common salt sold in New York last year, therefore, there was an actual net loss of five cents and two-tenths.

The cost of a ton of salt is made up of these items: Brine, 40 cents; fuel, $1.316; insurance, repairs, and taxes, .0236 cent; office expenses, clerk-hire, etc., 2 cents; labor, $1.036.

Now, if the free-list of this bill is adopted, what will be the result? The brine will cost as much as it does to-day; fuel will be no cheaper; insurance and taxes will not be diminished in the least; the manufacturers will not be able to stand more loss, and they will be left to close up business or reduce wages.

I defy any of my Democratic colleagues to refute the plain and simple statements showing the cost of the manufacture of salt which are submitted by the gentleman whom they all know and which appear in the RECORD in my remarks during the general debate on this bill. They may vote to destroy one of the oldest industries in the State by opening up the gates and permitting foreign salt to be dumped upon our shores. They may do this and still be reasonably sure of re-election to Congress from some of the strong Democratic districts in or about New York City, but I warn them against running for any State office if they persist in thus aiding to cut down this great industry.

Not one-quarter of the salt used in New York or any of the Atlantic ports is of domestic manufacture to-day. Already the foreign manufacturer, with his cheap fuel and cheap labor and absolutely free raw material can drive us out of our own markets because his product is brought here as ballast by ships coming for cargoes. Remove the protection afforded by the present tariff and you open every market in the United States to the foreign salt producer.

Seven pounds of salt for a cent is the price at the works to-day. A barrel, including the barrel itself, for less than 60 cents. Salt enough to last a family for a year for 12 cents. Who is there complaining of the burden? We hear a great deal about the farmer in the West suffering under the load of taxation on salt. He can buy all he needs for his family and his stock for a year for a dollar, even though he live in Iowa or Dakota. That one dollar pays the transportation charges, the cost of the package, and helps to keep in food and clothing the laborer in New York or Michigan.

Place salt on the free-list and the laborer must seek employment in other walks of life. So soon as his occupation is gone home competition will cease, and the foreign manufacturer will monopolize the markets of the United States. He will certainly supply all seaboard consumers, and he will raise his prices the moment he secures the field to himself.

Mr. BLAND. Mr. Chairman, while I was absent from the Hall it seems that the gentleman from Kansas [Mr. PETERS] referred to me as representing the Sleepy Hollow district of the State of Missouri, where the State capital was as dead as an Egyptian mummy three thousand years old. It seems he has been brought into this condition of perturbation by the record which I had read the other day, and if the Clerk will do me the favor I will have it read again.

The Clerk read as follows:

Mr. ANDERSON. The Legislature of Kansas has passed the following resolution:

"That our Senators and Representatives in Congress are hereby requested and instructed to use their best effort to have the duty upon lumber of every description removed so that the same may be placed on the free-list."

I shall obey these instructions, and I suppose it is not necessary to make any defense of the Republicanism of the State of Kansas, the State of John Brown, a State casting from 50,000 to 70,000 Republican majority in Presidential elections.

Mr. BLAND. That is a good record. It is no answer to the argument of his colleague [Mr. ANDERSON] or to his colleague [Mr. RYAN], who the other day went through the tellers voting for free lumber in accordance with the resolution of their Legislature; it is no argument for the gentleman on this floor to undertake to ridicule the people of my district. I wish him to speak for his own constituency in Kansas. The people of that State are too intelligent to take any such ridicule as an excuse for his vote against the resolutions of his State Legislature.

Why did he not refer to the districts represented by Mr. ANDERSON and Mr. RYAN, two of the most intelligent and able Representatives on this floor from Kansas, who have been here as long as the gentleman has? Instead of referring to my district, why did he not tell this House why he refused to obey the resolution of the Legislature of his State, which I have had read at the Clerk's desk? Had the gentleman confined his remarks to his colleagues, who voted in accordance with a resolution of his State Legislature, he might have recommended himself to his own people. The people of Missouri and their Representatives are able to take care of themselves on this floor.

I will read another sentence or two from what was said by the gentleman's colleague [Mr. ANDERSON] on that occasion:

Mr. ANDERSON. I am not representing a timber interest. I am, as I have been—and I say it in the sight of God—trying to represent as I understand it the interest of the whole people of these United States, while you gentlemen are simply undertaking to represent the interests of the few. I thank God that no specific interest whatever has ever influenced me or ever shall influence either my vote or my voice on any of these questions.

As I said before, the question is whether ten years ahead, twenty years ahead, thirty years ahead, it will be found to have been for the prosperity of the whole country that we stripped our lands of these forests. That is the question. And it is a question whether it will be for the present benefit of the great bulk of the consumers in the United States that you shall keep up your present tariff on lumber, so as to prevent us from utilizing the products of the Canadian forests. Upon that question I have no doubt.

I commend to the gentleman from Kansas [Mr. PETERS] to answer that, and not undertake to slur the district I have the honor to represent. He has enough on his hands to answer his own colleagues without going into Missouri.

I thank God no special interest is there to influence me to vote on this question in favor of twenty or thirty favored individuals, and against the interest of the great bulk of consumers throughout the United States who are in favor of free lumber. I am opposed to keeping up the tariff on lumber in the interest of anybody.

[Here the hammer fell.]

Mr. GROUT. Mr. Chairman, the word I would offer on the subject of salt is not in behalf of the manufacturer, nor the dealer, nor the importer, for whom my friend from New York [Mr. COX] spoke, but in behalf of the consumer—one class of consumers, at least, and that is the dairymen and the farmers, in whose behalf my friend also spoke. I do so because I represent a part of a State where there is more butter made according to population than in any other State of the Union.

Vermont makes 25,000,000 pounds of butter annually, and that is 82 pounds to each person in the State, and three or four times as much per capita as is made in any other State, hence the people of Vermont have a greater interest in this question than those of any other State. And I want to say to you that the dairymen and farmers of my State do not ask and have not thought of asking for free salt. They do not complain of the present duty on salt. The gentleman from New York [Mr. COX] said he had petitions from all the States asking for free salt. If he has any from Vermont I would like to see them.

Mr. COX. They are not here now. If there are any from Vermont I will print them with my remarks.

Mr. GROUT. I do not believe there are any; I certainly do not remember having received any myself, and do not believe any have come from my State.

I do not believe it for two reasons. First, the farmers of Vermont are consistent protectionists, and are not looking around to find something about the tariff to find fault with; and secondly, if they were going to find fault they would take something worth while, and not take the duty on salt. It is really too small a matter, so far as the dairyman and farmer is concerned, to talk about.

Why, the duty on the salt that would go into a ton of butter would be only 16 cents.

I presented this salt question, so far as the farmer is concerned, in some general remarks the other day on the tariff, and as I can hardly put it in a more condensed form I reproduce the paragraph here. It is as follows:

There is now a duty on coarse salt of 8 cents per 100 pounds, or $1.60 per ton. The farmer, if a large one, may use 500 pounds, and here would be a saving of 40 cents. The duty on fine salt, used for dairying purposes, is 12 cents per 100 pounds. One pound of salt is usually added to 16 pounds of butter, so the duty on the salt in 1 pound is one-sixteenth of a cent. If the farmer makes a ton of butter he will use 125 pounds of salt, on which the duty would be 15 cents. So the farmer would save on his salt the princely sum of 55 cents annually.

And now I repeat that the dairymen and farmers of my State do not ask for free salt, and I ask that they may not be represented as joining in this pretended demand for the removal of this small duty.

[Here the hammer fell.]

Mr. WHITE, of Indiana. Mr. Chairman, in this salt and butter question I have had a little experience, and I wish to give it for the information of the House and for the benefit of the committee at whatever it may be worth.

For the last twenty-two years I have dealt in salt and have packed butter. In 1866 salt was sold at $2.50 a barrel, but from that date down to the present time there has been a steady decline in the price. We now retail it at 90 cents a barrel, equal to a reduction of two-thirds, or, as you might term it, 200 per cent., if such a thing were possible. My friend from Maryland [Mr. RAYNER] attacks that reduction on the ground that, in the first place, from 1866 to 1876 it was greater than from 1876 down to the present time, and because a trust has been formed since 1876. Now, there is one feature that my colleague lost sight of in that connection, and it is this, that from 1866 to 1876 there was a great decline in the value of gold. Gold in 1866 demanded 30 per cent. premium, while from that time to 1876 it came down to par, and all commodities were affected by the decline; and hence this commodity, salt, declined more rapidly in that period of

decline than it has done since. And yet from that time to now it has been quite in proportion to that period as far as the decline is concerned, if you figure up the difference in the price of gold.

I assure you that there are no farmers in my district who are complaining of the price of salt. They are very far from asking that the duty be removed. They make no such demand, nor do they deem it necessary. To my mind the only difference it would make would be, as my colleague from Michigan [Mr. BURROWS] stated, that it was simply giving the British manufacturer power to ship his salt at a little lower cost to himself and a little farther into the interior of our country. It would not reduce the price a particle, because the competition here in our own markets would keep the price up, and, if possible, it would add to it. Besides, it is not unreasonable to suppose that the time will come when that industry will be established in the South. When it is, when that industry is on a proper footing in the South, it will tend to obliterate imported salt, and they will have it cheaper. They can not now have it as cheap, because the question of freight enters largely into it. The freight on salt from the mines where it is produced to the Southern States is necessarily large, because the distance is great; but if this industry was inaugurated in the South that would be overcome, because the freight would be saved.

They must remember also, Mr. Chairman, the fact that the cheaper salt from England pays scarcely any freight. As a rule it is shipped to this country as ballast. Steam-ships arriving on our Southern coasts use as a rule nothing but salt as ballast, and they take it for almost nothing, as our vessels on the Atlantic coast take wheat for nothing, or very little, as they have done in the past (when they have arrived in this country with a load of immigrants), as a return ballast. In the same way these vessels bring the salt from Liverpool as ballast. This necessarily makes it very much cheaper, and gives these shippers a better opportunity to send the salt into the interior than if they paid the freight on it to our Southern coast. The vessels take back rosin, cotton, and other Southern products; but necessarily they must have ballast when they come over, and they would rather bring it for nothing than load some other material which would not be as convenient.

Now, as to the use of salt with reference to the dairy products and for the farmers. I say that so far as the farmers are concerned they have no preference for foreign salt. There was a time, twenty or twenty-five years ago, when they thought that the English salt was better than the domestic. That idea prevailed as against Michigan and in favor of New York salt to a certain extent. But both ideas have been outlived, by the product of the Michigan salt coming up to and competing with the Onondaga salt, and so now you can not sell a barrel of either product for more than the other. They sell on one basis and for the same price, one price regulating the whole, while foreign salt is almost entirely driven out. This is especially true with reference to salt used for packing meats. There is not a farmer now who packs his meat—and that is done of course in the winter season—who buys foreign salt as a choice, or thinks it is better for his purposes than the domestic salt. It is true that some prefer foreign salt for packing butter, but that is a different condition. They think it produces better results.

[Here the hammer fell.]

Mr. BAYNE. Mr. Chairman, on the 9th day of May the gentleman from Mississippi [Mr. HOOKER] made quite an elaborate speech on the tariff, and he evinced a great deal of zeal in his argument. I remember how he raised his hand and how tremulously it vibrated in response to the aroused emotions within him. I remember how from his lips fell words with rhetorical fluency, and I almost saw the effusion from his eyes of lachrymose globules laden with salt as he dealt with the subject. And I heard his peroration, which charged nearly all the ills of taxation to the duty on salt. I said to myself, "Can these things be and overcome us like a summer cloud without our special wonder?" I was induced by this argument of the gentleman from Mississippi to make a somewhat extended examination of this subject, and I found by his own figures that the entire duties on salt paid to the Government in the year 1887 were about $670,000. Supposing the entire duty to have been paid by the consumers of the country, which I emphatically deny, it would make but about $1\frac{1}{7}$ cents per capita.

Upon a further examination of the subject I ascertained that there were consumed in this country about 10,000,000 barrels of salt, and that the entire product imported into the country amounted to about one thirty-fifth of our consumption. When I ascertained that such a small proportion of the quantity consumed was imported, I felt that the gentleman from Mississippi [Mr. HOOKER] should not have laid so much stress upon that point, and that the consumers of the country were not in need of so much sympathy as he had expressed for them in his speech. But when I found, on the other hand, not one word in the gentleman's speech with reference to making sugar free, I said to myself, "This is a very strange situation indeed." An examination of the sugar statistics discloses the fact that at the outside not more than one-sixth of the sugar consumed in the country is produced here, and therefore at a low calculation five-sixths is imported.

A MEMBER. We produce only one-eleventh of what we use.

Mr. BAYNE. Well, calculations vary and I want to give the entire benefit of the doubt to the home production. [Laughter.] But, Mr. Chairman, when I looked into the statistics and ascertained that the duties paid on sugar amounted to almost $60,000,000 annually—a dollar per capita for every man, woman, and child in the country—I then said, "How can it be that a gentleman with so large a heart and such a large fund of emotion as the gentleman from Mississippi can so deprecate the duty on salt, amounting in the aggregate to $670,000 a year, and at the same time vote for a tariff bill which leaves a duty on sugar amounting to between forty and fifty million dollars a year?"

Mr. GROUT. Fifty-eight millions.

Mr. BAYNE. It is fifty-eight millions now; but the Mills bill will probably reduce it to between forty-five and fifty millions. I do not know exactly what the reduction will be.

Mr. WALKER. Twelve millions.

Mr. BAYNE. Salt is produced in many parts of the North, and very little in the South. Sugar is produced scarcely anywhere in the North, and what is produced in this country chiefly comes from the South. I can not help coming to the conclusion that this bill is sectional throughout. [Laughter and applause on the Republican side.]

[Here the hammer fell.]

Mr. PETERS. Mr. Chairman, the gentleman from Missouri [Mr. BLAND] has raked up the musty records of the past in his attempt to discover some inconsistency on the part of the Representatives from Kansas. Like his party, he is always behind the procession. I ask him to wake up from his Rip VanWinkle sleep of five years ago and listen to the voice of the Kansas of to-day. I send to the Clerk's desk a resolution which was adopted by a convention held in one of the largest counties in my district one week ago to-day, a resolution which speaks the voice of Kansas in this year of our Lord one thousand eight hundred and eighty-eight.

The Clerk read as follows:

Sixth. We look with pride upon the tariff laws of our country which have made us the greatest nation on earth, which has furnished us an industrial system that pays better wages to labor than is paid anywhere else, which furnishes a better market for the product of the farms, the forest and the mines, and which to-day are the foundation of so much prosperity and happiness, and we demand such just protective laws as shall insure to our whole people a continuance of a stable and settled financial condition, and we indorse the able efforts of the Hon. S. R. PETERS, who is laboring so manfully in behalf of the people to prevent the majority of the present Congress from opening the doors of commerce and forcing our laborers to compete with the poorly paid labor of Europe.

[Loud applause on the Republican side.]

Mr. PETERS. Mr. Chairman, that is something fresh. [Laughter.] That was adopted, as I have said, only a week ago, in a county that has now 35,000 people, while in 1883 it did not have half that number. That fact and this resolution show the condition and the sentiment of the Kansas of to-day as compared with the Kansas of 1883. When I was on the floor awhile ago I stated that I desired to speak on this salt question from the farmer's standpoint. The gentleman from Missouri talked about lumber, but this has nothing to do with the lumber question. We are discussing salt now, and having spoken about salt from the farmer's point of view, I wish to say a word about it in its relation to labor.

Six counties in my district have discovered salt within their territory, and that discovery means to the farming population of those six counties an addition to values of $1,200,000 if the tariff law, as it is now upon the statute-book, remains unchanged. But, Mr. Chairman, it means not only this advantage to the farmers of Kansas, but it means a corresponding advantage to the laboring men of that State. Gentlemen on the other side say that the laboring men of Kansas are not in favor of protection. I deny it. I deny it in view of the facts that have been presented in the past.

In the Seventh district of Kansas, from which I come, in the elections for the Forty-ninth and Fiftieth Congresses the main issue before the people was the question of protection, and the member who stands upon this floor to represent that district came to the Forty-ninth Congress by a plurality of 10,000, and came to the Fiftieth Congress by a like plurality. Now, what is to be the effect of this proposed change upon the laboring men of Kansas? If this industry is developed in Kansas, as we believe it will be under the present law, it will give employment to thousands of men in that State. There is no assurance of this employment, except assertion and prophecy, if salt is placed on the free-list.

[Here the hammer fell.]

Mr. ANDERSON, of Iowa. Mr. Chairman, I desire to supplement the remarks which I made yesterday in favor of free wood by a few remarks to-day in favor of free salt. On yesterday I attempted to maintain that in the position which I took in reference to the duty on lumber I was strictly within the line of the Republican party as its sentiments have been promulgated by its latest official utterances in State and national platforms. That position is this, though in this House it has been sneered at: a tariff for revenue with incidental protection. And, sir, there can be no doubt, in my humble judgment, that that is the correct position when we take into consideration two primary facts: first, the constitutional limitation that you shall not raise more revenue by import duties than the needs of the Government demand; and, second, that this bill under consideration, or any other bill that can be conceived of, will raise such an amount of revenue as will give more than the needed protection to American industries. In saying this I am backed up by so high an authority in this protection procession as

the distinguished Senator from Ohio [Mr. SHERMAN], who, in one of his public utterances, declared that the wit of man could not possibly devise a tariff that would yield $140,000,000 in money (gold) without amply protecting our domestic industries. And yet, sir, in this House to-day we find an almost unbroken front on the part of Representatives on the Republican side, not simply opposing in detail, but opposing as a whole, and without offering any substitute for it, a bill which, if it should become a law, will raise $40,000,000 more revenue per annum than the highest financial authority in this country, and that a Republican authority, has said would be needed in order to give the amplest protection to American industries.

Mr. ROWELL. What is the difference between the imports then and now?

Mr. ANDERSON, of Iowa. I do not know, and I do not care; for, whatever the difference may be, it is a difference in favor of a needed reduction of import duties. We are told by the Secretary of the Treasury that the import duties for this year will be $228,000,000; and I undertake to say that the Mills bill, notwithstanding the hue and cry, the senseless and groundless hue and cry, that goes up from this side of the House about its being a free-trade measure—I say that the Mills bill will raise, in all human probability, $180,000,000 of revenue. The Republican party was standing not only on the constitutional ground, but in the interest of protection, when it made the declaration that it was in favor of a tariff for revenue with incidental protection; but in these days of progressiveness and broad, enlightened statesmanship, when so many Pauls on the way to Tarsus have seen bright and shining lights by the wayside, we have gone on until we have now reached such a stage of development of financial ingenuity that some gentlemen among us undertake to show that in order to supply the people with the necessaries of life at cheap and stable prices, all you need to do is, first, to exclude foreign competition by a tariff, and then, by a trust, crush out domestic competition. [Laughter.]

Yesterday it was denied that we had a "trust;" and my colleague, for whom I have the greatest respect, questioned the existence of a "trust" in the State of Iowa, which he has presided over for two terms with great ability, when he knew that the last Legislature of that State, in consequence of the agitation of the existence of these commercial monsters known as "trusts," and especially the Green Bay lumber "trust," enacted a law upon this subject based upon the very fact of the presence of this monster, the "trust," and that "trust" the Green Bay lumber "trust."

[Here the hammer fell.]

Mr. GEAR. I ask unanimous consent that my colleague have leave to continue his remarks.

Mr. DOCKERY. Let the time occupied by the gentleman be charged to this side.

The CHAIRMAN. Is there objection to allowing the gentleman to proceed? The Chair hears none.

Mr. ANDERSON, of Iowa. Now, if it be true that foreign competition can be excluded by impost duties and domestic competition crushed out by "trust" combinations, and yet prices not be raised, I undertake to say, in view of the stupendous power of the combinations in whose hands this matter rests, we have demonstrated the fact that we have kind, gracious, and indulgent masters; for it must be by their volition that we enjoy this exemption from high prices when they have this tremendous power in their hands; and the American people who consume the various commodities which these combinations control ought to make their politest bow to the manufacturers and jobbers in this country, who, having in their hands the sole power of fixing prices at their pleasure, condescend graciously and kindly to furnish the commodities in which they deal at only a reasonable compensation. In the name of those consumers, so far as I can, I now most profoundly thank their representatives and attorneys on this floor.

Why, sir, the last Republican administration declared in favor of a reduction of the tariff. Chester A. Arthur, the latest and, I may say with truth, the best of the long line of Republican Presidents in this country, and one who so commended himself to the people that throughout the length and breadth of the land they approved his administration, recommended a revision of the tariff and a reduction of the revenue. He said:

> Such tariff reductions may seem advisable when the results of recent revenue laws and commercial treaties shall have shown in what quarters those reductions may be most advantageously made.

The "recent revenue laws" to which he referred were those made under the report of the Tariff Commission in 1882; and the result was that more revenue was raised under them than President Arthur himself had contemplated, and hence arose more need than he had contemplated for a reduction of the revenues.

[Here the hammer fell.]

Mr. BURROWS. Mr. Chairman, there are only two matters to which I wish to call attention. In my opening remarks I maintained that if the duty on salt were removed it would only result to the advantage of the foreign producer of salt, by enabling him to use the $1.60 a ton now paid for duty, to carry his salt farther inland. My colleague [Mr. WHITING], who is specially familiar with this industry and whose statements here or elsewhere are entitled to the fullest credence, declared that he could place his salt on the seaboard (and he named several ports to which he shipped his salt) in competition with foreign salt. He left the impression upon my mind (and I am sure he left the same impression upon the minds of the committee) that the argument I had made was completely overthrown by the statement that Michigan salt could be put upon the market on the seaboard. Some of the gentlemen of the committee may have been out when my colleague subsequently declared that in making his statement he had alluded to the salt which he produced, which is of superior quality and sells at greatly advanced prices. He stated to the committee that he had intended to refer only to this high-priced salt. Subsequently in conversation, I asked him whether the Michigan association, which last year shipped or disposed of 3,209,537 barrels of salt, could ship any portion of that salt to the seaboard; and his answer was "No, not a pound of it." He stated that on account of the cost of transportation the great salt product of Michigan could not be taken to the seaboard in competition with foreign salt.

So that the argument I made has not, I insist, been answered—the argument that the removal of the duty on salt would simply enable the foreign producer of salt to carry his salt farther inland and would not reduce the price of salt one penny; for why should the foreign producer of salt lessen his price if he has no competition, as he will not have? He will have the matter entirely under his own command and can charge just what he pleases for his salt.

One word further. My other colleague [Mr. TARSNEY] stated and reiterated several times that we on this side, especially the gentleman from Maine [Mr. REED], myself, and other gentlemen, had voted for free salt. There is but one answer to that charge: It is not true. He alluded to the revision of the tariff containing the provision that on salt brought in from abroad to be used in packing meat, bait, etc., for exportation there should be allowed a rebate, a provision of law in harmony with other provisions of our statutes touching products brought into the country to be exported. I submit, therefore, that the statement of my colleague was entirely unfair. I have never voted for free salt. The vote to which the gentleman alluded was not for free salt, but simply to allow a rebate upon imported salt used in curing meat, bait, etc., for exportation.

Mr. DOCKERY. That was, however, a rebate of the full amount of the duty, was it not?

Mr. BURROWS. I do not remember; but it matters not. The provision is analogous, as I understand, to the case of the refund of the duty on sugar.

I simply wished to call attention to these matters to show that the argument I first made on this question has not yet been answered.

[Here the hammer fell.]

Mr. HOOKER obtained the floor.

Mr. WHITING, of Michigan. I would like to make a personal explanation. My colleague [Mr. BURROWS] has quoted a remark which I made, but he did not give all of it. I would like the privilege of stating the residue.

The CHAIRMAN. The gentleman from Mississippi [Mr. HOOKER] is entitled to the floor.

Mr. HOOKER. I yield to the gentleman from Louisiana [Mr. GAY].

Mr. GAY. Mr. Chairman, I did not happen to be in the House when the gentleman from Michigan alluded to the Avery salt mines, located in my district, in the State of Louisiana. Those mines are a most interesting and almost illimitable deposit of probably the purest rock salt in the world. The mines there have been opened at great expense, and the most costly machinery has been provided. Those mines are situated upon an island surrounded by sea marsh without adequate connection with the Gulf of Mexico. If they were situated where they could deliver their salt upon the seacoast or on the Mississippi River, they could furnish salt in competition with the world. The difficulty is that they are restricted to railroad transportation.

This being the fact, the proprietors were compelled to enter into an arrangement with what is now the Southern Pacific Railroad for the building of a branch road 10 miles in length to this mine. They were compelled not only to pay freights proportionate to the expense of providing this branch road, but they were also required to furnish a certain quantity of salt per day—something like 500 tons.

I have no doubt that the product of these mines will be affected by coming in competition with foreign salt, brought as ballast to this country from Liverpool.

The owners of this mine I know to be patriotic and public-spirited. One of them was a delegate to the St. Louis Democratic convention which indorsed the bill now under consideration in this House. [Applause on the Democratic side.] He was there as a delegate, and in consenting to personal sacrifice he did so for patriotic purposes. [Applause.]

I would be sorry to give any vote in this House which would have the effect of doing injury to any one of the industrial interests of the United States. Representing in part that portion of the State of Louisiana engaged in the production of sugar, I came to this Congress to assist in reducing the public taxation. My desire was to greatly diminish the revenue by a repeal of at least one-half of the internal-revenue tax.

The successful production of sugar, which is one of the great interests of that State, and having great possibilities in other States, could not bear any diminution of the protection given to it under existing laws. While that is our belief, still we come here believing it to be our duty to bear our part in the sacrifice required by tariff reduction if no better and more practical plan could be devised.

The reduction on sugar proposed by this bill will amount to about $12,000,000, a sum amounting to more than one-half of the total reduction on articles left on the dutiable list.

The CHAIRMAN. The gentleman's time has expired.

Mr. BRECKINRIDGE, of Arkansas. I move that the gentleman's time be extended.

There was no objection.

Mr. GAY. Now we have here constant appeals coming from the other side in favor of a greater reduction on sugar. I believe there is not a patriotic citizen in the United States who is not willing to forego something in support of our Government. The tariff on sugar amounts to some fifty-eight millions of dollars. It is a tax which goes into the pocket of the Government with the exception of about 9 per cent. of it. In other words, 91 cents out of every dollar collected on sugar go into the pocket of the Government of the United States.

The people who pay these taxes are the people of the United States, and when it is collected it is put back into their own pockets, for the Government is the mere representative of the people. A revenue must be raised, and if not from sugar it will be raised in some other more burthensome form. It is an economical tax, for the people get the full value of their money. They never got sugar of equal quality at a price as low as they now get it. In 1864 sugar sold at 23 cents a pound.

Mr. GEAR. Let me ask my friend from Louisiana whether that was not owing to the depreciation of the currency?

Mr. GAY. Let me say in answer to the gentleman that I only wish we had that same currency-back again, we would have greater prosperity.

Mr. GEAR. But was not that the fact, that it was owing to the depreciation of that currency?

Mr. GAY. The currency at the time I refer to would have given a specie value of 15 cents for sugar. The article went down from 23 cents to 18, to 15, to 12, and to 10 cents a pound, and is now selling at 3½ to 6.

Mr. GEAR. I bought sugar from the gentleman for 3½ cents a pound before the war.

Mr. GAY. I never sold any good sugar so cheap as that.

Mr. GEAR. Yes, and I never dealt with a more honest man. I always received 16 ounces to the pound.

Mr. GAY. I thank the gentleman for the compliment. I always take pleasure in meeting my old customers, whether in this House or elsewhere. The gentleman speaks of having bought sugar at 3½ cents a pound. Let me say that among his people to-day such sugar would not be consumed.

Mr. GEAR. Merely because under the present arrangement of the tariff you can not import it. Not 1 per cent. of that character of sugar is imported into this country.

Mr. GAY. But a better taste has been acquired by the people of the United States, and it has grown to such an extent that the white or refined sugar is taken in preference to the ordinary brown. In fact, it is almost exclusively used. I admit that there are localities where brown sugar would be preferred, because there are relics of barbarism still prevailing all over the country. [Laughter.]

Mr. GEAR. That is true.

Mr. GAY. The tendency is for the finer grades or refined sugar, and the gentleman could not at the time he speaks of have bought a pound of refined sugar for less than 12½ to 14 cents.

Mr. GEAR. I beg pardon; a great deal less than that.

Mr. GAY. I may be mistaken, but it happened that I was quite a large dealer, and I never knew of any one to sell it for less than 12½ cents before the war.

Mr. GEAR. I can produce receipts from William H. Belcher & Co. showing where this sugar was sold at 6¼ cents for white "A" sugar.

Mr. GAY. Oh, well, that must have been a kind of bastard sugar. [Laughter.]

Mr. GEAR. It is the same kind the gentleman produces on his Louisiana plantation.

Mr. GAY. Mr. Chairman, the bonus that is paid as a duty on manufactured products in many parts of the country goes into the pockets of the manufacturers, but in the case of the duty upon sugar it is paid to no corporations. They are paying it to the people who produce the sugar, and to no accumulations of wealth, for there never was a more enterprising and at the same time a more impoverished set of men than the average of those who are engaged in the sugar business in Louisiana.

[Here the hammer fell.]

Mr. GEAR. I ask that the gentleman from Louisiana may be permitted to proceed for a few minutes longer.

There was no objection.

Mr. GAY. That tax is paid by the people of the United States, as has been suggested, but it is a tax that goes into the pockets of the people, because they are the Government of the United States; and that small portion which is derived by planters of Louisiana goes still into their pockets—into the pockets of the entire United States, who supply us machinery and stock, implements, provisions, and supplies, all of which we must buy, and not only give them the revenues we receive, but we give them ninety-nine one hundredths of the entire crop for their products, which we need in exchange for ours.

Mr. MILLIKEN. Mr. Chairman, I shall not probably occupy the floor for the entire five minutes, but I wish to add a few words to what has been said in this connection. I have been somewhat amused to hear my friends on the other side, and especially the gentleman from Minnesota, make what I regard as certainly a very Quixotic onslaught upon the "trusts" in this country. Now I will say to him and to every gentleman on the other side of the House that they will not find any man on this side of the House or elsewhere who will join with them more readily and earnestly in combating against what they call "rascally trusts" that hold back production to raise the prices of commodities than I will do, and I believe that this side of the House will sustain me in doing it. When gentlemen stand up here, then, to discuss the salt question and the lumber question and half a thousand other questions, and from the beginning to the end inveigh against trusts, as if they are the sole question at issue, I desire to know who it is on the floor of this House, on this side of the House, that is in favor of trusts or who are the champions of trusts? If there is anybody who occupies that position on this side I am ignorant of the fact.

Mr. RAYNER. I will answer the gentleman. Will he permit me?

Mr. MILLIKEN. Yes. Who is it?

Mr. RAYNER. Let me say to the gentleman that the leader of your party on that side of the House has declared here in a speech in this House that he is in favor of that system that leads to monopoly, on the ground that monopolies lower prices of commodities to the people.

Mr. MILLIKEN. And I tell the gentleman that I am satisfied he is mistaken, and that the gentleman has not declared anything of the kind.

Mr. RAYNER. Well, he will tell you so.

Mr. MILLIKEN. Very well, perhaps so. But I will wait at all events until he does before I can give my consent to any such proposition.

Now my friend from New York [Mr. COX], who is always genial as well as ingenious, desired to know why the fishing industry should have a rebate of duty upon salt, while there may be a duty on salt that goes into the dairy products. I can speak upon this subject without any allegation of personal interests, because there is no salt produced in my district, while I have a good many dairy products, and if I had any personal interests in defending either one or the other it would be the dairymen and not the salt-men. But it is to be said in favor of the fisherman that in the first place he is obliged to buy foreign salt, and that arises from the very necessities of the case. He lives away up upon our Eastern coast, and the salt which he uses comes principally from Turk's Island, where salt is produced, and the cost of transportation is but a small item of addition to the cost, whereas the salt that finds its way from Michigan over the railroads is compelled to pay heavy freights, and if you place ever so high a duty upon it you protect nobody. You simply take out of the pockets of those people the amount of the tax that you put upon it, for they have got to buy salt on the coast, and can not afford to pay the freight over the railroads.

Mr. Chairman, it was the policy of our forefathers from the very beginning of this Government to protect the fishing industries of the country. They, the wise men of that generation, looked upon it as an industry of great national importance. They gave a bounty to the fishermen of $4 a ton, which bounty continued from near the very beginning of the Government down to 1866, when it was repealed. Why was it given? Because they looked upon the fishermen as the hardiest seamen upon the sea; out in the winter time, with no place to shelter their small craft except, as the sailors say, to go into "foresail harbor," outside of the banks where the waves and every character of wind would beat them around all night long. They looked upon them as the best sailors and looked upon this fishing fleet as the best nursery for a national navy. And, Mr. Chairman, they are the best to-day. Do not gentlemen know that on our ships that go foreign there are comparatively few native sailors to be found, for they are generally manned by foreigners? But when you want men to man your Navy, here are the men in these fishing industries, controlled by patriotic impulses, who go forth upon the water and fight for their own flag; and you have amongst these hardy New England fishermen the very best class of sailors that ever has been known in contests on the sea since we have had a Government.

[Here the hammer fell.]

Mr. HOOKER. Mr. Chairman, I had not attached much importance to the speech which I had the honor to make the other day to the Committee of the Whole House upon the tariff question, nor had I prided myself much upon the illustration which I gave enforcing my argument in regard to the tariff; but since I find that it produced such an effect upon the honorable gentleman from Pennsylvania, I might say the honorable and flinty-hearted gentleman from Pennsylvania [Mr. BAYNE], who, with sugar in his coffee and his tea, feels no sort of compassion for the man who has no salt with which to cook every meal that he sits

down to—since I find that my speech produced such an impression upon that gentleman, I can not help feeling a little proud of it. [Laughter.]

I used the article salt as an illustration of the inequality and injustice of tariff taxation, and in this regard. It had been said that this pending bill was a sectional tariff bill, and I introduced the subject of salt, showing the amount imported, the tax imposed upon it, and the changes which that tax had undergone from time to time, for the purpose of showing that the Committee on Ways and Means in proposing to place it upon the free-list had acted wisely, had selected an article of universal use everywhere, an article which was so indispensable to human and to animal existence that no meal could be eaten without it; that no herds of cattle could subsist without it; that no flocks of sheep could subsist without it, and, indeed, that it was the one indispensable thing of all others which the human family and the animal family required from month to month and from day to day throughout the entire year. I also cited the report of Mr. Switzler to show that there were only 268 salt-making establishments in the United States; that they employed only 4,280 persons, and that their product was, in bushels, 29,896,000, of the value of $4,000,000. And I also called attention to the fact that the sixty millions of people of these United States who are using salt every day of the year, who are compelled to use it every day of the year, were paying tribute to the four thousand people engaged in the manufacture. I was speaking, Mr. Chairman, in the interest of the consumer.

The honorable gentleman from Pennsylvania [Mr. BAYNE] says that the consumer does not pay the tax. If the consumer does not pay it, who does? Do you believe that the importer is so benevolent and patriotic that he brings the salt from England to America and pays the duty upon it and then disposes of it without charging up that duty? Why, sir, that argument could not be made successfully to a plowboy sixteen years old in the State of Mississippi or in the State of Pennsylvania. If the consumer does not pay the duty, who does? If there is a sale of the article in the United States at all, the consumer is bound to pay the duty. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. BLANCHARD. I ask unanimous consent that the gentleman from Mississippi may be allowed to conclude his remarks; after which I desire to be recognized. [Laughter.]

There was no objection.

Mr. HOOKER. Mr. Chairman, I hold in my hand a table showing the amount of salt imported into this country, the duty paid, and the percentage upon it; and by that table I find that salt bore a tax of 24 cents per hundred pounds down to 1872; then the duty was reduced to 12 cents per hundred pounds when imported in small packages. When imported in bulk it bore a tax of 18 cents down to 1872, when the rate was reduced to 8 cents per hundred pounds. Now I want to ask my distinguished friend from Michigan [Mr. BURROWS] and others who hold that salt ought to be protected, why did you vote to reduce that tax one-half? Salt bore a tax of only 24 cents per hundred and you reduced it one-half. You also reduced the tax from 18 cents to 8 cents when salt was imported in bulk. The vote by which that reduction was made was 149 to 61, and the reduction was made in 1872 and 1873, when both branches of Congress were Republican, and the Executive also.

You set the example of reducing the duty. Why did you do that? Did you want to make salt cheaper to the consumer? Upon what ground, upon what principle, upon what philosophy, upon what scheme of statesmanship did you act, if it was not upon the principle of making salt cheaper to the consumer? You, of course, made that change upon the ground that salt ought to be cheap. Now we are going to carry out your policy by making it cheaper, by putting that great necessary of life upon the free-list. [Applause on the Democratic side.]

I have known many families in my region of country who have gone from the 1st day of January to the 1st day of December without sugar, but I have never known one that could do without salt; and we propose to carry out your policy and put salt upon the free-list. I repeat it, you took the first step in that direction and set us the example in 1872 and 1873, when you had control of both branches of Congress as well as of the Executive.

You destroyed your own argument that the consumer does not pay the tax. Why should you, with a majority of both Houses, have taken off one-half of the duty for the benefit of the consumer if the tax did not fall on the consumer? We propose now, in the interest of sixty millions of people, to complete the half-way justice which you then did, and to put this great necessary of life upon the free-list, so that every man, woman, and child from Maine to California may be enabled to use it at the cheapest possible rate. I want to quote upon this point the language of a great Missouri statesman, a man of large thought, a man of great brains, who illustrated and adorned and exhausted every topic that he touched. I refer to Mr. Benton. Discussing this question many years ago, Mr. Benton said that—

A salt tax was not only politically but morally wrong; it was a species of impiety. Salt stood alone amidst the productions of nature without a rival or substitute, and the preserver and purifier of all things. Most nations had regarded it as a mystic and sacred substance. Among the heathen nations of antiquity and with the Jews it was used in the religious ceremony of the sacrifice, the head of the victim being sprinkled with salt and water before it was offered. Among the primitive Christians it was the subject of divine allusions and the symbol of purity, of incorruptibility, and of perpetuity. The disciples of Christ were called "the salt of the earth," and no language or metaphor could have been more expressive of their character and mission; pure in themselves, and an antidote to moral as salt was to material corruption. Among the nations of the East salt always has been and still is the symbol of friendship and the pledge of inviolable fidelity. He that has eaten another's salt has contracted towards his benefactor a sacred obligation and can not betray or injure him thereafter without drawing upon himself (according to his religious belief) the certain effects of the divine displeasure. While many nations have religiously regarded this substance, all have abhorred its taxation; and this sentiment, so universal, so profound, so inextinguishable in the human heart, is not to be overlooked by the legislator.

Mr. Benton concluded his speech with declaring implacable war against this tax, with all its appurtenant abuses of monopoly in one quarter of the Union and of undue advantage in another. He denounced it as a tax upon the entire economy of nature and of art, a tax upon man and upon beast, upon life and upon health, upon comfort and luxury, upon want and superfluity, upon food and upon raiment, on washing and on cleanliness. He called it a heartless and tyrant tax, as inexorable as it was omnipotent and omnipresent; a tax which no economy could avoid, no poverty could shun, no privation escape, no cunning elude, no force resist, no dexterity avert, no curses repulse, no prayers could depreciate. It was a tax which invaded the entire dominion of human operations, falling with its greatest weight upon the most helpless and the most meritorious; and depriving the nation of benefits infinitely transcending in value the amount of its own product. I devote myself, said Mr. Benton, to the extirpation of this odious tax and its still more odious progeny, the salt monopoly of the West. I war against them while they exist and while I remain on this floor. Twelve years have passed away, two years more than the siege of Troy lasted, since I began this contest. Nothing disheartened by so many defeats in so long a time, I prosecute the war with unabated vigor; and, relying upon the goodness of the cause, firmly calculate upon ultimate and final success.

We all know that salt is an article of universal necessity in every family and in every industry. It is indispensable. No pound of meat can be cured without it. Fish can not be preserved without it; and upon that point let me ask, why did you grant a rebate of the duty upon the salt used for curing fish? Why did you do that? Did you not believe then that the fish-curer on the coast of Maine would have to pay the duty and that it would be a tax upon him? If not, why did you take it off for his benefit? When you granted a rebate on the salt he used to the man who salted his hogs in Missouri, or Illinois, or in Michigan, or anywhere else in the Western country, did you not think he would be benefited by it? If not, why did you grant the rebate? We now ask that the rebate shall be made for the benefit of all, in order that this great necessity of life may be as cheap and as free as the water that flows from the mountain side, untaxed and untaxable, free to the whole American people. [Applause on the Democratic side.]

Mr. BLANCHARD. The gentleman from Michigan [Mr. BURROWS], in the course of his remarks to-day, in opposition to this paragraph of the pending bill which proposes to place salt upon the free-list, took occasion to speak of the Avery salt mines in Louisiana, and stated that the operation of those mines had bankrupted three companies in the past, and that recently the works had been closed in consequence of British competition. At the time that statement was made my colleague [Mr. GAY], in whose district the mines are located, was not upon the floor of the House. So I addressed a telegram to a gentleman living in that section of the State, informing him of the statement of the gentleman from Michigan, and asking for the facts. I hold in my hand his reply. It is true, as I judge from the telegram, that the Avery mines have been closed, but only recently. Until a short time ago those mines were in full operation, yielding, I am informed, 500 tons of salt per day; and while they may now be closed, it is not in consequence of British competition, as stated by the gentleman from Michigan. The telegram which I am about to read is from a lawyer of prominence in that section of the country where the Avery mines are situated, and for his reliability I vouch. The telegram is as follows:

The facts are that the owners of the Avery mines charge about $20,000 per annum rent, which, with high freights over the railroads, prevent the lessees from making money. High rent and freights have more to do with closing the Avery mines than competition of British salt.

It was to answer the statement made by the gentleman from Michigan that I rose to read the telegram.

Mr. GROSVENOR. I think my friend from Louisiana [Mr. BLANCHARD] did not intend to say that the Avery mines yielded 500 tons of salt a day. At that rate the product would be within one-sixth of the whole consumption of salt in the country, which is about 60,000,000 bushels a year.

Mr. BRECKINRIDGE, of Arkansas. The annual consumption of salt in the United States is a little over 50 pounds per capita.

Mr. BLANCHARD. The statement that the Avery salt mines when worked yield 500 tons a day is made on the authority of my colleague [Mr. GAY], representing the district in which those mines are located.

Mr. BRECKINRIDGE, of Arkansas. I wish, for the sake of information, to put one question to the gentleman from Louisiana [Mr. BLANCHARD]. I have been under the impression that the Avery mine had to wagon its salt quite a distance. Is that the case at this time?

Mr. BLANCHARD. The Avery mines have not until within a short time been connected with any railway; but recently a branch railroad line was constructed to the mines. They are not situated upon any navigable water way. There is a marsh of 10 or 12 miles in extent between the mines and the sea. The railway which now reaches them was constructed under a contract with the lessees of the mines that the output should equal 500 tons a day; and over that line of railroad the salt is transported. That is the only means now existing by

which it can reach the markets of the world. If disaster has attended the efforts to operate the mines, it is in consequence of the high freights on the railroad and the high rent which the lessees of the mine pay for its use rather than the effect of foreign competition.

Mr. WHITE, of Indiana. Do the British merchants who ship their salt here——

[Here the hammer fell.]

Mr. MILLS. As no other gentleman seems desirous of discussing this question, I call for a vote.

The CHAIRMAN. The question is upon the amendment of the gentleman from Ohio [Mr. GROSVENOR] to strike out the pending paragraph.

Mr. BUCHANAN. Before that question is taken, I desire to offer an amendment to perfect the paragraph. I move to amend by adding, at the end of line 29, the words "and when imported for dairy purposes."

The amendment was not agreed to.

The question then recurred on the motion of Mr. GROSVENOR to strike out the pending paragraph, as follows:

Salt, in bags, sacks, barrels, or other packages, or in bulk, when imported from any country which does not charge an import duty upon salt exported from the United States.

The question being taken, the motion of Mr. GROSVENOR was rejected; there being—ayes 46, noes 86.

Mr. GROSVENOR. I move to amend by striking out, in lines 26 and 27, the words "or in bulk" and inserting "known as dairy or table salt;" so that this paragraph will then read:

Salt in bags, sacks, barrels, or other packages, known as dairy or table salt, when imported from any country which does not charge an import duty upon salt exported from the United States.

The effect of this amendment is simply to omit from the free-list all coarse salt—salt in bulk.

Mr. MILLS. Let us have a vote.

The amendment was rejected.

Mr. BAYNE. I move to amend by inserting after line 29 the following:

Rice, cleaned or uncleaned.

The CHAIRMAN. This is not an amendment of the pending clause, but a new proposition.

Mr. BAYNE. It is a new proposition to come in after line 29.

I will say but a word upon this proposition. Rice is a necessary of life, and is used all over the country. The domestic production of this article is very limited. If it is proper that the people of the country should have free salt, it seems to me equally proper that they should have free rice. We use annually 280,000,000 pounds of rice. The rate of duty imposed upon this article at present is over 100 per cent., and the rate proposed in this bill as amended is about 76 per cent., as I understand. This is a very high rate of duty for a necessary of life.

Rice is consumed in every family; it is on every man's table; it is a most nutritious article of food; and in view of the fact that the home production of this article is so limited, it seems to me the consumers of the country should not be compelled to pay a tax upon an article which we can not produce in sufficient quantity to supply the home market. Hence I submit that a very fair way of treating the American people, a very proper way of improving this bill, and a very good way of reducing the surplus, would be to put rice on the free-list. I hope that our friends on the other side who are so anxious to supply the necessaries of life to the consumers of the country cheaply will support this proposition.

Mr. ATKINSON. Can my colleague [Mr. BAYNE] inform us whether there is any "trust" in connection with rice?

Mr. BAYNE. I believe there is a "trust" in rice; I am told there is. [Laughter.]

The question being taken on the amendment of Mr. BAYNE, it was rejected; there being—ayes 34, noes 83.

The Clerk read as follows:

Flax straw.

Mr. BROWNE, of Indiana. I desire to move to strike out, and am willing it shall apply to the four lines.

The CHAIRMAN. The Chair hears no objection, and the Clerk will report the lines referred to.

Mr. BROWNE, of Indiana. I am requested by gentlemen who wish to discuss the question to confine the motion to the first line, to flax straw, the revenue paid on which is $1.18.

Mr. MILLS. I ask for the reading of the four lines, so they may be under consideration at the same time.

Mr. MCKINLEY. It is the understanding we can move an amendment to either one of the lines?

Mr. MILLS. Yes, any of it.

The Clerk read as follows:

Flax straw.
Flax, not hackled or dressed.
Flax, hackled, known as dressed line.
Tow of flax, or hemp.

Mr. BROWNE, of Indiana. I move to strike out the first line and will yield to the gentleman from Texas now to move that the Committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Leave of absence was granted by unanimous consent in the following cases:

To Mr. DIBBLE, for five days, on account of important business.

To Mr. STEWART, of Vermont, for two weeks, on account of important business.

BIRMINGHAM, SELMA AND NEW ORLEANS RAILWAY COMPANY.

Mr. DAVIDSON, of Alabama. I move that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 8610) to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River in Alabama.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Birmingham, Selma and New Orleans Railroad Company, a corporation created and existing under the laws of Alabama, be, and is hereby, authorized to erect and maintain a bridge across the Tombigbee River, at such point between Point Jackson and Demopolis as shall be selected by said railroad company for crossing said river with their railroad line, the said bridge to have a draw-span, so as not to interfere with the navigation of said river: *Provided*, That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States, or for through passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads leading to the said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

SEC. 2. That the plan and location of said bridge, with a detailed map of the river at the proposed site of the bridge and near thereto, exhibiting the depths and currents, shall be submitted to the Secretary of War for his approval, and until he approves the plans and location of said bridge it shall not be built; but upon the approval of said plan by the Secretary of War the said company or corporation may proceed to the erection of said bridge in conformity with said approved plan, and should any change be made in the plan of said bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War. And there shall be displayed on said bridge from sunset to sunrise such lights or other signals as may be prescribed by the Light-House Board.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act at any time; and that if at any time navigation of said river shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said railroad company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment; and if upon reasonable notice to said railroad company to make such changes or improvements the said company fails to do so, the Secretary of War shall have authority to make the same at the expense of said company, and all the rights conferred by this act shall be forfeited; and Congress shall have power to do any and all things necessary to secure the free navigation of the said river.

SEC. 4. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date thereof.

The amendment of the Committee on Commerce was read, as follows:

Insert the following as section 4:

"SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties."

The report (by Mr. CRISP) was read, as follows:

The Committee on Commerce, to whom was referred the bill (H. R. 9610) authorizing the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River, in Alabama, have had the same under consideration, and beg leave to report it back with an amendment and recommend its passage.

The communications of the Secretary of War and of the Chief of Engineers on the subject are appended hereto.

WAR DEPARTMENT, *Washington City, May 7, 1888.*

SIR: In reply to your request of the 27th ultimo for the views of this Department upon House bill 9610, Fiftieth Congress, first session, to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River, in Alabama, I have the honor to invite attention to the inclosed report of the 4th instant on the subject from the Acting Chief of Engineers, expressing the opinion that the bill contains all necessary provisions for the security of navigation, which view is concurred in by this Department.

Very respectfully,

S. V. BENÉT,
Brig. Gen., Chief of Ordnance, and Acting Secretary of War.

Hon. M. L. CLARDY,
Chairman Committee on Commerce, House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., May 4, 1888.

SIR: I have the honor to return herewith (H. R. 9610) a bill "to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River, in Alabama," and to report that upon examination the bill contains all necessary provisions for the security of navigation, inasmuch as it provides "that the plan and location of said bridge * * * shall be submitted to the Secretary of War for his approval, and until he approves the plans and location of said bridge it shall not be built." And also, "that if at any time

navigation of said river shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said railroad company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

Very respectfully, your obedient servant,

JAMES C. POST,
Acting Chief of Engineers.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

There was no objection and the amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAVIDSON, of Alabama, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPAIRS TO UNITED STATES MINT.

Mr. RANDALL. I ask, by unanimous consent, to introduce a bill making appropriation for the necessary repairs and alterations to the United States mint building at Philadelphia, and move it be referred to the Committee on Appropriations.

Mr. BLAND. That bill ought to go to the Committee on Coinage, Weights, and Measures.

Mr. RANDALL. It has nothing to do with Coinage, Weights, and Measures.

The SPEAKER *pro tempore*. The Chair thinks, from the title, it should go to the Committee on Appropriations.

Mr. RANDALL. It is simply for repairs and increased storage in the Philadelphia mint. It has nothing to do with coinage.

Mr. BLAND. All such extensions of mint buildings belong to the Committee on Coinage, Weights, and Measures.

Mr. RANDALL. I withdraw the request.

WINNEBAGO INDIAN RESERVATION.

Mr. DORSEY. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 8372) authorizing the sale of a portion of the Winnebago reservation, in Nebraska, and to put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed and authorized to sell at public sale, after giving due and proper notice by publication in such newspapers as he may select, the following-described land, being a part of the reservation now occupied by the Winnebago tribe of Indians in the State of Nebraska, to wit: Lots 3 and 4, the south half of the northeast quarter and the southeast quarter of section No. 33, lots Nos. 5 and 6, the south half of the northwest quarter and the southest quarter of section No. 34, all in township No. 27 north, of range No. 6 east, sixth principal meridian.

SEC. 2. That the said land to be sold in such governmental divisions as the Secretary of the Interior may determine; said sale to be for cash in hand and to the highest bidder, and the proceeds arising from such sale to be placed to the credit of the Winnebago tribe of Indians, and to be paid to them at the time the first annuity is due after the said land shall be sold, the money arising from sale of said land to be divided pro rata among the members of the tribe: *Provided*, That in case any members of the tribe have taken allotments on any of the land described above, said allotments may be canceled by the Secretary of the Interior, with the consent of the Indian or Indians who have taken such allotments, and said members of the tribe who thus voluntarily relinquish any allotment may select other land on the reservation under the law and have the same allotted the same as if no selection had been made: *Provided further*, That no sale of the above-described land shall be made unless the Winnebago tribe of Indians shall give their assent thereto: *Provided also*, That any right acquired by the Sioux City and Nebraska Railroad Company for right of way for a line of railway and to lands for use and occupancy for station and depot purposes under an agreement made with the Winnebago Indians, bearing date April 17, 1880, approved by the Secretary of the Interior on the 27th day of July, 1880, shall not be affected by this act.

The committee therefore recommend the following amendment:

At end of section 2 insert:

"*It is further provided*, That at any time within three months after the sale of the unallotted lands as provided, any members of the tribe who have not voluntarily relinquished their allotments on the land described are authorized to make sale of their lands with the consent of their special agent, by transfer, and assigning their patents, and the purchaser shall pay into the hand of the agent of the Winnebago Indians in Nebraska, for the benefit of said tribe as heretofore provided, the same price per acre as the average price paid for lands at the public sale, and said members of the tribe may select lands on the reservation the same as if no selection had been made."

Also in line 5 of section 2, after the words "Winnebago tribe of Indians," add the words "in Nebraska."

Also in line 18 of section 2, after the word "Indians," add same words "in Nebraska."

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. RANDALL. I reserve the right to object until I hear something about what this is.

Mr. HOLMAN. I hope the gentleman having charge of the bill will explain how much land is to be sold, and the terms on which the authorization is granted.

Mr. DORSEY. The Winnebago Indians signed a petition asking the privilege of disposing of one section of their land, 640 acres of land, in Nebraska. These Indians have taken their lands under allotments, and every adult member of the tribe signed that petition. It has been approved by the Secretary of the Interior, the Commissioner of Indian Affairs, and has the unanimous report of the House committee.

Mr. HOLMAN. Does the bill provide for the appraisement of the land?

Mr. DORSEY. Yes, sir, by and under the authority of the Secretary of the Interior.

Mr. HOLMAN. Sale at public auction?

Mr. DORSEY. Yes, sir.

Mr. HOLMAN. In subdivisions?

Mr. DORSEY. Yes.

Mr. McSHANE. In such manner as may be directed by the Secretary of the Interior, and the proceeds are to go to the Indians themselves.

There being no objection, the amendments recommended by the committee were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DORSEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALMON R. TOBEY.

Mr. RICE. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 2537) to remove the charge of desertion against Almon R. Tobey, and put the same upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove from the records of the War Department the charge of desertion standing against Almon R. Tobey, late a private in Company I, Fifteenth Regiment Maine Infantry Volunteers, and that he give to the said Almon R. Tobey an honorable discharge from said organization.

There being no objection, the bill was considered and ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM TABB.

Mr. THOMAS H. B. BROWNE. Mr. Speaker, I ask unanimous consent to take up for present consideration the bill (S. 741) for the relief of William Tabb.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States be, and is hereby, directed to pay to William Tabb, of Spottsylvania County, near Fredericksburgh, Va., out of any money in the Treasury not otherwise appropriated, the sum of $2,149.75, being in full for supplies taken from him during the years 1863 and 1864, by and for the use of the United States troops.

Mr. HOLMAN. Let the report be read.

The Clerk proceeded to read the report.

Mr. THOMAS H. B. BROWNE. I ask unanimous consent to dispense with the reading of the report.

Mr. RANDALL. I object.

The Clerk resumed the reading of the report, but before concluding (the hour of 5 o'clock having arrived) the Speaker *pro tempore* announced the House in recess, under its previous order, until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. McMILLIN, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
June 8, 1888.

Hon. BENTON McMILLIN is hereby designated to preside as Speaker *pro tempore* at this evening's session.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

ORDER OF BUSINESS.

Mr. CHIPMAN. I move that the House resolve itself into Committee of the Whole House for the consideration of the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

Mr. MORRILL. I ask unanimous consent that the order of Friday last be pursued this evening; that is, that bills be taken up in the order in which they appear on the Calendar, and unless the consideration of the bill is asked, when so reached, that it be informally passed over with the understanding that we begin where we left off on last Friday.

Mr. O'NEILL, of Pennsylvania. I would like to know how far back we would have to go on the Calendar if we commence at the beginning?

Mr. MORRILL. It would take all the evening to get through with the bills which have heretofore been passed over.

Mr. O'NEILL, of Pennsylvania. I will not object, but will ask consent to take up a bill in the course of the evening.

Mr. DORSEY. I have attended these sessions regularly, and shall ask consent to take up one bill out of that order.

The CHAIRMAN. Is there objection?

There was no objection, and it was so ordered.

The CHAIRMAN. The Chair will state that the reading of the Calendar will begin on page 62, the third bill from the top of the page.

BENJAMIN CONTEL.

Mr. DORSEY. I ask consent to go back on the preceding page and take up for consideration the bill (H. R. 6302) granting a pension to Benjamin Contel.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Benjamin Contel, formerly drummer-boy in Company K, Sixth United States Infantry, serving in said company from April, 1832, until 1837, and participating in the Black Hawk War, re-enlisting in same regiment in 1839 and serving until 1844; also served as private in Captain Morgan's battalion, Missouri Volunteers, in Florida war; who also served as captain Company F, Ninth Iowa Cavalry, from August, 1863, until February, 1866; also served as a sergeant in Company H, Fourth Regiment United States Infantry, and that he be rated at $25 per month.

The report (by Mr. MORRILL) was read, as follows:

This soldier asks a pensions for long and faithful service. The following letters from the Secretary of War and Adjutant-General set forth fully the service, as follows:

"WAR DEPARTMENT, *Washington City, April* 10, 1888.

"SIR: In response to your request of the 26th ultimo, I have the honor to transmit herewith, for the use of your committee, a letter of the 7th instant from the Adjutant-General of the Army, containing the military history of Benjamin Contel, late of Company H, Fourth United States Infantry.

"House bill 6302, Fiftieth Congress, first session, to grant said Contel a pension, which was transmitted with your letter, is herewith returned.

"Very respectfully,

"WILLIAM C. ENDICOTT,
"Secretary of War.

"Hon. E. N. MORRILL,
"Of Committee on Invalid Pensions, House of Representatives."

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
"Washington, April 7, 1888.

"SIR: I have the honor to transmit letter from Hon. E. N. Morrill, M. C., inclosing H. R. 6302, and requesting a full military history of the service of Benjamin Contel, for the use of the Committee on Invalid Pensions.

"In reply to such request I have the honor to report that the records show that Benjamin Contel, Company K, Sixth United States Infantry, transferred to Company D, same regiment, was enlisted March 1, 1832, and discharged March 1, 1837, by expiration of term of service, a musician.

"Benjamin Contell, a musician, of Captain John Sconce's Missouri Mounted Spies (called Morgan Spies), was enrolled November 3, 1837, and mustered out March 18, 1838.

"Benjamin Contal enlisted in Company D, Sixth United States Infantry, April 20, 1839, and was discharged April 30, 1844, by expiration of term of service.

"Capt. Benjamin Contal, Company F, Ninth Iowa Cavalry, was mustered in with company November 30, 1863, and mustered out with company February 3, 1866.

"Benjamin Contal again enlisted April 20, 1867; was assigned to Company H, Fourth United States Infantry, and discharged April 3, 1869, per General Orders No. 18, Department of the Platte, series of 1869, a first sergeant.

"I am, sir, very respectfully, your obedient servant,

"R. C. DRUM, *Adjutant-General.*

"The SECRETARY OF WAR."

Your committee recommend the passage of the bill, with an amendment striking out the words "twenty-five," in lines 16 and 17, and inserting the word "twelve."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SOPHIA SCHIMMELFENNIG.

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent to go back three bills on that same page and take up the bill (H. R. 5284) increasing pension of Sophia Schimmelfennig, widow of Alexander Schimmelfennig, late brigadier-general and major-general by brevet, not for present consideration, but to ask that it be reported to the House with the recommendation that its consideration be fixed for the 20th of June, under the same conditions precisely as the other increase bills which have heretofore been set for consideration on that day.

Mr. BRECKINRIDGE, of Arkansas. Let the bill be read now and the report, and considered on its merits.

Mr. O'NEILL, of Pennsylvania. It will be read then and considered. Under the order of the House heretofore made the bills that are fixed for consideration are to be considered and are subject to amendment, with fifteen minutes debate on each side.

Mr. BRECKINRIDGE, of Arkansas. Very well, I shall not object.

The CHAIRMAN. Without objection then, this bill will be reported to the House, with the same conditions which have been applied to other bills set for consideration on the 20th of June.

There was no objection, and it was so ordered.

WILLIAM H. H. BUCK.

The next business on the Calendar, the consideration of which was asked by Mr. GROUT, was the bill (H. R. 9347) granting an increase of pension to William H. H. Buck.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of William H. H. Buck, late private of Company G, First Vermont Cavalry, and pay him a pension in accordance with the degree of disability actually existing by reason of chronic rheumatism and resulting curvature of spine and varicose veins of leg.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5313) granting an increase of pension to William H. H. Buck, have had the same under consideration, and beg leave to submit the following report:

William H. H. Buck served as a private in Company G, First Vermont Cavalry, from December 11, 1863, until September 13, 1865. In November, 1865, he applied for pension on account of chronic rheumatism and results. The claim was rejected by the Pension Office on the ground that the disabilities were not chargeable to the service. The records of the War Department show treatment in service for measles, rheumatism, and dropsy.

On March 3, 1879, Congress passed an act placing him on the pension-rolls at $6 per month. Medical examinations show, however, a greater degree of disability from the aforesaid causes, but as the rate of pension was fixed by the act, a higher rate of pension than that mentioned in the act could not be allowed by the Pension Office. In the Forty-ninth Congress a bill was introduced and it became law August 3, 1886, increasing Buck's pension to $12 per month, the rate now received by him. Why no greater increase was asked then does not appear, except from the statement of Hon. W. W. GROUT, of this House, made to your committee, to the effect that the sum of $12 was inserted in the bill under a misapprehension of the facts in the case.

The last medical examination of claimant was had on December 8, 1881. The disability then existing from curvature of the spine and varicose or dropsical condition of leg was rated as equivalent to loss of hand or foot. From the evidence filed with your committee, including photographs, it is evident that the disability has not decreased since that date.

The bill under consideration proposes to increase the pension to $30 per month, which your committee, in the absence of any late medical examination, decline to do. But Congress having recognized the incurrence of pensioner's disabilities in the service and line of duty, the committee are of opinion that he should be properly rated therefor, and therefore beg leave to submit a substitute bill which proposes to increase the pension in accordance with the finding of a medical board, and ask that said substitute bill do pass.

The substitute bill recommended by the committee was laid aside to be reported to the House with the recommendation that it do pass.

LUCIUS B. VARNEY.

The next business on the Calendar, the consideration of which was asked by Mr. DINGLEY, was the bill (H. R. 8607) to increase the pension of Lucius B. Varney.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of Lucius B. Varney, late a private of Company E, Fourth Regiment Maine Volunteer Infantry, to $50 per month.

The report (by Mr. GALLINGER) was read, as follows:

Lucius B. Varney served in Company E, Fourth Regiment Maine Volunteers, from April 27, 1861, to July 19, 1864. While in the service he contracted chronic rheumatism, and is now in receipt of pension at the rate of $31.25 for said disease and its results.

Pensioner is unable to walk upright by reason of anchylosis of spine from neck down; the toes on both feet are amputated because they were so drawn up by the rheumatism as to make walking impossible. Right ankle is stiff; left foot and ankle paralyzed so that the foot drops forward. The knees are partially anchylosed; hips stiff; wrists, elbows, and shoulders partially anchylosed. Besides, he is partially blind, all the result of rheumatism contracted in the service.

A pension of $31.25 per month was granted him under the provisions of the act of June 8, 1872, because of his total or nearly total helplessness, so as to require the regular aid and attendance of another person. He applied for increase to $50 per month under the act of June 18, 1874, but this application was rejected because that act provided for a $50 pension in this class of cases only in which this total helplessness is shown to be permanent in character.

Varney's disabilities are permanent, but the helplessness resulting therefrom only exists when confined to his bed. He is confined to his bed for months at a time, and at all times is a great sufferer. His condition is evidently worse than that of a person with both feet amputated and otherwise healthy, for whom present pension laws provide a pension of $72.

The bill asks for $50 a month, but $45 being the highest amount recommended in this class of cases by the committee, we beg leave to return the accompanying bill, and respectively ask that it pass, amended, however, by striking out the word "fifty," in line 6, and insert therein instead the words "forty-five."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL D. CHASE.

The next business on the Calendar, the consideration of which was asked by Mr. DINGLEY, was the bill (H. R. 367) granting a pension to Nathaniel D. Chase.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, directed to place on the pension-roll, subject to the pension laws, the name of Nathaniel D. Chase, late of Company E, Thirtieth Maine Infantry Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

A careful and thorough examination of the papers on file in this case lead your committee to the conclusion that it might properly have been allowed in the Pension Office. The plain facts are that soldier enlisted September 3, 1863, and was discharged May 20, 1864, for paralysis of left arm. Recovering to a considerable extent the use of his arm, he re-enlisted January 3, 1865, in the Ninth Company Unassigned Maine Volunteers, where he remained, doing light duty, until September of that year.

Claimant produces abundant evidence to show perfect soundness at enlistment. He also proves that immediately after going into camp at Augusta, Me., in fall of 1863, he was detailed to run on the cars between Augusta and Portland to see that soldiers riding on the cars had the required passes; and that on a certain day a drunken soldier, without a pass, resisted soldier's attempt to remove him from the car, and that in the scuffle which ensued claimant's left arm was considerably injured. It further appears that some months after soldier had been to the front, the injured arm, which had troubled him more or less all the time, became suddenly painful, and he practically lost the use of it, for which disability he was soon after discharged.

There seems to have been considerable difference of opinion among the officers of the Pension Bureau regarding this case. At one time it was approved for admission, but was finally rejected on the ground that the origin of the disability was not incident to the service. This opinion seems to have been based upon the fact that soldier was treated for gonorrhea while in the service; but Dr. Hood, medical referee, in considering this said: "I do not think we can stand upon rejection on the ground that disability was due to gonorrhea;" but

notwithstanding this, the case was finally rejected on the strength of the hospital records of a certain date, which showed treatment for this disease, and an ill-natured and manifestly prejudiced letter from the captain of the company to which soldier belonged.

There is abundant proof that soldier was sound at enlistment; that he was discharged for partial paralysis of the arm, when he reached home his arm being carried in a sling. Manifestly the disability was incurred after enlistment, and there is no just ground, from a medical standpoint, for believing that it was occasioned, directly or indirectly, by any disease not incident to the service.

Your committee report the bill back, with a recommendation that it do pass

The bill was laid aside to be reported to the House with the recommendation that it do pass.

VAN BUREN BROWN.

The next business on the Calendar, the consideration of which was asked by Mr. HOUK, was the bill (H. R. 6431) for the relief of Van Buren Brown.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Van Buren Brown, late of Company G, Eighth Tennessee Cavalry, and pay him a pension under the regulations and limitations of the pension laws.

The report (by Mr. HUNTER) was read, as follows:

In the consideration of this bill your committee have been called upon to review and weigh a large mass of evidence taken by special examiners, together with cumulative proof filed by the soldier from time to time since the date of presentation of his claim. From the papers on file there seems to have been a diversity of opinion even amongst the officials of the Pension Bureau as to the merits of the claim.

The claim has been rejected, reopened, and again rejected, but there does not appear to have been due weight given to the preponderance of the evidence filed and obtained by the special examiner, as it can not be expected that the testimony given by comrades, fellow-workmen, and daily companions should abound with technical descriptions of a diseased condition that would be expected from purely professional sources.

The facts in this case appear to be, and indeed are, as follows:

This soldier enlisted July 4, 1863, and by the records of the War Department is shown to have been present up to about December 1, 1863, when he was admitted to Asylum General Hospital, Knoxville, Tenn., with debility and anæmia. Was furloughed December 14, 1863, and returned to his command February 1, 1864. He was then reported present up to about February 28, 1865, and for the months of March and April, 1865, he is reported absent at Dismount Camp. He was discharged September 11, 1865, after serving in all about two years and three months.

He filed his claim for pension May 19, 1883, alleging chronic diarrhea, contracted in November, 1863; rheumatism, in April, 1864, and injury to back and head, resulting in spinal disease and deafness, incurred in August, 1864. His claim was rejected by the Pension Office in July, 1885, on the ground that the evidence failed to show the origin in the service of any of alleged disabilities or pensionable degree of disability since date of filing. He was examined by special board of examining surgeons in 1884, and he was rated for rheumatism.

The adverse decision of the Pension Office was set aside in September, 1885, and the claim ordered for special examination. From the claimant's own statements made from time to time, and from the general tone of the evidence presented, it is evident to your committee that the soldier has suffered from an obscure affection of the spine and rheumatism. The following may be said to cover all the material points embraced in the proof on file. In the original case Dr. Brown, Dr. Odell, John Renfrow, and W. H. Hall testified from personal knowledge that the soldier was sound and free from all disease prior to his enlistment.

Comrades Hall and Calloway testify in the original case to soldier's sickness in November, 1863, and that he suffered diarrhea and pain in the back, and that in August, 1864, he was thrown from his horse, injuring side and back, and was unfit for duty for some time. They also testify to his having suffered from rheumatism while in service, and that he was deaf. Dr. Brown, whose standing is good, and Dr. Odell both testify to continuance of rheumatism and spinal affection. Dr. Brown has also treated him for chronic diarrhea and deafness, and Dr. Odell for like disabilities. Dr. Brown treated the soldier while home on furlough for rheumatism and diarrhea. During the two special examinations had in this case in 1886 twenty-six witnesses were summoned, interviewed, and cross-examined by the special examiner.

The testimony may be divided into three classes namely, those who do not remember anything about the soldier, either in the service or since; those who recollect him indistinctly, and those who have known him intimately.

Thomas Southern testifies:

"I met Van Buren Brown at Nashville in 1864; do not recollect anything being the matter with him at that time. While at Gallatin, Tenn., Brown was sick and sent to a private house; think this was in August or September; do not recollect malady."

Robert R. Overton testifies:

"Knew Van Buren Brown in Army in 1863; can not recall that there was anything the matter with him at that time; think at times he was unfit for duty, but do not remember of what he complained at any time; think he complained at times."

David N. Louthen testifies:

"I was duty sergeant, Company G, Eighth Tennessee Cavalry. About last of March, 1864, is my first recollection of Brown. Did not know that there was anything the matter with him at that time. Heard him complaining about the time we were at Gallatin, in July or August. Recollection is that he was complaining of rheumatism in hips at that time. While encamped at Knoxville I understood that he was away sick; can not tell what was the matter. Complained of rheumatism and diarrhea in Army. Complained of roaring or strange popping in his ears probably two weeks before we were mustered out. Do not know that he fell from his horse. Have not seen him since war closed."

Washington B. Hall testifies:

"Known Brown since his childhood. We enlisted in same company and regiment; his health was good, so far as I know, until he went into the service. Was in the hospitsl a good deal. He was hurt by his horse, either by being thrown or by his horse falling; complained of his back and hip next morning. He has complaind frequently of his back and hip since the war closed. He has been treated by Dr. Odell for trouble in back. Has frequently been obliged to quit work. Has been in bed three or four weeks at a time. Have noticed him as being almost unable to turn himself in bed; would cry out at times. I was at home when he came home sick on furlough; and I saw Dr. Finn treat Brown at Columbia, Gallatin, and Sweetwater, Tenn.; helped Brown in ambulance; he was about to faint every minute."

James W. Callaway testifies:

"[Before special examiner.]

"Have known Brown since his youth; seemed in good health before war. I was in same company and regiment with him. After being in the service a while he began to look poorly; was sick at Knoxville during siege; complained a good deal in 1864; do not know what ailed him; prescribed for by the doctor at pretty much every place we stopped. He really was not able to help work for the company; heard him say he had rheumatism and diarrhea; he had trouble with his ears; was left at Gallatin, sick.

"[Before justice of peace.]

"I knew Brown from time of enlistment until close of war. I am satisfied that Brown contracted rheumatism, diarrhea, and deafness while in the service."

Thomas C. Hall testifies:

"[Before the special examiner.]

"Was a member of Brown's regiment; have known Brown thirty years. Just before he moved to Knoxville he was at my house; was down with his back; could not walk or get around; have heard him complain of ringing in his ears; recollect that he had diarrhea; have often heard him complain of his back; he had a spell at Gallatin, Tenn.; do not know what ailed him; he had a spell at Knoxville during the siege; was in hospital; he was injured by fall of his horse."

"[Before justice of peace.]

"Was acquainted with Brown ever since his boyhood; he was sound before his enlistment; have seen him down different times since the war with his back, hips, and legs."

Joseph Cox testifies before special examiner:

"After we left Knoxville Brown staid behind sick in hospital; also left him behind at Columbia, Tenn., 1864; he was always grunting, but I did not think there was much the matter with him; do not remember his being thrown from his horse and hurt; do not know anything about his health since the war."

J. C. Mynatt testifies before the special examiner that he—

"Knew Brown before he enlisted; was an able-bodied man; when he left the service was not looking very well; was at home sick during the war. I heard him speak of having diarrhea and rheumatism, also pain in the back; I could tell there was something the matter with him by his walk; heard him complain of diarrhea first year after his discharge."

Preston D. Roady testifies:

"Did not know Brown before he enlisted. I enlisted in same company. He was reported sick several times, principally at Columbia and Gallatin. Do not recollect what ailed him; do not remember that he ever suffered with rheumatism, diarrhea, or pains in the back. I do not remember him falling from his horse."

Dr. R. L. Brown testifies before justice of peace:

"When V. B. Brown enlisted in the service, July 4, 1863, he was a sound man. Since he was mustered out he has often consulted me about a spinal disease and inflammation of the inner ear. Before he enlisted he was a very stout man. Was not intemperate before nor since the war."

Dr. Brown testifies before special examiner:

"Knew claimant. He is my brother. I prescribed for him soon after he came out of the Army, for diarrhea, rheumatism, partial deafness, also spinal affection. He was often down, disabled in the back. His health was not very good when he came home from the Army. He was down a good deal during the summer of 1879 and 1880."

Dr. O. A. Odell testifies:

"Soldier complained of his back frequently. Have met him as often as once a week since he came to Knoxville, but did not observe any change in him. Heard him complain of ears seven or eight years ago; observed a wild expression in his eyes, the result of trying to catch sounds. Do not think Brown ever suffered with rheumatism or diarrhea while under my care. Considered him sound before he enlisted in Army. Do not consider him able to do more than half manual labor since he came home. Has had spinal affection ever since he came out of Army."

Dr. O. A. Odell further testifies:

"Have known Brown since boyhood up to time he moved to Knoxville; have lived about two miles distant from him. First time I attended him professionally was in June, 1873; advised him several times what to do. I treated him for chronic inflammation of the spinal marrow. Heard him complain with back several times; would put his hand to his back and raise slowly with evidence of pain; examined his back particularly at the time of my visit; was sick and could not get up when down without aid. He has complained every time I met him since—which was as often as once a month. When he came from Army looked broken and complained much."

Flora Slainis testifies:

"I have known Brown eighteen years; have lived close to him until he went to Knoxville; saw him in bed sick once—complaining of his back. Worked with his wife two summers; heard him complain of back several times during that time. Never knew him to have trouble with eyes, ears, or legs, or to suffer with rheumatism or diarrhea. Totally disabled when attacked."

John Mynatt testifies before special examiner:

"Known Brown ever since my boyhood. He complained with his back between 1876 and 1880. Went for the doctor for him; attempted to work in Knoxville on two occasions, but could not do so on account of his back. Do not recollect that he ever complained of other troubles."

John Curd testifies:

"Have known Brown since his boyhood; lived about a mile from him before the war. Since the war I lived in about a half a mile of him from about 1870 until 1880. Prior to 1870, not over a mile; have worked for him frequently; before the war he was a competent workman; was broken down in the Army; never looked the same after he came home; complained of having diarrhea while in the Army; complained of his back; have frequently noticed him trying to straighten himself; has had pain more or less ever since 1870. Since he moved to Knoxville I have noticed him going round with stick. At times he was unable to even tend to his stock. Have heard him complain that his ears were affected."

Homer Gilmore has known Brown over twenty years; has been quite intimate with him during the last four years; knew nothing about condition in Army. His appearance in last four years has indicated that he was not in good health; seemed dull and stupid; do not know what ailed him.

Willoughby R. Murphy testifies:

"Have known Brown since boyhood; did not know anything about his health from close of war until 1874; he has had no health since he came to town five years ago; have seen him when he could hardly drag along; do not know what ailed him; do not think he has been able to do a day's work in last five years."

W. L. Watts testifies:

"Have known Brown two years; I boarded at his house; have heard him complain a good deal of his back; he hears tolerably well when sitting close to him. If you talk to him at a distance he gets up and comes closer. Saw him when he had a catch in his back and fell to the ground. Have heard him frequently complain with his back."

The special examination in this case was completed during the latter part of 1886, and on February 17, 1887, the claim was again rejected by the Pension Office on the ground that there was no record of the alleged diarrhea, deafness, or rheumatism, inflammation of the spine, or satisfactory evidence of incurrence in the service, or pensionable degree of disability since discharge.

Your committee are of the opinion that the testimony of comrades, fellow-workmen, and daily companions is suffic ent to show the origin and continuance of the disability in the service and since discharge.

From this testimony and from the long service of the soldier, the obscure nature of his diseases, and his apparent poverty at the present time, your committee are of the opinion that his claim is clearly one of merit, and that he is entitled to some recompense for the hardships endured, and therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC M. JOHNSON.

The next business on the Calendar, the consideration of which was asked by Mr. ENLOE, was the bill (H. R. 5443) granting a pension to Isaac M. Johnson.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, instructed to place on the rolls of the pension-list of the United States the name of Isaac M. Johnson, of Hardin County, Tennessee.

The report (by Mr. HUNTER) was read, as follows:

It appears from the records of the War Department that claimant enlisted at Nashville, Tenn., on the 15th day of October, 1863, as a private in Company B, Second Regiment of Tennessee Mounted Infantry. He was captured on Indian Creek, in the State of Tennessee, on the 17th day of May, 1864, and confined in rebel prison until the 26th day of November, 1864, when he was exchanged at Savannah, Ga. He reported at Camp Parole, Maryland, on the 1st day of December, 1864, and on the 11th day of that month he procured a furlough until the 11th day of January, 1865, with instructions to report at Camp Chase, Ohio, and was mustered out of service at Nashville, Tenn., on the 12th day of April, 1865, on individual roll, to date from the 1st day of December, 1864.

The records of the Pension Office show that claimant reported at Nashville, Tenn., in the early part of April, 1865, for the purpose of joining his command, and there learned that it had been mustered out of service. He was ordered into barracks, where he remained until his discharge, on the 12th day April, 1865. It appears that while confined in barracks he was exposed to small-pox, and that about four days after his discharge, and while on his way home, he was attacked with small-pox, and had a terrible siege of that dread malady. This disease left behind a number of angry ulcers on both fore-arms, which continued to discharge matter freely for a number of years, and finally involved the bones forming the elbow-joints, causing caries and ultimate complete anchylosis of these articulations, thereby rendering both arms almost useless.

W. Frank, private of the Tenth Regiment of Tennessee Volunteer Infantry, and J. L. Hobbs, private of the Sixth Regiment of Tennessee Volunteer Cavalry, state—

"That they know claimant, and were stationed at Nashville when he came there to be mustered out, in the spring of 1865, and that they know he was exposed to small-pox in the barracks."

Drs. L. B. Irwin and W. H. Seaman, practicing physicians in Hardin County, Tennessee, state—

"That they have known claimant since a short time after his discharge from the service, and that they at different times examined the sores on the arms of said Isaac M. Johnson, and that said sores were mattering and of a very painful and of a serious nature. That from one of the sores there was taken a spicula of bone about 4 inches long. They further state that they are well satisfied that said sores resulted from small-pox, and that said sores are now of such a nature as to prevent him from making a living by manual labor, and, further, that both elbow-joints are anchylosed."

Messrs. Northcut and Bundy, neighbors of claimant, and good reputable citizens, state:

"That claimant was attacked with small-pox while on his way home from the Army, which so affected both arms as to disable him from manual labor, and further, that he was a sound man at date of enlistment."

Dr. Asa Bed, United States examining surgeon at Purdy, McNairy County, Tennessee, made an official examination of claimant on the 26th day of April, 1877, and states:

"I find the applicant suffering from complete stiffness of left elbow, the result of an ulcer near the joint, which discharged for several years, finally a portion of bone came out and the ulcer healed, leaving the joint stiff. He is also suffering from a discharging ulcer on the right arm near the elbow, with four discharging openings. The bones are both suffering from necrosis. This elbow-joint is also stiff. The disability of this arm is equivalent to its loss, and all the result of small-pox."

Claimant made application for pension, but it was rejected on the ground that he did not contract the disease in the line of duty.

While it is true that claimant had been discharged from the service four days before the small-pox developed itself, it is nevertheless a fact that he had been exposed to small-pox while in barracks at Nashville, and while he was still in the service.

Your committee, therefore, submit a favorable report, with the following amendments, and recommend the passage of the bill:

"Amend the title by inserting "Isaac N. Johnson" in place of "Isaac M. Johnson," and strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaac N. Johnson, late a private of Company B, Second Regiment of Tennessee Mounted Infantry."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. STEELE. Mr. Chairman, I ask unanimous consent to call up House bill No. 10267. I have been here eight years and this is the first pension bill that I have had on this Calendar.

Mr. BAKER, of New York. We are going on with the regular order so well that I think we had better adhere to that.

Mr. STEELE. I ask unanimous consent to take up that bill for consideration.

Mr. LANE. I object.

GENERAL S. W. PRICE.

The next business on the Calendar was the bill (S. 433) granting an increase of pension to General S. W. Price.

Mr. HUNTER. I call that bill up for consideration.

Mr. CHEADLE. I suggest to the gentleman that this bill had better go over until the 20th of June. It is one of those special bills.

Mr. CARUTH. Do I understand the gentleman from Indiana to object to its present consideration?

Mr. CHEADLE. I object.

Mr. HUNTER. On what ground?

Mr. CHEADLE. It is not necessary to take up any time of the committee by stating the ground. My position is well understood on that question.

Mr. CARUTH. But I understood that this bill occupied a different plane from those objected to by the gentleman from Indiana.

Mr. CHEADLE. I met General Price and suggested to him that he speak to the gentleman who represented him here and have the bill go over to be considered in a full House. I told him there would be no factious opposition to it if it was sent over for the consideration of the full House, and that is what I now ask.

Mr. CARUTH. I have no objection to that arrangement being made if it is satisfactory to the committee.

There was no objection, and the bill was postponed until the 20th of June, to be then considered under like conditions with other pension bills assigned for that day.

MARY DICKINSON.

The next pension business on the Private Calendar (called up for consideration by Mr. BAKER, of New York) was the bill (H. R. 8779) granting a pension to Mary Dickinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Mary Dickinson, the daughter of Archibald Dickinson, late private of Company C, Eighth Regiment of New York Cavalry Volunteers, and pay her a pension at the rate of $18 per month, through her legally-constituted guardian.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8779) granting a pension to Mary Dickinson, have had the same under consideration and beg leave to submit the following report:

Mary Dickinson is the daughter of Archibald Dickinson, who served in Company C, Eighth Regiment New York Cavalry. He filed his claim for pension on account of chronic diarrhea and injury to left eye, and resulting loss of sight of same, March 19, 1880, and died from the effects of chronic diarrhea October 6, 1882. His widow completed the invalid's claim, and on February 21, 1888, a certificate was issued payable to her, but, as it appears, she died February 20, 1888, leaving an only daughter, aged about forty years, who is demented and in needy circumstances.

The Commissioner of Pensions, through the Secretary of the Interior, under the provisions of the joint resolution of May 29, 1830, has forwarded the papers in the case, including the report of the special examiner, to this committee, with the recommendation that the beneficiary named in the bill be placed on the pension-roll.

It is believed to be necessary only to refer to the needy and unfortunate condition of the claimant by quoting the following statement made by the special examiner in January, 1888:

"I find her (the widow) in a most pitable condition. She is old and infirm, unable to rise from her bed without assistance, with no one to render her regular aid. Her room was bare of furniture and void of heat. She has an idiotic daughter who is entirely helpless, and both women are confined to the same scanty bed in a cold room less than 8 feet square."

This daughter is now left without a relative, excepting a maimed sister, whose circumstances are but little better.

Your committee concur in the recommendation of the Commissioner of Pensions, and ask that the accompanying bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN R. STILES.

The next pension business on the Private Calendar, called up for consideration by Mr. BAKER, of New York, was the bill (H. R. 8673) to increase the pension of John R. Stiles, late a member of Company G, One hundred and forty-eighth Regiment of New York Volunteers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of John R. Stiles, of the city of Rochester, N. Y., late a private in Company G, One hundred and forty-eighth Regiment of New York Volunteers, upon the invalid pension-rolls and pay him at the rate of $50 per month, to date from the 4th day of August, 1886, in lieu of the pension now paid him under existing certificate numbered 50497, it appearing that said soldier was wounded at the siege of Petersburgh, Va., June 18, 1864, sustaining the loss of the upper 7 inches of the bone of his right arm next to the shoulder-joint, so that the resulting disability is greater than if the arm were amputated at the shoulder-joint.

The report (by Mr. SAWYER) was read, as follows:

John R. Stiles is now a pensioner at the rate of $36 for gunshot wound of right arm. His application for increase has been rejected by the Pension Office, because there is no provision of law under which a higher rate than that now received by him can be allowed, unless for loss of arm.

The last medical examination in the case by the Canandaigua, N. Y., board is as follows:

We find in this case an utterly useless arm. There is a loss by resection of one-half of humerus in middle, anchylosis of elbow-joint, muscles of arm and fore-arm much atrophied, with entire inability to use or close the hand. His condition would be better were the arm removed at shoulder, for it is not only painful and entirely disabled, but is an absolute incumbrance. His disability is equivalent to entire loss of arm, and in our judgment he is entitled to the specific rating in such cases.

At the first examination of the pensioner the examining surgeon declared the disability as equal to the loss of right arm, the arm hanging suspended by its muscular attachments, and gave it as his opinion that the subject must submit to its amputation.

The committee can readily agree with the board of surgeons as to the equity in the case, but realizing the inability of the Pension Office to grant relief, trust that Congress, as in similar cases, will grant that which the general law will not permit, and therefore report favorably on the accompanying bill, and ask that it do pass amended, however, as follows:

Strike out all after the word "Stiles" in the title of the bill; also strike out all after the word "of" in line 8, and insert therein instead the words "forty-five dollars per month, in lieu of the pension now received by him."

The amendment recommended by the Committee on Invalid Pensions was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

AUGUSTUS AXMACHER.

The next pension business on the Private Calendar (called up for consideration by Mr. FARQUHAR) was the bill (H. R. 2690) granting a pension to Augustus Axmacher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Augustus Axmacher, late of Company C, One hundred and eighty-seventh New York Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2690) granting a pension to Augustus Axmacher, have had the same under consideration, and beg leave to submit the following report:

Augustus Axmacher, or Axmaker, enlisted in Company C, One hundred and eighty-seventh Regiment New York Volunteers, September 6, 1864, and was discharged July 1, 1865.

On January 5, 1880, he filed an application for pension, in which he alleges that at Hatcher's Run, Va., and while engaged in tearing up the Weldon Railroad, from exposure and hardships, his eyes became sore, and his eye-sight has been poor ever since. This application has been rejected by the Pension Bureau on the ground that there is no record of, or medical evidence of, treatment for the disability in the service, or for some years subsequent thereto.

The claim has been specially examined, and the report of the examiner contains, among others, the depositions of the company officers and others shown to be competent and reliable witnesses.

Frank Schaffer, merchant tailor, of Buffalo, N. Y., late captain of claimant's company, testifies that when he first saw claimant he was sound and did his duty regularly, and continued all right until the tearing up of the Weldon Railroad, about March, 1865. Assisted in tearing up said railroad in the night. The weather was bad and the men were much exposed. A day or two after that trip Axmaker was detailed on guard or some other duty, when he came to affiant and complained of his eyes. So many of the boys made excuses to get out of details, that affiant thought claimant was attempting to shirk, and took him to the regimental surgeon, who excused him from duty on account of his eyes, and claimant thereafter was excused from any kind of duty. Claimant was one of the nicest young men in the company, and affiant took pride in him.

Valentine Hoffman, wholesale dealer, of Buffalo, N. Y., and late first lieutenant of claimant's company, testifies that he knew claimant for some years prior to his enlistment, and that he was then a sound man. Affiant fully corroborates Captain Schaffer's testimony as to the incurrence of the disability, and also testifies to the gradual increase of the disability after discharge.

Frank Mauerman, also of good repute, late captain of Company G of the same regiment, testifies that he saw claimant nearly every day while in the service. He was a sound man until the exposure incident to tearing up the Weldon Railroad, when he came to witness complaining of his eyes and not feeling well. His eyes looked feverish, red, and watery, and remained in that condition the remainder of the service. The surgeon attributed it to exposure and cold, and expressed the belief that claimant's eyesight would be restored with treatment. The eyes were still inflamed after discharge. For awhile he got along pretty fair, and then the eyes commenced getting worse.

The diseased condition of claimant's eyes is, in the opinion of this committee, clearly shown by lay testimony until 1876, when treatment was first rendered by Dr. Frank W. Abbott, an oculist and a gentleman of excellent repute. He testifies that at that time he found atrophy of the optic nerve in both eyes. Affiant's impression is that it was the history of a slowly progressing loss of vision, and that there was no arbitrary cause.

Dr. Lucien Howe, oculist of the Buffalo Eye and Ear Infirmary, testifies that he commenced treating claimant on May 23, 1877. An entry on the books of that date is as follows: "Vision poor for eight or nine years, just after leaving the Army; during last three years could see better than now."

Thorough medical examination failed to disclose the existence of any venereal trouble.

Much stress is laid upon the fact that claimant, a part of the time since discharge, was employed in a brewery, and, in common with that class of employés indulged in the use of beer. Another unfortunate point in the case, and one on which the special examiner comments largely, is that the claimant is represented by an attorney who, in other cases, has been found guilty of malpractices.

The fact, however, remains that claimant is shown, by the testimony of the best of Buffalo citizens, to have contracted disease of eyes from exposure incident to his military service; that, although not seriously disabled thereby for some years after discharge, continued to suffer therefrom until he was compelled to place himself under the charge of oculists, and that he now is unable to provide for himself and his houseful of little children.

Another objection to favorable consideration by the Pension Office, and heretofore omitted, is that claimant appears to have been a member of a militia company of the State of New York for some seven years after 1870; but your committee are not disposed to give much weight thereto, in particular when it is shown that during part of this period he was under the care of an oculist.

From all the evidence in the case, your committee are of opinion that the claim is meritorious, and therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by inserting after the word "Volunteers," in line 7, the words "and pay him a pension at the rate of $40 per month."

The amendment recommended by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ALICE CROARKIN.

The next pension business on the Private Calendar (called up for consideration by Mr. THOMAS, of Wisconsin) was the bill (S. 900) for the relief of Mrs. Alice Croarkin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alice Croarkin, widow of James Croarkin, late of Company C, Third Wisconsin Cavalry.

The report (by Mr. SAWYER) was read, as follows:

From a careful examination of the facts in above case, as stated in the report of the Senate Committee on Pensions, which is hereto annexed and made a part hereof, your committee believe the case to be a meritorious one, and they therefore recommend the passage of the bill.

[Senate Report No. 318, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred a bill for the relief of Mrs. Alice Croarkin, have examined the same, and report:

The evidence from a number of comrades, and not questioned, clearly proves that James Croarkin, the husband of claimant, was badly ruptured in the fall of 1863, at a place called Camp Drywood, Missouri, and it is also apparent that he died of this injury in April, 1868.

Dr. Pease, of Montello, Wis., testified that he treated the soldier for hernia March 30, 1868, of long standing, which had affected contiguous parts, namely, the lower bowels, prostate gland, and bladder, which resulted in suppression of urine, constipation, delirium, and death. The doctor knew him well from 1862. He was free from hernia until he was injured in the Army, and witness first knew of it after his return home. No particular treatment was at any time necessary for the hernia, but the resultant complications and consequences, as stated above, was the character of his last sickness and the cause of his death. He could not work at all from his discharge until death.

The Pension Office rejection is upon the ground that death was not due to his military service.

It is in evidence that the soldier was treated for hernia by the surgeon of the regiment at the time of the accident.

The Pension Office, by correspondence with witnesses, has developed this case so as, in the opinion of the committee, to make it very strong. From the memoranda attached to the files it is apparent that some of the medical experts of the office are convinced that it should be allowed. For example, there occurs this comment:

"While the death cause is not a probable pathological result of the hernia, it is by no means improbable that the death cause was a direct result of the injury that produced the hernia."

Here is a plain case. The man was hurt. The fact and manner of the injury are established. He never recovered. Never ceased to suffer. He died. If he did not die of this injury it is impossible for human skill to determine what was the cause of his death.

The bill is reported favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM P. GORDON.

Mr. STEELE. Now, Mr. Chairman, I renew the request I made a while ago for unanimous consent to have taken up and considered at this time a bill (H. R. 10267) granting a pension to William P. Gordon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $18 per month, the name of William P. Gordon, dependent invalid son of William H. Gordon, late a member of Company A, Eighty-fourth Indiana Volunteer Infantry, deceased.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, having had under consideration the case of William P. Gordon, submit the accompanying bill, and report upon the same as follows:

By the death of William H. Gordon, late private in Company A, Eighty-fourth Indiana Volunteer Infantry, his son, William P. Gordon, was left an orphan, deprived of a father's care and support.

The said William P. Gordon is now drawing a pension as the minor heir of said William H. Gordon, which will cease August 2, 1888, under the provisions of the general laws, he being at that date sixteen years of age.

The said William P. Gordon is, and has been for years, a sadly deformed cripple, and subject to seizures resembling epileptic fits, which totally disqualify him for the performance of any mental or physical labor, and when his pension ceases by law he will, of necessity, become a care and burden upon relatives who are financially unable to provide and care for him.

In separate affidavits Drs. France and Selvey testify, in substance, that he has a very bad angular curvature of the spine; that he is, and has been ever since his spinal trouble, frequently attacked by epileptic paroxysms of a very debilitating nature, and that they produce a depressed condition of the mind. In the physician's opinion his condition is so bad that he is totally unfitted for either mental or physical labor of any consequence. His mother is a poor widow, with no income save such as she can earn by washing for her neighbors, and, being in delicate health, that income is very uncertain. After the death of her husband, William H. Gordon, she remarried, when her pension ceased.

The committee believe this to be a case in every way worthy of Congressional action, and therefore submit the accompanying bill and recommend the passage of the same.

There being no objection, the bill was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MARY WHIRRY.

The next pension business on the Private Calendar (called up for consideration by Mr. GUENTHER) was the bill (S. 1194) granting a pension to Mary Whirry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Whirry, dependent mother of George H. Whirry, late a private in Company D, Eighth Wisconsin Regiment.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1194) granting a pension to Mary Whirry, submit the following report:

That they find the statements contained in the Senate report herein, which is hereto attached and made part hereof, fully sustained by the evidence filed with the committee that the claimant is now old and poor, and they therefore recommend that the bill do pass.

The Committee on Pensions, to whom was referred the bill (S. 1194) granting a pension to Mary Whirry, have examined the same, and report:

This claimant was the mother of George H. Whirry, a private in Company D, Wisconsin volunteers, and she was pensioned May 5, 1862, at the rate of $8 per month, on account of the death of her son in the service. October 25, 1863, she was dropped from the pension-roll on account of her remarriage. She had no means of support except the pension of $8 a month, and she married with the expectation of relief from poverty; but her second husband, Hugh Larmer by name, proved to be a drunken, worthless man, and the court gave her a decree of divorce and the custody of her child.

She is now seventy years of age and dependent upon charity, and a large number of respectable citizens of Dodge County petition for her restoration.

Her second marriage was a very unfortunate mistake, but it is not the prerogative of the Government to punish such errors. She was deprived of her support by her son's death. Her small pension was insufficient. She is now old and miserably poor, and the committee think that for the small remnant of her life she may be restored to the pension-roll as a dependent widow.

The bill is reported favorably with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIE A. SALISBURY AND ALMIRA MORGAN.

The next pension business on the Private Calendar (called up for consideration by Mr. BAKER, of New York) was the bill (H. R. 469) granting a pension to Marie A. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary Army.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of Marie A. Salisbury and Almira Morgan, only surviving daughters of Maj. Abner Morgan, of the first continental troops in the war of the Revolution; and to pay each of them at the rate of $12 per month from and after the passage of this act.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 469) granting a pension to Marie A. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary Army, have considered the same, and would report as follows:

It is proposed in this bill to pay a pension of $12 per month to Marie A. Salisbury and Almira Morgan, as the surviving children of Maj. Abner Morgan.

Major Morgan served as major of a regiment organized under resolution of the Commonwealth of Massachusetts for service in the Continental establishment, and particularly in the Canada campaign of 1776. His service began January 1, 1776, and continued for a period of eleven months and ten days. He was pensioned from March 4, 1831, to November 6, 1837, when he died, at the rate of $283.20 per year.

It appears from evidence filed in support of this claim that Marie A. Salisbury is aged about seventy years, and that Elmira Morgan is in her eighty-first year. Both are destitute of any means of support, and Almira is supported at the expense of Livingston County, New York. Mrs. Salisbury states under oath that during the last years of her father's life she and her sister Almira took care of their father, and that the husband of deponent rendered him medical aid and attendance.

The evidence on file in the Pension Office shows that during his last years Major Morgan, who reached the age of about one hundred years, became of unsound mind, and no doubt rendered his personal care constant and laborious. His two surviving daughters appeal to the country which their father efficiently served over one hundred years ago, at the beginning of its war for independence.

Your committee consider the case one of unusual merit, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EMILY W. OGDEN.

The next business on the Private Calendar (called up by Mr. LEHLBACH) was the bill (H. R. 2641) granting a pension to Emily W. Ogden.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily W. Ogden, widow of Cornelius A. Ogden, late a major in the United States Army, who died while in the service, in 1856, and to pay her a pension of $50 per month from and after the passage of this act.

The report (by Mr. BANKHEAD) was read, as follows:

Cornelius A. Ogden was a major in the United States Corps of Engineers, and rendered long and valuable services to the country. He was engaged under Colonel De Russy at Fort Morgan in 1822 and 1823, and afterwards was himself in command of the work. He was then engaged in the construction of the National road running through Indiana, Ohio, and Illinois. After completing this work, he was again sent to complete the work at Fort Morgan, and remained there until 1847. He was then sent to Baltimore to construct a light-house at Sollers Point, and was there succeeded in the work by Robert E. Lee. In 1849, Major Ogden was sent to the Pacific coast on a commission to report on the construction of fortifications and establishment of navy-yards, and was finally sent to Boston in 1852 to construct the light-houses and to superintend all the public works in that vicinity. Here he died, on the 23d day of August, 1856, from disease caused by overwork and exposure. Mrs. Ogden, at the time of his death, was in such circumstances that it was not necessary for her to receive aid from the Government, and therefore she did not apply for a pension. After the death of her husband she again took up her residence in Mobile, Ala., and the results of the late war left her almost penniless. Since that time most of her relatives have died. After the war, compelled by her necessities, she made application for pension, which was rejected by the Pension Commissioner. In a letter to General Humphreys declaring his decision, the Commissioner concluded as follows:

"The claim for pension of Emily W. Ogden, widow of Cornelius A. Ogden, major in Corps of Engineers, United States Army, who died August 23, 1856, can not be allowed under the general laws, her husband having died of disease contracted in time of peace. She can only obtain relief by special act of Congress."

The brother officers of the deceased major testified that he died of disease contracted in the service caused by overwork and exposure. Mrs. Ogden is now far advanced in years and her health is very poor. Your committee is satisfied that had she made application immediately after the death of her husband she would no doubt have received a pension.

Your committee respectfully recommend that the bill do pass, with the following amendment: In line 9 of the bill strike out the word "fifty" and insert "thirty."

The amendment reported by the Committee on Pensions was read, as follows:

In line 9, strike out "50" and insert "30;" so as to make the rate of pension $30 a month.

Mr. LEHLBACH. I think this is a case where the amendment reported by the committee ought not to be agreed to. The amount of pension originally proposed in the bill, $50 a month, seems to me small enough under the peculiar circumstances, and I hope the committee will agree to grant it. This lady is now seventy-six years old, is confined to her bed, and will probably live not more than a year. When we take into consideration the fact that if she had applied in 1856 she could have obtained a pension, and that she did not apply because she did not then need it, I think Congress can afford now to grant her for the short remainder of her life a pension of $50 a month. I hope the amendment will be voted down.

Mr. MCMILLIN. As I understand, the Pension Office has held that this lady could not have obtained a pension under the general law if she had applied for it, and can not now. I will ask the gentleman from New Jersey [Mr. LEHLBACH], or some other member of the committee, what is the amount fixed by the general law as the pension for the widow of a major?

Mr. LEHLBACH. I do not wish to take up the time of the Committee of the Whole. If there is objection I will not press my proposition.

Mr. THOMPSON, of Ohio. What rate of pension does the committee propose?

Mr. LEHLBACH. Thirty dollars a month; but I think, under the circumstances, we ought to grant $50.

Mr. MCMILLIN. I understand that $30 is the amount allowed by law to the widow of a major.

Several MEMBERS. Twenty-five dollars.

Mr. LEHLBACH. Allow me to state that this lady's husband was a major in the Engineer Corps, an officer of high rank at that time.

Mr. MCMILLIN. But still his rank was that of a major.

Mr. LEHLBACH. As I have said, I do not wish to occupy the time of the Committee of the Whole; if there is objection to my proposition let the amendment of the committee be agreed to.

Mr. MCMILLIN. I suggest an amendment fixing this pension at the rate allowed by law to the widow of a major. We shall then, in the passage of the bill, simply adjudicate that this widow is entitled to a pension, but we shall not grant her a pension above the rate already given to a vast number of widows of majors. I think this is the better policy.

The CHAIRMAN. Does the gentleman from Tennessee offer an amendment?

Mr. MCMILLIN. Yes, sir; I move to amend the amendment by striking out "30" and inserting "25." I do this so that this lady may be on the same footing as widows of other majors.

The amendment of Mr. MCMILLIN was rejected.

The question recurring on the amendment of the committee to strike out "50" and insert "30," it was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MCCULLOGH. May I ask the House to grant me a favor, which is somewhat in the nature of a "dilatory motion?" I desire that the Committee of the Whole return to a bill on page 55 of the Calendar which was passed over in my absence. I hope there will be no objection to the consideration of that bill.

Mr. FORD. There is no objection, if it be understood we are to be allowed to do the same thing in regard to a number of other bills which have been passed over.

Mr. LANE. I object.

Mr. MCCULLOGH. If objection is made, I feel constrained to demand the regular order.

The CHAIRMAN. The regular order is being followed.

Mr. MCCULLOGH. If the gentleman from Illinois [Mr. LANE] will think a moment, he must see that I can give him a great deal more trouble than he can give me. He can not have his bill reached if I undertake to oppose it.

The CHAIRMAN. Objection is made to the request of the gentleman from Pennsylvania [Mr. MCCULLOGH].

CHLOE FRAILY.

The next business on the Private Calendar (called up by Mr. LANE) was the bill (H. R. 9127) for the relief of Chloe Fraily.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Chloe Fraily, the mother of John N. Fraily, deceased, late a private in Company B, Seventieth Regiment of Illinois Infantry Volunteers.

The report (by Mr. LANE) was read, as follows:

The Committee on Invalid Pensions beg leave to report that John N. Fraily, a private of Company B, Seventieth Illinois Regiment Infantry, was enlisted in said company June 5, 1862, and was honorably discharged on the 23d day of October, 1862, on account of sickness.

It appears further from the record that in July, 1862, the soldier took down with fever, followed by chronic diarrhea, and that in December, 1862, the soldier died from said disease, which he had contracted in the service and in line of duty. These facts are made to appear from the affidavits of seven or eight witnesses, and there is no dispute about them.

It further appears that the claimant is the mother of the soldier; that she is now sixty-eight years old, is very poor and needy; that her husband is seventy-two years of age and nearly blind; and is totally unable to do any manual labor and has been so disabled for six or seven years, and that the claimant has no person to support her and no means of support, and that the pension could not be allowed in the Pension Office for the reason that at the time of the enlistment she was not dependent on the soldier for support, but it now appears if the soldier was living the mother would be depending on him for support, and this being within the rule adopted by this committee, the committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES T. BOURLAND.

The next business on the Private Calendar (called up by Mr. LANE) was the bill (H. R. 8428) granting a pension to James T. Bourland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of James T. Bourland, late of Company A, Twenty-sixth Regiment of Illinois Infantry.

The report (by Mr. LANE) was read, as follows:

The record shows that the soldier, James T. Bourland, enlisted August 2, 1861, and was discharged August 16, 1862. He made application for pension in the Pension Office, but the same was rejected on the ground that the disability was not the result of service in the Army. The record shows that the soldier while in Army in 1862 was placed in the regimental hospital with fever, and that he remained there several days and that the fever finally settled in his eyes and affected his head and hearing.

An affidavit of two of his comrades, on file now with the committee—that of Simon Wise and A. B. Johnson—states that they knew the soldier, that he contracted sore eyes in the service, and also deafness, and that he is and has been ever since his discharge so afflicted with such trouble that he is unfit for manual labor, and that he is a worthy man. Your committee find that said soldier contracted said disability while in the service and in line of duty, and that he is now disabled because of such injury, and therefore recommend that said bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET E. COOPER.

The next business on the Private Calendar (called up by Mr. LANE) was the bill (H. R. 8807) granting a pension to Harriet E. Cooper.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet E. Cooper, widow of William B. Cooper, late major of the Ninety-eighth Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

That the said William B. Cooper was major of the Ninety-eighth Illinois Volunteers, was mustered September 3, 1862, and honorably discharged April 1, 1863; that while in the service and line of duty he contracted rheumatism, for which he drew a pension until his death, December 9, 1882; that the claim of Harriet E. Cooper for a pension as the widow of said William B. Cooper was rejected by the Department upon the alleged ground that his death was the result of intemperance.

Your committee have examined the evidence with care, and while it is true that the testimony shows that Major Cooper drank a good deal, yet we can not arrive at the conclusion that his death was traceable to this cause, but rather to rheumatism.

Dr. Frank W. Goodell, a physician in good standing in Effingham, Ill., testifies that he knew the soldier; that he saw him shortly before his death, and made an examination of his condition, and swears that in his opinion, from his knowledge of the case, rheumatism was the cause of the death of Major Cooper.

It is also in evidence that the soldier visited a physician in St. Louis and was examined by him, and the physician told him that he could not live more than six months, that the rheumatism would either go to his head or spine.

Dr. John N. Groves also testifies in the record that he saw the soldier some time shortly before his death, when he was in a dying condition, and that he believes that death was caused by rheumatism of the brain.

We think the testimony warrants the conclusion that rheumatism was the cause of the soldier's death, and therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MINOR CHILDREN OF ORISON S. BALDWIN.

The next business on the Private Calendar (called up by Mr. ADAMS) was the bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to place on the pension-rolls, the names of the minor children of Orison S. Baldwin, deceased, late of Company G, Fourth Illinois Cavalry, and to pay them a pension at the rate prescribed by law.

The report (by Mr. LANE) was read, as follows:

The history of this case is as follows, namely, Orison S. Baldwin enlisted at Joliet, Ill., April 9, 1863, and served with Company G, Fourth Illinois Cavalry Volunteers, until October 10, 1864, when he was discharged for disability, disease of lungs, at Natchez, Miss.

Soldier made claim in his life-time for invalid pension No. 560889, on account of lung disease contracted in the service and in the line of duty. This occurred in the State of Mississippi while marching at night in a drenching rain in 1864.

Soldier's application was rejected on account of the failure to show origin of alleged disease of the lungs in the service. The claim of the minor children was also rejected January 9, 1888, upon the ground that the immediate cause of death, disease of the lungs, was not due to soldier's military services.

Soldier died of lung disease in the hospital at Chicago, May 3, 1886, leaving surviving him two small children—Sarah, aged fourteen and a half years, and George, aged twelve and a half years. The mother of soldier's children died in Nebraska March 14, 1880, and the children have been under the immediate care of their grandmother, Sarah F. Fisher, who is now their legal guardian. The grandmother is poor and has to depend upon her own labor for subsistence for herself and said children.

Soldier made every exertion during the last year or two of his life to obtain the testimony as to the origin of his disease in the service. The best testimony obtained and now on file is that of Le Grand W. Pierce, store quartermaster and depot quartermaster, Natchez, Miss., in 1864. He testifies that he met soldier in Natchez, Miss., in the fall of 1864, at which time he was sick. He remembers him very well on account of being well acquainted with his mother, Mrs. Sarah F. Fisher, who was a nurse in the hospital at Baton Rouge, La. He (Pierce) gave soldier transportation by the river to Baton Rouge, La., from Natchez, as soldier wanted to get to his mother to be nursed.

Soldier's mother, Sarah F. Fisher, who was a nurse at Baton Rouge in 1864, has also testified as to soldier's condition when he came to Baton Rouge in the fall of 1864; that he was emaciated and suffering with lung troubles. She has also testified that soldier was sound and healthy, free from lung disease at the date of his enlistment in 1863.

Lucy J. Clark, of Eau Claire, Wis., has testified that soldier came to her house in Wisconsin as soon as he was discharged from the service in 1864, and was at that time very much troubled with weak lungs, and suffered with weak lungs from that time to the date of his death.

A liberal consideration of the evidence in this case warrants the conclusion that the soldier contracted lung disease while in the Army, and that such disease caused his death. The committee therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BELLE M. BAKER.

The next business on the Private Calendar (called up by Mr. HUNTER) was the bill (H. R. 9224) granting a pension to Belle M. Baker.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Belle M. Baker, widow of Edward Baker, late a private in Company B, Third Regiment of Kentucky Volunteer Cavalry.

The report (by Mr. HUNTER) was read, as follows:

It appears that claimant's husband, Edward Baker, entered the military service of the United States as a private in Company B, Third Regiment of Kentucky Volunteer Cavalry, at Owensborough, Ky., on the 13th day of December, 1861. That at the battle of Sacramento, in the county of Muhlenberg and State of Kentucky, on the 28th day of December, 1861, he received three gunshot wounds—one in the left shoulder, one below the left shoulder, and one in the right thigh or hip; also a saber cut or thrust below the right shoulder blade, and was discharged from the service at Hopkinsville, Ky., in August, 1863, by reason of said wounds and resulting enfeebled condition of the system. That he was placed on the pension-roll by certificate No. 26168 on account of said wounds and debility therefrom, and died at the Soldiers' Home at Hampton, Va., of flux, some ten years since, leaving a widow and four helpless children in destitute circumstances.

As the soldier died of flux and not of wounds, his widow could not, under existing laws, procure a pension, and therefore seeks relief by a special act.

While it is true that the soldier did not die from the wounds received and for which he was pensioned, it is fair to presume, as alleged, that the wounds caused an enfeebled condition of the system, rendering him thereby less able to resist the attack of flux; hence his sudden death.

Your committee therefore make this favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM M. DAYTON.

The next business on the Private Calendar (called up by Mr. THOMAS, of Kentucky), was the bill (H. R. 8299) for the relief of William M. Dayton.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William M. Dayton, late second lieutenant in Company I, Eighteenth Kentucky Volunteers.

The report (by Mr. HUNTER) was as follows:

William M. Dayton enlisted in Company I, of the Eighteenth Kentucky Regiment, December, 1861, and was discharged at Camp Chase, Ohio, on the — day of October, 1862. He was in a battle at Cynthiana, Ky., on the 17th day of July, 1862, and taken prisoner and taken to Camp Chase for exchange, and remained there from August 1 to last of September, 1862.

While he was a member of the company and in regular line of duty as a soldier at or near Lexington, Ky., in February, 1862, he was taken sick with measles, and from previous exposure while in the line of duty as a soldier, the said disease went very hard with him and left his system entirely broken down, settling in his back and produced spinal affection, from which he has never recovered and which is getting worse. He has never been well since he had the measles. Has suffered with the spinal affection ever since. Before he entered the service he was a sound man, in good health; had no signs of a spinal affection. He is now not able to do any manual labor, and is without means of support.

Dr. S. C. Holmes, of Mount Olivet, Ky., in affidavit filed May 17, 1879, says that he practiced in claimant's family before the war, and at the time claimant entered the service, in 1861, he was sound in body and in robust health.

S. G. Rogers, of Carlisle, Ky., captain of Company I, Eighteenth Kentucky Volunteers, says that several years before the war he lived within 1½ miles of claimant and knew him intimately; that he seemed to be stout, rugged and healthy, and he believes had no disease of his back.

Allen Brewer, late private of Company I, Eighteenth Kentucky Volunteers, says, in affidavit filed May 17, 1879, that he was with claimant frequently before he enlisted, and knows that he was a stout, healthy man, and he believes he had no disease of spine or other disease whatever when he enlisted.

Dr. Riley Wells, of Mount Olivet, Ky., in affidavit, says that he has known the claimant for thirty years, and lived within 1 mile of him when he enlisted; that he was well acquainted with him before the war, and has every reason to believe, and does believe, that when he enlisted, in 1861, he was sound in body and possessed good physical health. Said Wells further stated that at and prior to claimant's enlistment he would state that claimant was free from any disease of the spine and kidneys.

The postmaster at Mount Olivet states that, so far as he knows and can ascertain, the claimant was free from all disease of spine, kidneys, or any other disease at and prior to his enlistment; that he was considered one of the stoutest men in the country from the time he arrived at manhood until his discharge from the service.

IN THE SERVICE.

Capt. S. G. Rooges says:

"Some time in February, 1862, near Lexington, Ky., the claimant had a very severe attack of measles, which was aggravated by the exposure claimant encountered in bad and stormy weather previous; that a few days after he was taken he was sent home on a sick furlough; that when he returned to his company, about July 17, 1862, he complained frequently of weak back or spinal complaint of some kind, and knows that complainant was treated for spinal disease of some kind after his capture at Cynthiana and after he was sent to Camp Chase; that he (affiant) was at Camp Chase with complainant in August and September, 1862, and while there claimant complained of a weak back; that he believes claimant's present disease of back was caused by his exposure and measles when in the service."

Allen Brewer testifies:

"Was with the company when claimant was taken sick with measles, near

Lexington, Ky., in the winter or early spring of 1862; that claimant was sent home in a few days after he was taken sick, and was absent five or six weeks; that when claimant returned to the regiment at Cynthiana, Ky., he had not recovered; that he looked pale and complained of weakness in his back; that he performed some light duty, but was never entirely well while he remained in the regiment; that about July 17, 1862, claimant was captured with him, affiant, and others; that in August, 1862, they were sent to Camp Chase for exchange; that while at Camp Chase complainant was in very poor health; that he suffered from spinal disease, and he frequently heard him complain of pain and weak back; that complainant was under treatment of the surgeon at said place."

Dr. Holmes testifies:

"That about the last of February or first of March, 1862, claimant came home on a furlough; that he was sick and he was called to treat him; that he had a very severe attack of measles; that he treated him for said disease about one month, when he got better and returned to his regiment; that he well remembers he returned to his regiment before he entirely recovered and before he ought with safety to his health; that after claimant returned from the service in 1863, he was treated by Dr. Wells; that he has been frequently consulted by claimant concerning his disease and has examined him; that he is suffering from anæmia of the spine and brain; that this disease renders him totally unable to perform manual labor; that he suffers severe pains in his head, vertigo, weakness of his back, and has partial paralysis of his lower extremities, retarding locomotion; that a stooping position or physical exertion tends greatly to aggravate his disease."

Dr. Wells testifies:

"Soon after claimant came home from the Army, in 1863, he treated him in a professional capacity; that he complained greatly of weak back, pain in his head, and vertigo; that he found his spine was affected and that he was suffering from chronic inflammation of the kidneys; that he can not state the cause of claimant's disease, but when he came out of the Army, in January, 1863, his constitution was greatly impaired, and he was then suffering in a less degree with the same disease he now has; that he has treated him for said disease ever since the first of 1863; that he has been gradually getting worse, and that he is now totally unable to work for his maintenance; that there has been no time since January, 1863, that claimant has been free from spinal complaint and chronic inflammation of kidneys; that he has been growing weaker since 1863, and in his opinion he is incurable; that he makes the above statement from personal knowledge, and has no interest in the claim."

Dr. Wells replies to a letter from the Pension Office as follows, filed June 19, 1882:

"In January, 1863, soon after claimant returned home from the Army, he applied to him for medical treatment, which he gave him; that he found his constitution greatly impaired; that he suffered greatly at times of pain in his head and back; that he complained of great weakness in his back and had spells of vertigo, also scanty urine; œdema inferior extremities; that he gave him medical attention for several months at said time, and for a larger portion he was unable to be about; that he gave him temporary relief, and for several months he gave him no medicine; that it is impossible to give the precise dates of his treatment of complainant between January, 1863, and August, 1865, and also between February, 1866, and March, 1872, as his memorandum between said dates is lost; but he remembers very distinctly that he had several bad spells and that he treated him for disease of back and kidneys; that he finds by reference to his books that he gave claimant treatment as follows: During the months of August, 1865; February, 1866; February and March, 1872; April and May, 1873; January, February, and March, 1874; June and July, 1875; January, February, and March, 1876; March, April, and May, 1877; also January, February, and March, 1878; that during said time the symptoms were as described, except more aggravated and greater weakness, the disease having long since assumed the chronic nature; that during most of the dates referred to the claimant was confined to his bed, and for the remainder of the time he was unable, by reason of the disease, to do much manual labor; that since 1872 he thinks he has been totally disabled from manual labor during all the time each year; that before that he would state he was at least one-half disabled during each year; that claimant has been continually getting worse, and is incurable; that his lower extremities are partially paralyzed; that in his judgment claimant is totally disabled, and that his disability is the result of disease of kidneys and spine, which disease he had when he came from the service in January, 1863."

The said Dayton applied for a pension May 17, 1879, No. 186763. The Commissioner of Pensions rejected his claim upon the ground that he did not think the evidence established the fact that his disability arose from the attack of measles, as claimed, while in the service. Your committee think that this is a very meritorious case. The proof shows that Dayton is now unable to perform any manual labor, is very poor, and is an object of charity.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FRANKLIN WHITE

The next business on the Private Calendar (called up by Mr. THOMAS, of Kentucky) was the bill (H. R. 4770) for the relief of Franklin White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Franklin White, late private, Company K, Fortieth Regiment Kentucky Mounted Infantry Volunteers, on the pension-roll, at the rate prescribed by existing provisions of law.

The report (by Mr. HUNTER) was read, as follows:

Franklin White was a private in Company K, Fortieth Regiment of Kentucky Volunteers. White says that on or about January 1, 1864, by leave granted him by his captain, he had been to see his mother, and was at the time of the accident returning to his command, and in crossing Bear Creek, Lawrence County, Kentucky, he accidentally fell, and in falling discharged his gun, which inflicted a wound in his right hand; that his middle finger on his right hand was wounded, and so fractured the bone as to require exsection of the bone between the second and third joints; also wounding corresponding parts of the index finger, and also the third finger. He can not close these fingers perfectly, hence he has not a perfect grip.

The claimant was treated in a private hospital at Grayson, Carter County, Kentucky, by Dr. W. D. Jones (now dead).

Rudolph Bocock deposed that claimant, on or about January 1, 1864, while at or near home on Bear Creek, Kentucky, accidentally stumbled and fell, and in doing so his gun was discharged, which wounded him in the right hand. Affiant was present shortly after he was wounded, and was told by claimant and his comrades who were present at the time.

George Stewart, Alvin Stewart, and Wyatt L. Clay testified the same as Bocock.

The examining surgeon reported that ball took effect on second finger of right hand, just in front of the knuckle-joint, and so fractured the bone as to require extraction of the bone between the second and third joint, also wounding the corresponding part of the index finger, as also the third finger. He can not close these fingers perfectly, hence has not a perfect grip.

Several witnesses testify as to the good character of White. He served out his time, and was honorably discharged.

White applied for a pension January 22, 1880, No. 339599. He enlisted August 14, 1863; discharged December 30, 1864. His claim was rejected April 10, 1883, "on the ground that claimant was not in line of duty at the time the alleged accidental gunshot wound of right hand was received, being absent from his command at the time."

The proof is conclusive that this soldier was wounded while in the service. He had leave to visit his mother, who lived in the neighborhood where the company was stationed, and, while crossing a creek on the ice, fell, his gun went off and wounded him in the right hand. The committee is of the opinion that this is a meritorious case, and they report in favor of the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM M. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 9184) granting a pension to William M. Campbell.

Mr. HUNTER. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William M. Campbell, jr., late a private in Company F, Fifth Regiment of Kentucky Volunteer Cavalry, at the rate of $8 per month, subject to the provisions and limitations of the pension laws.

Amend the title so as to read: "A bill granting a pension to William M. Campbell, jr."

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9184) granting a pension to William M. Campbell, have had the same under consideration, and make the following report:

It appears from the proof in the case that claimant enlisted at Burkesville, Cumberland County, Kentucky, on the 28th day of September, 1861, as a private in Company F, Fifth Regiment of Kentucky Volunteer Cavalry, and which said command was encamped at Columbia, Adair County, Kentucky; and before its muster into the service of the United States claimant was, on the 1st day of February, vaccinated with impure virus, and on the 10th day of the same month and year he contracted mumps. The former produced angry ulcers over the body, but more especially on the scrotum, where an indolent ulcer became permanently located, and has continued to discharge matter freely up to the present time. The latter-named malady affected the testicles, producing almost complete destruction of these organs.

These troubles caused his transfer to the regimental hospital, where he remained until the 14th day of March, 1862, when he was sent home for treatment by order of Major Owsly. He remained at home more than four months under the medical care of Dr. James H. Cheek, and before his complete recovery he joined his command at Columbia, Tenn., where, on the 5th day of August, 1862, he was mustered into the service of the United States, and continued to serve until the 16th day of July, 1865, when he was discharged at Lexington, N. C., by reason of expiration of time of service.

He made application for pension on account of disability resulting from impure vaccine matter and the effects of mumps, and filed ample proof in support of same; but the claim was rejected on the ground that the diseases were contracted prior to claimant's muster into the United States service.

While it is true that claimant was not duly enrolled at the time he contracted the said diseases, it is nevertheless a fact that he, in good faith, enlisted in the Fifth Regiment of Kentucky Volunteer Cavalry on the 28th day of September, 1861, went into camp with said command, did duty as a soldier under orders of the officers of said regiment, and was at all times ready for muster.

It is quite evident that the delay on the part of the mustering officer to enroll claimant was no fault of his, and he should not, in the opinion of the committee, be permitted to suffer in consequence.

Your committee, therefore, make this favorable report, and recommend the passage of the bill, with the following amendment:

Add "jr." after "William M. Campbell" wherever that name occurs in the bill; and strike out all after "cavalry," in the sixth line, and add, "subject to the provisions and limitations of the pension laws."

The amendment of the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN A. TURLEY.

The next business on the Private Calendar was the bill (S. 845) granting a pension to the widow of John A. Turley.

Mr. HUNTER. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Cynthia E. Turley, widow of John A. Turley, late a private of Company E, of the Twentieth Kentucky Infantry.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 845) granting a pension to the widow of John A. Turley, have had the same under consideration, and adopt the Senate report hereto attached:

"The claimant filed her application December 9, 1863, alleging that the death of her husband occurred on August 28, 1863, while in the service of the United States, on board a steam-boat on his way from his home.

"The husband of the petitioner, John A. Turley, private in Company E, Twentieth Kentucky Volunteers, enlisted November 21, 1861, and was killed by accident August 27, 1863.

"The claim of the widow was rejected September 27, 1870, and that rejection was confirmed July 2, 1887, on the ground 'that the proximate cause of the injury or death must appertain to or have a direct connection with the line of duty in order to establish basis for pension claim.'

"The evidence in the papers discloses these facts: That in July, 1863, the Confederate general, John H. Morgan, in a raid he was then making, captured the Twentieth Kentucky Regiment at Lebanon, Ky., and conveyed them to Springfield, where they were paroled. The regiment was then ordered by the Federal authorities into camp in Jessamine County, Kentucky, where they remained two or three weeks. They were subsequently granted leave of absence for ten days, at the expiration of which time they were ordered to return to their command at Louisville. In going from their home, under the command of a second lieutenant, between Evansville and Louisville a dispute arose between two of the soldiers, when the decedent, anticipating an affray, interposed for the purpose of preventing the same, and, while so acting, one of his comrades pushed him, and he fell striking his head against a heavy plank, from which injury he

died instantly. There is some dispute in the testimony as to whether he had interfered to prevent the difficulty, or was simply a looker-on and accidentally received the blow which felled him to the deck, but in the opinion of your committee this difference of opinion among the witnesses is immaterial, as all agree that he was not himself in any way engaged in originating or carrying on the dispute.

"The only question in this case seems to be whether the injury was received in the line of duty or not. The evidence is uncontradicted that, under orders from their superior officer and under the immediate command of an officer, the soldiers had met in a town in the county in which they resided for the purpose of obeying the order to report in Louisville by a certain time, and that at the time of the injury, in charge of a second lieutenant, they were *en route* to that point. The decision of the Pension Bureau, sustained by the Secretary of the Interior, is that 'death must appertain to and have a direct connection with the line of duty.'

"Can it justly or fairly be said that when a soldier, in obedience to an order from his superior officer, in charge of a company officer, is going from one point to another and meets his death, that death has not occurred in 'direct connection' with the line of duty? In the opinion of the committee the deceased in this case when he met his death was executing an order of his superior officer, and was in the line of duty, and that his widow comes clearly within the provisions of the law granting a pension to the widow of a soldier whose death or injury occurs while in the line of duty.

"The bill is therefore reported favorably, with the recommendation that it do pass."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MATTIE GRAZIANI, COVINGTON, KY.

The next business on the private Calendar was the bill (S. 303) granting a pension to Mattie Graziani, of Covington, Ky.

Mr. HUNTER. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Mattie Graziani, widow of Lawrence L. Graziani, late of Company A, Third Regiment United States Cavalry. Claim in Pension Office No. 352845.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 303) granting a pension to Mattie Graziani, of Covington, Ky., have had the same under consideration, and adopt the Senate report hereto attached.

Mattie Graziani made application for a pension on the 3d of September, 1887, claiming to be the widow of Lawrence L. Graziani. Her husband had been granted a pension on the 25th of February, 1885, for rupture of the left side, caused by his horse falling upon him while charging the Indians, on the 17th of June, 1876, at Rosebud Creek, Wyoming. He died on the 15th of March, 1887.

The application of his widow was rejected by the Pension Office on the 21st of September, 1887, "on the grounds stated by the medical referee; death resulted from apoplexy, not left inguinal hernia."

The only evidence upon which the above conclusion can rest is found in the physician's certificate of death, certified by the health officer of Covington, Ky. Under the heading "cause of death," the regulations requiring that the physician should state either "the remote or predisposing," or the "immediate cause," "apoplexy" was certified.

If the right of the claimant rested on this certificate, the conclusion reached by the officials of the Pension Office would have to be sustained; but the record contains the affidavit of Dr. J. M. Riffe, who was present when the husband was first taken ill, and who attended him until he died. He says:

"I was present in church on or about the 13th of March, 1887, when said Graziani was attacked with a violent vomiting, produced, as I believed at the time, from strangulated hernia, several hours after which the said Graziani manifested symptoms of hemorrhage of the brain, or apoplexy, and that I visited him daily until his death, which was from brain clot, on the fourth day after his attack. I then believed that the hemorrhage was caused by the violent vomiting."

This is the sworn opinion of a practitioner of medicine, with an experience of forty years, who attended the husband of the claimant from the moment of his fatal attack until he died.

Dr. J. E. Stevenson, who had been acquainted with the husband of the claimant for the period of five years preceding his death, and who had attended him professionally, in his affidavit says:

"It is my opinion (although I did not see him in his last illness, his death being very sudden) his death was caused as the result of rupture."

Dr. Riffe, who certified that the "immediate cause" of death was "apoplexy," proves, so far as expert testimony can prove a fact, that the "immediate cause" of death was superinduced by "strangulated hernia," which preceded the "immediate cause" by only several hours, and which injury "in the line of duty" procured for the claimant's husband a pension. This view is sustained by the evidence of Dr. Stevenson.

In the opinion of the committee the claimant is clearly entitled to receive a pension as the widow of Lawrence L. Graziani.

The bill is reported favorably, with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JUDITH A. KINSEY.

The next business on the Private Calendar was the bill (H. R. 2640) for the relief of Judith A. Kinsey.

Mr. LEHLBACH. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Judith A. Kinsey, widow of George Kinsey, late a private in Company D, Thirteenth Regiment New Jersey Volunteers.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2640) for the relief of Judith A. Kinsey, have had the same under consideration, and beg leave to submit the following report:

Judith A. Kinsey is the widow of George Kinsey, who served as private of Company D, Thirteenth New Jersey Volunteers, from August 6, 1862, to June 9, 1865. He was severely wounded in right thigh at Atlanta, Ga., August 5, 1864, for which he was under treatment until date of discharge, and on account of which he was a pensioner until death. He died October 28, 1884, of cancer of liver or stomach. The widow's claim has been rejected because the evidence is not accepted by the Pension Office as sufficient to connect the death-cause with the service.

Samuel F. Blanchard, a prominent citizen of Newark, N. J., testifies that his acquaintance with the soldier dates back to a period of seven or nine years prior to the time of his enlistment. He was then a healthy man, sober, industrious, and saving. At his return from the war he suffered from a severe wound in thigh, which rendered the limb almost useless. For a long time after his return he was obliged to get about on crutches. By reason of this disability he was unable to follow any business of profit and soon used up what little money he had saved before the war. The wound was a constant cause of suffering and pain until death. His health gave way gradually until he was reduced to a physical wreck.

Thomas W. Crooks, cashier of Essex County National Bank, of Newark, N. J., James E. Garrabrants, and other respectable and credible witnesses, residents of said city and neighbors of the soldier, testify in substance to the facts sworn to by Mr. Blanchard.

Dr. Laban Dennis testifies that he was the soldier's family physician for twelve years previous to his death. First found him suffering from cancer in the axilla, which disease finally settled upon his liver and destroyed life. Had occasionally prescribed for him in the preceding years for slight ailments. The wound of thigh was a constant source of depression and weakness. Soldier was a man of perfectly correct habits of life, and in affiant's opinion the depression of his general health caused directly by his wound predisposed him to the earlier development of and the hastened death from said cancer.

The rejection of the claim was probably suggested by the fact that another member of his family has been for many years suffering from a like disease. But, in the opinion of this committee, this fact should not prejudice the claim of this widow. The cause of a cancer must necessarily be involved in doubt.

In the case of Mary Schernecker, application 265722, the Secretary of the Interior, under date of May 8, 1884, says:

"In claims for pension, when it is shown by satisfactory evidence that a soldier contracted disease or received injuries in the service and line of duty, and by reason of said disease or injuries his health becomes reduced to such a low state that he dies of a disease the origin of which skilled physicians are unable to determine, but which all the facts and surrounding circumstances tend to show that the fatal disease was due to the soldier's enfeebled condition, or else that he was unable to resist the attack of the fatal disease in consequence of his low state of health, resulting from the diseases which he had contracted in the Army, the claimant in such case should not be required to furnish that which in the nature of the case is an impossibility, and a denial of a pension to a claimant under such circumstances would be, in the opinion of this Department, contrary to the spirit and intent of the pension laws."

The soldier in this case also died of cancer.

Applying the principle laid down in the above-quoted decision to the case under consideration, your committee are inclined to give the widow, who is without means of support except her own labor, and has to care for three children under sixteen years of age, the benefit of the doubt arising in this class of cases, and therefore report favorably on the accompanying bill, and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN LANGLAND.

The next business on the Private Calendar was the bill (H. R. 885) to amend chapter 253 of the Revised Statutes of the United States, passed June 15, 1878, granting a pension to John Langland.

Mr. FORD. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That chapter 253, passed June 15, 1878, second section of the Forty-fifth Congress, be amended so as to read as follows: That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Langland, late a private of Company B, First Michigan Sharpshooters: *Provided*, That nothing in this act shall be construed to prevent the said John Langdon from completing his claim on file in the Department of the Interior numbered 108931; and the Secretary of the Interior is hereby authorized and directed to adjudicate said claim on the evidence on file and to be furnished hereafter: *Provided further*, That in case of the allowance of said claim by the Secretary of the Interior he shall deduct from said allowance the amount of money drawn by said claimant under said special act.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 885, having considered the same, beg leave to report as follows:

John Langland served in Company B, First Michigan Sharpshooters, during the war of the rebellion, and afterwards filed a claim for a pension, which was numbered by the Bureau as 108931. Not being able to furnish sufficient proof by reason of his inability to ascertain the whereabouts of certain witnesses, Langland's claim was rejected.

He applied to Congress for relief, and a bill was passed granting him a pension, which was approved by the President June 15, 1878; and Langland has, since the passage of said act, drawn a pension of $4 a month.

Within the last year Langland has discovered the whereabouts of certain witnesses, by reason of the absence of whose testimony his claim was rejected by the Bureau of Pensions; and the bill seeks to allow him to now prosecute his claim before the bureau without prejudice.

The committee recommend that the bill be amended by striking out, in line 19, the words "said special act" and inserting in lieu thereof the words "this act," and that, as thus amended, the bill do pass.

The amendment of the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY COMMAND.

The next business on the Private Calendar was the bill (H. R. 8510) for the relief of Mary Command.

Mr. CHIPMAN. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is directed and authorized to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Mary Command, the widow, and the names of the minor children of Thomas Command, late a private in Company B, Third Regiment of New York Cavalry.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8510) for the relief of Mary Command, have had the same under consideration, and beg leave to submit the following report:

Mary Command is the widow of Thomas Command, who served as private of Company B, Third New York Cavalry, from July 30, 1861, to November 29, 1865. He applied for pension on account of injury of left side and right leg

by the falling of a horse at the Nottaway, Va., raid, June 8, 1864. After a special examination, the claim for injury of leg was admitted, but the claim for injury to left side rejected, the record of the War Department showing treatment for the former but not the latter disability. The widow's claim, based upon disease of lungs resulting from the alleged injury to side, was likewise rejected.

From the evidence in the case it is evident that the injury of leg was the more severe of the two at the time of the soldier's entry into hospital; hence the record of treatment therefor and the absence of any record of the other and less severe injury. For like reason the officers and comrades who were present at the time remember distinctly the injury to leg, but have only a faint recollection of the injury to side.

While the testimony obtained by the special examiner is, as usual, conflicting as to the soldier's condition from discharge to death, yet it can not be questioned that he suffered more or less from the injury to side, which gradually resulted in disease of lungs and kidneys. Medical examination, in addition to the injury of right leg, showed tenderness on manipulation of left hip and back in lumbar region and great emaciation.

The attending physician testifies that soldier attributed his diseased condition to the injury in service. He was a good man and of excellent habits. His death occurred October 13, 1883.

The widow is very poor, with several small children to care for. There may be doubts as to the extent of the injury to side and its connection with the fatal disease, but the faithful services of her husband, extending over more than four years, as well as her dependent condition, afford, in the opinion of your committee, ample justification for their solution in favor of the claimant, and therefore report favorably on the accompanying bill, and ask that it do pass, amended, however, by striking out all after the word "widow" and including the word "children" in line 6.

The amendment of the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT LISLE.

The next business on the Private Calendar was the bill (H. R. 962) granting a pension to Robert Lisle.

Mr. BOOTHMAN. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and required to place on the pension-roll of the United States, at such rate as his present disabilities may warrant, under the provisions and limitations of the pension laws now in force, the name of Robert Lisle, late private in Company H, Thirty-eighth Regiment Ohio Volunteer Infantry.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 962) granting a pension to Robert Lisle, submit the following report:

This man enlisted at Pulaski, Ohio, September 1, 1861, as a private in Company H, Thirty-eighth Regiment Ohio Volunteers, to serve three years or during the war, and was mustered into service September 10, 1861. He was discharged January 13, 1862, at Camp Dennison, Ohio, for the following reason, as stated in his discharge paper, namely:

"Because of chronic iritis, which disqualifies him for the duties of a soldier, but does not disable him from some kinds of labor. He had the same disease anterior to his enlistment."

It does not appear in the voluminous evidence on file in the case what ground the United States officer, M. F. Corey, M. D., post surgeon at said Camp Dennison, had for making such statement, and the only evidence on file in the case touching it is a statement of the soldier to the effect substantially that he was urged by the post surgeon, in order to get a discharge, to state that he had had diseased eyes prior to enlistment.

That the soldier himself had no reason for making any such statement in order to get a discharge is very apparent from the fact that at the time of his discharge he had entirely lost the sight of one eye and could have rendered no further service at any rate, and would not, therefore, without urging, have made such a statement. And if the fact of prior disease stated in the discharge was placed therein by reason of anything said by the soldier, it was, in the judgment of your committee, due to the superserviceable zeal of the post surgeon and is contrary to the fact, as shown by the following witnesses, whose character as people of respectable standing and whose reputation for truth can not and will not be disputed, namely:

Peter V. Fulton, lieutenant; George Megarah, a comrade; William Stough, captain; Amos Weaver, a comrade; Joseph Z. Laughlin, a comrade, all of claimant's company; E. D. Bradley, colonel; Elias Kinsey, a comrade, and Israel A. Coons, surgeon, of claimant's regiment, all testify that at the time of enlistment the soldier was an able-bodied, sound man, and free from any disease of the eyes.

This testimony of officers and comrades is supplemented by the evidence of the following neighbors and intimate acquaintances of the soldier, who had personal knowledge of his freedom from disease of the eyes at and immediately prior to his enlistment, and who testify thereto, namely, W. F. Kelsey, a justice of the peace; John Orewiler, a justice of the peace; G. R. Joy, an ex-county commissioner; Michael Barnhart, and Richard Gaudern, M. D., claimant's family physician prior to enlistment, all of whom intimately knew and frequently saw the soldier for several months before that time; said G. R. Joy testifying to having employed said soldier for two months immediately prior to his enlistment, and having paid him full wages as a harvest hand, and says that he had no disease of the eyes at that time, nor had he had for the year or more preceding that time.

The soldier's condition when discharged was: The sight of one eye entirely gone and the other badly affected, and at the present time he is an inmate of the Soldiers' Home at Dayton, Ohio, absolutely blind, and has been so since 1877. He is now sixty years of age.

The only evidence of the existence of disease of his eyes prior to his enlistment consists of—

1. The said statement in his discharge paper.

2. The affidavits of Martin Ebaugh and Christian Ebaugh, neighbors, to the effect that claimant's eyes were "diseased" before he enlisted, at what particular time or how badly is not stated.

3. The affidavits of John A. Barnhart, a comrade, and George Throne, a neighbor, to the effect that his eyes were "weak and defective" prior to enlistment, and in a subsequent affidavit Barnhart admits he was mistaken and says it was after enlistment that claimant's eyes became "weak and defective."

4. The statement of Dr. Gaudern, made upon an examination by a special examiner in 1881, when he stated in substance that he had an impression that the soldier's eyes were inflamed at one time before enlistment, out that it was merely temporary, and at the time of enlistment his eyes were entirely sound, and had been for a long time prior thereto; and upon a subsequent examination by the same officer Dr. Gaudern qualifies his statement by placing the time of the supposed inflammation of eyes at a time when claimant was home on furlough or leave of absence.

These statements, then, which allege prior unsoundness are reduced to the three witnesses, Martin Ebaugh, Christian Ebaugh, and George Throne, and the statement in the claimant's discharge paper; and they are more than overturned by the statements in a letter of Israel A. Coons, the surgeon who examined the soldier at muster-in, now in file in the said case, to the effect, substantially, that his examination of the man at muster-in made by him was critical and severe, and no disease of eyes existed; and these statements of the surgeon are fully corroborated by the affidavit of E. D. Bradley, the colonel of the regiment, who avers that he was present and witnessed the examination.

Your committee therefore consider that the overwhelming weight of the evidence fully established the truth of the claimant's position that the disease which finally deprived him of his eyesight entirely originated subsequent to his muster-in. And we think it may be fairly said that the testimony shows the following state of affairs in this case, namely: That in a few days after the soldier was mustered at Camp Trimble, in Defiance, Ohio, he was thoroughly wet and soaked with rain. He received a furlough of a few days in length to go home and attend to the sale of some property, so as to enable him to leave his family something upon which to live during his absence; that on the road home he again was thoroughly soaked in a cold and chilling rain.

That from this exposure he took cold, from which he suffered more or less after his return; that at Nicholasville, Ky., about October 5, 1861, while on duty upon dress-parade on a very hot and sultry day he was attacked by what appeared to be a slight sunstroke, and was so affected thereby that he was compelled to go to the hospital; that at this time his condition was such that he had to be carried to his quarters and to the hospital; that these troubles culminated in the disease of eyes, for which he was finally discharged, and which has left him now old, blind, helpless, and dependent upon charity for all of the support which enables him to live at all.

His claim for pension was finally rejected January 5, 1882, on the ground that the disability originated while the soldier was at home on furlough, and so not in the line of duty.

Your committee think that the evidence fully warrants the belief that it was exposure in the service and line of duty, both before and after the furlough, that occasioned, in whole or in large part, the disabilities of this man, and moved by this consideration, therefore report the bill favorably and ask its passage.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ARABELLA DAVIS.

The next business on the Private Calendar was the bill (H. R. 8553) granting a pension to Arabella Davis.

Mr. ROMEIS. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is, authorized and directed to place on the pension-rolls the name of Arabella Davis, widow of Lieutenant David Davis, late quartermaster of the Forty-fifth Regiment Ohio Volunteer Infantry, now deceased, subject to the limitations of the general pension laws.

The report (by Mr. YODER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8553) granting a pension to Arabella Davis, have had the same under consideration, and beg leave to submit the following report:

The beneficiary named in the bill is the widow of David Davis, who served as first lieutenant of the Forty-fifth Ohio Volunteers from July 2, 1862, to June 17, 1863, when mustered out upon tender of his resignation, he being no longer able to endure the fatigues attending heavy marches. The claim of the widow has been rejected on the ground that the officer's fatal disease of kidneys was not due to erysipelas, as alleged. He died June 1, 1886.

It is conclusively shown that Davis contracted erysipelas of leg while in the service, which disqualified him for further duty, and from which he was a constant sufferer until death. The physicians who treated him for some years after discharge are dead. Dr. Rowsey, who treated the officer in his last illness, testifies before the special examiner that he found him suffering with a complication of diseases—rheumatism, kidney disease, and erysipelas. The rheumatism involved all the joints in the body. The erysipelas was located in the legs.

Dropsy set in of a general character. Dropsy was the result of his general broken-down condition, more specifically following the disease of kidneys. Erysipelas utterly incapacitated him from movement. The immediate cause of his death was dropsy, the remote cause rheumatism.

There is other reliable evidence that Davis suffered more or less from rheumatism ever after discharge.

The special examiner, in submitting his report, makes the following statement: "She (the widow) is a lady of excellent reputation in every respect, but, as I am informed, very poor; and I learned that she and her daughters have furnished the principal means of support both for themselves and the husband and father from the time he left the Army until he died, he being so disabled and incapacitated for labor that he earned but very little for the support of his family. The witnesses are all people of prominence in the community and all testified unbiassedly. I have exhausted every source of information as to the soldier's physical condition since his discharge and return home from the Army, and I am firm in the belief that the claim is meritorious. That he was severely afflicted with erysipelas in one or both legs while in the service, which disability compelled him to resign, is to me satisfactorily proven, and that he was greatly disabled from the diseased condition of his leg from and at the time of his discharge until mortification set in, ending in death, seems to me well established."

Notwithstanding the favorable report of the special examiner the claim was rejected, as heretofore stated.

Recently the case was submitted to the medical advisory board of the Pension Office for further examination and report, which is as follows:

"A review of the evidence, as contained in the special examiner's report and as briefed in this case, confirms the opinion that upon the present legal approval the widow's claim must be rejected. That erysipelas or any disease resulting therefrom caused death can not be admitted. We are not fully satisfied that erysipelas existed as a factor in the last illness or that the condition testified to have existed in the legs was really erysipelatous. Dropsical accumulation dependent upon an organic disease distended the tissues and finally produced disintegration and absorption of tissue; hence the condition of the legs. According to the evidence of the attending physician, Bright's disease of the kidneys was the immediate organic cause of the dropsy, and rheumatism the remote. If the legal board can change the approval to rheumatism and results, or to disease of kidneys, we can act favorably on the claim, but if not, then rejection must be adhered to."

This change of approval has not been made, and therefore the rejection stands.

With the rheumatic history in the case, which the medical board fully recognized, it is the opinion of your committee that this difference of opinion between the two subordinate boards of the Pension Bureau should no longer deprive the widow of a pension. From the petition of a number of the most prominent citizens of Toledo, Ohio, now before us, it appears that she is an invalid, and has no means of support or income.

The bill is therefore returned, with the recommendation that it do pass.

Mr. BRECKINRIDGE, of Arkansas. There has been an order taken in reference to several bills, about which there was a difference of opinion on the part of members, that they should be reported to the House with the recommendation that they be postponed to a certain day when fifteen minutes' debate will be allowed on each side before the vote was taken. The same order in my opinion should be taken with regard to this bill. It is an exceptional case and involves a question of policy as to the matter of pensions. I believe every gentleman will agree with me in the idea that care ought to be exercised that the very noble policy of pensions for proper reasons should not be impaired by a lax system of legislation. The only effect of careless and inconsiderate legislation in connection with the pension system would be to discredit really meritorious cases and bring about a reaction in public sentiment which would hurt good men, and this every one here would regret. I do not care to consume the time, but let this go over under the same order taken in other cases, with the understanding there shall be fifteen minutes' debate on either side.

Mr. ROMEIS. There is no question about the amount.

Mr. BRECKINRIDGE, of Arkansas. I am only raising a question about the merits of the case.

Mr. ROMEIS. There is a difference of opinion between two boards of the Pension Office, one saying if the other will withdraw a technical point the other will agree to it.

Mr. BRECKINRIDGE, of Arkansas. Those points are clearly stated in the report; and then it is urged that there is a petition; but this House can not afford to legislate for pensions on the basis of petitions. Why, any good-natured, indigent man can get up a petition; but that does not shift the responsibility. The responsibility is here. Now, let a full House take the responsibility of acting upon this matter, and possibly I will vote for it myself when it is properly considered in the House. But I do not wish such legislation to be adopted here at a night session with scant attendance of members. Let the full House determine the matter and settle the question.

Mr. CHEADLE. Mr. Chairman, I think if the gentleman from Arkansas would listen to this report he would withdraw his objection. It shows——

Mr. BRECKINRIDGE, of Arkansas. The report has been read, and it has been interpreted, and the reading and the interpretation agree with my understanding exactly.

Mr. LEHLBACH. I think this is a very clear case, and if the gentleman would only examine this report he would withdraw his objection.

Mr. BRECKINRIDGE, of Arkansas. The report has been read already.

Mr. GROSVENOR. I fully agree in the recommendation of the gentleman, that the House should be careful in considering these matters, and as to the propriety of what is done in the way of establishing precedents, not only with reference to pension legislation, but all other legislation; but I want to put in the RECORD a suggestion which I hope will be remembered in my absence.

I very much regret that these cases—and I only suggest it as a singular fact—should have been fixed for the 20th day of June. It must be known to everybody that one side of the House will be almost depopulated at that time; and it seems to me—I do not allege it against the gentleman from Arkansas by any means, for he did not originate it—but it would seem not to be the best time to fix for the consideration of doubtful questions affecting pension legislation. I hope, therefore, when the 20th day of June comes that the gentleman from Arkansas will then make a motion to reassign these doubtful questions, so that they may be considered by a full House; and I am satisfied he will see the propriety of the suggestion.

Mr. BRECKINRIDGE, of Arkansas. I hardly concur in the suggestion of my friend from Ohio or the inference which it conveys, that this side of the House is not fully as reliable for just, meritorious, and proper claims——

Mr. GROSVENOR. Oh, certainly; my friend did not understand my point.

Mr. BRECKINRIDGE, of Arkansas—as our friends on the other side are. And I will say further that I believe there is nothing that any patriot can ask in the way of a pension, nothing that any conscientious man in his own private reflection will approve of, that can not be obtained by substantially the solid vote of the gentlemen who occupy the position with reference to the past history of the country that I myself occupy in this House.

Mr. GROSVENOR. I have said that, so far as the gentleman is concerned, myself, and I did not wish him to infer——

Mr. BRECKINRIDGE, of Arkansas. But there is one thing that you can expect from one in my position, and I know many prudent and thoughtful gentlemen on this and on the other side of the House who in certain differences in the past history of the country did not affiliate with us consider it a good thing, and that is that we are prompt and can be relied upon to protect the system from those abuses that mean peril and are objectionable, to the really meritorious people under the pension system.

Mr. GROSVENOR. My only suggestion was to the effect that as a quorum would be no doubt a good thing, it would be desirable that another day should be fixed than that already assigned to this business.

Mr. BRECKINRIDGE, of Arkansas. Oh, there will be no captiousness on that point. There never is any, so far as that is concerned.

Mr. ROMEIS. Mr. Chairman, I know this woman who is the beneficiary of this bill, and that she supported this man ever since he came out of the war.

Mr. BRECKINRIDGE, of Arkansas. I have just such a case precisely in my district, and I have tried, under an impulse of good-heartedness that I saw on reflection was an erroneous impulse, to get the Committee on Pensions to report in favor of that soldier. His case presented as strong a claim as I think could be made of this character. He was so situated, however, that he could not get his evidence, although I know the fact that he was wounded, for he has a wound, and he was shot, I am satisfied, in the fight; and still, in view of the fact that personal or documentary evidence was not obtainable of the kind that was required, I could not get a report from the Committee on Pensions.

But I saw upon reflection, while I have no doubt that this man who is an invalid, and is supported by his old and wornout wife, who is just as good an old woman as ever lived, that it would not be just to the mass of pensioners in the country to demand a pension upon the testimony which he was able to present. If granted it would undoubtedly, in my opinion, relieve a good case. But it is a case that makes a dangerous precedent, and the result would be, if that measure was taken as a precedent, that there would be no limit to pensions hereafter. I have therefore written to friends in that district that while I believe it is as good a case as ever came before Congress, of its kind, it is exceptionally dangerous for Congress to undertake to correct it; and therefore the community must do the just and proper thing for that old man and his good old wife.

The CHAIRMAN. Without objection this case will be passed over, not losing its place upon the Calendar.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. McCULLOGH. Mr. Chairman, my friend on the other side who objected awhile ago to the consideration of the bill which I desired to call up has, after some persuasion and consultation, made up his mind that it is a good bill and withdraws his objection; therefore I renew the request for unanimous consent that the bill be now considered.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. O'DONNELL. Mr. Chairman, I have waited here for over two hours to get an opportunity to call up the next bill in order on the Calendar, and therefore I must object.

The CHAIRMAN. Objection is made. The Clerk will report the next bill.

LOTTIE E. DILLEY.

The next pension business on the Private Calendar (called up for consideration by Mr. O'DONNELL) was the bill (H. R. 5787) granting a pension to Lottie E. Dilley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the limitations and regulations of the pension act, the name of Lottie E. Dilley, widow of Jonas Dilley, late of Company G, Twelfth Michigan Infantry.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5787) granting a pension to Lottie E. Dilley, submit the following report:

The claimant is the widow of Jonas Dilley, who was a private in Company C, Twelfth Regiment of Michigan Volunteers. He enlisted on the 11th day of December, 1861, and was discharged February 15, 1866. He filed a claim for pension in the Pension Bureau February 25, 1880, on the ground that while in the line of duty, in October, 1862, at Bolivar, Tenn., he was thrown by a mule, injuring his hip, and afterwards caught a cold which produced sciatica. He served during the entire war, re-enlisting as a veteran after expiration of his first term.

The records of the Adjutant-General's Office do not furnish evidence of the injury, and the regimental hospital records are not on file. August 6, 1884, his claim was rejected on the ground that—

"There is no record of alleged injury to hips and sciatica, and claimant avows his inability to furnish the evidence of officers or comrades showing incurrence or existence in the service."

In his sworn statement in support of his claim he sets forth that he was on duty as a teamster at the time of the accident; that he had no medical treatment, as two comrades cared for him and the team at the time and that one of them is dead and the other can not be found, and that no commissioned officer was with him when he was on said duty.

The wagon-master under whom he served is dead, as is Dr. Bunsell, who treated him while he was driving a medicine wagon. From the time of the injury to his discharge from his first enlistment, he was on detached service and was not called on to march with his company; that after his second enlistment he served regularly with the company, and then began to feel the effects of the injury to his hip, notably so in a march from Little Rock to Washington, Ark., when John Oatley, a comrade, helped him to keep up with the command. His injury assumed the form of sciatica during the spring and summer before he was discharged; that he was greatly exposed to the inclemency of the weather and frequently obliged to wade streams during his service, which fastened the disease on him; and that the disease had clung to him and constantly grown worse up to the time of the application for pension.

Charles Jackson, Jasper Clark, Warner Jackson, his mother, Mrs. Sarah Dilley, John Vanhouten, Samuel Grinnell, Noah Spalding, and Katie A. Spalding, all reputable citizens of Michigan, testify to having known him intimately before he enlisted, and that he was a strong, vigorous man. His mother states that she never had a physician to attend him before that time.

Dr. Chester Smith and Dr. C. C. Dillenbaugh treated him for sciatica after his discharge from 1866 down to 1879.

Dr. Dillenbaugh testifies to his temperate habits. Wallace Austin states in his affidavit that he worked for him on his farm; that he was unable to do hard work, and by reason of his disease often could not dress himself. A large number of his neighbors testify to his inefficiency and inability on account of sciatica after he left the service until the time of his application.

There seems no doubt that he incurred the disease in the service. He was well when he entered it, afflicted with sciatica when he left it, and only failed to receive a pension because of lack of hospital record and inability to find living comrades. Under the rules of the Pension Office his claim was rejected. He was last examined February 5, 1883, by Medical Examiner Dr. Bailey, whose certificate shows him to have been greatly enfeebled, emaciated, and suffering from sciatica. On the 3d day of October, 1884, he died on account of rheumatism of the heart, a natural outcome of the disease contracted in the service.

His widow applied for a pension January 30, 1888, and her claim has been rejected.

Your committee believe that every doubt should be given to the claimant in a case of this kind. They find no fault with the Pension Office for deciding the case according to established rules, for they clearly recognize the necessity of such rules; but it is their province to call the attention of the House to cases in which the rules may operate inequitably. They regard this widow's claim as one of them.

Your committee recommend that the bill for her relief do pass, but that it be amended by striking out the word "Lottie" in the title and in the sixth line, and inserting in lieu thereof the word "Charlotte."

The CHAIRMAN. If there be no objection, the amendment recommended by the committee will be agreed to.

Mr. MCCULLOGH. I object.

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

The question was taken; and the Chairman declared that the ayes seemed to have it.

Mr. MCCULLOGH. No quorum.

Mr. O'DONNELL. I withdraw my objection to the consideration of the gentleman's bill.

The CHAIRMAN. If there be no objection, the amendment to the pending bill will be agreed to. Is there objection?

Mr. MCCULLOGH. There is.

Mr. MORRILL. I move that the committee do now rise.

The question was taken on the motion of Mr. MORRILL, and the committee refused to rise.

The CHAIRMAN. The question is on the amendment reported by the Committee on Invalid Pensions to the pending bill, and on that the point of no quorum has been raised by the gentleman from Pennsylvania [Mr. MCCULLOGH].

Mr. MCCULLOGH. I withdraw that point.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES JACKSON PURMAN.

Mr. MCCULLOGH. I now ask unanimous consent for the consideration of the bill (S. 656) granting an increase of pension to James Jackson Purman.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. MCCULLOGH].

Mr. LIND. Mr. Chairman, I have been waiting patiently for three weeks for a certain pension bill to be reached, and I must insist on the regular order.

Mr. LIND subsequently withdrew the demand for the regular order.

The CHAIRMAN. Is there further objection to the request of the gentleman from Pennsylvania [Mr. MCCULLOGH]?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That James Jackson Purman, late first lieutenant in the One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, be, and he is hereby, granted and allowed, from and after the passage of this act, a pension at the rate of $45 per month; and the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of said James Jackson Purman on the pension-roll at said rate, in lieu of the pension now paid him.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 656) granting an increase of pension to James Jackson Purman, have examined the same, and adopt the Senate report thereon, and recommend that the bill do pass.

James Jackson Purman, the claimant, was mustered into the United States service as first lieutenant of Company A, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, September 4, 1862, and was in active service until the battle of Gettysburgh. On the second day of that battle, July 2, 1863, he received a gunshot wound through his left leg, causing its amputation. On the next day, July 3, 1863, while lying on the battle-field, between the lines of the Union and Confederate forces, and subject to the fire of both, he received a gunshot wound through his right leg, severely lacerating the muscles and injuring the smaller bones of the limb.

The claimant is now drawing a pension of $30 per month, which he prays may be increased to $45. He bases his claim for increase on the fact that his present pension is not a compensation commensurate with his disabilities. The loss of his left leg, and the effects of the wound in his right leg render locomotion difficult and painful, particularly when walking on a rough surface or when ascending or descending a stairway. Owing to these combined disabilities of both legs, the claimant is compelled to use a cane or a crutch; and many times he uses a cane when his condition is such that he should abandon the artificial leg which he wears and uses two crutches, but does not do so on account of their inconvenience.

In addition to the ordinary disabilities resulting from his wounds, the claimant suffers from the effects of gangrene, pyæmia, and the long-continued use of morphia.

The claimant presents a number of very strong affidavits in behalf of his claim. One of these—that from Thomas P. Oliver, formerly lieutenant and adjutant of the Twenty-fourth Georgia Infantry, Confederate States of America—is of such an interesting character that the following extract therefrom is presented:

"On the afternoon of July 3, 1863, while the Twenty-fourth Georgia Regiment was posted in the edge of a woods, on one side of what is known as 'the wheat-field' in descriptions of said battle (of Gettysburgh), and the Federal forces on the other side, almost directly opposite, he discovered a wounded man lying in the field between the two contending lines of battle, who called to the affiant to assist him. That, under fire, he went to the assistance of the wounded man, giving him water to drink and pouring some upon his wounds. That he discovered that the wounded man was an officer of the Federal Army, and that he had received two gunshot wounds—one in each of his legs—and that the bones of one of his legs were broken, so that he could neither walk nor stand alone.

"That the affiant carried the said officer from the place where he was lying exposed to the heat of the sun and the fire from both the Confederate and Federal forces, to a place in the rear of the line occupied by the Twenty-fourth Georgia, and under the shade of a tree. That the said Federal officer remained where the affiant had placed him several hours, until the Twenty-fourth Georgia fell back from that position. That during this time the affiant talked with the said Federal officer, and learned from him his name, rank, company, and regiment in the Federal Army and noted the same in a memorandum book That owing to the serious nature of the said officer's wounds, his great loss of blood, and the long time he had lain on the field uncared for and exposed to the sun, the affiant at that time thought the said officer's chances for life were very small.

"That since the war, through the medium of correspondence, and the comparison of facts, dates, and circumstances, such evidence has been furnished the affiant as to convince him that the Federal officer whom he carried off 'the wheat-field' at Gettysburgh is now living, and that his name is James Jackson Purman, who at that time was first lieutenant of Company A, One hundred and fortieth Pennsylvania Volunteer Infantry."

In view of these circumstances, and of the fact that, by existing laws, the pension for the loss of a foot alone is $30, which is the amount received by this claimant, your committee recommend the passage of the accompanying bill increasing claimant's pension to $45 per month.

The CHAIRMAN. If there be no objection this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. CARUTH. Mr. Chairman, before that is done, I wish to ask the gentleman from Pennsylvania [Mr. MCCULLOGH] whether or not he is certain that this man's name has not been already put upon the pension-roll.

Mr. MCCULLOGH. His name is already on the roll at a less rate.

The CHAIRMAN. The Chair will call the attention of the committee to the fact that the bills which have been considered by the Committee of the Whole are yet to be disposed of by the House, and that there will hardly be time for their consideration before the hour fixed for adjournment.

Mr. CARUTH. One moment, Mr. Chairman. We held a discussion here last Friday night lasting nearly two hours upon a bill in relation to a case which it was afterwards discovered had already been passed upon favorably by the pension authorities.

Mr. THOMPSON, of Ohio. This man is already on the pension-roll. This is a bill to increase his pension.

Mr. CARUTH. That does not make any difference. I desire to read a letter from the Commissioner of Pensions in reply to an inquiry which I made in regard to the case which was under discussion here last Friday night.

The letter was read, as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., June 2, 1888.

DEAR SIR: Responding to your kind request of this morning delivered by messenger, I beg to state that a gross misapprehension exists in the minds of the committees of the Senate and House as to the condition of Mr. Casmer's case.

Mr. Casmer was on my order, personally given upon the report of the medical referee, advanced to $36 per month on May 12, 1888. It is the case of Theodore S. Casmer, certificate No. 76389, Company C, Tenth Michigan.

Very respectfully,

JOHN C. BLACK,
Commissioner.

Hon. ASHER G. CARUTH,
House of Representatives.

Mr. CARUTH. I desire to say further, in this connection, that the letter to the claimant set forth in the report in that case, and which caused so much discussion here the other evening, was written by a clerk in the Pension Office who had been in the service of the Government for many years, and who was a Republican in politics.

The CHAIRMAN. If there be no objection, the pending bill will be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. CHIPMAN. I move that the committee do now rise.

Mr. BOOTHMAN. I ask the gentleman to withdraw that motion for a few moments. I shall be compelled to be absent next Friday evening, and there is a bill that I am very anxious to have considered to-night. It will take very little time.

Mr. CHIPMAN. I will withdraw the motion for this case only, if the gentleman will be prompt in calling up his bill.

JAMES TURNER.

Mr. BOOTHMAN, by unanimous consent, called up the bill (H. R. 964) granting a pension to James Turner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of James Turner, late a private in Company A, Fourteenth Regiment United States Infantry, on the pension-roll, at such rate as his present disabilities may, under the laws relating to pensions, show him to be entitled to receive.

Mr. BOOTHMAN. As the report is somewhat long, and our time is limited, perhaps a brief statement will save reading the report. The only objection made by the Commissioner of Pensions to this claim is that the incurrence of the injury is not established by the evidence of two comrades. It is established by the evidence of two teamsters who were present at the time the wound was received. The existence of the disability is admitted by the Pension Office, the only question being as to its origin.

The wound was received in a fight with the Indians at Apache Pass, Arizona, in 1877. Turner was one of a detail of men sent out to guard the wagon-train, and his comrades were not with him at the time, so that he was therefore unable to establish the origin of the disability by their testimony; but, as I said, he did show by the testimony of two teamsters who were with the train, and who now reside in Defiance County, Ohio, that it was incurred in the service.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. CHIPMAN. I now renew my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. DOCKERY from the Committee of the Whole reported that they had had under consideration sundry bills and had directed him to report the same to the House with various recommendations.

BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 367) granting a pension to Nathaniel D. Chase;

A bill (H. R. 6431) for the relief of Van Buren Brown;

A bill (H. R. 8779) granting a pension to Mary Dickinson;

A bill (H. R. 10267) granting a pension to William P. Gordon;

A bill (H. R. 469) granting a pension to Marie A. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary Army;

A bill (H. R. 9127) for the relief of Chloe Fraily;

A bill (H. R. 8429) granting a pension to James T. Bourland;

A bill (H. R. 8807) granting a pension to Harriet E. Cooper;

A bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin;

A bill (H. R. 9224) granting a pension to Belle M. Baker;

A bill (H. R. 8299) for the relief of William M. Dayton;

A bill (H. R. 4770) for the relief of Franklin White;

A bill (H. R. 2460) for the relief of Judith A. Kinsey;

A bill (H. R. 962) for the relief of Robert Lisle; and

A bill (H. R. 964) for the relief of James Turner.

House bills of the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments severally concurred in, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 6302) granting a pension to Benjamin Contel;

A bill (H. R. 9347) granting an increase of pension to William H. H. Buck;

A bill (H. R. 8607) to increase the pension of Lucius B. Varney;

A bill (H. R. 2690) granting a pension to Augustus Axmacher;

A bill (H. R. 2641) granting a pension to Emily W. Ogden;

A bill (H. R. 885) to amend chapter 253 of the Revised Statutes of the United States, passed June 15, 1878, granting a pension to John Langland;

A bill (H. R. 8510) for the relief of Mary Command;

A bill (H. R. 5787) granting a pension to Lottie E. Dilley (title amended by striking out "Lottie" and inserting "Charlotte");

A bill (H. R. 5443) granting a pension to Isaac M. Johnson (title amended by striking out "M." and inserting "N.");

A bill (H. R. 8673) to increase the pension of John R. Stiles, late a member of Company G, One hundred and forty-eighth Regiment New York Volunteers (title amended by striking out all after "John R. Stiles"); and

A bill (H. R. 9184) granting a pension to William M. Campbell (title amended by inserting after "Campbell" the word "junior").

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally taken up, ordered to a third reading, read the third time, and passed:

A bill (S. 900) for the relief of Mrs. Alice Croarkin;

A bill (S. 1194) granting a pension to Mary Whirry;

A bill (S. 845) granting a pension to the widow of John A. Turley;

A bill (S. 303) granting a pension to Mattie Graziani, of Covington, Ky.; and

A bill (S. 656) granting an increase of pension to James Jackson Purman.

The bill (S. 901) for the relief of Sophia W. Wright (reported from the Committee of the Whole House with an amendment) was taken up, the amendment concurred in, the bill as amended ordered to a third reading, read the third time, and passed.

Mr. THOMPSON, of Ohio, moved to reconsider the votes by which the various bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS POSTPONED.

Bills of the following titles, reported from the Committee of the Whole House, were severally taken up, and, in accordance with the recommendation of the committee, postponed until June 20, with the understanding that at that time they shall be taken up under the operation of the previous question, the right of amendment being reserved, and debate to be allowed on each bill for half an hour, fifteen minutes on each side:

A bill (H. R. 5284) increasing pension of Sophia Schimmelfennig, widow of Alexander Schimmelfennig, late brigadier-general and major-general by brevet;

A bill (S. 434) granting an increase of pension to General S. W. Price; and

A bill (H. R. 8553) granting a pension to Arabella Davis.

ELISEBETH TERRALS.

Mr. WHITING, of Michigan. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 8455) for the relief of Elisebeth Terrals, and that the bill be now put on its passage.

There being no objection, the House proceeded to the consideration of the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elisebeth Terrals, widow of Thomas Terrals, late sergeant Company H, First Regiment United States Infantry.

The report (by Mr. BLISS) is as follows:

The husband of the claimant, Thomas Terrals, was a private and non-commissioned officer in the military service of the United States for seven successive terms of enlistment, covering a period of twenty-nine years, namely, from July 26, 1850, to August 30, 1879. His character upon his certificate of discharge is given as "an excellent soldier, sober, faithful, and attentive to his duties; a sergeant for more than ten years prior to his final discharge."

Capt. T. M. Talman, First Infantry, states in the certificate made in August, 1879, when claimant was discharged, as follows:

"Sergeant Terralls was injured in line of duty at Albuquerque, N. Mex., March 20, 1859, while in Mounted Rifles, and has served almost constantly since. His injuries affect him more and more as he becomes older."

Surgeon W. H. Kemp states that the injury had necessitated the removal of a great portion of the breast bone, "and its place is now filled by rigid cicatricial tissue, and the slightest muscular effort causes great pain."

The soldier was a pensioner for "injuries to collar bone and breast," and died July 16, 1882, with pneumonia, resulting therefrom. His widow's application was rejected by the Pension Bureau on the ground that "death-cause was not incurred during a state of actual war."

There is no provision under the general pension laws to pension a widow of a soldier who incurred disability during a period of peace prior to 1861.

Your committee are of the opinion that the bill should pass, and return it to the House recommending such action, with the amendment: Strike out the words "Elisebeth Terrals" in the caption and the sixth line of the bill, and put in their places the words "Elizabeth Terralls."

The amendment reported by the Committee on Pensions, to strike out "Elisebeth Terralls," in line 6, and insert "Elizabeth Terralls," and in line 7, to strike out "Terrals" and insert "Terralls," were read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The amendment recommended by the Committee on Pensions, to amend the title of the bill so as to read: "A bill for the relief of Elizabeth Terralls," was read, and agreed to.

Mr. WHITING, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BERNARD CARLIN.

Mr. RYAN. I ask unanimous consent that the Committee of the Whole House be discharged from the further consideration of the bill (H. R. 2233) granting a pension to Bernard Carlin, and that the bill be now put on its passage.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Bernard Carlin, late of Company A, Fourteenth Regiment of Missouri Volunteer Infantry.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2233) granting a pension to Bernard Carlin, respectfully submit the following report:

The claimant was a member of Company A, Sixty-sixth Regiment Illinois Volunteers, and in his declaration alleges partial loss of sight of both eyes, caused by concussion from a shell at battle of Kenesaw Mountain, Georgia, June 27, 1864, also gunshot wound of right wrist at same time and place. The records of the War Department show the claimant to have served three years and nearly three months. His claim was rejected on the ground of no record of alleged disabilities and claimant's inability to furnish evidence.

Lieut. Austin S. Davidson, who was in command of Company A, Sixty-sixth Illinois, in the battle of Kenesaw Mountain, testifies that Bernard Carlin was disabled in the following manner:

"While advancing up the mountain on the enemy our artillery, stationed in our rear, were shelling the enemy in the woods in our front. Through some cause unknown to me several shells fired by our artillery exploded over our heads, and one over the head of said Bernard Carlin, close enough to affect him materially. About the same time he also received a slight gunshot wound in the right wrist, and he was sent to the rear."

Jesse Chambers, who was sergeant of said company, testifies that—

"At the battle of Kennesaw Mountain, in the State of Georgia, he, the said claimant, Bernard Carlin, received an injury to his eyes by a concussion of a shell, and caught cold afterwards, permanently injuring his eyesight; that said claimant also received a gunshot wound in his right wrist in said engagement."

H. R. Roberts, of Chase County, Kansas, testifies that he has known Bernard Carlin since 1866, and knows that at that time his eyes were bad, and that they have continued to grow worse, and at the present time (September 9, 1886) they prevented him from performing manual labor.

George W. Hill testifies that from about 15th September, 1872, to 1st September, 1886—

"Said Bernard Carlin has at least two-thirds injury to eyes, the knowledge of which I know from his being unable to read, his groping about in finding his way from place to place."

Charles I. Maule's "acquaintance extends from the fall of 1878, and that he has been suspended from his work on account of not being able to find his tools when laid down."

Dr. F. M. Jones, of Strong City, Kans., testifies, March 8, 1886:

"I have known Bernard Carlin for the past eight years. He has almost lost the use of his eyesight, and has been in that condition since I knew him."

Dr. W. B. Pugh, of Cottonwood Falls, Kans., testifies, March 8, 1886:

"I do hereby certify that I have known Bernard Carlin for about eight years, and that as a regular practicing physician I can say that he, the said Carlin, is and has been ever since I have known him almost blind."

A. C. Cox, of Strong City, Kans., testifies March 8, 1886:

"I have known Barney Carlin for the past seven years, and he has been almost blind during this time, rendering him almost helpless."

The report of the board of examiners at Emporia, Kans., dated March 12, 1884, shows:

"Claimant's eyes appear weak. The palpetral conjunctiva of both eyes above and below are red and injected. Cilia of lower lids nearly wanting. Claimant can only read with glasses; can read the head-lines of this certificate, but can not read the body letters. * * * We find on anterior aspect of right arm, 2 inches above wrist, and midway between radius and ulna, a circular, painless, adherent cicatrix, one-half inch in diameter. * * * We find the disability as above described to entitle him to the following: (1) disability (one-half) total; (2) disability (one-eighth) total."

Claimant was again examined at Emporia June 23, 1887, and the board reports:

"We find lids of both eyes granulated, otherwise eyes normal in appearance; vision by Snellen's typus $\frac{1}{200}$. On posterior and ulnar surface of right arm, about 1 inch above wrist joint, a slightly adherent painless cicatrix one-half inch in size, where claimant states ball struck and glanced off. We find no resulting disabilities from this wound; grip of right hand normal; all motions of wrist-joint normal; right arm and wrist measure same as left. Rate three-fourths for disability caused by partial loss of sight; nothing for that caused by gun-shot wound right wrist."

Your committee believe that claimant has established the fact that the disability of eyes was incurred in the service and has continued ever since, and recommend the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RYAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The hour of half past 10 o'clock having arrived, the House, in accordance with its previous order, stands adjourned until to-morrow morning at 11 o'clock.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BUTLER: A bill (H. R. 10407) granting a pension to Mrs. Martha Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10408) granting a pension to John Miller—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 10409) for the benefit of L. D. Hutchison—to the Committee on War Claims.

By Mr. HOUK: A bill (H. R. 10410) granting a pension to Mrs. Emily S. M. Chisolm—to the Committee on Invalid Pensions.

By Mr. HUNTER: A bill (H. R. 10411) for the relief of P. J. Potter—to the Committee on Claims.

Also, a bill (H. R. 10412) for the relief of M. M. Alexander—to the Committee on Claims.

Also, a bill (H. R. 10413) for the relief of Samuel W. Thompson—to the Committee on Claims.

Also, a bill (H. R. 10414) for the relief of William H. Bush—to the Committee on Military Affairs.

Also, a bill (H. R. 10415) granting a pension to John Holman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10416) to restore to Simpson County court of Kentucky a certain amount of money illegally collected as an income tax—to the Committee on Claims.

By Mr. NEAL: A bill (H. R. 10417) for the relief of Colman Watson—to the Committee on Military Affairs.

By Mr. A. C. THOMPSON: A bill (H. R. 10418) granting a pension to Hannah L. Irwin—to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: A bill (H. R. 10419) granting a pension to Fred. W. Palmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10420) granting a pension to R. F. Palmore—to the Committee on Invalid Pensions.

By Mr. THOMAS WILSON: A bill (H. R. 10421) for the relief of Eliza Wilson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUTLER: Petition of John Title, of Tennessee, for payment of his war claim—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of Mort, Crowell and Kirkpatrick, of Springfield, Ohio, for reduction of postage on seeds, bulbs, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. HERMANN: Petition of citizens of Douglas County, Oregon, for payment of claims for Indian depredations on the frontier—to the Select Committee on Indian Depredation Claims.

By Mr. HUNTER: Petition for the relief of William H. Bush, of Edmonson County, Kentucky—to the Committee on Military Affairs.

By Mr. LAGAN: Petition for the reference of the claim of Michael Knight to the Court of Claims—to the Committee on War Claims.

By Mr. NEAL: Petition of Colman Watson, of Polk County, Tennessee, for relief—to the Committee on Military Affairs.

By Mr. RICE: Resolutions of the Board of Trade of Minneapolis, Minn., opposing the bill to bridge the Detroit River at any point between Lake Erie and Lake Huron as being obstructive to navigation—to the Committee on Rivers and Harbors.

By Mr. ROBERTSON: Petition for reference of the claim of the estate of John T. Rawlings to the Court of Claims—to the Committee on War Claims.

By Mr. TILLMAN: Petition of Samuel F. Crews, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of James Hunter, of Dickson County, Tennessee, for compensation for services rendered United States Army as a guide—to the Committee on War Claims.

The following petitions in favor of House bill 9716, for the better protection of free labor from convict labor, were received and severally referred to the Committee on Labor:

By Mr. BUCHANAN: Of Daniel Early and others, of New Jersey.

By Mr. TRACEY: Of District Assembly No. 104, Knights of Labor, and of Michael Dillon and others, citizens of Cohoes, N. Y.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. MCKINLEY: Of citizens of Youngstown, Ohio.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. GAINES: Of citizens of Virginia.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. HIRES: Of 125 citizens of Gloucester and Cumberland Counties, New Jersey.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. CRISP: Of W. S. Julian and others, citizens of Macon County, and of D. W. Kleckley and others, citizens of Macon County, Georgia.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 9, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXPENSES UNITED STATES COURTS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Attorney-General of an appropriation for expenses of United States courts for the fiscal year 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

REPAIRS OF LIGHT-HOUSES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board relative to the estimate for repairs of light-houses; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIM OF J. B. READ.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from V. D. Stockbridge, patent examiner, relative to the claim of J. B. Read for use of projectiles and rifled ordnance; which was referred to the Committee on Claims.

SISSETON AND WAHPETON INDIANS.

The SPEAKER also laid before the House a letter from the Secre-

tary of the Interior, transmitting a draught and recommending the passage of a joint resolution to cancel patents issued to certain Sisseton and Wahpeton Indians in Dakota; which was referred to the Committee on Indian Affairs.

SUSANNAH P. SWOPE.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of findings of fact in the case of Susannah P. Swope against the United States; which was referred to the Committee on War Claims.

CHARLES F. KING.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of findings of fact in the case of Charles F. King against the United States; which was referred to the Committee on War Claims.

FRENCH SPOLIATION CLAIMS.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting copy of conclusions of fact in certain French spoliation cases; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted as follows:

To Mr. CABUTH, on account of important business.

To Mr. SPOONER, indefinitely, on account of sickness in his family.

To Mr. HATCH, for ten days from Monday, the 11th instant, on account of important business.

PUBLIC BUILDING, JACKSON, MICH.

Mr. O'DONNELL. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 8592) for the erection of a public building at Jackson, Mich., and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office, and for other Government uses, at Jackson, Mich. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $75,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodation for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $75,000 for site and building, and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Michigan shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. HOLMAN. Let the report be read, reserving the right to object.

The report (by Mr. NEWTON) was read, as follows:

Jackson, Mich., is the recognized center of the commercial and postal business of Central Michigan. It is located on the lines of seven railways, namely, Michigan Central, Lake Shore and Michigan Southern, Michigan Air Line, Grand River Valley, Jackson, Lansing and Saginaw, Jackson and Fort Wayne, and the Grand Trunk Railway, with prospects of another road being constructed, leading to Cincinnati. Jackson is the terminus of all but the two first named. It is 76 miles from Detroit and 208 miles from Chicago.

The general shops of the Michigan Central Railroad and branches under control of that corporation are located at this place; one hundred and twelve trains arrive and depart daily on the seven lines of railway; thirty-eight mails are received and forwarded each week day at this post-office, not including the great number transferred to connecting lines. In order to exhibit its postal transactions, the following table is given, demonstrating the excess of business at the Jackson post-office over other interior cities of Michigan, as furnished by the Post-Office Department report of the work of the letter-carrier system at the offices named during the past fiscal year:

Offices.	Pieces handled.	Greater number of pieces handled at Jackson.
Jackson	3,630,909	.....
East Saginaw	3,240,350	390,559
Bay City	2,226,399	1,304,510
Kalamazoo	2,070,606	1,560,903
Lansing	1,466,985	2,163,924

As will be seen, at the Jackson post-office last year 3,630,909 pieces of mail were handled by the letter-carrier force alone. This does not include the mail received and delivered at the office, which is very large, as over one thousand farmers and their families living in the surrounding country get mail at this point. The receipts at the office last year were $29,631.71, expenses $13,793.79, affording a net revenue of $15,837.92. Last year the total amount of domestic and international money-orders and postal-notes issued and paid aggregated $191,016.82.

A careful estimate and official reports demonstrate that the post-office at Jackson, Mich., paid a profit to the Government from 1860 to 1888, a period of twenty-seven years, amounting to $324,843.

The city of Jackson is thriving, and it has become a great commercial and manufacturing point. It is in the midst of large coal fields, and its mining interests are extensive. Its chief products are agricultural implements, wagons, paper, furniture, boots and shoes, milling goods, locomotives, cars, corsets, underwear, and cigars, employing millions of capital and affording employment to large numbers. The population of the city is about 24,000.

The State prison is located at this point and large numbers of convicts are discharged each week. To protect the Government from robbery a strong building is needed.

Jackson being a great railway center and an important distributing point, your committee are of opinion that the building provided for in House bill 3362 should be erected by the Government. The same was reported favorably at the last Congress. Your committee report the bill back by substitute and, for the reasons enumerated above, recommend the passage of the substitute.

Mr. HOLMAN. In view of the statement made in this report as to the amount of business at that point, it having a post-office only, and having no other public use for a building, I think, in harmony with the practice which has heretofore prevailed in such cases, that the amount of the appropriation should not exceed $50,000 in a city of this size.

Mr. SPRINGER. Is there a Government building there now.

Mr. HOLMAN. Nothing but a court-house.

Mr. SPRINGER. How many inhabitants?

Mr. HOLMAN. About twenty-four thousand.

The SPEAKER. The first question is, Will the House agree to the present consideration of the bill?

Mr. HOLMAN. With the understanding that an amendment shall be submitted reducing the amount to $50,000, I shall not object.

Mr. O'DONNELL. In order to secure the passage of the bill I will have to accept the amendment.

The SPEAKER. The question, then, is on the amendment to strike out "seventy-five thousand" and insert "fifty thousand."

Mr. BURROWS. It would be idle to make an appropriation of $50,000 for a city of that size.

Mr. SPRINGER. But the gentleman from Michigan thinks it better to accept the amendment.

Mr. BURROWS. It will have to be increased in the Senate.

Mr. SPRINGER. Better let it be passed in this way.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'DONNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, OTTUMWA, IOWA.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. 9771) for the erection of a public building at Ottumwa, Iowa, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodations of the post-office, and for other Government uses, at Ottumwa, Iowa. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $40,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $40,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Iowa shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BROWNE, of Indiana. Let the report be read.

The report (by Mr. NEWTON) was read, as follows:

They find that Ottumwa is a prosperous and rapidly-growing city of between 14,000 and 16,000 people. It is situated on the line of four great railroads. It is a manufacturing point of very considerable importance, and affords facilities for immense manufacturing interests in the way of water-power and extensive adjacent coal deposits. Extensive machine and repair shops are located there.

The gross receipts of the postal business have steadily increased for a period of ten years, until in 1887 the receipts reached $22,605.15 as against $11,292.50 for the year 1878. The prospect for future growth is more flattering now than at any former period in the history of the place.

Ottumwa is a free-delivery office with a force of fourteen employés. There are located at this city a deputy internal-revenue collector, a United States commissioner, and a board of pension examiners.

Three thousand three hundred and sixty feet of space are now occupied by the post-office force, and the committee find that 2,500 additional square feet are needed to properly transact the post-office business. Suitable ground for the building can, in the opinion of the committee, be procured at a reasonable price, and the whole cost of both ground and building will not and need not exceed the sum of $40,000.

Your committee therefore report the accompanying substitute for H. R. 8031 and recommend its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPRINGER. The amount asked for, $40,000, is a very moderate sum, and the gentleman's request ought to be granted.

There being no objection, the bill was considered and ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the House of the following titles; when the Speaker signed the same, namely:

A bill (H. R. 152) granting a pension to Mrs. Theresa Guelich;
A bill (H. R. 354) granting a pension to Samuel McClure;
A bill (H. R. 432) granting a pension to Columbus Bosteder;
A bill (H. R. 600) increasing the pension of Mary Minor Hoxie;
A bill (H. R. 780) granting a pension to James H. Darling;
A bill (H. R. 809) granting a pension to Ephraim Reynolds;
A bill (H. R. 1074) granting a pension to Linnæus W. Risley;
A bill (H. R. 2174) granting a pension to Lewis Fichthorn;
A bill (H. R. 2156) granting a pension to Warren Ohaver;
A bill (H. R. 2215) granting a pension to Charles Glamann;
A bill (H. R. 2413) granting a pension to Mrs. Mercy Knight;
A bill (H. R. 2535) granting a pension to Ellen St. Cyr;
A bill (H. R. 3016) granting a pension to Mary F. Harkins;
A bill (H. R. 3690) granting a pension to Penelope Morton, widow of Lieut. James Morton;
A bill (H. R. 3706) granting a pension to Henry C. Richardson;
A bill (H. R. 3712) increasing the pension of Milton Judd;
A bill (H. R. 3745) granting a pension to Mary O'Neil;
A bill (H. R. 4103) granting a pension to Edna M. Hildreth;
A bill (H. R. 4864) to place the name of Jacob Behr on the pension-roll;
A bill (H. R. 4891) granting a pension to Alpheus Dyer;
A bill (H. R. 5177) granting a pension to Pleman Cook;
A bill (H. R. 5378) for the relief of Tillman Faux;
A bill (H. R. 5429) to place the name of Smith V. Campbell on the pension-roll;
A bill (H. R. 5756) granting a pension to David Gibbons;
A bill (H. R. 5812) granting a pension to Catherine Tierney;
A bill (H. R. 6245) for the relief of William Burk;
A bill (H. R. 6531) to pension Leah Roark;
A bill (H. R. 6545) to increase the pension of Henry T. Bridges;
A bill (H. R. 6552) to increase the pension of James R. Porter;
A bill (H. R. 6574) for the relief of William Compton;
A bill (H. R. 6577) granting a pension to Abigail Sullivan;
A bill (H. R. 6583) granting a pension to Sally B. Wilson;
A bill (H. R. 6770) granting a pension to Mrs. Carrie A. Luey;
A bill (H. R. 6840) for the relief of Hiram M. Goss;
A bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia;
A bill (H. R. 6990) to place the name of Rebecca E. Shoemaker on the pension-roll;
A bill (H. R. 6973) for the relief of Enoch Weathers;
A bill (H. R. 7097) granting a pension to Edmund Ryan;
A bill (H. R. 7115) granting a pension to William Scott;
A bill (H. R. 7466) granting a pension to Hannah H. Grant;
A bill (H. R. 7471) granting a pension to Moses L. Chase;
A bill (H. R. 7574) granting a pension to Frank Lewis;
A bill (H. R. 7642) granting a pension to Abbie R. Brown;
A bill (H. R. 7688) granting a pension to John Glenning;
A bill (H. R. 7721) granting a pension to Martha Linten;
A bill (H. R. 7829) granting a pension to Thomas McGuire;
A bill (H. R. 7857) to increase the pension of Henry L. Potter;
A bill (H. R. 7944) granting a pension to Ann V. Ferguson;
A bill (H. R. 7974) granting a pension to Heman Rankins;
A bill (H. R. 8159) granting a pension to Jane Brown Dunn;
A bill (H. R. 8174) granting a pension to Ellen Sexton;
A bill (H. R. 8217) granting a pension to Raphael Fowler;
A bill (H. R. 8260) granting a pension to Lydia A. Hicks;
A bill (H. R. 8281) for the relief of Lieut. James G. W. Hardy;
A bill (H. R. 8400) for the relief of Lydia Burridge;
A bill (H. R. 8496) to increase the pension to Albert E. Magoffin;
A bill (H. R. 8629) granting a pension to Mrs. Abba E. Jackson;
A bill (H. R. 8722) granting a pension to Jessie M. Barthauer;
A bill (H. R. 8771) to place the name of Mrs. Flora C. Andrews on the pension-roll;
A bill (H. R. 8798) granting a pension to Nettie Ellicott;
A bill (H. R. 8884) granting a pension to Emily McClure;
A bill (H. R. 9170) granting a pension to James W. Poag; and
A bill (H. R. 9682) increasing the pension of Jesse Dickey.

ORDER OF BUSINESS.

Mr. GEAR. I ask unanimous consent that the Committee of the Whole be discharged from the consideration of the bill which I send to the Clerk's desk.

Mr. MILLS. Regular order.

Mr. GEAR. I hope the gentleman will withdraw that demand.

DISALLOWED POSTMASTERS' CLAIMS, KENTUCKY.

Mr. TAULBEE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. I send a resolution to the Clerk's desk, which I ask to have read.

The Clerk read as follows:

Resolved, That the Postmaster-General be requested to transmit to the House of Representatives a tabulated statement of the disallowed postmasters' claims presented from the State of Kentucky under the act of March 3, 1883; exhibiting all such claims as by an actual computation of commissions prescribed by the act of 1854 and entered upon claim jackets show that the paid salaries are 10 per cent. or more less than such commissions, such tabulated statement to show in each case, first, the name of the post-office; second, the name of the applicant; third, the period of service covered by the computation of commissions; fourth, the amount of the computed commissions; fifth, the amount of paid salary for the same term of service; sixth, the actual amount of commissions in excess of the paid salary.

Mr. TAULBEE. Mr. Speaker, that resolution was introduced by me on the 19th of March and referred to the Committee on the Post-Office and Post-Roads. It has not yet been reported back, but I am informed by the gentleman having the resolution in charge that the committee has taken action upon it and authorized him to make a report. I refer to the gentleman from Illinois [Mr. ANDERSON], and if he will now file his report it will obviate the necessity for the motion which I have contemplated making.

The SPEAKER. What motion does the gentleman [Mr. TAULBEE] submit?

Mr. TAULBEE. I submit a motion that the Committee on the Post-Office and Post-Roads be discharged from the further consideration of that resolution, and that the House now proceed to its consideration.

Mr. MILLS. Is that a privileged motion, Mr. Speaker?

The SPEAKER. It is. The rules require that the resolution shall be reported back within one week.

Mr. TAULBEE. And it has been in the hands of the committee since the 19th of March.

Mr. BLOUNT. Mr. Speaker, I wish to say that the committee have not reported this resolution back earlier because of the condition of the public business. The gentleman from Kentucky has already advised the House that a member of the committee, the gentleman from Illinois [Mr. ANDERSON], has prepared a report upon this resolution; but I can not conceive why my friend should insist that the gentleman from Illinois should present that report just at this time. The minority of the committee, who are really in sympathy with the resolution offered by the gentleman from Kentucky, desire an opportunity to examine the report, and it is due to them as a matter of courtesy that they should have that opportunity. I suggest, therefore, to my friend from Kentucky that he had better not insist on his motion this morning, or until the minority have had an opportunity to see the report.

Mr. TAULBEE. Mr. Speaker, I think I am able to take care of my side of this case.

Mr. BLOUNT. I do not doubt that at all, Mr. Speaker, and I make no reflection whatever upon the gentleman. I have submitted a suggestion to his judgment. If his judgment does not approve it, I make no reflection upon him at all, and I did not so intend my suggestion.

Mr. TAULBEE. Mr. Speaker, so far as regards my reasons for calling the matter up at this time, I will state to the gentleman from Georgia [Mr. BLOUNT] that I am in receipt of a letter from my wife, who is sick in Kentucky, and that I contemplate going home, and yet want to be here when this resolution is acted upon. I do not think the gentleman has any ground for complaining that I have been impetuous at all about this matter.

Mr. BLOUNT. I do not.

Mr. TAULBEE. I introduced this resolution on the 19th of March, and from time to time I have spoken to the gentleman [Mr. BLOUNT] and to other members of the committee in reference to it, and they have given first one excuse and then another——

Mr. BLOUNT. Only one.

Mr. TAULBEE. For their failure to report the resolution; all of which excuses were reasonable to me, and of none of which I have complained. But now, Mr. Speaker, the report is prepared and in the hands of a member of that committee, and I do not see why it should not be presented in order that it may be considered before I leave town. Before bringing the matter up in the House I made an appeal to the gentleman to present his report, and when I took the floor to make this motion I again appealed to him, and now the only excuse for withholding the report comes from the chairman of the Committee on Post-Offices and Post-Roads—an excuse which he doubtless offers in perfectly good spirit, but which amounts simply to the suggestion that my side of the case is not ready.

Mr. BLOUNT. I did not say the gentleman's "side of the case." My suggestion was simply this, that there are gentlemen associated together as members of the committee, a certain number representing

the majority and the others the minority; that the members of the minority have not had an opportunity of seeing the report, and that it is due to them as a matter of courtesy that before the report is presented they should have that opportunity. In making this suggestion I disclaim any intention of connecting the gentleman from Kentucky [Mr. TAULBEE] with what may have occurred between the members of the committee with reference to this matter.

Mr. ANDERSON, of Illinois. I promised the gentleman from Mississippi [Mr. ANDERSON] that I would show him the report before presenting it to the House.

Mr. BLOUNT. The gentleman from Illinois [Mr. ANDERSON] is under pledge in this matter. So far as I am individually concerned, it may as well come up now as at any other time. I do not know when the gentleman from Kentucky [Mr. TAULBEE] intends to leave. Probably to-morrow would be an agreeable time to him.

Mr. TAULBEE. I would not like to bring it up on Sunday. [Laughter.]

Mr. BLOUNT. I beg the gentleman's pardon; I did not mean to-morrow.

Mr. ANDERSON, of Illinois. Mr. Speaker, I have the report ready on this question, and have no objection to offering it now, except that I promised the gentleman from Mississippi [Mr. ANDERSON], as I have said, that I would submit it to him before presenting it to the House. He is relying upon that assurance. I think he is as much interested in this matter as the gentleman from Kentucky himself. I have now stated the reason why I have not presented the report this morning—the same reason which I have before stated to the gentleman from Kentucky.

Mr. DOCKERY. It should also be stated that the gentleman from Mississippi [Mr. ANDERSON] who has charge of the minority report is not now in the Hall.

Mr. PETERS. I wish to state to the gentleman from Kentucky that the minority report has been prepared and is in charge of the gentleman from Mississippi [Mr. ANDERSON], who is not here this morning. I should very much like to have this matter go over until the gentleman from Mississippi shall be here with his minority report.

Mr. TAULBEE. I will state to the gentleman from Kansas [Mr. PETERS] that I have no objection whatever to this report going over until this evening, if it can be arranged that it shall then be considered. Nor should I have any objection to postponing the matter until next week but for the fact that I contemplate leaving the city to go to Kentucky, and I desire to have the matter considered while I am here.

So far as concerns my having any personal interest in this matter, I do not understand that because a gentleman happens through the courtesy of the Speaker to be assigned to a committee having jurisdiction of a question of this kind, he thereby has any more interest in my resolution than I have myself. The very fact that I introduced this resolution is sufficient evidence that I have manifested more interest in this matter than members who have failed to introduce any such resolution; and I know of no rule of courtesy either on this floor or elsewhere that would proscribe me from participating in a matter of this sort. I repeat, that if this matter can be considered this evening I am willing, and in fact anxious, that it should go over for the present, in order that the gentleman from Mississippi [Mr. ANDERSON] may have an opportunity to examine the views of the majority and submit for the consideration of the House the minority report which he has prepared.

Mr. BLOUNT. Mr. Speaker, in response to what the gentleman from Kentucky [Mr. TAULBEE] has just stated, I take it that no member of the Committee on the Post-Office and Post-Roads would deny that he has an equal right to his opinion in this matter with any other member on the floor. On the other hand, I deny that the gentleman has any special privilege because he introduced and had referred to our committee this resolution. There were a great many resolutions of the same kind referred. Our committee was directed to investigate this subject under the rules of the House. They have made an investigation and are ready to report, subject to the qualification which has been developed here this morning, that the gentleman in charge of the minority report is not here, and a promise has been made that the majority report should be shown to him for examination before its presentation to the House. There has been no opportunity for such examination by the gentleman from Mississippi; and I think proper considerateness of action would require that the resolution should not at this time be reported back.

Mr. TAULBEE. So far as the report is concerned, I have not claimed to exercise any special privilege with respect to this matter. I understand from members of the committee that the report which they contemplate is intended to cover a broader field than that covered by my resolution. The only ground on which I have claimed any privilege is from the fact that I introduced this resolution, and that it has been privileged for nearly three months; and now the chairman of the committee seems to question my right in this matter after I have, through courtesy, allowed this matter to sleep for nearly three months.

Mr. PETERS. I wish to say to the gentleman from Kentucky that I am with him upon this resolution; I believe the inquiry proposed ought to be made at the Post-Office Department; but if he insists on bringing this matter up in the absence of the chairman of the subcommittee and the gentleman from Mississippi [Mr. ANDERSON], who has prepared the minority report, he simply subjects the resolution to defeat. That is the whole matter. There is no possibility of having the resolution adopted in this House unless it has the benefit of the full consideration given to it by the gentleman from Mississippi, who has thoroughly examined the law upon the question, has prepared a full and specific report upon it, and is heartily in favor of the resolution. I am also in favor of it; but I do not pretend to be so thoroughly conversant with the law on the subject as is the gentleman from Mississippi; nor do I claim to be competent to take charge of and discuss the matter. The gentleman from Kentucky may be competent to take charge of and discuss some of the intricate questions of law involved here; but I appeal to him to consider that he will have a strong coadjutor upon this floor by waiting until the gentleman from Mississippi shall come in.

I do not know whether the gentleman from Mississippi is absent for the day or not, but if he is, I believe the interest of this legislation, the interest of the applicants who are affected by this legislation, will not be likely to suffer by waiting for the presence of the gentleman from Mississippi before this matter is considered.

Mr. TAULBEE. Now, will the gentleman allow me for a moment? I am glad to hear him say that he is in favor of the resolution; but he states as a reason for not considering it now that the gentleman from Mississippi is not here, and he gives that as a strong reason, because, as he says, the gentleman knows something about it.

Let me ask the gentleman if it is not possible at least that if I have to leave the city and this should be called up in my absence the committee may be deprived of some information which I might be able to convey upon the subject? I presume to know something of my own resolution; and if I do not acquaint myself with the facts in connection with matters in which my people are interested, my constituents must suffer. I do pretend to know something about this; and I repeat that if we can not have the matter considered without the help of the gentleman from Mississippi, I would be glad to have it go over until this evening, provided we can get consent to have it taken up for consideration then. But I want to be heard when it is considered, and, as I stated, I will be compelled to leave the city.

Mr. PETERS. The gentleman from Mississippi [Mr. ANDERSON] has gone fully into the legal questions involved, and I will stake my reputation that he has gone as far in the examination of this subject as the gentleman from Kentucky.

Mr. TAULBEE. Well, the gentleman's reputation is nothing to me. [Laughter.] I do not care to indulge in any competitive examination with the gentleman from Mississippi, I will say to the gentleman from Kansas. I am opposed to that class of civil-service reform. [Laughter.] I did not win my seat by it, and I do not presume that I would succeed in getting it if it depended upon that.

Mr. DOCKERY. There is nothing in this resolution requiring any undue haste. The gentleman from Mississippi who makes this report on behalf of the minority of the committee is absent. If there was any pressing necessity involving any public interests that required consideration now, I would not interpose any objection, but there is nothing of the kind.

Mr. TAULBEE. Well, let me understand; I believe the gentleman is opposed to this.

Mr. DOCKERY. I am.

Mr. TAULBEE. Is your side ready?

Mr. DOCKERY. I am.

Mr. TAULBEE. Then come to trial. [Laughter.]

Mr. DOCKERY. And it is a question of orderly and proper consideration of the resolution, and that is all. There is no disposition on the part of any gentleman who is opposed to this matter to smother it. On the contrary, they want the investigation to be full and fair when the question does come up for consideration. But we hold and insist that it is due to the gentleman from Mississippi to postpone it until he is present.

Now a word in reply to the gentleman from Kentucky. I referred to the interest he manifested, but he will understand, I am sure, that in that I meant no improper reflection upon him or upon his motives.

Mr. TAULBEE. Oh, of course I understand that.

Mr. BLOUNT. Mr. Speaker, the House is now fully aware of the situation, that the Committee on the Post-Office and Post-Roads of this House is ready to report, and we have the matter in shape for immediate action if it were fair to the minority members of the committee. I move, sir, in view of the facts, to lay the motion of the gentleman from Kentucky on the table.

Mr. DOCKERY. That is right.

Mr. TAULBEE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAULBEE. I want to know, if the motion of the gentleman from Georgia prevails, if thereafter the resolution which I introduced is privileged?

The SPEAKER. It still remains privileged.

Mr. BLOUNT. Of course this action only postpones it.

Mr. TAULBEE. I desire to inform the gentleman, and I hope he will not object, that I will call it up this evening and again on each morning and on each evening until I secure its consideration.

Mr. BLOUNT. If you can get the opportunity.

Mr. TAULBEE. Well, I shall take care of that.

The SPEAKER. The motion is not debatable.

The question was taken on the motion to lay on the table; and on a division there were—ayes 44, noes 30.

Mr. TAULBEE. No quorum.

The SPEAKER. The point of order that no quorum has voted being made, the Chair will appoint tellers.

Mr. TAULBEE and Mr. BLOUNT were appointed tellers.

Mr. MONTGOMERY. I ask unanimous consent that the tellers be withdrawn, and that this question be postponed until half past 4 this afternoon, to be disposed of after a half hour's debate, provided Mr. ANDERSON, of Mississippi, representing the minority, is present; or I will say postpone it until 4 o'clock.

Mr. BINGHAM. I object.

The tellers resumed the count, and reported—ayes 114, noes 52.

So the motion to lay on the table was adopted.

CORRECTION OF AN ENGROSSED BILL.

Mr. DORSEY. Mr. Speaker, I desire to have a correction made of an engrossed bill. On yesterday the bill (H. R. 8372) authorizing the sale of a portion of the Winnebago reservation, in Nebraska, was passed by the House with certain amendments, but as the bill has been engrossed one of these amendments has been omitted. The RECORD is correct, and the error appears in the engrossment, one of the amendments being omitted.

The SPEAKER. The amendment had better be read.

The Clerk read as follows:

At the end of section 2 insert:

"*It is further provided*, That at any time within three months after the sale of the unallotted lands as provided, any members of the tribe who have not voluntarily relinquished their allotments on the land described are authorized to make sale of their lands with the consent of their special agent, by transfer, and assigning their patents, and the purchaser shall pay into the hand of the agent of the Winnebago Indians in Nebraska, for the benefit of said tribe as heretofore provided, the same price per acre as the average price paid for lands at the public sale, and said members of the tribe may select lands on the reservation the same as if no selection had been made."

Mr. DORSEY. This is one of the amendments that is unanimously reported from the committee.

There being no objection, the amendment was adopted, and the correction of the bill ordered in accordance therewith.

ORDER OF BUSINESS.

Mr. MILLS. I move to dispense with the morning hour.

Mr. JOHNSTON, of Indiana. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSTON, of Indiana. Is it in order at this time to introduce a resolution to amend the rules of the House?

The SPEAKER. For reference only.

Mr. SPRINGER. It should be introduced on Monday.

The SPEAKER. It has been decided that a resolution proposing an amendment to the rules can be offered at any time as a matter of privilege, but it must go to the Committee on Rules.

Mr. JOHNSTON, of Indiana. Then I offer the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That Wednesday, the 13th day of June, after the morning hour, be set apart for the consideration of House bill No. 9961, granting arrears of pensions and providing for the payment thereof; and that the consideration thereof shall be continued from day to day until the same is disposed of.

The resolution was referred to the Committee on Rules.

ORDER OF BUSINESS.

The motion of Mr. MILLS to dispense with the morning hour was agreed to.

Mr. MILLS. I now ask unanimous consent that gentlemen having reports to present may have leave to file them in the usual manner.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

LIGHT-HOUSE, CROOKED RIVER, FLORIDA.

Mr. CRISP, from the Committee on Commerce, reported back favorably the bill (S. 735) making an appropriation for the erection of a light-house on the highland (mainland) to the westward of Crooked River, Florida; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FORT BROWN MILITARY RESERVATION, TEXAS.

Mr. FORD, from the Committee on Military Affairs, reported a bill (H. R. 10422) to provide for the purchase of the Fort Brown military reservation, Texas, and to extinguish all claims for the use and occupation of said reservation; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REVISED STATUTES OF UNITED STATES.

Mr. FORD also, from the Committee on Military Affairs, reported back favorably the bill (H. R. 7435) to amend section 4787 of the Revised Statutes of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WASHINGTON SAFE DEPOSIT COMPANY.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back favorably with amendment the bill (S. 406) to amend an act entitled "An act to incorporate the Washington Safe Deposit Company;" which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL SAFE DEPOSIT COMPANY OF WASHINGTON.

Mr. HEMPHILL also, from the Committee on the District of Columbia, reported back favorably the bill (S. 690) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REAL ESTATE INSURANCE COMPANY.

Mr. HEMPHILL also, from the Committee on the District of Columbia, reported back the bill (H. R. 9435) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes; which was laid on the table.

He also, from the same committee, reported, in the nature of a substitute for the foregoing, a bill (H. R. 10423) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TARIFF.

Mr. MILLS. I now move that the House resolve itself into Committee of the Whole for the purpose of considering bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of revenue. The Clerk will report the pending paragraph.

The Clerk read as follows:

Flax straw.
Flax, not hackled or dressed.
Flax, hackled, known as dressed line.
Tow of flax, or hemp.

The CHAIRMAN. The gentleman from Indiana [Mr. BROWNE] moves to strike out the first line, "Flax straw."

Mr. BROWNE, of Indiana. Mr. Chairman, one of the serious objections I have to the bill under consideration is that it strikes down the entire agricultural dutiable list. I beg to enumerate the articles that it proposes to transfer to the free-list: dates, plums, figs, currants, meats, game, fresh milk, beans, peas, split peas, bristles, bulbs, grease, feathers, hemp and rape seed, garden seeds, linseed and flaxseed, broom corn, tallow, bees-wax, soap, etc. In addition to this, wool, flax, hemp, and all of the vegetable fibers with the exception of cotton. The four lines that have been read include flax straw, flax not hackled, and the tow of flax. Now, the average duty upon these four commodities is but 8 per cent. ad valorem. That upon flax known as dressed line is but 7 per cent.; upon flax not hackled it is 9 per cent.; upon flax straw it is 10 per cent., and upon the tow of flax it is only 5.21 per cent. So it will be noticed that these are almost, if not altogether, the lowest rates of duty known to the tariff schedules; and yet while the tariff as revised by this bill leaves large duties upon almost every manufactured commodity, when it comes to these small agricultural products and industries it proposes to put them wholly at the mercy of the free list. Now, Mr. Chairman, flax is by no means an insignificant industry. It is raised in almost every State and Territory in the Union. It is largely produced in Indiana, Illinois, Iowa, Ohio, Kentucky, Missouri, New York, New Jersey, North Carolina, Pennsylvania, Tennessee, and Virginia. In 1860 our flaxseed product was but 566,000 bushels, while in 1880 it was stated in the census at 7,171,000 bushels, and it is estimated that the seed product has now reached over 12,000,000 bushels.

In 1880 there were produced in the United States 421,098 tons of flax straw, 1,565,546 tons of fiber, and it is now estimated that the production of flax fiber in the United States is over 2,500,000 tons. Notwithstanding this, it is estimated that there are destroyed in the United States at least 500,000 tons of flax straw every year, on account of its not being sufficiently near manufactories where it may be put into fabrics. This industry is very considerably larger than that of hemp, which is also transferred to the free-list in this bill. It is estimated that in 1870 there were 12,000 tons of hemp produced, while in 1880 the product had diminished by more than one-half, having receded to 5,025 tons.

I repeat these figures for the purpose of showing the extent of the flax industry, so far as we can secure any statistics upon the subject. The statistics are imperfect, and I have no doubt the industry is very

considerable larger than would appear from the statistics of the Agricultural Bureau.

As I stated, the present rate of duty is of the lowest. By transferring this article to the free-list we reduce the revenue by only an inconsiderable sum. The total value of the imports of these flax fibers during the past fiscal year was but $1,909,000; of dressed flax, $649,000; of flax not dressed, $1,027,000; of flax-tow, $233,000, making the total amount of imports $1,909,000, as stated, upon which there was collected an aggregate duty of $153,608.63.

Now, the flax that comes directly in competition with the American flax product is the Russian and Canadian flax, being used for the same purpose as ours, generally manufactured into wrapping threads, coarse bagging, crash, carpet-warp, and coarse wearing-apparel.

There are other reasons, however, why this provision must be disastrous to this industry. It not only transfers flax to the free-list, but puts all other vegetable fibers on the free-list. The bill admits free jute and jute butts, manila, sisal grass and sunn, and every other fiber that may be used in competition with flax. All these are admitted to the free-list—not only those which are the same as the product of the American industry, but all those things that compete directly in the market with our flax industry.

The bill goes beyond that. It not only puts flax upon the free-list, but very many of the manufactures of flax—cotton-bagging, burlaps, and many other of those things into which flax enters. Then, as to flaxseed, it not only puts the seed upon the free-list, but, if I understand correctly, the oil also; or if there be any duty continued on the oil, it is an insignificant one.

Mr. LIND. The gentleman is correct; linseed-oil is on the free-list.

Mr. BROWNE, of Indiana. So I understand. In other words, the bill takes flax and everything that may be regarded as directly the product of flax and everything that comes into our market or may be used for the same purpose as flax, and puts them all in a body upon the free-list. I move, therefore, to so amend the bill as to permit the present duty to stand.

[Here the hammer fell.]

[Mr. GIFFORD withholds his remarks for revision. See APPENDIX.]

Mr. BUCHANAN. I move to strike out these four lines:

Flax straw.
Flax, not hackled or dressed.
Flax, hackled, known as dressed line.
Tow of flax, or hemp.

Mr. Chairman, the pending motion is practically to prevent placing on the free-list flax straw, flax, not hackled or dressed, and flax, hackled, known as dressed line, and tow of flax. The present duty on flax straw is $5 per ton; on flax tow, $10; on flax, not hackled, $20, and on hackled flax, $40, a percentage respectively of 10.73 on flax straw, of 9.05 on unhackled flax, and of 7.06 on hackled flax, as shown by the importations and values last year. These percentages are very low, and certainly, if the growers and dressers of flax are to have any protection at all, as low as can reasonably be asked. The importations for the ten months ending April 30, 1888, amount to $1,404,722. For the year ending June 30, 1887, they amounted to $1,908,845. This question affects two interests particularly, the flax-grower and the flax-dresser. A word as to each.

I hold in my hand a sumptuously prepared book. The paper is of the best, the print is large and clear; each page has a wide margin, and the leaves are uncut. It is bound in blue and gold and is entitled, "Flax Culture in the United States." It is devoted to proving that we should have, as this bill proposes, free trade in flax. Complimentary copies have been sent to the members of the Ways and Means Committee, and so far as I can learn to each member of the House. It is written by a gentleman who writes "A. M., of the Boston Bar," after his name. This Boston lawyer undertakes to tell the flax-growers and flax-dressers of this country what is for their best interests, and yet from this very book I find that the production of fiber is falling off. He would remedy this, not by affording our flax-growers more protection, but by taking off the little they now have. He would invigorate the patient by giving him prussic acid. Free trade in flax may suit the firm of Boston importers who have published this book and have distributed it with so lavish a hand, but it will hardly suit the flax-grower, who, even under the present state of things, finds too scanty remuneration for his toil.

As to the other interest, the flax-dressers, I will let those of my own State speak in their own behalf as they do in the following communication from a committee of their own number:

FLAX-DRESSERS' APPEAL.

Hon. Members of House of Representatives:

GENTLEMEN: The flax-dressers of New Jersey, representing the flax trade of the country, petition your honorable House to show how injuriously we, as a craft, are affected by the proposed tariff bill. There is no discrimination made between raw material and hackled flax, commonly known as dressed line, the former paying a present duty of $20 per ton, and the latter paying a duty of $40 per ton. By placing dressed line on the free-list will eventually destroy flax-dressing as an industry in this country. It seems strange to us that your honorable House should ignore the fact that a previous Congress had satisfied themselves that hackled flax was a manufactured article, and taxed it accordingly. The placing of manufactured flax on the free-list has taken us by surprise for we were repeatedly assured that your honorable House had so carefully considered every interest affected by the tariff reform bill, and that where you have placed the raw material on the free-list, instead of taking all the duty off the manufactured article, you have in nearly every instance allowed a margin of from 10 to 15 per cent., thereby protecting manufacturing industries to that extent.

This line of policy has not been followed in dealing with our industry. The placing of hackled flax on the free-list will only benefit three flax-spinning firms out of those engaged in that industry in the United States, they being only offshoots of parent firms in Europe: and, notwithstanding our protective tariff, they manufacture and import this dressed line, to be used in the spinning of linen threads and yarns, with injury to the American workers. Those employing American workmen have to pay a far higher rate of wages than the above-mentioned European firms. Of the three firms mentioned, who import dressed line, one, namely, Finlayson & Bousfield, of Grafton, Mass., and Johnstone, of Scotland, do not employ a single workman in the manufacturing of dressed line in this country, while in their mills in Scotland they employ about 300 workmen in the manufacture of the same.

Were there no reduction on dressed line, with the raw material on the free-list, Finlayson & Bousfield would be compelled in their own interest to manufacture the raw flax that they would require, thus giving employment to many skilled workmen. McMaster & Co., of Greenwich, N. Y., also import their dressed line. Barbour & Co., of Paterson, N. J., and Lisburn, Ireland, formerly employed nearly one hundred workmen in their firm at Paterson, N. J. The placing of dressed line on the free-list has changed all that, and three weeks ago the last flax-dresser was discharged. The parent firm of Barbour & Co. will henceforth manufacture all the flax for their trade in Lisburn, Ireland. These firms care not, but would wish raw flax to be taxed. As it is the article manufactured by cheap labor they desire placed on the free-list, so that they may be able to undersell the American manufacturer, and thus have a monopoly of the home market.

Gentlemen, we only ask you to treat our industry as you have treated others. Three foreign manufacturers do not represent or constitute the whole flax-spinning industry of the United States. Why should the American manufacturer, who pays a higher rate of wages to skilled workmen, not be protected against the manufacturer who employs cheap foreign labor that he may have the advantage of the American manufacturer in his own market?

Gentlemen, the perusal of the facts contained in this circular will, we hope, induce you to extend some protection to an industry that in this country is but young as yet. Free competition with foreign labor would kill it. Hoping you will give this your best consideration,

We beg to remain yours, respectfully,

JAMES MURPHY,
FRANK BELL,
DAVID BRIGHT,
THOS. McCLUNG,
NEWTON YOUNG,
DANIEL FRIEL,
ROBERT WRIGHT,
Committee.

JOHN WILSON, *Secretary.*

These are the flax-workers themselves, and they state their case clearly and with all the force of truth. It will be observed that they not only speak of the effect the passage of this bill will have upon their employment and wages, but they make some significant statements as to the effect the mere introduction of this bill has already had upon their interests.

I warn this House that the working men and women of this country are intelligent. They read the papers and know what is going on here, and if they are struck here the time is near when their chance to strike back will come, and they will not hesitate to deal blow for blow.

[Here the hammer fell.]

Mr. MILLS. Mr. Chairman, something has been said on both sides of this question. One gentleman spoke of the injury to the flax-grower and the amount of money it will take out of the pockets of the flax-growing people of this country. Something should be said, therefore, as to the amount of money taken out of the pockets of the flax-consumers of the country. If we would permit the importation of this flax from Canada, from Ireland, from Belgium, from Russia, from all the places where it is grown, we will find a market for a great deal more of the articles we export; just in proportion as we allow goods to be imported into this country we will increase the exportation of our surplus products which we are sending out of the country. It is well enough, therefore, for us to remember occasionally that the people who are exporting our agricultural products are somewhat interested in the preservation of our foreign trade.

Let us look at Canada. It is said that Dakota interests will be jeopardized by permitting Canadian flax to be imported free of duty into this country. What are we sending to Canada? What is Dakota interested in sending to Canada? We send over $5,000,000 worth of wheat and flour to Canada, and Dakota is one of the largest wheat-producing regions of the Union. If we permit that trade to go undisturbed our people who are growing wheat in the Northwest, instead of being forced to accept 55 or 60 cents a bushel, will have the value of their wheat increased, and they will be benefited by that trade.

Mr. WHITE, of Indiana. Let me ask the gentleman——

Mr. MILLS. We are exporting breadstuffs, beef, pork, and wheat to Ireland, from whence we import flax. Do our people want to injure Ireland?

Several MEMBERS. No.

Mr. MILLS. Do we want to injure the Irish people in any manner? We hear constantly appeals to Americanism whenever some wrong is to be inflicted upon somebody. It is justified by appealing to patriotism; but when any party goes before the people of this country to appeal to them for their suffrages we never find them prosecuting their campaigns without something being said about the sympathies of the American people towards poor, oppressed, and downtrodden Ireland. Now, we benefit both Ireland and the United States by giving the facilities to Ireland for the exportation of flax and flax goods, and at the same time allow our wheat and beef and pork to be sent to them in exchange.

Mr. WHITE, of Indiana. Will the gentleman permit me to ask a question?

Mr. MILLS. Oh, yes.

Mr. WHITE, of Indiana. Your argument, as I understand it, is to the extent that the tariff has caused the low price of wheat.

Mr. MILLS. Yes, I do say to a certain extent.

Mr. WHITE, of Indiana. You say so?

Mr. MILLS. Of course.

Mr. WHITE, of Indiana. Then what made prices so high in 1880?

Mr. MILLS. In 1880 and '81 and '82 there was a very large exportation of agricultural products, caused mainly by the large import of foreign goods. Let the gentleman go and examine the records of the Bureau of Statistics, and he will see that during that year this vast interchange of commodities took place. That made the price of wheat go up in the year he mentions. We were importing large quantities of foreign products and that made a demand for our home products, which, of course, made an increase in the price of those commodities.

Mr. WHITE, of Indiana. The gentleman is entirely mistaken in that respect. It was gambling in wheat that produced that result, not the tariff at all.

Mr. MILLS. The principal cause of the activity in wheat at that time was because of the great demand to supply foreign markets in exchange for these commodities. It is the amount of the supply and the demand which, more than anything else, regulates these prices.

Mr. WHITE, of Indiana. That has nothing whatever to do with it. You go back three years ago when you had a short crop of wheat—350,000,000 barrels, and less than 50,000,000 to export—what was the consequence? The Chicago produce gamblers ran the price down from $1.10 to 85 cents a bushel because of the shortage in the crop.

Mr. MILLS. Now, if the gentleman from Indiana has completed his speech in mine, I will proceed.

The CHAIRMAN. The time of the gentleman has expired. [Laughter.]

Mr. MILLS. Very well; let us have a vote.

Mr. GEAR. I move to strike out the last word.

The CHAIRMAN. The Chair will consider the *pro forma* amendment of the gentleman from New Jersey as withdrawn.

Mr. GEAR. A word as to the effect of this provision of the bill upon the people of my State. Flax in Iowa is the poor man's crop. Every man who comes to my State a poor man and buys his 120 or 160 acres of land buys it possibly from a corporation on long time—and that accounts, let me say, in a large degree for the mortgages which my friends from the other side are so prompt to describe as existing there—and he puts in his first crop of flax. Under the old arraugement when a man came to Iowa, thirty, forty, or fifty years ago, and broke up the virgin prairie soil, he could raise nothing.

There is not one year in Iowa in twenty, or in any of our Western Territories or States, in which during the first year you can raise anything after breaking up the land. Sometimes in very wet seasons 15 or 20 bushels of corn may be gathered, but as a rule no crops are made. It became early the system in that State that the first year was devoted to get the land ready for producing corn and wheat the following year.

But during the last few years, since there has been a fair protection of the flax industry, that system has been changed and the new ground is now sown in flax. As soon as the man has broken up his land, 10 acres we will say in April, he seeds it down in flax, and as he breaks up another 10, 20, 30, or 40 acres it is seeded down in the same way. He goes to the flax-mills and borrows the seed and returns it with his crop.

The result is, Mr. Chairman, that at the end of the season, after he has put 30, 40, or 50 acres in flax, he gets for that crop $500 to $800, which not only supports his family, but in many instances permits him to make his first payment on his land, reducing his debt, and sometimes in one or two seasons he secures his title in full.

In addition to that, twenty years ago there was but one flax-mill in the State. To-day there are nine great mills which crush one and one-half millions of bushels of flaxseed annually, and their annual product is nearly 5,000,000 gallons of flaxseed-oil. I desire to call attention just here to the fact that flaxseed-oil during the last fifteen years is cheaper than it has ever been before in this country. When we procured our linseed-oil from England, forty years ago, the price was from 45 to 60 cents per gallon, but to-day you can buy it all over the State of Iowa at retail under the protective system for less money than we had to pay for it in New York at wholesale in years gone by.

The English people produce flaxseed in large amounts in India by cheap ryot and fellah labor, which costs only 6 or 7 cents per day. That flaxseed is exported to England, where the production of oil is but a secondary consideration. It is ground there mainly for the purpose of the residuum, which is used for the fattening of cattle, and the large profit in the manufacture of flaxseed here on the ground is from the export of oil-cake which we send abroad. Now, if you pass this bill, in my judgment, you will strike a direct blow at the Iowa flax-raiser. We exported $1,900,000 worth of flaxseed from our State, in addition to what was consumed at home, obtained from the crushing of 1,500,000 bushels of seed. In my judgment you strike a very heavy blow at this industry if you pass this bill. What else but flax can our people raise to bring their land into subjection? If they raise anything else they have got to be "out" a year's labor. Our friends on the other side are clamorous all the time for the poor farmers of the West, who they say are downtrodden and loaded with mortgages and all that sort of thing. Now if they really want to benefit the Western farmers, they can not find a better way of doing it than by retaining the duty on flax as it stands in the existing law.

[Here the hammer fell.]

Mr. BLAND. Mr. Chairman, it is strange to hear the arguments that are made by the protectionists on the other side of the House. I have been listening here for a month to their strange wiring in and wiring out, their strange deviations, affirmations, and denials. What good does the tariff on flaxseed do anybody?

Mr. WHITE, of Indiana. It controls our home market.

Mr. BLAND. It does? You are the first gentleman I have heard admit that the tariff did control the home market. What do you mean by that? That it raises prices? If the tariff on flax, or on anything else, does not raise the price, what good does it do? How does it hurt my friend from Iowa [Mr. GEAR] to take the tariff off flax, when he claims all the time that the tariff does not increase the value of the article? Of all the false pretenses brought in here to deceive the farmers of the country, I think this is the most preposterous. This tariff gives us a revenue of $100,000. Suppose, according to the theory of the gentlemen on the other side of the House, that the flax-raisers do get the benefit of that $100,000, what do they have to pay for it? The agriculturists of this country exported abroad last year nearly $600,000,000 worth of their products, and exchanged them for foreign commodities which ought to have been worth to them here perhaps $800,000,000, but on that exchange they had to pay to the Federal Government, through the custom-houses, a tax of over $200,000,000.

I say, sir, that that profit of $200,000,000 on our agricultural products was confiscated at the custom-houses. It was a fine imposed upon the farmers of this country for having gone abroad to exchange their surplus which they could not sell at home because the home market could not receive it. And for the pitiful sum of $100,000 you want to fine the farmers of this country by a high protective tariff and confiscate their property to the amount of $200,000,000. Not only that, but upon all of these articles which they bought at home, amounting to three or four times $200,000,000, you have extorted from the farmers by your tariff system of protection not less than $800,000,000, and you are doing that annually. And yet you think the farmers are to be humbugged and tricked by the idea that they are protected on wheat and flax and articles of that kind from which no revenue comes and the duty on which is of no sort of benefit to them. That is a sham and a pretense and a fraud and a humbug that will never go down with the farmers of this country.

Mr. Chairman, if we really want to relieve the farmers of the burdens, what we must do is to give them an outlet for their wheat and other products. The gentleman from Indiana [Mr. WHITE] has alluded to 1880, when he says wheat was worth more than it is to-day, and he attributes the depression to speculation and to gambling in wheat. Why, sir, we had as many gamblers in wheat in 1880 as we have to-day. Mr. Chairman, it is our protective tariff that has driven European countries to seek other wheat-fields. Great Britain is developing wheat-growing in India and is extending her railroads there because of the fact that we refuse to trade with her. The question of our trade with foreign nations is also affected by another fact, to which I need not allude more particularly now—I mean our financial policy with reference to one of our metals. These two things taken together are ruining the wheat market of the farmers of this country, but the tariff especially is doing it by driving foreign countries to develop other wheat-fields, and, as a consequence, our wheat is depreciating in value in the markets of the world to-day.

I will here give more in detail an explanation of this matter.

Value of exports of the leading products of domestic agriculture from the United States from 1860 *to* 1887.

Year ending June 30—	Cotton, raw.	Breadstuffs.	Leaf-tobacco.	Provisions, comprising meat and dairy products.	Cattle, sheep, and hogs.	Total.
1877 ...	$171,118,508	$117,806,476	$28,825,521	$118,579,676	$2,526,740	$438,856,921
1878 ...	180,031,484	181,777,841	24,803,165	124,845,137	4,497,576	515,955,203
1879 ...	162,304,250	210,355,528	25,157,364	119,857,692	10,162,400	527,837,234
1880 ...	211,535,905	288,036,835	16,379,107	132,488,201	14,657,931	663,297,979
1881 ...	247,695,746	270,332,519	18,737,043	156,809,840	15,639,173	709,514,321
1882 ...	199,812,644	182,670,528	19,067,721	122,020,530	8,913,656	532,485,079
1883 ...	247,328,721	208,040,850	19,438,066	109,217,119	9,768,803	593,793,559
1884 ...	197,015,204	162,544,715	17,765,760	114,353,788	19,333,121	511,012,588
1885 ...	201,962,458	160,370,821	22,025,786	107,332,456	13,998,441	505,689,962
1886 ...	205,085,642	125,846,558	27,158,457	90,625,216	11,963,095	460,678,968
1887 ...	206,222,037	165,768,662	25,948,277	92,783,296	9,991,614	500,713,906

In the year 1887 we exported of the products of domestic agriculture $500,713,906. On page 71 of the same document will be found the leading articles of imports entered for consumption during the year

1887, which amount to $683,418,980.70, which are dutiable under the present tariff and on which was collected $217,000,000 tariff taxes. This may not be considered entirely fair, inasmuch as our whole importation of merchandise amounted to $726,042,878, which would include articles on the free-list, leaving about $43,000,000 that came in under the free-list. Now, if we take the whole $700,000,000 imported, on which duties were paid to the amount of over $217,000,000, we find that about 30 per cent. in value of our foreign commerce was diverted from the pockets of the farmers by a tax or fine levied upon them for not selling their products at home, when, in reality, it was a surplus they had on hand for which there was no home market.

Our whole exports of merchandise for 1887 were $679,159,477. Subtract from this the whole amount of farm products leaves only about $178,000,000 of other exports. So it may be fairly assumed that the whole burden of tariff taxation, being a burden and tax on commerce itself, is a tax upon those who produce the commodities entering into and constituting nearly the whole of our commerce, to wit, the agriculturists. But to come at it exactly, and for the purpose of illustrating the matter, I will say to the agent of our federation of farmers that suppose in the next fiscal year we find that their surplus products exceed somewhat that of this past year, or should be $600,000,000, in round numbers, for which they have no market at home, unless they sell at a great sacrifice, and to dispose of which they are driven from necessity to foreign markets, and suppose the agent of that federation of farmers ships this $600,000,000 of farm produce to European countries, and there exchanges their produce for the products of those countries—products that are consumed by the farmers and their families, furnishing the farms, keeping up their stock, and supplying themselves with the necessaries of life.

We find from this 30 per cent. that was paid last year on importations they can buy these products 30 per cent. cheaper in foreign markets than here, and therefore their $600,000,000 of products in foreign markets will produce for them $780,000,000 of foreign products that enter into consumption and supplying their families and keeping up their farms. It will be readily seen that this agent of the federation of farmers has made a wise investment; that although his exports were only $600,000,000 his imports are $780,000,000, and while our protective tariff defenders would say that inasmuch as his imports had exceeded his exports, therefore the balance of trade was against us, it would be the reverse, because he had sold $600,000,000 worth of products for which he received $780,000,000, and instead of the balance of trade being against us we are the gainer of $180,000,000. So far the farmer has made a large profit. But when the commodities he has procured from abroad reach our ports the cargo is visited by a custom-house officer and 30 per cent. of the invoice cost of those articles, which would be $600,000,000, inasmuch as they are worth only $600,000,000 in the ports where they are exchanged for, but $800,000,000 here, 30 per cent. tax would be levied on the invoice price, and before the goods could be removed for the farmers to consume them, this tax of 30 per cent., or $180,000,000, must be paid, even before they can leave the custom-house.

This agent of the federation of farmers may well say, "Why is this exacted of us?" The custom-house officer could only reply that it was to discourage this sort of thing, shipping goods abroad and buying goods abroad; that this fine or tax was levied for the purpose of compelling him to buy at home and build up home industries; that it was the policy of this Government to discourage foreign exports and foreign imports; that he should have traded at home and not taken his products abroad. So that the farmers find that what ought to have been a profit to them, and would have been a profit to them but for this high protective tariff, has been ruthlessly confiscated in their hands and they have lost all their profits, amounting to $180,000,000.

Now, our Republican friends in this House will not listen to the proposition that all these manufacturing industries have formed themselves into pools, trusts, and combines for the express purpose of keeping up the price of their manufactured products, and that this high protective tariff that finds the farmers and every one else who undertakes to escape from the exactions of these trusts, imposes on him taxes ranging from 30 to 40 per cent. every time he undertakes to trade with anybody but a trust or a monopolist. We do not wonder that the farmers are endeavoring to escape from the degradation of this law, and that they are forming, or attempting to form, combinations with which to fight combinations. But, of all the pools and all the trusts that ever cursed the farmers of this land, the high protective tariff pool and trust is the gigantic father; and it is against this trust of the protective tariff, the parent of the whole brood, that they must bend every energy and fight to the bitter death, or else they will go to the wall, for they are not in a condition to oppose these pools and trusts in any other manner than in lowering tariff rates and permitting fair competition the world over, so that when the pools and trusts at home undertake to put up prices, the products of other countries may come in and counteract them. A farmer who can not see this is certainly blind.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. STRUBLE. Mr. Chairman, it must be said of my friend from Missouri [Mr. BLAND] that he is refreshingly direct and plain in what he has to say, and that he at least does not attempt to conceal the fact that he is a free-trader pure and simple, for his attack is not merely on flax and flax products, but on the whole list of dutiable articles.

But, sir, I rose to express my concurrence in what has been said by the gentleman from Dakota [Mr. GIFFORD], and also in what has been said by my colleague, Governor GEAR, upon this subject of flax. I have lived in Northwest Iowa for sixteen years. I went there at a time when land was low in value. I have lived there during a series of years of depression, when the grasshoppers ravaged that country and prevented the natural rise in the value of land, and yet I have witnessed the doubling and the trebling of the value of land in that region, which has gone from $3 to $5 an acre up to $10, $15, $25, and $40 an acre. There is where the farmers of the great Northwest have realized their profits upon the occupation they have pursued; it is in the increased value of their lands.

How have they been able to live there during all these years and make their improvements and bring about this increase in value? Largely, as my colleague, Governor GEAR, has stated, by the raising of flax as well as other grains. But, Mr. Chairman, I wish to say a word before I sit down, and that was my principal purpose in rising, in reply to an observation made by the distinguished gentleman from Texas [Mr. MILLS]. In his reference to Ireland a few moments ago I thought I caught an expression like this: "That our sympathy for the people of Ireland should lead us to liberal enactments with respect to our tariff laws, so that our trade with her people might be enlarged for their good."

I say to the gentleman from Texas that in my district there are thousands of farmers who, as my colleague [Mr. GEAR] has stated, have struggled along for ten, fifteen, and twenty years with the several difficult problems they have had to solve, including the grasshopper experience, lasting from 1873 to 1879, but now long since passed away. Among those farmers there are thousands of Irishmen, as well as Hollanders, Germans, and other foreigners, and I say to the gentleman that while I sympathize deeply with Ireland in her distress, I bear in mind that she has been brought there by the policy of Great Britain, the commercial enemy of the United States, and I am first for the Irishmen of my district and of my State and of my nation before I am for other Irishmen or any other men outside, or for any policy which, whether it would benefit them or not, would bring harm to my own country.

Mr. WILSON, of Minnesota. May I ask the gentleman a question?

Mr. STRUBLE. Oh, yes. You are a great interrogator. I am willing to submit to a question. I am very glad to see you once more on the floor. [Laughter.]

Mr. WILSON, of Minnesota. I wish to ask for my information and for the information of the committee——

Mr. STRUBLE. You have some technical question, no doubt; but go on; if I can not answer it I will say so.

Mr. WILSON, of Minnesota. It is not a technical question. I want to ask you just this: In what manner do the farmers whom you and I represent, for they stand alike in this respect, make their money out of flax cultivation? Is it out of the seed or out of the fiber?

Mr. STRUBLE. I will tell you. There have been built in your State and mine large linseed-oil mills, which have taken pains to encourage the farmers in the cultivation of flax, as my colleague [Mr. GEAR] said, by buying and manufacturing the seed, affording a home market for this product instead of compelling them to ship it 1,000 or 1,500 miles.

Mr. WILSON, of Minnesota. Then it is out of the seed that they make their profit.

Mr. STRUBLE. Yes, sir; out of the seed mainly. Besides that, there are mills growing up in the West which consume the flax fiber. There is at least one firm in my district engaged in buying, preparing, and shipping the straw. I will tell my friend from Minnesota—if he does not know it he ought to open his eyes to the fact—manufactures are growing up in our Western States, and we are going to have more and more of them as the years roll by. Open your eyes and see. [Applause on the Republican side.]

Mr. WILSON, of Minnesota. Mr. Chairman, I have but a word to say. I am glad to have heard the suggestion of my friend from Iowa [Mr. STRUBLE]. The interest of his people and the interest of mine are in this respect the same. But if we have any interest in the raising of flax except so far as concerns the use of the seed I do not know it. When we reach line 167 of this bill, which puts linseed or flaxseed on the free-list, I shall move to strike out that line. I think we have an interest in that direction; but beyond that I do not agree with the gentleman from Iowa. I do not wish to discuss that question until we reach the point I have indicated.

The CHAIRMAN. Debate is exhausted. If there be no objection the *pro forma* amendment will be considered as withdrawn. The Chair hears no objection.

Mr. LIND. Mr. Chairman, I move to strike out the last word. Inasmuch as the question of flaxseed and linseed oil has been brought into the discussion at this time, I beg to call attention to the fact that perhaps more flaxseed is raised and more linseed-oil manufactured in my district than in any other district in the United States. The production of flaxseed in my district for several years past has reached nearly 2,000,000 bushels per year.

With reference to the matter actually involved in the amendment now pending, our interest is not so great. It is only within the last year or two that the flax straw has been utilized to any appreciable extent in our district. So far as my knowledge goes, flax at the present time can only be profitably raised in our country for the seed. Conditions of cheaper labor and climatic changes may possibly arise in the future which will make it practicable to raise flax for the fiber, that is for the better grades of fiber; but at present that is out of the question.

We raise flax principally and primarily for the seed; we utilize the fiber for tow, which, as I understand, is used only in connection with upholstery and the manufacture of furniture, and for like uses. Our climate is peculiar. Everything grows, as you might say, by electricity. When a seed starts growing there is no stop or stay, and a good seed crop is the result; but the stalk is often a little brash. We can not, or, at least, do not, produce the best kind of fiber in flax or in any of the textile growths. Hence, I say, the primary use of the flax raised in our State is for seed. Now, so far as the seed is concerned, I do not believe there is a member of this House, if he has really investigated the facts and understands the situation, who will believe or urge for one moment that we ought to put flaxseed on the free-list. Prior to 1857 flaxseed was on the free-list. No considerable amount was raised in this country. Nearly all was imported. In 1857 an ad valorem duty of 10 per cent. was put on the seed. That did not cause the seed to be raised for the purpose of manufacturing linseed-oil in this country.

The tariff of 1861 put a duty of 15 cents a bushel on the seed. That did not seem to encourage the culture to the extent that the increased duty of 20 cents a bushel under the tariff of 1870 has done. I submit as a part of my remarks a table showing the amount of flaxseed produced in this country at the present time, and the amount which has been produced in each consecutive year since 1875–'76, the earliest year as to which we have definite statistics upon the subject:

Table showing yearly consumption of flaxseed and linseed since 1875.

	1875–'76.	1876–'77.	1877–'78.	1878–'79.	1879–'80.	1880–'81.	1881–'82.	1882–'83.	1883–'84.	1884–'85.	1885–'86.	1886–'87.
Crop of flaxseed	3,750,000	2,500,000	4,000,000	4,500,000	5,750,000	9,000,000	7,500,000	7,500,000	7,500,000	8,000,000	12,500,000	10,900,000
Importation of linseed	2,500,000	1,400,000	1,250,000	1,060,000	1,500,000	800,000	620,000	620,000	2,730,000	2,240,000	1,000,000	400,000
Total	6,250,000	3,900,000	5,250,000	5,560,000	7,250,000	9,800,000	8,120,000	8,120,000	10,230,000	10,240,000	13,500,000	11,300,000
Exported						300,000					1,100,000	400,000
Total quantity used for crushing and seeding	6,250,000	3,900,000	5,250,000	5,560,000	7,250,000	9,500,000	8,120,000	8,120,000	10,230,000	10,240,000	12,400,000	10,900,000

Average from 1875 to 1886, 7,893,000 bushels.

This table shows conclusively that the tariff of 20 cents a bushel on flaxseed has encouraged and stimulated the industry. Now, every one agrees that if we have succeeded in raising up and domesticating for our benefit a product and an industry which did not before exist it is a good thing. The only possible objection which can be raised is that which perhaps may be suggested by free-traders, who will say, "While it is true that the tariff has encouraged and fostered the raising of seed, it has nevertheless increased the price of the oil, so that the consumer is none the better off."

Now, exactly the reverse is true. I took pains the other day to go into the Library and examine the price-current of the wholesale trade in New York for the first week in January of every alternate year since 1862. I took alternate years because I believed that the average would be about the same.

I find that in 1862 linseed-oil, which was at that time all imported, was worth in New York from 83 to 85 cents. In 1864 it rose to $1.43 up to $1.47, and so it continued at higher figures until the close of the war. After the close of the war it still remained at 77 to 79 cents for a long period, and until the American linseed industry, that is the raising of flaxseed, had risen to something like its dimensions at the present day. Then it fell from 70 cents to 40 cents, and at the present time it is selling at wholesale in the city of New York at from 43 to 50 cents and at about the same price in my own State.

The CHAIRMAN. The gentleman's time has expired.

Mr. FARQUHAR. I move that the time of the gentleman from Minnesota be extended for five minutes. This is a practical question, and we want practical information on it.

The CHAIRMAN. The Chair hears no objection, and the gentleman will proceed.

Mr. RAYNER. Will the gentleman allow me to ask him a question for information?

Mr. LIND. Certainly.

Mr. RAYNER. How was it the price of linseed-oil went up 37 per cent. in 1887, and how does it get lower, to 43 and 40 cents, since last October? Was it not on account of the trust?

Mr. LIND. I will answer that, and I am glad to have the opportunity of doing so; and right here I beg to assure the gentleman that so far as I am concerned there are no politics in this question. I wish to place the facts before the members of the committee so that they can decide intelligently.

Mr. RAYNER. In this connection let me ask——

Mr. LIND. Sit down and let me proceed. My time is limited and is rapidly passing away. I will answer the gentleman's question. In 1887 we had a severe drought in localities, and the crop of seed fell short. That had a tendency to increase the price of linseed-oil to a certain degree. In the second place, I understand, the linseed-oil trust was created about that time, and I have no doubt that the oil trust partly raised the price.

Mr. RAYNER. That is what I wished to draw out.

Mr. LIND. I am not prepared to say that it increased the price to exorbitant figures. The record shows the reverse; but that the linseed-oil trust raised the price to a certain extent I have no doubt.

Mr. RAYNER. That explains it.

Mr. LIND. In this connection I must also state that the flaxseed has risen in price in the last few years continually, except one fall, when it was down. But bearing on the trust, I wish to call the attention of the committee to the fact that flaxseed is protected to the extent of 20 cents a bushel specific duty. One bushel of flaxseed will produce 2½ gallons of linseed-oil. The protection on the linseed-oil is 25 cents per gallon. Hence you will see that a bushel of flaxseed turned into linseed-oil has a protection on the manufactured article in the shape of linseed-oil of 62½ cents. These rates are disproportionate. It is doing injustice to the farmer and to the consumer, and leaves a margin for a trust in oil.

We should therefore either raise the duty on the seed so as to relieve our farmers entirely from the foreign competition or lower the duty on the oil so as to subject the manufacturer to the same reasonable competition with the foreign oil that the farmer has to submit to with his seed. This is evident to any one who will consult the reports on commerce and navigation. Since our present rates of duty went into effect there have been no importations of oil (except in connection with colors and pigments), while there have been annual importations of flaxseed, as is shown in the table I have given.

A MEMBER. Millions of bushels of seed and not a gallon of oil.

Mr. LIND. Yes, sir; and this convinces me that there is room for a trust in the oil. The protection to the manufacturer is greater proportionately than it is to the farmer, and it is my deliberate judgment that it would be safe and for the interest of the consumer to put the duty on the oil down to 15 cents a gallon. This would be at the rate of 37½ cents to the bushel of seed, instead of 62½ cents as at present; and this is ample margin, for the expense of manufacture is not heavy.

It would subject the manufacturer to the same relative competition that the farmer has to meet, and no more. This is only fair, and in my opinion sound protective doctrine, for while I believe in the protection of the American product and the American manufacturer I do not believe that it should be carried to the extent of excluding entirely a wholesome competition from abroad.

Mr. WEST. Will the gentleman allow a question?

Mr. LIND. Certainly.

Mr. WEST. Will the gentleman tell this House the cost of oil when it sold at 50 cents a gallon? I mean the actual cost to the manufacturer.

Mr. LIND. I will state the facts to the committee, and then any gentleman can compute the cost, or at least make an estimate that is sufficiently accurate for our purpose.

The seed costs the manufacturer from $1.10 to $1.35 per bushel. A bushel produces 2½ gallons of oil, as stated. The oil cake pays for the manufacture as a rule, and usually a little more. Of course these figures are subject to the fluctuations incident to all lines of business. The farmers get from 80 cents to $1.10 or $1.15 per bushel for the seed where they have a fair market. The margin between that and manufacturers' cost of the seed covers freight, commissions, waste, insurance, etc. Besides, you must bear in mind that in this as in all other business the manufacturer has losses, risks, interest on the capital invested, and the necessary expense of transacting the business, which must all be added to the cost of the oil.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas, was recognized and yielded his time to Mr. LIND.

Mr. RAYNER. I desire to ask the gentleman a question for information.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEST. I ask unanimous consent that the time of the gentleman be extended for five minutes.

There was no objection.

Mr. RAYNER. Now let me ask the gentleman this question. Can not the oil trust raise the price—the present price—of oil from 10 to 15 cents on the home market against foreign oil, under the present rates?

Mr. LIND. It can under the present tariff.

Mr. RAYNER. That is it.

Mr. LIND. The oil trust, if so disposed, could advance oil from 10 cents to 15 cents a gallon, if they chose to do so. It would still be within the tariff on oil and we could do nothing to protect ourselves until the new crop is made. But the next crop of seed would probably end it, for it does not require much capital to start an oil mill.

Mr. GIFFORD. Suppose the duty is reduced, can not the foreign trusts also raise the price of oil?

Mr. LIND. I have not the least doubt that they can.

Mr. STRUBLE. Have you any doubt of their disposition to do it?

Mr. LIND. I can not speak with certainty of the disposition of men, or what they might do under certain circumstances; but I apprehend that human nature is not much better in England than it is in America.

Mr. WEST. I wish to state to the House that in my district I have a very large manufactory of linseed-oil, and I am assured by the manufacturers of this oil that for twelve months past there has not been one penny of profit in manufacturing oil.

Mr. WILSON, of Minnesota. You say there is not one penny of profit in manufacturing oil?

Mr. WEST. That is the information I have.

Mr. WILSON, of Minnesota. Then I beg pardon of the gentleman to say that I know something about it; and it is a business that has made fortunes beyond anything in this country but the lumber trusts. I know that to be a fact because we have got them right there in Minnesota under our own eyes.

Mr. RAYNER. There has been nothing but the sugar trust that has been equal to the linseed-oil trust in profit.

Mr. LIND. Now, Mr. Chairman, in regard to this question of trusts, I wish to say only this. I perhaps know as much about the actual working of the linseed-oil industry as any man here, and while I know the fact that there is a trust I do not believe that as yet that trust has affected the market price of oil to the serious disadvantage of the consumer.

Mr. RAYNER. Then I would like to know how it has happened that oil went up from 38 to 52 cents a gallon.

Mr. LIND. I have already answered and given the gentleman the reason for that, and it is hardly necessary to go over that subject again. Two millions of shortage in the seed crop on a total of 12,000,000 bushels, being one-sixth shortage, would necessarily, as any gentleman must see, cause the price to go up. And the trust, as I have said, may have had some slight influence upon market prices.

I believe, however, that the principal office of the linseed-oil trust to date has been to effect arrangements by which better facilities for handling and transporting the oil were secured, and also to divide the territory to be supplied from each center of manufacture. For instance, the trust has put in oil cars and tanks on the trunk-lines, and I am informed that it has arrangements by which a merchant in Iowa who happens to buy his oil from his house in Chicago can be supplied from the nearest mill in Iowa or Minnesota, and thereby save time and expense. This no one will contend is an evil, but rather advantageous to both manufacturer and consumer. But with these things in favor of the trust, I am still as ready as any man to acknowledge its power for evil as well as for good, and I will strive as earnestly and go as far as any member of this House to curtail by proper legislation, whether by way of tariff modification or otherwise, the power of these combinations to injure the public. And in this case I suggest as a remedy a reduction of the duty on the oil, as stated.

Before closing I desire to call the special attention of my friend from Missouri [Mr. BLAND] to the facts involved in the proposition to protect this industry. I candidly believe that he, as a Western man, feels as much interested in its prosperity as I do; and while he and I would be the last men to knowingly do anything to the hurt or injury of the East, either by unnecessarily removing a tariff duty or otherwise, it seems to me that as Western men, having interests in common and having grown up in that great country, we should not fail to stand by and defend the interests of our section whenever the opportunity presents itself. If you remove the duty on flaxseed we can not raise it in Minnesota. The freight from India or the Argentine Republic is not greater than from the West, rather less. In India the crop is raised as a second crop in the season, on the same land after a grain crop has been harvested. We are thankful for one crop in the year. Labor and the cost of living there are cheaper than with us.

The result would be that if this protection is withdrawn from our farmers they could no longer raise the flaxseed. Our flaxseed mills would go to the seaboard to crush the imported seed. You have lead in Missouri and in the Territories west of you to supply the wants of the country and of the world; now, do you not think it is better for the people of your State and of mine, and of the whole country to maintain this industry and to allow our oil to be carried down the Mississippi to meet your lead products at St. Louis to be manufactured into paint, and thence distributed throughout the United States, than to wipe out our industry and compel your lead products to go to the seaboard to compete with foreign lead, to be ground in imported oil and reshipped to the consumer in the West? [Applause on the Republican side.]

The tariff on the seed has not raised the price of oil to the consumer. It has lowered it, because it has established the industry and increased the oil supply as well as the demand. It has established and made possible and profitable other industries in the West. Your lead and paint works at St. Louis are the largest, I believe, in the country. "St. Louis Red Seal Paint" is known and used the world over.

Where the protection of an industry has brought such good results as in this case I have no hesitancy in advocating and voting for its continuance. Instead of paying from four to five million dollars annually for foreign seed and oil, as we did before the native industry was established, we now not only supply the entire home demand at cheaper prices, but we added nearly $5,000,000 to our national wealth by the oil-cake exported during the nine months ending on May 31st last. [Applause.]

[Here the hammer fell.]

Mr. BLAND. The gentleman has made reference to Missouri lead in this connection, and I would like to be heard for a moment.

I appreciate the position of the gentleman and I presume he would not occupy a different position upon the whole protective system. I do not believe, sir, that either Missouri lead-miners or the producers of flax are to be benefited by a tariff or duty such as is proposed here to be stricken off.

I am not here for the purpose of voting for a tariff on lead or a tariff on flax or a tariff on anything; but I am here to get the tariff off everything I can. [Applause.] We have to-day, sir, in this country a taxing system that is robbing the tax-producer and every one else, a system that has actually locked up in the Treasury one-third of the money circulation of this country, and that will bring bankruptcy and ruin upon us if it is not stopped. Gentlemen ask why I do not vote for free lead. Mr. Chairman, I will vote for it if it is in the bill. [Applause on the Democratic side.] I am in a combine to reduce taxation, not to increase it; gentlemen on the other side are in a combine to increase taxes and to bankrupt this country by filling the Federal Treasury with surplus revenue. I am here in a combine for the purpose of reducing taxes, and I will vote for a bill with free lead or free anything else in it to accomplish that purpose. [Applause on the Democratic side.]

Mr. REED. I should not wonder if he thought just as he speaks. [Laughter.]

Mr. BLAND. Oh, every now and then the "fat boy" wakes up and gives us his opinion about these matters. [Laughter.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, our tax on flax is a very old one. Our country has tried both protection and free trade with reference to this fiber. If gentlemen will turn back to the early rates they will find that in 1828 there was imposed a tax of from $55 to $60 upon flax, according to the degree of finish.

But that was found not to be conducive to the interests of the country, and in 1832 flax was made free, and it continued free until 1842. Then, again, a tax of $20 a ton was put upon it, and flax continued to be taxed until 1857, when it was again made free. Then, in 1861, it was taxed $15 a ton, and this was retained with the war taxes down to 1870, when the tax was raised to $20 a ton on flax "not hackled or dressed," and to $40 a ton on hackled flax, or what is called "dressed line." The rates have remained at these figures ever since 1870.

Now, there are two purposes for which flax is grown, and it can not be used for both purposes. One purpose is to make the fiber; the other to make the seed. If you wait for the seed crop you wait too long for the fiber. If you gather the crop in time to properly utilize the fiber you anticipate and lose the seed. It is like growing hemp. You never grow hemp for the dual purpose of getting the seed and the fiber. The seed crop is always separate and apart from the fiber crop.

Mr. BROWNE, of Indiana. Does the gentleman speak now of hemp only, or does he include flax?

Mr. BRECKINRIDGE, of Arkansas. I was citing hemp as an illustration.

Mr. BROWNE, of Indiana. Do I understand the gentleman to say that you can not take the seed from the flax straw and then utilize the straw for fiber?

Mr. BRECKINRIDGE, of Arkansas. That is what I am told by gentlemen who claim to understand the matter. I am speaking more especially of fiber for finer purposes, not of straw or tow for coarse uses.

Mr. BROWNE, of Indiana. I will tell the gentleman that I have been raising flax for about twenty years, and that I sell the seed and then sell the straw at from $4 to $6 a ton.

Mr. BRECKINRIDGE, of Arkansas. Yes, but I was speaking of the fiber, not of the straw.

Mr. BROWNE, of Indiana. But I mean that I send the straw to the factory, where they take the fiber out of it.

Mr. BRECKINRIDGE, of Arkansas. But has it not practically lost all value as fiber if you wait for the seed crop? That is the universal testimony of gentlemen I have talked with who claim to be familiar with the subject. Straw is taxed $5 a ton, tow $10, and fine fiber $40. The differences in value also are very great.

Mr. BROWNE, of Indiana. I know what I am talking about so far as Indiana is concerned.

Mr. BRECKINRIDGE, of Arkansas. Well, Indiana must produce a very inferior fiber.

Mr. BROWNE, of Indiana. We get the seed and then we take the straw, as we call it there, to the flax factory, where they manufacture it into fiber, which is used in making coarse bagging, etc., and we sell that straw at from $4 to $6 a ton.

Mr. BRECKINRIDGE, of Arkansas. I do not mean to question that that fiber which, as I understand from the gentleman's own statement, is an inferior and a greatly deteriorated fiber, can be used in making coarse bagging, and perhaps it is good for rope and paper stock; but I do know that years ago bagging made of it was used throughout the South for wrapping cotton and it was found to be so unfit even for that purpose that its use has been entirely discarded.

Mr. BROWNE, of Indiana. I want to say to the gentleman that I have worn many a pair of pantaloons made out of the fiber after the seed had been taken from it. The seed was first saved and then the fiber was made into thread and into cloth.

Mr. BRECKINRIDGE, of Arkansas. That was during the good old barefooted days. I have seen that kind of flax used in my boyhood for a fabric which was the equivalent of the coarse fabric made out of hemp.

Mr. BUCHANAN. Let me tell the gentleman that I have had some youthful experience in this business, and that our very finest flax fiber was made from flax that had ripened sufficiently for the seed crop to be saved.

Mr. BRECKINRIDGE, of Arkansas. Well, I can only say, speaking of the matter in a very abstract way——

Mr. BUCHANAN. Entirely abstract, I admit.

Mr. BRECKINRIDGE, of Arkansas. I have never grown flax myself, but——

Mr. BUCHANAN. Well, I am giving you my personal experience.

Mr. BRECKINRIDGE, of Arkansas. I can only say that the gentleman's statements are in conflict with those of a multitude of witnesses that I have conferred with on the subject.

Mr. BUCHANAN. So much the worse for the witnesses. I speak from experience.

Mr. BRECKINRIDGE, of Arkansas. Very well. I have no doubt the gentleman has entire confidence in himself, and is willing to contradict even a multitude.

Mr. BUCHANAN. I know what I did.

Mr. BRECKINRIDGE, of Arkansas. Now, our experience in the protection of this fiber is very plain. In 1850, when we had a duty on flax, we produced nearly 8,000,000 pounds. In 1860 (having taken off the duty in 1857) we produced a little less than 5,000,000 pounds. Connecticut produced 17,000 pounds in 1850, in 1860 less than 2,000 pounds; and under the high rate of duty which has existed since the restoration of the duty in 1861 the production has run down until in the year 1879 there was not produced there a single pound of flax.

Take the State of Delaware. The production declined from 8,000 pounds in 1860 to 130 pounds in 1880. Take the State of Indiana, where it declined from 97,000 pounds in 1860 to 25,000 pounds under the high rates of duty in 1880. The State of Iowa, produced 695,000 pounds in 1870, this product having risen from 30,000 in 1860; but by 1880 the production had fallen to 81,000 pounds. New Jersey produced 182,000 pounds in 1850 and 46,000 pounds in 1880. Take the State of Kentucky, which produced at one time 2,000,000 pounds. In 1860 the product was less than 1,000,000, and in 1880, 48,000 pounds.

Mr. WARNER. Is the gentleman speaking of hemp or flax?

Mr. BRECKINRIDGE, of Arkansas. I am speaking of flax. Mr. Chairman, it is the experience of our country, running through many decades, that we have not the humidity of climate necessary for the production of a high grade of flax such as is produced in Ireland, in the Netherlands, and upon the borders of the Black Sea and the Baltic. We did produce at one time a coarse grade of flax. But you will observe that our total production of flax has fallen from 27,000,000 pounds in 1870 to 1,565,000 pounds in 1880.

I believe that the principal cause of the falling off of our production in even the coarse grade of flax is the introduction of jute. This coarse flax was cheaper than hemp, but jute, and I speak more especially of jute butts, is cheaper than either. Jute butts have only been utilized for comparatively a few years—twenty years or something like that—but this grade of jute is now used in making every yard of that bagging which formerly was made exclusively of hemp and flax. So long as we can get jute, which is so much better suited for these purposes, we shall not resume, under any rate of taxation, the growing of even the coarse grade of flax which we did grow. It seems to me that in reference to an article like flax or jute, which has to be manipulated by hand, and, being light work, can be manipulated by the feeble and low-paid labor of other countries, it is suicidal and foolish for us to keep our manufacturers of flax handicapped by a high duty on their raw material, protecting also, as it does, no American interest whatever. It simply retards the growth of the flax goods or linen manufacturing business in our country, restricts opportunities for our people to get work, and makes necessary very high rates of taxation upon finished goods. This in turn is hard upon consumers and is not needed by the Government.

Mr. PERKINS. I move to amend by striking out the last word. Mr. Chairman, during this debate we have heard much from the opposite side of the House in the way of sympathy for the agriculturists, the farmers of the land; yet when we come to the features of the bill which particularly pertain to their interests, we find, instead of legislation for them, that almost everything they produce is placed upon the free-list, and that they are to be compelled to enter into competition with the cheap products and cheap labor of the Old World.

We have heard from the other side that the lumbermen, the ironmen, and the manufacturers have grown rich from this system of protection; and gentlemen who advocate this bill claim that they desire to give to the country some legislation in the interest of the farmer. If their argument is correct, if, as has been contended by them, protection makes the manufacturer, the lumberman, the ironman rich, why do they not frame some legislation for the benefit of the farmer, to make him rich, instead of putting his various products upon the free-list and compel him to find a market for them in competition with the cheap products and cheap labor of the Old World? Why, sir, we know that since the inauguration of Mr. Cleveland as President wheat has sold more cheaply in the Chicago market than it ever did before in the history of that great city. We know that from Mr. Cleveland's inauguration until the present time agricultural products have declined until, as the gentleman from Minnesota [Mr. WILSON] said the other day, there is no profit to-day to the farmer in the cultivation of his field. In order that I may not misquote the gentleman, I will read his language:

> I stated at the same time that in the part of the country to which I referred, which is as good a country as there is under the sun, agriculturists had recently been barely able to hold their own. The gentleman does not question that; I believe no gentleman questions it.

So that we get a little truth from the opposite side of the House in this debate; some grains of it come to us occasionally. The gentleman who by virtue of his position as chairman of the Committee on Ways and Means [Mr. MILLS] leads this House said a few moments ago, if I understood him correctly, that in order to give Ireland a market for her products here in America he would strike down American interests. That is the logic, if not the language, of the gentleman's argument.

Mr. MILLS. It is not my logic or my argument.

Mr. PERKINS. If I understood the gentleman, that was the force of his argument—that in order that we might help Ireland he would give Ireland a market in our country, and to do that he would lessen the protection given to American products. He would do this that Ireland might find a market here for her products, and the products of her cheap and unpaid labor.

We heard the other day a statement made by the gentleman from Chicago [Mr. LAWLER], in a discussion on this bill, that the effect of its pendency before this House was to embarrass American interests and American industries. If his remark be true as to the mere pendency of such a bill before the House of Representatives, if it embarrasses and paralyzes the industries of the United States and all the interests dependent thereon, how deplorable would be the result of the passage of such a bill to the great interests of the American people. [Applause.]

As I suggested a moment ago, we find that from the inauguration of the present Administration the agricultural products and the farming industries have been greatly prostrated. Why? We all remember that Mr. Cleveland did not wait to warm by his presence the Executive chair before he sent to this Congress a message recommending that the mints of our country be closed to the coinage of the silver dollar; yet, sir, we find here the great champion of the silver dollar, the gentleman from Missouri [Mr. BLAND], shouting himself hoarse in singing pæans of praise to the man who sent that communication to the Congress.

We know that from the very hour Mr. Cleveland's Administration came into power he has not only done what he could against the silver dollar, but he has done what he could by his recommendations to Congress to secure the destruction of the national Treasury notes. And what do we find? We find the very men who advocate and believe in those Treasury notes standing up here and defending him before the country. Is not that a most remarkable exhibition of inconsistency? [Here the hammer fell.]

Mr. McKINLEY. I move, by unanimous consent, that the gentleman from Kansas be allowed to proceed for five minutes longer.

There was no objection, and it was ordered accordingly.

Mr. PERKINS. Mr. Chairman, we find that from the inauguration of Mr. Cleveland to the present time his policy has been to contract

the currency, and to give to Wall street for speculative purposes the idle money of the Government, rather than to pay it upon the bonded obligations and reduce our interest-bearing debt, and thus lessen the burdens resting upon the people. And yet we find the gentlemen upon the other side of the House who profess to believe in an expansion of the currency rather than in its contraction standing here and elsewhere to do his bidding, and asking for him a continued lease of power.

Of course there can be no thrift and prosperity amongst the farmers of Minnesota or anywhere else with such a condition of affairs existing as has been inaugurated and as is sustained by this Administration. We all know that its policy is in the interest of Wall street and the Solid South—giving the offices to the Solid South and to Wall street the surplus money of the Government. And in order that this condition of affairs may continue we are now asked to strike down a system of legislation which in the past gave to our country its wonderful prosperity. Upon this side of the House we believe in building up rather than in pulling down. We believe in creating rather than in destroying. We believe in contributing to the happiness and prosperity of the people rather than to see the industries and trade of this country prostrated, and its people made poor and miserable. [Applause.]

I know it is said if this system of protection is broken down it will result in bringing cheaper goods to our farmers. We heard from the gentleman from Missouri [Mr. BLAND] the frank confession that he would take the tariff from every article manufactured by an American artisan and from every product grown by an American farmer. A gentleman on the other side said to me the only objection he had to the pending bill was that it did not go far enough. He said that this year they would take the duty off of wool and put it on the free-list, and they would take the tariff off of every agricultural product, and then next year the farmers of the West and the wool men would join them in putting iron and steel and other protected articles of American manufacture upon the free-list, and thus in the end they would accomplish free trade. He said they proposed to accomplish it in detail, and thus the country is advised of the free-trade policy this administration and the Democratic House has set out to accomplish and secure. He said frankly: "We may not accomplish it at once, but that is the policy we have started out upon, and which we hope to accomplish in time."

Mr. BRECKINRIDGE, of Arkansas. Where did he tell you he would go to get his taxes?

Mr. ROWELL. In Henry George's way, I suppose. [Laughter.]

Mr. PERKINS. I suppose as you propose to get them, from the internal-revenue tax, a tax on American products and on sugar and rice, which you in the South produce, and the tariff upon which you propose to continue and to increase, and also no doubt eventually upon tea and coffee, which it happens do not come in competition with American products. In other words, your policy will be to make the Americans pay all the taxes rather than the foreigners who bring their products to our shores.

Mr. BRECKINRIDGE, of Arkansas. I challenge the gentleman to turn to the schedule and show this committee where we have increased or failed to reduce the duties upon sugar and rice.

Mr. PERKINS. Have you not increased the duty on rice?

Mr. BRECKINRIDGE, of Arkansas. No, sir.

Mr. PERKINS. You propose to keep on, do you not?

Mr. BRECKINRIDGE, of Arkansas. Oh, we do not propose to strike it all off. But the gentleman shifts his ground. You said we had increased it. Now, where have we increased it or failed to reduce it?

Mr. PERKINS. Do not you give a definition to uncleaned rice which practically amounts to that?

Mr. BRECKINRIDGE, of Arkansas. No, sir, it does not; and besides that is only one feature in rice and you included cleaned rice and also sugar.

Mr. PERKINS. Gentlemen fully as well acquainted with the subject as the gentleman from Arkansas have so stated upon this floor and this is the first denial that I have heard.

Mr. BRECKINRIDGE, of Arkansas. But you make a distinct charge; now I ask the gentleman to turn to the schedule and substantiate it.

Mr. PERKINS. I make the statement on the authority of members of the committee who know what they are talking about, and they allege that you give in this bill a definition of uncleaned rice which increases the duty.

Mr. BRECKINRIDGE, of Arkansas. I tell the gentleman now that such is not the case, and that every statement he has made is untrue. He makes the assertion; I ask him to turn to the schedule and substantiate it.

[Here the hammer fell.]

Mr. MILLS. Mr. Chairman, I happen to know something, as well as other gentlemen who have spoken upon this question, on the subject of raising flax. I was raised in Kentucky, the southern part of the State, where flax some years ago was raised to some extent. My friend from Indiana [Mr. BROWNE] and myself were both from that part of the country and both worked in the flax field in our early boyhood in Kentucky. We therefore know something about it. I have pulled the flax out of the ground; I have helped to rot it on my father's farm; I have broken it, hackled it, and dressed it. I have seen it spun by my mother and sisters, have seen it woven into cloth, and I have worn it, and I have been familiar with it in my boyhood.

Mr. BROWNE, of Indiana. Then do not go back upon it. [Laughter.]

Mr. MILLS. I am not going back upon it; but where now is the flax industry that once prevailed to a considerable extent in Kentucky? What has become of it? It has gone almost entirely. There is but little of it now grown in the State. It has not flourished in Indiana, where it was once a considerable agricultural product. What is the cause of this change? We have had low and we have had high tariffs; yet, with all the fostering care that could be given to the flax industry, it has gone from these States and from others. It does not exist there any more. Now, there must be some good sound reason why its production has ceased. What is it?

Mr. Chairman, I will tell you the reason. It is simply because its culture has ceased to be profitable, and the very lands in Southern Kentucky, in the district represented by my friend from Kentucky [Mr. LAFFOON], are now devoted to the raising of the finest tobacco in the world, so they claim, and this they find to be far more profitable to them than was the culture of flax. That was the reason, and the tariff could not keep the flax industry going, and nothing can keep it going as long as something else can be produced on the same land by the same men in the same time which will put more dollars into their pockets. That is a condition which prevails in every branch of industry, and that has been the result on flax-raising in Kentucky. It is passing away, I repeat, in Indiana, and it will perhaps pass away somewhere else in time. They may be growing it with some considerable success in Dakota, but after awhile, if we find markets for the people of Dakota, and they ascertain that they can raise wheat at $1 or $1.25 per bushel, and which will pay them better than raising flax, then they will give up the flax and go to the wheat.

Mr. BROWNE, of Indiana. But does not my friend know that the raising of flax does not interfere with wheat?

Mr. MILLS. Does not the gentleman from Indiana know that it does interfere with anything when another article can be produced at the same cost which is of greater value and profit to the raiser? We are familiar with the culture of flax, in fact we are both experts in flax. [Laughter.] But when the flax-raiser can do something else in the same time that promises better returns, or that puts more dollars into his pockets than the raising of flax, he will give flax the go-by and take up the other. That is the reason that it has been given up in Kentucky; that is the reason that it is gradually declining elsewhere, and it will be the case in all places throughout the country.

My friend from Iowa affected to misunderstand me, as also the gentleman from Kansas [Mr. PERKINS], in reference to my allusion to the Irish. Mr. Chairman, I do not intend to be misunderstood about what I say. I have sympathized with the Irish people all my life. [Applause on the Democratic side.] The very first stories of extreme suffering and destitution and oppression that I remember to have ever heard in my early boyhood were stories of Ireland and her miseries, and I have always felt for her people. [Applause on the Democratic side.] I have always felt sympathy for a people suffering under outrages, and for a land cursed by a centralized despotism, the most heartless on the globe. [Applause.]

Mr. FUNSTON. Yes; from free-trade England.

Mr. MILLS. It was the robbery of the carpet-bag, centralized Government of England. [Applause on the Democratic side.] She was a conquered province; she fell under the edge of the sword; her lands were parceled out, and her people were prostrated and impoverished by the remorseless robbery of their English conquerors. In their efforts for self-government they have failed, and, having fallen, carpet-baggers from England have plundered them from that hour to this. [Applause on the Democratic side.]

Now, Mr. Chairman, as much as I sympathize with Ireland, as much as I feel for her condition, I would not help Ireland if helping her resulted in the infliction of a wrong upon our own people. [Applause on the Democratic side.] But when I can by helping to deliver my own people at the same time confer a boon upon Ireland, I am ready and willing, yea, eager to do so. [Renewed applause.]

How will it hurt Ireland to let her ship her linen and her flax to us? How are we to hurt her by letting her bring those things to us, when we can buy them much cheaper by raising cotton, corn, wheat, and other products which she needs in exchange for them? It helps both of us.

Why do people trade? My friend who sits near me, but whom I do not see in his seat to-day [Mr. COX], has written a little book entitled "Why do we Trade?" That is the question which the American people have got to answer, and they are beginning to propound that question to themselves and to think about it. The answer is, that we trade because both parties are benefited. It is because exchange helps both the man from whom the export goes and the man to whom it goes.

[Here the hammer fell.]

On motion of Mr. RICE, the time of Mr. MILLS was extended.

Mr. MILLS. Gentlemen talk about prices, about what affects the price of wheat and what affects the price of corn, and the question has

been asked here, Does the tariff affect the price of wheat? Mr. Chairman, anything that obstructs exchange, when you have got a surplus to go to market, affects prices. A small volume of money in circulation is an obstruction to exchange, and when circulation is contracting and the volume small the surplus products remain with those who produce them; they can not be exchanged because one of the vehicles of exchange is wanting, and that affects the price. If a large crop of wheat is grown in Europe and thrown on the market at Liverpool, that affects the market and lowers the price.

If war was declared to-day, and privateers were roaming over the ocean to cut our commerce to pieces, that would affect the price of wheat, because we would have a surplus which would be thrown on the home market, and there would be more supply than demand. So a tariff, just like any other obstruction, by preventing the importation of that for which we have to give our exports in exchange, affects prices. What is it that people export? They export their surplus; they export what they do not want to consume. They export things that lose their value unless they can find a market, and those are the commodities, our agricultural products, of which England and Ireland take the largest amount that we send away from our shores. Therefore I say that in helping Ireland we help ourselves; that when we take the products of her labor, when we furnish her a market for them and when she gives us a market for our productions, we help her just in proportion as we help ourselves.

What I am doing is trying to extricate our people, not from foreign exchange, for that is not hurting them, but from the clutches of monopolies, and combinations, and trusts that are forming all around us to compel us to pay higher prices for the things that we want and that are necessary to sustain life. These are our enemy, and not the Irishman or any other foreigner. No Irishman outside of or in the United States is doing anything to hurt the United States. It is the monopolies of this country which, in the name of patriotism, have seized the Government by the throat; it is the monopolies and the combinations that are being made to limit production and to increase prices, and to compel the people of the United States to labor longer and to labor harder in order to satisfy their wants—they are the enemies from whose grasp we must free ourselves, and I propose to do that, not only by reducing taxes, but by removing obstructions upon trade, so that we may send our surplus products to Europe and all over the world and take in return the surplus products of other nations at prices lower than those which these combinations have fixed for such commodities at home.

Mr. REED. I think gentlemen must have noticed the increased volume of tone in the voice of the chairman of the Committee on Ways and Means when he passed from flax, which he knew something about, to those general principles which he so thoroughly adorns every now and then by his remarks.

I think it most astonishing that a man should repeat again and again statements with regard to exports and imports which have been exploded so often. But I find that it is a marked peculiarity on the other side of the House to pay no attention to disproof, but to believe that reiteration is the only thing which can effect an object. Time and time again I have heard the declaration that all we need in order to have our commerce again whiten the seas is the introduction of British-built ships and the destruction of our own ship-yards. Day after day my colleague [Mr. DINGLEY] has shown the gentlemen on the other side that even the purchase of ships in foreign ports would not enable us to overcome the difficulties arising from higher wages, higher price of capital, and higher running expenses. Yet, after such conclusive proof, the debate would not go on for five minutes before some gentleman on the other side would reiterate the same statement with the same boldness as if it had not been utterly disproved.

The chairman of the Committee on Ways and Means is a remarkable instance of that perseverance which would be almost like "the perseverance of the saints," if the object of it were not so bad. [Laughter.] I have heard him again and again declare that what is necessary in order that we may increase our exports is more imports from abroad; yet it is shown most conclusively by the series of figures in the Report upon Commerce and Navigation that there is no connection between these two matters. I invite the gentleman's explanation of the table on the eighteenth page. In the year 1881 we imported $642,664,628; we exported $902,577,346. The increases and decreases I now give are figured on the year 1881. The next year the imports increased $81,974,946 and the exports decreased $151,835,089. The next year the imports increased $80,516,286; the exports decreased $78,537,944. The next year the imports increased $25,033,065; the exports decreased $161,863,737. The next year the imports decreased $65,137,299; the exports decreased $160,187,591. The next year the imports decreased $7,228,492; the exports decreased $222,852,516. The next year the imports increased $49,655,140 and the exports decreased $186,194,135.

The fact is that the outside world buys of us what it wants and sells us what we want; but there is no connection between the two. If the Empire of Great Britain desires to have our grain she buys it. If she can find grain cheaper in India or in Russia she buys it there, without any regard to what we buy of her. When we want things of her we buy them. When we can buy them cheaper anywhere else we do so. This is not a question of how much we furnish, but of how much we want, and not a question of how much other nations furnish, but how much they want.

[Here the hammer fell.]

Mr. MILLS. I ask that the time of the gentleman from Maine be extended.

Mr. REED. I have finished my discourse.

The CHAIRMAN. Is there objection to extending the time of the gentleman from Maine for five minutes? The Chair hears none.

Mr. REED. I will reserve those additional five minutes.

Mr. MACDONALD. I rise to a parliamentary inquiry. I observe that the Chair, as each gentleman's time expires, asks unanimous consent for the extension of his remarks. I wish to know whether it requires unanimous consent.

The CHAIRMAN. It does. Under the rules each amendment is subject to debate for five minutes in favor of it and five minutes against it. After that no further debate is in order unless another amendment be offered, or unless unanimous consent be given.

Mr. MACDONALD. I will state my reason for asking this question. Yesterday I gave notice that I should hereafter object to any general discussion while we are proceeding with these different paragraphs of the bill. I repeat that notice now to explain why I shall object hereafter to any general debate.

The CHAIRMAN. Debate on the pending amendment, which is a formal one, is exhausted, and the Chair will regard the amendment as withdrawn. The question recurs upon the amendment of the gentleman from Indiana [Mr. BROWNE] to strike out line 30.

Mr. RUSSELL, of Massachusetts. I renew the amendment to strike out the last word. I take the liberty, Mr. Chairman, of reminding the House that we are upon the question of flax. My district has as widely diversified industries as any part of this country. We make almost everything, from fine optical instruments to steel rails. And we are as much interested in the items of this bill, in an agricultural point of view, as almost any other district—my county being one of the largest agricultural counties in the United States.

The enterprise of the manufacturers of the Worcester district of Massachusetts has been extended largely in the production of linen and linen threads. They rival in this production the thread manufacturers of Scotland. They are consumers and users of flax fiber; and there is not one pound of flax raised in Iowa, Indiana, or Kentucky that can be used in their work. Every dollar's worth of raw material which they spin or weave is imported; and every penny of duty imposed upon it is a tax upon their production. Further than that, every piece of machinery used in the linen industry of this country is imported, and has paid the high rate of duty imposed by our present tariff upon imported machinery. Thus these manufactures are heavily handicapped; and I would remind gentlemen on the other side that these manufactures in comparison with those manufacturing industries which have their raw material free are not so flourishing. The great leather interest of Massachusetts, the second interest of importance in that State, owes its prosperity in great part to free hides.

The silk business is flourishing under the importation of raw silk. To-day the most prosperous industry of Massachusetts is that of cotton, even under the present depression; building new mills and planning new enterprises, because they have free raw material.

I believe it is necessary in the interest of production that flax in all forms should be put on the free-list. No harm can come to the farmers of the West, because they do not raise a pound of flax fit for the use of the linen mills of this country.

[Here the hammer fell.]

Mr. BROWNE, of Indiana. My friend declared that Massachusetts was a flax-producing State.

Mr. RUSSELL, of Massachusetts. I never said so.

Mr. BROWNE, of Indiana. Then I misunderstood the gentleman.

Mr. RUSSELL, of Massachusetts. I said it was a flax-manufacturing State.

Mr. BROWNE, of Indiana. I can understand why the gentleman and his agricultural constituents are not interested in flax fiber, because none is grown by them. [Laughter.] I have here the figures in reference to the flax production of Massachusetts. I find in that State the production in 1860 was 7 pounds [laughter and applause], in 1850 it was 72 pounds, and in 1870 it was 52 pounds. In 1880 none was produced. [Laughter.] I understand why Massachusetts is not interested in it, and why she seeks to put flax fiber upon the free-list. It is that she may use our raw material free of duty.

Mr. RUSSELL, of Massachusetts. Your raw material is not fit for use. You do not make any.

Mr. BROWNE, of Indiana. I will speak of that presently. She uses the French and Belgian fiber, which is used in the manufacture of finer linen. She would get that, as a matter of course, free, and put our flax into competition with it. She would get it at a reduced price if there were no duty on it; that is, as gentlemen on the other side contend, a duty is a tax.

Look at the bill the gentleman supports in the interest of the people. I find it proposes to continue a tax of 15 per cent. ad valorem on flax, hemp, and jute yarns, and all twines of hemp, jute, jute butts, sunn, sisal-grass, ramie, and china grass. It proposes to continue that

duty of 15 per cent. ad valorem in the interest of the manufacturers of linen of his district. I find also that it proposes to continue a duty of 25 per cent. ad valorem on brown and bleached linens, ducks, canvas, padding, cot-bottoms, diapers, crash, huckabacks, handkerchiefs, lawns, or other manufactures of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value.

In other words, if his theory is correct, he proposes to tax the farmers in my country 25 per cent. ad valorem and 15 per cent. on everything made by the flax manufacturers of his district. But when he comes to our raw materials produced in the West, he proposes to leave them altogether without tax. Now, it would be fair, if the tariff is a robbery and the manufacturer should take advantage of it here, they should allow our Western farmers to have a part of the swag. [Laughter and applause.] Why should they not be permitted to join in the plunder? [Renewed laughter.] If you are seriously concerned about what is going to become of our farmers, how is it you allow the tax to be taken off of their raw material, and allow it to be kept on every article we consume? It is a complete answer to the whole thing.

The President says the laborer gets no share of the duty imposed on imported articles; that it is wholly in the interest of the producer and is paid by the consumer. Why should we be compelled to pay a tax on flax, hemp, and jute yarns of 15 per cent. ad valorem, and on brown and bleached linens and other manufactures of flax, jute, or hemp of 25 per cent. ad valorem, when you take from our raw products the present rate of protective duty? I should like to hear some reason assigned for such inconsistency in the action which is proposed by the Committee on Ways and Means.

How does it happen you propose to take the duty off? Materials grown by the farmers of the great West are free, while you propose to continue the duty on every manufactured article which they consume. Why is it when you have done that and put them on the free-list, you have continued every Southern product on the dutiable list? Such a stupendous robbery God Almighty never permitted the sun to shine on as the tax to protect the sugar production of the South! Gentlemen do not propose to put that on the free-list, nor do they propose to put rice on the free-list.

[Here the hammer fell.]

Mr. RUSSELL, of Massachusetts. I move to strike out the last word.

I will again remind the gentleman that this is a question of flax and flax fiber, and I do not propose that he shall leave that question and take up any side issue. I stated in the interest of the largest consumers of flax and flax fiber in this country that there was no flax or flax fiber raised by our farmers that was a raw material for that manufacturing interest. They do not raise fiber that is fit to use, because their primary object is the ripening of the seed; and, second, if they do undertake to raise it for fiber, there are climatic conditions in our flax-growing States unfavorable to the business, and they do not succeed in producing a fiber fit for the manufacturers of New England in the linen industry.

The gentleman has gone away from the matter before the House to the duty on manufactured goods, taking up that question before its time. When we come to that part of the bill I am willing to discuss it with him.

But now the question is upon a raw material with which the farmers of this country have no possible competition, and which should be made free. The farmers of the West will not lose a penny if flax straw and fiber are put upon the free-list. It is not a question of sugar; it is not rice; it has nothing to do with the side issues the gentleman raises. It is the question solely of the free raw material for a heavily-taxed industry. It is a useless tax, because we do not want the money and the tax does not benefit any grower of flax in this country.

Mr. ALLEN, of Massachusetts, rose.

Mr. MILLS. Let us take a vote on this line.

Mr. BAYNE. I would like to occupy five minutes myself upon it.

Mr. MILLS. But I want to take a vote on the line, and the gentleman can take time on the next one.

Mr. BAYNE. I will yield my wishes in that respect if I can be recognized, after a vote is taken, upon the next line.

The CHAIRMAN. The Chair will assume that the *pro forma* amendment is withdrawn.

Mr. ALLEN, of Massachusetts. I renew it.

Mr. MILLS. I ask a vote on this line first.

The CHAIRMAN. The question is on striking out line 30, which has been read.

The motion was rejected; there being on a division—ayes 62, noes 74.

Mr. ALLEN, of Massachusetts. Mr. Chairman, not very long ago my wanderings about my district took me on one after noon into a picturesque town, and in driving along my attention was attracted to a row of trim-looking cottages, each surrounded by its attractive flower garden, and the whole appearance was one of thrift and prosperity. I stopped to interview a man whom I found working in his garden, as to the nature of employment which seemed to develop such home-like and pleasant attractions, and found he, with those living about him, were flax hacklers and were employed in the manufactory near at hand. He told me he had come from Scotland not very long before, where he and his father and his father's father had, for a great many years, been engaged in the single department of the flax industry known as hackling, the result of whose work appears in the article of commerce known as "dressed line," protected at present by a duty of $10 per ton, but which is proposed under this bill to be placed upon the free-list. He told me that in the old country his wages had been small, his hours long, and his work hard, and, as he had grown up, he had spent some portion of such time as he had at his disposal in general reading, and naturally his reading had been in the line of his own business. He had seen the young men and young women of his neighborhood lured away from their native shores to that land of promise across the Atlantic, and from them now and again came back to him letters telling of their progress and of the great inducements held out to every one in this country of ours who was willing to work, was thrifty, temperate, and industrious, to succeed in whatever undertaking they directed their effort.

He had a family of four boys, and he was satisfied that to remain where he was, was to deny to his children an education, or any reasonable prospect of departing from the particular station they occupied in the old country. He therefore had got his little brood together, had left his home and the home of his people, and had started out to America, there to test for himself the opportunities the new country afforded. He learned of the flax industry in this little village and thither he came. He had been in this country now but a few years, but during that time his whole life in its mode of living, in the hopes and possibilities open to him, had been entirely changed to something far beyond his brightest hopes. His children were being educated, his hours of work were less, and the increased wages he now received had been sufficient to enable him to commence the accumulation of a little money, which, if the same conditions obtained, he was satisfied would place him in a position when the time came that he could no longer work, so that he should not be dependent upon his children, or upon charity.

This man, Mr. Chairman, in his condition, I take it, represents a type of steady, frugal, industrious men and women in this country who have been enabled by a wise protective tariff upon the flax industry, never excessive, to establish themselves in this country, to obtain homes among us, and who thus become the best of citizens, whose simple earnings make up the aggregate wealth of the nation, whose coming to our shores we should seek to encourage, and whose exemplary conduct and their law-abiding qualities make up the real strength of the nation. I am at loss to understand why this industry should have been thus interfered with by the committee, for I am bound to believe they gave the subject careful consideration, and I therefore assume it was for one of two reasons—either because the soil, climate, and conditions necessary for the successful cultivation of flax in this country are wanting, and therefore the general cultivation of this article as an important industry can not be successfully undertaken by our people, or the manufacturers of flax desire "dressed line" brought into the country free of duty, because it interferes with no particular industry here at home, and that "dressed line" is the raw material to the flax manufacturer. Yet neither of these reasons, in view of the facts, would seem to warrant the assumption. I hold in my hand a pamphlet entitled "Flax, shall it be free or protected," made up principally from editorials from a free-trade paper, and I quote from it, page 13: "It is a well-known fact that flax, properly handled, is one of the most profitable crops, whether grown for fiber or seed"—to show that the free-trader believes even that flax can be grown abundantly in this country, only the manufacturers do not understand handling it.

In the district of my colleague from Massachusetts, who has just preceded me, there is a branch of the great Scotch house of Findlayson & Co.

Mr. RUSSELL, of Massachusetts. They are the authors of the very articles which you are attributing to English manufacturers.

Mr. ALLEN, of Massachusetts. Exactly. These Scotch manufacturers, this Scotch firm, not a member of which is an American citizen, not a member of which is in any way identified with American institutions or American prosperity, come before this Congress, and by their representatives here put into the hands of members of this House papers and documents urging the placing of "dressed line" on the free-list, because in their factories in Scotland, where they employ thousands of hands at a low rate of wages, they can produce it more cheaply than we can.

[Here the hammer fell.]

Mr. MCKINLEY. I ask unanimous consent that the time of the gentleman be extended for five minutes.

Mr. RUSSELL, of Massachusetts. I hope the gentleman's time will be extended, because I would like to ask him one or two questions.

Mr. ALLEN, of Massachusetts. Just let me get through with this point and then I will attend to your questions. Mr. Chairman, as I was saying, not one of the members of the firm is an American citizen, but the senior member of it is, or was, a member of the English Parliament.

I find the American flax manufacturers, so far as I can learn, have every one of them, by petition and memorial, sought to induce the committee to retain the duty on "dressed line," while I myself have filed with the committee protests from several hundred flax-hacklers, asking

that they may be protected in their trade—since they know no other—by retaining the duty on "dressed line." These men have been brought up to this work, they are skilled in its prosecution, and if this duty is removed in order to allow the hackling to be done by cheap labor on the other side of the water, you certainly drive these men out of their trade and compel them to learn some other part of the business, go into farming or some other occupation, you "dry up" so much of the business as has thus far been devoted to that part of the industry; and by thus removing the incentive to develop the earlier stages of the manufacture here, you indirectly retard the complete development of the industry by putting off as far as you are able the time when the industry as a whole, from the raising of the flax to the weaving of the finest goods, shall be performed in this country.

And yet a glance at the imports of flax in its various forms shows at once that the possibility of development in that industry is relatively greater than in any textile in common use. While in other lines our production is keeping ahead and gradually driving out foreign goods from our market, it is with difficulty that the flax industry has held its own; and one reason is that while the other textiles, silk, wool, and cotton, in the manufactured product, have been protected—wool manufactures, 58.81 per cent.; silk manufactures, 49.71 per cent.; cotton manufactures, 40.17 per cent.—flax has only had a protection of 28 per cent., while the manufacturers have been obliged to compete for labor with those industries having a much greater protection, and to pay as large prices, whether the spinning or weaving has been upon flax, silk, cotton, or wool.

Now, then, whence comes this demand for free "dressed line?" Of course the layman can have no official information, but I remember now and again of reading in one of our New England papers occasional editorials upon the flax industry, which upon investigation proved to be suggested if not written by the English agents in America of an immense Scotch flax concern, employing in their great factory in Scotland thousands of operatives, but who of late years have been seeking this market with a persistency worthy of a Yankee; and these people, when they were unable, on account of our tariff, to send over their coarse threads and yarns in which there was involved the smallest amount of labor, came to this country a few years ago and established a small branch house, where they entered upon the manufacture of those threads used in the shoe and other industries. This American branch house was simply placed here to help in meeting a competition they were determined to beat. If they had come here to enter upon equal terms with our own people, no one could or would complain. The American people welcome that healthy competition which stimulates the inventive genius of our people and invariably brings low prices and better goods. But this foreign house comes here and receives encouragement, I am afraid, from this committee, for while Americans are hackling their own flax and making their own "dressed line" by American labor, well paid and well cared for, these Scotchmen are able by cheaper labor in Scotland to underbid our own people in that respect, and if they could have their "dressed line" made abroad come in free, they have then been enabled to score such an immense advantage over the American, with his comparatively expensive plant and his more expensive labor, as to drive him, if not from the business, for I do not wish to speak extravagantly, at all events from that particular part of the business.

I speak from the book in this matter when I assert that the purpose of this bill, in so far as it relates to "dressed line," is a direct concession to foreign manufacturers, and as clear a discrimination against our own people as if the concerns were mentioned by name, and that its purpose will be to lay a great hardship upon American manufactures, to drive into other trades those industrious people who are now engaged in making "dressed line;" but, more than that, it is so unpatriotic and servile in pandering to the demands of foreign competitors who are seeking to control our markets as to stir up the honest indignation of the representatives of American industries and American labor.

I do not like bringing politics into this debate, but the suggestion is so obvious that I can not repress it. This Administration has held a most unaccountable love for the countries across the water. They have made a treaty, known as the fisheries treaty, by which all the rights of American seamen have been surrendered, to our everlasting shame, to the English Government. They have made a postal treaty with Canada by which they have discriminated against the American farmer and seedsman in the proportion of 16 cents to 4 cents per pound for every pound of seeds, plants, or bulbs sent under this treaty, so that it is quite in line that we should find in this very tariff bill another illustration of legislative discrimination against American manufacturers.

Upon page 107 of the Sixteenth Annual Report of Massachusetts Labor Statistics will be found a summary of the average weekly wages paid all employés in flax and jute goods in both Great Britain and Massachusetts, showing that in Massachusetts the weekly wage is $6.46, while in Great Britain it is only $2.84.

I also add a table showing the average rates of wages paid in the flax-spinning trade:

Wages in Europe and America.

[Mark equal to 23.8 cents; ruble equal to 50 cents; franc equal to 19 cents.]

Occupations.	Prussia Silesia.*		Rhineland.*		Germany.*		Russia, Eastern.†		Russia, Western.*		France.*		United States.‡	Great Britain.
	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Equal to United States currency.	Per week of 60 hours.	Per week of — hours.
	Marks.	*Dollars.*	*Marks.*	*Dollars.*	*Marks.*	*Dollars.*	*Rubles.*	*Dollars.*	*Rubles.*	*Dollars.*	*Francs.*	*Dollars.*	*Dollars.*	*Dollars.*
Sorters	8.34	2.00	15.84	3.75	12.10	2.88	.....	.....	.....	.....	20.00	3.85	12.00	4.86
Roughers	6.67	1.60	12.50	3.00	9.60	2.30	.....	.....	.....	.....	.....	.....	12.00	4.86
Machine-workers	4.60	1.15	7.50	1.78	6.05	1.46	1.60	.80	2.00	1.00	7.00	1.35	5.00	1.46
Spinners	6.67	1.60	9.17	2.18	7.92	1.98	2.20	1.10	2.25	1.12	10.50	2.02	7.00	1.82
Reelers	6.67	1.60	9.17	2.18	7.92	1.98	.....	.....	.....	.....	17.50	3.37	7.00	1.34
Roving	5.84	1.40	8.34	2.00	7.10	1.70	1.28	.64	2.25	1.12	10.50	2.02	5.00	1.58
Carders	5.84	1.40	7.92	1.88	6.90	1.65	.....	.....	2.25	1.12	11.50	2.20	6.00	2.19
Spreaders	5.00	1.20	7.92	1.88	6.45	1.55	1.20	.60	2.25	1.12	10.50	2.02	8.00	1.70
Drawing	5.00	1.20	7.50	1.78	6.25	1.50	1.08	.54	2.25	1.12	9.50	1.85	5.00	1.55
Doffers	3.75	.90	5.84	1.40	4.80	1.15	1.00	.50	1.50	.75	.....	.....	3.50	1.34

*Work 72 hours per week. †Work 81 hours per week. ‡Work 60 hours per week.

Flax and Hemp Spinners and Growers' Association, 1886.

Let me put upon the witness stand a representative of the foreign competitor, and also several of his employés, who will testify as to what they think of the protective tariff of this country in its bearing upon their wages and condition:

A LESSON IN FLAX—HOW THE TARIFF MAKES ONE INDUSTRY POSSIBLE—SCOTTISH BUSINESS TRANSPLANTED TO WORCESTER COUNTY—WORKING PEOPLE'S WAGES THERE AND HERE.

[Special dispatch to the Evening Record.]

WORCESTER, *May* 15.

A few miles east of Worcester, upon the line of the Boston and Albany Railroad, and upon the stream flowing out of Lake Quinsigamond, is the little village of North Grafton. The village is a part of the old Worcester County town of Grafton, and is 2 miles distant from Grafton Center. It used to be called New England Village, and it well deserved the name, for it is a community of the typical New England sort.

Manufacturing is the principal business done at the village. The swift stream which runs through the place furnishes a splendid water-power, for it is the outlet of the big Lake Quinsigamond, situated a few miles away to the northward. The stream, after leaving the lake, fills several lily-padded, duck-haunted ponds along its course, and then comes down among the low hills into North Grafton, and flows away through broad meadows. At North Grafton it turns the wheels of the Grafton Flax Mills, the principal manufacturing industry of the village. The Grafton mills are the American establishment of the Scotch firm of Finlayson, Bousfield & Co., of Johnstone, Scotland, who are among the largest linen-thread manufacturers in the world. The selling agents of the firm are J. R. Leeson & Co., of 298 Devonshire street, Boston.

A representative of the Record paid a visit to the Grafton Flax Mills last week. The mill buildings are situated at the upper end of a breezy common which lies just off the main street of the village. The Methodist and Baptist churches and the tenements of the firm front upon the common and the schoolhouse is only a few rods away. The mill office is in the stone warehouse which looks upon the common, and down behind it where the swift blue stream runs brimming full between its green banks are the dye and bleach houses and the stone mill building.

THE FOUNDER OF THE FLAX MILL.

The Record representative was lucky enough to find at the mill Mr. A. W. Finlayson, of the firm of Finlayson, Bousfield & Co. Mr. Finlayson, whose portrait is in this article, is the founder of the Grafton Flax Mills. He is at present making one of his periodical visits to this country in the interest of the mills. He is the second son of Mr. James Finlayson, of Johnstone, Scotland, ex-mem-

ber of Parliament for Renfrewshire, who is the head of the firm of Finlayson, Bousfield & Co.

Mr. Finlayson stated to The Record that he came to this country and bought the mill buildings in 1879. In 1880 he started the business of flax spinning with 120 skilled employés, who came to Grafton from the company's mills in Johnstone, Scotland, the company paying their fares to this country. Some additions had been made to the mill buildings since then, and to-day the employés numbered several hundred. The company controls 1,000 acres of waterage and owns over 100 acres of land.

Mr. Finlayson said that the firm of Finlayson, Bousfield & Co. located the American branch of its business at Grafton on account of its proximity to Boston, and because Massachusetts was the seat of the leather industry, in which heir thread was largely used; also, because there was so fine a water privilege at Grafton, and because the purity and softness of the water itself made it so valuable for scouring and bleaching the flax during the process of manufacture.

WHY THEY CAME TO AMERICA.

To the question, what led his firm to come to America and establish a branch of its industry, Mr. Finlayson replied: "It was the tariff. It would have never entered our brains to come over here but for that. We formerly attempted to ship our threads to this country and sell them after paying the 40 per cent. duty, but the manufacturers here could undersell us every time. That's the reason we came over here to manufacture our coarser grades of goods."

"In other words, Mr. Finlayson, it is the tariff which enables you to come here and manufacture your thread?"

"Yes. The moment you take off the tariff our flax manufacturers at home would immediately swamp the market with the same class of goods that we are making here, and it wouldn't pay us to run the mill at all."

"Do you make the fine spool threads here at the Grafton mills?"

"We do not. On such fine threads labor is a greater percentage on the cost of production. Twice the amount of labor is involved in the manufacture of these finer grades. Labor is so much cheaper in Scotland than in this country that we can ship the finer grades to this country, pay the 40 per cent. duty, and still afford to sell them."

"You sell the finer grades here, the manufacture of which involves a large percentage of labor which can be had cheaply in Scotland in spite of the tariff?"

"Yes."

"Are you a free-trader, Mr. Finlayson?"

"I am, at home," laughingly. "Free trade is the best for Great Britain, but protection is the policy for America. Free trade is the only feasible policy for Great Britain, as she requires to import all raw materials and food supplies, whereas America is quite independent of the outer world and can do with the tariff as she likes."

THE EMPLOYÉS WAGES.

"How do the wages paid here at the Grafton Mill compare with those paid at your mills in Scotland?"

"They are 100 per cent. higher than the wages we pay for the same kinds of work at our Scotch mills. Yes, they are from two to two and a half times as much, and will average two and a quarter times as much."

"We have a laborer at work in the bleach house who came over here a few weeks ago. He is doing the same kind of work as at Johnstone. He got 18 shillings or $4.50 per week there. Here he gets 30 shillings or $7.50 per week. We have another man who labored at home for 30 shillings or $7.50 per week. Here he is getting £3 per week, or about $15. But if that same man took steamer to-morrow and went back to Scotland he couldn't get more than $7.50 per week."

"Women are earning 22 shillings here, sixty hours per week, who only got 10 shillings, or 9 shillings 6 pence per week at Johnstone. The wages paid our employés at Johnstone generally average higher than those paid by other manufacturing establishments in our own line of business."

JAMES KENNEDY'S STORY.

"Where is the lad James Kennedy, Morrison?" said Mr. Finlayson, addressing himself to Mr. Morrison Smith, superintendent of the Grafton Mills.

"He came here only a few weeks ago from Johnstone," said Mr. Finlayson, explanatorily.

James Kennedy soon made his appearance and showed himself to be a stout, honest-faced Scotch lad of fifteen years or thereabouts.

"How much were you paid a week at Johnstone, James?"

"Seven and six, sir."

"That is $1.80. And how much are you getting here?"

"Ten dollars in two weeks, sir."

"What kind of pay would that be in the old country, James?"

"Just a mon's pay in the auld country, sir."

"How old are you, James?"

"I'll be fifteen come September, sir."

"Do you know how other people were paid at Johnstone?"

"Weel, sir, a stout young man must work unco hard in Donald's foundry to earn 12 or 14 shillings a week."

"That will be from $2.90 to $3.40 per week."

"My father worked in Donald's foundry for seven years as a laborer at 16 shillings a week, sir."

"That was $3.84. Here are you, a boy of fifteen, earning $5 per week, which is more than your hard-working father got at the foundry in Johnstone."

At this James twirled his cap and blushed, and cast a deprecating look across the room, as much as to say it was hardly the proper thing to do.

"What is your father doing now, James?"

"He is a laborer on the Boston and Albany Railroad, sir, and he earns $1.50 a day, sir. He says that he had to work harder in the foundry, sir."

"That is all, James. You may go."

"If you should decide for free trade in this country," said Mr. Finlayson to The Record, "we should have to close our mill here or reduce wages. We couldn't exist otherwise. Wages would be bound to come down."

"Do your Scotch employés here in Grafton live in better circumstances than their fellow-workmen do in Johnstone?"

"Oh, yes. The surroundings of the workmen over there are much inferior to those here. The employés live better and dress better here. The working class here live more like the shop-keeping class at home. A good many send money home to their friends."

WHAT THE OPERATIVES SAY.

The Record representative went through the flax mill and watched the various processes of manufacture of linen thread from the time the hackled flax is taken in hand and prepared by spreading, drawing and roving, up through the spinning, winding, twisting, reeling, bleaching, scouring, finishing, and balling. He also talked with some of the employés.

Mr. William Johnston, who has charge of the line stock at the mill, was one of the pioneer Scotch employés who came to this country eight years ago, when the Grafton Mills were started. He owns a house and property valued at $3,000. Mr. Johnston, when asked to give some comparison of the modes of living of workingmen in Scotland and America, said:

"I will give you my opinion as an honest man.

"When people get married in the old country the children come fast and the parents are driven to send them to work as soon as they are old enough. They can not get along without them. Parents are forced to do it if they want to live. As long as the children stay at home the parents do well. But as soon as they begin to get married and go away from home they leave you just where you started. And once they leave you, you have only old age to look forward to. The older a workingman in the United Kingdom grows the poorer he gets. If a man is working in this country the same length of time it is his own fault if he does get poorer.

"At home the older children are sacrificed to rear the younger ones. I went to work when I was seven years old. Things have bettered since then, and now a child has to be fourteen years old before he can work full time.

"You can live nearly as cheap here as in the old country. Clothing can be bought just as cheaply in a good many instances. And so, too, victuals. Coal and rent are the highest items.

"I lived in Scotland in a tenement of two rooms, a room and a kitchen, for which I paid £8 per year. When I came here I had a tenement of four rooms and two attics and a cellar, for which I paid $4.08 per month. It was close quarters at home. We had several beds in a room and we put the boys all together and the girls all together.

"THERE IS NO COMPARISON.

"The workingman's condition at home and here is not to be compared. Here he has only to pay a $2 poll-tax. There a tenant, not owning a foot of real estate, has to pay in addition to his rent, police and poor taxes, water, gas, and road money, etc.

"I never could have owned land in the old country; never. It was impossible. Here I have been living for two years in my own house of ten rooms. I have an acre of land, on which is a garden and fruit trees. I have seven children. One of my boys is working in Worcester; the other is here at the mill. Three of my girls are in school.

"In a large town or city in the old country, £5 rent for one apartment would be perhaps the fair average. I have known more than one family of ten children and more to be raised in one small room. There are some cheaper apartments at £3 and £4, which are not fit to put a dog into.

"People that I see around here have one or two spare rooms. You haven't an inch of spare room at home.

"A workingman has to pay out money at home while his children are at school. I had five children at school before I came to this country. They cost me five shillings per month for fees and books. Here the schools and books cost nothing.

"To sum up: America is England before the days of free trade. I say and will maintain that if free trade becomes the policy here the country will be ruined. This country has been prosperous under protection. Why not continue it?"

OTHER EMPLOYÉS' OPINIONS.

Mr. Cristy Hughes, who is a spinner in the flax-mill, owns a house and property valued at $3,000. He thought that America was the best place for the workingman, and had an idea that the tariff did it.

A foreman of one department expressed a similar opinion. He said that while he used to give his old mother in Scotland a shilling, he could now send her home a dollar.

A buxom Scotch lassie said cheerfully that she could earn three times as much wages as at home.

Manager MacDuff said that the working people could live better and have more to eat than in the old country. If they went over home they always seemed to want to come back. Most of the working people abroad had quite a struggle to get along if they had small families.

Mr. William Larmour said that the condition of the female employés was better here than in the old country. This applied more especially to the single women who had to take care of themselves. They could live better and dress better here.

There was the advantage in America of more room in homes, which was better both for health and comfort. In America the workingman often had a dollar in his pocket when he wouldn't have it in the old country.

There was a far better chance for a workingman's family in America. At home he was as glad as could be to get his children to work as soon as possible. Here he could keep them at school longer and give them a better chance in the world.

If the tariff was done away with America wouldn't be much better than the old country before long. Mr. Larmour thought that the workingmen in the mill believed to a man that their improved condition in this country was owing to the workings of the tariff.

THE EMPLOYÉS' CONDITION.

There are several hundred employés in the Grafton flax mills. All but about fifty of these are women. The men are mostly mechanics or are employed in the dye, bleach, and finishing departments. The women are employed in the spinning, twisting, winding, and other departments. About one-half of the employés are Scotch and Irish. The rest are French Canadians and Americans. Of the original company of Scotch employés, who began to run the mill in 1880, there are a good number still at work, although they have become much scattered in eight years. Most of the Scotch employés attend the services of the First Presbyterian Church in Worcester. The Canadians go to the Catholic Church in the village.

Nearly all the employés live in the tenements owned by the mill firm. These are good, pleasant buildings, and beautifully situated on high ground near the mill. There are gardens attached to the tenements. The employés work sixty hours per week, and have a half holiday on Saturday.

With this illustration I leave the question, Mr. Chairman, only hoping that I shall not be misunderstood in this matter.

My desire is that the worthy operatives engaged in the manufacture of "dressed line" shall be protected in the peaceful prosecution of their industry.

Now, if I can do so without asking a further extension of time, I am willing to give attention to my colleague [Mr. RUSSELL, of Massachusetts] and answer any question which he may want to ask.

Mr. RUSSELL, of Massachusetts. I want a little time of my own to answer your speech.

Mr. ALLEN, of Massachusetts. Very well; I yield the floor.

Mr. RUSSELL, of Massachusetts. I desire to remind my colleague [Mr. ALLEN, of Massachusetts], with whom I wish to be in agreement so far as I can, that we are not now upon the question of manufactured flax or dressed line. It seems to be continually necessary to remind members of the committee that we have not reached the question of manufactured flax. The remarks of my colleague in regard to the largest linen establishment in my district being managed, as he says, by foreigners, has nothing to do with this question at present.

We are upon the items of flax, and flax straw; and I want to know from the gentleman whether he is in favor of keeping the duty upon that raw material which is imported by the very people in his district

where he saw the picture of contentment and happiness with which he opened his speech. I want to ask him and have him answer whether he is in favor of keeping the present duty upon the raw material of the linen manufacturers of his district and my district.

Mr. ALLEN, of Massachusetts. Of course I am, for I do not understand my people expect a duty upon their manufactured goods, and deny protection to the material and labor entering into such manufactured articles.

Mr. RUSSELL, of Massachusetts. I did not ask you the question before, because I did not want to interpolate into your speech anything which would make it unpleasant for you when you circulate it. But that very picture of contentment and happiness which you drew of the foreign operative at Andover might have been heightened if the people working those mills had not been compelled to pay a duty on the raw material, which, as I have before stated, they can not get in this country, and every dollar's worth of which they have to import.

I think it is unworthy of my colleague to intimate that the men who are engaged in the manufacture of linen at Grafton, in my district, are not worthy of full credit for fair statements. They did publish this pamphlet. They had a perfect right to do so. They pay wages not of Scotland, but the wages of Massachusetts. They have made a clear statement. Their industry is handicapped to the extent of the duty on the raw material, because they can not obtain it in this country.

The large works controlled by foreigners he speaks of as manufacturing flax are not the only ones in my district. There are others, managed by men whose remote ancestors were born on the soil. They also join with the Grafton Mills in the hope that the raw material of manufacturing may be made free. They have the right, whatever their nationality, to come before us and give any information they may have to give and to ask any privilege Americans may ask for.

Mr. HOPKINS, of Illinois. You would treat the foreigners just as you would treat American citizens?

Mr. RUSSELL, of Massachusetts. I do not ask people living in my district and carrying on business liable to be affected by legislation if they are naturalized. They pay taxes and employ labor. They are entitled to the protection of law. I represent the people and industries of my district. The word "foreigner," in my judgment, should not be used in this connection.

Mr. HOPKINS, of Illinois. I do not wish to disturb the gentleman, but we are to understand the whole inspiration of his argument is drawn from the alien argument which he holds in his hand.

Mr. RUSSELL, of Massachusetts. If I draw the inspiration of my argument from men who know all about this business, and who invest money largely in the industries of my district and prosper by reason of their skill and intelligence, I am sure I can not do better, even if they are "aliens."

Mr. HOPKINS, of Illinois. The gentleman then admits the argument which he uses, and which he holds in his hand is an argument prepared by aliens on this subject, and in opposition to what is contended for by us in behalf of American industries?

Mr. RUSSELL, of Massachusetts. An industry carried on in this country is not "alien." Nor do I know that the argument is made by aliens, except from the statement made by the gentleman on the other side. My colleague from Massachusetts stated it was taken from a series of editorials which he alleged were published in a Mugwump newspaper. If the facts are correctly stated and the argument is sound, I do not ask the nationality nor the politics of those from whom it comes.

Mr. NUTTING. Mr. Chairman, I think that during this discussion very few speeches have been made upon the Democratic side of the House, under the five-minutes rule, where the gentleman occupying the floor, before he got through, did not make some reference to the question of trusts and to the influence of trusts on the business of this country, upon manufacturing, and upon the prices paid for necessaries of life by the people. Now, I desire to call the attention of the House and of my friends upon the other side for a moment to a few of the trusts which they appear to have entirely overlooked. It is not necessary to call the attention of this side of the House to them, because all the Republican members of the House, I think, have learned of them, and are informed upon the subject. But I judge that my Democratic friends have not, because they have not said a word about the trusts and combines to which I shall refer.

Now, I charge here, Mr. Chairman, and I call upon members upon the other side of the House to answer it if they can, that there are trusts in Canada and other foreign countries in the interest of which the Mills bill in many particulars seems to have been prepared. Canada with its four million people and its territory larger than ours is a lumber trust. All the people of Canada and the Canadian Government itself are in the trust, in the combination. There are many of those trusts in Canada, a few of which I will mention.

The lumber trust in which all Canada is interested, the potato trust in which all Canada is interested, and there is the glass trust in which Belgium is especially interested.

Now, let us see about these foreign trusts and combinations, and see what our Democratic friends do about them. Canada, last year, exported to this country about $6,000,000 worth of lumber. It is fair to say that of that $6,000,000 worth each thousand feet paid to our Government $2 as a tariff duty. According to the speeches of some of our friends on the other side, and, in fact, according to the theory of the Democratic party, that duty was added to the cost of production in Canada. This bill makes lumber duty free. Therefore, if this bill passes, it will take off that $2 duty from each thousand feet of lumber that is manufactured and sent from Canada to this country, and will thereby reduce the cost of production there.

Now, sir, I charge that the Canadian Government with its four millions of people is itself a trust in the manufacture of this lumber. All the people of Canada, four millions in number, are interested in every foot of lumber which is manufactured, and every foot of it that is sent to this country; and when this bill places lumber on the free-list it will give $2 per thousand feet to that Canadian trust. Then this bill is legislation to help a Canadian trust in lumber. So much for that.

I desire now to call attention to the potato trust. This is a combination—a trust—which affects the farmers of my State. The farmers of the State of New York last year raised 20,000,000 bushels of potatoes, and the farmers of our entire country last year raised 175,000,000 bushels of potatoes. Last year Canada sent to this country 1,500,000 bushels of potatoes. Potatoes raised in Canada, with Canada's cheap labor, potatoes belonging to the Canadian people and the Canadian Government, and the Canadian potato trust—upon each bushel of these potatoes our Government laid and collected a duty of 15 cents, or, in the aggregate, upon the whole importation, $250,000.

Now, sir, the Canadian Government, with its 4,000,000 people, with its territory which is greater than that of the United States, is, as I claim, a "trust" in the matter of raising potatoes or any other agricultural product that comes from Canada to this country. As the law now stands the duty on potatoes coming into this country is 15 cents a bushel, and the Mills bill makes them free. Then, if you pass this bill you take the duty off potatoes, and, as gentlemen on the other side claim, and their claim is correct, reduce the cost of raising potatoes that are to be exported here 15 cents a bushel.

Then if you pass the Mills bill it will be in the interest of or benefit of the Canadian potato-raisers and the Canadian potato trust. Then if next year after we have passed this bill the people of Canada—this Canadian potato trust—import in this country 1,500,000 bushels of potatoes, this 15 cents a bushel will go into their pocket, and so you legislate in favor of Canada's potato trust—$250,000.

By unanimous consent, Mr. NUTTING was allowed three minutes more.

Mr. NUTTING. Mr. Chairman, there is one other trust that I desire to bring to the attention of my friend from Maryland [Mr. RAYNER], the glass trust. That trust is not in Canada, but it is in Belgium. This bill reduces the import duties upon glass 35 per cent. In 1883, when the tariff was reduced before, the importations of glass increased, and the receipts of duty from that source increased, and when you reduce the cost of making glass in Belgium and introduce the Belgian product into this country, as against our own, I say you are assisting the Belgian glass trust, and my friend from Maryland, who is interested in glass, may answer that, and at the same time may tell us whether or not he intends to have glass put at a higher rate than it is in the bill.

We have glass plants enough in this country to make all the glass we use. You will find glass furnaces all over this country. You will find glass-manufacturing establishments in fifteen States and one Territory, and I now have reference to window-glass manufacturing alone.

Massachusetts has 11 furnaces. New York has 17; there are several of these in my Congressional district, and I intend to make a fight for them. New Jersey has 25 furnaces; Pennsylvania, 44; Delaware, 2; Maryland, 9; West Virginia, 2; Ohio, 20; Indiana, 6; Illinois, 8; Michigan, 1; Wisconsin, 1; Missouri, 2; Kansas, 1; Wyoming Territory, 1.

There are 8,500 workmen employed in these establishments. The wages paid the workmen in this country are from two to three times as much as the wages paid in Belgium, and I append a list of the wages paid in each country to the laborers in this industry:

Wages paid per month.

Occupations.	Belgium.	United States.
Blowers	$50.00 to $100.00	$100.00 to $150.00
Blower's assistant	25.00 to 30.00	67.00 to 100.00
Flatteners	25.00 to 26.50	100.00 to 150.00
Flattener's assistant	8.00 to 15.00	30.00 to 40.00
Cutters	25.00 to 30.00	75.00 to 100.00
Shearers	30.00 to 35.00	80.00 to 100.00

Then, too, the laborers work a greater number of hours in Belgium.

Since the reduction of the duty in 1883, imports into this country have increased.

I give the importations for the year 1882, the year before the reduction of the tariff, and for each year after, to and including 1887, and at the same time showing the values of this kind of glass imported.

Statement showing the imports into the United States of cylinder, crown, and common window glass (unpolished), during the years ending June 30, 1878 to 1887, inclusive.

Years ending June 30—	Pounds.	Dollars.
1878	24,030,788	812,612
1879	20,256,069	595,070
1880	44,571,838	1,439,447
1881	46,038,789	1,414,709
1882	45,872,024	1,387,257
1883	54,941,428	1,736,700
1884	77,873,253	2,431,068
1885	57,615,693	1,630,844
1886	55,049,857	1,360,955
1887	62,355,416	1,420,159

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *February* 9, 1888.

WM. F. SWITZLER,
Chief of Bureau.

Hon. N. W. NUTTING, *M. C.*

Now, all this vast quantity of glass ought to have been made here. Our laborers ought to have had the wages and our manufacturers ought to have had the benefit of the whole business. You will see the revenue was greater after the reduction, because the importations were so much more so that, according to this precedent, our surplus will not be reduced by a reduction now probably.

What under the sun do you wish to legislate in the favor of Belgian cheap labor for? Our manufacturers and our glass workmen beg that you do not reduce the duty on glass.

I read, as part of my remarks, a petition sent me by the manufacturer of glass and his laborers in the village of Clyde, in Wayne County, in my district:

Hon. N. W. NUTTING:

The undersigned, engaged in the business of manufacturing glass at Clyde, in your district, most earnestly request that you use your utmost influence to maintain the present tariff on glass. Some of us are owners and some workmen in the business. On this we are united, that any lowering of the present tariff on glass will be disastrous to our trade.

Wm. C. Ely's Sons & Hoyt, Wm. H. Blodgett, D. Douglass, John Greiner, Austin Davis, M. A. Carpenter, Arnold Reynolds, Frank Reynolds, Michael T. Costello, Wm. E. Howland, Louis Niepling, Fred Dussler, W. A. Bannkrotz, Leopold Michielsens, F. W. Lutes, Mike Wall, C. Barloontz, Wm. Rechtenwald, John Julauf, Geo. F. Krisinger, Louis Nichols, James W. Schindler, Chas. J. Bofinger, Thos. Williams, Chas. Williams, Austin Davis, Benjamin Lawrence, jr., Milton J. Blodgett, Thomas Roberts.

CLYDE, *February* 3, 1888.

I also, as part of my remarks, read petitions sent me by a committee representing the workmen in some other glass-manufacturing establishments in my district, and I will also print a letter which sets the matter forth intelligently:

CLEVELAND, STATE OF NEW YORK, OSWEGO COUNTY,
February 9, 1888.

SIR: We the undersigned committee representing the window-glass industry in the district which you represent as Congressman, respectfully petition that you, as our representative, go before the Ways and Means Committee and use your influence to retain the present tariff on window glass, for these reasons:

First. The reduction of the tariff on window glass in 1883 compelled us to accept a proportionate reduction in our wages, and the importation of foreign glass since that time has been so great that we have been unable to secure more than eight months' work a year.

Second. The window-glass workers of Europe are very poorly paid. They do not receive half as much for their labor as we do. If the tariff is reduced we are compelled to compete with them unless we live as they do and compel our children and wives to help in the production of glass, which no American likes to do. We can not compete.

Third. The price of glass at present is not high. Considering its durability it is the cheapest thing that goes into a building, as 4 cents will cover a foot square of surface with good glass, which is no more than good lumber costs. There are about five hundred men in your district who are interested or employed in the window-glass industry. It is argued that workmen do not receive any benefit from a tariff. If that is so in any case, ours is an exception, for we do receive double the wages for our work that we would if it were not for a tariff. Hoping you will give this matter your attention, we respectfully subscribe ourselves,

GRANVILLE W. MORENUS.
H. C. LANDGRAFF.
SIMEON F. PUTNEY.

To Hon. N. D. NUTTING.
Washington, D. C.

BERNHARDS BAY, OSWEGO COUNTY, N. Y., *March* 16, 1888.

DEAR SIR: We see by the papers that the Ways and Means Committee have on their list glass, which they propose to reduce about 40 per cent. We thought perhaps a little information from us would not be a bad thing for you when the time comes in which you could use it advantageously. Will explain first how and of what glass is made—sand, soda ash, and lime. The average price which we got for a box of glass last year was $2.26. We can not give the average this year for the reason that the year is not yet closed, but it will not differ very much from last year. To make a box of glass, we mix together sand, soda ash, and lime, the sand costing 95 cents per ton, just what is represented in the labor drawing same to our works. Lime costs 13 cents per bushel of 70 pounds, and soda ash $1.32 per 100 pounds delivered at our works. The ash and lime are only used to assist in melting the sand, as glass is nothing but melted sand. The lime and ash burn off and leave the sand melted. Materials in a box of glass which will sell for $2.26 will cost about 25 cents, the balance is labor, so you will see that when they take off the tariff and 40 per cent., there is nothing left in the shape of materials from which to take it, and it must necessarily be taken from the labor.

As we understand it this reform tariff is not supposed to in any way work to the disadvantage of labor. A few years ago there was a small reduction in tariff on glass, and the result was that the income of the Government was increased to more than one and one-quarter millions of dollars, and no doubt this would operate in the same way; it would have the tendency to increase the income of the Government in lieu of reducing the surplus. As you are a Representative from this district, we take the liberty to ask you to oppose this bill.

Yours, very respectfully,

POTTER & MARSDEN.
Per F.

(Dictated.)

Hon. N. W. NUTTING,
Representative Congress, Washington, D. C.

Window-glass has grown cheaper all this time, so that the consumer can not grumble; and in fact it has become a question now whether you should reduce the wages of our glass laborers to the level of Belgium in the same industry.

This will not do, Mr. Chairman; you must not reduce the tariff on window-glass; you must not put our laborers in competition with the cheap labor of Belgium.

Keep your hands off of this industry. Keep your hands off this labor. Do not legislate in favor of this glass combine in Belgium. Keep your hands off the interests of farmers. Look out for your own country carefully and pay less attention to the trusts, combines, and business of foreign nations and peoples.

[Here the hammer fell.]

Mr. RAYNER. I made up my mind, Mr. Chairman, some time ago that whenever in these schedules I met with one of the combinations known as "trusts," which are engaged in depredating upon the American consumer, I would lend a helping hand, feeble though it might be, to ttrike them down.

Mr. Chairman, the leader of the Republican party in this House [Mr. REED] has said, and whatever he says is of course entitled to the respect of every one——

Mr. MACDONALD (jocosely). Of every one on the other side of the House.

Mr. RAYNER. No; on this side of the House also. I listen to the gentleman always with the greatest attention and respect. But, Mr. Chairman, on the 20th day of May that distinguished gentleman made a speech upon this floor, and after comparing revenue-reform orators to fellows who are trying to swallow a Bengal tiger, and indulging in some other pleasantry of that kind, he went on to say this:

And yet, outside the Patent Office there are no monopolies in this country, and there never can be. Ah, but what is that I see on the far horizon's edge, with tongue of lambent flame and eye of forked fire, serpent-headed and griffin-clawed? Surely it must be the great new chimera "Trust." Quick, cries every member of the Ways and Means. Quick, let us lower the tariff. Let us call in the British. Let them save our devastated homes. Courage, dear brethren. Be not too much disturbed. The Lord will reign even if the board of mayor and aldermen should adjourn.

Call in the British! When the day comes that this Republic can not save itself from a dozen of its own citizens without aid from over the sea, I hope to be buried a thousand leagues under some respectable and permanent mountain range. What unreasonable talk this is. A dozen men fix the prices for sixty million freemen! They can never do it. There is no power on earth that can raise the price of any necessity of life above a just price and keep it there. More than that, if the price is raised and maintained even for a short while, it means ruin for the combination and still lower prices for consumers.

Now, Mr. Chairman, with the utmost deference to the gentleman from Maine, if there is a solitary word of truth in that statement from beginning to end I would like very much to have it pointed out. If there is a solitary trust combination which the gentleman can name that has not had the effect of raising prices; if there is a single one whose object and motive in organizing has not been to limit production and to raise the prices to the consumer, I ask him to point it out.

Mr. Chairman, with reference to this amendment, I wish to say a word for the benefit of the gentleman from New York [Mr. NUTTING], whose mind seems to be so involved in this glass question that he can not get away from it. Let us come down to the particular amendment under discussion, or to a matter which is closely related to it, the linseed-oil trust. I am going to read from a newspaper whose Republican orthodoxy I think can not be questioned, and I want the gentleman to tell me whether that which is described here is a monopoly or not. I am going to read from the New York Times, quoting the Chicago Inter-Ocean, in regard to the linseed-oil trust.

[Here the hammer fell.]

On motion of Mr. SOWDEN, the time of Mr. RAYNER was extended for five minutes.

Mr. RAYNER. Let me say to the gentleman from Maine, in passing, that as soon as the sugar trust was formed sugar went up from half a cent to a cent per pound. Was that the result of the formation of the sugar trust? The gentleman from Michigan [Mr. BURROWS], talking about salt, said yesterday that after the formation of the salt trust prices went down, and that the trust put the prices down. When a trust is in existence and prices go down gentlemen on the other side claim that it is the trust that puts them down; but if prices go up under the operation of a trust they are not willing to admit that it is the trust that puts them up. Now, an advance of from half a cent to 1 cent a pound on sugar means a profit of $10,000,000 a year to the sugar trust, and they are making that every year. I read now this extract from the Chicago Inter-Ocean:

The annual product of linseed-oil in the United States is 28,000,000 gallons, the West crushing about 20,000,000 gallons and the mills of Chicago 3,750. The year 1887 will long be remembered because of the formation of the national linseed-

oil trust, which was started in January and made such rapid progress that before six months had passed it brought harmony among the crushers where chaos had reigned.

But it also brought chaos among the consumers where harmony had reigned. This last remark is my own.

There are now thirty-six mills in the "trust," representing over one-half the crushing capacity of this country.

Observe that remarkable statement.

Certificates to the amount of $11,000,000 have been issued on the basis of $33.33⅓ a share. Accompanying tables show that in 1887 the jobbers' price of raw oil advanced from 38 to 52 cents—nearly 37 per cent.—and closed firm at the top. Nothing but a reduction of duty can save the people from these "trust" exactions. * * * At the close of the year the New York crushers have not gone into the "trust." The "trust" prices seem to have been accepted since that time, however, without any audible protest.

Why, gentlemen, you have, all of you, marched up and proclaimed your hostility to these combinations. Why not come up now and when these "trusts" are involved in the reduction of the tariff, make an earnest, honest effort to break up these "trusts?" As the iniquity of "trust" after "trust" is exposed on this floor, we find gentlemen on the other side, instead of opposing these combinations, rising in their defense and vindication. I will tell you why. The Republican party, from the early days of its existence, has been the friend and ally of such combinations and of the capitalists who compose them. [Applause on the Democratic side.] I defy you to put into your platform, which you are to adopt in the Chicago convention that meets on the 19th of this month, such a resolution as the Democratic convention has adopted, avowing your antagonism to these combinations, which, one by one, are draining the life-blood of this country. [Applause on the Democratic side.] You dare not do it. There is not a man of you who has the moral courage to support such a proposition and then go back to his district and face these "trusts" that are sending Republican Congressmen to the House of Representatives in the interest of the manufacturers of the country and in opposition to the rights of the consumer and the laboring man. [Applause on the Democratic side.]

Mr. REED. This is a spectacle which we have witnessed a number of times, and which I attempted, "in my humble way," (quoting the language of the gentleman from Maryland) to describe the other day. I think the House must have called to mind my description during the last few minutes. This is not the first time I have seen gentlemen on the other side in a state of "conniption." [Laughter.] I have heard before just such orations as this, in which the text was a little different. That kind of oratory is cheap on the other side, and cheap anywhere else. [Laughter.] I have seen gentlemen on the other side in the most agonized condition of mind about the running of conventions by Federal office-holders [laughter], and I have afterwards seen them supinely register the edicts of their own office-holders. I have seen gentlemen on the other side in a great state of excitement about national banks; about the "vampires of Wall street that were sucking the life-blood of the nation;" and I have lived to see a Democratic administration put sixty millions of money in the coffers of the national banks, with only one man, the gentleman from Iowa [Mr. WEAVER] making a protest—illustrating "the survival of the fittest," he being the sole survivor of that wild screaming that used to possess the Democratic side. [Applause and laughter on the Republican side.] And I shall live to see the day when the gentleman from Maryland will have got over his condition of mind.

Why, sir, on the Democratic side "trusts" are taking the same position in morality that "fits" do in medicine. Only let the gentleman from Maryland and his compeers get hold of a "trust" or a "combine," and how they sail through the atmosphere! What a spectacle! Think of it! Torn all to pieces about "combines" of a dozen people who are going to crush out the citizens of the United States; and there is no remedy but the destruction of American industries in order to exterminate the parasites.

Why, sir, if the gentleman had read the whole of my speech he would have found one other thing, a legend well known all over the world. There was once a man sleeping, and a tame bear, who was very much his friend, was keeping guard over him. The bear was as ignorant as if he had been a member of Congress on the other side of the aisle. [Laughter.] This bear saw a fly troubling his sleeping friend, and said, "I will destroy that fly." He took up a stone, destroyed the fly, and at the same time destroyed his friend!

So these men on the other side, because they see, as they claim, the evils of "trusts" and "combines," purpose to destroy those "trusts" and "combines" by destroying the industries of the country. That is something on which they undertake to appeal to the people, and to rend the atmosphere with their outcries, in season and out of season.

Why, sir, this was a carefully arranged plan. When this session began a flying squadron from the Committee on Ways and Means was deployed to go upon the Committee on Manufactures for the purpose of exploiting this new Democratic bonanza of ignorance. And they have exploited it well—only the members from the Committee on Ways and Means, who, having investigated the question, know something about it, keep ominously silent, and leave the wandering squadrons to do the fighting.

Now, is it not time that we squarely talk sense to the people? Is it worth while to lie everlastingly to the community? [Laughter and applause on the Republican side.]

[Here the hammer fell.]

Mr. HEMPHILL. Mr. Chairman, what I wish to say has no direct bearing on this subject, but it has as much to do with it as many of the speeches which have been made, and therefore I think I shall be excused for saying it.

When I had the honor of submitting some remarks to this House on the 26th of April last I had a little colloquy with the gentleman from Kansas [Mr. PERKINS] in which the question was raised whether I was in favor of buying where I could buy the cheapest, and I said I was. Then the question was asked if I was in favor of hiring where I could hire the cheapest, and I said I was. That remark as printed has been quoted by the gentleman from Illinois [Mr. HOPKINS], and correctly quoted as I recall it. From that remark of mine he makes a deduction which he thinks, I presume, is the logical outcome. He says:

It means, Mr. Chairman, that the owners and managers of the coal mines of Maryland and Illinois, and the coal and iron mines of Virginia and Alabama, Pennsylvania, and these other great States interested in these industries, can lock out their employés for any cause or pretense and fill their places with the contract labor of Europe. It means that the factories and furnaces in all of the great manufacturing States can be supplied by starving operatives from Belgium, England, and other overcrowded countries of the Old World. It means that the scenes of squalor, of poverty, and distress found among the laboring poor of Europe, which make the heart sick to contemplate, shall be the future lot and portion of the great laboring classes of America. Ay, Mr. Chairman, it means more than that. It means that the importation of Chinese coolies, which to-day, like a great cancer upon the body-politic in the Pacific Coast States, threatens their lives, shall be renewed and be unrestricted. The very contemplation of such results shocks the sensibilities of every friend of labor. I pray God that in my time the economic principles which lead directly to such results will never find sway or control in America.

And so on, drawing a most doleful picture.

The gentleman from Maine who has preceded me has undertaken to picture what he designates as the frantic efforts of the Democratic party to give the people relief from the imposition of unnecessary taxation. Now, I do not know anything more distressing than the vain efforts of the other side of the House to show that we are in favor of foreigners and against the industries of this country; that we are in favor of pauper labor, which is to "knock out" our industries and bring ruin on this country.

I am not astonished at the remarks of the gentleman from Illinois [Mr. HOPKINS], because a man who believes in protection as he does can not be expected to follow out anything very logically.

It seems that my position has been misunderstood, not only by the members of the House, but in the newspapers of the country. Now, if am permitted to hire men to do work for me I will hire them as cheaply as I can, that is, if I wish to make money out of the enterprise in which I am engaged. That is my first statement.

But when it comes to the introduction of coolies or the introduction of Italians or the introduction of any other class of people into this country, I think there are other things to be considered instead of the question of cheap labor.

That is the position which I occupied on the occasion to which the gentleman from Illinois has referred, and to prove such is the fact I need only refer to what I said in a colloquy between myself and the gentleman from Ohio [Mr. GROSVENOR] on April 30:

While I am on my feet I may say, too, that there is in my mind quite a distinction between the hiring of labor at a cheap price and that which you can get by the introduction of people into this country who are simply laborers and without the qualifications of good citizens. I have always maintained in my own State and here that when you introduce people into this country who are laborers, who make their living with their hands, there are other things to be considered besides the cheapness of their labor.

Now, sir, I think it would be very far from statesmanship to advocate the introduction into this country of any people who have not a proper appreciation of the institutions under which we live, or who do not assimilate and become an integral part of the great body who go to make up the people of the United States.

As to other people who come into this country, and who make good citizens, I for one see no objection to them if they choose to work cheaper than somebody else who is here. In a letter to a citizen of South Carolina as to the introduction of immigrants into my own state, and which was published in the leading paper of the State early in March of this year, I stated that I thought we should welcome all industrious and intelligent citizens of our sister States or other countries, but that I was not in favor of bringing in any of that class who, without education or character, failed or refused to affiliate with our people, and seemed to have no appreciation of American institutions.

Therefore, I say in reference to my friend from Illinois [Mr. HOPKINS] that the inference which he has drawn from my remarks is not, I think, warranted by what I said, and does not represent my position.

But if the gentleman from Illinois is desirous of commenting upon what has been said by somebody who really announces himself in favor of free trade in men, I should like to refer him to the remarks of a gentleman whose long service in this House as a member of his own party entitles him to the greatest respect. I will quote from a speech made by Hon. WILLIAM D. KELLEY in 1870, in which he says as follows—and Mr. Schenck, to whom he refers, was then chairman of the Committee on Ways and Means:

Mr. SCHENCK. We have free trade in men.

Mr. KELLEY. The chairman of the Committee of Ways and Means [Mr. SCHENCK] suggests in this connection that we have free trade in men. Yes; men are on the free-list. They cost us not even freight. Yet how they swell the revenues and help us pay the debt of the country! They are raised from helpless infancy, through tender childhood, and trained to skilled labor in youth in other lands, and in manhood allured by higher wages, they come to us and are welcomed to citizenship. In this way we have maintained a balance of trade that has enabled us to resist without bankruptcy the ordinary commercial balance that has been so heavily against us. We promote free trade in men, and it is the only free trade I am prepared to promote.

It is not my purpose, Mr. Chairman, nor is it my business particularly, to comment upon the position the gentleman from Pennsylvania occupied on that day, and which I presume he still occupies, as I take it he wants to be consistent, like the balance of us; but I wished to show that my position on this subject is misrepresented and misunderstood (I do not think with any evil intent or wrong purpose), and that the position that was attributed to me is really the position which was occupied by the leader upon the other side on the discussion referred to in 1870, as shown by the quotation I read from his speech.

[Here the hammer fell.]

Mr. HOPKINS, of Illinois. Mr. Chairman, the speech to which the gentleman from South Carolina has just referred was delivered by me in this House on the 8th day of May last, more than a month ago. The gentleman from South Carolina, I think, will do me the credit of verifying the truth of the statement which I now make that before I delivered the speech and quoted the remarks to which he has just now referred, I went to him privately and stated that I proposed to quote certain remarks of his in the speech delivered in the House a few days before I received recognition to speak; and as I now remember, sir, the gentleman did me the honor of being present at the time of delivery of a portion of my speech, and I think that portion which referred to remarks made by him.

Now, if the gentleman was misquoted and if deductions which I drew from remarks in his speech were not logical, I submit to this House that the proper time for him to have corrected that misapprehension was at the time I delivered the speech in which the comment was made.

Mr. HEMPHILL. Mr. Chairman, let me say I was not present when that speech was delivered.

Mr. HOPKINS, of Illinois. I told you I was going to comment upon your speech.

Mr. HEMPHILL. You may have told me so.

Mr. HOPKINS, of Illinois. You say I "may" have told you so; did I not tell you so?

Mr. HEMPHILL. I can not remember whether you did or not. I am not prepared either to affirm or deny it.

Mr. HOPKINS, of Illinois. I most assuredly did.

Mr. HEMPHILL. Then I do not doubt it is true.

Mr. HOPKINS, of Illinois. And I remember distinctly that the gentleman was in the House during a part of the speech, and I supposed until he denied it that he was here present at the very time that I quoted the colloquy between himself and the gentleman from Kansas [Mr. PERKINS].

But, Mr. Chairman, that speech was delivered in the House and went into the RECORD on the 9th day of May, and has been a part of the public records of this Congress from that time to the present. Now, sir, if I was not correct and logical in the conclusions which I then drew, why did not the gentleman take earlier opportunity to correct them?

Why did the gentleman wait until to-day, until his party had heard from Oregon? [Cries of "Oh!" on the Democratic side.] Why was it that he waited until we heard from the State of Illinois, where in a district that has never given a Republican majority before, yet since the agitation of the Mills bill in this House that district has elected a Republican judge by a change of some 5,000 votes. [Applause on the Republican side.] It looks to me, sir, that the gentleman who is recognized as one of the leaders of his party——

Mr. HEMPHILL. Oh, no.

Mr. HOPKINS, of Illinois—begins to see the handwriting upon the wall, begins to see that the American people, whether they be logical or not, are drawing the same conclusions that I drew from the speech of the gentleman from South Carolina and the speeches of others on that side, and that is, that the Mills bill is leading directly to free trade in this country, and that the advocates of that measure are compelled to advocate free trade pure and simple. [Applause on the Republican side.]

Now, sir, I submit that no man can read the remarks made by the gentleman from South Carolina without reaching the same conclusion that I reached, and that is that he is in favor of absolute free trade; and to show this more conclusively I propose to reread these questions and answers. The gentleman was making a speech in favor of the Mills bill. He was making a statement in reference to and was attacking American protection as advocated by the Republican party; and was claiming that a person should be permitted to buy where he can buy cheapest, and in doing that he was speaking of a foreign market as against a home market. Then Mr. PERKINS, in order to compel him to still further explain the position he occupied, put these questions——

[Here the hammer fell.]

Mr. HEMPHILL. I hope the gentleman from Illinois will be permitted to proceed five minutes longer.

There was no objection.

Mr. HOPKINS, of Illinois. In speaking to that bill he uses this language. After saying that we want protection, he says:

But against what? Not against the "pauper labor," for they are not here, and not against the products of their toil, so long as these are not sold here, but the protection asked for is against allowing Americans to buy or exchange—

Now, mark the language—

i. e., against the natural right of any free man to make his purchases where his taste inclines him or his judgment or interest dictates; so that it is not against the pauper labor of Europe or of any other country, but it is against the right of the American people to buy where and what they please that this protection is demanded.

Then comes the question of Mr. PERKINS, as follows:

Mr. PERKINS. Then, I will ask the gentleman a question. Do you believe in the doctrine that we should be permitted to buy where we can buy cheapest?
Mr. HEMPHILL. Yes, sir.

Now, Mr. Chairman, mark, that is not limited to the markets of this country. It is as broad and comprehensive as language can be. It means that if a person in America can buy cheaper in Liverpool or London, or elsewhere, he shall be permitted to go and buy there. It means if he can buy cheaper in China or Japan he shall be permitted to go and buy. Again, Mr. PERKINS asked this question:

Mr. PERKINS. If we should be permitted to buy where we can buy cheapest, why should we not be permitted to hire where we can hire cheapest?
Mr. HEMPHILL. Exactly; I think that is right.

Now, Mr. Chairman, what does that mean? It means precisely what I stated in my speech made on the 8th day of May last. It means that if the gentleman from South Carolina is to be permitted to buy in China, Japan, or England, that he shall be permitted to hire his employés in China, Japan, or England. There can be no other conclusion drawn from the language. It is as broad, as I stated before, as the English language can make it. And the gentleman at the time these questions were put to him understood full well the language he was using, and the whole argument which he used was an argument that would lead directly, fully, and completely to the doctrine of free trade. If the gentleman, after the period of reflection which he has had, desires now to take the back track; if he wants and desires to modify the statement in that connection, I have no objection; but I want the American people to understand that the gentlemen who stand upon the political platform that he does advocate the doctrine precisely as I stated it in the speech I made.

Mr. KELLEY rose.

Mr. HEMPHILL. I would like to reply to the gentleman from Illinois, if it is satisfactory to the gentleman from Pennsylvania.

Mr. KELLEY. I thought perhaps you would like to reply to both of us; kill two birds with one stone.

Mr. HEMPHILL. Well, I will take care of you a little later on.

Mr. KELLEY. Very well.

Mr. HEMPHILL. Mr. Chairman, the gentleman has not received the remarks which I made in the spirit in which I thought they would be received. He asks why I did not reply to him sooner. In the first place, I was not present when his remarks were made. In the second place, after I read them in the RECORD the general debate continued for some time, and I could not reply to them without interrupting it. In the third place, sir, I do not consider myself one of the leaders of this House, nor do I undertake to speak for the party as one who is a leader, and therefore I did not think that my remarks were of such public consequence as to demand an immediate explanation. In the fourth place, in a colloquy with the gentleman from Ohio [Mr. GROSVENOR] who delivered a speech upon this floor on the 30th of April (mine having been delivered on the 26th), I did state my position, though not quite so fully as I have stated it here to-day. So that four days after my speech was delivered I did in fact endeavor to make plain my position on this subject. The gentleman has referred to the elections in Oregon and Illinois. I hope, Mr. Speaker, that there are not many men in this House who think that I would be influenced in my position upon such a question by any number of elections that could take place, and if that is the motive which controls the gentleman from Illinois, I have simply to say that I am very much disappointed in him. My notion is that a Representative upon this floor comes here because he is supposed to have some brains and some principle, and if he shifts and trims his principles according to the result of every election that takes place in this country, I say that if he has not the decency to quit, his constituency ought to kick him out of this House. [Applause.]

The gentleman charges that I am speaking in favor of a foreign market. I have never spoken in favor of a foreign market. I speak in favor of what I believe to be the freedom of the American people and their right to use their own money in the way that seems best according to their own judgment. That is what I believe in and that is what I speak for. If a man buys an article that is manufactured in China or in Great Britain or in protected Germany or protected France and brings it here, he consumes the article, and that is the end of it; but if a man brings laborers here he does not consume them, they become a

part and parcel of this country, and go to make up the great mass of our citizenship, and therefore I say that the one case is very different from the other.

Mr. HERMANN. What do you say as to the Chinese, who never do unite or affiliate with us?

Mr. HEMPHILL. I have never been in favor of admitting Chinese. Under no circumstances have I ever voted or spoken a word in favor of admitting the Chinese or of any other class of people who refuse to affiliate with us and become citizens of this country.

Mr. BROWNE, of Indiana. Is your objection to admitting the Chinese founded upon the fact that they refuse to become citizens? If so, I simply want to call your attention to the fact that by a law made by a Democratic Congress the United States courts are prohibited from making citizens of them.

Mr. HEMPHILL. Well, sir, there are a good many objections made to the Chinese. My knowledge of them is limited; those I have seen appear to be of an inferior race. Then they seem to desire not to become citizens of this country; nor do they add to its prosperity or well-being. I might go on to mention other objections possibly, but it is sufficient now to say that I have never favored the admission of such people.

Mr. BROWNE, of Indiana. So am I.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. KELLEY. Mr. Chairman, I move to strike out the last word. As I listened to the glowing sentences of the gentleman from Maryland [Mr. RAYNER] asserting the devotion of the Republican party throughout its whole history to trusts, I could not help recalling one trust to which it had been most piously devoted, a trust which it had executed with a devotion, an energy, a sacrifice of life and property, such as time had not witnessed or history recorded. Sir, that trust was cast by destiny upon the Republican party in its infancy, nay, sir, in the hour of its birth. It was the requirement to maintain the integrity of the national territory and the supremacy of its flag and Constitution. To the execution of that trust it gave a singleness of purpose and of service unparalleled in the history of parties or of governments; and I was made to again recall its fidelity to duty and the greatness and variety of its achievements during the years of its infancy, when the gentleman from South Carolina [Mr. HEMPHILL] quoted my response to the suggestion of General Schenck, chairman of the Committee on Ways and Means, with reference to the admission of skilled foreigners to employment and citizenship. That distinguished gentleman exclaimed, "We have free trade in men," and following the suggestion I said, "We promote free trade in men, and it is the only free trade I am prepared to promote."

Mr. Chairman, this happened on the 25th of March, 1870, more than seventeen years ago, when we needed immigrants to replace the waste of war. The South and the North had sent the flower and vigor of their manhood to the field, and had poured out nearly two millions of lives. I had, in the course of my remarks, called attention to the fact that we had come to the discharge of that great trust with a bankrupt Treasury, and when our Army was mainly stationed in the enemy's country, where it was surrendered by General Twiggs and sent to the North, a body of able-bodied men under parole, so that they might not serve their country as soldiers, and when our ships of war were upon the most distant stations, and when the sources of revenue had been reduced to so low a point that 11 per cent. and a fraction was the average rate of customs duties upon which, in the absence of internal revenue or war taxes, were our exclusive dependence for current expenses.

[Here the hammer fell.]

On motion of Mr. MCKINLEY, Mr. KELLEY's time was extended five minutes.

Mr. KELLEY. On the occasion to which the gentleman from South Carolina referred, I said:

In 1856 the rate of duty on the aggregate of our imports was 20.3, and the number of immigrants were 200,436; in 1859 the rate of duties had been reduced to 14.6, and the number of immigrants fell to 121,282. In 1861, by the acts of March 2, August 5, and December 24, the rate of duties was further reduced to 11.2. This broke the camel's back. So many men were thrown out of employment and wages sunk so low that none but agriculturists could come to us with any prospect of improving their condition and immigration sunk to a point lower than it had been since the ever-to-be-remembered free-trade crisis of 1837-40. In that year but 91,920 immigrants arrived, and the depression continued through the next year, and the number of immigrants was but 91,987. By the act July 14, 1862, the duties were raised, so that in 1863 they were up to 23.7, and the immigration nearly equaled that of the two preceding years, having gone up to 176,282. By the several acts of 1864, 1865, and 1866 the duties were increased, so that the duties on importations of 1866 averaged 40.2 per cent., and immigration went up to 318,554. Last year, when the West was further oppressed by the increase of duties on wool and copper they averaged 41.2, and the number of immigrants went up to 352,569; and the Commissioners of Immigration assure us that this year the number will exceed 400,000.

It is thus demonstrated historically that precisely as we make our duties protective of high wages for labor, so do we bring skilled workmen from Germany, Belgium, France, and England to work in our mines, forges, furnaces, rolling-mills, cotton and woolen factories, and create a home market for the grain of Iowa, Illinois, and the other States whose farmers complain that they have no market for their grain.

SKILLED WORKMEN THE MOST VALUABLE COMMODITY WE CAN IMPORT.

Mr. SCHENCK. We have free trade in men.

Mr. KELLEY. The chairman of the Committee of Ways and Means [Mr. SCHENCK] suggests in this connection that we have free trade in men. Yes; men are on the free-list. They cost us not even freight. Yet how they swell the revenues and help us pay the debt of the country! They are raised from helpless infancy, through tender childhood, and trained to skilled labor in youth in other lands, and in manhood, allured by higher wages, they come to us and are welcomed to citizenship. In this way we have maintained a balance of trade that has enabled us to resist without bankruptcy the ordinary commercial balance that has been so heavily against us. We promote free trade in men, and it is the only free trade I am prepared to promote.

Will the gentleman object to importing skilled laborers from the manufacturing nations of the world and investing them with the right to earn American wages and enjoy the rights, privileges, and immunities of American citizens? I am ready to defend this policy to-day, though I stand on the record as hostile and with invincible purpose against bringing in contract laborers, from whatever country they may come, as any man who has been on this floor during my long service.

I see here my friend from Ohio [Mr. BUTTERWORTH], who can tell you that four years ago, when I ascended a platform in his district to address a meeting made up of laboring people, I was recognized as the champion of skilled labor and the opponent of contract labor by boisterous and long-continued cheers for "the laborer's friend," though the men who constituted the assemblage had never seen me before. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. HEMPHILL. Mr. Chairman, as I before stated, it was not my purpose to pass judgment upon the gentleman from Pennsylvania [Mr. KELLEY]. He is responsible for his own utterances. All I desired to say was that if my remarks are subject to the construction which has been put upon them, I am exactly in line with the gentleman from Pennsylvania; if they are not subject to that construction, then I think he is a little more of a free-trader in men than I am, because he has so declared himself.

Mr. WILSON, of Minnesota. Mr. Chairman, I wish to make a few remarks on this question before the vote is taken. I live in a State which raises, perhaps, one-fourth of all the flax raised in the United States. Dakota and Minnesota raise more than one-half of the whole product of the country; and after Dakota and Minnesota comes Iowa. Therefore, Mr. Chairman, I gave notice this morning, before this discussion began, that when we reach the item of flaxseed I shall move to strike it from the free-list, leaving it subject to the present tariff. As we have not yet reached that item the discussion of the question of placing it on the free-list would be premature; but as something has been said on that question I beg leave very briefly to refer to it at present, reserving to myself the right to refer to it more at length when we reach it in its order.

Flaxseed or flax in this country is very largely, though not wholly, what we call a sod crop. It is the crop of a new country. In my State to-day, for instance, where they are about to commence breaking up the wild lands, they can raise a crop of flax on the new sod, sowing it after the land is broken for the first time. In this way the flax crop is almost a clear gain. The case is the same in Dakota and in Northern Iowa. It is for that reason, perhaps, that the crop of flax has become so great in Minnesota, Dakota, and Iowa. This crop is to those people a godsend—a matter which, I submit, should be thought of. I think I may say, Mr. Chairman, after conference with the Democratic members of the Committee on Ways and Means, that this side is ready, when we reach that item, to strike flaxseed from the free-list, leaving the present tariff thereon.

Mr. WARNER. Do you recognize flaxseed and linseed as synonymous?

Mr. WILSON, of Minnesota. I understand linseed and flaxseed are synonymous, as my friend suggests.

So far as concerns the suggestion that there is a "trust" in the linseed-oil business, I think I may safely say that there is not the least doubt but that there has been such a "trust" for several years. Some gentlemen say that the industry has not been prosperous. Such is not my observation, and I have known something of it. I do not propose, however, to discuss "trusts" or to digress in that direction. Nor do I propose here to discuss the question of the tariff on flaxseed or oil. I perhaps may properly add that I favor the reduction of the tariff on the oil. I am of the opinion that it should be reduced about 40 per cent. I think that would leave an ample protection on that article.

Flaxseed competes with no industry, and the tariff on it can injure no one, except so far as it raises the price of linseed-oil.

But, Mr. Chairman, what I wish particularly to call attention to now is the question of taking the tariff off "flax-straw, flax not hackled or dressed; flax hackled, known as dressed line; tow of flax or hemp," etc. That is properly the only question before us at present. The gentleman from Iowa and the gentleman from Indiana have stated that this side of the House propose to give no protection to the farmer because we propose to remove the tariff from flax-straw, and they claim that the other side is the friend of the farmer because they favor such a tariff.

[Here the hammer fell.]

Mr. BLAND. I ask unanimous consent that the gentleman from Minnesota be allowed to continue his remarks for five minutes.

There was no objection.

Mr. WILSON, of Minnesota. Now, Mr. Chairman, if placing flax-straw on the free-list is a blow at the farming community, I, living

among farmers, should be very careful before assenting to such a proposition; but I asked the gentleman from Indiana [Mr. BROWNE] what was the price of flax-straw in his State. He replied, if I understood him correctly—and he is present and can correct me if I am wrong—that the price is from $4 to $6 per ton. I am right, am I not?

Mr. BROWNE, of Indiana, assented.

Mr. WILSON, of Minnesota. Now just think of the absurdity of keeping a tariff on a commodity as bulky as a load of hay, which is worth only $4 to $6 a ton, and insisting that that protects the producer or is necessary to protect him against importations.

Think of our importing from a foreign country a commodity so bulky, and which after it comes here is worth only $4 to $6 a ton. The mere statement of the proposition is its sufficient refutation. Gentlemen on the other side are ready to give the farmer protection by a duty of this kind. It is the first suggestion from that side of protection for the farmer; and it seems to go on the basis, upon which protection usually goes, that the farmer can be caught with chaff, and satisfied with a shadow without the least substance.

Mr. BROWNE, of Indiana. What I meant to say was that flax-straw is worth $4 to $6 a ton after we have taken the seed from it.

Mr. WILSON, of Minnesota. I understand the gentleman. I am talking about the straw—not about the seed. I have said I am in favor of a duty on the seed. I say that after we have discussed this question of protection for nearly a month the first proposition from the other side about protecting or benefiting the farmer is to put a protective duty upon a commodity worth $4 a ton in the interior of Indiana or Iowa or Minnesota or Dakota, and which is so bulky that a ton of it is as large as a load of hay. Gentlemen might just as well talk about a protective tariff on wheat straw or oat straw. I beg leave to suggest to the gentlemen that they underrate the farmer's intelligence. He is not so easily deluded as they think.

Mr. BAYNE. May not "flax straw" be understood as including the seed?

Mr. WILSON, of Minnesota. No, sir. The seed is included elsewhere, as the gentleman will find by turning to a subsequent page of the bill, where flaxseed is specifically provided for.

Mr. BAYNE. That applies to the seed after it is thrashed out. A proviso might be put in so as to remove all doubt on this question.

Mr. WILSON, of Minnesota. There is no need of such a proviso, as there is not the least doubt about the meaning of the bill.

Mr. Chairman, I want to turn to another point which I must notice briefly. The gentleman from Kansas [Mr. PERKINS] when on the floor this morning read a remark which I made in this House some time ago to the effect that our farmers receive no benefit from this protective policy, and that of late years that industry is not prosperous; and after quoting my remarks he intimated that President Cleveland is the cause of this, and that he and his policy have been oppressing the farmers. Such groundless charges are an affront to the intelligence of the farmer. The gentleman did not state how or wherein President Cleveland had acted in hostility to the interest of the farmers. No instance of any such hostility in word or act can be cited. On the contrary, his known and determined hostility to all combinations and monopolies to oppress the farmers or mass of the people is notorious. These charges are made hoping to distract attention from the real reason of the depressed condition of agriculture.

President Cleveland in his annual message said:

> The taxation of luxuries presents no feature of hardship; but the necessaries of life used and consumed by all the people, the duty upon which adds to the cost of living in every home, should be greatly cheapened.

And since no effort has been spared to calumniate him or to misrepresent his position.

The reason the farmers in the West are suffering is not obscure or far to seek. They pay taxes to an extent little realized by members of this House who take merely a superficial view of things. Let us see what they do pay in the way of tariff on some of the necessaries of life.

The following list shows the tariff tax on a few of the articles which they use:

Lumber, $2 per thousand.
Nails, 43 per cent.
Common window-glass, 68 per cent. and upward.
Stoves, 45 per cent.
Glassware, cheapest kind, 45 per cent.
Cooking utensils, pots and kettles, 45 per cent.
Knives, forks, spoons, etc., 35 per cent.
Plowshares, hoes, and forks, 45 per cent.
Salt, in bags, 39 per cent.
Earthenware, 55 per cent.
Wool hats, not valued at over 30 cents per pound, 66 per cent.
Knit goods, not valued at over 30 cents per pound, 88 per cent.
Wool yarn, 69 per cent.
Women's and children's dress goods, wholly or partly of wool, 60 to 80 per cent.
Clothing, ready-made, 54 per cent.
Cloaks, dolmans, jackets, etc., 67 per cent.
Umbrellas, 45 per cent.
Round and sheet iron, 40 to 50 per cent.
Cut nails and brads, 33 per cent.
Horse or ox shoes, 55 per cent.
Horseshoe nails, hobnails, etc., 76 per cent.
Iron or steel chains, 47 per cent.
Hand-saws and buck-saws, 40 per cent.
Files, 64 per cent.
Screws, 60 per cent.
Cotton thread, 50 per cent.
Cotton cloth, 50 to 75 per cent.
Woolen cloth, not over 80 cents per pound, 89 per cent.
Shawls, not over 80 cents per pound, 88 per cent.
Flannels, not over 30 cents per pound, 73 per cent.
Blankets, not over 30 cents per pound, 79 per cent.

On nearly every article of common use and on nearly every article which they wear, from the swaddling cloth to the shroud, they are heavily taxed for the protection of some rich and prosperous industry. This is the reason why they are pressed. That the recommendation of the President that they should be relieved from these burdens should bring down on him the ire of the monopolists and protected classes and their advocates is not to be wondered at. This is the head and front of his offending.

[Here the hammer fell.]

Mr. CANNON. Mr. Chairman, the gentleman from Maryland [Mr. RAYNER], in his remarks a few minutes ago, had much to say about trusts or combinations to increase prices of commodities, etc., claiming he and his party to be against them and that we on this side of the House are sustaining them. The gentleman charged up and down the aisles in some such manner as we are told in holy writ Goliah pranced before the army of the Lord in ancient time, and in a loud voice hurled words at the frightened Republicans on this side. The pending amendment is to strike flax straw from the free-list. The gentleman claims that motion to be in the interest of the linseed-oil trust. I was not aware before that you made oil from straw. Then comes the gentleman from Minnesota [Mr. WILSON], the party friend of the gentleman from Maryland, and opposes the motion to stike straw from the free-list, from which you do not make iol, but gives notice that he will insist o kneeping flaxseed, from which you do make oil, upon the dutiable list.

These gentlemen are not harmonious; but I suppose it makes no difference whether they agree about the disease or the remedy, each of them has struck trotting ground on their favorite tracks. Now, a word about trusts, in reply to the gentleman from Maryland. I do not understand that the gentleman from Maine [Mr. REED] denies the existence of combinations in this country to put up the price of various commodities and in some instances to limit the production of the same. If he does so claim I do not agree with him. Sundry investigations show that such combinations do exist. I have no doubt, in many instances, they are harmful to the people and against public policy. They become dangerous when they are strong enough to strike hands with the transportation companies of the country, securing the distribution of their commodities upon more favorable terms than are accorded to persons outside the trusts and engaged in a similar business or production as the trusts. I say again such combinations are against public policy, and both Congress and State Legislatures, as well as the courts, should make haste within their respective jurisdictions to move upon the works of such combinations.

Mr. Chairman, the first great combination formed in this country was the railroad or transportation trust. It is proper that these interests should co-operate with each other in the transportation of commodities; but it is not proper that they should discriminate between their customers. All the other trusts are connected with and dependent upon the transportation trust, except one, and that is the sugar trust, of which I will speak further on.

The next trust formed was the "Standard Oil." These two trusts were the only ones in existence at the time of the election of Grover Cleveland to the Presidency, and were and are in no way connected with the tariff or revenue laws. The anthracite coal trust, the cattle trust, the whisky trust, and the other trusts have been formed under the Administration of Grover Cleveland, and are dependent on the railroad or transportation companies for life.

A MEMBER. Do not forget the cotton-seed oil trust.

Mr. CANNON. I do not. Do gentlemen on the other side by this bill or otherwise propose to interfere with any of these trusts? If so, I am not aware of it. Will some gentleman point out the provisions in this bill which interferes with them?

Do these trusts in any way depend upon the tariff? If so, will gentlemen explain wherein; let us have something specific, something other than mere assertion and declamation.

Mr. Chairman, speaking for myself, and I think I can speak in this particular for this side of the House as well, I stand ready to vote for any and all apt legislation that we have the power to enact to break up, destroy, and prohibit any and all combinations, formed or to be formed in this country, the object and practice of which is to arbitrarily advance or lessen prices of the necessaries of life. I am in favor of pursuing that policy that will give us the fullest and freest competition within our borders. I am also in favor of pursuing that policy that does and will protect us against foreign combinations or trusts which our laws can not reach directly by penal provision.

[Here the hammer fell.]

Mr. WHITE, of Indiana. I ask, Mr. Chairman, that the gentleman may be permitted to proceed for five minutes longer.

There was no objection.

Mr. CANNON. Mr. Chairman, there is one trust and only one, so far as I have any knowledge and belief, that lives upon and within, yes, absolutely upon and within, the tariff laws, that is the sugar trust.

Mr. BUTTERWORTH. And which is still perpetuated by the bill, which leaves it practically the same.

Mr. CANNON. It is perpetuated by the bill, and deliberately done at that. What are the facts? Ten-elevenths of all the sugar consumed in the United States is produced outside of our borders. The annual consumption is over 3,000,000,000 pounds. The tariff is so arranged that a premium is paid by law to make the sugar imported dirty or give it that appearance, when much of it could more easily and cheaply be made clean and fit for use. So that all the sugar imported has to pass through the refineries before it goes upon the market; but this is not all: the tariff on refined sugars is so much higher than it is on that which is in fact imported, that the refiners import the artificially made dirty sugar, pay for it, and pay the duty on it, then put it through the refinery, turning out the refined product and add the cost of refining, and they then have a refined sugar ready for market that costs them over 1 cent a pound less than a similar pound of refined sugar can be imported for. What is the result? They add the 1 cent a pound to the price of the sugar; now multiply that by the annual product of the refineries, and you have $30,000,000 of annual profit for the refiners. So the refiners make an agreement or trust amongst themselves not to cut prices, and year by year this tribute is levied upon all the people.

The truth is that the tariff on sugar is a revenue tax equivalent to 82 per cent. ad valorem, which goes into the Treasury, and the refiners at the same time manage to levy an equivalent of over 40 per cent. ad valorem more, which goes into their own pockets. The best remedy is to place sugar, at least up to No. 16, Dutch standard, on the free-list. Or, if you fail to do that, lower, and greatly lower the tariff on refined sugars and on those grades of sugar No. 18, Dutch standard, and below and above No. 13, Dutch standard; also, to reduce the duty on refined sugars above No. 18, Dutch standard. I call attention to the fact that the bill as originally framed for consideration in the Committee of Ways and Means did give some relief to the people by a provision which would have allowed the importation of sugar that could be used by the people without passing through the refineries, but that provision was stricken out of the bill as it was reported to the House and now is. Why was it stricken out? I call upon the gentlemen on the Ways and Means Committee to answer, and give notice now that I will ask again when we reach the sugar schedule.

Mr. Chairman, with all these facts staring them in the face, the sugar trust is still protected by this bill, and the bill is solemnly indorsed by the Democratic caucus, and again by the Democratic national convention at St. Louis, and yet the gentleman from Maryland [Mr. RAYNER], and generally on the other side of the House, talk about this side being in favor of trusts. I say to the gentleman from Maryland and on the other side your cry is not founded in truth and candor. It is rather the regular stop-thief dodge. You know this sugar trust is in your bill, and you seek to divert attention from it by accusing this side of favoring trusts.

The gentleman from Maryland says that when the Republican party meets in convention at Chicago it will not dare to put a declaration in its platform condemning trusts. Sir, as members of the Republican party and as Representatives, we dare to do better than that. We are ready to help cut up this trust by the roots and cut it up here and now. Can the Representatives on the other side do as much?

Mr. Chairman, what a figure the gentleman's party cut at St. Louis! Think of it; one of the greatest, if not the greatest, railroad king in the world in command of the Democratic party there assembled. I refer to the gentleman from Pennsylvania [Mr. SCOTT], not only there for himself, but there as the chosen friend and mouthpiece of Grover Cleveland. The power behind the throne, he dominated the convention, designated the candidate for Vice-President, dictated the platform in which trusts are denounced. It seems to me like Satan rebuking sin.

[Here the hammer fell.]

Mr. DOCKERY. Mr. Chairman, I do not believe that wealth can be created by the exercise of the taxing power. There is no productive power in a tax, but on the contrary it is a burden upon those who pay it. The effect of a high protective tax is not to create wealth, but to transfer it from one individual to another, or from one industry to another. It "protects" the owners of the industries for which it is laid, but does not protect the laborers employed in those industries, because the wages of labor are determined, not by the profits that may inure to the manufacturer, but by the law of "supply and demand."

The laborer, therefore, should be wholly eliminated from this discussion, because manufacturers will not give the American laborers more than their competitive value in the market. It has never been done, and never will be done so long as human nature remains unchanged. To illustrate, let us suppose that one hundred laborers are sufficient to supply the demand in a given community. With this condition of the labor supply it must be manifest that the effect of an additional number of laborers seeking employment in that community will be to lower wages; it matters not what height the tariff rate may attain. The decrease in wages that inevitably follows such a condition will be proportional to the increase in the number of laborers.

When the labor supply is equivalent to the demand, wages will be maintained; when the labor supply exceeds the demand, wages will be reduced; and when the labor supply is less than the demand, wages will be enhanced.

Again, Mr. Chairman, a high rate of taxation not only aggregates wealth in the hands of the few as against the many, but by reason of the monopoly it gives the manufacturers destroys competition; for, as has been well said by the eloquent gentleman from West Virginia [Mr. WILSON], where "combination is possible competition is impossible." A new danger therefore threatens.

Those great industrial monopolies known as "trusts" are springing up on every hand, limiting production and fixing the prices of the necessaries of life, and I confess, sir, that I was astounded to hear the distinguished gentleman from Maine [Mr. REED], the leader of the Republican party, deny the proposition that monopolies existed in this country, and ridicule the idea that combinations could control the cost of the staples of consumption. That gentleman, as we all know, is exceedingly skillful in debate, and by reason of his eminent abilities the leader of his party on this floor. I call attention to the language he used on May 19 that the House can determine for itself that I have not in anywise misrepresented his position. He says:

> And yet, outside the Patent Office, there are no monopolies in this country, and there never can be. Ah, but what is that I see on the far horizon's edge, with tongue of lambent flame and eye of forked fire, serpent-headed and griffin-clawed? Surely it must be the great new chimera "Trust." Quick, cries every masked member of the Ways and Means. Quick, let us lower the tariff. Let us call in the British. Let them save our devastated homes. Courage, dear brethren. Be not too much disturbed. The Lord will reign even if the board of mayor and aldermen should adjourn.
>
> Call in the British! When the day comes that this Republic can not save itself from a dozen of its own citizens without aid from over the sea I hope to be buried a thousand leagues under some respectable and permanent mountain range. What unreasonable talk this is—a dozen men fix the prices for sixty million freemen! They can never do it. There is no power on earth that can raise the price of any necessity of life above a just price and keep it there. More than that, if the price is raised and maintained even for a short while, it means ruin for the combination and still lower prices for consumers. That is one of the laws of God working for His children. Compared with one of your laws of Congress, it is a Leviathan to a clam.

[Laughter.]

Mr. Chairman, it will be seen that the honorable gentleman has well-nigh exhausted the vocabulary of contemptuous ridicule in his attempt to belittle the powers of "trusts" and the dangers that menace us by reason of their existence. But a few moments since, in reply to the scholarly gentleman from Maryland [Mr. RAYNER], he indulged in substantially the same vein of ridicule; and yet my friend from Illinois [Mr. CANNON], forgetting the position of his chieftain, has just taken his seat after having conceded the existence of the "sugar trust," which is based on the tariff, and admitting that its exactions have amounted to the enormous sum of $10,000,000 annually since its organization. "Small favors thankfully received."

We have at last a concession from that side that there is one "trust" growing out of the tariff. Before we get through with this bill we will demonstrate the existence of many others. I now turn to the remarks of the gentleman from Ohio [Mr. BUTTERWORTH] as they appear in the RECORD of May 16, and I think that after I have read them the eminent gentleman from Maine [Mr. REED] will be half inclined to concede that a Republican "revenue-reform orator has gone into action against monopoly." [Laughter.] Let us hear what the able gentleman has to say and see wherein he differs from the gentleman from Maine. Mr. BUTTERWORTH says:

> No man upon this floor shall be before me in condemnation of these organizations—(trusts)
>
> I do not hesitate for one moment to assert that the most serious menace to republican institutions in this country will be found in the power and influence of aggregated capital and the pretentious insolence of overgrown wealth.

Why, Mr. Chairman, that sounds very much like a good old Democratic speech. [Laughter.] But he proceeds:

> And I am not alone upon this floor—

Almost alone on that side, but not on this.

> And I am not alone upon this floor in the conviction that unless they are speedily throttled they will have upon the throat of the Republic so firm a grip that nothing short of revolution will compel them to relax their hold.

[Applause on Democratic side.]

Continuing, the gentleman says:

> This is strong language, but I mean every word of it.

Mr. BUTTERWORTH. So I do.

Mr. DOCKERY. And I honor the gentleman for the declaration.

Concluding his observations upon this point, the gentleman from Ohio said:

> I do not stand here to condemn as moral monsters the individuals engaged in these various enterprises or organizations, for I recognize the fact that there is a vast deal of human nature in utilizing opportunities and conditions to better one's condition, increase his wealth, and extend his influence; but they are none the less dangerous to the well-being of my country that the men interested therein are reputable citizens and have not violated the letter of the law of the land.

Sir, that is the deliberate utterance of a gentleman on the other side of this Chamber, as genial and charming in social relations as he is able and courageous in the discharge of public duties. [Applause.] He ought to be on this side of the House; and if he were, and expressed his sentiments in the language I have quoted here to-day, would be one

of those subject to the inimitable powers of wit, invective, and sarcasm of the gentleman from Maine [Mr. REED].

Mr. Chairman, I do not claim that all the "trusts" of this country are directly the outgrowth of the tariff. The gentleman from Ohio [Mr. BUTTERWORTH] in condemning these organizations did not so hold. But we on this side of the House believe——

[Here the hammer fell.]

On motion of Mr. BUTTERWORTH, by unanimous consent, the time of Mr. DOCKERY was extended.

Mr. DOCKERY. Mr. Chairman, I thank the gentleman from Ohio and the House for the courtesy extended. I was about to say that it is not claimed on our side that all the "trusts" are the direct results of high tariff laws; but we do claim that this system of taxation operates to build up what the gentleman from Ohio has fitly styled "the power and influence of aggregated capital and the pretentious insolence of overgrown wealth."

"This is not a theory," but one of the stern "conditions that confronts us" as legislators, and which clamors for speedy redress and salutary regulation. The "influence and insolence" of "aggregated capital and overgrown wealth" are daily becoming more apparent and potential; and, as I stated on a former occasion, the wealth of the country is rapidly passing under the control of the few; and if we continue at the same rate to aggregate wealth, in ten years we shall reach a point where 90 per cent. of the entire wealth of the country will be dominated by 1 per cent. of its population.

The gentleman from Minnesota [Mr. WILSON] has just called the attention of the House to some of the ills that affect the farmers, as they are expressed in our present tariff laws in the taxation upon articles in daily use among the masses of the people. I have not now time to notice these items in detail, but will ask to incorporate the list as he presents it in my remarks. I wish in this connection to call the attention of the House to a "trust" which does not directly have its origin in the tariff, but which is the "combination" to-day vexing and oppressing the farmers of my State more than any other in existence. I refer, sir, to the "cattle trust" of Chicago, controlled by five men from the State of the gentleman [Mr. CANNON] who has just spoken, and who so vigorously denounced the "sugar trust" (in which denunciation I concur)—five men who in the last year, according to the best estimates and the most reliable statistics, fleeced the farmers of the West to the enormous amount of $55,000,000 in excess of a legitimate profit.

Mr. ROWELL. Has the tariff anything to do with that trust?

Mr. DOCKERY. I said that it probably had not. But the tariff has the effect which the gentleman from Ohio [Mr. BUTTERWORTH] described, though he was not speaking of the tariff; it has the effect to aggregate capital and to make wealth insolent.

Mr. WARNER. Do not the national banks and the other banks of this country have the effect to aggregate wealth and capital?

Mr. DOCKERY. Certainly they do aggregate wealth; and the Democratic party has felt the influence and power of national banks in the campaigns of former years.

Mr. WARNER. But will my colleague answer the question? Do they not have the effect of aggregating capital?

Mr. DOCKERY. Certainly they do, and as such aggregated capital is authorized by Federal laws it is usually in sympathy with the party in power. [Laughter on the Republican side.] The Republican party was in power for a quarter of a century, and the influence of aggregated capital in the campaigns that took place during that period was as a rule unfriendly to the Democratic party.

Mr. WARNER. Have you lessened that aggregated capital by depositing $60,000,000 of the people's money in those banks during your Democratic administration?

Mr. DOCKERY. The President was compelled to take this action to avoid a dangerous contraction of the currency and because you have obstructed all efforts to reduce taxation. You have piled up the people's money in the coffers of the Treasury, and the President deposited it in part with the national banks so as to relieve the stringency of the money market, which threatened financial disaster. He has never favored the aggregation of wealth by legislation.

Mr. WEBER. Why did he not carry out the law?

Mr. DOCKERY. He did.

Mr. SPRINGER. He did carry out the law.

Mr. WEBER. Oh, no.

Mr. ROGERS. You mean that he did not buy your bonds.

Mr. WEBER. He created the "condition" which he afterwards told us "confronted" us.

Mr. SPRINGER. He did not create it.

Mr. WEBER. Oh, yes he did.

Mr. DOCKERY. Twice your side of the House, notwithstanding solemn pledges to revise the tariff and reduce the surplus, have refused even to consider tariff bills; twice you have struck out the enacting clause of bills to reduce taxation, and to-day you are utterly unable to align your forces on any tariff measure.

The gentleman from Illinois [Mr. CANNON] has just denounced the "sugar trust" and favors the abolition of the tax on that article, while the gentleman from Pennsylvania [Mr. KELLEY] stands here in opposition to a reduction of the duty on sugar. Some of you favor free lumber; others oppose the proposition. Some of you would strike the tax from whisky; others most earnestly antagonize the suggestion.

And so it is with almost every item in the tariff list. You are wholly unable to agree amongst yourselves and only stand together as one man upon a negative policy. Unlike the Republican party in its early history, you have no policy, formulate no proposition, and content yourself simply with the methods of obstruction, delay, and criticism. The gentleman from Pennsylvania [Mr. BAYNE] rightly interpreted the purposes of that side of the House a few days ago, when, in reply to a question put by the honorable gentleman from Texas [Mr. MILLS], he declared himself in opposition to a revision of the tariff at the present session, and stated that—

> Fair play requires that this issue shall go to the people next November, and if the people then elect a Democratic President and a Democratic House of Representatives, and they come in here and choose to revise the tariff, I will offer no objection or obstruction to their managing that matter in their own way.

Sir, the Democratic party proposes to keep faith with the people and reduce the appalling and constantly augmenting surplus of the people's money in the public Treasury; and if there be a failure to afford the needed relief to the varied interests of the country, the responsibility must rest with the Republican Representatives upon this floor and with the Republican Senators at the other end of the Capitol. [Applause.]

Table showing the tariff on a few of the necessaries of the people.

Articles.	Tariff.
Lumber	$2 per thousand.
Nails	43 per cent.
Common window-glass	68 per cent. and upward.
Linseed-oil	54 per cent.
White lead	40 per cent.
Red lead	77 per cent.
Wall-paper	25 per cent.
Stoves	45 per cent.
Carpets	50 per cent.
Oil-cloth	40 per cent.
Books	25 per cent.
Glassware, cheapest kind	45 per cent.
Cooking utensils, pots and kettles	45 per cent.
Knives, forks, spoons, etc	35 per cent.
Common soap	20 per cent.
Plowshares, hoes, and forks	45 per cent.
Shingles	17 per cent.
Salt, in bags	39 per cent.
Salt, in bulk	79 per cent.
Needles	25 per cent.
Grindstones	14 per cent.
Garden seeds	29 per cent.
Castor-oil	19 per cent.
Earthenware	53 per cent.
Wool hats, not valued at over 80 cents per pound	66 per cent.
Knit goods, not valued at over 30 cents per pound	88 per cent.
Wool yarn	69 per cent.
Women's and children's dress goods, wholly or partly of wool	60 to 80 per cent.
Clothing, ready-made	54 per cent.
Cloaks, dolmans, jackets, etc	67 per cent.
India-rubber shoes	25 per cent.
Umbrellas	45 per cent.
Looking-glasses	78 per cent.
Round and sheet iron	40 to 50 per cent.
Cut nails and brads	35 per cent.
Wrought-iron spikes, nuts, washers, etc	54 per cent.
Horse or ox shoes	55 per cent.
Anvils, mill-irons, etc	68 per cent.
Iron or steel axles	62 per cent.
Horse-shoe nails, hobnails, etc	76 per cent.
Iron or steel chains	47 per cent.
Hand-saws and buck-saws	40 per cent.
Files	64 per cent.
Screws	60 per cent.
Hollow-ware, glazed or turned	47 per cent.
Pens	43 per cent.
Penknives	50 per cent.
Sugar	60 to 80 per cent.
Molasses	47 per cent.
Starch	95 per cent.
Rice	113 per cent.
Cotton thread	50 per cent.
Cotton cloth	50 to 75 per cent
Bags and bagging	54 per cent.
Woolen cloth, not over 80 cents per pound	89 per cent.
Shawls, not over 80 cents per pound	88 per cent.
Flannels, not over 30 cents per pound	73 per cent.
Blankets, not over 30 cents per pound	79 per cent.

Mr. BAYNE. Mr. Chairman, in Western Pennsylvania we represent very many branches of industry. We have there a wonderful manufacturing section. We produce also a large quantity of salt, and are interested in protecting it. We are interested also in this subject of hemp. I have here, and will incorporate with my remarks, the petition of Bentley & Gerwig, of New Brighton, Pa., in which they say that they manufacture annually about 200 tons of twine, all from American hemp, and they protest against putting foreign fibers on the free-list and lowering the existing duties on such goods as they manufacture. It is in behalf of this industry that I propose to speak.

PIONEER TWINE MILLS, BENTLEY & GERWIG,
New Brighton, Pa., April 16, 1888.

DEAR SIR: After struggling forty years we have succeeded in establishing an important industry for manufacturing flax and hemp twine from American

hemp and flax. About the year 1875 we made the first twine that was ever used on a grain-binder. Increasing the quantity each year, we now make about 200 tons annually (in addition to other twines), all from American hemp, thereby contributing to the success of that great labor-saving machine, the grain-binder.

If the duty is taken off hemp and flax we believe there would not be a pound grown in the United States. We could not compete with foreign manufacturers, nor even with manufacturers in our own country who are located near the seaboard, as the freights would be against us and we would be under the necessity of stopping our mill. Two hundred hands would be thrown out of employment and the savings of two generations, invested in buildings and machinery, would be rendered worthless.

We would therefore most earnestly protest against the putting of foreign fibers on the free-list and the lowering of existing duties on manufactured goods.

Very respectfully,

BENTLEY & GERWIG (Limited).

The chairman of the Committee on Ways and Means said a day or two ago, when delivering a speech on the lumber question, that trading freely with Canada would benefit Canada and would benefit us. He said to-day that by establishing trade with Ireland we would benefit Ireland and would benefit this country. His proposition reminds me of one of my early reminiscences. Two boys who were attending the same school with myself had been confined by their mother in a room for a certain period on account of some childish misbehavior, and one of them told me afterward that while in that room they got to exchanging knives, and having some small money, they used it by way of "boot" in the exchange, and when they came out of that room each believed that he had made $2.50 off of the other. This idea of the gentleman from Texas is to my mind just as absurd as was the conclusion which those boys reached with reference to the result of their exchanges.

My idea is that the way the Mills bill proposes to benefit the United States is the way England has benefited Ireland. Something like seventy-five years ago Ireland had flourishing industries, one of which was the linen industry. But owing, I believe, to the suggestion of Lord Brougham a movement was begun by the British Government to crush out the industries of Ireland, and that movement was successful. The gentleman from Illinois [Mr. HITT] stated to me in conversation a few minutes ago that not many months since he stood upon one of the streets in Cork and, in talking with an old Irishman, made the remark, "What a world of beggars you have here!" Every one who has visited the city of Cork or Queenstown or Dublin or other cities of Ireland has had occasion to make the same remark. "Yes," replied the old Irishman, "but I remember sixty years ago, when we had flourishing manufacturing industries in Cork, there was scarcely a beggar on our streets, though now the streets are full of them. Every time," he said, "that I look upon this spectacle I in my inmost heart curse England."

[Here the hammer fell.]

Mr. BAYNE. I would like a minute or two more.

Mr. WHITE, of Indiana. I ask unanimous consent that the time of the gentleman from Pennsylvania be extended.

There was no objection.

Mr. BAYNE. Mr. Chairman, I believe that if the policy advocated by the friends of this bill should prevail it would equalize wages between this country and Great Britain, and equalize pauperism between the two countries. As you reduce wages in this country, as you take away from our wage-people the opportunity to earn and to provide for their families, you eliminate from the productive classes those who are not now able to do full days' works, and you relegate them to the class of paupers, because as competition becomes more and more lively among workingmen, as wages become lower and lower, the inferior classes of working people are crowded out, only the fittest surviving; and thus you level the American wage-worker to the same plane as the wage-workers in foreign countries.

This is a logical necessity of the present bill. Mr. Chairman, it is a conclusion based upon the exact researches of science, and one from which you can not escape, that so far as you go in the direction of equalizing trade between this country and countries less prosperous, you bring down the earning capacity of the working people of this country to the level of the working classes of the countries with which you freely trade.

Capital earns more in this country than anywhere else in the world; so does labor. I want to protect the earning power of capital and the earning power of labor. That is the proposition for which the Republican party contends, and it affects all sections of the country alike.

The gentleman from Minnesota [Mr. WILSON] says he will ask the House to put flaxseed on the dutiable list, because in his country the people produce flaxseed. He must have some little idea of protection, or he would not make a suggestion of that sort. Why will he not do unto others as he would have others do unto him? Why will he not observe "the golden rule?" That is the rule which obtains among protectionists. Why does the gentleman from Maryland [Mr. RAYNER] propose to raise the duty on glass while he would let everything else come in free? The gentleman from Minnesota would put flaxseed on the dutiable-list and let everything else come in free. Gentlemen from Louisiana say keep a high duty on sugar and let everything else be free. Gentlemen from South Carolina say keep up the tariff on rice and let everything else be free. No, gentlemen, do as you would be done by. Treat all sections alike. Preserve in this country the high wages now paid to American labor.

[Here the hammer fell.]

Mr. WHITE, of Indiana. Mr. Chairman, the question now pending before the committee in reference to flax presents exactly the same features as salt and lumber. Flax is similar in its relations to our manufactures and involves precisely the same question, whether we shall preserve our home industry or not?

Now, the President of the United States set out with the theory that the tariff is a tax upon the consumer. I am satisfied that gentlemen on the other side in the framing of this bill, as well as the President of the United States, have not considered this question, as I believe, upon proper grounds of public policy. If they had done so I am sure they would not have fallen into the mistakes which are perfectly apparent from the beginning to the end of it.

Let me indulge in a few homely illustrations to show that the tariff is not a tax. Suppose, gentlemen, the President of the United States wanted to establish an industry in the District of Columbia, and, in order to do that he should place a tariff on boots and shoes; suppose the tariff was $2 on boots and shoes coming into the District of Columbia. What would be the result of the imposition of that tax? According to the theory of gentlemen on the other side of the House, and according to the theory of the President of the United States in his last annual message, the imposition of such a tax would necessarily advance the price of boots and shoes $2 beyond the price which was maintained at the time the tax was imposed. But nothing could be more absurd.

Let me show that such would not be the result, and that the price of boots and shoes would not be increased by the tariff of $2 on that amount of the price of boots and shoes when the tariff was enacted. For, sir, just so soon as that tariff went into effect the Boston manufacturers of boots and shoes, within thirty days, would come here with their plants and manufacture all that was needed to supply the market. Say there were 300,000 people here and that they consumed four pairs of shoes or boots each during the year. That would be 1,200,000 boots and shoes. The competition on the part of the manufacturers would necessarily reduce the price of the article, and consumers would get their boots and shoes just as cheap as they did before the tariff was imposed.

Of course, whether the boots and shoes come in free, it does not matter to people who will buy Boston fancy shoes whether the tax is on or off. Those who want Boston fancy shoes, why let them have them and let them pay for them; $2 a pair, saying there were 5,000 people who wore them in this District out of 300,000 population, would afford a good revenue to the District.

I see the gentleman from Texas [Mr. MILLS] in the House, and let me illustrate the matter so far as his State is concerned. Say the State of Texas has a population of 2,000,000, and that they consume in a year 2,000,000 barrels of flour. A tax or tariff of $2 a barrel on that flour, according to the theory of the President and the Committee on Ways and Means, would be added to the price of the article; but in that respect let me say that they would be wrong. Just so soon as the tariff of $2 a barrel on flour was imposed the millers would go down into that State and establish there what Texas does not now have, a milling industry, and the competition would be so great that the result would be that the people of Texas, notwithstanding the duty of $2 a barrel, would be able to purchase their flour just as cheap as they did before.

[Here the hammer fell.]

Mr. BUTTERWORTH. Mr. Chairman, it is proper I should say something here in response to my honorable friend from Missouri [Mr. DOCKERY]. I would not do so if my friend from Maine [Mr. REED] was in his seat. I do not know there is any difference between the position of the gentleman from Maine and myself as to these trusts and combinations. I have never heard the gentleman from Maine defend a trust or question the wisdom or propriety of putting an end to any improper use or abuse of power by any corporation, syndicate, or trust. We have differed in some respects; mainly that I regard the danger as vastly more imminent than does my friend from Maine.

Mr. DOCKERY. Well, that is quite a difference.

Mr. BUTTERWORTH. Certainly. But to recognize the existence of an evil is one thing, and to provide for its eradication is quite another. The gentleman from Maine simply suggested, if I understand him, that you can not do it by loud and boisterous declamation. He doubts the utility of that kind of steam-boat which, when it blows its whistle, has got to stop its machiney. [Laughter and applause.]

Mr. DOCKERY. Well, that is good if it is not applicable.

Mr. BUTTERWORTH. Mr. Chairman, I am in no wise referring to what my honorable friend from Missouri has said. I am in accord with him, except as to his criticism of the gentleman from Maine. In that I think he did that gentleman an injustice; but I am talking of the general wail we have heard, and which takes the place of fixed and determined effort in the accomplishment of a good purpose.

And since listening to the honorable gentleman from Maryland [Mr. RAYNER] in his violent arraignment of the Republican party as the friend of corporations, trusts, syndicates, and combines, it becomes pertinent to ask him [Mr. RAYNER] what steps the Committee on Ways

and Means have taken or what steps the majority side of this House has taken to place in our possession the evidence which will enable us to deal wisely, justly, and fairly with the bill before us, or to deal wisely and vigorously with these excresences upon the body politic called trusts, combines, or syndicates? What have you done? Nothing. Why, you have not even provided for the publication of the book or compilation that I hold in my hand, a compilation that is of so much importance in supplying needful information upon the Mills bill that it should be in the possession of every member. It contains facts and information which are indispensable to wise action upon the pending tariff bill.

A MEMBER. What is the book?

Mr. BUTTERWORTH. It is a succinct statement of the present rate of duty upon various articles in the schedule contained in the bill pending before the House, showing in tabulated form the changes proposed in rate of duty by the Mills bill, the effect such changes will produce upon the revenue, the amount or quantity of the article imported and the value thereof, and the revenue produced by the present rate. You know, gentlemen, that this House can not act understandingly or intelligently in revising the tariff without the information this compilation contains; and yet the majority of the Committee on Ways and Means, with an idea possibly that it is matter of no active concern to the rest of us and the industries we severally represent whether the tariff is voted up or voted down, have compiled this statement and schedule for their own information and use, in order that they may steer their course by the fixed stars which the majority of that committee have placed in the political heavens for the guidance of the Democratic majority in this House. [Applause.]

And I shall ask, Mr. Chairman, before I take my seat, or rather I will ask the House, after the committee rises, to have this book printed in order that the members of this body may be furnished each with a copy of the compilation, and thus become possessed of information indispensable to intelligent action on the changes proposed by the bill we are considering. [Applause on the Republican side.]

Now I ask another thing: Was it or was it not within the power of this majority of the committee to have placed within the possession of this House such information touching these trusts, syndicates, and combines, and such information in regard to articles upon which import duty is collected, as would enable us understandingly to apply the proper remedy and make the revision needful? They have done nothing of the kind. There has not been a step taken in that direction. They know, and we all know, that an intelligent revision of the tariff, an intelligent dealing with these too powerful and confessedly dangerous associations, whose broad wings we would clip, must be preceded by a comprehensive and accurate knowledge of their formation, character, and influence. Is that not correct? Am I mistaken? And yet gentlemen with their voices "cry aloud and spare not," putting on, indeed, "the form of godliness, but denying the power thereof," and then their labors stop.

[Here the hammer fell.]

Mr. MCMILLIN was recognized.

Mr. BAYNE. I ask that the gentleman from Ohio have additional time.

Mr. BUTTERWORTH. I should like to have a few minutes' additional time.

Mr. MCMILLIN. I will yield the gentleman a part of my time. Does the gentleman not know that the compilation which he holds in his hand was published for the information of the committee in making up the bill? The gentleman has been familiar with the action of this House too long not to know the fact that it is not the duty of the Committee on Ways and Means to have printing done for the entire House. The gentleman makes a suggestion which is applicable to the House. The House must act upon it, not the committee. He has the same right as any other member to ask to have this printed.

Mr. BUTTERWORTH. Now, my great respect for my friend from Tennessee would make me wish that he had omitted that speech.

Mr. MCMILLIN. It is true.

Mr. BUTTERWORTH. He, as an intelligent legislator, knows that if it is desired by the committee that the House should reach an intelligent conclusion, and take wise and appropriate action upon a measure or a bill submitted by the committee of which he is a prominent member, that it is the plain duty of that committee to see to it that full and accurate information should be given to the House for its guidance. And especially is that true of the pending bill and in relation to the important changes proposed by its provisions.

Mr. MCMILLIN. The Committee on Ways and Means have authority under the general order of the House to have printed what is necessary for the committee, and that only.

Mr. BUTTERWORTH. I understand that.

Mr. MCMILLIN. And as to what else is printed for the use of the House, the gentleman knows very well that that is something on which the House itself must take action. This is a publication which would cost more than the limit of appropriation that is allowed in the printing of such matters for the use of the committee. It is a matter on which the House would necessarily be compelled to take action.

Mr. BUTTERWORTH. Why, Mr. Chairman, the gentleman knows and the House knows that the committee of itself would not be authorized to publish this exhibit for the use of the House. But we know, also, that it was the plain duty of that committee to put this House in possession of all the information that was necessary to enable the representatives of the people to act understandingly touching the great and important interests to be affected by their votes upon this bill.

Mr. MCMILLIN. I will state to the gentleman that the minority of the committee were furnished with that document weeks ago.

Mr. BUTTERWORTH. Very likely; and they were the only gentlemen furnished with it.

But let me call attention to another thing——

Mr. MCMILLIN. The gentleman is now talking in my time.

Mr. BUTTERWORTH. Oh, no; my time was extended.

Mr. MCMILLIN. I yielded to the gentleman a part of my time.

Mr. BUTTERWORTH. Then I apologize to the gentleman, for I thought that I had the floor and that I was ambling in my own lot. [Laughter.]

Mr. MCMILLIN. No, sir; you were ambling in mine. But the gentleman is to be forgiven, for he knows not what he did; and I will yield the balance of my time to my friend.

By unanimous consent, Mr. BUTTERWORTH's time was extended for five minutes.

Mr. BUTTERWORTH. Now, Mr. Chairman, I am going to stick to this point, because I want the House and the country to understand whether we are dealing with this bill as a mere game in politics or whether we are dealing seriously with the great industrial and commercial interests of the country committed to our care.

Mr. BRECKINRIDGE, of Arkansas. The first position you have stated is the one that your side occupies. You are engaged in a mere political game. You do not want to do anything. [Laughter on the Democratic side.]

Mr. BUTTERWORTH. Let us see who it is that occupies that position. Who has been charged for fourteen years with the duty of revising the revenue laws? You have been lusty in your talk about it all that time, and have, with the exception of two years, been in supreme control in this House, where revenue bills must originate.

Mr. Chairman, nobody knows better than the gentleman who interrupts me that in order to revise the tariff understandingly or intelligently we ought to know whether a given article forms the base of a single industry or of many industries; we ought to be advised as to how it is related, if at all, to other industries of the country; we ought to know the source and extent of the supply of the imported article and the amount of revenue collected on what is imported; we ought to know how far its production and use is controlled by patents; we ought to know to what extent, if at all, the production and sale is controlled by "trusts," "syndicates," "combines," or corporate power, and, as far as may be, the cost of production in the United States as compared with the cost in other countries, and to what that difference in cost is due.

Gentlemen on the other side understand very well that it was entirely within their power to put the House and the country in possession of a knowledge of the groundwork upon which we might complete the superstructure of tariff legislation. But we and the people are left in ignorance of the chief essentials, so far as any controlling effort of the Committee on Ways and Means is concerned.

Mr. MCMILLIN. The gentleman points out what ought to be done. Now, I ask him whether he does not know that the present tariff law was passed without any such precedent steps being taken in this House, and without being read or considered in the Committee of the Whole. [Applause on the Democratic side.]

Mr. BUTTERWORTH. I know that the exact reverse is true. [Applause on the Republican side.] I know that under a Republican administration a high commission was appointed, which went from State to State and from city to city, and sat with open doors to hear argument and consider petitions in relation to tariff revision, and they listened and gave respectful consideration to the protests that came up from the fields and shops and factories against any revision of the tariff that would injure or destroy the industries of the United States. [Applause on the Republican side.]

Mr. MCMILLIN. And the gentleman knows also that the report of that commission was kicked out of this House.

Mr. BUTTERWORTH. I know another thing: that in framing the bill we had the advantage of the information gathered by that commission. I know, too, that the petitions that were then addressed to the Committee of Ways and Means were not a sealed book.

I know that every man who was interested in any industry or in any avocation, wherever and however employed, whether as employer or employé, was accorded as full and fair hearing as if he were a sovereign, as indeed he was; and I know that in the light of the information thus obtained, and guided by the aid of those engaged in the various industries of the country, both those who employed and those who worked for wages, we revised the tariff without crippling any industry or reducing the wage of a single workman, but in a manner satisfactory to the whole country reduced the revenue and stopped the flow into the public treasury by more than three score millions of dollars; something which you seem incapable of doing.

Mr. MCMILLIN. And after doing that you increased the duties.

Mr. BUTTERWOTH. Beyond that, I know that when the House met there was placed upon the table of every member a compilation like this, which was a perfect photograph of the condition of the then rate and result of customs duties in matter of revenue, so that the influence upon the industries with which we were dealing could be determined with reasonable certainty. [Applause on the Republican side.] In other words, I know that with the information in our possession we addressed ourselves to the work of revising the tariff in a business-like manner, with the purpose of protecting the homes and the hearthstones of this country, while you gentlemen address yourselves to that undertaking solely, as it seems, with reference to a Presidential election. [Applause on the Republican side.]

Mr. FARQUHAR. Will my friend permit me to make a suggestion through him?

Mr. BUTTERWORTH. Certainly.

Mr. FARQUHAR. When this committee placed this book in type and printed only 30 copies, the extra cost of a number sufficient to have supplied all the members of this House would not have amounted to more than $125.

Mr. BUTTERWORTH. And members would gladly have paid it out of their own pockets rather than not have had the book and the needful exhibits it contains.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, this book of which the gentleman speaks was not prepared here. It has been in possession of the minority as long as it has been in the possession of the majority of the Committee on Ways and Means, and during the two months that we have had it no gentleman on either side among all the members of the committee ever proposed to have additional copies printed. If such a proposition had been made it would doubtless have been agreed to, but no one seems to have thought of making it, so that the gentleman's criticisms do not seem to be quite fair.

Mr. BUTTERWORTH. As usual, my friends on the other side are satisfied when their best comes up to our worst. Now, I never heard of this book, although gentlemen around me have conferred time and again of the necessity of having the information it contains, and my friend on the left [Mr. ADAMS] has been at work studiously for a month trying to compile such a document for himself. I agree that this document might have been called for by a member if he had known of its existence. I am not defending our omission to do what might have been done, but am condemning your omission to do that which your duty required of you. [Applause on the Republican side.] You are responsible to the country for legislation; you are responsible for the condition in which our industries will be left if this bill should become a law.

I will agree to vote for the Mills bill if any gentleman on the other side will stand up before the House and undergo a "civil-service examination" in regard to any given article mentioned in the Mills bill touching its relation to the industries of the country, its relation to commerce, the revenue it yields, the localities where it is used, the sources of supply, etc. No gentleman here is ready to answer fully such questions; yet this information is absolutely essential to the right understanding and discharge of the duties which devolve upon us.

[Here the hammer fell.]

Mr. MILLS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue and had come to no resolution thereon.

PRINTING IN RELATION TO TARIFF BILL.

Mr. BUTTERWORTH. I move that the document which I hold in my hand and to which I have already referred be printed, so as to furnish one copy for the use of each Member and Delegate.

[The document is entitled, "The bill of the Committee of Ways and Means to reduce taxation and simplify the laws in relation to the collection of the revenue, with table of rates and estimated duties on imports under the same; prepared by Charles H. Evans, Treasury Department."]

Mr. BRECKINRIDGE, of Arkansas. All the information embraced in the book which the gentleman holds in his hand is included in the document I have here, which was printed in the first instance for the use of the members of the Committee on Ways and Means, but which, since the 14th day of last March, has been accessible by every member who chose to call for a copy of it. It is an exhibit approved by the Secretary of the Treasury and designed to accompany the pending bill, giving, with reference to every item in the bill, the amount of imports, the existing rate of duty, the ad valorem equivalent, the unit of value, the proposed rate of duty, and estimated reduction. I will say further that the volume which the gentleman from Ohio has in his hand is, as he knows, such a publication as has not in the history of the House been printed as a document for general circulation among members.

Mr. HOPKINS, of Illinois. Why should we not have it? We need it.

Mr. BRECKINRIDGE, of Arkansas. I make no objection whatever, except that I want to call attention to the fact, by way of disproof of all you have been saying that by the publication of that document we would simply duplicate information which has been at the command of members, as I have said, for several months past. But we have acceded to every request of this kind heretofore, and we do not oppose this proposition.

The SPEAKER *pro tempore*. What is the motion of the gentleman from Ohio?

Mr. BUTTERWORTH. That one copy of this document for each Member and Delegate be printed.

Mr. MILLS. I would like to know how soon they can be furnished. We do not want to have the consideration of the bill delayed.

Mr. BUTTERWORTH. I do not ask any delay.

Mr. BRECKINRIDGE, of Arkansas. You need not have any. Gentlemen can get in the committee-room this publication to which I have referred, which contains all the information that you have spoken of.

Mr. BUTTERWORTH. The publication which the gentleman holds in his hand does not present the items of the bill in their order, but in a scattered form, not so convenient for reference as in the document which I ask to have printed; nor are the same facts stated. I have looked through the gentleman's document, and I would as soon have a pocket Bible for the purposes of this discussion, and in fact a good deal rather. [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. The articles are classified in exactly the order in which they are usually presented.

Mr. BUTTERWORTH. I insist on my motion.

Mr. BRECKINRIDGE, of Arkansas. I do not object. I only want the House to know that we have granted every request of this kind for information, as we will grant this one.

Mr. BRECKINRIDGE, of Kentucky. Is there not some law or rule limiting the expense of printing which may be ordered in this way?

The SPEAKER *pro tempore*. If the cost of any proposed printing will exceed $500 it must be referred to the Committee on Printing.

Mr. BRECKINRIDGE, of Kentucky. I understand that the expense of printing this document may exceed that amount. That is the information I have.

Mr. BUTTERWORTH. I do not think the cost can exceed $500.

Mr. BRECKINRIDGE, of Kentucky. If the House wants this document of course no member of the committee will object. I was about to suggest, however, that the motion be referred to the Committee on Printing, with instructions to report on Monday morning next. In this way we can ascertain the exact cost.

Mr. BUTTERWORTH. So important is this information with reference to the subject on which we are acting that if the cost were $5,000 or $10,000, I would not hesitate to favor the expenditure.

Mr. McMILLIN. But if anything like that is to be the cost, the House can not order it without the question being first considered by the Committee on Printing.

Mr. BUTTERWORTH. I do not want, of course, to make any motion which would be nugatory. I therefore ask that my motion to print this document be referred to the Committee on Printing, with instructions to report on next Monday morning as to the cost.

Several MEMBERS. That is right.

Mr. HEARD. What is the original motion of the gentleman from Ohio [Mr. BUTTERWORTH]?

Mr. BUTTERWORTH. That this document be printed in such number as to furnish one copy to each Member and Delegate.

Mr. HEARD. I suggest that the number be enlarged so as to include a copy for each Senator. I move to amend the gentleman's motion so as to provide for printing 500 copies.

Mr. BUTTERWORTH. I accept that amendment.

The SPEAKER *pro tempore*. If there be no objection, the motion of the gentleman from Ohio [Mr. BUTTERWORTH], to print 500 copies of this document for the use of Senators, Members, and Delegates, will be referred to the Committee on Printing, with instructions to make a report on Monday morning next. The Chair hears no objection, and it is so ordered.

Mr. BRECKINRIDGE, of Arkansas. I move that the House adjourn.

The motion was agreed to, there being—ayes 74, noes 69; and accordingly (at 4.45 p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BRECKINRIDGE, of Kentucky: A bill (H. R. 10424) for the relief of James H. Dennis—to the Committee on Claims.

By Mr. CHIPMAN: A bill (H. R. 10425) providing a pension for Matilda C. King—to the Committee on Invalid Pensions.

By Mr. CONGER: A bill (H. R. 10426) granting a pension to Otho G. Hendrix—to the Committee on Invalid Pensions.

By Mr. FORD: A bill (H. R. 10427) for the relief of Seth C. Shattuck—to the Committee on Claims.

By Mr. FUNSTON: A bill (H. R. 10428) for the relief of J. R. Wasson—to the Committee on War Claims.

By Mr. JOHNSTON, of Indiana: A bill (H. R. 10429) for the relief of Messrs. Schiffbauer Brothers—to the Committee on Indian Affairs.

By Mr. McCREARY: A bill (H. R. 10430) for the relief of Henry P. Bottom—to the Committee on War Claims.

By Mr. PEEL: A bill (H. R. 10431) for the relief of William P. Box—to the Committee on War Claims.

By Mr. STONE, of Missouri: A bill (H. R. 10432) for the relief of Ervin Thomas—to the Committee on War Claims.

Also, a bill (H. R. 10433) for the relief of Leaman L. Bowers—to the Committee on Invalid Pensions.

By Mr. TAULBEE: A bill (H. R. 10434) for the relief of George S. Steele—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10435) for the relief of H. G. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10436) for the relief of H. H. Shaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10437) for the relief of Green Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10438) for the relief of M. L. George—to the Committee on War Claims.

Also, a bill (H. R. 10439) for the relief of M. S. Friend—to the Committee on War Claims.

Also, a bill (H. R 10440) for the relief of Mrs. Jane Stewart—to the Committee on War Claims.

By Mr. A. C. THOMPSON: A bill (H. R. 10441) granting a pension to Elizabeth Wilkison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10442) granting a pension to Belle Cluxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10443) granting a pension to Samuel Pfeifer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10444) granting a pension to William McNally—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10445) granting a pension to Andrew Hood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10446) granting a pension to Isaac McMullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10447) granting a pension to Frilley Day—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10448) granting a pension to Squire Walter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10449) granting a pension to Rachel Washburn—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 10450) granting a pension to Thomas F. Robinson—to the Committee on Invalid Pensions.

By Mr. LAFFOON: A bill (H. R. 10451) for the relief of Elizabeth Fulwiler—to the Committee on War Claims.

By Mr. CLEMENTS: A bill (H. R. 10452) for the relief of the heirs at law of Edward Fowler—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BROWER: Petition of G. Washington Howard and Margarette M. Howard, heirs of William Hopson; of Julia H. Emerson, executrix of Alfred Boothe; of John E. Mason, and of Charlotte Pickett and Thomas Pickett, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. CARUTH: Petition of B. C. King, trustee for Emory R. E. Church, of Brightwood, D. C., for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CHIPMAN: Petition of the Merchants and Manufacturers' Exchange of Detroit, for a winter bridge over Detroit River—to the Committee on Commerce.

By Mr. CONGER: Petition of W. W. Croddick and others, citizens of Knoxville, Iowa, for a pension for Otto G. Hendrix, Company A, United States Veteran Volunteer Engineers—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: Memorial of the Cleveland Refining Company and others, of the Brooks Oil Company and others, of Cuyahoga County, Ohio, and of James J. Sullivan and 50 others, of Hamilton County, Tennessee, in favor of amending the interstate-commerce law—to the Committee on Commerce.

Also, resolutions of the Faculty of the Rose Polytechnic Institute of Terre Haute, Ind., favoring the Cullom-Breckinridge bill—to the Committee on Rivers and Harbors.

By Mr. LANDES: Petition of Edward Wisner, for relief—to the Committee on Military Affairs.

By Mr. NEAL: Petition of Alexander Green, of McMinn County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. PEEL: Petition of William P. Box, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. STAHLNECKER: Resolutions of the Chamber of Commerce of New York State in relation to the purchase of sites in New York City by the Government for new customs building—to the Committee on Public Buildings and Grounds.

By Mr. G. M. THOMAS: Petition of J. M. Littleton, for relief—to the Committee on Military Affairs.

SENATE.

MONDAY, *June* 11, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

NAMING A PRESIDING OFFICER.

The Secretary (Mr. ANSON G. McCOOK) called the Senate to order, and read the following letter:

UNITED STATES SENATE, *Washington, D. C., June* 11, 1888.

I name the Senator from Nebraska, Mr. MANDERSON, to perform the duties of the Chair to-day.

JOHN J. INGALLS,
President pro tempore.

Thereupon Mr. MANDERSON took the chair as Presiding Officer for to-day.

THE JOURNAL.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER (Mr. MANDERSON) laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of May 31, 1888, a statement of the amount due each claimant for bounty, back pay, and other allowances, where claim has been allowed in full or in part since the commencement of the present session of Congress, and not already reported by him to Congress; which, on motion of Mr. SHERMAN, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster-General submitting an estimate of appropriation for an increase in the force of the salary and allowance division office of the First Assistant Postmaster-General, for the ensuing fiscal year; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster-General submitting an estimate of appropriation in the sum of $1,021,200 for the ensuing fiscal year for the free-delivery service in consequence of the act, approved May 24, 1888, entitled "An act to limit the hours that letter-carriers in cities shall be employed per day;" which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of May 31, 1888, certain information as to the failure to use the appropriation of $75,000 made by the act approved June 14, 1880, and the sum of $2,500 appropriated by the act approved March 3, 1887, for the improvement of the Shenandoah River in Virginia and West Virginia; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

CREDENTIALS.

The PRESIDING OFFICER presented the credentials of RANDALL LEE GIBSON, chosen by the Legislature of Louisiana a Senator from that State for the term beginning March 4, 1889; which were read.

Mr. SPOONER. I ask that that certificate lie upon the table until the Senator from Massachusetts [Mr. HOAR], who is chairman of the Committee on Privileges and Elections, may be present.

The PRESIDING OFFICER. The credentials will lie upon the table for the further disposition of the Senate.

PETITIONS AND MEMORIALS.

Mr. TELLER. I present the petition of J. M. Bryan, in behalf of certain Cherokee Indians formerly residing in North Carolina, who have recently removed at their own expense from the Cherokee country to the Indian Territory, praying to be granted certain relief.

As this is a matter of public interest, I should like to have the petition printed. I move that it be referred to the Committee on Indian Affairs and printed.

Mr. SHERMAN. Printed as a document?

Mr. TELLER. Printed as a document, not in the RECORD.

The PRESIDING OFFICER. Unless there be objection, the petition will be printed as a document, and referred to the Committee on Indian Affairs. The Chair hears none, and it is so ordered.

Mr. CULLOM presented a petition adopted by the General Association of Congregational Churches for the State of Illinois, praying for legislation prohibiting the Executive Department of the Government from restricting the use of the vernacular in the Indian schools; which was referred to the Committee on Indian Affairs.

He also presented a petition of citizens of Schuyler County, Illinois, praying that the schedule of duties agreed upon by the representatives of the wool-growers and woolen-manufacturers may be enacted into law at an early date; which was referred to the Committee on Finance.

He also presented the petition of Lewis D. Simmonds, late a private in Company B, Eleventh Regiment Indiana Volunteers, praying for the removal of the charge of desertion from his military record; which was referred to the Committee on Military Affairs.

Mr. STEWART presented the petition of Riley Moutrey, a citizen of California, praying to be allowed compensation for services rendered in 1846–'47, in rescuing from death by starvation and cold a party of immigrants known as the "Donner" party, en route to California, who lost their way in the snows of the Sierra Nevada Mountains; which was referred to the Committee on Claims.

Mr. HAWLEY. I present a memorial of Reginald Fendall, William C. Dodge, and other citizens of the District of Columbia, in favor of changes in the government of the District. This is, I judge from a hasty examination of it, and I am so told by those who know, a valuable legal history of the government of this District. The memorialists intend to order the printing of a considerable number; but I ask that a thousand copies be printed for the use of the Senate.

The PRESIDING OFFICER. The memorial will be referred to the Committee on the District of Columbia. The Senator from Connecticut asks that 1,000 copies of the memorial be printed for the use of the Senate. Is there objection to the order? The Chair hears none, and it is so ordered.

Mr. DAVIS presented a memorial of the Board of Trade of Minneapolis, Minn., remonstrating against the erection of any bridge across the Detroit River; which was referred to the Committee on Commerce.

Mr. GIBSON. I present a petition from certain citizens of Louisiana. As it is not long I shall read it. It is as follows:

To the honorable the Senate and House of Representatives of the United States of America:

The undersigned petitioners, residents of the State of Louisiana, represent with respect that by clearing out Bayou Terrebonne and Bayou Black, in the southwestern portion of the State, which were a few years ago navigable by steamboats, an open water way would be completed between the Mississippi River and Berwick's Bay, and a permanent means of communication established between the valley of the Mississippi, and Texas and Mexico, which in time of war would afford a safe route for supplies and munitions of war along the borders of Louisiana and Texas.

Your petitioners would further represent that not only would this improvement constitute a national benefit, but would also be of local advantage to the people inhabiting the country through which this line of communication passes. The United States Government has already completed the work in Bayou Terrebonne with the exception of a small portion, which it is estimated $3,000 more would finish. More than one-half the work on Bayou Black has been completed. A dredge-boat was purchased for these works for $10,000, and will remain idle unless the appropriations are made to continue the improvements.

This petition is signed by a large number of citizens of the State—by Peter Berger, John Berger, D. R. Calder, Caillouet & Maginnis, Thomas B. Maginnis, Llewellyn Pugh, agent of the estate of Walter Pugh, G. H. Robichaux, H. C. Minor, and others. I move that the petition be referred to the Committee on Commerce.

Mr. PADDOCK. I should like to inquire of the Senator from Louisiana if the petition relates to the Mississippi River improvement? I could not hear it.

Mr. GIBSON. It does not at all.

The PRESIDING OFFICER. The petition will be referred to the Committee on Commerce if there be no objection.

Mr. SPOONER. I present a petition of citizens of the District of Columbia, praying for an investigation into the management of the affairs of the water department of the District of Columbia. I move that the petition be printed in document form for the use of the Senate, and referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. PADDOCK presented a petition of the Board of Trade of Fairbury, Nebr., praying for the passage of the Pacific Railroad funding measure known as the Outhwaite bill; which was referred to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

He also presented a petition of citizens of Franklin County, Nebraska, complaining of existing evils under the operations of the interstate-commerce act, and praying for the adoption of needful and necessary amendments thereto; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Grand Army of the Republic, Department of Nebraska, officially signed, praying that an appropriation of $200,000 be made to furnish headstones required to fill requisitions for the coming year; which was referred to the Committee on Appropriations.

He also presented a petition of citizens of Carleton, Nebr., praying for the repeal of so much of the internal-revenue laws as classes druggists as liquor dealers and requires them to pay license as such dealers; which was referred to the Committee on Finance.

Mr. BLACKBURN presented a petition of sundry citizens of Nelson County, Kentucky, praying for a certain amendment of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. VEST presented a memorial of the Cotton Exchange of St. Louis, Mo., remonstrating against the passage of the bill to establish a bureau of rivers and harbors; which was referred to the Committee on Commerce.

He also presented a petition of the Linton District Medical Society of Missouri, praying for the removal of import duties on medicines and surgical instruments; which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of New York City, praying for the erection of a public building in that city, to cost $3,000,000, for the use of the United States appraiser and other Federal officers; which was referred to the Committee on Public Buildings and Grounds.

Mr. COKE presented a petition of citizens of Bell County, Texas, and a petition of citizens of Erath County, Texas, praying for the payment of Indian depredation claims; which were referred to the Committee on Claims.

Mr. HOAR presented the petition of Hiram M. Pierce and Rufus R. Ricker, of Montpelier, Vt., praying for the passage of Senate bill 548, granting pensions to widows and minor children of pensioners; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Claims, reported the following resolution:

Resolved, That the bill (S. 2079) entitled "A bill for the relief of George Brown," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of said act, and report to the Senate in accordance therewith.

The PRESIDING OFFICER. The resolution reported by the Senator from Wisconsin will be agreed to, and the bill, with the accompanying papers, referred to the Court of Claims, unless there be objection.

Mr. SPOONER, from the Committee on Claims, reported the following resolution:

Resolved, That the bill (S. 605) entitled "A bill for the relief of John N. Trook, administrator of William Hughes, deceased," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, to find and report the facts bearing upon the merits of the claim, including the loyalty of claimant, and all facts bearing upon the question of laches, and as to whether the bar of the statute of limitations ought in justice to the claimant to be waived.

The PRESIDING OFFICER. The resolution will be agreed to, and the bill referred to the Court of Claims, unless there be objection.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 478) to place the name of Rev. Stephen M. Collis on the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof, reported it without amendment, and submitted a report thereon.

Mr. MORRILL. I am directed by the Committee on Finance to ask that a letter of the Secretary of the Treasury addressed to the chairman of the Committee on Finance and a report of the Chief of the Bureau of Engraving and Printing on Senate bill 1472, requiring all Government securities to be printed on hand-roller presses, may be printed as a miscellaneous document and recommitted to the Committee on Finance.

The PRESIDING OFFICER. That order will be made, unless there be objection.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4774) granting a pension to Mathew H. Reynolds;
A bill (H. R. 5759) granting a pension to John H. Roundtree;
A bill (H. R. 9284) granting a pension to Webster C. Webb;
A bill (H. R. 7907) granting a pension to Mary Ann Lang;
A bill (H. R. 7577) granting a pension to Lewis C. Keck; and
A bill (H. R. 3125) for the relief of Susan Jones.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (S. 2917) to withdraw the public lands in the State of Florida from all entry except homestead entry and settlement, reported it with amendments.

Mr. PLUMB. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes, to report it with amendments.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. PLUMB. I am also instructed by the Committee on Appropriations, to whom was referred the bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889, to report it with amendments.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

Mr. PLUMB. I wish to give notice that to-morrow morning, immediately after the close of the morning business, I shall ask the Senate to proceed to the consideration of the bills which I have just reported, taking them up in the order in which they have been reported.

Mr. ALLISON. The Committee on Appropriations instruct me to report back favorably the bill (S. 3025) to provide for the reconstruction of the Government dam at the Rock Island Arsenal, and for the immediate construction of a temporary dam to furnish water-power for said arsenal. I shall ask the Senate to consider the bill this morning immediately after the regular morning business is disposed of.

Mr. DAVIS, from the Committee on Pensions, to whom was referred

the bill (H. R. 2529) granting a pension to Mary Monti, reported it without amendment, and submitted a report thereon.

JOHN TAYLOR.

Mr. SAWYER. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 2656) to increase the pension of John Taylor, to report it favorably without amendment, and I ask that immediate action be taken upon it. The Senate passed a bill precisely like the one reported except that it was a Senate bill which I had recalled from the House of Representatives, and it is now on the table. I shall ask the indefinite postponement of the Senate bill if the House bill can be put on its passage. I ask in justice to this pensioner unanimous consent for the present consideration of the bill I have reported.

Mr. COCKRELL. Let it be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to increase the pension of John Taylor, late of Battery M, Third New York Light Artillery, from $12 to $16 per month, on account of gunshot wound of the head and its results.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SAWYER. I now move that the bill (S. 2058) to increase the pension of John Taylor, which was recalled from the House of Representatives, be indefinitely postponed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. GRAY introduced a bill (S. 3115) to amend the law relating to international extradition; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. SAWYER introduced a bill (S. 3116) granting an increase of pension to Thomas Wynne; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3117) granting a pension to Edwin Hollister; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 3118) for the relief of Mathew O. Regan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 3119) amendatory of the act for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3120) to remove the charge of desertion against Godfrey Smalley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. STEWART (by request) introduced a bill (S. 3121) for the relief of Algernon S. Dorsey; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAWLEY introduced a bill (S. 3122) for the enlargement of the military reservation at West Point, N. Y.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3123) to amend an act entitled "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 3124) creating three additional land offices in the State of Colorado; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3125) restoring the right of pre-emption to Alfonso Roberts; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB introduced a bill (S. 3126) to authorize the construction of a free bridge across the Missouri River at the most accessible point at or near the mouth of the Kansas River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CHANDLER introduced a bill (S. 3127) in relation to the retirement of certain medical officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) introduced a bill (S. 3128) for the development and encouragement of silk culture in the United States under the supervision of the Commissioner of Agriculture; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. PLUMB introduced a bill (S. 3129) granting a pension to Archibald Bennett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3130) granting a pension to Patrick Welch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3131) granting a pension to Mrs. Caroline G. Seyffarth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 3132) to provide for four police magistrates in the District of Columbia, to define their powers and jurisdiction, to provide for trial by jury in the police court of the said District, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENTS TO BILLS.

Mr. DOLPH submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

STATE DEFENSES.

Mr. DOLPH submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he is hereby, requested to furnish the Senate with a copy of the circular letter of the late Hon. William H. Seward, Secretary of State, addressed, by direction of President Lincoln, under date of October 14, 1861, to the governors of the several States, "inviting their consideration to the subject of the improvement and perfection of the defenses of said State, for the general defense, with the request that the subject-matter of said letter be submitted to the consideration of the Legislatures of the respective States when they should assemble next after the date of said letter."

PACIFIC COAST DEFENSES.

Mr. DOLPH submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate—

First. Copies of all correspondence from April 15, 1861, to August 20, 1866, of the War Department with the division commander of the Pacific, and also with the department commanders of the Columbia and of California, calling for and in relation to the subject of raising and organizing volunteer troops for the purposes of guarding the overland and inland mail and emigrant routes; and for preparing their volunteer and militia forces and home guards in camp and field to be ready to perform military service in those States or elsewhere for the United States whenever called upon, and for the improvement and perfection of the defenses of said States for the general defense; and in order to take the places of the regular troops of the United States in said States and in the adjoining States and Territories; and for protecting all of said States and Territories, and for suppressing Indian hostilities and disturbances therein and upon the borders of any thereof; and also copies of all correspondence of the War Department, and also of said division and department commanders with the governors of the States of Oregon and California in relation to the aforesaid subjects and during the period from 15th April, 1861, to August 20, 1866.

Second. A statement of the number and character of volunteer and militia forces and home guards that were raised or organized in the States of Oregon and California for any of the aforesaid puposes; and also those who were recruited or enlisted or enrolled or mustered in Oregon and California and who did military service for the United States either in said States or in other States and Territories from 15th April, 1861, to August 20, 1866, giving the dates of such enlistment and enrollment, and also dates of muster into and muster out of the military service of the United States.

DUTY ON LEAD ORE.

Mr. STEWART submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Judiciary Committee be requested to examine and report to the Senate whether in their opinion, under the provisions of the act of March 3, 1883 (22 United States Statutes, page 500), lead ore is exempt from duty if it contains gold or silver, less in quantity but greater in value than the value of the lead in the ore.

OFFER OF BONDS.

Mr. STEWART. I submit the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate with a full statement of all offers of bonds for sale to the Government since April 1, 1888, with dates of offers, amounts of bonds offered, premiums asked, and names of parties offering bonds; also with a full statement of the bonds purchased, giving the dates of purchase, amounts purchased, premiums paid, and names of parties selling since said date.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it go over.

The PRESIDING OFFICER. Objection being made, the resolution goes over.

Mr. SHERMAN. I have no objection to the resolution except that I do not think it is right to call for the names of persons offering bonds. It tends to deter the offering of bonds except through brokers. There is no occasion for it. Sometimes it discloses the private affairs of men and there is no use in it. Every Senator can see the importance of that. If men desire to sell their bonds, or if a bank chooses to retire its circulation, they may not care to have it known that they are selling their bonds, and they would offer them through brokers and the brokers would combine to make the price. Therefore I do not think it accomplishes any proper object to call for the names.

The PRESIDING OFFICER. The present consideration of the resolution being objected to——

Mr. SHERMAN. I have no objection to the resolution.

The PRESIDING OFFICER. Being objected to by the Senator from Missouri, the resolution goes over under the rule.

Mr. STEWART. I think it would be useful information to obtain.

The PRESIDING OFFICER. Debate is not in order unless by unan-

imous consent. Is there objection to the Senator from Nevada proceeding?

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 367) granting a pension to Nathaniel D. Chase;

A bill (H. R. 469) granting a pension to Marie A. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary Army;

A bill (H. R. 477) for the relief of Allen Gunter;

A bill (H. R. 885) to amend chapter 253 of the Revised Statutes of the United States, passed June 15, 1878, granting a pension to John Langland;

A bill (H. R. 962) granting a pension to Robert Lisle;

A bill (H. R. 964) granting a pension to James Turner;

A bill (H. R. 988) for the relief of Joseph R. White;

A bill (H. R. 2233) granting a pension to Bernard Carlin;

A bill (H. R. 2273) for the relief of William L. Travis;

A bill (H. R. 2537) to remove the charge of desertion against Almon R. Tobey;

A bill (H. R. 2640) for the relief of Judith A. Kinsey;

A bill (H. R. 2641) granting a pension to Emily W. Ogden;

A bill (H. R. 2690) granting a pension to Augustus Axmacher;

A bill (H. R. 4770) for the relief of Franklin White;

A bill (H. R. 5443) granting a pension to Isaac N. Johnson;

A bill (H. R. 5787) granting a pension to Charlotte E. Dilley;

A bill (H. R. 6302) granting a pension to Benjamin Contel;

A bill (H. R. 6431) for the relief of Van Buren Brown;

A bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin;

A bill (H. R. 8141) for the relief of the estate of Douglas Dale, deceased;

A bill (H. R. 8299) for the relief of William M. Dayton;

A bill (H. R. 8372) authorizing the sale of a portion of a Winnebago reservation, in Nebraska;

A bill (H. R. 8429) granting a pension to James T. Bourland;

A bill (H. R. 8455) for the relief of Elizabeth Terralls;

A bill (H. R. 8510) for the relief Mary Command;

A bill (H. R. 8592) for the erection of a public building at Jackson, Mich.;

A bill (H. R. 8607) to increase the pension of Lucius B. Varney;

A bill (H. R. 9610) to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River in Alabama;

A bill (H. R. 8673) to increase the pension of John R. Stiles;

A bill (H. R. 8779) granting a pension to Mary Dickinson;

A bill (H. R. 8807) granting a pension to Harriet E. Cooper;

A bill (H. R. 9127) for the relief of Chloe Frailey;

A bill (H. R. 9184) granting a pension to William M. Campbell, junior;

A bill (H. R. 9224) granting a pension to Belle M. Baker;

A bill (H. R. 9347) granting an increase of pension to William H. H. Buck;

A bill (H. R. 9771) for the erection of a public building at Ottumwa, Iowa; and

A bill (H. R. 10267) granting a pension to William P. Gordon.

The message also announced that the House had passed the following bills:

A bill (S. 303) granting a pension to Mattie Graziani, of Covington, Ky.;

A bill (S. 647) for the relief of W. A. Lemaster;

A bill (S. 656) granting an increase of pension to James Jackson Purman;

A bill (S. 845) granting a pension to the widow of John A. Turley;

A bill (S. 900) for the relief of Mrs. Alice Croarkin;

A bill (S. 1194) granting a pension to Mary Whirrey; and

A bill (S. 2929) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and operate a railway, telegraph and telephone line through the Indian Territory, and for other purposes.

The message further announced that the House had concurred in the amendment of the Senate to the bill (H. R. 6440) to authorize the construction of a bridge over the Missouri River at or near the city of Omaha, Nebr.

The message also announced that the House insisted on its amendments to the bill (S. 431) granting a pension to Emma S. Free, widow of Thomas S. Free, late major of the United States Army, disagreed to by the Senate, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LANE, Mr. WALKER, and Mr. MORRILL managers at the conference on its part.

The message further returned to the Senate, in compliance with its request, the following bills:

A bill (S. 2058) to increase the pension of John Taylor; and

A bill (S. 1162) for the relief of Susan E. Alger.

The message also announced that the House had passed the bill (S. 901) for the relief of Sophia W. Wright, with an amendment in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

A bill (S. 1191) for the relief of the legal representatives of Mary H. Pike, deceased;

A bill (H. R. 152) granting a pension to Mrs. Therese Guelich;

A bill (H. R. 354) granting a pension to Samuel McClure;

A bill (H. R. 432) granting a pension to Columbus Bosteder;

A bill (H. R. 600) increasing the pension of Mary Minor Hoxey;

A bill (H. R. 780) granting a pension to James H. Darling;

A bill (H. R. 809) granting a pension to Ephraim Reynolds;

A bill (H. R. 1074) granting a pension to Linnæus W. Risley;

A bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia;

A bill (H. R. 2156) granting a pension to Warren Ohaver;

A bill (H. R. 2174) granting a pension to Lewis Fichthorn;

A bill (H. R. 2215) granting a pension to Charles Glamann;

A bill (H. R. 2413) granting a pension to Mrs. Mercy Knight;

A bill (H. R. 2535) granting a pension to Ellen St. Cyr;

A bill (H. R. 3016) granting a pension to Mary F. Harkins;

A bill (H. R. 3690) granting a pension to Penelope Morton, widow of Lieut. James Morton;

A bill (H. R. 3706) granting a pension to Henry C. Richardson;

A bill (H. R. 3712) increasing the pension of Milton Judd;

A bill (H. R. 3745) granting a pension to Mary O'Neill;

A bill (H. R. 4103) granting a pension to Edna M. Hildreth;

A bill (H. R. 4864) to place the name of Jacob Behr on the pension-roll;

A bill (H. R. 4891) granting a pension to Alpheus Dyer;

A bill (H. R. 5177) granting a pension to Pleman Cook;

A bill (H. R. 5378) for the relief of Tillman Faux;

A bill (H. R. 5429) to place the name of Smith V. Campbell on the pension-roll;

A bill (H. R. 5756) granting a pension to David Gibbons;

A bill (H. R. 5812) granting a pension to Catharine Tierney;

A bill (H. R. 6245) for the relief of William Burk;

A bill (H. R. 6440) to authorize the construction of a bridge over the Missouri River at or near the city of Omaha, Nebr.;

A bill (H. R. 6531) to pension Leah Roark;

A bill (H. R. 6545) to increase the pension of Henry T. Bridges;

A bill (H. R. 6552) to increase the pension of James R. Porter;

A bill (H. R. 6574) for the relief of William Compton;

A bill (H. R. 6577) granting a pension to Abigail Sullivan;

A bill (H. R. 6583) granting a pension to Sally B. Wilson;

A bill (H. R. 6770) granting a pension to Mrs. Carrie A. Lucy;

A bill (H. R. 6840) for the relief of Hiram M. Goss;

A bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia;

A bill (H. R. 6973) for the relief of Enoch Weathers;

A bill (H. R. 6990) to place the name of Rebecca E. Shoemaker on the pension-roll;

A bill (H. R. 7097) granting a pension to Edmund Ryan;

A bill (H. R. 7115) granting a pension to William Scott;

A bill (H. R. 7263) for the erection of a public building at Bay City, Mich.;

A bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn.;

A bill (H. R. 7340) to authorize the construction of a bridge across the Mississippi River at Hickman, Ky.;

A bill (H. R. 7466) granting a pension to Hannah H. Grant;

A bill (H. R. 7471) granting a pension to Moses L. Chase;

A bill (H. R. 7574) granting a pension to Frank Lewis;

A bill (H. R. 7642) granting a pension to Abbie R. Brown;

A bill (H. R. 7688) granting a pension to John Glenning;

A bill (H. R. 7721) granting a pension to Martha Linton;

A bill (H. R. 7829) granting a pension to Thomas McGuire;

A bill (H. R. 7857) to increase the pension of Henry L. Potter;

A bill (H. R. 7944) granting a pension to Ann V. Ferguson;

A bill (H. R. 7974) granting a pension to Heman Rankins;

A bill (H. R. 8159) granting a pension to Jane Brown Dunne;

A bill (H. R. 8174) granting a pension to Ellen Sexton;

A bill (H. R. 8217) granting a pension to Raphael Fowler;

A bill (H. R. 8260) granting a pension to Lydia A. Hicks;

A bill (H. R. 8281) for the relief of Lieut. James G. W. Hardy;

A bill (H. R. 8400) for the relief of Lydia Burridge;

A bill (H. R. 8496) to increase the pension of Albert E. Magoffin;

A bill (H. R. 8629) granting a pension to Mrs. Abba E. Jackson;

A bill (H. R. 8722) granting a pension to Jessie M. Barthauer;

A bill (H. R. 8771) to place the name of Mrs. Flora C. Andrews on the pension-roll;

A bill (H. R. 8798) granting a pension to Nettie Ellicott;

A bill (H. R. 8884) granting a pension to Emily McClure;

A bill (H. R. 9170) granting a pension to James W. Poag; and

A bill (H. R. 9682) increasing the pension of Jesse Dickey.

ROCK ISLAND ARSENAL DAM.

Mr. SHERMAN. If there is no further morning business, I move that the Senate proceed to the consideration of the fisheries treaty.

Mr. ALLISON. I ask the Senator from Ohio to yield to me for a few moments that I may call up a bill that I reported this morning.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. SHERMAN. Certainly.

Mr. ALLISON. I ask unanimous consent to proceed to the consideration of the bill I reported this morning, relating to the replacing of the dam at Rock Island, Ill.

The PRESIDING OFFICER. The Senator from Iowa asks the unanimous consent of the Senate that the consideration of the bill indicated by him may be proceeded with. It will be read, if there be no objection.

Mr. MORGAN. I have no objection to it after the morning business is completed; but the morning business is not yet concluded. A resolution I offered last Thursday comes up to-day.

The PRESIDING OFFICER. It comes over under the rule.

Mr. MORGAN. I am entirely willing that that resolution shall continue in its present position, inasmuch as some Senators were not here when I made my remarks upon it the other day. If the resolution goes over until to-morrow it is all well enough. I do not wish it to go to the Calendar.

The PRESIDING OFFICER. The present occupant of the chair would hold that it would recur again to-morrow if passed over to-day, without being placed on the Calendar.

Mr. MORGAN. That is right. Very good.

Mr. SHERMAN. I think as the resolution has probably spent its force, and the object of the Senator from Alabama had in view has been accomplished, it had better be referred at once to a committee.

Mr. MORGAN. No, sir; I object to a reference. I want to debate it before it goes through.

Mr. SHERMAN. All right.

The PRESIDING OFFICER. The question before the Senate is, will the Senate proceed to the consideration of the bill (S. 3025) to provide for the reconstruction of the Government dam at the Rock Island arsenal, and for the immediate construction of a temporary dam to furnish water-power for said arsenal? Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $275,000, to be expended under the direction of the Secretary of War, for the reconstruction of the Government dam at the Rock Island arsenal, and for the immediate construction of a temporary dam to furnish water-power for the arsenal and to be used as a coffer-dam when the permanent dam is reconstructed.

Mr. ALLISON. I desire to make a statement in connection with the bill. This appropriation is for the reconstruction of a dam at the Rock Island arsenal which was taken out by a flood some two or three weeks ago. The Government of the United States, under a contract made with the Moline Water-Power Company, is bound to maintain this water-power.

Executive Document 177 of the present Congress, being a letter from the Secretary of War, shows the exact condition of the letting of the water-power.

Mr. EDMUNDS. How much of it is private water-power and how much public?

Mr. ALLISON. The water-power is entirely owned by the United States. They have constructed it, and have agreed with the Moline Water-Power Company, who transferred it to the United States, to maintain it.

Mr. EDMUNDS. Have you a copy of the agreement?

Mr. ALLISON. I was about to refer to that. The details of the agreement, the resolutions of Congress, and all the papers connected with the matter will be found in two executive documents, one Executive Document No. 21, Forty-fifth Congress, first session, the other Executive Document No. 75, Forty-fifth Congress, second session. I shall not take the time to read them, but I will ask to have inserted in the RECORD the report of the commission of Army officers respecting this water-power, and the agreement made by General Grant when Secretary of War *ad interim*, and the Moline Water-Power Company respecting the obligations of the United States to construct and maintain this water-power. I ask that the matter referred to in Executive Document 75, Forty-fifth Congress, second session, may be inserted in the RECORD.

The paper is as follows:

APPENDIX X.

OFFICE OF THE ROCK ISLAND COMMISSION,
Washington City, January 24, 1867.

The board having taken under further consideration the matter of the Moline Water-Power Company, finds it impracticable to determine, as a separate question, the damage sustained by that company in the taking of one-half of their water-power by the United States, because of the inseparable character of the interest thus acquired by the United States and that retained by the company.

The determination of this question of damage was, however, rendered unnecessary by the negotiating of a transfer of the entire water-power from the Moline Company to the United States, under the act of Congress of June 27, 1866, appropriating $100,000 for the purpose of securing water-power at the head of Rock Island. After a full discussion with the president of the Moline Water-Power Company, the board agreed with him upon a basis for the settlement of all the questions pending between that company and the United States, and respectfully recommend its adoption by the War Department.

The basis agreed upon is as follows:

1. The Moline Water-Power Company to convey to the United States the fee of the entire Moline water-power, and also to grant to the United States the unrestricted use, in perpetuity, without charge, of so much of the bed of the river not already belonging to the United States, as may be covered by the pool and wall necessary to develop the water-power, and 10 feet outside of said wall, together with the right of access thereto from the Illinois shore at all times for the purpose of constructing or of repairing said wall.

2. The Government to develop and maintain the power, so far as it can be done with the money heretofore appropriated and that which may hereafter be appropriated by Congress for that purpose.

3. The Moline Water-Power Company to have the use, in perpetuity, free from all charges for rent or repairs, of one-fourth of the entire water-power developed, and also the right to rent for a specified time, at the rate of 50 cents per annum per square inch of water-power, measured by openings of water-wheels, so much additional power as the Ordnance Department may deem expedient.

And, further, that the company, lessees or assigns, shall have the right to place their wheels upon the 10 feet outside the wall, provided that the foundation of said wall shall not be thereby disturbed nor the stability of the wall thereby endangered.

And also, further, that this granting to the United States of the unrestricted use of the pool, the wall, and the 10 feet outside the wall, shall not be so construed as in any manner to operate as a bar to the free use and occupancy by the company, its lessees or assigns, of the same premises for all purposes connected with and incidental to the use of their portion of the water-power or such as may be leased by them, and such use shall not interfere with or obstruct the United States in the free use of its portion of the water-power.

4. The works to be built by the Government for the development of the power to be so arranged as to give the company the free use of all the power herein contemplated to be used by the company, both as to the use of the fourth part, so far as may be practicable without impairing the power in use by the Government to a disproportionate extent, and also to the proposed power to be leased, the openings in the dams intended for the use of the company to be of such size and in such position as the company may elect.

5. Sixty thousand dollars of the present appropriation to be applied to the extension of the present stone dam on the Moline side, and $40,000 to the extension and repairs of the wing-dam and removal of such deposits as may be required for the extension and repairs of said wing-dam. The use of the present water-power shall not be unnecessarily obstructed during the construction of the proposed work, nor shall any rent be required until the improvement contemplated by the $100,000 appropriation shall have been made.

6. It is also further understood that neither occupant of the above water-power shall have the right, nor shall allow others, to obstruct either pool or water way by sawdust, or bark, or other substances, to the detriment of the water-power or the sanitary condition of the vicinity.

* * * * *

All of which is respectfully submitted.

J. M. SCHOFIELD,
Major-General,
JAMES BARNES,
SELDEN M. CHURCH,
Commissioners.

APPENDIX XI.

Joint resolution to enable the Secretary of War to carry out an agreement in relation to water-power for the arsenal at Rock Island.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to carry into effect the recommendations of the commissioners appointed under the acts of April 19, 1864, and June 27, 1866, relative to the Moline Water Company and the water-power at Rock Island, Ill., as contained in the report of said commissioners, and to make application for that purpose of the money heretofore appropriated for securing water-power at the head of Rock Island.

Approved March 2, 1867.

(United States Statutes at Large, volume 14, page 573.)

APPENDIX XII.

This agreement, made between Ulysses S. Grant, Acting Secretary of War, acting under authority of the joint resolution of Congress approved March 2, 1867, for and in behalf of the United States of America, and the Moline Water-Power Company of Illinois, by Charles Atkinson, its president, witnesseth:

First. The Moline Water-Power Company, for the consideration hereinafter mentioned, hereby conveys in fee to the United States of America their entire water-power with the free and unrestricted use by the said United States of so much of the bed of the Mississippi River as may be required for the further development of said water-power, which development, together with the maintenance of that power, is to be done by the United States out of the appropriation applicable to those purposes and of any future appropriations that may be made applicable to the same.

Second. The United States of America hereby grants to the Moline Water-Power Company the right of the free use of one-fourth of their entire water-power above conveyed and the privilege of renting for a specified time, at the rate of 50 cents per annum per square inch, so much additional water-power as the Secretary of War may deem it expedient to authorize to be rented, and also agree to arrange the Government works for the developing the water-power in such manner as to enable the Moline Water-Power Company to avail itself of the rights and privileges above-mentioned.

Third. The United States of America hereby agrees to apply $40,000, or so much thereof as the War Department may consider necessary, to complete the wing-dam, and the residue of the appropriation of $100,000 to the extension of the dam on the Moline side; and, further, not to obstruct unnecessarily the use of the present water-power during the execution of the work above stated, nor to require the payment of any rent until the improvement contemplated thereby shall have been made as far as the expenditure of the $100,000 will permit.

Fourth. It is mutually agreed between the Moline Water-Power Company and the United States of America that neither of them shall at any time make any obstruction of the water-power as now existing or hereafter to be developed. It being further understood that this agreement is for the purpose of carrying out the recommendation of the commissioners appointed under the acts of April 19, 1864, and June 27, 1866, relative to the Moline Water-Power Company and water-power at Rock Island, Ill., and that the recommendation of said commissioners now on file in the War Department at Washington City is regarded as part of this agreement.

In testimony of the foregoing, we, the undersigned, U. S. Grant, Acting Secretary of War, acting for and in behalf of the United States of America, and under authority of the joint resolution of Congress approved March 2, 1867, and Charles Atkinson, president of the Moline Water-Power Company, acting for and in

behalf of the company, have hereunto set our hands and seals, at the place and date set opposite to each, respectively.

[SEAL.] U. S. GRANT,
Secretary of War ad interim.

WASHINGTON, D. C., *August* 20, 1867.

[SEAL.] CHARLES ATKINSON,
President Moline Water-Power Company.

MOLINE, ILL., *June* 18, 1867.

Mr. ALLISON. It is clear that the United States is bound to maintain this water-power, as it has contracted to furnish one-quarter of the power to the Moline Water-Power Company, or its assignees. I think that is all the explanation I need make respecting the bill.

The bill was reported to the Senate without amendment.

Mr. EDMUNDS. I wish the Senator from Iowa, if he has not already stated it, would inform the Senate definitely whether the United States is now under any obligation to the Moline Water-Power Company to rebuild that dam. I suppose the water is used almost entirely for private purposes. If we are under an obligation to rebuild the dam for these private mill-owners and operators, of course we ought to fulfill that obligation. If we are not, it might be quite a different question.

Mr. ALLISON. I will say to the Senator from Vermont that I have had the report of the commission of Army officers, consisting of General Schofield, General Barnes, and Selden M. Church, and the contract made between General Grant, Secretary of War *ad interim*, and the Moline Water-Power Company, inserted in the RECORD.

I will state in brief the substance of the agreement. The Moline Water-Power Company, which claimed to own the water-power at Moline, Ill., agreed to convey that water-power to the United States in fee-simple. The Government of the United States agreed to develop and maintain the power, and the Moline Water-Power Company was "to have the use, in perpetuity, free from all charges for rent or repairs, of one-fourth of the entire water-power developed, and also the right to rent for a specified time, at the rate of 50 cents per annum per square inch of water-power, measured by openings of water-wheels, so much additional power as the Ordnance Department may deem expedient."

That was the original contract, and under that contract (the report of that commission is made part of the contract) the Government of the United States proceeded to develop the water-power, and expended upon it, I think, in the neighborhood of $800,000. During the freshet in the month of May at Rock Island about 700 feet of the stone dam construction was taken away by the freshet, making the entire reconstruction of the dam necessary.

Without expressing any opinion which would bind anybody as to whether the United States Government is bound in damages to the Moline Water-Power Company if it does not reconstruct the dam, I will say that its reconstruction is necessary to maintain the Government property at Rock Island.

Mr. EDMUNDS. What is that property? What do they do there now?

Mr. ALLISON. They are not just at this moment doing a great amount of work there.

Mr. EDMUNDS. What do they do?

Mr. CULLOM. The arsenal is there.

Mr. ALLISON. The ordnance officer states that the Government works at Rock Island could get on temporarily without the construction of this dam, having also at the arsenal temporary steam-power; but I think it is perfectly clear myself that the Government is bound to maintain the dam.

Mr. EDMUNDS. Let us see about this a little. I will assume that the contract of the 24th of January, 1867, between General Schofield and the parties on the other side is a binding contract under the act of the 27th of June, 1866. I assume that, though I do not know anything about it. But I see that the second article of this contract is that the Government is "to develop and maintain the power, so far as it can be done with the money heretofore appropriated and that which may hereafter be appropriated by Congress for that purpose." Then the Moline Water-Power Company is to have the use in perpetuity, free of charge, of a certain proportion of water. That would, to my mind, imply very clearly that the executive authorities did not undertake to guaranty the keeping up of the dam except so far as the money already appropriated for that purpose would go, and that it was to be left to the discretion of Congress to determine whether further money should be appropriated in respect of keeping up those works or not.

If that is so, it then becomes a question of public interest, and not of private contract, in regard to how much money should be expended in restoring the carried-away dam and when it should be expended; and in that case I should think we ought to go a little slowly upon the subject. There may be some later contract or statement about it; but taking that clause in the agreement between the company and Schofield and Barnes, it would seem to be pretty plain that the United States had carefully refrained from undertaking to keep up that dam forever for the benefit of these private mill-owners or whatever these gentlemen may be. Of course it is a perfectly lawful and proper occupation, but the United States ought not to pay for building dams for their use unless we have undertaken to do so. If we have, then of course we ought to do it. If we have not, as it would appear from that clause to me that we had not, and it is left wholly as a question of public interest, we ought to know what is the object of keeping up the works at that place for the United States and how much money ought to be spent in doing it. I wish the Senator from Iowa would let the bill go over for a day or two, so that I may look into it a little more.

Mr. ALLISON. If the Senator will allow me to say one word as respects that contract, I will state that the Government of the United States agreed on its part, on the surrender of the rights of the Moline Water-Power Company, to develop and maintain this water-power.

Mr. EDMUNDS. So far.

Mr. ALLISON. And to use the amount of money designated in that contract and such further amounts as Congress might from time to time appropriate. Congress, in pursuance of that agreement, has from time to time appropriated sums aggregating in all, I think, nearly $900,000, and has constructed there an immense water-power sufficient to maintain all the constructions at the Rock Island arsenal when they shall be brought into play at any time.

The dam constructed by the Government of the United States and paid for by the Government of the United States has washed away, and the Senator from Vermont raises the question whether we are bound to reconstruct that dam. I think, if we are to maintain the water-power, it is clear that we must reconstruct it.

Of course I have no objection to allowing the matter to lie over for a day or two, if the Senator from Vermont so desires.

Mr. EDMUNDS. I wish it to go over for a day or two, so that we can see exactly about it.

Mr. CULLOM. Before the bill goes over, I wish to say that I introduced the bill which the honorable Senator from Iowa has reported to the Senate and called up. Since its introduction I have been informed that it is very important in the interest of the protection of the public works there, the bridges that the Government has built, that this work should be prosecuted with as much rapidity as possible, so that it may be completed before the coming winter on account of the break up of the ice, etc., in the spring. Otherwise there will be very great danger, not only to the works there and the private business that has been conducted there and which has been stopped by virtue of this dam breaking, but the bridges will be washed away in the spring probably. The bill ought to be amended, if it is at all consistent with the regulations in reference to these public works, so that the necessity of advertising shall be avoided if possible, and that the work may be commenced as soon as the appropriation is made.

I have always understood, without having referred to the documents very recently, that the Government had undertaken to construct and maintain this dam, and I apprehend that it will be found necessary that it should do so without any reference to the private interests that may be involved in the dam having been washed away. The situation there now is that on account of this dam failing there are thousands of men thrown out of employment who will be compelled to drift away from these works into other portions of the country in order to secure a livelihood. I think the Government ought to take some interest in the immediate construction of this dam on that account as well as on account of the necessity for protecting its own property.

While I have no objection to the bill going over for a day, I hope there will be no great delay in taking it up and finally considering it and passing it, if, in the judgment of the Senate, it is thought best to pass it.

Mr. ALLISON. I hope the matter may be taken up to-morrow morning.

Mr. EDMUNDS. I will not engage for to-morrow morning. I do not wish to make any delay, but I think we ought to know exactly where we stand and what are the public duties of the United States both in respect of the contract and in respect of the public interests.

Mr. ALLISON. I will say to the Senator from Vermont that I have made very careful examination of all these reports and documents, and I am satisfied that we are bound to construct the dam.

The PRESIDING OFFICER. The bill will be passed over.

THE FISHERIES TREATY.

The PRESIDING OFFICER. The Chair lays before the Senate the resolutions in relation to the fisheries treaty coming over from the last legislative day, submitted by the Senator from Alabama [Mr. MORGAN] June 7, 1888. The Chair understands that the consideration of the resolutions is to be passed over until to-morrow.

Mr. MORGAN. Yes, sir.

The PRESIDING OFFICER. It is so ordered.

ALLOWANCE OF CLAIMS.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read:

The Chief Clerk read the resolution submitted by Mr. CALL June 7, 1888, as follows:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act approved June 20, 1874, since the allowance of those which are embraced in Senate Executive Document No. 101, present session.

Mr. COCKRELL. I should like to inquire if a similar resolution has not already passed and been sent to the Secretary of the Treasury.

The PRESIDING OFFICER. The Chair is unable to inform the Senator.

Mr. COCKRELL. I think the Senator from Ohio introduced a resolution calling upon the Secretary of the Treasury to report the claims allowed since the last report.

Mr. SHERMAN. That report came in this morning and was referred to the Committee on Appropriations.

Mr. COCKRELL. Then I suggest that this resolution ought to be modified. It calls for the claims allowed since the last report.

Mr. CALL. That is what it is.

Mr. COCKRELL. We ought not to have the document duplicated.

The PRESIDING OFFICER. Will the Senator from Missouri indicate the modification he desires?

Mr. COCKRELL. I suggest to insert "allowed since the last report was made by the Secretary."

Mr. SHERMAN. The last report was only dated on Saturday. There are none since. If the resolution of the Senator from Florida covers the same class of claims as the resolution I offered, they are all here now, and have been referred to the Committee on Appropriations.

Mr. CALL. Let the resolution lie on the table for the present.

The PRESIDING OFFICER. The resolution will lie on the table.

THE FISHERIES TREATY.

Mr. BLAIR. I ask unanimous consent that the Senate take up Order of Business——

Mr. SHERMAN. My motion is still pending. I only gave way informally. I move that the Senate proceed to the consideration of the fisheries treaty.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of the fisheries treaty.

Mr. SHERMAN. I ask for a vote on that question, but will yield informally to the Senator from Illinois [Mr. CULLOM].

MRS. BRIDGET HACKETT.

Mr. CULLOM. Some time ago the bill (S. 2050) granting a pension to Mrs. Bridget Hackett was reported adversely by the Committee on Pensions, since which time some additional affidavits have been sent to me, and I ask that the bill be recommitted to the Committee on Pensions that they may consider the additional proof. The bill was reported adversely and probably indefinitely postponed. I suppose by general consent that order can be made and the bill recommitted to the committee.

The PRESIDING OFFICER. The Senator from Illinois asks unanimous consent that the action of the Senate indefinitely postponing the bill (S. 2050) granting a pension to Mrs. Bridget Hackett be reconsidered, and the bill, with the additional and new evidence, be referred to the Committee on Pensions. Is there objection to such action? The Chair hears none, and it is so ordered.

THE FISHERIES TREATY.

Mr. SHERMAN. I now renew my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio, that the Senate proceed to the consideration of the fisheries treaty in open executive session.

The motion was agreed to.

The PRESIDING OFFICER. The fisheries treaty is before the Senate. The treaty having been read article by article already, is before the Senate as in Committee of the Whole, the pending question being on the motion of the Senator from Alabama [Mr. MORGAN] that the further consideration of the treaty be postponed until the Wednesday after the first Monday in December next.

Mr. GRAY. Mr. President, on the 20th day of February last the President of the United States sent to the Senate "a treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888," accompanied by a message explaining the conditions and exigencies out of which the negotiations preceding the treaty arose; and stating that it meets his approval because he "believes that it supplies a satisfactory, practical, and final adjustment, upon a basis honorable and just to both parties, of the difficult and vexed question to which it relates."

The question now before the Senate is, shall it advise and consent to this treaty so framed and transmitted for its action. The questions with which it undertakes to deal are not new. The case of the fisheries rights in the Canadian waters was not made by this Administration, or by the present generation of men. It was made nearly seventy years ago, and it has continued through many administrations and nearly three generations to vex the councils and jeopard the friendship of the two greatest and most powerful peoples of the world.

No; this is not a question to be belittled, as the Senator from Maine well said, by being localized. If it is so belittled it will not be by me or by those on this side of the Chamber. The interests, the happiness, the honor of our country are involved in this discussion, and it can not be made to turn on the wishes or the selfish interests or the pecuniary advantages of a small number of capitalists who may reap or lose a profit by the use or non-use of great governmental powers which should only be invoked for the protection and advantage of all the people.

Mr. President, party divisions and party distinctions should fade out and be obliterated at the shore line, and if I know myself, no partisan consideration or motive can influence my judgment as to the merits of this treaty. Every treaty comes to us with an enormous weight of presumption in its favor. Consider, for a moment, the responsibility resting upon an Executive who undertakes to exercise the great constitutional function of framing a treaty that is to govern the relations of his country with a foreign power—dealing with the interests of sixty millions of people; taking every step in the negotiations with the sense of his obligation to answer at the bar of public opinion; with every motive and secret spring of action laid bare to public scrutiny—and say, if you will, that any President of any party, in the discharge of such a duty, ever gave less than the fullest measure of patriotic endeavor to compass his country's welfare and advancement, or ever betrayed the high trust with which he was invested. It will be a dark day in our country's history when such an admission is made in this high place, or when Senators can gain their own consent to indorse the statement that a treaty with all these presumptions in its favor, in advance of discussion and without evidence, is to be denounced as "a dishonorable, humiliating, and cowardly surrender" to a foreign power.

I repeat, Mr. President, that we are bound to presume that this treaty which the President has sent to us is the outcome of an honest endeavor and an earnest and patriotic desire to make a satisfactory and advantageous settlement of the vexed questions between this country and England to which it relates, and that he is correct, until the contrary appears, when he says that this has been done "upon a basis honorable and just to both parties." Mr. President, I am proud to believe that there never was an American President, no matter to what party he belonged, to whose performance of this high function of treaty making this presumption did not rightfully attach. And I greatly mistake the temper and sense of the American people if they will tolerate any other discussion of the pending treaty than one that appeals to their sober judgment and not to the prejudices or passions of a class or a section, or will countenance a rejection of it for any reasons which do not concern the interests and welfare of the whole country and the honor, dignity, and prestige of this great Republic.

What is the history, what are the facts, and what the conditions out of which these questions have grown, and which have so long vexed the diplomacy of two great countries?

At the close of our Revolutionary struggle, by the treaty of 1783, in which England recognized the independence of the United States, she also agreed, in the third article thereof, "that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind" in common with her own subjects in these northeastern waters of her North American possessions.

The Senate will bear with me for a moment while I read the third section of the treaty of 1783:

> It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled.

By this treaty the people of the United States were practically left to a common enjoyment with the people of the British Colonies of the fisheries in all those northeastern waters, as much so as though we had remained one people under one government. A very remarkable concession, and one which can only be explained when we understand how unsettled and barren all those coasts were at that time, and how earnestly England desired peace. And so we continued to enjoy this great easement in British territorial waters until the war of 1812, which interrupted that common enjoyment, and we come to the treaty of Ghent, in December, 1814, which was silent on the subject of the fisheries.

The negotiations which resulted in that treaty explain that silence and constitute an interesting and now familiar chapter in our history. It is only necessary to briefly allude to it. The British contention was that the war had put an end to the treaty of 1783 and all the fishing rights secured under it to the people of the United States. To this contention the American negotiators refused to assent, and the question was dropped, so far as the treaty of Ghent was concerned, and peace was made leaving it unsettled. Then came the negotiation of the treaty of 1818 (the treaty of July, 1815, not in any way referring to the fisheries), in which the question was resumed, and the British contention was so far recognized as that a new arrangement of fishing rights in British territorial waters was made, by which the inhabitants of the United States were granted the right to take and cure fish in certain of them, and were excluded from the remainder and from the right to fish therein, which they had previously enjoyed under the treaty of 1783.

Article I of the treaty of October 20, 1818, provides as follows:

Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Jolly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company.

That concession of a common fishing right is marked on the map behind me in yellow and red. Upon both shores designated on that map we have by the treaty of 1818 still a common right of fishery with British subjects.

Now comes the important part about which all our troubles and differences have arisen, and that is the renunciation by the United States of the right which had been theretofore claimed by us to take fish in common with British subjects on the other coasts and bays; and right here let me remark that this renunciation by the United States of a right to fish in a portion of these waters which had theretofore been claimed in common and the grant of a liberty to fish by Great Britain in other portions make a new starting point in our relations with Great Britain on this whole subject, and establish the proposition that all our rights of fishery in those waters are contract rights and depend on the convention of 1818. Now, what were the terms of that renunciation?

And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits: *Provided, however*, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

For all practical purposes the terms of this article are the foundation of any discussion as to the fishery rights of the people of the United States in those waters, and all suggestions of our former tenancy in common and our rights under the treaty of 1783 are barren of results, and beside the question with which we are now concerned. By the terms of this deliberate and solemn convention we undertook to define, and did define and limit the territorial waters in which our common right of fishery was preserved and conceded; and we, by no less explicit terms, renounced the right of fishery "within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the above-mentioned limits." However it may suit the purposes of the Senator from Maine, who I am sorry not to see in his seat this morning, to denounce the negotiators of that treaty now, it was believed at the time of its negotiation to have achieved for the fishermen of the United States important and valuable advantages.

A glance at the map will show into what intimate participation of the fishery rights of Canadian waters we were admitted, and it is small wonder that a rigid construction of the terms of exclusion was soon insisted upon by the Canadian fishermen, and that difficulties which taxed the best diplomacy of both countries soon arose. They could not be avoided. The conditions of the case were peculiar and unprecedented. Let us be just and even generous to the other side in stating the situation, as a great, powerful, and brave people should be, and can well afford to be. In being so we need not fear the sneer of any who shall say that we are arguing the Canadian side of the controversy. God help the country and the people if those in whose hands they have placed the trust of power shall refuse to look at both sides and all sides of questions which involve the issues of peace or war and the national honor and welfare!

The inhabitants of those storm-swept and fog-enveloped coasts led lives environed by many hardships. A rigorous climate and an unproductive soil were sources of a poverty which was only alleviated by the advantage which nature had given them in their proximity to the abundance of the seas. And on their coasts and in their bays and on the Grand Banks, which lay within easy sail, they were enabled to make the struggle for existence on something like equal terms with their more fortunate neighbors to the south. It was natural and human, though selfish, that they should wish to retain in their exclusive control as far as possible these advantages which nature and geography had given them, and that they should look with jealousy on the right of participation which was by the convention of 1818 granted to American fishermen in those great landlocked waters of the Gulf of St. Lawrence, on their coasts, and in their bays.

The New England fishermen, on the other hand, enterprising, hardy, and brave as they have always been, not backward to assert to the utmost verge the rights which they had obtained, spread their white sails and in great fleets covered those waters and coasts and pressed in pursuit of their game into all the inlets and bays into which they had the treaty right to go, and, as we may well imagine, into many from which they were by treaty excluded. The water can not be staked so as to make certain the line of exclusion. How could we expect differences not to arise about the true location of this imaginary line which was to separate the selfish pretensions of one side from the enterprising cupidity of the other?

They did arise, and from 1822 down to 1854, with periods of intermission of greater or less less duration, the controversy was continued, and was sometimes pressed to a point that endangered the peace of the two countries. This danger was avoided by the diplomacy of two Governments, that of Great Britain restraining and modifying the extreme demands of the colonial fishermen, and that of the United States, while stoutly asserting the rights of American fishermen under the treaty, at the same time doing so in such fashion as not to sacrifice practical results to technical pretensions. It is important that we should consider what these pretensions on the one side or the other were.

Soon after the convention of 1818 the imperial statute of 59 George III, chapter 38, was passed in order to carry into effect its provisions. It did not undertake to define more explicitly its terms or enumerate what were territorial bays; it used the language of the convention and penalized infractions of its stipulations. And under the authority to regulate or make restrictions as to the enjoyment of the right to enter bays for the four purposes mentioned in the proviso it provided that fishing vessels so entering should leave when required to do so by proper authority.

The colonial acts were more minute and more stringent. They subjected a vessel "hovering" within 3 miles of the coast and bays to be boarded and ordered off, and a vessel entering any of the bays for shelter, wood, water, or repairs might be seized at once, ordered out, or taken to a port to be condemned for an infraction of the treaty. These were in large degree in violation of our rights under the convention of 1818, and that the pretensions under them were not at all times strictly enforced alone made those rights available to our fishermen.

The difference in interpretation of the words of the convention was soon made apparent. Within a few years after its ratification vessels were seized for fishing in the Bay of Fundy when more than 3 miles from shore. The United States complained of this interference as early as 1824, but the English Government justified the seizures on the ground that the Bay of Fundy was a bay within the prohibition of the convention of 1818.

In 1839 the President of the United States sent Lieutenant Paine, commanding the United States schooner Grampus, into those waters to investigate the causes of trouble and protect our fishermen. In a letter dated December 29, 1839, to the Secretary of the Navy, he makes a clear statement of two claims under the convention of 1818, made by the Canadians. After stating that he found the convention variously construed, he says that one of the questions in dispute was the meaning of the word "bay" as used in the convention of 1818. "The authorities of Nova Scotia," says he, "seem to claim a right to exclude Americans from all bays, including the Bay of Fundy and the Bay of Chaleurs, and also to draw a line from headland to headland, the Americans not to approach within 3 miles of this line;" and here for the first time I find a clear distinction made between the claim of the territoriality of the bays and the claim to enforce what was called the headland theory, which is quite another thing.

Another point of dispute was, he says, "the right of resorting to ports for shelter, and to procure wood and water. The provincial authorities claim a right to exclude vessels unless in actual distress; and the subordinates warn, as they term it, vessels to depart, or order them to get under way and leave a harbor when they suppose a vessel has lain a reasonable time; but this is often done without examining or knowing much of the circumstances under which the vessel entered or how long she has been in port."

Now here at this early day, from 1824 to 1839, not only were all the larger bays, including the Bay of Fundy, claimed as territorial waters, but a new pretension was made, called the headland theory. This did not concern bays properly so-called, but was applied to long lines of coast, measuring the 3 miles from straight lines drawn along their concave shores. The headland theory, properly so called, means just this: that in measuring the territorial waters of a country you measure by nothing but right lines, and that you take the general trend of coast and measure it by a right line from one headland to another, and then you run another line, when the trend is in another direction, shutting in all the concave portions of the coast.

Mr. TELLER. I should like to ask the Senator when he finds that the English first put forward the headland theory?

Mr. GRAY. I have tried to ascertain as nearly as I could the date at which that contention was first made. I do not think I can answer the Senator more clearly than to say that it was some time between 1824 and 1839.

Mr. TELLER. Had it ever been announced by the British Government prior to that?

Mr. GRAY. I think it had, and I think I shall be able to show it as I proceed. Mr. Dana, in his argument as counsel before the Halifax Commission, states this claim and pretension with great clearness. This map on the wall behind me will show precisely what I mean by the headland theory. The claim of the headland theory is that instead of following the sinuosities of the coast you draw a line straight from this point to that point [indicating], then from Cape Breton or Cow Bay

Point to North Point, and so on Prince Edward Island. A line is drawn here [indicating] from East Point to Cape North.

The Senator from Massachusetts [Mr. HOAR] suggests that you should on this theory take a line between Cape Breton and Cape Race, a line that would shut us out from the Gulf of St. Lawrence.

My answer is that such a line would cross this great opening [indicating] between Cape Breton and Newfoundland, which leads into great interior seas and does not protect a coast at all; but the headland theory, as I understand it, and as it has been heretofore laid down, means to draw a line that protects a coast and shuts in an area of water marginal to the coast of a country which is very much larger in extent than the 3-mile limit following the sinuosities of the shore.

Mr. DOLPH. Was that claim set up by itself?

Mr. GRAY. I say there is a clear distinction to be observed all through the correspondence between the two claims.

Mr. DOLPH. Is the claim of Great Britain entitled the headland theory pertinent to the question under consideration?

Mr. GRAY. I have tried to explain, but I am willing to be interrupted to have the point understood. If a Senator asks the question for information, I will give him my idea as well as I can.

Under the headland theory they drew a line from Cape Breton or Cow Bay point to Point North here [indicating], shutting in the islands between; but the claim of the territoriality of the bay does not depend upon any headland theory, but depends on another principle of international law which applies to bodies of water that are land-locked within a country's territory—within the body of its counties and within its jurisdiction.

Mr. DOLPH. Under the treaty of 1818 our fishermen were excluded from fishing within certain specified bays on certain coasts. Now, how is the headland theory pertinent? All the bays that are embraced within the headland theory are bays from which our people are excluded.

Mr. GRAY. I suppose I have been very unfortunate in making myself understood, as the Senator evidently fails to understand my statement.

When we renounced the right to fish within 3 miles of bays on certain coasts, they contended that we could not approach within 3 miles of any waters that were properly called bays, that were geographically and *nominatim* bays of the British Dominions; and in addition to that contention they said that when we renounced the right to fish within 3 miles of the coast it gave them the right to draw a direct line from distant headlands to shut in great concave portions of the coast and exclude us from them, although they were not bays nor claimed to be bays.

Now let me read, for it will be interesting to the Senator from Oregon on this point, what Mr. Dana, who was the counsel before the Halifax Commission on the part of the United States, said about this pretension. I read from volume 2, of the Halifax Commission, page 1660:

> But there is, further, another difficulty. "Three miles from the shore"—what shore? Where the shore is a straight or curved line, it is not difficult to measure it; but the moment you come to bays, gulfs, and harbors, then what is the shore? The headland question then arose, and the provincial officials told us—the provinces by their acts, and the proper officers by their proclamations, and the officers of their cutters, steam or sail—told our fishermen upon their quarter-decks—that "the shore" meant a line drawn from headland to headland, and they undertook to draw a line from the North Cape to the East Cape of Prince Edward Island, and to say that "the shore" meant 3 miles from that line; and then they fenced off the Straits of Northumberland; they drew another line from St. George's to the Island of Cape Breton; they drew their headland lines wherever fancy or interest led them. And not only is it true that they drew them at pleasure, but they made a most extreme use of that. We did not suffer so much from the regular navy, but the provincial officers, wearing for the first time in their lives shoulder-straps and put in command of a vessel "dressed in a little brief authority, played such fantastic tricks before high heaven" as might at any moment, but that it was averted by good fortune, have plunged the two countries into war.

Mr. EVARTS. What page?

Mr. GRAY. Page 1660 of the second volume of the Halifax Commission.

During all this time a voluminous correspondence was going on between the two countries, in which the points of difference were elaborately discussed and the cases of seizure and interruption argued as they arose. Neither the claim of territoriality of the bays, including Fundy, nor the headland theory was ever given up or for a moment abandoned by Great Britain. Then came the case of the Washington, seized in 1843 within the *fauces terræ* of the Bay of Fundy and more than 10 miles from land. Out of this case grew a long correspondence, in which Mr. Everett, our minister to London, in the course of a long letter to Lord Aberdeen, the British minister of foreign affairs, dated May 25, 1844, contended as follows:

> This arm of the sea being commonly called the Bay of Fundy, though not in reality possessing all the characters usually implied by the term "bay," has of late years been claimed by the provincial authorities of Nova Scotia to be included among the "coasts, bays, creeks, and harbors forbidden to American fishermen."

Further on in the same letter he said—and I ask Senators who state that our case is so absolutely clear that it does not admit of argument, and that no argument upon it is to be tolerated, to observe what Mr. Everett said at that early day:

> In estimating this distance the undersigned admits it to be the intent of the treaty, as it is itself reasonable, to have regard to the general line of the coast, and to consider its bays, creeks, and harbors, that is, the indentations usually so accounted, as included within that line. But the undersigned can not admit it to be reasonable—

And the language of the exception emphasizes the previous admission—

> can not admit it to be reasonable, instead of thus following the general directions of the coast, to draw a line from the southwesternmost point of Nova Scotia to the termination of the northeastern boundary between the United States and New Brunswick, and to consider the arms of the sea which will thus be cut off, and which on that line can not be less than sixty miles wide, as one of the bays on the coast from which American vessels are excluded.

It would thus appear that Mr. Everett, in 1844, in arguing the case of the Washington and the Bay of Fundy, did not deem it necessary to controvert the position of Great Britain as to the meaning of the words of exclusion in the convention of 1818 as to other bays properly so called, and which were not "great arms of the sea."

Lord Aberdeen vigorously maintained the territoriality of the Bay of Fundy within the meaning of the convention of 1818. As this case was much dwelt upon by the Senator from Maine and the Senator from Massachusetts as settling a principle, I will read from Lord Aberdeen's letter the ground taken by the British Government.

As I understood the Senator from Maine in his eloquent and able speech the other day, and also the Senator from Massachusetts, they both contended that the case of the Washington settled a principle which was sufficient to guide us through the contention with Great Britain as to what were and what were not territorial bays. I read from Executive Document No. 100, with which Senators who have paid any attention to the subject are very familiar, at page 135, a letter of Lord Aberdeen to Mr. Everett on the case of the Washington:

> The undersigned will confine himself to stating that after the most deliberate reconsideration of the subject, and with every desire to do full justice to the United States, and to view the claims put forward on behalf of United States citizens in the most favorable light, Her Majesty's Government are nevertheless still constrained to deny the right of United States citizens, under the treaty of 1818, to fish in that part of the Bay of Fundy which, from its geographical position, may properly be considered as included within the British possessions.
>
> Her Majesty's Government must still maintain, and in this view they are fortified by high legal authority—

Which I may observe was the opinion of the law officers of the Crown on the case stated in regard to the Washington—

> that the Bay of Fundy is rightfully claimed by Great Britain as a bay within the meaning of the treaty of 1818. And they equally maintain the position which was laid down in the note of the undersigned, dated the 15th of April last, that, with regard to the other bays on the British American coast, no United States fisherman has, under that convention, the right to fish within 3 miles of the entrance of such bays as designated by a line drawn from headland to headland at that entrance.
>
> But while her Majesty's Government still feel themselves bound to maintain these positions as a matter of right, they are nevertheless not insensible to the advantages which would accrue to both countries from a relaxation of that right—to the United States as conferring a material benefit on their fishing trade, and to Great Britain and the United States, conjointly and equally, by the removal of a fertile source of disagreement between them. Her Majesty's Government are also anxious, at the same time, that they uphold the just claims of the British Crown, to evince by every reasonable concession their desire to act liberally and amicably toward the United States.
>
> The undersigned has accordingly much pleasure in announcing to Mr. Everett the determination to which Her Majesty's Government have come to relax in favor of the United States fishermen that right which Great Britain has hitherto exercised, of excluding those fishermen from the British portion of the Bay of Fundy, and they are prepared to direct their colonial authorities to allow henceforth the United States fishermen to pursue their avocations in any part of the Bay of Fundy, provided they do not approach, except in the cases specified in the treaty of 1818, within 3 miles of the entrance of any bay on the coast of Nova Scotia or New Brunswick.

These are papers sent in by President Fillmore at the request of the Senate in the Thirty-second Congress before the reciprocity treaty of 1854 (Executive Document 100, Thirty-second Congress).

What did Mr. Everett say in response to that claim? I have already read and will not trouble the Senate by reading again the letter of Mr. Everett to Lord Aberdeen, but will read his reply to Lord Aberdeen's offer to open the Bay of Fundy to American fishermen:

> The undersigned receives with great satisfaction this communication from Lord Aberdeen, which promises the permanent removal of a fruitful cause of disagreement between the two countries, in reference to a valuable portion of the fisheries in question. The Government of the United States, the undersigned is persuaded, will duly appreciate the friendly motives which have led to the determination on the part of Her Majesty's Government announced in Lord Aberdeen's note, and which he doubts not will have the natural effect of acts of liberality between powerful states of producing benefits to both parties beyond any immediate interest which may be favorably affected.

Then in 1844 came the case of the Argus, which seizure involved a much more extreme pretension than the case of the Washington. This was a case on the headland theory, pure and simple. It was not the claim of territoriality for a bay properly so called from its configuration and being indented well into the surrounding territory, but a claim of jurisdiction over all the waters of the coast within a line drawn from the extreme points of the curvature of the same. What were the facts? Mr. Everett, writing to Lord Aberdeen—you will find his letter in this same volume from which I have read, at page 138—said:

> In the case, however, of the Argus, which was treated in the note of the undersigned of the 9th of October, the capture was in the waters which wash the northeastern coast of Cape Breton, a portion of the Atlantic Ocean intercepted indeed between a straight line drawn from Cape North to the northern head of Cow Bay, but possessing none of the characters of a bay (far less so than the Bay of Fundy), and not called a "bay" on any map which the undersigned has seen. The aforesaid line is a degree of latitude in length; and as far as reliance can be placed on the only maps (English ones) in the possession of the undersigned on which this coast is distinctly laid down, it would exclude vessels from fishing grounds which might be 30 miles from the shore—

Thereby giving force to the argument that "bays" in the treaty of 1818 meant bays geographically so called, bays *nominatim*, and not waters included between lines drawn from headland to headland. According to Mr. Everett's own statement the pretension of Great Britain was to exclude all vessels from a line drawn from Cape North down to the northern head of Cow Bay, from that point to there [indicating]—

a portion of the Atlantic Ocean intercepted indeed between a straight line drawn from Cape North to the northern head of Cow Bay, but possessing none of the characters of a bay * * * and not called a "bay" on any map which the undersigned has seen.

The bay of St. Ann's is included within that line, but it is manifest from a glance at the map that it was on the Atlantic Ocean where Mr. Everett said that the Argus was seized. The affidavits of the captain and crew state that they were at the time of seizure 3 miles outside of a line drawn from North Point to Cow's Head Bay Point, on St. Ann's bank and not at all in St. Ann's Bay.

And further on he says:

But if Her Majesty's provincial authorities are permitted to regard as a "bay" any portion of the sea which can be cut off by a direct line connecting two points of the coast, however destitute in other respects of the character usually implied by that name, not only will the waters on the northeastern coast of Cape Breton, but on many other parts of the shores of the Anglo-American dependencies where such exclusion has not yet been thought of, be prohibited to American fishermen. In fact, the waters which wash the entire southeastern coast of Nova Scotia, from Cape Sable to Cape Canso, a distance on a straight line of rather less than 300 miles, would in this way constitute a bay, from which United States fishermen would be excluded.

I do not think that I need say more to show that the Senators from Maine and Massachusetts were wrong in contending that the decision in the case of the Argus had anything to do with a settlement of the rights of our fishermen in Colonial Bays.

In this same correspondence it appears that Lord Aberdeen, after maintaining the British contention as to the territoriality of the Bay of Fundy, indicated to Mr. Everett that the British Government were not disposed to insist upon that pretension and to exclude our fishing vessels from fishing within that bay, at the same time coupling it with a renewed assertion of the validity of the claim. Mr. Everett accepted with great effusion this concession of the British Government that the Bay of Fundy should be open to American fishermen, although at the same time it was coupled with the repetition of the right which Great Britain had theretofore maintained as to its territoriality; and the concession of Lord Aberdeen was exclusively as to the Bay of Fundy.

All the correspondence, all the record of Mr. Everett on the case of the Washington and the Argus do not appear in this volume. They were suppressed, held back by the Executive when the correspondence was submitted; but it would be interesting to Senators, and if we were pursuing this discussion now with closed doors it would be interesting to read those letters, copies of which I have here, in which Mr. Everett gave interesting opinions in regard to the British contention and British argument in regard to the territoriality of the bays.

Mr. MORGAN. Will the Senator read those parts of the correspondence?

Mr. GRAY. Inasmuch as they were not published in this volume and the letter of Mr. Everett as given stopped short of its conclusion, as was indicated by the stars in the printed volume, I thought that perhaps it would be trespassing on the proprieties of the occasion in open session to read the correspondence not made public by the Executive.

Mr. MORGAN. If the Senator will yield to me for one moment, I move, inasmuch as the Senator from Delaware says he has these letters which have been published partially, that the letters be printed entire, in confidence, for the use of the Senate.

Mr. EVARTS. If there is any portion of the correspondence between the two Governments that has not been made public by this Government, it is entirely competent for the Senate to ask a communication from the President that will bring the correspondence here, not to have it turn upon what happens to be on the table of one Senator making an argument, nor upon our disclosing what it belongs to the executive government to disclose. I shall vote for any measure to bring here further communications on the subject.

Mr. MORGAN. I withdraw my motion.

The PRESIDING OFFICER. The Senator from Alabama withdraws his motion.

Mr. GRAY. Mr. President, the cases of the Washington and the Argus seem to have been settled diplomatically by a mutual consent to drop the discussion; but they reappeared in 1853 before the claims commission. Lord Aberdeen stated to Mr. Everett, and through him to the Government of the United States, that though the territoriality of the Bay of Fundy was still maintained by Great Britain she did not choose to press the question, and American fishermen might fish within the Bay of Fundy, and that concession was received by Mr. Everett gratefully and with diplomatic courtesy, and the question dropped as to the Bay of Fundy.

As to the strained construction in the case of the Argus, it seems to have dropped entirely out of sight, and in 1853 it was submitted to a claims commission. That claims commission was the result of a treaty between the United States and Great Britain to provide for a commission which should settle a number of long outstanding claims between the two countries and dispose of them.

Before that commission, among a great many other claims, was brought the case of the Washington and also the case of the Argus. The English commissioner asserted the territoriality of the Bay of Fundy; the United States commissioner denied it, and the umpire was Mr. Bates. Mr. Bates was, I believe, a member of the house of Baring & Company, bankers.

Mr. HOAR. Mr. Bates was a native of Boston. I knew him in my youth. He was connected with the Boston Library. He went to England and was in business there many years.

Mr. TELLER. It will be found that Mr. Bates was an American citizen. The first proposition was to submit it to ex-President Van Buren. He declined, and then they selected Mr. Bates.

Mr. GRAY. Very well; I am glad to hear that he was an American citizen, for it lends force to the inferences I draw from the language in which he decided the case. Mr. Bates said in regard to the case of the Washington—I read the last paragraph of the decision:

The Bay of Fundy is from 65 to 75 miles wide and 130 to 140 miles long. It has several bays on its coasts; thus the word bay, as applied to this great body of water, has the same meaning as that applied to the Bay of Biscay, the Bay of Bengal, over which no nation can have the right to assume the sovereignty. One of the headlands of the Bay of Fundy is in the United States, and ships bound to Passamaquoddy must sail through a large space of it. The island of Grand Menan (British) and Little Menan (American) are situated nearly on a line from headland to headland. These islands, as represented in all geographies, are situated in the Atlantic Ocean. The conclusion is, therefore, in my mind irresistible that the Bay of Fundy is not a British bay, nor—

I ask the attention of Senators especially to these words—

nor a bay, within the meaning of the word as used in the treaties of 1783 and 1818.

And therefore he made the award to the representatives and owners of the Washington.

Mr. HOAR. Before the Senator closes that book, I desire to ask him to give his understanding—I can not give it from memory—of Mr. Bates's meaning where he says that the word "bay" in the treaty of 1783 is used to express the position, the spot on which we can dry and cure fish, and that the word "bay" in the treaty of 1818, under which we withdrew 3 miles, means exactly the same thing as it did in the treaty of 1783. I would like to ask the Senator to give a construction of that part of Mr. Bates's decision.

Mr. GRAY. I will read it entirely if the Senator wishes, as I desire to state the case fairly. I suppose the part to which the Senator refers is this:

The question turns, so far as relates to the treaty stipulations, on the meaning given to the word "bays" in the treaty of 1783. By that treaty the Americans had no right to dry and cure fish on the shores and bays of Newfoundland, but they had that right on the coasts, bays, harbors, and creeks of Nova Scotia, and as they must land to cure fish on the shores, bays, and creeks they were evidently admitted to the shores of the bays, etc. By the treaty of 1818 the same right is granted to cure fish on the coasts, bays, etc., of Newfoundland, but the Americans relinquished that right, and the right to fish within 3 miles of the coasts, bays, etc., of Nova Scotia. Taking it for granted that the framers of the treaty intended that the word "bay or bays" should have the same meaning, in all cases, and no mention being made of headlands, there appears no doubt that the Washington, in fishing 10 miles from the shore, violated no stipulations of the treaty.

Now, Mr. President, all I have to say about that is that I do not see that it bears at all on the question which is now involved before the Senate, or on the question that decided the case of the Washington. I can not understand. I do not pretend to understand what special light is thrown upon this question by the paragraph that I have just read. If the treaty of 1783 excluded Americans from the right to dry and cure fish on the shores and bays of Newfoundland, it could not give to the word "bay" a meaning and intent that is not included in that term etymologically, because it used the word "shores" in connection with the word "bay," and the right to cure fish. If fish can not be cured except upon the shore, it is provided for by the use of that word coasts in the sense of shore, which belongs to it. But to say that because they have the right to cure fish on the coasts, bays, harbors, and creeks of Nova Scotia, therefore the word "bay" is to be used in the sense of an area of water that is within 3 miles of the coast seems to me to be an absurd argument.

You can fish, I suppose, as a matter of fact, on the bay if you can cure them on the coast or shore, and you might dry them on the waters, that is, on the boats, and that would be on the bay. I do not appreciate so attenuated an argument as that. I submit with all respect to the Senator from Massachusetts that the argument is one that is aside from this question, and one too fine for my comprehension.

Mr. HOAR. I referred to it as the reason on which he puts it.

Mr. GRAY. My position is just this: I find that Mr. Bates bases his argument in the last paragraph on reasons that are clear, that are in accordance with common sense, and that can be easily apprehended; and as he concludes the opinion with those reasons, we are justified in concluding that they were his governing reasons in making up that decision. But because I find another argument in the previous part of the opinion which seems to me to have no applicability to the conclusion at which he arrived, I am therefore not at all affected by the fact that the one argument was made as well as the other. I would ask the Senator from Massachusetts what he does with the language

that I read, and particularly the concluding language of that opinion, where Mr. Bates says that—

The conclusion is therefore—

After stating that one of the headlands is in the United States—

The conclusion is therefore in my mind irresistible that the Bay of Fundy is not a British bay, nor a bay within the meaning of the word as used in the treaties of 1783 and 1818.

Mr. HOAR. I understand that Mr. Bates puts his decision on three grounds to answer every possible view which might be taken, and each of the three is a sufficient ground. First, he says when the treaty of 1783 used the word "bays" it meant to describe the shore line with its sinuosities. That is clear by the description of the right to dry fish on the bay, on the shore line. In the treaty of 1818 they used the same word, and we renounced the right to fish within 3 miles; therefore they meant that we withdrew our lines 3 miles from the shore. The second ground is that one part of this bay is on American soil; therefore this is not a British bay. The third ground of the decision is that this is not a bay at all, because the islands there are always spoken of as in the Atlantic Ocean.

The first ground of that judgment is just as important, and is a decision in favor of Americans just as much as the second or the third, and we have a right to stand upon it. It is no answer to it to say that the arbitrator also gave other grounds.

Mr. GRAY. Very well. The argument of the Senator from Massachusetts would be ingenious before the court that made that decision, but the fact remains that the ground upon which the umpire, Mr. Bates, this American citizen, placed his decision was that one of the headlands was within the United States and that it was not a British bay, and upon the ground that it was not a bay at all within the meaning of the treaty of 1818, which made absolutely unnecessary the consideration of the reasons which he had previously given, and upon which the Senator from Massachusetts relies. If he decides that it is not, within the meaning of the treaty of 1818, a bay at all, then all the other reasons in the decision are of no account and *obiter*, and were not necessary to the conclusion to which he came, and I therefore submit that this decision of Mr. Bates, the umpire, so far from settling a principle, was confined to the decision of a single case and to the single question whether the Bay of Fundy was, within the terms of the treaty of 1818, a British bay or a bay at all in any proper acceptation of that term.

Mr. Dana, the United States counsel before the Halifax Commission—and I should like to have the attention of the Senator from Massachusetts to so respectable an authority as Mr. Dana, which re-enforces the opinion I have expressed—in his argument before the commission he said:

The difficulties on that subject are inherent, and, to my mind, they are insuperable. England claimed to exclude us from fishing in the Bay of Fundy, and it was left to referees, of whom Mr. Joshua Bates was umpire, and they decided that the Bay of Fundy was not a territorial bay of Great Britain, but a part of the high seas. This decision was put partly upon its width; but the real ground was that one of the assumed headlands belonged to the United States, and it was necessary to pass the headland in order to get to one of the towns of the United States. For these special reasons the Bay of Fundy, whatever its width, was held to be a public and international bay.

On another occasion, and when he was again arguing this case that occupied so much time before that commission, in the course of a speech of Mr. Thompson, the British counsel, there was this interlocution, Mr. Dana interrupting:

Mr. DANA. The United States had fished there—

That is, in the Bay of Fundy—

under a claim of right. England agreed not to disturb them, but still contended that we had not a right. Therefore our going in was not an acceptance of any favor from Great Britain. This subject was referred to a commission, and the commission decided, not on general grounds, but on the ground that one headland was on the American territory. Therefore it was a special decision, and that decision settled the question—

And I ask the attention of the Senator from Massachusetts again to this reiteration of the opinion of Mr. Dana at another time and on another occasion—

and that decision settled the question as to the Bay of Fundy; so that we have not accepted anything from Great Britain which precludes us from taking the position always that we had claimed from the first, namely, that we had a right to fish in the Bay of Fundy.

So that during this long period from 1818 to 1854 there had been a vigorous contention by Great Britain for the territorial jurisdiction over all the bays which are geographically and *nominatim* such, and that therefore they were within the meaning of the word "bay" in the convention of 1818, and the United States had been uniformly held to have renounced the right to enter any bay that was geographically within the British dominions, except for purposes especially provided. While this contention had been argumentatively resisted by the United States as to the Bay of Fundy, and in a general way as to the other bays, the point had never been yielded in theory by Great Britain, and had been practically enforced now and again when the occasion arose.

In 1854 the result of the troubles in these waters was a treaty of reciprocity, in which we gave free fish for an unrestricted right of fishing in all the territorial waters of the provinces. It was hailed as a happy settlement of these long vexed questions, and the general reciprocity of trade and greater commercial freedom provided for was followed, as it always is, by a largely increased volume of exchanges across the border and a proportionately increased prosperity to both sections.

It will be interesting to read in this connection, as bearing on the general subject which now fills the public mind, an extract from the report of Mr. Manning, whom the Senator from Maine so justly eulogized the other day in regard to the effects of the reciprocity treaty upon the trade between Canada and this country. He said in his report:

From 1812 to 1832 the aggregate annual traffic between the United States and the British North American provinces averaged only $1,257,153; from 1832 to 1845 it rose to $6,313,780, but, under liberal transportation arrangements, it rose from 1846 to 1853 to no less an annual average than $14,230,753, leaving in our favor, during that period of eight years, a balance of trade of over forty and a quarter millions of dollars.

It was in 1845 that England, changing her colonial policy, empowered the Canadian provinces to make a tariff on imports to suit themselves. During the next year those provinces removed the barrier against American products which existed, in the form of differential rates in favor of British products, and admitted commodities from our side of the line on the same terms as commodities were admitted coming from British ports. In 1849 England, having by her minister at Washington previously communicated with the Treasury Department, presented a further proposition for a further reciprocal relaxation of commercial restrictions which impeded trade across the boundary line. The administration of President Fillmore endeavored to promote the object for which my predecessor in this Department, Mr. Robert J. Walker, strove, in 1846, in his correspondence with the British minister.

This good result of only a partial experiment of reciprocal comity naturally led to negotiations for a more comprehensive international arrangement, and such a one was concluded in 1854 by negotiations conducted at Washington, on our side during the administration of President Pierce by a wise and illustrious statesman and citizen of New York, Mr. Marcy, who was then Secretary of State. That reciprocity treaty was in force till 1866, a period covering our civil war. Under its influence the aggregate interchange of commodities between ourselves and the inhabitants of all the British provinces—numbering not as many as those of the State of New York—rose from an annual average of a little over $14,000,000, in the previous eight years to over thirty-three and a quarter millions in gold in 1855, to nearly fifty millions in 1856, and to eighty-four millions in the last year of its existence.

During the thirteen years the British provinces, according to their official returns, purchased from us articles valued at over three hundred and fifty-nine and a half millions of dollars in gold, and we bought from them one hundred and ninety-seven millions, thus making an international trade of nearly five hundred and fifty-six and a half millions of dollars on a gold valuation. I can but think that if that treaty of 1854 had remained in force till this day, the two peoples—divided by a boundary line which can only with difficulty be discerned from the Arctic Ocean to the Pacific, from the Pacific to Lake Superior, and from Lake Ontario to the Atlantic—would now be one people, at least for all purposes of production, trade, and business.

The fishery articles of the treaty of 1854 did not abrogate the convention of 1818, but provided that the privileges granted should be in addition to the liberty secured to the United States fishermen by the convention of October 20, 1818. The preamble states, besides the desire for freer commercial intercourse, that both Governments "were desirous to avoid further misunderstanding between their respective citizens and subjects in regard to the extent of the right of fishing on the coasts of British North America under Article I of the convention of 1818."

It will sound strange to hear, after the denunciations to which we have listened of even the suggestion of free fish, that the American fisheries shared in the general prosperity that the conditions of greater freedom brought. Yet so it is that the mackerel and cod fisheries of New England reached their maximum in 1862, eight years after the treaty went into effect, as, according to the statement of Luther Maddox, secretary of the National Fishery Association, there were then employed in these two branches of food fisheries 214,197 tons of shipping, as against 146,969 tons in 1854, the treaty year.

And I think it will sound strange, too, after some of the denunciation we have heard here of any suggestion that difficulties in regard to fisheries ought to be the subject of negotiation, that the very preamble of the treaty of 1854 declared that both parties were desirous to avoid further misunderstanding between their respective citizens and subjects in regard to the extent of the right of fishing in the British colonial waters.

The treaty was brought to an end in 1866 by the United States pursuant to a notice to that effect, but the reasons given for this course did not relate to the fishery article, but to the inequalities alleged to exist in the partial reciprocity provided for. The debate on the subject, both in the Senate and the House, disclosed the fact that the fishing interests were satisfied with the arrangement and willing that it should continue.

I have here some extracts from that debate, which I will not trouble the Senate now to read, in which the representatives in the House and in the Senate from New England expressly declared that with the result of the fishing articles of the treaty of 1854 their people were content, but it was upon other grounds, in regard to the partial reciprocity in trade, as I have said, that they were willing to abrogate the treaty. Without troubling the Senate to read them, I will ask leave to print these extracts in my remarks; but as some Senators near me ask that I should give them at least an intimation of these statements here, I will do so.

Mr. Hale, of New Hampshire, in the Senate January 11, 1865, said:

Mr. President, there is another question connected with this subject, the question relating to our fisheries. If there has been any one subject upon which this country has been excessively anxious and cautious and sensitive it has been in relation to our fisheries on this northeastern coast. It has been the subject of very difficult diplomatic correspondence. It was so at the formation of the treaty at the conclusion of the war of 1812. So ill-defined were our rights under

the existing treaties with Great Britain in regard to these fisheries that immediately preceding the ratification of this reciprocity treaty we were upon the point of war with Great Britain in relation to them. Our fishing vessels had been seized by the British Government within waters which the British Government contended we had no right to occupy.

Mr. Webster, who was never supposed to be fond of surrendering any rights of this country, admitted, when Secretary of State, that the construction put upon the previous treaty of 1818 by Great Britain was the right one. We were upon the point of war when this reciprocity treaty so happily adjusted these difficulties. The question arose in this way: Great Britain contended, or the colonial authorities contended and the claim was sanctioned by Great Britain, that the right of the British Government to exclude our fishermen from their waters 3 miles off the coast was measured from the headland of one point to the headland of another, and excluding our fishermen entirely from the bays and 3 miles outside of the bays. That construction was resisted by us, but was contended for by Great Britain, and, as I say, it had produced collision and the capture of some of our fishermen. That was all happily adjusted by this treaty.

Mr. Sumner, in the Senate, January 11, 1865, said:

1. The fisheries have been a source of anxiety throughout our history, even from the beginning, and for several years previous to the reciprocity treaty they had been the occasion of mutual irritation, verging at times on positive outbreak. The treaty was followed by entire tranquility, which has not been for a moment disturbed. This is a plain advantage which can not be denied.

How different was his opinion from the opinion of Senators on the other side of the Chamber to-day, who seem to think that mutual irritation is not a disadvantage whose cause should be removed.

But so far as I have been able to examine official returns I do not find any further evidence showing the value of the treaty in this connection, while opinions even among those most interested in the fisheries are divided. There are partisans for it in Gloucester, and partisans against it in Maine.

If the treaty related exclusively to the fisheries I should not be willing to touch it. But the practical question is whether the seeming advantage in this respect is sufficient to counterbalance the disadvantage in other respects.

That was Mr. Sumner's opinion. Mr. Henry Wilson, the distinguished Senator from Massachusetts, on January 12, 1865, in the same debate, said:

Mr. WILSON. When this treaty was negotiated it was believed to be for the general interests of the country, and in Massachusetts it was especially believed to be for our fishing, commercial, and railroad interests. I have ever been in favor of the treaty, and up to this time could never have been induced to vote against it. I am not clear now that it is not for the interests of the State I in part represent to let it stand. I am inclined to think that it is for our interest that the treaty should stand as it now does. For the interests of the whole country, I am of the opinion that it ought to be modified or perhaps abrogated.

On a question of so much importance as this, after listening to this debate, I do not like to vote against gentlemen who have studied the question so carefully; and I do not desire to give a vote here that may be supposed to be against the general interests of the country and especially against the interest of my own immediate locality. There is with us, there ever has been, a very strong feeling in favor of the treaty. That opinion is now undergoing a change, I think, in view of its workings during the last three or four years. I know it to be the wish of some persons who have studied this subject, and who have taken a great deal of interest in it, that we should propose to modify the treaty instead of abrogating it. The Senator from Vermont [Mr. Collamer] thinks that to be a very poor mode of reaching the result we desire. Well, sir, suppose that instead of modifying it, when we give this notice we also propose the appointment of a commission—

It was not considered a thing to be characterized as offensive then to propose a commission to settle international difficulties—

we also propose the appointment of a commission to negotiate a new treaty upon a fair basis; would not that look friendly, would it not look as though we had acted for our own interest, and at the same time believed that a good treaty would be for the interest of both countries? Believing that, I have prepared an amendment in the form of a second section to this resolution, which I propose to offer whenever it shall be in order. I know that those who have the care of this measure, and who have advocated it, have suggested that we need make no such proposition; that such a proposition would probably come from England, but at the same time, having always been a friend to the treaty, having made up my mind under the debate now pending to vote for its abrogation, I desire to offer an amendment proposing the appointment of commissioners to meet commissioners appointed by England to negotiate a treaty upon a proper basis. I feel constrained, in view of the opinions I have always entertained on the subject and the vote I am about to give, to move that amendment, which I now do. It is to add to the resolution the following provision:

"And whereas it is desirable that friendly relations should continue between the United States and the British provinces in North America, and that commercial intercourse should be hereafter carried on between them based upon true principles of reciprocity: Therefore,

"*Be it further resolved*, That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint three commissioners to confer with persons duly authorized by Great Britain to negotiate a new treaty which shall be reciprocally beneficial and satisfactory to both countries."

So that Mr. Wilson, as a member of this body and ably representing his State here as a Senator on this floor from Massachusetts, in 1865 was so disturbed at the suggestion of the abrogation of the reciprocity treaty of 1854, was so anxious about its effects upon the very interests we are discussing, that he was not content to vote for it except immediate steps were taken by the Executive at the suggestion of the Senate to make a new treaty which should regulate these important rights that we claimed to have in the British colonial waters.

The Senator from Ohio [Mr. SHERMAN] was in the Senate in 1865, and, of course, as he always does on all public questions, took an important part in the debate. He said:

But, Mr. President, I do not base my vote upon this question upon the trade as it existed when the treaty was made. I have nothing to say as to the wisdom of the treaty. But it is manifest that now in the present condition of affairs this treaty is to our injury. We are compelled now to increase our revenue agents along the lakes more than treble.

The point he made was that we had so little revenue that it did not pay for the customs officials along the northern border.

But there was no complaint in the course of his speech about the effect of the reciprocity treaty and free fish upon the interests of our New England fisheries. On the contrary, such representative men as Mr. HALE and Mr. Wilson declared that the fishing interests of New England were satisfied, and that they might well have been is apparent from the extracts I read awhile ago from the report made by Mr. Maddox giving the statistics, showing that in eight years after the establishment of the reciprocity treaty the cod and mackerel fisheries of New England reached their maximum.

It was not thought unwise in 1854 to adjust the differences that had arisen by treaty stipulation, even though in that case it involved the opening up of our markets to Canadian fish. After the abrogation of the treaty the old troubles broke out anew, although they were mitigated by the license system resorted to by the Dominion Government by which on payment of 50 cents a ton the use of the inshore waters was secured to American fishermen. This fee was afterwards increased to $1 and afterwards to $2, and in 1869 entirely discontinued. Then many seizures were made under the Dominion act of 1868, which was very stringent and made more so by the amendment of 1870.

Those Dominion acts have an important bearing on the argument that I shall present, and therefore I will furnish a synopsis of them, without troubling the Senate with a reference to the acts themselves, for they are very interesting, contained in a history of the fishery question by Charles B. Elliott, LL.B., of the University of Minnesota.

It is due to Mr. Elliott to say that he has produced a most interesting and useful book as the result of his study and research.

Upon the consolidation of the several provinces into the Dominion of Canada the Canadian Parliament acquired jurisdiction over the seacoast fisheries. Various laws were passed, of which there were in force at the time of the treaty of Washington the Dominion act of May 22, 1868, and an amendment thereto of May 10, 1870. The principal provisions of the act of 1868 were:

1. The governor may grant licenses to fish within 3 miles of the coast.

2. Any one of a number of specified officers may go on board of any vessel within any harbor of Canada, or hovering (in British waters) within 3 marine miles of any of the coasts, bays, creeks, or harbors in Canada, and stay on board as long as she may remain within such place or distance.

3. If such vessel shall be bound elsewhere, and shall continue within such harbor or so hovering for twenty-four hours after it shall have been required to depart, the officer may bring her into port, search her cargo, and examine the master, on oath, touching her voyage and cargo. If the master do not truly answer the questions put to him, he shall forfeit $400. If the vessel be foreign and have been found fishing or preparing to fish, or to have been fishing within 3 marine miles of any of the coasts, bays, creeks, or harbors of Canada not included within the above-mentioned limits without a license, the vessel, stores, and cargo shall be forfeited. Provision is then made for the proceedings upon seizure.

The amendment of 1870 strikes out from the third section the provision allowing the vessel to remain within the harbor or hovering for twenty-four hours after notice to depart.

Under these laws many American vessels have been seized and confiscated. The grounds therefor, as stated in a pamphlet published in Ottawa in 1870, and understood to be official, are as follows:

1. Fishing within the prescribed limits.
2. Anchoring or hovering within shore during calm weather without any ostensible cause, having on board ample supplies of wood and water.
3. Lying at anchor and remaining inside of bays to clean and pack fish.
4. Purchasing and bartering bait, and preparing to fish.
5. Selling goods and buying supplies.
6. Landing and transshipping cargoes of fish.

Such were the claims of the British home and colonial governments as incorporated in the statutes and instructions."

These laws were rigorously executed, and fishing vessels of the United States were practically excluded from entering the bays of the Dominion even for the purposes mentioned in the convention of 1818. The Gut of Canso was threatened to be closed against them, and the abandoned headland theory was revived. The consul-general at Montreal, in writing to the Secretary of State under date of August 25, 1870, of these grievances, says:

One of the members of the Dominion Government is freely quoted as having said that the Government intended, by a strict enforcement of colonial rights, to compel a reciprocity treaty with the United States.

In 1871 the President of the United States with his high joint commission and the Senate of the United States responded to that threat by making a treaty which gave them just what they wanted, free fish and our home market to Canadian fishermen. In addition to giving them our home market we paid them $5,500,000 for the privilege of their inshore fishing.

Some slurs that were ungenerous, unkind, and unworthy of the Senator from Maine were indulged in by him toward the Secretary of State, but from that Department during this administration there never has come a suggestion that so much looked like what he characterizes, to use his language, "a surrender of American rights," as the treaty of 1871 in regard to the fishing rights of the United States.

And yet in the face of this threat it was proclaimed as one of the triumphs of General Grant's administration that all these difficulties were composed by a treaty which, for the privilege of an inshore fishing which our fishermen had just abandoned as not worth the license fee of $1 a ton, gave our market to Canadian fish, and five millions and half of dollars beside.

Smarting under the extravagance of the Halifax award, notice was given by Congress of the abrogation of this treaty at the expiration of its term, and we were at once remitted to the conditions, privileges, and restrictions prescribed by the convention of 1818. This is admitted on all hands.

Shall we express surprise that the old conditions of disputed rights and differing interpretations of the meaning of that contract, with the

attendant harsh and offensive conduct of provincial officials, should again occur, or that the questions that were rife from 1824 to 1854 and from 1866 to 1871 should be again made as to what was the law and meaning of our contract? The treaties of 1854 and 1871 did not attempt to settle these questions; they only postponed them. The intermittent character of the practical assertion of her extreme pretensions by Great Britain did not operate to yield one jot or tittle of her claims. The questions of law and interpretation to which they gave rise remain, and will continue a menace to our peace and a source of harassment and annoyance to the hardy and enterprising fishermen who deserve so well of their country—just as they have proved during the periods from 1824 to 1854, and from 1866 to 1871, all the time not covered by the reciprocity treaties. Shall an attempt be made to settle them? Shall we act in accord with the statesmanship of this country during the nearly seventy years of our history by meeting these questions on the field of diplomacy, or shall we confess our inferiority by a sullen refusal to even consider the points of our difference?

The contention of Great Britain as to the proper construction of the convention of 1818 must be considered on the reasons alleged in its support, and the question be put to ourselves whether, on the whole, without admitting or denying the contention, this pending treaty has not made a disposition of the matter which is the best possible, as well for the interests of the whole people as of the fishermen themselves, and the most consonant with the honor, dignity, and peace of the United States.

That the words of the treaty seem to support their contention is apparent from the most casual reading. The United States "renounce the liberty to take, etc., fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America," within certain limits.

Mr. Webster acknowledged the force of the contention when, in his famous circular, he said:

> It would appear that by a strict and rigid construction of this Article I of the convention of 1818, fishing vessels of the United States are precluded from entering into the bays and harbors of the British provinces, except for the purposes of shelter, repairing damages, and obtaining wood and water. A bay, as is usually understood, is an arm or recess of the sea entering from the ocean between capes or headlands, and the term is applied equally to large and small tracts of water thus situated.

Can we improve that definition of a bay which the strong common sense of Mr. Webster's great mind formulated.

> * * * It was undoubtedly an oversight in the convention of 1818 to make so large a concession to England.

We are not considering any headland theory now; we will have something to say about that by and by.

Mr. TELLER. I ask the Senator if he has read all of Mr. Webster's circular of which he speaks?

Mr. GRAY. Certainly; but I did not read all of Mr. Webster's circular just now.

Mr. TELLER. I should like to ask him to read the concluding part of it.

Mr. GRAY. I read a part of it just now, but I have not read it all now to the Senate.

Mr. TELLER. The Senator has certainly left out the most important part of Mr. Webster's circular.

Mr. GRAY. I should be very sorry if I could be justly accused, in quoting an authority or quoting the opinion of any one, of unfairly stating it, or suppressing any part of it, or modifying the part that I read; but I wish to say to the Senator from Colorado that in my opinion the subsequent portions of that famous circular do not modify at all or break the force of the part of the opinion which I have just read. He did in the latter part of that circular afterward say that he did not admit the British contention, but that does not at all, for the purpose for which I have quoted him, modify or qualify the opinion which he categorically expressed, that it was an oversight in the commissioners of 1818 to make so large a concession to Great Britain.

Mr. TELLER. I did not intend to charge the Senator from Delaware with any attempt to conceal; but another portion of that circular, it seemed to me, ought to be read when the concession part was read. That part ought to be read where he distinctly and positively affirmed that he did not yield to the British interpretation of the treaty.

I should like to ask the Senator a question upon this point, if he has looked it up. I think the Senator can not be unfamiliar with the fact that it was charged that Mr. Webster never neither wrote the circular or signed it, but that it was drawn up in the State Department without his knowledge. I ask the Senator if he is not aware that that was the charge made at the time?

Mr. GRAY. This is the first time in my life I ever heard the suggestion the Senator from Colorado has just made of such a charge having been made. I can only say that it is the first time it ever came to my knowledge.

Mr. TELLER. I do not know that that is the fact; I only want to say that the charge was made. It was just before Mr. Webster's death, and the charge was made that Mr. Webster had neither written it nor read it nor signed it. Of course it has the authority of his name; it is signed by him apparently. Upon that subject I am not prepared to say that it is the fact and I do not assert it. I only say that that has been the charge.

Mr. GRAY. That circular was written by Mr. Webster, if I remember aright, at his home in Marshfield, and was issued to the fishermen who lived right around him. He was up in their region, and from his home, as I understand it, he issued this circular. But in the spring of 1852, I have forgotten the exact date, a long, able, and excited debate occurred in the Senate on the troubles that were then taking place up in those northeastern waters in regard to our fishing rights. This circular of Mr. Webster's was quoted and commented upon. It was commented upon and criticised adversely by some Senators, by Mr. Cass, by Mr. Soulé, and by others, and it was warmly defended by Mr. Seward.

So, if the charge that Mr. Webster was not responsible for the circular had been made at that time, it certainly would have been brought forward in that debate. That debate served to give a publicity to the circular which would have drawn out from Mr. Webster or from his friends a denial of its authenticity. I do not know what authority the Senator from Colorado has; I have no doubt, of course, that he has respectable authority for the assertion he makes.

Mr. TELLER. I have not asserted it at all. I only say that it was claimed at that time.

Mr. GRAY. Claimed by whom?

Mr. TELLER. Claimed by public people and in the public prints. I propose to investigate that question, and perhaps I shall have something further to say about it.

Mr. GRAY. I never heard of it before.

Mr. TELLER. I supposed the Senator might in the course of his reading have seen the same thing, and therefore I asked him the question.

Mr. GRAY. I never did see it; and I should like to ask the Senator from Colorado whether he has ever seen a denial made by Mr. Webster or authorized by him of the authenticity of that circular?

Mr. TELLER. No; I never did. I am not aware that there was ever any made.

Mr. HOAR. If the circular was written by Mr. Webster at his home in Marshfield in 1852, it must have been shortly before his death. He was thrown from a carriage in going from the railway station to his home on his return from Washington and never completely recovered his health. He never came back to Washington.

Mr. GRAY. I do not know how that may be. I am inclined to think that Mr. Webster was at his home or in Boston that spring, and that the circular was written up there among the fishing interests and among the men who were most interested in the troubles that were taking place in those waters; that it was written there and given to them. But what I do mean to say is that the debate occurred just afterwards, and was a public debate which excited public attention and great interest throughout the country, so that, if Mr. Webster was not the author of the circular, his attention would have been called to it, or the attention of his friends, and some denial of its authenticity would have been made.

Mr. GEORGE. If the Senator will allow me, I will state that in the very debate to which he alludes it was objected as a serious objection to that circular that Mr. Webster had written it at his home and not at the State Department, and the answer Mr. Seward made was that it had the seal of the State Department to it, and that concluded all inquiry on the subject.

Mr. TELLER. In the same debate there was an intimation that it was not Mr. Webster's.

Mr. GRAY. I read the whole of that debate. It escaped me if there was such an intimation. I should be glad to have it pointed out by the Senator from Colorado, if it is so. I did not see it in the debate.

We are not considering the headland theory now. We are considering the interpretation put by England on the words of the convention of 1818. What does it mean when it declares that the United States fishermen shall not fish within 3 marine miles of the bays of the British dominions? Are we or are we not excluded by express treaty stipulation made by ourselves? What is a territorial bay or jurisdictional waters in the light of international law and of that enlightened self-interest which is its basis?

I am only stating the case, not deciding it. What do you think of it? Is it so preposterous as not to be worthy of a moment's consideration, so absurd as not to be the subject of a question or a doubt among upright, honest, and intelligent men? Are we perfectly sure that we would not make the same contention if the case were reversed? Shall we absolve ourselves from the obligation of a contract deliberately entered into by shutting our ears to all argument, merely because its literal interpretation is inconvenient to us? Pride and self-respect as well as duty enjoin that even if we "have sworn to our own hurt, we should change not."

I propose to examine this matter and show that American traditions and American interests require its careful consideration and some such adjustment of it as is made in the pending treaty. Look at the map of your country, examine its wonderful coast line on two oceans,

with its magnificent bays and harbors. Consider that great *mare clausum* of Behring Sea and the fisheries that will in a few years surpass in value any in the world, and say whether we can afford to establish any narrow or restricted doctrine of territorial waters. Such has not been the teaching of American jurists and American statesmen. This continent, dedicated by American freemen to liberty and free institutions, is no pent-up Utica to be fenced in either by a Chinese wall of commercial restriction or a medieval 3-mile zone, and the jurisdiction over the bays that indent and impenetrate the body of our States, will never be measured by the doubtful rule of a 3-mile cannon shot.

There is no settled and established rule of international law on the subject—to restrain this country from asserting the territoriality of all waters that are necessary to its peace and welfare.

International law, it is true, lacks the technical "sanction" of municipal law, but it has a moral sanction resting in enlightened self-interest, which is hardly less efficient. Wheaton in his Elements of International Law (Part II., chapter iv., section 5, pages 304–5), thus describes it:

> Independently of these sources of title, the general consent of mankind has established the principle that long and uninterrupted possession by one nation excludes the claim of every other. Whether this general consent be considered as an implied contract or a positive law, all nations are equally bound by it, since all are parties to it; since none can safely dispute it without impugning its own title to its possessions, and since it is founded upon mutual utility and tends to promote the general welfare of mankind.

That, Mr. President, is the rule of international law which is the basis of all just claims to the territoriality of the waters that penetrate and indent the body of our States.

Mr. TELLER. I should like to ask the Senator if he understands that we claim these rights adversely to any international law; if, on the contrary, it has not been repeatedly asserted here and everywhere that we claim them by virtue of a treaty, and not by any international law, no matter what the international law is?

Mr. GRAY. With all respect to the great research and industry of the Senator from Colorado, I do not think that he has read as attentively as he ought the history of this case, or he would not have made that remark. I am discussing now the question whether there is any settled or established doctrine of international law that prevents the United States of America from claiming for itself and for the States the territoriality and jurisdiction over all the waters that are surrounded by its own territory. Mr. Jefferson did not think that there was any established rule of international law that prevented him from declaring that it was the interest and policy and right of this Government to claim, not only a 3-mile marginal belt along our coast, but to extend our jurisdiction over an area of water that was measured by the shore-line on one side and by the path of the Gulf Stream on the other.

Kent, in his Commentaries, vol. I, page 32, speaking of the general doctrine, says:

> All that can be reasonably asserted is that the dominion of the sovereign of the shore over the contiguous sea extends as far as is requisite for his safety, and for some lawful end.

At page 30 of the same volume he says:

> Considering the great extent of the line of the American coasts, we have a right to claim for fiscal and defensive regulations a liberal extension of maritime jurisdiction; and it would not be unreasonable, as I apprehend, to assume for domestic purposes connected with our safety and welfare the control of waters on our coasts though included within quite distant headlands, as, for instance, from Cape Ann to Cape Cod, and from Nantucket to Montauk Point, and from that point to the capes of the Delaware, and from the south cape of Florida to the Mississippi. In 1796 our Government thought they were entitled in reason to as broad a margin of protected navigation as any nation whatever, though at that time they did not positively insist beyond the distance of a marine league from the sea shores; and in 1806 our Government thought it would not be unreasonable, considering the extent of the United States, the shoalness of their coast, and the natural indication furnished by the well-defined path of the Gulf Stream, to expect an immunity from belligerent warfare for the space between that limit and the American shore.

Now, although such broad claims are not now, as President Woolsey in his work on International Law observes, much urged, it serves to show what, in the opinion of these two great Americans, was the policy and justifiable pretension of this country.

Wharton, in his work on American Law, lays down the doctrine liberally and broadly, and emancipates himself so far as this country is concerned from the necessity to assert any obligatory force of a 3-mile limit or of any restricted doctrine in regard to the territoriality of bays regulated by a 3-mile limit from the shores of such bays.

It is sufficient here to say—

Says Mr. Wharton—

> That if the rule amounts to anything, it amounts to the assertion that every sovereign state has a right to protect itself from any offensive operations which may be undertaken from a base sufficiently near its shore to enable its shore to be molested. This is reasonable, and the effect of the rule would be to to extend the belt over which police or punitive jurisdiction could be exercised for the purposes of self-defense or revenue protection from 3 to 9 miles, the present extreme range of cannon-balls. But this would not authorize the interference with ships of other nations peaceably passing through such belt. All that the extension of the belt to 9 miles would in this view effect would be the vesting in each state of police jurisdiction over such a portion of the sea washing its coast as could be made the basis of operations against its revenue or its shores.

Woolsey, speaking of the territoriality of the bays, says:

> Bays of the sea—called in England the king's chambers—are within the jurisdiction of the states to whose territory the promontories embracing them belong.

That is this case—a simple definition of what is to determine the territoriality of a bay.

> Thus the Delaware Bay was declared in 1793 to belong exclusively to the United States.

Mr. Wharton was writing only in regard to marginal waters. But as to bays, those recesses of the sea running up into the body of the States, called in England the King's Chambers, there is no doubt as to what our policy, our interest, and our practice demand. As I have already said, no double cannon-shot or six-mile rule can ever be tolerated here. No State in the Union would for a moment yield the jurisdiction over the waters that are surrounded by its territory. It is an American doctrine which never can be and never will be given up. No settled authority of international law can be cited to controvert it.

Wheaton, at page 320 of Lawrence's edition, says:

> The maritime territory of every State extends to the ports, harbors, bays, mouths of rivers, and adjacent parts of the sea inclosed by headlands, belonging to the same State.

At page 341 he says:

> We have already seen that, by the generally approved usage of nations, which forms the basis of international law, the maritime territory of every State extends:
>
> First. To the ports, harbors, bays, mouths of rivers, and adjacent parts of the sea inclosed by headlands belonging to the same State.
>
> * * * * * * *
>
> Thirdly. To the straits and sounds, bounded on both sides of the territory of the same State, so narrow as to be commanded by cannon-shot from both shores, and communicating from one sea to another.

So that the self-interest of civilized states determines this question, and there is a general consensus among civilized nations that waters within their own territory shall be conceded to them if they make the claim and insist upon it and persistently practice the exercise of jurisdiction over them. So it was in England in the case of the Bristol Channel. (Regina *vs.* Cunningham.) In that case it was decided that that great channel separating England from Wales was British territorial waters, and that a crime committed outside of the three-mile limit from the shores was committed within the body of the county of Glamorganshire. So also it was decided by the court of appeals in England, I have not the citation of the case here, but it was, as I remember, the case of an Atlantic telegraph company which was restrained from buoying its cable in Conception Bay, Newfoundland, more than 3 miles from shore, on the ground that that bay was territorial, the court saying that the question depended largely on the configuration of the bay and the practice of the government in asserting jurisdiction. So Boston Harbor has been decided to be territorial waters of the State of Massachusetts. The waters of Long Island Sound are jurisdictional and territorial waters of the State of New York, and Delaware Bay was decided as long ago as 1793, by the Attorney-General, in the case of the Grange, to be the territorial waters of the United States

Mr. Seward, in the debate that took place in the Senate on August 14, 1852, when the troubles in these northeastern waters were rife, just before the reciprocity treaty, said:

> Again I recall the honorable Senator's argument, namely—

That is, the argument of the Senator from Louisiana, Mr. Soulé, to whom he was replying—

> Two things unite to give a country dominion over an inland sea. The first is, that the land on both sides must be within the dominion of the government claiming jurisdiction; and then that the strait is not more than 6 miles wide; but that if the strait is more than 6 miles wide, no such jurisdiction can be claimed.

Mr. TELLER. From whom are you quoting?

Mr. GRAY. I am quoting from Mr. Seward, who is quoting Senator Soulé in what I have just read.

> Now, sir—

Said Mr. Seward—

> Now, sir, this argument seems to me to prove too much. I think it would divest the United States of the harbor of Boston, all the land around which belongs to Massachusetts or the United States, while the mouth of the bay is six miles wide. It would surrender our dominion over Long Island Sound—a dominion which I think the State of New York and the United States would not willingly give up. It would surrender Delaware Bay; it would surrender, I think, Albemarle Sound and the Chesapeake Bay; and I believe it would surrender the Bay of Monterey, and perhaps the Bay of San Francisco on the Pacific coast.

This eminent statesman saw the danger of being driven by the necessities of a narrow argument in a special case into positions which would embarrass and thwart the broader requirements of a great American policy.

So that we are asked to give up and recede from an American policy and an American doctrine so long asserted, and so important to our honor and our interests, for the sake of the assertion of a doubtful right to fish in a few bays which are admitted to be destitute of value to our people, a right which no nation of modern times would admit as to bays within her own territory without any well-settled international law to support it, and which if established would surrender a larger territorial jurisdiction always asserted by the States and the United States.

How will you formulate your demand and make your ultimatum? Do you believe that the people of this country should be called upon, at

the cost of a commercial war or of any kind of a war, and at the sacrifice of principles always contended for by them, to force Great Britain to admit you to those bays? How does this treaty deal with this question?

Mr. HOAR. Will it disturb the Senator if I ask him a question?

Mr. GRAY. Not at all.

Mr. HOAR. Does the Senator know of a human being in this country who puts any claim to these fishery rights on a denial of the jurisdictional rights of Great Britain's waters?

Mr. GRAY. I always take issue with the Senator from Massachusetts on a question like this with diffidence, but I never took issue with any one in my life with more perfect confidence when I say that there is no other ground for our pretension than that the bays of Canada, Nova Scotia, and Newfoundland which are over 6 miles in width are not territorial bays, and into which American fisherman have the right to go, because they can not properly be considered bays within the meaning of the treaty of 1818.

Mr. HOAR. My honorable friend does not quite answer my question. I asked him if he knew of any human being who put our claim——

Mr. GRAY. The Senator did not give me time to answer it. I can not answer it *uno flatu*. I said, and repeat, that no other ground for that claim to my knowledge has ever been urged. That is what I have stated; and I said that over and over again this demand has been made based upon precisely the ground that I have stated, and it is not the ground which the Senator from Massachusetts has stated.

Mr. HOAR. When?

Mr. GRAY. In the diplomatic correspondence of this country. I did not come here expecting such a question to be asked, but I can find it. It has been stated by the present Secretary of State and by his predecessors in office, and if I understood the interpretation which the Senator from Massachusetts put upon the decision of the umpire, Mr. Bates, it was precisely upon that ground—that the case of the Washington was decided, that the Bay of Fundy was not a jurisdictional bay of Nova Scotia.

Mr. HOAR. The Senator will pardon me. Perhaps I ought not to interrupt the Senator further. I will say, if the Senator will pardon me, that having studied this matter as faithfully as I could, I do not know a single man in the world who puts the American claim to these fishery rights on a denial or on any question made in regard to the jurisdictional rights of Great Britain's waters. I did not know it until the Senator stated it, and I think he will on reflection find that the present Secretary of State took a different position. On the contrary the Secretary of State in a letter to the citizens of Boston, which I shall comment on before this debate is over, begins by saying that this question solely relates to the fishery rights of one nation in the jurisdictional waters of another.

Mr. GRAY. Unless I have misread the whole history of these troubles, unless I have read backwards our diplomatic correspondence, the ground upon which we claim to enter these waters under the treaty of 1818 is that the bays mentioned in the first article of that treaty are not bays of the British dominion unless they be 6 miles or under in width, but that if they are 6 miles or under in width they are territorial bays, and are therefore properly bays of the British dominions. The Senator from Massachusetts says that he has never heard that argument made, and yet over and over again in the debate of 1852 that was the ground which was discussed between the Senator from Michigan, Mr. Cass, the Senator from Louisiana, Mr. Soulé, and the Senator from New York, Mr. Seward. Precisely that ground was discussed and no other.

Now, Mr. President, how does the treaty deal with this question? It is a treaty of interpretation. No rules of international law are laid down or are controverted, but a practical delineation of what were reasonably bays within the meaning of the convention of 1818 was made.

It was a practical, sensible, and statesmanlike way in which to deal with the subject, keeping in view the importance to the United States of a broad and liberal doctrine in regard to territorial waters, and giving force to the plain and natural meaning of the words of the convention of 1818, whereby the United States renounce the right to take fish within 3 miles of the coasts, bays, etc., of his Britannic Majesty's dominions in America not included, etc., within certain limits. And the negotiators, in addition to these and other considerations which were sufficient to determine the matter, were justified in their conclusions by the fact testified to over and over again by the fishermen themselves, and solemnly reported to the Senate by one of its own committees, that these bays, alleged by Great Britain to be territorial, were of no value at all to the fishermen of the United States.

The Senate committee, in their report made in 1887, after a full investigation, say:

> From the investigations made by the committee during the last summer and fall, and as the result of the great mass of testimony taken by it and herewith returned, the committee believe it to be clear, beyond all dispute, that the right to fish within 3 miles of the Dominion shores is of no practical advantage whatever to American fishermen. The cod and halibut fishing has been for many years almost entirely carried on at long distances from the shores, in the deep waters, on banks, etc.; and it is believed that were there absolute liberty for Americans to fish, without restriction or regulation of any kind, within 3 miles of the Dominion shores, no such fisherman would ever think of going there for the purpose of catching cod or halibut.
>
> As regards the obtaining of bait for this class of fishing, the testimony taken by the committee in its inquiries clearly demonstrates that there is no necessity whatever for American fishermen to resort to Canadian waters for that purpose. Clam bait is found in immense quantities in our own waters, and there have been instances, so frequent and continuous as to amount to a habit, of the Canadians themselves resorting to American waters or ports for the purpose of obtaining it. The squid bait is found on the very banks where the fishing goes on. So that the instances would be extremely rare when any American fishing vessel would wish to resort to a Dominion port for the purpose of buying bait for this kind of fishing.
>
> It was also proved before the committee that, with the rarest exception, it would be absolutely injurious to the pecuniary interests of all concerned for American vessels to resort to Dominion ports or waters, except in need or distress, for the time taken in such departures from the cod and halibut grounds, or from direct sailing to and from them, is so great that, with or without the difference of port expenses, time and money are both lost in such visits.

That report of the committee is fully justified and grounded upon the testimony that was taken and returned with their report. It is very voluminous. It is published, and it is worth reading as showing what are the facts in regard to the value of these waters about which so much trouble has been and is constantly being made.

It is true that the skippers, the masters of boats, do not want and do not need to resort to Newfoundland and Nova Scotia ports, but the trouble with them is, as I shall show, that they have to run in there because their crews are in large part—I do not say the larger part, but they are in large part—composed of Canadians, men who have their wives and their families in Nova Scotia and Newfoundland, and they insist that occasion shall be made for resort to their own shores that they may visit their own families. That is the trouble in a great degree.

Mr. GEORGE. The crews of American fishing vessels?

Mr. GRAY. The crews of American fishing vessels, who are in large part composed of Canadians.

Mr. TELLER. Do you mean a majority?

Mr. GRAY. No, I do not mean a majority; but they are in large part from Nova Scotia and from Newfoundland, and, as I have said, they have their families there, and they insist upon going in there upon some pretext.

Mr. TELLER. If the Senator will allow me to interrupt him, I should like to suggest to him that the late Secretary of the Treasury, Mr. Manning, made an estimate that 78 per cent. of all those crews were Americans.

Mr. GRAY. I know all about that, I think. I never say I know all about anything without a great deal of diffidence, but I think I know all about the estimate of Mr. Manning and where the figures were obtained upon which he made that statement. They were based upon the estimates of Mr. Carroll D. Wright, and I have here, and will read to the Senate, if I do not trespass too much on their patience, something from Mr. Carroll D. Wright to explain some of the discrepancies which occur in the figures taken from the census reports and from his own reports as commissioner of labor in Massachusetts, I think. Although it is a little out of connection, it will not be out of place that I should say something about this fact.

The owners and outfitters in Gloucester, Provincetown, Portland, and Wellfleet have the right, I do not dispute it, to get their crews wherever they can. They have a right to employ Nova Scotians and men from Newfoundland, because I know that there are good fishermen in those regions; they pass their lives out on those banks and living in their boats. Obeying the ordinary rules that govern men in the pursuit of gain, in the pursuit of honest gain and honest livelihood, they employ fishermen wherever they can most advantageously to themselves employ them. I am making no criticism adverse to them on that ground, but it is interesting in this debate, after so much has been said about a subject in which I feel a deep interest, and that is the maintenance of these fisheries as a nursery for American seamen, as a source of supply when we shall need them to man our ships of war, to have some place where we can get these hardy men inured to the toils and dangers of the sea, to spring into the shrouds of our cruisers and war ships and defend the honor of our country as only an American sailor can defend it—I say it is interesting in that connection to know that the reason why it is so important that these American fishing vessels shall resort to Newfoundland and Nova Scotia is principally the one I have given. I find here an article in the Barnstable County Journal—that sounds like good old Massachusetts—a paper published in a fishing town, I think, the following statement——

Mr. GEORGE. What is the date?

Mr. GRAY. April 28, 1888. It is an official tabular statement of the fisheries in Provincetown, that is a town on Cape Cod, and Wellfleet, in the district of Barnstable, for the year 1887. I will ask leave to print this table in my remarks, but I will give some interesting items from it. It gives the name of the vessel, and the Americans and foreigners who manned the schooners from Provincetown. The schooner Carry C. Miles in 1887 had fifteen men. Seven were Americans and eight were foreigners, presumably from Canada or the provinces.

Mr. TELLER. How do you get that?

Mr. GRAY. I am allowed, I suppose, to draw an inference myself, or even to indulge in a presumption, if it is not a very violent one.

Mr. TELLER. I only wanted to know the fact.

Mr. GRAY. I said presumptively they were Canadians. The schooner Alice had thirteen Americans out of fifteen; the Edith McIntyre had seventeen Americans out of twenty. As I understand this table, among the Americans are included not only native-born Americans but naturalized Americans. So there is no distinction, and I wish to make no distinction between native-born and naturalized Americans.

Mr. GEORGE. Are they all American vessels?

Mr. GRAY. They are all American vessels, from the town of Provincetown. It is a long list, and Provincetown is not the most important, it is not the largest fishing port in Massachusetts. From this table you will form some idea of the number of vessels that sail from Massachusetts and engage in this fishing. It is and may be made a great nursery of American seamen.

Mr. GEORGE. What is the aggregate?

Mr. GRAY. The aggregate is stated. Out of 771 fishermen there were 394 Americans and 377 foreigners. The table is as follows:

[From the Barnstable County Journal, Barnstable, Mass., April 28, 1888.]

The Cape Cod fisheries—Official tabular statement of the fisheries in Provincetown and Wellfleet, in the district of Barnstable, for the year 1887.

Name of vessel and port.	Americans.	Foreigners.	Total.
PROVINCETOWN.			
Carry C. Miles	7	8	15
Alice	13	2	15
Edith McIntyre	17	3	20
Leon S. Swift	15	5	20
Lawrence McKenzie	16	6	22
Lucknow	5	8	13
Maud B. Witherell	7	9	16
Tressa D. Parker	7	6	13
Jesse T. Matheson	6	14	20
Alice, 2d	3	13	16
Grace F. Littleton	17	3	20
Lizzie Colby	14	6	20
Nellie Swift	10	9	19
Louisa A. Grout	7	15	22
Lizzie W. Matheson	10	15	25
Gertrude	7	5	12
Georgie D. Paine	5	18	23
Pearl Nelson	6	11	17
Annie R. Kemp	15	7	22
G. W. Bentley	6	9	15
William Matheson	5	11	16
Willie L. Swift	8	10	18
Freddie W. Alton	4	9	13
Hattie D. Linnell	15	1	16
G. M. Hopkins	7	8	15
Joseph A. Manta	10	6	16
Philominia Manta	10	6	16
John M. Ball	4	11	15
Zephyr	8	6	14
Mary E. Whorf	11	4	15
Alice Raymond	10	4	14
Alice Norwood	2	12	14
Ethel Swift	12	10	22
Ellen A. Swift	10	9	19
Maggie Mitchell	3	9	12
WELLFLEET.			
Carry G. Crosby	8	8	16
Lizzie Smith	8	8	16
Newell B. Hawes	9	7	16
Lizzie D. Barker	1	15	16
France B. Hiller	12	4	16
Alice P. Higgins	4	11	15
H. W. Pervere	6	10	16
Benjamin Oliver	1	13	14
Lucie M. Jenkins	8	6	14
Nathan Cleaves	11	5	16
Charles F. Atwood	14	2	16
Total	394	377	771

Mr. HOAR. Before the Senator passes from that, will he allow me to make one statement which I am sure he will want to have made? I have examined very carefully the statistics of the particular matter the Senator has been speaking of. They are derived from four separate sources: Mr. Wright's statistics of the fisheries proper of Massachusetts, the statistics on the same subject coming from the report of population, the census of 1880, and the report of our national fisheries commission for 1887. The last three, so far as published, relate to 1886 and 1887; I think Mr. Wright's to 1886, and the fisheries commission report to 1887. These things are stated a little differently, but the average of Americans is considerably over 60 per cent. in all the Massachusetts fisheries. Of the remaining 40 per cent., or a little under, about 19 belong to the British provinces and about 21 are other foreigners. The Senator thought that all the foreigners were included in Nova Scotians. They are Portuguese, Basques, Italians, and some are from the northern nations of Europe.

If the Senator will allow me I wish to state one other thing in regard to the Nova Scotians. Admiral Wellesley, who commanded the British fleet on the Nova Scotian coast, and Sir John A. Macdonald have both made very urgent representations to the British Government, which I shall read to the Senate in full pretty soon, in which they say that their policy of tolerance of American vessels is inducing Nova Scotia fishermen to enlist in American vessels and thereupon they become Americanized; that they will——

Mr. GRAY. The Senator from Massachusetts is making my speech for me.

Mr. HOAR. The Senator will allow me just to finish this sentence. They say that they lose their affection for Her Majesty's Government and a very large portion of these men sooner or later get naturalized here.

Mr. GRAY. With regard to the statistics to which the Senator from Massachusetts alludes, I think I am pretty familiar with them. I thought I had here a letter from Mr. Carroll D. Wright, in which he comments upon the irreconcilable discrepancies between the fishery schedule of the census and the returns made under the bureau of labor and fisheries in Massachusetts, and he says he can not explain them.

Mr. HOAR. I have a letter from Mr. Wright.

Mr. GRAY. I have a letter from Mr. Wright, written within a few weeks, in which he calls attention to the fact that in the census of population and in the fishery schedule the fishermen of Massachusetts are set down at about 14,000 in round numbers, and that includes all those who are engaged in clamming and digging for mussels and procuring bait and weir-fishing, but they do not undertake to separate in their schedules those who sail out on these banks codfishing and mackereling, and the returns made under the Massachusetts bureau put the figures down at 7,989 instead of 14,000; and he says that it is impossible to account for the discrepancy. Mr. Wright's statement is as follows:

From the population schedules it appears the number of separate, individual fishermen of Massachusetts for the year 1885 was 7,973, of which number 3,843 were foreign-born and 4,130 native-born, but of the foreign-born 841 were naturalized citizens; so the native-born and naturalized citizens numbered 4,130 native-born, plus 841 naturalized citizens, equal 4,971 native and naturalized citizens, as against 3,002 what might be called aliens.

Mr. HOAR. If the Senator will pardon me——

Mr. GRAY. Just wait one moment and I will allow the Senator.

Mr. HOAR. Do not let me interrupt you in your time. I certainly should be very sorry to do that.

Mr. GRAY. I thought I had Mr. Wright's letter here, but I have not. He goes on to analyze as far as he can, admitting the fact that it was impossible to get from the fishery outfitters and owners of vessels correct returns, because they would not give them, and he shows from the imperfect returns that he can get (he admits that they are imperfect) that nearly 50 per cent. were unnaturalized foreigners, and the large part of them were from the provinces.

Very much in the line of what the Senator from Massachusetts was saying just now when I said he was making my speech, I wish to read in this connection from the debate which took place in the Canadian Parliament, and that seems to be a favorite reference with the Senator from Maine and others in this debate, so far as it has gone. On the 13th of April of this year, in debating this treaty, General Laurie, who is opposed to the treaty, and almost as emphatic and violent in his opposition as the Senator from Maine on our side, said:

I mention this because, even in the matter of duty, as a rule the crews of vessels receive one-half the outturn. Now, it is the impression that they are protecting American fishermen, that the duty is practically a bounty which goes to American fishermen as opposed to provincial fishermen; but, as a matter of fact, these fishermen, not wild, harum-scarum young men, but for the most part fathers of families, who have made a practice of going away to the United States, who own they do not do any better when they go, but who go because they have been in the habit of going and do not like to change the system, obtain one-half of the present duty so long as the duty is imposed. So the duty, instead of going into American pockets, largely goes into the pockets of our own fishermen.

An honorable MEMBER. Oh, oh!

General LAURIER. Perhaps, if the honorable gentleman will visit the maritime provinces, he will find out that what I am saying is an actual fact. I am not speaking of what I have read, but I am speaking of what I know. There are disadvantages in connection with shipping in United States vessels. They are more reckless in sailing than our vessels, and while they do make larger returns, they also make larger losses. I now refer to the book which the finance minister was told he should have referred to more frequently, and I find that the losses of Gloucester vessels during the season of 1887 amounted to twenty-two vessels and one hundred and forty-five lives, of which I am sorry to say a very large proportion, far more than the majority, were those of fishermen from the lower provinces.

Here is a bit of what lawyers call unconscious testimony, taken at random, the return of losses of the Gloucester fleet for one year:

Twenty-two vessels and one hundred and forty-five lives, of which I am sorry to say a very large proportion—far more than the majority—were those of fishermen from the lower provinces.

How does it happen, Mr. President, that if the proportion is as the Senator from Massachusetts says, only about 19 per cent., when you come to foot up the losses of the Gloucester fleet for one year you find that 60 or 70 per cent. of those losses are the drowning of Nova Scotia fishermen? Were they selected as the special objects of the wrath of Almighty God? Did He direct His thunderbolts and His cyclones at the heads of these poor Nova Scotia fishermen more directly and with more of intent and purpose than He did against their Yankee shipmates? Here is testimony which speaks louder than statistics, louder than tables, that when you come to foot up the losses for one year you find that a large majority of those who were lost were from the provinces.

That was for the year 1887. I have some figures here of the same

kind in a publication of Proctor Brothers' list of vessels, published in 1886 in Gloucester. That publication was not made with any intention that it should have a bearing upon this question. It was a commercial publication, and it gives the losses of life between September 1, 1885, and September, 1886, of the Gloucester fishing fleet, as 104, of which 52 were Canadians, 25 were of other foreign nationalities, 17 were unknown, and 10 were Americans.

Where is the nursery of American seamen that has been fostered or is being fostered by this policy that is so vaunted here by the Senator from Maine? I desire to see, and I believe that all true Americans desire to see, this fishing industry nourished and protected. I sympathize with the brave men who pursue their perilous calling on the heaving bosom of the Atlantic Ocean; but I submit that we are destroying that industry and we are handing it over to the men who are employed in the provinces, and excluding and sending our own men into other occupations—shoemaking, farming, and what not—the hardy American boys who, following the example of their fathers for generations, would have sought the decks of American fishermen.

Mr. TELLER. I do not like to interrupt the Senator.

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Colorado?

Mr. GRAY. I want to get through——

Mr. TELLER. I wish to correct the Senator.

Mr. GRAY. The Senator from Colorado must pardon me if I decline to yield.

Mr. TELLER. Very well; but I have here an authority which disputes his statement, and I should like to give it.

Mr. GRAY. I do not expect gentlemen on the other side of this question to at once admit the force of the argument, or that they will have nothing to say in response.

Mr. TELLER. I am not speaking of the argument, but I refer to the statement of the Treasury Department.

Mr. GRAY. There are conflicting statements, and that is the very reason why I called upon the unconscious testimony of this list of losses as being more reliable and throwing a more certain light upon this question than statistics which are made to order and gathered together for a purpose. As bearing on this subject it is quite interesting to note the fact that many of the vessels that were in trouble in Canadian waters and ports, as reported by the Secretary of State during the last two years, were outraged, as the Senator from Maine would call it, by not being allowed to ship crews in Canadian ports. Here are some of these "outrages," taken from a single list sent us by the Secretary of State:

6. Bertha D. Nickerson (schooner).—Booth Bay, Me.; N. E. Nickerson, master. Occasioned considerable expense by being denied Canadian harbors to procure crew, and detained in spring while waiting for men to come from Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)

14. Abdon Keene (schooner).—Bremen, Me.; William C. Keene, master. Was not allowed to ship or land crew at Nova Scotia ports, and owner had to pay for their transportation to Maine. (From statements of William C. Keene, owner and master, Bremen, Me.)

15. William Keene (schooner).—Portland, Me.; Daniel Kimball, master. Not allowed to ship a man or to send a man ashore except for water, at Liverpool, Nova Scotia, and ordered to sea as soon as water was obtained. (From statements of Henry Trefethen, owner, Peak's Island, Me.)

21. Pleiades (schooner).—Wellfleet, Mass.; F. W. Snow, master. Driven from harbor within twenty-four hours after entering. Not allowed to ship or discharge men under penalty of $400. (From statements of F. W. Snow, owner and master, Wellfleet, Mass.)

27. Carleton Bell (schooner).—Boothbay, Me.; Seth W. Eldridge, master. Occasioned considerable expense by being denied right to procure crew in Canadian harbors, and detained in spring while waiting for men to come from Nova Scotia. (From statements of S. Nickerson & Sons, owners, Boothbay, Me.)

33. D. D. Geyer (schooner).—Portland, Me.; John K. Craig, master. Being refused privilege of touching at a Nova Scotia port to take on resident crew already engaged, owner was obliged to provide passage for men to Portland, at considerable cost, causing great loss of time. (From statements of F. H. Jordan, owner, Portland, Me.)

34. Good Templar (schooner).—Portland, Me.; Elias Tarleton, master. Touched at La Have, Nova Scotia, to take on crew already engaged, but was refused privilege and ordered to proceed. The men being indispensable to voyage, had them delivered on board outside of 3-mile limit by a Nova Scotia boat. (From statements of Henry Trefethen, owner, Peak's Island, Maine.)

35. Eddie Davidson (schooner).—Wellfleet, Mass.; John D. Snow, master. June 12, 1886, touched at Cape Island, Nova Scotia, but was not permitted to take on part of crew. Boarded by customs officer and ordered to sail within twenty-four hours. Not allowed to buy food in ports on Gulf of St. Lawrence. (From statements of John D. Snow, owner and master, Wellfleet, Mass.)

39. Louisa A. Grout (schooner).—Provincetown, Mass.; Joseph Hatch, jr.; master. Took permit to touch and trade; arrived at St. Peter's, Cape Breton, in afternoon of May 19, 1886; entered and cleared according to law; was obliged to take inexperienced men at their own prices to complete fishing crew, to get to sea before the arrival of a seizing officer who had started from Straits of Canso at 5 o'clock same afternoon in search of vessel, having been advised by telegraph of the shipping of men. (From statements of Joseph Hatch, jr., owner and master, Provincetown, Mass.)

41. Florine F. Nickerson (schooner).—Chatham, Mass.; Nathaniel E. Eldridge, master. Engaged fishermen for vessel at Liverpool, Nova Scotia, but action of Canadian Government necessitated the paying of their transportation to the United States, and loss of time to vessel while awaiting their arrival; otherwise would have called for them on way to fishing-grounds.

43. Sir Knight (schooner).—Southport, Me.; Mark Rand, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing-grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

44. Uncle Joe (schooner).—Southport, Me.; J. W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing-grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

45. Willie G. (schooner).—Southport, Me.; Albert F. Orne, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing-grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

46. Lady Elgin (schooner).—Southport, Me.; George W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing-grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

48. Ripley Ropes (schooner).—Southport, Me.; C. E. Hare, master. Vessel ready to sail when telegram from authorities at Ottawa refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

49. Jennie Armstrong (schooner).—Southport, Me.; A. O. Webber, master. Vessel ready to sail when telegram from authorities at Ottawa refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

50. Vanguard (schooner).—Southport, Me.; C. C. Dyer, master. Vessel ready to sail when telegram from authorities refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

These are the outrages that appeal most strongly to the hearts of the great fishing combines and outfitters who own the schooners and divide the profits that these fishing ventures bring. They are not conducting a school for American seamen. They are pursuing their own advantage, as they have a right to, but they are not the only men whom this treaty was designed to protect. It was made in the interest of the poor men who live in these American fishing ports, the hardy Yankee fishermen as well. And we need not heed the clamor or the denunciation in which these owners and outfitters indulge at being compelled to depend more largely than they have been doing on the home market for their labor.

Now, what has been accomplished by this treaty for the fishermen? In the first place we have surrendered no doctrine as to jurisdictional waters which it was important to the United States to maintain. So far as area goes we have conceded less of our contention than Great Britain has of hers, and nothing of any value has been conceded by us. For uncertain, vague, and disputed lines of exclusion there is given reasonable, certain, and easily ascertained lines, marked by definite and prominent landmarks.

The headland dispute is forever disposed of, and in our favor. As to the importance of certainty to the fishermen in regard to what their rights in these colonial waters really are, Mr. Fitz J. Babson, the most intelligent of the witnesses before the sub-Committee on Foreign Affairs in the fall of 1886, of large experience as collector of the port of Gloucester for seventeen years, among fishermen and as to fishing interests, thus gives his testimony in response to a question from Senator FRYE:

The question of the headlands is, of course, one that is, I think, of national importance.

Yet we hear just now from gentlemen who have never dropped a line in the Atlantic Ocean, who have never stood upon the deck of a fisherman, that the headland theory had been abandoned, exploded long ago, and Mr. Fitz John Babson, right from among these fishermen, representing them, says that the question of the headland is one that—

I think is of national importance. Our rights should be settled by the United States asserting and maintaining some position. Our fishermen have been uncertain as to their rights in many cases on account of the lack of any position having been taken by our Government with reference to their rights in those waters, and where there have been disputes our fishermen have had trouble on that account.

So that Mr. Fitz John Babson, as any sensible man would, asserts that a great and important thing for our fishermen is an ascertainment of their rights and a reasonable definition of them.

I think it can be fairly claimed that these important matters of the headlands, and certainty of rights to replace uncertainty, so clearly stated by Mr. Babson, have been adequately and advantageously settled by this treaty.

And excepting two or three of the bays delineated, all other bays over 10 miles wide are conceded, a concession never before made. Compare these practical results with the impossible as well as impolitic course recommended by the majority, of insisting upon a barren recognition of the right to fish in all bays not less than 6 miles wide, after seventy years of fruitless demand or silent acquiescence.

What comment is necessary on the statement of the majority report on page 20, that we have given up to the British these great bodies of water, meaning the delimited bays, and that we by this treaty "cede to Great Britain complete dominion over these numerous and for fishing purposes the most valuable of the bays along the coast of British North America?" We never had the right, except perhaps by an intermittent sufferance, to cast a seine or wet a line in any of these waters. The right to exclude us was always maintained, and it is misleading to say, as the majority report does on page 18, that from the time of the seizure of the Washington to the present no case of seizure for fishing in these bays has come to the notice of the committee. Nearly all the time from the case of the Washington down to the present has been covered by the two treaties of reciprocity, and in the intervals uncovered by the permission which those treaties gave to the fishermen of the United States to fish in all British-American waters the cases of fishermen warned off from these bays were numerous and of constant occurrence.

I submit, therefore, that the delimitation of the bays named in the treaty, and the conventional rule of admitting our fishing vessels to

fish in bays of 10 miles in width, was a wise, practical, and advantageous settlement for us of the interpretation of the convention of 1818 in that regard, and that it will prove wholly beneficial to the fishermen of the United States.

The majority report, in criticising this feature of the treaty, contends for the proposition, as one of international law, that no bay over 6 miles wide can be a territorial bay. This would have been an unwarranted and uncalled-for surrender of American interests and American policy.

What is to be said of the American statesmanship that would lose sight of the enormous and growing fisheries of the Bering Sea and the Alaska waters, to say nothing of the Atlantic and Pacific coasts, which are so vitally affected by this question?

Mr. President, the majority report and likewise the Senator from Maine, are so furious and so illogical in their assaults on this treaty that they even find fault with the ninth article, which declares "that nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States." And yet it is a fact that though this provision was meant among other things to prevent any inference of exclusion from the delimitation of Chedabucto Bay, it does for the first time in our history absolutely dispose of the pretensions of the colonial authorities to control as against our vessels the right of transit through this strait or gut of Canso.

The Senator from Maine says that no one ever dreamed of closing it. The assertion of a right to close this gut was a menace to our vessels navigating those waters, and almost as serious in its effects as the actual exercise of the asserted right. It always hung over the heads of our fishermen who could push their vessels through that narrow channel with no assurance that they might not be stopped whenever the temper or supposed exigency of provincial interests should demand it.

The mere maintenance of a claim by a great and highly-civilized country to do a thing that antagonizes our interests or our rights, however untenable that claim may be (and I am not sure about its entire untenability in this case), disturbs our relations with that country, and is just ground for diplomatic negotiation and demand. On the same principle the assertion in municipal laws, such as the colonial acts of 1836 and of 1868 and 1870, of the right to order our fishing vessels out of harbors and bays, whither they had gone for shelter or other lawful purpose mentioned in the treaty of 1818, after twenty-four hours, and by the act of 1870, without even that limitation, was an abridgment of our treaty rights and violative of good neighborhood and international obligations, for which in all these years we have had the right to demand their repeal or modification, even though they were only occasionally enforced and were generally allowed to remain in abeyance.

Many protests were made by this country in its diplomatic correspondence with England, but never until these harsh enactments were displaced by the stipulations of this treaty were they disavowed by Great Britain.

In all that time there was this great feature of our international relations, that municipal laws were enacted and allowed to remain upon the statute-book which distinctly abridged our treaty rights; and yet, never until this negotiation and until this treaty has there been a demand that those laws should be modified, or repealed, or altered so as to accommodate themselves to our treaty rights.

In reply to the assertion that this claim to control the Gut of Canso against our fishermen was never made or dreamed of, let me refer Senators to the statement of that pretension made by Mr. Thompson, British counsel, before the Halifax Commission. I read from page 1778 of second volume of Halifax Commission. He said:

> My learned friend rather assumed than distinctly stated that the decision in regard to the Bay of Fundy would have considerable weight in reference to other bays. I deny that. Great Britain expressly guarded herself against any such construction. And, moreover, she guarded herself against another construction placed upon the negotiations between the two governments, namely, that the Gut of Canso was common to the two nations. The British Government, so far as I am informed—I have no special knowledge on the subject, except that afforded by the correspondence and negotiations between the two governments—emphatically deny that doctrine. The Gut of Canso is a *mare clausum* belonging to Great Britain—to the Dominion of Canada. It is a strait on either side of which is the territory of the Dominion. There is no foreign shore to that strait. It is not necessary for me to argue, nor shall I argue, what would be the effect on the international question, assuming the Gulf of St. Lawrence to be an open sea, whose waters could be traversed by the keels of other nations and to which the Gut of Canso was the only entrance. How far the position I assume might be modified, if that were the case, I shall not consider; but such is not in fact the case. There is another entrance north of the island of Cape Breton and also one by the Straits of Belleisle.
>
> In connection with this subject, permit me to call your attention to the instructions issued by the British Government to the admiralty, immediately after the reciprocity treaty had been abrogated by the United States.
>
> These instructions are dated April 12, 1866, and were issued by Mr. Cardwell, then secretary of state for the colonies, to guide the fleet about to protect the British North American fisheries:
>
> "Her Majesty's Government do not desire that the prohibition to enter British bays should be generally insisted on, except when there is reason to apprehend some substantial invasion of British rights. And in particular, they do not desire American vessels to be prevented from navigating the Gut of Canso (from which Her Majesty's Government are advised they may be lawfully excluded), unless it shall appear that this permission is used to the injury of colonial fishermen, or for other improper objects.
>
> "I have it in command to make this communication to your lordships as conveying the decision of Her Majesty's Government on this subject.
>
> "I have, etc.,
>
> "EDWARD CARDWELL."

The law officers of the Crown, in 1842 I think it was, in response to a resolution of inquiry from the house of representatives of Nova Scotia, say in a carefully prepared opinion, among other things, that they have attentively considered the matter—

> And that they are of opinion that, independently of treaty, no foreign country has the right to use or navigate the passage of Canso.

And as late as June 14, 1886, the Secretary of State, writing to Sir Lionel West, says:

> I have also to inform you that the masters of the four American fishing vessels of Gloucester, Mass., Martha A. Bradley, Rattler, Eliza Boynton, and Pioneer, have severally reported to the consul-general at Halifax that the subcollector of customs at Canso had warned them to keep outside an imaginary line drawn from a point 3 miles outside Canso Head to a point three miles outside St. Esprit, on the Cape Breton coast, a distance of 40 miles. This line for nearly its entire continuance is distant 12 to 25 miles from the coast.
>
> The same masters also report that they were warned against going inside an imaginary line drawn from a point 3 miles outside North Cape, on Prince Edward Island, to a point 3 miles outside of East Point, on the same island, a distance of over 100 miles, and that this last-named line was for nearly that entire distance about 30 miles from the shore.
>
> The same authority informed the masters of the vessels referred to that they would not be permitted to enter Bay Chaleur.

I cite these opinions and facts not to assent to the pretension, but to call attention to the nature of the claim and to the importance of what has been accomplished in regard to our rights in this strait, as well as in regard to the abrogation of the harsh provisions of these colonial laws to which I a moment ago referred. The first eight articles of the treaty are concerned with the details of the delimitation of the bays, and the ninth and tenth accomplish what I have just stated. The ninth and tenth articles are as follows:

> ARTICLE IX.
>
> Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States.
>
> ARTICLE X.
>
> United States fishing vessels entering the bays or harbors referred to in Article I of this treaty shall conform to harbor regulations common to them and to fishing vessels of Canada or of Newfoundland.
>
> They need not report, enter, or clear when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.
>
> They shall not be liable in any such bays or harbors for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the conventiou of October 20, 1818.

Mr. President, the Senator from Maine, in his speech the other day, said about Article X, sneeringly:

> Is not that an immense privilege to be granted to us? When a United States fishing vessel, under the treaty of 1818, puts into a harbor or bay for shelter she need not report and enter. There can not be found in the history of any civilized maritime nation in the whole world an instance where a vessel putting in for shelter was compelled to report and enter. No vessel is compelled to report and enter until she communicates with the shore, until she lands a man or a cargo or goes to the shore to buy or to ship or do something of that kind.

And this assertion is boldly made in the face of the fact that the statutes of the United States governing the entrance of foreign vessels into our waters have provisions in them of just that kind. Section 2773 of the Revised Statutes provides:

> SEC. 2773. If any vessel, having arrived within the limits of any collection district, from any foreign port, departs, or attempts to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master with the collector of some district, the master shall be liable to a penalty of $400; and any collector, naval officer, surveyor, or commander of any revenue cutter may cause such vessel to be arrested and brought back to the most convenient port of the United States. If, however, it is made to appear by the oath of the master, and of the person next in command, or by other sufficient proof to the satisfaction of the collector of the district within which such vessel shall afterward come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the departure or attempt to depart was occasioned by stress of weather, pursuit or duress of enemies, or other necessity, the penalty imposed by this section shall not be incurred.

So that if a vessel by this law comes within the waters of the United States and within a collection district, as all the waters of the United States are within collection districts, it is not allowed to depart; we imprison her there until she enters and clears, and the only exception is where she is driven out—not driven in, but driven out by stress of weather or other maritime casualty. Section 2774 provides:

> Within twenty-four hours after the arrival of any vessel, from any foreign port, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet, or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as such hours will permit, the master shall repair to such office, and make report to the chief officer, of the arrival of the vessel.

So that in those two sections we provide, notwithstanding the emphasis of the assertion of the Senator from Maine, for just the thing which he says no civilized country in this world requires of foreign vessels coming within its waters. We provide that if they come within our waters and do not enter or clear, no matter where they are, they can be pursued and arrested and brought within the jurisdiction. I should think the fishermen would prefer the liberty of departing to the compulsion of remaining. And by the section last read foreign vessels are

required to report within twenty-four hours after entering a port, which means within a collection district.

And now with reference to the privileges in addition to those secured by Article X. Article XI provides for every facility that a fishing vessel may require in the ports of the Dominion except the purchase of distinctively fishing outfits. Thus commercial rights, so called, are secured to fishing vessels which practically are the same as are secured to trading vessels by the arrangement of 1830; and the restriction in the proviso to the first article of the convention of 1818 of the right of entry into bays, harbors, etc., to the four purposes of shelter, repairing damages, purchasing wood, and obtaining water is almost abrogated, as all these additional purposes for which entry may be made into ports are made lawful.

Let us examine this important article more closely, because the majority report of the committee distinctly denies its efficiency to produce the results claimed for it by the President.

To properly understand what this article means and what we have secured by it, it is necessary to consider just what the claim or contention of Canada was and has always been as to rights of our fishermen under the convention of 1818.

The first article of that convention, after the clause in which the United States renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of His Britannic Majesty's dominions in America not included within the conceded limits, contains the following proviso, which has been repeated so often, *usque ad nauseam:*

Provided, however, That the American fishermen shall be permitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose what ever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

There has always been the claim on the part of the provinces and Great Britain that this language, plainly and literally interpreted, excluded American fishermen from entering all colonial bays and harbors for any other purpose than the four purposes mentioned in the proviso, and that claim and contention has never been successfully controverted by the United States. Mr. Webster and Mr. Everett, as we have seen, distinctly admitted its force. It can not be successfully gainsaid. This would give them the right to exclude the visits of fishermen to colonial ports for commercial purposes, so they have always contended, though they have not at all times exercised the right claimed. And so true it is that American fishermen have for many years, notably during the time the reciprocity treaties of 1854 and 1871 were in force and during the period of licenses from 1866 to 1870, in all a period of thirty years, as well as imperfectly and intermittently before 1854, enjoyed the privilege of buying bait and supplies and of transshipping their cargoes of fish.

But their right to do these things was not admitted to exist under the convention of 1818, nor do I know that it was ever claimed as a right under that convention by the United States. These advantages were enjoyed, as was admitted by our consul in the Halifax Commission, only by suffrance.

In the answer filed by the United States in that case it is said—I read from volume 1, page 136—

Third. That the various incidental and reciprocal advantages of the treaty, such as the privileges of traffic, purchasing bait, and other supplies, are not the subject of compensation, because the treaty of Washington confers no such rights on the inhabitants of the United States, who now enjoy them merely by suffrance, and who can at any time be deprived of them by the enforcement of existing laws or the re-enactment of former oppressive statutes.

And again, reading from page 123 of the same volume:

Suffice it now to observe that the claim of Great Britain to be compensated for allowing United States fishermen to buy bait and other supplies of British subjects finds no semblance of foundation in the treaty, by which no right of traffic is conceded. The United States are not aware that the former inhospitable statutes have ever been repealed. Their enforcement may be renewed at any moment; and the only security against such a course is the fact that such uncivilized legislation is far more inconvenient and injurious to the Canadians than it can possibly be to American fishermen.

On the 5th of September, 1877, Mr. Foster, the agent of the United States before that commission, said:

I will read the motion that was presented on the 1st instant:

"The counsel and agent of the United States ask the honorable commissioners to rule declaring that it is not competent for this commission to award any compensation for commercial intercourse between the two countries, and that the advantages resulting from the practice of purchasing bait, ice, supplies, etc., and from being allowed to transship cargoes in British waters, do not constitute a foundation for award of compensation, and shall be wholly excluded from the consideration of this tribunal."

And the commission ruled in accordance with the Constitution of the United States by their counsel and agent. The counsel for Great Britain insisted that these advantages were conceded by the treaty of Washington of 1871 as incidental to the enlarged rights to fish thereby granted, or that they were not conceded at all. The counsel for the United States in all their long and able argument on this point, Mr. Foster, Mr. Trescott, and Mr. Dana, never suggested any stipulation or arrangement existing between the two countries under which we enjoyed these privileges; and it apparently never occurred to any of them that the reciprocal legislation and orders of council of 1830 could be invoked as repealing the restrictions of the proviso of the first article of the convention of 1818. But they distinctly admitted that the privilege, such as it was, depended only on sufferance, which could at any time be revoked; and they seemed to rest the exercise of these privileges more than anything else on the absence of efficient inhibitory statutes.

The act of 59, George IV, and the colonial statutes of 1836, 1868–'70, only partially and indirectly inhibited the entering of the forbidden bays for any other purposes than the four purposes specified in the proviso. But the statute of the Dominion of 1886 undertook to deal with the matter in a very vigorous and harsh fashion, forbidding and penalizing the entry of American fishermen into the colonial ports and harbors which were included in the renunciation by the United States in the convention of 1818 for other than the four specified purposes, and increased the rigor of the rules regulating the lawful use of the bays and harbors.

The enforcement of old and oppressive statutes and the enactment of new ones made a condition of things which was extremely hard for our fishermen. Whether the Canadian and British claim was correct or not, the hardship for these poor men remained the same.

The vigor and ability of the remonstrance of our State Department is displayed in this volume of correspondence laid before the Senate, and it resulted in the negotiations of which this treaty is the fruit, having first obtained from the British and colonial authorities a modification of the instructions which had been in force as to the execution of these harsh enactments.

And that is a fact which I desire to place upon record, that before these negotiations were entered into on the part of the United States with the commissioners of Great Britain, in the spring of 1887, the instructions to the Canadian cruisers had been so modified as to take away from them much of the reproach that belonged to them as being in violation of the convention of 1818. I read from a correspondence presented to Parliament by command of the governor-general May 3, 1887, in which I find special instructions to fisheries officers, signed by George E. Foster, minister of marine and fisheries, and dated the 16th of April, 1887. I will not detain the Senate by reading them; but so it is that these instructions were so modified as to take away from the execution of the law much of the harshness of the provisions that were the subject of correspondence in preceding years. So we did not enter into these negotiations under the duress and under the threat that our fishermen would be seized in a manner that was utterly violative of their rights under the treaty of 1818.

Here is the letter in full:

DEPARTMENT OF FISHERIES, CANADA, *Ottawa, April* 16, 1887.

[Special instructions to fishery officers in command of fisheries' protection vessels.]

SIR: In reference to the letter of this department, dated March 16, 1886, I have to intimate to you that during the present season, and until otherwise ordered, you will be guided in the performance of the duties intrusted to you by the instructions contained in that letter.

I have every reason for believing that these have been executed with efficiency and firmness, as well as with discretion, and a due regard to the rights secured by treaty to foreign fishing vessels resorting to Canadian waters.

I desire, however, to impress upon you that, in carrying out those instructions and protecting Canadian inshore fisheries, you should be most careful not to strain the interpretation of the law in the direction of interference with the rights and privileges remaining to United States fishermen in Canadian waters under the convention of 1818. To this end, the largest liberty compatible with the full protection of Canadian interests is to be granted United States fishing vessels in obtaining in our waters shelter, repairs, wood, and water. Care should be taken that while availing themselves of these privileges such vessels do not engage in any illegal practices, and all proper supervision necessary to accomplish this object is to be exercised, but it is not deemed necessary that in order to effect this an armed guard should be placed on board, or that any reasonable communication with the shore should be prohibited, after the vessel has duly entered, unless sufficient reasons appear for the exercise of such precautions.

In places where United States fishing vessels are accustomed to come into Canadian waters for shelter only, the captain of the cruiser which may be there is authorized to take entry from and grant clearance to the masters of such fishing vessels without requiring them to go on shore for that purpose. Blank forms of entry and clearance are furnished to the captains of cruisers; these, after being filled in, are to be forwarded by the captain of the cruiser to the customs officer of the ports within whose jurisdiction they have been used. In cases of distress, disaster, need of provisions for the homeward voyage, of sickness or death on board a foreign fishing vessel, all needful facilities are to be granted for relief, and both you and your officers will be carrying out the wishes of the department in courteously and freely giving assistance in such instances.

The above special instructions, while designed with regard to the fullest recognition of all lawful rights and reasonable liberties to which United States fishermen are entitled in Canadian waters, are not to be construed as authorizing a lax enforcement of the provisions of the laws for the protection of the Canadian fisheries. Fishing, preparing to fish, procuring bait, trading or transshipping of cargoes by United States fishing vessels within the 3-mile limit, are manifest violations of the convention of 1818, and of the Imperial and Canadian statutes, and in these cases your instructions which are explicit are to be faithfully followed.

I have, etc.,

GEO. E. FOSTER,
Minister of Marine and Fisheries.

For the first time since the convention of 1818 our fishermen are placed upon the safe and sure basis of a reasonable interpretation of their rights under its terms.

As that concerns the other principal subject of this treaty, I shall not be under the necessity of detaining the Senate much longer.

I consider, as the majority of the Committee on Foreign Affairs, that this Article XI is perhaps the most important in the concession that the Canadians make of any in the treaty, and therefore I will ask the

consent of the Senate to dwell upon it at length. What are the provisions of Article XI?

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the eastern and northeastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, transship, or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions, and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

That paragraph provides for and secures to the fishing vessels of the United States every right of hospitality that they can reasonably demand. I know the Senator from Maine and the Senator from Massachusetts think that rights of hospitality ought not to be the subject of treaty stipulation, but that is not the practice in negotiations between countries, and I submit to the Senate that where the extent to which hospitality has been extended or ought to be extended has ever come into question or doubt, it is a matter of the greatest importance and of the greatest advantage to those who are affected by it that that extent should be definitely fixed by conventional obligation.

No fishing vessel of the United States that has lost a man, that has had portions of its bait swept overboard, that has lost a sail, lost a barrel of water, or met with any other casualty, can be interfered with, upon any pretense of customs regulations or what not, from going into a Dominion port and there receiving every facility and every advantage that possibly can be afforded to men so circumstanced.

Now, the second paragraph:

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports promptly upon application and without charge; and such vessels—

That means "such United States fishing vessels," and can mean nothing else—

having obtained licenses in the manner aforesaid—

Which are issued without charge on application—

shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for resale or traffic.

Shall have upon all occasions such facilities for the purchase of casual or needful provisions or supplies that are ordinarily granted to trading vessels, and that is just the contention we have been making through all these years; just the contention the Senator from Maine is making and that is made by those who object to the treaty, that we want for our fishing vessels just the rights that are accorded to trading vessels. Here they are secured by this article; just the rights—for that is the word in the bond—that are secured to trading vessels.

Mr. HOAR. Does the Senator understand that our vessels can go into a Canadian port after this treaty?

Mr. GRAY. I do.

Mr. HOAR. I do not, and Sir Charles Tupper does not.

Mr. GRAY. I have no doubt that the Senator from Massachusetts in order to make good his strictures on this treaty will bring all his great powers of exegesis to bear in order to restrict within as narrow limits as possible the privileges that are accorded to us by its terms; but I here submit and declare, as the proper interpretation of Article XI, that under it a fishing vessel may go into a Canadian port at any time, upon all occasions, as the language of the article is, and there purchase all necessary and needful supplies as trading vessels can. That is just the privilege we have been claiming for our fishermen that they should have, putting it under the arrangement of 1830 that they should have just the privilege that trading vessels have.

Now, the only exception and the only thing taken out of the amplitude of that right is that they shall not buy distinctively fishing outfits; but flour and bread and meat, rigging and cordage, chains and anchors, and everything that a vessel requires in navigating the waters—all these may be purchased upon all occasions by application for a license, which is required to be given without charge.

I am not mistaken in the importance I attach to the privilege accorded to the United States under this article, because I find that the majority of the Committee on Foreign Relations in their report, taking a restricted view and arguing that this second paragraph, where it gives to fishing vessels on all occasions the right to go into Canadian ports to purchase supplies, is confined only to such vessels as have obtained a license for the homeward voyage, goes on to say:

If these last-mentioned words—

Which I have just read—

If these last-mentioned words have the meaning imputed to them by the President, the words immediately preceding are absolutely useless and can have no meaning whatever.

* * * * * * *

And if such a really broad provision—

There the majority report admits that this article, with the interpretation I put upon it, is a really broad provision—

And if such a really broad provision as is supposed was intended to be inserted in the treaty—one which was intended to completely reverse the whole British pretension upon the subject, and put our fishing vessels, for all purposes of provisions and supplies, upon the same footing that British fishing vessels occupy in the United States and that American trading vessels do in the British provinces—it certainly should, and probably would, have been stated in language incapable of sincere misunderstanding.

So that the majority of the Committee on Foreign Relations say distinctly that if this article has the meaning which I say it has, which the President says it has, and which those who negotiated it say it has, it is a really broad provision and completely reverses the whole British pretension on that subject and puts American fishermen practically on an equality with British trading vessels in American ports. I say it does just that thing, and if there is doubt about it, amend it and make what is uncertain certain and make what is obscure clear, and I will vote for such an amendment; but I do submit that without amendment it is perfectly clear that we have here all that we have been clamoring for, all that former administrations have failed in achieving and securing to American fishermen, and that we have it secured and made sure for all time by the solemn stipulations of this treaty.

Mr. HOAR. I desire to ask the honorable Senator from Delaware a question in reference to this very point on which he has put so much stress. It is a very important point with me. As I understand the Senator, he thinks that the last clause of Article XI authorizes American vessels to go into Canadian ports for purposes in addition to the four purposes mentioned before. I understand, and I think the Senator will find that Sir Charles Tupper contends, that it does not; that it is only when a vessel is in there for shelter, repairs, wood, or water, or in stress of weather, and gets a license for the homeward voyage, that during that time she can get supplies. That is the point.

Now, will the Senator be kind enough to look at Article XV, which declares that when we have removed our duty and have allowed certain articles to be brought into the United States by British subjects without duty, the privileges of entering the ports, bays, and harbors of the aforesaid coast of Canada and Newfoundland shall be accorded to United States fishing vessels.

Mr. GRAY. Read it all.

Mr. HOAR. I will:

For the following purposes, namely:

1. The purchase of provisions, bait, etc.

Now, if you have got in Article XI, according to the Senator's notion, a right to go in for any purpose not limited to the four purposes previously defined, how does it happen in Article XV that when we remit our duties, then it is provided that we can go in for the four following purposes when we had been allowed, according to the Senator, to go in for any purpose? I should like to have the Senator's views on that proposition.

Mr. GRAY. I do not suppose the Senator will be satisfied with my answer, but I feel perfectly clear in regard to the matter. The Senator's question is ingenious, but I do not think it is at all difficult to answer. Article XI permits, necessarily, all American fishing vessels to enter the ports of the Dominion upon all occasions to purchase all the supplies that are ordinarily sold to trading vessels. That is the true interpretation of Article XI, according to my judgment.

Now, says the Senator from Massachusetts, why does Article XV, which contains the offer of certain privileges upon certain conditions, use language like this, that when certain things are done by the United States the privilege of entering the ports, bays, and harbors of Canada and Newfoundland "shall be accorded the United States fishing vessels by annual licenses, free of charge, for the following purposes," to buy bait, ice, fishing outfits and to transship cargoes, purposes not included among those for which they are permitted to enter by Article XI, but are in addition to them?

I hardly think it necessary again—because Senators are as familiar as I am with the terms of this treaty—to call attention to the fact that, while Article XI provides that American fishing vessels may on all occasions obtain a license to purchase the supplies that are ordinarily sold to American trading vessels, they are not permitted, under that license, to purchase anything that concerns a fishing outfit. They can not purchase bait, they can not purchase fish-hooks, nor seines, nor fishing-lines; but when you come to Article XV, which is not operative, which is contingent, which is only to go into effect after certain legislation on the part of the United States, then they make another offer, and say that other and additional privileges shall be accorded to American fishing vessels—the right to go in for other purposes than those specified in Article XI. It is in addition to the privileges of Article XI. They say to you in that article you may go in for certain purposes, but you may not go in for certain other specified purposes. In Article XV they say if the United States do so and so they may go in for these other purposes, and that is all there is of it.

Now, Mr. President, if Article XI is as important as I think it is, as important as the Senator from Massachusetts thinks it is, and as important as the majority of this committee have put themselves on record as saying it is, why should we not honestly unite to secure for American fishermen these important advantages, which they have never enjoyed in all these seventy years with anything like security and certainty and advantage to themselves? Why should we not agree to these stipulations in some form which will bind the Canadian Government to do these very things and accord to our fishermen these very privileges, the denial of which has been the source of so much trouble and so much irritation in the past? Is it not the part of statesman-

ship, is it not the part of men who desire the welfare of their country and to protect important interests that we should give to them these advantages which for the first?

Now, Mr. President, if the Senator from Massachusetts has a sincere doubt (and if he expresses one I must admit that it is sincere), and if the majority of this committee have the doubt that they state in their report, why should we not by an amendment meet the objection which they have made to the phraseology of this article and put it beyond cavil and beyond dispute that these rights are really to be secured by solemn treaty stipulation to American fishermen in Canadian waters? I am willing to accept an amendment to Article XI; and when I read the report of the majority of the committee it occurred to me whether their objection could not be met, if it were only an objection intended to be sincerely urged, and I draughted this amendment:

In line 159, after the word "charge," to strike out down to and including "vessels," in line 163, and insert in lieu thereof the following:

"And United States fishing vessels shall also be granted on all occasions, promptly on application and without charge, licenses and all needful facilities for the purpose of such casual or needful provisions and supplies as are ordinarily sold to trading vessels."

That will meet any difficulty that remains in the minds of those Senators, and then, by their own admission, we have a treaty that really contains a broad provision that reverses the whole British pretension on that subject for the last seventy years. Why should we not do it? The majority report says that it reverses the British pretension if that is the true construction of it. The Senator from Massachusetts candidly admits that this is an important article, and if it reads in the way I contend it should read, it really secures important privileges to American fishermen.

Mr. HOAR. I have not said that.

Mr. GRAY. Then I am sorry that the Senator from Massachusetts is not as candid as I thought he was.

Mr. HOAR. I never made any admission on the subject.

Mr. GRAY. I never supposed the Senator would make any admission that was not candid.

Mr. HOAR. I never made any admission on the subject. Does the Senator intimate that I am not candid?

Mr. GRAY. I ask the Senator's pardon. I certainly did not intend by the use of that language to intimate for one moment that the Senator would make any statement that was not candid. I only meant to say that I did understand the Senator when he rose to make the admission which I stated, that this was really an important article. If he says he did not, that is the end of it.

In place of the condition of rigid exclusion from the inhibited bays and harbors under the treaty of 1818, except for the four purposes of shelter, repairs, wood, and water, and these only available under police regulations which made them well-nigh valueless, our fishermen are accorded under this article almost entire and complete freedom of resort to these same bays and harbors at all times and for all purposes. They are relieved even from some of the burdens attaching to trading vessels.

The only things not permitted are the purchase of distinctively fishing outfits and the shipping of crews, and these things are permitted in cases of loss or casualty.

Now, what is the position of Canada under this treaty? Is it a fair and just one for her to assume, and one which it is right and just for us to concede? I declare that it is both, and no fair man, it seems to me, can say otherwise. She has conceded nearly all that we have any right in fairness to ask. We have no right to demand that while we shut her out of our markets, she should give up without reserve every advantage that she possesses by reason of her geographical position and proximity to the great fishing-banks off her coasts, and that we shall make her harbors our basis of fishing operations while we refuse to share with her any advantages that we possess. I repeat, she has given us nearly everything we ask and more than we had the right to demand.

Professor Pomeroy, a law writer of ability and established reputation, in an article published in the American Law Review for April, 1871, in which he discusses the questions concerning the northeastern fisheries, which were then rife and troublesome, though soon after settled by the treaty of Washington, says:

2. The claim of right to lie at anchor in the bays and harbors and other territorial waters for the purpose of cleaning and packing fish, or to procure bait therein by purchase or barter, or to prepare to fish while therein, or to land and transship cargoes of fish. All of these acts are plainly unlawful, and would be good grounds for the confiscation of the offending vessel or the infliction of pecuniary penalties.

And in the same article, although he says in a note that his remarks are based on the fishery treaty of 1818 without reference to any commercial conventions that may exist between the United States and Great Britain, he nevertheless says—and I know of no commercial conventions between the respective governments and he apparently does not, except the treaty of 1815 and that of 1827, till we come to the reciprocity treaties of 1854 and 1871:

We are thus forced to the conclusion that American fishermen have no right to enter the bays and harbors in question and sell goods or purchase supplies other than wood and water.

That is the Canadian side of this question, and that is the side which they have distinctly given up in this article, and the United States fishermen are to enjoy, if this treaty be ratified, all these advantages which before they had no right to claim by the law, if Professor Pomeroy was right.

In the debate in the Canadian house of commons on this treaty the other day, Mr. Ellis, of New Brunswick, in advocating its ratification, enumerated this list of concessions made by the Canadian Government:

1. We have by the very act of making this treaty receded from the position maintained so long in practice, that Canada and Great Britain could impose their own interpretations upon the meaning of the treaty of 1818, thus enlarging the restrictions of that treaty. By doing this we have given the United States a precedent upon which to base new demands for the amelioration of the regulations applied to their fishing vessels should the need arise.
2. We have almost wholly abandoned the contention that fishing vessels are a class by themselves and therefore not entitled to any commercial privileges.
3. We entirely and forever abandon the 3-mile headland theory.
4. We forever admit the right of United States fishermen to navigate the Straits of Canso.
5. We no longer compel American fishing vessels to depart from our shores in twenty-four hours after arrival.
6. We relieve them from the obnoxious operations of customs regulations enforced against them as fishing vessels, and which were specially severe, as the true intent of these laws was to regulate commercial trading only.
7. We free them from harbor, pilotage, and other duties, which are sometimes inhospitably and often capriciously imposed upon them, even in cases when they sought shelter, dealing with them in these matters as commercial vessels, though denying them the rights of commercial vessels.
8. We have practically abandoned the course of ordering them to depart if supposed to be hovering within our waters; and also the plan of putting an officer on board of them as a matter of course.
9. We permit them under certain circumstances to purchase bait, to replenish outfits, to ship men, and to transfer cargoes.
10. We issue to them, free of charge, permits which enable them to purchase supplies in ports of entry, on all occasions, just as trading vessels, except that they may not do it for barter, and this applies both to the homeward voyage and outward voyages. This section does not name bait, but there will be no difficulty whatever of purchasing bait under it.
11. By the fourteenth article we abandon our previous contention that preparing within Canadian waters to fish is evidence of intention to actually fish within Canadian waters, and we therefore recede from the position taken by the act of 1836.
12. We have limited and defined and reduced the severe penalties imposed by that act for violation of our exclusive rights of fishing. Forfeiture of the vessels is no longer a penalty except for fishing within Canadian waters, or preparing within these waters to fish therein. In all other cases $3 a ton is the highest fine which can be imposed.
13. We have provided a summary process of law for dealing with arrested or captured vessels, instead of the old and slow process of the admiralty court.

Here is the opinion of a Canadian legislator who is advocating the treaty and seeking to commend it to his countrymen. He is compelled to admit, and frankly and fairly states the advantages that accrue to the United States under its provisions.

And now we come to another subject, which is made the occasion of much adverse comment by the majority of the committee. They claim that the right to transship their cargoes of fish belongs to the United States fishermen under article 29 of the treaty of Washington, and that this has been given up or not secured by the pending treaty.

As to the right of transshipment by fishing vessels of their cargoes of fish, let us see what the argument is against that. Now I am stating an argument not as my own, but an argument as made against it by the Canadians themselves, and it is about this:

The prohibition of the convention of 1818 was not expressly repealed by Article XXIX of the treaty of Washington. Was it impliedly repealed? Such a construction, the books on the construction of statutes say, is to be avoided. They lay it down as a canon of construction of statutes that there is a general presumption against an intention to alter the law beyond the immediate scope of the statute. A general act is not to be construed as repealing a particular one, that is, one directed towards a special object or a special class of objects; that a general later law does not abrogate an earlier special one by mere implication. "*Generalia specialibus non derogant.*" The law does not allow its exposition to revoke or alter by construction of general words any particular statute when the words may have their proper operation without it.

The system of bonded transit existed long prior to the treaty of Washington, and transshipment from fishing vessels was prevented both before and after the reciprocity treaty; but the United States in all that time made no pretension that the prohibition in the convention was inconsistent with the system of bonded transit. After the treaty of 1871 was made, Article XXIX stood alongside the fishery articles, but Article XXIX with those fishery articles in force could not be said to have repealed the prohibitive *quoad* transshipment. The counsel of the United States repudiated this idea before the Halifax Commission.

The commission ruled according to their contention, and the United States was relieved from the compensation which they would have had to pay if the right to transship had been given by the treaty of Washington. Can Article XXIX have a wider scope, that of repealing *quoad* transshipment, the prohibition of the convention, by the renunciation of the fishery articles? If so, by tearing the treaty in two you obtain a wider construction for the remaining half than it previously bore. What sufficient reply has the report of the majority of the Committee on Foreign Relations made to this argument of the Canadian Government.

I will not stop to read, but will ask leave to print an extract from the report of the Senate committee in 1887, in which Mr. EDMUNDS,

who alone signed the report, impliedly admits the right to prevent transshipment:

As regards commercial and other friendly business intercourse between ports and places in the Dominion and the United States, it is, of course, of much importance that regulations affecting the same should be mutually reasonable and fairly administered. If an American vessel should happen to have caught a cargo of fish at sea a hundred miles distant from some Canadian port, from which there is railway communication to the United States, and should be denied the privilege of landing and shipping its cargo therefrom to the United States, as the Canadians do, it would be of course a serious disadvantage, and there is, it is thought, nothing in the treaty of 1818 which would warrant such an exclusion. But the Dominion laws may make such a distinction, and it is understood that in fact the privilege of so shipping fish from American vessels has been refused during the last year.

There is no suggestion here that the fishermen have a right to transship their cargoes under the twenty-ninth article of the treaty of Washington, and none such seems to have occurred to the writer of that report.

Mr. Dana, in his argument before the Halifax Commission in 1877, asked the question:

Does the treaty of 1871 give the United States the right to buy bait, ice, provisions, supplies for vessels, and to transship cargoes within the British Dominion?

He himself answered:

I say the treaty of Washington has not given us these rights.

And the commission ruled in accordance with this view.

Now, Mr. President, the hour is so very late and I owe it to the Senate to hurry my remarks to a conclusion. There are other articles in this treaty which I have not commented upon; but the two leading features of the treaty, and especially the full and complete accord of commercial privileges to American citizens, I have discussed sufficiently, I hope, and I know at greater length than has been convenient to the Senate.

Mr. CULLOM. Will the Senator give way for a motion to adjourn?

Mr. GRAY. No, sir; I would rather conclude to-day.

But, Mr. President, we are told that this treaty is one that ought not to have been made, that this subject was not a subject for negotiation, that these difficulties which have come upon us after the abrogation of the Washington treaty in 1885 are not to be again the subject of diplomatic correspondence and to meet with a settlement brought about by a fair and candid discussion of both sides of the questions involved. For the first time in the history of these seventy years we are told that this is not again to be a subject of international negotiation. Why should it not be so? What change has come over the disposition or the character of this country that we should not endeavor to do now what the statesmen of 1871 attempted to do and did do in the negotiations for the treaty of Washington, what the great men of 1854 attempted to do and did do in the negotiation of the reciprocity treaty of that year? Why should we not again take up this question as President Arthur himself recommended in his last message to Congress in 1884, in which he said:

Notice of the termination of the fisheries articles of the treaty of Washington was duly given to the British Government, and the reciprocal privileges and exemptions of the treaty will accordingly cease on July 1, 1885. The fisheries industries, pursued by a numerous class of our citizens on the northern coasts, both of the Atlantic and Pacific Oceans, are worthy of the fostering care of Congress. Whenever brought into competition with the like industries of other countries, our fishermen, as well as our manufacturers of fishing appliances and preparers of fish products, have maintained a foremost place. I suggest that Congress create a commission to consider the general question of our rights in the fisheries and the means of opening to our citizens, under just and enduring conditions, the richly-stocked fishing waters and sealing grounds of British North America.

President Arthur said this was a subject so important to the interest and welfare and honor and dignity of the United States that upon the very moment of the termination of the treaty of 1871 there should be a commission to take up the whole subject and renew negotiation and bring about another understanding between the two countries.

Mr. President, it was the pleasure of the Senator from Maine to dwell a good deal upon what was said in the Canadian Parliament, and he quoted Sir Charles Tupper.

I want very briefly to call the attention of the Senate to the fact that in the opinion of many men in the Canadian Parliament this treaty is not altogether on the side of Canada, but it concedes everything to the United States. There are up there members of that Parliament quite as vigorous and quite as emphatic as the Senator from Maine in asserting that this treaty has conceded everything on the part of Canada and gained nothing from the United States.

I wish to submit some extracts from the speech, in the Canadian Parliament, of Mr. Jones, of Halifax, coming from a fishing district, representing a constituency of fishermen, made April 13, 1888, in which he says, in opposing the ratification of this treaty:

Looking at the bill from the beginning to the end and regarding it very carefully in the light of the explanation given by the honorable the minister of finance, and the honorable the minister of justice, I have arrived at the conclusion that every concession which the Americans demanded in 1886 under Mr. Bayard's proposal to Lord Salisbury has been granted. Those demands made by Mr. Bayard in that year were indignantly rejected by the Canadian Cabinet in language strong and emphatic, as has already been read to this house by the member for Queen's, Prince Edward Island [Mr. Davies]. We sustained the action of the government on that occasion, we sustained them in defending the fisheries, and in every word I ever uttered in this house or out of it I guarded myself against using any language which might be used by the Americans or their advocates in depreciating the value of our fisheries.

* * * * * * *

Ingenious as the honorable minister of finance is in his public discussions, with all the fertility of his imagination and resources, and I admit they are great, the honorable gentleman was not able during that long and able address with which he favored the house on that occasion, to point out one single or solitary advantage which the people of Canada would gain if this treaty was put into effect, except that it removed doubts on certain points for which the Americans were contending, but which we on this side, and the British Government behind us, had always as steadily maintained. If it was negotiated to surrender points in favor of which we had been contending, which international law and treaty obligations showed we had a clear right to demand ever since 1813, if it was to give up those treaty rights to the Americans under the operation of this treaty, I do not think the minister of finance could point to them as any advantage to the people of Canada in this direction. He need not have been afraid of using any language which could have injured it.

Again Mr. Jones, of Halifax, says:

I say, with all due deference to that honorable gentleman, and without any desire to exalt him in the opinion of this country, that I would rather have had one Sir Charles Tupper at that commission alone than ten Right Hon. Joseph Chamberlains that England ever produced. The one was familiar with the wants of our people. He understood the condition of affairs, and, if he could have acted independently in regard to Canadian interests and Canadian sentiments, alone, I believe he never would have conceded these points, which are all the Americans want, and obtained nothing whatever for the fishing interests of Canada in return. I repeat, with all due respect to those distinguished gentlemen who were on the commission with the minister of finance, that their desire was, and their sole desire was, to bring about a settlement of questions which had been of an irritating character between the United States and England; and we have been told by Mr. Chamberlain publicly since his return to England, that he came out here to make a treaty, that he had effected it and had brought about a peaceful solution of a difficult question which he believed was going to extend for many years between the two countries. The view I take from this evidence is that the honorable gentleman was pressed to yield these points which otherwise he would not have done.

* * * * * * *

I call attention to this because, while the treaty would exempt American fishermen from these dues in visiting the harbors of Pictou and Sydney, the Nova Scotia fishermen would be obliged to pay the dues if the honorable gentleman's answer is according to the law. These are important places. Pictou is often visited by American fishermen *en route* to the North Bay, and to Prince Edward Island, and Sydney harbor is also an important place of call, and if our fishermen are obliged to pay all those dues which the honorable gentleman says they are on all vessels over 40 tons register, and the American vessels are exempt under the operations of the treaty, it follows as a matter of course that our own fishing vessels are placed at a very considerable disadvantage.

* * * * * * *

The Government have yielded, and have given up a contention which the British Government have made for the last seventy years, and which the Americans have practically admitted under the treaties which have been made since that time, and which they practically confirmed by the decision in their own courts.

Mr. Kenny said:

I admit that Canada, in negotiating this treaty, has made certain concessions. As regards the value of those concessions, it is impossible to-day to estimate them, but we knew when we submitted this matter to a commission and an arbitration that palpable and inevitable concessions must follow.

* * * * * * *

"As regards the matter of concessions, we all know that in the ordinary affairs of life if there is a dispute between neighbors the most expeditious and satisfactory way of settling it is to call in parties acceptable to the disputants and to ask them to consider the matter in dispute and adjudicate upon it, and what is beneficial in private life is equally beneficial in public life."

Mr. Jones, like the Senator from Maine, again, in reply to Mr. Kenny, said:

Not for one to give up everything and the other nothing.

Mr. Kenny was advocating the ratification of the treaty, and very sensibly, when Mr. Jones interrupted him with this remark. Mr. Eisenhauer, who comes from a fishing district, said:

I hope that that may be the case—

That the treaty will be the means of removing difficulties between the two countries and lead to wider trade relations—

but I very much fear we have given away the key we had in our hands, and which we could use in order to bring about this very desirable result.

* * * * * * *

I do seriously think and believe that this treaty will work very injuriously to our fishermen. I must say that I anticipated the result of this Washington commission all along. I knew very well that the home government was very anxious to have this matter settled, and that they would be quite ready to settle it in a manner very much contrary to our interests, so that I am not at all surprised at the result. That is very unfair to us. We were the weakest party of the three, and we got the worst of it.

* * * * * * *

The junior member for Halifax (Mr. Kenny) who has just taken his seat, seemed to think that the concessions do not amount to much. Well, if that honorable gentleman goes down into his county, I think he will find that the fishermen there will tell him a different story. I think the concessions are very valuable; in fact, I think the Americans have got almost all they wanted, while we have got nothing. The honorable member said that there were concessions on both sides, but he failed to point them out, and I have failed to hear any honorable member point out the least concession which we have got from the Americans.

Mr. Peter Mitchell, who knows as much about the fishing interests of those northern waters as even the Senator from Maine can claim to do, for he was ten years minister of marine, has given his opinion in this debate about the concessions that were made by Canada. I submit the following extracts from Mr. Mitchell's remarks in the Canadian Parliament:

My honorable friend comes with his eloquent tongue and persuades us that in this delimitation, which the treaty provides for, we have obtained a great concession. Sir, we have abandoned everything, and while we have done that

my honorable friend has forgotten one thing. Did he know that there were two ends to the shores of America on the Atlantic? Where is the provision in the treaty to give the Canadians the same rights in the Delaware and Chesapeake, in Boston Bay, and Narraganset, and Albemarle, and from the Cape of Florida past the mouth of the Mississippi? Did we find that the interpretation which they set upon the shores, bays, and coasts is the same as they ask us to set upon ours? Have they not rights which they claim from headland to headland, and which are enforced even among themselves? It is true it is the separate States own them there, but that does not alter the law or right on the question. Where has my honorable friend provided in the treaty that we should have the use of those bays in the south of where our boundary terminates? Let us have the same privileges in the American bays, straits, and headlands that they demand in ours. There is no such provision in the treaty. Let a Canadian fisherman go down to Delaware or Boston, or go down amongst their oyster bays and attempt to fish and he will soon find himself in prison. Did my honorable friend forget all about that? I am sure not. But my honorable friend found himself there with instructions in Mr. Chamberlain's hands to make a treaty, and as to what that treaty was, neither Mr. Chamberlain nor the British Government cared, and the only man who did care was Sir Lionel Sackville West, but he had to obey his instructions as a servant of the government. He was handicapped, weighed down, and overborne by the influence of that greatest empire of the world.

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Of course this treaty will pass; there is no doubt about that, but I disapprove of it entirely, as I think the Americans have got everything and we have got nothing. I speak with knowledge of the subject when I say that we have got nothing.

Mr. Foster, in the course of his remarks on the treaty in the Canadian Parliament, said:

"Canada lies a-bleeding," says the Mail.

Mr. MITCHELL. And truly so.

Mr. FOSTER. "A complete surrender," says the Globe; "Secretary Bayard's victory," says the Mail; "A complete give-away," says the Halifax Chronicle; "Canada betrayed," says the Ottawa Free Press; "So far as the United States are concerned, they have got everything they ever contended for," Hon. Peter Mitchell; "The great Tupperian surrender," the Halifax Recorder; "A base, beggarly, blundering surrender," Attorney-General Longley. These are some of the statements made by the party opposite outside.

Mr. MITCHELL. Do I understand the honorable gentleman to use my name in connection with this?

Mr. FOSTER. Yes.

Mr. MITCHELL. What did Peter Mitchell say?

Mr. FOSTER. "So far as the United States are concerned, they have got everything they ever contended for."

Mr. MITCHELL. So I say now.

Mr. FOSTER. Then I did not misrepresent the honorable gentleman. This is what they have said outside, and we who have listened to those speeches inside have heard every honorable gentleman who has spoken in opposition intimate, if they did not use the words, that it was a "base and beggarly surrender," that it was a "complete give-away," that it would be completely injurious to the fisheries interests of this country.

The one apprehension of the New England gentlemen and of Senators upon this floor seemed to have been two years ago that no treaty could be made which did not surrender the right to put a protective tariff upon fish. That was the one thing which made them, as it seemed to me, reluctant to enter into any negotiation. That was the reason why they rejected so promptly, so emphatically and violently, the suggestion of the President that we should have a commission and settle these difficulties by a binding, fair, and honorable adjustment of them. The Senator from Maine said on more than one occasion in this Chamber and out of it that that was a thing we never could give up. That was the point upon which they seemed to make their stand, so much so that the Senator from Massachusetts [Mr. HOAR] on the 24th of February, 1887, submitted the following resolution:

Resolved, That it is the judgment of the Senate that under present circumstances no negotiation should be undertaken with Great Britain in regard to existing difficulties with her province of Canada which has for its object the reduction, change, or abolition of any of our existing duties on imports.

That was the ghost which affrighted the Senator from Massachusetts. He is a high priest in the new church of the home market, and having secured the negotiation, just and fair, of a treaty which does not touch the tariff on fish, I did suppose that we would have his hearty co-operation in ratifying what in all other respects seems to be so advantageous to our fishermen and to our fishing interests.

I do not advocate free fish at the present time. I know that there is a sentiment growing in this country which demands greater freedom for commercial intercourse between this country and Canada, and the fear that that sentiment may overflow the barriers of tariff even in regard to the fishing interests may be a well-founded one.

I know the creation of this home-market club, this new euphemism for the old high-tariff idea, as if the home market was going to commend itself by its name to those who did not believe that we should be shut out from intercourse with the world and should be allowed to buy some things at least where we could buy them most to our advantage.

I do not see anything they have gained by that euphemism. They speak of our home markets, and what does it mean? A market is a correlative term. It means a buyer and a seller, but when you gentlemen say a home market you mean the comparatively few in one part of the country who claim to own the other side of the bargain, and you proceed to round up, to use a Western herdsman's phrase, and corral all the great consuming classes of the country; and having shut them in and told them you are our market, it will be in vain that they ask you where is our market, we who want to buy, but you will proceed to brand them with the new device, our home market, and leave the other side of the transaction to take care of itself. Senators speak with horror of these wicked Canadians who want to break into our home market, forgetting apparently that, after all, God has given them no right to trade in the necessities and wants of their fellowmen against their wills; and that the market which these wicked people want for their own gain to break into is the hungry mouths and stomachs of many millions of poor men, women, and children. Do not let us deceive ourselves with phrases.

I do not believe that that phrase is going to serve the purpose that it was invented to serve; but whether it will, or not, this treaty does not trench upon that ground. The President has sent here a convention that secures every just right of American fishermen, and leaves the tariff on fish just where it ought to be left, as a subject to be dealt with by the legislative branch of this Government.

There were some other topics connected with the treaty which I had intended to discuss, but my strength and the patience of the Senate is exhausted.

I have had in mind all through the discussion the good name, the honor, and the welfare of my country. Senators on the other side of this Chamber have talked about the American side and the British side of this question. I do not believe that this question will be decided by an appeal to prejudice.

I deprecate the fact that party lines seem to have been drawn in this debate; they should never be recognizable in the determination of a great international question. Mr. President, thank God no party in this country has a monopoly of patriotism, but if any party has a right to be proud of its traditions and its history as being distinctively and emphatically American, that party is the Democratic party. Holding within its ranks the great body of the plain men who depend upon their daily toil for their daily bread, it has from the beginning fought the battles of the masses against the classes, and passionately resented the influence of English or European traditions upon American institutions and laws.

In its nearly sixty years of unbroken ascendency it has developed and illustrated American manhood and American courage on the land and on the sea in the only foreign wars in which our country was ever engaged, and under its patriotic leadership the pages of our history have been written in honor and in glory. A brave party, it does not need to protest its courage. It desires peace, but is not afraid of war. Above all, it desires to protect the honor and reputation of our country by the justness and magnanimity of its dealings with the nations of the earth.

But it has never faltered and will never falter when steadfast courage and firm resolve are necessary to protect the humblest citizen who rightfully claims his country's protection. To this its history and traditions pledge it as no other party was ever pledged. This pledge the country knows that it will redeem when occasion demands.

If to be American is to maintain the highest standard of national honor; to be always willing to be just and even generous in recognizing the rights of others; to feel that power and wealth and numbers do not justify or warrant bullying or bravado, but make obligatory moderation in our demands as well as constancy and firmness in the maintenance of our rights; if it means that we should never require what we are not willing to yield, then the Democratic party to-day is on the American side of this question, and the Secretary of State and the negotiators of this treaty and those who defend it here are on the American side. And the President is on the American side, and the American people will recognize the courage and self-sacrificing devotion to their highest interests with which this brave, honest, straightforward, and sagacious man whom they have elevated to his high place has sought to serve them. If in obedience to party caucus, which sits with closed doors on this treaty, and keeps veiled in secrecy the real motives which govern their votes, the bare majority of this body rejects this honorable and satisfactory settlement of these long-standing difficulties which have been a reproach to the civilization and diplomacy of the two greatest Governments on earth, then we will appeal over their heads to the sober judgment of 60,000,000 of people; and over the heads of wealthy fishery combines and trusts, who are willing to employ Canadian labor to swell their dividends, we will appeal to the brave and hardy American fishermen, who through hurricane and fog cling to shroud and life-line or drift in their dories in those stormy northern seas, and whose rights and whose interests have been secured and maintained by this treaty.

I thank the Senate for its patience and for its attention.

Mr. HOAR. Mr. President——

Mr. CULLOM. I inquire of the Senator if he desires to discuss this subject now or hereafter at some future day.

Mr. HOAR. I suppose it would hardly be agreeable to the Senate to have the discussion proceed to-night. I wish to take the floor. But before that point is settled, I ask the Senate if I may have unanimous consent to amend a pension bill which has been returned from the other House.

Mr. SHERMAN. As soon as that is done, I should like to have an understanding as to when the discussion of the treaty is to go on.

SUSAN E. ALGER.

Mr. HOAR. The Senate the other day passed a pension bill for an aged lady residing in the city where I live, and by accident the report which came in from the Committee on Pensions gave the draught of a bill which that committee did not intend to report. The bill has been re-

turned from the other House. I ask the unanimous consent of the Senate that the vote by which the bill was passed and the vote by which it was ordered to a third reading may be reconsidered, and that an amendment, drawn by the chairman of the Committee on Pensions, may be substituted for the body of the bill. It will take but half a minute.

The PRESIDING OFFICER (Mr. MANDERSON). The Senator from Massachusetts asks the unanimous consent of the Senate that, as in legislative session, the vote by which the bill (S. 1162) for the relief of Susan E. Alger was passed be reconsidered, and also the vote by which the bill was ordered to a third reading, in order that he may offer an amendment to the bill. Is there objection? The Chair hears none. The bill is before the Senate and open to amendment.

Mr. HOAR. After the word "to," in line 4, I move to strike out all down to and including the word "pension" in line 12, in the following words:

Examine the claim of Susan E. Alger, of Worcester, Mass., for a pension on account of the death of her son, Warren A. Alger, late of Company D, Fifteenth Regiment of Massachusetts Volunteers, and to allow or to reject said claim as if said Warren A. Alger had left no widow; and if he shall allow said claim, to cause the amount to be paid said Susan E. Alger which would have been due her if the pension had been granted at the time when said widow ceased to receive a pension.

And to insert in lieu thereof:

Place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan E. Alger, mother of Warren A. Alger, late of Company D, Fifteenth Regiment of Massachusetts Volunteers.

So as to read:

That the Commissioner of Pensions be, and he is hereby, authorized and directed to place on the pension-roll, etc.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE FISHERIES TREATY.

Mr. SHERMAN. I move that the fisheries treaty, as it is called, be postponed until next Monday a week. I hope by general consent that will be done. The Senator from Massachusetts [Mr. HOAR], who now has the floor, desires to go away, and probably it will not be convenient to take it up again until that time. I wish to have it postponed until that time, so as not to stand in the way of other business.

Mr. HOAR. Two weeks from to-day?

Mr. SHERMAN. Two weeks from to-day.

The PRESIDING OFFICER. The Senator from Ohio asks the unanimous consent of the Senate that the consideration of the fisheries treaty be postponed for two weeks from to-day, until Monday, June 25. Is there objection? The Chair hears none, and it is so ordered. The Senate will now resume its legislative session.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 367) granting a pension to Nathaniel D. Chase;

A bill (H. R. 469) granting a pension to Marie A. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary Army;

A bill (H. R. 885) to amend chapter 253 of the Revised Statutes of the United States, passed June 15, 1878, granting a pension to John Langland;

A bill (H. R. 962) granting a pension to Robert Lisle;

A bill (H. R. 964) granting a pension to James Turner;

A bill (H. R. 2233) granting a pension to Bernard Carlin;

A bill (H. R. 2640) for the relief of Judith A. Kinsey;

A bill (H. R. 2641) granting a pension to Emily W. Ogden;

A bill (H. R. 2690) granting a pension to Augustus Axmacher;

A bill (H. R. 4770) for the relief of Franklin White;

A bill (H. R. 5443) granting a pension to Isaac N. Johnson;

A bill (H. R. 5787) granting a pension to Charlotte E. Dilley;

A bill (H. R. 6302) granting a pension to Benjamin Contel;

A bill (H. R. 6431) for the relief of Van Buren Brown;

A bill (H. R. 8076) granting a pension to the minor children of Orison S. Baldwin;

A bill (H. R. 8299) for the relief of William M. Dayton;

A bill (H. R. 8429) granting a pension to James T. Bourland;

A bill (H. R. 8455) for the relief of Elizabeth Terralls;

A bill (H. R. 8510) for the relief of Mary Command;

A bill (H. R. 8607) to increase the pension of Lucius B. Varney;

A bill (H. R. 8673) to increase the pension of John R. Stiles;

A bill (H. R. 8779) granting a pension to Mary Dickinson;

A bill (H. R. 8807) granting a pension to Harriet E. Cooper;

A bill (H. R. 9127) for the relief of Chloe Fraily;

A bill (H. R. 9184) granting a pension to William M. Campbell, jr.;

A bill (H. R. 9224) granting a pension to Belle M. Baker;

A bill (H. R. 9347) granting an increase of pension to William H. H. Buck; and

A bill (H. R. 10267) granting a pension to William P. Gordon.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 477) for the relief of Allen Gunter;

A bill (H. R. 988) for the relief of Joseph R. White;

A bill (H. R. 2273) for the relief of William L. Travis; and

A bill (H. R. 2537) to remove the charge of desertion against Almon R. Tobey.

The following bills were read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 8592) for the erection of a public building at Jackson, Mich.; and

A bill (H. R. 9771) for the erection of a public building at Ottumwa, Iowa.

The bill (H. R. 8141) for the relief of the estate of Douglas Dale, deceased, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 8372) authorizing the sale of a portion of the Winnebago reservation was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 9610) to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River, in Alabama, was read twice by its title, and referred to the Committee on Commerce.

UTAH TERRITORIAL JUDGES.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1507) providing for an additional associate justice of the supreme court of the Territory of Utah, and for other purposes; which were in section 3, line 3, after the word "act," to strike out "is hereby assigned to the third judicial district in" and insert "shall from time to time as the business of the courts may require be assigned by the governor of;" in line 4, after the word "Utah," to insert "to either of the judicial districts thereof;" in line 5, before the word "district," to strike out "said" and insert "such;" and in line 7, before the word "district," to strike out "said" and insert "such;" so as to make the section read:

SEC. 3. That temporarily, and until otherwise ordered by law, the additional associate justice to be appointed under this act shall from time to time as the business of the courts may require, be assigned by the governor of said Territory of Utah, to either of the judicial districts thereof, and each of such judges may hold separate hearings and trials, or sit and act together for the expedition of the business of such district, as they may deem expedient, and the times and places as now fixed by the statutes of said Territory for holding court therein shall remain until changed by law.

Mr. PADDOCK. I move that the Senate concur in the House amendments.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. CULLOM. I move that the Senate proceed to the consideration of Senate bill 291, Order of Business 1359. I will state that I am informed that the Senator from Oregon [Mr. DOLPH] has the right of way for a bill which is in his charge, but I desire to call this up for the purpose of making some remarks upon it immediately after the morning business to-morrow. I will not interfere with the Senator from Oregon.

Mr. DOLPH. I think the special order assigned for the 4th of June, and which by unanimous consent was postponed until to day, should come up in its order.

The PRESIDING OFFICER. At 2 o'clock to-morrow.

Mr. DOLPH. I have no objection to its being temporarily laid aside for the purpose indicated by the Senator from Illinois, but I am afraid, if his motion prevails, it will lose its place.

The PRESIDING OFFICER. There being no unfinished business, the special order for the day would come up at 2 o'clock to-morrow. The Chair understands the motion of the Senator from Illinois to be that the Senate proceed now to the consideration of the bill named by him that he may obtain the floor for to-morrow.

Mr. DOLPH. Would not that then be the unfinished business, and so displace the special order?

The PRESIDING OFFICER. It would if taken up by order of the Senate.

Mr. DOLPH. I hope the Senate will allow me to call up the special order, and then by an agreement it can be laid aside for the purpose of taking up the bill of the Senator from Illinois. I shall have no objection to that.

Mr. CULLOM. As I understand, the Senator's bill will not come up until 2 o'clock to-morrow at any rate; and I wish to ask that the bill named by me be taken up immediately after the morning business to-morrow.

Mr. DOLPH. If that can be done I have no objection.

Mr. HARRIS. I ask unanimous consent of the Senate that upon the conclusion of the remarks of the Senator from Illinois the bill referred to by the Senator from Oregon, the special order, be then taken up as the regular order for to-morrow.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the bill referred to by the Senator from Illinois be taken up at the conclusion of the morning business to-morrow, the title of which will be stated.

The CHIEF CLERK. A bill (S. 291) to amend the second and fourth sections of "An act to regulate commerce," approved February 4, 1887.

Mr. DOLPH. The special order is the bill (S. 62) to provide for fortifications and other seacoast defenses.

Mr. BLAIR. I understand that the Senator from Illinois has given notice several times of his desire to address the Senate on the bill he has named, and that the Senator from Oregon has the right of way at the present time in regard to his own bill. I desire that to appear, because otherwise my obligations in reference to another bill would hardly justify me in acquiescing.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee [Mr. HARRIS] for unanimous consent? The Chair hears none, and it is so ordered.

Mr. HARRIS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 12, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 11, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. DAVIDSON, of Florida, for to-day, on account of sickness.

To Mr. MAISH, indefinitely, on account of business.

To Mr. STOCKDALE, for one week, on account of important business.

ORDER OF BUSINESS.

Mr. OATES. Mr. Speaker, I ask unanimous consent that the Committee on Claims be discharged from the further consideration of Senate bill No. 212, for the relief of Patrick H. Winston, jr., and that the House now proceed to consider the same.

Mr. HEMPHILL. Under an agreement that I have made, I shall be obliged to call for the regular order. My word is out that I shall do so, and therefore I must object to the gentleman's request.

The SPEAKER. The regular order is called for. The regular order is the call of the States and Territories for the introduction of bills and resolutions.

Mr. ANDERSON, of Illinois. Mr. Speaker, I desire to present a privileged report.

Mr. HEMPHILL. I ask unanimous consent that gentlemen may be permitted to hand in their reports to the Clerk in the usual manner, instead of having the committees called.

The SPEAKER. This is not a day on which the committees are called for reports.

Mr. HEMPHILL. Then I make the same request with reference to the introduction of bills.

The SPEAKER. The gentleman from South Carolina [Mr. HEMPHILL] asks unanimous consent that the call of the States and Territories for the introduction of bills and resolutions may be dispensed with, and that gentlemen having bills or resolutions to introduce may be permitted to file them with the Clerk for reference to the proper committees. Is there objection?

Mr. CRAIN. I object.

DISALLOWED POSTMASTERS' CLAIMS, KENTUCKY.

Mr. ANDERSON, of Illinois. Mr. Speaker, I rise to submit a privileged report from the Committee on the Post-Office and Post-Roads.

The SPEAKER. The report will be read.

The Clerk proceeded to read the report.

Mr. TAULBEE (interrupting the reading). Mr. Speaker, that report is rather a lengthy one, and there is also a very lengthy report from the minority of the committee on this resolution. It has been suggested that perhaps members would like to examine these reports before they take action in the matter. I therefore ask unanimous consent that the further reading of this report be dispensed with, and that both the majority and minority reports be printed in the RECORD, and be brought up to-morrow morning for consideration.

The SPEAKER. The Chair will submit the gentleman's request.

Mr. BLOUNT. I would suggest to the gentleman that he ascertain the wishes of the gentlemen presenting this report, as well as the views of the minority.

Mr. TAULBEE. I made the suggestion at the instance of the gentleman who presented the minority report, I will state to the gentleman from Georgia.

I will state to the House that I make this request at the instance of a member of the committee who has charge of the minority report, who informed me that this arrangement would be agreeable to the gentleman from Georgia.

The SPEAKER. But there is no minority report.

Mr. TAULBEE. The minority of the committee submit a report, and I ask that both be printed in the RECORD.

The SPEAKER. The views of the minority can be entered in the RECORD, if there be no objection to receiving them now.

Mr. BLOUNT. I wish to state, before action is taken on this, that I did not have charge of the matter.

Mr. TAULBEE. Of course I understood that.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to dispense with the further reading of the report of the committee, and that the report, together with the views of the minority, be printed in the RECORD and lie over until to-morrow morning. Is there objection?

There was no objection, and it was so ordered.

The report and views of the minority are as follows:

The Committee on the Post-Office and Post-Roads, to which was referred the resolution introduced by Mr. TAULBEE on March 19, 1888, requesting the Postmaster-General to transmit to the House a tabulated statement of the disallowed postmasters' claims from the State of Kentucky, under the act of March 3, 1883, makes the following report:

Under the act of June 22, 1854, postmasters were allowed commissions on the postage collected at their respective offices for each quarter and a due proportion for any period less than a quarter.

By the act of July 1, 1864, the post-offices were divided into five classes, and the method of compensation to the postmasters was changed from a commission on postage to a fixed salary. Section 2 of this act provided that the Postmaster-General should readjust the salaries every two years, and is in the following words:

"SEC. 2. That the Postmaster-General shall review once in two years, and in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section, the salary assigned by him to any office; but any change made in such salary shall not take effect until the first day of the quarter next following such order, and all orders made assigning or changing salaries shall be made in writing and recorded in his journal, and notified to the Auditor for the Post-Office Department."

This act of 1864 was amended by section 8 of the act of June 12, 1866, by the addition of the following proviso:

"*Provided*, That when the quarterly returns of any postmaster of the third, fourth, or fifth class show that the salary allowed is 10 per cent. less than it would be on the basis of commissions under the act of 1854, fixing compensation, then the Postmaster-General shall review and readjust under the provisions of said section."

The proper interpretation of these statutes was a source of much contention. Many postmasters claimed they did not receive all that was due them, and that no interpretation would give a right and proper assignment of salaries. This caused further legislation on the subject, which resulted in the act of March 3, 1883, which is as follows:

"That the Postmaster-General be, and he is hereby, authorized and directed to readjust the salaries of all postmasters and late postmasters of the third, fourth, and fifth classes, under the classification provided for in the act of July 1, 1864, whose salaries have not heretofore been readjusted under the terms of section 8, of the act of June 12, 1866, who made sworn returns of the receipts and business for readjustment of salary to the Postmaster-General, the First Assistant Postmaster-General, or the Third Assistant Postmaster-General, or who made quarterly returns in conformity to the then existing laws and regulations, showing that the salary allowed was 10 per cent. less than it would have been upon the basis of commissions under the act of 1854; such readjustments to be made in accordance with the mode presented in section 8 of the act of June 12, 1866, and to date from the beginning of the quarter succeeding that in which such sworn returns of receipts and business, or quarterly returns were made: *Provided*, That every adjustment of salary under this act shall be upon a written application, signed by the postmaster or late postmaster, or legal representative, entitled to said readjustment; and that each payment made shall be by warrant or check on the Treasurer or some assistant treasurer of the United States, made payable to the order of said applicant, and forwarded by mail to him at the post-office within whose delivery he resides, and which address shall be set forth in the application above provided for."

Under this act upwards of 60,000 claims were filed, of which about 22,000 have been allowed, aggregating $1,250,000, while over 35,000 have been disallowed. As these disallowed claims are all of the same nature, and are the class of claims referred to in the resolution, we prefer to consider them as a whole rather than to hunt out those presented from the State of Kentucky; and this is especially proper since there are other and similar resolutions offered by gentlemen from other States.

But two reasons can be found for urging the present resolution, and they are: (1) The possibility that some clerical error may have been made in the computations, and (2) that the computations were made upon an erroneous construction of the statutes above set out.

In passing upon 35,000 cases, it is possible that there may have been some few clerical errors in an occasional case; but this bare possibility can be no sufficient reason for unsettling 35,000 adjudicated claims and opening them for examination to see whether or not any error was made in any of them in the computations upon which they were determined. The same reasoning would apply as strongly to every decision made on any claim passed upon at any time by any of the Departments of the Government. Every postmaster whose claim has been rejected can have ample means, by himself, attorney, or representative, to examine his claim, if he so desires, without the assistance of this fishing resolution.

But from a careful examination into the history of these claims we find that the only reason for this resolution is founded in the theory that the Postmaster-General erroneously construed the several statutes above quoted and referring to this subject. If the Postmaster-General's construction was right, the disallowed claims were properly rejected; but if the construction of the postmasters whose claims were disallowed was right, their claims were not properly considered, and, if not barred by the act of August 4, 1886, which ratified and approved the action of the Department and declared all claims disallowed thereby as forever barred, the error ought yet to be corrected.

Postmaster-General Gresham held that the proper mode in which to administer the act of March 3, 1883, was to proceed by the regular biennial periods and review the eight quarterly returns preceding, and thereupon to fix the basis for the biennial period to be readjusted. This view was sustained in an elaborate opinion of Attorney-General Brewster.

On the other hand the postmasters insisted that the intent of the statutes was that there should be a readjustment, quarter by quarter, and that whenever the return for any quarter showed that the salary was 10 per cent. less than it would have been if adjusted upon the basis of commissions under the act of 1854, then a readjustment should be had. This view might require four readjustments a year instead of one every two years, as was made under the rulings of the Postmaster-General. The difference between these two methods of adjustments in rapidly-growing towns would be considerable, and furnishes the basis upon which these disallowed claims are again pressed for consideration.

On the theory that the Postmaster-General was wrong in his construction of the statutes the petition of Mr. McLean, of Florence, Kans., was filed in the supreme court of the District of Columbia, praying for a writ of mandamus to

compel Postmaster-General Vilas, who adhered to the rulings of Judge Gresham, to readjust his salary upon the quarterly returns for one year instead of two years.

This case was decided by the Supreme Court of the United States on January 9, 1888, Justice Miller delivering the opinion. In the course of this opinion Justice Miller said:

"Upon a very careful examination of these statutes (above set forth) we are forced to the conclusion that the Legislature in these enactments did not contemplate a readjustment of the salaries of any of these officers oftener than once in two years, as a legal duty or obligation upon the part of the Postmaster-General. It is true, undoubtedly, that many cases of hardship might arise for want of a more frequent adjustment."

Again, Justice Miller says in the same opinion:

"A salary might be increased one quarter, and it might be proper to diminish it the next, so that instead of having a salary, or yearly compensation, as we think the spirit of all the statutes requires, and as it must be prospective, it would be in the end paying a man for a future quarter a compensation which he had earned on a past quarter. The whole spirit of the statute seems to imply that the returns for the past two years are to be taken as the best conjectural basis that can be obtained for fixing the salary for two years in the future."

This decision forces us to the conclusion that the construction of the above acts of Congress by the Department was proper, and that the theory upon which these disallowed claims were adjudicated was correct.

In addition to this conclusion, which we deem incontrovertible, the last Congress, by the act of August 4, 1886, approved the action of the Department, and barred the further consideration of the disallowed claims. We quote the following from this act:

"All other claims for readjustment which have been examined and found by the proper officers of the Post-Office Department not entitled to readjustment within such rule of administration are disallowed and barred. * * * And any and every different method of readjustment of salaries of such postmasters and late postmasters during the period between July 1, 1864, and July 1, 1874, than is herein approved, is hereby prohibited."

This being true, the information asked for would be useless if granted, and, as stated by the Department, the information can not be furnished except at great expense of time and labor to the officials of the Department.

The committee therefore report back the resolution, and ask that it lie on the table.

VIEWS OF THE MINORITY.

The undersigned members of the Committee on the Post-Office and Post-Roads, dissenting from the views of the majority report on the resolution introduced by Mr. TAULBEE on March 19, 1888, requesting the Postmaster-General to transmit to the House a tabulated statement of the disallowed postmasters' claims from the State of Kentucky under the act of March 3, 1883, submit the following report:

By the act of June 22, 1854, the compensation of postmasters of the class then known as deputy postmasters was fixed at the following rates:

"On the postage collected at their respective offices in each quarter of the year, and in due proportion for any period less than a quarter, namely;

"On any sum not exceeding $100, 60 per cent.; but any postmaster at whose office the mail is to arrive regularly between the hours of 9 o'clock at night and 5 o'clock in the morning may be allowed 70 per cent. on the first $100; on any sum over and above $100 and not exceeding $400, 50 per cent.; on any sum over and above $400, but not exceeding $2,400, 40 per cent.; on any sum over $2,400, 15 per cent."

The act of July 1, 1864, provided "that the annual compensation of postmasters shall be at a fixed salary in lieu of commissions, to be divided into five classes." By the same act the salaries of the third, fourth, and fifth classes were regulated as follows, namely:

"Postmasters of the third class to receive less than $2,000 and not less than $1,000; postmasters of the fourth class to receive less than $1,000 and not less than $100; postmasters of the fifth class to receive less than $100."

Under section 2 of the last-named act the Postmaster-General was required "to review once in two years, and in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section, the salary assigned by him to any office."

Whatever may have been the methods of applying the act of 1864 adopted by the Postmaster-General, it soon became apparent that the efficiency of the postal service required that the compensation of postmasters of the lower grades should be more definitely fixed than was provided by the act of 1864. To accomplish this end the postal law of June 12, 1866 (section 8), amended the act of 1864 as follows:

"*Provided*, That when the quarterly returns of any postmaster of the third, fourth, and fifth class show that the salary allowed is 10 per cent. less than it would be on the basis of commissions under the act of 1854, fixing compensation, then the Postmaster-General shall review and readjust under the provisions of said section." (See United States Statutes at Large, volume 14, page 60.)

The act of March 3, 1883, provides substantially that the Postmaster-General shall readjust the salaries of postmasters of the third, fourth, and fifth classes in accordance with the prior laws cited above, whose salaries had not theretofore been readjusted, and who had made sworn returns of receipts and business for readjustment, or who made quarterly returns in conformity to the then existing laws and regulations, showing that the salary allowed was 10 per cent. less than it would have been upon the basis of commissions under the act of 1854, said readjustment to be in accordance with the mode presented by section 8 of the act of June 12, 1866, but only to be made "upon a written application signed by the postmaster or late postmaster, or legal representative entitled to said readjustment." (See United States Statutes at Large, volume 22, page 487.)

The report of the Postmaster-General for 1887 shows that the applications for readjusment under the act of March 3, 1883, filed with him and reviewed, number 54,453, of which at the date of said report 21,573 had been allowed, amounting to $1,059,915.66. Since the said report others of said claims have been passed, or, as we are informed, some of which were allowed and the remainder rejected. Schedules of the claims so allowed have from time to time been presented to Congress by the Secretary of the Treasury, and appropriations have been made to pay them. No schedules or statements, however, of the disallowed claims have been made other than what is contained in the report of the Postmaster-General above referred to, which only states in the aggregate the number of claims disallowed.

It is a part of the history of the transactions covered by the foregoing acts that the Post-Office Department under every administration adopted a most rigid rule of construction against postmasters in its interpretation of said acts. The majority report is devoted to the discussion of the decisions of the courts and rulings of the Attorney-General on the legal questions which have from time to time grown out of the contention incident to the restrictive policy of the Post-Office Department in its readjustment of the claims of postmasters.

These questions are in no wise involved by the resolution under consideration, which simply prefers a request to the Postmaster-General to transmit to the House a tabulated statement of the disallowed claims. Why should this be refused? It is not contended by the majority that any of these claims were fraudulent, frivolous, or unwarranted; but, on the other hand, it appears that they were presented in good faith.

We deny the correctness of the proposition that the act of 1886 precludes them from all redress as against clerical error or miscalculation or other erroneous methods. That act only ratified the Postmaster-General's interpretation of the act of 1883, and was not intended to cover mistakes which would work gross injustice to claimants.

Nor can reasonable objection be urged to the resolution on the ground of expense. The disallowed claims, like those allowed, were calculated or the cause of rejection otherwise noted, and the memorandum thereof placed on the claim jackets of the Department. The resolution does not require the Postmaster-General to review his readjustments, but simply to furnish a statement of the same as they now appear on the claim jackets. Many postmasters throughout the country have presented petitions to the present Congress alleging that errors of the kind referred to do exist, and stating specifically in each case the nature and extent of said errors, and praying that the Postmaster-General be requested to report to Congress the status of his (the claimant's) claim as the same appears upon the jacket of his claim and of record in the Post-Office Department.

While it is true that each claimant has the privilege of investigating for himself at the Department as to the matter set forth in his petition, this privilege is practically denied him by reason of the fact that the great number of postmasters and ex-postmasters who desire to obtain the information places it beyond the power of the Department to comply without great delay to many claimants and much loss of time to members of Congress whose services are demanded by constituents, and at greater expense and trouble to the Post-Office Department than would be incurred by furnishing the tabulated statement called for by the resolution. And again, such a statement would enable a comparison of the methods adopted and of the calculations made as between different claims, an advantage which could not be well enjoyed by an examination confined to the claim jackets.

The demand for this tabulated statement applies as well to the other States and the Territories as to the State of Kentucky. We therefore recommend that the resolution be amended by striking out the words "from the State of Kentucky," in line 17, and that the resolution as so amended be adopted.

C. L. ANDERSON.
S. R. PETERS.
A. B. MONTGOMERY.

ASSISTANT SECRETARY OF THE NAVY.

Mr. HERBERT introduced a bill (H. R. 10453) to authorize the appointment of an assistant Secretary of the Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE LAWS, ETC.

Mr. DOUGHERTY submitted the following resoultion:

Whereas at this time there seems to be no probability of the passage at this session of Congress of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue; and

Whereas there is a large surplus in the Treasury which is daily accumulating to the detriment of general business, and which tends to the contraction of the circulating medium of the country; and

Whereas the uncertainty as to whether said bill in its present shape will ever become law, is, to say the least, great, almost certainly not in time to give the relief demanded; and

Whereas the late unfortunate and unnecessary civil war made an enormous and daily increasing pension-list just and necessary; and

Whereas the success of the armies of the United States made possible and secured the accumulation of large private and corporate fortunes all over the country: Therefore,

Be it resolved, That the Committee on Ways and Means be, and is hereby, instructed, at the earliest practicable day, to report to this House for its consideration a bill or bills, first, repealing all laws providing for internal-revenue taxation, and removing all of said taxes except that now collected upon spirits distilled in whole or in part from grain, and upon malt liquors, and providing for the levy and collection of the same; second, providing for the levy and collection of a graduating tax upon all incomes, corporations, associations, or trusts of $5,000 and upwards per annum, the proceeds of said income taxes to be devoted exclusively to the payment of pensions; third, providing that all articles or products not manufactured or produced in the United States shall enter the ports of the United States free of all import duties.

Mr. BROWNE, of Indiana. I rise to interrupt the reading of this, to ask whether it is in order at all under this call even for reference?

The SPEAKER. The State has been called, and the gentleman has the right to introduce the resolution, or a resolution upon any subject over which the House has jurisdiction.

The resolution was referred to the Committee on Ways and Means.

BUSINESS FROM THE COMMITTEE ON THE TERRITORIES.

Mr. SPRINGER introduced the following resolution:

Resolved, That Tuesday, June 26, be set apart, immediately after the reading of the Journal, for the consideration of bills reported from the Committee on the Territories in such order as such committee may designate, the debate upon any bill called up not to extend beyond one hour; and after such debate the vote shall be taken upon all amendments, and then on the final passage of the bill without other intervening business; and the session of that day shall continue until the House shall adjourn.

Mr. SPRINGER. I ask the reference of the resolution to the Committee on the Territories.

Mr. COX. This properly goes to the Committee on Rules.

The SPEAKER. It goes to the Committee on Rules, but the gentleman moves to refer it to the Committee on the Territories.

Mr. DINGLEY. I move to amend by striking out "Territories" and inserting "Rules."

The SPEAKER. Under the rule this would go to that committee, if the motion of the gentleman from Illinois is not adopted.

Mr. DINGLEY. Is the amendment not in order?

The SPEAKER. The amendment is in order.

The amendment was agreed to.

The motion as amended was agreed to.

The resolution was accordingly referred to the Committee on Rules.

RETIRED-LIST FOR PRIVATES, ETC.

Mr. PLUMB introduced a bill (H. R. 10454) to amend an act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upwards;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

B. J. VAN VLECK.

Mr. TARSNEY (by request) introduced a bill (H. R. 10455) for the relief of B. J. Van Vleck, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI AT WINONA, MINN.

Mr. WILSON, of Minnesota (by request), introduced a bill (H. R. 10456) to authorize the construction of a bridge across the Mississippi River, at Winona, in the State of Minnesota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FEES FOR OFFICIAL SERVICE TO AMERICAN VESSELS.

Mr. CLARDY introduced a joint resolution (H. Res. 179) construing section 3 of an act of Congress entitled "An act to abolish certain fees for official service to American vessels," approved June 19, 1886; which was read a first and second time, referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

BUSINESS FROM THE COMMITTEE ON THE LIBRARY.

Mr. BUCHANAN offered the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That Wednesday, the 13th day of June instant, immediately after the hour for the consideration of bills called up by committees, be set apart for the consideration of bills reported from the Committee on the Library.

LOAN OF TENTS, ETC., TO SOCIETY OF ARMY OF THE POTOMAC.

Mr. FARQUHAR introduced a joint resolution (H. Res. 180) authorizing the loan of tents and tent equipage to the veteran organizations of the Society of the Army of the Potomac; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ENVELOPES FOR FEDERAL DEPARTMENTS AND CONGRESS.

Mr. NICHOLS introduced a bill (H. R. 10457) to provide for the use of the "business envelope, Crossman & Brown quality," for the Federal Departments and the United States Congress; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DISALLOWED CLAIMS OF POSTMASTERS IN VIRGINIA.

Mr. GAINES offered the following resolution; which was read and referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Postmaster-General be requested to transmit to the House of Representatives a tabulated statement of the disallowed postmasters' claims presented from the State of Virginia under the act of March 3, 1883, exhibiting all such claims as by an actual computation of commissions prescribed by the act of 1854 and entered upon claim jackets show that the paid salaries are 10 per cent. or more less than such commissions. Such tabulated statement to show in such case, first, the name of the post-office; second, the name of the applicant; third, the period of service covered by the computation of commissions; fourth, the amount of the computed commissions; fifth, the amount of paid salary for the same term of service; sixth, the actual amount of commissions in excess of the paid salary.

ADMISSION OF DAKOTA.

Mr. GIFFORD presented a joint resolution and memorial of the Legislature of the Territory of Dakota asking for a division of the Territory and the admission of each half into the Union; which was ordered to be printed in the RECORD, and referred to the Committee on the Territories.

The joint resolution is as follows:

A joint resolution relative to a division of the Territory, and the admission of each half into the Union.

Be it resolved by the Legislative Assembly of the Territory of Dakota, That the proposition to divide the Territory of Dakota on the seventh standard parallel is hereby indorsed, and that the oft-repeated expressions of the representatives of the people of Dakota of adherence to the cause of division are hereby renewed and reaffirmed; that each half of Dakota is entitled to membership in the Federal Union, and should be admitted without further unnecessary delay, the southern half bearing the name of "South Dakota," and the northern half bearing that of "North Dakota;" that a copy of these declarations signed by the president of the council and the speaker of the house, and attested by the chief clerks of the council and house, be sent to the President of the United States, to the President of the Senate, and to the Speaker of the House of Representatives of the Congress of the United States, and to Dakota's Delegate in Congress.

MEDICAL CORPS OF THE NAVY.

Mr. GALLINGER introduced a bill (H. R. 10458) to increase the efficiency of the Medical Corps of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

FOURTH-CLASS MAIL MATTER.

Mr. ALLEN, of Massachusetts, introduced a bill (H. R. 10459) to reduce the postage on fourth-class mail matter and to increase the limit of weight of mailable matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of the States and Territories, and under the rule this day is set apart for the consideration of such business as may be presented by the Committee on the District of Columbia if claimed by that committee.

Mr. GROSVENOR. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. GROSVENOR. Under the privilege granted to me as a member of the House to present questions relating to the order of business I offer for adoption the resolution which I send to the desk. I ask to have the resolution read, after which I will make a statement. I will state to the Chair now that it relates to the assignment of time for the consideration of pension bills.

Mr. ROGERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROGERS. Owing to the confusion it has been utterly impossible to hear a word that the gentleman from Ohio has said, and I desire to ask the Chair what the gentleman's proposition is?

The SPEAKER. The gentleman from Ohio [Mr. GROSVENOR] presents a resolution in relation to the assignment of time for the consideration of certain bills, and asks to have it read.

Mr. ROGERS. Is it asked that the proposition have immediate consideration?

The SPEAKER. The gentleman from Ohio has not made that request?

Mr. SPRINGER. I object.

The SPEAKER. The Chair has called the States and Territories for the introduction of bills and resolutions——

Mr. GROSVENOR. I offer this as a matter of privilege.

The SPEAKER. It is a matter of privilege if it proposes to change the rules of the House.

Mr. GROSVENOR. It has no other effect. It recites certain facts, and proposes certain action.

Mr. SPRINGER. I object.

Mr. ROGERS. Is this introduced on the regular call, or does it require unanimous consent?

The SPEAKER. The Chair had announced before the gentleman from Ohio rose that the call of the States and Territories for the introduction of bills and resolutions was completed.

Mr. ROGERS. Was the gentleman from Ohio in his seat when his State was called?

Mr. GROSVENOR. He was in his seat.

The SPEAKER. The Chair will state that under the rules the introduction for reference of a resolution proposing changes in the rules of the House is in order at any time. That has been decided frequently.

Mr. ROGERS. I object to anything except the regular order.

Mr. SPRINGER. I object to anything except a proposition for the amendment of the rules or fixing the time for committees.

Mr. MILLS. I have a resolution for reference.

The SPEAKER. The gentleman from Ohio has a proposition pending. After that is disposed of the Chair will recognize the gentleman from Texas [Mr. MILLS].

Mr. HEMPHILL. Under the rule is it necessary to read this resolution, or will an objection prevent that?

The SPEAKER. The gentleman from Ohio has the right to have it read if it is in order at all, so that the House may determine where it shall go.

Mr. GROSVENOR. I insist on having it read. It may as well be read now as go into a tariff speech later on.

The SPEAKER. It is about to be read.

Mr. SPRINGER. I ask that the resolution, without the preamble, be read. The preamble is merely a "stump speech."

The SPEAKER. The Clerk will read the resolution.

Mr. GROSVENOR. There are several preambles.

The Clerk read as follows:

Resolved, That Thursday, July 5, Saturday, July 7, Monday, July 9——

Mr. GROSVENOR. Surely I have the right to have read the recitation of facts which accompanies my resolution.

The SPEAKER. The Chair thinks not, if objection is made, unless by order of the House. The recital or preamble to which the gentleman refers is no part of the resolution, not a part of the proposition on which the House is called upon to act.

Mr. GROSVENOR. How does the Chair know what it is?

The SPEAKER. The Chair knows as a matter of parliamentary law that the preamble to a resolution or bill is no part of the proposition upon which the legislative body is called to act.

Mr. GROSVENOR. It makes no material difference to me whether I put that preamble in now or put it in an hour or so later. I propose to get it in to-day; that is the arrangement I have made.

The SPEAKER. It makes no difference to the Chair.

Mr. GROSVENOR. I want to submit that as a matter of privilege I should not be limited to the mere statement of a request without being allowed to recite the facts on which I base the request.

The SPEAKER. The Chair, of course, has no disposition to prevent the gentleman from reciting the facts; but the gentleman from Illinois [Mr. SPRINGER] makes the point of order that the only thing which the gentleman from Ohio, under parliamentary law, has the right to have read at this time is the resolution itself; that the preamble, which may or may not recite the facts, can not be read as a matter of right when objection is made.

Mr. GROSVENOR. Then, Mr. Speaker, I ask unanimous consent that this preamble, which recites certain facts in regard to pension legislation, may be read.

The SPEAKER. The gentleman from Ohio asks unanimous consent to have read the preamble which precedes the resolution.

Mr. SPRINGER. I object.

Mr. HEMPHILL. I think that under the agreement which has been made, I shall be obliged to object to everything except that which is privileged.

The SPEAKER. Objection is made. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That Thursday, July 5, Saturday, July 7, Monday, July 9, Tuesday, July 10, Wednesday, July 11, and Thursday, July 12, be, and the same are hereby, set apart for the consideration of pension bills other than private pension bills, reported from the Committee on Invalid Pensions, in such order as said committee may direct, except that the first bill for consideration shall be the bill (H. R. 9961) for the repeal of the limitation on arrears of pensions, and the second bill shall be the bill (S. 181) for the payment of dependent pensions, as reported from the Committee on Invalid Pensions with amendments; and this order shall begin immediately after the morning hour on each of said days, but shall not take the place of bills for the raising of revenue nor general appropriation bills.

The SPEAKER. The resolution will be referred to the Committee on Rules.

Mr. GROSVENOR. I ask that the preamble and resolution may be printed in the RECORD.

The SPEAKER. The resolution having been read, will be printed in the RECORD. The gentleman from Ohio [Mr. GROSVENOR] asks unanimous consent that the preamble also be printed in the RECORD. Is there objection? The Chair hears none.

Mr. HOOKER. I object to the printing of the preamble; let the resolution be printed.

The SPEAKER. The Chair thinks that the objection of the gentleman from Mississippi came too late.

Mr. HOOKER. I rose to object as soon as the Chair stated the request.

The SPEAKER. Upon that statement of course the Chair recognizes the objection.

Mr. GROSVENOR. I hope the gentleman from Mississippi will not do so discourteous a thing as to object. He does not know what the preamble is. The mere fact that the word "pensions" has been mentioned ought not to rouse him to indignation.

Mr. HOOKER. Very well; let it go in.

Mr. ROGERS. I renew the objection.

The SPEAKER. The objection is renewed.

Mr. GROSVENOR. I withdraw the preamble and resolution.

ENROLLED BILL SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled the bill (H. R. 6440) to authorize the construction of a bridge over the Missouri River at or near the city of Omaha, Nebr.; when the Speaker signed the same.

LEAVE OF ABSENCE.

Mr. CLARK, by unanimous consent, obtained leave of absence on account of important business.

POLICE FORCE OF THE DISTRICT OF COLUMBIA.

The SPEAKER. Business of the Committee on the District of Columbia is now in order. The gentleman from South Carolina [Mr. HEMPHILL] will proceed.

Mr. HEMPHILL. I desire to call up the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes.

The SPEAKER. The bill is in Committee of the Whole on the state of the Union.

Mr. HEMPHILL. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill, and that it be now considered in the House.

Mr. GROSVENOR. I object.

Mr. HEMPHILL. I move that the House go into Committee of the Whole for the purpose of considering the bill.

The motion was agreed to; there being—ayes 83, noes 10.

The House accordingly resolved itself into Committee of the Whole (Mr. CRISP in the chair), and proceeded to the consideration of the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union, and the business under consideration is the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes, which the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, is hereby amended so as to authorize the commissioners of said District to increase said force to eleven lieutenants, thirty sergeants, three hundred and forty-five privates, nineteen station clerks, nine laborers, and the number of mounted men to thirty-five, as they may deem necessary, provided that forty-five of the increase in the number of privates hereby authorized shall be appointed to class 1 and forty-five to class 2 of said force; and a sum sufficient for the compensation for the fiscal year ending June 30, 1889, of the increase force herein authorized, at the rates now paid to like grade and services on said force, and for their equipment, is hereby appropriated.

SEC. 2. That the sum of $15,600 is hereby appropriated for the purchase of a lot and the erection and furnishing of a station-house in northeast Washington by the commissioners of the District of Columbia.

SEC. 3. That the sums appropriated by this act shall be paid out of any money in the Treasury not otherwise appropriated and out of the revenues of the District of Columbia in equal parts.

Mr. GROSVENOR. Mr. Chairman, I desire to be heard in opposition to the pending bill.

The CHAIRMAN. The Chair desires to know whether the gentleman from South Carolina [Mr. HEMPHILL], chairman of the Committee on the District of Columbia, desires to be heard?

Mr. HEMPHILL. How much time does the gentleman from Ohio propose to consume?

Mr. GROSVENOR. I am recognized in my own right, I believe.

Mr. HEMPHILL. Mr. Chairman, I should like to say to the gentleman from Ohio that I presume I know what his object is, and I will have no objection to his printing in the RECORD what he desires.

Mr. GROSVENOR. I have the floor on the pending bill.

The CHAIRMAN. The gentleman is recognized.

Mr. HEMPHILL. If the gentleman desires to put in the RECORD what he sends to the Clerk's desk, I will not object. The Committee on the District of Columbia has not had a Monday now for two months, and I wish to get on with the public business.

Mr. GROSVENOR. Almost anybody will grant generous concessions when he can not help himself.

Mr. HEMPHILL. I did not object to your printing it before.

Mr. GROSVENOR. I am not holding the gentleman from South Carolina personally responsible at all. But I have this to say, Mr. Chairman, that for a long time the Representatives here on this floor have thought it wise and best to call attention to a set of facts in connection with the general subject of pension legislation. So it was thought proper to state a few facts from the record of the Fiftieth Congress, and we thought it was little to ask in the crowding of bills and business on this House we should be allowed quietly to have those facts published in the Journal of this House. Instead of that we were met by a peremptory refusal, giving us no consideration whatever.

I do not charge the gentleman from South Carolina [Mr. HEMPHILL] with making objection; but it comes from that side of the House, and is evidence of an earnest determination on their part that we should not be heard.

So, sir, I wish to discuss the merits of this bill. [Laughter.] Now here is a bill brought in on this 11th day of June, when this House has been in session during the constitutional period since the first Monday of last December, when all the great measures connected with the interests of the country are crowded aside in order to increase the police force of the District of Columbia.

What has become of the demand that the overburdened Treasury shall be depleted? What has become of that storm of financial disaster which we were told by the President was going to sweep away all the material interests of the country? What has become of all the other great questions we have had pressed upon our attention? We are approaching, by every revolution of the clock, the time when the appropriations will cease. The end of the fiscal year is coming, and yet we stop here to legislate in reference to an increase in the police force of the District of Columbia. [Laughter.] Whether the fact that a great body of very intelligent and good-natured gentlemen of Democratic committees are now about to invade the District of Columbia has anything to do with hurrying up the increase in the police force of the District of Columbia, the reorganization and strengthening of that police force, I know not [laughter]; but I am opposed to the passage of this bill under these circumstances.

From time to time during this session of Congress there have been introduced into the House a number of bills, the titles of which I ask the Clerk to read for my personal benefit.

The Clerk read as follows:

House bill 5068, to amend the act for the arrears of pensions; House bill 4986, to provide a hearing in pension cases; House bill 4952, to amend the law as to the commencement of pensions; House bill 5623, to amend the law relative to pensions; House bill 5642, to regulate evidence in pension cases; House bill 5674, to grant pensions to dependent soldiers; House bills 5036 and 5678, to amend the acts granting pensions; House bill 5627, to increase the rate for total disability in pension cases; House bill 5637, to increase the rate of pension for loss of both hands; House bills 4970, 5611, and 5662, to grant service pensions to soldiers of the war of the rebellion; House bill 5655, to extend the act of 1886 as to pensions; House bill 1633, as to accrued pensions; House bill 4277, to allow rejected pension cases to be appealed to the supreme court of the District of Columbia; House bill 1751, to repeal limitations on the time of filing applications for pensions; House bills 1318, 1330, 1359, 1377, 1384, 1545, 1556, 1717, 1723, 1751, 1824, 3350, and 3429, to repeal the limitation on arrears of pensions; House bill 1724, to grant arrears of pension in cases of total disability; House bills 1453, 3348, 4539, and 4343, to grant pensions in cases of loss of limb; House bills 1457 and 3399, to grant pensions in cases of special-act pensions; House bills 1381 and 1722, to increase the pension of minor children; House bills 1379, 1380, 1499, 1505, 1688, and 1728, relative to dependent pensions; House bills 1823, 1996, 3396, and 3430, to regulate evidence in pension cases; House bill 1572, to grant pensions to soldiers disabled after enlistment and before muster; House bills 1329, 1379, 1392, 1454, 1505, 1559, 1744, 1769, 3262, 3355, and 4413, to grant pensions to disabled dependent soldiers; House bill 1421, to establish a uniform grade of rating for pensions; House bill 3347, to grant pensions to persons not mustered into the United States service; House bills 1362, 1784, 3249, 4356, and 4411, to increase the rates

of pension for total disability; House bill 1725, to increase the minimum rate of pensions; House bill 1537, to increase rates of pensions for loss of both arms; House bill 1459, to increase rates of pensions for disability equal to loss of limb; House bill 4340, to increase rates of pensions for loss of both arms or feet; House bills 1331 and 1726, to allow pensions for additional disabilities; House bill 1421, to abolish distinctions of rank in pension cases; House bills 1456, 3309, and 4356, to increase the rates of pensions for loss of an eye; House bills 1317, 1326, 1378, 1382, 1408, 1570, 3434, 4337, and 4356, to increase rates of pension for deafness; House bill 1922, to increase rate of pension for loss of jaw; House bills 1381 and 1722, to increase rates of pensions for minor children; House bill 1544, to grant pensions to soldiers on reaching sixty years of age; House bills 1320, 1391, 3345, 4273, 4292, 4296, and 4344, to grant service pensions; House bills 1457 and 3395, to grant arrears to persons allowed pensions by special act; House bill 1422, relating to special-act pensions; House bill 1730, relating to special act to allow rerating of pensions; House bills 1383, 1500, and 1739, to restore pensions to widows of second husbands; House bill 1557, to fix the date of the commencement of pensions; House bills 1288, 1316, 1721, 1744, 3398, 3354, 4292, and 4347, to grant pensions to widows; House bill 6137, to repeal the arrears act; House bill 6690, to establish a court of pensions; House bill 6639, to allow cumulative pensions; House bill 6143, to regulate evidence in pension cases; House bill 6363, to allow pensions to soldiers disabled by act of another soldier; House bill 6111, to extend the pension laws to nurses; House bill 6654, to increase rate for loss of part of hand; House bill 6705, to increase rate for disability to perform manual labor; House bill 6829, to increase rates for loss of eyes; House bills 6647 and 6829, to increase rate for loss of limb; House bill 4384, to extend the act of 1880 for pensions; House bill 6669, for service pensions; House bill 6173, to extend the pension laws to steam-boat men; House bill 6553, to define the law relative to the commencement of widows' pensions; House bill 7046, to allow arrears of pensions to restored pensioners; House bill 7426, to allow arrears of pensions in cases of loss of limb; House bill 7063, to grant pensions to parents of more than one son dying by means of wounds or disease; House bill 7090, to increase rate of pensions in cases of gun-shot fracture of the femur; House bill 7415, to increase rates for total disability; House bill 7054, to grant service pensions; House bill 7761, to repeal the statute of limitations on pension cases; House bill 1420, to pension prisoners of war; House bill 7736, to increase rates for loss of limb; House bills 7758 and 7792, to increase rates for loss of sight; House bill 8061, to restore pensions to widows of second husbands; House bills 8357 and 8360, to allow pensions in cases of loss of limb; House bill 1688, relative to pensions for dependent parents; House bill 1537, to increase rates for loss of both arms; House bill 8392, to allow additional pensions for other disabilities to those pensioned for loss of limb; House bill 8688, to pay arrears of pensions to surviving children of soldiers in pension cases; House bill 8378, to grant service pensions; House bill 9060, to allow pensions in case of loss of limb; House bill 9069, to fix rates of pensions by rank held at date of discharge; House bill 9277, to increase the rate of pensions for total disability; House bill 9743, to repeal the prohibition of pensions to volunteers who may previously have been conscripted into the Confederate service; House bill 9737, for the equalization of pensions; House bill 9737, to grant service pensions; House bill 10056, to fix the rates of pensions for loss of sight; and House bill 10055, to grant pensions to widows and children, at divers times during the present session of Congress were duly referred to the standing Committee on Invalid Pensions.

Mr. GROSVENOR. These bills, Mr. Chairman, were introduced, nearly all of them, during the earlier part of the months of January and February last, and the Committee on Invalid Pensions of this House up to this time have reported back House bills numbered 1422, 1333, 1420, 1688, and 1537, as well as possibly a few others of which I have failed to find the record in the time that I have devoted to the search.

Now, Mr. Chairman, a petition was presented to the Committee on Rules signed by every Republican member of this House who was present, asking for an assignment of time, and respectfully calling the attention of the Committee on Rules to the demand that there was in this country for this pension legislation. That was done about one month ago. Before that time two requests had been made by the formal action of the Committee on Pensions for time to consider some, at least, of these important pension bills pending. Up to this time the Committee on Rules of this House have not assigned one day nor one hour to the consideration of the bills from the Committee on Pensions. Up to this time, while days have been given to nearly all the other committees, and some of them have been reinstated in days that they have lost, and the greatest care has been taken by the Committee on Rules to give some sort of consideration, some kind of attention to all the other interests in the hands of all the other committees of the House, they have studiously, stubbornly, and continuously refused to give to the Committee on Pensions the assignment of a single day for its business.

Mr. Chairman, the Republican party in its platform at Chicago four years ago adopted this resolution:

> The grateful thanks of the American people are due to the Union soldiers and sailors of the war, and the Republican party stands pledged to substantial pensions for all who were disabled, and for the widows and orphans of those who died in the war. The Republican party also pledges itself to the repeal of the limitation contained in the arrears act of 1879, so that all invalid pensions shall begin with the date of disability or discharge, and not with the date of their application.

And the Democratic party some time afterwards adopted in the city of Chicago as a part of their platform and declaration that it was "in favor of the payment of liberal pensions to soldiers."

But unfortunately, sir, in the recent utterances of the Democratic party at St. Louis, after as careful an examination as I have been able to give to their public declarations made at that convention, there has been no reference and no suggestions whatever that the Democratic party in the future proposes to carry out the promises then so strongly made to the soldiers of the country.

Step by step while in the several States they have been putting these declarations in their platform, step by step they have reached a position of absolute silence in their national declarations on this subject. And so it is that the soldiers of this country are becoming doubtful as to whether this Congress proposes to give them any hearing or any consideration whatever upon this great subject.

I do not propose, sir, to occupy this time for the purpose of making a speech upon this very interesting and important subject. I might point out to you some of the gross inconsistencies that have been developed in the legislation which we have already had upon this subject. I hold in my hand an act of Congress passed at this session, by which a gentleman from Kentucky, whose rank I do not know, had passed a bill at $25 a month, which was increased to $50 a month and approved by the President of the United States, notwithstanding the long series of vetoes of pension bills of widows and orphans which had been already introduced and passed, and all that sort of a thing. And I might, were I so inclined, or had I any desire of being invidious in my language, make a suggestion that the point or reason for it was the fact of this gentleman living in Kentucky, and being represented on the floor of this House by a Representative in accord with the President on this question. But I make no such inference. What I have asked for in this connection is that before we spend our time legislating over bills providing for an increase of the police force of this District, that the soldiers of this country shall at least have some time set apart in which they may have the opportunity of presenting their claims.

I am not here now, sir, to present those claims. The limitation of time which is imposed upon me would make it scarcely possible to do so now. That time would be too brief to enter into an effort such as that would require. But I am here pleading on behalf of those men, and I voice the sentiment of every man on this side of the Chamber when I declare that there ought to be some time given to the consideration of these measures.

We hear quoted constantly the amount of money in the Treasury, and we are calling it a "surplus." Whenever a gentleman on the other side of the House says that the amount of money in the Treasury is a "surplus," and that there is no use for it, I understand him to mean that there is no obligation resting upon this country that will decrease that surplus. And so it is that we on this side have become more anxious, Mr. Chairman, in behalf of the soldiers of this country, and they have also become more anxious, seeing this condition of things prevailing, and we believe that it is time that public attention should be called to the matter. It is not a small thing that more than fifteen thousand of our brave comrades are in almshouses to-day.

But, Mr. Chairman, I will not spend further time upon the question of a surplus. I want to say to gentlemen on the other side of the House that speeches, declarations, and oratory will not meet this great question or this emergency. It is not sufficient to say to the soldiers of the country that the Democratic party has paid out so much of this money during the last three years. It does not meet the point. It is not sufficient for gentlemen to come up from that side of the House and say that they are as anxious as members of this side of the House are upon this great question of pension legislation, and that they are ready to award proper pensions in proper cases. That is not enough, Mr. Chairman. The demand of the hour is that there shall be time given to the pension legislation of this House, and that the Committee on Pensions shall have the opportunity of presenting its business. What has become of their prayers? Where are our petitions? They remain unheeded, and I charge that it is the deliberate and settled purpose of the Democratic party of the country to refuse any further material aid to the men who fought to save the country. I hope I may be wrong. I fear I am right.

What has become of the prayer of the Pension Committee, twice sent to the Committee on Rules? Where is it? Other requests for time have come promptly back into the House. Theirs alone has been met with absolute silence. The chairman of the Committee on Pensions has reported to this House a most important pension bill and filed a report in its favor. I refer to the bill to repeal the limitations upon the arrears act. Will he be able to get that bill up for hearing? I fear not.

Mr. CANNON. Mr. Chairman, I want to say, as one of the minority members of that committee, that for some weeks, as far as I know, there has been no meeting of the Committee on Rules; that with the other minority member of the committee [Mr. REED] a week ago last Saturday we went together and requested of the chairman of the committee that a meeting of the committee be called so that these matters might be considered and that we might properly voice the side of the House that we are supposed to represent, and that since that time, as far as I am concerned, and I presume my colleague also, nothing has been heard from the chairman of the Committee on Rules in reply to our request to call a meeting of the same.

Mr. GROSVENOR. As I was going to say when I was interrupted, I make no reflection on the Committee on Rules except that I appeal to them to give us this time. I want the chairman of the Committee on Pensions to hear what I have to say. I want him to understand that so far as the record goes, and I am bound by the record, the Committee on Pensions have done what they could; but I am further authorized to make the suggestions which I do here because a week ago to-day the leader of the House, the gentleman from Texas [Mr. MILLS], the chairman of the Committee on Ways and Means, secured recognition and offered a resolution to suspend the rules and assign all of the time up to about the 10th of July to other work of the House, and when we sought the privilege to amend it by introducing a single day, or two

days perhaps, for the use of the Committee on Pensions, we were refused. So I have a right to assume that the time of this House, at least up to the 12th of July, is not to be assigned to pension bills. I impugn the motives of no committeeman, but I am here to place in an enduring form the record evidence that this side of the House has made every effort in its power to bring up pension bills for consideration and that we have been refused. And I state now, Mr. Chairman, that this side of the House has been diligent in trying to bring this legislation up, and the members on the other side have as a body been quite as diligent and quite as active to defeat us. And they are in the majority.

I ought to say, however, that on the question of amendment to this resolution assigning the time up to the 12th of June, we were not supported by a single man on that side of the House. Now, our mails come crowded with demands and requests. There is no member here that does not get from one to twenty-five letters a week asking him to call up such a pension bill. "Call it up," they say, "and put it on its passage." I want the soldiers of the country to understand that under this system (of which I am not complaining) the minority of which we are members are utterly powerless to take up a pension bill. They can not be heard to-day at all, except by the will and consent of the majority; and the will of the majority upon these questions is always expressed, and ought to be expressed, through the Committee on Rules. I am not complaining of these regulations at all, but I am complaining that the Committee on Rules does not bring in some proposition here that would give us some time. This much I demand in the name of the men who made a surplus in the Treasury of the United States possible. This much I demand in the name and on behalf of all the Republican members of this House, and on behalf of the comrades all over the country who look to Congress to make good the promises of political parties so oft repeated.

More than this I do not ask. Less than this I will not accept without constant and persistent objection.

How much time have I left, Mr. Chairman?

The CHAIRMAN. Thirty minutes.

Mr. GROSVENOR. I yield twenty minutes to the gentleman from Nevada.

Mr. WOODBURN. Mr. Chairman, the distinguished member from New York [Mr. COX] in his very extraordinary speech——

Mr. HEMPHILL. Mr. Chairman, I rise to a point of order. I was willing that the gentleman from Ohio [Mr. GROSVENOR] should proceed, because I thought he had been cut off; but I would like to appeal to the members upon this floor and ask them, in view of the fact that the people of this District have no possible way of getting any legislation except on this day, that they will not consume the only day those people have had in this House for two or three months in general debate, but that we may be now permitted to go on with the business. There will be plenty of time for debate during the discussion of the tariff bill.

Mr. WOODBURN. Mr. Speaker, the gentleman from New York [Mr. COX], in order to show the necessity for a reduction of the tariff and to justify his membership of the Cobden Club, assailed the State of Nevada and attempted to belittle its Representative. He sneeringly terms it the "rotten borough," and deplores the fact that it has two Senators who wield as much power as those of New York with six millions of people.

I point with pride to the Senators of the "rotten borough."

Their title is warranted by the Constitution and the laws. They are the equals of the best. In knowledge of finance, of every branch of political science, in all that constitutes statesmanship they are infinitely the superiors of the member from New York, S. S. COX.

I defy him to name an instance of the purchase of a Legislature of the rotten borough. I defy him to point out the time in her history when there was not an honest vote and an honest count. Unlike the city of New York, "that land of pure delight where saints immortal dwell," the capacity of her ballot-boxes is not limited by the quantity of votes. She never had an opportunity to boast of a Tweed, a Sweeny, a Connolly, a Field, a Cardoza, or a Barnard; and before I terminate my remarks I will convince this House that it is to her credit she never produced a COX. [Laughter.]

She needs no Canada on her borders to shelter her thieves and corrupt politicians. Her criminal calendar will show in seven cases out of ten that every man who has been convicted of an infamous crime or a breach of an election law was at some time one of the gentleman's New York constituents. If the Blair educational bill ever becomes a law, the people of the rotten borough will not get cents where his will get dollars. [Laughter.] She stands on as sound a financial basis as any State of the Union, and never bulls her securities before making a purchase. But were it true that Nevada is amenable to the charge of being the rotten borough, I know that if all the money of the Cobden Club, all the corruption fund that will be spent to carry the State of New York for Cleveland in the coming campaign, were turned loose in the little city of Virginia it would not have a perceptible influence on one of its four wards.

The gentleman supposes Nevada is a State of this Union. I know she is, and I know that no State ever gave a better consideration for her admission. When his constituents were hanging men to lamp-posts because of their love of order and patriotism, the rotten borough was pouring into the nation's lap a stream of gold and silver that helped to wipe from her fair face every trace of an unnatural rebellion. Her sons are the true pioneers, the vanguard of civilization. The queen city of the West, robed in purple and fine linen by her silver. Utah, Montana, Idaho, Colorado, and Arizona will bear testimony to their honor, their enterprise and manhood. If the gentleman will quit the fellowship of Balfour, Lansdowne, and Chamberlain, and turn his back upon the Cobden Club, upon the money rings of Wall street and London, and will help to pass a measure ordaining that silver shall be coined on the same terms and conditions with her sister metal, it will not lie in his mouth to complain of the paucity of her population.

I have no words to express my gratitude to the gentleman from New York for popularizing me east of the Rocky Mountains by his funny speech on tariff. I have the consolation of knowing that his comments on Nevada and her Representative constitute the only part of it that will ever be read by the American people.

I have heard and read that the gentleman was the wit, the humorist of Congress, but it is only lately that I am convinced of it.

I remember that in the Forty-fourth Congress, when Mr. Blaine alluded to him as the gentleman who was in the habit of delivering one speech on the floor of this House and printing an entirely different one in the RECORD, his witty retort was, "Howl on, you hyena from Maine." When Ben Butler "shoofliedˮ into silence [laughter] the bantam of the Democracy, people had reason to believe that he would forever cease to pose as a funny man.

He is evidently becoming jealous of the gentleman from Mississippi [Mr. ALLEN], and in his desperate effort to retrieve a shattered reputation selects the name of the humble member from Nevada for his humorous analysis. [Laughter.]

The gentleman claims to have more charity for me than for Mr. BUTTERWORTH on the ground of that gentleman's superior knowledge. I wonder how he found this out. I do not claim to be the peer of one of the first orators of the country who signalized himself by his splendid speech on the tariff question. But I claim to be a better lawyer than the gentleman from New York, for if his name were mine I would never have permitted it to become the subject of criticism before this grave and august body. [Laughter.] I can not afford to follow his example, and will therefore refrain from defining or dissecting it in the interest of science and humanity.

As ignorant as he makes me, I have read ancient and modern, sacred and profane history, and I fail to find that the name of Cox was ever associated with a worthy or conspicuous achievement.

God Almighty, in His infinite wisdom, never destined for immortality a man bearing the name of Cox. [Laughter.] I concede the fact that his prominence in the Democratic party and his long service in this House is some evidence of a slight improvement in the breed.

The gentleman, nettled by the exposure of his fifteen long years of membership in the Cobden Club, can make no better defense of his conduct than by revealing to the country the interesting discovery that the way to tell a true colt is by his "handsome eye and graceful figure," which is a virtual admission that he is not one of that blood. He says they are the O'Callaghans, the Murphys, the O'Connors, the O'Shaugnessys, the Sullivans, and the O'Neills, and that the Angles and the Saxons are "the mud of all races," and that I must be a spawn of Cromwell and his confiscators.

The country is not at all concerned about my ancestors. I know I am not. But I propose to prove by better authority than he has adduced for a reduction of tariff that his opinion of Cromwell and the Anglo-Saxons must have recently undergone an almost miraculous change. Here is a work entitled The Buckeye Abroad, or Wanderings in Europe and the Orient, the author of which is S. S. Cox. It was published in Cincinnati in 1854, when the gentleman was thirty years old, when his judgment was fully matured and when he had the reputation of being a ripe scholar and a leading Democrat.

I found this most interesting volume by accident in the Ohio school library. I have tried in vain to purchase a copy of this precious volume. Some of the old booksellers say that after its author left the State of Ohio and planted his carpet-sack in Tammany Hall he purchased and destroyed every issue he believed in existence. If this be so I commend him for the act. It was the proper thing to do to commit it to the flames, because society might become contaminated by its perusal and libraries might be shunned by reason of its presence.

Let us see what his estimate was of Cromwell and the Anglo-Saxons, "the mud of all nations," before he settled in a tenement-house district in New York City.

On page 18 of this book he writes as follows:

> The cliffs of old England stand out in definite outline. Light-houses and mansions attest the presence of a superior civilization. How many thronging associations flit through the mind as I recall that here, not in fancy's eye, but in reality, stands the little isle of power, the home of old Coke, Cromwell, of Spenser, and Cowper, of Chatham, and all the host of glorious minds with whom so much of life has been passed.

On page 403 he writes from Edinburgh as follows:

> We enter the halls of kings—look at each old memento, not forgetting the big tarpaulin hat worn by Cromwell. I am no hero worshiper, but there are some peculiarities which old Noll had that tickle my fancy, if they do not

engage my worship, such as praying with a lot of solemn Scotchmen in the afternoon till three in the morning, in order to lull suspicion and create the impression that he was quite godly.

I appeal to the members of this House and ask them what can be their estimate of an author who declares that he almost worships Cromwell for playing the role of a hypocrite in trying to fool some old pious Scotchmen into the belief that he was godly? [Laughter.]

Let us see what his opinion was of the land of the Angles and Saxons, now "the mud of all nations," before he settled in New York. From what he says on page 19, the very sight of the English shore made him lose all self-control, for in a rapturous, passionate outburst of feeling, prompted by the deepest love, he exclaimed:

Old England? Yes; God bless her! With tears in my eyes I beseech Heaven's best benison upon her. I forget her as the land of ruth and wrong; I remember her only as the land of noble deeds and generous hearts. Her literature from Chaucer's first uncouth song to Disraeli's last sarcasm floats through the memory like a vivid power, transforming every prejudice into praise and even wrong into glory.

On page 35 we find his burning love for the English Bible and Anglo-Saxon power breaking out in the following language:

English home produce, from the circular comb for carding wool up to yon splendid steam-ship enginery, from that beer-barrel machine up to yon process for engraving on steel by electricity, from the rudest implement of primitive husbandry up to the highest refinement of modern science, all demonstrate a power to dignify ornamental forms by use and to raise useful forms into beauty which should be the great ambition of art; but all this is powerless and puny beside the triumph which radiates from those Bibles, with their lips of fire, this moment regenerating the kingdoms of the earth and pouring abroad that light of life which never was on land or sea.

With the increase of Anglo-Saxon power there has been spread along with the practicalness of the age a spirituality more divine than the soul with all its power, hath yet been gifted to imagine.

The Buckeye in Ohio and the Buckeye in New York City seem to be different persons. He is Dr. Jekyll and Mr. Hyde. [Laughter.] In Ohio Cromwell is one of the "glorious minds with whom so much of life has been passed," but in New York he is a confiscator that has left an impure spawn in Ireland. In Ohio the Angles and the Saxons are men of noble deeds and generous hearts; in New York they are "the mud of all nations." He says the Celt is known by his handsome eye and graceful figure. He must have been the magician that created this miraculous change. In Ohio the Celt was not nearly so handsome as he is in New York. In his glance at Ireland he says:

It is Sunday. We arrived at Donnybrook and found many thousands gathered in the green fields looking at the erection of the booths preparatory for the morrow. Already the houses and taverns about were full of revelers. Scotch whisky, bagpipes, and fiddling were going on in conjunction with pattering feet upon the sanded floors. Pipes and apples, toys and cakes were vended by witty rogues. But everything was decent and in order. The "bating (spelled with an 'a') the police with shillalahs" and the bloody noses do not become dramatic until the fair is fairly opened. Then look out!

In alluding to the monuments erected in Dublin to Wellington and Nelson, he exclaims:

England's proudest boast, the hero of the sea and the hero of the land!

Why should they be so conspicuously honored by Ireland? Why? Because they remembered England's glory and not Irish ruth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEMPHILL. Mr. Speaker——

Mr. WOODBURN. I ask leave to print the balance of my remarks.

Mr. COX. Oh, no; I object to that.

Mr. WOODBURN. Well, I will get it in some way.

Mr. COX. No. You can not get in anything personal, under any rule.

Mr. WOODBURN. I am not near so personal as you were, sir.

Mr. COX. Mr. Chairman, I want to say a word. As an Irishman I am a fair fighter, and I believe in a ring. [Laughter.]

Mr. GROSVENOR. How much time does the gentleman want?

The CHAIRMAN. How much time does the gentleman from Nevada desire?

Mr. WOODBURN. Five minutes more.

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] has ten minutes of his time remaining, and he desires to use that time now. If there be no objection, the gentleman from Ohio will be recognized to exhaust his hour, and after that the gentleman from South Carolina [Mr. HEMPHILL] will be recognized.

Mr. GROSVENOR. I yield all the time I have to the gentleman from Nevada [Mr. WOODBURN].

The CHAIRMAN. The gentleman from Ohio has ten minutes remaining.

Mr. WOODBURN. It is too late for the gentleman from New York [Mr. COX] to divert the attention of his constituents away from the fact that he is still a member of the Cobden Club and has never in fifteen years repudiated or disavowed it.

He can not justify it by posing as the introducer of the motion to permit Mr. Parnell to speak in the House of Representatives. That did not cost any great expenditure of brain or muscle. It will not work to parade the fact that one of his ancestors came from Ireland with Lord Baltimore.

The Ark and the Dove landed none of the Cox family at St. Mary's.

This book contains too many refutations of the truth of that declaration. In passage after passage he describes the highest dignitaries of the church Lord Baltimore planted in Maryland as "men without soul or sympathy, sitting in frigid iceberg dignity, living in marble palaces, and who never warm except in the lust of power or profligacy. Bribery is their argument and corruption the conclusion of their justice."

I prefer to believe he sprang from the vicinity of Solomon's temple, at the building of which he claims to have had a distinguished relative. If the members of this House and the men in the galleries scan with care every lineament of his countenance, his size, the structure of his legs, his cheek-bones, his nose, the color of his eye and hair, as well as his mode of gesticulation, it will be impossible for them to come to any other conclusion. As the Bible makes no mention of any Coxes, it is safe to conclude that his name was Samuels and that his illustrious scion lopped off the last "s" and made Sullivan out of it for some special purpose.

He claims he was named after General Sullivan, of Revolutionary fame, who was born in the State of Maine of Irish parentage. He says the name is derived from the two words "sol," sun, and "levant," rising. The letter "t" did belong to his name before he emigrated from Ohio. He was called after a member of the Sullevant family in Columbus, Ohio. Professor Sullevant still resides there. Originally their name was Sullivan, but they unexpectedly became rising suns in the financial world, when they became ashamed of the name and added a "t" to make it more fashionable and get the *entrée* into the society of the codfish aristocracy of the city of Columbus; and every newspaper correspondent in Washington who has ever lived in Columbus will tell you that his middle name, Sullivan, comes from that family, and that he never dared to write it in full until he became a member of Tammany Hall.

I felt that when the gentleman gave me such an extended notice it must have reached his marrow. I must have touched a sore spot that can not be healed by fun, sophistry, indirection, or evasion. I fancy I see the O'Shaugnessys, the O'Sullivans, the O'Connors, the O'Mahonys, and the Murphys of New York gazing on my little picture of their distinguished leader. I see them turning their "graceful figures" upon it with the light of love and admiration beaming in their "handsome eyes." With quick step and solid column they are marching on the polls to re-elect to Congress the gentleman who annihilated Nevada and Woodburn, and who illuminated the human understanding by giving to the world that sacred volume, now, I regret, almost extinct, "The Buckeye Abroad." As the sound of victory issues from the throat of the ballot-box I hear the voice of their little Democratic leader paraphrasing with a chuckle the apostrophe of Madame Roland to the statue of Liberty by the exclamation, "Oh, politics, what bamboozling is practiced in thy name!"

I will preserve this work as a precious relic. It will serve as a reminder of the vicissitudes of human events, and of the almost incredible gullibility of the boys with the rich brogue, the handsome eyes, and the graceful figures. In the name of Parnell, whom he has invoked for a purpose, who knows my breed! I call upon his followers in New York to never again in a political contest contaminate their fingers with a ballot bearing the name of a man who dares on this floor to eulogize Bright and Peel, the arch enemies of their native land, and who attempted to falsify its history by the silly declaration that protection and not free trade destroyed its every industry. Open the grave of Knownothingism and lay him away forever, and with that spirit of Christian charity he entertains for Mr. BUTTERWORTH and myself inscribe on the headstone of the dead "Buckeye Abroad" the familiar words *requiescat in pace*. [Laughter.]

The gentleman has asked me to make the *amende honorable* in the Hewitt affair, and I propose to do it; but before I do that I ask the gentleman from New York whether he dare rise here in his place and vindicate Abram S. Hewitt from the charge that I have made? He has stated to this House that I made a baseless attack on Mr. Hewitt. That implies that he is acquainted with the facts and the circumstances of the case. Now I am here to make the *amende*, but in an entirely different way. I ask this House to construe the letter written by the British minister to Mr. Hewitt on the 19th day of December, 1884, in which he says that Mr. Hewitt did call upon him to make an "explanation," but that he did not consider it an apology. What was there to explain? He had introduced the resolution in the morning. It was passed without a division; was sent to the President of the United States, and had ceased to be the property of the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOODBURN. Well, I will rise to a question of privilege on this matter in the morning. [Laughter.]

Mr HEMPHILL. I think it but fair that I should yield some time to the gentleman from New York [Mr. COX], after which I shall insist on going on with the regular business.

The CHAIRMAN. How much time does the gentleman from South Carolina yield?

Mr. HEMPHILL. As much time as the gentleman from New York desires.

Mr. COX. Mr. Chairman, I have been advised by my friends on both sides of the House to pay no attention to this farrago of nonsense. I would be inclined to follow that advice but for one thing; that is to put myself and my little book right with the gentlemen on the other side of the House.

Now for many years this book of mine, A Buckeye Abroad, has been brought out against me in this House. During the war, before the war, since the war, it has been loaded for my chagrin. Mr. Washburne, of Illinois, used to have it in his desk. He used to threaten me with the publication of some of its extracts. These referred to the colored men. Sometimes gentlemen undertook to bring up remarks made in the volume about the Catholic Church, etc., but I never before had a question raised about the Sullivan family. [Laughter.] It is Monsieur Tonson come again.

I published this book in 1851. It was of a very transient order of literature. It went through seven or eight editions, however; but after the first edition, which I found here in the Library—the gentleman says it is not extant, but I have found it in the Library—I did make some corrections as to certain gossip which I got from our consul-general——

Mr. WOODBURN. I got this copy from the Library.

Mr. COX. Do not interrupt me; I am trying to deal gently with you. [Laughter.] I made certain corrections in a proper way long before I was in public life, long before I came to Congress, as to certain gossip I had repeated in this book about the cardinals and others at Rome. I always regretted very much that I made those statements.

Although I was a young man at the time and had not mingled much with affairs, I vindicated in that book, as a young American should, the doctrines of our Constitution as to religious toleration. Happening to be in England in 1851, I heard in the House of Commons the debate on the "Ecclesiastical titles bill." This was a bill to impose a penalty on any English cardinal for taking a hat from Rome. As an American I was surprised at the intolerance exhibited in Parliament. On page 57 of this book I said:

When will England learn the beautiful truths of free toleration? When will she leave accountability in spiritual matters to God alone? When will she learn the significance of the first amendment to the Constitution of the United States in its application to human societies of divers religions and sects? "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Following up that idea, writing at Rome, on page 138, I inveighed against the connection of church and state in Rome, saying:

What I have said and shall say about the Catholic religion at Rome has reference simply to its connection with the state, which unholy alliance, ever fraught with corruption to both, whether at Geneva, at Canterbury, or in Rome, must be deprecated by every American who is proud of his own Constitution and who loves its liberal principles.

What I have said in relation to matters here might well be said by any intelligent American Catholic. God forbid that a single blot of intolerance should blacken my poor pages. I have studied with too nice a heed the human heart and its relations to man and to God ever to color facts or aggravate prejudice where conscience is the arbiter of conduct and God alone its judge.

So when I reached Geneva I inveighed against the connection of the Presbyterian Church with the state in Geneva. I criticised portions of Calvin's history in connection with the persecution of the Catholics.

So in another part of my book I pay tribute to Ireland, as well as I then could, when I said:

Catholicism is as much the religion of the Irish people as Protestantism is that of England. For years its enjoyment under such officers and in such modes as they might see fit has been guarantied. * * *

Into what dilemmas and absurdities will not a nation run that does not strictly adhere to the most unlimited toleration, or that connects its civil with its religious establishment?

* * * * * * * * *

England could not render Ireland more ungovernable by any other act than that of the last session about the ecclesiastical titles, for it strikes at her religion, the most sensitive part of every society.

Let resistance, strong and steadfast, be made; and let the American people, Catholic and Protestant, sympathize in a movement whose object is to resist the most miserable intolerance that has disgraced the English statute-book since the time when Dissenters and Catholics alike were at the mercy of Jeffreys, and when conformity to the established church was a principle and a practice at once repugnant to reason and humanity.

The Church of England can gain nothing, but must lose much, by its coercive measures towards the Catholics. Persecution will do its old work by creating devotees around the altars of the persecuted.

Then I went on further to discuss the effects of certain laws in England, commencing with *præmunire* and coming down to the proposed law of "ecclesiastical titles." I then showed, as I trust, that I had a just conception of our principles of civil and religious liberty. Having been educated at a college in Rhode Island, the State founded by Roger Williams, and having in my veins some little of the blood of an ancestor who came over with Lord Baltimore, I naturally was tolerant of all religion. I am yet as liberal as then.

The only trouble is that in those early days (for this book was published nearly forty years ago) I made some references which I afterward regretted and corrected, and this is the book which is now paraded in this House to confront my statements as to the Cobden Club.

Why, sir, is it not pitiful?

The gentleman should have made this speech while the general tariff debate was going on.

Mr. WOODBURN. You made your speech on the last day of the debate.

Mr. COX. When the bullet went in and went by, the gentleman did not know enough to ache when he was hurt. [Laughter.]

Mr. WOODBURN rose.

Mr. COX. Sit down! The gentleman is simply an incarnate *suppressio veri*. [Laughter.] What is that? Why, that is Irish for a man who does not tell the truth all through. [Renewed laughter.] The only evidence that he is an Irishman is his garrulity. I am one, and like to do my part of the talking.

Mr. WOODBURN. No, you are not.

Mr. COX. The gentleman says that for some reason I cut off the "t" from my middle name of Sullivan. Sir, if the gentleman will look at the United States court reports somewhere about 1818 he will find my grandfather's name, Judge Samuel Sullivan. He was the treasurer of the State of Ohio. He it was who opened the United States branch bank at Chillicothe, Ohio. He did it as treasurer of the State to get the State taxes out. [Laughter.]

Mr. MASON. Did he open it with a jimmy? [Laughter.]

Mr. COX. He was one of the most respectable burglars who ever entered a bank in Ohio. He figured in the great case known in early days in Ohio as the "crowbar case." It was the famous case touching the State right of taxation, in which Henry Clay was engaged for the United States. The United States Bank refused to pay the taxes levied by the State. Samuel Sullivan, as treasurer of the State, went to the branch of the United States Bank at Chillicothe. He opened it with a crowbar. He took out the taxes due to the State. No "t" was dropped out of his name. I am rather glad and proud to be descended from and named after such a man as that. The Sullivants to whom the gentleman refers were very clever, elegant, scientific gentlemen. They were no relations of mine; I wish they were. They were of opposite politics, but voted for me. I never should have dropped a "t" if I had been born into that family.

The gentleman from Nevada, as I said, had not sense enough to ache at the proper time. He did not know he was hurt. For four weeks he has been going all over this town, inside and outside of this House, and in all sorts of places, saying that he was going in some wild way to consume me. He has been reading his speech to reporters and members.

Mr. WOODBURN. I never did so.

Mr. COX. My friend says he knows more law than I do. Possibly he does. I have sent for a copy of Blackstone to refresh my legal knowledge. Here is a little passage of Blackstone. It has reference to the grand jury:

When the grand jury have heard the evidence, if they think it a groundless accusation, they used formerly to indorse on the back of the bill "Ignoramus," or "We know nothing of it," intimating that though the facts might possibly be true, that truth did not appear to them.

[Laughter.]

The gentleman from Nevada misinterpreted my remark about the spawn of Cromwell. I did not mean it in the way he has interpreted it. I will apologize for that. My speech does not bear a personal reflection as to his being one of the spawn.

The gentleman has undertaken to speak against my family and my name. It was he who first paraded the personalities before the House. It was he who made this personal attack on me in my absence, and before I said aught of him.

If, sir, he were indicted by a grand jury in this country—indicted for intelligence and for telling the whole truth—for he only suppresses the truth (I do not say he lies, for he can not do that), his offense is only that of a *suppressio veri*. If, then, he were indicted for intelligence, etc., and the grand jury should insist on the old custom referred to in Blackstone, would they not write on the back of the indictment "Ignoramus?" Would it not be a very proper way of disposing of the indictment. [Laughter.]

Now, sir, I am ever so sorry to have said anything about Nevada at all. We all know what Nevada is. The gentleman said there was not enough money in New York to buy Nevada. Well, I guess the price must have risen a little. [Laughter.] I do not know much about Nevada except that a great mistake connected with our civil polity is that we have a State of that size in our Union, for it despoils the beauty of our structure and system of Government. Does it not seem irrational to plain people that a State with only forty-odd thousand population should be able to offset the State of New York or the State of Pennsylvania in the Senate of the United States? We know without saying it, exactly how Nevada is run, and by whom, and what for.

When the gentleman from Nevada began this attack on me I was not present. I wish I had been. I would have disposed of it right off. Gentlemen on the other side, as stated in the RECORD, laughed at the gentleman's remarks. They laughed at him and perhaps with him. But it was only the kind of laughter we read of in the Scripture. It was "the crackling of thorns under a pot." What kind of laughter is that? Let the gentleman read up his Bible. It will not hurt him; let him commence at Genesis and go clear through to Revelations. Let him find out just what kind of a man it is whose laughter is "like the crackling of thorns under a pot." I would not indulge in unparliamentary language, and therefore I will not say anything further about that.

I have said that the gentleman is an incarnate *suppressio veri*. And why? Because when he gave to this House a statement of the members of the Cobden Club he deliberately (if he knew anything about that club and its membership) suppressed the names of nearly forty prominent Republicans of this country who were its members. Did not the gentleman know that they were connected with that club?

Mr. WOODBURN. I will answer, if you will allow me.

Mr. COX. No, sir; just sit right still and I will polish you nicely. [Laughter.] You knew that Jacob D. Cox, who had been Republican governor of Ohio and Republican Secretary of the Interior, was a member of that club. You knew that Garfield was in it.

Mr. WOODBURN. Will the gentleman let me answer?

Mr. COX. If you did not know it, you ought to have known it. Either you are ignorant or you are malicious—perhaps a little of both. [Laughter.] You knew those and other men were in that club.

Mr. WOODBURN. Here is a corrected list of the members. Find, if you can, the name of Garfield.

Mr. COX. They are all there.

Mr. WOODBURN. No; they are not.

Mr. COX. You have suppressed the *veri*. If you did not know about this matter, you ought to have known about it. We have all known it. Everybody knew that some of the best gentlemen in this country, gentlemen of both parties, had been honored by election to that club. But I have said in the general debate all that I care to say about that.

But the gentleman suppressed another truth. I do not care anything about the gentleman from Nevada or his personalities. He was the instrument put forward to prejudice, if possible, the Irish vote in regard to our tariff legislation. He suppressed the fact that the Tories of England, the men who had despoiled Ireland, who tried to despoil America, and who would ruin us to-day if they could—that these Tories, the Balfours, Salisburys, and others, are the men who have maligned and persecuted and rack-rented Ireland. These are the men who have suppressed the efforts of Englishmen, Scotchmen, Welshmen, and Irishmen to secure their statutory parliament and their rights. The gentleman kept these matters out of the light just as a man from Nevada would who lives a good deal under ground.

Mr. WOODBURN. How were the Tories——

Mr. COX. The gentleman can not keep quiet. When the knife is applied some of the blood that is left in him, whether Saxon or Celtic, must flow.

Now, I do not care much about this matter. I am not responsible for its introduction to-day and here. I am sorry it has been brought up. I have given the gentleman a little circulation by speaking of him.

I apologize to the gentleman from South Carolina [Mr. HEMPHILL] for interfering with his District of Columbia business. I apologize to all for all I say, because it is of no sort of consequence to me, whatever it may be to the gentleman from Nevada.

I do not care whether he comes from Ireland, or whether he is an Anglo-Saxon, or whether he comes from the original protoplasm in process of evolution. I should not wonder if we all came from some original atomy. From the incoherent way in which he has addressed the House he must be a sort of gelatinous protoplasm. [Laughter.] I do not know what that is; perhaps, a sort of nebulous thing floating around in space. [Great laughter.] Perhaps that is a good definition of a member from a rotten borough.

Out in Nevada men live a good deal under ground. They are miners, the great body of them. More than in any other State, they are foreigners. I do not complain of that. What I do complain of is of that crass ignorance exhibited here by the gentleman by which he suppresses the liberal republican name of the Cobden Club and the object and the Tory opponents of that club, so as to bring opprobrium upon the liberalities of legislation which have been here vindicated in this House.

In conclusion, all that I can say is:

> Dig, little mole, dig under the ground,
> There is sunlight in the sky!

[Laughter and applause.]

Mr. HEMPHILL. I now hope we will have a vote on the pending bill. [Cries of "Vote!"] The bill formerly passed by the House did not appropriate for additional police stations. I will only say that they are found to be absolutely necessary to the efficiency of the police force of this District. I move that the bill be laid aside to be reported to the House with a recommendation that it do pass.

The motion was agreed to.

POLICE MATRONS FOR THE DISTRICT.

Mr. HEMPHILL. I now call up for consideration the bill (H. R. 8039) providing for the appointment of police matrons for the District of Columbia, defining their duties, and for other purposes, reported with amendment from the Committee on the District of Columbia.

The Clerk read as follows:

Be it enacted, etc., That the commissioners of the District of Columbia be, and they are hereby, authorized to appoint three matrons for the police department of said District as soon as the necessary accommodations may be authorized and provided by Congress, and the work completed.

SEC. 2. That it shall be the duty of said police matrons to search, examine, and care for the female prisoners who may be taken into custody by the police, and to take charge of lost or abandoned children while detained at a station-house to which a matron may be assigned, under such rules and regulations as the commissioners of the District of Columbia may from time to time make.

SEC. 3. That to carry into practical operation the foregoing provisions, the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated: *Provided*, That one half of such sums shall be payable out of the revenues of the District and the other from the Treasury of the United States, namely: For additional story and remodeling of the first precinct station-house, $7,500; for enlarging and remodeling the third precinct station-house, including the erection of a stable, $12,000; for remodeling the fifth precinct station, including the purchase of the adjoining lot, and for stable facilities, $9,000.

The amendment of the committee was read, as follows:

Strike out section 3 and insert in lieu thereof the following:

"SEC. 3. That no woman shall be appointed a police matron unless suitable for the position, and recommended therefor in writing by at least ten women of good standing, residents of the District."

Mr. HEMPHILL. I yield for ten minutes to the gentleman from Iowa [Mr. STRUBLE].

Mr. STRUBLE. Mr. Chairman, I had hoped to get ten minutes when the bill last before the Committee of the Whole was under consideration, as the remarks I intend to submit are more pertinent to that than to this bill, but the discussion on that proposition took such a turn the gentleman in charge of the District business felt compelled to close debate and move that the bill be laid aside to be reported to the House with the recommendation that it do pass, without allowing me an opportunity to be heard.

But, sir, I wish to speak of the increase of the number of policemen in the city of Washington, notwithstanding the bill has gone to the House for final action. I am in favor of the increase of the police force in this city if it is demanded by the necessities of the people, and in the interest of that good order which ought to be maintained in the capital city of the Union. But, sir, it is my opinion this increase of the police is made necessary, if at all, by the fact of the almost unrestrained liquor traffic in this District.

If I could have my way on this subject I would enact unqualified prohibition as the law of the District. If under existing conditions that can not be done, then a more stringent law than that now in existence should be passed at an early date. If such a law were now in force this increase in the number of police asked by the measure to which I have referred would not be rendered necessary at this time.

It must be that every member of the House is cognizant of the fact that the people of this country are each year becoming more and more concerned in this question of the suppression of the public sale of alcoholic liquors. Numerous States in the Union, deeply concerned in the importance of the preservation of the individual citizen and his capacity as an intelligent member of the body-politic, considering the welfare of the home and the important relations of the liquor traffic to it and to the politics of the country, have enacted legislation for the abolition of this great enemy of our citizenship and our homes—the common saloon of America.

I solemnly believe and declare that it is high time the American Congress was brought face to face with this subject, the importance of which, in my opinion, overshadows every other within the province of Congressional action, unless it be that in relation to the denial of the ballot to thousands of citizens of the South, and as to this question of citizenship, it may be said that, while the South is to a great extent denying the ballot or defrauding results, and thereby committing the highest crime against citizenship, the liquor traffic is daily making thousands in all parts of the land unfit for the discharge of any duty, political or social, and hence in this limited view is doing vastly more harm than that spirit in sections of the country that denies the right of ballot.

But, sir, I rose principally to call the attention of the House to the attitude of this committee and of another committee of the House in relation to legislation concerning the liquor traffic in the District.

I hold in my hand five bills, introduced into this House by various members. One was introduced on the 4th day of January, 1888, by Mr. JOSEPH D. TAYLOR, of Ohio, entitled "A bill to prevent the manufacture and sale of intoxicating liquors in the District of Columbia." Another was introduced by the same gentleman on the same date entitled "A bill prohibiting, in the District of Columbia, the sale of intoxicating liquors within two squares of any public school building or Government building in which persons are employed in the service of the Government." And on the same date the gentleman from Maine [Mr. DINGLEY] introduced a bill entitled "A bill to prohibit the sale of spirituous and intoxicating liquors in the District of Columbia." On January 9 the gentleman from Michigan [Mr. CUTCHEON] introduced a similar bill, and on January 16, Mr. TAULBEE, of Kentucky, introduced a bill entitled "A bill to prevent the manufacture and sale of spirituous and intoxicating liquors in the District of Columbia." Each one of these gentlemen is an intelligent, honorable, and, I may say without flattery, an able member of this body.

Now, sir, I am advised that all of these measures were respectively, and possibly respectfully, referred by the majority of the Committee on the District of Columbia to another committee of this House known as the Committee on the Alcoholic Liquor Traffic, composed, I believe, of seven Democrats and four Republicans. That committee, which is the graveyard of this House for all such proposed legislation, has received the consignment of all these bills, which should have been acted upon by the Committee on the District of Columbia, long before this; and, sir, I am advised while this last named committee has had a few meetings and has gone through the form of appointing subcommittees, that no call has been made for a meeting of the subcommittee to consider any of these

bills or any other bills referred to them having in view the subject to which I am alluding, but they have been allowed to sleep, as others have slept, with absolute indifference and neglect, and I might add with censurable carelessness and utter disregard of duty on the part of the committee.

Here is a great question occupying the thought and active attention of hundreds of thousands of our people of all ages and political beliefs. It is not a question that is confined to any one political party. It is in no proper sense a political or partisan question. It is not confined to the Democratic party alone, though I confess and hesitate not to assert, the Democratic party by its neglect of this legislation and by its platform utterances has planted itself as the foe of progressive thought on this line, and that on the contrary, what has been done in the Northern States, at least, in the direction of prohibitory reform, so important to individual and political life, has been done exclusively by the Republican party.

Now, sir, if it is not wise to-day, as a matter of Congressional action, to pass a law prohibiting the sale of intoxicating liquors in the District of Columbia, let some other measure or enactment be considered and passed that will have a tendency at least to restrict the sale, and thereby necessarily curtail the evils of the saloon traffic in the city of Washington. Why, sir, one of these bills to which I have called attention only seeks to prohibit the sale of liquors within two blocks of any public-school building in the city, and also within the same distance of Government buildings in which persons are employed in the Government service, and even this bill, so reasonable and humane in its provisions, has been neglected as have all of the others.

Sir, I make this prediction: If this House and its committees by this neglect, this repeated neglect of these bills, this closing of their doors, as it were, to the voice of appeal coming up from the people all over this country for legislation looking to an abatement of the crying evils resulting from the saloon business, the Democratic party, with all its now vaunting defiance of the temperance sentiment of the land, will—aside from and independent of any other question affecting its supremacy—find itself facing within its own circles such a volume of sentiment as will drive it to action in harmony with the growing sentiments prevailing among the people, or refusing to do this, will hurl it from power.

What we ought to have at once is a curtailment of the number of the places where liquors are sold in the city of Washington. Go where you will throughout the city and in every square not exclusively of residences you find saloons, and in many squares every other door is a drinking place. Go, if you please, to the vicinity of the great Departments of the Government, and you will find these places in large numbers, while in all parts of the city they are planted near by the home, the school, and the church—a constant and widespread menace and curse to the best hopes and prospects of life. On the question of the good order, the peace of the community, every man knows that saloons breed, as the natural result of the traffic, a spirit of boisterousness, lawlessness, and crime. Why not, then, as a matter of sensible and practical police regulation, enact a law that will reduce the number of these places? I am in favor of beginning this work at the earliest date, and while believing in prohibition as the correct principle to be applied, I am willing to do the next thing that may promise to the people of the District relief from this monstrous evil.

When I consider the harmfulness of this traffic, the increasing stream of woes flowing from it; the damage done the state, the destruction of character, of intelligence, of honorable citizenship, the burdens incident to it; when I consider, as I often do, the danger, growing more and more apparent, that this liquor traffic will, unless restrained, gain such further foothold in the political control of our States until it dominates everything, I wonder most profoundly how intelligent, conscientious legislators can for a moment hesitate as to the wisest thing to be done.

Mr. Chairman and gentlemen of the committee, we may now treat lightly the demands coming to us for reform in this particular; but be not deceived, the day is not far distant when the liquor traffic as now carried on will be trampled under foot of the sovereign people of America, who are even now preparing their feet for the glorious march.

Mr. HEMPHILL. Mr. Chairman, the object of this bill is very simple, and it is scarcely necessary to go further into an explanation of it than to read the bill itself. The object is simply to provide in this city for a number of police matrons in order that when females are arrested and taken to the guard-houses they may have some one of their own sex to examine and take care of them until they are dismissed or put into prison. I do not know that any other remarks are necessary——

Mr. DINGLEY. I should like to have a few minutes on this bill.

Mr. HEMPHILL. Then I will yield five minutes to the gentleman from Maine.

Mr. DINGLEY. Mr. Chairman, I wish simply to call the attention of the House to the subject to which the gentleman from Iowa [Mr. STRUBLE] has alluded. The gentleman has referred to the fact that at least four bills were introduced and early in the session referred to the Committee on the District of Columbia, having reference to the alcoholic liquor traffic in this District, with a view of imposing more restrictions on the traffic than at present. It will be remembered by gentlemen that early in the session the chairman of the Committee on the District of Columbia asked a change of reference for these bills from the Committee on the District of Columbia to the Committee on the Alcoholic Liquor Traffic. And when a suggestion was made at the time that practically the effect of this change of reference would be to suppress these bills, the chairman of the District Committee assured the House that these bills would not be suppressed by the Committee on Alcoholic Liquors, but would be reported at an early date for action by the House. Four months have elapsed since that assurance was given, and not one of these bills relating to the liquor traffic in the District of Columbia and endeavoring to put some wholesome restriction upon it, not even the bill providing for a commission for the purpose of investigating this whole subject, or a bill which came from the Senate upon this subject, has up to this hour been reported for action in this House. I do not know whether my friend, the chairman of this committee, spoke by authority when he assured the House that these bills would be promptly reported and opportunity for action given, but four months have elapsed, as I have already said, and these bills have been suppressed during this whole period. Not a single report has been made upon them, and so far as I know there is no intention to give this House an opportunity to act upon any of them. I am aware that at this time it is too late to expect anything can be done at this session, even if the bills should now be reported. But it does seem to me that so important a subject as this, one having reference to the welfare of the homes and the people of this District, should not be smothered from session to session in committee and no opportunity given for Congress to place some wholesome restrictions upon that traffic, which in this District, which we are specially responsible, as well as in other parts of the country, is carrying destruction wherever it goes.

I trust, Mr. Chairman, and it is the sole object I have in view at this time in calling attention to the matter, that not simply the Committee on the District of Columbia, in whose jurisdiction matters relating to the District of Columbia ought to belong, but that the Committee on Alcoholic Liquor Traffic, of which my friend from Ohio is chairman, will give this House an opportunity to act upon these measures. I wish now, before I take my seat, to ask the chairman of the Committee on Alcoholic Liquor Traffic, who is present, whether any action has been taken on these bills which four months ago were referred to that committee, and about which assurance was given by the chairman of the Committee on the District of Columbia that the bills would not be smothered, but that they would be promptly reported to this House for such action as the House might think proper.

Mr. ROMEIS. I would like to ask the gentleman a question before he takes his seat. I would like to ask the gentleman if they have not prohibition in the State of Maine.

Mr. DINGLEY. I am addressing myself now to the question of these bills referred to the Committee on the Alcoholic Liquor Traffic.

Mr. ROMEIS. You are complaining that the bills have not been reported. I ask if you have prohibition in the State of Maine.

Mr. DINGLEY. We have.

Mr. ROMEIS. The record shows that in a few years you arrested in one city alone 10,689 men for drunkenness.

Mr. DINGLEY. Oh, no! The arrests for drunkenness in the State of Maine are far less in proportion to the population than they are in most the States—only four to a thousand population annually, taking the State as a whole. And in Maine we arrest all persons who appear intoxicated on the streets—not simply those who are disorderly, as in many other places.

Mr. HEMPHILL. I now yield to the gentleman from Illinois [Mr. ROWELL] five minutes, or such time as he may need.

Mr. ROWELL. I only rise to defend the District Committee from any charge of dereliction of duty in this regard. The District Committee has a very large amount of work before it. The action of the House has deprived that committee of at least five days it was entitled to in order to get along with its legislation. The committee has never shirked any duty. The committee has the courage to bring forward any matter that ought to be legislated about. But there is a committee of this House having no other business than that of the alcoholic liquor traffic. As a member of that committee, while perfectly willing to engage in a complete revision of the liquor laws of the District of Columbia, I still believe that a committee having but one duty before it can more intelligently enter upon the investigation and the preparation of legislation fit for the District, and would be more apt to get consideration for such a measure. A member of the District Committee is a member and perhaps chairman of the Committee on Alcoholic Liquor Traffic. It was his belief that that committee was legitimately entitled to consider these questions; and therefore with no desire to shirk any responsibility and a perfect willingness to do everything that was required of it and consider everything referred to it, the matter was referred to the House for its consideration as to which was the proper and legitimate committee to consider this question. By a vote of the House all these bills were referred to that committee, and from that time, therefore, the District Committee has considered none of them. If the House orders the bills taken from the committee where they now are and referred to

the Committee on the District of Columbia, I can say to the gentleman from Maine and to every member of the House that that committee is fearful of no responsibility.

Mr. JOSEPH D. TAYLOR. I desire to speak for a few moments.

Mr. HEMPHILL. How much time do you want?

Mr. JOSEPH D. TAYLOR. No more than five minutes.

Mr. Chairman, I am unable to understand how the Committee on the Alcoholic Liquor Traffic can by any possibility have jurisdiction of this question.

Mr. DINGLEY. It has been referred to them.

Mr. JOSEPH D. TAYLOR. I know that the reference was made, but I never did understand why it was made, unless it was for the purpose of getting rid of these bills. The Committee on the Alcoholic Liquor Traffic was appointed for a special purpose. That purpose was to ascertain great facts bearing upon the liquor traffic and to gather information and facts in relation to its effects upon society, which relate to the whole country, and not merely to the District of Columbia. Dealing with the liquor traffic in the District of Columbia, and not elsewhere, is to my mind a matter that belongs to the Committee on the District of Columbia and to no other committee, and I think the reference of the bills in question to that committee was right, and the reference of them to the other committee was wrong.

There is certainly, for some reason or other, a manifest disposition in this House to avoid the consideration of this great question. One of the bills to which reference was made by my friend from Iowa [Mr. STRUBLE] prohibits the existence of saloons within two squares of any Government building occupied by the employés of the Government. There are in this city various Departments of the Government in which there are thousands of young men and young women employed who come from Christian homes, and some of them from States where the liquor traffic is prohibited, who, under the laws of the Government applicable to this District as administered by existing authorities, are required to pass by the doors of these saloons. In some cases these saloons hover around the entrances of the Government building and a great number of them are located within a square of some of the Departments. These Government employés in the discharge of their ordinary duties are required to force their way through the crowds of drinking men who gather about these saloons day after day. I can not understand why it is that we spend days, weeks, and months in considering questions of business of an ordinary character only and yet are unable to find time for the consideration of a question like this, which concerns the welfare and the prosperity of the country at this time more perhaps than all other questions put together.

I am informed, Mr. Chairman, that we have so far departed from what is just and right in this matter that instead of keeping the saloons two squares or two blocks away from the Government buildings in which young men and young women and older men and older women are employed, the sale of beer is permitted in one of the Government Departments. I am informed that a saloon is established by the authority of the officers in charge of one of the Departments of the Government where the clerks are required to go in and out. They are subjected to this indignity, and must do so without complaint or they would lose their places.

Mr. STRUBLE. Will the gentleman indicate the Department to which he refers?

Mr. JOSEPH D. TAYLOR. I understand it is in the Treasury Department.

Mr. BREWER. You might locate your charge right in the basement of this Hall. [Laughter.]

Mr. JOSEPH D. TAYLOR. I have heard that I could do that with safety, but perhaps if I made that statement I would not be telling the House anything they do not know already. [Laughter.]

Mr. CAMPBELL, of Ohio. Mr. Chairman, the gentleman from Maine [Mr. DINGLEY] made some inquiries with regard to the Committee on the Alcoholic Liquor Traffic which I did not hear distinctly, and I ask him to repeat them.

Mr. DINGLEY. My inquiry was as to what had become of the bills relating to the liquor traffic in the District of Columbia and the bill providing for a commission to investigate the whole subject.

Mr. CAMPBELL, of Ohio. Mr. Chairman, all the bills that have been referred to the Committee on the Alcoholic Liquor Traffic are comprised in three or four groups. First there are bills relating to the appointment of a commission to inquire generally into the liquor traffic. Upon that question there will be a report whenever the committee can get a quorum.

Mr. OWEN. How long is it since your committee had a meeting?

Mr. CAMPBELL, of Ohio. So many of the members as chose to attend had a meeting last Thursday week, and another is called for Thursday of this week.

Mr. OWEN. Was there a quorum at that meeting?

Mr. CAMPBELL, of Ohio. There was not. I was there. I answer for nobody but myself on this floor.

Mr. OWEN. How many meetings has your committee had this session?

Mr. CAMPBELL, of Ohio. I can not tell the gentleman without consulting the record. The gentleman can inspect the minute-book of the committee at any time.

Mr. OWEN. My inquiry was intended to find out how many bills have been considered and reported to this House by your committee.

Mr. CAMPBELL, of Ohio. We have considered all the bills. I will say to the gentleman that a report can be made upon every bill referred to us whenever the committee can be got together, and I request the gentleman from Maine [Mr. DINGLEY] and the gentleman from Indiana [Mr. OWEN] and my colleague from Ohio [Mr. JOSEPH D. TAYLOR] to assist me to get a quorum.

Mr. JOSEPH D. TAYLOR. I would like to know whether the gentleman's committee is like one that I have the honor to be a member of? On several occasions we have had a quorum present, but always when we are ready to begin business one gentleman gets up and walks out, so that we are left without a quorum. [Laughter.]

Mr. CAMPBELL, of Ohio. The two committees are much alike, with this trifling exception, that the members of my committee do not even get together. [Laughter.] They are called, but they are like other people of whom we have heard, who were called but did not answer. Let me complete my reply to the inquiry of the gentleman from Maine [Mr. DINGLEY]. All of the bills will be disposed of whenever the members of the committee get together.

Mr. HEMPHILL. In reply to the remarks of the gentleman from Maine [Mr. DINGLEY] I desire to say that I think he must be mistaken in saying that I assured him that the Committee on the Alcoholic Liquor Traffic would report any bills to the House. I am not a member of that committee, and therefore could give no assurance as to its action and am sure that I did not do so. I will try to look at my remarks, and if inconsistent with this I will insert what I did say.

This bill provides for the appointment of three police matrons for this District, and as there seems to be no objection to it, I will move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. CAMPBELL, of Ohio. I wish further to state, in order to exonerate the Committee on Alcoholic Liquor Traffic, that there is one Republican member of that committee I have not seen there to my knowledge.

Mr. CHEADLE. Name the member now, in justice to the other members of the committee.

Mr. HEMPHILL. I ask for a vote on my motion.

Mr. CHEADLE. Name the member. As far as I am concerned I wish it to be distinctly understood that I have attended every meeting of that committee.

Mr. CAMPBELL, of Ohio. The gentleman from Indiana has attended every meeting of the committee. The record of that committee will show who has attended and who has not.

Mr. CHEADLE. That is diplomatic.

The CHAIRMAN. The question first recurs on the amendments to the bill.

The amendments were agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HEMPHILL. Those are all the bills we have in committee, and I therefore move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes, and had directed him to report the same back to the House with a recommendation that it do pass; and further that it had had under consideration the bill (H. R. 8039) providing for the appointment of police matrons for the District of Columbia, defining th eir duties, and for other purposes, and directed him to report the same back to the House with sundry amendments.

INCREASE OF POLICE FORCE IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POLICE MATRONS.

The bill (H. R. 8039) providing for the appointment of police matrons for the District of Columbia, defining their duties, and for other purposes, was taken up, and the amendments of the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARREARS OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now call up joint resolution S. R. 42, extending the provisions of an act entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887.

The resolution was read, as follows:

Resolved, etc., That the provisions of the act of Congress entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887, be, and the same hereby are, extended so as to apply to all general taxes in arrears on the 1st day of July, 1888, and to all special assessments due the District of Columbia, and which may be paid on before said 1st day of July, 1888.

The amendments of the Committee on the District of Columbia were read, as follows:

In line 8 strike out "eighty-eight" and insert "eighty-six;" also in line 10 strike out "said" and insert "the;" and also in same line strike out "July" and insert "November."

Mr. HEMPHILL. This resolution continues the provisions of an act passed March 3, 1887, providing for the payment of arrears of taxes within a certain time. It has been in operation one year, and under it a great deal of money has come into the District treasury, and the commissioners think by an extension of that act a great deal more will come in.

The amendments of the committee were agreed to, and the joint resolution as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

Mr. HEMPHILL. I call up for consideration the bill (H. R. 7647) to incorporate the Georgetown and Tenallytown Railway Company of the District of Columbia.

The SPEAKER. That bill is in the Committee of the Whole House on the state of the Union.

Mr. HEMPHILL. I move that the Committee of the Whole House on the state of the Union be discharged from its further consideration, and that it be considered in the House.

Mr. BURROWS. I think it should be considered in the committee. It will take but a moment.

Mr. HEMPHILL. I move, then, that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering that bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. MCCREARY in the chair.

Mr. HEMPHILL. I move that the first reading of the bill for information be dispensed with.

The motion was agreed to.

Mr. HEMPHILL. I move now that the bill be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That John W. Thompson, Richard H. Goldsborough, William J. Thompson, Henry H. Dodge, W. K. Ryan, Osceola C. Green, and Norval W. Burchell, of the District of Columbia; Arthur E. Bateman, T. W. Pearsall, and Harvey Durand, of the city and State of New York; and Nathaniel W. Bowe and John A. Coke, of the city of Richmond, State of Virginia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate under the name of the Georgetown and Tenallytown Railway Company of the District of Columbia, with authority to construct and lay down a single or double track railway, with the necessary switches, turn-outs, and other mechanical devices for operating the same by cable or electric power for carrying passengers in the District of Columbia from the Potomac River near High street, to and along High street in Georgetown to the Tenallytown road, and along the side of the said road to the District line; also the privilege of laying such conduits beneath the surface of Water street for the purpose of conveying or communicating power from any suitable point along said Water street to said High street, as may be found necessary, and subject to the approval of the Commissioners of the District of Columbia: *Provided, however*, That such conduits shall be laid so as not to impair the surface of said Water street for traffic and wagon travel. Whenever the foregoing route or routes may coincide with the duly authorized route or routes of other duly incorporated street railway companies in the District of Columbia, either or both companies may use the said track when necessary; and in such case they may use such tracks in common, upon such fair and equitable terms as may be agreed upon by said companies; and in the event said companies fail to agree upon equitable terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall hear and determine the matter in due form of law, and adjudge to the proper party the amount of compensation to be paid therefor. Said corporation is authorized and empowered to propel its cars on such other lines as it shall coincide with by cable power or such other motive power as it is authorized to use to propel its own cars over the routes prescribed in this act, and may repair and construct such portions of its road as may be upon the line or route or routes, of any other road thus used; and in case of any disagreement regarding such construction or repairs with any company whose line is thus used, such disagreement may be heard and determined summarily upon the application of either road to any court in said District having common-law jurisdiction. Said company shall receive a rate of fare not exceeding 10 cents, 5 cents for each passenger for any distance between the termini of said railway. Said railway shall be constructed of good materials and in a substantial manner, with rails of the most approved pattern, the gauge to correspond with that of other city railroads, all to be approved by the commissioners of the District of Columbia. The tracks of said railway, the space between the tracks, and 2 feet beyond the outer rails thereof, where the streets are now paved, or shall hereafter be paved, which this franchise is intended to cover, shall be at all times kept by said corporation well paved and in good order, and on streets and roads not paved said corporation shall keep said tracks and the space between them in good repair, at its own expense, and subject to the approval of the District commissioners. It shall be lawful for said corporation, its successors or assigns, to make all needful and convenient trenches and excavations in any streets or places where said corporations may be authorized to construct and operate its roads, and to place in such trenches and excavations all the needful and convenient devices and machinery for operating said railroad in the manner and by the means aforesaid. It shall also be lawful for said corporation, its successors, or assigns, to erect and maintain, at such convenient and suitable points along the line as may seem most desirable to the board of directors of said corporation, and subject to the approval of the commissioners of the District, and engine house or houses, boiler-house, and other buildings necessary for the successful operation of such cable or electric railroad. The rate of speed on said road shall not exceed 12 miles an hour, under a penalty of $50, recoverable by the commissioners of the District by suit in any court of competent jurisdiction in the District of Columbia.

Said company shall, on or before the 15th of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December 31, which report shall be verified by affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of personal taxes, for the next ensuing year, 4 per cent. of its gross earnings upon traffic for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as may be provided by law for the sale of other property for taxes; and said per cent. of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway.

SEC. 2. That the capital stock of said company shall be $200,000, in shares of $50 each. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporators the amounts severally subscribed, as follows, namely: Ten per cent. at the time of subscribing, and the balance of such subscriptions to be paid at such times and in such amounts as the board of directors may require, and no subscription shall be deemed valid unless the 10 per cent. thereof shall be paid at time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by a resolution of the board of directors, the board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment (and the highest bidder shall be taken to be the person who offers to purchase the least number of shares for the assessment due), under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable; or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction. The said company shall place first-class cars on said railways, with all modern improvements for the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, and according to a published schedule to be filed with the District commissioners and be approved by them. The said company may buy, lease, or construct passenger-rooms, ticket offices, workshops, depots, and buildings as they may deem necessary, at such points along its line as may be approved by the commissioners of the District, and as the business of the railway and the convenience of the public may require. Whenever one-half of the said whole capital stock of said company so subscribed, as aforesaid, shall have been paid in the said corporation shall have the right to issue bonds to an amount equal to half the stock subscribed, to be secured by mortgage of its franchise and property, real and personal. Within thirty days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept opened, in some convenient and accessible place in the District of Columbia, from 9 o'clock in the forenoon till 5 o'clock in the afternoon, for a period to be fixed by said corporators, not less than two days (unless the whole stock shall be sooner subscribed for), and said corporators shall public notice, by advertisement in one or more of the daily papers published in the city of Washington, of the time when and the place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, 10 per cent. of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the 10 per cent., at the time of subscribing, except lawful money or certified checks from any established national banking house. And when the books of subscription to the capital stock of said company shall be closed, the corporators, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within twenty days thereafter, call the first meeting of the stockholders of said company, to meet within ten days thereafter, for the choice of directors, of which meeting notice shall be given in a public newspaper published daily in the city of Washington and by written personal notice to be mailed to the address of each stockholder by the clerk of the corporation; and in all meetings of the stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 3. That the government and direction of the affairs of the company shall be vested in the board of directors, nine in number, who shall be stockholders of record, and who shall hold their office for one year and till others are duly elected and qualified to take their places as directors; and the said directors (a majority of whom shall be a quorum) shall elect one of their number to be president of the company; and they shall also choose a vice-president, a secretary, and a treasurer, who shall give a bond, with surety, to said company, in such sum as the said directors may require for the faithful discharge of his trust. In the case of a vacancy in the board of directors by the death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors. The directors shall have power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter or to the laws of the United States and the ordinances of the District of Columbia. There shall be an annual meeting of the stockholders for choice of directors, to be held at such time and place, under such conditions, and upon such notice as the said company in their by-laws may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders and to the commissioners of the District of Columbia. Said company shall have at all times the free and uninterrupted use of the railway; and if any person or persons shall willfully, mischievously, and unnecessarily obstruct or impede the passage of the cars of said railway with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to said railway, the person or persons so offending shall forfeit and pay for each offense not less than twenty-five nor more than one hundred dollars to said company, to be recovered as other fines and penalties of said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their acts as aforesaid. No person shall be prohibited the right to travel on the cars of said road, or ejected therefrom

by the company's employés for any other cause than of being drunk, disorderly, unclean, or contagiously diseased, or for the use of obscene or profane language, or refusing to pay the legal fare exacted, or to comply with the lawful general regulations of the company. The said Georgetown and Tennallytown Railway Company shall have the right of way across such other railways as are now in operation within the limits of the lines granted by this act, and is hereby authorized to construct its said road across such other railways: *Provided*, That it shall not interrupt the travel of such other railways in such construction. The principal office of said company shall always be situated in the city of Washington, and all books and papers relating to the business of said company shall be kept thereat, and open at all times to the inspection of the stockholders. The meeting of stockholders and directors shall be held at said office. The book in which transfers of stock shall be recorded shall be closed for the purpose of such transfer thirty days before the annual election.

SEC. 4. That the said work shall commence within one year from the passage of this act, and be completed its entire distance, with switches and turn-outs, and with cars running thereon for the accommodation of passengers, within three years from the date of the passage of this act.

SEC. 5. That Congress hereby reserves to itself the right to at any time alter, amend, or repeal this act.

Mr. HEMPHILL. Mr. Chairman, I desire to offer an amendment on page 3, line 49. The words "ten cents" where they appear were stricken out by the committee, and they are printed in the bill by a mistake. I move to strike out these words.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 49, page 3, strike out "ten cents;" so that the section will read: "said company shall receive a rate of fare not exceeding five cents for each passenger," etc.

Mr. HEMPHILL. That was the intention of the committee.

The amendment was adopted.

Mr. BAYNE. Mr. Chairman, I move to strike out the last word.

There are already incorporated a great many passenger railways here, and a great many of them are public necessities, and they have their uses; but why a railroad should be constructed out on the Tennallytown road is really a mystery to me.

I can not believe and I do not believe that the demand for this road comes because of any pressure on the part of the traveling public. There is not, out along the line of that road, a sufficient number of people now resident there to press upon any company, upon any set of men or syndicate of persons, the propriety of constructing a passenger railway with a view to accommodate the traffic demand out there. I can not help but believe that this construction is prompted by motives of a very different character—that is that underlying the scheme somewhere there is an impression prevailing that this road, if constructed, or if the franchise can be acquired, will be a means whereby the value of certain property may be enhanced in that region with a view to drawing population out to that vicinity. I do not think that any man who owns no property there would, as a financial investment, put any money into the stock of such an enterprise as this, because common sense would teach him that it would not pay expenses; and I think it is a great mistake to, in this manner, permit private speculators at the expense of the general public to promote the value of their property.

And, Mr. Chairman, whether this scheme originates with the property owners or not is a question which Congress ought to consider, and must consider when such bills are presented for action here. We have no right to lose sight of a question of such prominence as that, which necessarily arises when we consider these bills. We know now of certain franchises being obtained and held for years with a view of using them in the future if they should become valuable enough to use; or if not, with a view to disposing of them to somebody else who may think he can make some money out of them. I do not think this is one of that class; but I do think it is one of those cases where gentlemen owning property and desirous of selling it, have been anxious to obtain a franchise for the construction of a street railway, and no doubt propose to build it; but having done so to divide their property out into building lots and invite the public out there to make their homes, and thus make a profit upon the lands, and at the same time make traffic for a road which does not now exist.

Mr. HEARD. Will the gentleman permit me to interrupt him for a question?

Mr. BAYNE. Certainly.

Mr. HEARD. Taking it for granted that the suggestion of the gentleman is true, which we do not by any means concede—in fact, we know to the contrary—but even assuming that it was true, what harm could it do?

Mr. BAYNE. The difficulty, the gentleman will see, comes in just here, that where a public necessity presses such a thing as this to its legitimate conclusion—that is, when there is a public demand for a railroad, this demand impresses upon capitalists the propriety of investing their funds and constructing the railway, the money is subscribed and the railway is built in a proper manner, and there is a fair share of commercial standing given to the whole enterprise. It is a road constructed in a legitimate way to meet a public demand. But when you have a scheme of this sort, in which, by simply following the requirements of the bill by constructing some sort of a little railway, we secure a franchise which may be valuable only by the improvement of property, then such a road is constructed under such circumstances with poor accommodations and becomes really a public nuisance.

Mr. McCOMAS. This is to be an electric or a cable railroad.

Mr. BAYNE. I do not care whether it is a cable or an electric railway. They can do it more cheaply with electric appliances than with horse cars. They can complete the building of the road by using an overhead wire, and use in that way electric power more cheaply to propel their cars than by horse-power. Now, if this franchise is granted under those circumstances they go to work and build a little "bobtail" road, run it out there, and keep it going until they can sell enough of their property to make a profit upon the investment they have made; then the road becomes a matter of no consequence; the public are not benefited; and believing this to be the purpose of the scheme, I hope that the bill will not pass.

Now, the Tennallytown road, let me say, is not only historical, but it is one of the most beautiful drives in the neighborhood of the city. It runs past the President's property; it is a wide, beautiful road, and it affords to those people who are able to have their own conveyances one of the most delightful drives around the city. If there was any general necessity for the construction of this street railroad on the part of the great bulk of the people who can not afford their own conveyances, I would be the very last man in the world to offer any objection. But there is no such necessity. There is no pressure from anybody for such a road. I venture to say that those men who have property to sell out there want to construct the road to enable them to sell it, and that outside of them there is nobody asking for this road. I do not believe in this thing of constructing railroads simply to enhance the value of property without there is a commercial or public demand for it. I have taken identically the same position before the Committee on Rivers and Harbors. I have heard it argued, time and again, that steps should be taken to promote the work of improving certain streams because it would enhance the value of certain agricultural lands; it would open up certain coal mines or timber lands and bring a population there and develop waste places in the country. But I have always opposed such arguments. I have said, let commerce come there first; let business enterprise come there; inaugurate mining operations or agriculture, and when they have come, when there is a demand for the improvement of the stream then I am with you in the improvement, but until there is such a demand I am not willing that the public money shall be appropriated to the development of any such resources.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. BAYNE. Are we operating under the five-minute rule?

The CHAIRMAN. We are.

Mr. BUTTERWORTH. I will yield to my friend, Mr. BAYNE, if I am recognized.

The CHAIRMAN. The gentleman from Ohio [Mr. BUTTERWORTH] asks unanimous consent that the gentleman from Pennsylvania [Mr. BAYNE] be allowed five minutes more.

There was no objection.

Mr. BAYNE. I am very much obliged to the gentleman, and will only occupy so much of the time as is required to say I do hope this bill will not pass. I see no necessity for it. I do not know what the termini of the road are. The committee does not seem to know the termini of the road.

Mr. HEARD. Oh, yes, we do.

Mr. BAYNE. I beg the committee's pardon; if the road has any termini the committee knows it. I doubt whether it has any definite termini.

Mr. HEMPHILL. The termini of the road are Tennallytown and Georgetown. Now, Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. O'NEILL].

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I do not know the termini of this road with any positiveness, but I presume it is to commence at Georgetown and extend the Washington and Georgetown road out on the Tenallytown road. I simply rise to say this: that I can not see any reason why Congress should not give corporate power to those who are willing to build a street railroad anywhere within the limits of the District of Columbia. I am one of those who believe the building of street railroad lines in any city or in the neighborhood of any city tends very much to the convenience of the citizens. If those who are ready to go into these enterprises choose to invest their capital in them, I can not imagine why they should not be given the privilege which they seek, and let them look out for what profit may come, whether a present profit or a profit in the future. We all know very well that the city of Washington is extending rapidly in all directions. I, for one, am perfectly willing to allow these franchises to be granted. I do not see why we should consider whether some one hereafter may not by the rise in the value of land make some money out of that rise.

I do not think that is any objection to granting corporate power. I think men should be commended for investing their capital and for attracting people to different parts of this city where they may want to build residences. Along this road there are numbers of people living—not perhaps directly along the road itself, but on either side of it. I know enough of the city of Washington to know that. I have passed frequently into that road from other roads going in that direction. There must have been some one promoting this enterprise in the House of Representatives. There must have been some person desirous that this road should be built irrespective of those who might perhaps be the incorporators or the

intended incorporators. I care not who they are. I care not where the termini of the road may be. All I do know is that in cities street railroads are of great advantage to the citizens. I am willing to give my vote at any time to reliable parties, and I suppose the parties interested here are reliable. I am willing to give my vote to those who will invest their capital in good faith. I am willing to give my vote for the interest of the people residing in Washington to such a bill as this.

Mr. BUTTERWORTH. I want to say a single word touching this bill. The general principle suggested by my honored friend from Pennsylvania [Mr. O'NEILL] I heartily approve, that there should be no unnecessary obstacle interposed in the way of providing proper facilities for the traveling public, either so far as street railways are concerned or so far as broad-gauge railroads are concerned. But I wish to call the attention of my friend to the fact that nobody will pretend that as a mere business venture parties would engage in the construction of this street railroad. There will be no patronage to pay for conducting the enterprise. There can be no inducement for investing capital in its construction aside from the hope and expectation of increase in value of the real estate owned by the incorporators and their associates along the line of the road. Now, I do not criticise or condemn individuals for buying real estate with a view to speculation. It is their right and it may be their duty if they can make a fair profit out of it.

But here is the point: These railroads are supposed to be constructed in the interest of the people, and for the people. The profit resulting to the incorporators and to the builders is an incident. This is a high grant of power by the people and theoretically for their interests. In this case, however, the men who own the real estate in that section, and who are the grantees of this charter, will doubtless be able to pay for the road out of the increased value resulting in their land. The road is a mere incident to a land speculation. Charter powers are granted to occupy and use a public highway to boom a land speculation. The road is built with the profits resulting from the boom, and the stock is held by parties who insist that rates of fare shall be charged to enable the company to pay dividends on the stock issued as if the road had been built in response to a crying public need and not as a help to a private sale.

In the case of a grant of this kind, the people ought to have the advantage of the lowest rate of tariff for riding upon the cars that is consistent with fair remuneration to those who, in response to a public necessity, build the road. But the road should not be constructed until there is a public need for it. This charter is not a public necessity, but in aid of a private venture, a private speculative enterprise. I do not complain of gentlemen constructing this road if authorized to do so, and they make the amount of stock to correspond with the exact cost of building and equipping the road, and then fix the rate of fare at a proper figure having reference to the nature and character of the speculative venture which gave rise to it, say, for instance, eight tickets for 25 cents; but if there is to be merely an attempt to boom real estate in that section, then, while that does not involve any moral turpitude nor subject the gentlemen concerned in it to criticism, it will subject us to criticism if, without due regard to the ultimate promotion of the public good, we encourage and forward an enterprise like this for the sole benefit of private individuals, who use these high governmental agencies to mere private gain.

Mr. HOOKER. Did I understand the gentleman to say he was in favor of a low tariff? [Laughter.]

Mr. BUTTERWORTH. I am in favor of a low tariff on railroads upon which men have to travel to and from their homes. Now, Mr. Chairman, it will be impossible hereafter to reduce the rates of fare if we pass this bill in its present form, because when we come to the stockholders in the future and say to them, "Your rates are to high," we shall find that the original stockholders, the land speculators, the builders of the road may not then hold the stock; they will have made their money out of their real estate, and the stockholders of that day will reply to us, "Why, it does not yield us a fair dividend upon our investment." The fact being that the railroad will not have been built for the purpose of yielding a dividend upon the stock, but for the purpose of yielding a very large "dividend" upon the real estate along the line. Hence, I say, there is no necessity and no justification for such a measure as this. I do not denounce these gentlemen for speculating in real estate; that is their right, and it is certainly their privilege to do so, but this House is charged with the duty of seeing that the highest power of the Government, when invoked in this way, shall not be used for the purpose of forwarding a mere private speculative venture.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, I know nothing of the acts of incorporation of any of the street railways of the city of Washington. I do not know whether this railroad is to be limited in its charges by this bill. But I do know that the present rates of charge in the street railways of this city are less than in any other city in the country.

Mr. BUTTERWORTH. That only proves that in other cities of the country the people are constantly and persistently wronged. It does not prove that we here are dealt with fairly, but simply that the people of other cities are taken advantage of.

Mr. BUCHANAN. Besides, the fact is not as the gentleman from Pennsylvania [Mr. O'NEILL] states it.

Mr. BUTTERWORTH. I agree with the gentleman from New Jersey. In our city, Cincinnati, upon every road, each running several miles, tickets can be bought six for a quarter of a dollar.

Mr. O'NEILL, of Pennsylvania. As I have said, I know nothing of the details of any of these acts of incorporation, or of this particular one that is pending; but I do know that street-car fare is remarkably low on the existing roads in the city of Washington, and I presume the day will come when it will be low on this proposed line also.

Mr. BUTTERWORTH. A single word. The House is aware that it is the aim and purpose of our people to do away by legislation with the "watered" stock in these enterprises.

Mr. BREWER. In this case the stock is limited to the actual cost of the road.

Mr. BUTTERWORTH. I understand that the stock is limited, and that is a step in the right direction; but the road is not now needed where it is proposed to be built, and I suggest that, being built before it is really required, an excessive rate of fare will probably be fixed and that rate will be continued because a long time will elapse before the dividends will justify its reduction.

Mr. O'NEILL, of Pennsylvania. That I know nothing about. What I do know is that the rates of fare upon all the street-railway lines of this city have been reduced. My friend remembers very well when there was no railroad out Seventh street beyond what may be called the Le Droit Park line, but for some years that line has been extended a mile or two beyond, and does the gentleman mean to tell me that it is not a great convenience to the people who live along that road to have that car line? Then take the Fourteenth street road. The latter extension goes out beyond the boundary and to a village that was called Mount Pleasant, and I suppose is still so called. Hundreds of people are accommodated by that road. Again, if you want to walk to Georgetown Heights and go over the beautiful hills there, and you get tired of your walk, you have no means of resting by taking a car. There is no street-car line beyond the limits of Washington in that direction.

Mr. BUTTERWORTH. The question is not as to whether these instrumentalities are desirable, but upon what terms the people should grant this right.

Mr. O'NEILL, of Pennsylvania. Very well, Mr. Chairman. I presume that those who are concerned in this enterprise will understand what is for their best interest, and will reduce the rates of fare as rapidly as their business will warrant. I do not see why any gentleman on this floor should refuse to vote to incorporate a company for the purpose of building a street railway anywhere within the neighborhood of Washington, extending from the roads already built out into the suburbs, so as to accommodate the people.

Mr. BUTTERWORTH. My friend will observe that in this bill there is, as usual, the provision that part of the money necessary to build the road shall be subscribed in cash and the rest shall be raised by the issue of bonds.

Mr. O'NEILL, of Pennsylvania. Very well.

Mr. BUTTERWORTH. I will say to my friend that we have reached in this country a time when we ought to look to the interests, not of those who are to receive the grant of corporate power, but those in whose interest the grant is made.

Mr. O'NEILL, of Pennsylvania. Very well; let us look to that principle in much larger undertakings than this. In questions of this kind I look at the interests of the people of Washington. There are numbers of persons who must either walk, or, if they ride at all, must ride in street-railroad cars. Within the last ten or fifteen years, in the course of the progress of this great city, we have seen these railroads extending so that many points are now accessible by street railway which before could not be reached conveniently by the humbler classes of citizens. Let us now open to convenient access the country beyond Georgetown—the region up along the heights and upon the Tennallytown road. Let us provide means of access to be enjoyed by the people upon the payment of a small railroad fare.

As to "watering stock," that can take care of itself, and will do so. I would not raise a bugaboo of that kind in reference to a bill which proposes to incorporate a short street railway within the city of Washington. That is a matter that might well have been attended to when we were giving corporate powers to large railway organizations. We should not now crush out the spirit of enterprise in regard to the building of street railways in and around this city.

Mr. HEMPHILL. Mr. Chairman, there are considerations connected with the charter of any railroad which ought not to escape the attention of members if they wish to vote intelligently. It is proper that in a growing city like Washington the public should give to private enterprise reasonable encouragement. The only objection I have heard made to this bill is that there is no public demand for it. To that objection a sufficient answer ought to be that there is no public demand against it. This bill has been before the House some time, having been

pending since the 24th of last February. Notices of it have appeared in the papers, and not a single person has come before the committee to make the slightest objection to it. If the people of this District, who are organized into a good many different communities, knew of any objection to the passage of this bill, it is reasonable to suppose such objection would have been made known to the Committee on the District of Columbia.

It is true, if I am properly acquainted with the route of this proposed road, that there are not a great many buildings there. There do not reside along it at present very many people who are likely to ride upon this railroad. But there is at the end of the route a village, whose people, I am informed, will be very greatly accommodated by this railroad.

But one great reason why there are not more persons who will immediately be accommodated by this road is because the people of the District have not now convenient access to that portion of the city. There is now no means by which persons who may want to live on the outskirts of the city in that direction can find convenient and cheap conveyance to and fro.

It is true that Tennallytown road furnishes a very pretty drive; and I am sure I have nothing to say against the people who are able to drive there and want to do so. But at the same time there are persons whose only vehicle is the street cars, and who ought not to be denied the privilege of riding on that road for a 5-cent fare simply because other persons are able to ride in their carriages.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, there seems to be some misunderstanding about the route of this road. How is it located with reference to the reservoir and Georgetown Heights?

Mr. ROWELL. The route goes along the Tennallytown pike.

Mr. HEMPHILL. It goes along the Tennallytown road to where that road crosses the District of Columbia line.

Mr. JOSEPH D. TAYLOR. How does the route lie with reference to the reservoir?

Mr. HEMPHILL. I think the gentleman from Maryland [Mr. McCOMAS] can explain that.

Mr. McCOMAS. This route is along a main thoroughfare leading to a very considerable town of 800 population, with which there ought to be connection by ordinary street railroad or by cable or electric road. The road really ought to go into the country beyond and open up all that country. A good street railway is a public demand in that section; and if this charter be properly guarded, there can not be any objection to the enterprise, and there is no portion of the city where there is greater occasion for a road of this kind.

Mr. WARNER. Is this to be a "dummy" road?

Mr. HEMPHILL. It is to be an electric or cable road.

Mr. BAYNE. That is a "dummy" road.

Mr. WARNER. I ask this question for information, because I am, and always shall be, opposed to giving up any great highway to a "dummy" road. Such a road I consider a nuisance to any community. If this road is to be operated with an engine——

Mr. HEMPHILL. There is not to be any engine.

Mr. HEARD. And this railroad is not to interfere with the drive.

Mr. HEMPHILL. Here is the provision of the bill with reference to motive power:

With the necessary switches, turn-outs, and other mechanical devices for operating the same by cable or electric power.

Steam is not to be used, if the gentleman refers to that when he speaks of a "dummy."

Mr. McCOMAS. This road is to lead out into Montgomery County, Maryland, from which the heaviest portion of the market supply of the city comes.

I know all about it. I had the honor to put in an amendment a year ago in the appropriation bill which so regulated it as to make it a beautiful drive.

Mr. WARNER. Just a word in reference to the main provisions of the bill and the safeguards that are thrown around the construction of this road. I can readily see that a cable road or an electric road out to the heights of Georgetown would enable men of small means who do not live there now to go out there and own their own homes. I have seen that illustrated in my own country; a road was built out into the country and the population followed it. It paid well and was an advantage to the poorer classes, while it did not interfere with the highway travel.

Mr. ANDERSON, of Iowa. Did the proprietors of that line buy the land in the direction that road was to run?

Mr. WARNER. I do not care whether the proprietors have bought the land in the direction the line is to run for the public convenience or not. I take it for granted it is an honest transaction.

Mr. ANDERSON, of Iowa. But answer as to the fact.

Mr. WARNER. If a man invests his money not only in land for the accommodation of the poorer class of people outside, but also invests his money for the purpose of building a cable road in order to bring that land into the market and furnish increased facilities to the poorer class of people to get in and out at a cheaper rate, I say God bless him in his efforts. It is not our interest to beat down or speak slightingly of men who invest their money in these public works. Men go into this as into other enterprises, for the purpose of making money.

Mr. ANDERSON, of Iowa. Do you consider that to be an answer to my question?

Mr. WARNER. Yes; it is an answer to my own satisfaction.

Mr. ANDERSON, of Iowa. You have only made it worse than it was before.

Mr. McCOMAS. I rise to a point of order. I object to this system of members habitually occupying their seats and without rising ejaculating remarks in the middle of almost every sentence uttered by the member upon the floor. I object to members occupying their seats and carrying on a running conversation with a gentleman who has been recognized and is entitled to the floor. I insist on the rule being enforced that members wishing to address the House shall rise in their places and address the Chair, and not interrupt members in the way which I have indicated.

The CHAIRMAN. The point of order is well taken.

Mr. HEMPHILL. Mr. Chairman, the object of this bill, so far as the committee has had information on the subject, and the committee have gone into it and the report is unanimous, is an accommodation to the people who live in the city and wish to live on the outside and on their own property. In order to allow the people who wish to do so to get out of the city, the committee have chartered one or more railroads. No one knows, when you have a population of 175,000 at one end and at the other end 800, to say nothing of the intermediate country, it will not be built up in all likelihood in a few years. And if the charter-parties are the owners of land out there is a matter of little consequence. If they do not own it, it is owned by others, but if owned by them it will be bought from them as well as from others. If those wishing to buy are not willing to give the price asked for the land, why, of course, that is the end of it. If they are willing to give the price, we need not trouble ourselves further about it.

Mr. BUTTERWORTH. Mr. Chairman, I wish only to say this: I have no fault to find with the committee; I have no doubt they have endeavored to do that which they believed to be most conducive to the interest of the people of the District. But I wish to call the attention of the committee to the tendency to establish one-man power through the agency of corporations, and the controlling influences which enable the few to use State and governmental agencies for private gain and speculative purposes. And in view of these tendencies I deem it important to grant corporate power only in cases where it is clear the public interest demands it, and then under well-considered restrictions and limitations. I in nowise question the earnestness of the effort of the committee to properly guard the public interest. But I deem it proper to call attention to certain points which suggest the propriety of amending the bill in some particular.

The gentlemen who propose to build the road expect to pay for it out of the rise in the value of the lands they own along the line of the road and have a handsome margin besides. I do not find fault with them for that; since, as the world goes, it is a legitimate enterprise if it stops there, and is not subject to criticism.

Mr. HEMPHILL. I do not know about that.

Mr. BUTTERWORTH. They have a right to build the road under a proper charter; the fact that they own large tracts of land along the line of the road would be a reason why they want and need to build it. But the point I make is, not that they are the owners of land; not that they want to establish facilities which will bring it into market and enhance its value; but it is manifestly wrong to treat this private enterprise as if it was projected and carried forward in response to a public need and popular demand. The point is that corporate power is conferred to boom a private venture; and if that is to be done, the grantees of this charter-power ought not to be permitted to make a double speculation—first off the land and second off of the patrons of the road—charging excessive fares to make the venture pay as a street-car line. They build the road to sell land, not to conduct a street-railway. The rates named in the bill should be reduced, and greatly reduced, in view of the known facts; and it should be fixed with due reference, not to the conditions that they may have to meet in the inception of the enterprise, but with reference to conditions which may come afterwards.

Mr. HEMPHILL. Has the gentleman an amendment to offer in this respect?

Mr. BUTTERWORTH. Well, as the gentleman says, it is of no consequence who owns the lands, but when my friend from Kansas [Mr. WARNER] speaks of men owning homes out in the suburbs along the line of this proposed street railroad he must realize the fact that the projectors of this scheme have bought up those lands, and that it would be impossible for the class of men my friend refers to as desirous of securing suburban homes to acquire them in that locality when this improvement is made without paying extravagant prices for them; prices that will pay for building the road and leave a large margin of profit in the pockets of the incorporators and those who are interested with them in the venture, so that it does not benefit the citizens mentioned. It would be vastly better for them to buy the cheap homes, and then help to build the road and own it instead of having to buy dear

homes and so pay for the road and not own it. The advantage will come to those who are able to build the road and who own the lands now. I insist, therefore, that we should fix the rate at a scale of prices much below what appears in the bill. That is all that I have to say upon the subject.

Mr. WARNER. I hope my friend will do me the favor of not charging me up to the State of Kansas. [Laughter.]

Mr. BUTTERWORTH. I beg pardon. I should have said the gentleman from Kansas; but if Kansas does not complain—— Ah, Kansas does object. So Missouri may claim her own. [Renewed laughter.]

Mr. BREWER. I would like to ask the gentleman from Ohio how much he thinks ought to be allowed for carrying passengers. Does he think 5 cents is too much?

Mr. BUTTERWORTH. Ten cents is fixed in the bill.

Mr. ROWELL. I move to strike out the last word. The gentleman from Ohio objects to the 5-cent rate.

Mr. BUTTERWORTH. I object to the 10-cent rate and insist that tickets shall be sold in packages at reduced rates.

Mr. ROWELL. But we have stricken the 10-cent fare out.

Mr. BUTTERWORTH. I was not present when that action was taken. I only took the bill as I found it.

Mr. ROWELL. The committee did think originally of fixing the rate at 10 cents, which is the usual rate for roads running 4 or 5 miles out into the country, but this committee in its attempt to accord all reasonable demands in allowing this franchise determined to strike out that amount and leave the rate at 5 cents.

Now it seems to me, Mr. Chairman, that one of the great needs of the city of Washington is more suburban residences. Everybody knows that building sites within the boundary line are very high, and necessarily so, because the number is limited, and is decreasing every year.

Here is an opportunity of extending the poor man's carriage, and the rich man's carriage, too, for that matter, out in the country along that beautiful section, and thereby opening up this part of the country to settlement and the power of being built up. This road, it should be remembered, is on a very high grade, and a horse-railway could not be built there to advantage. These people have thought it proper that they should have a dummy franchise. The committee determined, however, that no dummy should run upon any street railway in the city, and therefore they have reported this substitute bill giving them the privilege of operating a cable or electric franchise so the street grade may be overcome and that beautiful suburban region be brought into settlement.

I have no sympathy whatever with the prejudice which exists in the minds of some men against enterprising people who are willing to put in their money and take the chance of realizing some profit upon an investment of this kind. I have no prejudice against men who are willing to come here and put their money into a road of this kind and thereby enable the building up of a portion of the District which is not otherwise very accessible.

Mr. ADAMS. I understand that there is an impression prevailing on the part of the committee that it is decided to have this track laid on one side of the turnpike. I have an impression that there is now a pleasant drive out on that road. I desire to ask gentlemen who are familiar with the subject whether by the language of the bill the track is actually to be laid outside of the road line or not?

Mr. ROWELL. It is my understanding that it is to be on the outside.

Mr. HEARD. Yes; outside.

Mr. ADAMS. That is as it should be.

Mr. ATKINSON. It provides for building the railway along the side of the road to the District line.

Mr. BAYNE. Ah, but it should be remembered that there is a turnpike there, and on either side of the turnpike are these pleasant graded drives. Now this railroad company is not going to grade this line outside of that track, but it is going to run the line along and on the same grade as the carriage drive. Of course they will run it outside of the turnpike, but it will be on the line of the carriage drive.

Mr. ATKINSON. It provides that it shall run it on the side of the road.

Mr. BAYNE. Yes; but still it would be on the carriage way.

Mr. HEARD. I think the location of the road is clearly defined in the bill and that there is no such objection as the gentleman from Pennsylvania suggests. If he objects to the granting of the franchise on the ground that it would imperil the roadway or drive, all that is necessary to make the bill more explicit is to offer an amendment which shall fix the location of the road definitely outside of that line. It is my opinion that it is already understood and is clearly defined.

Mr. ADAMS. The only question we are interested in is the guarding of this existing highway.

Mr. HEARD. Very well; offer an amendment to make it more explicit.

Mr. ADAMS. If I had the bill before me I would draw an amendment.

Mr. HEARD. It is already clearly protected I am satisfied, and I do not think it is necessary.

The CHAIRMAN. There is nothing before the committee.

Mr. BUTTERWORTH. I desire to offer an amendment if it is in order. After the word "railway" in line 50, insert the following:

And shall sell tickets in packages of eight for 25 cents.

Mr. HEMPHILL. If the gentleman will permit me I will say that this road runs about three miles; I think it would be fair to compel the road to sell six tickets for a quarter, the same as do all the other railroads in the District. If the gentleman will accept that amendment I will agree to it.

Mr. BUTTERWORTH. Let that amendment be made; I will accept it.

The CHAIRMAN. Does the gentleman agree to the amendment?

Mr. HEMPHILL. Yes.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio [Mr. BUTTERWORTH].

The amendment was agreed to.

Mr. BAYNE. Mr. Chairman, as I have said, if there was a pressing demand on the part of the people who want to travel upon this road I would be the last man in the House to oppose it. But there is no such demand for it. A road built upon the plan contemplated by this bill will prove a great injury to the travel that is now upon that road. Everybody having experience with an electric or cable road, and who has driven out into the country where this road runs, knows there is scarcely a horse you can obtain that will not be frightened by one of these cars coming up in his face when he is going along the road. In the cities where there are a great many vehicles, a great many horses, and a great many people passing, such things do not attract the attention of horses, but in the country, where everything is still and quiet, if a horse going along the roadway sees a car coming along without any evidence as to the cause of its motion, he will be frightened. That is the experience with these roads everywhere.

It is the experience we have in our own city of Allegheny, where one of these electric roads has driven all the horses away from the turnpike. It will have exactly that effect out on the Tennallytown road. As I have said, if there was a demand on the part of the public, if there were people who wanted to travel over this line, I would say give it to them although it does drive off every man who has a horse. But there is no such demand. Everybody knows there is no such demand. No man is able to state there is a demand for it. It will have the effect of injuring the driving that is done on that road, which is now largely enjoyed. Why charter this road merely for the purpose of enhancing the value of certain property? That is all there is to it. I have no objection to gentlemen making money by enhancing the value of their property. They have a perfect right to do that; it is a perfectly legitimate thing. But when you go to the public and ask for a franchise to be given by the Congress of the United States, a public franchise that is not to serve a public purpose, but the private purpose of enhancing the value of property, then I must protest. If it did not work injury to the people who travel over the road I should not protest. Inasmuch as it does, I do protest. It will require a quorum to pass this bill.

Mr. HEARD. I have no argument to offer to the last remark of the gentleman from Pennsylvania. Any member can exercise that right which he holds as a member of the House to demand a quorum. But before he gets to that point I design, in the interest of fairness and in justice to the committee, to notice the falsity of some of his positions taken in opposition to this bill. His whole speech, Mr. Chairman, for it can not be called an argument, is based upon false assumptions from beginning to end. His assertion that this bill is in the interest of somebody who owns the real estate, solely for the purpose of booming that property, is an assumption that he had no right to make. He does not know of any such thing. As was stated by the chairman, this bill was before the committee for months. We examined it with care. It has been before the House for a month. There has not been one word uttered in protest by any citizen of the District of Columbia; not one. Now, as to the proposition that it will impair that drive, I say it will do no such thing. The same argument which the gentleman offers here to exclude the building of this cable road in the neighborhood of this public drive was very effectually answered by my friend the gentleman from Ohio [Mr. BUTTERWORTH] two years ago on this floor, when he said, in response to an objection, that these cable cars would scare horses, that the same objection would have obtained against every steam-railroad and every locomotive in the country.

The same objection was made to the building of cable roads in cities at the beginning, but that idea is exploded. It is found that horses become accustomed to these cars as they do to other vehicles.

But the gentleman makes another assumption which I think does not give any strength to his argument, and that is that the Tennallytown road belongs exclusively to the people who own carriages and are able to drive them. That is a road built in part by the Government for the public convenience, and the committee propose to preserve it for the uses for which it was built. Those who have carriages should be entitled to use the road, but not to the exclusion of others who have not carriages.

Now, as to the suggestion that this road will not be profitable, that has been answered very effectually by my colleague [Mr. WARNER], who says it is a question which concerns only those who furnish the money to build the road. But, Mr. Chairman, is it not a matter of common

sense that no man will seek to put his money into the construction of a railroad which can not be reasonably expected to pay a profit? If there was no prospect of patronage there would be nobody willing to put money into the enterprise. More than that, if one man owned all the property out there he could not better serve the public interest than by building a railroad through it, which, as my colleague [Mr. WARNER] has said, would give an opportunity to people who want to get out into the country to find cheaper homes; and are we to be stopped by an agrarian notion that it is the duty of Congress to so frame all grants of this kind that nobody shall make a dollar by them? Most assuredly not. Of course it is our duty to properly guard these grants, and if any gentleman sees any point in it which is not properly guarded, he may suggest it and the committee will gladly accept whatever amendment may be necessary.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I do not understand clearly from the bill whether this railroad is to be located on the public highway or not.

Mr. HEARD. My understanding is that it is not to be on the highway, but alongside of it; but on that point the gentleman from Illinois [Mr. ADAMS] proposes an amendment, which the committee will accept.

Mr. JOSEPH D. TAYLOR. I see no provision here in regard to the condemnation of property.

Mr. HEARD. I would say to the gentleman that I have not examined the bill with regard to that.

Mr. JOSEPH D. TAYLOR. I should infer from reading the bill that the track was to be on the highway—on one side, but still on the highway.

Mr. HEARD. I will say to the gentleman that the committee are in full accord with the sentiment expressed on the floor in relation to preserving the integrity of that road, and preserving it intact for the uses to which it was originally dedicated, and we are willing to accept any amendment that the House may think necessary to properly accomplish that object. We only ask that the House will not give us a pullback and prevent the people who are willing to invest their money in this enterprise for the general interests of the District and for the public good from making that investment—an investment which can not but result in an increase of the aggregate of taxable property, thereby lessening the taxes of the people.

Mr. JOSEPH D. TAYLOR. I understand the gentleman to say that there has not been any objection to the bill.

Mr. HEARD. I repeat that there has not been a single objection made before the committee, nor, so far as I have heard, to a single member of the committee, and the bill has been reported unanimously by the committee.

Mr. JOSEPH D. TAYLOR. But have any of the people who it is said want to go out into the country along the line of this road, petitioned for the railroad?

Mr. HEARD. I can not say as to that. We have quite a number of bills before us supported by petitions, and I suppose there are petitions for this one.

Mr. JOSEPH D. TAYLOR. Is there any petition for this road?

Mr. HEMPHILL. I will say to the gentleman from Ohio that, so far as I know, there has not been a single petition before the committee in favor of any bill that has been passed.

Mr. HEARD. I desire to correct my colleague in regard to that. There were petitions in relation to the Rock Creek road and also in relation to the Anacostia road, and my impression is that there were some in reference to this also, though I do not remember definitely.

Mr. ADAMS. Mr. Chairman, if it is in order I desire to offer an amendment to section 1, line 18.

The amendment was read, as follows:

Insert after the word "road," in line 18, section 1, the words "but wholly outside of the limits of said road."

Mr. ADAMS. Mr. Chairman, it is stated that this road is intended for the purpose of private speculation. I have not the slightest objection to that, nor ought any gentleman on this floor to have the slightest objection to that. It is said that the incorporators, or those interested in the company, own every foot of ground alongside of this proposed road. I, for one, have not the slightest objection to the bill on that account. But the public do own one thing, and that is the Tennallytown road, and when you take a public road and give a corporation the right to use it, you take it in the interest of the public, and you obstruct ordinary travel upon the road for the sake of the convenience of another class of people, to wit, those who have not their own vehicles. That class of persons does not now exist with reference to this route; but these gentlemen, it is said—this being a private speculation and they happening to own all this property—are willing to lay this road outside——

Mr. HEMPHILL. The gentleman will allow me to say that the Committee on the District of Columbia are willing to accept his amendment.

Mr. ADAMS. Some gentlemen have supposed I mean to keep this railroad only beyond the graded portion of the road; my purpose is to go farther than that.

Mr. HEARD. That is all right; we accept the amendment.

Mr. BREWER. As one member of the committee, I do not accept it.

Mr. HEMPHILL. Very well; let us have a vote on it.

The amendment of Mr. ADAMS was agreed to.

Mr. HEMPHILL. I move to amend on page 7, by inserting before the word "public," in line 48, the word "give;" so as to read, "and said corporators shall give public notice."

The amendment was agreed to.

Mr. HEMPHILL. I move to strike out in lines 28 and 29, on page 9, the words "and unnecessarily" and to insert between "willfully" and "mischievously" the word "and;" so as to read, "if any person or persons shall willfully and mischievously obstruct," etc.

Mr. ADAMS. You had better insert the word "or" instead of "and."

Mr. HEMPHILL. Very well; I modify my amendment in that way.

The amendment as modified was agreed to.

Mr. SOWDEN. I move to amend by striking out the word "unclean" in line 43, section 3.

Mr. HEMPHILL. There is no objection to that.

The amendment was agreed to.

Mr. SOWDEN. I move also to amend by striking out, in lines 1 and 2 of section 4, the words "one year," and inserting "six months;" also, by striking out, in line 4 of the same section, the word "three" and inserting "two;" so as to make the section read:

That the said work shall commence within six months from the passage of this act, and be completed its entire distance, with switches and turn-outs, and with cars running thereon for the accommodation of passengers, within two years from the date of the passage of this act.

Mr. HEMPHILL. There is no objection to that.

Mr. ADAMS. I suggest to the gentleman from Pennsylvania [Mr. SOWDEN] that if this company be required to begin work in the summer season it will be a greater inconvenience to the persons traveling along that road than if the company be allowed to wait until fall. Therefore, while the gentleman's second amendment is a good one, I think his first amendment is a bad one.

Mr. SOWDEN. I accept the suggestion of the gentleman from Illinois [Mr. ADAMS] and withdraw that portion of my amendment which proposed to strike out "one year" and insert "six months," as the time within which the work on the road shall commence.

The amendment of Mr. SOWDEN, as modified, was agreed to.

Mr. JOSEPH D. TAYLOR. I move to amend by inserting at the end of the fourth section the words "otherwise this charter to be void and of no effect."

Mr. HEMPHILL. That is really the object of the section; but the gentleman's amendment makes the meaning plainer. We have no objection to it.

The amendment of Mr. JOSEPH D. TAYLOR was agreed to.

Mr. ADAMS. Does this bill provide for the issue of bonds?

Mr. HEMPHILL. It is provided that when one-half of the capital stock is paid in the company may issue bonds to the same amount. That provision is on page 6.

Mr. ADAMS. I move, then, to strike out on page 6 these words:

Whenever one-half of the said whole capital stock of said company so subscribed, as aforesaid, shall have been paid in the said corporation shall have the right to issue bonds to an amount equal to half the stock subscribed, to be secured by mortgage of its franchise and property, real and personal.

I wish to ask the gentleman in charge of the bill what is the need of giving the power of issuing bonds to a company composed of gentlemen who own certain real estate and wish to improve it?

Mr. HEMPHILL. There seems to be an impression here that all the property along this line belongs to the corporators in this bill. Where that impression came from I do not know. No man has been able to assert that he knows it to be the fact, and, so far as I know, it is not the fact.

Mr. ADAMS. I obtained my impression from a member of the Committee on the District of Columbia, and I thought from the gentleman himself; but of course I must have been mistaken.

Mr. HEMPHILL. It is an erroneous impression to suppose that this railroad is to be built solely for the benefit of the people who own property along the line of the road. The people at the farther end of the line, in the village of 800 inhabitants, of which the gentleman from Maryland [Mr. MCCOMAS] has spoken, have no interest in the road except that they would enjoy the benefit of the railroad connection with the city. The provision with regard to the issue of bonds is a more restrictive one than has usually been inserted in our railroad charters. Bonds can not be issued under this bill until one-half of the capital stock has been actually paid in, and then the bonds may be issued only to the extent of such capital stock paid in. So if they paid in $500,000 they can not issue bonds to that extent. I have no objection to a railroad or any other corporation issuing bonds, provided they are made secure. It seems that when you require men to pay money into a corporation, to pay their money in before a bond is issued, it is perfectly safe.

Mr. BAYNE. What is the limit of capital stock provided for in the bill?

Mr. HEMPHILL. Two hundred thousand dollars.

Mr. BAYNE. What is a provision paying in $100,000 or $125,000

and issuing $100,000 or $125,000 in bonds but putting that amount of money into their pockets and building the road with the bonds?

Mr. HEMPHILL. Putting what into their pockets?

Mr. BAYNE. Why, putting the $125,000 that is paid in.

Mr. HEMPHILL. If we are going upon the presumption that all men are rascals, perhaps that may be so. I presume the men here who have some character in the community are not going to be guilty of the meanness and trickery supposed by the gentleman from Pennsylvania.

Mr. BAYNE. My friend does not understand the rule of constructing these roads, of $3 of face value for $1 of plant.

Mr. WHITE, of Indiana. I do hope, Mr. Chairman, this clause will not be stricken out. There is not any enterprise which can be carried on without the ability to borrow money. Now, what does it concern this House to know where the money comes from for the construction of the road if the road is properly built and in accordance with the law? I understand the road provided for in the bill is asked for in the interest of public convenience, and to compel them to have all this money in advance is to say that the road will not be built. This is like any other enterprise,and these parties should have the right of borrowing money with a view to the construction of the road. Such is the case with roads in the interior as well as roads in cities. If we strike out this clause it will be detrimental, in my judgment, to the interests of this corporation, and may prevent altogether the construction of this road. It should not be stricken out, and, if necessary, these parties should be allowed to issue bonds if they find it necessary for the construction of the road.

Mr. HEMPHILL. A man who buys one of these bonds buys it at his own risk, and if it is not all right the man who buys the bond will be sharp enough to see it.

Mr. McSHANE. I move, on page 6, line 38, after the word "personal," to insert the following words:

No larger amount of stock and bonds shall be issued than the actual cost of the road.

Mr. HEMPHILL. I have no objection to that. I should like the gentleman to insert the words "cost of construction and equipment of the road."

The CHAIRMAN. The gentleman will state his amendment.

Mr. McSHANE. I should read "stock and bonds" instead of "stock or bonds," as read by the Clerk.

Mr. HEMPHILL. Add the word "equipment."

Mr. McSHANE. I will modify the amendment by adding the word "equipment."

Mr. JOSEPH D. TAYLOR. I think the words "and bonds" is a mere surplusage. When 50 per cent. of the capital stock is paid in they can negotiate loans. If, according to the amendment, $200,000 of stock is to be paid in and then $100,000 of bonds is to be negotiated, the road would cost $300,000; that is, according to the amendment. But according to the bill the amount of stock covers the whole cost of the road to construct and equip the road. I hope the words "and bonds" will be stricken out, as they are not necessary.

Mr. SPINOLA. If it is proposed to construct a cable road it will cost $300,000 for four miles of road.

Mr. McSHANE. The bill provides when one-half of the stock has been paid in then they can issue an equal amount of bonds.

Mr. McSHANE'S amendment was agreed to.

Mr. CHEADLE. I move to strike out "one-half of" in line 33, and the word "said" in line 34; so it will read:

Whenever the whole capital stock of said company so subscribed as aforesaid, shall have been paid in the said corporation shall have the right to issue bonds to an amount equal to half the stock subscribed, to be secured by mortgage of its franchise and property, etc.

Mr. FARQUHAR. I would like to know what class of business this corporation is going to carry on, or if there is any such provision in any charter of incorporation as applicable to a railroad company in the United States or anywhere else? I do not know of anything like it.

The question being taken on the amendment of Mr. CHEADLE, it was rejected.

Mr. SOWDEN. I offer the amendment I send to the desk, to come in after the word "persons" in line 38, page 6, of the bill.

Mr. HEMPHILL. There is an amendment already inserted there.

Mr. SOWDEN. Then to follow the amendment which was adopted.

The Clerk read as follows:

Add the following proviso:

"*Provided*, That the moneys raised on said bonds shall be used and expended for the improvement and completion of said road, and not for the purpose of repaying said corporation for the moneys expended by it on said road."

Mr. HEMPHILL. I have no special objection to that, although I do not think it necessary.

The amendment was adopted.

Mr. HEMPHILL. I move that the bill be laid aside and reported to the House as amended, with favorable recommendation.

The question was taken; and on a division there were—ayes 72, noes 7.

Mr. BAYNE. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. BAYNE and Mr. HEMPHILL were appointed tellers.

Mr. BREWER. It is evident that there is no quorum present, and if the gentleman insists upon the point we may as well stop now.

The CHAIRMAN. The Chair can not take cognizance of that fact. The tellers will take their places.

Mr. HEMPHILL. I hope the gentleman will not insist upon the demand for tellers.

Mr. BAYNE. I will withdraw the demand with the understanding that we may have a vote by yeas and nays on this in the House.

Mr. HEMPHILL. I have no objection.

Mr. BAYNE. Very well; I will withdraw the point of no quorum.

So (no further count being demanded) the bill was laid aside to be reported to the House with favorable recommendation.

HOTEL REPUBLIC COMPANY, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now call up the bill (H. R. 7149) to incorporate the Hotel Republic Company of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That Alfred H. Simpson, of New York; David S. Thompson, N. L. Jeffries, of Pennsylvania; John C. New, Joseph R. Jackson, of Indiana; George B. Williams, Orren G. Staples, Washington; James D. Martin, of the District of Columbia, and their associates, successors, and assigns be, and are hereby, created a body-corporate under the name of the Hotel Republic Company of the District of Columbia, with the power to acquire and hold real estate and build thereon a building or buildings for the purpose of a public hotel, of such style and character as shall comply with the building regulations of the District of Columbia.

SEC. 2. That the capital stock of said company shall not exceed $2,500,000 and not be less than one million; and that the stock shall be divided into shares of $100 each, and shall be deemed personal property, transferable in such manner as the by-laws of said company may direct. Said company shall require the subscribers to the capital stock to pay in cash the amount by them respectively subscribed, at such times (after the first installment), and in such amounts as the board of directors may deem proper and necessary in the purchase of real estate and the construction of the buildings; and if any stockholder shall refuse or neglect to pay any installment as required by a regulation of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his said stock as shall pay said installment under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable: *Provided*, That until the full amount of the par value of the shares of stock in said corporation shall have been paid in money, the subscribers to said shares shall be personally liable to an amount equal to the par value of the stock subscribed for; but such liability shall cease whenever he shall have paid in full the amount so subscribed for.

SEC. 3. That when the sum of $500,000 shall have been paid in cash upon the subscription to said capital stock, said corporation may issue bonds, secured by mortgage of its real estate and franchise, but the total issue of such stock and bonds shall not exceed at any time the sum of $2,500,000.

SEC. 4. That within ninety days after the passage of this act the corporators named in the first section, or a majority of them, or if any refuse or neglect to act, then a majority of the remainder, shall cause books of subscription to the capital stock of said company to be opened and kept open in some convenient and accessible place in the District of Columbia, during ordinary business hours, not less than thirty days, unless the whole stock shall sooner be subscribed for. Public notice shall be given by advertisement in one or more of the daily papers published in the city of Washington of the time and place where said books shall be opened; and subscribers upon said books to the capital stock of the company shall be held to be stockholders: *Provided*, That every subscriber shall pay, at the time of subscribing, 10 per cent. of the amount by him subscribed to the treasurer appointed by the corporators, or his subscription shall be null and void: *Provided further*, That nothing shall be received in payment of the 10 per cent. at the time of subscribing, except lawful money or certified checks from any national banking-house; and when the books of subscription to the capital stock of said company shall be closed the corporators named in the first section, or a majority of them, and in case any of them refuse or neglect to act, then a majority of the remainder, shall, within thirty days thereafter, call the first meeting of the stockholders of said company to meet within ten days thereafter for the choice of directors, of which public notice shall be given for three days in two daily papers published in the city of Washington, and by personal notice mailed to each stockholder; and in all meetings of stockholders each share shall entitle the holder to one vote, to be given in person or by proxy.

SEC. 5. That the government and direction of the affairs of the company shall be vested in the board of directors, whose number shall be not less than five, and who shall be stockholders of record, and who shall hold their office for one year and until others are duly elected and qualified to take their places; and the said directors, a majority of whom shall be a quorum, shall elect one of their number to be president of the board, who shall also be president of the company. They shall also choose a vice-president, a secretary, and a treasurer. The treasurer shall give a bond with surety to said company for the faithful discharge of his trust, in such sum as the said directors may require. In case of a vacancy in the board of directors by the death, resignation, or otherwise of any director, the vacancy occasioned thereby shall be filled by the remaining directors.

SEC. 6. That the directors shall have power to make such by-laws as they shall deem needful regarding the management and disposition of the property and estate of the company, not contrary to the laws of the United States and the ordinances of the District of Columbia.

SEC. 7. That there shall be an annual meeting of the stockholders for the election of directors, to be held at such time and place and under such conditions and notice as the by-laws and the laws in force in the District of Columbia may prescribe; and said directors shall annually make a report in writing of their doings to the stockholders.

SEC. 8. That if the construction of said hotel shall not be commenced in two years from the passage of this bill, and shall not be completed five years from the commencement of the construction, the privileges herein granted shall cease and determine. And Congress reserves the right to alter or amend this act at any time.

The Committee on the District of Columbia propose the following amendments:

In line 3, section 1, strike out "William Othnan" and insert in lieu thereof "H. G. Utley."

In line 7, section 1, after the word "Columbia," add the following: "James Elverson, of Philadelphia."

In line 1, section 2, strike out the word "be."

In line 2, section 2, strike out the word "to."

In line 3, section 2, after the word "not," insert the word "be."

At the end of section 3 add the following: "*Provided*, That the bonded indebtedness shall at no time exceed double the amount of the cash actually paid in on the stock subscribed."

The CHAIRMAN. The Clerk will now report the bill by sections for amendment and debate.

Mr. HEMPHILL. I ask unanimous consent to dispense with the further reading of the bill, but with the understanding that amendments may be offered.

There was no objection.

The CHAIRMAN. The first question is on agreeing to the amendments of the committee.

The amendments recommended by the committee were agreed to.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I move to strike out, in the first line of the third section, the words "five hundred thousand" and insert "one million of dollars."

This bill provides that after the subscription of one-fifth of the capital stock allowed by the bill they may issue their bonds. I do not think such authority should be granted as would permit the issuance of bonds when only one-fifth of the capital stock is paid in. I think there should be at least $1,000,000 paid in before the bonds are issued.

Mr. HEMPHILL. I do not know that there is any special objection to that, but I hope the gentleman will not press it.

Mr. CANNON. I hope, unless the gentleman from South Carolina is quite sure that this provision would not embarrass the project in any way, that he will not accept the amendment, but that the committee will vote it down. I think it is an entirely unnecessary one. It seems to me that if there is as much as $500,000 paid in towards the construction of the hotel, an enterprise that is so much in demand here in the city, where we are all cursed daily and hourly by the want of desirable hotel accommodations, that no such limitation as this should be imposed upon an enterprise that promises to relieve us from this embarrassment. I think after they have paid in $500,000 it will be a pretty good beginning for the work, and that nobody is going to be hurt by it. It will undoubtedly pull through under these circumstances.

Mr. HEARD. And I will supplement what the gentleman from Illinois says by stating that the provisions of this bill make the incorporators individually liable for every dollar of stock subscribed until it is all paid in, in addition to their ordinary liabilities.

Mr. JOSEPH D. TAYLOR. But you required the railroad company a few moments ago to pay one-half of the capital stock before they were allowed to issue bonds. Now you are going to allow this hotel company to issue bonds when they pay in but one-fifth of the capital. Where is the consistency?

Mr. HEMPHILL. This hotel enterprise we all know is one that the people visiting the city are much interested in, and the amount of the payment required by the bill before they can begin operations is certainly ample to secure the public against any probable loss. I ask my friend from Ohio to let it go. Nobody is going to be hurt, as the gentleman from Illinois says.

Mr. BAYNE. The bill now provides that the bonded indebtedness shall not at any time exceed double the amount of cash paid in. There is a public demand for this, and I hope the bill will pass.

The question being taken on the amendment of Mr. JOSEPH D. TAYLOR, it was rejected.

Mr. HEMPHILL. If there are no other amendments to be offered, I move that the bill be laid aside to be reported to the House with a favorable recommendation as amended.

The motion was agreed to.

ANACOSTIA AND POTOMAC RIVER RAILROAD, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 8719) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia, and ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? The Chair hears none. The Clerk will report the bill by sections.

The bill was read, as follows:

Be it enacted, etc., That the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February 18, 1875, and amended March 24, 1876, be, and the same is hereby, amended so as to authorize said company to lay tracks and run cars thereon from the intersection of its tracks on M street south with Seventh street east; along Seventh street to G street south; along G street to Third street east; along Third street to E street south; along E street to Canal street; along Canal street to B street south; along B street south to Third street west; along Third street to Missouri avenue; along Missouri avenue to Sixth street west; along Sixth street to the south line of Pennsylvania avenue, employing but a single track and one turn-table on said Sixth street between the north line of B street and the south line of Pennsylvania avenue: *Provided*, That the said company shall complete the above-mentioned tracks and run cars thereon within one year from the approval of this act, and from the intersection of its tracks on M street south with Second street west, along Second street to its tracks on Canal street: *Provided*, That said company shall complete the last-mentioned tracks and run cars thereon within two years from the approval of this act.

SEC. 2. That the said company shall place or cause to be placed upon the Anacostia bridge an additional track, and the rails of both tracks shall be of such form as will offer the least obstruction to ordinary traffic, and subject to approval by the commissioners of the District of Columbia. The said company shall also construct at least a single track, with necessary switches and turn-outs, along Harrison street, in Anacostia, to the German Orphan Asylum, and run cars thereon within six months after laying the track mentioned on said bridge.

SEC. 3. That the said company is also authorized to extend its tracks and run cars thereon from its present terminus on Nichols avenue, near Anacostia, by the way of Nichols avenue, to the entrance to the grounds of the Government Hospital for the Insane, and along said avenue and the Livingstone road to the District line.

SEC. 4. That should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracks shall be used when, on account of the width of the street, or for other sufficient reason, it shall be deemed necessary by the commissioners of the District; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party, and on such notice to the other party as the court may order.

SEC. 5. That in the construction of the tracks herein specified the pattern of rail used shall be approved by the commissioners of the District of Columbia, and in any extensive repairs to the tracks now owned by the company requiring new rails the pattern of rails shall likewise be approved by the commissioners of the District of Columbia.

SEC. 6. That the said Anacostia and Potomac River Railroad Company is hereby authorized to substitute and employ electric or cable power for the propulsion of its cars, and, with the approval of the commissioners of the District of Columbia, to make all needful and convenient trenches and excavations and sewer connections in any of said streets or places where said corporation may have the right to construct and operate its road, and place in such trenches and excavations all needful and convenient machinery for operating said railroad in the manner and by the means aforesaid; and said sewer connections shall have such traps or other devices as may be required by the said commissioners. The said company, its successors or assigns, is also authorized to erect and maintain, at such convenient and suitable points along its lines as may seem most desirable to the board of directors of the corporation, and subject to the approval of the commissioners of the District, an engine-house or houses, boiler-house, and all other buildings necessary for the successful operations of an electric or cable motor railroad.

SEC. 7. That the company shall place cars of the best construction on said railway, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a time-table or schedule adopted by the company, a copy of which shall be filed with the commissioners of the District of Columbia, and be approved by them.

SEC. 8. That said Anacostia and Potomac River Railroad Company shall, on or before the 15th of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source and on whatever account, for the preceding year ending December 31, which report shall be verified by affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of personal taxes for the next ensuing year, 2 per cent. for the first six years after completion, and thereafter 4 per cent. of its gross earnings upon traffic for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent. of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: *Provided*, That whenever the net receipts of said company from its business upon said road shall for any year exceed 10 per cent. of the actual cost of such road, then said company shall, under the direction of the said commissioners, reduce the rate of passenger fare to an amount as near as the same can be approximated, so that the net receipts of said company from its business upon such road shall not exceed 10 per cent. of the actual cost for the construction and equipment thereof.

SEC. 9. That Congress may at any time, alter, amend, or repeal this act.

Mr. HEMPHILL. If there are no amendments, I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

RICHMOND AND DANVILLE RAILROAD COMPANY.

Mr. HEMPHILL. Mr. Chairman, I call up the bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, etc., in the District of Columbia, and ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from South Carolina [Mr. HEMPHILL] asks unanimous consent to dispense with the first reading of the bill. Is there objection? The Chair hears none. The Clerk will report the bill by sections.

The bill was read, as follows:

Be it enacted, etc., That it shall be lawful for the Richmond and Danville Railroad Company, a corporation created by and existing under the laws of the State of Virginia, to exercise and enjoy its corporate rights and franchises within the District of Columbia, and to run and operate steam locomotives and trains of cars for the transportation of passengers and freight within the District of Columbia and over the bridge known as Long Bridge, which has been constructed by the Baltimore and Potomac Railroad Company, from the western terminus of Maryland avenue, in the city of Washington, across the Potomac River, upon the terms and conditions prescribed in the act of Congress approved June 20, 1870, granting to said Baltimore and Potomac Railroad Company the privilege to construct and operate said bridge; and the said Richmond and Danville Railroad Company may put down, construct, and use one or more tracks along Maryland avenue, in the city of Washington, from its western terminus to and across Thirteenth and one-half street to block 269, and thence obliquely through said block and over and across E and Thirteenth streets to block 300; and it shall be lawful for said Richmond and Danville Railroad Company to put down, construct, and use one or more tracks from said block 269 over and across said Thirteenth street to block 299, and to establish and erect depot or station buildings upon either or any of the before-mentioned blocks: *Provided*, That any injury or damage caused to property of individuals by the construction of said tracks or depot buildings shall be paid by the said Richmond and Danville Railroad Company: *And provided further*, That all property owned and held by said railroad company within the District of Columbia shall be subject to taxation.

SEC. 2. That it shall be lawful for said Richmond and Danville Railroad Company to hold, use, occupy, and convey any real estate heretofore purchased or which may hereafter be purchased by it for corporate uses and purposes, and the city

of Washington shall be a terminal point on said railroad and entitled to all privileges and facilities of other terminal points thereon.

SEC. 3. That this act shall take effect from its passage.

The Committee on the District of Columbia recommend the following amendments:

Strike out of section 1, line 5, after the word "Virginia," all that follows to the word "to," in the seventh line of said section.

In line 9 of said section, after the word "Columbia," insert "as hereinafter provided."

Strike out all that follows through to the word "bridge," in the seventeenth line of said first section.

Strike out section 3 and insert the following as section 3:

3. That Congress reserves the right to alter, amend, or repeal this act at any time.

The amendments were agreed to.

Mr. SPINOLA. Mr. Chairman, I move to add after the word "act" in the last amendment offered by the committee the words "or any part thereof."

Mr. HEMPHILL. We have no objection to that.

The amendment was agreed to.

Mr. HEMPHILL. Mr. Chairman, if there are no other amendments, I move that the bill be laid aside to be reported favorably to the House.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I think we ought to know something about this bill.

The CHAIRMAN. For what purpose does the gentleman from Ohio [Mr. TAYLOR] rise?

Mr. JOSEPH D. TAYLOR. I rise to make an inquiry of the chairman of the Committee on the Distrrict of Columbia.

Mr. HEMPHILL. I will state if the gentleman desires it, that this is simply a piece of land down next to the depot where some of the railroads come in. This railroad has purchased a portion of some lots there, one or two, I think, and this bill is to authorize them to get to the land which they propose to use as a coal station and freight-yard.

Mr. JOSEPH D. TAYLOR. I notice in lines 17, 18, and 19 the following:

And the said Richmond and Danville Railroad Company may put down, construct, and use one or more tracks.

They may cover the entire street with tracks, so far as this bill provides. The language is very indefinite. They may cover the street all over.

Mr. HEMPHILL. It is almost covered with tracks now. There is no passage there except for the railroads. It is just where the tracks cross the river. They want to turn around where the other roads do and reach certain land there.

Mr. HEARD. It is to enable them to keep their cars out of the avenue that they are buying this ground.

Mr. JOSEPH D. TAYLOR. There are too many railroad tracks in the District of Columbia now.

Mr. HEMPHILL. This is simply to let them get to the coaling station and to the bridge.

On motion of Mr. HEMPHILL, by unanimous consent, the bill was laid aside to be reported to the House with the recommendation that it do pass.

STRONG VS. THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up Senate joint resolution (S. R. 26) to arbitrate and settle questions at issue between the District of Columbia and Samuel Strong.

The joint resolution was read, as follows:

Joint resolution to arbitrate and settle the questions at issue between the District of Columbia and Samuel Strong.

Whereas for many years there has been vexatious and expensive litigation between the District of Columbia and Samuel Strong that is likely to continue for many years to come, involving each year additional expense to the parties concerned; and

Whereas experience shows that matters of account so complicated and extensive consume the whole term of the court trying the same, to the delay of other causes; and

Whereas it is the duty of the Government and the interest of the citizen that such controversies should be ended as speedily and satisfactorily as possible: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the matters in controversy between the District of Columbia and Samuel Strong, known in the circuit court of the District of Columbia as causes at law numbered 14706 and 14736, be submitted to the arbitration of three persons to be appointed by the President of the United States, and the award of said arbitrators, or a majority of them, shall be final and conclusive as to the matters in issue between the parties under the pleadings in said causes, which award shall be filed in the papers of the said causes in the district court of the District of Columbia, and noted on the records of said court, and the Secretary of the Treasury is hereby directed, should the award be in favor of the said Samuel Strong, to pay said award, when duly certified to him by the clerk of said court, in the same manner that judgments against the District of Columbia are paid when rendered by the Court of Claims.

SEC. 2. That it shall be lawful for said arbitrators to consider any competent evidence heretofore taken either before any of the courts where said causes were pending or before any of the referees heretofore appointed, including the evidence taken before William Penn Clark, Albert E. Payne, and Edward Clark, and if, in the judgment of said arbitrators, further evidence shall be deemed necessary, the same may be taken by them, under the rules now governing the taking of evidence, to be used before the courts of the District of Columbia.

SEC. 3. That before the President of the United States shall appoint the said arbitrators the said Samuel Strong shall consent in writing to the appointment of the said arbitrators as provided in this joint resolution; and further, that any award made by them, or a majority of them, shall be final and conclusive as to matter in issue between the parties to these causes; which consent shall be entered of record in the court in which the cases are pending, and shall be certified by the clerk of said court to the President of the United States.

SEC. 4. That the said arbitrators, in passing upon any questions of law involved in the pleadings in said causes, shall follow and be bound in making their award by any judgment or decision heretofore rendered in the said causes, or either of them, by the supreme court of the District of Columbia in general term, and in stating the account between the parties shall credit the District of Columbia with the face value of the certificates issued.

SEC. 5. That the compensation of said arbitrators shall not exceed the sum of $1,000 each.

Mr. HEMPHILL. Mr. Chairman, if there is no amendment to be proposed to this joint resolution, I move that it be laid aside, to be reported to the House with the recommendation that it do pass.

Mr. PAYSON. I think we ought to have a statement with reference to that resolution. It seems to embody a very extraordinary proposition and to involve a large amount of money.

Mr. HEMPHILL. I will ask the gentleman from Vermont [Mr. GROUT] to make a statement in regard to the case.

Mr. GROUT. Mr. Chairman, this joint resolution relates to two suits at law between Samuel Strong and the District of Columbia, and provides for their reference to three arbitrators to be appointed by the President, whose award shall be final. As suggested by the gentleman from Illinois [Mr. PAYSON], in any ordinary matter the courts offer ample relief to parties litigant, but these cases are peculiar and exceptional in many particulars. In 1874, two suits were begun by Mr. Strong upon contracts, thirteen in number, for constructing sewers, raising streets, lowering streets, etc.

These thirteen contracts were entered into by Mr. Strong with the board of public works of the District of Columbia, and he was to receive his pay once in two weeks in lawful money of the United States. The contracts contained that stipulation. Mr. Strong entered upon the performance of that work, and continued to work for five or six weeks. At all events, quite beyond the time when payment was to have been made; but no payment was made. The board of public works were not able to pay him for want of money. He told them that he would be compelled to withdraw his help if not paid, so that he could pay them and for material also, and, not being paid, he did withdraw his help. Then it was arranged that he was to go on with the work, certificates of indebtedness being issued to him by the board, with which he was supposed to be able to raise money on his own notes to continue the work. He did so. The work performed under these contracts amounted to between six and seven hundred thousand dollars, and not a dollar in money was ever paid to him by the District, but they continued to issue these certificates of indebtedness, which he received under protest and put up as collateral for his own notes, and in that way obtained money to go on with the work. Upon these certificates of indebtedness not more than 50 cents on the dollar was ever realized by Mr. Strong. The result was that he became involved in bankruptcy. He was sued by his creditors, and finally himself brought these suits against the District of Columbia. After they had been pending for a while they were referred to Mr. Eugene Carusi, who reported in favor of Mr. Strong to the amount of some $33,000.

Instead of rendering judgment on the report, the judge directed that the case should be tried by a jury. It was so tried, and resulted in a verdict for plaintiff of $132,140.

Mr. PAYSON. When was that?

Mr. GROUT. The report of Mr. Carusi, the referee, was in 1875, and in that same year, I think—I have not the exact date—the jury returned a verdict in Mr. Strong's favor for over $130,000. That award was set aside. This trial by jury was before Judge Humphreys, and the verdict was also set aside. The case was again tried by jury, and this time before Judge Wylie. It occupied seventy-nine days.

The judge took the case from the jury when completed on the evidence, on the ground that there was no appropriation at the time the contracts were entered into, and hence the District was not liable. This judgment was reversed by the supreme court of the District.

Mr. PAYSON. On what ground was the reversal, on the law question?

Mr. GROUT. On the ground already stated, namely, that there was no appropriation at time of the contract; that was the ground on which it went up. When it came back into the circuit court it was referred to three referees, William Penn Clark, Herbert E. Payne, and Edward Clark, the Supervising Architect of the Capitol. These arbitrators heard the case, the hearing running through some eighteen months, and they made a report which is contained in the volume I hold in my hand, which consists of 204 pages of printed matter, so numerous were the items considered and so voluminous the testimony submitted. These referees found due the plaintiff $234,738.98.

Mr. PAYSON. When was that?

Mr. GROUT. On the 15th of November, 1884.

Mr. PAYSON. What is the difficulty with that award?

Mr. GROUT. I was just going to tell the gentleman. In this report the referees allowed Mr. Strong the difference between the sales of these certificates of indebtedness, of which I have told you, and lawful money of the United States. The case went to the supreme court of the District again on this question, and the court held that Mr. Strong, having received the certificates of the District and used them, they were in the nature of negotiable paper, and he was bound by that action; so they reversed the decision of the referees and sent the case back for a new trial. The former trial of the case occupied, as I have

stated, seventy-nine days, and if it is tried again it must occupy as much and probably more time, to the exclusion of other business before the court. I might go on and tell you that at one time plaintiff went to the Court of Claims, but afterward withdrew; and that he also went before the board of audit, a board established by the District government for the settlement of claims against it. I might also speak of the many questions both of law and fact which would arise in the disposition of the great number of items involved in this controversy, all of which would emphasize the propriety of creating a special tribunal for the final disposition of it, but I have not the time.

The matter now stands in court with this report of the referees set aside, because the question of these certificates entered into almost every item allowed by the board of reference, and another trial must be had——

Mr. PAYSON. What is to prevent the parties from making now the same arrangement as to an amicable arbitration before the supreme court of the District of Columbia that they made then, the law having been settled that the discount on the certificates should be borne by the contractor?

Mr. GROUT. Nothing to prevent it, only that would not be the end of it. It might still go even to the Supreme Court of the United States upon some question.

Mr. PAYSON. I understand the gentleman to say it had been there.

Mr. GROUT. No, sir; it was before the supreme court of the District of Columbia, not of the United States. The appeal to the Supreme Court of the United States is still open as a road which can be traveled by the parties, provided the plaintiff lives long enough.

The resolution has been brought here because of the peculiarities of this litigation; because it involves so large an amount, so many items, and so many different questions, and because it will necessarily take so much time in the trial of it again to the interruption of other business. Then there is the further fact that the plaintiff who has spent his lifetime upon public works, having laid the foundations of the extension of this Capitol, and having built in early life the capitol at Albany—not the one which is now falling to pieces, but the old capital—is seventy-eight years of age, and will, in all human probability, not see the end of this litigation if it be carried on by the ordinary methods. It would seem that for the good he has done this old man is entitled to some consideration; that he is at least entitled to have this controversy ended in his lifetime. The arbitration here proposed is recommended by Judge Merrick, of the supreme court of the District, who reviewed the case in that court and rendered the opinion. Judge Merrick sent a letter on the subject to Hon. CHARLES J. FAULKNER, the member of the Senate committee who reported favorably the resolution. That letter, I presume, influenced in some measure the action of the Senate committee, as certainly it did the action of the House committee. Here is the letter:

WASHINGTON, *February 3, 1888.*

MY DEAR SIR: In answer to your note of inquiry I have no difficulty in saying, from my knowledge of the claim of Samuel Strong against the District of Columbia, now on the calendar of the circuit court, that it is eminently proper to have the case referred for arbitrament. The facts are so numerous, so involved, and so obscure, and the items of claims so complicated, that it would be mere guess-work with a jury to reach a result, and the chances are that it would be utterly unsatisfactory when reached. Besides, the time necessarily expended in any judicial investigation would be so long that great expense would be entailed upon the public, and the delay to other suitors while waiting upon that controversy would operate a great hardship upon them. In every point of view it seems to me economical, just, and desirable to have a reference of the cause to some competent referee or referees.

With great respect, your obedient servant,

WM. M. MERRICK,
Associate Justice Supreme Court District of Columbia.

Hon. CHARLES J. FAULKNER.

I might also read, if I could lay my hand upon it, a letter from Attorney-General Garland, who also recommends the settlement of the controversy by arbitration.

Mr. PAYSON. What are the points in this case which should take it out of the usual course of adjudication beyond the number of items which are embraced in it?

Mr. GROUT. The long time it has been pending, the great expense attendant upon the litigation, the complicated character of the facts in dispute, the great age of the plaintiff, and the fact that the great mass of evidence already taken is to be used before the arbitrators.

Mr. PAYSON. That is not the principle involved in the case—that there is a large amount of documentary evidence. What is the point in dispute between the claimant and the Government?

Mr. GROUT. The point in dispute touches the value of this man's work, and the great number of questions, both of law and fact, that would arise in the consideration of the great number of items in controversy, I might say to the gentleman that with reference to the difference between the face value of these certificates and what Mr. Strong realized upon them, he, for the sake of this arbitration, waives that question; and it is not to be entered upon.

Mr. PAYSON. But the construction of these sewers, as I understand, was under written contract.

Mr. GROUT. Certainly.

Mr. PAYSON. Then this is just a question of performance?

Mr. GROUT. To be sure, with all the other questions incidental thereto; but it occupied the attention of the court seventy-nine days, at the end of which time the court took the case from the jury. It occupied the board of reference eighteen months—I presume not continuously—and now the case is back in court for another trial, and all is to be gone over again. The items in the case are great in number and the testimony simply immense in volume. But a feature of the case which appealed to the committee, and which I think ought to appeal to members of the House, is the great age of this plaintiff, who, by reason of this litigation, with which he has been struggling for fourteen years, has become hopelessly involved financially, and who is hanging about the corridors of the Capitol, having become, in the language of Senator FAULKNER in this report, "a monomaniac upon this subject." If this matter be allowed to take the ordinary course of litigation, the Supreme Court of the United States being open as the court of last resort, Mr. Strong can not be expected to live to see the end of it, he having now one foot already in the grave. There is no impropriety in referring complicated litigation of this kind to arbitrators, and certainly none in this case where these arbitrators are to be appointed by the President.

Mr. ANDERSON, of Kansas. Is it not an unusual proceeding for one of the parties in an arbitration to name all the arbitrators?

Mr. GROUT. One party does not name all the arbitrators here.

Mr. ANDERSON, of Kansas. The President of the United States, representing the United States, is to name the arbitrators.

Mr. GROUT. The President is not a party to the controversy.

Mr. ANDERSON, of Kansas. The District of Columbia being interested in the claim, the United States Government has an interest to the extent of one-half the amount involved.

Mr. GROUT. But the resolution, if the gentleman will note its reading, provides that it shall not be operative until Mr. Strong consents in writing to the proceeding. This is necessary in order to bind him. The Government might be bound by the mere passage of the resolution, but Mr. Strong can not be bound without his consent. It was thought perfectly fair to leave the appointment of these arbitrators to the President. If there is any advantage in this it is to the District of Columbia, and against Mr. Strong. I hope there will be no objection to the passage of this resolution. It seems to me there can be none upon any fair ground, as the proposition is simply to refer this complicated controversy, which has been in the courts for fourteen years, and has already been to the District supreme court four times, to the decision of three men to be appointed by the President, and thus have an end of this litigation, and, if possible, within the lifetime of this old man, who at the longest must soon go hence, so that he may lie down to his last rest with the consciousness that this controversy, which has perplexed him so long and has worked his financial ruin, has at last been concluded.

Mr. PAYSON. Mr. Chairman, this is the first time I have heard of this case, and it strikes me as an extraordinary proceeding in a matter where seven to eight hundred thousand dollars are involved, and which has been in litigation for some years, and nothing appearing from the statement of gentlemen on the committee having the matter in charge that there is anything involved in it outside of the ordinary matters of dispute as to the amount of work done, and whether the work done was in conformity to the written contract with the United States, we should take this proceeding out from its ordinary orderly course and refer it to a board of arbitrators, to whom it is proposed to pay $1,000 a piece to audit the claim of this man, and without providing any appeal from its decision in case the Government should be worsted in it, and especially when it appears the long delay in this adjudication has grown out of the fact the claimant in the case was insisting as against the Government the Government should stand and be at the loss of all discounts on the certificates issued to him on account.

Mr. SPINOLA. That was the only one.

Mr. PAYSON. That is the only one. If the gentleman has mentioned another, I failed to notice it.

Mr. SPINOLA. In the pending resolution the claimant does not propose the Government of the United States should stand the expense of the discount on the certificates, and so far as concerns matters to which the gentleman from Illinois has referred the court has decided them in favor of the claimant.

Mr. PAYSON. That decision, as I understand from the gentleman from Vermont [Mr. GROUT], was reversed by the Supreme Court of the United States.

Mr. SPINOLA. No; but by the supreme court of the District.

Mr. PAYSON. Then it simply left him in the position of any litigant against whom adverse decision had been improperly made, with his rights reserved.

Will any gentleman say, who favors the joint resolution, it is a good precedent in a matter involving three-quarters of a million of dollars, because the claimant is an old man, and because of the voluminous character of the evidence involved, it shall go to a board of reference for arbitration and without a right of appeal? As I said in the outset, Mr. Chairman, this is one of the most extraordinary proceedings to which my attention has ever been called.

All we have heard so far in the case shows the greater necessity to make the Government sure it should have some right of final appeal

from this adjudication. Suppose this board of arbitrators appointed by the President, out of sympathy for this old man, instead of $33,000, as at first, or $137,000, as in the second place, should award the full amount of the claim, which gentlemen will agree is an extraordinary amount and far beyond what the committee have favored, what is there in this present measure to prevent them from doing it because this claimant is an old man?

Mr. SPINOLA. All the questions of law have been passed upon and all this board of arbitrators has to pass upon is the amount due this old man.

Mr. PAYSON. What has been decided in the committee?

Mr. SPINOLA. All points of law have been decided in the courts two or three times, but every time on some technicality the question has been thrown back until this old man has become bankrupt in the city of Washington. I wish to say, in my judgment, there is not a more honest case. There is not a business man in any business community who should attempt to treat another in the manner the Government has treated this old man in this matter who would not be drummed out of decent society.

This man is willing, and that is the proposition here, to allow three disinterested persons to be appointed, and he does not claim even the right to name one of them to settle the differences existing.

Mr. PAYSON. He can get that right in court at any time, and under existing law. Nothing appears thus far in the statement except that the papers are voluminous. The court is open and the case early on the docket; and there can be a reference under the practice act of the District, as I understand it, without an act of Congress.

Mr. SPINOLA. Oh! but the District will not consent to that. They have annoyed the man in innumerable ways. His property has been sold here to pay for the prosecution of public works of which the city has already had the benefit. Now, I claim it is a matter of mere common justice and common right that he should have a settlement after waiting all these years.

It is a question of honesty itself. There is no doubt of the work having been done and the money expended by him. The Senate committee in their report say:

> There seems to be no question that the contractor furnished the material and performed the work and labor required by the terms of his contract, and it is equally clear that the board of public works failed to comply with the thirteenth clause—found in all the contracts.

Mr. PAYSON. Then he ought to have his pay, and it does appear to me that the courts are fully competent to ascertain just how much he should have.

Mr. SPINOLA. Undoubtedly; and that is all we ask.

Mr. PAYSON. And the court can award what is due.

Mr. SPINOLA. Now, sir, his house was sold over his head. The public demands against him arising from a performance of his contracts forced the sale of the very house over his head. It killed his wife; she went to her grave, and he will soon follow her. It is a matter, I repeat, of justice to this old man, seventy-eight years of age, that he should no longer be held back from securing his rights in some way; and it is an evasion of the public law, and of public honesty as well, to keep him out of it longer.

It is a mere matter of trickery on the District of Columbia to keep him out of his money. It is a trick that should not be tolerated by any Congress or any other tribunal having authority to act in the premises. Besides, this is not a new thing. It has been done before, and efforts have been made to secure a settlement of similar claims. Referees have been appointed in the same manner, as will be found by examination of the report in the past. You will find cases of a similar character to this on the records of Congress. It can not be objected to, therefore, on the ground that there are no precedents.

Mr. Chairman, let me call your attention to one fact. They set this man aside after three weeks' trial before a jury and sent the case back after he had been to the expense and annoyance of asserting his rights; and for what reason, do you suppose? On the ground that the judge was drunk who was trying the case! Now, that is a fine point of law to raise against a poor workingman who had spent his money in the prosecution of a public work and the purchase of materials, and had given his time and attention to the execution of the work under his contract.

Again, the contract stated that he should be paid in lawful money of the United States. Was that contract carried out? Not at all. They never paid him one single dollar of the lawful money of the United States. The contract also called upon him to pay his workmen in lawful money of the United States. He sold his houses to meet the obligation of his contract; and finally the very house over his head, as I have already stated, was sold in order that he might be compelled to meet these obligations. The District of Columbia was bankrupt when he performed the contract and issued to him shinplaster certificates, which he was forced to take in payment of the work he had done. Why, common decency, not to speak of common honesty, demands the passage of this act.

Mr. BAYNE. What has become of those certificates?

Mr. SPINOLA. They were sold at 45 cents on the dollar.. This resolution provides that the District shall be credited with the full face value of the certificates and the settlement with him made on that basis. He assents to that in order to get a settlement.

Mr. BAYNE. Who took those certificates?

Mr. SPINOLA. The District of Columbia took them up finally, and issued 3½ per cent. bonds upon them.

Mr. BAYNE. Took them at their face value?

Mr. SPINOLA. Yes, sir; but this man did not get the benefit of the increase. He now agrees to take them at their face value according to the terms of this resolution.

There is no objection, there can be no objection to the resolution. I trust my friend therefore will agree to allow this poor old man to have justice done him, even at this late hour.

Mr. HEMPHILL was recognized by the Chairman.

Mr. PAYSON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PAYSON. I had the floor and yielded to an inquiry by the gentleman from New York. It has been rather a lengthy question, but I would like to know if I still hold the floor.

The CHAIRMAN. The gentleman is entitled to the floor.

Mr. PAYSON. As I understand now from the statement of the gentleman from New York, these certificates which were issued to plaintiff and which he accepted——

Mr. SPINOLA. Under a written protest.

Mr. PAYSON. Well, under a written protest. That does not matter; but these certificates which he accepted passed into the hands of other parties at a discount, the amount of which discount he is not now claiming against the District.

Mr. SPINOLA. That is so.

Mr. PAYSON. But these certificates have been taken up by the District and interest-bearing bonds issued instead of them. I do not see on the statement now what there is between the District and the claimant which would authorize this action on the part of Congress, unless there is some legal proposition to be adjusted.

Mr. ROWELL. New certificates were issued for which the District got credit.

Mr. PAYSON. That statement has not yet been made by anybody. But at all events it seems to me a matter that ought to go into the courts, and there should be at all events a reservation made of a right on the part of the General Government to appeal from the judgment of the board of arbitration in case any legal question is presented which, in the judgment of the District attorney, presents a proper ground for resisting the claim on the part of the Government in case it should be decided against the District.

Mr. ROWELL. Mr. Chairman, the resolution as proposed is for the purpose of creating, in a manner, a court, because we have already a supreme court of the District of Columbia before which this could be tried. I know of no legal reason why we may not with propriety create another tribunal to try a case of this character. It is the custom in the courts of the country to submit such cases to arbitration, and it is a common-law right to take cases out of court and arbitrate them.

This is a peculiar case. It has been for many years in the courts. It has had its ups and downs. It takes a third of a year to try it, interrupting all the regular business that the courts are created to transact. This man fell upon unfortunate times in the District of Columbia. He gave of his money and of his ability to improve the city, and then the city became in a manner bankrupt and so bankrupted him. He went into court to recover, not the difference between the value of certificates issued, but the balance of the money which this bankrupted District refused even to issue certificates for. The attorneys for the District came with technical objections against the power of the District to make contracts and held him in court for a trial lasting two or three months. Then the case went to arbitrators, where all sorts of technical objections were raised. Then these attorneys, having the pride of victory from that day, have been interposing every possible technical objection against the right of this old man to the money that he had put in for the benefit of the District. And yet these certificates issued to this man for his work at less than 50 cents on the dollar have been assumed by the United States Government. The District has received credit for them. In the measurement of the work that he performed the District has also received credit for every dollar of it at larger prices and larger measurements than he made. The District has received the benefit of it all, and this old man, hounded into bankruptcy, is now to be sent back, without a dollar of money to pay the expenses, into an ordinary and regular tribunal. I say he has been grossly abused and mistreated because of the condition of the District and its management. Now, here is a proposition to create another court and let them try and make an end of this litigation. I think justice, law, equity, and every consideration that ought to move members of Congress demand that there be an end to this case.

Mr. HEMPHILL. I want to say, Mr. Chairman, that we have several bills from the committee for the House to pass upon. If the gentlemen will give me their attention for one moment——

Mr. BREWER. I hope the gentleman will yield to me for one moment.

Mr. HEMPHILL. If you are going to oppose the bill I shall have

to ask to have the bill laid aside unless we can have a vote. This I understand we can not have. I now move that the committee rise in order that the bills already reported favorably may be acted upon.

The motion was agreed to.

The committee according rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. MCCREARY reported that the Committee of the Whole House on the state of the Union, having had under consideration District of Columbia business, had directed him to report sundry bills with various recommendations.

DISTRICT BILLS PASSED.

The bill (H. R. 8719) to amend the act giving the approval and sanction to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Bills of the following titles were severally taken up, the amendments of the Committee of the Whole concurred in, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, namely:

The bill (H. R. 7149) to incorporate the Hotel Republic Company of the District of Columbia; and

The bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, and so forth, in the District of Columbia.

Mr. HEMPHILL moved to reconsider the several votes by which the bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGETOWN AND TENNALLYTOWN RAILROAD COMPANY.

The House proceeded to the consideration of the bill (H. R. 7647) to incorporate the Georgetown and Tennallytown Railroad Company of the District of Columbia, reported from the Committee of the Whole House on the state of the Union with amendments.

Mr. BAYNE. I move to strike out the enacting clause. I am recognized, I believe, and have an hour.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from South Carolina [Mr. HEMPHILL].

Mr. BAYNE. I made a motion, and I wish to speak to that motion.

The SPEAKER *pro tempore*. The gentleman can not make a motion unless the gentleman from South Carolina yields for that purpose.

Mr. HEMPHILL. I rise to a parliamentary inquiry. If this bill is not acted upon now, when will it come up in the House? I want to have the previous question ordered, so that the House can vote upon it.

The SPEAKER *pro tempore*. Whenever the gentleman demands a vote upon the amendments then it will be in order for the gentleman from Pennsylvania [Mr. BAYNE] to move to strike out the enacting clause.

GETTYSBURGH REUNION.

Mr. SPINOLA. I ask the gentleman to yield to me for a moment.

Mr. HEMPHILL. I will yield three minutes to the gentleman.

Mr. SPINOLA. Mr. Speaker, I ask unanimous consent that the House take up and consider at this time the joint resolution which I send to the desk.

The joint resolution was read, as follows:

Joint resolution appropriating $25,000 for the celebration of the twenty-fifth anniversary of the battle of Gettysburgh.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the celebration of the twenty-fifth anniversary of the battle of Gettysburgh on the 1st, 2d, and 3d days of July, 1888, by the survivors of the Army of the Potomac and the Army of Northern Virginia, said sum to be expended under the direction of the Secretary of War for the erection of temporary barracks, kitchens, and mess quarters, for the flooring of tents and for straw for the same, for the building of stands and their decoration, for a band of music, and for the necessary incidental expenses for the purposes mentioned: *Provided*, That a part of said sum, not to exceed $5,000, may be used to guaranty contractors against loss in order to secure subsistence at a moderate rate: *And provided further*, That no part of said sum shall be used to procure or pay for spirituous or intoxicating liquors.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this joint resolution?

Mr. BRECKINRIDGE, of Arkansas. I object.

Mr. COBB. I object.

Mr. SPINOLA. Will the gentleman from Arkansas permit me to make an explanation?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir.

Mr. SPINOLA. Mr. Speaker, the survivors of the Army of the Potomac have invited the survivors of the Army of Northern Virginia to meet them upon the battle-field of Gettysburgh on the 4th of July next, not for a picnic, not for a "jamboree" of any kind, but in order that the men who faced the Union Army on that great battle-field may indicate and mark the exact positions occupied by every brigade, regiment, and battery of the Army of Northern Virginia, so as to make up and complete the history of that great conflict. Unless the men who fought on the other side do their part, the work will be only half done. The survivors of the Army of Northern Virginia have accepted the invitation of the survivors of the Army of the Potomac, and have agreed to meet them there for that purpose at that time; but our friends in the North who compose the survivors of the Army of the Potomac are not in a condition to bear themselves the whole expense of the occasion, and, as the purpose is a historical one, the Committee on Military Affairs have reported this joint resolution providing for this appropriation, and I hope, and I appeal in the name of God and liberty, to our friends on this side of the House not to offer an objection to it. I make that appeal in the name of the survivors of both armies. Let them get together, the men who met there on the first three days of July twenty-five years ago and struggled for the mastery.

The result of that struggle has gone into history, and, as it is desirable that that history should be accurate in all its details, we have asked the men who fought on the other side to meet us on that field in order to designate the exact positions occupied by every brigade, regiment, corps, and battery, and I hope that our friends here will consent to let this trifling appropriation go through for that purpose.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, if a bill were brought in carrying a reasonable amount of money to locate the lines occupied by the troops in that battle, I should have no objection to it; just as I have no objection to the appropriations for the publication of the war records; but this is to be a celebration.

Mr. RANDALL. Then move to amend the joint resolution.

Mr. SPINOLA. Yes; amend it.

Mr. BRECKINRIDGE, of Arkansas. Let it be recommitted and brought back in another form, and limited strictly to historical purposes. If we want to fraternize let us fraternize on our own money. These are not foreign affairs that we need to cultivate good will at the public expense, and there is no hostility between the States, and I am unwilling to even imply that there is. I do not believe in these celebrations either in the South or in the North. What are we going to celebrate? Am I going to celebrate my defeat? Are you going to celebrate or gloat over your victory? To mention either is to show its folly. Let us celebrate or rather rejoice in the existence of peace, and rejoice over a constitutional Union restored; but the battle-field is not the place for this. We do not, we can not rejoice over the means that had to be employed. The battle-field is suggestive of the sad means employed to settle sad differences between brethren; and it is only to be fitly visited by the student of history, by patriots, without trumpets or boasting, with flowers or garlands for the dead, and by the bereaved in the weeds of mourning. Our actions and proceedings on the Fourth of July, so grandly revived over the whole country, fitly express what the battle-field can not convey. We have merged our rejoicing for being twice preserved into this truly national day.

What, then, is the effect of these associations on both sides? Purposes are good, but the policy is unwise. I believe that George Washington was a wiser adviser when, after even the Revolutionary war, he wrote to the old order of the Cincinnati, composed of the Revolutionary soldiers, and told them that such class distinctions and organizations were not conducive to the best interests of the country, and they disbanded under the advice of the Father of his Country, and in conclusion gave all of their money, some $75,000, if I mistake not, to Washington College, in Virginia. I have never seen any celebration of this kind in my own section that I thought did any good, and I believe, with Washington, that the keeping up of these organizations does much more harm than good. Therefore, sir, I am not willing to vote money out of the public Treasury, or in any way to aid or encourage any of our people, North or South, to perpetuate a policy that, in the first place, we have no delegated power, rightly viewed, to appropriate money for, and, in the second place, is unwise in itself.

Mr. COX. Let the bill be considered.

Mr. BRECKINRIDGE, of Arkansas. No, I will not let it be considered in this way. That would be to except it from the ordinary operation of the rules, and consequently to favor it that far.

Mr. RANDALL. Do you object to the amount?

Mr. BRECKINRIDGE, of Arkansas. Yes; I object to the amount. It is money to celebrate Gettysburgh now; and before it ends it will be money for every other battle-field from here to Mexico. But there is a step behind that. I object to appropriating any money for this purpose, and also to the purpose.

Mr. SPINOLA. Let the bill be considered.

Mr. BRECKINRIDGE, of Arkansas. No, I will not; let it come up in its regular order.

Several MEMBERS. It will be too late then.

Mr. BRECKINRIDGE, of Arkansas. I will not waive any parliamentary right, power, or usage to give access to a bill which I do not believe is a good bill.

Mr. BURROWS. If there is nothing before the House, let us have the regular order.

Mr. RICHARDSON. Mr. Speaker, I have a privileged report which I desire to report.

The SPEAKER *pro tempore*. The gentleman from South Carolina [Mr. HEMPHILL] has the floor, and there is a bill pending.

Mr. HEMPHILL. Mr. Speaker, that last bill was passed over for the time by an understanding between the gentleman from Pennsylvania [Mr. BAYNE] and myself. I want to get a vote on the bill, and

I now move that the amendments be agreed to, with the view of getting the bill to a point where we can have a yea-and-nay vote upon it, and settle this question.

The SPEAKER *pro tempore*. The question is on agreeing to the amendments.

Mr. BAYNE. I move to strike out the enacting clause of the bill.

The SPEAKER *pro tempore*. That motion is now in order.

Mr. BAYNE. On that motion I have an hour, I believe.

Mr. HEMPHILL. The motion is not debatable, is it?

Mr. BAYNE. Oh, yes, it is debatable; I have an hour. I am willing to yield portions of that hour.

Mr. HEMPHILL. Does the Chair rule that the gentleman from Pennsylvania [Mr. BAYNE] is entitled to one hour upon his motion?

The SPEAKER *pro tempore*. The House will adjourn under its order at 5 o'clock to-day; and at that time (now only ten minutes hence) District business will have been for the present concluded, so that this bill will not again come up until District business shall be again in order, when the gentleman from Pennsylvania may continue the discussion. The right of the gentleman to discuss the bill can only apply when the bill is under consideration according to the rules of the House.

Mr. BAYNE. I believe I have the floor.

The SPEAKER *pro tempore*. The gentleman has the floor, but his right to occupy it must be suspended at the adjournment to-day until this bill shall be again before the House.

Mr. BAYNE. But I shall have an hour when the bill comes up again.

PRINTING IN RELATION TO TARIFF BILL.

Mr. RICHARDSON. I ask the gentleman from Pennsylvania [Mr. BAYNE] to yield to me that I may make a privileged report from the Committee on Printing.

Mr. BAYNE. I yield to the gentleman for that purpose.

The SPEAKER *pro tempore*. The report of the gentleman from Tennessee can only come in now by unanimous consent, as the bill from the District Committee is still pending. The gentleman from Tennessee asks unanimous consent at this time to submit a report.

Mr. RANDALL. Let us hear it read before unanimous consent is given.

The Clerk read as follows:

Resolved, That there be printed 500 copies of the document entitled "The bill of the Committee of Ways and Means to reduce taxation and simplify the laws in relation to the collection of the revenue, with table of rates and estimated duties on imports under the same; prepared by Charles H. Evans, Treasury Department;" and that said document be bound in cover.

The committee have considered the resolution of the House ordering this committee to inquire and report to the House the cost of printing 500 copies of the document entitled "The bill of the Committee of Ways and Means to reduce taxation and simplify the laws in relation to the collection of the revenue, with table of rates and estimated duties on imports under the same: prepared by Charles H. Evans, Treasury Department." The committee find that the cost of the same will be as follows; In paper covers, $62.25; cloth, $187; flexible leather, $437.25. The committee direct me to report the resolution which is herewith submitted to print said document.

Mr. RANDALL. In what manner do the committee recommend that the document be bound?

Mr. RICHARDSON. The committee directed me to recommend that it be bound in paper cover, the cost being $62.25. The word "paper" should be inserted before the word "cover" at the end of the resolution.

The SPEAKER *pro tempore*. The resolution will be modified in accordance with the report of the committee.

There being no objection, the House proceeded to the consideration of the resolution as modified; which was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The Chair asks unanimous consent to lay before the House two executive communications.

There was no objection.

CUSTOM-HOUSE AT NEW ORLEANS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Supervising Architect of an appropriation for alteration and repair of the custom-house at New Orleans, La.; which was referred to the Committee on Appropriations, and ordered to be printed.

UNITED STATES MINT BUILDING, PHILADELPHIA, PA.

The SPEAKER *pro tempore* having laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Supervising Architect of an appropriation for the alteration and repair of the United States mint building at Philadelphia, Pa., said: This communication will be referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLAND. That should go to the Committee on Coinage, Weights, and Measures.

Mr. RANDALL. Where did the Chair propose to send it?

The SPEAKER *pro tempore*. To the Committee on Appropriations.

Mr. BLAND. It relates to the extension of a mint building, and belongs properly to the Committee on Coinage, Weights, and Measures.

Mr. RANDALL. It relates to the placing of a new story on the mint at Philadelphia, and as a matter of repairs, similar to the work at the Louisiana custom-house, embraced in the communication just referred, it goes properly to the Appropriations Committee.

Mr. BLAND. The Committee on Appropriations has nothing to do with it. It is a bill proposing to extend a mint, and belongs to the Committee on Coinage, Weights, and Measures.

Mr. RANDALL. It is an estimate for repairs of the mint building at Philadelphia, so as to enable the mint to fulfill conveniently the requirement of the law in regard to the coinage of the Bland dollar to the extent of $1,700,000 or $1,800,000 per month.

The SPEAKER *pro tempore*. The Chair supposed this to be a part of the estimates ordinarily submitted by the Departments for the guidance of committees of the House, and these estimates are always referred to the Committee on Appropriations.

Mr. BLAND. It is a bill.

Mr. RANDALL. No; it is an estimate.

Mr. BLAND. Then it is an estimate for a new building.

Mr. RANDALL. Not at all.

The SPEAKER *pro tempore*. The Chair had indicated his opinion that the communication should be referred to the Committee on Appropriations, but will entertain a motion that it be referred to the Committee on Coinage, Weights, and Measures.

Mr. BLAND. Let us have the bill read.

The SPEAKER *pro tempore*. It is not a bill; it is an estimate from the Secretary of the Treasury of the cost of making certain improvements upon the mint building at Philadelphia.

Mr. RANDALL. Let us have a division upon the question of reference; I am willing that the House should decide it.

Mr. BLAND. The Committee on Appropriations has nothing to do with the extension of mints, or the putting up or repairing of them. That committee has jurisdiction in regard to carrying on works already authorized by law.

The SPEAKER *pro tempore*. If this were a bill authorizing the erection of a new public building, it would, in the opinion of the Chair, go properly to the Committee on Public Buildings and Grounds.

Mr. BLAND. It proposes an additional story to a mint building, and does not belong to that committee.

Mr. RANDALL. I ask the judgment of the House, which I think will be in opposition to that of the gentleman from Missouri. I think the Chair was right in the reference which he indicated.

The SPEAKER *pro tempore*. Does the gentleman from Missouri make a motion?

Mr. BLAND. I do. I move that the document be referred to the Committee on Coinage, Weights, and Measures, where it properly belongs.

The question being taken on the motion of Mr. BLAND, there were—ayes 9, noes 49.

Mr. BLAND. No quorum.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. The House must adjourn in a few moments, and this question will come up in the morning. There will be no other business until this is disposed of.

The SPEAKER *pro tempore*. The point of no quorum has been raised, and if a count by tellers is not now had, the Chair can not entertain any business except a motion to adjourn.

Mr. BRECKINRIDGE, of Arkansas. I move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BYNUM: A bill (H. R. 10460) for the relief of John C. Burdette—to the Committee on Military Affairs.

By Mr. COMPTON: A bill (H. R. 10461) for the relief of Jerome C. Berry—to the Committee on the District of Columbia.

By Mr. GROUT: A bill (H. R. 10462) restoring Helen E. Converse to the pension-roll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10463) for the relief of Louisa G. Chandler—to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 10464) authorizing the United States engineer in charge of Mobile Harbor to act as a member of the Mobile River commission—to the Committee on Rivers and Harbors.

By Mr. McCREARY: A bill (H. R. 10465) granting a pension to George Ann Coyle—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 10466) granting a pension to Hannah H. Grant—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: A bill (H. R. 10467) for the relief of Fred. W. Snell—to the Committee on War Claims.

By Mr. PEEL: A bill (H. R. 10468) granting a pension to John R. Kelly—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 10469) granting a pension to W. E. Thornton—to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 10470) granting a pension to Margaret Cooprider—to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 10471) granting a pension to Mary McLauchlin—to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 10472) granting a pension to Joseph Jenkins—to the Committee on Invalid Pensions.

By Mr. J. D. STEWART: A bill (H. R. 10473) for the relief of William G. Forsyth—to the Committee on War Claims.

Also, a bill (H. 10474) granting a pension to Dorcas Alford—to the Committee on Pensions.

By Mr. M. A. SMITH: A bill (H. R. 10475) for the relief of William M. Rudd—to the Committee on War Claims.

By Mr. A. C. THOMPSON: A bill (H. R. 10476) for the relief of Milton Phillips—to the Committee on Invalid Pensions.

By Mr. WARNER: A bill (H. R. 10477) increasing the pension of Walter P. Harrison—to the Committee on Pensions.

By Mr. WHITTHORNE: A bill (H. R. 10478) for the relief of William M. Anderson—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. R. BRECKINRIDGE: Petition of citizens of White County, Arkansas, for amendment of the interstate-commerce act—to the Committee on Commerce.

By Mr. BURROWS: Petition of Harriet M. Barnabee, administratrix of H. Barnabee, of Mendon, Mich., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Petition for a pension to Clinton A. Brown, of Hawkins County, Tennessee—to the Committee on Invalid Pensions.

By Mr. BYNUM: Evidence in the case of John C. Burdette, for amendment of his war record—to the Committee on Military Affairs.

By Mr. HOLMES: Petition of H. N. Hanson and 49 others, citizens of Webster County, Iowa, asking that binding-twine and the material from which it is made be placed on the free-list—to the Committee on Ways and Means.

By Mr. JOSEPH: Petition of citizens of New Mexico, for payment of Indian depredation claims—to the Select Committee on Indian Depredation Claims.

By Mr. LAGAN: Petition of Peter Johnson, of New Orleans, La., for a Mexican war pension—to the Committee on Pensions.

By Mr. LONG: Memorial of the Board of Trade of New Bedford, Mass., for adequate appropriation for revenue marine service—to the Committee on Appropriations.

By Mr. LYMAN: Resolutions of the Board of Trade of Council Bluffs, Iowa, in favor of the passage of House bill No. 8184, for the extension of the time of payment of the Union Pacific Railroad indebtedness—to the Committee on Pacific Railways.

By Mr. MAISH: Petition of Grange No. 565, of York County, Pennsylvania, for legislation to prevent the sale and manufacture of adulterated articles—to the Committee on Agriculture.

By Mr. MATSON: Petition of 31 ex-Union soldiers of Kelly Post, Grand Army of the Republic, for establishment of a soldiers' home at Indianapolis, Ind.—to the Committee on Military Affairs.

Also, petition of the faculty of the Indiana State University for an international copyright law—to the Committee on Patents.

By Mr. MILLIKEN: Petition of Hannah H. Grant, for a pension—to the Committee on Invalid Pensions.

By Mr. NEAL: Petition of Larkin Cardin, of Monroe County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. OUTHWAITE: Papers relating to the claim of Frederick W. Snell, for relief—to the Committee on War Claims.

Also, memorial of the Rose Polytechnic Institute, favoring the Cullom-Breckinridge bill—to the Committee on Expenditures in the War Department.

By Mr. PETERS: Petition of H. J. Reotzel and other citizens of Barton County, Kansas, for an amendment of the interstate-commerce law—to the Committee on Commerce.

By Mr. RYAN: Papers relating to the bill granting a pension to Joseph Jenkins—to the Committee on Invalid Pensions.

By Mr. J. D. STEWART: Petition of H. T. Craft, heir of Carl Craft, and of Green B. Clay, of Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. STONE, of Missouri: Petition of Mason Talbutt and others, of Dade County, Missouri, to amend the interstate-commerce law—to the Committee on Commerce.

By Mr. WARNER: Papers in the case of Walter P. Harrison, for increase of pension—to the Committee on Pensions.

By Mr. WHITTHORNE: Petition of A. B. Phillips, of Maury County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, were received and severally referred to the Committee on the Public Lands:

By Mr. GRANGER: Of citizens of Woodbury, Conn.

By Mr. ROCKWELL: Of citizens of Westfield, Mass.

By Mr. M. A. SMITH: Of B. C. Parker and others, of Tucson, Ariz.

The following petitions for the more effectual protection of agriculture, by means of certain import duties, were received and severally referred to the Committee on Ways and Means:

By Mr. KENNEDY: Of 60 citizens of Springfield, Ohio.

By Mr. NUTTING: Of Hon. Thomas Hunter and 35 others, of Sterling, N. Y.

By Mr. VANDEVER: Of citizens of Pomo, Cal.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. J. E. CAMPBELL: Of 200 ex-soldiers of Greene County, Ohio.

The following petitions praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. J. E. CAMPBELL: Of 168 citizens of Greene and Warren Counties, Ohio.

By Mr. GIFFORD: Of officers of the Woman's Christan Temperance Union of Dakota.

By Mr. McCOMAS: Of 210 citizens of Washington County, Maryland.

By Mr. MAISH: Of the Methodist Episcopal Church of Wellsville, York County, Pennsylvania.

By Mr. ROCKWELL: Of 107 citizens of Pittsfield, Mass.

The following petitions for an increase of compensation of fourth-class postmasters were severally referred to the Committee on the Post-Office and Post-Roads:

By Mr. T. D. JOHNSTON: Of citizens of Cedar Mountain, N. C.

By Mr. ROBERTSON: Of Dr. William S. Palmer and other citizens of Livingston, La.

SENATE.

TUESDAY, *June* 12, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, submitting an estimate from the Supervising Architect for the alterations, additional story, repairs, etc., to the United States mint at Philadelphia, Pa., amounting to $220,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate from the Supervising Architect for the repairs, alterations, etc., required for the custom-house at New Orleans, La., amounting to $167,959; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior relative to the surrender of land patents by certain Sisseton and Wahpeton Indians, and transmitting draught of a joint resolution to accomplish such surrender, and for other purposes; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

CONCRETE PAVING IN WASHINGTON.

The PRESIDENT *pro tempore* laid before the Senate an estimate of the Board of Commissioners of the District of Columbia for extending the concrete paving of E, F, and G streets to Fifth street northeast, in Washington, D. C.; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* announced his signature of the following enrolled bills, which had heretofore received the signature of the Speaker of the House of Representatives:

A bill (S. 1191) for the relief of the legal representatives of Mary H. Pike, deceased;

A bill (H. R. 152) granting a pension to Mrs. Therese Guelich;

A bill (H. R. 354) granting a pension to Samuel McClure;

A bill (H. R. 432) granting a pension to Columbus Bosteder;

A bill (H. R. 600) increasing the pension to Mary Minor Hoxey;

A bill (H. R. 780) granting a pension to James H. Darling;

A bill (H. R. 809) granting a pension to Ephraim Reynolds;
A bill (H. R. 1074) granting a pension to Linnæus W. Risley;
A bill (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia;
A bill (H. R. 2156) granting a pension to Warren Ohaver;
A bill (H. R. 2174) granting a pension to Lewis Fichthorn;
A bill (H. R. 2215) granting a pension to Charles Glamann;
A bill (H. R. 2413) granting a pension to Mrs. Mercy Knight;
A bill (H. R. 2535) granting a pension to Ellen St. Cyr;
A bill (H. R. 3016) granting a pension to Mary F. Harkins;
A bill (H. R. 3690) granting a pension to Penelope Morton, widow of Lieut. James Morton;
A bill (H. R. 3706) granting a pension to Henry C. Richardson;
A bill (H. R. 3712) increasing the pension of Milton Judd;
A bill (H. R. 3745) granting a pension to Mary O'Neill;
A bill (H. R. 4103) granting a pension to Edna M. Hildreth;
A bill (H. R. 4864) to place the name of Jacob Behr on the pension-roll;
A bill (H. R. 4891) granting a pension to Alpheus Dyer;
A bill (H. R. 5177) granting a pension to Pleman Cook;
A bill (H. R. 5378) for the relief of Tillman Faux;
A bill (H. R. 5429) to place the name of Smith V. Campbell on the pension-roll;
A bill (H. R. 5756) granting a pension to David Gibbons;
A bill (H. R. 5812) granting a pension to Catharine Tierney;
A bill (H. R. 6245) for the relief of William Burk;
A bill (H. R. 6440) to authorize the construction of a bridge over the Missouri River at or near the city of Omaha, Nebr.;
A bill (H. R. 6531) to pension Leah Roark;
A bill (H. R. 6545) to increase the pension of Henry T. Bridges;
A bill (H. R. 6552) to increase the pension of James R. Porter;
A bill (H. R. 6574) for the relief of William Compton;
A bill (H. R. 6577) granting a pension to Abigail Sullivan;
A bill (H. R. 6583) granting a pension to Sally B. Wilson;
A bill (H. R. 6770) granting a pension to Mrs. Carrie A. Luey;
A bill (H. R. 6840) for the relief of Hiram M. Goss;
A bill (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia;
A bill (H. R. 6973) for the relief of Enoch Weathers;
A bill (H. R. 6990) to place the name of Rebecca E. Shoemaker on the pension-roll;
A bill (H. R. 7097) granting a pension to Edmund Ryan;
A bill (H. R. 7115) granting a pension to William Scott;
A bill (H. R. 7263) for the erection of a public building at Bay City, Mich.;
A bill (H. R. 7264) for the erection of a public building at Bridgeport, Conn.;
A bill (H. R. 7340) to authorize the construction of a bridge across the Mississippi River at Hickman, Ky.;
A bill (H. R. 7466) granting a pension to Hannah H. Grant;
A bill (H. R. 7471) granting a pension to Moses L. Chase;
A bill (H. R. 7574) granting a pension to Frank Lewis;
A bill (H. R. 7642) granting a pension to Abbie R. Brown;
A bill (H. R. 7688) granting a pension to John Glenning;
A bill (H. R. 7721) granting a pension to Martha Linton;
A bill (H. R. 7829) granting a pension to Thomas McGuire;
A bill (H. R. 7857) to increase the pension of Henry L. Potter;
A bill (H. R. 7944) granting a pension to Ann V. Ferguson;
A bill (H. R. 7974) granting a pension to Heman Rankin;
A bill (H. R. 8159) granting a pension to Jane Brown Dunn;
A bill (H. R. 8174) granting a pension to Ellen Sexton;
A bill (H. R. 8217) granting a pension to Raphael Fowler;
A bill (H. R. 8260) granting a pension to Lydia A. Hicks;
A bill (H. R. 8281) for the relief of Lieut. James G. W. Hardy;
A bill (H. R. 8400) for the relief of Lydia Burridge;
A bill (H. R. 8496) to increase the pension of Albert E. Magoffin;
A bill (H. R. 8629) granting a pension to Mrs. Abba E. Jackson;
A bill (H. R. 8722) granting a pension to Jessie M. Barthauer;
A bill (H. R. 8771) to place the name of Mrs. Flora C. Andrews on the pension-roll;
A bill (H. R. 8798) granting a pension to Nettie Ellicott;
A bill (H. R. 8884) granting a pension to Emily McClure;
A bill (H. R. 9170) granting a pension to James W. Poag; and
A bill (H. R. 9682) increasing the pension of Jesse Dickey.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Barton County, Kansas, praying that certain amendments be made to the interstate-commerce act so as to prevent the continuance of existing evils; which was referred to the Committee on Interstate Commerce.

Mr. STOCKBRIDGE (for Mr. PALMER) presented a petition of the Merchants and Manufacturers' Exchange of Detroit, Mich., attested by Charles Buncher, its president, and S. S. Seefred, its actuary, praying for the passage of the bill authorizing the construction of a winter bridge across the Detroit River; which was referred to the Committee on Commerce.

He also (for Mr. PALMER) presented the petition of A. D. Stephenson and 91 other citizens of Lenawee County, Michigan, praying that the interstate-commerce law be so amended as to prevent existing evils affecting public interests; which was referred to the Committee on Interstate Commerce.

Mr. EVARTS presented the petition of Lillie Devereux Blake, a citizen of the United States and a resident of the State of New York, praying for the removal of her political disabilities; which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of New York, praying that an increased appropriation be made for the purchase of a site and erection of suitable buildings thereon for appraisers' stores and other purposes in New York City; which was referred to the Committee on Public Buildings and Grounds.

Mr. CALL presented a petition of citizens of Indian River, Fla., praying that an appropriation be made to deepen and straighten the channel of the Indian River from Grant's Farm to Jupiter, in the State of Florida; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 5574) granting a pension to Benjamin F. Byers;
A bill (H. R. 5789) granting a pension to Ellen M. Thiers;
A bill (H. R. 6907) granting an increase of pension to Elias Shafer;
A bill (H. R. 4743) granting pensions to Ada Piatt, Leota Piatt, and Jessie Piatt;
A bill (S. 2993) granting a pension to Margaret A. Hillard;
A bill (S. 2934) granting a pension to Mary Sullivan; and
A bill (S. 2682) granting a pension to Wilford White.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:
A bill (S. 2957) granting a pension to Maryeta McGuire, widow of Francis McGuire;
A bill (S. 2944) granting a pension to Mrs. Lizzie G. Parker;
A bill (S. 2968) granting a pension to Mrs. J. E. Norton;
A bill (S. 2950) granting a pension to Milton Childers;
A bill (S. 3033) granting a pension to James H. Fox; and
A bill (S. 3032) for the relief of Edward D. Stillson.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2832) for the relief of General William F. Smith, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 56) granting permission to officers and enlisted men, members of the Military Order of the Loyal Legion of the United States and of the Grand Army of the Republic, to wear the badges adopted by those orders, reported it with amendments and submitted a report thereon.

Mr. MANDERSON. I am also directed by a majority of the Committee on Military Affairs, to whom was referred the bill (S. 2556) for the relief of Charles B. Newton, to report it without amendment. On the bill there will be majority and minority reports from the committee. I report the bill now simply that it may obtain its place on the Calendar. I withhold the majority report, to be submitted to the minority, who will hereafter make a minority report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. FAULKNER, from the Committee on Pensions, to whom was referred the bill (S. 3001) granting a pension to J. Niebels, submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (H. R. 2116) granting a pension to Johanna Eckhardt;
A bill (H. R. 927) for the relief of Friedericke Raff;
A bill (H. R. 891) granting a pension to Eliza Ann Shaver;
A bill (H. R. 215) granting a pension to James McCaffrey;
A bill (H. R. 7693) granting a pension to Peter C. Cheeks;
A bill (H. R. 3568) for the relief of B. S. Van Buren; and
A bill (H. R. 9877) granting an increase of pension to Mary L. Cleveland.

Mr. EVARTS, from the Committee on the Library, reported a bill (S. 3133) providing for a bust of the late Chief-Justice Morrison Remick Waite to be placed in the room of the Supreme Court of the United States; which was read twice by its title.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, submitted a report, accompanied by a bill (S. 3134) for the erection of an additional fire-proof building for the use of the National Museum; which was read twice by its title.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:
A bill (S. 2872) granting a pension to Thomas R. Sturman;
A bill (S. 2871) granting a pension to Mrs. Sarah J. Martin; and

A bill (S. 1863) granting a pension to John A. Beltzer.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2984) granting a pension to Olive I. Workman and Philena E. Hershman; and

A bill (S. 3000) granting a pension to Sarah Shelden.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them each without amendment, and submitted reports thereon:

A bill (H. R. 7025) granting a pension to Evalina P. Brown; and

A bill (H. R. 2475) granting a pension to Adelaide L. Jessup.

Mr. WILSON, of Maryland, from the Committee on Claims, to whom was referred the bill (S. 1521) for the relief of M. C. Mordecai, reported it with an amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Appropriations, to whom was referred the bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes, reported it with amendments.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 3116) granting an increase of pension to Thomas Wynne, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 3135) granting an increase of pension to Eliza J. Alexander; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 3136) to amend section 1014 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DAVIS introduced a bill (S. 3137) granting a pension to Ruth Ames; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 3138) granting a pension to George Wylie; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 3139) to remove the charge of desertion from the record of William H. Fenton; which was read twice by its title.

Mr. MANDERSON. A similar bill at a former Congress met with an adverse report at the hands of the Committee on Military Affairs, but I file with this bill new and additional evidence that I think takes it out of the rule.

The PRESIDENT *pro tempore*. The bill, with the accompanying papers, will be referred to the Committee on Military Affairs.

Mr. COCKRELL (by request) introduced a bill (S. 3140) for the relief of James Harvey Dennis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. SAWYER introduced a bill (S. 3141) granting an increase of pension to Jonas Doering; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3142) relating to the classification of post-offices and amendatory of the act approved March 3, 1883, entitled "An act to adjust the salaries of postmasters;" which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB introduced a bill (S. 3143) granting a pension to Letistry Parker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3144) granting a pension to Nancy A. Hayes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3145) for the relief of the heirs of John M. Powell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3146) authorizing the construction of a bridge over the Missouri River at or near Kansas City, Kans., and not over 10 miles above the Hannibal and St. Joseph Railway bridge at Kansas City, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO CLAIMS BILL.

Mr. BECK, Mr. FAULKNER (for Mr. MCPHERSON), and Mr TELLER submitted amendments intended to be proposed by them respectively to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act; which were referred to the Committee on Claims, and ordered to be printed.

SILVER BULLION—SUSPENSION OF RULES.

Mr. STEWART. I desire to give the following notice:

I give notice that I will move to suspend the rules when the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, is under consideration, so that the following amendments to said bill shall be in order, to wit:

"First. That whenever the circulation, or any portion thereof, of any national bank, not in liquidation, shall be surrendered by the deposit of United States notes in the Treasury or otherwise, and the same or an equivalent amount is not taken by other national banks within thirty days thereafter, the Secretary of the Treasury is hereby authorized and directed to purchase, at the market price thereof, an equivalent amount in silver bullion in excess of the minimum of $2,000,000 worth per month for coinage purposes, which shall be coined and used as provided in the act passed February 28, 1878, entitled 'An act to authorize the coinage of the standard silver dollar and restore its legal-tender character.'

"Second. That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase and coin, under the provisions of an act entitled 'An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character,' approved February 28, 1878, not less than $4,000,000 worth of silver bullion per month."

Mr. HOAR. I would like to inquire of the Chair at this time (although it is not regularly, of course, in order, but I think it would be proper to make the inquiry) whether such a procedure as that proposed by the Senator from Nevada would be in order under our rules? If it is not, and any Senator thinks it is not, I think it is fair to him to state it now, so as not to have it sprung upon him hereafter.

Mr. STEWART. Certainly.

Mr. HOAR. As I understand Rule XL, it would not be in order. Will the Chair be good enough to have that rule read by the Secretary?

The PRESIDENT *pro tempore*. The Secretary will read Rule No. XL.

The Chief Clerk read as follows:

RULE XL.

SUSPENSION AND AMENDMENT OF THE RULES.

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XII.

Mr. HOAR. I do not understand that that makes it in order, when another matter is pending before the Senate, to move to suspend the rule to make a certain procedure in regard to that matter then in order which otherwise would not be. The rule which says that only certain specified motions shall be in order when a bill is under consideration would be still a part of the law of the Senate.

I understand that the method of getting at what the Senator from Nevada proposes would be to move as a resolution of the Senate that so much of a certain rule as he describes as would prevent his moving a certain amendment at a certain time shall be suspended. That would be submitted as an ordinary resolution, go over one day if anybody objects, and then be taken up at resolution time and passed. If such a resolution is passed when the particular measure comes up the Senator can make his motion notwithstanding the rule, because it is in order. I should like to ask the Chair his opinion upon that subject.

Mr. STEWART. I do not see anything in the rule that requires the time to be fixed when the motion shall be made. It seems to me that it can be made when the bill is under consideration; that when it is desired to offer the amendment the motion to suspend the rule can be made at that time as well as at any other. The only point that I see made by the Senator from Massachusetts is that the suspension should occur before there is occasion to use it. There may be no occasion to use it; there may be no objection to an amendment of that kind when it is offered; but if an amendment such as I propose should be offered, and there was objection made to it, I would be in a position, it seems to me, to suspend the rules under the notice I have given.

The PRESIDENT *pro tempore*. The question is an interesting and novel one, but will properly arise when the Senator from Nevada shall offer his amendment. The question then for the Chair to decide would be whether in consequence of this notice he had so modified the rule that his amendment would be in order as being general legislation. The Chair could not in advance announce any decision upon the parliamentary question.

Mr. STEWART. If it becomes necessary on examination to make my notice more specific I shall do so.

Mr. HOAR. I thought it was fair to the Senator from Nevada (because nobody desires to prevent the Senate from doing what it would wish to do at the time) to make the suggestion to the honorable Senator now, as I will repeat, you can not move to suspend a rule when another matter is before the Senate merely by giving notice of it beforehand. When the appropriation bill comes up, the rule says that you may move to commit, to amend, to postpone to a day certain, to postpone indefinitely, to adjourn, or to proceed to the consideration of executive business. Those are all the motions you can make. So, if the Senator gets up and makes the motion he now proposes, he is cut off by that rule, because he has only given notice that he is going to make a motion, and that does not give him a right to make it out of order. The rule provides that a notice of a motion to suspend a rule must be given in this way.

The method of getting at what the Senator wants, it seems to me, is to introduce a resolution to suspend that rule, or so much of it as stands in his way. Then let that go over one day, if anybody objects, and probably somebody would. Then any day hereafter, to-morrow morning, for instance, if he introduces the resolution now, he can take up the resolution and the Senate will amend its rule by resolving that so much of that rule as stands in the way of this particular motion is suspended. Then the Senator will have it in his power whenever the

matter comes up. It is a mere question of the form of proceeding, not of substance.

Mr. STEWART. That is precisely the method I pursued in regard to another amendment to the same bill, relating to silver certificates. I offered a regular resolution in the manner suggested by the Senator from Massachusetts. That method may be more regular. I will examine it and if it is, to-morrow morning I will put in a resolution which shall conform to my former resolution.

THE LOUISIANA ELECTION.

Mr. CHANDLER submitted the following resolution; which was read:

Resolved, That the credentials which have been presented to the Senate purporting to show the election on the 22d day of May, 1888, by the Legislature of the State of Louisiana of RANDALL LEE GIBSON as United States Senator from said State for the term of six years from the 4th day of March, 1889, be referred to the Committee on Privileges and Elections, and that said committee be instructed to inquire into all the facts of said Senatorial election; and especially to ascertain and report to the Senate whether or not at the recent State election in Louisiana, which included the election of the aforesaid Legislature, the 136,746 votes returned for the candidate of the dominant party for governor were actually cast, in view of the fact that at no previous election had the votes of such candidate of such party exceeded 88,794; and also to report why in the parish of Madison there were returned 3,530 votes for one party and none for the other; in East Feliciana Parish 2,276 for one party and only 5 for the other; in Morehouse Parish 1,584 for one party and only 14 for the other; in Ouachita Parish 2,994 for one party and only 5 for the other; in Sabine Parish 1,441 for one party and only 2 for the other; in Tensas Parish 4,627 for one party and only 113 for the other; and why there were similar returns from other parishes; and also to ascertain and report whether or not at said State election there was any violence, intimidation, or fraud which prevented a fair election; and particularly whether or not there were any false canvasses or false returns made by the local election officers, or included in the final canvass of the votes.

And in case said committee, as the result of the foregoing inquiries, shall conclude that there were in connection with the aforesaid State election illegalities, frauds, false canvasses, and false returns so extensive and systematic in their character as to show that there existed on the part of the various State election officers a deliberate plan to apparently carry said election without regard to the votes actually cast, and to choose a governor and other State officers and a State Legislature by such illegal, false, and fraudulent means, then said committee shall proceed further to inquire and report whether said Legislature was actually and duly elected by the people of Louisiana, or was in fact substantially the creation solely of the returning and canvassing officers, and whether said State of Louisiana had on said 22d day of May, 1888, a republican form of government, including a Legislature entitled to choose United States Senators.

Mr. HARRIS. Let that go over, Mr. President, and be printed.

The PRESIDENT *pro tempore*. The resolution will lie over under the rule and be printed.

Mr. CHANDLER. I ask that the resolution may be printed and lie on the table.

The PRESIDENT *pro tempore*. It is so ordered.

Mr. CHANDLER. I shall give notice before calling it up.

The PRESIDENT *pro tempore*. The resolution will lie over and be printed.

Mr. HOAR. What became of the resolution just offered by the Senator from New Hampshire? One Senator asked that it might lie over and be printed, and the other that it might lie on the table and be printed. Which order was made?

The PRESIDENT *pro tempore*. It will lie on the table, in accordance with the request of the Senator from New Hampshire, and be printed.

THE FISHERIES TREATY.

Mr. MORGAN. The resolutions on the subject of the report of the majority of the Committee on Foreign Relations respecting the fisheries come up to-day by the order of the Senate made yesterday.

The PRESIDENT *pro tempore*. What disposition does the Senator desire to have made of the resolutions?

Mr. MORGAN. I am entirely willing, if it meets the approbation of the members of the majority of the committee, that the resolutions shall go over to the proper place in the morning hour the same day on which the treaty is to be considered again. I suppose Senators who would like to participate in the debate on the resolutions are likely to be absent. Some of them are absent now; the chairman of the committee is absent. I ask unanimous consent that the resolutions, retaining their place, may go over until next Monday a week. I believe that is the date of the postponement of the treaty.

Mr. HALE. I should like to have the resolutions lie on the table for the present. I do not propose to discuss the fisheries treaty to any extent, but as I am obliged to go off to-morrow I may wish to call them up and be heard briefly.

Mr. MORGAN. Let the resolutions be passed over informally then.

Mr. HALE. Let them be passed over informally.

Mr. HARRIS. I was informed yesterday by the Senator from North Carolina [Mr. VANCE] that he had moved that the resolutions of the Senator from Alabama be referred to the Committee on Foreign Relations. He is now necessarily absent from the Senate, and requested me to withdraw the motion that he had made to refer.

The PRESIDENT *pro tempore*. The Chair does not think the motion of the Senator from North Carolina was ever entertained, the question that morning being whether the Senate would proceed to the consideration of the resolutions. Objection was made to their present consideration and they went over, and on an appeal from the decision of the Chair the Senator from Alabama submitted his remarks.

Mr. HARRIS. Of course if the motion was not made the request of the Senator from North Carolina would have no effect.

The PRESIDENT *pro tempore*. The Chair does not think the motion to refer is pending. The Chair understands the Senator from Maine to object to any disposition being made of the resolutions at present.

Mr. MORGAN. I understand that they go over, retaining their place until to-morrow.

The PRESIDENT *pro tempore*. The resolutions are passed over informally.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, and so forth, in the District of Columbia;

A bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes;

A bill (H. R. 8039) providing for the appointment of police matrons for the District of Columbia, defining their duties, and for other purposes; and

A bill (H. R. 8719) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia.

The message also announced that the House had passed the joint resolution (S. R. 42) extending the provisions of an act entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887, with amendments in which it requested the concurrence of the Senate.

OFFER OF BONDS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. STEWART, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate with a full statement of all offers of bonds for sale to the Government since April 1, 1888, with dates of offers, amounts of bonds offered, premiums asked, and names of parties offering bonds; also with a full statement of the bonds purchased, giving the dates of purchase, amounts purchased, premiums paid, and names of parties selling since said date.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. STEWART. Mr. President, I hope the resolution will pass. There certainly can be no objection whatever to the public acts of the Departments being made public. There can not possibly be any private report of proceedings in regard to bonds which should be kept secret. There certainly can be no reason for concealment.

I confess that it is a humiliating condition of things that a necessity should exist for the Executive Departments to be purchasing bonds at the enormous premium of 27 per cent. If that necessity does exist, there certainly can be no reason why operations of such a character should be kept secret.

If it be true that the people of the United States can not be furnished with a circulating medium without having it doled out by private contracts between the Treasury Department and the owners of bonds and the persons having charge of the national banks, it is certainly a very severe commentary upon the existing statutes.

There are other things in the statutes and in connection with this same matter which must attract the attention of the country. There is the fact that under the statutes in order to give the people money it is claimed to be necessary that the Secretary of the Treasury shall loan the Government money without interest to the national banks; otherwise they say we should have a stringency of the money market. We must relieve the money market by loaning the revenues of the Government without interest. We must further relieve the money market by paying 27 per cent. premium on bonds not yet due. All this immense power to relieve the money market is in the discretion of the Secretary of the Treasury.

I do not believe that this Government ought to be placed in the position of a private partnership with any moneyed institutions outside. It ought to have no secret partners of that kind.

The mere suggestion that those dealing with the Government desire to conceal their transactions is very offensive to the American people. The necessity to furnish the country with money by these extraordinary dealings, loaning the revenues without interest, and buying bonds at this enormous premium, is bad enough. That there should be secrecy about it is intolerable. I think there is no reason why we should not have the information.

As to why and how this necessity was created, how or why this surplus has accumulated, that is a question of a very important character. It is a question that is going to be submitted to the American people in the coming campaign. Who is responsible for it? It is said on the one hand that it is because there is too much tariff, and that the tariff must be reduced in order to get rid of the surplus; but gentlemen do not reflect that there is not now a tariff for revenue. I believe it is conceded on all hands in this country that there should at least be sufficient tariff to produce the necessary revenue for the purpose of carrying on the Government.

We have no such tariff. We have not even a revenue tariff. We

are collecting a war tax, the internal revenue, of over $118,000,000 annually, which is from $50,000,000 to $60,000,000 more than the surplus. If the theory of a revenue tariff were even adhered to we should have to increase the duties on imports or put duties on a large number of articles which are now on the free-list to secure even a revenue tariff.

But that is a question to be decided by the people. If we are at the mercy of bondholders and of national banks so that they must have large premiums and money without interest in order that the country may have the money necessary to do business among the people, all I ask now is that we may know what is going on.

Mr. COCKRELL. I move to strike out, in the fourth line of the resolution, the words "and names of parties offering bonds," and the same words at the end of the resolution.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to amend the resolution. The amendment will be stated.

The CHIEF CLERK. In line 4, after the word "asked," it is proposed to strike out "and names of parties offering bonds;" and in line 6, after the word "paid," to strike out "and names of parties selling since said date;" so as to make the resolution read:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate with a full statement of all offers of bonds for sale to the Government since April 1, 1888, with dates of offers, amounts of bonds offered, premiums asked; also with a full statement of the bonds purchased, giving the dates of purchase, amounts purchased, premiums paid.

Mr. STEWART. I hope that amendment will not prevail. I think it would be interesting to the American people to know who have these special privileges, to know what particular national banks or bondholders are being built up or have been built up by the action of the Treasury Department. The public ought to understand it. I think that is the very thing the people want to know. I think the very thing they want to know is, who is benefited, who are the secret partners of the Treasury Department who are growing rich by the unfortunate condition of our laws, which makes it necessary in order to have money to do business that we should make these enormous sacrifices. I say that is the very thing the public wants to know, and it ought to know.

Mr. COCKRELL. Only curiosity could prompt the desire for the information in regard to the names of parties offering bonds. These bids are received, many of them, doubtless, from mere agents, some of them from parties. It would impose upon the Treasury Department an immense amount of labor and require the time of employés for many days to write out all these names, and when they are had they can be of no possible benefit to the Senate or to the public.

The Senator from Ohio [Mr. SHERMAN] yesterday objected to these words in the resolution, and I can see no possible reason why they should be retained. The rest of the resolution would then call for a full statement of all offers of bonds, with the dates of the offers, the amounts of the bonds offered, and the premiums asked; and that would be all the information that could be of any benefit either to the Senate or to the public.

As to the other questions to which the Senator from Nevada has referred, "Sufficient unto the day is the evil thereof." We expect a bill for the reduction of the war taxes to be passed by the House of Representatives and brought to the Senate, and then it will be time enough to discuss those economic questions.

Mr. STEWART. If such a bill ever comes, which is very improbable, for it has not been discussed yet in connection with the war taxes, we shall take time to consider it. There is a bill pending elsewhere to reduce the tariff when it is already far below a tariff for revenue; but the question of the war taxes has not been discussed, as I have observed, in any quarter, though there have been some vague suggestions that a part of the war taxes might be reduced. When a bill reducing war taxes reaches the Senate, if it ever shall, it will be properly considered. But, however that may be, I am opposed to building up unknown pet favorites, whether they be national banks or whether they be bondholders. I want to know who is getting rich at the expense of the Government. It might be well to know who has got rich in former times in that way, but certainly now as we are going on we may as well keep up the information and see who are having the advantage of these speculations.

Mr. BECK. Mr. President, I do not propose to go into a prolonged discussion of this question, but the suggestion made by the Senator from Ohio [Mr. SHERMAN] yesterday seemed to me so eminently proper, to strike out the words "and names of parties offering bonds," that I shall vote for the proposition made now by the Senator from Missouri [Mr. COCKRELL].

We have by law authorized the Secretary of the Treasury to buy bonds in open market, and the Secretary has, so far as I am advised, complied faithfully with the law. The resolution does not even suggest that he has violated it in any particular.

A good deal will be said some of these days, and I hope very soon, in regard to the responsibility for the conditions creating the necessity that exists now for the payment of premiums on our public debt. I think I can show that the Democratic party is blameless in that regard. We are paying premiums on the four-and-a-halfs of 8 or 8½, and 26 or 27 for the fours. Republican policy and legislation is responsible for that state of things, as I can demonstrate.

I do not propose to go into that discussion now. I am willing to ascertain all about the bonds purchased, and all the steps taken, and when the proper time comes we can go into the main discussion as to party responsibility; but the propriety of inquiring as to the names of persons who have offered bonds is very questionable.

I think with the Senator from Missouri that to publish the names of private citizens who may be compelled to sell their bonds is not forwarding any political purpose even; it is simply exposing them to improper criticism or exposure. I think it is an outrage upon the American tax-payers that we should be obliged to pay a premium on our bonds. I think unjust taxation has been kept up for years by all sorts of cunning devices to bring about that result. I think I can show that the party which had control prior to this Administration is responsible for it; and to-day its efforts are directed to maintaining that condition of things against the best interests of the country. I do not propose, however, to go into that now, but when it is gone into the responsibility will not be upon the Secretary of the Treasury, nor upon the President, nor upon the party they represent, because every honest effort that could be made has been made by all of us to reduce taxation. The question pressing upon us now is whether the money wrongfully extorted by taxation shall be locked up in the Treasury, or whether the bonds not due shall be bought at a premium. As the least of two evils the Secretary, under the direction and by the order of Congress, is doing what he is doing. Unless some distinct charge of misconduct is made I insist that when men offer their bonds, as they have a right to do, their business and their necessities should not be inquired into or criticised by their enemies or competitors in business.

Mr. STEWART. I knew that the Senator from Kentucky regretted exceedingly the necessity for purchasing these bonds at the enormous premium of 27 per cent. I have heard him say so before; I know his views. They are very sound and have been very beneficial to the country; but I have an opinion that the parties who have succeeded in bringing the condition of the country to be such that they can take advantage of it have had secret advantages, and are possessing secret advantages. I want to develop the facts, so that they shall show their hand. In the language of another place, they deal from the bottom of the pack; they stock the cards, in language that is used where I do not care to mention.

I want to know who are marking the cards so as to obstruct legislation. I want to know who the secret partners of the Government are that make it necessary to go into the market and "bull" bonds. Who has made this action necessary? Who benefits by it? Who makes it necessary for the Government to loan money without interest? Who is dealing with the Government? Who are the secret partners negotiating with the United States? If anybody is afraid to sell his bonds publicly, let him keep his bonds. Is the Government of the United States in such a miserable condition that it has to pay people to give up their bonds not due? Is it going to deal with its citizens under pledge that it will not disclose their names? I say it will not do.

I desire the yeas and nays on this proposition, whether we shall know who are the secret partners of the Treasury Department.

Mr. BECK. Only one suggestion. While I object to the names of private parties offering bonds for sale being called for by this resolution for the reasons I have given, I am willing to insert as an amendment to it, "and to advise the Senate whether rejected offers from any one other than those from whom he bought were at a lower rate of premium than that paid the parties from whom he bought." That will develop whether anybody has been given any advantage over any one else or not; if the Secretary has refused bonds offered to him at 107 and bought from somebody else at 108 for the four-and-a-halfs or refused offers at 126 for the fours and paid others 127, let that be developed; that is what the Senate and the country are interested in knowing if any suspicion exists in regard to the fairness of the Secretary's execution of the law.

If there has been any combination with any bank or any body of men anywhere, or if the Secretary is dealing from the bottom, as the Senator suggests, let that be developed; but as to giving the names of parties without any accusation, without any facts to show that they are dealing unfairly, does not seem to me to be a just or necessary proposition. If the amendment I suggest is adopted everything will be developed as to whether the transaction has been fair or not, whether any bank or any association or anybody offered bonds lower than the bids of others which have been accepted. All that is a proper subject for inquiry.

Mr. STEWART. Does the Senator from Kentucky suppose the books will not show everything to be regular? Does he suppose that the men engaged as partners with the United States are not making enough to have everything made straight on the record? Does he not know that it is possible to have the word passed around that some individual has the ear of the Secretary, and that persons had better pass their bonds to him? Does he not know that if there is anything wrong in this thing, it is not wrong in the record, but in the manipulation? And does he not know that the people of the United States have a right to know with whom the Government is dealing?

I say the names ought to be known, and we should have the names of all the parties who have dealt with the Government in regard to the

bonds of the United States for the last forty years. But now as the Secretary of the Treasury has said that he thought it inexpedient to have the names of the parties with whom he is dealing made public, since that has been suggested, it seems to me that it is of the highest importance to the character and the reputation of the Secretary himself that we should at once have the names. No doubt this was done inadvertently by him, and no doubt he will be relieved by this resolution. If I were in his place I should want the resolution passed. I demand the yeas and nays on the adoption of the amendment.

Mr. BECK. I have only a word to say in reference to the last suggestion of the Senator from Nevada. He says of course the books of the Treasury will show everything regular. I presume they will, and I assume that they are regular; but I am sure, and he knows, that if any man in the country has made an offer to the Government of the bonds of the United States that offer is in writing, and if a more unfavorable offer has been accepted that fact can be and surely will be exposed. When the report comes in, if it shows that the Secretary has paid 127 to one party when he was offered bonds for 125 or 126, or any less premium, by another, there can be no concealment of the fact, because every one of those propositions is made in writing and every individual man or every association whose bid has been rejected, while the Secretary bought at a higher rate from anybody else, will be ready to furnish the fact to the Senator from Nevada or anybody who cares to know anything about it.

Mr. STEWART. I should like to know why there should be a difference between bondholders and other people. The name of every other individual who deals with the Government, from the boy who sweeps out the office of the Secretary of the Treasury up to the largest contractor, is known and on the roll. Every contract made with every Department for any purpose, for Indian supplies, for everything that the Government does, except in dealing with the finances, is public; the names are published or open to the public; it is known who gets the contract, and it has not deterred contractors in other respects from making contracts. Why should there be any mystery thrown about finance? I tell you why there is mystery about finance; it is because there are particular advantages to some.

I say that the names of all dealing with the Government, including the pensioners, all who draw money from this Government are disclosed; and why not disclose those dealing in bonds? Why not disclose their names? They have by their manipulation transferred at least one-half of the entire property of this Republic from the people to the creditor class by the vicious legislation they have caused. They are all-powerful, this great power that is felt everywhere; it is so powerful that we can not even know who compose it. Let us know who has the influence to put our legislation in a condition where the Government is under the necessity of begging of them not to surrender the circulation of the people. There is no circulation for the people without the consent of these august powers, and we are not to know who they are. It will not do.

The Senator from Kentucky, I hope, will reconsider his determination and vote for this resolution after voting down the amendment. I know it is a matter of importance, and he is making a mistake. He can not think as he says, because he knows of no individual who is favored.

Mr. BECK. Mr. President, one word further. There may be a great deal of force, and I think there is, in what is intimated by the Senator from Nevada, that the bondholders of the country have been reaping nearly all the benefit of our legislation for many years; I believe they have. He will not go any further than I will at the proper time to develop that class legislation has been at the bottom of all our financial and business troubles. These questions are not before the Senate now.

We have, however, by act of Congress authorized the Secretary of the Treasury to buy bonds whenever he pleases and wherever he can. Of course we expect him to buy them as cheaply as he can. It may be that there are very many people other than bank officers and large moneyed associations who desire or are compelled to sell their bonds. They may be offering them lower than the banks and associations are because they need the money; if their names are disclosed and their condition developed, if it were known that they were selling bonds, that fact would have a tendency to injure the credit of those people who want to raise money on the bonds they hold. Our bonds may be held by people who are in comparative distress. The result would be to force them to put their bonds into the hands of the great moneyed associations to dispose of them without exposure; they would have to pay a brokerage or a commission rather than develop the fact that they themselves were forced to sell their bonds, and the Government of the United States would have to pay the enhanced premium that those financial agents would demand. They are, of course, willing to publish their dealings to the world; indeed, they make many commissions by doing so.

What do Mr. Gould or Mr. Vanderbilt or the great bankers of New York care if it is developed that even their own bonds are offered for sale? It does not affect their credit, but the man who needs five or ten thousand dollars and only has bonds of the United States for that amount, when he sells them and it is published that he is selling them, his credit is affected and he dare not offer to sell even at a price that he would be willing to take; he will go to these banking associations that are not only willing to develop that they are making sales, for they are brokers for everybody who pay them a premium, and they will ask an enhanced premium, and you will give them a monopoly of the business by excluding all men who are in needy circumstances from offering bonds on their own account.

The effect of this clause of the resolution is to ascertain the names of those needy people who are offering bonds lower than the banks will offer them and to force those people to deal with the Government through the great brokers and bankers of the country. I do not believe that is the purpose of the Senator from Nevada, but that is the effect of his exposures of private transactions by publishing these names, and it will add an additional 1 or perhaps 2 per cent. to the premium on bonds the United States are required to purchase, because they will have to go through that process of which I have spoken. That may be the object of some people. I do not believe it is the object or meaning of the Senator from Nevada, but that is the effect of the proposition he makes.

The Senator from Nevada will not now rise in his place and say that he believes or has reason to belive that the Secretary of the Treasury has refused to purchase any bond that was offered to him by anybody, however needy or at however low a rate, and has paid anybody one-eighth, or one-tenth, or one-hundredth part of 1 per cent. more because the person offering at the one-eighth, one-tenth, or one-hundredth part more was a friend of the Administration or of the Secretary. He will not avow that he even suspects the Secretary of doing wrong. It is not true, and the Senator will say it is not true if he is questioned himself. No good can come of the exposure of private men's dealings, but evil must come of it; men will be deterred from making their offers, and all offers in future will be confined to the great banking houses and brokers' establishments. The Government will have to pay to these organization when they combine, as they will, even a higher premium than it pays now—outrageously high as that is, after all the business gets into their hands by the exclusion of competition with the needy people I have spoken of.

Mr. STEWART. The premium has gone up about 3 per cent. since this process commenced. The premium on the 4's then was about 24½, and now it is about 27½. That is a pretty good advance under the present management. It can not be much worse, unless we pay the entire interest to the maturity of the bond.

I do not want to disclose the hand of anybody, but I want to see if there is a money trust in this matter. I do not believe in that. If a holder of bonds who sells at 127 per cent. is subject to discredit, I believe he can stand it. The idea that these bondholders now are going to claim, after all the benefits they have had, that they are insolvent or that their credit is not good! If a man has bonds that he can sell for 26 or 27 per cent. premium, let him sell them to somebody else, let them all go through the trusts, and let us know what the trusts are, and who are dealing with them.

I ask for the yeas and nays on the amendment.

The PRESIDENT *pro tempore*. The words proposed by the Senator from Missouri to be stricken out occur in two places, and, if there be no objection, the motion will be submitted as one motion to amend. The Senator from Nevada [Mr. STEWART] upon this question asks that the yeas and nays be entered on the Journal.

The yeas and nays were ordered.

Mr. HOAR. Let the amendment be reported.

The PRESIDENT *pro tempore*. The Secretary will report the resolution, and also the amendment of the Senator from Missouri.

The SECRETARY. It is proposed to amend the resolution, in line 4, after the word "asked," by striking out "and names of parties offering bonds;" and in line 6, after the word "paid," by striking out "and names of parties selling since said date;" so as to make the resolution read:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate with a full statement of all offers of bonds for sale to the Government since April 1, 1888, with dates of offers, amounts of bonds offered, premiums asked; also with a full statement of the bonds purchased, giving the dates of purchase, amounts purchased, premiums paid.

Mr. BECK. After the word "purchased" and before the words "premiums paid," the word "and" should be inserted.

The PRESIDENT *pro tempore*. That amendment will be considered as proposed, if there be no objection.

Mr. SHERMAN. I hope the Senator from Missouri will modify his amendment and use the words "private persons," because there would be no objection to publishing the names of corporations or brokers.

Mr. COCKRELL. I have no objection to that, and accept the amendment.

Mr. SHERMAN. Probably corporations and brokers would like to have their names published. Insert the word "private" before "persons."

Mr. STEWART. I think that makes it worse, for it is very easy for a banking institution to designate a certain person in their concern who would be a private person, and we should have no information to do us any good. We want all the facts.

The PRESIDENT *pro tempore*. Does the Senator from Missouri propose any modification of the amendment?

Mr. COCKRELL. After the word "parties" insert "names of private persons." Inserting the word "private" alone would not accomplish what the Senator from Ohio suggests.

Mr. SHERMAN. "And names of parties other than private persons."

Mr. COCKRELL. Yes; "names of parties other than private persons." I withdraw my amendment and accept the suggestion of the Senator from Ohio.

Mr. SHERMAN. My objection is that the disclosure does no good, and the disclosure of the names of private persons might possibly interfere with the business of private citizens. What private persons do with their bonds or property is none of our business. The object of the Senator from Nevada is a very proper one, that all these transactions should be as public and as open as the day so far as the Government is concerned. There can be no objection to publishing the names of brokers or corporations; but there are objections to the transactions of private citizens being published. The Government ought to be willing to disclose at any time to anybody any transaction in any public Department, but when there is a call for private bids, it seems to me those bids ought not to be disclosed where they might involve the interests of private parties.

If you wish to know at what rates the bonds are sold, by whom they are sold, and to whom they are sold, that is all right enough. Brokers and corporations and persons who deal in bonds would have no objection to the publication of their names. They would rather like it, and they would invite the publication of an advertisement that they are dealing in these bonds, but I have no doubt that under the operation of this resolution many people would put in bids that they know would be rejected. All I desire is to protect private persons from the disclosure of their private business. They will evade it by simply getting some broker to offer their bonds and the broker will make a commission out of it. That will be the difference.

Mr. STEWART. There is commission enough when the price paid gets up to 127 per cent. Instead of this being confined to private persons, of course it will always be done through some great syndicate. If we had the name of that man we might find out the syndicate he belonged to.

I tell you there is an influence outside that is operating. There are influences which have put our legislation in such a condition that we have to pay a large premium. We have to submit, they say, either to pay 27 per cent. premium or the people will suffer in circulation. We have to submit to loaning the money without interest, for it is said there is no other way of getting it out among the people. While we submit to these exactions, I say we should know who are benefited, whether they be private persons or public bodies. If they are honest there can be no reason for the public not knowing their names. The men who deal in bonds will take care of themselves as well as the farmer, as well as the mechanic, as well as others who deal with the Government. They can take care of themselves and they will not be injured. A man who owns bonds and sells them at 27 per cent. premium is not necessarily a pauper.

There is nothing in this resolution unless we can know who are dealing with the Government. That is what I want to know, and whether they are private persons or public bodies it is a transaction that belongs to the public. It is true we have authorized inadvertently the purchase of bonds because we were driven to that necessity, but there is no law on the statute-book that allows this to be done in private any more than any other contract with the Government.

Mr. GEORGE. I desire to ask the Senator from Nevada a question. I wish to know whether he has any information upon which he relies that any bid has been rejected at a lower rate than a bid which has been accepted for these bonds?

Mr. STEWART. None whatever. It is the information I want. If I had the information I would not be offering this resolution.

The PRESIDENT *pro tempore*. Does the Senator from Missouri withdraw his original proposition to strike out?

Mr. COCKRELL. I withdrew the original amendment, and have accepted the amendment of the Senator from Ohio [Mr. SHERMAN].

The PRESIDENT *pro tempore*. It has not yet been reported from the desk.

Mr. COCKRELL. If I had the least intimation that the Secretary of the Treasury had rejected a lower bid even of one one-hundredth part of a cent, and had accepted a higher bid, I care not whether it was from an individual or from a corporation, I should most heartily and cheerfully vote for this resolution. I do not believe that the Senator from Nevada will dare upon this floor to charge any such misconduct upon the Secretary. If he will as a Senator upon the floor of the United States Senate say that he believes any such transaction has occurred, I will withdraw my amendment.

Mr. STEWART. I will state this, that the last campaign was run on the issue of opening the books. If they are open I want to keep them open.

Mr. COCKRELL. That is a very pitiful subterfuge to a direct question. The Senator from Nevada has been attempting by indirect means and means unworthy of a Senator on this floor to cast insinuations without having the manhood and the courage to make a direct charge.

Mr. STEWART. Well, let us have the facts.

Mr. COCKRELL. Now, Mr. President, I will say frankly that if there was any such intimation I would not have offered this amendment, but every bit of the information which the Senator from Nevada has called for is published in the papers every day in the week, and he knows it and sees it; and it is nothing but a morbid curiosity to ascertain the names of men who may have been offering these bonds that prompts this call.

Mr. STEWART. If it is published every week, why object to this call?

Mr. COCKRELL. It seems to me that the whole contest is in the interest of corporations and trusts; that the whole object of this resolution is to bring before the bondholders of the United States the names and post-office addresses of the corporations and trusts who are offering these bonds to the Government in order that all the individual citizens of the country may be forced to send their bonds to them. It is not in the interest of the honest people of this country who have small amounts of bonds to offer to the Government, but it is in the interest of the corporations and the trusts and the monopolies; and this is a cheap way of advertising them before the country at the public expense, giving their names and their addresses, and heralding them throughout the whole United States, giving publicity to them in every daily paper in the United States.

I submit that these corporations and trusts could afford to pay a round sum of money for the passage of this resolution, and doubtless if they were called upon they would give a good round sum.

If the Senator will say that he has the least possible belief in his mind that any higher bid has been accepted, I will most cheerfully withdraw the amendment I have proposed.

Mr. STEWART. I did not have, at the time I offered this resolution, any suspicion that there was anything to cover up, and really I was not suspicious that there was anything of that kind on the part of the Secretary; and nothing has shaken my faith in that regard but the vehemence with which the Senator from Missouri is attempting to prevent a disclosure of the facts. Where there is so much smoke I think I am warranted in believing that there is a little fire behind, and I am glad I offered the resolution, for I have the courage, if I know of anything wrong in a Department, to state it here or elsewhere. But the anxiety to conceal these names suggests more than I supposed did exist. I hope the resolution will pass, and let us know who they are.

Mr. CALL. Mr. President, I have no doubt that the purposes of the Senator from Nevada are patriotic and correct; but when we consider that the present Secretary of the Treasury is a man of unquestionable ability and financial knowledge and of high personal character, anything which indirectly reflects upon the character of a high officer of the Government like him ought not to be encouraged by the Senate.

The resolution is of no practical use. The Committee on Finance of this body, if there is any ground whatever for supposing that the Secretary of the Treasury has erred, either intentionally or unintentionally, in the investment of the Government money in the purchase of bonds, has it in its power, without branding before the country a public official with a suspicion of impropriety, to investigate and report to the Senate whatever measure may be necessary for the protection of the public interests.

Therefore, while I have the highest respect and kindest feeling for the Senator from Nevada, it occurs to me that this resolution is not a proper one to be passed by the Senate. Rather let the Committee on Finance, if there be the least ground of a suspicion, investigate on their own account the conduct, as they have the power to do, of all officers who are responsible to the Senate for the proper performance of their duties and devise the proper remedy.

For myself, I desire to say that I regard the Secretary of the Treasury as one of the most honest, as well as one of the most efficient and one of the ablest officers the country has had for a long period of time; and whether he were a Republican or a Democrat, I should not vote for any resolution that looked toward an implied censure of him without some ground to create a suspicion that there was a possibility of wrong in the administration of his office so long as the Senate, through its appropriate committees, may advise themselves of the conduct of the Department and recommend to Congress such legislation as is necessary for the protection of the public interests, without in advance taking action that implies a suspicion of wrong-doing.

Mr. GORMAN. I regret that a resolution of this character should be introduced and that the question of politics should be brought into the consideration of any measure looking to a proper disposition of the surplus now in the Treasury.

I listened with pleasure to the remarks of the Senator from Ohio [Mr. SHERMAN] yesterday when he said that it would be embarrassing in the highest degree if the Treasury Department was compelled to disclose the names of private individuals who offer bonds for sale. It is not a question of party. The revenue laws have produced an amount of money in the Treasury far beyond the demands of the Government, and the disposition of that surplus is a matter of the highest concern to every American citizen without regard to party. There is but one

way to dispose of it, and that is being acted upon by the Secretary of the Treasury; and any resolution that attempts to disclose the names of individuals who offer bonds, and thus increase the cost of the bonds or stop the only process which will prevent a panic, will be disastrous to the public interests and will forever condemn the man who brings it about.

The authority given to the Secretary of the Treasury to purchase bonds was inserted in an appropriation bill after a conference of both sides of the Chamber. I am glad to say that the Senator from Ohio, who is the leader of his party on that side, met it like a statesman, and agreed to insert the provision so as to save financial trouble. Now, is it to be kicked around as a foot-ball to embarrass the Treasury Department, and probably with the hope of producing panic and disaster before a Presidential election? No party and no man in this country who attempts it will be supported or ought to be supported by the people. In this body your party is in the majority, yet is adverse to the Administration. Wherever an investigation is required, if there be any needed, let it be made by a committee of this body, which is opposed to the President and the Secretary of the Treasury. The Secretary has nothing to conceal. You can get all the information you desire through your own committee without injustice to individuals or the detriment of the public interest. I therefore move that this resolution be referred to the Committee on Finance.

Mr. STEWART. Mr. President, if the owners of bonds have this Government at their mercy, so that they can produce a panic, it is time we should know that fact. That is the penalty of allowing them to control the currency of the country. If they are unpatriotic enough to produce a panic, let them do it; and if the Government is as helpless as that, let us get out of it in some way.

Mr. PLUMB. If this proposition is to be voted upon to-day, it ought to be disposed of at once, because of the fact that there are appropriation bills pending which it is very necessary should be passed at once in order to give as reasonable assurance as possible that they may become laws before the 1st of July. I gave notice yesterday that I would call up the District of Columbia appropriation bill to-day, and I feel it my duty to make an effort to do so.

Mr. STEWART. Will the Senator allow me to make a suggestion? I suggest that we have unanimous consent that this resolution come up immediately after the other morning business to-morrow.

Mr. HARRIS. Why not let the resolution be referred to the Committee on Finance?

Mr. STEWART. I do not want it sent there.

Mr. HARRIS. Of course you do not.

Mr. STEWART. I want it here.

The PRESIDENT *pro tempore*. The pending question is the motion of the Senator from Maryland to commit the resolution to the Committee on Finance.

Mr. STEWART. I object to that motion, and call for the yeas and nays on it.

Mr. CULLOM. I hope it will be laid over.

The PRESIDENT *pro tempore*. The Senator from Nevada asks that on the motion to refer the yeas and nays be entered on the Journal.

The yeas and nays were ordered.

Mr. STEWART. I am willing the resolution should go over until to-morrow morning.

Mr. CULLOM. I hope that postponement will be had. I called up a bill yesterday, by unanimous consent, on which I was to address the Senate this morning. Pending the consideration of this resolution, I move to proceed to the consideration of Senate bill No. 2851.

The PRESIDENT *pro tempore*. Is there objection to the resolution offered by the Senator from Nevada passing over informally until to-morrow? The Chair hears none, and it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 6th instant, approved and signed the following acts:

An act (S. 786) to provide a building for the use of the United States courts, post-office, custom-office, and internal-revenue office at Vicksburg, Miss.;

An act (S. 2345) authorizing the construction of bridges across the Cape Fear River, Black River, and the Northeast River, in the State of North Carolina;

An act (S. 2481) to authorize the construction of bridges across the Kentucky River and its tributaries by the Louisville, Cincinnati and Virginia Railway Company;

An act (S. 1747) to authorize the sale of a tract of land in the military reservation at Fort Leavenworth, in the State of Kansas; and

An act (S. 2883) for the relief of S. H. Pearce.

The message also announced that the President had on the 7th instant approved and signed the following acts:

An act (S. 1978) for the erection of a public building in Paterson, N. J.;

An act (S. 1083) for the erection of a public building at Tallahassee, Fla.; and

An act (S. 1554) to increase the appropriation for the erection of a public building at Sacramento, Cal.

The message further announced that the President had on the 8th instant approved and signed the following acts:

An act (S. 2123) to authorize the removal of an obstruction to the navigation of Broad Creek, in the State of Delaware;

An act (S. 625) granting a pension to George W. Schell;

An act (S. 760) granting a pension to Stephen C. Lobdill;

An act (S. 1015) granting a pension to Margaret M. Collins;

An act (S. 1286) granting a pension to Michael Lane; and

An act (S. 2738) granting an increase of pension to John G. Merritt.

DISTRICT TAX ARREARS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 42) extending the provisions of an act entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887.

The amendments of the House of Representatives were, in line 6, after the word "and" where it first occurs, to strike out "eighty-eight" and insert "eighty-six;" in line 7, before the word "first," to strike out the word "said" and insert "the;" and in line 8, after the words "day of," strike out "July" and insert "November;" so as to make the joint resolution read:

Resolved, etc., That the provisions of the act of Congress entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887, be, and the same hereby are, extended so as to apply to all general taxes in arrear on the 1st day of July, 1886, and to all special assessments due the District of Columbia, and which may be paid on or before the 1st day of November, 1888.

Mr. HARRIS. I have examined those amendments, and I regard them as absolutely proper. I therefore move that the Senate concur in the House amendments.

The motion was agreed to.

INTERSTATE COMMERCE.

Mr. CULLOM. Mr. President, I move to proceed to the consideration of Senate bill No. 2851, and I desire to state that yesterday I called up a different bill. It was a mistake on my part in designating the number.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CULLOM. Mr. President, my chief purpose in asking the indulgence of the Senate at this time is to explain for its information the effect and bearing of the amendments to the interstate-commerce act, which the Committee on Interstate Commerce recommend, and to endeavor to show the necessity for their adoption. This much is doubtless expected of me as chairman of the committee which proposes these amendments. Before doing so, however, I desire to review in a general way the operations of the law with a view to showing what it has already accomplished in the direction of reforming the abuses in the administration of the railroad business which it was designed to remedy, and particularly in matters to which public attention has not been generally directed. This will necessarily occupy a considerable time, but I trust that a general review of the operations of the law during the past year may be of some value in the consideration of the amendments proposed as showing not only what good has been accomplished and in what particulars the law has proved most effective, but also as showing in what particulars it may need amendment. The great importance of the subject and my deep interest in it must be my excuse if I exhaust the patience of the Senate.

The enactment of the interstate-commerce law marked the beginning of a new era in the management of the railway business of the United States. No measure of wider application or more far-reaching in its effects has been placed upon the statute-books of the nation for many years. There are now about 138,000 miles of railroad in the United States, representing an investment of perhaps seven and a half billions of dollars for their construction and equipment. The statistics show their operations to be conducted upon a stupendous scale, yet the figures wholly fail to convey an adequate idea of the magnitude of the interests affected by their operations. In the language of the Interstate Commerce Commission—

> The regulation of no other business would concern so many or such diversified interests or would affect in so many ways the results of enterprise, the prosperity of commercial and manufacturing ventures, the intellectual and social intercourse of the people, or the general comfort and convenience of the citizen in his every-day life. The railroads provide for the people facilities and conveniences of a business and social nature which have become altogether indispensable, and the importance of so regulating these that the best results may be had, not by the general public alone, but by the owners of railroad property also, is quite beyond computation.

The necessity for legislation upon the subject has been conclusively demonstrated by the number and nature of the complaints made against the act by those whom it deprived of special favors and privileges which they had enjoyed so long that they had come to regard them as theirs by right. We all remember the great outcry that was raised against the act while the business of the country and of the railroads was being adjusted to the new order of things which the law sought to bring about.

During that period it might have been supposed that the act had no friends, because its enemies had the floor. Those who were benefited had no occasion to speak, while those who were deprived of special advantages secured through favoritism and discrimination lost no opportunity to make themselves heard. But great as was the commotion raised, the law went into operation with much less friction and disturbance of the business of the country than had been anticipated by its framers. It was evident in advance that the equality of treatment to which the public was entitled could not be secured without vigorous protests on the part of those who were specially favored by the railroads. Referring to this during the debate in this Chamber upon the measure which is now the law, I said on January 10, 1887:

We must expect a great deal of friction in attempting to put into practical operation a new and heretofore untried system of regulation—untried at least as to the interstate commerce of the United States. The questions that may arise can not possibly all be foreseen or guarded against. The requirements of the bill against unjust discrimination and favoritism as between persons, places, and particular classes of traffic will pinch very hard in a good many quarters. The "big fish" will be placed upon an equality with the little ones, or more nearly so, and we must be prepared to hear very energetic and very vigorous protests from those who have been enjoying all kinds of special privileges and advantages at the expense of the general public, and who will be convinced that the country is going to everlasting smash if their privileges are cut off. But I take it that it is our duty to legislate here with a view to securing the greatest good to the greatest number, and I have faith that, if the legislation now proposed can be fairly tested, its enactment will prove beneficial alike to the railroads and to the general public when it is once fairly in operation and when business has adjusted itself to the changed conditions which it will bring about.

Since the law has been in operation it has happened that public attention has been mainly directed to a few of its features which circumstances have made conspicuous, while others equally important have been to a large extent overlooked and lost sight of by the public. Perhaps the best method of showing what the law has accomplished will be to recall the evils in the management of the railway system which were chiefly complained of previous to its enactment, and which the law was designed to remedy. The "Causes of Complaint" against the railroad system of the United States which were expressed to the Senate committee during its investigation of the subject, and which were sustained by the testimony taken, were stated in the report which I had the honor to submit to the Senate in January, 1886, and I will ask to have this statement inserted here as a part of my remarks:

1. That local rates are unreasonably high, compared with through rates.
2. That both local and through rates are unreasonably high at non-competing points, either from the absence of competition or in consequence of pooling agreements that restrict its operation.
3. That rates are established without apparent regard to the actual cost of the service performed, and are based largely on "what the traffic will bear."
4. That unjustifiable discriminations are constantly made between individuals in the rates charged for like service under similar circumstances.
5. That improper discriminations are made between articles of freight and branches of business of a like character, and between different quantities of the same class of freight.
6. That unreasonable discriminations are made between localities similarly situated.
7. That the effect of the prevailing policy of railroad management is, by an elaborate system of secret special rates, rebates, drawbacks, and concessions, to foster monopoly, to enrich favored shippers, and to prevent free competition in many lines of trade in which the item of transportation is an important factor.
8. That such favoritism and secresy introduce an element of uncertainty into legitimate business that greatly retards the development of our industries and commerce.
9. That the secret cutting of rates and sudden fluctuations that constantly take place are demoralizing to all business except that of a purely speculative character, and frequently occasion great injustice and heavy losses.
10. That, in the absence of national and uniform legislation, the railroads are able, by various devices, to avoid their responsibility as carriers, especially on shipments over more than one road, or from one State to another, and that shippers find great difficulty in recovering damages for the loss of property or for injury thereto.
11. That railroads refuse to be bound by their own contracts, and arbitrarily collect large sums in the shape of overcharges in addition to the rates agreed upon at the time of shipment.
12. That railroads often refuse to recognize or be responsible for the acts of dishonest agents acting under their authority.
13. That the common law fails to afford a remedy for such grievances, and that in cases of dispute the shipper is compelled to submit to the decision of the railroad manager or pool commissioner, or to run the risk of incurring further losses by greater discriminations.
14. That the differences in the classifications in use in various parts of the country, and sometimes for shipments over the same roads in different directions, are a fruitful source of misunderstandings, and are often made a means of extortion.
15. That a privileged class is created by the granting of passes, and that the cost of the passenger service is largely increased by the extent of this abuse.
16. That the capitalization and bonded indebtedness of the roads largely exceed the actual cost of their construction or their present value, and that unreasonable rates are charged in the effort to pay dividends on watered stock and interest on bonds improperly issued.
17. That railroad corporations have improperly engaged in lines of business entirely distinct from that of transportation, and that undue advantages have been afforded to business enterprises in which railroad officials were interested.
18. That the management of the railroad business is extravagant and wasteful, and that a needless tax is imposed upon the shipping and traveling public by the unnecessary expenditure of large sums in the maintenance of a costly force of agents engaged in a reckless strife for competitive business.

The most important, and in fact nearly all, of the complaints made against the railway system were based upon the practice of discrimination in one form or another. This was the principal evil against which everybody protested. It had become so universal that it was the rule in railway management rather than the exception. The equality in the treatment of persons and places required by the law completely revolutionized this universal practice of unwarranted discrimination, and it naturally took time to effect so complete a revolution. It took time to make railroad officials and shippers as well appreciate the fact that the law was enacted to be obeyed, not to be evaded. Some of them have not yet learned this lesson, but for the most part the requirements of the law have been quite generally acquiesced in. While we condemn those who still violate the law in any particular, let us give due credit to the great majority who observe it in all or in most particulars and be thankful for the reforms it has already accomplished in many matters of great public interest. It was not to be expected that this new system of regulation, which applied to a countless number of transactions daily all over the land, should not be anywhere or in any particular violated or evaded.

There is no doubt that the law has been evaded and violated, but the record shows, and it is within the knowledge of us all, that most of its general requirements have been observed, and the benefits that have accrued to the people from the reforms effected in these matters are beyond computation.

One of the immediate effects of the law was the abandonment of all pools by the carriers, and the commissioners state in their report that—

The pooling of freights and of railroad earnings, so far as the commission has knowledge or information on the subject, came to end when the act took effect.

While pooling has been abandoned the associations through which it was carried on have been reorganized and continued under various forms and names, with changing membership, to carry out the other objects for which they were formed, such as the making of regulations for the interchange of traffic, the arrangement of classifications, the making of joint rates and numerous other matter of detail. It is generally believed that the division of business and the diversion of freights, which were among the most objectionable features of the pooling system, have ceased, and places which were formerly held in thralldom by the pools have since enjoyed the advantages of competition between rival lines.

The pooling section and the short-haul section have together been effective in relieving the smaller cities which formerly suffered most from the blighting domination of the railroad pools, but the existing traffic associations still manage to control the rates on certain classes of important traffic as effectively and as arbitrarily as they did in the palmiest days of the old pooling system. Cases are now pending before the commission which involve these questions, and these may result in breaking up the arbitrary control still exercised by the trunk lines over certain of the most important classes of traffic. If not, it will be necessary for Congress to still further strengthen the pooling section and prevent combinations among carriers to control traffic. Another noticeable effect of the act was the immediate termination of a vast number of special freight contracts and agreements, under which rebates and drawbacks had been paid to favored shippers. In many instances these special freight rates were continued as the open rate, but in most cases these special arrangements were terminated and the published tariff rate enforced as to all business, all shippers being placed upon the same footing. The result has been to largely increase the revenues of the roads, which they were frittering away by paying immense sums in the shape of rebates to all large shippers or by granting them so many concessions that a large proportion of the business was unprofitable. The law will prove of benefit to the railroads in the long run, because their revenues will be largely increased when they are compelled to do business on an honest basis and treat all shippers alike. Without its restraints they were giving away all their profits to favored shippers in the reckless strife for business. It is believed that the giving of special rates, rebates, and drawbacks in violation of the law practically ceased when the law took effect, and the result has been eminently satisfactory to the general public.

GREATER UNIFORMITY OF CLASSIFICATIONS.

Another very important reform effected by the law has been in the changes brought about in the classifications adopted by the railroads. One of the "causes of complaint" stated by the Senate Committee was:

That the differences in the classifications in use in various parts of the country, and sometimes for shipments over the same roads in different directions, are a fruitful source of misunderstandings, and are often made a means of extortion.

During the investigation made by the committee shippers complained almost universally of the annoyances and grievances which resulted from the great differences that existed between the various classifications in use throughout the country. The requirement of the law for the publication of classifications has had the effect intended, of bringing about a greater uniformity, and many irregularities have been pruned off since they have been subjected to the supervision of the commission. Since the passage of the act there has been a continual reduction in the number of classifications in use and in the differences in rates arising from that cause. For the purpose of working the new tariffs prepared under the law the roads operating in the territory north of the Ohio and east of the Mississippi Rivers formulated a new classification called the "official classification," which took the place of an

east-bound, a west-bound, a Middle States, a Pennsylvania railroad, an east and south bound, and various other local classifications previously used in the same territory, the differences in which had been the occasion of infinite trouble and complaint.

The "official classification" has since been adopted almost universally in New England, replacing the New England classification, and a convention has been at work for several months in an effort to consolidate the remaining classifications still further with every prospect of success. But the progress already made in the direction of uniformity is most gratifying. At the present time there are substantially but five classifications in use, these being the official classification, the Southern Railway and Steamship Association classification, the Texas classification, the Western classification, and the Pacific coast classification, east and west bound, although a few railroads still use classifications of their own for their own exclusively local business. Originally each road framed its own classification. Previous to the passage of the act groups of roads had been formed and some consolidation of classifications effected, but the number in use was considerable, and there can be no doubt that in the improvements and reforms which have been effected in respect to this single subject the passage of the act has been of immense importance and value.

The commission has in two cases brought to its attention caused a considerable reduction to be made in the classification, and consequently in the rate, on the articles under consideration. In the case of Reynolds *vs.* Western New York and Pennsylvania Railway Company it was held that the rates established by a common carrier in order to keep upon its line material for which the road has use, or to keep the price low for its own advantage, can not be justified; that the producer of railroad material is entitled to sell it when he wishes, in the best available market, and common carriers are forbidden to attempt to prevent this by applying disproportionate or unreasonable rates; that the classification of railroad ties should correspond with that of other rough lumber, and that the raising of the same from the sixth to the fifth class was unjustifiable. Defendants were therefore ordered to cease charging a greater price for the transportation of railroad ties from points in Pennsylvania to Salamanca and Olean, in New York, than is charged for the transportation of lumber between the same points at the same time.

In the case of Pyle *vs.* East Tennessee, Virginia and Georgia Railroad it was held that, complainants' soap powder being competitive with common soap, the relative difference made by the classification between soap powder and common soap was too great, the rates on each were established, and it was ordered that the discrimination made by the Southern Railway and Steam-ship Association between the two articles must be discontinued.

THE PUBLICATION AND FILING OF SCHEDULES.

Prominent among the evils complained of previous to the enactment of the law were the secret cutting of rates, the sudden fluctations in rates, and the prevailing system of special rates, rebates, drawbacks, and concessions employed to foster monopoly and prevent free competition. These were mentioned in the "causes of complaint" already quoted. The provisions of section 6 of the act requiring the carriers to prepare schedules of their rates, fares, and charges, and to make them public, and prohibiting any deviation from the published rates, were intended as a remedy for these evils, and have proved to be of the utmost value in doing away with discriminations between individuals for similar services and in bringing about greater stability of rates. These evils have not yet been entirely abolished, but the provision making it unlawful for a carrier to charge more or less than the schedule rate has very largely put an end to secret rate-cutting, and such wars of rates as have occurred have been conducted openly and in such a way that the public as a whole participated in any modifications of the schedules. The changes which the law has wrought in this respect have been very noteworthy and exceedingly satisfactory to business men and manufacturers, and, indeed, to all shippers.

In consequence of the provisions of the sixth section, and of the rule prescribed by the short-haul section, the rate wars which have occurred since the passage of the act have been much more disastrous in their effect upon the revenues of the carriers than those which previously took place. Formerly such wars could be carried on in respect to long-distance traffic between competitive points without any reduction whatever at local stations on either road engaged in the cutting of rates. Those which have since been indulged in, except the one waged until January last between the trans-continental lines and the Canadian Pacific, have resulted in reductions at intermediate stations, and have affected very seriously the revenue of the competing roads from their own local traffic. For instance, in the rate war last winter between the railroads competing for business east of the Missouri River, when the passenger fare between Kansas City and St. Louis was reduced one-half, a like reduction at a number of local stations necessarily followed, and the same is true as to freight traffic. The trunk-lines have just been reducing the rates on west-bound freight business to meet the competition of the Central Vermont Line by rail to Ogdensburgh and thence by lake to Western points, which have reached a very low figure, and in this competition the intermediate points are being given the reductions which the short-haul section make necessary.

The sixth section also required the carriers to file with the commission copies of their schedules and of all changes in the same, as well as of all joint tariffs, and all contracts, agreements, or arrangements with other carriers in relation to traffic. This requirement has been very generally complied with by all carriers engaged in interstate traffic. The commission is given ample power to enforce this requirement by legal proceedings if necessary, but no such occasion has arisen. While there has been no common system upon which the tariffs have been prepared, the requirements of the law in respect to printing them and in respect to giving ten days' notice of advances in rates have been substantially complied with. Upon some of the roads the expense of the printing has been very large, and in the aggregate it has amounted to many hundreds of thousands of dollars. It is to be hoped that in time there will be greater uniformity in the manner of preparation and the publication of tariffs, but no legislation on the subject appears to be necessary, and this can safely be left to the commission and the railroads to be worked out.

The commissioners state that they have supposed that their duties with respect to these tariffs, etc., did not end with merely receiving them and packing them away. They have accordingly organized a staff to receipt for, examine, and arrange systematically the vast amount of literature that flowed in upon them in compliance with the sixth section of the act, and report that they have taken pains to see that its requirements were promptly complied with. They have endeavored to have these documents examined, and to ascertain whether in form and substance they were in compliance with the various provisions of the law, and to have such irregularities as were discovered corrected. The amount of work this has involved has been very great, as may be judged from the fact that the number of documents filed up to this time exceeds two hundred thousand; but it is important that the commission should be furnished with a force adequate for the thorough examination of all these tariffs, contracts, etc., in order to exercise a constant and careful supervision over all the operations of the carriers in respect to rates. The proper time to correct irregularities in rates is when they are first announced, without waiting until those who are injuriously affected make a complaint.

By the terms of the sixth section of the act the measure of publicity to be given to joint tariffs is to be prescribed by the commission, which has made orders requiring the publication of joint tariffs established by two or more carriers, so far as the same relate to business between points which are connected by the line of any single carrier which is required by the act to make public its schedules of rates; also, requiring the publication of joint tariffs relating to traffic transported to the seaboard for export.

THE TRANSPORTATION OF PASSENGERS.

In respect to the transportation of passengers it can be said that the law has already effected some very important reforms, and that it has almost completely done away with the evils previously most complained of. So far as concerns unreasonable local rates as compared with through rates, all the railroads in the country claim to strictly observe the requirements of the "short-haul" section in their passenger business. The evil most complained of previous to the enactment of the law was that stated in paragraph 15 of the "causes of complaint," namely:

That a privileged class is created by the granting of passes, and that the cost of the passenger service is largely increased by the extent of this abuse.

The evils resulting from the former practice of the railroads in this respect are well stated in the annual report of the commission, as follows:

The evils of free transportation of persons were not less conspicuous than those which have been mentioned. This, where it extended beyond the persons engaged in railroad service, was commonly favoritism in a most unjust and offensive form. Free transportation was given not only to secure business but to conciliate the favor of localities and of public bodies; and, while it was often demanded by persons who had, or claimed to have, influence which was capable of being made use of to the prejudice of the railroads, it was also accepted by public officers of all grades and of all varieties of service. In these last cases the pass system was particularly obnoxious and baneful; for if any return was to be made or was expected of public officers, it was of something which was not theirs to give, but which belonged to the public or to constituents. A ticket entitling one to free passage by rail was often more effective in enlisting the assistance and support of the holder than its value in money would have been, and in a great many cases it would be received and availed of when the offer of money, made to accomplish the same end, would have been spurned as a bribe. Much suspicion of public men resulted, which was sometimes just, but also sometimes unjust and cruel; and some deterioration of the moral sense of the community, traceable to this cause, was unavoidable while the abuse continued. The parties most frequently and most largely favored were those possessing large means and having large business interests.

The general fact came to be that in proportion to the distance they were carried those able to pay the most paid the least. One without means had seldom any ground on which to demand free transportation, while with wealth he was likely to have many grounds on which he could make it for the interest of the railroad company to favor him, and he was sometimes favored with free transportation, not only for himself and his family but for business agents also, and even sometimes for his customers. The demand for free transportation was often in the nature of blackmail, and was yielded to unwillingly and through fear of damaging consequences from a refusal. But the evils were present as much when it was extorted as when it was freely given.

While the law does not in express terms prohibit the granting of passes, the provisions against unjust discrimination between individuals for a similar service and against undue preferences in favor of or against any individual were understood and accepted as prohibiting

the granting of passes for interstate transportation. When the law took effect many of the roads took advantage of it to inaugurate a new policy and discontinued the giving of passes entirely, but most of them continued the issuing of passes, making them good only for transportation within a single State. This has given rise to considerable criticism on the part of persons who do not stop to think that the power of Congress is limited to interstate transportation, and that this abuse can not be finally and effectively dealt with until the State Legislatures supplement the action already taken by Congress by prohibiting the giving of passes for transportation within the respective States. So long as the practice of issuing passes good within the States is continued there will be many opportunities of evading the prohibition of the interstate-commerce act on the subject, and yet I believe that the law has been quite generally complied with in this respect.

There is no doubt that the abolition of passes has largely increased the passenger earnings of the roads, but the law has hardly been in force long enough to result in a reduction of passenger rates. In the course of time, however, the termination of this abuse must result in largely decreasing the net cost of the passenger service, and will lead to the reduction of the passenger fares charged the general public. The annual report of the Union Pacific Railway Company stated that an enormous saving had been made in its revenue by the operation of the law against free passes, and this road is representative of the leading roads of the country in this respect. Since the law took effect there have been reductions in passenger fares in many parts of the country, but these can not fairly, perhaps, be attributed to the abolition of passes. In some instances direct reductions have been made, but the principal reduction has been brought about by the extension of the system of mileage tickets, which are now sold to the public at large upon equal terms, and which in very large sections of the country, and especially in the West, have been reduced during the current year to the rate of 2 cents per mile.

The commission has already had presented to it, and has decided several cases in relation to passenger transportation, and these decisions have been accepted as disposing of the questions involved, and have been complied with throughout the country.

In the case of Larrison *vs.* The Chicago and Grand Trunk Railroad it was held that the railroads which sell mileage tickets must sell them impartially to all the public who apply for them, and must not sell them to commercial travelers at lower rates than are charged to others. The same ruling was made in the case of the Associated Wholesale Grocers of St. Louis *vs.* The Missouri Pacific, in which the complainants sought to have the rate at which defendant sold mileage tickets to commercial travelers reduced, and also to have such tickets sold to commercial travelers at lower rates than to the general public. In the case of Smith *vs.* The Northern Pacific Railroad the commission held that the sale of "land-explorer's tickets" and "settler's tickets" at less than the regular rates charged other passengers was unjust discrimination and illegal, and laid down the principle that "the rule under which passenger transportation should be conducted requires absolute equality of payment from all persons enjoying the same accommodations." This case was decided, notwithstanding the fact that complainant failed to show that he had been refused an explorer's or settler's ticket on application, as charged, or that he had any personal grievance against the railroad, the action of the commission being taken under section 15 of the act, which requires the commission to take proper steps to put an end to any violation of the law that may be made to appear in any investigation.

DISCRIMINATIONS AGAINST COLORED PASSENGERS.

Another form of discrimination in connection with passenger transportation, which was practiced in most of the Southern States, has been brought before the commission in two instances—the inferior accommodations furnished to colored people buying first-class tickets. In both cases the commission decided that the accommodations furnished were insufficient and the treatment of the passengers unjust. In Councill *vs.* The Western and Atlantic Railroad the ruling of the commission was that colored people who buy first-class tickets must be furnished with accommodations equally safe and comfortable with other first-class passengers, and the commission notified the Western and Atlantic Railroad to cease from subjecting colored persons to undue and unreasonable prejudice and disadvantage, and from furnishing to colored persons purchasing first-class tickets on its road accommodations which are not equally safe and comfortable with those furnished other first-class passengers. In the similar case of Heard *vs.* The Georgia Railroad the ruling was that—

> Passengers paying the same fare upon the same railroad train, whether white or colored, are entitled to equality of transportation in respect to the character of the cars in which they travel, and the comforts and conveniences supplied.

And the Georgia Railroad Company was ordered to cease and desist from subjecting colored passengers to undue and unreasonable prejudice and disadvantage by requiring them to ride in half cars, deficient in comforts and conveniences, and so long as it maintained its rule separating white and colored passengers to furnish for all passengers paying the same fare cars in all respects equal, and provided with the same comforts, accommodations, and protection for travelers. It appeared in both these cases that the only accommodations afforded passengers by the defendant railroads on the trains in question were a ladies' car, from which colored people were excluded, and a similar car divided into two compartments, the rear one being a general smoking room and the front part being set apart for colored people; that the latter was not furnished with the usual accommodations, and was only nominally separated from the smoking room, and that there was hardly a pretense of furnishing the colored people with the same protection or comforts as white passengers.

Thanks to the interstate-commerce law, the colored people of the South, even if they are denied their political rights, can hereafter secure equality of treatment from the railroads at least.

THE PAYMENT OF COMMISSIONS.

Another abuse connected with the passenger traffic was referred to in the eighteenth paragraph of the "Causes of Complaint," namely, the needless tax imposed upon the traveling public by the unnecessary expenditure of large sums in the maintenance of a costly force of agents engaged in a reckless strife for competitive business. A large part of this unnecessary expenditure was in the payment of commissions upon the sale of passenger tickets. Almost every railroad in the country followed this practice previous to the passage of the act. They were accustomed to pay a good commission to the agents of other lines who sold through tickets over their roads. By doing this they virtually threw away a very large per cent. of their passenger revenue, because each road was doing the same thing and was ready to pay as high a commission as the other, and hence no advantage was gained by it. The payment of these commissions, while not prohibited by the law, opened the door for discriminations on the part of railroad agents, who were often willing to divide their commissions with the traveler in order to make sales, and thus sold tickets to some persons at less than the schedule rates. When the law took effect the trunk lines made a concerted effort to abolish the payment of commissions by agreeing to discontinue their payment and by forbidding their agents to receive commissions from other roads, and this effort has been reasonably successful. The vast amounts which the railroads have squandered in the payment of unnecessary commissions have always been concealed from the public, because the railroads have been in the habit in their annual reports of stating the amount of their revenue from passengers at the amount received after the commissions paid were deducted. In the forms prescribed by the commission for the annual reports to be made by the railroads a statement of the amount of commissions paid as an expense in obtaining business has been called for from each road, and the disclosure of the expenses thus incurred will doubtless be of some service in putting an end to the practice and in thereby largely reducing the cost of the passenger service.

THE REASONABLENESS OF RATES.

The first section of the act provides that all charges must be reasonable and just and declares unlawful every unreasonable and unjust charge. These provisions have undoubtedly had their effect upon those responsible for the framing of tariffs upon the various railroads of the country and have been borne in mind when rates were established, but they could not be expected to immediately put an end to all injustice in rates. There is an inevitable conflict of interest between the shipper and the carrier on the question of the reasonableness of rates, and there is also so much room for honest difference of opinion on the subject, that the act was intended to furnish a remedy for such injustice as might be found to exist, and the means for the correction of wrongs when ascertained, rather than to absolutely and immediately prevent all forms of injustice in rates. The determination of the principles upon which rates should be established and upon which questions involving their reasonableness should be decided has been one of the most delicate and the most important duties devolved upon the commission. A brief statement of the principal cases of this character decided by the commission will perhaps show in the most satisfactory manner what has been the result of the operation of the law in this respect thus far.

In a number of cases the rates brought into question were declared to be unreasonable and the results acquiesced in without further controversy. Such decisions have been accepted as precedents and have affected rates throughout the entire country. In two of the earlier cases—Fulton *vs.* Chicago, St. Paul, Minneapolis and Omaha, and Harding *vs.* same—the rates complained of were reduced without any hearing of the case. In the case brought by the Boards of Trade Union of the towns of Farmington, Northfield, Faribault, and Owatonna, Minn., against the Chicago, Milwaukee and St. Paul Railway Company, the complaint was based upon the fact that the defendant made lower rates to Chicago on grain and flour on one division of its road than on another. The defense was that the rates complained of were reasonable, and that the lower rates on the other division were too low, but that the road was forced to accept them because of the controlling competition of other rail and water routes. The commission did not accept this excuse, and held that—

> Rates must not only be reasonable in themselves, but they should be so relatively reasonable as to protect communities and business against unjust discrimination.

It was further held that—

> When the same carrier operates parallel lines, and for any cause accepts low rates upon one of them, it should provide sufficient corresponding advantages to

the patrons of the other line to preserve the substantial equality contemplated by the statute.

Also, that—

Low charges upon one of two routes operated by the same carrier should not be made up by relatively high charges upon the other, when the result disastrously affects the business of communities situated upon the latter line.

As a result of these rulings the commission ordered defendant to equalize its rates upon the two divisions of its road between Minneapolis and St. Paul to Milwaukee and Chicago, with a reasonable differential for the longer route, and prohibited the road from charging, more than 10 cents per hundred on wheat, flour, and mill stuffs on the longer line while it continued to charge 7½ cents on the shorter.

And in the case of Raymond against the same company the commission held that—

If a railway company, in establishing charges on different divisions and branches of its road, so adjusts them as to divert trade and business to one locality, which, naturally, under an equitable adjustment of charges, would go to another, such preference for one place and disadvantage to another is not excused or made lawful by the fact that some of such charges are not entirely voluntary, but result from competition between carriers.

Accordingly, a similar order was made in this case. These two decisions have resulted in a considerable modification of the tariffs affecting a large territory in the line of uniformity and justice.

The rates on wheat from the interior of Washington Territory to the seaboard were involved in the case of Evans *vs.* The Oregon Railway and Navigation Company, in which the commission set forth the facts and circumstances which it would take into consideration in determining what is a just and reasonable rate, and ordered that the rate on wheat from Walla Walla City to Portland, Oregon, over defendant's road, which was 30 cents, should not exceed 23½ cents from December 15 to June 30, with the understanding that the rate would be further reduced for the next grain season.

In the case of Farrar *vs.* The East Tennessee, Virginia, and Georgia Railway the rates on lumber from the interior of Georgia to important commercial centers were considered, and it was found and held that the joint rates on lumber from Dalton, Ga., to Roanoke and Lynchburgh, Va., were unreasonable, in comparison with the local rates of the defendant, the joint rates being higher in proportion than the local rates. Defendant was accordingly directed to reduce its joint rates on lumber from Dalton, Ga., to Roanoke, from 22 cents per hundred to 17 cents, and from Dalton to Lynchburgh from 22 cents to 18 cents.

The discriminations practiced against shippers of stock were involved in the case of Keith *vs.* Kentucky Central Railroad, in which the commission held that a common carrier of live stock must provide reasonable and proper facilities for receiving and discharging from its cars such live-stock as is offered for transportation, free of all except the customary transportation charges, and that it does not fully discharge its duty by receiving on and discharging from its cars live-stock at a depot access to which must be purchased. The railroad company had undertaken to give a stock-yards company an exclusive right at one of its stations, and to require all stock at that station to be received and delivered on the platform of the chutes of that company, which was authorized to charge lottage therefor. Complainants established chutes of their own by the track, through which they demanded the right of receiving and delivering the stock of themselves and their customers. The conveniences furnished by them being suitable, it was held that their demand must be complied with.

Previous to the passage of the law great complaint was made because of the concessions granted to large shippers based on the quantity of their shipments. This subject was early brought before the commission in the case of the Providence Coal Company *vs.* The Providence and Worcester Railroad Company, and the principle was affirmed that no analogy to wholesale or retail mercantile dealings exists in the business of common carriers. Defendant issued a tariff of rates for coal, in which it offered to give a discount or rebate of 10 per cent. "to any person, firm, or corporation who shall receive consignments of coal in one year amounting to 30,000 tons or upwards at any one station on the line of the road." There was little probability that this quantity would be received at more than three places on the road, and it was doubtful if it would be received at more than one place or by more than one dealer. The commission held that this offer was void, and that if a discount was made to one dealer under it all others would be entitled to a like discount. This was done on the ground that—

A railroad company can not support a discount based on quantity of freight received by any one shipper on the principles which are applied among merchants, whereby they give better prices in wholesale than in retail dealings. The cases are not analogous, since the naming of the quantity of freight that shall be compared to wholesale purchases must necessarily be altogether arbitrary, and the duty of impartial service which the company owes to the public will preclude special discriminations being determined by arbitrary tests.

The notable cases brought by Mr. George Rice against a number of Southern railroads, based on discriminations practiced against him and in favor of the Standard Oil Company, are doubtless familiar to Senators, and I will not refer to them at length at this time. The cases were stoutly contested on both sides, and, after a protracted investigation and hearing, the commission decided that the defendants must make the same rates on oil shipped in barrels as on oil shipped in tank-cars, and issued orders directing the defendants to readjust their rates accordingly, to cease transporting oil in tank-cars without regard to their capacity, to make the same rates on oil to all shippers per hundred pounds carried, and to so publish their tariffs as to show all their rates on oil and their charges for its shipment.

The testimony in these cases showed beyond dispute that the defendant railroads had persistently discriminated against Mr. Rice in every imaginable way, that they had frequently refused to give him information about their rates, and had deceived him as to the rates when they did name them. In short, the testimony made it evident that the officers of these roads acted in concert, doing whatever they could to interfere with his business, and the proceedings in these cases demonstrated the shameless subserviency of the railroads involved to the contaminating influence of the most unscrupulous and unconscionable "combine" of the present day—the gigantic Standard Oil Trust.

REDUCTIONS IN RATES EFFECTED BY THE LAW.

Many persons have apparently been disposed to judge the value of the interstate-commerce act by its effect upon railroad rates, and to approve it only in so far as it brought about reductions in such rates. While I do not regard this as the only basis for determining the value of the law to the people, yet this test can be applied to it with most satisfactory results, although it has only been in operation a little over a year. While low rates are of the utmost importance to the people, yet the absolute rate charged is after all really of less importance than the relative rate in most instances. What the shipper most desires and insists upon is that others similarly situated shall not receive lower rates than are granted to him. This he is entitled to, and this equality of treatment the law intends that he shall have.

But applying to the law the popular test and considering only its effect upon railroad rates, it must be conceded that it has been of very great value to the people. There is no doubt that the tendency of rates since the passage of the law has constantly been downward. When it first went into effect there were a number of instances in which higher rates were established, but the carriers found themselves unable to maintain them and they were materially reduced. Some advances have since been made and abandoned, like the 10 per cent. advance on the lower classes of freight made by the trunk lines in January. In a report recently issued the railroad commissioners of Dakota say:

Whether it is the good effects of the interstate-commerce law or the result of the rapid development of the country that have brought about the reduction in passenger and freight rates on several of the roads doing business in Dakota, the commission can not say; but the gratifying fact remains that reductions have been made.

On the Northern Pacific and Manitoba roads there has been a reduction of about 20 per cent. in freight rates; on passengers the rate has been reduced from 5 cents to 4 cents a mile, and on mileage books from 3 cents per mile to 2½ cents per mile. The Minneapolis and St. Louis has reduced its freight rates about 15 per cent.

Such results have been quite common, but of course it can not be claimed that they have been always or entirely due to the interstate-commerce act, although that has been without doubt potential in securing reductions in rates in a great many instances. But one class of reductions in rates which have been of the very highest importance to the country, and especially to the smaller towns and cities, must be attributed directly to the operation of the law.

I refer now to those made necessary by the enactment of the "short-haul" section. It is safe to say that prior to April, 1887, there was no railroad in the country upon which more was not charged at intermediate local points than at more distant and competitive points in some instances, at least. The practice was universal, and the smaller towns and cities were gradually being crushed out by reason of the favoritism shown to what were known as "commercial centers" and "competing points." When the law took effect, however, a very large majority of the carriers of the country entirely revolutionized their practice in this respect, and framed their tariffs in accordance with the prohibition against a greater charge for a shorter than for a longer haul. In some cases this was done at the expense of a considerable loss of revenue, as in the equalization made necessary by the law the local rates were usually reduced without the through rates being raised. At the close of the year several of the larger corporations are still protesting that the effect of this requirement of the law has been disastrous to their income. On the other hand, however, large sections of the country have been favorably affected by the operation of this section, and have received lower rates than ever before, as well as rates that are in line with the charges made at more important terminal stations at a greater distance from the common center, and are claiming that the increased volume of traffic and the stimulus to business resulting from the change compensate the carriers for the loss of revenue involved.

This is especially true of the western part of Illinois, in Wisconsin, in Southern Minnesota, in Western Iowa and Missouri, in Eastern Nebraska and Kansas, in Northern Vermont and New York, in Michigan, in Mississippi, and in many other sections as well. The rates on grain to the East from Western Illinois are now for the first time no greater than the rates from St. Louis. The same is true of rates from Western Missouri and Iowa as compared with the rates from Kansas City and Omaha; the same is true of rates from Eastern Nebraska and Kansas, which are traversed by the Missouri Pacific road from Kansas City to Omaha on the West side of the river, thus bringing all these points

within the Omaha tariff. The same thing has occured in a large number of other places throughout the Union.

In October last the commission called on all the railroads subject to the act for a statement as to whether they were observing the provisions of the "short-haul" section, and for full information as to any particulars in which they were not complying with the general rule laid down in that section. At that time nearly 300 carriers reported to the commission that they were observing the short-haul section in all their rates without exception. In the list of carriers so reporting, which is given in the report of the commission, are included many of the largest and most important railroads in the country. An inspection of this list will show that a vast number of places and a very large area of territory have been directly and materially benefitted by the operation of this section in reversing the previously universal practice of discrimination against non-competing points.

OBSERVANCE OF THE "SHORT-HAUL" SECTION.

The fact that at the outset the commission temporarily suspended the operation of the "short-haul" section as to a large number of roads appears to have created the impression that it is still suspended in a good many instances. Those orders, however, were merely temporary and have long since expired, and, as I understand it, none have since been made or are now in force. After devoting several weeks to the investigation of the subject, the commission promulgated its views at length in its opinion in the Louisville and Nashville case, in which it explained in detail its construction of the fourth section, and indicated in a general way what facts would be accepted as constituting such a dissimilarity in the circumstances and conditions as would justify the making of a greater aggregate charge for a shorter than for a longer haul.

While three hundred carriers claimed last fall to be faithfully observing the fourth section as to all their traffic, it appears from the report of the commission that a number were deviating from the general rule in some particulars, and justified these exceptions on the ground that the section did not apply because the circumstances and conditions were not substantially similar. Thirteen carriers engaged in transcontinental business reported that they were observing the rule as to all traffic except that between the Pacific coast and the Missouri River, and sought to justify these exceptions on the ground of ocean competition and the competition of the Canadian Pacific Railroad.

Forty-two carriers reported that they made certain specified exceptions to the rule on their lines, and set up water competition as a controlling factor creating a dissimilarity of circumstances. Of these the Michigan Central, Chicago and Northwestern, and two others report exceptions only in a few peculiar cases upon the peninsulas of Michigan. Two other instances are where roads carrying coal into Connecticut are met by water competition at Hartford. Two or three are roads on the coast of Maine, and the remainder all refer to points in the Southern States, upon the ocean, or upon rivers where water competition comes into play. Since these reports were made, however, many of the Southern roads have wholly reconstructed their tariffs, and have largely reduced the number of exceptions to the rule.

There remain but sixteen other roads which reported that they did not conform to the literal requirement of the statute. These are nearly all North and South roads which cross several junction points, so that upon through business to the East they make the through rate which the trunk lines give at the junction points respectively.

The difference is very slight in almost every instance, but the roads are so situated that in taking freight to the end of their respective lines they passed through some point where the through rate to the East was less than that made at the point where they delivered the freight. Some of these differences have been adjusted since they were reported.

The subject of the "short-haul" clause has been before the commission in six decided cases since its opinion was given in the Louisville and Nashville case, and I will ask to have inserted as a part of my remarks a brief statement of these cases and the disposition made of them, as follows:

Boston and Albany Railroad *vs.* Boston and Lowell Railroad—Vermont State Grange *vs.* Same.—Rates from Boston to Northern Vermont and New York were complained of as in excess of rates charged by the Central Vermont Line of steamers and the National Dispatch on through business to Detroit and Chicago. Held, that the greater charge in this case for the shorter haul was not lawful.

Since that decision the rates in question have been made in conformity with the law.

Thatcher *vs.* Delaware and Hudson Canal Company.—Certain local rates were complained of as being greater than the proportion accepted by the companies on through shipments over the same line. It being made to appear that the reduction of rates asked for would bring the rates of the carriers into conflict with the fourth section of the act. Held, that no such reduction could be ordered.

Allen *vs.* Louisville, New Albany and Chicago Railroad.—Upon the facts in this case it was found that the charge made by the defendant carrier for the shorter distance was not in excess of its charge for the longer haul, so that the complaint as brought was unfounded.

Harwell *et als. vs.* Columbus and Western Railroad.—The rates of the defendant at Opelika, Ala., were brought into question. As a result of this case and a further application in reference to the tariffs of the same road, its schedule of rates from Savannah to its local stations were brought into conformity with the statute.

Martin *vs.* Southern Pacific Company.—The rates from San Francisco to Denver were considered, and it was found that no circumstances and conditions existed which justified their remaining at a higher sum than the rates from the same point to Kansas City.

To sum up the situation as to the observance of the rule laid down in the fourth section, it appears that nearly all the leading roads of the Eastern, Middle, and Central States are complying literally with the statute, although some of them are protesting that in order to do so they have surrendered a great deal of business and incurred serious loss. With respect to the carriers which have not complied literally with the statute, it should be remembered that their non-compliance is in many cases as to a few points only or as to articles of traffic which are unimportant as compared with the aggregate volume of their business. For example, the great system operated by the Chicago and Northwestern Railroad Company, embracing over 4,000 miles of road, is complying with the rule as to points on its line with the single exception of certain stations on the upper section of the peninsula of Michigan, where "rates made necessary by the competition of steamboat lines on Lakes Michigan and Superior" are made lower than other rates in the vicinity. This company claims that the operation of this section of the law is a great hardship to it, but has complied with it with the unimportant exception mentioned. The same is true in respect to several other lines of road where one or two instances of departure from the rule have been claimed to be justifiable by reason of the very peculiar circumstances attending them. During the fall and winter the rates upon many important lines have been made to conform to the statute, but there are still a few exceptions on systems like the Queen and Crescent, Illinois Central, Mobile and Ohio, and the Richmond and Danville, while the exceptions made by the transcontinental lines are limited to strictly through business from the Missouri to the Pacific coast, upon which very low rates are made.

ANNUAL REPORTS BY THE RAILROADS.

One of the most valuable features of the act was the provision made for obtaining full and complete annual reports from the railroads. The public has never felt satisfied with the information it has been able to obtain in relation to the railroads. They have made their reports in such forms and at such times as they pleased, and, even if they were accepted as reliable, were not in such shape as to be compared satisfactorily. A uniform series of reports from the railroads of the United States will be of great interest and value to the public, and will afford reliable data for future legislative action. The importance of official reports of this character to investors in railway securities is indicated by the following quotation from a statement made by an intelligent English nobleman now in this country:

In the first place, the English people are getting very distrustful of the movements in American railroad properties and hesitate to put very much money into them. They must be given more information and the information must be given officially. A great deal more American railroad legislation is necessary. You have passed an interstate-commerce law that is all very well. It is a beginning. It has remedied a number of internal abuses, done away to a great extent with preferential rates and arbitrary discrimination, and generally has brought about results which are interesting and important to the commercial interests of your own country. To attract a steady flow of English capital it will be necessary to establish certified auditors, such as we have in England, who will certify as to the correctness of the published earnings of the railroads and indorse the accuracy of their reports. As it is now, the railroads publish their earnings pretty much how and when they please, and an English investor, if he goes it at all, must go it blind. At the best his investment is simply a testimony to his belief in the honesty of the officials in controlling the property in whose securities he invests. He buys his New York Central shares, for example, because he believes in the honesty of Chauncey M. Depew. * * * It seems to me largely to the interest of the American people that this should be changed. And it would be changed entirely through the legislation I speak of.

This gentleman evidently did not know that the interstate-commerce law already provides for the very thing he was advocating. After consultation with the accountants of the leading railroads the commission has prescribed the form of report to be made, and the blanks will soon be issued to the carriers for their first report as of June 30, 1888, and for the first time a complete and reasonably scientific report of railway operations throughout the entire United States is about to be obtained.

THE AMENDMENTS PROPOSED BY THE COMMITTEE.

During the present session the committee has considered a number of propositions looking to the amendment of the law in various particulars, but only a few of them have been recommended to the Senate for incorporation into the statute. The feeling of the committee has been that changes should be based upon actual experience in the practical operation of the law, rather than upon theory, and that only such changes should be made as might appear necessary to provide for its more thorough enforcement. It was believed that it was the first duty of the committee to perfect the system of regulation now on the statute-book rather than attempt to enlarge it, and therefore it was not deemed advisable to incorporate in the present bill the propositions made by myself and others looking to the extension of the system of regulation to the express companies, sleeping-car companies, and other outside carriers.

The amendments which the committee recommended are suggested by difficulties that have been encountered in securing a thorough enforcement of the law, and are intended to strengthen it and bring about a more strict observance of its requirements. We believe that these amendments will commend themselves to the Senate upon examination and consideration, and that, if incorporated into the present law, they will add greatly to its effectiveness.

THE PUBLICATION OF RATES.

The first section of the bill proposes several changes in the sixth sec-

tion of the act, which relates wholly to the publication of their rates by the railroads. The amendments proposed in lines 8, 25 and 26, 30, and 51 of the printed bill are intended to compel the railroads to keep their printed schedules of rates in places where they will be accessible to the public. The law now requires that these printed schedules shall be kept "for the use of the public" in every depot or station "in such places and in such form that they can be conveniently inspected." The meaning of this requirement is certainly plain enough. It means that the schedules shall be open to inspection by whoever desires to see them, and that they shall be kept in places where they can be conveniently inspected by the public. When the section was drawn it was supposed that the most convenient form for the public and the railroads alike would be to have the schedules printed in pamphlet form, and that they would be hung up where they could be consulted at any time. But complaints have been made that the station agents on some railroads, while professing to comply with the strict letter of the law, habitually evade its evident intent and purpose in this respect. It is charged that they keep their schedules of rates in their desks, or in some place within their private offices, so that those who desire to inspect them are obliged to ask for them, and that, while they do not actually decline to exhibit them when asked to do so, they frequently keep those who ask to see them waiting an unreasonable length of time under the pretense of being engaged in other duties that require immediate attention. The railroads are required to print these schedules for the information and benefit of the public, and persons who desire to inspect them should not be compelled to await the convenience or caprice of the station agent in order to consult them. The amendments require the schedules to be kept within the reach of the public, and there certainly can be no objection to them.

NOTICE OF REDUCTION IN RATES.

The most important change proposed in this section is the requirement that three days' previous public notice shall be given of reductions in the published rates, which can now be made at any time without previous public notice. The principal reasons for this change are that it would lessen the opportunities for evading the law by giving favored shippers secret notice of intended reductions, and that it would result in greater stability in rates.

The requirement of ten days' public notice of advances in rates had a most beneficial effect. It has not entirely prevented "rate wars," which are disastrous both to the public and the railroads, and neither will the change now proposed if enacted into law. But the requirement of notice of advances in rates has unquestionably had a restraining and most salutary influence. Since it has been in effect the sudden and frequent fluctuations in rates which were a regular feature of railway management, and which tended to keep every branch of business in a constant state of uncertainty, have not been entirely done away with, but "rate wars" have been much less frequent than before, and less protracted when they occasionally occurred.

The "short-haul" section of the law makes these rate wars a very expensive amusement for the railroads. Under its provisions they are no longer able to indulge in a reckless and ruinous competition with each other on through or long-haul business and recoup their losses at the expense of the smaller places between the great trade centers. Confronted as they now are with the necessity of reducing rates all along the line when engaged in such warfare, and of continuing those rates at least ten days before they can be advanced, the railroads have naturally hesitated about embarking in rate wars, and have engaged in them less generally since the law went into effect.

There seems to be no good reason why the same principle which has worked so well in respect to advances in rates should not also be applied to reductions in rates. The only question in either case is as to the length of notice that should be required. The time may soon come, after the law has been longer in operation, when it will be desirable to extend the length of notice now required for advances in rates, but the committee did not deem it best to suggest any change in this respect at present. And while a longer notice of reduction in rates may likewise be found advisable hereafter, the committee deemed it best to first try the experiment by requiring a short notice, and has recommended that the time be three days. It would not be desirable to restrict the railroads too much in competing with each other, or to prevent them from giving the public lower rates if they are disposed to do so. All that is desired is to place such restrictions upon them as will tend to check frequent and unnecessary rate wars and bring about stability of rates, which is of more importance to the business community dependent upon transportation facilities than low rates which fluctuate from day to day or week to week. The amendment proposed is of this nature. It would render changes in rates less frequent, without preventing the railroads from making reductions whenever it was necessary. If a longer notice should be required, it is probable that shipments would be held back until the reduced rates took effect, and that little business would be done in the mean time, so far as the articles affected by the change were concerned. Taking everything into consideration, it seems safer to make the notice required a short one until the experiment can be tried, but the change recommended by the committee will certainly be a step in the direction of ultimately bringing about stability and uniformity of rates.

The amendment contained in lines 100 to 125, inclusive, of the printed bill is intended to make the provisions of the law as to advances and reductions in rates apply to joint tariffs made by connecting railroads, as well as to tariffs published by individual railroads, as they do now. The length of notice is the same in both cases, ten days for advances and three days for reductions. The only difference between the provisions is that notice of changes in joint tariffs is to be given to the commission, which is authorized to prescribe the measure of publicity which shall be given to joint tariffs, and, as the making public of joint tariffs is already placed in the hands of the commission, it was deemed best to leave to it also the matter of making public advances or reductions in them.

CRIMINAL PENALTIES.

An important change in section 10 of the criminal-penalty section is proposed by the amendment contained in lines 21 to 28, on page 8 of the printed bill. As the law now stands the criminal penalty for a violation of any of its provisions is a fine of not exceeding $5,000. The committee is of the opinion that the law will be more strictly obeyed and more thoroughly enforced if those guilty of violating it are, in addition to the fine already provided, made subject to imprisonment also. The effect of this additional penalty is relied upon to inculcate greater respect for the requirements of the law and greater care in complying with its provisions on the part of the railroad officials and employés. It doubtless is true that subordinates in the railroad service, who might perhaps be willing to violate the law in the interest of the railroad if they knew that their fines would be paid by the company in case of detection and conviction, would be unwilling to run the risk of imprisonment, and as to the higher officials the possibility of imprisonment for violating the law would certainly have greater terrors for them than would a fine simply. The interstate-commerce act was placed upon the statute-book for the protection of the public, and those who willfully violate its provisions should certainly be subject to as severe penalties as are ordinary offenders against the Government. There are, however, certain offenses against the law which it would not be just to punish with imprisonment. Under the law, for instance, it is an offense to charge an unreasonable rate, but it would not be just to imprison a railroad agent for charging a rate which he might deem reasonable, but which a jury might pronounce unreasonable. The amendment proposed therefore limits the penalty of imprisonment to cases in which the offense is an unlawful discrimination in rates, fares, or charges, and leaves it to the court to determine whether the penalty shall be a fine or imprisonment, or both, according to the circumstances of each case.

UNDERBILLING.

The amendment contained in lines 29 to 82, inclusive, on pages 8, 9, and 10 of the bill is directed against the practice known as underbilling, which has been the device most generally resorted to by the railroads which desired to evade the law for the benefit of favored shippers. Underbilling is not a new method of discrimination, but the practice has increased enormously since the interstate-commerce act went into effect. It is prohibited by the act as it stands, and is as clearly unlawful as the payment of rebates or discrimination by any other means or device; but there are difficulties in the way of dealing effectively with the practice of underbilling which seem to make it desirable to cover the subject by special provisions such as are suggested in the proposed amendment. Legislation of this character is asked for both by the shippers and the railroads of the country. The committee has had referred to it a large number of memorials and petitions from shippers throughout the country, asking for such an amendment, and has not received from any source anything in opposition to it.

Among the organizations which have considered the matter, and which have by resolution formally approved such an amendment as the committee recommend, are the following: The Peoria Board of Trade; the Chicago Board of Trade; the Chicago Freight Bureau; the St. Louis Merchants' Exchange; the Commercial Exchange of Philadelphia; the Pittsburgh Grain and Flour Exchange; the Chamber of Commerce of the State of New York; the Buffalo Merchants' Exchange; the Boston Executive Business Association; the Toledo Produce Exchange; the Window-Glass Association of New York; the Merchants' Exchange of Memphis; the Savannah Cotton Exchange; the Board of Trade of Eufania, Ala.; the City Council of Fort Gaines, Ga. Besides these the committee has received petitions largely signed by business firms in New York, Boston, and throughout the South, including one from New York City signed by business houses selling over $250,000,000 worth of goods annually.

To show the character of these memorials, which, though not alike, are all to the same effect, and all urge such an amendment as the committee recommend, I will read the resolutions unanimously adopted by the Chicago Freight Bureau on January 12, which are as follows:

Whereas the intent of the interstate-commerce law is to prevent unjust discrimination; and

Whereas section 2 of said law provides against unjust discriminations caused by the payment of rebates, drawbacks, by special rates, or other devices; and

Whereas such discriminations are yet caused by shippers not truthfully specifying the true character and correct weight of the articles offered for shipment, thus securing low rates of freight to the detriment of the honest shipper; and

Whereas the railway companies in some instances claim to be powerless to prevent or detect such misrepresentations, and in other instances, we believe,

allow such practices in order to favor certain shippers and at the same time evade the provisions of the interstate law:

Resolved, That members of the Chicago Freight Bureau, an association of merchants, Board of Trade, and manufacturers of Chicago, respectfully suggest to Congress the advisability of and pray for an amendment to the present interstate-commerce law, making it unlawful for any person or persons to offer for shipment and for any transportation company to knowingly receive and forward any article or articles the true character and correct weight of which are not specified in the shipping directions or on the railway way-bill, or to charge, collect, or receive on any shipment any other sum or sums for the transportation thereof than the charge rightfully applying in accordance with the schedules and classifications in force at the time of shipment.

The feeling that seems to prevail generally among business men is indicated by a letter upon the subject which I received some time ago from Denison B. Smith, secretary of the Toledo Produce Exchange, in which, referring to underbilling, he said:

The system has been pursued extensively and for years. It is the favorite method of those who seek and the railways that grant concessions secretly of agreed-upon rates. I invoke your efforts to so change the "interstate law" as that severe penalties may be imposed upon both sides engaged in such transactions.

The necessity of imposing legal restrictions and penalties upon the dishonest shipper, as well as upon the railroads and their agents, in order to protect the honest shipper, is shown by a letter addressed to me by one of the largest manufacturing firms in the East, which I will read:

NEW YORK, *March* 23, 1888.

DEAR SIR: As chairman of the Senate Committee on Interstate Commerce, we desire to address you on that subject.

The main point of that most excellent law is to provide that no shipper shall have any advantage over another, and while the railroads may carry out this provision to the best of their ability, there is another link in the chain necessary. We regret to say that there are a great many merchants and manufacturers who habitually ship their goods at a lower rate than they are entitled to, by a willful misrepresentation of the classification of the goods. Very often purchasers at distant points will direct that their goods be shipped under a lower classification, which very many shippers are only too glad to comply with to retain their custom, and these parties unjustly injure those merchants and other shippers who have a conscience and will not lie or defraud a railroad corporation.

It is true that some railroads have a system of inspection, and in very many cases detect the fraud, but as the shipper suffers no punishment except the advancement of the freight rates to the class to which the goods belong, he continues in the dishonest practice. Again, there are some railroads that knowingly wink at the practice, especially such railroads as receive the goods and carry them but a short distance over their own lines. They in turn, being parties to the fraud, compel the longer lines, who do nearly all of the work, to carry the freight at a much less compensation than they are justly entitled to.

At some of the manufacturing points in New England it is within our knowledge that the receiving clerks at the railroad stations habitually receive from certain favored manufacturers wrongly classified goods, and as they know very well that the shippers do not manufacture "hardware," they wilfully and persistently perpetrate a violation of the interstate-commerce law, injuring both the railroads and the honest shipper.

Let us give you a few instances in illustration from our own experience:

We are manufacturers of silver-plated goods which are rated first class, and we have never shipped a pound in our lives that was classified otherwise. We very frequently receive orders from large merchants in the far West directing us to purchase empty clock cases and pack their goods in them and ship as "clocks," or procure crockery casks and ship plated ware as "crockery," to pack such heavy goods as knives and forks in cases and ship as "hardware."

It has been our invariable custom to notify such purchasers that we can not conscientiously ship the goods in any other manner than under their proper classification, and in several cases we have lost their business, as they have found other manufacturers willing to aid and abet a fraud for the sake of making a customer. We would therefore request and suggest that your honorable committee make the wrong classification of merchandise a misdemeanor to be punished by fine not to exceed one-tenth of the value of the shipment, and we believe with a proper system of inspection that it would very soon be eradicated.

We are very glad to say that there are a great many merchants and manufacturers who do a straightforward and honest business, and they certainly claim and deserve protection against fraudulent and dishonest men. Had we the time, we could make out a petition and get it signed by hundreds of merchants in this city, but it would seem that a remedy so necessary and obvious would hardly require it.

Respectfully yours,

ROGERS & BRO.

Hon. S. M. CULLOM, *Washington, D. C.*

I will also read the resolutions of the Commercial Exchange of Philadelphia, which specially bear on the subject:

THE COMMERCIAL EXCHANGE OF PHILADELPHIA, *May* 16, 1888.

DEAR SIR: At a meeting of the Commercial Exchange of Philadelphia, held this date, the following resolutions were unanimously adopted:

Resolved, That the thanks of the Commercial Exchange of Philadelphia, and of all persons interested in inland transportation, are due to the honorable the Interstate Commerce Commission for its prompt and exhaustive investigation of the practices of underbilling and falsely classifying freight, and for the just and wise recommendations of its report thereon filed April 11, 1888.

Resolved, That the thanks of the Commercial Exchange of Philadelphia and of all persons interested in inland transportation are due to the honorable the Committee of the Senate of the United States on Interstate Commerce for its prompt action in preparing and reporting Senate bill No. 2851, amendatory of the act to regulate commerce, approved February 4, 1887.

And whereas Senate bill No. 2851, now pending before Congress, is in the interests of honest citizens, honest business men, and honest carriers, and can encounter no opposition from any except dishonest sources: Therefore,

Resolved, That the Commercial Exchange of Philadelphia earnestly prays that the honorable the Senate and House of Representatives will pass said bill during the present session, to the end that unjust and ruinous discrimination by dishonest practices, which have become well nigh unbearable, shall hereafter be punishable by fine and imprisonment and be thereby prevented.

C. ROSS SMITH, *Secretary.*

Hon. SHELBY M. CULLOM,
Chairman Interstate Commerce Committee United States Senate.

The leading railroads of the country have been endeavoring during the past year to protect themselves against the losses resulting from this practice, by mutual agreements on the subject, and by putting into operation a system of inspection at different points; but as no penalty could be inflicted upon the shipper when detected, except the collection of the full rate, the railroads have found themselves unable to stop the practice. To show the efforts they have made and why they have not succeeded, I will ask to have inserted as a part of my remarks a letter from Mr. Albert Fink, the commissioner of the Trunk Line Association:

VIEWS OF MR. ALBERT FINK.

NEW YORK, *March* 13, 1888.

DEAR SIR: Communication being cut off between New York and Washington by the storm, it was impossible for me to avail myself of your kind permission to appear before your committee to present such facts as bear upon the question of legislation to prevent unjust discrimination by the practice of misrepresenting weights or the character of goods to be forwarded over the railroads which are subject to the interstate-commerce law. I therefore beg to submit my views upon the subject briefly in writing.

This practice has been in operation for a long time; but since the enactment of the interstate-commerce law it has greatly increased, and has in a great measure taken the place of the payment of rebates. It has the same effect, only differing in method, and results in unjust discrimination, which is forbidden by the interstate-commerce law. For this reason the attention of the Interstate Commerce Commission has been called to this matter, and the question of how to prevent, by proper legislation, this violation of the spirit and intent of the interstate-commerce law is worthy of the consideration of your committee.

There are two distinct features of this practice to be noted: 1. When the motive of the shipper is simply to cheat the railroad companies and prevent them from collecting for their services the charges according to the open tariffs filed with the Interstate Commerce Commission; 2. When freight is underbilled or the character of goods misrepresented, by an understanding, direct or implied, with the carriers, to secure the business of certain shippers in competition with other carriers, thus favoring one shipper as against another.

In either case the effect upon the honest shipper who represents his shipments correctly, and who is not favored by such understanding, is the same. It is unjust discrimination forbidden by law.

It may be said that so far as the railroads themselves are concerned they are able to protect themselves against this misrepresentation by examining and weighing all goods. This is true to a certain extent. There are a great number of railroad companies who have individually and in concert with each other endeavored to do this, and have established for that purpose inspection and weighing bureaus at some important points; but it has been found impracticable to weigh and inspect all goods offered for shipment. At New York, Chicago, Indianapolis, St. Louis, and other points such inspection bureaus have existed for some time past, and they have to some degree accomplished their purpose; but the amount of freight so inspected is only a small portion of the whole interstate traffic of the country.

It is impracticable to weigh freight at all points where it is received and delivered. Especially is this the case with car-load freight when there are no track-scales at the receiving or delivering stations; but there are other difficulties encountered. For example, at New York, where the terminal facilities are limited and the accumulation of freight is very great, inquiries recently made of the trunk lines terminating there as to whether all incoming freight could be weighed brought out the fact that it was impracticable for want of room and time, although the railroads were not only willing but anxious to have the freight so weighed and inspected.

It is also impracticable to weigh freight at some points in the route. Car-load freight might be stopped and weighed at points where there are track-scales; but miscellaneous freight would have to be unloaded and inspected, weighed and reloaded; this would result in much loss of time and subject the goods to the disadvantage of rehandling. But if it were practicable to weigh freight at all points and secure a proper check, another difficulty would be encountered, namely: There are always some roads which will not join their competitors in adopting a system of weighing and inspection. While such roads are willing that other roads should exercise a strict supervision over shipments, they, in order to secure the good will of the shippers, and increased traffic, refuse to adopt the same measures. Consequently the other competing roads have to do likewise or go out of the business. Therefore, without the co-operation of all the competing roads, no uniform and efficient system of inspection and weighing can be put in effect.

It would appear at first sight very simple for the railroads to control this matter, if they so desired; but there are so many competing roads, and among them some roads which do not want to control it. How can the roads which are willing and anxious to do it force those which are not? There is no law to compel them. The interstate law forbids the use of any device by which one shipper may secure more favorable terms than another for like services, but it does not command the railroads to inspect and correctly weigh every parcel of goods to be forwarded by them, nor would it be practicable to execute such a law if it were enacted without greatly obstructing the prompt movement of the traffic of the country.

It is in the very nature of the case that the carrier must, to a considerable extent, rely upon the representations made by the shippers; and while there are many honest merchants who will not attempt to misrepresent, there are others who will avail themselves of every opportunity to do so. The honest merchant suffers by the practices of the dishonest merchant, with whom he is unable to compete on equal terms.

It makes no difference whether these misrepresentations in weights and the character of freight are made for the simple purpose of cheating the railroad companies, or whether they are countenanced and not resisted by the railroad companies for the purpose of securing the traffic of certain large shippers in competition with other carriers; the result is exactly the same—unjust discrimination. This practice is a much more objectionable one than the former practice of paying rebates, because it is much more difficult of detection.

Having pointed out in a general way the practical difficulties, the question is, can this unjust discrimination resulting from the misrepresentation and underbilling of goods be prevented? In my opinion, as well as in that of many railroad managers and a great many merchants with whom I have conversed on the subject, a law should be passed by Congress making the intentional misrepresentation of the weight and character of shipments on the part of the shipper illegal and punishable by fine. The interstate-commerce law already prohibits railroad companies from resorting to these devices; but it might also be desirable to make the law more specific on this point.

Such a law would have a great moral effect with law-abiding citizens. At present to misrepresent the weight or the character of shipments is not considered by a great many people as in any way reprehensible or immoral; but the legal condemnation of this practice would deter a great many from continuing it. It would have the same effect upon the railroad companies who now, for selfish purposes, countenance or encourage the practice. It would further have the effect of strengthening the railroad companies in their voluntary efforts to correct these evils.

At present, when misrepresentations are discovered, the railroads can only

correct the same to the proper description and classification; but as there is no punishment for the practice this does not prevent the same parties from making further misrepresentations on other shipments. If the practice were made unlawful it is not likely that it would be continued. Such a law would therefore greatly aid the railroads in suppressing the evil, which it seems impossible to do without the support of the Government.

To show that the railroad companies are anxious to correct these evils I herewith inclose a copy of the organization of the weighing and inspection bureau which is about to be established at the western termini of the trunk-lines. This paper is marked A.

In further proof, I will also refer to the operations of the inspection bureau in New York since 1883, as shown in the statements herewith inclosed, marked B. The inspection in New York is confined to west-bound freight shipped over the New York trunk-lines to their western termini and points beyond. The total tonnage subject to inspection is only 1,200,000 tons per year. (The total tonnage transported over the railroads in the United States during the year 1886, as stated in Poor's Manual, was 482,245,254 tons.) During the year 1887 corrections were made at New York in 75,000 cases where shipments were improperly described. Of this number perhaps 20 per cent. were unintentional errors; but about 80 per cent. can be readily traced as intentional misrepresentations.

When the Bureau was first established it was thought that in the course of time, and with a knowledge on the part of shippers that a careful inspection is made, the cases of misrepresentation would gradually decrease in number; but the contrary seems to be the case. From statement B, above referred to, it appears that during the year 1887 the number of corrections was greater than in any previous year. There seems to have been a constant increase annually. This is partly accounted for by the fact that the same parties, after their misrepresentations have been detected, continue the practice, no doubt on the theory that if they succeed in having one shipment out of ten passed without detection something is gained. It is proper, however, to state that some of these shippers claim that they are personally opposed to these methods, but that they are instructed by the purchasers of the goods to make those misrepresentations, and if they fail to do so their customers threaten that they will transfer their business to some one who will comply with their request. It is believed that in all such cases a law forbidding the practice would have the desired effect. Many merchants have expressed themselves as opposed to these dishonest practices, and as being in favor of a law making willful misrepresentation a misdemeanor.

In 1886 the dry-goods trade made a request for certain reductions in the classification of dry goods. The railroad hesitated to make the proposed changes because it would increase the possibility of misrepresentations, but finally they acceded to the request under the condition that the merchants enter into a special agreement with the railroad companies. One of the conditions of this agreement was that they would correctly describe their goods on their shipping receipt; and another condition was that they would unite with the railroad companies in an application to the Legislature of New York, at its next session, for the passage of a law making it a misdemeanor to misrepresent the nature of any shipment. I inclose herewith a statement marked C, containing a copy of the agreement (see section 3), also the names of the firms that signed the same. It was signed by some 130 of the principal dry-goods firms. The condition in section 3 was suggested by the merchants themselves. The railroads have not taken any steps to have this part of the agreement carried out, because a New York State law would not apply to shipments in other States, and merchants in other States competing with those in the State of New York would not be under similar restrictions. Such a law, to be effective, should be passed by Congress, and apply to all shippers and all railroads in the United States.

The objection has frequently been made by shippers that while a rigid inspection exists in New York City no inspection is made at Boston and other cities. I will say that efforts have been made to extend this system of inspection to the other cities in order to put all shippers on the same footing; but these efforts failed at other places on account of the refusal of some of the railroad companies to have the goods shipped over their road inspected. I mention this fact simply to show why it is impossible for some of the railroads to control this matter if all do not desire to co-operate, and that it is a subject for national legislation.

Having considered the reasons which induce me to recommend the passage of a proper law for the purpose of avoiding this form of unjust discrimination, as well as protecting the railroad companies against fraud, I have also considered what reasons there are, if any, why such a law should not be enacted; but I have not been able to find a single reason. No fear need be entertained that any one would be punished for unintentional errors, as such cases are easily recognized. If a merchant represents silks as being cotton piece goods, or cutlery as nuts and bolts, there can be no doubt that these are intentional misrepresentations; or if a shipper offers a forged receipt from an elevator or warehouse, representing 40,000 pounds of freight as 25,000 pounds, it is not difficult to prove fraudulent intentions. Neither is there any difficulty on account of complications in the classification, as shippers need not state the class, but simply the correct name of the goods which they offer for shipment, and this they certainly ought to be able to do. There is no difficulty in distinguishing between error and fraud, and therefore no fear need be entertained that under such a law innocent parties would suffer.

Certainly there can be no possible objection to the passage of a law suppressing fraud.

It may be said that the railroad companies arbitrarily establish their tariffs and classification, and that the Government should not be called upon to enforce the same. This objection might have been reasonably urged before the enactment of the interstate-commerce law, but can not be urged now. These tariffs and classifications are now subject to the supervision of the Interstate-Commerce Commission, and are on record in the office of the commission. If they are not reasonable and just, as the law provides, a legal remedy lies within the reach of every shipper. If shippers were allowed at their discretion to violate these official tariffs, how could the provisions of the interstate-commerce law, that these tariffs are to be strictly adhered to, be carried into effect? A violation of the law by the shippers has precisely the same effect as a violation by the carriers; and why should not the shippers be forbidden to violate or to attempt to violate the law as well as the carriers?

No better means could be adopted than to make the practice of misrepresenting the weights and character of goods illegal on the part of shippers as well as on the part of railroads. The honest shippers and the honest railroad companies must have this or some other kind of support in order that the interstate-commerce law may be effectually carried out.

Very respectfully,

ALBERT FINK.

Hon. S. M. CULLOM,
Chairman Senate Committee on Interstate Commerce,
Washington, D. C.

The necessity of the proposed amendment is shown unmistakably by the report on the subject recently made by the Interstate-Commerce Commission, which made an investigation on its own motion. That report covers the subject fully and contains abundant evidence of the general violation of the law by means of underbilling. The report is rather long, and I will not take up the time of the Senate by reading it; but I commend it to any Senator who may entertain any doubts as to the necessity of legislation on the subject, and will ask to have extracts from it inserted as a part of my remarks.

EXTRACTS FROM THE OPINION OF THE COMMISSION.

The act to regulate commerce forbids "unjust discrimination" by common carriers subject to its provisions. It defines unjust discrimination, declaring that a common carrier is guilty thereof whenever it "directly or indirectly, by any special rate, rebate, drawback, or other device," charges one person more than another for the transportation of a like kind of traffic under substantially similar circumstances and conditions. The act forbids the giving of any undue or unreasonable preference or advantage to one person over another by any common carrier subject to its provisions, and the subjecting of "any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatever." It also makes it unlawful for any such common carrier to charge or receive a greater or less compensation than the rate which is specified in its published schedules in force at the time.

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It, perhaps, was not to be expected, however, that the giving and obtaining of special favors in transportation would be abandoned immediately upon the enactment of the law, either by shippers who had been accustomed to enjoy them in business strife or by carriers who had been wont to employ them for the purpose of obtaining traffic in the face of competition. The education of the public, under the business practices which had been not only countenanced but encouraged by the carriers for a long series of years previous to the passage of the law, had been such as to largely obliterate the idea of honor as entering into the case in any degree whatever, and to suggest that the new law was not passed to be obeyed, but to be evaded. The time may come when it will be thought to be as disgraceful to obtain transportation dishonestly as to acquire property dishonestly, and when citizens who control the agencies of public carriage will consider the permission of unequal advantages in transportation in the same light in which they now ought to regard a fraud upon the ballot-box. It is not obvious in what way the obtaining of free transportation or reduced rates of transportation by trick or device is less dishonorable than any other form of cheating, nor is it apparent how the procuring of business by the carriers, through practices whereby one shipper is given a pecuniary advantage over another in a public service, differs ethically from the payment of a bribe.

Nevertheless neither shippers nor carriers have been accustomed to stop and consider these questions. If presented they have been brushed aside, in the race for business which absorbs the entire community. A common carrier should be as sensitive to suspicion of unfairness as a register of deeds, clerk of a court, or any other public servant. The purchase of his services at a stated price, equal to all, should be a matter of course with every shipper, without any more thought of obtaining personal advantage in the transaction than of counterfeiting the coin that pays the bill.

The re-establishment of a correct public sentiment upon this most important matter must be effected by the enactment and enforcement of just laws. In the act to regulate commerce the country is brought face to face with certain principles governing transportation by common carriers which had been almost totally overlooked. One is that their service is a public service, and that common carriers have no right to conduct their business as private enterprises are sometimes conducted, giving favors for the hope of gain and seeking to control business by discounts and concessions. Such methods, possibly legitimate in the counting-room of the merchant or the manufacturer, must be rigidly excluded from the office of the common carrier. The very name "common" carrier implies equality; it signifies common to all; the servant of the public. The adoption of the vocation carries with it the assurance imposed by one of the elementary principles of the common law, that every customer shall be served alike; and it is rewarded with privileges and securities which many other vocations do not possess.

On the other hand, the common carrier is at least entitled to the same fair dealing and honesty on the part of its customers which are expected between man and man in the ordinary commercial transactions of life; and should not be called upon for the exercise of an extraordinary degree of suspicion or required personally to revise every representation made by shippers. The business of the world is founded upon mutual trust and confidence. When once the true relations of the common carrier to the public are generally recognized, and their importance appreciated, the same honorable course of dealing which American merchants and manufacturers are justly expected to pursue between themselves and with strangers will be applied unhesitatingly in respect to the subject of transportation.

The prohibitions of the act to regulate commerce are fortunately not limited to the methods of unjust discrimination by special rate, rebate, or drawback, but contain the added words "or other device." The attention of the commission has been recently attracted in various ways by allegations that the device known as "underbilling" is being largely employed by shippers and carriers as a method by which a less compensation is paid by one person than by another for "a like and contemporaneous service." It became the duty of the commission to investigate the subject, and such an investigation has accordingly been had. Time was not available for such a full examination of the question in all parts of the country as might have been desired, but the taking of testimony and the collection of facts was carried sufficiently far to lay open the subject as it is found to exist in certain important localities, from which generalizations can be safely made.

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There is no doubt whatever, and the commission finds the fact to be, that an immense amount of traffic has been carried by the railroads of the country during the last six months, and to some extect during the entire period since the passage of the act to regulate commerce, the tonnage or weight of which was underbilled. The shipper in such cases pays freight upon a less quantity than is actually carried, the result of which is that upon the gross amount he pays a reduced rate; in other words, a less sum than is charged to other shippers for a like service.

This has not been confined to any particular road or group of roads, but has been very generally prevalent in various parts of the United States, and even upon lines which at the same time were protesting most emphatically their absolute conformity to the requirements of the law.

The practice is unequivocally condemned by every railroad official and traffic manager whom the commission has approached upon the subject; and they have been very many, including the officers of most of the leading lines in the Central and Western States; but at the same time the fact can not be denied that the same lines have admitted traffic upon which the billing was short, and that usually they have known, or easily might have known, that such was the case.

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A difficulty in dealing with this device under the existing provisions of law is found in the fact that in each particular case the carriers assert that they did not know of its existence; that they were imposed upon by the shipper or were unwittingly led into error by the fraud or ignorance of an agent; so that while these irregular shipments may have been overlooked or winked at, and in many cases, perhaps, suggested, by the responsible officers of the companies, yet proof of this, to the satisfaction of a jury in any given case, might be difficult to make.

Nevertheless, in every case a degree of negligence is apparent which is not easily explainable. Various excuses are also offered; the appliances and assistants necessary for ascertaining weights and quantities are deficient in many places; the exaction of just tonnage by one road might send business to a less scrupulous competitor; the traffic is received from connections where means or disposition to be exact may not exist.

The general fact is apparent that railroad managers are reluctant to move individually in putting an end to discriminations of this kind; that voluntary action in the direction of precision can not be expected from the carriers unless it is joint action on the part of all the carriers concerned in the competition for the traffic involved; that however much the managers of the road may protest their desire to deal equally and justly by their patrons, and however obvious may be the fact that such equality of conduct would involve no loss to themselves, but a probable material gain, yet fear of losing a little business to a rival line has induced much neglect of the paramount considerations of propriety, justice, and law; so that traffic managers have shut their eyes to the wrong involved until such time as concerted action might be had.

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The extent to which underbilling has been resorted to for the purpose of evading the requirements of the act to regulate commerce will be partially seen from the facts now to be stated.

Sixty-one cars from the Michigan Central Railroad were weighed at Black Rock February 1 to 18, 1888; of these the billing of fifty-seven cars were short, in all, 273,350 pounds, and four cars were overbilled, in all, 4,100 pounds. Of the cars underbilled the errors upon twenty exceeded 5,000 pounds each, and on four exceeded 20,000 pounds each; while on eighteen the errors were less than 1,000 pounds each, in which case they are disregarded by the inspectors; a margin being necessary for variations of scales, differences in weight of cars when dry, when saturated with moisture, when loaded with snow, or when not thoroughly cleaned, as well as for other reasonable corrections and possible minor errors.

One hundred and thirty-five cars from the same road were weighed at Suspension Bridge January 23 to February 15, 1888. Of these the billing of one hundred and twenty-nine cars was short, in all, 536,545 pounds, and of six cars was over, in all, 7,290 pounds; the shortage on forty-two cars exceeded 5,000 pounds per car, and on eleven cars exceeded 10,000 pounds per car.

Forty cars from the New York Central and Hudson River Railroad, westbound, were weighed at Suspension Bridge February 6 to 13, 1888, and were found short, in all, 109,280 pounds, or 8 per cent. of the total weight as waybilled. For example, a car-load of iron billed at 32,000 pounds from Albany to Detroit was found to weigh 42,400 pounds; a car-load of salt from Rochester to Chicago, billed at 24,000 pounds, was found to weigh 32,350 pounds. Other underbilling was in car-loads of potatoes, cider, apples, glass, etc. It should be noted that upon the Buffalo inspection line the east-bound movement has been considered most important, and comparatively little has yet been done in respect to the west-bound freight.

Of the east-bound cars above mentioned a few examples of the most flagrant underbilling are given by way of illustration, as follows:

From—	To—	Contents.	Billed weight.	Actual weight.
Toledo	Oswego	Corn	26,000	36,100
Do	do	do	26,000	35,850
Do	do	do	25,000	35,400
Do	do	do	26,000	37,700
Do	do	do	27,000	41,800
East Saginaw	New York	Oats	24,780	28,500
Joliet	do	do	24,000	28,300
Indianapolis	Philadelphia	Lumber	35,000	43,060
Do	Bridgeport	do	30,000	43,600
New Albany	Troy	do	24,000	31,700
Chicago	W. River Junction	Screenings	24,000	37,000
Hammond	Lonsdale	Tallow	27,000	29,550
Do	Elizabethport	Fertilizers	30,000	36,150
Danville	New York	Oats	30,000	40,800
Comber	Skaneateles	Staves	24,000	30,600

In examining the schedule in detail a large number of grain shipments from Toledo were observed, of which only a few are given above. In all, some fifty car-loads of grain were shipped from Toledo to various points, of which the average unberbilling was over 12,000 pounds per car, considerably more than 25 per cent. of the actual weight being thrown off.

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Upon the breaking down of a car loaded from a private warehouse and shipped on the Grand Trunk line it was discovered that the car was carrying 15,000 pounds of grain in excess of the weight which had been furnished for billing. A general system of weighing of cars from private elevators was entered upon by that company. A few instances of the results are given, as follows:

Car number.	Billing weight.	Actual weight.
2767, N. D	30,000	38,200
3993, M. C	34,000	43,150
2777, G. T	28,000	36,250
9791, N. D	28,000	36,200
9700, C. Ex	28,000	36,250
9720, C. Ex	28,000	36,350
10659, G. T	30,000	36,050
2140, N. D	26,000	33,200
3743, N. D	34,000	40,250

Another course of dealing, in which underbilling has been largely resorted to is shown in the following illustration: The contents of car No. 10704 (containing middlings) from the Wisconsin Division of the Chicago and Northwestern Railroad were sold on the floor of the Chicago Board of Trade in February last. This car had been billed as containing 21,600 pounds, freight prepaid. When the middlings were transferred for shipment east to a Nickel Plate car and reweighed it was found that the car contained 45,500 pounds. This car was weighed a second time with the same result. It had been underbilled 23,900 pounds. In that transaction the miller saved 7½ cents per hundred weight freight on 23,900 pounds to Chicago. If the middlings had been loaded into a "line" car and gone through without transfer he would have saved $84 freight on the car-load.

The evidence shows that during the past season a large amount of grain has been loaded at interior points in the Western States and gone through various junction points south and west of Chicago, without transfer, to the East. The shipments are made from small country stations, where no facilities for weighing the grain exist, but where local buyers have store-houses or country elevators, and their weights have been accepted by the carriers in reliance upon their good faith. It is a custom among railroads to seal cars for long-distance shipments, keeping a record at junction-points of the condition of the seals; a road upon which a seal is unbroken not being regarded as liable on damage claims unless the seal remains intact throughout the trip, in which case the loss is apportioned. In many cases of underbilling the initial railroad company has no doubt been cognizant of the fact that the weights were not full; soliciting agents of the through lines have very likely been in part responsible; while other cases no doubt exist in which the carrier was entirely innocent of all complicity in the transaction. In many instances, however, carelessness at least on the part of the local agent must have existed; and negligence on the part of the carriers in failing to weigh at the first track-scale may also be claimed.

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Other methods of evasion of the law have also been attempted. A highly reputable merchant testified that he had been approached with a suggestion that one of his employés might be taken upon the salary list of a carrier if his firm would give its business to the road. A letter was produced, written by a shipper to another carrier, asking to be placed in some such position, saying, "I will give you the monopoly of all business controlled by me. I believe you have a right to employ anyone to work for you on such terms as you see fit. I would not want to be known as your agent publicly;" and suggesting that about 2½ cents per cwt. would be a reasonable compensation. In these cases no bargain was made; but indications point strongly to the fact that secret inducements of that character have been resorted to. Of course every such transaction is a violation of the act to regulate commerce. The pretense of an employment or agency would not for a moment protect the carrier. There is reason for the belief that a critical inspection of pay-rolls, vouchers, and sub-vouchers by the responsible officials of many roads would disclose to them a startling recklessness on the part of their subordinates.

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In very many instances, especially on the part of large shippers and in the case of persistent repetitions, the misrepresentation is apparently willful and with deliberate attempt to deceive and defraud the carrier. No remedy for such cases is found, as the law now stands, beyond the collection of the amount which is required to transport the article when truly named. As early as 1845 a statute was passed in England imposing a penalty upon a shipper who fails to produce an exact account of his shipment with intent to avoid the payment of tolls. This statute imposed a penalty of not exceeding five pounds sterling per ton upon the freight in question in addition to the regular toll. The existence of such a law has no doubt operated efficiently in preventing such a state of affairs as is now found to exist in this country.

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In view of the fact that unscrupulous persons are to be found in mercantile pursuits as well as in the employment of the railroads, that unjust discriminations obtained by means of these devices invariably operate to the direct pecuniary advantage of some shipper or consignee, that the evidence distinctly shows various instances and methods by which shippers have been able deliberately to defraud a carrier in the matter of transportation, without fault or connivance on the part of the latter, and of the various other facts and considerations apparent in the foregoing pages, the proposed amendment is clearly necessary to make the act more thoroughly efficient.

No manner is perceived in which the enforcement of such legislation can operate to the prejudice of honest shippers. Underbilling, in its devices and its fruits, must necessarily be participated in by the owner of the goods; it can not be absolutely put down by imposing penalties upon the carriers alone. The complete termination of this practice is exceedingly to be desired, and there can be no doubt that this end will be greatly promoted by legislative recognition of the fact that not only the carrier, but the shipper also, who both participate in the methods and the results of unjust discrimination, are each responsible to the public for the wrong which every such transaction involves.

REPARATION FOR DAMAGES.

Since the bill was reported to the Senate the committee has agreed upon and reported another amendment, which has been printed separately and which I will offer at the proper time. This proposes some changes in section 16 of the act, the one which prescribes the proceedings to be had in the courts when, after the investigation and hearing provided for by the statute, railroad companies fail or refuse to comply with the orders or requirements of the commission.

The section as it stands marks out the same method of procedure in all cases in which it becomes necessary to resort to the courts to enforce the orders or recommendations of the commission. It provides that any lawful order or requirement of the commission which is not complied with is to be enforced in a summary way by a petition in a court of equity, the procedure being the same in all classes of cases. By the fourteenth section of the act the commission is required to investigate complaints made to it and make a report of its findings, with its recommendation as to what reparation, if any, should be made for injuries found to have been inflicted. Under the requirement of section 14 complaints involving reparation in the way of money damages would, if it became necessary to resort to the courts to enforce the recommendation of the commission, be taken to an equity court by the provisions of the sixteenth section as it stands, and could not be taken into a common-law court.

The seventh amendment to the Constitution of the United States preserves the right of trial by jury when the amount involved exceeds $20 in value. It has been claimed that there might be some question as to the constitutionality of the sixteenth section as it now stands in so far as it affects controversies subject to the provisions of the seventh amendment to the Constitution. This claim is based on the idea that a controversy in respect to reparation for injuries done is a common-law right, and that in cases affected by the seventh amendment to the Constitution that amendment is thought to provide for a common-law jury in a common-law court in the enforcement of common-law rights. For these reasons it is thought there may be some question as to whether this constitutional requirement is complied with by sending cases of this class to an equity court.

In order to avoid this possible constitutional question and to prescribe more definitely the method of procedure in cases which are essentially different in their character, this amendment has been proposed.

As it now stands the sixteenth section of the act provides a summary and effective method for the prompt enforcement in an equity court of the administrative orders of the commission correcting unjust discrimination or unlawful preference or extortion and other violations of the statute involving matters of general public interest. As to all such matters the section is already as strong as it can be made, and there can be no question as to the propriety of the procedure prescribed. So far as such matters are concerned the section is left substantially as it stands by the amendment, except that it is limited in its application to that class of cases. The amendment then proposes an addition to the section to provide for the class of cases requiring trial by jury, sending such cases to the circuit court sitting as a court of law, and making provision for a hearing within not more than forty days after the petition is filed.

In the case of Councill against the Western and Atlantic Railroad Company, the commission declined to go into the question of money damages, as it was required to do by the fourteenth section of the act, in order to avoid having the constitutional question that has been referred to raised. This was a case in which the only way that reparation could be made was by the payment of money damages, to which the complainant was clearly entitled. The complainant, Mr. Councill, a highly respectable colored man, a minister of the gospel and principal of the State Colored Normal and Industrial School of Alabama, was violently ejected from the car reserved for white people, in which he had taken a seat, although he had paid full first-class fare and there was no other car on the train furnishing comfortable accommodations or the equal accommodations to which he was entitled. The facts found by the commission show that Mr. Councill was treated outrageously, and that the railroad company ought to be required to compensate him for the assault committed upon him, for the injuries inflicted upon him, and for the indignities to which he was subjected. If the law does not properly provide for cases of this nature, in which money damages should be awarded, it certainly ought to do so, and that is the purpose of the amendment.

Most of the remaining amendments are purely formal and explain themselves. This is the case with those on pages 11, 12, and 13 of the bill. The amendment on pages 12 and 13 is intended to provide for the publication of an official edition of the decisions of the commission and for the publication of its annual report, which subsequent amendments propose to take out of the hands of the Secretary of the Interior. The law does not make the commission part of the Interior Department, but requires the Secretary to furnish the commission with offices and office supplies and to approve its expense-vouchers. The supervision which the Secretary of the Interior exercises over the accounts of the commission is purely formal, of course, but it subjects both the commission and the Secretary to considerable trouble without accomplishing any useful purpose. On the recommendation of the Secretary of the Interior the amendments to sections 18 and 21 of the act contained on pages 14 and 15 of the bill have been proposed, the object being to make the commission an independent bureau.

The amendments proposed to section 22 are intended to permit the railroads if they see fit to carry free destitute and homeless persons transported by charitable societies, and to give reduced rates to municipal governments for the transportation of indigent persons.

Mr. President, I fear I have trespassed on the patience of the Senate too long, but my excuse is the magnitude and importance of the subject under consideration. There is no business question in which the people of the country have a deeper interest, for the reason that there is none which bears more directly upon their financial prosperity. Cheap transportation and equality of rights in its enjoyment are two great demands of the times, and the nation will fail of its duty if it does not do what it can to secure both to the people. The best possible conditions must surround our internal commerce, and we must give the people the best possible advantages whenever we can in reaching whatever market may be open to them in any of the nations. The Constitution imposes the duty upon us as a Congress of regulating commerce among the several States and with foreign nations. Let us do both in the interest of the people without fear or favor, fearing not to do right by all, whether engaged in one pursuit or another, favoring none, whether clothed with corporate power or in the common walks of life. Equality of rights is the watchword in this country, and it applies as well to business transactions as to the right to be free or the right to vote.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (H. R. 7149) to incorporate the Hotel Republic Company of the District of Columbia; in which it requested the concurrence of the Senate.

SEACOAST DEFENSES.

The PRESIDENT *pro tempore*. The Secretary will announce the special order, which is Order of Business 603.

The SECRETARY. A bill (S. 62) to provide for fortifications and other seacoast defenses.

Mr. DOLPH and Mr. HALE addressed the Chair.

The PRESIDENT *pro tempore*. Does the Senator from Oregon yield to the Senator from Maine?

Mr. DOLPH. I do.

THE FISHERIES TREATY.

Mr. HALE. I do not propose to take up any of the time of the Senate this afternoon, but I ask the Senate to agree to take up the resolutions of the Senator from Alabama [Mr. MORGAN] to-morrow morning after the routine business, when, with the leave of the Senate, I propose to submit some remarks.

The PRESIDENT *pro tempore*. If there be no objection, the resolutions offered by the Senator from Alabama will be laid before the Senate to-morrow at the conclusion of the morning business, and the Senator from Maine will be recognized as entitled to the floor.

Mr. HALE. I shall desire to speak directly after the routine morning business, as I shall be obliged to leave town.

The PRESIDENT *pro tempore*. The Chair hears no objection.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 5863) authorizing the Richmond and Danville Railroad Company to lay tracks, and so forth, in the District of Columbia;

A bill (H. R. 6677) to amend an act entitled "An act to increase the police force of the District of Columbia, and for other purposes," approved January 31, 1883, and for other purposes;

A bill (H. R. 7149) to incorporate the Hotel Republic Company of the District of Columbia;

A bill (H. R. 8039) providing for the appointment of police matrons for the District of Columbia, defining their duties, and for other purposes; and

A bill (H. R. 8719) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia.

STEPHEN SCHIEDEL—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 1017, entitled "An act granting a pension to Stephen Schiedel."

The beneficiary named in this bill served in the First Regiment Missouri Light Artillery from October 24, 1861, to October, 1864. There is no record of any injury or disability while in the service.

In March, 1880, sixteen years after his discharge, he filed an application for a pension, alleging that about June, 1862, while carrying logs to aid in building quarters, a log slipped and fell upon a lever, which flew up and struck him, injuring his back and shoulder.

He furnished the testimony of two witnesses tending to support his statement of the manner in which he was injured; but upon investigation this evidence was found to be unreliable.

Medical examinations failed to disclose any disability from the cause alleged, but do tend to show that he was disabled since his discharge by an injury to his right hand and arm and some rheumatic trouble.

It is not claimed that he incurred any disability from rheumatism while in the Army. It appears distinctly that he was wounded in the right wrist and arm while firing a cannon at the village of Hamburgh, Erie County, New York, on the 4th day of July, 1866. The doctor who testifies to this injury and who dressed the wound negatives any other illness before the accident.

Even if he has, since his discharge, suffered from rheumatism, he does not claim that this was incurred in the Army. He bases his right to a pension entirely upon an injury which he particularly describes, and which the medical examination does not sustain. It will be observed, too, that he continued his military service for two years and four months after the date of his alleged injury. It seems hardly possible that he could have done this if he had been injured in the manner he alleges.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 12, 1888.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. SHERMAN. As all the other vetoed pensoin bills were referred to the Committee on Pensions, I move that the bill and message be referred to the Committee on Pensions.

The motion was agreed to.

JOHN H. MARION—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 1772, entitled "An act for the relief of John H. Marion."

It is proposed by this bill to relieve the party named therein from an indebtedness to the Government amounting to $1,042.45, arising from the non-fulfillment of a contract made by him in 1884 with the Government, by which he agreed to furnish for the use of the Quartermaster's Department a quantity of gramma hay.

The contractor wholly failed to furnish the hay as agreed, and thereupon the Government, pursuant to the terms of the contract, obtained the hay in other quarters, paying therefor a larger sum by $1,042.45 than it would have been obliged to pay the contractor if he had fulfilled his agreement. This amount was charged against the contractor.

It is alleged that the crop of the particular kind of hay which was to be furnished under the contract failed the season in which it was to be supplied, on account of drought; and that thus performance became impossible on the part of the contractor.

Between individuals no injustice could be claimed if the contractor in such circumstances should be held to have taken the chances of the crop. And if an

equitable adjustment should be suggested in such a case as is here presented, it would hardly be asked that the party suffering from the default or failure of the other should sustain all the loss.

It seems that the contractor was the proprietor of a newspaper in Arizona, and that he did some printing for the Government beside agreeing to furnish hay to the Quartermaster's Department. After the ascertainment of the loss to the Government arising out of the hay transactions, certain accounts for printing presented by the contractor were credited against the amount of such loss charged against him. In this way his debt to the Government has been reduced more than $700. The proposed legislation would cause to be paid to the contractor the sums so retained for printing and to relieve him from the remainder of the Government's claims.

Inquiry at the Quartermaster-General's Office fails to substantiate the allegation that there is any understanding when such contracts are made that their performance is to be at all relaxed by the failure of the crop.

There really seems to be no good reason why the contractor should not make good the entire loss consequent upon his default. If, however, strict rights are to be relinquished and the liberality of the Government invoked, it should not be taxed beyond the limit of sharing the loss with the delinquent. This result would be accomplished by discharging the remainder of the contractor's debt after crediting the bills for printing above referred to.

The Government is obliged in the transaction of its business to make numerous contracts with private parties, and if these contracts are to be of any use or protection they should not be lightly set aside on behalf of citizens who are disappointed as to their profitable nature or their ability to perform them.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 12, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. PLUMB. I move to refer the bill to the same committee from which it was reported.

The PRESIDENT *pro tempore*. To the Committee on Claims?

Mr. PLUMB. I suggest that it be referred to the Committee on Claims.

Mr. WALTHALL. It came from the Committee on Military Affairs, I think.

Mr. COCKRELL. Let it be referred to the committee that originally reported it, whatever it is.

The PRESIDENT *pro tempore*. The clerks will ascertain that, and to whichever committee the bill came from the bill and message of the President will be referred.

The bill and message were referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILL.

Mr. TELLER submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Mines and Mining.

ORDER OF BUSINESS.

Mr. PLUMB. I have given notice that I should move to take up the District of Columbia appropriation bill at this time. The Senator from Oregon [Mr. DOLPH] is very anxious to submit some remarks on the fortification bill. While I yield to him with very great reluctance in view of the fact that the day has almost entirely disappeared without anything having been done on the appropriation bills, still I shall not make the motion to take up the District of Columbia appropriation bill until after the Senator from Oregon has had a chance to submit some remarks upon the fortification bill.

SEACOAST DEFENSES.

Mr. DOLPH. Mr. President, I do not expect to secure final action of the Senate on this bill this afternoon, but I think it will facilitate the transaction of business by having the bill read, or printed in the RECORD, and by my submitting some remarks on it this afternoon.

The PRESIDENT *pro tempore*. Does the Senator desire to have the bill read?

Mr. DOLPH. I desire to have the bill printed in full in the RECORD.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

The bill as proposed to be amended by the Committee on Coast Defenses is as follows:

Be it enacted, etc., That for the purpose of providing the fortifications and other defenses recommended by the board appointed by the President under the provisions of an act of Congress entitled "An act making provisions for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1886, and for other purposes," approved March 3, 1885, for the ports named in the report of the said board as the ports at which fortifications are most urgently needed, namely, New York, San Francisco, Boston, the lake ports, Hampton Roads, New Orleans, Philadelphia, Washington, Baltimore, Portland, Me., Rhode Island ports, in Narragansett Bay, Key West, Charleston, S. C., Mobile, New London, Savannah, Galveston, Portland, Oregon, Pensacola, Fla., Wilmington, N. C., San Diego, Cal., Portsmouth, N. H., defenses of Cumberland Sound at Fort Clinch, defenses of ports of the Kennebec River at Fort Popham, New Bedford, Mass., defenses of ports on the Penobscot River, Maine; at Fort Knox and New Haven, Conn., there be, and is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, the sum of $126,377,800.

SEC. 2. That said appropriation shall be available only as follows:

For the fiscal year ending June 30, 1889, $21,500,000; for each fiscal year thereafter for the period of eleven years, $9,000,000; and for the fiscal year ending June 30, 1901, $5,877,800, all of said appropriation to be available until expended.

SEC. 3. That said sum shall be expended under the direction of the President for the purpose of providing fortifications and other defenses for the ports aforesaid and the armament therefor, and the purchase of sites for the said fortifications, substantially in accordance with the recommendations of said board, until Congress shall otherwise provide, and shall be apportioned between said ports in accordance with the consolidated estimate of the cost of said defenses found upon page 28 of said report, and the work shall be, as near as may be, commenced at the same time at each of said ports, and shall proceed as rapidly as said annual appropriations will admit of: *Provided*, That if at any time the Secretary of War, upon the advice of the board of Army officers hereinafter provided for, and with the approval of the President, shall recommend to Congress any changes in the plans for the fortifications of any of said ports, or the armament therefor, work may be suspended upon the same so far as would become necessary if such changes should be authorized until after the adjournment of Congress, if then in session, and, if not then in session, until after the adjournment of the next session thereof, when, if such changes have not been authorized by Congress, work shall be resumed under the plans recommended by said board.

SEC. 4. The floating batteries and torpedo-boats recommended by said board shall be constructed under the supervision of the Secretary of the Navy, but the plans and specifications for the same shall first be approved by him, and he may appoint an advisory board of not more than ten officers of the Navy, who shall be removable at his pleasure. That all such vessels, except as hereinafter otherwise provided, shall be built by contract, and in the construction of the same all the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment as to the material for said vessels, their engines, boilers, and machinery, the contracts under which they are to be built, the notice of and proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with said act, so far as the same relates to vessels constructed under contract, save that in all their parts they shall be of domestic manufacture, and if reasonable bids can be obtained therefor, considering the cost and risk of navigating and transporting the same, if constructed elsewhere, the floating batteries and torpedo-boats intended for use on the Pacific coast shall be constructed on that coast.

SEC. 5. The guns for the armament of said floating batteries and torpedo-boats shall be fabricated at the gun factory of the United States at the Washington Navy-Yard, and for the purpose of providing the material for guns and armor for said vessels the Secretary of the Navy is hereby authorized to make contracts with responsible steel manufacturers, after suitable advertisements, to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed, for the supply of rough-bored, rough-turned, and tempered steel in forms suitable for heavy ordnance adapted to modern warfare, and steel, finished, for armor, shafting, and other naval purposes, in quantity not less than 10,000 gross tons, in quality and dimensions conforming to specifications, subject to inspection and tests at each stage of manufacture, and in the case of ordnance including all the parts of each caliber specified: *Provided*, That no money shall be expended except in payment for steel accepted and delivered; that each bidder shall have or shall contract to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it, in accordance with the contract, and agree in the case of an ordnance contract to deliver yearly a specified quantity of each caliber, the time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months and that of the largest calibers at the expiration of not more than three years from the date of the acceptance of the contract; and that all the forgings shall be manufactured in the United States.

SEC. 6. That the construction of the fortifications and their armament, the fabrication of guns and gun-carriages for fortifications, submarine mines, and all such defenses except floating batteries and torpedo-boats, shall be under the supervision of the Secretary of War, but before any money is expended on any such fortifications or other defenses, the plans and specifications for the same shall be approved by the Secretary of War, who may appoint an advisory board of not more than ten officers of the Army, to be removable at his pleasure. All works as herein provided, except when done at Government shops, shall be done by contract or otherwise, as may be most economical and advantageous to the Government.

The guns shall be fabricated at a gun-factory to be established at Watervliet Arsenal, New York, as hereinafter provided, the material for guns and armor shall be purchased by contract, and for the purpose of providing the same the Secretary of War is hereby authorized to make contracts with responsible steel manufacturers after suitable advertisements, to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed for the supply of rough-bored, rough-turned, oil-tempered, and annealed steel in forms suitable for heavy ordnance adapted to modern warfare, and steel, finished for armor and other army purposes, in quantity not less than 10,000 gross pounds, in quality and dimensions conforming to specifications, subject to inspection and tests at each stage of manufacture, and including all the parts of each caliber specified: *Provided*, That no money shall be expended except for steel accepted and delivered; that each bidder shall have or shall contract to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it, in accordance with the contract, and agree in the case of an ordnance contract to deliver yearly a specified quantity of each caliber, the time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months and that of the largest calibers required under the advertisement at the expiration of not more than three years from the date of the acceptance of the contract; and that all forgings shall be manufactured in the United States; and the Secretary of War is hereby authorized to erect at the Watervliet arsenal, West Troy, N. Y., an Army gun factory, substantially in accordance with the report of the Gun Foundry Board of December 20, 1884, for finishing and assembling the guns adapted to modern warfare, up to and including the largest approved sizes, and for the manufacture of gun-carriages and the necessary equipments for guns and carriages for the Army, at a cost not to exceed $1,000,000.

Mr. DOLPH. Mr. President, this is an important bill, not only because it affects a great question of public policy and national concern, but on account of the amount proposed to be appropriated by it.

The question of coast defense has been thoroughly discussed by the press and the people, and public opinion is so strong in favor of defending our coast, and has been so thoroughly voiced in Congress by petitions of representative bodies, that I do not consider it necessary for me to urge at length upon the Senate the importance of the measure, nor does the plan proposed to be adopted by the bill require advocacy from me.

It is the plan recommended by the Board on Fortifications and other Defenses appointed by the President under the provisions of the act of March 3, 1885, and has been approved by the Secretary of War. Is it not remarkable that a great, wealthy, and powerful nation with a vast territory, bounded in part by two oceans, with a great and growing coastwise and foreign commerce, with great commercial cities which are depots for the surplus agricultural and manufactured products of a continent lining its sea and gulf coasts and the shores of the Great Lakes, which in part form its northern boundary, is powerless to protect its coast cities and its commerce from an attack by a third-rate naval power?

It has not a single fort, or ship, or gun suitable for defense against an attack by a modern naval vessel. With the advent of modern war ships and high-power guns, our wooden naval vessels, smooth-bore, cast-iron guns, and our forts which at the commencement of the war of the rebellion were ample for our defense, have become obsolete and valueless. On the 16th of February, 1886, when the bill for the increase of the Navy was under consideration, I made some remarks upon the defenseless condition of our seacoast, from which I quote:

Mr. DOLPH. It would seem to be unnecessary after all the examinations and reports we have had on this subject, after the recommendations we have had from our committees, and from those in authority, and when almost the entire press of the country is urging upon our attention the importance of defending our coast, for me to urge its importance upon the Senate of the United States.

All our commercial cities upon both seacoasts, the Atlantic and Pacific, upon the Great Lakes, and upon Puget Sound, are to-day exposed to destruction or equally ruinous tribute in case of a foreign war. We have not a single seaboard town upon either coast but what could be captured by a gunboat of a third-rate power. We have not a single fortified port upon either coast into which our shipping engaged in coastwise and foreign commerce could repair for safety in case of war. The board on fortifications and other defenses enumerated twenty-seven seaboard cities at which, in their opinion, defenses were most urgently needed, and they did not include in that enumeration a large number upon both coasts and not a single city upon the Great Lakes or upon Puget Sound.

Mr. Tilden, in his memorable letter to the Speaker of the House of Representatives concerning seacoast defenses, estimated that twelve seaport cities upon the Atlantic and Pacific coasts contained a population of 5,000,000 souls and destructible property of the value of $5,000,000,000, and in a recent article by Captain Greene on our seacoast defenses, in Scribner's Monthly for January, he estimates that fifteen of our cities contain destructible property of the assessed value of $4,000,000,000.

Now, for the protection of all this vast amount of property, as has been stated here, we have not a single war ship, we have not a single fort that is of any value as a defense, we have not a single gun for our fortifications. All the great powers of Europe are fortifying their coasts and by forts and turrets protected by the most approved armor, and are creating navies of modern war ships armed with the most powerful guns that have yet been made.

* * * * * * * *

A war cloud hangs constantly over Europe, and every now and then we have complications with foreign countries that remind us that we can not always hope that the peace we have so long enjoyed will continue forever. Great Britain to-day possesses a fleet of gunboats which I have seen estimated somewhere at one hundred and eleven that upon a few hours' warning could be sent up the river St. Lawrence and by the canal around the St. Lawrence Rapids and by the Welland Canal to the Great Lakes to destroy our great cities and our extensive commerce there.

As has been said, Great Britain from her fortified harbors and naval stations at Halifax and Bermuda could in a few hours send her great war ships, armed with forged steel breech-loading rifles, throwing projectiles weighing a ton or more a distance of 10 miles and upward, to destroy the principal cities along our Atlantic seacoast; and at Victoria on Vancouver Island she keeps constantly from one to three war ships convenient to the commercial cities along the Sound and upon the Columbia River, and within forty-eight hours to the wealthy and populous city of San Francisco. She has recently ordered, as has been stated, in the public press of this country, twenty Armstrong 80-ton guns for her fortifications at Vancouver Island, to frown on our defenseless coast just across the straits of Juan de Fuca, and she has notified the Canadian Pacific Railroad Company to be ready to transport them with other war material across the continent in April next.

Even Chili possesses a war vessel that could anchor outside the Golden Gate at San Francisco and destroy the city, or ignoring what we call forts there, our structures of brick and mortar and sand, armed with antiquated smooth bore cast-iron guns, insufficiently mounted and out of repair, steam unharmed up to the wharves of the city and under penalty of destruction lay the city under tribute, to be paid out of the private funds in her banks or out of the public funds in the subtreasury there. I clipped a few days ago——

Mr. MAXEY. I suggest to the Senator from Oregon in connection with his argument respecting the exposed condition of our seaboard that the cotton, the grain, all the products of the interior which are found in the great cities of New York and so on, are in warehouses near the wharves, and therefore in the most exposed condition to an attack by a naval vessel of any other portion of these seaports, and the destruction of them would be the destruction of a vast amount of property owned by people far in the interior and removed from the seaboard.

Mr. DOLPH. I called attention to that matter in some remarks I made on the fortification bill when it was under discussion at the last session. The accumulations of all our manufacturing and agricultural products are in the seaports and subject to capture and destruction, and the capture or destruction of one of these seaports would derange all our internal commerce.

But to return to San Francisco. I clipped from a San Francisco paper a few days since an imaginary description of an attack on San Francisco by two of the armored vessels of Great Britain. I ask that it be read. It will be interesting at this time as something that is quite possible if not probable.

The Chief Clerk read as follows:

"Lieutenant Greble, of the artillery, pictured an attack on San Francisco by two British ironclads, the Benbow and the Collingwood. The Benbow has two 16-inch 110-ton breech-loading rifles and ten 6-inch breech-loaders in broadside. The Collingwood has four 12-inch breech-loaders and six 6-inch breech-loading rifles in broadside. Both command a range of some 8 to 9 miles. The commanding officer demands the surrender of the city. The demand is refused. Twenty-four hours are allowed for the departure of the women and the children; then the two ships take up a position inside the bar, south of Point Lobos, within 7 miles of the city hall. 'Suddenly a roar is heard, followed by another and another; soon the screech of the shells is followed by the crash of falling buildings; fire breaks out in a hundred different places; the fire department is helpless; the socialist and anarchist revel in the wholesale destruction, and strip and burn the buildings which the shells have spared; the whole city is on fire; men are looking out to save themselves, leaving their property to the mercy of Providence. San Francisco, the pride of the Golden State, is destroyed, and the enemy has a foothold on American soil which it will cost many lives to recover. A city with 233,000 inhabitants, $245,000,000 of property, 800 steamers or sailing vessels in its harbor, and vast interests of various kinds is dead, or so stricken that it will take years and years to nurse it back to its present prosperity.'"

Mr. DOLPH. Do Senators like the picture? As I have said, the realization is possible, and I might say I think truly probable. What is true of San Francisco is true of every commercial city along our entire seacoasts and upon the great lakes.

The truth is that to-day the United States is under heavy bonds to keep the peace with all the world. The defenseless condition of our coasts and our unprotected commerce guaranties that in our intercourse with other nations we will observe the rules of courtesy and international law; nay, more, they place us at a humiliating disadvantage in any such controversy. In any such controversy we must be constantly reminded that discretion is the better part of valor. I say this without underrating our power and our resources and the courage and the patriotism of our people.

It has been said, and I repeat it, that with our great resources and our means of internal commerce and the patriotism and the courage of our people we could hurl the combined armies of the world from our shores; but in the mean time, in a contest with a great naval power, our great commercial cities would be exposed to destruction, our commerce would be swept from the face of the seas, our internal commerce would be deranged, and every industry of the country would be paralyzed. Such a condition of affairs is not creditable to the American Congress. To allow it longer to continue is criminal.

I do not understand that there is anything in our relations with foreign countries at this time to make the question of coast defenses more urgent than it has been heretofore. It has for years been urged upon our attention. I do not fear a rupture with Great Britain. If the friendship of the two nations is not sufficient to prevent war and compel a resort to arbitration in case of national differences, if war or peace with Great Britain depends as it does with other nations upon motives of self-interest, still there is no danger of war with Great Britain. She is under as heavy bonds to keep the peace with us as we are with her, and while we might not be able to meet her in a naval conflict upon the great seas with her great iron ships, as was intimated by the Senator from South Carolina [Mr. BUTLER], we would soon be able to provide vessels of speed and power enough to sweep her commerce from the seas; and we could, with but a few hours' warning, occupy her possessions upon this continent with an invincible army. We would come out of the struggle able to make her pay for the cost of the war and for the damages she had done; we would come out with the vigor of youth in a condition to rapidly recuperate from our losses, while she would come out of the conflict with great loss to her commerce and the loss of her possessions upon the American continent.

The following is an extract from a lecture upon the defense of the seacoast of the United States, delivered before the United States Naval War College by Bvt. Brig. Gen. Henry L. Abbot, United States Army, colonel Corps of Engineers, November, 1887:

The present humiliating condition of the country, arising from the neglect of this subject, can hardly be expressed in more forcible language than that attributed to Hon. Robert T. Lincoln, who, when Secretary of War, was in a position to have his attention officially directed to the matter. He is quoted as recently saying: "During my term as Secretary of War you recall there was a diplomatic difficulty with Chili. I was in trepidation for some time lest she should send an iron-clad up the coast and exact a heavy tribute—millions of dollars in fact—from San Francisco, under threat of laying the city in ashes, which she could easily have done. Any of the great naval powers of the world could do such a thing—along our Atlantic seaboard, for instance—in case of trouble. Of course had we entered upon a war with Chili she would have got the worst of it in the end, but it would have taken time enough to obtain a navy before we could have even begun offensive operations. In point of fact, there is much latent hostility against us among foreign nations, and it would often be easy to bring on a war. But we are not in a condition for it, and all the world knows it. Hence our foreign policy lacks self-respect and a proper assertion of our nation's dignity and power. We would be at first at the mercy of foreign states in case of hostilities, and our Government has to be humble in its diplomacy in consequence.

Mr. President, is it wise that this defenseless condition of our coasts and our commerce should be permitted to continue? We have never until quite recently acted upon such a theory. Even before the Revolution the colonies had made a feeble attempt to fortify the principal harbors upon the Atlantic coast, and during that memorable struggle an insignificant fortification of sand and palmetto logs erected to defend the harbor of Charleston, mounting thirty guns, commanded by Colonel Moultrie, successfully defended the harbor, and after a battle of ten hours defeated a British fleet of two frigates and six sloops, carrying two hundred and seventy guns.

After the Revolution fortifications were provided for our principal Atlantic seaports. Some of them did good service during the war of 1812, but the greater portion, owing to their defective design and construction, proved to be of no practical value.

In 1816 a board of engineers, appointed to recommend a system of fortifications for our seacoast, originated the first general system of seacoast defense upon this continent, and the construction of the defenses recommended by that board was commenced and prosecuted for forty-five years, and resulted in the masonry works which are found in our principal harbors, and which, until the breaking out of the rebellion, were sufficient for their defense and equal to any possessed by any nation upon the globe, but which, by reason of the improvements that have been made in guns and projectiles in the last quarter of a century, have become worthless.

After the war of the rebellion the construction of fortifications was continued, but sand was substituted for masonry. Since 1875 no appropriations for coast defenses have been made, not, it is believed, because, in the opinion of Congress, coast defenses are not necessary, but it is fair to presume because it had become apparent that because of the improvements which had been made in guns and in projectiles an entirely new system of coast defenses was required.

No one is more desirous than myself that the United States shall for all time maintain an honorable peace with all the nations of the earth. War, at best, is brutal, barbarous, and costly. It settles controversies by force and by chance, which should be settled upon principles of reason and justice; but, judging from our own experience and the history of other nations, we need not hope that we can always maintain an honorable peace, and that our present peaceful relations with all the nations of the earth will always continue. Nor are we justified in such a belief by the course of other nations, who are providing themselves with great naval establishments of modern war-ships and fortifying their coasts, and, in the case of Great Britain, fortifying naval stations in close proximity to our own coast, and preparing for either defensive or offensive warfare.

The best means of preserving peace is to be prepared for war; and I

am certain that I voice the sentiment of the thoughtful and business portion of our people when I assert that the time has arrived when the United States should again resume the work of fortifying our coast. We can now undertake the work with the advantage of the experience of other nations, and with the aid of the services of an engineer and ordnance corps of officers as thoroughly informed on the subject of coast defense and as thoroughly qualified for the work as those of any other nation.

Almost every question connected with the subject of coast defenses has been examined by boards of Army and Navy officers, by committees of Congress, and a board appointed for that purpose under authority of an act of Congress has reported a plan which now is before Congress for action.

We should no longer delay legislative action for fear future inventions and future improvements will make a change of plan necessary; nor need we hesitate to enter upon the work of providing a system of coast defenses for want of funds.

The great question now is, not how to get money into theTreasury, but how to dispose of that which is already there. By the last Treasury statement it appears that there is now in the Treasury nearly $700,000,000, and that after providing for the payment of all the obligations of the Government which are due, and for the payment of interest which has accrued but is not due, and keeping on deposit $100,000,000 for the payment of the United States Treasury notes and over $100,000,000 for the redemption of national-bank notes, we have something like $120,000,000 in the Treasury idle, which can properly be applied to any great national object.

All will agree, I think, that if this great work is to be undertaken it should be upon some plan adopted in advance, by which the money will be economically and systematically expended, and the plan of the work not liable to be changed with every change in the War Department or at the will or caprice of every Secretary of War.

By the bill under consideration it is proposed to adopt such a plan—the plan recommended by the Board on Fortifications and other Defenses—and by a rule sufficiently rigid to prevent unadvised and hasty changes and at the same time sufficiently flexible to allow such changes as time and experience may determine to be necessary.

If the work is to be undertaken an important question is, how shall it be undertaken? What provision shall be made for the continuance of the work? Shall it be commenced by an appropriation sufficient only for the organization of a force for the supervision of the work and for operations for a single year, so that a failure of appropriations, which is possible and I might say probable, the next year would require a disorganization of the force, a cessation of the work, loss to the Government in caring for the work, and on account of damages to the uncompleted work by the elements?

Our experience in connection with other public works, and especially works for the improvement of rivers and harbors, it appears to me, should induce Congress in entering upon this great work of fortifying our coasts to make such provision that when once entered upon it shall be prosecuted without interruption until completion. The bill under consideration undertakes to accomplish this by appropriating at one time the whole amount required for the completion of the works provided for in the bill, to be available from year to year as required.

In a work of such national importance, and involving so great an expenditure, Congress should be guided by the experience of other nations, and by our own and by the recommendations of the officers of the Army and Navy, who have made the subject of coast defense and kindred subjects the study of a lifetime. It should not hastily put aside the recommendations of such officers at the suggestion or the importunity of inventors of new guns and projectiles or explosives, or to adopt any theory which has not been tried.

One man proposes to defend our coasts with mines or fixed torpedoes. Another would defend them with movable torpedoes. Another asserts that with an abundance of modern guns our harbors can be defended without costly fortifications. Another proposes to defend the coasts with a navy. A little consideration I think will show that to defend our coasts with a navy alone is impracticable on account of their great extent, their numerous harbors, and the great cost. Guns upon fixed batteries on shore are far more effective than guns afloat, while guns afloat are more expensive in the first instance and for maintenance than guns on shore.

To provide a perfect defense for any one of our harbors by ships or floating batteries alone, it would be necessary to provide a greater number and higher power guns than those which could be brought against them by the enemy. Even then we would be at a disadvantage, because if we lost a battle we would not only lose our fleet but the interests to be defended, while the enemy defeated at most would only lose his fleet.

Again, a perfect defense of our extended coast by a navy would require the same preparation at every harbor. As we could not know where the enemy was to strike, we would necessarily have to be prepared at every point. To illustrate, suppose there were a fleet of ironclads rendezvoused at Bermuda or Halifax intending to attack our coast. Such a fleet could strike any one of our great seaports along the Atlantic or Gulf coasts with impunity, knowing that all our floating defenses were a thousand miles away. So, while I think it would be possible to defend our extended seacoasts with a navy, I believe it would be impracticable on account of the great cost.

Other less expensive methods of harbor defense which have been advocated may be dismissed with the statement that it seems to be conceded by those best qualified to judge that for an economical and efficient defense of a seaport modern high-power guns upon shore, protected from the enemy's fire, with mines, movable torpedoes, torpedo-boats, electric lights, and other accessory defenses are required.

I find this question so admirably discussed by Brig. Gen. Henry L. Abbot in one of the course of lectures before referred to that I shall ask to incorporate in my remarks a quotation from it. He said:

> One savant informs us that inexpensive submarine mines, easily improvised, are sufficient to close any harbor; another proposes movable torpedoes under control from the shore, or from armored rafts at anchor, as the needful panacea; another simply advocates a line of turrets, armed with modern high-power guns; another finds a perfect defense in a few disappearing guns fired from pits; another would trust to a swarm of torpedo-boats of the approved type, while another pins his faith solely upon a fleet of armored ships-of-war. The truth is, such crude assertions stamp the utterer as a military quack. All of these devices, and others, find useful applications, but as soon as a serious study of our harbors is made it becomes apparent that there are locations where, so far from being sufficient, each of them in turn is quite inapplicable.
>
> There is no medicine which will cure all the ills to which flesh is heir; and the same is eminently true of an exposed seacoast. To-day a satisfactory solution can in general be secured only by a complex combination of many elements, varying according to locality to an extent which forbids any summary not couched in the most comprehensive terms. Each individual case must be discussed on its own merits.
>
> In general, an important seaport well defended implies: (1) the effective obstruction of all water approaches against the enemy, leaving free entrance and exit for our own vessels; (2) protection of these obstructions and security for their operators and their flanking guns against escalade by boat parties; (3) so heavy a fire of modern high-power guns and mortars over all the approaches as to defy the most powerful armored fleet able to operate in the channels leading to these auxiliary defenses; (4) a heavy flanking fire of medium and small projectiles over the obstructed zone; (5) provision for offensive returns against armored counterminers; (6) the power of illuminating the obstructions at night, so far as this is physically possible; (7) a swarm of torpedo-boats which, safe behind the barrier, are always ready to sally out and carry the war to the enemy's fleet when favorable opportunities occur.
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> Harbors of minor importance may be sufficiently defended upon less elaborate systems; but at the ports which the Fortification Board of 1886 reported as "most urgently requiring defenses" it would be criminal to neglect any of those named.

Mr. President, knowing that the Committee on Appropriations is desirous of calling up for consideration the District appropriation bill and putting it upon its passage this afternoon, I shall not longer take up the time of the Senate at this time in advocating this bill. I believe that its passage, or the passage of some similar measure, is required by considerations of national safety, national prosperity, and national honor.

I ask that the report of the committee be printed in the RECORD.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. DOLPH, from the Committee on Coast Defenses, submitted the following report (to accompany bill S. 62):

The Committee on Coast Defenses, having had under consideration the bill (S. 62) to provide for fortifications and other seacoast defenses, respectfully report the same back with amendments and recommend its passage.

The following is a copy of the bill as proposed to be amended:

"[S. 62, Fiftieth Congress, first session.]

"A bill to provide for fortifications and other seacoast defenses.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purpose of providing the fortifications and other defenses recommended by the board appointed by the President under the provisions of an act of Congress entitled 'An act making provisions for fortifications and other works of defense and for the armament thereof for the fiscal year ending June 30, 1886, and for other purposes,' approved March 3, 1885, for the ports named in the report of the said board as the ports at which fortifications are most urgently needed, namely: New York, San Francisco, Boston, the lake ports, Hampton Roads, New Orleans, Philadelphia, Washington, Baltimore, Portland, Me., Rhode Island ports in Narragansett Bay, Key West, Charleston, S. C., Mobile, New London, Savannah, Galveston, Portland, Oregon, Pensacola, Fla., Wilmington, N. C., San Diego, Cal., Portsmouth, N. H., defenses of Cumberland Sound at Fort Clinch, defenses of ports of the Kennebec River at Fort Popham, New Bedford, Mass., defenses of ports on the Penobscot River, Maine, at Fort Knox and New Haven, Conn., there be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $126,377,809.

"SEC. 2. That said appropriation shall be available only as follows:

"For the fiscal year ending June 30, 1889, $21,500,000, for each fiscal year thereafter, for the period of eleven years, $9,000,000, and for the fiscal year ending June 30, 1901, $5,877,809, all of said appropriation to be available until expended.

"SEC. 3. That said sum shall be expended under the direction of the President for the purpose of providing fortifications and other defenses for the ports aforesaid, and the armament therefor, and the purchase of sites for the said fortifications, substantially in accordance with the recommendations of said board, until Congress shall otherwise provide, and shall be apportioned between said ports in accordance with the consolidated estimate of the cost of said defenses found upon page 28 of said report, and the work shall be, as near as may be, commenced at the same time at each of said ports, and shall proceed as rapidly as said annual appropriations will admit of: *Provided*, That if at any time the Secretary of War, upon the advice of the board of Army officers hereinafter provided for, and with the approval of the President, shall recommend to Congress any changes in the plans for the fortifications of any of said ports or the armament therefor, work may be suspended upon the same so far as would become necessary if such changes should be authorized until after the adjournment of Congress, if then in session, and if not then in session, until after the adjournment of the next session thereof, when, if such changes have not been authorized by Congress, work shall be resumed under the plans recommended by said board.

"SEC. 4. The floating batteries and torpedo-boats recommended by said board shall be constructed under the supervision of the Secretary of the Navy, but the plans and specifications for the same shall first be approved by him, and he may

appoint an advisory board of not more than ten officers of the Navy, who shall be removable at his pleasure. That all such vessels, except as hereinafter otherwise provided, shall be built by contract, and in the construction of the same all the provisions of the act of August 3, 1886, entitled 'An act to increase the naval establishment,' as to the material for said vessels, their engines, boilers, and machinery, the contracts under which they are to be built, the notice of and proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts, shall be observed and followed, and said vessels shall be built in compliance with said act, so far as the same relates to vessels constructed under contract, save that in all their parts they shall be of domestic manufacture, and if reasonable bids can be obtained therefor, considering the cost and risk of navigating and transporting the same, if constructed elsewhere, the floating batteries and torpedo-boats intended for use on the Pacific coast shall be constructed on that coast.

"SEC. 5. The guns for the armament of said floating batteries and torpedo-boats shall be fabricated at the gun factory of the United States at the Washington navy-yard, and for the purpose of providing the material for guns and armor for said vessels the Secretary of the Navy is hereby authorized to make contracts with responsible steel manufacturers, after suitable advertisements, to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed, for the supply of rough-bored, rough-turned, and tempered steel in forms suitable for heavy ordnance adapted to modern warfare, and steel, finished, for armor, shafting, and other naval purposes, in quantity not less than 10,000 gross tons, in quality and dimensions conforming to specifications, subject to inspection and tests at each stage of manufacture, and in the case of ordnance including all the parts of each caliber specified: *Provided*, That no money shall be expended except in payment for steel accepted and delivered; that each bidder shall have or shall contract to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it, in accordance with the contract, and agree in the case of an ordnance contract to deliver yearly a specified quantity of each caliber, the time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months and that of the largest calibers at the expiration of not more than three years from the date of the acceptance of the contract; and that all the forgings shall be manufactured in the United States.

"SEC. 6. That the construction of the fortifications and their armament, the fabrication of guns and gun-carriages for fortifications, submarine mines, and all such defenses, except floating batteries and torpedo-boats, shall be under the supervision of the Secretary of War, but before any money is expended on any such fortifications or other defenses, the plans and specifications for the same shall be approved by the Secretary of War, who may appoint an advisory board of not more than ten officers of the Army, to be removable at his pleasure. All works as herein provided, except when done at Government shops, shall be done by contract or otherwise, as may be most economical and advantageous to the Government. The guns shall be fabricated at a gun factory to be established at Watervliet Arsenal, New York, as hereinafter provided, the material for guns and armor shall be purchased by contract, and for the purpose of providing the same the Secretary of War is hereby authorized to make contracts with responsible steel manufacturers, after suitable advertisements, to continue not less than thirty days, in newspapers most likely to reach the manufacturers addressed, for the supply of rough-bored, rough-turned, oil-tempered, and annealed steel in forms suitable for heavy ordnance adapted to mordern warfare, and steel, finished, for armor and other Army purposes, in quantity not less than 10,000 gross tons, in quality and dimensions conforming to specifications, subject to inspection and tests at each stage of manufacture, and including all the parts of each caliber specified: *Provided*, That no money shall be expended except for steel accepted and delivered; that each bidder shall have or shall contract to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it, in accordance with the contract, and agree in the case of an ordnance contract to deliver yearly a specified quantity of each caliber, the time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months, and that of the largest calibers required under the advertisement at the expiration of not more than three years from the date of the acceptance of the contract; and that all the forgings shall be manufactured in the United States; and the Secretary of War is hereby authorized to erect at the Watervliet arsenal, West Troy, N. Y., an army gun factory substantially in accordance with the report of the Gun Foundry Board of December 20, 1884, for finishing and assembling the guns adapted to modern warfare, up to and including the largest approved sizes, and for the manufacture of gun-carriages and the necessary equipments for guns and carriages for the Army, at a cost not to exceed $1,000,000."

The bill was submitted to the Secretary of War and to the Secretary of the Navy, with a request for criticism and suggestions. The following are copies of the answer of the Secretary of War and accompanying papers and of the letter of the Secretary of the Navy:

"WAR DEPARTMENT, *Washington City, January* 28, 1888.

"SIR: I have the honor to acknowledge the receipt of your letter of the 20th ultimo, inclosing a copy of Senate bill 62, Fiftieth Congress, first session, 'to provide for fortifications and other seacoast defenses,' and requesting the views of this Department in regard to the proposition to appropriate in one bill the whole amount estimated for the works proposed, the proposition to adopt the report of the Fortifications Board of 1885 as to the character of the defense until otherwise ordered by Congress, and as to whether the provisions of the bill are suitable for practical execution so far as the direction of the work will be under the control of this Department.

"In reply I beg to transmit a report of the 3d instant from the Board of Engineers, and a report of the 11th instant from the Chief of Ordnance, suggesting certain amendments which are indicated in the inclosed copy of the bill, together with a report of the 6th instant from the Chief of Engineers, expressing the opinion that the appropriation in one bill of the whole amount estimated will result in the most economical and speedy completion of the works in question, that the proposition to adopt the report of the Fortification Board as to the character of the defenses until otherwise ordered by Congress is judicious, and that the provisions of the bill, modified as suggested by the Board of Engineers, are suitable for practical execution as far as the direction of the work will be under the control of this Department.

"The views of the Chief of Engineers and the recommendations of the Chief of Ordnance and of the Board of Engineers are concurred in by this Department.

"Very respectfully, your obedient servant,

"WILLIAM C. ENDICOTT,
"*Secretary of War.*

"Hon. J. N. DOLPH,
"*Chairman Committee on Coast Defenses, United States Senate.*"

"THE BOARD OF ENGINEERS, ARMY BUILDING,
"*New York City, January* 3, 1888.

"GENERAL: The Board of Engineers, to which was referred, by your indorsement of December 20, 1887, the letter of the Senate Committee on Coast Defenses of December 20, 1887, inclosing Senate bill 62, 'to provide for fortifications and other seacoast defenses,' have the honor to report that it has carefully examined sections 1, 2, 3, and the first twelve lines of section 6, being so much of the bill as refers to the land or fixed defenses of the coast usually constructed by the Corps of Engineers, and beg leave to submit the following suggestions:

"Section 1 enumerates twenty-seven positions upon our coasts designated by the Fortification Board of 1885 as ports 'where defenses are most urgent,' and appropriates in one sum the cost of the works for these ports as estimated by the board, namely, $126,377,800.

"Section 2 divides the above sum into thirteen parts, one of which shall be available each year for thirteen years, beginning July 1, 1888, and ending June 30, 1901.

"These sections appropriate in one bill the whole amount estimated for the works proposed; a change from the usual course followed in the construction of public works, but a change which, in the opinion of this board, will result in the most economical and speedy completion of the works in question.

"All experiences in the construction of public works show that the great source of increased cost is the irregular and partial appropriations made for their erection. From the suspension of operations it often happens that completed work is badly damaged by natural causes, and upon resumption of operations has to be largely repaired or else entirely renewed.

"This is also true of plant, tools, and appliances, while a still further source of expense is created by the dispersion of the workmen, who have become skilled in the several kinds of work in hand. With one appropriatian made available in a term of years the work goes on continuously; advantage can be taken of the markets in the purchase of materials, and the entire work is finished in the shortest possible time and at the smallest cost.

"It is suggested that in line 9 of section 2 the following words be added: 'All of said sum upon appropriation to be available until expended.'

"In section 3, line 3, after the word 'aforesaid,' introduce the words 'and the purchase of sites for the said fortifications substantially;' so that it will read: 'That said sum shall be expended under the direction of the President for the purpose of providing fortifications and other defenses for the ports aforesaid and the purchase of sites for the said fortifications, substantially in accordance with the recommendation of said board.'

"The Board on Fortifications of 1885 did not make any detailed plans for the fortifications of the several ports. They selected the ports 'where defenses are most urgent,' stated the number, caliber, and character of the guns to be mounted, the nature of the batteries, whether turrets, armored casemates, emplacements in barbette, or mortar batteries, together with submarine mines, but did not give any dimensions, shape, figure, or site to the works or the number of guns in each description of battery. This will require careful study and may result in a diminution of certain calibers and an increase in others, and in the necessity of sites not now owned by the United States.

"This latitude, it is suggested, should be given the President.

"This board does not believe there should be any departure from the character of the fixed defenses suggested by the Fortification Board of 1885, namely: 'Shore batteries which may be armored turrets, revolving or fixed, armored casements and emplacements in barbette'—'armed with powerful cannon needed to repel attack from the most formidable ships.'

"In section 6 it is suggested that, if an advisory board is to be organized, in line 8, after the word 'Army,' the words 'skilled in fortifications, their armament, and its use' be inserted, so that it shall read * * * "advisory board of not more than ten officers of the Army, skilled in fortifications, their armament, and its use, who shall be appointed by the President." * * * But it is thought a smaller board would be more efficient.

"It is also suggested that in section 6, line 10, after the word 'pleasure,' lines 11 and 12, and the first three words of line 13 be amended so as to read as follows: 'All works as herein provided shall be done by contract or otherwise, as may be most economical and advantageous to the Government.'

"This is the language adopted by Congress for the construction of river and harbor improvements, and has been found to work with advantage to the United States.

"The papers which were referred to the board in this case are herewith returned.

"Respectfully submitted.

"THOS. LINCOLN CASEY,
"*Colonel, Corps of Engineers.*
"HENRY L. ABBOT,
"*Col. of Engineers, Bvt. Brig. Gen.*
"C. B. COMSTOCK,
"*Lieut. Col. of Engineers and Bvt. Brig. Gen.*

"Brig. Gen. J. C. DUANE,
"*Chief of Engineers, U. S. Army, Washington, D. C.*"

"OFFICE OF THE CHIEF OF ENGINEERS,
"UNITED STATES ARMY,
"*Washington, D. C., January* 6, 1888.

"SIR: I have the honor to acknowledge the receipt of Senate bill No. 62, referred to this office for report, and in returning it invite attention to the report of the Board of Engineers herewith, the recommendations of which are concurred in.

"It is believed that the appropriation in one bill of the whole amount estimated will result in the most economical and speedy completion of the works in question. Experience has fully demonstrated that any attempt to carry on and complete works of importance by means of small appropriations made at uncertain intervals has always resulted in great increase in cost, if not in utter failure.

"The proposition to adopt the report of the Endicott board as to the character of the defenses until otherwise ordered by Congress is regarded as judicious. The provisions of the bill, modified as suggested by the Board of Engineers, are considered suitable for practical execution so far as the direction of the work will be under the control of the War Department.

"Very respectfully, your obedient servant,

"J. C. DUANE,
"*Brig. Gen., Chief of Engineers.*

"Hon. WILLIAM C. ENDICOTT,
Secretary of War."

"ORDNANCE OFFICE, WAR DEPARTMENT,
"*Washington, D. C., January* 11, 1888.

"SIR: I have the honor to return herewith Senate bill No. 62, first session Fiftieth Congress, 'to provide for fortifications and other seacoast defenses,' and to report on those provisions relating to the manufacture and purchase of ordnance material.

"Line 9 of section 2 should read as follows: 'All of said sum to be available until expended.'

"In section 3, line 3, after the words 'other defenses,' add the words 'and the armament therefor;' so that it shall read: 'for the purpose of providing fortifications and other defenses, and the armament therefor, for the ports aforesaid.' * * *

"In section 3, line 14, after the word 'fortifications,' add the words 'or the armament therefor,' so that it shall read, 'any changes in the plans for the fortifications, or the armament therefor, or any of said ports.'

"In section 6, line 7, after the words 'for the same,' insert the words 'subject

to the approval of the Secretary of War, shall be submitted for recommendation to,' in place of the words 'shall be approved by;' so that it will read: 'the plans and specifications for the same, subject to the approval of the Secretary of War, shall be submitted for recommendation to an advisory board.' This change makes the section consistent with existing law, and with section 3, providing for this board as advisory to the Secretary of War.

"In section 6, line 8, after the word 'Army,' the words 'skilled in fortifications, their armament and its use,' should be inserted; so that it shall read: 'An advisory board of not more than ten officers of the Army, skilled in fortifications, their armament and its use, shall be appointed by the President.'

"In the same section, line 10, after the word 'pleasure,' lines 11 and 12, and the first three words of line 13, should be amended so as to read as follows: 'All work, as herein provided, except when done at Government shops, shall be done by contract or otherwise, as may be most economical and advantageous to the Government.'

"In the same section, line 14, after the words 'established at,' substitute the words 'Watervliet Arsenal, New York,' in place of the words 'Frankford Arsenal, Pennsylvania.' The Watervliet Arsenal was recommended as the most suitable site for a gun factory by the Gun-Foundry Board of 1884. A re-examination of this site for the purpose of a gun factory, and also of the Frankford arsenal, Pennsylvania, was made during the past year by a special board of ordnance officers. This board also decided in favor of the superior eligibility, on the whole, of the Watervliet arsenal, and the Department has already concentrated some gun plant and commenced work at that point. (See pages 18 and 22, report of the Chief of Ordnance for 1887, copy herewith.)

"In the same section, line 21, after the word 'tempered,' insert the word 'annealed;' so that line 21 shall read: 'rough-bored, rough-turned, oil-tempered, and annealed steel.'

"In the same section, line 36, after the words 'largest calibers,' add the words 'required under the advertisement;' so that it shall read as follows:

"' * * * The time of delivery of the smaller calibers to commence at the expiration of not more than eighteen months, and that of the largest calibers required under the advertisement at the expiration of not more than three years from the date of the acceptance of the contract * * *.'

"In establishing a plant for gun steel, and in commencing the manufacture of guns, both economy and efficiency, as well as ultimate success, will more surely result by beginning first with the smaller calibers and working up gradually, after some experience has been acquired, to the larger ones. (See page 3, report of House Committee on Ordnance and War Ships, first session Forty-ninth Congress, copy herewith.) It is thought that the steel for guns of not more than 12 inches caliber should first be procured. With the experience and pecuniary help thus gained the manufacturers could produce more successfully the heavier masses required for the larger calibers, as 14 inches and 16 inches.

"In the same section, lines 40 and 41, after the words 'erect at the,' substitute the words 'Watervliet arsenal, West Troy, N. Y.,' in place of the words 'Frankford Arsenal, near Philadelphia, Pa.'

"In the same section, line 46, after the words 'gun-carriages,' substitute these words, 'necessary equipments for said guns and gun-carriages,' in place of the words 'ordnance equipment,' so that it shall read: 'For finishing and assembling the guns adapted to modern warfare, up to and including the largest approved sizes, and for the manufacture of gun-carriages and the necessary equipments for guns and carriages for the Army * * * .'

"In the same section, line 47, after the words 'million dollars,' add the words: 'and provided further, that to meet present necessities, and until the manufacturers of steel in the larger masses is sufficiently developed, the Secretary of War may at his discretion contract for cast-iron bodies for breech-loading, steel-hooped, rifled mortars, after due advertisement, and under the usual specifications required by the War Department for procuring cast-iron guns; the mortars to be fabricated at the gun factory as hereinbefore provided for, or by contract, as the Secretary of War may direct.' The Board on Fortifications and other Defenses reported that some 700 12-inch mortars would be required. The Department has under test a 12-inch breech-loading, cast-iron, steel-hooped mortar, which has given satisfactory results; and it may be for the interest of the Government to make part of the mortars on a similar plan.

"Very respectfully, your obedient servant,

"S. V. BENÉT.
"*Brig. Gen., Chief Ordnance.*

"Copy of bill amended as herein suggested inclosed herewith.

"Hon. WILLIAM C. ENDICOTT,
"*Secretary of War, Washington, D. C.*"

"NAVY DEPARTMENT, *Washington, February* 20, 1888.

"DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, with a copy of Senate bill No. 62 inclosed.

"I am in sympathy with the purpose of Senate bill No. 62. The design of the bill is to appropriate upon a large scheme, covering the subject of coast and harbor defense.

"I take the liberty of suggesting that it is unwise to tie up to the recommendations of the Board on Fortifications so that no money can be spent except in accordance with the specific recommendations of that board unless application is made to Congress.

"The same board would doubtless make some changes in their recommendation if they should now reconsider their report. It is not to be supposed that there has not some improvement taken place in the art of war since that time. The matter is carefully guarded by the proviso that boards of expert officers shall act in co-operation with the Secretaries, and I would suggest that it is not necessary to restrict to the specific recommendations of the Fortifications Board.

"Very respectfully,

"W. C. WHITNEY,
"*Secretary of the Navy.*

"Hon. J. N. DOLPH,
"*United States Senate.*"

All the amendments recommended by the Chief of Engineers and Chief of Ordnance, except one proposed by the Chief of Ordnance, have been adopted by the committee. The amendment proposed by the Chief of Ordnance, which is not adopted, is as follows:

"*Provided further*, That to meet present necessities, and until the manufacture of steel in the larger masses is sufficiently developed, the Secretary of War may at his discretion contract for cast-iron bodies for breech-loading, steel-hooped, rifled mortars, after due advertisement, and under the usual specifications required by the War Department for procuring cast-iron guns; the mortars to be fabricated at the gun factory, as hereinbefore provided for, or by contract, as the Secretary of War may direct."

The Chief of Ordnance says:

"The Department has under test a 12-inch breech-loading cast-ion steel-hooped mortar, which has given very satisfactory results, and it may be for the interest of the Government to make part of the mortars on a similar plan."

The committee are not convinced that hybrid mortars with cast-iron bodies and steel hoops are equal to built-up forged steel mortars, or that such an emergency exists as to require that the Department should be authorized to contract for the construction of inferior guns.

The Board on Fortifications and other Defenses emphatically recommend steel as the material of which the powerful guns needed in the fixed and floating defenses are to be constructed. They say:

"Cast-iron as material has been advocated on account of supposed cheapness and facility of manufacture, but the sole method of arriving at a sound conclusion in this respect is a careful analysis. A comparison has been made between breech-loading cast-iron rifles and Krupp's steel rifles, which by no means sustains the claims either of superior economy or facility of manufacture for a cast-iron gun of power equal to one made of steel. On the other hand, the difference of weight against the cast-iron appears to be 66 per cent. of the weight of the steel gun, a defect which would greatly interfere with facility of maneuver and rapidity of fire. It would be singular if, after waiting so many years with the alleged intention of profiting by the experience of nations foremost in the manufacture of heavy ordnance, we should begin the long-neglected defense of the country with accepting a material for guns which, after having been tried by leading European nations, has been deliberately rejected in favor of steel. The board emphatically recommends steel."

The same conclusion was arrived at by the Senate Committee on Ordnance and War Ships in their report. They say:

"6. The costly experiments of twenty-five years have reached a stage which justifies certain conclusions. Guns should be made of open-hearth steel, forged, breech-loading, chambered, of calibers ranging from 5 to 16 inches, of lengths ranging from 30 to 35 calibers. Armor and projectiles should be made of forged steel."

In the bill as it was introduced Frankford arsenal, Pennsylvania, was named as the location for the gun factory for the Army. The board, known as the Gun Foundry Board, appointed by the President under the provisions of the act approved March 3, 1883, for the purpose of examining and reporting to Congress, among other things, "which of the navy-yards or arsenals owned by the Government has the best location and is best adapted for the establishment of a Government foundry," recommended "the establishment of two gun factories under the control of the Government," and selected the Watervliet arsenal, West Troy, N. Y., as a site for the Army, and the Washington navy-yard, District of Columbia, as the site for the Navy gun factory.

During the Forty-ninth Congress the Senator from Connecticut, Mr. HAWLEY, reported favorably from this committee a bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare.

This bill, while pending before the committee, was submitted to the Secretary of War for his approval. The Secretary of War, with a letter dated May 24, 1886, transmitted to the committee a letter from the Chief of Ordnance to the Secretary of War, dated May 24, 1886, from which the following is an extract:

"The gun factory ought not to be erected at Watervliet arsenal, but at Frankford arsenal, and I therefore recommend that the bill be amended so as to read, 'at the Frankford arsenal, Philadelphia, Pa.'"

The Secretary of War stated in his letter that he concurred in the opinion of the Chief of Ordnance that the gun factory for the Army should be located at Frankford. The committee were also furnished with a copy of another communication, dated April 21, 1886, to the honorable Secretary of War, from the Chief of Ordnance, relating to the same bill, in which he says:

"With regard to the location of the Army gun factory, my own views are and always have been in favor of the Frankford arsenal, Philadelphia, Pa. This location fulfills, in a very satisfactory degree, the conditions laid down in the report of the House Committee on Ordnance and Gunnery (Report No. 1450, Forty-ninth Congress, first session), namely:

"1. Freedom from danger of capture by hostile forces.
"2. Proximity to establishments to furnish material.
"3. Facilities for transportation both by water and by rail.
"4. Proximity to centers of skilled labor.
"5. The utilization of the existing resources of the Government so that due regard be had to economy.

"The Board of Fortifications indorsed the recommendation of the Gun Foundry Board that there be established two gun factories, one for the Army and one for the Navy, but left the question of location an open one. In the opinion of this office the Frankford arsenal is considered the best location for the Army gun factory."

After the bill had been reported and placed upon the Calendar, Mr. HAWLEY, by direction of the committee, offered the bill S. 662 as an amendment to the fortification appropriation bill. The substance of the bill was reported by the Committee on Appropriations as an amendment to the fortification appropriation bill, but the location of the gun factory was changed to Frankford arsenal, in accordance with the recommendation of the Chief of Ordnance and the Secretary of War, and the bill in that shape passed the Senate.

The bill under consideration, as introduced, was intended to conform to what were supposed to be the views of the Secretary of War and the Chief of Ordnance. It appears, however, that during last year the Secretary of War appointed a board of ordnance officers for the purpose of making an examination of the machinery, tools, and appliances both at Watervliet and Frankford arsenals, and to recommend which of them was the more eligible location for the gun factory.

The Chief of Ordnance, in his annual report for year ending June 30, 1887, says:

"CONCENTRATION OF GUN PLANT AT THE WATERVLIET ARSENAL.

"With a view to completing, if practicable, with its own facilities the unfinished gun work on its hands, as well as to make provision for the future manufacture of guns to a limited extent, the Department last spring proceeded, with your approval, to take the necessary steps for ascertaining the exact extent and capacity of its existing and available tools and machinery adapted to gun work, and the most eligible arsenal at which to concentrate them. The wisdom and expediency of the Government making its guns in its own shops had been so repeatedly recognized by Congress in the appropriation bills formulated and discussed in both Houses for two years past, that the measure now proposed was directly in the line already marked out by Congress, recommended by the Gun Foundry Board, and practically indorsed by Congress in the appropriation of funds for the establishment of a Navy gun factory. Accordingly, with the objects stated in view, the Secretary of War appointed a board of ordnance officers to meet at the Watertown arsenal, Massachusetts, on the 29th of March, 1887, and to proceed thence to the Watervliet arsenal, New York, and the Frankford arsenal, Pennsylvania, under special instructions from the Chief of Ordnance. This board, consisting of Lieut. Col. D. W. Flagler, Lieut. Col. A. Mordecai, and Lieut. Col. F. H. Parker, with Capt. Rogers Birnie, jr., as recorder, met at the Watertown arsenal as directed.

"Following is a copy of the special instructions issued by the Chief of Ordnance, and under which the board was directed to act, namely:

"'1. The board will make a careful examination of the machinery, tools, motors, and appliances at the arsenals named, now used, or which may be used in the manufacture of cannon, whether field, siege, or seacoast, and submit their recommendations for the concentration of such portion thereof as may appear necessary and judicious, at either the Watervliet or Frankford arsenal, as the board shall determine. It is the intention of the Department to concentrate its available gun plant at one place, believing that such policy will inevitably result in economy and efficiency of manufacture, and probably in the steady growth of an establishment that may ultimately prove adequate for the manufacture of experimental guns, and service guns to a limited extent.

"The guns that the Department has now under manufacture or contem-

plate manufacturing, during the present and the next fiscal year, are as follows:

"Twenty-five 3.2-inch breech-loading field-guns, steel—see inclosed design. The forgings for these guns are now under contract, and deliveries will begin within the next three months.

"One experimental 5-inch breech-loading siege rifle, steel—see design inclosed—now under fabrication at the Watertown arsenal.

"One experimental 7-inch breech-loading howitzer, steel—see design herewith—the forgings for which are now ready for the manufacture of the piece.

"One experimental 8-inch breech-loading rifle, steel, and—

"One experimental 10-inch breech-loading rifle, steel—see plans herewith. The forgings for these two guns will be delivered within the next two months.

"2. The board will report the probable cost of the installation of this plant at the arsenal selected, and also what additional tools and appliances, with cost thereof, are necessary for the manufacture of the above experimental guns, and for the manufacture of at least twenty-five 3.2-inch field-guns per annum.

"All that it is expected to accomplish at present is the bare completion of the guns in the least expensive way practicable, as regards plant and facilities.

"The board will make such recommendations in regard to the proposed work as may be suggested from their examinations; and they will also consider the transfer of skilled employés from Watertown.

"3. The board will visit the Watervliet and Frankford arsenals for the purpose of determining from a careful personal examination which arsenal possesses the greater advantage and best existing facilities for the effective and speedy establishment of the plant in question. In the determination of this question they will have due regard to its adaptability for ultimate development into a fully equipped gun-factory. A provision for such an establishment was embodied in the fortifications bills in both Houses of Congress and in conference last session, the Watervliet and Frankford arsenals being the only sites considered by Congress.

"The Board will therefore keep such ultimate object in view, and will determine which of the two sites named, Watervliet or Frankford, is, on the whole, better adapted to the purpose, from the character and extent of the shops and appliances that would be required from buildings already erected at either point, from the proximity of the place to the establishments that will probably furnish the material to be worked, its security against hostile operations, its facilities as regards transportation of material and guns, both by water and rail, its proximity to the centers of skilled labor, manufacturers' supplies and fuel.

"Facilities for a proof butt, convenient to the works, for firing incidental to the manufacture—as the setting out of lining tubes of guns are a desideratum, and if practicable at either point should receive due consideration.

"A full and detailed report is required on these various points based on facts personally known to the board or which may be developed by their investigations, in order to show clearly the reasons that have guided the board in determining on the arsenal selected as the most suitable for the purposes herein contemplated.

"The report of the Gun Foundry Board, with supplement, 1884, and the report of the House Committee on Ordnance, first session Forty-ninth Congress, 1886, ar forwarded herewith for the information of the board."

Under these instructions the board made a careful examination as to the character and condition of the various tools and machinery on hand at the arsenals named. Special study was made of the advantages and facilities possessed by each of the two arsenals, Watervliet and Frankford, with reference to the concentration of the plant and the requirements for gun work. In the determination of the important question, which of the two arsenals appeared on the whole as best adapted to the proposed gun establishment, the board examined the subject with reference to the following considerations:

1. Present facilities and possibilities for expansion.
2. Foundations.
3. Proof butt or other firing facilities.
4. Facilities for railroad communication.
5. Facilities for water communication.
6. Facilities for transporting and receiving gun-metal.
7. Facilities for transporting and receiving coal.
8. Facilities for transporting and receiving manufacturers' supplies of all kinds.
9. Facilities for shipping and transporting guns to required points.
10. Convenience of proximity of gun factory to establishments that manufacture forgings.
11. Labor.
12. Safety from hostile operations.
13. Climate.
14. Health.

In considering these points the board did not confine itself entirely to existing conditions, but endeavored to foresee and take into its deliberations and conclusions the probable future growth and wants of the country.

After determining the relative merits and demerits of the two locations, and weighing the results, the board reached these final conclusions:

"After careful consideration of all the points discussed, the board finds that in all matters except the following there is no decided superiority in one of these arsenals over the other. Watervliet provides excellent foundations, whereas Frankford does not; firing facilities can be obtained at Watervliet, but not at Frankford; the former has better facilities for labor, and its water connection with the northern frontier is of importance; but its great and important advantages over Frankford are that the immediate concentration of the Department gun plant can be there effected more cheaply, that it has larger and better buildings and more ground for immediate expansion, and that unoccupied adjacent lands furnish the possibility of extension in the distant future into so great an establishment as the future wants of the country may demand.

"What these future wants may be is indicated by the magnitude of the armaments that will be required as stated in the report of the Gun Foundry Board, 1884; the report of the House Committee on Ordnance, first session Forty-ninth Congress, 1886; the report of the Board on Fortifications, 1886, and the fact that history shows that these armaments will change and require renewal.

"The board is of the opinion that Watervliet arsenal is better adapted than Frankford for the concentration and installation of the present gun plant of the Department, and for the establishment of a fully equipped gun factory."

The report of the board having been approved by the Secretary of War, steps were at once taken to prepare the shops at the Watervliet arsenal for the contemplated work, and the necessary instructions were issued to the various points for the shipment to Watervliet of the machinery designated by the board.

The committee therefore propose to amend the bill to correspond with the action of the Department, and to substitute Watervliet, N. Y., for Frankford, Pa.

The bill adopts the plan recommended by the Board on Fortifications and other Defenses, appointed by the President under the provisions of the act of Congress approved March 3, 1885, for the defense of the twenty-seven ports named in the bill until the same is changed by Congress. The Secretary of War is authorized, whenever in his judgment the plan should be changed, to suspend the work until the adjournment of Congress, if in session, or until the adjournment of the next session of Congress if not in session, and to recommend the proposed changes in the plan to Congress. If Congress does consent to the change the work is to proceed according to the plan.

The following quotation from said report shows the general character of the defenses for the twenty-seven ports named, the construction of which are provided for by the bill:

LIST OF PORTS, WITH DESCRIPTION OF FORTIFICATIONS AND OTHER DEFENSES, WITH REFERENCE TO ARMAMENT, MINES, TORPEDOES, ETC.

1. *New York.*—This important port must be fortified at both entrances in the most thorough manner. Fortifications: Turrets, armored casemates, barbette batteries, mortar batteries. Submarine mines will form a part of the defense. Eighteen torpedo-boats are recommended for service in this harbor.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
16-inch	110-ton guns	18	B. L. R.
14-inch	80-ton guns	2	B. L. R.
12-inch	50-ton guns	40	B. L. R.
10-inch	27-ton guns	20	B. L. R.
8-inch	13-ton guns	15	B. L. R.
12-inch	Mortars	144	Rifled.

2. *San Francisco.*—This is a most exposed point, and, owing to the width across the channel, difficult to be defended by guns from the shore. Floating batteries are consequently required to be added to the defense. Fortifications: Turrets, barbette batteries, mortar batteries. Submarine mines will form a part of the defense. Eighteen torpedo boats are recommended for service at this harbor. Three floating batteries are recommended for the defense in addition to the land batteries.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
16-inch	110-ton guns	10	B. L. R.
14-inch	80-ton guns	4	B. L. R.
12-inch	50-ton guns	20	B. L. R.
10-inch	27-ton guns	71	B. L. R.
8-inch	13-ton guns	5	B. L. R.
12-inch	Mortars	128	Rifled.

3. *Boston.*—This port has a wide opening to seaward, with three approaches, and consequently requires extensive work of defense. Fortifications: Turrets, armored casemates, barbette batteries, mortar batteries. Submarine mines will form a part of the defense. Eighteen torpedo-boats are recommended for service here.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
16-inch	110-ton guns	8	B. L. R.
12-inch	50-ton guns	10	B. L. R.
10-inch	27-ton guns	15	B. L. R.
8-inch	13-ton guns	10	B. L. R.
12-inch	Mortars	132	Rifled.

4. *The Lake ports.*—The situation being peculiar, an explanation becomes necessary. The treaty of 1817 between the United States and England limited each party to an insignificant naval force upon the lakes.* At that time the country on both sides was undeveloped; with the exception of Detroit there was nothing perhaps deserving the name of town upon the Upper Lakes. Everything has changed; large cities as centers of commerce now dot the coasts of the lake, and the wealth and property liable to capture and destruction are enormous in amount. In the meanwhile our neighbors over the line have surmounted the rapids of the St. Lawrence and the Falls of Niagara by canals which, in their present condition, permit the passage of boats of 9 feet draught, and when the improvements shall have been finished will have a depth of 14 feet. The present draught will admit many gunboats now in the possession of Great Britain, and when the depth of water is increased armored vessels from the other side of the Atlantic may float in the waters of Lake Erie. A state of war, therefore, with that power would at this time, unless something be done to avert the consequences, involve the lake cities in frightful losses or even destruction. These cities, being upon the shore, could not by land forts be protected from bombardment. Fort Wayne, on the Detroit River, if supplied with suitable armament well placed, could, with the assistance of submarine mines and torpedoes, prohibit a passage into Lake Huron. The canal at the Sault Ste. Marie would also demand a fort to protect it from destruction.

Our commerce on the Upper Lakes is much more extensive than that of Canada, and doubtless many of the steamers might at a pinch be converted into light-armed naval vessels. But to do this, with any prospect of anticipating the arrival of British gunboats after the declaration of war, the vessels should be inspected, beginning now, and the inspections continued, so that a perfect knowledge might be obtained of the number and description of all that might be fit for the service designed, and plans of their modification to receive the guns be made and kept, so that when the vessels are wanted there should be no unnecessary delay in preparing them for service. It is needless to state that the guns and other necessary material should also be provided, ready for use at a moment's warning.

Upon Lake Ontario the Canadian commerce is superior to ours. Some protection, however, would be needed here, which, imperfect as it is, might serve a good purpose.

The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side, that is:

On Lake Ontario, to one vessel, not exceeeding 100 tons burden, and armed with one 18-pound cannon.

On the upper lakes, to two vessels, not exceeding like burden each, and armed with like force.

On the waters of Lake Champlain, to one vessel, not exceeding like burden, and armed with like force.

All other armed vessels on these lakes shall be forthwith dismantled, and no other vessels of war shall be then built or armed.

*Arrangement between the United States and Great Britain, made by Richard Rush, esq., acting as Secretary of the Department of State, and Charles Bagot, His Britannic Majesty's envoy extraordinary, etc., concluded April 28, 1817.

If either party should hereafter be desirous of annulling this stipulation, and should give notice to that effect to the other party, it shall cease to be binding after the expiration of six months from the date of such notice.

The naval force so to be limited shall be restricted to such services as will in no respect interfere with the proper duties of the armed vessels of the other party.

It is proposed to keep in one of the interior lakes of New York vessels armed with light guns and furnished with self-moving torpedoes, to be sent, when needed, by canal, into Lake Ontario. Some might be sent to Buffalo for service in the upper lakes. A port of refuge against the superior naval force of England should be provided in the lower part of Lake Ontario.

The fort at Rouse's Point is sufficient, with the addition of a few 8-inch rifles, to secure Lake Champlain from an inroad.

It may be observed that one or more fortifications on the St. Lawrence River would be required, which, in the event of hostilities, could at once protect our frontier and command the water approaches to the lakes. They would be more reliable than an improvised fleet upon Lake Erie, though they could not wholly take its place.

Proposed armament.

Locality.	Caliber.	Kind.	Number.	Remarks.
Fort Wayne	10-inch	27-ton guns	3	B. L. R.
	8-inch	13-ton guns	3	B. L. R.
	6-inch	5-ton guns	4	B. L. R.
	10-inch	Mortars	8	Rifled.
Proposed fort on St. Lawrence River.	12-inch	50-ton guns	2	B. L. R.
	10-inch	27-ton guns	6	B. L. R.
	10-inch	Mortars	8	Rifled.
Fort Montgomery, Rouse's Point	8-inch	13-ton guns	4	B. L. R.
	10-inch	Mortars	8	Rifled.

5. *Hampton Roads.*—Fortifications: Turrets, armored casemates, barbette batteries, mortar batteries. Submarine mines will form a part of the defense. Eighteen torpedo-boats are recommended for the service here and in Chesapeake Bay.

Proposed armanent.

Caliber.	Kind.	Number.	Remarks.
16-inch	110-ton guns	4	B. L. R.
12-inch	50-ton guns	10	B. L. R.
10-inch	27-ton guns	20	B. L. R.
12-inch	Mortars	16	Rifled.

6. *New Orleans.*—It being impossible to place submarine mines in the trunk of the river below the city, but only in the passes, and as no land batteries could be built there on account of the want of a foundation, it is recommended that the defense of the passes be confided to two floating batteries, submarine mines, and other torpedoes. Twelve torpedo-boats are recommended for this station.

Proposed armament for land batteries above the Head of the Passes.

Caliber.	Kind.	Number.	Remarks.
12-inch	50-ton guns	20	B. L. R.
8-inch	13-ton guns	10	B. L. R.

7. *Philadelphia.*—Fortifications: Armored casemates, barbette batteries, mortar batteries. Submarine mines will form a part of the defense. Six torpedo-boats are recommended for service at this place.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
12-inch	50-ton guns	10	B. L. R.
10-inch	27-ton guns	5	B. L. R.
8-inch	13-ton guns	5	B. L. R.
12-inch	Mortars	16	Rifled.

8. *Washington.*—Fortifications: Barbette batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
12-inch	50-ton guns	7	B. L. R.
10-inch	27-ton guns	6	B. L. R.

9. *Baltimore.*—Fortifications: Armored casemates, barbette batteries, mortar batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
12-inch	50-ton guns	5	B. L. R.
10-inch	27-ton guns	5	B. L. R.
8-inch	13-ton guns	5	B. L. R.
12-inch	Mortars	16	Rifled.

10. *Portland, Me.*—Fortifications: Barbette batteries, mortar batteries. Submarine mines will form a part of the defense. Six torpedo-boats are recommended for service here.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
12-inch	50-ton guns	20	B. L. R.
10-inch	27-ton guns	10	B. L. R.
8-inch	13-ton guns	10	B. L. R.
12-inch	Mortars	48	Rifled.

11. *Rhode Island ports.*—Entrance to Narragansett Bay. Fortifications: Turret, barbette batteries, mortar batteries. Submarine mines will form a part of the defense. Six torpedo-boats are recommended for service in this bay.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
16-inch	110-ton guns	2	B. L. R.
12-inch	50-ton guns	10	B. L. R.
10-inch	27-ton guns	10	B. L. R.
12-inch	Mortars	48	Rifled.

12. *Key West.*—This port is in the direct route of the Gulf commerce. Fortifications: Turret, barbette batteries, mortar batteries. Submarine mines will form a part of the defense. Six torpedo-boats are recommended for service.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
16-inch	110-ton guns	2	B. L. R.
12-inch	50-ton guns	10	B. L. R.
12-inch	Mortars	32	Rifled.

13. *Charleston, S. C.*—It is necessary to provide fortified ports of refuge along the extended coast line of North and South Carolina and Georgia. Fortifications: Barbette batteries, mortar batteries. Submarine mines will form a part of the defense. Six torpedo-boats are recommended for service along the coast.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
12-inch	50-ton guns	8	B. L. R.
10-inch	27-ton guns	4	B. L. R.
12-inch	Mortars	16	Rifled.

14. *Mobile.*—A place of commercial importance and the utlet of the products of Alabama. Fortifications: Barbette batteries, mortar batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number	Remarks.
12-inch	50-ton guns	12	B. L. R.
8-inch	13-ton guns	10	B. L. R.
12-inch	Mortars	16	Rifled.

15. *New London.*—Fortifications: Barbette batteries. Submarine mines will form a part of the defense. Eighteen torpedo boats are recommended for service.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
12-inch	50-ton guns	4	B. L. R.
10-inch	27-ton guns	4	B. L. R.

16. *Savannah.*—Fortifications: Armored casemates, barbette batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
12-inch	50-ton guns	3	B. L. R.
10-inch	27-ton guns	6	B. L. R.
8-inch	13-ton guns	4	B. L. R.
12-inch	Mortars	16	Rifled.

17. *Galveston.*—This place can not be defended by land works against an active bombardment, and fortifications are proposed simply to prevent an enemy's vessel from entering the harbor. Fortifications: Barbette batteries, mortar batteries. Submarine mines will form a part of the defense. One of the light-draught monitors would be useful to assist in the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
8-inch	13-ton guns	8	B. L. R.
12-inch	Mortars	16	Rifled.

18. *Portland, Oregon, at mouth of Columbia River and above.*—Fortifications: Barbette batteries, mortar batteries. Submarine mines will form a part of the defense. Eighteen torpedo-boats are recommended for service along the Northern Pacific coast.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
10-inch	27-ton guns	12	B. L. R.
8-inch	13-ton guns	7	B. L. R.
12-inch	Mortars	32	Rifled.

19. *Pensacola.*—Fortifications: Barbette batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
12-inch	50-ton guns	2	B. L. R.
10-inch	27-ton guns	4	B. L. R.

20. *Wilmington, N. C., and mouth of Cape Fear River.*—Fortifications: Armored casemates, barbette batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
12-inch	50-ton guns	4	B. L. R.
10-inch	27-ton guns	5	B. L. R.

21. *San Diego, Cal.*—Fortifications: Barbette batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
10-inch	27-ton guns	4	B. L. R.

22. *Portsmouth, N. H.*—Fortifications: Barbette batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
12-inch	50-ton guns	4	B. L. R.
10-inch	27-ton guns	4	B. L. R.

23. *Defenses of Cumberland Sound at Fort Clinch.*—This is the most southern harbor of importance on the Atlantic coast. Fortifications: Barbette batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
12 inch	50-ton guns	2	B. L. R.
10-inch	27-ton guns	2	B. L. R.

24. *Defense of ports on the Kennebec River, Maine, at Fort Popham.*—Fortifications: Barbette batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
10-inch	27-ton guns	3	B. L. R.

25. *New Bedford, Mass.*—Fortifications: Barbette batteries, mortar batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
8-inch	13-ton guns	3	B. L. R.
12-inch	Mortars	16	Rifled.

26. *Defenses of ports on the Penobscot River, Maine, at Fort Knox.*—Fortifications: Barbette batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
10-inch	27-ton guns	3	B. L. R.

27. *New Haven, Conn.*—Fortifications: Barbette batteries, mortar batteries. Submarine mines will form a part of the defense.

Proposed armament.

Caliber.	Kind.	Number.	Remarks.
8-inch	13-ton guns	3	B. L. R.
12-inch	Mortars	8	Rifled.

The total estimate of the cost of the land defenses, armament, floating batteries and their armament, submarine mines and their adjuncts, and torpedo boats for the defense of these twenty-seven ports is $126,377,800.

The annual appropriations under the provisions of the bill are to be apportioned between the twenty-seven ports in accordance with the consolidated estimate made by the board of the cost of the defenses, which is as follows:

Consolidated estimate.

	Port.	Land defenses.			Armament.		Floating batteries and their armament.	Submarine mines and their adjuncts.	Torpedo-boats.	Total.
		Masonry and earth-work.	Armor.	Structural metal.	Guns and mortars.	Carriages.				
1	New York	$5,488,000	$7,950,000	$1,000,000	$6,027,000	$1,992,000		$411,500	$1,080,000	$23,948,500
2	San Francisco	5,656,000	2,250,000	450,000	5,426,000	1,787,000	$10,725,000	494,150	1,080,000	27,868,150
3	Boston	2,214,000	3,100,000	330,000	2,971,000	970,000		245,250	1,080,000	10,910,250
4	The lake ports	1,648,000	650,000	125,000	598,000	189,800		206,000	[1]720,000	4,136,800
5	Hampton Roads	1,632,000	2,200,000	230,000	1,608,000	534,000		208,000	1,080,000	7,492,000
6	New Orleans	1,200,000			1,130,000	380,000	8,150,000	130,500	720,000	11,710,500
7	Philadelphia	832,000	1,300,000	130,000	828,000	274,000		114,250	360,000	3,838,250
8	Washington	520,000			512,000	171,000		120,500		1,323,500
9	Baltimore	632,000	650,000	65,000	578,000	190,000		69,000		2,184,000
10	Portland, Me	2,096,000		200,000	1,784,000	587,000		278,500	360,000	5,305,500
11	Narragansett Bay	1,296,000	450,000	150,000	1,374,000	450,000		173,000	360,000	4,253,000
	Total of above 11 ports	23,214,000	18,550,000	2,680,000	22,836,000	7,524,800	18,875,000	2,450,650	6,840,000	102,970,450
12	Key West	1,064,000	450,000	150,000	976,000	320,000		86,500	360,000	3,406,500
13	Charleston	872,000		80,000	636,000	210,000		86,500	360,000	2,244,500
14	Mobile	1,372,000		80,000	858,000	284,000		144,000		2,738,000
15	New London	580,000		80,000	308,000	103,000		169,500	1,080,000	2,320,500
16	Savannah	652,000	650,000	65,000	492,000	162,000		222,000		2,243,000
17	Galveston	552,000			232,000	75,000		91,500		950,500
18	Portland, Oregon	849,000			671,000	219,000		100,000	1,080,000	2,919,000
19	Pensacola	520,000		40,000	208,000	71,000		109,000		948,000
20	Wilmington, N. C	640,000	650,000	105,000	335,000	112,000		100,000		1,942,000
21	San Diego	260,000			108,000	36,000		100,000		504,000
22	Portsmouth, N. H	420,000			308,000	103,000		134,350		965,350
23	Cumberland Sound	240,000		40,000	154,000	52,000		150,000		636,000
24	Kennebec River	120,000			81,000	27,000		70,000		298,000
25	New Bedford	152,000			167,000	53,000		150,000		522,000
26	Penobscot River	120,000			81,000	27,000		70,000		298,000
27	New Haven	236,000			103,000	33,000		100,000		472,000
	Grand total of 27 ports	31,863,000	20,300,000	3,320,000	28,554,000	9,411,800	18,875,000	4,334,000	9,720,000	126,377,800

[1] Torpedo gunboats.

So that there will be, if the bill passes, in effect an annual specific appropriation for each work, and all will be carried on at the same time.

The amount to be appropriated annually for the work is in accordance with the recommendations of the Board upon Fortifications and other Defenses, as will appear from the following quotation:

"Certain portions of the whole amount above indicated as necessary are needed at once, namely:

"A. An appropriation for gun steel sufficient to induce contracting steel works to prepare for and begin the manufacture of steel forgings for guns of all calibers, $8,000,000.

"B. An appropriation for a gun factory with plant sufficient to machine, assemble, and finish the guns, $1,000,000.

"C. An appropriation to inaugurate the building of masonry foundations, engine-rooms, shell-rooms, magazines, etc., necessary to the reception of the armor, guns, etc., $4,000,000 for the first year and $2,000,000 annually thereafter until completed.

"D. An appropriation for armor and structural metal, $2,000,000 annually until completed.

"E. An appropriation for gun-carriages, $1,000,000 annually until completed.

"F. An appropriation for the building of floating batteries, the type to be selected by a joint board of Army and Navy officers, $3,000,000 for the first year and $2,000,000 annually until completed.

"G. An appropriation for submarine mines and their adjuncts, $1,000,000 for the first year and $500,000 annually thereafter until completed.

"H. An appropriation for building torpedo-boats, $1,500,000 annually until all are built."

Summing up these recommendations, the board presents the following project for annual appropriations:

Appropriations recommended.

Purpose.	Appropriation for first year.	Future annual appropriations until work is completed.
A. Gun metal	$8,000,000	.....
B. Gun factory	1,000,000	.....
C. Masonry, etc	4,000,000	$2,000,000
D. Armor, etc	2,000,000	2,000,000
E. Gun-carriages	1,000,000	1,000,000
F. Floating batteries	3,000,000	2,000,000
G. Submarine mines, etc	1,000,000	500,000
H. Torpedo-boats	1,500,000	1,500,000
Totals	21,500,000	9,000,000

After mature consideration, and with all the information before it, the board is of opinion and recommends that the above-named amounts should be appropriated by Congress without delay for the purposes mentioned, and it further states that nothing less will suffice even for a beginning.

The amount proposed to be appropriated, although in the aggregate a large sum, is continued through a series of years, and is not large for any one year. As stated by the Board on Fortifications and other Defenses, it is not relatively as large, considering the population and resources of the country, as the estimates made in 1840 for the system of defenses then under construction. The board say:

"A comparison can now be made of the estimates for modern works with those made in 1840, when the old system of coast defense had received considerable development and was being pressed toward completion. The population of the country at that time was 17,000,000, and the estimate of cost, including the amounts already expended, was $37,131,541, being at the rate of $2.35 per head. The population in 1880 was 50,000,000, and the estimate for the coast defense is $126,377,800, at the rate of $2.52 per head.

"The valuation of property in 1880 was $43,642,000,000; that of 1840 was about $4,000,000,000, and it is to be seen that the ratio of the estimate for defenses to the wealth of the country at the present time exhibits a still more favorable comparison.

"In 1840 the cost of the line-of-battle ship, then representing the most formidable means of attack against coast defenses, was about $550,000, and the cost of the corresponding war ship of the present day is about $5,000,000. While the ships have increased in cost ninefold, the estimate of the defenses to resist these has increased only between two and three fold."

The defenseless condition of our seacoasts is notorious. The numerous cities upon our Atlantic and Pacific coasts and upon the Lakes, with their large accumulations of agricultural and manufactured products, and their thousands of millions of dollars of destructible property, are wholly defenseless and exposed to destruction or tribute in case of a foreign war with a nation possessing a modern navy.

We do not possess a single modern armored ship of war; our forts and guns which, at the breaking out of the late civil war, were equal to those of any other nation, owing to the improvements which have been made in recent years in war ships, armored guns, explosives, and projectiles, have become utterly worthless for defense. While other nations have been experimenting with guns and armor and expending large sums in fortifying their coasts and in providing themselves with powerful navies of modern armored ships with armaments of modern guns, we have devoted our attention to peaceful pursuits, to developing our industrial interests, to the construction of new lines of transportation for our internal commerce, and have made no advance in the direction of fortifications and little progress in providing a modern navy.

The time is propitious for entering upon the work of the construction of a system of coast defenses. There is a surplus in the Treasury, and the people are not only willing that a portion of it should be applied for the purpose, but from every quarter comes to Congress their demand, voiced by representative bodies, that the necessary measures be taken for the protection of our sea ports. To longer delay is inexcusable. We have all the information that is necessary to enable us to enter upon the work intelligently. Boards of the most competent and experienced officers in the Army and Navy have been created, and have carefully considered the several subjects connected with coast defenses and made exhaustive and valuable reports.

The officers of the Army and Navy, to be charged with the work, for intelligence and information upon the subject of coast defenses, will compare favorably with those of any other country.

Until a comparatively recent period we did not act upon the theory that there was no danger of our becoming involved in a foreign war, and that our ports and harbors should be left defenseless. The necessity for coast defenses on account of recent improvements in guns and ships is far greater to-day than ever before in our history.

If we are to enter upon this work at all, all will agree that it should be entered upon with a definite plan in view, which should not be subject to be changed from time to time by the mere caprice or with the change of views of the Secretary of War and his subordinates, or with the change of administrations. It should be entered upon, also, with the expectation of being prosecuted, so far as undertaken, to speedy completion. Experience has shown that annual appropriations for important public works are too uncertain to enable the work to be carried on economically.

The failure of an appropriation bill in any year necessitates cessation of work and large expenditures for the care and preservation of the property, and before another appropriation is made often the damage to the work by the elements is so great as to require the expenditure of a considerable portion of the appropriation to repair it. By the bill reported by the committee this evil is sought to be avoided, by appropriating at once the amount estimated as required for the completion of the work, to be available from year to year as required. It is believed by the committee that this is wise and economical.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I move that the Senate proceed to the consideration of House bill 8989, it being the District of Columbia appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. PLUMB. I move that the formal reading of the bill be dispensed with, and that it be read for action on the amendments.

The PRESIDENT *pro tempore*. If there be no objection, the amendments of the Committee on Appropriations will be acted upon as the bill is read.

The Chief Clerk proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "General expenses," in the appropriations "For salaries and contingent expenses for executive office," in section 1, on page 2, line 8, after the word "dollars," to insert:

One inspector of buildings, $2,400; one assistant inspector of buildings, $1,200; one assistant inspector of buildings, $1,000; one clerk, $1,600; one clerk, $900; one messenger, $480; one janitor, $700; one steam engineer, $900; one property clerk, $1,600; one clerk, $900; one clerk, $720; one messenger clerk, $900; one messenger, $480; three watchmen, at $480 each; one inspector of plumbing, $1,800; two assistant inspectors of plumbing, at $1,000 each; one harbor-master, $1,200; for rent of property yard, $800.

The amendment was agreed to.

The next amendment was, in section 1, on page 2, line 25, to increase the appropriation "for contingent expenses, including printing, books, stationery, horseshoeing, and other necessary expenses," from $2,500 to $3,000.

Mr. PLUMB. After the word "thousand," in line 1, on page 3, I move to add the words "eight hundred;" so as to read "$3,800."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in section 1, on page 3, line 1, to increase the total amount of appropriations "for salaries and contingent expenses for executive office" from $22,444 to $43,664.

The amendment was agreed to.

The next amendment was, in section 1, on page 3, line 3, at the end of the clause making appropriations "for executive office," to strike out the following proviso:

Provided, That so much of the District of Columbia appropriation act approved February 25, 1885, as provides "that hereafter all appropriations made for contingent expenses of the District of Columbia shall be expended under the direction and in the sole discretion of the commissioners," be, and the same is hereby, repealed: *Provided further*, That no part of any appropriation made by this act shall be used for the purchase of street-car tickets.

The amendment was agreed to.

The next amendment was, in the appropriations "for assessor's office," in section 1, on page 3, after line 24, to insert:

For the purpose of defraying the expense of the assessment of real property in the District of Columbia, as provided by the act of March 3, 1883, $15,000.

The amendment was agreed to.

The next amendment was, in the appropriations "for collector's office," in section 1, on page 4, after the word "dollars," at the end of line 5, to insert "and such cashier shall hereafter, in the necessary absence or inability from any cause of the collector, perform his duties without any additional compensation;" so as to read:

For collector's office: For one collector, $4,000; one cashier, $1,800, and such cashier shall hereafter, in the necessary absence or inability from any cause of the collector, perform his duties without any additional compensation.

Mr. PLUMB. I move to insert after the word "inability" the words "of the collector," and to strike out the words "of the collector" after the word "cause;" so as to read:

In the necessary absence or inability of the collector from any cause.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in section 1, on page 4, line 10, in the appropriations "for collector's office," after the word "each," to strike out "one clerk, $1,200," and insert "three clerks, at $1,200 each."

The amendment was agreed to.

The next amendment was, in section 1, on page 4, line 15, to increase the amount of the appropriation "for contingent expenses, including

printing, books, stationery, and other necessary items," from $700 to $2,700.

The amendment was agreed to.

The next amendment was, in section 1, on page 4, line 16, to increase the total amount of the appropriations for salaries in "collector's office" from $16,000 to $22,400.

The amendment was agreed to.

The next amendment was, in section 1, on page 4, after line 17 to insert:

For necessary expenses in the collection by distraint and sale of over-due personal taxes, and for other necessary items, $2,000: *Provided*, That the fees and cost of proceeding collected by the collector of taxes under the act of March 3, 1887, for making distress and sale of property for personal taxes in arrears, shall be deposited by said collector in the Treasury of the United States as other revenues of the District are deposited.

The amendment was agreed to.

The reading of the bill was resumed to line 5, on page 5.

The PRESIDENT *pro tempore*. The Chair suggests in line 3, on page 5, an amendment similar to the one just made.

Mr. PLUMB. I move that amendment.

The PRESIDENT *pro tempore*. The words "of the auditor" will be inserted after the word "inability," and the same words will be stricken out after the word "cause;" so as to read:

In the necessary absence or inability of the auditor from any cause.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 5, line 11, to increase the appropriation "contingent expenses, including books, stationery, and other necessary items," of auditor's office from $300 to $350.

The amendment was agreed to.

The next amendment was, in section 1, on page 5, line 12, to increase the total amount of the appropriation for "auditor's office" from $16,500 to $16,550.

The amendment was agreed to.

The next amendment was, in the appropriations "for attorney's office," in section 1, on page 5, line 19, to increase the appropriation "for contingent expenses, including books, stationery, printing, and other necessary items," from $300 to $500.

The amendment was agreed to.

The next amendment was, in section 1, on page 5, line 20, in the same clause, after the word "dollars," to insert:

For judicial expenses, including the printing of briefs and witness fees in District cases before the supreme court of the District of Columbia, $2,500.

The amendment was agreed to.

The next amendment was, in section 1, on page 5, line 23, to increase the total amount of the appropriations for "attorney's office" from $9,009 to $11,700.

The amendment was agreed to.

The next amendment was, in the appropriations for "coroner's office," in section 1, on page 6, line 10, to increase the appropriation "for contingent expenses, including jurors' fees, stationery, books, blanks, removal of deceased persons, making autopsies, and holding inquests," from $500 to $700.

The amendment was agreed to.

The next amendment was, in section 1, on page 6, line 12, to increase the total amount of the appropriations for "coroner's office" from $2,600 to $2,800.

The amendment was agreed to.

The next amendment was, in the appropriations for "market-masters," in section 1, on page 6, line 19, to increase the appropriation for "contingent expenses and other necessary items" from $400 to $600; and in line 20 to increase the total amount of the appropriations for "market-masters" from $5,000 to $5,200.

The amendment was agreed to.

The next amendment was, in the appropriations for "engineer's office," in section 1, on page 6, line 22, after the word "dollars," to strike out "three clerks" and insert "one clerk;" and in line 23, after the word "dollars," to strike out "each;" so as to read:

One clerk, at $1,600.

The amendment was agreed to.

The next amendment was, in section 1, on page 6, line 25, to strike out "three clerks" and insert "one clerk;" and in the same line, after the word "dollars," to strike out "each;" so as to read:

One clerk, at $900.

The amendment was agreed to.

The next amendment was, in section 1, on page 7, line 1, in the same clause, to strike out—

One clerk, at $720.

The amendment was agreed to.

The next amendment was, in section 1, on page 7, line 2, in the same clause, after the word "dollars," to strike out:

One inspector of buildings, $2,400; one assistant inspector of buildings, at $1,200; one assistant inspector of buildings, at $1,000; one messenger, at $480.

The amendment was agreed to.

The next amendment was, in section 1, on page 7, line 11, in the same clause, after the word "dollars," to strike out:

One inspector of plumbing, $1,800; two assistant inspectors of plumbing, at $1,000 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 7, line 21, in the same clause, after the word "each," to strike out:

One harbor-master, at $1,200.

The amendment was agreed to.

The next amendment was, in section 1, on page 7, line 23, in the same clause, after the word "each," to strike out "one janitor, $700; two messenger clerks," and insert "one messenger clerk;" and in line 25, after the word "dollars," to strike out "each;" so as to read:

One messenger clerk, at $600.

The amendment was agreed to.

The next amendment was, in section 1, on page 7, line 25, in the same clause, before the word "messengers," to strike out "three" and insert "two;" so as to read:

Two messengers, at $480 each.

The amendment was agreed to.

The next amendment was, on page 8, line 1, before the word "dollars," to strike out "eighty" and insert "eighty."

Mr. PLUMB. That was inserted for the purpose of correcting what appeared afterwards to be an error in the print. The amendment should be disagreed to, because the perfected print shows that the amendment is unnecessary.

The amendment was rejected.

The next amendment was, in section 1, on page 8, line 1, in the same clause, after the word "each," to strike out "three watchmen at $480 each," and in line 3 to reduce the total amount of the appropriations for salaries in "Engineer's Office" from $59,070 to $40,050.

The amendment was agreed to.

The next amendment was, in section 1, on page 8, line 7, after the word "leases," to insert "of streets and reservations;" so as to make the clause read:

That hereafter all fees collected by the inspector of gas and meters and the harbormaster, and amounts collected for leases of streets and reservations, and wharf charges, shall be paid to the collector for payment into the Treasury to the credit of the United States and the District of Columbia in equal parts.

The amendment was agreed to.

The next amendment was, in section 1, on page 8, line 11, after the word "including," to strike out "rent of property-yards;" and in line 17, after the word "items," to strike out "five thousand four" and insert "four thousand six;" so as to make the clause read:

For contingent expenses, including books, stationery, binding and preservation of records in the engineer's and surveyor's offices, printing, transportation (vehicles, animals, saddlery, forage, and repairs), maintaining and keeping in good order and repair the laboratory and apparatus in the office of the inspector of gas and meters, and other necessary items, $4,600.

The amendment was agreed to.

The next amendment was, in section 1, on page 8, line 25, after the word "appropriations," to insert "and all other necessary expenses connected therewith;" so as to make the clause read:

That overseers and inspectors, temporarily required in connection with sewer, street, or road work, or the construction and repair of buildings and bridges, or any work done under contracts authorized by appropriations, and all other necessary expenses connected therewith, shall be paid out of the sums appropriated for the work, and for the time actually engaged thereon; and the commissioners of the District, in their annual report to Congress, shall report the number of such overseers and inspectors, and their work, and the sums paid to each, and out of what appropriation.

The amendment was agreed to.

The next amendment was, in the appropriation for "streets, avenues, alleys, and roads," in section 1, on page 9, line 9, after the word "pavements," to strike out "$457,776" and insert "$757,678.65;" so as to make the clause read:

For work on sundry streets and avenues and replacement of wood pavements, $757,678.65, to be expended on the streets and avenues specified in the following schedules and in the aggregate for each schedule as stated herein, namely.

The amendment was agreed to.

The next amendment was, in section 1, on page 9, line 15, after the words "general schedule," to strike out:

C street (southwest and southeast), from First street to New Jersey avenue;
Pennsylvania avenue southeast, from Eleventh street to Bridge;
Four-and-a-half street southwest, from H street to Arsenal, $81,000.

And insert:

For paving the following streets and avenues, namely:
C street (southwest and southeast), from First street to New Jersey avenue;
Seventh street northwest, from Q to Boundary streets;
Eleventh street southeast, from Pennsylvania avenue to Anacostia bridge;
Four-and-a-half street, from H street to Arsenal, and from D street northwest to Pennsylvania avenue;
Brightwood avenue, Seventh street extended, from Grant avenue to Princeton street;
Street on the south and west side of the Treasury building, from Fifteenth street to Pennsylvania avenue, and removing gates and other obstructions;
For grading and regulating Pennsylvania avenue southeast, from Eleventh street to new bridge; in all, for general schedule, $178,150.

The amendment was agreed to.

The next amendment was, in section 1, on page 10, line 14, after the words "Georgetown schedule," to strike out:

Prospect avenue, from Thirty-fourth to Thirty-sixth streets;
Thirtieth street, from P to Q streets;
Q street, from Twenty-ninth to Thirtieth streets;
O street, from Thirty-fifth street to College gate, $24,914.

And insert:

For paving the following streets, namely:
Thirtieth street, from P to Q streets;
Q street, from Twenty-eighth to Thirtieth streets;
O street, from Thirty-fifth to College gate;
For grading and regulating the following streets and avenue, namely:
Thirty-third street, from P street northward;
Thirty-fourth street, from M to N streets;
Prospect avenue, where necessary, from Thirty-third to Thirty-sixth streets; in all, for Georgetown schedule, $47,613.

The amendment was agreed to.

The next amendment was, in section 1, on page 11, line 6, after the words "northwest section schedule," to strike out:

New York avenue, from Seventh street to New Jersey avenue;
Fifteenth street, from Pennsylvania avenue to New York avenue;
Twelfth street, from R to S streets;
R street, from Seventh to Ninth streets;
North Capitol street, from I to K streets;
S street, from Eighth to Eleventh streets;
Fifth street, from O street to Boundary;
Rhode Island avenue, from Fifth street to Boundary;
L street, from Twenty-sixth to Twenty-seventh streets;
Boundary, from Seventh street to New Jersey avenue;
Q street, from Fifth street to New Jersey avenue;
Thirteenth street, intersection to B street;
Eighth street, from S street to Boundary;
N street, from Fifth street to New Jersey avenue;
Seventeenth street, from Q to R streets;
Corcoran street, from Fifteenth to Seventeenth streets; $160,924.

And insert:

For paving the following streets and avenues:
New York avenue, from Seventh street to New Jersey avenue;
Fifteenth street (west side), from Pennsylvania avenue to New York avenue;
Twelfth street, from R to S streets;
R street, from Seventh to Ninth streets;
S street, from Seventh to Eleventh streets;
Fifth street, from O street to Rhode Island avenue;
Rhode Island avenue, from Fifth street to New Jersey avenue;
O street, from Twenty-first to Twenty-second streets;
Twenty-second street, from M to P streets;
Boundary street, from Seventh street to New Jersey avenue;
Q street, from Sixth street to New Jersey avenue, from Seventeenth to Nineteenth streets, and from Rhode Island to Vermont avenues;
Seventeenth street, from Q to R streets;
New Hampshire avenue, from Q to R streets;
Corcoran street, from Fifteenth street to New Hampshire avenue.
For grading and regulating the following streets, namely:
Twenty-fifth street, from K street to New Hampshire avenue;
F street, from Twenty-third to Twenty-sixth streets;
N street, from Third to North Capitol streets, and from Twenty-second to Twenty-fourth streets; in all, for northwest section schedule, $235,717.65.

The amendment was agreed to.

The next amendment was, in section 1, on page 13, line 9, after the words "southwest section schedule," to strike out:

G street, from Third to Four-and-a-half streets;
C street, from Twelfth to Fourteenth streets;
I street, from Four-and-a-half to Sixth streets;
G street, from Third to South Capitol streets;
I street, from First to Four-and-a-half streets; $36,409.

And insert:

For paving the following streets, namely:
G street, from Third to Four-and-a-half streets;
H street, from First to Third streets;
C street, from Twelfth to Fourteenth streets;
Thirteenth street, from Maryland avenue to Water street.
For grading and regulating the following streets, namely:
I street, from First to Water streets;
G street, from Third to Half streets;
Canal street, from B to First streets; in all, for southwest section schedule, $65,066.

The amendment was agreed to.

The next amendment, was in section 1, on page 14, line 4, after the words "southeast section schedule," to strike out:

Seventh street, from D street to Virginia avenue;
Sixth street, from E street to Virginia avenue;
H street, from First to Second streets;
Pennsylvania avenue, from Ninth to Tenth streets;
South Carolina avenue, from Seventh to Ninth streets;
Ninth street, from North Carolina avenue to G street; $61,430.

And insert:

For paving the following streets and avenue, namely:
Sixth street, from E street to Virginia avenue;
Pennsylvania avenue, from Eighth to Eleventh streets;
C street, from Sixth to Seventh streets;
D street, from Third to Sixth streets.
For grading and regulating the following streets, namely:
H street, from First to Second streets;
Ninth street, from East Capitol street to Pennsylvania avenue;
C street, from Seventh to Eleventh streets;
South side, Lincoln square; in all, for southeast section schedule, $67,115.

The amendment was agreed to.

The next amendment was, in section 1, on page 15, line 1, after the words "northeast section schedule," to strike out:

North Capitol street, from I to K streets;
Seventh street, from B to D streets;
Massachusetts avenue, from Sixth to Seventh streets;
Maryland avenue at intersection of Boundary street;
Eighth street, from East Capitol street to Maryland avenue;
B street, from Eleventh to Fourteenth streets;
Sixth street, from H to K streets;
Eleventh street, from North Carolina avenue to Massachusetts avenue, $70,491.

And insert:

For paving the following streets and avenues, namely:
North Capitol street, from I to K streets;
C street, from Sixth to Eighth streets;
Seventh street, from B to D streets;
Massachusetts avenue, from Sixth to Eighth streets;
Maryland avenue, from Sixth street to Boundary, including intersection;
Eighth street, from East Capitol street to Massachusetts avenue;
Eleventh street, from North Carolina avenue to Massachusetts avenue;
F street, from North Capitol to Third streets.
For grading and regulating the following streets, namely:
C street, from Eighth to Eleventh streets;
G street, from Second to Sixth streets;
B street, from Eleventh to Fourteenth streets;
Third street, from E to H streets;
Second street, from F to H streets;
Ninth street, from B street to Maryland avenue; in all, for northeast section schedule, $159,768.

The amendment was agreed to.

The next amendment was, in section 1, on page 16, after the words "replacement of wood pavements schedule," in line 10, to strike out:

C street southeast (north side), from Fourth to Sixth streets;
C street southeast (south side), from Fourth to Sixth streets;
North Carolina avenue southeast, from Fourth to Sixth streets;
Fifth street southeast, crossing square;
Fourth street southeast, from Pennsylvania avenue to C street.

The amendment was agreed to.

The next amendment was, in section 1, on page 16, line 19, before the words "D street southeast," to insert "for paving;" so as to read:

For paving D street southeast (south side) from Seventh to Ninth streets.

The amendment was agreed to.

The next amendment was, in section 1, on page 16, line 21, before the words "D street," to insert "for paving;" and in line 22, after the words "Eighth street," to strike out $22,519" and insert "in all, for replacement of wood pavements schedule, $4,249;" so as to make the clause read:

For paving D street southeast (north side) from Pennsylvania avenue to Eighth street; in all, for replacement of wood pavements schedule, $4,249."

The amendment was agreed to.

The next amendment was, in section 1, on page 17, line 3, after the words "two dollars" to insert "and twenty-five cents;" so as to make the clause read:

That under appropriations contained in this act no contract shall be made for making or repairing concrete or asphalt pavement at a higher price than $2.25 per square yard for a quality equal to the best laid in the District prior to July 1, 1886, and with same depth of base.

The amendment was agreed to.

The next amendment was, in section 1, on page 17, to strike out the clause from line 7 to line 9, inclusive, as follows:

Filling streets and alleys: For filling streets and alleys below grade, at a price not to exceed 10 cents per cubic yard, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 17, after line 9, to insert:

Grading streets, alleys, and roads: For grading streets, alleys, and roads not otherwise provided for, at a price not to exceed 10 cents per cubic yard, $10,000.

Mr. SHERMAN. I suggest an amendment there to remove an ambiguity which occurred last year. In line 11, after the word "roads," I move to insert "city or suburban."

Mr. PLUMB. The word "roads" was inserted there in order to obviate that difficulty.

Mr. SHERMAN. Very well, if that does it.

Mr. PLUMB. I think it does.

Mr. SHERMAN. Then I will take the Senator's construction.

Mr. PLUMB. Distinctions are made in the Comptroller's office and in the office of the commissioners between the streets in the city and roads in the country.

Mr. SHERMAN. I know that last year complaint was made and the same privileges were denied to suburban roads which were granted to city roads. They said it was under a technical construction.

I suggest to the Senator for his consideration whether the amount of $10,000 ought not to be increased. It is the most profitable expenditure that can be made, because in order to make it at all the owners of property have to contribute more than one-half.

Mr. PLUMB. I have no doubt it would be proper to increase the sum somewhat, but the Senator will bear in mind that while there is very much to be done we must, of course, be limited in what we do by the amount of money, by the revenues of the District, and also by the views which obtain in the other branch of Congress.

Mr. SHERMAN. Undoubtedly. I move to increase the amount from $10,000 to $20,000.

Mr. PLUMB. I have no objection.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 17, line 12, before the word "thousand," strike out "ten" and insert "twenty;" so as to read "$20,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 1, on page 17, line 16, before the words "thousand dollars," to strike out "eighty-five" and insert "one hundred;" and in the same line, after the word "dollars," to insert:

Provided, That hereafter contracts for repairs to pavements may be made for periods not exceeding five years, and subject to annual appropriation therefor by Congress.

So as to make the clause read:

Repairs to pavements: For repairs to concrete pavements, with the same or other not inferior material, $100,000: *Provided*, That hereafter contracts for repairs to pavements may be made for periods not exceeding five years, and subject to annual appropriation therefor by Congress.

The amendment was agreed to.

The next amendment was, in section 1, on page 17, line 22, before the words "thousand dollars," to strike out "forty" and insert "one hundred;" so as to make the clause read:

Permit work: For the improvement and repair of alleys and sidewalks and the construction of sewers under the permit system, $100,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 18, before the word "thousand," in line 14, to strike out "thirty-five" and insert "forty;" so as to make the clause read:

Repairs streets, avenues, and alleys: For current work of repairs of streets, avenues, and alleys, $40,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 18, line 17, before the word "thousand," to strike out "thirty" and insert "forty-five;" so as to make the clause read:

Repairs county roads: For current work of repairs on county roads and suburban streets, $45,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 18, line 20, after the word "section," to strike out "in a straight line;" so as to make the clause read:

To extend Eighteenth street, middle section, to Columbia road, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 18, line 22, before the name "Howard," to insert "Brown and;" after "Howard," to strike out "avenue" and insert "streets;" and in line 23, after the word "section," to strike out "seven thousand seven hundred" and insert "ten thousand;" so as to make the clause read:

To grade and regulate Brown and Howard streets, middle section, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 19, to strike out lines 1 and 2, as follows:

To grade Jefferson street, Jackson street, and Washington street, eastern section, $4,000.

And insert:

To grade Jefferson, Jackson, Washington, Chestnut, and High streets, eastern section, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 19, to strike out the clause from line 5 to line 7, inclusive, as follows:

To pave Harrison street from the Navy-Yard bridge to Pierce street, eastern section, $13,140.

And insert:

To grade and macadamize Harrison street and Good Hope road from the Navy-Yard bridge to Bowen road, eastern section, $13,140.

The amendment was agreed to.

The next amendment was, in section 1, on page 19, line 12, after the word "from," to strike out "Washington" and insert "Harrison;" so as to make the clause read:

To pave Nichols avenue from Harrison street southward, eastern section, $13,140.

The amendment was agreed to.

The next amendment was, in section 1, on page 19, to strike out the clause from line 15 to line 18, inclusive, as follows:

To extend Sixteenth street beyond the Boundary, $10,000: *Provided*, That any extension of said Sixteenth street shall be of equal width with said street south of the Boundary.

The amendment was agreed to.

The next amendment was, in section 1, on page 19, line 19, after the words "Fourth street," to strike out "from S street extended;" and in line 20, before the word "thousand," to strike out "ten" and insert "eleven;" so as to make the clause read:

For work on Fourth street towards the Bunker Hill road, $11,000.

Mr. PLUMB. In line 19, on page 19, after the word "on," I move to insert the words "First street west as extended from Boundary street to Michigan avenue and thence along said avenue to Lincoln road."

That is intended to take the place of the language from the word "on" down to and including the word "road," in line 20.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 1, on page 19, to strike out the clause from line 21 to line 23, inclusive, as follows:

To grade and pave Chapin street from Fourteenth street extended to Wayland Seminary, $7,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in section 1, on page 19, to strike out lines 24 and 25, as follows:

To pave Stoughton street, $2,500.

The amendment was agreed to.

The next amendment was, in section 1, at the top of page 20, to insert:

To grade and pave Fourteenth street extended from Boundary to Euclid Place, $26,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 20, after line 2, to insert:

To grade Thirteenth street from Clifton avenue north, $1,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 20, line 5, after the words "Pomeroy street," to insert "from Seventh street to and;" in line 6, after the word "Asylum," to strike out "three thousand five hundred" and insert "seven thousand;" and in line 7, after the word "all," to strike out "seventy-five thousand nine" and insert "ninety-one thousand two;" so as to read:

To pave Pomeroy street, from Seventh street to and in front of the Freedmen's Hospital and Asylum, $7,000; in all, $91,289.

The amendment was agreed to.

The next amendment was, in section 1, on page 20, to strike out lines 10 and 11, as follows:

For condemnation of streets, roads, and alleys, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 20, line 14, before the word "thousand," to strike out "five" and insert "ten;" so as to make the clause read:

Surveys of the District: For continuation of surveys of the District of Columbia with reference to the extension of various avenues to the District line, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 20, after the words "repairs of bridges," at the end of line 18, to insert "including retaining wall of M Street bridge, which bridge is hereby placed under the jurisdiction of the commissioners of the District of Columbia;" in line 21, before the word "thousand," to strike out "twelve" and insert "fourteen;" and in line 22, after the word "all," to strike out "fifteen" and insert "seventeen;" so as to make the clause read:

Care of bridges: For ordinary care of bridges, including keepers, oil, lamps, and matches, $2,500; for construction and repairs of bridges, including retaining wall of M Street bridge, which bridge is hereby placed under the jurisdiction of the commissioners of the District of Columbia, $14,500; in all, $17,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "sewers," in section 1, on page 20, line 24, to increase the appropriation "for cleaning and repairing sewers and basins" from $30,000 to $35,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 21, line 4, to increase the appropriation "for main and pipe-sewers" from $55,000 to $70,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 21, line 6, to increase the appropriation "for constructing suburban sewers" from $30,000 to $35,000.

The amendment was agreed to.

The next amendment was, under the head of "Current expenses, streets, avenues, and alleys," in section 1, on page 21, line 12, before the word "thousand," to strike out "seventy" and insert "eighty-five;" so as to make the clause read:

Sprinkling, sweeping, and cleaning: For sprinkling, sweeping, and cleaning streets, avenues, and alleys, $85,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 21, line 15, after the word "trees," to insert "on city and suburban streets;" so as to make the clause read:

For the parking commission: For contingent expenses, including laborers, cart-hire, trees, tree-boxes, tree-stakes, tree-straps, planting and care of trees on city and suburban streets, whitewashing, care of parks, and miscellaneous items, $18,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 21, line 22, after the words "one hundred," to insert "and ten;" so as to read:

Lighting: For illuminating material, lighting, extinguishing, repairing, and cleaning lamps on avenues, streets, roads, and alleys, and for purchasing and erecting new lamp-posts and replacing such lamps and lamp-posts as may be damaged or unfit for service, $110,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, line 11, after the word "lighting" to insert "including necessary expenses of inspection;" in line 13, before the words "of Washington," to strike out "city" and insert "cities;" in the same line, after "Washington," to insert "and Georgetown;" in line 14, before the word "cents," to strike out "fifty-five" and insert "fifty;" in line 16, after the words "not less than" to strike out "two" and insert "one;" and in line 17, before the words "candle power," to strike out "nominal" and insert "actual;" so as to make the clause read:

For electric lighting, including necessary expenses of inspection, on one or more of the principal streets of the cities of Washington and Georgetown,

$30,000: *Provided*, That no more than 50 cents shall be paid for each light per night burning from sunset to sunrise, and each light shall be of not less than one thousand actual candle power.

The amendment was agreed to.

The next amendment was, in section 1, on page 22, line 21, after the word "buildings," to insert "and for other necessary items and services;" so as to make the clause read:

Harbor and river front: For the improvement and protection of the harbor and river front, the enforcement of laws and regulations, constructing and maintenance of wharves and buildings, and for other necessary items and services, $2,500.

The amendment was agreed to.

The next amendment was, in the appropriations for "public schools," in section 1, on page 23, line 11, after the words "necessary items," to strike out "eight hundred and forty-two thousand one hundred and ninety-five," and insert "one million one thousand two hundred and thirty-six;" so as to make the clause read:

For salaries of superintendents, teachers, and janitors, secretary of the board, and clerks, including additional teachers, rents, repairs, fuel, furniture, books, stationery, new school buildings, furniture for new school buildings, and other necessary items, $1,001,236, namely.

Mr. PLUMB. The amendment on line 12, page 23, is a mere formal amendment which covers the sum of all the provisions succeeding in regard to schools, and I suggest that that be not acted on until the entire item is concluded, for I shall propose an amendment which will increase it somewhat.

The PRESIDENT *pro tempore*. This amendment will be passed over, and returned to after the bill is perfected.

The reading of the bill was resumed.

Mr. PLUMB. On page 24, line 10, after the word "normal," I move to insert the words "manual-training and country;" so as to read:

Salaries to principals of normal, manual-training, and country schools," etc.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the clause making appropriations "for teachers," in section 1, on page 24, line 15, after the words "Congress at," to strike out "its next" and insert "the beginning of each regular;" and in line 19, after the word "school," to strike out "or" and insert "and;" so as to make the clause read:

For teachers: For teachers, not to exceed six hundred and ninety-three in number, including teachers of manual-training schools, to be employed at a rate of compensation not to exceed the rate provided by the present schedule of salaries, and at an average salary not to exceed $670, $464,310; and no increase in salaries paid to teachers in grades now receiving $900 or more, except in case of promotion to fill vacancies occurring before or after the passage of this act and except in salaries to principals of normal, manual-training, and country schools, and no increase in the number of teachers in any of such grades shall be made, and the minimum compensation shall not be less than at the rate of $300 per annum, and the names of and actual compensation paid to each teacher under this provision shall be reported to Congress at the beginning of each regular session by the commissioners: *Provided*, That in assigning salaries to teachers, no discrimination shall be made between male and female teachers employed in the same grade of school, and performing a like class of duties.

The amendment was agreed to.

The next amendment was, in the appropriations "for janitors and care of buildings and grounds," in section 1, on page 25, line 9, after the name "Addison," to insert "Amidon;" in line 11, before the name "Cranch," to strike out "Amidon;" in line 13, after the name "Magruder," to insert "Mott;" in line 14, after the words "of the," to strike out "Mott;" in line 16, before the words "dollars each," to strike out "two hundred and fifty" and insert "four hundred;" in line 19, after the word "at," to strike out "one hundred and sixty-five" and insert "three hundred;" in line 21, after the word "exceed," to strike out "fifty" and insert "forty-eight;" in line 23, after the words "five thousand," to strike out "six hundred" and insert "three hundred and seventy-six;" and in line 1, page 26, after the word "all," to strike out "thirty-seven thousand nine hundred and thirty-five" and insert "thirty-nine thousand nine hundred and seventy-six;" so as to make the clause read:

For janitors and care of buildings and grounds: For care of the high-school building, $1,600; of the Jefferson building, $1,400; of the Stevens building, $1,100; of the Franklin building, $1,100; of the Force, Seaton, Henry, Webster, Gales, Peabody, Wallach, Garnett, Sumner, Analostan, Curtis, and Dennison buildings, at $900 each; of the Lincoln and Miner buildings, at $800 each; of the Twining, Abbot, John F. Cook, Addison, Amidon, and Randall buildings, at $700 each; of the Cranch, Morse, Brent, Bannaker, Blair, Wormley, Anthony Bowen, Maury, Weightman, Bradley, Blake, Carberry, Giddings, Towers, Magruder, Mott, and Phelps buildings, at $500 each; of the Hillsdale, Anacostia, Thompson, and Loveioy buildings, at $400 each; of the Mount Pleasant, McCormick, Potomac, Greenleaf, Hamilton Road, Chamberlain, High Street, Montgomery Street, and Threlkeld buildings, at $300 each; for care of smaller buildings and rented rooms, at a rate not to exceed $48 per annum for the care of each school-room, $5,376; in all, $39,976.

The amendment was agreed to.

The next amendment was, in section 1, on page 26, line 5, after the word "grounds," to insert "including construction of fire-proof stairways in Lincoln school building;" and in line 6, before the word "thousand," to strike out "twenty" and insert "thirty-five;" so as to make the clause read:

For repairs and improvements to school buildings and grounds, including construction of fire-proof stairways in Lincoln school building, $35,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 26, line 7, to increase the appropriation "for sanitary improvements in old buildings" from "$1,000" to "$5,000."

The amendment was agreed to.

The next amendment was, in section 1, on page 26, in line 11, before the word "thousand," to strike out "twenty" and insert "twenty-five;" so as to read:

For contingent expenses, including furniture, books, stationery, printing, insurance, and other necessary items, $25,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 26, line 12, to increase the appropriation "for fuel" from "$20,000" to $22,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 26, to strike out lines 13 and 14, as follows:

For industrial instruction, including tools, machinery, material, and apparatus, $8,000.

And insert:

For the purchase of tools, machinery, material, and apparatus to be used in connection with instruction in manual training, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 26, line 18, to increase the appropriation "for furniture for new school buildings" from $8,000 to $10,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 26, line 21, after the words "as follows," to strike out "one" and insert "two;" after the word "division," at the end of the same line, to insert "one in second school division;" in line 22, after the word "division," where it first occurs, to strike out "one" and insert "two;" after the word "division," at the end of the same line, to insert "one in fourth school division;" in line 23, before the words "in fifth school division," to strike out "one" and insert "two;" in line 25, after the word "division," to strike out "two hundred and twenty-five" and insert "three hundred and fifty;" so as to make the clause read:

For erection of new school buildings and purchase of sites therefor, as follows: Two in first school division, one in second school division, two in third school division, one in fourth school division, two in fifth school division, one in seventh school division, and two in eighth school division, $350,000: *Provided*, That no one of the foregoing school buildings shall be constructed with less than eight rooms.

Mr. PLUMB. I move to amend that by making the sum total $385,000, that being the necessary amount.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 27, line 5, before the word "thousand," to strike out "ten" and insert "twelve;" so as to make the clause read:

For erection of two new school buildings and purchase of sites therefor in sixth school division, $12,000.

The amendment was agreed to.

The next amendment was, in the appropriations "for Metropolitan police," in section 1, on page 27, line 15, to increase the appropriation for salary of "one major and superintendent" from $2,600 to $3,300.

The amendment was agreed to.

The next amendment was, in section 1, on page 27, line 17, before the word "inspectors," to strike out "night;" so as to read:

Two lieutenants, inspectors, at $1,500 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 28, line 1, before the word "lieutenants," to strike out "eight" and insert "nine;" so as to read:

Nine lieutenants, at $1,320 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 28, line 2, before the word "sergeants," to strike out "twenty" and insert "twenty-three;" so as to read:

Twenty-three sergeants, at $1,140 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 28, line 4, before the word "privates," to strike out "fifteen" and insert "forty-five;" so as to read:

One hundred and forty-five privates, class 1, at $900 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 28, line 5, before the word "privates," to strike out "forty" and insert "sixty;" so as to read:

One hundred and sixty privates, class 2, at $1,080 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 28, line 7, before the word "station-keepers," to strike out "seventeen" and insert "nineteen;" so as to read:

Nineteen station-keepers, at $720 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 28, line 8, before the word "laborers," to strike out "eight" and insert "nine;" so as to read:

Nine laborers, at $480 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 28, line 17, before the word "drivers," to strike out "four" and insert "five;" so as to read:

Five drivers of patrol-wagons, at $360 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 28, line 21, to increase the appropriation for "repairs to stations, including police-court building," from $2,400 to $4,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 29, line 4, to increase the appropriation for "miscellaneous and contingent expenses, including stationery, books, telegraphing, photographs, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs to same, beds and bed-clothing, insignia of office, purchase and care of horses, police equipments and repairs to same, harness, forage, repairs to vehicles, van, ambulance, and patrol-wagons, and expenses incurred in prevention and detection of crime, and other necessary items," from $11,500 to $15,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 29, line 8, after the word "dollars," to insert:

Purchase of lot and erecting and furnishing station-house in northeastern section of Washington, $15,600.

The amendment was agreed to.

The next amendment was, in section 1, on page 29, line 13, to increase the total amount of the appropriations "for metropolitan police" from $356,060 to $433,080.

The amendment was agreed to.

The next amendment was, in the appropriations "for the fire department," in section 1, on page 29 line 19, before the word "foremen," to strike out "seven" and insert "nine;" so as to read:

Nine foremen, at $1,000 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 29, line 20, before the word "engineers," to strike out "seven" and insert "eight;" so as to read:

Eight engineers, at $1,000 each.

The amendment was agreed to.

Mr. PLUMB. I move, in line 18, on page 29, to strike out "foremen acting as;" so as to read:

Two assistant engineers.

The amendment was agreed to.

Mr. PLUMB. I move, then, on page 29, line 18, after the word "assistant," to insert "chief;" so as to read:

Two assistant chief engineers.

The amendment was agreed to.

Mr. PLUMB. On page 29, in line 19, I move to strike out "nine" and insert "ten;" so as to read:

Ten foremen, at $1,000 each.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 1, on page 29, in line 21, before the word "firemen," to strike out "seven" and insert "eight;" so as to read:

Eight firemen, at $840 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 29, line 23, before the word "hostlers," to strike out "nine" and insert "ten;" so as to read:

Ten hostlers, at $840 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 29, line 24, before the word "privates," to strike out "sixty" and insert "sixty-two;" so as to read:

Sixty-two privates, at $800 each.

Mr. PLUMB. I move to amend the amendment by making the number sixty-six.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 1, on page 29, line 25, before the word "watchmen," to strike out "three" and insert "four;" so as to read:

Four watchmen, at $600 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 30, line 5, to increase the appropriation for "purchase of hose" from $3,000 to $6,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 30, line 6, to increase the appropriation for "purchase of horses" from $3,000 to $5,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 30, line 9, after the word "dollars," to insert:

For erecting engine-house in southeastern section of Washington, $10,500; furnishing same, $1,500; hose-carriage for same, $700.

The amendment was agreed to.

The next amendment was, in section 1, on page 30, line 16, to increase the total amount of the appropriations "for the fire department" from $115,920 to $140,500.

Mr. PLUMB. I move to amend that by making the total $144,700, which will cover the additions made.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "telegraph and telephone service," in section 1, on page 30, line 22, after the word "each," to insert:

One expert repairman, $960.

The amendment was agreed to.

The next amendment was, in section 1, on page 31, line 1, to increase the total amount of the appropriations for salaries of superintendent and employés in connection with the "telegraph and telephone service" from $8,840 to $9,800.

The amendment was agreed to.

The next amendment was, in section 1, page 31, line 11, after the word "underground," to strike out "thirty-six" and insert "twenty-five;" so as to read:

For putting District wires underground, $25,000.

And after the word "dollars" to strike out the following proviso:

Provided, That the commissioners of the District of Columbia shall require all telegraph, telephone, and other wires to be removed from all streets, avenues, and alleys wherefrom the District wires have been or may be removed, and to require all wires to be placed underground at the expense of the body-corporate, company, or person now maintaining, owning, or using the same. The location of conduits, the trenching, excavation, and relaying of pavements in streets and alleys of the cables and devices used to be subject to the direction and approval of the said Commissioners.

Mr. CHANDLER. I should like to have a statement from the chairman of the committee or the Senator in charge of this bill why the reduction is made in the amount appropriated for putting District wires under ground from $36,000 to $25,000, and also why it is proposed to strike out the proviso inserted by the House. It seems to me a very judicious and wise provision. It is a movement toward putting not only the telegraph and telephone wires but the electric-light wires under ground. As is very well known, wires used for electric lighting are doing mischief in this country, and it is now a not uncommon occurrence to read of the sudden death of some person who has come in contact with an electric-light wire, and there are movements being made in all our cities precisely in the direction of this provision which has been inserted in this bill by the House of Representatives.

In this District the facilities for putting wires under ground are most excellent. There is no city in the Union where it is easier to do it, and no city in the Union where, in my judgment, it ought to be done more promptly and more thoroughly than in this city. And now we find here that a provision that the District wires shall be all put under ground, with a liberal appropriation for that purpose, is accompanied by a requirement that all other wires shall be removed from the streets from which the District wires are being removed; and our committee propose to strike out that provision and to reduce by some $11,000 the appropriation for putting the District wires under ground.

It seems to me, Mr. President, that the committee of the Senate, with all due deference, and awaiting such explanation as they may make, are going in the wrong direction. In all the other parts of this bill they have increased the appropriations. They have not left the bill where it came from the other House, but they have increased the amounts very largely, and the Senate is voting to sustain the increases which they propose; but now we come to a matter which I conceive to be of great importance, where the District ought to move early and not wait, where the House of Representatives is on the right track, and, as it seems to me, the Committee on Appropriations of the Senate is on the wrong track.

Mr. PLUMB. The amount of $25,000, which the committee propose in place of the sum proposed by the other House, is the exact amount estimated for by the commissioners, and the committee followed the estimates of the commissioners as better authority than what the House did without any apparent reason.

The amount is not so important, however. The main feature was the character of the proviso; that is, its ineffectiveness for the purpose intended. The Senate will observe that this paragraph only provides that the wires shall be put under ground on the streets where the District wires are put under ground. Therefore, it is not a perfect or comprehensive system of underground insulation of the wires; and on the streets upon which the District has no wires to put under ground the wires now there of course will remain above ground.

It seemed to the committee that when the time came, as it undoubt-

edly has come now, to put wires under ground, they ought to be, all of them, put under ground, and that they ought to be required to be put under ground by the adoption of some system or plan whereby they shall be put under ground without in any way interfering with the usefulness of the wires.

The committee have it on the authority of the mayor of New York that New York City has not yet devised a system whereby the wires which now encumber the streets of that city can be put under ground. We were informed on the authority of the engineer commissioner that it was not possible to have the wires which carry the electricity for the lights in the same trench with the wires which are used for telephone and telegraph purposes; that they were so much more highly charged with electricity that a separate conduit would be necessary for them.

In the next place, there is no provision in the clause as it came from the House to compel action on the part of the telegraph and telephone companies. It is all well enough to say to the commissioners they shall require it to be done, but suppose the companies do not do it, what penalty then is to be enforced, and by what means shall the penalty be enforced?

These are questions both comprehensive and intricate. They are of a legislative character. They involve study, thorough and protracted consideration, and ought to be embodied in a bill dealing with that subject alone, or at all events in a bill which is entirely legislative in its character.

We believed that this provision would be totally ineffective; that it would lead to litigation; that it would lead to the interruption of necessary communication; that it would lead to the unnecessary tearing up of the streets, and we believed on account of the investigation we gave to the subject at a previous session that there ought to be some main trench or conduit laid from the outskirts of the city of Washington to the center which would cover all the wires coming into the city, and from that radiating trenches which should convey them to the various localities to which they are to render service. That would require the expenditure of a very large sum of money. Twenty-five thousand dollars is no money at all for it. My recollection is that the estimate for a main trench of that kind was in the neighborhood of half a million dollars.

I only speak of the amount as showing how intricate that question of legislation must be which provides for the laying of this trench or of any trench to be used in common by the wires of the telegraph system, by the wires of the telephone system, by the wires of the electric-lighting system, and by the wires of the District of Columbia.

For all these reasons the committee, thoroughly mindful of what the Senator from New Hampshire so well expresses, the great necessity for a movement of this kind, felt that it went far beyond their jurisdiction and far beyond their opportunity now to put the matter in shape, especially at this late hour of the session of Congress, and they preferred to do nothing rather than to do that which they believed would be entirely ineffective and would lead to trouble and useless expense.

If there is any suggestion that the amount of $36,000 is better calculated to meet the necessities for the submerging of the wires of the fire-alarm or the district-telegraph system used by the District government and by the fire department, I think there will be no objection to making that sum larger; but we thought the estimates made by the commissioners themselves were the best guide, especially where there is no special mention made of the matter by the commissioners as involving a greater necessity than their estimates call for.

Mr. CHANDLER. Now, Mr. President, it appears that there is in this bill an object, an important object, with which the Committee on Appropriations are in hearty sympathy, and they have shown their sympathy by striking out a House provision because they say it has not any penal clause and it would be ineffectual. It seems to me it would be a great deal better to take this clause which has got through the House of Representatives somehow or other, and is good as far as it goes, and which may be amended by adding to it a penal clause if the Committee on Appropriations choose to do it and think it needs it, and hold on to this first beginning of a movement to get these dangerous and troublesome and annoying wires where they belong, under ground.

Mr. President, if we wait until the telegraph, telephone, and electric-light companies are willing to put their wires under ground they will never go there. The time will never come when the telegraph companies and the telephone companies and the electric-light companies will think that they ought to put their wires under ground. It is something that must be done by paramount authority. They must be forced under ground by legislation, and here is a very clear and distinct and it seems to me unobjectionable clause, the only criticism of it being the opinion of the Senator from Kansas that in his judgment it will not be operative. There are some submerged wires in this city already. There is a trench going up Fourteenth street, laid down by some of the companies as an experiment; and there are, I think, in that trench some five hundred wires. There are wires enough in that trench now to meet all the requirements for telegraphing and for telephoning in this city for the next one hundred years. There are no electric wires that, as the Senator has said, a separate trench would have to be made for except the electric-light wires that are used for the arc lights.

If that be so, let us make the companies begin to put them down. Do not let us wait until we have a tragedy here in this city and then have Congress legislating under the pressure of such an occurrence. Let us begin. If the District wires are to go under ground, why should not the other wires go at the same time? The Senator says the companies will not put them there unless a penal clause requires them to go there. Then draught the penal clause and compel them to put them there.

The Senator says that this thing which he is so very much in favor of, which the committee are all in favor of, can not be done until we have a comprehensive system which will put them all under ground at once.

Mr. President, I undertake to say that that comprehensive system never will be got up; that if the electric wires in this city or in any other city are put under ground it will have to be done piecemeal, by making a beginning, by forcing some of the wires under ground and demonstrating that the system of telegraphing and the system of electric lights will operate through underground wires, and then the rest of them will go under ground.

They have a very difficult problem on hand in New York City, I admit. There is a city perfectly gridironed with wires; many of the streets are narrow, and it is a very troublesome problem to get the telegraph wires in New York under ground, and the corporations there which do not want to put them under ground are very powerful to prevent the enforcement of any law made for the purpose of putting them under ground; but I did not suppose that the corporations in this city were so powerful that they could strike out of a bill of this kind a clause inserted by the House of Representatives going in the right direction as easily as they appear to be striking this clause out of this bill.

Now, Mr. President, I say that if there is to be any appropriation at all made for putting under ground the District wires that pass through any street or lane or alley or avenue of this city, the companies which have their corporate wires partly over the same line ought to be compelled to put them underground at the same time, and I hope that the committee will waive their amendment, and, if necessary, frame and place on the bill a penal clause, and that we shall do something here and now to overcome the danger that is upon us this very day and this very hour of just such casualties and calamities and death as are taking place in other parts of the country.

Mr. BECK. I hope before the Senator sits down he will give us the authority he has for making the statement that the corporations which control these wires have been able to have this thing done. Has he any idea that the action of the Committee on Appropriations has been taken at the dictation of any corporation? If he has, let him state it. I say it is not true.

Mr. CHANDLER. The Senator from Kentucky, always courteous, says that something is not true. What it is precisely that he says is not true I do not understand. I stated that the corporations had been successful in getting the clause out of the bill. Is that untrue?

Mr. PLUMB. It is untrue, decidedly.

Mr. CHANDLER. I should like to have the Senators explain why and how that is untrue. Here is the proposition of the committee to strike it out.

Mr. PLUMB. Mr. President, no representative of any corporation, railroad, telegraph, telephone, or electric light, appeared before the committee, so far as I know, or ever said a single word to any member of the committee. They certainly did not to any member of the subcommittee having charge of the bill, I am sure.

The question is not by any means as simple as the Senator from New Hampshire thinks. The committee do not know by what authority the telegraph companies, the telephone companies, or the electric light companies have put their poles up in the streets. They do not know, therefore, whether the provision contained in the appropriation bill is such a one as is warranted by the terms of possession or license, or whatever else it may be called, which has enabled these companies to put their poles on the streets; and this provision only enters on the threshold; it does not dispose of the matter. The committee do not believe, and I am not at all convinced by the argument of the Senator from New Hampshire, that this provision would result in putting one single inch of the wires of any of these companies underground if it were adopted.

And as the Senator from Massachusetts [Mr. DAWES] suggests, not because the companies might not themselves be perfectly willing to do it if there were a practical plan and they were authorized to go under ground in such a way that the improvement made might be permanent, but the Senate will observe that there is no provision here by which they shall have a permanent right. The wires may be put under ground to-day if this provision shall be operative by the force of the police power of the commissioners of the District of Columbia, and they may be taken up by the same power. If these wires are put under the streets, it ought to be in some way whereby the easement which is necessary for the breaking of the streets should be granted to the companies in order to take possession of that easement and not be unnecessarily disturbed, because the disturbance of that easement or

of the wires penetrating it is an injury to the public as well as the company. It is in the interest of the public that we should not interfere. It is to the interest of the public that when these streets are torn up they shall be torn up once for all as nearly as possible. They may not be torn up to-day in one block and to-morrow in another, and then somewhere else, and so on from time to time, so as to disturb the streets which cost so much and the convenience of the people. It is better to go slowly in matters of this kind than to go hastily and with lack of consideration.

I do not believe myself if the Senator from New Hampshire were to sit down to draught a proposition of this kind, having in view this object, he would be able to put it in shape until after a great deal of cogitation and consultation of authorities and so on. This the Committee on Appropriations did not feel that they had time to do. They did not feel that it was specially committed to them to do it.

These reasons, and the other reasons I have already stated, and some others which might well be stated if the discussion should be protracted, induced the committee to strike out this provision, and in order to relieve the Senator from New Hampshire from his apprehensions that in some way the corporations have been powerful about the committee-room, I repeat what I said before, that as far as I know there was no representation of any kind whatever, direct or indirect, made by the corporations themselves or any persons in their interest on this subject.

Mr. DAWES. Mr. President, as a member of the subcommittee which reported this bill to the full committee, I wish to say that I approached this paragraph with very much the temper and very much the disposition of the Senator from New Hampshire, and it was only after listening to the intelligent and thorough statement by the engineer commissioner of the District, one of the most accomplished engineers in the service, and the only person whom I heard speak on this subject, and who is himself studying the problem of how to put the electric-light wires under the surface, that I was driven from the position occupied now by the Senator from New Hampshire to the conclusion that with the knowledge we have of the difficulties and complications of the question it were better to strike out this clause and wait until investigation and experiment and expenditure elsewhere now going on under the eye and under the study of this intelligent engineer should bring out results safer and more conducive to the welfare of the District, rather than to go on with the partial and ill-considered and crude proposition that is in the bill.

I have no knowledge, and I do not think any member either of the subcommittee or of the full committee has any knowledge of the views upon this subject of the corporations who have control of these wires, beyond the fact that they are in other places trying the experiment how to put down the wires in such form and in such method as will not impair their usefulness. We were told by this engineer that he had within a week received information that they had discovered a method and a plan by which they could put them down in Philadelphia, but how long a continuation of the wires in the method they had devised to put them down he could not tell, or as to how long they would prove under that method to be safe and unimpaired he was uncertain. He had gone to Brooklyn where they were experimenting in the same way, and he came back uncertain what to do.

Yet here at our table, in the discussion of this hour, it is suggested by the Senator from New Hampshire that we can pen a provision that will solve this whole problem. I think if the Senator would listen to a learned and intelligent engineer, who is studying the subject and is desirous of accomplishing the end he desires, he would be less anxious than he is now to keep this clause in the bill or attempt to draw one himself.

Mr. GORMAN. Mr. President, it so happens that I was not present in the Committee on Appropriations when this particular provision was considered, but I am heartily in accord with the committee in striking out the clause. To have the wires of all these companies under ground is the one desirable thing, but in directing that they shall be placed under ground it should be done upon a system that is perfectly fair to those who are interested in these various companies. Provision must be made necessarily, if justice is to be done, that the charges shall be fixed and uniform, and that all shall be treated alike.

The question whether it can be done successfully for all the wires, as the Senator from Massachusetts well said, is yet an open question; but let me say to the Senator from New Hampshire that while it was not intended by the authors of this provision or by the committee who reported it in the other House, the provision as it stands in the bill and as now proposed to be stricken out would place all the property of all those corporations which have obtained rights in the hands of two or three individuals in this District. If the Senator from New Hampshire is seeking to prevent monopoly and to prevent injustice, he has taken the wrong course. It so happens that within this District the commissioners have granted to two or three individuals, not incorporated, with no rights obtained from Congress, and, as I think, in violation of the law, the right to dig up these streets and place trenches and make a conduit for the purpose of putting the wires under ground.

I do not impute any bad motive to any man, but I say the provision as it stands now would have the effect to place in the hands of two or three individuals the entire monopoly of this business in the District of Columbia. From what I have seen of the commissioners (and I only know of their public acts) I for one am not content to leave with the majority of the board the right to give such a monopoly as they have given to two or three men, and force contributions from all the people who have invested and been engaged in telegraph, telephone, and electric-light business in the District of Columbia. It is unsafe and it is unwise. When a provision is made by Congress requiring all the wires to be placed under ground it ought to be done under such regulations that all will be treated alike.

Mr. HOAR. I hope we may have a vote on this matter. I desire to say to the Senator from Maryland that arrangements are about being made by which the wires in which he takes such an interest will be all removed in this District by next November. There will be no necessity for any legislation on the subject.

Mr. GORMAN. I did not hear the Senator from Massachusetts.

Mr. CHANDLER. Mr. President, I have no reason to suppose that any person interested in any of the existing corporations maintaining their wires in this District has appeared before the Committee on Appropriations, and I do not suppose that any member of the committee is influenced by any motive except that of public duty. But I still think that they have made a mistake in recommending that Congress shall not take this one particular step in advance.

We are to wait, we are told, until a comprehensive system is adopted for putting all the wires under ground. Why, then, do we go on with the work of putting the District wires under ground?

Mr. DAWES. It is perfectly practicable to put the telephone and telegraph wires under ground. The trouble is that after that is done all the dangerous wires are still left.

Mr. CHANDLER. The dangerous wires will be less likely to stay here if you will put the telegraph and telephone wires under ground to begin with.

The attention of the Senate is called to this precise provision. It is an appropriation coming from the other House of $36,000 to put the District wires under ground, and the provision which is stricken out is merely one which says that through those streets, avenues, and alleys wherefrom the District wires have been or may be removed these dangerous wires shall be removed from the streets and put under ground.

The Senator from Kansas says that the streets should not be torn up until a comprehensive plan can be adopted. But the streets are to be torn up in order to put the District wires under ground. I ask why, if that is to go forward and on certain streets and avenues of this District a trench is to be dug and the District wires are to be put under ground, it is not perfectly feasible and practicable to put the private telephone and telegraph wires under ground at the same time and through the same streets and alleys? I believe it is, and I do not think the argument that we should wait until a comprehensive plan can be adopted is at all pertinent to the proposition that in those streets where these $36,000 are to be expended for putting the District wires under ground the other wires shall not go under ground, and that no beginning shall be made in this important work which every Senator seems to have at heart, but which so many are unwilling to undertake to begin.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Appropriations.

Mr. CHANDLER. Can a vote on that by yeas and nays be taken in the Senate?

The PRESIDENT *pro tempore*. It can.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "health department," in section 1, on page 32, line 14, after the word "items," to strike out "three thousand five hundred" and insert "four thousand;" so as to read:

And for contingent expenses, including books, stationery, fuel, rent, repairs to pound and vehicles, forage, meat for dogs, horseshoeing, painting, and other necessary items, $4,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 32, line 16, to increase the total amount of the appropriations for "health department" from $42,810 to $43,310.

The amendment was agreed to.

The next amendment was, under the head of "Courts," in the clause making appropriations "for the police court," in section 1, on page 33, line 5, after the word "gas," to strike out "witness fees;" in the same line, after the word "items," to strike out "two thousand five" and insert "eight;" in line 6, after the word "dollars," to insert "for witness fees, $3,000;" in line 7, after the word "dollars," to strike out "for judicial expenses, $2,500;" and in line 8, after the word "all," to strike out "fifteen thousand seven" and insert "fourteen thousand five;" so as to make the clause read:

For the police court: For one judge, $3,000; one clerk, $2,000; one deputy clerk, $1,000; two bailiffs, at $3 per day each; one messenger, $900; one doorkeeper, $540; United States marshal's fees, $1,400; contingent expenses, including compensation of a justice of the peace acting as judge of the police court during the absence of said judge, not exceeding $300; books, stationery, fuel, ice, gas, and other necessary items, $800; for witness fees, $3,000; in all, $14,518.

The amendment was agreed to.

The next amendment was, in the appropriations for "miscellaneous expenses," in section 1, on page 34, line 13, after the word "horses," to insert "not otherwise provided for;" in line 15, after the word "offices," to strike out "six thousand seven hundred" and insert "seven thousand;" and in line 17, before the word "hundred," to strike out "five" and insert "eight;" so as to make the clause read:

For rent of District offices, $3,600; for general advertising, $3,000; for books and repairs of books for register of wills, $200; to enable the register of wills to complete the assorting, briefing, and filing the records and papers of his office prior to 1879, including clerical service and purchase of file-holders and books, $1,000; printing, checks, damages, forage, care of horses not otherwise provided for, horseshoeing, fuel, ice, gas, repairs, insurance, rebinding and repairing records, and other general necessary expenses of District offices, $7,000; in all $14,800.

The amendment was agreed to.

The next amendment was, under the head of "for reformatories and prisons," in the appropriations "for Washington Asylum," in section 1, on page 34, line 25, before the word "overseers," to strike out "five" and insert "six;" so as to read:

Six overseers, at $600 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 35, line 3, before the word "watchmen," to strike out "five" and insert "six;" so as to read:

Six watchmen, at $365 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 35, line 11, after the word "at," to strike out "sixty" and insert "one hundred;" so as to read:

Four nurses, at $100 each.

The amendment was agreed to.

The next amendment was, in section 1, on page 35, line 13, to increase the total amount of the appropriations for employés of the "Washington Asylum" from $13,415 to $14,540.

The amendment was agreed to.

The next amendment was, in section 1, on page 35, to strike out line 21, as follows:

For fire-escape, $1,500.

And insert:

For fire-escapes, $600.

The amendment was agreed to.

The next amendment was, in section 1, on page 35, after line 22, to insert:

For constructing and furnishing lying-in ward, $2,750.
For introduction of gas into almshouse, $300.
To pay the expense of changing one of the magazine buildings into a ward for the use of old and infirm paupers, $600.

The amendment was agreed to.

The next amendment was, in the appropriations for "Reform School," in section 1, on page 37, line 7, after the word "dollars," to insert "all in the discretion of the commissioners;" and in line 8, before the word "thousand," to strike out "twenty-five" and insert "twenty-six;" so as to make the clause read:

For support of inmates, including groceries, flour, feed, meats, dry-goods, leather and shoes, gas, fuel, hardware, table-ware, furniture, farm implements and seeds, harness and repairs to same, fertilizers, books, stationery, plumbing, painting and glazing, medicines, medical attendance, stock, fencing, repairs to buildings, and other necessary items, including compensation, not exceeding $900, for additional labor or services, and for transportation and other necessary expenses incident to secure suitable homes for discharged boys, not exceeding $500, all in the discretion of the commissioners, $26,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 37, line 13, to increase the appropriation "for grading, draining, and improving grounds and roads" from $300 to $500.

The amendment was agreed to.

The next amendment was, in section 1, on page 37, line 23, after the word "expenses," to insert "all in the discretion of the commissioners;" so as to make the clause read:

For the Industrial Home School: For maintenance of inmates and salaries of superintendent and employés, the promotion of industries, and general repairs, and other necessary expenses, all in the discretion of the commissioners, $10,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "the Industrial Home School," in section 1, at the top of page 38, to insert:

For new boiler and connections, and repairing and restocking greenhouses, $1,500.

The amendment was agreed to.

The next amendment was, in the appropriation "for charities," in section 1, on page 38, after line 11, to insert:

To enable the commissioners of the District to furnish temporary food and lodging to indigent persons, male and female, to be expended in their discretion, $2,500.

The amendment was agreed to.

The next amendment was, after the clause appropriating $9,000 "for the National Association for Destitute Colored Women and Children," in section 1, on page 38, after line 22, to insert:

To enable said association to care for colored foundlings, $1,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 39, line 14, after the word "foundlings," to strike out "for filling and grading grounds, $1,000," and insert "for erecting and completing a ward for colored foundlings, $5,000;" and in line 18, after the word "all," to strike out "eight" and insert "twelve;" so as to make the clause read:

For the Washington Hospital for Foundlings, for erecting and completing a ward for colored foundlings, $5,000; for heating apparatus, $900; and for maintenance, $7,000; in all, $12,900.

The amendment was agreed to.

The next amendment was, in section 1, on page 39, after line 19, to insert:

To complete the erection of additional accommodations for the use of the Saint Rose Industrial School, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 40, line 6, before the word "thousand," to strike out "two" and insert "three;" and in line 7, after the word "all," to strike out "five" and insert "six;" so as to make the clause read:

For the National Homeopathic Hospital Association of Washington, D. C., for improvements upon the buildings, $3,500; for maintenance, $3,000; in all, $6,500.

The amendment was agreed to.

The next amendment was, in section 1, on page 40, to strike out lines 11 and 12, as follows:

For maintenance of the Young Woman's Christian Home, $1,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 40, to strike out the clause from line 13 to line 21 inclusive, as follows:

That the commissioners are hereby directed to report to Congress at its next session what institutions, if any, for the care of foundlings appropriated for herein refused admission to foundlings on account of race or color, and if any so refused, to give the assigned reasons for such refusal.

The amendment was agreed to.

The next amendment was, in section 1, on page 40, line 5, after the word "with," to strike out "a report as to what legislation is necessary to provide the District with proper institutions of this character," and insert "such suggestions and recommendations as they may deem pertinent;" so as to make the clause read:

That hereafter the several institutions included under the heads of asylums, reformatories, industrial schools, and charities named in the annual appropriation acts for the support of the District of Columbia shall report to the commissioners of the District, on or before the first day of December of each year, a full and detailed account of receipts and expenditures, and all their operations, and said commissioners shall transmit the same to Congress at the beginning of each regular session, with such suggestions and recommendations as they may deem pertinent, together with estimates for maintaining the same.

The amendment was agreed to.

The next amendment was, under the head of "Emergency Fund," in section 1, on page 41, after the word "character," at the end of line 12, to insert "and in all other cases of emergency;" so as to make the clause read:

EMERGENCY FUND.

To be expended only in case of emergency, such as riot, pestilence, calamity by flood or fire, and of like character, and in all other cases of emergency not otherwise sufficiently provided for, $5,000: *Provided*, That in the purchase of all articles provided for in this act no more than the market price shall be paid for any such articles, and all bids for any of such articles above the market price shall be rejected.

The amendment was agreed to.

The next amendment was, under the head of "Water Department," in section 1, on page 41, line 24, after the words "one clerk," to strike out "nine hundred" and insert "one thousand;" on page 42, line 1, after the word "dollars," to insert "one draughtsman, $1,800;" in line 4, after the word "dollars," to insert "six inspectors, at $900 each;" and in line 7, after the word "all," to strike out "ten thousand, eight," and insert "eighteen thousand, one;" so as to make the clause read:

For one chief clerk, $1,500; two clerks, at $1,400 each; one clerk, $1,000; one superintendent, $1,600; one draughtsman, $1,800; one messenger, $600; one inspector, at $3 per day, $936; six inspectors, at $900 each; contingent expenses, including books, blanks, stationery, forage, advertising, printing, and other necessary items and services, $2,500; in all, $18,136.

The amendment was agreed to.

The next amendment was, in section 1, on page 42, after line 13, to insert:

For laying a new water-main from K street northwest down Fourteenth street to B street southwest, including necessary connections, $31,000; this sum to be paid out of the Treasury of the United States and to be repaid from the revenues of the water department for the fiscal year 1890.

The amendment was agreed to.

The next amendment was, on page 43, to strike out section 3, as follows:

SEC. 3. That the Treasurer of the United States is hereby directed and authorized to apply such portion as may be deemed expedient of any surplus which may remain at the close of the fiscal year 1888, and of each fiscal year thereafter, of the general revenues of the District of Columbia in excess of one-half of those appropriations payable equally out of the revenues of the District and the United States, to the payment of the balance yet remaining unpaid of the debt of the District of Columbia created by the act approved July 15, 1882, entitled "An act to increase the water supply of the city of Washington, and for other purposes:" *Provided*, That the amount of said surplus shall first be reported to the commissioners of the District of Columbia and the Treasurer of the United States by the First Comptroller of the Treasury when called upon to do so.

And in lieu thereof to insert:

SEC. 3. That all moneys received from sales of animals or material of any sort

purchased under appropriations, other than for the water department for the District of Columbia, made since July 1, 1878, shall be paid into the Treasury of the United States to the credit of the United States and the District in equal parts; and all balances of appropriations made for the District of Columbia under section 3 of the act of June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia," remaining unexpended at the end of two years from the close of the fiscal year for which such appropriations were or may be made, shall be covered into the Treasury, one-half to the credit of the surplus fund and one-half to the credit of the general fund of the District of Columbia.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The committee amendments are concluded. Are there other amendments to the bill?

Mr. PLUMB. In the appropriations for salaries and contingent expenses of executive office I wish to change the total, on page 3, line 2, by striking out $43,664 and inserting $44,464. I move that amendment.

The amendment was agreed to.

Mr. PLUMB. On page 23 I move to change the total in line 12 of the clause making appropriations for salaries of superintendents, teachers, etc., of public schools from $1,001,236 to $1,036,236.

The amendment was agreed to.

Mr. PLUMB. Now, on page 12, between lines 22 and 23, under the head of "northwest section schedule," I move to insert:

L street, from Twenty-sixth street to Twenty-seventh street.

The amendment was agreed to.

Mr. DAWES. As a member of the committee, I move to add, after line 15, on page 38, in the appropriations "for charities," the following words:

And the said commissioners may allot for that purposes such portions of this sum as they may deem fit, to the Washington Night Lodging House and the Young Woman's Christian Home, respectively.

The amendment was agreed to.

Mr. CALL. I move to amend the bill, on the second page, twentieth line, by striking out the words:

One inspector of plumbing, $1,800;

And inserting:

One supervising inspector of plumbing of all buildings and of sewers in the District of Columbia, $3,500.

Mr. PLUMB. I do not care to make a point of order against the amendment of the Senator from Florida, and if the amendment does not take this officer out from under the charge of the commissioners of the District and give to him authority to be exercised separate and apart from their direction, I do not care anything about it; but the sum which the Senator proposes as salary I can not consent to. It is beyond the estimate. The estimate, I think, was $1,800, and while I concede that there might well be some increase, the Senator proposes to nearly double his salary.

The PRESIDENT *pro tempore*. The amendment will be reported from the desk.

The CHIEF CLERK. In section 1, on page 2, line 20, it is proposed to strike out "one inspector of plumbing, $1,800" and insert:

One supervising inspector of plumbing of all buildings and of sewers in the District of Columbia, $3,500.

Mr. PLUMB. I will not make the point of order at this moment, if the Senator will state his purpose.

Mr. CALL. That is recommended by the Committee on the District of Columbia in a recommendation signed by a majority of the members or all of them. Therefore I do not think any point of order can be made upon it. Now, it originated in this manner: I introduced at the request of some citizens of this District the following amendment to the bill, which was referred to the Committee on the District of Columbia:

Five thousand dollars is hereby appropriated for a chief inspector of plumbing and sanitary engineer for the inspection tri-monthly and direction of all plumbing and sewers in the District of Columbia, and of all public buildings, and of all other buildings in the District of Columbia, and of all other buildings of the United States in any State or Territory when required by the Secretary of the Treasury or the head of any Department, who shall be required to report annually through the commissioners of the District of Columbia as to all buildings in the District of Columbia, and through the heads of the respective Departments or the Supervising Architect of the Treasury as to all buildings of the United States.

The committee reported so much of this amendment as is contained in the amendment which I have now offered, and recommended a salary of $3,500. The following letter was addressed to me and referred to the committee, which I will read:

WASHINGTON, D. C., *May* 29, 1888.

DEAR SIR: With pleasure we notice the action you have proposed upon the question of the sanitary inspection of all dwellings. We believe that many houses which are occupied as dwellings, and some of our public buildings, are so deplorably unhealthy as to menace the public health, and without some action of Congress there is no authority for the application of remedial measures. The inspector of plumbing, though evidently an efficient and energetic officer, has no authority beyond the examination of private structures in course of erection; and we earnestly recommend the early and favorable action of Congress upon some measure similar to that proposed by you.

Very respectfully,

WM. M. GALT.
S. C. BUSEY, M. D.
W. W. JOHNSTON, M. D.
CHARLES C. GLOVER.
E. FRANCIS RIGGS.

Hon. WILKINSON CALL,
United States Senate.

Dr. Johnston states as follows:

As it is proposed to increase the duties of the Inspector of Plumbing, and knowing what additional labor and responsibility this work will put upon him, I feel that the salary of his present office is much too small. The technical knowledge which he employs and the work he now does ought to be well paid for.

W. W. JOHNSTON, M. D.

Mr. PLUMB. Let me ask a question, which will perhaps obviate argument on the subject. Admitting now the force of all that the Senator says about the desirability of some such authority as he desires, does he mean to say that the language which he has proposed will give this official authority to do anything else than inspect? Will it give him authority to change the plumbing of the District? Will it give him authority to make forcible entry into a building or enter a building against the wishes of the proprietor?

Mr. CALL. No.

Mr. PLUMB. In what way will it add to the authority the inspector now has?

Mr. CALL. In the first place, there is no obligation on anybody to inspect private residences, yet if the inspector under this bill were to go into a private house and see that the plumbing there was constructed improperly, and therefore, within the law, he was authorized to apply a compulsory remedy for its abatement, or the sanitary and police laws of the District would answer for that purpose, the owner of that house might still contest the fact and leave it for the courts to determine.

Mr. PLUMB. Then I understand this man does not get any authority he has not now.

Mr. CALL. Oh, yes.

Mr. PLUMB. Then I make the point of order that it is legislation. I will not make the point of order on a proper increase of salary, but I must make it on an increase to beyond $3,000.

Mr. CALL. That is a question which will have to be discussed. I do not consider that there is any point of order under the rules on any legislation that is recommended by a committee pertinent and germane to the bill.

Mr. PLUMB. I make the point of order against the amendment that it is legislation, that it increases the appropriation, and that the sum proposed as a salary is not estimated for.

Mr. CALL. Pending that point, I move that the Senate adjourn.

Mr. PLUMB. I hope the Senate will not adjourn at this time. The Senator will have an opportunity to move his amendment in the Senate. If he desires to have a vote reserved on any amendment to be taken when the Senate is full I shall not object; but I should like to have the bill reported to the Senate now, and in the Senate the amendment can be moved.

Mr. CALL. Then I will pass over this point informally.

Mr. PLUMB. The Senator can move his amendment in the Senate.

Mr. CALL. Let it be so understood.

The PRESIDENT *pro tempore*. Does the Senator withdraw the amendment in Committee of the Whole?

Mr. CALL. If I have the right to offer it again in the Senate.

The PRESIDENT *pro tempore*. The Senator can offer it when the bill is reported to the Senate.

Mr. CALL. Very well; with that understanding I withdraw it now.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire desire to reserve the amendment on page 31 for a separate vote?

Mr. CHANDLER. Yes, sir.

The PRESIDENT *pro tempore*. The other amendments will be voted on in gross if there be no objection.

The amendment, on page 2, line 20, will also be reserved to enable the Senator from Florida to propose his amendment in the Senate. The question is on concurring in the amendments not reserved for a separate vote.

The amendments not reserved were concurred in.

Mr. CHANDLER. With the consent of the Senator in charge of the bill, I should like to reserve a vote on the change on page 31, line 11, from $36,000 to $25,000 "for putting District wires under ground."

The PRESIDENT *pro tempore*. That is reserved, and also the amendment on page 2, line 20; but the other amendments made in Committee of the Whole are concurred in by the Senate. The bill is still open to amendment in the Senate. Does the Chair understand the Senator from Florida to propose his amendment in the Senate?

Mr. CALL. Yes, sir; I propose it.

Mr. CHANDLER. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The vote will be reserved on the amendment on page 31. The Senator from Florida proposes an amendment on page 2, and the Senate, as in Committee of the Whole, resumes the consideration of the bill (S. 62) to provide for fortifications and other seacoast defenses, which will be left as the unfinished business. The Senator from New Hampshire moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 13, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 12, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

FISH-CULTURAL STATION, MISSOURI.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the United States Commissioner of Fish and Fisheries of an appropriation for the establishment and maintenance of a fish-cultural station in the Ozark region, Missouri; which was referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-HOUSE AND FOG-SIGNAL, CHESAPEAKE BAY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of an appropriation for the establishment of a light-house and fog-signal at Cedar Point, mouth of the Patuxent River, Chesapeake Bay, Maryland; which was referred to the Committee on Commerce, and ordered to be printed.

ROCK ISLAND DAM.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting, with accompanying papers, a letter from the Chief of Ordnance in relation to the destruction of the dam at Rock Island arsenal by floods in the Mississippi River; which was referred to the Committee on Appropriations, and ordered to be printed.

COMPENSATION OF UNITED STATES DISTRICT ATTORNEYS.

The SPEAKER also laid before the House a letter from the Acting Attorney-General in relation to appropriations for compensation of United States district attorneys and assistant district attorneys for the fiscal year 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The SPEAKER also laid before the House letters from the assistant clerk of the Court of Claims, transmitting copies of findings of fact in the several cases of E. B. Bryan & Co., Sarah A. Bashard, and Elisha M. Shadden, *vs.* The United States; which was referred to the Committee on War Claims.

S. A. B. WOODFORD.

The SPEAKER also laid before the House a letter from the chie clerk of the War Department, requesting the transfer to the Department of certain evidence on the files of the House relating to the claim of S. A. B. Woodford.

The SPEAKER. Without objection the request embodied in this communication will be complied with, and the evidence referred to will be furnished to the Department by the Clerk.

There was no objection, and it was so ordered.

CONSTRUCTION OF OFFICERS' QUARTERS, NEW YORK, ETC.

The SPEAKER also laid before the House a letter from the chief clerk of the War Department, transmitting a request from the Chief of Ordnance that the Committee on Military Affairs be discharged from the consideration of Executive Document No. 343, containing estimates for officers' quarters at New York, and for hospital building at Rock Island arsenal, and that the same be referred to the Committee on Appropriations.

The SPEAKER. Has the gentleman from Pennsylvania given attention to this communication?

Mr. RANDALL. No; but the Committee on Appropriations is considering the subject now.

The SPEAKER. The Chair thinks the communication had better be read.

The Clerk read as follows:

WAR DEPARTMENT, *Washington, June* 9, 1888.

SIR: I have the honor to transmit the inclosed letter of this date from the Chief of Ordnance with its accompanying copy of House Executive Document No. 343, Fiftieth Congress, first session, in which he requests that the special estimates for the erection of a hospital at Rock Island arsenal and for temporary quarters at New York arsenal, which were referred to the Committee on Military Affairs, be referred to the Committee on Appropriations, House of Representatives.

Very respectfully,

JOHN TWEEDALE, *Chief Clerk, etc.*

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER. If there be no objection, the Committee on Military Affairs will be discharged from the further consideration of the matter referred to in this communication, and the same will be referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

REPORT ON FOREST CONDITIONS, ROCKY MOUNTAINS.

The SPEAKER also laid before the House the following communication:

DEPARTMENT OF AGRICULTURE, *June* 10, 1888.

SIR: I would respectfully ask the consent of the House of Representatives to return, for the use of this Department, the manuscript of a report on "the forest conditions of the Rocky Mountains," transmitted to the House upon resolution of Mr. S. V. WHITE, on February 28, referred, and now in the hands of the Committee on Printing.

Respectfully,

F. C. NESBIT, *Acting Commissioner.*

Hon. J. G. CARLISLE,
Speaker of the House of Representatives.

The SPEAKER. Without objection, this request will be complied with and the manuscript will be returned.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LATHAM, for ten days, on account of important business.

To Mr. GROSVENOR, indefinitely, on account of important business.

To Mr. FISHER, indefinitely, on account of important business.

To Mr. TARSNEY, for two weeks, on account of important business.

UNITED STATES MINT BUILDING, PHILADELPHIA.

Mr. RANDALL. I now call up the unfinished business.

The SPEAKER. The regular order is the question upon the motion of the gentleman from Missouri to refer the communication the title of which the Clerk will read, to the Committee on Coinage, Weights, and Measures.

The Clerk read as follows:

Letter from the Secretary of the Treasury transmitting an estimate from the Supervising Architect of an appropriation for alteration and repairs of the United States mint building at Philadelphia, Pa.

Mr. BLAND. Is the motion debatable?

The SPEAKER. It is not, under the rules.

The question was taken; and on a division there were—ayes 23, noes 57.

So the motion was rejected.

Mr. BLAND. Mr. Speaker, I move to refer this to the Committee on Public Buildings and Grounds. It certainly does not belong to the Committee on Appropriations.

Mr. RANDALL. Then the work will never be done.

The question being taken on the motion of Mr. BLAND, it was rejected.

The communication was then referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. TAULBEE. I understood that the House by its action on yesterday morning set apart for consideration to-day a resolution from the Committee on Post-Offices and Post-Roads.

The SPEAKER. If the gentleman calls it up it would be the regular order. But as it was not postponed to any particular hour the House will proceed with its regular business unless that matter is called up. Does the gentleman call it up?

Mr. TAULBEE. If I do not call it up what will be the order of business?

The SPEAKER. If the gentleman does not call it up the Chair will proceed with the regular order of business and call on committees for reports.

DISALLOWED POSTMASTERS' CLAIMS.

Mr. TAULBEE. I will call it up.

Mr. BRECKINRIDGE, of Arkansas. This is a privileged matter.

The SPEAKER. It is a privileged matter. The Clerk will read the resolution.

The Clerk read the resolution, as follows:

Resolved, That the Postmaster-General be requested to transmit to the House of Representatives a tabulated statement of the disallowed postmasters' claims presented from the State of Kentucky under the act of March 3, 1883, exhibiting all such claims as by an actual computation of commissions prescribed by the act of 1854, and entered upon claim jackets, show that the paid salaries are 10 per cent. or more less than such commissions. Such tabulated statement to show in each case: First, the name of the post-office; second, the name of the applicant; third, the period of service covered by the computation of commissions; fourth, the amount of the computed commissions; fifth, the amount of paid salary for the same term of office; sixth, the actual amount of commissions in excess of the paid salary.

Mr. ANDERSON, of Illinois, was recognized.

Mr. TAULBEE. Mr. Speaker, I claim the floor.

The SPEAKER. But the Chair has recognized a member of the committee under the invariable practice of the House that if any member of the committee claims the floor he shall be recognized. The Chair will recognize the gentleman from Kentucky [Mr. TAULBEE] at the appropriate time.

Mr. SPRINGER. The gentleman who made the report is entitled to the floor.

The SPEAKER. The gentleman who makes the report is entitled to the floor, if he claims it.

Mr. TAULBEE. One moment. I insist that I was recognized, Mr. Speaker, and I took the floor and called up the resolution.

The SPEAKER. The Chair simply adheres to the practice of the House, which is to recognize the gentleman from the committee making the report, if he claims the floor.

Mr. TAULBEE. Does that practice of the House go so far as tak-

ing a member off the floor when he has been recognized and taken the floor?

The SPEAKER. The Chair supposed the gentleman from Kentucky would recognize the usual practice. When the Chair recognized the gentleman from Kentucky the Chair did not know what he proposed to do, but supposed he desired to make some motion or suggestion. If the gentleman from Illinois [Mr. ANDERSON] claims the floor the Chair is bound under the rules of the House and under the practice of the House to recognize him. But that does not preclude the gentleman from Kentucky [Mr. TAULBEE] from being recognized afterwards.

Mr. ANDERSON, of Illinois. Before proceeding to the discussion of this question I would like to know how much time the gentlemen on the other side desire.

Mr. ANDERSON, of Mississippi. I believe it is understood we shall have an hour on each side. That is my understanding.

Mr. ANDERSON, of Illinois. Mr. Speaker, inasmuch as the gentlemen on the other side desire one hour for the discussion of this matter, I ask unanimous consent that the debate be closed and the previous question be ordered at the end of two hours—an hour being allowed on either side.

Mr. TAULBEE. I do not know by what authority the gentleman speaks, or whose authority he has for saying that the friends of this resolution only desire one hour. So far as I am concerned, I believe I shall not want to occupy more than fifteen minutes. As I understand the indication of the Chair, I will be entitled to one hour when I am recognized. I do not know that I shall want to consume that time, but I do not feel authorized to cut out from this debate the gentlemen who are on the committee, especially Mr. ANDERSON, of Mississippi, and Mr. PETERS, of Kansas, who have taken some pains in informing themselves with reference to the merits of this proposition. I think it would be unfair to them to cut them off. I do not want to agree now to limit myself to less than one hour, and may ask an extension of time. I do not want the other members of the committee cut off, because I know they possess information on the subject and I want their help.

Mr. PETERS. As a member of the committee and as one who signed the minority report, I think it but following the custom of the House, as well as the rights of the members of the committee who signed the minority report, to give control of the opposition to the minority resolution into the hands of the minority of that committee. Mr. ANDERSON, of Mississippi, Mr. MONTGOMERY, of Kentucky, and myself signed the minority report. I shall insist upon the members of the committee, as is the usual custom, controlling the time. I am perfectly willing, so far as I am concerned, to accord to the gentleman from Kentucky [Mr. TAULBEE] all the time that can possibly be given him in keeping with the rights of the members of the committee, whose rights should be, in all cases under the rules of the House, consulted first. The members of the committee have given this matter some study, and have as much interest in it so far as their constituents are concerned as the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. I shall be very sorry indeed if by anything I have said or done I have misled the gentleman from Kansas [Mr. PETERS] into the belief that I have at any time entertained a desire to take this matter out of the hands of the minority of the committee making this report. I have at all times relied on them for help; but I do not know of any rule that will deprive me of presenting the rights of my constituents in this matter, or deprive me of the recognition which the Chair has already signified his willingness to give me. I have said that I am unwilling to do the injustice to the minority which an agreement to limit debate to one hour on each side might work, because I recognize that they have rights and I appear in their defense. I believe they are in accord with my sentiment in this matter, and I certainly should regret very much if we disagreed among ourselves. So far as limiting the debate is concerned, I rely on the promise of the Chair for recognition.

Mr. PETERS. I understood the Chair to say that, in accordance with the custom of the House, he would recognize members of the committee, and, relying upon that statement of the Chair when the gentleman from Illinois [Mr. ANDERSON], who made the majority report, was addressing the Chair, we did not seek anything further until the question came up and the gentleman from Illinois asked whether we could agree as to the time. The gentleman from Mississippi [Mr. ANDERSON] then said he thought we could agree upon an hour on each side, whereupon the gentleman from Kentucky [Mr. TAULBEE] rises and claims that he is recognized by the Chair to control the hour, and that is what I protest against.

Mr. TAULBEE. I beg the gentleman's pardon; I do not think I stated that. What I said was that the Chair had taken me off the floor under a custom of the House, and had stated that further along he would recognize me in my own right.

The SPEAKER. Of course, if the previous question should be ordered by the House, the Chair could not recognize any gentleman after that. But in this case there is a report by the majority of the committee, and the views of the minority have also been presented by a member of the committee. The invariable practice in this House, so far as the present occupant of the chair is advised, has been to recognize the members of the committee first, especially where there is a difference of opinion in the committee. If there is no difference of opinion, then the Chair will alternate between the members of the committee advocating the report and other gentlemen on the floor opposing it.

In this case there are, as it were, two reports, the report of the committee and the views of the minority, and the Chair must recognize first those gentleman on the committee who represent the different aspects of the question thus presented. After that, if the previous question is not ordered, the Chair will recognize other gentlemen.

Mr. TAULBEE. That was not my understanding of the statement made by the Chair.

The SPEAKER. The Chair stated that he would recognize the gentleman at the appropriate time. That was the exact language the Chair used.

Mr. BLOUNT. Mr. Speaker, there has been developed already a difference of opinion between certain gentlemen on the committee with regard to the disposition that should be made of this resolution. The majority report has been presented by the gentleman from Illinois [Mr. ANDERSON], and the views of the minority have been presented by the gentleman from Mississippi [Mr. ANDERSON]. Those two gentlemen after conferring have come to the conclusion that two hours' discussion is necessary. There has been an inability to agree by unanimous consent that the debate shall terminate in that time. Now I wish to ask the Chair whether it is not competent for the gentleman from Illinois [Mr. ANDERSON] to take the floor and use such fraction of his hour as he may deem fit, reserving the balance of his time and yielding the other hour to the gentleman from Mississippi [Mr. ANDERSON]; and whether, after the time of the gentleman from Mississippi shall have expired, the gentleman from Illinois may not resume the floor for the remainder of his hour, and during that time move the previous question?

The SPEAKER. The gentleman from Illinois can not yield an hour to the gentleman from Mississippi after having occupied a portion of the hour himself.

Mr. BLOUNT. I did not mean to "yield" in any technical sense. I had previously stated that an agreement had been made that the time should be divided between those two gentlemen, an hour on each side, and my idea was that the gentleman from Illinois [Mr. ANDERSON], having an hour of his own, might take the floor, use such part of the hour as he saw fit, reserve such part as he saw fit, and then after the gentleman from Mississippi [Mr. ANDERSON] had occupied his hour, resume the floor, either to continue debate or for the purpose of demanding the previous question.

The SPEAKER. Any gentleman who has the floor in his own right can at any time demand the previous question.

Mr. BLOUNT. I know that; but I was merely making a suggestion to see whether we could not get at a practical solution of the difficulty.

The SPEAKER. The statement of the Chair is that any gentleman who has the floor in his own right can move the previous question. The question is upon agreeing to the resolution.

Mr. SPRINGER. If the previous question were now ordered on this resolution, would not thirty minutes' debate be allowed—fifteen minutes on each side—no debate having yet taken place?

The SPEAKER. That is the rule of the House.

Mr. BLOUNT. I am just as anxious to dispatch the business of the House and save time as is the gentleman from Illinois [Mr. SPRINGER]; but he can not understand the difficulties that exist in regard to conducting a matter of this kind as to which he has had no consultation. If the House wants to dispose of this resolution at once, I have no objection; but I believe we shall get along better if the gentleman will allow the arrangement suggested by the committee to proceed. I ask unanimous consent——

Mr. SPRINGER. This is simply a resolution of inquiry directed to one of the Departments, and its consideration ought not to take up two hours of the valuable time of the House at this stage of our business. If we are going to pass it, let us pass it. It is merely an inquiry directing the Department to furnish certain information.

Mr. BLOUNT. The gentleman has not examined it at all, or he would not make that statement.

Mr. SPRINGER. I know it is a resolution of inquiry.

Mr. BLOUNT. But you said it involved nothing but asking for information.

Mr. PETERS. I hope we can come to some understanding, and thereby save time.

Mr. TAULBEE. I trust the discussion can proceed without any further consumption of time in these preliminary propositions, which, it is very apparent to everybody, look to an evasion of a discussion which might be developed in the course of an hour's consideration of the resolution and which some members seem to be desirous to avoid.

Mr. STEELE. Let us have the regular order.

Mr. TAULBEE. I wish to suggest as a matter of compromise, with due deference to the opinion of members of the committee, that in the discussion of this measure for one hour there might be developed some question which the House would desire to hear fully discussed by members of the committee. I am therefore opposed to any limitation of time now; let the discussion run on. If the Chair sees fit to deprive

me of any participation in that, except as I may procure the privilege by the courtesy of members of the committee, I will adapt myself to that arrangement and take no exceptions whatever to the ruling of the Chair.

The SPEAKER. The Chair has no desire to deprive the gentleman of his right to discuss this or any other question; but the Chair feels bound, as presiding officer of the House, to conform to the usage of the House in this case as in every other.

Mr. BLOUNT. I call for the regular order.

The SPEAKER. The regular order is demanded. The question is upon agreeing to the resolution.

Mr. ANDERSON, of Illinois. Mr. Speaker, in presenting the report of the committee it was not the intention to deprive any one of information which ought to be furnished by the Department. We based our action entirely upon the merits of the claims mentioned. These disallowed claims, about which it has been proposed to request information, are claims which have been passed upon a number of times by the Post-Office Department, which have been thoroughly examined and adjudicated, and we believe they ought not to be brought into this House in any manner again.

In order that the House may understand thoroughly the nature of these claims, I wish to refer to past legislation on the subject. Under the act of 1854 postmasters were paid by commissions upon the amount of postage collected at their respective offices. By the act of 1864 this system was changed, and fixed salaries were allowed, instead of commissions upon postage. It was found that under the operation of the salary system, in towns which were growing rapidly, there was some injustice to postmasters; these officers did not receive any increase of pay to correspond with the growth of their office as they would have received under the commission system. The mode of fixing the salaries at that time was by taking the eight quarterly returns for two years preceding and computing the salary, according to the commission system, upon the postage at the particular office, and adopting this as the salary of the postmaster for the future.

In 1866 the law was amended so as to provide that whenever the quarterly returns for eight quarters showed that, according to the commission system, the postmaster would have received 10 per cent. more than he was receiving under the salary system, it should be the duty of the Postmaster-General to readjust the salary and fix, for the future, the salary that would have been allowed under the commission system. Thus the matter ran along until 1883, when, in consequence of the omission of the Postmaster-General to do what he ought to have done in respect to readjusting these salaries, an act was passed requiring the Postmaster-General to readjust these salaries from 1864 to 1874. Under that legislation some sixty-odd thousand claims of postmasters were presented and passed upon. Of these 22,000 have been allowed, and upwards of 35,000 have been disallowed up to the present time.

Now, the only question which has presented itself is, what was the proper construction of these acts? The Postmaster-General construed the law to mean that, in passing upon these claims, whenever he found that the eight quarterly returns of any postmaster showed that under the commission system of 1854 he would have received a salary greater by 10 per cent. than he was receiving, the salary was to be readjusted, and for the future he was to receive the increased salary, which would be the fixed salary for the next two years.

This was the manner in which these claims were passed upon. The claims were, I might say, in the hands of one man for presentation. I think the agent for all these claims for the past and the present has been Mr. Spalding.

He took the position that these salaries were to be readjusted quarter by quarter; that whenever by the commission system the postmasters would have received 10 per cent. greater salary than they were receiving the salaries were to be readjusted and the postmasters were to be paid the difference for that quarter; in other words, making four readjustments a year instead of one every two years.

Mr. Spalding afterwards, as it will appear, took this additional position, that whenever by the quarterly returns for the two preceding years, under the commission system of 1854, the postmasters would have received 10 per cent. greater salary than under the fixed salary, it was the duty of the Postmaster-General not only to readjust such salaries by increasing them for the future, but also to pay to the postmasters for the past years this difference. In other words, if any postmaster was receiving a $100 salary and the quarterly returns for the two years preceding under the commission system would show he ought to have received $120, the salary was to be fixed at that figure for the future, and in addition to this that there should be paid to the postmaster the $20 for the two years for which these returns were presented.

Mr. TAULBEE. Will it disturb the gentleman from Illinois if I ask him a question?

Mr. ANDERSON, of Illinois. No, sir.

Mr. TAULBEE. The gentleman speaks of the history of the laws under which these adjustments are to be had or have been sought, and he attempts to define the position of Mr. Spalding. The question I wish to ask him is this: Where do you get the data by which you are authorized to say that is a part of the history of this legislation? That is no part of it. I never heard of any authority to enable him to investigate it.

Mr. ANDERSON, of Illinois. I will answer the gentleman from Kentucky by saying it is the history of the legislation of these claims. I believe I am justified in saying that is the position of the postmasters when I find that to be the position of their attorney. I say that is the history of this legislation running back for all the years this matter has been pending in the Court of Claims and in the district court; in all the courts and in all the Departments that has been the history of these claims, and that was the issue which was made and fought.

Mr. TAULBEE. One question further.

Mr. ANDERSON, of Illinois. I think I have answered the question of the gentleman from Kentucky.

Mr. TAULBEE. I wish to ask you another question.

Mr. ANDERSON, of Illinois. I will answer the gentleman, and hope he will not interrupt me again.

Mr. TAULBEE. Only by your consent.

Mr. ANDERSON, of Illinois. I will answer by saying that the same attorney who had one of these claims had all of them, and he selected one claim upon which to make the issue. The action on that claim, of course, was the action in behalf of all the claims. Any attorney at the bar where I practice who represented a number of similar claims would select the strongest one upon which to make a contest, and the fight made in reference to that one would be taken to cover all of them. These claims have been decided on the selected case upon which the issue was made. I think I have answered the gentleman clearly.

Now, Mr. Spalding not being satisfied with the construction of the statute made by the Post-Office Department, by the Postmaster-General who had passed upon this question, and I will say the Postmaster-General was sustained by the elaborate opinion of Attorney-General Brewster, and these opinions of the Postmaster-General and the Attorney-General have been followed by all their successors—I say, Mr. Spalding not being satisfied with this construction put upon the statutes, selected out one case, and of course it was the strongest case; it was the case of the postmaster at Florence, Kans.; he selected that case and brought suit in the Court of Claims and obtained judgment. This case was carried on appeal to the Supreme Court of the United States and was there reversed.

Mr. ANDERSON, of Mississippi. Was that the McLean case?

Mr. ANDERSON, of Illinois. Yes, it was the McLean case. It was not decided on the merits of the case. The Supreme Court of the United States decided that the action would not lie, and that the proper course was by a petition for a writ of mandamus to compel the Postmaster-General to execute the law. In compliance with this suggestion of the court a petition for a writ of mandamus was filed in the supreme court of the District of Columbia to compel Postmaster-General Vilas to carry out the law in reference to this claim by readjusting the salary upon the returns presented. The case was decided last January by the Supreme Court of the United States, Justice Miller giving the opinion.

In that opinion the court confirmed and approved the construction placed upon these various statutes. The court held that the statute only requires the Postmaster-General to make biennial adjustments; and that all that was intended by passing upon the quarterly returns for the two years was simply to obtain the basis upon which to fix the salary for the future. This was made necessary on account of the growth of the various towns where the post-offices were situated, and it was the necessary result of this growth that there should be some system of increasing the salaries of the postmasters to conform to the growth. But it was not intended to give that additional compensation for the time they had served, but the two preceding years were to be taken as the basis for the future salary and that only.

We took the position that these matters have been fully investigated and passed upon; that they have been thoroughly litigated, and having been so litigated and passed upon by the highest judicial tribunal of the country, they ought to remain settled forever. There must be some end of litigation, and when these claims have come here and been passed upon by Congress after Congress and by court after court, and when they have finally received the action of the Supreme Court of the United States, we believe that that ought to be a final conclusion of them, and that they should be forever closed against further adjudication. That was the position assumed by the committee, and that position we believe to be the correct one.

Now, sir, there is still another view of this matter which sustains the committee's report. Outside parties, whether they are the postmasters who have the claims, or their agents, prior to the opinion filed last January by the Supreme Court, have agitated this matter until in the last Congress additional legislation was had in reference to the claims. By an act approved on the 4th day of August, 1886, Congress passed a law, not only approving the opinion of the Postmaster-General in passing upon these claims, but approving the disallowance of them, and expressly barring the further consideration of them. And not only that, but by a clause appended it was declared that any other manner of computing them, or any other construction, should be and was expressly prohibited.

Now, we say it was the intention and must have been the purpose of Congress in passing that provision of law to forever close the agitation of these claims and to settle them for all time. Believing, then, as your committee did, that these claims have been passed upon by the Supreme Court of the United States, and have been settled, and that Congress by the act of August 4, 1886, passed a law expressly barring them and prohibiting their further consideration, we felt that we were compelled to recognize the fact that these claims had been settled and that this settlement should be final. We felt that the solemn act of last Congress in reference to these claims must be respected, and by this act these claims were forever settled.

I believe that the answer to this inquiry, if the information were furnished as requested, would be absolutely useless, unless it could be used as an entering wedge for further legislation upon the subject, and believing that this question has been adjudicated already after this lengthy agitation, and that it has been passed upon fairly upon its merits by the highest tribunal in the land, I feel, I repeat, that it ought to be settled and remain settled forever, and so we state in our report.

I notice that the minority in submitting their views base their argument upon the possibilities of some clerical errors in the compilation of the clerks. They have furnished no data to substantiate that assertion. They have given no instance upon which to base it, but simply assert a possibility of the existence of such a thing. We insist that the same possibility may be urged against any claim which has ever been settled in any court or tribunal, and we do not believe that it is worthy of consideration to ask this House to base its action for legislation upon the mere possibility of what may happen.

I desire to reserve the remainder of my time.

The SPEAKER *pro tempore* (Mr. MCCREARY). The gentleman has consumed seventeen minutes.

Mr. ANDERSON, of Mississippi. Mr. Speaker, I signed the minority views accompanying this resolution, and I desire to advance a few remarks by way of suggestion thereupon, wishing to give the greater part of my time to other gentlemen who are equally interested in this question as myself.

It will be borne in mind that this resolution is in the nature of an ordinary resolution of inquiry addressed to the head of a Department. There is nothing unusual in it; nothing extraordinary in its demands. I would state that I was influenced considerably in joining the minority in presenting this report by the fact that similar resolutions of inquiry, asking for the same tabulated statement with reference to disallowed claims of postmasters from other States, had been theretofore introduced, one for the benefit of the postmasters of North Carolina, another for West Virginia, another for Kansas, and another for Iowa, the present resolution being for the benefit of the postmasters of Kentucky. It will be further observed that the minority report amends the resolution by striking out the words "the State of Kentucky" and making it applicable to all the States and Territories. The gentleman from Illinois, who has preceded me, has in the main stated the law correctly, but in referring to the causes which led to the passage of the act of 1866 I think he has fallen into an error.

As is stated, the act of 1854 regulated the salaries of postmasters by commissions on the collections of their respective offices. The act of 1864 compensated them by fixed salaries, and they were divided into five classes—postmasters of the third class to receive less than $2,000 and not less than $1,000; those of the fourth class to receive less than $1,000 and not less than $100; those of the fifth class to receive less than $100. The Postmaster-General under the same law was authorized in special cases to readjust salaries at any time within two years, but unless so readjusted for special causes he could only readjust them once every two years.

It will be observed that this gave a large discretion to the Postmaster-General in the readjustment of salaries. It was entirely a matter of discretion with him upon what basis he should readjust them. Special cases arose during the first two years, and the Postmaster-General adopted this basis, that where an office showed an increase of 50 per cent., then the salary of the postmaster of that office was readjusted upon that basis. It was found that this large discretionary power left with the Postmaster-General for readjusting claims did not work well, and I have no doubt it was discovered even at that early date that the Postmaster-General, in the pursuit of economy, generally made postmasters of the third and fourth class victims of such economy as he might see proper to adopt.

Be that as it may, in 1866 an act was passed amending the act of 1854 by providing that in readjusting the salaries of postmasters the Postmaster-General should do so whenever it should appear that the amount allowed under the act of 1864 was 10 per cent. less than it would have been upon the basis of the act of 1854. The act of 1854 was directory. The act of 1866 was mandatory, making it the absolute duty of the Postmaster-General to adjust these salaries upon a fixed basis, to wit, that whenever it should appear a salary allowed under the act of 1864 was 10 per cent. less than it would have been upon the basis of the act of 1854, he was then to adjust upon that basis and the postmaster was to be paid the difference. The Postmaster-General paid no attention to the act of 1866, and that led to the passage of the act of 1883. Now, the act of 1883 was not a bounty from the Government to the postmasters, nor was it in the nature of an act of favoritism of any kind. It was simply an act of absolute justice to amend a great wrong that had prevailed; in other words, to force the Postmaster-General to comply with the existing law in the adjustment of these salaries.

I will read from the report of the committee on the act of 1883:

It has been estimated that these claims—

Speaking of the postmasters' claims——

Mr. HUTTON. What report do you read from?

Mr. ANDERSON, of Mississippi. From the report of the committee on the act of 1883.

It has been estimated that these claims may amount to the sum of $500,000. Notwithstanding the magnitude of these claims, your committee are of opinion that the Government should pay the entire amount if justly and equitably due. They submit that such of these postmasters as made direct official application or sworn returns of receipts and business for readjustment of salary to the Post-Office Department, or whose quarterly returns, in conformity to the then existing laws and regulations, showed that the salary allowed was 10 per cent. less than it would have been upon the basis of commissions under the act of 1854, have a strong equity. This class was obedient to the law, and by their action have shown that they looked to the act of Congress as a basis of a contract.

That was the light in which it was viewed by a committee of this House at that early day. The Postmaster-General, under the act of 1883, proceeded to readjust these salaries. It seems that a large force of clerks was employed and considerable time consumed in the work. According to the report of 1887, it appears that there were over 50,000 claims presented, and up to the date of that report twenty-odd thousand had been allowed and the remainder disallowed. Various questions arose during this time. The majority report and the argument made by my friend from Illinois [Mr. ANDERSON] are based principally upon the McLean case. That case went to the Supreme Court upon one of the questions that came up for adjudication and determination by the Postmaster-General. The facts in that case were these: It seems that McLean, a postmaster in Kansas, had been in office not exceeding five quarters—one year and an additional quarter. He filed an application for readjustment of his claim, but the Postmaster-General construed the law to mean that he had no right to readjust except upon the basis of eight quarterly returns; that he could not select any fewer number than eight quarters upon which to base a readjustment, and that inasmuch as McLean's office had only been established for the period of five quarters, he did not come within the provisions of the law and was entitled to no relief. That case was instituted by a writ of mandamus to compel the readjustment. Now, bear that in mind. The resolution under consideration does not refer to any claim that comes within the state of facts upon which the McLean case was decided, because the Postmaster-General refused to adjust any claim where there were not eight quarterly returns upon which to base the readjustment.

This resolution does not call for any claims, except those that have been computed and that are upon the claim jackets at the Post-Office Department. It does not call upon the Postmaster-General to review, readjust, or do anything of that sort. It simply calls upon him to furnish Congress with information of what he has done, and in calling upon him to do that, it does not call upon him to give any information whatever upon any case, except those that were reviewed and readjusted upon the basis of the eight quarterly returns. So, I say, the McLean case is wholly inapplicable, and that is the case which is mainly relied upon in the majority report.

Mr. COBB. Will the gentleman allow a question?

Mr. ANDERSON, of Mississippi. Yes, sir.

Mr. COBB. You say you are only calling on the Postmaster-General for cases that have passed in review before him?

Mr. ANDERSON, of Mississippi. Yes, sir.

Mr. COBB. What is the purpose of that call? Is it to see whether he has made mistakes or not.

Mr. ANDERSON, of Mississippi. I will tell you in a minute. As I have stated, this tabulated statement is called for by members from five different States. In addition to that, hundreds of postmasters have filed their individual applications, through their members of Congress, calling upon the Postmaster-General to furnish a tabulated statement of their claims. I have applications from eighteen postmasters in my own State, and in talking about this subject with other members I find that quite a number of them have similar applications from postmasters in their States who ask their members to investigate their cases at the Department, or to have the Postmaster-General furnish Congress with a statement of their claims. Now, upon what basis?

Mr. COBB. I would like to ask you a question, if you will permit me.

Mr. ANDERSON, of Mississippi. Wait a moment. Now if I, in the discharge of my duty to my constituents, should go to the Department to make an investigation of the claims as they appear upon the claim jackets, having eighteen of these cases on my hands, it would take as many days to make the investigation.

Mr. COBB. Has the Postmaster-General neglected or refused to permit an investigation upon application in any individual case, or has he refused to furnish the information in any case?

Mr. ANDERSON, of Mississippi. No, sir; the Postmaster-General has not; but where is the member of Congress who has the time to go to the Department and make these investigations?

Mr. COBB. I am asking for information.

Mr. ANDERSON, of Mississippi. I understand that, and I will explain the whole situation, if you will listen to me. Of course the Postmaster-General will not refuse any member an opportunity to make such an investigation; but I defy my learned friend from Georgia [Mr. COBB] to go to the Department and make an investigation of any particular claim that may be presented from his State in such a manner as to be satisfactory either to himself or to his constituent. Why? In the first place, he has to determine what was the salary actually paid to his constituent under the act of 1864. Then he has got to determine what would have been the salary under the act of 1854, and the investigation of those questions would occupy a great deal of his time and more of the time of the functionaries of the Post-Office Department who have charge of the business than would be required to make the tabulated statement called for by this resolution. For my own part, I have desired to look into these matters, but I have found that it would take more of my time than I would be justified in devoting to the business of individual constituents.

Mr. ANDERSON, of Illinois. Have not those claims been barred by the act of 1886?

Mr. ANDERSON, of Mississippi. No, sir. I will come to that in a moment. The act of 1886 is a legislative confirmation of the interpretation put by the Postmaster-General upon the act of 1883. It comes in the questionable form of a "rider" upon an appropriation bill.

No man will contend—the gentleman himself who advocates the majority report will hardly contend—that that act ought to be upheld if it is shown that any great wrong or injustice has been done by it. The act was intended as a remedial act. It was not intended and can not be construed as being intended to do any wrong or injustice to anybody, and if it should appear upon investigation of any of these claims that a clerical error or a mathematical error had been committed it would be no defense of the Postmaster-General to say that his interpretation of the law was the reason of that error of fact or of calculation. And if it should appear that his interpretation in certain cases was grossly unjust the parties ought to have relief, and this Congress would not uphold a law of that character. But the way the thing presents itself to us is this: This resolution calls for a tabulated statement of the disallowed claims as they stand upon the claim-jackets, and this statement is desired for the convenience of members of this House who have become interested in the claims of postmasters in their several States.

These postmasters are a very humble but very deserving class of officials, who are entitled, if any class of officials in this country are, to some consideration at the hands of Congress and of the Post-Office Department.

Mr. COBB. I wish to ask a question, for I feel an interest in this matter. Is there any difficulty on the part of any member of Congress in getting the same kind of tabulated statement as to cases in which he is directly interested as you propose to call for under this general resolution?

Mr. ANDERSON, of Mississippi. I have already explained that matter, and I have not time to go over the explanation again. If there were but one isolated case, it would be very easy to do as the gentleman suggests; but where there are hundreds of cases, I say it becomes a very serious proposition. Another thing, when you go there to make an examination you do not know, after it is through, whether the result is correct or not. There has been no review of the action of these eight or ten clerks who have examined these claims. We have no guaranty that they were efficient clerks; we know nothing about them in this respect; and there is nobody to verify their calculations or vouch for the correctness of their work; one clerk may have been accurate and another not. So far as our investigations have gone we have, in the casual examination we have made, discovered several cases where there have been grave clerical and mathematical errors, amounting to hundreds of dollars, showing negligence on the part of these officers. There is strong evidence of negligence so far as our investigations have gone.

Mr. ROGERS. Did such errors appear in more than one case?

Mr. ANDERSON, of Mississippi. I think three separate cases were brought to our attention where, it is claimed, mathematical errors had occurred. We have not undertaken to make any investigation of these claims ourselves, because the resolution did not require that of us.

Bear in mind that the act of 1883 went farther than the act of 1866. Prior to the act of 1883 many postmasters had already presented their claims under the act of 1866, and under that act their rights had absolutely vested, being based upon a contract between themselves and the Government.

I will state here that this inquiry applies only to the claims originating between 1864 and 1874. The postmasters in office between those years were entitled to their salaries upon the basis of the act of 1854. All the postmasters who presented their claims within the time prescribed were as much entitled to payment as any one of us is entitled to his salary as a member of Congress.

Mr. ROGERS. Are we to understand that any of these cases which were found to have been erroneously adjusted were adjusted prior to the act of August 4, 1886?

Mr. ANDERSON, of Mississippi. I am not certain about the date.

Mr. ROGERS. You do not know whether these erroneous adjustments preceded that act or not?

Mr. ANDERSON, of Mississippi. They were prior to 1886.

Mr. ROGERS. As I understand, the act of 1886, if it has any force at all, cuts off the right of the Postmaster-General to make a readjustment and correct these errors which you have found in these statements.

Mr. ANDERSON, of Mississippi. Now, sir, I hold that it can not have that effect.

Mr. COBB. What proof have we that there were errors? The gentleman says it was reported or claimed that there were errors. Did the committee make personal examination and computation?

Mr. ANDERSON, of Mississippi. One case of which I have personal knowledge was where the First Assistant Postmaster-General had informed a postmaster of my State—not of my district, but the matter was brought to my attention by the member from the postmaster's district—that there was a certain amount due him, which would be reported to Congress, and an appropriation would be made to pay it. When the tabulated statement of allowed claims was brought in embracing those from my State, I examined it for the benefit of my colleague [Mr. ALLEN] and found that the claim was not among them.

Mr. BUCHANAN. Mr. Speaker, I rise to a question of order. Gentlemen over there, who seem to be engaged in a conversation among themselves, speak in so low a tone that it is impossible for us to know what it is that is delaying so long the consideration of the tariff bill.

Mr. ANDERSON, of Mississippi. I addressed myself towards the gentleman [Mr. BUCHANAN] a while ago, but did not succeed in securing his attention, he being otherwise engaged.

The SPEAKER *pro tempore*. The Chair will ask members to preserve order.

Mr. ANDERSON, of Mississippi. I yield fifteen minutes of my time to the gentleman from Kansas [Mr. PETERS].

The SPEAKER *pro tempore*. The gentleman from Mississippi has twenty-eight minutes of his time remaining.

Mr. PETERS. Mr. Speaker, this is a resolution that is similar to the resolution which has been introduced by members from different States, calling upon the Postmaster-General for an abstract showing the disallowed claims of postmasters under the law of 1883. These claims were filed in the Post-Office Department, and were adjudicated by the Postmaster-General or by his subordinates, and an abstract of these claims themselves, with everything in connection with them, appear on what is known as the jacket of each case. All this data appears on the outside of each case, so that in order to ascertain the information called for by the resolution, it is only necessary for the clerks in the Department to take down each case and make an abstract of what appears on the outside of each jacket.

There are about 30,000 of these cases which have been disallowed, if I remember aright. The number of cases which have been examined by the Post-Office Department is about 52,000, and of these 21,000 have been allowed and the remainder have been disallowed. The majority of the cases which have been examined have been disallowed.

The object of this resolution which the minority of the committee proposes to make general applies only to the State of Kentucky, and calls for information on this subject only in relation to cases from the State of Kentucky. The minority of the committee propose to make the resolution general, and to call upon the Postmaster-General for this abstract of disallowed claims in all of the States.

I do not think I need go over the legislation on the subject, because that has been gone over fully by the gentleman from Mississippi [Mr. ANDERSON], to show upon what ground these claims rest.

I know it has been said that the law of 1883 was not a good law, but I turn to the record of the Forty-seventh Congress and I find that law was passed under a suspension of the rules and obtained a two-thirds vote. Those who are interested in finding the vote will find it on page 2539 of the CONGRESSIONAL RECORD, first session of the Forty-seventh Congress. The yea-and-nay vote on the passage of the law of 1883, under which these claims were readjusted, is 149 in the affirmative and 35 in the negative. The motion to suspend the rules and pass the bill in this House was carried by a two-thirds vote. The motion was made by the gentleman from Kentucky, Mr. Proctor Knott, a gentleman well known to the old members of the House.

The reason urged against the passage of the bill was that it would cause, in substance, the creating of indebtedness between these postmasters and the Government and the expenditure of half a million of dollars. That was one reason or objection urged against the passage of the bill. Another was that it would disarrange the whole system of the Post-Office Department. These were the two main objections urged against it. I might say that the same objections were urged to the passage of the law of 1883 which are urged to the passage of this resolution, but they certainly can not be urged with equal force, because this resolution does not legislate, it does not create any obligation on the part of the Government in behalf of these postmasters. It does not revive any obligation which may have lapsed by the law of 1886. It does not revive any claim unjustly cut off by the law of 1886.

It simply calls upon the Post-Office Department for information which every citizen of the United States, which every member of Congress has the right to call for.

The committee say, as my friend from Alabama [Mr. COBB] has said, by his inquiry, that each individual can call upon the Department and obtain information in each of these individual cases. Let me submit to the gentlemen, that process will require more time on the part of the Department, without saying anything of the time of the members of Congress, than will be required by the resolution which we ask to be passed. There are over thirty thousand of these claims which have been disallowed. Suppose the gentleman from Alabama sends in an inquiry as to a claim disallowed of a postmaster in his district. The Post-Office officials must go to the files, hunt up that case, get the information from the jacket, and embody it in a letter and send it to the gentleman from Alabama. That will be the case in two-thirds of these thirty thousand disallowed claims, for these postmasters have a feeling that there is something due them by the Government, and they will not be satisfied until they receive a frank statement, showing the money is not due them. It is fair to presume, therefore, that two-thirds of these men will make application through their members of Congress, or through some other source, to obtain the information which can only be found upon the jackets of these cases.

And if that be the case, and it is reasonable to suppose it will be, the time taken up by the Department in getting that information will be far in excess of the time that will be required to enable the clerks to get up an abstract of all these disallowed claims. And why? Because if this resolution passes a number of clerks will be detailed for the duty; they will get all the cases together, take all down together, and they can run through them very rapidly, and make abstracts of the whole of them instead of hunting up a special case, and will thereby save a great deal of time by reason of the method they will pursue in the examination and making up of the abstract—a method that they could not possibly pursue if they have to answer an inquiry in each individual case.

Mr. COBB. Let me ask the gentleman, and the point I make is for the purpose of obtaining information more than anything else, what is the existing necessity, if any, for calling upon the Department for this extended information? Are the inquiries sufficient to warrant it?

Mr. PETERS. I think so. I do not know how many the gentleman has received, but I have received about fifteen from my own district.

Mr. CHEADLE. There are twenty-seven from mine.

Mr. PETERS. The gentleman from Indiana sitting in front of me states that there are twenty-seven from his own district. I know that there are large numbers of inquiries which have been filed with the Committee on the Post-Office and Post-Roads, and as I have already said these men have an idea that there is something due them by the Government, as there was under the law due to those poorly paid officials of the Government, the fourth and fifth class postmasters, who are the mere conveniences of the Administration and of the neighborhoods in which they hold offices.

Mr. ANDERSON, of Illinois. Will the gentleman permit me to ask him a question? What do you base that opinion upon; a construction of the statutes or upon a clerical error?

Mr. PETERS. I do not claim, as I have already said, that the passage of this resolution will legislate in any way upon the correctness or incorrectness of any of these claims. That is not the object of the resolution at all. The object is to obtain the information, and why? In the first place it is desirable to obtain it in order to determine what mistakes, if any, of calculation have been made. You can not determine that by getting the information as to one particular case; and I wish to call the attention of the gentleman from Alabama [Mr. COBB] particularly to this point. I repeat, you can not get that information by taking one case or several cases, and taking the jacket down and getting an abstract to determine whether a mistake of calculation has been made in that case. The only way to get the information is to take other cases and compare the individual case with them and with the calculations made in other cases; because it is only by comparison that the mistakes in individual cases can be detected and determined.

Mr. ANDERSON, of Illinois. I wish to repeat the question, if the gentleman will permit me. On what do you base the assertion that these claims are due and have not been allowed? Upon a legal construction of the statute or upon clerical errors?

Mr. PETERS. I base it upon two grounds. First, that there has been a mistake of calculation, and second that there is no general law but what works hardship and wrong in exceptional cases. Just as the common law of the land is so universal in its application that wrongs and hardships in individual cases have arisen under it, and therefore the courts of equity were created to relieve the exceptional cases. So in this law, conceding this right, there are a large number of cases, and by reason of the extent of the cases under the general law hardships have been caused in exceptional cases. It is because of this very condition of things, it is because of exceptional cases arising under the general laws that appeals are made to this great court of equity, the Congress of the United States. One thing at least will be accomplished by the adoption of the resolution, that is that we will obtain the information, and then it is for the House to determine finally whether it will do anything or not in the premises.

Suppose that the abstract is sent up and it is ascertained that there are no exceptional cases where hardships have been worked, and where the law has been inequitable and unjust in its operations. There will be no appeal to the House for special enactments. Why is it that we have here a large class of private claims pending before Congress, and especially private pension claims; private bills asking for the payment of postmasters for money robbed from their post-offices or for money destroyed in post-offices? It is because the law in its general application deals harshly with exceptional cases, and therefore special bills are introduced to cover these cases under the general law. If there are a half dozen cases in all these thirty or forty thousand, and we have information on which we believe that inequalities exist, and I believe myself that there are many hundreds of cases, but if there are only a half dozen cases under the general law, where unjust and inequitable results have been caused, or where an injustice has been done to the applicant, then I claim that they are entitled to the relief.

Mr. COBB. Will the gentleman state if he has any information definitely of a single case of the kind to which he has referred?

Mr. PETERS. I have.

Mr. COBB. Where there has been a mistake made in the calculations?

Mr. PETERS. I have information of a case where the Postmaster-General sent a statement, in response to an application, alleging that nothing was due, but subsequently sent another statement admitting that there was something due. Now, in that one case it shows that there was an error of calculation. I have no doubt that an examination will show many such claims. I have information from other members of the House that there are other cases in which such mistakes have been made. How could it be otherwise? Why, the very common sense of every human being teaches that where there have been from thirty to fifty thousand claims adjudicated, it would be almost passing the limits of human belief to assume that no error had been committed and no injustice or inequality allowed, especially in view of the fact that there was a desire on the part of the Post-Office Department, not only under the present administration but under all administrations, to curtail to the very lowest cent everything and cut off everything that could possibly be cut off in order to reduce the amount the Government would owe to these postmasters. That has been the policy, not only under former administrations, but under the present administration.

Mr. TAULBEE. I believe the rule or practice stated by the gentleman is correct in everything except in the matter of reduction of the salaries of the officers of the Department. I do not believe it holds good in that.

Mr. PETERS. I wish to call attention here to a resolution just handed me that was introduced by the gentleman from Virginia [Mr. GAINES]:

Resolved, That the Postmaster-General be requested to transmit to the House of Representatives a tabulated statement of the disallowed postmasters' claims presented from the State of Virginia under the act of March 3, 1883, exhibiting all such claims as by an actual computation of commissions prescribed by the act of 1854 and entered upon claim jackets show that the paid salaries are 10 per cent. or more less than such commissions. Such tabulated statement to show in such cases, first, the name of the post-office; second, the name of the applicant; third, the period of service covered by the computation of commissions; fourth, the amount of the computed commissions; fifth, the amount of paid salary for the same term of service; sixth, the actual amount of commissions in excess of the paid salary.

Now, all that information is to be found upon the jackets of these cases on file in the Department.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. ANDERSON, of Mississippi. I now yield five minutes of my time to the gentleman from Kansas [Mr. TURNER].

Mr. TURNER, of Kansas. Some time in last February I received a communication from a gentleman from the Sixth Congressional district of Kansas, inquiring in relation to a personal claim he had before the Post-Office Department. I immediately inquired at the office of the Auditor of the Post-Office Department in relation to this claim, and was informed that this class of claims was undoubtedly just and should be paid, but that the Postmaster-General had not ordered the Auditor to audit that class of claims, and hence he could do nothing for me. The consequence was that I began to investigate the matter, receiving other letters of a similar character from my constituents. I found that there was an understanding in the Post-Office Department that these claims were due and just and should be paid.

Now, to go back and make this matter as clear as possible (I regret I was unable to understand all that was said upon the subject) I quote from the opinion of the Supreme Court, as follows:

From the beginning of the Government down to the year 1864 postmasters were paid by commissions on the receipts at their offices, ascertained by their quarterly returns of the moneys received for postage, stamps, box rents, etc. Until 1836 all postmasters were appointed by the Postmaster-General and were thence called deputy postmasters.

* * * * * * *

In 1864 Congress changed this system of allowing commissions on the amounts received by the postmasters as their compensation, and determined that it should be a fixed salary in lieu of such commissions, and also divided these officials into five classes.

One section of the law of 1864 contains this provision: That the Postmaster-General shall review once in two years and in special cases upon satisfactory representations as much oftener as he may deem expedient, and readjust upon the basis of the preceding section the salary assigned by him to any office; but any change made in such salary shall not take effect until the first day of the quarter next following such order; and all orders made assigning or changing salaries shall be made in writing and recorded in the Journal, etc.

Now mark the language. The Postmaster-General shall readjust every two years, and in special cases upon satisfactory representation as much oftener as he may deem it expedient. It seems that in the rapidly-developing country of the West, postmasters would find their quarterly returns increasing constantly, and it seemed unjust that they should wait until the end of two years before receiving any addition to their compensation. Hence this matter was considered in 1866. Then inasmuch as the Postmaster-General, though he had been given authority to do so, had not taken advantage of the section of the law of 1866 granting him the right, the law was changed for the purpose of compelling him to make a readjustment. The law was changed as follows:

That when the quarterly returns of any postmaster of the third, fourth, or fifth class show that the salary allowed is 10 per cent. less than it would be on the basis of commissions under the act of 1851, fixing compensation, then the Postmaster-General shall review and readjust under the provisions of said section.

That provision forced the Postmaster-General to consider the quarterly returns which he had by prior act been given permission to consider.

Now, in relation to the decision of the Supreme Court, Mr. McLean had only held that office five quarters, and a writ of mandamus was attempted to order the Postmaster-General to readjust his salary upon his quarterly returns.

The Supreme Court of the United States held that Mr. McLean was not entitled to compensation from the fact that he had held the office only five quarters. Under the law, if he had held it eight quarters he would have been allowed an additional compensation, which would have fixed his salary for the coming two years, and would have allowed him also to receive increased compensation upon the readjustment of the eight quarters already past.

[Here the hammer fell.]

Mr. ANDERSON, of Mississippi. I yield now twelve minutes to the gentleman from Kentucky [Mr. TAULBEE].

Mr. TAULBEE. Twelve minutes is too short a time in which to submit to the House the views which I had contemplated submitting under this resolution; but under the rulings of the Speaker, and the agreement of the committee, as a matter of course I must submit, unless we vote down the demand for the previous question which is to be moved by the majority of the committee.

The only reasons I have heard urged against the passage of this resolution are the reasons contained in the report of the majority of the committee, and the reasons set forth in the argument of the gentleman from Illinois [Mr. ANDERSON], and I want to say that if gentlemen will take the pains to read this resolution they will find that in that argument, as well as in the report, there is not a single tenable objection.

The apprehension which I fancy the Post-Office Committee have labored under is that the object of my resolution is to interfere either with the law under which these salaries were to be adjusted, with the construction placed by the Postmaster-General on that law, or his rulings under it, or with the decision of the Supreme Court of the United States in the McLean case. My resolution does not contemplate interfering with either of these. Had I contemplated an interference with either the law or the rulings of the Department, or the decision of the Supreme Court, I would have introduced a bill looking to that end. The object of this resolution is simply to obtain from the Post-Office Department, in the easiest and most practical way, information as to whether or not the Post-Office Department has, inconsistently with the laws and the rulings of the Department, either arbitrarily adjusted the salaries of postmasters under the law or deprived them of their rights by clerical errors. I think it has been fully demonstrated in this discussion that miscalculations have been made in many cases, and the object of this resolution is to ascertain the facts. It has been remarked by one of an extensive experience in matters of this kind, that there is a degree of poverty more abject than utter destruction, and that is the case of a man who has a claim against the Government of the United States. It is not an uncommon thing for members of this House, from the Committee on Rules down, to adopt every device and every manner of action, whether commendable or not, to avoid the consideration of bills and resolutions which they are unwilling to have considered upon their merits.

The rights of the people ought to be regarded in these matters, and these postmasters who, according to the statement of the gentleman from Illinois, number some thirty-five thousand, certainly ought to have the right to know whether they have a standing in court or not, and whether or not their claims have been disallowed according to law; and that is what this resolution contemplates. I dare say there is not a member of the Post-Office Committee who will on his personal responsibility deny that the officers of the Post-Office Department who have adjusted these claims arbitrarily and contrary to the rules of the Department have laid siege to that committee and to its members, and have backed them up with statements in opposition to this resolution, such as those which were made by the gentleman from Illinois, and for which he could give no authority.

He made those statements in attempting to recite the history of this legislation, and when I called his attention to the fact he could give no authority for them, nor can he give any authority for them now, or when he takes the floor to move the previous question to cut off full and fair debate on this proposition. Mr. Spalding, to whom the gentleman has referred, is not known in the records of this legislation; he is not known so far as my resolution is concerned. I have never met the gentleman but once, and then he did not discuss the merits of this question, but behaved himself like a gentleman. And, Mr. Speaker, I am tired of the old cry of "stop thief." I am tired of that.

Granting that there is an agent or attorney who has these cases, or a majority of them, in charge, I call upon the members of the Post-Office Committee and the opponents of this resolution to cite one single instance where any of the postmasters whose cases are contemplated by my resolutions have been guilty of an attempt at fraud, either by themselves or through their attorneys. If the members of the committee are willing to assume the responsibility of an attempt to raise a fuss and a fog around this matter because somebody living in the city of Washington is representing a number of these claims, and to urge that fact as a reason why their own constituents are not entitled to the ascertainment of their rights under the laws which have been passed for their benefit, I leave that to the gentlemen and their constituents to settle between them. So far as I am concerned, no such clamor shall deter me from at all times trying to do what I conceive to be my duty to my constituents and to the people of the whole country. Now, it has been argued by the gentleman from Illinois [Mr. ANDERSON] as a reason why my resolution should not pass, that there was a case brought from the State of Kansas which went to the Supreme Court. And I want to say that the Supreme Court has never decided, even in that case, that the applicant was not entitled to the relief under the act. The only thing which the court did decide was that the act conferring discretion upon the Postmaster-General to adjust salaries for a shorter period than two years did not confer upon the court the right to compel him to do so by a writ of mandamus. That is the substance of the decision of the Supreme Court, which I have in my hand; and if any gentleman doubts its effect, I will ask to have it printed in the RECORD.

Mr. ANDERSON, of Illinois. When was that opinion delivered?

Mr. TAULBEE. It is the same case to which the gentleman referred, the case which came up in January, 1888. It is the decision of the Supreme Court in the case of McLean against the Postmaster-General upon an application for a writ of mandamus. I undertake to say that this decision goes no farther than to declare that while the act conferred upon the Postmaster-General the right to readjust, on the basis of the quarterly returns, the salaries for a shorter period than eight quarterly returns, it did not confer upon the court jurisdiction to compel the Postmaster-General, under that act, to exercise the discretion vested in him.

Further than that, Mr. Chairman, this case is not in line with the cases contemplated by the resolution; it has nothing whatever to do with them. This resolution contemplates only cases which have been adjusted, and the gentleman from Illinois knows as well as he knows anything that the cases based upon quarterly returns for shorter periods than two years have not been computed and adjusted by the Post-Office Department, hence they could not be contemplated by this resolution. It is, therefore, a begging of the question to attempt to apply this resolution to those cases jurisdiction of which the Post-Office Department has declined.

It has been urged that a vast amount of work on the part of the Department would be required to give this information. I undertake to say there would not be much work involved in it. The resolution, as has been stated by the gentleman from Kansas, covers about thirty to thirty-five thousand cases, and in each of these all the computations have been made; the data will be found upon the claim jackets, and the clerical force of the Post-Office Department would have nothing to do but to take up those jackets and tabulate them, which would involve only the work of a few days.

But, Mr. Speaker, you will find that if this resolution be adopted the officers of the Post-Office Department, whose conduct would be exposed by a full answer to the resolution, will by some hook or crook attempt to avoid giving a proper response—will give us some information which we do not ask for and which is not contemplated by the resolution. I know enough about the workings of that Department, especially in this branch of it, and enough about the efforts which officers of the Department have been making with this committee and

with members of the House to defeat this resolution—a matter upon which their political lives depend—to know that they will resort to almost any means either to defeat the resolution on the floor of the House or to evade its requirements after its adoption. In making these statements I know whereof I speak.

So far as concerns the suggestion that the resolution be amended so as to extend the inquiry to all the other States, I wish to say I have no objection to that suggestion. In introducing the resolution I did not feel called upon to represent the interests of the constituents of all the members of this House. My first idea was to have the resolution apply only to my own Congressional district; subsequently I concluded to enlarge it so as to include all the postmasters throughout the State of Kentucky. I hope the House will amend the resolution so as to embrace all these cases, and will thus do what it can to secure this information. It can not hurt us. If the House wishes to investigate, so as to repair any injury which has been put upon any man or compensate his wrongs, we ought to have the information on which to act intelligently.

[Here the hammer fell.]

Mr. ANDERSON, of Illinois. I yield ten minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Speaker, I am somewhat familiar with this general legislation, having in the Forty-seventh Congress reported to the House the bill known as the act of 1883, which, under a suspension of the rules, was, on motion of Mr. Knott, of Kentucky, passed by an almost unanimous—certainly more than a two-thirds vote.

The Committee on the Post-Office and Post-Roads at that time had before it a number of bills to remedy what was claimed to be an injustice committed on the part of past administrations of the Post-Office Department in adjusting compensation of postmasters under the act of 1864 as amended in 1866. Postmasters appointed under the act of 1854 were allowed commissions on the postage collected at their respective offices for each quarter, and a due proportion for any period less than a quarter. Postmasters appointed under the act of 1864 were divided into five classes, and the method of compensation was changed from a commission on postage to a fixed salary. In the classification they were indicated as first, second, third, fourth, and fifth classes.

Section 2 of said act reads as follows:

SEC. 2. That the Postmaster-General shall review once in two years, and in special cases, upon satisfactory representation, as much oftener as he may deem expedient, and readjust, on the basis of the preceding section, the salary assigned by him to any office; but any change made in such salary shall not take effect until the first day of the quarter next following such order, and all orders made assigning or changing salaries shall be made in writing and recorded in his journal, and notified to the Auditor for the Post-Office Department.

It appeared that the Post-Office Department was slow in its action readjusting salaries under the law; and so pronounced was the expression of the postmasters of the country that injustice was being done them by the Post-Office Department, that in 1866 Mr. Grinnell introduced an amendment to a general bill in these words:

That section 2 of chapter 137 of the laws of Congress, approved July 1, 1864, be amended by adding the following: "*Provided*, That when the quarterly returns of any postmaster of the third, fourth, and fifth class show that the salary allowed is 10 per cent. less than it would be on the basis of commissions under the act of 1854, fixing compensation, then the Postmaster-General shall review and readjust under the provisions of said section."

Mr. Speaker, I wish to say a word on that amendment. It does not seem to me that the hardships experienced under the system of commissions by postmasters in new towns, in towns built up in the newest portions of the country and on the line of railroads, have been fully appreciated. It has been found, sir, that the postmasters in these new towns, under the system of salaries, are called upon to do work for little or nothing. I know of postmasters who receive only $35 or $40 a quarter who should receive $100 if commissions were allowed according to business. Now, it is not just; it does not appertain to the dignity of the Post-Office Department to call upon those public servants living in Kansas, Minnesota, Iowa, Wisconsin, Michigan, California, and the new States and Territories to do this work for next to nothing. Let the law be plain, that there may be an early recognition of responsibility and faithful service. Once in three months is not too frequent an adjustment for men too poorly paid.

Mr. HUBBARD, of Iowa. I would ask my colleague whether frequent applications have not been made for relief, and whether they have not been refused by the Postmaster-General?

Mr. GRINNELL. I have received between forty and fifty applications for redress, and gentlemen all around me have received similiar applications, they inform me. This is only a question of justice to those who receive comparatively little compensation. * * *

Mr. ALLEY. Then I move to strike out "10 per cent." and insert "20 per cent."

Mr. GRINNELL. I hope the amendment of the gentleman from Massachusetts [Mr. Alley] will not be adopted. It is not fair to the new States. The penalty for growth by a loss of 10 per cent. on what is justly due is quite enough. * * *

Mr. ALLEY. I hope my amendment will prevail, for I do think that 20 per cent. is little enough. I move the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

The question being taken on the amendment by Mr. Alley, there were—ayes 23, noes 69.

Mr. ALLEY. I demand tellers.

Tellers were not ordered.

So the amendment was not agreed to.

The question then recurred on the amendment of Mr. Grinnell, and it was agreed to—ayes 70, noes 22.

A contest immediately arose between the postmasters of the country, covered by this amendment and included under the statute of 1864, and the officers of the Post-Office Department. Petitions and appeals came to the House of Representatives, and were referred to the Committee on the Post-Office and Post-Roads, but not until 1883 was relief given and legislation secured. A bill was introduced (in fact, many bills were introduced in the Forty-seventh Congress), draughted by the attorneys for the postmasters of the third, fourth, and fifth classes, which, under a suspension of the rules, was passed, and which was expected to secure a full and complete recognition of their claims under the laws of 1864 and 1866.

Immediately a further contest occurred as to how the law should be construed, whether the Postmaster-General should take the quarterly return of the postmaster each three months and readjust the compensation in accordance with the law of 1854, or whether he should take the quarterly returns covering a period of two years and make readjustment upon that basis.

The law of 1883 reads as follows:

That the Postmaster-General be, and he is hereby, authorized and directed to readjust the salaries of all postmasters and late postmasters of the third, fourth, and fifth classes, under the classification provided for in the act of July 1, 1864, whose salaries have not heretofore been readjusted under the terms of section 8 of the act June 12, 1866, who made sworn returns of the receipts and business for readjustment of salary to the Postmaster-General, the First Assistant Postmaster-General, or the Third Assistant Postmaster-General, or who made quarterly returns in conformity to the then existing laws and regulations, showing that the salary allowed was 10 per cent. less than it would have been upon the basis of commissions under the act of 1854; such readjustment to be made in accordance with the mode presented in section 8 of the act of June 12, 1866, and to date from the beginning of the quarter succeeding that in which such sworn returns of receipts and business, or quarterly returns were made: *Provided*, That every adjustment of salary under this act shall be upon a written application, signed by the postmaster or late postmaster, or legal representative, entitled to said readjustment; and that each payment made shall be by warrant or check on the Treasurer or some assistant treasurer of the United States, made payable to the order of said applicant, and forwarded by mail to him at the post-office within whose delivery he resides, and which address shall be set forth in the application above provided for.

Postmaster-General Gresham, succeeded by Postmaster-General Vilas, has followed the same line of proceeding in the acts of 1854 and 1864, 1866 and 1883 in the adjustment of salaries. A case was taken to the Supreme Court by the attorneys having postmaster's disallowed claims in charge, and the opinion of the Supreme Court has already been quoted. So far as these questions of quarterly returns are concerned I will read from the opinion of the Supreme Court:

CONSTRUCTION OF THE ACT OF JUNE 12, 1866, BY THE UNITED STATES SUPREME COURT.

Supreme Court of the United States.—October term, 1887.—No. 1041.

The United States, upon the relation of J. K. McLean, plaintiff in error, *vs.* William F. Vilas, Postmaster-General. In error to the supreme court of the District of Columbia.

JANUARY 9, 1888.

Mr. Justice Miller delivered the opinion of the court:

This is a writ of error to the supreme court of the District of Columbia.

In the case of United States *vs.* McLean, 95 United States, 750, will be found the report of the decision of this court in an action instituted by the present plaintiff in error against the United States. The appeal was taken from a judgment of the Court of Claims in favor of McLean for the sum of $569.50 for compensation as deputy postmaster at Florence, Kans., from April 14, 1871, to July 1, 1872, which was rendered on the ground that he was entitled to a readjustment of his salary by the Postmaster-General for the period between those dates, and that if such readjustment had been made his salary would have been increased by the amount for which the court rendered judgment in his favor.

This court, however, held, on the appeal that the Court of Claims could not perform the duty of readjusting the salary under the acts which conferred that power on the Postmaster-General, and that there was no legal liability against the United States for the amount claimed by him until that officer had readjusted the salary in accordance with those acts of Congress. In its opinion the court suggested that if the executive officer failed to do his duty in that respect he might be constrained by a mandamus to perform it.

Acting upon this suggestion, and under the act of Congress of March 3, 1883, which authorized and directed the Postmaster-General, in proper cases, to make readjustments of salaries which should act retrospectively, Mr. McLean made a demand upon that officer; indeed, he made two demands—one upon Postmaster-General Gresham, and the other upon Postmaster-General Vilas—for such readjustment. Both of these officers declining to comply with his demand, he, on the 4th of August, 1886, commenced the present suit in the supreme court of the District of Columbia, by filing therein his petition for a writ of mandamus.

"*Provided*, That when the quarterly returns of any postmaster of the third, fourth, or fifth class show that the salary allowed is 10 per cent. less than it would be on the basis of commissions under the act of 1854 fixing compensation, then the Postmaster-General shall review and readjust under the provisions of said section."

What quarterly returns are here meant as showing that the said salary is 10 per cent. less than the commissions under the act of 1854? The argument of counsel is that when any one quarterly return shall show this condition of affairs, the Postmaster-General, on the request of the postmaster, must make a readjustment; but such is not the language of the statute. The expression used is, "when the quarterly returns" shall show this. And inasmuch as the law had already established that readjustments must be made on the basis of the quarterly returns for two years, it is reasonable to suppose that that was the meaning of Congress in this proviso. * * *

Mr. TAULBEE. Will the gentleman from Pennsylvania permit me to ask him a question?

Mr. BINGHAM. Certainly.

Mr. TAULBEE. Does the gentleman contend the pending resolution contemplates a case similar to the one on which that decision was made?

Mr. BINGHAM. It contemplates cases covered by the opinion of Attorney-General Brewster and the action of Postmasters-General Gresham and Vilas, and, so far as these thirty-five thousand disallowed claims are concerned, it proposes to pass judgment on the subject of the basis or the construction of the statutes covering the settlement or ad-

judication of said rejected claims. The resolution of the gentleman from Kentucky is one of many, and, so far as that particular resolution is concerned, it has reference only to the State of Kentucky.

Mr. TAULBEE. In view of what the gentleman has said, I should like to read, for the benefit of the House, an extract from the views of the minority as to the claims of postmasters, made by the gentleman from Pennsylvania [Mr. BINGHAM], to accompany House bill 6993.

Mr. BINGHAM. I will yield for that purpose.

Mr. TAULBEE. In the views of the minority which the gentleman submitted to the House on that occasion he used the following language:

The first proposition contains an admission that the Department has committed acts not warranted by law. If such acts have been committed, the vested rights of the people have been violated and the rights of the United States have been violated. To attempt thus to ratify acts in violation of vested rights, as proposed, is to ask Congress, by an *ex post facto* statute, to rob the people of vested rights. If the rights of the United States have been violated, the case presented is that of an Executive Department seeking immunity from Congress for violating the laws of the United States.

Mr. BINGHAM. I understand all that, and will come to it in a moment.

Mr. TAULBEE. Allow me to complete this quotation.

The second proposition is that Congress shall by statute declare that the claims of postmasters which may have been disallowed in violation of their vested rights and in violation of a statute recently enacted was the proper performance of a supreme duty on the part of the executive officer.

Mr. BINGHAM. Following right in the argument and logic of that minority report, when the appropriation bill was before Congress incorporating word for word the bill to which the gentleman refers, and which general and specific wording was afterwards incorporated in the bill when it came from the Senate, I rose in this House to a question of order, and was sustained by the Chair, in the striking out of that qualification which directed or which had reference to the vested rights of the people either by a ratification in violation or by the enactment of an *ex post facto* statute.

I claim, on the general proposition, that Congress can not divest any one of vested rights. It is the alphabet of constitutional law. Upon that occasion and in that debate I filed my protest and exception to the very statute now under debate—the act of 1886—and the Chair sustained the point of order. The amendment was placed on the bill in the Senate, and it was passed by the House almost unanimously. The gentleman is familiar with that law, and I need not refer further to it.

The United States courts are ever open to determine its constitutionality. What I want to come to is this: I do not retract in any wise the position I have assumed in the minority report referred to and quoted from. I simply say of the 60,000 claims adjudicated, 22,000 have been allowed, aggregating $1,250,000; that 35,000 of them have been disallowed; and the proposition of the gentleman from Kentucky [Mr. TAULBEE] is this, to call upon the Post-Office Department to return to the House the jackets or detailed history of each one of these disallowed claims, and to that I say there is not a disallowed claim in the Department that the gentleman from Kentucky, or any other gentleman here, or the attorney of any claimant can not reach and ascertain these very facts and receive the very information that this resolution seeks to have the Department furnish in bulk to the extent of the whole of these 35,000 disallowed claims.

If any claim has not been treated properly, I have no doubt that a general act can be passed covering the disallowance of the claims upon the basis or error of their disallowance, but not covering the disallowance of the claims on the ground of the ruling of the Department reached after the decision of the Supreme Court in the McLean case, as well as the construction of the statute by Postmasters-General Gresham and Vilas, supplemented by the opinion of the then Attorney-General Brewster, and which they have all made upon the general proposition. If the gentleman finds any rejection contrary to the statute and the opinion delivered by the Supreme Court, or if he ascertains that errors have been committed, thereby forcing rejection or otherwise resulting in injury to claimant, and will then come here and establish that fact he will find there is no committee in this whole House who will with greater celerity and aid come to his assistance and pass upon the question, both in equity and law, than the Committee on the Post-Office and Post-Roads.

Mr. TAULBEE. Will the gentleman be kind enough to give us any reasons why he opposes the resolution asking for this information? He has given reasons for opposing the legislation, but why does he oppose the resolution?

Mr. BINGHAM. I do not see any necessity for submitting to this House a tabulated statement covering thirty-five thousand rejected claims in the Post-Office Department any more than I could see the propriety of submitting a tabulated statement of every rejected claim in the Pension Office, or claims for bounty and back pay, or the innumerable claims submitted for the consideration of the various officers of the Departments and rejected after examination. This is a proposition that does not apply to any other Department of the Government, in which claims are rejected, and I do not see why the Post-Office Department should be made a special exception any more than any other.

Mr. ANDERSON, of Illinois. I yield now twenty minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. On the 30th day of April, 1888, I received a letter from Mr. Spalding returning a letter to me which I had written to a gentleman in Georgia in response to one asking that I should aid him in the matter of a certain claim. In a spirit of courtesy I agreed to do so, assuming that the gentleman asked nothing except facility in its consideration, and had no purpose to commit me to any given line of policy. That letter was transmitted, as I have said, by Mr. Spalding in connection with this resolution. There was accompanying it the same resolution which my friend from Kentucky [Mr. TAULBEE] has introduced, and which a great many gentlemen have introduced, which have been referred to the Committee on the Post-Office and Post-Roads. That letter of Mr. Spalding is as follows:

WASHINGTON, D. C., *April* 30, 1888.

SIR: I have received from Mr. W. E. McCalla a letter dated at Conyers, Ga., April 27, 1888, inclosing your letter to him of the 23d instant, about his claim for compensation as postmaster at Conyers, Ga.

Will you kindly permit me to point out the facts and the remedy in all cases like that of Mr. McCalla's. Referring to the laws and regulations upon the subject, and the published construction of the same, which you will find printed in the petition inclosed, which I have as attorney filled out for my client, you will see at once that the test and measure of compensation to postmasters between 1864 and 1874 is that prescribed by the act of 1854, and that in all cases of postmasters of the three classes who received salaries under the act of July 1, 1864, they are to have the deficiency when tested by the act of 1854 made good to them if it amounts to 10 per cent. You are aware, no doubt, that ever since April, 1884, in execution of the law and regulations of the Department, a considerable force of clerks has been engaged in computing the commissions by the statutory standard of 1854.

Probably three-fourths of all the claims presented have been computed, so that the exact amount of earnings have been ascertained and entered upon jackets. A strange part of this procedure is that the results of these computations have been withheld from Congress, and that a total misapplication of the results has been made in the Department. I say total because an application has been made such as was never made before. This misapplication, in order to relieve the Department of responsibility, had to be legalized by a statute. But the ratification act of August 4, 1886, could not by operation of law deprive postmasters of compensation according to the act of June 12, 1866. So far as allowances were made outside of the requirement of the act of June 12, 1866, they were validated by the act of August 4, 1886. So far as the claims as postmasters have not been adjusted and paid according to the act of June 12, 1866, such claims remain to be paid. The claimants have lost no rights. The question now is mainly a question of fact, and this fact is of record in the Department, and it is necessary in order to enable Congress to act intelligently upon the subject that the actual computations of commissions, compared with the paid salary for each biennial period, shall be transmitted to Congress.

Mr. McCalla's case illustrates the whole subject. He was postmaster between July 1, 1866, and July 1, 1868. The Department computed his commissions for this time and ascertained them to be $440.90. No comparison, however, was made between these commissions and the paid salary for the same time, which was $102 only, the deficiency in his salary for these two years being $338.90. This material fact the Department has withheld from Congrsss. It is singular that the Department, with such tenacity, should withhold such important facts. How can Congress know what is going on in the Department upon this important subject if these facts are withheld? And why should they be withheld? The talk about requiring clerical labor to make a table of the results of this work is manifestly without force. All that has to be done is to state the amount of computed commissions and the amount of paid salary for each biennial period, in cases where this work has already been done. When your committee reports and the House adopts the resolution now before your committee, the figures showing that Mr. McCalla earned $338.90 which has not been paid him for the service between July 1, 1866, and July 1, 1868, will be sent to the House of Representatives. So it will be in every other similar case. After these figures are presented to the House of Representatives it will be for the House to say whether, looking at the simple and plain laws upon the subject, copies of which in print are herewith, these claimants are to be paid.

I have been surprised at the meaning attributed to the recent decision of the United States Supreme Court in McLean's case. For your information I send you extracts from that opinion. You will find that the court decided that an adjustment was not to be made oftener than once in two years, and that section 2 of the act of July 1, 1864, required that these biennial adjustments should be made for two years in the future on the basis of the prior two years' commissions, thus demonstrating that adjustments under the act of June 12, 1866, at the same time had to be made for the prior two years in all cases of the three classes of postmasters in which by the eight previous returns it appeared, when tested by the act of 1854, there had been a loss of 10 per cent. of compensation by the adjustment previously made. You will see that in expressed terms, upon the first page of the opinion, the court recognizes that the law requires in such cases that "readjustments of salaries which should act retrospectively" should be made. You will see, also, that the readjustment of McLean's salary was denied by the court upon the ground that "the record shows that there were no returns from the post-office of the plaintiff for two years preceding the time when he demanded that a readjustment should take place."

The injustice suffered from the decision of the Supreme Court as to postmasters at newly established offices, within the first biennial period, affects but a comparatively small number of the claims under the act of June 12, 1866, which remain to be paid. By this decision of the United States Supreme Court all postmasters of the third, fourth, and fifth classes, serving at offices for full biennial periods or for parts of biennial periods, where the office was established prior to such biennial period, are entitled to a readjustment of salary which shall act retrospectively from the end of the biennial term to date and take effect simultaneously with the regular prospective adjustment at the same office, provided the eight returns show the deficiency of 10 per cent. mentioned.

This letter is written to you in order that, in the entire absence of the facts because withheld by the Department, the committee may fall into no error by reason of the Department policy of withholding the facts, and that your committee may be fully advised as to the law, which is plain and simple, and as to the actual decision of the law by the United States Supreme Court, for it is matter of public knowledge that the administrative action in the Post-Office Department has been to defeat the payment of this most just debt. It seems to be due the claimants, who complain of this action, that they shall have a fair consideration by your committee of the grounds of their complaint.

Very respectfully,

HARVEY SPALDING.

Hon. JAMES H. BLOUNT, M. C.,
Chairman of House Committee on the Post-Office and Post-Roads.

Now, in the case of Mr. McCalla, he was appointed, as will be seen,

in the year 1866, and held the office for two quarters, and the office had been opened there in 1866. There were therefore no biennial returns prior to 1866. Notwithstanding that there were no biennial returns to base this claim upon, he claims that he is entitled to this large deficiency. Bear in mind that this is only a sample case which this resolution is designed to reach.

Mr. PETERS. Will the gentleman allow me?

Mr. BLOUNT. I can not yield; I prefer to finish my own statement. I have every disposition to be courteous to my friend from Kansas, and may permit a question later on.

I will read in this connection, in addition to what I have read from this letter, what the Postmaster-General says upon the same subject. I went to him and read this sample case referred to here, and he writes as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., June 11, 1888.

Hon. JAMES H. BLOUNT, M. C.,
House of Representatives:

SIR: Referring to our interview on the subject of the readjustment of the salary of W. E. McCalla, postmaster at Conyers, Ga., I have the honor to state that the facts as you have them are all wrong. McCalla was postmaster only for two quarters and a fraction, commencing November 24, 1868, and his successor was appointed on June 15, 1869. His commissions were therefore never computed at $40.90; and there is no similarity between the facts as you state them, the figures as you give them, and the time as you give it, and McCalla's case. Neither can the data as you give them and McCalla's case be identified as having anything to do with each other.

McCalla's salary was readjusted under the acts of 1854, 1864, and March 3, 1883, for two quarters and a fraction, and it was done in strict accordance with those acts.

This is a simple case. The Postmaster-General took it up, examined it, and it was readjusted in strict accordance with the act.

Mr. TAULBEE. Will the gentleman allow me to interrupt him for a moment?

Mr. BLOUNT. I prefer to continue my statement.

The SPEAKER *pro tempore*. Does the gentleman yield?

Mr. TAULBEE. I do not ask it.

Mr. BLOUNT (continuing to read):

This readjustment has been confirmed by the act of Congress of August 4, 1886, which you will find on page 8 of my letter to the chairman of the Senate Committee on Post-Offices and Post-Roads, a copy of which you have been furnished. I can only repeat what is stated in that letter, that the Supreme Court has fully sustained the action of the Department and has virtually decided that claimants whose claims have been disallowed under these acts never had any legal claim for more salary than they have actually received, so far as the general rule adopted by the Department for these adjustments is concerned.

I will not take time to read all the letter.

I should add, in closing, that the McCalla adjustment was made according to the general rule applied to all such cases and applied to the thirty-eight thousand disallowed claims.

Mark you, applied to the thirty-eight thousand disallowed claims that this resolution is now seeking to have brought into this House. The Postmaster-General himself takes up this question and goes into it. He says these thirty-eight thousand disallowed claims have been adjusted under that ruling.

As to the rule adopted by the Department in that regard, I quote from the Supreme Court of the United States, McLean *vs.* Vilas (124 United States Reports, page 93):

"Many objections are taken by the counsel for the defendant, which would be worthy of serious consideration if it were necessary to decide them, but as we agree with the Postmaster-General in such a construction of these statutes as shows that they imposed no obligation upon him to make the readjustment of salary claimed by the plaintiff, and as this goes to the merits of the controversy, we prefer to rest the case on this point without any consideration of the others."

I have the honor to be your obedient servant,

DON M. DICKINSON,
Postmaster-General.

Mr. ANDERSON, of Mississippi. Will the gentleman allow me to interrupt him?

Mr. BLOUNT. I would prefer not to be interrupted. The gentlemen have had their time, and I would rather proceed with my statement.

Now, Mr. Speaker, the ruling that has been made by the present Postmaster-General in reference to these accounts commenced with Mr. Creswell's administration of the Post-Office Department, continued on through the administration of Mr. Jewell, Mr. Gresham, and the various other officials down to Mr. Vilas and Mr. Dickinson, and it has been uniformly on this line. The struggle between the claimants and the Post-Office Department has been fought out along this line. It is so to-day, and I think I will be able to show it before taking my seat. My friend, Judge PETERS, in characterizing this resolution, says there are two objects to be reached: one where there might have been an error in calculation by the clerk, the other where the general rule of the law operated severely in some particular case and which a return made under this resolution would bring to the attention of Congress and induce, perhaps, legislation designed to meet that situation.

Now, as to the first proposition, I wish to state here that the present Postmaster-General says and holds that under the law it is perfectly competent wherever there has been any clerical error to authorize an adjustment and correction; that the invariable rule of the Department is to allow that to be done. My own experience confirms this where in numbers of cases I have made application. In one instance only there has been an error.

Mr. TAULBEE. Have you that ruling in writing?

Mr. BLOUNT. I have not.

Now, Mr. Speaker, as to the other point. What is the case of hardship? Under the act of 1864 the method of compensating the postmasters of the country was changed. Prior to that time it had been by commissions; then this new statute was adopted providing salaries. In the ascertainment of salaries the period running back two years from July, 1864, covering eight quarterly returns, was taken, then the average reached, then an even amount—in tens or hundreds of dollars—was fixed upon, which was to be the salary for the two next years. This biennial system of readjusting the salaries of postmasters was adopted. Of course where there were no such biennial returns it was impossible for the Department to adopt that rule. So it became necessary to give to the Department a discretion in that class of cases, and the practice has been under that law since.

It so happens that in a good many cases where there were no biennial returns by reason of unusual growth in the business of the office there was a disproportion in the salary allowed and the receipts; but while a discretion was given to the Postmaster-General to readjust in that class of cases, there was no obligation on his part to do so, and he did not do so in every case. These are the points of hardship, as I understand it, which are sought to be reached. If this be true, then the real object of this resolution, the one in which there is most force, is that it is designed to get information for the purpose of laying the foundation for legislation hereafter, going back to 1866 and on until now, examining every case, and having it reported here, perhaps with a view of having the attention of the constituents of these gentlemen called to this particular fact and asking them to unite with others for the purpose of having legislation and an appropriation made to cover what they insist are equitable claims.

Now, sir, I think that those old matters ought to be regarded as finally settled at some time. The last Congress expressly provided that the action should be conclusive, for the reason that this same man, Spalding, for a period of ten years, had been active at the Department and had been stimulating postmasters' claims all over the country with a view to legislation. The reports disclose that his agitation has at this time taken out of the Treasury a million and a half of dollars, and his contracts were for 25 per cent.

Now, sir, it seems that this fruitful field is to be worked over again, and almost every gentleman in this House is being plied about this matter and furnished with resolutions for the purpose of bringing out facts as a basis for additional legislation and for additional claims. If this were merely a matter of examining accounts any member of this House could readily have it attended to. A communication to the Department from any member would procure the examination of any of these accounts. But, sir, if more is designed, if the purpose is to bring out in this House a condition of facts as a basis for future legislation, as a basis for future lobbying, as a basis for future bounties to claim agents, then it is important that this resolution shall be properly disposed of.

In these communications an arraignment is made by this man Spalding of the Postmaster-General, not merely in this administration, but in preceding administrations, alleging that the Department, out of a desire to economize, has been unwilling to do justice to the claims of postmasters, and that allegation having gone out from this man, it has been unwittingly repeated by many other persons who do not know the facts. For one, I had rather take the judgment of Mr. Gresham, Mr. Jewell, Mr. Vilas, or Mr. Dickinson, the heads of a great Department, having no interest but to administer the Government for the benefit of the whole people, influenced only by a desire to conform their official conduct to the public interest and the public weal. I had rather take the judgment of those men than of a miserable claim agent who is engaged in circulating the cry that wrong and outrage are being perpetrated upon these claimants, when the real consideration that lies at the bottom of his action in the matter is the shekels that will come into his own packet. Hard decisions!

I ask, sir, whether an officer at the head of the Post-Office Department, or any other Department of this Government, conforming his actions to the rulings and practice of the Department under the law, finding his conclusions confirmed by the opinions of Attorneys-General and by a long line of precedents, and last of all by the judgment of the Supreme Court of the United States—I ask, sir, whether it is not reasonable to suppose that that officer's interpretation of his official duty under the law is the correct one, and whether he is not bound to be guided by these lights rather than by outside clamor? Is there anything more contemptible in a public official than the defiance, in obedience to such clamor, of just methods of reasoning and of plain statutory enactments as their meaning is ascertained by the Supreme Court of the United States?

For one, sir, I am gratified that the Post-Office Department, through all administrations, under all parties, and under all circumstances, has shown itself capable of insisting on what is right and what is due to the Government in this matter, while at the same time it has always

been ready to do justice to these claimants. Sir, who is the Government? Is it any individual with an immediate personal advantage to be obtained by doing injustice in these matters, or is it simply an organism designed to enforce the laws which have been enacted by the Congress of the United States for the benefit of all?

I am glad, sir, that my record shows that throughout the whole of the contest with this man Spalding from the time it first began I have steadily protested against these claims.

Mr. Chairman, the Supreme Court stated the issue between the Postmaster-General and Mr. McLean just as I have stated it. They stated what the basis of salary was just as I have stated it. They declared that they agreed with the Postmaster-General in his rulings, and that the discretionary power which allowed him in certain cases to revise, notwithstanding that rule, proved what the statute was. They declared that while there were or might be cases of hardship, as in this instance, it did not lie in the power of the Postmaster-General to change the law. They further stated that the discretionary power which rested in the Postmaster-General to relieve hardships of this class relieved the statute from the complaint that hardships occurred under its operation. The court also construed the proviso of the act of 1864, which, notwithstanding all this varying legislation, they insist is the rule of adjustment now. They say:

> The language which is used in the proviso, instead of declaring, as could easily have been done, that the return of every quarter shall be the basis upon which to determine the compensation of the officer for the next succeeding quarter is, "that when the quarterly returns of any postmaster" of the classes specified "show that the salary allowed is 10 per cent. less than it would be on the basis of commissions under the act of 1854 fixing compensation, then the Postmaster-General shall review and readjust the salary under the provisions of said section." The provisions of that section, as we have already seen, direct the Postmaster-General to review and readjust the salaries of postmasters once in two years, except in special cases, upon the basis of the preceding section, namely, section 2 of the act of 1864.
>
> That basis of the preceding section is the returns for the two years consecutively preceding the readjustment. So that, taking the use of the plural, "quarterly returns," instead of the singular, "any quarterly return;" taking the reference to the second section of the act of 1864, which is the basis of the whole system as the provision under which the readjustment shall be made, and the clear statement of that section that the review shall be made once in two years, and shall be based on the provisions of section 1 of the same statute, which requires returns of two consecutive years, we do not think that the proviso is fairly susceptible of the construction which counsel for plaintiff claim for it.

Now, Mr. Speaker, my own mind is impressed with the conclusion I have stated as to the object of the counsel in obtaining this resolution, and such is the belief at the Department.

[Here the hammer fell.]

Mr. ANDERSON, of Illinois, obtained the floor.

Mr. TAULBEE. I ask unanimous consent that the gentleman from Georgia [Mr. BLOUNT] be given some additional time in order to enable him to answer a question which I wish to put. I do not desire this to come out of the time of the gentleman from Illinois.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. ANDERSON] controls the time. He may yield a part of his time to the gentleman from Kentucky [Mr. TAULBEE].

Mr. ANDERSON, of Illinois. I yield four minutes to the gentleman from Tennessee [Mr. ENLOE].

Mr. TAULBEE. The question which I wished to put to the gentleman from Georgia is very pertinent to the remarks he has just submitted.

The SPEAKER *pro tempore*. The Chair can not control the time of the gentleman from Illinois.

Mr. TAULBEE. Will the Chair submit my request for unanimous consent that the gentleman from Georgia be given time enough—say two minutes—to answer my question?

The SPEAKER *pro tempore*. The gentleman from Illinois is entitled to the floor for one hour, and controls the time.

Mr. ANDERSON, of Illinois. I yield four minutes to the gentleman from Tennessee [Mr. ENLOE].

Mr. ENLOE. Mr. Speaker, I suppose that the best way to ascertain whether or not it is necessary to adopt this resolution is to take the judgment of its friends as to the object in view in bringing it here. There has been made a very full statement of the law, and there is no complaint and no difference of opinion as to the proper construction and enforcement of the law. The only question which presents itself is whether or not we shall enact new legislation in order to reach these cases. I understood the gentleman from Kansas [Mr. PETERS] to state that he proposes to get this information in order that it may be made the basis of legislation, treating the claims of these postmasters as a question of equity, and asking this body as a court of equity to determine the rights of parties who have already received, according to the gentleman's admission, all that they were entitled to receive under the law.

Mr. TAULBEE. Will the gentleman allow me to ask a question?

Mr. ENLOE. I have not time in four minutes to answer questions.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee yield to the gentleman from Kentucky?

Mr. TAULBEE. I only wanted to ask the gentleman whether he is opposed to the ascertainment of the facts which the resolution proposes to elicit.

Mr. ENLOE. Now, Mr. Speaker, the gentleman from Kentucky, the author of this resolution, is presumed to know, if anybody understands its object, what is designed to be accomplished by it. He says that it is intended to reach those cases which were adjusted less frequently than those on a two-years basis, which makes it a proposition to have Congress revise these claims, and to exercise at this time the discretionary power which under the law was vested in the Postmaster-General and was exercised by him.

Mr. TAULBEE. The gentleman is entirely mistaken; I made no such statement. I said exactly the opposite—that the resolution does not cover those cases.

Mr. ENLOE. Then the gentleman wants to reopen those cases readjusted on the two-years basis, that adjustment being sustained by the opinion of Attorney-General Brewster, by the opinion of Postmaster-General Gresham, and by the decision of the Supreme Court of the United States.

Mr. TAULBEE. Only such as involve clerical errors or arbitrary rulings.

Mr. ENLOE. An arbitrary ruling made in accordance with law would be, I suppose, as valid as any other ruling.

Mr. TAULBEE. I want to reach arbitrary rulings made in opposition to the law.

Mr. ENLOE. So far as concerns clerical errors, if the gentleman from Kentucky or any other gentleman has a constituent whose rights have not been properly respected in the settlement of these claims, all he has to do is to go to the Department, present the case properly, and have the error corrected, as I have done in cases brought to my attention from my own district.

Mr. TAULBEE. I trust the gentleman does not wish to do me injustice.

Mr. ENLOE. I want to continue my remarks, if I can.

Mr. TAULBEE. I hope the gentleman will either quote me correctly or not quote me at all.

Mr. ENLOE. I do not want to quote the gentleman at all. Mr. Speaker, if there is any parliamentary proceeding by which you can keep the gentleman off the floor in my time, I hope you will do so. [Laughter.]

Mr. TAULBEE. There is not. [Laughter.]

The SPEAKER *pro tempore*. The gentleman from Tennessee is entitled to proceed without interruption if he declines to yield.

Mr. ENLOE. Mr. Speaker, in regard to a large number of claims of this character, Congress, as guardian of the Treasury, stands in the attitude of the miller at the old-fashioned mill-pond; the crawfish and muskrats are constantly cutting holes through the mill-dam to let the water out; and these claimants, their agents, and representatives are here attempting to bore holes into the Treasury to let out the surplus.

Mr. TAULBEE. I would like to know to whom the gentleman refers as "agents" of the claimants.

Mr. ENLOE. I do not refer to the gentleman from Kentucky, because I am satisfied he is authorized to represent here nobody but his own people. I only want to add that these claimants have been allowed all that is due them under a proper interpretation and administration of the law, and they never expected anything more, nor even dreamed that more was due them until their attention was enlisted by these claim agents. There ought to be a limit somewhere that would protect the Government against the reopening and the revision of claims once fully and satisfactorily settled. I hope the resolution will be rejected.

[Here the hammer fell.]

Mr. ANDERSON, of Illinois. Mr. Speaker, in closing this debate I wish to say there have been but two reasons presented in favor of this resolution. In the first place, it has been suggested that there has been an erroneous construction of the law under which these claims have been disallowed; and, in the second place, it is urged that possibly there may have been some clerical errors in the computations. In reference to the last point, I wish to say it is simply a supposition. There has not been produced here a single reason to justify the supposition that there have been errors. I therefore regard that suggestion as unworthy of consideration. The only reason, therefore, to be considered turns upon the difference of construction in regard to the meaning of the statute.

I wish to say again that in my references to Mr. Spalding I simply stated a fact in saying that he does represent all these claims. That is not disrespectful to him to say, that he represents all of these claims which have been disallowed, and that in representing them he has pressed them with all the zeal he could, and that the only ground upon which the claims rested in the judicial trial was the difference of construction placed on these statutes. He insisted on the proposition that by the quarterly returns they should not only fix the salaries for the future, but in addition that they should pay the additional sum for the two years during which the quarterly returns were furnished.

That question has been presented to the courts and I do not care what is said by any gentleman as to this decision. That was the only question presented and the only ground upon which they made the fight, and that has been decided by the Supreme Court of the United States and decided adversely to the claims and in favor of the ruling of the Postmaster-General.

Even if that were not true, if that position did not bind this House, I say that the legislation of the last Congress does bar and put to sleep those claims. They have been agitated and pressed time and again. They have been an annoyance to the Post-Office Department for years. By the act of the last Congress these claims were disbarred and the system of disallowance by the Postmaster-General was approved. This act expressly approves of the methods of disallowance, disbars any further presentation of such matters, and prohibits any other method of considering these claims.

The SPEAKER. The gentleman's time has expired.

Mr. ANDERSON, of Illinois. I demand the previous question.

Mr. PETERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PETERS. If the previous question is ordered, as asked for by the gentleman from Illinois, will not that keep out any amendment to the resolution?

The SPEAKER. It will.

Mr. PETERS. The minority report recommends that the resolution be amended by striking out "Kentucky," so as to make it general and apply to the whole United States. If the previous question be voted down will not that motion, as well as the motion to lay on the table recommended by the majority report, be in order?

The SPEAKER. As the Chair understands, no motion has yet been made that the resolution be laid upon the table. The recommendation of the majority report that the resolution be laid upon the table does not amount to a motion in the House.

Mr. PETERS. Will the previous question cut us off from amending the resolution?

The SPEAKER. If the previous question is ordered only one question remains, and that is, will the House agree to the report of the committee?

Mr. TAULBEE. I desire to offer an amendment to the resolution. I move to strike out "Kentucky;" so as to make the resolution general and cover all the States.

Mr. BLOUNT. I object to debate.

Mr. TAULBEE. I am not debating the matter, but making a parliamentary inquiry of the Chair.

Mr. BLOUNT. What is that?

Mr. TAULBEE. I inquire of the Chair whether the ordering of the previous question would prevent my moving an amendment to the resolution by striking out "Kentucky," and making it apply to all the States.

The SPEAKER. The Chair has ruled, and will repeat, the only way to secure a vote on an amendment to the resolution is to refuse to order the previous question.

Mr. TAULBEE. I hope, then, the previous question will not be ordered.

The SPEAKER. The question is on ordering the previous question.

The House divided; and there were—ayes 67, noes 23.

Mr. TAULBEE. No quorum; and I demand the yeas and nays.

The yeas and nays were not ordered, only 9 voting in favor thereof.

The SPEAKER. The point of no quorum having been made, the Chair will appoint as tellers Mr. TAULBEE and Mr. ANDERSON of Illinois.

The House again divided.

Mr. TAULBEE. I ask, by unanimous consent, to be permitted to submit an amendment to strike out the word "Kentucky" in the resolution, so as to make it general and apply to all the States. I ask, by unanimous consent, that the previous question be considered as ordered on the resolution and amendment.

Mr. BLOUNT. I object to that.

Mr. PETERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PETERS. The gentleman from Illinois closed the debate, and there was no opportunity afforded to any gentleman to offer amendments. The parliamentary inquiry I wish to submit is whether the gentleman who closed the debate can demand the previous question in that manner so as to cut off all opportunity on the part of anybody else to suggest amendments?

The SPEAKER. The gentleman could not do it himself; it is for the House to determine that question. The gentleman can make the motion, and if the House sustains it, of course all amendments are cut off.

Mr. PETERS. If the motion for the previous question is voted down, then the amendments could be offered?

The SPEAKER. They could.

Mr. TAULBEE. I believe it requires a quorum to order the previous question.

The SPEAKER. It does.

The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. TAULBEE and Mr. ANDERSON of Illinois were appointed tellers.

The House divided; and there were—ayes 120, noes 46.

So the previous question was ordered.

Mr. ANDERSON, of Illinois. I now move to lay the resolution on the table.

Mr. TAULBEE. On that I demand the yeas and nays.

The yeas and nays were not ordered.

The question was taken on the motion to lay on the table; and on a division there were—ayes 86, noes 17.

Mr. TAULBEE. No quorum.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. TAULBEE, and Mr. ANDERSON of Illinois, were appointed tellers.

The House again divided; and the tellers reported—ayes 110, noes 55.

So the motion to lay on the table was agreed to.

LAURA E. MADDOX ET AL.

Mr. LAWLER. Mr. Speaker, I ask unanimous consent to submit at this time a report from the Committee on War Claims on a Senate bill, and I ask to have it placed upon the Calendar, substituting it for a House bill now on the Calendar.

The SPEAKER. Does the gentleman desire this bill to take the place of the other on the Calendar?

Mr. LAWLER. Yes, sir.

The SPEAKER. What is to be done with the House bill.

Mr. LAWLER. That is to be laid on the table.

The SPEAKER. The title of the bill reported by the gentleman will be read.

The Clerk read as follows:

A bill (S. 2201) for the relief of Laura E. Maddox, widow and executrix, and Robert Morrison, executor of Joseph H. Maddox, deceased.

There being no objection, the bill was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 6365) of the same title was taken from the Calendar, and ordered to be laid on the table.

ORDER OF BUSINESS.

Mr. MCMILLIN. Mr. Speaker, I move to dispense with the morning hour for the call of committees, coupled with the usual request that members having reports may be permitted to hand them in at the Clerk's desk.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee, that reports may be handed in at the Clerk's desk?

There was no objection.

The motion to dispense with the morning hour was agreed to.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

DANVILLE A. RICKER.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2646) granting a pension to Danville A. Ricker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABEL G. RANKIN.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2866) granting a pension to Abel G. Rankin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FLORIDA G. CASEY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (S. 1843) granting an increase of pension to Florida G. Casey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILY J. STANNARD.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (S. 2657) granting an increase of pension to Emily J. Stannard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LOUISA V. DE KILPATRICK.

Mr. PIDCOCK, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (S. 1488) granting an increase of pension to Louisa V. de Kilpatrick, widow of Maj. Gen. Judson Kilpatrick, United States Volunteers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY KELLEY.

Mr. PIDCOCK also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 945) granting a pension to Mary Kelley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. FLOWERS.

Mr. PIDCOCK also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5383) granting a pension to George

W. Flowers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH A. CORSON.

Mr. PIDCOCK also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 6307) granting a pension to Sarah A. Corson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN F. HOWARD.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4762) granting a pension to Benjamin F. Howard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH EVANS.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2120) granting a pension to Elizabeth Evans; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY ALWARD.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9653) granting a pension to Henry Alward, dependent father of Henry M. Alward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIAS H. HALL.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10224) granting a pension to Elias H. Hall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. M'COAL.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8735) granting a pension to Mary A. McCoal; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET QUINTON.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10122) granting a pension to Margaret Quinton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. MORRILL, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 10135) to increase the pension of Shenne H. Fowler; and it was referred to the Committee on Pensions.

CARRIE V. MILLER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3021) granting a pension to Carrie V. Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLARA B. DAVIDSON.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2852) granting an increase of pension to Clara B. Davidson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELLEN WHITE DOWLING.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (S. 1481) granting a pension to Ellen White Dowling; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH C. TAYLOR.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (S. 1482) granting a pension to Sarah C. Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THEODORE RAUTHE.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2460) granting arrears of pension to Theodore Rauthe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELISHA DUGLAS.

Mr. LANE, from the Committee on Invalid Pensions, reported back the bill (H. R. 1136) granting a pension to Elisha Duglas; which was laid on the table.

He also, from the same committee, reported, in the nature of a substitute for the foregoing, a bill (H. R. 10479) granting a pension to Elisha Duglas; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MANUEL GARCIA.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3521) granting a pension to Manuel Garcia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE QUIGLEY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9394) for the relief of Catharine Quigley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH PEVE.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 737) granting a pension to Joseph Peve; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM R. M'KEE.

Mr. McCREARY, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 10082) to amend an act entitled "An act for the relief of the widow and orphan children of Col. William R. McKee, late of Lexington, Ky.;" which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

Mr. BREWER, from the Committee on the District of Columbia, reported back the bill (H. R. 9649) to incorporate the Brightwood Railway Company of the District of Columbia; which was laid on the table.

He also, from the same committee, reported, in the nature of a substitute for the foregoing, a bill (H. R. 10480) to incorporate the Brightwood Railway Company of the District of Columbia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARINE-HOSPITAL SERVICE.

Mr. WILSON, of Minnesota, from the Committee on Commerce, reported back favorably the bill (H. R. 6693) to regulate appointments in the Marine-Hospital Service of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHARGES OF DESERTION.

Mr. STEELE, from the Committee on Military Affairs, reported back bills of the House of the following titles; which were severally laid on the table without prejudice:

A bill (H. R. 9997) to relieve Eliah Blake from the charge of desertion;

A bill (H. R. 9996) for the relief of David Sarsfield;

A bill (H. R. 9995) for the relief of W. W. Kerbagh;

A bill (H. R. 10015) to remove the charge of desertion from the military record of Justin I. Wisner;

A bill (H. R. 10014) to remove the charge of desertion from the military record of George W. More;

A bill (H. R. 10006) to remove the charges of desertion against Edward Whitehouse;

A bill (H. R. 10019) to remove the charge of desertion from the military record of Jacob Mong;

A bill (H. R. 10020) for the relief of James B. Roberts, alias James Brown;

A bill (H. R. 10085) for the relief of George W. Briggs from the charge of desertion;

A bill (H. R. 10074) correcting the military record of John Nichols;

A bill (H. R. 10094) for the relief of William Bixby, alias Charles Ashley;

A bill (H. R. 10102) to remove the charge of desertion from Wellington Doddridge;

A bill (H. R. 9976) to remove the charge of desertion from T. J. Nicholson;

A bill (H. R. 9912) to correct the military record of Milton Fuson;

A bill (H. R. 9820) to remove the charge of desertion from the record of John Costner;

A bill (H. R. 9844) to authorize the Secretary of War to remove the charge of desertion from the record of Benjamin Winterbottom;

A bill (H. R. 9757) to remove the charge of desertion against Justin J. Wisher;

A bill (H. R. 9735) for the removal of the charge of desertion from the record of George Tebo;
A bill (H. R. 9660) for the relief of Noah H. Benfield;
A bill (H. R. 9677) to remove the charge of desertion against D. Woodmansie;
A bill (H. R. 9606) to remove the charge of desertion from the military record of Eugene Purticker, and to grant him an honorable discharge;
A bill (H. R. 9608) for the relief of Benjamin F. Royse;
A bill (H. R. 9597) for the relief of Edward Pearl;
A bill (H. R. 9573) to relieve Jacob Shoemaker from the charge of desertion;
A bill (H. R. 9574) to remove the charge of desertion from O. H. Gifford;
A bill (H. R. 9458) to remove the charge of desertion from William A. Cook, late of Company A, Nineteenth Kentucky Infantry;
A bill (H. R. 9490) for the relief of Thomas S. Walker;
A bill (H. R. 9275) for the relief of William H. Finn, charged with desertion from the volunteer service;
A bill (H. R. 9269) to remove the charge of desertion from the record of Richard H. Keeth;
A bill (H. R. 9218) for the relief of William McCormack;
A bill (H. R. 9198) to remove the charge of desertion from the military record of Isaac Bethurum;
A bill (H. R. 9191) to remove the charge of desertion against Levi Beer;
A bill (H. R. 9128) for the relief of Thomas Hickey;
A bill (H. R. 9141) to remove the charge of desertion against Lawrence Coffey;
A bill (H. R. 9091) for the relief of John L. Owen;
A bill (H. R. 9016) to remove the charge of desertion against Bedford Potts;
A bill (H. R. 8921) for the relief of Joseph H. Pierce;
A bill (H. R. 8919) for the relief of Daniel Ward;
A bill (H. R. 8918) for the relief of Joseph C. Williams;
A bill (H. R. 8917) for the relief of William Weaver;
A bill (H. R. 8910) for the removal of the charge of desertion from Patrick Clune;
A bill (H. R. 8902) to remove the charge of desertion against Alexander Malone;
A bill (H. R. 9147) for the relief of Isaac Clark;
A bill (H. R. 9145) for the relief of Gabriel R. Bartley;
A bill (H. R. 9301) for the relief of George Hartram;
A bill (H. R. 9324) for the relief of Elisha Lunsford;
A bill (H. R. 9367) to remove the charge of desertion against James H. Gray;
A bill (H. R. 9556) for the relief of George Heller; and
A bill (H. R. 9537) removing the charge of desertion against Daniel O'Sullivan.

CHANGE OF REFERENCE.

On motion of Mr. HEMPHILL, the Committee on the District of Columbia was discharged from the further consideration of the bill (S. 2602) concerning the militia of the District of Columbia; and the same was referred to the Committee on the Militia.

WILLIAM HUGHES AND OTHERS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 10248) for the relief of William Hughes and others; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REV. WILLIAM GREGSTON.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back the bill (H. R. 7571) for the relief of Rev. William Gregston; which was laid on the table.

He also, from the same committee, reported, in the nature of a substitute, a bill (H. R. 10481) for the relief of Rev. William Gregston; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES A. STEWART.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 9271) for the relief of James A. Stewart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. J. M'CONNELL.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back with amendment the bill (H. R. 9100) for the relief of C. J. McConnell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MATTIE S. WHITNEY.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 10482) to carry out the findings of the Court of Claims in the case of Mattie S. Whitney, as administratrix of Franklin S. Whitney, deceased, heretofore referred to said court; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS FOR STORES AND SUPPLIES.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 10483) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced approval of bills of the following titles:
An act (H. R. 6800) for the relief of John Powers;
An act (H. R. 2216) for the relief of Thomas A. Osborn;
An act (H. R. 7938) to enlarge, improve, and make repairs upon the United States court-house and post-office building in Atlanta, Ga., and to apppropriate money therefor;
An act (H. R. 5445) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1889, and for other purposes;
An act (H. R. 7222) to amend an act entitled "An act to establish agricultural stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto;"
An act (H. R. 9788) making appropriations to supply a deficiency in the apppropriation for expenses of collecting the revenue from customs for the fiscal year ending June 30, 1888, and for other purposes;
An act (H. R. 6946) for the relief of Thomas Jordan;
An act (H. R. 615) for the relief of James B. Mitchell;
An act (H. R. 401) granting a pension to Mrs. Jeannie Stone;
An act (H. R. 4735) for the relief of Douglas Chapman;
An act (H. R. 5929) to extend the time for the completion of a bridge across the Staten Island Sound;
An act (H. R. 7564) to authorize the construction of a bridge across the Tennessee River at or near Chattanooga, Tenn.;
An act (H. R. 8623) authorizing the construction of a bridge across the Tennessee River at or near Guntersville, Ala., and for other purposes; and
An act (H. R. 4920) for the protection of the officials of the United States in the Indian Territory.

CONTESTED ELECTION—FRANK VS. GLOVER.

Mr. CRISP. Mr. Speaker, I rise to a privileged motion. I call up the contested-election case of Frank *vs.* Glover, from the Ninth Congressional district of Missouri.

I ask that the Clerk read the resolutions appended to the report.

The resolutions were read.

Mr. CRISP. As there is no minority report in this case, I would ask consent that the report be printed in the RECORD without being read.

There being no objection, the report was ordered to be printed.

The report (by Mr. HEARD) is as follows:

The district from which this contest came lies entirely within the city of St. Louis. Beside the parties to the contest, there was another candidate, George W. Davidson, nominated by the Labor party. According to the certificate of the Secretary of State there were cast 16,042 votes, of which Glover received 7,202 votes, Frank 7,102 votes, and Davidson 1,738 votes.

It is therefore seen that the sitting member has a certified plurality of 100 votes. To overcome this majority (as between Glover and Frank), the contestant presented three classes of voters in a tabulated statement. The first table contained the names of 249 persons alleged to have been legal voters who tendered their ballots for the contestant, and which ballots were rejected by the officers of election. The second table contained a list of 32 persons whose votes, it was alleged, had been illegally received for the sitting member. In addition to these two propositions, the contestant contended that the returns in one of the precincts had been altered from 103 for Mr. Glover to 113; thus increasing his majority 10 votes.

Various objections were urged to the counting of the 249 ballots contained in the first table above referred to; but for the purposes of this report it is only necessary to consider one.

It was contended by the contestee that of this list of 249 names 170 had been stricken from the registration list and duly advertised according to law, and that the parties named, not having applied to the board of revision for reinstatement, their votes could not be counted. It is established by the evidence and conceded by the contestant in his hearing before the committee that if this proposition is sustained the right of the sitting member to his seat must necessarily be admitted.

The constitution of Missouri, which went into effect November 30, 1875, provides:

"The General Assembly shall provide by law for the registration of all voters in cities and counties having over 100,000 inhabitants, and may provide for such registration for cities having a population exceeding 25,000 inhabitants and not exceeding 100,000, but not otherwise."

Article 9, section 7, constitution of 1875, provides:

"The General Assembly shall provide, by general laws, for the organization and classification of cities and towns." * * *

Pursuant to the above, by acts approved April 21, 1877, and May 23, 1877, the General Assembly carried into effect the foregoing provision of the constitution of 1875.

"SEC. 1. All cities and towns of this State containing 100,000 inhabitants or more shall be cities of the first class."

Section 5 provides for any town becoming a city of the class to which its population would entitle it.

Session acts, 1877, page 49, provides for registration in cities of the first class.

By session acts, 1877, page 250, the following law was enacted:

"SECTION 1. In all State, county, and municipal elections hereafter held in any city of this State having a population of 100,000 inhabitants or more, no person shall be deprived of the right of voting at such election by reason of having failed to register: *Provided*, That in all cities where registration is required by law, the party offering to vote shall be, on the day of such election, registered by a special registrar of election, appointed by the judges of election for that purpose at each precinct, as a qualified voter, in a book to be kept for that purpose, and the ballot of such voter shall be received and counted at such election; and such registrar shall return to the registrar of voters of such city the list of such voters so registered within ten days after such election: *Provided*, That said registrars shall be sworn as provided for the recorder of voters, and the books shall contain the written or printed oath as required in the regular registration books.

"Approved March 30, 1877."

By an act "approved March 26, 1881," the General Assembly provides, session acts, 1881, page 47:

"SECTION 1. That the act entitled 'An act to provide for the exercise of the right of voting by persons who have failed to register,' approved March 30, 1877, be, and the same is hereby, repealed.

"SEC. 2. By reason of the frauds believed to have been perpetrated under the law this act seeks to repeal, and the near approach of an election in the city of St. Louis, an emergency is deemed to exist; therefore this act shall take effect and be in force from and after its passage."

The Legislature of Missouri at the same session, to wit, session acts, 1881, page 48, adopted a general registration law for the city of St. Louis.

The question really at issue is whether the registration law of 1881 is valid; the contestant's counsel claiming in the argument before the committee and in his brief that the law is unconstitutional and invalid.

Says McCrary on Elections, second edition:

"SEC. 6. While the Legislature can not add to, abridge, or alter the constitutional qualifications of voters, it may and should prescribe proper and necessary rules for the orderly exercise of the right resulting from these qualifications. * * *

"SEC. 7. The power to provide for the orderly exercise of the right of suffrage, which we have seen belongs to the State Legislature, includes the power to enact registry laws and prohibit from voting persons not registered. It is now generally admitted that these laws do not add to the constitutional qualifications of voters, and are therefore not invalid. (Capon *vs.* Foster, 12 Pick., 485; Brightley's Election Cases, 51; Hawkins *vs.* Carroll Co., 59 Miss., 735; State *vs.* Baker, 38 Wis., 71.)"

The committee, being united in the opinion that the law is constitutional, do not consider it necessary to go further into the legal argument upon that proposition. While it is true that in every election isolated instances of partiality, unfairness, and the inequitable working of the law are perhaps always apparent, we find nothing in this case to stamp it as one in which the powers of the election officers under the law were illegally or unfairly used for purposes of oppression or for improperly influencing the election.

Failing to find the law invalid or the method of its execution unusually arbitrary or harsh, and finding further that these propositions sustain the right of the sitting member to his seat, the committee are of the opinion that it is unnecessary to go into the affirmative evidence offered by the contestee for the purpose of enlarging his majority.

The committee are of the opinion that the certificate of election was legally awarded to John M. Glover, and that he is entitled to the seat. They therefore submit the following resolutions and recommend their adoption:

"*Resolved*, That Nathan Frank was not elected, and is not entitled to a seat in this House as a Representative in the Fiftieth Congress from the Ninth Congressional district of Missouri.

"That John M. Glover was duly elected, and is entitled to the seat he now holds in this House as a Representative in the Fiftieth Congress from the Ninth Congressional district of Missouri."

Mr. CRISP. I demand the previous question upon the adoption of the resolutions.

The previous question was ordered; under the operation of which the resolutions were adopted.

Mr. CRISP moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED ELECTION—LYNCH VS. VANDEVER.

Mr. JOHNSTON, of Indiana. Mr. Speaker, I call up for present consideration the contested-election case of Lynch *vs.* Vandever, from the Sixth Congressional district of California, and ask that the resolutions accompanying the report be read.

The resolutions were read.

Mr. JOHNSTON, of Indiana. I ask that the same order be made in this case as in the case of Frank *vs.* Glover, there being no minority report.

There was no objection.

The report (by Mr. JOHNSTON, of Indiana) was ordered to be printed in the RECORD.

It is as follows:

The Committee on Elections, having fully considered this case, beg leave to submit the following report:

The contestee was duly returned by the proper authorities as a member of the Fiftieth Congress from the Sixth Congressional district of the State of California, and has his certificate as such. William C. Hendricks, secretary of state for the State of California, certifies that at the Congressional election in said Sixth district, held on the 2d day of November, 1886, the contestee herein received 18,259 votes, and that the contestant, Joseph D. Lynch, received 18,204 votes, leaving a majority of 55 votes, as cast and counted for the contestee.

The contestant, in his notice of contest, charges:

1. An unlawful confederation and combination between the county clerk of Los Angeles County, who is the register officer of the county by virtue of State law, and the chairman of the Republican central committee of said county, to cheat and defraud him (the contestant).

2. That such clerk as registering officer failed and refused to put upon said register the names of 183 legal voters whose names were properly presented for registration, and that they were Democrats, and would have voted for contestant had they been properly registered and had they voted.

3. That there were large amounts of money used by the friends of the contestee to improperly influence votes at divers precincts in said district in favor of the contestee.

The contestee in his answer denies each and every material allegation in the contestant's notice, and charges his (the contestant's) friends made improper use of money at divers voting precincts in said district to influence votes in favor of the contestant. This is substantially the issue between the parties.

As to the first charge of contestant the committee find that the proof as adduced wholly fails to sustain the charge.

As to the third charge, that is, the use of money by the friends of the contestee to improperly influence voters to vote for the contestee, the committee find that the evidence wholly fails to sustain the charge. The only proof offered by the contestant tending in that direction was offered in rebuttal when the contestee had no opportunity to contradict the same, and such evidence, besides being insufficient to sustain the charge, was offered in open violation of every known principle of the laws of evidence, and we hereby enter our protest against such practice before this committee in the future.

As to the like counter-charge made by the contestee against the contestant we find that while the evidence may show some circumstances tending to prove that some of the political friends of the contestant did at said election use money for the purpose of improperly influencing votes, we find that if such was the case it was without the knowledge or consent of the contestant. This brings us to the consideration of the second charge of the contestant. Did the county clerk of Los Angeles improperly refuse to register legal voters under the laws of the State of California? By virtue of the statute law of that State the county clerk is made the registering officer of the county, and makes and prepares what is called the great register, and has control of the same. It is further made his duty to register the voter whenever he asks to be registered and presents competent proof that he is a legal voter.

The same law also makes the county assessor an enrolling officer; he is authorized to take the name of the voter, together with his affidavit showing his legal qualifications as such. These the assessor files with the clerk, whose duty it is to put said name on the register.

Each of these officers has power to appoint deputies, and such deputies when properly appointed and qualified have full power to act. The evidence shows that just before the election the county assessor appointed several deputies, and, as the contestee contends, attempted to appoint others who assumed to act.

It is claimed by the contestant that the assessor filed with the clerk the names of 183 voters who had been enrolled by said deputies, and that the clerk failed and refused to place them on the register, and they were the political friends of the contestant, and would have voted for him.

The contestee admits that the assessor filed the names of 183 voters for registration who had been enrolled by persons who claimed to be deputy assessors, but says that the clerk refused to place them on the register because there was no evidence on file in his office showing that said deputies had been appointed or had the power to act.

The clerk also claimed that the statute required that the appointment of all such deputies should be filed in the clerk's office before they were authorized to act. This had not been done. Under this state of facts the contestant contended that said deputies so appointed were officers *de facto*. This is denied by the contestee. Without deciding this question, as it is not necessary to a proper determination of this case, we find that, conceding the law to be as claimed by the contestant, and that it was the duty of the clerk to have put said 183 names on the register, the evidence fails to show that enough of these names so left off the register were legal voters and offered to vote for the contestant on said day to have changed the result and to have overcome said majority of 55 votes.

The committee, therefore, find for the contestee, and recommend the adoption of the following resolutions:

"*Resolved*, That Joseph D. Lynch was not elected a Representative from the Sixth Congressional district of California to the Fiftieth Congress of the United States, and is not entitled to a seat therein.

"*Resolved*, That William Vandever was duly elected a Representative from the Sixth Congressional district of California to the Fiftieth Congress of the United States, and is entitled to his seat.

Mr. JOHNSTON, of Indiana. I demand the previous question on the adoption of the resolutions.

The previous question was ordered; under the operation of which the resolutions were adopted.

Mr. JOHNSTON, of Indiana, moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue; and pending that I move that all debate upon the pending paragraph and all amendments thereto be limited to twenty minutes, on which I demand the previous question.

The previous question was ordered.

The motion to limit debate to twenty minutes was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

THE TARIFF.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the tariff bill, and by order of the House all debate upon the pending paragraph and amendments thereto is limited to twenty minutes. The Clerk will read the pending motion.

The Clerk read as follows:

Strike out line 31 of the bill.

Mr. BUCHANAN. Mr. Chairman, so much has been confidently asserted upon the one side with reference to the "Cobden Club" and "British gold" and sneeringly denied upon the other that I think it best to lay before this House and the country the exact facts as I have gathered them from sources that will not be disputed. I hold in my hand a little book of 180 pages. Its title-page bears these words: "The members of the Cobden Club, with dates of entrance, corrected to January, 1888. Annual reports for 1886 and 1887. Printed by Cassell & Company, limited, La Belle Sauvage, London, 1888."

The cover bears a design containing the words, "Cobden Club"

in the center, surrounded by the words, "Free Trade, Peace, Goodwill Among Nations." The book is what its title indicates, a list of the members of the club, and the annual reports for 1886 and 1887 of its operations. A prefatory note states that "The bankers of the club are the London and Westminster Bank, Westminster Branch, 1 St. James Square, London, S. W., where subscriptions should be paid on the 1st of January in each year."

This book tells us that the club was formed in 1866, "with the object of encouraging the growth and diffusion of these economical and political principles with which Mr. Cobden's name is associated," and that the "subscription is three guineas per annum. The management of the club, together with the election of members, is intrusted to the committee, three of whom form a quorum." This is a close corporation with a vengeance. The members are not elected by the club, but by a committee, sitting with closed doors, and only three needed to act, and this committee manages the whole affairs of the club. This committee is "renewed annually at a general meeting of the club." That is to say, the members of the club elected by the committee, in turn "renew" the committee. A shrewder device against the introduction of diverse sentiment it is hard to conceive of.

Here is a list of the committee for the past year.

Mr. A. H. D. Acland, M. P., Mr. Thomas Gair Ashton, Right Hon. W. E. Baxter, Mr. W. C. Barlase, Mr. W. E. Briggs, Mr. Jacob Bright, M. P., Mr. Alexander H. Brown, M. P., Sir James Caird, K. C. B., Mr. Henry Peyton Cobb, M. P., Right Hon. M. E. Grant Duff, G. C. S. I., Sir T. H. Farrer, Bart., Mr. Richard C. Fisher, Mr. William Fowler, Mr. Herbert J. Gladstone, M. P., Mr. James Howard, Mr. Alfred Illingworth, M. P., Hon. Walter Henry James, M. P., Mr. Henry Leader Lack, Sir Wilfrid Lawson, Bart., M. P., Mr. E. A. Leatham, Sir John Lubbock, Bart., M. P., Mr. John Gordon McMinnies, Right Hon. Sir Louis Mallet, C. B., Mr. George Webb Medley, Mr. A. C. Humphreys Owen, Mr. Thomas Bayley Potter, M. P. (honorable secretary), Mr. J. W. Probyn (honorable treasurer), Professor J. E. Thorold Rogers, Sir Henry Roscoe, M. P., Mr. Albert Rutson, Mr. C. S. Salmon, Mr. William Summers, M. P., Mr. J. P. Thomasson, Mr. J. J. Tylor.

It will be noticed that eleven of the thirty-five, including T. Bailey Potter, the secretary, are members of the British Parliament, and that "Right Honorables," "Sirs," and "Barts." figure conspicuously.

The work of this committee, we are told, and I quote literally, "consists principally in the publication and circulation of books and pamphlets in accordance with the objects of the club." Those objects have already been indicated, but a few extracts from these reports may make them still plainer. The report for 1886 says:

> The long-continued commercial depression now at last beginning to show some sign of abatement, has had generally an influence adverse to the progress of those principles of universal free exchange which in the interests of the whole human race the Cobden Club advocates.

The report of 1887, adopted at the annual meeting, July 30, 1887, says:

> The Cobden Club attains its majority this year and your committee venture to say the members may congratulate themselves on a very good twenty-one years' work. Something has been done by this club in the twenty-two years since Mr. Cobden died to keep the name of the great free trader green and his influence fresh in the current of political life. His policy and his work have been kept well in evidence at home and abroad. There are champions of free trade in all parts of the British Empire, and in most of the countries of the world, whose interest, zeal, and enthusiasm in the cause are due in a large degree to the work and the teaching of the Cobden Club.

And again:

> Your committee have never dispaired of the ultimate adoption of free trade by the commercial nations of the world, in accordance with the aspirations of Richard Cobden.

Surely these utterances are plain, straightforward, and unmistakable. They are selected as fair extracts, and a perusal of these reports will show that they voice fairly the sentiments of the whole.

These reports show that this committee has sought to further these objects in various ways, chiefly, first, by printed appeal by book, pamphlet, newspapers, and printed slips, distributed throughout the world; and, second, by offering prizes in colleges for the best essays on free trade. This book says—I quote from page 6:

> The work of the committee consists principally in the publication and circulation of books and pamphlets in accordance with the objects of the club. These writings have been distributed very extensively in this country and in all parts of the world.

On page 150 begins a list of these publications thus distributed, containing such works as "Report on the United States Revenue," by David A. Wells; "Leavitt on England and America;" "The creed of Free Trade," by David A. Wells; "Free Trade and Protection in the United States," by Joseph Wood; "The Western Farmer of America," by Augustus Mongredien; "The Future Work of Free Trade in English Legislation," as first prize essay, by C. S. Troup; "A Primer of Tariff Reform," by Daniel A. Wells, Norwich, Conn.; "The Economic Free Trade and Free-Trader's Guide," first edition, edited by R. R. Bowker, New York Free Trade Club; "The Industrial Situation and the Question of Wages, a Study in Social Physiology," by J. Shoenhof.

Among the leaflets distributed we find: "The Effect of Protection in America," by Sir William Bomer Forcewood, 270,000 copies; "United States Protection *vs.* British Free Trade," by Right Hon. W. E. Baxter, M. P., 200,000 copies. A note at the end of the list informs us that the total number of copies of these circulars and pamphlets, exclusive of leaflets, distributed since July, 1866, reaches 1,611,790, and that the total number of leaflets thus distributed up to that date is 10,800,000, and that—

> In addition to these circulars, the club have distributed several hundred thousand copies of newspapers, reprints, and slips containing accounts of the meetings of the club, and of various subjects connected with the principles advocated by the club.
>
> From the beginning of the year 1878 alone over 600,000 copies of such newspapers and slips have been circulated.

It will be noticed that this book expressly says: "These writings have been distributed very extensively in this country (meaning England) and in all parts of the world." It is matter of common notoriety that one of these works, to wit, "The Western Farmers of America," by Mongredien, was circulated among the farmers of our Western country gratuitously in large quantities.

This very list shows that the Cobden Club circulated in all 85,000 copies of this pamphlet. But we are not limited for proof to common rumor. Upon the list of publications I have spoken of I find "The New Protection Cry (Infield), 1,550 copies." A copy of that work I hold in my hand. The full title page reads: "The Approaching General Election. The New Protection Cry. By Economist. Price 4 pence. London: H. J. Infield, 160 Fleet street E. C.; 1880. All rights reserved." It bears, stamped upon the cover, the words "Presented by the," followed by the stamp of the Cobden Club similar to the one I have described as being upon the cover of the reports of the Cobden Club, being the words "Cobden Club" surrounded by the words "Free trade," etc.

This "new protection cry" was sent gratuitously to a constituent and former student of mine, Samuel W. Beldon, esq., of Bordentown, in the State of New Jersey. Here we have, added to the express declaration of the club that they send these documents into all parts of the world, an actual example of the truthfulness of that declaration as applied to the United States. From whence is derived the funds for this work? In the report for 1886 occur these words: "And never before was so great a demand made upon the resources of the club for free-trade literature, a demand which the committee was able to meet by virtue of the special publication fund so generously subscribed by members of the club and others in response to Mr. Potter's appeal."

It is true the immediate occasion spoken of was a fair trade *vs.* free trade canvass in Great Britain, but the words are valuable as indicating the sources of supply of the club's treasury. Further light is obtained by turning to page 50, "Balance-sheets presented 1886 and 1887." From these I quote:

December 31, 1885—Income.	£	*s.*	*d.*
To balance as per last account, 31st December, 1884	1,994	1	4
To members' subscriptions	1,698	17	10
To contributions to the special publication fund, received during the year 1885	1,519	6	10
To sales of books	532	3	3
Total	5,744	9	3

The chief items of expenditure for that year are:

By Cassell & Co., limited, printing, publishing, binding, freights, publications supplied, etc	£	*s.*	*d.*
	3,582	3	11
Dinner at Ship Hotel, Greenwich	416	9	0

In the following year the special subscriptions fell to £74 8*s.*, the annual subscriptions remaining about the same, and the chief expenditure, for printing, etc., was £1,079 13*s.* 9*d.*

Another means of disseminating these doctrines is by offering prizes for essays by students in the colleges of the world. The report presented July 17, 1886, says:

> At Yale College, Connecticut, the Cobden silver medal for 1885 was awarded to Mr. Paul Irving Welles, of Fayetteville, N. Y., and book prizes were presented also to four other competitors who specially distinguished themselves.
>
> * * * * * * * * *
>
> For 1886 the Cobden medal at Williams College, Massachusetts, has been won by Mr. Philip Alexander Robinson, of Newport, N. H., and your committee also presented books to Mr. Henry Knights and Mr. Henry Russell Platt, of whom the examiners had made honorable mention. At the request of Prof. A. B. Woodford your committee offered this year at the University of Indiana a medal for proficiency in political economy, and within the last few days they have learned that the medal has been awarded to Mr. John C. Weils, of the senior class. At Harvard University the medal has been awarded to Mr. Samuel S. Watson, of Durham, N. H.

The report for 1887 says:

> At Yale College, Connecticut, the Cobden silver medal for 1886 was awarded to Mr. Calvin Dickey, of Cincinnati, Ohio. The medal for 1887 at the same college has been awarded to Mr. Arthur Wolfe Brady, of Muncie, Indiana.
>
> * * * * * * * * *
>
> The medal at the University of Indiana for 1887 was awarded to Mr. C. Lawson Hooper. In 1887 the medal at Williams College, Mass., has been won by Mr. William Wirt Newall, of Binghamton, N. Y., while Mr. Henry W. Austin, of Chicago, Ill., and Mr. Marcus W. Comstalk, of Buffalo, N. Y., received honorable mention.

Who compose this club? Who furnish the gold to distribute these free-trade documents in this country? Turning to the list of members I find among others, Lord Aberdare, Lord Acton, the Duke of Argyle, Sir George Balfour, Sir Evelyn Baring, C. S. I. C. I. E., Viscount Baring, Lord Brassey, the Marquis of Breadalbane, Lord Barton, of Rangemore and Barton, Sir James Caird, K. C. B., Right

Hon. Henry Campbell, Bannerman, Lord Carlingford, K. P., Lord Edward Cavendish, Right Hon. Joseph Chamberlain, Right Hon. Hugh C. E. Childers, Major-General Sir William Crossman, K. C. M. G., M. P., Duke of Devonshire, Right Hon. Baron Drouse, Right Hon. Sir M. E. Grant-Duff, G. C. S. I., His Excellency Earl of Dufferin, K. P., K. C. B., J. C. M. G., Earl of Durham, Admiral Hon. F. Egerton, and so on through the whole alphabet of nobility and titled gentry, down to the Duke of Westminster, K. G.

In this list I find the names of 112 members of the British Parliament. I have taken only the active paying members on this list. Among the honorary members may be found the names of still additional members of the nobility and of Parliament. It appears, then, from this document, issued by the Cobden Club itself, that documents advocating the principles of the club, free trade for all the world, have been circulated in all parts of the world by contributions for that purpose collected in England, and by subscriptions received from lords, dukes, and earls, and members of the British Parliament.

This club seeks to extend its influence by the selection of members in countries other than England. The activity of the club in this regard in the United States has been very marked. From this official report I copy the following list of members in the United States, as revised up to July, 1887, together with the residence of each such member and the date of his entrance into the club. I give the names of all.

1882. M. K. Ackerman, Chicago, Ill.
1873. Henry Adams, Washington, D. C., Mass.
1869. J. Quincy Adams, Boston, Mass.
1872. Professor M. B. Anderson, L. G. D., Rochester, N. Y.
1882. James Bruyn Andrews.
1869. Edward Atkinson, Boston, Mass.
1877. Professor W. P. Atkinson, Boston, Mass.
1887. William T. Baker, Chicago, Ill.
1870. George Bancroft, Washington, D. C.
1883. Thomas F. Bayard, Wilmington, Del.
1881. James B. Beck, Lexington, Ky.
1866. John Bigelow, New York.
1879. Poultney Bigelow, New York.
1880. R. R. Bowker, Brooklyn, N. Y.
1875. Gamaliel Bradford, Boston, Mass.
1886. Gen. Rocliff Brinkerhoff, Ohio.
1886. Hon. J. Irving Brooks, Ohio.
1880. William Brough, Washington, D. C.
1872. James M. Brown, New York.
1872. John Crosby Brown, New York.
1883. William Brownlee, Detroit, Mich.
1886. John C. Calhoun, New York.
1883. John G. Carlisle, Covington, Ky.
1880. Charles R. Codman, Boston, Mass.
1885. James G. Cowles, Connecticut.
1872. Jacob D. Cox, Cincinnati, Ohio.
1873. Samuel S. Cox, New York.
1877. Brinton Coxe, Philadelphia, Pa.
1884. Michael F. Dee, Detroit, Mich.
1878. W. Dorsheimer, New York.
1885. E. P. Doyle, New York.
1877. Professor C. F. Dunbar, Cambridge, Mass.
1878. Abraham G. Earle, New York.
1877. William Endicott, jr., Boston, Mass.
1875. Professor Ellicott Evans, Clinton, N. Y.
1881. Professor H. W. Farnam, New Haven, Conn.
1868. Cyrus W. Field, New York.
1869. David Dudley Field, New York.
1877. W. H. Forbes, Boston, Mass.
1881. Worthington C. Ford, Washington, D. C.
1881. Wm. F. Fowler, Henrietta, N. Y.
1872. Professor Frederiksen, Chicago, Ill.
1880. Francis A. French, New York.
1882. Homer Gage, Worcester, Mass.
1879. F. F. Garrison, Roxbury, Mass.
1887. Wm. Lloyd Garrison, Boston, Mass.
1881. Henry George, Brooklyn, N. Y.
1886. Elbridge Gerry, United States consul, Havre, France.
1877. Dr. W. Gibbs, Cambridge, Mass.
1877. Professor Daniel C. Gilman, Baltimore, Md.
1876. Parke Godwin, New York.
1872. Wm. M. Grovesnor, New Jersey.
1883. B. F. Gue, Des Moines, Iowa.
1886. E. F. Hale, U. S. A. consul, Manchester, England.
1880. Murat Halstead, Cincinnati, Ohio.
1887. James D. Hancock, Franklin, Venango County, Pa.
1886. Issac Harter, Ohio.
1886. Michael D. Harter, Ohio.
1880. Rowland Hazard, Providence, R. I.
1888. Hill Hamilton Andrews, Boston, Mass.
1873. John T. Hoffman, New York.
1883. Thomas Holland, New York.
1877. E. D. Holton, Milwaukee, Wis.
1877. Professor E. N. Horsford, Cambridge, Mass.
1886. Osborn Howel, jr., Boston, Mass.
1881. Frank H. Hurd, Toledo, Ohio.
1875. Willis D. James, New York.
1880. Maj. Evan R. Jones, United States consul, Cardiff, England.
1882. F. S. Kennedy, New York.
1881. Henry G. Korte, Zanesville, Ohio.
1880. John F. Lalor, Milwaukee, Wis.
1877. L. Q. C. Lamar, Oxford, Miss.
1880. Professor J. L. Laughlin, Ph. D., Cambridge, Mass.
1880. Wm. M. Lent, San Francisco, Cal.
1872. Charlton K. Lewis, New York.
1886. Graham McAdam, New York.
1871. Hugh McCulloch, Washington, D. C.
1886. Professor James McKenna, Troy, N. Y.
1876. N. W. MacFarland, New York.
1880. Franklin MacVeagh, Chicago, Ill.
1872. Manton Marble, New York.
1883. Henry G. Marquand, New York.
1871. Charles H. Marshall, New York.
1877. Alfred B. Mason, Chicago, Ill.
1877. Stanley Matthews, Washington, D. C.
1880. Jesse Metcalf, Providence, R. I.
1887. B. K. Miller, jr., Milwaukee, Wis.
1871. Robert B. Minturn, New York.
1873. J. S. Moore, New York.
1876. Hon. W. R. Morrison, Waterloo, Ill.
1883. Sidney E. Morse, New York.
1882. J. Sterling Morton, Nebraska City.
1883. Orris Mosher, Perry, Iowa.
1872. Charles Nordhoff, Washington, D. C.
1872. Carl Schurz, New York.
1883. Thomas G. Shearman, New York.
1886. E. M. Shepard, Brooklyn, N. Y.
1885. William M. Singerly, Philadelphia, Pa.
1883. Hon. James H. Slater, La Grande, Oregon.
1882. Bolton Smith, Vicksburgh, Miss.
1880. Dr. W. R. Smith, Sioux City, Iowa.
1880. George Plumer Smith, Philadelphia, Pa.
1886. Hon. J. Quincy Smith, Ohio.
1880. Watson R. Sperry, Wilmington, Del.
1886. William M. Stark, New London, Conn.
1878. S. Sterne, New York.
1875. Anson Phelps Stokes, New York.
1880. Francis A. Stout, New York.
1873. Prof. William G. Sumner, New Haven, Conn.
1881. L. J. Swinburne, Denver, Colo.
1885. T. W. Taussig, Ph. D., Harvard University, Cambridge, Mass.
1881. J. K. Tod, New York.
1881. J. R. Tucker, Lexington, Va.
1883. Hon. Zebulon Vance, Charlotte, N. C.
1872. Gen. Francis A. Walker, Boston, Mass.
1869. George Walker, U. S. consul, Paris.
1873. Hon. Henry Watterson, Louisville, Ky.
1886. Courtney Wellesley, Dallas, Tex.
1870. D. A. Wells, Norwich, Conn.
1877. W. P. Wells, Detroit, Mich.
1869. E. P. Whipple, Boston, Mass.
1872. Horace White, New York.
1886. J. N. Willis, Saint Paul, Minn.
1887. N. W. Witmer, Des Moines, Iowa.
1886. Professor A. B. Woodford, Indiana.
1872. Professor Theodore D. Woolsey, D. D., LL.D., New Haven, Conn.
1881. Professor Theodore S. Woolsey, New Haven, Conn.

Of these William Brough, of Washington, D. C.; John C. Calhoun, of New York; Homer Gage, of Worcester, Mass.; Henry L. Korte, of Zanesville, Ohio; William M. Singerly, of Philadelphia, Pa., are named as active members. The remainder are honorary. This list deserves serious attention. On it we find the name of JOHN G. CARLISLE, the Speaker of this House, and the gentleman who appoints the Ways and Means Committee—the committee from which must come all revenue bills.

We find also the names of JAMES B. BECK and of ZEBULON VANCE, both members of the United States Senate, and one, Mr. BECK, a member of the Senate Committee on Finance, the committee to which is referred all revenue bills passing the House. We find also the name of S. S. COX, a member of this House from New York. These gentlemen seem content, while members of the national Congress, to lend their names and influence to an organization supported by a foreign nobility and foreign gold, and composed largely of the members of the legislative body of a nation our commercial and manufacturing rival.

J. Schoenhof, whose name appears on the list, has been appointed by the present administration as United States consul to Tunstall, England, and Worthington C. Ford has also been sent abroad to represent the interests of this country. Others in public life could be named, but it is sufficient to call attention to those in the legislative and executive branches of the Government. The list shows that not all are of one party, though the great preponderance are, and it is probable that with some the election was a compliment, accepted without due consideration as to all thereby implied. Still, enough remains to make apparent the sources of certain activities.

Thus, Mr. Chairman, I have stated as clearly and succinctly as I could, the objects, purposes, and operations of the Cobden Club from the evidence furnished by the club itself under its own imprint. I have done so because I deemed it my duty to place before the American people this information, drawn from these authentic sources. If the American people are to take their political economy from abroad, they should at least know what hand supplies it. If the American policy of protection is to be overthrown, it is well that the destructive forces should be traced to their respective proper sources.

Believing this club to be an active agency in this direction I have felt justified in occupying this much of the time of the House.

Mr. BYNUM. Mr. Chairman, I move to strike out line 32. I desire to explain by saying I make this motion with a view to inserting the line at a different place, and providing a dutiable rate.

Mr. FARQUHAR. I am in the position of my friend from New Jersey [Mr. BUCHANAN] on this question. Unexpectedly I find a member of the Ways and Means Committee making this motion; so I will confine my remarks simply to submitting to the House a letter which enters very largely into the line followed by my friend from Indiana [Mr. BYNUM], and which I think fully explains the exact position in regard to dressed line. Instead of making any extended remarks I will simply read the letter, and have it printed in the RECORD. The letter is from the Dunbarton Mills, in Greenwich, in my State. The owners of these mills are probably as good business and representative men as we have in the State, in this line.

The letter is as follows:

DUNBARTON MILLS, *Greenwich, N. Y., March* 21, 1888.

SIR: Being manufacturers of flax and tow yarns, threads and twines, on a large scale at Gilford, Ireland, and also having established a branch factory for similar goods eight years ago at Greenwich, Washington County, State of New York, we believe we are in a position to express an opinion as to the result of any alteration in the tariff as it at present exists, formed from an unprejudiced consideration and only affected to a trifling degree by self-interest.

The exemption from duty of what is known as "dressed line" would induce us to abandon the importation of flax in any other than this condition, thereby practically closing our hackling department in this country, and giving a corresponding impetus to the same employment in our Irish factory, owing to the much higher rates of wages we have to pay in this country.

Any reduction in the existing tariff on manufactured goods would enable us to import from Great Britain all the goods that we now make at less than we could produce them here, unless we could establish such a substantial reduction in the present wages of our employés as would enable us to compete with the lower wages paid in Ireland.

We believe that a reduction in the present duty on manufactured goods would compel us and others to close the flax mills in this country, reship their machinery to the United Kingdom, and thus check, if not exterminate, an important industry that has made rapid strides toward development during the last ten years, and is attracting the attention of a large section of the public in this country. To compel us and others to reship their machinery after paying an average duty of 40 per cent. into the United States Treasury on millions of dollars' worth of machinery, would, we submit, be a great injustice. With adequate protection we foresee a great future for this business and a large increase in the manufacture of home-made goods, so we therefore ask your careful consideration to the importance of fostering and encouraging this industry, and your strenuous opposition to any measure that will reduce the present duty on manufactured goods.

We are, yours, respectfully,

DUNBAR, McMASTER & CO.

Hon. JOHN M. FARQUHAR,
Washington, D. C.

I desire to submit the letter without any further comment than to say it comes from one of the most excellent business houses in the whole State of New York.

The CHAIRMAN. The question is on agreeing to the amendment submitted by the gentleman from Indiana [Mr. BYNUM].

The amendment was agreed to.

The Clerk read lines 33 and 34, as follows:

Tow of flax, or hemp.
Hemp manila, and other like substitutes for hemp.

Mr. KELLEY. I move to strike out those lines, and I do so at the instance of hemp-growers from Kentucky. I propose to submit as my argument an extract from a letter from as staunch a Democrat as I know of in Kentucky, and who has the hardihood to dissent from the doctrines of his party, even though they come through a national convention, when he believes they are destructive to the interests of the people of Kentucky, and especially of a large number of laborers who are dependent, at a season of the year when labor is otherwise deficient, upon the hemp crop for their employment. I know the gentleman well personally, and have known him for a long time. He says in the course of his letter:

We raise in Kentucky about 24,000 acres of hemp. Average crop per acre is about 1,000 pounds, which sells at $5 per 100 pounds, or $100 per ton. Of this amount from $18 to $21 per acre is expended for actual labor, and nearly all this labor is done by the colored population, and often at a time of year when no other profitable farm work can be found for them, particularly at the spreading and breaking season in the winter time. Much of the remainder of the amount received goes to the lessee of the land, the owner netting about $20 per acre. The lessee, having to do a great deal of work himself, should of course have his labor credited up with a good large share of the remainder, which, however, is over and above the $18 per acre received by the day laborers. I am reliably informed that the jute, sisal, and manila importers have formed a "trust—"

I want the gentlemen here from Kentucky to know that some of their fellow-citizens believe there is a hemp, manila, and jute trust formed by the importers—

and but for the production of hemp in Kentucky would at once put up the price of twine, so largely used by the farmers in binding wheat, to 30 cents a pound, thus increasing the cost of twine for the harvesters at least 200 per cent., to say nothing of the increase they would make in rope, bagging, and other articles so largely used by the farmers and planters. Placing hemp on the free-list would destroy its production entirely and allow the "trust" above mentioned a complete monopoly in price on this article. If our members of Congress have the interest of our great agricultural population of the West and South at heart they will never strike hemp from the list of dutiable articles, and not only prevent its production, but permit foreign importers to wring millions of dollars from the farmers to feed and fatten this hydra-headed "trust." The wiser way would be to raise the duty on hemp still higher, thus encouraging an increased production and decrease the amount of foreign substitutes therefor now brought into this country. * * *

Great complaint is being made throughout the hemp-producing district of Kentucky about the action of the Committee on Ways and Means in placing hemp on the free-list, and the voice of the people will be heard in the primaries next summer in condemnation thereof.

Mr. TAULBEE. I would like to ask the gentleman who wrote that letter.

Mr. KELLEY. A gentleman, sir, who is the peer of any man on this floor.

Mr. TAULBEE. I do not contradict that; I simply want to know whether or not he is a constituent of mine.

Mr. KELLEY. He is a citizen of Kentucky, and a constituent of the governor of Kentucky.

Mr. McCREARY. Does he raise hemp?

Mr. KELLEY. I do not know.

Mr. McCREARY. What county does he reside in?

Mr. KELLEY. Would you like to know?

Mr. McCREARY. I would, sir.

Mr. KELLEY. Very well, you may if you can learn. I shall not betray my correspondents into the hands of those who would destroy their interests.

[Here the hammer fell.]

Mr. NELSON. Mr. Chairman——

The CHAIRMAN. The Chair will only recognize gentlemen in opposition to the motion.

Mr. NELSON. I am opposed to the motion, and in opposition to it I desire the Clerk to read a statement which I have marked and will send to the desk.

The Clerk read as follows:

One of the stupidest taxes in the tariff-list is that on manila and sisal, materials needed in the manufacture of the cheap binder-twine used in harvesting machines ever since wire was discarded. Wire proved a failure in the self-binders because it caused an injury to thrashing-machines and mills that ground the grain and was too dear; but inventive ingenuity solved the difficulty by substituting binder-twine. This twine is now used extensively throughout the western portions of the country. Being a cheap twine, only needed to hold sheaves together for a short time, hemp, which is much dearer, is not used in its manufacture, and the substitutes, sisal and manila, are found satisfactory. The duties on these materials last year (1886) amounted to $1,188,282, and the incidence of the tax, or the profits of manufacturers and middlemen on the tariff tax, to nearly as much more.

This tax protects no one, is not needed for revenue, and is an injury to every farmer it touches. The theory in taxing these substitutes was that such a levy was necessary to protect the hemp-growers of Kentucky and Missouri, but in fact nothing of the sort is done. Hemp is too costly for binder-twine, and it is cheaper to use sisal and manila with the duties added. The tax does the hemp-grower no good, and is a wholly unjustifiable levy on hundreds of thousands of farmers of the West. Unless the tax is increased to prohibition and made to keep out sisal and manila altogether, it can not operate to compel the use of hemp in making binder-twine for farmers. Why not repeal it outright?

Mr. ROWELL. What line is covered by the motion to strike out?

The CHAIRMAN. Line 44.

Mr. McKINLEY. I move a *pro forma* amendment, and ask to have the letter read, which I send to the desk.

The Clerk read the letter, as follows:

CINCINNATI, *April* 14, 1888.

HONORABLE SIR: We have a large plant and expensive machinery for the purpose of manufacturing twines of Kentucky hemp; therefore we are very deeply interested in the tariff question. We notice that the Mills tariff bill aims to admit foreign fibers free of duty into this country. We think it sufficient that we are compelled to buy our machinery from England, but when it comes to manufacturing the material we want to use our home production.

Kentucky hemp is low enough as it is, and should the duty be taken off of foreign fibers, our American hemp will have to be sold so low that it will not pay the producer to raise it at all.

The binder-twine interest in this country is a very large one, and is growing rapidly every year. The consumption of this commodity last year was about 40,000 tons. Most of this was made of foreign fibers, Manilla and Sisal. Now, we think that the foreigner has got the lion's share, and as the binder-twine made of Kentucky hemp is beginning to be popular, we anticipate that the future will see binder-twine made of American hemp used very largely; but should the Mills tariff bill become a law, our American product will have to be sold so low in competition with Russian hemp, as to drive it entirely out of the market. Under the circumstances we think it a very important matter to a large and growing American industry, that the Mills bill should not become a law.

Trusting that you will appreciate the necessity of keeping the rate of duty on foreign fibers as it is at present, we are,

Yours, respectfully,

GEORGE H. BONTE.

Hon. WILLIAM McKINLEY, M. C.,
Washington, D. C.

Mr. McKINLEY. I also ask to have read certain resolutions adopted by the Flax and Hemp Spinners and Growers' Association at their convention held in Chicago on the 25th of February, 1886.

The resolutions were read, as follows:

The committee on resolutions reported as follows:

Resolved, That we, as growers and manufacturers in convention assembled, agree to use every endeavor to advance the interests of the flax and hemp industry in the United States; that as growers we will use every effort to raise and prepare the fiber with reference to the wants of the manufacturers, and that as manufacturers we will co-operate with the growers and give preference to American flax and hemp.

It was moved by Mr. Boyce, of Muncie, Ind., that the report be adopted, and seconded by Mr. Loughridge. Carried.

The committee further reported as follows:

Whereas any reduction of the tariff at this time on foreign fibers, including jute, manila, sisal, flax, and hemp would, in our opinion, be disastrous to important domestic industries, both agricultural and manufacturing: Therefore, be it

Resolved by this convention, representing both producers and manufacturers, That our Senators and Representatives in Congress be respectfully urged to oppose any such reduction, whether by direct legislation or indirectly by reciprocity treaties; and that a memorial be prepared and forwarded to every Senator and Member of Congress, and that we will individually urge the matter upon their attention.

Moved adoption by Mr. Boyce, of Muncie, Ind., and seconded by Mr. Sparks. Carried.

Mr. McKINLEY. I withdraw the formal amendment.

Mr. BURROWS. I move to strike out the last word. I ask to have read the extract which I send to the desk, which is a brief report of the proceedings of the Flax and Hemp-Growers' convention, held at the Ebbitt House, in this city, on the 28th of March, last.

The Clerk read as follows:

FLAX AND HEMP GROWERS MEET—WITHOUT REGARD TO PARTY AFFILIATION THEY OPPOSE MILLS'S TARIFF BILL.

WASHINGTON, *March* 28.

At the annual meeting of the flax and hemp growers, which convened at the Ebbitt House this morning, a number of interesting statistics relative to the business were presented. President Turner, in his report, said that he would

venture to say that the President of the United States was wearing shirts and using towels made of foreign linen.

Among the interesting papers were a series of letters from manufacturers and growers throughout the United States, protesting against the passage of the Mills bill. One of them, from several Kentucky dealers, dated at Lexington, assured the association of entire sympathy with its efforts to defeat the change of tariff.

It says that the signers are conversant with the wishes of the hemp-growers, and know that they are opposed to any reduction of the existing duty on hemp or its products, and further states that the president of the Farmers' Exchange has written and sent to Representative W. C. BRECKINRIDGE a letter assuring him that the farmers can not compete with foreign hemp if the present duty is taken off, and urging him to see that they are taken care of.

A resolution was adopted protesting against a reduction of the tariff on flax and hemp, and a committee was appointed to present a copy of the resolutions to the Ways and Means Committee of the House. The president urged that the individual members continue their fight against the bill, and added that he had received protests against it in great numbers from members of both parties.

Mr. McKINLEY. Mr. Chairman, I intended to have read, when I was on my feet before, a resolution passed by the senate of Kentucky on the 23d of February, 1886. I send it to the desk now and ask that it be read:

IN SENATE, *February 23, 1886.*

Be it resolved by the senate of Kentucky, That our Senators and Representatives in Congress of the United States be requested to oppose any law the effect of which will be to admit free of duty through the ports of this country any article or articles of foreign growth the use of which will come into competition with our home-grown hemp of Kentucky.

A copy.
Attest:

HARRY GLENN,
Clerk Kentucky Senate.

The CHAIRMAN. The Chair will assume that the formal amendment is withdrawn. The question is on striking out line 34 of the bill.

The question was taken, and the Chairman declared that the noes seemed to have it.

Mr. McKINLEY. I ask for a division.

The committee divided; and there were—ayes 55, noes 69.

Mr. McKINLEY. I demand tellers.

The committee again divided; and the tellers reported—ayes 56, noes 78.

So the amendment was not agreed to.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the word "hemp." I make that motion for the reason that hemp is a well-known agricultural product, and I do not think it is wise policy for the Congress of the United States to so shape its legislation as to drive the agricultural interests of the country into the production of one or two, or perhaps three staple crops. I think one of the difficulties with the agricultural interest to-day is that it is confined to too few lines of production, and it does seem to me that we should encourage diversity of industry in agriculture as well as in manufacturing and other pursuits. I know that under the present rates of duty the protection of hemp has seriously declined, because farmers have found that they did not receive an adequate amount of protection. I hope, therefore, that hemp will not be placed upon the free-list, but will be continued at its present rate of duty, or, if any change is made, that more protection, instead of less, shall be given to the producers of the hemp.

Representing a section of country which does not raise hemp, but which, in its mills, fashions it into articles of commerce, I say that we are perfectly willing, ay, anxious, that the agricultural portions of the country which are engaged in the production of this crop shall have the benefit of the protection which the present law gives and an additional amount sufficient to encourage the cultivation of the plant. I have nothing further to say upon this subject, except to ask leave to incorporate in my remarks an article from the Lexington (Ky.) Leader, giving the reasons why additional protection should be accorded to this industry.

The article is as follows:

HEMP AND FLAX SHOULD BE PROTECTED.

[Lexington (Ky.) Leader.]

The New York Press recently published an exhaustive article on the hemp and flax industries of the United States, proving conclusively that they are entitled to and should receive increased protection rather than the tariff reduction proposed by the Ways and Means Committee. In spite of the protests from Kentucky, Wisconsin, Iowa, Indiana, Kansas, Illinois, and Dakota, the Democratic leaders are determined to deal a death-blow to these two important industries, and turn over the business to Calcutta, Dundee, and Belfast. If they succeed in accomplishing their ends they will practically confiscate $8,000,000 of capital invested and throw out of employment 6,000 factory employés, to say nothing of the vast army of laborers engaged in the agricultural districts where the fiber is grown.

The CHAIRMAN. The question is on striking out the word "hemp."

The question was taken, and the Chair declared that the noes seemed to have it.

Mr. BUCHANAN. I ask for a division.

The committee divided; and there were—ayes 54, noes 65.

So the amendment was not agreed to.

The Clerk read as follows:

Jute butts.

Mr. KELLEY. I move to strike out line 35. I send to the desk a special report from the Department of Agriculture on jute culture and the importance of the industry, by Prof. S. Waterhouse, of Washington University, St. Louis, and I ask the Clerk to read the passages marked, extending from page 4 to page 8.

The Clerk read as follows:

Till recently the Government of India has never fostered the cultivation of jute; but without its patronage this industry has within the last half century risen to a world-wide importance. In 1828 the total foreign sale of jute was less than 40,000 pounds, worth $300. Now Calcutta, which is the great point of distribution, exports immense quantities of this staple to Bombay, Madras, Ceylon, Burmah, Singapore, Penang, Java, Australia, Brazil, the west coast of South America, France, Great Britain, and the United States. Only about one-fourth of the crop is reserved for domestic consumption. According to the fashion of the different countries, pepper, coffee, sugar, rice, cotton, soda, lime, the matte and regulus of the precious metals, and many other articles of commerce, go to market in a dress of gunny cloth.

The statistics of the development of the jute culture in India are impressive and suggestive. In 1862 India exported 10,000,000 pounds of fiber and rope and 300,000,000 yards of gunny cloth. In 1860 Great Britain employed more than 30,000 spindles in spinning 80,000,000 pounds of Indian jute. Recently the staple has risen to the dignity of the fourth place in the exports of India; only cotton, opium, and rice exceed it in commercial importance. Some of the Indian factories are immense. There is an establishment at Barnagpoor, near Calcutta, which employs more than 4,500 workmen, and annually manufactures more than 30,000,000 pounds of jute. In 1872 the total exportation of Indian jute was 700,000,000 pounds, of which Great Britain received upward of 395,000,000 pounds. In the same year more than 900,000 acres were devoted to the cultivation of jute in India, and in the thirteen provinces in which jute is principally raised, out of a population of 15,725,000, more than 1,350,000 were wholly or partly engaged in this occupation. These figures conclusively show the vast magnitude and importance of this industry to India. Other statistics will illustrate the value of this staple to an exclusively manufacturing community.

Nearly half a century ago some sagacious Scotchmen engaged in the manufacture of jute. Their humble experiment has developed into a success that has enriched Scotland and promoted the commerce of the world.

At first many difficulties arrested their progress. Much of the fiber was discolored by the tannic acid of the bark through improper methods of preparation, and it was only after years of persistent effort that a successful process of bleaching was discovered.

Again, the fiber stubbornly resisted the action of dyestuffs, and over this difficulty chemical science has yet only partially triumphed. Jute can now be dyed, but the colors are not fast. Still the variety of tints now imparted to jute permits it to be combined with other materials in cheap imitation of many valuable fabrics.

Jute is mixed with cotton, linen, and silk. It is a material part of twilled stair carpeting and low-priced broadcloth. In combination with other textiles it imitates the gloss of Irish linen, the luster of French silk, the beauty of Turkish rugs, and the splendor of Axminster, Kidderminster, Brussels, and Venetian carpets. Single or mixed, it enters into the manufacture of a thousand articles of commerce. In 1872 there were in Dundee about 100 jute mills, employing upward of 20,000 workmen and manufacturing more than 180,000,000 pounds of jute annually. In the same year nearly 50,000,000 gunny bags, most of which were made in Dundee, were exported from Great Britain. Of the 300,000,000 pounds of jute that were manufactured in the United Kingdom in 1876, 200,000,000 pounds were woven in the mills of Dundee. The annual value of the flax, hemp, and jute manufactured in Dundee is now $15,000,000. The jute factories of Dundee have created a flourishing city, given employment to thousands of workmen, diffused prosperity throughout a large community, promoted the commerce of Scotland in the importation of the raw material and the exportation of the manufactured product, and facilitated the movements of the cotton and grain crops of the world. What has been so successfully accomplished in Dundee can be done with a still grander success in the United States.

We not only can spin and weave the fiber, but we can also raise it. We not only can derive the profits of making the fabrics, but we can also enrich ourselves by the twofold economies of the growth and manufacture of the staple.

Under the auspices of the Department of Agriculture experiments in the culture of jute have been successfully tried in South Carolina, Florida, Georgia, Louisiana, and Texas. These trials conclusively established the facts that wherever in the Southern States there is a hot, damp climate and a moist soil of sandy clay or alluvial mold jute can be profitably raised. It is probable that much of the land now devoted to the growth of cotton, rice, and sugar-cane would yield larger returns if applied to the culture of jute. The plant matures in this country in about the same time that it does in India. The April plantings were cut in July and the June plantings were cut in September. Some of the stalks reached the height of 15 feet, and in some instances the fiber was, according to the judgment of experts, superior in strength to that of India.

The yield was in several cases at the rate of 3,500 pounds to the acre. These facts, so familiar to the Department of Agriculture, are here repeated for the information of those who have not seen the results of the experiments inaugurated by it. The trials that have been made strengthen hope into an assurance that jute can be successfully cultivated in the Gulf States and in Southern California.

The conditions of soil and climate and the practical tests of experiment are here so favorable as seriously to alarm the government of India. The official report of an Indian commission appointed by the state has expressed a grave apprehension of American competition in the culture of jute.

It is to be hoped that the enterprise of the South will prove that this apprehension was well grounded.

The economic importance of this culture to the United States is incalculable.

No country in the world is capable of deriving so vast a benefit from the industry as our own. The magnitude of our grain and cotton crops is unparalleled in other lands.

In 1870 the quantity of cereals and vegetables produced in the United States, and requiring to be sacked before they could be sent to market was largely more than 1,500,000,000 bushels. Ultimately this vast mass was handled in bulk by elevators, barges, canal-boats, railroads, and steam-ships; but before it could be brought from the various points of production to these facilities of transportation it had to be inclosed in bags. If it were necessary to renew these bags every year, it would now cost the United States $1,000,000 annually for its grain, pulse, and potato sacks. This calculation is based upon the assumption that all the bags are made of jute. If the material were cotton, flax, or hemp, the expense would be still greater. But as the sacks last several years, the annual cost is not probably one-fifth of the above aggregate. In 1876, the cotton crop of the United States was about 4,500,000 bales, and at the ruling rates the cost of the gunny cloth in which this cotton was sent to market was not less than $3,900,000.

Unlike the grain sacks, the jute baling can not be used a second time, and therefore a wholly fresh supply is necessary every year. Our native production of fibers is greatly inadequate to meet the demand. In 1868 the United States paid $23,000,000 for imported flax, hemp, and jute. In 1879 the cost of imported fibers was more than $30,000,000 in gold. The quantity of jute alone imported in 1870 was upward of 19,000,000 pounds. Yet these figures, although large, but imperfectly indicate the demand which there would be for jute if it were a domestic production. The cheaper fiber would, of course, be substituted for the more costly wherever it was possible, and accordingly jute, in consequence of its comparative inexpensiveness, would supplant hemp and flax in the manufacture of carpets and many other fabrics. For bagging and cotton baling jute has already most entirely superseded the use of the other fibers.

But possibly it will be found better, in order more fully to meet the varying needs of commerce, to interweave jute with cotton, flax, and hemp; and in that event the introduction of jute, instead of depressing, would stimulate the culture of these fibers. But the vast need of our country for grain-sacks, cotton-bale covers, and a cheap warp for a woof of other textile materials will create a correspondingly vast demand for home-grown jute. It will indicate a lack of Southern enterprise if American jute does not yet rise to a textile importance second only to that of American cotton.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KELLEY. That will do for the present. There are two or three other points that I will get in on the next line.

Mr. MCKINLEY. In connection with the extract just read, I ask to have printed a protest by the same authority, Professor Waterhouse, on the same subject.

The protest is as follows:

To the United States Senate and House of Representatives:

A purely disinterested regard for the material prosperity of the country is my only apology for this address.

The new tariff bill proposes the abolition of the imposts on foreign jute and ramie. There are weighty reasons which plead for the exemption of these fibers from the list of free imports.

Jute is one of the most important productions of India. The variety of its uses is almost illimitable. The range of manufactures from this textile extends from coarse matting and cotton baling to fine imitations of linen and silk. The growing needs of mankind are steadily increasing the demand for this fiber. Jute is annually enriching India with a productive wealth of scores of millions.

Ramie is the strongest fiber in the world. Narrower than jute in the range of its applied uses, it is superior in its suitability for finer fabrics. Barely inferior to silk in beauty of luster, it surpasses its glossy rival in durability. It is woven into textures of practical utility and elegant luxury. It is wrought into cordage of extraordinary strength, laces of filmy delicacy, and plushes of exquisite beauty. The demand for this valuable fiber far exceeds the supply.

The luxuriant growth of jute and ramie in the Gulf States shows that the conditions of soil and climate are suited to their culture. Numerous experiments, continued through a succession of years, justify the assurance of Southern farmers that "these plants can be cultivated almost as easily as Indian corn." The success of repeated trials has dispelled every intelligent doubt that the soil of the South is adapted to the growth of these textiles.

A diversification of industries is essential to the highest welfare of the country. The Southern States have long been impoverished by an unwise devotion to the cultivation of a single staple. There is no truer economic maxim than that variety of employment is a productive factor of national wealth. The culture of jute and ramie meets an imperative requirement. The tillage of these plants would not only richly diversify Southern agriculture, but would employ labor at seasons when cotton needs least attention, and would bring returns at times when the income from cotton is not available. Industries opening such copious sources of public wealth and so happily supplying the wants of both labor and capital are worthy of legislative encouragement.

The prospects are now bright. Several companies have been formed to promote the success of the new industries. Capital has been invested in the culture of the plants, in the decortication of the stalks, and in the manufacture of the fiber. From the outset the Southern farmer has encountered no impediments in raising jute and ramie. Irrespective of Congressional legislation, the sole obstacle to success has been the want of a cheap and rapid means of preparing the fiber. The only difficulty of the problem begins after the easy work of the planter ends. For several years there have been machines which worked with a fair degree of efficiency, and since the last harvest two other decorticators have been invented. Experts who have seen the operation of the latest inventions bear testimony to their practical excellence.

And now, when there is every assurance of success, a bill which proposes to remove the duties on imported jute and ramie has been brought before Congress. The passage of this measure would probably prove fatal to the new industries. In India and China the wages of agricultural labor vary from 3 to 15 cents a day. Without the assistance of a tariff the comparatively high-priced labor of the South would contend in vain against such competition. Even the aid of improved machinery will not alone equalize the cost of the products.

It is true that, in spite of the cheap labor of India, unprotected American cotton controls the markets of the world, yet in this instance there is an equivalent to a tariff in skillful husbandry and the peculiarly adapted fertility of Southern uplands and sea islands. But the soil of the South has no special superiority for the production of jute and ramie. These plants flourish in the Gulf States and produce fiber of surpassing excellence, but they do not grow there with a greater luxuriance than they do in Oriental lands. Hence their profitable cultivation in the United States implies not only effective machinery for the treatment of the stalks, but also the encouragement of protective imposts on foreign textiles. The economic superiority of mechanical to manual methods of preparing the fiber, together with the aid of a tariff which would virtually equalize the difference between Oriental and American wages, would insure the prosperity of new industries.

Decorticators are now so effective as to render the cultivation of protected jute and ramie a profitable industry. But even if all existing machines were radically defective, it is probable that not many years would elapse before the mechanical talent of our country would remedy their imperfections. The problem which challenges solution is far easier than many others which the inventive genius of Americans has already solved. The ingenuity which has overcome so many greater obstacles will not permit itself to be vanquished by a less difficulty. The prize of success is too splendid to remain long unwon. The fortunate inventor will not only acquire wealth and fame, but will also cause an industrial development like that which Whitney effected, and will raise two other textiles to a commercial importance second only to that of cotton.

Apart from legislative protection, the sole prerequisite to success is a thoroughly efficient decorticator, and even if such a machine does not now exist, there is every probability that the want will soon be met. Heretofore the singular reluctance of Southern planters to engage in new enterprises has disheartened hope and repelled inventors from a problem whose solution seemed to offer no adequate reward. But latterly a deep public interest in the culture of jute and ramie has supplanted the former indifference, and now the opportunities of enrichment by industries whose probabilities of success border upon certainty are attracting many ingenious minds to this field of invention.

Under circumstances which seemingly assure the prosperity of the new culture, is it wise for Congress to make the proposed change? The abolition of duties on rival imports would benefit only a comparatively small number of people, but the successful growth of jute and ramie in the South would add large and richly productive resources to the wealth of the nation. In their crude and manufactured forms jute and ramie are yielding India and China an annual revenue of not less than $150,000,000. But Texas alone can raise more jute and ramie than India and China have ever yet produced. Under the patronage of wise laws, with the greater productiveness of intelligent agriculture, and with the economies of efficient machinery, the South ought at an early day to derive from the tillage of these staples as large an income as India and China now do.

This attempt to diversify the productions of the South may eventually fail, but when the probabilities and results of establishing prosperous industries are so great it would seem to be the dictate of sound statesmanship to foster the cultivation of these textiles by protective legislation and to defer the withdrawal of duties from competitive fibers until the impossibility of success has been demonstrated. It will not be necessary to wait long for a definite solution of the problem. In a few years the success or failure of this endeavor to raise new textiles in the South will be clearly ascertained. This season thousands of acres of jute and ramie will be planted in the Gulf States. Tests on so extensive a scale will soon determine the cost of production. If the culture of the new products ultimately proves unprofitable, then every consideration of public policy will sanction the removal of the duties on imported jute and ramie. Meanwhile it will do no harm to delay action. There seems to be no present need of the proposed change. No fiscal motive could have suggested the alteration, for the effect which a relinquishment of the imposts would exert upon the revenues of the Government would be too inconsiderable to influence the deliberations of Congress. It is earnestly hoped that our national council will not, by an unnecessary act of legislation, prostrate industries whose prosperous development, now apparently assured, would largely contribute to the enrichment of the South and the conveniences of mankind.

S. WATERHOUSE.

WASHINGTON UNIVERSITY, ST. LOUIS, *March* 20, 1888.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. I withdraw the amendment, and move to strike out the last word, "butts."

Mr. SCOTT. Mr. Chairman, can the gentleman withdraw his amendment unless by unanimous consent?

The CHAIRMAN. Only by unanimous consent.

Mr. SCOTT. I object, sir.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and there were—ayes 45, noes 65.

Mr. KELLEY. I make the point that no quorum has voted.

The CHAIRMAN. The point is made that no quorum has voted. The Chair will appoint to act as tellers the gentleman from Pennsylvania [Mr. SCOTT], and the gentleman from Pennsylvania [Mr. KELLEY].

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that if he desires to make any further remarks on this subject the Chair will recognize him on the next line to move to strike out the word "jute."

Mr. KELLEY. Oh, we will let things take their regular parliamentary course.

Mr. SCOTT. I move, sir, that the vote be announced and reported to the House, and I ask for a call of the House.

The vote by tellers was announced as—ayes 15, noes 80.

Mr. DALZELL. No quorum.

The CHAIRMAN. No quorum having voted, the Chair, in accordance with the rule, directs the roll to be called for the purpose of reporting the names of absentees to the House.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Allen, Mass.	Dargan,	Hovey,	Phelps,
Allen, Mich.	Davenport,	Howard,	Pidcock,
Anderson, Kans.	Davidson, Fla.	Hudd,	Plumb,
Bacon,	De Lano,	Jackson,	Pugsley,
Bankhead,	Dibble,	Kennedy,	Richardson,
Barry,	Dougherty,	Kerr,	Seney,
Belmont,	Dunham,	Ketcham,	Shaw,
Boothman,	Fitch,	Laird,	Snyder,
Boutelle,	Fuller,	Landes,	Spinola,
Bowden,	Gear,	Latham,	Spooner,
Bowen,	Gibson,	Lawler,	Stewart, Tex.
Brown, J. R., Va.	Glass,	Lynch,	Stewart, Vt.
Brumm,	Glover,	Macdonald,	Stockdale,
Burnes,	Granger,	Maffett,	Symes,
Burnett,	Greenman,	Maish,	Tarsney,
Butterworth,	Grosvenor,	Mansur,	Taylor, E. B., Ohio
Campbell, F., N. Y.	Guenther,	McCormick,	Thomas, Ill.
Carlton,	Hall,	McCullogh,	Thompson, Ohio
Caruth,	Hatch,	McKinney,	Tracey,
Clark,	Heard,	Mills,	Townshend,
Cockran,	Henderson, Iowa	Montgomery,	Washington,
Cogswell,	Henderson, N. C.	Morgan,	White, N. Y.
Collins,	Hires,	Morse,	Whiting, Mass.
Compton,	Hitt,	Nichols,	Wickham,
Cooper,	Hogg,	Norwood,	Wilber,
Cowles,	Holman,	O'Donnell,	Wilson, W. Va.
Cox,	Holmes,	O'Neall, Ind.	Wise,
Crain,	Hopkins, Ill.	O'Neill, Mo.	Yardley.
Cutcheon,	Hopkins, N. Y.	Patton,	

Mr. LYMAN (during the call). I desire to ask that my colleague from Iowa [Mr. HENDERSON] be excused. He is not able to be here.

The CHAIRMAN. This is not a call for the presentation of excuses, but simply to ascertain the names of those who are absent. Only the House can excuse a member.

The roll-call being concluded,

The CHAIRMAN said: The roll-call being now completed, the committee, in accordance with the rule, will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, had found itself without a quorum, whereupon the Chairman directed the roll to be called, and now reported the names of absentees to the House, to be entered on the Journal.

The SPEAKER. It appears from the report just presented that 209 members, being more than a quorum, have answered to their names.

In accordance with the rule, the Committee of the Whole will resume its session.

The Committee of the Whole resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. The question recurs on the motion of the gentleman from Pennsylvania [Mr. KELLEY] to strike out line 35.

The question having been taken,

The CHAIRMAN said: The noes seem to have it.

Mr. BURROWS called for a division.

The question being again taken, there were—ayes 45, noes 86.

Mr. KELLEY. No quorum.

Tellers were ordered; and Mr. KELLEY and Mr. SCOTT were appointed.

The tellers having made a partial count, the Chair announced—ayes 5, noes 78.

Mr. KELLEY. No quorum.

The CHAIRMAN. The tellers will retain their places. The Chair requests that the gentlemen who have not voted will pass between the tellers, so that the committee may not find itself without a quorum.

Mr. BRECKINRIDGE, of Arkansas. I wish to inquire whether we can not come to some accommodation with the gentleman from Pennsylvania [Mr. KELLEY]. If he wants time for debate, we will concede any reasonable time; if he wants liberty to make any motion, there is no objection to that, so far as I know.

Mr. KELLEY. I was reading from an official report on the matter of jute; and five minutes having been occupied, I asked leave to withdraw my former amendment and substitute another, in order to permit the completion of the reading of an extract from that report. I had stated that it was a special report on this question from the Agricultural Department, having been made by Professor S. Waterhouse, of the Washington University of St. Louis. I had not stated, as I might have done, that this gentleman had made the circuit of the world in order to study the question of the development of jute and ramie.

Mr. SCOTT. I wish to make a parliamentary inquiry, whether the gentleman is in order now in making these remarks?

Mr. KELLEY. I am simply responding to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. SCOTT. I rise to a question of order. I object to any speech.

The CHAIRMAN. The Chair will state again to the gentleman from Pennsylvania [Mr. KELLEY] that the subject of the next line is jute, and on that he can be recognized.

Mr. KELLEY. I have no further statement to make. I am here as a teller, and ready to stand by parliamentary law and usage and courtesy. [Applause and cries of "That is right!" on the Republican side.]

Mr. BRECKINRIDGE, of Arkansas. I would like to find out what the difficulty with the gentleman from Pennsylvania [Mr. KELLEY] is.

Mr. KELLEY. I have stated all that I have to say.

Mr. BRECKINRIDGE, of Arkansas. So long as the gentleman simply stands on his feet and insists upon a quorum, while gentlemen on his side refuse to vote, of course he can not proceed.

Mr. KELLEY. I am not here to be lectured while performing a duty to which the Chair has assigned me, even by so distinguished a person as the gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. As I have not undertaken to "lecture" the gentleman, his observations are entirely gratuitous.

Mr. BLAND. The gentleman from Pennsylvania [Mr. KELLEY] told us the other day that this bill could not pass, and filibustering may as well come now as later. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is the vote on the pending question. Gentlemen who have not voted are requested to pass between the tellers. [Cries of "Regular order!"]

Mr. BRECKINRIDGE, of Arkansas. The regular order on that side of the House is filibustering.

Mr. CANNON. The gentleman from Pennsylvania was only exercising his right on this floor; and we on this side do not propose to be bulldozed.

Mr. DAVIS. It is a deliberate attempt to gag this side of the House. [Cries of "Regular order!"]

Mr. MILLIKEN. And gentlemen on that side are obstructing the business.

Mr. SCOTT. Allow me to make a brief explanation. [Renewed cries of "Regular order!"]

Mr. KELLEY. I object to any explanation here; the gentleman should remember that he silenced me.

Mr. BRECKINRIDGE, of Arkansas. They will neither vote nor talk. You do not want to talk yourself nor let anybody else talk.

Mr. KELLEY. I was silenced by an objection from your side.

Mr. NELSON. I move that the committee do now rise.

The CHAIRMAN. That motion is not now in order.

Mr. REED. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. REED. Has the Chair decided that an amendment could not be withdrawn before a vote is taken upon it, except by unanimous consent.

The CHAIRMAN. The Chair has so decided.

The Chair will cause the Clerk to read the fifth clause of Rule XXIII.

The Clerk read as follows:

5. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

The CHAIRMAN. That is the rule under which the committee is now proceeding to consider this bill.

Mr. SCOTT. Simply for exercising the privilege of a member on this floor I am charged with obstructing business here. [Loud cries of "Regular order!"]

Mr. KELLEY. I will say to the gentleman that he was away at the convention when usage established the fact that amendments were permitted to be withdrawn in order to make way for other amendments and for debate.

Mr. BRECKINRIDGE, of Arkansas. That was done, as the gentleman from Pennsylvania knows very well, only by unanimous consent.

Mr. KELLEY. Well, now, again I protest against being lectured——

Mr. BRECKINRIDGE, of Arkansas. And without unanimous consent it can not be done. Every privilege of debate has been accorded.

Mr. KELLEY. I say I protest against being lectured by a gentleman even as eminent as you are, sir. [Laughter and cries of "Regular order!"]

Mr. BRECKINRIDGE, of Arkansas. The gentleman is simply seeking to embarrass the consideration of the measure before the House.

Mr. KELLEY. Mr. Chairman, will you call that gentleman from Arkansas to order? [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. I am in order.

The CHAIRMAN. The question is on striking out the line which has been read. The tellers are upon the floor, the committee has been dividing, and those gentlemen who have not voted are requested to pass between the tellers. A quorum has not yet voted.

Mr. SCOTT. As my colleague from Pennsylvania [Mr. KELLEY] has made a speech since I objected to his first effort to continue the debate, I think it is no more than justice to me that I should be permitted also to make a statement. [Cries of "Regular order!"]

Mr. KELLEY. Mr. Chairman——

Mr. SCOTT. I did not object to the gentleman withdrawing his motion in any feeling.

Mr. KELLEY. I do not care about what the feeling may be; you did it.

Mr. SCOTT. Yes—— [Cries of "Regular order!"]

Mr. OWEN, Mr. DAVIS, and others. Regular order!

The CHAIRMAN. The regular order is the vote on the pending amendment.

Mr. SCOTT. Gentlemen are demanding the regular order. Well, you will have the regular order, and it will be called a great many more times hereafter. [Derisive laughter on the Republican side.]

Mr. MILLIKEN. Well, it does not become the gentleman to threaten us. That does not come with any propriety from that side. It is most unseemly.

Mr. SCOTT. I am not threatening; I am simply telling the gentleman what will be the result.

I move that the committee rise.

Mr. NELSON. I made that motion awhile ago, and the Chair held that it was not in order. Is it any more in order now?

Mr. SCOTT. Then I move that the roll be called.

The CHAIRMAN. The Chair will state that the gentleman from Pennsylvania is acting as one of the tellers.

Mr. NELSON. That does not give him any more right to make the motion than I have. [Laughter.]

The CHAIRMAN. The committee is still dividing, and the count has not yet been reported to the House.

The Chair begs to announce the result of the vote to the committee.

Mr. FARQUHAR. Mr. Chairman, I believe there is some misunderstanding as to the pending question. I think it is very proper that we should have the stenographer read the exact motion of the gentleman from Pennsylvania and all that occurred in that connection for the information of the committee. I make that request.

The CHAIRMAN. The Chair will state the exact condition of the motion for the information of the committee.

Mr. FARQUHAR. Very well.

The CHAIRMAN. The gentleman from Pennsylvania first moved to strike out line 35, relating to jute butts. That was debated under the rule for five minutes on each side. Thereafter the gentleman moved to strike out the last word, which was also debated on both sides. Then he desired permission to withdraw the amendment and submit another, in order to continue the debate. The gentleman from Pennsylvania on the right of the Chair [Mr. SCOTT] objected. Thereupon the committee proceeded to take a vote.

Mr. BURROWS. Mr. Chairman, will the Chair permit a correction?

The CHAIRMAN. Certainly.

Mr. BURROWS. I think what took place was exactly as I shall now read:

The Clerk read as follows:
35. Jute butts.
Mr. KELLEY. I move to strike out line 35.

And thereupon Mr. KELLEY had read as a part of his remarks the statement of Professor Waterhouse, to which he had been referring. The official record then goes on:

The CHAIRMAN. The gentleman's time has expired.
Mr. KELLEY. That will do for the present. There are two or three other things that I will get in on the next line.

The gentleman from Ohio [Mr. MCKINLEY] then took the floor and read another statement of Professor Waterhouse upon the same subject.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. KELLEY].
Mr. KELLEY. I withdraw the amendment, and move to strike out the last word, "butts."
Mr. SCOTT. Mr. Chairman, can the gentleman withdraw his amendment unless by unanimous consent?
The CHAIRMAN. Only by unanimous consent.
Mr. SCOTT. I object, sir.
The CHAIRMAN. The question is on agreeing to the amendment.

The CHAIRMAN. The gentleman is correct. The motion was made as stated——

Mr. CANNON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. If this amendment is disposed of or withdrawn, in either event is not another amendment in order to this line, under which we could have five minutes' discussion, and is not the whole controversy one of temper, which, however, commenced with the gentleman from Pennsylvania [Mr. SCOTT], and which is sought to be attributed to this side of the House? Now, had we not better, by unanimous consent, withdraw the amendment and go on?

Mr. SCOTT. Since there has been speaking here, I claim the floor. You can not call the regular order on me if I have the floor. I propose, as far as in my power, that any amendments made in the interest of this bill shall be fully and freely discussed; but upon amendments of a dilatory character withdrawn at the end of five minutes I will stand here until the 4th of March and ask a vote.

Mr. REED. The gentleman from Pennsylvania [Mr. SCOTT] having been absent from the proceedings of the House, has, on account of a lack of knowledge of what has been going on, made a suggestion which arises from his lack of knowledge on the subject.

Mr. SCOTT. Perhaps so.

Mr. REED. He says he is opposed to formal amendments made for the purpose of delay. There never have any such amendments been made, nor is it the purpose nor object of a formal amendment to make delay, but to permit discussion. There never has been since this bill was before the committee any thing except bona fide discussion. There never has been any attempt to induce members to talk. There never has been any disposition to cause any unnecessary discussion. [Derisive laughter on the Democratic side.] It has all been as spontaneous as the action of the last Pennsylvania Democratic convention.

Mr. BRECKINRIDGE, of Arkansas. Just as spontaneous as the gentleman means to indicate their action was—cut and dried.

Mr. MILLIKEN. Do you say it was not spontaneous?

Mr. BRECKINRIDGE, of Arkansas. I do not say any such thing; your colleague means that. [Cries of "Regular order!"]

The CHAIRMAN. The regular order is demanded, which is the announcement of the vote, the tellers having finished their labors. The Chair will announce the vote—ayes 5, noes 87.

Mr. KELLEY. No quorum.

The CHAIRMAN. The gentleman from Pennsylvania makes the point that no quorum has voted.

Mr. SCOTT. The Chair says the gentleman from Pennsylvania. There are two gentlemen from Pennsylvania acting as tellers. I would like to know which gentleman the Chair means.

The CHAIRMAN. The gentleman on the left of the Chair [Mr. KELLEY].

Mr. KELLEY. I want the country to know I am resisting such an attempt at tyranny.

Mr. BRECKINRIDGE, of Arkansas. I am glad our friends are proud of their filibustering; which is simply against the rules and the regular order.

The CHAIRMAN. The Clerk will call the roll.

The roll was called, and the following members failed to answer to their names:

Abbott,	Bryce,	Cutcheon,	Hatch,
Allen, Mass.	Burnes,	Davenport,	Heard,
Allen, Mich.	Burnett,	Davidson, Fla.	Henderson, Iowa
Anderson, Kans.	Campbell, F., N. Y.	Dibble,	Hitt,
Bacon,	Carlton,	Dougherty,	Hogg,
Bankhead,	Caruth,	Dunham,	Holmes,
Barry,	Clark,	Fitch,	Hopkins, Ill.
Belmont,	Cockran,	Fuller,	Hopkins, N.Y.
Bingham,	Cogswell,	Gibson,	Houk,
Blanchard,	Collins,	Glass,	Howard,
Bliss,	Compton,	Glover,	Hudd,
Boothman,	Cooper,	Greenman,	Jackson,
Boutelle,	Cowles,	Grosvenor,	Kennedy,
Bowen,	Cox,	Guenther,	Kerr,
Brown, J. R., Va.	Crain,	Hall,	Ketcham,
Kilgore,	Merriman,	Pugsley,	Thomas, Ill.
Lagan,	Milliken,	Russell, Conn.	Thompson, Ohio
Laird,	Mills,	Rusk,	Townshend,
Landes,	Montgomery,	Scull,	Washington,
Latham,	Morgan,	Seney,	White, N. Y.
Lawler,	Morse,	Shaw,	Whiting, Mass.
Lee,	Nichols,	Shively,	Wickham,
Macdonald,	Norwood,	Snyder,	Wilber,
Maffett,	O'Donnell,	Spooner,	Wilson, W. Va.
Maish,	O'Neall, Ind.	Stewart, Tex.	Wise.
Mansur,	O'Neill, Mo.	Stewart, Vt.	Yardley.
Matson,	Patton,	Stockdale,	
McCormick,	Phelps,	Symes,	
McCullogh,	Pidcock,	Tarsney,	
McKinney,	Plumb,	Taylor, E. B., Ohio	

The CHAIRMAN. Under the rules the committee will now rise, and the gentleman from Kentucky [Mr. MCCREARY] will take the chair.

The committee accordingly rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, had found itself without a quorum, whereupon the Chair had caused the roll to be called, and now reported the names of the absentees to the House, to be entered upon the Journal.

The SPEAKER *pro tempore*. Two hundred and seven members, more than a quorum, having answered to their names, the committee will resume its sitting.

The committee resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. The question is on striking out line 35 of this bill.

The Chair being in doubt as to the result, a division was demanded.

The committee divided; and there were—ayes 36, noes 82.

Mr. KELLEY. No quorum.

Mr. CANNON. I rise to a parliamentary inquiry. I would like to know exactly what this division is on. I was not in the House when it was commenced.

The CHAIRMAN. There has been some misapprehension about it and the Chair will state it again. The Chair was under the impression that the motion had been made to strike out the last word before this amendment was offered, but it appears from a reference to the record that the gentleman from Pennsylvania on the left of the Chair [Mr. KELLEY] stated that he withdrew his amendment (which was to strike out line 35, the words "jute butts"), and moved to strike out the last word "butts," whereupon the gentleman from Pennsylvania [Mr. SCOTT] objected, and the Chair held that the amendment could not be withdrawn except by unanimous consent.

Mr. REED. Was not the last amendment pending the motion to strike out the last word?

The CHAIRMAN. The amendment pending was to strike out both words.

Mr. REED. But the gentleman from Pennsylvania [Mr. KELLEY] afterwards moved to strike out the last word, and that amendment took precedence.

The CHAIRMAN. The language of the gentleman from Pennsylvania was this: "I withdraw the amendment and move to strike out the last word." Thereupon the gentleman from Pennsylvania on the right of the Chair [Mr. SCOTT] objected to his colleague [Mr. KELLEY] withdrawing his amendment.

Mr. CANNON. I rise to a parliamentary inquiry. If that amendment was withdrawn, would not the line stand as it is in the bill, and is not that what the gentleman from Pennsylvania [Mr. SCOTT] wants, to have the bill stand as it is?

Several MEMBERS on the Democratic side. No.

Mr. SCOTT. Mr. Chairman, if I am now entitled to the floor, I think I can explain the situation without having the "regular order" called upon me. The gentleman from Pennsylvania, my colleague [Mr. KELLEY] arose in his place and proposed to amend by striking out a certain line in this bill. He then sent up to the Chair a consular report, which, if he had desired to have it appear in the debates, he could have got leave to have printed.

Mr. KELLEY. It was not a consular report.

Mr. SCOTT. Well, it was a document which the gentleman could have asked to have printed if he desired it to appear in the debates. The five minutes of the time of the committee allotted to my colleague was occupied in reading that document. Then, at the expiration of the five minutes allotted to him, my colleague got up and asked to withdraw his amendment, and proposed to strike out the last word, in order to occupy five minutes more of the time of this committee, in violation of the rules of this House.

Mr. KELLEY. I deny the accusation.

Mr. SCOTT. I have the floor, sir. You sit down.

Mr. KELLEY. I deny the accusation.

Mr. SCOTT. You sit down. You sit down.

Several MEMBERS. Regular order.

Mr. KELLEY. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. KELLEY. The House was voting, and I say the gentleman [Mr. SCOTT] is out of order in interrupting a vote to make a speech.

The CHAIRMAN. The regular order is the taking of the vote by tellers.

Mr. KELLEY. Exactly. [Cries of "Regular order!" on the Republican side.]

The CHAIRMAN. The gentleman from Pennsylvania on the right [Mr. SCOTT] asked permission to make a statement, and, as no objection was made, he proceeded to do so. The regular order is demanded, and the Chair will appoint tellers. The Chair desires first to make a statement to the gentleman from Pennsylvania on the left [Mr. KELLEY]. The Chair perhaps misled the gentleman by a statement made a while ago, that he might move to strike out the next line. The Chair might have stated, and does now state, to the gentleman that if this amendment is voted down, it will still be in order for him to move to strike out the last word.

Mr. REED. I submit that as a parliamentary matter it was entirely in order for the gentleman from Pennsylvania [Mr. KELLEY] to do as he did, that is, to move to strike out the last word pending the motion to strike out the last line.

The CHAIRMAN. That was in order.

Mr. REED. And that being so, the fact that the other gentleman from Pennsylvania [Mr. SCOTT] objected to that which was unparliamentary did not prevent that which was parliamentary from going into effect. Therefore I submit that we ought now to be voting upon the question of striking out the last word; or, rather, the gentleman from Pennsylvania [Mr. KELLEY] ought to have the floor in support of his amendment to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLEY] perhaps did not intend the parliamentary effect of his statement. He said, according to the record, "I withdraw the amendment (which amendment was to strike out the line), and move to strike out the last word."

Mr. REED. And the last part of that proposition was parliamentarily admissible. The gentleman from Pennsylvania [Mr. SCOTT] had a right to object to the first part, the proposition to withdraw the amendment.

The CHAIRMAN. The gentleman [Mr. SCOTT] did object to the first part.

Mr. REED. Yes; but he had no right to object to the last part, the amendment which is now pending.

Mr. SCOTT. I did not object to the last part.

Mr. KELLEY. Mr. Chairman, I desire to make a parliamentary statement. From the time you took the chair, sir, for the consideration of this bill by paragraphs there had been no exception to the practice of an amendment being withdrawn in order that another might be made, but to-day the gentleman from Pennsylvania [Mr. SCOTT], who was not present during the time when such parliamentary courtesy prevailed without disturbance of the temper on either side of the House, arose here and, as dictatorily as though the Keifer gag-law had already been adopted, silenced me.

The CHAIRMAN. The Chair simply desires to state that it would be in order——

Mr. KELLEY. If I may be permitted now to call up my amendment and proceed with my argument, I shall be glad to do so.

The CHAIRMAN. The Chair simply desires to state that it was in order for the gentleman from Pennsylvania [Mr. KELLEY] to move to strike out the last word without withdrawing his first motion.

Several MEMBERS on the Republican side. He does that now.

Mr. SCOTT. I rise to a parliamentary inquiry. [Cries of "Regular order!" on the Republican side.]

The CHAIRMAN. The committee will be in order. The gentleman from Pennsylvania [Mr. SCOTT] rises to a parliamentary inquiry.

Mr. SCOTT. I wish to inquire whether it is in order for the gentleman from Pennsylvania [Mr. KELLEY] to amend his motion. He first asked permission to withdrew his amendment; to that I objected. He then moved to strike out the last word; to that I did not object.

Mr. BURROWS. That is in order.

Mr. SCOTT. Are we not bound now to have a vote on the gentleman's proposition, I objecting to the withdrawal? I put that inquiry to the Chair.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLEY] need not have asked permission to withdraw the regular amendment, which was to strike out the line. He did, however, ask permission; and to that the gentleman from Pennsylvania on the right [Mr. SCOTT] objected. If the gentleman from Pennsylvania [Mr. KELLEY] had taken the floor and moved to strike out the last word, it would have been in order pending the other amendment, because, notwithstanding a motion to strike out the whole clause, a motion to strike out a part of it would be in order as an amendment to the amendment.

Mr. KELLEY. I have the floor, as I understand.

Mr. REED. The Chair can straighten this matter out. The gentleman from Pennsylvania [Mr. KELLEY] did make the motion just indicated by the Chair, but the attention of the Chair was inadvertently directed to the objection of the gentleman from Pennsylvania [Mr. SCOTT] as if that were the vital point; but if the Chair had had the whole matter in mind, he would have said that the objection of the gentleman from Pennsylvania was a valid one, but nevertheless the proposition of the gentleman from Pennsylvania [Mr. KELLEY] to strike out the last word was properly before the committee pending the other motion, because it is in order to perfect the clause or paragraph which it is proposed to strike out.

Mr. SCOTT. I call the attention of the Chair to the fact that the gentleman from Pennsylvania acquiesced in the proposition I made, and appealed to the House.

Mr. MCMILLIN. I rise to a parliamentary inquiry. Is it not a fact that the statement of the gentleman from Pennsylvania [Mr. KELLEY] was, "I withdraw the amendment and move to strike out the last word?"

The CHAIRMAN. The language of the gentleman as taken down at the time was, "I withdraw the amendment and move to strike out the last word."

Mr. MCMILLIN. Then there was objection to the withdrawal and the House was dividing on that.

Mr. REED. The House could not divide on that.

Mr. MCMILLIN. The point of order I make is, that nothing else is now in order but the completion of the vote which was being taken.

The CHAIRMAN. As there has been some misapprehension, the Chair desires the committee to understand the exact situation. The Chair will state again that the gentleman from Pennsylvania need not have asked to withdraw his original amendment; and if he had not done so there would have been no occasion to object. But he did make that request, and objection was made. The Chair then proceeded to put the question. If the gentleman from Pennsylvania [Mr. KELLEY] now moves the amendment which has been indicated, and the committee will give consent to allow the question to be put again, the Committee of the Whole, the Chair suggests, can be extricated from this difficulty.

Mr. BLAND. I rise to a parliamentary inquiry. Can a gentleman offer an amendment under the five-minute rule, debate that amendment for five minutes, then move another amendment and debate that for five minutes, without giving any other gentleman an opportunity to occupy the floor?

Mr. PAYSON. That is not the pending question.

Mr. BLAND. Such a proceeding, I submit, violates a direct rule governing our proceedings in committee.

The CHAIRMAN. After the gentleman from Pennsylvania [Mr. KELLEY] had spoken five minutes in favor of his amendment, the Chair would have recognized any gentleman who desired to speak in opposition to it. No gentleman rose for that purpose. It was then in order for any gentleman to take the floor and move another amendment. The gentleman from Pennsylvania [Mr. KELLEY] desired to move another amendment, and the Chair recognized him for that purpose. But the gentleman stated that he desired to withdraw his previous amendment, and to that objection was made.

Mr. OATES. I wish to put a parliamentary inquiry just there. There was pending, as I understand, a motion to strike out the line.

The CHAIRMAN. There was.

Mr. OATES. And the proposition to withdraw that amendment was objected to, so that the amendment is still pending. Now, when there is a motion pending to strike out a whole line, is it in order to move to strike out the last word?

The CHAIRMAN. It is.

Several MEMBERS. Certainly.

The CHAIRMAN. Pending a motion to strike out the whole of a clause or paragraph or section, it is in order to move to amend the section by striking out only a portion of it.

Mr. MCMILLIN. I make this suggestion: When a vote is being taken on a proposition, and a request to withdraw it is objected to, nothing else is in order but to proceed with the vote. In this case there was objection.

Mr. REED. The objection was fatal without a vote.

Mr. MCMILLIN. I understand that.

Mr. REED. And the Chair inadvertently ordered a vote upon one amendment when he should have ordered it upon another. We can now get out of the difficulty by taking the right vote.

The CHAIRMAN. That is not quite a correct statement. The gentleman from Pennsylvania [Mr. KELLEY] did not make the simple motion to strike out the last word, but, as has been stated, he undertook to withdraw the previous amendment and then to move to strike out the last word. The gentleman from Pennsylvania [Mr. SCOTT] asked whether the gentleman from Pennsylvania [Mr. KELLEY] could withdraw his amendment, and the Chair replied that he could not, except by unanimous consent. The gentleman from Pennsylvania [Mr. SCOTT] thereupon objected to the withdrawal of that amendment. It would then have been in order for the gentleman from Pennsylvania [Mr. KELLEY] to move to strike out the last word.

Mr. REED. But he had already done so; and the Chair will see upon reflection that he had the right to do so, and that the Chair ordered the vote on the other proposition by mistake.

Mr. OUTHWAITE. Mr. Chairman, the question right here is whether upon that statement being made and the objection being made by the gentleman from Pennsylvania [Mr. SCOTT], and that objection being sustained by the Chair, whether the record does not show the gentleman from Pennsylvania [Mr. KELLEY] accepted it and permit-

ted it to come to a vote. Instead of the vote being as stated by the Chair, the vote was cast in a way which would preclude any motion to strike out any portion of it.

The CHAIRMAN. The Chair thinks this whole matter might be amicably arranged by allowing this motion to be withdrawn, and the gentleman from Pennsylvania [Mr. KELLEY] permitted to address the committee on the motion to strike out the last word. If there be no objection, the Chair will entertain the gentleman's motion to strike out the last word and recognize him as entitled to the floor. The Chair has sustained the objection that the gentleman from Pennsylvania [Mr. KELLEY] has no right to withdraw his amendment striking out the line in reference to jute butts, which the Chair now understands he does not desire to withdraw, but to move an amendment to strike out the last word.

Mr. SCOTT. I rise to a parliamentary inquiry.

Mr. KELLEY. Not in my time.

Mr. SCOTT. Not in the time of the gentleman. I understand the decision of the Chair to be that this gentleman can rise and move to strike out a line and that he can occupy five minutes under the rules of the House in discussing that proposition, and that at the expiration of five minutes he can offer to withdraw that amendment and move to strike out the last word and occupy another five minutes on that amendment.

The CHAIRMAN. The Chair does not decide that at all. That is not the ruling of the Chair.

Mr. SCOTT. That is what I understood the Chair to say.

The CHAIRMAN. The Chair merely said that he thought this matter might be amicably arranged at this time, and he thought it should be done in order that the business of the House might be proceeded with. The Chair suggested that the gentleman from Pennsylvania [Mr. KELLEY] be allowed to move to strike out the last word, and occupy five minutes on that amendment. It was the duty of the Chair to recognize any gentleman for five minutes in opposition, but no gentleman took the floor for that purpose, and then the gentleman from Pennsylvania taking the floor could submit another amendment.

Mr. McSHANE. While the committee is dividing?

The CHAIRMAN. The Chair asks for unanimous consent——

Mr. McSHANE. Is it in order to discuss a *pro forma* amendment when the committee is dividing on an amendment to strike out a line of the bill?

The CHAIRMAN. The Chair has already decided that. The Chair asked for unanimous consent——

Mr. McSHANE. There is no consent given to withdraw the vote.

The CHAIRMAN. The Chair asked for unanimous consent, and heard no objection. The Chair asked that this question might be withdrawn for the present, and the gentleman from Pennsylvania [Mr. KELLEY] was recognized. If there be no objection, that course will be taken.

Mr. McSHANE. I object.

The CHAIRMAN. What is it the gentleman objects to?

Mr. McSHANE. To the discussion of this matter pending a division of the committee.

Mr. CANNON. The gentleman wants to punish his own side in order to get a quorum upon an immaterial question.

Mr. McSHANE. I do not want to punish anybody, but to get a vote to which we are entitled on the gentleman's amendment.

Mr. BRECKINRIDGE, of Arkansas. The gentleman has the right to withdraw his request.

The CHAIRMAN. The Chair so stated.

Mr. BRECKINRIDGE, of Arkansas. If he does not persist in his request he can move his amendment in regular order.

The CHAIRMAN. The gentleman indicated that he did not desire to withdraw the amendment which he offered, to strike out the line concerning jute butts, but simply desired to move to strike out the last word, which, if he had made at the time, he would have had the right to be recognized.

Mr. BLAND. If the gentleman makes a substantive amendment and speaks on it, and no one answers it, the vote must be taken on it. Now, can he move a proposition and occupy five minutes on it and then make another proposition and occupy another five minutes on that? The rule, sir, never contemplated any such thing as making one amendment and making a speech on it, and then making another amendment and making another speech on it.

The CHAIRMAN. It is the duty of the Chair to recognize any gentleman in opposition; but no gentleman having risen for that purpose it was the province of the gentleman from Pennsylvania to move to perfect the paragraph before the vote is taken, and the Chair recognized the gentleman to make an amendment for that purpose. If there be no objection the Chair will recognize the gentleman fron Pennsylvania [Mr. KELLEY] to proceed.

Mr. McSHANE. I object.

The CHAIRMAN. The Chair desires to say to the gentleman from Nebraska that the gentleman from Pennsylvania now withdraws his request for permission to withdraw the amendment.

Mr. KELLEY. Certainly.

The CHAIRMAN. And asks to be recognized to proceed with the debate. There is nothing in the way of the Chair recognizing some gentleman to oppose the amendment but the fact that the committee was dividing and no quorum appeared. If the gentleman insists upon the point of no quorum of course no other business can be transacted until that point is settled.

Mr. McSHANE. But the House is voting upon an amendment.

The CHAIRMAN. The amendment has not been disposed of for the want of a quorum.

Mr. KELLEY. I desired, if possible, to settle this to-day. I did not want to leave it as a pending matter to come up in the legislative day of to-morrow; but if gentlemen desire to perpetuate the question I will be on hand to continue it.

Mr. McMILLIN. Will the gentleman permit me to make this suggestion, which I think will meet the views of both the gentlemen from Pennsylvania? and it is that there is a parliamentary way of disposing of this question. The gentleman from Pennsylvania [Mr. KELLEY] has offered an amendment and spoken in favor of it. It is the right of any gentleman who is opposed to the first amendment offered by the gentleman to rise in his place and seek recognition for the purpose of discussing that amendment. If no gentleman desires to speak in opposition, then the gentleman from Pennsylvania will himself be entitled to recognition, if he so desires, for a further amendment. That is the parliamentary way of disposing of the matter.

Mr. KELLEY. I desire to ask my friend to yield to me for a moment right there. Will he hold to the doctrine that if an amendment be proposed on this side of the House, and is advocated here and nobody replies to it, debate is thereby terminated on the paragraph, whether it be a line or more? That seems to me to be a new species of tactics issued last evening by one who has not been here to see how courteous this debate has been running.

Mr. McMILLIN. Permit me to state that my suggestion was not an inspiration derived from the proceedings of last night or any other night. I stated what was the parliamentary law and usage by which we must all stand or fall.

Mr. KELLEY. I believe your purpose was good.

Mr. McMILLIN. And the right of every member here present is, when an amendment is offered, to ask to be recognized to discuss it, under the rule, for five minutes. Then it is the right of any other gentleman to speak in opposition to it. That right was about to be cut off by the inadvertence of my friend; I do not say by his desire, but the effect of his suggestion would be, if he had been permitted to proceed, to accomplish just that result. After further debate upon his part on the second amendment he could withdraw that and offer another, and so on, indefinitely, and thus destroy the very rule which he must admit is for the preservation of the orderly proceedings of the House.

Mr. KELLEY. One moment——

Mr. McMILLIN. The gentleman moved an amendment, and occupied five minutes in debate upon it, and desired to proceed. Now, my suggestion is that the Chair can recognize any gentleman who wants to discuss the first amendment in opposition to it, and after that debate has been exhausted, then the gentleman can offer his second amendment.

Mr. KELLEY. I beg to correct the gentleman in a single point, and most courteously. Nobody did rise to reply in debate to the amendment I offered. I sent to the desk and had read an extract from a pamphlet and nobody rose to reply; and therefore, if this side can not or could not offer a further amendment, debate was cut off and a precedent was established by which the bill should be rushed through, practically without discussion. Desiring, however, to have that discussion, and having in my hand official information of the highest value, I sought an opportunity not to put it in the RECORD, but, if possible, to make it reach the ears and intelligence of the members of the committee.

Mr. SCOTT. Mr. Chairman, I believe that, as my friend from Pennsylvania occupied the floor for five minutes, I now, if I may be recognized, am entitled to occupy it in opposition to his amendment. Am I correct?

Mr. REED. If that is the understanding, of course.

The CHAIRMAN. The Chair desired to have that course taken, but understood the gentleman from Nebraska to object on the ground that the committee was dividing and the point of no quorum was made.

Mr. McSHANE. I withdraw that.

The CHAIRMAN. Then it is in order for the gentleman from Pennsylvania to proceed.

Mr. SCOTT. I desire, Mr. Chairman, to say here in all frankness and candor that in objecting to the withdrawal of the amendment of the gentleman from Pennsylvania [Mr. KELLEY] it was not factious opposition on my part. But, sir, I do believe that the amendment proposed here to this bill was made and withdrawn simply for the purpose of killing time; I will not say delaying this bill, but it is a natural inference I believed, sir, that it was my duty as a member of this House, in behalf of the business men of this country, whose interests are more or less affected by even the discussion of this bill [derisive cries on the Republican side], to make every endeavor to get a vote on the bill at

the earliest possible date, so that the country would know—so that the business men of the country would know—what they have to do to manage their own affairs. I had no other interest, Mr. Chairman, and no other object in view, because, as a business man, and I claim to be one, I know that, whether this bill may be for the best interests of the country if it should become a law, or whether it may be detrimental, during its agitation no merchant, no manufacturer, no business man affected by it can tell from one day to the next what he can do or ought to do in the management of his business. [Derisive laughter on the Republican side.]

But, Mr. Chairman, I repeat I had no other object in view; and as for my getting up here to antagonize any gentleman on this floor, with any partisan feeling, it was the last thought that entered my mind.

But when I saw my distinguished friend from Pennsylvania arise and move to strike out a line, and then send up to the Clerk's desk to have read a document which he could have had printed in his remarks, occupying the time to which he was entitled in the reading, then withdrawing the amendment which he had proposed, and then moving to strike out the last word, thereby occupying ten minutes in place of five, to which he was entitled under the rules, in the reading of the document sent to the Speaker's desk, I could come to but one conclusion—that the gentleman was endeavoring to talk this bill to death. I did not believe that was in the interest either of the gentlemen on the other side or of our side. I believe that both parties in this country can meet the issues involved in this bill by honestly saying, we have done nothing to obstruct it. If the majority of this House can pass this bill, they are responsible for it, and alone responsible. If the minority are able to defeat it, let them defeat it, and we will go to the country upon that issue.

The CHAIRMAN. Debate upon this amendment is now exhausted.

Mr. KELLEY. I move to strike out the last word. Protesting that I have offered no amendment during the last ten or twelve days of this discussion for any other than creditable and patriotic motives, I have the right to infer that had the gentleman been in his seat to observe me he could not have assumed that my purposes were not frank and were not patriotic. I have brought to the attention of the committee this remarkable report of Professor Waterhouse on jute and ramie and have read that portion which shows that in 1828 India raised but 40,000 pounds of jute, which were then worth but $300, and that in 1872 she raised 700,000,000 pounds of jute, and that jute has risen to be the fourth industry of India. I want to show to the people of the South that they have land admirably adapted to competing with India and that they have labor docile, ready, and admirably adapted to compete with British India manufacturers. This writer says:

An interest in the economic welfare of the United States naturally suggests the inquiry whether an industry productive of so great affluence can not be established in this country. The substantial identity of climate and soil in some districts of Bengal and certain sections of the South creates a presumption that jute could be naturalized in the Gulf States. This probability practice tests have strengthened into certainty. Hundreds of successful experiments have shown the ease with which jute can be raised in the Southern States. The results of many of these trials have been published in the reports of the Department of Agriculture. The accounts which, in return for distribution of seeds, have been personally received would fill many pages. They are unanimous in their testimony. They prove beyond the possibility of intelligent doubt that under proper conditions of soil and moisture jute thrives on the borders of the Gulf with great luxuriance. But few of the tropic weeds whose noxious exuberance seems to be in inverse ratio to their value exceed it in rankness of growth. Some of the reports assert that jute can be raised as easily as Indian corn.

In 1881 Mr. Drummond, of the British legation at Washington, deemed the subject of jute culture in the United States worthy of a special report to the English Government. He says:

Experiments were made in those (Southern) States which proved that the cultivation and preparation of these fibers (ramie and jute) is practicable and profitable.

Last year 1,500 packages of seeds were distributed to the farmers in Louisiana, and reports have come in that the jute plant flourishes in every parish, growing in the alluvial soil to a height of 15 feet and in the pine flats and on the hills to 10 and 12 feet. Now this is interesting to us, for all manufacturing countries have been dependent upon India for their supply of jute.

There is no need of further experiments to corroborate what has been so fully demonstrated. It is now a well-established fact that jute flourishes as luxuriantly in the United States as in India, and experts have testified that the fiber when properly prepared is quite equal to that of Bengal. If, then, the effort to introduce the culture of jute into this country is unsuccessful, the failure will not be due to the fact that the plant will not grow on American soil.

In India jute is raised almost exclusively on ground that has been flooded by the annual overflow of the rivers. The alluvial deposits left by the inundation forms just the soil which the plant requires. The bottom lands of the Lower Mississippi closely resemble the jute fields of India.

There are in the South extensive tracts not suited to the cultivation of sugar or cotton, but well adapted to the growth of jute. If the plant will flourish on the salt marshes that fringe the Gulf, the area of land available for this tillage is almost immeasurable. The capacity of these lands should be thoroughly tested. If suited to the production of jute they can be converted into prolific sources of public prosperity.

In India the mass of the people has an inertia which the forces of modern civilization can but sluggishly move. Utterly unacquainted with improved processes, the native workmen plod on in the unthrifty ways of their fathers. By always sending the best jute to market and reserving the poorest for seed they have produced a marked deterioration in the quality of the fiber. The inferiority of recent products is a matter of universal observation and complaint. A desire to escape the oppressive exaction of Indian monopolists as well as to secure better material has led the manufacturers of Dundee to try extensive and costly experiments in Egypt. But while the soil of the Delta is well suited to the production of jute, the intellectual and industrial character of its inhabitants does not indicate a successful result. The same lethargy and indifference to modern methods which are proving so disastrous in India will in all probability insure failure in Egypt.

But the South has cheap and docile labor which can be easily trained to the requisite degree of skill. Intelligent experts superintending every operation of the new industry will apply to the cultivation and treatment of jute the best processes which science has discovered. Experience will determine the exact conditions of soil and moisture best adapted to the growth of the plant, and a careful selection of the seed of the finest stalks will soon improve the quality of the fiber. It is probable that in the course of years American-grown jute will attain an excellence as high and distinctive as that of sea-island cotton. A vigilant attention to every means of improvement can not fail to produce a fiber of superior strength, fineness, and beauty. The yield per acre in the South has often been larger than that of India. Scientific agriculture, enrichin g the soil with a generous supply of plant food and preventing its rapid exhaustion by a judicious rotation of crops, ought assuredly to develop a greater fertility than that produced by a system of ignorant and wasteful tillage.

The excellence of the fiber is generally proportioned to the freedom of the plant from branches. When there are no offshoots the filaments have greater length, softness, and gloss. But thick sowing seems to be the only practicable way of preventing branching. If, therefore, the seed is sown broadcast, it should be scattered with a liberal hand; but if it is planted in drills the rows should be near each other. Then the struggle for light and air will cause the plants to grow tall, straight, and branchless.

In India the plan of planting in successive months has been tried. The example may be worthy of American imitation. If the seed were sown at intervals in April, May, and June, so the harvest would not be all gathered at one time a less number of machines and a smaller force of workmen would be required to handle the crop. In a double sense, the smaller the plant the less would be the outlay. An income at seasons of the year when the returns of other crops are not available would not be the least important advantage which this system would confer upon the planter. The laborers, too, would obtain uninterrupted employment and regular wages during months in which they ordinarily have but little to do.

And so the pamphlet reads. I have marked passages which, under the general leave given already to extend my remarks, I propose to print in the RECORD. If the gentleman had not sought to drive me from the floor I would have consumed then only as much time as I have now occupied in stating these facts.

Mr. McMILLIN. I know of no article other than this upon which we can more properly sacrifice the revenue that is necessary to be sacrificed in order to get at that healthful state of finances that shall leave our Treasury unincumbered. The value of the jute butts admitted last year was $1,802,162, and the duty received was $344,826. I know of no industry that would be destroyed by the proposed action, and I hope that we will get a vote on the proposition.

Mr. WARNER. Is a *pro forma* amendment subject to an amendment? If so, I move to amend by striking out the last two words.

The CHAIRMAN. It is not. If there is no objection, the gentleman from Pennsylvania will be allowed to withdraw his formal amendment. The Chair hears none, and it is so ordered.

Mr. WARNER. Mr. Chairman, I renew it. I do so, not for the purpose of discussing the jute question, although I apprehend I know as much of this industry as the majority of the members of this House. I rise for the purpose of having read an extract from a letter from a large manufacturing house in St. Louis, treating of the question of burlaps and cotton bagging.

Mr. McMILLIN. I would suggest to my friend that that letter will more properly come in when we reach the subsequent line.

Mr. WARNER. I understand what I am doing. The part of the letter to which I refer relates more especially to the jute interest. I ask the Clerk to commence at the bottom of page 4, and read a short extract.

The Clerk read as follows:

It is questionable whether the duty should be taken off of raw jute or any of the textile fibers, because of the infant enterprise of growing these fibers in the United States, and the practicability of raising them has already been fully demonstrated in the Mississippi Valley as well as in the Southeast. The only need is machinery for decorticating purposes. Already nine different inventions have been produced for this purpose, and the result of decorticating jute by machinery, so as to successfully compete with the cheap India labor, will unquestionably be reached in the near future. This achieved, the industry of raising jute, ramie, and other fibers would be of larger value than the cotton crop itself, and give to America the market of the world for her manifold textiles. The small revenues derivative from the present tariff are wholly unimportant as compared with the great interests involved in these possibilities.

Mr. WARNER. Mr. Chairman, I simply submit this bit of evidence to the committee, coming from practical men, men who know whereof they speak. I submit to the committee whether it is worthy of their consideration in the absence of all evidence to the contrary.

The CHAIRMAN. If there be no objection this formal amendment will be withdrawn. The Chair hears none. The question is on the motion to strike out lines 34 and 35 of the bill.

Mr. BURROWS. Is debate on this amendment exhausted?

The CHAIRMAN. The amendment was withdrawn by unanimous consent.

Mr. BURROWS. I renew the amendment. I hold in my hand a statement from Professor S. Waterhouse, of the Washington University in St. Louis, speaking of the disastrous effect of the proposed legislation. I desire to have it read.

The Clerk read as follows:

TALKS ON THE TARIFF.

Our tariff talk to-day is taken from a letter recently written by Professor S. Waterhouse, of Washington University, St. Louis, on the subject of American jute culture, in which he says:

"This spring a very large acreage of jute and ramie will be planted. Machines of superior excellence for the decortication of the fiber have been recently invented, Southern planters, whose unfortunate experience in the cul-

ture of a single staple has taught them the importance of a diversified agriculture, are manifesting a lively interest in the cultivation of these foreign textiles.

"Never were the prospects of the new industries brighter than now. At this auspicious moment an impolitic proposition to place jute and ramie on the free-list has been brought before Congress. The adoption of the proposed measure would wholly arrest or, at all events, seriously retard the further development of these textile interests. An utterly needless enactment would imperil the success of industries that would diversify the husbandry and enlarge the resources of the Southern States. Successful competition with the cheap labor of India and China will require not only the facilities of improved machinery, but also the aid of a protective tariff.

"The interests involved are prospectively large. An ultimate income of scores of millions is jeopardized by a wholly unnecessary act of legislation. Prompt and efficient steps should be taken to prevent this proposed abolition of duties on foreign jute and ramie. The influence of every man who feels an interest in the material prosperity of the Southern States should at once be strenuously exerted to arrest the passage of a measure so fraught with industrial disaster. Arrays of facts showing the magnitude of these textile interests should be laid before Congress. The press can render an invaluable service to the South by an immediate publication of such information as will demonstrate the impolicy of the proposed legislation. But delay may prove fatal. The need of prompt action is urgent."

Mr. BURROWS. I withdraw the formal amendment.

The CHAIRMAN. The question is on striking out line 35 of the bill.

The amendment was not agreed to.

The Clerk read as follows:

Jute, sunn, sisal grass, and other vegetable fibers, burlaps—

Mr. BAYNE. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to move an amendment to this line?

Mr. BAYNE. I will yield for a motion that the committee rise.

Mr. McMILLIN. What is the gentleman's proposition? The gentleman can use a minute and then I will move that the committee rise. What is the gentleman's amendment directed to?

Mr. BAYNE. "Jute," in line 36.

Mr. McMILLIN. Line 37 has been read.

Mr. BAYNE. Well, let the two go together. I want to include the two lines, so as to move to strike out both together.

Mr. McMILLIN. That can not be done. Line 36 has been passed.

Mr. BAYNE. I rose to move to strike out "jute," in line 36.

Mr. BUCHANAN. Line 36 has not been passed.

The CHAIRMAN. The Clerk read lines 36 and 37, and the beginning of line 38.

Mr. KELLEY. Line 36 consists of a word of four letters only, and the gentleman from Pennsylvania [Mr. BAYNE] says he rose with reference to that line.

The CHAIRMAN. The Chair heard the gentleman from Pennsylvania [Mr. BAYNE] addressing the Chair when the Clerk was pronouncing the word "burlaps," at the beginning of line 38. The question is on the motion that the committee do now rise.

Mr. BUCHANAN. Does the Chair hold that line 37 was read? I was paying strict attention and I did not hear it read.

The CHAIRMAN. It was read.

Mr. BUCHANAN. I wish to submit a motion to strike out line 36.

Mr. McMILLIN. That has been passed.

The CHAIRMAN. There is a motion pending that the committee do now rise, which takes precedence of a motion to amend.

Mr. BAYNE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. As I understand it, my motion is pending to strike out line 36.

Mr. McMILLIN. The record will show what motions have been made.

The CHAIRMAN. The question is on the motion that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. McCREARY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole House on the state of the Union, reported that they had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of revenue, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the amendments of the House to a bill and joint resolution of the following titles:

A bill (S. 1507) providing for an additional associate justice of the supreme court of the Territory of Utah, and for other purposes; and

Joint resolution (S. R. 42) extending the provisions of an act entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887.

The message also announced that the Senate had passed without amendment the bill (H. R. 2656) to increase the pension of John Taylor.

The message further announced that the Senate had passed the bill (S. 1162) for the relief of Susan E. Alger, in which the concurrence of the House was requested.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FULLER until June 23, on account of important business.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, the House, under the rule, stands adjourned until to-morrow at 11 o'clock a. m.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CANDLER: A bill (H. R. 10484) for the relief of Cicero H. Taylor—to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 10485) granting a pension to Mrs. Margaret O'Conner, now Sullivan—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 10486) for the relief of William H. Schriver—to the Committee on Military Affairs.

By Mr. MATSON: A bill (H. R. 10487) to donate to the State Soldiers and Sailors' Monument Association of Indiana, one hundred pieces of captured or condemned cannon—to the Committee on Military Affairs.

By Mr. MOFFITT: A bill (H. R. 10488) granting a pension to Myra Sinclair—to the Committee on Invalid Pensions.

By Mr. STEELE: A bill (H. R. 10489) authorizing the Secretary of the Navy to donate condemned cannon to the Indiana State Soldiers and Sailors' Monument Association—to the Committee on Naval Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ATKINSON: Petition of 100 workingmen of Huntingdon County, Pennsylvania, praying that existing tariff duties may not be reduced—to the Committee on Ways and Means.

By Mr. COBB: Petition of G. B. Archer, of Equality, Ala., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. CONGER: Memorial of the Board of Trade of Council Bluffs, Iowa, urging the passage of the Outhwaite bill for funding the indebtness of the Union Pacific Railway—to the Committee on Pacific Railroads.

By Mr. CUMMINGS: Petition of the Granite Cutters' National Union of America, against placing granite on the free-list—to the Committee on Ways and Means.

By Mr. ENLOE: Petition of Stephen Eason, of Isaac L. McCollum, of Wilson C. Grissom, of G. W. Hardin, administrator of William Melton, and of Amanda Nance, executrix of John W. Nance, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GAY: Papers in the claim of Susan C. Kibbe, guardian of minor children of John T. Rawlings, of Adams County, Mississippi—to the Committee on War Claims.

By Mr. GEST: Petition of soldiers and citizens of Rock Island County, Illinois, for the relief of Capt. W. H. Schriver—to the Committee on Military Affairs.

By Mr. HOUK: Petition of Porter J. Walker, of Jefferson County, Tennessee, for relief—to the Committee on Invalid Pensions.

By Mr. PERKINS: Papers and evidence in support of House bill 9691, for the relief of William L. Lenan—to the Committee on Military Affairs.

By Mr. PHELAN: Petition of Young Montague, of Richard M. Mason, of Robert J. Gee, of Thomas N. McDaniel, of Thomas J. Neely, of G. W. Moffitt, of George L. Gibson, of Micajah Jones, of Theodore T. Mason, of J. M. Fawcett, of Thomas A. Green, and of —— Massey, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. RANDALL: Petition of Charles E. French, of Boston, Mass., concerning the refunding of the national debt—to the Committee on Ways and Means.

By Mr. RICHARDSON: Petition of Harman M. Franklin, of Isaac N. Fuller, of Nathaniel Gattis, of Alafair Giel, of Mary J. Finley, of Henry W. Goodloe, and of Joseph H. Thompson, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of administrator of Sarah McChristian, of Franklin County, Tenn., for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTSON: Papers in the claims of Lucien D. Coco, of Jean Castile, administrator of Emelia Robin, of Jean B. Pollingue, of Raymond Deshotels, of Alexander H. Castille, administrator of Francis Marks, of Lucy Tournoin, administratrix of Arnoud Decuir, of Michael Castille, of Virginie Emault, widow of Sidney Lacaste, and of Pierre Saizan, of Louisiana—to the Committee on War Claims.

By Mr. STRUBLE: Resolutions of the Board of Trade of Council Bluffs, Iowa, favoring the passage of the Union Pacific Railway bill reported by the Committee on Pacific Railroads—to the Committee on Pacific Railroads.

By Mr. THOMAS WILSON: Resolutions of the Minnesota Academy of Medicine, relative to duty on medical and surgical apparatus and appliances—to the Committee on Ways and Means.

Also, letter of Thomas G. Merrille, relative to certain mineral lands—to the Committee on the Public Lands.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. BIGGS: Of citizens of Auburn, Cal.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. O. B. THOMAS: Of 10 citizens of Lone Rock, Richland County, Wisconsin.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. GALLINGER: Of C. H. Dimick and 8 others, citizens of Lyme Centre, N. H.

By Mr. LODGE: Of Nathan D. Stoodley and 93 other veteran soldiers of Reading, Mass.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. PETERS: Of 38 citizens of Sedgwick County, Kansas.

SENATE.

WEDNESDAY, *June* 13, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of May 8, 1888, certain information as to the employés of the Post-Office Department in Baltimore.

The PRESIDENT *pro tempore*. If there be no objection, the reading of this communication will be dispensed with, and it will be referred, with the accompanying documents, to the select committee to examine into the condition of the civil service.

Mr. HALE. And printed.

The PRESIDENT *pro tempore*. And printed.

PETITIONS AND MEMORIALS.

Mr. BERRY presented the petition of J. M. Shackelford and 124 other citizens of Lonoke County, Arkansas, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. SHERMAN presented a petition of 16 members of the Farmers' Club of Marietta, Ohio, praying for the passage of certain amendments to the interstate-commerce act; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Assembly No. 2591, Knights of Labor, of Toledo, Ohio, remonstrating against the granting of civil pension by the United States Government; which was referred to the Committee on Pensions.

Mr. MANDERSON. I present a petition of members of the Grand Army of the Republic, Department of Nebraska, praying that an appropriation be made for headstones for graves of soldiers and sailors of the late war. I move that this petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. MANDERSON. A similar petition of members of the Grand Army of the Republic, Department of Oregon, was referred to the Committee on Military Affairs, and I am directed by that committee to ask that it be discharged from the further consideration of the petition, and that it also be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Committee on Military Affairs will be discharged from the further consideration of the petition, and it will be referred to the Committee on Appropriations.

Mr. MITCHELL presented a petition of the Oregon Paving and Contract Company, of Portland, Oregon, praying to be released from a certain contract to furnish stone for improving the mouth of the Columbia River, Oregon; which was referred to the Committee on Claims.

He also presented the petition of Nelson Beebe, of Oregon, late a private in Company C, Thirteenth Illinois Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CAMERON presented a petition of citizens of Pennsylvania, praying for the repeal of that portion of the internal-revenue law which classes druggists as liquor dealers, and for a reduction of the tax on spirits; which was referred to the Committee on Finance.

He also presented additional papers to accompany the bill granting an increase of pension to William Bittinger; which were referred to the Committee on Pensions.

Mr. VEST presented the petition of S. A. Nifong and other citizens of Madison County, Missouri, praying for an amendment to the interstate-commerce law giving to the person complaining all fines and damages adjudged or imposed under said law; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Post-Offices and Post Roads, to whom were referred the following bills, reported them severally without amendments, and submitted reports thereon:

A bill (S. 2636) for the relief of Thomas L. Hoffman;
A bill (H. R. 2088) for the relief of W. S. Carpenter;
A bill (H. R. 8673) to increase the pension of John R. Stiles;
A bill (H. R. 6431) for the relief of Van Buren Brown;
A bill (H. R. 8299) for the relief of William M. Dayton;
A bill (H. R. 9321) granting a pension to Ruth Ann Porter;
A bill (H. R. 962) granting a pension to Robert Lisle;
A bill (H. R. 9224) granting a pension to Belle M. Baker;
A bill (H. R. 6302) granting a pension to Benjamin Contel;
A bill (H. R. 9127) for the relief of Chloe Fraily;
A bill (H. R. 4770) for the relief of Franklin White;
A bill (H. R. 885) to amend chapter 253 of the Revised Statutes of the United States, passed June 15, 1878, granting a pension to John Langland;
A bill (H. R. 469) granting a pension to Marie A. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary Army; and
A bill (H. R. 5787) granting a pension to Charlotte E. Dilley.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 8779) granting a pension to Mary Dickinson, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4100) granting a pension to Martha B. Perry;
A bill (H. R. 5792) granting a pension to Mary A. Wells;
A bill (H. R. 2478) for the relief of Samuel E. Wyman;
A bill (H. R. 8762) granting an increase of pension to Charles H. Ordway;
A bill (H. R. 3868) granting a pension to Cynthia Witherell;
A bill (H. R. 7815) granting a pension to Mary A. West; and
A bill (H. R. 6949) granting a pension to Emeline C. Young.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 59) for the relief of George E. W. Sharretts, reported it with an amendment, and submitted a report thereon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (S. 2981) granting a pension to Walter N. Smith, reported it without amendment, and submitted a report thereon.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 953) to authorize the Secretary of the Treasury and the proper accounting officers to restate, settle, and pay to the owners of private dies the balance of commissions due them, reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred the bill (S. 76) for the relief of Payne, James & Co., have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. STEWART, from the Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred the bill (S. 1808) for the relief of Isaac Davenport and others, citizens of Virginia, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Mr. HAWLEY, from the Committee on Printing, to whom was referred the bill (S. 2559) providing for the printing of Government publications upon private order, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, submitted a report accompanied by a bill (S. 3162) providing for the printing of Government publications upon private orders; which was read twice by its title.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (H. R. 8962) for the relief of Anthony L. Woodson, reported it without amendment, and submitted a report thereon, the bill having heretofore been referred to the Court of Claims by the Committee on Claims and subsequently recalled by that committee.

INTERNATIONAL ARBITRATION.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report a concurrent resolution, which I ask to have read.

The Chief Clerk read as follows:

Concurrent resolution to invite international arbitration as to differences between nations.

Resolved by the Senate (the House of Representatives concurring), That the President be, and is hereby, requested to invite, from time to time as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which can not be adjusted by diplomatic agency may be referred to arbitration, and be peaceably adjusted by such means.

Mr. SHERMAN. I ask that the resolution be printed and take its place on the Calendar.

The PRESIDENT *pro tempore*. That order will be made.

Mr. SHERMAN. I am also directed by the Committee on Foreign Relations to report back a number of bills, petitions, memorials, and resolutions of various kinds on this subject of international arbitration, with a recommendation that the committee be discharged from their further consideration.

The PRESIDENT *pro tempore*. The titles of the bills adversely reported by the Senator from Ohio will be stated.

The Chief Clerk read as follows:

A bill (S. 2634) to promote and perpetuate peace between the United States and Great Britain and France by the establishment of a permanent international court of arbitration, to which all differences that may hereafter arise between these nations may be referred; and

A bill (S. 292) to promote peace among nations, for the creation of a tribunal for international arbitration, and for other purposes.

Mr. SHERMAN. It is not exactly an adverse report. The committee simply wish to be discharged from their consideration, because the concurrent resolution reported embodies the desire of the great body of them.

The PRESIDENT *pro tempore*. What disposition, then, does the Senator desire made of the bills?

Mr. SHERMAN. Simply that they lie upon the table.

The PRESIDENT *pro tempore*. They will lie on the table.

Mr. SHERMAN. All I desire in regard to all these bills and resolutions is simply that they lie on the table. They are not adversely reported, because the substance of all that the committee now think proper to report favorably upon is embodied in the concurrent resolution.

The PRESIDENT *pro tempore*. The Chair so understood the Senator. The Committee on Foreign Relations report back the bills and resolutions asking to be discharged, and that they lie upon the table.

Mr. SHERMAN. That is it.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3147) granting a pension to John E. Rial; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3148) for the relief of the soldiers of the Three Forks Battalion, Kentucky State troops; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3149) for the benefit of the Soldiers and Sailors' Memorial University and Home; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAWYER introduced a bill (S. 3150) granting a pension to William Schaffer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 3151) for the relief of Passed Assistant Surgeon Daniel M. Guiteras, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3152) for the relief of Matthias Henning; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3153) granting an increase of pension to Mrs. Sarah Bryan Leet; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3154) granting an increase of pension to Lorenzo D. Kase; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3155) granting a pension to William Wetzel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3156) granting an increase of pension to William McLoud; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3157) granting a pension to Joseph S. Wilson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3158) granting a pension to Nancy L. Huffman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3159) for the relief of the Oregon Paving and Contract Company; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3160) granting a pension to Nelson Beebe, of Oregon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3161) granting a pension to Henry Ann Stuart; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 3163) to provide for the erection of a public building for the use and accommodation of the post-office at Mammoth Hot Springs, in the Yellowstone National Park; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO BILLS.

Mr. FAULKNER submitted two amendments intended to be proposed by him to the bill (S. 2619) to define the routes of steam-railroads in the District of Columbia, and for other purposes; which were ordered to lie on the table.

Mr. BUTLER submitted an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill, providing "for pay of custodian of the building rented at Greenville, S. C., for court purposes, who shall also be charged with the custody of the public records, and shall be appointed by the district judge, $1,200;" which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. BUTLER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was ordered to lie on the table, and be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CULLOM, it was

Ordered, That Maj. Nicholas Vedder have leave to withdraw from the files of the Senate the papers filed in connection with the bill for his relief introduced in the last Congress (S. 2773), no report having been made on the same.

On motion of Mr. PASCO, it was

Ordered, That Walter Tate have leave to withdraw his petition and papers from the files of the Senate.

SILVER BULLION—SUSPENSION OF RULES.

Mr. STEWART. I submit two resolutions to avoid the technical difficulty attending the notice I gave yesterday to suspend the rules, which I send to the Chair.

The PRESIDENT *pro tempore*. The Senator from Nevada offers a resolution, which will be read.

The Chief Clerk read as follows:

Resolved, That the third paragraph of Rule XVI be suspended so that it shall be in order to propose the amendment hereinafter set forth to the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, at any time while said bill shall be pending and open to amendment in the Senate during the present session of Congress, to wit:

"That whenever the circulation, or any portion thereof, of any national bank not in liquidation, shall be surrendered, by the deposit of United States notes in the Treasury, or otherwise, and the same, or an equivalent amount, is not taken by other national banks within thirty days thereafter, the Secretary of the Treasury is hereby authorized and directed to purchase, at the market price thereof, an equivalent amount in silver bullion in excess of the minimum of $2,000,000 worth per month for coinage purposes, which shall be coined and used as provided in the act passed February 28, 1878, entitled 'An act to authorize the coinage of the standard silver dollar and to restore its legal tender character.'"

The PRESIDENT *pro tempore*. Does the Senator desire present action on this resolution?

Mr. STEWART. I do not.

The PRESIDENT *pro tempore*. It will lie over.

Mr. STEWART. There is another resolution which I have sent to the desk.

The PRESIDENT *pro tempore*. The second resolution will be reported.

The resolution was read, and ordered to lie on the table and be printed, as follows:

Resolved, That the third paragraph of Rule XVI be suspended so that it shall be in order to propose the amendment hereinafter set forth to the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, at any time while said bill shall be pending and open to amendment in the Senate during the present session of Congress, to wit:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase and coin, under the provisions of an act entitled 'An act to authorize the coinage of the standard silver dollar, and to restore its legal tender character,' approved February 28, 1878, not less than $4,000,000 worth of silver bullion per month."

THE FISHERIES TREATY.

Mr. STEWART. I believe the resolution that was pending for consideration yesterday is in order now, and I desire to have that disposed of.

Mr. HALE. Will the Senator yield to allow me to submit some remarks of which I gave notice?

Mr. STEWART. I will consent that the resolution submitted by me be temporarily laid aside, to come up after the Senator's remarks are concluded.

The PRESIDENT *pro tempore*. Are there further resolutions, concurrent or other?

Mr. HALE. I ask that the resolutions submitted by the Senator from Alabama [Mr. MORGAN] be laid before the Senate.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed now to the consideration of the resolutions submitted by the Senator from Alabama relative to the treaty between the United States and Great Britain.

The motion was agreed to; and the Senate proceeded to consider the following resolutions, submitted by Mr. MORGAN June 7, 1888:

Whereas in the report of the Committee on Foreign Relations on the treaty now pending in the Senate between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888, the question is presented whether the President had authority to negotiate such a treaty without the previous consent of the Senate; and

Whereas in said report the question is also raised whether the persons appointed by the President, without the advice and consent of the Senate, as plenipotentiaries to negotiate and sign said treaty were lawfully appointed, and whether said document is a treaty duly negotiated for the consideration and action of the Senate; and

Whereas said committee declare in said report that the matters to which said treaty relates were not fit subjects for negotiation with the Government of Great Britain, and that the time for negotiation with that Government on these subjects has passed; and

Whereas the Senate will consider said treaty on its merits, and declines to adopt the views of the committee as expressed in their report as to the constitutional powers of the President in negotiating treaties; and also declines to affirm that the time for negotiation with Great Britain on the subject of our fishing rights or the commercial rights of our fishermen has passed, or that the existing difficulties on these subjects are not subjects of negotiation: Therefore,

Resolved, That in the opinion of the Senate the treaty signed by Thomas F. Bayard, William L. Putnam, and James B. Angell, as plenipotentiaries of the United States, in conjunction with the British plenipotentiaries, on the 15th day of February, 1888, and sent to the Senate by the President as a treaty duly negotiated for the consideration and action of the Senate, is properly authenticated as a treaty made by the President of the United States, acting within his constitutional powers, and is lawful and valid as a negotiation.

Resolved, That in the opinion of the Senate the time has not passed for negotiation with Great Britain as to the just interpretation of any part of Article I of said treaty of 1818 upon any point of sincere disagreement between the two Governments as to the true meaning of the same, and that no act of Congress has declared that such time for negotiation has passed, nor has the time for such negotiation passed in respect of any commercial rights that may be claimed, or that may be needed, for our fishermen in any of the harbors or ports of the British possessions of North America, and that the existing matters of difficulty, including the claims of our fishermen for damages wrongfully sustained, are subjects for treaty negotiation.

Mr. HALE. Mr. President, what I shall say was suggested by listening last week to the Senator from Alabama [Mr. MORGAN], who spoke upon the resolutions which have just been laid before the Senate—spoke with force and ingenuity, as he always does, but it filled me with a kind of wonder that he as the representative of his party and the advocate of the Administration should be urging and advocating the cause of "our friends, the enemy." I remembered that in older days, at a time when the party which he so faithfully and ably serves was, as it is now, in power in the United States, a great and distinguished leader of that party on the floor of the Senate, upon an occasion bearing some analogy to the present, spoke in different terms and argued upon a different side in relation to controversies that had arisen between the United States and Great Britain and Canada touching the fisheries. I send to the desk to be read by the Secretary an extract from a speech delivered in the Senate in 1851 by that eminent Democratic leader, Senator Lewis Cass, of Michigan.

The Chief Clerk read as follows:

We did not get the right to fish on the ocean from England or any other earthly power. We got it from Almighty God, and we mean to hold on to it through the whole extent of the great deep, now in the days of our strength, as our fathers held on to it in the days of our weakness. * * * I desire no war with England. Far from us and them—from the world indeed—far be such a calamity. But sir, the way to avoid war is to stand up firmly and temperately for our clear rights. Submission never yet brought safety and never will. To yield when clearly right, is to abandon at once our interests and our honor, and to show the world how the finger of scorn can be best pointed at us.

Mr. HALE. Mr. President, I do not propose to discuss here the technical side of this fisheries controversy, to go over the history of negotiations upon it as they have been engaged in in the past, nor to narrate the circumstances which have arrested the attention of Congress and the American people within the last four or five years. Others have done this already.

This is not a local question. It involves the national spirit and national sympathy. There is no man living in any part of the United States who takes an interest in public affairs who is not concerned that out of this contention shall come the establishment of the rights of his fellow-citizens who are engaged in the fisheries.

The life of the fisherman is picturesque; his nature is hardy; everything about him attracts attention. He represents an industry that appeals to the sympathy and the favor of the American people. He is one that has been looked to, and will be again looked to by the nation in emergency. He has done more than his part in fighting the battles of this people in years that have gone by; and should ever war with any power confront us again, fought as it must be upon the seas rather than upon the land, then the American fisherman will be found prompt and ready at the summons of his country. His vocation has been, as has been said time and again before, a nursery for the American navy; and so, as the Senator from Massachusetts [Mr. HOAR] said the other day most forcibly, his case ceases to be a local case.

It involves us all, all the American people, their spirit and their patriotism. Yet, Mr. President, the American fisherman is the man who has the real, direct interest in this controversy, he is the man who is most nearly touched, who is hurt if any man is hurt, who is distressed, put in peril of loss of property, and perhaps of personal danger, and who has suffered and endured for a hundred years as perhaps no other representative of the American people, no man representing any other vocation has for so long, and he is the man who can measure the extent of the hardships and annoyances and dangers that are visited upon him, and he is the man who knows when those annoyances and dangers and hardships are to be removed by legislative or diplomatic instrumentalities.

He can tell whether a remedy has been found for the wrongs that have been visited upon him—as to the facts which go to make up the real situation. Legislators and negotiators can teach him nothing. He can teach them.

The American fisherman wants peace and does not want war. Peace means to him the continuation of his vocation. With each recurring season his vessel is fitted out and he goes forth, either for weal or for woe, to the waters where his fare is to be found and takes the chances that the season affords. War means to him precisely the contrary, the interruption of this vocation in which he has perhaps grown old and unfitted to engage in other labors. It means the destruction of his livelihood; it means ruin. Therefore the American fisherman is willing to bear much, and has borne much in the past. How he has suffered everybody by this time knows. He has been seized inside and outside of the disputed line where he may fish, upon pretexts that he was preparing to fish, preparing to enter forbidden places, or infracting or preparing in some way to infract Canadian laws or regulations. While doing errands of mercy, helping fellow-men on the other side, in peril of wind and wave, he has had rude hands laid upon him. He has not known for years past what fate awaited him when he sailed away upon the sea, leaving family and friends at home upon his at best perilous quest. In these years he has dreaded the malice and spite of other men more than the dangers of the great deep.

Mr. President, it is not to our credit nor to the credit of administrations in the past that the American fisherman has so suffered, and there is force in the argument which is used by those who favor this treaty that whatever may be said against it, it is no worse than arrangements and compromises and adjustments that have been made or acquiesced in in the past.

In dealing with this question I put my opposition to the treaty upon no denial of this. Neither do I propose to assail in detail the provisions of the treaty, unsatisfactory, illusory, valueless comparatively as they all are. My colleague [Mr. FRYE] has done that in a most thorough and efficient fashion, as he is in the habit of doing when he addresses himself to any subject, and others no doubt will follow in the same line. But the treaty is a failure, and must needs have been a failure inevitably, because neither the Administration nor our negotiators were able to see or take into consideration the whole situation touching relations between Canada and the United States.

I am not here in any way to raise questions about or to asperse the character or the motives of our negotiators. I grant to them a faithful and earnest desire and intention to do their best, set as they were in this grapple with the able, experienced, and wary men upon the other side. But neither the Administration nor the negotiators who represented it in this contention seem to have taken into account the steady march of Canadian aggression for twenty years under British inspiration and British tutelage, gaining commercial advantages over us, both under the guise of carrying out treaty stipulations and in the course of violating them, and both the Administration and our negotiators failed to see that the time had come for considering all these things and for striking a proper balance. But I am anticipating somewhat here, Mr. President, and return now to the fisherman, who is directly involved in this controversy.

I have said that he desires peace, not war. But he will agree to no surrender. His voice is all one way upon this matter. He is against the treaty. There is no fishing vessel that has sailed out from the New England coast, from Provincetown, or Gloucester, or Marblehead, or Portland, or Booth Bay, or Castine, or Bucksport, that has not as it sailed out sent back from its master and crew an execrating protest against this treaty. Bad as was the old condition, beset with annoyance and trouble and danger to him, it was better than the treaty. Whether he shall have retaliation such as has been placed by Congress in the hands of the President or not, he is not for the treaty. He will have none of it. He does not believe in it, and scouts it as a remedy; knows as he peruses its provisions and applies them to his experience that they are illusory and good for nothing.

The testimony of men who are engaged in the fishery business, who fit out fishing vessels, and who make up the fishing interest, is all one way.

Not long ago, soon after the treaty had been made public, a newspaper published in one of the towns upon the coast of the State of Maine, in the midst of the dwellings and business places of the fishermen and those interested in that industry, sent out to the business men and business firms engaged circulars of inquiry covering three propositions:

First. Do you favor the ratification of the treaty?

Second. If ratified would you favor repealing the duties on Canadian fish and oil to obtain the rights thereby to be gained?

Third. Any further views?

With one exception the replies that came up from men engaged in the business, representing, as I know personally from acquaintance with many of them, one party as much as the other, Democrats as well as Republicans, were, "No! no! no!" In one case one man only replied, "Yes; I think it better than the last treaty." And that is the best he could say; but he goes on, "I do not favor repealing the duties for what we might gain thereby."

Mr. Luther Maddox, who is the secretary of the National Fisheries Association, a most intelligent and competent person to testify in this case, who has given years to the study of the subject, and who knows the conditions of the fishermen and the application of this treaty to their work, has written in the strongest terms of denunciation. The press generally of both parties in the region where this industry is leading have taken the same ground. In Massachusetts such old veterans of the Democratic party as Judge Charles Levi Woodbury, Mr. Richard Spofford, and many others, have been as earnest, as strong in their denunciation of the whole scope and effect of the treaty as gentlemen who are not in sympathy with the party represented by the Senator from Alabama and the present Administration.

I have said, Mr. President, that this result, bare, valueless, insignificant as it is claimed to be by those to whom I have been referring, who know most really about the subject, might have been expected from the narrow basis upon which the negotiation was inaugurated. It was not likely that we should come to an accord upon the questions in dispute, narrow as was the scope of the negotiation. If there was any one thing that the Canadians desired with a most heartfelt and long-cherished hope, it was a free market in our ports for their catch of fish. They had been restless and impatient ever since they had ceased to enjoy that market. I suppose if motives could be brought to light, analyzed, weighed, and measured, that the desire to drive the United States into again opening its ports to Canadian-caught fish has been more at the bottom of the controversies that have arisen and the wrongs which have been inflicted upon our fishermen in the last few years than any other cause, and the sentiment of the United States is just as strongly against this concession.

How, then, could the negotiation result in accord upon this? What could we offer to Canada, to Great Britain who stands behind Canada, that could make her agree to our interpretation of the treaty of 1818 as modified by the acts of 1830? What could we give in the narrow basis on which this negotiation was conducted to Great Britain or Canada besides free fish that would cause her to yield that which is our contention on this subject, the admission of all our vessels, fishing or others, into every privilege of a commercial nature enjoyed by Great Britain and Canada in our ports, and interchangeably by the mercantile commercial nations throughout the civilized globe? If we could not give them free fish, what great privileges already enjoyed by Canada through the generosity of the United States could we urge to induce Great Britain to give to us full commercial rights for all our vessels wherever they floated the American flag in any of her colony's ports?

That brings me, Mr. President, to the consideration of such matters as the Administration did not propose to consider in this negotiation, but which, I believe, must be considered in some future negotiation before the subject of the fishery contention can be settled fully and finally and fairly between the two nations.

I have referred to the constant course of Canada under British inspiration and British instruction and British backing for the last twenty years in gaining commercial advantages over us. Ever since the Dominion of Canada was created, in 1867, twenty-one years ago, a single purpose has been steadily borne in mind and pushed by the Canadian authorities, to the detriment of the commerce, trade, and business of the United States. These provinces before were of small account; they had little communication. The maritime provinces had their own interests, and there was little in common between them and the provinces of Ontario, Quebec, and the far regions that stretch away to the Pacific Ocean. There was no concert of action, there was little trade, there was little prosperity, there was little growth; but the moment these provinces were united and became the Dominion of Canada, then the British spirit, which nobody can study without having a sort of admiration for it, of making its power felt, of pushing for advantages against rival and adjacent nations, began to be shown by the Canadian Government.

It was a country comparatively without railroads at that time; it had no capital; it had no accumulation of wealth that could be drawn upon to build railroads that should compete with the marvelous growth and expansion of the railway system of the United States which stretched its iron chains away to the Pacific and bound the two oceans together—Canada was helpless, so far as individual effort was concerned, in the construction of railway lines that should compete with ours and reduce their business and their profits.

Governmental aid was at once invoked, and there is no such spectacle afforded in the history of the world of governmental assistance in the form of subsidy, in money and land and bonds and payment of interest to railway enterprises as that which is shown in Canada in the last twenty years. Saying nothing of the Grand Trunk combination, which was largely helped by government, which has cost $120,000,000, there are two great lines of railway in Canada that could never have had the breath of life breathed into them, could never have had a mile of road built or a train equipped, but for the interposition of the government in subsidies and aids of the kind I have mentioned. The Intercolonial road, which connects the maritime provinces with Ontario and Quebec, received from their government subsidies to the amount of $15,000,000; and the great Canadian Pacific Railroad, stretching from the two eastern provinces through Manitoba and British Columbia and finding its terminus on the waters of the Pacific Ocean, has received in governmental aid $130,000,000.

The benefactions bestowed by the United States upon the great lines of railway that unite us with the far West are not, all taken together, to be compared with this. The Canadian Pacific Railroad was built for two purposes, and it is time that any administration that conducts the affairs of the Government of the United States, no matter what may be its politics, no matter which party it may represent, should take into consideration and watch with jealous scrutiny the course pursued by Canada, with Great Britain behind her, in building these great roads that stretch from the Atlantic to the Pacific Ocean. There never should be a day in the future when this whole question should not be considered by the existing Administration and taken into account in any negotiation between Great Britain and the United States.

The administration now or in the future that is derelict in this ought to be condemned by the American people because of its want of patriotism in not looking closely to these rival enterprises, which bode no good to our own interests.

This great road, shored up by these colossal subsidies, was built for two purposes: First, to add to the military strength of Canada as a component part of the British Empire, and thus to British power in a military sense by opening this communication, which it would control under all emergencies, between the St. Lawrence River and the Pacific Ocean. Everything involved in what is known as the Monroe doctrine rises to view when this subject is considered, for here, at an expense of $150,000,000, a foreign power is adding immeasurably to its military weight and establishing conditions which may in the future be fraught with the gravest considerations to us. But the present Administration pays no attention to this, and not only have these subjects not been taken into account in negotiations, but added commercial privileges have been granted by it.

That, we may say, was the first object in building the great Canadian Pacific Railway.

There was another object equally apparent, and that was to add to the resources of Canada, to her wealth, at our expense. The Canadian Pacific Railroad, owing the life that is in it to governmental aid, was not constructed under circumstances such as surrounded the building of our American systems in the United States. Wherever with us a railroad was built civilization followed; towns sprang up almost as fast as the rails were laid, and in many cases before they were laid; cities arose that have been the marvel of the age, making it difficult to compute their growth in wealth and in population, thereby adding to the revenue of the road and making the enterprise one that would justify the investment of private capital.

The local business upon the great routes that have been built in the United States to connect us with the Pacific has been constantly increasing, and is to-day, as the Senator from Illinois [Mr. CULLOM], who has given such faithful attention to this subject knows, a great factor in the conditions of prosperity that attend these great roads. The Canadian Pacific presented an entirely different condition. It runs for hundreds of miles through waste places. It has been pushed forward, not by any development along its line that is worth counting; not by business that has come in from the regions through which it has passed, but by the rich hand of the Government that has overflowed in its bounty upon every mile that the road has been built.

What, then, was the object, Mr. President, underlying the building of this road aside from the military feature to which I have adverted? It was seen that there was a prospect that this road, finding its terminus at Vancouver, with additional help from the British and Canadian Government, in the way of establishing steam-ship lines to connect with the road and to run to Asiatic ports, might not only divert commerce that would otherwise naturally come to the United States, but that in addition to that, this commerce coming directly from Asia, if our Government could be impressed, persuaded, or wheedled into an arrangement, traffic could be actually taken from our own lines in our own territory and our own ports and diverted to the Canadian road. It was a bold assumption, but it has succeeded with this Administration. The foresight of the British and Canadian policy has been justified.

On the 12th day of December last a resolution passed the Senate directing the Secretary of the Treasury—

To transmit to the Senate copies of all letters or other communications in his Department relating to the recent bonding of the Pacific Coast Steam-ship Company, together with copies of all other papers touching said transaction.

The Secretary inclosed copies of the desired papers. I read from Senate Executive Document No. 32 of the present session. Following this is the reply of the Secretary, transmitting the correspondence had by him and his assistant with the collector of customs in San Francisco and between him and the general agent of the Pacific Coast Steam-ship Company, a tributary of the Canadian Pacific Railway Company, the upshot of which is that the privilege was granted to this road of conveying under bond, without payment of duties, goods, merchandise, nine-tenths of which without that would have passed over American lines. This privilege begins at our own port of San Francisco and enabled the steam-ship company to take merchandise north to the Canadian terminus at Vancouver.

I am not going in detail into the history of this correspondence and this astounding concession on the part of the Secretary of the Treasury. The document speaks for itself, and is worth any man's reading. The upshot of the transaction is found in the following letter, which settled the business to the entire satisfaction of the Canadians:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., September 4, 1886.

SIR: The Department has received your letter of the 24th ultimo, and its inclosed communication from the general agents of the Pacific Coast Steam-ship Company, wherein it is requested that instructions be issued to enable said company, in connection with the Canadian Pacific Railway Company, to transport merchandise from your port through the Dominion of Canada to points in the United States, and *vice versa*.

In reply, and referring to the regulations governing the transportation of merchandise to, from, and through the British possessions in North America, under the laws and the treaty of Washington (Synopsis 2171), you are informed that said regulations are applicable to the transportation referred to in your letter and its inclosure. It is, however, necessary that the route by which it is proposed to transport the goods shall be bonded, and an application for that purpose, in accordance with the provisions of articles 713 to 720, Customs Regulations 1884, from the Pacific Coast Steam-ship Company will receive prompt consideration. It is to be understood in case the company decides to bond as a common carrier that its bond shall cover transportation from the time the goods are delivered at the port of first arrival until delivery is made at the port of destination.

Respectfully, yours,

C. S. FAIRCHILD,
Acting Secretary.

COLLECTOR OF CUSTOMS, *San Francisco, Cal.*

The Secretary of the Treasury or his friends may say that this was simply carrying out the provisions of law based upon section 30 of the treaty of Washington. But that section has been abrogated long ago, and though I do not affirm it as a proposition of law, it is yet contended, and was contended before the committee of which the Senator from Illinois is chairman, that the only object of the law, which grants the right to the Secretary in his discretion, if he chooses to give such privileges, is simply to carry out the provisions of section 30 of the Washington treaty, which has long ago been annulled. But at best all that can be said for this remarkable act of the Secretary of the Treasury is that he had the power to do it, and that he chose to do it, but equally he had the power not to do it had he so chosen.

Mr. President, there is not a railroad man of intelligence in the United States, there is not a great authority upon railroads among us, there is not a man who has studied the subject in all its bearings, who will not tell you and me and the Senate and the public that the gain derived by the Canadian railroads by this order of the Secretary more than ten times outbalances any gain that we get through what may fairly perhaps be termed the reciprocal relation of railroads in the two countries, as illustrated by the Grand Trunk and by our own railroads which have branches through the lower part of Canada.

I affirm here that any one who investigates this subject and takes the testimony of men who know the most about it, will come to this conclusion: That the Canadian Pacific Railroad benefits by this transaction ten times over all the benefits that we gain by being allowed what is called the "transit trade" over Canadian lines. Conversing only a few days ago with one of the brightest men engaged in railway traffic, the head of one of our systems in the United States, as good a Democrat as the Senator from Alabama, or as the Secretary of the Treasury or the Secretary of State, he said to me "our roads are going to be ruined by these indulgences which the Administration has granted to the Canadians." And it was not a fitting thing, sir, that any negotiation with Canada or Great Britain should have been set on foot that did not take into consideration the commercial privileges now enjoyed by Canada and Canadian railroads by the act of the Treasury Department of the United States.

The course of Canada has been characteristic in this whole business of the transit trade. Wherever any interference with bonded privileges granted to us and from which we could benefit could avail such interference has been resorted to. Senators will remember, particularly Western Senators, that when the large product of Manitoba needed an outlet into our territory and to our great grain centers, every hindrance that could be placed upon this transit was put there, and when called to account the Canadian Government denied that it had taken any part or had issued any orders, but Western business men knew all the same that the trade was interfered with and hindered, while Canada was receiving uncounted, almost unmeasured benefits, of a like kind from us.

Here is another thing that ought to be settled in any negotiation between us and Great Britain or Canada. If Senators will look at the map they will find a long line of frontier water way from the upper Lake Superior along the rivers that connect the Great Lakes, through Huron and St. Clair, down through rivers that connect below, and through Lakes Erie and Ontario to the St. Lawrence, to the northern boundary of New York, whence that river flows northwardly and leaves the United States. It is a frontier water way upon which has grown up a marine traffic that is immense in its extent. It is used for both Canadian and American trade, and it ought to be as free to the one as the other, if there is any reciprocal relation to be maintained between the Canadian Government and our Government.

Aiding this water way, furnishing facilities to the vast commerce using it, there is a canal at the Falls of St. Mary, which lie between Superior and Huron, commonly known as the Sault Ste. Marie. Upon this canal the United States has expended $4,000,000 in building and our Government is now maintaining it.

Through that canal, unmolested, unvexed by a single exaction, floats the British and Canadian craft alongside of the American craft. No discrimination whatever is made, and there ought to be none. But if you will follow down hundreds of miles through the lower lakes you will find that Great Britain has built between Erie and Ontario a canal that is known as the Welland Canal, and vessels of the United States and vessels of Canada or of Great Britain alike seek passage through this canal, and one of the things which Canada has done to discriminate against American commerce is to lay a tax upon every vessel that goes through the Welland Canal which delivers her cargo into a port of the United States, a tax of 20 cents per ton. Single vessels going through there have paid from $130 to $200 for each trip—not discriminating against the vessel, but, what is worse, against the port that is her destination. Here are two vessels with the same kind of cargo coming to the mouth of the Welland Canal and seeking passage through it. One is American, the other is Canadian. If the American vessel is to take her cargo to Oswego, in New York, she has got to pay 20 cents per ton for that privilege. If the American vessel takes her cargo to Kingston, on the Canadian side, she pays nothing, or at most a nominal tax. If the British vessel takes her cargo to Oswego, which is our port, she pays 20 cents per ton; if she takes her load to Kingston she pays nothing.

It is a discrimination against our trade, against our commerce. It is in the same line with the policy that has been pursued as to the Canadian Pacific Railroad. It is to divert commerce from us to them. Is there any American citizen who can contemplate such an act as this without a feeling of impatience? Is there any Senator here, no matter what may be his party affiliations, no matter how he may be associated with this Administration, who does not feel in himself a restiveness of spirit over such an exaction as this and that it is tolerated and permitted and acquiesced in?

Sir, there never ought to be a negotiation between the two countries, either now or in the hereafter, that does not take into account this very matter, this grievance, this sore grievance that I am now imperfectly describing; and yet the American negotiators in dealing with the Canadian and British negotiators were not permitted to bring this subject up and make it a part of the convention, and in the result to establish what should be right and just between the people as touching this matter.

I do not think, Mr. President, that the spirit of the compact made between the United States and Great Britain in 1817, which is entitled "Arrangement with Great Britain as to the naval force to be respectively maintained on the American lakes, concluded April 28, 1817; approved by Senate April 16, 1818, and recommended to be carried into effect; proclaimed April 28, 1818," has been fairly carried out. As a result of that arrangement, covering the scenes of the memorable conflicts that took place on the Canadian lakes between us and Great Britain in the war of 1812, it was agreed as a measure of peace that both naval forces should be dismantled, destroyed, and that thereafter, in the language of the arrangement—

The naval force to be maintained upon the American lakes by His Majesty and the Government of the United States shall henceforth be confined to the following vessels on each side; that is—

On Lake Ontario, to one vessel, not exceeding 100 tons burden, and armed with one 18-pound cannon.

On the upper lakes, to two vessels, not exceeding like burden each, and armed with like force.

Not only has the letter, but the spirit of that pacificatory arrangement been carried out by the United States Government so that we have in all the lakes but one war vessel, the Michigan, which would not be considered in any modern naval conflict to be even a war vessel. Neither has the United States ever by any act taken any course that would nullify the spirit of the compact by providing methods through which she could instantly supply upon those lakes such naval force as is prohibited by that arrangement; but, on the other hand, Great Britain has gone on, has built and deepened canals, and can to-day on twenty-four hours' notice put a fleet of twenty gunboats from the St. Lawrence River into Lake Ontario. I should say that in any great negotiation undertaken to settle questions which might be fraught with mischief in the future, this might well be considered.

Mr. BLAIR. I should like to ask the Senator a question in this connection. What does the Senator consider the character of the purpose

indicated by the construction of the heavy armament of Great Britain in the Northwest? Is there in international relations any apparent cause for the construction of great defenses for that part of the British Empire? Is there any foreign power that threatens that coast, or can they be erected with reference to any probable condition of events except it may be warlike conflicts with the United States? I should like to know the Senator's view of the immense fortifications on the Pacific coast being erected by the British Government.

Mr. HALE. I do not believe that any enlightened British statesman contemplates with any feeling except apprehension and dread armed conflict with the United States. I do not believe that there is any purpose on the part of any British administration, or has been in the last ten years, or is likely to be, any deliberate purpose or desire to enter into hostile conflict with the United States; but the things that are going on now, such as those to which the Senator from New Hampshire has called our attention, are in the line of Great Britain's course always. She is, after the fashion that is commended in the proverbs, provident for the future, and wherever her trade begins to extend, wherever her business begins to take root, as it has of late through the development of the Canadian railroad system, there Great Britain in time of peace prepares for war.

I know of nothing in the situation referred to by the Senator from New Hampshire that would account for the expenditure of money by Great Britain and the erection of works such as he has described, except in carrying out this policy on the part of Great Britain; and it ought to admonish the United States, setting aside any question of counter preparation on our part, that in any negotiation that takes place to settle contentions between us and Great Britain or Canada we should not leave out these matters that have led to such transactions as the Senator from New Hampshire referred to.

Mr. BLAIR. May I ask one question further? I should like to know if under the arrangement of 1817, to which the Senator has referred, between these two nations, in order that their power of offense or defense should be in equilibrium, neither having the advantage of the other in view of what future controversies might require, there should be any less reason why the construction of great fortifications or the establishment of great naval stations on the Pacific coast should not be looked upon as equally dangerous to American interests in that part of the world? Can it be otherwise than a fact that with this naval preparation and these fortifications of the harbors the British power is in a condition whenever a crisis in any matter occurs to sweep every American interest from the Pacific coast without any pretense of resistance on our part? I ask whether an act of that kind ought not to be looked upon as in the interest of possibly future hostile relations in the contemplation of that power?

Mr. HALE. The Senator can draw his own inference as to what may be at the bottom of this policy as conducted by Great Britain.

It has seemed to me, Mr. President, a remarkable spectacle that in this emergency we are confronted with what perhaps is a solid array on the other side of the Chamber, which takes the ground that this treaty is sufficient under the circumstances; that under it our rights are secured; that it is a praiseworthy result of an important negotiation. Of course it follows that in advocating the treaty Democratic Senators find themselves arguing the British side. The Senator from Delaware [Mr. GRAY] was conscious of this, when, in his elaborate and able speech on Monday last, he presented the case of the Administration in favor of the treaty.

I do not believe that all Senators on the other side will accept this position with complacency or satisfaction. In controversies which have heretofore arisen with Great Britain such has not been the fashion of the great leaders of the Democratic party. They have taken pride in maintaining the American side, which must now be left to this side of the Chamber. But Democratic Senators this year are led at chariot wheels. They are obeying the orders of the President, and from that source they have received no patriotic inspiration to guide them in the consideration of this subject.

Thirty-seven years ago in the United States Senate an old Democratic Senator from the State of Arkansas, in the course of a speech upon a controversy which had arisen with Great Britain in relation to the fisheries, said:

> It is a remarkable fact that in looking back through the history of our Government, especially to the war period of 1812 and since that time, in every dispute or hostile collision with a foreign country, without an exception that now occurs to me, there has been a party in our country and represented in the two Houses of Congress, which has invariably taken sides with that foreign country and against our own.

It was Senator Solon Borland, of Arkansas, who uttered these words——

Mr. HOAR. I was called out by a colleague in the other House about ten minutes ago when the Senator was entering upon a very interesting portion of his remarks, as I can well conjecture, for I came back while he was speaking of the great expenditure made by Canada and the British Government in regard to railroads, and then he made some observations about the stipulation of 1817 in regard to the naval armaments that may be maintained on the lakes by the two countries. I should like to ask the Senator in that connection if he stated to the Senate the fact that has come to my knowledge, that Canada has just contracted for a ship-railway across the isthmus between the Bay of Fundy and the Gulf of St. Lawrence, to which she has stipulated a guaranty of 20 per cent. on the stock, and which is to convey vessels not less than 2,700 tons, so that she will be able from any station on the Bay of Fundy or even from Halifax to transport very promptly, and in case of difficulty with this country, any number of gun-boats sufficient to navigate the entire length of all these lakes? In addition to that she has contracted or is about to contract, is making arrangements as I know from very high authority, for a shorter but generally parallel route to the Welland Canal, making connection between the upper and the lower lakes, which, in connection with this ship-railway, will bring her vessels to our own doors, so that she will have within the next two or three years the entire command of the lakes.

Mr. HALE. Mr. President, I have made no allusion to the subject that has been so well adduced by the Senator from Massachusetts, because I was not fully informed as to the facts as he is, and I am obliged to him for having brought this matter into the discussion, because it supplements what I have been saying as to the course that is being pursued by Great Britain from year to year, and, indeed, as in this case that he has brought here, at the present day.

Mr. President, I am not one of those who believe that these subjects-matter which have a growing importance touching the relations between the United States and Canada, and therefore Great Britain, will be ultimately settled without further negotiations. Why it was that our negotiators, who were able and honest and patriotic men, yielded and accepted such a treaty as this I can not say. I do not attribute to them, knowing them all well as I do, any motive or impulse in the least shaded by impropriety. I do say this, however, that one month before these negotiators came to an accord and the treaty that is now lying before the Senate was signed, I do not think a man could have been found in Washington who believed that a treaty would be concluded. What considerations moved in the mind of the American negotiators neither I nor any associate of mine here can tell. But we do know that at last our representatives gave way, and the able gentlemen on the other side succeeded in negotiating a treaty that they were satisfied with. And because that treaty is really in substance of so little account, because it secures to the interest that is most affected nothing worth reckoning, because the great opportunities that these negotiators had of considering all subjects arising between the two nations in a broad and liberal way and securing a treaty that would have settled the peace of the two countries for a generation—because of all these things I am opposed to the ratification of the treaty.

I do not suppose that anybody believes that this treaty will be ratified by the Senate. Mischief enough, I fear, will come out of it at best. In any subsequent negotiation I fear that our side will be hampered and embarrassed by the concessions that have been made in this treaty. I do not think it is fitting or proper in open session to go into a discussion of that point.

I have endeavored, Mr. President, and I thank the Senate for its attention, to show some of the reasons why it is that the American people believe that this treaty does not meet the occasion and should be rejected by the Senate. The public sense is keenly alive when any question of national pride or national humiliation is concerned, and I make no doubt that the Senate will agree in its action with the clear and plain sentiment of the people that, weighed in the balance, this treaty is found wanting.

Mr. MORGAN. Mr. President——

Mr. PLUMB. There comes over as unfinished business from yesterday the District of Columbia appropriation bill, leaving two amendments undisposed of subject to action. I think it will take but a few moments to dispose of them. I should be glad to have that bill acted on now in order that it may go into conference, so as not to run the risk of failure by the end of the fiscal year.

Mr. MORGAN. I rose for the purpose of asking unanimous consent that these resolutions shall go over until Monday week without prejudice to their present condition before the Senate, so that they may come up at the conclusion of the routine business of the morning hour on Monday week. I do that because some Senators on the other side have indicated to me a desire to be absent next week.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The Senator from Alabama asks unanimous consent that the resolutions be laid over until a week from next Monday.

Mr. HALE. I hope there will be no objection to that.

The PRESIDING OFFICER. There is no objection, and it is so ordered. The resolutions are postponed till Monday, June 25.

ORDER OF BUSINESS.

Mr. PLUMB. I move to take up the District appropriation bill.

The PRESIDING OFFICER. The Chair will first lay before the Senate the unfinished business, being the bill (S. 62) to provide for fortifications and other seacoast defenses.

Mr. BLAIR. I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to consider Order of Business 649, being the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law.

The PRESIDING OFFICER. The Senator from Kansas [Mr. PLUMB] had been recognized.

Mr. PLUMB. I can not yield. We must first consider bills for which there is absolute necessity. After this appropriation bill is disposed of I am directed to bring up another one, but I shall allow an interval between them for other business.

Mr. BLAIR. At the conclusion of the appropriation bill I shall make the request again.

The PRESIDING OFFICER. The question is on the request of the Senator from Kansas that the regular order be temporarily laid aside for the consideration of the District appropriation bill. The Chair hears no objection, and it is so ordered.

Mr. PADDOCK. I should like to inquire what the regular order is. I have just come in, having been detained in committee.

The PRESIDING OFFICER. The unfinished business is the bill (S. 62) to provide for fortifications and other seacoast defenses.

Mr. PADDOCK. I should like to ask the Senator from Wisconsin [Mr. SPOONER] who had charge originally of the general bill to provide for the construction of post-office buildings, or the Senator from Missouri [Mr. VEST] what the plan is in regard to the consideration of that bill. It is a very important bill, and has been some time before the Senate. It is a bill in which I have taken a good deal of interest, having first presented the subject to the Senate formally by a bill, and I should like to know if the Senator will not make some arrangement by which it can be called up at an early day, either under a special order or otherwise.

Mr. SPOONER. That bill was reported by the Senator from Missouri [Mr. VEST] from the Committee on Public Buildings and Grounds. I am anxious, and I know the members of the Committee on Public Buildings and Grounds are, to press that bill at the earliest day possible on the attention of the Senate.

Mr. PADDOCK. I have no doubt whatever of this, Mr. President, but the bill has been much delayed unexpectedly, and I wanted to make an appeal to whichever Senator has the bill in charge at this time to bring it forward, to advance it, if possible, and secure the designation of a day when it may be considered, and I hope it may be on as early a day as possible, and to do this it seems necessary to have some definite understanding respecting its consideration with the formal consent of the Senate now.

Mr. VEST. I have not the slightest objection to take up the bill, but I must state to the Senate that the Senator from Wisconsin [Mr. SPOONER] will be absent next week. The Senator from Wisconsin and myself framed the bill. I reported it at his suggestion, but he really has charge of it. I reported it in his absence, and I would rather he should be here when it is considered. Whatever day is agreed upon between Senators will suit me. I shall be here when the bill comes up.

Mr. PADDOCK. I understand the Senator from Wisconsin is to be away for a few days, but I would ask him before he goes, if he can, to fix upon some day which will be agreeable to him for its consideration, and that he ask the Senate to agree that that day shall be set aside for the consideration of the bill.

Mr. SPOONER. I ask unanimous consent that the bill may be considered after the morning hour one week from Friday next.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent that Order of Business 1101, being the bill (S. 2762) to provide for the erection of public buildings for post-offices in towns and cities where the post-office receipts for three years preceding have exceeded $3,000 annually, be taken up for consideration immediately after the morning business on one week from Friday next, being the 22d instant. Is there objection?

Mr. RIDDLEBERGER. I ask the Senator whether that interferes with bills for street railways and the various special orders. If so, I will object. Otherwise, I will not.

Mr. SPOONER. I do not wish to interfere with the special orders. I will say after the special orders have been disposed of.

Mr. DAWES. I desire to inquire of the Senator if it will not answer his purpose to give notice that at that time he will call up the bill. And a majority of the Senate, without doubt, unless there is some exigency in the way, would accede to the Senator's suggestion. But making special orders in the last days of the session involves a great deal of trouble often. I suggest to the Senator that he give notice that at that time he will call up the bill. He can have the assurance, I think, of the Senate that, unless some pressing exigency is in the way, such a notice would be regarded.

Mr. VEST. I should like to make a parliamentary inquiry. The bill was taken up and considered by the Senate, I think, when the Senate was going on with the Calendar. Then in some manner it was laid aside.

The PRESIDING OFFICER. The Chair understands that the bill is now upon the Calendar. It has never been under consideration except on the call of the Calendar, and is subject to the order of the Senate.

Mr. VEST. The bill was taken up by the Senate.

The PRESIDING OFFICER. But other business has intervened.

Mr. PADDOCK. The Senator from Missouri will remember, I think, that the bill came up under the five-minute rule, under an order to proceed to the consideration of bills regularly upon the Calendar. It was reached and was considered under that rule, and it then went over and occupied its position at the head of the Calendar. It has been set aside from day to day by other orders.

Mr. VEST. According to parliamentary law, after other bills that intervene have been disposed of then the bill comes before the Senate without being made a special order.

The PRESIDING OFFICER. The Chair understands that when other business intervenes, if the bill was taken up on motion, it went back to the Calendar.

Mr. SPOONER. I would say to the Senator from Missouri that in his absence the bill was reached, and at the request of his colleague it was passed over without losing its place on the Calendar.

Mr. VEST. I was not aware of that.

Mr. SPOONER. I am quite content to adopt the suggestion made by the Senator from Massachusetts [Mr. DAWES], in which I think there is force, and I will ask, the bill being in charge of the Senator from Missouri, that he give notice that on one week from the coming Friday after the morning hour, he will ask the Senate to take up and consider the bill.

Mr. VEST. Let the Senator from Wisconsin do that; or if he prefers I give that notice.

Mr. SPOONER. That will suit me. I shall be here at that time.

The PRESIDING OFFICER. The Senator from Wisconsin withdraws his request, and the Senator from Missouri gives notice that one week from Friday next, after the morning business, he will move to take up the bill for consideration.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I move to take up the District appropriation bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes.

Mr. PLUMB. I ask unanimous consent to change an amendment adopted yesterday. The change becomes necessary by what has since occurred. I ask that on page 19, in the place of what now constitute lines 19 and 20, what I send to the desk be inserted. There is some question about the location of streets in the northeast part of the city which has only been satisfactorily settled this morning, which makes it desirable, if not necessary, that this amendment should be changed as proposed.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to change lines 19 and 20, in section 1, on page 19, so as to read:

For work on Fourth street, towards the Bunker Hill road, and on First street extended to Michigan avenue, and from thence along said avenue to Lincoln road, $15,000.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. PLUMB. There was an amendment on page 38 in the appropriations "for charities" which was amended by adding certain words. I ask unanimous consent, after consulting the Senator from Massachusetts [Mr. DAWES], to substitute for the amendment offered by him what I send to the desk.

The CHIEF CLERK. On page 38, in section 1, line 15, after the word "dollars," it is proposed to strike out the amendment already agreed to and to insert:

And from this sum the commissioners may allot to the Washington Night Lodging House Association a gross sum not exceeding $1,500 to be expended in the discretion of said association; and the commissioners may allot part of the appropriation remaining to the Young Woman's Christian Home for maintenance.

The PRESIDING OFFICER. Is there objection to the amendment? The Chair hears none, and it is agreed to.

Mr. PLUMB. I now ask that the amendment of the committee, on page 42, line 1, may be modified. The amendment provides, "one draughtsman, $1,800." It should be $1,500.

The PRESIDING OFFICER. If there be no objection, that modification will be made.

The question before the Senate is on the amendment offered by the Senator from Florida [Mr. CALL] to an amendment reported as in Committee of the Whole. The clerks inform the Chair that the amendment of the Senator from Florida is in the possession of that Senator.

Mr. CALL. On page 2, line 20, I move, after the first word "one," to insert the word "chief;" so as to read:

One chief inspector of plumbing.

The amendment to the amendment was agreed to.

Mr. CALL. On the same page, in line 20, I move to strike out "$1,800" and insert "$3,000;" so as to read:

One chief inspector of plumbing, $3,000.

The amendment to the amendment was agreed to.

Mr. CALL. I ask unanimous consent to have inserted in the RECORD the recommendation of the majority of the Committee on the District of Columbia and the accompanying letter.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

The papers referred to are as follows:

COMMITTEE ON DISTRICT OF COLUMBIA.

We recommend the passage of the amendment to the District appropriation bill, in line 20, page 2, so as to read as follows: "One supervising inspector of plumbing in all buildings and of sewers in the District of Columbia, $3,500."

J. W. DANIEL,
CHARLES J. FAULKNER,
C. B. FARWELL,
JONATHAN CHACE,
JOHN C. SPOONER,
Committee on the District of Columbia.

WASHINGTON, D. C., *May* 29, 1888.

DEAR SIR: With pleasure we notice the action you have proposed upon the question of the sanitary inspection of all dwellings. We believe that many houses which are occupied as dwellings, and some of our public buildings, are so deplorably unhealthy as to menace the public health, and without some action of Congress there is no authority for the application of remedial measures. The inspector of plumbing, though evidently an efficient and energetic officer, has no authority beyond the examination of private structures in course of erection; and we earnestly recommend the early and favorable action of Congress upon some measure similar to that proposed by you.

Very respectfully,

WM. M. GALT.
S. C. BUSEY, M. D.
W. W. JOHNSTON, M. D.
CHARLES C. GLOVER.
E. FRANCIS RIGGS.

Hon. WILKINSON CALL,
United States Senate.

As it is proposed to increase the duties of the inspector of plumbing, and knowing what additional labor and responsibility this work will put upon him, I feel that the salary of his present office is much too small. The technical knowledge which he employs and the work he now does ought to be well paid for.

W. W. JOHNSTON, M. D.

From personal observation, I regard the services of the inspector of plumbing as most valuable to the people of this District, and I consider the present incumbent an intelligent and valuable officer. Even without any increase of labor his present salary is too small and should be largely increased.

J. W. THOMPSON.
W. C. WHITTEMORE.
THOS. J. FISHER & CO.
N. W. BURCHELL.
B. H. WARNER.

I not only concur with the within, but I think that the office of inspector of plumbing is one of the most important in the District, and that the present incumbent has proved himself to be the right man in the right place. The proper performance of the duties of inspector is so important and responsible that $4,000 would be the best use the Government could make of that amount annually for his salary. He is well worth it.

JOS. TABER JOHNSON, M. D.
S. C. BUSEY, M. D.

WASHINGTON, *June* 11, 1888.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole as amended in the Senate.

The amendment as amended was concurred in.

The PRESIDING OFFICER. The question now is on concurring in the amendment made as in Committee of the Whole, on page 31, line 11, by striking out, after the word "under-ground," the word "thirty-six" and inserting "twenty-five;" so as to read:

For putting District wires under-ground, $25,000.

Mr. CHANDLER. Since yesterday I have found a copy of the letter of the president of the District commissioners, addressed to the chairman of the subcommittee of the Committee on Appropriations of the House of Representatives, in which the commissioners recommend an increase in the estimate for putting District telegraph and telephone wires under-ground from $25,000 to $36,000. I call the attention of the Senator from Kansas to it.

Mr. PLUMB. Yes, that has just been brought to my attention. The committee proceeded upon the faith of the estimate made by the commissioners and did not know of the existence of this supplemental estimate.

Mr. CHANDLER. Of course I supposed that the Senator in charge of the bill was not aware of this recommendation. I hope that the amendment of the committee will be disagreed to.

I also continue in the belief that the Senate should hold on to the proposition of the House of Representatives to begin the work of putting the telegraph, telephone, and electric light wires in this District under ground. I do not believe if we wait for a wholesale and comprehensive plan that we shall get any of them under ground within the next five or ten years, whereas, I believe, if a beginning is made, and through those streets and avenues where the District commissioners put the District wires under ground we put all other wires under ground, we shall have made a beginning which in time will have an end, and this city will take the lead, as it should take the lead, of all the cities in the United States in putting all wires under ground, so that from one end of the city to the other, through our parks and our broad avenues and over our magnificent public buildings, there may not be the disfigurement of a single telegraph wire or a single telegraph pole.

I ask for the yeas and nays on the question of concurring in the amendment striking out the proviso.

Mr. PLUMB. Before that question is put I wish to modify the amendment of the committee, which can be done by unanimous consent. I ask that the amendment of the committee be amended by restoring the sum of $36,000 in place of $25,000.

But while up I wish to say that in my judgment nothing could be more harmful to that which the Senator from New Hampshire has so much at heart than the adoption of this proposition. I think his own good sense would dictate to him that when we come to put the wires under ground it must be under some arrangement whereby the tenure by which these companies are to occupy the streets under ground may be determined in advance; and until that is done there can be no practicable submerging of the wires. To do otherwise would result, as I believe, in tearing up the streets and leaving them torn up while expensive and protracted litigation, and, as I think, to the defeat of the District, will be going on.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CHACE. I should like to have the amendment read

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. On page 31, line 11, the Senate, as in Committee of the Whole, struck out "thirty-six" and inserted "twenty-five;" so as to read:

For putting District wires under ground, $25,000.

Mr. PLUMB. I asked unanimous consent that that amendment might be disagreed to, and the sum restored to $36,000.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection.

Mr. RIDDLEBERGER. I wish to ask the Senator from Kansas, if he will allow me, whether there is not a considerable mite of legislation on this bill for the District of Columbia? It so reads to me. If it be so, it has certainly been ruled in the Senate by the Presiding Officer that no legislation can be had on an appropriation bill.

Mr. PLUMB. I do not know of any legislation but the last section, which provides for a lapse of funds, except such as was put on by the other House.

Mr. RIDDLEBERGER. Then that is enough. One mere matter of legislation on an appropriation bill is in violation of the rules, as the President of the Senate has expressed himself.

The PRESIDENT *pro tempore*. If there be no objection, the amendment will be non-concurred in.

Mr. RIDDLEBERGER. There is an objection. I object.

The PRESIDENT *pro tempore*. The question recurs upon concurring in the amendment made as in Committee of the Whole. [Putting the question.] The noes appear to have it

Mr. CHANDLER. What amendment is that?

The PRESIDENT *pro tempore*. The amendment in lines 11 and 12 on page 31.

Mr. PLUMB. That is the amendment in regard to the amount?

The PRESIDENT *pro tempore*. It is.

Mr. CHACE. I call for a division.

The PRESIDENT *pro tempore*. The vote will then be held as not having been announced. The Senator from Rhode Island asks for a division. Senators in the affirmative will rise. [A pause.] No Senator having risen, is a further division insisted upon?

Mr. CHACE. No.

The PRESIDENT *pro tempore*. The amendment is non-concurred in. The question recurs on concurring in the amendment striking out the proviso from line 12 to line 22, on page 31.

Mr. CHANDLER. I ask for the reading of the words proposed to be stricken out.

The PRESIDENT *pro tempore*. The part proposed to be stricken out will be read.

The CHIEF CLERK. The Senate, as in Committee of the Whole, on page 31, line 12, after the word "dollars," struck out the following proviso:

Provided, That the commissioners of the District of Columbia shall require all telegraph, telephone, and other wires to be removed from all streets, avenues, and alleys wherefrom the District wires have been or may be removed, and to require all wires to be placed under ground at the expense of the body-corporate, company, or person now maintaining, owning, or using the same. The location of conduits, the trenching, excavation, and relaying of pavements in streets and alleys of the cables and devices used to be subject to the direction and approval of the said commissioners.

The PRESIDENT *pro tempore*. This amendment was agreed to as in Committee of the Whole and was reserved for a separate vote in the Senate. The question now recurs upon concurring in the amendment. To vote "ay" strikes it out; to vote "no" leaves it in the bill.

Mr. CHANDLER. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. Upon this question the Senator from New Hampshire asks that the yeas and nays may be entered on the Journal.

Mr. RIDDLEBERGER. And I ask the President of the Senate to rule now whether that is legislation on an appropriation bill.

The PRESIDENT *pro tempore*. The provision is in the bill, and was not offered as an amendment. If the Senator from Virginia will examine the rule, he will find that the provision to which he refers relates only to amendments offered in the Senate. The proviso proposed to be stricken out is a part of the bill.

Mr. PLUMB. As it came from the House of Representatives.

The PRESIDENT *pro tempore*. The amendment proposes to strike out the proviso.

Mr. RIDDLEBERGER. I do not care whether it came from the House of Representatives or not. If it is legislation on an appropriation bill, it has no more right to be on the bill as it came from the other House than if it were proposed to put it on in the Senate.

Mr. PLUMB. It is proposed to strike it out.

Mr. RIDDLEBERGER. Then let us strike it out.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that the yeas and nays may be entered on the Journal on the question of concurring in the amendment made as in Committee of the Whole.

The yeas and nays were ordered.

Mr. TELLER. I am quite in favor of compelling the telegraph companies to put their wires under ground, but it seems to me, as the Senator from Kansas suggests, that there is no proper provision made here. It can not be left, I think, entirely to the commissioners to make the regulations; Congress should do it. Therefore I shall vote to strike out the proviso.

The PRESIDENT *pro tempore*. The Secretary will call the roll on concurring in the amendment.

Mr. PLUMB. What does an affirmative vote do? Will the Chair please state it again?

The PRESIDENT *pro tempore*. To vote in the affirmative strikes out the proviso contained in lines 12 to 22, inclusive, on page 31. The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY]. I do not know how he would vote.

Mr. HARRIS (when his name was called). I withhold my vote. I am paired with the Senator from Vermont [Mr. MORRILL], and I do not know how he would vote.

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL].

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS].

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. FAULKNER. I am informed by the colleague of the Senator from Pennsylvania [Mr. QUAY] that he would vote "yea" if present. As I should vote "yea" on this question, I will therefore vote. I vote "yea."

Mr. PASCO. I am paired with the Senator from Illinois [Mr. FARWELL]. I do not know how he would vote on this question. I should vote "yea" if I were not paired.

Mr. CULLOM. I will state that the Senator from Florida can vote without any question.

The PRESIDENT *pro tempore*. Does the Senator from Florida desire to have his vote recorded?

Mr. PLUMB. The Senator from Illinois [Mr. FARWELL], if here, would vote "yea."

Mr. PASCO. Then I vote "yea."

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. CULLOM (after having voted in the affirmative). I have cast my vote, as I am informed by some friends on the other side that the Senator from Delaware [Mr. GRAY], with whom I have a pair generally, would vote "yea" if he were present.

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN], but I do not understand that this vote divides at all upon general opinions, and I vote "yea."

Mr. HARRIS. I will ask the Senator from Iowa [Mr. ALLISON] if he knows how the Senator from Vermont [Mr. MORRILL] would be likely to vote on this question if he were present.

Mr. ALLISON. I can not tell.

Mr. HARRIS. I am paired with the Senator from Vermont, but would vote if I thought the Senator from Vermont would vote "yea."

Mr. ALLISON. I know how he ought to vote. I think he ought to vote in the affirmative, but I do not know how he would vote.

Mr. MANDERSON. In order to help make a quorum I shall vote, this not being a party question. I shall vote "yea."

Mr. HARRIS. I understand that the Senator from South Carolina [Mr. HAMPTON] is absent and unpaired. That being so, I will transfer my pair with the Senator from Vermont [Mr. MORRILL] to the Senator from South Carolina [Mr. HAMPTON], and I will record my vote "yea."

Mr. WILSON, of Maryland. Having been told that if the Senator from Iowa [Mr. WILSON], with whom I am paired, were here he would vote "yea," I also vote "yea."

The result was announced—yeas 36, nays 5; as follows:

YEAS—36.

Allison,	Coke,	Hale,	Riddleberger,
Bate,	Cullom,	Harris,	Sawyer,
Beck,	Davis,	Hoar,	Sherman,
Berry,	Dawes,	Ingalls,	Spooner,
Brown,	Dolph,	Manderson,	Stockbridge,
Butler,	Eustis,	Pasco,	Teller,
Call,	Evarts,	Payne,	Turpie,
Cameron,	Faulkner,	Plumb,	Walthall,
Cockrell,	George,	Reagan,	Wilson of Md.

NAYS—5.

Blair,	Hawley,	Stewart,	Vest.
Chandler,			

ABSENT—35.

Aldrich,	Frye,	Kenna,	Quay.
Blackburn,	Gibson,	McPherson,	Ransom,
Blodgett,	Gorman,	Mitchell,	Sabin,
Bowen,	Gray,	Morgan,	Saulsbury,
Chace,	Hampton,	Morrill,	Stanford,
Colquitt,	Hearst,	Paddock,	Vance.
Daniel,	Hiscock,	Palmer,	Voorhees,
Edmunds,	Jones of Arkansas,	Platt,	Wilson of Iowa.
Farwell,	Jones of Nevada,	Pugh,	

So the amendment, striking out the proviso, was concurred in.

Mr. PLUMB. I ask unanimous consent to insert a line which was left out by mistake between lines 6 and 7, on page 16. It was overlooked by the clerk, and was not contained in the bill as reported.

The PRESIDENT *pro tempore*. The words proposed to be inserted will be read.

The CHIEF CLERK. On page 16, between lines 6 and 7, insert:

N street between Twenty-second and Twenty-fourth streets.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Are there further amendments to the bill in the Senate?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. STEWART. I move that the Senate proceed to the consideration of the resolution submitted by me directing the Secretary of the Treasury to furnish a full statement of all offers of bonds for sale since April 1, 1888, which comes over from yesterday.

Mr. DOLPH. I hope the Senator from Nevada will not insist on that motion but will modify his request. I have no objection to the unfinished business being temporarily laid aside for any matter that will not take much time, but I do not wish it to be displaced by a motion to take up something else after the morning hour.

Mr. STEWART. I should like to have the resolution disposed of before I leave, and I shall leave to-morrow evening. If it can be disposed of to-morrow morning, that will be satisfactory to me.

Mr. COCKRELL. I do not think it will take long to dispose of the resolution.

Mr. DOLPH. The Senator does not understand my proposition. The parliamentary effect of a motion to take up the resolution I understand would be to displace the regular order. I wish the Senator to ask unanimous consent to proceed to the consideration of the resolution.

Mr. STEWART. I will ask for unanimous consent, if I can get it.

Mr. BLAIR. I hope that the suggestion of the Senator from Nevada to take the resolution up to-morrow morning will be acquiesced in. I have been trying for a long time to get the Senate to consider the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law. That is a matter which has been pending for at least three Congresses in succession, and although there have been favorable reports in both Houses I think, certainly in the Senate two or three times, it has never been brought to a decision. These men have been lingering and waiting and passing resolutions and presenting memorials all these years, and I have been struggling to get consideration of the bill for some time. I thought I had made my peace with everybody, with the appropriation bills, and the fisheries question, and the Senator from Oregon, and that the bill could be disposed of this afternoon. I do not think it will require discussion. In the first section it merely repeats in substance the eight-hour law and asserts that it shall be the law in reference to the adjustment of the claims of workmen, laborers, and mechanics, and then sends them to the Court of Claims to see whether there is anything which is due under the law. I hope that I may have a chance to dispose of the bill.

The PRESIDENT *pro tempore*. The bill (S. 62) to provide for fortifications and other seacoast defenses, which is in charge of the Senator from Oregon [Mr. DOLPH], is the unfinished business and entitled to the right of way. Yesterday, by unanimous consent, the resolution offered by the Senator from Nevada [Mr. STEWART] was assigned for consideration after the close of the morning business to-day.

Mr. BLAIR. In the morning hour.

The PRESIDENT *pro tempore*. It was displaced, the Chair under-

stands, by an appropriation bill. The Senator from Nevada now asks unanimous consent that Senate bill 62 may be informally laid aside to proceed with the consideration of the resolution indicated by him. The Senator from New Hampshire asks unanimous consent that both orders may be displaced to enable the Senate to proceed to the consideration of Senate bill 405.

Mr. BLAIR. No, I do not ask that Senate bill 62 shall be displaced. I ask unanimous consent that it be temporarily laid aside in order that the bill I have indicated may be considered.

The PRESIDENT *pro tempore*. Does the Senator from Oregon yield to the Senator from Nevada?

Mr. DOLPH. I do, if unanimous consent can be given for the consideration of his resolution. I am also willing that the regular order may be laid aside for the purpose of considering the bill of the Senator from New Hampshire when it is reached. I am willing to give way to both measures, but I do not wish to have the regular order displaced. That is all I desire to guard against.

Mr. BLAIR. As the Senator from Nevada suggests that to-morrow morning will answer his purpose, I shall object, hoping to see some arrangement made to dispose of his resolution to-morrow.

Mr. SHERMAN. I think both Senators would get their measures disposed of if they would take them up in their order.

Mr. PLUMB. I think I can make a suggestion that will relieve the situation somewhat. It was my design immediately after the completion of the District of Columbia appropriation bill to call up the bill making appropriations for the Agricultural Department. I agreed to waive that for the purpose of allowing the Senator from New Hampshire at least to try to get up his bill, as that seemed to be the temper of the Senate. In view of what the Senator from Nevada says about his convenience concerning the resolution which he has submitted, and the other matters here, I shall not move either one of the appropriation bills pending to-day, but I give notice that to-morrow, immediately at the conclusion of the morning business, I shall move to take up the agricultural appropriation bill, and if that is disposed of in time I shall hope to conclude the consideration of the Post-Office appropriation bill also to-morrow. That will give time enough for the consideration of the other matters to-day.

The PRESIDENT *pro tempore*. The question is upon the request of the Senator from Nevada [Mr. STEWART], that Senate bill 62, being the unfinished business, may be informally laid aside to enable him to move to proceed to the consideration of the resolution indicated by him. Is there objection?

Mr. BLAIR. I object, in the hope that the Senator's resolution may come up to-morrow morning.

Mr. STEWART. I move that the Senate proceed to the consideration of the resolution.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the Senate proceed to the consideration of the resolution submitted by him, directing the Secretary of the Treasury to furnish a full statement of all offers of bonds, etc.

Mr. DOLPH. On that motion I call for the yeas and nays. The effect of it is to displace the pending order. I am willing to accept any accommodation of the matter, but not to have the pending order displaced.

Mr. SHERMAN. For the sake of furthering the business I trust that the Senator from Nevada and the Senator from New Hampshire will both have an opportunity to present their matters, and then, as a matter of course, without any further order the bill in charge of the Senator from Oregon will come up. It seems to me to be a waste of time to call for the yeas and nays, and if pairs are observed that will be the end of a quorum.

Mr. BLAIR. I am not at all——

The PRESIDENT *pro tempore*. The motion is not debatable, and debate can only proceed by unanimous consent.

Mr. BLAIR. I am aware of that; but yet I have heard very prolonged debates upon questions situated precisely as this is. I desire to say, by unanimous consent, that here is a great measure, at least one which concerns a great many working people in this country. It has been pending Congress after Congress, and I feel as though I ought to ask the Senate to take the responsibility of any further postponement. The Senator from Oregon is not ready to proceed with his bill; he is not desirous of proceeding with it, and if the Senate or somebody must make a choice between the consideration of this measure and the resolution of the Senator from Nevada, and there is to be debate, I must ask the Senate to decide the question.

Mr. HARRIS. Is the Senator from New Hampshire going to be absent from the city at any time within a day or two?

Mr. BLAIR. I do not know in regard to that. I have some desire to be absent, but I find that the public business will require the attention of somebody and I shall make quite as much sacrifice by remaining as by going. I do not think that the convenience of Senators in disregarding the requirements of public duty ought to be preferred to the convenience of Senators who will stay here at still greater inconvenience and attend to the public service.

Mr. HARRIS. The reason of my inquiry is because if the Senator from New Hampshire is going to remain here, as the Senator from Nevada is going away, it would furnish to my mind an obvious reason why we ought to give the Senator from Nevada the right of way.

Mr. BLAIR. I will say to the Senator from Tennessee, by the consent of the Senate, that I have been here attending to the public service without exception every day until yesterday since this session began, so far as I remember, and I have much of the time remained in the hope of getting consideration for this bill. I know that those who are interested in pressing the bill have been here a long while at great expense, many of them, and they are exceedingly desirous that it shall be considered, and so is nearly every Senator in this body, as I understand. It was the understanding that this bill should be considered to-day if some arrangement could be made in regard to the appropriation bills, which had the right of way against everything, and I must ask the Senate to do the postponing, if it is to be done.

Mr. DOLPH. I think I can make a proposition which will permit the Senator from New Hampshire and the Senator from Nevada to press their measures without interfering with mine. I ask unanimous consent that the regular order be laid aside temporarily, to be resumed at 2 o'clock on Monday next.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the unfinished business, being the bill (S. 62) to provide for fortifications and other seacoast defenses, may be informally laid aside, its consideration to be resumed on Monday next at 2 o'clock in the afternoon. Is there objection?

Mr. HARRIS. I suggest that it be postponed until Monday next.

The PRESIDENT *pro tempore*. By unanimous consent it may be informally laid aside, and the consideration resumed on Monday next at 2 o'clock. Is there objection? The Chair hears none, and it is so ordered.

OFFER OF BONDS.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Nevada [Mr. STEWART] is entitled to the floor.

Mr. STEWART. I wish to have my motion put to take up the resolution.

Mr. DOLPH. I withdraw my demand for the yeas and nays on the motion of the Senator from Nevada.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the Senate proceed to the consideration of the resolution submitted by him directing the Secretary of the Treasury to furnish a full statement of all offers of bonds, etc.

Mr. BLAIR. I merely wish to say, by unanimous consent, that I hope the motion will not prevail, so that I may have an opportunity to move to take up Senate bill 405.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate, and will be read.

The Chief Clerk read the resolution submitted June 11 by Mr. STEWART, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate with a full statement of all offers of bonds for sale to the Government since April 1, 1888, with dates of offers, amounts of bonds offered, premiums asked, and names of parties offering bonds; also with a full statement of the bonds purchased, giving the dates of purchase, amounts purchased, premiums paid, and names of parties selling since said date.

The PRESIDENT *pro tempore*. The pending question is on the motion to commit to the Committee on Finance. That takes precedence of the motion to amend.

Mr. COCKRELL. That motion, I believe, was made by the Senator from Maryland [Mr. GORMAN].

The PRESIDENT *pro tempore*. The motion was made by the Senator from Maryland [Mr. GORMAN].

Mr. COCKRELL. I do not see him in his seat. I hope the motion, however, will be withdrawn; or, if not withdrawn, that it will be voted down.

I shall make my statement now in regard to the amendment which I have pending, in order that we may dispose of this resolution as speedily as possible.

When the Secretary of the Treasury first began inviting offers of bonds under the law in order to reduce the surplus in the Treasury, the Treasury Department received the proposals and daily made a statement showing the name of the person offering bonds, the kind of bonds offered, whether coupon or registered, whether 4½ percents or 4 percents, and the rate at which they were offered. That statement contained, as I say, the names of the persons making the proposals to sell their bonds, a description of the bonds, and the price at which they were offered.

The Secretary of the Treasury also gave the press for publication a statement of the acceptance of the bonds. This was continued for some time, when numerous complaints were made against the disclosure of the names of those who made proposals to sell bonds. It was claimed that it was proving injurious to individual business men, that it was giving publicity to transactions which should not be made public, that it was deterring individuals engaged in business from making proposals to sell their bonds for fear that a misconstruction would be put upon

their offer in the commercial world. It was upon these protests that the Treasury Department changed the policy and gave to the press only a statement of the proposals received, the number of bonds, the character and designation of the bonds offered, the price at which they were offered, and then a statement as to the bonds accepted.

These statements gave every particle of information which could be desired by the most curious in regard to these bonds. They gave the number, the amount, and character of the bond, whether it was a hundred-dollar bond or $5,000 in bonds, whether a 4 per cent. or a 4½ per cent., and whether coupon or registered, and the price at which the bonds were offered. That was published. It was given out to the press at 12 o'clock. At 2 o'clock was given out the acceptance of the bonds, and that acceptance contained every particle of the information called for by the resolution, except simply the name of the person who offered to sell, which was first given out and the doing of which was changed for the reason I have stated.

The Treasury Department keeps a complete record entitled "a schedule of proposals received," giving the date of the sale of bonds under the Department circular No. 42, of April 17, 1888. As the proposals are received each day, they are entered upon this schedule in consecutive order, and numbered each day from 1 up. Upon this schedule is entered the name of the person proposing to sell the bonds, with the post-office address, and the kind of bonds, whether coupon or registered, the rate, and the price net, the per cent. realized to the investor and to the United States, and then whether the offer is accepted or rejected. At 12 o'clock all the bids or proposals are given out, showing what I have indicated, and at 2 o'clock the acceptances are given out.

I referred to the curiosity or anxiety of the distinguished Senator from Nevada to find out the names of the persons who are offering bonds. That curiosity may be explained in part by what I believe to be on record in the Treasury Department. If I am not mistaken, on the 11th day of May, 1888, one Ivan C. Michels, a journalist of this city, 622 F street, boarding at the Tremont House, addressed a letter to the Secretary of the Treasury, Hon. C. S. Fairchild, in which he said in substance, "If agreeable to you, would thank you if you would favor the Senate Committee on Mines and Mining with a detailed statement of the United States bonds offered and accepted by the Treasury Department from April 17 to the present day, and hereafter to send the daily reports as furnished to the press to said committee."

I believe that in pursuance of this letter addressed to the Secretary and requesting him to send a list of these offers to the Senate Committee on Mines and Mining, of which the distinguished Senator from Nevada is chairman, the Treasury Department furnished to the Committee on Mines and Mining a detailed statement, giving all the information called for by the resolution, save only the names of the persons proposing to sell bonds to the Government. So the distinguished Senator from Nevada has had and enjoyed rights and privileges which other Senators have not enjoyed. He and the distinguished journalist whose name I have given have had before them all the time a complete statement of the bonds bought by the Government.

Now, why do they insist upon having the names? There must be a reason; there must be some motive. Why do they want the names of the gentlemen who are proposing to sell bonds? As I said yesterday, if there were the least intimation that there had been any impropriety of any kind in any act of the Treasury Department charged, I should then very gladly withdraw the proposed amendment I have offered.

The Treasury Department has no more interest in this matter than any Senator upon this floor. The Treasury Department in this whole matter has acted for what it believed to be the very best interests of the public service and the very best means of securing bonds at the lowest price. I say the official record shows that in every solitary instance, without one particle of exception, the Treasury Department accepted the lowest bid. Then the question is simply a naked one, why does the distinguished Senator from Nevada insist upon having these names when he has had all the time all the information called for, obtained upon the personal application of a journalist of this city?

I desire to withdraw my amendment, and to state that the Treasury Department invites the closest scrutiny of every one of its official acts. If the Senate of the United States thinks it is the best policy to publish to the world for the benefit of the distinguished Senator from Nevada, chairman of the Committee on Mines and Mining, and the distinguished journalist to whom I have referred, the names of all those citizens of the United States who have offered to sell bonds to the Government, then the responsibility for the result rests entirely upon the Senate and not upon the Treasury Department.

I hope the Senate will vote down the proposal to refer the resolution to the Committee on Finance, and I shall then withdraw my amendment, and the Senator's resolution may pass just in the form that he desires.

Mr. STEWART. I am delighted that the Senator from Missouri has at last seen the propriety of having no secrecy about this matter. I was not aware of the letter Mr. Michels wrote for the Committee on Mines and Mining, but I approve of it. I think it is information that every man should possess, and I think that the more publicity we have in regard to this matter, the better it is for the Secretary of the Treasury. It is very much better for the Secretary of the Treasury to have publicity given to it. There has been criticism, and very severe criticism, of the Secretary of the Treasury in regard to matters very nearly allied to this. It is a fact, I believe it is undisputed, that several gentlemen left the Treasury Department and organized a bank in New York, and that occasioned some comment. Immediately upon the organization of that bank certain orders were made to fill it with public money. The Secretary of the Treasury on the 8th of October last directed the Treasurer of the United States as follows:

> SIR: The Western National Bank of New York City has been designated a United States depository, and the security fixed for the present at $1,000,000 of United States 4 per cent. bonds. In order to avoid the usual delay in obtaining a balance by accumulating revenue deposits, I will thank you, when the bonds are received, to cause to be transferred to said bank from national-bank depositories other than those in New York City such amounts as may be deposited therein to the credit of your general account, in excess of their authorized balances, until the sum of $1,100,000 is reached, which amount the Western National Bank will be authorized to hold as a fixed balance.
>
> Respectfully, yours,
>
> C. S. FAIRCHILD, *Secretary.*

This may all be very well; the money may as well be in that bank as in any other bank; but suppose this thing is to remain secret, may not the Secretary of the Treasury be injured by the suspicion that the persons who formed this bank and received this large deposit may have been given advantages, or others may have been given advantages? It seems to me it is better for the Secretary to have publicity given to these transactions. His relations with some banks are relations of friendship only, I will admit, but considering the speed with which he urged a large deposit in that bank, it seems to me that it would be well if the country knew with whom he is dealing.

Publicity, I say, is necessary for his reputation, because if it should turn out hereafter that persons connected with this bank were the principal sellers, there would be talk with regard to it, and there would be criticism. I say that publicity is better in this instance, and it is better in every transaction of the Department. If the Government can not do business in public as other people do, it had better not do business at all. It had better not buy its bonds unless it can buy them publicly, so that nobody can have reason to complain; for I say there may be complaints. There is now complaint of favoritism in the deposits in the national banks. It is suggested that the Secretary of the Treasury having the discretion uses it in the interest of his friends. He states that it is entirely discretionary with him to deposit the $60,000,000, or whatever amount may be deposited, in whatever banks he pleases. He has this enormous discretionary power, and having this enormous discretionary power his friends ought to advise him to give the greatest publicity to its exercise.

In response to a resolution of the Senate with regard to deposits with the national banks, the Acting Secretary of the Treasury said, under date of April 17:

> In reply I inclose herewith statement showing names of national banks designated as depositories, location of said banks, and amounts deposited therewith.
>
> No interest is paid by national banks on public funds deposited therewith.
>
> The place of deposit is entirely discretionary with the Secretary.
>
> Respectfully, yours,
>
> HUGH S. THOMPSON,
> *Acting Secretary.*

I say that this great discretionary power placed in the hands of the Secretary of the Treasury, whereby he can make rich or make poor by withdrawing deposits rapidly from one place and putting them at another, ought to make him anxious and desirous of publicity. It is an enormous power to buy an unlimited amount of 4 per cent. bonds at premiums ranging from 24½ to 27½. I say the country is jealous of these enormous premiums, and I think it is for the safety of all parties that no step should be taken in the exercise of this extraordinary power without the country being advised of it.

The paltry sum that might be saved by following another course, if it could be done cheaper, would not repay for the suspicion which necessarily would attach to the Secretary of the Treasury under the discretion he has, no matter what he did with this enormous discretion. He continues to buy bonds, and he must buy bonds and exercise this discretion; and when the country sees that these enormous premiums are paid to the bondholders they will hold him to the strictest responsibility. He had better have the transaction made public from day to day, and let the people see exactly what is being done.

I did not offer the resolution in any spirit of hostility to the Secretary of the Treasury. I disclaim it. I disclaim ever having made a suggestion of criticism against him with any improper motive; but I say in the exercise of this enormous discretion in loaning money and in buying bonds, there is an uneasiness necessarily in the country and a desire to know all, and to know the necessity of purchasing bonds at this enormous premium under any circumstances. No man justifies it except on account of an accumulating surplus in the Treasury which is withdrawing the circulating medium of the people. It is only excused because it is done to give the people the money necessary to do business with, and it is a fearful commentary on our financial legislation. It is a fearful commentary upon the legislation of the country, and whoever is responsible for this legislation and this necessity has assumed a fearful responsibility. If the people can fix the responsibil-

ity, if it can be understood where it rests, they will hold those upon whom it rests accountable.

No man placed as the Secretary of the Treasury is, exercising these enormous powers affecting the interest of all citizens of the United States, not only the money taken from them by taxation, but the circulating medium with which they do business, should shrink from publicity. If the people are to be furnished with money to do business on at this enormous sacrifice, and the sacrifice must be made, the Secretary of the Treasury ought to be the first man to say, "Let it be done publicly; let all the world know it."

I am glad that the Senator from Missouri has withdrawn his amendment, and I hope the Senate will adopt the resolution so that we may relieve the Secretary of the Treasury from the delicate position which he now occupies, and from the certainty of being censured if those transactions are not made public.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on Finance.

The motion was not agreed to.

Mr. COCKRELL. I now withdraw the amendment I offered.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Missouri is withdrawn. The question recurs upon agreeing to the resolution.

Mr. SAULSBURY. I ask that the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish the Senate with a full statement of all offers of bonds for sale to the Government since April 1, 1888, with dates of offers, amounts of bonds offered, premiums asked, and the names of parties offering bonds; also with a full statement of the bonds purchased, giving the dates of purchase, amounts purchased, premiums paid, and the names of parties selling since said date.

Mr. TELLER. I should like to ask the Senator from Missouri, who evidently has conferred with the Secretary of the Treasury, whether the books of which he speaks are kept open so that everybody may see them. Are the books that contain the offers—the bids—public?

Mr. COCKRELL. Yes, I think so. Here is a copy of the heading of the bids given out; they give out everything except the names of the parties. I suppose that any gentleman going there can ascertain the facts. I do not know whether they would give out the statement to the newspapers for publication.

Mr. TELLER. But I mean to an individual.

Mr. COCKRELL. Any person going there would be shown this register, which is kept daily. Here is the form of it: "Schedule of proposals received June 13, 1888." This is one made out for bids to be received this morning for the sale of bonds under Department circular No. 42, April 17, 1888. They had yesterday's receipts of bonds all put down, name, post-office address, and number of bonds, and here [indicating] whether accepted or rejected, and here [indicating] the net price. When the offer is received they send the offer up to the actuary, who makes a calculation of what it costs, of the rate of investment. The interest now on Government bonds is about 2.30 per cent.; that is what they yield, so that the Government on each purchase of a bond to-day, for example, would save 2.30 per cent. interest on the amount paid for the bond.

Mr. TELLER. I asked the question because I thought it would be better perhaps to amend the resolution so as to open the books, but if that is the practice I do not care about interfering with the resolution.

I wish to say that I intended to vote for the resolution and against the amendment offered by the Senator from Missouri, not that it has ever occurred to me that there was any improper conduct on the part of the Secretary of the Treasury, but because I believe it to be very essential that the people of the United States on all these great financial questions should feel the same way that people do feel, I think, who come in close contact with governmental affairs. I suppose it is not an exaggeration to say that no people in the history of the world have ever given to their financial officers such unlimited authority as we have given to ours, and it is greatly to our credit that I do not think to-day there will rise a man anywhere who is fair-minded who will claim that this great power—I am speaking now of the great power given since the war—has been at any time in the history of this country abused willfully and corruptly by any official charged with its execution. Our officials may have made mistakes, as the legislative department has made mistakes, but I repeat that I doubt whether in all this land any man whose opinion would be worth anything upon that question could be found to say that any public officer serving in that great Department of the Treasury has ever misused his power.

While I am anxious that the bonds the Government buys should be bought at the cheapest possible rate, I would rather that 5 per cent. or 10 per cent. should be added to the price of every bond bought than that any considerable part of the people of the United States should believe that the officers intrusted with the power to purchase were using that power for their own personal benefit. For that reason, although perhaps it might increase the value of the bonds, and people might want to get more for them, or might refuse to offer them and thus the bonds might be enhanced in value, yet I should be in favor of giving to the people all information upon this subject, even at governmental expense, for it is more important to the people of the United States that they should have confidence in their public officers than it is that they should save a little money.

I wish to repeat that I have not the slightest suspicion that there is any necessity for the opening of these books. I have no suspicion in my mind that it will show favoritism or partiality, for I have sufficient confidence in the gentleman who is called to that high position, until the contrary is proved, to believe that he will conduct himself exactly as his predecessors have done, with honor and with credit to the American name.

Mr. SAULSBURY. Mr. President, the information required by the resolution I understand is now made public in every particular except in reference to the names of the persons who offer bonds. I do not know that there is any very great objection to having those names published to the world so far as the Government is concerned; but may it not be a matter of some interest to the persons who make the offer of these bonds that they should not be published as offering their securities for sale?

Might it not affect the credit of those individuals if it were known that men who are supposed to be men of capital, men of business, were under the necessity of parting with their securities? Might we not do injustice to those gentlemen, and ought we not be careful how we deal with a question of that kind when it may possibly affect the credit, not of the Government, but the credit of persons who are compelled to offer to the Government their bonds for sale?

Individually I have no objection to the information sought, but we ought not to require it from a morbid curiosity and desire to know whether Mr. So-and-so, of the city of New York, or Mr. So-and-so, of the city of New Orleans, has been compelled to sell to the Government the bonds which he holds. It may affect their credit without accomplishing any purpose whatever. If we have the information that the Government has purchased so many bonds at such a rate, what advantage is it that publication should be made of the names of those from whom bonds are purchased?

So far as the Secretary of the Treasury is concerned, the Senator from Nevada intimated that there was suspicion. Well, that may be. Suspicion arises in the breasts of a great many persons without any cause. It perhaps is the natural tendency of humanity to cast a suspicion upon everybody else but themselves.

There is no character, I suppose, so elevated in this land but that some person may have some suspicion that something is wrong in the character of that person. The highest and brightest names that have ever adorned the pages of our history have been subject to suspicions, many of which were unfounded and unreasonable and unjust.

I venture the assertion that no man who respects his own reputation, who respects the judgment of his fellow-men, will undertake to utter as a suspicion of his own anything derogatory to the present Secretary of the Treasury or to the late Secretary of the Treasury. The Secretary of the Treasury was not anxious to avail himself of the duty which has been thrown upon him by the enactment of law to handle this fund and to invest it in Government bonds. The necessities of the country require that the money should be put in circulation.

You had the enactment upon your statute-book in which you said there was ample authority, and you censured the Secretary of the Treasury and the President for not exercising the power which you said already existed when the Secretary of the Treasury hesitated to exercise an authority which he thought might be doubtful; and now that he is exercising it the Senator from Nevada comes in and talks about suspicions for doing the very thing that you have compelled him to do by law.

While there have been some things connected with the conduct of the Government under the present Administration that I may not indorse and I would not approve, yet I say that there has been nothing in the financial operations of this Administration upon which any man can lay his finger that is derogatory or that would put a blush in the cheek of any friend of the Administration. Its record is clean. Suspicions that may arise in minds which are prone to be suspicious are not damaging. Bring the facts against this Administration.

If there is anything wrong in it, expose it as it ought to be exposed. But from the very commencement of this session there has been a feeling around to see if something could be caught up that would prove derogatory to the character of this Administration. The Senator from Maine [Mr. HALE] has been probing around through this land, interviewing persons who have been dismissed from the public service, to see if they had some complaint or some revelation that they could make which might be damaging to the Administration. It may be a congenial employment for gentlemen to deal with characters of that kind, but I envy not the disposition, I envy not the labor of love in which such committees are employed.

I suppose that the object of the resolution of the Senator from Nevada is that he may get something to lay before the public, that some person may be induced to believe that there is something wrong about one man offering bonds and not having them accepted, while the bonds of somebody else were accepted.

Make your investigation. The Secretary of the Treasury does not care, so far as he is concerned. He may have some idea that it may be doing injustice to the parties who are making these offers, but so far as

his own acts are concerned I venture the assertion that he does not care a fig for all the investigations which the Senate or both Houses of Congress may institute in reference to his management of the Treasury Department.

I shall not detain the Senate, but I wish to say that I have been watching these longing, anxious endeavors of the other side of this Chamber by investigating committees and by smelling committees to bring something out that might tell against this Administration. But this Administration, at any rate, for its honesty, for its cleanness, for its freedom from everything that tends to corruption, is enshrined in the affections of the American people, and if I do not mistake the tendencies of the times that confidence which the people have given to it, and which it has been entitled to, will be continued for another four years.

Mr. TELLER. I do not see how the Senator from Delaware can assume that this is an attack upon the Secretary of the Treasury. It is nothing but a request on the part of the Senate that he furnish us the information which we have been already informed is practically public information.

I suggest to the Senator from Delaware that the way to prevent any suspicion is to have no secrecy about a public affair. Whenever the people find the doors shut and something being done behind the doors, whether it is in the Treasury Department or in any other Department of the Government, they have some suspicions immediately that there is something wrong about it. That is not confined entirely to the Treasury Department. I think they have the same objection when we close our doors and discuss secretly public questions in which they are quite as much interested as we are. For that reason I have always insisted upon the greatest publicity.

The Senator from Delaware complains that we are attacking this Administration. The Senator can not have forgotten that practically there has been no political discussion in this body since last December. Nobody is attacking the Administration now. Compare the last three years with any previous Administration, and the Senator can hardly talk about an attack being made on this Administration. He claims for it great purity. He can not claim any more for it than the friends of the preceding Administration claimed for it, and with as much reason as he claims it to-day. With a hostile Administration for now nearly four years, there has not been any scandal developed. I do not hesitate to say that when this Administration came into power a very large number of its adherents believed (and I think some of them hoped) that the opportunity would be presented of exposing a great scandal against some of the public officers who had preceded the present Administration. Nothing of the kind has been developed. I believe a great majority of the people of the United States, irrespective of party, are glad that no such scandal has been developed. They are glad to know that their public servants are honest. As for myself, I would no sooner stand in this Chamber and lodge a false charge against a public officer than I would against my neighbor. I have the same opinion of the man who does it here or elsewhere for political purposes that I have of the man who slanders his neighbor out of pique, or hatred, or for the hope of personal advantage.

This Administration is subject to criticism if it does anything that is improper. It has received but little criticism. It might have received more. Its financial policy, admitting it to be perfectly honest, which I am quite free to admit, will not stand the test of common sense and statesmanship; and to-day the Administration can not number among the supporters of its financial policy on the other side of the Chamber exceeding a fifth of the number there sitting. Who are wrong, the Senators who sit on that side of the Chamber or the Administration? I do not think even the Senator from Delaware indorses its financial policy. I doubt to-day whether the prominent financial proposition put forth by this Administration when it came into power can get five votes on that side of the Chamber, and it can not get twenty-five in another body—of its own political supporters I speak now.

But because we do not agree with the financial policy it is not necessary that anybody should insist that we are charging the Administration with corruption or lack of fidelity to public interests. It is a lack of knowledge, it is a lack of judgment upon these questions, in my opinion.

This Administration has never been arraigned on this side of the Chamber as it has been on that. No man has felt free on this side of the Chamber to speak in the harsh terms that have been heard on that side of the Chamber. While on this side we might fully sympathize with the views expressed on that side, we have refrained from doing it. I do not think anybody can complain of the Republican party that they have not treated this Administration with kindness and with courtesy such as has never been extended to any other administration in the history of this country from its earliest period down to the time this Administration came into power. It is not because we believe it has been wise; it is not because we believe there have been statesmen at the head of the Government; it is because we felt that charges here and criticisms here and criticisms in the other body would not specially promote the interest of good government.

There is a proper place and there is a proper time to bring this Administration to the test. There will be an opportunity to see whether the people approve it or approve it in such a way that they want to reelect the present Executive. It is true that the great mass of people start out handicapped with 153 electoral votes that do not need any attention and do not depend upon the popular vote as actually cast; but there is a portion of the country that has the casting vote on this question that is to be heard from soon, and if they approve of the President's financial policy, if they approve of his economic policy, if they approve of his civil-service policy, and if they approve of his foreign policy, and his vetoes and his other exhibitions of power, perhaps never before exhibited or asserted, I suppose he will be re-elected.

I want to insist that nobody on the other side of the Chamber has any right to complain of us on this side. We have made no charges of corruption, and we have not talked about there being any wickedness, but we shall not cease to criticise and to bring in question the propriety of the course that the Administration pursues upon every subject and upon any subject. That is our right; that is a right which both sides of the Senate, irrespective of political associations and affiliations, until recently at least, have asserted. I admit there are some indications now that the period of criticism of the Administration by its friends and supporters has passed. I admit it looks now as if the thumbscrew has been put in force, and every man will stand up in line and exclaim, "Great is Grover Cleveland the First," he of whom it is said by one of his organs that he has crowned himself; he who, nobody denies, forced his own nomination against the will of very many representative Democrats in this country; he who, it is alleged, fixed the platform for the Democratic party as well as his associate on the ticket.

But, Mr. President, these questions are to be submitted to another tribunal, in another place, and there is where we shall meet the Senator from Delaware, and be quite willing to meet him on these questions, and to fight out this contest in the American way, where we are allowed to do it, and, if beaten, to submit, as it becomes a Republican in a republican government, conceding to the majority the right to rule and to govern, and not to oppose and rebel against the will of the majority as has been done, at least in some sections of the country and at some times.

Mr. CALL. I wish to ask the Senator from Nevada for a little information in reference to this matter. I have not heard any one state yet, and I should like to know, of what possible advantage to himself or any other citizen of the United States it will be to know the names of the persons who offer to sell bonds to the Government of the United States? For myself, I can not see of what possible practical advantage it will be to any man in the country, unless he wants to inform himself particularly of the transactions of some individual, of what public interest it is to know the name of a person who makes an offer of bonds. If it be doubted that the offer is a genuine one as reported to the Department and put on the books, there is a very easy way to verify that, but as to the constant publication of the names and the conditions of offers made to the Government of the United States, I can not see of what possible advantage it can be. I should like to hear it stated.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution.

The resolution was agreed to.

SOPHIA W. WRIGHT.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 901) for the relief of Sophia W. Wright; which was, in line 5, after the words "rate of," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sophia W. Wright, a volunteer nurse during the war of the rebellion, and pay her a pension at the rate of $12 per month.

Mr. SAWYER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

ACCOUNTS UNDER THE EIGHT-HOUR LAW.

Mr. BLAIR. I move that the Senate proceed to the consideration of Order of Business 649, being the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics, arising under the eight-hour law.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the bill? [Putting the question.] The noes appear to have it.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. Not knowing how he would vote, I withhold my vote. If he were present, I should vote "nay."

Mr. CHACE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. BECK (when Mr. HALE's name was called). I am paired with the Senator from Maine [Mr. HALE], who is absent. I should vote "nay" but for that. He would vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I have transferred the pair to the Senator from South Carolina [Mr. HAMPTON], who is absent, and I vote "nay."

Mr. JONES, of Arkansas (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. PAYNE (when his name was called). I am paired with the Senator from Nevada [Mr. JONES].

Mr. PUGH (when his name was called). I am paired with the Senator from Vermont [Mr. EDMUNDS]. I should vote "nay," if he were present.

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. CALL. My colleague [Mr. PASCO] is paired with the Senator from Illinois [Mr. FARWELL].

Mr. CULLOM. I have been paired with the Senator from Delaware [Mr. GRAY]. I am informed that he is paired with some other Senator, and I therefore vote "yea."

The result was announced—yeas 21, nays 11; as follows:

YEAS—21.

Aldrich,	Davis,	Ingalls,	Stockbridge,
Blair,	Dawes,	Paddock,	Teller,
Bowen,	Evarts,	Riddleberger,	Turpie.
Call,	Hawley,	Sawyer,	
Chandler,	Hiscock,	Sherman,	
Cullom,	Hoar,	Stewart,	

NAYS—11.

Bate,	Cockrell,	Eustis,	Reagan,
Berry,	Coke,	Harris,	Saulsbury.
Brown,	Colquitt,	Morgan,	

ABSENT—44.

Allison,	Faulkner,	Kenna,	Quay,
Beck,	Frye,	McPherson,	Ransom,
Blackburn,	George,	Manderson,	Sabin,
Blodgett,	Gibson,	Mitchell,	Spooner,
Butler,	Gorman,	Morrill,	Stanford,
Cameron,	Gray,	Palmer,	Vance,
Chace,	Hale,	Pasco,	Vest,
Daniel,	Hampton,	Payne,	Voorhees,
Dolph,	Hearst,	Platt,	Walthall,
Edmunds,	Jones of Arkansas,	Plumb,	Wilson of Iowa,
Farwell,	Jones of Nevada,	Pugh,	Wilson of Md.

The PRESIDENT *pro tempore*. A quorum not having voted, the Secretary will call the roll of the Senate.

Mr. COCKRELL. Pending that, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate do now adjourn.

Mr. BLAIR. I hope not.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri. [Putting the question.] The ayes appear to have it.

Mr. BLAIR. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired generally with the Senator from Pennsylvania [Mr. CAMERON], but believing that he would vote "yea," if present, I vote "yea."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. BUTLER. I am afraid the Senator from New Hampshire will get into some trouble with my friend from Pennsylvania by my voting. I therefore withdraw my vote.

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present, I should vote "nay."

Mr. CHACE. I am paired with the Senator from North Carolina [Mr. RANSOM]. But for that I should vote "nay."

The result was announced—yeas 15, nays 20; as follows:

YEAS—15.

Bate,	Call,	Eustis,	Pugh,
Beck,	Cockrell,	George,	Reagan,
Berry,	Coke,	Harris,	Saulsbury.
Brown,	Colquitt,	Morgan,	

NAYS—20.

Aldrich,	Cullom,	Hawley,	Sawyer,
Allison,	Davis,	Hiscock,	Sherman,
Blair,	Dawes,	Hoar,	Stewart.
Bowen,	Dolph,	Paddock,	Stockbridge,
Chandler,	Evarts,	Riddleberger,	Turpie.

ABSENT—41.

Blackburn,	Gorman,	Mitchell,	Stanford,
Blodgett,	Gray,	Morrill,	Teller,
Butler,	Hale,	Palmer,	Vance,
Cameron,	Hampton,	Pasco,	Vest,
Chace,	Hearst,	Payne,	Voorhees,
Daniel,	Ingalls,	Platt,	Walthall,
Edmunds,	Jones of Arkansas,	Plumb,	Wilson of Iowa,
Farwell,	Jones of Nevada,	Quay,	Wilson of Md.
Faulkner,	Kenna,	Ransom,	
Frye,	McPherson,	Sabin,	
Gibson,	Manderson,	Spooner,	

The PRESIDENT *pro tempore*. A quorum not having voted, the Secretary will call the roll of the Senate.

Mr. BUTLER. Pending that, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Chair can not entertain that motion while a quorum is not present. There are only two motions in order—to adjourn or to call for absent Senators.

Mr. BUTLER. My friend from Kentucky, who says he knows more about the rules than I do, told me the motion was in order. [Laughter.] But for that suggestion, I should not have made the motion.

The roll was called, and the following Senators answered to their names:

Aldrich,	Chandler,	George,	Pugh,
Bate,	Cockrell,	Harris,	Ransom,
Beck,	Coke,	Hawley,	Riddleberger,
Berry,	Colquitt,	Hiscock,	Saulsbury,
Blackburn,	Cullom,	Hoar,	Sawyer,
Blair,	Davis,	Ingalls,	Sherman,
Bowen,	Dawes,	Jones of Arkansas,	Stockbridge,
Brown,	Dolph,	Manderson,	Teller,
Butler,	Eustis,	Morgan,	Turpie,
Call,	Evarts,	Paddock,	Walthall,
Chace,	Faulkner,	Payne,	Wilson of Md.

The PRESIDENT *pro tempore*. Forty-four Senators having responded to their names, and a quorum being present, the roll will be called upon the motion of the Senator from New Hampshire to proceed to the consideration of the bill the title of which has been read.

Mr. BUTLER. Pending that, if in order, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from South Carolina moves that the Senate proceed to the consideration of executive business.

Mr. BUTLER. The Senator from Kentucky informs me that the motion is now in order. [Laughter.]

The PRESIDENT *pro tempore*. The Senator from Kentucky this time is correct. The question is on the motion of the Senator from South Carolina [Mr. BUTLER].

The question being put, a division was called for, and the ayes were 24.

Mr. DOLPH. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLAIR. Is the motion to go into executive session?

The PRESIDENT *pro tempore*. To proceed to the consideration of executive business. The roll-call will proceed.

Mr. CULLOM (when his name was called). I find upon further inquiry that the Senator from Delaware [Mr. GRAY] is not paired, and having a general understanding of a pair with him, I decline to vote.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. ALLISON. My colleague [Mr. WILSON, of Iowa] is paired with the Senator from Maryland [Mr. WILSON].

Mr. CHACE. I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. TELLER. I am paired with the Senator from Louisiana [Mr. GIBSON].

Mr. HARRIS. I wish to announce once for all for the day the pair between the Senator from Vermont [Mr. MORRILL] and the Senator from South Carolina [Mr. HAMPTON].

Mr. PUGH (after having voted in the affirmative). I announce my pair on this question with the Senator from Vermont [Mr. EDMUNDS], and withdraw my vote.

Mr. BECK (after having voted in the affirmative). I desire to withdraw my vote. I am paired with the Senator from Maine [Mr. HALE], who is absent.

The result was announced—yeas 14, nays 18; as follows:

YEAS—14.

Bate,	Call,	Eustis,	Reagan,
Berry,	Cockrell,	George,	Saulsbury.
Blackburn,	Coke,	Harris,	
Brown,	Colquitt,	Morgan,	

NAYS—18.

Aldrich,	Davis,	Hoar,	Sherman,
Allison,	Dawes,	Ingalls,	Stockbridge,
Blair,	Dolph,	Manderson,	Turpie.
Bowen,	Evarts,	Paddock,	
Chandler,	Hawley,	Sawyer,	

ABSENT—44.

Beck,	Gibson,	Mitchell,	Sabin,
Blodgett,	Gorman,	Morrill,	Spooner,
Butler,	Gray,	Palmer,	Stanford,
Cameron,	Hale,	Pasco,	Stewart,
Chace,	Hampton,	Payne,	Teller,
Cullom,	Hearst,	Platt,	Vance,
Daniel,	Hiscock,	Plumb,	Vest,
Edmunds,	Jones of Arkansas,	Pugh,	Voorhees,
Farwell,	Jones of Nevada,	Quay,	Walthall,
Faulkner,	Kenna,	Ransom,	Wilson of Iowa,
Frye,	McPherson,	Riddleberger,	Wilson of Md.

The PRESIDENT *pro tempore*. A quorum not having voted, the Secretary will call the roll of the Senate.

Mr. BUTLER. I wish to appeal to the Senator from New Hampshire not to insist on getting this bill up to-night.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Debate can only proceed by unanimous consent. Is there objection?

Mr. COKE. I object to any debate.

Mr. HARRIS. As there is not a quorum here, I move that the Senate adjourn.

Mr. BLAIR. Is that in order?

The PRESIDENT *pro tempore*. It is.

Mr. BLAIR. There was no development of a quorum on the last vote.

The PRESIDENT *pro tempore*. The motion can be made when a quorum is not present. The question is on the motion of the Senator from Tennessee [Mr. HARRIS] that the Senate do now adjourn.

Mr. DOLPH. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I announce now once for all to-day that I am paired with the Senator from Maine [Mr. HALE], who is absent, and I shall not vote on any question.

Mr. BUTLER (when his name was called). I will announce now for the last time to-day that I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "yea."

Mr. CHACE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "nay."

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY], and will remain so without further announcement until he returns.

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. PASCO. I am paired with the Senator from Illinois [Mr. FARWELL].

The result was announced—yeas 15, nays 20; as follows:

YEAS—15.

Bate,	Call,	Eustis,	Morgan,
Berry,	Cockrell,	George,	Reagan,
Blackburn,	Coke,	Harris,	Saulsbury.
Brown,	Colquitt,	Kenna,	

NAYS—20.

Aldrich,	Dawes,	Ingalls,	Sawyer,
Allison,	Dolph,	Manderson,	Sherman,
Blair,	Evarts,	Paddock,	Stewart,
Chandler,	Hawley,	Pugh,	Stockbridge,
Davis,	Hoar,	Riddleberger,	Turpie.

ABSENT—41.

Beck,	Frye,	Mitchell,	Stanford,
Blodgett,	Gibson,	Morrill,	Teller,
Bowen,	Gorman,	Palmer,	Vance,
Butler,	Gray,	Pasco,	Vest,
Cameron,	Hale,	Payne,	Voorhees,
Chace,	Hampton,	Platt,	Walthall,
Cullom,	Hearst,	Plumb,	Wilson of Iowa,
Daniel,	Hiscock,	Quay,	Wilson of Md.
Edmunds,	Jones of Arkansas,	Ransom,	
Farwell,	Jones of Nevada,	Sabin,	
Faulkner,	McPherson,	Spooner,	

The PRESIDENT *pro tempore*. The Senate has refused to adjourn; but a quorum not being present, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Hawley,	Pugh,
Allison,	Coke,	Hiscock,	Reagan,
Bate,	Colquitt,	Hoar,	Riddleberger,
Berry,	Cullom,	Ingalls,	Saulsbury,
Blackburn,	Davis,	Jones of Arkansas,	Sawyer,
Blair,	Dawes,	Kenna,	Sherman,
Bowen,	Dolph,	Manderson,	Stewart,
Brown,	Evarts,	Morgan,	Stockbridge,
Call,	Faulkner,	Paddock,	Turpie,
Chace,	George,	Pasco,	Walthall.
Chandler,	Harris,	Payne,	

The PRESIDENT *pro tempore*. Forty-three Senators having answered to their names and a quorum being present, the question recurs on the motion of the Senator from South Carolina [Mr. BUTLER] that the Senate proceed to the consideration of executive business, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. BLACKBURN. I desire to announce that the Senator from Mississippi [Mr. GEORGE] is necessarily absent.

Mr. TELLER. I am paired with the Senator from Louisiana [Mr. GIBSON], and therefore can not vote.

Mr. BLAIR. I was not aware of the absence of the Senator from Mississippi [Mr. GEORGE]. I submit to his colleague whether I should vote or not.

Mr. WALTHALL. I was not before aware of his absence myself.

Mr. BLAIR. I withdraw my vote, as I am paired with the Senator from Mississippi [Mr. GEORGE].

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN], and therefore withhold my vote.

The result was announced—yeas 12, nays 16; as follows:

YEAS—12.

Bate,	Brown,	Coke,	Harris,
Berry,	Call,	Colquitt,	Reagan,
Blackburn,	Cockrell,	Eustis,	Saulsbury.

NAYS—16.

Aldrich,	Dawes,	Ingalls,	Sherman,
Bowen,	Dolph,	Manderson,	Stewart,
Chandler,	Hawley,	Riddleberger,	Stockbridge,
Davis,	Hoar,	Sawyer,	Turpie.

ABSENT—48.

Allison,	Faulkner,	Kenna,	Quay,
Beck,	Frye,	McPherson,	Ransom,
Blair,	George,	Mitchell,	Sabin,
Blodgett,	Gibson,	Morgan,	Spooner,
Butler,	Gorman,	Morrill,	Stanford,
Cameron,	Gray,	Paddock,	Teller,
Chace,	Hale,	Palmer,	Vance,
Cullom,	Hampton,	Pasco,	Vest,
Daniel,	Hearst,	Payne,	Voorhees,
Edmunds,	Hiscock,	Platt,	Walthall,
Evarts,	Jones of Arkansas,	Plumb,	Wilson of Iowa,
Farwell,	Jones of Nevada,	Pugh,	Wilson of Md.

The PRESIDENT *pro tempore*. It being ascertained that a quorum is not present, the Secretary will call the roll of the Senate.

Mr. BLAIR. I ask unanimous consent to prefer a request.

The PRESIDENT *pro tempore*. The Chair can entertain no request——

Mr. BLAIR. Except by unanimous consent.

The PRESIDENT *pro tempore*. The Chair can not entertain a request by unanimous consent, a quorum not being present.

Mr. SAULSBURY. Mr. President, I move that the Senate do now adjourn.

Mr. BLAIR. Is that in order?

The PRESIDENT *pro tempore*. It is in order. The question is on the motion of the Senator from Delaware.

The motion was agreed to; and (at 4 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 14, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 13, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

The Speaker announced the following as the committee on the part of the House of Representatives to visit the centennial exposition to commemorate the organization of the Northwest Territory: BENJAMIN BUTTERWORTH, of Ohio, WILLIAM M. SPRINGER, of Illinois, WILLIAM C. P. BRECKINRIDGE, of Kentucky, GEORGE W. STEELE, of Indiana, MELBOURNE H. FORD, of Michigan.

MISSISSIPPI RIVER COMMISSION.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of appropriations for the Mississippi River Commission for the fiscal year ending June 30, 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

SUSAN E. ALGER.

The SPEAKER also laid before the House a bill (S. 1162) for the re-

lief of Susan E. Alger; which was read twice, and referred to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITING, of Michigan, for two weeks, on account of sickness in his family.

To Mr. DAVIDSON, of Florida, for two days, on account of sickness.

To Mr. PLUMB, for four days, on account of illness.

To Mr. BOOTHMAN, until Saturday, June 23, on account of important business.

To Mr. THOMPSON, of Ohio, until Saturday, June 23, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. STRUBLE, by unanimous consent, obtained permission to take from the files of the House, without substituting copies, the discharge and all other papers filed by C. H. Drake, late a captain in the Union Army, in relation to his application for the passage of a law providing for the muster and pay of certain officers in the Army; the said law having been enacted by Congress.

PUYALLUP VALLEY RAILWAY COMPANY.

The SPEAKER laid before the House the bill (S. 2807) to grant to the Puyallup Valley Railway Company a right of way through the Puyallup Indian reservation, in Washington Territory, and for other purposes.

Mr. VOORHEES. The Committee on Indian Affairs of the House has unanimously reported a bill similar to this Senate bill. I ask unanimous consent that the Senate bill be considered at this time.

Mr. BRECKINRIDGE, of Arkansas. I think we had better go on with the regular order.

Mr. VOORHEES. The gentleman will permit me to explain that this is simply a bill granting right of way through the Puyallup Indian reservation, in Washington Territory.

Mr. BRECKINRIDGE, of Arkansas. Let the bill be read.

Mr. BLAND. We are making but slow progress with the tariff bill. I think this matter had better wait until we get through with that. I demand the regular order.

Mr. VOORHEES. I ask unanimous consent, then, that the bill remain on the Speaker's table.

The SPEAKER. The Chair will retain the bill, if there be no objection.

There was no objection.

AUGUSTA AND THEODORE HEISS.

The SPEAKER. The bill (H. R. 6803) for the relief of Augusta Heiss and Theodore Heiss was improperly referred to the Committee on Rivers and Harbors. If there be no objection, that committee will be discharged from the further consideration of the bill, and it will be referred to the Committee on Claims. The Chair hears no objection, and it is so ordered.

SETTLERS ON DES MOINES RIVER LANDS, IOWA.

The SPEAKER. Some time since the Committee on Public Lands proposed to report as a matter of privilege the bill (H. R. 1368) to quiet title to settlers on Des Moines River lands, in the State of Iowa, and for other purposes, against which a question of order was raised, which is still pending. In accordance with an understanding among gentlemen interested in the bill, the Chair, if there be no objection, will order the bill and report to be printed and recommitted, the question of order being reserved for decision at a future time when the bill may again come before the House. The Chair hears no objection, and it is so ordered.

GETTYSBURGH REUNION.

Mr. McMILLIN. I ask unanimous consent to dispense with the call of committees for reports.

Mr. BAYNE. I hope the gentleman will withhold that request for a moment.

The SPEAKER. The regular order has been demanded.

Mr. BAYNE. I hope that may be deferred for a moment.

Mr. McMILLIN. The regular order having been demanded, the call of committees is the next business in order.

Mr. BAYNE. I hope that matter may be deferred a moment till gentlemen hear the proposition I wish to make. I desire to present for immediate consideration and passage a joint resolution which has been unanimously reported by the Committee on Civil-Service Reform, and which it is necessary should be acted on at once if it is to avail anything.

Mr. McMILLIN. If it occupies any time I must insist on the regular order.

Mr. BAYNE. It will take no time.

Mr. McMILLIN. We have made such slow progress with the tariff bill that I think we are justified in going ahead with that to the exclusion of other business.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Joint resolution granting leave of absence to certain persons employed in the service of the United States.

Resolved by the Senate and House of Representatives, etc., That the heads of Departments are hereby authorized to grant to all persons employed in the civil service of the United States who were present at the battle of Gettysburgh, either in the Union or Confederate forces, sufficient leave of absence, without loss of pay, to attend the reunion to be held at Gettysburgh on the 3d day of July next; such absence not to be taken from the allowance made by law.

The SPEAKER. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. I call for the regular order.

Mr. BAYNE. I trust my friend from Arkansas will allow this resolution to pass.

Mr. BRECKINRIDGE, of Arkansas. These Department employés are now entitled by law to a certain term of vacation each year; and the heads of Departments can now grant the leaves to come out of the annual vacation, without loss of pay; and beyond that I think we ought not to make any extension.

Mr. BAYNE. That is an exceptional case. I hope my friend will not object.

Mr. BRECKINRIDGE, of Arkansas. The heads of the Departments have now the power to grant leave of absence to Department employés to the extent of thirty days in any one year; and that, I think, is as far as it ought to be extended unless we extend for all, which no one says is just. Unless we do this it is class legislation; and I do not believe in picking out this or any other class of our citizens or employés for special and wholly unnecessary legislation.

Mr. BLAND. I demand the regular order.

The SPEAKER. The regular order is the call of committees.

Mr. McMILLIN. I ask consent that the call of committees be dispensed with, and that gentlemen have leave to file reports at the desk.

Mr. PETERS. We had better go right through with the regular order.

Mr. McMILLIN. I have no objection. Let the call proceed.

OBSTRUCTIONS TO NAVIGATION, ETC.

Mr. BLANCHARD (when the Committee on Rivers and Harbors was called) said: I am directed by the Committee on Rivers and Harbors to report back with sundry amendments the bill (S. 27) to prevent the obstruction of navigable waters and to protect public works against trespass or injury.

The SPEAKER. The gentleman has not sent to the desk the official copy of the bill from the Senate, which it is necessary that the Clerk should have in order to make the proper indorsements upon it. What the gentleman has sent to the desk purports to be a printed copy of the Senate bill.

Mr. BLANCHARD. I will state that the original bill is not in my possession, nor in the possession of the committee.

The SPEAKER. Then the report can not now be made. The Clerk must have the official engrossed bill from the Senate.

Mr. BLANCHARD. I will ask the Clerk to furnish it, then.

The SPEAKER. It was referred to the committee.

Mr. BLANCHARD. It is not in the possession of the committee. The committee has taken favorable action, but has acted upon a printed copy of the bill.

The SPEAKER. The engrossed bill from the Senate must be supplied in some way before the report can be accepted.

Mr. BLANCHARD. That may be; but I am not responsible.

The SPEAKER. The Chair is not deciding who is responsible, but merely stating that the official copy of the bill must be here before the report can be received at the desk.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I move that the morning hour be dispensed with, and that by unanimous consent permission be granted to file reports with the Clerk.

The SPEAKER. That request has already been made and objected to by the gentleman from Kansas. It will take but a moment to complete the call of the committees.

Mr. PETERS. I want to take the regular order right through.

PUBLIC BUILDING, FORT DODGE, IOWA.

Mr. NEWTON, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (S. 289) for the erection of a public building at Fort Dodge, Iowa; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ANNIE M. NOYES.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 2471) granting a pension to Annie M. Noyes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LYDIA A. EATON.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2472) granting a pension to Lydia A. Eaton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BETSY A. MOWER.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2438) granting an increase of pen-

sion to Betsy A. Mower; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABRAM G. HOYT.

Mr. LYNCH, from the Committee on Claims, reported back with amendments the bill (H. R. 4021) for the relief of Abram G. Hoyt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE TO GOVERNMENT EMPLOYÉS.

Mr. BAYNE, from the Select Committee on Reform in the Civil Service, reported back with amendments the joint resolution (H. Res. 178) granting leave of absence to certain persons employed in the service of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

AERIAL NAVIGATION.

Mr. LANDES, from the Select Committee on Ventilation and Acoustics, reported back with amendments the bill (H. R. 5717) making an appropriation of $150,000 to enable A. de Bausett to build an air-ship for the transportation of passengers and freight through the air, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of standing and select committees.

Mr. McMILLIN. I move that the House resolve itself into Committee of the Whole for the further consideration of bills raising revenue.

Mr. BOOTHMAN. I have a privileged report to submit.

The SPEAKER. The gentleman will send it to the desk.

NATHANIEL Q. HENDERSON.

Mr. BOOTHMAN, from the Committee on Accounts, reported back favorably the following resolution:

Resolved, That Nathaniel Q. Henderson be allowed, for services at the Clerk's desk of the House from April 4 to April 8, 1888, both inclusive, the sum of $50, to be paid out of the contingent fund of the House.

Mr. BOOTHMAN. The committee recommend the adoption of the resolution.

The resolution was adopted.

Mr. BOOTHMAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. Now I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bills raising revenue.

Mr. PETERS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PETERS. If this motion is voted down, will it then be in order to call the committees in the second hour?

The SPEAKER. If the House refuses to go into Committee of the Whole House on the state of the Union for the consideration of bills raising revenue, or for the consideration of general appropriation bills, those being the only two motions now in order, it would then proceed to consider bills for one hour.

Mr. PETERS. I hope the motion to go into Committee of the Whole will be voted down, so that we can have the second hour for consideration.

The question being taken on the motion of Mr. McMILLIN, the House divided; and there were—ayes 51, noes 44.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

THE TARIFF.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The CHAIRMAN. The Clerk will report the pending paragraph.

The Clerk read as follows:

Line 37. Sunn, sisal grass, and other vegetable fibers.

Mr. BAYNE. Mr. Chairman, I move to strike out that line. The Mills bill has progressed to a certain extent in the Committee of the Whole, and without any amendments of consequence. It is perfectly evident to the members of the House, and must be now evident to the people of the country, that this bill as reported from the committee will pass the House of Representatives if the Democratic party can muster sufficient votes to put it through. It must be perfectly evident to the people of the country that they are to have this bill substantially in its present form. I believe the only modifications proposed and agreed upon by the majority of the Committee on Ways and Means are certain inconsequential amendments. Now, Mr. Chairman, I heard my colleague from Pennsylvania [Mr. SCOTT] say in debate the other evening in his colloquy with my other colleague, Judge KELLEY, that this bill disturbed the business interests of the country. He said:

I believed, sir, that it was my duty as a member of this House, in behalf of the business men of this country, whose interests are more or less affected by even the discussion of this bill [derisive cries on the Republican side], to make every endeavor to get a vote on the bill at the earliest possible date, so that the country would know—so that the business men of the country would know—what they have to do to manage their own affairs. I had no other interest, Mr. Chairman, and no other object in view, because, as a business man, and I claim to be one, I know that, whether this bill may be for the best interests of the country if it should become a law, or whether it may be detrimental, during its agitation no merchant, no manufacturer, no business man affected by it can tell from one day to the next what he can do or ought to do in the management of his business. [Derisive laughter on the Republican side.]

Now, sir, inasmuch as we are sure this bill will pass the House substantially in its present form, what must be thought of the confession of that business representative of the Committee on Ways and Means that the mere agitation of this bill is disturbing the business of the country, and that no merchant, no manufacturer, no business man knows what he should do or can do until the fate of the bill shall be determined? If the agitation of this measure causes detriment to the business interests of this country, what will the passage of the bill do? My colleague from Pennsylvania [Mr. SCOTT] admits in his speech that he does not know what effect it may have upon the business affairs of the country. He wants to get it through as soon as possible, that a new adjustment of business relations may take place in conformity with the bill. He saves himself from the effects that may follow by saying the business men should know what they are to have to do; and then, in that very sentence, he says he does not know whether this bill may be for the best interests of the country or whether it may be detrimental. Is not that an extraordinary confession? It is a true confession. Unconsciously, in the heat of the controversy between by colleague [Mr. KELLEY] and my colleague [Mr. SCOTT], the truth came out from my colleague [Mr. SCOTT], and it is the fairest and plainest confession that has yet been made, that the Democratic majority which proposes this bill does not know and the best business man of that committee does not know what effect this measure is going to have upon the business affairs of the country, manufacturing, mercantile, and all other classes. But they do know, and he assumes and confesses, that the agitation of the bill injures business, and it is evidently a corollary that the bill itself, if it should become a law, would have that effect.

[Here the hammer fell.]

The question recurred on Mr. BAYNE's amendment.

Mr. BAYNE. I ask for a division.

The committee divided; and there were—ayes 33, noes 60.

So the amendment was rejected.

The Clerk read as follows:

Burlaps not exceeding 60 inches in width, of flax.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I move to strike out the last three words of that line.

Mr. McMILLIN. We have passed that line.

The CHAIRMAN. The gentleman rose in time to move an amendment.

Mr. McMILLIN. Let the Clerk read the paragraph. I think the paragraph was not fully read.

The CHAIRMAN. The gentleman desires to move an amendment to line 37.

Mr. McMILLIN. We have passed from that, but I understand the gentleman rose in time.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I desire to call the attention of the House to a matter that has been presented on the other side repeatedly. I embrace this opportunity because I notice that some one, I do not know by whose order or at whose request, has laid upon the desks of members a statement which I regard as very important and to which I desire to call the attention of the House.

If there has been any argument found in any of the speeches on the other side of this House that seemed to sustain their vague ideas of revenue reform it has been the argument which has been made so often on the labor question in which there is a palpable error. Every gentleman who has spoken in support of this bill, so far as I have observed, in his effort to ascertain the profits of the manufacturer, has first added together the wages paid and the cost of materials used and then subtracted this sum from the value of the product, and called the remainder the manufacturer's profits, and on this basis his argument and his conclusions were based. In this way the greatest and most illogical conclusions have been reached, and the most erroneous teachings have been inculcated. The manufacturer pays so much for labor and so much for materials, but this is not all that he pays out. The census reports show certain things, but we must not infer that they show everything. Take for instance the following figures from the census reports of 1880, showing amount of capital, wages, cost of materials used, value of productions, and percentage on capital after deducting wages and material from production.

Capital	$2,775,412,345
Wages paid	941,226,925
Cost of materials used	3,396,823,549
Value of production	5,369,579,191
Percentage on capital after deducting wages and material from production	36.7 per cent.

The 36.7 per cent. is not profit, and those who have called it the manufacturers' profits have entirely ignored the interest on the money invested, the discounts paid, the expense of reclamation of goods, freights on rejected goods at destination points, damages in transit, transfer rents, express charges, office expenses, personal services, leases, taxes, water rents, repairs, wear and tear, commissions on sales, advertising, fuel, insurance, accidental delays, printing, postage, traveling expenses, and other outlays, which will aggregate from 20 to 25 per cent. of the capital invested, according to the character and magnitude of the business. From this 36.7 per cent. there should be subtracted at least 20 per cent. for these legitimate contingent expenses, which would at once reduce the estimate to 16.7 per cent., which is subject to other deductions on account of the under estimate of capital shown in the census reports.

I have taken the trouble to ascertain what these census returns mean, and have made inquiries of twenty-five or thirty manufacturing establishments in regard to their manner of doing business, and I know what answer they give when interrogated as to the amount of their capital, and I am satisfied that they have answered inquiries as to capital by a statement of the nominal amount of capital, the amount for which the companies have been incorporated, although the amount of capital actually employed may be, and often is, a great deal more.

I undertake to say that the census reports do not show the actual amount of capital employed in the business of the country. There is in my district a company whose capital is $300,000, and it has a surplus of $120,000, and yet the officers inform me that they use in their business an average of $600,000, and consequently they use in their business $180,000 above their capital and surplus.

Gentlemen on the other side, in calculating the expenses of that business, would ignore entirely the fact that the corporation is required to pay interest on this $180,000. It is quite evident therefore that calculations of this kind are necessarily erroneous, and the census statements as to capital are only approximate. They do not show the amount of capital actually employed in the industries of the country. Mr. Chairman, I desire further to call the attention of the House to two tables, prepared by Mr. C. A. Scott, of Cincinnati, Ohio.

There has been a great deal said here in regard to the profits made by the manufacturers of this country, but if gentlemen will take the trouble to look at these tables as I have done they will discover that where the protected industries are separated from the unprotected industries of this country, the protected industries make 10 per cent. less than the non-protected industries.

Here is a list of twenty-one of the leading manufactures of the country, some of which are highly protected, among them being the manufacture of iron and steel, boots and shoes, men's clothing, women's clothing, cotton goods, woolen goods, glass, hosiery, knit goods, and many others, and if you add together the wages paid and the cost of the materials used, and subtract the sum from the value of the product, you will find that the remainder is equal to 27 per cent. of the aggregate capital as shown by the census reports.

If you take from this 20 per cent., which is the estimate made by business men generally as the aggregate of interest, insurance, and the other expenses to which I have alluded, you will find that these twenty-one manufacturing industries have left a profit of only 7 per cent. Hence as protected and non-protected industries are mixed together in the census reports, in order to determine which receives the highest award of percentage, we will select, without prejudice, protected industries from the list furnished by the census, as shown in the following table, comprising nearly one-half of the whole:

Articles.	Capital.	Wages paid.	Cost of materials used.	Value of product.	Percentage on capital after deducting wages and materials from value of product.
Iron and steel	$230,971,884	$55,476,785	$191,271,150	$296,557,685	21.7
Boots and shoes	54,358,301	50,995,144	114,966,575	196,920,481	30
Men's clothing	79,861,696	45,940,353	131,363,282	209,548,461	41
Women's clothing	8,207,273	6,681,005	19,559,227	32,004,794	71
Cotton goods	219,504,794	45,614,419	113,765,537	210,950,383	23
Foundry and machine works	154,519,484	65,982,133	103,345,083	214,378,468	30
Tanned leather	50,222,054	9,204,243	85,949,207	113,348,336	36
Sawed lumber	181,186,122	31,845,974	146,155,385	233,268,729	31
Mixed textiles	37,996,057	13,316,753	37,227,741	66,221,703	30
Paper	46,241,202	8,525,355	33,951,297	55,109,914	45
Silk and silk goods	19,125,300	9,146,705	22,467,701	41,033,045	16
Sugar and molasses	27,432,500	2,875,032	144,698,499	155,848,915	52
Woolen goods	96,095,564	25,836,392	100,845,611	160,606,723	35
Sash, doors, and blinds	20,457,670	8,540,930	20,790,919	36,621,325	40
Marble and stone work	16,498,221	10,238,085	12,743,345	31,415,150	56
Curried leather	16,878,520	4,845,413	59,306,509	71,351,297	50
Planed lumber	17,612,923	5,890,724	24,477,543	36,803,356	35
Ship-building	20,979,874	12,713,813	19,736,358	36,800,327	20
Linseed-oil	5,872,750	681,697	12,874,294	15,393,812	31
Glass	19,844,699	9,144,100	8,028,621	21,154,571	19.5
Hosiery and knit goods	15,579,591	6,701,475	15,210,961	29,167,227	46
Total	1,339,146,479	430,196,530	1,418,734,835	2,264,505,002	

The percentage on capital after deducting wages and materials from production is 27 per cent., from which deduct 20 per cent. for contingent expenses, and the result is 7 per cent. due the manufacturer and 32 per cent. due labor on the capital invested—over four times as much in favor of labor. Continuing this inquiry the following table of non-protected industries is submitted, comprising nearly one-third of the whole:

Articles.	Capital.	Charges.	Materials.	Products.	Percentage on capital after deducting wages and materials from value of product.
Wheelwrighting	$10,641,080	$5,074,799	$6,703,677	$18,492,858	63
Flour and grist mills	177,361,878	17,422,316	441,545,225	506,185,712	26
Slaughtering and meats	49,419,213	10,508,530	267,738,902	303,562,413	50
Patent medicines	10,620,880	1,651,596	6,704,729	14,682,494	63
Printing and publishing	62,983,704	30,531,657	32,460,395	90,780,341	44
Painting and paperhanging	5,645,850	7,920,866	8,762,780	24,457,500	1.40
Kindling wood	1,018,490	520,861	1,403,010	2,480,953	50
Brick and stone masonry	3,990,706	6,880,866	10,123,478	20,586,553	75
Lard, refined	2,513,066	546,258	21,948,826	23,195,702	28
Carpentering	19,541,358	24,582,077	51,621,120	94,152,139	39
Fertilizers	17,913,660	2,648,422	15,595,078	23,650,795	30
Agricultural implements	62,109,668	15,359,610	31,531,170	68,640,486	35
Awnings and tents	522,700	334,463	1,230,558	1,968,942	1.21
Wooden boxes	5,304,212	2,769,135	7,674,921	12,687,068	85
Axle-grease	372,600	41,407	200,152	365,048	30
Bread and other bakery products	19,155,286	9,411,328	42,612,027	65,824,896	68

Articles.	Capital.	Charges.	Materials.	Products.	Percentage on capital after deducting wages and materials from value of product.
Brick and tile	$27,673,616	$13,443,532	$9,744,834	$32,833,587	70
Carriages and wagons	37,973,493	18,988,615	30,597,086	64,951,617	77
Butter and cheese	9,604,803	1,546,495	18,363,579	25,742,510	61
Coffins	5,735,392	1,895,805	3,776,222	8,157,760	46
Furniture	38,669,764	20,383,794	31,416,768	68,037,902	42
Furniture, chairs	6,276,364	3,311,286	1,443,438	9,807,823	34
Artificial ice	1,251,200	140,885	158,112	544,763	20
Lead and shot	2,466,375	316,363	4,363,209	5,600,671	36
Lime and cement	6,332,338	1,579,313	2,649,189	5,372,318	25
Distilled liquors	24,247,595	2,663,967	27,744,245	41,053,663	40
Malt liquors	91,208,224	12,198,053	56,836,500	101,058,385	35
Malt	14,390,441	1,004,548	14,321,423	18,273,102	21
Oleomargarine	1,680,300	212,932	5,846,141	6,892,439	50
Plumbing and gas-fitting	5,950,512	4,770,389	9,095,308	18,133,250	71
Soap and candles	14,541,294	2,219,513	19,907,444	26,552,627	30
Tar and turpentine	1,866,390	1,623,061	2,324,637	5,876,982	1.06
Tobacco and cigars	21,698,549	18,464,562	29,577,833	63,979,573	74
Wood pulp	1,898,450	444,768	910,835	2,256,946	47
Total	853,079,551	241,412,072	1,219,971,851	1,776,250,818	

As herein shown, the percentage on capital after deducting wages and materials is 37 per cent.; subtract 20 per cent. for expenses, as described, and the result awards the manufacturer 17 per cent. and labor 28 per cent. on capital invested; hence the preceding tables clearly show that protected industries pay the highest proportion of wages and receive a less proportion of profit than the non-protected and other industries.

If I am correct, and I will be glad to be corrected if I am not, all of the speeches made by the Democratic side of this House in regard to the influence of a protective tariff upon labor have been fallacious and misleading. All of their conclusions have been erroneous. The charge that the profits of the manufacturer have been enormous is wholly unfounded. Their statements as to how much went to capital and how much to labor are untrue, and they have been misled by omitting to charge up against the gross receipts the contingent expenses, as I have explained, and by counting the capital furnished by the census reports as the whole of the capital employed, when it is only the nominal capital. And this view is confirmed by the comparison I have made between protected and unprotected industries.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

The amendment of Mr. JOSEPH D. TAYLOR was rejected.

The Clerk read as follows:

Burlaps, not exceeding 60 inches in width, of flax, jute, or hemp, or of which flax, jute, or hemp, or either of them, shall be the component material of chief value.

Mr. WARNER. I move to strike out lines 38, 39, and 40. I make this motion for the reason that the State which I in part represent upon this floor manufactures nearly one-half of the cotton bagging that is made in the United States and more than in any other State in the Union. It is true, sir, that while there is not a manufactory of this article in my district, but I should welcome one, two of the gentlemen who represent the great manufacturing city of St. Louis are absent on important business, and for the further reason the letter and the papers which I hold in my hand have been sent to me, and with the consent of my colleague [Mr. CLARDY] I present them to the committee.

To save time I will read a petition from one hundred and sixty-one operatives in one of these mills, in the city of St. Louis, the petition of those who work in the mills, men who earn their living by the sweat of their brows, asking that they be not placed upon the starvation wages paid to operatives at Dundee, Scotland, or, what is worse, the cooly labor of Calcutta, India, or be turned out of employment. I have not time to read the petition in full, but I will have it printed with my remarks. It gives quotations from the consular reports to show the abject condition of poverty, squalor, and wretchedness that exists among the operatives of Dundee, Scotland, and gives the reasons why the change which the pending bill proposes in the tariff in this particular should not be made.

The great manufacturing industry of the State of Missouri, and of the United States, which manufactures 50,000,000 yards of cotton bagging annually, is affected by taking the duty off burlaps to this extent, that if burlaps are admitted free of duty they will be substituted, as stated in this communication, for cotton bagging used for the bagging of the cotton product of this country, and thereby these mills will be shut down, if the testimony before the committee is to be believed. I think I saw a gentleman on the other side smile when I gave as my reason for presenting this petition that the proposed legislation affected the manufacturing interests of my State. Mr. Chairman, while my Democratic friends are making so free in claiming protection for every interest in their States, I know no reason why a Representative of the State of Missouri, representing her interests upon this floor, should not also claim a slice of the same protection. Democratic members from other States demand protection for their industries; why should not my Democratic colleagues do the same without having their Democracy questioned?

Sir, I now send to the Clerk's desk a paper, as I have said, signed by one hundred and sixty-one laborers in this industry. The Clerk will please read.

The Clerk read as follows:

ST. LOUIS, MO., *April* 25, 1888.

Memorial of operatives of the Standard Mills Bagging Company of St. Louis, Mo.

To the Congress of the United States:

Your petitioners would respectfully represent that they are operatives and employés of the Standard Mills Bagging Company of the city of St. Louis, Mo.; that the provisions of the Mills tariff bill reported from the Committee on Ways and Means, and now pending in the House of Representatives, reducing the tariff on jute bagging to 15 per cent. ad valorem and placing burlaps on the free-list, will compel all the manufacturers of these fabrics in the United States to permanently shut down their factories, or will compel us, your petitioners, to work for the low wages paid to the operatives of Dundee, and, after a short time, the still lower wages paid to the pauper labor of Calcutta—in the former case less than one-half and in the latter case less than one-fifth the wages we receive.

Your petitioners would respectfully solicit your attention to the official report of Consul Wells to the State Department on the condition of jute laborers of Dundee (Consular Reports on Foreign Labor, volume 1, page 86, and volume 2, page 954), wherein it appears that the average weekly wages of females are but $2.50; that 23,670 persons live in 8,620 single rooms—"hovels"—with nothing to lie on but the bare floor, and no covering but coarse burlap cloth, and that only occasionally; that 74,374 men, women, and children occupy 16,187 two-room houses, and that thus, from extreme poverty, overcrowding in "these vile dens," filth, and neglect, they are subjected to all kinds of wretchedness, infectious diseases, and immorality, with hardly a chance to raise themselves to the level of a decent manhood and womanhood.

Your petitioners respectfully suggest that provisions of law which subject us as wage-workers to the alternative of such unhappy conditions as are shown in these official reports can not be in accordance with the wisdom of your honorable body, and humbly pray relief therefrom.

Your petitioners state that the wages paid them are the only means of livelihood for themselves and their families; that the various departments of their work, to which they have given many years of their lives, require long practice and skill; that if this business is destroyed they will be cut off from the means of earning a living in work which they understand, and will be subjected to the hardships of novel precarious employments now already overcrowded.

Your petitioners therefore humbly pray that the present tariff on bagging and burlaps may be retained, being satisfied that no one is injured by it, while they themselves are wholly dependent upon this business for a living.

And your petitioners will ever pray, etc. (161 signers.)

Mr. WARNER. On this question I have distinguished authority for asking my Democratic colleagues to aid in this, notwithstanding my colleague from the State of Missouri [Mr. BLAND] said the other day that he was in a "combine" to take the duty off lead, zinc, and everything from which he could take it. I trust that if he is in such a "combine" he will look for the interest of his own State as well as the gentlemen who are in the "combine" with him have looked to the interest of sugar and rice, as well as the gentlemen from California have looked out for prunes and the gentleman from Connecticut for wooden screws, and so on by numerous gentlemen in behalf of the interests of their State.

[Here the hammer fell.]

Mr. MCKINLEY. If I can be recognized I will yield my time to the gentleman from Missouri [Mr. WARNER].

Mr. CLARDY. I ask unanimous consent that my colleague be allowed to proceed for five minutes longer.

There was no objection.

Mr. WARNER. Notwithstanding the announcement made at St. Louis by the distinguished champion of the "star-eyed goddess of liberty" that you have "delocalized" this question of tariff, I wish to read in contradiction to this, as well as to the position taken the other

day by my colleague [Mr. BLAND], a short extract from a discussion upon the zinc and lead question, which we shall have to face in this bill soon. I am surprised that he stands in favor of taking the duty off lead and zinc. A distinguished Senator from Missouri, in the course of a discussion of this question in 1883, in another place said:

The zinc industry is an infant American industry.

The cotton-bagging industry of this country is an infant industry.

It has grown up since the war—

Says the distinguished Senator—

Two-thirds of the zinc product in the United States are produced west of the Mississippi River, in the States of Kansas and Missouri.

I state to this committee that a majority of the cotton bagging is made west of the Mississippi River, and nearly one-half of it in the State of Missouri; and therefore this industry presents a stronger case, if possible, than that of zinc and lead.

If the duty which the committee proposes now upon zinc be reduced, the result will be the destruction of this industry—

Exclaimed the honorable Senator [Mr. VEST].

The laboring men engaged in this industry in my State, through their memorial, and the manufacturers by letters and petitions, say that if the Mills bill should pass taking the duty off burlaps, thereby affecting cotton bagging, this industry must perish.

I ask the members of this committee to make good the words of Mr. Watterson, in St. Louis; do not take the roof off the house until you have at least given the occupants a reasonable and decent time to get out of it.

The distinguished Senator says further:

Now we propose to have a tariff for revenue, and inside of that tariff I want to keep the duty upon zinc. I want to keep it there because in my State and in Kansas eight cities and towns are dependent upon it. I want to keep it there because I know it is an infant industry. I want to keep it there until this infant industry, staggering, trembling, crawling, is able to stand and exist without it.

Further on he gives as his reason that he is representing the interests of his own State, leaving the representatives of Massachusetts and other States to look after the interests of those States. He said:

I propose to protect this industry and this production [lead and zinc] if I possibly can.

He differed with my colleague [Mr. BLAND]. He subscribed fully to the principle that "he who fails to provide for his own household is worse than an infidel."

I now submit to the committee further evidence. It is worthy of full faith and credit. It is worthy of consideration by the committee.

The Clerk will please read the letters I send to the desk.

The Clerk read as follows:

[Office of Warren, Jones & Gratz, manufacturers, 112 Walnut street, St. Louis. Agents for Southern Mills Baggging Company, Standard Mills Bagging Company, Muncie Bagging Manufacturing Company. Importers of iron cottonties.]

ST. LOUIS, *March* 8, 1888.

DEAR SIR: We urgently and respectfully call your careful attention to two clauses in the tariff bill introduced by Mr. MILLS.

The two clauses referred to are the ones placing "burlaps" and "bagging for covering cotton" on the free-list.

If these two clauses are adopted they will destroy a large industry in Missouri, South Carolina, Louisiana, Texas, Alabama, Georgia, and Kentucky.

BURLAPS.

These goods are frequently used for covering cotton, and would be used very extensively for that purpose if placed on the free-list. At present there is not a yard of "burlaps" cloth made in this country; all of it is imported, and pays a duty of 1½ cents per pound, or 3 cents per yard for 2-pound "burlaps." Even with this duty on "burlaps" there is no "burlaps" bagging made in this country, it being a much finer grade of bagging than the usual character of bagging made for covering cotton. The "burlaps" bagging is mainly used for grain-sacks, wool-sacks, and similar purposes, and if it could be used only for these purposes it would not work any injury to American industry if put on the free-list, but as it can be used for covering cotton it would destroy the industry of making bagging, especially for covering cotton, as the removal of the duty on "burlaps" would greatly reduce its price.

BAGGING FOR COVERING COTTON.

Missouri manufactures more "bagging for covering cotton" than any other State in the Union, and if this class of goods is put on the free-list the industry in this State would be destroyed. The "bagging for covering cotton" is made especially for that purpose and is a much coarser grade of goods than "burlaps" bagging, and hence can be made in this country, as it does not require such skilled labor as "burlaps" bagging. At present not a yard of this class of goods is imported; it is all made in this country; hence placing "bagging for covering cotton" on the free-list would not help to reduce the surplus in the Treasury at all, as there is no revenue derived from it. At present the bagging made in this country for covering cotton is being sold at cost, or less than cost, all over the country, the competition among the American mills having brought the market to this condition, in spite of the fact that the industry is protected by a duty on imported goods.

If "burlaps bagging" and "bagging for covering cotton" are placed on the free-list, the entire industry in America will be transferred to England, and every bagging mill in America will be compelled to close down, and will only be worth what they can be sold for as scrap-iron, as the machinery can not be used for any other purpose

It is proposed by Mr. MILLS's bill to place jute butts (the raw material for making this bagging) on the free-list also. As the duty on jute butts is very trival, being only $5 per ton, it would not enable the American mills to continue to make bagging. If the jute butts are placed on the free-list, it would reduce the cost of manufacturing bagging in this country 12½ per cent. We would suggest that the duty on "burlaps, bagging," and "bagging for covering cotton" be reduced in the same proportion, or to 1¼ cents per pound, which would be equal to 2½ cents per yard.

WAGES.

The principal reason why bagging can be made so much cheaper in England than it can in this country is because they pay their labor only one-third to one-half the wages that we pay ours, and still our labor complain that their wages are too low. The wage question is of paramount importance. Upwards of fifteen hundred operatives are employed in jute manufacture in Missouri alone. It is in a large sense a professional employment, acquired by practice and generally followed permanently. These workers receive from two to three times as much pay as similar workers receive in Great Britain and Germany, spinners and weavers earning here $5.50 to $6 and $8.50 to $9, respectively, per week, whereas abroad they get from $2 to $3 and from $2.75 to $3.50, respectively, per week. Not a jute manufacturer in the United States could live a day with these products placed on the free-list: so, in addition to the destruction of millions of dollars invested in this class of business, thousands of operatives, absolutely dependent on it for their livelihood, would be thrown out of employment.

The placing of these products on the free-list would not cheapen them to consumers. The ingenuity of American inventors and American methods, together with the natural competition of trade, have cheapened these products over 50 per cent. in ten years, whereas if the same goods were to be had only from abroad the entire importation would flow through New York and Boston, and thus be subjected to the arbitrary prices fixed by controlling monopolists into whose hands the business would necessarily fall.

It is questionable whether the duty should be taken off of raw jute or any of the textile fibers, because of the infant enterprise of growing these fibers in the United States; and the practicability of raising them has already been fully demonstrated in the Mississippi Valley as well as in the Southeast. The only need is machinery for decorticating purposes. Already nine different inventions have been produced for this purpose, and the result of decorticating jute by machinery, so as to successfully compete with the cheap India labor, will unquestionably be reached in the near future. This achieved, the industry of raising jute, ramie, and other fibers would be of larger value than the cotton crop itself, and give to America the market of the world for her manifold textiles. The small revenues derivative from the present tariff are wholly unimportant as compared with the great interests involved in these possibilities.

We respectfully urge that you will vote against these two clauses in the bill, or have the duty merely reduced to the point mentioned above.

Yours, respectfully,

WARREN, JONES & GRATZ.

Before the reading of the foregoing was concluded the hammer fell, when

Mr. MCMILLIN said: This is a raw material used in the manufacture of oil-cloth, and also for the purpose of packing furniture, and for various other uses. It yields $978,035 of revenue, which the Government does not need.

Mr. WARNER. If the gentleman will allow me, I shall get through what I have to say in a very few minutes.

Mr. MCMILLIN. If the gentleman will confine his remarks to the question under discussion, I have no objection to his proceeding.

Mr. WARNER. The communication which the Clerk was reading treats of both questions.

Mr. MCMILLIN. But the gentleman's time was taken up in discussing zinc, a question not involved in the amendment.

Mr. WARNER. If the gentleman will allow me, I wish to show that my colleagues from Missouri should come to the rescue of the cotton-bagging industry of their State in the same manner as the distinguished Senator whose remarks I have been reading came to the rescue of zinc and lead.

The CHAIRMAN. The gentleman from Missouri [Mr. WARNER] asks unanimous consent that his time be extended for five minutes. Is there objection?

There was no objection.

The Clerk resumed and concluded the reading of the document already given.

Mr. WARNER. I submit also, Mr. Chairman, and ask to have read in the same connection, a letter from the Standard Mills Bagging Company, of the city of St. Louis.

The Clerk read as follows:

ST. LOUIS, *March* 9, 1888.

DEAR SIR: We beg leave to call your attention to and ask your assistance in aiding us to change two of the provisions of the Mills tariff bill. Those we refer to are "bagging for covering cotton" and "burlaps." As the Mills bill is published, these two items are placed on the free-list, and if the bill is passed as it is, it will absolutely ruin every bagging manufactory in the United States. The competition among the bagging manufacturers had already forced prices down to the point that there is but little profit in the business.

We have understood that the aim of tariff legislation was to reduce the revenue. If this be the case, would say that the Government derives no revenue on the importations of "bagging for covering cotton," as all of it is made in this country. We are now paying $5 per ton duty on the raw material (jute butts) that we use, being equivalent to 12½ per cent., and are protected by a duty on the finished product ("bagging for covering cotton" and "burlaps") of 1¼ cents per pound, or the equivalent of 50 per cent. This protection is needed because of the very much higher wages we pay our employés than the foreign manufacturers do, amounting in all departments to two and one-half to three times as much. Take our weavers, for instance; they earn from $8 to $9 per week (and they consider they work for low enough wages), whereas in Scotland the pay for the same class of work is only from $3 to $4 per week.

The bagging corporations of the State of Missouri manufacture almost one-half of all the bagging used in the United States, and employ a great many operatives, all of whom would be thrown out of employment should the bill become a law, and as they have learned the business as their trade, and is their means of making a living, it would cause great distress among them.

"Burlaps," though of somewhat better quality than "bagging for covering cotton," can be used for that purpose, and you can readily see that if it was placed on the free-list and the price thus materially reduced it would be used that way.

We would most respectfully urge that you use all your influence with the members of the Committee of Ways and Means to have "bagging for covering cotton" and "burlaps" taken off of the free-list, and if "jute butts" are to be left on the free-list, then insist that the duty on "bagging for covering cotton" and "burlaps" be reduced in a proportionate ratio, and made 1¼ cents per pound, where it is 1¼ cents now. If you can not get the matter righted in the committee, then we ask you to vote against the clauses when the bill is acted upon by the House.

Very respectfully, STANDARD MILLS BAGGING COMPANY.

Hon. WILLIAM WARNER,
Washington, D. C.

Mr. WARNER. It seems to me, Mr. Chairman, a feeling of gratitude to the great city whose hospitality you received but a few days since should at least lead my Democratic brethren on the other side to do justice to this great manufacturing industry of the city of St. Louis.

Mr. DOCKERY. Would the gentleman advise legislation merely on the ground of hospitality?

Mr. WARNER. No, I would not advise legislation upon the mere ground of hospitality; but when gentlemen on the other side of the House have been appealed to in the name of the laboring man, and when they have been appealed to in the name of justice, and when they have been appealed to in the name of the injury they were about to inflict, I thought, as a last appeal, they should be appealed to upon the ground of gratitude. [Laughter and applause.]

But, Mr. Chairman, I presume, like the sinners of old, "they are joined to their idols," and are determined to vote for this bill, whatever may be in it—in the language of my distinguished colleague the other day, when he said if lead was on the free-list in the bill, he would vote for free lead. Greater faith than this, Mr. Chairman, hath no man. He is prepared to vote for free lead, free anything, if in the bill. His faith is sublime. It is only equaled by the old preacher who, upon opening his hymn book, found there for the first time what had been pasted in it—no doubt by some mischievous boy—the words:

Old Grimes is dead, that good old man,
We ne'er shall see him more.

[Great laughter.]

The good old man took off his spectacles, wiped them with his red "bandana," readjusted them on his venerable nose, and started in to line the hymn again—

Old Grimes is dead, that good old man,
We ne'er shall see him more;
He used to wear a long, black coat
All buttoned down before.

"Brethren and sisteren," he meekly said, "I have read this hymn book nie unto thirty years. I never in all my life saw that song before, but God helping us, being in the book, we will sing it." [Laughter and applause.]

My colleague, to use his language, "is in a combine" to take the duty from anything and everything, even to the tearing down the industries of the great city of his State (St. Louis), while other members of the "combine" are protecting the industries of their States. [Applause.]

As I said, there should be on the part of the Democratic party some feeling of gratitude towards the city of St. Louis. Let me call their attention to the words of wisdom coming from the St. Louis Republican, coming down from 1808, and more lately the St. Louis Republic.

RAW MATERIAL REDUCTION FIRST.

The Democratic promise not to destroy any established industry in correcting the injustices and inequalities of the tariff has been carefully kept in view in the Mills bill. The bill aims to make clothing cheap for the people, and raw material, as far as possible, free to the manufacturer. There are one or two instances in which the bill in incidental detail can be advantageously conformed more closely to this, its leading idea. We called attention to this when, in the bill as reported by Mr. Mills to the committee, cotton bagging was put on the free-list. In the bill as reported by the committee to the House the duty is made 15 per cent. ad valorem and burlaps are made free. This is one of the very cases in which a minor detail of the bill is not in conformity to its leading idea, and in this instance there is a possibility of resultant injustice unless the reform element of the House guards against it.

The high tax on bagging for wrapping the cotton crop shut our planters off from the Indian market and forced bagging factories into existence. The demand for them in the United States was an unnatural one, forced by the Government. But for the Government they never would have existed. The climate of India gives it an advantage over the United States in raising jute, the raw material for bagging, that we can never hope to overcome. The same climate makes existence possible and pleasant through the expenditure of little labor and less money. The conditions enable the Calcutta syndicate to control the markets of the world in jute products. We can compete successfully with Europe in every line of manufactures or which the United States are fitted, but we can not compete with Asia in a line which is natural to Asia and artificially forced in the United States.

Forced into existence by a high Government tax on India's jute products, our factories are in operation with machinery on which they have paid 45 per cent. import tax to the Government; they pay $1.50 a day for the work which the Calcutta syndicate gets at 12 cents a day. Under these conditions an ad valorem duty of 15 per cent. on bagging, with burlap substitutes for bagging free, will give them no time to adjust themselves to the return to natural conditions. Whereas, if their raw material is put on the free-list, and they are given time, a reduction in the price to the planter will follow without catastrophe to the manufacturer.

I ask the committee to consider the evidence I have presented. Let us build up and not tear down. Let us protect and not burden labor. Let us elevate and not degrade labor.

[Here the hammer fell.]

Mr. SMITH, of Wisconsin. I send up to be read a letter I have received from the Millers' National Association, of the city of Milwaukee, which I ask the Clerk to read.

The Clerk read as follows:

MILLERS' NATIONAL ASSOCIATION, SECRETARY'S OFFICE.
Milwaukee, Wis., May 24, 1888.

FRIEND SMITH: I notice a strong disposition in various quarters to tinker with the tariff, and undoubtedly every one of the tinkerers has a little ax to grind. My ax, however, needs no grinding, but I wish to call your attention to an article now on the list paying duty, for which the Government receives little or no benefit, at the same time becomes an expense, and, what is still worse, a source of great annoyance, principally to the exporters of the agricultural products of this country.

I think it needs no argument to satisfy every novice that every aid and encouragement that can possibly be given to increase the exportation of our manufactured and agricultural products should receive the earnest attention of Congress.

The article I refer to is jute cloth, manufactured principally in England and India. This cloth is not made in this country, except to a very limited extent, and is used principally in the manufacture of flour and grain bags, in which at least 95 per cent. of all the flour manufactured in this country for export is packed. A large percentage also of the California wheat crop is, I understand, shipped in this kind of bags; and all cotton exported is baled in jute cloth. Consequently every dollar paid out for duty, and all the annoyance connected with the collection of rebate, is so much tax upon the agricultural industry of the country.

A little explanation will show you how little benefit the Government can possibly receive by collecting a duty on the imported cloth. My impression is now that it pays an ad valorem duty of 30 per cent. It is manufactured into bags principally in the five great cities of New York, Philadelphia, Baltimore, Chicago, and St. Louis. When any of this material goes abroad with grain, flour, or cotton the Government rebates to the exporter 90 per cent. of the duty paid at importation; but to collect this duty it is necessary (in the case of the miller) for him to secure a custom-house bill of lading, make out his affidavit, send it to the broker, who makes out the necessary papers, and after anywhere from sixty to ninety days receives the rebate. After taking out his expenses the balance is returned to the miller (providing the broker is honest), which expenses, to say nothing of the annoyance, is about 25 per cent. of the sum rebated by the Government.

The Government, in order to keep track of the different grades of jute (as different grades have different valuations), must keep an army of men at each of the different exporting ports to examine each lot of bags shipped, taking samples to compare with the import invoices in order that a greater rebate may not be collected for the bags exported than the duty collected upon the cloth from which they claim to be made.

The rebate usually received by the miller averages about 1 cent on every 140-pound bag. In fact this duty is a direct tax. Not only a direct tax, but a serious annoyance to the miller in trying to secure the return of the rebate to which he is entitled under the law.

Every bushel of wheat manufactured into flour in this country and exported is a benefit to the agriculturist, gives employment to the laborer, and retains so much money in the country, and nothing should be done to encourage the export of wheat in preference to flour, to be manufactured by the cheaper labor of foreign countries.

Now, here is an opportunity for you to make a "ten strike." In bringing about this change you would have the support and backing of the entire milling industry of the country, and to the extent that you would not only receive their approval, but the approval of all persons directly or indirectly connected with the growing and turning of wheat into flour. I believe if you take hold of it in earnest, and push it for all there is in it, you will succeed in having this article admitted free of duty.

The statistics governing the export of flour, cotton, and grain in bags or bales, I presume is more readily obtained with you than with me. My impression is, from what I have investigated the matter, the expense and labor to the Government in collecting this revenue, together with the rebates returned to the exporter, is greater than the original import duty collected by the Government.

Yours truly,

S. H. SEAMANS, *Secretary.*

Hon. HENRY SMITH, M. C.,
Washington, D. C.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. BUCHANAN. I move in line 38 to strike out "flax," and in line 39 to strike out "or hemp, or of which flax or hemp or either of them shall be the component material of chief value."

Mr. Chairman, burlaps are not bagging, but are used largely for the covering of furniture when that furniture is prepared for transportation from the place of manufacture to the place of sale. I understand the object, as announced by the Committee on Ways and Means in placing burlaps on the free-list, is to aid the furniture manufacture of this country; but these words are capable of going much further than that.

As the provision stands it is capable of grave abuse at the custom-houses. It is capable of allowing the importation of fine manufactures of flax when they are less than 60 inches in width. My amendment is to cut out from the paragraph manufactures of flax and hemp.

I offer it for the reasons already stated, and for this additional reason: Flax and hemp are American agricultural products, and we should preserve the American market for the American farmer for his products as far as practicable. We should preserve the mills which make up the flax and hemp into burlaps, and not allow the foreign manufacturers of flax and hemp to bring in, duty free, foreign products, for the reason, first, that we want the American article used, and, second, that we want to protect the labor employed in making up the American article.

Now I think I am justified in saying that some misapprehension exists in the minds of the committee on this subject, because, in looking up this matter from this document which has been furnished to us from the Treasury Department through the committee, I find this document says that burlaps not exceeding 60 inches in width pay a duty of 30 per cent. But on turning to the existing tariff act I find no classification of burlaps of not exceeding 60 inches in width at all. This document further states that there has been an importation of burlaps, not exceeding 60 inches in width, of three and one-quarter millions of dollars in the last fiscal year; but on turning to the other official report, showing the importations for each month, I find that this refers to burlaps of all widths, and not to burlaps of not exceeding 60 inches in width alone. It seems to me, also, that if the Committee on Ways and Means desire simplification of the law with regard to this class of importations, the language which they use is extremely unfortunate, as being liable to grave abuses in importation.

Burlaps are not raw material; they are the finished product of the mills; they are a finished manufacture; and there is not one of all the reasons adduced during the general debate on the other side for revising the tariff and adding to the free-list that applies to burlaps not exceeding

60 inches in width, except, perhaps, the reason assigned by the gentleman from South Carolina [Mr. HEMPHILL], who wants permission to buy where he can buy cheapest; in other words, unrestricted free trade. There is no reason under the sun that will justify the American Congress in placing these manufactures upon the free-list, except the reason, and that is the only one that can be given, that free trade is the best system for the United States. Believing that to be an utter heresy, I shall vote against it.

Mr. ANDERSON, of Iowa. Mr. Chairman, there seems to be a great deal of stress laid, and very properly, on the effect that legislation upon the tariff will have with regard to the laboring interests of this country, and I think there can be no doubt about the proposition that we all unite in desiring liberal wages to the laboring men, especially when the wages do not come out of their own individual pockets.

Now, the best evidence on this subject as to the effect of legislation on this question, and upon the wages of labor and its interest, comes from the laborers themselves. I have a grave suspicion that there are interests here contending for high-tariff duties and putting it on the distinct ground of the increase of wages to laboring men, that from year to year, having secured these subsidies or this bonus, cheat the laboring men out of their proportion of the profits they thus acquire in their business by reason of this high-tariff legislation.

I have in my hand a copy of the Chicago Tribune, one of the great journals of this country—a Republican journal, one of the leading Republican newspapers of this Government—which contains an article bearing upon this question, as to what the laboring men think of high-tariff legislation, as well as upon the question of what the laboring men themselves think when they are called upon to act directly upon the question, and when their action is capable of producing the very greatest possible effect. I ask permission to send to the Clerk's desk, and have read in my time, an editorial from the paper in question touching upon the effect that this tariff has upon labor as the laboring men themselves understand it.

What I wish to call attention to particularly is the fact that this discussion in the interest of labor awakens great sympathy among the farmers, that class of people outside of the distinctive class of labor that is represented here on the floor as especially interested in high-tariff dutics; that it does awaken the interest of the generous, warm-hearted farmers of the country, who are willing to come to the aid of all other classes of labor with a view to securing better wages for them, and have been induced in that manner to favor high-lariff legislation which seemed to be in their interest, while the laboring men in the shops in the great centers of the country, and, as this paper says, within cannon shot of the court-house within the city of New York, have invariably, as illustrated in the table given in this editorial, cast their votes against even moderate tariff duties and emphatically against a high-tariff system. The laborers know best about this matter. They know that most of the tariff is going into the pockets of their bosses, and they do not ask their farmer friends to burden themselves any further on their account. And this is good Republican authority.

I ask the Clerk to read this article.

The Clerk read as follows:

IS ULTRA-PROTECTIONISM A WINNING ISSUE?

The Presidential election four years ago was determined by the vote cast within cannon shot of the city hall in New York. Many think the result this year will again depend on the poll of New York City. Beyond all doubt the votes cast in New York City, Brooklyn, Jersey City, and New Haven will turn one way or the other the doubtful States of New York, New Jersey, and Connecticut. With the issue thus focused and localized the Republican party should be able to determine without difficulty just what policies will give it the greatest certainty of victory.

The strip of territory about New York Bay, including New York City, Brooklyn, Jersey City, Queens and Richmond Counties, comprises the greatest hive of tariff-protected industry in the United States. Armies of protected workmen and hundreds of millions of protected capital are found within this district. Accordingly the Republican party is assured that high protection alone is the winning issue for it in this campaign. What is the record? The following table gives the vote cast in the district indicated (including also New Haven) for Garfield, moderate protectionist, with that for Blaine, high protectionist, against Hancock and Cleveland, low-tariff men:

District.	Blaine, high protection.	Cleveland, low tariff.	Majority, Cleveland.	Garfield, moderate protection.	Hancock, low tariff.	Majority, Hancock.
New York City	90,093	133,157	43,064	81,730	123,015	41,285
Brooklyn (Kings County)	53,514	69,243	15,729	51,751	61,096	9,345
Queens County	8,367	10,415	2,078	8,151	10,391	2,240
Richmond County	3,164	5,184	2,020	3,291	4,815	1,624
Total			62,891			54,494
Jersey City (Hudson County)	16,312	21,637	5,325	14,632	19,586	4,954
New Haven	16,326	19,342	3,016	15,713	17,893	2,180

New York State gave Garfield 21,033 majority and Cleveland 1,047. Connecticut gave Garfield 2,656 majority and Cleveland 1,276. New Jersey gave 2,010 majority against Garfield and 4,412 against Blaine. And the protected corner of the State within a half a dozen miles of the city hall rolled up 63,000 low tariff, anti-high protection majority, and increased its anti-high protection majority against Blaine by 84,400 votes over that against Garfield. From these figures it appears that the "tin-bucket brigade" swarming out of the factories, mills, forges, and shops of the great tariff-protected district about New York carried New York, New Jersey, and Connecticut against high protection, and the majority increased just as the Republican party, in the person of its candidate in 1884, emphasized the high-tariff doctrine. The farmers of the three States, voting faithfully for high protection with the benevolent purpose of securing high wages to the city trades-union workingmen of New York and Brooklyn, were met and overwhelmed by the workmen themselves, who rejected the proffered boon. Is it possible these workmen can not comprehend what is good for them? The farmers insisted that they should have rich milk, but the workmen replied that it was skimmed before it reached them, and that others got all the cream, and they would have nothing to do with it. If they had really believed that a perpetuation of high war duties was to their interest they would have rolled up their 63,000 majority for the other ticket.

Surely, if workmen in protected industries can be won by the high-tariff doctrine such a result should have appeared four years ago, and the States of New York, New Jersey, and Connecticut been saved to the Republican party. Mr. Blaine was a genial, gifted, attractive, inspiring leader. No advocate could urge high protectionism on workmen with greater vigor and plausibility than he. Nevertheless they rejected his doctrine, increased their majorities against the Republican ticket 8,400 votes, and left the unprotected farmers to champion high protectionism. Is it good policy to nominate a candidate with extreme protectionist views or make a platform calling for a tariff higher than the average sentiment of the party favors? Will not such policies make defeat certain in the doubtful Eastern States? The election returns show that when the Republican party has been defeated in New York, New Jersey, and Connecticut it was owing to the vote of the manufacturing centers, and that just as high-protection doctrines are emphasized the majority against the Republican party in these centers is increased. How much ultra tariffism, then, will be needed in the platform or in the person of the candidate to insure defeat and make certain the loss of the doubtful Eastern States?

During the reading of the foregoing the hammer fell.

Mr. TOWNSHEND was recognized, and yielded his time to Mr. ANDERSON, of Iowa, during which time the reading was concluded as above.

Mr. BRUMM. I wish to amend the amendment of the gentleman from New Jersey by striking out the last word.

The CHAIRMAN. This is an amendment in the second degree already. No other amendment is in order until this amendment is disposed of. The question is upon agreeing to the amendment of the gentleman from New Jersey [Mr. BUCHANAN.]

Mr. BUCHANAN. I would like a vote upon my amendment. It was offered in good faith and for substantial reasons.

The CHAIRMAN. The gentleman from New Jersey desires a vote upon his amendment. The Clerk will report the amendment.

The Clerk reported the amendment.

A vote having been taken, the Chair was in doubt as to the result.

Mr. BUCHANAN. I ask for a division.

The committee divided; and there were—ayes 67, noes 67.

The CHAIRMAN. The amendment is not agreed to.

Mr. BUCHANAN. I ask for tellers.

Mr. BAYNE. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will order tellers, and will appoint the gentleman from New Jersey [Mr. BUCHANAN] and the gentleman from Tennessee [Mr. MCMILLIN], who will please act as tellers.

The committee again divided; and the tellers reported—ayes 68, noes 84.

So the amendment was not agreed to.

The CHAIRMAN. The question recurs upon the amendment submitted by the gentleman from Missouri [Mr. WARNER].

The amendment was not agreed to.

Mr. MCMILLIN. I desire to offer an amendment to come in at the end of this section.

The CHAIRMAN. The gentleman will send it to the Clerk's desk.

The Clerk read the amendment, as follows:

Page 3, after line 40, insert:
"Bags of jute, for grain."

Mr. BRUMM. Mr. Chairman, I desire——

The CHAIRMAN. If the gentleman from Tennessee [Mr. MCMILLIN] does not desire to speak in favor of the amendment, the Chair will recognize any gentleman opposed to it. The gentleman who offers the amendment is entitled to speak if he desires.

Mr. MCMILLIN. This is an immense industry, one that gets little benefit from the tariff, and is taxed much by it. The effect of the amendment is to put on the free-list jute bags, used for grain.

Mr. BRUMM. Mr. Chairman, I came in just as my friend from Iowa [Mr. ANDERSON] was about finishing his remarks and I heard him say the protectionists are constantly asserting that protection resulted in high wages, when, in fact, as to the industries that were protected, the employer received alone the benefit of the protection. It has been time and again proven here, and we assert positively and acknowledge that the protectionists are not any more the friends of the laboring men by reason of being employers than other men are, and that they will get their employés to work as cheap as the free-traders will get theirs; that it is not a matter of love, but it is a matter of square business; it is a matter of dollars and cents. We only claim that by protection we make a demand for labor, and that makes a demand for higher wages. If you will give us a chance to make our own articles the labor will be in demand and the laboring man himself will see to it that his employer gives him his just dues for his work. But it was also stated in the ar-

ticle from the Chicago Tribune that within gunshot of the city of New York the election proved Mr. Cleveland received more votes than Mr. Blaine and more votes than Mr. Garfield. Do the gentlemen forget that when Mr. Cleveland was voted for, the Democratic party had their straddle of 1884, and that they had to send to Pennsylvania for Mr. RANDALL and other Democratic protectionists for the purpose of pulling the wool over the eyes of the men in New York and getting them to believe that when they said free trade they meant protection; for the purpose of hoodwinking voters in New York and around that vicinity?

Mr. COX. We never said "free trade."

Mr. BRUMM. Oh, you may call it by any other name. It smells just as sweet—or otherwise.

Mr. ANDERSON, of Iowa. Will the gentleman yield for a question?

Mr. BRUMM. I have not time. I have promised to yield a portion of my five minutes to the gentleman from New York [Mr. NUTTING].

Mr. NUTTING. Mr. Chairman, I send to the desk and ask to have read some resolutions passed by a meeting of workingmen held at the Cooper Union, New York, on May 8, in regard to the bill under consideration. These resolutions are an answer to the newspaper editorial which has been read here at the request of the gentleman from Iowa [Mr. ANDERSON].

The Clerk read as follows:

WORKINGMEN'S MASS MEETING AT COOPER UNION, MAY 8.

It is significant of the intelligence of the workingmen of New York that they comprehend even better than many who read the Post and Times the bearing of the present tariff agitation upon the labor and industries of the country.

The speeches of the chairman, Breslin, and the others who followed were to the point. Alluding to the cry for the markets of the world, Mr. Breslin said: "It is said that if we will remove the tariff we will have control of the markets of the world—whatever that may mean. How is it that we are to govern the markets of the world? No free-trader will deny that the country in which the remuneration of labor is lowest is the country that will control the markets of the world. Labor is the great point, in comparison with which the cost of raw material and transportation is insignificant. If the country paying the lowest wages is to control the markets of the world, do we want to enter the race?"

Hugh Greenan, of the Cooper Union, said: "The only people who would benefit by free trade are those with fixed salaries. This Mills tariff bill will simply tend to reduce the United States to the condition of a British province. It will be interesting to know just how much of the secret-service money of the British Empire has been used to aid its passage."

Richard Norris, master workman of the Lithographers' National Assembly of the Knights of Labor, said: "The only remedy for American workingmen is to strike at the polls. Trades-union methods are all bosh. You can not squeeze high wages from employers who are not able to pay them. You may force them for a while, but there is bound to be a reaction."

Several other prominent workingmen addressed the meeting, and the following resolutions were then adopted:

The CHAIRMAN. The time of the gentleman has expired.

Mr. NUTTING. I move to strike out the last word.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. NUTTING. I ask unanimous consent that I have five minutes more.

Mr. BLAND. If we are going to debate the pending question on its merits I will not object, but we have had enough politics on this floor, and I do object.

Mr. WHITE, of Indiana. Mr. Chairman——

Mr. ROWELL. Mr. Chairman, I move to amend the amendment by striking out the last word.

The CHAIRMAN. The gentleman from Indiana [Mr. WHITE] is recognized.

Mr. WHITE, of Indiana. I yield my time to the gentleman from New York [Mr. NUTTING].

The CHAIRMAN. The gentleman can yield his time only by unanimous consent.

Mr. NUTTING. Mr. Chairman, I ask unanimous consent that I have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BLAND. I will not object, Mr. Chairman, but I hope we shall have a vote after the gentleman gets through.

Mr. SPINOLA. What paper is that article from?

Mr. NUTTING. These are resolutions passed by a workingmen's meeting held at the hall of the Cooper Union, New York City, on the 8th of May, 1888.

Mr. SPINOLA. I understand it now.

Mr. NUTTING. I ask that the resolutions be read.

The Clerk read as follows:

Whereas the so-called Mills tariff bill, now under discussion in the House of Representatives, by placing on the free-list many articles that come into competition with the products of American labor, and by sweeping reductions in the duties upon others, menaces the ruin of many of our industries, and would, if enacted into a law, entail great loss of employment and widespread suffering among working people; and

Whereas the workingmen of this country have been contemptuously denied a hearing by the majority of the Ways and Means Committee, which framed the bill; and

Whereas it is now apparent to every workingman that the prevailing agitation of the tariff question and the proposed reduction of duties are destroying confidence in business, reducing wages in some occupations, and stopping altogether the wages in others:

Therefore, we, the workingmen of the city of New York, in mass meeting assembled, earnestly protest against the passage of the Mills tariff bill, and against any and all measures of a similar character which threaten the labor and industry of our country and propose to lower the American standard of wages, and do hereby declare and proclaim the following resolutions:

Resolved, That we demand of the Representatives in Congress from this city that they not only vote against this most recent attack on the prosperity of American labor, but that they use their utmost endeavors to secure its defeat.

Resolved, That we protest against a bill which puts raw material on the free-list when that so-called raw material is the product of American labor.

Resolved, That we protest against a bill which would break down the barrier which defends American labor from competition with the pauper labor of Europe and Asia, and aims to reduce our families to the foreign level of cheapness and poverty.

Resolved, That we demand that the internal-revenue war taxes be repealed, and that protection to American labor be maintained and made more effective.

Resolved, That we call upon our fellow-workingmen in all parts of the land to rise up and denounce the Mills tariff bill as a menace to our welfare and to our rights as citizens, which threatens to deprive us of the opportunities of education afforded by the American system of high wages; and we denounce as a fraud the free-trade argument that the cost of living in this country is increased in proportion to the rates of duty on imports, except as we choose and are able to live better here than our unfortunate rivals in foreign countries.

Resolved, That copies of these resolutions be sent to the President and to every member of Congress.

Mr. NUTTING. Mr. Chairman, the article which was read a while ago at the request of the gentleman from Iowa [Mr. ANDERSON] referred to the 1,000 or 1,200 majority which Grover Cleveland obtained over Mr. Blaine in the State of New York in the last Presidential election. The gentleman had forgotten, and probably the man who wrote that article had forgotten, that two years before that election Grover Cleveland ran for governor of the State of New York on the Democratic ticket and received a majority of 192,000. That was at a time when only State issues were in the balance; but when the Presidential election came on and the mere rumor existed—the mere rumor—that possibly the industries of the country might be injured or endangered by the election of Cleveland, because he was not sound on the tariff issue, his majority was cut down from 192,000 to less than 1,200; and I tell gentlemen here that when the next Presidential election comes on, these very people that they call the "tin-pail brigade" will cut down his majority not only in the State of New York but throughout the country, so that he will have no majority in the United States, and that result will come about because of the votes of the laboring classes of this country. [Applause on the Republican side.]

The laboring men in the State of New York, six hundred thousand or more in number, and the farmers in the State of New York, four hundred thousand in number, are not in favor of the Mills bill, and they will be heard on election day this fall in a way that will emphasize this statement.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. SPINOLA. I move to strike out the last word. In answer to my colleague from New York [Mr. NUTTING], and the reference he has made to the overwhelming majority which Mr. Cleveland received when he was a candidate for governor of that State, I wish to say that that was owing to trouble in the Republican party, whereby two hundred thousand Republicans refrained from going to the polls to vote at that election. I will state further to the gentleman from New York, and to one or two others who have this morning made reference to the city of New York and its politics, that the majority for Grover Cleveland in the city of New York in the election which made him President of the United States was reduced because the Republican party came out to a man in that election and voted, and also because Jay Gould contributed $100,000 to the corruption fund three days before the election took place. [Derisive laughter on the Republican side.] A clean hundred thousand dollars was distributed through Johnny O'Brien, Bob McCord, and the other Republican leaders of that city for the purpose of corrupting the ballot-box, and to a certain extent it had that effect.

Mr. BRUMM. Why did not your governor sign a bill to prevent corruption?

Mr. SPINOLA. I will answer that, too. I want to tell you right here that there is no place in the United States where elections are as fairly conducted as they are in the city of New York. The bill about which the gentleman has asked me was a bill brought from Van Dieman's Land by a few disgruntled Republicans, one of them being the man whom I defeated as a candidate for a seat in this House.

Mr. WEBER. And it was indorsed by the United Labor party of New York.

Mr. SPINOLA. The "United Labor party" was the same kind of men that passed the resolutions which have been read—"bogus" laboring men and workingmen.

Mr. WEBER. It had Henry George at the head of it.

Mr. SPINOLA. Henry George was one of the men who opposed my election; he and all his so-called "labor" elements were brought to bear against me and in favor of Thorndyke Rice. And Thorndyke Rice is the father of the bill which Governor Hill vetoed a day or two ago.

Mr. WEBER. Well, it is a good bill.

Mr. SPINOLA. I am glad you think so, but it will never become a law in that State.

Mr. WEBER. It will become a law after we elect a Republican governor this fall.

Several MEMBERS on the Democratic side. You will not do that.

Mr. SPINOLA. Let me tell you right there that you have not a man in the Republican party who can defeat David B. Hill for governor

of that State; neither can you nominate for the presidency any man of the Republican party who can carry the election over Grover Cleveland in November next.

Mr. WEBER. We will try it.

Mr. NUTTING. Will the gentleman answer a question?

Mr. SPINOLA. Certainly; I presume it is on politics; and that is my religion to some extent. [Laughter.]

Mr. NUTTING. Will the gentleman tell me whether he does not know there are 600,000 workingmen in the State of New York—men who live by their labor—400,000 of them in the cities of New York and Brooklyn?

Mr. SPINOLA. Yes; and they vote the Democratic ticket (applause on the Democratic side), and are going to continue to vote it. I want to make a prediction—not a prophecy, but an absolute prediction. The city of New York, in November next, will roll up 60,000 majority for the Democratic ticket, not 40,000 as it did four years ago.

Mr. NUTTING. You said you would answer my question. Now do so. I want to put you on the record.

Mr. SPINOLA. What do you want me to answer?

Mr. NUTTING. Do you give it as your opinion on the floor of this House that those 600,000 workingmen, who last year were paid more than $200,000,000 by the industries of that State, are in favor of the Mills bill?

Mr. SPINOLA. Let me answer that question——

Mr. NUTTING. Do you say they are?

Mr. SPINOLA. Let me answer; do not answer for me. Those workingmen who earned the $200,000,000 that you talk about, know their business better than you do, and know how to vote better than you can tell them.

Mr. NUTTING. Do you say that they are to-day in favor of the Mills bill?

Mr. SPINOLA. Representatives on this floor of the labor organizations of the country are voting for the Mills bill, as you term it.

Mr. NUTTING. But those workingmen, as they declare in their resolution, do not approve those votes.

Mr. SPINOLA. A pretty sort of workingmen they are! I was at that meeting. You could almost count those in attendance on the fingers of your two hands. About twenty men assembled there, sent there by the Republican committee and nobody else.

Mr. NUTTING. Now answer my question, so that you will be on record. Do you say it is your opinion that the laboring men in the State of New York—the 600,000 to whom I have referred—are in favor of the provisions of the Mills bill?

Mr. SPINOLA. How many of those men are protected——

Mr. NUTTING. Answer the question.

Mr. SPINOLA. Now ask your question over again, if you please. [Laughter.]

Mr. NUTTING. Do you say it is your opinion and belief that the 600,000 people in the State of New York who work for wages in the industries to which I have referred are, as a whole or as a majority, in favor of the passage of the Mills bill?

Mr. SPINOLA. A majority of them are in favor of reducing taxation, and will vote the Democratic ticket. [Derisive laughter on the Republican side.]

Mr. NUTTING. Answer my question, if you can.

Mr. SPINOLA. Mr. Chairman, I claim to be as familiar with the workingmen as my friend is, and a great deal more so. I know what their views are, and my friend does not. That is the difference between him and me.

Mr. BRUMM. Then it ought to be so much easier for you to answer the question.

Mr. SPINOLA. I have answered it.

Mr. BRUMM. No, you have not.

Mr. SPINOLA. I say that those workingmen to whom the gentleman has referred will vote the Democratic ticket this fall, so as to reduce taxation. That is an answer to his question.

Mr. BRUMM. No, sir; his question is whether those workingmen are in favor of the provisions of the Mills bill.

Mr. SPINOLA. Yes, yes——

Mr. BRUMM. Now we have got the answer at last.

Mr. SPINOLA. A majority of them——

[Here the hammer fell.]

Mr. BRUMM. I hope the gentleman's time will be extended.

Mr. SPINOLA. I trust so; I have not commenced yet. [Laughter.]

Mr. BRUMM. I ask unanimous consent that the time of the gentleman from New York be extended.

Mr. BLAND. I ask by unanimous consent, Mr. Chairman, that we may have a vote.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BRUMM] moved by unanimous consent that the gentleman from New York [Mr. SPINOLA] be allowed to proceed with his remarks for five minutes longer, if he so desired.

Mr. BLAND. I do not wish to interfere with anybody on this floor who desires to address remarks pertinent to the amendment under consideration, but we should have some votes and some progress in the consideration of the pending bill. We have been engaged in discussions day after day, and it is about time we should vote.

Mr. DINGLEY. Mr. Chairman, I desire to submit a few remarks on the subject now before the committee, because it is one of exceeding importance. Thus far it has been proclaimed, by those who favor this bill, to be their purpose to place materials of manufacture on the free-list, but at the same time to give some protection to the manufactured product. The gentleman from Tennessee [Mr. MCMILLIN], in behalf of the Committee on Ways and Means, now proposes to place a complete manufactured product on the free-list, to wit: Grain bags made of jute. But bags may be made not only of jute, but of cotton, and it makes no difference of which material they are made so far as the consumer is concerned. So, if grain bags made of jute are to be made free of duty, then you would practically open to free importation into this country all bags which may be entered for consumption. When bags made of jute can be imported free of duty, inasmuch as jute bags may be used instead of cotton bags, the practical effect is the same as though bags made of either jute or cotton should be admitted free of duty. It will be impossible to manufacture bags out of cotton in this country, and this large industry will be practically destroyed, for our people can not go on making bags which may be brought into free competition with those imported free of duty. These bags made in foreign countries are produced by the use of the cheapest labor. In India they are manufactured by cooly labor at the very low price of a few cents a day.

There are to-day large manufacturing establishments producing bagging made of jute as well as of cotton, and the proposition, I repeat, is to admit similar bags free of duty, to come immediately into competition with bags made by our higher paid labor. The inevitable effect of this will be to destroy this industry in the first place, and, secondly, to prevent the use of cotton waste and cotton of inferior grades now used in the production of these bags.

I ask gentlemen who propose to place upon the free-list a complete manufactured product, where this thing is to end when once begun? I call their attention to the fact that in presenting this bill they proclaimed they did not intend to destroy or even to injure any manufacturing industry, but to leave a sufficient duty to cover the difference in cost of labor here and in foreign countries. But here we have a proposition to place a complete product on the free-list without any protection for the labor which may be used in its manufacture.

Mr. MCMILLIN. Will the gentleman let me ask him a question?

Mr. DINGLEY. Certainly.

Mr. MCMILLIN. Has not the gentleman from Maine been in favo of putting sugar upon the free-list?

Mr. DINGLEY. Only with a bounty to go with it. Sugar to-day has 82 per cent. of protection and the gentleman's bill proposes to give 68 per cent. I favor a proposition to reduce the duty to 40 per cent., which is the average protection given to manufacturers, or free sugar with a bounty to the producer. But here is a provision to compel those laborers who work in bagging mills to pay this 68 per cent. duty on sugar to use as food and to compel them to labor in the manufacture of these bags in free competition with the coolies of Calcutta.

I ask you, Mr. Chairman and gentlemen, whether a proposition of this kind is worthy of the support of this House. I ask gentlemen who have said all along they did not propose to destroy any industry if this is in accordance with their promises.

If these bags are to be allowed to be imported free of duty when the importer represents that they are to be used for grain, the custom-houses would be unable to follow up the imports and see that they are used for that object, and the practical effect would be to allow the import free of duty of bags for all uses.

The bill also proposes to place imported lime on the free-list, notwithstanding lime is the completed product of a manufacturing industry which in 1880 gave employment to 6,000 men, paid $1,579,313 in wages, and produced lime valued in the markets at $5,772,318. The duty on lime is only 10 per cent. ad valorem, which was intended to give a protection of at least 10 cents per cask, but which, by a ruling of the Treasury Department which excludes the cost of the cask from the estimate of the value, and by systematic undervaluation, has been so reduced that the importation of Canadian lime is rapidly increasing—increasing from the fact that the labor employed in this industry in Maine, for example, receives $2 per day, in Canada receives only $1.25 per day, and from the further fact that the duty has practically been reduced in the way which I have indicated.

Now, in this situation, when in 1886 82,855 casks of Canadian lime were imported, and in 1887, 132,239 casks imported—and the present year will rise to a much larger volume—it is proposed by this bill to place lime on the free-list. Can there be any doubt that such action would do one of two things, either destroy lime manufacturing in this country, or compel the reduction of wages in the industry to the Canadian standard?

The injustice of this proposition to place lime on the free-list is made manifest when it is borne in mind that this bill retains a duty of 26 per cent. on bituminous coal, which is used in the burning of lime; a duty of 68 per cent. on the sugar and 100 per cent. on the rice which the laborers in this industry are compelled to buy for food. Will gentlemen give any explanation of such discrimination?

Instead of striking down the lime-manufacturing industry by placing imported Canadian lime on the free-list, a due regard for the men engaged in this industry demands that the small ad valorem duty, which

nas been largely lost by the causes to which I adverted, should give place to a specific duty of 15 cents, or at least 10 cents per cask.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted on the pending amendment, and if there is no objection the formal amendment will be considered as withdrawn.

Mr. WHITE, of Indiana. I move to strike out the last word. Mr. Chairman, the manufacture of bags out of burlaps may be in its infancy, but the manufacture of bags out of cotton is not in its infancy. It has grown into great proportions in this country. Those bags are used for the purpose of shipping flour, instead of bags made of burlaps, and this industry has been established in many of our States, and, as I have said, has grown into large proportions.

Now what will be the effect of permitting these goods to come in free? The effect will simply be this: that our millers in this country, instead of buying home-made cotton sacks, will buy these foreign jute sacks to ship their grain in, and in consequence of that fact it will be the death-blow to this industry in the United States. There is no excuse for putting this on the free-list whatever, not even the same excuse that was alleged in favor of lumber and salt, and certainly there was not much for doing that. But the bad effect here is much greater than in the case of lumber and salt; for in those commodities it was neutralized to a considerable extent in consequence of the great bulk and cost of transportation. They will not bear shipment to any considerable distance in consequence of their bulk, weight, and the necessary transportation charges. But that is not the case with jute bagging. That can be landed in New York City from England, or from Scotland, or from India, and shipped clear through to Chicago for one-eighth or one-fourth of a cent a pound. Again, in consequence of the cheap labor of Europe, and more particularly of India, this industry in the United States will be crushed out of existence, and can not be pursued longer. You might just as well take the duty off of calico and permit it to come in free and expect to find a thriving industry.

This, Mr. Chairman, is a manufactured article. It is not a free raw material in any sense of the word, but is a manufactured product; and besides there is no use in admitting it on the ground that the duties collected on it are large, and therefore that this reduction will help to decrease the revenues.

The amount imported is of little consequence, and the duties collected are inconsiderable. That excuse, then, does not have any weight, and hence this provision should be abandoned by the committee if they have any regard at all for the wages of those engaged in this industry. It will not help the people of this country at all. It will, I admit, help the millers to some extent. In place of being, as now, compelled to pay at the rate of about 20 cents a barrel for their bagging, they would probably get it from India or European manufacturers at 15 cents a barrel, and they are the only people who would be benefited. The great body of the public in place of being benefited would be injured by destroying this industry, the destruction of which would afford relief to nobody except a few favored individuals if the bill goes into effect. I hope this committee will, therefore, withdraw the proposed insertion here as a part of this bill, and permit it to go through without the incorporation of such a useless modification as that.

[Here the hammer fell.]

Mr. GALLINGER. Mr. Chairman, I regret very much that my colleague [Mr. MCKINNEY], who is a Democrat, is absent from the city at this time, for, notwithstanding some Democrats on this floor have told me that he has expressed himself in favor of this amendment, I feel sure that were he present he would esteem it not only a privilege but a duty to oppose it, as it threatens to destroy an important industry in the district which he represents. Incomprehensible as it is to me, I am free to say that my colleague is in favor of the Mills bill as a whole, for he has so stated on this floor, but of course he could not have anticipated that an amendment of this character would be offered to the bill in his absence, and while he is paired with a gentleman who would vote against it—an amendment which so greatly changes the bill to the detriment of his own district.

In my own district there is, so far as I know, no industry that this amendment, if adopted, will harm, but in the district represented by my colleague there is a very large industry that in my judgment will be greatly injured by the proposed legislation. A very large amount of capital has been invested in the city of Manchester in the manufacture of jute bagging, employing many people. The capitalists who have gone into the business have invested their money, in the reasonable expectation that the tariff duty would be permitted to remain as it is.

I submit, therefore, that if this amendment be adopted it will work a great hardship, not only to the manufacturers, but also to a large class of industrious persons employed in the industry. If the duty be taken off, the manufacture of this commodity will be placed in the hands of foreign manufacturers, and will especially be passed over to the tender mercies of the pauper labor of Calcutta, where the industry thrives to-day notwithstanding our existing tariff laws. Therefore, in the interest of the manufacturers as well as of the laboring men of my State who are employed in this business, in the interest of a very large industry that has a right to ask protection at the hands of the gentlemen who compose the Fiftieth Congress, I enter my protest against the adoption of the amendment, and trust that our Democratic friends, who compose a majority of this House, will see that it is not good legislation, that it is not a wise or just policy to bring in an amendment at this time which has had no consideration before the present hour, and the adoption of which will strike a death-blow to a large and increasing interest in New England and other of the great States of this Union.

Mr. Chairman, I do not care to unnecessarily take up the time of the committee, and will therefore content myself with the expression of the hope that the amendment may be voted down, and that we may have some help from the Democratic side of the House in so doing, although the progress of this debate gives little encouragement for hope in that direction. It is another blow aimed at Northern industries, another Democratic attack upon New England capital and thrift, and whether my colleague, if here, should vote for or against the amendment, I certainly shall cast my vote in a way that will tend to protect the industries of his district from the despoiling hand of the free-trade Democracy who control the present Congress.

The CHAIRMAN. The Chair will assume the *pro forma* amendment as withdrawn.

Mr. BIGGS. I renew it.

I am very much surprised at the range that this discussion has taken. Gentlemen have discussed the jute clause of the bill as if they were thoroughly posted upon the subject, and I am satisfied that if the truth were known they do not know what a jute grain-bag is. [Laughter.] I make the assertion here now that gentlemen here on this floor, who preceded me in this discussion, can not tell me what constitutes a jute grain-sack, and I pause in my time for any one of them to tell me what a regular jute grain-sack is.

Mr. DINGLEY. I can tell the gentleman that I have seen these sacks manufactured in my own district and pretend to know something about them.

Mr. BIGGS. What are the dimensions of a jute grain-sack?

Mr. DINGLEY. They are made of different dimensions, just the same as the cotton grain-sacks are.

Mr. BIGGS. Then give me the dimensions of the jute grain-sack that comes here and pays a high duty. I can tell the gentleman that he does not know.

Mr. DINGLEY. They are of the ordinary dimensions that grain-bags are made in this country.

Mr. WHITE, of Indiana. Two-bushel sacks.

Mr. BIGGS. No, sir. They are 22 by 36 inches, and that constitutes a regular jute grain-sack, and the bran-sack is 36 by 44.

Mr. DINGLEY. They are the size of the ordinary grain-sacks manufactured throughout the country.

Mr. WHITE, of Indiana. And I sell them right along.

Mr. BIGGS. Tell me it will destroy a great industry! There is no jute grown in the United States to amount to anything.

Mr. DINGLEY. But it is manufactured.

Mr. BIGGS. It is manufactured in the penitentiary at San Quentin, in my State. More is manufactured in that penitentiary than anywhere else on the Pacific Slope. I am perfectly astonished that men who say they want to protect the poor tenants yet propose to put this burden upon them. Gentlemen, I thought you were more liberal toward the working classes. I am a workingman myself. I have rented ground for years and years, and have had to use and pay for these sacks. What do I get for the sacks? About a cent and a quarter. There is not a pound of grain; there is not a pound of oats; there is not a pound of barley, corn, wheat, nor vegetables but what has to be put into these sacks before marketing on the Pacific coast.

Gentlemen, I do hope you will not strike this blow at us. There is my friend from Oregon [Mr. HERMANN], elected by one of the largest majorities ever given in his State. They want free grain-sacks, and all the voters came in and supported him to a man, irrespective of party. He is a friend of the laboring man. He is a laboring man himself. I hope you will not take this action. I say without fear of successful contradiction that if this amendment is defeated it will be the worst blow ever struck against the laboring classes of the Pacific Slope. There is no question about it. I do hope my friends on the other side will vote with me. Vote with me as I did the other day with you, when you brought in an amendment on the Chinese question. Come and vote with me on this question, and it will do you good.

Mr. JOHNSTON, of Indiana. I rise to a parliamentary inquiry. I understand this amendment is offered by the gentleman from Tennessee [Mr. MCMILLIN]. I would like to inquire whether it is in order to permit a committee that has voted for the Mills bill to amend it after the St. Louis convention has indorsed the bill? Whether it will not necessitate the calling of a new convention to indorse the bill after it is amended by the Democratic majority?

The CHAIRMAN. The Chair thinks the gentleman can answer the question himself.

Mr. MCMILLIN. Let us answer it by voting on the question.

Mr. ROWELL. Mr. Chairman, I want to read a little extract from high political authority:

The necessary reduction in taxation must be effected without depriving

American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

That was the enunciation of the Democratic convention which assembled four years ago.

Mr. OUTHWAITE. And we enunciate it again.

Mr. ROWELL. That was the enunciation of the Democratic convention which assembled a few days ago, modified, however, by appointing an interpreter, so that black may mean white and white may mean black, according to the necessities of the occasion.

Nevertheless a bill is presented here and amendments are presented here to place upon the free-list articles manufactured both in this country and abroad, manufactured here by high-priced labor and abroad by the very lowest of low-priced labor; and according to the interpretation of the language which recognizes the fact that a tariff affects the wage-earner we are to have this sort of manufacturing industry blotted out of existence. I only read this to call the attention of my friend from Iowa [Mr. ANDERSON] to the fact that the Democratic party went before those laborers of New York four years ago and declared that in all revision of taxing legislation the laborer should be protected to the full extent of the difference between wages in this country and wages abroad. He is publicly rewarded for the vote he gave upon that pledge by a blow all along the line, not alone to manufacturing industries, but to the farmers as well.

Mr. Chairman, it is a favorite charge of gentlemen on the other side of this House that the Republican party is the defender of trusts and the money power; and yet for twenty years every Democratic candidate for the Presidency has been selected from the State of New York with express reference to securing the influence of the money power. The present Administration in every distinctive executive act or recommendation has abandoned to its fate the great West in the interest of monopolies, trusts, and the money power. In the construction of the Cabinet two of the Cabinet ministers were taken from this same great home of trusts and money influence.

Within 20 miles of Tammany Hall resides the vote upon which the Democracy depends for success. It is a vote more notoriously controlled by moneyed influences than any other vote anywhere in the United States. Every distinctive act of this Administration has been in the interest of that moneyed power and for the purpose of securing its influence. In the attempt to demonetize silver, in the attempt to blot out of existence our greenback currency, in withholding for more than ten months the call for bonds and allowing the money to accumulate in the Treasury, in finding some objection to a law which nobody else ever disputed and thereby preventing the purchase of bonds, in depositing sixty millions of currency in the national banks——

[Here the hammer fell.]

Mr. ROWELL. I would like a little more——

The CHAIRMAN. The time of the gentleman has expired.

[Cries of "Vote!"]

Mr. ANDERSON, of Iowa. I ask unanimous consent that the time of the gentleman be extended for five minutes.

Mr. BUCKALEW. I object.

Mr. BLAND. I hope no objection will be made, but I hope that after the gentleman gets through we shall have a vote.

The CHAIRMAN. Debate on the pending amendment is exhausted. If there be no objection, the Chair will regard the formal amendment as withdrawn.

Mr. THOMPSON, of California. Mr. Chairman, I renew the amendment. I desire, in the interest of the great grain-producing States of the Pacific coast, Oregon and California especially, to advocate the adoption of this amendment. The amendment as it reads is "bags of jute for grain." Now, Mr. Chairman, I do not think that bags made of jute for grain will come in competition with any of the manufacturers of the East. They do not make bags for grain here. These jute grain-bags are imported from Calcutta. Our farmers can not afford to buy them here and ship them. This amendment is in the interest of the grain-producing people of the Pacific coast, and I hope that it will be adopted, and, as I have said, I do not believe it will interfere with the cotton-bag manufacturers of the East. I withdraw the formal amendment.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, in reply to what the gentleman from California [Mr. THOMPSON] has just said, I wish to say that I think he is under a misapprehension with regard to the manufacture of grain-bags in the Eastern portion of the country. In connection with his statement I wish to read a brief extract from a letter which I have received from Messrs. John T. Bailey & Co., of Philadelphia. These gentlemen write:

Burlaps are woven or manufactured from jute in Dundee, Scotland, and Calcutta, imported in large quantities to this country and manufactured into bags for all known purposes—fertilizers, wheat, corn, bran, peanuts, flour, meal, ice, rice, wool, hair, ore, etc.—paying a duty of 30 per cent. ad valorem. Foreign-made bags from the same material coming into this country pay a duty of 40 per cent. This difference of 10 per cent. is what enables the industry to be carried on in this country. Take away this difference and the bags for all the products just enumerated would be made in Dundee and Calcutta, where labor is much cheaper; Dundee wages for such work being about two-thirds less than ours, while labor in Calcuttais a mere trifle.

Mr. Chairman, it seems to be very clear that this amendment will affect this important industry, which, of course, like all other legitimate American industries, ought to be properly protected.

Mr. DINGLEY. After the bags are imported they may be used for any purpose. You can not trace them.

Mr. O'NEILL, of Pennsylvania. As the gentleman from Maine says, after the bags are imported they may be used for grain or any other purpose. Now, if these foreign-made bags are put upon the free-list this American industry will be put in competition with the low labor of Scotland and of Calcutta, the cost of labor in the latter place being so low as to be almost inappreciable. I rose simply for the purpose of saying that in my judgment the gentleman from California [Mr. THOMPSON] was laboring under a misapprehension when he said that jute was not manufactured into bags for grain in this country. The gentlemen from whose letter I have read an extract have a very extensive plant, which has cost a large amount of money, and they employ some six hundred hands. There is also another establishment in Baltimore, in which they are joint owners, employing a large number of hands. I am satisfied that the statements contained in their letter to me are correct, and I am glad to lay them before this committee and thereby to correct the statement of the gentleman from California.

Mr. THOMPSON, of California. Mr. Chairman, from the best information that I have been able to obtain, the bags which are used by the wheat-growers of California are not made in this country. They are brought from Calcutta, and about two-thirds of the importations are through the San Francisco custom-house. We are manufacturing bags in the State prison, to what extent I do not know exactly. Free jute may encourage the manufacture of bags on the Pacific coast—I do not know whether it will or not, but if it does, it will be for the benefit of the wheat-growers of that coast.

Mr. MORROW. Can my colleague tell how many bags are manufactured at the State prison?

Mr. BIGGS. Fifteen thousand a day is the largest number.

Mr. MORROW. How many are manufactured at the Oakland factory?

Mr. BIGGS. Not many now.

Mr. MORROW. They manufacture a good many, I think.

Mr. BIGGS. I do not know.

The CHAIRMAN. If there be no objection, the Chair will regard the formal amendment as withdrawn.

Mr. MCKENNA. Mr. Chairman, I move to strike out the last word. The other day when my colleague [Mr. BIGGS] asked me whether I was in favor of free bags, I replied that if they could be manufactured in this country I was not, but if they could not be manufactured here I was. I further said that I did not mean by "manufactured in this country" manufactured in the State prisons, for on that proposition I have very definite ideas. I do not think that anything should be manufactured in the prisons which can be or is made out of them. Penal institutions should be supported by the States and not put into competition with the labor of the country. As to the amendment of the committee, I believe with my colleagues [Mr. BIGGS and Mr. THOMPSON] that free grain-sacks may be an advantage to the farmers of California, but I think only a temporary advantage.

But, sir, I am a protectionist. I am a protectionist everywhere that the principle of protection applies. I believe as Edmund Burke said about liberty: that protection is the clear right of all industries or of none. My doctrine, sir, now comes to face me. A vote on this proposition—a vote against the amendment of the committee may be unpopular. If it have all the effect my colleague predicted, the effect to reverse the majority in my district, I could not hesitate.

Sir, I should be ashamed of myself, I could hardly get back my self-respect, if I should stand here and vote for this principle as applicable to other industries and other States, and not vote for it as applicable to my own State; therefore I shall not vote for the amendment. The farmers of my district, if they are protectionists, will take the fat and the lean of protection; they will take it in its fullest extent, as it operates generally through the country, whether in particular instances its effect be good or bad. If it should be evil for them particularly, they will endure that evil in view of the greater benefit which comes to the country generally and to them as citizens of the country—a prosperous country. But there can come no evil to the farmers by or through protection universally applied; besides, it is disputable if free sacks will lessen the price to the farmer.

I have thought it necessary to make these few remarks to explain the vote which I shall cast on this proposition, so that my constituents may know distinctly how I stand on protection as a principle, and that I do not shirk from applying it wherever I think it is properly applicable.

Mr. BUCHANAN. Mr. Chairman, I rise to oppose the formal amendment. The substantial amendment pending is to insert on the free-list the words "bagging of jute for grain." Now, sir, jute bags, if allowed to come in free, will come in competition with bags for grain made of other materials by American manufacturers and American workmen. The manufacture of jute bags is carried on in three ways: first, by the convict labor of California and perhaps other States; second, by the cooly labor of Calcutta and the cheaper-than-American labor of Dundee; and third, by the manufacturers of the Eastern States. Now, we have already our competition with convict labor; we have our com-

petition with cooly labor, offset to some extent by protection; but by this amendment you propose to remove that. There is one thing in connection with this cooly labor which the Committee of the Whole ought to know before voting on this amendment: These manufacturers of the East Indies are in a combination to maintain prices. Yet it is coolly proposed, after all we have heard on this floor against these combinations and trusts, to throw wide open the doors of the American market to the combination or trust of Calcutta. I do not like a trust anywhere; and I do not like it any better in India than in the United States.

I have here a letter and a memorial which state the exact facts with reference to this question of bagging. As will be seen by these documents, the manufacturers propose, if jute itself be placed upon the free-list, to acquiesce in a reduced rate of duty for the manufactured article; but if this bagging is to be put upon the free-list, I know one manufactory at least in my State that will be unable to continue its business. The facts and the figures as to why this result will be necessitated are contained in these papers, which I incorporate in my remarks:

ST. LOUIS, MO., *April* 10, 1888.

DEAR SIR: The existing duties on raw jute and the product known as bagging for cotton baling has enabled American manufacturers to produce the supply necessary for the American market. The tariff on jute butts is about one-fourth of 1 cent per pound, and on manufactured bagging 3 cents per yard, or 1½ cents per pound on 2-pound bagging. The requirements of the average American cotton crop are 45,000,000 yards maximum. The capacity of the American factories is about 75,000,000 yards, and as the product is not used for any other purpose, the excess of productive capacity over the possible consumptive demand is about 25,000,000 yards. Every yard of excess is, therefore, an active competitor in the market with every other yard of this product.

Although the present tariff on bagging is practically prohibitive of importation from England, Scotland, and India, yet the home competitions have become sufficiently sharp to reduce the manufacturer's price from 11 cents per yard for 2-pound bagging in 1883 and prior thereto down to 7 cents in 1887, and as low as 6¼ cents in 1888, delivered at points 1,000 miles distant from factories. The reductions in the manufacturer's prices have been constant each year for the last fifteen years until the percentage of profit has reached an extreme low limit, and, indeed, *nil* at the present time.

It is therefore conclusively apparent that in this industry a tariff which has enabled American manufacturers to establish and perfect bagging plants has largely and permanently diminished instead of increasing the cost to the consumers, precisely the same result as in the case of plate-glass and other noble American industries.

The bagging manufacturers of the State of Missouri and the city of St. Louis have established five factories, at a cost of about $1,000,000. The three factories in St. Louis employ nearly one thousand operatives, who with their families constitute nearly four thousand people dependent upon them in the main for support. This is a sort of professional labor. It requires skill and long practice. The people thus employed generally make it a life pursuit. They are paid liberal wages and are contented and happy. In cases of sickness or accident they are cared for by the best of professional skill, and every endeavor is used to create and maintain the relations of mutual regard. We have never had a strike or disturbance in our establishment. I believe that the St. Louis factories are a fair sample of those in South Carolina, Louisiana, Georgia, New York, Illinois, and Indiana, and others.

The wages paid to American bagging operatives are more than twice those which are paid to similar operatives in Dundee, and more than five times those paid to similar operatives in Calcutta, India. For example: English batchers receive $3.40 per week and less; American batchers, $9. English spinners $2.50 and less; American spinners, $6. English weavers $3.50 and less; American weavers, $9. English adults, superior grades, skilled, $9; American, $22. English average of all hands, young and old, $2.85; American, $7.50. The low level of East Indian labor at Calcutta is unworthy of even a comparison with the American wage scale. A large percentage of American employés are young girls and boys who are compelled from the necessities of life to work for a living and aid in the support of their families. They are surrounded by a clean moral atmosphere. The employment is light and agreeable. They learn a trade which makes them independent, and in seven years we have never learned of but one case of a going "to the bad."

The relations of the consumers of bagging to the tariff are simply a matter of experience. The fact is, that the diminution of price to consumers is largely in excess of the diminution of the cost of raw material. The relations of American manufacturers of bagging to the tariff are simply a matter of mathematics. A comparison of the elements which enter into the cost of foreign and home bagging shows that if the discount interest current in American cities could be reduced to foreign rates, and if the wages of American labor could be lowered to the level of Dundee or Calcutta, American manufacturers would have but little need of a protective tariff. Of course the former is impossible in the nature of things, and as to the latter I am of opinion that American wage-workers will never submit to a depression down to the levels of foreign labor. Nor would any intelligent American employer ever desire such a thing to come to pass in this country, even if it were possible. Whether regarded in an economic, social, or moral view, it would be an infinite evil to our beloved country.

* * * * * * *

I submit that this provision would in no wise diminish the cost of bagging to consumers. Past experience has shown that every imported staple not made in this country has been subjected to monopoly control, either at the points of shipment or consignment, under which control the selling price has been fixed with reference to excessive profit and not at all to beneficence. There exists at this time a combination among the East Indian manufacturers by which prices in different foreign countries are raised or lowered, not with reference to the cost of the product, but solely with reference to the conditions at the points of consignment, thus making one country pay any margins of loss or lessened profit accruing in another. If the tariff is taken off raw jute, bagging can stand a reduction from the present duty of 3 cents down to 2 cents per yard. If lowered below that limit the capital invested would have no encouragement to remain in the business, for the reason that this country would become the dumping ground of foreign surplus stocks, creating uncertainties alike injurious to producers and consumers. Any reduction below 1½ cents per yard is actual free trade so far as we are concerned, destructive to us without any corresponding benefit to consumers. Why destroy an American industry, with its American capital and American labor? The Treasury surplus receives no enlargement from it, nor is the cost of the product increased to consumers by reason of its existence. In proportion to its magnitude it increases the public wealth and prosperity, and it constitutes one of the many diversified industries which have followed upon a wise public policy.

Very respectfully, your obedient servant, CHAS. E. PEARCE,
Secretary Standard Mills Bagging Company.

Hon. J. BUCHANAN.

Memorial of the manufacturers of bagging in the United States.

The present tariff on bagging for covering cotton is 1½ cents per pound, equal to 3 cents per yard on 2-pound bagging.

Under this protection about 25 mills have been established in this country, situated in the following States: Massachusetts, Connecticut, New York, New Jersey, Illinois, Indiana, Ohio, Missouri, Kentucky, Virginia, Georgia, South Carolina, Alabama, Louisiana, and Texas.

The machinery used in this industry is made in England, especially for bagging manufacture, and has paid an average duty of 40 per cent.

The cloth manufactured by these mills is used exclusively for the covering of the American cotton crop, and can not be sold for any other purpose, nor can the machinery be made available in any other way.

No cotton bagging is imported, therefore no revenue has been received by the Government from this source, and the surplus is in no way decreased by reducing the duty on bagging.

A large proportion of the 50,000,000 yards of bagging needed to cover the cotton crop each year has to be made and carried by the manufacturer from six to eight months before it is required by the planter for actual use, the period of distribution being confined to about three months in the year when the cotton crop is being gathered.

Although there is no bagging of like quality made anywhere else at present, there are large jute mills, both in Dundee and Calcutta, whose machinery could easily be adapted to make this cloth.

Calcutta has extra advantages in the fact that her mill-owners are not only supplied with the latest improved machinery, but run their factories with cooly labor, which is notoriously the cheapest in the world, and the raw material used (jute butts) grows at their very doors. Moreover they all belong to one of the strongest combinations in the world, and control by their united action the price of their product and the amount of production.

The Calcutta mills have an annual capacity of more than 350,000,000 yards, and by order of their association are now running but five days in the week in order to reduce their production to the actual requirements of the countries to which their cloth is at present exported, thus enabling them to obtain high prices.

Their machinery if operated one-half day more in the week would produce enough cloth to cover the American cotton crop, and were this market thrown open to them, the bagging required in this country would doubtless be sold at very low prices until all American competition was destroyed, when prices could be rearranged to suit the views of the Indian Jute Manufacturers' Association.

Without a reasonable protection no American manufacturer could afford to make bagging so long in advance as is necessary, for without such protection he would be subject to large importations of bagging from abroad just at the time of year his sales should take place and the distribution of his bagging commence.

Previous to the establishment of this industry in America, the covering for the cotton crop was imported from the East Indies and was known as gunny cloth. This sold at not less than 12 cents per yard, and sometimes as high as 18 and 20 cents.

Notwithstanding the protection which the mills in this country have received, and which has excluded foreign-made cloth from our market, competition between the home mills has reduced the price of bagging to about one-half of the price formerly paid for the imported cloth.

The President in his message and the Democratic party in all the announcements of their principles have stated distinctly that the policy of their party would be not to destroy any industry already established under the existing tariff laws, but in placing the raw material on the free-list to make a corresponding reduction in the manufactured article, thereby lowering the price to the consumer while leaving the manufacturers uninjured.

In view of these facts the manufacturers of bagging would respectfully ask that they be treated with the same consideration extended to other manufacturing industries in the United States.

In placing jute butts on the free-list, as provided in the present bill, a reduction will be made in the cost of the raw material used by us of $5 per ton, or a little less than one-fourth of a cent per pound.

The present duty on the manufactured article is 1½ cents per pound, equal to 3 cents per yard for 2-pound bagging, which is the average weight used, and if this duty were made 1 cent per pound, equal to 2 cents per yard, it would be a reduction of ¼ cent per pound, or more than double the reduction effected in the raw material, and would enable the home manufacturers to maintain this industry as against foreign capital and cooly labor.

For reasons given above the manufacturers of bagging in the United States would respectfully ask that the following be adopted as an amendment to the clause in the present bill relating to the duty on bagging for covering cotton:

"Bagging for cotton or other manufactures suitable to the uses for which cotton bagging is applied, composed in whole or in part of hemp, jute, jute butts, flax, gunny bags, gunny cloth, or other material suitable for covering cotton, 2 cents per yard."

Ludlow Manufacturing Company, Ludlow, Mass.; Nevins & Co., Salem, Mass.; New York Bagging Company, Brooklyn, N. Y.; Eagle Mills, Brooklyn, N. Y.; the Hart Bagging Company, Brooklyn, N. Y.; E. S. Stevens, Quinnebaug, Conn.; Horicon Mills, Manchester, N. J.; J. C. Todd, Patterson, N. J.; Charleston Bagging Manufacturing Company, Charleston, S. C.; Hinde, Preer & Iliges, Columbus, Ga.; James Sherry, Eufaula, Ala.; Crescent Jute Manufacturing Company, New Orleans, La.; Galveston Baggage and Cordage Company, Galveston, Tex.; Louisville Bagging Manufacturing Company, Louisville, Ky.; Southern Mills Bagging Company, St. Louis, Mo.; Standard Mills Bagging Company, St. Louis, Mo.; St. Louis Bagging Company, St. Louis, Mo.; Empire Bagging Company, Champaign, Ill.; Muncie Bagging Manufacturing Company, Muncie, Ind.; W. H. Hessin & Co., Huntington, Ind.; Peru Bagging Company, Peru, Ind.; Troy Bagging Company, Troy, Ohio.

Now, I ask, whence does the demand for this amendment come, except from a small portion of our country? If California does not use the Eastern-made bags, why can she not draught her amendment in such a way as not to apply to the whole country, depriving the Eastern manufacturers and Eastern laboring men employed in this manufacture of their market?

[Here the hammer fell.]

The CHAIRMAN. If there be no objection, the formal amendment will be regarded as withdrawn. The Chair hears none.

Mr. BROWNE, of Indiana. I move, *pro forma*, to amend by striking out the last word. I have refrained thus far from saying anything on this subject, because I differ, perhaps, from some gentlemen for whose opinion I have a very high regard. I have been all the time, and am now, in favor of placing jute butts, sunn, sisal-grass, and other similar vegetable fibers on the free-list.

If I am correctly advised, jute is not an American product and can not be. At least every experiment we have made in that direction

has signally failed; and whatever quantity of jute or jute butts is now used by American manufacturers is imported, and necessarily must be. It is grown almost exclusively in British India and in China.

I have in my district at least one very large manufactory engaged in producing bagging for cotton-baling and for bagging grain. I can very easily see why the California farmer may desire free bags, if it be true that if by having them free he obtains them in the market more cheaply than they can be had if subject to duty. There, if I understand correctly, the farmer sells the bagging with the grain; he exports both and receives per pound for the bagging what he receives per pound for its contents, and as the bagging costs him more per pound than he obtains for the grain, he loses the difference. In my section of the country the farmer sends his grain to the elevator in bags belonging to those who make the purchase, and when the contents are sold the bags are returned to their owners. The farmers in Indiana own very few grain sacks, for the reason I have stated.

Now, it seems to me that we do all that those who may be interested in the purchase of the grain sacks can demand if we place on the free-list the material out of which they are made. The manufacturers in my part of the country, I may say, favor this, although they are to some extent indifferent about it. They believe in protection; they are protectionists; they vote for me and the Republican ticket, and against the Mills bill and all other iniquities of that kind.

There is a difference between imposing a duty upon jute and jute butts and imposing a duty upon a product manufactured from them. Every gentleman can see the difference without my pointing it out. In the language of an extensive manufacturer, whose letter I hold in my hand, jute and jute butts compete with no American product. It is not raised here. But if the jute comes in and is put in a manufactured product, then by this manufacture it becomes an American product. And if this should come into competition with the cheap jute abroad—I mean the cheap labor used in the production abroad, for there is no lower rate of wages paid anywhere than is paid to the industry engaged in raising jute and jute butts—if that material produced by this cheap labor comes into competition with the American product it must necessarily also come into competition with the manufactured article, and therefore the manufactured article should be kept on the dutiable list.

[Here the hammer fell.]

Mr. FELTON. I move to strike out the last word.

Mr. Chairman, in California the greatest manufacture of jute sacks is in the State's prison; this arrangement for their manufacture was made by the State authority, as it was thought it could in no wise interfere with the free labor of the country.

The effect of this manufacture of bags in the State's prison has been to prevent what had always existed, and in my opinion would exist whether the duty is kept on or their importation is made free, that is a combine by the foreign importers to increase prices. I refer to the importation of sacks into the State of California, where they are largely used in the transportation of grain. These grain-sacks are made at present in few foreign countries and factories, thus rendering combines of importers easy. But while the manufacture continues at the State's prison it renders a monopoly of this article more difficult and less secure. The result has been that it has not interfered with the free labor of the State, yet at the same time the product has been cheapened in price by furnishing an additional supply to compete with a foreign importation, and as their sale has wisely been restricted in amount to individual purchasers.

I have already, as far as I could, emphasized the free importation of the raw material by voting to put on the free-list jute and jute butts, as my colleagues also have done. But taking into consideration the existing state of facts and the fact that the taking off of this duty will, as I believe, interfere with the general industry of the making of sacks of all kinds and from all materials now used throughout this country, by resulting in bringing in the manufactured articles from India and Europe to the displacement of the home manufacture, and consequently to the disadvantage of home labor. I shall not vote for the amendment.

Mr. STEELE. I rise, Mr. Chairman, for the purpose of asking the Clerk to read a letter which I have received in reference to the manufacture of bagging, the subject now under consideration.

The Clerk read as follows:

PERU, IND., *March* 10, 1888.

DEAR SIR: Have noticed in the newspapers that the Democratic tariff reformers intend to have burlaps and bagging for covering cotton on the free-list. If this law should go into effect it would totally ruin a very valuable American industry to the amount of several million dollars. The average cotton crop consumes about fifty million yards per annum, which is at present all manufactured in America, and one-half of it in this close vicinity—St. Louis, Mo., Louisville, Ky., and Muncie, Peru, and Huntington, Ind.

Our factory employs at present over one hundred hands, and we turn out over 3,000,000 yards per annum, and we have an investment in this business of over a hundred thousand dollars. There is not the least doubt that our and every other bagging mill in this country would be closed within six months if this law should go into effect.

Now, friend STEELE, we ask you to use all your influence to protect us against such unjust legislation. The present duty is limited enough. Only three years ago, when jute butts were three-quarters of a cent a pound higher than this present time, and American bagging manufacturers advanced the value of bagging 1¼ cents per yard, Dundee, Scotland, jute manufacturers supplied a good portion of the American bagging market. This is to show you that the margin is low enough now with the present tariff. The duty on jute butts ought to be taken off, because there is no jute raised in America, and therefore would harm no one. Thanking you in advance for a reply and early attention,

Am truly yours,

A. LEHMAN,
President Peru Bagging Company.

Hon. GEORGE W. STEELE,
Washington, D. C.

Mr. STEELE. Without occupying further time, I will merely say that I hope the amendment of the gentleman from Tennessee will not be agreed to.

Mr. MCMILLIN. Merely saying that the gentleman's correspondent is wholly in error as to the effect of placing bagging on the free-list, I call for a vote.

By unanimous consent, formal amendments were withdrawn.

Mr. DINGLEY. I ask for the reading of the pending amendment.

The Clerk read as follows:

Page 3, after line 43, insert bags of jute for grain.

Mr. DINGLEY. I demand a division.

The committee divided; and there were—ayes 67, noes 63.

Mr. DINGLEY made the point of no quorum, but afterwards withdrew it.

Mr. GALLINGER. I insist on the point of no quorum.

The Chair appointed as tellers Mr. MCMILLIN and Mr. STEELE.

The committee again divided; and the tellers reported—ayes 85, noes 67.

So the amendment was agreed to.

The Clerk read as follows:

Machinery designed for the conversion of jute or jute butts into cotton bagging, to wit, cards, roving frames, winding frames, and softeners.

Mr. KELLEY. I move to strike out that paragraph.

Mr. Chairman, it seems to me the proposition to put on the free-list one of the most advanced forms of manufacture is not in harmony with the announced doctrine of this bill, which is that it is to give free raw materials for commodities, in order to cheapen their cost while maintaining the rate of wages for labor.

The machinery it embraces is, I am assured, largely manufactured in this country, although I have heard it said on the floor that none is manufactured. Orders can, I am assured, be given for any amount and it will be made and made of material which this bill leaves dutiable in every stage, from ore up—machinery which is to be admitted free of duty.

If it be true, as the advocates of this bill assert, that duties are taxes, then you tax the manufacturer of this machinery on all his material and make his finished product, composed of taxed materials, free. Gentlemen who manage this bill say that both coal and iron are to be dutiable. I do not find that the bill makes it free; but I think when the proper stage is reached they will redeem their assurances given to the miners and laborers of Virginia, West Virginia, North Carolina, Tennessee, and Alabama, that provisions necessary to accomplish these assurances will be inserted in the bill. Pig-iron is dutiable, and bar-iron is dutiable at a larger rate in proportion to the increased amount of industry involved in it.

Steel is dutiable at a still higher rate, again, in proportion to the amount of industry involved in its manufacture; and so on all the way through until, as I have said, you come to this machinery itself, which moves with greater precision than the human hand, and which seems to be instinct with human intellect of a high order—machinery which embodies some of the most wonderful inventions of the human mind in this or other countries. When labor and genius have advanced your coal and ore and pig-iron into these machines, the result of skilled labor, you say now, in order to check the manufacture of such valuable machines as these, we will leave the elements subject to duty and make the finished product free.

I say it is inconsistent with the argument indulged in by the framers of this bill. It is inconsistent with all the arguments yet made on the other side of the House. Certainly no man will venture to assert that machinery of this kind is raw material. They can not point us to the vines or trees upon which the machines grow, or point us to the caves or mines from whence they may be dug. They are, as I have said, the result of the highest order of mechanical skill and the most precise labor of our most accomplished working people.

Mr. TURNER, of Georgia. Will the gentleman pardon an inquiry?

Mr. KELLEY. Yes, sir.

Mr. TURNER, of Georgia. Does the gentleman know where any of this machinery is constructed in this country? and, if so, I would be obliged to him for any information on that subject.

Mr. KELLEY. I have assurances from gentlemen engaged in textile manufactures of various kinds that this machinery is made in New England, and, as they believed, at the Bridesburg works—or rather at the works of the Bridesburgh Manufacturing Company in Philadelphia it is made——

[Here the hammer fell.]

Mr. ADAMS. I ask unanimous consent that the gentleman from Pennsylvania may be permitted to proceed for five minutes longer.

The CHAIRMAN. Without objection the gentleman from Pennsylvania will be permitted to continue his remarks.

There was no objection.

Mr. KELLEY. I last evening interrogated a gentleman, Mr. William Whitman, the president of the Association of Woolen Manufacturers, whose home is, I believe, in Boston——

Mr. MORSE. Yes.

Mr. KELLEY. And who is doubtless well known to the Representatives of that State; and put the plain, blunt question to him whether the articles covered by this clause were manufactured in this country. He responded: "Oh, yes, abundantly. All the machinery in use that I know of in working textiles of all sorts is made and can be made abundantly with the machine tools and the organized labor we already have." I had appealed to other sources of information less distinguished, and had received like information, and therefore I assume it to be true that this machinery is constructed in our own country.

But it is most marvelous, Mr. Chairman, if our establishments which can produce the finest machinery required for the manufacture of delicate silks, from the narrower fringes or ribbons to the broadest fabrics, that can manufacture every degree of quality of cotton goods that are in use in France or England or the United States to-day, that can manufacture the machinery that produces all the woolen goods we produce—that with all of these things it can not make the few simple articles named in this clause and which are used in the manufacture of jute. But a serious difficulty attending the making of these goods free is that they may be used in other textile manufactures. It will become a question of the intent with which a thing was manufactured rather than the constituent elements or the uses to which it may be applied which is to determine whether it is dutiable or free under this bill.

There is no distinction, no clear, well-defined distinction between machinery to be used in spinning and weaving jute and that used in spinning and weaving cotton, wool, worsted, and other fabrics. There may be a slight difference in detail, but none in principle; and I say, therefore, that the assessor of customs would be sent for a standard, as to whether an article was free or dutiable, to the intent with which it had been manufactured, rather than the purpose to which it might be applied.

I think, Mr. Chairman, that I have said enough to present the whole case to the consideration of the gentlemen, and to show that at least they have thrown into connection with raw materials, as they call it, from which they have removed the duties and made free, one of the most complicated classes of manufactures.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Pennsylvania [Mr. KELLEY] has stated that a well-known business man had informed him that as far as he knew all the machinery used for textile manufacturing purposes was made in this country.

Mr. KELLEY. I do not say all that is used; but every kind of machinery is made and made in perfection.

Mr. BRECKINRIDGE, of Arkansas. That includes "any" and "all," at least in part.

Mr. KELLEY. Yes.

Mr. BRECKINRIDGE, of Arkansas. The gentleman says "every kind." Of course that includes any kind. He also stated "so far as he knew." Now, if the gentleman who gave the information to the gentleman from Pennsylvania [Mr. KELLEY] had stated that this particular machinery was of his own knowledge made in this country, I should consider it most excellent evidence——

Mr. KELLEY. If the gentleman will permit me, I have failed to make myself understood or to be understood. I said I had put the question point blank, "Are the articles described in this paragraph manufactured in this country?" and I received the affirmative assurance that they were and are now being manufactured in this country.

Mr. BRECKINRIDGE, of Arkansas. I understood the gentleman to say that he received the assurance that they were, so far as the gentleman knew.

Mr. KELLEY. Oh, no, no.

Mr. BRECKINRIDGE, of Arkansas. Very well, Mr. Chairman.

Mr. KELLEY. He added, as far as he knew they were manufactured at Bridesburgh, in Philadelphia, but he knew they were manufactured in New England.

Mr. BRECKINRIDGE, of Arkansas. He knew this particular class of machinery was manufactured in New England? I now understand that to be the statement of the gentleman from Pennsylvania. We now need to balance credible testimony. I want to state to the House that this gentleman is, I believe, not engaged in this line of business. I am inclined to think he is liable to be in error, and, as a matter of fact, I think he is in error about this particular matter. The gentleman from Pennsylvania [Mr. KELLEY] is perhaps familiar with a communication that we have all received from the manufacturers of bagging, in which they say that their machinery can not be used for any other purpose than the manufacture of bagging. It can not be so used even, they say, for the manufacture of burlaps. That would seem to effectually cover the point the gentleman makes that this machinery can be used for other purposes. All of the gentlemen employing it say that it can not be so used. I want to add further that I have had the pleasure of conversing with gentlemen engaged in this business from Brooklyn, from Boston, from St. Louis, and from Charleston, and the testimony of all of those gentlemen is that not a particle of this machinery is made in this country. I do not question that it can be made, but I simply file this evidence before the House to help settle the question as to whether it is made here. That is the testimony those gentlemen engaged in the business have given us about where the machinery is made; and that is the testimony they have given to us as to the uses to which it can be put; and these are the two points raised by the gentleman.

Mr. BAYNE. Will the gentleman allow me to make an inquiry?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir.

Mr. BAYNE. If not one particle of this machinery is manufactured in this country, it is not a subsidized industry, is it?

Mr. BRECKINRIDGE, of Arkansas. No; at least it is not getting a subsidy.

Mr. BAYNE. It is not a subsidized industry, to use the gentleman's own expression. Then why not make it pay duty on the same principle on which you make sugar pay duty, on the theory that the money goes into the Treasury, instead of into the pockets of the manufacturers?

Mr. BRECKINRIDGE, of Arkansas. I think the reason is a very plain one. We are making a very great reduction on bagging, and we ought as far as possible to cheapen the articles that they consume in making bagging to enable them to stand the reduction on the finished product.

Mr. BAYNE. But none of the duty paid on these articles, according to the gentleman's own theory, goes into the hands of the manufacturers; the duty goes into the Treasury of the Government, because it is not a subsidized industry. That is the principle upon which the gentleman justifies the duty on sugar, because eight-tenths or more of it goes into the Treasury and does not go into the hands of producers or manufacturers of sugar. Now, why make an exception of this machinery, which is not a subsidized industry, and let it go in free? Your theory is in favor of making those things pay duty where the whole amount goes into the hands of the Government instead of the pockets of the manufacturer.

Mr. MORSE. We try to help the manufacturer by giving him the machinery free.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Pennsylvania is both right and wrong. He takes hold of a piece of information and runs off into a wild generalization upon it. We do not need revenue. Even if we needed revenue, I should not favor a tax (if it could be well avoided) upon an article which, while it might not subsidize any particular industry, would yet very greatly discriminate against some industry; and that would be the case in this instance. Having determined to fix a given rate upon the finished product, it is certainly sound policy to reduce as far as possible the tax upon those things which go into the production of that product. It becomes, of course, an industrial question of force and moment which must be carefully considered in connection with the question of revenue.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. ADAMS. Mr. Chairman, I move to strike out the words "roving frames" in line 42. I make this motion not because I know what "roving frames" are, but because I wish to find out. It is so inconceivable that machinery can not be made in this country that it occurs to me more information ought to be given to us from the Committee on Ways and Means than we have yet received.

If it be true that this machinery not only is not now made in this country but can not be made in this country, then of course this tariff duty is not a protective duty but a revenue duty, and the question is whether this particular revenue duty ought under the present circumstances of the country to be reduced. But as I said before, the statement that machinery of any kind can not be produced in the United States is so extraordinary to me that I think it fair that we should have more explicit information than we have yet had upon that point.

Mr. ROGERS. I think the gentleman misapprehended the statement of my colleague [Mr. BRECKINRIDGE]. My colleague did not say that the machinery could not be made in this country; he simply laid before the House the evidences of the fact that that which is now used was not made in this country.

Mr. ADAMS. Let me ask my friend from Arkansas [Mr. ROGERS] what "roving frames" are. [Laughter.]

Mr. ROGERS. I was only correcting you in regard to my colleague's statement. I do not know anything about it. [Laughter.]

Mr. ADAMS. Will the gentleman's colleague [Mr. BRECKINRIDGE] tell me what "roving frames" are?

Mr. BRECKINRIDGE, of Arkansas. I will say to the gentleman that it is entirely immaterial what roving frames are. The question is, are they made in this country, and are they a source of expense to the manufacturers of bagging? I can tell the gentleman what roving frames are, but it is wholly unnecessary that gentlemen who are considering the economic side of this question should have all the technical information of those who are engaged in the particular pursuit. Gentlemen make a mistake when they hold that only those who are

engaged in a pursuit should undertake to discuss the question from its economic side.

Mr. ADAMS. I repudiate that statement; I never have said one word which would justify my friend from Arkansas in making that suggestion.

Mr. BRECKINRIDGE, of Arkansas. I speak of your side of the House. I do not pretend to quote your statements; but that is the general attitude of gentlemen on your side of the House, and logically so.

Mr. ADAMS. The general principle which I adhere to and which I believe the gentleman, whetever his theories in regard to protection may be, ought to accept, is that whenever any gentleman proposes a change in the law he ought to be able to give a reason for that change; he ought to be able to show that the change will be ultimately beneficial to the country. Now let us assume that a revenue tariff is the proper tariff. The gentleman will admit—the gentleman is compelled to admit by many provisions of this bill—that there should be discrimination in the industries the products of which are to be put on the free-list, and I maintain that it is the duty of the Committee on Ways and Means to give this House a certain amount of information, even technical information, so that we may be aided in determining what our duty is. Now, I ask any member of the Committee on Ways and Means to inform this House what sort of machinery this is, in order that we may come to a conclusion upon the question whether it is not a fit subject for protection, or whether it is not a fit subject for the postponement of a change in the duty—which is another equally important consideration. I repeat, that I ask these questions simply because I believe in good faith that the burden of proof is upon the Committee on Ways and Means to give us the reason for the conclusion to which they wish us to subscribe.

Mr. BRECKINRIDGE, of Arkansas. I think that the burden of proof has been borne very fairly, and, in my humble judgment, very satisfactorily. Whenever the gentleman can show the slightest connection between what he wants to know and the economic question presented here, I have no doubt that the committee will be able to satisfy him.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAYNE rose.

The CHAIRMAN. The Chair will recognize a gentleman in opposition to the amendment.

Mr. BAYNE. Well, I will oppose the striking out of "roving frames." I am told that there are no such things as roving frames, so it is not strange that the committee could not answer the inquiry of the gentleman from Illinois. [Laughter.] It shows the knowledge they have of the matters with which they are proposing to deal in this bill.

Mr. RUSSELL, of Massachusetts. Ask the minority of the committee what "roving frames" are.

Mr. BAYNE. The minority are not responsible for this bill. Wait until our bill comes in. [Derisive laughter on the Democratic side.]

Mr. MORSE. You have got to wait until your convention is over. [Laughter.]

Mr. RUSSELL, of Massachusetts. You say you do not know what roving frames are. Do you know what "cards" are?

Mr. BAYNE. This case is in keeping with the general scheme of this bill. The gentlemen who framed it do not understand the subject-matter of the bill.

Mr. BYNUM. What machinery is the gentleman inquiring about?

Mr. BAYNE. Roving frames. I want to know what they are.

Mr. BYNUM. Do you know what "roving" means?

Mr. BAYNE. Yes; I know what it means.

Mr. BYNUM. What does it mean?

Mr. BAYNE. It means moving, perambulating around, as the Democratic party is doing these days, hunting for a platform. [Laughter.]

Mr. BYNUM. As used in connection with machinery it means to draw through an aperture. Also, a rove of wool is only partially twisted. Consequently I presume this machine in the manufacture of jute is used for a similar purpose as in the manufacture of wool.

Mr. DINGLEY. There is a difference between a carding-machine and a roving-machine.

Mr. BAYNE. Mr. Chairman, I rose more particularly to call attention to the attitude of the gentleman from Arkansas [Mr. BRECKINRIDGE], who is a member of the Committee on Ways and Means, and who, as I do not see him in his seat, is probably at this moment consulting a dictionary to find out what roving frames are. [Laughter.] The position of the gentleman from Arkansas has been all along that where a thing not made in this country was subject to a duty the whole duty went into the Treasury, but that in so far as an article paying duty was made in this country, the duty was in the nature of a subsidy. It was on that principle that the gentleman justified the high rate of duty maintained on sugar. We produce one-eighth, one-tenth, or one-eleventh—there is a difference of opinion as to the exact amount—of the sugar consumed in this country, and the gentleman from Arkansas, in reply to the suggestion that sugar should come in free because it did not fall within the legitimate range of protection, said, no, it ought not to come in free because it was not a subsidized industry. How not subsidized? Why, not subsidized to the extent of the sugar that is imported in addition to our own production, but subsidized to the extent of our production. That is the logic of the gentleman's position. Now, if it be good logic to fasten a duty on a thing we do not produce, for the reason that the whole amount of the duty goes into the Treasury, and bad logic to put a duty on things which we do produce because the money goes into the pockets of the manufacturers, why not make this machinery mentioned in this paragraph pay a duty? It is not a subsidized industry on the theory that we do not make any of it. Gentlemen, that is not the explanation. These things are wanted in the South.

Mr. RUSSELL, of Massachusetts. Oh, no; they are wanted in my district.

Mr. BAYNE. They want them in the South, as they want cottonties, as they want many other things down there; and because they are wanted in the South gentlemen on the other side propose to make them free; yet they say this bill is not sectional. [Derisive cries on the Democratic side.] When I say the bill is sectional, gentlemen may regard it as empty talk; but noise and truth sometimes go together. The eruption of a volcano has sometimes a terrible effect on the surrounding country. What I say is the truth about this matter; and you can read it in every line of this bill.

[Here the hammer fell.]

The CHAIRMAN. If there be no objection, the *pro forma* amendment will be considered as withdrawn.

Mr. RUSSELL, of Massachusetts. Mr. Chairman, I wish to offer an amendment. The gentleman from Illinois [Mr. ADAMS] moved to strike out the words "roving frames" because, he said, he did not know what "roving frames" were.

Mr. ADAMS. No; because I wanted to find out.

Mr. RUSSELL, of Massachusetts. I move to strike out the word "cards;" perhaps gentlemen do not know what they are.

Mr. BAYNE. As the gentleman from Arkansas [Mr. BRECKINRIDGE] has returned to his seat, he can, perhaps, inform us what "roving frames" are.

Mr. BRECKINRIDGE, of Arkansas. I hold in my hand a book containing a representation of one of these machines, and as the best means of conveying the matter to the gentleman's mind I ask him to come and look at this picture.

Mr. ADAMS. Does it look as if it could be made in America?

Mr. BRECKINRIDGE, of Arkansas. I have no doubt that anything which can be constructed by human ingenuity can be made in America. But the only question in this debate is, is this machinery made in this country?

Several MEMBERS. Oh, no.

Mr. BRECKINRIDGE, of Arkansas. This book gives a representation of a "roving frame," such as is used in the woolen business; and, as I am informed, the same kind of frame is used in the bagging business. Of course I never used one myself. It is a machine used in putting a fiber through what is called the drawing process. It is brought into a loose continuous roll prior to being made into yarn fit for spinning. This, I am told by bagging manufacturers, is the character of the machine.

Mr. RUSSELL, of Massachusetts. I desire to bring this debate back to the business question on which we are engaged. I understood the gentleman from Pennsylvania [Mr. BAYNE] to close his remarks by saying in effect that "machinery designed for the conversion of jute or jute butts into cotton bagging, to wit, cards, roving frames, winding frames, and softeners," are in this bill put on the free-list for the benefit of the South. I say that putting this machinery upon the free-list is a measure largely for the benefit of the people who make cotton bagging in my own State and in other parts of New England, and incidentally for the benefit of the people who raise cotton and are compelled to buy the covering of their bales.

Mr. BAYNE. Have they asked for this?

Mr. RUSSELL, of Massachusetts. They have.

Mr. BAYNE. By petition?

Mr. RUSSELL, of Massachusetts. They have asked for it in the usual manner, so that the knowledge of it is brought to this House through myself or any other member who chooses to give information of their desire.

Mr. BAYNE rose.

Mr. RUSSELL, of Massachusetts. I will not yield to you any further.

Mr. BAYNE. I was going to ask you one question.

Mr. RUSSELL, of Massachusetts. You can ask it later. I do not want to be drawn away from the point I am discussing. The bill proposes to put this machinery on the free-list. Why? Because not a single roving frame or any other part of the machinery for manufacturing cotton bagging is made in the United States; and the reason why such machinery is not made here is because the demand for it has not been up to the present time, as it probably will not be in the near future, sufficient to induce machinists to undertake the work of making this enormously heavy machinery.

The manufacturers who are now provided with this machinery are compelled to send to England for duplicate parts necessary from time

to time in the making of repairs. This machinery should be as cheap as possible, because it is used for only one purpose, that is, for the making of all the cotton bagging that covers the six or seven million bales of cotton produced annually in the South, the bagging for which is made almost entirely in the Eastern States. It is in the interest of production, in the interest of the manufacturers of the East that we ask to have this machinery put on the free-list, and in saying this I represent a district very largely engaged in the manufacture of textile machinery.

Mr. WEBER. Will the gentleman let me ask him a question?

Mr. RUSSELL, of Massachusetts. When I get through you can have the floor.

The looms in which cotton and woolen manufactures are made, the "roving frames" of woolen and cotton machinery are made largely in the manufacturing districts of my State. And the works thus employed do not attempt to make this class of work, nor will they raise any objection to a removal of the present duties.

We ask this change in the interest of production, and to assist in cheapening one of the necessities of agriculture, the covering of cotton bales. I withdraw my amendment.

[Here the hammer fell.]

Mr. LIND. I desire to send up and have read a proposition which I offer as a substitute for the pending amendments.

The Clerk read as follows:

And also the machinery required for, or used in, the manufacture of twines of hemp, jute, jute butts, sunn or sisal-grass.

Mr. LIND. I move it as a substitute for the pending amendments to lines 41, 42, and 43, and to come in at the end of line 43.

The CHAIRMAN (Mr. DOCKERY in the chair). That is not in the nature of a substitute, but is an amendment.

Mr. LIND. Is it not in order to move it as a substitute for the pending amendment?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLEY] moved to strike out the paragraph, and to that an amendment was made to strike out some of the words of that paragraph.

Mr. NELSON. I think the amendment of the gentleman from Minnesota takes precedence of the motion to strike out. It has always been ruled that a motion to perfect the paragraph takes precedence of the motion to strike out. I think the gentleman's substitute, therefore, takes precedence.

The CHAIRMAN. The gentleman can offer his amendment, and the Chair will hold the matter under advisement.

Mr. LIND. Mr. Chairman, I wish to call attention to the fact that the committee has already voted to place jute sacks for the use of the California farmer upon the free-list. The vote on this paragraph will result, in all probability, in placing machinery for the manufacture of cotton bagging on the free-list, because every proposition offered by the other side has carried. Hence I assume that will also carry.

Now, if it is right in the view of the majority of this House to place grain bagging used by the farmer of California on the free-list, if it is right to place machinery for the manufacture of cotton bagging for the planter of the South on the free-list, I ask you why in reason and fairness is it not equally just and equally proper that you should place the machinery used in the manufacture of binding twine, used by the Northwestern farmer, also upon the free-list?

There are much stronger reasons in favor of the latter than in the case of the others. The cotton farmer of the South sells his bagging with his cotton and gets the same price for it that he gets for the cotton; the farmer of the Pacific coast sells his bagging and gets as much for it as he does for his wheat; but the farmer of the Northwest loses his twine, because it is burned with the straw, and he gets no rebate. The farmer of the South gets a rebate on the sacks used by him of 90 per cent.

Mr. TURNER, of Georgia. Is the gentleman from Minnesota sure of what he has said?

Mr. LIND. Such is my understanding.

Mr. TURNER, of Georgia. In fact no rebate is allowed.

Mr. LIND. I was arguing upon the construction of the law as made by this Administration, which allows a rebate on jute bagging when used by the farmers of the South and of the Pacific coast. There is no good reason why the same measure of relief should not be afforded to the farmers of the Northwest in reference to binding twine.

Mr. MCMILLIN. Perhaps the gentleman from Minnesota is referring to some construction in the past.

Mr. LIND. Do past errors justify present grievances?

Mr. TURNER, of Georgia. An effort has been made by lawyers to make up a case for court, but it has never been done, as the Treasury Department has always refused to allow any drawback on cotton bagging exported with the cotton which it covers.

Mr. LIND. As this Administration has allowed and is allowing rebates on the jute bags used in the export of flour I can see no possible reason why the same law does not entitle the planter of the South and the California farmer to the like rebate on the jute bagging employed by them to cover their export products. As a matter of law they are entitled to it and should have it, and while they enjoy that privilege this committee has extended further relief to them. It has given free jute sacks to the one and free machinery for the manufacture of the cotton bagging used by the other. Now why not do something for the Minnesota farmer? He uses the same jute material, pays the same tariff, and has not even a show of asking for a rebate. Now, if it is fair and just to give to the Southern planter the benefit of free machinery, why not give the same benefit to the Northwestern farmer, who uses this twine to bind his grain?

[Here the hammer fell.]

The CHAIRMAN. The Chair will assume the *pro forma* amendment to be withdrawn, and the question is on the amendment offered by the gentleman from Minnesota.

Mr. MCMILLIN. I will not renew the *pro forma* amendment; let us have a vote.

The question being taken on the amendment of Mr. LIND, the committee divided; and there were—ayes 38, noes 50.

So the amendment was rejected.

Mr. WARNER. I move to strike out the last word, and simply for the purpose, not of taking up the time of the committee, but to say that I think it makes little difference what you do with reference to the machinery recommended in this paragraph of the bill, whether it be adopted or not, because the jute industry and its manufacture in the United States under the provisions of the bill already adopted will be destroyed beyond redemption. I therefore send to the Clerk's desk and ask to have read in my time a statement signed by all of the leading jute manufacturers in the country with reference to the effect upon the business in the United States.

The Clerk read as follows:

Calcutta has extra advantages in the fact that her mill-owners are not only supplied with the largest improved machinery, but run their factories with cooly labor, which is notoriously the cheapest in the world, and the raw material used (jute butts) grows at their very doors.

Moreover they all belong to one of the strongest combinations of capital as against labor in the world, and control by their united action the price of their product and amount of productions.

The Calcutta mills have an annual capacity of more than 200,000,000 yards, and by order of their association they are now running but five days in the week, in order to reduce their productions to the actual requirements of the countries to which their cloth is at present exported, thus enabling them to obtain high prices.

Their machinery if operated one more day in the week would produce enough cloth to cover the American cotton crop, and were this market thrown open to them, the bagging required in this country would doubtless be sold at very low prices until all American competition were destroyed, when prices could be rearranged to suit the views of the Indian Jute Manufacture Association, and the cotton planter of the United States would be left at the mercy of an East Indian trust.

Without a reasonable protection no American manufacturer could afford to make bagging so long in advance as is necessary, for without such protection he would be subject to large importations of bagging from abroad just at the time of year his sales should take place and the distribution of his bagging commence.

Previous to the establishment of this industry in America, the covering for the cotton crop was imported from the East Indies, and was known as gunny cloth. This was sold at not less than 12 cents per yard, and sometimes as high as 18 and 20 cents.

Notwithstanding the protection which the mills in this country have received, and which excluded foreign-made cloth from our market, the price of bagging has been reduced about one-half of the price formerly paid for the imported cloth.

Mr. WARNER. I have had this extract read, signed, as I have stated, by all of the leading manufacturers, if their testimony is worth anything, before the committee, to show the effect of the legislation proposed here. There seems to be no evidence to establish the fact that this legislation is in the interest of our own people, whereas, on the contrary, it is shown by the extract quoted that it is in the interest of the cooly labor of Calcutta and in the interest of trusts in Calcutta that control her manufactures. The gentleman from Ohio [Mr. OUTHWAITE] nods his head approvingly, and I presume the gentlemen on the other side of the House are also saying "down with the American labor and up with the Calcutta cooly labor."

Mr. MCMILLIN. It is hardly necessary to respond to an assertion of that sort in view of the position that gentlemen assume over there, who stand up and fortify these organizations known as trusts, and by their votes prevent any encroachments upon their powers to harm the people.

Mr. WARNER. I have fortified no trust, but have voted to break down all of them.

Mr. MCMILLIN. Why, the gentleman's very vote on these questions, sustaining these high rates of protection, is fortifying the trusts.

Mr. WARNER. Well, that is a mere assertion.

Mr. MCMILLIN. It is a fact, at all events.

Mr. WARNER. A mere assertion, which has no foundation in fact.

The CHAIRMAN. The Chair will assume the *pro forma* amendment to be withdrawn.

Mr. WARNER. I withdraw it.

The question being taken on the motion of Mr. KELLEY to strike out the paragraph, it was rejected.

The Clerk read as follows:

Iron or steel sheets, or plates, or taggers iron, coated with tin or lead, or with a mixture of which these metals is a component part, by the dipping or any

other process, and commercially known as tin-plates, terne plates, and taggers tin.

Mr. DALZELL. Mr. Chairman, I move to strike out lines 44, 45, 46, 47, and 48, and I make the motion not simply for the purpose of securing the opportunity to address myself to this paragraph, but because I believe that if we were debating this subject in a House the members of which were open to conviction on a fair consideration of this subject of tin-plates and the relation that it bears to our American industries, and to a tariff bill constructed upon a proper theory, every fair-minded man would come to the conclusion that instead of putting tin-plates upon the free-list the present duty ought to be increased.

Tin-plates are now dutiable at a rate of 1 cent a pound, and they constituted last year 33½ per cent. of the total importations of iron and steel into this country. There are no tin-plates made in the United States to-day, and the effect amongst other things of putting them upon the free-list will be to prevent the possibility for all time to come of creating and maintaining an industry as natural as are a great many others which belong to America. Not only that, but another necessary result of putting tin-plates upon the free-list will be, as I think I shall be able to show the committee, to strike down utterly and ruin forever the sheet-iron industry in this country.

Now, what are tin-plates? They are, I answer, accurately described by this paragraph of the bill:

Tin-plates, terne plates, and taggers tin.

Found in the last line of the paragraph are the products described in the first two lines of the paragraph, to wit:

Iron or steel sheets, or plates, or taggers iron coated with tin or lead, or with the mixture in which these metals are a component part.

That is to say, an iron or tin sheet coated with tin is a tin-plate. Taggers iron coated with tin constitutes what is known as "taggers tin," and an iron or steel sheet or plate coated with a mixture of tin and lead constitutes a terne plate. These plates therefore are not tin products, but are iron and steel products, from 95 to 97 per cent. of iron or steel and from 3 to 5 per cent. of tin. The conclusion is manifest, as will be apparent to those who have followed me, that we are to have on the free-list one of the very highest and most perfect of steel manufactures.

[Here the hammer fell.]

Mr. BUTTERWORTH. I ask unanimous consent that my friend from Pennsylvania be permitted to occupy such time——

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman be permitted to proceed five minutes longer.

Mr. BURROWS. I ask unanimous consent that ten minutes be allowed. This is a most important matter.

Mr. MCMILLIN. I think that we should at this point endeavor, if possible, to arrive at some conclusion as to the time which gentlemen desire to occupy in the discussion of this branch of the bill.

What time does my friend suggest?

Mr. BUTTERWORTH. This is one of those cases in which one of the incongruities occur to which my colleague [Mr. MCKINLEY] referred in his remarks the other day, where they really tax the base of the article far beyond the finished product; and as my friend from Pennsylvania is apparently familiar with the subject, I would like to have him occupy such time as he may desire to explain it.

Mr. MCMILLIN. With a view to enable the gentleman from Pennsylvania to do that, I was suggesting that the time be now fixed when we may have a vote.

Mr. REED. We can not tell possibly how much time will be required until we have gone on with the discussion, at least for a while.

Mr. MCMILLIN. I do not want to cut off the time or interrupt the gentleman. It was with a view of preventing such action that I suggested we might agree upon the time. What time will the gentleman suggest?

Mr. REED. We will agree later. There will be no unnecessary time taken.

Mr. BAYNE. This is a technical and mechanical discussion. There is no possibility that gentlemen will waste time.

Mr. MCMILLIN. What time would you suggest?

Mr. BAYNE. I want to hear the subject properly discussed.

Mr. REED. As soon as the debate has been opened and we know what its extent ought to be we can tell.

Mr. MCKINLEY. I ask unanimous consent that the gentleman from Pennsylvania [Mr. DALZELL] be permitted to proceed for twenty minutes.

Mr. MCMILLIN. I have no objection, if we can come to some understanding when the discussion is to end.

Mr. MCKINLEY. That we can not do on this proposition. It is very important. If this controversy goes on it will necessitate the occupying of still more time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio [Mr. MCKINLEY]?

Mr. TRACEY. Unless we can come to some agreement, I object.

Mr. BYNUM. I object, also.

Mr. BUTTERWORTH. Let me make a single suggestion to our friends on the other side. There are several parties here whose constituents are immediately interested in this industry. They desire briefly to call attention to their relation to the industry. By common consent the gentleman from Pittsburgh——

Mr. MCMILLIN. What suggestion do you make?

Mr. REED. I submit to the gentleman from Tennessee that a proposition to close the debate before we have opened it can not be acted upon.

Mr. MCMILLIN. It has been commenced.

Mr. REED. It is impossible for the House to know what is a fair time for any debate until the subject has been opened. Our rules recognize that distinction, and will not permit debate to be closed before it is entirely opened.

Mr. MCMILLIN. But the gentleman knows the rules have been complied with as to this discussion.

Mr. REED. The principle on which the rule is founded is that it is utterly impossible for the House to know how much time will be needed until the subject has been opened.

Mr. MCMILLIN. I was desirous of disposing of the matter in such a way that my friend from Pennsylvania [Mr. DALZELL] could go on uninterrupted; but if that can not be done we will go along in the ordinary way.

Mr. REED. No time will be lost by allowing a fair opening of this very important question.

Mr. BRECKINRIDGE, of Kentucky. It is now a quarter to 3. How will it do to agree to close the debate at 5 o'clock?

Mr. REED. I do not know that it will take that length of time. I do not know how long it will take. This subject not only concerns tin-plates, but it concerns cognate industries, which must be explained. Of course we can proceed by adhering strictly to the five-minute rule. It is optional with gentlemen on the other side to hamper us in that way.

Mr. MCMILLIN. There is no disposition to hamper gentlemen to an unreasonable extent, but I thought the suggestion I made would enable the gentlemen to get along in a way that would be entirely satisfactory.

Mr. REED. It is not possible for us to tell how much time will be required. I have not myself sufficient familiarity with the subject to know how much time ought to be taken. I can only say the debate will take no short time.

Mr. MCMILLIN. Would it not be satisfactory to the gentleman to have the debate close at 5 o'clock?

Mr. REED. It would not be satisfactory.

Mr. MCMILLIN. Very well, then.

Mr. BRECKINRIDGE, of Kentucky. Suppose we let the debate run on until 5 o'clock this afternoon and continue it for half an hour to-morrow morning.

Mr. REED. I do not think there is any use in trying to come to any arrangement about it. I can only say to gentlemen on the other side that no effort will be made to prolong the debate, nor has there been any such effort up to this time.

Mr. MCMILLIN. If we can not come to any agreement we will have the five-minute discussion. We will do the best we can.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. BUCKALEW], and he may proceed.

Mr. BUCKALEW. Mr. Chairman, I desire to make this particular item an exception to our ordinary progress upon the bill. I desire to make the case of my colleague from Pennsylvania [Mr. DALZELL] an exception to the ordinary rules in this debate, because I know he is familiar with this subject and will speak to it without rambling to other points. I therefore ask that by unanimous consent he be allowed a quarter of an hour.

Mr. BLAND. Where favors are asked favors ought to be granted. If we can not have——

Mr. REED. It is not any favor to this House to limit a discussion which is being properly carried on.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUCKALEW] asks unanimous consent that his colleague [Mr. DALZELL] be allowed to occupy fifteen minutes.

There was no objection.

Mr. DALZELL. I think I have shown, what indeed is very apparent, that tin-plates are an iron and steel product, and not a tin product; and it therefore follows that this bill in putting them upon the free-list creates this anomaly: from the ore, through the pig-iron and its product, clear up to the steel rail, there is not a single item that does not pay a tariff duty and that will not pay a tariff duty under the Mills bill except the very highest finished product of steel, tin-plates—not one.

I therefore suggest that that is an anomaly which ought not to be introduced into our legislation. The fact is that the failure to understand the character of the tin-plate industry is what has ruined the industry in this country. In the tariff act of 1864 there was this provision:

And on tin-plates, and iron galvanized or coated with any metal by electric batteries or otherwise, two cents and a half per pound.

In other words, there was a tariff duty commensurate with the demands of the industry—such a tariff as we ought to have now. But that legislation was rendered useless by a decision of the Secretary of the Treasury, made in utter ignorance of the subject. Mr. Fessenden held that the comma that occurred in the paragraph I have just read after the word "tin-plates" had been put in by mistake, and that the paragraph ought to read:

On tin-plates and iron galvanized or coated with any metal by electric batteries or otherwise, two cents and a half per pound.

In other words, he ruled that there was no duty on tin-plate, unless it was galvanized. Now, to galvanize a tin-plate would be like pewterizing a gold watch, and the consequence of this decision was that tin-plates came into this country under another provision of the act of 1864:

Tin in sheets or plates, terne, and taggers tin, at 15 per cent. ad valorem.

So the law remained until 1875, when a specific duty of $1\frac{1}{10}$ cents per pound was put upon tin-plates. Following that, at three places in this country, certain Welshmen who had understood the business at home undertook the inauguration of the tin-plate industry, at Wellsville, in the State of Ohio, at Leachburgh, in the State of Pennsylvania, and at Demmler, also in Pennsylvania, immediately adjoining my district.

The result of this was that whereas in 1873 the best quality of tin-plates commanded $14.75 a box, after the starting of this industry by these Welshmen the best quality of tin-plates could be bought in 1878 for $6.25 a box; and whereas in 1873 the second quality of tin-plates brought $14.50 a box, in 1878 they were found upon the market at $5.18 a box. In other words, the moment British tin-plate manufacturers—and we take two-thirds of all Britain's product of tin-plates—the very moment the British tin-plate manufacturers found themselves in competition with these three infant establishments in America, that moment their prices went down, and they went down to such an extent that under the existing tariff it was found absolutely impossible to continue the industry in this country and therefore it died; so that to-day there is not a tin-plate made anywhere in the United States.

Now, if that be so, if it be a fact that there are no tin-plates made in the United States, and if it be also a fact that our revenues last year from imported tin-plates amounted to $5,706,434, I ask you gentlemen on the other side of the House upon what theory you strike down this tariff, which is tariff for revenue only, purely so, a tariff laid upon the theory on which you say our tariff bills ought to be constructed and maintained?

Now I go a step farther. I understand it to be one of your maxims also that raw materials should come in free, or at least that if we have a tariff duty it should be so regulated as to put a lower duty upon the lower grade of article and higher duties as you go up toward the finished product. I understand also that the bill we are discussing is a bill to simplify and reduce inequalities in the existing tariff. I beg now to call your attention to some of the existing inequalities, and then to point out how it is that instead of getting rid of them by this bill you propose to exaggerate them.

Under the present tariff the duties upon sheet-iron vary from 1.1 to 1.5 cents a pound, according to the gauge of the iron. But according to the present tariff sheet-steel comes in at 45 per cent. ad valorem. This, I am told by a gentleman who has made the calculation, is equivalent to sixty-three one-hundredths of a cent per pound duty. So that you will observe thus far that sheet-iron, which is a much less finished and less valuable product than sheet-steel, comes in at from 1.1 cents to 1.5 cents a pound, while the sheet-steel comes in at sixty-three one-hundredths of a cent a pound, and taggers iron, which is the very highest, the best finished kind of sheet-iron, comes in at 30 per cent. ad valorem, or seven-tenths of a cent per pound; and tin-plates, which are the acme of the whole business, which represent more skill, more labor, more cost than even a steel rail, come in at 1 cent a pound.

What do you propose now to do? You propose by your present bill that sheet-iron shall still pay from one cent and a tenth to $1\frac{1}{4}$ cents a pound; that steel shall still pay its present duty; that taggers iron shall still pay its present duty, and that this highly-finished product, tin-plate, shall come in free.

I ask you, gentlemen, upon what theory or by what reason you can justify an exaggeration in that way of the existing inequality of the tariff? The necessary result of the exaggeration of which I speak will be apparent to any thinking man in a moment. It must necessarily be to destroy all the industries in this country with which tin-plate may be brought into competition.

If, as is the fact, the sheet-iron industry of this country has languished because taggers iron and tin and terne plates could be brought in at 1 cent a pound specific duty, I ask you to tell me what shall become of that industry when tin-plate shall come in for nothing? On this point I call your attention to some figures. The importations under the present conditions for 1887 were as follows: Sheet-iron and steel (except galvanized), 25,094,096 pounds; taggers iron, black, 6,241,437 pounds; taggers iron, pickled or charred, 495,021 pounds; tin and terne plates and taggers iron, 570,643,389 pounds.

I repeat my question: if that was the situation under the present tariff, what will be the situation under a tariff which admits free of duty tin-plates, the highest finished product?

These tin-plates, I ought to say, can be used and are used for roofing, siding, stovepipes, coal-hods, pans, powder-kegs, gasoline oil-stove ovens, ash-pans, tea-trays, and innumerable other articles which are to be found in the market.

In this same connection let me call attention to a letter published in the Chicago Journal of Commerce:

WHY TIN-PLATE SHOULD NOT BE PLACED ON THE FREE-LIST.

Mr. Wilkins Trick writes to the Chicago Journal of Commerce a very interesting letter showing how seriously the manufacture of ordinary black sheet-iron and sheet-steel would be injured if tin-plates should be placed on the free-list. He says:

"If our makers can not now successfully compete with the importation of foreign sheets, how are they likely to hold their own when confronted with tin-plates at even a lesser price and which may be used for the various purposes to which black sheets are at present applied? There is another factor in the affair that is worthy of reiteration, so that it may not be lost sight of, and that is, the opening which will be afforded by the entry of free tin-plates for obtaining black sheets of the finest grade for uses to which tin-plates may not be so well adapted.

"This can be done simply by the importation of sheets of any sizes required, covered with a film of tin or terne mixture, applied in the roughest manner, costing but a few cents a pound, and which can be readily removed, the labor of so doing being recouped in the value of the metal recovered, so that, with free tin-plates, we may get black sheets of the finest grade revived at the cost of such tin plate, or at $3\frac{2}{5}$ cents per pound."

Or, as I was told to-day by a gentleman thoroughly familiar with the business, at a cost of 3 cents a pound.

"Further, sheets may be coated in their rough condition from the mills, only requiring to be pickled to receive the diaphanous covering of metal for conversion into malafide tin or terne plate, for the purpose of a free duty; and, consequently, such may be purchased at a much cheaper rate than plates which have undergone the processes of cold rolling and annealing. These coated sheets, upon transmutation into black sheets, can therefore be placed upon the market in usurpation of the commoner grades of home-made products."

Mr. W. C. Cronemeyer, chairman of the United States Iron and Tin Plate Company, at Demmler, Allegheny County, Pennsylvania, in a recent interview adds his testimony on the same subject, as follows:

"If the tariff bill as now submitted by the chairman of the Ways and Means Committee, with tin and terne plates, or rather with iron or steel sheets or plates or taggers iron coated with tin or lead, should become a law, it would mean the almost total suspension of the entire light sheet-iron industry, for no sheet-iron manufacturer in this country could any longer afford to pay the wages to sheet-mill workers which are now being paid. The rates would have to be reduced at least 50 per cent., and that such reduction could not be effected without serious labor troubles, strikes, etc., is evident. Imported tin and terne plates have all along been the keenest competitors of fine sheet-iron, and, while the yearly importations of tin-plates have almost been doubled during the last ten years, the home production of sheet-iron has not increased more than 20 per cent. Such has been the case under and on account of the anomalous provision of the present law, which admits sheet-iron in the most advanced stage of manufacture at very much less duty than the article from which it is made.

"In our American sheet mills the workmen are paid $1 for about every shilling or mark that workmen get for the same class of work in England or Germany; in Belgium the workmen get still less, and, in consequence, the manufacturers on the other side of the water could finish the sheet-iron into tin-plate and still sell it with profit at less price than would cover our cost of production on sheet-iron. I believe that 50 per cent. of the sheet-iron which is now used could be substituted by sheets coated with tin or lead, and probably more than that."

I do not propose to enlarge further upon this branch of the subject. I state as my first proposition that the introduction of tin-plates free means destruction of the sheet-iron industries of the country. I say in the next place that putting tin-plates on the free-list renders impossible the creation of an industry which belongs naturally to this country, and in the inauguration and development of which American capital and labor might receive immense advantages. We have the iron ore; we have the coal; we have the limestone. Or, to start with, we have the sheets. So far as tin is concerned we are in a better condition to-day than England. England makes all the tin-plates of the world, or nearly all; yet she imports the larger part—two-thirds, I believe—of her tin. If we were in exactly the same situation as England, we could, of course, meet her upon common ground as to everything except one—labor. But we are in a much better situation, so far as this industry is concerned, than England, for the reason that we have the tin. I read from a "Treatise upon the Tin-Plate Manufacture in the United States," by John Jarrett, secretary of the American Tinned-Plate Association.

Mr. Jarrett says:

But a very important question just here is the fact that tin ore is known to exist in this country. We do not know that any mines have as yet been developed. The mere discovery of tin, however, in paying quantities will add new interest to the tin-plate question. The reports, if accurate, show the tin ore discovered to be exceedingly rich and much more valuable than the English and Australian ores. The Cornwall tin ore of England yields about 2½ per cent. of metallic tin. According to the testimony of E. N. Robinson, E. E., the tin ore of the Cajalco mines, in California, has yielded as high as 13 per cent. of metallic tin. The prospectus of the Virginia Tin Mining and Manufacturing Company shows that tin ore abounds very extensively in Rockbridge County, Virginia. The character of the ore is very rich, being from 14 to 65 per cent. metallic tin. These samples of the ore were assayed and analyzed by Professor Frank A. Massie, of the University of Virginia, Professor A. S. McCreath and Franklin Platt, of the Pennsylvania Geological Survey, and Professor H. D. Campbell, of Washington and Lee University, Virginia.

Another very important discovery of tin ore is that of the Black Hills, Dak. This ore, upon analysis, has yielded from 3 to 4 per cent. metallic tin. Professor William P. Blake says that there are now three well-defined districts of tin-bearing lodes in the Dakota portion of the Black Hills:

1. On the east side of the Harney range, at the Etta, Ingerson, Monarch, Peerless, and other claims.

2. Near the summit of Bismark's rancho, where cassiterite occurs in several narrow veins of quartz.

3. At Hill City, on the western side of the Harney range, where there are both granitic veins and quartz veins bearing tin ore.

To these we may add mention of a tin district in the Wyoming portion of the Black Hills, about 20 miles west of Deadwood, where a considerable amount of stream tin has been washed out of the bed of Sand Creek, and the discovery of the ore in places in granitic veins is reported.

These reports are certainly interesting, and would indicate that we are about developing another great resource, and adding a valuable and important industry to those already existing. It is sincerely to be hoped that such may be the case, but well to remember that it is not essential that tin-mining should be fully developed before the tin-plate industry can be established here. The development of tin-mining in this country will depend principally upon the establishment of the tin-plate industry here.

Mr. MCMILLIN. Mr. Chairman, the gentleman from Pennsylvania [Mr. DALZELL] has made an admission which I think is fatal to his argument. He admits that there is not a pound of tin-plate made in the United States, and that it all has to be imported. The only argument he has made for a duty on tin-plate is that by increasing the present rate of duty we might make our own tin-plates. That is the substance of his argument.

Now, when we undertake to revise the rates on an article made here we have a clamor from the gentleman from Pennsylvania and those associated with him against the reduction of the rates of duty, because it will interfere with American labor; and when we undertake to take off the duty on an article not made here, and which does not interfere with American labor, he rushes with equal zeal and equal pertinacity to the rescue and says the duty should not be reduced because it is a revenue article! [Laughter and applause.]

It is proposed we shall be placed on one or the other horn of the dilemma all the time; when we produce an article then it will injure American labor to take off the duty, and when the article is not produced here we are met with the statement it is a revenue article. Tin-plate is a revenue article; I admit that to be true. It has produced a revenue of $5,706,733 during the last year, and a sufficient answer to the whole argument the gentleman from Pennsylvania has made is that the Government does not need the money, and it does not injure a single American laborer to take off the duty.

It not only does not injure the American laborer, but benefits every one of them. How universal is the use of tin-plates? Every man who covers his house with a tin roof; every man who has a cooking-stove, with the vessels and appurtenances belonging to it; every man who buys a single article of canned goods, whether meat, fish, vegetables, or whatever it may be, is benefited by the proposed legislation. When you reduce this tax you reduce the cost of the article to the purchaser. There is not a man living in any corner of the country who will not be benefited by it.

One reason given by the gentleman why we should not reduce this duty is that it will induce people thereby to use tin-plate when they might otherwise be compelled to use sheet-iron. It is in effect that we are to keep up a high rate of duty—ay, increase the present rate—to force our people to use products not as well adapted to their uses as those they are now consuming.

But I wish to say another thing. On the tin used in canned goods exported a drawback is allowed. It is paid to those who use tin-plate in canning and for other purposes. Last year it reached $1,108,822.

Mr. RANDALL. Why do you not mention that the Standard Oil Company is a consumer and exporter of tin-plates?

Mr. MCMILLIN. I do not know what is the fact, but I presume it is as the gentleman states it. It is a fact that the rebate last year was $1,108,822. If you double the duty you would double the amount of rebate paid to the Standard Oil people.

Sir, is it not just to the laboring man, whose interest gentlemen on the other side are always pretending to clamor for, to provide for the removal of this duty on tin-plate, so he too may be benefited thereby?

To-day by reason of this tax and the rebate given on exported goods the American manufacturer charges the American consumer more for the tin vessel incasing his canned goods than he charges the British subject. Is this the kind of justice you propose to give the American citizen? Is this the protection you give the American laborer? Why not meet this issue like men, and say, as we do not need the tax we will not wrest it from the people?

Sir, if you do not reduce the surplus by repealing this tax, what will you repeal. Do you propose to make no reduction? Give no relief? That is too trifling a suggestion for this grave situation.

[Here the hammer fell.]

Mr. BAYNE. I move to strike out the last word.

The gentleman from Tennessee [Mr. MCMILLIN] was unfortunate in answering my colleague [Mr. DALZELL]. My colleague showed that when the duty was 2½ cents a pound upon this article of tin-plate, the industry flourished and the price was brought down from $12 to $5 a box.

Mr. SPRINGER. What is it now?

Mr. RANDALL. We are at the mercy of the British producer.

Mr. MCMILLIN. The gentleman said they could not attempt to make it at the present rate of duty.

Mr. BAYNE. If you will extend my time I will yield to the gentleman for whatever question he desires to ask me.

Now, if the rate of duty be put up to the figure indicated by my colleague, we shall be able to manufacture all the tin-plates that are wanted in this country, and they will be sold at a cheaper rate than they are to-day.

I wish, however, to call attention to another fact. We have heard attack after attack upon "trusts." That side of the House seems to have a terrible horror of "trusts" except when they are foreign "trusts." [Laughter and applause on the Republican side.]

A MEMBER. Yes, because they are foreign trusts.

Mr. BAYNE. Except the foreign trusts, yes. Now, the biggest trust in this country to-day is the Standard Oil trust——

Mr. MCMILLIN rose.

Mr. BAYNE. Now, just let me proceed. If you will extend my time I shall submit to any number of interruptions.

I say the biggest trust, the leading trust in this country, and the one that has endured the longest, is the Standard Oil trust, and the next biggest is the sugar trust. These are the two immense trusts. On the theory of gentlemen on the other side they protect the sugar trust, because they keep the duty on sugar up to the equivalent of 68 per cent. ad valorem. Now, these antagonists of trusts propose to emancipate the Standard Oil trust from the only obligation it is under to pay a tax by relieving it from the duties it is obliged to pay on the tin-plate it uses.

Mr. MCMILLIN. It gets the rebate on its tin.

Mr. BAYNE. Yes, it gets a rebate of $800,000 out of the $1,180,000 of total rebate that is paid on tin-plates.

Mr. MCMILLIN. But it gets it right now and under the present law.

Mr. BAYNE. Of course it does on the tin-plate it buys and exports; that is just what I say; but you propose to give it the benefit of the 10 per cent. now retained by the Government, and take away the burden imposed upon it of paying anything into the Treasury of the Government at all. If it gets a rebate of $800,000 it is still out of pocket $80,000 by the retention of the 10 per cent. by the Government. The tin-plate which it buys and does not export it pays the full duty on. What proportion that is I am unable to say, but it is doubtless a considerable proportion. This is the only tax the Standard Oil trust pays, and now you propose to relieve it from the payment of that.

Why, gentlemen, in view of these facts, should you denounce trusts? Why assail trusts on that side of the House with such vigor, when by the very action of your own committee and by the very wording of your own bill you promote and help these trusts? You maintain the sugar trust upon a firm foundation, according to your line of argument, and give it all the assistance it requires, and then you go further and relieve the Standard Oil trust from the payment of the tax which it pays now into the Treasury of the United States.

Gentlemen have told us of the tin that is used for preserved fruits and other things that are canned. These are insignificant, so far as exports are concerned, when compared with the tin used by the Standard Oil trust.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Kentucky. I hope that by unanimous consent the gentleman may be permitted to proceed for five minutes longer.

There was no objection.

Mr. BAYNE. Now, Mr. Chairman, I have said that out of the $1,180,000 of rebates paid, the Standard Oil Company gets about $800,000 of it, and the canned-fruit men and others who export their products to foreign countries in tin packages get about $300,000. If you put a duty of $2\frac{2}{10}$ cents a pound on tin-plates you will enable the people of this country to produce all we want, and you will get it lower, in my judgment, than you do now.

Mr. RYAN. Can the gentleman give the value of our own consumption of tin?

Mr. BAYNE. I do not know the exact value, but it is immense. We had, some years ago, an establishment at McKeesport and one at Leechburgh, in Pennsylvania, and one in Missouri, and perhaps one at another point. All are now gone.

Now, you propose not only to eliminate out of our system the possibility of manufacturing tin-plates in this country, but you go even farther than that. You propose to admit them free and put them into competition with all other classes of sheet-iron. Do gentlemen of the committee know what they are dealing with? What is tin-plate? Why, only about 5 per cent. of it is tin, and that percentage runs down even as low as 2 per cent. Under that provision of your bill, which does not designate the dimensions of the sheet, its weight or its thickness, or anything else, all the sheet-iron that comes into this country can be dipped in lead, or lead tinctured with a little tin, if you please, and then, under this bill, it will come in free.

You do not know, gentlemen, what you are doing. I am satisfied of that fact. That simple process would be possible with all the sheet-iron imported into this country, and the cost could probably be made so trifling that it would not compare with the duties now levied on sheet-iron and on sheet-steel. How easy it would be to take all the sheet-iron of every form or in any form and dip it into a conglomerate of tin and lead.

Mr. FARQUHAR. Oil and lead.

Mr. BAYNE. And then bring it into this country, and thus escape duty under your bill? You open up that door to the foreign importers to send their materials into this country free of duty. You do it unconsciously I am satisfied. Unconsciously, because you do not understand the question, and you would not take the advice of those gentlemen who were informed upon the subject. I say to you, gentlemen, it is time to call a halt. It is time to stop and consider what you are doing before passing a bill, and especially under a limitation of debate, which involves possibilities so dangerous to the industries of the country, and even dangerous to the very revenues of the Government; and I propose now, before I take my seat, to withdraw the *pro forma* amendment, and move a further amendment, to add, in line 48, "two and two-tenths cents per pound," fixing that as the duty on tin-plate.

Mr. BRECKINRIDGE, of Arkansas. How much tribute does that give to the Standard Oil Company?

Mr. BAYNE. Under the present arrangement I presume it would about double it.

Mr. BRECKINRIDGE, of Arkansas. But you were complaining a moment ago of the amount that was given to them.

Mr. BAYNE. Yes, complaining of the amount that your bill would give them.

Mr. BRECKINRIDGE, of Arkansas. But you now admit that your proposition would double that tribute.

Mr. BAYNE. Not at all. It would not give them a dollar, and why? Because if that duty was imposed, then with manufacture of tin in this country no drawback would be allowed.

Mr. BRECKINRIDGE, of Arkansas. That would be just shifting the drawback from them and giving it to the manufacturer.

Mr. BAYNE. No, sir; that would transfer it to the manufacturers of this country, and through them to the workingmen of this country, and give employment to ten to fifteen thousand men who would be glad to get work.

[Here the hammer fell.]

The CHAIRMAN. Will the gentleman from Pennsylvania again state his amendment?

Mr. BAYNE. In line 48 to insert "two and two-tenths cents per pound" as the duty upon the articles mentioned in the paragraph.

Mr. SCOTT. Mr. Chairman, this question of tin-plate materially affects my district. I represent here, sir, an oil-producing district; and if removing the duty from tin-plate will relieve my people of undue taxation I feel justified in advocating such a reduction. The gentlemen on the other side of the House have been endeavoring to convince us that tin-plate is sheet-iron; that tin-plate as a commodity in the commercial world has no existence; it is not known to the trade; that it is nothing more than sheet-iron.

Mr. DALZELL. Nobody said that on this side of the House.

Mr. SCOTT. Please sit down and let me have my time. You were not interfered with.

The CHAIRMAN. The gentleman objects to interruption.

Mr. SCOTT. Yes, sir; I object to interruption.

The whole line of argument has been that tin-plate was not tin-plate; that it had no existence. But let us understand the true inwardness of the efforts of the gentlemen on the other side of the House. There is a notorious character in this country named John Jarrett. He was at one time the head of the Amalgamated Association of Steel and Iron Workers of this country, and he was by that association driven out of that association. He then went into the city of Pittsburgh and started a little tin-plate manufacturing establishment, or became identified with it. As a part of his labors in the interest of the Republican party from the day he became identified with this bantling in the city of Pittsburgh this cry of protection to tin-plate has gone forth. There is the true inwardness of the efforts of the gentlemen on the other side to put a duty of a hundred per cent. on tin-plate, taxing every oil-producer in Western Pennsylvania. The gentlemen on the other side can not pretend to claim that the Standard Oil Company, and the Standard Oil Company alone, represents the product of oil in the State of Pennsylvania. The Standard Oil Company does not produce 5 per cent. and is not interested in 5 per cent. of all the oil production of Pennsylvania.

Mr. BAYNE. Will the gentleman permit me to state that I have the official papers here from the Standard Oil Company, showing the Standard Oil Company's connection with it to be $749,000?

Mr. SCOTT. I do not deny that; but there is an interest behind the Standard Oil Company of over 100,000 men, wage-workers and producers, who are interested in this question. My colleague from Pennsylvania proposes to keep this tax on them to prevent them from exporting this oil, which is to find a market abroad. I want him to go into Western Pennsylvania this fall. I would like to see him there on the stump justifying himself for putting a tax of 2½ per cent. on tin-plate. I would like to see what the producers of Western Pennsylvania would say to him.

I desire to say further that if this rebate, as he claims, is made to the Standard Oil Company, putting it on the free-list does not place them in any different position from that now occupied——

[Here the hammer fell.]

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his amendment?

Mr. BAYNE. I withdraw it in the hope that some other gentleman will renew it.

Mr. YOST. Mr. Chairman, I renew, in all good faith, the amendment of the gentleman from Pennsylvania, to increase the duty on tin-plates to 2.2 cents per pound.

The committee will bear me out in the statement that I have trespassed little upon its time during the consideration of this bill. As long as the theories and principles involved were under discussion I was content to be an attentive listener, well knowing that others far more capable would ably deal with the subject in all its varied phases. When it comes down, however, to the details; when it comes down to actual dollars and cents, and when I see an onslaught attempted upon the interest in which the constituency I have the honor to represent is most deeply concerned, I feel that I can not longer sit silently by and permit, without a protest, the enactment of a law which would take tens of millions of dollars from the South and prove an affective, though possibly not an effectual, impediment to the prosperity and upbuilding of a section that is just beginning to awake from the lethargy of generations.

It seems to me a singular anomaly that the people whose future well-being is so directly involved in the maintenance of a protective tariff—whose industries are all in the "infant" stages—are, with very rare exceptions, represented on this floor by gentlemen who, wittingly or unwittingly, are doing all in their power to perpetuate poverty in the South and remand her to her old condition of tribute-bearer to the North and East.

During this discussion the voice of the Southern Representatives, with one or two notable exceptions, has been raised against what I conceive to be the dearest interests of the Southern people. I could understand this demand for reduction or abolition of duties if it came from the North or the East, for it seems to me that the scepter of trade, now so vigorously contended for by the young giant of the South, may pass from the hand that has so long swayed it.

All of my life I have listened to Democratic orators in my own State inveighing against a system which they claimed made the Southern people pay an enormous annual tribute to the manufacturers of the North. If such a day there ever was, that day has passed.

To-day the new South is rearing her proud head and demanding recognition of her claim for a place in the list of manufacturing communities. And that claim will be recognized if the policy which has made the nation great shall continue to bless the land. It seems to me an inopportune moment for Southern Representatives to be advocating a change. Just as we are preparing to contend for industrial supremacy; just as we are about to demand a tithe of the great tribute we have paid; just at the time the tables are turning and Northern enterprise and capital are seeking to plant their converters in the midst of our vast fields of raw materials; just as we stand on the summit of Pisgah and see the land of promise spread out before us, just at this time Southern Representatives on this floor are working might and main to turn the tide of prosperity back to its original channel, or, ten thousand times worse, away from this nation altogether.

I do not feel at liberty to speak for other States, but I do maintain that in Virginia the sentiment is overwhelmingly against the changes proposed in this bill—especially as to the item we are now considering. Instead of placing tin-plates on the free-list, instead of abolishing the duty on "mineral substances in a crude state and metals unwrought," our people want an increase of those duties. Instead of wool on the free-list they want a restoration of the tariff of 1867. Instead of abolishing the duty on the products of their fields, their gardens, and their forests, they want those products protected and made to yield their fullest return.

I know, Mr. Chairman, in making this assertion I combat the views of my colleagues on the other side of the Chamber who have spoken upon this question. Yet I nevertheless maintain the truth of the statement I make. So far as the Republicans of Virginia are concerned, they are solidly against this bill. I will let the Democrats speak for themselves. In August last one of the largest representative conventions of the Democratic party ever held in Virginia met at Roanoke. There were no candidates to be nominated; no State officers to be elected. The convention was held simply and solely for the purpose of announcing Democratic faith and letting the world know where the Democracy of Virginia stood, there having arisen in the mind of the public grave doubt as to that position. The convention was composed of gentlemen selected for no other purpose than to promulgate the party creed. That was their sole mission; there the boundary of their duty.

After due deliberation a series of resolutions were unanimously adopted, the most important revenue feature of which was—

We demand the immediate repeal of the internal-revenue system, a relic of the war and no longer necessary to meet the demands of the Government, because it is oppressive, fosters monopolies, and is obnoxious to the interests of our people.

If that imperative demand were met, it would render impossible any curtailment of receipts from imports, for the internal-revenue collections exceed the annual surplus by 50 per cent. Aye, if the Democratic members of this House would only go half as far as the united Democracy of Virginia demanded they should go, the problem of the surplus would be solved.

But there was another resolution to which special emphasis was given. It was this:

Resolved, That the Democratic party will foster, encourage, and protect the agricultural interests of Virginia, believing that the success of that interest is the foundation of the State's prosperity.

Protect the farmer! Protect him by robbing him of an annual market of $60,000,000 by the transfer of farm products to the free-list, and retaining a "system obnoxious to the people!" Protect him by abolishing his home market and converting tens of thousands of consumers into so many competitors! Protect him by destroying his flocks, rendering valueless his timber, and condemning to eternal slumber the rich mineral deposits that underlie his soil! That is the feast of protection to which the farmers of Virginia and the farmers of the nation are invited.

But, sir, to come to the immediate question under discussion—the transfer of tin-plates to the free-list. The gentleman from Tennessee [Mr. MCMILLIN] wants to know how labor is to be affected. I think I can show him. During the year 1887 we imported from Great Britain 268,364 tons of tin-plate, or about 75 per cent. of the whole British export of that article. Do the members of this House realize what that simple statement means? It means, and I use the estimates of an expert, the digging out of 705,092 tons of iron ore, the quarrying of 536,728 tons of limestone, and the mining of 736,230 tons of coal to be converted into coke. These materials were consumed in the production of 386,445 tons of pig metal. This pig metal under the basic process was converted into 328,476 tons of basic ingots. These ingots, in turn, were rolled into blooms and sheets and bars, which, with the tin and lead used, made the 268,364 tons of tin-plate. Here, then, were nearly 2,000,000 tons of raw material, every ton of which could have been and should have been produced in this country. Besides this, our furnaces lost a trade of 386,445 tons of pig-iron, an amount equal to the output of ten 100-ton furnaces in full blast from January to January, while 328,476 tons of basic ingots were made in Europe instead of in America. But that does not represent one-half of the loss to the people at large. The railroads lost the freight on over 2,000,000 tons of material; the working people of this country lost over $15,000,000 in wages, which meant $1.50 per day taken from 33,333 Americans for 300 days of the year.

That would have given every man in the district I represent $1.50 for every working day of the year. But that is not all. The farmer and merchant lost the trade which that $15,000,000 would have given them, and so on through the whole circuit of benefits the money would have conferred.

But it may be claimed that we can not produce these tin-plates. I deny it. Upon the authority of practical men who have given thought and study to the subject, it is asserted that the South is offering to-day a fair field for the manufacture of this material. It has been charged that our Southern ores are too high in phosphorus to be used in the manufacture of Bessemer steel. I deny that also, and propose to prove later on in the discussion of this bill that Bessemer ores of the finest quality and in vast quantity are found in Virginia, North Carolina, and various States of the South. No one doubts, however, that our section possesses millions upon millions of tons of phosphoritic ores suitable to the production of steel under the basic process, and all of the tin-plate made in the world is now made from mild basic steel.

[Here the hammer fell.]

Mr. MCKINLEY. I ask unanimous consent that the time of the gentleman be extended five minutes.

There was no objection.

Mr. YOST. We can produce every pound of material which enters into the manufacture of tin-plate, even down to the tin. In my district alone a large deposit of tin of fine quality is now being developed. That it exists in quantity there can be little doubt. The geological condition in which it occurs extends for miles, and the surface indications point to the probability of rich and extensive deposits.

If I were asked what, above all else, the South needs, I should reply: Basic-steel plants and a market for their product. We not only have all of the material that enters into the production of this metal; we not only have tens of thousands of idle hands eager to grasp the pick, but we need this particular industry for a double purpose. We want it to utilize our raw materials and we want it to fertilize our worn-out lands. Under the basic process the phosphorus is eliminated from the metal and converted into basic phosphate, which for fertilizing purposes is worth over $26 per ton.

It is time we were looking to the future of our fields. Year after year the South is drained of millions of dollars to meet the drafts of Northern fertilizer establishments. In many instances they send us the tailings of a conveniently located sand-bank; but despite the frauds practiced upon us we repeat the same stupidity year after year, for the simple reason that we have gotten into the habit of doing it. But it is time we were getting out of that habit; it is time we were utilizing the gifts of a bountiful Providence and proving to the world that we are worthy of such an inheritance. And here and now is a good time to make a start. Instead of putting tin-plates on the free-list, increase the duty to 2.2 cents per pound and give the South a chance.

It will mean a trade of $30,000,000 per annum thrown into the South for the next five years, and after that time you may take off the duty if you will, for the world can not touch us then. And this will be a trade not transferred from one section of the Union to another, but an absolute gain to the South and to the whole country, for it will be the introduction of a new element of wealth and prosperity. We shall not have Northern plants to compete with, for Northern skill and capital realize the inducements which our section offers for this particular manufacture and will be eager to take advantage of the opening. We welcome them to our midst, for we know that with them come profitable employment for labor, a home market for our farmers, and money and activity and life to all classes.

Gentlemen of the South, as the humblest among you, let me beg you to pause for a moment and consider the welfare of the people who sent us here. The day has passed when the South can afford to be content with theories, however eloquently they may be presented. She stands to-day naked in her poverty; not asking alms but asking simple justice. She has paid her tribute to the North. She has made rich that favored section, and now she asks that the same policy may be continued while she exacts her tribute in return. [Applause.]

And who refuses to recognize the justice of her demand? Not the men on this side of the Chamber. With one acclaim they welcome her to her new estate. Can those she has honored, to whom she has given her high places and to whose keeping she has confided her interests—can they afford to step athwart the pathway of her progress and stay her onward stride? [Applause.]

Deny it if you will, disguise it as you may, I know and you know that old things are passing away in the South, and that the new South—that South which no longer lives on sentiment; that South which is practical and is looking forward to a future big with material prosperity—is not the mere vision of an enthusiast, but is a living entity. To-day she is demanding her rights and will be satisfied with nothing less. She can get them if the men who stand as her representatives on this floor will do their simple duty. If they fail to do it, then I warn them that a day of reckoning will come. No member of this House could have been elected from Virginia had he made his canvass on the basis of the Mills bill, and, if the people are true to themselves, no member will be elected to the next Congress on any such platform.

At length and at last the intelligent business people—the men who work with their hands and work with their heads—are recognizing the fact that the future of the South is linked with industrial progress.

They see that the upbuilding of their section, the development of its wondrous latent wealth, the utilization of its splendid water-power that now runs useless to the sea, and the prosperity of all of its people is dependent upon the maintenance of a protective tariff. They see material benefits, home comforts, a richer return for their labor, and a grander destiny for their section, on the one hand; whilst on the other are the crumbling idols of a day that is gone, the reckless clinging to a name, the senseless bondage of passion and prejudice, the promises that have been broken, the faith unkept, the want and poverty and humiliation that have been the price she has paid for the advocacy of a theory that ought to have been buried ere the smoke had fairly cleared from the field of Appomattox. With the emancipation of the last slave should have disappeared the dream of free trade in the South, for the slavery of purchase, or the slavery of penury, and free trade are Siamese twins. [Applause.]

[Mr. BUTTERWORTH withholds his remarks for revision. See APPENDIX.]

The CHAIRMAN. If there be no objection, the *pro forma* amendment will be considered as withdrawn, in order that it may be renewed by the gentleman from Pennsylvania [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, the statement which I made in regard to the proposition advanced by the gentleman on the other side has been practically repeated by the gentleman from Ohio [Mr. BUTTERWORTH], who has just taken his seat; but he has mixed sheet-iron and tin-plate in such a way that you can not exactly tell what he is trying to get at. He puts forth the proposition that if we put tin-plate upon the free-list it is going to destroy the sheet-iron industry in this country. I understand that to be the gentleman's proposition.

Mr. BUTTERWORTH. Yes; in other words——

Mr. SCOTT. That is what you said.

Mr. BUTTERWORTH. Let me correct my friend, for of course he does not wish to proceed upon a misunderstanding. I said that the particular industry—roofing and siding, using this particular kind of

sheet-iron—would be absolutely crushed and destroyed by the removal of the duty on tin-plate.

Mr. SCOTT. Now, the gentleman has made the proposition that if tin-plate be put upon the free-list the sheet-iron industries of this country are going to be destroyed.

Mr. Chairman, for the past twenty-five years we have had high duties on tin-plate, and I state here that there are not one thousand wage-workers employed in this country to-day in producing tin-plate.

Mr. BAYNE. Not the half of that number.

Mr. SCOTT. I have put it at one thousand.

Mr. BAYNE. There is not one.

Mr. SCOTT. Very well. Now, what do you propose to do? To what uses is tin applied? Is it used for canning fruits, vegetables, condensed milk, fish, and other products, both for exportation and home consumption of these articles, and largely for roofing purposes, but not for siding? Is it not the wage-worker's silver? Can any man, poor or rich, in this country escape its use? Is there a dairy farmer or a milk-maid who does not require tin pails and all the tin utensils used in carrying on the dairy industry of the country? And, sir, what is the cost of the tin-ware to the farming interests of this country, to those farmers who are engaged in producing cheese, milk, and butter? The duty the gentleman proposes will add largely to the cost of the tin-ware to the farming class of the country, a class that suffers to a greater extent from tariff laws than any other, and who receive no relief from anything you can give them in the way of protection. He proposes to tax every farmer of this country for what he can not escape the use of, which is tin in all the vessels of his kitchen or upon his farm and in all the various industries in which the farming class is engaged. The average price received by the dairy farmer for his milk will not exceed 1½ to 2 cents per quart, and the tin-ware necessarily used upon a dairy farm is no inconsiderable portion of the expense of such farm.

Is there justice, sir; is there equity in any party pursuing a policy to build up one industry by taxing 60,000,000 people under the plea of protecting home industry when there is not a wage-worker to-day engaged in that industry?

The CHAIRMAN. The gentleman's time has expired.

Mr. SCOTT. I will ask for an extension of my time.

Mr. BUTTERWORTH. I move, by unanimous consent, the gentleman be allowed to proceed for another five minutes.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. SCOTT. Gentlemen on the other side of the House tell us that if we take off this duty nobody will be benefited by it; that if we take off the tax of $6,000,000 the Government is now collecting yearly on tin-plate, and which money it does not need, tin-plates will advance instead of fall in price. Sir, such a proposition to a man of ordinary intelligence is not worthy of consideration. There is a law that the cheaper the cost the cheaper the article will sell for.

The argument of the gentleman from Ohio [Mr. BUTTERWORTH], that if you take $6,000,000 of tax off of these people the $6,000,000 would go into the pockets of the middlemen, and the farmers and consumers would not be benefited by it, is too illogical for discussion. Let us have a chance to see whether the price will be reduced if the tax is removed; and if the price of tin-plate is advanced to the consumer by taking off the tax of $6,000,000 of duty now collected on it, then it will be an easy matter for those who come after us here to put the duty back again.

The argument of the gentleman on the other side that the removal of the duty from tin-plate is going to affect the price of sheet-iron in this country is not so. If it were going to affect the price of sheet-iron it would have affected it already. The removal of these taxes will no more affect sheet-iron wage-workers in this country than the removal of the duty on salt would affect the workers in sheet-iron industries of the country.

I say, Mr. Chairman, it is nothing more than justice to the great farming class and the wage-workers of the country that this tax should be removed.

[Here the hammer fell.]

Mr. RANDALL rose.

The CHAIRMAN. The Chair is under a promise to recognize the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. I will take the floor and yield my time to the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, I think it is a matter of little moment what the motive of John Jarrett may be in this connection, or what the interest of the Standard Oil Company may be—that stupendous "trust" which has done so much injury to the American consumers. The question is a broader and deeper one, in my judgment, than as to how far individuals or corporations are concerned. The broad and deep question in this connection is, can we produce these tin-plates in the United States for the supply of which we have now to depend upon Great Britain? I know we can, because we have in part done it, and we can do it again with proper protective duties in behalf of our own labor; and the gentlemen who discuss this matter away from its connection with labor belittle it. Tin-plates can be produced in this country and will be produced here. The gentleman from Pennsylvania [Mr. DALZELL] on the other side of the House has given all the facts in that relation.

How does it affect the producing interests of the country? Does it affect the labor of the country—the wage-earner? To-day there are coming to the United States $17,000,000 in value of tin-plates. If those tin-plates were produced in this country twenty-four thousand people here could be employed in this industry. The labor in Great Britain and Wales required to produce the tin-plates we consume amounts, I am advised, to $9,000,000, and it is only fair to conclude if we produced those tin-plates in this country the laborers engaged in that work would receive from it some ten or twelve millions of dollars.

It is my judgment that the price of these tin-plates, within twelve months, would follow the course of every other product that has been carefully considered in making up tariff legislation, and that there would be no increase whatever at the end of that period above the present price of tin-plates in this country, that industry being remitted to the law of competition and to the law of supply and demand. But the 1-cent duty, I admit, is revenue only, and a superficial examination of this question would encourage the taking off of that duty; but when you view it in the broader light of its effects on American production then I say we should make the effort to let the wage-earners of the United States produce that which they can produce, and derive the benefit which they would derive from this vast amount of money which is annually sent abroad.

How far-reaching is this whole matter! It has relation to an enormous production of iron ore, of limestone, coal, coke, pig-iron, and every article connected with its production, and why should not all these be encouraged and produced in the United States? I think $17,000,000 a year is too much money to go out of this country when the people of the United States, without harm to the consumer, in my judgment, and without ultimately enhancing the price of these commodities, can produce the very articles themselves. We have within six years contributed $100,000,000 to England, and have drained our country to that extent.

I hope this matter will be considered on broad business principles and without prejudice. Twenty per cent., I judge, of the tin-plates consumed in the United States is used by the Standard Oil Company, that is, as far as I can learn, and I do not believe the Standard Oil Company would in the end be injured or put to one dollar of expense beyond the present rates; because, while they would get no drawbacks, of course, on the other hand they would have no duty to pay on the tin-plates. They would get the American article instead of the British, ultimately, at about the same price.

I am not disposed to give this interest or this advantage to a foreign country in preference to my own. [Applause.]

The CHAIRMAN. The Chair will consider the *pro forma* amendment of the gentleman from Pennsylvania as withdrawn.

Mr. RANDALL. I withdraw it.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I renew the *pro forma* amendment.

We can produce tin-plate in America, and we can grow pine-apples in Maine; but, sir, it is not in the interest of the people of this country to engage in either industry, for they can procure the commodities more cheaply by legitimate exchange.

Sixteen millions of dollars is a large amount of money to pay out for a commodity, and $5,000,000 is a large amount of tax for the people to pay into the public Treasury. But, sir, I consider that it is a hardship indeed to add iniquity to a burden by adoptinga policy that would turn that current of expenditure from the public Treasury into the pockets of a few subsidized citizens of this country.

Mr. Chairman, we now pay a drawback to those who export the commodity once imported, and it is neither a hardship nor a burden upon them; but when and how and where has any tribute or any exaction been escaped by the great body of the consumers of this country?

Mr. BUTTERWORTH. Mr. Chairman, we cannot hear the gentleman.

Mr. BRECKINRIDGE, of Arkansas. You seek to put it into the pockets of the few men who are to be subsidized in violation of the spirit of liberty and at the cost of the great body of the people. [Applause on the Democratic side.]

Sir, where an industry has been established there may be pleaded in its behalf an equity, but there is no principle of equity, reason, or good policy which can justify an attempt to extend and to start afresh the system which subsidizes the few at the expense and in violation of the rights of the great body of the people.

I hold in my hand, Mr. Chairman, a communication that represents the other side of this question from that presented by gentlemen who favor the principle of protection. It is one of those petitions that constitute a part of the archives of the Committee on Ways and Means, and which was not brought out by gentlemen on the other side. I think it fairly represents the sentiments and portrays the interests of the country in regard to this question, and I send it to the Clerk's desk and ask to have it read.

Mr. BUTTERWORTH. Who is the author of it?

Mr. BRECKINRIDGE, of Arkansas. The name will be given.

Mr. BAYNE. John Dunlap?

Mr. BRECKINRIDGE, of Arkansas. The gentleman will see. It

was referred by the President to the Secretary of the Treasury and by him to the Committee on Ways and Means.

The Clerk read as follows:

BUFFALO, N. Y., *December* 13, 1887.

Mr. PRESIDENT: Your message I have read with interest and heartily indorse the points you make therein, and as a loyal citizen and a Republican, I thank you for the good government you are giving us and our country. The inclosed clipping is from the American Grocer and was inspired by F. B. Thurber, New York's best merchant. He voices the sentiments of very many business men who are Republicans now, and will support you for a second term. I am a manufacturer and make many thousands of boxes of tin-plates in fruit cans annually. This tin-plate pays a duty of $1.10 a box into our Treasury now, to protect nobody, as not one box is made here, or likely to be.

My business would be benefited, if anything, by an increase of duty, as I could use it as an excuse to exact twice the amount from customers. But the country at large (and the manufactures also in the end) will be helped by a repeal of the duty on tin-plate. Free tin-plate means 6 cents per dozen less on all 3-pound canned goods and about 10 cents per dozen on gallon canned goods to the consumer. Having the argument "free tin, now cheaper canned goods," the consumer will obtain it.

Tin-plate in some form (cooking utensils, dinner pails, canned foods) finds its way into every household, from the humblest to the grandest, throughout the land, and being of a short life needs constant replenishing.

Your policy is certainly acceptable and pleasing to the mass of the thinking citizens of the United States.

Pardon my taking your time. I thought you would be interested to know from one of the people how you are liked by the people for whom you are toiling.

Sincerely and respectfully,

CLARENCE M. FENTON,
95 *Ohio street, Buffalo, N. Y.*

Mr. GROVER CLEVELAND,
President of the United States, Washington, D. C.

Mr. FARQUHAR. I know very well that Mr. Fenton's correspondence is pretty widespread on this question. I am very well aware also of this Erie Preserving Company, which he represents as secretary. I can also vouch for him as having been a Republican.

Mr. WEBER. How long ago?

Mr. FARQUHAR. But I can not vouch, after his writing that letter, that he is a Republican now. He is a very nice, Christian gentleman, but, like a good many of that class of Christians, he has got considerable self-interest in what he says.

First of all I take issue with Mr. Fenton in the fact that he does not furnish the same figures to the President of the United States, who is a constituent of mine, as he does to me. Mr. Fenton wrote me on March 23d that at 1 cent per pound it amounts to 5 cents per dozen on tin fruit-cans holding three pounds. In the letter he sends to Mr. Cleveland he puts it at 6 cents. Whether he is exact in his figures or not, I do not know.

I have the official figures of the association, however. I answered Mr. Fenton when I received his letter, that I did not know why, as a Representative from the Buffalo district, I should contribute to the profit side of the ledger of the Erie Preserving Company unless I knew the consumers were to receive the benefits of this cheapening of tin. From that day to this Mr. Fenton has never answered my letter, but he sent a letter with a later date and with a fresher price to the President of the United States. Now the actual cost to the consumer I am ready to give to the House. On the 1-pound can, of which they use the larger number in the Erie Preserving factory, the cost is simply 2¼ mills. Now, if any business man can tell me, figuring from a single pound up to a dozen, how he can give the benefit to the consumer at that infinitesimal rate, he will do something I am not able to do, although I am used to that class of figuring in my own business. That is certainly wind. There is no business man on this floor while I am speaking—and I will give him time to answer me—that can say that that 2¼ mills on 1-pound cans of preserves can ever be given to the consumer. It goes into the pockets of the preserving company, and it will never get out of them.

Now, Mr. Chairman, I have listened quite patiently to this discussion and I concede on this tin-plate question that the demand of this side of the House is simply for a protective duty that will encourage and will develop that industry here.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BURROWS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from New York [Mr. FARQUHAR] be extended for five minutes. Is there objection?

There was no objection.

Mr. FARQUHAR. I wish to say also that in a class of industries like the tin-plate industry, the silk industry, and even the textiles, this country, from the first protection bill that was ever passed by Congress, has followed in the exact trend of the party and the people that ask the advance on tin-plate to-day. We have built up every great industry. You may call it subsidy, you may call it subvention, you may call it bonus, but where America has lacked capital the United States Government has come forward, even if it was necessary to borrow the money, and given a helping hand to raise every industry we have in this land to-day. So it will be to the end. I want to say further that as an American citizen, as a man in favor of keeping every dollar of American money for the use of America and her workingmen, I am willing to face my district, face the two and one-tenth mill men in that district with the word "subsidy" on my shoulders, and stand up for the twelve millions of money that we pay British wage-workers, and that ought to stay in our own land to-day. When we take into account the millions of money expended in this land in prospecting, in mill machinery, in analysis, and for the advancement and development of this industry, I think it is poor policy for the Fiftieth Congress to shut out for the benefit of Europeans the development of our land, in its mines, in its works, and in its labor.

Mr. WILSON, of Minnesota. Mr. Chairman, I wish to submit a few remarks touching what was said by the gentleman from Ohio [Mr. BUTTERWORTH], who, I see, is about leaving.

The CHAIRMAN. The Chair will direct the attention of the gentleman to the fact that debate on the pending amendment has been exhausted. The Chair will consider by unanimous consent that amendment is withdrawn and renewed by the gentleman from Minnesota.

Mr. WILSON, of Minnesota. The gentleman from Ohio [Mr. BUTTERWORTH], who is always very able, very forcible, and generally very logical, argues before this committee—I think I quote him correctly—that if tin-plate were put on the free-list it would throw out of employment those men who are engaged in manufacturing sheet-iron, so far as sheet-iron is used in roofing and siding, etc. I have forgotten the number of men he stated would be thrown out of employment.

Mr. BUTTERWORTH. Fifteen thousand.

Mr. WILSON, of Minnesota. In the next sentence the gentleman said that if the tax were taken off and the article were put on the free-list it would not cheapen the article except to the middle-men.

Now, as the makers of roofs and the persons who side houses with tin are not middle-men, the gentleman's position, briefly stated, is that though the removal of the tariff from tin would not lower its price, yet it would destroy the sheet-iron industry, because sheet-iron is a component part of tin.

Mr. BUTTERWORTH. My friend can hardly be serious, although he looks serious. [Laughter.]

Mr. WILSON, of Minnesota. The gentleman said, as I understood him, that except to the middle-man the removal of the tariff would not reduce the price of tin, but nevertheless he said it would destroy the industry of certain men engaged in making sheet-iron for roofing and siding.

Mr. BUTTERWORTH. I said that taking the duty off would reduce the price of cans only to the manufacturer. I said it would reduce the cost to him, but that to the man who consumed the contents of the can it would not reduce the price, nor would it increase the price received by the man who raised the tomatoes and the peaches and the beef which would go into the cans, because the decrease in the cost of the pound can would be only about one-eighth of a cent, and that difference, I said, would never reach the consumer on the one side nor the producer on the other.

Mr. WILSON, of Minnesota. I venture to say, with the greatest deference for my friend, that he will find that his statements were hardly as he now recollects them, and that he did say that "except to the middle-man the removal of the tariff would not reduce the price." But this is not very material as to his argument. He does not pretend to say that sheet-iron and tin as roofing material necessarily come into such competition or that the preference for or use of the one rather than the other depends on the relative lowness of price of either.

With just as much logic and reason might he say that this bill would destroy the business of slate making, or the business of shingle making, or the business of clapboard making, because these products are all used for roofing as sheet-iron is, only much more.

Sheet-iron is very seldom used for roofing or siding, and when it is so used it is not because it is cheaper than the other materials, but because it is preferred for some other reason. While the gentleman has most positively asserted that the removal of tariff from tin-plates would destroy that sheet-iron industry, he has stated no fact justifying such a conclusion. This tin-plate question has been argued here by the gentleman from New York as if it only concerned the interests of those who buy a pound can of preserved fruit. But, Mr. Chairman, that is entirely too narrow a view to take of the question. There is no house in this land so poor, there is no man so poor——

The CHAIRMAN. The time of the gentleman has expired.

On motion of Mr. RICE, the time of Mr. WILSON, of Minnesota, was extended for five minutes.

Mr. WILSON, of Minnesota. I say, Mr. Chairman, there is hardly a family or a person in the land, especially among the common people, not interested in this question. This fact is too familiar to every one to require illustration or proof. It is unfairly belittling the question to treat it as if it merely affected the price of pound cans of preserved fruit or meat. And I do not understand what grounds the gentleman has for his prediction or prophecy that if we lower the cost of the material by the abatement of the tariff the price to the consumer will not be lessened. It is a well-known law of trade that lessened cost to the producer means lessened cost to the consumer. If this is not so, then truly the people are at the mercy of the rings.

The gentleman from Pennsylvania [Mr. DALZELL] who opened this question said that this is merely a revenue tariff. This is correct, for I believe it is conceded on all hands that there is not a pound of tin-

plate manufactured in this country. But the gentleman argued, as I understood him, that this being a revenue tariff it should not be removed.

Mr. DALZELL. I said that its removal was inconsistent with your notion and the maxims that are continually laid down by gentlemen on your side of the House.

Mr. WILSON, of Minnesota. Permit me to say that the gentleman's position is consistent with the views of gentlemen on that side, if I understand them. If I have not listened in vain to the arguments of the gentlemen on that side of the House, their position is that the masses of the people, instead of the classes, shall pay the taxes. A protective tariff is a burden on the masses, for the benefit of certain favored classes. The poor man in this case (the tariff on tin-plate) pays just as much tax as the rich man, because he ordinarily uses as much tin-plate as the rich man, and therefore, instead of paying a tax in proportion to his wealth and his ability to pay, he is compelled to pay in proportion to his needs. I am utterly opposed to that. It is, as I say, making the masses of the people instead of the wealth of the country pay the taxes; and when we have a surplus which we are seeking to lessen, I think this is one of the taxes that should be abated.

Mr. REED. Then you are in favor of a tax on wealth direct?

Mr. WILSON, of Minnesota. I am in favor of taxation on wealth. I am in favor of compelling every man to bear the burdens of the Government in proportion to his ability, and not in proportion to his necessities; and when I see the wealth of the country by one subterfuge or another escaping its just share of taxation, I am ready to say that when a proposition for an income tax is brought in, you will find me voting in favor of it. [Applause on the Democratic side.]

I am in favor of making wealth pay its part of the taxes of the country; but the course which has been pursued on these questions of taxation has tended to remove the tax from wealth and place it on the masses; the poorer the masses, the greater proportionally the tax. I am opposed to that, and will vote for anything which tends to remedy the evil.

Mr. BURROWS. Will the gentleman explain how the masses were injured when we manufactured tin-plate in this country, and the price declined from $12 to $5? How did that affect the masses injuriously?

Mr. WILSON, of Minnesota. I have heard such arguments as that at every step of the discussion of the tariff.

Mr. BURROWS. How did that hurt the masses?

Mr. WILSON, of Minnesota. From the time this debate began until the present, gentlemen on the other side have said, "Because something is cheaper to-day than it was ten or fifteen years ago, therefore this or that follows." I say that the conclusions gentlemen undertake to draw do not follow. For years everything has been going down; and I do not understand that the wealth of this country is entitled to the benefit of all the reductions which have been made in the cost of manufacture by reason of improved machinery and improved methods; for these are the causes that have lowered products. Products have not become lower on account of the tariff, but in spite of it.

Mr. RANDALL. The gentleman says everything has been going down; I would remind him that the price of labor in the United States has gone up.

Mr. WILSON, of Minnesota. I am speaking of the products of labor, which, as a rule, have gone down. I am opposed to the wealth of the country claiming all the benefits to be derived from improvements in machinery and from better methods of manufacture.

Mr. RANDALL. The gentleman said that everything had gone down. I wanted to remind him that labor had not.

Mr. WILSON, of Minnesota. Labor has gone up as much in free-trade countries as in ours. The tariff has nothing to do with that.

[Here the hammer fell.]

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I am perfectly satisfied that if there were any method by which a fair consideration could be given to this question, to be followed by a fair vote, there certainly would not be ten men on this floor who would favor the proposition to put tin-plate on the free-list. It is true that no tin-plate is now made in this country, or has been made for the past ten years. Prior to that time some men who now live in my district invested a large amount of money in a plant for the manufacture of tin-plate, and entered upon that industry with a zeal that deserved success. They met with foreign competition, and the price of tin-plate was put down and down and down, until they were obliged to extinguish their fires and abandon the business, and from that day to this they have never attempted to resume. They are now engaged in the manufacture of sheet-iron and sheet-steel, and if this bill becomes a law they will be compelled to abandon their present occupation and enter some other new field.

In response to the gentleman, I will tell you, Mr. Chairman, why we can not make tin-plates in this country. I have here before me a tabulated statement showing the wages paid in Great Britain in this manufacture, and also those paid in the United States for similar work. A roller in Great Britain for rolling "100 boxes I. C. tin-plate" receives $6.87, while a roller in the United States receives for the same work $26.

The wages of a doubler in England were $5.51; in this country, $11.05. This table shows that $274.90 were paid in the United States for labor which cost in England only $122.18, a difference of 125 per cent. in favor of the American laborer. This is the reason, and the only reason, why tin-plate has not been made in this country, and why it can not be made at this time.

The table in detail is as follows:

Occupation.	Amount of work.	Wages.	
		Great Britain	United States.
Roller	100 boxes, IC	$6.87	$23.00
Doubler	do	5.51	11.05
Furnaceman	do	5.20	10.00
Catcher	do	3.02	(*)
Shearer	do	2.17	11.00
Weigher	do	.48	1.08
Roll-turning	do	.48	1.34
Picklers	do	1.46	4.25
Cold rolling	do	1.21	3.60
Catching	do	.22	.56
Opening, girls†	do	.18	.50
Annealing	Per week	17.50	51.25
Tinman	100 boxes, IC	6.00	12.00
Washman	do	6.00	12.00
Cradler	do	2.00	5.00
Helper	Per week	5.46	9.50
Boxer	100 boxes	1.01	2.40
Assorter	Per week	9.72	18.00
Lighting fires	do	4.38	9.00
Engineers	Per day	1.25	2.75
Fitters	do	1.52	2.75
Millwright	do	.97	2.25
Smith	do	1.52	3.00
Striker	do	.73	1.25
Bricklayer	do	1.52	3.00
Laborers	do	.62	1.12½
Watchman	do	.72	1.50
Tin-house manager	Per week	14.50	25.00
Mill manager	do	15.79	38.50
Openers, girls†	100 boxes	1.65	3.50
Pickers-off, girls	Per day	.48	.75
Scourers, girls	do	.48	.75
Dippers, girls	do	.48	1.00
Dusters, girls	do	.36	.75
Carriers, girls	do	.24	.50
Reckoner, girl	do	.48	1.00
Total		122.18	274.90

* Included in roller.

† In this country the most of this work would be done by young men and boys.

This list of wages, you will perceive, covers only that part of labor employed from bars of iron or steel to the finished plates, and shows the American rates to be 125 per cent. higher than those of Great Britain. The difference in wages in the production of bars in each country is in about the same ratio.

We have abundance of tin in this country. There are now in the city of Chicago, in the hands of Howard, Spencer & Co., blocks of tin on exhibition—as fine tin as the world ever saw—dug from our own mines in Dakota, which could be manufactured into tin-plates in this country if the industry had adequate protection. There is tin in Wyoming and other places. We have iron ore, coal, limestone, and every facility for the manufacture of tin-plates if we had a just protection.

What is the result of this omission to protect this industry? We are now importing 70 per cent. of all the tin-plate made in Great Britain.

There are now 50,000 persons employed in England and Wales in the manufacture of tin-plates for American consumption. We are feeding and clothing this great army of men under the British flag, and I want to know whether it is patriotic for Americans to strike down an industry of this kind, which ought to furnish employment to our own people. I have certificates before me showing that the tin-plate that we made in this country was as good as any that was ever imported, but the importers of foreign tin-plate put the price down from $14.75 per box to $5.18, and in this way closed out the American works, and as soon as they had completely destroyed our tin-plate works they raised the price so as to recover their former losses.

The gentleman from Pennsylvania [Mr. RANDALL] well said a few moments since, "We are now entirely in the hands of Great Britain." This is true, and we are entirely dependent upon Great Britain for every tin pan, every tin bucket, every tin kettle, every canteen. If we should be involved in a war with Great Britain or any other country, and if our supply of tin from abroad should be cut off, we would be without canteens and without cooking utensils until we could erect the necessary plant and entered upon the manufacture of tin-plate. What are we doing to-day? We are sending across the ocean annually from sixteen to twenty millions of dollars which go to the residents of Great Britain for the tin-plate which we use.

This amount of money is annually sent out of the country, and we are in this way enriching England and impoverishing America. This much money expended in this country in the manufacture of tin-plate would not only furnish employment for 50,000 persons and support for

300,000 persons, but it would furnish an additional home market for agricultural and manufactured products, and greatly benefit the whole country.

Gentlemen on the other side entirely forget that the effect of the measure they propose is to strike down and destroy two existing industries in our own country, both of which are important industries in my own district. In the first place, the admission of tin-plate free would utterly annihilate the roofing industry, which, as my colleague [Mr. BUTTERWORTH] has well said, is furnishing employment to 30,000 people and support to 150,000 persons.

What reason can be given for putting tin-plate on the free-list for the benefit of a man who wants a tin roof, while you refuse to make sheet-iron and sheet-steel free for the benefit of a man who wants an iron or steel roof? To show the utter absurdity of putting tin-plate on the free-list, I want to give the rates of the present tariff on other metals.

Pig-iron: Average value, $15.60 per ton; specific duty, $6.72 per ton; ad valorem, 43 per cent.

Scrap-iron: Average value, $12 per ton; specific duty, $6.72 per ton; ad valorem, 56 per cent.

Galvanized iron: Average value, f. o. b. Liverpool and Glasgow, $3.75 per 100 pounds; specific duty, $2.25 per 100 pounds; ad valorem duty, 60 per cent.

Tin and terne plates: Average value, $4.50 per 100 pounds; specific duty, $1 per 100 pounds; ad valorem duty, 22 per cent.

Roofing, siding, and common sheet-iron: Average value, $2 per 100 pounds; specific duty, $1.50 per 100 pounds; ad valorem, over 75 per cent.

Cold rolled—pickled and cleaned sheet-iron, of superior quality, which is the chief and component part of tin and terne plates: Average value, $3.50 per 100 pounds; specific duty, $1.75 per 100 pounds; ad valorem, 50 per cent.

Sheet-steel, from which tin-plates are made, 45 per cent. ad valorem.

Why do you propose to leave a duty of 75 per cent. on sheet-iron and make tin-plates free?

Is there any honesty or good sense in such a proposition. If a man desires a new roof on his house, why should he not be allowed as good a chance to get a cheap iron or steel roof as to get a cheap tin roof? Is it not as necessary to furnish coal-hods, stove-pipe, bread-pans, roofing, siding, etc., cheap as it is to furnish cheap tin-ware and tin roofing? If not, why not? There is 95 to 97 per cent. of iron or steel in the tin-plate and only from 3 to 5 per cent. of tin, and it is proposed to let the iron or steel coated with tin come in free, while the iron or steel which is not coated at all is to pay a high rate of duty, or, in other words, the advanced product is to pay no duty, while the less advanced product is to pay a high duty. I am in favor of protecting every American industry, but I can not comprehend this unjust discrimination against the sheet-iron and sheet-steel industry.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. BAYNE. I move that the time of the gentleman from Ohio be extended for another five minutes.

There was no objection, and it was ordered accordingly.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, it must be apparent to everybody that the removal of this duty will destroy the sheet-iron and sheet-steel roofing industry in this country. There are several of these establishments in Ohio, in Cleveland and Cincinnati and Akron, and in other parts of the State. A large amount of capital is invested in this business, and yet it is seriously proposed to discriminate against this industry by this sort of legislation. It is certainly an attempt to break down an industry by unjust discrimination.

And that is not all. It is proposed to cripple at least the manufacture of sheet-iron and sheet-steel. I hold in my hand a letter written by the Standard Iron Company, of Bridgeport, Ohio, which I will ask the Clerk to read.

The Clerk read as follows:

BRIDGEPORT, OHIO, *March* 16, 1888.

DEAR SIR: We are aware that we can say nothing that will be new to you as to the influence the tariff on tin-plates has on the iron-roofing business, and we only ask your attention to the effect which in our opinion it will have on the business of those who are engaged in the manufacture of sheet-iron and sheet-steel.

We think you will agree with us in the belief that free plates will utterly destroy the business of those distinctively engaged as manufacturers of iron and steel roofing, but possibly you may not know how closely allied are the interests of the sheet manufacturers. From an examination of our own books and statements made by the other mills in our vicinity, we have found that considerably over half the product of light sheets made here and in Wheeling are worked up into roofing and siding, and we have no reason for supposing that mills located elsewhere are not selling an equal proportion of their product for the same purpose. When this is considered, together with the many other uses of iron and steel sheets for which tin-plates will be substituted, by free trade in them, there can be no question, it seems to us, of the disastrous effects to sheet manufacturers, stopping at least one-half their capacity and reducing even the little business left them to a condition of woeful unprofitableness.

Free trade in all iron products would offer better prospects for the future to us than the passage of the Mills bill, for the reason that we then could look forward to a time when our labor costs would be reduced to a point where we could successfully compete with the illy-paid labor of Europe, while the selection of but a few lines of iron manufacture for the free-list makes this impossible, the products still protected fixing the value of a day's work, only influenced in proportion to the number of workmen thrown out of employment.

We do not wish to be understood as favoring free trade in all rather than in a few products, or that if manufacturers of sheets and roofing are to suffer we want lots of company. If the policy of free trade is to prevail finally, and we are to be among the first victims, we shall still hope for a postponement of the day when men will be compelled to work for a mere existence.

If it should be possible to do better than have the tariff on tin-plates kept at the present rate, it of course would be a great boon to manufacturers of sheet-iron and iron roofing, and at the same time, with the recent discoveries of rich tin ores in our country, build up an immense tin-plate industry that would quicken the business of the whole land.

Such a result of the present agitation we presume is hardly to be hoped for.

Very respectfully,

THE STANDARD IRON COMPANY.

Hon. J. D. TAYLOR, M. C.,
Washington, D. C.

Mr. JOSEPH D. TAYLOR. They are now making in my district as good sheet-iron as was ever imported. They are making it of the best grades and of the highest quality. If a duty of 2½ cents a pound were imposed upon the importation of tin-plates into the country, within ninety days the tin-plate industry would spring up in our midst, and it would not be long before all the tin-plates consumed in this country would be supplied by our own manufacturers and through the means of our own labor. We would then be able to supply for home consumption all the tin-plates necessary for kitchen utensils, for dairy purposes, for canning, or for whatever purpose tin-plates are now used.

I believe that the removal of the duty on tin-plates will have the ultimate effect of increasing the price of this article to our own people. I call in question any man's patriotism, any man's loyalty to the American flag and to the welfare of the American people, who is not willing to pay whatever it costs to produce tin-plates in this country. We have everything necessary for the purpose of that manufacture. As I said before, we have the ore, we have the limestone, we have all the materials convenient and easily obtained. And as tin is on the free-list we can get it as cheap in this country as they can in England, and block tin from abroad will soon be supplanted by our own tin mines. And so far as the effect on the canning is concerned, no one need be concerned.

The duty of 1 cent per pound on tin-plate will only add 3 cents to the price of a dozen cans, about one-fourth of a cent to a can, and the same ratio of increase to all tin-ware and tin-plate used. And while the price of tin-plates will increase this much if the duty is increased, a protection which will prevent foreign competition from breaking down our American tin-works will ultimately bring down the price of tin-plates by home competition. This has always been the effect of protection, but we never want any American product cheaper than it can be made by well-paid labor.

We have the labor here, and it is only just and right that those who propose to engage in this industry should be protected by the imposition of an adequate protective duty. I appeal to gentlemen, therefore, who desire to see this industry established in the United States to vote against the removal of the duty and the placing of tin-plate on the free-list.

[Here the hammer fell.]

The CHAIRMAN. The Chair hears no objection. The formal amendments will be considered as withdrawn.

Mr. MCMILLIN. Mr. Chairman, when the gentleman from Arkansas [Mr. BRECKINRIDGE] sent up a letter to the Clerk's desk to be read some one on the other side suggested it was Mr. Dunlap's letter. If gentlemen would like to hear the experience of that manufacturer and dealer I will send to the Clerk's desk to be read his letter, which appears in the Pittsburgh Post, on this question. It is so full of facts concerning this question that I recommend it to the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Does the gentleman want the letter of Dunlap read or the comment on the letter in the Pittsburgh Post, or both?

Mr. MCMILLIN. I send it up to be read. If the Clerk should read the comments of the Pittsburgh Post they will not hurt any one. They are very good.

Mr. DALZELL. I am sure they will not.

Mr. MCMILLIN. Read the letter.

The Clerk read as follows:

To the Editor of the Post:

I have been so frequently consulted in regard to the feasibility of manufacturing tin-plates in this country that I have concluded to state what I know on this subject for the benefit of such as are concerned.

The processes employed in the manufacture of tin-plates are no secret; the theoretical part can be learned in a few hours.

A bar of the proper gauge of iron is cut to the required lengths. These are heated and passed through rollers. As they lengthen out they are doubled up until they make eight sheets. They are then trimmed to the desired size. The sheets are then separated and passed to the pickling and scouring department. (This part of the work is very disagreeable and laborious.)

The plates after being thoroughly cleansed are placed in hermetically sealed iron boxes and annealed. The plates are afterward passed through polished rollers to give them the required elasticity. Then they are again scoured and passed into the tinning department, in which there are usually four oblong pots for each set of hands; first, a grease-pot, into which the plates are immersed; then the wash-pot, which is full of liquid metal; next, the finishing-pot of pure liquid tin; lastly, another grease-pot, which cuts off all unnecessary tin. The plates are then cleansed, polished, assorted and packed. Terne or roofing plates are made in the same manner, except that the coating consists of part lead and part block tin. Such is briefly the process of manufacturing tin and terne plates.

My opinion has also been asked about the feasibility of manufacturing tin-plates in this country in sufficient quantity to supply the demand at the present rate of protection—some 35 per cent. I do not believe that it would be possible to supply the demand under existing circumstances, and, if possible, it would not be desirable to do so. Much of the labor required in the manufacture of tin-plates is performed by women. The scouring of the iron previous to the tinning process is laborious and disagreeable. The floors are covered with water, necessitating the use of pattens.

When examining the process of manufacturing tin-plates in several large establishments in Monmouthshire and South Wales I felt thankful that American

women were free from that kind of drudgery, and I feel satisfied that it would be a difficult task to get any practical number of them to engage in it.

I am quite aware that we have a number of paid gentlemen who are clamorous about having tin-plate made in this country. These gentlemen appear to know how many thousands the industry would give employment to, and the millions of money it would keep in our own country, provided adequate protection were given to this unborn infant industry. Said gentlemen neglect to inform the public that the hoped-for infant of the future is now protected on a revenue basis by a tariff of 35 per cent. I am willing to admit, with the advocates of the anticipated infant industry, that we return to Great Britain a score or more of millions of money each year for tin-plates; but, then, recollect in return that the same people buy of us annually hundreds of millions of our American productions.

Persons versed in the science of political economy well know that, generally speaking, nations are governed by the same business laws that individuals are; hence nations find it to their interest to produce and fabricate such productions as circumstances have placed within their control, and that by a reciprocal exchange of such productions nations are mutually benefited. Further, that no nation can long continue to purchase except on this basis of reciprocity; hence we buy of England such manufactured goods as she can produce better and cheaper than ourselves; and in lieu thereof England purchases from us such productions as we can produce to the best advantage, such as cotton, tobacco, meats, and breadstuffs, and to that extent that if we eliminate such luxurious imports as the extravagance of our people will have at any price or rate of tariff duties, then the balance of trade would be constantly in our favor.

My own experience as a business man, of now nearly fifty years, has been that the question of duties, tariffs, etc., has been a source of continual agitation. How many blatant, frothy demagogues have ridden this hack into seats in Congress, and now assist in continuing the agitation in order to continue their places? They have no desire to permanently settle the vexed question, no desire to extract the "thorn that produced the inflammation," for if it were not for these yearly turmoils what would become of the aspiring politician?

I am satisfied that in case the Mills tariff bill is passed (with some changes in relation to certain kinds of glass and iron) that all the fretting and yearly clamor about protection will be ended. The present tariff laws are unjust and unequal. Why should there be a duty of some 35 per cent. on tin-plate, a product that is not made in our country; nor is it desirable to make it; and yet how diffusively it affects so many interests, from the cans that contain our oil and meats for exportation and home use down to the tin cup found in both palace and hovel.

I sincerely trust that the Mills tariff bill may be acted on and passed during the present session of Congress. I believe that the thanks of the whole country are due to our upright and fearless President for his lucid and honest exposition of our present tariff system.

JOHN DUNLAP.

PITTSBURGH, *May* 22, 1888.

[Here the hammer fell.]

Mr. DALZELL. Mr. Chairman, I want to say to the gentleman from Tennessee that there is not a single solitary thing in that letter, by way of a free-trade argument, that has not been as well or better stated on the floor of this House during the discussion of this bill; and the letter has no significance whatever by reason of its having been written by John Dunlap. I know him well, and have known him for years. He is a very nice, respectable gentleman; but he belongs to the class who want free tin-plates. He has made his fortune by importing tin-plates. In other words, he is in precisely the same category in connection with this industry that Henry Nash & Co., Bond & Parsons, Sims & Coventry, Phelps, Dodge & Co., all New York importers, and the Standard Oil Company and its defenders on the other side of the House are; so that there is not anything at all significant in the letter having been written by Mr. Dunlap. Nor is it true, as I understand, that he is a Republican. He is, as he calls himself, an Independent. He is one of the men at the head of the reform committee having charge of the reform of municipal affairs in Pittsburgh. He occupies in that letter simply a selfish position, precisely the same that every importer of tin-plate does.

Mr. WILSON, of West Virginia. Mr. Chairman, as the gentleman from Pennsylvania has stated that there is no significance in the letter of Mr. Dunlap, I will ask the Clerk to read an extract from the Congressional debates in the Forty-seventh Congress, which possibly he may think may have some significance as bearing upon this subject.

The Clerk read as follows:

Mr. LOGAN. I desire to ask the Senator if there is any person in this country manufacturing this article at this time?

Mr. SHERMAN. They are manufacturing it to a limited extent. There is one establishment in Pittsburgh that began to enter on the manufacture of tin-plate, but did not go into it.

Mr. LOGAN. The manufacturers of tin cans all over the country, in every city in the United States, for putting up meat, fruit, etc., have said to the committee here—I presume that they have to the committee, and probably to nearly every Senator—that they were better satisfied with the rate of duty which was imposed before, and are satisfied with the rate proposed by the committee, but they are universally opposed to increasing the duty. I have had telegrams to this effect from different parts of the country, and especially from Chicago, where they manufacture more tin cans than in any other part of the country. The idea of increasing the rate of duty for the purpose of encouraging anybody to commence a manufacture when he has not commenced it, I think is a new idea. I hope the amendment will not be adopted.

Mr. INGALLS. * * * The Senator from Ohio states rather an advance opinion, I think, upon this subject. We have heard hitherto of the necessity of protecting infant industries; that it was necessary to impose additional burdens upon the people to prevent industries that were struggling for existence from being strangled. But he now assures us that the duties are essential to create industries, to institute and inaugurate manufactures here that do not exist, for the purpose of obtaining prospective profits that may be realized upon articles that are not and can not be manufactured here, and that are imported in vast quantities for the welfare of the people.

Mr. President, if any argument has been adduced or can be adduced for the extraordinary motion of the Senator from Ohio, I should be very glad to hear it. He claims that this is something that is in the interest of American industry, but the industry does not exist. It is apparent that so far as tin-plate is concerned it is actually a raw material. It is in no sense whatever competitive with any American manufacture. The only reason why a duty should be imposed upon tin-plate is for the purpose of revenue. The tariff upon this article should be fiscal merely. It can not be fiscal and protective, because there is nothing to protect, and every dollar that is imposed upon this article that is in excess of what it ought to bear as a revenue proposition is so much that is directly taken from the industry, from the wages of this country, that have burdens upon them already which they are illy able to bear.

[Applause on the Democratic side.]

ORDER OF BUSINESS.

Mr. MCMILLIN. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the tariff bill, had come to no resolution thereon.

And then, on motion of Mr. MCMILLIN (at 4 o'clock and 57 minutes p. m.), the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. ANDERSON, of Illinois: A bill (H. R. 10490) granting a pension to Mary Wilson—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: A bill (H. R. 10491) for the relief of Dr. John B. Read—to the Committee on Claims.

By Mr. BINGHAM: A bill (H. R. 10492) to ascertain and pay for loss of property sustained by Lieut. J. C. Colwell—to the Committee on Claims.

By Mr. GAINES: A bill (H. R. 10493) for the relief of G. R. Gray—to the Committee on Claims.

By Mr. NELSON: A bill (H. R. 10494) granting a pension to Emelia Mumm—to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 10495) for the relief of Webster D. Day—to the Committee on Invalid Pensions.

By Mr. PEEL: A bill (H. R. 10496) to refer the claim of Cherokee freedmen and others to district court in District of Columbia—to the Committee on Indian Affairs.

By Mr. PIDCOCK: A bill (H. R. 10497) granting a pension to John Louden—to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 10498) for the relief of Calvin I. Cowles and George B. Hanna—to the Committee on Claims.

By Mr. SAWYER: A bill (H. R. 10499) for the relief of R. W. Clark—to the Committee on Claims.

By Mr. J. D. STEWART: A bill (H. R. 10500) for the relief of Margaret A. Danforth—to the Committee on War Claims.

By Mr. TOWNSHEND: A bill (H. R. 10501) for the relief of Eliza Pyle—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 10502) authorizing the payment of $100 bounty and back-pay to honorably discharged members of the First Regiment of Alabama Vidette Cavalry and the United States Scouts and Guards—to the Committee on War Claims.

By Mr. YODER: A bill (H. R. 10503) granting an increase of pension to Charles Ritchey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10504) granting a pension to Mary Hooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10505) granting a pension to Mary Van Ross—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ABBOTT (by request): Petition of Horace G. Seales, of Bosque County, Texas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of W. W. Adams and others, of Phillipsburgh, Tex., relative to mineral lands in Montana—to the Committee on the Public Lands.

By Mr. BANKHEAD: Petition of William L. Whitfield, of Jefferson County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. BROWN: Petition of J. M. Neal and 110 others, of Danville, and of John P. Milliner, of Brosville, Va., for the repeal of the tax on tobacco—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of Martha J. Cadle, of Claiborne County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Calvin Watterson, of Matilda Gray, of George W. Netherland, and of Elizabeth Miller, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. CHEADLE: Petition of John M. Fawcett and others of Howard County, Indiana, in reference to the interstate-commerce law—to the Committee on Commerce.

By Mr. A. C. DAVIDSON: Petition for reference of the claim of Jeremiah Johnson, of Dallas County, Alabama, to the Court of Claims—to the Committee on War Claims.

By Mr. DORSEY: Petition of the Grand Army of the Republic of Nebraska, favoring appropriation for headstones—to the Committee on Military Affairs.

Also, memorial of the Board of Transportation of Nebraska, favoring State control of railroads chartered by Congress—to the Committee on Pacific Railroads.

By Mr. ENLOE: Petition of A. Harden, of J. B. McNickle, of J. C. McDaniel, and of Herman Graef, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial for relief of trustees of Centenary German Reformed Church, of Winchester, Va.—to the Committee on War Claims.

Also, memorial of T. L. Fritch & Co., Mertztown, Berks County, Pennsylvania, in favor of retaining present duty on ocher—to the Committee on Ways and Means.

By Mr. GLASS: Petition of John McKee, of Benjamin Elder, of Richard F. Gaines, jr., of Robert S. Montgomery, of Ashley Olive, of David Williams, of Elizabeth Faulkner, of William R. Ball, and of Jane Newhouse, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. HARE: Petition of John R. Butler, formerly of Coffee County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NEAL: Petition of Mrs. Myra Thompson, administratrix of Dr. Gideon B. Thompson, of Bradley County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. NELSON: Petition to accompany bill for relief of Emelia Mumm, widow of Nicholas Mumm—to the Committee on Invalid Pensions.

By Mr. O'FERRALL: Petition of George W. Fisher, for pay for services as laborer under the Doorkeeper from August 1 to December 5, 1887—to the Committee on Claims.

By Mr. OWEN: Petition of B. F. Yantis and others, against placing flaxseed and linseed-oil on the free-list—to the Committee on Ways and Means.

By Mr. PARKER: Resolutions of the Grand Army of the Republic, in relation to headstones for deceased soldiers—to the Committee on Military Affairs.

By Mr. PETERS: Petition of citizens asking for a pension for Margaret Cooprider—to the Committee on Invalid Pensions.

By Mr. PHELAN: Petition of Louisa Williams, of John Newsom, of William D. Ferguson, of J. M. Fawcett, of Elam Gaither, and of Andrew J. Montgomery, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. RICE: Petition of 132 citizens of Minnesota, protesting against the sale of intoxicating liquors to inhabitants of Africa, and praying for legislation on the subject—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. RICHARDSON: Petition of Sarah Anderson, of Daniel W. Mitchell, of William B. Nakes, of Malinda E. McGill, of Andrew J. McNabb, of S. A. and J. A. Meadows, administrators, of A. F. Meadows, and of Isaac A. Eslic, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. STEELE: Petition of Mary W. Moore in behalf of the Woman's Christian Temperance Union, for the repeal of internal-revenue taxes—to the Committee on Ways and Means.

By Mr. J. D. STEWART: Petition of Mrs. Solte, widow of William Solte, of Chatham County, Georgia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

Also, petition of heirs of Joseph Lippman, for reference of their claim to the Court of Claims—to the Committee on War Claims.

By Mr. TOWNSHEND: Petition of Eliza Pyle, for relief—to the Committee on Invalid Pensions.

By Mr. WASHINGTON: Petition of John Beal, of O. C. Covert, of administratrix of L. A. Baker, and of the daughter of John Wright, deceased, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WEAVER: Petition of J. H. Merill and 9 others, citizens of Ottumwa, Iowa, for reduction of duty on imported rice—to the Committee on Ways and Means.

By Mr. WHITTHORNE: Petition of Andrew J. Martin, of W. H. P. Turner, of Elias Inman, of William B. Fleeman, of William C. Foster, and of William H. Felker, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. J. R. BROWN: Of W. Y. James and others, of Franklin County, and of Daniel Spiker and others, of Mount Olive, Va.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. CANDLER: Of H. R. Davis and others, citizens of Banks County, Georgia.

SENATE.

THURSDAY, *June* 14, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. PLUMB. I present a memorial of John Cowdon in regard to the Mississippi River improvement, which I ask may be printed as a public document, and referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. The memorial will be printed as a document, and referred to the Committee on Commerce, if there be no objection.

Mr. PADDOCK. I was not paying attention when the Senator from Kansas [Mr. PLUMB] presented the memorial of Mr. Cowdon in relation to the Mississippi River improvement. I will state that the Committee on the Improvement of the Mississippi River is considering the very question to which the memorial refers.

Mr. PLUMB. Then it should go to that committee undoubtedly.

Mr. PADDOCK. The committee is engaged in the investigation now.

The PRESIDENT *pro tempore*. The order of reference will be changed in accordance with the request of the Senator from Nebraska.

Mr. HALE presented the petition of Augustus Stevenson and other citizens of Maine, praying for the passage of Senate bill 405, providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was ordered to lie on the table.

Mr. CALL. I present the petition of George A. Gale and other citizens of Lake Worth, Fla., praying that an appropriation be made for the improvement of Indian River, in the State of Florida, and also for the adoption of certain amendments proposed by the Senator from Pennsylvania [Mr. QUAY] to the river and harbor bill. I also present a petition to the same effect from citizens of Waveland, Fla.; a petition from citizens of Indian River, Fla., to the same effect, and also, to the same effect, a petition of Thomas E. Richards and other citizens of the Indian River and Lake Worth country, in Florida.

I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. REAGAN presented the petition of S. R. McCreary and 50 other citizens of Texas, praying that in prosecutions under the interstate-commerce law the fines imposed shall be given to the informer, etc.; which was referred to the Committee on Interstate Commerce.

He also presented the petition of G. W. Betts and 150 other citizens of Gonzales County, Texas, praying for the passage of a law to prevent common carriers from transporting commodities in cars and other means of conveyance owned by the shipper, and to give informers the fines imposed for violations of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. STEWART presented a petition of the Masonic Savings and Loan Bank and other banks doing business in the city and county of San Francisco, praying for the reimbursement of moneys lost through the misrepresentations of officers of the Navy Department; which was referred to the Committee on Claims.

Mr. VEST presented the petition of William P. Van Aken and other citizens of Kansas, and of Platte and Clay Counties, Missouri, praying for the passage of a bill permitting the construction of a free low bridge across the Missouri River between Kansas City, Kans., and a point in Clay County, Missouri; which was referred to the Committee on Commerce.

Mr. EVARTS presented a petition of the New York yearly meeting of the religious Society of Friends, officially signed, and indorsed by a meeting of the Union for Philanthropic Labor, representing five yearly meetings at Baltimore and New York, and in Ohio, Indiana, and Illinois, for the establishment of a permanent court of international arbitration; which was ordered to lie on the table.

He also presented a petition of the New York yearly meeting of the religious Society of Friends, officially signed, and indorsed by a meeting of the Union for Philanthropic Labor, representing five yearly meetings at Baltimore and New York, and in Ohio, Indiana, and Illinois, praying for the discouragement and repression of the traffic in intoxicating liquors with the native races of Africa and the Western Pacific Islands; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 3034) to grant an increase of pension to William E. Prince; and

A bill (S. 3036) to grant a pension to William Lutz.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2690) granting a pension to Augustus Axmacher;

A bill (H. R. 2234) granting a pension to Henry P. Alexander;

A bill (H. R. 9184) granting a pension to William M. Campbell, jr.;

A bill (H. R. 10267) granting a pension to William P. Gordon; and
A bill (H. R. 8807) granting a pension to Harriet E. Cooper.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 6233) for the relief of Jesse Coe, reported it without amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8607) to increase the pension of Lucius B. Varney;
A bill (H. R. 813) granting a pension to Mrs. Lovina J. Reeves;
A bill (H. R. 8510) for the relief of Mary Command;
A bill (H. R. 367) granting a pension to Nathaniel D. Chase; and
A bill (H. R. 9347) granting an increase of pension to William H. H. Buck.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 2059) for the relief of John T. Sechler, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SPOONER (through Mr. MANDERSON), from the Committee on Claims, to whom was referred the bill (S. 2563) to compensate Mrs. Sarah L. Larimer for important services rendered the military authorities in 1864 at Deer Creek Station, Wyo., and for loss of property taken by Sioux Indians, reported it with an amendment, and submitted a report thereon.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the joint resolution (S. R. 63) making an appropriation to enable the several Executive Departments of the Government, and the Bureau of Agriculture, the Government Printing Office, and the Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Ohio Centennial, to be held at Columbus, Ohio, from September 4 to October 19, 1888, reported it with an amendment.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 128) for the relief of John Fletcher, reported it without amendment.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 409) for the relief of Thomas W. Lord, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8391) to authorize the location of a branch home for volunteer disabled soldiers in Grant County, Indiana, and for other purposes, reported it with an amendment, and submitted a report thereon.

Mr. MANDERSON. I am directed by the Committee on Military Affairs to report back adversely a petition of the Board of Trade of the city of Indianapolis, Ind., and petitions of many Grand Army posts in that vicinity, relating to the location of a soldiers' home in that place. I ask that the committee be discharged from the further consideration of the petitions.

The report was agreed to.

MEXICAN BOUNDARY SURVEY.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report an amendment to the sundry civil appropriation bill to enable the President to execute the arrangements of the convention between the United States and Mexico providing for an international boundary survey, and to ask that the amendment, together with the accompanying papers, a letter of the Secretary of State, and others, be printed.

I wish to call the attention of the Committee on Appropriations to this amendment. It has been once or twice adopted by the Senate. It is expressly required by the terms of the treaty with Mexico. The message of the President of Mexico is here, showing that Mexico has complied with the terms of the treaty, and has held its well-instructed engineer corps ready to execute the treaty, but no provision has been made by our Congress. I call special attention to the fact.

Mr. HALE. I suppose the Senator is aware that the Committee on Appropriations has reported this matter more than once, and the Senate has adopted it, but the House of Representatives has not agreed to it.

Mr. SHERMAN. I wish also to say that the peace of both nations is somewhat involved in it. Controversies are constantly arising as to where the boundary is. The survey is provided for by the treaty, and it ought to be appropriated for, and should not be neglected. I do not blame at all the Committee on Appropriations of the Senate.

Mr. HALE. It is a very important matter, and it ought to have been attended to years ago. The fault does not lie with the Senate.

Mr. SHERMAN. I am glad to hear it.

The PRESIDENT *pro tempore*. Does the Senator from Ohio desire to have the amendment referred to the Committee on Appropriations?

Mr. SHERMAN. Yes; let it be referred to the Committee on Appropriations and printed.

The PRESIDENT *pro tempore*. It will be so ordered.

GETTYSBURGH BATTLE REUNION.

Mr. CAMERON. I am instructed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 90) granting leave of absence to certain persons employed in the service of the United States, to report it back favorably, and I ask for its immediate consideration.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent for the immediate consideration of the joint resolution reported by him. Is there objection?

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read for information.

The Chief Clerk read the joint resolution, as follows:

Resolved, etc., That all persons employed in the service of the United States who were present at the battle of Gettysburgh, either in the Union or Confederate forces, be, and hereby are, granted sufficient leave of absence, without loss of pay, to attend the reunion to be held at Gettysburgh on the 3d day of July next.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. HOAR. I object.

Mr. CAMERON. Why?

Mr. HOAR. Because I do not think the Senate should recognize in its official action the Confederate forces.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects, and the joint resolution will be placed on the Calendar.

Mr. HOAR. If the Senator will modify the joint resolution in that respect I shall make no objection to it. To the substance of the joint resolution I do not object, but I think that such a recognition had better not get into our legislation.

Mr. CAMERON. Will the Senator suggest a modification of it?

Mr. HOAR. Yes, I will. Let it lie over for the present.

Mr. CAMERON. I will withdraw the report for the present.

The PRESIDENT *pro tempore*. Reports of committees are still in order.

Mr. CAMERON subsequently said: I now ask leave to report back the joint resolution (S. R. 90) granting leave of absence to certain persons employed in the service of the United States, with amendments, and I ask for its immediate consideration.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks that the Senate proceed to the consideration of a joint resolution this morning reported. Is there objection? The joint resolution will be read at length for information as proposed to be amended.

The Chief Clerk read the joint resolution as proposed to be amended, as follows:

That all persons now employed in the service of the United States who were present and engaged in the battle of Gettysburgh be, and hereby are, granted sufficient leave of absence, without loss of pay, to attend the reunion to be held at Gettysburgh on the 3d day of July next, such absence not to be taken from the allowance made by law.

The PRESIDENT *pro tempore*. Are the amendments proposed by the committee?

Mr. CAMERON. They are.

The PRESIDENT *pro tempore*. The proposed amendments will be read.

The CHIEF CLERK. In line 3, after the word "persons," it is proposed to insert the word "now;" in line 4, to strike out the word "at" and insert the words "and engaged in;" and in the same line, to strike out "either in the Union or Confederate forces."

Mr. HAWLEY. I think the clerks are mistaken in striking out the word "at." I think it is merely a blot. "Who were present at and engaged in," it should read.

The PRESIDENT *pro tempore*. The word "at" will be inserted if there be no objection.

Mr. HAWLEY. The word "at" should be there.

Mr. HOAR. "Engaged" is what is intended; "all persons who were present and engaged," not merely as camp-followers.

The PRESIDENT *pro tempore*. The first clause of the joint resolution will be read as proposed to be amended.

The CHIEF CLERK. It is proposed to amend so as to make the joint resolution read:

That all persons now employed in the service of the United States who were present at and engaged in the battle of Gettysburgh be, and hereby are, granted sufficient leave of absence, etc.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment will be stated.

The next amendment was, to add to the joint resolution the following words:

Such absence not to be taken from the allowance made by law.

The amendment was agreed to.

Mr. BLAIR. I should like to inquire of the Senator who offers these amendments wherein the joint resolution differs as amended from what it was originally.

Mr. RIDDLEBERGER. It leaves out the word "Confederate."

Mr. BLAIR. I should like to understand just what is the effect of these amendments, if anybody knows.

The PRESIDENT *pro tempore*. The Secretary will report the original joint resolution and the amendments proposed by the committee, if the Senator from New Hampshire desires.

The Chief Clerk read the joint resolution as reported and as proposed to be amended.

Mr. BLAIR. Do I understand that the amendments have been adopted?

The PRESIDENT *pro tempore*. They have been adopted.

Mr. BLAIR. If either the Senator who reported the joint resolution or the one who offered the amendments will explain to me the difference between the joint resolution as it now is and as it was originally offered I should be glad to have him do so. Are we to understand from the joint resolution as it now is that there are no persons in the employ of the Government who were engaged against the Union Army in the battle of Gettysburgh, or that all persons in the employ of the Government at the present time who were in that battle were upon the Union side?

Mr. HAWLEY. I did not report the joint resolution, but the amendments are a mixed lot proposed by various persons here, and I would just as leave answer the question as not. To any person present and engaged in that battle on whichever side—and there are men right around us and engaged in the service of the Chamber who were some on the one and some on the other side—this says, "You may go and attend the reunion; we shall not take the time out of your pay." That is the whole thing.

Mr. BLAIR. That is just right. I do not see why you do not say so instead of amending it and not saying so.

Mr. HAWLEY. It does say so exactly. The Senator from New Hampshire knows perfectly well the object of the resolution.

Mr. BLAIR. I think it is a most admirable case of sticking in the bark, and therefore Senators who do this should have some reason for it.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. Senators will observe the rules of order and address the Chair one at a time.

Mr. HOAR. It seems to me, with great respect to my friend from New Hampshire, that this is not "sticking in the bark," but barking at the stick. [Laughter.]

Mr. BLAIR. The Senator may find his own term for it.

Mr. HOAR. The difficulty with the original joint resolution is that it expresses in terms and selects in a legislative phrase persons who were engaged in the Confederate service as the objects of a particular indulgence by name. I do not think that is good legislative precedent. I do not think it is a good plan to put into our statute-book the memories of the rebellion except where we are obliged to perform the constitutional function of relieving disabilities. But that is a very different thing from making a general law or rule that applies to all citizens alike without distinction. If we were to create a new office at this moment the President of the United States would be perfectly at liberty to appoint a person who was in the Confederate service to that office, if he thought him a fit and proper person and if the Senate thought him a fit and proper person; otherwise they would confirm him without any regard to that fact; but I should certainly object to passing a law in which we should say that the President may appoint any citizen of the United States, whether he was in the Confederate or the Union service. I do not think it is in good taste. I do not think it is good legislative style. I do not think it is a good plan to set that example or precedent.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 3164) granting an increase of pension to Henry Potter; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3165) granting an increase of pension to Isaac M. Fletcher; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3166) granting a pension to William F. Pike; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 3167) to amend section 4965 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Patents.

AMENDMENTS TO CLAIMS BILL.

Mr. BERRY submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WILSON, of Maryland, submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act; which was referred to the Committee on Claims and ordered to be printed.

FISHERIES CORRESPONDENCE.

Mr. MORGAN. I offer the following resolution, and ask for its present consideration:

Resolved, That the President be requested to send to the Senate, if it is not incompatible with the public service—

1. A copy of the entire letter of Edward Everett, minister to Great Britain, addressed to John C. Calhoun, Secretary of State (No. 130), dated London, May 26, 1844, with its inclosures; and a copy of the entire letter from Mr. Everett to Mr. Calhoun, with its inclosures (No. 278), dated London, March 25, 1845, extracts from which letters are published in Senate Executive Document 100, first session of Thirty-second Congress on pages 122, 134, and 135.

And, also, any other correspondence with the State Department on the subject of the fisheries on the Atlantic coasts and waters, not heretofore published.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. It ought to be referred.

Mr. HOAR. I do not rise to object; but there is a very interesting letter of Mr. Everett's which was published by the Senate some years ago at my request, but I suppose that edition was exhausted. I was able to find but a single copy anywhere in the country. Mr. Everett's family had none, and there was but one at the Department of State. It was a letter which he wrote after going out of office in reply to a letter of Lord John Russell to our State Department, and which I believe reviews the fishery discussion, in which Mr. Everett was engaged somewhat while he was minister to England, as well as some other questions in our foreign relations. I should like very much to have that letter published with the document which the Senator from Alabama asks for. It would be very convenient to all of us to have a copy of it.

Mr. MORGAN. The third branch of the resolution I think would cover that.

The PRESIDENT *pro tempore*. It will be again read.

The Chief Clerk read as follows:

And also any other correspondence with the State Department on the subject of the fisheries on the Atlantic coast and waters not heretofore published.

Mr. HOAR. The Senator will see that that does not cover it. After Mr. Everett went out of office, after his return home, Lord John Russell addressed either to the English minister here or to the American minister in London, I have forgotten which, a reply to a previous letter, a very elaborate one, of Mr. Everett. Mr. Everett being then in a private station (I think president of Harvard College, but I am not quite sure; at any rate, he had laid down the office of minister to England), made a very elaborate, able, and interesting reply to Lord John Russell's letter. So that would not be a correspondence with the State Department.

Mr. MORGAN. No. I am quite willing that letter should go in if the Senator will furnish a description of it.

Mr. HOAR. I should like to have the letter printed with the others, which, if I remember aright, has some discussion of the fisheries.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Massachusetts will identify the letter for the direction of the clerks, and it will be included with the other documents mentioned in the resolution.

Mr. HOAR. If the Senator will let the resolution lie until I can hunt that up, I will do so.

Mr. EDMUNDS. I am about to make a motion which will, if agreed to, dispense with adjusting the resolution into the form desired at the moment, and that is that the resolution be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The motion to refer would be consideration. The Chair hears none, and the resolution is before the Senate.

Mr. EDMUNDS. I move that the resolution be referred to the Committee on Foreign Relations. I think that committee ought to inquire into the nature of this correspondence, so that the Senate, on the report of its committee, may have the advantage of some knowledge in respect of the nature of what is to be communicated. The Senate is just as much responsible for the public interests as the President of the United States is, so far as it regards questions of this kind, and it ought not to ask the President (who of course always strains a point to give everything that the Senate asks in regard to such matters) to send correspondence which the Presidents heretofore have thought it proper should be kept private, until the appropriate committee of the Senate shall have some knowledge of the nature of it.

Then, again, in the line of what the Senator from Massachusetts has said, I am under the impression that if we are to explore the private documents in the State Department bearing upon our relations with Her Majesty's Government upon this subject and others related to it, there may be something additional that will be of interest to the Senate in the consideration of these matters besides what is named.

I hope, therefore, that my friend will not object to the reference of the resolution to the Committee on Foreign Relations for consideration and inquiry.

Mr. MORGAN. I desire to change a word in the resolution from "service" to "interest." I notice that I wrote "public service."

The PRESIDENT *pro tempore*. The Chief Clerk will report the first clause of the resolution as proposed to be modified.

The Clerk read as follows:

That the President be requested to send to the Senate, if it is not incompatible with the public interests.

The PRESIDENT *pro tempore*. The resolution will be so modified.

Mr. MORGAN. I have no objection, Mr. President, to having this matter referred to the Committee on Foreign Relations. They will

have plenty of time to consider it before the debate comes up again on the treaty.

I will say, however, that my purpose in offering the resolution was to supply certain parts of two letters which were unpublished, and which are marked in asterisks in Executive Document 100, which the President sent to the Senate in the Thirty-second Congress. I suppose that those parts of the letter were omitted because Mr. Everett made some statement about the British contention, the value and importance of it, and its weight, by way of argument as well as statement, which our Government did not see proper to bring within reach of the British public.

I at first hesitated whether I would submit this resolution in executive session, but I thought I could safely qualify the matter of sending in any subject-matter here that might be improper by giving it, as we have always done, to the President of the United States to determine in his discretion as to what papers ought to come before the Senate. But of late of course the Senate have assumed a sort of guardianship or overseership over the President of the United States about matters of this kind, and I think are not willing to admit that he has any discretion that has reference to the public welfare, and I therefore willingly concede to the Senate Committee on Foreign Relations the guardianship that is now sought.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be referred to the Committee on Foreign Relations. It is so referred. Shall the resolution be printed? It will be so ordered, if there be no objection.

POST-OFFICE EXPENSES.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas the Postmaster-General, in his annual report for the fiscal year ending June 30, 1887, makes the following statement in relation to the distribution of the appropriation for clerk-hire and other expenses of post-offices, aggregating about $6,000,000, namely:

"I have been unable to find that there has ever been a regulation or order fixing system or principles upon which this vast sum of money is to be annually scattered. The First Assistant directs the entry of the necessary orders prepared in the division and brought up by its chief after such examination as he finds it possible to give in the mass of duties crowding upon him. The chief of the division makes his best effort to guess the proper sum for each importunate postmaster to expend, and the postmaster adjusts, subject to the same approval, the salaries of his force in accordance with his judgment of their merits.

* * * * * * *

"But the condition presented is sufficiently repulsive to any sense of administrative order or justice. To bring it as fully as possible to your consideration, and enable its free submission to the Congress, there are appended to this report tables showing the circumstances of all the first, second, and third class offices, their receipts and allowances of divers kinds, ranged in the grades of their salaries. The differences between them, in the proportion of allowances to receipts, are startling in every grade; and a more minute inquiry will not furnish thoroughly satisfactory reasons for them, although they will explain and excuse their existence in great degree."

* * * * * * *

Therefore,

Resolved, That the Committee on Post-Offices and Post-Roads be directed to inquire into and report upon the methods and practice which obtain in the Post-Office Department in the matter of allowances to postmasters for office expenses, and what changes, if any, should be made respecting the same.

HARRISON FLORA.

Mr. PLUMB. I ask unanimous consent at this time to bring a matter before the Senate. On the 3d day of May last there was reported from the Committee on Military Affairs adversely Senate bill 2608 by the Senator from Tennessee [Mr. BATE]. I believe there is testimony which will induce the committee to view the bill with more favor than is indicated by the report, and I therefore ask unanimous consent that the vote by which the bill was postponed indefinitely may be reconsidered.

Mr. BATE. I do not see any objection to that. The committee would like very much to have the additional testimony so as to correct its action.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 2608) for the relief of Harrison Flora, late first lieutenant of Company D, One hundred and seventh Regiment Ohio Volunteer Infantry.

The PRESIDENT *pro tempore*. The vote by which the bill was indefinitely postponed will be reconsidered if there be no objection.

Mr. PLUMB. I ask that the bill be recommitted to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The bill will be recommitted to the Committee on Military Affairs, with the additional evidence to be submitted.

Mr. PLUMB. The additional testimony will be submitted to the committee.

INTERNATIONAL ARBITRATION.

Mr. SHERMAN. I reported yesterday a resolution from the Committee on Foreign Relations which I should like to call up.

The PRESIDENT *pro tempore*. That went to the Calendar, like any other report of a committee.

Mr. SHERMAN. It is a concurrent resolution, and not a joint resolution.

The PRESIDENT *pro tempore*. It went to the Calendar as the report of a committee. The Senator can move to take it up.

Mr. SHERMAN. I move that it be taken up. It is very short, and I think the reading of it will be sufficient to explain it.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of a resolution reported by him yesterday from the Committee on Foreign Relations. The resolution will be read.

The Chief Clerk read as follows:

Concurrent resolution to invite international arbitration as to differences between nations.

Resolved by the Senate (the House of Representatives concurring), That the President be, and is hereby, requested to invite, from time to time as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which can not be adjusted by diplomatic agency may be referred to arbitration, and be peaceably adjusted by such means.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Ohio to proceed to the consideration of the resolution.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution.

The resolution was agreed to.

NEW YORK HARBOR.

Mr. DOLPH. I desire to call up at this time for action the amendments of the House of Representatives to Senate bill 1241.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the amendments of the House of Representatives to the bill (S. 1241) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses, and making other provisions in connection therewith.

Mr. DOLPH. Let all the amendments be stated.

The PRESIDENT *pro tempore*. The amendments will be read through at length, and the question taken at once on concurring in all the amendments together, if there be no objection.

The amendments of the House of Representatives were read, as follows:

Page 1, line 6, after the word "waters," insert the words "or in those of Long Island Sound."

Page 1, line 16, after the word "decide," add the following: "One half of said fine to be paid to the person or persons giving information which shall lead to conviction of this misdemeanor."

Page 1, line 22, after the word "New York," insert the words "or in its adjacent or tributary waters, or in those of Long Island Sound."

Page 3, line 11, after the word "section," add the following: "Any boat or vessel used or employed in violating any provision of this act shall be liable to the pecuniary penalties imposed thereby, and may be proceeded against summarily by way of libel in any district court of the United States having jurisdiction thereof."

Page 3, strike out lines 12, 13, and 14, change "section 6" to "section 5," and "section 7" to "section 6."

Page 3, line 23, after the word "dollars," insert the words "or so much thereof as may be necessary."

Mr. DOLPH. By direction of the Committee on Commerce, from which the bill was reported, I move that the Senate concur in the amendments of the House of Representatives.

The amendments were concurred in.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. CAMERON. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. PLUMB. I suggest to the Senator from Pennsylvania to let that motion go over for the present, because it is very desirable that two appropriation bills now on the Calendar should be passed this week. They may be passed to-day; I hope they will, but if not it will be very desirable for the Senate to be in session to-morrow, in order that that business may be concluded.

Mr. CAMERON. I withdraw the motion for the present.

The PRESIDENT *pro tempore*. The motion is withdrawn for the present.

KANSAS RAILROAD LANDS.

Mr. PLUMB. I move that the documents sent to the Senate in response to a resolution of mine of date of 17th of January last, concerning certain public lands in Kansas, be printed, except the map.

The motion was agreed to.

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. If there be no further morning business——

Mr. PLUMB. I move that the Senate proceed to the consideration of House bill 10233.

The PRESIDENT *pro tempore*. The order of morning business is closed, and the Senator from Kansas moves that the Senate proceed to the consideration of the bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

The motion was agreed to.

The bill was reported from the Committee on Appropriations with amendments.

The PRESIDENT *pro tempore*. If there be no objection, the amendments of the Committee on Appropriations will be acted upon as they are reached in the reading of the bill.

BUST OF THE LATE CHIEF-JUSTICE.

Mr. EVARTS. I ask the Senator from Kansas to allow me to call up the bill (S. 3133) providing for a bust of the late Chief-Justice Morrison Remick Waite, to be placed in the room of the Supreme Court of the United States, in order that it may now be passed.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the pending order may be informally laid aside to enable him to move to proceed to the consideration of the bill (S. 3133) providing for a bust of the late Chief-Justice Morrison Remick Waite, to be placed in the room of the Supreme Court of the United States. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in the appropriations for "Office of Commissioner," in line 16, after the word "dollars," to strike out:

One assistant disbursing officer, $1,400.

The amendment was agreed to.

The next amendment was, in the same clause, line 26, to reduce the appropriation for compensation of "one librarian" from $1,800 to $1,600.

The amendment was agreed to.

The next amendment was, in the same clause, line 31, to reduce the appropriation for compensation of "superintendent of folding-room" from $1,400 to $1,200.

The amendment was agreed to.

The next amendment was, in the same clause, line 36, to reduce the total amount of the appropriations for compensation of the Commissioner of Agriculture and the clerks and employés in his office from $74,160 to $72,360.

The amendment was agreed to.

The next amendment was, under the head of "Botanical division," in line 41, after the word "dollars," to strike out:

One assistant botanist, $1,400.

The amendment was agreed to.

The next amendment was, in line 46, to reduce the total amount of the appropriations for "botanical division" from $9,840 to $8,440.

The amendment was agreed to.

The next amendment was, under the head of "Pomological division," in line 49, after the word "dollars," to strike out "one artist, $1,200; one assistant pomologist (or clerk)," and insert "one clerk;" and in line 52, after the word "division," to strike out "four thousand two hundred" and insert "three thousand;" so as to make the clause read:

One pomologist, $2,000; one clerk, $1,000; in all, for pomological division, $3,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 63.

Mr. BATE. Under the head of "Chemical division," I move, in line 59——

Mr. PLUMB. I suggest to the Senator from Tennessee that it is usual to wait until the committee amendments are disposed of.

Mr. BATE. All right.

Mr. HARRIS. Unless the amendment is to an amendment of the committee. I do not know whether it is an amendment to an amendment or not.

Mr. PLUMB. It is not an amendment to an amendment.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Seed division," in line 87, to reduce the appropriation for compensation of "one chief of seed division" from $2,000 to $1,800; and in line 91, to reduce the total amount of the appropriation for "seed division" from $8,440 to $8,240.

The amendment was agreed to.

The next amendment was, under the head of "Forestry division," after the word "dollars," in line 102, to strike out "one assistant, $1,200; one clerk, $900; in all, $4,100;" so as to read:

One chief of forestry division, $2,000.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," in line 110, after the word "plants," to insert "including the establishment and maintenance of experimental grass stations;" and in line 116, after the word "engraving," to strike out "two thousand five hundred" and insert "twenty-five thousand;" so as to make the clause read:

Botanical investigations and experiments.—Botanical division: For purchasing specimens, paper, and all necessary materials for the herbarium, and for labor in preparing same; for investigations and experiments with grasses and forage plants, including the establishment and maintenance of experimental grass stations, and of other economic and medicinal plants, and for traveling and other necessary expenses connected therewith; and for employing local botanists for exploration and collection of plants in little-known districts, and for special work for the improvement of the herbarium, and for artists for drawing and engraving, $25,000.

The amendment was agreed to.

The next amendment was, in line 127, after the word "traveling," to insert "within the United States;" and in line 129, after the word "information," to strike out "for artists' materials and other apparatus necessary in the work of the division; for preparation of papers upon subjects of a pomological nature, and expenses incurred in making investigations for the same; and for colored illustrations of fruits to be used in the special publications of the division;" so as to read:

Pomological information.—Pomological division: For traveling within the United States and other necessary expenses in investigating, collecting, and disseminating pomological information, $4,000.

The amendment was agreed to.

The next amendment was, in line 155, at the end of the clause making appropriations for "Laboratory," to add:

And the accounting officers of the Treasury are authorized and directed to allow the suspended account of George B. Loring, late Commissioner of Agriculture, the several sums which were expended by him in the purchase of sorghum-seed and beet-seed, and for labor in the distribution of the same, from October 1, 1884, to September 30, 1885, inclusive, which expenditures were made from the laboratory fund, so called, and which the First Comptroller of the Treasury has decided not to be properly chargeable to said fund, said allowance not to exceed the sum of $20,807.80.

The amendment was agreed to.

The next amendment was, in line 174, after the word "traveling," to insert "within the United States;" so as to make the clause read:

Investigating the history and habits of insects.—Entomological division: For the promotion of economic entomology, investigating the history and habits of insects injurious and beneficial to agriculture, arboriculture, and horticulture; experiments in ascertaining the best means of destroying them; for publishing reports thereon; and for illustrations, chemicals, traveling within the United States, and other expenses in the practical work of the entomological division, $20,000,

The amendment was agreed to.

The next amendment was, in line 183, after the word "cocoons," to insert "and for expenses of stations in connection therewith;" and in line 184, after the words "traveling expenses," to strike out "fifteen" and insert "twenty;" so as to read:

For collecting and disseminating information relating to silk culture; for purchasing and distributing silk-worm eggs, and for conducting at some point in the District of Columbia experiments with automatic machinery for reeling silk from the cocoon, and for expenses incurred in collecting, purchasing, preparing for transportation, and transporting cocoons, and for expenses of stations in connection therewith, and for necessary traveling expenses, $20,000.

The amendment was agreed to.

The reading of the bill was continued to the close of the clause providing for the distribution of seeds, in line 274.

Mr. PLUMB. Before passing finally from the consideration of the appropriation for distributing seeds, I wish to say that it is anticipated that this provision will be largely diminished hereafter, the necessity for it disappearing by the establishment of agricultural experimental stations in different States in connection with the agricultural colleges, and which will undoubtedly as part of their work propagate and distribute seeds in the different localities in which they are located, thereby obviating the necessity for the great distribution by the Department of Agriculture.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 315, after the word "another," to strike out "$100,000 of this sum, or so much thereof as may be necessary, to be immediately available;" so as to read:

Salaries and expenses Bureau of Animal Industry: For carrying out the provisions of the act of May 29, 1884, establishing the Bureau of Animal Industry, $500,000; and the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuro-pneumonia from one State into another.

The amendment was agreed to.

Mr. PLUMB. The provision found between lines 315 and 317 providing for making "$100,000 of this sum or so much thereof as may be necessary to be immediately available" was inserted with the understanding that this bill would become a law long before the present time. In view of the fact that the appropriation of last year has been

measurably exhausted, so much so that it has become necessary to discharge some of the employés in New York, Pennsylvania, and Maryland, as the entire appropriation of $500,000 will be available on the 1st day of July, and it may be that the bill will not become a law before that date, certainly not until very close to that date at all events, the committee recommend the striking out of the provision in order that it may go into conference, with the expectation that the conferees will insert whatever amount may be necessary in view of the time to elapse between the date of the signing of the bill and the 1st day of July, when the regular appropriation takes effect.

In connection with this subject generally, I will ask that a letter addressed to the chairman of the subcommittee having charge of the bill by Professor Salmon be read, and also that the tables accompanying the letter may be inserted in the RECORD.

The PRESIDENT *pro tempore*. The letter will be read.

The Chief Clerk read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., June 12, 1888.

SIR: In accordance with your request of yesterday I have the honor to submit herewith a statement of the work and expenditures of the Bureau of Animal Industry for the eradication of contagious pleuro-pneumonia since January 1, 1888.

The increased expenses of the last four months of the year have been caused by enlarging the force in the States of New York, New Jersey, and Pennsylvania to a sufficient extent to enable the bureau to inspect, number, and record all the cattle in the infected districts; to maintain quarantine regulations, and to examine all the animals slaughtered, or which are moved from such districts, or which die in them. This method has been found necessary to discover all of the diseased herds, and to prevent the spread of the malady.

In applying this method in New York it was found necessary to employ over one hundred men (106 on May 1), and the expenses increased from $6,213 in January to $43,501 in April, and $32,598 in May. This increase of force resulted in the discovery of many more diseased cattle, the number paid for in January being but 32, while in April it reached 1,414 and in May 761. The amount paid for cattle in New York was but $762 in January and reached $29,349 in April.

The expenses in New Jersey also increased for the same reason from $1,750 in January to $17,903 in May.

The work for the suppression of pleuro-pneumonia was not begun in Pennsylvania until about April 1, 1888, as the State authorities did not co-operate previous to that time. The expenses in that State will reach between $15,000 and $20,000 to June 30.

A word is needed in explanation of the tables of expenses. The expenses appear, as they are found on the books of the disbursing office, under the month during which the vouchers are paid. As a rule they were incurred during the preceding month. Hence there are to be paid after the month of May the greater part of the expenditures for May and also those for June.

After paying all vouchers received to June 1 there was an unexpended balance of $65,516.49.

This is clearly insufficient to continue the work. To reduce expenses there have been suspended about seventy men, forty-three of whom were employed in New York. It will be necessary to suspend nearly one-half of the remaining force to bring the expenses within the balance of the appropriation.

This will reduce the number of employés so much that the quarantines can not be held, and much damage is likely to follow. It is, therefore, very desirable that the immediately available clause should be allowed to remain in the appropriation bill and that the bill become a law at as early a date as possible. With this clause in the bill the work could be started up as soon as the act is signed, and every day saved would be of the greatest importance to the success and economy of the work.

This Department does not ask that the sum made immediately available should be so large as $100,000, since $20,000 would be more than could possibly be used before July 1. This amount was probably fixed by the House of Representatives because a like sum was made immediately available in the last appropriation bill.

Referring to remarks made in the committee on yesterday, permit me to say that I have labored conscientiously to carry on this work economically and successfully, and I believe the same is true of the Commissioner of Agriculture, who unfortunately is absent and can not appear before your committee. The qualifications of the professional men employed have all been examined by myself, and I feel sure that no more competent force could be organized. The non-professional men have been employed guarding and tagging cattle, serving quarantine notices, and doing other work of this nature, which could be done by any one of ordinary intelligence who could read and write. I believe this non-professional force would compare favorably with any force of similar size, and for the same kind of work, got together in the same length of time in any private undertaking. Indeed I have been astonished to find that these positions were sought and accepted by some of the best citizens in the localities where the work is being done—men who are intelligent, educated, and well-to-do.

I inclose copies of correspondence of interest in this connection. With the hope that this statement will be found sufficient for your purpose, and with the belief that your honorable committee will do what is best for the country under the circumstances, I am,

Very respectfully. D. E. SALMON, *Chief of Bureau.*

Hon. P. B. PLUMB,
Committee on Appropriations, United States Senate.

The records show that more work was done during the five months from January 1 to May 31, 1888, than during the whole year 1887.

Mr. PLUMB. I ask that the table showing the disbursements of the Bureau of Animal Industry for five months, and also the table showing in detail the work of the Bureau, be inserted in the RECORD.

The PRESIDENT *pro tempore*. They will be inserted in the RECORD.

The papers are as follows:

1888—*Disbursements, Bureau of Animal Industry.*

NEW YORK.

Months.	Salaries.	Traveling expenses.	Miscellaneous.	Affected cattle.	Exposed cattle.	Total.	Number of cattle— Affected.	Exposed.
January	$3,516.53	$897.09	$1,037.40	$617.00	$145.00	$6,213.02	27	5
February	8,643.81	1,231.62	874.50	3,035.25	7,340.03	21,125.21	145	314
March	10,514.10	1,566.03	1,430.66	1,962.50	4,234.80	19,708.09	101	203
April	11,534.21	1,840.64	776.36	9,547.40	19,802.86	43,501.47	413	1,001
May	12,989.97	2,341.40	942.09	6,199.64	10,125.77	32,598.87	253	508

NEW JERSEY.

January	$776.26	$423.28	$60.69	$165.00	$325.00	$1,750.23	7	11
February	891.26	356.32	165.05	50.00		1,462.63	2	
March	1,363.48	444.28	557.68	2,316.00	4,090.00	8,771.44	99	142
April	2,829.78	692.85		2,405.00	2,830.00	8,757.63	85	90
May	4,412.07	1,072.90	649.47	3,577.00	8,192.00	17,903.44	138	287

MARYLAND.

January	$3,851.79	$952.89	$384.06	$1,523.44	$4,510.56	$11,222.74	56	150
February	3,981.56	899.60	186.26	335.10	519.40	5,921.92	14	19
March	3,907.29	954.35	414.22	3,296.56	3,718.86	12,291.28	120	145
April	4,015.16	996.86	296.39	2,098.04	5,939.38	13,345.83	82	224
May	4,138.28	965.87	301.96	1,032.30	3,264.36	9,702.77	38	109

PENNSYLVANIA AND VIRGINIA (MOSTLY IN PENNSYLVANIA.)

January	$615.60	$94.55	$0.40			$710.55		
February	459.34	198.26		$60.00		717.60	4	
March	561.77	136.43	.30	525.00	$311.00	1,534.50	30	22
April	604.77	84.30	419.64	231.00	425.00	1,764.71	14	35
May	2,542.79	322.30	251.08	861.50	1,249.50	5,227.17	41	57

TOTAL EXPENSES OF THE BUREAU.

January	$12,754.85	$2,538.16	$2,436.05	$2,386.71	$4,980.56	$25,096.33	94	166
February	17,526.91	3,006.20	1,922.47	3,480.35	9,419.94	35,355.87	165	439
March	19,743.89	3,323.36	2,893.41	8,100.06	13,202.58	47,263.30	350	554
April	22,661.32	4,278.54	1,884.20	14,281.44	28,997.24	72,102.74	594	1,350
May	27,011.67	4,960.21	2,739.59	11,670.44	22,831.63	69,213.54	479	961

Report of work of Bureau of Animal Industry for five months ending May 31, 1888, in extirpating contagious pleuro-pneumonia.

Character of work, etc.	Illinois.	Virginia.	Pennsylvania.	New Jersey.	Maryland.	New York.	Total.
Herds inspected.....Number...	140	13	193	3,057	4,008	5,082	12,498
Cattle inspected.....do.....	285	297	31,422	34,581	23,080	40,932	130,697
Cattle tagged.....do.....	.....	.....	16,812	5,391	6,407	61,327	89,987
Herds found diseased.....do.....	.....	1	14	144	35	142	336
Animals in diseased herds.....do.....	.....	39	111	1,451	641	2,759	5,001
Animals diseased, physical examination.....do.....	.....	6	32	391	71	445	945
Post mortem examinations.....do.....	1,712	103	2,929	1,705	2,242	9,010	17,701
Animals diseased on *post mortem* examinations.....do.....	.....	45	59	332	326	1,452	2,214
Premises disinfected.....do.....	1	2	36	72	83	670	864
Diseased animals purchased.....do.....	4	44	45	330	310	939	1,672
Paid for diseased animals.....	$81.27	$719.00	$958.50	$8,513.00	$8,285.30	$21,371.79	$39,864.86
Exposed animals purchased.....Number...	129	52	62	530	647	2,031	3,451
Paid for exposed animals.....	$2,408.43	$601.00	$1,384.50	$15,437.00	$15,952.56	$41,588.46	$77,371.95
Average for diseased.....	$20.32	$16.34	$21.30	$25.80	$26.72	$22.76	$23.84
Average for exposed.....	$18.67	$11.56	$22.33	$29.12	$24.65	$20.48	$22.42

Work closed up in Illinois in April 1, and quarantine removed in Cook County. Work commenced in Philadelphia, Pa., April 10, 1888.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the proviso to the same clause, line 318, before the word "thousand," to strike out "thirty" and insert "fifteen;" in line 319, after the word "necessary," to strike out "shall be used and" and insert "may be;" and in line 320, after the word "experiments," to insert "to be conducted within the United States;" so as to read:

Provided, That $15,000, or so much thereof as may be necessary, may be expended in continuation of the investigations and experiments, to be conducted within the United States, into the nature, causes, and remedies for the prevention and cure of hog cholera and swine plague.

The amendment was agreed to.

The next amendment was, in line 328, after the words "division of forestry," to strike out:

For investigations into the structural differences of important timbers and the factors that influence their quality, their biology; miscellaneous reports; expense of experimental grounds, collection, purchase, and distribution of forest-tree seeds and seedlings in aid of forest culture; and for ascertaining the area, amount, and condition of the remaining white-pine supplies in the Northwestern States; and for working collection and apparatus, traveling and other expenses, $10,000.

And insert:

For the purpose of enabling the Commissioner of Agriculture to experiment and to continue an investigation and report upon the subject of forestry, and for traveling and other necessary expenses in the investigation and the collection and distribution of valuable economic forest-tree seeds and plants, $8,000.

The amendment was agreed to.

The next amendment was, after line 342, to insert:

To enable the Commissioner of Agriculture to continue experiments in the manufacture of sugar from sorghum cane, including the purchase and transportation of samples and supplies, $100,000: *Provided*, That the Commissioner is hereby required to make a separate report to Congress stating fully and accurately an itemized account of every expenditure made under this provision and the results of all experiments made, and also including the purchase and transportation of samples and supplies.

The amendment was agreed to.

The next amendment was, under the head of "Experimental stations," in line 372, after the word "thereto," to strike out "six hundred" and insert "five hundred and ninety;" and in line 373, before the word "thousand," to strike out "fifteen" and insert "five;" so as to make the clause read:

That to carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States, under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," $590,000; $5,000 of which sum shall be payable upon the order of the Commissioner of Agriculture to enable him to carry out the provisions of section 3 of said act of March 2, 1887.

The amendment was agreed to.

Mr. PLUMB. I move to add at the close of the last paragraph:

And to compare, edit, and publish such of the results of the experiments made under section 2 of said act by said experimental stations as he may deem necessary, and for these purposes the Commissioner of Agriculture is authorized to employ such assistants, clerks, and other persons as he may deem necessary.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. BATE. I now move, on page 3, line 59, after the word "thousand," to strike out "six" and insert "eight;" so as to read:

One assistant chemist, $1,800.

Mr. PLUMB. The amount proposed is estimated for, and I am not disposed to controvert the matter with the Senator from Tennessee, and shall make no point of order on his amendment.

The amendment was agreed to.

Mr. BATE. In line 60, on page 3, I move to strike out "four," after the word "thousand," and insert "six;" so as to read:

One assistant chemist, $1,600.

The amendment was agreed to.

Mr. PLUMB. That makes necessary an amendment in line 62, on page 4, to change the total amount of appropriations in that clause.

The PRESIDENT *pro tempore*. The change of total will be made by the Secretary, if there be no objection, by striking out "five," and inserting "nine;" so as to read:

In all, $11,900.

The amendment was agreed to.

Mr. SAULSBURY. On page 6, line 125, in the clause making appropriations for "section of vegetable pathology," I move to strike out the word "five," before the words "thousand dollars," and insert "fifteen:" and after the word "dollars," in the same line, to add: "of which $10,000 may be applied to the investigation of the disease and its remedy in peach-trees known as yellows."

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. PADDOCK. I should like to have an explanation from the Senator having charge of the bill in reference to the amendment of the committee in line 318, on page 14, which reduces the appropriation for the continuation of the investigations and experiments into the nature, causes, and remedies for the prevention and cure of hog-cholera and swine-plague from $30,000 to $15,000. This is the most important subject, in my opinion, that the Agricultural Bureau has charge of at the present time. The ravages of hog-cholera during the past year have been vastly greater than at any time during the history of the country, and I should like to know if it is advisable to reduce this appropriation? It seems to me there ought to be a very liberal appropriation for a full and careful and thorough investigation of this subject. I should like to know what the theory of the committee is.

The PRESIDENT *pro tempore*. Does the Senator desire to reserve that amendment for a separate vote?

Mr. PADDOCK. Yes, sir.

The PRESIDENT *pro tempore*. The other amendment, then, will be considered as concurred in, if there be no objection.

Mr. PLUMB. It was not a desire to minimize proper work in connection with this important subject that induced the committee to reduce the sum from $30,000 to $15,000. This is a subject which has been investigated for a century. It is not a new question by any means. The committee did not believe that the Department could spend by means of the ordinary machinery of investigation in the hands of the Department so large a sum. They believed that it might better be spent, or some portion of it at least, in stimulating investigation by private parties, and they thought they would leave that whole paragraph in such a position as to enable the committee to confer with the Commissioner of Agriculture to see if there was not some better way than to carry on the investigation by the Department, and which, judging by the results heretofore obtained, are not likely to be useful.

I believe, in the next place, that this is not, like pleuro-pneumonia, a disease which can be stamped out, and which once stamped out is not to be apprehended to reappear again for a long period; but it is a local disease, and one which exists in a portion of the United States every year more or less virulent, but still a disease that exists somewhere at some time. The committee believe that if these investigations are carried on in the Department itself they ought to be carried on by different agencies extending all over the country, the results of which should be compared..

Mr. PADDOCK. With the explanation made by the Senator from Kansas, I shall not insist on a separate vote.

The PRESIDENT *pro tempore*. The amendment made as in Committee of the Whole is concurred in in the Senate.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I ask that a statement showing the appropriations made in this bill for the different objects in comparison with the estimates and in comparison with the bill that came from the House be inserted in the RECORD.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

The statements are as follows:

AGRICULTURAL APPROPRIATION BILL.

Amount of estimates, 1889	$1,646,925
Amount of House bill	1,591,860
Increase made by Senate committee	108,800
Amount as reported	1,700,660
Amount of appropriations for 1888	1,613,730
The bill as reported exceeds appropriations for 1888	86,930

The items of increase to and reduction from the bill as passed by the House made by the Senate committee are as follows:

Increase:		
For experimental grass stations	$22,500	
For expenses of silk-culture stations	5,000	
For continuing sorghum experiments	100,000	
Total increase		$127,500
Reduction:		
Salaries, Commissioner's office	1,800	
Salaries, botanical division	1,400	
Salaries, pomological division	1,200	
Salaries, seed division	200	
Salaries and expenses, forestry division	4,100	
Expenses, agricultural experiment stations	10,000	
Total reduction		18,700
Net increase		108,800

Agricultural Department, 1889.—Comparative statement showing the appropriations for 1888, the estimates for 1889, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1889.

Object.	Appropriations, 1888.	Estimates, 1889.	House bill, 1889.	Senate committee, 1889.
SALARIES.				
Office of the Commissioner	$71,280	$75,580	$74,160	$72,360
Botanical division	4,040	6,840	5,440	4,040
Botanical division, section of vegetable pathology	4,400	5,600	4,400	4,400
Pomological division	2,000	6,000	4,200	3,000
Microscopical division	3,000	8,200	3,200	3,200
Chemical division	11,500	14,700	11,500	11,500
Entomological division	7,300	8,900	7,300	7,300
Division of economic ornithology and mammalogy	8,060	9,200	8,060	8,060
Experimental gardens and grounds	2,250	5,140	2,500	2,500
Museum	3,120	3,120	3,120	3,120
Seed division	8,240	8,440	8,440	8,240
Statistical division	34,300	36,300	34,300	34,300
Forestry division	2,000	7,000	4,100	2,000
Total salaries	161,490	190,000	170,720	164,020
MISCELLANEOUS.				
For botanical investigations and experiments with grasses, plants, etc	2,000	4,500	2,500	25,000
For investigations of diseases of fruits, grain, etc	5,000	6,000	5,000	5,000
For pomological investigations, etc	3,000	8,500	4,000	4,000
For investigations of the adulterations of food	1,000	1,000	1,000	1,000
For the laboratory and work of the chemical division	6,000	6,000	6,000	6,000
For sorghum and sugar-cane experiments	50,000			100,000
For investigating the history and habits of insects	20,000	20,000	20,000	20,000
For promotion of silk culture	25,000	15,000	25,000	30,000
For investigations in ornithology and mammalogy	3,940	5,800	4,000	4,000
For experimental gardens and grounds	24,800	24,800	26,640	26,640
For the museum	1,000	1,000	1,000	1,000
For purchase and distribution of seeds	100,000	100,000	100,000	100,000
For printing-press, printing labels, etc	3,000	4,200	3,000	3,000
For collecting agricultural statistics	65,000	75,000	65,000	65,000
For preparation of maps and charts showing crop production, etc		10,000	5,000	5,000
For statistical report upon agricultural resources of the Rocky Mountain area		10,000		
For expenses of delegate to International Statistical Institute	1,500			
For furniture, cases, repairs to buildings, heating apparatus, etc	7,000	7,000	7,000	7,000
For extending coal-vaults, etc		1,625		
For the library				
For expenses of Bureau of Animal Industry	2,000	2,000	2,000	2,000
For quarantine stations for neat-cattle	500,000	500,000	500,000	500,000
For investigation and report upon the subject of forestry	20,000 8,000	20,000 10,500	15,000 10,000	15,000 8,000

Agricultural Department, 1889, etc.—Continued.

Object.	Appropriations, 1888.	Estimates, 1889.	House bill, 1889.	Senate committee, 1889.
MISCELLANEOUS—continued.				
For postage	$4,000	$4,000	$4,000	$4,000
For contingent expenses	15,000	20,000	15,000	15,000
Total miscellaneous	867,240	856,925	821,140	946,640
For agricultural experiment stations	585,000		690,000	590,000
Total Agricultural Department	1,613,730	1,046,925	1,591,860	1,700,660

ADJOURNMENT TO MONDAY.

Mr. JONES, of Arkansas. I move that when the Senate adjourn today it be to meet on Monday next.

The motion was agreed to.

ACCOUNTS UNDER THE EIGHT-HOUR LAW.

Mr. BLAIR. I move that the Senate proceed to consider Senate bill 405.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from New Hampshire moves that the Senate proceed to the consideration of the bill (S. 405) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law. [Putting the question.] The noes appear to have it.

Mr. BLAIR. I ask for a division.

The PRESIDENT *pro tempore*. A division is called for.

The question being put, the ayes were 9.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. I desire to know whether or not the Post-Office appropriation bill is the regular order now.

Mr. PLUMB. I desire to move its consideration as soon as I can get the floor for that purpose.

Mr. BECK. That is what I supposed, and I think we should dispose of that first.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The Chair would suggest that the motion is not debatable, but debate may proceed by unanimous consent.

Mr. DOLPH. I desire to appeal to the Senator from New Hampshire. I am entirely in sympathy with him and voted with him in his effort to get up the bill for consideration yesterday, but I think the scene of yesterday will be re-enacted here and probably we shall get in the same condition that we were yesterday, where we can do nothing but adjourn. As long as there is an appropriation bill ready for consideration I appeal to him to withdraw his motion.

Mr. BLAIR. It not being a debatable question, I suppose we can debate it at length.

The PRESIDENT *pro tempore*. By unanimous consent. The Chair hears no objection.

Mr. BLAIR. I wish simply to ascertain by a yea-and-nay vote whether it is the sense of the Senate to take up this bill at this time; and if the Senate shall desire to take it up, I shall not ask for any proceedings in the nature of unnecessary delay. I want the bill taken up and acted on.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE].

Mr. BROWN (when his name was called). I am paired with the Senator from Wisconsin [Mr. SAWYER], who is not in the Chamber.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present, I should vote "nay."

Mr. CALL (when his name was called). I am paired with the Senator from New Hampshire [Mr. CHANDLER].

Mr. CHACE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL], but I have transferred the pair to the Senator from South Carolina [Mr. HAMPTON] and vote "nay."

Mr. KENNA (when his name was called). My pair with the Senator from Minnesota [Mr. SABIN] is transferred to the Senator from Virginia [Mr. RIDDLEBERGER].

Mr. PAYNE (when his name was called). I am paired with the Senator from Nevada [Mr. JONES].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. CULLOM. I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. EVARTS. I am paired with the Senator from Alabama [Mr. MORGAN], who is absent from the Senate, and I withhold my vote.

Mr. CHANDLER. I vote "yea."

The PRESIDENT *pro tempore*. A pair has been announced with the Senator from New Hampshire [Mr. CHANDLER].

Mr. CHANDLER. Then I withdraw the vote.

Mr. PADDOCK. I am paired generally with the Senator from Louisiana [Mr. EUSTIS].

Mr. JONES, of Arkansas. I announce my pair with the Senator from Oregon [Mr. MITCHELL].

Mr. BLAIR. I ask unanimous consent that all proceedings under the roll-call be dispensed with.

Mr. BUTLER. I object.

The PRESIDENT *pro tempore*. The Chair will announce the result. On the motion of the Senator from New Hampshire the yeas are 18 and the nays are 13.

The yeas and nays were as follows:

YEAS—18.

Allison,	Dolph,	Kenna,	Sherman,
Blair,	Edmunds,	Manderson,	Stewart,
Bowen,	Hawley,	Plumb,	Teller.
Davis,	Hoar,	Riddleberger,	
Dawes,	Ingalls,	Sawyer,	

NAYS—13.

Bate,	Coke,	Harris,	Vest.
Beck,	Colquitt,	Pugh,	
Blackburn,	George,	Reagan,	
Cockrell,	Gibson,	Saulsbury,	

ABSENT—45.

Aldrich,	Evarts,	McPherson,	Spooner,
Berry,	Farwell,	Mitchell,	Stanford,
Blodgett,	Faulkner,	Morgan,	Stockbridge,
Brown,	Frye,	Morrill,	Turpie,
Butler,	Gorman,	Paddock,	Vance,
Call,	Gray,	Palmer,	Voorhees,
Cameron,	Hale,	Pasco,	Walthall,
Chace,	Hampton,	Payne,	Wilson of Iowa,
Chandler,	Hearst,	Platt,	Wilson of Md.
Cullom,	Hiscock,	Quay,	
Daniel,	Jones of Arkansas,	Ransom,	
Eustis,	Jones of Nevada,	Sabin,	

The PRESIDENT *pro tempore*. The absence of a quorum being ascertained, the Secretary will call the roll of the Senate.

The roll was called, and the following Senators answered to their names:

Aldrich,	Cockrell,	Hale,	Ransom,
Allison,	Coke,	Harris,	Reagan,
Bate,	Colquitt,	Hawley,	Riddleberger,
Beck,	Cullom,	Hiscock,	Saulsbury,
Berry,	Davis,	Hoar,	Sawyer,
Blackburn,	Dawes,	Ingalls,	Sherman,
Blair,	Dolph,	Jones of Arkansas,	Stewart,
Brown,	Edmunds,	Kenna,	Teller,
Butler,	Evarts,	Manderson,	Vest,
Call,	Faulkner,	Paddock,	Walthall,
Cameron,	George,	Payne,	
Chace,	Gibson,	Plumb,	
Chandler,	Gorman,	Pugh,	

The PRESIDENT *pro tempore*. The call of the roll discloses the presence of forty-nine Senators. A quorum being present, further proceedings will be dispensed with.

Mr. BLAIR. It is evident the Senate will not take up this bill at this time, and I indicate my purpose to press it no further now.

The PRESIDENT *pro tempore*. The motion is withdrawn.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the concurrent resolution of the Senate to print the report of the Senate Committee on Foreign Relations and other papers, relating to the pending fisheries treaty, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2882) to pay Aaron Friedheim the rebate due him under the act of March 3, A. D. 1883.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 303) granting a pension to Mattie Graziani, of Covington, Ky.;

A bill (S. 647) for the relief of W. A. Lemaster;

A bill (S. 656) granting an increase of pension to James Jackson Purman;

A bill (S. 845) granting a pension to the widow of John A. Turley;

A bill (S. 900) for the relief of Mrs. Alice Croarkin;

A bill (S. 1194) granting a pension to Mary Whirry;

A bill (S. 2929) to authorize the Paris, Choctaw, and Little Rock Railway Company to construct and operate a railway, telegraph, and telephone line through the Indian Territory, and for other purposes; and

A bill (H. R. 2656) to increase the pension of John Taylor.

INTERNATIONAL ARBITRATION.

Mr. RIDDLEBERGER entered a motion to reconsider the vote by which the concurrent resolution to invite international arbitration as to differences between nations was passed this morning.

POST-OFFICE APPROPRIATIONS.

Mr. PLUMB. I move that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889.

The PRESIDENT *pro tempore*. The amendments of the Committee on Appropriations will be acted upon as they are reached in the reading of the bill, if there be no objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in section 1, on page 2, to strike out the clause from line 19 to line 21, inclusive, as follows:

For compensation to clerks in post-offices for unusual business, as contemplated by Revised Statutes, section 3863, $50,000.

The amendment was agreed to.

The next amendment was, in section 1, on page 2, line 25, to reduce the appropriation "for rent, light, and fuel to post-offices of the third class" from $650,607 to $450,000.

Mr. BECK. I hope that amendment will not be agreed to unless there are substantial reasons given for it. The Postmaster-General sent to Congress a special report, in which he said, as I understand, that the $650,000 allowed by the House was the very smallest amount possible which would enable him to do anything like decent justice to the third-class postmasters. The postmasters of the third class now have to pay all the expenses in respect to rent, fuel, light, etc., and the appropriation giving relief from these burdens is cut down to the lowest possible point. Indeed, the House cut down the original estimate made by the Postmaster-General, which is $800,000.

Mr. CHACE. Will it interrupt the Senator from Kentucky if I say that I am very much interested in what he says, but I can not hear the Senator? Will he speak a little louder?

Mr. BECK. I was endeavoring to urge that the Senate should not concur in the amendment of the Committee on Appropriations cutting down the House provision in line 25. I am informed by the Postmaster-General and by those who have examined the matter that the sum of $650,607 allowed by the House is the very smallest possible sum that will enable the Postmaster-General to do anything like fair justice to the postmasters of the third class, and unless there is some good reason why it should be cut down I hope it will not be done.

Mr. PLUMB. In reducing this sum and establishing a different rate of pay for this class, it was only designed to exercise what the committee believed to be a proper precaution in entering upon a new item of expenditure connected with the postal service.

It will be borne in mind that there never have been paid as yet to third-class postmasters allowances for rents or fuel or lights; and while I do not care to make the point that prior to the change of administration the postmasters, as all other officials of the Government, then mainly belonging to the Republican party, were deemed by our friends on the other side to be amply paid, and there was a constant struggle necessary to continue the salaries at the amount fixed by law, the salaries of hundreds of persons in the service in this city and elsewhere were reduced by the House of Representatives in the control of the Democratic party, and the Senate made unavailing efforts to keep those salaries up to the requirements of the law; but it happens under the present administration that every single one of those salaries has been restored, I think, and to a point higher than was permitted by a Democratic House of Representatives to Republican officials.

I do not speak of that for the purpose of making any point upon it, because, notwithstanding the political change of complexion of the Administration, the Senate has been willing at all times, I think, to pay at least reasonably adequate salaries and compensation for services rendered to the Government, no matter by whom rendered. And so in this matter the Committee on Appropriations are entirely willing that this new expenditure shall be entered upon. They only desire that during the first year of the experiment it shall be brought under such rules as will test the question as to how far this great sum of money to be granted in allowances to a large number of postmasters can be expended at the discretion of a single official, and for the purpose of measurably protecting that official himself against the very urgent demands that will be made upon him in regard to the expenditure of this sum of money.

The Postmaster-General sent to the Committee on the Post-Office and Post-Roads of the House of Representatives an exhibit in the nature of an estimate as to the amount of money that he thought would be required properly to carry out the provision for the allowance of rent, fuel, and lights to post-offices of the third class. The total number of

third-class post-offices at that date was 2,452. The amount he estimated as necessary for rent was $374,767, and the amount he estimated for fuel and lights was $275,840. In making up this estimate he graded the offices according to compensation, commencing with $1,000 and ending with $1,900; that is to say, $1,000 grade, $1,100 grade, $1,200 grade, and so on up to the $1,900. He estimated in the $1,000 grade that one-third of that grade would receive rent at the rate of $50 per annum, one-third at the rate of $75 per annum, and one-third at the rate of $100 per annum and so on, until, arriving at the $1,900 grade, he estimated that one-third of the officers in that grade would receive $400 per annum, one-third $450 per annum, and one-third $600 per annum.

But the provision as it comes from the House does not limit the Postmaster-General to the payment of rents upon this sliding-scale which he proposes. He may give $600 or $1,000, or any sum he pleases to any one of these offices.

Mr. RIDDLEBERGER. I ask the Senator from Kansas if there is any statutory provision now that pays these postmasters' rent at all.

Mr. PLUMB. No.

Mr. RIDDLEBERGER. Then, is this not putting legislation on an appropriation bill?

Mr. PLUMB. That is a question which might have been asked in the House of Representatives. It came to us in the bill from the House, and we are simply dealing with it as it is in the bill.

As I said, there is no limitation made in the provision found in the House bill on the discretion of the Postmaster-General. I do not mean to say, or to intimate even, that he would do otherwise than what he deems the very best, but he would be confronted with the necessity of adjusting the relations of 2,452 postmasters to this allowance at once, an entirely new allowance, one which adds practically to the compensation of each postmaster the entire amount of the allowance; that is to say, that much more is added to what he has heretofore had. There will, as a matter of course, be a very great pressure for this allowance. It will take a very considerable period of time to adjust these allowances. He might not be able, unless he spent the money with a good deal of carelessness, to spend it this year, unless he did so by giving greater sums to some than would be necessary. He might establish a scale of expenditures therefore in regard to rents which Congress on reflection might not deem it wise to carry out.

We only wanted to put a limitation upon this expenditure this year in such a way that Congress might be advised just how the thing was working, and be able to make sure that we should not enter upon it on too extravagant a scale, leaving the question in such a way that next year, after an experiment of one year, we might come to the consideration of the question better informed than we are now.

I believe myself that there ought to be an allowance of this kind made to third-class post-offices; but, as I said before, at the time these offices were filled by Republicans no allowance of the kind could be had. We only ask now in entering on this new expenditure that it may be under limitations which will make sure of proper expenditure and will leave us at the next session of Congress disembarrassed by possibly unwise and extravagant allotments for rent, fuel, and lights by the Postmaster-General, by which to some extent, we may be bound; or at all events, the scale having been once established in practice, we can not depart from it. The Senator from Kentucky, because it goes to his own party friends, should not fail to consider that whatever we give is an increase of wages that much in the compensation of men who have heretofore not particularly complained that they were not properly paid, of men who are getting just what their predecessors got, of men who are getting offices which they tried for. We do not thrust them upon them. At least, I have not heard of anything of that kind having to be done. I think under these circumstances he and his associates will recognize the propriety of commencing on a somewhat modest basis.

Mr. REAGAN. Mr. President, Senators will remember that there have been a great number of petitions received in and presented to the Senate asking for an increase in the compensation of fourth-class postmasters and for the relief of third-class postmasters from the expenses which they now have necessarily to incur. The recommendations made by the Postmaster-General contain deliberate references to the facts which justify the recommendation of providing by law that third-class postmasters shall be furnished with fuel and lights for their offices. By reference to his report it will be seen how the law as it now stands operates. If a postmaster's salary amounts to $1,900, he must furnish the office himself, and he loses the rent on it; he must furnish fuel; he must furnish the lights; he must hire the clerks necessary to aid him in the discharge of the duty; and the amount necessary for rent, lights, fuel, and clerks is a deduction from the amount of the salary he takes for the glory of being nominally postmaster.

These things have not for h e first time been called attention to in the present report of the Postmaster-General, but previous reports have called attention to the injustice of the existing law on that subject.

The third-class postmaster, as I said, must bear all expenses of clerk-hire, of house-rent, of fuel, and of lights, while the second-class postmasters receiving $100 more salary gets his $2,000 salary, his furniture; the rent of his office is paid; his fuel, his lights, and his clerks are paid by the United States. Any one can see the absolute injustice of such an arrangement. It requires no argument to demonstrate it.

While I favor economy in public expenditures and moderate salaries to all officers, I submit that we ought in these matters to be just. I believe we ought to try to give reasonable compensation and make that provision for third-class postmasters which is in harmony with the rate of compensation provided for first and second class postmasters.

I do not propose to consider this in the light of a party measure, nor to inquire whether justice was done the postmasters under Republican administrations. Whether we reduce salaries under this Administration or not, if we did wrong then that certainly is not a reason for doing wrong now.

I do not think it is a question of administration; I do not think it is a question of Republicanism or Democracy; but it is simply a question of justice, of what duty requires of us. The Postmaster-General has estimated the amount which, upon a careful examination, he believes to be necessary to provide rent, lights, and fuel for a large number of third-class postmasters. He makes that estimate upon a basis of calculation which is intelligible, which is practical, which is understood by the Department and those who aid in the execution of its functions. If we mean to overcome the injustice of the present law, the best way to do that is to ascertain the facts which justify an appropriation for that Department and to act in accordance with those facts. If it requires the amount of money which the Postmaster-General suggests in his report it will require to provide lights and fuel and rents for third-class post-offices, is it reasonable, is it proper, unless we can demonstrate that he is mistaken, that we shall give but two-thirds of that amount; that we shall do two-thirds justice and refuse to do entire justice?

It seems to me that the amendment proposed by the Committee on Appropriations ought not to be adopted, and I concur with the Senator from Kentucky [Mr. BECK] that it would be unwise to adopt that amendment and to propose but two-thirds justice to a class of persons who by every rule of reason ought to be relieved from the burden now imposed upon them.

Mr. BECK. Mr. President, I do not know whether the third-class postmasters now are Democrats; no matter what they are. They are very much mixed politically, I suppose. Perhaps we have a majority of them; I hope we have; we have not anything like a majority of employés in the Departments at Washington, as I am advised, but that is neither here nor there.

Mr. PLUMB. Certainly the Senator does not mean to say that there is any doubt about a very large majority, an overwhelming majority, of the third-class postmasters under this Administration being Democrats.

Mr. BECK. I hope they are.

Mr. PLUMB. Does the Senator have any doubt that they are?

Mr. BECK. I do not express any doubt in regard to it. I know that there are now a good many men who are the enemies of the Administration, and who are seeking in all sorts of mean ways to undermine it, in all the Departments of this Government, who ought not to be there. No man can carry on any sort of business, much less an administration successfully, with enemies doing his work. I would not carry on a farm with plow-boys who were my enemies, nor a grocery-store with clerks trying to break me down and transfer my trade to some one else. I hope we have some Departments of the Government in which a majority of the employés are friendly to the Administration and seek to make it a success, instead of using their positions to break it down.

Mr. PLUMB. The Senator ought to go to the White House to make an argument on that subject rather than here.

Mr. BECK. I am not seeking to make this a political debate. I surely have the right to reply to the Senator. But I will say to the Senator from Kansas that while he seems not to be able to do justice to third-class postmasters by allowing this comparatively small sum to pay for fuel and lights and rent needed in the public service, by cutting the total down from $650,607 to $450,000, he exhibits a strange inconsistency when he proposes, without the demand, and I may say against the will, of the Postmaster-General and without the recommendation of any official of any Department, to donate by this bill $800,000 to go to friends perhaps of his party who are begging for increased ocean mail service. The Senator proposed by an amendment to this bill to require a contract to be given at $1 a mile, or $800,000 a year, for at least five years, for pretended services that nobody supposes will be of any benefit to the mail service and that is not demanded by the Postmaster-General or by any branch of the public service. That provision is interpolated into this bill and is nothing more nor less than a subsidy to some favored steam-ship companies, while economy is sought to be practiced by striking down $650,607 to $450,000, and the proposed saving is taken from the honest pay of men who are doing honest public work. Such action will not bear criticism when the two propositions come to be examined together. I will deal with one at a time.

The committee of the other House and the House saw fit on the recommendation of the Postmaster-General to insert this provision. I know that in years gone by under former administrations allowances were made out of other appropriations for fuel and lights in many cases. They were reached by allowances out of money in the hands or under the control of the Postmaster-General. These little allowances were cut off by Executive order four or five years ago, and they can not be allowed now under the ruling.

Mr. PLUMB. I do not understand the Senator's statement.

Mr. BECK. I say many of these little items were once paid for by the Post-Office Department.

Mr. PLUMB. Never; not a dollar.

Mr. BECK. I can produce proof of it if necessary.

Mr. PLUMB. I defy the Senator to do it. I hope he will have the candor to admit that he is mistaken.

Mr. BECK. I think I will show it, and show that it was done time and again in regard to post-offices in my own State, and properly done, and the refusal to continue to do it was wrong. But returning to the proposition before us. The report of the House Committee on Post-Offices and Post-Roads makes use of this language:

In the appropriation bill for 1888 there is no appropriation for rent, light, and fuel at third-class offices. In the proposed bill there is inserted for this purpose the sum of $650,607. Heretofore the postmaster of a third-class office was compelled to pay for these items from his salary. This has caused much and just complaint from this class of officers. In the report of the Postmaster-General, on page 14, he used this language:

"Yet from the third-class postmaster, who has so much less than the others in nominal salary, is taken 'even that which he hath.' To him no allowance (except in a case which is no exception, that of the separating office) for rent, fuel, clerical service, stationery, or other outgo whatever is made, but all must be defrayed from his miscalled salary, which thus proves too often, instead of the apparently promised reward of labor, but the weak residuum of a well-nigh exhausted cup. The consequences are, first, injustice, more or less, to all postmasters of the third class, and frequent instances of grotesque inequality and unfairness in the proportion of labor and responsibility to net compensation; and, secondly, a resulting tendency to poorer provision and service in such offices, only counterbalanced by the pride and sense of duty of the officer.

"Salaries of the third class vary from $1,000, where gross receipts are $1,900 and not exceeding $2,100, to $1,900, where gross receipts reach $7,000 but not over $8,000; and immediately following, salaries of the second class rise from $2,000, for gross receipts of $8,000 and not over $9,000, to $2,900 for gross receipts of $35,000 or more and not exceeding $40,000. Thus, if the business of an office be between $7,900 and $8,000, the postmaster must bear the entire charges of it and have for himself only what shall be left of $1,900; while if the business be but $100 more the postmaster may take $2,000 net for his services, and these often more of mere easy supervision than actual office work. Instances have come to my attention where third-class postmasters with salaries of but $1,600 to $1,700 have been compelled, in order to provide such service as to satisfy their sense of personal honor in performance of public duty, to make an annual outlay of from $1,000 to $1,300, besides giving continuing personal labor. It is obvious, indeed, that so great is the difference between the decent provision of an office for the transaction of postal business yielding annually $7,000 or more and one yielding but from $1,900 to $2,100, it may be almost affirmed that as a third-class postmaster's business and salary increase his compensation diminishes; and it is to be safely asserted that, in a large majority of cases at least, his proportionable compensation (to labor and responsibility) will surely diminish if he fairly discharges his obligations to the service. Such a condition is neither creditable to the justice of the Government nor wisely conducive to the finished service which should be exacted of postmasters to the public."

The committee of the House add:

The justness of these observations is recognized, and the correction is sought to be accomplished in this bill.

And a table is attached on page 22 of the report, showing that after the most careful revision of all that class of offices this sum of $650,607 is the least that can be used to advantage. The Postmaster-General says that it is the lowest estimate he can possibly make to do justice to that class of postmasters. The Committee on Appropriations of the Senate have cut it down without any sort of reason so far as I am advised. They should rather to have stricken it out altogether; they might have been justifiable in that, standing on the ground that they will do nothing in that direction; but there was no reason and there is no authority shown why $450,000 should be given. If $650,607 ought not to be, and the Postmaster-General says that unless he has this sum, which is the lowest estimate, we had better give him nothing, and let them go on and suffer as they have been doing.

I insist that the proposed amendment ought to be rejected because there is no reason for reducing the sum below $650,607 if any sum is given. I have the authority of the Postmaster-General for saying that $650,607 is the lowest sum that he can use advantageously and deal fairly with his officials.

Mr. PLUMB. Will the Senator please state where he finds that authority?

Mr. BECK. When I saw what had been done I went to the Post-Office Department and examined into the matter. The Postmaster-General was not asked to come before the committee, and had no opportunity to appear before it, as I understand.

Mr. PLUMB. I hope this is not another case like that we had last year, where the Postmaster-General authorized the Senator from Kentucky to dispute in private what he had stated in his previous annual report.

Mr. BECK. I do not remember what was done last year, but I know this: I was necessarily absent from the committee—no, not perhaps necessarily absent, but, while I was absent, though a member of the subcommittee, this bill was acted upon and the Postmaster-General was not before the committee, and I had to get information as best I could, since the matter was acted on in my absence. I am not generally absent, though I confess I was last week; therefore I sought information from the persons I thought could best give it, and I received it so as to satisfy me that the provision made in the bill by the House ought not to be cut down. I hope the amendment will not prevail.

Mr. CALL. Mr. President, I am not in favor of placing limitations on the administration of the executive officers of the Government. I think that a liberal discretion should be allowed to them, and they should be held responsible to Congress for the manner in which they perform their executive duties.

In this matter of third-class post-offices and postmasters, there can be no question whatever that the public interests require that a reasonable compensation should be paid to these public servants. Of all public functions performed by the Government the mail service is the most essential and the most esteemed by the people, and there is no kind of reason why this class of officers should be discriminated against unfairly, as they are in the existing methods of compensation and allowances. Practically they perform these duties with little or no compensation, and comparatively with other officers in the same service there is the greatest inequality and injustice.

Now, how is that to be remedied? There is but one person in connection with this performance of duty that has the knowledge of the facts which will enable him to give the compensation to each postmaster in each case adequate and not excessive. The amounts must differ. We can not classify them. While this provides a very imperfect method, yet it is some progress in the direction of giving reasonable compensation to each postmaster according to the value of his services and the amount of business he transacts.

It is true that there is a consideration that in many cases the post-office is desirable to the incumbent; the location of it is in connection with some private business in which he is engaged; but this is a very intangible consideration and can not be measured, and the only proper measure is to give each postmaster a compensation according to the duties which he performs, and to provide an office or place of business, with the necessary light and fuel.

In this case I should think that the suggestion which has been made of giving a smaller amount in order that we may see how this executive officer, the Postmaster-General, who is charged with the administration and disbursement of this large sum of money, shall proceed with it before a larger amount is intrusted to him, is not a reasonable suggestion. The present Postmaster-General is a man of character and of ability, and we have no reason to doubt that his administrative efforts will be such as will be approved by Congress and by the people. It is not necessary to assume in reference to him or to any other head of a Department who has been nominated by the President and confirmed by the Senate, and therefore approved as a man of ability and of integrity—it is not, I think, desirable in any appropriation to proceed upon the hypothesis of testing his administrative ability.

For these reasons I think, with the Senator from Kentucky, my colleague upon the Appropriations Committee, that we had better not adopt the suggestion of the majority of the committee and limit this amount. On the contrary, I should prefer to give to the present incumbent of the Post-Office Department, the Postmaster-General, an adequate sum of money, and to hold him accountable, and I have no doubt he would perform that duty with eminent satisfaction. Hold him accountable for the administration of that sum of money in such manner as will promote the interests of the public service and secure the postmasters a just and reasonable compensation, and the results will be more satisfactory to the country and more conducive to the best interests of the public service than to seek to limit and stint him with insufficient means and precise and unbending limitations and prohibitions, and this is equally true of all the other heads of Departments.

The PRESIDING OFFICER (Mr. BERRY in the chair). The question is on the amendment proposed by the Committee on Appropriations.

Mr. PLUMB. I shall ask for the yeas and nays in due time, and I want to say a word or two about the matter.

The Senator from Kentucky and I do not differ about the propriety of paying something, but the Senator from Kentucky thinks if the Postmaster-General recommends anything it is an act of temerity on the part of any Senator to suggest that the amount should not be allowed or should be cut down. I do not know when heretofore he has been willing to subordinate his judgment to that of any executive officer. He has had the courage to say here that the President has not acted as he should have done in a certain respect. I do not know whether he has said that to the President or not. And if the judgment of the head of the Administration be imperfect in regard to one question, why may it not be imperfect in regard to some other matters as well? I know as well as the Senator from Kentucky does that until this Administration came in the other Chamber dwelt with great emphasis on the unreliability of Department estimates, dwelt with great emphasis on the large appropriations that were being made for the expenses of the Government, and characterized the allowances for salaries as being extravagant to the last degree. It was said we never reduced one. Since this Administration came in its friends in the other House have never touched one unless to increase it, and there has been constant begging from the beginning of the Administration to the present time to the Republican side of the Senate to put up salaries. That is the fact certainly. Now, because in starting in upon what is undoubtedly to be a great item of expenditure, when it is proposed to increase by a single blow the salary of every third-class postmaster in the United States without any question, without any reference to whether there is any special merit in the case or not, we suggest a limitation in the first year of its operation only, not by a continuing provision of law, we are held up as proposing to deny to these people their inalienable rights!

The Postmaster-General does not say anywhere anything that can be construed as meaning that he could not get along with any other sum of money than that stated by him. He does not state anything

of that kind in his report, and I prefer to believe what he has put into a written report rather than a private statement he has made to the Senator from Kentucky.

This law can not be put in operation for the whole twelve months of the next fiscal year. If the Postmaster-General does his duty and investigates each particular case to ascertain what should be allowed, it will take him three or four months before he can make any allowance, and then if he is to spend money it is because he gives a higher rate than he has named in his schedule as the rate which he regarded as the maximum to be allowed.

In addition to that, the present Postmaster-General in his schedule proceeds upon the theory that every single third-class postmaster must have rent, fuel, and lights allowed. The Senator from Texas [Mr. REAGAN] knows very well that there are many third-class post-offices in his State kept in stores, because it is an advantage to the man keeping the store in the way of trade. So it is all over the United States. There are places where allowance for rent would be entirely gratuitous on the part of the Government. The Postmaster-General does not take any account of that, but the immense estimate presented by him is based on an allowance to every third-class office in the United States.

Mr. REAGAN. I know that other classes of post-offices are sometimes kept in stores; but I am not aware of any third-class post-office that is kept in a store.

Mr. PLUMB. I mean places where some other business is carried on, and where the post-office is a business inducement to the man keeping it. That is so all over the United States. It is so in Kansas and in Texas and in other States. There are other questions that come into the consideration of the case, and probably there might be an abuse of power.

The question, as I said, does not depend on difference of opinion in regard to the propriety of having any expenditure, but only as to the rate and amount of allowance.

The Senator from Kentucky says that there has been put in the appropriation bill an item which may benefit some friends of the Republican party for increased mail pay, a provision that authorizes a Democratic Postmaster-General to spend the money or not as he pleases, and at such rates within a proper limit as he pleases, which is based on a recommendation of the Postmaster-General, not the present incumbent, but the one who had the honor of making the last report from that Department. In his report of 1887 he argued at length, covering three or four pages of his report, in favor of extra pay to ships carrying the mails of the United States between ports of the United States and the ports of South America, and he comes back to it, not so emphatically it is true, not so much at length, in his last report.

The Senator from Kentucky is much more familiar, no doubt, with the *personnel* of the steam-ship companies than I am. So far as I am aware, I do not know a single person in any line of steamers running from a United States port anywhere, and I do not know what the politics of these men are. All I do know is that, as I think, there is no reason why the agencies by which the United States mails are transported upon the water should not be paid as well as upon the land. There is no necessary connection, as I think, between these two subjects.

It is true this bill was considered in subcommittee during the absence of the Senator from Kentucky. If he accuses me therefore of any discourtesy, I of course must submit, though I am not aware of any guilt on my part. He was present in the committee, I think, when the bill was considered there; but if there is any lack of authority on this subject of any kind whatever on account of his not having been present in the subcommittee, it seems to me he had the opportunity in full committee; but I did not know that there was any obligation resting upon the committee to wait at this late hour of the session upon the motion of any member of the committee who might for justifiable or other reasons be detained away from the city. It is near the close of the fiscal year. I should be glad, so far as I could, to have this bill go over now for two weeks. It might have gone over in committee, because it came along when I had much else to do, which I would have been glad to continue to do to the displacement of this work; but the Senator knows that in view of the fact that this would necessarily go to a conference, and that therefore its consideration might be protracted beyond the 1st of July, it was necessary to exercise some degree of haste in its consideration, and doing this we did what the committee has always done ever since I have been upon it, acting in a hurry when we need to do things in a hurry, in order that there may be no failure of appropriation to carry on the Government. If, however, the Senate is willing to have this bill go over with the risk of there being a failure of funds after the 1st day of July, certainly I shall not object.

Mr. BECK. I do not understand why that suggestion should be made. I neither complained of want of courtesy in not being present in the subcommittee or in the whole committee; but when I was inquired of where I got my information, and it seemed to me to be a reflection that I should go to the Postmaster-General or to other persons well advised on the subject, I gave as the reason why I did go and make the inquiry that I was not present either in the subcommittee or in the whole committee when this bill was considered, nor had I the opportunity of knowing the reasons for its action, nor was the Postmaster-General sent for as far as I am advised. I am opposed to any delay in the passage of the bill. I am not only anxious that the bill should pass, but that it should pass to-day, and pass so that the Senator from Kansas will not be compelled to remain here against his convenience. I went to the Senator from New Hampshire [Mr. BLAIR], who was pressing another bill, and urged him to let this bill come up. I do not seek any delay, nor do I reflect on the committee except to say that I think it is a mistake, if there is any allowance at all, to cut it down below what the Postmaster-General, after thorough investigation, and the House of Representatives, after a careful examination, have regarded as absolutely necessary; and therefore it is that I oppose the amendment, without reflecting on any one.

Mr. PLUMB. The Senator made mention of the fact that the bill was considered while he was absent.

Mr. BECK. I gave that as my reason for calling on the Postmaster-General to obtain information. That was the only way I could obtain it.

Mr. PLUMB. No one could complain of the Senator going to the Postmaster-General for information. He said the Postmaster-General told him certain things about this matter. I asked where and when he said so, because I did not find them in his report. The Senator then said that he had them from the Postmaster-General. He has the freedom of the Department, no doubt, and the Postmaster-General will reply to any inquiry by him, or perhaps by any one else; but I do not find in the report of the Postmaster-General any evidence that a smaller sum might not be made proper use of, and in the very nature of things it can not be, because it will not do to say that because a man thinks he ought to have $600 if we give him three hundred, that is worse than nothing. We do not propose that any postmaster shall be cut off entirely unless the Postmaster-General on investigation finds that no sum is needed for him. We simply propose in entering on this character of expenditure, for the first year an experiment to some extent, as it necessarily must be in regard to its details, that it shall be conducted within certain limits, that it shall not be entered upon in an extravagant way.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Kansas to ask for the yeas and nays on this amendment?

Mr. PLUMB. I do.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHACE (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM]. If he were present, I should vote "yea."

Mr. CULLOM (when his name was called). The Senator from Delaware [Mr. GRAY] is present, and I vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I have transferred the pair to the Senator from South Carolina [Mr. HAMPTON] and vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present, I should vote "nay."

Mr. RIDDLEBERGER (when his name was called). I am paired with the Senator from New Jersey [Mr. BLODGETT]; but the pair of the Senator from West Virginia [Mr. KENNA] has been transferred, so that he and I can vote.

Mr. KENNA. I have transferred my pair with the Senator from Minnesota [Mr. SABIN] to the Senator from New Jersey [Mr. BLODGETT].

The roll-call was concluded.

Mr. WILSON, of Maryland. I am paired with the Senator from Iowa [Mr. WILSON].

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. JONES, of Arkansas. I am paired with the Senator from Oregon [Mr. MITCHELL]; otherwise I should vote "nay."

Mr. MANDERSON. I have arranged with the Senator from Florida [Mr. PASCO] to transfer my pair with the Senator from Kentucky [Mr. BLACKBURN] to the Senator from Illinois [Mr. FARWELL].

Mr. PASCO. My pair having been transferred, I vote "nay."

The result was announced—yeas 19, nays 17; as follows:

YEAS—19.

Aldrich,	Davis,	Hawley,	Riddleberger,
Allison,	Dawes,	Hiscock,	Sawyer,
Blair,	Dolph,	Ingalls,	Sherman,
Chandler,	Evarts,	Manderson,	Teller.
Cullom,	Hale,	Plumb,	

NAYS—17.

Bate,	Colquitt,	Harris,	Stewart,
Beck,	George,	Kenna,	Vest.
Call,	Gibson,	Morgan,	
Cockrell,	Gorman,	Pasco,	
Coke,	Gray,	Reagan,	

ABSENT—40.

Berry,	Eustis,	Mitchell,	Saulsbury,
Blackburn,	Farwell,	Morrill,	Spooner,
Blodgett,	Faulkner,	Paddock,	Stanford,
Bowen,	Frye,	Palmer,	Stockbridge,
Brown,	Hampton,	Payne,	Turpie,
Butler,	Hearst,	Platt,	Vance,
Cameron,	Hoar,	Pugh,	Voorhees,
Chace,	Jones of Arkansas,	Quay,	Walthall,
Daniel,	Jones of Nevada,	Ransom,	Wilson of Iowa,
Edmunds,	McPherson,	Sabin,	Wilson of Md.

The PRESIDENT *pro tempore*. The absence of a quorum being ascertained by the announcement of the state of the vote, the Secretary will call the roll of the Senate.

Mr. HARRIS. Upon the roll-call under the order of the Chair in the existing state of facts, will it be in order, then, to direct the Sergeant-at-Arms, without a motion for a renewed call of the Senate, to request the attendance of absent Senators?

The PRESIDENT *pro tempore*. A motion would be required.

Mr. HARRIS. Is it not in order to make that motion now?

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. HARRIS. Very well.

The PRESIDENT *pro tempore*. The roll-call will proceed.

Mr. BECK. I should like to make a suggestion, if I may be allowed.

The PRESIDENT *pro tempore*. The Chair will hear the Senator from Kentucky, by unanimous consent. The Chair hears no objection.

Mr. BECK. A quorum has answered if pairs are broken. I am content that this may be considered as passed.

Mr. HARRIS. By unanimous consent it may be done, as there is evidently a quorum present.

The PRESIDENT *pro tempore*. Less than a quorum of the Senate can do nothing, even by unanimous consent.

Mr. COCKRELL. Let the roll be called.

The PRESIDENT *pro tempore*. The roll-call will proceed.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Colquitt,	Harris,	Riddleberger,
Allison,	Cullom,	Hawley,	Saulsbury,
Bate,	Davis,	Hiscock,	Sawyer,
Beck,	Dawes,	Ingalls,	Sherman,
Berry,	Dolph,	Jones of Arkansas,	Stewart,
Blair,	Edmunds,	Manderson,	Teller,
Bowen,	Evarts,	Morgan,	Turpie,
Brown,	Faulkner,	Paddock,	Vest,
Call,	George,	Pasco,	Walthall,
Chace,	Gibson,	Plumb,	Wilson of Md.
Chandler,	Gorman,	Pugh,	
Cockrell,	Gray,	Ransom,	
Coke,	Hale,	Reagan,	

The PRESIDENT *pro tempore*. The call of the roll discloses the presence of 49 Senators. A quorum being present, further proceedings under the roll-call will be dispensed with. The question recurs on agreeing to the amendment.

Mr. PLUMB. I withdraw the call for the yeas and nays and simply ask for a *viva voce* vote.

The PRESIDENT *pro tempore*. The call for the yeas and nays is withdrawn. The question is on the amendment.

Mr. EDMUNDS. Will the Chair have the amendment again reported?

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 2, after the word "class," at the end of line 24, the Committee on Appropriations report to strike out "six hundred and fifty thousand six hundred and seven" and insert "four hundred and fifty thousand;" so as to read:

For rent, light, and fuel to post-offices of the third class, $450,000.

Mr. COKE. I inquire if it requires unanimous consent to withdraw the call for the yeas and nays?

The PRESIDENT *pro tempore*. The Chair thinks not. The question is on the amendment.

The amendment was agreed to.

Mr. BECK. I ask the Senator from Kansas to let us again consider lines 19, 20, and 21. I think perhaps there has been a mistake in striking out that clause. I was inquiring into it and I find it is authorized by statute, as will be seen by reference to section 3863 of the Revised Statutes, which reads:

SEC. 3863. Whenever unusual business accrues at any post-office the Postmaster-General shall make a special order allowing reasonable compensation for clerical service and a proportionate increase of salary to the postmaster during the time of such extraordinary business.

The provision in lines 19, 20, and 21 allows a few thousand dollars, and the provision grew up, as I am advised at the Post-Office Department and by a report which I hold in my hand, from a state of facts like this: In Southern California and in portions of Florida and at some of the watering-places there is a great demand for postal service during certain portions of the year. The business is so great that the post-office force is too small, and there is a necessity for temporary employment and for additional service in order to afford anything like accommodations at all. In the report of the Postmaster-General, he says:

I call attention also to the fact that while the law contemplates provision for extraordinary cases of such increase of population or of business as are so common in this country, and for cases where at different seasons great numbers of visitors at favorite resorts overwhelm the ordinary means and facilities of mail service, no appropriation is usually made for the purposes contemplated by that law.

And he asks that $50,000 be allowed. I do not make a point on this matter, but I state the information which I have received showing that the item is correct. I think it would be well to allow that to be done to meet cases of the sort I have mentioned.

Mr. PLUMB. There is ample authority under the preceding paragraph. There has never been any sum in gross heretofore appropriated for this special purpose.

There was an immense rush of business at one time at a post-office in Colorado, and the Department dealt with the question under the ordinary provisions of the existing law. The Senator will see the danger, I think, of entering on this class of appropriation now if he examines the paragraph carefully. The law now is:

SEC. 3863. Whenever unusual business accrues at any post-office the Postmaster-General shall make a special order allowing reasonable compensation for clerical service, and a proportionate increase of salary to the postmaster during the time of such extraordinary business.

That would open up a very wide door if this provision contemplates an increase of salary, as it does; and it will only be another step until we shall have the salaries of postmasters adjusted from day to day and from week to week and from month to month, according as there may be an accidental or temporary increase of business.

The Senator from Kentucky will understand, I think, that under the preceding paragraph the Postmaster-General can allow clerk-hire for a month or two months or three months or for an entire year.

Mr. BECK. If that is understood I will not press the matter.

Mr. PLUMB. There is no trouble about that; and if he thinks that the amount appropriated in the preceding paragraph should be larger I will not object to increasing it; but I call attention to the law which is the foundation of this provision of the Revised Statutes. Section 90 of chapter 335 of the statutes of 1872 is as follows:

That whenever, by reason of the presence of a military or naval force near any post-office, or from any other cause, unusual business accrues thereat, the Postmaster-General shall make a special order allowing reasonable compensation for clerical service, and a proportionate increase of salary to the postmaster during the time of such extraordinary business.

It was in the time of the emergency of the location of military force, whereby the ordinary postal force was not sufficient, that the provision was to apply.

Mr. TELLER. I should like to tell the Senator having the bill in charge and the Senate how the Department met the question in one case in Colorado, which has been alluded to.

The office was a $12 office. It grew suddenly to be a very large office. Fortunately for the public, the postmaster was a man of wealth, and he paid out the first year he could get his accounts arranged $7,000 for clerk-hire, which has never been repaid him to this day, and he still has the claim, and he will probably transmit that claim to his great-grandchildren.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in section 1, on page 2, line 26, at the end of the clause appropriating $450,000 "for rent, light, and fuel to post-offices of the third class," to add the following proviso:

Provided, That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of $300, nor more than $60 for fuel and lights in any one year, nor shall any contract be made calling for the payment of either rent or fuel or lights beyond the fiscal year 1889.

The amendment was agreed to.

The next amendment was, in section 1, on page 2, to strike out the clause from line 33 to line 35, inclusive, as follows:

The Postmaster-General in his discretion may hereafter allow rent, light, and fuel at offices of the third class, in the same manner he does now at offices of the first and second classes.

The amendment was agreed to.

The next amendment was, in section 1, on page 3, after line 39, to insert:

For the additional expense of the free-delivery service made necessary by the act entitled "An act to limit the hours that letter-carriers in cities shall be employed per day," approved May 24, 1888, $1,000,000.

The amendment was agreed to.

The next amendment was, under head of "Office Superintendent Foreign Mails," in section 1, on page 5, after line 105, to insert:

To provide more efficient mail service between the United States and Central and South America and the West Indies, $800,000. To promote the purposes of this appropriation the Postmaster-General is hereby authorized and directed to contract with American built and registered steam-ships for the transportation of the United States mails to such ports in said countries as in his judgment will best subserve said postal service. Said contracts shall be for a period of not less than five nor more than ten years, at a compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points as shall be found expedient and desirable to secure the ends above set forth.

Mr. BECK. When the bill gets to the Senate I presume I can move to strike out that paragraph.

The PRESIDENT *pro tempore*. The Senator can then have a vote on agreeing or disagreeing to the amendment.

Mr. COCKRELL. Let the amendment be reserved in the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, in section 1, on page 5, after line 118, to insert:

The Postmaster-General shall cause schedules to be furnished by the contractors stating dates of departure of steam-ships from the United States six months in advance, and in case of unreasonable failure of any steam-ship or steam-ships to depart with mails on the date or dates therein stated, the Postmaster-General may withhold from the contractor or contractors as penalty one-half the

contract price for said trip or trips, and in the event of continued failure to depart on dates stated in the schedule the Postmaster-General may annul the contract or contracts, or the same may be terminated by Congress.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. PLUMB. I now offer an amendment on my own responsibility, to which I call the attention of the Senate, it being legislation and subject to a point of order, which I hope will not be made:

That hereafter the postage on seeds, cuttings, bulbs, roots, and scions shall be charged at the rate of 1 cent for each 8 ounces or fraction thereof, subject in all other respects to the existing law.

That is the provision of a bill which has already passed the Senate, except that in order to accommodate the bill to the Canadian rates of postage it was made 1 cent for each 4 ounces. I understand that the Post-Office Committee, except for the Canadian rate, would have made the amount 8 ounces, and I propose that figure.

The PRESIDENT *pro tempore*. Will the Senator indicate where the clause is to come in?

Mr. PLUMB. Between lines 102 and 103.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 5, between lines 102 and 103, it is proposed to insert:

That hereafter the postage on seeds, cuttings, bulbs, roots, and scions shall be charged at the rate of 1 cent for each 8 ounces or fraction thereof, subject in all other respects to the existing law.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Is a separate vote desired on any amendment made as in Committee of the Whole?

Mr. BECK. I desire a separate vote on the amendment under the head of "Office Superintendent Foreign Mails," inserting the clauses from lines 106 to 129 inclusive, what I call—I do not know what others call it—the subsidy.

The PRESIDENT *pro tempore*. Shall the other amendments be concurred in?

The amendments not reserved were concurred in.

The PRESIDENT *pro tempore*. The question recurs on the amendment reserved by the Senator from Kentucky [Mr. BECK].

Mr. BECK. I only desire to say that I am afraid that there perhaps would not be a quorum developed if the yeas and nays were taken. This is an old contest that we have had over and over again, and perhaps we have all made a record on it. Many of us have resisted legislation of this sort on appropriation bills, but it is generally carried in the Senate. Fearing that there might not be a quorum developed by a call of the yeas and nays, as I suppose there is not much danger of its passing the House, I believe I shall be willing to trust the matter to future action between the two Houses, and I will not ask for the yeas and nays.

Mr. COKE. As the yeas and nays are not to be called on this clause, I desire to put it on record that I am opposed to it.

Mr. HARRIS. I desire to make the same statement. I will not call for the yeas and nays, because it would involve a call of the Senate, but I shall vote against concurring in the amendment.

Mr. SAULSBURY. I shall vote against the amendment. If there was a yea-and-nay vote my vote would be recorded against it. I make the statement because the yeas and nays are not to be called.

Mr. COCKRELL. I am opposed to this amendment, and I am heartily against it as proposed by the Committee on Appropriations.

Mr. BERRY. I desire to state that but for the fact that I am paired with the Senator from Michigan [Mr. STOCKBRIDGE] I should vote against the amendment.

The PRESIDENT *pro tempore*. Shall the amendment made as in Committee of the Whole be concurred in?

Mr. BROWN. Let it be reported.

The PRESIDENT *pro tempore*. It will be again read.

The Secretary read the words to be inserted, as follows:

To provide more efficient mail service between the United States and Central and South America and the West Indies, $800,000. To promote the purposes of this appropriation the Postmaster-General is hereby authorized and directed to contract with American built and registered steamships for the transportation of the United States mails to such ports in said countries as in his judgment will best subserve said postal service. Said contracts shall be for a period of not less than five nor more than ten years, at a compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points as shall be found expedient and desirable to secure the ends above set forth.

The Postmaster-General shall cause schedules to be furnished by the contractors stating dates of departure of steam-ships from the United States six months in advance, and in case of unreasonable failure of any steam-ship or steam-ships to depart with mails on the date or dates therein stated, the Postmaster-General may withhold from the contractor or contractors as penalty one-half the contract price for said trip or trips, and in the event of continued failure to depart on dates stated in the schedule the Postmaster-General may annul the contract or contracts, or the same may be terminated by Congress.

Mr. BROWN. I think the amendment a wise one, and if the yeas and nays are called I shall vote for it with pleasure.

Mr. BATE. I wish to state that if the yeas and nays were called I should vote against the amendment.

The PRESIDENT *pro tempore*. The amendment having been agreed to as in Committee of the Whole, the question is on concurring in the same in the Senate.

The amendment was concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

UNITED PEORIAS AND MIAMIES.

Mr. PLUMB. I desire to offer an amendment in the nature of a substitute for the bill (H. R. 8074) to provide for allotment of land in severalty to United Peorias and Miamies in Indian Territory. I move that the proposed amendment be referred to the Committee on Indian Affairs and printed.

The motion was agreed to.

THE FISHERIES TREATY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate for printing 5,000 copies of Miscellaneous Document No. 109; which was referred to the Committee on Printing.

SEACOAST DEFENSES.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Before submitting the motion the Chair will lay before the Senate the unfinished business.

The CHIEF CLERK. A bill (S. 62) to provide for fortifications and other seacoast defenses.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

STATE DEFENSES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table and be printed:

To the Senate of the United States:

I transmit herewith, in response to a resolution of the Senate of the 11th instant, a report of the Secretary of State, to whom said resolution was addressed, together with a copy of the letter addressed by William H. Seward, Secretary of State, to the governors of certain States of the Union, under date of October 14, 1861, as described in said resolution.

GROVER CLEVELAND.

EXECUTIVE MANSION, *Washington, June 14, 1888.*

ROCK ISLAND ARSENAL DAM.

Mr. ALLISON. I move that the Senate proceed to the consideration of the bill (S. 3025) to provide for the reconstruction of the Government dam at the Rock Island arsenal, and for the immediate construction of a temporary dam to furnish water-power for said arsenal.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. EDMUNDS. Let the bill be read at length.

Mr. ALLISON. The bill has already been read at length.

Mr. EDMUNDS. Let it be again read.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $275,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War, for the reconstruction of the Government dam at the Rock Island arsenal, and for the immediate construction of a temporary dam to furnish water-power for said arsenal and to be used as a coffer-dam when the permanent dam is reconstructed.

Mr. ALLISON. When the bill was under consideration a few days ago the Senator from Vermont [Mr. EDMUNDS] desired that it might lie over, in order that he could make a further examination of the situation as respects the obligations of the Government to reconstruct this dam, and at his solicitation, unless he desires to make some remarks——

Mr. EDMUNDS. Not at my solicitation; at my suggestion.

Mr. ALLISON. At the suggestion of the Senator from Vermont, I offer an amendment to the bill, which I think is a wise one.

The PRESIDENT *pro tempore*. The Secretary will report the amendment proposed by the Senator from Iowa.

The SECRETARY. It is proposed to add to the bill:

The provisions of this act shall not be construed or held as importing or implying any obligation on the part of the United States to maintain said dam or works by reason of any obligation to said Moline Water-Power Company, leaving all questions of legal right and obligation as they existed before the passage of this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. EDMUNDS. When this bill was up the other day I had a faint recollection of having heard of the matter before and of numerous difficulties that had existed, and I asked to have it laid over, which the Senator from Iowa very kindly and promptly agreed to do. I sent to the Secretary of War, on my own responsibility, an inquiry as to the view of the War Department about our situation there, both as it respected our contract obligations and the public interest, and I think it due to the Senator from Iowa, to the Secretary of War, and to the public interest that what the Secretary of War has said to me should go

on the records of the Senate. I therefore ask that his letter and the letter of the Chief of Ordnance addressed to me in reply to mine be read.

It will be noticed or might be noticed by anybody who sees the letter of the Secretary of War to me, that it is unsigned; but that is a mere accident, a mere simple thing, that in signing his letters it was passed over. I think it due to the Senate to call attention to it, but I suppose it is his letter all the same. I ask that the Secretary read the letter of the Secretary of War and the report of the Chief of Ordnance in reply to my letter, so that they may appear in the RECORD.

The PRESIDENT *pro tempore*. The letters will be read.

The Secretary read as follows:

WAR DEPARTMENT, *Washington City, June 13, 1888.*

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant in reference to the bill now pending in the Senate to appropriate $275,000 for constructing a temporary dam, etc., at the Rock Island arsenal, and inquiring whether the United States is under any obligations to rebuild and keep up the dam as a matter of contract with the Moline Water-Power Company.

In reply I beg to invite attention to the inclosed report of the 13th instant, which has just been received from the Chief of Ordnance, and which seems to state the matter fully, and shows that the United States is under obligations to restore this dam.

Very respectfully,

_____,
Secretary of War.

Hon. GEORGE F. EDMUNDS,
United States Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., June 13, 1888.

SIR: I have the honor to return Senator EDMUNDS's letter of the 11th instant, making inquiries about the destroyed dam at Rock Island arsenal, and to report:

Congress, April 19, 1864, authorized the appointment of a commission to adjust claims growing out of the action of the United States in taking possession of property at the Rock Island arsenal, etc. The commission recommended that the Moline Water-Power Company should convey to the United States the fee of the entire water-power, the United States to construct the water-power and give to the Moline Company in perpetuity, free of cost, one-fourth of all the power obtained, etc.

March 2, 1867, Congress authorized the Secretary of War to carry into effect the recommendations of the commissioners, etc. On August 20, 1867, the Acting Secretary of War, U. S. Grant, made an agreement with the Moline Water-Power Company, accordingly.

The recommendation of the commissioners, second section, is as follows:

"The Government to develop and maintain the power, so far as it can be done with the money heretofore appropriated and that which may hereafter be appropriated by Congress for the purpose."

The agreement made by General Grant, Acting Secretary of War, is as follows:

"* * * and which development, together with the maintenance of that power, is to be done by the United States out of the appropriation applicable to those purposes, and of any future appropriation that may be made applicable to the same."

It is understood by this bureau that the water-power has to be maintained by the United States out of appropriations made by Congress, and it is now believed that the reconstruction of the dam recently destroyed should be done under appropriations to be made by Congress.

To the second inquiry, I have to state that the object of the United States developing the water-power was to economically run the many work-shops at the arsenal. "The public interests are concerned in rebuilding the dam independent of any contract obligation, etc.," in this, that next winter and spring the floating ice rushing through the gap will endanger the two Government bridges that join the island with Moline and Rock Island, and which cost in the aggregate $200,000. Besides this, unless the dam is reconstructed, the introduction of steam-power will become a necessity, and while its first cost may be less, the saving of cost by the use of water would in a few years repay this present increased expenditure, and thereafter be a gain and economy to the United States.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The Honorable the SECRETARY OF WAR.

Mr. EDMUNDS. I wish simply to say that on an examination of the acts of Congress and the contracts made by General Grant, acting Secretary of War, with this company, my own opinion is that the United States is under no contract or other obligation to the Moline Water-Power Company to rebuild this dam, either morally or otherwise. Whether, if we do not rebuild it, the property should not be again surrendered to that company is another question that appeals to morals, aside from the question of this bill. But as the Secretary of War takes the responsibility of saying that the public interest requires the rebuilding of this dam, I am willing to let the bill go, with the amendment offered by the Senator from Iowa, suggested by myself, providing that no implication shall arise out of our doing this in respect of any future obligation about it, but to leave legal matters just as they stand.

It has been stated in one report to the War Department since this dam was carried away that these private mill-owners, etc., are to make a claim for damages against the United States for their stoppage of business since the dam has been carried away, and I suppose indefinitely until the dam is rebuilt and kept up in perpetuity for their advantage.

The acts of Congress have provided all the time that all these people had to require of the United States was just what they could get by appealing to the judgment of Congress for money to maintain the works, but being maintained as far as Congress thought it proper to maintain them, they were entitled to a quarter of the water, whatever it was; if it was up, they were entitled to a quarter of it; if it was half up they were entitled to a quarter of that, and so on. That is the fair, as I think, and legal construction of these contracts. But the Secretary of War says that the public interest, entirely apart from any contract question, requires this dam to be renewed. I take him, for the present purposes, at his word, and suppose that he understands what he is saying.

But it all seems to rest upon the question of our resorting to steam-power for public interests in keeping up that arsenal.

It appears in these very same papers that although the dam was up down to a very few weeks ago, we have a steam-power already introduced capable of doing all that is now required to be done for the public interest. If we have this great water-power essential to the interests of the United States, why we should have thought it advisable to resort to steam-power I confess I can not understand. It ought to be either steam-power or water-power. The water-power is adequate, as we all know, if that is the best way to use it, for all purposes at all times of the year; but in spite of that, at the expense of the United States, steam works have been introduced, which the reports show are now adequate to every present purpose of the United States. I confess I do not understand it.

Mr. PAYNE. May I ask the Senator whether he inquired as to the authority of General Grant when Secretary of War to make such a contract?

Mr. EDMUNDS. I did not inquire as to the authority of General Grant, as my friend inquires, to make the contract, because General Grant had the authority that he exercised precisely, because his contract with the water-power company referred specifically to the act of Congress, or joint resolution, which is an act of Congress, and the very same provision, that the water-power was to be developed to the extent of the then money that had been appropriated for that purpose, and afterwards was to be developed and maintained according to what Congress might appropriate for the purpose. The contract, therefore, was within the very letter of that act of authority, and that act of authority and the contract both rested in respect of the future upon what Congress should think it fit to do in regard to keeping up these works. It might happen, as we all know, in fifty years from now that there would be no necessity whatever for any public works at that place, and that they ought to be utterly abandoned, as from day to day we abandon military reservations and old arsenals and forts; and it would be a very strange state of things if the Congress of the United States had authorized anybody, as they have not, to make a perpetual engagement to keep up a water-power forever on the Mississippi River for the benefit of any private interests whatever. They have not done it.

So, as the Secretary of War says, though I can not understand it, that the public interest, merely for public purposes, requires this dam to be rebuilt, I am willing to let it go; but I want to let it go with the protest that I can not understand why we have been to the expense of introducing steam-power while we had the water-power, and secondly, why we should be considered by the War Department as bound forever to keep up this establishment for private interests.

Mr. CULLOM. I understand that the Senator from Vermont is for the bill with the amendment that has been proposed.

Mr. EDMUNDS. I am not for it, but I acquiesce in it.

Mr. CULLOM. The amendment was the result of his own suggestion. As to the suggestion he makes, that he does not understand why steam-power is used there now, I desire to say in answer that it is to meet exactly the emergency which now exists. Here is the dam that they were relying upon washed away. Suppose there was no steam in any of those buildings there, what would be the condition? The shops would have to shut up.

The fact is that there is but one of the buildings that has steam-power in it, and that may be all that is necessary for the time being to run the machinery of one of the buildings, but if any great emergency should come upon the country steam-power would have to be introduced into all of them, and if that were required it would cost the Government of the United States hundreds or thousands of dollars more to run them by steam than the appropriation to reconstruct this dam. So far as that is concerned I think that is a good answer to the Senator's statement.

Upon the general history of this matter, the men, or their predecessors, engaged in the conduct of private business at Rock Island were there before the arsenal was established. The water-power was established by themselves, at their own expense. They owned the land. They had constructed wing-dams. They had constructed whatever was necessary to give them all the water-power that they needed, and it was a much better water-power than they have to-day. Notwithstanding the amount of money which has been expended by the Government of the United States, the people there at Rock Island would be much better off if the Rock Island arsenal had never been established there or if they had never been interfered with in the water-power that they themselves established.

But the Government buys this arsenal ground and establishes the arsenal, which is probably the largest arsenal in this country, and I do not know but that it is as large as there is anywhere else in the world. To make the establishment there perfect, so that it could be operated to the best advantage, the Government comes along and says to the Moline Water-Power Company, "we want this land; we want to construct this dam; we want to construct these wings; we want to do whatever is necessary to establish this great arsenal." Those gentlemen had their rights there, and before the Government could do what it de-

sired to do, under the rights existing between men, and between the people and the Government itself, contracts were entered into by which the Moline Water-Power Company was given a certain portion of the work, and it was agreed that the water-power should be developed, the dam constructed, and that the water-power should be maintained in perpetuity.

I am not going into a discussion of the technical force, or the language of the different statutes; but under the different statutes which have been enacted, General Grant made the first contract, General Rawlins made the second, and the third one has been made which is not in the records that have been published, all recognizing the fact that the Moline Water-Power Company had the right to the construction of the dam by the Government, and the development of the water-power and the maintenance of it, the Government giving the Moline Water-Power Company a certain portion of the water. That is all there is in it.

Aside from any private interest, I want the Senators of the United States to understand that this dam is not sought for simply because the Moline Water-Power Company have any interest in it; it is sought for because the Government of the United States has an interest in it, not perhaps for the immediate use of all the water that the construction of the dam would give, because there is not very much work going on there; but as a matter of fact, if the dam is not constructed between now and next spring, the Government of the United States, nine chances out of ten, will lose two bridges which have been constructed there by the flow of ice down that wing of the river, which will take those bridges out unquestionably, if the dam is not constructed so as to make the back-water there a sort of pond where there will be no rapid flow.

That is all there is in this case. I do not desire to take up further time about it, because I understand the Senator who has been opposing it heretofore is satisfied with the adoption of the bill with the amendment which he has suggested.

Mr. EDMUNDS. I ought to say that I am not altogether satisfied, but that I acquiesce in the superior judgment of my friends from Iowa and Illinois, with this security against any implication arising from the passage of the bill.

Mr. ALLISON. Before the bill is disposed of I desire to say a few words respecting it. I do not claim, nor do I think the Congress of the United States ought for a moment to admit that we are bound in perpetuity to maintain this water-power. It is not upon that theory that I advocate the reconstruction of this dam; but I say that when the Government of the United States fails to maintain this water-power we are under a moral if not a legal obligation to return the water-power to the company that deeded it to us in fee-simple.

Mr. EDMUNDS. So much of it as was theirs.

Mr. ALLISON. So much of it as was theirs. The Moline Water-Power Company claim to hold all the water-power on the eastern end of Rock Island. The Government of the United States away back in 1864 and 1866 claimed that it held a portion of that power, and when the Rock Island arsenal was about to be constructed it became an important question to the Government of the United States whether it should own this water-power in partnership with anybody. Before a great amount of money was expended at the arsenal, the Government of the United States made a contract whereby the Moline Water-Power Company surrendered to the Government of the United States all their claim to that water-power and gave it a deed in fee-simple, and not only did that, but agreed to furnish it with a sufficient amount of land to develop the water-power for the Government of the United States.

The Government expended in the development of that water-power from $800,000 to $900,000 during a series of years. When appropriation after appropriation had been made for the construction of the Rock Island arsenal it was claimed, I believe, by one or two engineers that the Government of the United States had made a bad bargain with the Moline Water-Power Company, and that it would be wiser and better to use as a motive power in the running of the arsenal steam rather than the utilization of this great water-power, which is without a rival, in my judgment, in the United States, or perhaps in the world. A commission of engineers of high character, under, I believe, a suggestion in an appropriation act, certainly under the suggestion of the Secretary of War, was sent out to the arsenal for the purpose of reporting to Congress whether we should not surrender the water-power back again and use steam for the purposes of the arsenal. The report of those engineers, which is to be found in the printed documents, recommended and urged that the Government at all hazards should hold and maintain the water-power, as the utilization of the water-power would save the Government $100,000 a year by means of its use rather than by the use of steam.

I think the Secretary of War states truthfully that it is wise in the public interest to reconstruct this dam, because if we do not reconstruct it we abandon the water-power, and necessarily the Moline Water-Power Company would resume its rights under the owning of the power.

Mr. CULLOM. If the Senator will allow me, I will suggest that the Moline Water-Power Company would be perfectly helpless if the Government simply abandoned the work, unless the Government should take some action to give them back what they were entitled to and what they possessed prior to its being taken by the Government.

Mr. ALLISON. So they would; I agree to that. Therefore I say unless the Government does reconstruct this dam, it is, through some official source, bound in honor to make some arrangement whereby this water-power shall be abandoned on the part of the Government, and that is all there is in this question.

I desire to say this much because, having practical knowledge of the whole situation at Rock Island, I believe that the Government, under no circumstances, should surrender this water-power. I know there are people in certain sections of this country who have an idea that there should not be a great arsenal located in the heart of the continent, but that the arsenals should be located on the seaboard or on the Gulf and in that neighborhood. We have spent $8,000,000 in the construction of the Rock Island arsenal. We have ground there belonging to the Government miles in extent, an island in the Mississippi River, with this great water-power.

I venture the statement that if the Government shall exist fifty years from now, instead of this arsenal being abandoned by the Government it will be the great arsenal of the United States of America, with its 200,000,000 of people. It is the best point for the distribution of every article that the Government may choose to make as respects the maintaining of its armies either with munitions of war or with guns So I think when this question comes up it should be maintained that the Government of the United States intends to continue the arsenal there, perfected by appropriations from year to year. We have appropriated money for this arsenal every year since 1866, so that we have now invested in it, aside from this water-power, between $8,000,000 and $9,000,000.

I only desired to say this much in order that it might not be for a moment considered that the Government intends either to abandon the arsenal or to abandon the water-power.

Mr. CULLOM. The Senator from Vermont referred to the fact that persons are claiming damages on account of this dam having been washed away. The basis of his remarks, I think, is founded upon a letter written by a man in charge of the arsenal. So far as I am concerned, I have heard of no citizen there, no man interested in the water-works as a private citizen, saying anything at all about believing that he could recover damages on account of the dam having been washed away and its remaining so until it is reconstructed by the Government. I have heard nothing on that subject.

Mr. EDMUNDS. In response to the suggestion of my friend from Illinois, I read from Executive Document No. 177, of the present Congress, first session, a paragraph from a letter addressed to the Chief of Ordnance of the Army of the United States by T. G. Baylor, colonel of ordnance, commanding at Rock Island arsenal:

> Our operations at the arsenal can go on with the steam-power already provided, but the Moline Water-Power Company will doubtless claim damages against the Government for the loss of this water-power, for which they were in a great measure dependent for their manufactures, until this power is restored to them.

I simply wish to say that I deny, as one of the persons concerned in taking care of the money of the people, any obligation on the part of the United States in any such respect, and I do not wish anybody at the Moline water-works, or anywhere else, to suppose that by the passage of this bill any obligation in a legal or moral point of view in respect of rebuilding this dam exists. So far as my vote is concerned. I allow the bill to go through because the Secretary of War says that the public interest, apart from all contract obligations, requires it to be done. I have great doubt about that, but as I have much confidence in this Administration I will take it to be so.

Mr. REAGAN. Whatever appropriation is necessary for the preservation or promotion of utility of the arsenal at Rock Island I shall very cheerfully vote for; but our experience about the Government making water-power for private persons in this country, particularly in that portion of the Union, is not such as to recommend additional measures for that purpose. It is only necessary to refer to St. Anthony's Falls and to the water-power built at an enormous expense by the Government for private parties on the Fox River. Millions of dollars have been spent there, more than $2,000,000 at least, to furnish water-power to private parties for manufacturing establishments, mills, etc. I understand, of course, that this was done upon the supposition that the water ways of the country must be rebuilt.

The Senator from Illinois referred, as one of his arguments for the restoration of this water-power, to the fact that if the dam was not rebuilt the flow of ice might sweep away two bridges there. I do not know about both the bridges, but I understand that one of the bridges was largely built at Government expense, and that private parties charge the public $5 a car, empty or loaded, for cars passing over that bridge, although it is a bridge built by public money. It seems to me that we ought to understand just how far we are going in these cases where public money is expended for private purposes.

It appears that the Government can get along with the steam-power there, but that the Moline Water-Power Company needs this water-power. If the Government has obligated itself in perpetuity to preserve the water-power for that private company, I can only say that

perhaps it had better stand by the unfortunate contract; but from what I can learn of the position assumed by the Senator from Vermont, and I believe his position to be correct as far as I understand the facts, the Government was only obligated to build the dam and preserve the water-power so far as Congress might be willing to make appropriations for that purpose.

Mr. EDMUNDS. That is exactly what the old law and the contracts provide.

Mr. REAGAN. I have not heard any paper presented that shows either a law or a contract by which the Government was bound in perpetuity to preserve the water-power for the company. I should dislike to have to vote against a measure recommended by the Secretary of War, but I must say that, without some better showing than has been made, I shall feel bound to vote against the bill.

Mr. CULLOM. I only want to correct the Senator from Texas as to the bridges. There are three or four bridges across the river, two of which belong to the Government. The bridge to which the Senator refers, where they have been charging heretofore—I do not think they are doing it now—is an entirely different structure. That bridge has no connection with the Government of the United States whatever.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. ALLISON].

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE FISHERIES TREATY.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a concurrent resolution of the Senate which was passed by the House of Representatives with an amendment, and to recommend that the Senate concur in the House amendment. I ask that that action be now taken.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That 5,000 copies of the report of the Committee on Foreign Relations (Miscellaneous Document No. 109, first session Fiftieth Congress), being the report relating to the fisheries treaty, together with the views of the minority, be printed for the use of the Senate, in connection with the message of the President, dated February 20, 1888, and the proposed treaty with Great Britain, and the map of the fishing limits prepared at the Hydrographic Office.

The amendment of the House of Representatives was to add to the resolution:

And further, that 10,000 copies of said documents be printed for the use of the House of Representatives.

Mr. MANDERSON. I move that the Senate concur in the amendment of the House of Representatives.

Mr. COCKRELL. I should like to ask how many copies that gives to the Senate?

Mr. MANDERSON. Five thousand to the Senate and 10,000 to the House of Representatives.

The amendment was concurred in.

STATE CLAIMS.

Mr. RIDDLEBERGER. I move to take up the bill (S. 610) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore, growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812. If it shall give rise to one moment's debate, I will withdraw the motion to take it up.

Mr. EDMUNDS. I think that involves a broad subject. I am sorry to object.

Mr. RIDDLEBERGER. The bill was unanimously reported from the Committee on Claims.

Mr. EDMUNDS. I know, but it involves a very wide expenditure and grave responsibility, and I do not think in a thin Senate at this time of the evening we ought to take it up.

Mr. RIDDLEBERGER. As I said, if there is any inclination to debate the matter, after its having been here for about ten years, of course I do not want to intrude the question upon the Senate at this time. I did think that the Senate was prepared to pass it. If the Senator from Vermont wants to discuss it, and has any reasons to advance why the bill should not pass, as a matter of course I shall yield to him, so that he may have more time than the clock would seem to allow him this evening.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. EDMUNDS. I wish to say that this matter, as I am advised, on the report of a bill by Senator Pearce, of Maryland, twenty-five or thirty or more years ago, was supposed to have been finally settled in adjusting the claims of all the States and everybody else about the war of 1812. There may be merit in this renewed proposition, but I do not think it is the time or the hour to go into the consideration of a matter which involves so much, with great respect to my friend from Virginia.

Mr. RIDDLEBERGER. I will state to the Senator that he is mistaken in saying that there was a settlement as to all the States. There are two States and one city concerned. However, I will adhere to my proposition and not insist on the consideration of the bill, as the Senator from Vermont objects.

ALVARADO CEMETERY ASSOCIATION OF GEORGETOWN, COLO.

Mr. TELLER. I ask the Senate to take up a bill that will not occasion any debate. It is Order of Business 1374, being the bill (S. 2022) setting apart a tract of land to be used as a cemetery by the Alvarado Cemetery Association of Georgetown, Colo.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported with an amendment in section 2, line 4, after the word "only," to strike out "all valuable mineral lodes and mineral deposits to be reserved to the United States;" so as to make the section read:

SEC. 2. That the Secretary of the Interior be authorized to confirm the title to the said described tract of land to the Alvarado Cemetery Association, and to cause a patent to be issued for said land to be used for cemetery purposes only.

The amendment was agreed to.

Mr. EDMUNDS. The bill was intended evidently to provide that this land should be used only for cemetery purposes. I think that there ought to be added a clause that if it shall not be used for these purposes or shall cease to be used for these purposes, it shall revert to the United States.

Mr. TELLER. This piece of land, covering about 12 acres, for thirty or thirty-five years has been the burial place for the town. It never can be used for any other purpose, and it never will be.

Mr. EDMUNDS. On that statement I have no objection to make.

Mr. TELLER. I know the ground.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAWLEY. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 6 minutes p. m.) the Senate adjourned until Monday, June 18, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 14, 1888.

RECEIVER OF PUBLIC MONEYS.

Varnum M. Babcock, of Wagon Landing, Wis., to be receiver of public moneys at St. Croix Falls, Wis., *vice* Alvah A. Heald, resigned.

LIEUTENANT IN THE REVENUE SERVICE.

Third Lieut. John C. Cantwell, of North Carolina, to be a second lieutenant in the revenue service of the United States, *vice* Lieut. Charles D. Kennedy, resigned.

POSTMASTERS.

Abram B. Howkins, to be postmaster at Watsonville, in the county of Santa Cruz and State of California, in the place of George B. Card, whose commission expired March 24, 1888; Stephen W. Coffman, who was confirmed by the Senate April 12, 1888, having declined the appointment.

C. C. Farmer, to be postmaster at Santa Rosa, in the county of Sonoma and State of California, in the place of Thomas B. Hood, whose commission expires June 26, 1888.

Henry Baldwin, to be postmaster at Park River, in the county of Walsh and Territory of Dakota, in the place of Oscar A. Trovatten, resigned.

James T. Houtz, to be postmaster at Blunt, in the county of Hughes and Territory of Dakota, in the place of Newbary E. Westover, whose commission expires June 28, 1888.

Charles W. Morgan, to be postmaster at Hillsboro, in the county of Traill and Territory of Dakota, in the place of Manley R. Morgan, resigned.

August Huesing, to be postmaster at Rock Island, in the county of Rock Island and State of Illinois, in the place of Charles W. Hawes, whose commission expires July 4, 1888.

John A. Sweeney, to be postmaster at Harvard, in the county of McHenry and State of Illinois, in the place of John W. Groesbeck, whose commission expired April 23, 1888.

Porter Hamilton, to be postmaster at Mapleton, in the county of Monona and State of Iowa, in the place of Winfield F. Scott, whose commission expires June 28, 1888.

James W. Hughs, to be postmaster at Cawker City, in the county of Mitchell and State of Kansas, in the place of William C. Whitney, whose commission expires July 4, 1888.

Franklin Swift, to be postmaster at Silver Creek, in the county of Chautauqua and State of New York, in the place of Frank B. Patchen, deceased.

J. F. Wellington, to be postmaster at Sidney, in the county of Cheyenne and State of Nebraska, in the place of William J. Brennan, whose commission expires July 1, 1888.

John W. Spaight, to be postmaster at Fishkill-on-the-Hudson, in the county of Dutchess and State of New York, in the place of William C. Harris, deceased.

Philo H. Stevens, to be postmaster at Fredonia, in the county of Chautauqua and State of New York, in the place of Melissa A. Pemberton, whose commission expires June 19, 1888.

David E. Baxter, jr., to be postmaster at Delphos, in the county of Allen and State of Ohio, in the place of Charles E. Shenk, resigned.

W. T. McBurney, to be postmaster at Sandy Lake, in the county of Mercer and State of Pennsylvania, in the place of John F. Rayen, removed.

Thomas M. Uttley, to be postmaster at Lewistown, in the county of Mifflin and State of Pennsylvania, in the place of Robert W. Patton, whose commission expired June 19, 1888.

J. G. H. Buck, to be postmaster at Hillsborough, in the county of Hill and State of Texas, in the place of William Wood, whose commission expired May 21, 1888.

Berryman Moore, to be postmaster at Gatesville, in the county of Coryell and State of Texas, in the place of Berryman Moore, whose commission expired June 12, 1888.

J. C. Woodworth, to be postmaster at Cuero, in the county of De Witt and State of Texas, in the place of August Holzapfel, whose commission expired June 12, 1888.

Fred W. Morse, to be postmaster at Montpelier, in the county of Washington and State of Vermont, in the place of George W. Wing, whose commission expires July 5, 1888.

ASSISTANT SURGEON IN THE NAVY.

John Francis Urie, a resident of Massachusetts, to be an assistant surgeon in the Navy, to fill an existing vacancy.

ASSISTANT COMMISSIONER-GENERAL TO PARIS EXPOSITION.

Somerville P. Tuck, of New York, to be assistant commissioner-general of the United States to the international exposition to be held in Paris, France, in 1889.

COMMISSIONER-GENERAL TO PARIS EXPOSITION.

William B. Franklin, of Connecticut, to be commissioner-general of the United States to the international exposition to be held in Paris, France, in 1889.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 6, 1888.

REGISTER OF LAND OFFICE.

Henry W. Scott to be register of the land office at Larned, Kans.

PROMOTION IN THE ARMY—TWENTY-FOURTH INFANTRY.

First Lieut. Henry Wygant, to be captain, May 15, 1888.

Second Lieut. Henry W. Hovey, to be first lieutenant, May 15, 1888.

Executive nominations confirmed by the Senate June 14, 1888.

POSTMASTERS.

Jefferson T. Whitman, to be postmaster at Dalton, Whitfield County, Georgia.

James A. Field, to be postmaster at Higginsville, Lafayette County, Nebraska.

Emma Walker, to be postmaster at Robinson, Crawford County, Illinois.

Henry Bristol, to be postmaster at Hudson, Summit County, Ohio.

Jacob Krench, to be postmaster at Celina, Mercer County, Ohio.

Hiram P. Graham, to be postmaster at Eau Claire, Eau Claire County, Wisconsin.

COLLECTORS OF CUSTOMS.

William H. Lyman, of Ohio, collector of customs for the district of Miami, in the State of Ohio.

Joseph W. Clapp, of Massachusetts, collector of customs for the district of Nantucket, in the State of Massachusetts.

INDIAN AGENT.

Thomas P. Smith, of Arizona, agent for the Indians of the Osage agency in the Indian Territory.

SOLICITOR OF INTERNAL REVENUE.

Thomas J. Smith, of New Hampshire, to be solicitor of internal revenue.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 14, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday was read.

Mr. DAVIDSON, of Florida. Mr. Speaker, I think the Journal states that leave of absence was granted to me for two weeks. That is a mistake. It should be for two days.

The SPEAKER. The correction will be made.

The Journal was then approved.

IMPROVEMENTS AT FORT MYER.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, with accompanying map and papers, an estimate from the Secretary of War of an appropriation to pay owners for improvements made on the Fort Myer military reservation, Arlington, Va.; which was referred to the Committee on Appropriations, and ordered to be printed.

ELECTRIC PLANT, FORT LEAVENWORTH PRISON.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation for an electric plant at the United States military prison at Fort Leavenworth; which was referred to the Committee on Appropriations, and ordered to be printed.

BUILDINGS AT SANTA CARLOS, ARIZ.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation for construction of buildings at Santa Carlos, Ariz.; which was referred to the Committee on Appropriations, and ordered to be printed.

MISSISSIPPI RIVER COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with accompanying correspondence, a letter from the president of the Mississippi River Commission in relation to the necessity for an appropriation for the payment of expenses of the commission for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

AARON FRIEDHEIM.

The SPEAKER also laid before the House the bill (S. 2882) to pay Aaron Friedheim the rebate due him under the act of March 3, A. D. 1883.

Mr. McRAE. I ask the present consideration of that bill by unanimous consent, Mr. Speaker. It is but a small matter, involving some $20 of a tobacco tax not refunded by mistake——

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That the sum of $22.07 be paid to Aaron Friedheim, of Camden, Ouachita County, Arkansas, out of any moneys in the Treasury not otherwise appropriated, for the rebate due him under the act of March 3, A. D. 1883, of taxes paid on tobacco, snuff, cigars, and cigarettes, the claim for which having been lost in the transmission thereof.

There being no objection, the bill was considered, read three times, and passed.

Mr. McRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROGERS, until Monday, the 25th.

To Mr. GUENTHER, indefinitely, on account of important business.

To Mr. DUNN, indefinitely, on account of sickness.

To Mr. BOWDEN, indefinitely, on account of sickness in his family.

To Mr. PATTON, for ten days, on account of important business.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same, namely:

A bill (S. 647) for the relief of W. A. Lemaster;

A bill (S. 303) granting a pension to Mattie Graziani, of Covington, Ky.;

A bill (S. 656) granting an increase of pension to James Jackson Furman;

A bill (S. 845) granting a pension to the widow of John A. Turly;

A bill (S. 900) for the relief of Mrs. Alice Croarkin;

A bill (S. 1194) granting a pension to Mary Whitney;

A bill (S. 2929) to authorize the Paris, Choctaw, and Little Rock Railway Company to construct and operate a railway, telegraph, and telephone lines through the Indian Territory, and for other purposes; and

A bill (H. R. 2656) to increase the pension of John Taylor.

DIPLOMATIC APPROPRIATION BILL.

Mr. BELMONT. Mr. Speaker, I ask unanimous consent that the House non-concur in the Senate amendments to the consular and diplomatic appropriation bill, and ask a conference thereon.

Mr. McMILLIN. What is the bill?

The SPEAKER. The consular and diplomatic appropriation bill.

Mr. ADAMS. I object.

BUSINESS BY UNANIMOUS CONSENT.

Mr. TOWNSHEND. Mr. Speaker, I rise to offer a privileged resolution, which I send to the Clerk's desk.

The SPEAKER. The resolution will be read.

The Clerk read the resolution, as follows:

Resolved, That after the reading of the Journal and the reference of business on the Speaker's table each day, there shall be one-half hour allowed for the consideration of measures on the Calendar by unanimous consent, and in recognizing members to ask unanimous consent for the consideration of business the Speaker shall proceed as follows: He shall call five names, beginning at the first name on the roll, and when they shall have been called he shall then call five names, beginning at the last name on the roll, alternating in this manner until every member shall have been called: *Provided*, That no member who

has once been called shall be again recognized until every name shall have been called: *And provided further*, That the Speaker shall not entertain any motion for unanimous consent to consider any measure except during the half hour above provided.

The resolution was referred to the Committee on Rules.

Mr. TOWNSHEND. I ask unanimous consent—— [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. TOWNSHEND. I ask that the demand for the regular order be withdrawn.

Mr. BRYCE. I ask unanimous consent to make a brief personal statement.

Mr. McMILLIN. We will have to take a half day to discuss the very important question before us.

PRINTING REPORT ON FOREIGN RELATIONS.

Mr. RICHARDSON. I offer a privileged report from the Committee on Printing.

The report was read, as follows:

The committee have considered the Senate concurrent resolution to print 5,000 copies of the report of the Committee on Foreign Relations (Miscellaneous Document No. 109, first session Fiftieth Congress), being the report relating to the fisheries treaty, together with the views of the minority, for the use of the Senate in connection with the message of the President dated February 20, 1888, and the proposed treaty with Great Britain, and the map of the fishing limits proposed at the Hydrographic Office.

And I am directed to report same to the House, with the recommendation that it do pass with an amendment, as follows: "And that 10,000 copies of said miscellaneous document be also printed for the use of the House of Representatives."

Amend by adding to the resolution the following words: "and further, that 10,000 copies of said document be printed for the use of the House of Representatives."

The amendment recommended by the committee was agreed to.

The resolution as amended was adopted.

Mr. RICHARDSON moved to reconsider the vote by which the resolution as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BELMONT. Mr. Speaker, I understand the gentleman from Illinois [Mr. ADAMS] will withdraw his objection.

Mr. TOWNSHEND. Regular order.

Mr. BRYCE. I ask unanimous consent——

The SPEAKER. The regular order is demanded, which cuts off all requests for unanimous consent.

Mr. BELMONT. I did not understand it was insisted upon. The gentleman from Illinois [Mr. ADAMS] will agree to withdraw his objection.

The SPEAKER. The gentleman from Illinois has renewed his demand for the regular order since the gentleman from New York made his statement. The regular order is the call of committees for reports.

ASSISTANT SECRETARY OF WAR.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported back favorably the bill (H. R. 10190) providing for an Assistant Secretary of War; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RESPONSIBILITY OF ENLISTED MEN, SIGNAL CORPS.

Mr. TOWNSHEND also, from the Committee on Military Affairs, reported back favorably the bill (S. 2519) to make enlisted men of the Signal Corps responsible for public property; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ALFRED PLEASONTON.

Mr. HOOKER, from the Committee on Military Affairs, reported back the Senate amendments to the bill (H. R. 2972) authorizing the President to appoint and retire Alfred Pleasonton with the rank and grade of colonel, with the recommendation that the House non-concur in the Senate amendments and agree to the conference requested by the Senate; which were referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HOOKER. I ask unanimous consent that this report be now acted on.

The SPEAKER. That can not be done under the rules in this hour, as the regular order has again been demanded.

Mr. HOOKER. Then I will ask that it be laid aside for the present and I will call it up when the hour is over. I will call it up hereafter and ask unanimous consent for its consideration.

The SPEAKER. The gentleman had better withdraw it, then, for the present.

Mr. HOOKER. I withdraw it. I want to make the report now. I would like to ask the parliamentary question whether it is not proper to make the report now and ask unanimous consent hereafter for its consideration.

The SPEAKER. It will go to the Calendar under the rules of the House if made now. The Chair will state, however, that the gentleman from Mississippi [Mr. HOOKER] can call it up from the Calendar just as well as in any other way.

E. S. ROWLAND.

Mr. SEYMOUR, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 8581) for the relief of E. S. Rowland; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY M. ORD.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back with an amendment the bill (S. 2663) granting an increase of pension to Mrs. Mary M. Ord; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MAKING MAY 30 A HOLIDAY IN THE DISTRICT OF COLUMBIA.

Mr. LEE, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 10053) making May 30 a holiday in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. This completes the call of regular and select committees for reports.

SCHOOL LANDS IN WYOMING.

Mr. PAYSON, from the Committee on the Public Lands, reported back with an amendment the bill (S. 1782) to authorize the leasing of the school and university lands in the Territory of Wyoming, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. BRYCE. Mr. Speaker, I ask unanimous consent to make a brief statement.

The SPEAKER. The regular order is demanded.

Mr. McMILLIN. I call for the regular order, and I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills raising revenue.

Mr. TOWNSHEND. Mr. Speaker, I rise to present a privileged report.

Mr. BRYCE. I ask the gentleman to withhold his report for a few minutes.

Mr. TOWNSHEND. The gentleman from Tennessee [Mr. McMILLIN] has demanded the regular order, and I wish to present this report. It will occupy only a few minutes.

Mr. BRYCE. But I made my request first.

GOVERNMENT DAM AT ROCK ISLAND.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] presents a privileged report. The report will be read.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *May* 20, 1888.

Resolved, That the Secretary of War be, and he is hereby, directed to report to the House of Representatives as soon as practicable whatever information may be in possession of the War Department in relation to the destruction of the Government dam at Rock Island arsenal by the recent floods in the Mississippi River, and as to the damages resulting therefrom, and the effect of the destruction of said dam upon the operation of the arsenal and the factories and sawmills at Moline and Rock Island; and also to submit to the House of Representatives without delay an estimate of the amount necessary for the reconstruction of said dam and for the construction of a temporary dam which will restore the water-power and log harbor, which can be used as a coffer-dam when the permanent dam is reconstructed.

The committee report the resolution back to the House with the recommendation that it be adopted.

Mr. TOWNSHEND. Mr. Speaker, I have reported that resolution back with the recommendation that it do pass, in obedience to the wishes of the Committee on Military Affairs. Since that action was taken by the committee, however, I have been informed that the Secretary of War has already furnished the House the information called for, and that it is now before the Committee on Appropriations.

Mr. GEST. Mr. Speaker, I think the chairman of the Committee on Military Affairs is mistaken in regard to the action of the Secretary of War in this matter, and I would like to see this resolution adopted.

Mr. TOWNSHEND. Well, I have been informed by several gentlemen that all the information contemplated in the resolution has been already furnished by the Secretary and is now before the Committee on Appropriations. If that is true, it is useless to pass this resolution. If it is not true, then I shall urge the adoption of the resolution.

Mr. GEST. Well, I do not understand that it is true.

Mr. TOWNSHEND. Then for the present I will withdraw the resolution.

Mr. STEELE. Let the resolution go over until the facts are ascertained.

Mr. TOWNSHEND. Yes. I will withdraw it for the present.

ORDER OF BUSINESS.

Mr. BRYCE. I ask unanimous consent to make a brief personal statement.

The SPEAKER. The Chair will state again to the gentleman from New York [Mr. BRYCE] that the regular order has been demanded by several gentlemen, and unless that demand is withdrawn the Chair

can not recognize any gentleman to make a request for unanimous consent.

Mr. BRECKINRIDGE, of Arkansas. I demanded the regular order; but I am willing that the gentleman's request shall be entertained.

The SPEAKER. But the gentleman from Tennessee [Mr. MCMILLIN] has made a motion that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. MCMILLIN. I have no objection to yielding to the gentleman [Mr. BRYCE] if he does not occupy more than five minutes.

The SPEAKER. Will the gentleman from New York state his request?

Mr. BRYCE. I ask unanimous consent to make a brief personal statement which will not occupy more than five minutes.

There was no objection.

PERSONAL EXPLANATION.

Mr. BRYCE. The member from Nevada [Mr. WOODBURN] went out of his way last Monday to reopen his attack against Mr. Hewitt.

Mr. BUCHANAN. Will the gentleman allow me to call his attention to the fact that the gentleman from Nevada is not now in his seat?

Mr. BRYCE. I have sent him word of my purpose, sir.

He threatened at the time to continue this attack later. I have waited three days for him to do so and to make good his assertion. He has failed to do it; and I deem it a matter of justice to the mayor of New York—an ex-member of this House—as well as to myself to now call the attention of this House to Mr. WOODBURN'S latest utterances. I quote from his speech of last Monday, in which he says:

I ask this House to construe the letter written by the British minister to Mr. Hewitt on the 19th day of December, 1884, in which he states that Mr. Hewitt did call upon him to make an explanation, etc.

To what letter does the member from Nevada refer? Is it the letter of January 14, inserted in the RECORD of May 9? If so, Mr. WOODBURN has either failed to read this letter or he has grossly perverted its truth by misquoting it. In what part of this letter does Mr. West state that Mr. Hewitt called upon him to make an explanation? Mr. West makes no reference to the purpose of Mr. Hewitt's visit at all. It was accidental. Let the Clerk read this letter, preceded by Mr. WOODBURN'S perversion of the letter, in order to bring into full focus his glaring misstatement.

The Clerk read as follows:

Mr. WOODBURN'S statement in the RECORD of June 12, 1888, is as follows:

"I ask this House to construe the letter written by the British minister to Mr. Hewitt on the 19th day of December, 1884, in which he [the British minister?] says that Mr. Hewitt did call upon him to make an explanation," etc.

The British minister's letter:

"BRITISH LEGATION, WASHINGTON, D. C., *January* 14, 1884.

"DEAR MR. HEWITT: In reply to your note of yesterday asking me whether, in the course of a social visit you were kind enough to pay me some days ago, you said or did anything which could be construed as an apology for your action in moving the resolution in the O'Donnell case, I have only to say I did not regard what you said to me in the light of an apology for the resolution, but an explanation of the peculiar circumstances which prompted it on your part in the interest of the friendly relations which exist between the countries.

"This impression was moreover strengthened by your allusion to the moderate language, in your opinion, of the resolution which you gave as a reason why you thought the request for delay in execution of the sentence should be granted, and by your saying that other resolutions less considerate in form had been proposed to you, and, as you were informed, would have been offered if you had not framed one so satisfactory to both sides of the House as not to meet with a single objection, which would have defeated it. I may add that I could not presume there was any evidence, from what you said, of any want of sincerity on your part in moving the resolution in question.

"Believe me, yours, very truly,

"L. SACKVILLE WEST."

Mr. BRYCE. I ask this House whether there is a word, a sentence, or a line in Mr. West's letter going to show that Mr. Hewitt called upon him, as the member from Nevada has stated, to make an explanation in the line of an apology. If any further proof is necessary to show that Mr. Hewitt's visit was purely accidental, I will read this letter from the gentleman who accompanied Mr. Hewitt on that occasion:

SUDBURY HALL, DERBY, *February* 7, 1884.

MY DEAR MR. HEWITT: Some one has forwarded me extracts from the American papers in which they seem to have made capital for political purposes out of the visit you were unfortunate enough to have accompanied me in to Mr. West when I was with you at Washington. *As you never would have gone to see Mr. West at all that day if it had not been for one of the embassy coming in to call on me*, they must have drawn very considerably on imagination to invent the story I read, of your purposely visiting our representative to explain that your resolution about O'Donnell was only intended as a sop to the Irish party in America, and no attention need be paid to it. I can not say that I heard anything of such a conversation, but the invention does credit to the ability of your opponents.

Yours, truly,

VERNON.

The SPEAKER. The five minutes allowed to the gentleman from New York have expired.

Mr. BRYCE. I ask only two minutes more. I will finish in that time. This is a matter in which I am personally interested.

Mr. STRUBLE. Will that conclude the reference to this proceeding?

Mr. BRYCE. That will conclude it, and, so far as I am concerned, I have no desire to allude to the subject again.

The SPEAKER. If there be no objection, the gentleman will proceed.

There was no objection.

Mr. BRYCE. If the member from Nevada doubts the veracity of the writer of this letter, as he formerly did that of the British minister, I will refer him to the leader of his own party, the gentleman from Maine [Mr. REED], who, I understand, is personally acquainted with Lord Vernon, who wrote this letter, and who, I believe, sent him the newspaper extracts that inspired the letter.

This evidence which I have produced is of eye and ear witnesses, and would be held as conclusive by any court of justice. If therefore the member from Nevada still further persists in his misstatements, I will leave him in the situation in which he has placed himself—a position I for one do not envy, but for which he has only himself to blame.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Tennessee [Mr. MCMILLIN] that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of revenue measures.

Mr. MCMILLIN. Pending that motion, I move that when the House resolves itself into Committee of the Whole all debate on the pending paragraph and all amendments thereto be limited to thirty minutes.

CORRECTION.

Mr. STEELE. I rise to a question of privilege. I would like to know the state of the case with regard to the amendment offered by the gentleman from Tennessee [Mr. MCMILLIN] at line 40, page 3, of the tariff bill. I wish to know whether that amendment was agreed to or disagreed to yesterday.

The SPEAKER. What is the page of the RECORD?

Mr. STEELE. Page 5679; but the amendment refers to line 40, page 3, of the bill.

The SPEAKER. Of course the present occupant of the chair does not preside in Committee of the Whole on the state of the Union; but the memorandum kept at the Clerk's desk shows that the amendment was agreed to.

Mr. STEELE. The RECORD shows that it was disagreed to:

So the amendment was disagreed to.

Mr. MCMILLIN. The RECORD is erroneous then.

The SPEAKER. It will be corrected.

Mr. STEELE. Another point, Mr. Speaker; I had made the point that there was no quorum. The vote, as announced by the Chair, was 85 for and 67 against the amendment. There was no withdrawal of the point that there was no quorum; and, consequently, that point not having been given up——

Mr. MCMILLIN. The Chair announced the result; and the question of "no quorum" was not insisted upon.

Mr. STEELE. The question of "no quorum" had been insisted upon; and the point was not withdrawn.

Mr. MCMILLIN. A quorum was insisted upon, as I understand, for the purpose only of getting tellers; and tellers were ordered. The tellers reported; and, as the RECORD shows, there was no further insistance upon the point.

Mr. STEELE. If less than a quorum can do business, that motion was agreed to; otherwise not.

The SPEAKER. Of course the present occupant of the chair can make no ruling on any question as to proceedings in Committee of the Whole on the state of the Union. That is a matter which only the Committee of the Whole itself can deal with.

Mr. STEELE. Further, it would appear by the RECORD that Mr. GALLINGER was recognized as insisting upon the point of "no quorum." The Chair looked at me, recognized "the gentleman from Indiana," and I made the point. I stated that the letter which I presented on this question was so forcible and so much to the point that I could not add to it, and would not take up the time of the House. That does not appear either.

The SPEAKER. The Chair will cause the RECORD to be corrected except in that particular about which there is a disagreement as to the action of the Committee of the Whole on the state of the Union. Of course the Committee of the Whole must dispose of that question, if brought up.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole on the state of the Union; and, pending that motion, moves that all debate on the paragraph under consideration and amendments thereto be limited to thirty minutes.

Mr. BURROWS. I hardly think that thirty minutes' debate on this question is sufficient time.

Mr. MCMILLIN. But we spent two hours and a quarter on it yesterday, at least.

Mr. BURROWS. I know, but this is a very important portion of the bill, and a very important industry. It seems to me that debate ought not to be limited, and certainly not to so short a time as that. Several gentlemen desire to be heard on this side.

Mr. MCMILLIN. I think that, with the debate we have already had, the time I have suggested is ample.

Mr. REED. I think you had better say an hour.

Mr. McMILLIN. I am willing to compromise and make it forty minutes.

Mr. REED. Let us have an hour; I do not know that all that time will be occupied.

Mr. McMILLIN. Very well; I will not be captious.

The SPEAKER. The gentleman then modifies his motion, and moves that all debate on the paragraph and amendments thereto shall not exceed one hour.

The motion was agreed to.

The motion that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair).

THE TARIFF.

The CHAIRMAN. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The CHAIRMAN. The Clerk will report the pending paragraph of the bill.

The Clerk read as follows:

Iron or steel sheets, or plates, or taggers iron, coated with tin or lead, or with a mixture of which these metals are a component part, by the dipping or any other process, and commercially known as tin-plates, terne plates, and taggers tin.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DALZELL] moves to strike out this paragraph. The Chair is of opinion that that is the pending amendment.

Mr. BAYNE. I have proposed an amendment, which I presume will take precedence of that, to add the words "two and two-tenths cents a pound;" in other words, to place this upon the dutiable list at that rate.

The CHAIRMAN. The Chair does not understand that amendment as being strictly in order now. The present occupant of the chair was not present when the amendment was proposed.

Mr. McMILLIN. The gentleman from Pennsylvania indicated his purpose to move the amendment.

Mr. BAYNE. For the purpose of relieving any embarrassment that the amendment may cause at this time, I will withdraw it for the present, but give notice that I will offer it hereafter when we reach the dutiable list.

The CHAIRMAN. The amendment will be withdrawn, if there be no objection. The Chair would have been compelled to hold, however, that the amendment was not in order at this time.

Mr. BUCHANAN. Mr. Chairman, I move to strike out from this paragraph the words "and taggers tin."

Mr. Chairman, in the report of the proceedings of the St. Louis convention which renominated Mr. Cleveland, I find the following—

Mr. SCOTT, of Pennsylvania, under instructions from the committee on resolutions, offered the following resolution:

"*Resolved*, That this convention hereby indorses and recommends the early passage of the bill for the reduction of the revenue now pending in the House of Representatives"—

which was adopted.

I now send to the Clerk's desk to be read the first response of the workingmen of this country to this action.

The Clerk read as follows:

LABOR ON THE TARIFF QUESTION—MILLS'S BILL DENOUNCED BY THE AMALGAMATED ASSOCIATION OF IRON AND STEEL WORKERS.

PITTSBURGH, *June* 13.

The national convention of the Amalgamated Association of Iron and Steel Workers, representing over twenty thousand skilled iron workers, to-day took a decided stand on the tariff question by the unanimous adoption of the following resolution:

"Whereas there has been introduced, and now under discussion before Congress, a bill known as the Mills bill, for the reduction of the present tariff on customs duties, and thereby put a check on the prosperity of this our beloved country in favor of foreign countries, especially England; and

"Whereas we as workingmen know that any reduction on the present tariff would menace the wages of those who earn their living by the sweat of their brow; and

"Whereas there is joy among the ill-paid workingmen of Europe and joy among the members of the English Cobden Club because they hope to obtain control of the market of this Republic: Therefore, as representatives of the iron and steel workers of the United States, in convention assembled, representing New York, New Jersey, Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, Illinois, Missouri, Wisconsin, Alabama, and other States in this Union,

"*Be it resolved*, That we are in favor of the sentiment 'America for Americans,' native and naturalized, and we indorse the words of Daniel Webster, who, fifty-one years ago, said if the people can obtain fair compensation for their labor they will have good houses, good clothing, good food, and the means of educating their children; labor will be cheerful and the people happy.

"*Resolved*, That in our judgment the citizens and industries of this country can not be protected in any better way than by placing a protective tariff on all articles imported from other countries that can be produced by our own people, in order that those who produce them may be better able to demand that to which, as citizens and upholders of this Government, they are justly entitled to—an equitable share of the profits of their toil to maintain their families in decency, that they may be able to educate their children and teach them as they advance toward manhood to defend the principles of our system of government.

"*Resolved*, That we are most emphatically opposed to any reduction of the present tariff, and we hereby express our unqualified condemnation of the provisions of the Mills bill, believing as we do that its adoption as a law would be detrimental to the interests of the American workingmen, and we respectfully call upon our representatives in Congress to vote against it."

Mr. DOCKERY. That seems to antagonize the Republican convention.

Mr. BUCHANAN. It will antagonize your nominees by November.

I withdraw the *pro forma* amendment.

The CHAIRMAN. The Chair understood it to be a substantive amendment.

Mr. BUCHANAN. I will withdraw it.

The CHAIRMAN. Without objection the amendment will be withdrawn.

There was no objection.

Mr. BRECKINRIDGE, of Kentucky. Without taking up the time of the committee to read it, I ask to have printed in the RECORD the address of some of the workingmen of Philadelphia to the workingmen of the United States generally.

Mr. KEAN. I would like to have it read.

Mr. BRECKINRIDGE, of Kentucky. Let it be printed in the RECORD.

The address referred to is as follows:

[Philadelphia Record, June 13.]

FRYING OUT THE FAT—WHEREBY WORKINGMEN ARE KEPT LEAN—THAT IS WHAT THE LABORERS OF PHILADELPHIA HAVE AGAINST THE SYSTEM OF PROTECTION—A RINGING ADDRESS TO AMERICAN MECHANICS—LABOR CAN NEVER BE ADEQUATELY REWARDED WHILE IT IS TAXED TO SUPPORT TRUSTS AND MONOPOLIES.

The Record is in receipt of an especially noteworthy address adopted by the Workingmen's Tariff Reform Association of Philadelphia. It follows in full:

To the workingmen of the United States, greeting:

After years of an almost continuous struggle and worry and much expenditure of time and money the contest for the emancipation of labor seems as interminable as ever, and the toilers are no better off than they were twenty years ago—not even so well. With you we have become sick and tired of this everlasting conflict and turmoil, and long for peace, though that peace can only be purchased by the thorough and complete disenthrallment of labor—its absolute freedom and equality to work out its own destiny. Hence we ask you to join us in the endeavor to ascertain the causes which underlie, create, and foster the wrongs to which labor is subjected. We have so far practically confined our efforts to fighting the effects, and because of this the removal of one wrong has simply made room for another to grow up. We have not gone to the root of the evils, and the result has been that one after another the great labor organizations have gone down, leaving behind them the seeds of discontent, hard feelings, and recriminations more than the hope for the future of the great mass of toilers.

PRIME CAUSE OF LABOR TROUBLES.

We have endeavored, through organization and otherwise, to raise wages, little dreaming that low wages were only an effect which had its producing cause in a system which is creating an ever-increasing army of idle men by stimulating production while it places restrictions upon trade, thus preventing the free exchange of our products whereby alone they can be brought into consumption, which is necessary to make room for more of our products in order to furnish us with the opportunities for work. This forces men to a sharp competition for "leave to toil" and makes many good men be "scabs" or starve. We have been taught to look upon these men—workingmen, all of them—as our enemies, instead of trying to find and remove the cause that makes them so; thus arraying the workers in a deadly factional conflict for existence, causing hatred where brotherly love should exist, creating dissensions where unity should be, and we have thus unwittingly served to strengthen the despoilers of the people against whom labor should be arrayed in a united column for the common good. We have seen nationality pitted against nationality, creed against creed, and section against section, whilst under cover of all this confusion monopoly has grown apace and enlarged its powers to rob labor.

THE SYSTEM TO BLAME.

Do we not see that there is a system in operation here—a relic of the monarchical institutions of Europe—which makes it utterly impossible that labor shall get any permanent rise of wages, or that such a rise could be beneficial; a system that is inexorable in its operation to make the poor poorer and the rich richer, and against which no strike or boycott can avail, which can only be reached by the ballot?

This is the system of indirect taxation, of which the protective tariff is the most conspicuous and most damaging example, working as it does like the prowling thief in the dark, letting no man know what is taken from him, upon the specious plea of contributing to the support of the Government, though its real purpose is to make the masses contribute to the wealth of the few and to exempt the rich from burdens which the poor have to bear. Its greatest modern defender, Professor Von Stein, of Vienna, confesses that it means the taxation of labor and the exemption of capital. It takes from the working poor twenty times more in proportion than from the millionaires; it insidiously robs labor of two-thirds of its possible savings and deprives it of four-fifths of its natural wages, largely for the aggrandizement of the favored few, who are thus tempted and even encouraged to expend large amounts of these ill-gotten gains in efforts to maintain the system which brings them in more than compound interest as well as enlarged powers and privileges.

BOUND HAND AND FOOT.

Who dare say that with such a system in vogue there is any hope for labor? When monopoly professes anxiety for the protection of labor, is it not applying the snares of the pickpocket, who charms your senses with flattering words to your face, while his nimble hands are deep in your pocket fishing for your last penny? Is it not self-evident that if labor were left in the free enjoyment of its natural rights and the natural reward for its toil it would need no such caretakers to protect it? It would protect itself. Can it be said that those who are constantly reducing wages, impoverishing labor, and dictating laws which shall make it more and more impossible for it to have equality of rights in the fixing of terms for its time and toil can be trusted to protect it? Heaven preserve it from such protectors! Are we not already bound to them hand and foot, until we dare not even exercise the natural powers the Creator has given us, with the injunction to toil without their permission; until they claim even the right to control the prerogatives vouchsafed to us by the Constitution of our common country; and until more than a million of our brethren, whose aggregate production would nearly equal one-half the total wages of all the workers of the country, are deprived of the chance to work, causing them by the waste of their powers and the search for work to depress our wages and make slaves of us all? All this has taken place under a system they call "pro-

tection to labor;" and if that is the result under protection, is it not time that we call a halt and inquire whether there is not a way out of the dilemma, to see if more freedom for labor and the promotion of trade will not work better results?

TAXES, TAXES, TAXES.

Everywhere we turn we are confronted by taxes, taxes, taxes! Every mite we consume, every roof that covers us, everything we look at, is taxed until our living is made to cost us more than double its natural price, and we pay it without protest because it is surreptitiously taken from us in the prices of what we buy, and the rich, being the beneficiaries of the system, will not protest. Our industries are burdened with excessive taxes which are virtually a fine upon industriousness and a premium upon idleness. The more we labor and produce, the higher the proportion of our taxes; and as all these come out of the consumer, they thus become the instrument to force the formation of monopolies and "trusts." It is here, therefore, where we find the root of monopoly, and this root we must destroy before we can hope to destroy monopoly itself.

ENRICHING MEN ALREADY RICH.

Remember, too, that but little more than one-third of the revenues thus wrung from a docile people are needed for governmental purposes, and it follows, therefore, that the other two-thirds—nearly, if not quite, $1,000,000,000 per year—are made by law to flow into the pockets of the greedy monopolists who do nothing to earn them; and yet this is called "protection to American labor." Let us call it by its right name, "the skinning of American labor for the aggrandizement of capital."

NECESSITIES OF LIFE TAXED.

Every particle of the materials we require for the production of commodities is taxed, and these taxes amount in every case to two, three, and four times the wages of all the labor employed upon them. This makes an addition to the cost of our products, of which labor can not possibly receive a share, and must therefore curtail its wages, both in money value and in increased cost of living. The consumption of our products is thereby decreased, and what is falsely called overproduction is the result, followed by unsteady work and a further depression of wages. Yet the men who have forced these conditions upon us ask us now to blindly trust them again to make laws for our protection.

Are we paupers that we require the care of those who thus wrong us and place us into an ignoble state of dependence, or are we freemen who, while producing the wealth of the nation, have a duty to see to it that we get our just share of it? Are we working for charity from those who do nothing? Has nature designed that we shall be compelled forever to supplicate other men for "leave to toil?" The protectionist idea means this much, but true manhood rebels against it. They want to continue to give us charity for our work; we demand justice and equal rights instead. Indeed, the name of protection, like that of charity, is made to cover a multitude of sins. It robs us of the God-given right of equal say in the making of terms for our labor, and deludes us with pretensions of friendship. If, therefore, we would save ourselves from total degradation we must rise in our might and manhood to teach the would-be protectors how to mind their own business, to take the shackles of protection off our limbs and leave us in the free enjoyment of our natural rights and the untrammeled exercise of our powers. We must show them our readiness to protect ourselves, as we are no longer satisfied with that protection which enables the bosses to take the cream and leave us to scramble and quarrel over the skim-milk.

LABOR'S SHARE.

The wages of labor in the manufactures are but little more than 17 per cent. of the product. In other words, the amount that falls to labor out of the total value of the products is only $17 out of every $100. Now, does it not stand to reason that if a tariff be at all necessary an average tariff duty of 17 per cent. would be amply sufficient to protect American labor against foreign labor, even if the latter got no wages at all? Yet the average of tariff duties now is 47 per cent., although the difference in the wages between this and other countries is not 5 per cent. calculated upon the relative productiveness of labor. Why, then, is this extra 30 per cent. put on? We see it can not protect labor. It does protect the manufacturers not merely against foreign competition, but most effectually against all our efforts to compel them to treat us justly. It is this 30 per cent. extra that secures to them all the benefit from protection and makes it impossible for us to even wring from them a share of it. It makes them free from competition and fortifies them against our just demands, and it yet leaves them free to draw their labor freely from the markets of the world, and the inevitable and natural result is cheap labor and dear goods.

Do not be deluded with the cry that goods are cheaper now than ever. It is the cheapening of production consequent upon the development of the unbounded resources of our country and the immense increase of the productivity of labor that has made them so; and these same causes would make them cheaper than those of any other country were the taxes removed. We would thus compete with the labor of the world in the markets of the world, and, freed from the restraints and disadvantages which protection puts upon it, labor would command more power to enforce just terms for its toil.

THE TAX NEUTRALIZES THE ADVANTAGES OF WAGES.

The taxes, under a protective tariff, always add much more to the cost of the products than our wages. If it did not do this the manufacturers would not ask for it, as it would do them no good; hence the tax must necessarily neutralize the advantages of wages, and thus work a positive injury to labor. If a workman were only a producer and not a consumer the protective tariff might do him some good, but it is difficult to see how the laying on of taxes which in their nature must come out of his earnings, and thus diminish them, can be of any benefit to him, and when he allows another to fix these taxes he gives up a prerogative for the abuse of which there is every temptation, and the privileged will invariably make him draw the short end. Hence a protective tariff can not be for the benefit of labor, because it implies the surrender by the toilers of the high privilege to take care of themselves, and those upon whom the privilege is conferred will always be tempted and often even forced to abuse the trust. For evidence of this we need not go outside of the protectionist ranks.

We quote the language of a protectionist United States Senator, as given in a circular marked "confidential" recently sent out to the manufacturers and others all over the country by the "Republican League of the United States." He says, after stating that he refused to contribute to a protective tariff league: "I replied that if the manufacturers of the United States in their associated capacity were an eleemosynary institution I would vote to give them a pension, but that I did not propose myself to contribute money to advance the interests of men who were getting practically the sole benefit, or, at least, the most directly important benefit of the tariff laws. * * * I can get along without any of it fully as well as the manufacturers can; and if they think the Republican party is going to maintain a high protective corps for their benefit, and that the men who do the work in that party are going to keep up the expenses of a campaign out of their own pockets, leaving them to reap the fruits of the tariff policy without any deductions for political expenses, they are greatly mistaken." After stating that the Pennsylvania manufacturers, "who are more highly protected than anybody else," are especially slow to pay up, he adds, "If I had my way about it I would put the manufacturers of Pennsylvania under the fire and fry the fat out of them."

A RING TO ROB THE PEOPLE.

What workingman can read such language as this, passing confidentially between the interested parties, without drawing the conclusion that the protective-tariff ring is a gigantic conspiracy to rob the people? We have long known that their greed would not permit them to let the working people have any share of the benefits of a tariff; indeed, we do know that they have used the very powers and advantages given them by the tariff laws to reduce our wages, oppress us, and prostrate every effort of organization to get for labor what belongs to it; but it is news to us that they have been so selfish and niggardly as to neglect to furnish the boodle in sufficient quantity to keep the political machine which turns out the good things for them well enough greased to keep it from being smashed.

There is in this, too, the evidence that this ring, based upon ideas which would eventually destroy American liberty, is about to be disrupted by the rank foulness within it, and when it is gone honest men will get their dues. It must go or workingmen must make up their minds to go down into a state of slavery more galling than that which went down in a sea of blood a quarter of a century ago. But, happily, all manufacturers are not in that category. There are many honorable exceptions, as is evidenced by the kindly words of encouragement and commendation our association has received from quite a number of them. They recognize the fact, as we do, that between those who wish not to wrong or be wronged there is no antagonism or separation of interests, and in a cause like ours, which promises to promote the prosperity and happiness of the masses, all true and honest men can and will unite irrespective of differences in rank or station of life.

PRESENT DUTY OF WORKINGMEN.

What boots it to labor if it pushes on to produce an ever-increasing amount of wealth only to find that an ever-increasing proportion is taken from it, not merely to supply Government revenues, but in greater part to enrich the few who enjoy the favors of the law because they have been left to dictate the making of these laws, and who are now asked to disgorge in order to preserve the political ring which has for its mission the upholding and strengthening of the system by which labor is robbed and degraded? Can you imagine the possibility of making labor organizations permanent or effective so long as monopoly possesses the power to arbitrarily force abnormal prices for our products or for what we consume and starvation wages for us? The protective tariff is what gives it the power to restrict the output of the products of our labor and at the same time to promote the influx of foreign labor, thus glutting the labor market in a double way; hence it follows that the only way to make labor organization of any utility is to remove the fundamental source of these unjust powers and class privileges. It is plain—the fact must be obvious to even the blentest mind—that as workmen our first and most important duty is to organize for a grand strike against the system which has so far been the impassable barrier against which our forces have shattered. With this removed we shall be able to go forward on a basis of more unselfish and ennobling principles, inspired by new hopes and expectations for the future of labor, and, through its emancipation from industrial and political thralldom, to a better realization of the aims and purposes of our great Republic.

"GO FOR THE CAUSES."

Let us cease the costly and interminable struggle against the effects and go for the causes, as with their removal the effects will fall one by one. We have, figuratively speaking, been cutting off the tops of the rank weeds that are growing in the industrial field in the vain hope of destroying them, only to find that the roots remaining shoot forth new tops as if by magic. Let us now endeavor to pull out the roots. It is less wasting, more inspiriting with hope, and will bring a victory that will be more radical and lasting in its effects. In a movement like this, based upon the broad principle of a universal brotherhood, we will obviate every cause for jealousies and petty bickerings, as we need do no violence to natural rights or personal interests. We can thus unite in one common bond, inspired by the knowledge that the good of one is the good of all, to strike down nothing except that which no man dares call his friend. We will need no corps of salaried officials nor high-sounding titles, except that of sovereign American citizen. We will require no leaders whom flattery and temptation can draw away from the path of duty or who may be allured to play the rôle of dictators. Free from partisan or sectional bias and prejudice, we will help those who will help us. We will be in line with the great and all-absorbing issue which is now pressing forward as the key to the solution of the great labor problem, and by the intelligent direction of our energies and forces we will aid to push forward the great column of our countrymen that is now arraying itself against the enemy that has so far contrived to neutralize the natural advancement of labor and thus become a menace to the stability of our republican form of government.

THE PHILADELPHIA MOVEMENT.

The little movement for free raw materials for labor and tariff reform, which had its origin among the textile workers of Philadelphia a little more than two years ago, being the first practical effort on the part of workingmen to state their own case in their own way, uninfluenced by either political or industrial bosses, has already borne its fruit in securing for labor that recognition which had previously been uniformly denied it because workingmen, unmindful of their rights and powers, tamely swallowed every dose that was prepared for them by the bosses. This gratifying change is showing itself in many ways by the respect paid to labor by the greatest minds of the country, who, having thus learned to appreciate its importance, are inspired to advocate reforms which look to its elevation; by the willingness and even desire on the part of Congressmen who are not tarred with the protection stick to listen to its suggestions and demands, and by the boldness and force with which the President of the United States has challenged the forces of monopoly to the conflict for the liberation of labor from the crushing weight of unnecessary taxation.

A QUESTION OF BREAD.

Shall we hold the vantage ground thus gained, and continue in that line of battle to an early and effective victory? Shall we continue to contribute our share in the great conflict, encouraged by the knowledge of the great army of allies that has come to join us? Or shall we renew those ineffectual and interminable struggles and strifes which call up and and keep alive the bitter personal, political class animosities and wrangles that have brought disunion and waste to us without bringing us nearer to the goal of our ambition? With us it is a question of bread and not of partisanship, but when there comes forth an open confession of the avowed purpose of a political party to foster and uphold a system of class legislation for the sole benefit of men who shall thus be enabled to furnish the boodle wrung from the wages of labor to carry elections, it is time for workingmen to wake up and inquire what they have been doing all this time while men who were outwardly most profuse in their professions of friendship and tenderness for labor, and extremely solicitous for its protection, were yet conspiring to form plans for the more effectual robbery and enslavement of it, thus striking a damaging blow to the vast business interests of the country.

FOOLISH ADHERENCE TO PARTY.

We are not organized to advance the interests and personal aspirations of any man or set of men, but we are organized to advance a principle which is the foundation of the rights of labor, and we call those who support and advance that principle our friends. As workingmen we hold the interests of labor paramount to every other consideration, and hence we propose to push the battle for freedom from burdensome taxation—the key to the labor question—to an

early termination. In order to accomplish this most effectually we deem it our best policy, laying aside every bias and prejudice, to unite with any and all men who are fighting the same battle.

It is in this way that we can make party serve us, and thus make the struggle for our rights a short and decisive one. It is the blind and stubborn adherence of workingmen to party, without even an effort to make the party serve them, that causes political bossism, and political bossism means the destruction of the rights of labor, because, freed from the restraints which the watchfulness of the workingmen would hold them in, the leaders are not only tempted but encouraged to form compacts with the more wealthy and powerful, and the result is the making of laws which favor the rich and oppress the poor. If the workingmen will ever learn to pit their votes solidly against the boodle of the rich, political bossism will become a thing unknown and labor will get its rights. By these means we can close the floodgates of corruption and administrative profligacy and destroy the scheme by which many millions of dollars of the hard earnings of the people are drawn from them and locked up in the public Treasury, thus depriving the business of the country of the means to thrive and expand, destroying trade, and thus closing up the mills and factories.

FOR FREE RAW MATERIAL.

Will you come with us to kill the root of the evil, to strike away class legislation, to secure equal and exact justice for all, and thus promote the elevation of American labor to that standard of manhood and independence to which it is entitled by virtue of our free institutions and the unlimited natural wealth of our country, or will you continue to stand self-degraded as the supplicants for charity and protection from the men whom you thus tempt and even force to give you a stone instead of bread—to protect you by making you dependent upon their covetousness and subject to their arbitrary dictation? Will you come with us in the front rank of labor, encouraging and pushing on the men who stand manfully in the struggle for equal rights and tax reduction, or will you lag behind, either as stragglers or as the willing tool of one common enemy? We care not by whatever other name you call it, we will support that party that is for free raw materials and tariff reform.

If a good meal is set before us we will not stop to hickle over the question of who is the cook. We will no longer serve that party which will not serve us. We will cast our ballots, not for party, but for what we believe to be for the good of the toiling masses, and we will accept the boon without inquiring whether the party that gives it is the one to our liking or not; but we would not be honest—we would be neglectful of our own interests—if we were to withhold our support from any party that stands before the country as the champion of free raw materials and tariff reform.

By order of the Workingmen's Tariff Reform Association, No. 1, of Philadelphia.

THOMAS GRANT, *President.*
JOHN HARLE, *Vice-President.*
F. A. HERWIG, *Secretary.*

PHILADELPHIA, *June* 5, 1888.

Mr. MORROW. Mr. Chairman, I desire to submit a formal amendment for the purpose of making a brief statement.

I sought recognition from the Chair on yesterday, when the portion of the bill relating to bags and bagging was under discussion, but I failed to secure an opportunity of addressing the committee and the debate was closed on the paragraph before I was able to secure recognition. I ask at this time to present to the House a letter from an establishment engaged in the manufacture of burlaps, bagging, etc., in California, which is quite pertinent to the discussion which then took place. I will not detain the committee now with reading this letter or by further discussion upon that subject, since we have passed over that portion of the bill, and desire simply to place in the RECORD this letter from the firm of Ames & Detrick, of San Francisco, Cal., relating to the duties on and the manufacture of jute bags.

Mr. BIGGS. The gentleman had ample time on yesterday.

Mr. MORROW. I sought recognition twice, but failed to secure it.

Mr. BIGGS. I object to this kind of thing being done.

The CHAIRMAN. The gentleman from California has accomplished all he desired by securing the insertion of the communication in the RECORD without taking the time of the committee to read it.

The communication referred to by Mr. MORROW and a letter accompanying the same are as follows:

SAN FRANCISCO, *January* 26, 1888.

DEAR SIR: I send you herewith a statement expressing our views concerning the manufacture of grain-bags, the business in which we are engaged.

The facts are that if any legislation on the terms stated in the letter can be had you would be astonished at the occupation it would give to boys and girls from sixteen years old and upwards. I think I speak within bounds when I say it would furnish such employment for at least three thousand in this State.

* * * * * * *

Yours, truly,

J. P. AMES.

HON. WILLIAM W. MORROW,
House of Representatives, Washington, D. C.

SAN FRANCISCO, *January* 26, 1888.

DEAR SIR: As there seems to be a probability of legislative action affecting the tariff during the present session of Congress, we desire to submit our views upon an important branch of the topic which concerns the business of our firm.

As you are aware, we are engaged in the manufacture and exportation of grain-bags from burlap imported from India.

About 40,000,000 bags are now required annually to supply this market as covers to sack the grain raised on this coast, the value of which aggregates $3,000,000. These bags, with the exception of about five million made here, partly from imported burlap and partly from jute woven here, are imported from Calcutta and Scotland.

The present duty on grain-bags is 40 per cent. ad valorem under "Schedule J, for hemp, flax, and jute goods," act of March 3, 1883; that on burlaps 30 per cent., and on raw jute 20 per cent. under same schedule.

The law found in section 3019 Revised Statutes, entitles the manufacturer to a drawback of the duties when the goods are exported, less 10 per cent., which we have endeavored to obtain, but have been so hampered and embarrassed by departmental regulations requiring each particular bag to be counted as laden on board, and the exaction from us of the compensation of the officers of customs for performing such duty, that little or no margin is left. In fact, for the past two years the drawback feature of our business has barely paid expenses.

As the custom-house regulations now stand we can not get a refund of the drawbacks allowed by law on our manufactures. Could we get it without deduction it would enable us to hold our own against the foreign make, notwithstanding the fact that large quantities of our bags go into local and interstate traffic upon which no drawback is payable, and that the cheap labor of India with which we have to contend costs less than 10 cents per day.

After a fruitless effort to have the Treasury Department relieve us of its illegal exactions, which are destructive of the benefits the law was intended to confer upon the manufacturer, we feel obliged to ask Congress for legislation on the subject.

At present there is an apparent margin for protection between bags and burlaps (bags being 40 per cent. and burlaps 30 per cent.) on goods consumed in the United States, but in the case of exportation with pretended benefit of drawback an exaction is made at the custom-house of 10 per cent. of the drawback duties; yet the bag importer may bring his goods here and place them in bonded warehouse and subsequently export them in bond without the payment of any duties whatever. In this way large quantities are annually disposed of through this port under the warehouse and transportation system to the Hawaiian Islands, Mexico, and Central and South America for coffee and other products.

As domestic manufacturers we are entirely shut out from these markets, since we can not compete with the cheapness of the manufacture in India and pay the custom-house exactions. Now in the case of sugars the act of March 3, 1875, made a special exception by providing that only 1 per cent. of the drawback on refined sugars should be retained by the United States on exportation. This legislation has greatly benefited the sugar-refining interests and cheapened the cost to the consumers. That of bag manufacture is not dissimilar in character to that of sugar. The crude material is imported, pays duty, is manufactured, and the product sold both in the domestic and export market, and no valid reason can be assigned for the retention of any portion of moneys due as drawbacks upon exportation of the goods from the United States.

As the time seems favorable to obtain legislation, the disposition being to reduce duties in certain quarters, it ought not to be very difficult to have the present duty retained on grain-bags and taken off in part from burlaps and jute, or, in other words, to increase the difference in duty between bags and burlaps, and jute, say 40 per cent. on bags, 20 per cent. on burlaps, and 10 per cent. on jute.

Until within a few years all the grain-bags required on this coast were imported, but an attempt was made to manufacture under the impression that the discrimination in duty between bags and burlaps of 10 per cent. was sufficient to protect the domestic manufacturer, the result being that while the California-made bags were superior in quality to that of the foreign make, they can not be profitably manufactured in competition with Hindoo labor, which is sometimes as low as 4 and 5 cents per day.

Jute is not produced in this country nor on this continent, though efforts have been made at various times to cultivate its growth. But owing to its durability and cheapness abroad it enters largely into mixtures of American manufactures, and a light duty should be levied upon it.

We feel quite certain that the changes suggested in the law would be received with great favor here and give encouragement to grain-bag manufacture, as all the grain produced on this coast is bagged for market.

The revenue derived from burlaps and jute is insignificant, but it stands in the way of what would otherwise become an important industry here. The effect of its removal would almost be magical. Factories would be erected at once and employment at remunerative rates be given to a great many persons with great benefit to the community generally.

You are well aware that labor in this State is disturbed by the presence of the Chinese population, and hence it should be the first duty of the Government to employ all fair and reasonable means to protect and encourage her citizen-laborers in the prevention of idleness, vice, and crime.

Please do what you can in the way of obtaining legislation friendly to protection of this industry.

The only known interest that would be likely to oppose the modification, or be affected by it, would be that of bag importers (mostly English resident merchants), who, of course, would wish to destroy local manufacture that the entire bag market and the price may be left to them.

As a general rule the removal of duties imposed on articles not produced here serves to increase the value of the article in the country of production; but such would hardly be the effect on the raw material in this case, as our requirements are comparatively small to those of Great Britain, Germany, Australia, Egypt, and other countries.

Our suggestions may be summed up in brief as follows:

First. Keep the present duty of 40 per cent. on grain-bags.

Second. Reduce the duty on burlaps from 30 to 20 per cent.

Third. Reduce the duty on jute from 20 to 10 per cent.

Fourth. Abolish the 10 per cent. drawback retention as respects exported bags (and all other manufactures, for that matter) under section 3019 Revised Statutes.

Should you think, however, that it is not possible to consummate the legislation desired, then we must formulate a plan by which we can obtain the entire drawback upon our gross manufactured exports without any diminution.

At your convenience please write us as to the prospect, and any suggestions as to how this matter may be advanced would be gladly received by,

Yours, truly,

AMES & DETRICK.

Hon. W. W. MORROW,
House of Representatives, Washington, D. C.

Mr. DALZELL. Mr. Chairman, I move to strike out the last word. It is not only perfectly apparent that the tin-plate industry belongs naturally to this country by reason of our possession of the materials, and by reason, as I have already shown, of our prospective tin industry, but it has actually been demonstrated by the labors of those Welshmen at Wellsville, Leachburgh, and Demmler, that tin-plates can be made in America, because, as a matter of fact, they have already been made in America at the places named.

Now, I desire to call the attention of the committee for a moment to what it is that we lose by reason of not having this industry. Subsequent to Mr. Fessenden's decision, to which reference has already been made, there were put up in England sixty-six tin-plate manufactories. From that day to this we have taken two-thirds of the entire product of tin-plate made by England; so that in the last twenty years it is calculated that we have paid to England for tin-plate, in support of English capital and English labor and to the detriment of American labor, $225,000,000. Now, that the development of our Western and Virginia tin-mines ought to lead to the development of the tin-plate industry in this country is not a notion that prevails in America alone. It prevails also amongst educated and intelligent Englishmen. As a part of my remarks I desire to submit an extract from the London Chronicle of January 12, and an extract from the London Industrial Review upon this subject. I will ask that these extracts be printed in the RECORD, so that my time may not be consumed in the reading.

The extracts are as follows:

TIN-PLATE FROM AMERICAN TIN.

While Mr. MILLS and other tariff "reformers" are endeavoring to prevent our people from attempting the manufacturing of tin-plate, of which they consume about two-thirds of the world's production of this material, Englishmen, who make our tin-plates, are becoming enthusiastic over the results of investigations of our tin deposits.

Here is what the London Chronicle of January 12 says:

"Hitherto the tin supply of America has been derived from abroad, but so great are the anticipations, based on the discoveries of ore in Dakota, that the probabilities are that at no remote period not only will the United States be able to obtain its entire supply from within its own borders, but that these mines will also be able to supply a considerable quantity of the metal for export. The supply of bar tin required by the United States at the present day is one-third the entire production of the world, and at the present moment the United States consumes two-thirds of the tin-plate manufactured in England, the two items together amounting to over £6,000,000 sterling. As the discovery of gold in California in 1849 gave a new impetus to civilization, and led to the rapid development of the then scarcely known western coast of America, so the finding of tin in Dakota will doubtless stimulate the growth of population in that now thinly settled region, and tend to increase the wealth of the world.

"Experts who have visited and explored the Black Hills state that the greisen rock of Dakota can be cheaply mined and dressed by crushing and washing in the usual way, and is particularly well adapted to wet concentration by the processes so well known and used in Cornwall. The heavy crystals of tin are easily separated from the mica and spar, and yield about 65 per cent. of metallic tin. According to official data the Cornish ores do not average 45 pounds of block tin to the ton of stuff sent to the mill for reduction, though ores yielding considerably less have been profitably worked in Cornwall and elsewhere."

The London Industrial Review, which at last believes in American tin, says that it "can easily understand the misrepresentations used by present tin importers and producers from all sources to hold this American property in check, to prevent its becoming a dangerous competitor. This should not interfere with its development by American or English capital."

[Here the hammer fell.]

Mr. KEAN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. KELLEY. I think there is some mistake as to the gentleman's time. The gentleman certainly has not yet consumed five minutes.

Mr. DALZELL. If I have consumed five minutes, I certainly have not said very much.

The CHAIRMAN. The Chair is not keeping the time, but relies entirely upon the Speaker's page for the time.

Mr. KELLEY. I suggest there ought to be a more mature person to keep the time.

The CHAIRMAN. There is no doubt a mistake as to the time. The gentleman may proceed.

Mr. DALZELL. What I want to call to the attention of the committee is the connection of this subject with labor in this country, and the development not simply of the tin-plate industry, but the development of cognate industries. For that purpose I send to the Clerk's desk (and this I desire to have read) a statement on the subject, giving the figures.

The Clerk read as follows:

The effect of placing a protective duty on tin-plate will not have the effect, as some people argue, of raising the price in proportion to the increase in duty. The increase in price will be really immaterial. It should be observed that under our present system of having all our tin-plates manufactured abroad, that a large expense is incurred between manufacturer and consumer. This, with home production, would be absorbed in higher wages to labor.

The value at the port of export of the tin-plates imported during the fiscal year ending June 30, 1887, was $16,883,813. The average price of tin-plates for last year, paid by the American consumers, not including the Standard Oil Company and a few other large corporations, was about 5.2 cents per pound. Our total importation for last year would thus indicate a value of nearly $30,000,000.

The cost of production of the tin-plates, according to the cost-sheet we submit, would be $15,877,623 in Great Britain, and in this country $28,267,982. This indicates that with home production the price to the consumer would be advanced but very little over present rates.

The advantages to the home market, however, would be immense. The total wages paid to British labor in the production of tin-plates imported last year was about $8,991,468. American wages for same amount of work would be $20,352,875.

This increase in employment furnished to labor would more than remove the glut in the labor market. It would create such a demand for labor as to give employment to every idle iron and steel worker in the country.

It would also stimulate labor in the production of coal, iron, ore, coke, limestone, and other materials. The 254,751 gross tons of tin-plates represent 870,000 tons of iron ore, 300,000 tons of limestone, 1,800,000 tons of coal and coke, 360,000 tons of pig-iron, 5,000,000 pounds of lead, 25,000,000 pounds of tin, 12,000,000 pounds of tallow or palm oil, 35,000,000 pounds of sulphuric acid, 11,000,000 feet of lumber; fire-brick, clay, oils and lubricants, hemp, etc.

It would require sixty-eight large works of five trains of rolls each, involving an outlay of over $30,000,000 capital, and giving employment to about 24,000 workmen in the rolling-mills alone, who would earn at least $12,000,000 per annum.

Mr. DALZELL. Now, Mr. Chairman, in addition to that there is another aspect of the case deserving attention. I refer to its relation to the character of Southern iron. I send to the Clerk's desk a letter written by Mr. Jacob Reese, addressed to the Pittsburgh Commercial Gazette, in which he shows the advantages to result to the South from the creation of the tin-plate industry. I desire to have that read.

The Clerk read as follows:

BASIC STEEL FOR TIN-PLATE.

Mr. Jacob Reese, in an interesting letter to the Pittsburgh Commercial Gazette on the above subject, after giving statistics of the magnitude of the tin-plate business already familiar to the readers of the Iron Trade Review, says:

"The South wants the tin-plate trade. The Southern iron ores are too high in phosphorus to make steel by the old Bessemer process, but their ores are especially adapted to making steel by the basic process, and, as all the tin-plate made in the world is now made from mild basic steel, the South would much rather make basic ingot iron for tin-plates than run in competition with the steel-works of the North for the steel-rail trade. If Congress would only put a tariff on tin-plates to justify their manufacture, it would boom the South without hurting the North, and I think that there is not a Southern Democrat in the House but would be willing to vote for such a policy. It would energize the whole South from Virginia to Texas. It would give her a new market for $30,000,000 of her products, and at the same time the phosphorus which would thus be eliminated from the metal would be put into lime and produce 92,355 tons of basic phosphate worth $26.12 per ton—$2,412,651.45.

"The Southern lands are growing poorer and poorer every year because the cotton is shipped away and carries with it the elements of plant food. But if the basic process could be started in the South, for making tin-plate, the resulting phosphate would fertilize the land so as to double the cotton crop in a few years. Great as this tin-plate importation is we are importing a great deal of other stuff that ought to be made in this country. Our importations from England alone in 1887 were: pig-metal, 404,559 tons; bars and angles, 4,273 tons; rails, 182,270 tons; hoop and sheets, 32,471 tons; tin-plates, 268,364 tons; cast and wrought manufactures, 2,925 tons; old material, 172,927 tons; steel blooms and slabs, 215,656 tons, a total of 1,282,445 tons. To this must be added a large amount of basic steel wire rods, slabs, blooms, and billets coming from Germany, the whole of which amounts to over $50,000,000, all of which could be made in the South without interfering with the trade of the North in the least. Will not the Northern Republicans unite with the Southern Democrats and pass such a tariff on tin-plate as to enable us to make it down South? I will guaranty to make the entire demand inside of two years, and in five years be ready to place tin-plate on the free-list, and commence to export it.

"If we could secure this tin-plate industry for the South, it would boom her industries from the James to the Rio Grande; her fields would glow with heavy crops, while her hills and vales would glisten with phosphorescent beauty as the converters would pour out their molten streams of pure metal. It would break down sectional barriers and fuse the whole country into one common brotherhood, which would be a thing of beauty and a joy forever."

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. STONE, of Missouri, took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. PLATT, one of its clerks, informed the House that the Senate had passed the bill (H. R. 8989) making appropriations to provide for the expenses of the Government in the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes, with amendments; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 901) for the relief of Sophia W. Wright.

TARIFF.

The House again resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

Mr. DALZELL. Now, Mr. Chairman, there have been two arguments used upon the other side in favor of putting tin-plates upon the free-list. The first is that tin-plate manufacturing in this country is not now an existing industry. The same argument might at one time have been made against a tariff in favor of any now existing industry in this country. The fact is that the proper purpose of a protective tariff is to build up those industries that naturally belong to the country, but need protection. I think it is capable of demonstration that the tin-plate industry naturally belongs to this country. The second argument used was that we needed tin-plate on the free-list in order to cheapen tin-plates in this country. The fact is that to-day we are absolutely in the power of the British tin-plate manufacturers. With the duty removed we have no guaranty that the price of tin-plates will go down. On the contrary, we have the right to assume that they will go up. I will ask to have printed in my remarks an article taken from the London Iron, a London publication, dated January 13 of the present year.

[From London Iron, January 13.]

A BRITISH TIN-PLATE SYNDICATE.

A meeting of tin-plate makers, which was numerously attended, was held at the Swansea Exchange on Tuesday, January 10, under the presidency of Mr. James Spence, of London, for the purpose of seeing what steps can be taken with the object of increasing the price of tin-plates. The chairman laid before the meeting the basis of a scheme which, he stated, would meet with the approval of powerful capitalists, who are prepared to form a syndicate in furtherance of the object in view. The whole details of the proposals, which took the form of an agreement, were fully and exhaustively discussed, and ultimately a special executive committee was appointed to carry out the decision arrived at. This committee is to put itself in communication with the capitalists already referred to as being ready and willing to co-operate, and to effect an arrangement with the view of immediately putting into practical working shape the scheme proposed to be adopted.

One of the principal features of the scheme is the fixing of a minimum price for ordinary plates—say, B. V. grade at 15 shillings per box f. o. b. Swansea—which would be adopted as the figure below which plates for the present should not be sold. The rumor of the intention to form a corner which was current last week has had the effect of stiffening the price of tin-plates with makers, and it is thought that, when the result of Tuesday's meeting is made known, it will have the effect of further improving both prices and demand. The present moment is regarded by the makers as the most favorable part of the year for the purpose of the present combination.

At the end of December, 1886, stocks amounted to 311,000 boxes, while last December the stock had been reduced to 207,000 boxes, with the additional fact that stocks of tin-plates in America are thoroughly depleted. With this reduction in stocks, notwithstanding the increase of make through additional manufacturing works having been restarted and built, makers expect that the price of plates must keep up, and they look forward to an immediate demand, especially American. Apart from the reduction of stocks, the volume of trade is fast overtaking the manufacturing supply. It is stated that the tin syndicate is backing the tin-plate makers, and that, should any makers be unable to hold their plates sufficiently to obtain the standard price, the members of the syndicate will take the plates on warrant at a price 1 shilling below the standard.

And Mr. Jacob Reese, of Pittsburgh, the well-known metallurgist, in a recently published letter, says: "Last fall a tin trust was formed in Europe which bought the stock of tin on the market, made contracts with the manufacturers, and then put up the price of block tin from £100 on April 1, 1887, to £167 per ton

March 1, 1888, in London, which is an advance of 67 per cent. It is not generally known, but it is nevertheless true, that when tin goes up in price the tin-plate manufacturers mix lead with the tin and use the amalgam of tin and lead for casting the tin-plate, because the lead is only 5 cents a pound, while the tin is 35 cents per pound in London, where they buy their stock. There is now great danger of the tin-plate makers using lead, which, when coming in contact with the acids of the fruits in our canned goods, will produce a deadly poison, known as lead-poison, which, owing to the extent of the use of canned fruit in the United States, might prove more disastrous to the people than the yellow fever or the cholera."

The control of the tin supply by a foreign syndicate means the extortion from this country of an immense amount of money over and above a fair price for the tin and tin-plate purchased, as the advance in price mentioned by Mr. Reese proves. Last year our imports of tin and tin-plate amounted in value to $25,021,093.

With the development of a home supply of raw tin, such as no other manufacturing country possesses, encouraged by an adequate duty on tin and tin-plate, a tin-plate manufacture would spring up in this country which in a very few years would place tin-plate on the market at a lower price than consumers can expect from foreign manufacturers so long as the manufacture of this important product is entirely in their hands. A domestic tin industry competing with the foreign would stimulate the foreign manufacturers to use the best material in order to retain a foothold in our markets, and thus greatly lessen the danger to the health of our people from the use of lead or inferior tin. An industry of so great importance to the health of the people of this country, as well as to their pockets, surely deserves whatever encouragement, and not discouragement, legislation can properly give to it.

I am advised I have but one minute left, and I therefore address myself to a correction of something that was said yesterday in the House. During the course of the discussion my colleague from Pennsylvania [Mr. SCOTT] said:

> There is a notorious character in this country named John Jarrett. He was at one time the head of the Amalgamated Association of Steel and Iron Workers of this country, and he was by that association driven out of that association. *He then went into the city of Pittsburgh and started a little tin-plate manufacturing establishment, or became identified with it.*

Mr. DALZELL. I want to say in the absence of Mr. Jarrett, who is attacked by a gentleman who has a right to the floor of this House, which Mr. Jarrett has not, that Mr. Jarrett is not what in ordinary parlance we understand by the words "a notorious character." On the contrary, he is a gentleman entirely honorable, the peer of more than one gentleman upon this floor, and it is not true that he was ever ejected from the Amalgamated Association. On the contrary, he voluntarily retired from its presidency and continued for years thereafter to be its adviser, and he never was connected with any tin-plate establishment in the city of Pittsburgh.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DALZELL. I withdraw the formal amendment.

Mr. KELLEY. The amendment being withdrawn, I move to renew it. Mr. Chairman, I desire to express to the gentlemen of the committee the deep and I fear lasting depression of spirits produced in me by listening to this debate. If what I have heard here and what has been sustained by the votes of the majority be true, I am one of a nation of imbeciles, planted by Providence on an arid and valueless land. There is nothing we have proposed to stimulate in the way of industry, agricultural, mining, or mechanical, that we have not been told we could not do the thing proposed, and the majority of the committee have voted to sustain the allegation. I have lived, sir, to be three-score and fourteen years of age in the belief that my countrymen could do anything that man could do, and that my country was an epitome of the resources given by a bountiful Providence to mankind for their use. But no. I bring here a studied and able report by an American scholar and patriot to show that jute, in its growth and manufacture, is entirely accessible to the Southern States, and two hours of our time are lost in order to force me to print silently in the RECORD the extracts I wanted to read, because the gentlemen on the other side "know" that we can never grow jute or manufacture it. Oh, no; we can not grow jute! Nor are we more fortunate mechanically. We can not produce "machinery designed for the conversion of jute into cotton bagging, to wit, cards, roving frames, winding frames, and softeners." We can not raise our own supply of sugar. Oh, no; sorghum will not grow here. Cane does not prosper. The beet is not available. Corn sugar is not made with profit, or if it is, it is not good. Sheep are a failure in this country. We had better go anywhere abroad and buy wool than raise a crop of bad mutton and feeble wool in our own country. We can not produce fresh mutton here. The dog could never have got in this country that succulent leg of mutton which he lost in looking for "the markets of the world." [Laughter.]

We can not make tin-plates. Why, sir, the Southern States, with native tin ore, and fuel, and the labor of a million of people now practically idle, can dig the ore, mine the coal, gather the limestone, smelt the ore, convert it into steel, and roll and hammer it if need be into first-class steel plates and sheet-iron. They can do all that within the limits of the old Confederacy, and in doing it not only give employment to more than a million of idle men but invite millions of capital and tens and hundreds of thousands of skilled men into that region to deal with all the metals in which the South so abounds. In God's name, gentlemen, give up the cry that is designed to convince the country that we are fit only for cotton-growing. We have other resources than cotton-fields, and God has blessed us with energy and ability to convert all our native resources into needed utilities. [Prolonged applause on the Republican side.]

Mr. JOSEPH D. TAYLOR. I regret very much, Mr. Chairman, that my time is so limited. I have several very interesting and instructive letters, written by gentlemen in charge of very large manufacturing establishments in the district which I have the honor to represent, which I desire to have read for the information of this House. The first one to which I will call the attention of the House is a protest against placing tin-plates upon the free-list, and a protest against the passage of the Mills bill. It is from the Ætna Iron and Steel Company, located at Bridgeport, Belmont County, Ohio. This company has a capital of $600,000; it employs six hundred men, and it pays out annually for labor $340,000. The writer of this letter, who represents his company, does not hesitate to say that if this bill should become a law it would be followed by prolonged idleness and bankruptcy and probably by violence and bloodshed. The transition from protection to free trade is described as a fearful and dangerous pathway, which may or may not be passed without violence; but in case this can be avoided the necessary delay of a single year in passing from one condition of affairs to another he says will result in a loss of $100,000 to the company. It protests against placing tin-plate upon the free-list, and asks for the restoration of the duty which a former Congress placed upon it, in order that this industry should be placed upon an equal footing with other metallic industries.

I shall print also the protest of the Junction Iron Company, located at Mingo Junction, Jefferson County, Ohio. It has a capital of $500,000; it pays out annually in wages $225,000, and its annual product is $1,675,000. It also protests against the passage of this bill.

Then I have another letter from the Spaulding Iron Company, located at Brilliant, Jefferson County, Ohio. This company has a capital of $300,000. It is now employing about two hundred men, and the company says that if it were not for this tariff tinkering, if it were not for the threat that hangs over business like a lowering cloud, this company could employ constantly five hundred men. I intend to print this protest also; but I wish to call attention here to the last words of the letter, which are these: "Hoping that the MILLS who introduced the bill will be knocked out instead of all the other mills in the country." [Laughter.]

I shall also ask to have printed a protest of laboring men against placing tin-plates on the free-list, a protest which is full of argument, and which I should be very glad to have read to the House if time permitted. And I also have a letter written by a gentleman who lives in the city where the late Democratic convention was held—St. Louis—a short letter, giving very strong reasons why tin-plates should be adequately protected instead of being placed on the free-list.

The following are the letters and papers referred to by Mr. JOSEPH D. TAYLOR:

[Ætna Iron and Steel Company, manufacturers of iron and soft-steel sheet, plates, bars, and rails.]

BRIDGEPORT, OHIO, *April* 4, 1888.

DEAR SIR:

* * * * * * *

Our stockholders, as the directory would indicate, are composed of citizens of both sides of the river. Our paid-up capital stock is $300,000, and in addition we have a surplus fund of about $120,000. The average amount we keep employed in the business is about $600,000, and we give employment to about six hundred men. Our annual capacity is about 20,000 tons, consisting of bars and sheets of steel and iron, also small T and street rails. At present prices the annual product will sell for about $1,000,000. The cost of material and amount paid for labor, as well as the amount received for the finished product, will vary somewhat according to the relative proportions of iron and steel, and sheets and bars produced. As we have been running for the past three months—that is quite full—the material consumed for about 20,000 tons annual product would cost $500,000 in round numbers, and the labor employed in working it up about $340,000, not including salaried officers and clerks. Our fuel charge on the basis of the last three months would amount to about $30,000 per annum, the fuel being natural gas. Were we using coal as fuel, we would be employing about seventy-five to one hundred men more than above reported, and the fuel would be costing us somewhat more than we pay for gas.

We do not export. There is no place in the world, outside of our own national limits, where we could get cost for our product owing to the high-priced labor devoted to the production of iron along the whole line from the finished product to the ore and coal-mine.

Our interest in protective tariff is to have such a duty on iron and steel bars-sheets, plates, and other shapes, as well as on other products into which iron and steel enter as the principal or only part (such as tin-plate and cotton-ties), as will enable the manufacturer to pay the wages that American workmen demand and are receiving. The close competition among American manufacturers keeps profits on iron down to a low point, so low in fact that for years the iron industry has paid but small profit to those who have their capital in it. Should the barriers to free trade be removed, aside from the first shrinkage in values and the idleness of mills that will result from the flood of imported iron made by lower labor, the manufacturer will not suffer, for considering the prices paid for labor entering into the cost of iron in this country, as compared with that paid in foreign countries, the American manufacturer is supplying a cheaper article than the foreign maker. With labor the same, the American manufacturer can hold the trade of his country. The tariff as it relates to the iron industry is a protection to labor more than to capital. Without it, labor must inevitably be reduced to European standards, or the iron-works of the country remain idle.

The manufacturers would avoid the severe loss of the transition period and the misery and discord resulting therefrom, and would gladly pay the higher wages demanded by the American workman, if they are placed in a position rendering that possible. Should cotton-ties and tin-plate be admitted free—as is proposed by the Mills bill—a severe blow will be given to the manufacture of iron and steel, especially sheet iron and steel. Free tin-plate would destroy the manufacture of sheets for roofing, and tin would take the place of sheets for many purposes to which the finer grades of sheet are not applied. Instead of bringing tin in free of duty, it should be made to bear a duty at least as high as sheet iron and steel. A very fair duty is placed on hoop-iron, but cotton-ties, that are practically hoops, it is absurdly proposed to bring in duty free. These two items should be placed where they belong, say, with sheet and hoop iron and steel.

Removing duty on these gives to Europe all the trade we now have on cottonties and a large part of what we have on sheet-iron and steel. Labor entering into the product of these can not be reduced to the point of competition with the European makers, while other labor in American mills working on protected products is receiving the price rendered possible by protection. This works a serious injury to the manufacturer of unprotected products. Rather than the state of affairs to be brought about by these features of the Mills bill, it may be questioned if it would not be better for all concerned to take off all the tariff on iron and steel. If we are to be brought to free trade would not a clean, clear, straight cut to that goal be better than to approach it by the meandering and devious path its advocates are mapping out? No changes in the tariff laws heretofore have borne heavily on us. Taggers iron has to some extent knocked out light grades of sheets, and under the existing tariff soft-steel sheets are admitted under a lower duty than sheet-iron, owing to the former being admitted under an ad valorem duty intended originally for high grades steel sheet. This trouble as to soft-steel sheet we think is adjusted so as to place them on the same plane as iron sheets in proposed legislation.

Your tenth question, as to what loss we would sustain if our product was placed on the free-list, is a hard one to answer in any definite way represented by dollars and cents.

We have intimated above that the loss to the iron manufacturer by having his product placed on the free-list would be from a shrinkage of values and from the stoppage of his works. The shrinkage would be on his plant, his raw material, his finished products, his accounts—and it would be serious. How long the workmen would stand out against the necessary reduction, and with what temper they would oppose such a reduction, can only be a subject of conjecture. Only the direst necessity would induce them to resume work at wages so much below what they had been receiving, and before the time of their acquiescence would come much destruction of property—probably of life—discord, disturbance, and misery would result.

Supposing our loss of time to be not over one year, and that no destruction of property resulted from riots and violence, we would place our loss at not less than $100,000 if our products were placed at once on the free-list.

Hoping the wisdom of Congress may so regulate the tariff as that the general interests of the country may not suffer, we are,

Yours, truly,

ÆTNA IRON AND STEEL COMPANY.

Dictated by W. H. TALLMAN, *President*.

Hon. J. D. TAYLOR,
House of Representatives, Washington, D. C.

[Junction Iron Company. Bessemer pig-iron, steel nails, steel tack plate. H. M. Priest, president and general manager; George A. Dean, secretary and superintendent.]

MINGO JUNCTION, OHIO, *March* 31, 1888.

DEAR SIR: * * * The capital in this business, not including interest in the Junction Steel Company, is $500,000. The number of persons employed, men and boys, is about four hundred. The value of our annual sales varies so much, owing to conditions of business, we can scarcely give reliable figures on them. We also find difficulty in stating the cost of material bought annually for similar reason. We might say on our capacity to produce pig-iron, steel plate, and nails the cost of materials would amount to about $1,675,000 per annum on present values.

Our wages on preceding basis of capacity at current rates would reach about $225,000 per annum. We do not export any goods. Our interest in a protective tariff is the same as that of any other manufacturer of goods from ore, iron, or steel. Without protection we could not employ over $500,000 capital in this business, and consequently could not employ the four hundred persons whom we now aid in living, clothing, educating, and encourage to make homes for themselves in our country, so long as goods we now manufacture can be made so cheaply abroad and marketed in this country so easily.

If the goods of our manufacture were placed on the free-list we would certainly have to cease our operations, and our capital stock, instead of selling at par, being unemployed, would so rapidly shrink in value as to become an almost total loss to its owners. Were the writer inclined to be selfish in the matter he would demand free ore (not owning a mine). Again, if he were a steel manufacturer alone, he might also desire free pig-iron. On the contrary, however, he takes a broader view, and in every sense is impressed with the belief that America should be for the Americans, and tariff upon articles we can make or produce at home should be made prohibitory, at least until we recover from serious competition of the past few years. Immigration should also be regulated until our present surplus labor is all employed at liberal wages and a demand for more labor an absolute necessity. When home-made products must compete with foreign then wages run low. Short time and low wages soon make the workman dissatisfied, and as a consequence frequent strikes, riots, and death, and destruction of property ensue.

If a prohibitory tariff can not be enacted (as it certainly can not by the present House), then existing tariff should no doubt be in some sense revised. Taking a selfish view of the matter, our company being large manufacturers of soft Bessemer steel, blooms, and billets, would ask the tariff on same from abroad, whether Bessemer or basic, should be the same as on rails at present. I am unable to understand why any honorable citizen of the United States desires free trade, where each man can become a manufacturer if he desires and if it is so profitable as some demagogues desire the voter to believe it is.

Very truly, yours,

H. M. PRIEST, *President*.

Hon. J. D. TAYLOR, *Washington, D. C.*

[The Spaulding Iron Company, manufacturers of cut and clinch nails and cut boat spikes of both iron and steel; also first-class muck-iron.]

BRILLIANT, JEFFERSON COUNTY, OHIO, *March* 27, 1888.

DEAR SIR: Your favor 24th instant is received. Our capital stock is $300,000; paid in capital, $287,500. Could employ five hundred men and boys were it not for interference with trade caused by tariff tinkering and labor troubles throughout our country; as it is, we employ one hundred and fifty to two hundred and fifty about half time. Our annual sales are about 100,000 kegs nails and 4,000 tons muck-iron.

Cost of material, say, $250,000 annually; cost of labor, say, $100,000 annually. Have never sold abroad, except one little lot in Mexico.

Our interest in a protective tariff is in the affirmative for the sake of the general good. We believe a tariff that would absolutely be prohibitive as to articles that are manufactured in our own country would be a better way to reduce the revenues of the Government than the tariff-for-revenue-only policy of our friends, the Democracy. Let articles that are not produced in our country come in free of duty, and, if necessary, pay the sugar-makers of our own country a bounty or bonus, and all others similarly situated.

We would be favorably affected by some such action as the foregoing, and so would all our friends and neighbors, and the country generally, if the action could be guarantied to stand for, say, twenty years without amendment.

We think the placing of any item in the iron and steel schedule on the free-list means simply the annihilation of the industry in this country.

Trusting that we have not taxed your patience too much, and that you will have some notion of what our views would be if we undertook to air them, and hoping that the MILLS who introduced the bill will be knocked out instead of all the other mills in the country,

Yours, truly,

C. H. SPAULDING, *Secretary*.

Hon. J. D. TAYLOR,
Washington, D. C.

The following is an extract from a letter written by Mr. F. G. Niedringhaus, president of the St. Louis Stamping Company:

It is true that our free-trade friends may be able to put forth a strong argument in favor of free tin-plates, and looking at the question merely from one standpoint, their point may be well taken as long as tin-plates are not made in this country. But, nevertheless, if this 1 cent of duty, which is equivalent to 20 per cent. ad valorem, is taken off, tin-plates will be adopted for a great many things for which sheet-iron is now used. This would, as a matter of course, lessen the demand for sheet-iron just to that extent, and a certain number of men now employed in producing that iron from the ore and coal beds to the finished sheets must look for employment in other channels, or else the price of labor must be reduced to a point where it can effectually compete with foreign labor.

If any one will take the trouble to look into the iron business more closely he will observe that the cost of iron is all labor from beginning to end, and that the profit put upon the finished product by the manufacturer, as can be clearly proven, has not exceeded 10 per cent., and in some cases not 5 per cent., for quite a number of years. When, therefore, our free-trade friends say that it is the manufacturer that needs protection you may put it down as idle talk, and that they are passing upon a question which they have not thoroughly investigated. Give our American manufacturer labor at the same price that the European competitor gets it and he will not ask for any protection.

The whole question at issue, therefore, hinges upon this one point, namely, what or how much shall we pay those who labor? If we have free trade, labor must work for exactly the same price it does in Europe. In other words, you will have pauper labor and a community without a purchasing power. Whether or not this would be advisable American policy is a question that we will not attempt to answer, but leave it to the wisdom of our national representatives. Steel plates and sheets are now being largely imported under the ad valorem duty, and at that rate they can be imported at a much lower figure than sheet-iron can be produced.

This also is working very depressingly upon the American manufacturers of sheet-iron, and the final result will be that either this trade will have to be left to European manufacturers or else the wages of the operatives will have to be cut down in order to overcome this competition. It was our intention to have increased our mill capacity, but from the present outlook we think ourselves very lucky in not launching out any further in that direction. If the free trade faction of the Democratic party is to control the politics of the country, it is not difficult to foresee what hardships are in store for our manufacturing communities.

THE TIN-PLATE PROVISION IN THE MILLS BILL.

We present herewith a part of the very able letter of the Amalgamated Association of Iron and Steel Workers of the United States, addressed to Hon. WILLIAM MCKINLEY, jr., and signed by William Weihe, president, and William Martin, secretary. It admirably presents the leading facts in support of the proposition that tin-plates should be continued in the list of dutiable articles, and the duty on them increased, as has been wisely provided in Mr. RANDALL'S tariff bill.

The Mills bill places tin-plates on the free-list. Whatever professions of friendship and partiality to American labor the majority of the Ways and Means Committee may have made, this act of theirs in placing tin-plates on the free-list clearly indicates their real intentions of ultimate free trade. It is an act solely and absolutely in the interest of British capital and labor, securing to them a monopoly of the tin-plate manufacture needed to supply the wants of the American people. It is an act that implies the inability of American labor to produce tin-plates, or that it is better to employ British labor at low wages to supply us with tin-plates rather than permit the same to be done by home labor at reasonable wages.

It is unnecessary that we should enter here into the history of the tin-plate question in this country. Suffice it to say that, although strenuous attempts were made between 1872 and 1878 to establish the tin-plate manufacture in this country, all failed for lack of proper encouragement by the Government. A protective tariff was never enforced for the purpose of promoting the tin-plate manufacture here.

British manufacturers, though possessing a monopoly of the tin-plate manufacture since 1720, never supplied cheap tin-plates to this country until attempts to manufacture tin-plates were made here. In 1875 we had four tin-plate works in operation in this country. Prices of British tin-plates were very high up to that date.

Quoting from the Iron Age, we find the prices to have been, in 1873, for ordinary coke grades, $12 per box, and for charcoal grades $14.75 per box. A box contained 112 sheets of 14 by 20, and weighed about 112 pounds. It was the high prices that had existed up to this time that tempted American capital to undertake tin-plate manufacturing. The duty at that time was 15 per cent. ad valorem. In 1875 the duty was made specific, 1.1 cents per pound; but it was only a low revenue duty, equal to about 15 per cent. ad valorem. The British manufacturers, finding that the attempts to manufacture tin-plates in this country were successful, rapidly reduced prices, and, by the aid of cheap labor and a low tariff, in 1878 completely throttled the young American industry. Since this little episode took place we have had an era of low prices and an extremely poor quality of tin-plates.

As workingmen we reason that, if British manufacturers were enabled to throttle this young industry by the aid of a low revenue tariff, the same results would follow in bars, sheets, structural, and all other forms of iron and steel manufacture, had we not a protective duty.

The low revenue tariff on tin-plates, which also includes terne-plates, has furthermore been very injurious to our sheet iron and steel industry. For several years the imported tin and terne plates have been steadily displacing home productions of sheets of the finer grades, particularly galvanized and leaded sheets, in several directions. In the roofing business the quantity of home-produced sheet-iron has fallen off within the last six years nearly one-half. If these results have followed from a low tariff what may we expect to follow in the wake of free tin-plates? It is reasonable to presume nothing less than the complete annihilation of the sheet iron and steel business in all the finer grades.

The arguments used by a majority of the Ways and Means Committee in favor of free tin-plates seem to us very illogical and impracticable. They make but one point, to wit, cheaper cans to promote the export trade in canned goods. This is ridiculous, as the law now provides a drawback of 90 per cent. of the duty to the exporter. The remaining 10 per cent. affects the price of a dozen 3-pound cans of salmon about 1 cent. Just imagine an item of 1 cent per dozen cans of salmon giving the exporter such an advantage in the foreign market as would effectually overcome all competition.

The majority report does not show that free tin-plates would be any advantage to the home consumer of canned goods. Nor can canners expect any advantage, as the tax is not paid by them, but by the consumer of canned goods. For this reason we fail to comprehend why canners are agitating for lower duties on tin-plates, or free tin-plates.

Importers and such large users of tin-plates as the Standard Oil Company are naturally and consistently in favor of free tin-plates. There are quite a number of importers who are interested as owners of tin-plate works—Henry, Nash & Co.; Bond & Parsons; Sims & Coventry; Taylor Bros.; Phelps, Dodge & Co., and others. We readily admit that to these free tin-plates would be quite an advantage.

British manufacturers would also expect to realize some benefit from free tin-plates. For over eight years they have been constantly complaining of the low price of tin-plates in the United States. It must be observed that the agitation for a protective tariff and home production of tin-plates has had its moral effect, in a large measure at least, of keeping down the price of the article in our markets. Let free trade in tin-plates be established, and the agitation in favor of protection and home production cease, it is but natural to suppose that British manufacturers, finding themselves absolutely masters of the situation, will materially advance prices to a point at least satisfactory to themselves.

It is, therefore, evident to our minds that the real beneficiaries of free tin-plates would be the foreign producers of the article, foreign merchants, and importers. To the American workingman and chief consumer no material benefit whatever would accrue. On the other hand, as wage-earners our workingmen would be greatly injured.

In the name of the iron and steel workers, we therefore protest against the action of the majority of the Ways and Means Committee in placing tin-plates on the free-list, or against any reduction in the present duty.

We go further and earnestly petition Congress to seriously meditate as to the advisability of placing a protective duty on tin-plates, a duty commensurate with the higher labor cost in this country; thus securing employment to American labor in the production of tin-plates at wages in harmony with those now existing in our iron and steel manufactories.

Mr. Chairman, this House will make a very grave mistake when it attacks these great industries along the Ohio valley and in other parts of the country, where thousands and thousands of men are employed, who live in comfortable homes and receive liberal wages. They should not suffer a reduction of wages and a loss of employment by this attempt to strike down the American tariff.

[Here the hammer fell.]

Mr. GIFFORD. Mr. Chairman, this question of the production of tin is one in which the people of the West are deeply interested. If there are any "infant industries" in the United States that need protection and fostering, this is one of them. Some four or five years ago it was definitely and reliably ascertained that there was tin-producing ore in the Black Hills of Dakota, and after repeated experiments capitalists felt justified in investing their money in those mines. They have invested very nearly half a million of dollars. There is no question at all, judging from the most reliable authority attainable, that there exists in the Black Hills of Dakota sufficient tin to supply the needs of the people of the United States. The only difficulty which has been met with in mining this tin is in reducing the ore, and it only remains to secure machinery adapted for this purpose in order to make the enterprise a success.

The people of Dakota have expended over $100,000 out of their own pockets in the establishment and maintenance of a school of mines at Rapid City for the purpose of experimenting with and testing these and other ores in the Black Hills. I will read a brief extract from Professor Bailey, United States geologist for Montana. Speaking of the tin-bearing rock in the region of Harney's Peak in the Black Hills, he says that it quarried from the surface; that there are veins measuring more than 50 feet in width which will average much better than those in Cornwall. He declares there is enough to supply the world, and says that it is impossible to imagine this great body of ore ever being exhausted. If these statements are correct, the discovery is one of the most important of the century.

I have not time to enter into a detailed statement as to the difficulties which have been met with in reducing these ores. Though they constitute a different formation from any heretofore discovered, it will not do to say that the skill, the energy, the ingenuity of the American people can not overcome these difficulties, if this industry is properly protected. The people of this country can well afford to protect and nourish this industry, which, if done, will make them independent in time of need of other countries for their supply of tin.

I incorporate in my remarks a statement from the commissioner of emigration of Dakota in reference to what has been done to develop these mines. It is poor economy for our people to encourage the development of foreign mines to the injury of our own.

Mr. NUTTING. I will inquire of the gentleman whether, in the part of the country to which he refers, the ore is not now being mined and shipped abroad?

Mr. GIFFORD. Oh, yes; they are shipping ore to England to be tested and reduced. A large amount is being shipped. This clause placing tin products on the free-list should be stricken out.

TIN.

This metal was discovered in the hills in 1883. To whom the honor of the discovery belongs is already a matter of some question, but it is admitted that the first public announcement was made by Maj. A. J. Simmons, of Rapid City, through the Journal of that place, in a communication under date of June 8, 1883. After sketching the geology of the Etta mica mine, where the discovery was first made, with accuracy, and stating that time and exploration are needed to determine the value, he closes by saying:

"At the present, however, the discovery must be regarded as one of the highest importance, and I venture to say that the indications already point to the existence of an extensive district of the mineral."

In the same month he forwarded a box of the specimens to a San Francisco capitalist, who sent Professor William P. Blake, a well-known mining engineer, to examine the find. After this the scientific world received information of it through the American Journal of Science, in September of the same year.

The mining is a new industry in America, and its development has of necessity been slow, but not slower than the development of the rich silver mines of early days on the Pacific coast and in Colorado. It requires large sums of money to properly open these mines and to build mills for the treatment of the ore.

There are two well-known tin districts in the hills. One occupies a belt about 4 miles wide, lying around the northern and western flanks of Harney's Peak. It extends southward to a point 6 miles south of Custer City. It will probably be found entirely encircling the granitic area of the hills. The other section is located about 16 miles southwest of Spearfish, where a small archæan area has been laid bare by denudation.

The tin-stone is found in granitic veins or dikes in the early or schistose archæan, shown upon the map, and which vary in width from a few inches to hundreds of feet. In some sections the veins consist of an albitic greisen—that is, a rock composed of albite, feldspar, and mica, through which are disseminated crystals of cassiterite. In other sections, as upon the west side of Harney's Peak, the veins are composed of typical greisen—that is, quartz and mica. The crystals of cassiterite vary much in size, some having been found of several pounds weight, but generally they seem to partake of the nature of the greisen—that is, if the individual crystals of feldspar or quartz and mica are large, the accompanying crystals of cassiterite are large, and *vice versa*. That through which the tin is finely disseminated is usually richer than the coarsely crystallized rocks.

The percentage of tin-stone in the greisen varies, but there are many veins carrying rock yielding from 2 to 4 per cent. That this is by no means a small percentage may be seen by the following:

In Altenburg, in Saxony [Mineral Resources of the United States, 1883-'84, article, Tin], the yield is from one-half to 1 per cent. In Cornwall, as shown by the Government statistics, the yield of block tin for the whole country is less than 2 per cent. In the Palberro district, in Cornwall, the average of all the ore crushed in five years was eighty-nine hundredths of 1 per cent.; yet these mines yielded a fair profit.

There have been many mines discovered and recorded in both the northern and southern sections. The latter is the more extensive section of the two, which is simply saying that here a larger archæan area has been laid bare by erosion, and had the sedimentary rocks between the two sections been removed, the districts would doubtless have been found continuous. In the northern, or Nigger Hill district, as it is called, the best known claim is the Cleveland, owned by the American Tin Company, who have sunk a shaft to the depth of 160 feet. At the 100-footstation, where a cross-cut has been driven, the vein is found to have a width of over 200 feet, and to carry tin throughout, but a zone about 30 feet wide near each wall is somewhat richer than the remainder of the lode. The company own about seventy claims, a mill site, water-power, etc., and expect to operate upon a large scale.

This district was first worked exclusively for gold, and in it were found rich placer diggings. The miners were troubled by the vast amount of "iron" which filled the riffles of their sluice-boxes and interfered with their work. It was harder to separate from the gold than the "iron" of other districts, for a magnet would not act upon it. No one suspected the black substance to be tin-stone, but such it was. The miners now save it, and several tons have been shipped to New York and to England. It is the opinion of the writer, who has thoroughly examined the district, that stream-tin mining as a business would pay.

Other groups of mines in this section are controlled by the Callahan Company, by Chapman & Hydliff, by Miller & Co., and by others.

The first company to operate upon the tin deposits in the southern hills was the Etta Company. They bought a number of claims, but did their principle work upon the Etta, where tin was first found. The management of the company was left to parties who could have had no real knowledge of the subject of tin mining. Without having the mine sufficiently opened to supply a 20-ton mill, they erected a 200-ton mill, and used machinery which did not do the work, for the tailings from the mill, as sampled by a competent English engineer, and also by the writer, yield 2 per cent. tin-stone; that is, the quantity wasted exceeded the average of all the ores mined in England, and was three times as great as the quantity which has been found to pay in Saxony. They crushed about 400 tons of ore, which, notwithstanding the waste, yielded 2 per cent. block tin, which was shipped East. The management of the company has been severely criticised, and, after the expenditure of about $350,000, they closed down, but immediately bonded sixty or seventy additional claims in the district, and secured the services of a well-known English mining expert in the service of John Taylor's Sons, London.

This gentleman spent several weeks in thoroughly examining and sampling the different claims of the company, and advised that certain work be done upon those bonded. The result of his examination was doubtless favorable, for all bonds so far that have fallen due have been paid, and during the present month (June, 1887) the company have paid out in the purchase of these claims over $100,000.

They have secured a mountain park of several hundred acres in extent, near Hill City, in Pennington County, water-power, etc., and announced their intention to build their works at that point. Their plan of operation also includes the building of a narrow-gauge railroad from Rapid City to that point, which railroad has already been surveyed.

Other companies besides the Etta are preparing to work. Some Chicago capitalists recently purchased the Tin Mountain group of mines, near Custer City, which is said to be a veritable mountain of tin-bearing rock. Some masses of this sent to the school of mines at Rapid yielded 40 per cent. cassiterite. It is claimed that there are many thousands of tons of ore in sight that can be worked to a profit. Many claims are owned by prospectors and others who are not able to develop them. Others will be found, for so far none has been sought for except those which outcrop or show upon the surface.

It will be seen from examination of the map that tin is found in three counties—Custer, Pennington, and Lawrence. The writer has personally examined all the districts and has made many assays of the ore. When sampled in quite large quantities it seldom runs below 2 per cent., and often yields 4, 6, 8, and even 12 per cent. These assays refer to averages taken across veins, dumps, sample lots, etc., for of course picked specimens can be easily had which are nearly pure cassiterite.

Mr. BUCHANAN. Mr. Chairman, I offer the following amendment:

On page 3, lines 45 and 46, strike out these words, "or lead, or with a mixture of which these metals is a component part."

I offer this because the paragraph as it stands offers encouragement to the importation of tin-plate adulterated with lead. Much of the plate now imported is so adulterated, and the importation of such plate should be prohibited instead of encouraged. This leaded plate is used by some unscrupulous makers of cans for packing and preserving vegetables and fruits. As is well known, the acids in some of these vegetables and fruits cut open the lead in these tins, and the result is that the contents are poisoned and become highly dangerous to health and life. I clip from a Philadelphia paper of this morning an account of one such case, and they are of very frequent occurrence.

A dish of canned tomatoes eaten at dinner time on Monday in the household of Dr. John W. Rauck, who keeps a drug store on Germantown avenue near Nicetown lane, poisoned all those who partook of the vegetable, and in the

case of Dr. Ranck himself the poison came near terminating fatally. Those poisoned were Dr. J. W. Ranck, Albert D. Forrest, his assistant in the store; Frank Nestor, the office boy; Charles Ranck, aged 11, and little Mamie Ranck, aged 7.

Mr. Forrest, who was one of those poisoned, said that it was the opinion of Dr. Howell, Dr. Ranck, and himself that the tomatoes poisoned them, as every one that partook of them was taken down with cramps. The symptoms were those of lead poisoning, and it was supposed that the acids in the tomatoes acted on the lead in the cans and the poisonous mixture permeated the contents. The grocer will notify the manufacturer of the cans. Mr. Forrest said that all would be about in a few days, as the only difficulty now was one of weakness and lassitude.

I repeat we should prohibit the importation of such adulterations, and not open wide our doors to them by placing them on the free-list.

Mr. MACDONALD. Mr. Chairman, I have followed the discussion, during the consideration of this bill by separate paragraphs, until I am actually weary listening to what has been stated in behalf of protection. I represent a district which I may say is purely agricultural. If there is a man in that district who is engaged in a protected industry and would be benefited by the increase of this tariff beyond the present rate, I do not know it. I have been waiting patiently to hear some gentleman on the other side tell upon what principle of justice every constituent in my district who is a producer and who has to come in direct competition with the labor of Europe—pauper labor, if you please—should continue to be taxed in this way.

In regard to this subject of tin-plates there has recently been established in my district, in the city of Faribault, an infant industry, an establishment for the purpose of canning fruits and vegetables. I recently received a letter from the president of the company owning that establishment, a letter not intended for publication, asking, as a mere business inquiry, whether, in my opinion, the Mills bill would become a law by the 1st of July; stating that if it did, it would be several hundred dollars in the pockets of the company, as the passage of the bill, with this clause in it, would have the effect to reduce the price of tin-plates.

The gentleman from New York [Mr. FARQUHAR], in discussing this subject yesterday, undertook to demonstrate that the effect of the reduction would be so infinitesimally small, in favor of the consumers of fruits and vegetables, as to make practically no difference. Admitting, for the purpose of argument alone, that that is true, the fact remains that the gentlemen who own this factory are constituents of mine, and if this bill should pass they would save several hundred dollars by its operation. Why should I not vote to save them that amount of money instead of voting to put it in the pockets of men living in the city of Pittsburgh or somewhere else?

How long are we to be taxed in this way? The gentleman from Virginia [Mr. YOST], in the course of his argument yesterday, said that Virginia had paid tribute to protected industries elsewhere for thirty or forty years, and now she demanded that the country should submit to pay tribute to her. Why, sir, we in Minnesota have paid tribute for more than thirty years, and if we yield to the plea of the gentleman from Virginia, it simply means that Minnesota must continue to pay tribute, for we have none of this mineral, and no establishments to be benefited by its production. To gentlemen representing portions of the country whose people are entirely occupied in agricultural productions, the inquiry naturally suggests itself when this continued effort, which is continually being made for the benefit of these men who own these manufacturing establishments, is to cease, and whether anything will ever be proposed by the opposition for the benefit of the producer; and how long are we going to continue this condition of things?

The question which naturally arises in the minds of those who are consumers of the articles named in this bill, and who have to depend upon a foreign market for the sale and price of their products, is, how long are we to continue to pay taxes to feed and clothe this "infant," otherwise known as the industries spoken of here so much, until it arrives at the age of manhood? Judging from what we hear, we shall continue to pay tribute until the youngest man in this House—ay, the infant just born—shall have arrived at the mature age of the distinguished gentleman from Pennsylvania [Mr. KELLEY], and then we shall not be through if we yield to the arguments which are constantly repeated.

Mr. JOSEPH D. TAYLOR rose.

Mr. MACDONALD. I can not yield; I have only five minutes. It is a part of the policy of the other side during this discussion to interrupt. I refrain from doing so myself, and must decline to yield. I wish to say in conclusion that I deny emphatically that the placing of tin-plates on the free-list will have any effect upon the sheet-iron industry. I know it to be a fact that tin is being generally discarded as roofing material, and sheet-iron, especially corrugated sheet-iron, is superseding it.

Mr. SPRINGER rose.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I ask unanimous consent that the distinguished gentleman from Illinois [Mr. SPRINGER], who will now address the committee, be permitted to proceed for fifteen minutes of the time allotted to this side of the House.

Mr. KELLEY. And in addition to the hour heretofore allowed.

Mr. BRECKINRIDGE, of Kentucky. No, but for that part of the hour allotted to this side.

The CHAIRMAN (Mr. DOCKERY in the chair). Is there objection to the gentleman from Illinois being permitted to proceed for fifteen minutes?

There was no objection.

Mr. SPRINGER. Mr. Chairman, I am much obliged to the committee for extending this indulgence to me, and I shall endeavor to improve that time by making an argument solely in reference to tin-plates, and I shall not digress upon other subjects connected with tariff legislation.

This is one of the most important items embodied in this bill. It is a proposition to place on the free-list tin-plates, which are consumed universally, and by the great body of our people. The present duty upon tin-plates is 1 cent a pound, and it is proposed by gentlemen on the other side of the House to strike this item from the free-list as proposed by the pending bill, and insert a clause, when we reach the dutiable items of the bill in subsequent proceedings, increasing the duty to 2.2 cents a pound.

At 1 cent a pound the duty paid to the Government on this article last year amounted to $5,706,433, the value of the imported article being $16,883,813. This was the value in Europe on board ship, and does not include freight charges or insurance, nor does it represent the cost to the consumers of this country, who are obliged to pay these freights and also the commissions to the middlemen.

This duty collected, of $5,700,000, is added to the cost of this commodity to the consumers of this country.

I know it has been denied by gentlemen upon the other side that the duty paid upon this article, or similar articles, is carried forward and placed upon the value of it and paid eventually by the consumer. But it seems to me, Mr. Chairman, that if there is any proposition plainer than another in connection with such legislation, it is that the $5,700,000 paid as customs duties upon the article of tin-plates was charged up by the merchant to the purchaser, and by him charged up to his customer, and by the merchant finally to the consumer. I am amazed that any gentleman should dispute a proposition so perfectly plain as that.

Mr. ADAMS. That is true, because no tin-plate is produced in this country.

Mr. SPRINGER. My colleague concedes that none is produced here. It is admitted, then, by my colleague that this addition of the duty to the prime cost is paid by the consumer. There is no industry of this kind in this country now, and it is admitted upon the other side that there can be no such industry. [Cries of "Oh, no," on the Republican side.] Do not be in a hurry, gentlemen; it is admitted that there can be no such industry unless the duty is increased, as indicated by gentlemen upon the other side, to the amount of 2.2 cents per pound. That is the completion of the sentence that I had started to utter when I was interrupted by exclamations from gentlemen on that side. Of course, I can not say everything at once.

The proposition, then, is this: Tin-plate is a product coming into this country to the value of over $16,000,000 annually, which is not produced here now, and can not be produced under the present duty in this country; but if the present duty, as is proposed on the other side shall be doubled and two-tenths of a cent more is added, it can be and will be eventually produced. That is the condition. That is what is claimed.

Now the effect of doubling the duty or rather increasing it to two and two-tenths cents per pound would be——

Mr. BRUMM. To cheapen the price of tin-plate generally. [Laughter.]

Mr. SPRINGER. Now be quiet, if you please. I do not need the assistance of the gentleman. [Laughter.] The effect of this proposition would be to increase the cost to the consumer by the additional tax placed upon the article, none being made at this time in this country, and none could be made until a plant could be produced for its manufacture.

Mr. WASHINGTON. Which would take at least twelve months.

Mr. SPRINGER. And which the gentleman from Tennessee says would take twelve months. In my own opinion it would take very much more time than that, but, at least for the present and until such plant was established, it would add to the cost of this article to the consumers of the country the increased burden of 1.2 cents a pound. In other words, instead of paying a tax upon the article to the amount of the duty now collected of $5,700,000, we would pay not only that but an additional tax of 1.2 cents per pound, making an aggregate of $12,554,000 a year.

Until the new plant was established in this country the Government would receive the additional revenue caused by adding 1.2 cents a pound to the duty on this article. But as soon as the home plant was completed, and the home demand could be supplied in this country, importations of tin-plates would cease, and the Government would cease to collect the tax or customs duty. Our revenues would then be cut off to the extent of $12,554,000 a year. Tin-plates would not be sold much, if any, cheaper, for it is admitted that tin-plates can not be manufactured in this country at a profit with a duty of 1 cent a pound. The home manufacturer would charge the people an amount just below that at which the foreign product could be sold after paying the duty of 2.2 cents per pound and freights and other necessary charges.

The sum of $5,700,000 now paid as a duty upon the importation of tin-plates goes into the Treasury of the United States and becomes a part of the people's funds to be applied to public purposes; but if you increase the duty, as proposed on the other side of the House, the effect will be ultimately to transfer the $5,700,000 from the public Treasury to the pockets of the manufacturers who may grow up hereafter, and also give them an additional bonus of 1.2 cents per pound, or over $6,000,000 more, making a total bonus of $12,554,000 a year. If successful in this it would be the inauguration of a policy that would take $5,700,000 out of the public Treasury, add $6,000,000 to it, and turn over the whole amount, $12,554,000, thus extorted from the consumers of tin-plate, to the National Tin-Plate Association, to enable it to manufacture the article in this country.

This is protection pure and simple, and solely for the sake of protection. It is a perversion of the taxing power, and has no warrant in the Constitution.

It is, in other words, a proposition to make, by legislation, a business profitable that would not be profitable and could not be carried on without the tax. If the Government is to enter upon such a policy, gentlemen may turn their attention to other industries which we could encourage in like manner with equal propriety. They may insist hereafter that tea, now the product of Chinese cheap labor, should be produced in this country. We pay out annually some $16,000,000 for tea, just as we pay about $16,000,000 annually for tin-plates. With a view of protecting against Chinese cheap labor something may yet be proposed with a view to establish tea-culture amongst ourselves.

There may hereafter be in California or some other part of the country gentlemen who will proclaim that it is a great outrage to continue paying $16,000,000 to China a year for tea. They may contend that our own people should produce what we reqnire. This could perhaps be accomplished by placing a duty of a dollar or $2 a pound on tea. Give a sufficient bonus to our own people for producing it, and it certainly can be done if we resort to forced production. Other industries could be created and fostered in like manner. But such a policy is unwise and not in accordance with the spirit of our institutions. I am utterly opposed to it, and am ready to meet gentlemen on the other side of the Chamber before the people on this question.

The gentleman from Pennsylvania [Mr. BAYNE] stated on yesterday that this article had been taxed at the rate of 2½ cents per pound at one time, and that under the operation of that tax this business flourished and the price of tin-plate was brought down from $12 to $5 a box.

I have looked over the statistics and the tariff records and I can not find that that article ever was taxed 2½ cents a pound. It never was taxed at that rate. There was a clause put in the tariff act of June 30, 1864, which for a few weeks was construed in that way by the custom-house officers; but Mr. Fessenden, then Secretary of the Treasury, on the 22d day of July, 1864, construed the clause in the bill to refer to another article entirely, and admitted tin-plates at 25 per cent. ad valorem.

If the gentlemen will refer to Evans's Imports and Duties from 1867 to 1883 they will find a statement, on page 431, of tin-plates, terne-plates, and taggers tin admitted into this country from 1867 to 1883, with the rates of duty upon them and the prices prevailing during that period, and they will find that the duty, ad valorem, never exceeded 25 per cent. until 1883, when it was increased by reason of the fluctuations in price to 29.9 per cent. ad valorem; but the price of tin-plate has continually declined in this country without reference to the duty. Under the rate of $1\frac{1}{5}$ cents per pound, which was established by the act of February 8, 1875, the price continued to decline from 5.20 cents to 3.74 cents per pound, which was the price in 1883; and the price at this time is 3 cents per pound or $3 a hundred. The decline in price is caused entirely by the decline of prices abroad. The price in this country is affected solely by the freight, insurance, and duty. The fluctuations in Europe occur by reason of the increased competition and the improved facilities for production.

Mr. BAYNE. The gentleman will not deny that at the time the industry started in this country tin-plate was selling at $12 a box?

Mr. SPRINGER. That was not caused at all by the duty on the article. At that time there was a corresponding price abroad. The duty never exceeded $1\frac{1}{5}$ cents per pound and 25 per cent. ad valorem.

During the Forty-seventh Congress this subject was before the Tariff Commission, and Mr. Nathan A. Taylor, of Philadelphia, on behalf of the importers of tin-plate and the manufacturers of tin-ware of this country, appeared before that commission and delivered an address. Persons interested in that industry in the city of Philadelphia sent a petition to Congress at that time. In 1882, when the distinguished gentleman from Pennsylvania [Mr. KELLEY] was chairman of the Committee on Ways and Means, the gentlemen interested in the manufacture of tin-ware in this country desired to be heard before the Committee on Ways and Means. They were refused a hearing; at least so they say in their petition, which I hold in my hand. I read from that petition:

> Inasmuch as the Committee on Ways and Means decided to hear no oral argument on any matter relating to the revision of the tariff now under consideration by them, thus debarring us from refuting some of the serious errors and misstatements which have been presented to the committee and as printed in their report, we therefore communicated with them in the only way possible, namely, letter and telegram, and we think they did not receive our communications in time to consider our suggestions. We deem it now our duty to call your attention to the inconsistency in the recommendation of the tariff committee to advance the duty on tin-plates, and as you will be called upon to vote upon this revision, we deem it necessary that you should have all the points of information which we can give you, so that you will be enabled to vote intelligently and understandingly upon this important item.

This is the introductory to the petition and memorial of fifty-five firms in the city of Philadephia who represent, as they state in their memorial, two hundred thousand persons in this country who are engaged in the manufacture of tinware that is consumed by every family in the United States. The petition sets forth the facts very clearly in regard to this industry. I quote further:

> In every former tariff bill which has been enacted the item of tin-plate has occupied a specific and independent place, and not taken in conjunction with any other article, and we think very wisely, inasmuch as there has been nothing of the kind successfully produced in this country.

And I call the gentleman's attention to this:

> And we think that the present duty of 1.1 per pound, which is equivalent to about 33 per cent. ad valorem, should have been sufficient protection to any one ambitious of manufacturing in the United States, especially as Congress, in order to encourage the manufacture of tin-plate in this country, abolished the duty on pig-tin in 1875.

Notwithstanding the abolition of the duty on pig-tin for the purpose of encouraging its manufacture in this country no firm began the industry, for the reason, I presume, that the product could not be made at a profit with a duty of 1 cent or 1.1 cents a pound.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LANHAM. I ask unanimous consent that the time of the gentleman from Illinois [Mr. SPRINGER] be extended.

Mr. REED. That will not interfere with the arrangement previously made.

Mr. SPRINGER. No. I hope not.

There was no objection.

Mr. SPRINGER. I see the time is passing rapidly. I will ask to have printed in the RECORD some extracts from this petition, and the address of Mr. Taylor, and I desire to call the attention of the gentlemen on the other side to the names appended to the petition, the names of fifty-five business houses in the city of Philadelphia, who ought to be represented on this floor. But it seems they are not now represented. These firms protest against increasing the duty on this article, and ask Congress to reduce the tax. They would doubtless have asked that it be placed on the free-list, if they had supposed it possible.

Mr. O'NEILL, of Pennsylvania. If the gentleman will permit me——

Mr. SPRINGER. I can not yield for a speech.

Mr. O'NEILL, of Pennsylvania. There are men who will explain away the arguments used by those very gentlemen. There are men from Philadelphia on the floor who will do so.

Mr. SPRINGER. They will have plenty of time to do so hereafter. I can not yield for that purpose now, as I have but a few minutes of my time left. In that time I desire to call attention to the specious argument offered by the gentleman from Pennsylvania [Mr. RANDALL] on this side of the House, and also the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] on the other. The gentleman from Pennsylvania [Mr. RANDALL], in his remarks yesterday, said:

> To-day there are coming to the United States $17,000,000 in value of tin-plates. If those tin-plates were produced in this country twenty-four thousand people here could be employed in this industry. The labor in Great Britain and Wales required to produce the tin-plates we consume amounts, I am advised, to $9,000,000, and it is only fair to conclude if we produced those tin-plates in this country the laborers engaged in that work would receive from it some ten or twelve millions of dollars.

A similar statement was made by the gentleman from Ohio on the right, and it is a customary argument upon that side of the House, that we ought to have a Chinese wall built up around this country so as to prevent any foreign product from coming in that can possibly be made here. Now, what are the facts in regard to imports and exports?

The fact is, that last year there were exported from this country articles which could not be consumed at home, and which found no home market, valued at $725,000,000. If these products were produced by laborers earning $400 each per annum, that would show that 1,800,000 persons were engaged in making products which could not be sold in this country and could only find a market abroad, and consequently that the wages to remunerate their labor came from foreigners.

These laborers would represent, counting five persons to every family, 9,000,000 of our population. Hence during last year that number of our population were dependent for the means of support entirely upon the people of foreign countries.

Mr. BRUMM. Those articles were exported in the face of a protective tariff, I believe.

Mr. SPRINGER. And yet gentlemen rise here and deplore the fact that $16,000,000 worth of tin-plates are consumed in this country which are made abroad, and which they say ought to be made here. Do they forget that more than $700,000,000 worth of our products were taken and consumed and paid for by foreigners last year? Now, what are we getting in exchange for these products which we must export? Here is a pamphlet which shows what we did get, the report of the Secre-

tary of the Treasury, giving our exports and imports for the fiscal year ending June 30, 1887.

This report shows that of the foreign products which came here in exchange for ours sent abroad there were $233,000,000 worth that were on the free-list, articles adjudged by gentlemen on the other side to be safe and harmless to be admitted free. Then there were articles worth $165,000,000 that were imported in a crude condition, materials which entered into the various products of our domestic industries. Only $59,542,000 worth of these crude articles were dutiable, the remaining $106,000,000 worth being on the free-list.

Will gentlemen say that that importation injured our workingmen? Why, these were the materials that were imported by manufacturers and workingmen, in order that they might have employment in making the different useful articles of our domestic production. Without these articles many of our home industries could not have existed.

Then there is another list of "articles wholly or partially manufactured for use as materials in the manufactures and mechanic arts," amounting to $79,000,000, among which are found tin-plates. Only $12,000,000 worth of these partially manufactured articles are on the free-list. These articles require labor to make them suitable for consumption, and furnish employment to millions of our people.

Mr. JOSEPH D. TAYLOR. Will the gentleman permit a question?

Mr. SPRINGER. Not now.

Mr. JOSEPH D. TAYLOR. Before you conclude?

Mr. SPRINGER. Not now, but when I conclude. There is also a list of articles of luxury, articles used only by the rich, such as wines, jewelry, etc., amounting to $90,000,000 in value, less than $4,000,000 of which are on the free-list. And the manufactured articles which come in ready for consumption amount to $136,000,000, and only $11,000,000 worth of which are on the free-list. Those articles ready for consumption which pay a duty are taxed at the rate of 49.73 per cent. ad valorem. Surely this is protection enough!

On these articles, amounting to $136,000,000 in value, which came in manufactured ready for consumption, the people of the United States had to pay a tax of nearly 50 per cent. ad valorem, amounting to $61,898,366, and the benefit of that protection, whatever it was, went to the protected industries.

Mr. Chairman, there are other things that I desire to say, but I see the gavel raised, so I will not further trespass upon the time of the committee.

Mr. BRUMM. Will the gentleman permit a question?

Mr. SPRINGER. My time has expired; otherwise I should be glad to answer any questions. I will ask to print in the RECORD the whole of the petition to which I have referred, and also the address of Mr. Nathan A. Taylor, of Philadelphia, before the Tariff Commission of 1882. They are as follows:

Petition to Congress from consumers of tin-plate, in opposition to advancing the duty thereon.

To the honorable the Members of the Senate and House of Representatives:

Inasmuch as the Committee on Ways and Means decided to hear no oral argument on any matter relating to the revision of the tariff now under consideration by them, thus debarring us from refuting some of the serious errors and misstatements which have been presented to the commission, and as printed in their report, we therefore communicated with them in the only way possible, namely, letter and telegram, and we think they did not receive our communications in time to consider our suggestions. We deem it now our duty to call your attention to the inconsistency in the recommendation of the tariff committee to advance the duty on tin-plates, and as you will be called upon to vote upon this revision, we deem it necessary that you should have all the points of information which we can give you, so that you will be enabled to vote intelligently and understandingly upon this important item.

In every former tariff bill which has been enacted the item of tin-plate has occupied a specific and independent place, and not taken in conjunction with any other article, and we think very wisely, inasmuch as there has been nothing of the kind successfully produced in the country, and we think that the present duty of 1.1 per pound, which is equivalent to about 33 per cent. ad valorem, should have been sufficient protection to any one ambitious of manufacturing in the United States, especially as Congress, in order to encourage the manufacture of tin-plate in this country, abolished the duty on pig-tin in 1875.

We are now paying, and have been since 1875, a higher rate of duty on tin-plate than at any period since a tariff was instituted, in verification of which we submit the following schedule:

Prior to 1842, free. 1842 imposed 2½ per cent. ad valorem; 1846 increased to 15 per cent.; 1857 reduced to 8 per cent.; 1861 increased to 10 per cent.; 1862 increased to 25 per cent., special war tax; 1872 reduced to 15 per cent.; 1875 specific duty 1.1 cents per pound, then equal to 15 per cent., now equal to 33 per cent.

Tin-plate is in fact a raw material, furnishing a basis for a larger or more widespread industry than any other articles; therefore, in behalf of the tin-plate workers, who number over two hundred thousand, and the many auxiliary trades depending upon the same, and the entire population of the United States, we beg to call your attention to the reasons herein contained why this unjust and unnecessary tax should not be imposed upon fifty-five millions of people.

Tin-plates, on account of their cheapness and great adaptability, are applied to numberless uses, namely, in the manufacture of kitchen utensils, stove furniture, outfits for miners and lumbermen, roofs and gutters of houses, cans and boxes for preserving meats, vegetables, oils, etc., and are a necessity to the poorest people of our country.

To curtail this industry would strike the severest blow to manufacturing and agricultural interests of the country that it has ever received, and any advance in duty would open the door for the introduction of ware manufactured by foreign mechanics, to the direct detriment of our 200,000 workmen, thereby closing our factories

The entire population have been looking for a reduction of duty on tin-plate one-half cent to three-fourths cent per pound, which it should be. At the present rate of duty the farmer is enabled to purchase tin cans from the nearest tin-worker and can any surplus of fruits, vegetables, meats, game, fish, milk, butter, or lard, in fact any eatable that would otherwise go to waste. Of course the United States can not consume all of these goods, as is evident from the fact that we have shipped to Europe up to December 1st of this year over twenty-five million cans of produce, which simply includes salmon, oysters, beef, and fruits, and does not take into consideration the enormous canned exports of petroleum, lard, lard-oil, spices, blacking, etc., where they find a ready sale at prices fairly remunerative to our producers, and England receives back in the shape of cans manufactured here the major part of all the tin-plate imported. We have now the monopoly of the canned-goods trade. A good reduction of duty would largely increase this trade, and as our country is rapidly growing we must find some outlet for the prolific productions of our soil.

A few large canneries can take advantage of the refund of duties, but the smaller parties who in the aggregate produce the most, can not. Increasing the duty will prevent the foreigner from continuing the use of a variety of vegetables, fruits, etc., after we have been educating them to the use of the same for years, or they will seek their supplies elsewhere.

The present rate of duty on tin-plate of 1.1 cents per pound is equivalent to $24.64 per ton. The Tariff Commission's recommendation of 2.2 cents per pound is equal to $49.28 per ton which is equal to 66⅔ per cent. of the present English cost, and the rate just adopted by the Committee of Ways and Means is 2 cents per pound, equal to $44.80 per ton, equal to 60 per cent. upon the cost value, whereas according to the intention of the tariff at the time the rate was made specific it should be $11.25 per ton to equal the ad valorem duty of 15 per cent., which was the duty prior to the change to specific.

We respectfully submit to your consideration the facts before enumerated in connection with the printed argument herewith, which was made before the Tariff Commission during their sitting in Philadelphia in behalf of the consumers of tin-plate. We earnestly beg that you will give the important question the consideration that it deserves.

Yours, respectfully,

J. M. Melloy's Sons, J. G. Brill & Co., J. Wood & Bros., American Meter Company, Chester Oil Company, Warner, Rhodes & Co., Githens & Rexamer, Mitchell, Fletcher & Co., Reeves, Parvin & Co., Barber & Perkins, Selser & Bro., Ralston, Buzby & Co., S. M. Levin's Sons, Knowles & Anderson, Joseph Campbell & Co., J. Hall Rohrman & Son, Horace Everett, H. A. Bartlett & Co., Charles Burnham & Co., Joseph W. Baker, Helme & Mellhenny, Washington Harris, Austin, Obdyke & Co., Isaac S. Williams & Co., Napheys, Pratt & Co., The Goodwin Gas Stove and Meter Co., James Spear, Geo. C. Naphey & Son, Robt. Porter & Sons, Geo. Booth & Co., William T. Gilbert, J. Danby, Stewart, Ralph & Co., Harris, Griffin & Co., John Decker & Sons, J. W. Weymer, Job Bartlett's Sons, Jas. Fallows & Co., Henry Troemner, D'A. H. Carre, Geo. Fries & Co., Chas. Williams & Son, James Dickson, John Kershaw & Son, C. B. Porter & Co., Matthew Hall, Frederick Klemm, Bowman Brothers, W. H. Smithe-man, V. W. Walter, Wm. Hodges & Co., E. Cuming, Edward McFarland, William J. Thomason, Edward McCormick, and many others.

If we had sufficient time we could get the signatures to the list of the names of every tin-plate worker in the United States.

Argument referred to as having been read before the United States Tariff Commission by Nathan A. Taylor, representing the consumers of tin-plates, etc.

It may not be generally known that the present duty on tin-plate is unintentionally higher than was sought to be imposed by the tariff act of February 8, 1875. We are in fact to-day paying a duty of fully 100 per cent. in excess of what was intended by that act. We propose to explain this briefly, and to recommend to the commission a reduction in the duty on tin-plates to three-quarters of 1 cent per pound.

Recognizing the fact that there have been more important interests than tin-plates before the commission—that our growing industries are properly deserving of the fullest consideration, we desire to be as brief as possible and to present only some important facts in favor of the slight reduction asked for. We appear in behalf of the entire tin-plate trade of Philadelphia—a trade which is rapidly assuming enormous proportions, and, as we shall presently see, is identified so largely with our growing commerce.

We propose to call your attention to the several acts of Congress upon the subject and the resulting duties; to the growth of the trade; to its advantages and to its value as affecting American interests, American industries, and American commerce.

We shall disregard technicalities and combine in the one phrase, "tin-plates," the "tin and terne plates and taggers tin" of commerce.

Let us first review the several acts of Congress and point out the inconsistency of the present tariff of 1.1 cents per pound.

By the early acts of Congress tin-plate was admitted free of duty. By the act of March 2, 1861, a duty of 10 per cent. ad valorem was imposed. By the act of July 14, 1862, the duty was temporarily increased to 25 per cent. ad valorem. I say "temporarily," as the title of this tariff act reads, "An act increasing temporarily the duties on imports," and being a war measure its repeal was thus promised at an early date. It was not, however, until the passage of the act of June 6, 1872, that the tariff was reduced to 15 per cent. ad valorem, and by the same act pig-tin or block-tin was placed upon the free-list with the sole object of encouraging the manufacture of tin-plates in our own country.

The expansion of the tin-plate trade had by this time brought with it a wide increase in the number of its brands or grades, and the multiform qualities were so difficult to reconcile that Congress, in the act of February 8, 1875, substituted the specific duty of 1.1 cents per pound in place of the ad valorem duty of 15 per cent. The intention was excellent, as, although a specific duty taxes tin-plates most unequally and to the injury of the largest class of consumers, still we believe it removes all difficulties in the way of a just and simple administration of the tariff and places all importers upon the same fair basis. This act did not take into consideration the large decline in price that was to follow and has therefore been most prejudicial in effect, as the following facts will show. Its intention was merely to change the nature of the duty from ad valorem to specific, to neither increase nor decrease it, and the corresponding duty of 1.1 cents per pound was ascertained by taking the average of values ruling at the time; a most unfortunate mistake, as the only fair way was to take the average, not of the values of each kind, but of the value of the quantities of each kind used or imported. Now, we will be pardoned if we are obliged to bring in some figures to verify our statements, but they are the most reliable of witnesses. During the year 1872 (when the tariff was reduced from 25 per cent. to 15 per cent. ad valorem) the following were the average values of tin-plates in Liverpool:

Charcoal tin, highest, 46*s.* per box of 1 hundredweight, less 3 per cent.
Charcoal tin, lowest, 32*s.* per box of 1 hundredweight, less 3 per cent.
Coke tin, highest, 40*s.* per box of 1 hundredweight, less 3 per cent.
Coke tin, lowest, 28*s.* per box of 1 hundredweight, less 3 per cent.

It was a year of extreme and violent fluctuations, and it was our first experience of one of those "booms" that have been so disastrous upon prices since. The duty upon the above values at 15 per cent. ad valorem was the exact equivalent of 1.1 cents per pound. In 1875, when the tariff was changed from 15 per cent. ad valorem to 1.1 cents per pound specific, the following were the values of tin-plates in Liverpool:

Charcoal tin, highest, 35*s.* per box of 1 hundredweight, less 3 per cent.

Charcoal tin, lowest, 24*s.* 6*d.* per box of 1 hundred weight, less 3 per cent.
Coke tin, highest, 27*s.* per box of 1 hundredweight, less 3 per cent.
Coke tin, lowest, 20*s.* per box of 1 hundredweight, less 3 per cent.

A reduction all along the line of about 10*s.* per box of 112 pounds, a large decline having occurred over the years 1873–'74, as the natural result of the inflated prices of 1872. Now, the average value of all importations for the year 1875 was about 24*s.* per box, or $5.64, upon which the intentional duty of 15 per cent. ad valorem would have been 84 cents per hundred weight, or exactly three-quarters of a cent per pound; but it was assumed, and very fairly, that as values might react, the Government was justly entitled to a little higher specific duty, and a tariff of 1.1 cents per pound was imposed, and an actual increase in the duty equivalent to an ad valorem one of 22 per cent. was the result for that year alone, with a corresponding increase in the revenue. That was not the intention of the act of February 8, 1875.

Since 1875 we have passed through seven years of extreme depression, and a large decline in values has resulted with the single exception of a temporary improvement for a few months in 1879–'80. Production over these seven years has steadily increased beyond the wants of consumption, and as the manufacture has been cheapened through a variety of causes, we can not look for any return to the high values of former years. The following short table will show the effect of the present tariff of $1\frac{1}{10}$ cents per pound:

Year.	Average value of all importations reduced to cwts. for the year, and upon which the uniform specific duty of $1.23 has been paid.	Equivalent ad valorem duty of—
	s. *d.*	*Per cent.*
1876	20 0 = $4.70	26
1877	18 0 = 4.23	29
1878	15 0 = 3.52	31
1879	17 0 = 4.00	31
1880	18 6 = 4.35	28
1881	16 0 = 3.76	33
1882 (six months)	16 0 = 3.76	33

The equivalent specific duty of 15 per cent. ad valorem over these six years, is exactly fifty-five one-hundredths of a cent per pound, and yet we are paying just double this amount!

Now, only to point out in a few words some of the advantages of tin-plate, let us say at the outset that its great point is its absolute cheapness, bringing it into universal use. It is in no sense whatever an article of luxury, and in this respect, perhaps, it stands alone as essential to the humblest kitchen and the most obscure cabin in the growing West. It is the one material for a roof by reason of its lightness and extreme durability. It furnishes our kitchens, where nothing can take its place for cleanliness and absolute purity from all poisonous properties. Two-thirds of its importations are made up into cans for meats, fruits, vegetables, and petroleum, and these indispensable adjuncts of our daily life are thus within the reach of the humblest purchaser. It gives employment to hundreds of thousands of busy hands in all its varied industries throughout our country. Its importation is in the nature of raw material which is worked up here and which we can not supply ourselves. A reduction of the duty would cheapen it to the consumer. An increase of duty would check its importation and render necessary a variety of substitutes.

Tin-plates are not made in this country. Their manufacture has been attempted at various periods, but has never succeeded. We can not think of competing with the cheap labor of Europe where the workman is satisfied with 20 or 30 shillings weekly, and where his family frequently aid him in adding to his receipts. We therefore have no industry of this kind to protect. The placing of pig-tin on the free-list over ten years ago, and a duty on tin-plate of about 30 per cent. since that time, have not encouraged its manufacture here. Double the present duty and continue pig-tin free, and it can not be made here to compete with the cheap labor of England, but by increasing the duty you restrict its importation, and consequently its revenues and you exert a depressing influence upon a foreign market, rendering it still more difficult to attempt its competitive manufacture here. We can speak for ourselves and our friends in the trade here, when we say we are in favor of a protection that protects every American industry, but with no industry of this kind in our country, even with the encouragement afforded by the present tariff, we respectfully ask that the commission recommend the reduction of the duty on tin-plates, not to one-half a cent per pound (where it properly belongs under the intention of the act of February 8, 1875,) but to, say, three-quarters of a cent per pound, and thus encourage its larger and wider use, and a corresponding increase in revenue. We think tin-plates are properly the subject of some duty, as a large revenue can be derived from this source without injury to any one; but the present rate of duty is unfair, unnecessary, unintentional, and excessive. While cheap labor prevails in Europe—and let us hope for the sake of humanity that its value will ere long be recognized more in the spirit of American intelligence and education—nothing but a most extraordinary tax upon the importation of tin-plate will ever allow its home manufacture. Let us here instance a single comparison: We can buy a good quality of tin-plate suitable for making into cans at 16 shillings; a second quality at 14, and a fair quality of terne plate for roofing at 15, all per hundredweight, less 4 per cent. cash. This is exactly 3.1 cents per pound, and yet we have to pay in this country for an inferior quality of No. 30 common sheet-iron, the same thickness as tin-plate, 6 cents per pound. Meanwhile we see no reason, looking at the subject fairly and without prejudice, why its millions of consumers in this country should be the subjects of an excessive tax, while its importation conflicts in no manner whatever with any American industry.

We have now to consider very briefly the enormous growth of the trade.

There were imported from England into the United States:

	Boxes of all kinds.
From 1848 to 1857	3,457,079
From 1858 to 1867	6,726,784
From 1868 to 1877	15,218,225
For the year 1878	1,931,128
For the year 1879	2,755,421
For the year 1880	2,959,380
For the year 1881	3,134,402
And the year 1882 promises to exceed	4,000,000

Or 230,000 tons.

This large increase in consumption has been caused, first, by the decline in values from an average price of 34 shillings per box in 1872 to an average price of 16 shillings per box in 1882, with a probability of a low or even lower range of values being maintained over many years to come. And, second, by the wonderful growth and prosperity of our own country. It may be a selfish consideration to know that the manufacture in England has been unremunerative for many years, so that we as consumers are profiting thereby, as will be seen by the following extract from a letter of our Liverpool correspondents, received only this morning:

"As for the manufacturing department of the tin-plate, we feel almost in despair about it. It looks just now as if there never could be a profitable trade. The demand is enormous, larger than any one could have imagined, and it is supplied at prices leaving nothing to the manufacturer, with numbers of mills waiting to start when there is a paying profit."

The demand for tin-plates has been unprecedentedly vigorous and healthy, occurring conspicuously over periods when languishing and expiring enterprises were frequent in all directions, and we ask in a reduction of the duty only the execution of a measure that will cause a fulfillment of our statement, that the consumption of tin-plates will be greatly increased and the revenue be ultimately benefited.

This conclusion is the result of a business experience by our firm of over seventy years, during which time we have paid the Government duties amounting to many millions of dollars, and we respectfully ask the concurrence of the commission with our views. The relief asked would be only about $1,500,000, and this amount would soon be more than made up in increased importations.

In connection with the rapid increase in the importations of tin-plate at Philadelphia, there remains but one more subject to refer to, and we do it with a pardonable pride. Ten years have now elapsed since our Philadelphia merchants started an American line of first-class steamers between Philadelphia and Liverpool, building them at our own wharves and encouraging them over a long number of uniformly successful voyages. We point to-day to the only line of American-built steamers crossing the Atlantic, and as we see the flag of our country floating from their peaks and crowning these beautiful models of American ship-building as they glide into English waters, we are led to hope the day is not far distant when our commerce shall enjoy something of its former prestige, and when Congress can consistently encourage it by reducing the duty on all goods fully 10 per cent. when imported in American vessels.

PHILADELPHIA, *October* 16, 1882.

Mr. SHAW. Mr. Chairman, the pending proposition is one to which I think it would not be easy to find a parallel. We have had tariffs for revenue and we have had tariffs for protection, but the proposition to double the duty upon the tin-plate it seems to me is not for revenue, because the Government does not need money, but on the contrary has largely more than suffices for its necessities, and neither is it for protection, because there is no tin-plate manufactured in this country to be protected. The manufacture of tin-plate in the United States is not even an "infant industry." It is not even an embryo. It strikes me that it is somewhat like Pooh Bah's genealogy; it is a "primordial protoplasmic globule." [Laughter.] It has no existence here except in the minds of the American manufacturers of sheet-iron. Gentlemen tell us that if this duty be increased tin-plate can be manufactured profitably in the United States. Why has it not been done hitherto? The tariff act of 1864 fixed the duty on tin-plate at $2\frac{1}{2}$ cents per pound, but, as is alleged, through a misconstruction on the part of the then Secretary of the Treasury, the duty collected upon tin-plate was only 15 per cent. ad valorem, and yet, notwithstanding that fact, the duty being only 15 per cent. ad valorem from 1873 to 1875, several tin-plate manufactories sprang up in different sections of the United States. And just at this point I desire to correct my friend from Pennsylvania [Mr. DALZELL]. He said in his remarks on this subject yesterday:

So the law remained until 1875, when a specific duty of $1\frac{1}{10}$ cents per pound was put upon tin-plates. Following that, at three places in this country, certain Welshmen who had understood the business at home undertook the inauguration of the tin-plate industry, at Wellsville, in the State of Ohio, at Leachburgh, in the State of Pennsylvania, and at Demler, also in the State of Pennsylvania.

In a pamphlet issued by Mr. John Jarrett at a time when he was secretary of the American Tin-Plate Association, I find a statement to the effect that tin-plate works were built at Wellsville, Ohio, and were put into operation early in 1873, and not in 1875, as the gentleman from Pennsylvania [Mr. DALZELL] states. These works were put into operation when the duty collected upon tin-plate was only 15 per cent. ad valorem, and they passed out of existence when a specific duty of $1\frac{1}{10}$ cents per pound was put upon tin-plates.

If the industry was profitable under the former duty, the reduction caused by the change was too slight to account for the suspension of the business. The cause must be sought elsewhere, and is to be found in the fact that there is no metallic tin yet discovered in this country in such quantity as to pay for the mining; and until it is found in such quantity the manufacture of tin-plate can not be successfully conducted in the United States, and the protectionist can not consistently ask that a duty be levied upon its importation.

The agriculturist of the East is specially interested in free tin-plate, for the reason that he can not compete with the virgin soil of the great Northwest in the production of staple farm products, and is compelled to turn his attention to the cultivation of fruits and vegetables for canning purposes, an industry in which tin-plate is an item of large expense, the cheapening of which to the packer will enable him to pay better prices to the farmer and furnish cheaper goods to the consumer, without curtailing his profits.

Let us say to the weary plowman, as he casts his seed in hope and fear, that what blight and mildew and canker-worm have spared the Government will spare also.

Mr. REED. I would like to occupy five minutes.

The CHAIRMAN (Mr. DOCKERY). Debate on this paragraph is now closed by order of the House. The gentleman from Maine [Mr. REED] asks unanimous consent to speak for five minutes. Is there objection?

Mr. RAYNER. Can we have the same courtesy extended to our side?

Mr. REED. I have no objection to that. [Cries of "Yes," "Yes!" on the Republican side.]

Mr. RAYNER. I do not want to object, at any rate.

The CHAIRMAN. The gentleman from Maine asks permission to speak for five minutes, and the gentleman from Maryland [Mr. RAYNER] asks that the same courtesy be extended to his side of the House. If there be no objection, that arrangement will be made.

There was no objection.

Mr. REED. I have asked time, Mr. Chairman, in order right now to call the attention of the House to the purport of the observations of the gentleman from Illinois [Mr. SPRINGER]. I never regretted more than I do now the lack of communication between this House and the outside world. I wish the outside world could understand that the gentleman who has been selected by the majority to preside over our deliberations on this bill has been induced to leave the chair in order to state the true doctrines upon which his side proceed.

He has stated them; and I regret that the community will not be sufficiently informed about them to render unnecessary and impossible the traversing of this country which will take place between now and election time by members of the other side for the purpose of denying them. The gentleman from Illinois states that if we add to the duty on tin-plate, so that this article may be produced in this country, the $16,000,000 which we now collect as revenue will be distributed among the manufacturers.

Now, I am delighted to hear such an enunciation of the true doctrine which the other side generally is maintaining under a cover. I am glad to see that the gentleman from Illinois adheres to his former opinions expressed in this House and elsewhere. If it be true that if we manufacture tin-plate in this country by reason of an addition to the duty, the money which would otherwise go to the Government will go to the manufacturers, then it must follow that as to those things which we are now manufacturing under protective duties the Government is deprived of revenue, and the money goes into the pockets of the manufacturers.

Some attempts have been made to deny the logical conclusion, which is really undeniable; and many more efforts will be made during the campaign. Now, if that is the fact, it must be the plain duty of the other side of the House to maintain the duty upon tin-plate, every dollar of which goes into the Treasury of the United States, and to take off or reduce below the living point such duties as protect and encourage manufactures. It seems as if there were no escape from that.

If it be true that the manufacturers will levy tribute in case we fix a duty which will enable tin-plate to be produced in this country, it must also be true that they will levy tribute under this Mills bill to the extent, as is claimed, of some 40 per cent. as to custom dues, and nobody knows what per cent. as to the actual productions of this country.

That is the attitude, the real attitude, of the Democratic party. It is signalized by the fact that the gentleman from Illinois, the Chairman chosen by the other side to preside over our deliberations, has seen fit to intrust the enunciation of that doctrine to no less a mouth than his own, and this gives it the emphasis which really belongs to it, which it really deserves.

If the doctrine announced by the gentleman be true, here is a duty of 60 to 100 per cent on rice, which must be just so much tribute exacted from the people of this country. Why, then, is the rice duty continued? Why are these other duties continued? And if this measure is for revenue only, why is it proposed to abolish a duty which levies revenues only? In other words, how is it possible to exist in such a mongrel situation as the gentlemen on the other side are now in? [Laughter and applause on the Republican side.]

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas, addressed the Chair.

The CHAIRMAN. Five minutes are now to be occupied by the other side of the House. Does the gentleman from Arkansas desire to be recognized?

Mr. JOSEPH D. TAYLOR. I ask unanimous consent for time enough to put a question to the gentleman from Illinois which can be answered in a moment.

Mr. BRECKINRIDGE, of Arkansas. I understand it to have been the decision of the Committee of the Whole that five minutes should be occupied by each side on this question.

The CHAIRMAN. That is the fact.

Mr. BRECKINRIDGE, of Arkansas. If that was not the arrangement I do not wish to make any request.

The CHAIRMAN. At the time the gentleman from Maine [Mr. REED] was permitted to speak for five minutes, the request was also made and agreed to that five minutes should be allowed to the other side of the House.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent only to ask this question of the gentleman from Illinois: On what principle does he justify that provision of this bill which imposes a duty of one cent and a half and one cent and three-quarters a pound on sheet-iron, when, if the same manufacture be covered over with 2 or 3 per cent. of tin, it may come in free.

Mr. BYNUM. Does this come out of our time? If so, I object.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR]?

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] is recognized.

Mr. BRECKINRIDGE, of Arkansas. I will say to the gentleman from Ohio that this debate will run on for some days, and I may be able before it closes to comprehend what he is talking about.

Mr. JOSEPH D. TAYLOR. I will make my question plain if the gentleman will allow me.

Mr. BRECKINRIDGE, of Arkansas. I do not invoke any more of these long, double-jointed questions. [Laughter.]

Mr. JOSEPH D. TAYLOR rose.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman be kind enough not to interrupt me?

Mr. REED. The question of the gentleman from Ohio was not addressed to the gentleman from Arkansas, but to the gentleman from Illinois.

Mr. BRECKINRIDGE, of Arkansas. I thought the gentleman was asking a question of me.

Mr. Chairman, I would not have asked for five minutes on this question, and I do not know that I care now to pursue the discussion for that length of time. I think, however, it may be well to meet one or two points made by the gentleman from Maine [Mr. REED]. One is his statement that the Chairman of the Committee of the Whole [Mr. SPRINGER] was induced to leave the chair and take the floor in order to state our position. The gentleman from Maine had not seen fit to inform himself on that subject before he made the statement, or he would have found out that the Chairman simply exercised his own voluntary wish, that right which every other member of the House has to take part in this discussion.

The Chairman in taking part in the discussion requested the time he occupied, and it was granted to him, and that was all there was about it.

There is nothing seemingly that limits the statements of that kind on the part of the gentlemen except their need to make some statement of that sort. They will imagine it to be so, and they will believe what they imagine to be true, and forthwith state it as a fact.

The duty upon tin-plate is a typical illustration of this question and dispute. We have no need of the revenue and nobody is engaged in the business. Although it is a revenue tax, yet it is one that materially restricts and encumbers trade. Gentlemen on the other side are seemingly very solicitous about a reduction which may affect people engaged in business. Here, then, is a reduction helping business and helping consumers, and reducing the surplus $5,000,000. And yet this proposed reduction is fought as persistently and as captiously by gentlemen as those which reduce duties on articles which are produced in this country. There is but one conclusion to be drawn. Gentlemen contending against this reduction and for an increase are in favor of protection for the mere sake of protection without its being incidental to revenue needs; and they are opposed to reductions in the tariff, even where no industry is affected, and hence can contemplate no repeals except upon the internal revenue.

Mr. DALZELL. Will the gentleman permit me to ask him a question?

Mr. BRECKINRIDGE, of Arkansas. I have not time to permit an interruption.

Mr. DALZELL. It is argued on this side that this does affect the sheet iron industries.

Mr. BRECKINRIDGE, of Arkansas. I can not yield for questions.

It is clear if it is a protective duty they do not want to remove or reduce it. If it is not protective they do not want to reduce it. It comes of the fixed determination on their part not to reduce taxation anywhere except in the internal-revenue part of the laws.

I think, as we proceed, it is made clearer and clearer that no tariff reduction is acceptable to these gentlemen. We remember in the Forty-eighth Congress a bill was proposed, and it was objected to because it was a horizontal reduction. In the Forty-ninth Congress one was proposed and it was objected to because it was a perpendicular reduction. Now a bill is proposed, and it is objected to squarely because it is in part a tariff reduction. There we come at last to the first and real position of our friends on the other side, that they are opposed to any reduction of the surplus that is to come out of the tariff at all. The country, then, had as well see and accept the fact that the efforts and intention of the other side of the House to reduce the surplus are confined to the internal revenue, pure and simple, which now consists solely of taxes on tobacco and liquor and a small tax on national banks.

[Here the hammer fell.]

Mr. JOSEPH D. TAYLOR. I ask unanimous consent to be permitted to ask a question of the other side of the House, and I understand the gentleman from Illinois [Mr. SPRINGER] is willing to answer it.

The CHAIRMAN. Debate has been closed.

Mr. JOSEPH D. TAYLOR. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. I desire to know whether at this time I can not ask a question? [Cries of "Ask it!"]

The CHAIRMAN. The gentleman will address himself to the Chair.

Mr. JOSEPH D. TAYLOR. I will do so; I desire to ask a question and want to know whether I can do so? I have no information from the other side, and I desire information in good faith. I understand the gentleman from Illinois [Mr. SPRINGER] consents to answer my question if I am permitted to ask it. Is it not a proper thing, Mr. Chairman, on my part to ask that question at this time, and to allow the gentleman to make an answer to it?

The CHAIRMAN. It may be done by unanimous consent. [Cries of "Regular order!"] The Chair does not think the question of the gentleman from Ohio is a parliamentary inquiry. A gentleman can ask any question by unanimous consent, but the regular order has been demanded, which is in the nature of objection.

Mr. BRECKINRIDGE, of Arkansas. We are tired of preliminaries; let us have the regular order.

Mr. JOSEPH D. TAYLOR. I should like to ask the question, but gentlemen refuse permission to me to do so.

The CHAIRMAN. The regular order is demanded, which cuts off unanimous consent.

The question recurred on Mr. BUCHANAN'S amendment to strike out, in page 3, lines 45 and 46, the words "or lead, or with a mixture of which these metals is a component part."

Mr. JOSEPH D. TAYLOR. I move to strike out the last word.

The CHAIRMAN. Debate on this paragraph, by order of the House, has been closed.

Mr. BUCHANAN. I demand a division. Let us see how many want adulterated tin-plate. If it is to come in let it come in pure.

The committee divided; and there were—ayes 59, noes 69.

So the amendment was rejected.

Mr. DALZELL. I move the following amendment.

The Clerk read as follows:

In line 44, after the words "taggers iron," insert the words "not larger in area than 4 feet, and not thicker than No. 26 gauge."

Mr. DALZELL. I call for a division.

The committee divided; and there were—ayes 58, noes 71.

So the amendment was rejected.

The CHAIRMAN. The question now recurs upon the amendment of the gentleman from Pennsylvania [Mr. DALZELL] to strike out the paragraph.

Mr. DALZELL. I demand a division.

The committee divided; and there were—ayes 63, noes 74.

Mr. O'NEILL, of Pennsylvania. I call for tellers.

Mr. BURROWS. I make the point of no quorum so we may have tellers.

Mr. BUCHANAN. If the point of order is withdrawn, how many votes are required to order tellers?

The CHAIRMAN. One-fifth.

Mr. BUCHANAN. I observed yesterday when the point of no quorum was made, and tellers were appointed by the Chair, some gentlemen considered themselves absolved from their pairs and voted.

Mr. BURROWS. I withdraw the point of no quorum.

The CHAIRMAN. The gentleman withdraws the point of no quorum, and now demands tellers.

Tellers were ordered.

Mr. BURROWS and Mr. MCMILLIN were appointed tellers.

The committee again divided; and the tellers reported—ayes 66, noes 82.

So the amendment was rejected.

The Clerk read as follows:

49. Beeswax.

Mr. JOSEPH D. TAYLOR. I move to strike out that line.

Mr. Chairman, I desire to ask a question which I wish to have answered by gentlemen who take the position assumed by the other side of this House with reference to this bill; and I wish to state it so clearly that it can not be misunderstood by the gentleman from Illinois [Mr. SPRINGER], who has agreed to answer it. I wish to know upon what principle—because I suppose that you are acting upon some principle in the preparation of a tariff bill like this, and there is a wide distinction between a protective tariff and a revenue tariff as it is explained in the Democratic speeches upon this subject—now if there is any principle in the whole matter, if you pretend to claim that any principle is involved in the preparation of the bill, of course you will be able to answer my question.

I want to know upon what principle you defend that provision of the bill which imposes a duty of 1½ cents per pound, and on the best grades 1¾ cents per pound, on sheet-iron imported into this country, while the same sheet-iron, if coated over with a thin wash of tin, amounting to only from 2 to 3 or at most 4 or 5 per cent. of tin, may be imported free of any duty whatever? I would like to know upon what principle you can explain this. I would like to know upon what principle of right or justice a provision is incorporated into this bill putting this duty of 50 or 75 per cent. on the naked sheet-iron and no duty at all on the sheet coated with tin; a high rate of duty on the advanced product and no duty on the "raw material?"

Or, in other words, I want to know whether it is not the aim of this Ways and Means Committee to strike down, by indirection, two important industries which they did not care to attack directly? I refer to sheet-iron and sheet-steel roofing and siding, and also to the manufacture of sheet-iron and sheet-steel.

I desire to know if this bill is not prepared with a view of secretly stabbing these two industries under the guise of professed friendship. Not a word is said about striking down any other industry, and yet the stroke is as fatal as if this were the main object. And it is this mysterious discrimination in favor of free tin and against free iron that I want explained.

This is not a small matter, Mr. Chairman. The entire annual product of the sheet-iron and sheet-steel mills of this country is 150,000 tons, one-half of which, or one-third of which at least, is used in roofing and siding; and if tin-plate is placed upon the free-list, as proposed by this bill, this demand for sheet-iron and sheet-steel will cease and this market for the products of these industries in this country will necessarily be destroyed. Tin-plates will be substituted for iron and a free-trade product for a protected one.

This is too plain to require demonstration, and the manufacturers of sheet-iron and sheet-steel roofing and siding will, by this method of indirection, be stricken down and the industry destroyed, as well as the manufacture of sheet-iron and sheet-steel. While, on the other hand, Mr. Chairman, there are imported into this country annually 280,000 tons of tin-plates, almost twice as much as the entire product of all the sheet-iron and sheet-steel mills in this country. And all of this 280,000 tons of tin-plates is to be permitted to come in free of duty under the provisions of this bill. It is not to pay a farthing of revenue, while the 150,000 tons of sheet-iron or sheet-steel, if it were imported, all of it would have to pay a duty of at least 1½ cents per pound.

Now, I repeat, I can not understand this gross inconsistency, nor can I understand why they are attempting to disturb these industries which are established and giving entire satisfaction; and on behalf of the people of this country I protest against any such injustice and unfairness.

Mr. RAYNER. Will the gentleman permit me to answer him by asking a question?

Mr. JOSEPH D. TAYLOR. In your own time. I can not yield. A gentleman on that side said he did not understand this. Now, I want him to understand the position that is held on this side. I want to make it plain. I want to know why it is that the poor man who uses a cooking stove and wants a cheap stovepipe, or wants a cheap coal-hod, or a cheap bread-pan, must be required to pay a duty of 1½ cent per pound on every pound of black sheet-iron that is used in the manufacture of what he needs——

Mr. BAYNE. While the Standard Oil Company gets its tin free of duty.

Mr. JOSEPH D. TAYLOR. That is it exactly. Why he must pay this tax while the rich corporation, the Standard Oil Company, gets its tin free? I want to know why any man who uses sheet-iron for any of the purposes for which it is required, in his kitchen, in his house, or for any other purpose, can not have it free as well as the man who uses tin-plates for similar purposes?

This is the inconsistency which I have been wanting explained, and this is the question that I want answered. And while I do not admit that a duty on sheet-iron makes it cost more, you claim that every duty is a tax, and if sheet-iron is to be taxed, why not tin-plates? And if tin-plates are to be free, why not sheet-iron?

[Here the hammer fell.]

Mr. RAYNER. Will the gentleman allow me to ask him a question now he has finished?

Mr. JOSEPH D. TAYLOR. Certainly.

Mr. RAYNER. Are you a member of the National Iron Roofing Association?

Mr. JOSEPH D. TAYLOR. I suppose I am.

Mr. RAYNER. I see the name of Col. J. D. TAYLOR, of Cambridge, Ohio, as one of the executive committee of that association.

Mr. JOSEPH D. TAYLOR. I was not at the meeting which appointed me a member of the committee, but I see I was made a member. [Derisive laughter on the Democratic side.] The National Iron Roofing Association is a mere organization——

Mr. RAYNER. So far I have asked nothing further. I have asked whether you are a member of the association? I have not asked any other question.

Mr. JOSEPH D. TAYLOR. I say I am a member.

Mr. RAYNER. Now I will ask you another question. Is not the National Iron Roofing Association in competition with this industry, and are you not here on this floor defending the protection of your own interests? [Applause and derisive laughter on the Democratic side.]

Mr. JOSEPH D. TAYLOR. He laughs best who laughs last. The National Iron Roofing Association is an association which has nothing to do with prices, nothing to do with sales. It is an organization to prevent this House from bankrupting this industry. They called a meeting in the city of Cincinnati and formed some sort of an organization looking to this end. I was not at the meeting.

Mr. RAYNER. Your name is there.

Mr. JOSEPH D. TAYLOR. I have a little stock in a company that was represented there, and I was appointed on some committee. I have never been asked to do anything in regard to it in any way. The organization is only intended to simplify the methods of doing busi-

ness, to regulate the standard of iron to be used, the symbols to be employed to designate grades and quality of iron, etc. There is no agreement whatever as to prices. The association has nothing to do with values or prices. Each manufacturer of sheet-iron or sheet-steel roofing sells at his own price, on his own time, and in his own way. I have received a letter from one of the members which explains the object of the organization.

These organizations, Mr. Chairman, are not at all uncommon just now. They are all over the country. The people whose industries are about to be stricken down are organizing in self-defense. They are organizing in a way that will be effective. The voters are organizing too, and especially laboring men, and you will hear from them in November. Mark my words; you will hear from these organizations in a way that will not be soon forgotten.

Mr. RAYNER (referring to a paper in his hand). Here is your name, not only as a member of the association, but signed to the petition asking Congress not to take off the duty.

Mr. JOSEPH D. TAYLOR. I never saw that petition until after it was printed.

A MEMBER. He repudiates it.

Mr. JOSEPH D. TAYLOR. I do not repudiate it. I accept the responsibility for whatever has been done by that association, although I was not present at the meeting. I was not at the meeting, and did not know anything about the matter until I saw my name in print in the circular, but it is all right.

The CHAIRMAN. The question is on the motion to strike out this line.

The motion was rejected.

The CHAIRMAN. The Clerk will read the next line.

The Clerk read as follows:

Glue.

Mr. WEBER. Mr. Chairman, I desire to ask a parliamentary question; whether it would be in order to move now to strike out lines 50 and 51?

Mr. RAYNER. The duty has been restored on glue.

The CHAIRMAN. The Chair will state to the gentleman from New York [Mr. WEBER] that if the next line is read that motion will be in order.

Mr. SPRINGER. I ask unanimous consent that the paragraph relating to glue be passed for the present. [Cries of "Why?"] I have made the request. If there is any objection let it be stated.

Mr. BUCHANAN. I ask that the two lines 50 and 51 be read together and that they be considered together.

The CHAIRMAN. Is there objection to the request that line 51 be read and considered with line 50? The Chair hears none. Line 51 will be read.

The Clerk read as follows:

Gelatine and all similar preparations.

Mr. WEBER. Mr. Chairman, I now move to strike out both lines.

Mr. MCMILLIN. Mr. Chairman, I move to strike out lines 50 and 51.

The CHAIRMAN. The Chair has recognized the gentleman from New York [Mr. WEBER] on that motion.

Mr. MCMILLIN. I thought the gentleman from New York was recognized on line 50.

The CHAIRMAN. He is recognized now on the motion to strike out lines 50 and 51.

Mr. MCMILLIN. That had been determined upon before the lines were reached. I was out of my seat at the time the lines were reached.

Mr. SPRINGER. Then it may be done by unanimous consent. We are all agreed that these two lines shall be stricken out.

Mr. BURROWS. It seems to me there ought to be some explanation as to why those lines should be stricken out. If there is no explanation this side will not vote with you.

Mr. MCMILLIN. If I am recognized for the purpose I will explain.

Mr. WEBER. I hope that the Chairman will be so much of a protectionist as to protect me in my rights. [Laughter.]

The CHAIRMAN. The Chair is endeavoring to secure the gentleman his rights under the rule.

Mr. WEBER. I have no desire to discuss lines 50 and 51 if it be decreed that they shall go out of the bill, because I do not want to waste time. Am I correct in understanding that they are to be struck out?

Mr. MCMILLIN. I stated that it was the purpose of the committee to move to strike out those two lines.

Mr. WEBER. Then I simply call for a vote on my motion.

The CHAIRMAN. The question is on the motion to strike out lines 50 and 51.

Mr. BURROWS. I have inquired of the gentleman from Tennessee [Mr. MCMILLIN] what reason can be assigned for changing the bill in this regard.

Mr. MORSE. I suppose he has a right to make the motion.

Mr. MCMILLIN. What was the statement of the gentleman from Michigan [Mr. BURROWS]?

Mr. BURROWS. I was asking the reason for proposing to change the bill in this regard.

Mr. MCMILLIN. We thought it ought to be changed. Does the gentleman oppose the change?

Mr. BURROWS. I have made no motion.

Mr. BAYNE. I move to strike out the last word. If the gentleman from Chicago [Mr. LAWLER] were present, we could probably obtain an explanation of the reasons which prompt the majority of the Ways and Means Committee to move to strike out these two lines. It has been bruited about to a certain extent in the newspapers that in order to concentrate the Democratic vote upon this bill certain concessions had to be made, and that those concessions come in conflict with the theories of the original projectors of the bill.

Now, whether this be one of the cases that fall within that newspaper report or not I am not fully prepared to say, and therefore I regret the absence of the gentleman from Chicago [Mr. LAWLER], to whom common report attributes the influence which was exerted upon the committee to induce them to make this change. The importance of glue and gelatine as two distinctive articles is not so great as the importance of the idea that to secure votes for the passage of this bill certain concessions had to be made to certain districts.

Mr. MORSE. That is all right, is it not? What is wrong about that?

Mr. BAYNE. I do not think it is right.

Mr. MORSE. I do.

Mr. BAYNE. You may, and therein you and I differ. I think that if tariff legislation is entitled to anything it is entitled to be founded upon principles which shall permeate the whole of the law upon the subject, and I for one propose to stand for those principles which I believe should run through a tariff bill. I propose to stand for the perpetuation and the conservation of the policy of protection as an entirety, and let it apply where it will and to whatever district it will.

If there be any article, I care not what it is, which does not fall within the idea of protection, then I say strike that down, although your action may injure some particular district somewhere in the country. I do not believe, Mr. Chairman, that gentlemen appreciate the injury that is being done all over this country by this bill. If there were any apprehension on the part of the public that it would ever become a law the protests would come up here in much more pronounced form and manner than they now come. Here we have an illustration of the methods of the promoters of this bill. The glue interest in the city of Chicago is represented by a Democratic member of the House of Representatives, and he secures the striking out of glue from the free-list, leaving it where it is among the protected industries. But, gentlemen, you are proposing by this bill to strike down other industries all over this country, and in many cases there does not happen to be a Representative on the Democratic side of the House whose vote is necessary to the passage of the bill, and who might thus have the influence to secure the protection of those industries.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER rose.

The CHAIRMAN. The Chair will recognize some gentleman who opposes the proposition to strike out the last word.

Mr. SPRINGER. I am ready to vote upon this motion.

Mr. WILLIAMS. If the gentleman rises to oppose the motion, I ask him why he opposes it?

Mr. SPRINGER. I am opposed to striking out the last word, because I want to strike them all out. I hope that explanation is satisfactory to the gentleman. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] seemed very much concerned in regard to this bill, for fear the Ways and Means Committee had been guilty of some inconsistency in recommending the placing of tin-plate upon the free-list, leaving sheet-iron as it stands under the present law. The gentleman wanted to know why it was that the committee proposed to put tin-plate upon the free-list, leaving the duty on sheet-iron unchanged. He gave us some information, which I was glad to receive, to the effect that he concedes that this duty is a tax upon the consumer, and therefore a burden upon the people.

Sheet-iron has been on the protected list for a number of years. It was put there at the instance of the manufacturers. They came to Congress and got it taxed to suit themselves. In the mean time the industries have been established and have grown up under it with the pledge of the Government that they should have this protection. No one would declaim more loudly than the gentleman from Ohio against a proposition to strike this duty all out at once, leaving this industry without protection. It is not proposed by this bill to remove all the protection that existing industries now have. It is only proposed to reduce the duties from an average of 47 per cent. to 40 per cent., and as to the particular industry in which the gentleman is so much concerned the committee have generously allowed it to remain just where his friends put it. In that matter, as in many others, they have "tempered the wind to the shorn lambs." [Laughter.] Tin-plate is not one of the infant industries of the country. Gentlemen seek in this case to beget a new industry. That is what they propose. They confess there is no such industry here at all; but they think that by doubling this tax they can create an industry which does not exist.

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. SPRINGER. I can not yield; I am answering a question now.

The Committee on Ways and Means, in framing this bill, has thought it preferable that we should not embark in the enterprise of creating industries by means of taxation, and they therefore propose, as we do not need the revenue, to put tin-plates on the free-list. If we needed the revenue this would be a very appropriate place to impose a duty; but as we are trying to get rid of revenue, and as no existing industry is to be affected by placing this article on the free-list, the proper thing to do is to strike down the tax. If I understand the theory of this bill, that is the reason for placing the article on the free-list.

The CHAIRMAN. If there be no objection, the Chair will regard the *pro forma* amendment as withdrawn.

There was no objection.

Mr. DINGLEY. Mr. Chairman, I am in favor of the motion which has been made to strike out these two lines; but I wish to understand on what ground it is proposed to take glue from the free-list and place it on the dutiable list and at the same time to place manufactured lumber, manufactured lime, and other products of that character upon the free-list. I find by the census that in 1880 the whole number of persons employed in the manufacture of glue was 2,601; that the wages paid were $600,018; that the value of the product was $4,324,072; and that only 15 per cent. of the value of the product of glue was represented by wages. Now, you propose to restore glue to the dutiable list when only 15 per cent. of the value of the product is wages, while you place upon the free-list manufactured lumber, in which the proportion of labor is 20 per cent., and manufactured lime, in which the proportion of labor is 28 per cent. I should be pleased to ascertain the reason for this discrimination.

The gentleman from Illinois [Mr. SPRINGER] says that the propositions in this bill have been "tempered to the shorn lamb." Is there a "shorn lamb" in Chicago, where this industry exists, or rather a lamb to be shorn, and must it be cared for? Is it true, as has been intimated by the newspapers, that glue has been taken from the free-list and restored to the dutiable list because the Representative from that district has said that if glue should remain upon the free-list a Democrat would probably not be returned to the House, but a Republican instead? And is it true that in a tariff bill duties are being adjusted to bribe constituencies to elect members of a particular political complexion, in order that thus the control of the Government may be secured?

Mr. Chairman, whatever principle is to be adopted with reference to a tariff bill, it is important that equality should be preserved, and that such a measure should not be used for the purpose of oppressing a constituency that happens to have a Republican Representative on this floor, or for the purpose of procuring the re-election of a Democratic Representative. The purpose should be equal and exact justice to the people of this country and the industries which we stand here to represent. To press through a tariff bill which places the products of one industry on the free-list because the people who reside in the district or State where such industry is carried on are Republicans, and which places another industry in which the proportion of labor is less on the dutiable list to bribe the people in districts or States interested in that industry to elect Democrats, is to use the legislative power in a reprehensible manner.

Mr. PERKINS. I would like to know whether the gentleman understands that Mr. Edward Cooper, who was a member of the committee on resolutions in the recent Democratic National Convention, is an extensive manufacturer of glue.

Mr. DINGLEY. I understand he is.

Mr. PERKINS. I would ask whether that is the reason the other side propose to take this article out of the free-list.

Mr. McMILLIN. And why the gentleman from New York [Mr. WEBER] moved to strike it out; and why the gentleman from Maine [Mr. DINGLEY] is in favor of the motion.

Mr. PERKINS. And why gentlemen on the other side consent that it be done.

Mr. DINGLEY. The gentleman from Maine favors the principle of protection, the principle of imposing duties on imported articles which can be made here to the extent of our wants to such an extent as will hold our own markets for our own industries, and he is ready to vote to apply this principle impartially to all industries of this character, in whatever part of the country located, and whatever may be the political affiliation of the people immediately interested. The gentleman from Tennessee favors free trade and opposes protection, yet he proposes to give the industries of his political friends protection and to apply free trade to his opponents.

I have no information beyond what has appeared in the newspapers in reference to the reasons for this discrimination between glue, coal, wood-screws, sugar, and rice on the one hand, and manufactured lumber, grain-bags, and line on the other hand; but I want to call the attention of the House and the country to the fact that for the first time in the history of a tariff bill it is proposed to frame such a measure to favor industries in Democratic districts and to injure industries in Republican districts.

[Here the hammer fell.]

Mr. DOUGHERTY. Mr. Chairman, I have not detained the House or the committee with any remarks on this question of the tariff during the present Congress, and I do not now intend to occupy more than a minute or two. When the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] asked the gentleman from Illinois [Mr. SPRINGER] why it was proposed to put tin-plate on the free-list and leave the duty on sheet-iron, it seems that the question was not thoroughly answered from a political standpoint, as it can be in a few words. If gentlemen on both sides of the House will refer to the enunciations made in the platforms of their respective parties, they will find that in spirit, if not in letter, both parties stand committed to the principle of putting on the free-list everything which we neither produce nor manufacture in this country, or in the production or manufacture of which we are not brought into competition with the labor of Europe. That proposition will be conceded by gentlemen on both sides. Now, the reason given by gentlemen on this side and the reason which induced me, when this Committee of the Whole divided, to vote in favor of placing tin-plate upon the free-list, was that it is not now, and has not been claimed to be, an industry of this country.

It is a product not manufactured in this country in any place that is accessible in any sufficient amount to supply the demand. It is an article which it is admitted enters largely into the consumption of our people and that it is not produced here at all. Now, it is a doctrine of the Democratic party that articles that we neither produce nor manufacture should be placed upon the free-list.

[Here the hammer fell.]

Mr. DINGLEY, by unanimous consent, withdrew his *pro forma* amendment.

Mr. JOSEPH D. TAYLOR. I move to strike out the last word. As the gentleman from Maryland [Mr. RAYNER] has made certain inquiries in regard to my connection with the National Iron Roofing Association, and as my name has been signed to a circular distributed among the members of the House as a member of the tariff committee of that association, I will send to the Clerk's desk and have read a letter which fully explains the character and object of the association.

The Clerk read as follows:

CAMBRIDGE, OHIO, *May* 31, 1888.

DEAR SIR: * * * The object for which we came together [The National Roofing Association] was not to form a trust or even to make any binding prices. All agreed that it would damage rather than benefit the business to force prices up beyond a living profit, as it would tend to turn the attention of the building public to other roofing material, and therefore every manufacturer was left as free as ever to make his own prices. The object of the association primarily was to formulate universal rules and methods of doing the business as much for the benefit of the buyer as the seller. Before the association was organized there was such diversity of ways in presenting their products among the different manufacturers that it was almost impossible for those wishing to purchase roofing to make up their minds what company to patronize from the fact that they could not tell from the different price-lists and catalogues whose price was the lowest or whose goods were the best. One company, quoting prices, would call iron weighing 70 to 75 pounds per square No. 26, another would call iron weighing 75 to 80 pounds No. 26. Both would quote their iron roofing without giving the weight, and yet a difference in weight of from 5 to 10 pounds existed, making a difference in cost of from 20 to 40 cents per square.

Some were allowing so much for lap, some nothing; some were including fixtures, others were not, in their quotations. The association has brought the manufacturers together, and all these different methods, in a great measure, have been done away with by coming to satisfactory understanding what No. 26 iron should weigh, how much to allow for laps, and how many fixtures should be included in quotations. Never in the history of the iron-roofing business has it been so satisfactory to the purchaser as now. When he places his order now he does it intelligently. He knows just how much iron and what quality, and how much he is going to get with it as fixtures. It simply reduces it to a matter of price which is shown plainly on the face of the price-list. It is a fact that no one is complaining anywhere about the price of iron roofing. No one is saying that the price of it is too high. It is a surprise to many that it can be produced at such a small cost. I could write more on this subject, but have already said more than I expected to. I helped to organize the Iron Roofing Association, and have been in every meeting it ever held.

Yours, truly,

J. E. ANNIS, *Secretary.*

Hon. J. D. TAYLOR, *Washington, D. C.*

Mr. JOSEPH D. TAYLOR. Mr. Chairman, the extent of my interest in the National Iron Roofing Association is this: I own some stock in the Cambridge Roofing Company, which is a member of this national association, and while I have owned this stock seven years I never have received a dollar of dividends or a cent of profit from my investment, and hence you can see how deeply I am interested.

One word more. I do not wish to reply now to the gentleman from Illinois [Mr. SPRINGER] further than to say that so far as he bases his argument on the statement that no tin-plates have ever been made in this country he is mistaken.

Tin-plates were made at several points, and would be made now if this industry was as well protected as pig-iron, scrap-iron, sheet-iron, and the other metals. Hence he is mistaken in claiming that we are trying to inaugurate an industry that never has had and never can have an existence in this country. No American industry is better suited to American labor than the manufacture of tin-plates, and no industry is more worthy of protection.

[Here the hammer fell.]

Mr. ANDERSON, of Iowa. Mr. Chairman, the question in reference to the pending amendment is interesting to me for the reason that it has given a turn to the debate which impresses me with the correctness of the position I take and have taken in reference to the dangerous character of this policy which its friends call protection, but which, in my opinion, is simply anti-competition. Instead of being called

protectionists, it seems to me these gentlemen put themselves fairly and clearly before the country in the position of anti-competitionists, if I may use that term.

I was struck with the force of the arraignment of the Democratic side of this Chamber by the gentleman from Maine [Mr. DINGLEY] when he accused the Democratic side of an attempt at bribery in being willing to eliminate from the free-list the articles enumerated in these two lines in this exceptional way, in order to get the vote of a member or to compass an Illinois district; for, when he was illustrating the position on the other side of the Chamber, he stated what seems to be the absolute and unvarying rule on this side. [Laughter and applause.]

He said they must take this position, that they must compass this district in order to save it now and in the future. If the gentleman's position be tenable, then I submit that he and the other anti-competitionists are open to that precise charge on every article which they insist shall be on the dutiable list; and I do not allude to the gentleman's position in the charge he makes save to emphasize what I have said in this place before as to the danger any policy of legislation is fraught with where plunder is the cohesive element of the party and its possession the goad to action.

In this connection, as applicable here as elsewhere, I wish to say to these gentlemen that there are more laboring men than those engaged in the technically protected industries of the country. There are thirty millions of people in this country who are interested in the labor of agriculture, and they are put off by such a tub to the whale as a duty on exports.

Granting for argument's sake that the laborers in the protected industries receive increased wages on account of the high war taxes being retained, those so to be benefited are very few in numbers compared with the great body of farmers who must pay these taxes, and who are not, in turn, in any way benefited thereby.

I wish to say to gentlemen who talk so eloquently about developing the industries of America, that there is perhaps no trouble in developing the tin-plate industry or any other if the parties developing it can make the millions of people who are not interested in the business foot the bills.

If there is a single thing in the country that the laboring people engaged in agricultural pursuits are concerned in, it is the domination and control of the great commercial establishments, which, like the railroads, the telegraph, the banks, and the manufactories, the creatures of legislation, are dictating unduly and at the expense of the other industrial establishments of the country the laws that impose the hundreds of millions of taxes which the people pay annually into an overflowing Treasury.

[Here the hammer fell.]

Mr. MCMILLIN. I want to see if we can not reach some understanding as to the length of time this debate shall run. I ask that by unanimous consent it be limited to ten minutes on a side.

Mr. WARNER. I want a few minutes myself.

Mr. MCMILLIN. Ten minutes on a side I think ought to be enough. This is an amendment to which nobody objects, to strike out the lines, and it seems to me we ought to have an agreement to pass on to the next lines of the bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this paragraph of the bill be limited to ten minutes on a side.

Mr. BURROWS. I want five or ten minutes myself. I suggest fifteen minutes on a side.

Mr. MCMILLIN. I have suggested ten on a side.

Mr. BURROWS. I think fifteen will be satisfactory.

Mr. MCMILLIN. Very well.

The CHAIRMAN. Is there objection to limiting debate on this paragraph of the bill and amendments thereto to thirty minutes—fifteen on a side?

There was no objection, and it was so ordered.

Mr. WARNER rose.

Mr. RAYNER. Mr. Chairman, I thought there were to be alternate recognitions.

The CHAIRMAN. The Chair has recognized the gentleman from Missouri.

Mr. WARNER. I shall not wrangle with the gentleman from Maryland if he desires to proceed now.

The CHAIRMAN. The Chair will recognize the gentleman from Maryland hereafter.

Mr. BAYNE. The gentleman from Missouri wants to reply to the gentleman from Iowa [Mr. ANDERSON].

Mr. WARNER. Mr. Chairman, I have listened for several weeks to the continued denunciations of the doctrine of protection, or, as it has been characterized "legalized robbery" and the paying of "tribute by the poor to the rich." A person not informed as to the true doctrine of protection, on listening to this discussion from the other side of the House, must inevitably have come to the conclusion that there was nothing good in this entire system, that it is an evil in any and every form, that the whole system is vicious.

Yet, sir, as much of a hog as the manufacturer of the country has been represented to be by the gentlemen on the other side, they charge them with taking all of the profits to themselves. Yet we find our friends upon the other side coming in and gracefully yielding so far as to throw protection around this item and that item in the bill, giving way joint by joint and slice by slice to this hog. It is admitted upon the other side this morning that for the purpose of securing votes, without regard to any principle, they have thus yielded to this system, which they are pleased to call "legalized robbery." Their action reminds one very much of the old Eastern legend that has been recorded in verse, and is very properly entitled "Hypocrisy exposed." If I can quote the lines correctly I will give them for the benefit of my friends on the other side of the House, because it strikes me as being very pertinent to this question and aptly illustrates their sincerity.

Thus says the Prophet of the Turk,
"Good Mussulmans abstain from pork.

(Thus say the prophets of Democracy: "Good Democrats abstain from this doctrine of protection.") [Laughter.]

"There is a part in every swine
No friend or follower of mine
May taste, whate'er his inclination,
On pain of excommunication."
Such Mohammed's mysterious charge,
And thus he left the point at large.
Had he the sinful part expressed,
They might with safety eat the rest;
But for one piece they thought it hard
From the whole hog to be debarred,
And set their wits at work to find
What joint the Prophet had in mind.
Much controversy straight arose:
These choose the back, the belly those;
By some 'tis confidently said
He meant not to forbid the head,
While others at that doctrine rail,
And piously prefer the tail.
Thus conscience freed from every clog,
Mohammedans eat up the hog.

[Laughter and applause.]

Mr. RAYNER. Is that original? [Laughter.]

Mr. WARNER. It may be applicable to some gentlemen on the other side; you have given such an apt illustration of it to-day; I will not say for any improper purpose, but you have made an apt illustration of it in order to secure certain supports for your bill. I understand that a concession is to be made also in the glass interest; and in order to stick a gentleman to the bill who was thought to be a little indifferent they had to bring in glue. [Laughter.] And so you go on, gentlemen; you abandon the principle of tariff for revenue, and make concessions first to this and then to that member in order to win support for the bill. It is admitted by the committee that they had agreed and determined to strike these two lines out. Is it not fair to assume that it is done to secure votes, rather than protection to the articles? Upon one item we collected $95,000 revenue, and upon the other $65,000.

You, gentlemen, rail at the doctrine of protection, yet to secure votes, "from tail to snout" the protection hog is eaten. [Laughter.] I am for striking the items out even if you do follow the example of Mohammedans and eat the whole hog. [Renewed laughter and applause on the Republican side.]

Mr. RAYNER. Mr. Chairman, before beginning my remarks I would like to be permitted to occupy at least ten or twelve minutes of the time accorded to this side of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. MCMILLIN. I have no objection to the gentleman occupying ten minutes, but I shall insist on the reservation of five minutes for myself.

Mr. RAYNER. But you can extend the time.

Mr. MCMILLIN. I do not propose to ask an extension of the time. The gentleman may occupy as much time as the committee is willing to accord to him, with the understanding that I shall ask to reserve five minutes for myself. I am not showing want of magnanimity to my friend, but I want five minutes.

Mr. RAYNER. There is not much magnanimity in giving me ten minutes, but I will take it if there be no objection.

In some remarks that I addressed to the House on last Friday, and this is the first opportunity I have had since the reply was made to those remarks to refer to them again, I tried to speak of the gentleman from Maine [Mr. REED] as I always do, and as I stated there, with the greatest respect and consideration, and I made the remark in passing that whatever he said was entitled to the respectful consideration of the House.

I was interrupted upon our side of the House by some one who said "On this side of the House," and I replied by saying no, he was entitled to the respect and consideration of both sides of the House. Here was the answer that came to the rather decorous position I took in reference to the gentleman from Maine [Mr. REED]. He winds up his speech by saying:

Now, is it not time that we squarely talked sense to the people. Is it worth while to lie everlastingly to the community?

"Is it worth while to lie everlastingly to the community." I want

to say that that epithet is absolutely harmless and inoffensive when used by a coward, but it never finds a place in the vocabulary of a gentleman who has not the courage to sustain and defend it. The trouble with the gentleman from Maine——

A MEMBER. He is not here.

Mr. RAYNER. Let him come in. I hope he will be here. I invite him in, and I will wait until he does come in if you will extend my time.

Several MEMBERS. He will be here before the session is over.

Mr. RAYNER. The gentleman does not seem to realize that a man can try to be funny without being insolent, and that he can even succeed in being a clown without being vulgar and offensive. Now, sir, as far as I am concerned and as far as this side of the House is concerned the gentleman from Maine had no right to make any such statement as that. We may be wrong in the stand we are taking against these monopolies and these trust combinations that are depredating upon the people; but if we are wrong we are honest. So far as I am concerned every earnest impulse of my being is enlisted against these deadly alliances that I feel are doing an incalculable injury to the people I represent.

The gentleman from Maine [Mr. REED] may be right in the stand he has taken that there is no monopoly in this land; but I seriously question the integrity of his motives. In proof of the assertion I then made and in proof of the assertion I now make, that the leaders of the Republican party are in combination with the capitalists who are centralizing wealth in this country for the purpose of oppressing the people, I take the liberty now of placing before this House a very edifying exhibit, to which I respectfully invite your considerate attention. If what I read is not true, some gentleman on the other side can rise to contradict it. If it is true it should bring a burning blush to every man connected with it. I read from a confidential circular which has been made public from Mr. Foster, the president of the Republican League, to the manufacturers of this country and an answer thereto. I read the reply of a Senator from Vermont, now in the Senate, in reference to an assessment that Mr. Foster proposed to levy on him for the purpose of keeping up high duties in favor of the manufacturers of this country.

I hope I shall have time to finish this article. I do not want to read any of it unless I can read it all.

Mr. MCMILLIN. Go on with the reading.

Mr. RAYNER. I will hasten as rapidly as possible. I think I am entitled to a few moments.

I hope what I am about to read is not true, gentlemen; but it has been scattered broadcast in all parts of the country.

EDMUNDS OR MORRILL, WHICH?

Mr. James L. Foster, president of the Republican League of the United States, which is the organization formed at the national convention of the Republican clubs a few months ago, has recently issued a remarkable and "confidential" circular. It has been sent to manufacturers all over the country, and is a demand for money to carry on a campaign in their interest. President Foster's circular begins with the statement that "The Republican League of the United States desires to bring you face to face with the startling fact that the coming Presidential election is not to be fought on the old party lines which have heretofore divided Democrats and Republicans, but upon the direct issue of free trade *versus* protection. The league stands for protection, and is fighting in your interest. It is no Fourth-of-July organization for dress-parade, but it is an every-day working force of practical political workers, who have in four months enrolled an army of over four hundred thousand men."

After this vigorous introduction Mr. Foster proceeds with the usual clap-trap about "British free trade" and "British gold." He lugubriously remarks that "the coming campaign will be fought for protection under disadvantages never before encountered. Ninety-nine per cent. of the Federal officials are Democrats, and will contribute financially to the hoped-for success of the free-traders. Never before has the Democratic free trade, or 'tariff-reform' party, been in so fortunate a position." Then President Foster, metaphorically throwing off his coat and rolling up his shirt-sleeves, gets down to real business. "We will win this fight," he says, "if you will do your share and help us to finish what we have begun. We want money, and want it at once.

"We are overwhelmed with calls for tariff documents and for speakers and organizers. We propose to organize and fight against free trade in every doubtful Congressional and legislative district in the United States. To-day there is but 1 majority in the Senate of the United States when the lines are drawn between Democrats and Republicans, and unless much is done the next Congress will see a free-trade House, Senate, and President, and then good-bye to your prosperity."

That sounds very much like "stand and deliver;" but it is not the most spicy part of President Foster's confidential circular. He goes on to complain "that the manufacturers of the United States, who are most benefited by our tariff laws, have been the least willing to contribute to the success of the party which gave them protection and which is about to engage in a life-and-death struggle with free trade."

That is bad enough, but here is the part I want to direct particular attention to:

Mr. Foster quotes "a Republican United States Senator from a State which never had a Democratic Representative in either House of Congress." This must be Vermont, and the Senator quoted must be either EDMUNDS or MORRILL.

Mr. GROUT. That can not be Vermont, because Vermont has had a Democratic Representative here.

Mr. RAYNER. Where is the Republican State that has never had a Democratic Senator?

Mr. PERKINS. Kansas.

Mr. RAYNER. It is very funny. Here is a statement published right here under the eye of the Senator from Vermont, in a Washington paper, and it has not been contradicted although it has been scattered broadcast.

Mr. GROUT. It was contradicted.

Mr. ANDERSON, of Iowa. Give us all of it.

Mr. RAYNER. There has been plenty of time to show it is not true. If it does not refer to a Senator from Vermont then it refers to some other Senator from a State that never had a Democratic Senator.

Mr. PERKINS. That is the case with Kansas.

Mr. RAYNER. Then it comes from your illustrious representative from Kansas. I am glad it does not come from either Mr. MORRILL or the other Senator from Vermont, and I am glad it does come from your representative.

Mr. PERKINS. Unfortunately for the gentleman and the State Kansas has been represented by a Democratic member of Congress. It never made the mistake but once, however.

Mr. RAYNER. Do not get so worked up. Wait until you hear the statement. I have no doubt every word of it is true. Here is the letter in quotation marks, published in a dozen different papers:

"I was solicited," he says, "to contribute to a protective tariff league, and I replied that if the manufacturers of the United States in their associated capacity were an eleemosynary institution that I would vote to give them a pension, but that I did not propose myself to contribute money to advance the interests of men who were getting practically the sole benefits, or at least the most directly important benefits, of the tariff laws. I am in favor of protection, though not precisely the kind we are having, and I might be willing to keep even that rather than not to have any, but I am sure I can get along without any of it fully as well as the manufacturers can, and if they think the Republican party is going to maintain a high protective corps for their benefit, and the men who do the work in that party are going to keep up the expenses of a campaign out of their own pockets, leaving them to reap the fruits of the tariff policy without any deduction for political expenses, they are very greatly mistaken. I understand that in a general way the manufacturers of New England—

I submit this to the gentleman from Maine [Mr. DINGLEY]—

have been more liberal in their contribution than those of Pennsylvania.

Why is that, Mr. O'NEILL?

[Here the hammer fell.]

[Cries of "Go on!" "Go on!" "We will give you a week!"]

Mr. RAYNER (continuing to read):

"In fact, I have it from the best possible source that the manufacturers of Pennsylvania, who are more highly protected than anybody else, and who make large fortunes every year when times are prosperous, practically give nothing towards the maintenance of the ascendency of the Republican party. Of course I shall not violate what I consider to be a proper principle of action; but if I had my way about it I would put the manufacturers of Pennsylvania under the fire and fry all the fat out of them. If the Mills tariff bill comes to the Senate there will be some votes cast there which will open the eyes of some of these people who have, while gathering their millions, treated the Republican party as their humble servant."

Now, this is either true or it is not true.

A MEMBER on the Republican side. Who makes that assertion?

Mr. RAYNER. It is published in this paper, and it has been copied without denial or contradiction in a dozen different papers throughout the country as a letter written by Mr. Foster, president of the Republican League, and the reply of a Republican Senator to that letter.

Now, Mr. Chairman, I have read this simply as I find it. I am not here for the purpose of charging any individual upon the other side of the House as being in a combination of this sort, because I have too much respect for a great many of the gentlemen who compose the other side of this Hall, and too high an opinion of them, to make any such charge; but I do say that if this is true there is a criminal combination between some of the leaders of the Republican party and some one else to keep on protected duties and for the manufacturers to compensate for that by paying assessments for the purpose of carrying on the Republican campaign, and I merely say that in the fight we are making against this sort of a fraudulent conspiracy——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAYNER. I ask unanimous consent that I be allowed three minutes more.

There was no objection.

Mr. RAYNER. I say, Mr. Chairman, that this is a serious question, and it requires a great deal more than the bantering of a clown or the pranks of a buffoon to divert public attention from it. The man who arises upon the floor of this House, in view of what the country knows, and says that there is no monopoly in this land, while he himself is the howling dervish of the monopolists, may do very well to play the part of harlequin in a political menagerie, but he figures in a very poor light before the nation as the Delphic oracle of the Republican party.

I tell you, gentlemen, that this issue is too important to be brushed aside by a boorish jest. You can not destroy it. You can not bury it. The deeper its grave, the higher its revival and the greater its reascension. We will make you paint upon your banners, if you do not disclaim the leadership of the gentleman from Maine [Mr. REED], that there is no monopoly in this land, *in hoc signo vincemus*, and on that issue we will fight you from the mountains to the prairies, in every town and hamlet of this land, until your banner lies drooping in the dust, torn and tattered at your feet. [Applause on the Democratic side, and derisive cries and jeers on the Republican side.]

Mr. COGSWELL. It is but fair to this debate and just to the committee in charge of this bill to say that glue could not have been taken from the free-list solely in the interest of this Chicago district, which is said to be Democratic, because I am quite sure that the district I have the honor to represent, which is a Republican district, has as large a glue interest, if not larger than that of Chicago. Surely when you combine the glue interest in my district with the large

leather-tanning industry, which is indirectly interested in glue, and the fish-glue and isinglass interests, the aggregate in men employed and money used must be larger than the interest of that Chicago district. I know that the parties in my district who are interested in glue and fish-glue have been earnest in their endeavors here to have those articles taken from the free-list, and, as representing them, it is but fair to say that I am glad, in whatever manner it may have come about, that the committee listened to those gentlemen, and that at least this one industry is to be protected by the pending amendment, which I hope will be adopted. I yield the remainder of my time to the gentleman from West Virginia [Mr. GOFF].

Mr. GOFF. I am heartily in favor of the amendment proposed, and as I was so unfortunate as not to hear the explanation given by the gentleman from Tennessee [Mr. MCMILLIN] of the reasons that moved him when he moved to strike out these two lines, I will use the few moments that have been yielded to me to ask the gentleman to favor the committee now with a statement of his reasons for moving this amendment. It is certainly rather a serious position for the gentleman from Tennessee to take, because I have no doubt he feels that his party friends will have some use in the near future for the article of glue for the purpose of holding their platform and their voters together. [Laughter.] I wish to remind the gentleman from Tennessee also that when he makes this motion he is asking us to tear to pieces the Democratic platform on which Grover Cleveland has been nominated, because in the St. Louis convention they adopted and indorsed the Mills bill. It does seem to me therefore that there should be some statement given to the country why this great Democratic policy as enunciated at St. Louis is to be attacked or abandoned thus early in the campaign. I pause for the gentleman to give the explanation.

[Here the hammer fell.]

Mr. WILLIAMS. Mr. Chairman, when I sought the attention of the Chair a few moments ago it was simply for the purpose of asking a question of the gentleman from Tennessee; but so many other members have asked almost the same question that I think it hardly worth while now to take up time in propounding it again. I know personally the gentleman from Tennessee, and have always believed that he acted from pure and conscientious motives; and when, in response to the question why he desired to take from the free-list of the Mills bill the words "glue, gelatine, and all similar preparations," he said "Because it was right," the thought which suggested itself to my mind, and which became a matter of remark on this side of the Chamber, was that for four months this Mills bill has been under consideration, yet gentlemen on the other side did not find out that "it was right" to strike out these words until they found it necessary to manufacture American glue for its adhesive qualities in causing votes to "stick" to the Mills bill. I hope the gentleman from Tennessee will yet explain why "it is right" to protect "glue, gelatine, and all similar preparations" and not right to protect wool, not right to protect flaxseed, not right to protect lumber.

I was amused at another thing. The gentleman from Iowa, with that peculiar air ascribed to one of old, which says apparently, "I am holier than my fellow-man," took the gentleman from Maine to task, because, forsooth, he questioned the motives of this proposition, and that in the interest of the farmer. I have observed, Mr. Chairman, as to one item of this bill which strikes $12,000,000 from the hands of the farmers, the gentleman from Iowa swallows it, to say nothing of striking down the wool industry of the farmers. I do not understand that kind of argument which pleads for the farmer of the country, yet advocates a bill which protects everything except the industry of the farmer.

There was another matter which struck me as very peculiar, and it reminded me of a little incident which I observed once on a railroad journey. Traveling through the State of Pennsylvania, I looked out and saw a mild, quiet, refined looking man to whom a rough fellow was applying, one after another, the most abusive epithets. The gentleman who was thus abused returned to the car and resumed quietly and with undisturbed dignity his seat, and remained unruffled until we had crossed Ohio into Indiana, and then he got very angry. We could not understand why it took him so long to get into a passion. I am reminded of that incident sometimes in this House, when I find gentlemen who listen to insinuations against them for three or four weeks before they get angry. They remind me of that gentleman who was disposed to make in Indiana the fight he ought to have made in Pennsylvania. [Laughter.]

[Here the hammer fell.]

Mr. LAWLER. I move to amend by striking out the last two words. Some reference has been made to the Representative from the Second district of Illinois——

The CHAIRMAN. All debate on this paragraph is now closed by unanimous consent.

The question being taken on the motion of Mr. WEBER to strike out lines 50 and 51 of the bill, embracing the words "glue, gelatine, and all similar preparations," the motion was agreed to.

The Clerk read as follows:

Glycerine, crude, brown, or yellow, of the specific gravity of 1.25 or less at a temperature of 60° Fahrenheit, not purified by refining or distilling.

Mr. ADAMS. Mr. Chairman, a few days ago the gentleman from Ohio [Mr. BUTTERWORTH] threw down a challenge to the gentlemen on the other side to stand a civil-service examination on the industries of this country affected by the pending bill and on the relation of these industries one to another. I think, Mr. Chairman, that I, for one, should not be willing to accept that challenge. I have, however, made a very slight and superficial study of the industries affected by the paragraph relating to crude glycerine, now under consideration, and on their relations to one another. I rise now to secure, if possible, some information from the Committee on Ways and Means, in order to enable me to pursue my studies a little further in the same direction.

In the pending paragraph we find crude or unrefined glycerine on the free-list. Under the provisions of the existing tariff law it is dutiable at 2 cents per pound. Crude glycerine is used altogether for the manufacture of refined glycerine. Refined glycerine we find in a subsequent paragraph of this bill, dutiable at 3 cents per pound.

Under the existing tariff law it is dutiable at 5 cents per pound. The rate of duty on crude glycerine is reduced 2 cents per pound. The rate of duty on refined glycerine is also reduced 2 cents per pound. There is the same reduction in the two cases. A manufacturer of refined glycerine can not, perhaps, complain of the change.

The effect of the change in the duty must be the same in both cases. If the reduction of the duty implies a corresponding change in the selling price of the article, the manufacturer of refined glycerine, who uses crude glycerine as a material of his manufacture, can not complain that the duty on his product and the duty on the material which he uses in his industry are reduced at the same time and to the same extent.

But, Mr. Chairman, why regard the manufacturer of refined glycerine? Why not put refined glycerine on the free-list in the interest of the consumer? If protection is robbery, why protect this particular robber? There is only one answer: The Committee on Ways and Means here admit the principle of protection. The committee admit the principle that the duty on the finished product of an industry ought to be higher than the duty on the material out of which that finished product is made. Crude glycerine being the material of an American industry, and refined glycerine being the product of that industry, the committee admit that the duty on the latter ought to be higher than the duty on the former.

I take no exception, Mr. Chairman, to the principle or to its application; but, surely, if the principle is a sound one, it is as sound in its application to other industries as it is in its application to the industry of converting crude into refined glycerine. Let us see how the committee have applied it elsewhere.

Mr. Chairman, there is hardly a material thing which has been touched by the hands of labor which is not at one and the same time the product of one industry and the material of another industry. This is true of the two substances to which I have referred, crude and refined glycerine. Refined glycerine, for instance, is not only the finished product of the business of refining crude glycerine; it is also the material used in several other American industries. So of crude glycerine. It is not only the material out of which refined glycerine is made; it is also one of the finished products of the soap-making industry.

If you take various sorts of animal or vegetable oils or fats and treat them with caustic soda you gain two finished products. The one is crude glycerine; the other is soap. Soap and crude glycerine are therefore the two main products of the soap-making business, in which caustic soda is the main material. Of these two main products of the soap-making industry, one, namely, crude glycerine, we find here on the free-list. A few lines further down we find the other placed on the free-list also.

Now, if the Committee on Ways and Means apply to the soap-making industry the same principle which they have applied to the glycerine-refining industry, it is evident that the duty on the finished products, namely, soap and crude glycerine, ought to be higher than the duty imposed upon caustic soda, the material out of which soap and crude glycerine are made.

If, however, the committee for any reason see fit to place soap and crude glycerine on the free-list, the very least which the manufacturer of these articles can demand is that caustic soda, the principal material out of which soap and crude glycerine are made, should also be put on the free-list. A decent regard for consistency would compel the committee to concede it.

Now, Mr. Chairman, you may examine the free-list of this bill from end to end and you will not find caustic soda there. Look, however, at the dutiable list of this bill. There you find it dutiable at half a cent per pound. How is this? In the business of refining crude glycerine one principle seems to have been adopted. In the business of manufacturing crude glycerine another principle has been applied. In the first case the duty on the finished product is higher than the duty on the material out of which it is made. In the other case the duty on the material is higher than the duty on the finished product.

[Here the hammer fell.]

Mr. MCMILLIN. Read the next line.

Mr. ADAMS. I move to strike out the words "by refining or distilling."

Mr. Chairman, it seems that I have not succeeded by what I have said in eliciting any valuable information from the Committee on Ways and Means. I will make another attempt, and for that purpose I have offered a formal amendment.

I have said that the committee have applied one rule to the industry of refining glycerine, and another and an entirely different rule to the business of manufacturing crude glycerine. In the former they impose a higher rate upon the finished product and a lower rate upon the material out of which the finished product is made, while in the other case they adopt the opposite rule, and impose a higher rate upon the material of the industry than they impose upon the finished product.

Now this is a question of practical concern to many of my constituents. They are interested in the soap and glycerine industry. In the soap works of Chicago there were employed last year about one thousand workingmen. They manufacture crude glycerine as well as soap.

If a change in the tariff duty has an effect upon the selling price of the dutiable article, it is a matter of some concern to them that the Committee on Ways and Means have placed upon the free-list the two main products of the industry by which these workingmen gain their daily bread, and has at the same time left dutiable the main material, caustic soda, on which the cost of that industry depends.

Yet they find that when we come to the very next stage of the process by which refined glycerine is produced the committee adopts the opposite rule, and places a higher rate of duty on the finished product, refined glycerine, than they place on the crude glycerine out of which it is made. In the one case the committee put the higher rate on the product and the lower rate on the material. In the other case, in which my constituents are directly concerned, the committee puts the completed product on the free-list, and imposes a duty on the material.

Surely, Mr. Chairman, it is not unreasonable in me to ask the Committee on Ways and Means for some explanation of this which I can impart to my constituents.

Mr. Chairman, when my friend from Ohio [Mr. BUTTERWORTH] suggested that we ought to inform ourselves of the relations to each other of the American industries affected by this bill, so that we might act intelligently upon it, it occurred to me that I would try to trace a little further back the industrial processes on which the soap and glycerine industries depend, and see how they are affected by this bill. Crude glycerine, as I have said, is made by the application of caustic soda to animal and vegetable oils and fats.

Now, what is caustic soda made from? Of late years it is made almost altogether from salt or salt brine. You have put salt on the free-list. Will that diminish the cost of making salt? Not at all. Gentlemen will claim that it will make table salt cheaper; they say it will cheapen imported salt to the extent of 1 cent per annum to each inhabitant of the United States. But caustic soda is not likely to be made from imported salt to any considerable extent. It will be made at or near the salt-works at Syracuse, or at or near the salt-works in the Saginaw valley, if it is made at all in this country.

That it is likely to be made at some place in this country the committee seem to believe, because they have retained the protection duty. If they did not believe this, why did they retain the duty? By putting salt on the free-list the committee, whatever they may expect of the effect on the price of salt on the seaboard, can not possibly claim that they have cheapened the cost of producing salt in the United States. Therefore they can hardly claim that they have cheapened the cost of making caustic soda, or the cost of making soap and glycerine, of which caustic soda is so important a material.

If, however, we follow the industrial process one step further back we shall find that the Committee on Ways and Means, according to the reasoning of several gentlemen on the other side, have actually increased the cost of making salt, and therefore the cost of making caustic soda, and therefore the cost of making crude glycerine. They have put lumber on the free-list.

Now, Mr. Chairman, I do not mean to say that lumber is one of the materials out of which salt is made. All that I mean is that the lumber industry is one of the agencies by which the cost of making salt is reduced in the Saginaw valley. To stop the Michigan lumber mills is to increase the cost of making salt in Michigan.

The reason is this: Salt works in Michigan, as we have repeatedly heard on this floor, are placed in close connection with the lumber mills. They thus get their fuel, not merely for nothing, but actually for less than nothing. They use as fuel the refuse of the lumber mills which otherwise the lumber mills would have to get rid of at a considerable expense.

If, then, by putting lumber on the free-list you stop the lumber-mills you add to the cost of producing salt. Will gentlemen on the other side contend that in voting to put lumber they did not vote to diminish the activity of the lumber mills? Certainly not all of them.

Most of the gentlemen on the other side who spoke in favor of putting lumber on the free-list advocated it, as the gentleman from New York [Mr. COX] did, in order to preserve our forests from destruction. It is inconceivable that putting lumber on the free-list should have any tendency to preserve our forests, unless it had a tendency to stop the lumber mills which were consuming them.

These gentlemen, therefore, in voting to put lumber on the free-list as a means of preserving our forests, voted to diminish the supply of fuel to the salt works of the Saginaw valley. They therefore voted to increase the cost of making salt in the United States. They therefore voted in favor of increasing the cost of making caustic soda in the United States. They also are bound by caucus decree to retain the duty on caustic soda. They therefore vote, according to their own reasoning, in favor of increasing the cost of making soap and crude glycerine in the United States. Yet as soon as I shall have finished my remarks they will probably vote with alacrity, if not with understanding, in favor of putting soap and crude glycerine on the free-list. With equal alacrity and without the slightest regard for consistency, they will probably, when we come to the dutiable list of this bill, vote to retain the duty on refined glycerine. In short, there is no consistency whatever in the pending bill.

[Here the hammer fell.]

Mr. MCMILLIN. Mr. Chairman, the amount of revenue derived from this source is $204,000.

Mr. ADAMS. What was the gentleman's statement?

Mr. MCMILLIN. That this produced $204,000 of revenue. Of the crude glycerine used about 70 per cent. is imported.

Mr. ADAMS. One-half, I think.

Mr. MCMILLIN. The gentleman will find, I think, upon a closer examination that about 70 per cent. of it is imported. The balance of that which is consumed in this country is made as a by-product, by the candle factories in the main.

Mr. BURROWS. By whom?

Mr. MCMILLIN. By the manufacturers of candles.

There might be some ground for the claim of the gentleman from Illinois, that there was a want of consistency in this provision of the bill, where he speaks of glycerine for soap-manufacturing purposes, were it not for the fact that that is not the only use to which glycerine is applied. And I want to remind him here, once for all, that he need not expect a bill which has to be made up on such an incongruous basis as the law under which we are now operating to be perfectly consistent in every respect. It has necessarily to be framed to meet the existing law, and it is impossible that it could be otherwise. It has been shown by gentlemen on their own side of the debate to be the case, and the very hardships of which gentlemen have complained more than once during the course of this debate are inflicted by the law under which we are now operating.

We are receiving very nearly a quarter of a million of dollars on revenue not needed; and that is a sufficient answer for the action of the committee, especially in view of the fact that that is a raw material in the manufacture of various other products.

Mr. ADAMS. Will the gentleman allow me to ask him this question for practical information: Will the reduction of duty on refined glycerine from 5 to 3 cents diminish the revenue?

Mr. MCMILLIN. The placing of this article on the free-list will diminish the cost of it, and that is the only thing to which I am addressing my remarks at the present time. When we reach that clause of the bill to which the gentleman's question is applicable, then I will address myself to that. If it does not reduce the revenue it gives a cheaper commodity to the people, and at the same time any of the reductions of the revenue which may follow legitimately from the result of cheapening the duties; and in view of the existing conditions of the Treasury, and of the manufacturing interests in this country, we believe that the reduction proposed by the committee is right and consistent in this regard. The bill, taken as a whole, does very largely reduce the revenues, and that is a sufficient answer, I think.

I now ask a vote.

Mr. ADAMS. I withdraw the *pro forma* amendment.

Mr. KELLEY. I renew the *pro forma* amendment, and I desire to say that the mathematician or economist does not exist who can make anything like an accurate prediction as to the true answer to the question, Will this bill increase or reduce the revenues?

The elements are not given upon which such a calculation can be based, because in many instances the reduction of duty is made in such a way as to invite immensely enhanced imports, which, with a lower rate of duty, will give an increased instead of a diminished revenue.

Now, there is no opportunity to allege that the duty proposed to be repealed is a prohibitory or an oppressive one. We manufacture 9,000,000 pounds of crude glycerine, and import 10,245,356 pounds, showing that we import between one-ninth and one-tenth more than the entire amount manufactured in this country.

As has been shown by the gentleman from Illinois [Mr. ADAMS], we have destroyed the usefulness of the slabs and dust that accumulate about saw-mills in the neighborhood of salt springs, and have probably in some instances, if this bill should become law, closed up the salt works by destroying the production of free fuel for its manufacture. So now we are confronted with this proposition, which will bear like pernicious fruits. Let us see what are the ingredients of crude glycerine.

They are animal fats. They are materials which, if they go to waste, become prejudicial to the health of the neighborhood in which they are permitted to decay, noxious odors being exhaled, while where the manufacture of glycerine is maintained they are carried away before they become pestilential, and are converted into, not, as the gentleman from Tennessee says, the "raw material of other manufactures," but they become manufactured materials for higher manufactures. The pride of a great nation, of a nation that can, as the Democratic party in this House seem to think we can not do, convert crude materials into advanced materials, and thence into finished products, it is the pride of such a nation that it knows no such thing as waste. That which is waste in one manufacture, or in some condition of life, rises under the influence of science into a material, and crude glycerine is one of these striking illustrations of the law that in diversified industries there is no waste. In its production the refuse of soap and candle factories, whose products are made of that which was the refuse of the household and the slaughter-house—not very attractive subjects—becomes a source of one of the purest articles—chemically purest—known to our pharmacopia or to chemistry.

[Here the hammer fell.]

Mr. DALZELL. I ask unanimous consent that my colleague be permitted to continue for five minutes longer.

The CHAIRMAN. Is there objection to the gentleman from Pennsylvania proceeding for five minutes?

There was no objection.

Mr. KELLEY. Just as while we maintain by means of protective legislation the lumber trade in the salt regions of Michigan and elsewhere, we furnish, as I have intimated, in the refuse slabs and dust free fuel for making salt and refining salt, hereby destroying the glycerine manufacture. You propose to convert that which is the material first for crude glycerine and then refined glycerine into offensive and possibly fatal nuisances, as the piles of slab and dust will become in the neighborhood of saw-mills. You determine to make waste; to retrograde in arts and productive power by reducing to waste that which science, capital, and energy have converted into commercial commodities and utilized as sources of profitable employment to labor.

Just in proportion as the majority of this committee pursues this retrograde course they will reduce our country from its industrial independence and the position of the proudest nation of the world, having the largest capacity for production, with the grandest means of transportation, and the greatest power of consumption by its producing classes. The whole policy of this bill is to travel back toward barbarism by reducing from the elements of manufacture the waste that we now convert into utility of inestimable value. Yes; the protest against striking this clause from the free-list can not be made that the duty on crude glycerine is an embarrassment to free foreign trade, for, as I have said, we imported 1,245,356 pounds more in the last fiscal year than we manufactured, though the duty was 2 cents per pound.

Why should that 2 cents be taken off? Why should we say to the manufacturers of explosives, of an element in the preparation of chewing tobacco, of an ingredient in medicinal purposes, in anti-freezing compounds by which fruits and meats are transported in safety across our continent, for color-making, for use in the manufacture of the finest and firmest of our colors for textiles, all the coal-tar, colors, and anilines, that we will make waste of a material used profitably in all these elements of life? Why strive to reduce our country to colonial dependence at a time when she is advancing far before the next manufacturing nation of the world?

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, supposing the *pro forma* amendment to be withdrawn.

The question having been put, the Chair was in doubt as to the result.

Mr. KELLEY. I call for a division.

The committee divided; and there were—ayes 56, noes 59.

So the amendment was rejected.

The CHAIRMAN. The Clerk will continue the reading of the bill.

The Clerk read as follows:

Fish-glue or isinglass.

Mr. McMILLIN. I offer the following amendment:

Page 3, strike out line 55.

Mr. BAYNE. I was about to make that motion.

Mr. McMILLIN. I am glad I shall have the gentleman's co-operation.

Mr. BAYNE. I knew, of course, this should be included with glue, gelatine, and similar preparations; that they both came from the same factory, and the only commentary I now have to make upon the bill is to ask how it was that glue, gelatine, and similar preparations represent lines 50 and 51, and that lines 52, 53, and 54 represent glycerine, crude, brown, and yellow. Then in line 55 we have fish-glue or isinglass. The only suggestion that want of juxtaposition makes to my mind is that the committee evidently did not understand at the time they prepared this bill that glue, gelatine, fish-glue, and isinglass all came from the same factory, or they would not have interpolated glycerine, crude, brown or yellow, etc. It affords an inference simply of the want of knowledge on the part of the committee when the committee prepared this bill. That is all the commentary I have to make.

Mr. OUTHWAITE. Provided your statement is correct.

Mr. McMILLIN. Those who know the gentleman will not treat this side of the House very severely on account of his criticism.

I wish to state in connection with these amendments what I intended to state on the amendment that was offered to lines 50 and 51. It was passing strange to me that the very gentlemen who had moved to strike it out or desired it stricken out, and in their speeches so announced, would turn with such fierceness and criticise us for proposing to strike it out. The gentleman from Missouri [Mr. WARNER], who I am happy to see in his seat, quoted what would be regarded as poetry if rhyme alone made poetry. In this connection I will be permitted to quote a suggestion that Junius once made to a certain individual he was writing against.

Mr. WARNER. I will say to the gentleman that if Cowper is not much of a poet he is at least better than the gentleman from Tennessee.

Mr. McMILLIN. It may be the poetry was ruined by the quoting. Junius, on an occasion the gentleman will remember, and I quote for his particular edification and instruction, said:

> Masks, hatchets, racks, and vipers dance through your mind in all the mazes of metaphoric confusion. These are the gloomy companions of a disturbed imagination—the melancholy madness of poetry without its inspiration.

I was surprised at the gentleman from Maine [Mr. DINGLEY] for the attack he made; at the same time saying this amendment ought to prevail and criticising this side of the House for making it. What are the facts concerning this manufacture? One grade bears a duty of 20 per cent., another 25 per cent., and another 30 per cent.

Mr. McMILLIN. It was represented to the committee after the bill was framed that the retention of the present rate of duty would make it possible to use in this manufacture a very large amount of the trimmings of the skins of animals, and the cartilages and those portions that go into the composition of glue and gelatine, and that the manufacture could not be maintained without the retention of the duty.

Mr. FARQUHAR. The cartilaginous matters that the gentleman speaks of do not enter into gelatine at all. Gelatine is made from the clear hide.

Mr. McMILLIN. I am speaking of the three commodities. They are of a somewhat analogous nature, but the one which the gentleman from New York [Mr. FARQUHAR] speaks of is a refined product, and those that I am speaking of are made from certain portions of fish that are used for that purpose. Now these are the facts, and yet the very gentleman who said that the amendment was right rises now to criticise this side of the House for making it. As I have already said, compared with the other rates of duty in the existing law, or proposed by this bill, this is a very moderate duty, and the committee stood ready in this case, as they stand ready at all times, to adopt whatever amendment may seem to be necessary to the enactment of a law that shall be just and wise in all its parts.

Mr. BAYNE. Mr. Chairman, during the progress of this tariff debate, I have not quoted any poetry whatever, and I should not now undertake to quote even a couplet were it not for the severe criticism made by the gentleman from Tennessee [Mr. McMILLIN] upon the recitation which the gentleman from Missouri [Mr. WARNER] gave us from Cowper. But, since the gentleman from Tennessee has criticised Cowper's poetry by calling it "rhyme," I wish to quote back at him an old stanza, simply substituting "Mac" for "John." With that substitution it will run in this way:

> Mac his own merit sees:
> This give him pride;
> For he sees more
> Than all the world beside.

[Laughter.]

Mr. McMILLIN. I make no reply to a personal reflection.

Mr. BAYNE. I withdraw it.

The CHAIRMAN. If there be no objection the Chair will regard the formal amendment as withdrawn. The question is on the amendment to strike out the line.

The amendment was agreed to.

The Clerk read as follows:

Phosphorus.

Soap stocks, fit only for use as such.

Soap, hard and soft, all which are not otherwise specially enumerated or provided for.

Mr. ADAMS. Mr. Chairman, almost everything which I said in regard to crude glycerine a few minutes ago will apply with equal force to soap, which is the article now under consideration.

Almost everything which the gentleman from Tennessee [Mr. McMILLIN] has said in regard to fish-glue and isinglass will also apply to soap, as well as to glycerine.

I wish I could place on the same page, in parallel columns, side by side, the remarks which fell from the gentleman from Pennsylvania [Mr. KELLEY] in regard to crude glycerine, and the remarks of the gentleman from Tennessee [Mr. McMILLIN] in regard to fish-glue, isinglass, and gelatine. The arguments in the two cases are almost precisely similar. They apply to soap and glycerine as closely as they apply to fish-glue and gelatine.

Yet the gentleman from Tennessee [Mr. MCMILLIN] and his colleagues on the Ways and Means Committee will put fish-glue, isinglass, and gelatine on the dutiable list, while they put soap and glycerine on the free-list.

The gentleman from Tennessee says that the substances used in the manufacture of fish-glue and isinglass would not be used at all unless this duty is retained. The same is largely true of crude glycerine. For years in a large soap factory in my district it ran waste into the Chicago River. Now it is utilized, and the duty gives a motive to utilize it.

The gentleman says the duty on fish-glue and isinglass is a moderate duty. So is the duty on crude glycerine and on plain soap. He claims that it is consistent in the Ways and Means Committee to retain a moderate duty on an article when there is some probability that the manufacture of that article will be maintained and increased.

Then they ought to have retained the moderate duty on soap and crude glycerine, especially as they had determined to retain the duty on the caustic soda of which soap and crude glycerine are made.

It is altogether useless for the gentleman from Tennessee to endeavor to justify the amendment which he himself has proposed striking fish, glue, isinglass, and gelatine from the free-list and at the same time to oppose either the amendment which I proposed a little while ago with regard to crude glycerine or the one which I now propose in regard to soap.

One thing further. In the existing law a distinction is made between plain soaps, which may be reckoned among the necessaries of life, and toilet or fancy soaps, which are the luxuries of the rich and appertain to the toilets of the fashionable.

In this bill all are included in one class and put on the free-list. In the existing law the provision reads as follows:

Soaps, hard and soft, all which are not otherwise specially enumerated o provided for in this act, and castile soap 20 per cent. ad valorem.

Then comes another class, "fancy, perfumed, and all descriptions of toilet soaps, 15 cents per pound."

But in this bill the luxuries and the necessaries all go together. They are all placed upon the free-list while the main material which is used in their manufacture is still kept on the dutiable list.

The CHAIRMAN. Did the gentleman from Illinois [Mr. ADAMS] offer an amendment?

Mr. ADAMS. I moved, or intended to move, to strike out "soaps."

The amendment was rejected.

The Clerk read as follows:

Sheep-dip.

Mr. KELLEY. I would like some gentleman to tell the committee what "sheep-dip" is; and therefore I move to strike out this clause. I want to get precise information as to what the article is.

Mr. RUSSELL, of Massachusetts. I can tell the gentleman what it is.

Mr. KELLEY. Do you oppose my amendment?

Mr. RUSSELL, of Massachusetts. I am opposed to the motion to strike out.

Mr. KELLEY. Then the gentleman is in order to speak on the question.

Mr. RUSSELL, of Massachusetts. It is a chemical preparation for the dipping or washing of sheep. The purpose of dipping them is to destroy parasites upon the skin, causing "scab," and others which adhere to the wool. This article is one of the necessaries of a sheep ranch where large numbers of sheep are kept together. The most approved preparations are not made in this country. A considerable amount of it is imported, and the use of it is increasing. In the list of the expenses of one of the large sheep ranches in Texas, on which five thousand sheep were kept, the expense for "sheep-dip" for one year was $150. It is essential to the health of large flocks, and the gentleman from Pennsylvania can not object to putting it on the free-list.

Mr. DORSEY. What are the ingredients?

Mr. MORSE. It is a patent preparation. How does my colleague know the ingredients?

Mr. RUSSELL, of Massachusetts. The ingredients of "sheep-dip" are not known to me. It is a strongly concentrated preparation, comparatively cheap, a great deal cheaper than any of the old-fashioned dips which were made by shepherds. It is mixed with about a hundred parts of water. The gentleman from Ohio [Mr. MCKINLEY] in his speech referred to "sheep-dip" as a composition of tobacco, salt and sulphur. That was the composition of the dips which were formerly used, and are still made by small flock-masters, men who keep from fifty to one hundred sheep. But where large numbers of sheep are kept, they have to be driven through a tank for the purpose of dipping them; and it is impossible to prepare suitable dips in the old-fashioned manner. Consequently, in the interest of the large ranches and the business of the production of wool, we should place sheep-dip on the free-list. There can not be the slightest objection to doing so.

Mr. KELLEY. Mr. Chairman, in moving to strike out this line, I had no special desire to see the motion agreed to, nor any hope, if such had been my desire, that we could do it. My object was to learn something about the constituents of "sheep dip" and the mode of its manufacture. I have been informed that we get our "sheep dip" from a foreign "trust," which consists of one man, the owner of a patent for its manufacture; and until American genius discovered a substitute for the foreign article, that "trust" furnished the supply of dip for our great flocks.

Mr. RANDALL. It is a foreign patent which gentlemen propose to recognize in an American tariff.

Mr. KELLEY. Yes, sir. Now I have heard—some of my friends from Kentucky can probably tell me what is the fact—that a very worthy gentleman residing in Louisville or Covington, Ky., the pleasure of whose acquaintance I have had for some years, but whose name I can not recall at this moment, had discovered a process for removing nicotine from fine tobacco and has greatly improved the quality of our cigars and smoking tobacco by extracting the nicotine, and has, in doing this, absolutely established an American competitor with the European "trust" in the matter of sheep dip. If this is so, of course he ought to be overthrown. The foreign article must, of course, be a great deal better for American sheep than any which may be got from Kentucky. If I have been misinformed in this matter, I would be glad to hear a contradiction of the statement.

Mr. MCMILLIN. When the gentleman asserts that it is true, we will investigate the matter. Does he claim that it is true? As I understand, he does not claim that he knows the man, or even his name.

Mr. KELLEY. Yes, sir; I do know the gentleman.

Mr. MCMILLIN. I have not heard of any such "trust," nor has any other member of the committee.

Mr. KELLEY rose.

Mr: MCMILLIN. The gentleman will pardon me if I decline to yield at this moment. I suppose I would not exaggerate if I were to say there are thousands of preparations used for this purpose. Some parties make their own preparations; many of them, possibly most of them, do so. The gentleman on my left says that most of them do. The committee, while proposing to put wool on the free-list, thought that this, being a chemical product used extensively and necessarily by the owners of flocks, should also properly be placed on the free-list.

Mr. FARQUHAR. In the list prepared at the Treasury Department this preparation is called sheep-dip. Now it is really crysilic wash. It is, I understand, a patented article.

Mr. MCMILLIN. Does not the gentleman know there are very many different kinds of sheep-dip?

Mr. FARQUHAR. I merely wish to know whether this "sheep-dip" which gentlemen propose to put on the free-list covers all the preparations of sheep-dip, or does it merely admit free some particular foreign patented preparation?

Mr. MCMILLIN. I think that any commodity coming under the designation of "sheep-dip" would, under this clause, be admitted free; I should suppose so. There is no disposition on the part of the committee to give an unequal advantage to any particular foreign article. The only object is to furnish as cheaply as possible to the owners of flocks whatever is necessary to their preservation.

Mr. LODGE. In this valuable work prepared at the Treasury Department, of which I trust we shall soon all have a copy, I find sheep-dip described as "crysilic wash"—nothing else. I understood the gentleman from Tennessee to say that the name covers a great many preparations.

Mr. MCMILLIN. I stated that a number of different kinds of sheep-dip are used. This is my information. Tobacco mingled with certain chemicals is extensively used for this purpose. There is no one commodity exclusively used. That work is the work of the Treasury Department and——

Mr. LODGE. But I suppose is describes what is the dutiable article. It appears that the duty raised upon it amounted to last year $801.80.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his amendment?

Mr. KELLEY. Yes, sir.

By unanimous consent, formal amendments were withdrawn.

Mr. BAYNE. I renew the motion to strike out the last word, and I wish to ask my colleague [Mr. KELLEY] a question. I understood my colleague to say we are now manufacturing sheep-dip in this country which answers the purpose very well, but before we got to manufacturing it in this country we purchased from abroad because there seems to be one man who has an entire monopoly of this article if I understood him correctly.

Mr. KELLEY. Yes; my authority is the gentleman from Massachusetts.

Mr. BAYNE. He sustains that proposition, then.

Mr. RUSSELL, of Massachusetts. Do you refer to me?

Mr. KELLEY. You said the owners of small flocks, owners of few sheep, make their own wash.

Mr. RUSSELL, of Massachusetts. Generally.

Mr. KELLEY. But not so with owners of large ranges, who use the imported article.

Mr. RUSSELL, of Massachusetts. They use the imported dip.

Mr. KELLEY. You could not tell the material, because it is protected by a patent.

Mr. RUSSELL, of Massachusetts. I did not say that; some one said

it was protected by a patent. I have seen several chemical combinations. They are not expensive. It is a great deal more profitable to buy them than to make the dip for any large number of sheep.

Mr. KELLEY. Are those articles imported?

Mr. RUSSELL, of Massachusetts. I know of three of them which are imported. I have seen in use at least three. One has been mentioned by one of the gentlemen on that side. There is another, but I can not recall the name of it at this moment; I can not give the names, but the names are not descriptive. They are generally used one part to a hundred parts of water, and they are exceedingly convenient.

Every sheep man on this side and on that—and I know there are sheep men on that side as well as on this—will agree they are used on all sheep ranges and add greatly to the health of the flocks.

Mr. KELLEY. I desire to say, with your permission, now in answer to the acting chairman of the committee and to my friends in Kentucky, that a Mr. Robinson, of Kentucky, a cultivated and highly-bred gentleman, spent nearly a long session here in endeavoring to secure the passage of an act that would make free alcohol for use in the arts that he might bring into favor his patent for improving tobacco, a by-product of which would be a sheep-dip superior to any known to the shepherds of this country.

My friend from Tennessee [Mr. MCMILLIN] was mistaken in saying I did not know the man and did not know his name. My memory for names is singularly treacherous. This one has come back to me. His name is a distinguished one in Kentucky, and the family name was applied to him.

He did not get the legislation he wanted, but I have had some letters from him thanking me for my efforts in his behalf. And when I was recently in Kentucky I grieved to learn he was not there, because I heard from Mr. Harry Weissinger, of the great tobacco house in Louisville, and others that by his invention he had enhanced the price of Kentucky tobacco many per cent. and had at the same time given to the flock-masters a better sheep-dip than any other, the chief element of which was nicotine; which his process extracted from the leaf.

So I did know what I was talking about, and I did know whom I was talking about. I was talking about that which I did know and understand.

Mr. BAYNE. I want now to occupy the balance of my time.

Mr. MCMILLIN. I wish to make a personal explanation. I was merely calling attention to what the fact was, and had no other disposition than to present the fact properly. While the gentleman from Pennsylvania stated he heard there was a trust, as I understand it he did not vouch for the existence of any such trust. I did not mean any reflection on the gentleman from Pennsylvania at all.

[Here the hammer fell.]

The CHAIRMAN. There being no objection, formal amendments will be withdrawn.

Mr. BAYNE. I move to strike out the last word.

I wish to make one observation. If to put sheep-dip on the free-list benefits a trust in this country, it ought to be there in this bill, and if it benefits a foreign trust, *a fortiori*, it ought to be there, because this bill seems to be in that direction for the benefit of the great monopolies and trusts in this country, and if it can not do it in this country it reaches out to those in foreign countries.

Mr. RAYNER. There is no foreign trust in it. I wish to say to the gentleman I know all about it.

Mr. KELLEY. Goldsborough Robinson is the name of the Kentucky gentleman to whom I have referred. Gentlemen from Kentucky must know him and his family and of his valuable discovery.

Mr. BUCHANAN. I renew the *pro forma* amendment for the purpose of calling attention to the words uttered a few moments ago by the gentleman from Tennessee [Mr. MCMILLIN], a member of the Committee on Ways and Means. He said, if I heard him correctly, and I am satisfied I did, that the committee having put wool upon the free-list, that they conceived they ought to put sheep-dip upon the free-list also. I want to call the attention of the committee to the fact that the duties upon sheep-dip amounted last year to about $800, and the duties upon wool reached $6,390,054.73. Therefore the American farmer gets $6,389,254.73 the worst of the bargain at the hands of the Committee on Ways and Means. [Laughter and applause on the Republican side.]

I withdraw the *pro forma* amendment.

The Clerk read as follows:

62. Indigo, extracts of, and carmined.

Mr. PARKER. I wish to move an amendment to line 61.

The CHAIRMAN. But that has been passed over.

Mr. PARKER. It was read, but the debate has been upon sheep-dip, and there has been no opportunity to amend that line.

The CHAIRMAN. But it was open to amendment.

Mr. BUCHANAN. The line was not more than half read when the gentleman from Pennsylvania [Mr. KELLEY] was on his feet and made the amendment with reference to line 60.

The CHAIRMAN. The Chair will entertain the amendment.

Mr. PARKER. I move to strike out line 61.

Mr. MCMILLIN. What is the amendment?

The CHAIRMAN. The gentleman moves to strike out line 61.

Mr. MCMILLIN. But that line has been passed over.

Mr. BUCHANAN. It has not been passed. It was not more than half read when the gentleman from Pennsylvania [Mr. KELLEY] was upon his feet claiming recognition upon the preceding line. I observed it closely.

The CHAIRMAN. The Chair is of opinion that the line was read; but will entertain the amendment.

Mr. PARKER. I move to strike out line 61; "extract of hemlock and other bark used for tanning."

This, Mr. Chairman, is the first opportunity that has been afforded for submitting that amendment. Putting this item upon the free-list is one of those singular but marked illustrations of the methods of those who control this bill of taking care of the poor man and the workman and the farmer of this country.

When this subject was once before pending in Congress we found the great tanners of this country—the Shaw Brothers of the country—and the great millionaires of the leather-producing interest here, asking that the duty be taken off hemlock extract.

Then we looked to see who the men were that would be benefited by repealing the duty on hemlock extract. We found them not to be the poor workingmen living upon the poorer farms in Maine and New Hampshire, New York and Pennsylvania, and in Ohio, where we meet the competing bark sections, but that such men would be injured by making this extract free, while the millionaire leather makers and dealers and the millionaire tanners would be benefited by the proposition to make it free; therefore the duty was kept up at 20 per cent. ad valorem; and what was the effect? The last year—that is, during 1887—for that fiscal year the whole quantity of this commodity imported was valued at $51 only, and the duty derived from it $10.20. Why? Because the duty was practically prohibitory.

Now, in order to show the necessity for the protection of this industry I will read first the process of making this commodity:

Hemlock extract is the product obtained by grinding and leaching hemlock bark and reducing the liquor to about the consistency of sirup or molasses by evaporation, either *in vacuo* or openly, as you would boil down maple-sap to make maple-sugar.

Then the further statement is made that—

A cord of bark, weighing 2,000 pounds, worth $1 to $2 on the tree—

Depending upon its distance from the markets—

is peeled, dried, and hauled to the factory, where it brings $5 to $7. Its tannin is there extracted and reduced to a fluid form and to the bulk of 40 gallons, and its weight to 400 pounds, and sells at the factory for about $12. This, except the bark on the tree, is the product of labor.

Now as to the localities and the magnitude of that interest. The great tanners and lumbermen interested in the lowering of this duty have said to us in a memorial submitted to Congress:

We would respectfully ask your attention to the following petition for protection to our hemlock forests, which are rapidly being depleted by one of the largest interests in our country, namely, the leather interest.

* * * * * * *

We would most respectfully ask to have it put on the free-list, coming under the head of protection to our hemlock forests.

That is, the hemlock extract.

We ask this as owners of 1,500,000 acres of land and as manufacturers of 72,000 barrels of extract, which is two-thirds of all the extract manufactured in North America.

We own and control 1,500,000 acres of bark-land and operate 23 tanneries, own 9 extract works, and employ 5,000 men part of the year, 2,000 men all the time, and make 72,000 barrels of extract a year, the entire product of North America being but 100,000 barrels.

These forests and manufactories being in Canada, and they are used for the benefit of Canadian producers and workmen.

We are told in the testimony taken before the Tariff Commission that they were then shipping a great deal of this bark extract from Canada.

The question was asked:

Q. Do they ship it also in the form of ground bark?

A. They do that to some extent; but they have a system of extracting the tanning material by evaporation—quite an ingenious process—making a liquid very similar in appearance to molasses. They claim to get the strength of a ton of bark in an ordinary barrel of the liquid.

Another witness says:

We run four extract works in the United States and five in New Brunswick and Canada.

To show you the quantity of bark used, I can remark that last year we peeled over 150,000 cords of hemlock bark, or enough to make a pile 4 feet high and 4 feet wide that would reach from Boston to New York. We tan 750,000 hides per year in the United States, making 1,500,000 sides of hemlock sole-leather.

[Here the hammer fell.]

Mr. PETERS. I ask unanimous consent that the time of the gentleman be extended.

There was no objection.

Mr. PARKER. Mr. Chairman, I wish now merely to emphasize the position exhibited by these facts. Hemlock bark is a commodity handled by small farmers in the poorer portion of the country where the men have hard work to get money to pay the necessary cash expenses that come upon them. They are the owners of the small farms. They can have their bark peeled at the proper season, and at times of the year when they are not employed in putting in or harvesting their crops they can go into the woods, haul it out, take it to the tanneries, and by its sale obtain money to pay their taxes and to pay for the commodities that require payment in cash. I am aware this is not an in-

terest or a business that attracts either by its magnitude or brilliancy the attention attracted by some of those great industries of the nation. It may not excite the imagination or touch the fancy; but I appeal to you on behalf of these poor men of the newer and less productive farming districts of the country that lie upon the borders of the great forests that this protection which is now allowed to them shall not be taken away. If the gentlemen upon the other side of the House see fit to rob these poor men of the small protection which they have now in the interest of the great tannery and lumber owners who have invested their millions in Canada, they will be proving, what has been often alleged against them, that while clamoring against capitalists, monopolies, and trusts they show themselves to be the very base servants of the people and the organizations they condemn. [Applause.]

Mr. KELLEY. If the gentleman will withdraw his amendment I will renew it.

The CHAIRMAN. The gentleman may oppose the amendment.

Mr. KELLEY. I will have to oppose it by advocating it. The other would seem to be the more logical way.

Mr. PARKER. I will withdraw my amendment.

Mr. KELLEY. I renew the amendment. I ask the gentleman in charge of this bill to hear what I have to say. Either this clause should be stricken out or an amendment, which I should be very sorry to see made, should be made. I think the question will have to be tried when we get near the end of the free-list. If Canada is to be allowed to provide from her forests our extract of hemlock for use in tanning and other purposes, certainly sumac should also be put on the free-list. I do not ask that sumac be put on the free-list. I was one of those who placed it on the dutiable list, and maintained the duty when pleas were made that it should be put on the free-list.

A good many years ago a distinguished gentleman from Virginia (Mr. Tucker) said: "I can not vindicate the maintenance of a duty on sumac logically in accordance with my opinion, but I can appeal to my friend, who believes in the doctrine of protection for protection's sake, to give to the poor old mammies and picaninnies of the hills of Virginia and North Carolina the five or six hundred thousand dollars that are derived from their collection of sumac." The sumac grows, it may be said, as a weed upon unfenced and almost untaxed lands, and the old colored women and the young colored children at that time collected it all and brought it to cross-road stores in the sumac districts of those two States, from five to six hundred thousand dollars' worth a year. The business has greatly increased. It is an immense source of income to the poor people of that region of country; but you propose to strike down the production of extract of hemlock in favor of Canadian land and forest owners.

As the gentleman from the interior of New York [Mr. PARKER] has rightly told you, this industry is largely in the hands of the small farmers, the owners of bits of land on which hemlock trees are found. They cut trees for winter fuel and the bark is sold to the neighboring storekeepers, who collect it for the currier, tanner, and manufacturer of leather. The two things, sumac and extract of hemlock, are allied industries. You should put them together on the dutiable or the free-list. Make the bill equitable. Remove the charge of sectionalism from it by letting the poor people of the wintery regions of the far north have this source of income as we have been allowing it to the mammies and picaninnies of Virginia and North Carolina to have sumac. Deal fairly with both sections of the country.

The CHAIRMAN. The question is on the motion submitted by the gentleman from Pennsylvania to strike out line 61.

Mr. BURROWS. Is debate in order?

The CHAIRMAN. It is not, except to oppose the amendment.

Mr. BURROWS. I am not aware that any information has been furnished the Committee on Ways and Means upon this subject. The only information I have been able to secure is that furnished the Tariff Commission. I desire to send to the desk to have read (although it need not be printed in the RECORD) the passages I have marked touching this industry, showing how destructive it would be to place it on the free-list and how it will inure to the benefit of our Canadian friends across the border. This paper is from L. Crawford & Co., of Philadelphia.

Mr. MCMILLIN. I simply want to say, in response to the remarks of the gentleman from Pennsylvania [Mr. KELLEY] about the producers of hemlock bark and the workers in the sumac industry, that the very tariff law under which we are now operating, the act of 1883, which was engineered through the House by the distinguished gentleman from Pennsylvania, has on the free-list both hemlock bark and sumac wood, dried. It would seem, therefore, that the gentleman's disposition in regard to these articles must have changed recently.

Now, what is the question concerning the item under discussion? The present duty is only 20 per cent., and notwithstanding that fact there was imported last year into the whole United States only $51 worth of this article, the duty on which was $10.20. In view of this small amount of importation under a 20 per cent. duty, does any sane man believe that making this article free, as proposed by the committee, will destroy the industry?

The CHAIRMAN. The question is on the motion to strike out.

Mr. PARKER. I wish to answer directly the gentleman's question. He stated the amounts correctly. The importation is so small because the present duty is practically prohibitory, but take off that duty and from the regions of Canada where their factories are already built and have been running for years, there will come in an amount which will take the place of the whole supply of bark produced in the Adirondacks and the other regions that have been mentioned. It is because the present duty is prohibitory that it should be kept unchanged, and it is for that reason that it is a benefit to the class of poor men I have mentioned.

The question was taken on the amendment, and the Chair declared that the noes seemed to have it.

Mr. FARQUHAR. I call for a division.

The committee divided; and there were—ayes 50, noes 64.

So the amendment was not agreed to.

The Clerk read as follows:

Indigo, extracts of, and carmined.
Iodine, resublimed.
Licorice-juice.

Mr. MCMILLIN. I move to strike out line 64, "licorice-juice," stating that the purpose is to introduce it on the dutiable list at a reduced rate further on.

The CHAIRMAN. If there be no objection, the amendment will be considered as agreed to.

Mr. BUCHANAN. Is that article produced in this country? Undoubtedly the amendment is a good one, but I would like to know the reason for it.

Mr. MCMILLIN. The article is produced in this country. A part of what we use is produced here and a part comes from abroad.

The amendment was agreed to.

The Clerk read as follows:

Oil, croton.
Hemp-seed and rape-seed oil.
Oil, cotton-seed.
Petroleum.
Alumina—alum, patent alum, alum substitute, sulphate of alumina, and aluminous cake, and alum in crystals or ground.

Mr. O'NEILL, of Pennsylvania. I move to strike out lines 69, 70, and 71.

Mr. BLOUNT. Let them be reported, so that we may know what they are.

The Clerk read as follows:

Alumina—alum, patent alum, alum substitute, sulphate of alumina, and aluminous cake, and alum in crystals or ground.

Mr. O'NEILL, of Pennsylvania. Mr. Chairman, from the experience I have had here as to amending this bill in any way that does not suit the majority of the Committee on Ways and Means, I rise with some reluctance to offer this amendment; but I hope these lines will be struck out, upon the ground that in this country we are producing these articles to a great extent, and that the manufacture of them here can not be continued unless the present duty is retained. The methods of making these articles are very expensive indeed. The machinery and the processes are costly, and our ability to compete with the foreign articles has been gained only after many trials.

But now, sir, the American manufacturers have completed such machinery and have developed such processes as they think will enable them to produce articles not merely equal, but superior to the foreign products, and they ask to have the duty remain as it is, because they have been at great expense in procuring machinery and bringing to perfection their methods of manufacture. I make this appeal to the committee in behalf of what is not exactly an infant industry, but such an industry as we ought to take care of if we desire to encourage our manufactures. We are putting on the free-list a great many articles, many of which the friends of protection do not seek to have removed from that list, but occasionally we come to some which ought to be stricken from it, and I hope this amendment will be agreed to, unless the majority of the Committee on Ways and Means can give some good reason why this industry should be destroyed.

I feel interested in this matter because in the locality from which I come these things are manufactured largely. Indeed, many articles in the drug and chemical line are manufactured in the city of Philadelphia, and I have personal knowledge of the magnitude of those establishments and of the enormous outlay that has been incurred in building them up and perfecting the methods of manufacture. I do not know what good reason there can be for striking down the industries which produce these articles here at home, and I therefore appeal to the committee to strike out these lines.

The CHAIRMAN. The question is on striking out the lines indicated.

Mr. FARQUHAR. Mr. Chairman, I would like, for the information of the committee, to state a few facts respecting the articles named in this paragraph. In 1887 the amount imported into this country was 198,419 tons; in the same year the quantity made here was 194,000 tons; so that the importation and the home manufacture are about equal. The rate on alum in the existing tariff is six-tenths of a cent per pound, and it is now proposed to put it on the free-list. The same proposition is made in regard to sulphate of soda, on which the present duty is 20 per cent. ad valorem.

I wish to refer to the reasons which have been laid before members by gentlemen engaged in this chemical manufacture. I take the liberty of reiterating these reasons, because possibly many gentlemen may have mislaid the circular which they doubtless received. I have no particular interest in my district which I wish to help in this regard, and none which I think will be hindered by our action on this question; but the reasons presented here are very plain:

Because we are on the eve of the extension and adoption of the ammonia process for making soda, and it is hoped that this important chemical reagent will not be annihilated at the outset.

Because we are about erecting plants at the great coke works with a view of catching the sulphate of ammonia contained in the escaping gases, all of which is now wasted.

Because we are now working the vast deposits of native sulphate and other forms of soda existing in the Western States and Territories, notably, Wyoming, Nevada, and Utah.

Because we are working the Pyrites mines of Virginia, Massachusetts, and Vermont for sulphur ores, in place of Sicilian sulphur, formerly used in making sulphuric acid.

Because we do not want to resume the humiliating position of obtaining our consumption of alum and alkali from foreign sources.

Because labor is a most important item in the cost of all forms of soda and alum, as large masses of material have to be handled and dealt with. The average labor paid here amounts to 39 per cent. of value of product, against an average of 15.6 per cent. in similar establishments in Europe. The above labor includes only that paid at factories. The contingent industries, which amount to a very large sum, are omitted.

Because the grinding down of wages (as we should be compelled to do) is a most objectionable feature, and can not commend itself to enlightened citizens of the United States. We aim not only to pay sufficient wages for mere existence in providing food and clothing, but also to allow of the education and bringing up of the children of the operatives in a proper manner, thus making them better and more enlightened citizens of the Republic.

Because the amount of duties on soda and alum since their original imposition is considerably less than was paid at first, owing to the fact of the foreign manufacturers being quick to perceive that by concentration of those articles the duties might be considerably reduced.

Because the glass, soap, and paper manufacturers, who are the largest consumers, are united on the propriety of the present duties, as lower rates would tend to prevent an increase in their manufacture in this country, and the saving in cost of production of glass, soap, and paper by the reduction in duty would come to so small a fraction as to be quite inappreciable, and would hardly find its way into the pocket of the consumer.

Because the alum and sulphate of soda manufacture would cease entirely, as those articles are placed on the free-list. The revenue from the other forms of soda would be greatly increased in consequence of reducing the duty one-half, as England is forwarding half our supply under the present duty.

Because $10,000,000 are invested in the alum and soda works and half as much additional in contingent and allied industries. Fifty thousand people are dependent upon them for support. The manufacturer, the laborer, the consumer, the mine-owner, and the carrier would see their money drained out of the country, and their requisites would be vastly diminished.

Because the alum-clay deposits of Indiana, Alabama, South Carolina, and Virginia are now being developed, and this would cease with alum on the free-list.

Because the British manufacturers are deeply concerned over the threatening evils to their alum, alkali, and soda industries by reason of the rapid development of those industries in this country. Mr. Weldon, in a paper read in London in 1883, gave the soda production of the world at 710,000 tons, of which 432,000 tons were made in England. The United States, by long odds, is the heaviest consumer.

Because, in consequence of the permanent depression in market values, owing to sharp and active competition, the profit on soda and alum in the old established factories amounts to less than 6 per cent. upon invested capital. Several of the new companies, although in operation two or three years, have paid no dividends at all.

Because heavy chemicals are brought to the United States as ballast, the freight costing only the expenses of handling. These vessels are sent over for grain and petroleum cargoes; hence, sea freight affords no protection.

Because there are many towns that were brought into existence and the people and neighboring farmers supported solely by the chemical industries established in their midst. In view of the evil results that must follow the placing of alum and sulphate of soda on the free-list and the reduction in duty on sodas, we most earnestly request that no change or alteration be made in the existing duties, as it will, in reduced wages and reduced employment, seriously and vitally affect the interests of the respective communities, and without any commensurate gain to any American interest.

Mr. Chairman, I submit that the reasons here given are sufficient to impress the judgment of any member of Congress who is not an expert, and ought to have been taken seriously into account by the Committee on Ways and Means before deciding to place alum on the free-list. I hope that before the debate on this paragraph closes some gentleman of the committee will give us some good and sufficient reason why from seven millions to ten millions of American capital should be hazarded upon a chemical schedule which no man can explain.

The CHAIRMAN. Debate on this paragraph is now exhausted.

The question being taken on the motion of Mr. O'NEILL, of Pennsylvania, to strike out lines 69, 70, and 71, embracing "alumina, alum, patent alum, alum substitute, sulphate of alumina, and aluminous cake, and alum in crystals or ground," the amendment was rejected; there being—ayes 48, noes 78.

The Clerk read as follows:

All imitations of natural mineral waters, and all artificial mineral waters.
Baryta, sulphate of, or barytes, unmanufactured.
Boracic acid, borate of lime and borax.

Mr. VANDEVER. I move to strike out the line last read. Mr. Chairman, California and Nevada are the only States which produce this salt. Prior to the imposition of a duty upon it, and when our main supply of it came from abroad, the price had run up to something like 35 cents a pound. Upon the imposition of a duty, stimulating the domestic industry and promoting the production of the article in our own country, the price declined in a short time to 6 or 7 cents a pound in San Francisco. It is now proposed to put the article on the free-list, the inevitable consequence of which will be to raise the price of this salt, which is necessary in a great many lines of manufacture and production.

I do not know any particular reason that can be assigned by gentlemen on the other side for putting borax on the free-list. Its production is an industry in which a very large amount of capital is invested in our portion of the country, employing a large number of persons. It is a matter of very great importance upon the Pacific coast to stimulate, develop, and protect this industry so as to supply our own community with the product of our own soil. Hence I have moved to strike out the pending line of the bill. I trust that some other gentleman on this floor will support this amendment with appropriate observations, so that the Committee of the Whole may see how entirely useless it is, so far as revenue is concerned, to place this article upon the free-list at the present time, and how direct a blow such a measure must be to a very important industry which is now developing to a large extent upon our coast.

Mr. RAYNER. Mr. Chairman, I have a communication I want to read in continuation of the stand I propose to take in connection with these combinations to control these products:

Borax.—About two months ago the producers of borax in this country formed a combination to regulate both supply and prices. The tariff duty—three cents a pound on crude and five cents a pound on refined—is virtually prohibitory and was imposed for the protection of the owners of borax mines, who have now united to prevent competition. We take the following from the Boston Commercial Bulletin, a well-known protectionist trade journal, which publishes the statement simply as news:

The combination includes the sixteen producers of the Pacific coast, and under its influence the price of borax has been advanced; first, to 6½ cents for refined and 5½ for concentrated. After that it was advanced to 7½ cents a pound for refined and 6½ for concentrated. Prices were again advanced to 7¾ for concentrated and 7¾ for refined. They afterward were further advanced to 7 to 7½ (*sic*) for concentrated and 8 to 8½ for refined. They now (February 18) stand at 7¾ and 8 cents for concentrated and 8½ to 8¾ for refined. Those interested are confidently looking forward to a 9-cent market quantities, an advance to this point being permitted by the duty of 5 cents per pound upon boracic acid for the Mediterranean. The cost of putting up stock in packages for family trade is placed at 3 cents per pound, and this has been selling to jobbers at 10½ to 12½ cents, as to brand, for what is termed ordinary goods, but a higher range will probably now be established.

There was imported last year $439 worth of borax, on which a duty of 5 cents per pound was equal to 42½ per cent. As the value of this borax was more than 11 cents a pound, duty excluded, there seems to be room for further advances in addition to the four made by the ring in two months. There is room on the free-list for borax.

If this combination has not had the effect of putting up the price from 5½ to 8 cents, gentlemen who know all about it can explain. I say it has.

Mr. FELTON. There is much truth in what has been read by the gentleman from Maryland, that I do not deny; but if the gentleman will look into the history of the production of this article in this country he will know that before the tariff was put on it, which only enabled the article to be produced here, the lowest price it ever was sold for was 28 cents a pound—a striking exemplification of the doctrine as laid down by Mr. Hamilton, and which has proved to be universally true: if you protect an industry only fairly the inevitable result will be a competition severe enough to prevent monopoly and bring down prices to consumers.

Now, borax is produced in this country under adverse circumstances. In the alkali plains under various disagreeable and expensive surroundings, with a large amount to be paid for transportation, by reason of their peculiar location, I do not believe they can profitably produce it to-day and sell it for 6 cents a pound. They are losing money. Three or four of the producers (and one of them the largest) of this article have gone to the wall by reason of the competition being so severe as to make its production unremunerative; hence the combine for raising the price. There is no doubt as to the fact that if these men could they would put the price on this product higher, because, as shown, the severe competition which they have and are enduring will not permit them to carry on their business at present prices.

Now, put borax on the free-list and you then will see what will have to be paid for it without the home competition, as, I am informed and believe, most of the product abroad is controlled by one man.

I do not wish to say more or to farther supplement what has been said by my colleagues.

Mr. RAYNER. Does the gentleman say boracic acid is controlled by one man?

Mr. FELTON. I am talking about what I understand. I am talking about borax and not about boracic acid.

Mr. VANDEVER. I wish to state, Mr. Chairman, that before the duty was imposed on this article the price ran up as high as 35 cents a pound. When the duty was levied there was a combination by foreign producers of borax to precipitate it on the market and run the price down, and it was run down to 6 cents. This low price produced the change designed. It broke up a number of American producers.

It is an industry now struggling for existence, and I know no industry in this broad land which appeals to Congress more strongly than this industry, which now suffers severe competition with the foreign product. I can not better conclude than by calling attention to the following letter from General Rosecrans:

TREASURY DEPARTMENT, REGISTER'S OFFICE,
Washington, D. C., April 14, 1888.

MY DEAR SIR: I see that the committee's tariff bill proposes to put all borax products on the free-list. It involves no great sum of money, and I believe that

if the committee had been as familiar with the subject as circumstances have compelled me to be, they would have refrained from putting these products on the free-list.

The production of borax from the desert alkali lands of California, Nevada, and Colorado has become quite an industry, and employs a good many people, scattered all over the country. Only in the new States and Territories, however, can the raw material be found. It seems desirable, therefore, to show as much favor as possible to this industry. It is especially incumbent upon the Democratic party.

But that is the least of the reasons why the business should not be meddled with. The history of the importation of borax into the United States, and of the various tariffs thereon, shows that legislation in favor of a single person or single house has been the constant rule since 1842, or at the latest since 1845. I had occasion to thoroughly examine and verify the accuracy of this statement, and in 1882 I earnestly urged on the members of the House Committee on Ways and Means whose attention I could get at least to do something for our own home industries, instead of building up the wealthy monopoly to which I have alluded, and which slyly procured legislation in its favor all these past years. This combination had placed and kept boracic acid on the free-list, until in 1882, when the tariff discussion revealed the game, and then only the inadequate tariff of 4 cents was imposed. The last change procured was to have boracic acid put on the free-list.

* * * * * * *

We had no relief until our borax producers began to compete with them. If this combination be permitted to do as it has been doing in the past since the tariff of 1882 it will destroy competition, and then go back to its old ways, our own producers will be ruined, and our consumers will then be worse off than under the present tariff.

* * * * * * *

W. S. ROSECRANS.

Mr. MORROW. If necessary, Mr. Chairman, I will offer a formal amendment. The discovery of borax was first made in California in the year 1856. There was no production, however, of any consequence until the year 1865, when a few hundred tons were placed on the market at about 25 cents per pound in San Francisco. At that time and for forty years previous an importing firm in New York, representing a prominent English house, controlled the market of this country, receiving the supply either as refined borax or boracic acid, the latter being the essential ingredient in the borax of commerce.

It was not until 1872 that the production of borax on the Pacific coast was of sufficient magnitude to exert any influence upon the price in this country. Prior to that time the article ruled from 28 to 50 cents per pound. The production was about 1,000 tons in 1873 from the States of California and Nevada. The tariff at that time was more than it is now, and encouraged our people who were engaged in exploring for mines and minerals to search for borax deposits.

In 1872 some important borax fields were discovered in the desert regions of California and Nevada from which borax was taken in considerable quantities. The result was, as I have just stated, that a large amount was placed on the market in 1873. This domestic product induced the foreign importer to come to Congress for a reduction of the tariff, in which he was successful; and in 1874 borate of lime, crude borax, and boracic acid were placed on the free-list. The effect of the removal of the duty was to discourage the producers, and the industry was accordingly restricted.

It would probably have been abandoned had it not been that in 1883 the matter was fully considered by Congress and the protective duty partially restored, as we find it in the present tariff. The act of 1883 again gave encouragement to the producers, and the product has increased until some 5,000 tons of borax were placed on the market in 1887, and the price last year in San Francisco for concentrated borax, a commercial grade, was less than 7 cents per pound, or a reduction of 28 cents from 35 cents per pound when the domestic article entered the market in 1872.

But it must be remembered that at the time when the tariff of 1883 went into effect the importer holding a monopoly of the foreign product imported an immense quantity of boracic acid. I believe the amount was 4,178,737 pounds, as I find it reported. This large importation was in anticipation of the action of Congress in placing borax on the dutiable list, and the effect has been such that the market has been carrying a large surplus ever since, or until quite recently. The domestic producer has been suffering from this unfortunate competition, designed as a means to secure his utter destruction.

For the forty years prior to 1872, when the borax market was entirely in the hands of a foreign monopoly, the American consumers were never able to buy a pound of borax for less than 28 cents. The lessees of the Duke de Lardrell, controlling the great Tuscany product, were able to fix the price to suit themselves. Boracic acid is nowhere found in a pure state in any quantity except at the boracic springs in Tuscany, owned by the titled gentleman just named.

It is, however, manufactured from borate of lime, found in many parts of the world, but especially in Asia Minor, where there is a deposit covering some 13,000 acres, or 20 square miles, and of remarkable richness. It is well known that boracic acid produced at the springs in Tuscany and the borate of lime in Turkey are the result of very cheap labor.

Formerly this article of boracic acid was admitted free of duty under the mistaken notion that it was a crude or unmanufactured product, and refined borax was taxed 10 cents per pound. Now, while it is true that boracic acid is converted by a chemical process into refined borax, it is by no means a crude article. It is in fact the product of labor, and cheap labor at that. With boracic acid on the free-list the foreign importer will control the market more effectually than he could in an even competition with crude borax. There is no boracic acid produced in this country.

We find the crude borax in the ground, and, as stated by my colleague [Mr. FELTON], its production is at a considerable disadvantage for the reason that it is found largely in the desert regions. It requires expensive transportation to get it to market, and while perhaps that is not a sufficient reason for a protective duty, it is still an incident in the cost of production. The principal reason for retaining the present tariff is that it is the product of our own well-paid labor, that must find other employment if borax is placed on the free-list.

[Here the hammer fell.]

Mr. BURROWS. I ask unanimous consent that the gentleman be allowed five minutes more.

There was no objection.

Mr. MORROW. The real ground upon which this tariff should be continued, and why boracic acid and borax should not go upon the free-list, is the fact that we are employing the labor of this country at an advanced rate. We are paying more for our labor than is paid in Italy, Turkey, or elsewhere, and for that reason alone we think the industry is entitled to a continuation of the present rate of duty.

Incidentally there is another feature of this industry which I presume the gentleman from Kansas [Mr. RYAN], who sits before me, knows something about, and that is, in one place at least, where this substance is found the producers employ the Indians in the borax fields. The employment of the Indians there has relieved the Government from maintaining that particular tribe or band of Indians, which would probably be required if the Indians had not this opportunity for employment. Now, if you will destroy this industry you must provide for the support of these Indians at the Walker River Indian reservation in Nevada. Therefore, as a matter of economy in this direction, it would be well to encourage the industry, in order that the Indians may have suitable employment.

The shadow of this bill, the prospect of its becoming a law, and the removal of the duty on borax, have already had a disastrous effect upon the borax industry in the United States; in one case at least it has contributed to the suspension of a large house in San Francisco, and threatens to destroy the business altogether in this country.

Mr. RAYNER. What were our importations last year?

Mr. MORROW. I believe I have not the figures at hand, but they were not very large, because, as I have said, in 1883 over 4,000,000 pounds of boracic acid was imported in advance of the tariff going into effect, in order that the importer might have the advantage of the raise in the market, and that has affected the American market until quite recently. But it is very likely that the gentleman will find in the schedule which he holds in his hand a report showing the amount of the importation of borax and boracic acid up to the present time. It is probable that the importation of boracic acid will be continued in competition with domestic borax, unless Congress is prepared to place still higher duties upon the acid and encourage the further development of the mineral resources of the United States in the article of borax.

Mr. Chairman, there is another feature to which I wish to call attention. The borax fields are located on lands designated in our land laws as "mineral lands," and the people who have taken up these fields have done so in good faith, supposing that the industry had the friendship of the Government. They have gone on and expended their money, paying $2.50 an acre for the land; and the borax being a scattered product, they have found it necessary to take up quite a large quantity of land otherwise worthless, for which they have paid the price for mineral land. Now, having made these purchases, I submit they had the right to suppose that the law would not be changed so as to destroy the value of their lands.

It can not be too emphatically stated that the price of borax in all the markets of this country has been lower under the tariff of 1883 than was ever known before; that the supply has been constantly increasing and is now equal to the demand, thus insuring moderate prices to the consumer for many years to come, unless adverse legislation should cripple this new and important industry. Many an industry in this country has been warmed into life and built up by the fostering care of the Government until it has attained strength and vigor to compete successfully with competition from any and every quarter, and has thus been the means of adding largely to the wealth of the country and the happiness of its people.

When these borax producers shall have better and cheaper facilities by means of rail and other modes of conveyance to our leading marts, and are compelled to give all or nearly all of the output of their fields in exchange for freights, hauling by teams, and expensive supplies, it may then do possibly to talk of placing our borax deposits on an equal footing with those worked by insufficiently paid labor, whether in Italy, Turkey, or elsewhere.

The supply of borax materials, whether of boracic acid, borate of soda, borate of lime or tincal, outside of the United States lie almost wholly in the semi-civilized nations, none being found in any country of Europe, except Italy; consequently, in the working of these deposits, we are brought in direct competition with the laborer of those countries, whose position is often little better than a serf. The working of

our deposits where the grade of the material is low, compared with those of Asia Minor and elsewhere, requires skilled and intelligent men and the application of any new developments in science, no matter how expensive. To place our laborers by legislation in competition with the teeming hordes of Asia is not wise statesmanship. In my judgment there is not a single article upon the tariff-list to-day that so well justifies the tariff duty as these particular articles of boracic acid, refined borax, and crude borax.

[Here the hammer fell.]

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn, and the question will be put on the motion to strike out line 75 of the bill.

The question was put; and the Chair being in doubt, a division was called for.

The committee divided; and there were—ayes 56, noes 62.

Mr. MCKENNA. No quorum.

The CHAIRMAN. The gentleman from California makes the point of no quorum. The Chair will appoint as tellers the gentleman from California [Mr. MCKENNA] and the gentleman from Tennessee [Mr. MCMILLIN.]

The House again divided; and the tellers reported—ayes 52, noes 80.

So the amendment was rejected.

The Clerk read as follows:

Copper, sulphate of, or blue vitriol.
Iron, sulphate of, or copperas.
Potash, crude, carbonate of, or fused and caustic potash.
Chlorate of potash and nitrate of potash, or saltpeter crude.
Sulphate of potash.
Sulphate of soda, known as salt-cake, crude or refined, or niter-cake, crude or refined, and Glauber's salt.

Mr. MCMILLIN. I offer the following amendment:

Page 4, line 84, insert "nitrite of soda."

The amendment was agreed to.

Mr. FARQUHAR. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

After the words "nitrite of soda" insert "hyperoxide of lead."

Mr. FARQUHAR. I have no remarks to make further than this: The article is not manufactured in this country, and it is very material to the dyeing industry and all that class of work.

Mr. O'NEILL, of Pennsylvania. I move to strike out——

The CHAIRMAN. There is an amendment now pending. The question is upon agreeing to the amendment submitted by the gentleman from New York [Mr. FARQUHAR].

Mr. BRECKINRIDGE, of Arkansas. If the gentleman states the article is not made in this country and offers it upon his own responsibility I have no objection to it.

Mr. FARQUHAR. I simply say that if it is manufactured it must certainly be in very small quantities. It is a very material product.

Mr. BRECKINRIDGE, of Arkansas. I would like to give the subject more careful examination. It has never been brought before the committee. If the gentleman had brought it before the committee we would have looked into it with a great deal of interest and care, and under these conditions we would undoubtedly have accepted it. I would like to have an opportunity to look into the matter. I think the better course is to pass it for the present.

Mr. FARQUHAR. I will state to the gentleman from Arkansas, to refresh his memory, that I did call his attention to it once before.

Mr. BRECKINRIDGE, of Arkansas. I do not question the statement of the gentleman, but the incident, if it occurred, has passed out of my mind.

Mr. FARQUHAR. I merely mention it to refresh the gentleman's recollection.

Mr. BRECKINRIDGE, of Arkansas. I want to state in this connection that none of the provisions in this chemical schedule have been agreed upon until after very careful conference with manufacturing chemists. No gentleman on this floor on either side will pretend for a moment to be thoroughly and practically acquainted with the details of this schedule. It is the most difficult of all the schedules in the tariff list. I have not myself—and I think this has been the experience of every member of the committee—ventured to take any step until after careful conference with experts. I do not like to depart from that rule. As long as we stand where we now stand I feel that our position is safe on this list.

Mr. NUTTING. May I ask the gentleman a question?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir.

Mr. NUTTING. I see you have just passed line 78, in which I find the words "caustic potash." I want to know whether that would include soda ash?

Mr. BRECKINRIDGE, of Arkansas. It would not. We refused to put soda ash on the free-list, although a very necessary article, very important in many of the industries. We found soda ash in this country was now being largely produced. There is a large amount of capital invested in it. It has only been produced with any degree of profit in the last five or six years. The rate of duty now is small. The ad valorem equivalent is about 23 per cent. We consider that, in the first place, it could not now stand being put on the free-list; and, in the second place, as a young industry with very large interests, it was too quick and rash a step to take with reference to it.

Mr. NUTTING. The gentleman and I think exactly alike. The only fear I had was that this word might be held to include soda-ash. There are two sorts of soda-ash.

Mr. BRECKINRIDGE, of Arkansas. I understand the gentleman's point. The question has been gone over very thoroughly, and we are satisfied that it does not include that article.

Mr. NUTTING. Very well. All I desire is that it shall not include soda-ash or caustic soda made from soda-ash.

MESSAGE FROM THE SENATE.

The committee rose informally to receive a message from the Senate, and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed a bill and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 3133) providing for a bust of the late Chief-Justice, Morrison Remick Waite, to be placed in the room of the Supreme Court of the United States.

Joint resolution (S. R. 90) granting leave of absence to certain persons employed in the service of the United States.

The message also announced that the Senate had passed House bills of the following titles with amendments; in which the concurrence of the House was requested:

A bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889; and

A bill (H. R. 10233) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

TARIFF.

The committee resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. The Clerk will again report the amendment of the gentleman from New York [Mr. FARQUHAR].

The amendment was again read.

The amendment was rejected.

Mr. O'NEILL, of Pennsylvania. I move to strike out lines 83 and 84.

Mr. MCMILLIN. We have passed from those lines.

The CHAIRMAN. The lines were read, and the gentleman from Pennsylvania [Mr. O'NEILL] and the gentleman from Tennessee [Mr. MCMILLIN] rose at the same time to address the Chair, and the Chair recognized the gentleman from Tennessee. The gentleman from Pennsylvania, who rose to move to strike out these lines, was not then recognized, so the Chair will recognize him now to make the motion.

Mr. O'NEILL, of Pennsylvania. I make that motion. I listened to what the gentleman from Arkansas [Mr. BRECKINRIDGE] said about getting information in regard to the schedule of drugs and chemicals. If I had been consulted by the majority of the Committee on Ways and Means I could have advised them where to get information upon that subject. The manufacture of drugs and chemicals has been carried on very largely for very many years in the locality which I represent, and the perfection that has been attained there in the manufacture of such articles is very great. I have moved to strike out these lines because very large amounts of money have been invested in those industries and the existing tariff simply enables the manufacturers to carry on the industries.

In almost every instance the articles have been reduced to the lowest point of cost. They are in competition with the foreign articles of the same kind, and there can be no one seeking the placing of these articles upon the free-list except the importers. I do not know whether or not the Committee on Ways and Means has consulted with those who are interested in the American manufacture of drugs and chemicals, but I do know, and I say it because I can not be contradicted, that within the limits of the city in which I live these manufactures have been very extensive and very successful for many years past in all cases where there has been tariff enough to protect them against foreign competition.

In regard to the particular articles under consideration, I will say that those industries have been cherished there not very long, but very carefully, and at very great outlay. They are articles which are in common use, and the consumer gets them at very low prices indeed. Now, I contend that it is not right to put upon the free-list articles which we can manufacture and do manufacture in this country under such conditions, and I do hope that the committee will strike out these lines. If any of the gentlemen of the committee desiring information on this general subject had let me know, I could have put them in communication with people who are entirely familiar with the whole range of these subjects, the people who have built up the manufacturing establishments, who know the cost of manufacturing, the effect of a fair duty upon the business, and the disastrous effects which would result upon putting such articles on the free-list.

The question was taken on the amendment of Mr. O'NEILL, of Pennsylvania, and the Chair declared that the noes seemed to have it.

Mr. O'NEILL, of Pennsylvania. I call for a division.

The committee divided; and the tellers reported—ayes 40, noes 66.

Mr. O'NEILL, of Pennsylvania. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will designate the gentleman from Pennsylvania [Mr. O'NEILL] and the gentleman from Tennessee [Mr. MCMILLIN] to act as tellers.

The committee divided; and the tellers reported—ayes 41, noes 68.

Mr. O'NEILL, of Pennsylvania. I think I must raise the question of "no quorum." I do not do this for the purpose of breaking up this afternoon's session, which must at all events close in a very few minutes, but my colleague [Mr. KELLEY], who has left the Hall, would, I think, like to be heard on that question, and I do not wish the matter to be passed without his having such an opportunity.

Mr. TAULBEE. Let us have the regular order.

The CHAIRMAN. The regular order is the taking of the vote on this question. The tellers will resume their places.

Mr. O'NEILL, of Pennsylvania. Upon consultation with gentlemen here I have decided to withdraw the point of "no quorum."

The CHAIRMAN. The point of "no quorum" being withdrawn, the amendment is rejected.

The Clerk read as follows:

Sulphur, refined, in rolls.
Wood-tar.
Coal-tar, crude.

Mr. FORAN. I ask unanimous consent that the Committee of the Whole recur to line 77, to which I wish to offer an amendment. A gentleman came to my desk and asked a question at the moment the Clerk was reading that line, hence my attention was momentarily diverted.

Mr. MCMILLIN. I have declined similar requests so often that I do not see how I can assent in this case, though I very much dislike to be unable to oblige my friend from Ohio.

Mr. FORAN. I would not make this request but for the fact, as I have said, that a gentleman came to my desk and was asking me a question while the Clerk read the line. I think, under the circumstances, the gentleman from Tennessee ought not to offer objection to my request.

The CHAIRMAN. As the Chair understands, objection is made.

The Clerk read as follows:

Aniline oil and its homologues.

Mr. FORAN. Mr. Chairman, is objection made to my request?

Mr. MCMILLIN. I have declined to accede to every similar request.

Mr. FORAN. It was through no negligence on my part that I lost the opportunity to offer the amendment when the line was read.

Mr. MCMILLIN. I understand that.

Mr. FORAN. Well, if there are to be no courtesies here—if there is to be an iron rule——

Mr. MCMILLIN. I would rather suffer an injury than have any gentleman suppose me capable of being discourteous. The gentleman can make his proposition, and if no one else objects, I shall not.

The CHAIRMAN. What is the amendment which the gentleman from Ohio desires to offer?

Mr. FORAN. I move to strike out line 77, which reads:

Iron, sulphate of, or copperas.

Mr. Chairman, all I desire to say on this question may be said in a very few words. The manufacture of this product in the United States amounts to 22,000,000 pounds or about 11,000 tons per annum, aggregating, at $7 a ton, $77,000. Of this amount of copperas 40 per cent. is made in my district. There are people in my district who are compelled to make this copperas. The State laws of Ohio, sections 6921 and 6924, imperatively compel the Rolling Mill Company of Cleveland, Ohio, to make copperas; in other words, that company, or any other manufacturing establishment, is by law prevented from allowing any refuse matter to run into any stream, creek, or river.

Copperas is made from sulphuric acid. When the law to which I have referred was passed, the Cleveland Rolling Mill Company designed to transport its sulphuric acid into a field somewhere, and in that way comply with the law. Thereupon, some of the employés of the company said, "If you give us this sulphuric acid, we will utilize it;" and it was given to them. About seventy-five men are employed in making this copperas. The Cleveland Rolling Mill Company has no interest in the plant, and does not own a pound of the product. It is made by these sixty or seventy men.

Now, the duty on copperas is $2 a ton. It can be landed on our seaboard at $5 per ton. It can be made by our people for $7 a ton at the works. The duty yielded only $240 last year. If you take off this duty you do not affect the Cleveland Rolling Mill Company, but you do affect these sixty or seventy workingmen employed in this industry, because the Cleveland Rolling Mill will be compelled to make this copperas; they must do it; and if they can not compete with the foreign manufacture the difference comes off the laborer, and will amount to 50 cents a day.

There being only $77,000 worth of this product made in this country, it being all made by laboring men, the product being theirs, the margin being theirs, the profit being theirs, and as the removal of the duty would affect nobody and injure nobody except these workingmen who are now making this copperas, I submit in all candor and sincerity that my amendment ought to be agreed to.

[Here the hammer fell.]

The question recurred on Mr. FORAN's amendment.

Mr. FORAN asked for a division.

The committee divided; and there were—ayes 33, noes 53.

Mr. FORAN. No quorum.

The CHAIRMAN appointed Mr. MCMILLIN and Mr. FORAN as tellers.

The committee again divided; and the tellers reported—ayes 27, noes 60.

Mr. FORAN. No quorum.

Mr. MCMILLIN. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the tariff bill, had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

On motion of Mr. BLOUNT, by unanimous consent, the amendments of the Senate to the Post-Office appropriation bill were ordered to be numbered, printed, and referred to the Committee on the Post-Office and Post-Roads.

At 5 o'clock p. m., in pursuance of previous order, the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLAND: A bill (H. R. 10506) for the relief of Jones Morgan—to the Committee on Pensions.

Also, a bill (H. R. 10507) granting a pension to John H. Fletcher—to the Committee on Invalid Pensions.

By Mr. BLOUNT: A bill (H. R. 10508) for the relief of the heirs of R. W. Jemison, deceased—to the Committee on Claims.

By Mr. BOWDEN: A bill (H. R. 10509) for the relief of Temptey Norfleet—to the Committee on War Claims.

By Mr. CANDLER: A bill (H. R. 10510) for the relief of George W. Hansard—to the Committee on War Claims.

By Mr. COMPTON: A bill (H. R. 10511) for the relief of William N. H. Mack—to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 10512) granting a pension to Mrs. Lizzie Bailey—to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 10513) to increase the pension of John B. Davis—to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 10514) for the relief of Thomas Lannigan—to the Committee on War Claims.

By Mr. SHIVELY: A bill (H. R. 10515) to increase the pension to William Gallagher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10516) increasing the pension of Edward Williamson—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 10517) for the relief of A. J. Fordham—to the Committee on War Claims.

Also, a bill (H. R. 10518) to increase the pension of Phillip Wiggins—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: A bill (H. R. 10519) to fix the salary of the disbursing clerk in the War Department—to the Committee on Military Affairs.

Also, a bill (H. R. 10520) to pay to Sarah E. Hall $100 bounty—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Memorial of the yearly meeting of Friends of New York City, relative to the sale and importation of intoxicating spirits in Africa—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. BAYNE: Petition of Alfred Jones and others, and of J. C. Hirsch and others, of the Twenty-third district of Pennsylvania, relative to the duty on window-glass—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of Mary J. Mills, for pension—to the Committee on Invalid Pensions.

By Mr. CLARDY: Petition of William Lackie, John L. Downes, and 23 others, citizens of Jefferson County, Missouri, for the passage of the tonnage bill—to the Committee on Merchant Marine and Fisheries.

By Mr. COMPTON: Petition of E. G. W. Hall, of Caleb O. Moberly, administrator of Jabez Dooley; of Thomas A. Jones, of Matilda M. Chiles, administratrix of William Chiles; of Harriet A. Penny, of Joseph Price, of Benjamin J. Taylor, of Mary H. Key, of Susan R. Slye, of R. D. P. Ratliffe, of Benedict L. Higdon, of Thomas Higdon, of Daniel T. Morgan, of Berry Rennoe, of Marcellus Thompson, of George T. Hitchens, of Louis C. Combs, of Mary T. Davis, of Frank P. Hamilton, of William F. Brawner, of H. Clagett Page, of Elizabeth S. Bowie, of Mary S. Dement, of Juliana E. Brawner, of Fannie M. Stone, and of Thomas Loker, of Maryland, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GLASS: Petition of Francis Williams, of William Vernon, of Joseph C. Williams, of Matthew Underwood, and of Nathaniel Porter,

of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GOFF: Petition for a pension to L. C. Coburn—to the Committee on Invalid Pensions.

By Mr. LAGAN: Papers in the claim of Michael Knight, of Louisiana—to the Committee on War Claims.

By Mr. MOORE: Petition of G. W. Betts and 200 others, of Gonzales, Tex., for an amendment of the interstate-commerce law—to the Committee on Commerce.

By Mr. NEAL: Petitions of J. Peyton White, of John H. Ward, of Thomas Forkner, and of Samuel A. Cunningham, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PHELAN: Petitions of John Williams, of Jane J. McGee, of William H. Welber, of Thomas Williams, of Jesse L. Norman, and of Benjamin F. Williams, of Samuel Neil, and of Peter P. Wood, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. RICHARDSON: Petitions of Newton Whittaker, of Martin G. Williams, of Tobias Tenpenny, of Susan Vandgriff, and of Martha E. White, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. ROCKWELL: Resolutions of the Springfield and Pittsfield, Mass., Turnverein, regarding immigration—to the Committee on Foreign Affairs.

By Mr. TOWNSHEND: Papers in the claim of Sarah E. Han, for bounty—to the Committee on Military Affairs.

By Mr. VANDEVER: Petition of the Produce Exchange of Los Angeles, Cal., in favor of an international marine conference in the United States—to the Committee on Commerce.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. CHEADLE: Of 31 citizens of Benton County, Indiana.

By Mr. FISHER: Of 208 citizens of Bay and Otsego Counties, Mich.

By Mr. KETCHAM: Of 163 citizens of Poughkeepsie, N. Y.

By Mr. LONG: Of the Women's Christian Temperance Union of the District of Columbia.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 15, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DOCKERY, for one week from the 17th instant, on account of important business.

To Mr. CUMMINGS, for ten days, on account of important business.

To Mr. HAYDEN, until June 25.

To Mr. LODGE, for ten days, on account of important business.

To Mr. BAYNE, for ten days, on account of important business.

To Mr. BELDEN, for two weeks from Saturday, the 16th instant, on account of important business.

To Mr. STEELE, indefinitely, on account of important business.

To Mr. LONG, indefinitely, on account of important business.

To Mr. VANCE, for ten days, on account of important business.

To Mr. COGSWELL, for ten days from this date, on account of important business.

To Mr. THOMAS, of Kentucky, for fifteen days, on account of important business.

To Mr. FINLEY, indefinitely.

PUBLIC BUILDING, SAN FRANCISCO.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to take from the Calendar the bill (S. 1931) to increase the appropriation for the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal., and put it upon its passage.

Mr. BRECKINRIDGE, of Arkansas. Regular order.

Mr. MORROW. I hope the gentleman will permit this bill to be now considered.

The SPEAKER. The demand for the regular order cuts off all requests for unanimous consent.

AGRICULTURAL APPROPRIATION BILL.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 1233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes; which were referred to the Committee on Agriculture, and, with the bill, ordered to be printed and numbered.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889; which were referred to the Committee on Appropriations, and, with the bill, ordered to be printed and numbered.

REFERENCE OF SENATE BILLS, ETC.

The SPEAKER also laid before the House a bill and joint resolution of the Senate of the following titles; which were read twice and referred as indicated, namely:

A bill (S. 3133) providing for a bust of the late Chief-Justice Morrison Remick Waite, to be placed in the Supreme Court room of the United States—to the Committee on the Library; and

Joint resolution (S. R. 90) granting leaves of absence to certain persons employed in the service of the United States—to the Committee on Reform in the Civil Service.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported they had examined and found duly enrolled a joint resolution and bill of the following titles; when the Speaker signed the same, namely:

Joint resolution (S. 42) extending the provisions of an act entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887; and

A bill (S. 1507) providing an additional associate justice for the Territory of Utah, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. This being Friday, the regular order is the call of committees for reports on bills of a private nature.

Mr. LANHAM. I move to dispense with that call, and accompanying the motion, I ask unanimous consent that members having reports to make from committees be allowed to file them at the desk.

Mr. PETERS. I think we had better have the regular order, as the call of committees will not take long, and saves confusion.

Mr. LANHAM. Then I submit the motion to dispense with the call of committees.

BRIDGE ACROSS THE TENNESSEE RIVER, KNOXVILLE.

Mr. HOUK. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HOUK. Some days ago, in my absence, a bill was returned from the Senate with certain amendments which were non-concurred in. I entered a motion to reconsider that non-concurrence. I now move to reconsider the action of the House so taken, with a view to concurrence in the amendments.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 7783) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.

The SPEAKER. The Chair will state that the House non-concurred in the Senate amendments. The gentleman from Tennessee moves to reconsider that action with a view to concurring.

The Clerk had better report the Senate amendments.

The amendments were read at length.

The SPEAKER. The question is on the motion to reconsider the vote by which the House non-concurred in the amendments of the Senate.

The motion was adopted.

Mr. HOUK. I now move to concur in the Senate amendments.

The motion was agreed to.

Mr. HOUK moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIMS FOR EXTRA BOUNTY.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. 10521) providing for an extension of time for filing claims for extra bounty, and the payment thereof, under the act of July 28, 1866, providing for the payment of additional bounty; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Mr. Speaker, I move that the House dispense with the consideration of private business for to-day and resolve itself into Committee of the Whole House on the state of the Union——

The SPEAKER. But one motion can be entertained at a time.

Mr. TOWNSHEND. Very well. If the House shall dispense with the private business for to-day, it is my purpose to ask consideration of the Army appropriation bill.

Mr. LANHAM. Is the motion that the House resolve itself into Committee of the Whole to consider business on the Private Calendar not first in order?

The SPEAKER. The motion of the gentleman from Illinois is first in order; otherwise the House could never dispense with private business by a direct vote.

Mr. LANHAM. I hope the House will not dispense with the Private Calendar for to-day.

Mr. RYAN. Does that require a two-thirds vote?

The SPEAKER. It does not, but a majority only. Formerly the rule required a two-thirds vote, but that was changed by the Forty-ninth Congress.

The question being taken on the motion of Mr. TOWNSHEND, the House divided; and there were—ayes 30, noes 50.

Mr. TOWNSHEND. I make the point, Mr. Speaker, that no quorum has voted, merely for the sake of having tellers.

Mr. TOWNSHEND and Mr. LANHAM were appointed tellers.

The House again divided; and the tellers reported—ayes 41, noes 67.

Mr. TOWNSHEND. The attendance is so thin this morning that I must insist, for the present, at least, on the point of no quorum, in order to test the sense of the House, which can be done readily by waiting for a few minutes until other members are in their seats.

The SPEAKER. The tellers will retain their places.

REPRINT OF BILLS.

Pending the count by tellers,

On motion of Mr. HEMPHILL, by unanimous consent, leave was granted to have reprinted bills of the following titles, namely:

A bill (S. 905) to incorporate the District of Columbia Suburban Railway Company; and

A bill (S. 2252) to incorporate the Georgetown Barge, Dock, Elevator, and Railway Company.

REFERENCE OF PRIVATE BILLS.

The SPEAKER. The Chair desires to call the attention of members of the House to the fact that twenty-two private bills have been placed in the petition-box, under the rule of the House, without the name of any member upon them and without any indorsement indicating the committee to which they should go. The Clerk is of course unable to make any disposition of them. Gentlemen who have introduced bills can examine them at the Clerk's desk.

Mr. RANDALL. If they are not identified and referred, no action can be taken upon them.

The SPEAKER. Nothing whatever can be done with them.

Mr. BREWER. I will suggest that the titles be printed in the RECORD, so that gentlemen can see what the bills are.

The SPEAKER. If there be no objection, the titles of these bills will be printed in the RECORD to-morrow morning, so that members can see what the bills are.

They are as follows:

A bill for the relief of Nathaniel K. Sawyer, deceased;

A bill for the removal of charge of desertion from record of John Ryan, Company H, Fortieth New York Volunteers;

A bill granting to the Montezuma Canal Company the privilege of constructing a reservoir on certain public lands in Arizona, and for other purposes;

A bill granting an increase of pension to Charles N. Lapham;

A bill to place the name of Edwin L. Drake on the pension-roll;

A bill granting a pension to Rose Goodwill, mother of Alexander Goodwill, Company G, Eighteenth Regiment United States Volunteer Infantry;

A bill granting a pension to Susan West, widow of Michael C. West, Company D, Eightieth Regiment Ohio Volunteers;

A bill granting a pension to Nancy Hamilton;

A bill granting an increase of pension to Andrew Casey;

A bill for the relief of T. F. Riley;

A bill for the relief of Frederick Ford;

A bill for the relief of Willis N. Arnold;

A bill granting a pension to Carolina Thompson;

A bill granting a pension to Frederick P. Hardy;

A bill granting a pension to Martin Haas;

A bill granting a pension to Augustus G. Wyeth;

A bill granting a pension to James M. Page;

A bill granting a pension to William B. Bishop;

A bill to authorize the Secretary of the Treasury to convey to Anson Rudd, of the State of Colorado, certain real estate in the county of Fremont, in said State;

A bill granting a pension to Christian Kembeck;

A bill granting a pension to Thomas B. Arnold;

A bill for the relief of the heirs of Myra Clark Gaines; and

A bill for the relief of Napoleon B. Giddings.

ORDER OF BUSINESS.

The SPEAKER. The tellers will resume their places and continue the count.

Mr. TOWNSHEND. In order that we may have time for members to come in I shall be content if the yeas and nays are called.

The SPEAKER. If the yeas and nays are ordered and show no quorum present, and are entered on the Journal, it will break up the business for the day.

Mr. TAULBEE. Let us go on with the Private Calendar.

Mr. BUCHANAN. I would suggest to the gentleman from Illinois [Mr. TOWNSHEND] that by insisting upon the point of no quorum he is delaying the business of the House.

Mr. NELSON. I rise to ask a parliamentary question. Can we not by unanimous consent pass a few small local bills while this count is going on?

The SPEAKER. The House can do anything by unanimous consent.

Mr. NELSON. Up in my district they are very anxious to build a railroad through a little reservation 20 miles across. They are all ready to go to work. In view of that fact I now ask unanimous consent to consider the bill I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the consideration of the bill now sent to the Clerk's desk. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. I have no objection to the reading of the bill; but consent is not given for the purpose of consideration.

Several MEMBERS demanded the regular order.

The SPEAKER. The regular order is demanded, and we will proceed with the count.

The House divided; and the tellers reported—ayes 50, noes 72.

So the motion was rejected.

Mr. TOWNSHEND. I will not proceed any further in demanding a quorum, but give notice that to-morrow morning I shall call up the Army appropriation bill.

Mr. LANHAM. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar.

Mr. TAULBEE. Pending that I ask unanimous consent——

The SPEAKER. The Chair will state that the morning hour has not been dispensed with.

Mr. TAULBEE. I move to dispense with the morning hour.

The motion was agreed to.

Mr. TAULBEE. I now ask unanimous consent that members having reports to file may be permitted to hand them to the Clerk.

Mr. PETERS. I object.

The SPEAKER. Objection is made.

Mr. SPRINGER. I desire to present a memorial from the American Medical Association in connection with a resolution requesting certain action. I ask that it be printed.

The SPEAKER. The regular order is demanded, which prevents the Chair from entertaining requests for unanimous consent.

Mr. LANHAM. I now move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar.

The question having been put, the Chair was in doubt as to the result.

Mr. LANHAM. I call for a division.

The House divided, and there were—ayes 63, noes 14.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCCREARY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of business on the Private Calendar.

The Clerk will report the first bill.

ELLEN P. MALLOY.

The Clerk read as follows:

A bill (H. R. 6348) for the relief of Mrs. Ellen P. Malloy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Ellen P. Malloy, the sum of $700.

With the following amendment:

After the word "dollars" insert "in full for all demands against the United States."

Mr. HOLMAN. Let the report be read.

The report (by Mr. LAWLER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 6348) for the relief of Mrs. Ellen P. Malloy, reported as follows:

This claim was presented to the Forty-ninth Congress, and a report was made in regard to it by the Committee on War Claims. As the examination by your committee has let them to the same results with those arrived at by the committee of the Forty-ninth Congress, they do not think it necessary to recapitulate the facts, but refer to that report, and herewith annex a copy for information.

Your committee adopt the said report as their own, and recommend that the bill referred to them do pass.

[House Report No. 3037, Forty-ninth Congress, first session.]

The Committee on War Claims of the Forty-eighth Congress, not being fully and clearly advised of all the facts in the case, referred it to the Court of Claims for a finding of the facts under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

Said claim has been returned by said Court of Claims with the following findings of fact, filed June 7, 1886, which findings have been referred to the Committee on War Claims of the present Congress, to wit:

"In the Court of Claims. Congressional Case No. 108. Mrs. E. P. Malloy *vs.* The United States.

"FINDINGS OF FACT. FILED JUNE 7, 1886.

"The claim in the above-entitled suit having been transmitted to this court by the Committee on War Claims of the House of Representatives, on the 22d day of May, 1884, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 22d day of April, 1886, the court, upon the proofs and evidence, and after hearing Gilbert Moyers, esq., of

counsel for the claimant, and H. J. May, esq., of counsel for the defendants, finds the following facts:

"I.

"On the 12th November, 1864, the military authorities in Memphis, Tenn., took possession of the dwelling-house in that city known as No. 65 Union street, the separate estate and property of the claimant. The house was used and occupied as a portion of the military headquarters in that city for upwards of seven months. The fair and reasonable rent of such a house for the period named was $100 per month, amounting in the aggregate to $700, which has never been paid to the claimant.

"II.

"At the time the military authorities took possession of the said house, as set forth in the preceding finding, it contained the furniture of a private residence. A bureau of the quartermaster's department in Memphis, termed the rental office, at the time of occupancy took a full inventory, with apparently great particularity and care, of every article of furniture in the house. The said inventory contained upward of sixty entries and enumerated several hundred items. It was duly returned by the officer of the rental office to Col. R. E. Cleary, deputy quartermaster-general at Memphis, and was filed in his office. Of the furniture so inventoried a large part was removed by the quartermaster's department from the house, and articles of the value of $1,200 were never returned to the claimant, nor has she been compensated for them.

"III.

"So much of the claim as relates to the furniture was submitted to the Quartermaster-General, but was not paid.

"By the Court.

"A true transcript of record.

"Test: This 8th day of June, A. D. 1886.

"[SEAL.] JOHN RANDOLPH,

"*Assistant Clerk Court of Claims.*"

Your committee therefore report a bill herewith providing for the payment of the amount found by said court for rent of said property, amounting to $700, and recommend that it do pass.

The CHAIRMAN. There is an amendment pending proposed by the gentleman from Illinois [Mr. SPRINGER], which will be read.

The Clerk read the amendment, as follows:

Insert after the word "dollars," in the sixth line of the bill, the following: "in full for all demands against the Government of the United States."

Mr. SPRINGER. That amendment was for the purpose of concluding legislation regarding this case. This claim arose during the war. After the capture of Memphis, the Government occupied a private residence there for military headquarters. An inventory of the furniture in the building was made—no receipt was given, but simply an inventory. It is alleged by the claimant that $1,200 worth of the furniture was removed to some other place and never returned to the owner, and the amount provided for in this bill is intended as payment for that furniture.

The claim for the rent of the premises was rejected, or at least was not passed upon favorably by the Court of Claims. The only payment recommended by the Committee on War Claims is for the estimated value of the furniture which was not returned. My amendment provides that the appropriation in this bill shall be in full for all claims of this party against the Government, so that we may not have another bill brought in at the next session to pay for the claim for rent.

Mr. McMILLIN. If I remember the case correctly, the appropriation in this bill is for the rent, the remaining claim being for the furniture.

Mr. SPRINGER. Let the bill be read again.

The bill was again read.

Mr. SPRINGER. The bill does not say for what the payment is to be made.

Mr. BUCKALEW. The report shows that it is for the rent.

Mr. STONE, of Kentucky. The findings in the case explain that.

Mr. SPRINGER. I ask to have again read that part of the report which embraces the finding showing what this amount covers.

The portion of the report indicated was again read.

Mr. SPRINGER. I see that I was wrong.

Mr. McMILLIN. The gentleman from Illinois has simply reversed the matter. The whole claim was made up of the elements which the gentleman has stated; but about $700 of the claim is for rent, and this is what this bill is intended to pay for. The occupation is not disputed; the use of the property is not disputed; the value to the Government is not disputed; the title to the property is not disputed; and I hope the bill will be passed.

Mr. SPRINGER. The rest of the claim being regarded as spoliation, for which the Government was not responsible.

Mr. McMILLIN. The question of spoliation was not adjudicated. The balance is not spoliation. It is not claimed that the furniture was not taken and used by the Government. It certainly was used by the Government. What use it was put to afterwards, or what became of it, does not appear from the report, but even that was not ordinary spoliation. The Government ought to pay this claim.

Mr. SPRINGER. My amendment simply provides that this shall be in full for all demands of this claimant against the Government for any account whatever.

The amendment was agreed to.

On motion of Mr. McMILLIN, the bill was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The Chair is informed that there are on the Calendar two bills of the same title as that just acted on for the relief of Ellen P. Malloy. If there be no objection, the bill which came over from the Forty-ninth Congress will be laid on the table. The Chair hears no objection.

ORDER OF BUSINESS.

Mr. BAKER, of New York. Mr. Chairman, I ask unanimous consent that members be permitted to call up cases out of their regular order on the Calendar. So many members are absent and the attendance here is so small that it is evident that if a bill be objected to, the point of "no quorum" will defeat it, while by taking the other course we can dispose of a good many bills to which there is no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. BAKER]?

Mr. McMILLIN. I think we had better take the regular order.

Mr. BYNUM. I ask unanimous consent that bills be called in their regular order upon the Calendar, but that when a bill is called, unless some member asks for its consideration, it be passed over, not losing its place on the Calendar.

Mr. WARNER. I trust that suggestion will be acceded to.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana [Mr. BYNUM]?

Mr. STONE, of Kentucky. I want to make a suggestion with regard to this matter, which it seems to me the House ought to regard. There are only two more cases on the Calendar that have come over from the Forty-ninth Congress; they are cases that have been considered by the Forty-ninth Congress and by the Court of Claims and by the committees of this House, and what I suggest is that the House first dispose of those first two cases.

Mr. BRUMM. Do I understand that the gentleman proposes to call up bills out of their regular order? Because I shall object to anything of that kind.

Mr. DOCKERY. I hope that order will be adopted.

The CHAIRMAN. The Chair will state the proposition again, so that the Committee of the Whole may understand it. The gentleman from Indiana [Mr. BYNUM] asks unanimous consent that the bills on the Private Calendar be called in regular order by title, and that when any bill is reached, if its consideration be not asked by some member of the committee, it shall be passed over. Is there objection?

Mr. BAKER, of New York. Let it be understood that bills passed over shall retain their place on the Calendar.

The CHAIRMAN. That will be understood as a part of the proposition.

Mr. OATES. If the proposition of the gentleman from Indiana goes only to the extent of proposing that when a bill is reached it may be passed over without losing its place on the Calendar, unless some member calls for its consideration, I have no objection; but if there are other conditions coupled with the proposition, I do object.

Mr. SPRINGER. I would like to add as a modification of the proposition that when any member has called for the consideration of one bill, he shall not be entitled to make a similar request in regard to any other bill until all other members of the Committee of the Whole have had an opportunity to have their bills considered.

Mr. OATES. I must object to that proposition as unfair, because its effect would be to change the order of bills on the Calendar. I demand the regular order.

Mr. BAKER, of New York. Does the gentleman from Alabama demand the regular order as against the request of the gentleman from Indiana [Mr. BYNUM]?

Mr. OATES. I think we are consuming time unnecessarily in these attempts to agree upon something else than the regular order of proceeding.

The CHAIRMAN. Does the gentleman from Alabama object to the request of the gentleman from Indiana?

Mr. OATES. I do not see any necessity for it.

The CHAIRMAN. Objection is made. The Clerk will report the first bill on the Calendar.

Mr. COMPTON. I rise to a point of order. My recollection is that on the last day when we had private bills under consideration preference was given to bills which had the indorsement of the Court of Claims, and we proceeded in that order.

Mr. LANHAM. There are only two of those bills now on the Calendar. I hope we shall proceed in regular order until we get through with those cases reported from the Court of Claims and coming over from the last Congress.

The CHAIRMAN. The regular order is demanded.

Mr. OATES. I have no objection to the proposition that when a bill is reached in its regular order it shall not be considered unless some member calls for its consideration; but if amendments are to be made to that proposition, I object.

Mr. SPRINGER. Does the gentleman wish to be understood as objecting to the proposition that the right of calling for the consideration of a bill shall not be exercised more than once by any member until every other member of the Committee of the Whole has had the same opportunity?

Mr. OATES. That would not operate fairly, as it would practically change the order of the Calendar.

The CHAIRMAN. The Chair will again submit the proposition of the gentleman from Indiana. It is a request for unanimous consent that bills on the Private Calendar be called in their order; and that when any bill is reached, if no member asks for its consideration, it

shall be passed over, retaining its place on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPRINGER. Now, I give notice that I shall object to any member calling up more than one bill until every other member of the Committee of the Whole has had an opportunity to call up a bill.

PEREZ DICKINSON.

The first business on the Private Calendar was the bill (H. R. 9872, Forty-ninth Congress) for the relief of Perez Dickinson, surviving partner of Cowan & Dickinson.

Mr. MCMILLIN and Mr. HOUK asked for the consideration of the bill.

Mr. MCMILLIN. Inasmuch as there is on the Speaker's table a Senate bill similar in purport to this House bill, and appropriating, as I am informed, the same amount, I ask consent that the Senate bill be considered in lieu of the one of which the title has just been read.

The CHAIRMAN. If there be no objection that will be done. The Chair hears no objection. The Clerk will read the Senate bill.

The Clerk read as follows:

A bill (S. 94) for the relief of Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Perez Dickinson, surviving partner of the late firm of Cowan & Dickinson, of Knoxville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $96,192, being the amount found due him by the Court of Claims for 256 bales of cotton taken by General Burnside and used in the construction of fortifications about Knoxville, in November, 1863.

The report (by Mr. STONE, of Kentucky) accompanying the House bill was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 6346) for the relief of Perez Dickinson, surviving partner of Cowan & Dickinson, report as follows:

The Committee on War Claims of the Forty-eighth Congress, not being fully and clearly advised of all the facts in the case, referred it to the Court of Claims for a finding of facts under the provisions of the act of March 3, 1883, known as the "Bowman act."

Said claim has been returned by said Court of Claims with the following findings of facts, to wit:

In the Court of Claims. Congressional case No. 357. Perez Dickinson, surviving partner of Cowan & Dickinson, *vs.* The United States.

FINDING OF FACTS. FILED APRIL 5, 1886.

This case, involving a "claim for supplies or stores taken or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion," was referred to this court March 3, 1885, by the Committee on War Claims of the House of Representatives, under the provisions of the Bowman act (22 Stat., 485).

QUESTION OF LOYALTY.

The court, on a preliminary inquiry (both parties being represented by counsel), found from the evidence that the claimant and his deceased partner were loyal to the Government of the United States throughout said war.

FINDINGS OF FACTS.

Subsequently, the case having been heard upon its merits, the Attorney-General, by his assistants, appearing "for the defense and protection of the interests of the United States," the court, from the evidence, finds the facts to be as follows:

I.

The claimant and his deceased partner, James H. Cowan, resided during the war in Knoxville, Tenn., and carried on a large business as merchants under the firm name of Cowan & Dickinson.

II.

About the 1st of September, 1863, Knoxville was occupied by United States forces under the command of Maj. Gen. A. E. Burnside.

In November following a Confederate army under the command of General Longstreet was on a march to attack it.

A large amount of military stores had in the mean while been deposited there, but no sufficient fortifications had as yet been constructed.

In this emergency General Burnside took from the warehouse of the claimants 256 bales of cotton belonging to the claimants to be used in works of defense. He delivered to James Cowan, one of the members of said firm, the following receipt:

"Received, Knoxville, Tenn., November 25, 1863, of James H. Cowan, 256 bales of cotton, for use on fortifications, the correctness of the above estimate of number of bales subject to the approval of Brig. Gen. S. P. Carter and Capt. ——— ———, provost-marshal, Second Division, Ninth Army Corps.

"A. E. BURNSIDE,
"*Major-General, Commanding.*"

OFFICE OF PROVOST-MARSHAL-GENERAL OF EAST TENNESSEE,
Knoxville, December 19, 1864.

The within receipt of Major-General Burnside, given in the name of "James H. Cowan," is understood to be for cotton taken in November, 1863, from the firm of "Cowan & Dickinson," of this place, and is approved.

S. P. CARTER,
Brigadier-General and Provost-Marshal-General of East Tennessee.

He also took for the same purpose from other citizens small amounts of cotton, making in all about 57 bales.

III.

The cotton so taken was effectively used for the defense of the city.

After the repulse of the enemy the claimants applied to General Schofield, who had succeeded General Burnside in command, for the return of their cotton. But instead of returning it, it was disposed of, as appears in Finding IV, under the following order:

[Special Order No. 57.]

HEADQUARTERS DEPARTMENT OF THE OHIO,
Knoxville, February 26, 1864.

5. * * * The chief quartermaster of this department will proceed to collect all cotton that has been used in the construction of the fortification and for other purposes in the vicinity of Knoxville, not absolutely necessary for the public service, and ship the same to Louisville, to be turned over to the chief quartermaster there, to be disposed of for the benefit of the Government, according to existing regulations. He will also take the necessary steps to ascertain the parties to whom such cotton may have belonged, the amount taken from each party, their loyalty, and give proper vouchers therefor, according to the loyalty of each.

Brigadier-General Tillson will render such assistance as may be in his power to the chief quartermaster, to enable him to carry out this order.

By command of General Schofield.

HENRY CUSTISS,
A. A. G.

Capt. J. H. DICKISON,
Chief Quartermaster, Department of the Ohio.

At the same time, and in pursuance of said order, a military commission was organized, with General John Williams president and Capt. N. G. Franklin recorder, to ascertain the ownership of the cotton and the loyalty of the claimants. After hearing, the commission made the following report:

"The military commission on claims, to whom the claims for cotton taken for the use of the fortifications of Knoxville, Tenn., were referred, respectfully report that they have examined the account of Cowan & Dickinson for cotton thus taken; that they are satisfied that the number of bales as specified (256) were taken from them. The average marketable weight of same was 501 pounds; that James H. Cowan and Perez Dickinson, composing the firm of Cowan & Dickinson, always have been, and are, consistent and strictly loyal citizens of the United States Government; that the said Cowan & Dickinson are entitled to payment for the cotton thus taken from them.

"JOHN WILLIAMS,
"N. G. FRANKLIN,
"*Captain and Recorder Claim Commission.*

"Official:

"L. A. GRAUTZ,
"*Major and A. A. A. General.*"

IV.

The cotton was taken by General Burnside November 25, 1863, but the order of General Schofield to gather it up from the fortifications was not issued until February 26, 1864. Nearly four months elapsed from the first taking before this order was fully executed. The waste in the meanwhile was found to be large. Of the 313 bales originally taken from all the citizens, only 218 bales were saved. What became of the 95 bales of deficiency does not definitely appear. Some had been taken by the soldiers to fill their bunks; some used to calk pontoons; some lost by pillage, and much worn out and used up in the work. Of the 218 bales recovered, 40 were used by the medical department, 158, stored by the quartermaster near the railroad depot awaiting shipment, were accidentally set on fire by boys playing in its vicinity, and all, with the exception of about 20 bales, consumed. Twenty bales were shipped to the chief quartermaster at Louisville. What became of the other 20 bales does not appear, nor does it appear from which one of the citizens the cotton lost, burned, sold, or used had been originally taken.

The two hundred and fifty-six bales of cotton furnished by or taken from the claimants were never returned to them, nor any part thereof; nor have they ever received any compensation therefor.

The bales would average 501 pounds each. The market value of the cotton at that time and place was 75 cents a pound, amounting to $96,192.

By the court.

A true transcript of record.

Test: This 6th day of April, A. D. 1886.

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The committee report back the bill and recommend its passage with the following amendment: Strike out the word "Coman" wherever it appears in the bill and insert in lieu thereof "Cowan."

Mr. HOUK. I move that this bill be laid aside to be reported to the House with the recommendation that it pass.

Mr. BAKER, of New York. Are there not amendments to the bill?

The CHAIRMAN. The report which has been read is the report accompanying the House bill, and the amendments proposed are to that bill, not to this Senate bill.

Mr. BUCKALEW. Mr. Chairman, I am not sure that I caught correctly the amount proposed to be appropriated by this bill.

The CHAIRMAN. The Clerk informs the Chair that the amount is $96,192.

Mr. BUCKALEW. From the reading of this report it seems to me that the questions of fact are not very definitely or clearly found. It does not appear what became of this cotton or of particular portions of it. It appears that a portion was burned by some accident in which some boys were concerned.

Mr. STONE, of Kentucky. It was burned in a warehouse in charge of the Government.

Mr. BUCKALEW. This case, so far as a portion of the cotton is concerned, appears to be very much like a case we had before the Committee of the Whole at a former stage of the session, in regard to cotton burned at Savannah——

Mr. HOUK. Mobile.

Mr. BUCKALEW. Or at Mobile, the cotton in that case having been burned by accidental fire while in the custody of the United States and before it could be shipped to New York, which I think was intended to be its destination, under the arrangements then made for the disposition of captured or abandoned cotton.

I do not wish to arrest the progress of the consideration of bills on the Calendar to-day, as I know there are a large number of claims which do not require prolonged debate, and which gentlemen are anxious to have passed. I think that under the circumstances this case ought to go over until we can have an opportunity to examine more carefully the matters of fact reported by the Court of Claims, and until the case can be considered in a full House.

Mr. HOUK. This case has been pending for over twenty years, passing one House and failing in the other. There never was a juster case, and I hope the gentleman will not object, but will allow it to be passed.

Mr. BUCKALEW. Mr. Chairman, I propose to consider bills and pass upon them on their merits, and to take no notice of any action of former Congresses in either branch. We know in the pressure of busi-

ness a great many bills pass through with imperfect consideration and without adequate information as to their merits.

The point I present so far as a large portion of this cotton is concerned is, that it seems to be on the same footing exactly as the case presented by the gentleman from Mississippi [Mr. HOOKER], as to the destruction of property in Mobile. If there can be a distinction made between that case and this it should be presented.

Mr. HOUK. There is a distinction, which I will present if the gentleman will allow me.

Mr. BUCKALEW. Certainly.

Mr. HOUK. It is in evidence that they went to this man and borrowed this cotton to make breastworks with, promising to return it; but they never did return it. It was receipted for, that it was taken for the purpose of constructing breastworks for the defense of Knoxville.

Mr. BUCKALEW. The commanding officer, according to the report in this case——

Mr. HOUK. The commanding officer gave a receipt for the cotton which was taken.

Mr. BUCKALEW. The commanding officer, according to the report in this case, took this property for military purposes, and gave a receipt to the owner that he had received it. That is the whole transaction. It does not show whether the Government should account for it or not, or whether the claimant was a loyal person or not, or what were the legal rights of the owner.

Mr. HOUK. If the gentleman will allow me, I will say that there are many persons on this floor who will corroborate the truth of the testimony in this case that this man was a loyal man, as loyal as Abraham Lincoln himself.

Mr. BUCKALEW. It seems to me, Mr. Chairman, that this is nothing more than an ordinary case of an appropriation of property within the theater of war. Here were actual breastworks; the Confederate forces were advancing against Knoxville, and this cotton was taken and used for the purpose of military defense in time of war. The country where the cotton was taken was both in theory and fact a theater of war.

If we are to pay this claim we will pay for cotton incidentally destroyed when in possession of the United States authorities, and we will also pay for cotton used in actual conflict between the respective armies. If this bill should pass, both those propositions are involved, and as we are considering these bills by unanimous consent I shall insist that this bill shall go over for the present.

Mr. BUTLER. If the gentleman will allow me to make a statement I think he will withdraw his objection. It is not like any other case, and I believe the gentleman himself voted for it in the Forty-first Congress. The military authorities at Knoxville took this cotton for breastworks to be used in defense of that city. I was there myself. My command was outside and I was inside. As the report shows, they went to the owner of this cotton and asked that it should be given for the purpose of making breastworks, promising that it would be returned; but it was never returned to him. In fact, they did not return it to him, but shipped it North, saying to him that he would get the benefit of it. They did not return it to the owner, but shipped it, and some of it was destroyed.

In the Forty-first Congress the bill was passed by both Houses. The gentleman himself, according to my recollection, voted for it on the floor of the Senate. The last night of the session, when the bill was about being signed by the President, Secretary Fish, because of the matters growing out of the Geneva award, suggested to the President in my presence that he would rather the President would not sign it, as it would complicate matters. If it had not been for that suggestion on the part of the Secretary it would have become a law.

General Hurlbut came over to see me, and said there was a hitch about signing the bill, and I went over to the Senate with him. The President was familiar with the case. He knew Mr. Dickinson. He had staid in his house when in Knoxville. He wanted to sign the bill, but was persuaded not to do it because at the time, as Secretary Fish said, it might complicate matters in reference to English claims under the Geneva award. The Secretary said to the President, "I would rather you would not sign it." If it had not been for that suggestion it would have become a law in the Forty-first Congress.

If the gentleman will examine the record I think he will find that he himself voted for it.

Mr. SPINOLA. Read General Burnside's receipt.

Mr. BUTLER. I call the particular attention of the gentleman from Pennsylvania to this, as appears in the findings of the Court of Claims:

After the repulse of the enemy—

And I hope the gentleman from Pennsylvania will please give me his attention for a moment—

After the repulse of the enemy, the claimants applied to General Schofield, who had succeeded General Burnside in command, for the return of his cotton. But instead of returning it, it was disposed of as appears in Finding VI, under the following order:

"[Special Orders, No. 57.]

"HEADQUARTERS DEPARTMENT OF THE OHIO,
"*Knoxville, February 26, 1864.*

"5. * * * The chief quartermaster of this department will proceed to collect all cotton that has been used in the construction of fortification and for other purposes in the vicinity of Knoxville not absolutely necessary for the public service, and ship the same to Louisville, to be turned over to the chief quartermaster, there to be disposed of for the benefit of the Government according to existing regulations.

"He will also take the necessary steps to ascertain the parties to whom such cotton may have belonged, the amount taken from each party, their loyalty, and give the proper vouchers therefor, according to the loyalty of each."

Now, that was done according to the order which I have quoted, and here is General Burnside's receipt:

Received, Knoxville, Tenn., November 25, 1863, of James H. Cowan, 256 bales of cotton, for use on fortifications, the correctness of the above estimate of number of bales subject to the approval of Brig. Gen. S. P. Carter and Capt. ——, ——, provost-marshal, Second Division, Ninth Army Corps.

A. E. BURNSIDE,
Major-General Commanding.

I tell my friend from Pennsylvania that this is not a similar case to that which he has mentioned. The cotton was taken from these parties, and they made application for its return in the manner stated and in accordance with the order quoted, but were told, "No; we will take it for the benefit of the Government, but will give you receipts, so that each man can come up hereafter and obtain what properly belongs to him under the Treasury regulations in force in regard to such matters."

Now, here is the finding of the Court of Claims, showing the number of bales of cotton belonging to the claimant in this case. I appeal, then, to my friend from Pennsylvania that after this long time these parties have been kept waiting, after this bill has been time and again passed by each House of Congress, and by both Houses in the Forty-first Congress, but failed to become a law for the reason that I have already stated, to let it go through and let these people have that which is so manifestly their own. As to loyalty, why, Mr. Chairman, Abraham Lincoln himself was no more loyal than this man Perez Dickinson. When Mr. Dickinson was taken before the Confederate court, and was asked the question, to disclose the amount of the indebtedness of his firm to the wholesale merchants in New York and Eastern cities, he absolutely refused, and said: "No, I will not give the information," and suffered banishment rather than disclose those to whom he was indebted, in order to save that indebtedness from confiscation. I hope, therefore, that my friend will not enter any objection now to the consideration of this bill.

Mr. BUCKALEW. I wish to make response to what the gentleman from Tennessee has just said. I have no recollection of this bill having been pending in the Senate during my service in that branch of Congress. But I think the gentleman is mistaken in saying that I voted for any bill on this subject.

I beg leave also to reply to the gentleman from Tennessee upon another point. He has made reference to the Mobile case, which was debated at the present session. In that case the property was taken by the Government authorities and the owner demanded its return. The owner of the property went to General Canby and requested the return of the property, but got a similar answer to that given to the claimant in this case, namely, that the property would be shipped to New York City and disposed of there, and the rights of owners would be adjudicated by the Treasury Department, as was usual in such cases. This is plainly a like case.

Mr. HOUK. Mr. Chairman, if the gentleman from Pennsylvania will permit me, I want to call attention to the distinction between the applicants in these cases. It is a well-known fact that there was scarcely a loyal man in the city of Mobile at that time.

Mr. BUCKALEW. I do not doubt the loyalty of the claimant in this case.

Mr. HOUK. Whereas in East Tennessee all people were loyal.

Mr. BUCKALEW. I accept without question the finding of the Court of Claims upon the question of loyalty.

Mr. MCMILLIN. As appears from the record which has been read here, in 1863 the forces of the United States operating in the vicinity of Knoxville, Tenn., had a large amount of military stores collected at that point. As is known historically, and as is stated in full in the report accompanying this bill and in the findings of the Court of Claims, the Confederate forces were approaching that city and there was imminent danger of the loss of all of the stores gathered there, as well as the loss of the city itself and the community to the Federal forces, which would have necessitated a retreat to a very considerable distance to find another point where another stand could be made and suitable defenses in the way of collecting stores, etc., provided. In that state of affairs—the rapid approach of the Confederates—the Federal authorities thought it necessary to fortify the city of Knoxville and protect the accumulated stores. Materials for fortifications were not of easy access or in such condition as could be quickly and properly utilized to meet the impending danger, and hence it became necessary to take possession of this cotton. The cotton was taken, was used in the construction of the fortifications, and, so far as we know from the history of the transaction, it did perform the office which the Government intended it should.

The stores of the Government were saved; its Army was saved; this post was saved; and after twenty-odd years, lying out of not only the original value of the property but the interest thereon, we are called on now to consider and determine the question, and the only question, whether the Government will return, not any interest upon the funds of which they have been deprived, but pay only the assessed value of the property itself.

It seems to me that the patriotism which, as is well known, characterized this man, Perez Dickinson—and let me say here that he is not a constituent of mine; I live a very great distance from him—I say, in view of that patriotism, by reason of which he was entirely willing that the Government should have the use of this property, which was promised to be returned to him, but which, when the danger was over and he made application for it, was refused him, there can be no just ground for refusing to pay him for the loss.

But instead of giving him the cotton, as demanded, the Government said, "We will keep the cotton; we will convert it to a different use from that originally intended;" and the Government kept it, and it was converted.

Mr. WILSON, of Minnesota. But for what?

Mr. McMILLIN. I will read the order under which it was done. Although this is reiteration, it is well for the facts in this case to be known, and I will be pardoned for reading what has been read by my colleague from Tennessee. Here is the receipt:

Received, Knoxville, Tenn., November 25, 1863, of James H. Cowan—

He was the partner of the claimant now living—

two hundred and fifty-six bales of cotton, for use on fortifications, the correctness of the above estimate of number of bales subject to the approval of Brig. Gen. S. P. Carter and Capt. —— ——, provost-marshal, Second Division, Ninth Army Corps.

A. E. BURNSIDE,
Major-General, Commanding.

Now, the finding of the court said: After the repulse of the enemy the claimants applied to General Schofield, who had succeeded General Burnside in command, for the return of their cotton; asking nothing for its use; asking no damage for wear and tear or for the detriment it might have suffered by exposure. Instead of returning it, it was disposed of, as appears in Finding IV, under the following order:

HEADQUARTERS DEPARTMENT OF THE OHIO,
Knoxville, February 26, 1864.

* * * The chief quartermaster of this department will proceed to collect all cotton that has been used in the construction of fortification, and for other purposes, in the vicinity of Knoxville, not absolutely necessary for the public service, and ship the same to Louisville, to be turned over to the chief quartermaster, there to be disposed of for the benefit of the Government, according to existing regulations. He will also take the necessary steps to ascertain the parties to whom such cotton may have belonged, the amount taken from each party, their loyalty, and give the proper vouchers therefor, according to the loyalty of each.

Brigadier-General Tillson will render such assistance as may be in his power to the chief quartermaster to enable him to carry out this order.

By command of Major-General Schofield.

HENRY CUSTISS,
Assistant Adjutant-General.

Capt. J. H. DICKISON,
Chief Quartermaster, Department of the Ohio.

Finding his loyalty unquestioned, the voucher was given to this party. Now, instead of returning this property to Messrs. Dickinson and Cowan, the Government kept it under this order, stated what it would do, and gave the voucher. The only question here is, whether under all the circumstances the Government can afford to refuse to pay the claim.

Mr. WILSON, of Minnesota. Will you read the second voucher, the voucher given when the property was sold?

Mr. McMILLIN. I will read it. Do you want to ascertain as to the loyalty of these parties?

Mr. WILSON, of Minnesota. No; I do not care about that. You have read a voucher that this cotton was taken and used for breastworks. I understand that. Now, if any subsequent voucher was given, I want to hear it.

Mr. McMILLIN. I do not remember to have seen it.

Mr. BUTLER. There was an order by the quartermaster to give it.

Mr. McMILLIN. The receipt of the cotton by the Government is not denied. Its retention by the Government upon subsequent demand is not denied. Its use by the Army as a fortification is not denied. It performed a faithful service for the Government when so used. That is not denied. That this man ever got one dollar's worth, one pound, one ounce, or one fiber again is not claimed by any living man; not by any one. It was taken from him by force and kept. It does seem to me if there can be any state of facts that would make an obligation upon the Government to pay a citizen, such a case is presented here. The Government had more force than he had. His loyalty prevented him from complaining of anything the Government did. All he asked then was the return of his property when the Government no longer needed it for fortification. The Government failed to return it. All he asks now is, not the interest on his money, but the original price that he could have obtained for his cotton if it had not been taken or if it had been returned.

Can we afford to decline to pay under the circumstances? We represent sixty millions of as noble people as the sun shines on. If an individual had taken this cotton for his individual use and at the end of twenty-odd years had refused to pay one dollar for that which had saved his life and his property, what would mankind say of that individual? Can we afford to establish a system of morals for the citizen that is too rigorous for the Government? I hold we can not afford to fail to pay the citizen who is ready to sacrifice his life, his property, his all for the Government after his property has been taken and has saved the Government in its dire extremity.

Mr. WARNER. Mr. Chairman, my main purpose in rising is to say something of the analogy, if any, between this case and the case that we had some time since with reference to cotton in the city of Mobile. I do not remember the name of the claimant in that case, but I remember taking part in the discussion. If I remember the substantial facts in that case, in the first place, Mr. Chairman, the cotton was in a city that was in the lines of the Confederacy. It was in a State that had seceded. This cotton was in a State that was not within the lines of the Confederacy and had not seceded. In the Alabama case—and I call this to the attention of my friend from Pennsylvania [Mr. BUCKALEW]—one of the points was that the owner of the cotton claimed to be a citizen of Great Britain. He had remained in the city of Mobile during those trying days. He took no part in the war, as the evidence shows, but he was speculating on the misfortunes of those among whom he then resided. The port was blockaded. He purchased cotton and stored it in a warehouse at Mobile, Ala. When General Canby took possession of Mobile all the commanding officer did with reference to that cotton was to station guards around the warehouse for its better protection and preservation. While all the guards were so stationed this claimant claimed the cotton, producing no papers, no evidence. Either that night or within a short time thereafter the ammunition from some cause was exploded and destroyed the warehouse and the cotton. That was the claim presented to the Government in the Mobile case. The difference, it seems to me, is very plain. In the present case we have a loyal citizen. The cotton was his property as much as if it had been a mule or a horse. It was taken by order of the commanding officer. It was used by order of that officer in building breastworks.

That it was taken from the owner there is no question, and I submit to my friend from Pennsylvania that in no court would it be required for him to do anything further. The cotton was beyond his control.

He was entitled to the value of the cotton when it was taken from him. They used this cotton in the breastworks. After the breastworks were abandoned the owner went to the commanding officer and asked for the return of his cotton, but instead of the cotton being returned an order was issued for the quartermaster to collect all of the cotton that had been taken from the parties and ship it to Louisville for the purpose of being sold, an account being kept of the owners and the value of the cotton. It further appears in this report that 40 bales of this cotton were used by the Government. For what purpose? For hospital purposes in the hospital at Knoxville, Tenn. That certainly could not have been returned to him. A portion of this cotton also, while it was in use by the Government, had been abstracted from the bales by the soldiers (as is very apt to be the case under such circumstances) for the purpose of making themselves better bunks than the "soft side" of a white-oak board. Of course they were not to be blamed for that. The cotton was beyond the owner's control. He could neither assent to nor dissent from that use of it. After this had been done, then they took the remaining part of the cotton down to a warehouse for the purpose of shipping it to Louisville. While it was there it is said that some boys started a fire in the neighborhood, and the warehouse took fire and the cotton was burned.

Mr. STONE, of Kentucky. Was not the liability of the Government just as great then as it would have been if that cotton had reached a warehouse in New York and been burned there?

Mr. WARNER. I am coming to that. I have stated that there is no question in my mind as to the duty of the Government in the first instance. They got it to this warehouse, and I submit that the liability of the Government was just as full and complete then as though they had put it aboard the boat and the boat had sunk upon the river, or as though they had gotten it to Louisville and it had been burned there. It seems to me that it is plain upon the evidence that this man is entitled to payment for his cotton; and I am willing to go further than many persons in cases of this kind, for I hold that it is the duty of the Government to protect the citizen who is loyal to his Government in his life and in his property, and when it takes the property of the citizen for its own uses, then whenever the Government is abundantly able to pay the citizen for that which it has taken from him, its duty is plain, more especially when the citizen is denied the right of going into court and enforcing his claim against the Government. Therefore, Mr. Chairman, I am in favor of the payment of this claim.

Mr. WILSON, of Minnesota. Mr. Chairman, it is well for us to keep certain general principles in view. If we do not we may make great mistakes in this and like cases, and as this case is a somewhat difficult one it is well to consider it carefully before we act. In the first place, let us eliminate from the case those matters which are unimportant and which touch no principle. For instance, the receipt given for this cotton when it was originally taken by the commander of the United States forces cuts no figure. If the United States were not liable that officer could not make them liable, and if they were liable he could not relieve them from their liability. Therefore, let us throw out of account the language of that receipt given by the commanding officer.

Mr. BUCKALEW. That would merely be evidence of the fact of the taking.

Mr. WILSON, of Minnesota. As suggested by my learned friend on the right [Mr. BUCKALEW], that would be mere evidence of the

fact of the taking of the cotton, but it could not fix the law. We come, then, to the question which first confronts us, to wit: If a general in command of the United States forces in the face of the enemy uses the property of an individual for the purpose of resisting the opposing army, are the United States liable therefor? No gentleman has argued that question. No authority has been cited to show that the United States would be liable in such a case, and on general principles I venture to assert that the United States would not be liable, and that to hold otherwise would lead to the most alarming consequences.

Mr. WASHINGTON. Will the gentleman permit a question?

Mr. WILSON, of Minnesota. Yes, sir.

Mr. WASHINGTON. If they had used stone or timber, or any material that is ordinarily used for such purposes—if the stone or timber had been left near there and the United States forces had used it for the fortifications, perhaps there might be something in your point; but in this case they used an article of merchandise, an article of very great value, and after using it for defense they took it in charge and started it off to market. Does not that fix the liability?

Mr. WILSON, of Minnesota. It is always confusing to mix up a number of questions. Let us look at the questions in this case in the order in which they arise. If the United States be liable for the taking of a bale of cotton to be used in a breastwork, the United States should be liable for taking a stick of timber or a cord of stone for the same purpose. There is no difference of principle between the cases cited; and no lawyer on the floor, I think, will say that there can be a difference of principle.

Mr. STONE, of Kentucky. Will the gentleman allow me a question?

Mr. WILSON, of Minnesota. If my time is not limited, I am willing to yield to any one; for if the Government of the United States is liable in this case I want to vote to make payment.

Mr. STONE, of Kentucky. I want to suggest to the gentleman that this bill presents no claim for liability on the part of the Government until the cotton was placed in the Government warehouse. All this preliminary argument about the liability of the Government while the cotton was in the fortification is not relevant, I submit to the gentleman.

Mr. WILSON, of Minnesota. I am following regularly in the line of argument of those who preceded me in favor of this bill. They insisted that the United States is liable because of the use of the cotton for a breastwork.

Mr. STONE, of Kentucky. But I desire to point out to you a shorter line.

Mr. SPINOLA. Will the gentleman allow me a question?

Mr. WILSON, of Minnesota. I will yield for anybody's question provided my time is not limited.

Mr. SPINOLA. I will give you my time. I wish to ask this question: If this property had been located in the city of New York and forcible possession had been taken of it by the Government for similar purposes, would the Government have been liable or not?

Mr. WILSON, of Minnesota. Not at all, if it was not taken possession of for the purpose of defense against the enemies of the United States, and I may add—for that was this case—in the face of the enemy.

Mr. SPINOLA. Oh, yes; if it was taken from loyal citizens.

Mr. WILSON, of Minnesota. This question stands in my judgment on just this principle: Suppose a fire were raging in the city of New York, and suppose it should be necessary for the purpose of arresting the fire to blow up or destroy the buildings of A, B, C, or D, would there be any liability on the part of the State or municipal government, in the absence of a statutory law creating such liability?

Mr. SPINOLA. They had to make such payment in 1835.

Mr. WILSON, of Minnesota. The public safety is the supreme law of this land.

Mr. McMILLIN. Right there let me make a suggestion to my friend. Suppose that his proposition is true, and that, in order to provide for the public safety, the Government has supreme power to take, without compensation, the property of its citizens. But suppose, after the use for which the property is taken is completed, the individual goes to the Government and says, "Now you are through with my property, and I want it back," and suppose the Government should thereupon say, "No, we will not return your property, but will sell it and appropriate the proceeds for other uses," does there not then accrue a liability which the Government can not evade?

Mr. WILSON, of Minnesota. If the gentleman had waited a moment I would have reached that point. I shall be very glad to discuss the question when I reach it. Perhaps the gentleman and myself will not differ upon it very much. But let me make myself understood on the other point. If, as gentlemen here claim, the taking of this property for a breastwork made the Government of the United States liable, then the Government is liable in every case where it digs up the earth for the purpose of throwing up an embankment or breastwork, because that is an injury to your field or mine. The difference is one of circumstances, not of principle. Liability in the one case necessarily implies liability in the other.

Mr. WARNER. Will you pardon me a question? If the Government should throw up a breastwork on your field as a matter of necessity under the supreme law of the public safety, and then after the necessity for that breastwork had passed should still keep possession of your field——

Mr. WILSON, of Minnesota. Wait until I get through. Mr. Chairman, gentlemen are trying to blend two ideas. As the learned gentleman from Pennsylvania [Mr. BUCKALEW] on my right suggested, when we meet them on one position they suggest another. If the gentleman will wait a moment I will answer his question.

Let me say that the question which arises in my mind is not whether the man that owned the property was loyal or not. I am talking about principles of law which touch every man's property, because the safety of the Government is the supreme and highest law of every land, and whatever is necessary can be taken for the purposes of the Government.

Mr. McMILLIN. I would like to ask my friend this question: Where is the principle, either of international or municipal law, which relieves the Government from the obligation to pay when, after having used the property of the citizen, it converts it into money and appropriates it to general purposes?

Mr. WILSON, of Minnesota. That is the question you asked me before. I was coming to that. I did not propose to sit down without answering that question.

Now, Mr. Chairman, if the Government of the United States does convert to its own use property of a loyal citizen, and it does sell it and put the money in the Treasury, I am not here to say that it is not liable for that money. But that stands on a different position, as my friend will see. I do not argue, and my friend from Pennsylvania [Mr. BUCKALEW] does not argue, that the Government in such a case is not liable. We stand on that legal position as I have stated it, and I am very glad to have him agree with me, for he is usually right.

If there is evidence in this case showing how much property the Government of the United States did convert to its own use, which belonged to this man, and the amount of money which the Government realized from that property, I say let us pay that amount back; but because there is a general statement that they converted some of the property let us not pay for all that was used for breastworks. If we do so we will establish a precedent which will rise up against us year after year to our great annoyance and expense.

Mr. WILLIAMS. Is there not a liability on the part of the Government for that cotton which was destroyed by fire while it was in the possession of the United States Government?

Mr. WILSON, of Minnesota. If during the time this cotton was being used by the Government for breastworks it was ignited by a shell and entirely destroyed I am of opinion there was no liability on the part of the Government to pay for it.

Mr. WILLIAMS. But after it was used for the purpose of defense in these breastworks and it was taken possession of by the Government authorities, who refused to return it to its owner, and while in possession of the Government authorities it was destroyed by fire, is not the Government then liable for the payment of this property?

Mr. WILSON, of Minnesota. I want to know all the circumstances attending the possession of the property before I can answer that question. The Government is not bound to give up the possession of such property the moment a battle ceases. It may be necessary to have these breastworks to resist some other attack on the part of the enemy. It is for the Government to say whether its possession is necessary for the public defense or not. But if after it is necessary for actual defense against the enemies of the Government it converts the property to its own use or realizes money out of it then it does become liable.

Mr. ENLOE. Will the gentleman permit me to ask him a question?

Mr. WILSON, of Minnesota. I will yield now to the gentleman from Tennessee to ask his question.

Mr. ENLOE. I wish to say to the gentleman from Minnesota that the report shows that after this demand had been made for the return of this cotton it was taken possession of by the Government and removed from the breastworks and put into the Government warehouse.

Mr. WILSON, of Minnesota. Permit me to say that must be more fully shown than in this case to establish legal liability on the part of the Government. It is just as my friend from Pennsylvania pointed out in the Mobile case. In that case the cotton was in the warehouse of the Government, and yet there was no liability. In this case the putting of this property into the Government warehouse may have created liability. But the report in this case does not show, except as to a part of this property, any such conversion as would create a liability on the part of the Government to the owner.

Mr. ENLOE. But they declined to return it to the owner of the cotton.

Mr. WILSON, of Minnesota. You say it was converted not for military purposes. I admit, if that be true, the Government is liable for the money realized from the sale of it. What I say is, that this report does not show that the whole of it was so converted.

Mr. SOWDEN. Let me ask the gentleman from Minnesota a question.

Mr. WILSON, of Minnesota. Certainly.

Mr. SOWDEN. Supposing after this property had been warehoused

by the Government it was destroyed by being struck by lightning; the gentleman from Minnesota would not then hold the Government was liable for the destruction of that property in such a case?

Mr. WILSON, of Minnesota. I say now to the gentleman from Pennsylvania the statement of the single fact that it was in warehouse of the Government is not sufficient for the purpose of showing that the Government is liable. More facts must be found in order to establish the liability of the Government.

Mr. SOWDEN. Is it not the same when property is destroyed by explosion of a shell while being used as breastworks?

Mr. WILSON, of Minnesota. Yes.

Mr. SOWDEN. There would be no liability?

Mr. WILSON, of Minnesota. There would not.

Mr. ENLOE. Now, there is the additional fact shown in this case that this cotton was in the warehouse of the Government, and while there was destroyed by fire caused by boys in the neighborhood, and does the gentleman say the Government was not liable to the owner of this cotton for its destruction?

Mr. WILSON, of Minnesota. If it was in its possession for other than military purposes against the will of the owner, no matter how destroyed, the Government would be liable.

Mr. WADE. If property is taken possession of by order of the chief officer and that property is destroyed pending a battle and the battle does not occur, if that property is destroyed while the battle is going on, is the Government responsible for that?

Mr. WILSON, of Minnesota. Not at all, for property taken by the United States authorities for the purpose of resisting a hostile force and which is destroyed while being so used there is no liability, I think.

Mr. WASHINGTON. When this property was taken by the Government and warehoused to be shipped away, and the proceeds of the sale of that property turned into the Treasury—is not the Government liable in such a case?

Mr. WILSON, of Minnesota. That would be satisfactory evidence of conversion.

Mr. WASHINGTON. That is exactly the case here. They went as far as they could to convert it.

Mr. WILSON, of Minnesota. Do not misunderstand me. That might be satisfactory evidence of conversion; but I want to know the facts in connection with that conversion; and whether they are sufficient on which to base the action sought here. If this property was converted by the Government to its own use, after it had been used for the military purpose designated I admit the liability.

Mr. WASHINGTON. That is just the case here.

Mr. WILSON, of Minnesota. That is not so shown. But if used for other purposes than those of war, then the Government was liable, provided the owner was a loyal man.

Mr. WASHINGTON. Now, right there I want the gentleman to examine the findings of the Court of Claims and the report, which show that after this cotton had been used for the purpose of the fortifications it was shipped by the Government to Louisville, Ky., was sold there by the Government and the proceeds applied to its own use, not for purposes of defense, but was turned into the Treasury. Therefore the Government is liable to that amount.

Mr. WILSON, of Minnesota. The report shows that to be true of some of this cotton, but not of all; you must show the amount so taken and sold. I do not mean the amount used in the fortifications, but the amount that was taken and actually shipped and sold——

Mr. HOUK. That has been established and shown by half a dozen authorities. There is no question as to the amount of cotton that was taken.

Mr. WASHINGTON. And let me say to the gentleman that if he will look at the concluding portions of the report in the findings of the committee, he will ascertain that they originally took 313 bales, of which quantity 218 bales were saved, which is the amount involved in this bill which the Government took possession of, shipped, and sold.

Mr. WILSON, of Minnesota. I do not so understand it.

Mr. WASHINGTON. That is the report.

Mr. WILSON, of Minnesota. I have stated, as I believe, the legal principles which lie in the way of the passage of bills of this character, and have stated also the principle which would allow the owner to recover. That is my judgment at this time without having examined the law books upon the question.

Mr. BUTLER. If you stand by that logic the report shows that the amount claimed by the bill is covered by the principle that you say should apply to this case.

Mr. WILSON, of Minnesota. If it does show it then I will follow my logic to its legitimate consequences.

Mr. WASHINGTON. That is all right, and that is all that is asked in this case. Has the gentleman read the report?

Mr. WILSON, of Minnesota. I have not read all of it. I have read sufficient to show me that this bill should not pass for the amount claimed.

Mr. BUTLER. I will state the case again so plainly that nobody need to err if the gentleman will give me his attention.

This cotton was seized and put into the fortifications at Knoxville. Afterwards the parties to whom it belonged went and asked its return. It was not returned, but a direct refusal to return it was made, and an order issued that it should be turned over to the Quartermaster-General and shipped to Louisville under the Treasury regulations, and the gentleman knows what they were, that all cotton should be turned over to the Treasury authorities.

After the Government seized it and took it from the fortifications 20 bales of it were burned. The balance, 256 bales, was saved, as the report shows. Now the Court of Claims have held, and so also the committee of the Senate and of the House, as shown in the unanimous report made by both bodies, that the Government was liable for the 256 bales.

Mr. HOUK. But not for the twenty.

Mr. BUTLER. The Government had taken it from the fortifications, and while in transit under the order for its shipment, and while stored near the depot, some boys set a lot of cotton on fire, and they suppose that 20 of the 256 bales so stored was consumed. Remember that this was after the siege had been raised and the cotton was taken possession of by the Government.

Mr. ENLOE. I wish to correct my colleague by a citation from the report. I think if he will examine, it will appear that all but 20 bales were consumed.

Mr. BUTLER. No, I think not.

Mr. ENLOE. The report says:

Of the 218 bales recovered, 40 were used by the medical department; 158 stored by the quartermaster near the railroad depot awaiting shipment were accidentally set on fire by boys playing in the vicinity, and all with the exception of about 20 bales were consumed.

Mr. BUTLER. The report says "20 bales were shipped to the chief quartermaster at Louisville. What became of the other 20 does not appear," etc.

Now, the commission found that the receipt was for 256 bales and that these were the 256 bales that the Government had gotten possession of. This commission was organized by the commander of the division there, and they found the facts which are set forth in the report and which are familiar to the committee; and if the gentleman is to be governed by his own premises, which I do not think are correct by any means, there can be no question as to the attitude he will pursue in this case.

But, Mr. Chairman, if this character of claim is not to be paid by the Government, then the Government ought not to pay anybody.

The gentleman has referred to the case of the destruction of buildings in New York. Let me illustrate his own position. Suppose they blew up a building there under the circumstances he asserts, and the doors and the sash and the windows were saved and afterwards the owner came and said, "let me have that part of the building back," and was refused. According to the gentleman's theory he could not recover. But I understand that citizens did recover from citizens for property destroyed in that very conflagration. I appeal therefore to my friend from Pennsylvania to consent to allow this bill to be passed.

Mr. SPRINGER. I desire to have read a message from President Grant of June 1, 1872, on a similar case.

Mr. HOUK. It does not amount to anything at all in this connection. I know the case the gentleman refers to, the Best case.

The Clerk read as follows:

To the Senate of the United States:

I have examined the bill (S. No. 105) entitled "An act for the relief of J. Milton Best," and, being unable to give it my approval, return the same to the Senate, the House in which it originated, without my signature.

The bill appropriates the sum of $25,000 to compensate Dr. J. Milton Best for the destruction of his dwelling-house and its contents by order of the commanding officer of the United States military forces at Paducah, Ky., on the 26th day of March, 1864. It appears that this house was one of a considerable number destroyed for the purpose of giving open range to the guns of a United States fort. On the day preceding the destruction the houses had been used as a cover for rebel troops attacking the fort, and, apprehending a renewal of the attack, the commanding officer caused the destruction of the houses. This, then, is a claim for compensation on account of the ravages of war. It can not be denied that the payment of this claim would invite the presentation of demands for very large sums of money; and such is the supposed magnitude of the claims that may be made against the Government for necessary and unavoidable destruction of property by the Army that I deem it proper to return this bill for reconsideration.

It is a general principle of both international and municipal law that all property is held subject, not only to be taken by the Government for public uses, in which case under the Constitution of the United States the owner is entitled to just compensation, but also subject to be temporarily occupied, or even accually destroyed, in times of great public danger, and when the public safety demands it, and in this latter case, governments do not admit a legal obligation on their part to compensate the owner. The temporary occupation of, injuries to, and destruction of property caused by actual and necessary military operations is generally considered to fall within the last-mentioned principle. If a government makes compensation under such circumstances, it is a matter of bounty rather than of strict legal right.

If it be deemed proper to make compensation for such losses, I suggest for the consideration of Congress whether it would not be better, by general legislation, to provide some means for the ascertainment of the damage in all similar cases, and thus save to claimants the expense, inconvenience, and delay of attendance upon Congress, and, at the same time, save the Government from the danger of having imposed upon it fictitious or exaggerated claims supported wholly by *ex parte* proof. If the claimant in this case ought to be paid, so ought all others similarly situated, and that there are many such can not be doubted. Besides, there are strong reasons for believing that the amount of damage in this case has been greatly overestimated. If this be true, it furnishes an illustration of the danger of trusting entirely to *ex parte* testimony in such matters.

U. S. GRANT.

Mr. WILSON, of Minnesota. I will only say a single word. The statement there is of just the principle that underlies all this matter. A great many persons go wrong on this idea. In the constitution of the several States, or most of them, it is provided that private property shall not be taken for public use without just compensation; but, as I said in my previous remarks, unless there is such a law, private property may be taken for public use, and there is no liability whatever.

Mr. HOUK. I simply want to call attention to the absolute lack of analogy between this case and the bill vetoed by the message read in opposition to this case. Why, sir, we destroyed forts, houses, and other places where the enemy had secreted themselves in order to resist the Federal forces, but who ever thought of paying for them? Not less than several dozen houses were burned in my town, but I have stood here, and this House, Congress after Congress, persistently refuses to pay for them. I believe in the very act of war the Government had a right to destroy that property in order to make it possible for the United States forces to resist the enemy.

Mr. WASHINGTON. There were nearer twelve dozen houses destroyed.

Mr. HOUK. Yes.

What else is there in this matter? General Grant refers to the fact that you have a right to take private property, but there must be just compensation. What is this case? Let us look at it in the light of reason for a moment. The Army needed this property. Suppose it seized it in the very act of prosecuting a battle and resisting the enemy? At such time they would have a right to seize it in the line of war, and no claim would lie against the Government for compensation. But the very moment the war ended, the very moment this property accomplished the end in the struggle between the two armies for which the Government seized it, if the Government of the United States then converted it and diverted it from its owner, it was a conversion in law for which the Government of the United States is liable, as I believe every good lawyer on this floor will say.

Another thing. I would like to know if these gentlemen did not vote the other week to pay for a college over in Virginia? If they did I would like to have an explanation of how they can reconcile that vote with their fight against this measure.

Mr. BUCKALEW. I voted against that bill.

Mr. HOUK. There is a difference between this case and the one referred to by General Grant—the Paducah case. The Paducah case is a sweet morsel the gentlemen who refuse to vote for this bill roll under their tongues. We always hear of that case, although it has no more application than to the case of the man in the moon. What is the difference? That was a stationary piece of property. An actual battle was going on. The property was destroyed by our forces. General Grant did exactly right in vetoing the bill. But in this case the property was seized and used for the purpose intended. There was no necessity for destroying it. The United States, after it was through with it, refused to give it back to the owners, and started to transport it to market. Part of it was lost and part of it got there. I believe the Government has the money in the Treasury.

I want to say another thing. I have been as liberal on this subject, and have tried to discriminate as fairly as possible; but if this House is going to reject this claim and pay for colleges in Virginia, what are we coming to? I repeat, Mr. Chairman, what I have said before. I would rather have the note of any pauper forty years of age in the United States than a claim on the Government, unless it was in the shape of a bond, because there is always some one who must assume to be the watch-dog of the Treasury and resist honest claims that come up for payment.

The committee then informally rose, and Mr. HOLMAN took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendment of the House of Representatives to the concurrent resolution of the Senate to print 5,000 copies of the report of the Committee on Foreign Relations relating to the fisheries treaty, together with the views of the minority.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3025) to provide for the reconstruction of the Government dam at Rock Island arsenal, and for the immediate construction of a temporary dam to furnish water-power for said arsenal; and

A bill (S. 2922) setting apart a tract of land to be used as a cemetery by the Alvarado Cemetery Association of Georgetown, Colo.

PEREZ DICKINSON.

The committee resumed its session, Mr. MCCREARY in the chair.

Mr. SPRINGER rose.

Mr. LANHAM. Will the gentleman yield to me for one moment?

Mr. SPRINGER. I will.

Mr. LANHAM. I rise to ask if it is not possible to limit debate upon this question? If we are to make any progress at all in the consideration of private business it does seem to me absolutely necessary we should fix some limits upon the discussion of this question. We have now had it under consideration for an hour and a half. If we go ahead in this way we will spend all day upon this bill and thus make no advance in the consideration of other bills on the Calendar. I ask unanimous consent that debate on this proposition be limited to thirty minutes.

Mr. SPRINGER. I object to that.

Mr. HOUK. Make it ten minutes.

Mr. SPRINGER. I have the floor. After I have addressed the committee I presume we will be ready to vote.

The CHAIRMAN. The gentleman from Texas [Mr. LANHAM] asks unanimous consent that debate on the pending bill be limited to thirty minutes.

Mr. BUCKALEW and Mr. LYNCH objected.

Mr. SPRINGER. I yield ten minutes to the gentleman from New York [Mr. LAIDLAW].

Mr. LAIDLAW. Mr. Chairman, it strikes me that there is great misapprehension about the law, or what has been laid down as law, in this case. It would seem to me, sir, that no lawyer, after he had examined the question, would say that the Government was not liable for this cotton, even under the circumstances of the commanding officer taking it for breastworks. I would not say this if I had not had occasion to examine the question with some care; but if any gentleman will take the pains to read a case that is reported in the first volume of the Court of Claims Reports, a case covering a great many pages, where this whole question is discussed, I think he will come to the conclusion that if the law there laid down is good law (and the authorities are numerous), it is nonsense to say that the Government can take a private citizen's property for the purposes of war and not pay him for it, if he is a loyal man. That idea is neither ancient nor modern law, as the law is laid down by the court in this case.

The case was this: A citizen of the United States had a contract to furnish flour and supplies for the Army. It became necessary to retreat, and the commanding officer, thinking that if this property fell into the hands of the enemy it would be very useful to him, issued an order for its destruction. The question was whether the man was entitled to be reimbursed for the property so destroyed. The court go on to discuss the case, and they say that it makes no difference whether the property is taken for consumption or whether it is taken for destruction, if it is taken for a public benefit, or a supposed public benefit, by some one having authority to take it, then, under the provision of the Constitution that private property shall not be taken for public use without just compensation, the man is entitled to be paid for his property.

Why, the Government is nothing but all of us; and has it come to this, that all of us can take the property of one of us? Is that just? It is not Grotius; it is not Vattel; it is not international law; it is not the law of any civilized country in the world. What does the court say?

> The taking of private property for use or destruction, when the public exigency demands it, by a military officer commanding any part of the public forces is an exercise of the right of eminent domain. Whenever the officer is justified, the Government is liable. The state of facts as they appeared to the officer when he acted must govern the decision.

That is the syllabus. Here are some extracts from the opinion of the court:

> Every civilized state recognizes its obligation to make compensation for private property taken under pressure of state necessity and for the public good. The state is the transcendental proprietary of all the property, real and personal, of its citizens or subjects. This transcendental right—the eminent domain of the state in all countries where rights are regulated by law—is so exercised as to work no wrong and inflict no private injury without giving to the party aggrieved ample redress.
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> Whenever, from necessity or policy, a state appropriates to public use the private property of an individual it is obliged, by a law as imperative as that in virtue of which it makes the appropriation, to give to the party aggrieved redress commensurate with the injury he has sustained.

And here is a quotation from Vattel:

> Is the state bound to indemnify individuals for the damages they have sustained in war? We may learn from Grotius that authors are divided on this question. The damages under consideration are to be distinguished into two kinds—those done by the state itself, or the sovereign, and those done by the enemy. Of the first kind some are done deliberately and by way of precaution, as when a field, a house, or a garden belonging to a private person is taken for the purpose of erecting on the spot a town rampart or any other piece of fortification; or where his standing corn or store-houses are destroyed to prevent their being of use to the enemy. Such damages are to be made good to the individual, who should bear only his quota of the loss.

That is Vattel.

I have seen the veto message of General Grant that has been referred to here. There is no necessity of having any law in a veto. It is the last place you expect to find law. A veto does not have to convince anybody. Main strength and stupidity are just as good for a veto as common sense. [Laughter.] General Grant does not quote a particle of law or authority in that veto except by way of parenthesis, and this is the first time I ever knew lawyers or judges to go to veto messages to learn what the law of the land was. [Laughter.]

I read now from Grotius:

> We must observe this, that the king may in two ways deprive his subjects of their right, either by way of punishment or by virtue of his eminent power. But if he do so in the last way, it must be for some public advantage, and then the subject ought to receive, if possible, a just satisfaction for the loss he suffers out of the common stock.

Now that is not what a judge of the Court of Claims says; it is a quotation from the text of Grotius; it is what you will find on every page of Vattel. You will find nothing to the contrary of this statement in either of those authorities.

The state has an eminent right of property over the goods of the subjects, so that the state, or those that represent it may make use of them, and even destroy and alienate them, not only on extreme necessity, but for the public benefit, to which we must add that the state is obliged to repair the damages suffered by any subject on that account out of the public stock. Neither shall the state be absolved from this obligation, though for the present not able to satisfy it; but whenever the state is in a capacity this suspended obligation shall resume its force.

In this article—

That is the article of the Constitution—

it is declared that private property shall not be taken for public use without just compensation to the owner.

Do you suppose, without looking the question up at all, that this provision has reference only to a time of peace? If your doctrine were good for anything the Government in the recent war need not have paid for a dollar's worth of property at the North or anywhere else; it might simply have gone and taken possession of whatever it found necessary. This Constitution is for times of war as well as for times of peace, and I insist that the Government has no right, and no lawyer ought to say that it has, under the Constitution, to take the private property of a citizen without compensation.

Mr. WILSON, of Minnesota. Whenever it will not interrupt the gentleman, I would like to ask him a question. I hope he will indicate his own time.

Mr. LAIDLAW. All right; any time.

Mr. WILSON, of Minnesota. Let me ask you this: Suppose the armies of the Government, finding it necessary, for the purpose of resisting the public enemy, should dig a man's field for the purpose of throwing up breastworks, then, as soon as the war was over, would the Government be liable for the injury it had done in that way to the man's field just as if it had been done by a private person?

Mr. LAIDLAW. I get your idea. You mean to ask me whether, in every case where the soil was disturbed during the recent great conflict by digging up a shovelful of dirt, the Government would be liable to the private owner of that soil?

Mr. WILSON, of Minnesota. Would it, or would it not?

Mr. LAIDLAW. Wait a minute.

Mr. WILSON, of Minnesota. I will wait.

Mr. LAIDLAW. I never was wiser than the law. I do not make the law; and I do not get it out of vetoes, but I go to the recognized books for it. I say to the gentleman, "go and be diligent; gainsay the quotations I have made, if you can."

I would rather talk about the case I have before me than one which is not before me. I am discussing the question of this cotton. I say it is the law to-day—and the gentleman would come to the same conclusion if he would take the trouble to look into it—that if the Government took my property, I being a loyal citizen, put it in a breastwork and used it for the purpose of public defense, there is no law, human or divine, recognized in any civilized country, which would justify the Government in refusing to compensate me, if able to make compensation.

Mr. WILSON, of Minnesota. You have not answered my question yet. You are answering one which you asked yourself.

Mr. LAIDLAW. I was answering the question which covers the case we were talking about. I do not wish to have any conundrums about a case of this kind.

Mr. WILSON, of Minnesota. You will not answer my question. I thought you would not.

Mr. LAIDLAW. It is a principle of law that a judge never answers conundrums. I never could get a judge to answer any of mine.

Mr. WILSON, of Minnesota. Let me ask the gentleman a question which will come a little nearer——

Mr. LAIDLAW. Wait a little; not now.

Mr. WILSON, of Minnesota. I thought not.

Mr. LAIDLAW (reading):

Whether or not a law authorizing the destruction of private property for public benefit or safety is to be esteemed a taking of it for public use, such a law is nevertheless an exercise of the right of eminent domain. The right to take or destroy private property by an individual in self-defense, or for the protection of life, liberty, or property, is of a widely different character.

Then this authority goes on to show that the taking of property by the public is an exercise of the right of eminent domain, and does not fall at all within the other principle which has been referred to by the gentleman.

Now, I would like to get the attention of my friend, Judge WILSON, to this proposition; this is a good conundrum for him to answer.

A vessel may in time of war be taken from the owner when the interests of the Government demand it; or it may be destroyed to prevent its falling into the hands of an enemy, and thereby increase its power of aggression or resistance; and the owner would be entitled under the Constitution to be paid a just compensation.

Do you agree to that (addressing Mr. WILSON, of Minnesota)? If you had a vessel lying in port down here on the Potomac and the Government, being afraid that the vessel might fall into the possession of the enemy, should order its destruction, would you be entitled to any compensation?

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from New York [Mr. LAIDLAW] has expired.

Mr. SPRINGER. As the gentleman seems to be in the midst of explaining a point, I will yield him five minutes further.

Mr. LAIDLAW (reading):

Upon the authority of the cases cited and others that might be adduced, as well as on the principles which distinguish a case of public necessity, utility, or good, from the overruling necessity which regulates the law of individuals, we are of opinion that the rightful taking of private property for use or destruction when the public exigency demands it, by a military officer commanding any part of the public force, is an exercise of the right of eminent domain, and that such a case is not governed by the law applicable to individuals.

The court holds, after full argument on the part of the Government, after full argument on the part of the claimant, that the taking of a private person's property even destroyed comes within the right of eminent domain, and that clause of the Constitution which says, "private property shall not be taken for public use."

The letter and spirit of the public law, and of the constitutional provision in this regard, require just compensation to be made in every case when private property is rightfully taken for public use, whether it be by legislative authority or under the powers necessarily exercised by those commanding our land and naval forces in time of war or imminent public danger.

Then it goes on and says it may—that by his commission and situation of his case he may rightfully take it, and if he may rightfully take it the Government must pay for it.

Whenever the officer is justified the liability of the public is established.

Now, I have no personal interest in this business, except I do not like to see so much of this kind of loose law knocking around. [Laughter.]

Property is taken without legislative authority, but by official warrant, and under urgent necessity and for the general good. Courts approve the conduct of the officer and the Executive rewards him with promotion for faithful and efficient performance of duty. The exigencies of war forbid that the legislative authority should provide for the precise circumstances under which the eminent right of the state may be called into action. The fundamental law provides that private property shall not be taken for public use without just compensation. Is this provision of the Constitution answered when compensation is made for property taken under legislative authority and denied when taken by military officers acting rightfully under the proper functions of their office? We think not. The obligation to make compensation is co-extensive with the right of the state to take private property for public use, and whenever it is taken by competent authority the obligation of the state can not be evaded.

I am not reading that to convince you, but to show what a judge that was who got it off. [Laughter.]

Mr. BUCKALEW. What judge.

Mr. LAIDLAW. There seems to be a lot of them. The judge who delivered the opinion, I do not know him myself personally; Judge Wilmot. Watts & Dunnell—those are the attorneys.

Mr. WILSON, of Minnesota. There were two of these cases, and one of them was reversed by the Supreme Court of the United States. Do you know whether this is the one which was reversed by the Supreme Court?

Mr. LAIDLAW. You will know which one. This was never reversed so far as I know.

Mr. SPRINGER. Mr. Chairman, this is not a new question in the House. It has been up many times before. At the commencement of my Congressional service a similar case came up from Virginia. It was a meritorious case in many respects. It was in behalf of an educational institution which appealed strongly to the feelings of the people of this country, who desired to preserve one of the oldest of the collegiate institutions established in the United States, that of William and Mary College, in Virginia. The bill was introduced in the Forty-fifth Congress, I think, for the purpose of appropriating some $65,000 to pay for the use of the college buildings, which had been destroyed while in the occupation of the United States.

That bill, Mr. Chairman, was debated during two sessions of Congress, and the strongest arguments for and against it were made. It was one of the most thoroughly discussed cases in this House since I have been a member. I wish gentlemen would look up the debate in that case. It concluded January 10, 1879, when the question was taken in the House on ordering the bill to be engrossed and read a third time, and the yeas and nays were ordered. The yeas were 87, nays 127, and those not voting 75, nearly all of whom, I see, were paired one way or the other on the question.

Mr. CATCHINGS. That was for the use of a building and its destruction during that use.

Mr. SPRINGER. This is the bill:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the college of William and Mary, in Virginia, the sum of $65,000, out of any money in the Treasury not otherwise appropriated, to reimburse said college for the destruction of its building and other property destroyed without authority by disorderly soldiers of the United States.

Mr. CATCHINGS. But that was an act of devastation.

Mr. SPRINGER. It was a case of the destruction of private property growing out of its occupation by Federal troops, and that was the question discussed, and if gentlemen will examine the debate in the House they will see.

Mr. ROWELL. But was there not a discussion growing out of something else than the legal attitude of the Government to the parties?

Mr. SPRINGER. The question discussed was as to the legal liabilities of the Government.

Mr. ROWELL. But there were other questions discussed as bearing upon the claim.

Mr. SPRINGER. The debate is given here, and gentlemen can see for themselves the questions presented.

Mr. ROWELL. But was not the question there that this was claimed to be a propagating college for Confederate ideas?

Mr. SPRINGER. I do not think so.

Mr. ROWELL. I think the question presented was that this was a rebel institution and was used for propagating such ideas.

Mr. TOWNSHEND. That could not possibly be, because this institution was established during the Revolutionary war.

Mr. BUTLER. But the question presented here refers to the position occupied by that institution during the late war.

Mr. WASHINGTON. Will the gentleman from Illinois permit me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. WASHINGTON. Was not the claim to which reference is made there one for rent and damage—use and occupation of the property?

Mr. SPRINGER. The bill says what it was:

To reimburse said college for the destruction of its building and other property destroyed.

Mr. WASHINGTON. That was for the occupation of the building.

Mr. SPRINGER. For damage growing out of occupation during a large portion of the war.

Mr. CATCHINGS. If it will not interrupt the gentleman from Illinois, I would be glad to ask him a question for information.

Mr. SPRINGER. Certainly.

Mr. CATCHINGS. Have you any authority or decision of any court holding that the Government is not in all cases liable where it appropriates to its own uses the personal property of the citizen, whether such seizure be in time of war or in time of peace?

Mr. SPRINGER. I will answer that when I come to it. I am referring now to the college of William and Mary, and do not desire to be diverted from the line of argument I wish to pursue. That question was discussed in its broadest aspect to determine the liability of the Government for property taken, damaged, or destroyed during the war, in the midst of hostilities, and the liabilities of the Government were decided in the negative by the vote upon the bill, and many leading members of Congress participated in the discussion. If gentlemen will look at the yeas and nays upon that vote as recorded here, they will see amongst the names of the Representatives voting against it the great majority both upon that side of the House and upon this, or a large minority on this side of the House, at least, I may say.

That is not exactly the case presented here and covered by this bill, but the principle involved is the same. So also with the case of Best, vetoed by President Grant. The gentleman from New York [Mr. LAIDLAW] seems to think that a President of the United States knows nothing about law or anything else, and that lawyers and judges do not go to Presidents to find out anything about the law or facts in any given case. I think in writing this veto message President Grant was in all probability, in fact we may consider it as absolutely certain, advised by his Attorney-General, and that this veto message was the act of his Administration, representing the policy which Grant's Administration pursued or intended to pursue with regard to such cases.

Now, the general principle as laid down by President Grant is a correct one, and to that I want to call the attention of gentlemen on both sides of this House. It was admitted at that time not to be a settled question, and I undertake to say that the policy laid down by the President then has been the policy that has governed in regard to such cases from that time until the beginning of this Congress. The President says:

It is a general principle of both international and municipal law that all property is held subject not only to be taken by the Government for public uses, in which case, under the Constitution of the United States, the owner is entitled to just compensation, but also subject to be temporarily occupied or even actually destroyed in times of great public danger and when the public safety demands it, and in this latter case governments do not admit a legal obligation on their part to compensate the owner.

Mr. COBB. How did this destruction occur?

Mr. BUTLER. In a fight.

Mr. SPRINGER. By order of a military officer, it being the destruction of certain houses within the range of the guns of the United States troops at Paducah, and they were destroyed to give a complete range to the Federal artillery. It was the destruction, in the face of the enemy, of property to carry on the operations of war.

The temporary occupation of, injuries to, and destruction of, property caused by actual and necessary military operations, is generally considered to fall within the last-mentioned principle.

The principle being that the Government is not liable to pay. And he further says:

If a Government makes compensation under such circumstances, it is a matter of bounty rather than of a strict legal right.

Now I do not need or wish to discuss the question as to what opinion gentlemen may now entertain, but I place President Grant and his Attorney-General and Cabinet against their opinions, and undertake to say that the opinion which I have quoted of President Grant was recognized as the law at that time, and has been regarded as good law by the Government from that time to this.

But there is another feature to which I wish to call attention. President Grant stated in this veto message as follows:

If it be deemed proper to make compensation for such losses, I suggest for the consideration of Congress whether it would not be better, by general legislation, to provide some means for the ascertainment of the damage in all similar cases, and thus save to claimants the expense, inconvenience, and delay of attendance upon Congress, and, at the same time, save the Government from the danger of having imposed upon it fictitious or exaggerated claims supported wholly by *ex parte* proof.

If you are to pay for such cases as this, why not establish a general principle and have some way by which all persons under like circumstances can present their claims against the United States and have justice done to them?

This special legislation, this selecting out favored individuals who may have friends in Congress to further their claims, this occupying the time of three hundred and twenty-five Representatives in the adjudication of private claims, is not worthy of the Congress of the United States, and ought not to occupy the time of the Representatives of the people. If the Government is liable, it is liable to all. Let us provide for all. Let us make a general law that will bring within its provisions all the persons who are similarly situated; and in that general law lay down the principles upon which the liability of the Government shall be ascertained.

Mr. MACDONALD. Will the gentleman allow me to ask him a question?

Mr. SPRINGER. I will.

Mr. MACDONALD. Do I understand the facts stated in the report of the committee in this case are admitted to be true?

Mr. SPRINGER. They were found by the Court of Claims.

Mr. MACDONALD. I read from the Senate report, beginning with the statement of the facts:

It seems to be clearly established that when Knoxville was threatened this property of a loyal citizen, in full sympathy, was taken, not by capture, but by agreement between the parties and a receipt given.

Are those facts admitted?

Mr. SPRINGER. That was what was found and reported in the case.

Mr. MACDONALD. Do you mean to say the cases you refer to are parallel to this?

Mr. SPRINGER. I mean to say that this property was taken in the very midst of war; that this property was used for the purpose of making breastworks to prevent the enemy from approaching the city of Knoxville. If there ever was property taken in the midst of war for military purposes, this property was taken under those circumstances.

Mr. MACDONALD. If the Government had bought munitions of war in the city of New York and given a receipt for the same, would there be any difference?

Mr. SPRINGER. The principle running through every adjudicated case shows the difference.

Mr. MACDONALD. That is not an answer.

Mr. SPRINGER. I will state to the gentleman there is a difference.

Mr. MACDONALD. Wherein?

Mr. SPRINGER. It is this: The Government of the United States is not liable for property taken in the midst of war.

Mr. MACDONALD. They were not fighting.

Mr. SPRINGER. Here is what General Grant said was the law and it is the law——

Mr. MACDONALD. I admit it; but what he said is not applicable to this case.

Mr. SPRINGER. It is applicable to this case.

The temporary occupation of, injury to, and destruction of property caused by the actually necessary military operations of the war is such as not to create a legal obligation on the part of the Government.

That is the law laid down by President Grant, and that is the case here. It was property taken while the war was in progress; while the enemy was approaching, while the armies were marshaled against each other. There can be no stronger case of actual hostilities than this. It is just as strong as the case at Paducah, where houses were leveled for the purpose of allowing a range of the guns of the forces. It is just as strong a case as the case of the William and Mary College, where property was occupied for months by the Government and injured in the occupation.

A MEMBER. That bill was passed.

Mr. SPRINGER. No, sir; it was voted down by a very large majority.

This is as strong a case as has been before Congress. I undertake to say that of all the cases of this kind where there has been full investigation and discussion, none has been passed since the Best veto from President Grant.

Mr. BAKER, of New York. Do you know what the report of the committee was on that veto?

Mr. SPRINGER. I am not sure as to what it was. The committee may have differed from President Grant on the subject. But the bill was not passed over the veto, was it?

Mr. BAKER, of New York. No.

Mr. SPRINGER. Then Congress acquiesced in the veto by refusing to pass the bill over the veto of the President.

Mr. ROWELL. That veto was given without full knowledge of the facts as they were afterwards developed in the case.

Mr. SPRINGER. General Grant stated enough facts to satisfy me as to what the law was, and to satisfy Congress at that time. So far as I know Mr. Best has never been paid the amount of his claim.

Mr. HOUK. This Government does not pay anybody.

Mr. SPRINGER. Then I am justified in my statement that no money has been paid in a similar case after full and careful consideration. Some bill may have slipped through without being noticed.

One fact further. If this case had come within the provisions of the captured and abandoned property act, as some gentlemen claim, then the claimant had a forum, a place erected by the Government of the United States, where he could have gone and set up his claim. In that case, if he had proved his case, and that he was a loyal citizen, he could have recovered in the Court of Claims the value of the property.

Mr. BUTLER. Is not the Government just as liable for the property taken from a loyal citizen and used as it would be if the property was sold and the money covered into the Treasury?

Mr. SPRINGER. The liability of the Government was fixed and limited by the act known as the captured and abandoned property act. Whenever a case comes within the provisions of that act all the courts of the United States have adjudicated that the Government is liable. If the case does not come within the provisions of that act the Government is not liable.

Mr. BUTLER. General Grant recommended a commission.

Mr. SPRINGER. No, sir; he recommended that Congress should pass a general law.

Mr. BUTLER. The Bowman act does that. Is not this in compliance with the Bowman act?

Mr. SPRINGER. The Bowman act simply provided for a settlement of the claims transmitted to the Court of Claims for the ascertainment of the facts, and it especially provided that there was to be no assumed liability on the part of the Government of the United States.

Mr. HOUK. What part of the act provided that? Tell me the page or the section.

Mr. SPRINGER. If you will give me the act I will show it to you.

Mr. HOUK. I am not waiting on you now. But if you make an assertion you ought to be able to support it.

Mr. SPRINGER. I think the gentleman from Missouri [Mr. WARNER] has the Bowman act in his hand, and I will ask him to read the provision presently.

But, Mr. Chairman, it is well understood that the Government admitted no liability by the reference of these cases to the Court of Claims for the ascertainment of the facts. The court had no authority to enter judgment, and it does not express any opinion as to whether this claim should be paid or not. It simply reports the facts to Congress.

Mr. WARNER. I have not the Bowman act in my hand, but I have the report upon the veto message of General Grant.

Mr. SPRINGER. Who submitted that report?

Mr. WARNER. No less a person than Senator Howe, probably one of the best lawyers in the United States Senate.

Mr. SPRINGER. He took issue with the President, did he not?

Mr. WARNER. Yes, sir.

Mr. SPRINGER. One more point, Mr. Chairman, and then I am through. If this property came within the provisions of the captured and abandoned property act, a forum was provided where the claimant could have obtained judgment against the Government for the value of the property; but it did not come within the provisions of that act. The facts reported by the Court of Claims do not show that the proceeds of this property were ever covered into the Treasury of the United States.

Mr. LYNCH. Was the property either captured or abandoned?

Mr. SPRINGER. It was not, within the provisions of that act. It was simply taken in the midst of war. This report does not disclose where the property went, or what was done with it, or whether the proceeds of it went into the Treasury of the United States, does it?

Mr. BUTLER. Oh, yes; it shows what was done with the property.

Mr. SPRINGER. It does not show that the proceeds were ever covered into the Treasury.

Mr. BUTLER. No.

Mr. SPRINGER. Then unless it can be shown that it was paid into the Treasury there is no pretense, even, of a right of recovery against the United States. If the property was simply stolen or gotten out of the way by some mysterious jugglery and the Government did not come into the possession of it and the proceeds were not covered into the Treasury, and if the fact does not appear that the proceeds were covered into the Treasury, then I say there is no pretense, even, of a right of recovery against the United States. This is a bill for nearly $100,000. That is a large sum of money, and if the Treasury had received it the books of the Treasury would show that fact, and the claimant could point to the books and show that the money was in the Treasury. If he could do that he would have some claim, but if he can not do that he has none.

This is not a question of further adjudication; it is the appropriation of an amount of money for this claim to be paid out of the Treasury on the assumption that the Government got the proceeds of that property, although there is no proof whatever that the Government ever got a cent of it.

Mr. LYNCH. Part of the property was destroyed by fire.

Mr. SPRINGER. Then we would not be liable. Under the captured and abandoned property act we are liable for nothing except the proceeds that have come into the Treasury of the United States. If gentlemen will show that any of the proceeds of this property went into the Treasury, then they will have some claim upon the Government, but without it they have none.

Mr. LANHAM. Mr. Chairman, I rise to offer an amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out the words "ninety-six thousand one hundred and ninety-two dollars" and inserting "sixty-six thousand eight hundred and eighty-three dollars and fifty cents."

Mr. LANHAM. I believe we have under consideration by agreement the Senate bill, which proposes to appropriate in payment of this claim the sum of $96,192. It seems to be conceded by gentlemen who have expressed their legal views on this subject that the Government is liable for so much of this property as was converted to its use after the necessity for its use for military purposes had ceased. By adopting the amendment which I have offered, this bill will conform to a bill which was reported in the Forty-ninth Congress by a majority of the Committee on War Claims. I find in their report this statement:

Now, allowing to the claimants their portion of the amount saved, to wit, one hundred and seventy-eight bales at the price fixed by the court, makes the sum which your committee think should be allowed the claimants.

It seems that upon investigation the Committee on War Claims in the Forty-ninth Congress believed that the Government was liable for one hundred and seventy-eight bales of cotton, which, at the rate found by the Court of Claims, would make the sum of $66,883.50, the sum named in the amendment I have just sent to the desk.

Now, Mr. Chairman, I desire again to seek unanimous consent that debate be closed on this bill. If an agreement can not be reached by unanimous consent, I shall move that the committee rise in order that debate may be limited in the House.

Mr. WARNER. I would like a few minutes to reply to the gentleman from Illinois [Mr. SPRINGER] in regard to the case of Dr. Best, from the State of Kentucky.

Mr. LANHAM. Will the gentleman please indicate how much time he desires.

Mr. WARNER. Say ten minutes, at the outside.

Mr. LANHAM. Then I ask unanimous consent that all debate on this bill and the pending amendment be limited to ten minutes.

Mr. STONE, of Kentucky. Let there be ten minutes on each side.

Mr. LANHAM. I am willing to accept that proposition.

Mr. WILSON, of Minnesota. Before that question is decided I wish to make a statement. I do not desire any time for myself; I have no wish to discuss the question further. In my opinion the proper course with reference to this bill (because the principles which underlie it are as important as any that will come before this House) would be to refer it to the Committee on the Judiciary with instructions to report it at an early day. In that way we should be able to settle definitely the law on this question which will reach a thousand other cases coming before this House.

Mr. LANHAM. It is not necessary to make that proposition now. That can come in as a separate motion at a suitable time.

Mr. BUCKALEW. I understand that the gentleman's amendment rests on a calculation which takes for its basis 218 bales of cotton instead of 178.

Mr. LANHAM. No, sir; 178 bales, which, estimating 501 pounds to the bale, would make $66,883.50.

Mr. RICHARDSON. That was the amount named in the majority report in the Forty-ninth Congress.

Mr. LANHAM. Yes, sir.

Mr. BUCKALEW. I merely wish to say that I am in favor of paying one or two items embraced in this claim, but I desire that the bill go over until we can ascertain exactly what should properly be paid. I do not object to the proposition to limit further debate to ten minutes on a side, but I shall not consent that this bill be passed to-day.

The CHAIRMAN. Is there objection to the proposition that debate on this bill and the pending amendment be closed in twenty minutes, ten minutes to be allowed on each side? The Chair hears no objection, and it is so ordered. The Chair will recognize the gentleman from Texas [Mr. LANHAM] and the gentleman from Missouri [Mr. WARNER] to control the time.

Mr. WARNER. Possibly we are both on the same side, although an imaginary line divides us.

Mr. LANHAM. It is not material to me how the time is occupied; but I want the gentleman from Kentucky [Mr. STONE] to have five minutes.

Mr. WARNER. Mr. Chairman, I agree with the distinguished gentleman from Illinois [Mr. SPRINGER] that some general law should be

passed to meet all these cases. When I came into the Forty-ninth Congress I was innocent enough to believe it possible to accomplish that purpose. I spent many a day and many a week in the framing of a bill looking to that end, and in the preparation of a very elaborate report showing the injuries done to claimants from lack of such a measure. I was able once to get that bill before the House for consideration, but it was talked to death so effectually that it was never resurrected.

Mr. SPRINGER. I do not think that bill ever contemplated the consideration of war claims.

Mr. WARNER. Yes, sir; as finally amended it included the consideration of war claims.

Sir, I wish to say, in reference to the veto by General Grant of the Dr. Best claim, of Paducah, Ky., that while my admiration for General Grant and my respect for his judgment are equal to those of the gentleman from Illinois or any other man on this floor, I hold in my hand the able report of Senator Howe opposed to the veto, but in the limited time allowed me will not undertake to read the report made by Senator Howe on behalf of the Committee on Claims of the Forty-second Congress on the veto of General Grant. This report was made by Judge Howe, then a Senator from the State of Wisconsin, giving the law which governs in such cases. I challenge any gentleman on the floor to refute it. He cites all the leading writers on the law of nations and he cites also the Supreme Court of the United States as carrying out the principles he lays down.

Judge Howe says the committee has not found any such general principles affirmed as have been contended for either in international or municipal law. Let me read from the report:

A general principle of both international and municipal law, that all property is held subject not only to be taken by the Government for public uses, in which case, under the Constitution of the United States, the owner is entitled to just compensation, but also subject to be temporarily occupied or even actually destroyed, in times of great personal danger and when the public safety demands it; and in this latter case governments do not admit a legal obligation on their part to compensate the owner.

* * * * * * *

Among the text-writers, Vattel discusses the very question, "Is the state bound to indemnify individuals for the damage they have sustained in war?" "Such damages," he says, "are of two kinds; those done by the state itself, or the sovereign, and those done by the enemy. Of the first kind some are done deliberately and by way of precaution, as when a field, a house, a garden belonging to a private person is taken for the purpose of erecting on the spot a town rampart or any other piece of fortification, or when his standing corn or his store-houses are destroyed to prevent their being of use to the enemy. Such damages are to be made good to the individual, who should bear only his quota of the loss."

The same author speaks of damages caused by inevitable necessity, and he instances "the destruction caused by the artillery in retaking a town from an enemy. These are merely accidents. They are misfortunes which chance deals out to the proprietors on whom they happen to fall."

* * * * * * *

The state has an eminent right of property over the goods of the subjects, so that the state, or those that represent it, may make use of them, and even destroy and alienate them, not only in extreme necessity, but for the public benefit, to which we must add that the state is obliged to repair the damages suffered by any subject on that account out of the public stock.

This report cites a case of damage during the Revolutionary war which was paid for. In 1784 a resolution was adopted, from which the following is an extract:

That it be referred to the several States, at their own expense, to grant such relief to their citizens who may have been injured as aforesaid as they may think requisite; and if it shall hereafter appear reasonable that the United States should make any allowance to any particular State which may be burdened much beyond others, that the allowance ought to be determined by Congress.

In accordance with that resolution, when, in 1818, Mary Brower and others petitioned for compensation to be made to them for property burned and destroyed on Long Island by the American army on the advance of the British forces in August, 1776, the Committee on Revolutionary Claims of the House denied the prayer, not upon the ground that compensation should not be made, but upon the express ground that the sufferers ought to have appealed to the State of New York for such compensation. And notwithstanding the resolution of 1784 Congress did pass an act for the relief of an academy in Wilmington, of which the following is a copy:

"That, as an indemnification to the corporation of trustees of the public grammar school and academy of Wilmington, in the State of Delaware, for the use and occupation of the said school, and the damages done to the same by the troops of the United States during the late war, there be granted to the said corporation of trustees a reasonable compensation, payable out of any unappropriated money in the Treasury of the United States, which compensation shall be ascertained by the accounting officers of the Treasury."

Here is another case, on the Potomac:

An appropriation was made to William H. Washington to compensate him for a house situate near the west end of the Potomac bridge, and which was "destroyed by order of an officer of the United States." The facts of the case, briefly stated, were that a corporal was placed in charge of the house, containing a quantity of public stores, with directions from his superior officer to blow up the house in case of an attack by the enemy. Hearing guns fired on the opposite side of the river, he apprehended an attack, and accordingly blew up the stores. The committee reported that, being of opinion "the officer to whose care the public stores were committed thought it prudent and proper to destroy the house and stores to prevent the latter from coming into the possession of the enemy, the petitioner should be paid the value of his house." He was paid accordingly.

I will append, if there be no objection, the entire report to these remarks, and I ask for its careful consideration.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. WARNER. The full report of Judge Howe is as follows:

The Committee on Claims, to which was referred the message of the President of the United States, of June 1, 1872, returning to the Senate without his approval "An act for the relief of J. Milton Best," having considered the same, ask leave to submit the following report:

The objections of the President are not based upon the ground that the act is unconstitutional or that it was inconsiderately passed. Neither of those objections could be well urged against it. The constitutional authority of Congress to provide for the payment of a private claim can not well be denied by any one. That the act in question was passed upon due and upon careful deliberation will not be denied by any one familiar with its history.

The bill was first reported to the Senate from the Committee on Claims on the 15th of March, 1870. It was debated on the 26th of April, the 12th and 14th days of December, 1870, and on the the 4th and 5th days of January, 1871. On the last-mentioned day it passed the Senate, upon a call of the yeas and nays, by a vote of 28 to 15. It failed to pass the House of Representatives during that Congress. It was again reported to the Senate during the present Congress, and on the 8th of April, 1872, it was again briefly debated, and passed by a vote of 27 to 12. In the House of Representatives it was considered on the 8th of May following, when, after a brief debate, it passed the House without a division.

Some statesmen and some jurists have maintained that the proper use of the veto power was limited to the cases of unconstitutional and rash legislation. But the text of the Constitution as well as the usage of the Government sanctions a broader use of the power.

There can be no doubt that the President may interpose his veto to the passage of any bill, however constitutional it may be, and however maturely it may have been considered by the legislature; and there can be no doubt that when he does interpose his veto it can only be overcome by the concurrence of two-thirds of each House of Congress. Thus, in our governmental system, the negative of the President countervails the vote of one-sixth of each House of Congress. With the assent of the President a majority of each House can enact a law. Against his dissent two-thirds are required to enact a law.

Since, therefore, the Executive veto paralyzes so large a portion of the Legislature, it would seem that it ought not to be interposed but upon substantial and well-considered grounds. And it would seem quite evident that if the Executive assumes the task, with the help of seven Secretaries, of reconsidering the expediency of all the laws which Congress matures, with the aid of all of its committees and all its members, while he may sometimes correct mistakes, he may also sometimes make mistakes.

The principal objection urged against the act is that it provides for a claim arising on account of the ravages of war. The message states the circumstances under which the claim arose, as follows:

"The bill appropriates the sum of $25,000 to compensate Dr. J. Milton Best for the destruction of his dwelling-house and its contents, by order of the commanding officer of the United States military forces at Paducah, Ky., on the 26th day of March, 1864.

"It appears that this house was one of a considerable number destroyed for the purpose of giving open range to the guns of a United States fort. On the day preceding the destruction, the houses had been used as a cover for rebel troops attacking the fort; and, apprehending a renewal of the attack, the commanding officer caused the destruction of the houses."

This destruction the President calls the "ravages of war." That in some sense it was the ravages of war can not well be denied. That in the same sense, the forage and subsistence consumed, the powder burned, the balls fired the shells exploded, the guns burst, were the ravages of war, can not be denied. But the Government has never yet denied its obligation to make compensation for all such ravages.

In the opinion of the committee the house taken from the claimant was taken for the use of the Government. It was torn down and not occupied because the destruction of the house was deemed more advantageous to the Government than the occupation of it would be. At the same time its destruction was more injurious to the claimant than its occupation could have been. And since the Government made that disposition of the house which was most beneficial to the Government and most detrimental to the owner, it is difficult to see why the claimant should not be compensated for its destruction as much as for its occupation. The message asserts, as "a general principle of both international and municipal law, that all property is held subject not only to be taken by the Government for public uses, in which case, under the Constitution of the United States, the owner is entitled to just compensation, but also subject to be temporarily occupied, or even actually destroyed, in times of great personal danger and when the public safety demands it; and in this latter case governments do not admit a legal obligation on their part to compensate the owner."

The committee has not found any such general principle affirmed either in international or municipal law, but has found the very reverse of that to be affirmed by all law, international and municipal.

Among the text writers, Vattel discusses the very question, "Is the state bound to indemnify individuals for the damage they have sustained in war?" "Such damages," he says, "are of two kinds: those done by the state itself, or the sovereign, and those done by the enemy. Of the first kind some are done deliberately and by way of precaution, as when a field, a house, a garden, belonging to a private person, is taken for the purpose of erecting on the spot a town rampart or any other piece of fortification, or when his standing corn or his store-houses are destroyed to prevent their being of use to the enemy. Such damages are to be made good to the individual, who should bear only his quota of the loss."

The same author speaks of damages caused by inevitable necessity, and he instances "the destruction caused by the artillery in retaking a town from an enemy. These are merely accidents. They are misfortunes which chance deals out to the proprietors on whom they happen to fall."

The distinction between the two kinds of damages is clear; one is the result of accident, the other is the result of design. The sovereign, clothed with the right to make war, has the right to march troops and fire guns. Damages which are the accidental result of such lawful acts do not constitute a ground of claim. But whatever property the Government takes from its own obedient subjects for the more efficient prosecution of the war should be compensated for, no matter whether it be forage fed to the cavalry horses, powder burned, timber used on fortifications, houses removed to make way for such fortifications, or houses destroyed to make them more secure.

Grotius asserts the same doctrine. He says:

"The king may in two ways deprive his subjects of their right—either by way of punishment or by virtue of his eminent power; but if he do so in the last way, it must be for some public advantage, and then the subject ought to receive, if possible, a just satisfaction for the loss he suffers out of the common stock."

Again he says:

"The state has an eminent right of property over the goods of the subjects, so that the state or those that represent it may make use of them, and even destroy and alienate them, not only in extreme necessity, but for the public benefit, to which we must add that the state is obliged to repair the damages suffered by any subject on that account out of the public stock."

Mr. William Whiting has discussed the subject of war-claims with direct reference to the liabilities of the United States growing out of the late war. He writes with extreme caution, but even he asserts that—

"If the private property of loyal citizens, inhabitants of loyal States, is appropriated by our military forces for the purpose of supplying our armies and to aid in prosecuting hostilities against a public enemy, the Government is bound to give a reasonable compensation therefor to the owner."

Again he says:

"When individuals are called upon to give up what is their own for the advantage of the community, justice requires that they should be fairly compensated for it. Otherwise public burdens would be shared unequally."

Again he says:

"Public use does not require that the property taken shall be actually used. It may be disused, removed, or destroyed, and destruction of private property may be the best public use it can be put to. Suppose a bridge owned by a private corporation to be so located as to endanger our forts upon the banks of a river. To demolish that bridge for military purposes would be to appropriate it to public use."

Dr. Best's house was so located as to endanger Fort Anderson. For that reason it was demolished by military authority That demolition Mr. Whiting declares to have been a public use. If so, the Constitution imperatively requires that the public shall make compensation for it. Judicial authority is not less explicit than that of the text-writers.

In Grant *vs.* the United States (1 N. & H. Reports) the court says:

"It may safely be assumed as the settled and fundamental law of Christian and civilized states that governments are bound to make just indemnity to the citizen or subject whenever private property is taken for the public good, convenience, or safety."

In that case the United States was held to pay for the property destroyed in Arizona, merely to prevent it from falling into the hands of the enemy.

In the case of Mitchell *vs.* Harmony, reported in 13 Howard, page 115, Chief-Justice Taney, delivering the opinion of the court, says:

"There are, without doubt, occasions in which private property may occasionally be taken possession of or destroyed to prevent it from falling into the hands of the public enemy; and also where a military officer charged with a particular duty may impress private property into the public service or take it for public use. Unquestionably, in such cases, the Government is bound to make full compensation to the owner."

If, as the above authorities declare, the state must pay for the property of a citizen destroyed to prevent it from falling into the hands of an enemy, *à fortiori* should the State pay for property destroyed to prevent a garrison from falling into the hands of an enemy.

Justice Randolph, in the case of The American Print Works *vs.* Lawrence, 1 Zabriskie, 248, says that in—

"Cases where the state, by virtue of its right of eminent domain, reserves the property of a citizen and appropriates it to the use of the public; or in prosecuting some great public work, such as a canal or railroad, even in its sovereign capacity, or through the power delegated to an incorporated company, finds it necessary not merely to take the soil and property of the citizen, but to destroy his mill-seat, divert his water-course, or commit other irreparable damage to private rights in order to effect the great object in view, in such case not only must private rights yield to the interest and wishes of the state, but it is a positive evil suffered by an individual for the supposed gain of the whole community, at the will of that community, and upon every principle of justice the public should make compensation."

The uniform action of Congress has been in strict accord with the principles adjudicated by the courts and declared by the commentators. Congress has recognized the principle in a great variety of cases, and so far as can be discovered has never denied it. The war of the Revolution was fought before we had any constitutional prohibition against taking private property for public use without compensation. The troops for that war were furnished by the several States. Congress did not assume the obligation of making compensation for property taken by the military authority; but it clearly recognized the principle that compensation should be made. Accordingly, in 1784, a resolution was adopted from which the following is an extract:

"That it be referred to the several States at their own expense, to grant such relief to their citizens, who may have been injured as aforesaid, as they may think requisite, and if it shall hereafter appear reasonable that the United States should make any allowance to any particular State, which may be burdened much beyond others, that the allowance ought to be determined by Congress."

In accordance with that resolution, when, in 1818, Mary Brower and others petitioned for compensation to be made to them for property burned and destroyed on Long Island by the American Army on the advance of the British forces in August, 1776, the Committee on Revolutionary Claims of the House denied the prayer, not upon the ground that compensation should not be made, but upon the express ground that the sufferers ought to have appealed to the State of New York for such compensation. And notwithstanding the resolution of 1784 Congress did pass an act for the relief of an academy in Wilmington, of which the following is a copy:

"That, as an indemnification to the corporation of trustees of the public grammar school and academy of Wilmington, in the State of Delaware, for the use and occupation of the said school, and the damages done to the same by the troops of the United States during the late war, there be granted to the said corporation of trustees a reasonable compensation, payable out of any unappropriated money in the Treasury of the United States, which compensation shall be ascertained by the accounting officers of the Treasury."

The relief granted by that resolution was recommended by Alexander Hamilton, then Secretary of the Treasury.

Subsequent to the war with Great Britain of 1812, a large number of claims for similar injuries were compensated by Congress. Reference is made to a few.

An appropriation was made to William H. Washington to compensate him for a house situate near the west end of the Potomac bridge, and which was "destroyed by order of an officer of the United States." The facts of the case, briefly stated, were that a corporal was placed in charge of the house, containing a quantity of public stores, with directions from his superior officer to blow up the house in case of an attack by the enemy. Hearing guns fired on the opposite side of the river, he apprehended an attack, and accordingly blew up the stores. The committee reported that, being of opinion "the officer to whose care the public stores were committed thought it prudent and proper to destroy the house and stores, to prevent the latter from coming into the possession of the enemy, the petitioner should be paid the value of his house." He was paid accordingly.

Jacob Shinnick was the owner of a rope-walk in Baltimore. It was destroyed by General Smith, commanding at that post. He states the circumstances attending its destruction as follows:

"That rope-walk and two others were so close to the works that, had they remained, and an attack been made by the enemy, they would have afforded such a cover as would have enabled him to have approached close to the works undiscovered. It became necessary to destroy them. Nor did I give the discretionary power to General Forman until the attack of the enemy appeared certain. Their destruction was postponed as long as prudence permitted, nor were they destroyed until it became absolutely and indispensably necessary."

The committee reported "that the destruction of the rope-walks was deemed by the commanding officer prudent and necessary in the defense of the city of Baltimore, then threatened to be invaded by a merciless and vindictive enemy. They are therefore of opinion that the public good, in his opinion, requiring their destruction, the owners of the property should be compensated to the amount of its value."

The principle applied in the case of Mr. Shinnick is precisely the principle employed in the case of Mr. Best. An attack was believed to be imminent in Baltimore, as an attack was believed to be imminent in Paducah. If an attack had been made in Baltimore the rope-walk would have supplied a cover to the enemy. If an attack had been made in Paducah, Best's house would have furnished a cover to the enemy. In order to deprive the enemy of that shelter, both the rope-walk and the house were destroyed. It is impossible to say that a house is not as much within the protection of the Constitution as a rope-walk. It is impossible to say that Paducah is not as much within the protection of the Constitution as Baltimore. It is impossible to say that Dr. Best is not as much within the protection of the Constitution as Mr. Shinnick. Congress has repeatedly recognized the same principle in acting upon claims growing out of the late war.

In 1867 an act was passed to pay J. O. Armes for a house destroyed in Fairfax County, Virginia. That house was destroyed, as the committee reported, by military orders, and to prevent its being used by the enemy as a cover for attack, and also as a point for observation. That act was approved by President Johnson.

In 1871 Congress passed an act making compensation to the Kentucky University for buildings destroyed. The buildings were taken by military authority. They were destroyed by accident; but if the Government is required to make compensation for buildings taken and then destroyed by accident, it is difficult to see why it should not pay for buildings taken and then destroyed by design. That act was approved by President Grant.

In 1870 Congress passed an act to pay Otis N. Cutler $50,000 for cotton taken by military authority to pack the machinery of the steamer Tigris, to enable her the more securely to run the rebel batteries at Vicksburg. The boat and the cotton were sunk on the trip. That cotton was taken by military authority. It was destroyed by the rebels. But if the Government must pay for property taken by its Army and then destroyed by the enemy, it would seem it ought to pay for property taken by its Army and then destroyed by itself. That act was approved by President Grant. The papers in the case show that he examined its merits while acting as Secretary of War, and that although he refused to pay the claim for want of authority, he prononnced it "meritorious," and referred the claim to Congress.

One other legislative precedent is worthy of notice. The case of Mitchell *vs.* Harmony has already been referred to. In that case the property of the plaintiff was taken by military authority. As a consequence of the taking, the goods fell into the hands of the enemy. The courts held that the taking was unnecessary, and therefore required the officer in command to make compensation for the loss of the goods. But Congress held that inasmuch as the officer acted in good faith, and for what he believed to be the interests of the Government, the Government ought to protect him against the consequences of his mistake. Congress, therefore, assumed the defense of the officer before the Supreme Court, and when judgment was finally rendered against him assumed the payment of it.

To the foregoing precedents a great many might be added. Not a single case has been found in which Congress has denied the liability assumed in the precedents cited. Not a single authority has been found controverting the principle asserted by Grotius, by Vattel, by Whiting, by the Court of Claims, and by the Supreme Court of the United States.

If the doctrine of the message be examined in the light of examples drawn from other countries, the contrast is still more violent. During the war of the Revolution most of the colonists who adhered to the Crown, and were therefore known as loyalists, were made to suffer heavily because of their loyalty. The insurgent authorities drove them from their homes and confiscated their estates. The war terminated in the triumph of the Insurgents. At once the despoiled loyalists appealed to Parliament for indemnification for their losses. A commission was appointed to inquire into the extent of such losses. The "claimants were required to state in proper form every species of loss which they had suffered, and for which they thought they had a right to receive compensation."

None of the injuries complained of were inflicted by the Government of Great Britain. They were inflicted by the action of its enemies. In principle their claims were precisely the same as the claims of our loyal citizens would be if they were to demand compensation of this Government for injuries sustained, not through its action, but through the action of its late enemies. Nevertheless, for such claims Parliament undertook to make compensation, and after a long and careful examination of the claims, appropriated a sum for their settlement amounting, in the aggregate, to more than $16,000,000.

In September, 1871, immediately upon the close of the Franco-German war, France, although defeated and subjected to the payment of a fine of 3,000,000,000 francs to her conquerors, did not ask to avoid the obligation of making compensation to her despoiled subjects. Accordingly the national assembly provided not only for the payment of all private damages inflicted by the French authorities, but also for the repayment of all exactions made upon French subjects in the name of taxes by the German authorities. The same decree appropriated 100,000,000 francs to be placed at once in the hands of the ministers of the interior and of finance, to be apportioned between the most necessitous victims of the war, and appropriated a further sum of 6,000,000 francs to be distributed by the same ministers "among those who suffered the most in the operations attending the attack made by the French army to gain entrance into Paris." A translation of the whole decree is appended to this report.

The President urges, in support of extreme caution, "that the payment of this claim would invite the presentation of demands for very large sums of money, and such is the supposed magnitude of the claims that may be made against the Government for necessary and unavoidable destruction of property by the Army that I deem it proper to return this bill for consideration."

To this it may be replied that the act passed for the relief of Dr. Best does not provide for the payment of property unavoidably destroyed. On the contrary, it clearly discriminates against and disclaims liability for such payment. The injury done to Best's house by firing upon it while in possession of the enemy, was deemed to be unavoidable. For such injury the Committee on Claims held the Government was not obliged to make compensation. What the committee deemed to be the amount of such damages it deducted from the claim, and only reported for payment that which was supposed to be equal to the value of the property which was deliberately destroyed by the military authorities to promote the security of the garrison.

It may be replied, secondly, that if the principle involved in the bill be just, and be, as has been seen, in accordance with the commands of all law and of all precedent, the Government can not be excused from making payment to Dr. Best because of the weight of the burdens such payments would impose upon the Treasury. If it took the last dollar of the Republic to pay such claims, not one of her citizens would be reduced thereby to more abject want than Dr. Best was by the destruction of his house and its contents. The testimony in the case shows that when his house was destroyed he was stripped of everything in the shape of property except the site on which it stood.

Hugo Grotius wrote his treatise upon the "Rights of War" amidst the unparalleled barbarities which attended the thirty-years' war. It is doubtful if war between civilized nations ever before or ever since has been so cruel as that. In the single "Duchy of Wurtemberg, history asserts that eight towns, forty-five villages, and thirty-six thousand houses had been laid in ashes, and seventy thousand hearth-fires completely extinguished; seven churches and four hundred and forty-four houses had been burned at Eichsted. Many towns that had escaped destruction were almost depopulated; three hundred houses stood empty at Nordheim; more than two hundred had been pulled down at Gottingen, merely to serve as fuel. The wealthy city of Augsburg, which contained

eighty thousand inhabitants before the war, had only eighteen thousand left when it closed. * * * In 1635 there were not hands enough left at Schweidnitz to bury the dead, and the town of Ohlau had lost its last citizen. * * * Forests sprang up during the contest and covered entire districts which had been in full cultivation before the war, and wolves and other beasts of prey took possession of the deserted haunts of men."

Yet standing in the midst of such widespread, unsparing devastation, Grotius did not hesitate to affirm, in the language already quoted, the obligation of the state to repair all damages suffered by any subject by the destruction of his property for its use, and he added this most significant injunction: "Neither shall the state be absolved from this obligation though for the present not able to satisfy it. But whenever the state is in a capacity, this suspended obligation shall resume its force."

In the light of such stern teachings, he who regards law or loves justice will be reluctant to see a loyal citizen reduced by the deliberate act of his Government to absolute destitution and then turned away from the full tills of the Treasury which carry from year to year unused millions, a single year's interest on which would compensate for every injury coming within the principle of Dr. Best's claim. There is no warrant for believing that the principle recognized by the returned bill would involve the Treasury in large disbursements. It has already been seen that the bill establishes no new precedent. Congress has already paid several claims resting upon precisely the same principle. It has voted to pay every such claim which has been presented.

From the foundations of the Government it can not be discovered that Congress has ever refused to pay a similar claim. If, as some profess to apprehend, similar claims for millions await payment, the question arises, Where are they? During the eleven years which have transpired since the late war commenced, the whole amount of claims of every kind, recommended for payment by the Senate Committee on Claims, excluding those reported from the claims commission, will fall considerably below a million. An examination made upon this point in January, 1871, disclosed the fact that but $555,651.55 had at that date been paid since the close of the war. That sum included $109,000 paid to one firm for property sold, the proceeds of which had been placed in the Treasury, and it included $60,000 appropriated to another individual for legal-tender notes which had been destroyed. So at that date it appeared, and was stated on the floor of the Senate, that the Treasury had not been made poorer by the action of the Committee on Claims to an amount exceeding $400,000.

When we consider the magnitude and the duration of the war through which we have passed; when we consider the munificent appropriations made by France to her subjects, no one of whom could have suffered more from deprivation of property than Dr. Best has suffered; when we consider that Great Britain appropriated to the few loyalists who adhered to her cause during the Revolution more than $16,000,000, the meager appropriations hitherto made by Congress seem quite inconsiderable, and suggest an apprehension to the candid mind that the Government may have done less than justice instead of more than justice.

In conclusion, upon this point, the committee respectfully submit that no claim ever was or ever can be preferred against the Government resting upon more impregnable grounds. All just claims against the Government must be urged upon one or more of three grounds—either that the claimant has benefited the Government, or that he has been damaged by the Government, or that he has been promised money by the Government. But a promise is of slight validity if it be unsupported by a consideration, either of benefit to the promisor or of loss to the promisee. Where such consideration does exist, a promise adds nothing to the obligation to pay. In the case of Dr. Best, his claim is supported both by the consideration of loss to him and of benefit to the Government. He was injured by being deprived of all he possessed. The Government was benefited by the additional security afforded to a weak and imperiled garrison. No promise could add validity to such a claim.

The message suggests a doubt as to the reasonableness of the appropriation made to Doctor Best. It furnishes no evidence upon that point. In estimating the value of the house destroyed, the committee were guided originally by the testimony of those who built the house. Since the reference of the veto message, the claimant has submitted to the committee plans of the building, verified by the affidavit of John V. Gould, city engineer of the city of Paducah. The plans disclose a building 52 feet in width by 40 feet in depth and three stories in height, besides the attic; that the first story was 8 feet high, the second story 15 feet, and the third 13 feet; that it was built upon stone foundations laid in hydraulic cement, 4 feet deep and 2 feet thick; that it had twenty-six paneled doors, six of which were of large size; that it had twenty-six windows of the largest size, besides side-lights to the doorways; that it had twenty-six pairs of window-shutters, twelve fire-places with mantels and grates, eight hearths which were formed and laid of iron slabs, each slab being 4 feet wide by 7 feet long; that it had four flights of stairs; that its roof was covered with copper and sheet-iron.

It seems to have been a large and substantial brick house, elegantly finished. Six witnesses testify that the house, with its contents, was worth over $27,000. The character of the witnesses is attested by the collector of the port. Yet, if the building was worth but half the sum at which the witnesses estimate its value, the appropriation of $25,000 now will scarcely make the claimant whole.

The committee, therefore, report back the bill, and recommend its passage, the objections of the President to the contrary notwithstanding.

[Official journal of the French Republic, Versailles, September 11, 1871.]

The National Assembly has adopted. The president of the French Republic promulgates the law, the tenor of which is as follows:

Considering that, during the late war, the portion of the territory invaded by the enemy bore exactions and suffered devastations without number; that the sense of patriotism which animates the heart of the French people enjoins upon the government the duty of indemnifying those who have, in the common conflict, undergone these exceptional privations. The national assembly, without intending to depart from the principles laid down in the law of July 10, 1791, and the decree of August 10, 1853, decree:

ARTICLE I. An indemnification will be allowed to all those who have borne, during the invasion, the contributions of war, requisitions either in money or in kind, fines, and material damages.

ART. 2. These contributions, requisitions, fines, and damages will be verified and estimated by the cantonal commissions who act for the time being under the direction of the minister of the interior. A departmental commission will revise the labor of the cantonal commissions and fix the definite sum total of the losses proven. This commission will be composed of the *préfet*, president, four counsellors-general designated by the council-general, and of four representatives of the ministers of the interior and finances.

ART. 3. When the extent of the losses shall have been thus verified, a law will fix the sum the state of the public treasury will permit to be appropriated for their indemnification, and determine the distribution of the same.

A sum of one hundred millions will be immediately placed at the disposition of the minister of the interior and of the minister of finances, and apportioned between the departments pro rata, according to the losses respectively proven, to be distributed by the *préfet*, assisted by a commission appointed by the council-general and taken from its number, between the most necessitous victims of the war and the *communes* the most involved in debt. This first allowance will be part of the sum total assigned to each department to be distributed among all the claimants.

ART. 4. A sum of 6,000,000 francs is placed equally at the disposition of the ministers of the finances and of the interior, to be, without further legislative enactment, distributed among those who suffered the most in the operations attending the attack made by the French army to gain re-entrance into Paris.

ART. 5. Independently of the preceding provisions, the contributions in money, collected under the title of taxes by the German authorities, will be settled as follows:

SEC. 1. The *communes* that have paid any sums under the title of taxes will be reimbursed their advances by the treasury.

SEC. 2. The tax-payers who will prove payment of any sum under the same title, either into the hands of the Germans, or to the French municipal authorities, will be permitted to apply the whole sum on account of their contributions for 1870 and 1871. They will be required to produce their vouchers within the period of a month.

SEC. 3. The settlement specified above will comprise:

1. The whole sum of the French direct tax.

2. The double of that tax, as showing the indirect taxes levied by the Prussians. All that which in the payments will exceed the direct tax doubled will be considered as simple contribution of war, and governed by the principles laid down in the preceding articles.

Deliberated in public sessions, at Versailles, July 3, August 8, and September 6, 1872.

President:

JULES GRÉVY.

Secretaries:

PAUL BETHMONT.
VISCOMTE DE MEAUX.
PAUL DE RÉMUSAT.
BARON DE BARANTE.
MARQUIS DE CASTELLANA.
N. JOHNSTON.

President of the Republic:

A. THIERS.

Minister of the Republic:

F. LAMBRECHT.

Mr. STONE, of Kentucky. Mr. Chairman, I did not intend to say anything about this case, and I suppose it will be needless for me to say to this House that I am not a lawyer. But it does seem to me that every time a lawyer here undertakes to oppose a claim he covers it up with a mass of rubbish, and this case is now as effectually covered with rubbish as any one could possibly demand for the purpose of obscuring it. If gentlemen here can oppose a case by bringing in something about opening the flood-gates and establishing a precedent, then they have done something which they think will be gratifying to their constituents, and which will delay Congress in the consideration of measures of this kind; and whatever injustice it may do to individual claimants will, at all events, have the merit of saving the public Treasury and the Government from paying its just debts.

There is no precedent, sir, established by such a case as this. It has not been argued by any person that there is a precedent established by it, should it become a law, which argument would have the effect of convincing anybody. But there are precedents in favor of its payment. You have paid hundreds of cases exactly like it.

It is a case pure and simple of stores and supplies. You have passed them here by hundreds and paid for rails and trees and brush and rock that were taken and put into breastworks. This cotton was taken and applied to the construction of breastworks. The claim as set forth by the Court of Claims is for stores and supplies—engineer's supplies to build breastworks. The claimant was willing to take his cotton back after the necessity for its use in the fortifications had ceased, as a full reimbursement, and asked the Government to give it to him, claiming nothing for its use, but the Government, as in the case of the rails and timbers to which I have referred, and used for building fortifications in places held by it, refused to return the cotton, but took charge of it preparatory to shipping it away.

It does seem to me, Mr. Chairman, that when we use the word "cotton" here in this House in reference to any pending claim, there are some gentlemen who become just as much excited as a bull does when a red flag is shaken in his face. This claim does not differ in any particular from claims for rails and timber used in fortifications. It is for stores and supplies and nothing else. The Court of Claims took cognizance and jurisdiction of the case as a case of stores and supplies and have so adjudicated it, and we have paid hundreds of just such cases, and it is not a precedent, but it is following a precedent that has already been followed in many other cases by the Government.

Personally I care nothing whatever about it; I have no interest in it, but when gentlemen talk about the time of the House being taken up in the consideration of private claims they are the very men themselves who have occupied time by fighting the payment of just claims.

They are the men who are preventing any general law being passed here, so that anybody who has a claim could file his claim before the court and have attention given to it and prompt action upon it. I hope then that this rubbish will all be taken off, that we will quit talking about captured and abandoned property, which has nothing to do with this case, and take the case up as it is, for stores and supplies clear and plain, and go on with something else instead of tying up the claims of hundreds of other people who are justly and equitably entitled to relief.

That is all there is in the case. Now, let the members of this House and of this committee look at the case in its proper light.

Talk about "lobbies" in claims cases; why, sir, I am told that there has been a lobby here opposing this case, and it looks like it was going to be effectual—the object being to blackmail the claimant by hindering the passage of this bill until a contract is made paying the lobbyists a large sum of money after the allowance of the claim.

Mr. LANHAM. Now let us have a vote.

Mr. SPRINGER. Has the time allowed for debate on this bill expired?

The CHAIRMAN. The time allowed in favor of the bill has expired, but there remain ten minutes in opposition to it.

Mr. SPRINGER. I did not intend to say anything further upon the question, but after the remarks of the gentleman from Kentucky, which, I presume, were intended to apply to me, it is proper that I should say a few words in addition to what I have already said.

Mr. STONE, of Kentucky. I fired into the bush, and if the gentleman happened to get hit, it is all right. It is not my fault.

Mr. SPRINGER. Exactly——

Mr. BURROWS. Will the gentleman allow me to make a suggestion to him, which I think may lead to an explanation which will be of service in considering this case?

Mr. SPRINGER. Certainly.

Mr. BURROWS. I have before me a case determined in the Supreme Court of the United States, decided in 13 Wallace, involving a question of the liability of the United States in cases such as this: a case where the two armies were approaching each other, being divided by a river, and the authorities of the United States took possession of some vessels and used them for the transportation of the troops. The Supreme Court held that the Government was liable for the vessels. If the gentleman will allow me to have this read, I would like to have an explanation of the difference between that case and the one now pending.

Mr. SPRINGER. Well, I am very sorry the gentleman did not get his case in during the general debate——

Mr. BURROWS. Well, let me get it in now. I would like to have an explanation.

Mr. WILSON, of Minnesota. What case is that?

Mr. BURROWS. The case of Russell *vs.* The United States.

Mr. WILSON, of Minnesota. What page?

Mr. BURROWS. Page 629.

Mr. SPRINGER. I hope the gentleman will take some other opportunity of presenting that case.

Mr. BURROWS. It is only six or eight lines.

Mr. SPRINGER. If it is satisfactory to the gentleman it is satisfactory to me. If it convinces him how he should vote that is all that is necessary. He has read it. I do not care to read it.

Mr. BURROWS. If it is squarely against your position would you not like to know it?

Mr. SPRINGER. I am satisfied on this question.

Mr. BURROWS. I ask unanimous consent that I may have one minute to read this decision.

Mr. SPRINGER. Go on.

Mr. BURROWS. The court in that case say:

> The taking of private property by the Government when the emergency of the public service, in time of war or impending public danger, is too urgent to admit of delay, is everywhere regarded as justified, if the necessity for the use of the property is imperative and immediate and the danger as heretofore described is impending; and it is equally clear that the taking of such property under such circumstances creates an obligation on the part of the Government to reimburse the owner to the full value of the service. Private rights under such extreme and imperious circumstances must give way for the time to the public good, but the Government must make full restitution for the sacrifice.

Mr. LAIDLAW. That is sense.

Mr. SPRINGER. What is the case?

Mr. BURROWS. Russell *vs.* The United States.

Mr. SPRINGER. Who gave the opinion?

Mr. BURROWS. Mr. Justice Clifford.

Mr. WARNER. Chief-Justice Taney decided the same thing.

Mr. SPRINGER. Now the gentleman is through, I hope I will be allowed to proceed.

Mr. BURROWS. I simply wanted that decision explained.

Mr. SPRINGER. I will explain by citing another decision, which is just as good as that, and which I have already cited, the decision of President Grant, acting for the Republican party and for the administration at that time, in which he said under similar circumstances the Government was not liable.

Mr. BURROWS. I did not know an appeal lay from the Supreme Court to President Grant.

Mr. SPRINGER. That decision has been followed by Congress ever since. It has been fortified by a long series of decisions in this House upon similar cases.

Mr. WARNER. Is this a party question?

Mr. SPRINGER. It is not a party question.

Mr. WARNER. Is it a legal question?

Mr. SPRINGER. It is a legal question, sir.

Now, Mr. Chairman, I want gentlemen on the other side to understand this case as it is. If they propose to vote for this bill I want them to put themselves on record for it, so that when the campaign opens they will not go before the people of the United States, lift up their hands in holy horror, and say, "See what rebel claims these brigadier-general rebel Democrats are passing through Congress."

Mr. WARNER. We will do that for you.

Mr. SPRINGER. It is very proper for the gentlemen on the other side to fix up cases on which to make party capital.

Mr. LYMAN. This is not a rebel claim. This claimant was a loyal man.

Mr. SPRINGER. Gentlemen on the other side of the House have used such claims for party purposes ever since the war closed.

Mr. WARNER. Will the gentleman yield to me for a moment?

Mr. SPRINGER. No.

Mr. WARNER. Just one moment.

Mr. SPRINGER. I can not yield all my time. The gentleman is so good-natured it would take adamant to resist him. But I must proceed. I can not yield. I want to say to gentlemen on the other side that there has never been a case voted upon by Congress, nor has anybody on this side ever proposed to pay a man a claim where the record showed he was disloyal during the war. So that all the talk on the other side of the House about rebel war claims goes for nothing. No man on this side of the House ever proposed to pay one of them. The contention has always been in regard to claims that arose in the midst of the war.

Mr. WARNER. The gentleman does this as a matter of fact for political purposes, does he?

Mr. SPRINGER. No, sir; I do not. But the gentlemen on the other side hope we will pay this claim and similar claims so that for political purposes they can make capital out of our action before their constituents.

Mr. BAKER, of New York. That is not fair.

Mr. RICHARDSON. Have you ever favored the passage of any of these war claims?

Mr. SPRINGER. I have favored all those that come within the terms of the law, where the Government liability was clear.

Mr. RICHARDSON. I would like to have you mention one single claim the passage of which you have favored.

Mr. WADE. We will have the yeas and nays.

Mr. SPRINGER. I will give you the yeas and nays. There is no doubt but that this man was found to be loyal. There is no dispute about that. That is not the question at issue, and never has been. The question here is as to whether the Government got the benefit of this property. Is this a claim for property during the time of its use for breastworks? It is not. No claim is made for the use of the property during that time. It is for taking the property and converting it to the use of the Government. Where is the evidence that it was so converted? There was no evidence reported to show that a dollar of the proceeds of this property ever went into the Treasury of the United States. The case does not come within the provisions of the act relating to captured and abandoned property. The Government has not received the proceeds. It is not shown how the Government is responsible. Under the principle which has been recognized on both sides of this House from the very close of the war to the present time this measure is entirely inadmissible.

Mr. LANHAM. Let us have a vote.

The CHAIRMAN. The time allowed for debate has expired. The question is on the amendment of the gentleman from Texas.

The amendment was again read.

Mr. HOLMAN. I move to further amend by adding at the end of the bill what I send to the desk.

The CHAIRMAN. Nothing is in order but an amendment to the amendment. The amendment of the gentleman from Indiana [Mr. HOLMAN] will be read, after which the Chair will pass upon it.

The amendment was read, as follows:

> *Provided, however*, That before said money shall be paid it shall be proven to the satisfaction of the Secretary of the Treasury that the proceeds of the said cotton, to the amount above named, were covered into the Treasury or accounted for by the proper officer; but the sum paid said Perez Dickinson shall not exceed the sum so paid into the Treasury or accounted for.

The CHAIRMAN. That is not an amendment to the amendment offered by the gentleman from Texas.

Mr. HOLMAN. No, sir; it is an amendment to come in at the end of the bill.

The question was taken on the amendment offered by Mr. LANHAM, and it was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. LYMAN. Is debate in order on that amendment?

The CHAIRMAN. It is not.

Mr. LYMAN. I simply desire to say that it is not claimed that this money went into the Treasury.

The question was taken on the amendment of Mr. HOLMAN, and the Chairman declared that the noes seemed to have it.

Mr. HOLMAN. I call for a division.

The House divided; and there were—ayes 23, noes 57.

Mr. BUCKALEW. No quorum.

Mr. BAKER, of New York. Mr. Chairman, it is evident that there is not a quorum present, and I therefore ask unanimous consent that this bill be laid aside.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. BAKER].

Mr. HOUK. There is. I object.

Mr. BUTLER. I suggest that we fix a day when there is a full House to vote upon this bill.

Mr. SPRINGER. Mr. Chairman, I suggest that the bill be passed over, not losing its place on the Calendar.

Mr. WARNER. I suggest, if I can have the approval of the gentleman from Tennessee [Mr. HOUK] and of the gentleman from Illinois [Mr. SPRINGER], that this bill be reported to the House, and then the same question can be raised there.

Mr. SPRINGER. No. Let it stay in the committee. If you get it into the House it will have no status, while it has a status in the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. SPRINGER] that this bill be passed over, not to lose its place on the Calendar?

Mr. HOUK. I do not desire to obstruct other business, but after a man has struggled for twenty and odd years to collect a debt I certainly think he ought to have some sort of a fair chance to get his bill through. Let us report this bill to the House and order the previous question on it, and then it will have a status in the House and can be voted on when there is a full House.

The CHAIRMAN. Does the gentleman object to the proposition of the gentleman from Illinois [Mr. SPRINGER]?

Mr. HOUK. You can have a yea-and-nay vote on the bill in the House when the time comes.

The CHAIRMAN. On the pending question there are ayes 23, noes 57.

Mr. BUCKALEW. No quorum.

The CHAIRMAN. Are tellers demanded?

Mr. LANHAM. I do not believe there is a quorum in the House.

Mr. RICHARDSON. If no quorum has voted, the Chair ought to appoint tellers.

The CHAIRMAN. The gentleman from Tennessee [Mr RICHARDSON] demands tellers. The Chair will appoint the gentleman from Texas——

Mr. RICHARDSON. Mr. Chairman, I do not want to be understood as demanding tellers. I simply say I understand that when the point of "no quorum" is made, the appointment of tellers follows as a matter of course.

Mr. BUCKALEW. When the friends of this bill, which is at the head of the Calendar, refuse to have it passed without prejudice, retaining its place on the Calendar, I make no further concession.

Mr. HOUK. I have not seen where the gentleman has made any concession to-day. Mr. Chairman, I rise to ask unanimous consent that this bill be voted on two weeks from to-day, immediately after the reading of the Journal, and that the previous question be considered as ordered.

Mr. LANE and Mr. BUCKALEW objected.

The CHAIRMAN. The Chair will appoint to act as tellers the gentleman from Pennsylvania [Mr. BUCKALEW] and the gentleman from Tennessee [Mr. HOUK].

Mr. BAKER, of New York. Mr. Chairman, I ask unanimous consent that this bill be passed over informally, retaining its place on the Calendar.

The CHAIRMAN. That proposition has been suggested.

Mr. BAKER, of New York. I renew it.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] and the gentleman from New York [Mr. BAKER] ask unanimous consent that this bill be passed over, not losing its place on the Calendar.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will report the next bill.

Mr. LANHAM. Mr. Chairman, the next bill on the Calendar is very similar to the one which has just been under consideration, and in view of the opposition which seems to exist here to this class of claims, in view of the fact that there is no quorum in the House, and also in view of the fact that we have now occupied about three hours in consideration of the case before us, I ask unanimous consent that it may be in order from now on until the time fixed for adjournment to-day to call up bills out of the regular order by unanimous consent.

Mr. BRUMM. I object.

JOHN DE BREE.

The next business on the Private Calendar was the bill (H. R. 1798, Forty-ninth Congress) for the relief of John De Bree, executor of Margaret T. Higgins.

The CHAIRMAN. If no one calls for the consideration of this bill, it will be passed over.

Mr. TIMOTHY J. CAMPBELL. I know something about this case, being very well acquainted with the family interested. It is a just claim; but the gentleman who has the matter immediately in charge appears to be absent, and therefore I will not insist on its consideration at this time.

Mr. LANHAM. I renew the request for unanimous consent.

Mr. BRUMM. I shall object.

HIRAM JOHNSON AND OTHERS.

The Clerk read the title of the bill (H. R. 1028) for the relief of Hiram Johnson and others.

Mr. ENLOE. I ask for the consideration of this bill.

Mr. ROWELL. This bill will meet with discussion and opposition.

Mr. ENLOE. I hope the gentleman will not object to its consideration——

Mr. ROWELL. It is an "old chestnut," and will be fought. A quorum will be required to pass it. In the Forty-eighth Congress I insisted upon a quorum in order to defeat it, and I am ready to do so again.

Mr. ENLOE. I hope the gentleman will not object to allowing it to be considered to-day, and a time set for a vote.

Mr. ROWELL. I will fight it by all the parliamentary means within my knowledge.

Several MEMBERS. Then let it go over.

The CHAIRMAN. If the consideration of the bill is not insisted upon, it will be passed over.

WILLIAM E. WOODBRIDGE.

The Clerk read the title of the next bill on the Private Calendar, being the bill (H. R. 27) vesting the Court of Claims of the United States with jurisdiction to determine the rights of William E. Woodbridge to certain letters patent for a metallic sabot, and to render judgment in his favor for the use of the same by the Government during the war of 1861.

Mr. STONE, of Kentucky. The gentleman from Mississippi [Mr. STOCKDALE], who reported this bill, is not here. I suggest, therefore, that the bill be passed over.

The CHAIRMAN. That will be done, in the absence of any call for the consideration of the bill.

HEIRS OF JOHN H. NEWMAN.

The next business on the Private Calendar (called up by Mr. CATCHINGS) was the bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased.

The bill was read, as follows:

Whereas it appears of record that at its December term, 1874, the Court of Claims in the case of John H. Newman *vs.* The United States, No. 3162, rendered a judgment in favor of the said Newman for the proceeds of 50 bales of cotton, valued at $177.55 per bale, when under the proof the court adjudged that the claimant was entitled to the proceeds of 239 bales: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of John H. Newman, deceased, late of the county of Warren, in the State of Mississippi, the sum of $32,679.20 balance due on account of captured cotton, as shown by the said judgment; and that said amount be paid out of the proceeds of captured and abandoned property now in the Treasury.

The report (by Mr. STOCKDALE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased, report back the same with recommendation that the bill do pass, and submit the following report:

Your committee have before them the record in this case from the files of the Court of Claims. The claimant there, John H. Newman, now dead, gave his power of attorney to B. D. Whitney "to sue for, demand, collect, and receipt for the proceeds of 250 bales of cotton taken from him by authorities of the United States, and the proceeds of which have been turned over to the Treasury Department." Under this power Whitney brought suit by his attorneys under the act of March 12, 1863, entitled "An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts of the United States," but by some oversight in the petition filed he asked for only 50 bales instead of 250 bales, and dated the taking July, 1864, instead of June, 1863. The ownership of the property, the taking and selling of the same, and the placing of the proceeds in the Treasury, as well as the loyalty of the claimant, were fully established to the satisfaction of the Court of Claims and of your committee; and Commissioner Eben Eveleth made the following report, which we take from a certified copy of "Consolidated copy of the reports of Commissioner Eveleth, filed May 24, 1875," page 11:

"John H. Newman *vs.* The United States. No. 3162.

"This action was brought to recover the proceeds of 50 bales of cotton, alleged to have been taken from the plantation of the claimant in Warren County, in the State of Mississippi, some time in the month of July, 1864, and sold by the officers of the Treasury Department.

"The proof shows that the plaintiff's plantation was situated in the county above mentioned, near Bovina, and 12 or 14 miles from the city of Vicksburg.

"That in June, 1863, the claimant had on his plantation about 100 bales of cotton in bales, and about 45 bales in lint and seed cotton. He had also transported from his plantation 100 bales of cotton for safety to the plantation of one Kidd, on the eastern bank of the Big Black River. The 100 bales of cotton on his plantation and the lot on the Kidd plantation were taken by Captain Schenck, an officer of the Quartermaster's Department on duty at the headquarters of General Osterhaus, then located at the railroad bridge at the Big Black River, in said county, and near the claimant's plantation. Said cotton was hauled to said headquarters.

"The evidence shows that afterwards some of this cotton was put on the cars and 'started towards Vicksburg;' some of it was hauled in wagons toward Vicksburg, and some of it was taken to the fortifications near the headquarters of General Osterhaus.

"The cotton in lint and seed was taken to a neighboring gin by an agent of the Treasury, where it was ginned and baled. From thence it was transported to Vicksburg by the Treasury agent.

"I find from the evidence that 245 bales of the claimant's cotton went into the Vicksburg cotton, and that he should be charged one-fourth for ginning and baling the 45 bales, or 11 bales, leaving 234 bales to the credit of the claimant.

"But inasmuch as he has claimed only 50 bales in his petition, he can be allowed out of the fund only for 50 bales. And therefore the claimant is entitled to judgment for the value of 50 bales of cotton, at the average rate per bale, payable out of the first fund—50 bales of cotton at $177.55½ per bale, $8,877.50.

"On May 24, 1875, the court made the following order: 'And it is further ordered that the engrossed and consolidated copy of the reports of the commissioner, as amended by this order filed herewith, stand as the findings of fact of the court.'"

This made the finding of Commissioner Eveleth the finding of the court, and the Supreme Court of the United States has held in the "intermingled cotton cases" (92 United States Reports, page 651), where the Court of Claims had adopted the finding of the commissioner, "that the judgments as rendered are the result of the deliberation of the court and not that of the commissioner

alone." All the proof required by the Supreme Court of the United States (page 282, 92 Reports) of the claimant that the property "came into the hands of a Treasury agent; that it was sold; that the proceeds of the sale were paid into the Treasury of the United States; that he was the owner of the property and entitled to the proceeds thereof," has been made to the satisfaction of the Court of Claims and of your committee. The money which claimant asks is not the property of the United States, but a trust fund held for him. The United States occupies a strictly fiduciary relation to claimant, and never intended to divest him of his property, but by taking it constituted itself claimant's trustee (13 Wallace, page 128), and from this trust fund the bill provides that he shall be paid.

There is, in the judgment of this committee, neither law, reason, justice, nor policy in withholding this money claimed from its rightful owner, and we therefore urge the passage of the bill herewith reported, with an amendment as follows:

In line 8, strike out the words "said judgment," and insert in lieu thereof, "the opinion of the court in rendering said judgment."

Mr. CROUSE. I wish to inquire, Mr. Chairman, whether there is a minority report in this case.

The CHAIRMAN. There is not.

The amendment reported by the Committee on War Claims was read, as follows:

In line 8 strike out "said judgment" and insert "the opinion of the court in rendering the said judgment."

Mr. CULBERSON. I move to amend by adding to the bill the proviso which I send to the desk.

The Clerk read as follows:

Provided, That a greater amount of money shall not be paid in satisfaction of this claim than the amount received and paid into the Treasury as proceeds of the sale of the cotton alleged to have been taken.

Mr. OATES. I suggest that the word "net" should be inserted in the gentleman's amendment before the word "proceeds."

Mr. CULBERSON. I modify my amendment in that way.

Mr. CATCHINGS. I wish to call the attention of the committee in the first place to the fact that this bill does not seek the payment from the Treasury of the United States of any fund belonging to the Government. It is simply an effort to restore to the claimant his own money, which was turned into the Treasury as proceeds of his cotton which was taken by the Government during the war and sold. It appears from the report in this case that Mr. John H. Newman, whose heirs are here as claimants, had taken from him 250 bales of cotton. Proof was made to the satisfaction of the Court of Claims that the cotton was taken, was sold by the Government, and that its proceeds found their way into the Treasury. The judgment of the Court of Claims, as well as the report of the committee, is clear upon the point that the decedent, whose heirs appeared before the committee, was loyal to the Government throughout the war. Upon the facts as I have just stated them I think all gentlemen will agree.

After the termination of the war Mr. Newman employed a Mr. Whitney, then an attorney representing such cases in Washington, to institute suit against the Government to recover the proceeds of this property. The power of attorney given to Mr. Whitney expressly authorized him to institute suit for 250 bales of cotton, but by carelessness on his part, absolutely inexcusable, and which has resulted in the greatest detriment to the claimant, suit was brought to recover the proceeds of only 50 bales, instead of 250 bales. When the case came on for hearing before the Court of Claims the court found as a matter of fact that the Government had seized and appropriated 250 bales of cotton, but held that inasmuch as the claimant had only sued for the proceeds of 50 bales, he was only entitled to recover the value of that number. In order that this point may be made perfectly clear I will read a few lines from the finding of the Court of Claims. The commissioner to whom the matter had been referred said:

I find from the evidence that 245 bales of the claimant's cotton went into the Vicksburg cotton, and that he should be charged one-fourth for ginning and baling the 45 bales, or 11 bales, leaving 234 bales to the credit of the claimant.

But inasmuch as he has claimed only 50 bales in his petition, he can be allowed out of the fund only for 50 bales. And therefore the claimant is entitled to judgment for the value of 50 bales of cotton, at the average rate per bale, payable out of the first fund—50 bales of cotton, at $177.55½ per bale, $8,877.50.

When the claimant found that his attorney had negligently frittered away his rights before the court he moved that the proceedings be amended so as to make a claim for 250 bales instead of for 50 bales; but the court decided that came too late. Gentlemen will recollect by the captured and abandoned property act it was provided these claims should be brought within two years. The court held that two years had already expired and the motion to amend the proceedings must be treated as an original suit brought after the time had expired, and refused to allow him to amend the proceedings, so that the claimant was barred by the statute of limitations.

Mr. SPRINGER. What is this for?

Mr. CATCHINGS. For the 200 bales which his attorney should have sued for; that is, for 250 bales in all, instead of for only 50 bales.

Mr. HERMANN. He asks for the payment for 250 bales on the same ground that payment was made for 50 bales?

Mr. CATCHINGS. Precisely. The attorney was directed to bring suit for 250 bales, but brought it only for 50 bales. When it came up for trial the Court of Claims decided 250 bales were taken, but as suit was brought for 50 bales instead of for 250, allowance could be made only for 50 bales, and this bill is introduced for the purpose of paying for the remaining 200 bales.

When the Court of Claims found this was the case, as I have already stated, the claimant made a motion to amend, but as it came after the expiration of the limitation provided by the law, he was barred. It is extraordinary, after paying for 50 bales, the Government should now refuse to pay for the remaining 200 bales, when its own Court of Claims has decided he was entitled to be paid for 250 bales.

Mr. LANHAM. I would like to ask the gentleman from Mississippi whether the price charged for this cotton is considered to be a fair one?

Mr. CATCHINGS. It is $177.55 per bale, as that was the price the cotton sold for. That is what the Government got for it. You understand the claimant was obliged to show what became of the cotton, and in order to do that he was obliged to follow the cotton until its proceeds were placed in the Treasury; the price fixed is the price the Government received for the cotton.

Mr. HERMANN. This was the price the Court of Claims decided the cotton brought in the market and which the Government received for it?

Mr. CATCHINGS. Certainly.

Mr. WHITE, of Indiana. I should like to inquire why this matter has been pending without settlement for so long a period of time? It has been fourteen years since the decision of the Court of Claims.

Mr. CATCHINGS. As I have already stated, this matter has been pending for several Congresses. When the Court of Claims first decided he was paid for 50 bales only, because of the negligence of his attorney in bringing suit for 50 bales, and not for 250 as he ought to have done; and when the claimant moved to amend the proceedings the court held he was too late, and it was treated as an original claim which was barred by the statute of limitations. Mr. D. B. Whitney, a practicing attorney in this city, was employed to institute proceedings before the Court of Claims, but by a sort of carelessness which was unexplainable, he brought suit only for 50 bales instead of for 250 bales. Now the Government has paid for 50 bales, and this claim is made for the payment of the remaining 200 bales.

Mr. HERMANN. And upon precisely the same grounds?

Mr. CATCHINGS. Yes, sir, and upon precisely the same ground decided by the Court of Claims as to the fifty. I say it is a just and equitable claim, and I hope we will have a vote. [Cries of "Vote!"]

Mr. CROUSE. Mr. Chairman, I inquired a few moments ago whether there was a minority report in this case, and was informed by the Chairman that there was not. I wish to say when the gentleman from Mississippi [Mr. STOCKDALE] reported this case, I have a distinct recollection that my colleague [Mr. THOMAS] reserved the right to submit a minority report if on investigation he should become satisfied it was not a just claim. Neither of these two gentlemen is here, and therefore I can not say to what extent my colleague has prosecuted his investigation. I do know he was not clear in his mind how it could be possible for this claimant to claim for 250 bales of cotton after he had prosecuted his claim for 50 bales before the Court of Claims without having discovered the mistake until the final hearing.

Mr. CATCHINGS. That was not his mistake; it was the mistake of his attorney, as I have already shown.

Mr. CROUSE. It would seem if there was a mistake that the mistake should have been discovered during the course of the trial and not on the final hearing, and then discovered for the first time.

Mr. CATCHINGS. That was not the mistake; the mistake was as to the number of bales for which claim was made. The counsel and court agreed in the belief the claim was for 250 bales, and proof was made as to the fact the Government did owe for 250 bales, but on the final hearing by the court it appeared that claim had been made for only 50 bales, and the court therefore, as I have already stated, gave judgment only for 50 bales.

Mr. CROUSE. Was there not some lack of testimony or proof that the additional amount of cotton belonged to this party at all?

Mr. CATCHINGS. No, sir; if the gentleman will permit me I will read an extract from the findings of the commissioner, which findings were afterwards adopted as the judgment of the Court of Claims:

I find from the evidence that 245 bales of the claimant's cotton went into the Vicksburgh cotton, and that he should be charged one-fourth for ginning and baling the 45 bales, or 11 bales, leaving 234 bales to the credit of the claimant.

But inasmuch as he has claimed only 50 bales in his petition he can be allowed out of the fund only for 50 bales. And, therefore, the claimant is entitled to judgment for the value of 50 bales of cotton, at the average rate per bale, payable out of the first fund—50 bales of cotton, at $177.55½ per bale, $8,877.50.

That was the only trouble; the attorney who prepared the case was under the impression, as well as the claimant himself, that the suit was brought for the 250 bales. I understand that at that time there was a great rush of claims of this character, and no doubt, owing to the multitude of such cases in his business the attorney supposed that the petition covered the whole amount of the cotton, whereas in fact it covered but the 50 bales.

Mr. BUCHANAN. Was any effort made to amend the petition?

Mr. CATCHINGS. Yes, sir; I will state to the gentleman that when it was discovered that the petition of the claimant embraced but 50 bales of the cotton, application was at once made to have it so amended as to entitle the claimant to recover the whole amount of the proceeds of the 250 bales. But the act under which the court was permitted to take jurisdiction of the case at all provided that unless such

claims were presented within two years after the passage of the act they were barred.

This had expired in July or August, 1868, when this error was discovered, so that at the time the judgment of the court was rendered the statute of limitation applied; and when the claimant asked permission to amend the petition he was met with the response that the court had not jurisdiction excepting of the 50 bales for which payment was demanded within the time fixed by the law, but that as to the 200 bales the petition must be treated as if the suit was instituted only at the time the amended petition was presented. So, Mr. Chairman, we have just this case presented here, and I suppose it is a case without a parallel in the history of claims. The court decided that the petitioner had a valid claim for 250 bales of cotton upon the testimony presented, but that 50 bales only having been covered by the claim presented before the statute of limitation applied he could only receive payment for that amount.

That is the substance of the case.

Mr. BUCHANAN. And the claimant, by his own negligence, or the negligence of his attorney, was barred from receiving the remainder.

Mr. CATCHINGS. He was barred by the statute of limitations; but I do not think it was because of any laches on the part of the attorney or the claimant himself. Of course we understand, while in point of fact the claimant is bound by the laches of his attorney, yet in dealing equitably with the claimant we must take into consideration other causes which do not make him responsible for such neglect on the part of the attorney. I will state further that the claimant in this case resided in Mississippi, and very possibly he did not see the petition; but of that fact I have no personal knowledge, although in all probability if he had seen it he may not have understood its purport, it being strictly a legal document.

Mr. BUCHANAN. I do not suppose you mean to say that the claimant never saw the petition. Is it not necessary that he should sign it on oath?

Mr. CATCHINGS. Possibly so. I confess my ignorance of how these claims were presented or what process was pursued; but I do know from the testimony taken, because I have examined it all carefully, from beginning to end, that it shows beyond doubt that both the lawyer and the client were able to establish the fact that the Government had received the whole of the proceeds of the cotton, and had turned into the Treasury the proceeds of the 250 bales.

Mr. CROUSE. Mr. THOMAS, of Wisconsin, has looked up all the facts of the case and has them in his possession, but he is absent.

Mr. CATCHINGS. They are embodied in the report of the Court of Claims.

Mr. CROUSE. But I know the objection raised to the consideration of the bill in committee was based on the fact that it seemed very strange that the parties in interest, as well as the attorney himself, should have overlooked, in writing a document of that character, so important an item as this omission, and should not have discovered it until after the statute of limitations had barred the case in court.

Mr. CATCHINGS. I admit that it does on its face look so; but if my friend had had an opportunity of looking at the testimony he would find it to be just as I have stated, that during all the taking of that testimony it was to establish the fact that the Government had taken the 250 bales of cotton, and I think he would not object now to the passage of the bill.

Mr. CROUSE. Do you claim that there is standing upon the books of the Treasury now this amount in the name of the claimant?

Mr. CATCHINGS. Yes, sir, I think so. I claim it to be a fact also that the Government received the 250 bales of cotton, and the proceeds of the sale of that amount. Fifty bales of this have been decreed by the judgment of the court to be the property of the claimant——

Mr. CROUSE. But does the remainder stand to his credit?

Mr. CATCHINGS. That is my understanding. I confess I have never looked at the books of the Treasury and I am not acquainted with their method of keeping accounts, but I believe that the proceeds of such property stand to the credit of the party from whom it is taken until the question of ownership is decided.

Mr. CROUSE. I understand that the act known as the captured and abandoned property act required the officer of the Treasury to make a sale of the property and to place the sums realized in the Treasury to the credit of the claimant. Now if that has been the procedure followed out in this case, then it will be a matter that can be easily established to the satisfaction of the committee that this additional amount stands in the name of the claimant on the books of the Treasury.

Mr. CATCHINGS. I will say in answer to the gentleman that I do not know, of course, how the books of the Treasury stand upon this question. There have been cases within my knowledge where cotton was sold belonging to one man and credited to another. So that the books of the Treasury are not really a criterion of what is due to any person. But in this case that question has been settled by the judgment of the court.

Mr. WILLIAMS. Will you permit me to ask a question?

Mr. CATCHINGS. Certainly.

Mr. WILLIAMS. You say the Court of Claims has allowed a judgment for 50 bales of this cotton, and by mistake the 200 were not considered?

Mr. CATCHINGS. Yes.

Mr. WILLIAMS. Have we not the power in the House to remit this case back to the Court of Claims and allow them to pass upon the 200 bales that were embodied in the petition on which they rendered judgment?

Mr. CATCHINGS. We have that power, but here is the trouble about it: Efforts have been made repeatedly within my knowledge—and my experience is quite limited in Congress, this being only my second term—to have bills passed giving the Court of Claims jurisdiction over similar claims. They have been invariably voted down. Up to this time it has not been the temper or disposition of Congress to extend the jurisdiction of that court even in special cases. The policy has been to require them to come here and get their claims through Congress. I have seen several bills voted down which had that object in view. I do not think it would be of any value to make the effort, because I do not think it would succeed.

Mr. HERMANN. My friend understands this claim amounts to 250 bales; that the gross number of the bales in controversy is 250, and that the Court of Claims actually found for the claimant upon 50 bales.

Mr. CROUSE. Yes.

Mr. HERMANN. But that all the facts, all the testimony, all the memoranda which are before the committee show conclusively 250 bales to be the amount.

Mr. CROUSE. That testimony was produced in court. I am not informed on that question. The report, I believe, so states.

Mr. HERMANN. Then permit me to ask my good friend from Ohio this further question: I understand the amount now claimed was found to be a proper and just amount when the claim was adjudicated by the court.

Mr. CROUSE. I so understand.

Mr. HERMANN. Then I ask my friend if it would not be doing gross injustice to relegate the case now to the Court of Claims, since the matter is at this time before Congress, especially as the facts are not denied?

Mr. CROUSE. I only rose because I thought this claim should not be passed in the absence of the member of the committee who reserved the right to make a minority report, or to state his reasons why he opposed the passage of the bill when it should come up. As he is not here, I rose. I am not in possession of the facts he may have gathered for that purpose. Many of the questions that have been put to me I am not clear about in my mind. I did not charge my mind with the details. But I have a distinct recollection that the gentleman reserved that right, and intended to look up the facts and submit them to the House when the bill came up for action.

The CHAIRMAN. The question is on the amendment proposed by the committee. The Clerk will report the amendment.

The Clerk reported the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Texas.

The Clerk reported the amendment.

Mr. CROUSE. Mr. Chairman, is it in order to submit an amendment to that amendment?

The CHAIRMAN. An amendment to the amendment will be in order.

Mr. CROUSE. I offer an amendment to the effect that a greater amount shall not be paid than appears to the credit of this claimant on the books of the Treasury.

Mr. CATCHINGS. I hope my friend will not insist upon that.

The CHAIRMAN. The gentleman will reduce his amendment to writing and send it to the Clerk's desk.

The amendment was reduced to writing and read by the Clerk, as follows:

Provided, That no larger amount shall be paid to this claimant than appears to his credit on the books of the Treasury.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. CATCHINGS. Mr. Chairman, I hope that amendment will be voted down, because if adopted the effect of it might be absolutely to defeat the whole object of the bill. I do not know that anything appears to the credit of this man on the books of the Treasury. I know it is very frequently the case that cotton taken by the Government during the war appears on the books credited to some person who was not the owner. I know also that in many cases cotton was taken and sold and the proceeds paid into the Treasury when the property was not credited to anybody at all.

Mr. BAKER, of New York. As I understand this bill, it proposes to afford the same remedy as to the 200 bales specified that have been given already as to the 50 bales?

Mr. CATCHINGS. That is the whole of it.

Mr. BAKER, of New York. And this amendment was not attached to the former bill?

Mr. CATCHINGS. No.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. CULBERSON. Mr. Chairman, all I wish to say is that this money does not appear to the credit of anybody in the Treasury, and

the effect of that amendment, if adopted, would be to defeat the object of the bill.

Mr. OATES. It is quite clear that it would be unnecessary to take proof in any case to show that a claimant was entitled to recover, if that fact were shown on the books of the Treasury.

Mr. CULBERSON. If the committee will adopt my amendment, I think the rights of all persons interested in this fund will be protected.

Mr. CATCHINGS. I think so.

Mr. CULBERSON. A great number of people are interested in this fund, and all I desire is that no one shall get more than his share.

Mr. WHITE, of Indiana. Mr. Chairman, I hope the amendment will not be adopted, for the reason that if this is a just claim such a provision in the bill would simply bar its payment. There are thousands of just claims of this character where there is nothing to the credit of the claimant in the Treasury. For my own part I have not had time to inquire into the merits of the bill, but from the action of the court I have every reason to believe that this is a just claim and that it ought to be paid.

Mr. BUTLER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. Has anybody on this floor the right to offer an amendment of that sort except the gentleman from Indiana [Mr. HOLMAN]? [Laughter.]

The CHAIRMAN. The Chair does not think that is a parliamentary inquiry.

Mr. WILSON, of Minnesota. Mr. Chairman, I ask that both amendments be read, the amendment offered by the gentleman from Texas [Mr. CULBERSON] and the amendment to that amendment.

The amendments were read.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. CATCHINGS. I hope that will be voted down.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the adoption of the amendment of the gentleman from Texas [Mr. CULBERSON].

The amendment was agreed to.

Mr. SPRINGER. Mr. Chairman, before the vote is taken on reporting this bill to the House, I desire the Clerk to read a portion of the views of the minority of the Committee on the Judiciary on the claim of Samuel Noble, which is here for consideration.

The Clerk read as follows:

The policy of the Government with respect to claims of this character was fixed more than twenty years ago. In 1863 Congress, we have stated, made laws for the collection of abandoned and captured property within the insurrectionary districts, and for covering the proceeds, upon sale, into the United States Treasury. At the same time provision was made to secure to the owners of such property their rights. Under these laws a person claiming to have been the owner of abandoned or captured property was authorized to prefer his claim to the proceeds thereof, in the Court of Claims, at any time within two years after the suppressing of the rebellion.

We are not aware that there has been any change in this legislation since it was made in 1863. The general law upon the subject remains as it was enacted twenty years ago. Whether or not Congress has by special act authorized a particular owner of captured or abandoned property to assert his claim to the proceeds covered into the Treasury, in the Court of Claims or elsewhere, at a period later than two years after the rebellion was suppressed, we are not informed.

In the absence of such information it is to be presumed that Congress has adhered to the policy adopted in 1863. With this policy we are content. The public interests demanded no change. If it is to be changed the change should be made by a general law.

Special legislation with respect to claims of this character should be discouraged. In the judgment of the minority of the committee this settled policy of the Government should not be disturbed by either special or general legislation.

We know of no reason why the two years' limitation in the act of March 3, 1863, should be modified or repealed.

To authorize, by a special act of Congress, Mr. Noble to sue for the proceeds of his cotton eighteen years after he knew of its seizure and sale by the Government would be, for obvious reasons, unwise. After he knew of its seizure and sale he had the right under the general law of March 3, 1863, to sue and make good his claim to the proceeds of his property. This right existed for two years from and after August, 1866. For some unexplained reason he did not avail himself of his legal rights within the time limited by law. Now they are barred, and this bar he would have Congress remove.

Mr. SPRINGER. The report in this case contains the following statement in regard to the claim now pending:

The money which claimant asks is not the property of the United States, but a trust fund held for him. The United States occupies strictly a fiduciary relation to the claimant, and never intended to divest him of his property; but by taking it constituted itself claimant's trustee. (13 Wallace, 138.) From this trust fund the bill provides that he shall be paid.

I take the statement as true. I have not examined the details of the bill, but the point I want to make is this: There is in the Treasury at this time a sum amounting to eight or ten million dollars which is known as the proceeds of captured and abandoned property. That money has been covered into the Treasury and is a part of the general fund, but it is the proceeds of captured and abandoned property, and it is held generally that the Government holds this fund in trust for the benefit of the owners of that property. Now, if that be true, I hold that the Government can discharge that trust in one way only, that is, by providing a tribunal into which all these claimants may go and have their rights ascertained, all being on an equal footing, so that the Government can receive them all together, and, after the time has expired for filing claims under this act, and all claims filed have been considered and adjudicated, then, if it should appear that claims have been proven greater in amount than the trust fund can respond to it will be the duty of the Government to reduce the claims all pro rata, so as to make the trust fund sufficient to discharge them all. If that is not the proper way to adjudicate a matter of that kind, I wish some gentleman would tell me why it is proper to take A, B, and C, and pass special laws allowing them to come in and prove their claims, while you deny to all other claimants the privilege of even a hearing.

Mr. HOOKER. The act in reference to these claims required that suit should be brought in two years. In this case, by mistake, suit was brought and judgment obtained for 50 bales of cotton, instead of 250. Now the position of the gentleman from Illinois can not possibly be correct, because if the claimants claim more than the aggregate fund in the Treasury, and there is to be a pro rata distribution, those who have hitherto recovered ought to refund their money, so that an equitable dividend may be made amongst all the claimants.

Mr. SPRINGER. On the contrary, the very precedent which the gentleman cites sustains my position and overthrows his. The Government in the first instance did just what I have suggested should be done now, if we are going to meet claims of this description. It provided a general law with a statute of limitations; it fixed a time within which all parties should come in and prove their claims. The time allowed in which to bring suit was two years. Under that law a vast number of parties went into court and proved their claims. That having been done, no persons after the expiration of the prescribed time had a right under the law to set up a claim to any part of the fund. Everybody who had not brought suit within the time prescribed was barred from setting up any claim. It was therefore the duty of the Government to pay out the amount of the judgments that had been obtained against the fund in pursuance of the act of Congress.

Years passed on. Congresses passed on; and after twenty-five years have rolled around Mr. Newman comes in and says, "During the two years in which I was allowed to sue I ought to have sued for 250 bales of cotton; but by mistake of my attorney I sued for only 50 bales. Now I want Congress to reopen this whole business, and allow me to sue for the remainder of my claim."

Why, sir, there are thousands of persons in the country who have not had any part of their claims paid. In this case 50 bales have been paid for. There are thousands of persons who, up to this time, have never received anything, and the Government has never offered them a forum in which to prove their claims at all.

Now, I contend that the rule which the Government established in the first instance is the correct one—allow either all or none of these claims. If the Government owes all this money to private persons, let it invite all to come in; if the Government owes nothing, let it declare that the statute of limitations shall stand, and no one hereafter shall come in. In other words, I am opposed to this special legislation which allows a favored few to come in and prove their cases, while all others are denied the same privilege.

Mr. CATCHINGS. I hope we shall now have a vote.

The CHAIRMAN. The gentleman from Mississippi [Mr. CATCHINGS] moves that this bill be laid aside to be reported to the House with a favorable recommendation. Is there objection?

Mr. SPRINGER. Yes, I object; let a vote be taken.

The question being taken on the motion of Mr. CATCHINGS, it was agreed to.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL NOBLE.

The next business on the Private Calendar (called up by Mr. OATES) was the bill (H. R. 53) for the relief of Samuel Noble.

Mr. OATES. Mr. Chairman, this bill was reported early in the session from the Committee on the Judiciary. Subsequently the Senate passed a bill based upon the same facts—Senate bill No. 2202. I ask unanimous consent that the Senate bill be now considered in lieu of the House bill, for the reason that if the House bill should pass and go to the Senate, there would simply result a committee of conference. As the Senate has already passed a bill in substance the same as this, except as to the method of settlement, I ask that the Senate bill be now substituted for the House bill and considered.

Mr. CULBERSON. I would like to hear the Senate bill read. My understanding is, that the House bill refers this claim to the Court of Claims, while the Senate bill makes an absolute appropriation.

Mr. FORNEY. No, sir.

Mr. SPRINGER. I object to the substitution at any rate. In the absence of the gentleman from Ohio [Mr. SENEY], who made the minority report in this case, I feel it my duty to enter the objection which he would make if here.

Mr. OATES. I do not think he would object, if present, to this request.

The CHAIRMAN. Is there objection to the consideration of the Senate bill in lieu of the House bill?

Mr. SPRINGER. Yes, sir; I object to the substitution of the Senate bill.

The CHAIRMAN. The Clerk will report the House bill.

The Clerk read as follows:

Be it enacted, etc., That Samuel Noble, formerly of Rome, Ga., but now a citizen of Anniston, in the State of Alabama, may, notwithstanding the decision heretofore made and the law of the statute by lapse of time, prosecute his claim to the net proceeds of sale of 802 bales of cotton, alleged to have been captured by the United States military authorities at Savanna, Ga., in December, 1864, before the Court of Claims, under the provisions of an act of Congress entitled "An act to provide for the collection of abandoned or captured property and the prevention of frauds in the insurrectionary districts of the United States," approved March 12, 1863, and this act.

The amendment reported by the Committee on the Judiciary was read, as follows:

Strike out all after the enacting clause of the bill, and insert the following:

"That Samuel Noble, a citizen of the State of Alabama, may, notwithstanding the bar of the statute of limitation, or other legal impediment hitherto existing, prosecute his claim to the net proceeds of the sale of 802 bales of cotton, alleged to have been captured by the United States military authorities at Savannah, Ga., in December, 1864, before the Court of Claims, under the provisions of this act and 'An act to provide for the collection of abandoned or captured property and the prevention of frauds in the insurrectionary districts of the United States,' approved March 12, 1863."

Mr. OATES. I ask that the amendment proposed by the Committee on the Judiciary be in the first place adopted. The dissent of one member of the committee, the gentleman from Ohio [Mr. SENEY], was not to this amendment but to the bill *in toto*. I ask that the amendment be now considered and adopted.

The CHAIRMAN. The question is on the amendment proposed by the committee.

Mr. BUCHANAN. We have not heard the report on this bill——

The CHAIRMAN. Does the gentleman call for the reading of the report?

Mr. BUCHANAN. I do. I sent to the document-room for the report and could not obtain a copy. I have done the same thing in regard to a number of these cases to-day and have not been able to obtain a single report.

Mr. OATES. The gentleman from New Jersey shall be in full possession of the facts of this case.

Mr. BUCHANAN. I ask that the report be read.

Mr. OATES. The reading of the report, I believe, is in the nature of debate; and the gentleman can not take me off the floor for the purpose of having it read.

Mr. BUCHANAN. That is not the position of the case.

Mr. OATES. I desire that the amendment proposed by the committee be first adopted so as to perfect the bill; then the bill can be acted on as amended. There was no dissent at all in the committee as to this amendment.

Mr. BUCHANAN. And the Committee of the Whole has the right to be advised of the merits of the bill before it is called upon to vote.

The CHAIRMAN. The Chair stated he entertained the question on the amendments; thereupon the gentleman from New Jersey [Mr. BUCHANAN] rose and asked that the report of the committee be read. The gentleman from Alabama yielded the floor when he asked for a vote on the amendments, and the gentleman from New Jersey had the right to ask for the reading of the report.

Mr. OATES. There is no objection to the report being read. There is also a minority report made by Mr. SENEY. I ask that it be read also. I do not object to the reading of the report, and to the House being put into the possession of all the facts in the case, but there is no objection I am sure to our voting first on these merely formal amendments.

Mr. BUCHANAN. I do not know how to vote, for or against the amendments, without knowing something about the case. I ask the report be read in my own time.

The CHAIRMAN. The Clerk will read the report.

The Clerk read as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 53) for the relief of Samuel Noble, have had the same under consideration, and respectfully report:

They have examined carefully the report made by said committee to the House during first session of the Forty-ninth Congress and adopt the same, with but a few verbal changes. The committee recommend that the bill be amended so as to express its object in fewer words. They recommend that all after the enacting clause be stricken out and the following be inserted in lieu thereof:

"That Samuel Noble, a citizen of the State of Alabama, may, notwithstanding the bar of the statute of limitation or other legal impediment hitherto existing, prosecute his claim to the net proceeds of the sale of 802 bales of cotton, alleged to have been captured by the United States military authorities at Savannah, Ga., in December, 1864, before the Court of Claims, under the provisions of this act and 'An act to provide for the collection of abandoned or captured property and the prevention of frauds in the insurrectionary districts of the United States,' approved March 12, 1863."

The facts in this case, which have been "judicially ascertained" or shown by the evidence submitted, are substantially as follows:

1. The claimant at and prior to the 6th day of January, 1865, was a citizen of Rome, in the State of Georgia, and on the said day he entered into a contract with the United States to deliver to the authorized agents of the United States, on or before the 1st day of January, 1866, 250,000 bales of cotton, and he was authorized by the said contract to make deliveries under it at Fernandina, Pensacola, Port Royal, Mobile, Huntsville, Ala.; Jackson, Miss.; Savannah, Brunswick; Chattanooga, Tenn., and New Orleans. The said contract was made by H. A. Risley, a "supervising special agent of the Treasury Department, authorized to purchase products of the Confederate States," and was made under the authority of the eighth section of an act of Congress approved July 2, 1864, (13 Stats. at Large, 375).

At the time the said contract was signed by the said Treasury agent and the claimant, President Lincoln indorsed thereon the following executive order, to wit:

"EXECUTIVE MANSION, *January* 6, 1865.

"An authorized agent of the Treasury Department having, with the approval of the Secretary of the Treasury, contracted for the cotton above mentioned, and the party having agreed to sell and deliver the same to such agent, it is ordered that the cotton, moving in compliance with and for the fulfillment of said contract, and being transported to said agent, or under his direction, shall be free from seizure and detention by any officer of the Government, and commandants of military departments, districts, posts and detachments, naval stations, flotillas, gun-boats, and fleets will observe this order, and give the said Noble, his agents, transports, and means of transportation, free and unobstructed passage for the purpose of getting said cotton or any part of it through the lines, other than blockade lines, and safe conduct within our lines, while the same is moving in compliance with regulations of the Secretary of the Treasury, and for fulfillment of said contract with the agent of the Government.

"ABRAHAM LINCOLN."

The regulations of the Treasury Department, which were intended to make such order for safe conduct as that above quoted effective, issued September 24, 1864, provided, in the fifth section, as follows:

"Generals commanding military districts and officers commanding fleets, flotillas, and gunboats will give safe conduct to persons and products, and all persons hindering or preventing such safe conduct to persons or property shall be deemed guilty of a military offense and punished accordingly."

2. That the military authorities of the United States, refusing to respect or obey the said Executive order, seized or burned all the cotton which the claimant owned previous to the date of said contract, or purchased subsequent to said date, for the purpose of delivering the same to the agent of the United States under the said contract, but no claim for compensation for any cotton burned by the military authorities in violation of said executive order is made by the claimant.

3. The United States seized and took from the claimant, at Savannah, Ga., subsequent to its capture by the United States on the 24th of December, 1864, 802 bales of cotton. The cotton so seized included that which the claimant purchased and owned previous to the date of said contract, as well as a part of that which was purchased subsequent to that date.

4. The claimant did not institute his suit in the Court of Claims, under the abandoned and captured property act, within two years after the suppression of the rebellion, as required by said act; but he did, on the 15th day of June, 1870, institute his suit in that court for a violation of said contract made with the Treasury agent. The claimant in that suit abandoned all claim for damages resulting from the destruction of his cotton by the United States troops, as well as for damages resulting from a loss of profit, occasioned by the breach of said contract by the United States; but the claimant sought in that suit to recover the value of so much of his cotton as the United States had seized and sold in violation of the terms of said contract, and proceeds paid into the United States Treasury.

5. The Court of Claims, upon the hearing of the said cause, dismissed the claimant's petition upon the ground that the contract between the claimant and the Treasury agent was void, because that agent did not make the contract as prescribed in the Treasury regulations, which had been adopted to carry into effect the eighth section of the act of July 2, 1864. The findings of fact and the opinion of the court are reported in 11 Court of Claims Reports, pages 608 to 624.

The Court of Claims, in its opinion, advised the claimant that his remedy was not upon the contract made with Risley, but was to be found in the provisions of the third section of the abandoned and captured property act. The language of the court which stated this conclusion was as follows:

"The claimant seems to have mistaken both his rights and his remedy. As stated, his contract was, by its own terms, liable to be terminated by the capture of the property before it was *in transitu*, to Risley, and in point of fact it was so terminated. He was then without recourse against the Government except in such manner as the Government should by law authorize. Such recourse was provided in the act of March 12, 1863, which authorized him within two years after the suppression of the rebellion to prefer his claim in this court for the proceeds of his property. He failed to avail himself of that right, and we are therefore without jurisdiction to afford him relief."

It is to be borne in mind that the claimant by his bill seeks nothing from the United States except the restoration to him of the net proceeds of the sale of the cotton, which the United States has paid into its Treasury. The United States has never asserted the right to retain the proceeds of cotton which belonged to a loyal citizen, even where such proceeds came into the possession of the United States in the execution of the provisions of the abandoned and captured property act. The claimant was thoroughly loyal to the United States during the entire period of the rebellion. He left his home in the State of Georgia to avoid conscription into the Confederate service. He came within the Union lines at Nashville, Tenn., about the last of December, 1863. He there took and subscribed the oath of amnesty prescribed in the proclamation of President Lincoln of the 8th of December, 1863. He remained within the Union lines until Rome, in the State of Georgia, which was his home and place of residence, was captured by the United States troops under command of General Sherman in July, 1864. He kept and faithfully observed that oath, and voluntarily gave no aid or comfort to the late rebellion. It is clear, therefore, for these reasons, and independent of any obligations growing out of the contract made by the Treasury agent with the claimant, that the proceeds of the claimant's cotton paid into the Treasury belong to him and not to the United States.

The proceeds of the cotton of loyal citizens, the Supreme Court declared, constitute a trust fund, which the United States holds as trustee for the benefit of any loyal citizen who may show his right to such proceeds, and the Government, holding the proceeds of the owner's property for his benefit, having been fully reimbursed for all expenses incurred in the character of trustee, loses nothing by a judgment which simply awards to the owner what is his own. (United States *vs.* Anderson, 9 Wall., 58; United States *vs.* Padelford, 9 *ibid.*, 531; United States *vs.* Hein, 13 *ibid.*, 128.)

The facts of this case justify Congress in providing for the restoration to the claimant of the proceeds of the cotton which he owned, and which were paid into the Treasury. The Court of Claims, upon the facts found by it, would have awarded him such proceeds had he invoked its jurisdiction and instituted his suit under the provisions of the act of March 12, 1863, instead of bringing suit upon his contract with Risley. The Government should never be unjust to its citizens, and it ought not be willing to keep from any of them that which it ought not in equity and good conscience to retain. The condition upon which the United States promised to return to its citizens the proceeds of cotton captured by the military forces was that the person claiming such proceeds should "prove to the satisfaction of the Court of Claims that he never gave aid or comfort to the late rebellion." This proof the claimant did not make in the Court of Claims, although he averred the fact in his petition. He did not make that proof because the Supreme Court had decided that after the issuance by President Johnson of the proclamation of amnesty, dated December 25, 1868, such proof was no longer necessary. (Armstrong *vs.* The United States, 13 Wall., 154; Pargoud *vs.* Same, 13 *ibid.*, 156.)

Congress has not yet, although twenty-two years have elapsed, deemed it wise to dispense with this requirement in respect to those persons who claimed the

proceeds of cotton which had been captured previous to the 30th day of June, 1865. That requirement should no longer be invoked in any case. This claimant, however, is entirely willing that his right to recover the proceeds of his cotton which was seized and sold by the United States shall be made to depend upon his ability to prove the fact that he did not voluntarily give aid or comfort to the late rebellion. The Court of Claims has already found that the military authorities of the United States seized at Savannah, in the winter of 1864 and 1865, cotton belonging to the claimant, which aggregated in quantity 802 bales, of which 427 bales were sea-island and 375 bales were upland cotton; and that the whole quantity seized "was by the United States mingled with other captured cotton, and the mass transported to New York and there sold, and the net proceeds thereof paid into the Treasury."

This case has been pending before the different Houses of Congress for about twelve years, but no action has been had thereon which has produced any benefit to the claimant. The delay and inaction seem to be of unusual hardship and the claim entirely meritorious, not only by reason of the personal loyalty of the claimant, but by reason of the fact that he entered upon the fulfillment of a contract with the United States, which he had a right to assume was valid and binding upon the United States, because the President had given him an order for safe conduct out of the Union lines and into the lines of the Confederate authorities for the purpose of fulfilling the terms of that contract on his part. The claimant had a right to assume that this order for safe conduct would protect him and the property which he was to deliver under the said contract from seizure and practical confiscation by those authorities to whom his order far safe conduct was directed.

The only question to be considered is whether the claimant was guilty of laches by his failure to bring his suit in the Court of Claims under the abandoned and captured property act. It is very clear that until the decision in Lane's case (8 Wall., 185) the claimant had the right to assume that this remedy was upon his contract and not under the abandoned and captured property act. The Court of Claims had so decided both in Lane's case (2 Court of Claims, 184) and in Burnside's case (3 Court of Claims, 367). It was the settled law of that court, until the decision of the Supreme Court in Lane's case, that a claimant having such a contract as that which the claimant made with Risley could maintain in the Court of Claims an action upon such contract, and that his rights under it were *ex contractu* and not statutory. The claimant under that decision had six years in which to institute his suit in the Court of Claims, because that was the limitation prescribed in the tenth section of the act of Congress approved March 3, 1863, now section 1063 of the Revised Statutes.

The claimant's cause of action accrued when the United States in March, 1865, seized the cotton which the claimant supposed was protected by President Lincoln's order for safe conduct to him, and the property which he sought to appropriate to the purposes of the contract made with him by the Treasury agent. The claimant was not required to assume or to act upon the assumption that the decision of the Court of Claims, which recognized the validity of such contracts would be reversed in the Supreme Court. The decision of the Supreme Court in Lane's case was not made until the 29th day of November, 1867. The right of the claimant to proceed under the statutory remedy provided by the third section of the act of March 12, 1863, expired on the 20th of August, 1868. (United States *vs.* Anderson, 9 Wall., 58; Haycraft *vs.* United States, 22 Wall., 81.) The claimant could not then change his remedy, because the statutory right as well as the remedy for its enforcement had been lost by the expiration of the "two years after the suppression of the rebellion," within which time the statutory right was required to be asserted by the institution of a suit in the Court of Claims. It was not laches in any known legal sense for the claimant to abide by the decision of the Court of Claims in regard to his rights under his contract.

He was not required, in order to escape the accusation of negligence, to institute his suit in the Court of Claims previous to the decision of the Supreme Court in Lane's case, and when that decision was made the claimant had lost his statutory remedy just as completely as he lost his remedy *ex contractu* by the decision of the Court of Claims. The claimant ought not to be denied relief, therefore, on the ground of laches. He accepted the decisions of the court appointed to determine his rights as conclusive, and when they were reversed the claimant was without any remedy except such as Congress should provide.

We therefore recommend the passage of the bill with the amendment reported, removing or suspending the statute of limitations, and allowing the petitioner, Samuel Noble, to prosecute his claim before the Court of Claims.

Mr. OATES. I would like to have the report of the minority of the committee read. Mr. SENEY, who made the minority report, requested me, when he was going away, not to call this bill up out of its order. As it comes up now in its regular order, I will be glad to have the minority report also read.

The CHAIRMAN. The report will be read.

The Clerk read as follows:

The minority of the Committee on the Judiciary, to whom was referred the petition of Samuel Noble, submit the following views:

It appears that Samuel Noble in 1865, and for ten years prior thereto, was a citizen of Rome, in the State of Georgia, and was loyal to the Government of the United States.

It further appears that in December, 1864, he came to Washington with letters of introduction and commendation to President Lincoln. After an interview with the President, H. A. Risley, special agent of the Treasury Department, was directed by the President to enter into a contract with him (Noble), as authorized by the eighth section of the act of Congress, approved July 2, 1864, regulating commercial intercourse between loyal and insurrectionary States and to provide for the collection of captured and abandoned property, etc. (13 Statutes, 375); that in pursuance of such directions, Risley, acting for and on behalf of the United States, on the 6th day of January, 1865, entered into a contract with Noble, wherein Mr. Noble undertook and agreed to deliver to Risley, as agent of the United States, on or before January 1, 1866, 250,000 bales of cotton, which was to be delivered at Fernandina, Pensacola, Port Royal, Mobile, Huntsville, Jackson, Savannah, Brunswick, Chattanooga, and New Orleans, and which was to be forwarded to the city of New York and there sold, and out of the proceeds of sale, after paying all expenses, costs, charges, and Government dues, one-fourth thereof was to be retained by Risley for the United States, and the remaining three-fourths to be paid to Noble.

That on the 6th day of January, 1865, President Lincoln, at the request of Risley, issued and indorsed upon the contract the following order for the safe conduct and protection of Noble, in the execution of the contract, namely:

"EXECUTIVE MANSION, *January* 6, 1865.

"An authorized agent of the Treasury Department having, with the approval of the Secretary of the Treasury, contracted for the cotton above mentioned, and the party having agreed to sell and deliver the same to such agent, it is ordered that the cotton moving in compliance with and for the fulfillment of said contract, and being transported to said agent or under his direction, shall be free from seizure and detention by any officer of the Government; and commandants of military departments, districts, posts, and detachments, naval stations, flotillas, gunboats, and fleets will observe this order and give the said Noble, his agents, transports, and means of transportation, free and unobstructed passage for the purpose of getting said cotton, or any part of it, through the lines, other than blockade lines, and safe conduct within our lines, while the same is moving in compliance with regulations of the Secretary, and for the fulfillment of said contract with the agent of the Government.

"ABRAHAM LINCOLN."

Mr. Noble, at the time he made the contract, owned 256 bales of upland cotton and 162 bales of sea-island cotton, which was stored in warehouses in the city of Savannah, Ga., and after making the contract he purchased 265 bales of sea-island cotton and 119 bales of upland cotton, which was also stored in Savannah.

That all of the cotton so purchased and owned by Noble, amounting to 802 bales, being 427 bales of sea-island and 375 bales of upland cotton, was seized by the United States civil and military officers subsequent to the capture of Savannah in December, 1864; and that after such seizure the said cotton was shipped to Simeon Draper, United States cotton agent in the city of New York, by whom it was received and sold; and the net proceeds thereof have been paid into the Treasury of the United States to the credit of the fund derived from the sales of abandoned or captured property under the provisions of the act of March 12, 1863.

We understand the proceeds of this cotton to be as follows: For the 418 bales on hand at the time the contract was made, $82,434.76, and for the 365 bales purchased after the contract was made, $62,488.09. So that the total proceeds of the cotton received at the Treasury are $144,922.85.

We are not informed as to the precise time this cotton was seized by the United States forces, nor the precise time it was sold and the proceeds covered into the United States Treasury.

From the best information we have it is safe to state that both the seizures and sale were made in 1865. Then, in 1865, Noble was in condition to demand relief. The act of March 12, 1863 (12 Statutes, 820), authorized him to commence a suit in the Court of Claims to recover the proceeds of the cotton. This suit, by the terms of the act, he was obliged to bring within two years after the suppression of the rebellion. In contemplation of law the rebellion was suppressed August 20, 1866, so that Noble's right to sue in the Court of Claims expired by limitation in August, 1868.

Why he did not seek the proceeds of his property in the Court of Claims we are not informed. This neglect is not explained.

In less than two years after his right to sue for the proceeds of the cotton in the Court of Claims was barred by law he brought a suit in that court against the United States to recover $309,795.67 damages for an alleged breach of the contract. This suit was brought June 15, 1870, and the breach assigned was the forcible and unlawful seizure of the cotton, and other wrongs done, which prevented his performance of the contract.

This suit the Court of Claims, in 1875, dismissed, holding the contract void, because it did not conform to the regulations prescribed by the Treasury Department to carry into effect the eighth section of the act of July 2, 1864. The case is reported in Court of Claims Reports, volume 11, page 608.

Thus it will be seen that Noble neglected to sue for the proceeds of his cotton under the captured and abandoned property act, and was defeated in his suit upon his contract when he sought to recover damages in a sum more than double the proceeds of his property.

The matter now before the committee arises upon the petition of Noble asking Congress for relief. He asks for the introduction and passage of a bill authorizing him to bring a suit against the United States in the Court of Claims to recover the proceeds ($144,922.15) of the cotton now in the Treasury.

The policy of the Government with respect to claims of this character was fixed more than twenty years ago. In 1863, Congress, we have stated, made laws for the collection of abandoned and captured property within the insurrectionary districts, and for covering the proceeds, upon sale, into the United States Treasury.

At the same time provision was made to secure to the owners of such property their rights.

Under these laws a person claiming to have been the owner of abandoned or captured property was authorized to prefer his claims to the proceeds thereof, in the Court of Claims, at any time within two years after the suppression of the rebellion.

We are not aware that there has been any change in this legislation since it was made in 1863. The general law upon the subject remains as it was enacted twenty years ago. Whether or not Congress has by special act authorized a particular owner of captured or abandoned property to assert his claim to the proceeds covered into the Treasury, in the Court of Claims or elsewhere, at a period later than two years after the rebellion was suppressed, we are not informed.

In the absence of such information it is to be presumed that Congress has adhered to the policy adopted in 1863. With this policy we are content. The public interests demanded no change. If it is to be changed, the change should be made by a general law.

Special legislation with respect to claims of this character should be discouraged. In the judgment of the minority of the committee this settled policy of the Government should not be disturbed by either special or general legislation.

We know of no reason why the two years' limitation in the act of March 3, 1863, should be modified or repealed.

To authorize, by a special act of Congress, Mr. Noble to sue for the proceeds of his cotton eighteen years after he knew of its seizure and sale by the Government would be, for obvious reasons, unwise. After he knew of its seizure and sale he had the right under the general law of March 3, 1863, to sue and make good his claim to the proceeds of his property. This right existed for two years from and after August, 1866. For some unexplained reason he did not avail himself of his legal rights within the time limited by law. Now they are barred, and this bar he would have Congress remove.

For aught that appears, Noble thought that a suit under the abandoned or captured property act to recover the proceeds of his cotton would not sufficiently reimburse him for the loss he had sustained. That he sought more than the proceeds of his cotton is apparent from the fact that shortly after his right to sue for the proceeds was barred he brought suit upon his contract.

In this suit he, in effect, sued for the 418 bales of cotton he had on hand when he made the contract for the 365 bales he subsequently purchased, and for the 249,198 bales that he neither delivered, purchased, nor owned. The damages claimed in this suit were $309,795.67, more than double the sum for which the cotton was sold.

If Noble elected between his claim upon his contract for damages, amounting to $309,795.67 and his claim under the act referred to for the proceeds of the cotton, amounting to $144,922.85, we think he ought to be concluded by his election and make no further complaint.

GEORGE E. SENEY.

Before the Clerk had concluded the reading of the foregoing report,

Mr. BUCHANAN said: If the gentleman from Alabama does not desire the remainder of that report to be read in his time I will proceed to make a few observations on the bill myself.

Mr. OATES. Let the minority report be printed in its entirety in the RECORD.

Mr. BUCHANAN. Of course, and I will move that be done.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. BUCHANAN. Mr. Chairman, I knew nothing about the matter until a few moments ago, when this bill came up.

Mr. OATES. Let the informal amendments be voted on before the gentleman enters into the discussion of the bill.

Mr. BUCHANAN. I understand they are not merely formal amendments but go to substantial matters. I think the committee should understand these matters before they are voted upon.

Let me read that amendment:

That Samuel Noble, a citizen of the State of Alabama, may, notwithstanding the bar of the statute of limitation, or other legal impediment hitherto existing, prosecute his claim to the net proceeds of the sale of 802 bales of cotton, alleged to have been captured by the United States military authorities at Savannah, Ga., in December, 1864, before the Court of Claims, under the provisions of this act and "An act to provide for the collection of abandoned or captured property and the prevention of frauds in the insurrectionary districts of the United States," approved March 12, 1863.

The committee have recommended that all after the enacting clause be stricken out and what I have read be inserted instead of the original bill; and I call attention to the words "may, notwithstanding the bar of the statute of limitation, or other legal impediment hitherto existing, prosecute his claim."

This is a substantial amendment, and I do not know that I have any objection to the bill if it can be amended as I shall provide, in this form, which is the amendment I propose to offer:

But no judgment shall pass in favor of said Samuel Noble until his loyalty during the late war shall have been established to the satisfaction of the said court, and he shall have further proved that during said war he did not in any way afford aid and comfort to the late rebellion.

Now, I do not understand the reason which influenced this committee to recommend the change which this bill effects in existing law. They may not have intended to provide against the presentation of any further proof of loyalty, but it certainly has that effect. It may not be questioned that the claimant is loyal.

Indeed, as I understand it, the minority of the committee in the views submitted by them make no question as to his loyalty; but there is no reason to absolve him from proof of loyalty, if necessary, which must be furnished by any other claimant at the bar of the Court of Claims. This claim may be a perfectly proper one, and one which should be passed upon by the Committee of the Whole, but I presume that the Committee of the Whole should be informed of the substantial features of the amendment proposed by the committee.

I have therefore moved to amend the amendment by adding the words which I have just quoted, and which I now send to the desk.

Mr. OATES. Mr. Chairman, it is my fortune to have charge of this bill, as it was referred to me, and as I have charge of it I propose to do justice to this claimant, although his political record is just the reverse of my own.

The point made, in the first place, by the gentleman from New Jersey on the proposed amendment did not occur to any member of the committee, although the gentleman from Ohio [Mr. SENEY] was as much opposed to the bill as any man could be or as is at all necessary; because in the papers and the decision already published, made by the Court of Claims, the proof of his loyalty is overwhelming beyond all question as a matter of record.

It seems to me that it ought to have been sufficiently satisfactory to the gentleman from New Jersey when he read in this report, both in the report of the committee and in the views of the minority, that this claimant had a paper from President Lincoln guarantying him a safe conduct through the lines of the Union Army. He had a paper also in writing from the Treasury agent, Risley, for the purpose of going back into the South and buying cotton and bringing it through the lines. So abundantly do the papers in this case and the record in the case decided establish this fact that the bill I asked unanimous consent to consider here to-day was passed by the Senate but a few days ago without referring the case to the Court of Claims at all, but directing the Treasury officials to pay the amount of the claim.

Mr. Chairman, some gentlemen do not seem to understand the attitude in which this captured and abandoned property fund stands. The Supreme Court of the United States in several decisions has held that the Government of the United States did not claim a dollar of it. There are now about $6,000,000 of that fund in the Treasury, which the Government says it does not own, and why? When gentlemen look back to the law providing for the seizure of captured and abandoned property, and the sale of that property captured by the United States forces during the war, they will see that the purpose was to sell it and preserve the proceeds for the loyal citizens of the United States.

Now as this property was captured, or found abandoned, and sold after paying the expenses the net proceeds were paid into the Treasury. From time to time there has been some special legislation paying parties out of this fund. But allow me to go back and call attention to the nature of the act itself. It provided that proof might be made of the ownership of the property sold, and the proceeds of which could be traced into the Treasury, and the loyalty of the party from whom taken; and thereupon the United States would restore such fund to such party or parties. The two years limit was not in effect a statute of limitations.

It was a part of the law, and it began to run from the 20th of August, 1866, the date at which the President of the United States published his proclamation declaring the war to have closed. Hence the 20th of August, 1868, was the date of the expiration of the two years. Now, there were a few actions brought under the act within that time.

Parties as soon as they ascertained the existence of this statute began to prosecute their claims. Some case was brought in which the question of loyalty was raised, and when it reached the Supreme Court that court held that the President's proclamation of amnesty and pardon had eliminated from the act that requirement, so that to-day whether a man was loyal or disloyal is of no consequence, and does not now in the least affect his status before any of the courts of this country.

Mr. SPRINGER. Have you that decision?

Mr. OATES. Oh, yes. And the Congress, after this decision was made, attached to an appropriation bill a proviso that no one should plead the President's proclamation so as to prevent the effect of it; but the Supreme Court in another case declared that to be unconstitutional and void, because the President had the power under the Constitution to publish his proclamations of amnesty, and they were effective.

Now I will call the attention of the gentleman from New Jersey [Mr. BUCHANAN] to the true condition of such claims. Those who were disloyal can go before the courts as well as the men who were loyal; and the question of loyalty now cuts no figure at all in respect to the status of a claimant or plaintiff before any of the courts of the United States. But the law expired by its own limitation, and as the Court of Claims, like all other courts of the United States, can only proceed by virtute of statute, there is simply no law which allows any man, be he loyal or disloyal, to prosecute his claim.

The reason that this fund still remains in the hands of the Government as a trustee—for the Government never took it otherwise than in trust—is that whenever we bring forward a general bill allowing claimants to go before the court and make proof of their claims, claimants who own the money, as the Supreme Court has held time and again, we are met with the objection and are required to put into the enactment that the claimant must prove his loyalty. This requirement has been legally dispensed with by legal authority, an dunder the existing law nothing of the kind can be required. But in order that the door may be opened to any man to come in and prosecute it has generally been required by the other side of this House that he shall prove his loyalty. The question of loyalty cuts no particular figure in this case because, as I have before remarked, this claimant has overwhelmingly proved that fact. The whole record bristles with that proof.

In the opinion of the Judiciary Committee the form in which it is proposed to put the bill by amendment is simply an expression of the real purpose in better and more concise language. That is the sole object. It would not give any trouble whatever to this claimant to prove his loyalty, and therefore it would not be very material in this case. It would not be imposing any burden upon him whatever. But in the opinion of the committee the amendment proposed does not dispense with that.

Mr. BUCHANAN. I would like to ask the gentleman a question, if he will permit.

Mr. OATES. Certainly.

Mr. BUCHANAN. If his loyalty is so unquestioned, why not accept my amendment to the amendment of the committee?

Mr. OATES. I do not think your amendment is in quite as good form as I would like to have it.

Mr. BUCHANAN. If the gentleman will reduce it to a better form of English I will accept the revised copy. I only want the substance.

Mr. OATES. I have said all I care to say about the amendment. I wish to submit a few other remarks about the merits of the claim.

Now, sir, although during that bloody conflict Mr. Noble was not in accord with myself (it is shown that he was a Union man), although I am not in accord in politics with him to-day, yet I would not do him injustice for that reason. According to the evidence and under the rule of practice that has been adhered to by Congress and the courts he is clearly entitled to the money for the 802 bales of cotton, and I hope the committee will favorably report the bill.

Let me recapitulate briefly. Mr. Noble was a citizen of Rome, in the State of Georgia. He remained there quietly until an enforcement of the conscript act caused him to flee, to pass through the lines and come to Washington. Here he made it known that he owned cotton and could purchase a large amount of cotton. It seems the policy of the Union favored the introduction of as much cotton within the Union lines from the then Southern Confederacy as possible. Consequently a Treasury agent entered into a written contract with him. Upon that contract President Lincoln gave him a paper securing to him safe conduct through the Union lines for the cotton he might obtain. Eight hundred and two bales of that cotton were taken by the Union forces at Savannah in 1865.

The cotton was sold and the proceeds covered into the Treasury. Noble came before the Court of Claims soon after the war and instituted a suit for breach of contract and to recover damages. The Court of Claims decided against him on the ground that the contract made with Risley, the Treasury agent, ratified by Mr. Lincoln, was illegal

because it was not in accord with the eighth section of the captured and abandoned property act. Therefore he lost his case before the Court of Claims.

When that decision was rendered the time mentioned in this law for the prosecution of such claims under the captured and abandoned property act had expired. The decision was made long after the 20th of August, 1868.

This man has never had a forum in which he could prosecute his claim, and therefore the objection made in the views of the minority is not at all well taken, nor is the objection made by the gentleman from Illinois, that claims to a greater amount may be proven against this captured and abandoned property fund than there is money to pay. The law requires, and the court requires, that a claimant shall prove he had the property, and that it was captured. He must trace it; show that it was sold, and trace the proceeds into the Treasury. When he does that the money is there to pay the claim. The fact that there may be claims set up improperly is no argument at all, because every claimant must prove the loss of the property and sale of the property and trace the proceeds to the Treasury. Otherwise he can not obtain the proceeds. The fact that there are others who set up such claims is no argument, because they evidently will fail. There can not be a greater number of claims proven against that fund than the fund itself amounts to.

Mr. CULBERSON. Will the gentleman yield the floor to me after awhile?

Mr. OATES. I will yield the floor to you now.

Mr. CULBERSON. I ask unanimous consent to offer as a substitute for the pending bill the one which I send to the Clerk's desk.

Mr. WILSON, of Minnesota. For the pending bill and all other bills touching this individual fund?

Mr. CULBERSON. Yes.

The proposed substitute was read, as follows:

Be it enacted, etc., That the right of action in the Court of Claims, under the provisions of the captured and abandoned property acts, be, and the same hereby is, revived and extended for one year from and after the passage of this act, including all cases of seizures under said acts, or under color thereof, either before or after June 30, 1865, without regard to any statute of limitations; and all claims for such property not filed in said court within that period shall be forever barred: *Provided, however*, That where any of such claims have been filed before the Secretary of the Treasury, and proof taken in relation thereto, under the provisions of the fifth section of the act of May 18, 1872, the proof so taken, whether upon the part of the Government or the claimant, where it is made to appear by affidavit that the witnesses are dead or can not be found, shall be used in evidence in the said Court of Claims as though taken in pursuance of the rules of said court; and that the Secretary of the Treasury, upon the call of said court, on the motion of either party, shall transmit said proofs and all the papers in the case to the said Court of Claims; and all judgments rendered in favor of the claimants shall be paid out of the captured and abandoned property fund, as provided by section 3689 of the Revised Statutes.

SEC. 2. That in the trial of causes before the Court of Claims no person shall be excluded as a witness because he is a party to or interested in the same; and any claimant or party in interest in any suit may be examined as a witness on the part of the Government, and when refusing so to testify, or willfully testifying falsely, shall not be entitled to relief; and the testimony of such witness may be used by either party.

SEC. 3. That if it shall appear to the court, in any case, that testimony has been duly taken by either party prior to the passage of this act, or that testimony taken in any other case under the rules of the court is pertinent to the issues involved, the same, so far as relevant, may be used in other cases pending in said court.

SEC. 4. That all acts and parts of acts inconsistent with this act are hereby repealed.

Mr. McCULLOGH. Mr. Chairman, I rise to a question of order. I understand that unanimous consent has been asked, but has not yet been granted, to offer the bill which has just been read as a substitute for the pending bill.

The CHAIRMAN. Yes.

Mr. McCULLOGH. I must object.

Mr. CULBERSON. Then I offer an amendment to the pending bill, which I send to the Clerk's desk. I would like, however, to have made a statement before the gentleman objected.

The amendment was read, as follows:

Provided, That a greater amount of money shall not be paid in satisfaction of this claim than the amount received into the Treasury as said proceeds of the sale of the cotton alleged to have been taken.

Mr. OATES. That amendment is acceptable.

[Mr. CULBERSON withholds his remarks for revision. See APPENDIX.]

Mr. McCULLOGH. I desire to ask the gentleman whether the bill which he proposes to offer as a substitute has been passed upon by any committee?

Mr. CULBERSON. Yes, sir; it has been reported from the Committee on the Judiciary, I believe, with but two dissenting voices. It was reported from the Judiciary Committee in the last Congress unanimously, and I think it would have passed the House in that Congress if it had not been for my friend from Illinois [Mr. SPRINGER], who was very much in favor of the bill, but yet happened to secure an adjournment pending its consideration.

Mr. McCULLOGH. I withdraw my objection.

Mr. CULBERSON. Mr. Chairman, I understand that the gentleman from Pennsylvania withdraws his objection to the substitute I have offered.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his point of order?

Mr. McCULLOGH. Yes, sir.

The CHAIRMAN. The gentleman from Texas [Mr. CULBERSON] asks unanimous consent to offer as a substitute for the pending bill the bill which has been read.

Mr. JOSEPH D. TAYLOR. I object.

Mr. CULBERSON. I yield back the floor to the gentleman from Alabama [Mr. OATES].

The CHAIRMAN. The question now is on the amendment reported by the committee.

Mr. McCULLOGH. I simply wish to say to the gentleman from Texas and to other gentlemen on that side that my reason for objecting was that it seemed to me we were proposing to enter into general legislation upon the basis of a special bill, but when I was satisfied by my friend from New Jersey and other gentlemen that the proposed substitute had been considered by a committee, my objection ceased.

Mr. OATES. I desire to read a paragraph from the syllabus of the decision of the Supreme Court of the United States in the case of the United States *vs.* Klein, 13 Wallace, 128:

The act of March 12, 1863 (12 Statutes at Large, 820), to provide for the collection of abandoned and captured property in insurrectionary districts within the United States, does not confiscate or in any case absolutely divest the property of the original owner, even though disloyal. By the seizure the Government constituted itself a trustee for those who were entitled or whom it should thereafter recognize as entitled.

This is the same case in which the Supreme Court held that the proviso to the appropriation act of July 12, 1870, denying to suitors the benefit of the President's proclamation of pardon, was unconstitutional and void.

I hope that the gentleman from New Jersey is sufficiently satisfied by this time as to the loyalty of this claimant, and will not insist on his amendment. The fact of the claimant's loyalty has been proved, as the Court of Claims has already held. I can furnish the decision to the gentleman if he wants to examine it. The committee was unanimous—there was no dissent at all—upon the question of the claimant's loyalty. The substitute was adopted in committee because it was thought it would improve the verbiage of the bill.

This is a just bill, and there being no doubt about the question of loyalty, it is not necessary to require the claimant to make proof again of that fact.

Mr. JOSEPH D. TAYLOR. I understand that the effect of this bill is to allow a suit to be brought, although it has been barred by statute for twenty years.

Mr. OATES. But the suit was brought when the claimant supposed that he had the right to recover damages for the violation of his contract. When that suit was decided, the bar, as you may call it, had become complete, and there has not been since any law allowing him to go before the court.

Mr. JOSEPH D. TAYLOR. Have there been any other reports on this case?

Mr. OATES. Many. This claim has been before Congress a number of years.

Mr. JOSEPH D. TAYLOR. Has it ever before been reported favorably?

Mr. OATES. Oh, yes; always favorably. I have never known of an adverse report being made.

Mr. JOSEPH D. TAYLOR. I intended to inquire whether there had been any adverse report.

Mr. OATES. There have been minority reports; there has been some dissent, but I believe in every case the majority of the committee have reported favorably.

Mr. SPRINGER. I would like to occupy about ten minutes.

Mr. OATES. I yield to the gentleman.

Mr. SPRINGER. I desire to call the attention of the Committee of the Whole to the dissenting opinion in the case of The United States *vs.* Klein, to which the gentleman from Alabama [Mr. OATES] has already referred.

A MEMBER. Who were the dissenting judges?

Mr. SPRINGER. Mr. Justice Miller delivered a dissenting opinion, in which Mr. Justice Bradley concurred. The opinion of the Supreme Court in this case was to the effect stated by the gentleman from Alabama. The court also held that the proviso in the appropriation act of July 12, 1870, was in conflict with the views expressed in the syllabus and therefore unconstitutional and void. This proviso was in effect—

That no pardon or amnesty granted by the President shall be admissible in evidence on the part of any claimant in the Court of Claims as evidence in support of any claim against the United States, or to establish the standing of any claimant in said court or his right to bring or maintain suit therein.

This proviso being declared unconstitutional and void, the effect of the decision was that a claimant might plead the proclamation of amnesty or pardon as an answer to the charge of disloyalty against him. In other words, the court decided that this property was held in trust for the original owner, although he might be disloyal, and all that was necessary in order to entitle him to claim the property was to show that

he had availed himself of the provisions of the President's proclamation of amnesty or pardon. From this decision Mr. Justice Miller and Mr. Justice Bradley dissented.

Mr. WILSON, of Minnesota. The gentleman does not claim that the dissent of a portion of the court prevents the decision from being the law of the land?

Mr. SPRINGER. Of course not. But, so far as our action is concerned, the decision itself is only persuasive; and in that view we are entitled to consider the opinions of the minority of the court as well as the majority.

Mr. BUCHANAN. But is there not a question still beyond that? Is there not here a man out of court who expects to get into court by an act of Congress, and have we not a right to prescribe the conditions upon which he shall get into court?

Mr. SPRINGER. Of course. This man has now no right to sue the Government, and is asking the passage of a bill which will give him that right. The application appeals simply to our equitable discretion.

Mr. CULBERSON. But there is the question as to the right of the Government to withhold the money.

Mr. SPRINGER. I will come to that in a moment. Mr. Justice Miller, delivering a dissenting opinion, in which Mr. Justice Bradley concurred, said:

I can not agree to the opinion of the court just delivered in an important matter; and I regret this the more because I do agree to the proposition that the proviso to the act of July 12, 1870, is unconstitutional, so far as it attempts to prescribe to the judiciary the effect to be given to an act of pardon or amnesty by the President. This power of pardon is confided to the President by the Constitution, and whatever may be its extent or its limits, the legislative branch of the Government can not impair its force or effect in a judicial proceeding in a constitutional court. But I have not been able to bring my mind to concur in the proposition that, under the act concerning captured and abandoned property, there remains in the former owner, who had given aid and comfort to the rebellion, any interest whatever in the property or its proceeds when it had been sold and paid into the Treasury or had been converted to the use of the public under that act.

I must construe this act, as all others should be construed, by seeking the intention of its framers, and the intention to restore the proceeds of such property to the loyal citizen, and to transfer it absolutely to the Government in the case of those who had given active support to the rebellion, is to me too apparent to be disregarded. In the one case the Government is converted into a trustee for the former owner, in the other it appropriates it to its own use as the property of a public enemey, captured in war. Can it be inferred from anything found in the statute that Congress intended that this property should ever be restored to the disloyal? I am unable to discern any such intent. But if it did, why was not some provision made by which the title of the Government could at some time be made perfect, or that of the owner established? Some judicial proceeding for confiscation would seem to be necessary if there remains in the disloyal owner any right or interest whatever. But there is no such provision, and unless the act intended to forfeit absolutely the right of the disloyal owner, the proceeds remain in a condition where the owner can not maintain a suit for its recovery, and the United States can obtain no perfect title to it.

It is stated that this statute has recently received the attentive consideration of the court in the reported cases which are referred to, but I will not read them.

It appears in the argument of Justice Miller and Justice Bradley they give strong reasons why the opinion of the majority of the court should not be regarded as binding on this body, where we are exercising mere equity jurisdiction.

Mr. WILSON, of Minnesota. Mr. Chairman, there is but one aspect of this case, to which I ask attention. I am glad the general bill has been substituted for the special bill.

Mr. OATES. It has not been done.

Mr. WILSON, of Minnesota. I thought the objection had been withdrawn.

Mr. OATES. But it was renewed by the gentleman from Ohio.

The CHAIRMAN. No, it has not been withdrawn.

Mr. WILSON, of Minnesota. I will address my remarks to the subject as it now stands before the House. I am opposed to these special bills, and I desire to answer some of the suggestions of the gentleman from Alabama [Mr. OATES], that no injury can happen to the Government by the passage of this and other special bills referred to.

The status of this case is this: There is in the Treasury of the United States between six and ten millions of dollars, the proceeds of the sale of property under the act of Congress in reference to captured and abandoned property. That money should be paid over to those entitled to it. I stand there; I have no question about that. It is not only the meaning, but the spirit of the law. Nor do I quibble about the removal of the bar of the statute of limitations. I hold we should remove the bar.

My opinion is this, and lawyers will, I think, agree with me, that if we take up separate bills for the recovery of this money we will have more dollars claimed than there are in the Treasury. Every person knows when a suit is brought by A B in the Court of Claims to establish his claim for $1,000 or $1,000,000 there is practically no adversary party except the Government of the United States, and there is no one to look after its interests. For the ten millions in the Treasury twenty millions of claims are made. A B, say, has established his claim in the court and received a decision in his favor, then C D comes in and establishes a claim to the same property. The judgment in the case of A B is not an estoppel, and C D can go on and prove the property is his and claim judgment.

Mr. OATES. If my friend will permit me I would suggest that he runs into this difficulty which, perhaps, he has not thought about, or as a good lawyer, which he is, he would have paid attention to it. He talks about other parties coming in and establishing their claims. He knows no one can establish such except under the statute, and we are not going to permit anything of that kind in special bills, and I do not believe there is any danger like that which the gentleman has suggested. Each man will only receive that to which he establishes his title.

Mr. WILSON, of Minnesota. My friend from Alabama says there can be no danger. I differ from him in this. No judgment rendered in favor of one claimant of property in a suit to which another claimant of the same property is not a party can bind the latter; and as the claim of the latter claimant is as likely to be valid as that of the former, the only way in which justice can be done as between them is to compel them to interplead. Then the judgment would be binding on both and each would be permitted to show the strength of his own claim and the weakness of his adversary's. We ought to aim to do justice between the parties as well as to protect the Government against unjust claims.

We have no right here on an *ex parte* hearing or without a hearing to give A B a right to institute a suit in the Court of Claims for certain property held in trust, and to refuse C D a right to establish if he can a right in him to the same property. Absolute justice can not be done in this way.

Mr. CULBERSON. The gentleman speaks of the credit upon the books of the Treasury touching the amount of money received for the property sold.

Now, when Mr. Noble goes before the Treasury, he will get the money or his portion of the money credited to the proceeds of the cotton seized in Savannah.

Mr. WILSON, of Minnesota. I will answer that in a moment. This morning on the bill offered by the gentleman from Mississippi [Mr. CATCHINGS] this amendment was proposed—

Provided, That no money shall be paid further than is credited to him on the books of the Treasury—

and was voted down, for it was stated that there was no money credited to anybody on the books of the Treasury.

Mr. CULBERSON. I think the gentleman is entirely mistaken about the amendment. The amendment proposed by the gentleman from Ohio was that no money should be paid to that claimant in excess of the amount of the money accredited on the books of the Treasury. Now there is no amount of money accredited on the books of the Treasury to that account; and the amendment which was adopted was that no more money should be paid to the claimant than the books showed to have been the actual proceeds of the cotton seized.

Mr. WILSON, of Minnesota. Yes, but the difficulty is that while you may trace the bales of cotton, there is behind that the substantial question as to whether that cotton was the property of A B or of C D.

Mr. CULBERSON. The proof would establish that fact.

Mr. WILSON, of Minnesota. Yes, in a suit brought by A B the fact might be established to the satisfaction of the court that he is the owner; whereas in a subsequent suit brought by C D it might with equal clearness be established that he (C D) is the owner.

As I stated, if this question is to be litigated before the Court of Claims, that litigation, if it is to be satisfactory at all as determining the ownership of this cotton and settling the question, must have both of the claimants before the court so that the judgment may be binding on both.

Now, Mr. Chairman, there is a very easy way out of this matter, a way in which such questions can be settled with absolute justice to all parties. The proper way is to pass a general bill, similar to that of the gentleman from Texas, so that the bar of the statute of limitation be removed for a definite time—say one year. In that time let everybody making a claim under the captured and abandoned property act come in, have his claim filed, and have all of the claimants before the court so that the court may decide as between them and determine to whom that fund belongs, and so that each and all may be bound by the judgment; then every dollar will go to the man who is entitled to it, and inasmuch as all of the claimants or parties to that litigation are present in court the judgment will be final and an estoppel upon all claimants.

Mr. OATES. But my friend is putting a case arising under common law in a court of equity, where there are several claimants and but one general fund. But in this case I think there is a general fund which arises from various sources——

Mr. WILSON, of Minnesota. I understand very well. Here is a trust fund, a matter over which a court of equity has jurisdiction, and it is unquestionably competent for Congress to require all claimants to come in or be barred, and to provide that all shall be barred by the judgment of the court. Taking them one by one, you can never do justice, and it is a maxim of equity not to try to do justice by halves. By bringing them all in we shall have a final settlement of the question, and all the difficulties in the way as they now exist are at an end.

Mr. RICHARDSON. Is that not the case where there are two parties claiming the same fund?

Mr. WILSON, of Minnesota. There are always two or more parties claiming the same fund where there are claims made for $10,000 which

amount to $20,000. Where such a state of things exists there must be more than one claimant. Now, in this case the amount of the claims far exceeds the fund, and unless all of the parties are brought in when judgment is rendered, you have not a final settlement.

Mr. COBB. But the statement is made that this money is not in the Treasury *in solido*.

Mr. WILSON, of Minnesota. But it is *in solido*.

Mr. COBB. That the books of the Treasury show distinctly to what particular class so many dollars of this money belongs.

Mr. WILSON, of Minnesota. Yes.

Mr. McRAE. The gentleman is mistaken in that.

Mr. WILSON, of Minnesota. I am glad to have the suggestion of the gentleman from Alabama, because I know that while he and I may differ as to the facts, we will not differ as to the law of the case. I understand that money is in the Treasury now pertaining to a given lot of bales of cotton. If this money was placed in the Treasury for A B that would be easy; but that is not the case. The owners of the property are not shown by the Treasury books; that is a fact to be established by the judgment of the court which will finally settle the ownership, and when they are brought in in that manner and interplead you can do absolute justice to all, which otherwise could not be done.

I do not want to insist on the bar of the statute of limitations. It is beneath the dignity of a great Government to say that when we have money in the Treasury which belongs to a man we will keep it there because for some reason he did not institute his claim within a given time. Let the judgment in all such cases be an equitable judgment, and an estoppel of all such claims in the future.

Mr. JOSEPH D. TAYLOR rose.

Mr. LANHAM. Will the gentleman yield to me to move that the committee now rise?

Mr. JOSEPH D. TAYLOR. I wish to ask the gentleman from Minnesota a question before he takes his seat.

Mr. WILSON, of Minnesota. I do not wish to be discourteous to the gentleman from Ohio, and if the gentleman from Texas, who wishes to move that the committee rise, will give me time I will answer with pleasure.

Mr. LANHAM. I move that the committee do now rise.

Mr. CULBERSON. Before that is done I wish to ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. OATES. Permit me to ask a parliamentary question. If the House reaches the consideration of the Private Calendar again, this bill will be first in order, will it not?

Mr. SPRINGER. It will be the unfinished business.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that by unanimous consent several bills were passed over, not to lose their places on the Calendar. Consequently this bill will not necessarily be the first bill that comes up.

Mr. SPRINGER. I think this will be unfinished business. [Cries of "No! "No!"]

Mr. LANHAM. I withdraw my motion that the committee rise.

Mr. OATES. I move that the bill be reported favorably to the House.

The CHAIRMAN. There are amendments pending.

Mr. OATES. I will accept the amendments.

Mr. SPRINGER. Let them be read.

The CHAIRMAN. I will put the amendments to the committee, if it is desired. The question is first upon the amendment proposed by the committee.

Mr. SPRINGER. Let it be read.

The Clerk reported the amendment.

Mr. BUCHANAN. Mr. Chairman, my amendment is to the amendment proposed by the committee.

The CHAIRMAN. It is.

Mr. BUCHANAN. I propose to amend the amendment recommended by the committee.

The CHAIRMAN. The question is then on the amendment proposed by the gentleman from New Jersey [Mr. BUCHANAN].

The Clerk reported the amendment.

Mr. McRAE. I call for a division.

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment proposed by the committee as amended.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I desire to be heard on this amendment.

Mr. LANHAM. How long do you desire to be heard?

Mr. JOSEPH D. TAYLOR. I do not know how long.

Mr. OATES. Then we will not have time to get the bill through.

Mr. LANHAM. I move the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. MCCREARY reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report favorably the bill (H. R. 6348) for the relief of Mrs. Ellen P. Malloy, and the bill (H. R. 834) for the relief of the heirs of John Newman.

The SPEAKER *pro tempore*. The Clerk will report the title of the first bill.

HANNAH J. JONES, EXECUTRIX.

The Clerk read as follows:

A bill (H. R. 4257) for the relief of Hannah J. Jones, executrix.

The SPEAKER *pro tempore*. This is a bill which has come over from a preceding session.

Mr. BUCHANAN. I ask unanimous consent that that bill go over. I do so for this reason: since the committee reported I have discovered from the rebel archives that Mr. Jones was one of the first subscribers to the Confederate loan.

Mr. OATES. That was an unpardonable sin.

Mr. HOOKER. I doubt very much the accuracy of the information, by reason of letters I have recently received from Alabama since this case was under discussion, and which I will be prepared to submit to the committee.

The SPEAKER *pro tempore*. Is there objection? The Chair hears none. The bill will be passed over for the present.

The Clerk will report the title of the next bill.

MRS. ELLEN P. MALLOY.

The Clerk read as follows:

A bill (H. R. 6348) for the relief of Mrs. Ellen P. Malloy, with amendments.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICHARDSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. Unless there is objection, House bill 9647, of the same title, will be laid upon the table. That is the bill which came over from the Forty-ninth Congress and was put on the Calendar.

There was no objection and it was so ordered.

The SPEAKER *pro tempore*. The Clerk will report the title of the next bill.

HEIRS OF JOHN H. NEWMAN, DECEASED.

The Clerk read as follows:

A bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased.

The amendments reported by the committee were agreed to.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

Mr. SPRINGER. I ask for a division. This is just such a case as we have had under discussion.

The House divided; and there were—ayes 46, noes 7.

So the motion was agreed to.

The SPEAKER *pro tempore*. The question is, Shall the bill be read the third time and passed?

Mr. SPRINGER. I ask for a division.

The House accordingly divided; and there were—ayes 41, noes 9.

So the motion was agreed to.

Mr. CATCHINGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF FINDINGS OF THE COURT OF CLAIMS.

Mr. STONE, of Kentucky. I ask that the House order the printing of certain findings of the Court of Claims in cases which have been reported by that court to this House, sent to the Committee on War Claims, and reported back.

There was no objection, and it was so ordered.

DEATH OF EMPEROR FREDERICK.

Mr. MCCREARY. Mr. Speaker, a dispatch from Minister Pendleton to Hon. Thomas F. Bayard, Secretary of State, announced the death at 11.15 this morning of the Emperor of Germany. I now send to the Clerk's desk a resolution which I ask may be considered immediately.

The Clerk read as follows:

Resolved by the House of Representatives of the United States of America, That we have heard with profound sorrow of the death of the Emperor Frederick, of Germany and he was distinguished as a soldier, having been made a field-marshal for his conspicuous services in the Austro-Prussian and the Franco-Prussian wars, and he was the friend and advocate of a conservative and liberal policy in Germany, and we express our respectful sympathy to the German nation in the loss of their great and renowned ruler.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was considered and agreed to.

Mr. MACDONALD was recognized.

The hour of 5 o'clock having arrived, the House, according to its previous order, took a recess until 8 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 p. m.

The House was called to order by Mr. MCMILLIN, as Speaker *pro tempore*, who directed the reading of the following communication:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 15, 1888.

SIR: Hon. BENTON MCMILLIN is designated to preside at the session of the House this evening as Speaker *pro tempore*.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the House resolve itself into Committee of the Whole for the consideration of bills on the Private Calendar under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole under the special order.

Mr. MORRILL. I ask unanimous consent that bills on the Private Calendar be called in their regular order, and that where the consideration of a bill is not asked by some member present the bill be passed over, retaining its place on the Calendar; that the call begin at the point in the Calendar where it was suspended at the last evening session for pension business, and that members present have permission to call up bills that have been passed over.

There was no objection, and it was so ordered.

JOHN MAGHER.

The first pension business on the Private Calendar (called up for consideration by Mr. BAKER, of New York) was the bill (H. R. 888) granting a pension to John Magher.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Magher, late of Company F, Tenth Regular Infantry.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 888) granting a pension to John Magher, have considered the same, and submit the following report:

The claimant served as a private in Company K, Tenth United States Infantry, from September 12, 1855, to September 12, 1860. He claims pension for rheumatism, scurvy, and diseases of lungs and kidneys, resulting from the exposures and hardships of his military service.

His testimony filed in his pension claim satisfactorily establishes the continued existence of his disabilities from the time he took up his residence in the State of New York, about 1865, and he showed, by his own affidavit, that he was unable to furnish the testimony of his officers or surgeons to prove his disabilities, and that for the first four years after his discharge he lived within a few miles of Fort Garland, Colo., with no near neighbors or others whose testimony can now be secured to show his physical condition for that period. His claim was rejected by the Pension Bureau on the ground of no record and no satisfactory evidence of the alleged disabilities in service, or for six years after date of discharge.

An examination of the records of the War Department and of executive documents relating to the regiment in which soldier served from 1855 to 1860 shows that he participated in the severities and hardships of the Spirit Lake expedition against the marauding Indians in 1856, and of the expedition against the Mormons in Utah Territory in 1857-'58. Concerning the first of these expeditions, on which claimant contracted the seeds of his disabilities, Capt. B. E. Bee, of the Tenth United States Infantry, makes the following statements:

[Extracts from Ex. Doc., page 350 of vol. 2, part 1, Thirty-fifth Congress, first session.]

"The season was unpropitious for military operations; the snow lay in heavy masses on the track which I was following (a long and circuitous route down the valley of the Minnesota), but these masses were thawing and could not bear the weight of the men. * * * It necessitated wading through deep drifts, cutting through them with the spade and shovel, extricating mules and sleighs from sloughs, or dragging the latter up steep hills or over bare spaces of prairie; the men were wet from morning to night, and sleeping on the snow. Such were the obstacles encountered while still on the beaten track."

Again he states of a later part of the expedition:

"I was in a country destitute of provisions; behind me, and separating me from the few supplies I had, was the Des Moines River, rapidly rising. These conditions, joined to the fact that my men were jaded and foot-sore from a march of 140 miles, the difficulties of which I have but feebly portrayed; that I had no saddles for my mules, and that only thirteen of them could be ridden, all these induced me to return, mortified and disappointed, to my camp."

There has been filed with the committee the affidavit of a comrade of claimant, William Keelay, who testifies that the claimant was sound and rugged at enlistment; that he was subjected to unusual and severe exposures in the winters of 1855, 1856, 1857, and 1858, in the blizzard weather of the then Territory of Minnesota; that claimant complained of rheumatic pains and debility and became thin and haggard, and deponent nursed him. Deponent did not go on the Utah expedition and did not see claimant again in service.

The records of the post hospitals at Forts Ridgely and Snelling show claimant treated for typhoid fever, catarrh, and malarial fever in 1855 and 1856.

The Oneida examining board in November, 1882, find the claimant disabled by disease of heart, from rheumatism, and attribute his disability to "scurvy and lack of proper food, and the exposure while in service."

Disease of lungs since 1869 is shown also by medical evidence.

The claimant is represented to your committee as a man of integrity and truth.

Your committee recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDMUND ASHWORTH.

Mr. PETERS. On page 62 of the Calendar there is a bill which has been passed over, H. R. 231, granting a pension to Edmund Ashworth, and I now desire to call it up for consideration.

The bill was read, as follows:

Be it enacted, etc., That the pension of Edmund Ashworth, late a private in Company E, Eighth United States Infantry, in the war with Mexico, be, and the same is, increased to $25 per month.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred bill (H. R. 231) to increase the pension of Edmund Ashworth, having considered the same, report as follows:

The said Ashworth is now receiving a pension of $16 per month for gunshot wound in the right ankle, received at the battle of Cherubusco on the 20th day of August, 1847. The last medical examination reports as follows:

"We find gunshot wound about 2 inches above the ankle-joint of the right leg, shattering to some extent the tibia and fibula, and producing partial anchylosis of the joint. The cicatrix of entrance is depressed and partly adherent. The point of exit is adherent. They are painful on pressure. The joint (ankle) is 1¼ inches larger and the right limb is 1 inch smaller around calf of leg than left.

"We find varicose veins (small) on the outer surface from ankle-joint up to knee. He is unable to perform any manual labor."

The evidence discloses that this pensioner is seventy-five years of age, and is now and has been for some time unable to perform any manual labor of any kind, which condition is largely due to the wound received, although it may, to some extent, be attributable to his extreme age.

The evidence further shows that he has no means of support, and that he has no family or relatives upon whom to depend; that he is a man of good habits and character, highly esteemed by his neighbors, who contribute a sufficient amount, in addition to the pension received, to support him in his old age. The member from the Congressionhl district in which the applicant resides, Hon. S. R. PETERS, is personally acquainted with the pensioner, and corroborates the evidence as to his condition, character, age, and dependency.

A strict construction of the pension laws would not authorize the payment of a pension greater than the one now received by the applicant, but in view of all the circumstances, your committee believe that for the few remaining days, which at most can not be many, alloted to the life of this old Mexican soldier, he should receive an increased rate of pension, and we therefore recommend that the bill pass, with the following amendment:

Strike out the word "thirty" and insert "twenty-five."

The amendment was agreed to, and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN L. WATSON.

The next pension business on the Private Calendar (called up for consideration by Mr. SHERMAN) was the bill (H. R. 7883) granting a pension to Susan L. Watson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan L. Watson, widow of Adolphus E. Watson, late pay director, United States Navy.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7883) granting a pension to Susan L. Watson, have had the same under consideration, and beg leave to submit the following report:

Mrs. Susan L. Watson is the widow of Adolphus L. Watson, late pay director United States Navy. The official record of the Navy Department shows the following services of the deceased officer:

Adolphus L. Watson was appointed acting purser August 31, 1836, and ordered on the Dolphin September 5, 1839; ordered to the Marion June 16, 1842; detached, ordered to the Raritan October 26, 1843; detached from the Cumberland January 2, 1847; to the naval asylum October 8, 1847; ordered to the St. Mary's August 30, 1850; detached December 9, 1852; ordered to the Philadelphia navy-yard January 1, 1854; ordered to the Lancaster April 7, 1859; detached March 18, 1862; ordered to the Western flotilla, as inspector in charge of provisions, September 19, 1862; December 10, 1864, detached and awaiting orders; appointed navy agent at Philadelphia December 26, 1864; detached April 1, 1868; appointed inspector of provisions and clothing June 28, 1869; detached October 1, 1870; commissioned pay director March 3, 1871.

From the report of the Navy Department, it further appears that Watson was placed upon the retired-list November 15, 1862, in conformity with the act of December 21, 1861, having attained the age of sixty-two years. This retirement would seem to have relieved him of active sea duty only, as it is shown by the records of the Navy Department that he was employed on shore after that time and filled responsible positions of a civil character under that Department until his death.

He died July 10, 1876, of typhoid pneumonia. The claim of the widow has been rejected by the Pension Bureau on the ground that the fatal disease originated after retirement.

In the opinion of the attending physician, the death cause was due to exposure to climatic influence in line of duty while on the retired-list and on duty heretofore stated.

A recent report from the Navy Department shows that the officer was under waiting orders at time of his death.

While the status of the officer may, under the provision of the general pension law, estop the Pension Bureau from a favorable consideration of the widow's claim, yet his long and faithful services before as well as after his retirement should receive recognition at the hands of Congress by placing his aged and dependent widow upon the pension-roll.

Your committee therefore report favorably on the accompanying bill and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS SHANNON.

The next pension business on the Private Calendar (called up for consideration by Mr. SHERMAN) was the bill (H. R. 5913) granting a pension to Thomas Shannon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and

limitations of the pension laws, the name of Thomas Shannon, late a private in Company B, Tenth Regiment United States Infantry.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred bill H. R. 5913, have examined the same and the evidence relating thereto, and return the bill with the recommendation that it do pass.

They adopt as their report the following report made by the Committee on Invalid Pensions at the second session of the Forty-sixth Congress, as follows:

"An examination of the papers on file in the Pension Office in the case shows that the petitioner was a private in Company B, Tenth United States Infantry, and that he was discharged upon certificate of disability September 12, 1872. The said certificate recites:

"'Loss of right hand and lower part of forearm on the 4th of July, 1872; while "on pass" he had his hand lacerated by the explosion of a can of gunpowder in the hands of a citizen. It appears that he saw the explosion about to take place, and was in the act of knocking the can from the hands of the man who held it, when it exploded. The injury he then received necessitated amputation. He is in my opinion a case for pension. Disability full.'

"The petitioner filed application for pension October 30, 1872, alleging 'disability from wound in right forearm, received while firing a salute at Rio Grande City, Tex., July 4, 1872, in attempting to save the life of a citizen who held a can of powder in his hands that was about to explode, and knocking the same from his hands.'

"The Pension Office rejected the claim February 17, 1873, on the grounds, 'Reject; not in line of duty.'

"The petitioner, who has filed several affidavits, all of the same general character, seems thoroughly imbued with the idea that he should receive a pension. He sets forth prominently the fact he is entirely disabled from earning a living.

"The Adjutant-General reports: 'Discharged September 12, 1872;' roll for July and August, 1872, covering date of alleged disability, says: 'A private, present sick in hospital. Nature of disability not stated.'

"Testimony of First Lieut. Charles L. Davis, United States Infantry (certificate of disability):

"'The injury received by Private Shannon, on the 4th of July last, was caused by his endeavors to knock from the hands of a citizen in Rio Grande City a can of powder that was about to explode. Private Shannon was "on pass" at the time.'

"Your committee, in reviewing this case, readily understand that it does not come under the provisions of the pension laws, as the injury was not sustained in the line of duty, and yet it seems that this man should have relief. He was a soldier, in the service, and engaged in patriotic work on the nation's anniversary, and he performed an act of mercy, receiving an irreparable injury in the loss of his right hand. Under the circumstances of the case, we conclude to grant his prayer, and to recommend the passage of the bill (H. R. 124) granting a pension to Thomas Shannon."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK W. TRAVIS.

The next pension business on the Private Calendar (called up for consideration by Mr. RICE) was the bill (H. R. 2531) granting a pension to Frederick W. Travis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick W. Travis, formerly of Company D, First Regiment United States Infantry, in the war with the Florida Indians, and pay him a pension from and after the passage of this act.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2531) granting a pension to Frederick W. Travis, having considered the same, beg leave to make the following report:

The claimant was a private soldier in Company D, First United States Infantry, from the 10th day of November, 1840, until the 10th day of November, 1845, when honorably discharged. In his declaration before the Pension Bureau, filed November 7, 1879, he claims that while on an expedition against hostile Indians in the Florida war, on the 6th or 7th day of July, 1841, in boats, there came up a terrible storm, and the boat in which he was was struck by lightning, and Lieutenant Lancaster, who had charge of the boat, was killed, and claimant shocked and stunned and rendered nearly blind; that thereafter he was affected by a disease of the eyes, from which he has not recovered to this day, and he claims pension therefor.

His claim was rejected by the Pension Bureau in April, 1882, on the ground of no record of the alleged disability, and no satisfactory evidence of its incurrence in service and line of duty.

A careful examination of the testimony in the claim and before your committee satisfies us that the claimant's disease of eyes was incurred as he alleged, and that his rights should not be prejudiced by the fact that the records of the hospitals in which he is shown to have been treated while in service have been lost, and are not on file for reference thereto.

The Adjutant-General, United States Army, states:

"It appears from the records of this office that Second Lieut. J. R. H. Lancaster, First Infantry, was killed by lightning July 5, 1841, while on duty with an exploring and scouting party on Christol River, East Florida. It further appears that three of the enlisted men of the party 'were knocked overboard' by the stroke of lightning which killed Lieutenant Lancaster. Their names, however, are not shown by the records."

The record further shows that claimant was with his company in East Florida at the date mentioned. There are no records on file of the hospital at Fort Snelling, Minn., for the summer of 1841, when claimant was treated there for disease of eyes.

Alfred B. Robinson, of Minnetonka, Minn., who served in the same company and regiment with claimant, testifies that the soldier, Travis, was disabled by the stroke of lightning which killed Lieutenant Lancaster, and that his eyes were injured and remained so during the remainder of his service, and he was treated therefor in hospital at Fort Snelling, Minn., toward the end of his service.

Thomas Odell, another comrade, testifies that he knows that the soldier, Travis, was treated at Fort Snelling for disease of eyes and was disabled by said disease for quite a period of time, and attributed the existence of the same to his service in the Florida war. This witness also states that the officers and surgeons who were there are dead, so far as he has been able to learn.

R. P. Russell, a sutler's clerk at Fort Snelling, Minn., in 1842 and subsequently, testifies that claimant was under treatment in the post hospital there by Dr. Turner for some disease or injury of the eyes, which, it is said, had been incurred in the Florida war.

The claimant states that he can not at this day find other witnesses who knew of his disability in service; that Dr. Turner, who treated him there, is dead, as he learns; and that, living in the backwoods, he did not know of his right to claim pension for disease until recent years. The claimant is unable to write, and in an almost blind and pitiable condition.

There is the testimony of a number of witnesses, among whom is the Hon. William R. Marshall, ex-governor of Minnesota, showing that the claimant has been affected by disease of the eyes since his discharge from service late in the fall of 1845. Governor Marshall himself testifies to a personal acquaintance with claimant since 1849, and to the existence of an affection of the eyes during that period.

The board of examining surgeons at St. Paul, Minn., in June, 1880, reported, after an examination, that the vision of the claimant's right eye was gone—amaurosis; vision of left eye failing from same disease.

In view of the testimony as above collated, your committee are of the opinion that the requirement for medical and officer's testimony of the existence in service of disease of eyes should be waived, and that the claim should be allowed; and they therefore report back the bill to the House with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. PORTER.

The next pension business on the Private Calendar (called up for consideration by Mr. LAFFOON) was the bill (H. R. 8423) for the relief of William H. Porter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William H. Porter, of Madisonville, in the State of Kentucky, upon the pension-roll, to date from the 29th day of January, 1887, for services rendered in the war with Mexico, in the company commanded by Captain Leftwich, in Third Regiment of Tennessee Volunteers, as shown by parol testimony on file with said William H. Porter's application for a land-warrant issued by the Commissioner of Pensions on the 18th of January, 1888.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions have had under consideration House bill 8423, and find the following to be the facts:

The said W. H. Porter was a free man of color, and served as a drummer boy in the Third Tennessee Regiment in the Mexican war, commanded by Col. B. F. Cheatham. His service dated from the 8th day of October, 1847, and extended to the — day of July, 1848. The officers of his company and regiment testify to his service as a drummer boy, and pay him high tribute for his proficiency in the discharge of his duty.

Owing to the fact that he was a colored man, his name was not placed and is not borne on the rolls of the Army, and hence his claim for pension can not be considered by the Pension Department under existing law. The proof shows that he is now sixty-four years old. The Department has considered his application for military land-warrant and has had issued to him such warrant.

The committee add, as a part of their report, the sworn statement of Col. B. F. Cheatham, who commanded the regiment, which they think covers the facts of the case. The committee report the bill to the House with the expression of opinion that it should pass.

STATE OF TENNESSEE, *County of Davidson, ss:*

Personally appeared before me this 11th day of April, 1885, Benjamin F. Cheatham, city postmaster of Nashville, Tenn., and late a colonel of the Third Regiment of Tennessee Infantry Volunteers in the Mexican war, who, being duly sworn, deposes and says:

That he knows W. H. Porter, now residing in Madisonville, Hopkins County, Ky., to be the identical person who served with the company commanded by Captain Leftwitch in said Tennessee Volunteers, in Mexico, as heretofore stated by this affiant in the application of said Porter for a land-warrant; which fact is further certified by the Hon. W. B. Bate, governor of the State of Tennessee, who was a lieutenant in said regiment, and also by W. L. Horn, a private in same regiment, in Company H.

And affiant states as his belief that if the rolls of said company do not show the service rendered by said W. H. Porter it is probably owing to clerical neglect or error in misnaming the said W. H. Porter, a colored boy, well known to officers and privates, who certainly participated in all the hardships and dangers of the command, subject to military orders the same as other members of the organization. And affiant further declares that he has no personal interest in the claim of W. H. Porter for a land-warrant. Mr. Porter is a colored man (free born), and was a musician of his company and acted as such.

B. F. CHEATHAM,
Late Colonel Third Regiment Tennessee Volunteers.

Sworn to and subscribed before me.
Witness my hand and seal of office at Nashville this 13th day of April, 1886.

R. C. SHELLY,
Deputy Clerk County Court.

Mr. LAFFOON. Mr. Chairman, I move to amend the bill in lines 6 and 7 by striking out the words "to date from the 29th day of January, 1887," and inserting in lieu thereof the words "subject to the provisions and limitations of the pension laws."

The amendment was agreed to.

Mr. LAFFOON. I also move to amend by striking out the word "parol," in line 10.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN F. G. MITTAG.

The next pension business on the Private Calendar (called up for consideration by Mr. HEMPHILL) was the bill (H. R. 6431) granting a pension to J. F. G. Mittag.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John F. G. Mittag, of Lancaster County, South Carolina, late a soldier in the war with the Seminole Indians.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6431) granting a pension to John F. G. Mittag, would report:

The records show that the claimant enlisted as a private in Capt. Samuel R. Gibson's Company, South Carolina Volunteers, at Savannah, Ga., February 26, 1836, and was mustered into the service by Capt. J. Page, Fourth United States Infantry. He was discharged at Jacksonville, Fla., May 6, 1836. The claimant is now about eighty-five years of age, and without means of support.

Your committee recommend the passage of the bill.

Mr. HEMPHILL. I move to amend the bill by adding at the end of line 7 the words "and pay him a pension at the rate of $12 per month from and after the passage of this act."

Mr. STRUBLE. At what rate, if any, does the bill fix the pension?

Mr. HEMPHILL. It does not fix the rate. It puts him upon the roll subject to the provisions and limitations of the pension laws, and some gentlemen more familiar with the subject than I am have said that they do not know what pension he would get, or whether he would get any. Therefore I offer this amendment to make the bill more definite.

Mr. McMILLIN. I would state to the gentleman from South Carolina [Mr. HEMPHILL] that if the claimant shows a disability as required by law he would be entitled to a pension.

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JACOB KINTZ, ALIAS JOHN WALTERS.

Mr. HERMANN. Mr. Chairman, I desire to call up Senate bill 1086, granting a pension to Jacob Kintz, alias John Walters.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Jacob Kintz, alias John Walters, late of Company G, Second Battery, United States Infantry, afterward of the Twenty-first United States Infantry, and later, under new enlistment, assigned to Company I, Twenty-first United States Infantry.

Passed Senate February 16, 1888.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1086) granting a pension to Jacob Kintz, alias John Walters, have carefully examined the papers in the claim, and respectfully report:

Jacob Kintz, alias John Walters, enlisted as a private in Company I, Twenty-first United States Infantry, January 18, 1873; discharged November 17, 1873; declaration for pension filed May 3, 1880; claim rejected December, 1882, on the ground that "the claimant was not in the line of duty at the time of the incurrence of the disability, Adjutant-General having declared enlistment in which it originated null and void, and record therein showing origin not in line of duty."

It appears from the record of this case that the claimant enlisted on the 5th of December, 1865, for three years in Company G, Twenty-first United States Infantry. He is charged with desertion July 15, 1867, sixteen months before the expiration of his term of service.

He enlisted in Company H, Twenty-first United States Infantry, on the 21st of August, 1870, and was discharged for disability on the 21st of July, 1872. We next find him in San Francisco, Cal., being treated for the disease which procured his discharge. Subsequently he enlisted again, as stated, in Company I, Twenty-first United States Infantry, January 21, 1873; discharged for disability on the 17th of November, 1873.

The Pension Bureau rejected the claim of the petitioner on two grounds, first, that he was a deserter from prior service, and, second, that the injury did not occur in the line of duty.

The first ground alleged for the rejection, when taken in connection with the facts disclosed in the papers, presents an anomalous case. He appears as a deserter on the 15th of July, 1867, under an enlistment made on the 5th of December, 1865, and yet we find him enlisting in Company H, of the same regiment, in August, 1870, and subsequently in Company I, of the same regiment, in January, 1873. His identity seems to have been fully known both to his comrades and his officers of the regiment, as it appears he was transferred from Company I to Company G, for the purpose of serving out the sixteen months due to the Government under the terms of the enlistment made December 5, 1865. No punishment was inflicted upon him by reason of his desertion. The authorities of the War Department condoned the offense, if any existed, by transferring him from Company I to Company G, for the purpose of requiring him to serve the original enlistment. He was injured in May, 1873.

Under these circumstances, is it just or right that the desertion, which occurred in 1867, should deprive him of his rights under the pension law, when the Government had accepted his services upon two subsequent enlistments in the same regiment of which he was a member at the date of desertion? Had he been wounded in battle during the period of that subsequent service, would it be proper to exclude him from the benefits of the pension law? In neither of these cases was he treated by the authorities of the War Department, when his services were needed, as a deserter, but under both enlistments he was granted, for disability, an honorable discharge.

It seems to the committee that it is now too late to deny to him the rights which the law guaranties to every soldier injured while in the line of duty, upon the technical grounds assigned by the Pension Bureau.

Was he injured in the line of duty?

The evidence in this branch of the case is undisputed and overwhelming. His application for a pension avers that "by injuries received at the Lava Beds in California in May, 1873, he suffered from inguinal hernia of the right side."

This is set forth in his discharge as the cause of his disability, and it is further affirmed in the same paper that it occurred in the line of duty at the time and place set out in his application.

This allegation is further sustained by the evidence of his comrades, which has been filed. In fact, there is no conflicting testimony.

The applicant is totally disabled, living on the charity of his neighbors, and his right to a pension is supported and indorsed by a large petition from citizens of the community in which he lives.

In the opinion of the committee this is a meritorious claim, and one which should receive favorable action by Congress.

The bill is reported favorably, with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CORDELIA EMERY.

The next pension business on the Private Calendar (called up for consideration by Mr. STRUBLE) was the bill (S. 1343) granting a pension to Cordelia Emery.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Cordelia Emery, widow of Nahum Emery, late of Hampden, Me., a soldier in the war of 1812.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred Senate bill No. 1343, granting a pension to Cordelia Emery, have examined the same, and return the bill to the House, recommending its passage, and adopting as its report the statement of fact of the Senate committee, as follows:

"The claimant is the widow of Nahum Emery, late of Hampden, Me., a soldier of the war of 1812.

"The pension is rejected by the Pension Office on the ground that the husband of the claimant was a teamster and not a soldier.

"There are two comrades, Simeon Mayo and Andrew Parr, aged respectively eighty-four and eighty-eight years, both of Hampden, Me., who testify that—

"They were both present and participated in the Hampden battle in the war of 1812; that we served in the company under command of Captain Newcomb, and that we are in receipt of a pension under the act of March 9, 1878; and we further state that we were well acquainted with Nahum Emery, who volunteered and did serve in the company of Massachusetts militia commanded by Capt. John Emery; that he was detailed by the commander to haul guns from the United States frigate Adams to a position on "the hill;" that he was present in the engagement, taken prisoner by the British, detained several days, and then released on parole.'

"It appears that Private Emery acted only temporarily in the capacity of teamster, and then by command of his superior officer.

"The bill is reported favorably, with a recommendation that it do pass."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

POLLY H. SMITH.

The next business on the Private Calendar (called up by Mr. LIND) was the bill (S. 43) granting a pension to Polly H. Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Polly H. Smith, widow of the late John H. Smith, late lieutenant Company L, Second Regiment United States Artillery.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 43) granting a pension to Polly H. Smith, have examined the same, and return it to the House with the recommendation that it do pass. The facts in the case are shown by the statement in the report of the Senate committee, which your committee adopt, as follows:

[Senate Report No. 53, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 43) granting a pension to Polly H. Smith, have examined the same, and report as follows:

The claimant is widow of John H. Smith, brevet captain Company L, Second Regiment United States Artillery, now deceased. The service record of husband is as follows:

He enlisted as a private in Battery L, Second Regiment Artillery, at Newport, Ky., January 27, 1854; was discharged by reason of expiring of term of service January 27, 1859; re-enlisted in same corps February 22, 1859; was discharged from second enlistment August 14, 1863, by reason of appointment as second lieutenant in same corps of artillery. Was promoted to first lieutenant June 13, 1864. He served in Army of Potomac, in Army of Cumberland, in Maryland and District of Columbia, in New York and Florida, until 1865, afterwards in California, in Washington, Arizona, and Alaska, in active service until December, 1870, sixteen years.

The history of the disability and death of the soldier is as follows: He was detailed in 1868 to act as assistant quartermaster and acting commissary of subsistence in Washington. His duties as such were very laborious, and he was almost constantly in the saddle. After several months' service as such, at the close of a long day's ride he discovered tha the was injured; this was the beginning of fistula in ano. He underwent three operations of the knife for relief. The last wound was seven months in healing, and before healing the fistula appeared in another place, leaving him in a worse condition than at first, with health utterly broken. December 9, 1870, he applied to be relieved from active duty, and a retiring board of the Army, convened for that purpose at San Francisco, did retire him after fully hearing evidence, "as incapacitated for further duty by reason of disease contracted in the line of his duty." He died very suddenly at Portland, Oregon, September 8, 1885, reported as of "heart disease," while engaged in lifting a trunk. The evidence shows him to have been at the time of his enlistment and up to 1868 a man of excellent health, robust constitution; never before sick a day in his life. After 1870 never well; always suffering. The heart disease is characterized as sympathetic, the result of his other ailments and injuries. He died fifteen years after his retirement, but there is no evidence that he ever recovered his health. His ill health and disability were incurred in the line of service. The marriage took place at Fort Ridgely, March 5, 1865; is testified to by the adjutant-general of post and sutler, who were eye-witnesses.

It is recommended that the bill be reported back with recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RUTH CLARK.

The next business on the Private Calendar (called up by Mr. STRUBLE) was the bill (H. R. 2495) for the relief of Ruth Clark.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ruth Clark, surviving widow of Pardon Clark, who was a soldier of the war of 1812, and that she be granted a pension of $12 a month from and after the passage of this act.

The report (by Mr. BARRY) was read, as follows:

The claimant is the widow of Pardon Clark, who served as a musician in Captain Dunham's company of New York Militia, war of 1812, from June 29 to July 9, 1812. She is now aged about seventy-seven years. She is in need of aid for support. Her husband died July 26, 1871. The claimant filed a claim for pension in the Pension Office, April 17, 1878, which was rejected upon the ground that the soldier served less than fourteen days, and that no pension could be granted under act of March 9, 1878.

The reports from the office of the Third Auditor of the Treasury Department, in whose custody the rolls of the war of 1812 are, show that the original rolls of Captain Dunham's company, New York Militia, have been lost, and that the imperfect copies of them now on file in that office are entirely silent touching the matter of the allowance of travel pay. These copies are silent, also, as to where that company was mustered into the service, or where it was discharged. A thorough search has been made by the Third Auditor's Office, and by the

Pension Bureau, in order to determine these matters, but without result. There is on file in this case an affidavit of the soldier himself, in which he states that:

"The company in which he marched was organized in Batavia, Genesee County, New York, and mustered into the service of the United States at Batavia, Genesee County, State of New York, and the place where he was discharged from service is Lewiston, N. Y., and the distance from Lewiston to Batavia, where the company was organized, is 60 miles or over."

It is satisfactorily shown that the distance from Lewiston to Batavia, N. Y., is more than 60 miles. If it shall be excepted as a fact that Captain Dunham's company was mustered at Batavia and discharged at Lewiston, the soldier was clearly entitled to travel pay for at least three days, allowing, as is the practice now and was then, 20 miles per day, thus making his term of service fourteen days, and entitling the claimant to pension under act of March 9, 1878.

Your committee believe that in view of the silence of the records of the Government, also of the statement made by the soldier himself, under oath, as to the place of enlistment and of discharge, that said statement should be accepted as of great weight, and that the bill should pass, and a recommendation to that effect is therefore made.

It is proper to state that in passing upon the soldier's claim for bounty-land warrant, the Bureau of Pensions allowed him three days for travel, thus making his term of service fourteen days.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HIRAM CHILSON.

The next business on the Private Calendar (called up by Mr. BUTLER) was the bill (H. R. 6273) for the relief of Hiram Chilson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hiram Chilson, a soldier of the war of 1812.

The report (by Mr. BUTLER) was read, as follows:

The claimant is ninety-two years of age and in needy circumstances. He declares under oath that on the invasion of Plattsburgh by the British in the war of 1812, he volunteered with others into a company organized to meet the invaders; that he participated in the said battle, and was knocked down during the engagement by the force of a passing shell which exploded near him, and that he remained in service twenty days, until discharged.

He is unable at this late day to recall the names of the captain and colonel under whom he served, and the Third Auditor of the Treasury Department, owing to insufficient data, fails to find his name upon the incomplete rolls on file in that office.

Mandana Case, a sister of the claimant, who is reported as of undoubted veracity, testifies that she well remembers that her brother participated as a soldier in the engagement at Plattsburgh; that she was at home and saw him return; that he hung up his gun and knapsack and remarked, "Thank God, the British are whipped!"

There is other evidence before your committee which shows that the claimant has always been reputed to be a veteran of that war, and a petition from the prominent men of his community shows him to be a man of probity, and greatly esteemed, even though a subject for charity.

Your committee are satisfied from all the testimony before them that the bill should pass, and return it to the House with the recommendation that such action be taken.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELISHA WILKINS.

The next business on the Private Calendar (called up by Mr. STRUBLE) was the bill (H. R. 2193) granting a pension to Elisha Wilkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, instructed to place on the pension-roll Elisha Wilkins, of Crawfordsville, Iowa, late a private soldier in the company of Capt. Jacob Peak, and in the regiment of Col. Josleph Byrd, in the war with the Seminole Indians in Florida, in 1836, and pay him a pension, subject to the limitations and provisions of the pension laws.

The report (by Mr. STRUBLE) was read, as follows:

The claimant was enlisted as a private in Capt. Joseph Byrd's (subsequently Capt. Jacob Peak's) company, Second Regiment Tennessee Mounted Volunteers, Creek war, June 25, 1836, and was discharged July 12, 1837.

The claimant is now seventy-two years of age, and is unable to perform manual labor. His family consists of himself and an aged wife. Evidence has been filed which fully establishes the fact that he is wholly unable to perform manual labor, and that he is wholly without any means of support. This evidence consists of the affidavits of the claimant, William H. Moore, and Martha S. Moore, of Crawfordsville, Iowa, and those of J. D. Kimball and William Lemon, of Winfield, Iowa.

The committee report the bill favorably, and recommend the passage of the same, with the following amendments: Strike out the word "Josleph," where it occurs in the sixth line of said bill, and substitute therefor the word "Joseph;" also, strike out the word "Seminole," where it occurs in the seventh line of said bill, and substitute therefor the word "Creek."

The amendments recommended by the committee in the closing paragraph of the report were read and agreed to.

Mr. STRUBLE. I move further to amend the bill by inserting, after the word "pension-roll," in line 4, the words "the name of."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SAMUEL F. C. GARRISON.

The next business on the Private Calendar (called up by Mr. MORRILL) was the bill (H. R. 185) granting a pension to Samuel F. C. Garrison.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be directed to place the name of Samuel F. C. Garrison, late chaplain Fortieth Regiment Iowa Volunteers, now a resident of El Dorado, Kans., on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. STRUBLE) was read, as follows:

This soldier enlisted in Fortieth Regiment Iowa Volunteers August 12, 1862. On June 10, 1864, he was promoted to chaplain, in which capacity he served until discharged, August 2, 1865. In 1879 he filed an application for pension, alleging general debility and mental derangement, resulting from malarial fever, contracted in the service. The ground of rejection is based on prior unsoundness.

The regimental surgeon, Dr. J. W. Morgan, testifies that in March, 1865, he treated claimant for malarial fever and brain complication, resulting in partial paralysis of left side and insanity.

Captain Ridlen and two comrades testify to same illness, describing it as brain fever. Two physicians and several neighbors testify to the continuance of the disability since discharge. The only question as to the merit of the case seems to hang upon the point of whether the claimant was of unsound mind at enlistment.

Your committee feel that a service of three years in the Army during the war ought to place beyond cavil the question of soundness at enlistment, but waiving that consideration, the evidence of unsoundness is utterly unsatisfactory; at the most it only shows that soldier was a nervous, excitable person, called by his neighbors peculiar and cranky. The examiner of the western division, in his protest against the action of the board of review in rejecting this case, very well says:

"The review of this case, as stated in slip of Mr. Langston, is not based upon the facts and merits of the case as shown by the testimony. For argument's sake we will admit that soldier was, prior to enlistment, as hundreds of other ministers of the gospel are to-day, dubbed "cranky," "peculiar," "off," etc., but do such admissions or allegations of non-professionals in medical science make this case non-admissible when we have a record that can not be controverted by any such allegation of a lay nature? The Government accepted this man as sound mentally as well as physically. He performed the duties of a soldier for twenty months, obeying and carrying out military orders without question as to his sanity; was not in hospital nor under medical treatment during these twenty months; was sane evidently, and must have stood well among his officers as a soldier, for upon their recommendation he was discharged as a sergeant and was promoted to chaplain of the regiment, and made a full associate of by all the officers, embracing the line and field.

"The disability for which this pension is claimed made its appearance two years and seven months after enlistment, and is due to overwork while in the line of his military duty."

Your committee fail to discover upon what principle of justice or good sense this case was rejected in the Pension Office, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HIRAM BATEMAN.

The next business on the Private Calendar (called up by Mr. MORRILL) was the bill (H. R. 3836) granting a pension to Hiram Bateman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Hiram Bateman, late a private in Company I, Third Michigan Infantry Volunteers, and to pay him a pension at the rate of $36 a month, in lieu of the pension now received by him.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3836) granting an increase of pension to Hiram Bateman, respectfully report:

The claimant in this case states in his petition, which is under oath, the principal facts upon which this increase is asked. He was pensioned in 1879 as a private of Company I, Third Michigan Infantry Volunteers. He enlisted in May, 1861, in the first three years' regiment from that State, and was discharged in 1862, a physical wreck from the results of disease and injuries incurred in the service, and has gradually grown worse until the present time, when he needs, a large portion of the time, to have the attendance of another person. He is also totally blind in one eye, and the other is seriously affected; often so lame and helpless as to require assistance in dressing himself. He is now seventy-six years of age, with a wife who looks to him for support, which he is and has been for many years unable to furnish by reason of his disabilities incurred in the service of his country.

There has been filed in asking increase several affidavits of physicians and others as to the physical condition of the claimant. His right to pension from disability in the service has been fixed by the Pension Office, but that office can not, under its rulings, now increase the amount paid to a sum adequate to the disability as it at present exists, and has rejected the same.

In the evidence filed, Dr. John W. Hopkins swears that—

"He is attending physician of claimant; that he is broken down and feeble in health, requiring much care; is now nearly seventy-six, and aside from chronic diarrhea and hydrocele with which he suffers, has lost the sight of one eye and may at any time lose that of the other. The last two years he has had much trouble with his arms and shoulders, has to have close personal attention, and has frequent spells of sickness, and in affiant's opinion, justly entitled to special rating, as well as much in need of it; has seen him daily for several years, and he has not done a day's work since he has known him, and is fully as much disabled as if he had lost a leg or arm, and well otherwise."

Dr. Frederick D. Smith lives near claimant; has known him over fourteen years, and found him afflicted with the above-named disabilities. He says:

"His disabilities are of such an extent as to wholly incapacitate him for manual labor. He is as much disabled as he would be with one leg off, if well otherwise."

Dr. D. W. Bliss, now a prominent physician of Washington, D. C., formerly of Grand Rapids, Mich., swears that—

"He was surgeon of claimant's regiment, assisted at its organization, and examined claimant when he enlisted, and had him under his personal observation until May, 1862, when affiant left the field as medical director of the Third Division of the Third Corps, Army of the Potomac; that during the winter of 1861-'62, he secured the detail of claimant as principal nurse in the field hospitals because of peculiar fitness and reliability for that service, which required physical labor equal to any service in the field; that he had known Bateman for ten years before enlistment, and he was in good health and physically sound; that after his discharge he had chronic diarrhea and hydrocele, and general debility from exposure and over-labor, and in fact, presented the appearance of being a physical wreck; and this continued in 1878-'79, when he last treated him, in Washington, D. C., where said Bateman came for treatment."

Dr. W. B. Morrison, late surgeon of claimant's regiment, in addition to his former evidence (given in support of the original claim), swears as to disability, its incurrence and continuance, and present degree of same, in the most positive manner; absolutely correcting previous misconception of the facts in the case by the Pension Office as to cause of disabilities.

Reuben Randall and Albert Babcock, of Lamont, Mich., comrades of claimant, and near neighbors prior to and since the war, swear to his prior soundness,

precise disabilities as incurred in the service, and their existence and continuance since and to present time, as entitling him to total disability rate from discharge, and present condition as feeble, old man, totally blind in one eye, and dependent, unable to perform manual labor.

John A. Maxfield, C. A. Mickam, Nicholas and M. A. Phillips, and C. E. Gregg, all of Lamont, Mich., and near neighbors, swear from personal knowledge as such, that claimant has been totally disabled by disabilities for which pensioned ever since discharged; to his prior soundness, and being by occupation a farmer and lumberman, robust and sound in body, and in addition that he has diarrhea, rheumatism in arms and shoulders, requiring aid to even dress, total blindness in one eye, and requiring much care and attendance from his extreme lameness and debility.

Peter Weatherwax, deputy sheriff of Ottawa County, and Elihu Walling, merchant at Lamont, Mich., corroborate above fully, and say claimant is in such condition that he has, for the past two years or more, been so lame in his arm and shoulder he had to have care and be helped to dress and undress; and about seventy-six years old; witnesses testify from personal knowledge as intimate acquaintances and near neighbors prior to the war and ever since.

Orren G. Maxfield, of Cooperville, Ottawa County, Michigan, swears he has known claimant "ever since can remember;" he was sound and robust prior to enlistment; corroborates all former neighbors and comrades have testified to as to continuance of disability since the war, and present condition of helplessness and need of relief and care; lives about 3 miles from claimant; has seen him as often as every few days since discharge.

John Blake, of Allegan, Mich., swears he lives less than 3 miles from claimant, where each have been since prior to the war; known his physical condition intimately since 1860; in 1861 was in full health; came home in July, 1862, sick and broken down from disease (diarrhea) and injury (hydrocele); been unable to labor ever since; says he is now nearly blind; and adds that justice demands more from Government.

L. P. Eddy, a well-known attorney of Grand Rapids, Mich., swears has well known claimant since 1870, and fully confirms all the evidence of his condition since that date, and of helplessness and infirmities now from personal knowledge.

A. H. Fowle, of same place, corroborates same.

Letters filed in claimant's behalf are from General Byron R. Pierce, late colonel of claimant's regiment, brigadier and brevet major-general United States Volunteers, one of the board of managers of the Soldiers' Home, Grand Rapids, Mich.; corroborates all alleged by claimant, and says, "I personally know this to be a deserving case."

D. W. McConnell, late colonel of claimant's regiment, of same city, says claimant was a sound, robust man when he enlisted, and he left the service completely shattered in health and has not been well since; is dependent on others, no property, and now partly blind and in need of deserved increase.

George E. Judd, late captain Company A, Third Michigan Infantry, of same place, corroborates all, and says:

"Claimant was a strong man when he enlisted; * * * to-day old and unable to provide for himself. * * * I sincerely feel is entitled to a good pension; is suffering from effects of disability incurred in service of his country."

Hon. M. H. FORD, member of Congress from Fifth district, Michigan, says, in addressing a letter to committee:

"I have had my attention called to the case of a worthy veteran of the late war, and a resident of this district, Hiram Bateman, of Lamont, Ottawa County, Michigan, late private Third Michigan Infantry Volunteers. * * * From what I can learn from reliable sources, Mr. Bateman is deserving of favorable consideration at your hands, and I can fully indorse the recommendations of General Pierce and Colonel McConnel, under whom he served, and Captain Judd, of his regiment."

Hon. John W. Stone, late member of Congress from same district, urged an increase, as "disabilities have continued and greatly increased."

Peter Doran, a prominent citizen of Grand Rapids, fully indorses statement of General Pierce.

Thomas D. Gilbert, president City National Bank, Grand Rapids, Mich., has well known claimant over thirty years; urges increase for this "aged and helpless" soldier, as "is certain that few more just claims are presented for the consideration of Congress."

Roger W. Butterfield, a well-known attorney of the same place, strongly indorses claimant, from personal knowledge of his condition for years past.

Dr. George K. Johnson, also of same city, is earnest in indorsement.

George Gray late colonel Sixth Michigan Cavalry, formerly of Grand Rapids, Mich., now general solicitor Northern Pacific Railroad Company, and president of New York City Road, says, in detailed statement: "It is a shame, and it shocks the sense of justice that the miserable pittance of $4 per month is all his country allows him for having in her service wholly sacrificed his health and strength, leaving him to drag out the few remaining years of his life in suffering, pain, and poverty," and urges that he be given pension equal to and for loss of a leg, which would have been far less degree of disability.

Petitions filed for claimant are as follows: First, one from Randall Post, G. A. R., Coopersville, Mich., by 33 members, knowing claimant personally and well; ask increase as based on facts shown. Second, from S. Brennan, late captain claimant's company, with comrades of same company, I, Third Michigan Infantry. Third, petition of county officers of Ottawa County and others urging increase, signed by Charles E. Soule, judge of probate; William F. Kelly, register of deeds; D. C. Watson, collector of customs; W. S. Walkley, M. D.; George A. Farr, attorney; Frank Slater, Stephen L. Lowing, late captain Company I (claimant's), Third Michigan Infantry; George D. Turner, clerk of court; W. P. Lillie, circuit court commissioner; George W. McBride, attorney; Walter G. Van Slyck, attorney; Hon. H. C. Akely, Arthur Lowell, and C. S. Storrs, and others, asking same, from personal knowledge of the merits of the case.

Reuben Randall, claimant's comrade and now neighbor (since the claim was rejected in the Pension Office), testifies more strongly that in addition to the disabilities named claimant suffers deafness, almost or quite total, of one ear, and head trouble, by dizziness, caused by being overcome with the heat in June, 1861, from being overmarched around Washington on the arrival of the regiment from home, when he with others (affiant as one) fell out, overcome, so that ambulances had to return and pick up the victims. That he has been afflicted ever since, and that from being neighbors and well knowing claimant he knows he has never recovered from same, and in consequence it is never safe for him to be out alone in the sun, or he is liable to be overcome by it and fall down as in a faint.

Your committee, in view of all the above facts, as shown by such unquestioned evidence, consider this case a worthy one and entitled to the increase claimed, and are of the opinion the petition should be granted, and therefore report back the bill with favorable recommendation.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MINOR CHILDREN OF LEVI M. HUNTER.

The next business on the Private Calendar (called up by Mr. PERKINS) was the bill (H. R. 6603) to grant a pension to the minor children of Levi M. Hunter, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, the names of the minor children of Levi M. Hunter, deceased, late of Company A, One hundred and twentieth Indiana Volunteers, subject to the provisions and limitations of the pension laws, to begin from the date of the marriage of the soldier's widow.

The report (by Mr. MORRILL) was read, as follows:

It appears that the soldier, Levi M. Hunter, was pensioned for rheumatism, and at the time of his death was in receipt of the highest rate under the law for his disability. His widow, then Catharine Hunter, applied for pension as his widow, and the application was rejected on the ground that the soldier died of typhoid fever, a disease of local origin and not connected with the military service. The widow then made application to Congress, and a special act placing her upon the pension-roll as the widow of Levi M. Hunter was passed and approved July 5, 1884. In submitting a favorable report recommending the passage of the bill, Mr. MATSON, from the Committee on Invalid Pensions of the House, said:

"This case was sent to Congress under the joint resolution directing the Commissioner of Pensions to recommend such cases for the action of Congress as in his opinion seemed to be meritorious but not within the operation of the general laws.

"The claimant in this case is the widow of Levi M. Hunter, who died on the 4th day of January, 1882, leaving a widow and two children. He had been for a lengthy period, just prior to his death, drawing the largest pension known to the law, and had been during that time confined to his bed and unable to help himself on account of rheumatism contracted in the service and in the line of duty. While so confined he was attacked with typhoid fever and died of it. The evidence shows that the rheumatism for which he was pensioned would have soon produced his death, but, as he did not die of that, his widow could not be pensioned.

"The Commissioner of Pensions also states in his letter that the widow is a deserving person, having, during all the period of the soldier's disability, labored to support the family.

"In view of the foregoing facts, this committee, without hesitation, recommend the passage of the accompanying bill."

On the 4th day of May, 1885, the widow was united in marriage to Robert Montgomery, at which date her pension ceased under the law. Application was then made to place the minor children of Levi M. Hunter on the pension-roll, and the same was rejected on the ground that the soldier died of typhoid fever, a disease of local origin, and not connected with the military service.

If the widow's case was such a one as should have been submitted to Congress for favorable action, the same reason, in the opinion of the committee, should hold good in the minors' case.

Your committee believe this is a meritorious case, and therefore submit a favorable report and recommend the passage of the bill, with the following amendment:

Amend by striking out all after "laws," in line 7.

The amendment reported by the committee, to strike out at the end of the bill the words "to begin from the date of the marriage of the soldier's widow," was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM WINANS.

Mr. BACON. I ask the consideration of the bill (H. R. 4788) granting a pension to William Winans. This is a bill which was passed over during my absence.

The CHAIRMAN. The Chair understands that according to the special rule which has been adopted the gentleman has the right to call up a bill which has been passed over.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Winans, late corporal of Company B, First Regiment of New York Cavalry, at the rate of $20 per month, and such pension shall be in lieu of the $16 per month heretofore allowed him and which he is now receiving.

The report (by Mr. CHIPMAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred a bill (H. R. 4788) to increase the pension of William Winans, late private Company B, First New York Cavalry, have considered the same, and report the bill favorably.

It is shown in this case that the pensioner is receiving a pension of $16 per month for a gunshot wound of left shoulder and injury to right index finger, and the testimony of Drs. Florence Donohue and D. W. Bliss, filed in the case, shows that he is wholly disabled for manual labor by reason of the wounds aforesaid.

It also appears that the claimant was employed in one of the Departments as a clerk, and was forced to resign his position by reason of inability to perform the duties of his office, such as handling books, by reason of his wound of shoulder.

For some reason, inexplicable to the committee, an increase has been denied to him by the Pension Office.

His personal appearance is that of a man greatly enfeebled. Dr. D. W. Bliss, who has had charge of him during the last eight years, explains his condition by the presence in the wound of pieces of the sabot of a shell made of mixed metal (some of which he has extracted), which produce a septic condition, inducing recurring abscesses.

There is no doubt that the present rating at the Pension Office is sufficient if the mere usual disability resulting from the wound in the shoulder and the injury to right index finger are alone considered, but that there is greater disability is abundantly proved, first, by the removal of pieces of the poisonous metal; and, second, by the septic condition evidenced by the frequent abscesses to which the claimant is subject.

Dr. Bliss's letter to the committee is annexed to this report. Besides this, Dr. Dougherty's and other surgeons' affidavits are on file in the Pension Office.

We recommend that the bill do pass.

WASHINGTON, D. C., *March* 19, 1888.

DEAR SIR: Referring to our recent conversation relative to the case of William Winans, who is asking a special act of Congress increasing his pension, I have to state that I have had professional care of said Winans for some eight years past, and during that time he has been an invalid from a disability readily traceable to the shell wound in his left shoulder and its sequel; also from chronic constipation, quite frequent attacks of myalgia, and general malaise. The latter disabilities I believe to be largely due to exposure and the diet to which he was confined while a prisoner of war at Belle Isle, Virginia.

During the past eight years, while he has been under my care, he has suffered with recurring abscesses in the region of the injured shoulder and furunculæ or boils on different parts of the body, evidencing a general septic condition, entirely due, in my opinion, to the presence of fragments of the sabot of the shell, which was composed of mixed metal, and are deeply imbedded in the soft parts around the shoulder, and are beyond judicious surgical interference, unless they may be accidentally included in the field of an acute abscess.

Something more than six years ago a similar condition obtained, and I removed two pieces of mixed metal, portions of sabot which had remained imbedded in the tissues about seventeen years.

This man is entirely unable to perform any manual labor.

Very respectfully,

D. W. BLISS, M. D.

Hon. J. LOGAN CHIPMAN.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY ANN DOUGHERTY.

Mr. BUTLER. I call up the bill (S. 1547) granting a pension to Mary Ann Dougherty. This is a bill which was passed over during my absence.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Dougherty, at the rate of $12 per month.

The report (by Mr. PIDCOCK) was read, as follows:

The facts in the case are substantially set forth in Mrs. Dougherty's petition; which is as follows:

To the Senate and House of Representatives
of the United States in Congress assembled:

"As a petitioner for your favorable consideration of my claim for pension, I do most respectfully represent that I am a resident of Washington, D. C. I came here with my family in 1863 from Mount Holly, N. J., when, shortly after, my husband, Daniel Dougherty, returned thereto and enlisted in Company G, of the Thirty-fourth Regiment New Jersey Volunteers. I obtained employment in the United States arsenal making cartridges for the United States Army then in the field; that on or about the 28th day of June, 1864, while so employed and in the line of duty, as above stated, an explosion occurred, which killed and injured a number of the employés.

"Your petitioner was one of the victims. I was severely burned and internally injured, besides being mentally injured by the fall from the height to which I was thrown through the force of the explosion. My flesh was burned, as scars will show, and I inhaled the fire. My collar bone was also broken. I was unconscious when found, and became insane from the injuries received.

"My son (the eldest), a bright boy, was killed by machinery in the United States navy-yard at Washington, where he was at the time employed, as the records of the Navy Department will show.

"At the close of the war, on the third day of the grand review of the Army, in the year 1865, my oldest surviving boy, of six years, was stolen by an officer of the Army, and has not been heard of since.

"My husband, who served in the organization aforesaid, left his home in 1865 and has not been heard from since. He deserted me, as I believe, on account of my infirmities.

"I have been accustomed to a comfortable home, and might have continued well and happy but for the war and its consequences. Prior thereto I was in perfect health, both mentally and physically.

"That, in view of the facts as aforesaid, she earnestly begs your consideration and prays that she may be placed upon the pension-rolls of the United States, subject to the provisions and limitations thereof.

"MARY ANN DOUGHERTY.

"The undersigned respectfully represent that they are acquainted with Mary Ann Dougherty, believe the facts stated in the aforesaid petition to be true, and join her therein and ask consideration of same from your honorable body.

"DAVID D. PORTER, *Admiral.*
"MRS. GEORGE U. MORRIS.
"S. NICHOLSON,
"*Commodore U. S. Navy.*
"W. A. LEONARD,
"*Rector of St. John's Parish.*
"E. C. WEAVER,
"*Late Captain U. S. Vols.*
"GEORGE W. ROUZER,
"*Cor. Army and Navy Journal.*
"GEO. BANCROFT."

The claimant received a pension as the widow of said Daniel Dougherty, and continued to draw the same until it was discovered that the soldier was alive, when her name was dropped from the rolls. This pension was not obtained through fraud on her part.

There is no question of her abandonment by the soldier. Her injuries, as well as the afflictions under which she has passed, have completely shattered her nervous system, and for years she has been an object of charity in the city of Washington. Persons of the highest character have interceded in her behalf with your committee and testified to her good character.

Believing that the relief asked for by this poor unfortunate woman should be granted, your committee report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH J. TOMPKINS.

The next business on the Private Calendar (called up by Mr. MORRILL) was the bill (S. 1967) granting a pension to Sarah J. Tompkins.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Sarah J. Tompkins, widow of C. C. Tompkins, late of Company G, Seventh Regiment Kansas Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The report of the Senate Committee on Pensions is as follows:

"Sarah J. Tompkins is the widow of Christopher C. Tompkins, deceased, late second lieutenant Company G, Seventh Regiment Kansas Cavalry. The soldier died April 11, 1884, and at the date of death was drawing a pension at the rate of $25 per month, under pension certificate numbered 167085.

"The claimant made application for continuance of pension, which claim was rejected by the Commissioner of Pensions July 27, 1887, on the ground 'that the soldier's death was caused from old age and indiscretion in diet and exercise, and was not, therefore, in any manner due to his military service.'

"Dr. C. W. McHugh, of Sedan, Kans., swears that—

"'He has personally known C. C. Tompkins, deceased, since the fall of 1875, and was his physician most of the time up to the day of his death, which occurred on the 11th day of April, 1884. Was his physician when he lost the use of the muscles of the right side of face and the sight of right eye, which occurred in July, 1880. At this time he was taken with acute catarrh, affecting the right side of face and right eye, eustachean tube and middle ear, and was the result of the old chronic catarrh, which was probably contracted in the Army. During the period of this attack, which lasted about fifty days, he complained of a heavy pain just back of the right ear, * * * and that during the whole period of my acquaintance with him he was incapacitated to do manual labor; that I was present at his last seizure, which occurred on the 9th day of April, 1884, resulting in his death two days later from general paralysis of the tongue, face, and whole system; and it is my opinion and belief, from the foregoing facts known to me, that the said C. C. Tompkins's death was caused and promoted or brought about by said catarrh and bronchitis, together with general anæmia, and said causes were the result of exposure in the Army.'

"Dr. James P. Graham, a physician of thirty years' standing, concludes his affidavit, after stating his intimate acquaintance with soldier, by saying:

"'I have no hesitancy in saying that, according to my judgment, his death was caused and could be traced to the effects of the chronic bronchial and catarrhal trouble he was afflicted with.'

"Dr. W. F. Sheck testifies that—

"'The only time he treated the soldier was in his last illness, as I have already stated in a former affidavit, which statement was made without consulting any other physician, and since I have consulted with Drs. McHugh and Graham, who had treated him previously, and from their statements to me, I am convinced that his death was the result of disease of the cranial bones and their linings, together with the arteries at the base of the brain, especially on the right side of the head, all of which is the direct result of chronic catarrh of nose, ear, eustachian tube, middle ear, and mastoid cells on right side extending to base of brain. The immediate cause of the last illness, however, was overloaded stomach, with indigestion and too active exercise, resulting in apoplexy, with a rupture of one or more of the diseased cranial vessels, followed with paralysis of right side of body, with right upper and lower limb, which fact I believe I forgot to mention in my former affidavit. I furthermore state, I have read and carefully considered the affidavits of Drs. McHugh and Graham, and believe them to be substantially true.'

"The marriage of claimant to soldier and the date of births of the children are fully and clearly established.

"The soldier was pensioned for catarrh, disease of the throat, and dyspepsia.

"Your committee report the bill favorably and recommend its passage."

It seems clear to your committee that while the immediate cause of the soldier's death might not have been the result of the diseases for which he was pensioned (though this is by no means certain), that it is clearly shown that the disabilities contracted in the service were the indirect causes which produced death, and there is no reason to doubt that had the soldier not contracted those diseases in the service he might now have been alive and in the enjoyment of good health.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

D. P. HOUGLAND.

The next business on the Private Calendar (called up by Mr. FUNSTON) was the bill (S. 2230) granting a pension to D. P. Hougland.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of D. P. Hougland, late of Company C, Second Battalion Missouri State Militia.

The report (by Mr. MORRILL) was read, as follows:

The report of the Senate Committee on Pensions is adopted, and the passage of the bill recommended.

[Senate Report No. 692, Fiftieth Congress, first session.]

David P. Hougland, the claimant under this bill, enlisted February 12, 1862, and was discharged March 31, 1863. His service was as a private in Company C, Second Battalion Missouri Cavalry.

On January 16, 1880, he made application for a pension, alleging in his declaration "that about the month of March, 1862, near Shawneetown, Kans., his horse slipped and rolled over him, fracturing his right leg in three places, and also producing hernia of right groin." His claim was rejected June 17, 1885, on the ground that "the claimant was unable to establish the origin in line of duty of his alleged injury." The Adjutant-General, United States Army, reports him June, 1862, sent home to recuperate, and September, 1862, sent to Kansas by acting assistant surgeon, with broken leg. The adjutant-general of Missouri, in his report to the Commissioner of Pensions, states "that the records of his office show that the claimant is reported as having broken leg in periodical muster of October, 1862; leg broken, and sent to Kansas by hospital surgeon; broke since enlistment."

The claimant makes affidavit as follows, namely:

"That he was dispatched from Harrisonville, Mo., to Kansas City and Quindaro, and in passing over the road a few miles South of Shawnee his horse fell and rolled over his body, breaking his leg and rupturing him in the left groin; that he was taken to his home, at Olathe, Kans., after the accident happened, and treated by Dr. Bull; was never treated in a hospital, but paid his own doctors' bills and expenses; was treated once at Harrisonville, and reported unfit for duty; that he is unable to furnish the affidavit of Dr. Bull, for the reason that the doctor is dead; that he was never treated by any regimental surgeon, and that hernia never existed prior to injury."

Capt. A. J. Briggs swears that—

"On or about the 10th day of March, at or near Shawnee, Kans., claimant was disabled in the line of duty by his horse falling on him, breaking his leg, and crushing him in such a manner as to cause hernia; knows the facts from being in command of said company."

Olliver H. Grigg was an eye-witness to the accident, and so states under oath; and, further, that he procured assistance, and had him carried to the house nearest the scene of the accident, and later in the day had him removed to the nearest post (Olathe) and a surgeon summoned to attend his injuries.

Dr. Douglass Bell swears that he was called to visit claimant about April 1, 1872, at which time he was suffering from pain in right leg, about the middle of the tibia and fibula, evidently from the defective union of an old fracture, and since which time has continued to return at intervals, giving or causing pain and disabling him for duty; "also he had a swelling in the inguinal region, which I found to be a hernial protusion, and which I supposed to be the result of the same accident which fractured his leg. Applied a truss, but from that time to the present he suffers from both continuously."

Capt. A. J. Briggs subsequently states, in response to an office letter, that the

claimant was acting under the immediate orders of Colonel Newgent, and was on recruiting or some such service, * * * and believes he was hurt in the line of duty as a soldier, and the facts set forth in former affidavit are substantially true.

John R. Finter, sergeant Company C, swears that claimant was a healthy, sound man, of good habits, at the time of enlistment. Knew him before the war and at the time of his enlistment; was well and personally acquainted with him, and knows whereof he affirms. * * * He further states that on or about March, 1862, claimant was disabled in the line of his duty by his horse falling on him, causing a compound fracture of his right leg and rupture of his left groin. * * * He was instructed in affiant's presence by Colonel Newgent to go to Kansas City and Quindaro on some business and recruit for the command. Col. A. G. Newgent swears that he was well acquainted with claimant; "that at the time he was reported disabled, some time about the 1st of March, 1862, he was ordered by me, as the officer in command of said battalion, to Kansas City on business connected with the service. Whilst he was absent it was reported to me that he had been disabled, and he did not return to duty, to the best of affiant's recollection, for some two or three months afterwards. Know these facts from personal knowledge."

S. R. Burch, postmaster at Olathe, Kans., in response to office letter dated May 18, 1882, says:

"I do not know of such accidents happening in the Army personally, but know claimant to be a truthful and reliable man in every particular, and will inclose a certificate of a physician, stating what condition he is in now and has been for many years. My opinion is that it is a just claim."

Dr. James Bell swears that he has been acquainted with claimant over twelve years (1870 to 1882,) and has been his family physician over ten years, and has been frequently called professionally to reduce for him strangulated inguinal hernia. He stated to affiant first time he saw him that he had, while in the United States service as volunteer, received an injury from the falling of his horse which fractured his leg and produced hernia, from which he has suffered frequently from its becoming strangulated so that he is not able to perform more than one-fourth the amount of labor an able-bodied man should.

Dr. H. S. Hastings says "he has known claimant since 1874; once assisted in reducing a hernia on him."

David Wallace, a comrade, swears to incurrence of disability in "the service and line of duty."

William H. Farmer, comrade, corroborates the above, as does also Milton Redenburgh, a comrade.

Oscar Farmer swears so the incurrence of the disability in the manner alleged by claimant, "by having seen claimant some time in the night of the day the accident happened, and being with him a part of next day, and having the doctor notify Captain Briggs that claimant could not return for duty."

Benjamin Woodin, examining surgeon at Olathe, Kans., in his report of the case, rates him "for the fracture of the leg at three-eighths total, or $6, and for the hernia at total, or $8; making in all $14."

John Q. White, special examiner, says "he is unable to express an opinion upon the general merits of the claim, and returns the case without recommendation."

Luther Rees, special examiner, says:

* * * "From all the testimony and from the record I am of the opinion that the claim for broken leg is meritorious, and therefore recommend its admission. The question of line of duty is fairly determined in claimant's favor by the record and the testimony of Colonel Newgut, Captain Briggs, and Comrade Finter, * * * and I personally incline to the belief that hernia was contracted in the service, as he alleges, but that fact is not established by the testimony, and I am forced to recommend the rejection of that claim."

The claimant is a man of the very highest character, and his reputation for truth and honesty is above question. His fellow-citizens of Johnson County speak of him in highest terms of praise. From a careful examination and review of the case your committee feel confident the disabilities alleged were contracted in the service and line of duty, and that its continuance is shown by the medical testimony covering fairly the period since his discharge, and they therefore report the bill favorably and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. DE MOTTE.

The next business on the Private Calendar was the bill (S. 2108) granting a pension to George W. De Motte.

Mr. PETERS. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. De Motte, late of Company K, Fifty-third Illinois Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2108) granting a pension to George W. De Motte, submit the following report:

The report of the Committee on Invalid Pensions in the Forty-ninth Congress is herewith adopted.

The committee, in their investigation of this case, find that the claimant enlisted in Company K, Fifty-third Regiment Illinois Volunteers, March 21, 1864, and that he was discharged July 22, 1865; that he made application for pension August 3, 1877, alleging "disease of lungs and chronic diarrhœa, from measles, at Camp Butler, Illinois, in April, 1864."

The claim was rejected by the Commissioner of Pensions on the ground of there being no record of chronic diarrhea or disease of lungs in service, and no medical or other satisfactory evidence in service or at discharge. The papers in the case, however, exhibit statements and affidavits which collectively tend to weaken the conclusion reached by the Commissioner.

"Ira Young and F. M. Young testify to claimant's soundness prior to enlistment.

"The claimant testifies—

"'That he can not find any of his commissioned officers; that the regimental surgeon was reported killed in one of Sherman's marches; that he has had no family physician treat him since discharged; they all told him they could do him no good.'

"J. W. Bollinger testifies—

"'That he has known claimant since 1865; has lived near him, and labored with him nearly all the time that the claimant was able to labor. He has been disabled by lung disease and chronic diarrhea more than one-fourth of the time. Has been totally disabled during last year.'

"C. W. Bollinger corroborates the above fully.

"J. K. Tyler testifies—

"'That he has known claimant intimately since 1878; that the claimant has been in his employ. He has suffered continually from lung disease and of the bowels during that time; has been unable to perform manual labor during that period, frequently confined to house and bed for days at a time.'

"In response to call for additional testimony claimant says—

"'He was traveling all the time, trying to regain his health; that he was treated for his diseases at Camp Butler, Illinois, April and May, 1864, but not by any regimental surgeon; that he has been unable to furnish testimony of his commissioned officers, for the reason that he did not report to them, for fear of being sent from his command for treatment; that his physicians assured him that only time and a change of climate could benefit him, and for this reason he never employed a physician.'

"Dr. Hibben, examining surgeon, in his report of examination made January 28, 1880, says disability probably permanent. Finds upon careful physical examination no abnormal condition of the lungs, but for second disability, chronic diarrhea, some little emaciation, tongue healthy, abdomen enlarged, and recommends a rating of three-eighths total, equal to $3 per month. The board of examining surgeons, under date of June 7, 1882, increases rating to one-half total, equal to $4 per month, and the board, under date of September 9, 1885, makes rating at three-fourths total. The medical examinations show clearly the existence of the disability at the present time, and the continuance since discharge is also clearly established, as well as his prior soundness. There is no suggestion of fraud, nor anything to justify the suggestion if it were made."

Your committee are of the opinion that the claimant is entitled to a pension, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH B. TINGLEY.

The next business on the Private Calendar was the bill (S. 1267) granting a pension to Joseph B. Tingley.

Mr. MORRILL. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be directed to place the name of Joseph B. Tingley, late a private in Company K, One hundred and sixty-ninth Pennsylvania Volunteers, on the pension-roll, subject to all the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1267) granting a pension to Joseph B. Tingley, submit the following report:

The report of the Senate Committee on Pensions sets forth fully the facts in this case. Your committee adopt that report and recommend the passage of the bill.

[Senate Report No. 850, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1267) granting a pension to J. B. Tingley, have examined the same, and report:

Claimant was enrolled October 16, 1862, in Company K, One hundred and sixty-ninth Pennsylvania Volunteer Drafted Militia, at Pittsburgh, for nine months, and was mustered out with the company July 26, 1863.

On March 25, 1883, claimant filed his application for pension on account of sunstroke and results incurred near Hagerstown, Md., July 15, 1863. Claim was rejected May 29, 1883, on the ground of no record, no medical or other evidence showing the existence of sunstroke in the service, or that his disease of eyes resulted from sunstroke.

The testimony in the claim is as follows: In his affidavit, filed April 7, 1884, claimant states that his regiment left Gloucester Point, Va., in the early part of July, 1863, and joined General Meade's army about July 15, 1863, having marched 10 miles that morning; his command was put on with General Meade's soldiers and marched to Hagerstown, Md., and when near the last-named place he was overcome by a sunstroke, and was compelled to drop out of line; that he was unconscious for a long time, and was cared for by a comrade by the name of Weeks; that everything before his eyes turned first green, then dark; that he was treated by no surgeon at the time; that his sight began to fail him soon after his return home from the war till 1876, when everything looked unnatural, and in 1882 he became so blind that he was totally disabled for work, and has been in the same condition to the present time; that the physicians who treated him soon after his return from the service are now all dead.

In affidavit filed January 30, 1885, claimant states that he is unable to furnish any evidence as to the origin of his disability, other than that already filed, for the reason that the sunstroke was received on July 15, 1863, while on a forced march near Hagerstown, Md., and neither the surgeon nor assistant surgeon of the regiment was present at the time, and his term of service expired the next day, although he was not mustered out until July 26, 1863.

In affidavit filed November 22, 1887, claimant states that the sunstroke affects the nerves of his eyes to such an extent that he can not see to work; that he is entirely blind in his right eye and can see but little out of his left eye; that he is entirely destitute, and has a large family to care for.

Silas D. Tingley, a comrade, testifies that claimant, from hard marching in excessively hot weather, incurred a sunstroke near Hagerstown, Md., about July 15, 1863, and was cared for by Comrade Weeks, who is now dead; that he saw claimant constantly from the date of his discharge to 1877, when he (claimant) went to Nebraska; that said claimant was in poor health and was suffering from an affection of the eyes, which began soon after his discharge from the service.

Jacob Lubold, a comrade, testifies that claimant fell out of ranks at Hagerstown, Md., July 15, 1863.

Mrs. Mary E. Tingley testifies that she is claimant's wife; that her said husband has been suffering from affection of eyes, in consequence of a sunstroke incurred at Hagerstown, Md., July 15, 1863, from the date of his discharge from the service to the present time, and has been able to do but little work on account of said disability.

E. W. McCormick, of Cochranton, Pa., in an affidavit filed April 7, 1884, testifies that he was intimately acquainted with claimant from the date of his discharge from the service to 1877, and that during all that time his eyesight was growing gradually worse.

In affidavit filed January 30, 1885, Dr. Alexander Thompson, of Meadville, Pa., testifies that he has been a practicing physician and oculist during the past thirty years; that in his memorandum under date of July 13, 1877, he finds the following reference to claimant: J. B. Tingley, farmer, aged forty years; eyes failing for a long time. They are not sore, but claimant complains of floating specks before his eyes. Everything glimmers; has to exclude the light.

In affidavit filed April 7, 1884, John Hayward, of Vallonia, Kans., testifies that claimant's sight has been growing constantly worse since 1879, and that he has been almost totally blind during the past year.

In affidavit filed April 7, 1884, Dr. Joseph Moore, of Oberlin, Kans., testifies that he has been acquainted with claimant since July, 1880; that he has examined claimant's eyes and finds him almost blind, and that his sight is growing gradually worse from year to year.

In affidavit filed April 7, 1884, Dr. John B. Pilkington, of Portland, Oregon, testifies that he examined claimant's eyes August 30, 1883, and found cataract growing upon both of them, causing total blindness for all practical purposes and rendering claimant unable to go alone; that he operated upon claimant's left eye, removing the opaque lens, thereby rendering claimant partial relief;

that claimant is unable to distinguish one person from another, nor can he earn his living by handiwork. An ophthalmoscopic examination of the retina of the eye shows such a disturbance of the nervous structure as to make it appear probable that the blindness was superinduced by the sunstroke; that claimant is still blind from cataract in his right eye, and that in all probability he will never see sufficiently well to enable him to do business in support of himself and family.

In affidavit filed November 22, 1887, Richard L. Tinker, Frank R. Gump, Samuel West, Joseph W. Warren, J. P. Bayha, Dr. J. L. Elliott, Dr. Robert Damsell, S. W. Coom, Charles W. Springer, William Gates, Henry Cook, T. C. Hacker, W. E. Jackson, and other citizens, of Webster County, Nebraska, testify that claimant is unable to support himself and family by reason of the loss of sight of right eye and defective sight of left eye.

All the affiants in this claim are reported to be persons of good standing in their community, and their testimony is entitled to credit.

Medical examination made in the claim shows claimant entitled to second-grade rating for disability on account of loss of sight.

The evidence in the claim shows that claimant did receive a sunstroke in the service and in the line of his military duty a few days prior to his discharge, and that his sight, which was good prior to that time, has continually failed him, till now he is almost totally blind.

It is reasonably well established by competent testimony that claimant's loss of sight was superinduced by a sunstroke, as claimed by him, and that he is entitled to a pension.

Your committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH W. EUBANK.

The next business on the Private Calendar was the bill (S. 1018) granting a pension to Joseph W. Eubank.

Mr. PERKINS. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Capt. Joseph W. Eubank, of Company K, Second Regiment Arkansas Volunteers, and pay him a pension at the rate allowed captains.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1018) granting a pension to Joseph W. Eubank, submit the following report:

The Committee on Pensions in the Senate set forth fully the facts in this case in their report, which is hereto attached.

Your committee recommend the passage of the bill.

On March 15, 1886, Joseph W. Eubank made application for pension, alleging in his declaration that while serving with Company K, Second Regiment Arkansas Volunteers, in the line of duty, at Clarksville, in the State of Arkansas, on or about December 15, 1863, he was wounded in the right leg below the knee, fracturing and breaking the large bone, in a battle with guerrilla forces of the rebellion; that he was treated by the regimental surgeon at Clarksville, Ark., at a private house. Under date of September 29, 1886, the Adjutant-General United States Army reports to the Commissioner of Pensions "that the name of Joseph W. Eubank is not borne on the rolls of Company K, Second Arkansas Infantry."

William Cheerman, private in Company K, Second Arkansas Infantry, in affidavit filed among the papers in the case, swears that Joseph W. Eubank volunteered as a captain in Company K, Second Arkansas Infantry, and was discharged at Clarksville, Ark., on or about June 1, 1864, by reason of wound in right leg below the knee; that he was disabled while in the service and line of duty in action with the enemy—he was shot in the right leg below the knee; that affiant was present at the time he was wounded.

Dr. John S. Horner, now of Cassville, Mo., who was second lieutenant of Company K, Second Infantry, in an affidavit under date of March 30, 1886, swears that he is acquainted with Joseph W. Eubank, and knows him to be the identical Joseph W. Eubank of Company K, Second Arkansas Infantry, who was discharged at Clarksville, Ark., by reason of wound in right leg below the knee; that he incurred his disability in December, 1863, about 8 miles from Clarksville, Ark.; the news came that he was wounded and some others killed; and that he saw him, Joseph W. Eubank, leave Clarksville the day before in command of a company, and when we heard of it at Clarksville, he (the affiant), in command of a part of a company, went out with spring wagon and brought the said Joseph W. Eubank to Clarksville, and found him badly wounded at the place above mentioned; that he helped put Eubank in the wagon, and saw his wound then and then again the next day. Eubank was acting at this time as captain of Company K, and was discharged some time in June, 1864.

Under date of July 7, 1886, the board of examining surgeons at Emporia, Kans., examined Eubank, found the wound as above set forth, and rated him for total disability for wound in right leg.

In a petition accompanying the bill the claimant states that he was appointed a recruiting officer by Colonel Waugh of the Second Arkansas Infantry; that he acted as such and was placed in command of Company K, Second Arkansas Infantry; that on December 15, 1863, at the fight near Red Lick was wounded as set forth in his application; and that in consequence he was discharged by the hospital surgeon.

Your committee have no doubt, from the testimony of comrades, eye-witness, one of them, that Eubank incurred his disability in the service and line of duty; that he was wounded as set forth, and discharged from the service before he had an opportunity of being regularly and formally mustered into the Army of the United States. They recommend that the bill be amended as follows:

Strike out all after line 5 and insert "of Captain Joseph W. Eubank, of Company K, Second Arkansas Volunteers, and pay him a pension at the rate allowed captains."

Thus amended, we recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

THEODORE GARDNER.

The next business on the Private Calendar was the bill (S. 1737) for the relief of Theodore Gardner.

On motion of Mr. MORRILL, the bill was laid aside to be reported to the House with the recommendation that it be indefinitely postponed.

SHELTON FLANINGAM.

The next business on the Private Calendar was the bill (S. 1266) granting a pension to Shelton Flaningam.

Mr. PETERS. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Shelton Flaningam, late a private in Company D, of the First Regiment of Nebraska Cavalry.

On motion of Mr. SAWYER, the reading of the report was dispensed with, and it was ordered to be printed in the RECORD.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1266) granting a pension to Shelton Flaningam, submit the following report:

The report of the Committee on Pensions in the Senate, hereto annexed, sets forth clearly the facts in the case and establishes, in the opinion of your committee, a very meritorious case. They therefore recommend the passage of the bill.

[Senate Report No. 666, Fiftieth Congress, first session.]

Claimant enlisted in Company D, First Nebraska Volunteer Infantry (subsequently cavalry), June 15, 1861, and was discharged August 26, 1864; re-enlisted in Company H, Forty-first Missouri Volunteer Infantry, September 11, 1864, and was discharged July 11, 1865. Surgeon-General's report shows him admitted to general hospital, Jefferson Barracks, near St. Louis, Mo., October 20, 1862, with injury to back. His application is for pension on account of chronic diarrhea, contracted from exposure incident to the service in Missouri and Arkansas from 1861 to 1864.

Claimant states that he can not furnish the testimony of the surgeon or assistant surgeon of his regiment who first treated him for chronic diarrhea in the service, for the reason that they are both dead; that he was treated for said disability at Government hospital at Jefferson Barracks, near St. Louis, Mo.; was also treated at Western Medical Institute, St. Louis, Mo., for chronic diarrhea during several months in 1872; that since his discharge from the service in August, 1864, he has resided at different places in Missouri, Indiana, and Nebraska, and his occupation has been that of a farm laborer; that during the past two years he has been disqualified for manual labor fully one-half of the time; that he first contracted chronic diarrhea at Pittsburgh Landing, after the battle of Shiloh, in 1862; that his regiment was badly exposed to wet weather for more than two weeks; that he drove a mule team during the winter of 1862-'63, and was greatly exposed to all kinds of weather, and was without proper shelter; that he suffered severely from the cold, and was frequently compelled to wear wet clothing; that he received treatment while in the service from Asst. Surg. N. B. Larsh, now a resident of Nebraska City, Nebr.; that he has suffered from no acute disease since the date of his discharge from the service; that he has been able to do no heavy work at any time, and that his disability is greater in the summer season; that he is now suffering with disease of liver and kidneys, resulting from chronic diarrhea, and that he has periodic attacks of diarrhea at different seasons of the year; that he is not now accessible to any evidence further than that already furnished by him.

William Ott, a comrade, testifies that claimant contracted chronic diarrhea in Southwestern Tennessee from the use of bad water in the fall of 1862; that the whole regiment suffered greatly from the same disease.

Dr. N. B. Larsh, late assistant surgeon First Nebraska Volunteer Infantry, testifies that he treated claimant while in the service in 1863 and 1864 for chronic diarrhea, and that claimant is suffering from the same disability.

Special Examiner H. J. Brown, of the Bureau of Pensions, states that Dr. Larsh is president of the board of examining surgeons at Nebraska City, Nebr., and is a first-class physician and surgeon; that the said doctor states that he treated claimant soon after his discharge from the service; that claimant was all broken down, and still suffers from chronic diarrhea.

David Beasley, of Nebraska City, Nebr., testifies that claimant was a sound and healthy man for five years prior to and at the date of his enlistment into the service of the United States; that from the fall of 1864 to 1880 affiant heard from claimant by letters, and in that way learned that he was suffering from chronic diarrhea; that since 1880 he has had personal knowledge of claimant's disability on account of chronic diarrhea.

The board of United States examining surgeons at Nebraska City, Nebr., state that they have personal knowledge that claimant has suffered from chronic diarrhea for many years.

The facts in the case warrant favorable action, and your committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM M. DAVIS.

The next business on the Private Calendar was the bill (S. 1744) granting a pension to William M. Davis.

Mr. MORRILL. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William M. Davis, late of Company F, Seventh Regiment Iowa Volunteers.

On motion of Mr. CONGER, the reading of the report was dispensed with, and it was ordered to be printed in the RECORD.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1744) granting a pension to William M. Davis, submit the following report:

The report of the Senate Committee on Pensions is adopted, and the passage of the bill is recommended.

[Senate Report No. 647, Fiftieth Congress, first session.]

The claimant, William M. Davis, enlisted December 25, 1861, as a private in Company F, Seventh Regiment Iowa Volunteer Infantry, and was honorably discharged from the military service of the United States at Louisville, Ky., July 12, 1865.

On March 31, 1880, he made application for pension, alleging in his declaration "that at Kingston, Ga., in May, 1864, he received a rupture of left side, caused by excessive marching." On January 11, 1887, the claim was rejected by the Commissioner of Pensions upon the grounds "that there is no record at the War Department of the alleged rupture of left side and of claimant's inability, all sources of information being exhausted by special investigation, to furnish competent testimony showing its incurrence in service and line of duty." The War Department reports him sick at Kingston, Ga., in May, 1864.

As to incurrence of disability in the service, Capt. Peter Henigan swears that at Kingston, Ga., May 15, 1864, the claimant incurred a rupture of the left side, caused by excessive marching; that he went with him to the surgeon, who said that nothing but rest would do him any good; that he did not want to leave the company, and afterward got better.

Comrade Joseph B. Carman swears that about May 20, 1864, claimant became worn down by excessive marching, and complained of something being wrong

with his left side, and was sent to hospital; that when he returned to his company he claimed to be ruptured in his left side; was never on duty afterwards.

Comrade Samuel Kitterman swears that some time in May, 1864, near Atlanta, Ga., claimant became played out by excessive marching, and was left in hospital at Kingston, Ga., and when he returned to the company he claimed to be ruptured.

The claimant swears he is unable to furnish the affidavit of a surgeon for the reason that all the surgeon did for him was to excuse him from service on account of rupture.

Dr. Charles McQuaid, Le Roy, Kans., states that he has been the family physician of claimant for eleven years, but never treated him for rupture; that it hurt him so much for the last four or five years (1878 to 1883) that he has been unable to farm; don't pretend to do any kind of hard work. The rupture is of the left side.

Dr. Wiseman, examining surgeon at Burlington, Kans., under date of September 1, 1881, reports disability permanent, and rates him at six-eighths total for rupture. The board of Emporia, Kans., under date of February 7, 1883, reports disability probably permanent, and make no rating. The board at Iola, Kans., December 2, 1885, rates him at one-fourth for rupture.

Special Examiner E. T. Whitcomb is of opinion claim "has but little if any merit," but recommends further examination. Charles D. Sloan, special examiner, says, "It is a question whether incurrence is due to service," and recommends further examination. James Stiles, special examiner, "doubts the merits of the claim." M. Dorian, special examiner, says, "there seems to be some merit in the claim, but the testimony is conflicting," and recommends further examination.

Andrew Geddes, special examiner, says:

"It is difficult to decide as to merits of this case. If testimony of Captain Henigan is to be taken it goes far to prove the merit of the claim. * * * Do not see how claim can be justly rejected, and do not feel warranted in submitting for admission. * * * The claim may have merit."

Charles D. Sloan, special examiner, "thinks the claim may have merit." J. W. Brown, special examiner, says the case is without merit, and recommends rejection, and accordingly the claim was rejected, as before stated.

From an examination of the case your committee are of opinion that the claimant has established, first, the incurrence of the disability in the service and line of duty; second, its continuance in varying degree since discharge, as shown by the several examinations made by the examining surgeons of the Department, and its existence at the present time. He is mentioned by his captain and comrades, with one exception, as a good soldier. That he is now unable to farm, and, indeed, perform any kind of hard work.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

J. ROCK WILLIAMSON.

The next business on the Private Calendar was the bill (S. 1687) to restore J. Rock Williamson to the pension-roll.

Mr. PETERS. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. Rock Williamson, late a private in Company G, One hundred and fifth Illinois Volunteer Infantry.

On motion of Mr. PERKINS, the reading of the report was dispensed with, and it was ordered to be printed in the RECORD.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1687) to restore J. Rock Williamson to the pension-roll, submit the following report:

The report of the Committee on Pensions in the Senate sets forth fully the facts in this case, and is herewith attached and made a part of this report.

The passage of the bill is recommended.

SENATE REPORT.

The claimant was enrolled in Company G, One hundred and fifth Illinois Volunteer Infantry, August 12, 1862, and was discharged June 7, 1865. The records of the War Department show that he received a wound of shoulder in action at Averasboro, N. C., March 16, 1865.

Claimant was pensioned at the rate of $4 per month from June 8, 1865, on account of gunshot wound of left shoulder and resulting weakness of arm. His name was dropped from the pension-roll June 13, 1887, disability having ceased.

The testimony in the case is as follows: In his application for pension claimant states that while in the line of duty at the battle of Bentonville, N. C., he was struck by a musket ball from the enemy in the left shoulder, causing paralysis of the same and permanent disability. In his application for increase of pension, filed September 16, 1882, claimant alleges paralysis of muscles of left arm. In his application filed May 8, 1884, claimant states that the disability for which he is already pensioned has increased; that he has atrophy of the muscles of his arms, legs, and chest, increased weakness of his left arm, and general debility from the shrinking of the muscular system and nervous debility; that he is easily fatigued and has lassitude of body. In a subsequent affidavit claimant states that he contracted rheumatism in July, 1864, and incurred a gunshot wound in the shoulder at the battle of Averasboro, N. C., March 16, 1865, resulting in disease of heart, from which he has suffered to the present time, and that he is consequently unfit for manual labor to any considerable extent; that he applied for a pension on account of disabilities other than that for which he was pensioned; that instead of allowing his pension for disabilities as claimed, his name was dropped from the roll.

Lieut. Col. Everell F. Dutton, of One hundred and fifth Regiment Illinois Volunteer Infantry, testifies from personal knowledge that claimant received a gunshot wound in left shoulder at the battle of Averasboro, N. C., March 16, 1865, causing paralysis, which continued during the remainder of claimant's term of service and afterward.

Charles A. Straun, a comrade, testifies that claimant received a gunshot wound of his shoulder March 16, 1865, and that he contracted rheumatism in 1864; that he complained of disease of heart soon after he was wounded, and that his testimony is from personal knowledge.

Comrade Samuel H. Williamson testifies that claimant received a gunshot wound while in the line of duty at Averasboro, N. C., March 16, 1865, and shortly thereafter was relieved from duty in consequence of disease of heart; that he had previously contracted rheumatism during the Atlanta campaign in July, 1864, and that he was suffering from rheumatism, disease of heart, and gunshot wound, causing weakness of arm, at the date of his discharge from the service, and has continued to so suffer to the present time.

William Brandon, a reputable citizen of Humboldt, Nebr., testifies that he has been acquainted with the claimant since 1860; that he was a stout and able-bodied man prior to and at the date of his enlistment into the service; that after claimant's return home from the war he found him suffering from gunshot wound of left shoulder and rheumatism, in consequence of which he has been largely incapacitated for manual labor during the past six years.

Henry Robinson and Loyal M. Dupray, citizens of good repute of Richardson County, Nebraska, testify that during the past five years claimant has been subject to spells of dizziness, disqualifying him from manual labor.

Charles A. Smith, of Richardson County, Nebraska, testifies that claimant has been partially disabled for manual labor since 1883 by reason of gunshot wound received in the service.

James Marshall, of Richardson County, Nebraska, testifies that claimant has been greatly disqualified for manual labor during the past four years, in consequence of gunshot wound received in service.

William Brandon and Henry C. Robertson, of Richardson County, Nebraska, testify that owing to a gunshot wound received in the service, blind staggers, and fainting fits, claimant has been one-half disqualified for manual labor since 1882.

Frederick A. Warner, of Richardson County, Nebraska, testifies that claimant is unfit for manual labor by reason of gunshot wound, fainting spells, and blind staggers.

Drs. A. L. Williamson, P. W. Hayes, and J. A. Waggoner, of Humboldt, Nebr., whose professional standing and credibility are strongly vouched for, testify that they have personally examined claimant and find him suffering from muscular atrophy of left shoulder and arm, causing weakness and inability for the performance of much manual labor. Drs. Williamson and Hayes further testify that they have treated claimant for several years past for atrophy of the biceps muscle of arm and deltoid muscle of shoulder and the pectoralis major muscle, due to loss of nerve force from gunshot wound of left shoulder, also for partial loss of sensibility of arm and numbness of hand, frequent hemorrhages from the bowels, chronic rheumatism, irregular, intermittent pulse from disease of heart, nervous prostration, and frequent syncopes and dyspepsia, partly due to exposure. Have no interest in the claim.

It is clearly shown by the testimony of claimant's neighbors, who have had good opportunity of observing his physical condition from day to day, and by three eminent physicians who have recently made a personal examination of him, that this claimant has been and is now largely disqualified for manual labor in consequence of a gunshot wound of his left shoulder, and resulting weakness of arm, disabilities for which he was originally pensioned, and on account of which he now seeks restoration.

The board of United States examining surgeons at Lincoln, Nebr., rate claimant for disease of heart and piles, but do not report a ratable disability on account of gunshot wound of left shoulder. The action of the Bureau of Pensions in dropping claimant's name from the roll is based upon the report of the Lincoln board, as contained in the certificate of examination made March 16, 1887.

The strong and positive nature of the evidence in the claim, from men high in professional standing as physicians and surgeons and from those in daily contact with claimant, in the opinion of your committee warrants a decision the reverse of that reached by the Bureau of Pensions, and the committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOEL B. MORTON.

The next business on the Private Calendar was the bill (S. 432) for the relief of Joel B. Morton.

Mr. MORRILL. I ask for the consideration of that bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and required to place the name of Joel B. Morton, of Valentine, Cherry County, Nebraska, father of Calvin Morton, on the pension-roll, on account of the services of his said son, Calvin Morton, in Company B, Sixteenth New York Volunteers, during the late war.

On motion of Mr. TOWNSHEND, the reading of the report was dispensed with, and it was ordered to be printed in the RECORD.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 432) for the relief of Joel B. Morton, submit the following report:

The report of the Senate Committee on Pensions sets forth fully the facts in this case, and your committee adopt it with the recommendation that the bill pass.

[Senate Report No. 403, Fiftieth Congress, first session.]

Joel B. Morton, the claimant in this case, is seventy-six years of age, a pauper, dependent upon the charity of others.

His son, Calvin Morton, upon whose account pension is claimed, enlisted in Company B, Sixteenth Regiment, New York Volunteer Infantry, at Albany, May 15, 1861, for two years, and was discharged December 10, 1862. Re-enlisted in Company M, United States Cavalry, February 12, 1864, and was discharged by re-enlistment a sergeant. Re-enlisted as above in same organization and was discharged February 12, 1867. There is no record of his subsequent enlistment in United States Army by name of Calvin Morton.

It is alleged that the said Calvin Morton, claimant's son, was killed in the battle of Little Big Horn, commonly known as the "Custer massacre," June 25, 1876, but his name does not appear as an enlisted man upon the records of casualties of said battle. If an enlisted man, must have been enrolled under an assumed name, as there is no record of his enlistment. Said soldier was last heard from, by his father, two weeks prior to the massacre above referred to, and it is believed that he joined the Custer command at or about the time of the engagement with the Sioux Indians on the Little Big Horn River, Montana Territory, June 25, 1876, but, owing to the massacre of the entire party, no record of his enlistment was preserved.

The only proof of the death of claimant's son, Calvin Morton, is the affidavit of Anderson G. Shaw, a general merchant of Valentine, Nebr., whose good character is certified to by the clerk of the district court. Shaw testifies that he was present on the field of battle after the Custer massacre when the killed were buried by men under General Terry's command. Many of those buried were recognized by men of the burial party as old acquaintances and friends. Their remarks convinced him that they were intimately acquainted with the dead soldiers before the massacre. One man, approaching a corpse, said, "Here is Morton," to which another comrade answered, as he came up, "Yes, that is him." Description is the same in all particulars as that in enlistment certificate of 1862 and same as that given by the father of Morton in his affidavit, namely, a tall man with black hair and eyes.

Claimant states that it is hard to get testimony from the soldiers who were present at the time; that he had no acquaintance with them, and that he knows of no way to reach or find them after more than ten years have elapsed.

From the fact that Calvin Morton was heard from in Dakota, not far from the scene of the Custer massacre, a short time before it occurred; that he had been before this many years in the regular Army, and that it is quite usual for such persons on the frontier to join such expeditions for temporary active services; that he was identified after death on the battle-field, and that he has never been heard from since, there is no doubt that he was a victim of the massacre; and as the father is very aged, absolutely a pauper, and the son had given many

years of his life to the service of his country, your committee believe the claim to be meritorious, and accordingly recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH DETTIS.

Mr. LYMAN. I ask, by unanimous consent, to take up for consideration the bill (S. 2575) granting a pension to Elizabeth Dettis. This is a bill in which Senator SAWYER is interested. He is a great friend of pensions in the Senate, upon whom we all rely. I ask as a favor to him the bill be considered.

There was no objection, and the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Dettis, widow of Jacob Dettis, late a private in Company E, Twenty-seventh Regiment Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2575) granting a pension to Elizabeth Dettis, submit the following report:

The facts upon which the above bill is based are fully set forth in the Senate report, which is hereto annexed and made a part hereof, and believing that the principle upon which said action is founded has been heretofore recognized by this committee and indorsed by the House, and that this claim is a meritorious one, the committee recommend that the bill do pass.

[Senate Report No. 985, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred a bill granting a pension to Elizabeth Dettis, have examined the same, and report:

The claimant is the widow of Jacob Dettis, late a private in Company E, Twenty-seventh Wisconsin Volunteers. Her husband made application in 1866, and was pensioned at the rate of $6 a month for chronic diarrhea, an allowance which, judging from his prolonged and disabling illness, was much too low. He died March 31, 1883, and his widow applied for pension the following May. Her claim was rejected, and, "feeling aggrieved by the decision of the Commissioner," she appealed to the Secretary of the Interior, who sustained the former decision.

The adverse ruling in both instances was based upon the testimony of the doctor who attended him, whose evidence gave pneumonia and bronchitis as the cause of death, but distinctly declared that they were referable to his original disability. The medical referee gave a different construction to the testimony of the attending physician, and, with fatal effect to the widow's claim, placed in the way the usual pathological obstruction.

The committee believe that the widow's claim is well substantiated by the testimony of the attending physician, which is given with full, candid, and explicit reference to the original disease, its wasting effects, and final result. It is as follows:

"Dr. C. B. Cody, Sheboygan Falls, Wis.:

"I am a practicing physician and surgeon, residing at Sheboygan Falls, Wis., ever since the spring of 1873. I am fifty-five years old, and have continuously practiced my profession during the last seventeen years. I knew Jacob Dettis, late of Sheboygan Falls; attended him during his last illness; prescribed for him occasionally from the year 1873. The disease for which I treated him was chronic diarrhea, and after two or three years chronic bronchitis was added, and as the latter disease increased the former became a little less severe, although it was persistent and incurable, and kept him constantly in a state of general debility. On the 25th day of March, 1883, I was called to him and found him suffering from congestion of the lungs, and I continued to attend him until he died, March 31, 1883. While I called this illness acute pneumonia or congestion of the lungs, it was then and still is my belief that it was a direct result of the chronic bronchitis from which he had suffered, and that affection a direct result of chronic diarrhea, which he contracted in the United States service, and had continuously until his death. The character of the lung congestion, partaking much of the nature of a dropsical effusion, favored this idea.

"It was, and is, my belief that his chronic diarrhea had affected his kidneys, and that chronic bronchial catarrh came on through disturbance of circulation and deficient elimination; and pulmonary congestion, which caused his death, was the last act in the pathological processes, beginning with chronic diarrhea. During all the period of my acquaintance with him he was a debilitated, feeble man, with frequent attacks of diarrhea and other derangements of digestion with all their usual attendants and morbid conditions. He was thus rendered unsound in every part, which made it impossible for him to recover from any acute disease."

It is possible that this very full and explicit description of the case escaped the notice of the medical referee and the Secretary of the Interior. At all events, it is very clear to the committee that death was due to the soldier's service, and that the widow should be pensioned.

The bill is reported favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET LAHEY.

Mr. GREENMAN. I ask, by unanimous consent, to take up for consideration the bill (H. R. 9523) for the relief of Margaret Lahey.

There was no objection, and the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Margaret Lahey, widow of James Lahey, late private of Company A, Forty-third Regiment New York Volunteers, subject to the provisions and limitations of the pension laws.

On motion of Mr. TOWNSHEND, the reading of the report was dispensed with, and it was ordered to be printed in the RECORD.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9523) for the relief of Margaret Lahey, submit the following report:

That the beneficiary under this bill is the widow of James Lahey, who was a private in Company A, Forty-third Regiment New York Volunteers. The soldier was mustered into the service December 25, 1863, and discharged July 8, 1865. On the 6th of May, 1864, he was wounded in the battle of the Wilderness, by a ball fired by the enemy, in the calf of the leg.

The soldier was granted a pension which was paid up to his death, which occurred February 15, 1885. His pension was increased from $4 per month to $8, which he was receiving at time of his death.

The examining surgeon, in his report February, 1868, describes his condition as follows:

"Ball entered on the lateral side of left leg, passing through the leg, injuring the bones; the muscles of the leg are contracted, the leg is shortened and lame; is unable to walk without the use of a cane; the leg is atrophied and painful."

The examining surgeon, in his report of 1868, says the ball exploded in the muscles of leg, a large cicatrix remaining. The board of surgeons, in their report for 1872, say:

"There was considerable loss of soft parts by gangrene, which has caused a contraction of the muscles, and prevents his getting his foot to the floor. The entrance of wound is now discharging."

In 1873 the examining board state:

"There is now at present, or there often is, ulceration of the tissue. The leg is greatly weakened thereby."

The subsequent reports of examining boards are to the same effect.

Dr. W. N. Curtis, a graduate of the Albany Medical College, and a physician of sixteen years' experience, states that he attended the soldier for three years prior to his death:

"The wound would sometimes partially heal; when it did he would have great pain, but while it remained discharging he was easier. Symptoms of paralysis of the injured limb appeared and slowly progressed, terminating in total paralysis and death on February 15, 1885. I believe that the cause of the paralysis was the wound, by irritating the peripheral nerves primarily, and secondarily by communication with the nerve centers."

Dr. Bell, a regular physician of over twenty years' practice, states—

"That he attended James Lahey in January and February, 1865, and at the time of said James Lahey's death. That the immediate cause was hemiplegia, and that the remote cause was, in my opinion, continued irritation from an old wound or injury below the left knee, which irritation induced a reflex action, producing progressive paralysis."

The case was rejected at the Pension Office solely on the ground that—

"The fact of paralysis is not accepted as a result of the gunshot wound for which [soldier] pensioned. Said death cause not otherwise shown to be due to the service."

The committee are inclined to accept the medical opinion of the physicians, who were personally acquainted with deceased soldier and knew his situation, and had, from personal knowledge, better opportunities to judge of the case and form a reliable opinion. They therefore report favorably upon the bill, and recommend that the bill pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

J. H. CORN.

On motion of Mr. TOWNSHEND, by unanimous consent, the committee proceeded to the consideration of the bill (H. R. 8930) for the relief of I. H. Corn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of I. H. Corn, late a member of Company A, Fortieth Regiment Illinois Volunteers, and pay him a pension from and after the passage of this act.

The amendment of the committee was read, as follows:

Strike out "I" and insert "J."

Amend title so as to read: "A bill for the relief of J. H. Corn."

On motion of Mr. TOWNSHEND, the reading of the report was dispensed with, and it was ordered to be printed in the RECORD.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8930) for the relief of I. H. Corn, have carefully examined the same, and make the following report:

Amend the bill by striking out "I" in the name of the claimant and insert in lieu thereof "J," making the name read "J. H. Corn."

This is one of that class of claims that have been rejected by the Pension Department, because it is claimed that the disability was incurred prior to enlistment in the Army.

The record shows that J. H. Corn enlisted as a private in Company A, Fortieth Illinois Volunteers, on August 16, 1861, and was discharged for disability January 24, 1862, the certificate of discharge stating that the disability, left inguinal hernia, existed prior to the said Corn's enlistment.

This is controverted in positive language by the claimant, by the physician who examined him soon after he claimed to have been ruptured, and by a great many comrades and neighbors who were familiar with his physical condition.

The record of prior disability is only corroborated by the lieutenant-colonel, W. W. Hall, and one George G. Green, a comrade.

As to Colonel Hall's statement, he says that he may be mistaken in the matter, and that it might have been some other soldier he heard state that his disability was incurred prior to enlistment. His last statement in full is as follows:

"I have been sworn in this matter prior to this time. My statement was taken by Special Examiner Shouse, a one-armed man, and I have just heard that statement read over, and I do not know wherein I can change it. It may of been that the conversation I relate in my deposition, taking place between claimant and the regimental surgeon in my hearing while still in the Army, was not between claimant, and regimental surgeon, and may have been between claimant and Dr. Cady. I will say this, that if the conversation took place at Paducah, Ky., with claimant why it must have been with the regimental surgeon; but if the conversation referred to took place at Smithland, Ky., why it may have been between claimant and Cady.

"Q. The conversation you refer to, wherein you say claimant told the doctor that he was injured prior to his enlistment, was that statement made by claimant in your presence, while still in the Army, to any one?

"A. Yes, sir; I thought I heard claimant make that statement, and I believed it when I made my sworn statement, but I can not remember when the statement was made, or where the conversation took place, whether at Paducah, Ky., or Smithland, Ky. I was very confident of this matter; it is so impressed on my mind of hearing the conversation between claimant and the surgeon, but when I talk with the claimant and he informs me that he was mustered out at a date prior to the time I thought he was, such a thing might have been, was possible, that the conversation I thought took place between claimant and regimental surgeon may have taken place between the regimental surgeon and some other soldier. It seems to me I was just as positive as I could be of anything that took place so long ago, but I do not wish to be understood as saying that I could not be mistaken, for I may be at fault in the matter, and the conversation may have taken place between the surgeon and some one else.

"Q. (Asked by claimant.) Was it not your understanding, has it not been your impression, that I was mustered out on the march from Smithland, Ky., to Memphis, Tenn.?

"A. The impression on my mind is that claimant was with us on the march from Smithland, Ky.

"Q. Did I not perform my duty as a soldier up to the time Dr. McLean told you what was the matter with me?

"A. I think you did.

Dr. John McLean, second lieutenant of Company A, Fortieth Regiment Illinois Volunteers, and now a practicing physician at Pullman, Ill., makes the following statement in a deposition before Special Examiner J. H. Stibbens, July 28, 1886:

"I remember this claimant, Corn, well; was raised within 3 miles of him, and knew him well from boyhood. I was with him frequently before service and knew that he was an active, lively boy, always running, jumping, and tearing about after the fashion of young country boys. I do not remember that I ever saw him nude before service, or that I had an opportunity to know by personal observation that he was sound, but, as I remember, he was apparently sound and well in every way when he joined the company. Some time after our enlistment, I should say in September, 1861, we were at Paducah, Ky., and while there were set to work building fortifications."

"One day while a party were mounting a siege-gun in Fort Anderson the gun in some way slipped and fell, and as I remember one man was killed and several injured. Within thirty or forty minutes after this accident claimant came to me, representing that he was one of the men who had been hurt by the gun in the fort, and wanted me to examine him. I had studied medicine and taken a course of lectures prior to my enlistment, and claimant knowing I had some knowledge of medicine came to me in preference to going to the surgeon. I examined him and found that he was ruptured and advised him to go to the surgeon. Soon after, either on the same day or within a day or two after, I went with him to a drug store in Paducah and bought a truss, which I fitted to him.

"I did not learn from him at that time that he had been ruptured prior to that, or that he had ever had symptoms that indicated that he had been ruptured prior to enlistment. I believed then, and have always believed since, that his rupture was caused by the injury referred to, and I have never heard until now that it was claimed by any one that his rupture existed prior to his service. His manner and appearance at the time of my examination of him indicated that it was something new to him, and that he only knew and comprehended the character of his injury by my explanation to him, as I remember he had fallen or been struck by the falling gun, or in attempting to get away had wrenched himself. I know it was something in connection with the fall of the gun. I have no recollection that he complained of any other disability while in service."

On the 21st day of April, 1866, in a deposition made before James H. Shouse, a special examiner, Rateliffe M. Harrelson makes the following statement:

"I have known John H. Corn, claimant, for thirty-five years. We were raised boys together, and I was intimately acquainted with him for the five years prior to his enlistment in the service. * * * He was a sound, healthy man, so far as I know. I never knew him to have any disability before his service. I do not remember to have seen him in a nude condition before service. I might have done so. I never knew of his being ruptured before service, nor never heard anything of the kind before service. I was a member of the same company and regiment to which claimant belonged and a mess-mate of his up to the date of his discharge, except the time he was in the hospital."

"I think, some time in the latter part of 1861 or the first part of 1862, while we were at Paducah, Ky., that we were handling timbers at that point about the river, under orders. I think they were used for the purpose of laying a ponton bridge. Claimant was one of the parties that was handling the timbers, and was in some way strained or hurt while handling these timbers. He complained of being hurt in his side, but I do not remember which side, but he put his hand where he was hurt on his side. He did not say anything about being ruptured at that time. Since I have thought the matter over I think that the timbers were being handled for the purpose of mounting some cannon, and think that claimant was hurt at that time, but think he was hurt at both places, and remember that at both places he was complaining. I do not think that he knew that he was ruptured; if he did, he did not say anything about it. * * * He was not on duty any more after we got to Smithland, Ky., and I think it was on account of his disabilities.

"I was in bathing with claimant and other members of the company at Jefferson Barracks several times, and also at Bird's Point, before we went to Paducah, and was also in bathing with him at Paducah a short time after we got there, and saw him in a nude condition, and also saw him in a nude condition in our own quarters and have saw his testicles at different times and did not see any symptoms of rupture; saw no enlargement or protrusion of or swelling. I am satisfied that if there had been anything of that kind the matter with him in that way I would have seen it and known of it. The first I knew of his rupture, as I have before stated, was at Smithland, Ky. We were always scuffling and the claimant was a great hand to scuffle, but when he came to Smithland he told us that he was not able to scuffle with us any more on account of his injuries. I know that claimant was wearing a truss at Smithland, Ky. The way we found out that he was wearing a truss we jumped on him for a tussel and he told us that he could not stand it. We had him stripped off and saw that he had a truss on, and I had never saw him wearing a truss before.

The fact that he was a sound, able-bodied man prior to his enlistment is also testified by the following persons, who are given a good reputation for truth and veracity by the pension examiner: Dr. J. H. Wilkin, family physician, who says he knows claimant was a sound man at the time of enlistment; Eli Smith, John W. Phillips, W. J. Darnell, R. M. Harreslon, Dr. William Graham, Dr. W. G. Brown, Dr. W. T. Cremuns, and others, who state that claimant was not ruptured prior to his enlistment. As to the record made by the certificate of discharge, Mr. M. A. Gilmet, supervising inspector in the Pension Office, says:

"The experience of every soldier and many special examiners is that the certificates of disability are, in many cases, unreliable; therefore a claim should not be rejected upon the record."

The simple fact in this case is that John H. Corn has been unable to perform much manual labor ever since he received the hurt at Paducah, and has been compelled to wear a truss since that time. The evidence in the case is, in the opinon of the committee, sufficient to warrant the granting of a pension to this man, and your committee recommend the passage of the bill.

The amendment of the committee was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LOUISE F. D. HOIT.

The next business on the Private Calendar (the consideration of which was asked by Mr. GALLINGER) was the bill (H. R. 9587) granting a pension to Louise F. D. Hoit.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Louise F. D. Hoit, widow of Joseph S. Hoit, late of Company E, Seventh Regiment New Hampshire Volunteers.

The report (by Mr. GALLINGER), which was ordered to be printed in the RECORD, is as follows:

Joseph S. Hoit was a private in Company E, Seventh Regiment New Hampshire Volunteers. He enlisted November 7, 1861, and was discharged December 27, 1864, thus having served over three years.

The plain facts in the case are that during his long term of service soldier had hospital service for remittent fever and malarial diseases, for a severe injury to the back by being crushed to the ground by a barrel of flour falling on him, and for a gunshot wound of the right elbow. Notwithstanding these disabilities he continued in the service, doing duty whenever he was able, thus proving himself a true soldier. He was pensioned, but never after leaving the service was he able to perform labor, his health being completely shattered. He died in June, 1873, and his widow, the present claimant, applied for pension, but her claim was rejected on the ground that the fatal disease was facial erysipelas, which could not medically be connected with his pensionable disabilities.

It is shown that during the years that soldier was an invalid he had trouble with his head, and almost every conceivable kind of suffering from malarial poisoning. The physician who treated him in his fatal sickness is dead and left no record of the case. Dr. G. P. Conn, a distinguished physician of large medical experience in the Army, was called in consultation the day of soldier's death, and he gives an affidavit to the effect that death was due to diseases contracted in the Army, which completely undermined the system, poisoning the blood and inducing the erysipelas, which is a disease due to vitiated blood.

The case was specially examined by Charles Fairbanks, a man of large experience and excellent reputation. In addition to Dr. Conn's statement, quoted above, he examined a large number of laymen, and they all expressed the opinion that soldier's death was unquestionably due to his military service. The conclusions of the special examiner are given in these words:

"It is my opinion that the injury to back and malarial poisoning were the remote cause of death. Therefore I respectfully return the papers in the case and recommend admission."

Notwithstanding this the case was rejected, and the rejection was confirmed by the Secretary of the Interior. Your committee can not help feeling that a great hardship has been done to the widow of an exceptionally meritorious soldier. She is in very feeble health and in circumstances of utter poverty. For many years she has been waiting and hoping for the pension that she believed to be her due, and now appeals to Congress for relief.

Impressed with the feeling that few cases so meritorious as this have been passed upon, your committee report the bill back favorably and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM N. ROBB.

The next business on the Private Calendar (the consideration of which was asked by Mr. BRECKINRIDGE, of Kentucky) was the bill (H. R. 9679) for the relief of William N. Robb.

The bill was read, as follows:

Be it enacted, etc., That the pension now paid to William N. Robb, a soldier in war between the United States and Mexico, be, and is hereby, increased to the rate of $25 per month.

The report (by Mr. BLISS), which was ordered to be printed in the RECORD, is as follows:

The claimant is now in receipt of a pension at the rate of $8 per month, granted under the Mexican act of January 29, 1887. He served from June 9, 1846, to May 29, 1847, in the war with Mexico, a period of nearly one year, and was discharged because of physical disability. He now applies to Congress to have his pension increased to $25 per month.

From the certificates of his family physician it appears that Mr. Robb is now, and for eight months has been, confined to his bed and house by rheumatism, inguinal hernia, and an affection of the bladder, and has no one to render him assistance except his aged wife, who is herself in frail health. Both the claimant and his wife are in their seventieth year and are without property or other resources beyond the small pension now paid them by the Government—$8 per month—which sum is utterly inadequate for their support.

It is claimed that the present disability of the husband is the result of an injury received by him while in Mexico, and which necessitated his discharge from the military service.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN FOX.

The next business on the Private Calendar (the consideration of which was asked by Mr. MORRILL) was the bill (S. 1919) granting a pension to John Fox, reported adversely from the Committee on Invaled Pensions.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Fox, late a member of Company H, Seventh Regiment Massachusetts Volunteers.

Mr. MORRILL. I wish to make a brief statement in explanation of this bill, which will obviate the reading of the report of the committee and show why the adverse recommendation should not be concurred in.

The reason this bill was reported adversely by the committee was because of the fact that the case was pending in the office at the time the application was made for relief to Congress. I hold in my hand a letter from the Commissioner of Pensions, General Black, dated March last, showing that this claim was rejected in the office after the report was made by the committee to the House. I know it to be a meritorious case; and I move that it be laid aside to be reported favorably to the House.

The motion was agreed to.

LEWIS TELYEA.

The next business on the Private Calendar (the consideration of which was asked by Mr. MACDONALD) was the bill (H. R. 7491) granting a pension to Lewis Telyea.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, directed to place upon the pension-roll the name of Lewis Telyea, late of Company B, Thirty-ninth Regiment of Wisconsin Volunteer Infantry in the war

of the rebellion, and now residing at Appleton, in the State of Minnesota, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL), which was ordered to be printed in the RECORD, is as follows:

The facts in this case show that this soldier has not been allowed a pension because of a difference of opinion among the physicians who have passed upon his case either as medical examiners or witnesses.

Your committee are of opinion that the soldier should have the benefit of the doubt created by this conflict or difference in the opinion of these physicians, especially where the preponderance is in his favor.

The testimony is overwhelming, and it is conceded that he is now and has been laboring under total disability and is a helpless invalid.

It appears from the record in this case that this soldier enlisted and served in Company B of the Thirty-ninth Wisconsin Volunteers, when his age was fifty-two years and when he was not liable to military duty. He served with his company until the regiment was mustered out.

He proves, and it is uncontradicted, that his present disability is the result of chronic diarrhea contracted in line of duty from hardships and exposure while serving at Memphis, Tenn., in or about the month of July, 1864; that said chronic diarrhea continued until 1878, when it suddenly stopped, and constipation and pains of the head and neuralgia commenced to trouble him, and have continued to do so to the present time.

The failure of claimant to secure a pension is, in our opinion, due to the fact that he was first sent for examination to a local special medical examiner, who hastily reported that he was not entitled to a pension, because (he said) the soldier had no diarrhea at all. This report of this medical examiner shows that he did not comprehend the case or give it much attention, for, as we have stated, the soldier based his claim, in part, upon this fact, and that the chronic diarrhea had suddenly stopped in 1878.

Drs. R. S. Bacon, B. F. La Rue, Lewis R. Fernald, and D. H. Little each testify, in substance, that this soldier is "suffering from headache, asthenia, and torpid condition of the liver and bowels and nervous prostration, and is totally incapacitated for manual labor" and "hardly able to walk," and that they "believe that his present disability is the direct result of the chronic diarrhea contracted in the Army."

John Clayton testifies that he has known soldier for thirty years and knew him when he was discharged from said military service, and knows that he was then suffering with chronic diarrhea, which diarrhea continued in a severe form from that time until 1878, since which time it has ceased, and he has suffered with headache, neuralgia, etc., as already stated. Other witnesses testify that he is laboring under total disability.

In August last he underwent another official medical examination, and that medical examination board reported that "from the existing condition and history of this claimant it is, in our judgment, probable that the disability was incurred in the service, as he claims, and that it has not been prolonged or aggravated by vicious habits."

This soldier is now about seventy-five years of age, and is now supported by the charity of his neighbors. His disability is not the result of vicious habits.

The committee therefore recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LUCY A. NOEL.

The next business on the Private Calendar (the consideration of which was asked by Mr. CONGER) was the bill (H. R. 9340) granting a pension to Mrs. Lucy A. Noel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Lucy A. Noel, an imbecile daughter of George W. Noel, who was killed while serving as a member of Company H, Thirty-ninth Regiment of Iowa Volunteers, and pay her a pension of $18 per month from and after the passage of this act.

Amend the title so as to read: "A bill granting a pension to Lucy A. Noel."

The report (by Mr. SPOONER), which was ordered to be printed in the RECORD, is as follows:

Lucy A. Noel is an imbecile daughter of George W. Noel, who was killed in battle at Corinth, Miss., July 7, 1863, while serving as a member of Company H, Thirty-ninth Regiment of Iowa Volunteers. She is now about thirty years of age; has been in a hopeless condition all her life; is penniless, and her friends are poor and unable to care for her. No person is now drawing a pension because of her father's death.

Your committee, therefore, conclude that the Government, for whose preservation her natural protector sacrificed his life, should now, in her extremity, grant the relief sought by this bill, and recommend its passage with the following amendments:

Insert in line 7, after the word "her," the words "the legally constituted guardian," and amend title of bill by striking out the word "Mrs."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JACOB F. JOSEPH.

The next business on the Private Calendar (called up by Mr. ANDERSON, of Illinois) was the bill (H. R. 2064) granting a pension to Jacob F. Joseph.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jacob F. Joseph, of Camp Point, Adams County, Illinois, late captain of Company G, Seventy-eighth Regiment Illinois Volunteers.

The report (by Mr. LANE), which was ordered to be printed in the RECORD, is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 2064, submit the following report:

From the great mass of evidence in this case the following summary is taken:

Capt. Jacob F. Joseph enlisted September 1, 1862, in Company G, Seventy-eighth Regiment Illinois Volunteers, to serve for three years or during the war, and on the 26th day of April, 1863, he was honorably discharged on account of disability.

The following report in this case is taken from the record files of the Adjutant-General's Office:

"FRANKLIN, TENN., *April* 15, 1863.

"Capt. Jacob F. Joseph, Company G, Seventy-eighth Regiment Illinois Volunteer Infantry, having applied for a certificate on which to base the resignation of his command, I do hereby certify that I have carefully examined this officer and find that he is suffering from diaphragmatic rheumatism, and in consequence of which disease he is incapacitated for the service. The disease was induced by exposure in camp, said officer being predisposed. Captain Joseph has not been able for duty for the last five weeks.

"Z. B. WILLIAMS,
"*Surgeon in Charge.*"

From the testimony of Captain Joseph himself, and that of one neighbor, it seems that the soldier had an attack of inflammatory rheumatism some five or six years before enlistment, but that it did not last long, only two or three weeks, and that he fully recovered and was perfectly sound from then until after enlistment. This previous attack was the cause of the rejection of the claim.

Special Examiner Logan says, in reviewing this case: "The captain bears a good reputation for truth and veracity, and has been a great sufferer from rheumatism, affecting head, breast, and bowels, for many years last past, and is now in a very helpless, feeble, condition, and has the sympathy of the entire community in a marked degree."

The evidence shows clearly that the soldier recovered from his rheumatic attack in 1857 and was sound and free from any rheumatic trouble from that time until he enlisted, some five years later, during which period he did various kinds of manual labor.

As his disability was brought on from exposure in the line of duty the committee think he should receive a pension, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WOODFORD M. HOUCHIN.

The next business on the Calendar (called up by Mr. HUNTER) was the bill (H. R. 9174) granting a pension to Woodford M. Houchin.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Woodford M. Houchin, late captain of Company E, Eleventh Regiment of Kentucky Volunteer Infantry.

The report (by Mr. HUNTER), which was ordered to be printed in the RECORD, is as follows:

It appears from the records of the War Department that claimant was enrolled at Rochester, Butler County, Kentucky, on the 18th day of September, 1861, and mustered into the United States service as captain of Company E, Eleventh Regiment of Kentucky Volunteer Infantry, at Calhoun, McLean County, Kentucky, on the 9th day of December, 1861, to serve three years. He was on the 1st day of February, 1864, promoted to the rank of major, and was honorably mustered out of service on the 17th day of December, 1864.

He filed an application for pension on the 22d day of December, 1876, and alleged in his declaration disability from an ulcer or sore on his left leg, which existed, in a small way, prior to his enlistment, but was aggravated and enlarged by exposure in the service. The claim was rejected by the Pension Office March 29, 1877, on the ground that the alleged disability existed prior to enlistment.

Subsequently, September 27, 1879, he filed another declaration, alleging disability from an affection of his right eye, caused by an attack of measles contracted in September, 1861, and also for ulcerated varicose veins on his left leg, for which affection he claimed pension in his former declaration. His claim was again rejected July 13, 1881, on same grounds for which he was rejected in the first instance.

Dr. J. F. Kimbley, of Owensborough, Ky., who was surgeon of claimant's regiment, furnished an affidavit in the case, dated March 24, 1879, which is as follows:

"That he examined claimant as musteriug surgeon of the regiment, and considered him sound, and the small scar on his leg gave affiant no concern, nor did it claimant for nine or ten months; but after hard marching the leg became swollen and the sore inflamed, and gave him trouble to the end of his service. That he would have accepted claimant if he had been a conscript, and affiant believes that long marching and constant service rendered the leg incurable."

This same officer furnished another affidavit in the case, which was filed on the 3d day of September, 1879, and is as follows:

"That he is certain the sore on claimant's leg was of short standing before his enlisting in the service and of no consequence whatever, and that his present disability of leg was caused by long and continuous marching."

October 24, 1879, Surgeon Kimbley made another statement under oath, as follows:

"That at Calhoun, Ky., in November and December, 1861, claimant was confined at the house of Judge Little with measles contracted in the service; that in affiant's opinion said measles caused the loss of sight of right eye.

"That he knew the sight of claimant's right eye was good when he entered the service, and that after the attack of measles his eye grew gradually blind, and is now most entirely gone; that it was after the attack of measles that his eye beecame diseased."

S. P. Love, of Greenville, Muhlenberg County, Ky., who was lieutenant-colonel of claimant's regiment, furnished an affidavit in the case, which was filed on the 24th day of March, 1879, in which he states:

"That claimant some time in 1362 complained of a sore on his left leg between the knee and ankle joints, which rendered him at times unable for duty, and in consequence of said sores or ulcers he was sent to hospital at Louisville, Ky., in December, 1862, where he remained until February, 1863. That the sores continued until he was discharged."

This same officer furnished another affidavit in the case, which was filed October 24, 1879, and is as follows:

"That soon after claimant joined the regiment he was attacked with measles and taken to the house of Douglas Little; that after he became convalescent he joined the command and did duty with it almost continuously until he was mustered out; that frequently after said attack of measles he complained of and suffered, as affiant believes, from the effects of said disease, especially its effects upon the eyes, and that it was the cause of the loss of sight in one of them."

Noah Moore, who was a lieutenant of claimant's company and regiment, deposes the same as above, and adds "that he believes claimant's eyes were sound at date of muster into the service."

Claimant was examined by a board of United States examining surgeons of the Pension Office, in this city, on the 26th day of September, 1879, who made the following official report in the case:

"We find a large varicose ulcer, the lower margin of the ulcer, 2 inches above the internal malleolus of the left leg, 2 inches long, ranging diagonally across the leg towards the margin of the tibia, averaging three-fourths of an inch wide, deep and angry, discharging a sanious fluid. The superficial veins of the foot and some of the deep ones of the leg are varicosed. Has had to wear an elastic stocking, but does not wear one now. * * * The whole of the ankle is now discolored, not much swollen, but he complains of constant pain. Says that he had measles in 1862, which was followed by almost total loss of sight of right eye; claims that he can prove this; if so, he is entitled to one-fourth rating for this."

The Commissioner of Pensions addressed a letter of inquiry to the Surgeon-General United States Army, in regard to this case, and received the following reply:

"WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
"RECORD AND PENSION DIVISION,
"*Washington, D. C., February 7, 1880.*

"[Transcript from records.]

"It appears from the records filed in this office that Capt. W. M. Houchin, Company E, One hundred and eleventh Kentucky Infantry, entered No. 14 (officers') general hospital, Louisville, Ky., with ulcerated ankle, November 25, 1862, and returned to duty December 24, 1862.

"By order of the Surgeon-General.

"J. J. WOODWARD,
"*Surgeon United States Army.*"

While your committee are of the opinion expressed by the Pension Office that claimant received the disabilities prior to his muster into the United States service, they believe that said disabilties were contracted after enrollment and prior to muster, and therefore make this favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JULIA BRYAN.

The next business on the Calendar (called up by Mr. SHIVELY) was the bill (H. R. 8704) granting a pension to Julia Bryan, late nurse at Jeffersonville hospital.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Julia Bryan, late nurse in Jefferson general hospital, at Jeffersonville, Ind., and pay her a pension of $25 per month as services as nurse in the late war of the rebellion.

The report (by Mr. MATSON), which was ordered to be printed in the RECORD, is as follows:

Miss Julia Bryan was commissioned as an Army nurse by the superintendent of women nurses at Washington City in April, 1864, and was assigned to duty at Jefferson general hospital April 14, 1864, and was honorably discharged May 20, 1865. H. W. Bissell and W. W. Wickham testify that they have known the applicant, respectively, fifty and forty years; that she is a person of good moral character, and is in every way worthy to receive the benefits of the pension laws; that she volunteered her service without hope of reward; and that she is without adequate means of support, having to depend on her own labor for subsistence.

C. W. Crary and B. G. Crary testify that they have known the applicant since the year 1834, and know that she is wholly dependent on her own labor for support; that all she has is a little home, wholly the avail of her own prudence and saving economy. She is between sixty-three and sixty-five years old, and is a seamstress, which is her only means of support. A large number of the business men and neighbors of the applicant certify to the foregoing fact, and recommend the passage of the bill.

The committee believe this to be a meritorious case, and therefore submit a favorable report, and recommend the passage of the bill with the following amendment:

In line 6 strike out "twenty-five" and insert "twelve."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELEANOR S. LAWSON.

The next business on the Calendar (called up by Mr. ARNOLD) was the bill (S. 175) granting a pension to Eleanor S. Lawson.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eleanor S. Lawson, widow of Elias Lawson, late an acting ensign in the United States Navy.

The report (by Mr. SPOONER), which was ordered to be printed in the RECORD, is as follows:

That they adopt the following Senate report, and recommend the passage of the bill.

[Senate Report No. 164, Fiftieth Congress, first session.]

Elias Lawson, the husband of claimant, an acting ensign in the United States Navy, served on board the United States steam-ship Maratanza. In March, 1865, while in command of a boat's crew, removing obstructions from the Cape Fear River, North Carolina, he was severely injured. He received a pension in January, 1884, for his disability, which pension was increased to $15 a month in April, 1884.

There is ample proof that he was a sound man at the time of his enlistment, and the evidence on file seems to establish conclusively the fact that he died from the effects of disease contracted in the service and in the line of duty on July 7, 1884.

Your committee recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT H. STURGESS.

The next business on the Calendar (called up by Mr. LANE) was the bill (S. 767) granting a pension to Robert H. Sturgess.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert H. Sturgess, late lieutenant-colonel of the Eighth Regiment Illinois Infantry Volunteers, and pay him a pension according to his rank as a lieutenant-colonel.

The report (by Mr. LANE), which was ordered to be printed in the RECORD, is as follows:

The Committee on Invalid Pensions, to whom was referred Senate bill 767, beg leave to report that they have considered the same and find that near to close of the second session of the Forty-ninth Congress a bill granting a pension to said Robert H. Sturgess was passed by the Senate, and again at the first session of the Fiftieth Congress. The report of the Senate is very full in this case, and your committee adopts said report, which is as follows:

"The Committee on Pensions, to whom was referred the bill (S. 767) granting a pension to Robert H. Sturgess, have examined the same and report:

"A bill granting a pension to Robert H. Sturgess was passed by the Senate near the close of the second session of the Forty-ninth Congress.

"The report, which covers the history of the case, is as follows, and is adopted:

"'The bill proposes to give Robert H. Sturgess, late lieutenant-colonel Eighth Illinois Infantry Volunteers, a pension according to his rank as lieutenant-colonel.

"'John M. Phipps, of Evansville, Ind., makes affidavit that he was surgeon of the Eighth Illinois Infantry, and that while acting in that capacity he treated Colonel Sturgess, on or about June 6, 1861, for an inflammation of the lungs. He was sent home while still sick. After Colonel Sturgess returned to the command affiant treated him for obstinate constipation at various times.

"'Dr. Phipps certifies that he has examined claimant, and finds that he has an inguinal hernia of the left side and also rheumatism.

"'Dr. Alva C. Bishop, of Butte City, Mont., late captain of Company H, Eighth Illinois Infantry, makes affidavit that he belonged to said company and regiment from its organization in April, 1861, until it was mustered out in 1866; that he was well acquainted with Lieutenant-Colonel Sturgess; that immediately after being mustered in the regiment was ordered to Cairo, Ill., where it was compelled to camp in the mud several days and nights without shelter of any kind, causing much sickness among officers and men; that early in June, 1861, Sturgess, then first lieutenant of Company H, was taken violently ill of lung fever and was sent home to Vandalia, Ill., in charge of Private Lewis; that although he returned in a few weeks, he was feeble nearly all that year. A few days after the battle of Shiloh, where he commanded the regiment the two days, he was taken very ill again, but would not leave the regiment. He was prescribed for by Asst. Surg. J. M. Phipps. During the siege at Vicksburg, in 1863, his health was much impaired; in fact, during the whole campaign, but being the only field officer, he would not leave the regiment, and remained constantly on duty. Affiant was personally acquainted with him before the war and never knew him to be sick, and believes that all his present disabilities are traceable to exposure during his service in the Army.

"'Before entering the Army Colonel Sturgess had the reputation of being one of the best men physically in his county, but, as a result of his exposure in the service, he has failed rapidly in the last few years. He is a builder by trade, but is now suffering from hernia and rheumatism, and is unable to do any work that requires stooping or extra exertion, and suffers from the least exposure.

"'When the war broke out and the Government called for troops claimant got out the first call for volunteers in Southern Illinois. He served as first lieutenant, captain, major, and lieutenant-colonel, and was always with his men. Neither the company or regiment ever marched a mile or fired a shot but he was with them. He never shirked a duty and never received any bounty or anything except his regular pay. Crippled up as he is, he has to work hard, every day that he can get work, to support his large family.

"'In June, 1861, while lying in camp at Cairo, he had a very severe attack of lung fever, so severe that he was sent home. He returned to duty before being entirely well and has suffered from the effects ever since. He commanded his regiment as a captain the two days at Shiloh, and commanded it all through the Vicksburg campaign as lieutenant-colonel—all through that long campaign being the only field officer with the regiment—during the summer, fall, and winter being compelled to be on duty all the time. Finally he became so worn out that he sent in his resignation, which was approved by Generals Logan and McPherson.

"'After his return to the Army after his sickness he was a constant sufferer from constipation and has been ever since. This caused his hernia. After returning home he suffered from rheumatism, and has ever since, been unable to use his left arm without great pain.

"'The bill is reported favorably, with a recommendation that it do pass.'

"The committee therefore, in view of the facts of said case, report that said bill do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THERESA HERBST.

The next business on the Calendar (called up by Mr. BAKER, of New York) was the bill (H. R. 8078) granting a pension to Theresa Herbst, widow of John Herbst, late private Company G, One hundred and fortieth Regiment of New York Volunteers.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Theresa Herbst, widow of John Herbst, late a private in Company G, One hundred and fortieth Regiment of New York Volunteers.

The report (by Mr. SAWYER), which was ordered to be printed in the RECORD, is as follows:

The beneficiary named in the bill is the widow of John Herbst or Harpst, who served in Company G, One hundred and fortieth Regiment New York Volunteers, and died of disease contracted in the service September 25, 1868. Her claim for pension has been rejected on the ground that the soldier while a prisoner of war joined the Confederate army.

The records of the War Department show that the soldier enlisted August 26, 1862. He was wounded in head at the battle of Gettysburgh, Pa., for which wound he was treated in hospital until September 5, 1863. At Petersburgh, Va., while in action, on August 22, 1864, he was captured, and taken to Salisbury, N. C., where he was found in the Confederate service at the capture of that place by General Stoneman's forces in the spring of 1865, exact date not shown. According to the record he made his identity known voluntarily, pleading that he joined those forces to prevent starvation. He was placed under arrest, but released without trial July 6, 1865, and finally honorably discharged October 11, 1865.

The evidence before your committee clearly shows that at date of discharge the soldier was a great sufferer from rheumatism and dropsy; thathe continued in this condition, gradually growing worse, and finally died of disease of heart, the result of army service.

The only point at issue is the soldier's enlistment in the Confederate service. The statutes exclude from the pensisn-rolls such persons or their heirs who have voluntarily aided or abetted the Confederates during the war of the rebellion, unless subsequent to the service in the Confederate army or navy such person served in the Army of the United States, and in the latter service contracted a disability.

It can hardly be charged against this soldier that disloyalty to the flag prompted him to take the step which thus far has kept his widow out of pension to which she would seem to be so justly entitled otherwise, for his patriotism is so fully established by the testimony of his officers and comrades as to remove all doubts on that point. The command to which he belonged was engaged in some of the fiercest battles of the war, among which it is only neces-

sary to name Fredericksburgh, Chancellorsville, Gettysburgh, and Mine Run. Could any one doubt his patriotism and bravery when taken off the field with a bullet-shot in head, as he was from the bloody field of Gettysburgh?

Some other cause must therefore be assigned for the action taken by him. For the purposes of this report it does not seem necessary to enter into the acknowledged pitiable condition of those who by the misfortunes of war became the prisoners of the opposing forces, and by reason of this condition should not be held to a strict accountability for their acts.

Evidently this view of the case was taken by the proper authorities. "Starvation" was the excuse, and upon that plea the soldier was restored to his full rights, and after several months' faithful service was granted that which is the pride of the true soldier of every country—an honorable discharge.

As Congress, as heretofore stated, has already made provision for those who, after a voluntary service in the Confederate army, regardless of the length thereof, have become disabled in subsequent service in the Army of the Union, whether long or short, your committee are clearly of opinion that two years' faithful service and participation in the greatest battle of the century before capture should entitle a soldier of the United States or his heirs, who, while under duress and with almost certain death before him, seeks temporary relief by joining the enemy, to at least equal consideration.

The widow is poor, but highly respectable. A number of the soldier's officers and comrades, as well as the mayor of Rochester, N. Y., where she resides, and other reputable citizens, join in her petition for relief.

Your committee believe that the relief asked for should be granted, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SAMSON M. DAVID.

The next business on the Calendar (called up by Mr. MACDONALD) was the bill (H. R. 6300) granting a pension to Samson M. David.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samson M. David, late a private of Company E, Thirty-first Regiment Missouri Enrolled Militia.

The report (by Mr. WALKER), which was ordered to be printed in the RECORD, is as follows:

The beneficiary named in the bill served as a member of Companies A and E, Thirty-first Regiment Enrolled Missouri Militia. He applied for pension September 5, 1886, on account of an injury to eyes incurred about November, 1864. The claim was rejected principally on the ground that the pension laws make no provisions for members of the militia force who did not file and complete their claims prior to July 4, 1874.

Claimant is shown to have been enrolled in Company E of the aforesaid regiment on July 20, 1864, was discharged August 23, 1864, again enrolled in Company A of the same command about October 9, 1864, and finally relieved from duty December 31, 1864. The alleged injury was incurred while in the latter service, he being one of a detail of 150 men of the regiment ordered into the field by Brigadier-General Craig against the Confederate forces under General Price, who had invaded the State of Missouri.

At or near Carrollton, Mo., while ordered to discharge their guns, preparatory to cleaning the same, the command having received orders to march against the enemy, the tube of claimant's gun bursted, a piece of the same striking him in the right eye. This is shown by the testimony of a number of comrades who were present at the time. In consequence of this injury the eye became diseased, and from sympathy the other eye is likewise seriously affected. There is an abundance of testimony, professional and lay, fully establishing the connection of the present disability with the service in the militia while co-operating with the forces of the United States. Medical examination of January 5, 1887, shows total loss of sight of right eye, and almost entire loss of sight of the left eye.

The pension laws make provisions for wounds or injuries received by militiamen while engaged in battle with Confederates or Indians under the restrictions heretofore referred to, and Congress always has favorably considered the claims of those who were thus disabled but from any cause failed to complete their claim within the prescribed limitation.

The claimant in this case, although not in actual battle at the time of the incurrence of the disability, was preparing to go into fight with the enemy then in close proximity, and under a liberal construction of the statute must be held to have been in pensionable service.

For this reason the committee ask that Congress extend the relief which this unfortunate man stands so much in need of, and therefore return the bill with the recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN F. HOWARD.

The next business on the Private Calendar (called up by Mr. CHEADLE,) was the bill (H. R. 4762) granting a pension to Benjamin F. Howard.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Benjamin F. Howard, a helpless cripple from the age of six years, and a son of Eli Howard, late a member of Company D of the Ninty-ninth Indiana Volunteers, on the pension-roll, subject to the rules of rating governing all pension cases.

The report (by Mr. MATSON), which was ordered to be printed in the RECORD, is as follows:

The claimant is the son of Eli Howard, late a member of Company D, Ninety-ninth Indiana Volunteers. As appears from the papers, the said soldier died on July 1, 1882, and at that time was receiving a pension of $18 per month. The mother being dead, Mary E. Howard, the only surviving child under sixteen years old, was placed on the pension-roll and was paid a pension until May 28, 1885, when she became sixteen and her name was stricken from the roll. The applicant herein, the son of said deceased soldier, was over sixteen years of age and received no pension as one of soldier's heirs. He now asks to be placed on the pension-roll as the dependent invalid son of Eli Howard, deceased. The evidence is to the effect, and it is not disputed, that the death of the soldier was caused by disabilities incurred in the Army and in line of duty.

The evidence before the committee shows that since the applicant arrived at the age of six years he has been a helpless cripple from falling off a sled, injuring his knee, since which time he has been perfectly helpless. Since the death of his parents he has been supported by begging, and by the township trustees, and has occasionally been at the poor-house. He is represented by his neighbors and those who have always known him as being unable to do any hard work, and will always be a cripple to the day of his death. He is unmarried, sober, and honest, and was entirely dependent on his father for support up to the time of his death. Since that time he has made his living by selling fruits and nuts, begging, and living off the county and township and the charities of the people.

The committee believe that this is a case for Congressional action, and therefore submit a favorable report, and recommend the passage of the bill, with the following amendment: Strike out all after the word "pension-roll," in line 7, and insert "at the rate of $8 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM E. WHEELER.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. CLEMENTS) was the bill (H. R. 2046) for the relief of William E. Wheeler.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of William E. Wheeler, late of Company G, First United States Sharpshooters, at $8 per month, in lieu of the pension now received by him.

The report (by Mr. THOMPSON, of California) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2046) for the relief of William E. Wheeler, have had the same under consideration, and beg leave to submit the following report:

Wheeler is now in receipt of pension at the rate of $2 per month for gunshot wound of right arm. In addition to this disability he claims that he is disabled by reason of the sequences of mumps. The latter claim has been rejected because in the opinion of the Pension Bureau the evidence is insufficient to show that present disease is a result of mumps.

Three comrades testify that in the latter part of May, 1862, Wheeler became suddenly blind from the effects of mumps, and was taken to the hospital. His testicles were in a high state of inflammation, and continued so for about three weeks, when he returned to the company and performed duty until captured.

Medical examination shows atrophy of testicles and varicocele of left, which, in the opinion of the examining surgeons, is due to mumps.

The absence of a medical history from discharge to present time is the principal cause of the adverse action of the Pension Bureau. When the fact of claimant's frequent changes of residence since his discharge and the privacy usually observed in this class of disabilities is considered, it is not strange that such a lack of evidence exists as to preclude favorable action under the rules governing the Pension Bureau in the adjudication of claims.

The present disability is a professionally conceded sequence of mumps, and the existence of the latter in service having been satisfactorily shown, your committee are of opinion that the relief asked for should be granted, and therefore report favorably on the accompanying bill and ask that it do pass; amended, however, by striking out all after the word "sharpshooters," in line 6, and insert therein instead the words "at eight dollars per month, in lieu of the pension now received by him."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. JOSEPH D. TAYLOR. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. I desire to know whether gentlemen who are present to-night and have not been recognized will be recognized at the opening of the session next Friday night.

The CHAIRMAN. The Chair can not state. It will depend on the order of the committee. This is a proceeding by unanimous consent.

MILTON MERWIN.

The next pension business on the Private Calendar (the consideration of which was asked for by Mr. DE LANO) was the bill (H. R. 9649) continuing the pension of Milton Merwin, a minor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to continue on the pension-roll, from and after August 23, 1887, during life the name of Milton Merwin, the child of Morris M. Merwin, late a private Company E, Nineteenth New York Volunteers, at the rate of pension paid said child at said date, the child having been since birth subject to an incurable, disabling, and hereditary disease.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9649) continuing the pension of Milton Merwin, a minor, have had the same under consideration, and beg leave to submit the following report:

The beneficiary named in the bill is the son of Morris M. Merwin, who served as private in Company E, Nineteenth Regiment New York Volunteers, and died February 8, 1872, of rheumatism. His widow remarried August 18, 1875; from from which date his two minor children, Albert M. and Milton, were pensioned, and continued to draw pension until the younger, Milton, became sixteen years of age, August 23, 1887, since which date no one has been drawing pension on account of the aforesaid soldier.

Milton Merwin is shown by the testimony of prominent and reliable physicians of the town in which he resides to be utterly incapable of obtaining subsistence by manual labor. He is of unusually small size, with insufficient muscular development to perform manual labor, and is besides a sufferer from paralysis agitans, and subject to severe spells of sickness upon the slightest exertion; having no means of support he must become a charge upon the town. In the opinion of the physicians this unfortunate condition is due to the disability of the father contracted in the service of the United States.

Congress has on former occasions of this kind responded liberally to the request of this class of dependents, and therefore your committee report favorably on the bill and ask that it do pass, amended, however, by changing the title of the same so as to read: "Granting a pension to Milton Merwin;" also by striking out all between the words "to," in line 4, and "name," in line 6, and insert therein instead the words "place on the pension-rolls the;" also by striking out all after the word "Volunteers," in line 8, and insert therein instead the words "at the rate of $18 per month."

The amendment to the title of the bill was agreed to.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM S. SIMS.

The next pension business on the Private Calendar (the consideration of which was asked by Mr. LANE) was the bill (H. R. 2077) to place on the pension-roll the name of William S. Sims, with Senate amendments.

The Senate amendments were read, as follows:

Page 1, line 2, after "pension-roll," insert "subject to the provisions and limitations of the pension laws."

Page 1, line 2, after the word "of," where it first occurs, insert "Salima A. Sims, widow of."

Page 1, line 3, strike out all after "volunteers" to the end of the bill.

Amend the title to conform.

The Senate amendments were concurred in; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MORRILL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the Private Calendar under special order, had directed him to report to the House sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole without amendment, were severally considered, ordered to be engrossed, and read a third time; and being engrossed, they were accordingly read the third time, and passed.

A bill (H. R. 888) granting a pension to John Magher;
A bill (H. R. 7883) granting a pension to Susan L. Watson;
A bill (H. R. 5931) granting a pension to Thomas Shannon;
A bill (H. R. 2531) granting a pension to Fredric W. Travis;
A bill (H. R. 2495) for the relief of Ruth Clark;
A bill (H. R. 6273) for the relief of Hiram Chilson;
A bill (H. R. 185) granting a pension to Samuel F. C. Garrison;
A bill (H. R. 3836) granting a pension to Hiram Bateman;
A bill (H. R. 4788) granting an increase of pension to William Winans;
A bill (H. R. 9523) for the relief of Margaret Lahey;
A bill (H. R. 9587) granting a pension to Louise F. D. Hait;
A bill (H. R. 9679) for the relief of William N. Robb;
A bill (H. R. 7491) granting a pension to Louis Telyea;
A bill (H. R. 2064) granting a pension to Jacob F. Joseph;
A bill (H. R. 9174) granting a pension to Woodford H. Houchin;
A bill (H. R. 8078) granting a pension to Teresa Herbst; and
A bill (H. R. 6300) granting a pension to Samson M. David.

Bills of the following titles, reported from the Committee of the Whole with amendments, were considered, the amendments adopted, and the bills as amended ordered to be engrossed for a third reading; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 231) to increase the pension of Edmund Asworth;
A bill (H. R. 8423) for the relief of William H. Porter;
A bill (H. R. 2193) granting a pension to Elisha Wilkins;
A bill (H. R. 6603) granting a pension to the minor children of Levi M. Hunter, deceased;
A bill (H. R. 6434) granting a pension to John F. G. Mittag;
A bill (H. R. 8704) granting a pension to Julia Bryan;
A bill (H. R. 4762) granting a pension to Benjamin F. Howard;
A bill (H. R. 2046) for the relief of William E. Wheeler;
A bill (H. R. 8930) for the relief of J. H. Corn;
A bill (H. R. 9340) granting a pension to Lucy A. Noel; and
A bill (H. R. 9649) continuing the pension of Milton Merwin.

SENATE BILLS PASSED.

Senate bills of the following titles were severally read a third time, and passed:

A bill (S. 1086) granting a pension to Jacob Kintz, alias John Walters;
A bill (S. 1343) granting a pension to Cordelia Emery;
A bill (S. 43) granting a pension to Polly H. Smith;
A bill (S. 1547) granting a pension to Mary Ann Dougherty;
A bill (S. 1967) granting a pension to Sarah J. Tompkins;
A bill (S. 2230) granting a pension to D. P. Howland;
A bill (S. 2108) granting a pension to George W. De Motts;
A bill (S. 1267) granting a pension to Joseph B. Tingley;
A bill (S. 1018) granting a pension to Joseph W. Eubank;
A bill (S. 1266) granting a pension to Shelton Flannigan;
A bill (S. 1744) granting a pension to William M. Davis;
A bill (S. 1687) to restore J. Rock Williamson to the pension-roll;
A bill (S. 432) for the relief of Joel B. Morton;
A bill (S. 2575) granting a pension to Elizabeth Dettis;
A bill (S. 1919) granting a pension to John Fox;
A bill (S. 175) granting a pension to Eleanor S. Lawson;
A bill (S. 767) granting a pension to Robert H. Sturgess.

THEODORE GARDNER.

The bill (S. 1737) granting a pension to Theodore Gardner was, on motion of Mr. MORRILL, indefinitely postponed.

WILLIAM S. SIMS.

A bill (H. R. 2027) to place on the pension-roll the name of William S. Sims was reported from the Committee of the Whole House with the recommendation that the amendments of the Senate be concurred in.

On motion of Mr. MORRILL, the Senate amendments were concurred in.

Mr. MORRILL moved to reconsider the several votes; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN C. WAGONER.

Mr. RICE. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 2530) granting a pension to John C. Wagoner.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John C. Wagoner, former chief packer in Custer's expedition against the Indians, and to pay him a pension from and after the passage of this act.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2530) granting a pension to John C. Wagoner, have considered the same, and report as follows:

The records of the Quartermaster-General of the Army show that this claimant was employed under Captain H. J. Nowlan, Seventh United States Cavalry, acting assistant quartermaster expedition in the field, as chief packer in charge of pack-trains, at $100 per month, from March 1 to September 23, 1876, when discharged.

He was with the command at the battle of Little Big Horn, June 25 and 26, 1876, and the evidence shows that in that engagement with the Indians he received a gunshot wound of the forehead. He can get no relief before the Pension Bureau under the general pension laws, because he was borne, not as enlisted man, but as an employé of the Quartermaster Department, with the expedition, although it appears that his duties were important and necessary ones, and he was subjected to all the perils and casualties of the soldiers on that eventful undertaking.

Maj. M. A. Reno and eleven other officers of the Seventh Cavalry certify under date of September 4, 1876, that the claimant was wounded at the battle of Little Big Horn, and also that he was regarded as an energetic, trustworthy, and capable man.

Assistant Surgeon H. R. Porter, who accompanied the Custer expedition against the hostile Sioux, certifies under date of October 22, 1885, that Wagoner was wounded in the forehead on either the 25th or 26th day of June, 1876, while on duty, and surrounded by Indians during the fight at the Little Big Horn under Major Reno; that the ball struck him on the forehead above the nose, and that it was thought at the time deponent dressed the wound that the wound would prove fatal, as the ball passed through the skull and into the brain.

Testimony of reliable physicians show that the wound disables claimant, affecting his head and eyes and causing nervous irritability, headaches, and an intolerance to the heat of the sun, at times incapacitating him for manual labor.

Your committee are of the opinion that the claimant having been wounded while engaged in an action with hostile savages, and being without remedy under the general law, his name should be placed on the pension-roll at a rate commensurate with his disability.

(Precedents: Forty-eighth Congress, chapter 251, John C. Fensche; chapter 255, William J. Lee; chapter 266, Decatur Hamlin.)

Your committee therefore return the bill to the House and recommend its passage, amended, however, by adding thereto the following words: "At the rate of a private soldier."

The amendment recommended by the committee was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TITUS WILDER.

Mr. DE LANO. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (S. 2064) granting a pension to Titus Wilder.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Titus Wilder, who served in the United States Navy as armorer during the war with Mexico in 1846 and 1847, at the rate of $72 per month, in lieu of the pension he is now receiving.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2064) granting a pension to Titus Wilder, have considered the same and report as follows:

The records of the Navy Department show that this man was enlisted in the Navy February 7, 1845, and served on board the North Carolina, the Saratoga, and the Lawrence until September 14, 1846, when he was discharged. He is a pensioner at the rate of $8 per month under the act of January 29, 1887, usually termed the Mexican pension act, by the terms of which no greater rate of pension can be granted by the bureau.

Mr. Wilder is now in his sixty-ninth year, and since 1877 has been totally blind. He is without means of subsistence beyond his small pension and the assistance given him by his wife, who goes out upon the streets selling articles for family use.

In the declaration of Mr. Wilder filed before the Pension Bureau, he declares that he incurred hisdisease of the eyes during his naval service in 1846; that in March of that year, while serving on board the brig Lawrence, in the line of

duty, he was forging socket boat-hooks, when one of them fell from the tongs into a bucket of water, and the hot steam flying upwards struck him in the left eye, destroying the optic nerve, and affected the right eye until 1877, when he became helplessly blind.

The log-books and other records of the Lawrence are not on file at the Navy Department, not having been preserved, and claimant is thus unfortunately deprived of his best and most reliable evidence of his disability. His comrades and officers on the Lawrence he swears he is now unable to find, and the Department is unable to assist him. The only officer found was R. L. Laws, and he states that at this late date he can not remember any of the incidents of the voyage relating to the sailors.

It is, however, shown by reliable testimony that when the sailor reached his home in 1848 his left eye was affected; he was unable to distinguish objects clearly with it, and he then told the story that he now tells as to the manner of the incurrence of the disability. His eyes have continuously since service grown worse, and about 1877 he became blind.

These witnesses have been neighbors to him during the past forty years, and are represented to your committee as worthy of full credence and belief.

The board of surgeons at Syracuse, N. Y., in May, 1883, found Mr. Wilder totally blind, and recommended a rating of $72 a month, as fixed by law for such a disability.

Your committee are of the opinion that it is a fair legal presumption that the blindness was incurred during the man's naval service, and therefore return the bill to the House, recommending its passage.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DE LANO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House then, under the previous order (at 10.30 p. m.), adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BELDEN: A bill (H. R. 10522) for the relief of Mrs. Almena Allen—to the Committee on Invalid Pensions.

By Mr. BREWER: A bill (H. R. 10523) granting a pension to Mrs. Maria C. McPherson—to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 10524) to authorize the construction of a bridge across the Chattahoochee River, in the State of Georgia—to the Committee on Commerce.

By Mr. FARQUHAR: A bill (H. R. 10525) to increase the pension of Edward Jardine—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 10526) for the relief of J. S. Ellis—to the Committee on War Claims.

By Mr. HERBERT: A bill (H. R. 10527) to authorize the construction of a bridge across the Alabama River—to the Committee on Commerce.

By Mr. KENNEDY: A bill (H. R. 10528) granting a pension to Eli Metcalf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10529) granting a pension to William Bickham—to the Committee on Invalid Pensions.

By Mr. LIND: A bill (H. R. 10530) for the relief of Frederick Krause—to the Committee on Invalid Pensions.

By Mr. MATSON: A bill (H. R. 10531) for the relief of John M. Congdon—to the Committee on Military Affairs.

Also, a bill (H. R. 10532) granting a pension to Ernest Pope—to the Committee on Pensions.

By Mr. NEAL: A bill (H. R. 10533) for the relief of Matthew E. Mashburn—to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 10534) granting an increase of pension to Henry Potter—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 10535) to provide for the issue of the commission of Philip C. Johnson—to the Committee on Naval Affairs.

By Mr. STONE, of Kentucky: A bill (H. R. 10536) to authorize the Cairo and Tennessee River Railroad Company to construct bridges across the Tennessee and Cumberland Rivers—to the Committee on Commerce.

By Mr. TOWNSHEND: A bill (H. R. 10537) for the relief of Harrison Tryson—to the Committee on Invalid Pensions.

By Mr. H. G. TURNER: A bill (H. R. 10538) to authorize the construction of bridges across the Flint and Chattahoochee Rivers—to the Committee on Commerce.

By Mr. W. L. WILSON: A bill (H. R. 10539) for the relief of the estate of William McCoy—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. A. R. ANDERSON: Petition of the Board of Trade of Council Bluffs, Iowa, for the extension of time of payment of the debt of the Union Pacific Railroad—to the Committee on Pacific Railroads.

By Mr. BOWDEN: Petition of Lewis Tucker, for relief—to the Committee on War Claims.

By Mr. COBB: Petition of Jesse Smitherman, of Bibb County, Alabama, to have his claim referred to the Court of Claims—to the Committee on War Claims.

By Mr. FORNEY: Petition of Lemuel J. Standifer, of Etowah County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. GAINES: Petition of James H. Cain and of William W. Jones, of Amelia County, Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. KEAN: Petition of citizens of the third district of New Jersey, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. McCOMAS: Petition of Sarah J. Barnett, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. MATSON: Petition of J. A. Woodburn and 7 others, for an international copyright law—to the Committee on Patents.

By Mr. NEAL: Petition of Matthew E. Mashburn, for payment of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. O'FERRALL: Petition of Michael B. E. Kline, of Rockingham County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Communication containing tariff facts, especially in reference to drugs and chemicals—to the Committee on Ways and Means.

By Mr. PERKINS: Petition of George W. Shearer, of Montgomery County, Kansas, for relief—to the Committee on Military Affairs.

Also, evidence in support of bill for the relief of Mrs. Mary Baker, widow of William E. Baker—to the Committee on Invalid Pensions.

By Mr. ROMEIS: Petition of Avery Ohlney and 25 others, citizens of Milan, Erie County, Ohio, for a pension to Avery Ohlney—to the Committee on Invalid Pensions.

By Mr. ROWELL: Petition of 156 citizens of Bloomington, Ill., for repeal of limitation of arrears-of-pension laws—to the Committee on Invalid Pensions.

By Mr. RUSK: Petition against reduction of tariff duties on crockery ware—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Letter from John L. Many, of New York, submitting additional facts concerning rice tariff—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of A. Eckeberger, of James Mathews, of A. W. Devaney, administrator of Alfred Devaney, of heirs of Benjamin Snodgrass, of Houston L. Bell, of Lucy Landers, and of Mrs. L. J. Kennedy, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. BURNETT: Of 163 citizens of Norfolk County, Massachusetts.

By Mr. CHEADLE: Of 208 citizens of Tippecanoe County, Indiana.

By Mr. ROWELL: Of 129 citizens of Macon and Piatt Counties, Illinois.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 16, 1888.

The House met at 11 o'clock a. m.

The Journal of the proceedings of yesterday was read and approved.

AIDS TO NAVIGATION ON CONNECTICUT RIVER.

The SPEAKER, having laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of an appropriation for establishing lights and other aids to navigation on the Connecticut River, said: This communication will be referred to the Committee on Commerce and ordered to be printed.

Mr. RANDALL. I desire to inquire whether this communication should not be referred to the Committee on Appropriations, as this subject in regard to the Connecticut River should be treated of in the sundry civil appropriation bill, if at all.

The SPEAKER. The Chair is advised that the lights for which these estimates are made have not yet been authorized by law. Therefore the Chair supposed the communication should properly go to the Committee on Commerce.

Mr. RANDALL. The communication relates, as I understand, to the Connecticut River.

The SPEAKER. It does.

Mr. RANDALL. And that subject (lighting of rivers) is treated in the sundry civil bill.

The SPEAKER. The communication will be referred to the Committee on Appropriations, if there be no objection.

Mr. RANDALL. I have no disposition to take the paper out of its proper course; but I would like to ask this question: If the estimate is in the possession of another committee, will that give jurisdiction of the subject to the Committee on Appropriations?

The SPEAKER. The Chair is inclined to think that if the communication should be referred to the Committee on Appropriations by order of the House, that committee would have jurisdiction.

Mr. RANDALL. I think so, too. But suppose this estimate should go to the Committee on Commerce, would the Appropriations Committee still have jurisdiction?

The SPEAKER. The Chair thinks not, as these lights are not authorized by law.

Mr. RANDALL. I think the Chair is right; but I wanted to have that proposition stated.

The communication was referred to the Committee on Commerce, and ordered to be printed.

CLAIM OF WILLIAM W. ANDERSON.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of William W. Anderson against the United States; which was referred to the Committee on War Claims, and ordered to be printed.

DAM AT ROCK ISLAND ARSENAL.

The SPEAKER also laid before the House the bill (S. 3025) to provide for the reconstruction of the dam at the Rock Island arsenal and for the immediate construction of a temporary dam to furnish water-power for said arsenal; which was read a first and second time.

The SPEAKER. The Chair is advised that the subject-matter to which this bill relates has been under consideration in the Committee on Appropriations.

Mr. RANDALL. It has, and has been acted on in that committee. Their recommendations will be presented in due time to the House.

The SPEAKER. The Chair will refer the bill to that committee.

Mr. RANDALL. The committee thought that they had jurisdiction of this subject under the general submission to them of the estimates in relation to the arsenal at Rock Island.

The SPEAKER. Without examining that question, the Chair will refer the bill to the Committee on Appropriations.

ALVARADO CEMETERY ASSOCIATION, GEORGETOWN, COLO.

The SPEAKER also laid before the House the bill (S. 2922) setting apart a tract of land to be used as a cemetery by the Alvarado Cemetery Association of Georgetown, Colo., which was read a first and second time, and referred to the Committee on the Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. YOST, for ten days, on account of business.

To Mr. JOHNSTON, of Indiana, for ten days.

To Mr. LA FOLLETTE, for ten days, on account of important business.

To Mr. OSBORNE, for ten days, to attend the Chicago convention.

To Mr. BREWER, for ten days, on account of important business.

To Mr. BUNNELL, for one week, on account of important business.

To Mr. MOFFITT, for ten days, on account of important business.

To Mr. BAKER, of Illinois, for one week.

To Mr. ARNOLD, for ten days, on account of important business.

To Mr. WEBER, for ten days, on account of important business.

To Mr. O'FERRALL, for four days, on account of sickness.

To Mr. LYMAN, until the 25th instant.

To Mr. GALLINGER, for ten days, on account of important business.

To Mr. CONGER, for ten days, on account of important business.

To Mr. HOLMES, indefinitely, on account of important business.

To Mr. BUTLER, for ten days, to attend the Republican convention at Chicago.

To Mr. WADE, for ten days, on account of important business.

To Mr. BROWN, of Ohio, indefinitely, on account of important business.

To Mr. STRUBLE, indefinitely, on account of important business.

Mr. ROWELL. I ask leave of absence for ten days for my colleague from Illinois [Mr. HENDERSON].

There being no objection, leave was granted.

MARY E. HOPKINS.

Mr. LANHAM. The bill (S. 1914) for the relief of Mary E. Hopkins was referred to the Committee on Claims. As the question has been heretofore considered by the Committee on Naval Affairs, the bill should have been referred to that committee. I ask that the reference may be changed.

Mr. SPRINGER. I think that under our new rule this bill belongs properly to the Committee on Claims. Under that rule all private claims, other than war claims or claims to lands, must go to the Committee on Claims.

Mr. LANHAM. The bill has already been considered by the Committee on Naval Affairs.

The SPEAKER. Under the present rules of the House no private claim, other than pension claims, can be referred, unless by unanimous consent, to any other committee than the Committee on Claims, the Committee on War Claims, or the Committee on Private Land Claims. This bill seems to be a claim against the Government for $5,000.

Mr. SPRINGER. I notice that several bills which are really private claims have been referred through the petition-box to various committees other than the claims committees. I shall object to all such references.

The SPEAKER. The reference, the Chair thinks, is not an erroneous one.

Mr. LANHAM. I think, if the Chair will permit me, the Committee on Naval Affairs already has jurisdiction of the subject by the former action of the House——

Mr. FORAN. They have already reported a bill.

Mr. LANHAM. And, as I am informed, have already reported a bill on the subject.

Mr. FORAN. I ask unanimous consent that the Committee on Claims and the Committee on Naval Affairs be discharged from the further consideration of the bill, and that it be now passed.

Mr. SPRINGER. I would like to have the report read first.

Mr. FORAN. I can make a brief statement that will perhaps satisfy the gentleman.

Mr. BURROWS. What is the bill?

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 1914) for the relief of Mary E. Hopkins.

Mr. SPRINGER. I think a bill of that kind ought to be considered by a committee of the House.

The SPEAKER. The gentleman from Illinois objects.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. RANDALL, from the Committee on Appropriations, reported a bill (H. R. 10540) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BUCHANAN, Mr. BURROWS, and Mr. WILKINS reserved points of order upon the bill.

Mr. RANDALL. I give notice that I will call this bill up for consideration at the first practicable moment.

PUBLIC BUILDING, SAN FRANCISCO.

Mr. MORROW. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the consideration of the bill (S. 1931) to increase the appropriation for the purchase of a site for a building for a post-office, court-house, and other offices at San Francisco, Cal., and put it upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. RANDALL. Reserving the right to object, I wish to make an inquiry in regard to this bill; whether the bill—it speaks only of a site, and not for the construction of any building—proposes to appropriate $650,000 to be expended in the city of San Francisco for the purchase of a site for this building?

Mr. MORROW. I desire to say in response to the gentleman from Pennsylvania that an appropriation was made last year of $350,000, and a commission was appointed to select a suitable site. They have, after a year's service, ascertained that they can get a site for $850,000, which would be an increase of the appropriation of $500,000. The committee, however, thought, after a careful investigation of the matter, that the site could be purchased for $650,000, and they propose to increase the appropriation by the sum provided in this bill, which is less than the amount the commission ascertained it would cost, but the committee believed it possible, as I have said, to procure a site for that sum.

Mr. RANDALL. In other words, then, it is proposed to buy what is worth $850,000 for $650,000?

Mr. MORROW. No, not exactly that; but several offers have been made of property, and the committee believe the commissioners can procure a site that will be suitable for the sum fixed, although of course not the best site.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPRINGER. This is a bill that ought not to be passed, I think, by unanimous consent. It is too important a bill. There ought to be careful consideration.

Mr. McCREARY. Where is this building to be located?

Mr. MORROW. In the city of San Francisco.

Mr. McCREARY. And it is proposed to use this sum in the purchase of a site?

Mr. MORROW. Yes, sir; and it is a less sum than has been appropriated to a similar purpose in any of the large cities.

Mr. McCREARY. How much is the building expected to cost?

Mr. MORROW. I hope there will be a suitable building erected, but I am not able to state what the amount will be yet.

Mr. LYNCH. I demand the regular order.

Mr. MORROW. I hope the gentleman will not insist upon that demand.

Mr. CRAIN. If the gentlemen insist upon the regular order, I give notice that they will have it for the rest of the day.

Mr. LYNCH. I insist upon the demand.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

WORLD'S EXPOSITION, 1892.

Mr. BELMONT, from the Committee on Foreign Affairs, reported, as a substitute for the bill H. R. 8868, a bill (H. R. 10541) to provide for a permanent exposition of the three Americas at the national capital in honor of the four hundredth anniversary of the discovery of America; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 8868 was laid on the table.

CONTRACT SURGEONS, UNITED STATES ARMY.

Mr. ROBERTSON, from the Committee on Military Affairs, reported, as a substitute for the bill H. R. 5023, a bill (H. R. 10542) for the relief of contract surgeons in the Army; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill H. R. 5023 was ordered to be laid on the table.

INTERNATIONAL GEODETIC ASSOCIATION.

Mr. COTHRAN, from the Committee on Foreign Affairs, reported back favorably the joint resolution (H. Res. 181) accepting the invitation of the Imperial German Government to the Government of the United States to become a party to the International Geodetic Association; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JAMES KING.

Mr. YODER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 320) giving a military record to James King; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MICHAEL KELLY.

Mr. SPINOLA, from the Committee on Military Affairs, reported back favorably the bill (H. R. 9485) to remove the charge of desertion against Michael Kelly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HAMPTON AND OLD POINT RAILWAY AND ILLUMINATING COMPANY.

Mr. LAIRD, from the Committee on Military Affairs, reported as a substitute for the bill H. R. 5038, a bill (H. R. 10543) granting the right of way and other privileges to the Hampton and Old Point Railway and Illuminating Company of Virginia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 5038 was laid on the table.

PIPESTONE INDIAN RESERVATION, MINNESOTA.

Mr. LIND, by unanimous consent, introduced a bill (H. R. 10544) for the disposition of agricultural lands embraced within the limits of the Pipestone Indian reservation in Minnesota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ST. LOUIS AND SAN FRANCISCO RAILWAY COMPANY.

Mr. PERKINS, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 6612) to grant right of way through the Indian Territory to the St. Louis and San Francisco Railway Company, and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. COBB. I would like the privilege of presenting the views of the minority on that matter.

ARMS, ETC., FOR DISTRICT MILITIA.

Mr. McADOO, from the Committee on the Militia, reported back favorably the joint resolution (H. Res. 161) to authorize the Secretary of War to issue arms and equipments for the militia of the District of Columbia; which was read a first and second time, and referred to the Committee of the Whole House on the state of the Union.

FREDERICK RONICKE.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3923) to place the name of Frederick Ronicke on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROSALIE ALEX.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2144) granting a pension to Rosalie Alex; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WIDOW OF JOHN SCHAFER.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2710) granting a pension to the widow of John Schafer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE C. ELLISON.

Mr. DOUGHERTY, from the Committee on War Claims, reported back favorably the bill (H. R. 2682) to provide for the reimbursement of costs and expenses in certain judicial proceedings, and for the relief of George C. Ellison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. REED.

Mr. LAWLER, from the Committee on War Claims, reported back favorably the bill (H. R. 9802) to refer the claim against the United States of Mary E. Reed to the Court of Claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS ENGLISH.

Mr. LAWLER also, from the Committee on War Claims, reported back favorably the bill (H. R. 7872) for the relief of the estate of Thomas English; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY P. BOTTOM.

Mr. LAWLER also, from the Committee on War Claims, reported back with an amendment the bill (H. R. 8291) for the relief of Henry P. Bottom; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendment and accompanying report, ordered to be printed.

ALFRED ALCORN.

Mr. LAWLER also, from the Committee on War Claims, reported back favorably the bill (H. R. 9874) for the relief of Alfred Alcorn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE FOR GOVERNMENT EMPLOYÉS.

Mr. WHEELER, from the Committee on Expenditures in the Treasury Department, reported back favorably the bill (H. R. 9518) providing for leaves of absence for officers and employés in the customs service of the Government who receive per diem compensation; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Mr. Speaker, I desire to ask what is the regular order.

The SPEAKER. The regular order is the hour for the consideration of bills reported from committees, unless a motion is made to go into the Committee of the Whole on the state of the Union to consider revenue bills or appropriation bills.

Mr. TOWNSHEND. Do I understand if we pursue the regular order the hour will be the hour alloted to the Military Committee?

The SPEAKER. The Committee on Claims had a matter under consideration when the hour expired, and has another hour, or at least sufficient time to complete the consideration of the matter, before the Committee on Military Affairs will be called.

Mr. TOWNSHEND. I understood the Committee on Military Affairs had reserved its hour.

The SPEAKER. It had; but another committee is now occupying the floor of the House.

Mr. TOWNSHEND. If the Committee on Claims do not proceed any further, could we call up that bill?

The SPEAKER. Of course.

Mr. DOUGHERTY. I will state that I understand the Committee on Claims has up the bill to reimburse the State of Florida for expenditures in the Indian war and has consumed one hour. If the matter could be passed over without the committee losing its place and losing the chance of consideration of the bill, I have no objection to yielding to the gentleman.

The SPEAKER. The Chair will state to the gentleman from Florida that unless there is unanimous consent, the hour which now belongs to the Committee on Claims will be lost if it is not occupied this morning.

Mr. DOUGHERTY. Then I would ask unanimous consent that the matter under consideration be passed over this morning so that the Committee on Military Affairs which has been passed heretofore may now be called.

The SPEAKER. Is there objection to the request of the gentleman from Florida [Mr. DOUGHERTY]?

Mr. OATES. I object.

Mr. TOWNSHEND. I understand the gentleman does not desire to proceed this morning. If he does not, I move that we go into Committee of the Whole.

Mr. DOUGHERTY. The gentleman from Alabama [Mr. OATES] having objected, I am not in a position to follow my desire.

The SPEAKER. The motion which the gentleman from Illinois [Mr. TOWNSHEND] proposes to make is in order.

Mr. TOWNSHEND. I know it is; but I would like to have the matter arranged satisfactorily.

Mr. DOUGHERTY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOUGHERTY. If the motion be made by the gentleman from Illinois [Mr. TOWNSHEND] to go into Committee of the Whole for the purpose of taking up this appropriation bill, will not this Florida bill retain its place on the Calendar?

The SPEAKER. It will remain just exactly as it now is.

Mr. TOWNSHEND. Mr. Speaker, I desire to say that so far as the Committee on Military Affairs are concerned we have no objection to business proceeding in regular order. I am requested by a number of gentlemen to press the Army bill, but it is apparent to all that there is no quorum here, and if there is any intention to make factious opposition to the bill, I certainly will not bring it before the House.

Mr. RANDALL. Wait until you encounter that condition of things.

Mr. WILKINS. Will the gentleman agree to yield to two or three gentlemen who desire to ask unanimous consent for the consideration of bills?

Mr. TOWNSHEND. I am perfectly willing to do so.

The SPEAKER. If that is done, the Chair will be obliged to recognize gentlemen in the order in which they claim their rights.

Mr. WILKINS. If the gentleman from Illinois should yield to the gentleman from Texas [Mr. CRAIN] and myself, for example, would not that be in order?

Mr. GROUT. Other gentlemen might object.

The SPEAKER. The Chair would be obliged to recognize gentlemen in the order in which they claimed recognition.

Mr. RANDALL. Mr. Speaker, I want to make a statement, and I ask the attention of the other side of the House. We have an understanding that the business from now on, extending, perhaps, through most of next week, be arranged so as not to put the other side of the House at a disadvantage because of the absence of many of their members, and therefore I urge that there be no opposition made to the consideration of appropriation bills in due order, even though there may not be at all times a quorum present in the House. The desire of gentlemen on the other side was that, so far as possible, tariff legislation might be suspended for a few days, and the proposition of the gentleman from Illinois [Mr. TOWNSHEND] looks in that direction, and with the same view, immediately after the disposition of the Army bill I shall insist on proceeding with the sundry civil bill. I hope the House will recognize the existing condition of things, and will proceed in the way indicated.

Mr. CRAIN. Mr. Speaker, I understand the gentleman from Pennsylvania [Mr. RANDALL] to say that "we have arranged" for legislation to proceed——

Mr. FARQUHAR. A general understanding; that is all.

Mr. CRAIN. Well, I accept that amendment, that there is a general understanding that business shall proceed with reference to the fact that there are absentees on the Republican side of the House.

Mr. RANDALL. Let me qualify my statement in that particular by saying that I was requested by gentlemen on both sides to hasten the preparation of the sundry civil bill for the reason stated. That is, perhaps, as far as I ought to go. Of course I have no authority to speak for the Committee on Ways and Means.

Mr. CRAIN. In that connection, I have to say, Mr. Speaker, that there seems to be also some character of arrangement with reference to the business that shall be proposed by gentlemen upon this side of the House who are not absent and who do not contemplate being absent. For six weeks the managers on the Democratic side of this House have permitted tariff speeches to occupy the time, and whenever any of us have asked unanimous consent for the consideration of measures of importance to our districts we have been met with objections, and the regular order has been called upon us, and I, for one, give notice that, so far as I am concerned, I shall antagonize this character of legislation until members generally have an opportunity to bring up for consideration bills and measures in which their districts are interested.

Mr. BURROWS. Mr. Speaker, owing to the large number of members on this side of the House who desired to be absent next week, the majority of the Committee on Ways and Means having charge of the tariff bill very kindly and courteously consented to postpone the consideration of that bill until after the close of the convention. It was supposed that the House would be ready in the mean time to consider any other business that might be presented, and I can assure gentlemen that on this side of the House there will be no factious opposition to the consideration of any measure that may be brought up, and I trust that both sides of the House will appreciate the situation and proceed with the public business as rapidly as possible.

Mr. SPINOLA. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPINOLA. I wish to inquire of the Chair whether a motion would be in order to allow members to ask unanimous consent to call up some of their short bills for consideration during the next half hour.

The SPEAKER. That would be in order only by unanimous consent, and the Chair thinks that if the House should make such an order there ought to be some rule prescribed by which recognition shall be governed. Otherwise a few gentlemen would get in their measures while others would not, because it is impossible for the Chair to recognize all gentlemen, however much he may desire to do so.

Mr. SPINOLA. I suggest that we now take half an hour for the consideration of short bills, and that the Speaker alternate his recognitions between the two sides of the Hall.

The SPEAKER. That is what the Chair always endeavors to do.

Mr. SPINOLA. Well, I suggest that we take half an hour for that purpose. I think that will be satisfactory to every gentleman.

Mr. TOWNSHEND. I am perfectly willing to consent that half an hour shall be occupied in that way.

Mr. SPINOLA. For the consideration of bills to which there can be no objection.

Mr. BLOUNT. Mr. Speaker, it seems to me very important that we should go on with the Army bill. I think that after to-day we may perhaps be able to agree upon some plan by which these other bills can be considered, but we can hardly make that agreement now, and I hope the gentleman from Illinois [Mr. TOWNSHEND] will insist on proceeding with his bill.

Mr. PETERS. Why can not we make the agreement now?

Mr. RANDALL. I do not know why private business should have any special advantage in the absence of a quorum when there is public business waiting.

Mr. BLOUNT. I shall insist on the regular order.

Mr. BURROWS. I desire to inquire of the Chair whether all points of order have been reserved upon this bill. If not, I desire to reserve them now.

The SPEAKER. The Chair does not recollect, but will inquire of the Clerk and inform the gentleman.

Mr. BLOUNT. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. I wish to inquire whether it is necessary that points of order shall be reserved on an appropriation bill. I make that inquiry because during the last Congress the question was raised by the gentleman from Pennsylvania [Mr. RANDALL], and it was decided otherwise at that time.

The SPEAKER. The Presiding Officer of the House is not called upon of course to decide that question; that is to say, it is no part of his duty to decide it; but the Chair can give an opinion to be taken for what it is worth.

Mr. BLOUNT. We would be glad to have the opinion of the Chair.

The SPEAKER. The Chair thinks it is not necessary to reserve points of order upon appropriation bills prior to their reference to the Committee of the Whole, because under the rule of the House, which is very plain, such points of order, when made, must be made in the Committee of the Whole, not in the House. The Chair thinks the proper time to make such point upon any provision in an appropriation bill is when that provision is reached in Committee of the Whole.

Mr. RANDALL. I concur in the opinion of the Chair.

ORDER OF BUSINESS.

Mr. BUCHANAN. Mr. Speaker, I was not in the Hall during the whole of this discussion; and I would like to inquire whether the Committee on Military Affairs and the Committee on Claims have respectively waived their right to the morning hour.

The SPEAKER. They have not. The Committee on Claims did not insist on having the morning hour, and thereupon the gentleman from Illinois [Mr. TOWNSHEND] moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. BUCHANAN. Another parliamentary inquiry: On the next legislative day will the Committee on Claims be still entitled to the morning hour?

The SPEAKER. It will.

Mr. BUCHANAN. I now give notice that that committee must pretty soon take the morning hour or have a quorum to dispense with it. They are holding other committees back.

The SPEAKER (having put the question on the motion of Mr. TOWNSHEND that the House resolve itself into Committee of the Whole) said: The ayes seem to have it.

Mr. CRAIN. I call for a division.

The question being taken, there were—ayes 72, noes 4.

Mr. CRAIN. No quorum.

Tellers were ordered; and Mr. TOWNSHEND and Mr. CRAIN were appointed.

Mr. TOWNSHEND. It is apparent there is no quorum present; it is an idle ceremony for us to go through with a count. If the gentleman from Texas intends to persist in his demand for a quorum it is useless for us to attempt to go on with business.

Mr. BLOUNT. Regular order.

The SPEAKER. The regular order has already been demanded.

The House again divided; and the tellers reported—ayes 97, noes 2.

Mr. CRAIN. I withdraw the point of no quorum.

Mr. WILKINS. I renew it.

The SPEAKER. Gentlemen who have not voted will please come forward and vote.

Mr. TOWNSHEND. It is evident that there is no quorum in the House. If the gentlemen persist in the demand for a quorum it is use-

less for us to stay here and occupy time. I therefore move that the House adjourn.

Mr. WILKINS. Assuming that there is an element of fairness on this side of the House which will allow members to have consideration for their private bills, I will withdraw my point of no quorum.

Mr. TOWNSHEND. I withdraw the motion to adjourn.

The SPEAKER. Is the point of no quorum withdrawn?

Mr. RANDALL. I wish to ask whether there can be a conditional withdrawal.

The SPEAKER. The Chair has put the question so as to ascertain whether the withdrawal is absolute or not.

Mr. WILKINS. I thought I made myself understood. I withdraw the point.

The SPEAKER. The Chair thought perhaps the gentleman coupled with the withdrawal some condition. On this question the ayes are 97, the noes 2. The motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills is agreed to.

ARMY APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair) and proceeded to the consideration of the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

Mr. TOWNSHEND. I move that the first reading of the bill be dispensed with.

Mr. BURROWS. Unless the gentleman proposes to make some general explanation in regard to the bill, I prefer that it be read for information before its consideration under the five-minute rule.

Mr. TOWNSHEND. My only object was to save time. I do not propose to make any general explanation, although I am ready to answer any questions which gentlemen may desire to put in regard to the bill.

Mr. BURROWS. Let us have the report read before deciding whether the first reading of the bill shall be dispensed with.

Mr. TOWNSHEND. Very well.

The Clerk read as follows:

Mr. TOWNSHEND, from the Committee on Military Affairs, submitted the following report, to accompany bill H. R. 10234:

The Committee on Military Affairs submits the bill making appropriations for the support of the Army for the fiscal year ending June 30, 1889, with the following explanations:

The estimates on which the recommendations in the bill are based are to be found on pages 105 to 115 of the Book of Estimates for 1889, and aggregate in all $25,364,334.08, of which amount the committee recommend the sum of $24,289,700.

The amount appropriated by this bill is $1,074,634.08 less than the aggregate estimates submitted.

The appropriations for the same purpose for the four preceding years were as follows:

1884–'85	$24,454,470.00
1885–'86	24,014,052.50
1886–'87	23,753,057.21
1887–'88	23,724,718.69

For the pay and general expenses of the Army this bill appropriates the sum of $12,676,000, being an increase over the amount in the law for the current fiscal year of $14,081.31.

The cause of the increase in this bill for the Pay Department arises substantially from the natural increase arising from pay to officers both on the active and retired list for length of service, and by the increase in number of officers upon the retired-list or who will be placed thereon during the present fiscal year; and also by an increase of the number of enlisted men on the retired-list, to which also may be added the increased sum necessary to be provided for the payment of enlisted men to be discharged during the year, for travel, retained pay, etc.

The changes in the items in detail are as follows:

For pay of officers for length of service, the amount of the present law is increased by $2,230, which is made necessary by the increase in length of service of officers. For pay proper of the enlisted men of all grades, a reduction of $150,508 has been made below the appropriations for the current year.

In pursuance of the act of March 1, 1887, the committee have appropriated $150,000 for the hospital corps.

For pay of the general staff the amount is increased $5,590 for increased length of service.

For pay of retired officers, the item is increased $4,686.25, made necessary by increase in the number of officers.

For pay of retired enlisted men the item is increased $3,789 for a similar reason.

For pay of contract surgeons, etc., the committee believe that $100,000 is sufficient for this branch of the service and have reduced the item to that amount.

The item for paymasters' clerks has been reduced $5,800 on account of the decreased number of such clerks, resulting from the operation of the present law.

The item of $1,500 for securing information from abroad is fully explained by the following extract from the letter of the Secretary of War:

"I can not too strongly urge that the detail of officers to obtain information abroad should be so far recognized in the Army appropriation bill that the accounts may be passed by the accounting officers. In that view I would suggest that under the head, in the appropriation bill, 'Miscellaneous' insert an item, 'For the necessary expenses attendant on the collection and classification of military information from abroad $1,500; and the officers detailed to obtain the same shall be entitled to mileage and transportation and also commutation of quarters while on this duty, as provided when on other duty.'

"It is to be observed that this will not increase the expenses of the Government so far as the officers are concerned, for they will receive pay and allowances on this duty as on other duty at home or elsewhere. The $1,500 is for a clerk and the expenses of preserving and arranging the information when obtained."

The item for commutation of quarters to commissioned officers, etc., is increased $8,000, upon the basis of the disbursements of the last fiscal year.

For mileage to officers when traveling on duty without troop the amount is increased $15,000 for the reasons set forth in the Book of Estimates, page 298. The slight changes made in the phraseology of the item the committee believe are for the better interests of the service.

In the Quartermaster's Department no change has been made, except the amount for incidental expenses has been increased $1,500 for the reasons set forth in a letter from the Secretary of War, in which he says:

"As to the riding-master: In the incidental expenses, Quartermaster's Department, insert 'and of a riding-master, for the more thorough instruction of officers and cadets, a sum not exceeding $1,500.' I can best commend this appropriation by inclosing a copy of the report of the board sent to Boston to examine and report on Bussigny's method of riding and training horses. The officers composing this board were selected by reason of their large and varied experience. I do not believe there are better horsemen in any army than Captains Lawton and Anderson; and Captain Brinckle is among the first of our light-battery commanders. Indeed, I am inclined to think that when detailed for duty neither they nor the Lieutenant-General expected to find anything new or instructive for them. But they do not hesitate to acknowledge that there is much to be learned from this teacher which will be of great value to the service."

The amount appropriated last year for army transportation has been reduced $80,000.

An increase of $2,900 in the item for construction of quarters for hospital stewards, etc., is made upon the recommendation of the Surgeon-General.

For the medical and hospital department, the committee are of the opinion that $200,000, the amount appropriated, is sufficient.

The sums heretofore appropriated for the Army and Navy Hospital at Hot Springs, Ark., have been omitted, because that institution is properly a part of the medical and hospital department, and can be provided for out of the appropriation mentioned.

The increase in the items for the engineer depot at Willet's Point, N. Y., is made for the following reasons, set forth in the Book of Estimates:

"The failure of the appropriation for torpedo service for two years past has thrown all such expenses on the depot as far as it could do; and as the materials which had been previously purchased and put in store are nearly exhausted, if the school and instruction are maintained the expense should be provided for.

"This laboratory was unfortunately burned in November last, and should be rebuilt as soon as possible. The origin of the fire could not be ascertained, though it evidently occurred in a room that had been locked up for several hours previous to the discovery of the fire, and the most probable theory is that some of the chemicals stored in the room ignited spontaneously. The foundations and basement story, which were of granite, were very little injured, and it is estimated that $8,500 will restore the building to as good condition as ever."

For current expenses of the ordnance service, the amount appropriated last year has been reduced $10,000.

The amount appropriated for the manufacture of metallic ammunition for small arms has been increased $50,000, for the following reasons set forth in the Book of Estimates:

"The quantity of rifle ammunition on hand is very limited, the reserve supply at our arsenals being only 1,453,944 cartridges on July 1, 1887. A supply should be kept on hand for the hostile uses of the Army. Rifle and carbine ammunition costs to manufacture $18.50 per thousand, and revolver $10 per thousand. Existing orders from the War Department authorize the expenditure for target-practice of cartridges or reloading materials to the amount of $7.50 per man per annum, and about $1.93 per man per annum for gallery practice, and basing the strength of the Army (enlisted men and commissioned officers) at 20,000 men, it will require $188,600 for this expenditure alone. Soldiers should be made good marksmen, but this can not be done without a liberal supply of ammunition for target-practice. The amount asked for is reasonable, if the soldier is to be provided with cartridges sufficient for his proper instruction. To enable the Ordnance Department to carry out these orders, the reserve supply has been well-nigh exhausted. Unless the appropriation asked for is granted the supply for target-practice will have to be reduced, greatly to the detriment of the efficiency of the Army."

The items "For purchase and manufacture of ordnance stores to fill requisitions of troops," and "For infantry, cavalry, and artillery equipments," have each been increased $25,000.

The sum of $5,000 has been provided "for overhauling, cleaning, and preserving new ordnance stores."

The sum of $5,000 is appropriated for targets for artillery practice, on the following facts submitted in the Book of Estimates:

"At our forts we are obliged to make floating targets and anchor them in the roadsteads for artillery practice firing, which is necessary for the instruction of the troops. The Secretary of War decided (Circular No. 1, A. G. O., 1886) that these targets and the material and labor for their construction shall be furnished by the Ordnance Department, but the appropriations now made by Congress will not enable the Department to supply them."

The item appropriating $400,000 for the purchase of pneumatic dynamite guns, etc., is inserted in the bill upon the recommendation of the Secretary of War and for reasons set forth in his letter, a copy of which is hereto appended.

The item appropriating $100,000 for examining, testing, and experimenting with certain guns, shells, batteries, etc., is inserted in the bill in order to enable the Secretary of War to make such tests, etc., of new inventions as he may deem proper.

Items.	Estimated for 1889.	Law of 1888.	Bill for 1889.	Increase.	Decrease.
Officers of the line	$2,868,000.00	$2,868,000.00	$2,868,000		
Additional pay for aides-de-camp, etc	10,953.00	8,000.00	8,000		
Officers for length of service	840,700.00	812,770.00	815,000	$2,230.00	
Pay of the enlisted men	4,521,860.00	4,287,508.00	4,137,000		$120,508.00
Service pay of enlisted men	388,056.00	381,360.00	381,360		
Hospital Corps	212,340.00		150,000	150,000.00	
General-service clerks, etc	161,900.90	161,900.00	161,900		
Officers in the Adjutant-General's Department	68,500.00	65,500.00	66,000	500.00	
Officers in the Inspector-General's Department	29,500.00	29,500.00	29,500		
Corps of Engineers	313,080.00	313,240.00	313,080		160.00

Items.	Estimated for 1889.	Law of 1888.	Bill for 1889.	Increase.	Decrease.
Officers in Ordnance Department	$176,700.00	$174,460.00	$174,460		
Officers in Quartermaster's Department	197,100.00	196,100.00	196,500	$400.00	
Officers in Subsistence Department	104,100.00	101,100.00	101,500	400.00	
Officers in Medical Department	542,300.00	533,560.00	536,700	1,200.00	
Officers in Pay Department	150,000.00	164,250.00	150,000		$14,250.00
Officers in Judge-Advocate-General's Department	34,000.00	34,000.00	32,000		2,000.00
Officers on the retired-list	1,221,712.76	1,190,313.75	1,195,000	4,686.25	
Enlisted men on the retired-list	77,398.20	56,241.00	60,000	3,759.00	
Contract surgeons, etc	100,920.00	102,875.94	100,000		2,875.94
Paymasters' clerks, etc	80,127.62	83,800.00	80,000		3,800.00
Courts-martial, etc	10,701.36	10,000.00	10,000		
Officer in charge of building, etc	1,000.00	500.00	500		
Securing information from abroad	1,500.00			1,500.00	
Commutation of quarters, etc	168,170.43	150,000.00	158,000	8,000.00	
Allowances for travel, etc	1,032,573.71	850,000.00	850,000		
Mileage to officers, etc	130,000.00	85,000.00	100,000	15,000.00	
Subsistence of the Army	2,057,505.00	1,745,000.00	1,745,000		
Quartermaster's Department	2,678,000.00	2,678,000.00	2,678,000		
Incidental expenses	675,000.00	675,000.00	676,500	1,500.00	
Horses for cavalry, etc	130,000.00	130,000.00	130,000		
Army transportation	3,000,000.00	2,800,000.00	2,800,000		
Transportation on land-grant railroads		50,000.00			50,000.00
Barracks and quarters	675,000.00	620,000.00	620,000		
Construction, etc., of hospitals	125,000.00	100,000.00	100,000		
Shelter and shooting galleries, etc	10,000.00	10,000.00	10,000		
Army and Navy Hospital		7,500.00			7,500.00
Quarters for hospital stewards	25,000.00	9,600.00	12,500	2,900.00	
Clothing, camp, etc., equipage	1,150,000.00	1,150,000.00	1,150,000		
Medical and Hospital Department	220,000.00	200,000.00	200,000		
Supplies for Army and Navy Hospital	4,441.00				
Medical Museum	5,000.00	5,000.00	5,000		
Medical Library	10,000.00	10,000.00	10,000		
Maintenance of Army and Navy Hospital	13,180.00	10,000.00			10,000.00
Incidental expenses of engineer depot	5,000.00	3,000.00	5,000	2,000.00	
Purchase of materials, etc., at engineer depot	1,500.00	1,000.00	1,500	500.00	
Purchase and repair of instruments at engineer depot	2,500.00	2,000.00	2,000		
Fire-proof building at engineer depot	8,000.00				
To replace laboratory building at engineer depot	6,500.00		6,500	6,500.00	
Library, etc., at engineer depot	1,000.00	500.00	500		
Ordnance service	100,000.00	80,009.00	80,000		
Repairing stores, etc	20,000.00	5,000.00			5,000.00
Manufacture of ammunition, etc	200,000.00	100,000.00	150,000	50,000.00	
Purchase of ordnance stores	150,000.00	75,000.00	100,000	25,000.00	
Infantry, cavalry, and artillery equipments	150,000.00	75,000.00	100,000	25,000.00	
Manufacture, etc., at National Armory	500,000.00	400,000.00	400,000		
Purchase of pneumatic dynamite guns, etc			40,000	400,000.00	
For examining, testing, etc., dynamite guns, shells, gun-carriages, etc			100,000	100,000.00	
Overhauling, etc., of ordnance stores	20,000.00		5,000	5,000.00	
For firing morning and evening guns	30,600.00				
Targets for artillery practice	5,000.00		5,000	5,000.00	
Recruiting service	113,505.00	100,000.00	100,000		
Signal Service	5,000.00	3,000.00	3,000		
Contingent expenses Commissary-General	1,750.00	1,200.00	1,200		
Contingent expenses Adjutant-General	2,500.00	2,000.00	2,000		
Contingent expenses of the Army	30,000.00	15,000.00	15,000		
Total	25,364,324.08	23,724,718.69	24,289,700		
Increase				564,981.31	

WAR DEPARTMENT, *Washington City, May 17, 1888.*

SIR: I have the honor to acknowledge the receipt of your letter of the 19th ultimo, inclosing a proposition of the Pneumatic Dynamite Gun Company, of New York, for the sale to the Government of several of their guns, and requesting my views as to the guns of this company and the advisability of making an appropriation for their purchase.

In reply I have the honor to say that this dynamite gun has been developed to a point of efficiency which entitles it to recognition as a formidable addition to harbor defense. In this connection I desire to call your attention to my annual report of December 5, 1887, page 31, in which I speak of this gun and its development and of the success which has attended the tests to which it has been subjected, and recommend the purchase of one gun of 15-inch caliber in order to determine the full extent of its fitness for coast defense.

Since then I have examined with much care the reports and opinions of officers and the evidence bearing upon the question whether the gun is still to be considered merely as an experiment and in the experimental stage or may be taken as having an established character on which legislation may be safely based.

It is well known that it has been for a long time under the charge of Captain Zalinski, of the artillery; and a board of officers of the Navy of high standing, especially in the ordnance branch of that service, after very careful test experiments under their direction, and witnessed by them, are of opinion that the gun is perfectly reliable in its action, that its accuracy of fire is remarkable, and that it is an important weapon for harbor defense. These are the main questions to be decided in determining the efficiency of any gun. It is true, its power of penetration is not great, but if its shell is exploded after entering the water near the hull of a ship the most destructive effect must result. The Secretary of the Navy, in his last annual report, reviews the result of the experiments witnessed by the above-mentioned board of officers detailed by him, and concludes with the assertion that the success of the gun for coast defense is established.

Attention is also called to the remarks of the Lieutenant-General of the Army on this subject in his last report, and also to the report of the chief ordnance officer of the Army, General Benét, which accompanies this letter.

I am therefore forced, on that evidence, to the conclusion that the gun is no longer to be considered as an experiment, but has well-established qualities and characteristics, upon which it will be safe for Congress to take action; and I accordingly recommend an appropriation which would enable us to purchase and install a number of these guns, with the necessary operating plants, not exceeding ten of different calibers. I consider it very desirable that these guns, when obtained, should be placed at different points on our coasts, say Boston, New York, San Francisco, the Lakes, and at some point on the Southern coast. I have no means of knowing whether the price named for them in the proposal of the company is reasonable. I can make no suggestion, however, in relation thereto, as there appear to be no data to estimate upon except the price named in its proposition, which seems to me to be very large. Unless the committee has the means of ascertaining more accurately than I can, I would recommend an appropriation of such an amount as the committee may deem reasonable, in view of the other requirements of the Department for ordnance, with which the Secretary of War may procure as many as he can for such sum.

It is not intended by this recommendation to supplant the previous recommendations of the Department, which call attention to the great needs of the country in the matter of coast and harbor defense, and the necessity of having guns of modern pattern and construction of great power and range. The pneumatic dynamite gun does not and can not take the place of such heavy ordnance, but will be a most important and necessary auxiliary thereto.

Very respectfully,

WILLIAM C. ENDICOTT,
Secretary of War.

Hon. R. W. TOWNSHEND,
Chairman Committee on Military Affairs, House of Representatives.

Mr. TOWNSHEND. I now renew the request that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? The Chair hears none; and it is so ordered.

Mr. TOWNSHEND. Mr. Chairman, I have no desire to occupy the attention of the House with any general discussion of this bill. I will simply say that the bill has been carefully prepared, every line and every word having been gone over time and again, and it is the unanimous report of the Committee on Military Affairs. It contains substantially the appropriations of last year with some additions which have been strongly urged by the War Department. It contains nothing, in addition to the appropriations of last year, that has not received the sanction and strong recommendation of the Department. I will now answer any inquiry which any gentleman may desire to put. If no gentleman wishes to ask any question, I ask that we proceed with the consideration of the bill under the five-minute rule.

Mr. ROMEIS. I wish to inquire whether this bill provides for breech-loading ordnance.

Mr. TOWNSHEND. No, sir.

Mr. ROMEIS. The report of the Secretary of War, made to Congress last fall, shows that at the Military Academy there are not proper guns with which to drill the cadets; that in case of war the guns with which they practice would be entirely obsolete.

Mr. TOWNSHEND. Upon an official visit to West Point last week I looked into this matter. The officer in charge of that particular

branch, a very able officer, suggested to me a need for some additional appropriation to obtain appliances and machinery which would facilitate instruction to cadets in his department; but when I asked him to indicate the character of appliances for which he desired an appropriation, he said he would probably make soon a further investigation, and that the matter might very properly be deferred until next session. That provision does not apply to this bill, but belongs to the Military Academy bill.

Mr. ROMEIS. I merely ask for information on this subject.

Mr. TOWNSHEND. They have now some breech-loading guns which are used for instruction at the West Point Academy.

Mr. ROMEIS. I thought it strange that Congress would fail to supply some improved breech-loading guns for the instruction of the cadets at the West Point Academy.

Mr. TOWNSHEND. They have such improved breech-loading guns there now for the instruction of the cadets. When I was there I was informed by the officer in charge that they needed more machinery and other appliances, which of course will be provided for in the Military Academy appropriation bill, and does not belong, as I have already stated, to this bill.

Mr. LAIRD. Let me say, Mr. Chairman, that not by act of Congress but by savings out of appropriations, by economy exercised by the Ordnance Department, the construction of fifty 850-pound breech-loading guns was before this time authorized, twenty-five of which were constructed at the Cold Spring foundry, opposite West Point, and twenty-five more are being constructed at the Watervliet arsenal. These are improved breech-loading guns, having steel carriages and all other appliances of the most improved character.

A portion of this improved artillery has been placed at the West Point Military Academy for the use of the cadets, and the balance has been appropriated to the use of the Army, enabling some of these guns to be sent to the artillery school at Fort Riley, Kans.

This bill carries an appropriation for harness and other equipments for these new batteries, and that is the only portion of the appropriation which concerns these new batteries.

I wish to ask the chairman of the Committee on Military Affairs if he has any information as to the number of staff officers outside of the general staff.

Mr. TOWNSHEND. There is no information in the possession of the committee except what is found in the Army Register. The question was not brought before the committee specially.

Mr. PETERS. I see here "Pay of Staff Officers, Ordnance Department: For pay of the officers in the Ordnance Department, as now authorized and provided by law."

The inquiry I wish to make is whether the statute law of the country fixes the number of staff officers in each department, or whether that is left to the discretion of the commanding officer.

Mr. TOWNSHEND. I think the Army Regulations fix the number of staff officers. We have simply followed former appropriations in that part of the bill. In this bill it is the same that it has been for years. On examination of the Army Regulations the gentleman will find the number of staff officers, which is fixed by law.

Mr. PETERS. I am led to make the inquiry for this reason: There is a growing sentiment among the people, especially those at all conversant with our military organization, that the number of staff officers is in excess of the needs of the service, that a number of positions of that kind are filled by parties who are simply on dress parade, and who have no duties to perform. If the criticism made on this branch of the service is at all justified by the fact, then some inquiry should be made into it and the remedy applied. I have not had time to examine into it myself to see whether appointments on the staff in the various departments are confined to those strictly provided by law, or whether the commanding officer of each department has the right to appoint half a dozen or more, if he sees fit, of these staff officers simply for the purpose of giving that position to some officers and taking them from active duties in the field. It is to this criticism which has been made I desire to call the attention of this Committee of the Whole, and especially of the Committee on Military Affairs.

Mr. TOWNSHEND. I have before me the Revised Statutes, and if the gentleman desires he can have read the provision of law on this subject. It is there provided what shall be the number of staff officers.

Mr. BLOUNT. Do not the estimates of appropriations refer to the law under which the appropriation is estimated for?

Mr. TOWNSHEND. That is so.

Mr. BLOUNT. Does not the appropriation therefore have to be in accordance with the law?

Mr. TOWNSHEND. Certainly. I have the estimates before me, but there seems to be some mistake of reference.

Mr. FARQUHAR. It is not a matter of favoritism in reference to the appointment of staff officers, but here what we have to provide for is the appropriation necessary to carry out the provision of law on this subject.

Mr. BROWNE, of Indiana. There is no question that the statute fixes the number and pay of the staff of the Army. It did when I was a member of the House formerly and served on the Committee on Military Affairs.

Mr. BLOUNT. The estimates which are sent from the Treasury Department designate the statutes under which the appropriations are asked.

Mr. LAIRD. I desire to say but a word with reference to the suggestion of the gentleman from Kansas, lest an erroneous impression should get out in regard to the attitude of the Military Committee on this subject. It must be obvious to the gentleman from Kansas that it is not in the power of any general officer of the Army to appoint any staff officers in the sense that his language might imply. He may assign or detail a staff officer to duty, but of course the power of appointment is not vested in him, nor can it be exercised by him. If there be any legitimate criticism against the Congress on account of an oversupply of gentlemen, who are a monument to a long peace, connected with the staff of the Army, it does not lie with the Military Committee, because that committee have submitted to the House one or two measures looking to the reorganization of the Army, involving an overhauling of the general staff department as well as the line, and the reconstruction of the entire system, putting it upon a peace basis; so that it can pass easily and without friction from an economical peace basis into an expansion which would be necessary to meet the exigencies of war. But Congress has so far failed to give an opportunity to consider any such measures.

So far as the Military Committee is concerned, I apprehend that it can see no criticisable qualities in this bill as far as the officers are concerned, line or staff. Of course we must follow the law, and that is all of it.

Mr. PETERS. I wish to ask this question of the gentleman from Nebraska. It seems to be pretty well settled that the law provides a number of staff officers, their pay, etc. Has any information come to the committee that any general officer has evaded the law by detailing an additional staff officer, not provided for by the law, and placing him upon his staff, taking him from field duty, for instance, and detailing him upon a staff in some city, or something of that kind, as an additional aide-de-camp, or placing him in some such situation or position upon his staff? My own impression is that the criticism has been made very particularly as to the attempt or alleged attempt that has been made to add to the staff officers of a general in order to furnish some officer, who really ought to be with his company in the field, a position at headquarters or in the city of Washington. I think that is perhaps the criticism that is made.

Mr. LAIRD. That is the gist of it.

Mr. PETERS. Yes, that is the gist of the criticism that has been made.

Mr. LAIRD. My answer is this, Mr. Chairman. I have no specific knowledge of that kind, as having come to the committee; and whatever might be the individual opinions of members of the committee as to that principle and that abuse, if it exists, of course it does not concern this measure. That is a matter of administration and belongs to the military not to the legislative branch of the establishment.

Mr. TOWNSHEND. I now ask that the bill be read by sections for debate and amendment.

The CHAIRMAN. The Clerk will report the first paragraph of the bill.

The Clerk read as follows:

Pay Department: For the pay of the officers in the Pay Department, as now authorized and provided by law, $116,500; for additional pay to such officers for length of service, to be paid with their current monthly pay, $33,500; in all, $150,000.

Mr. PETERS. Mr. Chairman, I move to strike out the last word, for the purpose of calling attention to the difference between the amount of money provided as an expenditure for the Pay Department and the amount of money appropriatod for the Ordnance Department. The entire amount expended in the Ordnance Department is $174,460. Now, there probably is some little excuse for this large appropriation in connection with the Ordnance Department, because that department is continually carrying on experiments, and they are in the main carried on, I am informed, by staff officers. But here is the Pay Department of the Army which costs $150,000, or within about $24,000 of the whole amount appropriated for the Ordnance Department.

I am satisfied that there are too many paymasters in the Army now. I am convinced that this force is much larger than it ought to be.

Mr. FORD. Will the gentleman permit me to ask him a question?

Mr. PETERS. Yes, sir.

Mr. FORD. Does the gentleman think that paying the Army once in sixty days is too often?

Mr. PETERS. No, sir.

Mr. FORD. That is all they do now.

Mr. PETERS. I know, but——

Mr. BROWNE, of Indiana. How many paymasters are engaged in that duty?

Mr. FORD. I can not tell you, sir; but the law provides for about thirty-eight.

Mr. BROWNE, of Indiana. I have not looked at the reports this year, but I have been familiar with this subject in the past, and I take

the responsibility of saying that you will not find one in five of the paymasters engaged in the actual duty of paying the troops.

Mr. TOWNSHEND. I do not know how many are actually engaged in paying the troops, but we have a statute requiring that until the number is reduced to twenty-nine—I think there are forty-one now—but until the number is reduced to twenty-nine as the minimum that there shall be no other appointments. The object is to reach this minimum limit of twenty-nine. But there are more than that number in the service—forty-one, I believe, now in all. The estimates were made for the payment of that number, and there was nothing for the committee to do but to recommend the appropriation.

Mr. BROWNE, of Indiana. I was concerned in the passage of the act to which the gentleman refers, and it was the investigation I then made which led me to make the observation I have made to-day. I was satisfied then, and I think the Paymaster-General was, that there was from one-fourth to one-third more officers in the Pay Department than the emergencies of the service required.

Mr. TOWNSHEND. I will say this, however, to my friend, that upon inquiry I find as the Army is being more generally distributed, as they are establishing posts at distant points, there is a greater need for a larger number of paymasters than when the Army was more consolidated.

Mr. BROWNE, of Indiana. That is true.

Mr. TOWNSHEND. And so it is believed by the Department that when the number shall be reduced to twenty-nine we will only then have a sufficient number to perform these duties to pay the troops once in two months.

Mr. BROWNE, of Indiana. There are upon the rolls of the Army something over twenty-one thousand men. If they were all together, of course one paymaster could pay them all, with a suitable force of competent clerks. But because they are distributed at a number of posts all over the country it evidently requires a larger number. The law as it is now will ultimately reduce the number to twenty, or nearly that.

Mr. TOWNSHEND. Twenty-nine.

Mr. BROWNE, of Indiana. I am not proposing to attack the law. I think it will have to continue just as it is. But there are a great many supernumerary officers in the Pay Department, without doubt.

Mr. TOWNSHEND. We are reaching the minimum number as rapidly as time will permit.

Mr. PETERS. I hope the Military Committee will not entertain any idea of stopping that minimum at any point above twenty-nine, because while it is true that our military posts are being extended, yet our Army departments are not being extended. I can not see why one paymaster, with a corps of clerks sufficient to prosecute the business of his office, can not pay the troops in one department a great deal easier now than he could ten or twelve years ago with the means of communication then at hand.

Mr. FORD. However that may be, the officers of the department claim now that from a lack of force of paymasters they are unable to pay the troops oftener than once in two months.

Mr. PETERS. How many departments have we, commanded by a major-general or a brigadier-general?

Mr. FORD. I can not tell you the number.

Mr. PETERS. There are certainly not twenty-nine.

Mr. FORD. No; I think not.

Mr. PETERS. The point I am making is simply this——

Mr. TOWNSHEND. The Military Committee have no authority to change existing law, and therefore they did not attempt to interfere with the law as it now exists. The question as to whether the limit should be changed will arise when a bill to that effect comes before the House. That is not a question we ought to debate now. We are simply appropriating money in pursuance of law already made. I would call the attention of my friend to the fact that whatever criticism he has to make on the law should be made when a bill on that subject is before the House.

Mr. PETERS. I have not been criticising the Military Committee at all. That was not my intention. I am satisfied from this bill the Military Committee have done their duty fully. I simply call attention to these matters so that in the future in legislation we may, if possible, curtail the force in this Department at every point and at every opportunity that presents itself.

Mr. TILLMAN. The gentleman ought to be aware that such action must be had by a separate bill and not in an appropriation bill; and therefore what he says is not at all pertinent.

Mr. TOWNSHEND. I will say to my friend [Mr. PETERS] that I believe there is really an argument on both sides of the question. There are good reasons why the number of paymasters should not be fixed at too small a limit. But when the matter comes up that matter can be discussed.

The CHAIRMAN. If there is no objection, the *pro forma* amendment will be considered as withdrawn, and the Clerk will continue the reading.

The Clerk read as follows:

Judge-Advocate-General's Department: For the pay of the officers in the Judge-Advocate-General's Department, as now authorized and provided by law, $25,000; for additional pay to such officers for length of service, to be paid with their current monthly pay, $7,000; in all, $32,000.

RETIRED OFFICERS.

For pay of officers on the retired-list, and for officers who may be placed thereon during the current year, $920,000; for additional pay to such officers for length of service, to be paid with their current monthly pay, $275,000; in all, $1,195,000.

RETIRED ENLISTED MEN.

For pay of the enlisted men of the Army on the retired-list, $90,000.

MISCELLANEOUS.

For pay of contract-surgeons, hospital-matrons, and veterinary surgeons, in all, $100,000.

Mr. TOWNSHEND. Mr. Chairman, in line 104 it is suggested by the Secretary of War that after the word "pay" the words "and traveling expenses" shall be inserted. That was not submitted to the committee. I received the communication yesterday too late to bring it before the committee. I think the suggestion is very proper. It does not change the amount at all. The War Department is paying the traveling expenses in another way, but prefer to have an explicit statement in the bill.

The amendment was agreed to.

Mr. TOWNSHEND. Now, Mr. Chairman, I move to amend, in line 106, by striking out "forty-one" and inserting "forty-two." That is to correct a typographical error and provide for the number now fixed by law.

The amendment was agreed to.

Mr. PETERS. Lines 104 and 105 provide for the pay of contract surgeons, hospital matrons, and veterinary surgeons; in all $100,000. The pay of the Medical Department of the Army as now authorized and provided by law is $426,700. Then there is a provision for additional pay, and the aggregate amount is $536,700. The disbursement of that sum of money would indicate a very large Medical Department in connection with our Army. The inquiry I wish to make is, why is it necessary, with this large Medical Department in connection with our Army, to employ in addition a large number of contract surgeons and pay to them nearly $100,000? It seems to me the Medical Department itself, when taken in connection with the other Departments—the Subsistence Department, the Ordnance Department, the Pay Department, etc.—is very much larger and the amount appropriated for its maintenance is very much larger than any of the other Departments; yet it is the only Department for which an additional sum is appropriated. Here is an appropriation of nearly $100,000 for contract surgeons. These contract surgeons, as I understand, are surgeons outside of the Medical Department of the Army, with whom contracts are made. I do not understand why it is necessary to employ contract surgeons when we have such a large Medical Department connected with the Army itself.

Mr. LAIRD. The aggregate strength of the Army—cavalry, artillery, and infantry—is correctly stated at less than 20,000. That is the active force. The allowance by law to a regiment is one surgeon and one assistant surgeon. A battery has an assistant surgeon; a regiment of cavalry has two surgeons. Now, the Army is divided into posts, scattered over the country from the Atlantic to the Pacific. As I remember now, there are, I think, six in the State of Nebraska, five in the Territory of New Mexico, and four or five in the State of Kansas. Each of these posts, whether it be of a regiment, a company, two companies, a battalion, a battery, or a squadron of cavalry, must have medical attendance. If a regiment is assigned, it has its medical officers. If a regiment be divided into battalions and assigned, the regular medical corps of the regiment can supply only the home post and one other. Consequently, there must be drawn from some source the medical supply for these detachments, and it must come either from the existing medical force of the Army, or it must be obtained by the employment of what are called assistant or contract surgeons. That, I suppose, is the explanation of this matter.

Mr. PETERS. I wish to ask the gentleman whether there are not enough surgeons and assistant surgeons in the Army, so that whenever a detachment of a regiment is sent out one of these officers can be detailed to accompany it?

Mr. LAIRD. You can not supply more than two detachments from the medical officers that are allowed to a regiment by law.

Mr. PETERS. Then I understand the gentleman to say that the medical department of each regiment consists of a surgeon and an assistant surgeon, and that all of these are employed at the places where the regiments are located, so that whenever a detachment of the regiment is sent upon a scouting expedition it is necessary to employ a contract surgeon to accompany that detachment.

Mr. LAIRD. Not exactly that, my friend. You should understand me to say this: The legal supply of medical officers to a regiment of infantry is so much, to a regiment of cavalry so much, to a battery so much. As the gentleman knows, a regiment of infantry or cavalry is susceptible of division; there are five-company posts, four-company posts, three-company posts, two-company posts, and so on. And in some instances regiments, especially cavalry regiments, are sent upon expeditions and hold summer camps at some distance from the rendezvous or established post of the regiment. In such cases they must, in common prudence, be accompanied by medical officers, and of course if a regiment be divided into half a dozen battalions or detachments at as many different posts, they must be accompanied by medical officers.

Now, the regular legal supply of these officers to a regiment is not sufficient to meet that demand, and consequently the Surgeon-General is compelled to employ contract surgeons. The same condition of things existed during the war, and if you read the report of the Surgeon-General you will discover that the needs of the Army are such that he is compelled to ask Congress to increase the medical force to meet the requirements of the service, arising from the wide distribution of the Army at different posts along the frontier.

Mr. BLOUNT. These contract surgeons are employed all the time?

Mr. LAIRD. Certainly.

Mr. PETERS. I am very glad to have this explanation, in order that I may be able myself to explain the matter to others. I have frequently heard it stated, and undoubtedly it is generally believed, that at posts on the frontier contract surgeons are employed to perform the duties of men who properly belong to the War Department as medical staff officers and who should perform those duties themselves. I am very glad therefore to have the matter explained, so that I may explain it and meet in the proper manner the criticisms which I have heard made.

The CHAIRMAN. If there be no objection, the Chair will regard the formal amendment as withdrawn.

Mr. TILLMAN. Mr. Chairman, I would like to say a word in reply to the gentleman from Kansas [Mr. PETERS]. This committee have not now a bill before the House for general legislation in regard to the Army. This is merely a bill to provide for paying the Army in accordance with existing law. It is true the committee might have reduced the appropriation for contract surgeons if they had thought fit, but we had the Surgeon-General before us and questioned him closely upon this point, and he satisfied us that the employment of these contract surgeons was necessary.

I would add that there is a decrease of about $3,000 as compared with the appropriation of last year. I hope the gentleman from Kansas [Mr. PETERS] will not catechise the committee here by putting questions as to matters of detail which, if this were a general bill, would be pertinent; but as this is merely a bill making appropriations in accordance with existing law, it really seems to me his remarks are not altogether applicable.

Mr. PETERS. I want to state to my friend from South Carolina [Mr. TILLMAN] in all good nature that I have not been able to get this information, perhaps because of lack of time; and as these very questions have been put to me by men who have arraigned Republican administrations for employing contract surgeons and giving them "fat jobs" as was stated, I want to be able, when such an arraignment is made again, to give the proper explanation. I therefore took this opportunity to seek to obtain the information.

Mr. TILLMAN. The gentleman said "Republican administrations;" perhaps he meant the "Democratic administration."

Mr. PETERS. No, sir; I meant that in past campaigns Democratic speakers have arraigned Republican administrations in relation to this very question of contract surgeons; the matter has been thrown into my face.

Mr. TILLMAN. You see that the only duty of our committee was to provide appropriations in accordance with existing law.

Mr. PETERS. I understand that; and I wish to disclaim again any intention to criticise the committee. I am simply seeking information in order to guard myself against such attacks in the future.

The Clerk read as follows:

For pay of not exceeding forty-one paymasters' clerks, at $1,400 each, paymasters' messengers, and traveling expenses of paymasters' clerks, in all, $80,000: *Provided*, That the maximum sum to be allowed paymasters' clerks when traveling on duty shall be 4 cents per mile, and, in addition thereto, when transportation can not be furnished by the Quartermaster's Department, the cost of same actually paid by them, exclusive of sleeping or parlor car fare and transfers.

Mr. TOWNSHEND. In order that the limitation in regard to traveling expenses may apply to contract surgeons as well as to paymasters' clerks, I offer the amendment which I send to the desk.

The Clerk read as follows:

After the words "paymasters' clerks," in line 110, insert "and contract surgeons."

The amendment was agreed to.

The Clerk read as follows:

For the necessary expenses attendant on the collection and classification of military information from abroad, $1,500; and the officers detailed to obtain the same shall be entitled to mileage and transportation and also commutation of quarters while on this duty, as provided when on other duty.

Mr. RANDALL. Reserving a point of order on the paragraph just read, I wish to make an inquiry. This provision as printed seems to be general in its character; but it appears by the report of the committee that this sum of $1,500 is to be used in the employment of a clerk at that salary. The provision in the form in which it is printed in the bill comes directly in conflict with the existing law as embraced in section 4 of the legislative, executive, and judicial appropriation act of August 5, 1882—a provision of law which has resulted in great benefit to the Government, and has prevented the use of appropriations in bulk for the employment of additional clerks in the Departments.

If this bill made specifically on its face an appropriation for a clerk at $1,500, the provision might not be objectionable and in contravention of law. But in the form in which it now stands, it is directly in the face of the provision to which I have referred, and which, if the gentleman desires, I will have read.

Mr. TOWNSHEND. I think that after the gentleman hears an explanation he will not insist on his objection.

Mr. RANDALL. It may be necessary to make this appropriation. I do not object to this service, but to the manner in which the appropriation is made, being in contravention of law.

Mr. TOWNSHEND. After the gentleman hears an explanation, I think he will not ask for even a modification of the clause. While I admit that perhaps the provision is liable to the criticism which he has made, I will state that the purpose in framing the language in this shape was to avoid the danger of trouble in the Comptroller's Office in passing the accounts.

Mr. RANDALL. Well, I want to create such "trouble in the Comptroller's Office," for I believe the Comptroller is an efficient officer and prevents the payment of money out of the Treasury except in obedience to the exact requirements of law.

Mr. TOWNSHEND. The very thing I wanted to do was to avoid the danger of trouble there by particularizing items.

Mr. RANDALL. This does not particularize.

Mr. TOWNSHEND. It does state specifically the purpose of the appropriation, and if my friend will allow me to explain——

Mr. RANDALL. I would like the gentleman to hear the law read, that he may determine for himself whether this clause of the bill is in accordance with the law.

The Clerk read as follows:

SEC. 4. That no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall after the 1st day of October next be employed in any of the Executive Departments, or subordinate bureaus or offices thereof at the seat of government, except only at such rates and in such numbers, respectively, as may be specifically appropriated for by Congress for such clerical and other personal services for each fiscal year; and no civil officer, clerk, draughtsman, copyist, messenger, assistant messenger, mechanic, watchman, laborer, or other employé shall hereafter be employed at the seat of government in any Executive Department or subordinate bureau or office thereof or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made, and at the rate of compensation usual and proper for such services, and after the 1st day of October next section 172 of the Revised Statutes, and all other laws and parts of laws inconsistent with the provisions of this act, and all laws and parts of laws authorizing the employment of officers, clerks, draughtsmen, copyists, messengers, assistant messengers, mechanics, watchmen, laborers, or other employés at a different rate of pay or in excess of the numbers authorized by appropriations made by Congress, be, and they are hereby, repealed; and thereafter all details of civil officers, clerks, or other subordinate employés from places outside of the District of Columbia for duty within the District of Columbia, except temporary details for duty connected with their respective offices, be, and are hereby, prohibited; and thereafter all moneys accruing from lapsed salaries, or from unused appropriations for salaries, shall be covered into the Treasury.

Mr. RANDALL. The gentleman from Illinois assisted in making that law when he was a member of the Committee on Appropriations, if I recollect aright, and now I wish him to conform to it.

Mr. TOWNSHEND. What is the gentleman's suggestion.

Mr. RANDALL. Put in one clerk at $1,500 to do this work.

Mr. TOWNSHEND. I am willing the suggestion of the gentleman from Pennsylvania shall be adopted. Let us pass over the paragraph for a moment, so the gentleman may prepare his amendment.

The CHAIRMAN. The Chair hears no objection, and it will be passed over for the present.

Mr. TOWNSHEND. When the gentleman has prepared his amendment we can come back again to this paragraph.

Mr. RANDALL. I move to strike out the words "for the necessary expenses attendant on the collection and classification of military information from abroad" and insert "for the pay of a clerk attendant on the collection and classification of military information from abroad:" so it will read: "For the pay of a clerk attendant on the collection and classification of military information from abroad, $1,500."

Mr. TOWNSHEND. That will be satisfactory.

The amendment was agreed to.

The Clerk read as follows:

QUARTERMASTER'S DEPARTMENT.

Regular supplies: For the regular supplies of the Quartermaster's Department, consisting of stoves and heating apparatus, and repair and maintenance of the same, for heating barracks and quarters; of ranges and stoves for cooking; of fuel and lights for enlisted men, guards, hospitals, store-houses, and officers, and for sales to officers; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, including its care and protection; for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding; and of stationery, including blank-books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing division and department orders and reports, $2,678,000: *Provided*, That no part of this appropriation shall be expended on printing unless the same shall be done by contract, after due notice and competition, except in such case as the emergency will not admit of the giving notice for competition.

Mr. LAIRD. I move the following amendment, to come in at the end of that paragraph.

The Clerk read as follows:

Provided further, That after advertisement all supplies for the use of the various departments and posts of the Army shall be purchased where the same can be purchased the cheapest, quality and cost of transportation being considered.

Mr. TOWNSHEND. Where does that amendment come in?

Mr. LAIRD. It comes in after the paragraph in line 219.

Mr. TOWNSHEND. Mr. Chairman, as well as I am able to understand the purpose of the gentleman from Nebraska, I am in sympathy with him, but I can not say this will not derange and seriously interfere with the operations of the Army, and for that reason, without the opportunity to submit the matter to the War Department, I am compelled to raise the question of order against it that it is a change of existing law, and therefore not in order.

I am in sympathy with the purpose of the gentleman from Nebraska that the supplies for the Army shall be purchased where it can be done the cheapest, but, as a matter of caution, I am compelled to make the point of order against the amendment.

Mr. LAIRD. By the failure of the Committee on Military Affairs to provide for it in this bill the habit in the purchase of quartermaster's supplies has been to purchase them and concentrate them at certain stations—at Jeffersonville, Ind., for instance—for distribution to the frontier. The purpose of my amendment is to make it the duty of the purchasing officer to purchase the supplies for Nebraska at Omaha, if they can be purchased cheapest there, quality and cost of transportation considered, and to purchase the supplies at Fort Riley or Fort Leavenworth, if they can be purchased at a cheaper cost, instead of being purchased elsewhere and sent to those places from Jeffersonville, Ind.

I do not see how this can interfere with the order of proceeding in the purchase of supplies for the Army. It seems to me it provides a necessary safeguard which ought to be thrown around economical purchase of these Army supplies.

Mr. TOWNSHEND. The Secretary of War has the power, and it is his duty, to purchase supplies where he can purchase them cheapest, and when quality and cost of transportation are taken into consideration it is his solemn duty to do so. If the Secretary does not follow the line of economy it would be proper to enforce it by the law, but knowing the Secretary of War as well as I do, I think we can safely leave the discretion with him. If the amendment had been suggested before, so we might have obtained the opinion of the War Department on it, I might have reached a different conclusion, but for the present I must insist on the regular order. I have no doubt the Secretary will follow out the course suggested in the amendment.

Mr. LAIRD. The fact is that the Secretary of War has not done it, and that is something of light for the guidance of our judgment as to his future actions.

The CHAIRMAN. In the opinion of the Chair this amendment does not change existing law. The law requires the Department to make contracts with the lowest bidder.

Mr. LAIRD. I understand that, Mr. Chairman; but under the interpretation which that law has received, position, with reference to the point of the assemblage of the supplies, has controlled the locus of their purchase.

Mr. McSHANE. It has been the custom heretofore in the purchase of such supplies to concentrate them at two points, namely, in Jeffersonville, Ind., and in Philadelphia, Pa. These were the two general depots of supplies for the Army, and from these two points the supplies were distributed throughout the country to the various posts and stations. Now, it was not part of the duty of the Secretary of War, where the supplies had been concentrated at these two points—or rather I should say he was not enabled to purchase where he could purchase cheapest, for the reason that it was necessary to concentrate the supplies at the points named, and proximity to those points was often an element in determining the purchase.

Mr. TOWNSHEND. Let me interrupt the gentleman for a moment. Having left out that provision, requiring the concentration of these supplies at the two points, does it not now leave it discretionary with the Secretary of War to purchase supplies at Omaha, or any other place where they may be needed, provided in his judgment the offers made are such as to warrant the acceptance of the bids?

Mr. McSHANE. I will state to the gentleman that the amendment proposed by my colleague from Nebraska [Mr. LAIRD] is intended to take the place of provisions in former bills. It provides that the purchase of these supplies shall be made where they can be bought cheapest; but one of the most important elements of cheapness may be the cost of transportation. I do not see how there can be any objection to such an amendment as that, and from the fact that the distributing point in former bills has been stricken from this bill. So that it is simply right and proper that a provision should be put in this bill compelling the Department to purchase where they can purchase cheapest on the conditions named.

Mr. TOWNSHEND. Let me ask the gentleman a question.

Mr. McSHANE. Certainly.

Mr. TOWNSHEND. The Secretary of War, as the law now stands, has full power to do what is required in that respect.

Mr. McSHANE. Probably so.

Mr. TOWNSHEND. If then he has the power now conferred upon him by existing law, what is the occasion for the amendment?

Mr. McSHANE. If he has the power now under existing law, as the gentleman claims, what objection can there be to the amendment?

Mr. TOWNSHEND. Because the power, under the existing law, gives this officer certain discretion; and before such a provision as this is enacted into law certainly the judgment of the Department should be taken upon it.

Mr. McSHANE. The Government does not pay much attention to transportation charges on supplies for the Army, as I am well aware.

Mr. TOWNSHEND. Well, I think my friend is mistaken in that. The officer in charge is a very careful man.

Mr. McSHANE. The amounts expended each year for transportation are excessive.

Mr. TOWNSHEND. I think the committee has made a very careful inquiry in reference to that branch of the service and was satisfied that economy has been practiced.

Mr. RANDALL. The present official, General Holabird, in charge of the Army transportation, has been continuously cutting down the expenditure and decreasing the expenses for Army transportation, until now it is reduced greatly over what it was in former years.

Mr. RYAN. Because formerly it was very excessive; in fact I think it is yet.

Mr. RANDALL. The Committee on Appropriations and my friend here on my left, the gentleman from Alabama [Mr. FORNEY], Mr. RYAN, and General Holabird, have co-operated in the effort to reduce these expenditures.

Mr. TOWNSHEND. The decrease in this manner on account of Army transportation is $50,000, and the officer in charge of that branch of the Department is a most efficient and economic officer, and he even goes forward and suggests reductions which we perhaps would never have been able to discover if it had not been for his care in this respect. I think we can safely intrust it to him, and if there is any abuse of the law as it now exists I will cheerfully join with the gentleman in securing a change.

Mr. LAIRD. I understand the decision of the Chair to be that this is not amenable to the point of order suggested by the chairman of the committee. It is possible that it is obnoxious to the objection that it is cumulative, that it is already a part of the duty of this officer to do as is here suggested. But it can neither be accepted in the spirit of offensive legislation nor as a charge of a want of diligence on the part or this officer in merely contributing our suggestion to the manner of transacting the public business on the part of the Quartermaster-General.

I trust the amendment will be adopted, because it can embarrass or harass no one.

Mr. RANDALL. Let the amendment be again read.

The amendment was again reported.

The CHAIRMAN. Is the point of order insisted upon?

Mr. RANDALL. Would it not be possible that we would cut out the lowest responsible bidder, if the transportation was taken into consideration?

Mr. McSHANE. But no bid is received now without filing a certified check.

Mr. TOWNSHEND. The objection I have to this is that we have not consulted the Department, and it ought to be considered there before action is taken.

Mr. RANDALL. If I understand the effect, I know the gentleman's motive is all right—but the effect of the amendment will be to change the present method of the delivery of supplies purchased by contract. The question of the transportation from the point where the contractor delivers the supplies to the point where the quartermaster may want them is to be considered in awarding the contracts.

Mr. LAIRD. Yes, sir. Under the former rule of practice, and of course we have seen the effect of the old system, the habit has been to make the purchase of supplies near the point of assembling.

Mr. RANDALL. That is desirable.

Mr. LAIRD. In some respects, yes; near the point of assembling. Admitting that to be desirable, is it in the least desirable, excluding the transportation, if the same quality can be got for the same cost it should be obtained there? That is an advantage to the Government in dollars and cents. Is it not equally to the advantage of the Government in other respects?

Mr. RANDALL. If I understand the effect of your amendment, it would compel the Quartermaster-General to take into consideration the transportation between points the contractor in the East would deliver and the contractor in the West would deliver.

Mr. LAIRD. That would be a wholesome arrangement, would it not?

Mr. RANDALL. I do not see any objection to that arrangement.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. TOWNSHEND. If my friend will allow me, I will ask that the amendment be passed over for the present and will think about it, and then we can return to it hereafter.

The amendment was temporarily passed over.

The Clerk read as follows:

Incidental expenses: For postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed under the direction of the Quartermaster's Department in the erection of barracks, quarters, and store-houses, in the construction of roads, and other constant labor, for periods of not less than ten days, and as clerks for post quartermasters at military posts; for expense of expresses to and from the frontier posts and armies in the field, of escorts to paymasters and other disbursing officers, and to trains, where military escorts can not be furnished; expenses of the interment of officers killed in action, or who die when on duty in the field, or at military posts and on the frontiers, or when traveling under orders, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employés to the officers of the Quartermaster's Department, compensation of forage and wagon masters authorized by the act of July 5, 1838; for the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, and for the trains, to wit: Hire of veterinary surgeons; and of a riding and training master for the more thorough instruction of officers and cadets, a sum not exceeding $1,500; purchase of medicine for horses and mules, picket-ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movement and operations of the Army, and not expressly assigned to any other department, $626,500: *Provided*, That $225,000 of the appropriation for incidental expenses, or so much thereof as shall be necessary, shall be set aside for the payment of enlisted men on extra duty at constant labor of not less than ten days, in the Quartermaster's Department, but no such payment shall be made at any greater rate per day than is fixed by law for the class of persons employed at the work done therein.

For purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such Infantry as may be mounted, and the expenses incident thereto, $130,000: *Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service; and that no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quartermaster's Department, and an inspection by such department, all under the direction and authority of the Secretary of War.

Army transportation: For transportation of the Army, including baggage of the troops, when moving either by land or water; of the necessary agents and employés; of clothing, camp and garrison equipage, and other quartermaster's stores from Army depots or places of purchase or delivery to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence stores from the places of purchase and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draught and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employés; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train-masters, and in opening roads and building wharves; transportation of the funds of the Army, the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; for procuring water at such posts as from their situation require it to be brought from a distance; and for the disposal of sewage and drainage, and for clearing roads, and for removing obstruction from roads, harbors, and rivers to the extent which may be required for the actual operation of troops in the field; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent. of the full amount of the service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service; in all, $2,800,000: *Provided*, That hereafter no part of this appropriation shall be expended in the purchase for the Army of draught animals until the number on hand shall be reduced to five thousand, and thereafter shall only be expended for the purchase of a number sufficient to keep the supply up to five thousand: *And provided further*, That no expenditure authorized by this act from the appropriations made herein for the Quartermaster's Department of the Army, including the transportation of troops and their supplies, and the expenses incident thereto, shall be made except by the Quartermaster-General, under the direction of the Secretary of War, unless an emergency exists that demands immediate action; and in such case the expenditure necessary to meet the emergency may be made upon the order in writing of the General commanding the Army, or upon the order in writing of a division or department commander in whose jurisdiction the emergency arises; but every such order from a division or department commander shall certify that an emergency exists requiring immediate expenditure, stating the emergency necessary to be met.

Barracks and quarters: For barracks and quarters for troops, store-houses, for the safe-keeping of military stores, for offices, and for the hire of buildings and of grounds for summer cantonments and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, $620,000: *Provided*, That no expenditures exceeding $500 shall be made upon any building or military post, or grounds about the same, without the approval of the Secretary of War for the same, upon detailed estimates by the Quartermaster's Department; and the erection, construction, and repair of all buildings and other public structures in the Quartermaster's Department shall, as far as may be practicable, be made by contract, after due legal advertisement: *And provided further*, That no more than $1,300,000 of the sums appropriated by this act shall be paid out for the services of civilian employés in the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, and camp and garrison equipage; and that no employé paid therefrom shall receive as salary more than $150 per month, unless the same shall be specially fixed by law; and no part of any of the moneys so appropriated shall be paid for commutation of fuel and for quarters to officers or enlisted men.

For shelter, shooting-galleries, ranges, repairs, and expenses incident thereto, $10,000.

Mr. ROWELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

After line 364 insert "for the necessary buildings and wharf for the military post at Highwood, near Chicago, $300,000."

Mr. RANDALL. Is there any law authorizing this? If not I make the point of order.

Mr. ROWELL. Before the point of order is made——

Mr. RANDALL. I reserve the point of order.

Mr. TOWNSHEND. I will say to the gentleman from Pennsylvania [Mr. RANDALL] there is a law authorizing the establishment of a post at or near Chicago, but the appropriation has not been made to carry that law into effect. There is a law authorizing it. The law passed Congress at the last session. I believe the amendment ought to be adopted. The construction of the post has been authorized.

Mr. ROWELL. There is no question it ought to be constructed. In explanation I desire to have the letter of General Sheridan read by the Clerk.

Mr. RANDALL. Why did not the committee recommend the appropriation?

Mr. TOWNSHEND. It was not estimated for, and so did not come before the committee.

The Clerk read as follows:

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., February 17, 1888.

SIR: I have the honor to ask your consideration of the matter of the proposed military post near Chicago, Ill.

The ground for that purpose having been purchased by individuals in that city, been presented to the United States, and its acceptance authorized by Congress, it, last fall, upon the action of the Secretary, passed into the possession of the Government, and two companies of troops have been stationed there this winter in temporary quarters.

No appropriation has yet been made for the construction of the post, and as the season when building operations should be commenced is rapidly approaching, I would recommend that the matter be presented for Congressional action and a request for an appropriation this year of $300,000 be made.

This sum will not be quite sufficient, probably, to complete the post for the contemplated garrison, four troops of cavalry and six companies of infantry, but would be all that could be profitably expended during the coming fiscal year.

Very respectfully, your obedient servant,

P. H. SHERIDAN,
Lieutenant-General.

To the SECRETARY OF WAR.

Mr. RANDALL. This amendment would be more appropriate on the sundry civil bill, where military posts are provided for.

Mr. TOWNSHEND. I agree with the gentleman from Pennsylvania that this amendment would be more appropriate there; but knowing the necessity for the work, and inasmuch as the amendment is now offered, I am willing it should be agreed to.

Mr. ROWELL. This post is a very material part of the plant of the General of the Army for the disposition of the troops. There is immediate need of a wharf, so that the supplies can be landed from the lake. I think there ought to be no objection to the amendment being adopted. I hope there will be no objection.

Mr. TOWNSHEND. I stated to my friend I believed the money ought to be appropriated, and I have no objection to the amendment going into the bill. The gentleman from Pennsylvania [Mr. RANDALL] is right that the amendment belongs more properly to the sundry civil bill; but I am willing it should go in here.

Mr. ROWELL. I think it ought to go in right now.

Mr. TOWNSHEND. My friend has offered his amendment with reference to the wrong line. It should be inserted at the end of line 362.

Mr. ROWELL. I do not care; let it go in at the end of line 362.

The amendment was agreed to.

The Clerk read as follows:

Construction and repairs of hospitals: For construction and repairs of hospitals, including the extra-duty pay of enlisted men employed on the same, $100,000.

For construction of quarters for hospital-stewards, including the extra-duty pay of enlisted men employed on the same, $12,500: *Provided*, That the posts at which such quarters shall be constructed shall be designated by the Secretary of War, and the quarters shall be built by contract, after legal advertisement, whenever the same is practicable; but the cost of construction of quarters at any one post shall in no case exceed $800.

Mr. OUTHWAITE. Mr. Chairman, I wish to offer an amendment, to change the word "eight," in line 376, to the word "twelve." It will be observed that this paragraph provides for the construction of quarters for hospital-stewards, that is, a small drug store with an office and probably living-rooms for the hospital-stewards. It provides that those quarters shall be built only when designated by the Secretary of War; that is at the posts which he shall select as being suitable or requiring such quarters. I am informed by the Quartermaster-General that where temporary posts have been established a small sum is sufficient for this purpose—four or five hundred dollars; but that at posts in or near large cities, which are intended to be permanent posts, where the buildings are already of a permanent character, it will cost from ten to eleven or twelve hundred dollars. Therefore I offer this amendment.

The Clerk read as follows:

In line 376 strike out "eight" and insert "twelve."

Mr. TOWNSHEND. The amendment being in that form, I shall be compelled to raise the point of order.

Mr. OUTHWAITE. Then I will withdraw that amendment and offer the one which I send to the Clerk's desk.

The Clerk read as follows:

At the end of the line 377 insert "except that when a post is situated at a city of more than 50,000 inhabitants, the cost of construction of said quarters may be not to exceed $1,200."

Mr. OUTHWAITE. I yield to the gentleman from Ohio [Mr. CROUSE].

Mr. CROUSE. Mr. Chairman, the average cost of buildings for this purpose can undoubtedly be kept within the figure named in the bill, and probably such buildings could be provided in many instances for a less sum than $800; but the committee will remember that in some places—such a place as Columbus, Ohio, for instance, where there are permanent barracks—it would hardly do to erect anything but a permanent building, and for such a building $800 would not be sufficient. The amendment offered by my colleague from Ohio [Mr. OUTHWAITE] is so worded as not to "let the bars down" promiscuously and allow extravagance in these matters, but in cities of the size mentioned in the amendment it will permit buildings to be erected that will be not only useful for this immediate purpose, but will also be in accordance with the other buildings of the place. I think the amendment ought to prevail.

The amendment was agreed to.

The Clerk read as follows:

For the purchase by the Secretary of War of pneumatic dynamite guns of different calibers, and the necessary plants, ammunition, and carriages for the same, for armaments and military use, $400,000, or so much thereof as he may deem proper.

Mr. RANDALL. I desire to make the point of order against that paragraph. From time immemorial, or at least as far back as I remember, appropriations for this character of armament have been embraced in the fortification bill. I make the point of order against this paragraph, and I object especially to the words "and the necessary plants." It will not be contended that there is any law providing for a plant in this connection, and I can not view this provision in any other light than as an attempt to edge in the beginning of a plant for the manufacture of these guns by the Government. I need not go now into the merits of such an undertaking. I make the point of order against the paragraph, and more particularly against the words "and the necessary plants," on the ground that there is no law authorizing a necessary plant for any such purpose.

Mr. TOWNSHEND. There is no question, in my judgment, but that it is in order on this bill to appropriate for the purchase of arms, small or large; but under the construction which the gentleman from Pennsylvania puts upon the provision in the bill, namely, that it contemplates establishing a plant to manufacture these guns, it is possible that his point of order may be good, and to obviate that objection I will agree to strike out the word "plants." It was not contemplated at all to provide for the establishment of such a plant as the gentleman has in mind. The only purpose was to provide the machinery necessary for handling and firing the guns.

Mr. RANDALL. Then why not say so.

Mr. TOWNSHEND. I am willing to strike out "plants" and insert instead "machinery to fire and handle the same."

Mr. RANDALL. That will obviate the objection I have made to the language in the bill.

The CHAIRMAN. The Clerk will report the amendment as proposed by the gentleman from Illinois [Mr. TOWNSHEND].

The Clerk read as follows:

Strike out "plants," in line 457, and insert "machinery to fire and handle the same."

Mr. RANDALL. Let us hear the paragraph as it will read with the amendment.

The Clerk read the paragraph as proposed to be amended.

Mr. RANDALL. What is meant by "armaments" in this paragraph?

Mr. TOWNSHEND. It means something of the same nature.

Mr. SPINOLA. It means the appliances for handling the guns.

The amendment of Mr. TOWNSHEND was agreed to.

The Clerk read as follows:

For overhauling, cleaning, and preserving new ordnance stores on hand at the arsenals, $5,000.

Mr. FORD. I move to amend by inserting after the line last read the clause which I send to the desk.

The Clerk read as follows:

For firing the morning and evening gun at military posts, prescribed by General Order No. 70, Headquarters of the Army, dated July 23, 1867, $30,000.

Mr. FORD. Mr. Chairman, in July, 1867, there was issued a general order providing for the firing of guns at our military posts upon the raising of the flag at sunrise and upon taking it down at sunset. Since that time no appropriation has been required to continue the observance of this custom because at the close of the war a large supply of powder was left on hand. But in March last the supply became exhausted, and since that time no gun has been fired as a salute to the flag at the different posts and reservations, with the exception of Fort Monroe, Fort Leavenworth, and the Military Academy at West Point.

It may be said by way of objection, Mr. Chairman, that this is altogether a "matter of sentiment." Suppose that be granted; the appropriation of $150,000 which Congress has recently made to enable a committee of Congress to take part in the celebration of the settlement of the Northwestern Territory is also a "matter of sentiment." The joint resolution which has been passed by the Senate appropriating $25,000 for the reunion of Federal and Confederate troops upon the battle-field of Gettysburgh during the coming month—a resolution which has been favorably reported by the Committee on Military Affairs of this House—is also a "matter of sentiment." The statues of different military heroes which adorn the beautiful parks about this city, and the money for the erection of which has been appropriated by Congress, have been erected as a "matter of sentiment." The Washington Monument, as a gentleman suggests to me, was erected as a "matter of sentiment." The annual celebration of the 4th of July is a "matter of sentiment." Why, sir, if we are to draw the line upon "matters of sentiment," the flag itself is a "matter of sentiment."

We appropriate money to salute the arrival, on board of a man-of-war, of a commodore or an admiral or the President of the United States; and when a war ship of our country enters a foreign port, the first thing done is to fire a salute to the foreign flag.

I think, sir, when the chairman and members of the Committee on Military Affairs come to consider this matter, they will have no objection to inserting in this bill this appropriation, which, by the way, is the exact amount estimated by the War Department.

Every American citizen looks upon our flag as the symbol of the power of this, the grandest nation in history; the youngest, and yet the strongest; the infant, and yet the giant; the greatest in agriculture, in manufactures, in inventions, in educational facilities, in intelligent citizenship, in self-government; standing in the foremost rank in science and art—the emblem of all this is the Stars and Stripes. Shall we salute a commodore, an admiral, a President, and still fail to do reverence to the flag under which they serve, and whose folds protect us all? Shall our broadsides roar in foreign ports, in compliment to the flag of Kings and Queens, and yet remain silent when we unfurl our own? If so, for what reason? Why, simply because we can not afford it. I say such action would be too humiliating to contemplate.

If this House refuses to make this appropriation, it will be such a disgrace and shame upon our national pride as we ought not to impose. I entreat gentlemen not to be guilty of such parsimonious conscientiousness as to fail to pass this amendment, and thus continue this patriotic custom which has obtained ever since this nation was born.

Let the cannon boom at sunrise and sunset, when the flag first floats on the morning air, and when it is lowered at the close of day, to show that we honor and reverence this beautiful emblem of our greatness.

Mr. TILLMAN. Mr. Chairman, I hope this amendment will be unanimously adopted. The gentleman from Michigan [Mr. FORD], in stating the reasons for the amendment, has substantially covered the whole ground, though he might have added, when referring to "matters of sentiment," that the flag above the Speaker's chair is a "matter of sentiment." Sir, the flag and seal of any nation are the symbols of its sovereignty. The flag in particular is an object of idolatry to every man who has a country. Irishmen, I believe, are the only people who claim to have no country.

A MEMBER. But they have a flag.

Mr. TILLMAN. Yes, they have a flag, and one which they worship. But all nations adore the flag of their country. I trust no one here will be so parsimonious as to begrudge honoring the Stars and Stripes at every fort in the land, every day in the year. It will increase both the love and veneration of the people for their national emblem. Moreover a morning gun has utility as well as sentiment, because it wakes lazy people up; both the sunrise and sundown guns serve as a sort of timepiece for the poor.

What American, sir, will object to saluting by the morning and evening gun the sovereignty of his country, that the sound of the cannon may echo and re-echo, reverberating through the land to let the people know that their nation has power to protect them, and power to punish them when they go wrong? [Applause.]

Besides, sir, do not let us insult the immortal words of Webster, when he describes Great Britain, which always salutes her post flags at sunrise and sunset with cannon, as—

A power which has dotted over the surface of the whole globe with her possessions and military posts, whose morning drum-beat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England.

The echo of her morning and evening guns comes nearer encircling the earth than her drum-beat, and surely if the little mother country can thus honor her flag on every continent in the world, we her giant offspring, ought to be able to do the same thing for the Star Spangled banner on a single continent. [Applause.]

But, Mr. Chairman, I did not rise to make a speech; it is not necessary.

Mr. BRUMM. Go on; you are doing well.

Mr. TILLMAN. Well, this is altogether off hand.

Mr. BRUMM. All the better.

Mr. LAIRD. Go on. It is good for you.

Mr. TILLMAN. It is very kind on the part of gentlemen to ask me to "go on;" but I might not do so well if I should attempt to go further. As you have applauded me, and therefore rewarded me, I think perhaps this is a good place to stop. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. TOWNSHEND. I will say that the committee——

Mr. OATES. I ask that the amendment be again reported. I was unable to hear it.

The Clerk again read the amendment.

Mr. TOWNSHEND. Mr. Chairman, there has been no such item as this in any appropriation bill since the war, because at the close of the war there was an abundance of ammunition left over for this purpose. The committee did not insert a provision of this kind in the bill, for the reason that we thought it more important to appropriate money for target practice. We have largely increased the amount of appropriation for such practice, the supply of powder coming over from the war having been exhausted. I am, however, in harmony with the views of gentlemen who have expressed themselves in favor of the amendment. I have no wish to oppose it, but hope it will be adopted.

Mr. OATES. Is this amendment subject to a point of order?

The CHAIRMAN. It is not at this stage of the proceedings. The amendment has been under discussion about ten minutes.

Mr. OATES. I was not aware what aroused the patriotism of my friend from South Carolina [Mr. TILLMAN]; and when I heard his remark about the power of the Army to punish people when they do wrong, I wanted to know what was the question under discussion. I could not conceive what it was that made my friend from South Carolina so broadly national and poetic that he thought the Army was kept to punish people for doing wrong. There was a time when he did not think so. In my opinion he should not think so now. That duty seems to belong to another department.

Mr. FORD. The gentleman from Pennsylvania [Mr. BRUMM] suggests to me to insert at the end of my amendment the words "or so much thereof as may be necessary." I have no objection to that addition; and I modify the amendment accordingly.

The question recurred on Mr. FORD's amendment as modified.

Mr. OATES. I ask for a division.

The committee divided; and there were—ayes 57, noes 9.

Mr. OATES. I would raise the point of no quorum, but I know a quorum is not present, and under the peculiar circumstances I will not do it, although I am opposed to the amendment.

So the amendment was agreed to.

Mr. TRACEY. I move the following amendment.

The Clerk read as follows:

Amendment to the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

For the manufacture or purchase and test of cannon and carriages; for the alteration of carriages on hand to adapt them to improved service guns; for projectiles, powders, fuzes, and implements, their trial and proof; for experiments in the means of protecting torpedo lines; for compensation of draughtsmen while employed in the Army Ordnance Bureau on ordnance construction, and for the necessary expenses of ordnance officers while temporarily employed at the proving-ground and absent from their proper stations, at the rate of $2.50 per diem while so employed, $500,000.

For the erection of the necessary structures, and for the puchase or manufacture of machinery, tools, and fixtures, to enlarge the present plant at the Watervliet arsenal, West Troy, N. Y., including the erection of two sets of officers' quarters at a cost of not exceeding $10,000 each, $126,000.

Mr. RANDALL. I raise the point of order against that amendment.

The CHAIRMAN. What is the point of order?

Mr. RANDALL. That there is no law authorizing such appropriations, and——

Mr. TRACEY rose.

Mr. RANDALL. I will withdraw or suspend the point of order if the gentleman from New York wishes to be heard on the subject of the amendment proper.

Mr. TRACEY. I understand from the gentleman from Pennsylvania that he will insist upon his point of order. My own opinion is, Mr. Chairman, that no point of order will lie properly against this amendment. Before replying to the point of order I should like to hear the gentleman state what his point of order is.

Mr. RANDALL. I have no doubt points of order lie against this proposition, because it is not in the nature of an amendment to this Army appropriation bill. But I am quite willing, if the gentleman from New York wishes to be heard on the proposition to reserve the points of order, otherwise I will insist on the points of order. I only wish to be as courteous to the gentleman from New York as I possibly can be.

Mr. TRACEY. I thank the gentleman from Pennsylvania.

The CHAIRMAN. The Chair hears no objection, and the gentleman from New York will proceed.

Mr. TRACEY. Mr. Chairman, it is very generally conceded that a wise course to pursue with respect to the public defense is to no longer delay in making preparations to prevent disastrous results in the event of a conflict between our Government and a foreign foe.

Opinions widely differ as to the extent to which the Government should carry expenditures for this purpose. But, Mr. Chairman, so important has the subject of coast defense been deemed by our men of prominence, that many extremely conservative in their views on questions of appropriations for public purposes, have most earnestly advocated the spending of very large sums in this direction, as a precautionary measure.

During the past fifteen years the subject of coast defense and the manufacture of guns in connection therewith has been discussed and examined by boards composed of members of the Senate, members of the House, and expert officers of the Army and Navy, and during the last five years the most exhaustive inquiries and complete reports have been made. The time of Congress has been much occupied by discussions of bills and reports of conference committees, but nothing has been accomplished further than the establishment of a gun factory for the Navy. In consequence of the reports made by several of the boards already alluded to, the War Department became so well satisfied that whenever the making of guns on an extensive scale commenced, Watervliet arsenal would be designated for the factory, that preparations were made for utilizing such suitable machinery as was already in possession of the Government by consolidating it at Watervliet.

This was done under the general law (section 1164, page 209, Revised Statutes of the United States, second edition, 1878) which prescribes the duties of the Chief of Ordnance, under the direction of the Secretary of War, in regard to the procurement of the necessary supplies of ordnance and ordnance stores for the Army, and also for the inspection and proof of the same, etc.

Under this general law there have been collected at Watervliet arsenal available machines and tools for the manufacture of guns, and a number of guns, namely, one 10-inch breech-loading steel rifle, one 8-inch breech-loading steel rifle, and twenty-five 3.2-inch breech-loading steel rifles are now in course of manufacture at that arsenal.

The appropriation asked for the improvement and enlargement of this gun-plant is therefore in continuance of work already begun under due authority of law.

The Statutes at Large (seventh paragraph, page 388, United States Statutes at Large, volume 18, part 3) provide a permanent appropriation from proceeds of sales of obsolete and unserviceable material (limited therein to $75,000 per annum), under which the authority of the War Department to procure or manufacture guns, projectiles, etc., is made continuous.

The appropriation of an additional amount for the same general purposes is a continuation of work already duly authorized by law, and now being prosecuted, as far as the permanent appropriation is available, by the War Department.

The proof and test of ordnance material and guns is authorized by the general law (section 1164) already quoted, and the test of all type guns is made obligatory by the act of July 5, 1884, section 2, page 159, United States Statutes at Large, volume 23.

Provision for the trial and test of ordnance (guns, etc.) has been made, for many years past, in the Army appropriation bill similar to that shown for the years 1885 and 1886. (See first paragraph under "Ordnance Department," pages 112 and 361, volume 23, United States Statutes at Large.)

The cost attending the manufacture of the guns now in course of construction at Watervliet arsenal is defrayed from the permanent appropriation already mentioned (page 338, volume 18, part 3, United States Statutes at Large) provided for that purpose.

It is possible that gentlemen who have not given careful attention to this subject may be disposed to listen to suggestions that action be delayed until a more extensive scheme can be prepared. I doubt the good faith of any one claiming to have an interest in this subject if I find him antagonizing this measure. Postponing action now means the same disheartening results as have for some years past followed the discussions and failures to agree. Let us wait no longer. The passage of this amendment will not interfere with other propositions which may be under consideration, but will enable the Department to continue good work which without this temporary relief must be almost suspended.

I ask for the reading of the letters which I send to the Clerk's desk.

WAR DEPARTMENT, *Washington City, June 14, 1888.*

SIR: I have the honor to invite your attention to the inclosed letter of the 14th instant from the Chief of Ordnance, stating that during the past two sessions there has been no appropriation for the armament of fortifications, and submitting an amendment to the Army bill, now pending in the House of Representatives, which, if approved, will relieve the Ordnance Department from its present embarrassment.

This matter is of great importance to the efficiency of the Department and of vital interest to the national defense and the public service, and I earnestly recommend favorable action by Congress.

Very respectfully,

WM. C. ENDICOTT,
Secretary of War.

Hon. R. W. TOWNSHEND,
Chairman Committee on Military Affairs,
House of Representatives.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., June 14, 1888.

SIR: I have the honor to invite your attention to the fact that at its past two sessions Congress made no appropriation for the armament of fortifications, through failure of the committee in conference to agree on the provisions of the fortification bill. As a consequence, the operations of the Department in manufacturing and purchasing guns, powder, projectiles, carriages, etc., have been greatly embarrassed, and in many respects altogether suspended, from want of funds, to the great detriment, it is believed, of the Government. Such failure on the part of Congress may happen again at its present session; it is not by any means improbable. It is in view of this possibility that I desire to suggest an amendment to the Army bill, now pending before the House, which, should it meet your approval and be favorably entertained by the Military Committee, would relieve this Department in a measure from its present embarrassment and enable it to retain its present vantage ground and proficiency by keeping up an activity in the manufacture of armament until Congress shall make adequate appropriations.

The proposed amendment is submitted herewith, and calls for an item of $500,000 for the general purposes of procuring guns, powder, projectiles, car-

riages, fuzes, etc., their test, etc., being generally similar in terms and amount to section 5 of House bill 8465, reported by the Military Committee at the present session, and in addition is embodied an item of $126,000 for completing the existing gun plant at the Watervliet Arsenal.

The necessity for these appropriations is set forth more at length in memoranda herewith, and they would enable the Department to complete and test the guns, etc., now under manufacture, and to proceed with the manufacture of guns, etc., in limited quantity for issue. In connection with this proposition, I desire to call attention to the provision already embodied in the Army bill for the procurement of pneumatic dynamite guns, for which purpose $400,000 is to be appropriated, in view of which it would seem proper to embody in the same bill the items for guns, etc., contained in proposed amendment, which may not become available by any other way. Should these items be embraced in the Army bill they could be omitted from House bill 8465, so far as they are embodied in that bill, should it ultimately be passed by Congress.

As further bearing on this subject, I quote the following paragraph from the letter of the Secretary of War of May 17, 1888, to the chairman of the House Committee on Military Affairs, relative to the proposition of the Pneumatic Dynamite Gun Company for the sale to the Government of several of their guns, namely:

"It is not intended by this recommendation to supplant the previous recommendations of the Department, which call attention to the great needs of the country in the matter of coast and harbor defense, and the necessity of having guns of modern pattern and construction of great power and range. The pneumatic dynamite gun does not and can not take the place of such heavy ordnance, but will be a most important and necessary auxiliary thereto."

If no special appropriation for guns, etc., should be passed at this session of Congress, it would be in consonance with the above views of the Secretary of War that a small appropriation for guns, etc., as herein proposed, be embodied in the Army bill, as well as an appropriation for dynamite guns.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brig. Gen., Chief of Ordnance.

Hon. SECRETARY OF WAR.

Mr. TRACEY. After the gentleman from Pennsylvania has stated his points of order fully against this proposition, I will take the opportunity to refer to authorities which may be necessary to reply to him.

Mr. RANDALL. This amendment has relation to the fortifications of the country and the enlargement of buildings connected therewith. Under Rule XI the amendment belongs to the fortification bill and not to the Army appropriation bill.

Mr. SPINOLA. Will the gentleman withdraw his point of order for a moment?

Mr. RANDALL. The appropriations for the buildings might possibly go to the Committee on Public Buildings and Grounds.

In reply to the words which have fallen from the gentleman I will say we heard of this necessity more than a year ago, when the fortification bill failed by the Senate insisting on large appropriations not properly guarded. The House stood steadily against them, and the wisdom of that position has been made manifest by the manufacture in Pennsylvania and our ability to furnish such steel as will be adapted to this purpose without giving any bonus, as the Senate proposition in effect provided in that connection.

I now insist upon my points of order.

Mr. SPINOLA. I would like to say that what I suggested properly belongs to the public business. The Committee on Military Affairs have already reported a bill embodying these items, but it is apprehended they will not be reached in time to become law at this session.

Mr. RANDALL. That recognizes the point of order that there is no law authorizing it, and the Committee on Military Affairs recognized it by introducing an independent proposition, which is now on the Calendar.

Mr. SPINOLA. And therefore, Mr. Chairman, we were of opinion that in order to accomplish what was suggested by the bill referred to, and to carry out the suggestion which has already taken a strong hold upon the public mind in this country, that it was better to take the preliminary steps toward carrying on this much-needed work by appending it to this bill.

Mr. RANDALL. It is a matter that belongs to the fortifications exclusively.

Mr. SPINOLA. That is true if insisted upon as a point of order; but by consent of the House, if no point of order is made against it by my friend from Pennsylvania, of course this could go through upon this bill.

Mr. RANDALL. I do not know whether it will go through or not, because it will be subject to the decision of the majority.

Mr. SPINOLA. The question in regard to fortifying our seaboard cities is one of the utmost importance, as my friend knows.

Mr. RANDALL. I think we had better have the points of order settled first, and then I will meet the gentleman on the argument if necessary.

Mr. TOWNSHEND. I hope the gentleman from Pennsylvania will allow the gentleman from New York to proceed for a few minutes, withholding the point of order.

Mr. RANDALL. Of course I have no objection to allowing the gentleman to proceed with that understanding, if he desires to be heard.

Mr. SPINOLA. In the present unprotected condition of the harbor of New York, with that great city and its surroundings, representing a moneyed value of thousands of millions of dollars in realty alone, irrespective of the immense sums which may be included in the personal property of the citizens there and in the immediate vicinity—all that vast aggregation of wealth is completely at the mercy of any foreign power whose naval equipment is superior to our own, and there are very few that are not.

Now, something should be done by Congress beyond mere delays. Some active course ought to be pursued, some prompt steps taken, or something done that will inspire confidence in the minds of our people in the way of giving protection to that vast amount of property; and not only to that city alone, but to the other dozen or more cities along the seaboard, which are in an equally defenseless condition. Undoubtedly such a condition of affairs as we all know to exist calls for prompt action; and although we are entitled to this consideration at the hands of Congress, there has been nothing done, but, on the contrary, Congress has been dilly-dallying for several years upon the question, and not a step towards any real action has been taken.

Now, if this appropriation can be allowed to go in this bill, it is one step at least towards satisfying this great public demand, and one which the people of that part of our country are looking for with anxiety. The attention of Congress was called to this a year or two ago by Hon. Samuel J. Tilden in a letter addressed to this House, in which he pointed out the great danger which existed at that time of the destruction of the city, in the event of a conflict with some foreign power, by the failure which seemed apparent on the part of Congress to incorporate in the appropriation bills a provision for the public defenses, and showed that an enemy approaching New York with war-ships, equipped with rifled cannon and armament capable of sending their shot and shell from 8 to 10 miles, could safely pass Sandy Hook in its present defenseless condition and place the city of New York completely at their mercy and demand a ransom of hundreds of millions from the city, which would have to be paid before they would let go their iron grip.

This weak and feeble condition of affairs has continued to such an extent that our representatives at foreign courts are almost powerless. They dare not speak out boldly and determinedly in dealing with questions which arise, in which our national honor is involved, for they know our defenseless condition, and they creep along, cringing, almost becoming sneaks, instead of standing up boldly and with that courage which should characterize Americans, and which has been exhibited in our past history when our country's defenses were more carefully looked after.

I ask my friend in all sincerity, in all candor, to allow us to take this first step toward affording protection to the vast amount of property that is aggregated in New York. It is but a small amount we ask, not a great sum; and I appeal to the gentleman from Pennsylvania, in the name of New York, where he has so many friends and where we look to him with such admiration and love him so well, that he allow the amendment to be added to the bill.

Mr. RANDALL. Mr. Chairman, this is a step backward. The developments of the last few years (and particularly of the last year), since the failure of the fortifications bills, have demonstrated beyond controversy the fact that the fortification bill as proposed, if it had become a law, with the vast amount of money it incorporated for this purpose, would not have accomplished any good, and that the money would have been largely wasted.

Every country on earth that pretends to be a formidable power has adopted a different mode of securing heavy armament from that then proposed. We have been for twenty years waiting on the Ordnance Department of the Army and of the Navy to make us some guns that we dare fire off. What is wanted, in my judgment, to inspire confidence in our people, is, instead of continuing in that old rut, to invite individual capital and corporate capital, acting in conjunction with the Government, to make provision for the supply of armament such as we need upon terms that will be fair, and not subject the United States to an enormous expense without giving us what we really want.

Why should we not go into the market and buy a 12-inch, a 16-inch, or a 20-inch gun, and say distinctly what power we expect from that weapon; what shall be the velocity of its shot; the power of execution; the weight of the projectile; its range, and fix all the requirements that we should insist upon for that particular weapon? I am warranted in saying this: That under these conditions, if this preliminary action is taken, and the Government goes into the market to purchase this character of guns, that they can be bought without running to the expense and risk of having a great number of them before we secure one of the character we need. What we want is to be able to go as individuals go into the stores and purchase what is necessary. We do not go as individuals and subject ourselves to a large expense for the purchase of what we do not need. The very same principle ought to prevail in conducting the operations of the Government. Let the Government say to these manufacturers (and I think I am in a position to say that the manufacturers of the country feel themselves capable of performing the work), we want 12, 14, 16, or 20 inch guns of such power and range, and are willing to pay for them, and I guaranty to you that they will perform just such work as we want, and equal in quality to similar work anywhere else in the world. That is the way an individual would buy, and that is the way the Government ought to buy.

I have no thought for a moment that the mere entering upon this matter at Watervliet is going to make safe the harbor of New York with no enemy in sight. If an enemy was in sight the harbor would not be defended in that way. It must be defended with modern con-

trivances of defense, made according to the advance in science, and not by establishing plants. As the gentleman from New York who offered the amendment said, this is nothing more nor less than a gun foundry.

I have here the bill that this very committee reported.

Mr. TRACEY. I said they were making guns there.

Mr. RANDALL. I think in your remarks you spoke of the appropriation as establishing a gun factory. It has always been accepted, and never controverted before in the history of this House for the last five years, that such action as proposed did not require a law.

Mr. WHITTHORNE. It appears from the very lucid statement made by the gentleman from New York [Mr. TRACEY] that under authority of law now at the Watervliet arsenal certain guns are being manufactured. I submit, therefore, to the dispassionate judgment of the chairman (the fact being so) that this is simply a proposition to continue an expenditure for a public work already in progress. Now, if the gentleman from New York has correctly recited the facts in connection with the manufacture of guns and the condition of things at that arsenal, then I submit first to the Chairman that the point of order made by the gentleman from Pennsylvania [Mr. RANDALL] is not well taken; and I appeal to the Chairman that he will not permit, in making up his judgment, either the argument of friend or foe to this proposition, in favor of fortifications on the one hand or against fortifications on the other, to confuse his mind. It is not a question of fortifications which is involved in the proposed amendment. No language or word of that amendment authorizes such an argument to be made.

For one I am prepared now to say that I shall probably agree with the gentleman from Pennsylvania that an enlarged system of fortifications will be a mistake whenever entered upon by the United States. But, sir, I am not prepared to agree with that gentleman that it is a mistake upon the part of the Government to test the question of ordnance, its character and its power. Permit me to say from my observation of the condition of the country its great weakness is its inability to make guns.

If you had the power to-day to cause to spring into existence permanent fortifications at every port in the United States you could not man them nor arm them. To-day you are hardly able to put a ship afloat for the want of proper ordnance. To-day, I repeat, you can not man even your existing fortifications with modern ordnance. To-day, in my judgment, the logic and wisdom of the hour is to prepare the Government in its capacity, in its reserve power to manufacture ordnance ready for your fortifications whenever they become necessary, ready for your ships of war when they are needed.

Now, sir, when this pending proposition is distinguished upon the question of fortifications, and regarded solely and purely as their experiments in the manufacture of large guns, clearly the continuance of their experiments, I submit that that being authorized by law and the plant already secured, the amendment of the gentleman from New York [Mr. TRACEY] is germane and is in order; germane to the purpose of the bill, germane to every object contemplated by it, and in pursuance of existing authority.

This being the case, I may be permitted before I conclude to notice one observation of my friend. Every gentleman who is familiar with the efforts being made by all the civilized nations of the world in improving the power of guns, in other words, in improving aggressive force with a view of thereby securing peace, knows that such experiments when made should be made by the Government. I am willing, and have always been willing, to test the resources of the Government when it becomes necessary that you shall man your fortifications. When there is such a demand I am willing to travel in the road designated by the gentleman.

Mr. RANDALL. Will the gentleman allow me to ask him a question?

Mr. WHITTHORNE. Certainly.

Mr. RANDALL. Do you not know perfectly well the Government is not capable of making 14, 16, or 20 inch guns?

Mr. WHITTHORNE. If you will include in that question steel guns of the greatest power required by modern progress and skill, and if you will include any individual with the Government, I will answer in the affirmative.

Mr. RANDALL. The gentleman does not quite answer my question.

Mr. WHITTHORNE. I do fully.

Mr. RANDALL. I can say to the gentleman that the Government can not to-day make a 14, 16, or 20 inch gun. I say here to-day the manufacturers of this country are ready to contract with the Government for all three calibers.

Mr. WHITTHORNE. I can not call to mind but one existing gun foundry or establishment in the United States, and I think that is limited to iron guns. That is the establishment in the city of Boston of W. P. Hunt & Co. In regard to modern steel guns there is no individual capable of their manufacture. But I say to my friend if I go out and advertise to the world, if I advertise a contract as an inducement, I know enough of American genius, I know enough of American enterprise, I know enough of the disposition of American manufacturers to know they will venture to undertake anything, even the building of a cannon.

Mr. RANDALL. My statement is not an idle one. It is well considered, and made upon information, that American manufacturers are ready to supply the guns I name.

Mr. WHITTHORNE. Again, sir, it is because of that fact, because I recognize the weakness of the National Government and the weakness of individuals to do this thing, that I say we who are clothed with the legislative power should aid every effort at doing it in the name of the Government, and by the authority of the Government, and should say that whatever risk there may attend it shall be the risk of the Government.

Mr. RANDALL. If the Government can buy guns such as I have described, why enter upon an expenditure of millions for the creation of a gun foundry?

Mr. WHITTHORNE. The gentleman knows as well as I do that when a contractor fails (and that is the fate of most Government contractors) he comes to Congress, appealing to our honesty and our mercy and gets a ready hearing, and is almost certain to obtain relief.

Mr. RANDALL. The gentleman knows that I have never voted for any such thing.

Mr. WHITTHORNE. I am speaking of what Congress does, and the gentleman knows the fact very well. So that ultimately the Government, in one way or another, has got to take the risk of this experiment; and inasmuch as it has got an established arsenal; inasmuch as it has commenced the work, and inasmuch as some of these guns are incomplete, I hold not only that this amendment is in order, but that it is the duty of the Government to continue this work.

Mr. SAYERS. Suppose the Government should contract with a manufacturer that he, the manufacturer, should take the risk of making a gun of such and such a capacity, does the gentleman think that in case of failure Congress would then relieve the man from his contract?

Mr. WHITTHORNE. Certainly. We have been doing it all the time.

Mr. PETERS. Do not we make contracts for ironclads, and require a certain rate of speed before we take them off the contractor's hands?

Mr. BUCHANAN. And if we require the contractor to assume the risk, will he not take that element into consideration in fixing his price?

Mr. RANDALL. Undoubtedly.

Mr. HOLMAN. Mr. Chairman, I wish to say a word in regard to the point of order. Although it is not expressed in so many words, it is very manifest that the appropriation contemplated by this amendment, except as to the plant, and, in fact, including proposed enlarged buildings, has reference to the matter of fortified defense, and not to the current movements of our Army. It has reference to seacoast defense, a matter which under the rules belongs to the Committee on Appropriations. To the extent, however, that it involves any expenditure for the enlargement of existing structures, the subject belongs, if not to the Committee on Appropriations, to the Committee on Public Buildings and Grounds. As I have remarked, although it is not expressly stated that the proposed ordnance is for fortification purposes, that appears to be sufficiently clear, so much so that the gentleman from New York [Mr. TRACEY] will not call it in question.

But, Mr. Chairman, as the question of the necessity for this expenditure has been referred to here both by the gentlemen from New York [Mr. TRACEY and Mr. SPINOLA] and the gentleman from Tennessee [Mr. WHITTHORNE], I desire to say a word about that. Surely my friend from New York [Mr. SPINOLA] misapprehends the greatness of our country and its standing among the nations. I think he unintentionally does his Government injustice.

The United States, instead of being an inferior power among the nations or not being prepared to assert itself on all occasions, has passed far beyond the stage when a nation has occasion to vaunt its power or display its strength. Speeches of this kind would have answered very well half a century ago, when we were comparatively a feeble people. Some of these speeches would have answered thirty years ago, when our country had not displayed to the present generation the martial spirit of its people or its vast resources.

But, now, sir, the case is entirely different. What occasion have we beyond the matter of sentiment and excessive precaution? and to that extent I am willing to make reasonable appropriations of money. What occasion have we, I ask, to even stop to discuss this matter of national defense? What nation is in a condition, or can be, to excite even the slightest apprehension of danger on the part of the American people? What nation? Is it Great Britain? Strangely enough we noticed not long ago that that country was thrown into a state of alarm because of the alleged unprotected condition of her own coasts.

Is it Great Britain that could for a moment excite uneasiness on the part of this country? Providence opening to the human race at the proper moment this great continent, placed us in a position on the globe where none of the considerations which have influenced the policies of other nations in regard to the matter of defense can have any application to us whatever. Our remoteness from ambitious powers, our policy of peaceful industry and progress, and our vast resources are our defense against all comers.

Besides that, Providence has happily given us securities for the keeping of the peace toward us by other countries, such securities as no nation has ever held since organized governments began. Great Britain!

Why, Providence has placed at our mercy, by way of guaranty of the continuance of peaceful relations with us, her vast possessions extending from the Gulf of St. Lawrence to the Pacific Ocean, has placed almost in our hands her island possessions on our coasts, and all her possessions contiguous to this continent.

Mr. Chairman, I saw with amazement not long since remarks made by some gentleman at the other end of the Capitol, in regard to the defenseless condition of Chicago—remarks which in the minds of unthinking persons might for a moment create a sentiment of alarm. The possibility was suggested of English ships of war, ironclads, entering the Great Lakes by the Welland Canal and passing on unobstructed to Chicago, and bombarding that magnificent city. It requires only a moment's reflection to see the absurdity of such a thing occurring even in case of war between this country and England.

Did any government ever purposely deliver up its ships into the hands of its enemy? How long would the Welland Canal last if it became necessary for us to destroy it? In the event of a war with England the Welland Canal itself would disappear, and a million of men thrown upon Canada on the sounding of the very first tocsin of war would end the dominion of Great Britain on the American continent. Not only that, her commerce would be driven from the ocean. As to Spain, Providence has happily placed one of her most important outlying possessions at our door. The very moment an unfriendly shot was fired Cuba would become a part of our domain.

What does the history of the past teach us? The war of 1812 came on with reasonable opportunity for preparation, yet our fathers with a courage which belonged to that period postponed preparation until the hour of action came, and then what grand results were seen! And do we, their descendants, in a time of profound peace, palter here about a question of national defense, when the experience of the last twenty-five years shows that the nations recognize the greatness of our Republic and the high sense of justice of its people, so that the law uttered by the United States is the recognized law of the national intercourse of the world, and is so accepted by the nations?

Can a citizen of the United States contemplate the events of the last twenty years and then talk about our being in any possible peril from a foreign nation in any possible contingency, independent of the guaranties of peace to which I have already referred? A nation which at the close of an exhausting war was in a position to say to France, backed by England and Italy, that the presence of a foreign power in Mexico was a menace to its Government and must not continue—a nation which would say this with such a positive right to command attention that three of the foremost of European powers at once abandoned their designs on our continent, leaving their unfortunate victim, Maximilian, to his fate, stands up absolutely the arbiter of peace to the world.

Mr. Chairman, I came to this Capitol at the opening of the late war in 1861, when President Lincoln summoned the two Houses of Congress to meet in special session. Sales were then occurring on every hand of the accumulated military rubbish of former years, worthless arms, ordnance, etc., which were sold as worthless, condemned war material, when an actual occasion for the use of arms arose—sold to be reconstructed, perhaps, being worthless for the purposes of war. Such was the natural result of a policy of accumulating military supplies in a time of profound peace. Notwithstanding the old maxim, our Government has never prepared for actual war until war came, and never will.

At the time referred to thousands of men were pouring hourly into this capital. Contracts were being made every day for the supply of arms. Capitalists were offering to furnish with the utmost expedition ten or twenty times the quantity of arms required by the needs of the Government. In a short time—shorter than would have been necessary if we had made the grandest preparation—the arms required for equipping one of the grandest armies that ever marched under a banner were well supplied.

What about your forts? You had been spending millions of dollars for forts for years and years, through successive generations, before the late war came. Yet when war came earth-works thrown up on the spur of the occasion were found to be the best military instrumentality for meeting the purposes for which forts had been designed. Millions of dollars had been expended upon the seaboard; hundreds of thousands had been spent to protect the Mississippi Valley against an invading enemy from the Gulf of Mexico; forts had been constructed and maintained for generations, yet they were found absolutely worthless when the peril came.

In the old structures which had been designed for national defense and security you had nothing effective when, in 1861, unhappily, the two sections of this country came together in the clash of arms. Yet how speedily all the appliances necessary for national defense and aggression sprang into life! Why, sir, are we the descendants of the men who in 1812 improvised in a few months from the forests a navy strong enough to drive Great Britain from the Great Lakes? Are we here discussing seriously the importance and necessity of great and costly provision for the public defense when the safety of the nation was never so absolutely assured?

Again, sir, there is no nation which could possibly strike a blow at America that is not to a greater or less extent a commercial power, and such is the commercial dependence of all commercial powers upon the American people, and so absolutely secure our position, that war could only be fatal to them.

Mr. TILLMAN. I rise to a question of order. I submit that the gentleman from Indiana [Mr. HOLMAN] is addressing himself to the merits of the question, and not to the point of order.

Mr. HOLMAN. That is true.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken.

Mr. TILLMAN. The gentleman says my remark is true. Why does he not adhere to the rules?

Mr. HOLMAN. I am only doing what has been done already on both sides.

These remarks, Mr. Chairman, were designed as an answer to my friend from New York; but without further pursuing that line of argument, I will address myself to the practical view of this question of coast defense. In regard to our dynamite system, I concede that out of abundant caution—not because I dream there is anything to apprehend—it seems to be proper to appropriate, as we are doing year after year, a large sum of money for experiments in connection with dynamite as a means of harbor defense. There is a possibility that at the Golden Gate such means of defense may be needed, instead of forts on the one side or the other, which might be swept away by the great guns that experience may invent.

The hopes of all mankind are against any such possibility, but there is still a possibility that this nation will find it necessary to prepare for national defense, and that justifies us to resort to every reasonable means to make our shores absolutely sure against any possible peril that may arise. So I always have favored, and do still, appropriations of reasonable sums for experiments in dynamite, which manifestly must become the great defensive power for coasts so extended as ours against invasion from any quarter.

I have said this much for the reason, Mr. Chairman, I can not sit in my seat patiently and hear this greatness of our country questioned, a greatness which has been achieved through the noble arts of peaceful labor; and I am not willing that the possibilities of the future should lead us into the old methods of oppressing mankind. With the pending bill, appropriating $24,000,000, a sum equal to the entire expenses of the Government fifty years ago, for the support of the Army alone, it seems to me such a scheme of grand expenditure of public money as this amendment points to, out of mere sentiment, is, I think, altogether indefensible. Among the people there is no apprehension, and they do not ask you to take their hard earnings to build up costly structures and war material valueless when war shall come. They know this Government has reached that commanding position among the nations when war is one of the most improbable events which can occur to us.

Let me inquire of my friend from New York whether a government coming out of a great struggle which said to so powerful a nation as Great Britain, you have violated the law of nations and we demand the penalty for that violation, and that nation quietly submits to arbitrators to be appointed like notaries public to take evidence, and they made up an account of $15,000,000, which was paid into our Treasury; does my friend think that such a nation should be anxious about emergencies and the defense of its shores? Is it not fair to presume the American people will be equal to any emergency in the future as they have been in the past? I think so.

The CHAIRMAN. The point of order has not yet been disposed of, and the Chair will confine gentlemen in their remarks to its discussion.

Mr. HOOKER. Mr. Chairman, I intended simply speaking to the point of order before the Chair made his suggestion in reference to confining discussion to that point; but I may say in passing, before reaching that subject, that if the argument of the gentleman from Indiana [Mr. HOLMAN] is correct, we must follow to its legitimate conclusions the letter, referred to by the gentleman from New York [Mr. SPINOLA], of Governor Tilden, a man who in accumulated experiences and knowledge of public affairs compared favorably with any public man during this century in this country or any other—I say that the deductions and conclusions of that letter show the necessity to be as great then as at any other time, and the necessity is no less great now than it was then. That letter of Mr. Tilden, if there be no objection, I will insert in my remarks without taking up time by having it read.

The CHAIRMAN. The Chair hears no objection.

The letter is as follows:

Letter of Mr. Tilden to Hon. John G. Carlisle on our seacoast defenses.

GRAYSTONE, *Yonkers, N. Y., December* 1, 1885.

DEAR MR. CARLISLE: As public opinion points to you as the Speaker of the next House of Representatives, I desire to submit a suggestion as to one of the public objects for which an appropriation ought to be prompt and liberal.

In considering the state and management of the public revenues the subject involves the questions whether we shall extinguish the surplus by reducing the revenue, or whether we shall apply the surplus to payments on the public debt, or whether we shall seize the occasion to provide for our seacoast defenses, which have been too long neglected. I am of the opinion that the latter is a paramount necessity which ought to precede the reduction of the revenue, and ought also to precede an excessive rapidity in the payment of the public debt.

The property exposed to destruction in the twelve seaports—Portland, Portsmouth, Boston, Newport, New York, Philadelphia, Baltimore, Charleston, Sa-

vannah, New Orleans, Galveston, and San Francisco—can not be less in value than five thousand millions of dollars. To this must be added a vast amount of property dependent for its use on these seaports. Nor does this statement afford a true measure of the damage which might be caused to the property and business of the country by a failure to protect these seaports from hostile naval attacks.

They are the centers not only of foreign commerce, but of most of the internal trade and exchanges of domestic productions. To this state of things the machinery of transportation of the whole country has become adapted.

The interruption of the currents of traffic by the occupation of one or more of our principal seaports by a foreign enemy, or the destruction of them by bombardment, or the holding over them the menace of destruction for the purpose of exacting contribution or ransom would inflict upon the property and business of the country an injury which can neither be foreseen nor measured.

The elaborate and costly fortifications which were constructed with the greatest engineering skill are now practically useless. They are not capable of resisting the attacks of modern artillery.

A still greater defect exists in our coasts defense. The range of the best modern artillery has become so extended that our present fortifications designed to protect the harbor of New York, where two-thirds of the import trade and more than one-half of the export trade of the whole United States is carried on, are too near to the great populations of New York City, Jersey City, and Brooklyn to be of any value as a protection.

To provide effectual defenses would be the work of years. It would take much time to construct permanent fortifications. A small provision of the best modern guns would take several years. Neither of these works can be extemporized in presence of emergent danger. A million of soldiers, with the best equipments, on the heights surrounding the harbor of New York in our present state of preparation, or rather in our total want of preparation, would be powerless to resist a small squadron of war steamers.

This state of things is discreditable to our foresight and to our prudence.

The best guaranty against aggression, the best assurance that our diplomacy will be successful and pacific, and that our rights and honor will be respected by other nations, is in their knowledge that we are in a situation to vindicate our reputation and interests. While we may afford to be deficient in the means of offense, we can not afford to be defenseless. The notoriety of the fact that we have neglected the ordinary precautions of defense invites want of consideration in our diplomacy, injustice, arrogance, and insult at the hands of foreign nations.

It is now more than sixty years since we announced to the world that we should resist any attempts, from whatever quarter they might come, to make any new colonizations on any part of the American continent—that while we should respect the *status quo* we should protect the people of the different nations inhabiting this continent from every attempt to subject them to the dominion of any European power, or to interfere with their undisturbed exercise of the rights of self-government.

This announcement was formally made by President Monroe, after consultation with Mr. Madison and Mr. Jefferson. It was formulated by John Quincy Adams. Our Government has firmly adhered to the Monroe doctrine, and even so late as 1865 it warned Napolean III out of Mexico. It is impossible to foresee in the recent scramble of the European powers for acquisition of colonies how soon an occasion may arise for our putting in practice the Monroe doctrine. It is clear that there ought to be some relation between our assertion of that doctrine and our preparation to maintain it.

It is not intended to recommend any attempt to rival the great European powers in the creation of a powerful navy. The changes which have rapidly occurred by the diminution of the relative resisting power of the defensive armor of ironclads, and by the increased efficiency of modern artillery—which on the whole has gained in the competition—suggest that we should not at the present enter largely into the creation of armored vessels.

In the questions that beset this subject until they shall have reached a solution, we can content ourselves with adding but sparingly to our Navy. But what we do add should be the very best that experience and science can indicate. This prudential view is reinforced by the consideration that the annual charge of maintaining a war vessel bears an important proportion to the original cost of construction.

In constructing permanent fortifications, and in providing an ample supply of the best modern artillery, the annual cost of maintenance is inconsiderable. Nearly the whole expenditure is in the original outlay for construction.

If we do not make the expenditure necessary to provide for our seacoast defenses when we have a surplus, and have no need to levy new taxes, we certainly will not make those expenditures when we have no longer a surplus in the Treasury.

To leave our vast interests defenseless in order to reduce the cost of whisky to its consumers would be a solecism.

The present time is peculiarly favorable for providing for this great national necessity too long neglected. Not only does the surplus in the Treasury supply ample means to enable us to meet this great public want without laying new burdens upon the people, but the work can now be done at a much lower cost than has ever before been possible. The defensive works would consist almost entirely of steel and iron. These materials can now be had at an unprecedentedly low price. A vast supply of machinery and of labor called into existence by a great vicissitude in the steel and iron industries offers itself to our service. We should have the satisfaction of knowing that while we were availing ourselves of the supplies which would ordinarily be unattainable, we were setting in motion important industries and giving employment to labor in a period of depression. With encouragement by the guaranty of work, or perhaps by the Government itself furnishing the plant, the inventive genius of our people would be applied to the creation of new means and improved machinery, and establishments would spring into existence capable of supplying all of the national wants, and rendering us completely independent of all other countries in respect to the means of national defense.

I endeavored to impress these ideas upon Mr. RANDALL the last time I had the pleasure of seeing him.

With my highest regards to Mrs. Carlisle and yourself, I remain,

Very truly yours,

S. J. TILDEN.

Hon. JOHN G. CARLISLE.

Mr. HOOKER. Mr. Chairman, when we emerged from the war of 1812 it was when wooden ships and small armaments were used by all the nations of the world. Now we have armed vessels which were unknown to our ancestors.

I will now address myself to the point of order invoked by the gentleman from Pennsylvania [Mr. RANDALL]. It would seem from the proviso, in connection with what has been read by my friend from New York [Mr. TRACEY], that this is an establishment at Watervliet arsenal for the manufacture of guns and gun carriages and other means of defense not applicable to fortifications alone, but every means of defense known to be used along our extensive line of seacoast on the Atlantic and Pacific. I say now, addressing myself to the point of order, that this establishment is there now and has been located there for some time, and in my judgment it ought to be maintained and sustained by ample appropriations from the Government so that it may be in the most efficient condition to manufacture these vessels, for the purpose of constructing these iron-clad vessels. We need them and must have them. We can not do without them.

And it has been said, by the bye, that broken-down, effete Italy, a mere dot upon the world's map, owns one armored vessel that to-morrow could enter the port of New York by way of the Sandy Hook channel and destroy the entire city, nor could the whole American Navy stop it. That was said in the Senate of the United States within six months past, and there has never yet been a contradiction of the statement.

But, Mr. Chairman, I wish to refer in this connection to the rule upon this subject by which the Chairman, in determining the question of order, must be governed. It is to be found in our code of rules, whereby authority is conferred upon the committee of the House to consider certain classes of legislation in the following words:

All proposed legislation relating to the military establishment and the public defense, including the appropriations for its support and for that of the Military Academy, shall be referred to the Committee on Military Affairs.

This is to be found on page 244 of the Rules of the House.

Now, in reference to the point of order made by the gentleman from Pennsylvania, that this is new legislation and not authorized by any existing law or former legislation. I say that point of order can not be sustained, because it is not new legislation; for this amendment proposes simply to carry out and to carry on a law which is already in existence, and make appropriations in continuance of a work already in progress.

Mr. RANDALL. Then why did your committee introduce a separate bill?

Mr. HOOKER. Because we did not know that we could get it upon this bill. If we can get it upon this, of course there is no necessity for the other. Why did your Committee on Appropriations consider this matter?

Mr. RANDALL. We are considering it.

Mr. HOOKER. But do you not consider that it is a part of the duty of the Military Committee, under a proper construction of the rules, and that that committee has also jurisdiction of the subject?

Mr. RANDALL. I do not.

Mr. HOOKER. I understood you did. I think the Committee on Military Affairs, under the rule which I have quoted, has jurisdiction, and having exercised that jurisdiction that the amendment is proper and in the line of its authority.

But, Mr. Chairman, I want to quote a ruling which has been heretofore made upon this subject, and directly in the line of this amendment—a ruling which was made when the naval appropriation bill was under consideration in the Forty-ninth Congress, during the last session of that Congress. I was not here at the time, but the question was raised on a point of order made against a proposition providing an appropriation of some four millions of dollars for the construction of war-ships, at which time my honored friend from Kentucky [Mr. MCCREARY] was presiding as Chairman of the Committee of the Whole. This question arose as to whether that appropriation was in order as coming within the rule of an expenditure to carry out existing legislation. The Chairman of the committee in ruling upon the subject, when the point of order was made by the distinguished gentleman from Indiana [Mr. HOLMAN] with his usual ability, just as he has sustained the point of order to-day made by the gentleman from Pennsylvania [Mr. RANDALL], used the following language:

The general rule has been stated by the gentleman from Indiana.

That is, Mr. HOLMAN, who made the point of order; and I quote now from the CONGRESSIONAL RECORD of February 26, 1887:

It is laid down in subsection 3 of Rule XXI, and provides that—

"3. No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto, for any expenditure not previously authorized by law."

But to that general rule there is an express exception, as follows:

"Unless in continuation of appropriations for such public works and objects as are already in progress."

This is a work already in progress.

The Chairman of the Committee of the Whole then proceeds, after this extract from the rule, and after quoting from the proviso, showing that in this instance, although the proposed appropriation was enormous in its character, it fell within the exception:

That is to say, if the work be a public work, or if the object is a public object, and it is already in progress, then there need not be any previous legislation authorizing it.

No one can say this work is not already in progress.

The Chair believes that the construction of a Navy is a public object or a public work, and the language of the bill which we have been considering, and the appropriation made at the last session show that the construction of the Navy is in progress. It may be said, also, that the proposed amendment providing money for the construction of vessels does not change existing law, and is not prohibited by law.

It is very agreeable to the present occupant of the chair to be able to refer to a precedent bearing upon the point of order now raised. In the Forty-sixth Congress (Mr. CARLISLE in the chair) it was decided "that appropriations for public works and objects" already in progress could be included in general appropriation bills or could be inserted as amendments; and that the word "objects" meant something in addition to the word "works," and must be held to include the public Departments of the Government, and the civil, mili-

tary, and naval establishments recognized by law and supported by the Government. The Government has undertaken to maintain, and is annually maintaining, a naval establishment, and under the rule appropriations may be made for it in a general appropriation bill, and such has always been the practice until last session, when appropriations for the construction of ships for the Navy and armaments for them were made in a separate bill. Before the last session such appropriations were made in the naval appropriation bill, under the rule exactly as it now is.

There is no law prescribing the number of ships that shall constitute the Navy, or the number of guns they shall carry. Those matters depend entirely on the amount of money appropriated for those purposes, just as the number of clerks and other employés in the Departments depends upon the appropriations made.

And by parity of reasoning this may be applied to fortifications and the manufacture of guns.

The present Speaker of the House, as has been stated, has already ruled on this point of order, and the Chair believes the ruling was correct, and feels it his duty to decide this question in accordance with that ruling. This decision allows an important amendment to be offered, but it gives to the Committee of the Whole the right to pass upon this interesting question, and an opportunity to say whether it is in favor of increasing the Navy or not.

I think that so far as this amendment refers to the exception to the rule it clearly falls within that exception, and that this work being already in existence, in progress, and previous laws having been passed in regard to the manufacture of guns for defenses, and for the equipment of the Navy, that this proposition is clearly in order as being in the line of that previous legislation upon the subject, and is in continuation of public works already begun.

Mr. RANDALL. This is a bill providing for the military establishment of the United States, and not for fortifications. That branch of the public service is covered by a separate bill.

Mr. SPINOLA. I wish to ask unanimous consent to be permitted to occupy one minute in making an explanation of a remark of mine which appears to have been entirely misunderstood by the gentleman from Indiana [Mr. HOLMAN]. He has certainly misunderstood me. When I spoke of our representatives abroad being forced to act as "sneaks," I did not mean that the American people were sneaks, I referred only to our representatives abroad. I spoke only of the position which was forced upon them by our defenseless condition in dealing with foreign governments. I know the courage and the pride of our people. I know what we can do, and what we have done as a nation. I know the bravery and endurance of all our people in the late struggle, and if the Great Ruler of the universe should send back the great men who commanded the two armies in that struggle, the survivors of that contest, with their old captains to lead them, could whip the world. I did not say that we were deficient in anything as far as courage and endurance were concerned, for we are the most enlightened and progressive people on earth, and if it ever comes to war we can meet any power whether in the field or on water, especially if we have a little time to get ready, and it is the part of wisdom to get ready in advance.

But I am only looking now to the protection of our seacoast cities, which are in great peril at this time in case of trouble with any foreign power. I agree with my friend from Pennsylvania that the Government may advertise for 12, 16, or 20 inch guns——

Mr. RANDALL. Those are the only guns that would defend New York to-day.

Mr. SPINOLA. We want some other guns besides those.

Mr. RANDALL. Private manufacturers are now ready to contract for such guns.

Mr. SPINOLA. We will make contracts in due time. But let us have a chance to continue the work now in progress at the Watervliet armory, in order that the people may feel a little security in regard to the seacoast cities.

Mr. LAIRD. Mr. Chairman, it is perhaps scarcely fair to the House to attempt to discuss the merits of this question when we stand face to face——

The CHAIRMAN. The Chair desires to remind the gentleman that the point of order is under consideration.

Mr. LAIRD. I will try to come to the point of order.

A MEMBER. Just as the rest did.

Mr. LAIRD. Just exactly.

It is perhaps scarcely fair to attempt to discuss the merits of this controversy in the face of an objection which, if insisted upon, is summary. But nevertheless there is something due to the truth of history, to the course of legislation, and our responsibility to the country for the attitude in which the country confessedly stands to-day.

It is in the memory of many of the gentlemen listening to me that when, in the last session of the Forty-ninth Congress, the Senate sent here a bill, the consideration of which by the Senate had secured an appropriation of several million dollars looking to the defense of the undefended coast of the country, looking to the erection of plants for the manufacture and assemblage of ordnance which, by the confession of all the men intelligent on the subject, does not exist to such an extent as even to promise a defense of the country in case defense were needed, that upon the reference of that measure a question arose between the Military Committee and the Committee on Appropriations, and upon a decision of that controversy the bill was referred to the Committee on Appropriations, the honorable gentleman from Pennsylvania [Mr. RANDALL] contending therefor, and the Military Committee of the House, as then composed, contending against such construction of the rule. This bill, appropriating millions for the construction of plant and ordnance, and the assemblage of the same, never came from the Committee on Appropriations, but died unconsidered with the Forty-ninth Congress.

So much in regard to the responsibility for the position in which the country confessedly finds itself. Proceeding, it can not be successfully gainsaid that outside of the arms purchased by appropriations made by Congress through the Committee on Naval Affairs there does not exist within the limits of the Republic a gun, a carriage, or a charge of powder to fire a gun if we had the gun and the carriage in any sense adequate to the defense of our coast. There does not exist a fort having the appliances sanctioned by modern scientific warfare which could protect itself, even, from the onset of the navies of the world anywhere along the entire undefended limits of the country, to say nothing of its constituting a defense to the port or city where it is placed.

The CHAIRMAN. The gentleman will pardon the Chair the request that he endeavor to confine himself to the point of order under discussion.

Mr. LAIRD. Mr. Chairman, I must plead a bad precedent in defense of a good cause. The other gentlemen have discussed the merits of this matter, and I beg leave to speak in defense of the Military Committee, upon which it has been my pleasure to sit as a member during my terms in Congress.

The CHAIRMAN. The gentleman may do that upon a subsequent passage. The Chair prefers to hear gentlemen upon the point of order.

Mr. LAIRD. If the Chair is disposed to pass from its passive position, which I suppose is the attitude of the Chair, and become an active competitor in this debate, I suppose I might as well decline to proceed further, because I do not care to split hairs about a question of order. But I did wish to discuss some suggestions presented by the gentleman from Indiana [Mr. HOLMAN] and my amiable and distinguished friend from Pennsylvania [Mr. RANDALL], which I think it sensible to discuss, even though we thereby violate some threadbare rule of the House.

Mr. RANDALL. We will bring in a bill providing for 14, 16, and 20 inch guns, and fortunately, as I state, we will have people ready to supply them upon fixed prices and with required efficiency.

Mr. LAIRD. I hope you will. You certainly will have my support for any such measure.

Mr. RANDALL. I do not object to the gentleman from Nebraska proceeding.

Mr. LAIRD. Mr. Chairman, one word. There is not to-day in the United States for land defense, outside of the recently manufactured 3-inch steel field-pieces, a single piece of modern ordnance; there is not a single gun-carriage adequate for the mounting and management, nor a single emplacement for a gun or battery. Nor is there even powder enough on hand to fire such a gun, if we had it, belonging to the public. So stands the case confessed by the gentleman from Indiana [Mr. HOLMAN], who, recently of the Committee on Appropriations, parades what that committee has not done as a virtue, and points with a perversity of pride to the defenseless condition of the country, and says that we are defended by the ignorance of inventors, who have not yet evolved a scheme of wholesale destruction.

That until they do invent some cheap element of devastation it is our duty to wait and let the lazy millions rot, trusting the defense of national honor and municipal and private property to the world's memory of the puissance of American arms, when American arms were scientifically equal to any on earth, while to-day they are, as invention rates time, a hundred years behind the balance of the warlike world. And that this is so is chargeable not to the Committee on Military Affairs, which now seek to remedy the neglect of a committee, one of whose advocates pleads its non-action as cause for congratulation because it has cost nothing.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] makes the point of order that the amendment should be reported to the House in the fortification bill, which, by the rules of the House, is intrusted to the Committee on Appropriations.

Mr. TRACEY. Mr. Chairman, I did not know debate was closed. Is the Chair making a decision?

The CHAIRMAN. The Chair was about to decide the point of order, but if the gentleman desires it the Chair will withhold the decision.

Mr. TRACEY. Do I understand the Chair has made the decision?

The CHAIRMAN. The Chair has not. The Chair has stated the point of order that was made.

Mr. TRACEY. I only wish to say, Mr. Chairman, that a good many gentlemen who have spoken in opposition to the point of order and in defense of the amendment have perhaps not paid quite so much attention to the subject as I have. Therefore I wish to call the particular attention of the Chair to the ruling of Mr. MCCREARY in the last Congress, and also to the fact that this measure makes no provision for fortifications, has nothing whatever to do with fortifications in the proper sense of the word. It is confined entirely to the creation of modern arms. A great many of these arms are used by the Army; the great bulk of the small guns that are being made are so used. The Committee on Military Affairs, according to the rules of the House, certainly has a right to treat in its appropriation bill questions of public defense, and this clearly is within their province as such a question.

I would like to call the attention of the Chair to the fact which I stated in my remarks awhile ago, that the appropriation bills of 1885 and 1886 carried just such appropriations as this. Gentlemen have wandered away from the subject in the discussion of the question; but the Chairman of the committee is more conversant with the rules than I am, and if he gives attention to them and to the precedents heretofore made, I feel confident that the point of order can not stand.

The CHAIRMAN (Mr. SPRINGER). The gentleman from Pennsylvania [Mr. RANDALL] makes the point of order that the proposed amendment, if reported at all, should be reported in the bill known as the fortifications bill, which, by Rule XI, clause 3, is committed to the Committee on Appropriations; and also that the clause in the second paragraph of this amendment providing for the erection of "necessary structures" comes within the provisions of clause 3, of Rule XXI, as not being a work already authorized by law. The Chair is of opinion that the second clause of this proposition, namely, that which provides for the erection of the necessary structures to enlarge the plant at Watervliet arsenal is not an object heretofore authorized by law. "Additional structure" would cover any kind of a public building which the Department might deem necessary for this purpose. Hence this is not a work previously authorized by law, and that part of the amendment is obnoxious to clause 3, of Rule XXI, and the point of order is sustained.

As to the other point, there might, perhaps, be some doubt as to what bill this should be reported in. The attention of the Chair has been called by the gentleman from New York [Mr. TRACEY] and others to clause 11 of Rule XI, which provides that all legislation in reference to the military establishment and the public defense, including appropriation for its support, shall be referred to the Committee on Military Affairs. The attention of the Chair has also been called to the decision of the gentleman who occupied the chair when the naval appropriation bill was under consideration at the last session of Congress. At that time the Chairman of the committee held that a proposition for the purchase of guns for the use of the Navy was an object previously provided for by law and that the appropriation was a continuation of such work. The present occupant of the chair, had he presided at that time, would doubtless have made a similar decision; but if it were now proposed to appropriate a sum of money for the armament of ships it certainly would not be contended that that was in order upon this bill, although it might be held to be necessary for the public defense. The words "the public defense," in clause 11 of Rule XI, refer to such public defense as is committed to the Army of the United States, and as clause 3 of this rule has committed the subject of fortifications to the Appropriations Committee, all provisions for public defense to be made by fortifications should go to that committee, just as all provisions for the public defense relating to the Navy should go to the Committee on Naval Affairs.

The Secretary of War has transmitted to the committee certain letters, among them one from the Chief of Ordnance, to the effect that this appropriation is desired for the armament of fortifications. The Chair will take cognizance of the fact that the proper officials of the Government who have communicated this matter to Congress have stated that the appropriation is for the purpose of providing armament for fortifications, and such being its object, it should be reported in the fortifications bill as provided in clause 3, of Rule II.

For these reasons the Chair sustains the point of order as to both propositions.

The Clerk read as follows:

For targets for artillery practice, $5,000.

RECRUITING SERVICE.

For expenses of recruiting and transportation of recruits from rendezvous to depot, $100,000.

Mr. TOWNSHEND. At the suggestion of the Secretary of War and by direction of the Committee on Military Affairs, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 472 insert, after the word "hundred," the words "and thirteen."

The amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. TOWNSHEND. I move that the committee now rise.

Mr. LAIRD. Mr. Chairman, I understood the chairman of the Committee on Military Affairs to agree awhile ago that the amendment offered by myself should be considered before the committee rose.

Mr. TOWNSHEND. Yes; I withdraw my point of order in order that the committee may vote upon the question.

The amendment was read, as follows:

Page 10, after line 219, insert:

"*Provided further*, That after advertisement, all the supplies for the use of the various departments and posts of the Army shall be purchased where the same can be purchased the cheapest, quality and cost of transportation considered."

Mr. TOWNSHEND. I am satisfied that this is not intended to be in any sense a reflection upon the administration of the War Department; and, while I shall not vote for it, because I have not had any intimation of the views of the Department, I am perfectly willing that the House shall vote upon the question.

The amendment was agreed to.

Mr. LAIRD. Mr. Chairman, before the bill is disposed of, I wish to ask the gentleman from Pennsylvania [Mr. RANDALL] a question, so that his answer may go into the RECORD. I see by a query submitted to me on this side that it is claimed that the Quartermaster-General asks $60,000 with which to purchase headstones for Union soldiers. Is that provided for in any other bill?

Mr. RANDALL. It is provided for in the sundry civil bill. I think the appropriation last year was $15,000, though I speak only from memory. The estimate, I think, is $60,000, and the appropriation in the sundry civil bill this year is $85,000. The committee were of opinion that $60,000 was not sufficient, so they increased it $25,000 over the estimate, in order that the friends of deceased soldiers may be able to get stones promptly upon application.

Mr. LAIRD. That is good.

Mr. TOWNSHEND. I move that the committee now rise and report this bill to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, had directed him to report the same back to the House with sundry amendments.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time.

Mr. TOWNSHEND. I demand the previous question on the passage of the bill.

The previous question was ordered, and the bill was read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I move that the House do now adjourn.

Several MEMBERS. Oh, no.

Mr. RANDALL. If members object to the motion, let them vote it down. I promised to make the motion.

The motion was agreed to, there being—ayes 34, noes 32; and accordingly (at 3 o'clock and 35 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLANCHARD: A bill (H. R. 10545) for the relief of Joseph I. B. Kirk—to the Committee on Claims.

By Mr. PUGSLEY: A bill (H. R. 10546) authorizing the muster-in and discharge of Abraham Engle—to the Committee on Military Affairs.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Petition of Mrs. L. A. Carter, heir of M. Roth, of Greenwood, La., for relief—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Produce Exchange of New Orleans, asking restoration of river and harbor appropriations struck out by Senate Committee on Commerce—to the Committee on Rivers and Harbors.

Also, memorial of the New Orleans Stock Exchange, for the same—to the Committee on Rivers and Harbors.

Also, memorial of the New Orleans Produce Exchange, for the passage of the bill incorporating the Maritime Canal Company of Nicaragua—to the Committee on Foreign Affairs.

By Mr. CULBERSON: Petition of J. H. Gerdes, J. H. Daniels, and others, for amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. T. J. HENDERSON: Petition of E. R. Boardman, John Trumbull, and 29 other citizens of Stark County, Illinois, for the enactment of the schedule of duties agreed upon by the wool-growers and woolen manufacturers at their meeting in Washington on January 14, 1888—to the Committee on Ways and means.

By Mr. LAGAN: Petition in case of Mrs. Mary C. Haile—to the Committee on Pensions.

By Mr. SHIVELY: Petition of E. S. Smith and others, for a soldiers' home in Indiana—to the Committee on Military Affairs.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. VANDEVER: Of 174 citizens of San Diego and Monterey Counties, California.

SENATE.

MONDAY, *June* 18, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates from the Commissioner of Labor of appropriations required for the service of the fiscal year ending June 30, 1889, by the Department of Labor; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PASCO presented the petition of Charles W. Richmond, of Lake County, Florida, praying to be reimbursed for losses sustained by his father, Charles Richmond, whose machine shops were seized and impressed into the service of the United States to do work for the Union forces, whereby he lost a considerable amount of materials on hand, together with things partly made, together with tools and machinery, also the rent of the shop, etc.; which was referred to the Committee on Claims.

Mr. PADDOCK presented a memorial of the Board of Trade of Omaha, Nebr., officially signed, remonstrating against the passage of the measure known as the Wilson bill, providing for the imposition of customs duties on property seeking entrance into the United States, even if originating in this country, crossing Canadian territory and returning into the United States; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the village trustees of Pierce, Nebr., officially signed, praying for the passage of the so-called Outhwaite bill for the extension of the time of payment by the Union Pacific Railroad Company of its bonded indebtedness to the Government; which was referred to the Select Committee on the President's Message transmitting the report of the Pacific Railway Commission.

Mr. JONES, of Arkansas. I present the petition of R. A. Salisbury, T. J. Bell, and a number of citizens of Howard County, Arkansas, praying for certain amendments of the interstate-commerce law. As a bill has been reported on the subject, I move that the petition lie on the table.

The motion was agreed to.

Mr. BROWN presented a petition of citizens of Georgia, praying for the repeal of that portion of the internal-revenue law requiring druggists to take out a liquor-dealer's license, and that the tax on alcohol be reduced; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon.

A bill (H. R. 5544) granting a pension to John Shine;

A bill (H. R. 8291) granting a pension to Julia Welch;

A bill (H. R. 6006) granting a pension to Mary Flora;

A bill (H. R. 722) for the relief of Marquis D. Davis;

A bill (H. R. 4831) granting a pension to Delilah Vandevender; and

A bill (H. R. 6976) for the relief of Anna M. Thiele.

Mr. TURPIE. I ask the unanimous consent of the Senate for a change of reference of the bill (H. R. 128) for the relief of John Fletcher. It is a bill for the relief of a citizen on account of losses by Indian depredations. It ought to have gone to the Committee on Indian Affairs, but it was referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The Committee on Claims will be discharged from the further consideration of the bill, and it will be referred to the Committee on Indian Affairs, if there be no objection.

Mr. DAWES. I am directed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 128) for the relief of John Fletcher, to report it without amendment.

The PRESIDENT *pro tempore*. The bill which has just been reported had been previously reported on Thursday from the Committee on Indian Affairs, which at that time had not jurisdiction, the bill having been referred to the Committee on Claims. The action of the Senate this morning renders it necessary to have unanimous consent to amend the Journal of the 14th by striking out the clause professing to show the report of the bill from the Committee on Indian Affairs, which will be done if there be no objection. The bill reported by the Senator from Massachusetts will be placed on the Calendar.

BILLS INTRODUCED.

Mr. EDMUNDS introduced a bill (S. 3168) regulating admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McPHERSON introduced a bill (S. 3169) to amend an act entitled "An act for the erection of a public building at Camden, N. J.;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

Mr. BLACKBURN introduced a bill (S. 3170) granting a pension to Mrs. Charlotte Crumbaugh; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3171) granting a pension to Andrew Hopper; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3172) granting arrears of pension to William H. C. Bowen, Catherine A. Bowen, and Millard F. Bowen, heirs of Isaac Bowen, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE (by request) introduced a bill (S. 3173) to utilize United States naval and marine hospitals for the relief of disabled volunteer soldiers and sailors; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3174) granting a pension to Richard R. Jacobs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3175) granting a pension to Mrs. Caroline Taylor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL (by request) introduced a bill (S. 3176) for the relief of William Bushby; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES, of Arkansas (by request), introduced a bill (S. 3177) to provide for a building for the use of the post-office, the office of the superintendent of the Hot Springs reservation, a room for a free reading-room and library, and other civil offices in the city of Hot Springs, Ark.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GIBSON introduced a bill (S. 3178) to remove the political disabilities of Capt. William L. Bradford, which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. BECK introduced a bill (S. 3179) for the relief of the heirs of William T. Metcalfe; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3180) for the relief of the heirs of James Metcalfe; which was read twice by its title, and referred to the Committee on Claims.

Mr. BROWN introduced a bill (S. 3181) to remove the political disabilities of Julian Myers; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. JONES, of Arkansas, introduced a joint resolution (S. R. 93) providing for printing the eighth and ninth annual reports of the Director of the Bureau of Ethnology; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 94) providing for printing additional copies of the eighth and ninth annual reports of the Directors of the United States Geological Survey; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 95) providing for printing matter furnished by the Bureau of Ethnology relating to researches and discoveries connected with the study of the North American Indians; which was read twice by its title, and referred to the Committee on Printing.

STATE DEFENSE.

Mr. DOLPH. On the 14th instant a message was received from the President of the United States transmitting a report of the Secretary of State relative to the subject of State defense in 1861, and it was read, laid upon the table, and ordered to be printed. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

INTERNATIONAL ARBITRATION.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the several memorials, statements, interviews, bills, and resolutions on international arbitration, presented to the Senate or to the Committee on Foreign Relations during the present session, be printed for the use of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 185) granting a pension to Samuel F. C. Garrison;

A bill (H. R. 231) to increase the pension of Edmund Ashworth;

A bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased;

A bill (H. R. 888) granting a pension to John Magher;

A bill (H. R. 2046) for the relief of William E. Wheeler;

A bill (H. R. 2064) granting a pension to Jacob F. Joseph;

A bill (H. R. 2193) granting a pension to Elisha Wilkins;

A bill (H. R. 2495) for the relief of Ruth Clark;

A bill (H. R. 2530) granting a pension to John C. Wagoner;

A bill (H. R. 2531) granting a pension to Frederick W. Travis;

A bill (H. R. 3836) granting a pension to Hiram Bateman;
A bill (H. R. 4762) granting a pension to Benjamin F. Howard;
A bill (H. R. 4788) granting an increase of pension to William Winans;
A bill (H. R. 5913) granting a pension to Thomas Shannon;
A bill (H. R. 6273) for the relief of Hiram Chilson;
A bill (H. R. 6300) granting a pension to Samson M. David;
A bill (H. R. 6348) for the relief of Mrs. Ellen P. Malloy;
A bill (H. R. 6434) granting a pension to John F. G. Mittag;
A bill (H. R. 6603) to grant a pension to the minor children of Levi M. Hunter, deceased;
A bill (H. R. 7491) granting a pension to Lewis Telyea;
A bill (H. R. 7883) granting a pension to Susan L. Watson;
A bill (H. R. 8078) granting a pension to Theresa Herbst, widow of John Herbst, late private Company G, One hundred and fortieth Regiment New York Volunteers;
A bill (H. R. 8423) for the relief of William H. Porter;
A bill (H. R. 8704) granting a pension to Julia Bryan, late nurse at Jeffersonville hospital;
A bill (H. R. 8930) for the relief of J. H. Corn;
A bill (H. R. 9174) granting a pension to Woodford M. Houchin;
A bill (H. R. 9340) granting a pension to Lucy A. Noel;
A bill (H. R. 9523) for the relief of Margaret Lahey;
A bill (H. R. 9587) granting a pension to Louise F. D. Hoit;
A bill (H. R. 9649) continuing the pension of Milton Merwin; and
A bill (H. R. 9679) for the relief of William N. Robb;

The message also announced that the House had passed the following bills:

A bill (S. 43) granting a pension to Polly H. Smith;
A bill (S. 175) granting a pension to Eleanor S. Lawson;
A bill (S. 432) for the relief of Joel B. Morton;
A bill (S. 767) granting a pension to Robert H. Sturgess;
A bill (S. 1018) granting a pension to Joseph W. Eubank;
A bill (S. 1086) granting a pension to Jacob Kintz, alias John Walters;
A bill (S. 1266) granting a pension to Shelton Flaningam;
A bill (S. 1267) granting a pension to Joseph B. Tingley;
A bill (S. 1343) granting a pension to Cordelia Emery;
A bill (S. 1547) granting a pension to Mary Ann Dougherty;
A bill (S. 1687) to restore J. Rock Williamson to the pension-roll;
A bill (S. 1744) granting a pension to William M. Davis;
A bill (S. 1919) granting a pension to John Fox;
A bill (S. 1967) granting a pension to Sarah J. Tompkins;
A bill (S. 2064) granting a pension to Titus Wilder;
A bill (S. 2108) granting a pension to George W. De Motte;
A bill (S. 2230) granting a pension to D. P. Hougland; and
A bill (S. 2575) granting a pension to Elizabeth Dettis.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 2077) to place on the pension-roll the name of William S. Sims; and
A bill (H. R. 7783) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1507) providing an additional associate justice of the supreme court of the Territory of Utah, and for other purposes;
A bill (H. R. 2077) to place on the pension-roll the name of Selina A. Sims, widow of William S. Sims;
A bill (H. R. 7783) to authorize the construction of a bridge across the Tennessee River, at or near Knoxville, Tenn.; and
Joint resolution (S. R. 42) extending the provisions of an act entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887.

A. B TYAN.

The PRESIDENT *pro tempore.* If there are no further resolutions, concurrent or other, the order of morning business is closed, and the Calendar under Rule VIII is in order.

Mr. DOLPH. I wish to move to take up a bill for present consideration.

The PRESIDENT *pro tempore.* The first bill on the Calendar, under Rule VIII, will be first stated.

The CHIEF CLERK. A bill (S. 1051) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia.

Mr. DOLPH. I am in receipt of a personal communication from the State Department calling my attention to the urgency of the passage of a bill reported from the Committee on Foreign Relations, being the bill (H. R. 7255) for the relief of A. B. Tyan. I move to take up the bill for present consideration.

The PRESIDENT *pro tempore.* The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 7255) for the relief of A. B. Tyan.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore.* The bill will be read at length for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to pay to A. B. Tyan the sum of $3,618.80, being the sum found due to the said A. B. Tyan from the United States when the Secretary of State, in obedience to an act of Congress entitled "An act for the relief of Victor Bean Voucher, passed March 29, 1886" (private No. 20), audited the expenditures of Victor Bean Voucher, late consul of the United States at Jerusalem.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DOLPH. My attention is called to a fact which I observed in the Committee on Foreign Relations, that there is a mistake in the name of the consul. Instead of being "Bean Voucher" it should be "Beanvoucher," one word. I move that the amendment be made in that particular.

The PRESIDENT *pro tempore.* The proposed change in the name will be taken as agreed to, if there be no objection.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

OHIO CENTENNIAL EXPOSITION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of Senate joint resolution No. 63, introduced by my colleague [Mr. PAYNE] some time ago and reported from the Committee on Appropriations.

The PRESIDENT *pro tempore.* The title of the joint resolution will be stated.

The CHIEF CLERK. A joint resolution (S. R. 63) making an appropriation to enable the several Executive Departments of the Government, and the Bureau of Agriculture, the Government Printing Office, and the Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Ohio Centennial, to be held at Columbus, Ohio, from September 4 to October 19, 1888.

The PRESIDENT *pro tempore.* The question is on the motion of the Senator from Ohio.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. SHERMAN. The Committee on Appropriations reported an amendment, to strike out the whole of the original joint resolution and insert a substitute.

The PRESIDENT *pro tempore.* If there be no objection, the amendment striking out the preamble will be agreed to, and the Chief Clerk will read the amendment.

The Chief Clerk read the amendment, which was to strike out all of the joint resolution and to insert:

Whereas the States which comprise the Northwest Territory and the adjacent States will hold at Columbus, Ohio, from September 4 to October 19, 1888, a Centennial Exposition commemorative of the organization of the Northwest Territory, under the ordinance of 1787, in which exposition all the States and Territories of the United States and the General Government have been invited to participate, the object being in said exposition to present a panorama of the nation's resources and present state of progressive development, by an exhibition of the products of agriculture, of the various industries and fine arts; also the results of advancement made in the sciences; the whole illustrating the opportunities secured to and the possibilities which wait upon the citizens of this Republic; and

Whereas the citizens of the State of Ohio and the several States adjacent thereto have made suitable and adequate preparation and arrangements for holding said exposition, and are desirous—and it being fit and proper—that the several Executive Departments of the Government, the Department of Agriculture, the Government Printing Office, the Smithsonian Institution, including the National Museum and Commission of Fish and Fisheries, should participate in said exposition: Therefore,

Be it enacted, etc., That the head of each of the several Executive Departments of the Government, the Commissioner of Agriculture, the Government Printing Office, and the Smithsonian Institution, including the National Museum and Commission of Fish and Fisheries, under the direction of the President of the United States, be, and they are hereby, authorized and directed to prepare and make suitable exhibits at the said Ohio centennial, to be held at Columbus, beginning on the 4th of September, and closing October 19, 1888.

That to enable the several Executive Departments of the Government, the Government Printing Office, the Department of Agriculture, and the Smithsonian Institution, including the National Museum and Commission of Fish and Fisheries, to participate in said exposition, to be held as aforesaid, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $40,000, apportioned as follows:

For the War Department, $3,000.
For the Navy Department, $1,000.
For the Treasury Department, $4,000.
For the Interior Department, $10,000.
For the Department of Agriculture, $7,000.
For the Government Printing Office, $3,000.
For the Post-Office Department, $2,000.
For the Smithsonian Institution, including the Commission of Fish and Fisheries, $10,000.

That the President may, if in his judgment it shall be deemed necessary and expedient in order to secure the best results with greatest economy, transfer a part of the fund hereby apportioned to one Department or bureau to another Department or bureau. The term bureau wherever used herein shall be construed to include the Agricultural Department and the Smithsonian Institution.

That the President of the United States is hereby authorized to detail an

officer of the Pay Department of the Army or Navy to disburse the fund appropriated by this act.

The payments on account of expenses incurred in carrying out and into effect the provisions thereof shall be made on itemized vouchers approved by the representative of the Department incurring the liability, and a person to be designated by the President to make final audit of said accounts.

That the head of each of said Executive Departments and of the Government Printing Office, the Department of Agriculture, and Smithsonian Institution, shall, from among the officers or employés thereof, appoint a suitable person to act as representative of such Department or bureau, and said representative shall, under the direction and control of the head of the Department or bureau, supervise the preparation and conduct of the exhibits herein provided for.

That no officer or employé appointed as aforesaid shall be paid extra or additional compensation by reason of services rendered in virtue of such employment; but nothing herein shall be so construed as to prevent the payment of the just and reasonable expenses of any officer, or employé, appointed or employed under and by virtue of the provisions of this act.

That all articles imported from the Republic of Mexico or the Dominion of Canada for the purpose of being exhibited at said exposition shall be admitted free of duty, subject, however, to such conditions and regulations as the Secretary of the Treasury may impose and prescribe.

The PRESIDENT *pro tempore*. If there be no objection, the amendment of the committee, including the change of structure from a joint resolution to a bill, striking out the preamble to the joint resolution and the insertion of a new preamble and new bill, will be taken as one question and regarded as agreed to. The Chair hears none, and the amendment is agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

Mr. SAULSBURY. Mr. President, I do not rise to object to this appropriation, but to call attention to the fact that during this session of the Senate we have been making appropriations for expositions in various parts of the world, one at Melbourne, one at Paris, and several in this country, and this practice is increasing year by year. I suppose the appropriations made this year will amount to very nearly a million of dollars, and I think we ought to call a halt in the matter.

I do not know especially what advantage an exposition at Columbus, Ohio, will be to the people of this country, yet I suppose it will be very gratifying to the people of Ohio. It is a luxury merely for the gratification of the people of the locality.

I do not object to this appropriation, because it is following in the line that has been pursued heretofore; but I rise to emphasize the fact that we are wasting, in my opinion, the public money in these exhibitions all over the country and outside of the country. Some good may possibly be derived from them, but my impression is that they are a very expensive luxury to the people of this country.

Mr. SHERMAN. I differ with my friend from Delaware in regard to the value of these expositions. The amount he states is larger than has been appropriated this year; the total is less than half a million dollars; but the amount is not material. I believe that the amount expended by the United States in aiding expositions is well spent, because all it does in this case is to exhibit its own productions, its own handiwork, the machinery of Government. It pays none of the local expenses at all. It simply exhibits what it chooses of its own productions for different States and bears no part of the local expense.

But whether it did or not, I believe that the expositions, including county fairs, State fairs, and international expositions, have been the most beneficial agencies of civilization in modern times.

The expositions at Paris and London—that at Paris I attended—and the exposition at Philadelphia, I believe, have contributed more to give variety to the productions of the world than any other events in modern times.

Even if we should spend $1,000,000 a year in exhibiting the growth and progress of our country here and in foreign countries it would be money better expended than any other that I know of in our civil list. That is the view I take of it. The Senator from Delaware and I differ about this matter.

I have always felt that the best appropriation that could be made was to exhibit to foreign countries and to our own people the enormous progress in all kinds of productions made by the people of the United States. The most prosperous counties in the State of Ohio and the most enterprising people in the State of Ohio, and probably of every State, are those who take the greatest pains to show the extent and nature of their productions.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill (S. 3182) making an appropriation to enable the several Executive Departments of the Government, and the Bureau of Agriculture, the Government Printing Office, and the Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Ohio Centennial, to be held at Columbus, Ohio, from September 4 to October 19, 1888."

ANACOSTIA AND POTOMAC RIVER RAILROAD.

The PRESIDENT *pro tempore*. Senate bill 1051, being the first bill in order on the Calendar under Rule VIII, will be proceeded with.

The bill (S. 1051) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, approved February 18, 1875, and amended March 24, 1876, be, and the same is hereby, amended so as to authorize said company to lay tracks and run cars thereon from the intersection of its tracks on M street south with Seventh street east; along Seventh street to G street south; along G street to Third street east; along Third street to E street south; along E street to Canal street; along Canal street to B street south; along B street south to Third street west; along Third street to Missouri avenue; along Missouri avenue to Sixth street west; along Sixth street to B street; north along B street to a point near the Center Market to be named by the commissioners of the District of Columbia: *Provided*, That the said company shall complete the above-mentioned tracks and run cars thereon within one year from the approval of this act, and from the intersection of its tracks on M street south with Second street west; along Second street to its tracks on Canal street: *Provided*, That said company shall complete the last-mentioned tracks and run cars thereon within two years from the approval of this act. The company is also authorized to extend its tracks and run cars thereon from its track at Seventh and G streets southeast herein mentioned, along G street to Seventeenth street east; along Seventeenth street to E street south; along E street to and beyond the entrance to the Congressional Cemetery at a point to be named by the commissioners of the District of Columbia, after the said streets shall have been improved.

SEC. 2. That the said company may be permitted to place or cause to be placed upon the Anacostia bridge an additional track, and the rails of both tracks shall be of such form as will offer the least obstruction to ordinary traffic, and subject to approval by the commissioners of the District of Columbia. The said company shall also construct at least a single track, with necessary switches and turn-outs, along Harrison street, in Anacostia, to the entrance to the grounds of the German Orphan Asylum, and run cars thereon within six months after laying the track mentioned on said bridge.

SEC. 3. That the said company is also authorized to extend its tracks and run cars thereon from its present terminus on Nichols avenue, near Anacostia, by the way of Nichols avenue to the entrance to the grounds of the Government Hospital for the Insane, and along said avenue and the Livingstone road to the District line.

SEC. 4. That should any part of the track extension herein authorized coincide with portions of any other duly incorporated street railway in the District of Columbia, but one set of tracks shall be used when, on account of the width of the street, or for other sufficient reason, it shall be deemed necessary by the commissioners of the District; and the relative conditions of use and of chartered rights may be adjusted upon terms to be mutually agreed upon between the companies, or, in case of disagreement, by the supreme court of the District of Columbia, on petition filed therein by either party, and on such notice to the other party as the court may order.

SEC. 5. That in the construction of tracks herein specified the pattern of rail used shall be approved by the commissioners of the District of Columbia, and in any extensive repairs to the tracks now owned by the company requiring new rails the pattern of rails shall likewise be approved by the commissioners of the District of Columbia.

SEC. 6. That the company shall place cars of the best construction on said railway, with all modern improvements necessary to the convenience and comfort of passengers, and shall run cars thereon as often as the public convenience may require, in accordance with a time-table or schedule adopted by the company, a copy of which shall be filed with the commissioners of the District of Columbia, and be approved by them.

SEC. 7. That the said Anacostia and Potomac River Railroad Company shall, on or before the 15th day of January of each year, make a report to Congress of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures from whatever source and on whatever account, for the preceding year ending December the 31st, which report shall be verified by affidavit of the president and secretary of said company; and said company shall pay to the District of Columbia, in lieu of taxes upon personal property, including cars, tracks, and motive power for the next ensuing year, 2 per cent. for the first ten years after completion, and thereafter 4 per cent. of its gross earnings upon traffic for the preceding year as shown by said verified statement, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount, may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent. of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway. Its real estate shall be taxed as other real estate in the District of Columbia, and the tracks shall not be taxed as real estate: *Provided*, That whenever the net receipts of said company from its business upon said road shall, for any years, exceed 10 per cent. of the actual cost of such road, then the company shall, under the direction of the said commissioners, reduce the rate of passenger fare to an amount as near as the same can be approximated, so that the net receipts of said company from its business upon such road shall not exceed 10 per cent. of the actual cost for the construction, equipment, and maintenance thereof.

SEC. 9. That Congress may at any time amend, alter, or repeal this act.

Mr. HARRIS. In section 1, line 11, I move to strike out the word "Third" where it occurs in that line, and to insert the word "Fourth;" so as to read:

Along Seventh street to G street south; along G street to Fourth street east; along Fourth street to E street south.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. VEST. I have not a copy of the bill before me, but in listening to its reading I understand that the rails which are to be put down by this company are subject to the approval of the commissioners of the District. But there is no provision that they shall be upon the surface, even with the surface of the streets. In my judgment there should be no charter given to any railroad company which has not such a provision in it. It may be that the commissioners of the District of Columbia will never consent to let any rails be laid here of the T pattern which project above the surface of the street, and which are an absolute nuisance.

I am told by men engaged in the construction of vehicles, the hiring of vehicles, and the repairing of them here, that at a very reasonable

estimate $100,000 damage is done yearly in this city to carriages and other vehicles by the unexampled system of railroad rails now used by the railroads on the streets of Washington. Every Senator knows what a nuisance they are.

Would it not be well for the Senate to put a provision in every one of these charters that no rails laid down by any company shall be above the surface of the street? If I had a copy of the bill here I could suggest an amendment.

Mr. DAWES. That is what they claim in reference to all these roads when you talk with them about it. There is a kind of rail which has been used and tested in London and introduced in the city of New York and other large cities; I do not know the name of it, but that is the rail of all others which is necessarily on the surface, even with the surface of the street. If I knew the name of that, and if we could put it in the bill and not leave it to the discretion of the commissioners, to be operated upon by the common assurance of all railroads that they would so lay their tracks, it would accomplish what we all desire; otherwise it will not be accomplished.

Mr. VEST. That is exactly my purpose. I have my reason to distrust——

Mr. DAWES. I ask the Senator if he knows the name of that rail?

Mr. VEST. I know of no technical name for it. I know there is not a city in the United States where the rails that are used now in the city of Washington would be tolerated for a moment. I live in a new town in the West, and no ordinance can be passed through the city council of Kansas City to permit any such nuisance as we have to-day in the city of Washington. The carriages that go along these streets, some of the narrow streets, as, for instance, from Fifteenth street up to Pennsylvania avenue, near the Treasury building, are ruined, absolutely ruined, and I use the word with its full meaning. No gentleman drives down that street in his vehicle if he can avoid it. There are three tracks laid there. They have rails there that project one inch and a quarter above the surface of the street, and, as a matter of course, when a vehicle undertakes to pass the tracks, going across them, even if it goes directly across, it is jarred and shaken and injured.

I see no objection to putting a plain provision in this charter and every other charter that no rail shall be put down by any corporation in this city that projects above the surface of the street. Recent inventions have made the best rails so that they are embedded in the streets and offer no obstacle, no hinderance to any vehicle that passes along.

I have not the bill before me, and therefore I do not know exactly where the amendment ought to come in.

Mr. HARRIS. I wish the Senator had. I will send him my copy.

I wish to say to the Senator from Missouri and to the Senate that the commissioners of the District of Columbia and, I think I can say with absolute certainty, every member of the Committee on the District of Columbia are quite in sympathy with the views expressed by the Senator from Missouri. I quite agree with him that many of the roads which have been long existing here are tolerably serious obstructions to carriages and ordinary road vehicles.

At the last Congress a select committee, composed of a subcommittee of the Committee on the District of Columbia, were charged with the duty of investigating the whole question of street railroads in the District of Columbia. They instituted a careful investigation of the subject with a view to requiring every railroad in the District to conform to what might be determined to be the safest, the best, and the most convenient system of street traffic, but failed to report a bill because of the fact that the electric motor was found to be in an active state of development, though not sufficiently developed for the committee to adopt it as a certainty and recommend its adoption by all the railroad companies here. Therefore we agreed to give a reasonable time in order that we might determine whether the electric motor, which we think probably the coming power for street traffic, an opportunity for fuller development. At no distant day, however, I can assure the Senator from Missouri that if the counsels of the Committee on the District of Columbia shall prevail, every street railroad in the city of Washington will have to conform to what may be determined to be the safest, the most convenient, and the best method of street traffic, giving the least inconvenience and presenting the minimum of obstacle to other travel upon the streets.

Mr. DAWES. I do not doubt what the Senator says in reference to the desire and purpose of the Committee on the District of Columbia and of the commissioners of the District, but I know also how easy it is for a railroad corporation to go along as it is going on. I mean they give the assurance to the public and to the committee that they will keep their tracks on a level with the surrounding surface of the streets; but nevertheless they either forget it or omit to know where the difficulties are. There is a kind of rail which, if they were compelled by law to put down, the Committee on the District of Columbia and the commissioners would be relieved of any trouble or importunity whatever; and if the Senator will put into his bill a requirement that that shall be used, he will be certain to accomplish what I am afraid he will not, notwithstanding the honest effort on the part of the committee to accomplish, otherwise.

Mr. HARRIS. I do not know the name of the rail referred to by the Senator from Massachusetts; but the practical suggestion that I intended to make to the Senator from Missouri and to the Senator from Massachusetts and to the Senate was that the interests of the public, so far as that question is concerned, are absolutely secure in the fixed resolve of the commissioners to approve no rail that is going to prove an obstacle to other traffic. The Senator from Missouri need have no fear in reference to that matter, and I shall not antagonize an amendment going to the extent he suggests.

Mr. VEST. I make no question on the Senator's statement, for I know the *personnel* of the District Committee; but I offer the following amendment to section 5:

Provided, That all rails laid upon the streets of the city of Washington by said company shall be on a level with the surface of the streets and shall not project above the same.

Mr. HARRIS. I suggest to the Senator to modify that by saying "under the authority of this act." This is an amendment, and I do not want to put in anything that will compel them to take up rails already laid.

Mr. VEST. I would be very glad to go to that extent if I could, but I accept the suggestion. I will hail with joy the day when all the rails in the city shall be on a level with the street surface.

Mr. HARRIS. Allow me to assure the Senator that at no distant day he will have an opportunity of voting on a bill requiring every railroad in the District to conform to that policy.

Mr. VEST. I hope to be here to record my vote in favor of it. The destruction of property in this city from year to year now is very great.

The PRESIDENT *pro tempore*. The amendment will be stated as modified.

The CHIEF CLERK. It is proposed to add to section 5:

Provided, That all rails laid upon the streets of the city of Washington by said company under the authority of this act shall be on a level with the surface of the streets, and shall not project above the same.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills, from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 834) for the relief of the heirs of John H. Newman, deceased; and

A bill (H. R. 6348) for the relief of Mrs. Ellen P. Malloy.

The following bills, from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 185) granting a pension to Samuel F. C. Garrison;

A bill (H. R. 231) to increase the pension of Edmund Ashworth;

A bill (H. R. 888) granting a pension to John Magher;

A bill (H. R. 2046) for the relief of William E. Wheeler;

A bill (H. R. 2064) granting a pension to Jacob F. Joseph;

A bill (H. R. 2193) granting a pension to Elisha Wilkins;

A bill (H. R. 2495) for the relief of Ruth Clark;

A bill (H. R. 2530) granting a pension to John C. Wagoner;

A bill (H. R. 2531) granting a pension to Frederick W. Travis;

A bill (H. R. 3836) granting a pension to Hiram Bateman;

A bill (H. R. 4762) granting a pension to Benjamin F. Howard;

A bill (H. R. 4788) granting an increase of pension to William Winans;

A bill (H. R. 5913) granting a pension to Thomas Shannon;

A bill (H. R. 6273) for the relief of Hiram Chilson;

A bill (H. R. 6300) granting a pension to Samson M. David;

A bill (H. R. 6434) granting a pension to John F. G. Mittag;

A bill (H. R. 6603) to grant a pension to the minor children of Levi M. Hunter, deceased;

A bill (H. R. 7491) granting a pension to Lewis Telyea;

A bill (H. R. 7883) granting a pension to Susan L. Watson;

A bill (H. R. 8078) granting a pension to Theresa Herbst, widow of John Herbst, late private Company G, One hundred and fortieth Regiment of New York Volunteers;

A bill (H. R. 8423) for the relief of William H. Porter;

A bill (H. R. 8704) granting a pension to Julian Bryan, late nurse at Jeffersonville Hospital;

A bill (H. R. 8930) for the relief of J. H. Corn;

A bill (H. R. 9174) granting a pension to Woodford M. Houchin;

A bill (H. R. 9340) granting a pension to Lucy A. Noel;

A bill (H. R. 9523) for the relief of Margaret Lahey;

A bill (H. R. 9587) granting a pension to Louise F. D. Hoit;

A bill (H. R. 9649) continuing the pension of Milton Merwin; and

A bill (H. R. 9679) for the relief of William N. Robb.

INTERNAL-REVENUE COLLECTORS.

Mr. BROWN. I present an amendment to the legislative, executive, and judicial appropriation bill. I ask that it be read for information and referred to the Committee on Appropriations; and also that a copy of it be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 26, line 11, after the word "collectors," it is proposed to insert:

And including one collector for the internal-revenue district of Georgia and Florida, at $5,000, and two assistant collectors, at $3,000 each.

The PRESIDENT *pro tempore*. The amendment will be printed and referred to the Committee on Appropriations, and the duplicate copy referred to the Committee on Finance, if there be no objection.

SHOSHONE AND BANNOCK INDIANS.

Mr. DAWES. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1466, Senate bill 2266.

Mr. COCKRELL. We shall get to it if it is on the Calendar.

Mr. HARRIS. If it is on the Calendar regularly, I think we shall reach it in a short time.

Mr. DAWES. I should agree to that if I were not afraid of a threatened motion to adjourn.

Mr. HARRIS. I hope the Senator will withhold that threat and the motion, too.

Mr. COCKRELL. We shall vote down the motion to adjourn.

Mr. DAWES. If you will agree to do that, very well. I ask, however, for the consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2266) to accept and ratify an agreement made with the Shoshone and Bannock Indians, for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation, in the Territory of Idaho, for the purposes of a town-site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes.

The bill was reported from the Committee on Indian Affairs with an amendment, in section 11, after the words "Secretary of the Interior," at the end of line 16, to insert:

Except that at and near its station at Pocatello, in Idaho Territory, said railway company is granted for its use for station grounds, depot buildings, shops, tracks, side-tracks, turn-outs, yards, and for water purposes, not to exceed 150 acres, as shown by maps and plats of the definite location thereof; and said company shall pay for said 150 acres, in addition to the $8 per acre provided in said agreement, a further sum equal to the average appraisal of each acre of town lots in the proposed town site of Pocatello outside of said 150 acres provided for in section 4 of this act, said $8 per acre to be paid within one year from the passage of this act, and said additional sum immediately upon the completion of the appraisement aforesaid.

The amendment was agreed to.

Mr. DAWES. I move to strike out the seventeenth section, which is altogether unnecessary.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out section 17, as follows:

SEC. 17. That this act shall be in force from its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WINNEBAGO RESERVATION IN NEBRASKA.

Mr. DAWES. I am instructed by the Committee on Indian Affairs, to whom was referred the bill (H. R. 8372) authorizing the sale of a portion of the Winnebago reservation in Nebraska, to report it favorably without amendment.

Mr. PADDOCK. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Massachusetts from the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the bill just reported be now considered.

Mr. COCKRELL. Let it be read.

The Secretary read the bill.

Mr. MITCHELL. I ask the Senator from Nebraska to allow the bill to go over to to-morrow. I wish to offer an amendment to it.

Mr. PADDOCK. Has the Senator his amendment ready to offer now?

Mr. MITCHELL. I did not expect the bill to come up this morning, and there has not been time enough to prepare an amendment since the bill was reported.

Mr. PADDOCK. The bill was recommended by the Indian Office; it passed the House committee unanimously, and passed the House. It is demanded by the Indians themselves.

Mr. MITCHELL. I have no earthly objection to the bill——

The PRESIDENT *pro tempore*. Debate can only proceed by unanimous consent. The Chair hears no objection.

Mr. MITCHELL. I have no earthly objection to this bill, but there are provisions in reference to another matter, something of the same nature, that I should like to add to this bill.

Mr. DAWES. I suggest to the Senator from Oregon that there will come up a bill to which the amendment to which he alludes is more germane, and if he will await his opportunity he will have a chance to move his amendment.

Mr. MITCHELL. After that statement from the chairman of the Committee on Indian Affairs I will yield and avail myself of some other opportunity for offering the amendment.

Mr. DAWES. I will only say for myself that the Senator will have an opportunity on another bill.

Mr. MITCHELL. Very well.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF NEVADA.

Mr. COCKRELL. The Calendar!

The PRESIDENT *pro tempore*. The next order of business on the Calendar will be stated.

The next bill on the Calendar was the bill (S. 2918) to reimburse the State of Nevada for moneys expended on obligations incurred by said State and the Territory of Nevada, and afterwards assumed and paid by said State in the suppression of the War of the Rebellion, and for guarding the overland mail and emigrant route.

Mr. COCKRELL. The Senator reporting that bill [Mr. STEWART] is not here, and there is a minority report. Let it be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over under Rule IX, or without prejudice.

Mr. COCKRELL. Without prejudice, as the Senator from Nevada is absent.

The PRESIDENT *pro tempore*. It will be so ordered.

NEWTON S. MURPHEY.

The bill (S. 157) for the relief of Newton S. Murphey was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment in line 6, before the word "thousand," to strike out "two" and insert "one;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Newton S. Murphey, of Milwaukee, Wis., the sum of $1,000, in full compensation for professional services rendered by him in trying three cases in the circuit court of the United States for the eastern district of Wisconsin, for the collectors of internal revenue in the collection districts of Wisconsin, upon the employment of an internal-revenue agent.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL DEPARTMENT ACCOUNTS.

The bill (S. 2403) to adjust the accounts of the Department of Agriculture was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. The Chair would suggest that the substance of this bill was incorporated in the agricultural appropriation bill as an amendment. In the absence of the chairman of the Committee on Appropriations the bill will be passed over, if there be no objection.

Mr. COCKRELL. Let it be passed over informally.

The PRESIDENT *pro tempore*. It will be passed over informally.

WILLIAM M. KEIGHTLEY.

The bill (S. 111) for the relief of William M. Keightley was considered as in Committee of the Whole.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments: In line 5, before the word "thousand," to strike out "four" and insert "one;" after the word "thousand," to strike out "two" and insert "three;" in line 6, before the word "dollars," to strike out "ninety" and insert "fifty;" after the word "dollars" to strike out "and thirty-three cents that;" in line 7, after the word "being," to strike out "the amount of commissions earned and disallowed and of," and insert "amount of;" and in line 8, after "clerk-hire," to strike out "and rent;" so as to make the bill read:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed to allow to William M. Keightley, postmaster at Durango, Colo., the sum of $1,350, being amount of clerk-hire paid by him from January 4, 1881, to March 31, 1882, during which period said office was in the fourth class; and a sum sufficient to pay said amount is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE AT PARKVILLE, MO.

The bill (S. 1404) to authorize the construction of a bridge across the Missouri River and to establish it as a post-route was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 5, before the word "court," to strike out "district" and insert "circuit;" so as to make the section read:

That said bridge shall not interfere with the free navigation of said river beyond what may be necessary to carry into effect the rights and privileges herein granted; and in case of any litigation arising therefrom such litigation may be tried and determined by any circuit court of the United States whose jurisdiction embraces either terminus of said bridge.

The amendment was agreed to.

The next amendment was, in section 3, line 7, before the word "hun-

dred," to strike out "two" and insert "three," and after "hundred" to insert "and fifty;" so as to read:

Nor shall the span of said bridge be less than 350 feet in length, and the piers thereof shall be parallel with the current of the river. The main span shall be over the channel of the river and not less than 250 feet in length.

The amendment was agreed to.

The next amendment was, in section 3, line 14, before the word "hundred," to strike out "one" and insert "two," and after the word "hundred" to strike out "and twenty-five;" so as to read:

In case the said company shall elect to construct said bridge as a draw-bridge, the same shall be constructed as a pivot draw-bridge, with a draw over the main channel with spans not less than 200 feet in length in the clear on each side of the pivot piers, and the next adjoining spans to the draw shall not be less than 100 feet, and the said span shall not be less than 30 feet above low-water mark, and not less than 10 feet above extreme high-water mark, measuring from the bottom chord of said bridge; and the piers of said bridge shall be parallel with the current of the river where said bridge may be erected.

The amendment was agreed to.

The next amendment was, in section 6, line 13, before the word "said," to strike out "therefrom," and in the same line, before the word "proceed," to insert "them;" so as to read:

Which said drawings and other information aforesaid shall be examined by him, and if he shall approve the same, he shall so notify the said railway company of such approval, and said company may then proceed to the erection of said bridge.

The amendment was agreed to.

The next amendment was, in section 6, line 21, after the word "authorized," to insert "and all expense attending any such changes shall be paid by the company;" so as to read:

The said railway company may, at any time, make any alterations deemed advisable to be made in said bridge, but must first submit such proposed alterations to the Secretary of War, and his approval shall be first had before they shall be authorized; and all expense attending any such changes shall be paid by the company.

The amendment was agreed to.

The next amendment was, in section 7, line 7, after the words "bridge as," to strike out "Congress" and insert "the Secretary of War," and in line 11, after the words "judgment of," to strike out "Congress" and insert "the Secretary of War;" so as to make the section read:

SEC. 7. That the said bridge herein authorized to be constructed shall be so kept and managed at all times as to afford proper means and ways for the passage of vessels under it both by day and night. There shall be displayed on said bridge from sunset to sunrise such lights and signals as may be directed by the Secretary of War. And such changes may be made from time to time in the structure of said bridge as the Secretary of War may direct at the expense of said railway, in order the more effectually to preserve the free navigation of said river; or the said structure shall be altogether removed, if, in the judgment of the Secretary of War, the public good may require such removal, and without expense or charge to the United States.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 8. That this act shall be null and void unless actual construction of the bridge herein authorized be commenced within one year and completed within three years from the date of this act being approved.

The amendment was agreed to.

Mr. DAWES. I move to strike out section [9] 10. It is entirely unnecessary.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out section 10, as follows:

SEC. 10. That this act shall take effect and be in force from and after its passage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NOXUBEE RIVER BRIDGE.

The bill (H. R. 8343) to authorize the construction of a wagon and foot-passenger bridge across the Noxubee River, at or near Gainesville, in the State of Alabama, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, after the word "obstruction" at the end of line 14, to strike out "touches" and insert "may be;" so as to read:

That the court of county commissioners of Sumter County, Alabama, be, and are hereby, authorized to construct and maintain, if, in the opinion of the Secretary of War the same be a public necessity, a wagon and foot-passenger bridge across the Noxubee River, at a point at or near Gainesville, Ala.; that said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction or alleged obstruction to the navigation of said river, the cause may be tried before the circuit court of the United States in and for any district in which any of said bridge obstruction may be.

The amendment was agreed to.

The next amendment was, at the end of section 1, to add:

And if tolls shall be charged for the passage of wagons or other vehicles, or of animals and foot-passengers, the rates thereof may be fixed by the Secretary of War, on appeal to him for that purpose, and no higher charges shall be made than shall be established by him.

The amendment was agreed to.

The next amendment was, at the end of section 4, to add:

And all expenses attending such changes shall be paid by the company constructing said bridge; or, if the Secretary of War shall require any change in said bridge or the entire removal of the same after its completion, the same shall be at the cost of the company, and if such changes or removal shall not be made when required, the Secretary of War may make such changes or removal, and cause proceedings to be instituted in the name of the United States in any circuit court of the United States in whose jurisdiction any part of said bridge is located to recover from the company or persons owning said bridge the amount which may be expended by the United States in such alterations or removal.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

INDIAN APPROPRIATION BILL.

Mr. DAWES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8565) "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 56.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 9, 28, 29, 34, 35, 36, 37, 44, 45, 46, 47, 49, 50, 53, 54, 55, 57, 58, 61, 63, 65, 66, 67, 69, 70, 72, 73, 75, 76, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: Strike out in line 13 of the amendment the words "survey or resurvey," and insert in lieu thereof the word "allotments;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: Insert after the word "California," the words "in suit, Byrne *vs.* Aids and another;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: Add at the end of said amendment the following: "This sum to be in full satisfaction of all claims against the Government growing out of such service;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out, in line 4 of said amendment, the words "one thousand eight hundred," and insert in lieu thereof "one thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out from said amendment the word "previously" and insert in lieu thereof the words "to be;" and the Senate agree to the same.

H. L. DAWES,
P. B. PLUMB,
WILKINSON CALL,
Managers on the part of the Senate.

S. W. PEEL,
JOHN M. ALLEN,
Managers on the part of the House.

The report was concurred in.

PUBLIC PARK AT ST. AUGUSTINE, FLA.

The bill (S. 2946) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FINN.

The bill (S. 489) for the relief of John Finn was considered as in Committee of the Whole.

The preamble recites that in October, 1863, John Finn and William P. Milliken were partners in trade, engaged in the purchase of horses and mules for the Government, under the firm name of John Finn and Company, and during the latter part of the year 1866 Milliken withdrew from the firm and conveyed and relinquished to Finn all of his interest therein by way of settlement and adjustment of the partnership affairs and accounts of such firm, in order to dissolve the same, whereby Finn became, and is now, the sole owner of the claim for the horses and mules herein mentioned; that Finn, on or about the 10th of October, 1863, furnished to the Government twenty-four horses and seventy-eight mules, which were inspected and accepted by a regularly appointed deputy inspector of the Army, according to the regulations, practice, or custom of the Quartermaster's Department at St. Louis, Mo., at that time, and for which he has not received any pay; that Finn has prosecuted his claim before the Quartermaster-General, who dismissed the same for want of jurisdiction, and he thereafter appealed to Congress for relief, and his claim was, by the Committee on War Claims of the House of Representatives, referred to the Court of Claims under the act of March 3, 1883, known as the Bowman act, where, upon hearing, the claim was dismissed for a want of jurisdiction; and he then procured and adduced newly-discovered evidence and applied for a rehearing before the accounting officers of the Treasury Department, which rehearing was granted and the claim transmitted to the Court of Claims under section 1063 of the Revised Statutes, and the court heard the case and found the facts for the claimant, but by conclusions of law again dismissed the petition for want of jurisdiction. Finn then appealed from the judgment of the Court of Claims to the Supreme Court of the United States, where the judgment of the court below was

affirmed; and that it has been demonstrated at great expense and delay that neither the executive department nor the courts have jurisdiction to hear and determine the claim.

The bill therefore proposes that the claim of John Finn, of St. Louis, Mo., for the value of twenty-four horses and seventy-eight mules, with interest, be referred to the Court of Claims with jurisdiction to hear, determine, and allow the same; and, if it shall appear to the satisfaction of the court that the horses and mules were duly inspected and accepted as suitable for the service for which they were intended by an officer of the United States under the regulations, practice, or custom in force in, and observed by the Quartermaster's Department at St. Louis, Mo., in the purchase of horses and mules for the Government at the time the claim originated, the court shall render judgment for the agreed price of the horses and mules, with legal interest from the date the said claim first accrued.

The bill was reported from the Committee on Claims with an amendment, in line 18, after the word "contrary," to strike out:

And also without regard to the restrictions as to the assignment and transfer of any claim upon the United States or part, share, or interest therein, as contained in section 3477 of the Revised Statutes of the United States;

So as to make the proviso read:

Provided, That said court shall hear and determine said claim, notwithstanding the bar of any statute of limitation to the contrary.

The amendment was agreed to.

Mr. COCKRELL. I see the committee recommend another amendment in lines 15 and 16. In the report of the committee it is said:

The committee is also of the opinion that the delay of the claimant in prosecuting his case, until after the same was barred by the statute of limitations, ought to preclude him from a recovery of interest against the Government. They therefore recommend that the bill be amended by striking out of the fifteenth and sixteenth lines the following words: "with legal interest from the date the said claim first accrued."

That amendment is an amendment offered by the committee. I wish the Senate to disagree to it.

The PRESIDING OFFICER (Mr. BERRY in the chair). The amendment will be reported.

Mr. COCKRELL. I know what the general rule of the Senate has been in regard to allowing interest upon all claims. The rule has been almost universal, I believe, against the allowance of interest. The Senator from Arkansas [Mr. JONES], who represents the Committee on Claims, can say what that rule is. This case, I think, ought to be an exception; but the committee did not feel justified in reporting it as an exception, but made that recommendation. The Senator who reported the bill [Mr. SPOONER] is not here, and I would not want to take any advantage of his absence. I do not know how the committee stood upon the question, and if it could be done fairly and justly I would like to have the amendment disagreed to. The Senator from Arkansas can state what the report is.

Mr. JONES, of Arkansas. This report was made by the Senator from Wisconsin [Mr. SPOONER]. In the absence of that Senator I think it better to allow the bill to pass as it came from the committee. If there is a committee of conference the Senator from Missouri can present such reasons as satisfy him that an exception ought to be made and the amendment of the committee not adopted. It can be easily taken care of by that means. I prefer that that course should be taken, and I hope that the Senator from Missouri will agree to let that course be taken.

Mr. COCKRELL. As a matter of course I can not let the bill go over under the circumstances. If the Senate adheres to the action of the committee, very well. I would rather have the bill passed in that way than not passed at all.

Mr. FRYE. Is the Senator from Missouri asking that interest may be allowed on a claim?

Mr. COCKRELL. I say this seems to be an exceptional case. I admit the rule all the time is against interest.

Mr. FRYE. I have seen thousands of cases which were claimed to be exceptional, and yet the rule was adhered to.

Mr. COCKRELL. Let the Senate act.

Mr. PASCO. I will say that the committee on this matter was unanimous that the amendments ought to be agreed to.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In line 15, after the word "mules," it is proposed to strike out "with legal interest from the date the said claim first accrued."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The preamble will be agreed to if there be no objection.

Mr. COCKRELL. The preamble should be disagreed to, according to the report.

The PRESIDING OFFICER. If there be no objection the preamble will be stricken out. The report does not mention the preamble. If there be no objection, however, the preamble will be stricken out. The Chair hears none, and it is stricken out.

SURETIES OF WILLIAM J. STOKES.

The bill (S. 2948) for the relief of William B. Stokes, M. M. Brien, sr., Thomas Waters, and William T. Haskins was considered as in Committee of the Whole. It proposes to release William B. Stokes, M. M. Brien, sr., Thomas Waters, and William T. Haskins, sureties on the bond of William J. Stokes, as pension agent at Nashville, Tenn., their heirs, executors, and administrators from all liability to the United States upon the bond.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT OAKLAND, CAL.

The bill (S. 1553) to provide for the purchase of a site for and the erection of a public building at Oakland, in the State of California, was considered as in Committee of the Whole.

The Committee on Public Buildings and Grounds reported an amendment, in line 4, after the word "purchase," to insert "acquire by condemnation or otherwise procure;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise procure a site for, and cause to be erected thereon, a suitable building for post-office and other Government purposes, at Oakland, in the State of California. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $250,000: *Provided*, The site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of California shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FLETCHER.

The bill (S. 2265) for the relief of acting assistant surgeons of the Army was announced as next in order.

Mr. COCKRELL. What was done with Order of Business 1363?

Mr. HARRIS. Order of Business 1363 is next.

The PRESIDING OFFICER. Order of Business 1363, Senate bill 1331, will be stated.

The CHIEF CLERK. A bill (S. 1331) for the relief of John Fletcher.

The PRESIDING OFFICER. The Chair will call the attention of the Senator from Massachusetts [Mr. DAWES], who reported the bill.

Mr. HARRIS. Let it be informally passed over, retaining its place on the Calendar.

The PRESIDING OFFICER. A House bill, which is an exact copy of the Senate bill, has been reported to-day.

Mr. HARRIS. Let it be passed over.

The PRESIDING OFFICER. That course will be pursued if there be no objection.

ACTING ASSISTANT SURGEONS OF THE ARMY.

The bill (S. 2265) for the relief of acting assisting surgeons of the Army was announced as next in order.

Mr. COCKRELL. I object to that bill. Let it go to the other Calendar.

The PRESIDING OFFICER. The bill will go to the Calendar under Rule IX.

MISSISSIPPI RIVER BRIDGE NEAR ALMA, WIS.

The bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 5, after the words "less than," to strike out "one hundred and sixty" and insert "two hundred;" and in line 6, after the words "draw and," to strike out—

The next adjoining spans of said bridge on either side of said draw-span shall give a clear width of water way of not less than 247 feet, and each of the other spans of said bridge shall give a clear width of water way of not less than 146 feet: *Provided*, That the span of said bridge over the west channel of said river shall give a clear width of water way of not less than 247 feet, and all spans of said bridge shall not be less than 26 feet above low-water mark and not less than 12 feet above extreme high-water mark, measured to the bottom chord of the bridge;

And insert:

In addition to said draw openings shall have one or more fixed channel-spans, each having not less than 350 feet clear channel-way, and every part of the superstructure of said bridge shall give a clear head-room of not less than 19 feet above high-water mark: *Provided*, That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw opening shall, if practicable, be located next or near shore: *Provided, also*, That if the physical characteristics of the locality so require, and the interests of navigation be not injured thereby, the lengths of the fixed spans or the number of draw openings may be reduced: *Provided, also*, That for every two adjacent openings of 200 feet each, one draw opening of 300 feet may be substituted if the interests of navigation be not injured thereby:

So as to make the section read:

SEC. 2. That said bridge shall be built with a draw, so as not to impede the navigation of said river; said draw shall be a pivot-draw, over the channel of said river usually navigated, near the Wisconsin shore, and giving a clear width of water way of not less than 200 feet on each side of the central or pivot pier of the draw, and in addition to said draw openings shall have one or more fixed channel-spans, each having not less than 350 feet clear channel-way, and every part of the superstructure of said bridge shall give a clear head-room of not less than 10 feet above high-water mark: *Provided*, That all spans shall be so located as to afford the greatest possible accommodation to the river traffic, and a draw opening shall, if practicable, be located next or near shore: *Provided, also*, That if the physical characteristics of the locality so require, and the interests of navigation be not injured thereby, the lengths of the fixed spans or the number of draw openings may be reduced: *Provided, also*, That for every two adjacent openings of 200 feet each, one draw opening of 300 feet may be substituted if the interests of navigation be not injured thereby.

The amendment was agreed to.

The next amendment was, in section 2, line 35, after the words "as the," to strike out "Secretary of War" and insert "Light-House Board;" so as to read:

Provided, That said draw shall always be opened promptly upon reasonable signal, and said corporation shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The amendment was agreed to.

The next amendment was, in section 3, line 29, after the word "thereof," to insert "or to remove the same entirely;" so as to read:

And provided, also, That if said bridge when constructed shall, in the opinion of the Secretary of War, be a substantial obstruction to the navigation of said river, the Secretary shall require said corporation to change the construction thereof, or to remove the same entirely, so as to avoid any serious and substantial obstruction to the navigation of said river, at the expense of the owners of said bridge.

SEACOAST DEFENSES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived the Chair lays before the Senate the unfinished business, being the bill (S. 62) to provide for fortifications and other seacoast defenses.

Mr. COCKRELL. I hope that will be informally laid aside for a little while until we dispose of a few more bills on the Calendar.

Mr. DOLPH. I have no objection to the bill being laid aside if we are to proceed with the Calendar. I do not know what opposition will be made to the fortification bill, but I hardly feel like pressing it to a vote in the condition the Senate is to-day. It may be informally laid aside, to be called up at pleasure.

Mr. COCKRELL. Let it retain its place as unfinished business.

Mr. HARRIS. I suggest that it be postponed until Monday next. We are not going to have a full Senate before that time. If agreeable to the Senator from Oregon, I ask that it be regarded as the unfinished business on Monday next.

Mr. DOLPH. I suppose that it is quite possible that some Senator may be ready to address the Senate upon the bill before that time. I would prefer that it be informally laid aside.

Mr. HARRIS. Let it be laid aside, then, from day to day informally until the contingency happens which the Senator suggests.

The PRESIDING OFFICER. By unanimous consent, the unfinished business will be informally laid aside.

MISSISSIPPI RIVER BRIDGE NEAR ALMA, WIS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.

The next amendment reported by the Committee on Commerce was to insert as a new section:

SEC. 9. That this act shall be null and void, if actual construction of the bridge herein authorized be not commenced within one year, and completed within three years, from the date thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE AT GUNTERSVILLE, ALA.

The bill (S. 2911) authorizing the construction of a bridge over the Tennessee River at or near Guntersville, Ala., and for other purposes, was announced as next in order.

Mr. HARRIS. Let that be indefinitely postponed. A House bill for the same purpose has already been passed and become a law.

The PRESIDING OFFICER. The bill will be indefinitely postponed if there be no objection. The Chair hears none.

PUBLIC-LAND ENTRIES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2875) to amend an act entitled "An act for the relief of certain settlers on public lands, and to provide for the repayment of certain fees, purchase-money, and commissions, paid on void entries of public lands," approved June 16, 1880.

The bill was reported from the Committee on Public Lands with amendments, in section 2, line 1, after the word "homestead," to insert "pre-emption;" in line 20, after the word "entry," to insert "was made in good faith and without fraud, and;" in line 22, after the word "without," to strike out "knowledge of;" and in line 25, after the word "entry," to insert:

Upon the surrender of the duplicate receipt and the execution by him of a proper relinquishment of all claims to said lands.

So as to make the bill read:

Be it enacted, etc., That the second section of the act approved June 16, 1880, entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," be, and the same is hereby, amended to read as follows:

"SEC. 2. In all cases where homestead, pre-emption, or timber-culture, or desert-land entries or other entries of public lands have heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the Secretary of the Interior shall cause to be repaid to the person who made such entry, or to his heirs or assigns, the fees and commissions, amount of purchase-money, and excess paid upon the same, upon the surrender of the duplicate receipt and the execution of a proper relinquishment of all claims to said land, whenever such entry shall have been duly canceled by the Commissioner of the General Land Office, and in all cases where parties have paid double minimum price for land which has afterwards been found not to be within the limits of a railroad land grant, the excess of $1.25 per acre shall in like manner be repaid to the purchaser thereof or to the heirs or assigns: *Provided*, That in all cases of pre-emption or commuted homestead entries, in which from any cause the patent can not be issued, and in which it shall be satisfactorily shown that the entry was made in good faith and without fraud, and was paid for with the money of a third party acting in good faith and without fraud, and that he has not been reimbursed therefor, the money shall be refunded to such third party on the cancellation of the entry, upon the surrender of the duplicate receipt and the execution by him of a proper relinquishment of all claims to said lands."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF HENRY S. FRENCH.

The bill (S. 82) for the relief of the legal representatives of Henry S. French was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 14, after the word "parties," to strike out the following words:

Also to review the decision of the Southern Claims Commission for the value of 100 bales of cotton used for hospital purposes at the battle of Jonesborough, Ga., and render judgment thereon; and the said court shall further consider any evidence that may have been taken under the direction of the Southern Claims Commission in regard to such claims, with authority on the part of the United States or the claimants to take additional testimony under the rules of said court.

So as to make the bill read:

Be it enacted, etc., That the legal representatives of Henry S. French, deceased, late of Nashville, Tenn., be, and are hereby, authorized to bring suit in the Court of Claims for the recovery of the net proceeds of 230 bales of cotton, taken at Jonesborough, Ga., in September, 1864, by General William G. Le Due, by order of General Sherman, and turned over to the Treasury agent, and by him sold and the proceeds paid into the Treasury of the United States; and for this purpose jurisdiction is hereby conferred upon said court to hear and determine and render judgment in conformity with the rights of the respective parties: *Provided*, That an appeal shall lie in said cause from said court to the Supreme Court as in other cases.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRIBUTION OF "FISH AND FISHERIES."

The next business on the Calendar was the House concurrent resolution for the correction of an error made in the distribution of a document known as "Fish and Fisheries," and the Senate proceeded to its consideration.

The resolution was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, *April* 27, 1888.

Whereas it appears by the report made to the House of Representatives from the Committee on Printing, February 16, 1888, that there are in the hands of the Public Printer 507 sets of the document known as "Fish and Fisheries," held by him for sale; and

Whereas it also appears by said report that in prorating these books about the 1st of February, 1886, a mistake was made by prorating 6,000 copies instead of 5,000 copies, the actual number printed for the House. This mistake credited each member with 3 more sets of this book than they were entitled to receive, making the folding-room about 1,000 sets short of the number credited. As the mistake was not discovered for nearly eighteen months after, and very many members had in the mean time drawn the number thus placed to their credit, it was too late to fully correct the error. After it was discovered, however, 3 sets were deducted from the accounts of members who had that number still remaining to their credit, and where only 1 or 2 sets were to the credit of members the account was canceled. On account of this error there are 437 sets of this book still to the credit of members and ex-members which can not be furnished until some provision is made to supply the folding-room with that quantity of them:

Resolved by the House of Representatives (the Senate concurring), That the Public Printer be directed to withhold from sale and turn over to the Doorkeeper of the House of Representatives 437 copies of the document known as "Fish and Fisheries," the same to be used in making good to the respective members of Congress entitled thereto under the joint resolution passed July 21, 1882, the deficiency occurring to them by reason of the mistake made in the prorating and distribution of such documents under said resolution.

The resolution was concurred in.

The preamble was agreed to.

BILLS PASSED OVER.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The next bill on the Calendar will be stated.

The CHIEF CLERK. A bill (S. 1576) for the relief of the heirs of Joseph Anderson, reported adversely and postponed indefinitely; reconsidered and placed on the Calendar.

Mr. JONES, of Arkansas. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

The next bill on the Calendar was the bill (S. 1480) authorizing and directing the Secretary of the Interior to apply the unexpended balance of the appropriation made by the act entitled "An act to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota, subsequent to June 1, 1861, and prior to the massacre of August, 1862, and providing for the payment thereof," approved March 3, 1885, now remaining in the Treasury, to the payment of interest on the sums found due by said Secretary under said act.

Mr. JONES, of Arkansas. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

RAILROAD BRIDGE AT FORT SMITH, ARK.

The bill (S. 2823) to authorize the building of a railroad bridge at Fort Smith, Ark., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments. The first amendment was, in section 1, line 3, after the words "for the," to insert "Fort Smith, Paris and Dardanelle Railway Company;" so as to read:

That it shall be lawful for the Fort Smith, Paris and Dardanelle Railway Company, a corporation organized under the laws of the State of Arkansas, to construct and maintain a bridge, and approaches thereto, over the Arkansas River, at a point on said river at or near the city of Fort Smith, in the State of Arkansas, and to lay on and over said bridge a railroad track or tracks for the more perfect connection of any railroad or railroads that are or shall hereafter be constructed to the said river, on either or both sides thereof, at or opposite said point, under the limitations and conditions hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 1, line 19, after the word "war," to strike out "as to railway trains; and as to wagons, vehicles, animals, and foot-passengers, such rates as may be provided by the laws of Arkansas;" so as to read:

Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the builders and owners thereof, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals of all kinds, and for foot-passengers for such reasonable rates of toll as may be approved, from time to time, by the Secretary of War.

The amendment was agreed to.

The next amendment was to add to section 7:

And if any litigation shall arise in regard to said bridge, the same shall be had in the circuit court of the United States in whose jurisdiction the bridge or any part thereof is located.

Mr. EDMUNDS. I should like to ask the Senator from Missouri [Mr. VEST] who I see reported the bill with this amendment, whether it is intended by the amendment to give the circuit court of the United States exclusive jurisdiction of any suit or controversy that may arise in regard to the bridge, as it might respect a suit for damages by a traveler, or by a freighter on account of the insufficiency of the bridge which led to the destruction of his property, or whether that phrase is only intended to cover questions of litigation regarding the bridge being an obstruction to navigation?

Mr. VEST. The latter construction was the intention of the committee, although I suppose the language might include the former.

Mr. EDMUNDS. I venture to suggest the doubt whether it would be wise to compel every private person who might have any litigation with the company, into which the bridge should be drawn as an element, to sue in the circuit court of the United States.

Mr. VEST. It was not the intention of the committee to oust the jurisdiction of the State courts. I have no objection to a change in the verbiage. The idea of the committee was to give jurisdiction to the United States court as to any litigation which arose out of the insufficient construction of the bridge.

Mr. EDMUNDS. So far as anything arising under this proposed act is concerned, the laws of the United States would give the circuit court jurisdiction without the amendment, because the question would arise under a law of the United States, and it is perfectly right that it should be in the circuit court, so far as any great and main question is concerned regarding the existence of the bridge, etc.; but to have language which would raise a question as to a private person having a controversy of any kind, as a contract for building it, for instance, which would compel him to sue in the United States circuit court rather than in a State court, I should think would be going too far. It would strike me so.

Mr. VEST. I have no objection to limiting the clause, for it might be susceptible to that construction.

Mr. EDMUNDS. Is the river between two States?

Mr. VEST. The bridge is all in the State of Arkansas.

Mr. JONES, of Arkansas. One abutment of the bridge may possibly be in the Indian country. At one point in the town, crossing directly over the Arkansas River, it would go into the Indian country. The bridge can be built so that both ends may be in the State of Arkansas, or it may be built so that one abutment may be in the Indian country.

Mr. EDMUNDS. I do not see that that would really make any difference after all, so far as anything arising under this act, the authority to build, and how it was built, is concerned. I suggest that the amendment is unnecessary, because any litigation growing out of the construction of the bridge would clearly arise under this act of Congress and in conformity with it. So far as respects private interests of contractors and people engaged in traffic across the bridge, in whatever form, I do not see that the circuit court of the United States ought to be given exclusive jurisdiction; for I repeat, all questions that arise under this or any other law of Congress, or that arise under our general jurisdiction laws about citizenship, must go to the circuit court of the United States. What I am afraid of is, that this language would compel mere private persons having controversies with the company to go into the circuit court.

Mr. VEST. A suit might be instituted in the State court against this corporation by a citizen of Arkansas which would arise out of questions coming from this act. Then, of course, if the statute of the United States became involved the case could be removed, and would be removed to the United States court; but as to the original jurisdiction, it might be commenced in the State court. That fact afterwards appearing would amount to a change of venue. It would have to go then to the United States tribunal.

The idea of the committee was to put in the general provision which we have in all these bills, that as to any question growing out of the insufficient construction of the bridge, its impeding navigation, etc., the United States circuit court within whose jurisdiction it was should take charge of the matter. It might be that the language is a little too broad, but that was the idea the committee had.

Mr. EDMUNDS. I am very much afraid of it. I wish the language could be put in some way so as not to compel mere ordinary litigations between private parties regarding the bridge to be brought into the circuit court of the United States.

Mr. VEST. Let the Senator from Vermont make a suggestion, and I have no doubt we can arrange that matter. I agree with him about it. I confess I did not think of that aspect of it when I drew the amendment. I have stated what my idea was about it. I have no objection to changing the phraseology.

The PRESIDING OFFICER. Does the Senator from Vermont suggest an amendment?

Mr. EDMUNDS. I would suggest to have it read "under the provisions of this act," and that will cover all the questions of obstruction. It might be better to save the phrase, because if it should strike two separate jurisdictions, like Arkansas and the Indian Territory, the question as to whether the case should be brought in the judicial tribunal on one side of the river or the other might present a difficulty. So I would suggest, after the word "arise," to insert the words "under the provisions of this act."

Mr. VEST. I have no objection to that amendment.

Mr. EDMUNDS. That will save the question of Territorial difficulty.

The PRESIDING OFFICER. The amendment proposed by the Senator from Vermont will be stated.

The SECRETARY. In line 4 of section 7 as proposed to be amended, after the word "arise," insert the words "under the provisions of this act;" so as to read:

And if any litigation shall arise under the provisions of this act in regard to said bridge, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. EDMUNDS. I wish to suggest another amendment at the foot of page 4 at the end of section 5, being the same one that in some former bills we agreed to in regard to changes in the plan of the construction of the bridge. This bill follows the old form, that the change "shall be subject to the approval of the Secretary of War," but we have recently thought it necessary and safe to insert the additional provision that no such change shall be made until it is approved by the Secretary of War, as some of the companies have gone on in some instances that I have known of and proceeded to make their change in a different way, trusting to luck to get the approval of the Secretary of War afterwards, and when he said he doubted, and so on, they would say "We are very sorry; we thought you would approve; but the bridge is done, and we can not do anything about it now." So I think it ought to be limited to the changes in plan of construction heretofore carried into execution until they are approved, so that they must stop it.

Mr. VEST. That is all right. I have no objection to the amendment suggested.

Mr. EDMUNDS. I move to add after the word "War," at the end of section 5, the words:

And no such change shall be made until such approval has been obtained.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN FLETCHER.

Mr. DAWES. In my absence the bill (S. 1331) for the relief of John Fletcher was passed over. I move to take up that bill now. It will take but a moment.

The motion was agreed to.

Mr. DAWES. I move that, instead of the Senate bill, House bill 128, reported this morning, which is identical with it, may be taken up.

The PRESIDING OFFICER. If there be no objection, the House bill will be reported and considered in lieu of the Senate bill.

The bill (H. R. 128) for the relief of John Fletcher was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John Fletcher, of Franklin, Ind., $3,450, for loss of cattle, while in the employment of the United States, in the year 1870, by the Cheyenne and Arapaho Indians.

Mr. EDMUNDS. Let us hear the report read.

The PRESIDING OFFICER. There is no report, the clerks inform the Chair.

Mr. DAWES. There is a report made to the House of Representatives upon the House bill which has been made to the Senate on two separate occasions unanimously, and the same report has been adopted. There was no report made with this bill at this session.

Mr. EDMUNDS. Is there any Indian fund out of which the claim is payable?

Mr. DAWES. No, there is no Indian fund out of which the money can be paid. These Indians are supported out of the Treasury now, so that if it should be confined to the Indian fund nothing would come of it.

Mr. EDMUNDS. There is no fund applicable to that purpose?

Mr. DAWES. No, there is no fund.

Mr. EDMUNDS. Will the Senator state briefly what were the circumstances?

Mr. DAWES. This man was employed under contract with the Government to supply cattle for the Indians at the Cheyenne and Arapaho agency. In taking them to the agency, after they were got upon the reservation, but before they reached the agency, a raid was made by some Indians, who could not be controlled, upon the cattle he had there, and this amount of cattle was captured by them.

This matter was before the Senate at two separate sessions, and the bill passed the Senate unanimously. It has been reported unanimously twice this session by the Committee on Indian Affairs, and has passed the House of Representatives also.

Mr. COCKRELL. The Indians ate the cattle?

Mr. DAWES. The Indians consumed the cattle, but this man lost them.

Mr. DOLPH. I do not rise to object to the consideration of the bill, but I should like to have the chairman of the Committee on Indian Affairs explain how it is that this claim for Indian depredations is singled out of the hundreds of claims that are pending in the Senate, numbers of which have been referred to the Committee on Indian Affairs.

Mr. DAWES. A great many bills for what may be called Indian depredations have been referred, session after session, to the Committee on Indian Affairs, and a good many more to the Committee on Claims. The Committee on Claims at this session found themselves so overwhelmed with the matter that they could not cope with it, and they instructed a subcommittee, after conference with the Committee on Indian Affairs, to submit to the Senate a resolution for a special committee to take care of the subject. That resolution was reported to the Senate by the Senator's colleague, and remains pending in the Senate.

This claim was considered by the Committee on Indian Affairs to be somewhat different from the others in the fact that this was a man in the employ of the Government taking these cattle under contract with the Government to these very Indians, and he had got the cattle upon the reservation, and on their way to the agency, when they were raided upon by these Indians and captured. It is somewhat different from the general question of Indian depredation claims.

Mr. COCKRELL. Did not the Indians appropriate them to the same purpose that they would have been appropriated to if they had been delivered?

Mr. DAWES. Yes, they appropriated them to the same purpose, but the loss was taken out of this poor fellow who had the cattle driving them there. The cattle were not accounted for, and he could not get pay for cattle he did not deliver to the agency.

Mr. DOLPH. Under the same principle, whenever there is a raid made by Indians from a reservation into the surrounding country and horses are stolen or cattle taken and eaten, they are appropriated to the same purpose for which the beef that is bought by the Government to feed them is appropriated.

Mr. DAWES. There is no doubt about that, but it is taking private property to feed the Indians when the Government is under treaty obligations to feed them itself. The Government made a contract with this man that if he would deliver to the agency these cattle it would pay him for them. On his way to the agency and after he got within the jurisdiction of the agent himself, the Indians destroyed his cattle before they were accounted for.

Mr. DOLPH. I can not see that this is a stronger case than the 4,500 cases which are now pending for payment by the Government for Indian depredations.

Mr. DAWES. This case has one advantage, if no other, over those. It has been reported favorably by this committee in two previous Congresses, and passed the Senate unanimously, as it has now passed the House of Representatives unanimously; and it has been to some extent adjudicated upon as a fair and proper claim against the Government (whether the other claims were or not), because the Government ought to have taken care of these cattle after it had got them upon the reservation.

Mr. DOLPH. I simply desire to say that I think it is a burning shame that claimants have been for the last twenty-five or thirty years waiting for the Government to take action upon their claims for Indian depredations. I think the Government is under a legal obligation to pay for all depredations committed before 1860. There has been a provision of law all the while, before 1860 and since, for the presentation of all such claims to the Secretary of the Interior, for the auditing of the claims by him, and for a report by the Secretary to Congress. The reports of the Secretary of the Interior are before Congress. Congress has all the information that has been obtained by the Secretary of the Interior, together with the findings of facts in the cases; and then numerous bills, bills of a general character and bills for private relief, have been introduced into both branches of Congress and referred to the respective committees.

I admit that the present claim has this advantage, that the Committee on Indian Affairs has taken it up, and reported it favorably; but upon its merits it has no advantage over the four thousand five hundred claims now pending and waiting to be paid; and I hope the committee and Congress will find time to act upon those claims.

Mr. DAWES. I agree with the Senator that it is a shame that these outstanding claims are left to be knocking at the door of Congress and get no hearing. Many of them are just claims which ought to be paid.

Some of them in the nature of the case are exaggerated and swollen, and some of them are groundless. There is a vast number of them, involving a very large charge upon the Treasury.

From time to time the Committee on Appropriations, pressed with these claims to be put upon their bills, have devised ways to eliminate those that ought to be paid out of the others, and as yet they have failed. The proposition which came from the Committee on Claims, and had the co-operation of the Committee on Indian Affairs, to constitute a committee here whose sole business it should be to sift out these claims and report such as ought to be paid, should be adopted by the Senate. Upon the recommendation of the Commissioner of Indian Affairs in his report, just such a committee was created in the House of Representatives at the beginning of this session, but they have somehow or other been appalled, and like all other committees have gone to work picking out here and there those claims which have had the greatest pressure behind them, but no general disposition of the claims has been made.

I do not think the Committee on Indian Affairs is very much to blame. The Committee on Indian Affairs is a pretty industrious committee with other matters. These are claims, and the Committee on Indian Affairs ought not to be burdened with them this much. That committee will bear me out in saying that if they undertook to pass upon these claims they could not do anything else.

I have not a word to say in contravention of what the Senator from Oregon has said. Nobody upon any of these committees who has seen the character of these claims and the appalling amount which has been rolling up from year to year, and the condition and need of many of the claimants, will hesitate a moment in saying that it is a shame they are left undisposed of.

This claim has certain elements which I have tried to point out, in addition to the fact that it has had the indorsement of two or three committees and of the Senate on two or three occasions.

Mr. DOLPH. It seems that we are all in favor of paying these claims. As far as I know, everybody agrees that they should be paid. We are constantly passing bills for private relief and passing bills of a general character for the adjudication of claims against the Government. It seems very strange that these just claims, which have been for over a quarter of a century awaiting the action of Congress for their payment, and which have been adjudicated over and over again by the Secretary of the Interior, can not be paid. I can not say, I will not undertake to say, where the blame lies, but it seems to me that there ought to be some action taken, either by the passage of a general bill, or a committee should be appointed to take up these cases one by one and pass upon them.

Mr. EDMUNDS. I think this case is distinguishable from the great

mass of the Indian depredation claims, as stated by the chairman of the committee, and so I can vote for it without committing myself to the great mass of claims, some of which, presumably, are good ones and just ones, and some of which are bad ones, and others of which are greatly exaggerated. But I wish to call the attention of the Senator from Massachusetts to the possible value, not on this bill, but on two others that I see he has reported and are on the Calendar, concerning the Shoshones, if they are the Indians concerned—Order of Business 1465——

Mr. DAWES. This case relates to the Cheyennes and Arapahoes.

Mr. EDMUNDS. Oh, I understood you to say Shoshones. Then my remarks would not apply. I was going to suggest that if it was a taking by the Shoshones, it might be well in paying them for their property, as it is proposed apparently by these bills to pay for some of their land, they should be taught the propriety of peace and good behavior by taking the amount of the depredation out of the price of their land.

Mr. DAWES. I agree, if it should happen that the depredators were the same.

Mr. EDMUNDS. But I misunderstood the Senator in respect of the name of the tribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The bill (S. 1331) for the relief of John Fletcher will be indefinitely postponed, if there be no objection.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 2531) to amend section 993 of the Revised Statutes of the United States for the District of Columbia, so as to make Inauguration Day a holiday within said District; and

An act (S. 1948) to authorize the Fort Smith and Choctaw Bridge Company to construct a bridge across the Poteau River, in the Choctaw Nation, near Fort Smith, Ark.

RIVER AND HARBOR BILL.

Mr. MORGAN. I move that the Senate proceed to the consideration of executive business.

Mr. FRYE. Inquiries have been made of me this morning as to the time when I proposed to call up the river and harbor bill. I shall ask the Senate to proceed to the consideration of the river and harbor bill on Monday next.

The PRESIDENT *pro tempore*. The Senator from Alabama moves that the Senate proceed to the consideration of executive business.

WILLIAM T. CRUMP.

Mr. JONES, of Arkansas. I ask the Senator from Alabama to yield to me just one moment, that I may call the attention of the Senate to the condition of the bill (S. 353) for the relief of William T. Crump. I find that it is on the Calendar favorably reported from the Committee on Claims by the Senator from Massachusetts [Mr. HOAR]. He presented with the bill at the time it was reported a written report which was subsequently withdrawn with the understanding that the views of the minority were to be submitted and printed at the same time. In case of my absence, I desire that no action may be taken on that bill until those reports are presented.

The PRESIDENT *pro tempore*. Whenever the views of the minority are filed they can be printed with the report of the majority.

Mr. JONES, of Arkansas. Yes, sir; but my purpose is to give notice to the Senate that the written reports, favorable and unfavorable, to the bill will be presented before there is any action taken on the bill.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Alabama that the Senate proceed to the consideration of executive business.

Mr. DOLPH. I hope that the Senator from Alabama will withhold his motion and allow the next two bills on the Calendar, two House bills which are very unimportant bills, reported from the Committee on Foreign Relations, Order of Business 1383 and 1384, to be taken up.

Mr. MORGAN. I will give way to those two bills.

GENERAL G. CLUSERET.

The bill (H. R. 474) for the relief of General G. Cluseret was considered as in Committee of the Whole.

The bill was reported from the Committee on Foreign Relations with an amendment, in lines 8, 9, and 10, to strike out "rendered to the Department of State in carrying out a circular instruction of that Department of May 23, 1880," and to insert "and expenses in procuring information and specimens of benefit to the United States and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to pay, out of any money in the Treasury not otherwise appropriated, upon vouchers duly approved by the Secretary of State, the sum of $500, to be immediately available, to pay to General G. Cluseret for services and expenses in procuring information and specimens of benefit to the United States and relative to statistical information in the Turkish dominions.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN P. HAGEMAN.

The bill (H. R. 4691) for the relief of John P. Hageman was considered as in Committee of the Whole. It proposes to restore a certain Mexican bond belonging to John P. Hageman, of Kingston, Ulster County, New York, for the sum of $50, and numbered 298, due July 4, 1885, and signed by Josie M. Carvijal, as governor of Tamaulipas and San Luis Potosi, now in the custody of the Department of State.

Mr. EDMUNDS. I should like to hear the report in that case.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. DOLPH May 23, 1888:

The Committee on Foreign Relations, to whom was referred the bill (H. R. 4691) for the relief of John P. Hageman, having had the same under consideration, respectfully report:

The committee adopt the report made by Mr. HITT, from the Committee on Foreign Affairs of the House at the present session of Congress, which is as follows:

"The Committee on Foreign Affairs, to whom was referred House bill 4691, beg leave to report:

"That John P. Hageman, of Kingston, Ulster County, New York, in 1865, did certain advertising in his newspaper, the Rondout Courier, for the Mexican Government, amounting to $50, which was not paid except by the delivery to him, by the duly authorized agent of the Mexican Government, of a bond for $50, on which nothing was or has been paid. In 1870 Mr. Hageman submitted to the United States and Mexican Claims Commission his claim for this amount, $50, and filed this bond, with the papers, before the commission. Owing to the fact that he failed to produce proof of his citizenship or of the authority of the parties who made and executed the obligation, the claim was dismissed by the umpire February 3, 1874. The Government of the United States has nothing whatever to do with the payment of this bond, which is one of a series known as the Corlies-Carbajal bonds, issued by the Mexican Government in 1865. Our State Department has received information, and caused it to be made public through the newspapers, that the Mexican Government has recently provided for their redemption. In reply to Mr. Hageman's inquiry, the Secretary of State said, December 17, 1886:

"'Your bond is apparently one of these genuine bonds. But before you can take any steps looking to the redemption of that bond, as provided by the Mexican Government, you will have to procure an act of Congress authorizing this Department to return to you the bond in question. It being a part of the record of that Claims Commission, can not be removed therefrom except upon such permission.'

"In reply to an inquiry from this committee, the Secretary says:

"'In view of the precedents set by Congress in acts authorizing the surrender to their owners of original papers which have formed a part of the files of the said Claims Commission, I see no reason to object to this bill.'

"The committee therefore recommend the passage of the bill."

"DEPARTMENT OF STATE, *Washington, D. C., December* 17, 1886.

"SIR: I have received your letter of the 15th instant, touching a Corlies-Carbajal bond issued by the Government of Mexico in 1865.

"This bond, as you are aware, was transmitted to the Department with your letter of March 7, 1870, and with that communication was brought before the late American-Mexican Claims Commission organized pursuant to the convention of July 4, 1868, between the United States and Mexico. The claim was docketed No. 452, and was dismissed by the umpire, February 3, 1874, on the ground that you did not attempt to prove your citizenship, the authority of the parties who made and executed the obligation which you filed, or any other fact in connection with the transaction.

"This Government has nothing whatever to do with the redemption of these bonds, as you intimate, but the Mexican Government has lately provided for their redemption.

"With a dispatch, No. 723, of December 26, 1883, Mr. P. H. Morgan, at the time United States minister at the City of Mexico, forwarded hither a Presidential order upon the subject, which is as follows:

"'The President has directed that the general treasury shall instruct the Mexican consul at New York to inform the holders of the Carbajal bonds that, from the 1st day of January, 1884, the said bonds will be received as cash money in payment of 5 per cent. of import duties, payable at the Vera Cruz maritime custom-house, and in payment of 10 per cent. of such duties payable at the custom-houses of Tampico, Matamoros, Monterey, Laredo, Mier, and Camargo: *Provided, however*, That in view of the fact that the genuine bonds put into circulation by Messrs. Corlies & Co. may be confounded with the fraudulent emission of Woodhouse, they must be previously presented to the general treasury, in order that, being certified as genuine, they may be received by said custom-houses without further requisites. The interest that may have accrued on said bonds shall be paid at par, and if any bondholders should desire to receive the capital also, although the same may not be due, the bonds will be taken at a discount of 7 per cent. per annum from the date of the acceptance until September 30, 1885, which is the time when said bonds became due.'

"The Department caused this order to be made public through the newspapers, but has taken no further action in the premises, except to make inquiry of the Mexican Government, at the instance of several bondholders, as to the genuineness of their bonds. Your bond is apparently one of these genuine bonds. But before you can take any steps looking to the redemption of that bond, as provided by the Mexican Government, you will have to procure an act of Congress authorizing this Department to return to you the bond in question. It being a part of the record of that claims commission, can not be removed therefrom except upon such permission.

"I am, sir, your obedient servant,

"T. F. BAYARD.

"J. P. HAGEMAN, Esq.,
"*City of Kingston, Ulster County, New York.*"

"DEPARTMENT OF STATE, *Washington, January* 19, 1887.

"SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, transmitting from the subcommittee of the Committee on Foreign Affairs, to whom it had been referred, a bill introduced in the House of Representatives January 10, 1887, designated H. R. 10545, and entitled 'A bill for the relief of John P. Hageman.'

"The bill provides for the restoration to Mr. Hageman of a Mexican bond for $50 filed by him as a claim against the Government of Mexico with the United States and Mexican Claims Commission, which was organized under the convention of July 4, 1868, between the two Governments.

"In reply, I have to state that the bond in question is preserved among the papers of that commission in this Department, and for your further information concerning the case I will cause to be sent herewith a copy of the letter from Mr. Hageman to the Secretary of State, dated March 7, 1870, presenting his claim and a copy of the opinion of the commissioners dismissing the same.

"In view of the precedents set by Congress in acts authorizing the surrender to their owners of original papers which have formed a part of the files of the said claims commission, I see no reason to object to the passage of this bill.

"I have the honor to be, your obedient servant,

"T. F. BAYARD.

"Hon. R. R. HITT,
"*House of Representatives.*"

"KINGSTON, N. Y., *March* 7, 1870.

"SIR: Agreeably to a published notice emanating from you in regard to claims against the Mexican Government, I inclose you Mexican bond, which I obtained from a duly-authorized agent in payment for advertising bonds for sale in the Rondout Courier, a newspaper published in the village of Rondout, in the town of Kingston and county of Ulster. I also inclose you affidavit.

"J. P. HAGEMAN,
"*Late Publisher Rondout Courier.*

"Hon. Secretary FISH."

"STATE OF NEW YORK, *Ulster County:*

"J. P. Hageman, being duly sworn, says that in the year 1865 he advertised to the amount of $50 in the Rondout Courier, a paper printed and published in the village of Rondout and county aforesaid, for the Mexican Government, agreeably to the directions of an authorized agent, and that no part thereof has been paid or satisfied.

"J. P. HAGEMAN.

"Sworn to before me this 7th day of March, 1870.

"HOWARD CHIPP,
"*Notary Public in and for Ulster County, New York.*"

"Copy of an entry in the record of the opinions of the Commissioners of the United States and Mexican Claims Commission, organized under the convention between the two Governments, concluded July 4, 1868, Volume II, page 587.

"J. P. Hageman *vs.* Mexico. No. 452. American docket.

"Mr. Commissioner Wadsworth delivered the opinion of the commissioners, as follows:

"'Claimant does not attempt to prove his citizenship, the authorities of the parties who made and executed the obligation which he files, or any other fact.

"'The claim is therefore dismissed.'"

And recommended the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. PADDOCK submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

EXECUTIVE SESSION.

Mr. MORGAN. I renew my motion.

The PRESIDENT *pro tempore.* The Senator from Alabama moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 19, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 18, 1888.

SURVEYOR OF CUSTOMS.

Andrew F. Shafer, of Michigan, to be surveyor of customs for the port of Grand Rapids, in the State of Michigan, being a new office created by act of Congress approved June 4, 1888.

UNITED STATES DISTRICT JUDGE.

Thomas S. Maxey, of Texas, to be United States district judge for the western district of Texas, in place of Ezekiel B. Turner, deceased.

PROMOTIONS IN THE ARMY.

Fifth Regiment of Cavalry.

Second Lieut. Henry De H. Waite, to be first lieutenant, June 4, 1888, *vice* Watts, appointed regimental adjutant.

Ninth Regiment of Cavalry.

First Lieut. F. Beers Taylor, to be captain, June 15, 1888, *vice* Dawson, retired from active service.

Second Lieut. John H. Gardner, to be first lieutenant, June 15, 1888, *vice* Taylor, promoted.

Fourteenth Regiment of Infantry.

First Lieut. Joseph A. Sladen, regimental quartermaster, to be captain, June 15, 1888, *vice* Quentin, retired from active service.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 18, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. NELSON, for ten days, on account of important business.

To Mr. MCCORMICK, for one week, on account of important business.

To Mr. LAFFOON, for four days, on account of important business.

To Mr. TURNER, of Georgia, for ten days.

To Mr. WARNER, for ten days, on account of important business.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2077) to place on the pension-roll the name of Selina A. Sims, widow of William S. Sims; and

A bill (H. R. 7783) to authorize the construction of a bridge at or near Knoxville, Tenn.

PUBLIC BUILDING AT BROWNSVILLE, TEX.

Mr. CRAIN. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 9512) for the erection of a public building at Brownsville, Tex., and that the bill be now put on its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to accept the donation of a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States courts, custom-house, post-office, and for other Government offices and uses at Brownsville, in the State of Texas. The building, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $50,000; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $50,000 for said building; and the site donated shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Texas shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. SPRINGER. Reserving the right to object, I would like to hear the report read.

The report (by Mr. BANKHEAD) was read, as follows:

Brownsville is the headquarters of the customs district of Brazos Santiago, in Texas, through which there were imported and exported during the ten years ending June 30, 1885, goods, wares, and merchandise amounting in value to $28,586,960.

The circuit and district courts of the United States meet at Brownsville on the first Monday in January and July.

The net revenue of the post-office for the fiscal year 1887 was $1,421.29, and for the first and second quarters of the year 1888 it amounted to $810.

The Government is now paying an annual rent of $1,700 for the custom-house and for a building for the use of the Federal courts.

The bill provides for the erection of a public building for the use and accommodation of the United States courts, custom-house, and post-office. Brownsville has a population of upwards of 6,000 people, and the troops at Fort Brown receive their mails through the post-office at Brownsville.

The original bill provided for the appropriation of $60,000 for the purchase of a site and the erection of the building, but the city council of Brownsville having passed an ordinance donating a site to the Government, the committee have prepared a substitute for the original bill, which authorizes the Secretary of the Treasury to accept the donation of a site for the building, and which provides for an appropriation of only $50,000 for the cost of the building.

The committee recommend the passage of the accompanying substitute.

Mr. SPRINGER. As I understand, $50,000 is the whole sum proposed to be expended for this building?

Mr. CRAIN. Yes, sir.

Mr. BURROWS. If I heard the report correctly, the net receipts of the post-office at Brownsville for the year 1887 were $1,000.

Mr. CRAIN. I do not remember the exact figures.

The SPEAKER. The Clerk will read again that portion of the report:

The Clerk read as follows:

The net revenue of the post-office for the fiscal year 1887 was $1,421.29, and for the first and second quarters of the year 1888 it amounted to $810.

Mr. BURROWS. Is there any special necessity for this building?

Mr. CRAIN. Yes, sir. The Federal courts meet at Brownsville, and there is a custom-house there.

There being no objection, the Committee of the Whole on the state of the Union was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRAIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. After there has been a recognition on the other side (there having been one on this side), I desire to move to go into Committee of the Whole on the state of the Union, for the consideration of the sundry civil appropriation bill.

PUBLIC BUILDING AT WICHITA, KANS.

Mr. PETERS. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill (H. R. 1451) for the completion of a public building at Wichita, Kans., and that the House now proceed to consider the same.

The bill was read, as follows:

Be it enacted, etc., That the additional sum of $100,000 is hereby appropriated for the completion of a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, United States courts, and other Government offices, at the city of Wichita, State of Kansas, to be expended by the Secretary of the Treasury, subject to the requirements of an act for that purpose approved March 3, 1885. The limit of cost prescribed in said act is hereby extended as aforesaid, and no plan shall be approved which will involve an expenditure for site and building complete, including approaches, greater than the limit herein fixed.

The amendment proposed by the Committee on Public Buildings and Grounds was read, as follows:

In line 3, strike out "one hundred" and insert "fifty;" so as to read, "that the additional sum of $50,000 is hereby appropriated," etc.

Mr. HOLMAN. I think the report of the committee had better be read.

The report (by Mr. WADE) was read, as follows:

Under the bill that was passed in the first session of the Forty-ninth Congress the appropriation for a public building at Wichita, Kans., was increased to $100,000. Under this bill the ground was obtained and the foundation of the building put in, but the growth of the city and country tributary to it has been so remarkable that the inadequacy of the proposed building to meet the necessities of the Government business became apparent.

The marvelous increase in the growth of the city is shown by the following official figures:

POPULATION OF WICHITA.

1884	12,470
1885	16,019
1886	20,129
1887	31,709

This is the last official knowledge of the population, but a reasonable estimate places present population at 40,000. Two thousand six hundred buildings were erected in this city from June 1, 1886, to June 1, 1887.

The real-estate transactions for the first five months of 1887 were $34,893,565, being the largest in any city in the United States during that period excepting only New York and Kansas City, Mo.

The business in the United States courts held in this city and in the post-office has increased very greatly. The aggregate receipts of the post-office now equal ——.

The United States courts held in this city have criminal jurisdiction over offenses committed in the Indian Territory.

These are some of the reasons that have led to the conclusion that a larger building than was originally contemplated is demanded.

The committee is informed that the foundation of the building can be enlarged in such a way as to utilize the foundation now in.

The Supervising Architect, the United States attorney, and United States marshal of the State all recommend an increased appropriation; and your committee recommend the passage of the bill with the following amendment:

Strike out "100,000" and insert "$50,000."

The SPEAKER. Is there objection to the consideration of this bill?

Mr. SPRINGER. I object, unless we can have some explanation. What was the limit fixed by law for the cost of this building?

Mr. PETERS. One hundred thousand dollars.

Mr. SPRINGER. It seems to me that sum is sufficient and ought not to be exceeded. Just now we appropriated only $50,000 for a public building at Brownsville, which is to be used for the custom-house, post-office, and United States courts.

Mr. PETERS. Before the gentleman objects I trust he will allow a statement. The public business has increased very largely at Wichita. It has now a population of 40,000, and is in a district which has half a million people. There are United States courts held there; there are land offices, and there is a post-office, the net receipts of which during this fiscal year have amounted to over $50,000. The Supervising Architect has joined with the United States marshal and the United States district attorney in recommending the additional appropriation proposed in this bill. The foundation of the building has been constructed; but all work has been suspended since these recommendations, because it has been ascertained that if the building be erected according to the plan originally contemplated it will be insufficient to meet the wants of the Government. The building was commenced when the population of the city was only about 18,000. The population has since doubled; and, as I said, the net receipts of the post-office alone during the present fiscal year have been over $50,000.

Mr. HOLMAN. I see the site has been purchased; I wish to inquire of the gentleman from Kansas what was the cost of the site.

Mr. PETERS. I would state that the cost of the site to the Government was just $1,400. The city made up the rest of it, amounting to $9,000. The Government could to-day sell its square of ground for $100,000 in cash; and yet it cost, as I have said, only $1,400.

Mr. HOLMAN. In view of the fact that the site has been already attained, leaving something over $98,000——

Mr. PETERS. Seventy-three thousand dollars is all that remains.

Mr. HOLMAN. I thought you said the site cost $1,400.

Mr. PETERS. Yes, but the foundation is in.

Mr. HOLMAN. Well, at all events the amount available for the building is something over $98,000; and I suggest to my friend that the principal objection to this class of bills is the very large sums involved.

This building need not be any larger for public purposes, for post-office, court-house, etc., than in a town containing but one-half or one-fourth of the population; and one of smaller size would require the same accommodation as far as the post-office is concerned. There is no difference practically in that respect between a city of fifteen or twenty thousand inhabitants and one of from forty to seventy-five thousand, for they only want post-office accommodations and necessary offices for marshal, sheriff, and clerks. Therefore I think the simple fact that a town has a large population ought not be used here for the purpose of securing extravagant appropriations. It does injustice to all other communities, and the whole system is broken down in consequence of excessive appropriations for particular localities.

I do not desire to object in this instance, but still I think the present appropriation of $100,000, leaving $98,000 for the construction, ought to be ample.

Mr. PETERS. I wish to say that the increase in the receipts from the post-office business at this point has been so large as to indicate clearly that the first story of the building, as at present designed, will be entirely inadequate, and not at all sufficient to meet the wants of a post-office building. It is absolutely necessary that there should be this extension.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment of the committee to strike out "$100,000" in the bill and insert "$50,000."

The amendment was adopted.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I move to dispense with the call of States for to-day.

Mr. HOOKER. I hope the gentleman will yield to me for a moment.

The SPEAKER. The Chair understands the gentleman from Mississippi desires to ask the appointment of a conference committee.

Mr. RANDALL. I do not know whether the gentleman's motion is privileged or not.

The SPEAKER. It is not privileged; but if the gentleman yields, the Chair will recognize the gentleman from Mississippi to submit the request.

Mr. RANDALL. Very well.

Mr. HOOKER. I ask unanimous consent that the House non-concur in the amendment of the Senate to the bill for the retirement of General Pleasonton, and agree to the request of the Senate to appoint a committee of conference on the disagreeing votes.

Mr. OATES. What is the amendment of the Senate? I ask that it be read.

Mr. HOOKER. There is but a single amendment, which is to retire him as major instead of colonel. The House passed a bill to retire him with the grade of colonel.

The SPEAKER. The gentleman from Alabama asks to have the amendment read.

Mr. OATES. I withdraw that as the gentleman from Mississippi has stated the character of the amendment.

Mr. BURROWS. I wish to inquire if this is a privileged matter?

The SPEAKER. The Chair has already stated that it is not a privileged motion.

Mr. BURROWS. I shall be obliged in obedience to a request of a member on this side of the House, who is absent, to interpose an objection.

Mr. HOOKER. It has been already referred to the Committee on Military Affairs——

Mr. BURROWS. I shall have to object, at the request of a gentleman from this side.

Mr. HOOKER. Very well, then, I give notice that I shall object to everything offered on that side or on this, I do not care from whom it comes, until this question is determined. This is simply a request to appoint a committee of conference.

Mr. BURROWS. Perhaps the gentleman did not understand my statement. I did not object for myself, but at the request of an absent member from this side.

Mr. HOOKER. I shall object to everything by unanimous consent until this is determined.

Mr. RANDALL. I ask unanimous consent to dispense with the call of States and Territories, and that gentlemen having bills to present

may be permitted to hand them in at the Clerk's desk for reference under the direction of the Chair.

There was no objection, and it was so ordered.

INTRODUCTION OF BILLS AND RESOLUTIONS.

The following bills and resolutions were introduced by being filed at the Clerk's desk:

GRANTS OF SCHOOL LANDS.

Mr. SYMES introduced a bill (H. R. 10547) to amend sections 2275 and 2276 of the Revised Statutes relating to the grants of school lands to the States and Territories; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ARMY UNIFORMS OF THE UNITED STATES.

Mr. RICHARDSON introduced a joint resolution (H. Res. 182) to print 3,000 sets of plates illustrating the uniform of the Army of the United States from the organization of the Government to the present time; which was referred to the Committee on Printing, and ordered to be printed.

FRANCES E. SMITH.

Mr. BURROWS introduced the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be directed to pay out of the contingent fund of the House to Francis E. Smith the sum of $102 for services rendered during the construction of the elevator in the south wing of the Capitol, for the months of July, August, and September, 1887.

EDWIN WILKINSON.

Mr. WISE introduced a bill (H. R. 10548) to rerate the pension of Edwin Wilkinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY RESERVATION, WEST POINT, N. Y.

Mr. TOWNSHEND introduced a bill (H. R. 10549) for the enlargement of the military reservation at West Point, N. Y.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, RED WING, MINN.

Mr. MACDONALD introduced a bill (H. R. 10550) for the erection of a public building at Red Wing, Minn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, FARIBAULT, MINN.

Mr. MACDONALD also introduced a bill (H. R. 10551) for the erection of a public building at Faribault, Minn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SEVEN WILSON.

Mr. MACDONALD also introduced a bill (H. R. 10552) granting a pension to Seven Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEPARTMENT OF LABOR.

Mr. MCCREARY introduced a bill (H. R. 10553) to impose certain duties upon the Department of Labor; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

EVENING SESSIONS, ETC.

Mr. WHEELER submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That it is the sense of the House of Representatives that one evening in each week should be set apart for the consideration of bills on the Private Calendar to which there is no objection; that the other evenings of each week—other than Friday evening—be set apart for the consideration of bills reported from the various committees, to which there is no objection, one evening being specifically set apart for each committee, which shall, through its chairman, apply to the Committee on Rules for such opportunity to consider bills which have been reported to the House by said committee; and that from and after Monday, June 25, the House shall meet at 10 o'clock a. m., the daily sittings to be devoted to the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of revenue.

REFUNDING OF COTTON TAX.

Mr. BLANCHARD submitted a concurrent resolution of the General Assembly of Louisiana, memorializing Congress to refund the internal-revenue tax collected on cotton under the acts of Congress approved March 7, 1864, and July 13, 1866, and other acts amendatory thereof; which was referred to the Committee on the Judiciary, and ordered to be printed.

OBSTRUCTIONS IN THE BAYOU PIERRE, LOUISIANA.

Mr. BLANCHARD also submitted a concurrent resolution of the General Assembly of Louisiana, memorializing Congress to make an appropriation for the removal of the raft and other obstructions in Bayou Pierre, a tributary of the Red River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

BAYOU TECHE, LOUISIANA.

Mr. BLANCHARD also submitted a concurrent resolution of the General Assembly of Louisiana, memorializing Congress to make an appropriation for the improvement of Bayou Teche, in the parishes of St. Martin and St. Landry in said State; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CASTOR, D'ARBONNE, AND CORNIE BAYOUS, LOUISIANA.

Mr. BLANCHARD also submitted a concurrent resolution of the General Assembly of Louisiana, memorializing Congress to make appropriations for the improvement of Bayous Castor, D'Arbonne, and Cornie, in said State; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDING, CAMDEN, ARK.

Mr. MCRAE introduced a bill (H. R. 10554) for the erection of a public building at Camden, Ark.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LANDS IN SOUTHWESTERN LOUISIANA.

Mr. GAY introduced a bill (H. R. 10555) to authorize an entry of certain lands in Southwestern Louisiana under the homestead laws, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. RANDALL. Mr. Speaker, I believe to-day is suspension day for committees. If during the morning it is the desire of any of the committees to have the privilege that the rule grants them, I am willing they should exercise it. I do not know whether any of the committees are now ready to make motions for suspension, and if not, I move that the House resolve itself into Committee of the Whole on the state of the Union to consider general appropriation bills.

Mr. TOWNSHEND. The Committee on Military Affairs has a proposition that it is ready to submit now and ask the suspension of the rules upon.

Mr. RANDALL. Upon what subject?

Mr. TOWNSHEND. Making an appropriation of $25,000 for the reunion at Gettysburgh.

Mr. RANDALL. I do not object to that; but I give notice that after that I shall ask consent to go into Committee of the Whole on appropriation bills.

The SPEAKER. The Committee on Foreign Affairs is first on the list.

The Committee on Foreign Affairs was called.

Mr. COBB. Regular order.

The SPEAKER. This is the regular order.

The Committee on Military Affairs was called.

ANNIVERSARY CELEBRATION OF THE BATTLE OF GETTYSBURGH.

Mr. TOWNSHEND. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Joint resolution (H. Res. 169) appropriating $25,000 for the celebration of the twenty-fifth anniversary of the battle of Gettysburgh.

Resolved, etc., That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the celebration of the twenty-fifth anniversary of the battle of Gettysburgh, on the 1st, 2d, and 3d days of July, 1888, by the survivors of the Army of the Potomac and the Army of Northern Virginia; said sum to be expended, under the direction of the Secretary of War, for the erection of temporary barracks, kitchens, and mess quarters, for the flooring of tents and for straw for the same, for the building of stands and their decoration, for a band of music, and for the necessary incidental expenses for the purposes mentioned: *Provided*, That a part of said sum, not to exceed $5,000, may be used to guaranty contractors against loss in order to secure subsistence at a moderate rate: *And provided further*, That no part of said sum shall be used to procure or pay for spirituous or intoxicating liquors.

The SPEAKER. Is a second demanded?

Mr. BROWNE, of Indiana. Yes; I demand a second.

Mr. TOWNSHEND. I ask unanimous consent that a second be considered as ordered.

Mr. BURROWS. I object.

The SPEAKER. A second being demanded, the Chair appoints as tellers the gentleman from Indiana [Mr. BROWNE] and the gentleman from Illinois [Mr. TOWNSHEND].

The House divided; and the tellers reported—ayes 56, noes 11.

Mr. BURROWS. No quorum.

Mr. RANDALL. The gentleman from Michigan having raised the point of no quorum, and there being within my knowledge eighty-two pairs, involving the non-voting of 164 members, I must ask that the House proceed with the sundry civil bill, on which bill I do not believe the point of no quorum will be made.

The SPEAKER. The gentleman from Illinois can withdraw his motion.

Mr. TOWNSHEND. Mr. Speaker, I do not feel warranted in withdrawing the resolution. If a resolution of this character can not pass the House, in my judgment we had better suspend business. I feel that if a resolution of this character can not be voted upon without the question of no quorum being made against it, the House had better adjourn and wait until the other side of the House are ready to vote.

Mr. RANDALL. The gentleman from Michigan [Mr. BURROWS] practically gives notice the resolution shall not pass.

Mr. BROWNE, of Indiana. There is no occasion for the observation of the gentleman from Illinois [Mr. TOWNSHEND]. I raised the ques-

tion in this case upon my individual responsibility, because I believe this expenditure ought not to be made out of the national Treasury. It has come to pass that whenever a centennial of some important or unimportant historical event comes about in some section there is a proposition to have a celebration and Congress is at once asked for an appropriation. If there is to be an exposition abroad at Australia or somewhere else——

Mr. TOWNSHEND. Debate is not in order.

The SPEAKER. There having been no second, the gentleman makes the point that debate is not in order.

Mr. BROWNE, of Indiana. I am simply responding to the gentleman from Illinois.

Mr. TIMOTHY J. CAMPBELL. This is not a local matter. This is a national celebration. It is a national affair and every American ought to be in favor of it.

Mr. TOWNSHEND. I ask unanimous consent that the gentleman from Indiana may proceed with his statement.

The SPEAKER. How much time shall be given?

Mr. SPRINGER and Mr. RANDALL. Five minutes on each side.

There was no objection.

Mr. BROWNE, of Indiana. I was proceeding to say that in the case of every event of a historical character a centennial or semi-centennial celebration is proposed, and there is always an attempt to have an appropriation made by Congress to pay the expenses.

When a locality proposes to do this a call is at once made upon the people of all the States to pay the expenses out of the national Treasury. We have expositions in France, England, and in the islands. Some ambitious merchant desires to send his wares to one of these expositions for his own private benefit. He asks that his advertising be paid by the national Treasury and we do it. When there is a centennial at Yorktown, and of an event certainly hallowed in the memory of every American citizen, we take money out of the Treasury to pay the expenses of one of the most disgraceful orgies that has ever occurred in the history of a nation.

Mr. TOWNSHEND. Will the gentleman permit me to remind him——

Mr. BROWNE, of Indiana. I am not opposed to the celebration because Confederate and Union soldiers meet. I am as glad to see the meeting as any gentleman on the other side. The war is over. A long time ago I said in this House I would, if I could, have that bloody experience of the nation taken up, like Uncle Toby's oath, to Heaven's chancery, let the recording angel drop upon it the tear of pity and blot it out forever. I put my opposition to this resolution solely upon the ground that it is undemocratic and unconstitutional. There is no warrant for it in the Constitution. If the gentlemen on the other side will find a warrant to make this expenditure I will find a warrant to run a circus or menagerie at the expense of the people of the United States.

Mr. TOWNSHEND. I can find precedents.

Mr. BROWNE, of Indiana. Yes; for anything.

Mr. TOWNSHEND. I can find precedents for just such action.

Mr. OATES. I want to say to my friend from Indiana [Mr. BROWNE] that I am most heartily in accord with him in this matter.

Mr. BROWNE, of Indiana. I congratulate my distinguished friend from Alabama. This is the first time I have known him to be right during the session.

Mr. TOWNSHEND. The imputation cast upon the proposed celebration at Gettysburgh in characterizing it as in the nature of a junketing party and likening it to that at Yorktown, where there was some misconduct, is, in my judgment, entirely unwarranted. I take the floor now simply for the purpose of calling attention to the express and explicit language of the resolution, which excludes the use of spirituous or intoxicating liquors or the purchase of anything of that nature with the money here proposed to be appropriated. It is to be used under the direction of the Secretary of War for the erection of temporary barracks, kitchen and mess quarters, for the flooring of tents and straw for the same, for the building of stands and their decoration, etc., for the accommodation of those who participated in the battle that may attend the celebration.

I yield the remainder of my time to my colleague on the Military Committee, the gentleman from New York [Mr. SPINOLA].

Mr. SPINOLA. Mr. Speaker, this being the second time that this resolution has met with opposition from the other side of the House, opposition coming from gentlemen who claim to be the special guardians of the surviving soldiers of the war of the rebellion, I deem it but right and just that I should call attention to that fact. Now, sir, what is the purpose of this proposed meeting upon that great battle-field? I will read you a statement of the purpose of it. It is that "both armies may on that occasion recall, in friendship and fraternity, the sentiments of good-will, loyalty, and patriotism which now happily unite us all in sincere devotion to our beloved country." That is the object, sir, of the reassembling of the brave men who met there twenty-five years ago to contend with each other in deadly strife, and I am utterly amazed that a gentleman upon the other side should characterize it as a circus. The gallant men who are to meet on that great battle-field will not, in my judgment, accept that characterization——

Mr. BROWNE, of Indiana. If my friend will allow me, I did not characterize it as a circus.

Mr. SPINOLA. They will not accept that as a good reason for the opposition which has appeared here against this resolution on the part of the gentlemen on the other side of the House.

Now, sir, in regard to the constitutionality of this appropriation, the Government is to-day spending almost a million dollars, if not more than that, for the printing of the records of the rebellion in order that its history may go down to our children and our children's children, showing exactly what took place during the four years that we were contending with each other, and one great object of this meeting is that the survivors of both armies may mark out the positions which the armies on both sides occupied during those three terrible days. On the Union side that has been done to a considerable extent, but there has been little or nothing done to mark definitely the positions occupied by the forces upon the other side, where their batteries were planted, where their brigades and divisions and corps, which did such gallant service on their side in that contest, were stationed. Erroneous as their attitude may have been in our judgment, nevertheless, sir, they proved that as Americans they were brave men, worthy of our steel. Now, the men from the Southern country who are expected to attend this reunion have not the means to pay the expenses of the journey and to take care of themselves during the celebration, and we of the North, the survivors of those who served in the Army of the Potomac, are not to-day in a condition to furnish the necessary means. For that reason, sir, this appeal has been made to the Congress of the United States in the name of the Union veterans who fought at the battle of Gettysburgh, asking that this reunion may be recognized by Congress to the extent of this pitiful appropriation of $25,000, which is a mere——

The SPEAKER. The time of the gentleman has expired.

Mr. BROWNE, of Indiana. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman occupied all his time.

Mr. SPRINGER. I ask unanimous consent that this resolution may pass, now that we have had these explanations on both sides.

Mr. SPINOLA. Yes; let it pass. Let the boys drink once more out of the same old canteen.

Mr. BURROWS. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded.

Mr. SPRINGER. It is in order to ask unanimous consent, is it not?

The SPEAKER. Not when the regular order is insisted upon.

Mr. TOWNSHEND. I would ask the gentleman from Michigan [Mr. BURROWS] whether he is not willing to let a vote be taken on the resolution without further debate and without raising the question of a quorum. If he is willing to do that, I am willing to leave the matter to the decision of the House. If two-thirds of the House do not think the joint resolution ought to pass, it will, of course, be lost. I hope the gentleman will agree that we may have a yea-and-nay vote or a standing vote upon the final passage of the joint resolution.

Mr. ENLOE. Regular order.

The SPEAKER. The regular order is demanded.

Mr. SPRINGER. The regular order is the completion of the count by tellers, I believe.

The SPEAKER. It is.

CHANGE OF REFERENCE.

The SPEAKER. The Chair desires, however, before the count is resumed to correct an erroneous reference. Senate bill 2549, for the relief of Mary Isabella R. Clements, has been erroneously referred to the Committee on Invalid Pensions; it should go to the Committee on Pensions, and in the absence of objection, it will be so referred.

GETTYSBURGH CELEBRATION.

The SPEAKER. The tellers will resume their places.

The House proceeded to divide. During the count by tellers, the following proceedings took place:

Mr. SPINOLA. There is an amendment to this resolution which ought to have been read.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] made a motion to suspend the rules, and adopt a certain proposition which has been read.

Mr. SPINOLA. But there was a mistake in reading the resolution. The Clerk did not read as a part of the resolution the amendment offered the other day; that was overlooked.

The SPEAKER. But the Clerk has read the resolution which the gentleman from Illinois sent up and on which he made his motion to suspend the rules.

Mr. TOWNSHEND (after examining the resolution). Mr. Speaker, I wish to announce a correction of the manner in which this resolution was read. It was intended to read—

That the sum of $25,000 be, and the same is hereby, appropriated, etc., for the twenty-fifth anniversary of the battle of Gettysburgh on the 1st, 2d, and 3d days of July, 1888, by the survivors of the Army of the Potomac and their guests.

The last clause was read "by the survivors of the Army of the Poto-

mac and the Army of Northern Virginia." The amendment, which should have been read as part of the resolution, strikes out the words "the Army of Northern Virginia" and substitutes "their guests."

The SPEAKER. Except by unanimous consent, the only way in which the gentleman can make the correction is to withdraw his motion and renew it in the amended form. Is there objection?

Mr. OATES. I do not understand what is the proposition.

Mr. TOWNSHEND. The resolution as read included the words "by the survivors of the Army of the Potomac and the Army of Northern Virginia." It is now proposed to correct the resolution by striking out "the Army of Northern Virginia" and inserting "their guests."

Mr. OATES. I can not see what difference that makes. I object to the change.

Mr. TOWNSHEND (after the count by tellers had proceeded for some time). Mr. Speaker, as it is evident that the count by tellers must disclose the fact that there is no quorum present to-day, and as there is a determination manifested on the other side to defeat this resolution, I therefore will leave the responsibility where it belongs and withdraw the resolution.

Mr. BROWNE, of Indiana. Mr. Speaker, I desire to say that when the gentleman from Illinois [Mr. TOWNSHEND] charges that the opposition to the resolution is entirely on this side, he says what is not true in fact.

Mr. TOWNSHEND. I leave that question to be determined by the members of this House and the record of the proceedings to-day.

The SPEAKER. Debate is not in order. The gentleman has withdrawn his motion, and that ends the matter.

[Mr. TOWNSHEND continued, during the rapping of the Speaker's gavel, to address to Mr. BROWNE, of Indiana, remarks which were inaudible at the Reporters' desk.]

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] is not in order.

ORDER OF BUSINESS.

Mr. RANDALL. I desire to make a motion which is in order, that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills.

Mr. SPRINGER. I hope the gentleman will yield a moment to allow me to offer a resolution to be printed in the RECORD.

QUARANTINE SERVICE.

There being no objection,

Mr. SPRINGER, by unanimous consent, presented the following; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD:

Resolved, That the American Medical Association urges upon the House of Representatives of the Congress of the United States the necessity and importance of the immediate passage of Senate bill No. 2943, "to perfect the quarantine service of the United States," which bill has passed the Senate, and is now pending in the House of Representatives, in order to make provision for protection against the introduction of contagious diseases before the approaching summer.

FRANCES H. L. PRESCOTT.

The SPEAKER. If there be no objection, the Chair will correct an erroneous reference. The bill (S. 1144) granting a pension to Frances H. L. Prescott was erroneously referred to the Committee on Invalid Pensions. It should have gone to the Committee on Pensions. If there be no objection, the change of reference will be made. The Chair hears no objection, and it is so ordered.

SUNDRY CIVIL APPROPRIATION BILL.

The question recurring on the motion of Mr. RANDALL that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills, the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. MCMILLIN in the chair), and proceeded to the consideration of the first general appropriation bill in order, being the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

Mr. RANDALL. I ask unanimous consent that the first reading of this bill be dispensed with.

The CHAIRMAN. If there be no objection, that order will be made. The Chair hears none.

Mr. RANDALL. Mr. Chairman, I do not consider it incumbent upon me to occupy any time in general debate on this bill. The report has been carefully prepared, and as we proceed to consider the bill paragraph by paragraph members who will take the trouble to refer to the report will be able to see in general the reasons which actuated the committee in reporting the several paragraphs with their respective amounts.

If any gentleman desires now to enter upon general debate on this bill I would like to know it. Otherwise I will ask unanimous consent that we proceed to consider the bill under the five-minute rule by paragraphs. [A pause.] As no gentleman indicates any desire to speak, I ask unanimous consent that all general debate on the bill be considered as closed.

The CHAIRMAN. If there be no objection, that order will be made. The Chair hears no objection.

The Clerk, proceeding to read the bill, read as follows:

For custom-house at Bangor, Me.: For not exceeding one-half the cost of constructing stone abutments and piers for the protection of the United States custom-house and post-office building, and approaches, situated in the Kenduskeag Stream, at Bangor, in the State of Maine, the sum of $10,000, the expense of such works to be borne in equal proportions by the United States and by said city of Bangor: *Provided*, That the plan of construction of said works shall be approved by the Secretary of the Treasury: *And provided further*, That the entire amount to be thus contributed by the United States shall not exceed the sum hereby appropriated.

Mr. MILLIKEN. I wish to ask why it is that the city of Bangor is to pay one-half the expenses of the abutments and piers mentioned in this paragraph. I make this inquiry because my colleague [Mr. BOUTELLE] who represents that district is now absent.

Mr. RANDALL. I desire to state that the reason the bill stipulates Bangor shall pay her share of the expense is because very largely the benefits accrue to the citizens of that city. This appropriation is in exact accord with the former act for like objects. It meets the wishes of the gentleman [Mr. BOUTELLE] to whom the gentleman refers, who represents the Bangor district and who is now absent.

Mr. MILLIKEN. That is satisfactory.

The Clerk read as follows:

For marine hospital at Chicago, Ill.: For approaches complete, $10,000.

Mr. LAWLER. I have an amendment for repairs of the post-office and custom-house building at the city of Chicago, which I send up and ask the Clerk to read.

The Clerk read as follows:

After line 22 insert "for repairs of post-office and custom-house building at the city of Chicago, $50,000.

Mr. LAWLER. In introducing this amendment I wish to say we came here three years ago and asked $150,000 for repairs of this post-office and custom-house building, but we were only allowed, in the bill at that time, or in the House, $50,000. A year ago we were allowed $40,000. I notice there has been no special appropriation made in this bill in favor of this building in the city of Chicago. I claim there ought to be four or five hundred dollars appropriated for that purpose. That amount is required to put the building in proper condition for the service of Government. I wish to say the ceilings of some portions of the building occupied by the employés of the Government have not been cleaned for three or four years.

The Committee on Appropriations should have put into this bill an appropriation for $150,000. The Secretary of the Treasury, under the direction of the Supervising Architect of the Treasury, and who is employed in making the repairs in that post-office and custom-house building, makes a recommendation in favor of $112,000. I do not expect the recommendation of the Supervising Architect of the Treasury Department, who is satisfied this appropriation ought to be made and whose recommendation has been indorsed by the Secretary of the Treasury, will carry this House. I do not ask it. I do ask this Committee of the Whole and this Congress to give to the city of Chicago that amount of money which I have provided in my amendment for the necessary repairs to this post-office and custom-house building. I have therefore offered for that purpose this amendment.

Mr. RANDALL. The Committee on Appropriations has not seen fit to recommend any distinct and separate appropriation in this connection. There is an appropriation of nearly $200,000 for general repairs for public buildings such as the one the gentleman's amendment refers to.

Now, as to this particular building, I desire to say I do not know when the repairs for that building will cease to need appropriations. In 1881 Congress appropriated for that building $40,000 in repairs separate and distinct from the general appropriation. In 1887 Congress appropriated for extraordinary repairs $50,000, and in 1888, the current year, for various objects in the way of repairs, $84,000—in all $174,000—for the repairs of that building during the three years to which I have made reference.

The committee therefore consider it time when separate and distinct appropriations should cease to be made and that building should have hereafter the sum required for repairs out of the general fund. The committee was quite safe in recommending that, and the House is quite safe in adopting the recommendation of the committee.

I really think the Committee on Appropriations in connection with public buildings has given about everything to everybody who has asked it.

Mr. LAWLER. I ask whether the Committee on Appropriations has not given a separate appropriation for the New Orleans building, for alterations and repairs, in this bill, and if so is not that a like case to the one of the building requiring repairs in the city of Chicago?

Mr. RANDALL. There has never been any separate appropriation for that building. It provides for an additional story, and for the further object of bringing in those offices which are now at an expense to the Government in buildings rented from private parties at large amounts.

Mr. FORNEY. Over $6,000 annually.

Mr. RANDALL. Over $6,000, as my colleague advises me. It is really a matter of economy to do that.

Mr. LAWLER. I do not find any objection against any city getting in this appropriation bill what it needs in the way of repair for its pub-

lic buildings. I am willing they should get everything they possibly can from this committee.

Mr. RANDALL. That is gratuitous.

Mr. LAWLER. I do not understand the action of this committee in reference to this matter. I do not propose, for one, to put up with it. Gentlemen who have made personal examination of this building and the need for its repair are satisfied that provision should be made for that purpose. The recommendation from the Treasury Department is in favor of $112,000 being appropriated to make those repairs. If the city of Chicago is compelled to depend merely upon a portion of the general fund of $200,000 for all the public buildings in the United States, it will not get more then $25,000 or $30,000. It is a small matter for the third city in the United States, so far as the collection of taxes is concerned to carry on the Government. I hope, therefore, my amendment providing $50,000 for the repair of the post-office and custom-house building at Chicago will be adopted.

With what has been appropriated within the last three years, including $50,000 asked here, we will only have what was recommended to have been appropriated for this purpose three years ago.

Now, Mr. Chairman, I am not here to fight any one particular feature of this bill, nor am I here to take up the time of the committee in discussing this particular point, which I have been trying to urge upon the attention of the House; but gentlemen certainly will understand that I shall insist that justice must be done to the city of Chicago in respect to a sufficient appropriation to carry on this work. I know it is absolutely essential.

I want to say to the gentleman from Pennsylvania and to other gentlemen here that those who have been West within the last few years and have gone into this building have time and again told me it was a disgrace, a public disgrace, in the condition it is in.

I do not understand how this appropriation, having been recommended by the Supervising Architect of the Treasury, who has looked into the matter, should have been so cut down by the committee from $112,000 to the ridiculously small sum which this bill is expected to give to that city. It does not begin to allow the necessary work to be done on the building.

Mr. RANDALL. Mr. Chairman, here is a new building, which, I think, cost in the neighborhood of $4,000,000, if my recollection serves me aright, and if I am incorrect I hope the gentleman from Illinois will correct me, and yet, notwithstanding that cost, year after year they have been here asking large appropriations for repairs.

I do not know how the $175,000 has heretofore been expended in connection with the repairs of the building. I can not tell because it does not come within the range of my power to find out; but I apprehend from a casual or superficial observation of some of the expenditures of the Government in this connection, that a good part of it has doubtless gone for clerk-hire. I ask the gentleman from Illinois if that is true.

Mr. LAWLER. No, sir; it is not. There is only one clerk employed.

Mr. RANDALL. I will examine into the matter.

I hope the committee will maintain the action of the Committee on Appropriations.

The question being taken on the amendment of Mr. LAWLER, the committee divided; and there were—ayes 23, noes 48.

So the amendment was rejected.

Mr. LAWLER. I move a further amendment, to insert after the words of the bill which have been read the words:

For repairs of post-office and custom-house building at Chicago, Ill., $25,000.

I would merely ask, without taking up the time of the committee, that they will allow this small sum to be inserted here.

Mr. RANDALL. I have no such warrant from the Committee on Appropriations.

Mr. TOWNSHEND. I hope the gentleman from Pennsylvania will allow this amendment to go into the bill.

Mr. RANDALL. In the amount given for general repairs of public buildings the committee feel satisfied that enough has been appropriated for repairs on all of these buildings, including this one; and, therefore, I hope the committee will be sustained in its recommendation.

Mr. TOWNSHEND. But this is a very slight addition for a very important work.

Mr. LAWLER. It is like putting a patch on your coat. It does not approach the repairs that are necessary.

Mr. RANDALL. We are always asked for these appropriations for that building, and I fear it will never be in a condition where they can be dispensed with.

Mr. TOWNSHEND. The gentleman knows the amount that has been recommended by the Supervising Architect?

Mr. RANDALL. The committee have carefully considered the recommendations and estimates.

Mr. LAWLER. And I want to say, in answer to the suggestion of the chairman of the committee, that this general fund, notwithstanding the fact that there are a great number of these public buildings dependent upon it, and although the Secretary of the Treasury has forwarded an estimate to Congress asking an appropriation of $750,000, this Appropriations Committee have done just as they did two years ago and a year ago, cut down the total amount from $750,000 to $200,000, and still the chairman says that out of this general fund, which has been so reduced in this manner, Chicago will get her proportion. Now Chicago may get her proportion of the $200,000, but I tell you that it is not enough. I know the condition of that building and its wants.

Mr. RANDALL. I said that only $200,000 was in this bill.

Mr. LAWLER. I understand that; but the Supervising Architect and the Secretary of the Treasury find upon looking over the whole ground that $750,000 is necessary and they recommend that sum, and also recommend that $112,000 shall be appropriated for the repairs of the building at Chicago. Now, what has this Committee on Appropriations done? Here is an investigation made by the competent officers of the Government in charge of this subject. That investigation is entirely disregarded by the committee; and right in the face of it they appropriate this insignificant sum. In this connection, too, allow me to say that it required nearly $40,000 to strengthen that building with iron-work, and it was necessary to preserve the stone-work by painting the outside face of the building. It was also necessary to take up every floor in that building from top to bottom and relay it. That is where these appropriations have gone, to which the gentleman from Pennsylvania has referred, and I say with this niggardly policy of appropriating from year to year these insignificant sums will make it necessary always to be coming here and asking appropriations instead of doing the work properly at once. Where is economy in such action?

Mr. RANDALL. I desire to state that I made a mistake when I said this building cost $4,000,000. I find on examination that it cost $6,000,000.

Mr. LAWLER. I do not think that cuts any figure.

Mr. TOWNSHEND. The gentleman presents an additional argument for this appropriation. If the building cost $6,000,000, and is used as I understand this building is used from the ground to the top floor, every room in it being occupied, and is in a condition of unwholesomeness and unsafety that warrants proper attention on the part of the Government, certainly there should be no objection in appropriating the small sums necessary to keep it in repair. All that is needed to show the condition of the building as far as this demand for repairs is concerned is, I am informed, to merely inspect it. It shows for itself.

Mr. RANDALL. I was there and saw it, within a few years, with my own eyes, and I think we have given enough money to repair it. The truth is, I do not think that justice has been done to the Government by the contractor in this case. Still, I believe that enough has been provided in the general fund to make the necessary repairs.

Mr. TOWNSHEND. I have no doubt that the Government was wronged in the original construction of this building, and that an outrage was perpetrated upon it in the way in which it was constructed. But the work has been done, and cost $6,000,000. The Supervising Architect says it will be necessary to appropriate $112,000 to put it in a safe and wholesome and proper condition. Now it does seem to me that when the gentleman from the Chicago district asks no larger sum than $25,000 in addition to what is appropriated under the general fund it should be yielded. I know, from my own observation within the last few months, that the building is needing repairs badly, both in regard to its sanitary condition and safety.

The building is crowded with the Federal courts. It is crowded with the post-office. It is crowded with the revenue offices. There are various other Government offices in that building. It is absolutely crowded from top to bottom. The walls are cracking. The roof leaks. There are other repairs that are greatly needed.

Mr. RANDALL. We gave $84,000 for that purpose last year.

Mr. TOWNSHEND. You did not give near what the officers of the Government demanded.

Mr. RANDALL. In regard to the Supervising Architect, I beg members to take his statements with some degree of forbearance. If they knew the perplexity of the Supervising Architect, by reason of the zeal of members all wanting the particular buildings within their own districts cared for in some way or other, they would use some moderation in voting large sums upon the Supervising Architect's recommendation.

Mr. TOWNSHEND. My friend should bear in mind Chicago is the great distributing point of the Northwest. The Chicago office is not alone the State office. It is the distributing post-office, the principal post-office of the whole Northwest. And only a small sum is asked in this case.

Mr. RANDALL. Nothing is being denied to Chicago. Chicago is merely remitted to the general fund, just as other cities are.

Mr. TOWNSHEND. I do not see how we are going to get $112,000 out of the $200,000 of the general fund. I hope the House will grant this appropriation.

Mr. LAWLER. The building is not fit to work in; that is why the money is necessary. The money is needed to put the building in a fit condition to work in.

Mr. RANDALL. Twenty-five thousand dollars will not do it.

Mr. LAWLER. Twenty-five thousand dollars will help us.

The Chair put the question, and was in doubt as to the result.

Mr. LAWLER. I ask for a division.

The House divided; and there were—ayes 31, noes 47.

Mr. LAWLER. No quorum.

Mr. RANDALL. I do not say to the gentleman from Illinois [Mr. LAWLER] that the effect of his point is to stop the further consideration of this bill, yet I want him to distinctly understand while that is the effect on the one hand, on the other hand I do not mean to be coerced in this way.

Mr. TOWNSHEND. I ask that tellers be ordered.

Mr. LAWLER. I have raised the point of no quorum. It is my duty to fight for my rights here, and I shall do so when the city I represent needs me.

The CHAIRMAN. The Chair will appoint tellers.

Mr. LAWLER. I will withdraw my point of no quorum and call for tellers.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Alabama [Mr. FORNEY] and the gentleman from Illinois [Mr. LAWLER.]

The House divided; and there were—ayes 42, noes 49.

So the amendment was rejected.

Mr. LAWLER. Knowing as I do the necessity for this money, I am compelled to insist on getting something in this bill, if possible, no matter how small the amount may be. I ask the committee to withdraw its objection and allow the sum of $20,000 to go in this bill.

Mr. RANDALL. I have no authority from the committee to make any compromise.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reported the amendment, as follows:

After line 22 insert:

"For repairs of post-office and custom-house building, Chicago, Ill., $20,000."

Mr. LAWLER. I do not like to assume the position of begging for a building in regard to which the chairman of the Committee on Appropriations makes the frightful admission that it cost $6,000,000. It is true. That only shows the more the necessity that the appropriation ought to be granted by this House. The gentleman from Pennsylvania knows himself and from others who have visited the building what its condition is. I do not want to take up the time of the House in showing what has been done with the last three niggardly appropriations made for that building. The building is not fit to carry on business in. The few appropriations made have put the building partly in a substantial condition. I have stated, and I repeat, there are rooms occupied to-day by employés of the United States Government there that have not been cleaned or painted in four years. It is a shame. I say here as a member of this House, in behalf of a city that I in part represent, I do not believe the opinion of the committee or the report of the committee ought to be followed in this case. The chairman of the committee dwells strongly on the $200,000 that has been appropriated in bulk for eight large cities. That appropriation could go to one large city alone instead of being distributed among eight large cities. The amount I now ask, $20,000, is small. I hope the House will grant it.

Mr. RICE. I wish to say that I am familiar with the condition of the building in Chicago. I have frequently been in it. It is unfit for occupation. It is dangerous. It ought not to be left in its present condition. It needs the appropriation recommended by the Treasury Department. It is indecent, unsafe, and inhuman to leave the building as it is. I hope the amendment will be adopted.

Mr. RANDALL. My only statement is that this matter is provided for in the general fund. If we go outside for one building we may be obliged to go outside for all.

The Chair put the question and was in doubt as to the result.

Mr. LAWLER. I ask for a division.

The House divided; and thereupon there were—ayes 41, noes 37.

So the amendment was agreed to.

The Clerk read as follows:

For court-house and post-office at Huntsville, Ala.: For completion of building under present limit, $50,000.

Mr. NEAL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 3, after line 25, insert:

"For court-house and post-office at Chattanooga, Tenn.: For completion of building under present limit, $50,000."

Mr. NEAL. In connection with this amendment I desire to have read the letter from the Supervising Architect which I send to the Clerk's desk.

The letter was read, as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, April 12, 1888.

SIR: In response to your communication of the 11th instant, I have the honor to state that the limit placed by Congress on the proposed Federal building at Chattanooga, Tenn., is $200,000, of which amount $150,000 has been appropriated, and the balance, $50,000, is included in the regular estimate for the fiscal year 1889.

In view of this it will be necessary that the appropriation asked be made in order to permit the entering into contracts during the ensuing fiscal year for the erection of the building.

In this connection I have to inclose copy of Annual Report of the Secretary of the Treasury for 1887, and to invite your attention to the marked paragraphs on pages XLVIII and XLIX.

Respectfully, yours,

WILL. A. FRERET,
Supervising Architect.

Hon. J. R. NEAL,
Committee on Public Buildings and Grounds,
House of Representatives.

Mr. NEAL. I desire also to have read the paragraph which I have marked in the report of the Secretary of the Treasury.

The Clerk read as follows:

After a careful consideration of the method that has been pursued in the past in appropriating money for the construction of public buildings, I am convinced that a great saving of time and money would be secured if the full amount of the limit of cost should be appropriated in one sum, so that the work of construction might be uninterruptedly pursued, and thus avoid a suspension of work by reason of the exhaustion of a partial appropriation. If this method should be adopted the inconvenient delay experienced by the Department up to this time in building public buildings would be avoided, and the large sums required for the rental of private buildings on account of this delay be saved to the Government.

Mr. NEAL. Mr. Chairman, I think that the Secretary of the Treasury presents the common-sense business view of this matter. The expenditure in the amendment proposed by me is already provided for by law. The Supervising Architect practically admits in his letter that he will not be able to expend the extra $50,000 during the next fiscal year, but he states that it is included in his estimate and is necessary for the purpose of making contracts for the completion of the building. I know that we are in very great need of this building at Chattanooga, and I know of no reason why it should not be completed within the next fiscal year; but if it should not be, still this appropriation is necessary to enable the Supervising Architect to make contracts so that he can go on and complete the building within reasonable time without detriment to the general fund which has been provided by law as the limit for this building. I reserve the balance of my time.

Mr. RANDALL. On the 31st of December, 1887, there was $149,685 of the appropriation for this building unexpended, to which should be added $75,000, if I remember aright, appropriated in the bill which extended the limit $75,000.

Mr. NEAL. That is correct.

Mr. RANDALL. Making, on the 31st of December, $224,685 on hand to be expended during the coming fiscal year in the construction of this building, a sum which the Supervising Architect advised the committee was all that he could expend during that period. Therefore this $50,000 additional was not appropriated in this bill. If the Architect could expend that amount more during the fiscal year, well and good, or if he could with advantage to the Government make a contract up to the limit requiring an additional $50,000, I would not object to incorporating the appropriation in that part of this bill where like cases are provided for. If the Architect feels that he can with economy make contracts covering this amount, even though he may not be able to expend the money during the fiscal year we are appropriating for, I would be willing to allow it to go into the bill in connection with other cases that are treated in that way. Therefore if the gentleman [Mr. NEAL] will consent to incorporating Chattanooga in the general clause, which provides that the Treasury Department may make contracts up to the limit authorized by law, I shall not object.

Mr. NEAL. I have no objection to that. I have not had time to read the bill through since it was printed, and had not noticed that part of it.

Mr. RANDALL. Well, the gentleman's object will be accomplished in the way I have suggested. We have had to take the same course with reference to the building at Jacksonville, Fla.

Mr. FORNEY. If the gentleman will examine page 7 of the bill, he will find that general provision.

Mr. RANDALL. When we reach that, I shall not object to the amendment being inserted.

Mr. NEAL. Then I withdraw my amendment for the present.

Mr. WILKINS. I desire to call the attention of the gentleman from Tennessee [Mr. NEAL] to lines 16, 17, 18, and 19, on page 7, where he can have his amendment inserted when that part of the bill is reached.

Mr. NEAL. That will be satisfactory.

The Clerk read as follows:

For court-house and post-office at Louisville, Ky.: For continuation of building, $60,000.

Mr. VOORHEES. Mr. Chairman, I offer an amendment to come in after line 8.

The amendment was read, as follows:

After line 8, page 4, insert:

"For custom-house at Port Townsend, Wash.: For construction of building, in excess of present limit, $120,000."

Mr. RANDALL. I must make the point of order on that amendment. The committee can not extend limits.

Mr. VOORHEES. I ask the gentleman to withhold his point of order for a moment, to give me an opportunity to make a brief statement. The entire situation, briefly summed up, is this: Originally, $82,000 were appropriated for the construction of this building, but it was ascertained early in this session of Congress that that amount would be wholly inadequate for the purpose of constructing such a building as the public business requires at that point. Consequently, the Supervising Architect requires an additional appropriation of $38,000 for the purpose of constructing the building in accordance with the present plan.

Mr. RANDALL. And they got it too.

Mr. VOORHEES. I will state the exact situation. That amount of money was appropriated in the legislative appropriation bill——

Mr. RANDALL. In the urgent deficiency bill.

Mr. VOORHEES. I should have said "the urgent deficiency bill." But to such an extent is the Supervising Architect impressed with the importance of an additional appropriation for the construction of such a building as is necessary for the rapidly increasing business at that point that he has entirely suspended work upon the building from that time to the present. He is thoroughly convinced that the completion of the building in accordance with the present plan would be anything but in line of public economy. In order to show the attitude of the Supervising Architect in this matter I ask that the letter which I send to the desk may be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, June 15, 1888.

SIR: Referring to our conversation of this morning, I have the honor to state that Congress has appropriated $120,000 for the construction of the custom-house at Port Townsend, Wash., and limited cost to the amount of appropriation.

By reference to resolutions passed by the Board of Trade of Port Townsend I find that the limit placed will be insufficient to secure the needed accommodations for the transaction of the Federal business, for the reasons:

First. That this port stands first in the number of American steam-vessels engaged in foreign trade.

Second. That it stands second in the tonnage of American steam-vessels engaged in foreign trade, New York being first.

Third. That the collections of this district have increased from $79,000 for the fiscal year of 1886 to about $250,000 for the fiscal year of 1887, as approximately estimated by the collector of customs.

Fourth. That the number of employés in this district is double the number employed at the time the original bill passed in 1884.

It is apparent, therefore, from a full consideration of the subject, that the limit of the cost of the building should be extended from $120,000 to $240,000.

Respectfully, yours,

WILL. A. FRERET, *Supervising Architect.*

Hon. C. S. VOORHEES,
House of Representatives, Washington, D. C.

Mr. VOORHEES. Now, Mr. Chairman, it seems to me this case is an exceptional one. The Supervising Architect, in addition to what he has stated in the communication just read, has assured me that it would be very unwise to continue to work on that building under the present limit. Hence it seems to me a case is presented here for the exercise of some discretion on the part of the Committee on Appropriations as to whether the point of order should be pressed.

Mr. RANDALL. If what the gentleman states as to the public necessity in this matter is correct—and I do not undertake to controvert his statement—the proper tribunal from which to seek relief is the Committee on Public Buildings and Grounds, not the Committee on Appropriations; and the sundry civil bill is not the proper place in which to remedy the difficulty. The original appropriation for this purpose was $82,000. In the urgent deficiency bill passed at this session the limit of the original appropriation was exceeded and an appropriation of $38,000 was made, aggregating, as the Supervising Architect states, $120,000. Now there comes in a proposition to extend the limit still further. I must insist on the point of order.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that this amendment changes existing law and is out of order. The Chair sustains the point of order.

The Clerk read as follows:

For court-house and post-office at Los Angeles, Cal.: For completion of building under present limit, $100,000.

Mr. VANDEVER. I move to amend the paragraph just read by inserting, after the word "hundred," in the last line, the words "and fifty;" so as to make the appropriation $150,000. I offer the amendment for this reason——

Mr. RANDALL. I make a point of order on that amendment.

Mr. VANDEVER. One hundred and fifty thousand dollars can be advantageously expended within the coming fiscal year in the completion of this building. The original amount fixed in the last Congress was $150,000, which, as the Secretary of the Treasury and the Supervising Architect have reported, is insufficient for the erection of a building which will be adequate for the public wants at that point. They have therefore recommended an increase of $100,000. This amendment simply asks that the limit be extended $50,000. If this be agreed to, contracts can then be made for the entire completion of the work. I wish to state further——

Mr. RANDALL. Those who originally introduced this subject to the consideration of Congress should have been better informed, perhaps, than they were when they fixed too small a limit. But the remedy is not with the Committee on Appropriations, nor in this bill. I insist on the point of order that the amendment is in violation of existing law.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that this amendment proposes to extend the limit of appropriation already fixed by law, and is therefore a change of existing law. Does the gentleman from California desire to be heard on the point of order?

Mr. VANDEVER. I was only going to present the question whether the circumstances in the case of Los Angeles, the second city in importance in California, do not justify the making of an exception in this case. There is not a public building in that entire Sixth Congressional district, and it strikes me as very poor economy to confine the limit to the original appropriation, inasmuch as since that appropriation was made a United States court has been established for that southern district.

Mr. RANDALL. It is not a question of economy; it is a question whether the Committee on Appropriations can recommend a change of existing law.

The CHAIRMAN. The Chair thinks the point of order well taken, and sustains it.

Mr. WHITE, of Indiana. I wish to be heard a moment on that question.

The CHAIRMAN. The Chair has sustained the point of order. Does the gentleman wish to address himself to the point of order?

Mr. WHITE, of Indiana. I do. I do not see why a point of order should be held good as against this.

The CHAIRMAN. The Chair will state that both the gentleman from Pennsylvania, who made the point of order, and the gentleman from California, who offered the amendment, have admitted that the amendment would extend the limit now fixed by law. That being so, the Chair was of opinion that the amendment proposed a change of existing law in violation of the rule of the House, and was not in order upon a general appropriation bill.

Mr. WHITE, of Indiana. May I be heard in opposition to that ruling?

The CHAIRMAN. The Chair will hear the gentleman briefly, if he insists upon it.

Mr. RANDALL. I think the gentleman had better take his five minutes upon some other matter, because this point of order has been decided.

Mr. WHITE, of Indiana. I can not understand how this amendment is a change of existing law. The law is already in force for the construction of this building and it is in course of erection.

Mr. RANDALL. If the gentleman will come over here, I will show him the law and he will see the effect of it. I do not want to consume time by having it read.

Mr. WHITE, of Indiana. I think there is too much of what is called "economy" in connection with these public buildings.

Mr. RANDALL. It is not a question of economy, but a question of law.

Mr. WHITE, of Indiana. I know that in the district which I have the honor to represent a public building has been authorized; and the Department has put in that building glass of second quality, on the ground that a sufficient appropriation had not been made to authorize the use of first-class glass. This sort of "economy" has become a matter of public complaint.

The CHAIRMAN. The Chair thinks that the point of order is well taken.

Mr. VANDEVER. In regard to the point of order, I will state that the original limit was $150,000; and $50,000 now proposed to be appropriated would be within the limits of the original appropriation. So I think the point of order is not good.

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania to state and the gentleman from California to admit that the amount carried in this bill, added to what the gentleman from California proposed to insert, would be an extension of the limit of expense heretofore fixed by law.

Mr. VANDEVER. I think not.

The CHAIRMAN. If the Chair was in error——

Mr. RANDALL. The law is plain. The limit is $150,000. Fifty thousand dollars was appropriated last year, and in this bill we appropriate $100,000.

The CHAIRMAN. In view of the statement just made by the gentleman from Pennsylvania [Mr. RANDALL], the Chair thinks the point of order well taken.

The Clerk read as follows:

For post-office at Minneapolis, Minn.: For heating apparatus, complete, $31,000, and for one elevator, $6,500; in all, $37,500.

Mr. RICE. I move to amend by striking out "31" and inserting "37," so as to make the appropriation in the second line of this paragraph $37,000. The estimate of the Treasury Department for this item is $55,000, which would, perhaps, include $5,000 for furniture; but $12,000 under the general appropriation added to this will not make up $55,000, which amount is absolutely necessary to put the post-office building at Minneapolis in a condition to be occupied.

The building is nearly completed, and all that is now needed is an appropriation of this amount. I do not understand the point of order is insisted upon.

Mr. RANDALL. I desire to say that the Supervising Architect and the subcommittee went over this estimate carefully, and we gave what we considered sufficient. The gentleman himself is a member of the committee, and I am not aware he made any proposition in the committee in this connection.

Mr. RICE. In view of the statement just made I will withdraw my amendment.

The Clerk read as follows:

For court-house and post-office at Rochester, N. Y.: For heating apparatus, $20,000; and elevator, $6,500; in all, $26,500.

Mr. BAKER, of New York. I offer the following amendment:

The Clerk read as follows:

Page 5, line 23, after the word "twenty," insert "five."

Same page, line 24, strike out the words "six" and "five hundred" and insert "nine" in lieu of the word "six;" after the word "dollars," same line, insert the words "for approaches, $11,000."

Same page, lines 24 and 25, strike out the words "twenty-six thousand five hundred" and insert in lieu thereof the words "forty-five thousand."

Mr. BAKER, of New York. That amendment, Mr. Chairman, is in accordance with the recommendation of the Supervising Architect of the Treasury Department. This building is now in course of completion, and the amendment provides for appropriating the amount recommended for the construction of the elevator and for the approaches to the building. These recommendations aggregate $45,000. The committee in its estimate have reduced the item for heating apparatus from $25,000 to $20,000, and for elevator from $9,000 to $6,500, and have stricken out the item of $11,000 for approaches.

As this report of the committee shows, the last story of the building is being put on, and it is expected before the snow flies this building will be completed and ready for occupation. It is to be hoped that will be the case.

Now, as a business proposition I desire to appeal to the House to act on the recommendation of the Supervising Architect in this respect. I desire to say in reference to the Supervising Architect that his management of these public buildings is admirable. I propose by my amendment to have appropriated in this bill the money necessary to complete the building so that it may be made useful for the public service. I have admired the able, business-like manner adopted and pursued by the Supervising Architect in reference to all these public buildings. We have twenty-one or twenty-three in course of completion; this at Rochester is one of them. This building aggregates an expenditure of over $550,000.

These items as provided for in my amendment are necessary, and I submit, as a business proposition, the recommendation of the Supervising Architect, whose judgment is reliable, should be carried out. He stated to me this morning what he asked for should be appropriated. The heating apparatus, the elevator, and the approaches to the building are required just as soon as the building is completed.

Mr. RANDALL. I do not know what the Supervising Architect stated to the gentleman this morning, but I do know what he stated to the subcommittee. And I know the subcommittee and the general Committee on Appropriations have given great care to the examination of these estimates for public buildings, and we appropriated in that direction what we believed to be necessary.

This building is not yet higher built than its third story.

Mr. BAKER, of New York. They are putting on that story now.

Mr. RANDALL. Next comes the roof. I say, with deliberation, the Supervising Architect came before the Committee on Appropriations and said he did not need this appropriation for approaches. It is not for me to reconcile the two statements. I hope, therefore, the gentleman's amendment will be disagreed to.

Mr. BAKER, of New York. I was assured by the Supervising Architect this morning in person that these items will be necessary, and he has uniformly in all his reports and communications urged them upon Congress. The Secretary of the Treasury has also urged upon Congress the appropriation of these amounts so as to make them available for the prosecution of the work.

Mr. RANDALL. I wish to say an additional word. The Supervising Architect was asked by the subcommittee, and he said——

Mr. BAKER, of New York. I know all about that.

Mr. RANDALL. The subcommittee showed him what it had done.

Mr. BAKER, of New York. Let me ask my friend, did the Supervising Architect advise the committee to reduce the amount for heating apparatus and elevator?

Mr. RANDALL. He did. He recommended that.

Mr. BAKER, of New York. It is contrary to his letter to me, which I have here, asking for appropriations for heating apparatus, $25,000, and for elevator, $9,000.

Mr. RANDALL. We know what heating apparatus cost.

Mr. BAKER, of New York. Everybody knows it. We ought to provide an adequate heating apparatus for a building that has cost $550,000. Heating apparatus can not be provided for less than $25,000. We also provide for the construction of an elevator for doing business and carrying my friend to the top of the building when he comes there to look after the Democratic party in my district. [Laughter.] It is the very lowest figure that ought to be accorded, as a business proposition, for such a purpose. We, as business men, are bound to regard the recommendations of the head of the bureau in dealing with such a question, rather than the opinion of my good friend from Pennsylvania, who likes to cut down these estimates.

Mr. RANDALL. I do not care for the criticism, but unfortunately have lost the power to cut down. Everybody who appeared, almost, has got just what he wanted in this respect. But I want to call the attention of the gentleman to the cost of the elevator. He proposes $9,000 for that. Now, we did not give such an amount because we do not believe it to be necessary. The elevator here in the corner of this building, near the room of the Committee on Appropriations, which is as handsome an elevator as could be constructed, did not cost but about $5,000.

Mr. BAKER, of New York. Well, but this is only two or three stories at the most.

Mr. RANDALL. That would not make very material difference. When the aperture is once made the main cost is in the material and in the workmanship.

Mr. BAKER, of New York. The elevator in this building at Rochester will take double the amount of labor that was required here, and it will cost double as much money, I am satisfied.

Mr. RANDALL. And besides that, we know what the heating apparatus will cost.

Mr. BAKER, of New York. And in addition, Mr. Chairman, the elevator at Rochester will have to serve a double purpose; it will have to serve for both passengers and freight. It must serve the purpose of the United States court and of the Post-Office Department in a city which pays $200,000 a year net, almost, and is constantly growing, more rapidly in proportion, I think, than Philadelphia.

Again, I hope my friend from Pennsylvania will accept this amendment.

Mr. RANDALL. No, sir.

Mr. BAKER, of New York. And carry out the recommendations of the Supervising Architect.

Mr. RANDALL. Oh, well; we have his recommendations before us, too.

Mr. BAKER, of New York. As a business proposition before business men, this amendment ought to be adopted.

Mr. RANDALL. In connection with the heating apparatus, that is regulated by the cost per cubic foot of space, and the committee have given enough for that.

Mr. BAKER, of New York. Well, I am willing to submit this matter to a vote of the committee. I believe the House will evince better judgment than my distinguished friend from Pennsylvania on that subject.

The question was taken on the amendment of Mr. BAKER, of New York. The committee divided; and there were—ayes 31, noes 44.

Mr. BAKER, of New York. I ask for tellers.

Tellers were not ordered, twenty members only rising in support of the demand.

Mr. BAKER, of New York. I make the point of order that no quorum has voted. I think this is a fair business proposition, one that should commend itself to the consideration of the House, and I propose to stand by it.

Mr. BUCHANAN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUCHANAN. I understood that twenty members had risen to sustain the demand for tellers.

The CHAIRMAN. That is correct.

Mr. BUCHANAN. Was not that one-fifth of the last vote?

The CHAIRMAN. It was.

Mr. BUCHANAN. Does not that meet the requirement of the rule?

The CHAIRMAN. No, it requires one-fifth of a quorum to order tellers. One-fifth of the last vote, whatever it may have been, will order the yeas and nays, but not tellers.

Mr. TOWNSHEND. I think the gentleman from New York made his point too late.

Mr. BAKER, of New York. No, I make the point of order that no quorum has voted. No quorum has voted.

The CHAIRMAN. The Chair thinks the point of order is made too late. Tellers had been demanded.

Mr. BAKER, of New York. But, having made the point of asking for tellers, I certainly did not waive my right to make the point of no quorum. It amounts to the same thing practically.

Mr. RANDALL. But the gentleman from New York chose his remedy. Now, having failed, he wants to go back.

The CHAIRMAN. The Chair had announced the result of the vote, and it is proper to make the point of no quorum as soon as the result is announced. The gentleman from New York did not make the point then.

Mr. BAKER, of New York. I think it is but fair treatment to accord tellers when the point of no quorum is made. It is a common sense business transaction, and I propose a common sense business proposition.

Mr. WILKINS. Let me ask, Mr. Chairman, how many does it require to order tellers?

The CHAIRMAN. One-fifth of a quorum.

Mr. WILKINS. Not one-fifth of the last vote?

The CHAIRMAN. One-fifth of a quorum under the rule. One-fifth of the last vote would order the yeas and nays, but not tellers.

Mr. BAKER, of New York. I will not press that point, but will move a further amendment.

I move to amend, in line 23, by fixing the amount at $24,000 instead of $25,000 as proposed in the former amendment, and leave the rest of the amendment stand as originally proposed, and change the total footings to $44,000.

The question was taken on the amendment of Mr. BAKER, of New York. The House divided; and there were—ayes 30, noes 48.

Mr. BAKER, of New York. No quorum.

Mr. RANDALL. If the gentleman from New York wants a division

by tellers I have no objection to tellers being appointed; but if he wants to stop further progress upon the bill, then I shall move that the committee rise.

Mr. BAKER, of New York. That would have satisfied me before. I only want tellers.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Alabama, Mr. FORNEY, and the gentleman from New York, Mr. BAKER.

The committee divided; and there were—ayes 35, noes 49.

So the amendment was rejected.

The Clerk read as follows.

For post-office at Worcester, Mass.: For continuation of building under present limit, $100,000.

Mr. SHERMAN. I offer the amendment which I send to the Clerk's desk, to follow line 15.

The Clerk read as follows:

For post-office and United States court-house at Utica, N. Y.: For paving Broad and John streets abutting the United States court-house and post-office at Utica, N. Y., $4,000, or so much thereof as may be necessary to pay the same amount per foot as property-owners on the said streets are required to pay.

Mr. RANDALL. I make the point of order upon that.

Mr. SHERMAN. I hope the gentleman will allow me to make a statement.

Mr. RANDALL. Certainly I will; but I reserve the point of order.

Mr. SHERMAN. The court-house and post-office at Utica occupy three sides of a square, the east side fronting John street, the north on Broad street, and the west on Franklin street. Franklin street has been paved with sandstone pavement of the best kind, paid for by the city of Utica. The pavement on both John and Broad streets is all dilapidated cobble pavement, and a disgrace not to the public building alone but to the city. The city paid for the entire pavement on Franklin street. Under the charter of the city of Utica the city pays one-third of the cost of all paving, the other two-thirds being assessed to the property fronting on the streets; so that the city of Utica in any event pays for one-third of the pavement in front of the Government building, provided this amendment is adopted. I do not see any reason, Mr. Chairman, why the United States should not pay for paving in front of their buildings, not only in the city of Utica, but anywhere else. The buildings are not put there for the benefit of any city. They are put there for the benefit of the Government, to be occupied by its officers. It is absurd, it seems to me, to say that any particular city should pay for the pavement abutting upon United States property.

Mr. RANDALL. I only desire to state that a proposition providing for paving streets in front of public buildings is not new to the House. In fact there is no law authorizing any such procedure on the part of the Government of the United States. On the contrary we have proceeded upon the never-varying assumption that the property must be dedicated to the United States without municipal taxation or burden. To this the House has adhered.

The CHAIRMAN. The point of order is made that the amendment changes existing law and is obnoxious to the rule. The Chair thinks the point of order is well taken.

The Clerk read as follows:

That the Secretary of the Treasury may authorize contracts to be made for the whole or any portion of any of the foregoing public buildings and the post-office and custom-house at Jacksonville, Fla., within the limit of cost fixed by law as to each of said public buildings.

Mr. NEAL. Mr. Chairman, I offer the amendment I send to the Clerk's desk.

The Clerk read as follows:

Page 7, line 19, after the word "Florida," insert "court-house and post-office at Chattanooga, Tenn."

Mr. RANDALL. I have no objection to that.

The amendment was agreed to.

The Clerk read as follows:

Light-houses, beacons, and fog-signals:

Charlotte Harbor, Florida: For the establishment of a light or lights and other aids to navigation to guide into Charlotte Harbor, Florida, $35,000.

Mr. BUCHANAN. Mr. Chairman, in the absence of my colleague from the First district [Mr. HIRES], who did not expect this bill to come up to-day, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 8, between lines 20 and 21, insert:

"For the purchase of a site and the erection of a boat-house for light-ship boats at Cape May, N. J., $750."

Mr. RANDALL. As that is in connection with the safety of human life, I ought not to object to it.

Mr. BUCHANAN. It is. It is for a landing for boats for the light-ship. They have no place to land.

Mr. RANDALL. I have no authority to accept it. We have an item of the same sort in the bill. I am willing to let the committee determine it.

Mr. BUCHANAN. I will read from the report——

Mr. RANDALL. I am quite willing to have the committee decide it.

The amendment was agreed to.

The Clerk read as follows:

Goose Rocks, Maine; light and fog-signal: For the establishment of a light-house and fog-signal at or near Goose Rocks, at the entrance to Fox Island Thoroughfare, and the establishment of a day beacon at or near Channel Rock, in the vicinity of Goose Rocks, Maine, $35,000.

Mr. MILLIKEN. I desire to offer an amendment.

The Clerk read as follows:

After line 2, page 9, insert:

"For completion of light-house on Crab Tree Ledge, in Frenchman's Bay, Hancock County, Maine, $13,000."

Mr. RANDALL. I reserve the point of order. Congress has already appropriated the full amount for this work. There is a separate bill before the Committee on Commerce in that connection. I am perfectly willing to hear the gentleman.

Mr. MILLIKEN. I simply desire to say that the amendment was recommended by the Light-House Board. Twenty-five thousand dollars was appropriated for the purpose of establishing a light-house on that ledge.

It is found that the ledge at certain times is covered with water. The light-house has to be protected by iron at the bottom to keep it from being disturbed by the ice in winter, and this amount of money having been recommended, I offer the amendment.

Mr. RANDALL. I do not undertake at this time to controvert anything that the gentleman says as to the merits of the case, but I do say that the law authorizing this work limited the amount, and therefore the amendment is of course subject to the point of order, but I understand that there is now before the Committee on Commerce a bill to extend the limit.

Mr. MILLIKEN. I have no doubt that the amendment is subject to the point of order.

Mr. RANDALL. The gentleman's relief is with the Committee on Commerce.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken.

Mr. MILLIKEN. I have no doubt that it is well taken, but I had hoped that it would not be taken at all.

The Clerk read as follows:

Two Harbors light-station, Minnesota: That the appropriation of $10,000 made by the sundry civil appropriation act, approved August 4, 1886, for the establishment and completion of a light-house at Two Harbors, Minnesota, is hereby authorized to be used for the establishment and completion of a light-station at the point named.

Mr. BUCHANAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 9, between lines 21 and 22, insert:

"For the purchase of a site and erection of a buoy depot at Absecon Inlet, New Jersey, $1,500, or so much thereof as may be necessary."

Mr. RANDALL. I reserve the point of order on that.

Mr. BUCHANAN. I wish merely to say with reference to this amendment that I do not think the point of order lies against it, for the reason that this buoy depot is a necessary incident of the service, as is shown by the letter of Vice-Admiral Rowan, which I have before me. As to the necessity for this buoy depot, I will read from the Book of Estimates the note on this point, which I personally know to be true:

A buoy shed should be built at this place, where the tender can come close to it and large enough to receive most of the buoys, etc., needed in the New Jersey inlets. When this is done the buoys for Great Egg Harbor Inlet, a few miles below, can be stored here, and the $40 per year rent paid can be saved.

It is necessary to have a place to deposit these buoys along the New Jersey coast, and the proposition is to have it here for the reason that the water is better at this inlet than anywhere else. The buoys can be stored here, where the tender can come up close alongside, and the result will be a considerable saving to the Government. This has been recommended from year to year by the Light-House Board, and I know that it ought to be done. As to the point of order, I hope the gentleman from Pennsylvania will not insist upon it, because this amendment is in the line of economy.

Mr. RANDALL. I have only to say that the Government of the United States does not acquire property and establish buoy depots in the way proposed without some law authorizing it. I would not object if the Committee on Commerce would provide for it by law.

Mr. BUCHANAN. They probably would have done so if they had been allowed to have their day.

The CHAIRMAN. The Chair thinks it is incompetent for the Government, without express authority of law, to acquire title to real estate as provided in the amendment, and therefore that the point of order is well taken.

Mr. BUCHANAN. But I do not think the gentleman insists on the point of order. He has done his duty in calling the attention of the committee to the point. I am as familiar as any man can be with that coast, and I assure the gentleman that this amendment is in the line of economy, and I do not think he will insist upon the point of order.

Mr. RANDALL. I am willing for the committee to vote upon the amendment, simply because it is connected with the saving of human life. That is the reason, and the only reason, I consent.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. RANDALL. I do.

The amendment was agreed to.

The Clerk read as follows:

For one superintendent for the life-saving stations and for the houses of refuge on the coasts of South Carolina, Georgia, and Florida, $1,200.

Mr. DOUGHERTY. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Page 10, line 20, strike out "two" and insert "five;" so as to make the amendment read: "$1,500."

Mr. RANDALL. I make the point of order on that; but if the gentleman desires to make an explanation, I will reserve the point.

Mr. DOUGHERTY. Mr. Chairman, I will detain the committee but a moment. In the last session of Congress I called the attention of the committee to the fact that in my judgment the superintendent of the life-saving stations specified in this section of the bill was not adequately paid. I am also aware of the fact that the point of order reserved by the gentleman from Pennsylvania [Mr. RANDALL] would lie against this amendment; but it does seem to me clearly within the province of the committee, if it should see fit, to allow this amendment to be incorporated in the bill. The superintendent of life-saving stations and houses of refuge mentioned in this portion of the bill is required to travel a greater number of miles probably than any other superintendent upon the coast. I am not offering this amendment, sir, simply for the purpose of getting an increase of salary for an officer who happens to be in my district, but because I believe the man is underpaid for the work he is required to perform. I will state further, that the means of communication between the life-saving stations and houses of refuge in that district, especially upon the coast of Florida, are exceedingly bad. The superintendent has to travel upon the ocean in an open boat. There is no regular communication between the stations, communication is difficult, and it does seem to me very unreasonable that the lowest paid superintendent of life-saving stations anywhere upon the coast of the United States, except this man, should receive $1,500, while he receives only $1,200.

Mr. RANDALL. I insist on the point of order.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. RANDALL. There is a recent statute fixing this salary, and an increase is not recommended by Mr. Kimball, the head of this service.

The Clerk read as follows:

For wages of (not more than two hundred and twelve) plate printers, at piecerates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of (not more than two hundred) printers' assistants, at $1.25 a day each, when employed, and for wages of (not more than thirty-eight) printers' assistants at steam-presses, at $1.50 a day each, when employed, and for royalty for use of steam plate-printing machines, $398,000, to be expended under the direction of the Secretary of the Treasury:

Mr. WILKINS. I wish to inquire whether this paragraph authorizes an increase in the number of plate printers in the Bureau of Engraving and Printing.

Mr. RANDALL. It contemplates an increase from one hundred and eighty-seven to two hundred and twelve.

Mr. WILKINS. Does the Committee on Appropriations propose an increase in the number of steam plate presses in that bureau?

Mr. RANDALL. They do not.

Mr. FARQUHAR. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 23, page 13, strike out the words "not more than two hundred and twelve;" in line 1, page 14, strike out the words "not more than two hundred;" and in lines 3, 4, 5, and 6, on the same page, strike out the words "and for wages of not more than thirty-eight printer's assistants at steam presses at $1.50 a day each when employed, and for royalty for use of steam plate-printing machines.

Mr. FARQUHAR. Mr. Chairman, I desire to state my reasons for offering this amendment. At the present time the quality of the work turned out from the Bureau of Engraving and Printing is a subject of investigation before one committee, if not two committees, of this House. I see that this clause is so framed as to meet a contingency which has been prepared by the chief of this bureau. The paragraph does not propose to put in more steam presses, but it gives the present head of the bureau enough money to put in such presses if he desires to do so. Without giving the chief of the bureau distinct authority to put in more presses, which is really the objectionable part of the work of that bureau, the committee proposes to give sufficient money to enable him to do so if he wishes, thereby curtailing the amount of plate printing.

Taking either horn of the dilemma there will be no need of any committee of this House investigating this bureau further, if this proposition is to stand as it is. As a member of one of the committees that have been engaged in this investigation—and I have gone considerably into the matter—I wish to say, without any prejudice against any of the officers of that bureau and without claiming that every complaint which has been made is valid, I think it right, when the amount of money here proposed to be given is voted, that the Committee on Appropriations should not take out of the hands of other committees engaged in this investigation their proper and just regulation of this class of public printing. If this paragraph is to be passed as it now stands, we might just as well set aside at once all investigation of this bureau by other committees, and declare that the Committee on Appropriations shall say how this printing shall be done, how many new machines shall be brought into use, how much royalty shall be paid, and what class of work shall be turned out.

Mr. WILKINS. Will the gentleman state what committee is investigating that bureau?

Mr. FARQUHAR. The Committee on Expenditures in the Treasury Department.

Mr. WILKINS. Is that committee engaged in the investigation now?

Mr. FARQUHAR. Yes, sir; it is making a practical investigation in person.

Mr. RANDALL. And there have been other investigations. The Committee on Banking and Currency has had the matter under consideration, but I believe declined to investigate it.

Mr. WILKINS. There was nothing to investigate.

Mr. RANDALL. The chairman of that committeee states there was nothing to investigate. The Committee on Appropriations, before deciding upon the form of this paragraph in the bill, gave a lengthy hearing to the parties in interest.

Let us brush aside all this mist which seems to surround this question. The Committee on Appropriations have only adopted what was in the existing law in this connection up to a certain point. They have stricken out the proviso which permitted, and we understand such was the intention, the purchase of six more of these steam presses. They were not willing to go further. They were not willing to say the eighteen steam presses there should not be made valuable. The saving on each one of these steam presses, as the committee is informed, is that of four persons, or a saving in salary amounting to $4,000.

The Committee on Appropriations have no power to say steam presses now in possession of the Government should not be used. They did omit to repeat the act of last year as to further purchase of steam presses; and they did so with the understanding the rule of the Department has been that where authority is given in one bill and omitted in the next the effect is to stop any further purchase in that direction. The committee fully understand the question, and as far as that subject is concerned acted in that direction.

Mr. WILKINS. Will the gentleman permit this proviso to be read? I think the gentleman from New York will find it covers the ground which he wishes to have covered in this bill.

Mr. FARQUHAR. I will yield for the purpose of having it read for information.

Mr. WILKINS. It meets with the approval of the chairman of the Committee on Appropriations.

Mr. FARQUHAR. Let the amendment be read.

Mr. WILKINS. I send up an amendment to the Clerk's desk and ask that it be read.

The Clerk read as follows:

Provided, That no portion of this sum shall be expended in royalty for steam plate-printing machines other than for those now in use by this Department.

Mr. RANDALL. If the amendment introduced does that, I have no objection.

Mr. FARQUHAR. I believe I have the floor.

Mr. RANDALL. I do not think this officer intends to take any other action. I hope there will be a serious reduction in internal-revenue taxes so the appropriation we give when it comes to be expended will only be used in part, and that a large balance will be left over to be returned into the Treasury.

Mr. WILKINS. Your committee does not object to it.

Mr. RANDALL. I do not object to it.

Mr. FARQUHAR. Let me make a fair proposition now. Why not strike out the words my amendment indicates. Then you will have $398,000 to run the bureau on and let the chief of this bureau run it on his best judgment.

Mr. RANDALL. That is for the Treasury Department to determine, I understand.

Mr. FARQUHAR. But the chief of the bureau, Mr. Graves, has carried out as nearly as possible the intention of the Department.

Mr. RANDALL. He had the concurrence of the Secretary.

Mr. FARQUHAR. I have no means of knowing that.

Now if the chairman of the Committee on Appropriations will allow me a minute, I will say that as far as the investigation has gone, the Committee on Expenditures in the Treasury Department are not satisfied that everything has been well done. That is the whole of it; that we are not getting the highest character of engraving in that bureau for which we are paying the highest price. When the head of the Bureau of Engraving and Printing and the Government Printing Office can not turn out as good work for the United States as private individuals, it is time it should be inquired into and some remedy applied.

Mr. RANDALL. That is another matter.

Mr. FARQUHAR. That is the way to do it. The paragraph of the Committee on Appropriations is practically in the line of putting in more steam presses by cutting down a certain number of plate printers. It is to provide that Mr. Graves shall do so.

Mr. RANDALL. The committee does not think so. The committee is sincere. I agree the amendment of the gentleman from Ohio [Mr. WILKINS] should be put on the bill. He is chairman of the Committee on Banking and Currency and has investigated this sub-

ject. I did not know any other committee was investigating the matter than the Committee on Appropriations and the Committee on Banking and Currency. The Committee on Appropriations could not wait forever for the report of the Committee on Expenditures in the Treasury Department.

Mr. WILKINS. The House never authorized any investigation by that committee.

Mr. FARQUHAR. I have nothing to say about the Committee on Banking and Currency. If it took four months to investigate a Government office——

Mr. RANDALL. If it is the desire that the work of the Bureau of Engraving and Printing should be remitted to private parties, that is another question. I do not say that I will vote for that.

Mr. FARQUHAR. I do not pretend to do that, but what I do say is that when we are paying the highest wages for engravers and plate printers we should be able to get the very best work, and work of a very different character from that which we do get. I do not say it is the fault of the head of the bureau, but what I do say is that this Bureau of Engraving and Printing shall not be——

Mr. RANDALL. There is no such thing intended so far as the Committee on Appropriations is concerned.

Mr. McADOO. I offer a further amendment.

The CHAIRMAN. Two amendments are now pending. The Chair would ask the gentleman from Ohio if his amendment is offered as an amendment to that of the gentleman from New York?

Mr. WILKINS. No; it is offered in lieu of that amendment.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from New Jersey.

The Clerk read as follows:

Strike out the words, in lines 5 and 6, page 14 of the bill, "and for royalty for use of steam plate-printing machines."

Mr. McADOO. Mr. Chairman, I think the error that has been made by those who have discussed the pending amendment of the gentleman from New York is in presuming that the House understands the true status of affairs in this connection. There are many members of the House who know nothing of the way the work is being done, or why this provision is incorporated in the bill at all, only from the general knowledge which the public possesses that steam plate-printing machines are used in that department.

The statement in brief is simply this: There are to-day in the Bureau of Engraving and Printing a number of machines that do the work which was formerly done by hand operators, and which are used in printing the currency of the United States, and the internal-revenue stamps. It is claimed by the expert workmen who are employed in this branch of the public service that the work done by the machines does not compare in quality with the work done by hand, but that, on the contrary, it is far inferior to it. They have made a comparison of the silver certificates which are printed upon the plate presses by steam, with the greenbacks printed on the hand presses, and I have myself examined some of the specimens which are exhibited in comparison. If they were honestly selected, there can be no question whatever, even to a casual observer, that the machine work is very inferior to that done by hand.

Many members present will, no doubt, if they have given a little reflection to the matter, recollect that in handling the new silver certificates, although they may have been recently issued, perhaps not six months old, that they are shriveled up and have a very poor and despicable appearance for Government money, as compared with the notes heretofore issued from the Treasury. The cause of this is alleged to be that the machine does not give the same impression with the same care and sensitiveness of touch as is given by the hand plate printer; that the friction and the heat of the machine itself are so great that the life is as it were pressed out of the paper, and the bank-note is artificially burned by the machine heat before it begins to circulate amongst the people.

Now, it is not a question as between machine and human labor by any means. These men employed as hand plate printers are not asking us to do away with an invention which does a great deal more work than the hand printers can do, or which does its work as well as human labor; they simply ask this because they take a pride in their work, and they know this machine work to be inferior. They make the request, therefore, for consideration of this matter as experts, as skilled mechanics, and because the United States is turning out a miserable character of currency and wretched stamps by the use of machines which can not and do not perform the work as well as it can be done by hand.

Now, the amendment which I have suggested strikes out the provision for royalty for the use of these steam plate printing machines. These machines have been patented and the patentee is to-day reaping and has already reaped a fortune from the Government for their use. Five hundred dollars is paid for the right to use a machine; $400 is paid for the plan of the machine; $1,250 is paid for making the machine; and $1 a thousand is paid by way of royalty for every thousand impressions the machine makes; and $1,800 for a Government superintendent to represent the patentee and inspect the work of the machine. It is simply enormous. There never was anything like it in the world. Talk about the discoveries of gold in California or elsewhere! Why this man has a mine in the very Treasury of the United States at his command for the use of these machines. And it was claimed—I was not a member of the committee which I understand investigated the matter, and can not say whether it be true or not—but it has been claimed that the Government is not saving any money by the use of the machines, which are not performing the work of human labor with equally satisfactory results; whereas, on the other hand, it is alleged that the work is not even as good as the hand labor, but is manifestly inferior.

Now, I do not think it fair that this Government should continue, from year to year, to fill the pockets of the men who invented these machines, and continue paying to them such enormous tributes as is paid here. Five hundred dollars for the right, $400 for the plans——

Mr. WEAVER. You mean for each machine?

Mr. McADOO. As I understand it.

Mr. WILKINS. You do not mean every year?

Mr. McADOO. Every machine, I understand it. No plans can be used in making the machine unless they get the right from him at this rate.

Mr. WILKINS. But the gentleman does not mean to say that $500 is paid every year and $400 for the plan of each machine?

Mr. McADOO. I do not know how that may be.

Mr. FARQUHAR. But one thing is certain, that he gets a dollar for every thousand impressions.

Mr. McADOO. And $1,250 for making the machines of which he is a patentee.

Now as to the question of the character of work performed there—the question of merit—Mr. Graves, the Superintendent of the Bureau, says:

As to the relative merits of the steam printing and hand printing it may be said that in the widest sense steam printing is not equal to hand printing.

Now about the investigation. As I understand it, a resolution was introduced here in the House and referred to the Committee on Banking and Currency——

Mr. WILKINS. There was no resolution introduced into the House.

Mr. McADOO. How did your committee get cognizance of it?

Mr. WILKINS. There was a memorial addressed to the House of Representatives and sent to the Banking and Currency Committee.

Mr. McADOO. Your committee made no report on that.

Mr. WILKINS. We reported adversely long ago.

Mr. McADOO. Leaving the matter on the table?

Mr. WILKINS. Certainly.

Mr. McADOO. I understand this matter is being investigated by another committee.

Mr. WILKINS. This House has authorized no committee to make an investigation. The gentleman should not say that.

Mr. McADOO. I do not claim the House has authorized it.

Mr. WILKINS. They can not do it without authority.

Mr. McADOO. The House has no evidence on this matter. No evidence has been submitted.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. McADOO] has expired.

Mr. FARQUHAR. I hope I have the attention of the chairman of the Appropriations Committee. Is it not a fair matter, now—I regard it as especially fair—for the House at least to take care of its own officers and the Treasury Department also? The matter of the limitation of these plate printers ought to be stricken out. Why should not, at least, my two amendments be accepted by the committee? Let us leave out the limitation "212," and let the bureau take care of itself.

Mr. RANDALL. What you want stricken out is the number.

Mr. WILKINS. If you will limit them, and say they shall not employ any more presses, I will be with you.

Mr. FARQUHAR. That matter will take care of itself.

Mr. TRACEY. I rise for the purpose of inquiring the wording of the amendments before the committee.

The CHAIRMAN. The Clerk will report the amendments in the order in which they have been presented.

The Clerk reported the amendments at length.

Mr. RYAN. I desire to ask my friend from New York [Mr. FARQUHAR] what the effect of his amendments will be upon the use of the steam presses now used in this department?

Mr. FARQUHAR. The effect of my amendments would simply be to keep the eighteen steam presses they have now and provide that no other steam presses shall go in there until Congress and the Treasury Department are satisfied the work is well and correctly done. There is no curtailment of the work nor amount of work that may be turned out. When this committee demand curtailing the number of plate printers to two hundred and twelve they give the head of that bureau the opportunity to go to the Treasury Department and say, "With this number of men I can not do the work and will have to put in sixteen presses." That would be the continuation of an abuse.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. RYAN. Mr. Chairman, as I now have the floor, I desire to pursue my inquiry a little further. If I understand the gentleman aright, his answer to my question was that his amendments would not in any wise interfere with the use of the presses they have now.

Mr. FARQUHAR. That is just it; not a particle.

Mr. RYAN. I understand that the bureau can use those presses only on condition that they pay a royalty.

Mr. FARQUHAR. Certainly.

Mr. RYAN. But you provide that we shall not pay any royalty.

Mr. FARQUHAR. On other presses; not on the ones we have. That is correct. That is the point.

Mr. TRACEY. In case the expression "and for royalty for use of steam plate-printing machines" is stricken out, will not that prevent the department from paying a royalty?

Mr. WILKINS. Certainly.

Mr. FARQUHAR. A proviso follows that.

Mr. TRACEY. I would like to say that as far as the general idea expressed by the gentleman from New York is concerned, I am in accord with him. It appears to me to be unreasonable to prevent the Government from carrying out the contracts it has made.

Mr. FARQUHAR. I am not tenacious on this matter. If any member of the committee has an idea that this legislation would stop paying the royalty on the presses now in use I would endeavor to make it perfectly plain.

Mr. RANDALL. It is not a matter of royalty only that the Government is committed to; it is bound by its contracts. I am not friendly to patents of this character nor royalties of this character. But here we find the law. Here we find the contracts; here we find these eighteen presses. On the part of the Government are we to break the contracts, break the law, and make useless these eighteen presses? I do not think, nor did the Committee on Appropriations think, that was wise. The committee did, however, think we ought not to provide for any additional presses of this character; that we ought to stop just where we are now.

Mr. FARQUHAR. I simply want to supplement my statement, as I think the committee has not caught the exact idea. If you strike out the part of the paragraph that contains the limitation of plate printers you are then exactly in harmony with the chairman's expression.

Mr. TRACEY. In relation to this matter so much has been said that is not entirely relevant to the amendment that I would like to explain my position somewhat.

I had a conversation with representatives of some of the labor organizations, and gentlemen who were interested in this matter, and I was very much impressed with their sincerity. They at no time represented to me that they had any desire to stop progress; they simply wished to have an investigation, believing that the work is not properly done. Moreover, it happens to be within my knowledge that the officers connected with the Treasury Department and the Secretary of the Treasury are not at all averse to an investigation of this kind, if the House deems it proper to be made. As has been stated here, there is at present an examination of the matter going on before one of the committees of the House. I make this statement, because I am heartily in accord with the desire of those gentlemen, who represent a very large body of laboring people. I do not desire, nor do I believe they would desire, to have the Government violate any contract, and I hope the gentleman [Mr. FARQUHAR] will so word his amendment as to avoid any misconstruction.

The CHAIRMAN. Debate upon the amendment is exhausted.

Mr. FARQUHAR. I ask unanimous consent to strike out of my amendment the words "and for royalty for use of steam plate presses."

Mr. RANDALL. Let us have the amendment read as it now stands.

The CHAIRMAN. The Clerk will read first the amendment and then the amendment to the amendment.

The Clerk read as follows:

In line 23, page 13, strike out "not more than two hundred and twelve." In line 1, page 14, strike out the words "not more than two hundred." In lines 3, 4, 5, and 6, strike out the words "and for wages of not more than thirty-eight printers' assistants at steam presses at $1.50 a day each, when employed."

Mr. RANDALL. How will it read as amended?

The Clerk read the paragraph as proposed to be amended, as follows:

For wages of plate printers at piece wages to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants at $1.25 per day each, when employed, $398,000, to be expended under the direction of the Secretary of the Treasury.

Mr. RANDALL. That leaves out the printers' assistants, does it not? Those are the females employed there; I do not want them struck out.

Mr. FARQUHAR. No; it simply leaves out the number.

Mr. RYAN. That is all left in the discretion of the Department.

Mr. FARQUHAR. Yes; where it ought to be.

Mr. LAWLER. Mr. Chairman, I want to know if the words "printers' assistants" remain in the bill, page 14, line 2?

The CHAIRMAN. The amendment has been read twice.

Mr. LAWLER. Well, I am asking for information. The gentleman from Pennsylvania [Mr. RANDALL] raised the point that those words were struck out.

Mr. WILKINS. Let it be considered as an amendment to the amendment.

There was no objection.

The CHAIRMAN. The question is on the adoption of the amendment to the amendment.

Mr. RANDALL. I have no objection to that.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment of the gentleman from New York as amended by the amendment of the gentleman from Ohio [Mr. WILKINS].

Mr. RYAN. Let the amendment as amended be reported.

The CHAIRMAN. The amendment having been reported twice, that can only be done by unanimous consent.

There was no objection.

The Clerk read as follows:

In line 23, page 13, strike out the words "not more than two hundred and twelve;" and in line 1, page 14, strike out the words "not more than two hundred;" and in lines 3, 4, 5, and 6 strike out the words "and for wages of not more than thirty-eight printers' assistants at steam presses, at $1.50 a day each."

To which the following amendment is proposed:

"*Provided*, That no portion of this sum shall be expended in royalty for steam plate-printing machines other than for those now in use by this department."

Mr. RYAN. I want to call my friend's attention to the fact that his amendment does not provide at all for printers' assistants.

Mr. FARQUHAR. It does. It simply strikes out the number "two hundred."

Mr. RYAN. If I heard the amendment correctly, it strikes out "including the wages of more than two hundred printers' assistants." If that is struck out, there is no law authorizing the employment of printers' assistants. Now, I understand my friend's object to be to strike out only the limitation.

Mr. FARQUHAR. Yes.

The CHAIRMAN. If there be no objection, the Clerk will report the paragraph as amended.

There was no objection.

The Clerk read as follows:

For wages of plate printers at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rate usually paid for such work, including the wages of printers' assistants at $1.25 a day each when employed, and for royalty for use of steam plate-printing machines——

Mr. RANDALL. That leaves out the "thirty-eight."

Mr. FARQUHAR. Yes; that is left out.

Mr. RANDALL. I do not want that left out.

Mr. FARQUHAR. Then I ask unanimous consent to insert it.

Mr. RANDALL. The employés must be described. The gentleman's amendment as he has it might throw out every female employé there, and I do not think he intends that.

Mr. FARQUHAR. No.

The CHAIRMAN. Let the gentleman from New York send up his amendment as he desires to modify it.

The amendment of Mr. FARQUHAR as modified was read, as follows:

In line 23, page 13, strike out "not more than two hundred and twelve."
In line 1, page 14, strike out "not more than two hundred."
In lines 3 and 4, same page, strike out "not more than thirty-eight."

Mr. WHEELER. Mr. Chairman, I am in hearty sympathy with the general principle of the amendment under consideration, believing, as I do, that its purpose is to provide that all the securities and stamps of the Government shall be printed in the highest style of art. I deem it proper, however, that I should correct an erroneous impression, which some of the remarks upon the amendment render it apparent must prevail.

The Committee on Expenditures in the Treasury Department have not been directed to investigate any question relating to or connected with the Bureau of Engraving and Printing, and that committee have not assumed to make any such investigation. Something more than a month ago the bill (H. R. 9623) was introduced in the House, and was referred to that committee. The bill is in the words I will read:

Be it enacted, etc., That from and after the passage of this act, all Government securities, bonds, notes, checks, stamps, and drafts shall be printed in the highest style of the art of plate printing from hand roller presses.

SEC. 2. That hereafter the Chief and the Assistant Chief of the Bureau of Engraving and Printing shall be either practical engravers or plate printers.

The bill has been considered in the regular course of business and has had that investigation which it is customary to bestow upon bills by the committees to whom they are referred. At a meeting of the committee, held on the 26th of May, some gentlemen who are advocates of the bill appeared in person and by their attorney and submitted an interesting and instructive statement of the difference between and relative merits of steam and hand roller presses. The principal points presented for our consideration were:

1. The steam press wipes out the fine lines entirely, and injures the fuller lines proportionately, and this destroys the whole effect of the engraving.

2. It hardens the paper on the side opposite to that on which it prints, and such hardening prevents even and effective dampening of paper to receive the subsequent hand-press impression.

3. The steam-press impression is more available for counterfeiting by photographic methods than the hand-press impression, for the lights and shadows in it are lost sight of.

4. The wastage by imperfect sheets printed by the steam press is vastly greater than by the hand press, and this is a great, absolute loss, and in addition is an evidence of the low degree of excellence in even the steam-press work accepted.

5. The introduction of the steam press has led to the adoption of a lower standard for the work accepted. Mr. Sullivan (present assistant chief) directed acceptance of work done by steam press that a child

on the street would not object to, and the former superintendent of the bureau, Mr. Burrill, reported to Secretary Folger the existence of a lower standard of excellence as to steam-press work as compared with hand-press work.

6. The steam press prints comparatively damp or dry sheets with the same degree of speed, and in this respect can not exercise the discrimination constantly observed by the hand-press printer.

7. It has not yet been demonstrated that steam-press work is cheaper than hand-press work. Mr. Graves's recent letter to Congress ignores the following sources of expense in connection with steam-press work:

a. The royalty paid for privilege of using a press—$500 for each press.

b. The amounts paid to master-machinist in charge of steam press (Mr. Harley) and amount paid for rebuilding a new press were neither included under head of repairs.

c. The greater wastage in steam press over hand press on account of imperfect sheets thrown out.

To this might be added a fourth most important point:

d. Mr. Graves in estimating comparative performance of two presses has placed it at $4\frac{3}{7}$ to 1. This ignores the fact that all the slow and difficult work is done by the hand press and relatively swift work by the steam press, instead of estimating the performance of the two in doing the same class of work. This error is believed to reduce the proportion from $4\frac{3}{7}$ to a possible 3 to 1, and reduce saving to nothing.

8. Mr. Graves's last report to Congress and letter in Book of Estimates shows that he estimates the capacity of the two kinds of presses as 5 to 1, and upon this basis anticipates saving of (about) $149,000 per year from use of three steam presses. His last letter diminishes this estimated capacity to $4\frac{3}{7}$, and decreases anticipated saving by about $30,000. The other ignored points would about extinguish the remainder of the $149,000.

I do not feel authorized to state the views of the committee, or of any single member of it, and even if it were proper to give publicity to opinions expressed in the committee-room, I can not say that I could accurately state their views. The matter is still under consideration, and no opinion has been expressed by any authorized method. But I can and will say for myself, as an individual, that the examination we have made, and the evidence presented to the committee, have impressed me with the belief that there is a great deal in this matter which merits our most careful consideration.

I think it is already established that machine printing from engraved plates or dies does not produce results which competent judges would accept as work in the highest style of art. All the evidence appears to agree upon that point. As corroborative of that view we have the significant fact that the faces of our currency are not printed on steam presses.

It will not be questioned that it is the duty of the Government to take all proper and possible means to protect its citizens and itself against the circulation of spurious currency, and to accomplish this object it should never issue any obligations or securities except those printed in a style of such perfection as will render the task of counterfeiting them extremely difficult, if not absolutely impossible. The Government should also lend its aid, so far as it can, to maintain the high and intelligent standard which has characterized the skilled plate printers of the United States.

The paragraph of the bill which has been read is in these words:

For wages of not more than two hundred and twelve plate printers, at piece-rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of not more than two hundred printers' assistants, at $1.25 a day each, when employed, and for wages of not more than thirty-eight printers' assistants at steam presses, at $1.50 a day each, when employed, and for royalty for use of steam plate-printing machines, $398,000, to be expended under the direction of the Secretary of the Treasury.

It is quite evident that if the bill be passed with this limitation as to the number of plate printers authorized to be employed, any inability of the bureau to meet the demands made upon it will be made up by increasing the number of steam presses. I am clearly of the opinion we should not force this alternative upon the bureau, when an investigation may make it evident that the proper performance of the work may require more skilled hand-work and less machinery.

I have before me a petition to Congress which is signed by the general executive board of the Knights of Labor, including the distinguished General Master Workman of the order, Mr. T. V. Powderly, based upon a resolution adopted by the General Assembly of the Knights of Labor, at Minneapolis, Minn., in October, 1887, which I will read:

Resolved by the General Assembly of the Knights of Labor, That we demand that all Government securities, notes, bonds, checks, and stamps shall be printed in the highest style of the art of plate printing, from hand-roller presses, so as to secure the Government and the public against loss by wear and by counterfeiting; and the General Assembly, or any persons or committee appointed to represent the order before Congress are hereby directed to do all that is practicable to give effect to this resolution.

I wish I could have the petition all read, but the portion I submit to the consideration of the House bears directly upon this subject, and is in these words:

It is needless to urge that if the genuine issue is allowed to deteriorate, become debased and unable to stand the usual wear, that the ability to successfully counterfeit those issues is correspondingly increased. A poorly printed bond, bank note or revenue stamp is an open advertisement to the counterfeiter to ply his vocation and cause loss and disaster to a too confiding public. It is, therefore, time that Congress should intervene in the interest of the public and cause a vigorous and impartial investigation.

The plate printers are a body of intelligent, skilled workmen. Their avocation requires a high average of ability. The exercise of care, skill, and judgment is necessary in order to produce good work.

Neither as a body nor as individuals are they opposed to progress. Should it be demonstrated that machinery can be invented which can supplant their handicraft and artistic skill, usurp and fill their places, they will be quick to admit the fact. But that time has not arrived. They claim that the most satisfactory, because the most "secure," work ever done has been and is done by them on the hand-roller presses. The handling, the heating, the putting on of the ink, the wiping of the plate, now heavy, now light, to bring out the effect intended by the engraver, the temperature of the hand as well as the texture of the skin, all requiring the constant exercise of forethought, judgment, and skill—human effort entirely—are attributes of and belonging solely to the printer, which a machine can not supply. Your petitioners are credibly informed and believe that the following facts can be shown, and that they afford sufficient cause for an earnest and impartial examination; and your petitioners believe that the result of an investigation will be to cause such remedial legislation as will in the future protect the Government and give greater security to the public:

First. That by printing the backs of the silver certificates on steam presses the note is inferior and discreditable to the Government.

Second. That the internal-revenue stamps printed on the steam printing presses are greatly inferior; are not as good as many trade labels, and are a disgrace to the Government.

Third. That economy and not security is the primary object of the present management.

Fourth. That at the suggestion of the present chief the law has been so framed as to prevent the employment of a sufficient number of plate printers to perform the work of the bureau in the manner contemplated when the transfer of the entire work to the bureau was made.

Fifth. That the same law which limits the number of plate printers to be employed has enabled the chief to increase the steam printing presses nearly threefold.

Sixth. That the steam printing presses are not furnished by the owners of the patents, but the right to construct them is purchased by the Government. A royalty is also paid on every impression made.

Seventh. That the steam printing presss are so easily put out of order that it requires the whole force of machinists to be employed in the effort to keep them in repair, to the neglect of other and more important work.

Eighth. That the Milligan press, the one most in use, has been condemned repeatedly.

At the request of the committee, Mr. Edward O. Graves, the Chief of the Bureau of Engraving and Printing, submitted to the committee a letter, from which I will read:

As to the comparative merits of steam printing and hand printing, it may be said that, speaking in the widest sense, steam printing is not equal to hand printing; that is to say, the steam press has not shown its capacity to print the finest grades of work, such as the black faces of notes, bonds, and drafts. This is the conclusion of all the committees which have looked into the subject, and it is accepted by the management of this bureau.

Mr. WILKINS. The securities to which the gentleman has referred are not printed on steam presses.

Mr. WHEELER. Some parts are and some parts are not. As I understand it, the faces of the Government notes are printed by the hand-roller process, but the backs are printed by the steam plate presses.

Notwithstanding his acceptance of this conclusion, Mr. Graves appears to be of the opinion that the green backs of the Government currency and the backs of the gold and silver certificates may be as satisfactorily printed by the process known as machine-plate printing as they can be by hand printers. I think the general public will most likely contend that this work should be done by the Government in at least as high a degree of excellence as is required by private bank-note engraving and printing associations or companies. It is true that work less perfect may answer the purpose, but it is certainly a matter of doubtful expediency, and is worthy of careful inquiry. I will read Mr. Graves's language upon this point:

But there is nothing in this conclusion to contravene the demonstrated fact that the machine can and does print acceptably the green backs of notes and certificates, which are in the easiest grade of printing, and which, when done on the hand presses, are intrusted to apprentice boys and the least skillful workmen. If all of this work could be done by hand by the most skillful and conscientious workmen in the most careful manner and under the most favorable conditions, there is no doubt that the printing by that process would best carry out the intention of the engraver; but, taking into account the actual conditions under which work must be done in a large establishment like this, the various degrees of skill and intelligence among its workmen, and the purpose to which the work is to be applied, it is equally clear that the so-called machine plate printing now being done by this bureau is as satisfactorily done as if it were intrusted to hand printers.

The committee of which I am a member have accepted an invitation from Mr. Graves to visit the bureau and continue our examination of the subject.

With my present information, I am inclined to the opinion that all of this work should be done "by the most skillful and conscientious workmen in the most careful manner." Much has been said regarding the relative cost of hand and machine work; but, as the entire subject is of great interest, I will submit so much of the letter of Mr. Graves as bears upon the matter which is affected by the paragraph of the bill and the proposed amendment. It is in these words:

There are in use in this bureau for this purpose four general classes of presses: (1) ordinary surface-printing or typographic presses; (2) a steam-power plate-printing press of the Homer Lee pattern; (3) steam-power plate-printing presses of the Milligan pattern; and (4) ordinary hand-roller presses.

SURFACE-PRINTING PRESSES.

The surface-printing presses are used to print the tints on certain varieties of internal-revenue stamps and on many kinds of drafts, checks, and warrants, the green charter numbers on national-bank notes of the series of 1882, and the seals on all national-bank notes.

Similar presses are used in the office of the Treasurer of the United States to

print the seals on United States notes and silver certificates. The tints and seals are printed from steel dies by the ordinary surface process, the effect being produced by the raised lines of the die instead of by the depressed lines of the plate as in plate-printing. The printing done by this process does not equal plate-printing in fineness and delicacy, but it is believed to answer its purpose sufficiently well so far as the seals and tints are concerned.

The chief purpose of the elaborate printing upon the public securities is to prevent counterfeiting, and there is nothing to show that the use of the surface-printing process in printing seals and tints has facilitated the counterfeiting of the securities upon which it has been used. The printing of seals and tints by the present method in this bureau and in the Treasurer's office requires the services of six pressmen, eleven feeders, and two counters; the annual cost is about $25,500. To print them by hand by the plate-printing process would require the services of ninety plate-printers, ninety printers' assistants, and fifteen other operatives, and the annual cost would be $248,700, an increase over the present cost of $222,200.

The ornamental charter numbers in green ink on the backs of the national-bank notes of the series of 1882, printed by this process, are, in my opinion, of a quality unfit to be used on the public securities. The backs of the national-bank notes of the series of 1875 are printed in two colors, and consist of a green border of lathe work and ornamental work, embracing denominational counters and the legend, and of an engraving of some appropriate subject from American history beautifully engraved and printed in black. The two colors afford a pleasing contrast, while the two printings and the quality of the work furnish excellent protection against counterfeiting.

In the backs of the series of 1882 the old borders have been retained, but the beautiful black vignettes have been dropped, and the space formerly occupied by them has been filled in with geometric lathe work of a cheap and open design. These backs are printed in brown ink, and over the lathe work covering the center of the plate the charter number of the bank is printed in green ink from brass dies on an ordinary power press. The combination of the two printings is ugly in the extreme. It does not furnish the best security against counterfeiting, and it is greatly inferior to the backs of the series of 1875, which it replaced. It would, in my opinion, be wise policy to restore the two plate printings of the old design.

In a letter addressed by me to the Comptroller of the Currency January 11, 1888 (Appendix K), I earnestly urged this change. To carry this suggestion into effect would require the services of 7 plate printers, 7 printers' assistants, and 2 other operatives, and would involve an additional cost of $12,000 per annum.

The inferiority of surface or relief printing to plate printing is due to the fact that when the impression is made by raised lines the lines must have an appreciable thickness, while in printing by the plate process, where the dampened paper is forced into the incised lines of the plate, the lines may be of extreme thinness and yet print clearly. In relief printing the line is only a colored surface of paper, while in plate-printing it is a cast from the depressed lines of the plate.

THE HOMER LEE PRESS.

Next in the scale of excellence is printing by presses which perform automatically, without the aid of a plate printer, all of the operations of plate printing, including the inking-in, the wiping and the polishing of the plate, and the taking of the impression. The Homer Lee press in operation in the bureau is of this class. This press has been used exclusively of late in printing the green internal-revenue stamps for tobacco of the denominations of 2 and 8 ounces. While the impressions produced by this press have not the fullness and richness of color of the best hand work, they are perfectly clear and sharp. In security against counterfeiting, which is the ultimate test of their excellence, they are fully equal to hand work. It is not at all material that the printing should conform to the arbitrary system of hand printing so long as the essential element of security is not sacrificed.

This press was highly commended in a report made April 30, 1883, by a committee appointed by the Secretary of the Treasury (Appendix F). The Secretary, on May 24, 1884, by an indorsement on this report, directed the chief of this bureau "to acquire the Lee press now in the bureau, as well as three presses of the cylindrical pattern recommended by the committee, other presses to be acquired as the needs of the Department shall dictate," but, for some unknown reason, the owner of the press failed to submit terms for the sale of any of his presses to the Government, and repeated attempts since made to renew negotiations with that object have failed. The press now in the bureau is the property of Mr. Homer Lee, and a royalty is paid to him of $1 for each 1,000 perfect impressions printed on it. To replace this press with hand presses would require five additional plate printers and five printers' assistants, and would increase the annual expenses of the bureau $5,124.

In the spring of 1885, the four years' contract then running being about to expire, a question arose in the Post-Office Department as to the process to be adopted for printing the postage-stamps for the next four years. The Postmaster-General, after a personal inspection of the Lee press in operation in this bureau, decided to have the stamps printed by the "all steam" process, *i. e.*, by a press which, like the Lee press, performs automatically all of the operations of plate printing. By direction of the Secretary of the Treasury, this bureau submitted proposals for the work, but being unable to obtain additional presses of this kind, it was unsuccessful in the competition. The award was made to a private company, which prints the stamps on an automatic press of its own devising, not open to public use.

I am informed that the printing of the stamps is entirely satisfactory to the Post-Office Department. Certainly the appearance of the stamps themselves shows no impairment of the quality of printing. The bill under consideration requires the postage-stamps to be printed on hand-roller presses. On the basis of the bids of 1885 this would involve an additional annual cost of $22,784.73, chargeable to the postal revenues, out of which the expenses of printing the stamps are paid. The postal-notes are printed by the same company, and, it is understood, by the same process, under a contract made 1887.

THE MILLIGAN PRESSES.

Approaching most closely to hand printing is the printing done by the Milligan press. It is the recent introduction into this bureau of additional presses of this pattern that has led to the presentation of the bill under consideration.

One or more of these presses have been in operation in this bureau during the last ten years, and numerous reports concerning the press have been made to Congress or the Department, all of which pronounce in favor of its economy and efficiency for the lower grades of work, such as internal-revenue stamps and the backs of notes. The first of these reports was made to the Secretary of the Treasury June 9, 1877, by a committee of which Mr. George W. Casilear, then superintendent of the engraving division of this bureau, was chairman, and Mr. Ward Morgan, then and now superintendent of printing, a member (Appendix A). The press reported upon was the original press of this construction then in experimental operation. They reported that "there are certain classes of work which might be satisfactorily printed upon the press with more economy and more rapidity than by hand press." In consequence of this report the press was introduced into the bureau.

February 26, 1879, a committee, of which Hon. Hiram P. Bell, M. C., a member of the Committee on Banking and Currency, was chairman, made an elaborate report to the Secretary on this and another steam press (Appendix B). They reported that, "in our judgment, several classes of printing might be done on that (the Milligan) press in a satisfactory manner and with considerable saving to the Government." They further reported that "it might be to the advantage of the Government to procure a limited number of presses to be used in printing such securities as, hereinbefore indicated, might be executed thereon," and that "the question of economy is settled beyond dispute, by the statistics furnished by the chief of the bureau, in favor of the steam presses." The committee, in its report, divided the various classes of securities produced by the bureau into three grades, and placed the backs of notes in the third or lowest grade. In pursuance of the recommendation made in this report, five additional Milligan presses were built and set in operation in the bureau.

May 8, 1882, Mr. O. H. Irish, the chief of the bureau, made a report to the Secretary of the Treasury concerning steam presses (Appendix C), in which he said:

"The work executed upon these (the Milligan) presses is that recognized in the business as of second quality, mainly composed of lettering, lathe, and scroll work, such as backs of notes, certificates, and such stamps as the 2, 4, and 8-ounce tobacco stamps. The excellence of the impressions of this class of work executed on steam presses is equal to impressions of the same class of work executed upon hand presses."

In July, 1882, a committee composed of seven experienced officers of the Government, two of whom were from the Bureau of Engraving and Printing, was appointed by the Secretary to consider the relative merits of the Homer Lee and the Milligan steam plate-printing presses. The committee reported (Appendix F), among other conclusions, that "the Milligan press has demonstrated in its work in the bureau that it can print certain securities with an acceptable degree of excellence;" and "that the press has executed the impressions done by it at a considerable saving over the hand presses. * * * The committee must, therefore, conclude in favor of the adaptability of this press for certain classes of securities." This committee also rated the backs of notes as work of the third or lowest grade. A minority of the committee, consisting of the two members from the bureau, though non-concurring in the findings of the majority relative to the Homer Lee press, concurred in all the other statements and recommendations of the majority, including, of course, those concerning the Milligan press. (Appendix G.)

The conclusions of the majority of this committee in favor of the Lee press did not commend themselves to the Chief of the Bureau (Mr. Burrill) and he accordingly presented to the Department a protest (Appendix H) against the further introduction of presses of this pattern, whose work did not, in his opinion, compare favorably with that of the Milligan presses. In this protest he said:

"The Milligan press is * * * a hand printing press so far as the application of intelligence to the polishing process is concerned, and its condition of work (*sic*) and the standard of the passage of it in its examination are the same as for the hand presses."

Immediately after I took charge of the bureau, in May, 1885, the question of the introduction of additional presses of this pattern was referred to me by the Secretary of the Treasury for report. There were then in operation in the bureau six Milligan presses, which were engaged exclusively in printing 2 and 4 ounce tobacco stamps. The records showed, however, that they had printed acceptably large quantities of the greenbacks of United States notes at a considerable saving of expense. As, however, there was still a greater saving in printing tobacco stamps on them, the stamps were substituted for the backs of notes when the quantity became sufficient to keep the presses fully occupied.

The unanimous reports in favor of the Milligan presses by all of the committees which had examined them, the favorable judgment that had been expressed concerning them by my two immediate predecessors as chief of the bureau, the fact that only a small share of the securities—which experience had amply demonstrated they could print acceptably and economically—was being printed on them, and the further fact that no additional presses of the Lee pattern could be obtained, all constrained me to report to the Department, after full and careful consideration of the subject, that it would be wise policy to acquire more presses of this pattern. I therefore recommended (Appendix I) the purchase of six more Milligan presses. The recommendation was approved by the Department and the presses were procured and set in operation in the bureau between November, 1886, and January, 1887.

The printing of the backs of the one-dollar certificates, which had been begun upon the old presses of this pattern, was transferred to the new presses immediately after their introduction. Shortly afterwards the printing of the two-dollar backs was also transferred to them, and more recently the backs of the five-dollar and ten-dollar certificates have, to a greater or less extent, been printed on them. All of the one-dollar backs printed since January 21, 1887, and all of the two-dollar backs printed since April 29, 1887, have been printed on these presses. At present they are printing the backs of all the one-dollar and two-dollar certificates produced by the bureau.

For evidence of the quality of this work it is only necessary to refer to the backs of the certificates of these denominations, which are now being issued at the rate of 148,000 certificates a day. In clearness, sharpness, and uniformity of impression, and all the qualities which tend to prevent successful counterfeiting they are up to the highest standard. They may lack something of the fullness of color of the very best hand-printing, but this lack is only to be detected by a close comparison of backs printed by the two methods, and is more than compensated for by the superior clearness of the steam-printed impressions.

Soon after the beginning of the current fiscal year it was found that, in consequence of the operation of the provision granting fifteen days' leave of absence to all of the employés of this bureau, and of the unprecedented demand for tobacco, cigar, and cigarette stamps, the bureau could not meeet the demands upon it with the facilities it then possessed. As the force of plate-printers was limited by law, under the wise policy of specific appropriations pursued by Congress, the only possible relief was through the introduction of more labor-saving printing-machines (Appendix J). Accordingly, by authority of the Secretary of the Treasury, six additional Milligan machines were bought and set in operation, increasing the number of these machines owned by the Government to eighteen.

The new presses were at first applied to the printing of 50-cigar stamps, and afterwards of 2 and 4-ounce tobacco stamps and the backs of silver certificates. The 50-cigar stamps are printed in black ink, which is more difficult to work than the green ink used on the other securities printed by the steam presses, and therefore they do not come quite up to the same standard of excellence as the other securities printed by this process. They do, however, compare favorably with much of the printing of the same class done on hand presses. Their quality has steadily improved since the first attempt to print them by steam, and there is no doubt that with added experience it will still further improve. These stamps are pasted on boxes of cigars to indicate the payment of the internal-revenue tax, and, from the way in which they are issued and used, are not exposed to the same risk of being counterfeited as notes or bonds.

All of the Milligan presses recently introduced have been procured on the same terms as those previously in use; the Government pays the cost of construction, a royalty of $500 for the privilege of constructing each press, and a royalty of $1 for each 1,000 perfect sheets of securities printed thereon. There is an average net saving to the Government of more than $4 for each dollar of royalty paid. The cost, exclusive of royalty, of the six presses bought in 1886 was $5,500, and of the six bought in 1887, which were of stronger construction, $7,500.

As to the comparative merits of steam printing and hand printing, it may be said that, speaking in the widest sense, steam printing is not equal to hand printing; that is to say, the steam press has not shown its capacity to print the finest grades of work, such as the black faces of notes, bonds, and drafts. This

is the conclusion of all the committees which have looked into the subject, and it is accepted by the management of this bureau. But there is nothing in this conclusion to contravene the demonstrated fact that the machine can and does print acceptably the green backs of notes and certificates, which are in the easiest grade of printing, and which, when done on the hand presses, are intrusted to apprentice boys and the least skillful workmen.

If all of this work could be done by hand by the most skillful and conscientious workmen in the most careful manner and under the most favorable conditions, there is no doubt that the printing by that process would best carry out the intention of the engraver; but, taking into account the actual conditions under which work must be done in a large establishment like this, the various degrees of skill and intelligence among its workmen, and the purpose to which the work is to be applied, it is equally clear that the so-called machine plate printing now being done by this bureau is as satisfactorily done as if it were intrusted to hand printers.

Although this press is spoken of as a "steam" press it retains all the advantages of the hand printing process. Only the purely mechanical parts of the work which require power without special intelligence or skill are done by machinery. The ink, plates, and materials are the same as those used on the presses operated by hand.

Plate printing is separable into four distinct operations: (1) The inking in of the plate by rolling to and fro over it an inking roller charged with ink from an inked slab; (2) the wiping of the plate by rubbing it with a thin muslin cloth; (3) the polishing of the plate by rubbing the hand over a cake of whiting and then over the plate until the ink is entirely removed from the smooth surface of the plate and left only in the depressed lines, and (4) the taking of the impression by laying the inked plate face upward on the plank of the press, placing the dampened paper on it, and forcing the plank and plate under an iron roller covered with several layers of thick felting and adjusted at such a height as to force the paper down into the inked lines.

It is evident that all of these operations, except the third, are purely mechanical, and it might be expected that they would be better and more uniformly performed by a well-devised and properly adjusted machine than by hand, especially as the manner and thoroughness with which they are done by hand are left to the judgment of a large number of operatives. The precison and uniformity with which these operations are performed on the steam press show that this expectation is well-founded. The polishing of the plate on the Milligan press is done by hand precisely as on the hand press, with the advantage that the printer works continuously at this process without constantly changing, as on the hand press, from one operation to another. The consequence is that the backs of the certificates printed on the steam presses are, as a rule, more thoroughly polished than those printed on the hand presses.

Four plates are worked at one time on each steam press, being carried around the square frame of the press by an endless chain in such a way that all the plates are subjected to one or the other of the four operations at one time. There is a very short interval between any two consecutive operations, so that there is avoided the loss of time which takes place on the hand presses in moving the plate from the press to the stove on which it is heated and inked, and back again, and in the printer himself passing from one side of the press to the other as each impression is taken. It results from this saving of time that, although each plate on the steam press on an average prints slightly more impressions in a given time than a plate on a hand press, the time devoted to each operation for each impression, as shown by actual timing, is somewhat greater on the steam press than on the hand press. Nor is there any evidence that the steam press impairs the paper and so makes the securities printed on it less durable.

While there is no exact way of determining the degree of pressure applied to the paper by the impression roller on either the hand or the steam presses, there is no reason to believe that it is greater on one press than on the other. In both cases the pressure is regulated by the printer, and enough is applied to make the printing full and clear without blurring or "mashing." If too much pressure is applied in either case the ink will be forced out of the lines of the plate, and a confused or "mashed" impression produced.

Careful measurement of the sheets immediately before and after printing on the steam press shows that the paper is not stretched in the least by the operation, and repeated tests by the paper-testing machine of impressions printed by hand and by steam show that the tensile strength of the two does not vary. This machine is devised expressly for testing the strength of paper, and indicates instantly and accurately the tension under which it breaks. The flimsy cotton paper used for the revenue stamps is printed under the same pressure on the steam presses without injury or perceptible lessening of strength.

Competent engineers have computed that but one horse-power is required to operate a steam press. Much of this power is consumed in running the bare machinery of the press, and the remainder is divided among the three operations of inking-in, wiping, and making the impression. Four layers of felting, with an aggregate thickness of at least one-fourth of an inch, interpose between the roller and the paper, and any pressure applied to the paper must be exerted through these. The plates pass easily and smoothly under the roller without any perceptible jar. Before a pressure could be applied which would injure the paper, it is probable that the chain which carries the plates would break, or the driving-belt slip or fly off.

The final test, however, of the durability of any issue of securities must be the rapidity with which they return for redemption. The statistics on this point make a most favorable showing for the new silver certificates. The issue of one-dollar notes of the series of 1874 began August, 1874. By June 30, 1875, the end of the fiscal year, there had been issued $13,797,435. (Finance Report, 1875, page 483.) At the same time there had been presented for redemption $1,559,967 (*ibid.*, 488), or 11.3 per cent. of the actual issue. The issue of one-dollar notes of the series of 1875 began in September, 1875, and by the end of the fiscal year the amount issued was $8,214,193. (Finance Report, 1876, page 509.) The redemption at this time had reached $463,842 (*ibid.*, page 514), or 5⅔ per cent. of the amount issued. The issue of one-dollar silver certificates began in September, 1886. By June 30, 1887, there had been issued $14,156,000, while the redemption amounted to but $176,503, or 1¼ per cent. (Finance Report, 1887, page 18.) A tabulated statement will make this comparison even more striking:

Issue.	Issued in first fiscal year.	Redeemed in first fiscal year.	Percentage of redemptions to issue.
One-dollar notes of 1874	$13,797,435	$1,509,969	11.30
One-dollar notes of 1875	8,214,193	463,842	5.65
One-dollar certificates of 1886	14,156,000	176,503	1.25

To March 31, 1888, there had been issued $23,016,000 in one-dollar certificates, and $14,264,000 in two-dollar certificates. To that date there had been redeemed only $871,509 in one-dollar certificates, and $428,110 in two-dollar certificates. The redemptions in eighteen months of an issue of more than 23,000,000 one-dollar certificates were but little more than one-half the redemptions in ten months of an issue of less than 14,000,000 one-dollar notes of the series of 1874.

The records of the Treasury Department may be searched in vain for any other issue of currency which has withstood the wear and tear of circulation so well as these certificates. The issue of small notes had been suspended for more than a year prior to the issue of the small certificates, so that the certificates circulated very actively and were subjected to much more than ordinary wear. On the other hand, the great need of the certificates for current use by the public and the impossibility of supplying at once the deficit in the small circulation have doubtless kept in circulation many certificates which, under ordinary conditions, would have been presented for redemption.

When the issue of one-dollar United States notes was maintained at about $25,000,000, the average annual redemptions were from $8,000,000 to $10,000,000 (Finance Report, 1887, page 53), showing that the average life of a note of this denomination is less than three years. There are now outstanding more than 23,000,000 one-dollar certificates. They constitute a mass of paper weighing 230,000 pounds, and measuring, if piled together, sixty cords, exposed to all the vicissitudes of circulation among 60,000,000 of people. It would be surprising if in this vast mass of paper certificates should not be found in every stage of dilapidation.

The steam printing presses are now printing considerably more than one-third of the work of the bureau. To replace them with hand presses would require at least seventy-three additional printers and thirty-three additional printers' assistants, and would add $95,465 to the annual cost of maintaining the bureau. It would be entirely impossible to provide accommodations for the additional force of operatives in the building occupied by this bureau. If to this be added the operatives required under the proposed measure to do by the plate process that part of the printing of securities now done by the relief process, the additional force would be swelled to one hundred and seventy printers, one hundred and thirty printers' assistants, and seventeen other operatives, making a net increase of two hundred and ninety-five in the number of employés, and increasing the annual expense $329,665. Adding the increased expense of printing the postage stamps by hand, the annual expense resulting from the passage of the bill would be $352,449.73.

This calculation is on the basis of the work now being produced by the bureau. Under the estimates for the next fiscal year the additional force required would comprise 427 persons, and the additional cost, including the postage-stamps, would be $436,921.74.

It would be utterly impossible to do by the hand-roller process within this building all the work required for the production of the quantity of securities now being turned out by the bureau, to say nothing of any prospective increase of production. Many parts of the building are now overcrowded, and some of the employés are compelled to work in rooms not suitable for the purpose.

The first step necessary to carry out a requirement that all the printing should be done by hand would be the purchase of additional ground, and the next the erection of a large addition to the building now occupied by the bureau.

In view of all these considerations I am constrained to report against the propriety and necessity of the proposed provision that all Government securities shall be printed on hand-roller presses.

* * * * * * *

Respectfully, yours,

E. O. GRAVES, *Chief of Bureau.*

The committee also received a communication from Mr. Ralston, in behalf of the Knights of Labor, commenting upon and replying to the letter of Mr. Graves, and in order to give the House their views of the matter, I also submit so much of Mr. Ralston's letter as refers to the question now under consideration. It is in these words:

SIR: I beg leave to submit the following reply to report sent by Mr. E. O. Graves to the Senate Committee on Finance on May 9, 1888, which report has recently, I understand, been laid before your committee.

Mr. Graves's report as to the expediency of discontinuing steam-press work for plate printing is designed to cover the two questions as to relative excellence of work and economy as compared with hand printing. Upon the question of excellence of work permit me to call your attention to the following features of Mr. Graves's communication. About page 13 Mr. Graves says:

"As to the comparative merits of steam printing and hand printing it may be said that, speaking in the widest sense, steam printing is not equal to hand printing."

He then attempts to qualify this statement by applying it only to the black faces of notes, bonds, and drafts, and intimating that the same rule does not hold good in what he is pleased to regard as a lower grade of work, such as backs, etc. That this supposed qualification is in itself baseless he shows on the following page, when, in referring to the matter, he says:

"If all this work [green backs] could be done by hand by the most skillful and conscientious workmen, in the most careful manner, and under the most favorable conditions, there is no doubt that the printing by that process would best carry out the intention of the engraver," etc.

I submit that if Mr. Graves does not now have in his employment "the most skillful and conscientious workmen," who will do their work "in the most careful manner," or if he does not supply them with "the most favorable conditions," he owes a prompt and satisfactory explanation to Congress, and should not be allowed, without being held to the fullest accountability, to plead such wants in such a controversy as this. Should a private firm obtain a reputation for the finest work, and afterwards, upon producing inferior work, strive to explain its deficiencies by suggesting "the actual conditions under which work must be done in a large establishment" (page 14), a reduction of business would soon attest the insufficiency of the excuse.

But the report under consideration shows that, however much Mr. Graves's conclusions may be affected by his love for the steam press, in his own heart he recognizes the correctness of the position taken by the Knights of Labor. About page 4, after referring to the present degradation of the work performed in his bureau upon the national-bank notes, contrasting the former beautiful plate printing of the Landing of Columbus, in black, surrounded by a green border of handsome and intricate design, with the present common brown print, with surface printing of a number in the center, he says of the latter:

"It does not furnish the best security against counterfeiting, and is greatly inferior to the backs of the series of 1875, which it replaced. It would in my opinion be wise policy to restore the two plate printings of the old design."

We are content to accept Mr. Graves's statement upon this point, and to apply the same reasoning to the faces of the silver certificates, etc., which now receive a single plate-printing, together with a surface printing of the seal. We believe it is true of these notes, as well as of the backs of the national-bank notes, that the present method of production "does not furnish the best security against counterfeiting." Mr. Graves shrinks from the conclusion of page 2 (?) of this report (possibly on account of supposed added expense), yet logically he must come to it.

On page 2 of the report Mr. Graves very truly says that "the chief purpose of the elaborate printing upon the public securities is to prevent counterfeiting," and on page 3, referring to the former backs of the national-bank notes, he says, "the two printings (plate printings) and the quality of the work furnished excellent protection against counterfeiting." He also explains why it is that plate printing is superior to surface printing.

Yet in spite of these opinions, so frankly expressed, the fact is, that instead of the three plate printings which make the face of the earlier United States currency a thing of beauty and a defiance to the arts of the counterfeiter, we now have a single plate printing with one surface printing, while the national-bank

note backs have fallen from two beautiful plate printings of intricate designs to one plate printing and one surface printing, and the backs of the silver certificates now receive a single green plate printing, executed not in such manner that the "quality of the work furnishes excellent protection against counterfeiting," but after such fashion that the champion of the steam presses confesses, on page 11, they "lack something of the fullness of color of the very best hand printing."

I need scarcely remind your committee that, as I have heretofore explained, the want of "fullness of color" indicates that the finest lines have been utterly wiped out and extinguished, and the remaining ones have not received their full effect, and the whole has been rendered therefore more easy of reproduction, as having less decidedly the protective characteristics of plate-printing.

Before leaving the subject of comparative excellence of work, it may be worth while to refer to Mr. Graves's remarks on page 12 as to the 50-cigar stamps. He admits that they "do not come up to quite the same standard of excellence as the other securities printed by this press." The same fact has also been admitted, as we are prepared to show, by Mr. Morgan, chief of the press-room. But Mr. Graves is not deterred from the use of the steam press on these stamps for this reason, as he immediately finds that "from the way in which they are issued and used (they) are not exposed to the same risk of being counterfeited as notes or bonds."

Here is another plain intimation that superiority of workmanship is a protection, coupled with a more than doubtful statement of fact as to liability to counterfeiting. The records of the secret service show that numbers of counterfeit plates of revenue stamps are yearly taken and destroyed.

HOMER LEE PRESS.

In speaking of this press (page 4) the idea is conveyed that no plate printer is needed for it. This is erroneous. A plate printer is employed at $5 per day.

Mr. Graves confesses the inferiority of the work done by this press, for he says "the impressions produced * * * have not the fullness and richness of color of the best hand work." I have already commented upon the meaning of an expression similar to this. Again Mr. Graves inferentially admits that the production of this press is not tested by the same rigid rule as is applied to hand work, for he says (page 5):

"It is not at all material that the printing should conform to the arbitrary standard of hand printing, so long as the essential element of security is not sacrificed."

Here is a distinct recognition of a different standard for the work of this press from that used for hand work, and I have already alluded to the existence of such different standard as to the Homer Lee press, as shown by the report of ex-Chief Burrill:

To quote Mr. Burrill's exact words:

"That this substitution [machine for hand polishing, etc.] has not accomplished successful results is demonstrated by the fact that the quality of work done upon it [the Lee press] in this bureau has not reached a standard sufficiently high to be measured by that which governs all other work."

And he continues with much more to like effect.

THE MILLIGAN PRESS.

I need scarcely refer to the half-hearted commendations of this press quoted by Mr. Graves. I am not surprised to learn, knowing the conditions surrounding the test, that a Treasury committee reported that "certain classes of work might be satisfactorily printed on the press with more economy and more rapidity than by hand press," or that another committee found that several classes of printing "might be done on that press in a satisfactory manner and with considerable saving to the Government," or that non-practical chiefs, such as Mr. Irish and Mr. Graves, should be imposed upon in this matter. We have but to bear in mind the fact that in the competitions between the two presses special instructions have been quietly issued to the printers employed on the steam press to use methods not employed in the ordinary course of steam printing and calculated to produce exceptionally favorable results for that press.

Mr. Burrill is quoted as reporting to the Department that "the Milligan press is * * * a hand printing press, so far as the application of intelligence to the polishing process is concerned, and its condition of work is and the standard of the passage of it and its examination are the same as for the hand presses."

While I do not wish to question the sincerity of Mr. Burrill in his belief as to the standard for examination of the work of this press, we are prepared to show again, as we have shown before, that the then and now assistant chief of the bureau directed acceptance of work done by steam press that a child on the street would not object to.

COMPARATIVE ECONOMY.

It is a difficult thing to learn from the reports of the bureau anything at all satisfactory concerning the relative cost of steam and hand printing. Mr. Graves says, on page 13 of this report, that "there is an average net saving to the Government of more than $4 for each dollar of royalty paid." Let us see about this. Mr. Graves is much more modest than formerly. In making up the figures upon which he based a recent answer to a House resolution (see Executive Document No. 210, Fiftieth Congress, first session) he estimated the cost per thousand impressions on the steam press at $6.28; on the hand press, $15.51; leaving a net gain by the use of the steam press of $9.23, instead of $4, for each dollar of royalty paid. Mr. Graves's figures somewhere lack the prime element of accuracy.

But there is reason to believe that his statement this time is, as before, wide of the mark. In Ex. Doc. 224, Forty-seventh Congress, first session, we find that a committee, giving the matter more careful attention than Mr. Graves ever seems to have bestowed upon it, reported that the cost of printing 1,000 impressions by hand, in green ink, was $11.26; 1,000 impressions by steam-press, $8.61, exclusive of royalty. This would give a saving of $2.65 for each dollar of royalty paid, or, including royalty, make steam press work, with all its imperfections, only .15— per cent. cheaper than hand work.

I have heretofore alluded to the many errors involved in Mr. Graves's estimate submitted to Congress. Let me now add that they vitiate every figure contained in the report we are now considering.

Examining the figures he has presented seriatim, we find that he estimates that printing tints and seals, now done by surface printing for $25,500, would cost by plate printing nearly ten times as much, or $248,700. Let us charitably suppose that in presenting such a statement as this Mr. Graves was simply outrageously imposed upon. Besides a manifest exaggeration in his figures, Mr. Graves in compiling them has ignored the fact that after the passage of the bill before your committee a very large proportion of the work now done upon the surface printing presses of the bureau would still remain to be executed in the same manner.

To replace the Homer Lee press by hand presses he estimates would call for the employment of five additional plate printers and five assistants and would increase the annual expense by $5,124. Inasmuch as Mr. Graves's highest estimate has been that one press did the work of five printers, and as one printer with an assistant is already employed to take charge of this press, under no circumstances could more than four additional men and four assistants be called for. But Mr. Graves's estimate of additional cost is also further erroneous for the same reasons that his estimates of comparative expense of the two presses is erroneous.

Mr. Graves further states that to replace the steam presses in the bureau would require the employment of at least seventy-three additional printers and thirty-eight additional printers' assistants, and add $95,465 to the annual cost of maintaining the bureau.

Inasmuch as there are nineteen steam presses with their pressmen now at work in the bureau, he estimates these presses as performing as much work as nineteen and seventy-three men would do. In other words, that they are equivalent to ninety-two men, and therefore work in about the proportion of five to one. In his recent report to Congress (Executive Document No. 210, Fiftieth Congress, first session) he estimated the production of one press as equal to four and three-sevenths men on hand presses, and as I have before shown your committee, to arrive at this result he ignored most important elements. We see, therefore, that no reliance can be placed upon his estimate just referred to.

Certain minor points of the communication we are considering need but a passing glance. At the beginning of Mr. Graves's administration 235 plate printers found employment in the bureau. Now it contains but 187. If we are told that this reduction is in consequence of the Congressional enactment restricting the number to 187, we have to say that this restriction was made at Mr. Graves's request. Our special reason for referring to the reduced number is to answer, as far as the fact goes, the allegation that the bureau is not large enough to contain the printers necessary to do its work by hand.

The Government already owns sufficient ground about the present bureau on which to place without inconvenience another building of the same size were the necessity for it to exist. But there should be no question of economy when the safety of the Government issues is the matter under consideration. Upon this point we can not do better than quote from the report of the Committee on Banking and Currency (H. R. No. 150, second session Forty-third Congress):

"All these circumstances have satisfied the committee that methods of printing, numbering, sealing, and issuing of the securities of the United States ought to be adopted which will approach the nearest to being absolutely secure against error and fraud, even if such methods should be much more expensive than others having less guaranties of protection."

And again (page 20) with regard to internal-revenue stamps:

"While the individual citizen may have comparatively little interest in the stamps, the public revenues are heavily involved. These suffer, and the honest tax-payers are defrauded if counterfeit stamps are altered or there is an unauthorized and dishonest issue of genuine stamps. To prevent counterfeiting the highest attainable artistic and mechanical skill in the execution, together with the use of distinctive paper, is believed to be the most effectual means."

The views of the committee which signed the foregoing opinions were adopted by Congress, and the legislation at that time recommended by them was enacted into law.

It may be that, as contended by Mr. Graves, a smaller per cent. of silver certificates (printed on both steam and hand presses) have returned for redemption within a given time than was formerly the case with the United States legal tenders. The explanation is twofold. First, the silver certificates were issued at a time when there was a great dearth of notes of the lower denominations. They met an immediate and pressing want for change, and were therefore not readily presented for redemption. Second, the silver certificates are printed upon paper of a much tougher fiber than that used for the legal tenders, and they may therefore be expected to continue in circulation a longer time.

Neither of these reasons at all affects the question of hand and steam printing. Our contention is simply that the printing of the back by steam calenders the face and renders it less suitable to receive the subsequent face impression, and that thereby the face impression is deteriorated. Upon this point I again refer to my former communication to you.

The condition of the postage-stamps printed on a steam press may be satisfactory to the Post-Office Department. It can hardly be to any one who cares for excellence in governmental work. We are prepared to exhibit to your committee sheets of stamps purchased without selection, and displaying the most striking variations in color and shading in the different parts of the sheet, in one stamp the fine lines being wiped completely out, and in its near neighbor the lines having been left so full of ink as to produce a "mashed" impression.

Every effort has been made by the committee to progress with their inquiry into this important subject as rapidly as possible. Though not specially authorized or ordered by the House, the examination is of that character which it is the duty of every committee to enter upon in considering the bills referred to it.

I therefore say that I am in hearty sympathy with the amendment of the gentleman from New York [Mr. FARQUHAR], for without the adoption of such an amendment it might be impossible to carry out proper measures to enforce the law, as I think the majority of this House and of the people at large believe it ought to be enforced in regard to the printing of the securities of the greatest Government on the face of the earth.

Mr. RANDALL. I have some apprehension as to the effect of the amendment of the gentleman from New York [Mr. FARQUHAR] in so far as it proposes to strike out the restrictions as to the number of persons to be employed. If that limitation be struck out, I apprehend that, perhaps not the present superintendent, but some future superintendent might assume that he had the authority to employ any number of plate printers that he deemed proper, and thus under pressure, whether political or otherwise, he might exhaust the annual appropriation in less than the year, thus creating a deficiency. It has always been found safe to make these limitations. The printing in that bureau has never been behind, so far as I know; and if the gentleman from New York, upon reflection, will leave in the bill the limitation as to the number of employés, and content himself with the proviso of the gentleman from Ohio, I think that may be a very desirable way of disposing of this subject.

Mr. FARQUHAR. I desire merely to say that if this limitation is not removed from the bill, all that the Chief of the Bureau of Engraving and Printing will have to do is to go to the Secretary of the Treasury and say: "The number of plate printers provided in this bill is insufficient to do the work; and, consequently, I desire that steam presses shall be put in, by means of which I can get out the work with ease for the money provided."

Mr. RANDALL. But here comes the proviso, which will prevent that.

Mr. FARQUHAR. Even that proviso will not prevent it.

Mr. RANDALL. Oh, yes, it will.

Mr. FARQUHAR. Why?

Mr. RANDALL. Undoubtedly it will. I think, upon reflection, the gentleman had better agree to be content with the provision in the

form I have suggested. The appropriation is an increase of $14,000 over that of last year, and the number of employés is increased from one hundred and eighty-seven to two hundred and twelve in one case, from one hundred and eighty-eight to two hundred in another case, and from twenty-six to thirty-eight in another.

Mr. PETERS. If the statement of the gentleman from New Jersey [Mr. MCADOO] be correct, it would be cheaper to dispense with these steam presses altogether.

The CHAIRMAN. The question recurs on the amendment.

Mr. RANDALL. Let the proviso come in, which he can put in as strong language as he knows how to use. I do not think the object of the committee was to give the head of that bureau unlimited authority. Let the amendment be again read.

The Clerk read as follows:

Provided, That no portion of this sum shall be expended in royalty for steam plate-printing machines other than for those now in use by this Department.

Mr. RANDALL. That covers it, I believe.

Mr. RYAN. It does not go far enough. It should prohibit the purchasing of any more of these steam plate-printing machines.

Mr. RANDALL. It does.

Mr. FARQUHAR. If that is the proviso it will do what is desired.

Mr. STAHLNECKER. I submit the following amendment.

The Clerk read as follows:

Page 14, line 18, insert:

"*Provided*, There shall not be an increase of the number of steam plate-printing machines in the Bureau of Engraving and Printing; and that hereafter not exceeding 75 cents royalty shall be paid for each 1,000 perfect impressions made upon steam plate-printing presses."

Mr. FARQUHAR. That is not right. Strike out the last half of the amendment.

Mr. STAHLNECKER. Very well; I will strike out the last half of it.

Mr. WILKINS. That is really the amendment I have offered.

The CHAIRMAN. The Chair will state to the gentleman from Ohio [Mr. WILKINS] that the gentleman from New York [Mr. STAHLNECKER] offers the amendment as a substitute for the entire pending amendment.

Mr. RANDALL. I am free to say if I could in any way reach that royalty I would knock it out.

Mr. RYAN. None of us know how to reach it exactly.

Mr. STAHLNECKER. I think my proviso will reach it, that there shall not be any more increase of the number of steam plate-printing machines in the Engraving and Printing Bureau.

Mr. RYAN. That provision makes it impossible to employ any more steam-presses if it is passed.

Mr. FARQUHAR. Put it on, then.

Mr. SPRINGER. Is this agreed to by the Committee on Printing?

Mr. WILKINS. The Committee on Printing has nothing to do with it.

Mr. FARQUHAR. This is the Committee on Appropriations and the Committee on Expenditures in the Treasury Department.

Mr. RANDALL. I hope the Secretary of the Treasury will take care to see whether we can not get rid of this royalty.

Mr. WHEELER. I move to strike out the last word, for the purpose of saying in reply to the gentleman from Illinois [Mr. SPRINGER] that the amendment of the gentleman from New York [Mr. STAHLNECKER] certainly has my full approval, and I feel authorized to say that it is thoroughly in accord with the views of the majority of the Committee on Expenditures in the Treasury Department. About half of the committee or more are in the Hall, and the amendment certainly has their approval. And this is the only committee, so far as I know, which has anything before it in relation to the matter.

Mr. WHEELER withdrew his formal amendment.

Mr. STAHLNECKER's amendment as modified was agreed to.

The question recurred on the following amendment of Mr. MCADOO:

Amend by striking out these words in lines 5 and 6, page 14, "and for royalty for use of steam plate-printing machines."

Mr. RYAN. The effect of that will be to prevent the use of presses now owned by the Government.

Mr. RANDALL. We have not the power to do that, the law and contract prevent. We have gone as far as we could, to direct the Secretary of the Treasury to make inquiry to see whether that royalty could not be got rid of.

Mr. MCADOO's amendment was rejected.

Mr. WHITE, of Indiana. On page 14 I move to strike out in line 2 "$1.25" as the wages provided for printers' assistants, and in lines 4 and 5 "$1.50 a day" for wages of printers' assistants at steam presses, and in lieu thereof to insert "$2" a day.

In supporting this amendment I hope no member of this House will hesitate. The question of labor is one of the most important before the country at this time, and the Government should set the example in dealing with its own employés. They should provide for them what will be sufficient to give them a fair living for themselves and families. You can not get a dinner for less than $1.25. How much less then will $1.25 a day or $1.50 a day provide a living for a family—a wife and three or four children? It should be $2 a day at least.

The question was raised the other day in reference to the employés in the Botanic Garden, when it was provided in the appropriation bill their pay should be a dollar and a quarter a day. It was alleged in this connection by some members present that it was the duty of the Government to employ as cheaply as it could. On that point I beg to differ with those gentlemen. The employés in this department are not mere merchandise, as was then pretended was the case. They are flesh and blood, and are entitled to the protection of the Government. I trust this House will not permit anything to be inserted in the legislation of this House providing for employés working for less than $2 a day. They can not support their families for less than that amount. The pages on this floor get more than $2 a day, and it is not too much. It is certainly necessary that the Government employés of the skill necessary to do the work provided for in the pending paragraph should receive at least $2 a day.

Mr. WHITE's amendment was rejected.

The Clerk read as follows:

Lighting of rivers: For establishing, supplying, and maintaining post-lights on the Hudson and East Rivers, New York; the Delaware River, between Philadelphia and Bordentown, N. J.; the Elk River, Maryland; Cape Fear River, North Carolina; Savannah River, Georgia; St. John's River, Florida; at the mouth of Red River, Louisiana; on the Mississippi, Missouri, Ohio, Tennessee, Illinois, and Great Kanawha Rivers; on the Columbia and Willamette Rivers, Oregon; Sacramento and San Joaquin Rivers, California; and on Puget Sound, Washington Territory; the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent, $235,000.

Mr. RANDALL. Since this bill came from the committee there has been received from the Light-House Board a recommendation in connection with the Connecticut River, and I will ask the Clerk to read it.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, June 15, 1888.

SIR: The following is a copy of a telegram sent you to-day:

"The board recommends in letter to Department that there be appropriated for establishing the necessary lights and other aids to navigation on the Connecticut River, from its mouth to the head of sloop navigation at Hartford, Conn., the sum of $15,000."

Respectfully, yours,

JAMES F. GREGORY,
Major of Engineers, United States Army, Engineer Secretary.

Mr. J. C. COURTS,
Clerk Committee on Appropriations, House of Representatives.

Mr. RANDALL. I now move the following amendment: To insert, in line 17, after the words "New Jersey," the words "Connecticut River, Connecticut."

The amendment was adopted.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, a message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

The message further announced the approval of bills of the following titles, namely:

An act (H. R. 8560) to establish a Department of Labor;

An act (H. R. 1844) to promote agriculture, and for other purposes;

An act (H. R. 1483) for the erection of a public building at Monroe, La.;

An act (H. R. 8279) to authorize the county of Laurens, in the State of Georgia, to construct a bridge across the Oconee River at or near Dublin, in said county and State;

An act (H. R. 7509) granting to the New York Harbor and Beach Railroad Company a right of way;

An act (H. R. 322) for the relief of B. M. Parish;

An act (H. R. 2151) for the relief of L. B. Burton;

An act (H. R. 2695) for the relief of Charles W. Mosler;

An act (H. R. 8965) to authorize the Postmaster-General to cancel mail contract numbered 30100, and for other purposes;

An act (H. R. 7052) relating to postal crimes, and amendatory of the statutes therein mentioned;

An act (H. R. 611) for the relief of Mrs. P. L. Ward, widow and executrix of William Ward, deceased;

An act (H. R. 7490) for the relief of Sidney W. Whitelaw;

An act (H. R. 6575) for the relief of James L. Alsip;

An act (H. R. 2167) for the relief of George E. Oliphant;

An act (H. R. 8266) for the relief of Mrs. Clarisa G. Green;

An act (H. R. 6520) granting an increase of pension to Charles P. Ward:

An act (H. R. 5844) to increase the pension of William Clark; and

An act (H. R. 3922) to place the name of Casper Seibel on the pension-roll.

SUNDRY CIVIL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read as follows:

UNDER THE DEPARTMENT OF THE INTERIOR.

Public buildings:

Repairs of the Interior Department and Pension buildings: For repairs of buildings, $8,000.

Mr. SMITH, of Wisconsin. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the twentieth line insert:

"For two elevators and additional water-closets in the Pension building, $18,000."

Mr. RANDALL. I make the point of order upon the amendment.

Mr. SMITH, of Wisconsin. I will state, Mr. Chairman, that I have visited the Pension building and have been particularly interested in the way the employés are obliged to run up and down the stairs to get at the different file-rooms, and there is very much time lost in that way. I believe by putting in these two elevators the greatest convenience will be afforded to the employés, and the file-rooms can be placed upon the upper floor of the building, which is now almost useless, and much more room utilized in the Department by making that change. I think it is a measure of economy.

I also believe that the water-closets are most inadequate for the employés there.

Mr. RANDALL. What amount is fixed there?

Mr. SMITH, of Wisconsin. Eighteen thousand dollars.

Mr. RANDALL. There is no occasion for the elevators at all. I do not know about the closets.

The CHAIRMAN (Mr. RICHARDSON in the chair). Does the gentleman make the point of order?

Mr. RANDALL. I do not know whether it is subject to the point of order. There is no law authorizing it, of course. This building is finished. The floors are easy of access. Anybody who has walked up and down the stairs there knows there is no necessity for elevators.

Mr. RYAN. Mr. Chairman, I do not think this is subject to the point of order.

I want to say, sir, that in my judgment it is a matter of economy to put in one or two elevators in this building. The upper floor of that building is now practically unoccupied, and can be occupied only for file purposes; but if there were one or more elevators there these files could be readily accommodated on that upper floor, and would be of easy access, and additional rooms, as stated by the gentleman from Wisconsin, afforded in the rooms below.

I believe beyond that that it would be a matter of economy to the Government to put in the elevators, and that in the course of two or three years it would save the amount of the expenditure to the Government. I do not think that the amount that is asked for is necessary, however. I think that one elevator there, costing say $6,000, would be ample for the present, and that no more would be necessary than one. I do not believe that more than $12,000 would be necessary for two.

Mr. SMITH, of Wisconsin. I have put in this amendment two elevators, because I have with my own personal knowledge of such matters, practical knowledge, included all the expenses of the employés, of steam, and everything. That is the reason I have made it of that amount.

But I accept the suggestion of the gentleman from Kansas, for I know the necessity for at least one elevator there. I know the upper story, as my friend said, can be utilized for file-rooms if there can be any mode of access to them; and by the construction of this elevator it will enable us to have the files removed from the first floor and put them above. I believe it is economy to the Government to do so.

Mr. RANDALL. I feel with my colleague on the committee that if there is to be an elevator or two elevators there, they ought not to cost over $6,000 each. The committee must bear in mind that with an elevator must also be provided one or two conductors; and this proposition not only fastens on the Government an expense now, but a permanent expenditure hereafter. It is true these elevators were estimated for, but they were not strenuously pressed.

Mr. RYAN. I move to amend so as to provide for one elevator at a cost of $8,000.

Mr. RANDALL. You know $6,000 is enough. Our elevator here only cost $5,000.

Mr. RYAN. Very well, make it $6,000.

Mr. SMITH, of Wisconsin. I will accept that amendment.

Mr. RYAN. My friend from Wisconsin [Mr. SMITH] modifies his amendment so as to embrace mine. In other words, he accepts my amendment providing for one elevator at a cost of $6,000.

Mr. SPRINGER. Mr. Chairman, I think expenditures of this kind are the least burdensome of any that are made. I hope the amendment will be agreed to. When I first came to Congress there was no elevator at this end of the Capitol. We first put in one in one corridor, and recently have added another in the other corridor. Gentlemen have found these elevators very convenient and useful. I hope the amendment will be agreed to.

The CHAIRMAN. The Chair suggests that the amendment includes other matter besides the elevator.

Mr. SPRINGER. Let the amendment be read as it now stands.

The Clerk reported the amendment.

The amendment was agreed to.

Mr. RANDALL. I ask unanimous consent that this amendment be inserted after line 16, on page 45, which is its proper place.

There was no objection.

The Clerk read as follows:

For the Capitol: For work at Capitol, and for general repairs thereof, including wages of mechanics, workmen, and fresco-painter, $35,000.

Mr. BUCHANAN. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert after line 23:

"And for an improved plan of ventilation for the Hall of the House of Representatives, to be selected upon public competition under the direction of the Committee on Ventilation and Acoustics, $1,000 in all."

Mr. BUCHANAN. I offer that amendment for a reason that I think will be appreciated by every one who is compelled to spend a portion of each of these days in this Hall. It is time we had some system of ventilation that ventilated. We have machinery already; but it does not seem to perform the required work. My amendment is simply to give the Committee on Ventilation and Acoustics the right to select, after public competition, the plan which they think is best adapted to the purpose. It is all left in the hands of a committee of this House. I hope the amendment will be made, so that those who come after us and fill more worthily the seats we fill will have occasion to rise up and call our memories blessed because of the good work we did in these sweltering days of June.

Mr. RANDALL. There have been thousands and thousands of dollars expended in that direction; as much as $30,000 at a single period.

This Hall will not be properly ventilated until members cease to smoke within its limits and cease to spit tobacco juice in the apertures in the floor. If the gentleman from New Jersey [Mr. BUCHANAN] can induce the members of the House to correct their habits in these particulars the atmosphere of the Hall will be much purer.

Mr. WEAVER. That is a matter of morals.

Mr. BUCHANAN. I will remind my friend from Pennsylvania that in the last Congress I introduced a resolution to put a stop to the filthy habit of which he speaks, and to a large extent it was stopped. I will also call his attention to the fact that twice during the present session I have risen to points of order with reference to smoking, and all I have secured has been invidious remarks from the victims.

Mr. RANDALL. One thousand dollars to secure a plan to prevent this abuse will amount to nothing.

Mr. BUCHANAN. I understand. But I believe if this practice were stopped, still it would remain a fact that the thermometer would attain an altitude in this Hall that is entirely inconsistent with personal comfort. I do not ask that any extended appropriation be made; but I do ask that the small sum of $1,000 be set apart to allow this committee to advertise for plans and to select the one which, in their judgment, is the best. Then they will have to go to the Committee on Appropriations to secure the adoption of that plan. The scepter will not depart from Israel even if this amendment of mine is adopted.

Mr. SPRINGER. I am very glad to aid in the adoption of any provision that will improve the ventilation of this Hall; but it can never be improved until the whole system now in use is changed. I have called attention on this floor several times to the fact that the whole system upon which the Hall is ventilated is wrong; that, in other words, they begin at the wrong end; they bring the fresh air in at the bottom and let it out at the top.

Mr. BUCHANAN. I will suggest to the gentleman that he can put in his plan.

Mr. SPRINGER. I was about to suggest it is not necessary to appropriate $1,000. If any gentleman will write to a manufacturer of such apparatus whose address I will give him he can find a plan with out any cost at all that will bring about the desired result.

What is needed is to pump the foul air out from the floor and let the fresh air come in from the top. If we will just change the present plan, turn it end for end, and reverse the operation that is going on, we will have no difficulty about ventilation. This is not mere theory or mere experiment. The hall of representatives and the senate chamber in the new state-house at Springfield, Ill., are ventilated upon that system, and they are very well ventilated.

Mr. WILLIAMS. There may not be so much gas there as there is here. [Laughter.]

Mr. SPRINGER. Probably not, but there is just as much importance attached to the ventilation of those halls as to the ventilation of this, and it is just as difficult in theory and in practice to accomplish it; but it has been done by the system I have described, which gives perfect satisfaction to everybody. I have never heard a single complaint in regard to the ventilation of those two halls. The system seems to be absolutely perfect, and, as I have said, it is just the reverse of the system we employ here. The air that has been breathed should be pumped out at the bottom, and if that plan is adopted here we shall have no more trouble in regard to the ventilation of this hall.

Mr. SMITH, of Wisconsin. I have had some experience in ventilating by power, and I have found that you can not push air, but you can pull it by proper machinery. You can exhaust every particle of air from this Chamber by using the proper appliances; but the work must be done in a different way from that in which it is done now. We try here to force pure air in, but that can not be done. You can not push a rope, but you can pull it; and in like manner you can bring in pure air enough to ventilate this Chamber as well as anybody can desire.

A MEMBER. I wish you would do it.

Mr. SMITH, of Wisconsin. The gentleman says he wishes I would

do it. The gentlemen who have charge of these public buildings have a good deal to learn in regard to ventilation. What this Chamber needs is a powerful fan to exhaust the air from the Chamber by means of registers below, letting the pure air come in from the top. We have adopted that plan for the ventilation of our schools and other public buildings in Milwaukee, and it gives perfect satisfaction.

Mr. WILLIAMS. Mr. Chairman, there have been a great many theories on this subject before the Committee on Ventilation and Acoustics, because there has been just complaint that this Hall is not well ventilated; but in my judgment we shall never have it properly ventilated until we reach the outside air. Members will observe that this Chamber is a box within a box. Now, I believe in the air that God Almighty sends through, and until you run this Hall out to the windows I do not think you will ventilate it properly. I do not know that I shall oppose the amendment of the gentleman from New Jersey [Mr. BUCHANAN], but I have given my idea of what must be done before you can have this Chamber properly ventilated.

The question was taken on the amendment of Mr. BUCHANAN; and there were—ayes 24, noes 33.

So the amendment was rejected.

Mr. BUCHANAN. I now offer the same amendment with the addition of the words "or so much thereof as may be necessary."

Mr. RANDALL. That has just been voted upon.

Mr. BUCHANAN. No; the amendment is changed.

The question was taken on the amendment as modified, and it was rejected.

Mr. BUCHANAN. Now, I offer an amendment for the same purpose, making the amount $750, or so much thereof as may be necessary.

The amendment was rejected—ayes 29, noes 37.

Mr. BUCHANAN. Now, I offer an amendment for the same purpose, making the amount $500, or so much thereof as may be necessary.

The amendment was rejected—ayes 29, noes 34.

The Clerk read as follows:

Building for the Library of Congress: For continuing, under the control and direction of the Secretary of the Interior, the construction of the building for the Library of Congress, including the appointment of all persons employed in connection therewith at the rates of compensation, as follows: architect, $5,000; assistant architect, $3,000; superintendent of construction, $4,000; one chief clerk, who shall act as disbursing agent, and who shall give bond in such sum as the Secretary of the Interior may direct, $2,200; and the services of skilled draughtsmen, civil engineers, computers, accountants, copyists, and such other services as the Secretary of the Interior may deem necessary and specially order, may be employed in the office of the architect and superintendent of construction, together with such mechanics and laborers as may be necessary to carry into effect the appropriation herein made for construction of said Library building and to be paid from such appropriation; for the construction of the western front of the building, the reading-room, and the book repositories connected therewith, $500,000; in all, $514,200; and the Secretary of the Interior is hereby authorized to contract for any portion of the said western front of the building, reading-room, and book repositories.

Mr. HOLMAN. I move to strike out the last word in order to say a few words on this provision of the bill. The inquiries which have been made lately into the subject of this Library building tend to raise a doubt as to whether upon the present plan the work should proceed. I hold in my hand the report made to this House by the House Committee on the Congressional Library at the first session of the last Congress, and I ask the Clerk to read the paragraph which I have marked.

The Clerk read as follows:

The measurements of these architects, together with the figures of the steady growth of the collections reported by the Librarian, demonstrated that no possible enlargement of the Capitol which would be agreed to as feasible could possibly afford accommodation for more than a few years' increase, after which we should be confronted at last by the necessity of a separate building, after incurring all the cost of building on to the Capitol a costly annex of stone and iron, unfitted for any other purpose. Any enlargement of the Capitol which would accommodate the Library even as it stands, with room to arrange it, would cost much more than a separate building, because it must necessarily be constructed in the same costly style, with carved Corinthian architecture. Mr. Walter, the former Architect of the Capitol, estimated the cost of an extension of the west front at $4,500,000. The present Architect, Mr. Clark, estimates it to cost $4,200,000, while the plan of a building adopted by the committee is to cost only $2,323,600.

Mr. HOLMAN. I ask the Clerk to read from the remarks of Hon. Mr. Singleton, of Mississippi, chairman of the committee, delivered in this House March 24, 1886, when the bill authorizing the purchase of a site and the erection of this building was pending.

Before that is read, however, I wish to call attention to the fact that according to the report of the committee to the House the cost of the building was to be $2,333,600. There were two projects before Congress. One was the enlargement of the present Library; and the argument in favor of that project was that for accomplishing the purpose of a Congressional Library, the Library must be easily accessible to the two Houses of Congress.

For this reason the Library had remained in its present location, having been enlarged from time to time and greatly improved within the last twenty-five years, and made as nearly as possible fire-proof, an expenditure altogether, I think, of $750,000 having been made upon it with the view of the Library being retained in its present location for the convenience of the two Houses of Congress. In opposition to the plan of enlarging the Library in its existing location was the plan of having a separate Library building at some point away from the Capitol.

[Here the hammer fell.]

Mr. RANDALL obtained the floor and yielded to Mr. HOLMAN.

Mr. HOLMAN. The report stated the fact that one architect had estimated the cost of the enlargement of the old Library rooms at $4,500,000; that Mr. Clark, the Architect of the Capitol, had estimated the cost at $4,200,000. The report then went on to say that the plan of a separate building was more economical, because on the plan named in the bill then pending the cost would be $2,333,600. I now ask the Clerk to read from the volume I have sent to the desk the paragraph to which I have referred from the remarks of the Hon. Mr. Singleton, to show exactly the appropriation which it was stated would be required for the completion of the building as proposed in the bill.

The Clerk read as follows:

The appropriations asked for will be $500,000 to begin the work, $1,000,000 at the next session to continue it, and $823,660 at the succeeding session to complete it. This, of course, does not embrace the purchase of a site. It is confidently believed that these sums will finish the building so far as needed at present and for many years to come; and no further outlay need be made by the Government, utilizing, as before stated, the fees from the copyright system to put in shelving, etc., to meet the growing wants of the Library.

Mr. HOLMAN. The three successive appropriations stated in the remarks of Mr. Singleton, as just read, amounted to $2,333,600. That estimate, I admit, did not embrace the cost of the site, for which $550,000 was appropriated. The site ultimately cost $580,000, which, so far as I am able to learn, was reasonable enough. I do not know that there is any ground of complaint in that regard, for there was purchased for that sum an immense tract of land, over 2 acres, I think, in the heart of the city, and with a vast body of solid, substantial buildings.

The question now is, what ought to be done in the present state of things? It is now known that the lowest estimate for this building is $7,000,000. The House some months ago directed a committee of its number to inquire into these matters, and some inquiries have been made. The committee finds that the lowest sum named by any architect as the probable cost of this building, instead of being $2,333,600, is $7,000,000.

Mr. WEAVER. What is the highest estimate?

Mr. RANDALL. About $12,000,000.

Mr. HOLMAN. The lowest estimate is $7,000,000 for a building which is to be much larger than the great structure known as the State, War, and Navy Department building; and this is to accommodate a library containing a collection of books which, I believe, is valued at $750,000. The State, War, and Navy Department building cost about $10,000,000. The estimate when the structure was commenced was far below that sum. Congress entered upon the construction of this Library building with the best assurances it could obtain, including the statement which has been read from the report of the Library Committee and speech of General Singleton, one of the most excellent gentlemen who ever sat in this House, that the cost would not exceed $2,323,600. Yet at the very threshold of this undertaking, before the foundation of the building has been laid, the House is informed that the structure will cost at the least $7,000,000, without any possibility on our part of determining what may be the ultimate cost.

[Here the hammer fell.]

Mr. MACDONALD obtained the floor and yielded his time to Mr. HOLMAN.

Mr. RYAN. Before the gentleman from Indiana proceeds further, I wish to suggest to the gentleman from Pennsylvania [Mr. RANDALL], who has charge of this bill, that in view of the importance of this subject he ought to throw this question open to general debate for some limited period. There can be no satisfactory discussion of the question under the five-minute rule. Here is a question of vast importance: Whether this House will ratify a fraud and imposition upon Congress to the amount of millions of dollars. The question is certainly sufficiently important to justify general debate for a limited time.

Mr. RANDALL. How long a discussion does the gentleman ask?

Mr. RYAN. For the rest of the day, I think.

Mr. RANDALL. The Committee on Indian Affairs have notified me that they would like the Committee of the Whole to rise at half past 4 o'clock so that the Indian appropriation bill may be disposed of. I would like to comply with that request. I am willing to agree that this debate shall continue till half past 4 to-day, and for one hour to-morrow.

Mr. RYAN. All right.

Mr. TOWNSHEND. I hope the Committee of the Whole will rise before half past 4, as I have a proposition which I desire to submit in the House.

Mr. RANDALL. I will agree, then, that the gentleman from Indiana [Mr. HOLMAN] may finish his remarks this evening——

Mr. HOLMAN. I desire only a few minutes more.

Mr. RANDALL. I suggest, then, that general debate on this question run on till quarter past 4 o'clock this evening, and continue for an hour and a quarter to-morrow. Of course I appreciate the kindness of the gentlemen who have remained here and permitted me to go on with the consideration of the pending appropriation bill, and I do not wish to do anything against their consent in this connection.

The CHAIRMAN. What time does the gentleman suggest?

Mr. RANDALL. The gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Arkansas [Mr. PEEL] seemed to agree the

committee should rise at 4 o'clock. I am content with that, the understanding being that we shall have general debate not to exceed two hours, which I would suggest. I will not attempt arbitrarily to limit members of the House in exposing an imposition which has been practiced upon Congress. In my judgment they should have full liberty to do so.

The CHAIRMAN. Is there objection to permitting general debate on the bill for two hours?

Mr. RANDALL. Two hours, I think, is long enough.

Mr. HOLMAN. One-half of that time will be enough.

Mr. RANDALL. Say one hour and a half.

There was no objection, and it was ordered accordingly.

Mr. HOLMAN. Mr. Chairman, I do not wish to throw the slightest reflection upon the gentleman from Mississippi, Mr. Singleton, who reported this bill to the House originally. The bill was frequently before the House previous to that time. The gentleman who reported the bill certainly acted in good faith, believing the statements made in his report and in the speech which he made to the House. He was authorized by the best information which could be obtained on the subject. And I desire to disclaim at once any thought of casting the slightest imputation on his motive. He is not now a member of the House, but I simply call the attention of the committee to the fact that the House of Representatives was deceived or misled in reference to this matter, whether such was the intention or not.

There can be no question, Mr. Chairman, that this House was deceived in the passage of the bill in reference to this Congressional Library. That measure had been defeated wh[illegible]ever brought in, and the large expenditure now shown to be inevitable was suggested as the probable cost, for the original sum suggested was $8,000,000, and so long as it remained at that sum it could not command a majority of the House. Whenever it was attempted to be passed on that basis it always failed. It came in in the Forty-seventh Congress, and again in the Forty-eighth Congress, and finally it was brought before the Forty-ninth Congress, with the report to which I have called attention.

We were told then that here is a structure which can be built cheaper than you can enlarge the present Library; for almost half what the enlargement of the present Library will cost. On that statement, as I think it was understood by the House, on the motion to suspend the rules and pass the bill on a yea-and-nay vote, there were yeas 159, nays 68. So the House passed the bill which had repeatedly before that time passed the Senate but had always been defeated, or at least been postponed, in the House.

I take it for granted that the gentlemen were deceived. The House was certainly deceived as to what kind of a measure it was entering upon. It is not the question now whether the House would enter upon the building of a Library building to cost $7,000,000 or more; that is not the question. The question is, whether the House of Representatives can consent that legislation shall stand which has been the result of clear misapprehension.

I do not care whether fraud was intended by any person or whether deception was intended by any person; but the important fact is that in the passage of the bill the House itself acted under a misapprehension of the facts. They were assured the building would cost two or three millions of dollars. They were assured it would cost less than the enlargement of the present library. Instead of that it is now discovered that it would cost vastly more than enlarging the present library rooms.

We might pass over a difference of half a million or a million of dollars; but when the difference amounts to $5,000,000, or more, Congress should pause before they carry on a work which had been authorized under a clear misapprehension of the facts, no matter whether there was an intention on the part of any one to create a misapprehension or not on the part of Congress.

Mr. HOOKER. What amount of money was paid for the site of the building as it now stands? What progress has been made as to the construction of the building?

Mr. HOLMAN. The appropriation at the time was $1,085,000. Five hundred and fifty thousand dollars for the purchase of the site in the first instance, and $35,000 afterwards; making in all $585,000 for the site; and that sum was paid for the site. I have remarked that as far as I am able to form a judgment the amount paid for the site was reasonable enough. As to the value of the property taken, I am not considering that feature of the transaction, for as to that Congress could not have been misinformed.

Mr. HOOKER. What are you going to do with it?

Mr. HOLMAN. The cost of the site was more reasonable than purchases made in other large cities for similar purposes have been. From my standpoint, no such purchase was justifiable, even if a Library building must be built, for the Government had ample real estate equally available.

Mr. HOOKER. How far has the plan been adopted?

Mr. HOLMAN. Congress adopted a plan. That is, Congress adopted the plan of the building. It was specially designated in the bill. During the discussion, and when the House voted on the proposition the plans were before the House. The question was whether we should enlarge the old building at a cost of $4,500,000 or take this magnificent structure named at a cost of two or three millions of dollars, or whether any expenditure at all was justified for the purpose. Many gentlemen opposed any scheme for a large expenditure, believing the whole movement for a new Library building wholly unjustified.

Mr. CATCHINGS. Is that the estimate made by the architect?

Mr. HOLMAN. I presume so. It was, I presume, the basis upon which the Library Committee acted in recommending the passage of the bill.

Mr. WILKINS. But who furnished the figures, the architect?

Mr. HOLMAN. I take it for granted that they were furnished by the architects whom the committee consulted.

I wish to say here that the inquiry and examination as to the facts ordered by the House have not been completed, so I can not speak with confidence as to the exact source of information upon which the report made to the House by the Library Committee was founded.

But I was about to state, in response to the gentleman from Mississippi [Mr. HOOKER], that the cellar of this proposed building is partly done. A portion of the concrete foundation is already laid, and contracts have been made for that work and are being carried into effect. Contracts have also been made for some of the material, perhaps for some of the granite for the basement.

Granite alone, as I understand, is to be used, no other form of material being used for the walls except perhaps brick for the inside work. Appropriations are proposed in this bill of about $500,000, which would be ample in any event for present purposes, as next year's appropriations would be available after the 4th of next March; and if it was desirable to suspend the work in its present form and extend the proposed building to other uses and purposes, which I shall presently suggest, the Government would lose nothing thereby.

But, Mr. Chairman, I want to suggest this: Would it not be well now for us to determine what ought to be done in view of the fact that no material loss will occur if the work is suspended and a different and less expensive plan adopted? It seems clear that this expenditure, to the vast amount which is inevitable, if the work is carried on on the present basis, ought not to be permitted even if public interests justify the erection of a new Library building and the abandonment of the present spacious library rooms, spacious for the purposes for which the Library of Congress was established.

During the last few years a great many suggestions have been made as to the inadequacy of the present Supreme Court room. It is well known that the old Senate Chamber, while the most beautiful and perfect chamber in this respect in the country, filled with historic memories, a place that I hope will never be appropriated to any purpose less dignified and honorable than the place of holding the sessions of the Supreme Court of the United States, yet it is thought by many that that room is not large enough for the purposes of the Supreme Court, and there is a growing demand, whether justified or not, for a larger place. The proposition is, I understand, before the Senate to purchase a site and erect thereon a Supreme Court building.

Now, I wish to submit that if both of these expenditures must be made why not economize by uniting the two together on that expensive piece of land—that $585,000 site you have purchased for the library. I as a member of this body am not willing to act upon the old proposition with the facts before us. But, acting upon it as a new proposition why not combine two purposes together, and if, after all, Congress is still determined that that old historical library established by our predecessors generations ago, shall be removed from its old quarters in the Capitol, why not combine this projected library edifice with rooms adapted to the sittings of the Supreme Court of the United States as a part of it?

Why could not both purposes be accomplished at the same time, because the movement for the construction of Supreme Court rooms will be irresistible, eventually, judging from past experience? If the House shall pause now they could invite plans for the combined purposes, for the Supreme Court building and the Library building, on the great site you have on hand. But in that connection, Mr. Chairman, I wish to submit that these changes should be carefully considered. The law library, which must necessarily be accessible to both Houses of Congress, can not well be taken out of the Capitol. I suppose there is not a member of this body, or at the other end of the Capitol, who has not occasion frequently to consult it, as well as the other branch of the Library.

Mr. RANDALL. Every day.

Mr. HOLMAN. And yet it is obvious that with the Supreme Court elsewhere and the law library elsewhere, you will lose advantages for information required on the spur of the moment which your predecessors have found indispensable for generations. I repeat, therefore, why not stop here now for the present and consider this matter; consider the propriety of the two purposes for which the two buildings are required in order that the plan may be brought before the House with a little more reliability of detail and authoritative information as to the cost, and consider also whether the scheme is justified by any public necessity. Would it not be better than to carry out a measure of legislation manifestly the outgrowth of a misapprehension on the part of the members of the House?

I wish to add further, sir, that this new Library building movement

has been largely from the beginning under the control of the Senate. The Senate organized the movement some years ago, back as far perhaps as the Forty-sixth or Forty-seventh Congress, and a joint committee on additional accommodations for the public Library was appointed. It remained a joint committee until the beginning of the Forty-eighth Congress, when the House declined to appoint its part of the committee. But it still remained as a Senate committee; and under the auspices of the Senate almost exclusively this whole measure has been carried out from beginning.

A commissioner visited Europe, it seems, under the auspices of the Senate to examine the great library structures of the Old World. The expenses were paid out of the contingent fund of the Senate, as I suppose; at least they were paid. I know some little of the current appropriations myself, and gentlemen about me know something about them, but I venture to assert that the Senate never honored the House with the information that money was being appropriated for that purpose. It might have been all right, but the House surely ought to have known of this movement on the part of the Senate. If the Senate sent its representative abroad for an examination of the libraries and library edifices of Europe so as to provide reliable data on which to commence this magnificent structure which is comtemplated, surely the House should have known something of it. So that I can say, so far as the House is concerned, our information is necessarily meager because it has been from the very inception of it a Senate enterprise.

The measure was prompted by the Senate, was inaugurated by the Senate, and was passed over and over again by the Senate, and always objected to by the House until the House was informed of the comparatively moderate sum necessary to carry the measure into effect, the plan as it came from the Senate involving practically as was alleged but a small expenditure, compared with the original estimate of $8,000,000, and greatly less than the enlargement of the old Library rooms in the Capitol.

On that argument that bill was passed. The question is whether this House will feel it consistent with the duty that Congress owes to the country to carry out a measure of legislation that was the result of misapprehension when the real facts are discovered early enough to prevent any material loss or embarrassment.

Mr. HOOKER. I would like to ask whether there has not been a plan adopted.

Mr. RANDALL. The plan was incorporated in the act.

Mr. HOOKER. In the act that passed both Houses? Do you propose to suspend the work and vary that plan now?

Mr. RANDALL. The same power that made the act can change it.

Mr. HOOKER. After you have made your contracts?

Mr. HOLMAN. Very few contracts have been made.

Mr. HOOKER. You have adopted a plan.

Mr. RANDALL. Yes; but we can change it by law.

Mr. HOOKER. You can not change it so far as the $600,000 that bought the site is concerned.

Mr. RANDALL. The $585,000 that bought the site can not be changed. That is gone. But that is not thrown away. The proposition that I suppose the gentleman from Indiana [Mr. HOLMAN] will make will be a modification of the plan whereby the further use of this site in a public direction may be provided for.

Mr. HOLMAN. A Supreme Court room in connection with the Library, if the Library movement must go on.

Mr. HOOKER. Would not that necessarily postpone the erection of the Library for some time?

Mr. HOLMAN. What is the hurry about it? The building will not be constructed during the next seven years at any rate.

Mr. RANDALL. You and I will not live to see it finished.

Mr. HOOKER. I hope we may.

Mr. RANDALL. I hope so too, but I do not think so.

Mr. HOOKER. I hope you will not impede its progress while you are living.

Mr. HEMPHILL. How much is the building going to cost?

Mr. HOLMAN. Seven millions, at least.

Mr. GOFF. Who makes the estimate of seven millions?

Mr. HOLMAN. The superintendent and others as to the minimum cost of the proposed edifice.

Mr. RANDALL. The building is going to cost more than the State, War, and Navy Department building. That building cost between ten and eleven million dollars.

Mr. RYAN was recognized.

Mr. RANDALL. If the gentleman will yield to me, I desire to move that the committee now rise.

Mr. RYAN. I will yield for that purpose.

Mr. RANDALL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, had come to no resolution thereon.

CONFERENCE REPORT ON INDIAN APPROPRIATION BILL.

Mr. PEEL. I desire to submit the conference report on the Indian appropriation bill.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8565) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1889, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 56.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 9, 28, 29, 34, 35, 36, 37, 44, 45, 46, 47, 49, 50, 53, 54, 55, 57, 58, 61, 63, 65, 66, 67, 69, 70, 72, 73, 75, 76, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: Strike out in line 13 of the amendment the words "survey or resurvey," and insert in lieu thereof the word "allotments," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows: Insert after the word "California" the words "in suit, Byrne vs. Alas and another," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows: Add at the end of said amendment the following: "This sum to be in full satisfaction of all claims against the Government growing out of such service;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows: Strike out in line 4 of said amendment the words "one thousand eight hundred," and insert in lieu thereof "one thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment, as follows: Strike out from said amendment the word "previously" and insert in lieu thereof the words "to be;" and the Senate agree to the same.

S. W. PEEL,
JOHN M. ALLEN,
Managers on the part of the House.

H. L. DAWES,
P. B. PLUMB,
WILKINSON CALL,
Managers on the part of the Senate.

The following statement accompanied the conference report under the rule of the House:

The managers upon the part of the House beg leave to submit the following report of their action on Senate amendments to H. R. 8565, making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1889, and for other purposes:

The Senate added 92 amendments.

Amendments numbered 1, 6, 7, 10, 11, 12, 14, 15, 16, 17, 26, 27, 28, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 64, 71, 72, 73, 74, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, and 90 are all immaterial, simply changing phraseology, form, punctuation, etc.

Amendments 2, 3, and 4 consolidate the Nisqually and S'Kokomish agencies, with the Quinaielt, and fix salary of agent for consolidated agency.

Amendment 5 reduces salary of agent at Osage agency, Indian Territory, from $2,200 to $1,800.

Number 8 increases salary of new superintendent of Indian schools from $3,000 to $4,000.

Number 9 appropriates $65,000 to pay balance of outstanding Kansas or Kaw scrip. This is an acknowledged debt, bearing 5 per cent. interest, and is to be paid out of Indian funds held by United States.

Number 13 strikes out $10,000, on page 19 of bill, to pay last installment to Omahas.

Numbers 18, 19, 20, 21, 22, 23, and 24 change the expenditure of amount appropriated to Santee Sioux, of Nebraska, giving to those roaming $50,000 instead of $80,000, and those engaged in agriculture $100,000 instead of $70,000, leaving aggregate same as original bill.

Number 25 covers or includes transportation of supplies to Sioux in Dakota without increasing the amount appropriated.

Number 29, on page 31, changes cost of school-houses for Medawakuanton band in Minnesota from $2,000 to $1,000, but does not change aggregate appropriated.

Numbers 30, 31, 32, 33 strike out all the appropriation for Indians in Montana receiving rations at Fort Peck, Fort Belknap, and Black Feet agencies, because bill ratifying agreement with them in which the same amount, or the amount agreed on in said agreement, had become a law since the bill passed the House, which appropriation takes the place of amount appropriated in original bill.

Numbers 34 and 35 decrease amount to Navajo from fifteen to seven thousand dollars for pay of employés, etc.

Number 35 appropriates $15,000 to continue work on ditches, reservoirs, portable mills, material for houses, etc.

Number 36 appropriates $10,000 to pay bona fide settlers for their improvements in New Mexico because of their inclusion in Indian reservation.

Number 37 gives $6,000 for support and education of the Seminole Indians of Florida.

Number 38 strikes out a clause on page 40 providing that the various amounts in original bill for Montana Indians at Fort Peck, and Fort Belknap, and Blackfeet Indians shall not be expended, provided the bill then pending which supplies funds to take the place of amounts appropriated becomes a law; the bill having become a law, this clause was not necessary as amendments numbered 30, 31, 32, and 33 struck out the original appropriation for these Indians, etc.

Number 40 simply gives Hoopa Valley agency a carpenter.

Number 50 appropriates $1,000 to pay Charles F. Larrabee of Indian office for extra services as a member of Indian commission that procured various valuable agreements of Montana and Minnesota Indians. This service was arduous and dangerous; at same time very efficient.

Number 51 appropriates $2,500 to pay Shirley C. Ward for professional services as attorney at law for the Mission Indians in California. This work was done under employment of Attorney-General of the United States; the work being successful and the fee being reasonable in the opinion of Department, is allowed.

Number 52 appropriates $300 to pay Anna Adamson as teacher at Indian school at Mission agency, California.

Number 53 appropriates $10,176 to pay award of Court of Claims to Wallace W.

Rollins and Otis F. Presbrey for professional services for North Carolina Cherokees in certain suits in United States court.

Number 54 appropriates $10,000 to establish bridge across Wind River on Indian reservation in Territory of Wyoming.

Number 55 appropriates $3,000 to purchase river front on Columbia River at The Dalles in Oregon for benefit of Warm Spring Indians for fishing, etc.

Number 56 appropriates $2,000 to enable the Secretary of the Interior to negotiate with the Cœur d'Alene Indians for part of their reservation.

Numbers 57 and 58 change the amount appropriated for day and industrial Indian schools from $725,000 to $750,000.

Number 59 strikes out transportation of pupils to Carlisle school, and limits expenditure to not exceed $167 to each pupil.

Numbers 61 and 62 increase the appropriation of $15,000 to erect school building at Carlisle to $18,000.

Number 63 corrects aggregate of Carlisle appropriation.

Number 65 fixes compensation of superintendent of Indian school at Chilocco at $1,500.

Number 66 same for superintendent at Genoa, Nebr.

Number 67 limits appropriations for heating, repairs, erection of building, etc., at Genoa, Nebr., at $5,000.

Number 68 appropriates $10,000 to support Indian school at Grand Junction, Colo.

Number 69 appropriates $1,000 for transportation of Indian pupils to Hampton school to be educated without further cost to the Government.

Number 70 fixes salary of superintendent of Indian school at Lawrence, Kans., at $2,000.

Number 75 fixes salary of superintendent at Indian school, in Salem, Oregon, at $1,500.

Number 76 strikes out appropriation of $20,000 for support of Indian school in Alaska.

Number 77 appropriates $25,000 to establish Industrial school in Ormsby County, Nevada.

Number 78 provides that children of Indians who have accepted lands in severalty shall share equally in school with other Indian children.

Number 91 extends laws of Montana over territory lately acquired from Montana Indians, lying in the counties of Choteau and Dawson.

Number 92 allows lands of Umatilla reservation to be sold at agency instead of local land office, etc.

Having fully explained all the Senate amendments and the conference report, showing the action of the conferees of the two Houses, we respectfully ask that the report be adopted.

S. W. PEEL,
JOHN M. ALLEN,
Managers on the part of the House.

The CHAIRMAN. The question is on agreeing to the report of the committee of conference.

Mr. McCOMAS. Mr. Chairman, I ask permission to make a brief statement. This is the report of the committee of conference on the Indian appropriation bill, and we are considering in the House at this time the sundry civil appropriation bill. Now, there has evidently been a confounding of two items, as I will explain. The estimate for the Alaska schools is $50,000. The estimate for Indian industrial education for children of both sexes in Alaska is $20,000. The sundry civil bill includes now but $25,000 of the $50,000, and this report of the committee of conference shows that the Senate has stricken out from the Indian appropriation bill the House provision giving $20,000 for the Indian industrial schools in Alaska. Last year there was an appropriation of $45,000. By the condition of the sundry civil bill and by this action of the Senate on the Indian appropriation bill there is left but $25,000 out of $45,000, whereas $75,000 has been asked.

I can tell the House in a moment how this happened. Education in Alaska ought to be, and is, recommended by the Commissioner of Education and the Commissioner of Indian Affairs to be made a unit, and the purpose was to add the $25,000 to the $20,000, making $45,000, or so much more as might be thought proper for that purpose. The Committee on Indian Affairs of the House, conforming to the estimates of the Secretary of the Interior and of the Indian Bureau, very rightly omitted the $20,000, and it was put on by an amendment in this House. The bill went to the Senate, and the Senate, heeding the proper recommendation of the Secretary, that the Indians, the whites, and the Aleuts should have one system of education, have omitted that $20,000, and the matter is now in this condition, that instead of having $75,000 for the Indians and whites, you have but $20,000 for the whites; and the Indian schools in Alaska for the children of twenty-five thousand Indians are left unprovided for.

I call attention to this now, not for the purpose of resisting the conference report, but in order that the House, when it resumes consideration of the Senate bill to-morrow, may add the proper sum for the Indian industrial schools of Alaska for the coming year to the proper sum to be allowed to the Alaska Indian fund. I think the chairman of the Committee on Indian Affairs will say that I have properly stated the situation in reference to this matter.

Mr. PEEL. I think the gentleman has made a very correct statement, at least so far as the action of the Committee on Indian Affairs is concerned. No estimates came to us for the Indian schools in Alaska for the coming year, but when the bill was under consideration in Committee of the Whole that item was put in on the floor, and was afterwards struck out. The reason given was that it would be provided for in the general educational fund for that Territory, and for that reason we concurred in the amendment striking it out.

Mr. RANDALL. The Committee on Appropriations took action only on the part that it had been accustomed to take action on heretofore.

Mr. McCOMAS. I understand that. I simply wanted to direct attention to the matter, so that the error of confounding these two items might be corrected.

Mr. RANDALL. The Committee on Indian Affairs surely have charge of a matter relating to Indian schools.

Mr. McCOMAS. Yes, sir; they had at that time.

Mr. RANDALL. And the Committee on Appropriations took charge of the appropriation relating to the white school.

Mr. McCOMAS. That is right; but now, by reason of both being united and the two committees working on different estimates, one is omitted entirely. I have here letters from the Commissioner of Indian Affairs, the Commissioner of Education, and the Secretary of the Interior. But this matter can be arranged on the other bill. I only wanted the chairman of the Committee on Indian Affairs to state that I was right in this matter.

Mr. PEEL. Now let us have a vote.

Mr. BURROWS. I wish to ask the gentleman in charge of this report [Mr. PEEL] whether there is any matter embraced in it which was not included in the bill as it passed the House or in the Senate amendments.

Mr. PEEL. No, sir; there is no new matter whatever.

The question being taken, the report of the committee of conference was agreed to.

Mr. PEEL moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3182) making an appropriation to enable the several Executive Departments of the Government and the Bureau of Agriculture, the Government Printing Office, and the Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Ohio Centennial, to be held at Columbus, Ohio, from September 4 to October 19, 1888;

A bill (S. 1051) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, in the District of Columbia;

A bill (S. 2496) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes;

A bill (S. 2948) for the relief of William B. Stokes, M. M. Brien and William T. Haskins;

A bill (S. 1553) to provide for the purchase of a site for the erection of a public building at Oakland, in the State of California;

A bill (S. 157) for the relief of Newton S. Murphy; and

A bill (S. 111) for the relief of William N. Keightley.

The message also announced that the Senate had passed without amendments bills of the House of the following titles:

A bill (H. R. 8372) authorizing the sale of a portion of the Winnebago reservation, in Nebraska;

A bill (H. R. 4691) for the relief of John P. Hageman; and

A bill (H. R. 128) for the relief of John Fletcher.

The message also announced that the Senate had passed the bill (H. R. 7255) for the relief of A. B. Tyan with amendments; in which the concurrence of the House was requested.

The message further announced that the Senate had passed the House concurrent resolution for the correction of an error made in the distribution of a document known as "Fish and Fisheries."

The message further announced that the Senate had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 8565) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1889, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. HERBERT, from the Committee on Naval Affairs, reported a bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BUCHANAN. Let it be understood that all points of order are reserved on that bill.

The SPEAKER *pro tempore* (Mr. SPRINGER). All points of order will be reserved.

LOAN OF TENTS, ETC., FOR GETTYSBURGH REUNION.

Mr. TOWNSHEND. I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER *pro tempore*. The resolution will be read, after which the Chair will ask if there be objection.

The Clerk read as follows:

A joint resolution authorizing the loan of tents and tent equipage to the veteran organizations of the Society of the Army of the Potomac.

Whereas at the annual reunion of the Society of the Army of the Potomac, held at Saratoga, N. Y., in 1887, a resolution was passed extending to all the sur-

ivors of the Army of the Potomac and their guests, to meet in fraternal reunion n the twenty-fifth anniversary of the battle of Gettysburgh, July 1, 2, and 3, 888, on the field of Gettysburgh, and as the invitation has been generally extended and accepted, the survivors of the two armies will be largely represented ton the occasion; and

Whereas it is apparent that this Congress will not make a money appropriation to measurably meet the expenses of properly celebrating such anniversary: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed to loan to the committee in charge of quarters of the Society of the Army of the Potomac such tents and tent equipage as may be needed for the sheltering of the veteran organizations participating in said anniversary, and that to prevent loss or damage resulting from the use of such tents and tent equipage, the Secretary of War is authorized to detail troops to take charge of the same and to provide for their safe-keeping and transportation under the direction of the Quartermaster-General.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. KILGORE. I rise to a parliamentary inquiry: Does that carry with it an appropriation?

Mr. TOWNSHEND. It does not.

The SPEAKER *pro tempore*. Is there objection?

Mr. BURROWS. I shall object for the present, until I have an opportunity to examine the resolution.

Mr. TOWNSHEND. If the gentleman objects now, it ends the matter for the session, because the celebration comes off in two weeks, and unless this authority be given now——

Mr. BURROWS. I say to the gentleman that I desire to examine this resolution, and if I have no objection to it——

Mr. TOWNSHEND. It will be too late.

Mr. BURROWS. To-morrow will not be too late.

Mr. TOWNSHEND. It will.

Mr. BURROWS. Let it be printed in the RECORD.

Mr. TOWNSHEND. If the gentleman thinks proper, let him object.

Mr. BURROWS. I do object, until I can examine the resolution.

Mr. TOWNSHEND. Then I move to suspend the rules and pass the resolution. There is nothing in it which a child ten years old can not comprehend. It simply provides for a loan of tents.

The SPEAKER *pro tempore*. The Chair can recognize the gentleman from Illinois [Mr. TOWNSHEND] representing the Committee on Military Affairs to renew the motion to suspend the rules.

Mr. TOWNSHEND. I renew that motion.

The SPEAKER *pro tempore*. As this is suspension day, and as that committee is entitled to the call, the Chair recognizes the gentleman.

Mr. BURROWS. That committee has been called.

Mr. TOWNSHEND. But I withdrew the proposition.

Mr. KILGORE. I make the point that the Committee on Military Affairs has already been called.

The SPEAKER *pro tempore*. The Chair will state, in response to the point of order raised by the gentleman from Texas, that when the committee was recognized in a previous part of this day, it moved a proposition on which no quorum voted, and the proposition was withdrawn. There was no action taken, and therefore, in effect, there was no recognition; and the Chair takes cognizance of the fact that the Speaker of the House at that time said that he would recognize the gentleman from Illinois when the Committee of the Whole should rise this evening, if he desired to be recognized to renew his motion.

Mr. BURROWS. The gentleman from Illinois asked unanimous consent for the consideration of this resolution.

Mr. TOWNSHEND. I did in my individual capacity.

Mr. BURROWS. I am addressing the Chair. The gentleman did that on his individual responsibility, as he had of course the right to do. That proposition was objected to. Now the gentleman, as chairman of the Committee on Military Affairs, proposes to suspend the rules. My objection to that is that the Committee on Military Affairs has been already recognized to-day for such a motion; and whatever may have been the fate of that motion, whether successful or unsuccessful, the committee is not entitled to another recognition, but the next committee is entitled to be called. And in the second place the rule provides, and it is well settled by parliamentary law, that where a motion is voted down another motion can not be made to the same effect.

Mr. TOWNSHEND. The gentleman from Michigan raised his point of order, which the Chair has decided. I hold the gentleman has no right to debate this any longer, as it has been settled.

The CHAIRMAN. The gentleman from Michigan has the right to discuss the question of order.

Mr. BURROWS. I have nothing further to say. It is a clear violation of the rule to recognize a committee to suspend the rules, and if not successful to recognize that committee again. If that be true, the Chair can recognize every succeeding Monday motions to suspend the rules from the same committee.

The CHAIRMAN. The Chair is of the opinion there was no votes and therefore no action on the motion as no quorum appeared. It was withdrawn. If the motion had been insisted upon and it had gone over on the adjournment of the House, it would have come up the first business in order on the next occasion under the rule when this class of business is in order. It would have been the first business on the next Monday when motions to suspend the rules are in order from committees. There is no action on the part of the House when a want of a quorum is developed. So as an original proposition the Chair recognized the gentleman to move to suspend the rules.

Mr. TOWNSHEND. I make that motion to suspend the rules.

Mr. BURROWS. Does the Chair hold that the motion to suspend the rules is pending?

The CHAIRMAN. No, it was withdrawn.

Mr. BURROWS. Does the Chair hold he can recognize the same committee to make the same proposition?

The CHAIRMAN. The Chair does under the circumstances. The gentleman having the matter in charge withdrew it, and thereupon the House went into Committee of the Whole to consider the sundry civil appropriation bill. After some time spent in committee the committee rose. Thereupon the gentleman from Illinois was recognized, when he renewed his motion to suspend the rules.

Mr. TOWNSHEND. I insist on the question.

Mr. BURROWS. The only thing I wish is to examine the resolution. If on examination I find it all right I will make no objection to it.

Mr. TOWNSHEND. That will be too late. I call for the regular order.

Mr. BURROWS. I demand a second on the motion to suspend the rules.

Mr. TOWNSHEND. I ask the second be considered as ordered.

Mr. BURROWS. I object to that.

Mr. TOWNSHEND. Then let us have a vote.

The CHAIRMAN appointed as tellers Mr. TOWNSHEND and Mr. BURROWS.

Mr. CULBERSON. Does the Chair decide that it is in order for the same committee to repeat the motion to suspend the rules when the first motion has been voted down?

The CHAIRMAN. On the first motion a quorum failed to vote and the motion was withdrawn; and then after the House had come out of committee the motion to suspend the rules was renewed, which is now the question before the House.

The House divided; and there were—ayes 69, noes 3.

Mr. BURROWS. No quorum.

Mr. BAYNE. Is a motion to adjourn in order?

The CHAIRMAN. Not at this time. When the tellers make their report it will be in order.

Mr. BUCHANAN. If the House should adjourn during the present division, does not this motion expire with the day?

The CHAIRMAN. No; but it will remain before the House until disposed of, whenever this class of business is in order.

Mr. BUCHANAN. I move, by unanimous consent, the resolution be made the special order for 11.30 a. m. to-morrow, and the previous question be considered as ordered upon it.

Mr. BURROWS. I demand the regular order. Let us do one thing at a time.

The tellers having resumed the count, reported—ayes 71, noes 3.

Mr. BURROWS. No quorum. I suppose I need not keep on repeating that.

Mr. WILKINS. I move that the House do now adjourn.

Mr. BUCHANAN. I ask unanimous consent that this proposition may go over as unfinished business until to-morrow morning after the reading of the Journal.

Mr. BURROWS. I think we had better have the regular order.

The SPEAKER *pro tempore*. The regular order is on the motion of the gentleman from Ohio that the House do now adjourn.

Mr. WILKINS. At the request of several gentlemen around me, I will withdraw that motion.

CHANGE OF REFERENCE.

The SPEAKER *pro tempore*. Pending the renewal of the count by tellers the Chair will lay before the House a request of the gentleman from Nebraska [Mr. MCSHANE].

On the 25th of February last a letter from the Secretary of the Treasury was transmitted to the House in regard to the bill for paving and grading around the site of the post-office at Lincoln, Nebr. This was referred to the Committee on Appropriations, but was subsequently reported back by that committee and referred to the Committee on Public Buildings and Grounds. The latter committee now desire to be discharged from its further consideration and have it referred to the Committee on Appropriations.

Mr. RANDALL. Why?

The SPEAKER *pro tempore*. The Chair is of opinion that this being in continuation of work already in progress, it properly belongs to that committee.

Mr. RANDALL. Does it not break the limit?

The SPEAKER *pro tempore*. No; this is in regard to paving around the building.

There being no objection, the Committee on Public Buildings and Grounds was discharged from the further consideration of the communication and accompanying bill, and the same was referred to the Committee on Appropriations.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. ROBERTSON to print remarks in the RECORD on House bill 6115.

ORDER OF BUSINESS.

Mr. FORD. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 39.

Before the vote in the negative was announced—

Mr. BUCHANAN. Pending the announcement of the vote, I desire to state that I believe the terms of my last request were misunderstood.

The SPEAKER *pro tempore*. The Chair will announce the vote first.

On this question the ayes are 39, the noes 36. Before announcing the result the Chair will entertain the proposition of the gentleman from New Jersey.

Mr. BUCHANAN. My proposition was that this pending question should come up in the morning after the reading of the Journal, without any limitation as to the previous question.

Mr. BURROWS. Let us have the regular order.

The SPEAKER *pro tempore*. The regular order is the announcement of the vote just taken. The ayes have it, and the House stands——

Mr. TOWNSHEND. I demand tellers on that vote.

Tellers were ordered.

Mr. TOWNSHEND and Mr. BURROWS were appointed tellers.

Mr. SPINOLA. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPINOLA. Will it be in order to make a short speech at this time on the question of the resolution of the gentleman from Illinois?

The SPEAKER *pro tempore*. Only by unanimous consent. If there be no objection the gentleman will be permitted to proceed.

There was no objection.

Mr. SPINOLA. I wish to say, Mr. Speaker, with the most profound kindness to our friends on the other side of the House, who have manifested a spirit to filibuster this proposition out of time, that I have stood here acting for the survivors of the Army of the Potomac in endeavoring to persuade the Congress of the United States to contribute a small sum of the money which is now corroding in the Treasury towards paying a few absolutely necessary expenses in connection with the twenty-fifth anniversary of the great battle of Gettysburgh.

Mr. Speaker, the moons of five and twenty years have cast their soft light upon the graves of the men who fell upon that bloody field. The rays of five and twenty rising and setting summer suns have cast their shadows over the hills and valleys amongst which that battle was fought; and the survivors, who are but few and far between, as my friend General Sickles, who sits by me, suggests, are anxious to again assemble in fraternal feeling, in friendship and in love, and to pass the old canteen from one hand to another, to re-establish the friendships which existed before the war took place. [Applause.] And, sir, that has been my only motive in asking the House so frequently to consider this question favorably. But to my utter amazement, and to my astonishment and great regret, which I can not find language even to express at this time, I have been met for the third time in these efforts by an opposition coming from that side of the House, who claim to be such strong and stalwart friends of the veterans of the Union Army. [Applause.]

Mr. BUCHANAN. And in justice to this side of the House you ought further to say that that opposition was from one man only, who stands absolutely alone and unaided.

Mr. SPINOLA. Well, sir, that is for you to settle amongst yourselves.

Mr. BUCHANAN. We have settled it by voting with you constantly on this proposition.

Mr. SPINOLA. And I am very much obliged to the gentleman from New Jersey and those who have aided him.

Mr. FARQUHAR. And the gentleman might state further that the very proposition which is now before the House emanated from this side of the House.

Mr. SPINOLA. Yes, sir; and our committee reported it back, but your side, which assumes to be the special guardian of the Union soldiers, have failed to comply with the recommendations of the Military Committee, who have adopted this resolution unanimously, which only asks the loan of some few tents to shelter the veterans when they shall come together upon that famous field.

Mr. FARQUHAR. I want to say there is not a Union soldier on this side but what has voted for this resolution.

Mr. SPINOLA. Sir, it has been repeatedly done heretofore.

Mr. TOWNSHEND. Where is the Union soldier?

Mr. FARQUHAR. Every one of them has done so.

Mr. SPINOLA. I am very sorry I have been compelled to make these few remarks.

The hour of 5 o'clock having arrived, the House, according to previous order, adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BARRY: A bill (H. R. 10557) granting a pension to Mrs. M. M. Boyle—to the Committee on Pensions.

Also, a bill (H. R. 10558) granting a pension to Lankford Pugh—to the Committee on Pensions.

Also, a bill (H. R. 10559) granting a pension to William Thompson—to the Committee on Pensions.

By Mr. GROUT: A bill (H. R. 10560) granting increase of pension to Charles Johnson—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 10561) providing for specific surveys and resurveys of the public lands in the State of Oregon—to the Committee on the Public Lands.

By Mr. HUNTER: A bill (H. R. 10562) granting a pension to Mary A. Register—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10563) granting a pension to William S. Latham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10564) granting a pension to James Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10565) for the relief of C. Phelps—to the Committee on Claims.

By Mr. McCREARY: A bill (H. R. 10566) for the relief of George Denny—to the Committee on War Claims.

Also, a bill (H. R. 10567) for the relief of Henry P. Bottom—to the Committee on War Claims.

By Mr. E. J. TURNER: A bill (H. R. 10568) granting a pension to William S. Bradshaw—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk under the rule, and referred as follows:

By Mr. BURROWS: Petition of citizens of Berrien County, Michigan, for an amendment of the interstate-commerce law—to the Committee on Commerce.

By Mr. CUMMINGS: Petition of Catherine McQuade, widow of Thomas McQuade, for a pension—to the Committee on Invalid Pensions.

By Mr. ENLOE: Petition of F. N. Arnold, of Samuel Wharton, of S. D. Massengill, administrator of Stephen Massengill; of J. W. Wright, of Samuel Watson, of Martha B. Bush, of James W. Bennett, of John Brooks, of Peter A. Andrews, of Mrs. Rebecca Rhodes, of Thomas Bryan, and of Lewis Brown, administrator of Hezekiah Brown, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GEST: Petition of the Society of Friends, for a court of international arbitration—to the Committee on Foreign Affairs.

Also, petition of the same, against the exportation of intoxicating liquors to Africa and the islands of the Western Pacific—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. GLASS: Petition of R. W. Mitchell, of William Bannon, of Henry Babb, of estate of J. Robinson, and of Benjamin F. Roe, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GROUT: Letter of General J. C. Black, to be filed in claim of Charles Johnson for increase of pension—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Petition of A. A. Schulthers and 17 others, for amendment of the interstate-commerce law—to the Committee on Commerce.

By Mr. S. I. HOPKINS: Petition of R. T. Moses, asking compensation for services rendered as assistant folder, House of Representatives—to the Committee on Accounts.

By Mr. McCREARY: Petition of Melvina Hicks, of Rockville County, Kentucky, to be restored to the pension roll—to the Committee on Invalid Pensions.

By Mr. MORRILL: Petition of John Coan, of Leavenworth, Kans., for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of the State Medical Association of Tennessee, asking for the removal of duties from medicines, medical and surgical appliances, etc.—to the Committee on Ways and Means.

Also, petition of A. N. Rutledge, of J. C. Atkins, of Leah Bray, of Moses Arnold, of Thomas Bailey, and of Joseph H. Bryson, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. SPRINGER: Resolution of the American Medical Association, for the passage of Senate bill No. 2943, to perfect the quarantine service of the United States—to the Committee on Commerce.

By Mr. STONE, of Kentucky: Petition of Fealden Brantley, of Mrs. E. J. Allen, of Edmond T. Riggs, and of J. L. Wheeler, of Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. VANDEVER: Petition of the Chamber of Commerce of San Diego, Cal., for the act incorporating the Nicaragua Canal Company—to the Committee on Commerce.

By Mr. WASHINGTON: Petition of William O. Guinn, of Humphreys County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. G. A. ANDERSON: Of G. W. Burleigh and 24 others, members of the Jerseyville (Ill.) Gun Club.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. HUNTER: Of citizens of Madisonville, Ky.

SENATE.

TUESDAY, *June* 19, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, recommending that certain changes be made in the appropriations contained in the legislative, executive, and judicial appropriation bill for salaries of the force in the miscellaneous division of the Treasury Department; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. BERRY presented the petition of L. W. Worth and 40 other citizens of Baxter County, Arkansas, praying for certain amendments of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. REAGAN presented the petition of W. B. Metcalf and 203 other citizens of Shelby County, Texas; the petition of citizens of Burnet County, Texas; the petition of J. H. Gerdes and 31 other citizens of Bowie County, Texas; the petition of J. I. Moore and 16 other citizens of Houston County, Texas; and the petition of W. H. Graham and 24 other citizens of Henderson County, Texas, praying for the passage of a law to prevent common carriers from transporting commodities in cars and other means of conveyance owned by the shipper, and to give informers the fines imposed for violations of the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. GEORGE presented a petition of citizens of Mississippi, praying for an amendment of the interstate-commerce law to prevent encroachments upon the rights of the people by the railroads; which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 3023) granting a pension to Elijah M. Kinzey;

A bill (S. 3019) for the relief of Frederick Pehon; and

A bill (S. 1594) granting arrears of pension to Mrs. Clarissa Munson, widow of Elias Y. Munson, for his services of ninety days in the war of 1812.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5144) granting a pension to Franklin Long;

A bill (H. R. 7665) granting a pension to John E. Lewis;

A bill (H. R. 1069) granting a pension to Robert McClean;

A bill (S. 3060) providing a pension for Matilda C. King;

A bill (S. 3135) granting an increase of pension to Eliza J. Alexander;

A bill (S. 3050) granting a pension to John Dennert;

A bill (S. 3016) for the relief of Sarah R. Fisher; and

A bill (S. 2990) granting a pension to Eliza Settle.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the petition of James Parker, praying for the passage of a special pension bill for his relief, submitted a report thereon, accompanied by a bill (S. 3183) granting a pension to James Parker; which was read twice by its title.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8694) granting a pension to Isabella F. Dyke;

A bill (H. R. 6478) granting a pension to Elizabeth Smith;

A bill (H. R. 4653) to grant a pension to Joanna Barry;

A bill (H. R. 6761) for the relief of James H. Orr;

A bill (H. R. 618) granting a pension to James W. Harriman;

A bill (H. R. 6070) granting an increase of pension to Thomas Benson;

A bill (H. R. 9200) granting a pension to John F. Huckaba;

A bill (H. R. 7883) granting a pension to Susan L. Watson;

A bill (H. R. 6300) granting a pension to Samson M. David; and

A bill (H. R. 888) granting a pension to John Magher.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (H. R. 6602) for the relief of James O'Brien, reported it with amendments.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported a bill (S. 3184) providing for the construction of a marble portico, and for encasing the center of the western front of the Capitol; which was read twice by its title.

Mr. MORGAN, from the Committee on Public Lands, to whom was referred the bill (S. 435) to further provide for the disposal of the public lands in the State of Alabama, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. COCKRELL introduced a bill (S. 3185) granting a pension to John N. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAVIS introduced a bill (S. 3186) granting a pension to Christian Winkel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON (by request) introduced a bill (S. 3187) making an appropriation of $150,000 to enable A. de Bausset to build an airship to convey passengers and freight through the air, and for other purposes; which was read twice by its title, and referred to the Committee on Appropriations.

AMENDMENT TO CLAIMS BILL.

Mr. GEORGE submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance for certain claims for stores and supplies taken and used by the United States Army as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PNEUMATIC GUN-CARRIAGES.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed. The first Order of Business on the Calendar under Rule VIII will be stated.

Order of Business 1382, being the bill (S. 2515) to provide pneumatic gun-carriages for the War Department, was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause, and insert:

That the Secretary of War be, and he is hereby, authorized to contract with the Pneumatic Gun Carriage and Power Company for one 8, one 10, and one 12 inch gun-carriage, to be built under the company's system, at a cost not exceeding in the aggregate $60,000.

SEC. 2. The Secretary is also authorized to contract with the aforesaid company for one 10-inch disappearing carriage, to be built under the company's system; and the Secretary is also authorized to purchase such other type of seacoast or disappearing carriage as he may deem proper; the total cost of the carriages provided for in this section not to exceed $100,000.

SEC. 3. For the purpose of carrying out the provisions of this act the sum of $160,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. EDMUNDS. Is there a report?

Mr. HAWLEY. The original bill was referred to the War Department for advice and recommendations, and the Ordnance Department suggested a substitute bill, which is the amendment reported by the Committee on Military Affairs. I hold in my hand the letter of the Secretary of War and of the Chief of Ordnance in favor of the amendment.

Mr. EDMUNDS. I should like to have them read at the desk, please.

Mr. HAWLEY. I send them up to be read.

The Chief Clerk read as follows:

WAR DEPARTMENT, *Washington City, April* 7, 1888.

SIR: In reply to the request of your committee, dated the 29th ultimo, for the views of this Department upon Senate bill No. 2515, Fiftieth Congress, first session, appropriating $150,000 for the manufacture by the Pneumatic Gun Carriage and Power Company of pneumatic gun-carriages for the War Department, I have the honor to invite attention to the inclosed report of the 4th instant by the Chief of Ordnance, who recommends that instead of the amount above named, $160,000 be appropriated, and that the provisions of the bill include the procuring and testing of different types of seacoast disappearing and other carriages.

This amendment is embodied in the accompanying draught of a bill, which I concur with him in recommending as a substitute for the bill submitted.

Very respectfully, your obedient servant,

WM. C. ENDICOTT,
Secretary of War.

Hon. J. R. HAWLEY,
Chairman Committee on Military Affairs, United States Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., April 4, 1888.

SIR: I have the honor to return herewith letter of the 29th of March, from the Senate Military Committee, inclosing S. 2515, bill "to provide pneumatic gun-carriages for the War Department," and to report:

A proper carriage is not second in importance to the gun itself, and its determination is, equally with the gun itself, a matter of close study and successful trial. The original pneumatic carriage made by this Department has, by its results, forced itself into public recognition and favor. Much has, however, yet to be done and learned to reach that completeness and perfection so absolute in handling heavy masses and resisting the heaviest strains.

Disappearing carriages are not a novelty, but recent successes in the use of the pneumatic principle in England exhibit such a marked stride in the solution of the problem that the inclosed provisions ought not to be ignored or disregarded.

One hundred and fifty thousand dollars may be more than is necessary to provide the carriages mentioned in this bill, but as this question of carriages is a vital one and demands much study, trial, and experiment, I would recommend that the provisions of the bill be extended to include the procurement and test of different types of seacoast disappearing and other carriages that possess merit sufficient to justify the expenditure.

The inclosed bill should be so modified; and I inclose draught of bill embodying this amendment, which I strongly recommend may become a law.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The honorable the SECRETARY OF WAR.

Mr. EDMUNDS. I wish the chairman of the committee would inform us if he can, as I have no doubt he can, what is the Pneumatic Gun Carriage Company and where it is located? Is it a corporation or a partnership?

Mr. HAWLEY. I suppose it to be a duly organized corporation, from the fact that the Navy Department has been making contracts with it. I have also a report by a board of officers of the Navy Department.

Mr. EDMUNDS. Have you told us all you know about the Pneumatic Gun Carriage Company? Where is it located? Where are the works?

Mr. HAWLEY. I have not examined the history of the company itself; I trust that to the War Department. I trust that the War Department will not make a contract with a company unless it appears to be a duly organized and responsible company. The bill does not direct the Department to do it. The Department itself is satisfied as to the legal existence of such a company and as to the value of the work, and the Department is authorized to contract. It has never been known, in my judgment, to contract with a company that has no existence.

Mr. EDMUNDS. I dare say that may be so, and still I suppose it would not be unlawful or even impertinent for a Senator to inquire where the company was located and who composed it, as a matter of interesting information?

Mr. HAWLEY. I did not intimate that it would be. I intimated my belief that the company had a legal existence, and that the Secretary of War would certainly be satisfied on that point before he made a contract.

Mr. EDMUNDS. I understand the Senator to say he does not know where the works of this company are?

Mr. HAWLEY. I have not myself examined the legal organization of the company.

Mr. EDMUNDS. Where are the works located?

Mr. HAWLEY. I do not know. All I know is that they have made their carriages and exhibited them at Sandy Hook, and that the reports are favorable to them. In the report of the naval board it is stated that the company offers—

To build at the South Boston Iron Works, under the inspection of one of the members of the present board, one Powlett pneumatic gun-carriage, etc.

It is proposed to build the guns at the South Boston Iron Works. I do not know that the company has any established works of its own. It owns the patent and has made some carriages which have given great satisfaction.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Committee on Military Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDITIONAL BUILDING FOR NATIONAL MUSEUM.

Mr. MORRILL. I desire to call up Senate bill 3134, Order of Business 1555.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 3134) for the erection of an additional fire-proof building for the use of the National Museum.

The PRESIDENT *pro tempore*. The Calendar under Rule VIII being in order, the Senator from Vermont moves to proceed to the consideration of the bill the title of which has been read.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $500,000 for the erection of a fire-proof building for the use of the National Museum, to cover 300 feet square, and to consist of two stories and basement, to be erected under the direction of the Regents of the Smithsonian Institution, in accordance with the plans now on file with the Committee on Public Buildings and Grounds, on the southwestern portion of the grounds of the Smithsonian Institution.

Mr. MORRILL. There is a full report by the committee on this bill, Report No. 1539, which I presume most Senators have already seen. I shall not therefore ask for its reading unless some Senator desires the letter of the Secretary of the Smithsonian Institution to be read, which is very full on the subject.

Mr. SHERMAN. I ask the Senator from Vermont if this building will correspond with the National Museum building?

Mr. MORRILL. It will, but it is one story higher.

Mr. SHERMAN. Is the old building of the National Museum full?

Mr. MORRILL. It is more than full. They have more than enough to fill another building of equal size. The proposed building will contain room equal to three times the present amount of the existing museum, and the pressing necessity for it will be seen by the report that is made and by the urgency of the officers of the Smithsonian Institution that the bill shall be acted upon at the present session.

Mr. BECK. I rose to make an inquiry of the Senator from Vermont. I did not observe any provision made as to who is to superintend the building, or at what time it shall be finished, or anything in that regard. The bill seems too indefinite.

Mr. MORRILL. The Senator knows that so far as the Regents of the Institution are concerned the other building was constructed in an extremely short time and very economically.

Mr. BECK. I know it was. I ask if the building is to go on under the same general supervision that built the museum a few years ago.

Mr. MORRILL. The bills are precisely identical in language.

Mr. BECK. Then it is all right.

Mr. MORRILL. There is a single verbal amendment that I desire to have made.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 11, after the word "Grounds," it is proposed to insert the words "of the Senate;" so as to read:

In accordance with the plans now on file with the Committee on Public Buildings and Grounds of the Senate.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN DE LEON.

The PRESIDENT *pro tempore*. Order of Business 1387, the next bill on the Calendar under Rule VIII, will be stated.

The CHIEF CLERK. A bill (S. 631) for the relief of Edwin De Leon, reported adversely from the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection.

Mr. HARRIS. Had not the bill better remain on the Calendar, as the Senator who reported it is not present?

Mr. COCKRELL. Yes, he is here.

Mr. HARRIS. Very well.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection. The Chair hears none, and it is so ordered.

JOHN D. MAXTED AND ROBERT J. B. NEWCOMBE.

The bill (H. R. 878) for the relief of John D. Maxted and Robert J. B. Newcombe was considered as in Committee of the Whole. It proposes to pay to John D. Maxted and Robert J. B. Newcombe, of Manistee, Mich., $636, for extra excavation performed by them under the direction of the United States superintendent in the construction of the Sturgeon Bay life-saving station, in the State of Wisconsin.

Mr. EDMUNDS. Let us hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. FAULKNER May 23, 1888:

The Committee on Claims, to whom was referred the bill (H. R. 878) for the relief of J. D. Maxted and Robert J. B. Newcombe, have carefully examined the same, and report:

The committee find that the House report, No. 969, accompanying H. R. bill 878 clearly and properly presents the facts on which the petitioners in this case ask relief, and the said report is therefore adopted, as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 878) for the relief of John D. Maxted and Robert J. B. Newcombe, having considered the same, report:

"That the claimants in October, 1885, entered into a contract with the Government for the construction of a life-saving station at Sturgeon Bay Canal, Wisconsin, and that among other items of labor to be performed by the claimants by the terms of the contract was an excavation of 1,200 cubic yards of earth, sand, and loose gravel, to prepare a place for the foundation of certain buildings which were to be erected; but in the prosecution of the work it was found expedient and necessary to excavate about 10,000 cubic yards of such earth, sand, and gravel in addition to the 1,200 yards called for by the said contract.

"Mr. William Henry, the superintendent in charge of the work on the part of the Government, makes an affidavit that such extra excavation was necessary and practically unavoidable, and that it was done at his request and by his direction, and that it was duly approved of by Colonel Rogers, the engineer officer in charge.

"This claim for extra work was referred to the Solicitor of the Treasury, who under date of October 28, 1886, gave it as his opinion that under the contract the extra work could not be paid for, as it was not authorized in writing by the Secretary of the Treasury, but that under the circumstances it was a proper case to present to Congress.

"The amount named in the bill, that is $636, is the amount estimated by the civil engineer in charge of the work as the amount that should be paid for the extra work.

"The committee recommend that the bill do pass."

The committee report H. R. bill 878 favorably, with the recommendation that it do pass.

Mr. EDMUNDS. There does not seem to be any reason in this report why the bill should not pass; but it must have been an extraordinary engineer or Government officer who had charge of the work, in whose plans 1,200 cubic yards of earth were required to be removed for the foundation when it was found necessary after they began the work to increase that by 10,000 yards, more than eight times the amount of the estimated excavation by the engineer.

Mr. FAULKNER. I will state to the Senator from Vermont that the committee do not find that 10,000 cubic yards, as stated in the House report, was the proper amount actually excavated as extra work. The Senator will recognize that at once from the amount that the committee allowed in the bill, $636. Ten thousand cubic yards was the amount claimed by the contractor, but the engineer in charge reduced it very considerably; in fact to four thousand and something. That was caused by the shifting of the sand at the point to a great extent and by the determination of the Government engineer, after the contract was made, to remove the sand that had accumulated some 20 feet

from the building, which, under the estimate, was only to be some 5 feet from the building. But the shifting character of the sand rendered it absolutely necessary, in order to protect the building, that it should be removed farther from the building after it was erected, and for that reason the allowance was made.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ACKNOWLEDGMENT OF DEEDS.

The bill (S. 2658) to validate acknowledgments taken before the commissioners of the circuit courts of the United States, or the commissioners of the supreme court of the District of Columbia, of deeds to be recorded in the District of Columbia, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the deeds for the purpose of conveying lands situated in the District of Columbia, acknowledged since the 16th day of September, A. D. 1850, before any United States commissioner appointed by the circuit courts of the United States, or by the supreme court of the District of Columbia, and duly certified under the hand and seals of such commissioners, are declared valid and sufficient to pass the fee-simple or other estate intended to be conveyed, and bar dower, in the real estate therein mentioned, in favor of parties claiming under and through such deeds: *Provided*, That nothing in this act shall be construed to divest rights heretofore acquired, of record, in good faith, by purchasers or creditors of the parties to such deeds or other instruments.

Mr. EDMUNDS. I should like to have the Senator from West Virginia [Mr. FAULKNER], who reported the bill, explain what is the present state of the law in the District of Columbia, and the necessity for the passage of the bill.

Mr. FAULKNER. There has been no act that I have been able to find that would ratify any supposed defective acknowledgment since the date given in the bill. The object is to confirm all deed that were acknowledged before commissioners of the circuit court of the United States or commissioners appointed by the supreme court of the District of Columbia.

I call the attention of the Senator from Vermont to section 1778 of the Revised Statutes, which authorizes the commissioners of circuit courts to take acknowledgments of deeds. There is no question in my mind as to the validity of those acknowledgments; but the question has been suggested in the District of Columbia by the title companies that exist in this District, and they have refused to warrant or guaranty the title where the deed has been acknowledged either before a commissioner of the circuit court or a commissioner appointed by the supreme court of the District of Columbia.

That has produced such a condition of affairs that several instances have been brought to the attention of the committee affecting the title to property in this way. Deeds have been acknowledged before these commissioners in trust. The parties proceed to enforce the provisions of the trust by the sale of the property. It has resulted in the title companies refusing to guaranty the title, in purchasers refusing to purchase, and throwing ultimately the property upon the beneficiaries of the trust, bought in order to save themselves, they being confident that the title was good under the provisions of the law as it stood. Consequently it has been very unjust and injurious to a great many persons who were owners of property and have been forced to give deeds of trust and mortgages upon them.

I called the attention of all the title companies to this bill, and the attention of the supreme court of the District of Columbia to it. The modifications made in the bill are modifications in accordance with the suggestions of the judges of the supreme court of the District of Columbia. They have urged and suggested and advised the passage of a bill similar to this with the amendment suggested by the committee, which is in accordance with their recommendation.

Mr. EDMUNDS. The statutes of the United States concerning the acknowledgment of deeds in the District of Columbia, section 441 of the statutes relating to the District of Columbia, provide, among other officers who may take acknowledgments, thus:

Sixth. Before any commissioner of the circuit court of the District appointed for that purpose.

Mr. FAULKNER. I will state to the Senator from Vermont that the title companies hold that the supreme court of the District of Columbia is not a circuit court within the meaning of that section, and that although the commissioners appointed by the supreme court of the District have proceeded to take these acknowledgments in accordance with that section they are not willing to guaranty the title conveyed under those acknowledgments.

Mr. EDMUNDS. I think they are mistaken about that, with great respect; but that would be no objection to passing the bill if there is any doubt about it in their minds.

Another doubt occurs to my mind that I should like to hear the Senator from West Virginia relieve, as doubtless he can. Under the laws in this District deeds by the husbands of married women require the assent of the wife and her acknowledgment in a certain way.

The question is, supposing Congress to pass this act, whether, inasmuch as the married woman stands in that peculiar relation, it is within the power of Congress to divest an estate which she still holds because she has not acknowledged before the officer required by law, and was under no obligation to join in the deed by force of any contract as the husband was. The question is whether it would divest her by force of this act of her right to dower after her husband died which had not been divested by the act which she did before an unauthorized person, just as if an authorized commissioner had taken her acknowledgment in a different way from that required by law. Then the question is whether in such a case Congress would have the power to pass an act which would make the title of the grantee good notwithstanding she had not acknowledged in the manner required by law, which I should very much doubt.

I am not objecting to the passage of the bill, but I think it right to call attention to it, so that if anybody ever looks at the discussion he may not be misled again in respect of supposing that everybody agreed that the effect of the bill would be to divest the title of a married woman that had not yet been divested for want of a proper acknowledgment.

Mr. FAULKNER. I have no doubt the object and purpose and intention of the bill is to confirm and make valid any technical defect in the acknowledgment of a married woman in the conveyance of land under a deed; and I have no doubt in my own mind of the constitutional power of the Legislature to pass such a bill to confirm and ratify a defective acknowledgment. In fact it is frequently done in almost every State of the Union; and it has been sustained in my State and in the State of Virginia to my certain knowledge by the highest courts. It is generally customary in my State, after every constitutional convention, and it has been the case in Virginia, to pass an enabling act similar to this one, and such acts have always been upheld and sustained by the courts as valid and constitutional provisions.

Mr. EDMUNDS. There is no doubt, as it respects the real grantor, the owner of the property who has executed the deed and who has received the consideration for it, that it is within the power of the legislative authority to rectify any informality, to waive it, to obliterate it, that may have existed in the acknowledgment, or to make a deed good that was not acknowledged at all; but it is open to considerable question, I think, whether the law would apply to the case I have named of the wife. However, I am not stating that as any objection to the passage of this bill, but as a matter that ought to go into the discussion.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to validate acknowledgments taken before United States commissioners appointed by the circuit courts of the United States, or by the supreme court of the District of Columbia, of deeds recorded in said District."

LUCIEN GOYAUX.

The bill (S. 1582) for the relief of the estate of Lucien Goyaux was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to the representatives of Lucien Goyaux $1,545 for hospital stores, vehicles, harness, and saddlery taken from him at Baton Rouge, La., for the use of the United States Army, during the war of 1861.

Mr. EDMUNDS. I should like to hear the report.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. SPOONER May 23, 1888:

The Committee on Claims, to whom was referred the bill (S. 1582) for the relief of the estate of Lucien Goyaux, have had the same under consideration, and respectfully report:

The committee adopt the report submitted through Senator CAMERON at the Forty-eighth Congress, which was as follows:

"In August, 1862, Lucien Goyaux resided at Baton Rouge, La., and was engaged in the business of manufacturing and selling saddles, harness, and other goods usually kept in establishments of that kind. Col. Halbert E. Paine, colonel of the Fourth Wisconsin Infantry, was at that time in command at Baton Rouge. Soon after the battle of August 5, 1862, at Baton Rouge, Col. Halbert E. Paine, by Special Order No. 5, 1862, directed Maj. Frederick Frye, of the Ninth Connecticut Infantry, to collect horses and equipments to mount patrols detailed from the different regiments, and to take possession of such property as was necessary for that purpose and for the supplying of ambulances and transportation teams.

"Under and in pursuance of said order Major Frye, on the 12th of August, 1862, took possession of Mr. Goyaux's store and his stock of saddles, harness, etc., contained therein.

"On the 6th of October, 1862, a board of survey, constituted under Special Order No. 45 of the Department of the Gulf, consisting of Col. H. E. Paine, Fourth Wisconsin Volunteers, Lieut. Col. O. W. Lull, Eighth New Hampshire Volunteers, and Capt. William Roy, Twenty-first Indiana Volunteers, was appointed by order of General T. W. Sherman and directed to assemble at Camp Parapet on Thursday, October 6, 1862, at 10 o'clock a. m., to take proof, appraise, and report upon the stock of harness, etc., belonging to L. Goyaux, alleged to have been taken for the use of the forces of the United States by order of the commanding officer. This board assembled pursuant to the order, and on the 4th day of January, 1863, reported to the commanding general that they had attended to the duty assigned them, and had taken all the testimony offered by the claimant, Goyaux, as well as the testimony produced upon the part of the United States, and that it appeared from such testimony that Goyaux was the owner of the stock of goods, and that he was loyal to the United States, and they recommended the payment of $1,845, the value of the goods taken and used

by the Army. This allowance was approved by Brig. Gen. T. W. Sherman, commanding.

"Subsequently, on the 6th of March, 1863, the matter was again investigated by a court of inquiry under Special Order No. 6. This court recommended that the claimant should be paid the sum of $1,545.

"The following are the items allowed the claimant by the two boards:

11 sets of harness	$350.00
20 saddles	400.00
72 bridles, girths, and surcingles	150.00
150 whips	100.00
Saddlery hardware	150.00
13 saddlebags	50.00
51 collars	75.00
1 wagon	60.00
1 dray	60.00
3 bales of moss, taken and used for hospital purposes	50.00
Total	1,545.00

"In 1863 Goyaux presented his claim to the War Department for payment. It was investigated, and on the 23d of September, 1863, Chauncey Smith, the Solicitor of the War Department, made a decision thereon. He states as follows:

"'Upon the claim of Lucien Goyaux I have the honor to report that in my opinion the loyalty of the claimant is fully established, and that he is justly entitled to a part, if not the whole, of the claim, but there is no appropriation out of which he can be paid by the Department.'

"Goyaux died November 20, 1871. He was a native of France, and it appears that his widow and children did not know that he had ever become a citizen of the United States. The widow and children of Goyaux caused the claim to be presented to the French and American Claims Commission, but upon investigation it was discovered that Goyaux had become a naturalized citizen of the United States in 1857, and, consequently, he being an American citizen, the French and American Claims Commission could not adjudicate the claim. The claim was cognizable before the Southern Claims Commission, but Goyaux died a few months after this commission was established, and it is satisfactorily shown that his legal representatives had no knowledge whatever that the claim could be considered by the Southern Claims Commission until long after that commission expired by limitation of law.

"The original claimant, Goyaux, was diligent in asserting his claim.

"We are satisfied that the property hereinbefore described was taken pursuant to the order of Colonel Paine, the commanding officer; that it was adapted to the use of the Army, and that it was actually used by the Army. We are also satisfied that it was of the value of $1,545.

"We therefore report back said bill and recommend that it do pass."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS FOR ADVANCES IN WAR OF 1812.

The bill (S. 610) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore, growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812, was announced as next in order.

Mr. COCKRELL. That had better go over.

The PRESIDENT *pro tempore*. The bill will be passed over to the Calendar under Rule IX.

Mr. FAULKNER. I ask that that bill be not passed over. The purpose of the bill is simply to place the States covered by the bill exactly upon the same equality as four States already relieved by an act of Congress of precisely the same kind. It has been discussed fully.

Mr. EDMUNDS. That bill is an important bill and involves a great deal of money. There ought to be a discussion and examination of the preceding cases that are said to be precedents, and we ought to know something about precisely what is the nature of the claims which justify Congress in paying interest. It is too important a bill, I suggest to my friend from West Virginia, to be taken up when the Senate is so very thin.

The PRESIDENT *pro tempore*. Is the objection withdrawn.

Mr. EDMUNDS. I should renew it if it was.

Mr. PLUMB. My impression is that the accounts of the State of Maryland for advances or expenses in the war of 1776 are not settled yet. Those ought to be taken out of the way before we come down to those of 1812.

Mr. FAULKNER. I, of course, do not insist on the present consideration of this bill, as the Senater from Vermont has suggested that there may be a division called for, which would, of course, stop the matter, but I think the Senator from Kansas will find that so far as the State of Maryland is concerned as to the war of 1812, all her claims have been settled. It is not the State of Maryland, it is the city of Baltimore that is more interested in this question.

The PRESIDENT *pro tempore*. The bill takes its place on the Calendar under Rule IX.

MEDICAL CORPS OF THE NAVY.

The bill (S. 262) to increase the efficiency of the Medical Corps of the Navy was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDENT *pro tempore*. The bill will be passed over to the Calendar under Rule IX.

NEW BERNE NATIONAL CEMETERY ROAD.

The bill (H. R. 4320) to authorize the construction of a graveled or macadamized road from the city of New Berne, N. C., to the national cemetery near said city was considered as in Committee of the Whole.

Mr. EDMUNDS. I should like to hear the necessity for the United States building that road explained.

The PRESIDENT *pro tempore*. Does the Senator desire to have the report read?

Mr. EDMUNDS. Yes; if there be one.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. WALTHALL May 24, 1888:

The Committee on Military Affairs, to whom was referred the bill (H. R. 4320) to authorize the construction of a graveled or macadamized road from the city of New Berne, N. C., to the national cemetery near said city, having considered the same, report as follows:

Your committee recommend the passage of the bill for the reasons set forth in the following report of the Committee on Military Affairs of the House of Representatives:

"[House Report No. 1287, Fiftieth Congress, first session.]

"The Committee on Military Affairs, to whom was referred the bill (H. R. 4320) for the construction of a macadamized road from the city of New Berne, N. C., to the national cemetery near that city, submit the following report:

"There are buried in the national cemetery near the city of New Berne, N. C., over 3,000 Federal soldiers. The grounds are inclosed within walls built of shell rock, of which material the house for the superintendent (a neat two-story building) is also constructed.

"These grounds are situated on a bluff overlooking the Neuse River, a sheet of water about 1 mile in width. The distance from these grounds to the corporate limits of New Berne is about 1½ miles, and the only road now connecting it with this city, or by which it is approachable at all, is a narrow, private cart road, liable at any time to be closed by the owners of the lands over which it runs, and which, during certain seasons of the year, is grown up with weeds and made almost impassable by the encroachments of the plowmen who cultivate the adjacent fields. The owners of these lands, your committee is informed, are willing to donate to the Government the right of way over them.

"The macadam to construct this road will have to be hauled by rail between 75 and 100 miles, and according to approximate estimates made by Mr. Owens, of the War Department, the cost of its construction will reach about $20,000, which estimate is hereto attached and made part of this report.

"WASHINGTON, D. C., *February* 18, 1888.

"DEAR SIR: In accordance with your request I hand you herewith approximate estimate of cost of shell and of macadam road from the city of New Berne, N. C., to the national cemetery near that place.

"The distance from the city limits to the cemetery is reported to be a mile and a quarter.

"If shells could be obtained in sufficient quantities at the price usual where shells abound a good road of the above length, 25 feet wide, with a depth of 18 inches of shells, could be constructed for $15,000, possibly less, depending on the supply and price of shells.

"I am informed that the city of New Berne has at present a contract with the oyster-canning factories for filling with shells a dock in the harbor, and that therefore a sufficient supply of shells for the proposed road could not probably be obtained this season.

"I estimate the cost of a macadam road as follows:

6,000 cubic yards earth work, at 20 cents	$1,200
5,000 cubic yards macadam, in place, at $3	15,000
1,000 cubic yards bank gravel on top, at $2	2,000
Drainage and sundries	500
Engineering and contingencies	1,300
Total	20,000

"It might, perhaps, be done for less, but it is better to make the appropriation $20,000 and then only the amount necessary need be expended.

"Very respectfully, your obedient servant,

"W. H. OWEN,
"*Civil Engineer, Quartermaster's Department.*

"Hon. F. M. SIMMONS, M. C.,
"*House of Representatives.*

"Your committee think there is urgent necessity for the immediate construction of this road, and recommend that the said bill, after being amended by striking out, in line 9, the word 'thirty,' and inserting for it the word 'twenty,' do pass."

Mr. EDMUNDS. I should like to ask the Senator from Mississippi what is the nature of the soil between the city of New Berne, over this distance of a mile and a half, and this cemetery, in order to understand what is the necessity of expending $20,000 to build a macadam road to this cemetery, which ought to have a nice and convenient road to it we all agree, but if the soil in the neighborhood of New Berne is like a good deal of the rest of North Carolina that I have seen—and I speak of it with great respect as neither of her Senators is here to defend her—there is no need of building a macadam road at that great expense as distinguished from an ordinary dirt road, such as we have in Vermont. But if it is a deep clay soil it might be a different thing; but a good, ordinary turnpike road, in almost all soils except the deep black soils of some bottoms, is perfectly adequate and sufficient for every such purpose. I should like to know what sort of a country that is?

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1451) for the completion of a public building at Wichita, Kans.;

A bill (H. R. 9512) for the erection of a public building at Brownsville, Tex.;

A bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes; and

Joint resolution (H. Res. 183) authorizing the loan of tents and tent equipage to the veteran organizations of the Society of the Army of the Potomac.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7255) for the relief of A. B. Tyan.

The message further announced that the House had agreed to the report of the committee of conference on the amendments of the Senate to the bill (H. R. 8565) making appropriations for the current and con-

tingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1889, and for other purposes.

The message also announced that the House had passed the bill (S. 2930) to authorize the Paris, Choctaw and Little Rock Railway Company to construct a bridge across Red River at or near Hook's Ferry, Red River County, Texas, with an amendment, in which it requested the concurrence of the Senate.

TENTS FOR GETTYSBURGH CELEBRATION.

Mr. WALTHALL. Mr. President——

Mr. HAWLEY. Will the Senator yield to me for a moment to make a request? I ask the Senate if it will not take up and consider immediately the joint resolution concerning the loan of tents to the Society of the Army of the Potomac just received from the other House. My reason for asking is that the time is very short indeed to get these tents.

Mr. WALTHALL. I am perfectly willing to yield for that purpose.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. Res. 183) authorizing the loan of tents and tent equipage to the veteran organizations of the Society of the Army of the Potomac; which was read the first time.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that the Senate proceed now to the consideration of this joint resolution. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. EDMUNDS. Will the Senator from Connecticut please explain that resolution?

Mr. HAWLEY. The Society of the Army of the Potomac thought it desirable to celebrate the twenty-fifth anniversary of the great battle of Gettysburgh, and in a fraternal spirit invited those who had been on the opposite side to come. To their great surprise the invitation is being accepted very generally. Arrangements for transportation have been made at very small figures indeed. The attendance promises to be so large that the Society of the Army of the Potomac is a good deal alarmed concerning the entertainment of these people at the small village of Gettysburgh. The ordinary three or four thousand dollars from its own little revenues devoted to such entertainments is entirely swamped, and in their despair they turned to Congress for a little money to help them out. In this they were not successful, but this will enable them to do something towards the end in view, and the old soldiers have drawn this resolution and it has been amended in such a way as to put the tents in charge of the Quartermaster's Department. I think the Senate will be willing to concur with the House, which has passed it this morning.

Mr. EDMUNDS. All right.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW BERNE NATIONAL CEMETERY ROAD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4320) to authorize the construction of a graveled or macadamized road from the city of New Berne, N. C., to the national cemetery near said city.

Mr. WALTHALL. Mr. President, the Senator from Vermont asked me a question which I am not sure that I am prepared to answer accurately. He asked me what was the character of the soil in the neighborhood of New Berne, N. C., where this cemetery road is proposed to be constructed. I would have said, but for an expression in the report, from my general knowledge of that country that it was sandy soil; but I see from the report that the only approach to the cemetery now is by a narrow, private cart-road, liable at any time to be closed by the owners of the lands over which it runs, and which, during certain seasons of the year, is grown up with weeds and made almost impassable by the encroachments of the plowmen who cultivate the adjacent fields.

From that I infer that the land is used for cultivation, and is not sandy, as I would have otherwise supposed.

It does not occur to me that the objection made to this bill by the Senator from Vermont ought to prevail, no matter what the character of the soil may be. There is no means of approaching this cemetery where there are more than 3,000 Federal soldiers buried, except by a narrow road liable to be closed up by the land owners, thus cutting the cemetery off from all approach from all directions.

As to the necessity of a macadamized road there, I may state that I can see no reason why this particular cemetery should be discriminated against as to the character of the approach to it provided by legislation. I think I am safe in saying that all the national cemeteries, at least in the Southern portion of the Union, have had macadamized roads or other permanent roads provided for them when Congress has been applied to; and I do not know of a single instance where an application has been made for a reasonable appropriation for that purpose, accompanied by an estimate from a proper engineering officer, when this body has acted adversely upon such a proposition.

Now, whether the present road be a sandy road—a very uncomfortable sort of road to ride over, as the Senator knows, and there are many such roads in that country—or whether it be an ordinary dirt road liable to become muddy and impassable in the winter season, it seems to me that in the one case or the other the Government ought to prepare a proper approach to its cemetery where 3,000 Federal soldiers are buried, and that it ought to be a permanent road; it ought to be a road durable and lasting, just such as are provided for other cemeteries.

The engineer in charge has estimated that it will cost within the neighborhood of if not quite the amount provided in the bill. The report shows that there is now no proper approach to that cemetery, and that the only means of reaching it may at any time be cut off, and the custom has been to make provision for macadamized roads under these circumstances. I see no reason why there should be an exception made against this cemetery. I know that there are several of these cemeteries in the Southern States, with which I am more familiar than I am with those in the Northern States. I know that there is one in the neighborhood of New Orleans, where, before Congress took action in the matter, the road in the winter was miry and almost impassable, and I know there is one in the State of Mississippi, in the northeast corner, at Corinth, where the region is high and dry, and the road in the summer time was reasonably good, but Congress when applied to made provision for a macadamized or a gravel road in both those cases, and in three or four others which I could mention.

In fact, sir, I know no case where Congress has been applied to to provide a permanent, lasting road to one of these cemeteries, and there was no proper approach already, where the application has been refused.

I am sorry that I can not state to the Senator from Vermont exactly the character of the soil, but I take it that it is soil which is cultivable, from the fact that it is stated that the road is liable to be interfered with by the encroachments of farmers who cultivate the adjacent fields. But whatever the character of the soil, the road ought to be constructed as proposed.

Mr. EDMUNDS. I do not think I shall be suspected——

The PRESIDENT *pro tempore*. The Senator has spoken once on this bill. He can only proceed by unanimous consent.

Mr. WALTHALL. I hope the Senator will be allowed to proceed.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. EDMUNDS. I do not think I shall be suspected, Mr. President, by any soldier of the United States of an intention to discriminate against any soldier of the United States, dead or alive. I think the soldiers of the United States, so far as I know them—and I know a good many of them who are citizens as well—desire that Congress, in maintaining proper respect for and taking care with proper decency of the burial grounds of their old comrades, shall do it as their own States do in respect to taking care of their dead and their cemeteries, and that is, do everything that is just and decent and proper and necessary, but not to be extravagant and not to do things that are wild and unnecessary. In the part of the country where I live, where there are some of these cemeteries and many other cemeteries, and little hilly places that are devoted also to other purposes, anybody who proposed to build a macadam road from the village nearest to one of these cemeteries would be considered either insane or corrupt, unless the nature of the ground on which the road was to be built required it to be macadam for the ordinary and proper and convenient purposes of passage. Honor to the dead soldier, as we understand it, does not consist so much in the character of the materials which compose the road that leads to his grave as it does in imputing to his memory other considerations and a different kind of gratitude.

So I think I shall not be considered saying anything injurious to the gratitude that we all owe to the dead and to the living as well; by suggesting, by way of inquiry rather than otherwise, that the idea of paying more money for a road to a soldiers' cemetery than would be paid for a road to any other cemetery, and the useless expenditure of money in useless contrivances in bringing rock to make macadam by railroad 75 miles unless the nature of the soil requires that sort of thing, would be an objection to anybody that studied it. So I leave that part of it there and come to the real point.

I said before that there ought to be a road there and a public road which the private owners could not close up if they wished to do so, and a good road, and whatever money is necessary for that purpose ought to be appropriated; but what is unnecessary, like laying a pavement, sending down the asphaltum or the granite-block men, is certainly doing a wrong to the soldiers of the United States who pay taxes, and doing no good to the memory and no honor to the memory of those who lie buried there or in any other place. And inasmuch as in the part of the country with which I am familiar it never has been thought useful or necessary to build a macadam road where gravel and the ordinary soil properly taken care of would do, I made these inquiries.

To continue appropriations of public money for public buildings in unnecessary places, unnecessary expenditures for doing things that ought to be done, expending more money than is decently useful and necessary for the object, I do not think will commend itself to the people of the United States, or to the soldiers of the United States, and it should not to anybody else.

I do not know any reason therefore for going into a measure of this kind in respect of the character of the materials of which this road is

to be constructed as distinguished from having a good road there. I do not see the use of spending more money than is necessary.

I do not find in the report any statement at all that a macadam road is required for public convenience, and utility, and ease in reaching this place; but it seems to be taken for granted that $20,000—over $10,000 a mile—is to be spent for building a road, for the land is not to cost anything, the mere macadam that is nine-tenths of it evidently (the breaking of the rock, the hauling of it, and laying it down), and we are to spend this for building a road a mile and a half from the little city of New Berne to this sacred spot. As representing the soldier taxpayers, I call attention to it because, so far as it appears, I do not see the necessity, while we must have a road there, of spending so much money in building it.

Mr. HAWLEY. Mr. President, in some cases these cemeteries are upon public roads already existing, which the cities and the localities in general are bound to keep up; but in a number of other cases—and I presume it to be so in this—the public in general has no interest in the road. The county authorities there outside the limits of the village of New Berne are under no legal obligation to make a respectable road, and the result of refusing to appropriate in this case would simply be to leave this with this ordinary old road across the fields to grow up with jimson weeds and sometimes crowded upon and practically abandoned.

Now, as to the character of the road, it is a common thing to build a good piece of road down that coast of shell. There is nothing finer than an excellent shell road. That could be done in this case probably by waiting awhile, but there is a contract, I understand from the report of the engineer, that calls for a good deal of the shell that is furnished about New Berne to shell a dock in the harbor, and therefore if the road is to be a shell road the building of it must be postponed for some time. There is said to be no objection to waiting a year or so until the supply of shell is ready to build an excellent shell road. But the bill does not require the expenditure of $20,000. It gives that as the extreme limit. "So much thereof as may be needed" is to be used for building the road.

I do not think that the Military Committee, in recommending the passage of the bill reported by the Senator from Mississippi, has departed at all from the general policy of the Government, which has been to put these cemeteries in excellent order, build a respectable and nothing more than a respectable wall, and to put a good porter and keeper and lodge there, and then, if needed, to make the approach to the cemetery passable, because in many cases these cemeteries being kept so nicely are places of public resort, and I am glad indeed that they are. It is becoming in the Government to keep them in order.

Mr. REAGAN. Mr. President, I am willing to vote whatever is necessary to make a proper road to and proper provision for the decent, respectable preservation of the cemeteries for the soldiers; but it occurs to me that one way of testifying our respect for their memories is to respect the rights of the living so far as not to vote extravagant and unreasonable appropriations. The idea of appropriating $10,000 a mile for the construction of a road of this kind, it seems to me, is not just to the living. I shall not, therefore, vote for the bill.

Mr. WALTHALL. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Mississippi having once spoken, is there objection to his speaking further? The Chair hears none.

Mr. WALTHALL. I only wish to say a word in reply to the Senator from Vermont.

I do not agree with the Senator that the roads to these national cemeteries ought to be constructed with the same idea of economy that they are to private cemeteries. As a purely economical scheme, it would perhaps have been well not to have established these cemeteries. The cemetery at New Berne itself was established at great cost. There was considerable outlay of money, in my judgment, very properly expended in the preparation of this cemetery—they are all alike, I believe—in beautifying the grounds, providing the headstones, and in inclosing the grounds with a wall such as is described in this report.

We are not able always to show our respect for the dead resting in private cemeteries by an outlay like that. We are not always able to provide a handsome two-story building for the person in charge of a private cemetery, as is done, it appears, in this national cemetery at New Berne. We would like, if we were able, to beautify the private cemeteries as these national cemeteries are beautified. We would like, if we were able, to inclose them in the same way, and provide a superintendent, to be liberally compensated for his services. But it is not always that that can be done in the case of a private cemetery. The Government, however, is able to provide a permanent, lasting, and creditable approach to each of these national cemeteries, and it has never refused to do this. So far as my knowledge extends, whenever application has been made to the Congress of the United States to do for the national cemeteries elsewhere what this bill proposes to do for this cemetery in North Carolina, it has been granted.

The Senator says that in the report of the engineer officer it is not recommended that the road be a macadam road. That is true. He was not asked for his views as to the character of the road. Congress having always determined in every single instance that I can now recall when a road was to be constructed to one of these national cemeteries that it should be a macadam road or a shell road or a gravel road, it was not for the engineer to say that this ought or ought not to be a road of one of those classes. He was asked what the expense would be, and he gives the reasons why a shell road could not be constructed at that particular point, and the reasons why a macadam road would have to be resorted to.

The distinguished Senator from Vermont seems to have been seized to-day with rather a sudden spasm of economy in reference to this matter. He considers that this appropriation is extravagant; and if he can induce a majority of the Senate to change its policy as to this matter already adopted with reference to other cemeteries, I am sure I am content; but for one I do not think it is an extravagant use of the public money to provide a permanent approach to a national cemetery, which has been established at a considerable expense to the Government, to make it conform in its plan and appearance to the approaches to other national cemeteries of the Government.

I say that if on the idea of economy this bill be defeated, then there is a discrimination against this particular cemetery at this particular point, and the Senate of the United States will refuse to do for this cemetery, where there are 3,000 Federal soldiers buried, what it did without a word of objection within the last six weeks for another in the same section of the Union where there were less than 1,300. If it is proposed to adopt a more economical system or plan with reference to the approaches of these national cemeteries now, when roads have been constructed to nearly all of them, the responsibility shall not rest on me. I reported this bill, and I shall support it, because it is doing for this cemetery what has been uniformly done for all others in like condition.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

WILLIAM T. CRUMP.

The bill (S. 353) for the relief of William T. Crump was announced as next in order.

The PRESIDENT *pro tempore*. This bill will be passed over, the majority and minority reports not having been printed, and the Senator who reported the bill being absent.

RAILROAD BRIDGE OVER RED RIVER OF THE NORTH.

The bill (H. R. 2527) authorizing the construction of a bridge across the Red River of the North by the Duluth, Rainy Lake River and Southwestern Railway Company was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 6, line 17, after the word "reasonable," to strike out "rates or," and in line 19, after the word "such," to strike out "rates or;" so as to read:

Said bridge shall be constructed to provide for the passage of railway trains, and, at the option of the said corporation, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot-passengers, for reasonable tolls to be fixed by the Secretary of War; and the Secretary of War shall have the right, from time to time, to revise such tolls.

The amendment was agreed to.

The next amendment was, in section 5, after the word "act," at the end of line 1, to strike out "so as to prevent or remove all material and substantial obstructions to the navigation of said river by the construction of the said bridge," and in line 6, after the word "act," to insert "so as to prevent or remove all material and substantial obstruction to the navigation of said river by the construction of said bridge;" so as to make the section read:

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved; and any alterations or changes that may be required by Congress in the bridge constructed under this act so as to prevent or remove all material and substantial obstruction to the navigation of said river by the construction of said bridge shall be made by the corporation owning or controlling the same, at its own expense.

The amendment was agreed to.

The next amendment was, in section 6, line 4, after the word "in," to strike out "and for any district in which said bridge or obstruction touches" and insert "whose territorial jurisdiction said bridge or any part thereof is located;" so as to make the section read:

SEC. 6. That in case of any litigation arising from any obstruction or alleged obstruction caused by this bridge to the free navigation of said river, the cause may be tried before the circuit court of the United States in whose territorial jurisdiction said bridge or any part thereof is located.

The amendment was agreed to.

Mr. EDMUNDS. On page 3, line 41, after the word "war" at the end of section 2, I move to strike out the period and to add:

And no such change shall be made until so approved.

The same amendment that was agreed to in the Senate yesterday, in substance, on another bill of this character.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

RED RIVER BRIDGE AT HOOK'S FERRY, TEXAS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2930) to authorize the Paris, Choctaw and Little Rock Railway Company to construct a bridge across Red River at or near Hook's Ferry, Red River County, Texas, which was, on page 2, line 10, to strike out the word "change" and insert the word "changed."

Mr. COKE. I move that the Senate concur in the amendment.

Mr. EDMUNDS. Let the amendment be again read and read in connection with the bill.

The PRESIDENT *pro tempore*. The proposed amendment will be read, and also the part of the bill proposed to be amended.

The CHIEF CLERK. Line 23, page 2, the proposed amendment is to strike out the word "change" and insert "changed;" so as to read:

And the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and the said structure shall be changed, at the cost and expense of the owners thereof, etc.

Mr. COKE. I will say to the Senator from Vermont that the amendment of the House is simply the correction of an error in the copying of the bill as sent from the Senate. The word "change" was used when it should have been "changed."

The amendment was concurred in.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 1451) for the completion of a public building at Wichita, Kans.; and

A bill (H. R. 9512) for the erection of a public building at Brownsville, Tex.

The bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

MARINE-HOSPITAL SERVICE.

Mr. FRYE. In my absence Order of Business 665 was passed over. It is the bill (S. 1786) to regulate appointments in the Marine-Hospital Service of the United States. I ask unanimous consent to go back to that order, and take up the bill for consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. EDMUNDS. I should like to have the Senator from Maine who reported this bill explain the proviso, whether the effect of the proviso and the bill together is to legislate out of office the whole body of these surgeons who are now in service, or what it means. I see the last clause is, "And the President is authorized to nominate for confirmation the officers in the service on the date of the passage of this act," which I suppose he would have the right to do anyway. I should like an explanation as to what the effect of the bill is in regard to the officers now in service.

Mr. FRYE. I do not understand that it legislates any officer out of service. That amendment was put in at the request of the Treasury Department. The bill was reported to the Senate two years ago by our committee, and reported again a year ago, and a year ago the Secretary of the Treasury called the attention of the committee to a necessary amendment, and that clause is the amendment. The Secretary of the Treasury writes now:

TREASURY DEPARTMENT, *Washington, February* 29, 1888.

SIR: I have the honor to acknowledge the receipt of your communication of February 27, concerning Senate bill 1786 to regulate appointments in the Marine-Hospital Service of the United States, and in reply thereto I transmit herewith a copy of a letter of the Secretary of the Treasury, written February 6, 1886, relative to a bill containing identical provisions.

The views of this Department have undergone no change from those therein expressed.

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

Hon. WILLIAM P. FRYE,
Chairman Committee on Commerce, United States Senate.

This is the letter referred to:

TREASURY DEPARTMENT, *Washington, February* 6, 1886.

SIR: I have the honor to acknowledge the receipt of a letter from the clerk of your committee, under date of February 4, 1886, transmitting, in accordance with the directions of the committee, Senate bill No. 780, "to regulate appointments in the Marine-Hospital Service of the United States," in which I am requested to furnish the committee with suggestions as I may deem proper touching the merits of the bill and the propriety of its passage, and in answer to respectfully inform you that the bill is in accordance with the various recommendations of this Department that have been made from time to time based upon reports of the Supervising Surgeon-General.

It appears that there is at present time no law specifically regulating the appointment of medical officers in the Marine-Hospital Service, and the appointments are made in accordance with the general authority conferred on the Secretary of the Treasury, to direct the affairs of the Marine-Hospital Service. Hence the propriety of the passage of an act regulating these appointments. An examination of the text of the bill shows it to be substantially a transcript of the regulations of the Department which have been in force since 1879, and which were lately repromulgated and approved by the President under date of April 24, 1885. It must be sufficiently obvious to any one that medical officers of the Marine-Hospital Service should be thoroughly versed in the different branches of medicine as set forth in the bill and the incorporation of these requirements in the statutes would seem to be necessary. Attention is invited to page 52 of my annual report for 1885, pages 11 and 12 of the report of the Supervising Surgeon-General; also to the letter of Mr. Secretary SHERMAN, dated January 4, 1880, transmitting to the House of Representatives a draught of a bill having for its object the same purpose as that of the bill now under consideration. The present bill, if passed, will place the officers of the Marine-Hospital Service on the same footing as those of the revenue-marine, and will not materially increase the expense of the service.

* * * * * * *

It is believed that the purposes of the proposed law will be more effectually secured if the plan of examination shall be fixed as suggested.

Very respectfully,

D. MANNING, *Secretary.*

Hon. S. J. R. MCMILLAN,
Chairman Committee on Commerce, United States Senate.

The omitted clause in this letter referred to amendments necessary to former bill, which are included in this.

That was the amendment respecting the examination. It has been recommended ever since 1880, has been reported by our committee as many as three times, and has passed the Senate I think twice.

Mr. EDMUNDS. I am not making any observations adverse or otherwise on this bill. I was only endeavoring to ascertain what the committee understood it to mean in respect of the status of the officers now in the service when this bill becomes a law.

I should have supposed from the first section and the first part of the second section that it did not affect those now in the service, and that they would continue to be medical officers until there should be a vacancy which was to be filled up hereafter by appointment made by the President and Senate, and an examination is very properly required; but at the end of the bill is an authority to the President to nominate for confirmation the officers in the service at the date of passage of this act. Applying that to the first clause, that medical officers of the Marine-Hospital Service shall hereafter be appointed by the President, I should be under the impression that the effect of it was intended to be, and probably is, that these officers would all be out and that they must get in by the method prescribed in the act.

I am not saying that that is good or bad, but only that it ought to be understood which way it is. If it is not that way, then it is very clear that this last clause is entirely superfluous and means nothing at all.

Mr. FRYE. It is so long ago since this bill was reported that I have forgotten.

I made some inquiries, not of the Secretary of the Treasury, but of one of the officers who came to see me about it. The officers are all in favor of it, and this is the bill exactly as it was transmitted to us by the Secretary of the Treasury after we had amended the bill as he once asked before. I am not prepared to say what the effect of that proviso is.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT.

Mr. EDMUNDS. I take the liberty of moving that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate do now adjourn.

Mr. PADDOCK. I should like to say to the Senator from Vermont that the chairman of the Committee on Pensions had contemplated asking the Senate to proceed to the consideration of the pension bills on the Calendar.

Mr. EDMUNDS. We can take them up to-morrow morning the first thing after the routine business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and (at 1 o'clock and 55 minutes p. m.) the Senate adjourned until Wednesday, June 20, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 19, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

VETO MESSAGE—DOLLY BLAZER.

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 3959, entitled "An act granting a pension to Dolly Blazer."

The husband of the beneficiary named in this bill was apparently a good soldier and was confined for a time in a Confederate prison. He was mustered out of the service in June, 1865, and never applied for a pension.

He died in 1878, leaving as survivors his widow and several children, two of whom are alleged to be still under sixteen years of age.

The cause of the soldier's death was yellow fever. There is in my mind no doubt of this fact; and the attempt to establish any other cause of death, if successful, would go far towards fixing a precedent for the rejection of all evidence which stood in the way of a claim for pension.

The bill herewith returned is disapproved for the reason that the death of the soldier had no relation to his military service; and I do not think there should be a discrimination in favor of this applicant and against many thousands of widows fully as well entitled.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 18, 1888.

Mr. WILKINS. I move that the message be referred to the Committee on Invalid Pensions and ordered to be printed.

There was no objection, and it was so ordered.

VETO MESSAGE—ELIJAH MARTIN.

The SPEAKER also laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 5522, entitled "An act for the relief of Elijah Martin."

By this bill it is proposed to increase the pension now paid to the beneficiary therein named, who was a soldier in the war of 1812, from $8 to $20 per month.

Prior to May 22, 1888, an application was made for reimbursement of the expenses attending the last sickness and burial of this pensioner, and on the day mentioned such application was transmitted to the proper auditing officer for adjustment.

I have no other information of the death of this soldier; but as his age is stated in the report of the House committee to be eighty-seven years, and as there can hardly be a mistake as to the identity of the person named in the application mentioned, I am satisfied that the beneficiary has died since the introduction of the bill for his relief.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 18, 1888.

Mr. WILKINS. I move that the message be referred to the Committee on Pensions, and ordered to be printed.

There was no objection, and it was so ordered.

DEATH OF EMPEROR FREDERICK.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting a letter from the Envoy Extraordinary and Minister Plenipotentiary of Germany, conveying the thanks of the Emperor of Germany for the resolutions of sympathy on the occasion of the death of the late Emperor; which was ordered to be printed, and laid on the table.

REPAIR OF SEA-WALL, ETC., WILLET'S POINT, NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of the Secretary of War of appropriation for repairs to sea-wall and wharf at Willet's Point, New York; which was referred to the Committee on Appropriations, and ordered to be printed.

A. B. TYAN.

The SPEAKER also laid before the House the bill (H. R. 7255) for the relief of A. B. Tyan, with Senate amendment.

The SPEAKER. The Chair will state that the only effect of the Senate amendment in this case is to correct the name of the beneficiary.

Mr. WILKINS. I move that the House concur in the Senate amendment.

The motion was agreed to.

PARIS, CHOCTAW AND LITTLE ROCK RAILWAY COMPANY.

The SPEAKER also laid before the House the bill (S. 2930) to authorize the Paris, Choctaw and Little Rock Railway Company to construct a bridge across Red River at or near Hooks' Ferry, Red River County, Texas.

Mr. CRISP. That bill, I think, is identical with the House bill 10063, reported from the Committee on Commerce of the House. I ask unanimous consent that it be considered at the present time.

Mr. WILKINS. Will it take much time?

Mr. CRISP. No.

Mr. RANDALL. I object to any bill being passed in this House that has not been read.

Mr. CRISP. I do not ask to dispense with the reading of the bill.

Mr. RANDALL. I have no objection, if the bill is read.

The SPEAKER. The Clerk will read the bill, after which the Chair will ask for objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Paris, Choctaw and Little Rock Railway Company, a corporation duly created and existing under the laws of the State of Texas, be, and is hereby, authorized to build a bridge across the Red River at or near Hooks' Ferry, Red River County, Texas, the said bridge to be so constructed as not to interfere with the navigation of said river: *Provided*, That any bridge constructed under this act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post-route, and the same is hereby declared to be a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or for through passengers or freight passing over said bridge, than the rate per mile paid for their transportation over the railroads leading to the said bridge; and the United States shall have the right of way for a postal telegraph across said bridge.

SEC. 2. That any bridge constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, a design of the drawings of the bridge and piers, and a map of the location, giving, for the space of at least one mile above and one mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, and the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until said plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and if any change be made in the plan of construction of said bridge during the progress of the work thereon, or before the completion of said bridge, such change shall be subject to the approval of the Secretary of War; and the said structure shall be at all times so kept and managed as to offer reasonable and proper means for the passage of vessels through or under said structure; and the said structure shall be change, at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river; and the authority to erect and continue said bridge shall be subject to the revocation or modification by law whenever the public good shall, in the judgment of the Secretary of War, so require, without any expense or charge to the United States; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river caused or alleged to be caused by said bridge, suit may be brought in the circuit courts of the United States of Texas or Arkansas, in whose jurisdiction any portion of said bridge may be located.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act at any time; and that if at any time navigation of the said river shall in any manner be obstructed or impaired by the bridge authorized by this act to be constructed, the Secretary of War shall have authority, and it shall be his duty, to require the said railway company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment; and if, upon such reasonable notice to said railway company to make such change or improvements, the said company fails to do so, the Secretary of War shall have the authority to make the same, and all the rights conferred by this act shall be forfeited; and Congress shall have power to do any and all things necessary to secure the free navigation of the river.

Mr. CRISP. Mr. Speaker I observe from the reading that there is a clerical error in the bill. I ask that it may be corrected.

The SPEAKER. It appears to be the omission of a single letter. The word "change" should be "changed."

Mr. RANDALL. It is a Senate bill. How have we the power to change the bill except by amendment?

The SPEAKER. It can only be done by amendment. The gentleman from Georgia [Mr. CRISP] asks unanimous consent to amend so as to make the word "change" "changed." If there be no objection that amendment will be made.

There was no objection, and it was so ordered.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. House bill 10063, on the same subject, will be laid on the table, if there be no objection.

There was no objection.

GOVERNMENT RESERVATION, ST. AUGUSTINE, FLA.

The SPEAKER also laid before the House a bill (S. 2946) granting the use of certain lands to the city of St. Augustine, Fla., for a public park, and for other purposes.

Mr. DOUGHERTY. I ask unanimous consent that that bill be considered at this time. I will state to the House that the bill carries no money appropriation. There is a Government reservation in the city of St. Augustine which is an eye-sore and is now used as a common, and the city desires to get police jurisdiction over it in order to improve it and make a park. By this bill the Government reserves to itself the right to resume jurisdiction at any time and retains the fee title.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill was read.

The SPEAKER. Is there objection to the request of the gentleman from Florida for the present consideration of this bill?

Mr. MACDONALD. I object.

Mr. DOUGHERTY. I hope the gentleman will not insist on his objection.

Mr. MACDONALD. I object. I have been three months here trying to get recognition to pass a little bill and I have not got it yet.

Mr. DOUGHERTY. That does not seem to me to be a good reason for opposing this bill. As objection is made, Mr. Speaker, I ask that for the present the bill lie on the Speaker's table.

There was no objection, and it was so ordered.

OHIO CENTENNIAL CELEBRATION.

The SPEAKER also laid before the House the bill (S. 3182) making appropriation to enable the several Executive Departments of the Government and the Bureau of Agriculture, the Government Printing Office, and the Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Ohio Centennial, to be held at Columbus, Ohio, from September 4 to October 19, 1888; which was read twice, and referred to the Committee on Appropriations.

ANACOSTIA AND POTOMAC RAILROAD, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 1051) to amend the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad in the District of Columbia; which was read twice, and referred to the Committee on the District of Columbia.

WILLIAM B. STOKES AND OTHERS.

The SPEAKER also laid before the House the bill (S. 2948) for the relief of William B. Stokes, M. M. Brien, sr., and William T. Haskins; which was read twice, and referred to the Committee on Claims.

PUBLIC BUILDING, OAKLAND, CAL.

The SPEAKER also laid before the House the bill (S. 1553) to provide for the purchase of a site for the erection of a public building at Oakland, in the State of California; which was read twice, and referred to the Committee on Public Buildings and Grounds.

NEWTON S. MURPHY.

The SPEAKER also laid before the House the bill (S. 157) for the re-

lief of Newton S. Murphy; which was read twice, and referred to the Committee on Claims.

WILLIAM N. KEIGHTLEY.

The SPEAKER also laid before the House the bill (S. 111) for the relief of William N. Keightley; which was read twice, and referred to the Committee on Claims.

LEAVE OF ABSENCE.

Mr. PENINGTON, by unanimous consent, obtained leave of absence until Thursday next, on account of important business.

PUBLIC BUILDING, STATESVILLE, N. C.

Mr. HENDERSON, of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (H. R. 1705) to provide for the erection of a public building at Statesville, N. C., and that the bill be now considered in the House.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to purchase or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the courts of the United States, post-office, and other offices for Government uses, at Statesville, N. C. The site, and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $150,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $150,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of North Carolina shall cede to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The Committee on Public Buildings and Grounds recommended an amendment reducing the amount from $150,000 to $75,000.

The SPEAKER. The question is on agreeing to the amendments.

Mr. MCMILLIN. Let us have the report in that case read.

The report (by Mr. JOHNSTON, of North Carolina) was read, as follows:

The Committee on Public Buildings and Grounds, having carefully considered the bill H. R. 1705, submit the following report:

By act of Congress, approved June 4, 1872, a term of the United States circuit and district courts for the western district of North Carolina is held twice a year at the town of Statesville, N. C., and since that date, during a period of about fourteen years, a vast quantity of important litigation has been determined in said courts. The whole number of cases instituted and disposed of during said period of fourteen years number nearly 2,800, or an average per year of about 200. Many of the civil cases have been of very great importance, and the business of the courts is steadily on the increase. The courts are held in the county court-house, a small building insufficient for the purpose. There is no proper place or office for the safe-keeping of the court records, which are in constant peril of destruction by fire.

Statesville is a prosperous town in Western North Carolina, situated in the center of a rapidly increasing population, embracing a large number of counties, from which the business of the courts is derived. The commercial transactions and importance of the place are considerable. It is accessible from the east and west by the Western North Carolina Railroad, and from the south by the Atlantic, Tennessee and Ohio Railroad. A new railroad is being extended to the northwest, and is now in running operation to the town of Taylorsville, a distance of 20 miles, its farther destination being the Upper Yadkin valley. The territory of which Statesville is the center pays a large amount of internal revenue, the amount annually collected through the revenue office located there being about $250,000. There is also a large and constantly increasing mail service at this point, it being the distributing office of quite a number of important mail routes.

Your committee are of the opinion that a public building is greatly needed at Statesville for the accommodation of the courts of the United States, post-office, revenue office, and other offices for the public uses, and believe it would be true wisdom and economy for the Government to erect a public building there, as provided in H. R. 1705. A similar bill received a favorable report by the Committee on Public Buildings and Grounds at the first session of the Forty-ninth Congress.

We therefore recommend that the bill under consideration be amended by striking out the words "one hundred and fifty," in lines 11, 12, and 21, and inserting in lieu thereof the words "seventy-five" wherever the words "one hundred and fifty" occur, and that as thus amended the bill do pass.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several members addressed the Chair.

Mr. CROUSE was recognized.

Mr. KILGORE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KILGORE. I desire to know whether there is any way for a gentleman to get recognized without going down into that bull-pit in front of the desk. [Laughter.]

The SPEAKER. The Chair can not inform the gentleman. The Chair can recognize only one gentleman at a time.

Mr. KILGORE. I understand that, sir, but I want to be the gentleman recognized. [Laughter.]

PUBLIC BUILDING, AKRON, OHIO.

Mr. CROUSE. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the bill (S. 349) for the erection of a public building at Akron, Ohio.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read.

The House report was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I did not notice the amount that the bill appropriates.

The SPEAKER. It appropriates $75,000.

Mr. HOLMAN. There is no statement in the report as to the necessity for this building, and I hope we shall have some statement on that point before the bill is considered.

Mr. CROUSE. I desire to state to the House and to the gentleman from Indiana [Mr. HOLMAN] that perhaps there has not been a bill presented for the erection of a public building during the present Congress at a point where the amount of mail matter in proportion to the population of the city exceeds the amount at Akron, Ohio.

Mr. MCMILLIN. If the House is asked to pass this bill, we ought to have some information about it. We can not hear a word that the gentleman from Ohio is saying.

Mr. BRECKINRIDGE, of Arkansas. This is a request for unanimous consent.

The SPEAKER. The request has been made and has not yet been granted.

Mr. MACDONALD. Is this a Senate bill?

Mr. CROUSE. It is.

Mr. MACDONALD. Then I object.

ORDER OF BUSINESS.

Mr. RANDALL. I call for the regular order.

Mr. TOWNSHEND. I ask the gentleman from Pennsylvania [Mr. RANDALL] to withhold that call for a moment.

Mr. O'NEILL, of Pennsylvania. I think we ought to have some opportunity on this side of the House to submit requests for unanimous consent.

The SPEAKER. By order of the House, this day, immediately after the reading of the Journal, has been set apart for the consideration of bills reported from the Committee on Public Buildings and Grounds. The gentleman from South Carolina [Mr. DIBBLE] is entitled to the floor.

Mr. DIBBLE. After conference with the chairman of the Committee on Appropriations, I wish to say that the Committee on Public Buildings and Grounds will not press the execution of their order to-day, provided that by unanimous consent there may be substituted any day, except Friday, succeeding the day on which the sundry civil appropriation bill shall be concluded in the House. I therefore ask unanimous consent for the substitution of such a day.

Mr. RANDALL. I have no objection to that, so far as I am concerned.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the order setting apart this day for the consideration of bills reported from the Committee on Public Buildings and Grounds be postponed until the first day, other than Friday, after the conclusion of the consideration of the sundry civil appropriation bill.

Mr. HERBERT. I ask the gentleman from South Carolina to name a later day than the one he has suggested. The naval appropriation bill is now ready for consideration in Committee of the Whole, and we would like to take it up as soon as the sundry civil bill is concluded.

Mr. DIBBLE. I can not extend my request so as to give priority to another bill. The sundry civil bill happens to be now pending, and it is only with the view of not interrupting its consideration that I make this request for unanimous consent.

Mr. HERBERT. Then I object.

Mr. DIBBLE. Then I move, Mr. Speaker, that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering bills under the special order.

Mr. RANDALL. I wish to make a parliamentary inquiry, whether this order in regard to business of the Committee on Public Buildings and Grounds is a continuing order, and whether in the resolution granting this day for the consideration of such business revenue and appropriation bills are excepted?

The SPEAKER. The order is not a continuing one, and it provides that it shall not interfere with the consideration of revenue or appropriation bills. So that if a motion should be made to-day to go into Committee of the Whole on the state of the Union for the consideration of revenue or appropriation bills that question would be first put to the House. That is the only effect of the qualification in the resolution.

Mr. DIBBLE. I ask my friend from Alabama [Mr. HERBERT] to withdraw his objection. We only ask one day; and our committee has already lost one of the days assigned to it.

Mr. RANDALL. Let us fix next Thursday.

Mr. WILKINS. Let me suggest next Tuesday, as it will be necessary, I presume, on these public building bills to have full House.

Mr. MILLS. Mr. Speaker, it is absolutely necessary that we pass these appropriation bills before the 30th of June; and I hope no business of the House will be interposed to prevent their prompt consideration, so that they may go over to the Senate. I have given way in regard to one of the most important bills before us for the very purpose of enabling the appropriation bills to be sent to the Senate. I hope my friend from South Carolina [Mr. DIBBLE] will not insist on occupying to-day, but will let the Committee on Appropriations go on with the sundry civil bill.

Mr. RANDALL. I suggest to the gentleman from South Carolina to name next Thursday for the consideration of the bills of his committee.

Mr. DIBBLE. I modify my request for unanimous consent so as to ask that next Thursday be substituted for to-day in the order with regard to public building bills.

Mr. TOWNSHEND. Not to interfere with appropriation bills.

The SPEAKER. That is already a part of the terms of the order. All that the gentleman from South Carolina asks is that the order shall be postponed from to-day till Thursday.

Mr. RANDALL. The Committee on Public Buildings and Grounds would have Thursday upon the same conditions that they now have to-day.

The SPEAKER. If the change asked by the gentleman from South Carolina should be made, and the House on Thursday should prefer to go into Committee of the Whole for the consideration of an appropriation bill rather than for the consideration of the special order, it could be done.

Mr. RANDALL. And the substitution of Thursday for to-day will not interfere with the business which the gentleman from Alabama [Mr. HERBERT] has in charge. Whether the House should go on with his bill would be a question under the control of the majority.

Mr. DIBBLE. As I understand, if Thursday next should be assigned to the business of our committee and the gentleman from Alabama on that day should desire to have the naval appropriation bill considered, that motion would have precedence.

The SPEAKER. That question would have precedence.

Mr. DIBBLE. Then I ask unanimous consent that the order fixing to-day for business of the Committee on Public Buildings and Grounds be postponed until Thursday next.

The SPEAKER. Is there objection?

Mr. KILGORE. I object.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole to resume the consideration of the sundry civil appropriation bill.

Mr. TOWNSHEND. I ask the gentleman from Pennsylvania to yield to me a moment in order that I may bring up a matter which was pending at the adjournment yesterday.

Mr. DIBBLE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DIBBLE. In case the motion of the gentleman from Pennsylvania to go into Committee of the Whole to consider the appropriation bill is voted down, will it then be in order to renew my motion?

The SPEAKER. It will be.

Mr. RANDALL. I am anxious to give the gentleman a day for his committee.

Mr. DIBBLE. And I am very anxious to have a day; but it seems that members here will not permit the arrangement to be made.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Pennsylvania.

Mr. TOWNSHEND. I hope the gentleman from Pennsylvania will yield to me for just a moment to submit a resolution for present consideration.

Mr. RANDALL. How long will it take?

Mr. TOWNSHEND. Not exceeding five minutes.

Mr. RANDALL. Very well.

LOAN OF TENTS, ETC., GETTYSBURGH REUNION.

Mr. TOWNSHEND. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The Clerk read as follows:

A joint resolution authorizing the loan of tents and tent equipage to the veteran organizations of the Society of the Army of the Potomac.

Whereas at the annual reunion of the Society of the Army of the Potomac, held at Saratoga, N. Y., in 1887, a resolution was passed extending to all the survivors of the battle of Gettysburgh an invitation to meet in fraternal reunion on the twenty-fifth anniversary of the battle of Gettysburgh, July 1, 2, and 3, 1888, on the field of Gettysburgh, and as the invitation has been generally extended and accepted: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed to loan to the committee in charge of quarters of the Society of the Army of the Potomac such tents and tent equipage as may be needed for the sheltering of the veteran organizations participating in said anniversary, and that to prevent loss or damage resulting from the use of such tents and tent equipage, the Secretary of War is authorized to detail troops to take charge of the same and to provide for their safe-keeping and transportation under the direction of the Quartermaster-General.

The joint resolution (H. Res. 183) was read a first and second time.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. KILGORE. I object.

Mr. BURROWS. I sincerely hope the gentleman will withdraw his objection. The form in which this resolution is now presented makes it entirely unobjectionable, and I hope it will be passed.

Mr. TOWNSHEND. I ask the gentleman from Texas to withdraw the objection, as it will be too late to be of any service if it is not passed at once.

Mr. KILGORE. Is this simply for the loan of the tents?

Mr. TOWNSHEND. Yes, sir; that is all.

Mr. KILGORE. Very well; then I will withdraw the objection.

There being no further objection, the joint resolution was considered, ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, that the House resolve itself into Committee of the Whole for the further consideration of general appropriation bills.

Mr. MORRILL. Pending that, Mr. Speaker, I would like to ask unanimous consent that committees having reports to make may be permitted to file them at the Clerk's desk for reference.

There was no objection.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

STATIRA YOUNG.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5174) granting a pension to Statira Young; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MINNIE B. BAILEY.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2344) granting a pension to Minnie B. Bailey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEMUEL S. SKINNER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2666) granting a pension to Lemuel S. Skinner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LOUISA WARD.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2639) granting a pension to Mrs. Louisa Ward; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. H. WELSH.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2842) granting an increase of pension to William H. H. Welsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. S. MAY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (S. 2945) granting a pension to J. S. May; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. PADGETT.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (S. 2874) granting a pension to George W. Padgett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM KELSEY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (S. 2106) granting a pension to William Kelsey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHEBE M'LAUGHLIN.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2711) restoring Phebe McLaughlin to the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMELINE BEAM.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2741) for the relief of Emeline Beam, mother of Isaac W. Beam; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY CALVERT TRUXTON.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2275) granting a pension to Mary Calvert Truxton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHŒBE CASTATOR.

Mr. YODER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 7000) to pension Phœbe Castator; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEVI B. SMITH.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1719) granting a pension to Levi B. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WASHINGTON T. OTEY.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1307) to increase the pension of Washington T. Otey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL A. TATE.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2750) to increase the pension of Samuel A. Tate; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES R. DURHAM.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2675) granting an increase of pension to Lieut. James R. Durham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SHADRACH BROWN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2733) granting an increase of pension to Shadrach Brown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEOPOLD MAYER.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 619) granting an increase of pension to Leopold Mayer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES WALSTER.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5503) granting a pension to Charles Walster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. DOWDALL.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5446) granting a pension to William H. Dowdall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES A. MYERS.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3234) granting a pension to James A. Myers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. LANE also, from the Committee on Invalid Pensions, reported back adversely bills of the following titles; which were severally laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3507) granting a pension to James Curran;

A bill (H. R. 2083) granting a pension to Mary Shall; and

A bill (H. R. 9207) to increase the pension of Louis M. Buford.

GEORGE RHODY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2139) granting a pension to George Rhody; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN ROBESON.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6201) granting a pension to John Robeson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA SMITH.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2140) granting a pension to Eliza Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH R. SELLERS.

Mr. MATSON also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2886) granting increase of pension to Joseph R. Sellers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM C. TILLY.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 4270) granting a pension to William C. Tilly; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB A. MILLER.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9970) granting a pension to Jacob A. Miller; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MISS EMILY ROMINE.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10289) granting a pension to Miss Emily Romine; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE WALLEN.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9175) granting a pension to George Wallen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS B. WALSH.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7) granting a pension to Thomas B. Walsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLOTTE TAYLOR.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9176) granting a pension to Charlotte Taylor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL ANDERSON.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10017) granting a pension to Samuel Anderson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES C. WHITE.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9344) granting a pension to James C. White; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. T. VINCENT.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 10356) granting a pension to J. T. Vincent; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY I. DRAKE.

Mr. HUNTER also, from the Committee on Invalid Pensions, re-

ported back favorably with amendment the bill (H. R. 9173) granting a pension to Mary I. Drake; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. RIDDLE.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 9183) granting a pension to William P. Riddle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM A. HUMES.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 9731) granting a pension to William A. Humes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. CAROLINE G. SEYFORTH.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 9126) granting a pension to Mrs. Caroline G. Seyforth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RANSOM RILEY.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 9182) granting a pension to Ransom Riley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM J. TONERAY.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 6344) granting a pension to William J. Toneray, of Tennessee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROCHIE BRIEN BUELL.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 8142) increasing the pension of Mrs. Rochie Brien Buell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM M. DICKEN.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 9467) granting a pension to William M. Dicken; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ZEB WARD.

Mr. LANHAM, from the Committee on Claims, reported back favorably the bill (S. 321) for the relief of Zeb Ward, of Little Rock, Ark.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. B. BRYAN & CO.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 10569) for the relief of C. B. Bryan & Co.; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH A. BISHARD.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 10570) for the relief of Sarah A. Bishard, administratrix of Daniel Bishard, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELISHA M. SHADDEN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported a bill (H. R. 10571) for the relief of Elisha M. Shadden; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM A. WALTHALL.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 6227) for the relief of William A. Walthall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

INCOME TAX ILLEGALLY COLLECTED.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 10416) to restore to Simpson County court, of Kentucky, a certain amount of money illegally collected as an income tax; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NORTHWEST SOLDIERS' ASSOCIATION.

Mr. FORD, from the Committee on Military Affairs, reported back favorably with amendment the joint resolution (H. Res. 172) authorizing the Secretary of War to furnish tents to the Northwest Soldiers' Association, of Iowa, for use at a reunion to be held at Sioux City, Iowa, on October 2 to 6, 1888, inclusive; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

OVERDUE TAXES, DISTRICT OF COLUMBIA.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

REVISED STATUTES.

Mr. HEMPHILL also, from the Committee on the District of Columbia, reported back with the amendments of the Senate the bill (H. R. 3290) to amend section 685 of the Revised Statutes relating to the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ANNA BOPPELL.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9784) granting a pension to Anna Boppell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY A. COVEY.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6309) for the relief of Mary A. Covey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH DOMM.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2451) placing the name of Elizabeth Domm on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRIET WELCH.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2899) granting a pension to Harriet Welch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY M. SHATTUCK.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3076) granting a pension to Mary M. Shattuck; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE R. HAZELTINE.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2385) granting a pension to Caroline R. Hazeltine; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY O. HALL.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 889) granting a pension to Mary O. Hall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHERINE TATE.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2483) granting a pension to Catherine Tate; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH E. BOULTER.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2895) granting a pension to Sarah E. Boulter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES J. ESTY.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2665) granting a pension to Charles J. Esty; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL K. SMITH.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2101) granting a pension to Daniel K. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADRIAN C. DODGE.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (S. 885) to increase the pension of Adrian C. Dodge; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. WILBURN.

Mr. GALLINGER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1750) granting a pension to George W. Wilburn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CALVIN J. COWLES.

Mr. SIMMONS, from the Committee on Claims, reported a bill (H. R. 10572) for the relief of Calvin J. Cowles; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. SIMMONS also, from the Committee on Claims, reported back bills of the following titles, for which the foregoing was in the nature of a substitute; and the same were laid on the table:

A bill (H. R. 4698) for the relief of Calvin J. Cowles; and

A bill (H. R. 9762) for the relief of George B. Hanna.

RICHARD W. MEADE, DECEASED.

Mr. HOOKER, from the Committee on Foreign Affairs, reported back favorably with amendment the bill (H. R. 6336) for the relief of the estate of Richard W. Meade, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The question being taken on the motion of Mr. RANDALL, the House divided; and there were—ayes 55, noes 52.

Mr. KILGORE. No quorum, Mr. Speaker.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. DIBBLE. I understand the gentleman from Texas is willing to withdraw his objection to the request for unanimous consent to fix Thursday for the consideration of the special order which was fixed for to-day.

Mr. KILGORE. I will withdraw that objection.

The SPEAKER. Is there further objection that the special order of to-day be postponed to Thursday next, upon precisely the same conditions as now exist?

There was no objection, and it was so ordered.

The SPEAKER. The motion of the gentleman from Pennsylvania is agreed to; and the gentleman from Tennessee [Mr. MCMILLIN] will please take the chair.

Mr. KILGORE. Mr. Speaker, I did not withdraw my objection to the point that no quorum had voted.

The SPEAKER. The Chair understood the gentleman as withdrawing that objection also, and that it was intended to solve the difficulty.

Mr. KILGORE. No, sir; I withdrew the objection to the request of the gentleman from South Carolina only.

The SPEAKER. The point of no quorum being made, the Chair will order tellers.

Mr. KILGORE and Mr. MCSHANE were appointed tellers.

The House again divided; and the tellers reported—ayes 106, noes 2.

Mr. KILGORE. I withdraw the point of no quorum.

So (no further count being demanded) the motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the sundry civil appropriation bill.

Mr. RYAN. Mr. Chairman, may I inquire how much time remains for debate on the Library clause of the bill?

The CHAIRMAN. By order of the House debate was limited to one hour and a half. The gentleman from Indiana [Mr. HOLMAN] occupied fifteen minutes. There remains an hour and fifteen minutes.

Mr. RYAN. My friend from New York [Mr. NUTTING] desires to make some observations on this bill, and as he was a member of the committee in the Forty-eighth Congress that reported the bill which became a law, providing for the construction of this building, I desire to yield to him twenty minutes of the time to which I may be entitled.

Mr. NUTTING. Mr. Chairman, I had the honor to be one of the members of the Committee on the Library in the Forty-eighth Congress. The whole subject of the erection of a suitable Library building for the United States of America was investigated by me. With the greatest possible care and pains I did investigate the necessity of the proposed Library building. I tried to find out, and in a measure succeeded, what the Old World had done in regard to such structures. I also examined the needs of the Government of the United States in regard to a suitable Library here at the seat of the Government, which should emphasize our love of literature and our desire to extend every facility for the education of the people. I hope that the question which has been raised here now will be examined with a proper regard for the importance of the subject involved. We are not to build a Library for ten or fifteen years or fifty years, and probably not for a hundred years or a thousand years; but we are to build a Library building which is to emphasize our idea of literature, education, learning, and the arts for all time to come; and the Congress—the Forty-ninth Congress—passed a bill which I believe, if carried out, will do this in a proper and fitting manner for the people of this country.

Mr. Chairman, the gentleman from Indiana [Mr. HOLMAN] yesterday in his argument intimated that the House was to recede from the steps which had been taken under the bill passed by the Forty-ninth Congress, and go back to the old idea of making accommodations for the Library of the United States—for I refuse to call it the Congressional Library—accommodations for this Library, great now, greater to be in the future, in the Capitol building of the United States or in additions to that building. Mr. Chairman, I desire to say now that I will resist any and all attempts on the part of this or any other Congress of which I may be a member to lay hands upon the Capitol of the United States in any manner for the purpose of furnishing accommodations for the Library.

The Capitol of the United States as it stands now is complete, a building which is recognized the world over as one of great beauty and of elegant accommodations. I will not consent, Mr. Chairman, that on the eastern side of the Capitol as it now stands there shall be built an excrescence—for it will be nothing more nor less—for the purpose of accommodating the Library. I will not consent by my vote, and I will resist to the utmost any attempt to build upon the western side attached to the Capitol an addition for this purpose.

I do not believe this Congress, nor any other, if the matter is properly investigated, will ever make any move toward changing the lines of beauty of the Capitol as it stands now, the pride of its people, the envy of the world.

The gentleman from Indiana [Mr. HOLMAN] said yesterday he had been deceived in regard to the amount of money which was needed to finish the new Library building.

That may be true so far as the gentleman is concerned. I was not deceived, at any rate, and if the gentleman was, it was perhaps his fault. I examined this subject with the assistance of Mr. Smithmeyer, with the assistance of the Librarian of Congress, and with the assistance of all the reports which had been made by committees of the Senate and House prior to that time in regard to the cost of the Library building as it was to be, and I had the plans before me; and I say here, Mr. Chairman, that the debates in the Forty-ninth Congress will show, I believe, that when the act providing for this building was passed the estimates were not $2,300,000 for the building complete, but $2,300,000 for the building as shown by the plan I hold in my hand; the front part and the central part of the building, called the reading-room. I say that at no time and in no place will it be found that any person authorized by any committee or upon any committee or any architect employed for the purpose ever stated that this building would cost $2,300,000 and no more, complete.

Mr. RYAN. Three millions.

Mr. NUTTING. I think it will be found no person has stated in so many words it would only cost $3,000,000. The gentleman from Indiana said he was amazed when it was found the building for the Library was to cost $7,000,000. Why, Mr. Chairman and gentlemen, no one should be amazed at the payment of $7,000,000 for a library building to be erected here at Washington to accommodate the accumulated literature and works of art already the property of the Government and all that which for all time is to be possessed by this great nation.

Go with me to the city of New York and I will show you a post-office building that cost $9,000,000, erected by the United States. Go with me to Philadelphia, only two hours' ride from here, and I will show you another building that cost $7,000,000 erected there by the Government of the United States for the use of the people. Go to Chicago and you will find a post-office building that cost six or seven million dollars, used for the purpose of holding United States courts and for the collection of customs. There are many other instances I might cite of buildings erected by us in cities for public purposes which cost more than $5,000,000. And yet the gentleman from Indiana [Mr. HOLMAN] says he was amazed when he found that the building to accommodate the Library of the United States as it is to be for a hundred years, and perhaps more, was to cost seven or eight millions. There has never been any estimate for this building, as I understand it, from any official source, upon the plan on which the bill was passed, for less than four million nine hundred and some odd thousand dollars.

Now, Mr. Chairman, you very well know that whenever an act has been passed for the erection of a public building, post-office, court-house, or custom-house, or for any other public purposes, even though the act

itself provides that the building should not cost more than $100,000, or perchance $150,000 or $200,000, almost universally that building has cost from 33 to 50 and some times even 100 per cent. more than the estimate and more than the bill provided for. You know, Mr. Chairman, that over and over again this Congress and other Congresses have passed acts increasing the amounts from that which was first mentioned in the bill for the erection of the building; sometimes doubling the amount. If this estimate is now placed at $4,900,000, and the building should cost $7,000,000, there would be nothing unusual in the fact.

Now, Mr. Chairman, I do desire here to emphasize in one other little statement my idea of resistance to an attempt to lay hands on this Capitol to make additional accommodations for the Library.

What these gentlemen who are attacking this plan want is to break it up, and then come to this Capitol and erect a building upon the western or the eastern side of it for the accommodation of the Library. As soon as you give them a foothold that will be and is the plan. Why, Mr. Chairman, in one sense the Capitol building itself illustrates and emphasizes the strength of this Government. This may be a sentimental view, sir, but sentiment sometimes comes very near to principle. In connection with this view I wish to recall a little circumstance by which it is illustrated.

In 1864, in the summer time, on one occasion, Early passed across the Potomac from the Virginia to the Maryland shore, only 4 miles above here, menaced the city of Washington, and encamped so near that the people of Washington could see the glistening of the enemy's arms in the sunlight and at once couriers and messengers were in haste passing backwards and forwards on foot and on horseback through the city with military orders, people were leaving Washington for safety, fearing every moment that the enemy would appear in the streets, and hurry and confusion prevailed among the citizens. But at that very time the great cranes and the great chains and lifts were at work upon the northern end of this Capitol building, the great blocks of granite were being lifted up into their places, and during all this excitement, when all other business was suspended and when people of the city were beside themselves with fear, the machinery and men never ceased to continue the work, thus, even in sight of the enemy, illustrating the confidence, the strength, and the majesty of the Government.

I mention this circumstance, sir, merely to show that, aside from the exciting scenes in legislative life here enacted in the past and the great intellectual achievements of which it has been the arena, there are associations clustering around this Capitol building which cause me for one to feel that I will never consent that an angle or a line of its beautiful proportions shall be marred for any purpose.

Mr. Chairman, there is another thing that I desire to speak of in this regard. Literature, education, the training and the refinement of the minds of the American people constitute the only safe basis upon which we can plant our feet for the perpetuation of our Government in the years that are to come.

You have erected in this city of Washington a great building to express your idea of war by land and sea. You paid $11,000,000 for that building. That is all right. I am glad you did it. That building was erected for the purpose of illustrating and emphasizing your idea of the physical protection of the principles upon which your Government is founded. You have built a Treasury building here which to-day is overflowing with money, and you have expended seven or eight millions for that. That is all right. It is a thing of use and a thing of beauty. Its stones and columns form a pile beautiful in form and strong for protection. It was needed, and I am glad we have it. Its cost is nothing. It in one sense represents our great country.

So you have gone on and erected in this capital city of the nation public buildings which have cost more than $100,000,000, buildings which serve the public uses of our Government, and emphasize its majesty and grandeur. With every citizen of the whole land I am proud of it all. But, Mr. Chairman, neither in your capital city of Washington nor anywhere else in this broad and beautiful land has the Federal Government erected a building for the accommodation of a public library. Neither in the District of Columbia nor anywhere else in the United States has the United States Government erected a building to emphasize its regard for the education of the people.

Therefore I say the time has come to erect a building here that will be a proper and sufficient monument to education, an object of use and a source of pride to the whole nation, not merely now, but for ages to come. In one of these reports it is stated that this Library building is to be the largest in the city of Washington. I am glad of that. The structure which emphasizes the value that we set upon the education of our people, upon the means which can put our people in a position to understand the principles upon which our Government is founded, ought to be our largest and best building. The monument that is erected to the enlightenment of the people, the monument that is erected to the symmetrical formation and development of the minds of the people, should be the largest and most beautiful monument of all.

Mr. HOOKER. Will the gentleman from New York allow a question?

Mr. NUTTING. Certainly.

Mr. HOOKER. I wish that the gentleman before he sits down would tell us what was the character and the cost of the edifice provided for in the act passed by the Forty-ninth Congress.

Mr. NUTTING. I will answer the gentleman's question and then proceed with my argument. I have here a design of the building which I send to the gentleman that he may examine it. The building which the act of the Forty-ninth Congress was passed to erect was intended to cover 2.9 acres, and it was designed to accommodate when completed ten million volumes and more. We have now not quite one million volumes, and our library stands fifth in the whole world so far as its extent is concerned. The $2,300,000 which has been mentioned as the estimated cost of the building was simply the amount required to finish the front part of the building—the reading-room and the front part of the building. It did not cover and was never asserted to cover cost of the building when entirely complete and finished. In answer to the gentleman from Mississippi I will say that the part of the building which the $2,300,000 was intended to pay for was this portion here [illustrating by diagram], and not even to finish all the rooms in that. This other portion [illustrating] was left entirely out. In the reports of committees of the Forty-sixth and Forty-seventh Congresses it was asserted that the whole building would cost $5,000,000, The reports—three or four of them—show that the estimates were about that sum. The estimate of $2,300,000, to which the gentleman from Indiana [Mr. HOLMAN] has referred, was simply for about half the building, and even then it was not intended to finish on the inside.

To show what other nations have done in regard to buildings for national libraries, I wish to make a statement in regard to the cost of the building for the British Museum in London. The English nation, with one-third less population than ours, and one-third less wealth than we have, and with nothing like our prospects for the future, expended upon its national library building, the British Museum, $6,873,870; and you will find that other nations of the world have expended money for like purposes in similar ratio.

[Here the hammer fell.]

Mr. RYAN. I desire to offer a substitute for the pending paragraph. After it has been read I will yield five minutes to the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

That the Committees on Public Buildings and Grounds of the Senate and House of Representatives, acting conjointly, shall, within thirty days after the passage of this act, invite from eminent architects, not exceeding five in number, designs and general specifications for a building for the Library of Congress, to be erected on the site purchased for that purpose in the city of Washington, the cost of the building not to exceed $3,000,000; and the sum of $10,000 is hereby appropriated, to be expended under the direction of the above-named committees, to pay for the said designs and general specifications. The said committee shall jointly report to Congress its action in the premises on or before the 20th day of December, 1888. That the work now in progress on the building for the Library of Congress shall be suspended and the commission authorized by act of Congress approved April 15, 1886, be, and the same is hereby, dissolved. That the property purchased for a site for the Library of Congress, including buildings thereon, together with all plans, records, and other property of the United States connected with the building for said Library of Congress, be, and the same is hereby, transferred to the care and custody of the Interior Department; the expenses of such care and custody shall be paid out of any money already appropriated for the construction of the building for the Library of Congress.

Mr. HOLMAN. Mr. Chairman, I am anxious that at this time at least there shall be no misapprehension of what is being done or what has been done. In order to avoid any possible mistake as to the statements which induced the House to pass the Library bill, I desire that enough of the act authorizing the construction of the Congressional Library building be read to show exactly the plan intended to be adopted.

The Clerk read as follows from page 12 of the acts of the first session Forty-ninth Congress:

The construction of said building substantially according to the plan submitted to the Joint Select Committee on Additional Accommodations for the Library of Congress by John L. Smithmeyer, in the Italian style of architecture, with such modifications as may be found necessary or advantageous without materially increasing the cost of the building.

Mr. HOLMAN. I ask the Clerk to read also a statement I have marked in the report of the Committee on the Library at the first session of the Forty-ninth Congress in support of the Library bill. The first and last of the three paragraphs which I send up cover the entire ground, first, as to the plan, and secondly, as to the expense of the whole structure when absolutely completed. I ask the Clerk to read those three paragraphs.

The Clerk read as follows:

It remains to consider briefly the plan for a Library building and the site proposed by the bill which has been adopted by your committee. It proposes a building of ample dimensions, to hold ultimately three million books, measuring 450 feet by 300, and covering about 2.9 acres of ground. The style of architecture is of the Italian renaissance order, carefully and economically adapted in all its parts to the purposes of a Government Library, and with interior arrangements approved by the Librarian. The building is designed to be of stone in the exterior and of iron and concrete in the interior, entirely fire-proof in all its parts. It is a pleasing and sufficiently ornate edifice, without extravagance, and will be entirely in harmony with the Capitol. That this proposed building is none too large for the destined wants of the collection is proven by a few figures which follow.

The area covered by the building of the British Museum is 5 acres; area of the National Library of France, at Paris, 4¼ acres; area of the Capitol building, 3½ acres; area of the proposed National Library, 2.9 acres.

The proposed building, as stated, will contain 3,000,000 volumes, with suitable economy of storage. It is not designed to fit up the whole interior at once

with iron shelving, but to introduce it gradually, finishing off the central portions, rotunda, and connecting rooms, and the entire exterior structure. The chief element of cost is in the iron alcoves of the interior, and in a building so extensive these may be finished in successive years, as wanted for the increase of books.

The most carefully guarded estimates of cost contemplate an expenditure of only $500,000 the first year, about $1,000,000 the second, and $800,000 the third, which will complete the building for occupancy in all its parts, sufficient for shelving one million books, and leaving space for the gradual introduction of additional iron alcoves in the coming fifty years, the ultimate gross cost of which will not exceed $700,000, or an average of less than $14,000 a year. When it is considered that the copyright fees paid into the Treasury amount to over $20,000 a year, while the pecuniary value of copyright publications received annually is very much greater than this, the expenditure will appear moderate in comparison with the great resulting benefits and the national importance of the work.

[Here the hammer fell.]

Mr. HOLMAN. I ask to occupy a few minutes more. I wish to call the attention of my friend from New York [Mr. NUTTING] to this report as read. It states the cost of the exterior of the building entire at $2,300,000. It states the entire cost of the alcoves for books, as required for the next fifty years, at $700,000, making $3,000,000 for the completed building as it would stand fifty years hence.

One other word. The gentleman from New York misapprehends entirely, as I think, the idea of a public library at this capital when he compares it to a library of one of the European capitals. In Europe the great libraries are centered at the capitals of the respective nations. There is but one capital in a European Government. Here the capital of every State in the Union aspires to the credit and honor of possessing a great library. The libraries of many States will rival the library of the District of Columbia. Our library was only intended to be the Library of Congress. The movement now on foot is the first attempt to create a national library in imitation of the European monarchies. I am willing to provide a library for this District, but I wish to maintain a Congressional Library as designed by the founders of the Government.

Ours is not a library standing on the same footing as those of Europe alluded to, but should be in harmony with our institutions, every State acting for itself, establishing its own system of education and with its own library, Congress a library for the use of Congress, and it would be justified in establishing a library for the District of Columbia but nothing more. The system of States did not contemplate these national institutions we are establishing.

Mr. NUTTING rose.

Mr. RYAN. How much time do you want?

Mr. NUTTING. Not more than a minute or two to complete my statement.

Mr. RYAN. Very well; I will yield to the gentleman for that purpose.

Mr. NUTTING. In the report for the Forty-sixth Congress you will find this wording:

It is estimated that the entire building will hold something over 10,185,000 volumes, exclusive of the wall-room in the corridors, which may, in case of necessity, be lined with book-cases.

The central building will contain about 1,280,000 volumes.

The estimated cost of the entire structure is within five million dollars ($4,924,313).

The cost of the central portion, with the two connecting wings for offices of administration, is estimated to be within one and a half million ($1,443,960).

In 1882 the same statement was made precisely.

Mr. RYAN. I now yield for five minutes to the gentleman from New York [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I have never voted for anything with more pleasure since I have been a member of Congress than for the act providing for this Library building. But at the time of doing it it was on the consideration that the cost of the building would be in the neighborhood of the sum mentioned. In my own State we have had a little experience in regard to putting up public buildings. We commenced with putting up a State capitol which was to cost $4,000,000, and we have already spent over $16,000,000 on it and the building remains uncompleted.

My idea, Mr. Chairman, is this: It is not to the building I object, and I shall not object if it costs $7,000,000, but I do object to any architect or any committee which will present a report to this House and ask us to put up a building saying it will not cost but three or four millions of dollars, and then at the very next Congress give us notice it will cost from ten to twelve millions of dollars. It is not doing the fair thing.

It is claimed we need a judiciary building. The extra room of the proposed building can be used for the present for the accommodation of the Supreme Court, and thus save the expense of putting up another building.

One other word and I will conclude. I have no sympathy with this idea that it is proposed to make the city of Washington the fashionable center of this country. I think the present curse of this city is that it is proposed to make it the center of wealth and fashion. We have already reached the point that no member of the Cabinet, no employé of the Government, no member of Congress can come here and enter into the social festivities of this capital without spending more than his salary. The tendency is in that direction.

I do not object to proper buildings being erected for the use of the Government at this capital city, but I do object to making this city a servile imitation of capitals abroad. I would rather see the city of Washington made the home of poor men by furnishing employment to them. Let them enter to a certain extent by giving them in this city some mechanical employment. I do object to any policy which drives away the poor laboring men, which banishes all mechanical business, which makes this city the fashionable center for the wealthy men who come here to spend their winters.

Some of us talk about the poor men and the laboring men coming here and observing these beautiful buildings erected for the purposes of the Government. They can not come here. There is no business they can do. They can not find any mechanical employment. The whole tendency in the city of Washington is towards banishing the poor man and by large expenditures of money making the city the home for the wealthy capitalists who come here to live. For that condition of things I have no sympathy.

Mr. RYAN. I now yield for ten minutes to the gentleman from Kentucky [Mr. MCCREARY].

Mr. MCCREARY. Mr. Chairman, I am in favor of a building for the Library of Congress that will meet all reasonable demands and be commensurate with the dignity, the wealth, and the greatness of this Republic; but when we start out to construct that building we should proceed in a business-like manner. We should know in the construction of a public building for the United States what each one of us would wish to know when we start to build an edifice for ourselves—we should know what the cost will be.

I remember well that in the Forty-ninth Congress, when the bill was introduced providing for the construction of a Congressional Library building, the chairman of the committee was asked what the cost would be. The chairman said on that occasion that the appropriation asked for would be $500,000 to begin the work, $1,000,000 at the next session, and $823,600 at the succeeding session to complete it; which made the sum of $2,323,600. This is what the chairman of the committee stated when he reported the bill to the House. There was a report filed at the same time by the Library Committee, in which it was stated that the most carefully guarded estimates, contemplated an expenditure of only $500,000 the first year, $1,000,000 the second, and $800,000 the third, which would complete the building for occupancy in all its parts sufficient for shelving one million of books, leaving a space for additional iron alcoves, the whole cost of which it was estimated would not be over $700,000. It appears, therefore, that by the statement of the chairman of the committee and by the report of the committee this building was to cost only $2,323,600.

Now, what is the situation to-day. We have bought the site for the building at a cost of $585,000, and we have expended about $200,000 up to this time, and are told that this edifice is to cost between $7,000,000 and $12,000,000. That is quite a wide margin of difference, and I ask if that is a business-like way of proceeding?

Is that the way we should proceed as members of Congress of the United States in dealing with a public trust? I am told that the grand building in this city, known as the State, War, and Navy Department building, cost only $11,000,000, and it is one of the grandest and handsomest buildings of its kind in the world.

What do you want with a building the size of the State, War, and Navy Department building to accommodate the present Congressional Library? How many volumes are there in the Library of Congress? According to the report of the committee in 1884 there were only 513,441 volumes, besides 170,000 pamphlets. It is now proposed to furnish an edifice which will cost between $7,000,000 and $12,000,000 to put these books and pamphlets in.

Mr. Chairman, I am in favor of liberal appropriations, but that strikes me as a very expensive luxury. It amounts to about $15 to each book now in the Library. I am in favor of granting a liberal amount for a Library building, but I want to proceed in the proper way; have the estimates and the plans and specifications submitted, and proceed in such manner as that we will know exactly how much we are to expend.

If, therefore, the building has been commenced without the requisite plans and without proper consideration, now is the time to call a halt and stop until the plans and estimates are all made in a proper manner. The work should stop until we get estimates and specifications made up by a competent architect that will show exactly the amount of money to be expended. I am in favor of the erection of a building not to exceed, say, about $3,000,000.

The work now in progress on the Library building should be suspended and the whole matter referred to the Committees on Public Buildings and Grounds of the Senate and House of Representatives, with instructions to act conjointly and invite competent architects to present designs and general specifications for a Library building, and, after proper examination and consideration, report a plan for a building not to exceed in cost $3,000,000.

This amount is sufficient to not only provide for the books and pamphlets now in the Library of Congress, but it is also sufficient to provide a building that will be large enough for many years to come for the increasing Library of Congress.

If we are to have a building suitable for the Congressional Library located outside of this Capitol building, it should be arranged with a view to the probable growth of the future; but I am satisfied that it

should not cost more than $3,000,000. I believe that sum is ample, and that we ought to know exactly, before going on with the expenditure or taking another step, precisely what the cost is to be.

In the Forty-ninth Congress I occupied the same position that I take to-day, and as I believed the bill then presented did not contain proper limitations and restrictions, I felt impelled by a sense of duty to vote against it. I was in favor then of the construction of a Library building, but neither the bill presented nor the report of the committee was satisfactory to me, and the situation to-day shows that the bill then passed was not properly drawn. The suggestion made by the gentleman from Indiana [Mr. HOLMAN] that rooms adapted to the sittings of the Supreme Court of the United States be provided in the Library building is a good one, and if it is feasible I would favor it. Yet if the judges of the Supreme Court should ever vacate the chamber they now occupy, I trust that grand chamber, with all of its sacred and glorious memories and associations, will be set apart and dedicated to fitting and proper uses.

Mr. RYAN. How much time remains?

The CHAIRMAN (Mr. COLLINS in the chair). Fifteen minutes.

Mr. RYAN. Then the gentleman from Kentucky occupied all of his time?

The CHAIRMAN. He did.

Mr. RYAN. I yield two minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. RANDALL. I should like to have some time on this side.

Mr. RYAN. You will have fifteen minutes left, and I think the time ought to be extended.

Mr. MILLIKEN. Mr. Chairman, I should be glad to agree with my friend from Kentucky, for I almost always find him right in the positions he assumes; but I must confess my surprise to find him to-day in favor of what I must regard as a penny-wise policy. He has stated very correctly that the Public Library is growing, and I supposed that the gentleman would realize the fact that we are constructing the Library building not for the library of to-day but for a library a hundred years hence; and I believe, therefore, that to dwarf that building, to make the difference that he suggests from the plan of to-day, and give it less dimensions, less capacity for the accommodation of the books of the Library, in order to save a few millions of dollars, would be an unwise policy and very bad economy.

So far as the Architect himself is concerned——

Mr. MCCREARY. Will the gentleman allow a question?

Mr. MILLIKEN. I have but two minutes. If the gentleman from Kansas will extend my time——

Mr. RYAN. I can not do that.

Mr. MCCREARY. I only want to ask you, as you are discussing the present style of building, how much it will cost to finish that building according to the present plans?

Mr. MILLIKEN. I understand the building is to be 20 per cent. larger than the State, War, and Navy Department building. That building cost some ten or eleven million dollars. Certainly if a building 20 per cent. larger, erected in good style, can be built for $7,000,000, as gentlemen have stated here to-day, that is not extravagant. So far as the Architect is concerned, as a member of the Committee on Public Buildings and Grounds I have had an opportunity to meet him and almost all the architects in Washington, and I know it to be the testimony of other gentlemen who have been longer on that committee than I have that the man who has control to-day as the architect of the Library building gives evidence of being one of the best, one of the most careful, and one of the most reliable architects we have in Washington.

But, Mr. Chairman, if gentlemen want to dwarf this appropriation, if they want to erect a building like the Pension Office, which, I understand, was built for very much less money than is estimated for this building, they can do so; but when the people of this country come to the capital they are proud to see good public buildings here——

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. RYAN. Now, Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Chairman, I did not have the good fortune to be here when the act was passed by the Forty-ninth Congress, and therefore the question which I asked the gentleman from New York [Mr. NUTTING], and which I asked yesterday of the gentleman from Indiana [Mr. HOLMAN], was designed to elicit information. I entirely concur with the view expressed by the gentleman from New York [Mr. NUTTING] that any attempt to add to and enlarge the Capitol for this purpose would be to destroy the architectural beauty of this building and would be folly. We are therefore constrained to look to the erection of an edifice outside of the Capitol for the accommodation of the overcrowded shelves and the very small library space which we now have.

As I understand it, the Committee on the Library, to whom this matter was intrusted, a committee composed of members of the House and members of the Senate, considered the matter and made a report to their respective Houses, which report the gentleman from Indiana [Mr. HOLMAN] on yesterday and the gentleman from Kentucky [Mr. MCCREARY] to-day referred to, and which report seems to say that the completion of the building would cost something over $4,000,000; $4,700,000 I think the gentleman from New York said.

I do not know how far members of this House may have been imposed upon, to use the language of the gentleman from Indiana [Mr. HOLMAN] on yesterday. I will state my understanding, and if I am wrong I would like to be corrected. I care nothing about who is the architect of this building. I would like to have a suitable building constructed; suitable not only in its interior arrangement, but a building whose exterior finish shall be such as to challenge the admiration of every citizen whose eye rests upon it.

I would be gratified to see a building constructed on some known order of architecture that shall be as much in vogue one hundred years from to-day as it is to-day. I would be glad to see a building constructed on the Grecian style of architecture, like your Treasury Department, a form which stands upon immutable principles of beauty, which the world has sanctioned and which is illustrated in all of the architecture of Greece. We ought to have such a building without a great deal of reference to the number of dollars and cents it may cost.

Mr. MILLIKEN. I agree with the gentleman. The present plan contemplates that.

Mr. HOOKER. If I am wrong I would like to be informed by some gentleman who was here in the Forty-ninth Congress. I understand that the little plan which I hold in my hand, and which I saw for the first time this morning, is the plan which was presented for the consideration of this House and put on exhibition at the Clerk's desk for the inspection of members at the time the House passed the bill in the Forty-ninth Congress.

I understand this (exhibiting another plan) is the extended plan, comprising the whole. I understand the plan which was referred to by my friend from Kentucky, Governor MCCREARY, which was to cost only $2,300,000 for the erection of the building and $700,000 for the completion of the alcoves in the interior, making the actual cost $3,000,000, was that first plan; and nobody estimates now it will cost any more than that to erect this portion of the building. But if you extend it as it is represented in the second plan, so as to occupy the whole ground instead of simply a part, then the cost will be increased. You may go on and add to it as the occasion requires. The purchase of the ground at a cost of nearly $600,000 was probably made looking to the idea that the Government should purchase a site sufficiently large for the erection of a building to be extended as the necessities of the Government might require in future days and in future years. Therefore they made the purchase of the large site, and have laid the foundation; but, as I understand, they only propose to construct at present a building the aggregate cost of which will be about $3,000,000.

[Here the hammer fell.]

Mr. RANDALL. I would like to reserve a little time.

Mr. RYAN. I have seven minutes remaining.

The CHAIRMAN. Eight minutes.

Mr. RANDALL. Eight minutes of the full time.

Mr. RYAN. I took the hour and divided it between the two sides.

Mr. RANDALL. The gentleman had fifteen minutes on yesterday.

Mr. NUTTING. I ask unanimous consent that the gentleman have twenty minutes.

Mr. RYAN. I do not know that I shall want that.

So far as I am concerned personally I am in favor of the construction of a Library building that shall be suitable for all the purposes of our Government. I have always favored propositions for the construction of a Library building. But my recollection is not at fault when I say we were invited in the Forty-eighth Congress to vote for a building complete in all respects, except some of the iron alcoves, for the sum of $2,300,000.

It was no such proposition as is indicated by the gentleman from Mississippi [Mr. HOOKER]; no such proposition as is indicated by the gentleman from New York [Mr. NUTTING]. It was a proposition to complete the building, the plans of which were before us at the time, for the sum of $2,300,000. In support of what I say, I call special attention to the language of the report of the committee that reported the bill. Mark the language:

> It is not designed to fit up the whole interior at once with iron shelving, but to introduce it gradually, finishing off the central portions of the rotunda, the connecting rooms, and the entire exterior structure.

The "entire exterior structure"—mark the language.

Mr. MILLIKEN. Will the gentleman allow a question?

Mr. RYAN. I can not. I have yielded you as much time as I can spare. This report goes on to say:

> The chief element of cost is in the iron alcoves of the interior, and in a building so extensive this may be finished in successive years as wanted for the increase of books. The most carefully guarded estimates of cost contemplate an expenditure of only $500,000 the first year, about $1,000,000 the second year, and $800,000 the third, which will complete the building for occupancy in all its parts, sufficient for shelving 1,000,000 books, and leaving space for the gradual introduction of additional iron alcoves in the coming fifty years, the ultimate gross cost of which will not exceed $700,000, or an average of less than $14,000 a year.

Mr. MILLIKEN. I want to ask the gentleman this question: Do you expect to get a building 20 per cent. larger than the War, State, and Navy Department building for that amount of money? Do you deem it possible?

Mr. RYAN. When I voted for the bill I relied upon the committee, the official organ of this House. They declared what the cost would be upon "the most carefully guarded estimates." They presented to us here at that time the plan and specifications accompanied by those estimates.

Mr. BUCHANAN. And did not that plan include the whole quadrangle?

Mr. RYAN. The whole. Now, what will be the cost of this building? A few days ago the chairman of the present commission, the honorable Secretary of the Interior, an accomplished officer and a thorough business man, came before the Committee on Appropriations and said:

Gentlemen, I will not permit you to be deceived any longer in regard to the cost of this building. It can not cost less than $10,000,000, and may cost more.

Mr. MILLIKEN. Suppose it does?

Mr. RYAN. What I want to say is this. I doubt not that the committee acted in good faith. The honorable chairman of that committee, Mr. Singleton, of Mississippi, is the very soul of honor. He would no more mislead this House than he would commit the crime of arson. He is as high above such conduct as it is possible for humanity to be. But somebody misled him; somebody misled the gentleman from New York; somebody grossly misled that committee, and through them the people's representatives on the floor of this House, and in that way $8,000,000 of the people's money will be taken from the Treasury by deception, if we carry out this scheme.

Mr. OATES. If the gentleman will permit me to interrupt him a moment, I quite agree with his statement of what took place. I remember the facts precisely as he does, and I voted for the bill upon that hypothesis; but may not this building be utilized as a good investment by devoting a part of it to the purposes of the Supreme Court of the United States and another part to the use of the Department of Justice?

Mr. RYAN. I am told by the Architect of the Capitol that the work can be suspended without any loss whatever, whether the specifications shall embrace a combination of a Supreme Court room and the Library or whether the whole be devoted to the Library.

Mr. MILLIKEN. Does not the gentleman know that there is a contention between the Architect of the Capitol and the architect of the building, and that therefore the information which he cites may not be reliable?

Mr. RYAN. I do not know about that; I do not care to inquire into those details. But I do know, and so does every sensible man, that it is highly probable that the Committee on the Library relied wholly on the architect whose plans and specifications they adopted.

[Here the hammer fell.]

Mr. RYAN. I should like a little additional time.

Mr. RANDALL. The gentleman can have five minutes more.

Mr. RYAN. Now one of two things is morally certain. The architect who makes an error of $8,000,000 on a two-million building is either incompetent or dishonest. He can take either horn of the dilemma he pleases.

Mr. MILLIKEN. But has he made the error?

Mr. RYAN. Certainly he has made it.

Mr. MILLIKEN. That is disputed very seriously.

Mr. RYAN. He has made the error if the building will cost ten millions, and, Mr. Chairman, if the honorable Secretary of the Interior can at this distance of time see a cost of $10,000,000 for that building, I have no doubt that it will cost at least $13,000,000, judging from past experience in public-building construction.

Mr. MILLIKEN. Then the gentleman does not believe the Secretary of the Interior either. Whom do you believe—anybody?

Mr. RYAN. I do believe the Secretary of the Interior.

Mr. MILLIKEN. You say he estimates that it will cost $10,000,000, but you believe it will cost $13,000,000.

Mr. RYAN. Nobody denies now that the cost will be at least seven or eight million dollars. That is the minimum estimate of even the parties interested. This architect, according to the admission on all sides, must have been mistaken to the extent of at least $5,000,000 on a building which was estimated to cost a little over $2,000,000.

Mr. MILLIKEN. But the plan has been changed; and the building is to be larger than at first contemplated.

Mr. RYAN. No authority to change the plan was given. The plan was provided for by law. The law declared that the building should be built in accordance with that plan. There was no warrant whatever for departing from the plan.

Now, the question is simply this: Whether, because the work has been begun and although it is ascertained that a suspension of the work can be had without loss, the people's representatives shall stand here coerced to ratify a deception and a fraud. So far as my vote is concerned, while I might be willing to vote $8,000,000 for such a building, while I might be willing to vote even more if I were satisfied of the propriety of the measure, I will not stand here and ratify a fraud and deception upon the people of the country to the amount of over $8,000,000.

Mr. HOOKER. Who is it that has authorized an extension of the building beyond the plan agreed upon originally?

Mr. RYAN. I do not know that it has been extended.

Mr. HOOKER. Has the architect done it?

Mr. RYAN. I do not know that anybody has done it.

Mr. HOOKER. Then why is the gentleman charging him with it?

Mr. RYAN. I am not charging him with it; but I am saying that the plan and specifications upon which Congress acted were based upon an estimated cost of $2,300,000 for a building which it is now ascertained will cost over $10,000,000.

Mr. HOOKER. Who ascertains it?

Mr. RYAN. It is admitted that it will not cost less than $7,000,000.

Mr. HOOKER. Who admits it?

Mr. RYAN. The Secretary of the Interior.

Mr. HOOKER. We want somebody who is an architect to speak about a matter of that kind.

Mr. MILLIKEN. Have not all those plans and specifications been changed?

Mr. RYAN. I do not know whether they have or not. The gentleman has asked me that question repeatedly. I do not know how they could be changed. The law provides that the building shall be constructed substantially in accordance with the plans which were before the House at that time.

Mr. MILLIKEN. I do not understand how you were deceived; because if a man had never seen an architect in his life, his common sense should have told him that a building of such dimensions could not be built for $3,000,000.

Mr. RYAN. Although these representations were made by the official organ of the House—acting honestly no doubt, having been deceived by somebody—the answer now comes, "You ought to have been too intelligent to have been deceived in a matter of that kind."

Mr. MILLIKEN. Why, of course.

Mr. RYAN. The answer made to us is that we ought not to have believed the architect; we ought not to have relied on those estimates; we ought not to have placed confidence in the official organ of the House.

Mr. MILLIKEN. Will you allow me one more question? Do you believe that if this building when completed is to be what the Government desires and is to be built for a reasonable price, Congress ought to arrest the work on the building simply because you or some other persons in a past Congress were deceived?

Mr. RYAN. Everybody on the floor of this House, as well as the country at large—the people through their representatives—were outrageously deceived in this matter, and I am in favor of suspending this work and adopting such a proposition as I have sent to the desk authorizing the Committee on Public Buildings and Grounds of the two Houses, acting as a joint committee, to invite from the most eminent architects of the country, who shall be paid for their services, plans and specifications for the construction of a suitable Library building on that site.

Mr. MILLIKEN. I do not believe we ought now to do harm to the interests of the Government in order to vindicate you for having been deceived some years ago. The question is not whether you were deceived, but whether the building as now proposed to be constructed is what the country wants, and whether we are going to pay too much for it. The Fiftieth Congress is not bound to champion your case in regard to what you may have done in a previous Congress.

[Here the hammer fell.]

The CHAIRMAN. There are now ten minutes remaining for debate on this question.

Mr. RANDALL. More time has been occupied than I expected. I hoped to control some of the time myself, but have not had the opportunity.

The CHAIRMAN. What extension of time does the gentleman propose?

Mr. RANDALL. Fifteen or seventeen minutes.

Mr. O'NEILL, of Pennsylvania. I hope my colleague [Mr. RANDALL] will add five minutes more to that extension. I desire to make an explanation, in reply to what has been said by the gentleman from Kansas [Mr. RYAN], as I was a member of the Library Committee when this plan was adopted.

Mr. RANDALL. I think it proper that my colleague, who was a member of the Library Committee, should have an opportunity to be heard. I am willing he shall go ahead now if he chooses.

The CHAIRMAN. If there be no objection, the time allowed for the discussion of this question will be extended twenty-two minutes. The Chair hears none. Thirty-two minutes in all now remain.

Mr. O'NEILL, of Pennsylvania. As my colleague [Mr. RANDALL] has proposed that I "go ahead now"——

Mr. MACDONALD. I would like the gentleman from Pennsylvania or the gentleman from Indiana, or some other member, to inform us what is the basis for the statement in regard to the increased cost of this Library building.

Mr. O'NEILL, of Pennsylvania. What I intended was to say what I knew of the recommendation of the committee when the House adopted the plan of Smithmeyer for the building of this Congressional Library. We labored for years in this House to get an appropriation to erect a Library building, every one of us knowing there was not ac-

commodation for the books in the Library or for the increase of books which every day was growing larger. There was no deception about it. When the plan was adopted it was believed the estimate covered sufficient money to go on and build a Library to accommodate the present number of volumes and to provide for the increase which would occur in the next five or six years. It was believed then that $2,300,000 would cover that expense.

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. O'NEILL, of Pennsylvania. Certainly.

Mr. BLOUNT. Did my friend understand the building was to cost from seven to ten millions of dollars?

Mr. O'NEILL, of Pennsylvania. I had no other idea.

Mr. BLOUNT. Let me ask the gentleman another question. Did he or any member of the committee communicate that fact to the other House of Congress?

Mr. O'NEILL, of Pennsylvania. I will refer the gentleman to one or two facts; he will recollect them. The idea of the House making the appropriation was adopted at last when it was hurried in its business. The chairman of that committee, a highly honorable man, who has already been mentioned in this debate by his colleagues in a former Congress, the chairman of the committee reporting the plan which was finally adopted, had no time to make explanation.

Mr. BLOUNT. Did he not make a formal report?

Mr. BUCHANAN. He took his hour.

Mr. O'NEILL, of Pennsylvania. I do not think he did. My recollection is that he did not take an hour. The hurry was so great on the part of the House to get through with its business that he had to proceed. I should like to have had some time to explain it myself.

The committee was bound to provide for what was necessary to accommodate the Library, for the number of volumes on hand and what might become necessary for the increased number of volumes in the next five or six years. The library in the British Museum cost five or six millions of dollars when first erected, and they have been adding to it ever since. You can not put up a public building providing for the increase in the number of volumes year after year—you can not put up such a building as was intended, and confine the appropriation to two or three millions of dollars. It may cost $10,000,000 before it is completed.

In such a library it is necessary to provide for more space than that provided in the new State, War, and Navy Department building.

I got myself slowly up to the idea of voting for this appropriation and this plan. At the beginning I did not think Smithmeyer's plan, which was for a building outside of the Capitol building, was the best one for the public use and convenience. I was in favor of accommodating the Library by an extension of the Capitol building—the center west front. It was my belief that by such an extension the Library would have sufficient accommodations and be everything necessary for people who would use it—citizens of Washington, visitors who might come here, and for the use of members of Congress and for all the officers of the Government. But you can not put up such a building as the one now provided for for two or three millions of dollars.

I came slowly, as I have already said, to vote for this present plan. I knew what the wants of the Library were, and I wished, as far as possible, to meet those wants. The Capitol building is of mixed architecture, and, as I thought, we might extend it west to provide sufficient accommodation for the Library for years to come. That was my idea, but I found that could not be done, and I was led at last to vote in favor of carrying out the admirable plan of Mr. Smithmeyer for the construction of a Congressional Library which would satisfy the entire country, and not only accommodate the present number of volumes in the Library, but all the increase for time to come.

There was no deception in any respect, so far as I am aware, in the recommendation of the committee for the adoption of that plan or what it was to cost.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, I will yield for ten minutes to the gentleman from Georgia [Mr. CLEMENTS] and afterwards for five minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. CLEMENTS. I thank the gentleman from Pennsylvania.

Mr. Chairman, I suppose there is no member of this House who is opposed to a Library building suitable and adequate for public purposes. It has not been indicated as the desire of any one to go back to the plan of connecting the Library with the Capitol building, as stated by the gentleman from New York.

Mr. NUTTING. The gentleman from Indiana [Mr. HOLMAN] referred to it yesterday.

Mr. CLEMENTS. There is no indication of going back to that plan.

Mr. HOLMAN. I have always been in favor of that plan.

Mr. CLEMENTS. Then I stand corrected. Certainly there has been nothing more than a mere reference to that plan. Certainly no indication that any considerable number of members prefer it.

The proposition made to-day by the amendment suggested by the gentleman from Kansas [Mr. RYAN] is to retain this site and ask estimates from eminent architects and appropriate the sum of $10,000 to pay for the estimates and plans, so that at the next session of Congress we may intelligently consider the various plans that will be submitted in accordance with that proposition.

It seems to me that that is a business-like and common-sense method of disposing of this whole question. There is no excuse for those who have led the House and the country into this dilemma. It can not be excused, in my judgment, upon the supposition of an error.

In private business when we go to have buildings erected and work of that character we secure a careful and reliable estimate, and it seldom happens in private business plans that individuals are called upon to add three or four hundred per cent. to the amount of the original estimate.

This is only one case in a long line of failures to come within the estimates submitted when Congress was asked to inaugurate a work. We have been confronted with several during this very session of Congress of a similar nature. I will call attention to one or two of the leading ones. For the extension of the water-works in this city the original estimate was $1,485,000. Congress has now appropriated for that purpose $2,575,000, or $1,090,000 beyond the original estimate. Take the appropriation for the light-house at Seal Rock, in California, where the original estimate was made for $333,000. That was adopted, and appropriations of $290,000 were made for this work. This is exhausted; and it is estimated now that a sum in addition will have to be appropriated, amounting to a total of $721,000, or more than twice the amount of the original estimate, before the work can be completed. I speak of these conspicuous instances which have been brought before Congress at the present session for which deficiencies have been appropriated. Cases of this sort are occurring too frequently. In many instances we would not have entered upon the work originally had we known its cost or that it would be within the neighborhood of what it has afterward turned out to be. But having expended so much money already, before we are advised of the full cost, we are compelled in many cases to go on and complete it or sacrifice what has been already granted.

What is the case here in this remarkable instance of deception? I do not mean by this to cast reflection upon any member of the Committee on the Library who reported or who advocated the bill in the Forty-ninth Congress, because they were doubtless deceived just as the House was; but here has been an expenditure of $585,000 for the site. That site we have already acquired, and I understand there is no question but that it has been secured at a reasonable price. Five hundred thousand dollars has also been appropriated to carry on the work, of which only about $200,000 has been expended, leaving about $300,000 still on hand. We have not gone far enough with this, therefore, so that we are compelled to go on and ratify this fraud. We may call a halt here and then begin in a business-like way to get a reasonably accurate estimate, and after making a commencement in the right direction we can proceed properly with the work.

If this amendment is adopted we will suspend the work only until the next session of Congress, and may still complete it according to the plan that shall be adopted earlier than upon the present plan.

It has been argued by gentlemen that we should make our plans of this building in accordance with what they have done in European nations. I am perfectly willing to go to the full extent to provide an ample library for our people. I think it is only proper that it should be done. But what have we now? In 1884 we had only about a half a million of volumes and a hundred and seventy thousand pamphlets, the estimated value of which was only about $750,000, I am advised. It is proposed to take care of these at a cost of nearly fifteen times the amount that the Library was estimated to be worth at that time. The cost, if this present plan should be carried out at the enormous expense which it is certain to entail, will not fall far short of $20 a volume on every book in the Library.

I admit that we are not building a Library for to-day only, but that it is for the years to come—for a century—but even taking that view of it, there is no excuse for the expenditure of this large sum, notwithstanding the apology that has been made by the gentleman from New York, the gentleman from Pennsylvania, and the gentleman from Mississippi——

Mr. HOOKER. I beg to say I have made no apologies. I want to know who did wrong?

Mr. CLEMENTS. I do not know.

Mr. HOOKER. Can you answer the question?

Mr. CLEMENTS. I can not.

Mr. HOOKER. Neither has any other gentleman answered it.

Mr. CLEMENTS. Well, that is not for me to say. All I say is that when this building proposition was before the House——

[Here the hammer fell.]

Mr. RANDALL. I yield the gentleman additional time.

Mr. CLEMENTS. When this bill was before the Forty-ninth Congress it was substantially stated, and emphasized twice in the report of the chairman of that committee, that the whole cost would not exceed $2,323,000.

Mr. NUTTING. Now, does not the gentleman know that in the Forty-seventh and Forty-eighth Congresses a proposition was made——

Mr. CLEMENTS. I can not yield to the gentleman. I know what

he means. But that proposition was voted down, both of the bills carrying too large an amount.

Mr. NUTTING. But do not you know that the Committee of the House in both Congresses reported to the House that the whole cost of the building would be $4,900,000?

Mr. CLEMENTS. I have but a moment. That estimate, I repeat, was not adopted.

After several unsuccessful efforts to pass the bill, and after several plans and estimates were submitted, the Forty-ninth Congress chose the present plan upon the distinct, emphatic, and repeated statement by the Committee on the Library of that Congress, that the whole cost would be $2,323,000, except certain shelving and interior work which might be needed in the years to come after the Library had grown, and that this additional work which might be required within the next fifty years would not cost more than $700,000.

I beg the Committee of the Whole House again to hear the statements of that report upon which the Forty-ninth Congress was induced to pass the bill. I read from this report, page 3:

> Any enlargement of the Capitol which would accommodate the Library even as it stands, with room to arrange it, would cost much more than a separate building, because it must necessarily be constructed in the same costly style, with carved Corinthian architecture. Mr. Walter, the former Architect of the Capitol, estimated the cost of an extension of the west front at $1,500,000. The present Architect, Mr. Clark, estimates it to cost $1,200,000, while the plan of a building adopted by the committee is to cost only $2,323,600.

Again, hear this statement, emphasized on page 5 of the report:

> The proposed building, as stated, will contain 3,000,000 volumes, with suitable economy of storage. It is not designed to fit up the whole interior at once with iron shelving, but to introduce it gradually, finishing off the central portions, rotunda, and connecting rooms, and the entire exterior structure. The chief element of cost is in the iron alcoves of the interior, and in a building so extensive these may be finished in successive years, as wanted for the increase of books.
>
> The most carefully guarded estimates of cost contemplate an expenditure of only $500,000 the first year, about $1,000,000 the second, and $800,000 the third, which will complete the building for occupancy in all its parts sufficient for shelving 1,000,000 books and leaving space for the gradual introduction of additional iron alcoves in the coming fifty years, the ultimate gross cost of which will not exceed $700,000, or an average of less than $14,000 a year. When it is considered that the copyright fees paid into the Treasury amount to over $20,000 a year, while the pecuniary value of copyright publications received annually is very much greater than this, the expenditure will appear moderate in comparison with the great resulting benefits and the national importance of the work.

Where is the authority for the statements made here to-day that it was understood by the Congress that passed the bill that the cost would far exceed the amount stated? It is said that the debate at that time would show it. What gentleman advocating the measure at that time called in question the report and gave notice to the House that it was a fraud? What friend of the measure then informed the House that it would cost two, three, or possibly four times the amount stated in the report?

I will venture to say that if the estimates stated in the report were then called in question, it was only done by those off the committee and who doubted the wisdom of the bill. But the statements of the united committee prevailed and induced favorable action. Let me repeat that I in no degree question the honesty and integrity of that committee, for I believe it was misled just as the House was. Upon whose estimates it acted I am not advised, nor is that material for the purposes of this argument.

Without stopping to inquire who has been at fault we are brought face to face with the facts that Congress inaugurated this work upon the understanding that it would cost $2,323,000 in addition to the site; that we have procured the site at a cost of $585,000; that we have expended about $200,000 on the building, and that to complete it on this plan will now cost from $7,000,000 to $12,000,000. Under these circumstances, what is our duty as the representatives and trustees of the people?

We have but two alternatives; one is to go on, ratify the imposition, and expend ten or twelve millions of dollars of the people's money, whereas it was the deliberate judgment of the last Congress that less than three millions was necessary for the purpose, or call a halt where we are to-day and exercise our constitutional power and duty to control the expenditures of the public money. Which shall we elect?

I did not vote for this bill in the last Congress, yet I repeat that I am willing to vote every dollar necessary for a commodious, durable, and reasonably handsome building for the Library. But I am not willing to vote to squander three or four times the necessary amount in order to follow in the footsteps of the oppressive and extravagant monarchies of the Old World.

This building upon the present plan will be larger considerably than the great and handsome building which now accommodates three great Departments of the Government—the State, War, and Navy Departments. That building has cost us, we have been only recently advised officially, something over $10,000,000. It is fair to assume that this will not cost less.

Gentlemen speak of the propriety of a magnificent structure in keeping with the dignity and grandeur of the American Government, and one that will compare favorably with similar structures of the Old World. We hear millions spoken of here in connection with public expenditures as though a million was a mere bagatelle. The possession of the people's money by the Government casts upon Congress a sacred trust to see that this fund extorted from their hard earnings is not wasted or misapplied. Every dollar of it represents to that extent the privation of the people of the luxuries, the comforts, and in many cases the necessities of life.

They who by the heavy hand of taxation are compelled to submit to the privations thus caused do not murmur at necessary appropriations, but they would, I have no doubt, welcome a return of some little, at least, of the old-fashioned Democratic simplicity of former times, under which the real grandeur and dignity of the American Republic commanded the fullest respect and admiration of the world.

The disposition on the part of gentlemen to urge this extravagant expenditure is but another evidence of the appalling evil of a large surplus in the Treasury. The fact that it has been the custom heretofore in almost every case for Congress to finally appropriate more money for the public buildings of the country than was originally estimated, by reason of enlarged plans, has been appealed to here as a justification for this expenditure.

I look upon this bad custom as only an argument why we should halt here and break it up. But I am glad to be able to say that I believe, under the administration of the present faithful and efficient Supervising Architect, this vicious practice has been broken up so far as it prevailed by reason of deceptive plans and designs. Let us repudiate the present plan in justice to ourselves and the people we have the honor to represent. Let us begin again in the manner proposed by the amendment and proceed in a practical business manner and provide for an ample building, but with due regard for economy.

Mr. BLOUNT. Mr. Chairman, this is not a question as to whether or not the plan of this building is what it should be; nor is it, sir, a matter for us to inquire into as to what France has done, or England has done, or some other great nation has done in the same connection. We are confronted with a monstrous imposition, and the honor of this body requires that it should pause and inquire into that imposition.

In the Forty-ninth Congress the House was asked to vote a Library building according to the plan then submitted. It was estimated that the cost of that building would be about $3,000,000.

Not one line in the report of the distinguished gentleman from Mississippi, Mr. Singleton, not one line in his speech, not one line of the debate in the House or in the Senate, suggested the thought that the amount was to pass beyond $3,000,000. To-day a Cabinet officer discovering the imposition, after careful, intelligent, deliberate consideration, surrounded by experts to counsel him, has felt impelled to go before a leading committee of this House and communicate the astounding fact that notwithstanding what has been done in the past the building is likely to cost from seven to ten million dollars; more than twice the original estimate, possibly three times the original estimate. Will this House hear it? He tells you at an hour when you are not committed to the plan, when only the first wing is proposed to be commenced, that you may have fair notice that you are leaping into a terrible job. Why, sir, if we do not stop here in the midst of these facts, if we do not suspend this building here, the country will have a right to think this is a fine field for the lobbyist——

Mr. MILLIKEN. Does the gentleman say there is a job in this?

Mr. BLOUNT. The gentleman has had his time and ought not to take mine. I decline to yield to the gentleman. I have only five minutes. I think there are two sides to this question.

Mr. MILLIKEN. Do not get excited over it.

Mr. BLOUNT. I hope my friend will not interrupt me. There is no propriety in that.

Mr. MILLIKEN. I have asked a simple question, which I think the gentleman ought to answer.

Mr. BLOUNT. I say when it appears that a joint committee has made five reports in several Congresses, that there has been one persistent plan to put that building no where else except at the east front of this Capitol; one persistent plan for a building to cost $3,000,000 which turns out to be $10,000,000, it is time for this House to stop, to refuse to vote a dollar; to begin *de novo* and say "what sort of Library are we to have? Let us first determine upon a plan and then determine upon the appropriation." There is but one course left to this House. The last Congress was miserably deceived as to the cost of this work. If it had then been ascertained it would cost $10,000,000 every gentleman will concede the impossibility of having passed the act through both branches of Congress.

Is it not therefore right that we should here stop and pass judgment upon the proper building before we vote another dollar, or are we to be dragged along in this expenditure according to the scheme of the original conspirators against the Treasury to mislead Congress as to the cost of the building by estimating it at one-third its cost and having the appropriation begun in detail, the plan not being discovered until unwittingly, without the assent of the Representatives, these men have gathered up $10,000,000? Sir, it is not creditable to the intelligence of this House, it is not creditable to the integrity of this House, it is not creditable to its patriotism, it is not creditable to its dignity that such a measure should be passed in this way.

Mr. Chairman, I opposed this building originally. I never liked its surroundings. I never liked the persistent purpose that no piece of ground except one should be selected. I never liked the persistent

claim that no plan but one was satisfactory and should be selected. I am not surprised at this hour, after a struggle for years, that we should have the disclosure of a Cabinet officer coming and calling the attention of this House to the fact that whatever is done hereafter should be deliberately done. If the House means to carry out the plan of the original schemers, let the responsibility rest where it belongs.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, a message from the Senate by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2266) to accept and ratify an agreement made with the Shoshone and Bannock Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation in the Territory of Idaho, for the purpose of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes;

A bill (S. 489) for the relief of John Finn;

A bill (S. 1404) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;

A bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.; and

A bill (S. 2875) to amend an act entitled "An act for the relief of certain settlers on the public lands and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880.

The message also announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

A bill (H. R. 878) for the relief of John D. Maxsted and Robert J. B. Newcombe; and

Joint resolution (H. Res. 183) authorizing the loan of tents and tent equipage to the veteran organizations of the Society of the Army of the Potomac.

It further announced the passage of House bills of the following titles with amendments; in which concurrence was requested:

A bill (H. R. 8343) to authorize the construction of a wagon and foot-passenger bridge across the Noxubee River at or near Gainesville, in the State of Alabama; and

A bill (H. R. 474) for the relief of General G. Cluseret.

SUNDRY CIVIL APPROPRIATION BILL.

The committee then resumed its session, Mr. MCMILLIN in the chair.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas [Mr. RYAN].

The Clerk read as follows:

That the Committees on Public Buildings and Grounds of the Senate and House of Representatives, acting conjointly, shall, within thirty days after the passage of this act, invite from eminent architects, not exceeding five in number, designs and general specifications for a building for the Library of Congress, to be erected on the site purchased for that purpose in the city of Washington, the cost of building not to exceed $3,000,000; and the sum of $10,000 is hereby appropriated, to be expended under the direction of the above-named committees, to pay for the said designs and general specifications. The said committees shall jointly report to Congress their action in the premises on or before the 20th day of December, 1888.

That the work now in progress on the building for the Library of Congress shall be suspended, and the commission authorized by act of Congress approved April 15, 1886, be, and the same is hereby, dissolved.

That the property purchased for a site for the Library of Congress, including the buildings thereon, together with all plans, records, and other property of the United States connected with the building for said Library of Congress be, and the same is hereby, transferred to the care and custody of the Interior Department, and the expenses of such care and custody shall be paid out of any money appropriated for the construction of the building for the Library of Congress.

Mr. GAY. I move to strike out the last word. I hope, Mr. Chairman, that that amendment will not pass, for the reason that it proposes a new scheme, whereas I believe we have a foundation already laid which will serve every purpose, and I think I can offer an amendment which will meet the occasion and will be satisfactory to the House. I offer the amendment which I send to the desk.

The amendment was read, as follows:

That hereafter, until further authorized by Congress, all further expenditures in construction on the Congressional Library building shall be restricted to the erection and completion of that portion of said building to be erected on the plan represented by plan No. 1 herewith submitted.

Mr. GAY. Mr. Chairman, I think, as I said before, that this plan is satisfactory to Congress and the country, and if we restrict further appropriations for construction to the foundation already laid, that will keep the outlay for the building within the limit which the gentleman from Kansas proposes, and at the same time will leave an opportunity for Congress, if it chooses, to add other structures at either end, or to carry out any other plan at its leisure.

Mr. MCCREARY. Will the gentleman state what the cost of the building would be on this plan?

Mr. GAY. Not to exceed the sum mentioned in the original estimate, which is $2,300,000.

Mr. Chairman, I felt disgusted and outraged at the idea which was prevalent in the minds of some gentlemen that the adoption of the plan for this Library building had fixed upon the work and upon Congress an architect who might consider it a life-long job, but when I examined the matter I found that that was not the case, and that it was merely his plan that was adopted. I will state further that the Committee on Appropriations provide for putting the work exclusively under the charge of the Secretary of the Interior, who, as other gentlemen have stated, is a prudent and efficient business man, and who is authorized by the proviso in this bill to employ any architect or to carry out the work in any manner dictated by his own judgment.

Mr. KELLEY. Mr. Chairman, I desire to say that for nearly eight years, when in Washington, I have been in daily intercourse with the architect whose design for a Library building we have before us. A more honorable gentleman I have never known, a more scrupulous, conscientious, honorable gentleman I have never known. Here is the plan [exhibiting it] upon which I voted for one wing of the building, and the main reading-room with its alcoves, etc. The plan of the whole building, when completed, is for a building that will accommodate eleven million volumes, and the idea is not thought of by Mr. Smithmeyer nor even broached to Congress, that it should be gone on with at once. To build thus much, which can be done for $2,400,000, will accommodate the existing Library and its probable increase, allowing for the natural growth of authorship and publication, two sets of all American books being contributed to the Library.

Mr. BLOUNT. Will the gentleman yield to me for a moment?

Mr. KELLEY. For a question.

Mr. BLOUNT. That is all. I just want to ask the gentleman whether he claims that the plan he holds in his hand and upon which he says he voted, is the plan that is to be found in the report of the Committee on the Library, of which Mr. Singleton was chairman.

Mr. BROWNE, of Indiana. If it is not, that is not the fault of the architect.

Mr. KELLEY. I have not read the report through. This is the essential plan of the building, which can be elaborated as time may disclose the need for further space. And, sir, instead of no competition having been invited, this gentleman encountered the competing plans of forty-one American and foreign architects. Through seven Congresses, fourteen long years, he was before the Library Committees and the Committees on Public Buildings, and his plans were scanned and were finally adopted, and the leading authorities on the other side of the Atlantic, as they express themselves in the journals of architecture and engineering, all say that the world has the plan of a perfect library building in the plan of John L. Smithmeyer for the National Library at Washington. There is not a want unprovided for. Maps, charts, music—everything of that character may be provided for in the flat compartments which are embodied in this plan, while the books are to fill the alcoves. I trust no measure will be adopted to modify the plan, and say that the American Congress shrinks from giving to posterity a building superior to structures in other lands designed for similar purposes, and equal to the probable exigencies of the country for a century to come. Two million four hundred thousand dollars will build this structure in such a manner as to meet the public wants for many years.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, it has been claimed that there was no misinformation given to the House in the Forty-ninth Congress touching the amount of money this building was to cost; and a statement has been made that "plan No. 1," as indicated a moment ago, was the plan which was in contemplation when $2,300,000 or thereabouts was fixed as the probable cost. I do not see how gentlemen can reconcile such a statement with the fact that immediately upon the work being undertaken under that law, and in pursuance of that statement, there was dug a foundation for a building that was to cover the entire space purchased.

Mr. KELLEY. Oh, I think that is not the case.

Mr. RANDALL. I know it is the case.

I am not a judge whether a man is competent to be an architect, except as I learn his capacity from others, or as I see with my own eyes the results of his work.

Gentlemen talk about an expenditure of $2,300,000 for this building. How have the officers in charge of the work conducted themselves? They obtained $500,000 more than a year ago. At the last session of Congress the Committee on Appropriations, apprehensive that something was not as it should be—to use mild language—refused to make any appropriation. The report upon which Congress acted in authorizing this building, and which has been read, states that the first appropriation will be $500,000, the next $1,000,000, and the third, to complete the building, $800,000. That was on the first plan, if you please. Yet in the face of that, the estimate from this commission this year asks for $2,000,000, after $500,000 has been already appropriated, making nearly $200,000 in excess of their own estimate for this purpose. It does seem to me that some action should be taken to bring these people who have charge of this building to a realizing sense of their responsibility in connection with the expenditure of the public money.

I want to deal with this subject impartially; the Committee on Appropriations want to do so. In the measure reported as a part of this bill they have taken care to get rid, so far as possible, of this com-

mission, and to throw the responsibility entirely upon the single Cabinet officer who has communicated to the Committee on Appropriations the facts stated by the gentleman from Georgia [Mr. BLOUNT]. We have therefore decided that the commission should be put out of existence, and that the $500,000 appropriated should be under the care and custody of the Secretary of the Interior. The proposition as embraced in the bill was a wise one. The one proposed by the gentleman from Kansas may be wiser; the House can judge of that.

[Here the hammer fell.]

Mr. WHITE, of Indiana, addressed the Chair.

The CHAIRMAN. Debate on this proposition is exhausted.

Mr. FARQUHAR. The gentleman from Pennsylvania [Mr. RANDALL] left the House somewhat in doubt in regard to this matter. Here is the plan as is proposed in the Singleton bill——

Mr. BLOUNT. Regular order.

The CHAIRMAN. Debate is exhausted.

Mr. FARQUHAR. I hope the gentleman from Georgia [Mr. BLOUNT] will allow a question as to the foundation——

Mr. BLOUNT. I object. We have had this matter discussed on both sides——

Mr. WILLIAMS. We have not had this matter stated.

Mr. BLOUNT. Well, I object.

The CHAIRMAN. Debate is exhausted. Does the gentleman from Louisiana [Mr. GAY] offer his proposition as a substitute or as an amendment?

Mr. GAY. I offer it as a substitute; and I would like to say——

The CHAIRMAN. One substitute for the paragraph in the bill is pending. The gentleman from Louisiana [Mr. GAY] will have to withhold his substitute until that is disposed of. The Chair will recognize the gentleman again.

Mr. GAY. I only wanted to say——

The CHAIRMAN. Debate is exhausted, and the regular order has been called for.

Mr. McCREARY. I ask that the pending substitute be read.

The Clerk read as follows:

Strike out the paragraph in the bill, and insert the following:

"That the Committees on Public Buildings and Grounds of the Senate and House of Representatives, acting jointly, shall, within ten days after the passage of this act, invite from eminent architects, not exceeding five in number, designs and general specifications for a building for the Library of Congress, to be erected on the site purchased for that purpose in the city of Washington, the cost of the building not to exceed $3,000,000; and the sum of $10,000 is hereby appropriated to be expended under the direction of the above-named committees, to pay for the said designs and general specifications. The said committees shall jointly report to Congress their action in the premises on or before the 20th day of December, 1888.

"That the work now in progress on the building for the Library of Congress shall be suspended, and the commission authorized by act of Congress approved April 15, 1886, be, and the same is hereby, dissolved.

"That the property purchased for a site for the Library of Congress, including the buildings thereon, together with all plans, records, and other property of the United States connected with the building for said Library of Congress, be, and the same is hereby, transferred to the care and custody of the Interior Department; the expenses of such care and custody shall be paid out of any money already appropriated for the construction of the building for the Library of Congress."

Mr. McCREARY. Is this offered as a substitute for the whole paragraph from line 4, on page 44, to line 3, on page 45?

The CHAIRMAN. It is a substitute for the whole paragraph.

Mr. HOLMAN. I move to amend the substitute by adding what I send to the desk.

The Clerk read as follows:

And the said committee shall also inquire into the practicability of securing proper Library accommodations for Congress and the District of Columbia by constructing a Library building and for a public library on one of the public parks of the city of Washington, at a cost not exceeding $2,000,000, in which shall be deposited from time to time the surplus books accumulated in the Congressional Library, or that shall hereafter so accumulate, not required for the use of Congress, and said public library shall be open to all the citizens of the United States, and report thereon.

Mr. HOLMAN. Although that expresses my views, I will withdraw it.

The question recurred on Mr. RYAN'S substitute for the paragraph of the bill.

Mr. NUTTING demanded a division.

The committee divided; and there were—ayes 68, noes 34.

Mr. NUTTING. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. RYAN and Mr. NUTTING.

The committee again divided.

Mr. OATES. Mr. Chairman, I ask unanimous consent to offer a substitute for the pending proposition.

Mr. RANDALL. After we get out of this I will not object.

The CHAIRMAN. It is not in order except by unanimous consent.

Mr. OATES. I am aware of that.

The CHAIRMAN. If there be no objection, the proposition will be read.

Mr. RANDALL. I object, when the House is dividing on one amendment, to have another amendment read.

The CHAIRMAN. The tellers will resume their places and the division will proceed.

The committee again divided; and the tellers reported—ayes 114, noes 50.

So the substitute was agreed to.

APPROVAL OF BILLS.

The committee informally rose; and the Speaker having taken the chair, a message, in writing, was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

The message further announced approval of bills of the following titles:

An act (H. R. 7265) for the erection of a public building at Hoboken, N. J.;

An act (H. R. 7913) granting a pension to Nellie Palfrey Goodwin;

An act (H. R. 417) granting a pension to David Strunk; and

An act (H. R. 955) granting a pension to Mary M. Sweet.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 901) for the relief of Sophia W. Wright;

A bill (S. 1241) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City by dumping or otherwise, and to punish and prevent such offenses;

A bill (S. 2882) to pay Aaron Friedheim the rebate due him under the act of March 3, A. D. 1883; and

Joint resolution (H. Res. 183) authorizing the loan of tents and tent equipage to the veteran organizations of the Society of the Army of the Potomac.

SUNDRY CIVIL BILL.

The committee resumed its session, Mr. MCMILLIN in the chair.

The CHAIRMAN. The committee resumes the consideration of the sundry civil appropriation bill.

Mr. RANDALL. Let the Clerk read on.

The Clerk read as follows:

EXPENSES OF THE COLLECTION OF REVENUE FROM SALES OF PUBLIC LANDS.

Salaries and commissions of registers and receivers: For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding $3,000 each, $500,000.

Mr. CATCHINGS. I move the following amendment.

And the provisions of an act approved March 3, 1883, entitled "An act in relation to certain fees of registers and receivers," is hereby re-enacted.

Mr. RANDALL. I make the point of order against that amendment. It creates a new law.

Mr. CATCHINGS. What new law does it create?

Mr. RANDALL. It proposes to re-enact the law which was repealed.

Mr. CATCHINGS. What is that act?

Mr. RANDALL. If there was no law repealed there would be no necessity for this action. I will send up to the Chairman the law to which reference was made, and I will leave the matter to the decision of the Chair.

The CHAIRMAN. The Clerk will now read the statute which has been sent up by the gentleman from Pennsylvania.

Mr. CATCHINGS. I would like to be heard briefly upon the point of order before the Chair rules upon this question.

The CHAIRMAN. The Chair will hear the gentleman as soon as the Clerk concludes the reading.

The Clerk read as follows:

FOR SALARIES AND COMMISSIONS OF REGISTERS AND RECEIVERS.

For salaries and commissions of registers at the land offices and receivers of public moneys at district land offices, at not exceeding $3,000 each, $500,000. And hereafter all fees collected by registers or receivers from any source whatever which would increase their salaries beyond $3,000 each a year shall be covered into the Treasury, except only so much as may be necessary to pay the actual cost of clerical service employed exclusively in contested cases; and they shall make report quarterly, under oath, for all expenditures for such clerical service, with vouchers therefor.

Mr. RANDALL. The provision placed on appropriation act of the first session of the Forty-ninth Congress was offered in the House by Mr. SPRINGER, of Illinois, and adopted. At the second session of that Congress it was recommended to be made permanent law, and Congress so determined.

Mr. CATCHINGS. All these fees mentioned in the proviso to the sundry civil bill passed at the last session of Congress by virtue of the act of March 3, 1883, were retained by the registers and receivers. I will ask the Clerk to read the act of 1883, which my friend, Mr. MCSHANE, has on his desk before him.

The Clerk read as follows:

2. That registers and receivers shall, upon application, furnish plats or diagrams of townships in their respective districts showing what lands are vacant and what lands are taken; and shall be allowed to receive compensation therefor from the party obtaining said plat or diagram at such rates as may be prescribed by the Commissioner of the General Land Office; and said officers shall, upon application by the proper State or Territorial authority, furnish for the purpose of taxation a list of all lands sold in their respective districts, together with the names of the purchasers; and shall be allowed to receive compensation for the same not to exceed 10 cents per entry; and the sums thus received for plats and lines shall not be considered or taken into account in determining the maximum compensation of said officers.

Mr. CATCHINGS. The Commissioner of the General Land Office in 1887 recommended that that law be so amended as to provide that these fees, which theretofore had been received by the receivers and registers of the public-land offices, should be paid into the Treasury,

and should constitute there a special fund to be used by the office for the purpose of paying necessary clerk-hire, rent of offices, and other incidental expenses of that character in connection with the public-land service. The gentleman from Illinois [Mr. SPRINGER] offered an amendment to the sundry civil bill of 1886 which only partly carried into effect the recommendations of the Commissioner. That is to say, his amendment required that the fees should be paid into the Treasury, but it did not go further, as recommended, and provide that after reaching the Treasury they should constitute a special fund to be used for clerk-hire and other purposes in the interest of the general public.

The effect of that provision has been to create a great deal of trouble in the administration of the Land Office. Before that the fees were used in employing such additional clerical force as was absolutely necessary to render proper service to the people. These fees, however, have been taken from them now, and the consequence is that the business of the Land Office is in a great state of disaster, I may almost say, as appears from the report of the Commissioner of the General Land Office, which I ask to have read from the desk.

The Clerk read as follows:

CONTINGENT EXPENSES OF LOCAL LAND OFFICES.

From this fund is to be paid the hire of clerks, rent of office room, purchase of office furniture and fuel, and all incidental expenses of one hundred and twelve land offices. The appropriations for this service for the past two years have been little more than one-half the amount actually required. My estimates for these two years were, I regret to say, below the actual necessities of the service, and these meager estimates were, against my earnest protest, so much further reduced in the appropriation acts of Congress that the local land offices of the United States are almost in a condition of dilapidation, the plats and records unbound, the most necessary office conveniences wanting, and volumes of current work in almost hopeless arrears.

Expenditures of the first necessity to the proper conduct of these offices are constantly refused because of want of sufficient appropriations. The means for payment of clerk-hire are so deficient that duties in the examination of proofs, the allowance of entries, and other functions of local land officers which require the exercise of care and judgment and involve large public and private interests, can only be nominally performed. The maximum offices are overwhelmed with work that can not be accomplished. Registers and receivers are driven with their labors almost beyond endurance. The few clerks allowed are overworked and underpaid. The record information to which the public is entitled can only be partially furnished. Offices are daily crowded with throngs of entrymen and applicants, but few of whom can be accommodated. Settlers and others are subject to exasperating delays and to expenses that can be ill afforded in waiting for the transaction of their business. Valuable records are insecurely protected because the appropriations have not been sufficient to pay for office-rent, and registers and receivers have been generally compelled to hire such room as they could afford to pay for out of their personal means.

Previous to the last fiscal year registers and receivers were allowed to retain the fees received for reducing testimony to writing and furnishing copies of plats and records. We ought to get this, besides rent, etc. The moneys so received and retained enabled the local officers to employ additional clerks needed to do the work. As a matter of good administration and a proper supervision over such receipts and expenditures I recommended in 1885 that the moneys received be deposited in the Treasury and made an appropriation to pay for additional clerk-hire.

During the last Congress provision was made for depositing the money in the Treasury, but no appropriation was made of it to enable the local officers to do the work, except only in contest cases. In the larger volume of business, not involving individual contests, the work remained to be done, but there was no money to pay for it.

Mr. CATCHINGS. Now, Mr. Chairman, the fees which were earned by the registers and receivers of the land offices during this fiscal year, and turned into the Treasury by virtue of the amendment to the sundry civil bill of 1886, amounted to $88,945.56, or considerably more than one-half of the entire cost of the administration of this land office. This money was taken from the people themselves, and unquestionably in some shape or other it ought to be returned to them in an increase of efficient service to be rendered them in the transaction of this branch of the public business.

If the gentleman in charge of this bill would consent that this money so paid into the Treasury should constitute, what is required and recommended by the Commissioner, a special fund, to be used by him in the employment of additional clerical force in order that the people might have a better service at the land offices, I should be perfectly willing and glad to agree to that. But I can not offer an amendment of that sort, for it would be manifestly a change of existing law, and would be subject to the point of order. The proposition I have advanced, therefore, is intended to be declaratory in its character, though in terms it proposes to re enact the special act of 1883, under which the fees were so applied. It was offered by me merely to have a construction placed upon the act.

I think the effect of the act of 1886 was not to repeal permanently the special law of 1883, under which the officers were allowed to retain the fees. In 1887 we find the word "hereafter" used in connection with these fees, as suggested by the gentleman from Pennsylvania; but that might be properly limited, as in this case, to the fiscal year for which the bill was passed, and which that appropriation was intended to cover; and I apprehend that inasmuch as under our rule it is not competent by way of amendment to change existing law, the true construction of that provision must be that it was of temporary application, unless by its terms it was clearly designed to operate perpetually in the future.

That is the point I make, and I submit it to the Chair. I want to say this in addition: That if you can possibly construe it as I think it ought to be construed, the public service will be benefited.

Mr. RANDALL. The act of Congress limited the salaries to be received by these registers and receivers to $3,000; that no one should receive a salary in excess of that amount. The Committee on Appropriations discovered these officers were receiving from fees additional amounts, and therefore at the first session of the Forty-ninth Congress inserted a repealing clause, so far as related to that particular increase of pay. They then, at the second session, made it a permanent law. That point has been decided frequently. The word "hereafter" is used so as to prevent any additional sums going to these receivers or registers beyond the maximum salary of $3,000. I maintain, so far as the point of order is concerned, that the provision in the sundry civil bill last session was intended to prevent what was being done under the statute the gentleman wants to re-enact; and it does change existing law.

Mr. McSHANE. In 1886 the Forty-ninth Congress did pass a law carrying out in a measure the recommendations of the Commissioner of the General Land Office; but the Springer amendment only went so far in carrying out that recommendation as to cover the fees into the Treasury. The recommendation of the Commissioner, which I hold in my hand and will read, is as follows:

I recommend a modification of the act of March 3, 1883, so as to provide that the cost of reducing testimony to writing and fees for abstracts of records and copies of plats be covered into the Treasury and placed to the credit of the proper appropriation for the payment of additional clerk-hire in the local land offices.

The Committee on Appropriations amended the sundry civil bill so as to cover the fees into the Treasury, but in doing so did not provide for the payment of the clerical help to perform the service in earning the money to be covered into the Treasury except in one instance, that of reducing testimony to writing. A very large sum of this money is earned by furnishing abstracts and plats, the money collected for which is also by the act covered into the Treasury.

The Commissioner of the General Land Office in his last report calls the attention of the House to the report of 1885, and calls the attention of the House to the fact that insufficient appropriations are being made to perform the necessary service in the local land offices; and in view of the fact that a former bill had taken away from registers and receivers the emoluments arising from fees, he recommended an appropriation for contingent expenses of the local land offices of $217,826.45. In this bill $500,000 is appropriated for commissions and salaries of registers and receivers. The same amount was appropriated for the last fiscal year. I am informed by the Commissioner of the General Land Office to-day that there is a deficiency of $60,000 in the appropriation for last year, and that Congress will be asked to appropriate in the deficiency bill at the present session $60,000 for the payment of salaries for the last fiscal year.

Mr. RANDALL. Just there let me say that we do not proceed on the assumption the gentleman states. The President of the United States has the power to reduce the number of registers and receivers, and our information in the committee led us to believe the President of the United States should reduce the number to the extent of twenty. Therefore the amount recommended for the current year is based on the idea that there ought to be a reduction or consolidation.

Mr. McSHANE. Does the chairman of the Committee on Appropriations mean to say that the total number of local land offices in the United States should be reduced to twenty?

Mr. RANDALL. No; it should be reduced twenty in number. There are two hundred and twenty-two.

Mr. McSHANE. Oh, no; there are only one hundred and eleven.

Mr. RANDALL. There are two hundred and twenty-two; one hundred and eleven registers and one hundred and eleven receivers.

Mr. McSHANE. One hundred and eleven land offices.

Mr. RANDALL. I speak of the officials. We think in the committee the President of the United States should exercise his power and reduce those officials about twenty.

Mr. McSHANE. Mr. Chairman, as I understand the homestead law it is meant, as far as possible, to be self-supporting, not for the purpose of collecting revenue, but to bear the expense of performing the service. Now, what do we find?

Mr. RANDALL. The public lands are a source of revenue to the Government.

Mr. McSHANE. I am speaking of the fees collected from homesteads. The last report of the Commissioner of the General Land Office shows that the revenue from homesteads alone for 1887 was nearly $1,700,000; $1,700,000 collected from the settlers on the public domain, who are supposed to have little, in many cases nothing at all, not even enough to pay necessary legal fees in proving up their claims.

Is it pretended that this Government is to collect from this class of people a revenue of $1,700,000 in every year when we must admit that the intention of the law was that the minimum amount should be collected from settlers on the public domain—only enough to meet the expense of maintaining the clerical force? In 1884 there was $145,000 appropriated for clerk-hire and contingent expenses in one hundred and six offices. In addition to this the registers and receivers received all of the fees collected for reducing testimony to writing, and also for the furnishing of abstracts and plats, but in the present bill, with one hundred and eleven land offices, the committee appropriate only $150,000 and cover into the Treasury the fees collected. Of the $120,000 that

was appropriated for contingent expenses last year $86,000 was covered into the Treasury, leaving a balance of only $34,000 in that fund. Now, I desire to say that the money appropriated by this bill is not money taken out of the Treasury at all. The salaries of the registers and receivers, and also of the clerical force in the local land offices are based upon the amount of fees collected in those offices, and if there is not $3,000 collected in fees the officer does not get that amount.

This money is appropriated merely as a guaranty fund; it is collected back from settlers proving up on their claims; so that in the appropriation of this money there is not a dollar of real expenditure on the part of the Government. The settlers pay the money into the local land offices, and from there it is covered into the Treasury and appropriated back by Congress for the payment of the expenses of the service.

Mr. RANDALL. Mr. Chairman, this is a plain matter. The law provides that the salaries of registers and receivers shall not exceed $3,000 per annum. Congress discovered that about $85,000 or $86,000 was going into the pockets of these officials in excess of the legal amount, and they enacted a law to prevent that. It never has been contended at all that this $85,000 was needed in connection with the hiring of clerks. In the very next appropriation bill there is an appropriation of $155,000 for clerks in these local land offices to perform services of every character that are there required, as authorized by law.

Mr. CATCHINGS. Is it not a fact that in the maximum offices the registers and receivers have to hire their own offices and pay their own clerks?

Mr. RANDALL. I have no knowledge on that subject.

Mr. CATCHINGS. I state it to be a fact that they are required to do so.

Mr. RANDALL. I have no knowledge of that.

Mr. CATCHINGS. I state it as a fact that they have to hire their own offices and pay their own clerk-hire, and the compensation they receive is entirely inadequate.

Mr. HERMANN. Not even clerk-hire is allowed to most of them.

Mr. BLANCHARD. Mr. Chairman, there is a rule of this House which prescribes that no provision changing existing law shall be incorporated in any appropriation bill. That is a good rule, and it is a pity it is not adhered to more strictly. My friend from Pennsylvania [Mr. RANDALL] is quick to invoke that rule——

Mr. RANDALL. The committee did not originate this. The House took the first step.

Mr. BLANCHARD. One moment. My friend from Pennsylvania, I say, is quick to invoke that rule whenever an amendment is offered in Committee of the Whole which tends to change existing law, but he and the able committee of which he is the head are not consistent, in that they do not always themselves regard that rule of the House. In June, 1886, the gentleman from Illinois [Mr. SPRINGER], who now stands before me, offered an amendment to the sundry civil bill which was then under consideration, as follows:

All fees collected by receivers or registers from any source whatever which would increase their salaries beyond $3,000 each a year shall be covered into the Treasury.

That amendment was in violation of existing law, to wit, the act of March 3, 1883, the same referred to awhile ago by the gentleman from Mississippi [Mr. CATCHINGS], and which he caused to be read at the Clerk's desk.

The gentleman from Kansas [Mr. RYAN] and myself both made the point of order that the amendment was violative of the rule of the House, because it proposed to change existing law, but the then chairman of the Committee of the Whole ruled that the point of order was not well taken, and the amendment was adopted and became a part of the law of 1886.

Now, Mr. Chairman, it will be observed that the said amendment offered by the gentleman from Illinois [Mr. SPRINGER] did not contain the word "hereafter," so that its effect was confined to the appropriations made in the sundry civil bill of 1886. But the Committee on Appropriations of that Congress, in the very next session, to wit, the short session of the Forty-ninth Congress, in the sundry civil bill of that year (1887), inserted again the language of the amendment of the gentleman from Illinois, adding to it the word "hereafter."

Mr. RANDALL. I think the word "hereafter" was in the bill as it was reported from the committee.

Mr. BLANCHARD. The point I make is this, that the amendment offered by the gentleman from Illinois, against which the point of order was made at the time by the gentleman from Kansas and myself, which point of order was ruled not well taken, applied by its language only to the sundry civil bill of 1886. It was not a general provision of law, and ceased to operate with the year to which that bill applied. But the Committee on Appropriations, in the sundry civil bill of the following year, as reported by my friend from Pennsylvania, reincorporated that language, adopted it as their own, with the additional word "hereafter," so that it would become a general provision of law, having effect in and for the years to come and not be confined to the year of that appropriation bill.

In that, I say, they themselves violated the very rule of this House which the gentleman from Pennsylvania is to-day seeking to invoke against the amendment of the gentleman from Mississippi. I rose to point out that if the provision to which the gentleman from Pennsylvania has referred is a provision of general law, it has become such by reason of the violation of a rule of this House by the Appropriations Committee itself.

But, Mr. Chairman, what is the amendment offered by the gentleman from Mississippi? I take it that it is not subject to the point of order made by the gentleman from Pennsylvania. It must be construed with reference to the previous laws upon the same subject-matter, namely, the sundry civil appropriation act of 1887 and the act approved March 3, 1883. Those are laws upon the same subject-matter, and it is a well-known rule of legal interpretation that all laws upon the same subject-matter must be construed together, so as to give effect to each.

This amendment of the gentleman from Mississippi is in the nature of a reaffirmance or re-enactment of the law of March 3, 1883. That is a statute of Congress to-day. The amendment offered by the gentleman from Illinois in 1886, and reaffirmed in the sundry civil appropriation act of 1887, does not repeal, and was not intended to repeal, the statute of 1883. Repeal of laws by implication is not favored. I think therefore that, considering those two laws together and considering in that connection the amendment of the gentleman from Mississippi, it will be found that this amendment is not violative of the rule which the gentleman from Pennsylvania has invoked.

And now, Mr. Chairman, before closing permit me to point out to the House the disastrous effects which have followed the adoption of the amendment offered by the gentleman from Illinois in 1886 and reincorporated in the sundry civil appropriation act of the following year. I hold in my hand and will read a statement of the effect of that amendment, prepared by a party competent to speak on that subject:

Upon the passage of this act requiring these fees to be turned over to the Government the local land offices were deprived of this entire clerical force, which had been employed by the registers and receivers and paid out of this special fund, and no provision whatever was made to supply this deficiency in the clerical force of the offices, and to furnish the accommodation which had in this manner been extended to the public. The natural consequence has been that the land offices with the force employed by the Government, deprived of this special force, paid for out of these fees, could not possibly do the work, and the public has been deprived of that accommodation to which it certainly is entitled, and for which it has been and is ready and anxious to pay, but which it was not allowed to do under the instructions incident to the enactment above referred to.

The work therefore has not been done, the Government has gained nothing, the public is bitterly complaining and attacking the system of reform, which will not allow it to procure service and information for which it is willing to pay and which it is impossible to procure, for the reason that the Government will not employ the necessary force to do this work, nor will it allow the registers and receivers to use the fees intended for this class of work to defray the necessary clerical expenses of doing the same.

Those are some of the baleful effects which followed the enactment into law of the amendment offered by the gentleman from Illinois in 1886, which was subsequently incorporated as a general provision of law in the sundry civil act of 1887.

In view of these disastrous consequences I express the hope that if it be possible to hold the point of order made against the amendment of the gentleman from Mississippi not well taken, the Chair will so rule.

Mr. RANDALL. The Committee on Appropriations did not originate this provision of law, although, upon examination, they found it to be a beneficial enactment. And they did not take the House at all by surprise in this matter. I hold in my hand the report of the Committee on Appropriations which accompanied the sundry civil appropriation bill of the second session of the last Congress. I ask the Clerk to read the passage I have marked.

The Clerk read as follows:

Attached to the appropriation for salaries and commissions of registers and receivers of land offices the following is inserted, being the same provision as is contained in the sundry civil act for 1887, except that the word "hereafter" is inserted:

"And hereafter all fees collected by the registers or receivers, from any source whatever, which would increase their salaries beyond $3,000 each a year, shall be covered into the Treasury, except only so much as may be necessary to pay the actual cost of clerical services employed exclusively in contested cases; and they shall make report quarterly, under oath, of all expenditures for such clerical services, with vouchers therefor."

Mr. RANDALL. The Committee on Appropriations, following the suggestion of the House, following the wish of Congress, incorporated in the sundry civil appropriation bill this paragraph, which had been found to work beneficially, and made it a permanent law.

But, Mr. Chairman, a single statement as to the point involved here and the effect of the law in connection with it will make plain to the Chair that the point of order is valid. Under the old law these officials were receiving in the aggregate about $86,000 in excess of the compensation of $3,000 each provided for by statute. Under the operation of the amendment offered by the gentleman from Illinois that excess was cut off, and it remains cut off, as it will until that word "hereafter" is made nugatory. That is the whole question.

Mr. BLANCHARD. I would like to ask the gentleman one question before he takes his seat. Was not the incorporation of the word "hereafter" by the Committee on Appropriations in their bill a change of existing law?

Mr. RANDALL. It was.

Mr. BLANCHARD. Was it not violative of the rule of the House?

Mr. RANDALL. But we called attention to the matter; and such was the unanimity of sentiment in the House that not a member, so far as I recollect, rose to object or make a point of order.

Mr. BLANCHARD. But did not the Committee on Appropriations in that year pass the bill under a suspension of the rules?

Mr. RANDALL. I will not undertake to answer that question. The gentleman may be right in suggesting that they did, though I think they did not.

Mr. BLANCHARD. I do not assert that such was the fact; I merely asked that question. It has frequently happened that these bills at a short session have been passed under a suspension of the rules—a proceeding which, of course, cuts off all points of order and all amendments.

The CHAIRMAN. The Chair is ready to rule on it.

Mr. RANDALL. That does not change the law. There it is.

Mr. PETERS. I desire to say a word.

The CHAIRMAN. The gentleman will proceed.

Mr. PETERS. Repeals of statutes by implication are not favored. The gentleman says it is a change of law by putting in the word "hereafter." If the word "hereafter" had not been put in then the change would apply only to one fiscal year. Suppose you leave out the word "hereafter," the statute means the same thing. The law of 1886, when the change was made, said these fees should be covered into the Treasury. That is for that fiscal year. They came in the next year and put in the word "hereafter." "Hereafter" has no significance, because if not there the law of 1886 would be in effect.

Now the only word they can get in force and stress equal to that word "hereafter" is to say by implication that word "hereafter" repeals the prior law; and if repeals by implication are not favored then that idea must not be favored; that is the mere insertion of a word which amounts to nothing, the statute being as forcible without it as with it. The insertion of the word can only be regarded as a repeal by implication, and such repeals are not favored.

Mr. RANDALL. Admitting for the sake of argument everything alleged, I ask to bring gentlemen back to what the law is. There is the law and this is a proposition to change it.

Mr. SPRINGER. Some stress is put on the word "hereafter" by the gentleman from Louisiana [Mr. BLANCHARD]. The first provision passed by Congress, which I had the honor to move, was itself a general law, and did not need the word "hereafter" to apply to all time to come until changed by Congress. I will read it:

And all fees collected by registers or receivers from any source whatever, which would increase their salaries beyond $3,000 each a year, shall be covered into the Treasury, except only so much as may be necessary to pay the actual cost of the clerical service employed exclusively in contested cases; but they shall make report quarterly under oath of all expenditures for such clerical service, with vouchers therefor.

Mr. CATCHINGS. Does the gentleman from Illinois say the insertion of the word "hereafter" does not add any additional force to the law?

Mr. SPRINGER. It was already a general law.

Mr. CATCHINGS. I understand; but answer that question.

Mr. SPRINGER. It was not pending.

Mr. CATCHINGS. Did it add additional efficacy to the section.

Mr. SPRINGER. It declared the intention of the committee, that it was to apply hereafter, and it did apply hereafter. It was only cumulative evidence to that effect, that such was the intention of the committee. It was the law. If those gentlemen are not satisfied with the law they can resign and there are others who will be glad to take their places.

Mr. PETERS. We want the people who go to the land office to have all the clerical service they may need.

Mr. RANDALL. The next paragraph provides for that.

Mr. PETERS. That next paragraph does not provide for that.

Mr. RANDALL. That next paragraph refers to clerical force of every sort and description.

Mr. BLANCHARD. The gentleman's amendment as incorporated in the bill of 1886 had not the effect of the enactment of a general law. The language used in his amendment does not bear him out. It has been ruled in the Court of Claims and in the Supreme Court that an appropriation bill, or any terms used in it, have effect only for the time the bill has to run, that is for the fiscal year, unless by the terms used the plain enactment of a general law was intended. So the language used by the gentleman from Illinois can not be considered as the expression of the intention on the part of Congress or of the House to enact a general law.

And the interpretation I put on it was placed on it by the Committee on Appropriations, for the following year, when they brought in a similar one and inserted the word "hereafter," intending it to be a general provision of law.

Mr. SPRINGER. Will the gentleman cite the case in the Court of Claims to which he refers?

Mr. BLANCHARD. I said it has been decided in the Court of Claims and in the Supreme Court that the language of an appropriation bill was to have effect only for the time the bill had to run; that is, for the fiscal year.

Mr. SPRINGER. That is true as to an appropriation, but a general enactment in an appropriation bill is as good as made in any other bill. Such is the law made upon the appropriation bill providing for the refunding of the public debt by the purchase of United States bonds.

The CHAIRMAN. The point of order made by the gentleman from Pennsylvania [Mr. RANDALL] rests upon clause 3 of Rule XXI, which provides that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

It is admitted by all who have argued the question that there is now being turned into the Treasury of the United States under the act of 1886–'87 about $87,000 annually of fees that had under the act of 1883 been retained by these officers; and it is sought to re-enact the statute of 1883.

The amendment of the gentleman from Mississippi provides:

And the provisions of the act approved March 3, 1883, entitled "An act in relation to certain fees allowed to registers and receivers," are hereby re-enacted.

The Chair thinks the existing law requires these officers to turn over all moneys received by them in excess of the salary of $3,000. The amendment itself provides for a re-enactment, which could not be done without there had been a previous repeal of the act.

Mr. CATCHINGS. If the Chair will permit me, I said that while this did in terms propose to re-enact the law, it was simply to secure a construction of the law. That it was in its nature declaratory..

The CHAIRMAN. The Chair remembers that statement of the gentleman, and it is proper that the Chair should have called attention to the fact.

The Chair is of opinion that the language of the act of 1886–'87 is so broad that it brings this provision sought to be incorporated in the bill under the third clause of the twenty-first rule, which the Chair has read: and that to adopt the amendment proposed by the gentleman from Mississippi would be to work a change of existing law.

The Chair therefore sustains the point of order.

Mr. CATCHINGS. I now move a further amendment, for the purpose of carrying into effect the recommendations of the Commissioner of the General Land Office. It changes existing law, but it ought to be changed, and I hope the gentleman from Pennsylvania will not make the point of order against it.

The Clerk read as follows:

And all fees paid into the Treasury by said officers shall constitute a special fund to be used in paying for such additional clerk-hire and office-rent as the Secretary of the Interior may deem it proper to engage and pay.

Mr. RANDALL. I must make the point of order against that.

I will state in this connection that I am forced to make points of order where changes are sought to be made in the bill, or otherwise it would be mutilated from beginning to end.

The CHAIRMAN. The Chair thinks the amendment changes existing law, and hence is subject to the point of order.

Mr. BLANCHARD. I wish to ask, Mr. Chairman, if the Clerk has concluded the reading of the paragraph ending with line 12, on page 46?

The CHAIRMAN. The Clerk informs the Chair that the reading of it had not been completed.

The Clerk will read the paragraph now.

The Clerk read as follows:

EXPENSES OF THE COLLECTION OF REVENUE FROM SALES OF PUBLIC LANDS.

Salaries and commissions of registers and receivers: For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding $3,000 each, $500,000.

Mr. BLANCHARD. I send up an amendment to this provision.

The Clerk read as follows:

In lines 11 and 12, strike out "$500,000" and insert "$524,000."

Mr. BLANCHARD. I presume the gentleman from Pennsylvania does not desire to raise the point of order upon that amendment.

Mr. RANDALL. I would if I could. [Laughter.]

Mr. BLANCHARD. I have no doubt of it.

Mr. Chairman, to those who have looked into the operations of the General Land Office, and the amounts appropriated for carrying on that branch of the public business, the appropriations carried by this bill for this service are known to be entirely inadequate. Here is an appropriation of $500,000 to pay for the salaries and commissions of the registers and receivers of all public land offices throughout the country.

There are 112 land offices in the United States. At each of these land offices there are two commissioned officials, each of whom is entitled to a salary and commissions. These officials are known as registers of the United States land offices and receivers of public moneys. The land offices are located as follows: In Alabama, 2; in Arkansas, 4; in Arizona, 2; in California, 10; in Colorado, 10; in Dakota, 10; in Florida, 1; in Idaho, 5; in Iowa, 1; in Kansas, 10; in Louisiana, 2; in Michigan, 4; in Minnesota, 9; in Mississippi, 1; in Missouri, 3; in Montana, 3; in Nebraska, 9; in Nevada, 2; in New Mexico, 2; in Oregon, 5; in Utah, 1; in Washington Territory, 5; in Wisconsin, 6; in Wyoming Territory, 3; making a total of 110; and there have been

two others recently established, the locations of which are as yet unknown to me.

Now, Mr. Chairman, for these one hundred and twelve land offices, there being two officials entitled to the salary and commissions at each office, we find a total number of registers and receivers throughout the United States of two hundred and twenty-four. They are entitled to a salary each of $500 a year and 1 per cent. commission upon the amount of sales of public lands. Their salaries and commissions combined are limited so as not to exceed in any one year for any one official the sum of $3,000. If all of these land offices, one hundred and twelve, sold public lands enough so that the commissions of the register and receiver, added to the salary of $500, would amount to the full complement of $3,000 for each of the two hundred and twenty-four officials, the total amount that would be required to pay both salaries and commissions would be $672,000.

It thus appears, Mr. Chairman, that the amount appropriated by this bill, $500,000, is $172,000 less than will be required to pay these salaries and commissions if the officials at the various land offices earn the full complement of their salary and commissions. I anticipate the learned gentlemen on the Committee on Appropriations will endeavor to meet this argument by stating that all the one hundred and twelve land offices with two hundred and twenty-four officials do not realize as much as $3,000 each per year. That is granted.

But, Mr. Chairman, I have before me a statement of what was earned by each of these land officials at each of these several land offices throughout the United States in the fiscal year which ended June 30, 1887. We may surely take that as a criterion by which to judge what they will earn in the fiscal year which will end June 30, 1889. Now, the statement which I hold in my hand shows that in the fiscal year ended June 30, 1887, the total salaries and commissions earned by these United States land officers at the several land offices throughout the country aggregated $535,682.94. Here is the statement:

Statement showing the compensation earned at each office by register and receiver, during the fiscal year ended June 30, 1887.

Name of office.	Compensation.	Total by State and Territory.
Alabama:		
Huntsville	$6,000.00	
Montgomery	6,000.00	
		$12,000.00
Akansas:		
Camden	6,000.00	
Dardanelle	6,000.00	
Harrison	6,000.00	
Little Rock	5,823.05	
		23,823.05
Arizona:		
Prescott	6,000.00	
Tucson	4,707.14	
		10,707.14
California:		
Humboldt	4,534.24	
Independence	2,565.48	
Los Angeles	6,000.00	
Marysville	3,799.73	
Sacramento	6,000.00	
San Francisco	6,000.00	
Shasta	6,000.00	
Stockton	6,000.00	
Susanville	4,640.00	
Visalia	6,000.00	
		51,539.45
Colorado:		
Central City	4,267.12	
Del Norte	4,669.47	
Denver City	6,000.00	
Durango	4,601.54	
Glenwood Springs	5,721.54	
Lake City	2,526.64	
Lamar	3,000.00	
Leadville	5,374.66	
Pueblo	6,000.00	
Gunnison	4,006.72	
		46,167.69
Dakota:		
Aberdeen	6,000.00	
Bismarck	6,000.00	
Devil's Lake	6,000.00	
Deadwood	6,000.00	
Fargo	6,000.00	
Grand Forks	6,000.00	
Huron	6,000.00	
Mitchell	6,000.00	
Watertown	6,000.00	
Yankton	6,000.00	
		60,000.00
Florida:		
Gainesville		6,000.00
Idaho:		
Boisé City	3,682.32	
Cœur d'Alene	2,156.15	
Hailey	3,652.40	
Lewiston	4,148.30	
Blackfoot	5,486.60	
		19,125.77
Iowa:		
Des Moines		1,430.66

Statement showing the compensation earned at each office by register and receiver, etc.—Continued.

Name of office.	Compensation.	Total by State and Territory.
Kansas:		
Concordia	$4,209.77	
Garden City	6,000.00	
Independence	2,337.33	
Kirwin	6,000.00	
Larned	6,000.00	
Oberlin	6,000.00	
Salina	6,000.00	
Topeka	1,604.50	
Wa Keeney	6,000.00	
Wichita	5,555.36	
		$49,706.96
Louisiana:		
Nachitoches	6,000.00	
New Orleans	6,000.00	
		12,000.00
Michigan:		
Detroit	1,505.24	
East Saginaw	1,694.78	
Marquette	6,000.00	
Reed City	2,476.06	
		11,766.08
Minnesota:		
Benson	3,506.27	
Crookston	6,000.00	
Duluth	6,000.00	
Fergus Falls	4,689.26	
Redwood Falls	2,745.64	
St. Cloud	6,000.00	
Taylor's Falls	2,626.59	
Tracy	3,033.52	
Worthington	2,585.93	
		37,187.21
Mississippi:		
Jackson		6,000.00
Missouri:		
Boonville	2,856.11	
Ironton	4,081.62	
Springfield	6,000.00	
		12,937.73
Montana:		
Bozeman	6,000.00	
Helena	6,000.00	
Miles City	4,224.54	
		16,224.54
Nebraska:		
Beatrice	2,017.89	
Bloomington	6,000.00	
Grand Island	6,000.00	
Lincoln	1,946.91	
McCook	6,000.00	
Neligh	6,000.00	
Niobrara	6,000.00	
North Platte	6,000.00	
Valentine	6,000.00	
		45,964.80
Nevada:		
Carson City	2,425.19	
Eureka	4,136.26	
		6,561.45
New Mexico:		
Las Cruces	5,779.06	
Santa Fé	6,000.00	
		11,779.06
Oregon:		
La Grande	6,000.00	
Lakeview	6,000.00	
Oregon City	6,000.00	
Roseburg	5,486.10	
The Dalles	6,000.00	
		29,486.10
Utah:		
Salt Lake City		6,000.00
Washington:		
North Yakima	6,000.00	
Olympia	6,000.00	
Spokane Falls	6,000.00	
Vancouver	5,037.36	
Walla-Walla	6,000.00	
		29,037.36
Wisconsin:		
Ashland	6,000.00	
Eau Claire	3,050.15	
Falls of St. Croix	3,009.69	
La Crosse	1,796.70	
Menasha	1,962.41	
Wausau	5,619.84	
		21,438.71
Wyoming:		
Cheyenne	6,000.00	
Evanston	2,799.18	
		8,799.18
Total		535,682.94

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. RYAN. I will yield my time to the gentleman from Louisiana.

Mr. BLANCHARD. Mr. Chairman, in 1887 it required $535,682 to meet the salaries and commissions of the registers and receivers, at

which time there were only one hundred and nine United States land offices, whereas there are now one hundred and twelve. So that on the basis of the amount needed in 1887 the amount appropriated in this bill is more than $35,000 short

Mr. RYAN. But my friend does not maintain that that statement is correct as to the expenditures for this service in 1887, does he?

Mr. BLANCHARD. Mr. Chairman, the statement I have read from gives the amount that was earned in salaries and commissions by the United States land offices in 1887.

Mr. RYAN. The amount of the appropriation for 1887 was $490,000.

Mr. BLANCHARD. The appropriation was $490,000, but the amount earned was as I have stated.

Mr. RYAN. The deficiency was $38,400; the total expenditure was only $528,000,

Mr. BLANCHARD. The statement I have read is official. It was taken from the Book of Estimates submitted to this Congress.

In 1887 there was appropriated for these receivers and registers $490,000. The amount they actually earned, according to statement read, was $535,682. In 1886 I stood here, as I am now standing, and protested against the small appropriation for this service; and the gentleman from Pennsylvania [Mr. RANDALL] met this protest by reading what had been expended in the last six months of the fiscal year preceding that time, and argued that the appropriation, judged by that standard, would be sufficient.

Instead of that being so, however, there was reported as a deficiency in that appropriation at the end of the fiscal year $38,000. For the present fiscal year, the one which ends on the 30th of this month, the appropriation was $500,000, and there is also a deficiency much larger than the preceding one. This deficiency is $60,000. I desire to call that fact to the attention of the Committee of the Whole. In 1887, for the present fiscal year, the appropriation was $500,000, and it was not enough by $60,000. In the general deficiency appropriation bill, which will be shortly reported by the Committee on Appropriations, there will have to be incorporated the sum of $60,000 to meet the deficiency in the expense of this very service.

In view of that fact, Mr. Chairman, in view of the many deficiencies which come in at the end of every fiscal year, is it not strange that the Committee on Appropriations should persist in reporting an amount so entirely insufficient to meet the expense of this service? Notwithstanding the deficiency of $60,000 for the present fiscal year, the committee brings in the same appropriation of $500,000. Instead of that sum the amount appropriated should be $560,000. It is true, however, that the estimate for this service is only $524,000.

My amendment is made to cover that amount. The estimate is far too small; but small as it is, these gentlemen have cut it down $24,000. It is time to put a stop to this parsimony. I believe in economy justly and judiciously applied; but when you come to make an appropriation, make it for an amount commensurate with the needs of the public service.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHEADLE. I yield my time to the gentleman.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BLANCHARD. I move to strike out the last word.

Mr. Chairman, we have the lesson of 1888 before us. The fiscal year will end in a few days. If $500,000 was not enough in 1888, and there is a deficiency of $60,000 in this very appropriation for the present fiscal year, in the name of common sense why is it the Committee on Appropriations does not heed the lesson and bring in an appropriation sufficient to carry on the land-office business of the country?

Do they want another deficiency of sixty or seventy thousand dollars at the end of the next fiscal year? What is the use of waiting for a deficiency bill to pay these officers of the Government their just dues? Why not appropriate it at one time and in this bill? Why take two bites at this cherry?

In addition, sir, to what I have said, I will read further, briefly, from what is appended in the Book of Estimates, by way of a note to this estimate of $524,000, which is the amount my amendment covers. In this statement accompanying the estimate it is insisted in the strongest manner that there shall be a sufficient appropriation to meet the necessities of this service, and yet, with all this before them, the gentlemen of the committee have failed to make an appropriation anything like what is demanded. This statement is as follows:

The estimate submitted for compensation of registers and receivers is based upon the salaries earned and the fees and commissions collected and covered into the Treasury by them during the fiscal year ended June 30, 1887, with the addition of the office to be opened at Buffalo, Wyo. For a number of years it has been found necessary to appropriate annually large amounts to cover deficiencies. The appropriation for the fiscal year just closed covers but 90 per cent. of the amount required for the service.

Mark you, gentlemen, that reference to the appropriation for 1887. The appropriation for 1888, the present fiscal year, was for less than 90 per cent. of what was required for this branch of the service.

The amount estimated for herein is based upon the actual amount paid registers and receivers during the fiscal year ended June 30, 1887, and therefore is not excessive. The compensation of registers and receivers is limited by law not to exceed $3,000 to any officer, regardless of the amount in excess of that sum earned by him. By the provisions of the act of August 4, 1886, it becomes necessary to appropriate larger sums for the compensation of registers and receivers, although the actual amounts received by them are no greater than they were prior to the passage of that act. During the fiscal year ended June 30, 1887, the fees and commissions earned by registers and receivers amounted to $1,752,000, while the entire appropriation for their salaries and commissions was $490,000.

So that, Mr. Chairman, it is apparent this money is not a charge upon the Treasury. The fees and commission earned at the various land offices yield $1,752,000 a year revenue to the Government, and out of that amount it is simply asked that justice shall be done to this branch of the public service in the way of an appropriation adequate to the needs of the service. I hope the amendment will be adopted.

Mr. RANDALL. Mr. Chairman, as I said in the beginning, I repeat now, that the ground the committee took in reference to this appropriation was, first, that the President had the power to consolidate many of these land offices——

Mr. BLANCHARD. But he did not do it.

Mr. RANDALL. That the President had the power to consolidate many of these land offices, and that we had no other mode of making the suggestion than in the way we have made it.

Mr. VANDEVER. Mr. Chairman, I desire to make a few observations in reference to the amendment proposed by the gentleman from Louisiana [Mr. BLANCHARD]. From my limited knowledge of the operations of the land system in the district from which I come, I am satisfied that there is no branch of the public service to-day that stands more in need of reform and retrenchment. The amendment of the gentleman proposes to increase an appropriation. Now, sir, I desire to say in connection with this amendment that in the land office of the district from which I come there have been suspended entries of public lands under the desert-land act for the last ten or twelve years, ever since the passage of that act in 1877.

It does seem to me, Mr. Chairman, from the manner in which the public-land offices have been administered in that part of the country, that in practice the land laws have amounted in many instances to an actual conspiracy against the settler rather than a means of aiding him in acquiring the right to a homestead upon the public lands. I know this is a strong observation to make, but I call the attention of the committee to one circumstance. This desert-land act was passed, I think, on the 3d of March, 1877, and in one land district in the State of California there were upwards of three hundred locations. The parties who made those locations within from thirty to sixty days of the passage of the act proceeded to transfer them to two or three men, who to-day hold those lands in their own hands, although the law specifically provided, as I understand it, that no one man should have the benefit of more than one location under the desert-land act.

And while the right of these persons to make these transfers was subsequently called in question by settlers who desired to acquire these lands for homesteads, representing that these entries of so-called "desert lands" were, in many cases, made upon agricultural lands—not desert lands at all—those cases have, upon one pretense and another, been pending in the Department to this day without any determination by the Commissioner of the General Land Office or by the Secretary of the Interior.

I mention this as one circumstance of many tending to show that this whole public land system to-day requires thorough investigation. Some method of reform needs to be applied by which the settler shall be protected. The system was designed for the benefit of honest settlers upon the public lands; yet a few men—not exceeding four or five—in that portion of California hold under their control to-day some 300,000 or 400,000 acres, located under this desert-land act; and no relief can be obtained by any appeal to the General Land Office or to the Interior Department itself.

In these observations I do not intend to cast any reflection upon the Commissioner of the General Land Office or upon the head of the Interior Department. There is maintained in that Department a kind of machinery by the operation of which subordinates in their influence in the administration of these laws seem to be paramount over the Commissioner of the General Land Office and the Secretary of the Interior. You may claim a right; it is questioned; you put in your complaint; it goes to the General Land Office, and is put through this routine mill. The head of the Department is no more responsible perhaps for the abuses which are practiced there than is any member of this House. Yet the fact remains that, in the multitude of their engagements and with the varied responsibilities resting upon them, neither the Commissioner of the General Land Office nor the Secretary of the Interior seems to be able to fathom the abyss in regard to the misapplication of these laws and the frauds which are perpetrated in the machinery of their offices, and apparently under their observation.

[Here the hammer fell.]

Mr. MORROW obtained the floor and said: I yield my time to my colleague [Mr. VANDEVER].

Mr. VANDEVER. It is high time, then, Mr. Chairman, that in making these appropriations some limit should be placed upon them and some care exercised. These appropriations are proposed in good faith by the committee, and in the same spirit are advocated on this floor; but I tell you, sir, that no portion of the public service to-day requires more thorough investigation and reform, for the purpose of

protecting the interests of settlers on the public lands, than does the public land system, especially as it is administered in the land districts of California.

For instance, a man may, in good faith, make a location upon the public land for the purpose of establishing a homestead; somebody settles alongside of him and disputes his right; a contest arises; the question goes before the local land officers; a decision is rendered, and an appeal is taken. The appeal goes to the General Land Office, and from there it is carried before the Secretary of the Interior. The contest is permitted to run along year after year until this honest, well-meaning settler upon the public land, discouraged by the obstacles thrown in his way, in many instances, as I believe, by the connivance of men in the land offices, abandons his right.

I feel justified in affirming my belief, which can be supported by the representations of men of unquestioned veracity, that some of the lands entered as "desert lands" in the Visalia land district, and held under assignments of the right of location made in 1877, are not desert lands at all. Lands in Fresno, Tulare, and Kern Counties which have been taken up in this way would to-day, if they could be occupied and improved by settlers, be worth a thousand dollars an acre. Yet they have been held up from 1877 to the present time as desert lands; and the papers connected with those cases are stowed away in musty pigeonholes of the Interior Department without any attempt to determine this question affecting the rights of multitudes of honest settlers in that part of California.

That is the condition of things there to-day; and we sit here in this House and talk about these appropriations in a calm and deliberate manner, as if there were no abuse under the surface needing to be reformed. I make these observations in justice to the public service and to the head of the Department himself, as well as to the honest settler who is to-day defrauded of his rights under the operation of this land system, which, as I have said, is so administered in many instances as to amount to an actual conspiracy against the settler rather than in aid of his rights and for the benefit of the Government.

The important fact has been stated here that the sum of $1,700,000 has been paid into the coffers of the Government through these land offices. This money has come from the settlers—these very men, perhaps, who have been defrauded of their rights for a long series of years. While they are paying the expenses of administering the public-land laws, they are at the same time being deprived of their right to make settlement upon the public land. I throw out these observations now merely by way of suggestion. When the bill reported from the Committee on Public Lands and now pending in this House shall come up, it may be an appropriate time to offer propositions for the cure of the existing abuses; but it is well to take into serious consideration in connection with the present bill the question whether we should make these appropriations, running up into hundreds of thousands of dollars, for the support of these offices without any restriction or reservation looking to the protection of the rights of settlers.

Mr. HERMANN. I move to strike out the last word.

Now, Mr. Chairman, on behalf of the great West I thank the gentleman from Mississippi [Mr. CATCHINGS] and the gentleman from Louisiana [Mr. BLANCHARD] for the earnest words they have spoken in behalf of an increased appropriation so urgently demanded for the land system of the country. Representing as I do one of the largest States in the Union, especially one of the largest public-land States, nearly as large as the whole of New England and New York combined, the House will pardon me for rising now in defense of the amendment now pending before the Committee of the Whole.

I have made it, sir, a part of my representative duty to travel over the land districts of that immense empire of the Pacific West, to visit the various land offices and converse with the Government employés as to the necessities of the service, and I am sure, as has been suggested by the gentleman from California [Mr. VANDEVER], there is no part of the public system so much neglected as that which pertains to the sale and disposition of the public lands belonging to the Government.

Gentlemen must not forget this is not asking for an appropriation of what we ordinarily understand to be the public funds of the Government, but it is money earned through contributions of the settlers to these various offices—the fees and commissions allowed the officers.

Gentlemen must remember, so far as these salaries are concerned, there is a minimum salary of $500—a fixed salary paid to every register and receiver of a United States land office; but all beyond that must be actually earned in the legitimate and current business of the land office.

I can say as far as clerical service is concerned there are but few land offices under the Government entitled to this, for the simple reason the appropriations heretofore have been so meager the Department felt it was unable to comply with the demands in that respect.

Let me emphasize what I have been saying by reading the earnest recommendations of the Secretary of the Interior on this subject:

ESTIMATES AND APPROPRIATIONS.

The estimates heretofore submitted to Congress for expenditures in the public-land service have very generally been based upon calculations of how much less than the sums really required it might be presumed Congress would be willing to appropriate rather than upon the actual necessities of the service. These reduced estimates have also habitually been further reduced in the appropriations made, with the result that the service has been crippled in every direction to the injury of the Government, and to public inconvenience and disadvantage. The annual increase of business, which has been steady and rapid, has been unprovided for, and a vast volume of work in arrears has been accumulated.

Increased appropriations are now absolutely necessary to bring up this accumulated work, and a general increase is equally imperative to enable the increased amount of the current business of the land department to be properly conducted.

My estimates for the next fiscal year are based upon the actual needs of the present time, and the amounts specified are absolutely indispensable to a just and economic administration.

I wish the House to notice particularly the words which I desire to emphasize in this portion of the report of the Secretary of the Interior:

Increased appropriations are now absolutely necessary to bring up this accumulated work, and a general increase is equally imperative to enable the increased amount of the current business of the land department to be properly conducted.

If gentlemen of this House should travel in the West and go personally among these land offices and make their own observation, they would not hesitate a moment to appropriate a sufficient amount of money for the purpose of putting these various land offices in the very best condition to do the public work for which they have been established.

There are but few instances in the West of land offices kept in brick buildings. Safes are not provided, nor are there any vaults for safe-keeping of money and papers. Local officers can not afford the expense.

The CHAIRMAN. The gentleman's time has expired.

Mr. BIGGS. I will take the floor and yield my time to the gentleman from Oregon.

Mr. HERMANN. I thank the gentleman for his kindness. Mr. Chairman, as I have already stated, there are no safes provided for the safe-keeping of money and papers in any of these Government land offices. In my own city, in one of the largest land districts in the West, I know full well the receiver of the land office takes his money every night and carries it into a mercantile house convenient and there deposits it for safe-keeping in the safe of that merchant. He not only deposits his money, but he also takes there for safe-keeping the tract-books, as well as the daily account-books of the register and receiver. Now, is it consistent with any idea of real economy, or in view of the safety of the public business, this condition of things should be allowed to continue? Go through any of these land offices and you will find from the opening to the closing of those offices from morning until evening they are crowded with public business, largely with contests.

These contests occupy the attention of both the register and the receiver. They find that while such contests are in progress they must devote their attention largely to them to the exclusion of the ordinary and legitimate business of the office; and while the clerks (in such cases authorized) are employed to transcribe testimony, at the same time either the register or the receiver must be present to conduct the examination, and this of course takes that much of their time away from the current business of the office.

By reason of being deprived of the ordinary clerical aid, in connection with the business of their offices, I claim that they are the hardest-worked officials in any department of the Government, and therefore they appeal to us from every land office under the Government by petition, by personal requests, by letters, and by official recommendations through the Departments for an increase in the appropriations for clerical aid, and especially for an allowance of the rent of their offices, in order that they may keep their offices and buildings reasonably safe and have a small surplus which would warrant them in having safes and vaults for the proper keeping and custody and protection of the Government records. In the interest of true economy in the public service, therefore, I thank these gentlemen for the interest they have shown in proposing this amendment and advocating its adoption before this committee.

Mr. BLANCHARD. Mr. Chairman, I wish to say but a word in addition to what has been already said in support of this amendment.

I hold in my hand a statement which I find in the report of the Committee on Appropriations accompanying this bill, and it is headed:

Statement showing the appropriations, expenditures, unexpended balances, and estimated expenses for the fiscal year 1887 and for the first six months of the fiscal year 1888.

And I desire to call the attention of the Committee of the Whole to this, that whereas in the present fiscal year, which will now end in a few days, and for this same service—that is, for the salaries and commissions of registers and receivers—$500,000 was appropriated, exactly the same amount is incorporated in this bill for the coming fiscal year.

This statement shows that of that $500,000 which was appropriated for the present fiscal year, for the first six months of that year, to wit, up to the 1st day of January of the present year, there had been expended $278,764.68, showing that on a similar appropriation of $500,000 in the last sundry civil bill there was a deficiency in the first six months of more than $28,000; and at that rate, assuming that the deficiency will continue in the last six months as it was in the first six months, it will reach very nearly $60,000 in the one year.

In other words, here is the most conclusive argument against the

meagerness of this appropriation embodied in their own report, showing that a similar amount appropriated in the last fiscal year for this same service ran short in the first six months over $28,000 of its one-half of the sum appropriated.

Two hundred and fifty thousand dollars, in other words, was the amount appropriated for the first six months and $250,000 for the next six months out of the total appropriation of $500,000. But for the first six months it ran short, I repeat, something over $28,000, and there was consequently that deficiency, which has extended through the succeeding six months, making the total deficiency nearly or quite $60,000; and yet with that statement and that information before them these gentlemen have incorporated into this bill the same amount thus found to be entirely insufficient.

Mr. RANDALL. As I said twice during this debate, and I repeat now, the basis upon which the Committee on Appropriations proceeded in respect to this sum was that there were too many land offices, too many receivers, and too many registers, and that the President having the power to consolidate land offices and get clear of this excessive force, that we would, as far as we could, indicate to him that it ought to be done; and therefore it is upon that basis that the $500,000 is appropriated.

Mr. BLANCHARD. In answer to that——

Mr. RANDALL. A moment more. I want to say a word or two in response to the observations of the gentleman from California [Mr. VANDEVER].

No one can deprecate more than myself the delays which exist in the settlement and determination of titles for the actual settlers on the public lands, and if that gentleman had taken the trouble to read a little farther on in this bill he would have found embodied a clause which is inserted to meet that question, and which provides that in the surveys of the public lands, preference shall in all cases be given in the survey of townships where land is to be held and occupied in whole or in part by actual settlers. In other words, the Committee on Appropriations indicated to the House that a provision should be incorporated into the laws of the United States, which would give preference to actual settlers in this connection. This, as I am advised, is the Canadian system, and has been found to work well. I believe it will work well in the United States. In fact, I have heard no opposition from any source, from any person with whom we have conferred in this connection, as to the propriety of such a proviso being enacted into law.

Mr. HERMANN. Does the gentleman refer to the provision incorporated in the bill on page 48, under the head of "Surveys of the public lands?"

Mr. RANDALL. I refer to the proviso in the paragraph relating to the surveys of the public lands and to resurveys, which I propose to modify, when we reach that provision, in the manner I have already stated; that is to say, in expending this fund preference shall be given in favor of surveying townships occupied in whole or in part by actual settlers.

Mr. HERMANN, Will the gentleman indulge me for a moment?

Mr. RANDALL. Certainly.

Mr. HERMANN. It is fair to say this, that so far as the great portion of the West is concerned this clause is actually now and will hereafter forever be absolutely inoperative. It is of no earthly use, and the Commissioner and the Secretary of the Interior have so pointed out in plain language to the Committee on Appropriations.

I shall do myself the honor of submitting an amendment to that, if it be within the rules, and if not, I shall ask unanimous consent for its entertainment at the proper time, for the reason, permit me to state to the honorable Chairman, that so far as the greater portion of the country unsurveyed is now concerned, it consists of mountainous country, country densely timbered, country covered with dense undergrowth, country which surveyors will not survey at existing rates or at the rates provided for in this section.

Mr. RANDALL. Your objection is to the rates and not to the principle involved, that preference should be given to the survey of townships where they are likely to be in whole or in part occupied by actual settlers.

Mr. HERMANN. I favor that, and I believe that has been the policy of the Government heretofore; but my objection is principally to the rates.

Mr. RANDALL. These rates are fixed by law. I hardly think there would be 250,000,000 acres of the public domain already surveyed and not taken up if they were low.

Mr. HERMANN. This is the suggestion: All the land which lies in plains and plateaus and could be surveyed at a nominal cost of course was eagerly sought for by surveyors, syndicates, and combinations. The residue of the land yet to be surveyed consists of mountainous land densely covered with timber.

[Here the hammer fell.]

Mr. McSHANE. The chairman of the Committee on Appropriations has three times distinctly stated that in the opinion of the Committee on Appropriations there were too many land offices in this country; and as the President had not seen fit to consolidate or abandon some of them, or a sufficient number to come up to the requirements of the committee, the committee had reduced the appropriation for carrying on the expenses of the different land offices throughout the country. Now, I say in all fairness that the Committee on Appropriations has no right to force a reduction in the number of land offices in this country at the expense of the registers and receivers performing the service. I will say that to my personal knowledge every land office in my section, whenever it runs below or comes within the law governing the closing or consolidation of land offices, has been so treated.

The law requires that the number of acres of public land within the district shall be reduced to a certain amount before the land office can be closed or consolidated. I hold in my hand a statement from the General Land Office showing the appropriations for carrying on the different land offices and the number of acres of public land disposed of from 1880 to 1887, inclusive. We find in 1880 that the number of acres of public land disposed of was 14,792,000. The expense of the land offices was 6.36 mills per acre. We also find that the work of the local land offices has been increasing year by year, from 14,792,000 acres in 1880, at an average cost of 6.36 mills per acre, to 25,858,000 acres in 1887, at an average cost of 4½ mills per acre. So that the business of the local land offices from 1880 to 1887 has nearly doubled, and still you find the appropriation for defraying the expense of doing this work not more than one-half the amount appropriated in 1880.

With this reduction in the appropriation the average cost to the settlers has been reduced nearly one-half. You have done well because you have reduced. As is stated by the Commissioner of the General Land Office, the local land offices throughout the country are run and managed on a starvation basis. That is the result of your reduction. Last year the appropriation was $500,000, and there was a deficiency of $60,000. If the registers and receivers are not permitted to retain the money they earn from their work, as was provided in a former law, I see no justice in the proposition that they should be deprived of the salary which they are legally allowed, which Congress is supposed to appropriate money to pay. Why should they be compelled to wait sixty or ninety days for their pay when they do the work, earn the money, and monthly return that money to the Treasury?

[Here the hammer fell.]

Mr. RANDALL. I would like to ask the gentleman a single question. He is a fair and frank man. I would like to ask him whether he does not believe there could be a consolidation or repeal of some of these land offices, and a dismissal from office of some of the registers and some of the receivers in the older States of the Union.

Mr. McSHANE. I will say to the gentleman that I know nothing about the land offices east of the Missouri River, located in the eastern part of the country, but I do know that no consolidation can be made in the land offices in the State from which I come. We had eleven land offices in that State a year ago. The number of acres of public land within one district became reduced below the amount allowed by law. As soon as it came within the law the land office was abolished. This Congress is establishing four new land offices in New Mexico and Wyoming. With the appropriation here made, instead of reducing the number of land offices we will have an increased number of land offices.

Mr. BLANCHARD. My friend from Pennsylvania [Mr. RANDALL] has not attempted in any manner to meet the argument which has been made by myself and several other gentlemen in favor of an increased appropriation to pay the salaries and commissions of registers and receivers of the land offices throughout the country. All he has said in opposition to the adoption of the amendment I have offered is that the insufficient appropriation in the bill is a gentle intimation to the President that he should consolidate some of these land offices. Now, Mr. Chairman, the gentleman from Pennsylvania said exactly the same thing on the 28th of June, 1886, nearly two years ago. I hold in my hand the debate on the sundry civil bill of that year, and I read briefly from the gentleman's remarks in opposition to a similar amendment then offered by me:

> Mr. RANDALL. Mr. Chairman, it does not always do to depend upon the estimates of a Department. There are one hundred and eight receivers and one hundred and eight registers, making in all two hundred and sixteen of these officials to be provided for; but the President has power to consolidate offices if he sees fit.
>
> Mr. BLANCHARD. Has he done so?
>
> Mr. RANDALL. He has not, that I know of.

And, Mr. Chairman, that is true to-day. Instead of the President consolidating these land offices and decreasing the number of registers and receivers, the members of the Committee on Appropriations well know that whereas in 1886, when the gentleman [Mr. RANDALL] made the statement I have read, there were only two hundred and sixteen registers and receivers, there are to-day two hundred and twenty-four. In other words, that instead of there being a lessening of the number of land offices by reason of their consolidation by the President there has been an actual increase of four in the number of such offices.

Therefore, what is there in the argument that the President may consolidate them? The gentleman from Pennsylvania [Mr. RANDALL], by using that as the only argument which occurs to him in opposition to the amendment which I offer, concedes that the appropriation in this bill is not enough to meet the requirements of the service if the present number of land offices, one hundred and twelve, is to continue.

He says the President may consolidate, but the President has not consolidated, and does not consolidate, and the number of land offices has increased from one hundred and eight in 1886 to one hundred and twelve in 1888.

Mr. HERMANN. The Department does not recommend that they be consolidated.

Mr. BLANCHARD. And, as suggested by my friend on the right [Mr. HERMANN], the General Land Office of the Interior Department does not recommend consolidating the land offices.

And, Mr. Chairman, it would be unwise for the President to consolidate them. It is well known to every gentleman on this floor who represents a public-land State that all of the land offices of the country are a long way behind in their work. They have not got sufficient clerical force to enable them to keep up with the current work, and if they were consolidated the work would be much further behind than it is at present, and the settlers would be the sufferers.

Now, in view of these circumstances, and in view of the fact that the gentleman from Pennsylvania [Mr. RANDALL] can advance no argument against this amendment except that the President may consolidate these offices, I trust that my amendment will be adopted.

The amendment was agreed to.

The Clerk read as follows:

Contingent expenses of land offices: For clerk-hire, rent, and other incidental expenses of the several land offices, $155,000.

Mr. BLANCHARD. I move to amend, in line 15, by striking out "fifty-five" and inserting "sixty-five." Mr. Chairman, I do not wish to be considered by the Committee of the Whole as too urgent in insisting upon adequate appropriations for this service, but here is another case where the amount is insufficient. This is an appropriation for the contingent expenses of the land office.

What are the contingent expenses of the land office? They are as follows: "Salaries of clerks, office rent, and a variety of other incidental expenses, such as binding plats, rebinding old and dilapidated plat-books, worn out by constant handling and use (of which there are a large number), furniture, etc. This amount is deemed the smallest possible sum with which the exigencies of the local offices can be met." The quotation is from the Book of Estimates.

The sum which the Secretary refers to as "the lowest possible sum" is $165,000. That is the estimate which was incorporated in the Book of Estimates under this head. The committee report an appropriation of $155,000, which is $10,000 short of the estimate. Now, Mr. Chairman, while $165,000 is the amount incorporated in the Book of Estimates for this service, it is well known to my friend from Pennsylvania [Mr. RANDALL] and to his colleagues upon the Committee on Appropriations that the amount recommended, urgently recommended by the present Commissioner of the General Land Office—a gentleman with whom many of us in this House served when he was here as a member of Congress, a gentleman who enjoys in the highest degree the confidence of every one who knows him—under this head was $217,000.

Those who made up the Book of Estimates reduced the amount to $165,000; and this paltry sum the Committee on Appropriations have cut down $10,000, so that the bill proposes to appropriate only $155,000.

Mr. Chairman, I hold in my hand a statement prepared at the General Land Office showing the amount appropriated for this particular branch of the land-office service from 1880 to 1887, inclusive. It is as follows:

Statement showing the amount appropriated for contingent expenses of local land offices, the amount expended, the number of acres of the public lands disposed of, and the average cost per acre expended from the foregoing appropriation by fiscal years from 1880 *to* 1887, *inclusive; also the number of local land offices in existence each year.*

Fiscal years.	Amount appropriated for contingent expenses of land offices.	Amount expended for contingent expenses of land offices.	Acres of the public lands disposed of.	Average cost per acre paid from contingent expenses of land offices.	Number of land offices.
1880	$100,923.49	$94,165.66	14,792,371.65	.00636 or $6\frac{36}{100}$ mills	93
1881	94,885.93	92,709.70	10,893,397.05	.0085 or $8\frac{5}{10}$ mills	98
1882	100,120.58	100,112.18	14,309,166.40	.00699 or $6\frac{99}{100}$ mills	100
1883	121,481.09	121,220.30	19,430,032.80	.00623 or $6\frac{23}{100}$ mills	106
1884	145,000.00	142,474.15	27,531,170.60	.00517 or $5\frac{17}{100}$ mills	106
1885	165,000.00	147,991.88	20,995,515.59	.00704 or $7\frac{4}{10}$ mills	107
1886	165,000.00	116,962.14	22,124,563.92	.00528 or $5\frac{28}{100}$ mills	108
1887	120,000.00	116,351.36	25,858,038.13	.00449 or $4\frac{49}{100}$ mills	111
Total	1,012,411.09	931,987.37	155,934,255.54	.005976 or $5\frac{976}{1000}$ mills	

[Here the hammer fell.]

Mr. HERMANN obtained the floor and said: I move to strike out the last two words, and yield my time to the gentleman from Louisiana [Mr. BLANCHARD].

Mr. BLANCHARD. In 1885, before the adoption of the amendment of the gentleman from Illinois, alluded to in the preceding discussion, and when the registers and receivers could apply to the payment of clerk-hire the fees for redncing testimony to writing, making plats, etc., collected in their respective offices, the amount appropriated under the head of "contingent expenses" was $165,000. And in 1886 the same amount was appropriated.

But now, when these officers can no longer appropriate for clerk-hire any part of the money collected in their offices, when they are confined to the amounts appropriated under the head of "contingent expenses," the Committee on Appropriations propose to reduce the appropriation from $165,000 to $155,000, and this in spite of the urgent appeal of the Secretary of the Interior for an appropriation of $165,000, as recommended in the Book of Estimates, and the still more urgent recommendation of the Commissioner of the General Land Office, who estimates that it will require for the efficient discharge of this particular branch of the public service $217,000.

My amendment, Mr. Chairman, proposes simply to make this appropriation what it was in 1885 and 1886. In those years it required $165,000 to pay the expenses of this branch of the General Land Office service. Surely in the year 1889, for which this bill provides, when the number of land offices has been increased by several, $165,000 should be appropriated for this branch of the service. I can not see any reason why the committee should appropriate $165,000 in 1885 and 1886, and yet for the fiscal year 1888-'89 should reduce the amount to $155,000.

The gentleman from Pennsylvania will doubtless lay stress upon the fact that in 1887 the amount appropriated was $120,000. It is true that in the short session of the Forty-ninth Congress, when the sundry civil bill was put through under whip and spur, the amount appropriated was only $120,000; but that amount has proved entirely inadequate for the payment of the contingent expenses of the land offices. Gentlemen on the Appropriations Committee know it; every gentleman who has inquired at the General Land Office knows it; every gentleman who has had access to the land offices throughout the country knows it.

I know myself that in the land offices in my own State the registers and receivers have been paying out of their own pockets, not only during the last year but for years preceding, compensation for extra clerks to perform clerical duties in their offices. The same is, I have no doubt, true at other land offices throughout the country.

The insufficiency of the appropriation of $120,000 in 1887 has crippled the land-office service. Every one who has had access to these offices knows, as was stated by the gentleman from Nebraska, that they have been run upon a starvation basis.

[Here the hammer fell.]

Mr. RANDALL. One side of a story is generally good until the other is told. The last year of the appropriations under Republican administration was $140,000, and the first year under Democratic administration was $165,000.

I want to direct the attention of the gentleman from Louisiana [Mr. BLANCHARD], who states that the appropriations for 1887 were inadequate, to the fact that the expenditures of that $165,000 given in 1886, were as follows: The aggregate amount expended under this paragraph was $117,928.50, and of that $165,000 in that year there was turned into the Treasury unexpended $47,071.50.

The expenditure for 1886 having been less than $120,000, it was a fair basis for the Committee on Appropriations to fix the appropriations for these objects for the next year, to wit, 1887. In 1887 the amount appropriated was $120,000. There was but $54,116.77 expended in the first half of that year, leaving for the next six months $65,883.23.

Mr. BLANCHARD. What year was that?

Mr. RANDALL. The year 1887.

I do not think that the Committee on Appropriations have shown, therefore, any disposition whatever to cripple this branch of the service. They gave for 1888 $120,000, and have also given a deficiency of $35,000, making for the current year a total of $155,000; and we have put that same amount in this bill for the coming year, which we think is quite sufficient and all that will be required.

Mr. HERMANN. How far does that allowance in this bill fall below the estimates of the Department for the year?

Mr. RANDALL. Ten thousand dollars. I know quite well that the amount recommended is below the estimates to that extent; but the Committee on Appropriations recommended the amount that was expended last year, which they consider ample, as I have said, upon the prior year, and was found to be entirely sufficient for that year; but it did not so appear for the next year, the current year, and the committee therefore gave $35,000 more, by way of a deficiency, than was originally appropriated for the current year. But having given a total of $155,000, they believe, as I have said, that amount to be ample for the coming year.

There has been no effort to cut it down at all below what seemed to be reasonable and proper. We have given for the coming year exactly the amount of the current year.

I do not think that the bill which the gentleman from Louisiana re-

fers to was passed under a suspension of the rules. It was reported on the 9th of December, and I think it was passed on the 17th, but I do not recollect that it was passed under a suspension of the rules.

Mr. BLANCHARD. I did not assert that it was. I only asked for information.

Mr. RANDALL. I am not positive, but I think not.

Mr. BLANCHARD. The salaries and commissions of the registers and receivers are fixed by law, and hence where the appropriations run short the difference has to be made up by a deficiency appropriation. But when it comes to clerks employed in the land offices, and the contingent expenses of the land offices, there can be no deficiency, and why? Because there is no authority of law in the Commissioner of the General Land Office to exceed the appropriation.

Mr. RYAN. But there was a deficiency of $35,000.

Mr. RANDALL. Yes, sir; in this year.

Mr. BLANCHARD. I know, but——

Mr. RANDALL. And in this very paragraph.

Mr. BLANCHARD. All right; I stand corrected on that. But there is no authority in law for the expenditure beyond the amount appropriated.

The gentleman from Pennsylvania says that in 1887 they incorporated in the bill $120,000 for this service because in the preceding year the amount expended under the head of "Contingent expenses" was $116,000.

Mr. RANDALL. The amount expended was $117,928.50.

Mr. BLANCHARD. One hundred and sixteen thousand three hundred and fifty-one.

Mr. RANDALL. Well, this is official.

Mr. BLANCHARD. And so is this. This was obtained at the General Land Office. Mr. Chairman, from the very statement of these gentlemen the amount of $120,000 appropriated in the last sundry civil bill was short just $35,000, because they admit there is a deficiency now existing in the fund to that extent, and they argue that the $35,000 deficiency, added to the $120,000, making $155,000, is the amount which will be required the coming year, and accordingly have incorporated that sum in this bill. That is good, Mr. Chairman, as far as it goes, but unfortunately for the argument of the gentleman from Pennsylvania it does not go far enough, as I shall undertake to show.

Since that $120,000 was put in the bill in 1887 there have been several additional land offices created. That fact the gentleman from Pennsylvania has overlooked. It will take the extra $10,000 to pay the clerical hire at these new land offices.

Again, Mr. Chairman, I will further meet the gentleman's argument by reading from the note in the Book of Estimates under the head of "Contingent Expenses of the Land Office:"

With the present appropriation of $120,000, appropriated in 1887, it is impossible—

Says the Commissioner of the General Land Office—

to provide the different offices with more than half—

I ask the attention of the gentleman from Pennsylvania to this—

the clerical force needed, and the result is great delay in the work of the officers and loss to the settlers therefrom.

The appropriation for this purpose for the fiscal year 1885 was $140,000, which was afterwards supplemented by a deficiency of $25,000, while that for 1886 was $165,000. These sums were then insufficient and the work of the local offices was carried on under great personal embarrassments to the local officers and to the disadvantage of the Government. In June, 1887, this insufficient appropriation was reduced to $120,000, although the number of land offices had been increased. The result is that the land offices of the United States are now on a starvation basis and important interests of the Government are sacrified by the disallowance of the necessary force to properly conduct the public business.

So it appears, Mr. Chairman, that although $155,000 might have done in a meager sort of way in the last fiscal year, according to the gentleman's statement, it will not do now, when there has been an increase of the land offices of the country.

Mr. RANDALL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the amendment of the House to the bill (S. 2930) to authorize the Paris, Choctaw and Little Rock Railway Company to construct a bridge across Red River at or near Hook's Ferry, Red River County, Texas.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 2527) authorizing the construction of a bridge across the Red River of the North by the Duluth, Rainy Lake River and Southwestern Railway Company.

The message also announced that the Senate had passed without amendments the bill (H. R. 4320) to authorize the construction of a graveled or macadamized road from the city of New Berne, N. C., to the national cemetery near said city.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1786) to regulate appointments in the Marine-Hospital Service of the United States;

A bill (S. 1582) for the relief of the estate of Lucien Goyaux;

A bill (S. 2515) to provide pneumatic gun-carriages for the War Department;

A bill (S. 2658) to validate acknowledgments, taken before United States commissioners appointed by the circuit courts of the United States or by the supreme court of the District of Columbia, of deeds recorded in said District; and

A bill (S. 3134) for the erection of an additional fire-proof building for the use of the National Museum.

ADDITIONAL JUDGE FOR DAKOTA.

Mr. MACDONALD. Mr. Speaker, I ask unanimous consent to take up and pass the bill which I send to the Clerk's desk. It is a bill providing for an additional judge for the Territory of Dakota. In the early part of the session a bill was introduced providing for two judges, and was referred to a committee. The committee reported back the bill favorably, but included judges for several other Territories. I understand there is to be opposition to that bill when it comes up on account of its extent. Without wishing to antagonize any other measure, I will state that I have here a memorial from the judge of the court to the effect that it is absolutely necessary, in view of the condition of business, to have at least one additional judge. I will include the memorial as part of my remarks.

The memorial is as follows:

To the Senate and House of Representatives
of the United States of America in Congress assembled:

The petition of the Chamber of Commerce of the city of Grand Forks, Dakota, respectfully represents that the material interests and the dispatch of justice in the third judicial district of the Territory of Dakota, imperatively demand a speedy division of said district. The reasons for the urgency of this act were well stated by the Hon. W. B. McConnell, judge of said district, last January, in a letter to Delegate Gifford, as follows:

"From information just at hand from the clerks of court in different counties of this district, I find that between the 26th day of May, 1885, the day I qualified as judge, and the 13th of this month, the number of judgments, including decrees entered in civil cases, is 1,953. The number of appeals to the supreme court is 11. The number on the dockets at issue awaiting trial is 649. This can give no particular idea as to the amount of actual cases pending, because attorneys are only required to have their cases put upon the docket ten days before a term of court, and they rarely notice cases sooner.

"I have had yet no report as to the number of cases which have been put upon the docket and been compromised and dismissed. This number must be very large.

"In criminal cases there have been ninety-eight convictions, felonies and misdemeanors, five acquittals, and three disagreements by juries. Of this number fifty-nine cases have been sent to the penitentiary, and one has suffered the death penalty. In all the criminal cases tried only in two cases has there been motions for a new trial. One was granted, the other was denied, appealed to the supreme court, and there affirmed. The latter was in the case where the death penalty had been imposed. I have held twenty terms of the district court, and have had twenty grand juries, four terms of the United States district court and four sessions of the United States grand jury, and have attended four sessions of the supreme court, two at Deadwood (1,200 miles travel by the usual route), one at Yankton (600), and one at Bismarck (200 miles).

"I have had two of the very best court stenographers, and both have been kept busy with court work and getting out transcripts.

"The amount of work at chambers has been very heavy and very exacting. Here issues to the pleadings for the most part are argued and settled, orders for provisional remedies are granted, denied, and set aside, and motions of every character are constantly coming up.

"It is very hard and inconvenient for attorneys and expensive to clients to have to travel so far to make and meet motions before the court.

"My work is the more wearing from the fact that it takes nearly two-thirds of my time away from home."

Not only does the judge of this district earnestly desire it, but every law association in the district unites in an effort to procure division, as necessary to secure the rights of person and property in the district and insure speedy trial in all cases. The rapidity with which justice is now necessarily dispensed makes of an excellent thing frequently a solemn farce, and our people's dearest interests are at stake.

Whether Dakota be divided or not, or whether she be enabled to form her own constitution, this chamber prays that your honorable bodies may grant immediate relief by the passage of an act dividing the third judicial district of Dakota, and they will ever pray.

W. H. BROWN, *President.*
W. R. BIERLEY, *Secretary.*

The SPEAKER *pro tempore*. The Clerk will read the bill, after which the Chair will ask for objection.

The bill is as follows:

A bill to provide for one additional associate justice of the supreme court of Dakota, and for other purposes.

Be it enacted, etc., That hereafter the supreme court of the Territory of Dakota shall consist of a chief-justice and six associate justices, any five of whom shall constitute a quorum.

SEC. 2. That it shall be the duty of the President to appoint one additional associate justice of said supreme court in manner now provided by law, who shall hold his office for the term of four years, and until his successor is appointed and qualified.

SEC. 3. That the Territory of Dakota shall be divided into seven judicial districts, and a district court for the trial of all cases arising under the laws of said Territory, or which may be within the jurisdiction of said courts under the laws of said Territory, shall be held in each district by one of the justices of said supreme court, at such time and place as may be provided by law. Each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 4. That the seventh judicial district of said Territory shall consist of the counties of Grand Forks, Walsh, Pembina, Nelson, Ramsey, Cavalier, and Towner.

SEC. 5. That temporarily, and until otherwise ordered by law, the additional associate justices herein provided for shall be assigned to such counties in the judicial districts, as the chief-justice may designate; and it shall be the duty of said judges to appoint and fix the terms of holding courts in each of the counties of their respective districts until the Legislative Assembly of said Territory shall fix said terms.

SEC. 6. That nothing in this act shall be so construed as to prevent the Legislative Assembly of said Territory at any time from changing or arranging the boundary-lines of the judicial districts of said Territory, nor from fixing the time of holding the several terms of court in said districts.

There being no objection, the bill was read a first and second time, ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDONALD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The hour of 5 o'clock having arrived, according to previous order, the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CLARDY: A bill (H. R. 10574) granting a pension to Mattie V. Boothe and Mary M. Boothe—to the Committee on Pensions.

Also, a bill (H. R. 10575) for the relief of the heirs of Jacob Zude—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 10576) to erect a light-house and fog-signal at Maryland Point, on the Potomac River, in the State of Maryland—to the Committee on Commerce.

Also, a bill (H. R. 10577) to erect a light-house and fog-signal at Cedar Point, at the mouth of the Patuxent River, in the State of Maryland—to the Committee on Commerce.

By Mr. COWLES: A bill (H. R. 10578) for the relief of Rufus Lowe and C. M. Loftin—to the Committee on the Judiciary.

By Mr. T. D. JOHNSTON: A bill (H. R. 10579) to place the name of Samuel Massey on the pension-roll—to the Committee on Invalid Pensions.

By Mr. MCCREARY: A bill (H. R. 10580) for the relief of Milton Graves—to the Committee on War Claims.

By Mr. W. L. WILSON: A bill (H. R. 10581) granting a pension to Mary A. Kelly—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CLARDY: Petition of Bertha Dellner and Homan Zude, for minors' pension—to the Committee on Invalid Pensions.

By Mr. FUNSTON: Petition of manufacturers of barbed wire, relative to the tariff on same—to the Committee on Ways and Means.

By Mr. KENNEDY: Petition of Typographical Union No. 717, of Springfield, Ohio, for the international copyright bill—to the Committee on Patents.

By Mr. LEE (by request): Petition of the widow of Loyal Steward, for relief—to the Committee on Military Affairs.

By Mr. HERBERT: Petition of William L. Bradford, for removal of disabilities—to the Committee on the Judiciary.

By Mr. HUNTER: Petition of Edwin T. Roberts, of Mary E. Alexander, of Mary L. Gott, and of Prudy D. Smith, of Kentucky, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. J. J. O'NEILL: Petition of Calvin Gunn, to accompany House bill No. 2570—to the Committee on Claims.

By Mr. ROBERTSON: Petition of Mrs. Sallie Ball for payment of moneys due her late husband, M. D. Ball, as Delegate from Alaska—to the Committee on Claims.

By Mr. J. D. STEWART (by request): Petition of David Willaford, of DeKalb County, Georgia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of Joseph E. Rutledge, of John R. Rea, of Sarah Brison, of William Biffle, of R. H. Rose, of David Blair, of David Roach, of C. S. Ayers, of Isabella Baker, executrix of S. H. Baker; of George Wood, of Osborn Walker, and of John West, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. W. L. WILSON: Petition of Jonathan C. Kile, and of Joseph Sprigg, administrator of Gabriel Fox, of West Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. FRENCH (by request): Of 169 citizens of Meriden, New Haven County, Connecticut.

SENATE.

WEDNESDAY, *June* 20, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the following bills:

An act (S. 300) granting a pension to Mrs. Juliet G. Howe;

An act (S. 1146) granting a pension to L. J. McGoffin;

An act (S. 2167) granting a pension to Mary E. Woodward;

An act (S. 2332) granting a pension to John Linsley;

An act (S. 1037) granting a pension to the infant children of Michael A. Moran; and

An act (S. 393) for the relief of Frances Anne Pyne Ricketts.

The message also announced that the President had, on the 19th instant, approved and signed an act (S. 1191) for the relief of the legal representatives of Mary H. Pike, deceased.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of Keystone Council, No. 11, Junior Order United American Mechanics, of Manayunk, Pa., and a petition of Eureka Council, No. 38, Junior Order United American Mechanics, of Pittsburgh, Pa., praying for the passage of Senate bill 553, to regulate and restrict immigration; which were referred to the Committee on Foreign Relations.

Mr. FRYE. I present the memorial of the Constitutional Defense Association of America, remonstrating against the resolution in favor of arbitration, and giving reasons therefor. As the resolution has been reported, I move that the memorial lie on the table.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9523) for the relief of Margaret Lahey;

A bill (H. R. 3836) granting a pension to Hiram Bateman;

A bill (H. R. 4788) granting an increase of pension to William Winans; and

A bill (H. R. 9174) granting a pension to Woodford M. Houchin.

Mr. EDMUNDS. I report from the Committee on Foreign Relations adversely the bill (S. 2544) authorizing and directing the President of the United States to make proclamation prohibiting the importation of products of foreign states in certain cases, and for other purposes. There is a written report accompanying the bill, which will, of course, be printed. As the bill was introduced by the Senator from Illinois [Mr. FARWELL], who is now absent, and it is possible that he may wish to have it considered, I ask that it go on the Calendar; but for public information, as it might seem odd from the title that the committee should report it adversely, I will state that the ground of our adverse report is that the substance of the same provisions that are contained in this bill, with greater amplification and wider powers, is embodied in a Senate bill concerning the exportation of meats, etc., which passed the Senate in March and is now pending in the House of Representatives.

The committee therefore thought it would be unnecessary to pass this bill, inasmuch as the same provision in a broader and more ample extent had already been made in a bill which had passed the Senate, and is still pending in the other branch.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report, and the report of the committee will be printed.

Mr. MORGAN. I am instructed by the Committee on Foreign Relations to report back, with amendments, the bill (S. 994) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868." The Senator from Georgia [Mr. BROWN] desires to make orally before the Senate a report or a statement from the minority in opposition to the report of the majority.

The PRESIDENT *pro tempore*. Before the Senator from Georgia proceeds the Chair will receive further morning business and recognize him later.

Mr. BROWN. That will be satisfactory.

Mr. FRYE, from the Committee on Commerce, submitted a report to accompany the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, heretofore reported by that committee; which was ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 3722) for the relief of Jennie D. Rice;

A bill (H. R. 8455) for the relief of Elizabeth Terralls;

A bill (H. R. 964) granting a pension to James Turner;
A bill (H. R. 2640) for the relief of Judith A. Kinsey;
A bill (H. R. 2641) granting a pension to Emily W. Ogden; and
A bill (H. R. 8984) granting a pension to Griswold Rogers.

Mr. BLAIR, from the Committee on Education and Labor, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3188) granting a pension to Martha Ackerson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 3189) granting a pension to William T. Hutton; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3190) for the relief of Calvin Gunn; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Claims.

Mr. DAWES introduced a bill (S. 3191) to amend section 4 of the act of March 3, 1875, as amended in section 2 of the act of March 3, 1877, in relation to the issue of supplies to Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO BILLS.

Mr. DANIEL and Mr. MORGAN submitted amendments intended to be proposed by them respectively to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which were referred to the Committee on Claims, and ordered to be printed.

Mr. JONES, of Arkansas, submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BROWN. I submit an amendment intended to be proposed by me to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act. I move its reference to the Committee on Claims. I will remark that the papers showing the proceedings of the Court of Claims are filed with the committee.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Claims, and printed.

VIRTUE SMITH—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 1957, entitled "An act granting a pension to Virtue Smith."

The beneficiary named in this bill is the widow of David M. Smith (incorrectly named David W. Smith in the bill), who served as a bugler in a Minnesota regiment from August 22, 1862, to September 28, 1862, in a campaign against the Sioux Indians.

He received a gunshot wound in the right elbow, for which, in 1867, he was granted a pension of $6 a month, which was very soon thereafter increased to $8, and in August, 1875, said pension was further increased to $10 a month, which he received to the date of his death.

He died in the city of Washington on the 22d day of January, 1880.

He obtained a position in the Second Auditor's Office of the Treasury Department in 1864, and worked steadily there until about six months before his death.

Medical examinations had from time to time up to 1877 seem to have found him in excellent physical condition except the wound in his right elbow, which caused stiffness, and an injury to his left forearm not received in the Army.

In 1879 he was examined by a physician of this city who stands among the best in the profession, and found in the last stages of consumption; and this physician declares he died from that cause. A female physician certified that the cause of death was "wounds in the Army."

The pensioner was sixty-four years old at the time of his death.

I am perfectly satisfied from the medical testimony and from other facts connected with this case that the death of the husband of the beneficiary was in no manner related to his military service.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DAVIS. I move that the message and the bill be referred to the Committee on Pensions.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 1705) to provide for the erection of a public building at Statesville, N. C., in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendment to the bill (S. 1851) providing for an international marine conference to secure greater safety for life and property at sea; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BELMONT, Mr. RUSSELL of Massachusetts, and Mr. MORROW, managers at the conference on its part.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 901) for the relief of Sophia W. Wright;
A bill (S. 1241) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City by dumping or otherwise, and to punish and prevent such offenses;
A bill (S. 2882) to pay Aaron Friedheim the rebate due him under the act of March 3, A. D. 1883;
A bill (H. R. 128) for the relief of John Fletcher;
A bill (H. R. 4691) for the relief of John P. Hageman;
A bill (H. R. 7255) for the relief of A. B. Tyan;
A bill (H. R. 8372) authorizing the sale of a portion of the Winnebago reservation in Nebraska; and
Joint resolution (H. Res. 183) authorizing the loan of tents and tent equipage to the veteran organizations of the Society of the Army of the Potomac.

AWARDS UNDER MEXICAN TREATY.

Mr. BROWN. In connection with the report submitted by the honorable Senator from Alabama [Mr. MORGAN] in what is known as the Weil case, I desire to present a minority report, and in connection with that report to submit some remarks.

The PRESIDENT *pro tempore*. The views of the minority will be received and printed.

Mr. BROWN. I ask that the views of the minority be printed with the report of the majority.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. BROWN. Mr. President prior to the year 1868 there were numerous claims made by citizens of the United States against the Government and people of Mexico on account of damages which our citizens had sustained at the hands of that Government and its people. The Government of Mexico also complained that many of its citizens had suffered damage at the hands of the people of the United States; and the two Governments in a friendly spirit concluded a treaty on the 4th day of July, 1868, under which an international commission or tribunal was established to adjudicate these conflicting claims. Mexico appointed a commissioner and the United States appointed one, and finally Sir Edward Thornton, then the British minister at Washington, accepted the position of umpire. A great many claims were submitted to the commission by citizens of the United States against Mexico, and many claims were submitted by the citizens of Mexico through that Government against the United States.

Among others, Benjamin Weil, an American citizen, filed his petition before the International Claims Commission on the 27th of April, 1870, against Mexico, for a large lot of cotton belonging to him taken by the Mexican authorities; in which petition all the particulars of his claim were set forth, with a description of the property taken, its value, when and where it was taken, with all the attendant circumstances, which are given in detail. The evidence in support of this claim was filed on the 3d of August, 1870, and the case was not finally disposed of by the commission until 1875. Thus the Government of Mexico had five years within which to make its defense after the claim had been filed, and the evidence to support it had been placed of record and was all well known to the Mexican commissioner. The substance and details of the transaction, as given in the petition, were sustained by the evidence.

When it become necessary for the commission to finally dispose of the case, the Mexican commissioner admitted that he had in his possession much evidence, documentary and other testimony, showing that the claim was not well founded. But he declined to produce it, and gave as one of the reasons for its non-production that there was then sufficient evidence before the commission on which to judge the claim. In other words, he was willing to risk the case of the Government of Mexico upon the evidence which had been filed by the petitioner.

Mr. MORGAN. Will the Senator from Georgia allow me to inquire whether he has submitted his minority report?

Mr. BROWN. I have.

Mr. MORGAN. This is a speech on the case, then, in addition to the minority report?

Mr. BROWN. It is in addition to the report, and in explanation of it.

The PRESIDENT *pro tempore*. The minority report has been presented and ordered to be printed with the report of the majority.

Mr. MORGAN. The proceeding is rather an unusual one, to take a case up for trial when it was ordered to be placed on the Calendar.

Mr. BROWN. I am just submitting some remarks in connection with the report.

Mr. MORGAN. I may ask the indulgence of the Senate to be heard in reply.

Mr. BROWN. Of course I have no objection to the Senator being heard. He is prepared, as he always is.

The American commissioner offered to give every facility in his power to the Mexican commissioner to make his defense if he desired to do so, but he persisted in refusing to file any evidence to rebut the proofs

made by Weil. The result was that the two commissioners failed to agree, and the question was submitted to Sir Edward Thornton, the umpire, for his decision and award. After the case had passed from the commission into the hands of the umpire the Mexican commissioner then proposed to file his evidence and have it considered for the first time by Sir Edward Thornton; but as the umpire could only act upon the evidence produced before the commission, Sir Edward Thornton very justly and properly, as all admit, refused to hear the evidence. This left the case in his hands for adjudication upon the petition and evidence submitted by the claimant, and the evidence was so strong and convincing that he had no hesitation in making an award against the Government of Mexico for the amount claimed by Weil. Indeed, there was nothing else that he could do.

After Weil's claim, with the evidence, had lain five years in the office of the commission, with full knowledge of the Mexican commissioner, and he had refused to submit any evidence in rebuttal, and had permitted the case to go before the umpire in that condition, and the proof submitted by Weil strongly sustained his case, and not being in any degree impeached or contradicted, there was nothing for the umpire to do but to render judgment against the Government of Mexico for the amount involved. At a later period, when application was made to Sir Edward Thornton to grant a new trial, he refused to grant it, as there was no legal ground whatever upon which he could predicate a judgment granting a new trial. Thus the matter stands. Weil and his representatives have a judgment, no matter what may have been the nature of their claim, which was obtained in a tribunal which is in no sense impeached. It was obtained upon a petition setting forth all the facts and circumstances connected with the claim, upon evidence of which the Mexican Government had notice for five years before the case was closed, and upon evidence which upon its face was ample to sustain the finding.

Now what was declared by the treaty which brought the commission into existence should be the effect of this judgment or award? By the treaty the two powers solemnly engaged that the awards should be not only "absolutely final and conclusive," but also that both parties should give full effect to such decision "without any objection, evasion, or delay whatsoever." How has Mexico kept this solemn treaty engagement? That Government, instead of giving full effect to the decision without objection, evasion, or delay, attempted at once to evade it by a motion before the umpire for a new trial. That being denied, it again attempted an evasion by appeals to the Secretary of State, and was for the time there defeated. Then successive appeals were made to Congress for evasion or relief from the award, and for a new trial in a Federal court, which was refused.

Then appeal was again made to the treaty-making power, and after years of deliberation the Senate, as part of the treaty-making power, rejected the proposed treaty and refused to grant a new trial. Then an appeal was made to the Forty-ninth Congress, which was not sustained; and now the appeal to Congress is renewed, and the legislative department is asked to grant a new trial before one of the courts of the United States, thirteen years after the award was made when Weil, the party, and most of the witnesses are dead.

Mr. Evarts, then Secretary of State, in his report to the President has discussed the question of the validity and conclusiveness of this judgment with so much power and force that I shall make no apology for quoting extensively from his report. He says:

First, I am of opinion that as between the United States and Mexico, the latter Government has no right to complain of the conduct of these claims before the tribunal of commissioners and umpire provided by the convention, or of the judgments given thereupon so far as the integrity of the tribunal is concerned, the regularity of the proceedings, full opportunity and time, and after notice to meet the case of the respective claimants, and the free and deliberate choice exercised by Mexico as to the methods, the measure, and the means of a defense against the same.

I conclude, therefore, that neither the principles of public law nor considerations of justice or equity require or *permit*, as between the United States and Mexico, that the awards in these cases should be opened and the cases retried before a new international tribunal, or under any new convention or negotiation respecting the same between the United States and Mexico.

Again he says:

First. In the complaints of the Mexican Government there is not the slightest impeachment, express or implied, of the character or composition of the commission, of its methods of procedure, or of the entire regularity and integrity of its actual proceedings. It was composed of able and eminent men enjoying the full confidence of the governments by whom they were respectively appointed. And the umpire selected, Sir Edward Thornton, was pre-eminently fitted for his laborious and responsible duties, by his long diplomatic experience, his recognized ability, his high character, and his special knowledge of the two countries whose citizens and governments were interested in the arbitration.

Second. Before this commission the Government of Mexico had full opportunity and ample time to present its defense both in evidence and argument against any claim that was submitted. In the La Abra case a large amount of testimony was taken on both sides, the comparison and valuation of which was within the power of the commission, and the opinion of the umpire shows that it was carefully considered.

In the Weil case it is true that the Mexican Government submitted no testimony, and that the case was decided upon the evidence offered by the claimants. But the Mexican commissioner explicitly declined the offer of further time to produce such testimony, although he professed that his government had such in possession.

Again Mr. Evarts says:

The treaty under the provisions of which the commission was appointed was explicit in recognition of the finality of its action. By Article II of that convention the two governments bound themselves to consider the decisions of the commissioners and of the umpire as absolutely final and conclusive, and to give full effect to such decisions without any objection, evasion, or delay whatsoever; and by the fifth article the high contracting parties agree to consider the result of the proceedings of the commission as a full, perfect, and final settlement of every claim upon either government arising from the transactions prior to the exchange of ratifications thereof.

Again he says:

Aside from this special provision of the finality of the decision of the commission in the very act of its creation, it would seem impossible to review and retry any individual case without opening the door to other reclamations of the same sort. In addition to these cases, with the result of which the Mexican Government is dissatisfied, there are many others which failed of preparation in time, which were rejected on principles not always acquiesced in by those interested, and some in which the claimants deemed the awards very insufficient. The adherence of the Government of the United States to the strict letter of its convention, that the decision of the commissioners should be absolutely final in every case and a complete bar to any claim arising from transactions prior to its ratification, has hitherto prevented any effort on the part of this Government to renew such discussion in favor of its citizens. But if it be once admitted that for any reason short of an impeachment of the integrity of the commission its proceedings can be reopened for review and its decisions for reversal, there will not be wanting numerous urgent appeals to the justice and sympathy of the Government to extend this measure of relief to many who think that their claims have been erroneously estimated or rejected.

Lastly. The principle of the settlement of international differences by arbitral commissions is of such deep and wide reaching interest to civilization, and the value of such arbitration depends so essentially upon the certainty and finality of its decisions, that no government should lightly weaken its influence or diminish its consideration by making its action the subject of renewed discussion. It is only in extreme cases where the commission is itself charged with corruption or where it has clearly exceeded its powers in deciding matters not submitted to its judgment, that prompt and cheerful acquiescence should not be rendered to its action. No such charge is here suggested. It may be true that in this or that instance more adequate justice might have been rendered. The methods and processes of such tribunals which in time it may be confidently hoped will be improved and perfected, are not yet so complete as to eliminate much opportunity of error. But the results of such arbitration, covering, as it did, large, complicated, and numerous transactions, deciding not upon oral testimony winnowed by cross-examination, but upon the contradiction of vague affidavits, can not be fairly judged by the apparent errors of this or that individual case.

There is probably no just ground for saying that the aggregate of the awards against Mexico more than equaled the just claims of our citizens, and much complaint has been made that such aggregate falls quite short of them. But the awards made by this commission were something more than the settlement of mere private claims—it was the adjustment of long-standing national differences. And if in the result more or less was added to or taken from particular awards; still, if on the whole a fair and just balance has been struck; if, considering all that has been given and all that has been refused, the examination has been careful and the judgment impartial, it is the interest and the duty of the Government to maintain it.

He then adds in a subsequent part of his report that—

These cases ought not to be made the subject of a new international commission. He then expresses the conclusion that the honor of the United States was concerned to inquire whether in these cases submitted by this Government to the commission its confidence had been seriously abused, and the Government of Mexico, acting in good faith in accepting a friendly arbitration, had been subjected to heavy pecuniary imposition by fraud and perjury in the maintenance of these claims, or either of them, before the commission, and he recommends that Congress decide whether such an investigation should be made, and that it provide an adequate procedure for its conduct and prescribe the consequences which should follow from its results.

I may here state that in 1880 the Judiciary Committee of the Senate expressed its dissent from this view of Mr. Evarts by saying that the reasoning of the Secretary of State would seem to be unsatisfactory.

In this connection it is proper that I should refer to the act of 1878, in the fifth section of which it is recited that the Mexican Government has called the attention of the Government of the United States to its allegations of fraud in the exaggeration of the damages in the La Abra case, and in the procurement of the judgment in the Weil case, and asking a rehearing in those cases. Congress authorized the President to withhold payment of said awards or either of them until such case or cases should be retried and decided in such manner as the Government of the United States and Mexico may agree, or until Congress shall otherwise direct; and in case of such retrial and decision, any moneys paid or to be paid by the Republic of Mexico in respect to said awards, respectively, shall be held to abide the event and shall be disposed of accordingly, and the said awards shall be set aside, modified, or affirmed as may be determined on such retrial, provided nothing herein contained shall be construed as an expression of any opinion of Congress in respect of the character of said claims or either of them.

Now, it is claimed that the President of the United States has no power to dispose of the balance of the money paid into the Treasury by the Government of Mexico in the Weil and La Abra cases until further action has been taken by Congress. It is with very great deference that I dissent from the opinion of Mr. Evarts on the subject of the plenary powers of Congress over this question. I hold that it is a political or diplomatic question which must be acted upon by the treaty-making power, and that the Congress of the United States has no jurisdiction over the matter further than to direct the proper division or distribution of the fund which is paid in by the Mexican Government in gross sum and distributed among the claimants by our own Government, and that Congress was within its proper sphere when it advised the President to withhold payment of the awards until the case or cases are retried or decided in such manner as the Governments of the United States and Mexico may agree, which of course looked to the negotiation of a new treaty.

But the addition of the words "or until Congress shall otherwise direct," I hold can not tie the hands of the President in disposing of

the fund to the claimants under the general provision of the act of Congress for its distribution, after the President is satisfied that no further treaty or agreement between the two Governments through the treaty-making power is necessary or can be agreed upon. When that conclusion is reached by the President, I have no doubt about the power of the President under the general act for the distribution of the fund allowed to the American claimants under the awards of the commission, to distribute the money properly among the different claimants, and that his power extends to all the claimants. In fact, I claim that I have high authority to sustain this view of the question. Subsequent to the passage of the act of 1878, when the fifth section was in force, just as it is in force to-day, Mr. Evarts, as Secretary of State, in the exercise of a sound discretion, and, I think, a correct discretion, concurred in by the President, distributed to the claimants that portion of the money due the La Abra claimants which had been paid into the Treasury.

And during the subsequent administration Mr. Blaine, then Secretary of State, followed the precedent set by Mr. Evarts, ordering the distribution of such part of the fund due the La Abra claimants as had been paid in by Mexico. Either President Hayes and President Garfield had no right to direct Secretary Evarts and Secretary Blaine to distribute the portions of the fund paid subsequent to the passage of the act of 1878, and prior to any further or final direction by Congress during their respective administrations, or President Cleveland now does have the authority to direct Secretary Bayard to make the distribution of the balance.

The fifth section of the act of 1878 makes no qualification or exception which would authorize the President or Secretary of State to distribute part of the fund and withhold the balance. If a portion of it must be held until Congress shall otherwise direct, all of it must be held until Congress shall otherwise direct. If a portion of it can be distributed without such direction of Congress, all of it can be distributed without such further direction of Congress. It is a question for the decision of the President. If it is true, then, that the money is tied up in the Treasury, and can not be paid out upon the order of the President until Congress takes further action, it is very clear that the law of 1878 has been violated in case of the payments already made by the two former Secretaries of State since the passage of that act.

I believe they acted within the legitimate sphere of their authority, and that the payments made by them were authorized and were legal and just; and I have no doubt that the President of the United States to-day has the like power to order the present Secretary of State to distribute the balance, and that he would act faithfully and justly and discharge a high duty towards his fellow-citizens who are claimants if he would pass such an order. There is, I believe, a legal maxim, *interest reipublicæ ut finis sit litium*—it is the interest of the republic that there should be an end of suits.

Where is to be the end of this contention? First, the two sister Republics enter into a solemn treaty or contract submitting claims of the citizens of the respective Governments to an international commission, and they bind themselves in the strongest terms known to the English and Spanish languages that the judgments of findings of that commission shall be absolutely final and conclusive, and no effort shall be made to evade or set them aside.

These two awards were made, the judgments rendered by a tribunal of unimpeachable integrity. Both Governments were solemnly pledged to carry them into effect. That pledge was in the interest of the whole people of the two Republics, and especially in the interest of the claimants who had been successful in obtaining judgments. After judgments of unquestioned validity had been rendered in both cases against the Government of Mexico she has used every effort to evade or get rid of these judgments.

Mexico first appealed to our executive department for a rehearing of the cases. The Executive brought the matter to the attention of Congress, and Congress, whatever may have been its authority, by act of 1878 requested the President to examine carefully into the facts and to grant a rehearing if the honor of the Government should require it. The question was referred to the Secretary of State by the President, and he in very masterly arguments demonstrated that Mexico had no just cause of complaint and no right in the premises. But he insisted that Congress take action providing for a rehearing of these cases on the ground that the honor of our Government required it.

In 1880 a bill was introduced into the Senate providing substantially for the same relief which is intended to be given by the present bill; in other words, providing for a reference of the case to a Federal court. That bill was referred to the Judiciary Committee of the Senate. That committee was composed of Allen G. Thurman, chairman, Joseph E. McDonald, Thomas F. Bayard, L. Q. C. Lamar, Augustus H. Garland, GEORGE F. EDMUNDS, Roscoe Conkling, David Davis, and Matt H. Carpenter. Certainly an abler Judiciary Committee of the Senate never existed at any period of the Government.

That committee took up this question, and after reciting the fifth section of the act of 1878 and reviewing the claims of Mexico to a new trial in equity, and the able report of Secretary Evarts, they discussed the points in the La Abra case and the Weil case, and they say:

In the investigation that has taken place in the State Department under authority of the fifth section above quoted, no suggestion appears in the report of the Secretary that the honor of the United States, the principles of public law, or the considerations of justice and equity, require that this case should be retried; but on the contrary, after stating considerations of public policy which would seem to forbid the reopening of the case, the questions of honor, principles of public law, and considerations of justice and equity are left to Congress to decide. This would involve an investigation by Congress of facts of an international character, which in the opinion of the committee properly belongs to the executive department, and which it was the intention of the fifth section of the act of June 18, 1878, to leave with that department.

They add:

The bill under consideration proposes to withdraw these two claims from the domain of international jurisdiction and place them before a tribunal organized and existing solely by virtue of the laws of this country; and in this way it would seem designed to avoid the opening of other questions of complaint that are known to exist in behalf of citizens of the United States whose claims for various causes failed to receive favorable consideration by said commission under the treaty creating the commission.

The second article of that treaty bound the two governments absolutely and conclusively by the final awards of the commission and the umpire, in all cases coming within its provisions, and it would seem right that if it is to be set aside as to one of the claimants, it ought to be by a new convention in which provision should be made for doing justice to all claimants.

Then referring to the argument of the Secretary of State showing the conclusiveness of the judgments, and to his proposition to submit the question to Congress, which is claimed to have plenary power over the subject, the committee say:

The reasoning of the Secretary against the propriety of such a course as this would seem to be unsatisfactory. But in the aspect these cases are presented to us we feel constrained to report back said bill adversely and recommend its indefinite postponement.

This was the decision of the ablest Committee on the Judiciary, and I say it with great respect for all other Judiciary Committees, that has existed in the last twenty years, and probably within the history of the Government. This opinion of the committee applies to the bill now pending with all the clearness and force with which it applied to the bill then before the committee. The two bills are very similar, and the objects of both were identical.

We would naturally have thought there ought to have been an end of litigation when this report was made to the Senate and the bill then pending was indefinitely postponed. But not so. Mexico then appealed to the Executive; and a treaty was negotiated between President Arthur and the President of the Mexican Republic, which was regular and within the power of the two Governments. This brought up the question for discussion before the Senate on the motion to ratify the treaty; and it was discussed during two or three sessions of the Senate, as is well known, and was finally voted down, the Senate refusing by a constitutional majority to ratify the treaty. We would naturally have thought that was the end of the litigation. But not so. During the Forty-ninth Congress another bill was introduced in the House and Senate to reopen and retry these cases. The Committee on Foreign Relations in the House took up the question in the La Abra case and investigated it with great care, and by an overwhelming majority reported against the passage of the bill. So that action was refused by the Forty-ninth Congress.

We would have thought then it was time for the litigation to end and time that the American citizens who were entitled to this fund under the awards of the commission should receive their just dues. But not so. Another bill was introduced in the Fiftieth Congress, which is now under consideration asking substantially the same relief. Where is the matter to end? Unless the President of the United States has the nerve and the sense of justice to go forward, as it is his duty to do, and distribute these funds, I presume one appeal after another will be made to Congress and to the treaty-making power in this case for the next twenty years.

But, Mr. President, what is the rule governing applications for relief against judgments which obtains everywhere? It is that to entitle the party to relief it is not sufficient that the facts alleged are material, but they must be such as he could not by reasonable diligence get knowledge of when he was put upon inquiry; for if by such reasonable diligence the party could have obtained knowledge of the facts equity will not relieve him, since that would be to encourage culpable negligence. (Story on Equity, section 146.)

Much less will he be entitled to relief when the proof offered came to his knowledge and was in his possession at the time of the trial and he declined to use it.

The Supreme Court of the United States thus states the universal rule:

A court of equity can never be invoked to remedy the consequence of laches or neglect or the want of reasonable diligence. Whenever, therefore, a competent remedy or defense shall have existed at law, the party who may have neglected to use it will never be permitted to supply the omission to the encouragement of useless and expensive litigation, and perhaps to the subversion of justice. (See Sample *vs.* Barnes, 14 Howard, 75.)

Again—

To entitle a party to relief he must show that he had a good defense which he was prevented from availing himself of by fraud or accident, unmixed with negligence of himself or agent. (Hendrickson *vs.* Hinkley, 17 Howard, 445.)

It follows, therefore, under every known rule of law, that the Mexican Government, which had full knowledge of the nature of the claim and of the evidence given in before the commission to sustain it, and which for five years declined to make any defense, and finally made none, comes too late with its complaint, and would not be entitled to relief in any court of law or equity according to the jurisprudence of any civilized nation.

Grant that Mexico has the right to file her bill in a court of equity seeking relief, she would then have to set forth the facts and circumstances which, according to her contention, entitle her to relief; and I apprehend there is no court of law or equity in this country, or any civilized country, that could grant a new trial upon the facts and circumstances of this case. If, then, the Republic of Mexico is clearly not entitled to relief under any known rule in a court of equity, admitting her right to go there, then it is very clear that she has no right to expect relief by an appeal to the Congress of the United States after the treaty-making power has refused the relief sought.

This case having been heard by an international commission created by solemn treaty between the two Republics, and final judgment having been rendered by the umpire in said international court, and said umpire having refused to grant a new trial, the judgment in accordance with the express terms of the treaty became absolutely final and conclusive between the parties; but the Government of Mexico having appealed to the Government of the United States for a rehearing on the ground of alleged fraud committed by the claimant or his agents, and the President of the United States having entertained the complaint of Mexico, and having consented to enter into a new treaty granting a rehearing, and said treaty having been agreed upon between the President of the United States and the President of the Mexican Republic, and the Senate of the United States being part of the treaty-making power having rejected the treaty, and having thereby held that the honor of the United States did not require further investigation, I hold that this was a finality in this case, and that no branch of the Government of the United States has any power to grant a new trial or to grant further relief.

The question being international in its character, or a contest between the two governments, no power in either government except the treaty-making power was competent to deal with it, or had jurisdiction in the case. The treaty-making power having agreed upon the tribunal which was to hear the case, and that tribunal having tried it and rendered judgment against Mexico, on an appeal for a new trial, and the treaty-making power of the United States having refused to negotiate a new treaty granting relief against the judgment, no other branch or Department of the Government of the United States has any jurisdiction of the case or any right to interfere or grant a rehearing of the case. The parties have had their day in court, final judgment has been rendered, application for a new trial has been refused, the effort to conclude a new treaty granting a new trial has been a failure, the treaty-making power of the United States having explicitly refused to enter into such treaty.

The question never was a judicial question for the courts of either country, and jurisdiction of such matters under the Constitution of the United States being conferred upon the treaty-making power exclusively, neither the legislative branch nor the judicial branch of the Government can assume to exercise the jurisdiction of the treaty-making power. It had jurisdiction; it alone had jurisdiction. It has exercised that jurisdiction and final judgment has been rendered, and that judgment is absolutely conclusive upon all parties concerned.

If it is claimed that Congress has the power to annul or set aside a treaty by legislative action, that power applies as well to a treaty of peace between this Government and a belligerent as it would to a treaty of this character. But if Congress possesses the power to annul or destroy a treaty, it certainly does not possess the power to negotiate one, or by negotiation to amend or modify a treaty. The only power Congress claims over that question is the power to set aside a treaty which, of course, may involve a question of war or peace. But it does not claim and can not possess the power to hear and adjudicate cases of claims of an international character, nor has it any right to alter or modify such treaty when made by the treaty-making power.

After a final adjudication of these cases doubts are still raised under the fifth section of the act of 1878 whether the President can proceed to pay out the balance of the money held in the Weil and La Abra cases until further direction from Congress. In the light of the decision of the Supreme Court of the United States, Frelinghuysen *vs.* Key, 110 United States Reports, page 73, there would seem to be no doubt on that question. The Supreme Court says:

> The first section of the act of 1878 authorizes and requires the Secretary of State to receive the moneys paid by Mexico under the convention, and to distribute them among the several claimants; but it manifests no disposition on the part of Congress to encroach on the power of the President and Senate to conclude another treaty with Mexico in respect to any or even all the claims allowed by the commission if, in their opinion, the honor of the United States should demand it. At most, it only provides for receiving and distributing the sums paid without a protest or reservation such as, in the opinion of the President, is entitled to further consideration. It does not undertake to set any new limits on the powers of the Executive.
>
> The fifth section, as we construe it, is nothing more than an expression by Congress in a formal way of its desire that the President will before he makes any payment on the Weil or La Abra claims investigate the charges of fraud presented by Mexico; and if he shall be of opinion that the honor of the United States, the principles of public law, or considerations of justice and equity, require that the awards * * * or either of them, should be opened and the cases retried, that he will withhold payment * * * until the case or cases shall be retried and decided in such manner as the Governments of the United States and Mexico may agree, or until Congress may otherwise direct.

The court adds:

> From the beginning to the end it is, in form even, only a request from Congress to the Executive. This is far from making the President for the time being a quasi judicial tribunal to hear Mexico and the implicated claimants, and determine once for all as between them whether the charges which Mexico makes have been judicially established. In our opinion it would have been just as competent for President Hayes to have instituted the same inquiry without this request as with it, and his action with the statute in force is no more binding on his successor than it would have been without.

Again the court says, on page 75:

> The concluding paragraph of the report—

Referring to the report of the Secretary of State—

> is nothing more than a notification by the President that unless the means are provided he will consider that the wishes of Congress have been met, and that he will act on such evidence as he has been able to obtain without the help he wants.

The court then refers to the then pending treaty between the two governments, which has since been rejected by the Senate, and it adds:

> Under these circumstances it is, in our opinion, clearly within the discretion of the President to withhold all further payments to the relators until the diplomatic negotiations between the two governments on the subject are finally concluded. That discretion of the executive department of the Government can not be controlled by the judiciary.

And I may here add that the diplomatic negotiations have been closed, and there is now no restriction upon the discretion of the Executive to dispose of this money according to the award of the umpire who tried the case, and neither the Congress of the United States nor the judiciary has a right to interfere and by granting a new trial reverse the action of the treaty-making power, upon which alone the Constitution confers the jurisdiction.

Nor can Congress confer the jurisdiction on the judicial department. The question is a political one that falls properly within the domain of international decision, and Congress can no more control it than Congress can negotiate a treaty; nor can Congress confer upon the judicial department of the Government the jurisdiction to overrule, reverse, or control the decision of the treaty-making power. This view of the case is sustained, I think, by the current of authorities generally. In the case of Gordon *vs.* The United States, reported in 2 Wallace, 561, Chief-Justice Taney discussed this question with great ability. The pith of the decision is in these words:

> Nor can Congress authorize or require this court to express an opinion on a case where its judicial power could not be exercised, and where its judgment would not be final and conclusive upon the rights of the parties and process of execution awarded to carry it into effect.

The power of this great tribunal does not extend to an international controversy of this character. The controversy is outside of its judicial power, and it has no power to pronounce or execute a final judgment in the case. In fact, it can not call the parties before it, as Mexico is an essential party at interest to such a litigation, and there is no provision in the proposed act of Congress for bringing the Republic of Mexico into court to answer, nor is there any way of compelling her to abide the process or final judgment of the court. It is very clear, therefore, that the Supreme Court has no jurisdiction and that Congress can not confer jurisdiction in such case.

When a question was submitted to Caleb Cushing, while Attorney-General of the United States, of this character (see 7 Opinions, 599) he replied:

> The question whether the United States will pay according to their original tenor, drafts drawn by the Mexican Government under the Macilla convention, or suspend payment at the subsequent request of said Government, is a matter of political and not of legal determination.

The same legal principle has been decided in numerous other cases. See Luther *vs.* Borden, 7 Howard; White *vs.* Hart, 133 Wallace, 649; Phillips *vs.* Paine, 92 United States, 132, and cases there cited; United States *vs.* Lee, 106 United States, 209; The Exchange *vs.* McFadden, 7 Cranch, 116; State of Georgia *vs.* Stanton, 6 Wallace, 50; and other cases might be cited, but I deem these sufficient.

I will add that the Judiciary Committee of the Senate in 1880, in the case already referred to, similar to the bill now under consideration, took the same view of this question. The eminent lawyers composing that committee use the language which I have quoted in another part of this argument.

It is clear that the Senate Judiciary Committee of the Forty-sixth Congress, after mature consideration, were of opinion that this is a case for an international tribunal only, and is not properly the subject of investigation by a court of the United States.

It is well known that many of the claims by citizens of the United States, and many just claims no doubt, were either rejected or not reached by the commission, where the failure of the claim gave great advantage to the Mexican Government; and the committee is clearly right in holding that if a new trial is to be had in any case it should be before a new international tribunal, and all the cases where complaint of injustice or hardship is made be again submitted and retried by the new tribunal. This would have about it the semblance of justice; but to open the cases and set aside two of the awards rendered by the commission against the Republic of Mexico, and refuse to set aside and rehear the cases in favor of American citizens where complaint is made of palpable injustice, would be a hardship and inequality that I presume the Senate is not ready to encourage. Let the awards stand; let the final judgments rendered by the only competent authority control these cases, or by a new commission open the door for a rehearing of all the cases where complaint is made that injustice was done from

any cause. Less than this would be a partial adjudication in favor of Mexico and a cruel denial of justice to our own citizens.

But, Mr. President, while the conclusiveness of the judgment in favor of these American claimants is not questioned by any department or any officer of the Government, the appeal is constantly made to us to do justice to a sister republic.

Those who are constantly asking justice should show a willingness to do justice. In other words, it would seem right to adopt the rule of equity, that "he who asks equity must do equity," and that everybody who comes into a court of equity must come with clean hands. Now, Mr. President, let us see what is the practice and position of the Mexican Government in reference to the conclusiveness of judgments where her interests are concerned, or where the rule is changed and it is the interest of that Government to insist upon the conclusiveness of the judgment.

I understand there are a number of claims of citizens of the United States now pending for damages for confiscations and robbery committed by the Mexican authorities upon American citizens where the Mexican Government carries the cases before its own district judges and procures judgments of confiscation of the property of our citizens under circumstances of flagrant wrong and outrage, and then refuses to do justice to such citizens on the ground that the judgment of its own court is conclusive in its own favor. I will cite only one case, which, as I understand, is one of a class of cases.

The Rebecca was an American schooner, engaged in the coastwise trade between the States of Louisiana and Texas, making an occasional trip to a Mexican port, and was to that extent engaged in the foreign trade. At Brashear, La., she took on a cargo of lumber for Tampico, Mexico, with regular clearance and regular manifest. She also took six boxes of merchandise on board to be delivered at Brazos Santiago, Tex. No clearance and no manifest was necessary to carry these goods from the port in Louisiana and deliver them at the port in Texas. She sailed for Brazos, intending to discharge the part of her cargo there which was consigned to that place, and when she was near that port she encountered a very heavy storm, which made it impossible for her to enter at Brazos, and she was driven southward by the violence of the storm and was badly crippled and in a leaking condition, which made it necessary to open the six boxes of merchandise intended for Brazos and deposit the thirty packages they contained in such parts of the vessel as would keep them dry.

In this condition she found herself at sea off Tampico, Mexico, and after much effort she entered that port. On arrival at Tampico, the captain of the vessel noted a protest of distress to the American consul. Disregarding this protest and frank statement of the condition of the vessel and the stress of weather which rendered it impossible for her to land at Brazos and deliver the portion of the cargo intended for that port, the Mexican authorities on the next day seized the thirty packages of goods and arrested the captain of the vessel for attempting to smuggle. He was afterwards released and again arrested and imprisoned and required to give bond to answer the charge of bringing in goods without the proper papers. The case was brought before a Mexican court for that district, and after an order that triple duties be paid upon the goods, which the captain of the vessel was not in condition at that time to do, it resulted in a seizure of the schooner and the goods, and a judgment of the court that they be confiscated and sold, which was done, and the money arising from the sale was applied first to the payment of triple duties to the Government, and the balance was divided between what is known as the "corresponding participants," or, in other words, as I understand it, the detectives and spies who conducted the affair. Here is the case of an American vessel which encountered a violent storm off a Texan port where she was to enter and discharge part of her cargo, and was driven by the violence of the storm in the direction of Tampico, her ultimate destination.

She was badly crippled and in a leaking condition and the persons on board were exposed to great hardship and their lives were in great peril. In this condition she sought refuge in a Mexican port, where she was seized and her captain, an American citizen, imprisoned and the goods on board and the vessel confiscated and sold by order of a local Mexican court.

The American consul at Tampico at the time, Mr. Augustus J. Cassard, in writing to the Assistant Secretary of State of the United States, says:

> I have, however, stated to them that the trial of that case had left me intimately convinced that the said schooner had been improperly seized, considering the complete failure of the prosecution in furnishing the slightest evidence, implicating the said vessel or her crew in even an attempt at defrauding the revenue of Mexico. Reference to the court's sentence in that case, shows that seizure was decreed simply upon private information received by the court from Brazos; that that part of the captain's declaration before the court, stating that owing to the stormy weather which prevailed on the date when said schooner was about effecting her entry into said port of Brazos, and which stormy weather blew the vessel in distress into the port of Tampico, proved untrue, since on that same date as aforesaid investigation disclosed the fact that the weather (meaning at Brazos) was unusually good.
>
> Referring to the captain's imprisonment I stated that, inasmuch as he had never resisted in any way the orders of the custom-house and the court authorities, and considering that the judge himself declared to me that the captain's apprehension and close detention was a mere *medida precautori* (precautionary measure) I considered said apprehension and detention by military force totally arbitrary and illegal.
>
> In connection with that case, and an almost similar one (the seizure of the steamer Pittsbury), allow me to remind you that in both cases my official intervention was most peremptorily ignored.

Here, then Mr. President, was the seizure and imprisonment of an American citizen, the captain of a schooner, and the seizure and confiscation of the schooner and cargo that had encountered a storm at sea and been driven by stress of weather in a crippled condition into a Mexican port, and all the facts and circumstances showed to the satisfaction of every honest man that there was no attempt to evade or violate any Mexican law. But, with a view to plunder, the captain was imprisoned and the vessel confiscated and sold, and the proceeds divided out between the government and its retainers, and the judge put his decision, as appears from the statement of the consul, upon the ground that he had had private information from Brazos that there was no storm at the time mentioned, and that the weather was unusually good, when, as is shown in another part of the case by the affidavits of respectable people and the reports of the weather bureau, the storm was raging at the time furiously, as claimed by the captain of the schooner.

Here, then, is a case where, according to every principle of equity, law, and justice, it is the duty of the Mexican Government to pay exemplary damages to the captain of the schooner on account of the cruel and false imprisonment, and to pay to the owners of the schooner Rebecca, and of the goods on board which were seized and confiscated, full and adequate value for the same.

Under instruction from the Department of State of this Government our late able and distinguished minister to Mexico, Hon. Henry R. Jackson, of Georgia, opened a correspondence with the minister of foreign affairs of Mexico, Signor Igno. Mariscal, and brought the case of the Rebecca prominently before the minister, and in behalf of the Government of the United States demanded reparation and indemnity. Now, how was this just claim met by the Government of Mexico? Not by showing a disposition to do prompt and full justice to American citizens who had been imprisoned, outraged, and robbed, but the Mexican Government plants itself firmly on the finality of the judgment of its own district court, rendered in behalf of the Government of Mexico against a citizen of the United States, which judgment confiscated the schooner Rebecca and its cargo, and refused all redress to Captain Dujay for his illegal imprisonment.

In his letter of 31st of October, 1885, Mr. Mariscal, in replying to the very able presentation of the case by Minister Jackson, says:

> I deem it proper to transmit to your excellency inclosed herewith copy of the communication of the Treasury Department of the 5th July of that year, to which are annexed the sentences of the district court of the south and center of Tamaulipas, which are duly carried out, and have therefore completely ended the question in conformity with the laws in force.

Again, Mr. Mariscal says in the same communication:

> In view of the foregoing, and the executive being unable to remedy or change the consequences of an affair which has been followed, resolved upon, and consummated by the judiciary, to whom Captain Dujay was submitted for trial, I deem it useless to forward to the court at Tampico the report which your excellency was pleased to send me with your note above referred to.

Again, in his letter to Mr. Jackson, of the 9th of February, 1886, Mr. Mariscal says:

> It is also shown by the respective documents that as it was communicated by the Treasury Department to that of foreign affairs in note of July 5, 1884, in compliance with the orders of the Mexican court, the goods were sold at auction and the corresponding duties were applied to the federal treasury, the balance being distributed among the corresponding participants. Therefore, Mr. Minister, this is a matter which has been examined, decided upon, and executed by the judicial power in conformity with the laws of the Republic, and which must not and can not be subject to revision by the executive.

In the letter of Mr. Secretary Bayard addressed to Shellabarger and Wilson, May 26, 1886, he says on this subject:

> All arguments, however, have been unavailing, the Government of Mexico contending that the records of its courts should be incontrovertible.

Now let us contrast the two cases for a moment. In the one case, an international tribunal or commission is formed under a solemn treaty entered into by the two republics, each pledging itself to the other in the most solemn form to abide by and carry out in good faith the awards or judgments of said commission, which it is agreed shall be absolutely final and conclusive, and there shall be no attempt to evade or delay the execution of such judgments. In the Weil and La Abra cases such judgments were rendered by a court selected by both parties, whose integrity is not questioned, upon evidence that is amply sufficient to sustain them, which evidence had been subject to inspection of the Mexican authorities for five years, and which they did not attempt to rebut. Under this state of the case the Mexican Government appeals to the Government of the United States to set aside these binding judgments rendered under circumstances of so much solemnity, and grant a rehearing and relieve the Government and people of Mexico from the payment of the amount of said judgment.

In other words, it is an appeal by Mexico to this Government not to insist upon the finality of the judgments of an international court, which are admitted to be valid and binding. This is one case. Now, what is the other? An American vessel which has encountered a storm and came well-nigh being wrecked, the vessel and the lives of those aboard being saved with great difficulty, worked its way in a crippled condition into a Mexican port, at once noting a protest of distress and communicating with the consul of this Government, and laying all the facts honestly and fairly before the Mexican authorities. The local

authorities seeing an opportunity to plunder our citizens interested in the vessel and cargo, seize the captain of the vessel and commit him to prison, and seize the vessel and cargo, and obtain a judgment of the local district court of Mexico for the confiscation of the vessel and the cargo. The proceeding was high-handed, unmitigated robbery, done under the pretext of trial and sentence of a local judicial tribunal of Mexico with whose selection and appointment the United States had nothing whatever to do.

This case is brought before the enlightened Government of Mexico, and damage is demanded for the false and cruel imprisonment of Captain Dujay, and compensation is demanded for the seizure and confiscation of the Rebecca and her cargo. How is this most just and meritorious claim met? By a prompt disposition to deal justly and fairly with the citizens of a sister republic in that spirit of comity and good neighborhood which is invoked in the case now under consideration? No; it is not. But the Government of the United States is met with the declaration that the local district court of Mexico, with whose creation or appointment this Government had no connection, and whose judgments are in no way binding upon it, has tried that case, as it must be admitted, upon an *ex parte* showing, and has rendered a judgment, as the court has informed our own consul, upon private information which he professes to have received from Brazos, Tex., and which is falsified by the facts, which judgment confiscates the vessel and cargo.

And we are gravely informed by the Mexican Government, in its effort at good neighborhood and international comity, that it will not settle the claim; that it will not even investigate it; that there stands the judgment of its district court justifying the imprisonment of Captain Dujay, and ordering the confiscation and sale of the vessel and cargo. That that judgment is final and conclusive and can not be reviewed by the Mexican Government; and compensation for the losses and indemnity for the imprisonment are absolutely denied, the Government of Mexico taking shelter behind the conclusiveness of this judgment of its own local court. The only possible justification that can be pleaded for the outrage is that it has already been determined by the judgment of a court which is final and conclusive.

While this correspondence stands of record, and while Mexico refuses under this pretext of the finality of the judgment of its district court to do justice in the case mentioned, there can be no just reason why anybody should ask that a judgment of an international court of the most solemn sanction should be set aside by the consent of the American Government for the benefit of the Government and people of Mexico.

When Mexico comes into court with clean hands we will be ready to meet her half way, and extend to her and her citizens in the fullest degree the same measure of justice and equity which she extends to the Government and people of the United States. This is all she has the right to ask.

Mr. MORGAN. The Senator from Georgia, in behalf of a minority of the committee, presented his report first to the committee, and then presented it to the Senate, and has taken occasion to elaborate that report, or to explain it, as he says, in some remarks which he has just submitted to this body.

Supposing that it would be proper on my part to make some reply to the remarks of the Senator from Georgia against the report of the committee, I ask that the report lie on the table and be printed, so that I may submit my remarks in explanation of the report of the majority to-morrow, before the case goes regularly upon the Calendar.

The PRESIDENT *pro tempore*. If there be no objection, the order placing the bill upon the Calendar will be reconsidered, and it will lie upon the table. The report will be printed, and the Senator from Alabama will have the opportunity to call it up to-morrow.

HOUSE BILL REFERRED.

The bill (H. R. 1705) to provide for the erection of a public building at Statesville, N. C., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO BILLS.

Mr. WALTHALL submitted an amendment intended to be proposed to the bill (H. R. 2952) to allow certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. DANIEL (by request) submitted an amendment intended to be proposed to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was referred to the Committee on Claims, and ordered to be printed.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

STATUE OF FRANKLIN.

Mr. VOORHEES. What branch of morning business is in order at this time?

The PRESIDENT *pro tempore*. The morning business has been concluded, but the Chair will receive further morning business if there be no objection.

Mr. VOORHEES. I desire to offer a joint resolution for present consideration and action.

The joint resolution (S. R. 96) authorizing the District commissioners to designate a site for a statue of Benjamin Franklin was read the first time at length, as follows:

Whereas Stilson Hutchins has offered to donate to the United States a colossal statue of Benjamin Franklin in white Italian marble and erect a pedestal therefor of Massachusetts granite at his own expense, after plans which have been submitted to the Joint Committee on the Library: Therefore,

It is resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That authority is given to erect the statue, under the supervision and direction of the commissioners of the District of Columbia, upon such part of the streets or public spaces in the city of Washington, D. C., as the said commissioners may designate.

The PRESIDENT *pro tempore*. The first reading having been at length, the joint resolution will be considered as read the second time by its title.

Mr. VOORHEES. In explanation of the necessity of the joint resolution, I ask that a brief letter from the commissioners to Mr. Hutchins be read.

The PRESIDENT *pro tempore*. If there be no objection, the letter will be read.

The Chief Clerk read as follows:

OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
Washington, June 14, 1888.

DEAR SIR: The commissioners direct me to acknowledge receipt of your letter of the 13th instant containing a proposal to erect and present to the capital city a statue of Benjamin Franklin, to be placed at the intersection of Pennsylvania avenue, Tenth, and D streets northwest, and to add that while they think very highly of the proposition they find that they are without authority to grant a permit for its erection on public ground. It is necessary that authority be obtained from Congress, and the commissioners submit the accompanying blank form of a joint resolution giving them the requisite power in the premises, which they have no doubt would meet with prompt and favorable consideration.

Very respectfully,

W. TINDALL, *Secretary.*

STILSON HUTCHINS, Esq.

The sketch of the statue is herewith returned.

Mr. VOORHEES. I ask for the present consideration of the joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOURTH VIRGINIA COLLECTION DISTRICT.

Mr. TURPIE. I was authorized by the Senator from North Carolina [Mr. VANCE] to withdraw the motion entered by him to reconsider the vote by which the Senate passed the bill (H. R. 1890) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia.

The PRESIDENT *pro tempore*. The motion to reconsider will be withdrawn if there be no objection.

ADDITIONAL BILLS INTRODUCED.

Mr. SAULSBURY (by request) introduced a bill (S. 3192) granting increase of pension to Daniel H. Kent; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 3193) directing the commissioners of the District of Columbia to convey to William Brown a part of an alley in square 120 in the city of Washington on certain conditions; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BROWN introduced a bill (S. 3194) to establish Indian police courts and to define their jurisdiction and to regulate judicial proceedings within the Indian reservations, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GEORGE (by request) introduced a bill (S. 3195) for the relief of Louisa Q. Lovell and others; which was read twice by its title, and referred to the Committee on Claims.

CONSIDERATION OF PENSION BILLS.

Mr. DAVIS. I ask the Senate to proceed to the consideration of such pension bills on the Calendar as are unobjected to.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent that the Senate proceed to the consideration of private pension bills favorably reported upon the Calendar to which there is no objection. If there be no objection, the first private pension bill on the Calendar will be stated.

JAMES M'GOWAN.

The bill (S. 2764) granting an increase of pension to James McGowan was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment in line 8, before the word "dollars," to strike out "one hundred" and insert "seventy-two;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, au-

thorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James McGowan, late a private of Company H, Twentieth Regiment Maine Volunteers, and to pay him during life a pension of $72 per month in lieu of the one now received by him.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. AURELIA P. HALL.

The bill (H. R. 9487) granting a pension to Mrs. Aurelia P. Hall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Aurelia P. Hall, mother of Wilson S. Gilliland, deceased, late a private in Company A, Third Ohio Infantry Volunteers; also of Company G, Fourteenth Ohio Volunteer Infantry; and still later, of Company C, Fourteenth Infantry, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLARD A. JACKSON.

The bill (S. 1960) granting a pension to Willard A. Jackson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Willard A. Jackson, late of Company I, Seventeenth Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANDREW J. HADLEY.

The bill (S. 2756) granting a pension to Andrew J. Hadley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Andrew J. Hadley, late of Company E, Third Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN M. THORNTON.

The bill (S. 2982) granting a pension to Ellen M. Thornton was considered as in Committee of the Whole.

The Committee on Pensions reported amendments, in line 7, after "United States," to insert "Navy;" and in the same line, after the words "rate of," to strike out "sixty" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ellen M. Thornton, widow of James S. Thornton, late a captain in the United States Navy, at the rate of $50 a month, in lieu of the pension she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATHEW H. REYNOLDS.

The bill (H. R. 4774) granting a pension to Mathew H. Reynolds was considered as in Committee of the Whole. It proposes to put the name of Mathew H. Reynolds, late private of Company B, First Michigan Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. ROUNTREE.

The bill (H. R. 5759) granting a pension to John H. Rountree was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John H. Rountree, late of Company G, Thirty-fifth Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT STAUNTON, VA.

Mr. DANIEL. By consent of the gentleman who made the motion to take up private pension bills, I ask that the order be suspended informally, so that we may proceed with the Calendar for a few minutes.

Mr. PADDOCK. Not to displace the order already made?

The PRESIDENT *pro tempore*. Does the Senator from Virginia desire the consideration of any particular bill on the Calendar?

Mr. DANIEL. Yes, sir; I want the consideration of the first bill in order on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Virginia asks unanimous consent that the pending order be informally laid aside to enable him to move to take up Order of Business 1410, being Senate bill 1291, the title of which will be stated.

The CHIEF CLERK. A bill (S. 1291) for the erection of a public building at the city of Staunton, Va.

Mr. PADDOCK. I inquire if the Senator thinks that bill will lead to any debate.

Mr. DANIEL. I think not. If it does I shall give way at once.

Mr. EDMUNDS. I think it is fair it should be done, for that bill was taken up and under consideration last evening when we adjourned, and it was stated to the Senator from Virginia that it could be disposed of just as well this morning.

Mr. PADDOCK. I make no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, in line 4, after the word "purchase," to insert "acquire by condemnation;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the post-office and the internal-revenue office, and for other Government uses, at the city of Staunton, Va.

The amendment was agreed to.

The next amendment was, in line 12, before the word "thousand," to strike out "seventy-five" and insert "fifty;" so as to read:

The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $50,000.

The amendment was agreed to.

The next amendment was, in line 21, before the word "thousand," to strike out "seventy-five" and insert "fifty;" and in line 22, after the word "building," to insert "which sum is hereby appropriated;" so as to read:

And no purchase of site nor plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $50,000 for site and building, which sum is hereby appropriated.

Mr. EDMUNDS. Are the words "which sum is hereby appropriated" all? I suggest to the Senator from Virginia, as that is an amendment, that there ought, for safety, to be added to it "out of any money in the Treasury not otherwise appropriated," for fear there may be a technical difficulty at the Treasury about paying the money.

Mr. DANIEL. I thank the Senator for the suggestion.

Mr. EDMUNDS. What is the population of Staunton?

Mr. DANIEL. Ten thousand.

Mr. EDMUNDS. It is a nice town, I know.

Mr. DANIEL. I move to amend the amendment, in line 22, by adding:

Out of any money in the Treasury not otherwise appropriated.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WEBSTER C. WEBB.

The bill (H. R. 9284) granting a pension to Webster C. Webb was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Webster C. Webb, late second lieutenant of Company H, Seventeenth Regiment Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN LANG.

The bill (H. R. 7907) granting a pension to Mary Ann Lang was considered as in Committee of the Whole. It proposes to place the name of Mary Ann Lang, widow of Peter Lang, late private Company K, Sixteenth Regiment Michigan Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS C. KECK.

The bill (H. R. 7577) granting a pension to Lewis C. Keck was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louis C. Keck, invalid son of David Keck, deceased, late a private of Company I, Sixth Michigan Heavy Artillery, at $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN JONES.

The bill (H. R. 3125) for the relief of Susan Jones was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Susan Jones, widow of Marion Jones, formerly a member of Company C, Thirteenth Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY MONTI.

The bill (H. R. 2529) granting a pension to Mary Monti was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Monti, widow of Ferdinand Monti, formerly an employé in the Quartermaster's Department of the United States Army during the war with Mexico.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. BYERS.

The bill (H. R. 5574) granting a pension to Benjamin F. Byers was

considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin F. Byers, of Frankfort, Clinton County, Indiana, late a private in Company F, One hundred and fiftieth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN M. THIERS.

The bill (H. R. 5789) granting a pension to Ellen M. Thiers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen M. Thiers, of Battle Creek, Mich., at $12 per month, on account of disability resulting from disease contracted while serving as a hospital nurse during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS SHAFER.

The bill (H. R. 6907) granting an increase of pension to Elias Shafer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elias Shafer, late of Company K, Twenty-third Michigan Infantry, at $45 per month, in lieu of the sum he now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADA, LEOTA, AND JESSIE PIATT.

The bill (H. R. 4743) granting pensions to Ada Piatt, Leota Piatt, and Jessie Piatt was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of Ada Piatt, Leota Piatt, and Jessie Piatt, minor children of Josiah Piatt, deceased, late of G Company, Eighty-ninth Regiment Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY SULLIVAN.

The bill (S. 2934) granting a pension to Mary Sullivan was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Sullivan, mother of John Sullivan, deceased, late a member of Company E, Fifteenth Regiment Massachusetts Volunteers, as if he had left no widow and no minor children.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILFORD WHITE.

The bill (S. 2682) granting a pension to Wilford White was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Wilford White, Company B, Fifth Kansas Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET A. HILLARD.

The bill (S. 2993) granting a pension to Margaret A. Hillard was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 7, after the word "troops," to strike out "and pay her a pension at the rate of $30 per month from the passage of this act;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret A. Hillard, widow of Frank S. Hillard, late a lieutenant in the Seventh United States Colored Troops.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHANNA ECKHARDT.

The bill (H. R. 2116) granting a pension to Johanna Eckhardt was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Johanna Eckhardt, widow of Frederick Eckhardt, late a private in the Marine Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRIEDERICKE RAFF.

The bill (H. R. 927) for the relief of Friedericke Raff was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Friedericke Raff, widow of the late Theodore Raff, a private in Battery K, Second Regiment United States Artillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA ANN SHAVER.

The bill (H. R. 891) granting a pension to Eliza Ann Shaver was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Ann Shaver, as foster-mother of Benjamin N. Shaver, late of Company E, Twenty-second Regiment New York State Cavalry, at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'CAFFREY.

The bill (H. R. 215) granting a pension to James McCaffrey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James McCaffrey, dependent father of Edward McCaffrey, late first lieutenant of Company A, One hundred and sixty-fourth New York Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER C. CHEEKS.

The bill (H. R. 7693) granting an increase of pension to Peter C. Cheeks was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Peter C. Cheeks, late a private of the Marine Corps, at $72 per month, in lieu of the amount he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

B. S. VAN BUREN.

The bill (H. R. 3568) for the relief of B. S. Van Buren was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Barent S. Van Buren, late a musician in the Fourth Regiment of Illinois Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY L. CLEVELAND.

The bill (H. R. 9877) granting an increase of pension to Mary L. Cleveland was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary L. Cleveland, widow of John H. Cleveland, a soldier of the war of 1812, at $25 per month, in lieu of the amount now received by her under the law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS R. STURMAN.

The bill (S. 2872) granting a pension to Thomas R. Sturman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas R. Sturman, late a private in Company G, of the Sixty-first Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH J. MARTIN.

The bill (S. 2871) granting a pension to Mrs. Sarah J. Martin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sarah J. Martin, widow of Samuel Martin, deceased, late of Company H, of the Sixty-fourth Regiment Illinois Volunteers, who was pensioned under certificate numbered 43906.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. BELTZER.

The bill (S. 1863) granting a pension to John A. Beltzer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John A. Beltzer.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EVALINA P. BROWN.

The bill (H. R. 7025) granting a pension to Evalina P. Brown was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Evalina P. Brown, widow of Jacob L. Brown, late private of Company A, Third Regiment North Carolina Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADELAIDE L. JESSUP.

The bill (H. R. 2475) granting a pension to Adelaide L. Jessup was considered as in Committee of the Whole. It proposes to place on the pension-roll at $18 per month the name of Adelaide L. Jessup, daughter of Robert W. Jessup, late a private in Company K, Seventh Regiment United States Veteran Volunteers, the payments to be made to her legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT WICHITA, KANS.

Mr. PLUMB. I ask the Senators on the Pension Committee to yield to me for a moment, as I am called out. Yesterday there was referred to the Committee on Public Buildings and Grounds the bill (H. R. 1451) for the completion of a public building at Wichita, Kans. Some time since the Senate passed a nearly equivalent bill. I have a note from the Treasury Department stating that it is very important that this bill, if passed at all, should be passed immediately in order that the plans now under consideration may be perfected. The bill was referred

to the Committee on Public Buildings and Grounds. I have had some conversation with those members of the committee who are present, and I ask that the committee be discharged from the consideration of the bill in order that it may be considered by the Senate now. It is House bill 1451.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] moves that the Committee on Public Buildings and Grounds be discharged from the further consideration of the bill (H. R. 1451) for the completion of a public building at Wichita, Kans.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLUMB. I move that the bill be amended by inserting "$100,000" instead of "$50,000" as the amount. That is the amount of the estimate.

Mr. PASCO. I should like to hear the explanation of the Senator from Kansas as to the necessity for this action.

Mr. PLUMB. The bill is exactly in the terms of a bill which has already passed the Senate for the same purpose. The subject-matter, therefore, has received the assent of the Committee on Public Buildings and Grounds, and I am advised by the proper officer of the Treasury Department that it is very important, if the bill is to be passed, that it should be passed at a very early day.

Mr. PASCO. This is in the terms of a bill which has already passed the Senate?

Mr. PLUMB. Precisely.

Mr. PASCO. I see no objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLUMB. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. PASCO, and Mr. MORRILL were appointed.

THOMAS WYNNE.

The bill (S. 3116) granting an increase of pension to Thomas Wynne was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Wynne, late a private of Company C, United States Infantry, at $50 a month, in lieu of the pension he is now receiving.

Mr. PADDOCK. In line 6, after the words "Company C," I move to amend by inserting the words "Second Regiment;" so as to read:

Late a private of Company C, Second Regiment United States Infantry.

It is a matter of description.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN R. STILES.

The bill (H. R. 8673) to increase the pension of John R. Stiles was considered as in Committee of the Whole. It proposes to place the name of John R. Stiles, of the city of Rochester, N. Y., late a private in Company G, One hundred and forty-eighth Regiment of New York Volunteers, upon the invalid pension-rolls at $45 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VAN BUREN BROWN.

The bill (H. R. 6431) for the relief of Van Buren Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Van Buren Brown, late of Company G, Eighth Tennessee Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. DAYTON.

The bill (H. R. 8299) for the relief of William M. Dayton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William M. Dayton, late second lieutenant in Company I, Eighteenth Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUTH ANN PORTER.

The bill (H. R. 9321) granting a pension to Ruth Ann Porter was considered as in Committee of the Whole. It proposes to place the name of Ruth Ann Porter, dependent sister of George H. Porter, late a private in Company D, Third Regiment of Indiana Volunteer Cavalry, on the pension-roll at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT LISLE.

The bill (H. R. 962) granting a pension to Robert Lisle was considered as in Committee of the Whole. It proposes to place on the pension-roll, at such rate as his present disabilities may warrant, the name of Robert Lisle, late private in Company H, Thirty-eighth Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BELLE M. BAKER.

The bill (H. R. 9224) granting a pension to Belle M. Baker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Belle M. Baker, widow of Edward Baker, late a private in Company B, Third Regiment of Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN CONTEL.

The bill (H. R. 6302) granting a pension to Benjamin Contel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin Contel, formerly drummer-boy in Company K, Sixth United States Infantry, serving in that company from April, 1832, until 1837, and participating in the Black Hawk war, re-enlisting in same regiment in 1839 and serving until 1844; who also served as private in Captain Morgan's battalion Missouri Volunteers in Florida war; who also served as captain Company F, Ninth Iowa Cavalry, from August, 1863, until February, 1866; and who also served as a sergeant in Company H, Fourth Regiment United States Infantry; and that he be rated at $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHLOE FRAILY.

The bill (H. R. 9127) for the relief of Chloe Fraily was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Chloe Fraily, mother of John N. Fraily, deceased, late a private in Company B, Seventieth Regiment of Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN WHITE.

The bill (H. R. 4770) for the relief of Franklin White was considered as in Committee of the Whole. It proposes to place the name of Franklin White, late private Company K, Fortieth Regiment Kentucky Mounted Infantry Volunteers, on the pension-roll, at the rate prescribed by existing provisions of law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN LANGLAND.

The bill (H. R. 885) to amend chapter 253 of the Revised Statutes of the United States, passed June 15, 1878, granting a pension to John Langland, was considered as in Committee of the Whole. It proposes to amend chapter 253, passed June 15, 1878, second session of the Forty-fifth Congress, so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Langland, late a private of Company B, First Michigan Sharpshooters: *Provided*, That nothing in this act shall be construed to prevent the said John Langland from completing his claim on file in the Department of the Interior, numbered 108931; and the Secretary of the Interior is hereby authorized and directed to adjudicate said claim on the evidence on file and to be furnished hereafter: *Provided further*, That in case of the allowance of said claim by the Secretary of the Interior he shall deduct from said allowance the amount of money drawn by said claimant under this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The title of the bill should be amended so that the chapter of the General Statutes (and not of the Revised Statutes) may be referred to. If there be no objection the amendment will be made by reference to the Statutes so as to comply with the fact. The Chair hears no objection.

CHILDREN OF MAJ. ABNER MORGAN.

The bill (H. R. 469) granting a pension to Marie A. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary Army, was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of Marie A. Salisbury and Almira Morgan, only surviving daughters of Maj. Abner Morgan, of the first Continental troops in the war of the Revolution; and to pay each of them at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLOTTE E. DILLEY.

The bill (H. R. 5787) granting a pension to Charlotte E. Dilley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Charlotte E. Dilley, widow of Jonas Dilley, late of Company G, Twelfth Michigan Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY DICKINSON.

The bill (H. R. 8779) granting a pension to Mary Dickinson was considered as in Committee of the Whole.

The Committee on Pensions reported an amendment, in line 8, after the word "month," to insert "and also to pay her the amount of pension due upon pension certificate numbered 385488, both the monthly pension and the pension accrued on the certificate to be paid;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll the name of Mary Dickinson, the daughter of Archibald Dickinson, late private of Company C, Eighth Regiment of New York Cavalry Volunteers, and pay her a pension at the rate of $18 per month, and also to pay her the amount of pension due upon pension certificate numbered 385488, both the monthly pension and the pension accrued on the certificate to be paid through her legally constituted guardian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARTHA B. PERRY.

The bill (H. R. 4100) granting a pension to Martha B. Perry was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Martha B. Perry, foster-mother of Charles H. Perry, late of Company G, Fourth Vermont Volunteers, deceased, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. WELLS.

The bill (H. R. 5792) granting a pension to Mary A. Wells was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. Wells, a resident of Marshall, Mich., at $12 per month, on account of disability resulting from disease contracted while serving as a hospital nurse during the war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL E. WYMAN.

The bill (H. R. 2478) for the relief of Samuel E. Wyman was considered as in Committee of the Whole. It proposes to place the name of Samuel E. Wyman, late of Company G, Fifth Regiment Massachusetts Infantry Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. ORDWAY.

The bill (H. R. 8762) granting an increase of pension to Charles H. Ordway was considered as in Committee of the Whole. It proposes to increase the pension of Charles H. Ordway, late a private in Company H, Seventh New Hampshire Volunteers, from $36 to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYNTHIA WITHERELL.

The bill (H. R. 3868) granting a pension to Cynthia Witherell was considered as in Committee of the Whole. It proposes to place the name of Cynthia Witherell, widow of David J. Witherell, late of Captain Shumway's company of New York Militia, war of 1812, on the pension-rolls.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. WEST.

The bill (H. R. 7815) granting a pension to Mary A. West was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary A. West, widow of Edward West, late corporal of Company E, First Regiment Heavy Artillery, New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMELINE C. YOUNG.

The bill (H. R. 6949) granting a pension to Emeline C. Young was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Emeline C. Young, widow of Roswell Young, late of Company D, One hundred and forty-ninth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WALTER N. SMITH.

The bill (S. 2981) granting a pension to Walter N. Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Walter N. Smith, late a captain of Company B, Eleventh Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS AXMACHER.

The bill (H. R. 2690) granting a pension to Augustus Axmacher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Augustus Axmacher, late of Company C, One hundred and eighty-seventh New York Volunteers, at $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY P. ALEXANDER.

The bill (H. R. 2234) granting a pension to Henry P. Alexander was considered as in Committee of the Whole. It proposes that the name of Henry P. Alexander, late of Company F, One hundred and sixty-ninth Ohio Volunteers, be placed on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M. CAMPBELL, JR.

The bill (H. R. 9181) granting a pension to William M. Campbell, jr., was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William M. Campbell, jr., late a private in Company F, Fifth Regiment of Kentucky Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. GORDON.

The bill (H. R. 10267) granting a pension to William P. Gordon was considered as in Committee of the Whole. It proposes to place on the pension-roll, at $18 per month, the name of William P. Gordon, dependent invalid son of William H. Gordon, late a member of Company A, Eighty-fourth Indiana Volunteer Infantry, deceased.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET E. COOPER.

The bill (H. R. 8807) granting a pension to Harriet E. Cooper was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Harriet E. Cooper, widow of William B. Cooper, late major of the Ninety-eighth Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIUS B. VARNEY.

The bill (H. R. 8607) to increase the pension of Lucius B. Varney was considered as in Committee of the Whole. It proposes to increase the pension of Lucius B. Varney, late a private of Company E, Fourth Regiment Maine Volunteer Infantry, to $45 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. LOVINA J. REEVES.

The bill (H. R. 813) granting a pension to Mrs. Lovina J. Reeves was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Lovina J. Reeves, of Ellsworth, Me., widow of the late Forest Reeves, late of Company M, First Maine Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY COMMAND.

The bill (H. R. 8510) for the relief of Mary Command was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of Mary Command, the widow of Thomas Command, late a private in Company B, Third Regiment of New York Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL D. CHASE.

The bill (H. R. 367) granting a pension to Nathaniel D. Chase was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nathaniel D. Chase, late of Company E, Thirtieth Maine Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. H. BUCK.

The bill (H. R. 9347) granting an increase of pension to William H. H. Buck was considered as in Committee of the Whole. It proposes to increase the pension of William H. H. Buck, late private of Company G, First Vermont Cavalry, and to pay him a pension in accordance with the degree of disability actually existing by reason of chronic rheumatism and resulting curvature of spine and varicose veins of leg.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA WELCH.

The bill (H. R. 8291) granting a pension to Julia Welch was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julia Welch, widow of James H. Welch, late private Company A, Twelfth Regiment Illinois Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN SHINE.

The bill (H. R. 5544) granting a pension to John Shine was considered as in Committee of the Whole. It proposes to place on the pension-rolls the name of John Shine, late of Company L, Seventh Regiment Michigan Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY FLORA.

The bill (H. R. 6006) granting a pension to Mary Flora was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Flora, now of Ellinwood, Kans., dependent mother of Daniel Flora, late of Company I, Thirty-ninth Indiana Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARQUIS D. DAVIS.

The bill (H. R. 722) for the relief of Marquis D. Davis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Marquis D. Davis, late a private in Company B, Eighty-ninth Regiment of Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELILAH VANDEVENDER.

The bill (H. R. 4831) granting a pension to Delilah Vandevender was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Delilah Vandevender, dependent father of Jacob Vandevender, late of Company D, One hundred and forty-ninth Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. THIELE.

The bill (H. R. 6976) for the relief of Anna M. Thiele was considered as in Committee of the Whole. It proposes to reinstate the name of Anna M. Thiele on the pension-roll, and to pay to her the same amount of pension to which she was entitled and for which she was rated as the widow of Peter Simonson, deceased, late captain of the Fifth Indiana Battery, and chief of artillery on the staff of General Stanley.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN LONG.

The bill (H. R. 5114) granting a pension to Franklin Long was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Franklin Long, of Havana, Kans., late of Company A, Sixty-first Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. LEWIS.

The bill (H. R. 7665) granting a pension to John E. Lewis was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of John E. Lewis, a private, late of Company F, One hundred and fifteenth Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT M'CLEAN.

The bill (H. R. 1069) granting a pension to Robert McClean was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert McClean, late a private in Company F, Second Illinois Cavalry Regiment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA C. KING.

The bill (S. 3060) providing a pension for Matilda C. King was considered as in Committee of the Whole. It proposes to place on the pension-roll, at $50 per month, the name of Matilda C. King, widow of the late Col. John H. King, brevet major-general of the United States Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BLAIR. I ask that the report in relation to the bill just passed be printed in the RECORD, with a letter from General Sherman attached thereto. The committee desired that the report should be read, and perhaps it would have been done if the chairman of the committee had been present at the moment the bill was under consideration.

The PRESIDENT *pro tempore*. The report will be printed, if there be no objection.

The report, submitted by Mr. DAVIS June 19, 1888, is as follows:

The Committee on Pensions, to whom was referred a bill (S. 3060) providing a pension for Matilda C. King, have examined the same and report:

Accompanying the petition in support of the bill is a mass of testimony illustrating the long and honorable military career of the late Col. and Bvt. Maj. Gen. John H. King, husband of the petitioner; but the whole is so clearly summarized in the eloquent tribute to his services and memory by General W. T. Sherman that the committee adopt his letter as their report, and in its spirit recommend the passage of the bill.

[Indorsement of the "état de service" of the late General John H. King, United States Army.]

NEW YORK, *June* 5, 1888.

I was well acquainted with General John H. King, whose death was reported at Washington, D. C., April 7, 1888, and I have just read the above "état de service," prepared officially by General Drum, the Adjutant-General of the Army. The period of his service was his whole manhood, from 1837 to 1888, fifty-one years, covering the most important epoch of American history, and very few men of to-day realize what they owe of the growth in power, physical resources, cultivation, and refinement to the little regular Army commanded by such men as John H. King.

His career, full of dates, resolves itself into three periods—before the civil war, during it, and after. In the first and last of these he was on the frontier pushing back the Indians to make room for the enterprising emigrant, establishing military posts whence radiated the influence of order, system, and good government. When in 1861 this whole country became convulsed by civil war, and when so many of his comrades abandoned their colors, he stood fast, firm in the faith, and did a man's whole share, as above shown, at Shiloh, Stone River, Chickamauga, Resaca, New Hope, Kennesaw, and Neal Dow Station.

It would take a volume to do justice to the subject, and as much of his service was directly under my command, I do a simple but grateful duty in adding this small tribute to his memory.

I bespeak for his widow and children the watchful care of a Government made rich and powerful by the manly conduct of such faithful servants as was John H. King.

W. T. SHERMAN, *General.*

ELIZA J. ALEXANDER.

The bill (S. 3135) granting an increase of pension to Eliza J. Alexander was considered as in Committee of the Whole. It proposes to increase the pension of Eliza J. Alexander, widow of Francis Alexander, formerly a lieutenant in the United States Navy, from $25 to $50 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN DENNERT.

The bill (S. 3050) granting a pension to John Dennert was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Dennert, Company K, First Minnesota Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SARAH R. FISHER.

The bill (S. 3016) for the relief of Sarah R. Fisher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah R. Fisher, mother of James K. Fisher, late Company A, Third Regiment Michigan Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA SETTLE.

The bill (S. 2990) granting a pension to Eliza Settle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eliza Settle, widow of Thomas E. Settle, who was a private in Company C, of the Twenty-fifth Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES PARKER.

The bill (S. 3183) granting a pension to James Parker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Parker, late a private in Company E, Thirty-sixth Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISABELLA F. DYKE.

The bill (H. R. 8694) granting a pension to Isabella F. Dyke was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isabella F. Dyke, mother of Edward G. Dyke, late first lieutenant and adjutant Thirty-eighth Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH SMITH.

The bill (H. R. 6478) granting a pension to Elizabeth Smith was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elizabeth Smith, dependent mother of George Harbaugh, late of Company H, Fifty-fifth Regiment Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOANNA BARRY.

The bill (H. R. 4653) to grant a pension to Joanna Barry was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Joanna Barry, widow of Lieut. John Barry, late of Company C, First United States Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. ORR.

The bill (H. R. 6761) for the relief of James H. Orr was considered as

in Committee of the Whole. It proposes to place on the pension-roll the name of James H. Orr, late private in Company D, Twenty-first Regiment Wisconsin Volunteers, and to pay to his legally constituted guardian the pension to which he will be entitled.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. HARRIMAN.

The bill (H. R. 618) granting a pension to James W. Harriman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James W. Harriman, late of Company E, First Regiment Maine Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS BENSON.

The bill (H. R. 6070) granting an increase of pension to Thomas Benson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Benson, late a private in Company A, Thirty-second Regiment Maine Volunteers, at $35 per month, in lieu of the amount he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. HUCKABA.

The bill (H. R. 9200) granting a pension to John F. Huckaba was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John F. Huckaba, a private of Company H, Second Regiment of Tennessee Mounted Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MAGHER.

The bill (H. R. 888) granting a pension to John Magher was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Magher, late of Company F, Tenth Regular Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN L. WATSON.

The bill (H. R. 7883) granting a pension to Susan L. Watson was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Susan L. Watson, widow of Adolphus E. Watson, late pay director, United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMSON M. DAVID.

The bill (H. R. 6300) granting a pension to Samson M. David was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Samson M. David, late a private of Company E, Thirty-first Regiment Missouri Enrolled Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. Shall pension bills favorably reported this morning be considered?

Mr. BECK. I move that the Senate do now adjourn.

The motion was agreed to; and (at 2 o'clock and 26 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 21, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 20, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT—ELIZABETH BURR.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 488, entitled "An act granting a pension to Elizabeth Burr."

It is proposed by this bill to grant a pension to the beneficiary therein named as the widow of William Burr, who enlisted for one hundred days in 1864, and was discharged on the 3d day of September in that year.

He is reported as present on all roll-calls during his service. He died April 7, 1867, of dropsy, never having made any application for a pension.

His widow filed an application for pension in 1880, thirteen years after the soldier's death, alleging that the disease of which he died, claimed to be dropsy, was contracted in the service.

The claim was rejected by the Pension Bureau on the ground that the dropsy causing his death was not due to his military service, but that he was subject to the same before his enlistment.

I am perfectly satisfied that the rejection upon the ground claimed was correct.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 19, 1888.

Mr. MATSON. Mr. Speaker, I move that the message be printed, and, with the accompanying bill, be referred to the Committee on Invalid Pensions.

The motion was agreed to.

EDWARD FITZGERALD.

The SPEAKER also laid before the House a letter from the Secretary of War, requesting that the papers in the case of Edward Fitzgerald be taken from the files of the House and transmitted to the War Department for use by the Quartermaster-General; and it was so ordered.

BRIDGE ACROSS THE NOXUBEE RIVER, NEAR GAINESVILLE, ALA.

The SPEAKER also laid before the House the bill (H. R. 8343) to authorize the construction of a wagon and foot-passenger bridge across the Noxubee River, at or near Gainesville, in the State of Alabama, with amendments of the Senate thereto.

The bill and amendments were referred to the Committee on Commerce.

ORDER OF BUSINESS.

Mr. CRISP. Mr. Speaker, I desire to ask unanimous consent of the House that a recess be taken at 5 o'clock this afternoon until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of bills authorizing the construction of bridges across navigable streams and bills granting rights of way. These bills are very long, members have a great interest in them, they involve no appropriation, there are a good many of them, and I think that if we devote one night session to the business a large number can be disposed of.

Mr. RANDALL. The bills granting rights of way involve, I suppose, no appropriation of public lands beyond that made for depots.

Mr. CRISP. I presume so. I will say to the gentleman from Pennsylvania that the Committee on Commerce, which I virtually represent in making this request, do not consider those right-of-way bills, but I coupled them in my request because I was informed that there were a good many such bills, which involve no appropriations.

Mr. RANDALL. Bills involving right of way might be subject to amendment by making grants of lands. I do not object to giving land for depots if they are 10 miles apart.

Mr. CRISP. If there is any question about the right-of-way bills I will modify my request so as to confine the evening session exclusively to the consideration of bridge bills to which there is no objection.

Mr. PEEL. There is a Senate bill which I intended to ask unanimous consent to have considered now. While it is a bill granting a right of way to the Utah and Northern Pacific Railroad Company, it also ratifies an agreement with the Shoshone and Bannock Indians. I should like to have that bill included in this order.

The SPEAKER. Does the gentleman from Georgia [Mr. CRISP] modify his request, or does he desire to have it put in its original form?

Mr. CRISP. If there be no objection, I shall leave the request unmodified.

The SPEAKER. The Chair understands the request to be for the consideration of bills of the character indicated to which there is no objection.

Mr. RANDALL. But some of us might not come here if we knew that no bills involving grants of the public domain were to be considered.

Mr. STOCKDALE. Mr. Speaker, I wish to say that there are some bridge bills, one for a bridge in my own district——

Mr. RANDALL. There is no objection to bridge bills if they conform to the general law.

The SPEAKER. The question is in relation to bills granting rights of way.

Mr. STOCKDALE. There is neither a right of way nor an appropriation involved in the bill to which I refer. It simply authorizes the construction of a bridge across the Mississippi River.

Mr. RANDALL. Bills granting rights of way might involve contests between corporations for the construction of railroads, and I would feel it incumbent on me to object to including right-of-way bills in the order unless I knew that they were free from the objections I have indicated.

Mr. CRISP. Then I will modify the request so as to confine the evening session to the consideration of bridge bills.

Mr. MAISH. A good many bills have been reported from the Committee on Military Affairs granting rights of way, which ought to be considered as soon as possible. They are bills which, I think, involve no controversy whatever.

Mr. RANDALL. The Committee on Military Affairs is likely to get a day.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] asks unanimous consent that a recess be taken at 5 o'clock until 8 o'clock p. m., the evening session to be devoted exclusively to the consideration of bills authorizing the construction of bridges to which there is no objection. The Chair supposes the request to include Senate amendments to House bills of that character. Is there objection?

Mr. BUCHANAN. Reserving the right to object, I wish to ask the gentleman from Georgia, whether the Committee on Commerce intends to make any effort to recover the two lost days.

Mr. CRISP. Oh, yes. I will state to the gentleman that the Committee on Commerce have reported perhaps more than one hundred and fifty bills——

Mr. BUCHANAN. Because there are bills reported from that committee which are just as important as these bridge bills, and we have

already passed more bridge bills than almost any other kind of legislation.

Mr. CRISP. The Committee on Commerce have a proposition pending before the Committee on Rules to secure two days for the consideration of their business, and from conferences that I have had with the Committee on Rules I think I can state that if time is given to any committees the Committee on Commerce will retain its place.

Mr. BUCHANAN. That, however, is rather a nebulous assurance.

Mr. CRISP. That is as far as I can go.

There was no objection to the request of Mr. CRISP for an evening session for the consideration of bridge bills, and it was so ordered.

BRIDGE ACROSS RED RIVER OF THE NORTH.

The SPEAKER also laid before the House the bill (H. R. 2527) authorizing the construction of a bridge across the Red River of the North by the Duluth, Rainy Lake River and Southwestern Railway Company, the bill having been returned from the Senate with amendments.

Mr. CRISP. I ask that this bill retain its place on the Speaker's table.

The SPEAKER. The Chair thinks that the order just made by the House would permit the Committee on Commerce to report back at this evening's session any House bill with Senate amendments to which there is no objection.

Mr. RANDALL. Regular order.

The bill, with the amendments of the Senate, was referred to the Committee on Commerce.

GENERAL G. CLUSERET.

The SPEAKER also laid before the House the bill (H. R. 474) for the relief of General G. Cluseret; which, with the amendments of the Senate, was referred to the Committee on Claims.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were respectively read a first and second time, and referred as indicated:

The bill (S. 489) for the relief of John Finn—to the Committee on War Claims.

The bill (S. 2816) to authorize the construction of a bridge for railway purposes across the Mississippi River between the States of Wisconsin and Minnesota, to be located north of and in the vicinity of the city of Alma, Wis.—to the Committee on Commerce.

The bill (S. 2875) to amend an act entitled "An act for the relief of certain settlers on the public lands and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 16, 1880—to the Committee on the Public Lands.

The bill (S. 1404) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road—to the Committee on Commerce.

The bill (S. 1786) to regulate appointments in the Marine-Hospital Service of the United States—to the Committee on Commerce.

The bill (S. 1582) for the relief of the estate of Lucien Goyaux—to the Committee on War Claims.

The bill (S. 2515) to provide pneumatic gun-carriages for the War Department—to the Committee on Appropriations.

The bill (S. 2658) to validate acknowledgments, taken before United States commissioners appointed by the circuit courts of the United States or by the supreme court of the District of Columbia, of deeds recorded in said District—to the Committee on the District of Columbia.

The bill (S. 3134) for the erection of an additional fire-proof building for the use of the National Museum—to the Committee on Public Buildings and Grounds.

FORT HALL RESERVATION, IDAHO.

The SPEAKER also laid before the House the bill (S. 2266) to accept and ratify an agreement made with the Shoshone and Bannock Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation in the Territory of Idaho, for the purpose of a town site, and for the grant of a right of way through said reservation to the Utah and Northern Railway Company, and for other purposes.

Mr. PEEL. I desire to make a request in reference to that bill.

The SPEAKER. The regular order has been demanded.

Mr. PEEL. I hope the gentleman from Pennsylvania [Mr. RANDALL] will allow me to ask unanimous consent that this bill be included in the order for this evening's session. It is a bill which the Department is very anxious to have passed.

Mr. RANDALL. If I yield in one direction I may have to yield in all.

Mr. PEEL. I hope the gentleman will allow me to submit the request for unanimous consent. A bill similar to this has been reported from the House committee and is on the Calendar. This bill meets the approval of the Department, and its passage is very important. It proposes to ratify an agreement which has already been made.

Mr. RANDALL. An agreement between what parties?

Mr. PEEL. An agreement by the Shoshone and Bannock Indians for the surrender of a portion of their reservation in Idaho for a town site, and for a right of way to the Utah and Northern Railway Company.

Mr. RANDALL. I understood the gentleman to say, a while ago, that the Committee on Indian Affairs had reported no bills granting rights of way through Indian reservations.

Mr. PEEL. This is to carry out an agreement by the Indians themselves. The bill is well guarded.

Mr. RANDALL. I prefer to have the regular order.

Mr. PEEL. I hope, then, the bill will be retained on the Speaker's table.

The SPEAKER. The Chair will withhold the bill for the present, if there be no objection. The Chair hears none.

INTERNATIONAL MARINE CONFERENCE.

The SPEAKER announced the appointment of Mr. BELMONT, Mr. RUSSELL of Massachusetts, and Mr. MORROW as conferees on the part of the House on the bill (S. 1851) providing for an international marine conference, etc.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 128) for the relief of John Fletcher;

A bill (H. R. 4691) for the relief of John P. Hageman;

A bill (H. R. 7255) for the relief of A. B. Tyan; and

A bill (H. R. 8372) authorizing the sale of a portion of the Winnebago reservation in Nebraska.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. CROUSE, for six days, on account of important business; and

To Mr. SHERMAN, until July 10, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the consideration of certain bills granting pensions which were postponed by the order of the House.

Mr. MATSON. Mr. Speaker, the bills that are set down for a hearing to-day were brought into the House with the object of having a full attendance, and a quorum of members present; the most of them, I think, having been brought here at the instance of my colleague [Mr. CHEADLE]. He informs me that he will still insist upon a quorum being present to vote upon them. It seems to be impossible to get a quorum now; and I understand the Committee on Appropriations desire to proceed with the consideration of the sundry civil bill. Considering the importance of having that bill passed before the end of the fiscal year, I ask that these pension bills, thirteen in number, I believe, be postponed for two weeks from Friday next.

Mr. MILLS. I can not consent to that. I think the pension bills ought to have remained in the Friday night sessions, and been there disposed of. It is a violation of the agreement for gentlemen who meet here on Friday nights to take up and partly consider bills and then send them forward to block other legislation in the House. If my friend from Indiana wants to postpone these bills—and I think they ought to be postponed—to some Friday night, and consider them at night, as was originally intended in making the order for night sessions, why, then, there is no objection. But I do object to setting apart a day for their consideration. We have important public business pending to be considered in the day sessions.

Mr. MATSON. In reply to the gentleman from Texas, I desire to state that it is not the fault of the members present at Friday night sessions that these bills were not considered then. It is the fault of those members who were not present, and who by their absence prevented a quorum.

Mr. MILLS. Yes; but it is the fault of those present to send them forward on the ground that a quorum was not present, and thus take up the time of the House for their consideration. It is a violation of the agreement.

Mr. MATSON. There is no violation of agreement. These bills are entitled to be considered just as much as any other bills.

Mr. MILLS. They are entitled to be considered on Friday nights.

Mr. MATSON. They are entitled to be considered on Friday nights; but when any gentleman makes the point of order of no quorum, the only possible way to dispose of them is to have them considered when there is a quorum present. If my friend from Texas and others would be present at Friday night sessions there would be no such trouble.

Mr. BRYCE. One of these bills was made a special order for the following day, just before the other bills were referred from the committee to the House; and it seems very hard that in that particular case a further postponement should be had, and that consideration should not be promptly given to it. It has now waited a long time.

Mr. O'NEILL, of Pennsylvania. If the gentleman from Texas will allow me to make a suggestion or explanation, I think he will not insist upon his objection. Perhaps the gentleman does not exactly understand the position of these bills?

Mr. MILLS. I do.

Mr. O'NEILL, of Pennsylvania. They passed during the pension

night sessions, except that on the final vote under the previous question the point of no quorum was made, and consequently under the rules of the House these bills came forward for consideration on the next day; but by consent their consideration was fixed for a certain date, to which day they were postponed with the privilege of fifteen minutes debate on each side. The previous question was ordered upon the bills, and they came over under that condition of affairs.

Mr. MILLS. I understand that.

Mr. O'NEILL, of Pennsylvania. I do not suppose that they could come up to-day; because there is not a quorum present, as the gentleman who objected perhaps to their consideration at the Friday night sessions does not wish them considered without a quorum. But it would be very unfair to those who were here upon the nights when the orders were made if they should not have a hearing in this House, and especially after the previous question has been ordered upon the bills.

Mr. MILLS. They ought to have been disposed of at the Friday night session. Gentlemen present ought to have had a call of the House if necessary to compel the attendance of a quorum.

Mr. MATSON. Mr. Speaker, I call up the first bill.

Mr. MILLS. I ask, for information, if the gentleman from Pennsylvania is going to move to go into Committee of the Whole on the appropriation bill?

Mr. RANDALL. I have no right to make that motion.

Mr. MILLS. You can by moving to dispense with the morning hour.

Mr. RANDALL. These bills are in order immediately after the reading of the Journal, the previous question having been ordered upon them.

The SPEAKER. They were not made a special order immediately after the reading of the Journal, but were postponed until to-day; and under the practice they can be called up at any time. Of course the question of consideration can be raised against any one of them.

Mr. RANDALL. But the previous question operates.

The SPEAKER. Yes; but still the question of consideration can be raised against any bill, the House having the right at any time to determine whether it will or will not proceed to consider.

The SPEAKER. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (S. 381) for the relief of Jesse H. Strickland.

Mr. MATSON. Mr. Speaker——

The SPEAKER. The Chair will state that no debate is allowed on this bill. Five of these bills are postponed with the agreement that there shall be thirty minutes' debate, fifteen on each side.

Mr. MILLS. I move to postpone the further consideration of these bills until Friday night next.

The SPEAKER. The gentleman can only move to postpone the one under consideration.

Mr. MILLS. Then I move to postpone that one.

Mr. O'NEILL, of Missouri. Better move to postpone it until some day session.

The SPEAKER. The gentleman from Texas moves to postpone the further consideration of this bill until next Friday evening.

Mr. RYAN. I hope that will not be done, because if postponed to some evening a quorum will not be present and the result will be that no action will be taken whatever.

Mr. O'NEILL, of Missouri. The object of the committee is to have a quorum present.

Mr. MATSON. I want to make a proposition.

The SPEAKER. The Chair desires to correct a statement which was just made by the Chair. The Chair stated that there were five of these bills upon which, by order of the House, there was to be allowed thirty minutes' debate. The Chair discovers that there are twelve of these bills, upon each of which debate is allowed for fifteen minutes on a side.

Mr. MATSON. I move to amend the motion of the gentleman from Texas by fixing the time for the consideration of the bill for next Friday a week; and further, to provide that the bill shall be considered immediately after the House assembles for the evening session. It will be impossible to get a quorum here on next Friday night.

Mr. MILLS. I will accept that.

Mr. MATSON. I ask unanimous consent that that order may be made as to all the bills; and I hope we will have a quorum here at that time.

Mr. BURROWS. Will the gentleman allow me to suggest that beyond all question there will be no quorum at that meeting, and the result will be to block all pension legislation.

Mr. MATSON. Why will there not be a quorum?

Mr. BURROWS. Because members will not come.

Mr. FARQUHAR. If they want the bills passed why will they not come?

Mr. BURROWS. The point is this: Under this agreement these bills are to be taken up first, and therefore that will block all pension legislation.

Mr. FARQUHAR. This is a part of the pension legislation that has been laid over.

Mr. BURROWS. Of course there are many cases in which no objection is made.

Mr. RYAN. This order was made because there was no quorum on the evening when the bills came up for consideration. The intention was to bring the bills up before the whole House, so that the action of a quorum of the House could be had upon the bills. We have not a full House now. I think that these bills ought to be postponed. They should be postponed to a day, not to a night. I agree that they ought to be postponed to some other time. It is a notorious fact that there is never a quorum here at evening sessions.

Mr. MACDONALD. Further than that, Mr. Speaker, if this motion is adopted it will simply have the effect to defeat the passage of any other pension bills; nothing more nor less.

Mr. BURROWS. Why could not some day be fixed for the consideration of these bills under an agreement that a vote be taken on all of them without debate.

Mr. BRECKINRIDGE, of Arkansas. Oh, no; that will not do.

The SPEAKER put the question, and was in doubt as to the result.

Mr. MILLS. I ask for a division.

The House divided; and thereupon there were—ayes 53, noes 42.

Mr. MORRILL. No quorum.

The SPEAKER. The Chair will appoint as tellers the gentleman from Texas [Mr. MILLS] and the gentleman from Kansas [Mr. MORRILL].

While the House was dividing the following took place:

Mr. SPINOLA. I ask the attention of the House for a moment. It strikes me, sir, that this is a question which can be solved now if gentlemen will have a little consideration one towards the other. I am prepared to go as far towards taking an early opportunity for legislation on pension matters as any member of this House, and notwithstanding my disabled condition I am willing to come here any evening that may be set aside for the consideration of these bills. I believe, sir, that is the shortest way to reach them; to fix either Friday night or some other night specially to consider these bills.

Mr. MCMILLIN. That is the proposition now pending.

Mr. SPINOLA. That is the proposition which, in my judgment, should prevail. I state that in the interest of the applicants for pensions. I believe if we adopt some course of that character we will be able to reach this legislation and dispose of it in the most satisfactory manner to all who are interested. I trust our friends will not make the slim excuse that we can not get a quorum at an evening session. We have agreed in our contract with the people of the United States to come here and discharge all our duties; and on this side of the House there seems to be no trouble. I appeal to our friends on the other side to unite with us in disposing of these matters at evening sessions. Let us not waste all our energy and all our sympathy at home in behalf of the soldiers; but let us discharge our duties toward them here. I believe, sir, this is the shortest possible way to do it; and I ask our friends on both sides of the House to consent to come here on some evening which shall be designated by a vote of the House to-day. It is evident we can not get action now. Every one knows there is no quorum present.

Mr. FARQUHAR. Do we ever have a quorum on Friday night?

Mr. SPINOLA. If members can not come let them stay at home, and let the soldiers understand they have suffered because members of Congress have been derelict in the discharge of their duties.

Mr. MILLS. I will modify my motion to meet the views of the gentlemen on the other side.

Mr. MORRILL. Let us fix upon three weeks from Thursday night.

Mr. MILLS. All right.

Mr. MORRILL. I simply wish to say I am not pressing for the consideration of these bills to-day.

Mr. MILLS. I ask unanimous consent that these bills may go over until three weeks from Thursday night.

Mr. MORRILL. I am utterly indifferent whether it be one week, two weeks, or three weeks.

Mr. MILLS. Then let it be three weeks from Thursday night; a recess to be taken from 5 o'clock until 8.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. RANDALL. I move to dispense with the morning hour for the call of committees.

The motion was agreed to.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of appropriation bills. The Clerk will report the pending amendment.

The Clerk read as follows:

Page 46, line 15, strike out "fifty-five thousand dollars" and insert "sixty-five thousand dollars."

Mr. RANDALL. I ask unanimous consent that the debate on this paragraph and all amendments thereto be closed in ten minutes.

There was no objection, and it was so ordered.

Mr. McSHANE. Mr. Chairman, I hold in my hand an itemized statement from the Commissioner of the General Land Office showing in detail the requirements of local land offices throughout the country for clerk-hire and incidental expenses. The amount is $217,000. Of this amount $171,600 is for clerk-hire, $32,115 is for office rent, $5,020 is for furniture, $3,618 is for fuel, $2,549 is for registration fees, and for findings the amount is $2,876. There are employed in the local land offices two hundred and one clerks, not including the clerical force employed in contest cases. In other words, there are employed for the necessary clerical work, exclusive of contest cases and the making of abstracts and copying of plats, two hundred and one clerks, and for payment of that service and all classes of incidental expenses this bill allows only $155,000. Deducting from the appropriation in this bill the amount that is absolutely necessary for rent of offices, there is left $123,000 for the payment of clerical force and other incidentals.

This makes the salaries of the clerks in the local land offices $615 each per annum, or about $51 per month. Now, it must be conceded by all that competent clerks for the performance of this service can not be employed for anything like $50 per month. In addition to that, the expenses for new furniture, for registration fees, and for findings must be deducted from this amount. This compels the registers and receivers of the local land offices to pay the excess of clerk-hire, and it is impossible to employ a competent clerk for less than $100 per month. The adoption of the appropriation in the bill compels the registers and receivers to pay from their own salaries of $3,000 a year each—not from the office fees, but from their salaries—$50 per month for clerk-hire. The Commissioner of the General Land Office informs me that his estimate for this service was $217,000, but that when it was sent to the Secretary of the Interior he was compelled by that officer to accept the estimate of $165,000, knowing when he did so that it would be impossible to pay for the service with that amount. Therefore, Mr. Chairman, with this statement of facts before him, I hope the chairman of the Committee on Appropriations will at least accept the pending amendment adding $10,000 to this appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDALL. Mr. Chairman, I want the attention of the committee for a few moments, because I wish to speak plainly in relation to this and kindred matters in connection with the public service. If I understand what brought the Democratic majority to this House, it was the assurance they gave the country that they would abolish all needless offices and reduce public expenditures wherever it could be done with safety. To that line of policy the Committee on Appropriations, in its majority at least, has strongly adhered.

We see that the last administration in its final year spent for these purposes $140,000; and in the face of that we are told by the Commissioner of Public Lands that the sum of $217,000 is necessary for this purpose for the next fiscal year.

Mr. McSHANE. That is, since the fees have been taken away from these officers.

Mr. RANDALL. Well, take from that the $80,000. The fees were never obtained fairly.

Mr. McSHANE. Still, they were in the hands of these officers all the same.

Mr. RANDALL. Yesterday this House increased the appropriation for registers and receivers $24,000 over the amount recommended by the Committee on Appropriations. Now, I want to say to this side of the House at least that the Committee on Appropriations have given months of attention to these questions, and have made an investigation into every item of this bill; and when they make their recommendations they make them upon a thorough review of all the facts. I say with deliberation that the Committee on Appropriations understand perfectly well that a number of these land districts ought to be dispensed with. Two of them have been dispensed with, as I understand, in Michigan; two more ought to be dispensed with in Minnesota; two more in Wisconsin; two more in Kansas. Why? Because in those districts nearly all the lands subject to entry have been surveyed, and the officers could be dispensed with without injury to anybody. In view of these circumstances the Committee on Appropriations think they have a right to expect, at least from the majority side of this House, support in their effort to adhere determinedly to the policy which put the representatives of our party in power here.

When in this paragraph we give $155,000, the sum which was expended last year, we make an adequate appropriation; and I say further that there is no purpose on the part of members of the Committee on Appropriations on either side to cripple the public service in any degree. I hope that, under these circumstances, the amendment will be voted down.

[Here the hammer fell.]

Mr. BLANCHARD addressed the Chair.

The CHAIRMAN. Debate on the amendment has been exhausted.

The question being taken on the amendment of Mr. BLANCHARD to strike out "fifty-five" and insert "sixty-five," so as to make the appropriation for contingent expenses of land offices $165,000, it was not agreed to, there being—ayes 15, noes 59.

The Clerk read as follows:

Depredations on public timber: To meet the expenses of protecting timber on the public lands, $75,000.

Mr. BLANCHARD. I move to amend the paragraph just read by striking out "75" and inserting "90," so as to make the appropriation "$90,000" instead of "75,000." I hope the gentleman from Pennsylvania is ready to accept this amendment.

Mr. RANDALL. I do not think that paragraph has been read.

The CHAIRMAN. The Clerk has just read the paragraph.

Mr. BLANCHARD. Mr. Chairman, I understood the gentleman from Pennsylvania, in his remarks a few moments ago, to state that there has been a consolidation of certain land offices, and that others ought to be consolidated; but he did not tell this House that there are now more land offices in existence than ever before in the history of this Government. He argued that there had been this consolidation, in order to show that the amendment adopted yesterday was improperly adopted; and he makes that statement in the face of the fact that although $500,000 was appropriated in the last sundry civil bill to cover salaries and commissions of the registers and receivers of land offices there was at the end of the year a deficiency of $60,000; and that, too, when there were fewer land offices in existence than there are to-day.

But, Mr. Chairman, since we have passed that paragraph, I will proceed to address myself to the amendment I have just sent to the desk. I will take occasion, however, to state that when the gentleman from Pennsylvania asserts that this side of the House should keep in line with the policy of economy which brought the Democratic party into power, I am fully in accord with him. I believe as thoroughly as he does in just and properly applied economy. But when we have before us the experience of past years, showing that every one of the appropriations which have been made to cover the expenses of this branch of the public service has been insufficient, I say a continuance in that line leads beyond economy and trenches upon parsimony.

Not one of these appropriations, made in years past, under the head of "Expenses of the collection of revenue from sales of public lands," has been sufficient to defray the just expenditures of that branch of the service, and the Committee on Appropriations know this fact. Under the head of "Depredations on public timber" they propose to appropriate $75,000, when the amount asked for by the Secretary of the Interior is $90,000.

Now, Mr. Chairman, what is done under this head of "Depredations on public timber?" The special agents appointed by the General Land Office are paid out of this fund. Their operations extend all over the United States where there are public lands, and their duty is to protect the timber on the public lands from those who would trespass upon it. The agents of the Government who protect the Yellowstone National Park are paid, I believe, out of this fund.

Mr. HOLMAN. Oh, no.

Mr. RANDALL. We make a distinct appropriation for that. The military authorities now take care of that park.

Mr. BLANCHARD. At any rate the timber on all the public lands of the United States is protected by the special agents of the Land Office, who are paid out of this fund. The number of these special agents I do not know, but they are many.

[Here the hammer fell.]

Mr. HERMANN obtained the floor and said: I yield my time to the gentleman from Louisiana [Mr. BLANCHARD].

Mr. BLANCHARD. The Commissioner of Public Lands in his last annual report, speaking on this subject of depredations on public timber, says:

TIMBER TRESPASS.

The appropriation of $75,000 for the prevention of depredations on the public timber is totally inadequate. The vast field to be covered, stretching from Florida to Alaska, can not be supervised by twenty-five special agents, nor can the determined efforts of timber depredators, many of them corporations with millions of dollars at their command, to despoil the forests of the country, be met by puny attempts to check their unlawful and disastrous acts. The service is more than self-supporting, and draws no money from the Treasury that is not more than returned to it by fines and recoveries.

It is no part of an intelligent or defensible policy to make timber depredations a source of revenue. The object to be attained is to save the forest lands from unlawful destruction, and if this can be accomplished by appropriating the whole of the receipts derived from trespass prosecutions there should be no hesitancy in allowing the administrative department the aid, at least, of the money it recovers. My estimate for the next fiscal year is $100,000 for this purpose, a modicum only, I must say, of the amount that could be beneficially and profitably expended.

It will be observed that the Commissioner of the General Land Office recommends $100,000 for this service. The Secretary of the Interior reduced that $100,000 to $90,000, and the Committee on Appropriations has still further reduced it to $75,000.

Now, Mr. Chairman, I repeat what I said in reference to the salaries of receivers and registers of the land office; that they are no charge to the public Treasury. The amount recovered by these special agents in the way of prosecutions, criminally and civilly, amounts to more than the sum which the Committee on Appropriations have embodied in this bill.

I hold in my hand a statement made by the Commissioner of the General Land Office, to which I call attention.

Statement showing actual results accomplished by the special-service division of the General Land Office from March 4, 1885, to April 30, 1888.

TIMBER-DEPREDATION BRANCH.

[Legal proceedings recommended for timber trespass.]

	Civil.	Amount involved.	Criminal.
March 4, 1885, to June 30, 1885	41	$215,147.83	61
July 1, 1885, to June 30, 1886	275	5,774,272.84	679
July 1, 1886, to June 30, 1887	222	2,082,236.72	493
July 1, 1887, to April 30, 1888	372	3,011,206.72	579
Total	910	11,082,864.11	1,812

[Amount recovered on account of timber trespass.]

March 4, 1885, to June 30, 1885 (estimated)	$30,000.00
July 1, 1885, to June 30, 1886 (from official records)	101,086.44
July 1, 1886, to June 30, 1887 (from official records)	128,642.09
July 1, 1887, to April 30, 1888 (from official records)	49,946.83
July 1, 1887, to April 30, 1888 (estimated amount recovered not yet reported)	90,000.00
Total amount recovered	399,675.36

Civil suits pending June 30, 1887, 323, involving $6,907,820.55.
Criminal suits pending June 30, 1887, 436.

Three hundred and ninety-nine thousand six hundred and seventy-five dollars and thirty-six cents is the amount recovered in the time mentioned and paid into the Treasury through the civil and criminal prosecutions of parties who had depredated on the public timber. It thus appears that this service is more than self-sustaining. If this is so, why should not an adequate appropriation be made to cover the expenses of the service?

There is no economy, Mr. Chairman, in a policy which denies it. I submit to the House that the sum of $75,000 is inadequate, and should be increased to the full amount of the estimate of $90,000.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, during the last year of the Republican administration $75,000 was given for this service. Every year since then that sum has been given, and the Committee on Appropriations recommend no increase be made therein.

It is true, with the expenditure of this money we got more back than we paid. One year we got $126,000 with $75,000 expended; but I submit to this House the object of appropriation is not so much to get money back as to create an apprehension in the minds of these depredators, so as to keep them away from these lands.

There is no deficiency and has not been during the number of years to which I have alluded. I hope, therefore, the amendment will not prevail, but that, on the contrary, the appropriation provided by the Committee on Appropriations shall be voted instead of the $90,000 asked by the gentleman from Louisiana.

The CHAIRMAN. Debate is exhausted.

Mr. McRAE. Then, Mr. Chairman, I move to strike out the last word.

I agree to much that the chairman of the Committee on Appropriations states in reference to this amendment, but I think when he understands what has been done by this Administration with such appropriations he will not longer object to the increase asked by the gentleman from Louisiana [Mr. BLANCHARD].

While this appropriation is the same as the one made for the last year of the Republican administration, that administration produced no such results as have been produced by the present Administration. It is not a waste of money to give all the Commissioner asks for, and so I think the amendment should be adopted. I have in my hand a statement prepared at the General Land Office showing what has been done, and I call the attention of the chairman of the Committee on Appropriations and of the country to the facts which it discloses. There are 910 civil suits pending for timber trespasses, involving nearly $7,000,000, and 1,812 criminal actions.

Since the 4th day of March, 1885, the present Administration has actually recovered in money on account of such trespasses upon timber the sum $399,675.36.

Mr. RANDALL. Do you not know all that is paid for out of another appropriation by the Department of Justice?

Mr. McRAE. Which?

Mr. RANDALL. That.

Mr. McRAE. I understand the expense of all suits are paid out of the appropriation made for the Department of Justice, but these suits for timber trespass are instituted by reason of investigations made by these agents. They are appointed for that purpose and are paid by the Interior Department. Without them it is utterly impossible for the district attorneys to prosecute successfully. If the Government expects results the Department and the courts must have the aid of the agents.

Mr. RANDALL. I say they have enough of agents, and I say when you come to look at the aggregate expense to the Government, it is largely in excess, and instead of the service being remunerative, when you come to add the fees of district attorneys, jurors, and everything of that sort, you will find in this matter of depredation on timber lands more is paid than is received. I think it is desirable to keep up the system in order to continue the apprehension on the part of these timber depredators, that they are not only to be mulcted in damages, but they are to be prosecuted criminally.

Mr. McRAE. It is hardly fair to count all the court expenses. I hardly think they are any larger than they otherwise would be. There are 1,812 criminal suits pending, instituted, I presume, on account of the vigilance of the timber agents or inspectors now in the field. If it is the policy of this Administration to continue to protect against such trespasses, then let us give money enough to get all of the agents needed in the field. It is, I think, the duty of this House to give the Department all the money that may be needed to get through with the investigations already commenced, and let these cases serve as a warning to trespassers in the future, rather than dole it out annually to keep up an apprehension in the minds of the evil-doers.

I do not want an organization of agents kept solely to terrorize the settlers of this country. The settlers require no such watching. If there is no necessity for these agents, no appropriation should be made, and the offices should be abolished. If the pending suits and investigations already commenced are to be prosecuted, I know that there is a necessity for them, and I hope the committee will give all the money that is necessary to get through with the matter and call off the force.

I will ask in this connection to insert in the RECORD a statement prepared at the Land Office, giving the figures bearing upon this question.

Statement showing actual results accomplished by the special-service division of the General Land Office from March 4, 1885, to April 30, 1888.

TIMBER-DEPREDATION BRANCH.

[Legal proceedings recommended for timber trespass.]

From—	Civil.	Amount involved.	Criminal.
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Total amount recovered	399,675.36

Civil suits pending June 30, 1887, *323, involving $6,907,820.55.
Criminal suits pending June 30, 1887, *436.

*These figures are taken from the United States attorneys' reports to this office. We can not make a statement of suits pending to a later date (except almost entirely by estimate), as but few of the United States attorneys' reports have been received for any portion of this fiscal year.

FRAUDULENT LAND ENTRY BRANCH.

Entries and filings canceled:	
March 4, 1885, to June 30, 1885	395
July 1, 1885, to June 30, 1886	1,168
July 1, 1886, to June 30, 1887	1,153
July 1, 1887, to April 30, 1888	960
Total	3,676
Estimated area in acres	632,160
Unlawful inclosures:	
Estimated area of public lands from which the illegal fencing has been removed, by or through the instrumentality of the agents of this office, acres	3,591,179
Total area restored to settlement, acres	4,223,339

Respectfully submitted.

B. B. SIMMES,
Chief Division "P."

Mr. RANDALL. These agents get about $1,400——

Mr. McRAE. Yes, I think from $1,200 to $1,400.

Mr. RANDALL. Yes, $1,200 and $1,400; and get their fare—that is, their mileage—and per diem for support, $3 a day, if I recollect.

Mr. McRAE. Yes, sir. I think that is about correct. They get their salary and all expenses or allowance for expenses.

Mr. RANDALL. And I hope, in this connection, that the recommendation of the Committee on Appropriations (being of opinion that this amount of money was sufficient for the employment of these agents) will be sustained.

Mr. McRAE. I do not of course pretend to know how many men are needed, and therefore defer to the Interior Department, whose duty it is to know. It asks for $90,000, and the committee gives $75,000. The difference is too little to be considered very long, when time

is as valuable as it is to the House at this time. Mr. Chairman, I do know that the adjustment of claims growing out of alleged trespasses by citizens of this country and manufacturers of the lumber, as well as the litigated cases and prosecutions, are very often delayed and continued for months, and sometimes years, on account of the inadequacy of the force whose duty it is to get the witnesses and a clear understanding of the case. It takes time and money to do this. People are slow to furnish evidence to the Government voluntarily.

Mr. RANDALL. I think the appropriations for this service come under the head of the Department of Justice. As I remember, the amount appropriated here goes simply to agents.

Mr. McRAE. I understand that, but the investigation of the facts necessary to be known before the actions are commenced or the prosecutions instituted must be made by these timber agents, who are also expected in some cases to be present at the trial to aid the district attorney. The Department wants more help.

Mr. RANDALL. Put more agents in.

Mr. McRAE. Then the appropriation is not enough, the agents will not work without pay.

Mr. RANDALL. The appropriation ought to be reduced to get rid of the dead wood. If these men are not competent to perform the duty others ought to be put in their places.

Mr. McRAE. The men are competent, and do perform their duties faithfully, as far as I am advised; but there are not enough of them to do what ought to be done.

Mr. BLANCHARD. Mr. Chairman, a word more in support of the amendment. Of course I am not fooling myself at all with the idea that the Committee of the Whole is going to adopt the amendment in the face of the objections of the Committee on Appropriations; but I am going to do my duty and point out the insufficiency of the appropriations so far as they pertain to the Land Office Department.

These special agents of the General Land Office, whose duty it is to protect the timber on the public domain from trespass, are relied upon to furnish the names and addresses of witnesses to prove the trespasses, whether it be under criminal prosecutions or in civil suits. On the 30th day of June there were pending in the courts of the United States three hundred and twenty-three civil suits, involving $6,907,520, and at the same time there were pending in the United States district courts throughout the country four hundred and thirty-six criminal prosecutions against timber trespassers.

In these cases the Department of Justice pays the expenses of witnesses who attend the courts to prove up the cases on the part of the Government; but the special agents of the General Land Office are relied upon by the Department of Justice to furnish the names of the witnesses to prove the facts and make up the case. This is the condition of affairs; and yet for this service throughout the length and breadth of this great country the Appropriations Committee recommend $75,000 instead of $90,000 asked for by the Secretary of the Interior, and that, too, in face of the fact that both the Secretary of the Interior and the Commissioner of the General Land Office have stated that $75,000 has heretofore proven entirely inadequate for this service.

Now if, in view of this statement of the facts, this House shall see proper to defeat the amendment, then let the responsibility rest where it belongs.

The question being taken on the amendment of Mr. BLANCHARD, it was rejected.

The Clerk read as follows:

Protecting public lands: For the protection of public lands from illegal and fraudulent entry or appropriation, $100,000.

Mr. McSHANE. I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out the words "one hundred thousand," in line 24, and insert "fifty thousand."

Mr. McSHANE. This, Mr. Chairman, is one branch of the public service where, in my judgment, a portion of the public money is uselessly expended. It is intended by this bill to appropriate $100,000 to be used for the employment of twenty-three special agents at nearly $5,000 per annum, including expenses per diem, etc. One hundred thousand dollars for prosecuting fraudulent land entries, and only $125,000 for the clerical force of two hundred and one clerks employed in performing the service, in all the local land offices, one hundred and eleven in number.

Now, it does seem to me that it does not require $100,000 to provide funds for twenty-three special agents, if any portion of that amount is used to persecute the honest settlers on the public domain.

Mr. LAIRD. That is correct.

Mr. McSHANE. I make the charge here on this floor upon well-founded information that a portion of these appropriations has been used by some of these special agents in the procurement of fraudulent affidavits against honest settlers on the public lands.

I repeat, for the procurement of fraudulent affidavits; and so far as I am concerned I am not in favor of appropriating a dollar for that purpose. I do not object to the appropriation of the public funds for honestly prosecuting fraudulent land entries; but I am opposed to appropriating the public funds for the persecution of honest claimants.

For that reason and in view of the fact that the appropriation for performing the clerical service in that department is, in my judgment, far below what it ought to be, and, as is well stated by the department itself, namely, that the department must be managed upon a starvation basis, I am in favor of reducing the amount for the prosecution of work in this branch of the service to a reasonable sum, at the same time giving them all the necessary funds in my judgment to prosecute the work of detecting fraudulent entries and to carry out the intentions of the law in that regard.

Mr. McRAE. Mr. Chairman, I rise to oppose the amendment of the gentleman from Nebraska [Mr. McSHANE]. Really I think the Land Department ought to have in this instance, as in the other, what it asks for. Certainly the amount proposed by the Committee on Appropriations should not be reduced from $100,000 to $50,000. There is no question but that this Administration has done a great service to the country in protecting the public domain, as well as reclaiming that which has been fraudulently entered by individuals and withdrawn for and granted to corporations under the Republican administration.

The showing is an excellent one, and reflects much credit upon the Interior Department. It was a difficult and hard work, and to be thorough and complete necessarily involved hardships and injustice to some honest people whose entries have been suspended temporarily. We all deprecate this fact, and as far as can be we want to avoid it in the future. With an increased force of good men under the control of the Interior Department as it is now organized, the practice about which we have heard so much complaint will cease. Much fraud has been committed against the Government, and in reaching and punishing it suspensions have been made that ought not to have been made, but there was no other way to get at it.

The fact that honest claims are suspended increases the necessity for an early investigation. To get this the Department must have more men. I desire to call attention to exactly what has been done with the small force employed with money that has been given for this purpose. The administration has in regular course of examination and proceedings canceled for abandonment, illegality, and other causes entries under the pre-emption, homestead, timber-culture, desert-land, mineral and timber-land laws from the 4th of March, 1885, to the 12th day of May of the present year, aggregating 27,460,608 acres, to say nothing of the thousands and millions of acres yet suspended and awaiting examination. I know among the suspended entries there are thousands of cases, perhaps, where the suspension ought not to exist; but with such results as these this House can not afford to say we will abandon the investigation and give nothing to aid in this important work.

The public domain must be protected against fraudulent entries of every character and kept as homesteads for actual settlers. This side of this House is pledged to that, and I think it intends to keep that pledge.

I do not indorse all that has been done by this Administration about these entries, because I think in a few cases they have suspended entries in localities where nothing ought to have been done. But it was an honest effort to protect the public lands. Taking it as a whole, the good is tenfold more than the injury that has come to the country. Coming into power under the pledge that we would reclaim and recover the lands that had been granted to corporations and syndicates, the Administration entered honestly and faithfully to work to do it. The work, as far as it has gone, has been thorough. The quantity restored by the executive department, exclusive of legislative forfeitures, amounts to over 52,000,000 acres.

The following table and statement shows the quantity of land actually restored to the public domain by the present Democratic Administration since March 4, 1885, exclusive of forfeiture bills:

Land actually restored to the public domain.	Acreage.
Lands in granted railroad limits restored	2,108,417.38
Railroad indemnity lands restored	21,322,690.00
Private land claims; withdrawn lands restored	576,000.00
Entries under pre-emption, homestead, timber-culture, desert, mineral, and timber land laws canceled in regular course of examination and proceedings in General Land Office for abandonment, illegality, and other causes	27,460,608.74
Invalid State selections restored to United States	968,747.52
Total actually restored to the public domain and opened to entry and settlement	52,437,373.59

With this showing there ought to be no objection to this appropriation from any friend of the administration. The settlers whose entries are suspended demand it as well as the Administration. How do you expect ever to dispose of these questions unless you provide the means? It is neither economy nor justice to withhold the money asked. Having suspended all entries in certain localities until we can overhaul and overtake the dishonest settlers, it is absolutely cruel to refuse to delay consideration. Give them a chance to be heard at once, and if their entries are honest let them have their patents. It is on behalf of the honest settlers of the country as well as the Department that I speak and ask that the appropriation be made. So I hope the amendment will not be adopted; but if there is to be any change at all let the

amount be increased to $150,000, as the Commissioner of the General Land Office has asked.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. LAIRD. Mr. Chairman, I move to strike out the last word.

This is by no means a partisan matter. It concerns the rights of the people, their rights in a particularly precious respect, their rights of property, their rights to possess their property without aggravation and embarrassment by uncalled-for surveillance on the part of the Government; it concerns the right of the poor to their all, their homes. I want sincerely to congratulate the Democratic party upon one thing: That at last there has come to this House a man with courage enough to stand up and tell the truth as he knows it about the management of these land affairs in the West.

We have had enough of detraction heaped upon these settlers by a ministerial officer regardless of the consequences of his reckless accusation or without a considerate examination of the premises on which he rests an accusation against a great class of people and a great section of country. I congratulate my colleague from Nebraska [Mr. McSHANE] upon the fact that he has stood here upon this floor and denounced a system which has grown up foreign to freedom, outrageous as far as the property rights of the people are concerned, and yet which has gone on for years, during the present Administration unchallenged, at the hands of men on the Democratic side who have scores of times told me in private conversation that they denounced the conduct of the Commissioner of the General Land Office so far as his treatment of the Western settlers was concerned.

The gentleman from Arkansas [Mr. McRAE] tells the House of the fruits of the labors of the secret agents of the Government. I have a great deal of respect for the gentleman from Arkansas. I have a profound respect for the gentleman who at present presides as Commissioner of the General Land Office. I can scarcely measure, I am frank to say, the absence of respect with which I view the gentleman who was his immediate predecessor, and who has fastened upon this country a policy infamous in its operation upon the rights of honest men.

The gentleman from Arkansas speaks of the number of claims that have been rescued from the hands of thieves and scoundrels in the West. I think my friend is mistaken generally, and so far as the agricultural West is concerned I know he is. I think the information from which the gentleman speaks—the daily history of the Land Department—is colored by the accursed policy of the man that Mr. Cleveland was compelled to fling from the official position which he had disgraced for three years, and this in deference to the inalienable rights of the settlers of the West whose property and honor he had assaulted without the justification of truth. And now let me say this, and in saying it let me add that my colleague from Nebraska [Mr. McSHANE] and myself can speak upon this subject with that authority which comes from personal knowledge.

We have known these men in Nebraska "from the ground up," because we knew them when they lived in the sod house, and have seen them evolve themselves from the sod house into the frame house and the happy home, and have seen the wild prairie, which science condemned twenty years ago as a desert, pass from the sea of grass in which the bison swam into a great land of schools, churches, colleges, thrift, civilization, and wealth. [Applause.]

Now, I say that the great presumption is, springing from the accomplished fact of the settlement and development of the West, that that which these men have done could not have been done by conspirators against law, could not have been done by perjurers, could not have been done by thieves, could not be accomplished by scoundrels. And yet until now the uncontested allegation has stood, so far as the Democratic side of the House is concerned, that these men were in a conspiracy against good government, that they were stealing the public domain by millions of acres, that they were achieving States by fraud, falsehood, and perjury.

Now, for the first time I have heard a Democratic voice raised to assert the truth as I know it, and scores of you Democrats of the South and West know it, and yet you and your party have through all those years stood mute while the fraud-frantic head of a great department of the Government was, in the name of reform and by means that would have disgraced the inquisition, robbing the settlers of the agricultural West of the homes they were struggling to found at the expense of every comfort, in the face of every privation, and sometimes at the cost of life itself.

I say I have listened for a voice to be raised on the Democratic side in behalf of the honest men, making the bravest struggle for a home that men have ever made since labor set its conquering foot upon the rock at Plymouth. I have listened for three years, and never until now have I heard it. You have dismissed our pleas saying they were partisan and for effect. Alas! can the soul of mortal man become deadened with prejudice that justice must speak through the prostituted voice of politics or remain unheard?

The gentleman from Arkansas says that 13,000,000 acres have been "rescued" by the policy of this Administration from cattle syndicates, etc., and I remember from my investigation of that subject that whatever amount may have been rescued from the clutches of the so-called conspirators against the public domain there are upon the records of the office something like 87,000,000 acres belonging to actual settlers now tied up, and how tied up? Tied up upon the complaints and the secret "informations" of these special agents that you are asked to give $100,000 to maintain them in the field.

Thirteen millions of acres taken from the guilty and 87,000,000 acres taken from the innocent—an undivine mission this. Punishment is apportioned by all the laws from God to man for the guilty and not for the innocent. From this "tieing" process the land west of the Missouri will never escape if you continue the policy of paid spies, whose confidential whispers, conceived and considered in secret, are received and accepted by the authorities here as sufficient ground for the cancellation of the *prima facie* title otherwise unchallenged and unimpeached.

Will this House vote money to further continue a system in which accusation is accepted as proof and suspicion as conviction? Where are the loud-voiced and long-tongued advocates of the Constitution on that side of the House who usually go about seeking for something to devour? Where are they, and why do they not lift their voices for the laws and the people, both of which must go down before this system? Where else than here, under any system, earthly or unearthly, is a man robbed of the presumption of innocence and convicted by assuming the truth of the charge that he is guilty? Out upon this un-American infamy that we are asked not only to endure but to pay for.

Let me give you an example. A friend of mine, if you please—a constituent—was accused by one of these agents. It was stated that his land had been procured by indirection, and that the evidence of the fact would be found upon the files of the General Land Office in the report of a special agent. I went to the Land Office and asked Mr. Sparks if I could see the report. He said: "In what capacity do you come?" I said: "I am asked to do so by this constituent."

A MEMBER. What do you mean by "procured land by indirection?"

Mr. LAIRD. It was charged by this special agent that the man from whom my constituent had purchased the land had not complied with the land laws——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN was recognized.

Mr. LAIRD. Let me complete this statement. It is due to public justice that it should be done.

Mr. HOLMAN. How much time does the gentleman want?

Mr. LAIRD. Five minutes.

Mr. HOLMAN. I yield to the gentleman for that time.

Mr. LAIRD. It was also charged that the man who had taken the land under the land laws had taken it with the understanding that he was to sell it to this constituent, who invited me to go to the Land Office and look at the record. I was asked in what capacity I came. I showed my letter asking me to examine the record. I was refused the opportunity to do so. I then asked, "Will you allow me as a member of Congress to see it?" The answer was, "No, sir." I said, "What have you done upon the accusation of this agent?" The reply was, "The claim of your friend has been canceled. It has been suspended, and he has been told that if he desires to appeal from the decision of the Commissioner of the General Land Office to the Secretary of the Interior, he may do so within a certain length of time."

Now, here was an accusation involving the title to property which, so far as the United States is concerned, is final. The title which he had received from the original settler was based on the final receipt, so called, of the register and receiver of the land office in the district in which the land was taken, which receipt, under the decisions of the courts, is not only *prima facie* evidence of title, but, under all the State and a recent United States circuit court decision in Oregon, vest the purchaser with a vested right, of which under the Constitution he can not be divested except by due process of law; and you, the makers of law, do not need to be told that due process of law is trial, public trial before a court of competent jurisdiction provided with a jury, and accompanied by the precious privilege of confronting and cross-examining the accusing witnesses.

This money is asked to perpetuate a system which possesses only the damning merit of the substitution of secret accusation for public proof, of the *ex parte* decision of a mere ministerial officer, based on the *ex parte* hearsay and unsworn statement of a spy, for the formal, public, and reviewable decisions of a court. The question is: Will you continue a policy which spoils men of their title on private accusation by a special agent, and denies the Representative in Congress, or any other person interested in behalf of the settler, access to that accusation, which is treated by officers of the Department as a private paper?

I have spoken from my personal knowledge of the matters discussed here and their effect upon our people, and I say there is scarcely a man in this House who, if he knew the facts as my colleague [Mr. McSHANE] and myself know them, from actual observation, would contend for an instant in favor of granting a dollar of this appropriation. It is outrageous, it is infamous in its operation upon the rights of settlers. You gentlemen of the South come here pleading against the invasion of your homes and premises by the revenue officers of the Government, and in the discussion of that subject you naturally grow warm. I come here in the same spirit, pleading for the right of my people to

enjoy their property without being harassed by the paid spies of a free government. [Cries of "Good!" on the Democratic side.]

A MEMBER (on the Democratic side). Help us to wipe them out.

Mr. LAIRD. I will.

Mr. Chairman, what is the state of business in the Land Office, and what are you doing by this amendment to afford a remedy? Do you not know that there are millions of acres the title to which is impeached by the mere *ipse dixit* of an executive officer having no particle of judicial power, millions of acres the title to which is tied up and nobody contests, nobody asks that the title of the settler shall be put in question? They are condemned unheard and hold their very homes at the mercy of a body of men paid to hunt them from the land into which is merged their toil and torture.

I will vote any amount of money which Mr. Stockslager, whom I believe to be an honest and conscientious officer of the Government, may ask for the purpose of expediting business and bringing to an end the delays which, by reason of the want of mere clerical force, have become so burdensome to the people of the West—the people interested in getting titles from the Government to their lands. But while I will do that, I will never vote a cent of money which will add to burdens that can never be relieved by any amount of clerical force at this end of the line. While there may be some trouble here, the great trouble which is causing this delay in regard to land titles is at the other end of the line, arising out of this system of special agents, who by the mere breath of suspicion can overturn the muniments of title which settlers have acquired by compliance with the law.

Mr. RANDALL. I would like to fix by consent a time within which debate on this paragraph may be closed.

The CHAIRMAN. What time does the gentleman suggest?

Mr. PETERS. I would like to occupy ten minutes.

Mr. BLANCHARD. I would like five minutes.

Mr. STONE, of Missouri. And I, five minutes.

Mr. TOWNSHEND. I would be glad to have five minutes. I suggest to the gentleman from Pennsylvania that he had better allow the debate to go on for a while without limitation.

Mr. HOLMAN. Three-quarters of an hour ought to be sufficient.

Mr. RANDALL. I ask consent, then, that the debate be limited to forty-five minutes; and I am willing to leave the distribution of the time to the Chair, except that I would like to control the last five minutes.

Mr. BLANCHARD. I shall object, unless the gentleman will increase the time to sixty minutes.

Mr. RANDALL. I have no objection to allowing sixty minutes, except that I mean to try and pass this bill to-day.

Mr. TOWNSHEND. That is right; we will stay with you.

Mr. RANDALL. If there is to be an hour's discussion on every paragraph, we shall not be able to do that.

Mr. PETERS. This is one of the few paragraphs on which there should be considerable latitude for debate.

The CHAIRMAN. Is there objection to the proposition of the gentleman from Pennsylvania to limit debate on this paragraph and amendments thereto to forty-five minutes?

Mr. BLANCHARD. I propose sixty minutes.

Mr. RANDALL. Let the House decide between us.

Mr. TOWNSHEND. The question recurs first on the amendment making it sixty minutes.

Mr. BLANCHARD. My proposition is to object to the forty-five minutes suggested by the gentleman from Pennsylvania [Mr. RANDALL].

The CHAIRMAN. Objection is made.

Mr. RANDALL. I move the committee rise.

Mr. TOWNSHEND. We have no quorum present. There are only fifteen minutes in dispute.

Mr. PETERS. I hope the gentleman from Pennsylvania will not object to granting us sixty minutes, as this is a very important question.

Mr. RANDALL. I insist upon my motion that the committee rise, as I want to pass the bill to-day.

Mr. PETERS. There is much more money recovered in these prosecutions than the appropriations which have been made for the service.

Mr. RANDALL'S motion was agreed to.

The committee accordingly rose; and Mr. BLOUNT having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 10540) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, and had come to no resolution thereon.

Mr. RANDALL. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the sundry civil appropriation bill; and pending that motion I move that all debate on the pending paragraph and all amendments thereto be closed in forty-five minutes.

Mr. BLANCHARD. I move to make it sixty minutes.

Mr. BROWNE, of Indiana. I move to make it thirty minutes.

Mr. RANDALL. I hope that amendment will be agreed to.

Mr. BROWNE, of Indiana. We understand this proposition as well now as we will by any further debate.

The SPEAKER *pro tempore*. The question first recurs on the amendment of the gentleman from Indiana, that the debate be limited to thirty minutes.

The question was put; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. RANDALL demanded a division.

The House divided; and there were—ayes 57, noes 19.

Mr. BLANCHARD. No quorum has voted.

Mr. TOWNSHEND. This question does not seem to be understood. Some members think the proposition is to give thirty minutes in addition to the forty-five minutes proposed by the gentleman from Pennsylvania.

Mr. HOLMAN. I hope gentlemen will consent to limiting the debate to forty-five minutes.

Mr. BLANCHARD. No; we must have sixty minutes.

The SPEAKER *pro tempore*. The Chair appoints as tellers Mr. FORNEY and Mr. BLANCHARD.

The House again divided; and the tellers reported—ayes 55, noes 36.

Mr. FORNEY. No quorum has voted, and I now ask, by unanimous consent, that, as a compromise, debate be limited to fifty minutes.

There was no objection, and it was so ordered.

The motion and the amendment and the amendment thereto were withdrawn.

The question then recurred on Mr. RANDALL'S motion to go into Committee of the Whole, and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The committee resumes the consideration of the sundry civil appropriation bill, and by order of the House all debate on the pending paragraph and all amendments thereto is limited to fifty minutes. The Chair recognizes the gentleman from Indiana [Mr. HOLMAN].

Mr. RYAN. How is the time to be divided?

The CHAIRMAN. Under the rule limiting debate to five minutes the Chair will recognize gentlemen on both sides, giving an equal portion to each side.

Mr. RANDALL. I ask to be recognized for the last five minutes.

The CHAIRMAN. Does the gentleman from Indiana rise to oppose the amendment or to favor it?

Mr. HOLMAN. I rise to oppose it.

Mr. MCRAE. I ask, by unanimous consent, to be permitted to insert in the remarks made by me on this subject some tables and other matter in addition.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. HOLMAN. Mr. Chairman, the gentleman from Nebraska [Mr. LAIRD] has spoken with too much passion to be either just or fair. I do not know what personal reasons the gentleman may have for bringing his personal controversies into this House, and that does not concern me. But it is not often that a member deems it just and proper that he should assail on this floor an absent citizen, especially one who for many years had been an honored member of this House, with terms of abuse and denunciation.

The judgment of the country, Mr. Chairman, is, I think, that in the employment of its officers and agents this Administration has been, as a rule, singularly fortunate. Whatever else may be said about the administration of Grover Cleveland, I think that all men of both political parties throughout the country accord to his administration an honorable purpose and a desire to secure to the people the blessings of good government. And I feel sure, sir, that the public judgment, in reviewing the multitude of men who have held offices under this Administration and the services rendered by each, if it selected one who had rendered a service of special and enduring value to the people, reflected especial honor on the Government, whose integrity rose above all question, who left the public service with the regrets of millions of people, that public judgment would without hesitation designate General Sparks, of the State of Illinois [applause], so recently at the head of the great bureau of the public lands.

I need not stand here, sir, to defend General Sparks. If any man of this period has established himself in the confidence of the people of this country for rugged integrity and firmness of character, of exalted devotion to the public service, that man is the late Commissioner of the General Land Office. [Renewed applause.]

Mr. Chairman, the sun in his course around this globe does not shine upon a man of purer heart, more sterling integrity, or of a higher sense of honor and duty than General Sparks, of Illinois. It is not necessary, sir, I repeat, to vindicate General Sparks. He is vindicated by all men who esteem high qualities and honorable and valuable public services.

And it was humiliating to this House to hear this gentleman, so long an honored member of this House, so recently filling with ability, unfaltering firmness, and unblemished character a high office of Government, whose great services are fresh in the memory of all men, de-

nounced as leaving the public service with discredit—driven from the public service by the President of the United States.

He was not driven from the public service.

What were the facts communicated to the American people by the Chief Magistrate of the nation in this connection? That he parted with the services of General Sparks with reluctance and regret; with a high appreciation of the services he had rendered the people and the honor he had done the Administration. The only charge that ever has been or can be made against General Sparks as an officer of the Government, was that he was too strongly devoted to his duties and too intensely abhorred injustice and fraud.

Mr. Chairman, men from both sides of this Chamber, something unknown in our past experience in this body, and perhaps in the history of Congress, Democrats and Republicans as well, impressed with the high value of the services General Sparks had rendered to the country, urged that his resignation should not be accepted, notwithstanding the embarrassment which they realized arose from General Sparks's conflict of opinion, on questions of the administration of the land laws, with the head of the Department, and requested in the public interest alone that the people should have the benefit of his services.

Let another instance be found in our time in the history of this body where its members in appreciation of the service of a man who had served on this floor with distinguished honor and credit, both to his State and himself, impressed with the value of his services in public station under the Administration, had appealed, without regard to political differences, for his remaining in office, notwithstanding the embarrassment to the public service of a conflict of opinion between the head of a great bureau and the chief of the Department.

The condition of that, the greatest of the bureaus of the Government, the General Land Office, charged with the interests of our public domain, the existence of countless organized schemes of wealth and corporate power to rob the people and obtain by fraud the lands which should be their future homes, demanded the presence of such a man as General Sparks.

[Here the hammer fell.]

Mr. MILLS. I hope the Chair will recognize me, and I will yield my time to the gentleman from Indiana.

The CHAIRMAN. It has been the desire of the Chair to recognize gentlemen alternately on each side in this discussion.

Mr. HOLMAN. I yielded, in the first instance, my time to the gentleman from Nebraska.

The CHAIRMAN. The Chair has promised to recognize the gentleman from Iowa next.

Mr. WEAVER. If I can be recognized I will yield four minutes of the time to the gentleman from Indiana, as he is saying what I wanted to say better than I could.

Mr. LAIRD. I want to ask the House to extend the same courtesy to Judge HOLMAN that it extended to me.

The CHAIRMAN. The time has been limited by order of the House.

Mr. BROWNE, of Indiana. I understood that this debate was given for the purpose of discussing the amendment.

Mr. HOLMAN. I was coming to that in a moment.

The CHAIRMAN. The Chair will endeavor to divide the time as nearly equal as possible.

The Chair understands the gentleman from Iowa to yield four minutes of his time to the gentleman from Indiana.

Mr. WEAVER. Yes, sir.

Mr. HOLMAN. I thank the gentleman from Iowa for this kindness.

Mr. Chairman, the whole country is well informed as to the circumstances under which General Sparks left the public service. A disagreement between himself and the chief of his Department rendered it impracticable for both to remain. General Sparks tendered his resignation, and under such circumstances the President was bound to consider the importance of harmony in the public service for the good of that service; and the President of the United States, with sincere regret, accepted that resignation. General Sparks left the service of the United States with the regrets of the whole people who loved honor and purity in public office, and with the regrets of the Chief Magistrate of the country. All coming time will appreciate the value of General Sparks's services and hold him in high esteem.

A word in regard to the amendment. I am surprised at the proposition of the gentleman from Nebraska [Mr. MCSHANE].

I am surprised that when all men know the public lands, now nearly exhausted, have been made a prey to plunder on every hand; that when a brave, strong, manly, honest effort has been made and is still being made to secure to the people the portion of the once great public domain yet remaining, a policy should be tolerated that should embarrass the most searching inquiry into the extraordinary means now being employed to appropriate the public land in violation of law, thus actually encouraging it by the refusal of Congress to adopt any means to prevent and defeat the frauds well known to exist.

Was it a Democratic measure to reclaim the public lands sought to be taken from the public domain by fraud and in violation of law for the purpose of dishonest monopoly? We are not entitled wholly to that honor. Mr. McFarland, an honest and upright gentleman, the predecessor of General Sparks, appealed to Congress for $400,000 for the purpose of ferreting out these frauds and reclaiming these lands from the public plunderers.

General Sparks renewed that recommendation and request, and still but $100,000 was given. I call attention to one single instance of the countless number—the Redwood plunder scheme of the Scotch syndicate, by which the fraudulent entry of 60,000 acres of the most valuable timber land of Humboldt County, California, was secured and a trust created through American agents by a Scotch syndicate, no member of which was a citizen or resident of this country—60,000 acres valued at $11,000,000.

Is it possible Congress shall say for the purpose of defeating such frauds no reasonable sum shall be given from the public Treasury? Is it possible a body of gentlemen can go from New York by proxy, not in person, into the Territory of Wyoming and enter under your desert-land law 54,000 acres of land and turn it over to a syndicate, an absolute fraud, such as my friend from Iowa exposed last evening, and Congress refuse to inquire into the fact? Do you say no money shall be furnished to ferret out that fraud, defeat it, and secure those lands for the benefit of the people? Your public domain is almost exhausted.

Do gentlemen know that such is the desire of monopolists to reach through fraud what remains of your public domain, now so fearfully reduced in extent that last year alone the entries and filings in your land system reached the enormous proportion of 38,377,039 acres, more acres than the great State of Ohio, more than the great State of Illinois, entered and filed upon in a single year. Do gentlemen believe this is all honestly done?

The reports of McFarland and of Sparks inform you that a large percentage of lands that are entered are entered fraudulently; not to secure homesteads, but to secure land for the purpose of speculating, for the purpose of monopoly. And yet it is proposed that the most precious wealth of this country, lands for homes for your people, shall remain without protection, while fraudulent schemes on all sides assail it.

Sir, the public interests are aroused on this subject. They demand that every acre of this land that can be secured for homes shall be secured for homes, and that not one acre of it shall be appropriated for monopolies or speculation through fraudulent means, through which, according to the best information we have, millions upon millions of acres have been taken. Can Congress afford to neglect so important a public interest?

[Here the hammer fell.]

Mr. WEAVER. In the moment reserved to me I want to say that I hope this committee will make ample appropriation to enable the Interior Department to protect the residue of the public domain from fraudulent entries. I want to say one other thing in defense of the late Commissioner of the General Land Office, General Sparks, of Illinois. A more conscientious and able public servant never occupied that position. Very few have ever occupied any position in this Government who were abler than he. Not only that, but I want to say here that if this Administration has made a mistake it was in allowing General Sparks to retire from that bureau. With his magnificent courage and his incorruptible honesty he was fighting a continent of thieves almost unsupported, single-handed, and alone. [Applause on Democratic side.] That is what I believe about it. I want to say another thing, that there is not a land-grabber on this continent of America who will not indorse the speech the gentleman from Nebraska [Mr. LAIRD] has made to this committee. [Applause.]

Mr. PETERS rose.

The CHAIRMAN. Does the gentleman from Kansas rise to speak in favor of the amendment?

Mr. PETERS. I am opposed to the amendment.

Mr. Chairman, no one can be so strong in the use of language as to displease me in the denunciation of all unlawful appropriation of the public domain. No one will go further than I will in supporting the integrity and honesty of Mr. Sparks, the late Commissioner. I have no fault to find with him as a man. I have no fault to find with his endeavors in trying to retain for the benefit of the public those portions of the public domain that have been sought to be monopolized by foreign syndicates, by cattle syndicates the world over. I am with him and with all those who commend him heart and soul.

But the difficulty with Mr. Sparks was not with the man, but the system that he used; the failure on his part to discriminate between sections which were given up for homestead and pre-emption and sections which were valuable only for cattle-pasturing or for the timber. That was the difficulty with Mr. Sparks. He placed the prairies of Kansas and Nebraska side by side with the large cattle ranches of Colorado, New Mexico, and Wyoming. He yoked the homesteaders and pre-emptors upon the lands of Kansas side by side with the men who attempted to defraud the public out of thousands of acres in Wyoming and in the Territories. In other words, he yoked the humble homesteaders who aimed to take possession of 160 acres of land in the same yoke and charged and branded them both equally with the foreign syndicates that came in here for the purpose of robbing our public domain of this land.

There is where I find fault with Mr. Sparks, and there is where I

find fault with this infamous system of sending out detectives to go to the houses and the homesteads of pre-emptors upon the prairies of Kansas and Nebraska, and there seek to spy out something that will enable them to make a report that will sustain or cancel the entry of the homesteader or pre-emptor. I bid these detectives God-speed when they go out to search for the great land grabs that have been sought to be appropriated by the cattle syndicates and the foreign syndicates. Confine them exclusively to that field, where they can do effective work, and where they will not commit injustice and outrage against people who have gone out to settle honestly on the Western domain, and then I will have no complaint to make, and neither will the people whom I represent.

Mr. SPRINGER. Will the gentleman allow me a question?

Mr. PETERS. I have but five minutes. As to my own district I speak knowingly, because I have been a resident of that district for years; I have seen the first furrows plowed in every county in it, and there are thirty-six of them; I have held courts in eighteen of those counties; I have held the first courts in nine of them; I have represented the district here since the Forty-eighth Congress; so I know whereof I speak when I say that this system, while it may be applicable, perhaps, to Colorado and Wyoming and some of the other Territories, is not applicable to my district or to my State. There was a time—and I suppose that is what the gentleman from Illinois [Mr. SPRINGER] was going to refer to—when there were cattle syndicates in the southwestern portion of my district, but they have disappeared before the settlers as the snow disappears before the noonday sun. There is not a cattle syndicate now in any portion of my district unless it be the "syndicates" that are organized by the homesteaders who have gone in there in good faith and taken up their 160 acres of land each and have thrown their cattle together into large bodies in order that they may be taken care of and herded more economically.

Mr. SPRINGER. You have traveled through your district?

Mr. PETERS. Every part of it.

Mr. SPRINGER. Have you not traveled for miles and miles in that State without seeing a single homesteader's cottage, although every acre of the land had been taken for homesteads?

Mr. PETERS. I have not. Years ago that was the case, but there is not a county of the thirty-six that has now a less population than 4,000 people.

Mr. SPRINGER. Then the gentleman admits that formerly the land had been taken for homesteads, although no homesteader's cottages could be seen upon it.

Mr. PETERS. No, sir; I do not admit that it was taken by homesteaders. I admit that it was squatted upon by cattle syndicates.

Mr. BLANCHARD. Mr. Chairman, I rise to oppose the amendment of the gentleman from Nebraska [Mr. MCSHANE] which is to reduce the appropriation under consideration from $100,000 to $50,000. In my judgment the amount should be increased $50,000 instead of being reduced that sum. The object of this appropriation is to protect the public lands from illegal and fraudulent entry. In other words, it is to furnish means to enable the Land Department of this Government to prevent what are called the cattle barons from absorbing and fencing in large portions of the domain of the people of the United States in the West, and also to prevent fraudulent homestead entries.

It was but a few years ago that the press of the country teemed with reports of the large area of the public domain in the West that was being fenced in by cattle syndicates without any warrant of law. The gentlemen from Nebraska, both of them who have addressed the committee, and the gentleman from Kansas [Mr. PETERS] who has just taken his seat, all know that in their own States in 1884 and 1885 there were cattle companies, some of them foreign, that had fenced in without authority of law vast tracts of the public land.

I hold in my hand a statement of the extent to which this had been done. In Kansas there were whole counties fenced in and large areas in the counties of Kingman, Pratt, Barbour, Butler, Harper, Comanche, and Lane.

Mr. PETERS. Will the gentleman allow me to interrupt him a moment?

Mr. BLANCHARD. I have only five minutes. It is true that in most of these cases, perhaps in all in the district of the gentleman from Kansas [Mr. PETERS], these unlawful inclosures of the public domain have been done away with. We all remember the action taken by Congress to abolish the evil and the proclamation of the President following it, and the vigorous action of the Government has doubtless resulted in the tearing down or taking away the majority of these fences. But all of them have not disappeared. Many still remain.

I hold in my hand a statement of the General Land Office, showing the number of acres wrested from these cattle barons to be 3,591,179; but there are still cattle companies and firms, and also individuals in the West, occupying portions of the public domain without warrant of law or right. It is in order to ferret out these people and establish the fact that they have inclosed the public lands without authority of law that this expenditure of $100,000 is required. The amount recommended by the Commissioner of the General Land Office for this purpose is $200,000. The Committee on Appropriations gave only half that amount, yet now the gentleman from Nebraska proposes to reduce the committee's amount one-half, making the appropriation $50,000, instead of $100,000. The estimate of the Secretary of the Interior is $150,000, and that is the sum which should be appropriated. I can not, Mr. Chairman, better conclude my remarks than by quoting from the last report of the Commissioner of the General Land Office on this subject. I commend his language to the House.

He says:

Three years ago my predecessor recommended an appropriation of $100,000 to protect the public lands from unlawful and fraudulent appropriation. Since that period the need of such protection has increased with the intensified demand for public land holdings for monopolistic and speculative purposes. Yet Congress at the last session allowed but one-fourth of the sum regarded as requisite under the preceding administration of the Government.

Both Congress and the Executive, not less than political parties, annually assert an intention that the public lands shall be preserved for actual settlement. No public demand is greater than that land monopoly shall not be fostered by the Government. Yet at the vital point, where these words are to be put into action, Congress fails to place in the hands of the executive branch the means to redeem these public promises and to prevent the indiscriminate waste and misappropriation which has for years dishonored the public-land system, and through which great areas of lands needed for actual settlement pass into the hands of speculators, syndicates, and corporations.

The executive department of the Government is now faithfully endeavoring to enforce the laws and suppress the systematic frauds which threaten the unlawful absorption of the bulk of the remaining body of public lands, and to recover those which have been fraudulently seized and unlawfully absorbed. If the department is to be sustained in this effort, if the public domain is not to be handed over bodily to land-plunderers and their more or less prominent associates and allies, then appropriations more commensurate to the nature and extent of the work to be performed than have heretofore been allowed should be supplied. I have estimated for $200,000 for the ensuing year.

Plainly speaking, this is not nearly the sum that is really needed or could advantageously be expended for the preservation of public lands for settlement purposes and to the great saving of valuable public property in coal and other special classes of lands. Any less appropriation than that asked for would be wastefulness of the inestimable treasure of the public domain for a penny saving in the taking care of it. Property worth a thousand millions at some nominal cash price can not be protected at the same expense as property worth a hundredth of that sum. The appropriations heretofore made appear to have been based upon little or no estimate of the value of the property, the extent of territory covered, the widespread persistence and enormous magnitude of fraudulent claims, nor the shrewd, unscrupulous character of the vast moneyed and other influences of the despoilers.

Public land is already scarce in the public-land States and Territories, not because there are no considerable bodies of land still belonging to the Government, but because of wholesale seizures and fraudulent dominion which bar out settlers and home seekers, or lay the tribute of speculative prices for the relinquishment of speculative claims. Much of this can be prevented, and much valuable land now unlawfully held or dominated can be recovered to the legitimate uses of the people if Congress furnishes the means to enforce the laws and stay their violation.

Mr. RYAN. Mr. Chairman, it is true that there have been frauds perpetrated on the public domain, and I have always been an advocate of every measure that would tend to secure a home for somebody upon every quarter section of land in the country.

I would do nothing that would take away from any one a home upon a quarter section of the public domain. But, sir, five years ago it was ascertained that cattle syndicates were fencing in the public domain where there was no settlement, that other syndicates were fraudulently entering the public lands and appropriating them to their own use. The lands thus occupied were always in large bodies, and were such lands as would attract the attention of those desiring to make settlement. Those were always notorious cases, the facts being easily ascertained, so that very little detective work was required. Congress then provided by law for this system, and appropriated $75,000 to enable the Department to send out agents to ascertain the real circumstances in the class of cases to which I have referred. That system has been followed up year by year. The second year we appropriated $90,000, the next year $90,000, for the current year $100,000.

Now there is not a solitary case where there has been a misappropriation of the public domain in large bodies that has not long since come to the notice of the Department. The only office now performed by these agents who are sent abroad over the country is to hunt out some irregularities in the entries which have been made by settlers, and report them to the Department, so as to have a settlement or adjustment of the settlers' claims arrested, and the entry possibly canceled on account of such irregularities, thus frequently expelling from his home a man who has in good faith made settlement, and perhaps putting in his place another who had incited the action of the agent against the settler.

In the State of Kansas to-day, I verily believe, no just complaint can be made that frauds against public land laws exist, although some settlers upon the public domain may have unintentionally committed some irregularities in making their entries. Complaints from this class come daily against this pernicious spy system. What is the result? One of these agents goes into a settlement, and from some one obtains information that is supposed to disclose an irregularity of some kind in the making of an entry. That irregularity is reported, and the settler is notified that he must defend his home. What is the effect? The whole neighborhood is thrown into consternation; a cloud is cast upon the settlers' titles in all that section of country. The result is that the settlers stand there constantly menaced with the danger of losing their homes, and the result is a general paralysis. Some of these settlers have been there for ten years; they hold what is known as the certificate of payment, upon which transfers have been accustomed to be made throughout the Western country. In many cases upon such transfers

others have succeeded to the homes of the original settlers. These agents having gone around and found irregularities in cases where the land has been occupied for a period of several years, the settler is either subjected to enormous expense in defending his home or is compelled to lose it altogether.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Chairman, I did not hear the remarks of the gentleman from Arkansas, or the gentleman from Nebraska [Mr. MCSHANE], who occupied the floor before I came into the Hall. I did hear a portion of the remarks of the gentleman from Nebraska [Mr. LAIRD], who last spoke, and I sought the floor immediately after he had taken his seat for the purpose of uttering some words in defense of the policy of the present Administration in regard to the public lands, and of refuting the insinuations which the gentleman has cast upon the character and services of General Sparks. The gentleman from Indiana and the gentleman from Iowa have, however, said perhaps all that is needed in defense either of the policy of the Administration or of General Sparks.

It is true, as has been said by the gentleman from Indiana, that no defense is needed of the course pursued by General Sparks in his administration of the Land Office. The record of his action there refutes every imputation upon his ability, fidelity, and honor. But, sir, while on the floor I may say that he is a constituent of mine and I have had knowledge of him for thirty years; through that period he has occupied various public positions, and in all of them he has proven himself to be the possessor of incorruptible honesty and unflinching courage in the discharge of public duty.

What has General Sparks done? When he was placed in charge of the Land Office he simply endeavored to faithfully enforce the policy of the new President. When Grover Cleveland came into office he inaugurated a new land policy—the policy of the party which elected him.

Mr. LAIRD. What do you say in regard to that officer's suspension of the homestead and pre-emption laws?

Mr. TOWNSHEND. The gentleman must not interrupt me now. I have only five minutes, and no time to go into details.

The CHAIRMAN. The gentleman from Illinois declines to yield.

Mr. TOWNSHEND. Mr. Chairman, during the period the Republican party was in power nearly 200,000,000 acres were given away to corporations. These were lands which belonged to the people, and should have been reserved as homes for actual settlers. One of the reasons why the people placed Grover Cleveland in the White House was that he might redeem the pledges of the Democratic party as declared in its platform, and reclaim the lands which had been stolen from the people. He faithfully entered upon the discharge of the duty which the people had assigned him. He selected as Commissioner of the General Land Office one who was noted for his sterling integrity and courage in the performance of public duty. While in that office General Sparks simply endeavored to carry out the will of the President and the will of the people. The only accusation that is made against him by his enemies is that he was overzealous in the performance of his public duty. Sir, he should be proud of such a charge. No higher compliment can be paid to a public man than that he is free from every charge except that of extra zeal in behalf of the public interest.

The gentleman from Nebraska [Mr. LAIRD] has said that Mr. Sparks was ejected from his office by the President. There is not a scintilla of evidence or fact upon which to base that charge.

The letter which the President sent to that officer when accepting his resignation testified in strong terms of his ability and rugged integrity. The President paid him one of the highest compliments which ever came from a President to a subordinate officer. Mr. Sparks was not removed from office, he resigned of his own will.

What was the condition of affairs when General Sparks went into the General Land Office? It has been stated by a distinguished Republican member of Congress, my colleague from Illinois [Mr. PAYSON], in the debate on this floor:

> Take the reports of the Commissioner of the General Land Office for the last four years and you can hardly find a page that is not bristling with accounts of fraudulent and fictitious entries——

The CHAIRMAN. The gentleman's time has expired. Five minutes remain in opposition to the amendment.

Mr. TOWNSHEND. I should like to have two or three minutes longer.

The CHAIRMAN. That can not be done, as there are only five minutes remaining in opposition to the amendment.

Mr. MCSHANE. How many minutes remain in favor of the amendment?

The CHAIRMAN. There are five minutes remaining in opposition to the amendment, and fifteen minutes in support of it.

Mr. MCSHANE. If no other gentleman desires to speak in favor of the amendment, I will yield five minutes of that time, if there be no objection, to the gentleman from Illinois to conclude his remarks.

Mr. PETERS. I would like to have five minutes more.

The CHAIRMAN. Is there objection to the gentleman from Illinois occupying five minutes longer out of the fifteen minutes remaining in favor of the amendment?

There was no objection, and it was ordered accordingly.

Mr. TOWNSHEND. Mr. Chairman, when interrupted I was reading from the CONGRESSIONAL RECORD some remarks made by my distinguished colleague [Mr. PAYSON] June 7, 1886.

He then said:

> Take the reports of the Commissioner of the General Land Office for the last four years and you can hardly find a page that is not bristling with accounts of fraudulent and fictitious entries, sometimes amounting to 30,000, 40,000, or even as high as half a million acres in inclosures based on these fraudulent entries. I have papers in my desk covering cases where at least a half million acres have been taken under fictitious entries.

I have no time to go into the details of the many iniquitous frauds which have been practiced under previous administrations of the General Land Office. I do not say who was responsible for the frauds; I only say now they existed, and a strong hand was needed to stop them. The new President, his Secretary of the Interior, and Commissioner of the General Land Office set themselves faithfully to the task of preventing further frauds and reclaiming lands obtained under fraudulent pretenses. And well have they discharged that solemn duty.

Sir, one of the grandest of the many great achievements of reform by the present Administration is that which it has accomplished in reclaiming the lost homes of the people and protecting them from further spoliation. As I have already said, nearly 200,000,000 acres were taken from the homes of the people and donated to corporations under Republican administrations, not one single acre of which was reclaimed or attempted to be reclaimed under any of the preceding Republican administrations.

Now, what has been done since the Democratic party came into power here and in the White House? What have we done in redemption of our pledges? I have official data to show that during the last three years the Democratic Administration has restored over 80,000,000 acres of lands to the public domain; and, in addition to that vast area, the Secretary of the Interior and the Commissioner of the General Land Office have recommended further reclamations to the extent of over 65,000,000 of acres, showing as the grand total result of Democratic policy in this regard, when fully carried into effect, restoring over 145,000,000 acres of the nearly 200,000,000 of acres taken from the public domain by improper legislation.

I desire to call attention to the following table, containing a recapitulation of statement showing the quantity of land actually restored to the public domain, and of land recommended for recovery by the action of the General Land Office and Secretary of the Interior from March 4, 1885, to May 12, 1888:

	Acreage.	Total acreage restored.
LAND ACTUALLY RESTORED TO THE PUBLIC DOMAIN.		
Lands in granted railroad limits restored	2,108,417.33	
Forfeiture of railroad grants under acts of Congress	28,253,347.00	
Railroad indemnity lands restored	21,323,600.00	
Private land claims, withdrawn lands restored	576,000.00	
Entries under pre-emption, homestead, timber-culture, desert, mineral, and timber-land laws canceled in regular course of examination and proceedings in General Land Office for abandonment, illegality, and other causes	27,400,608.74	
Invalid State selections (internal improvements and swamp)	968,747.52	
Total actually restored to the public domain and opened to entry and settlement		80,630,720.59
RECOVERY OF LANDS RECOMMENDED.		
Land within railroad grants recommended for recovery:		
Recovery of land recommended and pending for review of Secretary	12,300.00	
Recovery of land recommended and pending on appeal before the Secretary	1,500,000.00	
Suits recommended for the recovery of land	818,687.18	
Railroad forfeitures under bills now before Congress	*51,323,995.00	
Private land claims:		
Recommendations to Congress to reject claims heretofore favorably reported	4,732,480.15	
Resurveys ordered reducing areas of claims	629,500.00	
Suits recommended to vacate patents	635,255.00	
		63,652,218.33
Lands forfeited in Oregon and recommended for recovery under grants for military wagon-roads		2,368,339.00
Grand total actually restored to the public domain and recommended for recovery		145,711,258.92

*Under the bill which recently passed the Senate the quantity of land forfeited will equal 5,627,436 acres; but the aggregate quantity forfeited under the bills of the two Houses, if adopted, will equal 51,323,995 acres as above.

I have nothing further to say but to thank the House for the extension of my time.

Mr. LAIRD. Mr. Chairman, it is a matter of indifference to me what the gentleman may think of a question not at issue, namely, Mr. Sparks. I have no malice toward the official dead.

But since gentlemen on that side wish to drag the name of the defunct Commissioner into the debate I certainly have no objections. I had no respect for him in office and none out; he was oppression incarnate to the West; with a bigoted madness which you confuse with virtue, he struck down the rights of millions of toiling men and drove other millions of half-starved and half-clothed women and children out from the shadow of miserable homes, scarcely better than those of the beasts of the field, but still their all. He not only did this, but he led a conspiracy against the destinies of the yet unborn Dakotas, Montanas, and Wyomings. If you love him for what makes him abhorrent to the settlers of the West, do so; let even the devil have his due.

Sparks suspended all the claims in the Western country, and suspended them without authority of law. I charged it here, and I repeat it now, and I challenge contradiction of the statement, that he did it without authority of law and upon perjured testimony and subornation of perjury of these special agents, hirelings of the Government, and instituted by himself.

That was the policy which was pursued so unhappily and so oppressively to my own part of the country and my own people.

But the gentleman says there is not a land-robber who will not applaud the remarks that I made. Even so, because the land-robber not yet morally dead can appreciate the distinction between justice and injustice. But let me tell the gentleman from Indiana [Mr. HOLMAN] this, that there is not a homesteader west of the Missouri River who will not approve of what I have said, not a toiler who is eking out his miserable existence in the tedious battle day by day with the sod and the sun but what thanked God when this Herod of the Land Office, whose spies were hunting the innocent and the guilty alike, was sacrificed by a long-suffering Administration, which at last, in very self-defense, removed this appalling menace to the rights of the people and its own perpetuity.

I repeat, not a homesteader engaged in the honest effort to hold a claim but what took new hope from his political demise, and who will now applaud what you provoke me to say. And this is true regardless of party. Sparks's career began and ended in suspension. He suspended the claims, the laws, and was himself suspended. After the suspension of all the claims, which order was revoked by the Secretary—and the Secretary was rewarded by having a place on the wool-sack, and he might have had the golden fleece—after suspending the claims he suspended the laws, and after suspending the claims and the laws he was finally suspended, by the gentleman at the head of the Government, himself.

And now, in the estimation of my distinguished friend from Illinois [Mr. TOWNSHEND], he is sanctified and glorified, and if so, political death was a good thing for him.

Mr. TOWNSHEND. He was not suspended; he resigned.

Mr. LAIRD. Resigned! Well, perhaps he was resigned, but I doubt it, and if so, he had to be.

I want to say to the House, outside of all this political rot about Sparks——

Mr. SPRINGER. That is right.

Mr. LAIRD. That is, in behalf of Sparks——

Mr. SPRINGER. Oh, that is another question.

Mr. LAIRD. That the reason why, in the agricultural regions affected by this system, there is no possible need for surveillance is to be found in this fact: There are, for example, a thousand claims in a county, each one of which when it passes from the Government into the inchoate title under the guaranty of the receiver's receipt being worth from $500 to $1,000. For every thousand claims covered by such titles there are from five to ten thousand seekers, and if there is a flaw in the title the man who has possession, if he has not made a careful compliance with the law, if he has not plowed, if he has not made improvements, if he has not built a house, if you please, and if his occupancy has not been in accordance with the law, there are a hundred men to point out the defect and prove it in a contest.

The contestant can go to the Land Office, contest the title as against the man who holds the land, and take it from him by due process of law on showing the facts; and the rights of the people are thereby protected against the interest of those who hold the title illegally by contests instituted by those who are seeking to obtain honest title to the public domain. All these harangues, therefore, about monopolies and about cattle syndicates operating on the public domain, and all that sort of thing, are, as a matter of fact, the merest humbug so far as Nebraska, Kansas, and most of Colorado is concerned. There are no cattle syndicates in Nebraska and Kansas, nor are there many in the country east of the Rocky Mountains—in Colorado.

The cattle business many years ago struck the high-water mark when the rain-fall passed hundreds of miles into the interior; when buffalo grass gave way and was supplanted by the blue joint, which is not of the character required for grazing purposes. That condition of things brought about many changes. The ranches are abandoned and owned by settlers; the cattle have gone to New Mexico and Arizona and to the other Territories; and under the operation of natural causes the great herds will soon exist only in history.

[Here the hammer fell.]

Mr. McSHANE. I now yield three minutes to the gentleman from Kansas [Mr. PETERS].

Mr. PETERS. Mr. Chairman, I take the floor simply to call attention to an instance which appears in a paper published in my district showing the operation of this system of detectives in a homestead State. This paper says, and I desire to call the special attention of the committee to it:

We had a case come to our observation the other day. It is that of a lady in the south part of this county, who, coming to this county when the best claims had been taken, bought a piece of land from the pre-emptor, and up to date has paid out for purchase money and improvements the sum of $850. The other day, three years after proof had been made, she received a letter from Rowe citing her to appear before him at Larned in four days from the time she received the letter with witnesses, to convince him that he ought not to report the land for cancellation. This lady belongs to the noble army of Kansas school ma'ams, and is struggling heroically with the hardships of this year. It is a case of special hardship, but is only one in many that this man has selected for interference.

Now, that will instance one of a good many similar cases that take place in that country. Here is the case of this lady who went and purchased the right from the pre-empter when he had proved up and obtained his final certificates from the land office. There was a guaranty given by authority of the land officer that this man had complied with all of the provisions of the law. She goes out, pays for this land, and gets his right, and then three years from the time that she proved up and paid out her money, going on all the time making these improvements, she gets a notice from this land detective, giving her four days in which to go back three years, look up the witnesses that proved up for the pre-emptor from whom she bought, and get those witnesses to the land office 75 miles away, in order to convince him the former pre-emptor had complied with the law.

A MEMBER. Suppose she did not do it?

Mr. PETERS. In that case her title would have been canceled and all the money she paid to the pre-emptor and all the money she paid for improvements, $850, which this poor woman had made by schoolteaching and by hard work, would have been frittered away and would have gone into the coffers of the Government; it would simply have been stolen from her, because some man had the impudence to go down and complain to the detective that the person she bought from three or four years ago had not complied with the law.

[Here the hammer fell.]

Mr. McSHANE. In offering the amendment to this paragraph and in any remarks I made in support of the amendment I do not recall that in any manner I cast any reflection upon the Commissioner of the General Land Office or the management of the General Land Office so far as the administration of that office is concerned. That was far from my mind, but the action and procedure of the special agents in the field is what I object to. In providing the necessary funds to enable the General Land Office to detect frauds and prosecute fraudulent entries I will go as far as any gentleman on this floor.

But I say here that the special agents of the General Land Office in the field do not confine themselves to the fraudulent entries on the public lands, but rather, in my section especially, to the prevention of honest homesteaders from securing titles to their claims. This is what I object to. I believe $50,000 is amply sufficient to provide the necessary special agents for the detection of fraudulent entries by cattle syndicates, or any other syndicates, either foreign or domestic, in their fraudulent land entries. Hence, it is not necessary that we should appropriate $50,000 additional for the purpose, as I have named, of persecuting honest homesteaders in the agricultural States of Nebraska and Kansas.

I say that this money has been to a certain degree squandered, and I say further that this fraud has not been perpetrated by Democratic officials or special agents, but in most cases by Republican special agents who have held over from preceding administrations.

Mr. LAIRD. Put them out.

Mr. McSHANE. Some of them have been put out.

Mr. LAIRD. Put the rest out.

Mr. McSHANE. I say that those special agents have carried on this process of the persecution of honest homesteaders to an extent working great hardship and inconvenience to those poor people who have undergone the hardships and sacrifices of frontier life to the end that they might secure homes for themselves and their children.

I have knowledge of cases where the special agents have expended $1,800 in an endeavor to procure testimony that would defeat the claim of a settler. After expending this amount of money they found the title of the settler complete as it was possible to make it; that he had in every particular complied with the law. Even after expending this amount of money the special agent made request of the General Land Office for $1,200 more to continue the prosecution and the gathering of testimony against this settler. That would make $3,000 expended in prosecuting one case.

After spending the $1,800 and finding nothing, he suspended the case until he could get $1,200 more.

This is a matter I am opposed to. Those are the proceedings to

which I am opposed to appropriate money to continue. But so far as the honest prosecution of fraudulent land entries, whether they are made by individuals, cattle syndicates, or any other syndicates is concerned, I will go as far as any gentleman in appropriating the necessary funds.

Mr. RANDALL. The Committee on Appropriations made an exhaustive investigation, and amid conflicting statements on the one hand that frauds were practiced in the expenditure of the money and that the money was dishonestly gotten rid of, and on the other th t this appropriation was essential to the recovery of the land disposed of under fraudulent and illegal entries, we reached the conclusion to give the same amount this year we did last year, $100,000. There is nobody but what advises the expenditure of this money for the breaking up of illegal and fraudulent entries. If this money was expended improperly then the responsibility rests with the administrators of the law not with Congress. We give the amount necessary, and the Commissioner of the General Land Office and those under him had better see that the money is honestly expended, rather than indulge in such flippant utterances as that Congress is keeping the Land Office on a starvation basis. There is plenty of time for the officials to look after the integrity of the expenditure of this money instead of taking the trouble to reflect upon the acts of those here in a representative capacity. I hope, therefore, the judgment of the committee in giving $100,000 will be adhered to, and that no amendment to increase or decrease it will be adopted.

Now, a single word in conclusion as to General Sparks. I sat here many years with General Sparks and learned to know that he was a man of the strictest integrity, and in his public career quite beyond temptation; and I realize the fact, as many others do here and elsewhere, that his removal was a public misfortune.

Mr. HOLMAN. His resignation.

Mr. RANDALL. I understand resignations enforced and I understand removals; and I think I applied the proper term when I said he was removed. But I do not think he was removed by the wish of the President of the United States. The responsibility rests in that connection elsewhere. Perhaps there was a sort of general co operation or machination on the part of those who were interested in the omission of the execution of the law.

That was the trouble with Mr. Sparks, and in my judgment he can stand before his country as a publ.c official against the utterances of any man. I believe that his public career is without blot or blemish. [Applause on the Democratic side.] Now I ask for a vote.

Mr. EZRA B. TAYLOR. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EZRA B. TAYLOR. Has the committee voted to limit discussion upon this amendment?

The CHAIRMAN. There was a limit fixed and that limit has been reached.

Mr. EZRA B. TAYLOR. I was desirous of speaking a few minutes upon this amendment, not against it nor in favor of it, but to correct a matter of history which has been brought into the discussion.

The CHAIRMAN. The time is exhausted. The question is on the amendment of the gentleman from Nebraska [Mr. MCSHANE].

The amendment of Mr. MCSHANE, reducing the appropriation from $100,000 to $50,000, was again read.

The committee divided; and there were—ayes 18, noes 54.

So the amendment was rejected.

Mr. STONE, of Missouri. Mr. Chairman, is there an amendment to that paragraph pending?

The CHAIRMAN. There is not.

Mr. STONE, of Missouri. I move to amend by inserting, after the word "hundred," in the twenty-fourth line, the words "and fifty;" so as to make the appropriation $150,000. That is the amount recommended by the Department.

Mr. TOWNSHEND. I move to amend the amendment by striking out "fifty" and inserting "twenty-five."

Mr. RANDALL. The committee recommend the same amount as last year.

The question was taken on the amendment of Mr. TOWNSHEND to the amendment of Mr. STONE, of Missouri, and it was rejected—ayes 8, noes 49.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. STONE].

Mr. EZRA B. TAYLOR. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. EZRA B. TAYLOR. I rise to oppose the amendment.

The CHAIRMAN. The Chair will state that debate is exhausted upon the pending paragraph and all amendments thereto. The Chair will recognize the gentleman from Ohio on the next paragraph if he desires.

Mr. STONE, of Missouri. If the committee are willing to increase the amount $25,000 I withdraw my amendment.

Mr. LAIRD. I offer the amendment which I send to the desk.

The amendment was read, as follows:

Provided, That the reports of the special agents made pursuant hereto shall be open to public inspection, and parties interested in the good faith of the entries attacked shall be entitled to a copy of any report affecting such entry upon application.

Mr. HOLMAN. I make the point of order that that is new legislation. I think it is very safe to trust this matter with the Commissioner of the General Land Office, who has been cordially indorsed by both sides of the House.

Mr. LAIRD. I make the suggestion that on the information furnished by these reports of special agents the judicial rights of entrymen are affected, and consequently the reports ought to be open to inspection.

The CHAIRMAN. The Chair knows of no law which authorizes the action proposed by the amendment. The Chair therefore thinks the amendment is subject to the point of order, and the point is sustained.

The Clerk read as follows:

Settlement of claims for swamp-land and swamp-land indemnity: For salaries and expenses of agents employed in adjusting claims for swamp-lands, and for indemnity for swamp-lands, $20,000: *Provided*, That agents and others employed under this and the appropriations for "Depredation on public timber" and "Protecting public lands," while traveling on duty, shall be allowed per diem, in lieu of subsistence, at a rate not exceeding $3 per day, and for actual necessary expenses for transportation.

Mr. HOLMAN. I wish to make a motion to amend this paragraph. It is very seldom that I submit a motion to increase the amount of an appropriation, but I think that the Committee on Appropriations, in view of the condition of this branch of the service, ought to permit a slight increase in the amount. It is very important to the swamp-land States, as well as to the General Land Office, that the selection of swamp lands shall be completed at as early a day as possible.

Mr. RYAN. Does not your proposition exceed the estimates?

Mr. HOLMAN. I have not looked at the estimates, but I presume not.

Mr. RANDALL. The annual appropriation for this purpose has been for many years the amount fixed in this bill, and that has also been the amount of the estimate for many years.

Mr. HOLMAN. Well, if that is the estimate, I shall not press my amendment; but at the same time I am satisfied from my knowledge of this matter, with which I have become familiar of late, that the Commissioner of the General Land Office makes a mistake. I think that the examination of these swamp lands ought to be concluded at the earliest possible moment for many reasons; but inasmuch as the Commissioner has not suggested any larger sum than is appropriated here, I withdraw my motion.

Mr. EZRA B. TAYLOR. I have heard to-day in the discussion of a previous proposed amendment, and frequently at other times in the House, statements concerning the granting of public lands to corporations, which I wish to correct.

It has been assumed that the Republicans initiated the policy of such grants, and that the Democrats initiated the policy of forfeiting such grants so far as they were unearned. Both these assumptions are unfounded. The Democratic party, between 1851 and 1860, before the Republicans came into power, granted to railroad corporations, as I now remember, some 42,000,000 acres of the public domain.

The Republicans in the Forty-seventh Congress, through their Committee on the Judiciary, reported a bill relating to the grant to the Ontonagon and Brulé River Railroad under an act of Congress passed in 1856, it being one of the most objectionable of all the grants. I reported the bill myself from that committee. I presented it to the House under the suspension of the rules, and it failed, members on both sides of the House voting against it.

Mr. HOLMAN rose.

Mr. EZRA B. TAYLOR. I do not yield. Five minutes do not afford me more than sufficient time to say what I desire to say.

I think my statement correct, and according to my recollection, though I may be mistaken, that was the beginning of the attempt to forfeit land grants. I remember no earlier case. The principle on which forfeitures of land grants might and should be made was fixed by the Forty-seventh Congress, which was Republican.

The fact is that granting lands to aid railroads was at no time a party measure, nor has the forfeiture of such grants since become a party measure.

We see now that such grants were carried too far, and that they were unwise, as well as vicious in principle.

I say that in view of the circumstances the indiscriminate condemnation of those grants is an indiscriminate condemnation of all parties. When the occasion arose for the people to see that a change of policy was necessary, men of all parties went forward jointly to redeem, as far as possible, and restore to the public domain the lands which, having been granted for railroad purposes, were subject to forfeiture. No political capital should be claimed in this matter on either side; for surely none justly belongs to either party. The Democratic party gave away 40,000,000 acres of the public land in the beginning—the best of all the lands we have ever had.

[Here the hammer fell.]

Mr. EZRA B. TAYLOR. I withdraw the *pro forma* amendment.

Mr. RANDALL. I wish to say a few words by way of reply in part to the gentleman from Ohio [Mr. EZRA B. TAYLOR]. If I remember rightly, all the lands granted for the purposes referred to prior to the

advent of the Republican party to the political control of the country did not exceed 30,000,000 acres, and all of that land, I think, with scarcely any exception, was granted to the States.

Mr. TOWNSHEND. Not a single acre was ever granted to any corporation by the Democratic party.

Mr. EZRA B. TAYLOR. Will the gentleman from Pennsylvania allow me——

Mr. RANDALL. I can not yield now.

The CHAIRMAN. The gentleman from Pennsylvania declines to yield.

Mr. RANDALL. In respect to those grants made before the advent of the Republican party to power, the responsibility for the objects to which the land was devoted was with the States, not with the Federal Government or any branch of it. I wish to say further, that when the Democratic party came into power in the Forty-fourth Congress there ceased to be any land grants to corporations.

Mr. RYAN. I want to ask——

Mr. RANDALL. I can not yield. During the period of Republican ascendency there was granted to a single corporation, the Northern Pacific Railroad Company, 50,000,000 acres of the public lands—20,000,000 acres more than had been granted in all directions prior to the advent of the Republican party to power. I desire to say, to the honor of those in control on the Democratic side of this House, that after that party came into power in the Forty-fourth Congress not an acre of the public domain was ever given to any corporation whatever. We completely reversed the policy which had prevailed under the rule of our political opponents; we gave no land to corporations, but did all that we could to dedicate every available acre of the public domain to the use of actual settlers for homesteads. This is the truth of history; it can not be controverted. On this record the Democratic party can fairly stand and demand the approval of the country. [Applause on the Democratic side.]

Mr. ROWELL. Mr. Chairman, the richest land grant ever made by Congress was a land grant nearly 600 miles long through the State of Illinois, through the richest portion of all the public domain. This grant, which was made to the State of Illinois for the purpose of constructing railways, was through a country every portion of which contained settlers, a section of country where private interests were already constructing railroads, a section of country bounded on the south and west by navigable rivers covered with steamers; a section of country through the center of which passed a navigable river covered with steamers and connected with the Great Lakes by a canal; and on the northern border of this section of country were the Great Lakes. That was Democratic land-grant on which was made the reputation of one of the greatest Democrats who ever lived, Stephen A. Douglas.

When you talk about the number of acres embraced in land grants, it is to be remembered that there is a difference between acres in a settled country worth twenty, thirty, or forty dollars an acre, and acres in the desert which without a public grant to encourage settlement would not be settled for five hundred years. These land grants which penetrated the far West made possible the settlement of that Western country. Beyond the pathway of the pioneer, beyond river navigation, beyond the possibility of settlement without public encouragement, beyond the possibility of the construction of railroads by private enterprise, these later land grants pushed the construction of railways and built up homes for the people and empires as a part of this Union. This was a wise policy. It connected the two great oceans which bound our country. It has made of Dakota a magnificent Territory of 600,000 people. It built up the State of Kansas, the State of Nebraska, the State of Colorado.

By and by lands became more valuable, because settlement had made it possible for private enterprise to build other railroads. The time came to change the policy of the Government and to reclaim whatever portion of these land grants had been abandoned or had not been earned according to the terms of the charters. Largely your reclamations were reclamations of old grants made prior to 1860—grants long ago abandoned so far as concerned the purposes for which the grants had been made.

Let us treat this thing honestly and fairly. In this House there has been on either side scarcely a lisp of opposition to the forfeiture of these land grants. Such measures of forfeiture have in general gone through without opposition from anybody, because the land grants have been abandoned. So far as these reclamations in general were concerned, they might have been made in a single joint resolution without discussion. The one down in Louisiana, granted in the far-off days of Democratic control, has always met with Democratic opposition, and is still unforfeited, without a shovelful of dirt having ever been turned along the whole line of that grant.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Chairman, it is strictly true, as said by the gentleman from Pennsylvania [Mr. RANDALL], that under Democratic administrations and Democratic Congresses not one single acre of the public domain has been voted directly to corporations. Not one single acre. The only grants ever made by a Democratic Congress or signed by a Democratic President were grants to States for internal improvements or for educational purposes.

The grant my colleague speaks of to the State of Illinois, which became the property of the Illinois Central Railroad, is the best illustration of the manner in which the two different parties have made grants of the public domain. What was the condition on which was based the grant to the State of Illinois for the benefit of the Illinois Central Railroad? It was provided in the grant that that corporation should forever pay into the State treasury 7 per cent. of its gross earnings.

Mr. ROWELL rose, but the Chairman's gavel rapping him to order prevented his being heard.

Mr. TOWNSHEND. Do not interrupt me now. I desire to make this assertion here now that the State of Illinois is free from bonded debt, and if that State was administered by an economic Democratic administration the 7 per cent. of the gross earnings of the Illinois Central Railroad which goes annually into the State treasury would pay every dollar of the ordinary expenses of the State government. Yet the people of the State of Illinois, under extravagant Republican administration, without a dollar of State debt, are paying 53 cents on the $100 of taxable assessment for State taxes, which is twice the sum paid in some States burdened with enormous State debts.

Mr. ROWELL rose.

Mr. TOWNSHEND. I will not be interrupted. I wish to call special attention to the fact that lands voted by the Democratic Congress prior to the war to the State of Illinois, and indirectly to the Illinois Central Railroad Company, were given on the condition that the railroad company, so long as the charter exists, is compelled to pay into the State treasury 7 per cent. of its gross earnings. If the Republican Congresses had imposed the same conditions on these Pacific railroads when the immense grants were made to them, they would have been compelled to pay a sufficient sum to free the country from the national debt; that is, if they had been compelled, as a compensation for the lands, to pay 7 per cent. into the Treasury of their gross earnings, as was required by a Democratic Congress before the Illinois Central Railroad Company could enjoy its grant.

Mr. EZRA B. TAYLOR. I withdraw the formal amendment to strike out the last word and now move to strike out the last two words.

The remark of the gentleman from Illinois [Mr. TOWNSHEND] that the Illinois Central Railroad Company had to pay 7 per cent. of its hard earnings is good. [Laughter.]

Mr. TOWNSHEND. I said "gross earnings." [Laughter.]

Mr. EZRA B. TAYLOR. No, the gentleman said "hard earnings." There are some members of the Democratic party who can crawl into or out of a small hole, but they can not crawl out of the distinction between the grants to States and the grants to railroad companies. The grants in 1856 simply made the State the agent, it being a naked trustee, and had no more duties than were exacted of naked trustees with title in other cases, and was bound to convey the lands to any railroad company claiming under the grant. There was no condition of internal State improvements. There was no condition of education.

I am speaking of the nature of most of the grants, and particularly of those made in 1856, when the States became naked trustees and were bound to give the lands to any corporation on its proving that so many miles of railroad had been completed. They did in that way indirectly what others did directly, but in effect it was a grant to corporations by Congress, and intended to be so, and there is no distinction between one and the other.

Again, it has been stated over and over again that the Democratic party has done all that has been done in the matter ever since. With a Republican Senate joining in every act of legislation the Democratic House seems to claim the whole credit. I have stated before, as I say now, an honest man should not undertake to make any political capital for party purposes in regard to original grants or the forfeiture of those grants. I believe an honest man, on reflection, will not attempt it.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, it is very seldom that I refer to a subject on this floor from a partisan standpoint; but I feel, I think, justified in suggesting to gentlemen on the other side of the House that they misapprehend even recent history in regard to the land-grants and the relation of each of the two great parties to them.

The Democratic party obtained in the election of 1874 control of the Forty-fourth Congress and for the first time in many years this House was under Democratic rule. That election occurred, so to speak, on the heels of one of the great land grants made by the Republican party, the Texas Pacific. Now what occurred? The very moment the Democrats took control of this Hall I believe the very first resolution submitted was one declaring that that policy of land grants should cease; and my friends will bear another fact in mind, that that proposition had been submitted twice before, and was defeated in a Republican Congress on a yea-and-nay vote; and more singular still, in view of what has been said during the course of the debate this afternoon, on both the former occasions to which I have referred the vote was in a large degree partisan. It was not, however, when the subject was voted upon at the opening of the Forty-fourth Congress.

What is the history of this matter? Prior to 1861 19,000,000 acres of land had been granted, the largest grant being 3,500,000 acres in one body; the grants running up in the aggregate to the neighborhood of 180,000,000 acres between 1861 and 1873. The first step, then, to

meet this was the declaration on the part of this House in the opening of the Forty-fourth Congress that that policy should cease. During the Forty-seventh Congress every land grant had expired, the last on the 4th of July, 1882. Pending that expiration bills were prepared and ready for introduction to declare a forfeiture of the entire unearned lands, and in addition thereto to declare the forfeiture of the Northern Pacific land grant specifically.

Every effort to bring one of these measures before the House from the termination of these grants in the Forty-seventh Congress up to the expiration of that Congress absolutely failed, and one of the most interesting contentions that I have ever witnessed on this floor was the attempt to get a vote in some shape or form upon the report submitted with regard to the forfeiture of the Northern Pacific land grant, then amounting to something over 27,000,000 acres, and subject to forfeiture from the Missouri River to the Pacific Ocean. But every effort to secure even a vote upon it, or upon any incidental question relating to it, was voted down and defeated by our friends upon the other side of the House and by arbitrary rulings of the Speaker.

Mr. TOWNSHEND. And amongst them was the gentleman from Ohio himself.

Mr. HOLMAN. What was the next step? The very moment that the Democratic party assumed control of this House, the very first measure passed, the very first resolution adopted after the reassembling of Congress on the 21st day of January, 1884, was to declare the sense of this House that all these grants which had not then been earned should be declared forfeited. The subject was taken from the Judiciary Committee, and also from the Pacific Railroad Committee, and, concentrating all these measures in the one committee of the House so as to give efficiency to its action, the House authorized that Committee on the Public Lands to take control of the matter, with the privilege of reporting at any time, and at the same time giving to its bills a priority to those of all the other committees and all other measures except appropriation bills and measures relating to the finances.

These are the facts, Mr. Chairman, which will be borne out by the investigation of the history of our land legislation. I must insist that the most striking commentary is found in the fact that this side of the House could not obtain, notwithstanding every effort made to secure action upon the forfeiture of some of these grants during the Forty-seventh Congress, a moment for the consideration of forfeiture bills while from the very opening of the Forty-eighth Congress they were given priority of consideration, and as a result of that 50,000,000 acres have been restored to the public domain.

[Here the hammer fell.]

The CHAIRMAN. The Chair will assume the *pro forma* amendment of the gentleman to be withdrawn in the absence of objection.

Mr. ROWELL. I renew it.

Mr. Chairman, it is an admitted fact that in this country the Democratic party has claimed as a cardinal doctrine until these modern times opposition to internal improvements. Their practices have always been, as usual, in opposition to their professions, and they have done about as much in granting away the public domain as they could do while in power, because they reached out just as fast as settlements reached, while the Republican party reached beyond. That is the only difference.

But I want to call the attention of my friend from Illinois [Mr. TOWNSHEND] to some little mistakes that he makes. The Democratic party controlled the State of Illinois from 1819 to 1856, and had engaged in a system of public improvements that absolutely bankrupted the young State and drove emigration around it. When our party came into power in 1856—and thank God they have held executive power from that day to this—they found the State loaded down with debt. To-day it owes not a dollar. To-day it has institutions for the care of its insane, deaf and dumb asylums, blind asylums, feeble-minded children asylums, soldiers' homes, and soldiers' orphans' homes, and not a dollar of debt. Twice in recent history it was our misfortune to get a Haines Democratic Legislature, and each time they transferred a million of dollars of indebtedness to a Republican successor to be provided for.

And now my colleague speaks of that levy of 53 cents on the hundred dollars to support all these magnificent institutions, forgetting that property is assessed at only about 25 cents on the hundred dollars, forgetting that we support our public schools in part by State taxation, making the levy according to property and distributing the sum collected over the State according to population, instead of by local taxation; forgetting that in all its history Illinois has never had but one disgrace in the shape of a thief in a State office, and that was the embezzler who for the last time held the place of governor by the grace of the Democratic party. My colleague speaks of the 7 per cent. of the gross earnings of the Illinois Central Railway paid to the State in lieu of all taxes. That is by virtue of an act of the Legislature of Illinois in the first place, and by virtue of a constitution made in 1870 in the second place. Congress had nothing to do with it, nothing in the world. Illinois is not a very good example to refer to for the failure of Republican legislation. No State, East or West, North or South, has so proud a record in its financial management; so proud a record in its care for its unfortunates; so proud a record in its care for its soldiers and soldiers' orphans; so proud a record in all the financial management of the State; so small a burden of taxation throughout the State. Go where you please and where else can you find an average taxation on $8,000 worth of land at $26 a year? Where else can you find it, including State, municipal, and all kinds of taxes? That in my own district, except in some towns burdened with local debts, is a fair average amount on 160 acres worth $8,000. Let any Democratic State show such a record.

[Here the hammer fell.]

Mr. MCADOO was recognized.

Mr. SPRINGER. Will the gentleman yield to me for a moment, to make a suggestion?

Mr. MCADOO. I can not yield, as I have only five minutes.

Mr. Chairman, we challenge a contrast between the policy of the Democratic party and that of its political opponent on the question of the public lands. There is no prouder and brighter page in the history of this great political organization than its defense of the public domain. There is no blacker page in the history of the United States and of the Republican party than the way it has managed the lands of the people. The Democratic party has been for the people, the Republican party against them. It has often been said by our political opponents that although they gave away a great deal of the public domain to railroads, these enormous grants of land helped to develop the West, and as the result of the gifts to these companies civilization has followed the pathway of the locomotive; towns and cities have sprung up on the desert prairie, and the hum and bustle of multitudes has broken upon savage solitudes. Mr. Chairman, there never was a greater outrage against the people of this country than the granting of lands to railroads. The same results could have been had without giving away a single acre.

It would have been infinitely better for the future history of our people; for the railroads themselves if they are honest corporations; for the honesty which should characterize the administration of a republican government, if the money in bulk had been given to the railroads instead of the people's land. The system of giving lands to the railroads was iniquitous in this, that there was no way of estimating the exact amount that the railroad was getting. It was said we were giving them grants of land in the desert which they were to redeem themselves. Under a forced, unnatural, and utterly uncalled-for system of forcing settlements on these lands we have made the managers of these great companies enormously and dangerously rich. The great gulf which separates them from the masses of their poorer and yet harder worked countrymen is a dangerous menace to popular government. There was no necessity to force emigration to these public lands. They are being settled all too rapidly for the landless millions of our people. Money grants would have built the railroads if any grant was necessary; land grants are crimes against the country.

Instead, as I have said, of giving them a desert to redeem, the enormous emigration which is pouring in on our shores, with the natural increase of our people, this land became almost fabulous in the aggregate of its value after the railroad was built.

Mr. Chairman, in the brief time allowed me I want to say a few words in answer to the eloquence which has been poured out here in denunciation of what is called the spy system inaugurated under General Sparks. General Sparks himself needs no vindication. If there ever was an aggressively honest man in a public office, if there ever was an upright, fearless, unselfish man determined to do his whole duty to the people of the United States against monstrous combinations of capitalists and railroads, against land-sharks, land-thieves, and land-grabbers, cattle rings and alien freebooters, that man was William Andrew Jackson Sparks, an honest man and a sterling Democrat.

A great deal has been said as to these spies. I am as much opposed to espionage of Government over the private affairs of citizens as any man on this floor. But it was made necessary by the abuse of this system of loosely constructed land laws that the Government should place a guardianship over the public domain. In 1886 the North American Review, one of the leading periodicals of our country, invited over Mr. Thomas P. Gill, a member of the British Parliament, who had seen the wrongs of a bad land system in Ireland, and asked him at the expense of that great publication to go out to the West and to give the impartial observations of an intelligent foreigner as to what he thought of the management of our public domain and as to the growth of landlordism in America.

I have before me in a bound volume of the Review the statement of this intelligent and impartial gentleman. I will beg leave to incorporate it in my remarks if time will not permit me to read it. He says he never saw such abuses, such wholesale stealing; that there is not known in history any parallel for such land-grabbing, men getting land through dummy entries, frauds, and perjuries, and defrauding the people of the United States of the land which is the life-blood of the country; all this under the direction of loan agents and frontier land-sharps. No man on this floor attacks the honest settlers in the West. There is no man on this floor who does not venerate and admire those rugged, honest, typical Americans who go out into the frontier and fight the Indian and the wild beast; who have contended against storm and desert and all the loneliness and hardship of frontier life, and who have redeemed the prairies and made the West great and prosperous. And when gentlemen who believe as I do stand on this floor to vindicate Mr. Sparks and the policy of the Democratic party in guard-

ing the public domain, it is unjust to us to accuse us of reviling or belittling the honest settlers of the West. We are the friends of the honest settlers, and Mr. Sparks in his administration was their true and genuine friend, and I bespeak that his successor, whom I well and favorably know as a former member of this body, will follow in his footsteps.

The portion of the article referred to by Mr. MCADOO is as follows. It is to be found in the February number of the North American Review for 1886:

No one can travel in the border States, where there yet remains some public land to be disposed of, and inquire among the land offices there without feeling that by paltry and occult methods the United States is being defrauded of nearly as much of its domain as by the depredations of railroad corporations and the extravagance of Texan legislators. In Dakota and Minnesota I have seen men farming land and paying half the crop as rent to quasi-landlords who actually had no title whatever to the holdings. They had filed timber-culture entries, by which, on payment of a fee of $14 and signing an agreement to plant 10 acres of trees within four years' time, they were allowed to use 160 acres of prairie land, to which their title would be perfected when the agreement was fulfilled. The entryman, under the timber-culture act, is not compelled to plant any trees until the third year from date of entry, when if he likes he may file a relinquishment of his claim, and the land is again open for entry. (Act of May 14, 1880, section 1.)

Thus a man without the faintest intention of planting a tree or doing a stroke of work can get possession of 160 acres of land, let it to a tenant, and pocket a heavy rental—half the fruits of another's toil—for three years! The most astonishing thing about this is that such a man can find a tenant. Others file timber-culture entries solely with a view to holding the land out of market until the growth of the community around it puts up its value. At the end of the third year the entryman will agree with another for a sum of money to make a written relinquishment so that the other may file a new entry on the spot. The second speculator will repeat the process, only charging a heavier consideration to the next entryman when the time comes for his relinquishment. So the process goes on without a tree being planted on the land, and the honest settler is kept hopelessly out of it. This sort of thing is carried on by wholesale; and on a larger scale still are frauds perpetrated under the desert and timber land acts, which enable capitalists in combination, by means of dummy entrymen, to appropriate miles of territory. The dummy entryman is also used by capitalists on an immense scale under the homestead and pre-emption laws.

The CHAIRMAN. The time of the gentleman has expired. Debate on the pending amendment is exhausted.

The *pro forma* amendment was rejected.

Mr. FUNSTON. I renew the amendment.

The CHAIRMAN. It can not be renewed.

Mr. FUNSTON. I move to strike out the last word.

The CHAIRMAN. That was the amendment.

Mr. FUNSTON. Then I move to strike out the last two words. [Laughter.] I fully agree, sir, with the gentlemen on this floor who have spoken as to the injustice and unfairness of taking the public domain and turning it over to the railroads of the country, or to any other corporations. I am fully in accord with gentlemen who have expressed their disapprobation of the Government pursuing that course.

Mr. SPRINGER. I congratulate you.

Mr. FUNSTON. Maybe you will not when I get done. [Laughter.] Mr. Chairman, I desire the floor for a few moments only.

This debate on the public lands item of this bill has been led by the other side of this House into the old and hackneyed charge that the Republican party has robbed the people of the public domain and given it away to railroad and other corporations, and that the Democratic party has reclaimed it to the public. Both of these assertions are exaggerated and false in the impressions which they convey. That the Republican party has granted lands for railroad purposes no one denies, but such of those lands as have been restored to the Government have been restored under laws which were enacted by the Republican party at the time the grants were made; in other words, the lands have fallen back to the Government because the corporations have not complied with conditions exacted by the Republican party.

I am, and I believe the Republicans are, opposed to further grants to railroads. I believe the principle to be wrong; but I stand here to assert that the whole system is a child of the Democratic party, conceived by them, carried out by them, and chargeable to them, notwithstanding the assertion of the gentleman from Illinois [Mr. TOWNSHEND] that the Democratic party had not granted an acre to railroads.

Mr. TOWNSHEND. I said "directly to railroads."

Mr. FUNSTON. I hold in my hand a United States record, called the Public Domain, in which it appears that before the Republican party came into power the Democratic party gave away to railroads and other corporations from sixteen to twenty million acres of the public lands. The gentleman from Illinois [Mr. TOWNSHEND] says they did not give it directly. What is the difference whether they gave it directly or indirectly, so they gave it?

But the public document from which I get this information says it was "land grants for railroads," and the gentleman can not hide his party behind the subterfuge that the lands were granted to the States for railroad purposes. In doing this his party was directly responsible for the act and should have the manhood to admit it and stand by it. So were nearly all the grants made by the Republican party made to the States for railroad purposes, and the Republican party also might try to hide itself if it were coward enough to attempt to do so. And now, gentlemen, if you desire to make this a political question, if you will turn to this public document you will find that under President Pierce's administration of four years there were granted to railroads 19,678,000 acres, while under President Grant's administration of eight years there were granted 19,231,000, not half as much according to time as was granted under President Pierce. Mr. Chairman, the Republican party is ready to go to the people on the public-lands question on the records. [Applause on the Republican side.]

Mr. RANDALL. Mr. Chairman, I now desire to limit this debate. We have indulged in national politics long enough, I think, and I desire to draw the attention of the committee back to the paragraph under consideration.

Mr. BROWNE, of Indiana. I ask the gentleman from Pennsylvania whether it is not highly important that we should know who has been voting these land grants? [Laughter.]

Mr. RANDALL. Well, I recommend the gentleman to read the record.

Mr. BROWNE, of Indiana. I want to occupy only a minute.

Mr. RANDALL. Well, I am willing to have the limit fixed so as to allow five or ten minutes more for debate.

Mr. BROWNE, of Indiana. I am in favor of the shortest possible time, provided I may be permitted to occupy it. [Laughter.]

Mr. RANDALL. Say ten minutes, five minutes on each side.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that all debate on the pending paragraph and amendments be limited to ten minutes, five minutes on each side. Is there objection?

Mr. LAIRD. I object.

Mr. RANDALL. I am willing to make it twenty minutes.

Mr. BUCHANAN. I have no objection to that, provided I can have five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania that debate on the pending paragraph and amendments be limited to twenty minutes?

There was no objection, and it was so ordered.

Mr. STONE, of Missouri. Mr. Chairman, all I desire to do is to call the attention of the House to a few simple historic facts which can not be disputed, because they are matters of record. The attempt to cover the whole public-land question would require, of course, a vast deal more of time than five minutes, but I can suggest a few things pertinent to the discussion now in hand.

It is a well-known fact, Mr. Chairman, that all the public domain acquired since the great Northwestern cession was acquired under Democratic administration—not as an accident, but as part of the deliberate policy of that party—often, too, against turbulent opposition. The Louisiana purchase, the Florida purchase, the land acquired from Mexico under the treaty of Guadalupe Hidalgo and the Gadsden purchase, aggregating 1,810,123 square miles, or 1,158,478,720 acres, were the acquirement of the Democratic party—its gift to the nation. Out of this magnificent territory fourteen of the sovereign States of this Republic and nine great Territories, now the fair infant children of the Republic, fast growing into the full development of statehood, have been created. This great possession was under the management and control of Democratic administrations for nearly three-fourths of that part of our national history from the organization of the Republic to the ascendency of the Republican party to power in 1861. During all that period, covering some eighty years, only 31,601,346.58 acres of land were granted by all parties and all administrations, but not one acre of that directly to any sort of corporation. The gentleman from Kansas [Mr. FUNSTON] says it was given to States and other corporations.

Mr. FUNSTON. For railroad purposes.

Mr. STONE, of Missouri. It was a gift to the States to be used by them in the development of their internal improvements.

Mr. FUNSTON. But the record says "railroads."

Mr. STONE, of Missouri. For railroads, wagon-roads, canals, and various other purposes. Only 31,000,000 acres were granted during eighty years, and only about 20,000,000 acres under Democratic administration.

Mr. EZRA B. TAYLOR. Will the gentleman allow me——

Mr. STONE, of Missouri. I can not yield.

Now, sir, in 1861 the Democratic party turned this grand domain over into the possession of the Republican party.

[Here the hammer fell.]

Mr. LAIRD obtained the floor.

Mr. SPRINGER. I ask unanimous consent that the gentleman from Missouri [Mr. STONE] may be permitted to continue his remarks for five minutes.

Mr. MCSHANE. If I can be recognized, I will yield to the gentleman from Missouri.

The CHAIRMAN. Debate on this paragraph has been limited, and the time can only be extended by unanimous consent. Is there consent that the gentleman from Missouri be allowed an extension of five minutes?

Mr. PARKER. With a like extension of time on this side.

Mr. BUCHANAN. I will not object if I can have five minutes.

The CHAIRMAN. Is there objection to the request that the gentleman from Missouri be allowed five minutes, and that an equal time be given to the other side?

Mr. DAVIS. I am compelled to object unless an equal time be given to our side.

The CHAIRMAN. As the Chair understands, objection is made.

Mr. LAIRD. Mr. Chairman, I listened with attention to the remarks of the gentleman from Illinois [Mr. TOWNSHEND], and I was interested particularly in one remark of that gentleman. He commented upon the policy of the Democratic party with reference to the bestowal of the public domain upon the States as a medium of its distribution to corporations. The State of Illinois is to be congratulated in that regard, as is the gentleman himself, so far as he may have been a factor in the adoption of that policy.

I observed the remark of the gentleman, that had the same policy marked the bestowal of the grant upon the Pacific railways which marked the bestowal of the grant upon the State of Illinois for the benefit of the Illinois Central Railroad, then by a deduction from the gross earnings of the Pacific railways the national debt would have been paid.

Mr. TOWNSHEND. I spoke of all the Pacific railroads, not only the Union Pacific, but the Northern Pacific, the Central Pacific, and the Southern Pacific.

Mr. LAIRD. I understand, and I wish to confine myself to so much of the gentleman's remark as applied to the original Pacific roads. I want to hold the gentleman up to his record, if the remarks of a member of Congress can be said to be his record, and I wish to ask him, as a test upon the proposition involved in his criticism of the policy of the Republican party concerning the bestowal of the grant upon the Pacific roads, whether he will vote "ay" upon the passage of a bill which proposes to defer to eternity the payment of the money which such roads now owe to the United States? When the Democratic measure proposing to postpone to eternity the payment of that debt comes up for passage will the gentleman vote for it? Saying nothing of the national debt, letting that go, as the gentleman did not suggest it in time, what do you say to having them pay their own debts?

Mr. TOWNSHEND. Does the gentleman want an answer now?

Mr. LAIRD. The Democratic party has been, in its own estimation, particularly happy in its guardianship of the public domain of this country, and of one of its achievements in this respect it ought to be, and doubtless is, very proud. I refer to its repeated defeat of the homestead law, a law under the operation of which the land west of the Mississippi has been reclaimed from the region of "desert" as scientifically declared, and made by the labor of the homesteaders to blossom like a rose.

And it was thus that by the passage of the homestead act, which your party opposed, that the millions upon millions of acres of land in all the great Western States settled since 1861 was saved to individuals for homes, and rescued without your legislative aid from the all-devouring syndicate and cattle and land monopoly before whom you so virtuously pale and tremble, just as you pale and tremble before Senator PAYNE and Secretary Whitney of the Standard Oil combine.

Mr. TOWNSHEND. I wish to answer the gentleman from Nebraska, if he is willing.

The CHAIRMAN. Does the gentleman from Nebraska yield?

Mr. LAIRD. No, sir.

Mr. TOWNSHEND. The gentleman ought not to ask a question if he is unwilling to have it answered.

Mr. LAIRD. All right; I did not understand you. Answer it now.

Mr. TOWNSHEND. I answer the gentleman that I know of no such bill as he has described; but I am ready to stand here and vote for a bill to compel the Union Pacific Railway Company to pay all its indebtedness to the Government.

Mr. LAIRD. But when? In time, as justice demands, or in eternity, as the Outhwaite bill proposes?

The Democratic party has a bill pending before this House to practically give to the Union Pacific Railway Company $150,000,000, which the company owes to the Government of the United States, although the property of that company as a matter of stock is worth upon the stock market of New York sixty-six or sixty-seven million dollars over and above the indebtedness and liabilities of the corporation, as is shown by the Wall street stock quotations.

I will ask the gentleman, since he has referred to it, whether it will receive his support? I am unable to say how soon it will be passed, but I hope gentlemen will stand up to the Democratic policy in this respect which he prescribes for the Republican party.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN. I think it will not pass.

Mr. MCRAE. Mr. Chairman, in answer to what has been said on the other side of this Chamber I desire to have read from the CONGRESSIONAL RECORD of the Forty-ninth Congress an extract from a speech I delivered June 14, 1886, which will show when, how, and in what quantity the grants to railroad corporations were made.

The Clerk read as follows:

The following table will show by what administration made and the extent of these grants, and how much has been patented to the companies:

	Acres.
During President Fillmore's administration there were grants to the States in trust for the railroads aggregating	8,198,593.73
Of which there have been patented	7,372,883.85
During President Pierce's administration there were grants to the States in trust for the railroads aggregating	19,678,179.79
Of which there have been patented	14,886,396.47
During President Lincoln's administration there were grants directly to railroad companies aggregating	74,336,891.61
Of which there have been patented	17,164,270.87
During President Johnson's administration there were grants directly to railroad companies aggregating	34,601,297.77
Of which there have been patented	5,020,107.20
During President Grant's administration there were grants directly to railroad companies aggregating	19,251,121.69
Of which there have been patented	1,206,689.09
The total grants	155,504,994.59
The total patented	45,647,347.48

At this late day I will not undertake to pass upon its wisdom. Many of the best and ablest leaders of public thought of those times, including Hon. Stephen A. Douglas and Lewis Cass, favored the policy; but whether right or wrong we will all agree that it should now be abandoned. The time has come for us to take our bearings and see where we are drifting. Our population is increasing with wonderful rapidity. The landless and homeless are to be found all around us, while our public domain is being absorbed by railroad corporations, cattle and foreign syndicates. The grand object to be accomplished by such a policy was to secure an early completion of the road through and the development of the great Western States and Territories, to people them and unite their commerce with that of the Eastern and Middle States. The policy did not accomplish this result. It might well be doubted if the policy materially aided in what has been done.

Eighty grants, covering 155,504,994 acres, have been made to companies that have altogether constructed less than 20,000 miles of road, while during the same time over 100,000 miles have been constructed by other companies without the aid of land grants, and not a few in the undeveloped West were built far in advance of and before the completion of those aided by large and valuable grants. In many cases the construction of the land-grant roads appear to have been purposely delayed until the country through which the routes were projected had been settled to a sufficient extent to justify the building without aid. Under the law and practice of the Interior Department in permitting the lands to be withdrawn as soon as maps were filed the railroads lost nothing by such delay. They paid no taxes, and the land was all the time increasing in value. It was a profitable policy for them. They have been allowed to build wherever and whenever they desired, either within or without the limit, and often allowed to change the route to suit their desires.

There are many railroads uncompleted to-day to aid which land grants were made nearly twenty-five years ago, and when the time fixed in the granting act for completion has long since expired, and yet the lands are still withdrawn from sale and settlement and the legal title in the company, with no power in the executive department to restore them to the public domain.

Mr. MCRAE. That table I think shows all the grants made to railroads, exclusive of indemnity withdrawals.

Mr. HOLMAN. It does not include the Atlantic and Pacific.

Mr. MCRAE. It includes that grant as well as all others to railroads or to States for railroads, as well as the amount earned and patented up to that time. I think the table is correct. It has never been questioned that I know of, and it was published two years ago.

While it shows by what administrations the grants were made, and how little of the grants made by the Republicans was earned in time, still, Mr. Chairman, the most important question for us now to consider is how to recover so much as was not legally earned. Instead of asking whether the grants should have been made or not, let us ask how much has been earned, and, if not earned, whether the Government should not enter and take the granted estate. If the Democratic party initiated the policy of aiding the railroads, it has also initiated the policy of demanding that the terms of the grants should be complied with. The Democratic party stands pledged and ready to forfeit all not earned in time. That is the question to which we call the attention of our Republican friends. I call upon them now to show what they have done to recover the unearned lands so recklessly granted by their party. I charge that party with favoring the railroads as against the settlers in this fight for forfeitures, not all the members, but particularly the Senate, which is under the control of Republicans. I point with pride to the record of our party and the efforts of leading members.

Mr. HOLMAN, of Indiana, a Democrat, now the able chairman of the House Committee on the Public Lands, on the 18th day of January, A. D. 1869, when the Republican party had full control of all the Departments of the Government, offered the following resolution in the House:

Resolved, That grants of the public lands to corporations ought to be discontinued, and the whole of such lands ought to be held as a sacred trust to secure homesteads to actual settlers, and for no other purpose whatever.

A Republican, Mr. H. D. Washburn, with the House about two-thirds Republican, moved to table the resolution, and the motion was agreed to by just about that proportion. The vote was 110 yeas and 55 nays, and the gentleman from Indiana [Mr. HOLMAN], who was a member of the Fortieth Congress, says he only remembers three Democrats who voted to table. With only a handful of Democrats in Congress, the leaders of that grand old party of the people that had acquired so much of our public domain undertook to stop such grants, and, if possible, to recover some of the lands that had been recklessly given to moneyless corporations for speculative purposes, and they were met by the Republicans, then in power, by a vote to table, which in effect said to the country that the lands ought not to be held for settlers, but for corporations as well, and continued to make grants.

In connection with this resolution I desire to call attention to the platforms of the Democratic party of 1884 and 1888 upon this subject:

We believe that the public land ought, as far as possible, to be kept as homesteads for actual settlers; that all unearned lands heretofore improvidently granted to railroad corporations by the action of the Republican party should be restored to the public domain, and that no more grants of land shall be made

to corporations, or be allowed to fall into the ownership of alien absentees.—*National Democratic Platform, 1884.*

It (the Democratic party) has reversed the improvident and unwise policy of the Republican party touching the public domain, and has reclaimed from corporations and syndicates, alien and domestic, and restored to the people nearly 100,000,000 of acres of valuable land to be sacredly held as homesteads for our citizens.—*National Democratic Platform, 1888.*

Now, Mr. Chairman, let us see what has been done to redeem these promises.

The Forty-eighth Congress passed bills to forfeit the following-named land-grants to railroad corporations, all of which bills were initiated in and passed by a Democratic House in accordance with the policy of that party, namely:

	Acres.
Oregon Central	810,880
Texas Pacific	18,560,000
Iron Mountain, of Missouri	300,000
Total area by acts Forty-eighth Congress	19,610,880

The Forty-ninth Congress, which began with the Cleveland Administration, enacted laws forfeiting the following-named land grants to railroad corporations, initiated and insisted upon by the House, namely:

	Acres.
Atlantic and Pacific, estimated at	23,871,360
The Mobile and New Orleans and other Southern railroads, the grants being to States, estimated at	7,000,000
Total area restored by Forty-ninth Congress	30,871,360

Mr. Chairman, I want to call special attention to what the executive department of the present Administration is doing to recover so much of the public domain as had been fraudulently withdrawn by or disposed of under the Republican administrations. I ask the Clerk to read the following table and statement which I have prepared from data furnished me by the present able and courteous Commissioner of the General Land Office. It will show the quantity recommended for recovery.

The Clerk read as follows:

	Acres.
Lands within railroad grants recommended for recovery:	
Recovery of land recommended and pending for review of Secretary	12,300.00
Recovery of land recommended and pending on appeal before the Secretary	1,500,000.00
Suits recommended for the recovery of land	818,687.18
Railroad forfeitures under bills now before Congress, as reported from the House Committee on the Public Lands	53,735,562.00
Private land claims:	
Recommendations to Congress to reject claims heretofore favorably reported	4,732,480.15
Resurveys ordered reducing areas of claims	629,500.00
Suits recommended to vacate patents	635,255.00
Lands in Oregon granted by Congress to that State for military wagon-roads recommended for recovery	2,368,320.00
Total recommended for recovery by the Administration and the Public Lands Committee of the House	64,530,104.33

Mr. McRAE. When we add all of these items together we have a splendid record and showing. The claim made in the late Saint Louis platform, large as it appears, is nearly three millions less than the amount actually restored. Here are the items:

	Acres.
Area forfeited by Forty-eighth Congress	19,610,880
Areal orfeited by Forty-ninth Congress	30,871,360
Area restored without legislation by action of Department	52,437,373
Total actually restored	102,929,613
Add to this the total quantity recommended for recovery and forfeiture by the Administration and the Public Lands Committee of the House	64,530,104
And we have a grand total of	177,459,717

If the Democratic party made a mistake before the war in making a few grants to the States in trust, it has more than made it good by recovering many more millions granted to corporations by the Republican party since the war.

The following is a list of grants that the Committee on the Public Lands seek to forfeit:

Name of railroad.	Estimated number of acres granted for that portion of road completed after expiration of grant.	Estimated number of acres granted for that portion of road now uncompleted.
Gulf and Ship Island		652,800.00
Coosa and Tennessee		140,160.00
Coosa and Chattooga		144,000.00
Mobile and Girard		536,064.00
Selma, Rome and Dalton	168,921.20	89,932.80
Atlantic, Gulf and West India Transit	272,524.80	393,475.20
Pensacola and Georgia	679,680.00	
Vicksburg, Shreveport and Texas	153,600.00	211,200.00
Jackson, Lansing and Saginaw and Northern Central Michigan, formerly Amboy, Lansing and Traverse Bay	176,256.00	
Marquette, Houghton and Ontonagon		294,400.00
Ontonagon and Brulé River	76,800.00	211,200.00
Sioux City and St. Paul		171,200.00
La Crosse and Milwaukee	149,760.00	
North Wisconsin, now Chicago, St. Paul, Minneapolis and Omaha	1,446,400.60	
Wisconsin Central	57,600.00	406,880.00
St. Vincent extension, St. Paul and Pacific, now St. Paul, Minneapolis and Manitoba	1,113,600.00	
Western Railroad, formerly Brainerd branch of St. Paul and Pacific	243,712.00	
Southern Minnesota Railway Extension	832,115.00	
Hastings and Dakota	819,140.00	
Northern Pacific Railroad	29,851,101.00	7,056,649.00
California and Oregon Railroad Company		1,740,800.00
Oregon and California Railroad Company	576,000.00	1,510,400.00
Southern Pacific Railroad Company	3,072,000.00	1,075,200.00
Total	39,189,210.00	14,544,352.00

By adding together the totals of the two columns of this list we get the estimated amount of the lands that will be restored by the House bills, 53,733,562 acres. The Senate bills will only restore 14,544,352 acres, and that of lands of little value as agricultural lands. If I could have my own way, I would go even farther than the majority of the committee have gone and forfeit the whole of every grant where the road was not completed in the time fixed in the granting act. My views upon this point are fully expressed in the separate views submitted by my colleague [Mr. STONE] and myself to the report on the general forfeiture bill reported as a substitute for Senate bill 1436. I make the following extract from it. We then said:

We have favored and advocated, and still do, all the exceptions contained in the substitute, as to right of way, lands for depots, machine shops, etc., and for lands appropriated for town sites, and all exceptions in favor of actual settlers, and of bona fide purchasers for value. We say we favor all that. We would freely give to the company whatever lands are reasonably necessary to the convenient operation of its road.

We would not disturb titles and create confusion where towns or cities have been built, nor would we disturb or distress actual settlers or persons who have in good faith purchased lands from the company for a valuable consideration. Whatever defect there may be in such titles we would remove by an act of confirmation. The reasons for such a course, we assume, are too manifest to require elaboration.

If the company is protected in its right of way; if town sites are left undisturbed, because excepted from the forfeiture; if honest actual settlers and bona fide purchasers for value are protected from harm by having their titles confirmed; if all equities, and all questions of this character, are eliminated from the legislation proposed, then there is nothing left but a naked issue between the Government of the United States, representing the people, on the one hand, and the railroad companies on the other. It is a simple issue between the grantor and the grantee, with all intervening rights protected.

We have, then, three propositions:

1. The Senate bill to forfeit lands where no road has been constructed.

2. The House committee's substitute to forfeit all lands across which no road had been constructed at the expiration of the period limited for the completion of the whole road.

3. The amendment to the substitute, which proposes to forfeit the entire grant where there has been a failure of compliance with the terms and conditions of the grant.

The reasons for accepting the substitute in preference to the Senate bill are set forth with great clearness and force in the report of the committee made by Judge HOLMAN. The Senate bill is a mere subterfuge. It amounts to nothing. It proposes to restore to the public only the depleted tail-ends of the vast grants made by Congress to railroad companies—the discarded remnants abandoned and thrown aside by the companies because they were esteemed worthless, or because they were not considered sufficiently valuable to justify the expense of "earning" them. That bill proposes graciously to give the roads all they claim, and to take back what, as a rule, they do not want. It is a very accommodating measure from a very accommodating, albeit a very exalted, source.

The substitute is a beneficent and meritorious legislative proposition. It means something. If it should become a law, it would be a measure upon which the country would have occasion to congratulate itself. But for all that we insist it does not go far enough. Take the Southern Pacific again as an example. What did this company do? Within the time limited for the construction of the road, the company built its line for a distance of 50 miles through a magnificent country on the west side of the Coast Range of mountains, and then leaped clear across the mountains and built another section of 182 miles through a fertile region on the east side of the range.

Thus it endeavored to cover and secure the most valuable lands in the grant. Since 1878 it has extended its line to the Colorado River so as to form its eastern connections with the Atlantic and Pacific. The Senate bill, if it should become a law, would forfeit only the rough mountain lands, across which no road has been constructed, and which are of little or no value. The substitute would cover the same lands, and also the lands lying along the 242 miles constructed since 1878; but the lands adjacent to the 242 miles are of little value compared to those lying along the 232 miles constructed prior to 1878. The 232 miles cover the cream of the grant. The road will get the best end of the bargain under either the Senate bill or the substitute.

Now, if the company did not comply with the conditions of this grant—a grant which it was infamous to have made in the first place—if the title to the lands have not passed irrevocably to the company; if the Government has the legal right to reclaim these lands, then why not do so? Why give to the company all that is of real value and say to a justly outraged public opinion that it must be content to take the meaner share? Mark you, no innocent resident on any of these lands, no innocent purchaser of any of these lands, is in peril here.

It is a question between the original parties to the transaction—the Government which made, and the corporation which accepted, the grant. No other person and no other interest is involved. If it be conceded that Congress has the legal right or power to reclaim these lands and restore them to the public,

I can find no satisfactory excuse for failing to do so. If the corporations receiving the grants have any equities to urge in their own behalf, they have neglected their opportunities to do so, though they may expect to have it done for them upon the floors of the House and Senate. In the committee-room they have combated the forfeitures upon purely legal grounds. They claim the lands as a matter of legal right, and deny the power of Congress to disturb them. And it is purely a question of law.

We claim that the grants were made upon such conditions as vests in the Government the right to re-enter after the breach thereof. We shall not discuss that question here. In the Forty-ninth Congress, first session, it was discussed at much length in a report made on a bill forfeiting the lands granted to the Southern Pacific (Report 706). We refer those who may feel an interest in the matter to that report, and to similar reports made during the Forty-eighth and Forty-ninth Congresses by Messrs. COBB, Henley, PAYSON, and others; all of which can be found in the House document-room.

It may not be inappropriate to say that nearly all the older members of the House Committee on the Public Lands have uniformly maintained, both in debate and in reports made by them, that Congress has the right and power to declare a forfeiture of these grants where there is a clear breach of the conditions of the grant. We know of none who deny that Congress has the same right to forfeit the lands covered by the road constructed "in time" that it has to forfeit the lands covered by road constructed "out of time."

The question as to how far the forfeiture should extend has been treated as one of legislative policy, looking to practical results, rather than as one of right. There is very little diversity of opinion in the House committee as to the legal phases of this question, and there is a strong sentiment prevailing in the membership of that committee in favor of forfeitures; but there is a wide divergence of opinion as to the wisest and best policy to be pursued.

For ourselves we insist as a matter of law, as a matter of equity and good conscience, as well as of public right, that there should be no half-way measures of compromise in this business, and hence we feel it our duty, as members of the committee having these matters in charge, to advise the House to declare an entire forfeiture, and if this legislation should fail again, as it has failed in the past, let the responsibility rest with those who obstruct or prevent it.

When the Democratic House offers a bill forfeiting all the grants not earned in time, involving over 50,000,000 acres of valuable lands, it is met by a proposition from the Senate to forfeit only about one-fifth of what we ought to have. I call upon my Democratic friends and gentlemen on the other side who agree with us to stay here until a vote can be had on these propositions, so that we may see who are in favor of forfeiting and who are not. Let us see whether the Senate or House will yield in this great contest between the wicked, faithless land-grant railroads and the landless settlers of our glorious Republic. I challenge our friends on the other side of the House to the test.

Mr. BUCHANAN. Mr. Chairman, it tries one's faith in human nature to witness the agility with which the average demagogue will climb into some high position and from thence cry aloud about the sins of some other fellow. [Laughter and applause.]

Now, I know it was thought at one time by members of all parties to be good policy to donate lands in aid of railroad enterprises. At one time both of the great parties advocated that policy in their respective party platforms. At the time the grants were made to the Union and Central Pacific Railroads it will be found men of the two parties agreed in voting for the measure. Why, I once heard a distinguished gentleman who occupied a leading position on the other side of the House, and who to-day is high in the councils of the Democratic party, defend upon this floor his vote in behalf of that measure on what seemed to him sound reasons and patriotic purposes.

And I am not free to say, Mr. Chairman, had I been a representative of the people at that time these reasons would not have appeared sound also to me. As year after year has rolled on we have come to see that this thing has been carried to excess. I have occupied a position in this House during three successive sessions. At each one of these sessions, whenever any bill was brought forward to reclaim any of these land grants, I have, and my recollection is that every gentleman on this side of the House has cast his vote in favor of the passage of each one of those bills.

There is a great deal too much election rot in this whole business, in my judgment. Our views of national expediency have changed with changing years and changing circumstances, and what may be regarded as extravagant profligacy in 1888 may have been honestly looked upon as statesmanship in 1860 and 1861, and it will not do to pass judgment on the action of those gentlemen from every party who voted for those measures because the experience of twenty years afterwards has proved to us they then went too far in carrying out the policy of making land grants to railroads.

Another word. I believe that the gentleman who has been spoken about here, the late Commissioner of the General Land Office, is a man of as pure purposes and honest intentions as any man who ever filled the position. If he erred at all it was an error in judgment in not being able to distinguish between the actual settler and the scoundrel who was robbing the Government by taking unlawful possession of the public lands. But I believe, I repeat, that his motives were pure and good, and that his way, blind though it was at times, stumbling as it unquestionably was on occasions, was an honest way, and that he was doing the Government of the United States upon the whole a good service. And, Mr. Chairman, I rejoiced when I read in the newspapers of the day that the gentleman from Indiana [Mr. HOLMAN] and others had gone to the President of the United States and asked him to retain that official in his position. But, sir, he made a fatal mistake for a public official. He struck a railroad company with the same steady devotion to principle that he had applied in the cases of individuals, and from that moment we find that his fate was decreed; and it will not do for gentlemen upon the other side to say that the king can do no wrong. The king is king; and if Grover Cleveland has not influence enough with his own Administration to retain a subordinate like Mr. Sparks in power it is time for him to abdicate and allow some one to run the Administration who would have at least that much influence with it.

The Clerk read as follows:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file, and other plats constituting a part of the records of said office, and also to furnish local land offices with the same, $2,500.

Mr. STONE, of Missouri. I move to strike out the last word; and I desire now to complete the statement I was making when objection was interposed to my proceeding a short time ago.

I said, sir, that during the control of the House by the Democratic party and Democratic Administration only about 20,000,000 acres of the public lands were granted to the States, and none to corporations, for the purpose of carrying forward and developing their internal works. When the Republican party came into power in 1861 and took control of the public domain, in one year, 1862, while it was yet upon its first legs, before it was fairly and firmly established, in that one year it granted to railroad corporations directly 23,504,001.61 acres.

Mr. BROWNE, of Indiana. Granted to what corporations?

Mr. STONE, of Missouri. I can not give the gentleman the names of the corporations.

Mr. BROWNE, of Indiana. Well, in the Pacific lines?

Mr. STONE, of Missouri. Yes, sir; principally to the Pacific lines.

Mr. BROWNE, of Indiana. Because I desired to defend that provision.

Mr. STONE, of Missouri. Between 1862 and 1874, during a period of eleven years, the Republican party granted direct to railroad corporations 129,629,261.54 acres of the public lands. Not only so, Mr. Chairman, but they supplemented this princely donation with the loan, or rather the gift, of the bonds of the Government, by guarantying their payment, to the amount of $64,623,512, aggregating now, with principal and interest combined, $122,482,606.32. The gentleman from Nebraska reproached the Democratic party now represented in this House for bringing in a bill from a committee for the adjustment of this indebtedness. The gentleman had better have reproached his own party for having created the debt and permitted it to accumulate as it has accumulated.

Mr. Chairman, from the day that the Democratic party came into this House after the election of 1874, and took possession, not one solitary acre of the public lands has ever been diverted from the uses for which it was originally intended—for the homes of the actual settlers of this country. And not only so, sir, but they have inaugurated a reform in that respect, and inaugurated a movement to reclaim and recover, or at least to restore it to the public use, as far as could possibly be done in accordance with the grants. Of all these granted lands over 50,000,000 of acres have already been reclaimed by bills which originated in Democratic Houses, and many millions more would have been reclaimed except for the obstructive processes of the upper branch of this legislative body. Not only that, but the Interior Department have reclaimed 28,000,000 of acres that had been taken by fraudulent entries other than those granted to railroad companies, aggregating a reclamation of nearly 80,000,000 of acres.

Why, the gentleman spoke of a bill forfeiting the land grants, and wanted to know why we did not provide so and so. Last Congress we passed through the House a bill forfeiting the lands granted to the Northern Pacific Railroad Company, and the Senate, Mr. Chairman, refused to concur in that bill to the extent of the forfeiture of one solitary acre, except where no road had been completed.

[Here the hammer fell.]

Mr. PETERS. Mr. Chairman, I do not want to occupy the attention of the committee for more than a couple of minutes. I think the gentleman from Missouri makes a mistake whenever he makes a party question of this forfeiture of land grants, not only because uncalled for but because the facts are against his party.

Mr. SPRINGER. What facts?

Mr. PETERS. Whenever that party or any member of the party desires to claim the honor of the reclamation of the lands granted by the Government, that have been forfeited because the terms of the grants have not been complied with, then he falsifies history or is ignorant of the record.

Mr. SPRINGER. What is the record?

Mr. PETERS. I assert, Mr. Chairman, and I assert it without the fear of successful contradiction, that every single bill that has been drawn and that has passed through this House has been introduced by a Republican on this side of the House; that every bill that has been passed has been either a bill introduced by a Republican, or a bill introduced by a Republican has been made the groundwork of the legislation that finally passed the House. I could with the same propriety say it is the Republican party that has inaugurated the proceedings to reclaim this land to the public domain; because, as I said, every single bill that has become a law or every bill introduced which was made the groundwork of any law that passed this House was introduced by the gentleman from Illinois [Mr. PAYSON].

Mr. STONE, of Missouri. My friend will understand that the statement which he now makes is contradicted emphatically. I contradict

it; I contradict it with full knowledge, because I have served for two Congresses upon the Committee on Public Lands, and know whereof I speak.

Mr. PETERS. I have not time, Mr. Chairman, to present the record, but simply appeal to the record. The record will bear me out in what I say. I challenge an examination of the record at the gentleman's leisure. I state I have information from a positive source that there never has been a bill passed by this House forfeiting any of the land grants that was either not introduced by a Republican or such a bill made the basis upon which the legislation was framed.

Now, I say I could with some consistency claim all this credit for the Republican party, but the gentleman from Missouri [Mr. STONE] as well as other members of this House, knows that members upon this side of the House with whom I have stood have always voted to forfeit every unearned land grant that came before this House. I have always stood up and argued in favor of it. I might state further, as I stated several weeks ago, that the strongest opposition that came to the passage of some of these laws came from the Democratic side of the House. But I do not charge that up to the Democratic party. I wish to be fair. I wish to be treated fairly in this matter. I wish to have my party treated fairly in this matter. I do not want to claim for it anything that does not belong to it, but I do want to claim for it all it is justly entitled to. I shall resist any claim that I think should not be made, any claim on behalf of the Democratic party which is erroneously made.

Mr. WEAVER. Mr. Chairman, I now yield three minutes to the gentleman from Missouri [Mr. STONE].

Mr. STONE, of Missouri. There is one simple statement I wish to make for the benefit of my friend from Kansas [Mr. PETERS]. I know to whom he refers—the distinguished gentleman from Illinois [Mr. PAYSON], who, up to this time at least, has been a consistent advocate of the forfeiture of public lands, but from some cause or other which I suppose he will be able to explain he has joined the forces of the enemy and has deserted the Democratic party in its effort to restore these lands to the public domain.

Mr. PETERS. I hope the gentleman will make his charge when the gentleman from Illinois is present. He is not present.

Mr. STONE, of Missouri. I do not make any charge. I am simply stating the facts.

Mr. RYAN. It would be better to state that fact when the gentleman is present.

Mr. STONE, of Missouri. See whether it is correct. The Senate passed a general forfeiture bill which forfeits 5,627,436 acres of land. The Democratic Committee of this House on the Public Lands have reported a substitute which forfeits 54,323,996 acres of land. The gentleman from California who interrupted me [Mr. MCKENNA], and the gentleman from Illinois [Mr. PAYSON], and one other, the Republican members of the committee, have filed a minority report in which they insist upon the passage of the Senate bill which covers only 5,000,000 acres.

[Here the hammer fell.]

Mr. WEAVER. Mr. Chairman, I wish to challenge the correctness of a remark made by the gentleman from New Jersey [Mr. BUCHANAN] if he will give me his attention. He said that all the parties in times past had been in favor of these grants to railroad corporations. I make the assertion that in the pure days of the Republican party, before they obtained power and were brought face to face with the temptations incident to power, they were not in favor of anything of that kind. I read the eleventh and twelfth planks in the platform of the Free-Soil party of 1852, made by the grand old men who made the Republican party:

11. That all men have a natural right to a portion of the soil; that as the use of the soil is indispensable to life, the right of all men to the soil is as sacred as their right to life itself.

12. That the public lands of the United States belong to the people and should not be sold to individuals nor granted to corporations, but should be held as a sacred trust for the benefit of the people, and should be granted in limited quantities free of cost to landless settlers.

Mr. SPRINGER. That is the right kind of doctrine.

Mr. WEAVER. That, sir, was the platform of 1852, upon which John P. Hale and George W. Julian ran for President and Vice-President of the United States. George W. Julian is to-day, in his vigorous old age, still working to carry out the principles of the platform he ran upon in 1852.

A MEMBER. He is not in the Republican party.

Mr. WEAVER. As soon as the Republican party got into power it turned around and granted the public domain to corporations and opened to private speculators also, in violation of the principle announced in the platform I have quoted. The gentleman from Indiana [Mr. BROWNE] says he defends the grants to the Pacific railroads; of course he does, and his party has taken that position before the country for years, and very recently, by selecting Mr. Thurston, of Nebraska, a Pacific Railroad attorney, with a record that will not bear investigation, as temporary chairman of its convention. Now, if they will just nominate Depew and Thurston, their truly representative men, they can sweep the country, perhaps. [Laughter.]

But, Mr. Chairman, these land grants were a mistake, to draw it mildly—and we may as well all admit it now; it was a great wrong to grant a single acre of the public domain to corporations. The correct policy——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEAVER. I ask unanimous consent that I may have two minutes more.

Mr. BROWNE, of Indiana. I will not object if the gentleman will say a few words now about Estee, who has been made permanent chairman of the convention.

Mr. WEAVER. Oh, that was an afterthought. You found you had got your foot into it, and you tried to get it out by putting Estee in the chair. Your sorrow was not toward Heaven, but toward yourself. [Laughter.]

The CHAIRMAN. The gentleman from Iowa [Mr. WEAVER] asks unanimous consent that he may proceed for two minutes more.

There was no objection.

Mr. WEAVER. Now, Mr. Chairman, I say we may as well admit, because that is the sentiment of the people of the country, that there should never have been an acre of the public domain granted to a railroad corporation beyond what was necessary for the construction of their road and depots. Every acre of the public lands should have been held for homes for the people, under a well-guarded homestead law. That was the proper way to deal with the public domain; but instead of that it was thrown open to ruthless speculators, who have speculated in it until the poor people of this country to-day have to fight for standing room. I despise to look upon the dreadful record of the past. It presents a picture dreadful to contemplate, and it smacks of everything on earth except statesmanship and integrity. Where are our 60,000,000 of people and their countless posterity to find homes?

In the name of God, I ask, where will they find rest and shelter? Children born upon this continent fifty years from now will have no right to live upon it unless they obtain the consent of those who will have preoccupied it. The very gift of God to all his children has been squandered, and we are acting as though the earth belonged to this generation, and as though posterity had no interest whatever in it. [Applause.] Shame on such a policy.

Mr. BUCHANAN. Mr. Chairman, I was out when the gentleman from Iowa [Mr. WEAVER] was talking, but I understand that he said something about Mr. Thurston. I do not happen to have the pleasure of the acquaintance of Mr. Thurston, or to know anything about his private affairs, but there was a convention held a week or two previous to the one that is now in session, and in that convention a distinguished gentleman offered, as a sort of appendix to the platform, a resolution approving the revenue measure now pending in the House of Representatives.

That distinguished gentleman happens to be a member of this House——

Mr. SPRINGER. Oh, we have heard all that before.

Mr. BUCHANAN. It will not hurt you to hear it again. The distinguished gentleman who offered that resolution happens, I say, to be a member of this House, and in his autobiography in the Congressional Directory I find the following:

Subsequently became largely interested in the manufacture of iron and the mining of coal, as well as in the construction and operation of railroads, either as president or director of various lines, aggregating over 22,000 miles of completed road, the greatest number of miles of railroad, probably, which any one individual was ever an officer or director of.

I commend this record to the thoughtful and serious consideration of the gentleman from Iowa [Mr. WEAVER].

Mr. SPRINGER. Yes; but that distinguished gentleman never ran away from a commission that was investigating his roads and went "fishing" in Canada or in the wilds of Wisconsin, in order to keep from testifying.

Mr. BUCHANAN. As the gentleman is so well informed on these subjects, will he tell me whether it is true that the distinguished gentleman whose record I have read is a director in the Canadian Pacific Railroad?

Mr. ATKINSON. Mr. Chairman, I am very well satisfied, sir, that the gentlemen who have spoken upon the other side have no intention to cast aspersions upon their predecessors in office, and yet they have boldly charged that the land grants to the Pacific railroads were made by the Republican party. I submit that at the time those grants were made party lines were not drawn upon them, and on reference to the record I find that on the 8th of April, 1862, when the bill was under consideration granting what was then believed to be about 35,000,000 of acres to the Union Pacific Railway Company, 14 Democrats voted in favor of it, and only 25 Democrats voted against it.

Mr. TOWNSHEND. How many Republicans?

Mr. ATKINSON. There were 79 votes in its favor. Deducting 14 from that number would leave 65.

Mr. TOWNSHEND. How many Republicans voted against it?

Mr. ATKINSON. Twenty-five Democrats voted against it. Forty-nine was the aggregate vote against it; so that 24 Republicans and 25 Democrats, and no more, voted against it. [Applause on the Republican side.]

Mr. TOWNSHEND. How many Republicans voted for it?

Mr. ATKINSON. I have told you. The aggregate vote was 79, and

there were 14 Democrats who voted for the bill. I call attention to the further fact that when that bill came up in the Senate 8 Democrats voted in favor of it and only 2 against it.

Mr. TOWNSHEND. How many Republicans in the Senate voted for it and how many against it?

Mr. ATKINSON. There were not so many Democrats in the Senate in 1862 as there are now. The gentleman may remember that some of them were hedged behind a wall of bayonets south of the Potomac, and therefore they had no opportunity to give an expression to their sentiments upon this subject.

Mr. TOWNSHEND. Now, will the gentleman tell how many Republicans voted for it?

Mr. ATKINSON. I decline to yield to the gentleman unless I can have further time.

Mr. TOWNSHEND. The gentleman dare not tell us how many Republicans there were who voted for it.

Mr. ATKINSON. Extend my time and I will tell you without hesitation. I have nothing to conceal.

I wish to call the attention of the House to the vote upon the land grant to the Northern Pacific Railroad Company. This vote was taken on the 31st of May, 1864, a period when Democrats were less numerous in this House than they are now. By reference to that vote I find that 24 Democrats voted in favor of that land grant and only 30 Democrats against it.

Mr. HOLMAN. I hope the gentleman from Pennsylvania——

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. ATKINSON. Not now.

Mr. HOLMAN. I hope the gentleman will furnish the names of the Democrats who voted for that grant.

Mr. ATKINSON. Yes, sir; I will mention their names.

[Here the hammer fell.]

Mr. ATKINSON. I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ATKINSON] moves to strike out the pending paragraph.

Mr. TOWNSHEND. Now that the gentleman has secured an extension of time, I hope he will state how many Republicans voted for the Union Pacific land grant.

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. ATKINSON. I will in a moment. I wish first to reply to the gentleman from Indiana.

Mr. HOLMAN. I hope the gentleman will give us the names of the Democrats who voted in favor of the grant to which he has just referred.

Mr. ATKINSON. I wish to call the attention of gentlemen on the other side to the names of some of the Democrats who voted in favor of this Northern Pacific grant. Among others I find the names of Mr. James C. Allen, Mr. Augustus C. Baldwin, Mr. Alexander H. Coffroth, and, without reading the entire roll, I will conclude by citing the name of a gentleman now conspicuous in public life, and who, I believe, is ready to defend his vote on this question—DANIEL W. VOORHEES, of Indiana. [Applause on the Republican side.]

Mr. BROWNE, of Indiana. And Thomas A. Hendricks.

Mr. HOLMAN. I think the gentleman has read about all the names of Democrats that he can find.

Mr. BROWNE, of Indiana. How did Mr. Hendricks vote?

Mr. HOLMAN. He was not here.

Mr. BROWNE, of Indiana. I am inquiring how he voted on the Northern Pacific grant. I say he voted for that grant, the largest land subsidy ever voted in any one bill, and he made a speech in favor of it.

Mr. ATKINSON. I call the attention of the House to the fact that these were not Republican measures; that there was a larger proportion of Democrats voted for them than of Republicans.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, I ask the Clerk to read a resolution which was submitted to this House on the 18th day of January, 1869, the vote upon which discloses, I think, the attitude of the two parties in regard to the repeal of the land grants better than any other proposition which has been referred to.

The Clerk read as follows:

Resolved, That grants of the public lands to corporations ought to be discontinued; and the whole of such lands ought to be held as a sacred trust to secure homesteads to actual settlers, and for no other purpose whatever.

Mr. HOLMAN. Now, Mr. Chairman, in those few words this whole question is as well presented as it could be. There can be no misunderstanding of that declaration, which is that land grants ought to cease, and that the public lands ought to be reserved for the benefit of actual settlers only. Gentlemen will be surprised to see how the vote stands on that resolution.

A MEMBER. What year was that?

Mr. HOLMAN. In 1869—five years before the Democrats obtained control of this House. Within a very short time after this resolution, as gentlemen will find by looking at the records—I called the attention of one of my colleagues to this matter not long since—this side of the House brought forward a proposition to grant land to soldiers of the late war, without requiring settlement on the same—the principle on which the soldiers in all former wars had obtained grants of land. I hope gentlemen who are claiming that they have favored the policy of securing these lands to the people will examine the vote on this bill, which passed, to be sure, in a Republican House, but was promptly rejected in the Senate.

Mr. TOWNSHEND. What was the vote on the resolution to which the gentleman has referred?

Mr. HOLMAN. Upon the submission of that resolution declaring that "grants of the public lands ought to be discontinued, and the whole of such lands ought to be held as a sacred trust to secure homesteads to actual settlers, and for no other purpose whatever," Mr. H. D. Washburn, a Republican member from the State of Indiana, and a very excellent man, moved to lay the resolution on the table. Of the Republican votes in favor of that motion I will simply call attention to the following: WILLIAM B. ALLISON, Nathaniel P. Banks, John A. Bingham, SHELBY M. CULLOM, Columbus Delano, James A. Garfield, Samuel Hooper, WILLIAM D. KELLEY, CHARLES O'NEILL, Luke P. Poland, Robert C. Schenck. I mention these as distinguished Representatives of the Republican party. The Democratic vote in those days was not very strong, and gentlemen will remember that the effects of this policy had not then been fully felt by the country, and until they had been felt it could scarcely be expected that this House would very decidedly change its attitude on this question.

Mr. TOWNSHEND. What was the vote for the resolution?

Mr. HOLMAN. One hundred and ten to fifty-five.

Mr. WEAVER. How many Democrats?

Mr. HOLMAN. I only recognized three, hastily running over the list. There may be others.

The proposition I wished to call attention to is that this was in the midst of the land-grant policy. After this the Texas Pacific was passed, granting 14,500,000 acres.

The Democratic party came in, and there were no more grants of land for any such purpose. There it ceased. Not an acre has been granted from that day to this. That act authorized 14,500,000 acres. That expired in 1882.

That was the point I wished to call the attention of the House to, that as soon as the Democrats came into power they instantly introduced a bill declaring the forfeiture of the remaining unearned land grants. During the Forty-seventh Congress no vote was obtained except in reference to a little road in Michigan, known as the Bruló grant. It was the deliberate purpose—I do not say that of gentlemen on the floor—but the record will show there was a deliberate purpose this House should not have the opportunity to vote in reference to forfeiture of these land grants. And it was not until the next Congress, when the House adopted a new rule, that we were able to present and vote on propositions looking to the forfeiture of these unearned land grants.

Mr. TOWNSHEND. Let me inquire of the gentleman from Indiana whether any law was ever passed in a Republican House looking to the forfeiture of any one of these land grants?

Mr. HOLMAN. No, I think there was not. I voted against all these grants, and therefore have no explanation to make.

Mr. ATKINSON. Had the time for the completion of these roads expired before the end of the Forty-seventh Congress?

Mr. TOWNSHEND. The grant to the Northern Pacific expired in 1879, some three or four years before the end of that Congress.

[Here the hammer fell.]

Mr. ATKINSON'S amendment was rejected.

The Clerk read as follows:

Transcripts of records and plats: For furnishing transcripts of records and plats and paying therefor, $12,500, to be expended under the direction of the Secretary of the Interior.

Mr. MCKENNA. I move to strike out that paragraph, and I will say candidly that it is for the purpose of enabling me to reply to some remarks made by the gentleman from Missouri [Mr. STONE] while the amendment moved by the gentleman from Pennsylvania [Mr. ATKINSON] was under consideration.

I think the gentleman's partisan enthusiasm has led him into expressions his cooler judgment would not approve. He made accusations against Mr. PAYSON, of Illinois, in regard to his [Mr. PAYSON'S] position on these land-grant forfeiture bills which in cooler moments he would not have made. If he had reflected one minute he would have found that Mr. PAYSON, of Illinois, does not in any action taken in this Congress or in committee militate against the positions he occupied in this House in previous Congresses.

Sir, I have nothing to do with which party was responsible or which party was not responsible for the railroad land grants. We have come to a point somewhat beyond that, and instead of looking back to inquire into the responsibility for the past, it more concerns us to consider what should be done now—to consider the positions of parties now.

But passing even that, what is Judge PAYSON'S position to-day on this question? Mr. Chairman, several bills have been reported to this House from the Committee on the Public Lands with reference to land grant forfeitures, one of which was reported by the distinguished gentleman from Missouri [Mr. STONE], forfeiting the Southern Pacific

grant; another by the distinguished gentleman from Arkansas [Mr. MCRAE], forfeiting the Northern Pacific grant; and still another, a general forfeiture bill, reported by the distinguished chairman of the committee, Judge HOLMAN.

Mr. PAYSON concurred in the bill reported by the gentleman from Missouri; Mr. PAYSON concurred in the bill reported by the gentleman from Arkansas, and Mr. PAYSON did not dissent from the bill reported by the gentleman from Indiana, the distinguished chairman of the committee, but Mr. PAYSON does urge that in view of the fact, Mr. Chairman, that it is impossible, conceded to be impossible, to pass a bill at this session of Congress forfeiting lands lying opposite and contiguous to completed portions of road, as well as forfeiting lands lying opposite and contiguous to the line of road uncompleted——

Mr. HOLMAN. Why impossible?

Mr. MCKENNA. Impossible by reason of the decisions of the Supreme Court declaring the conditions in the granting acts to be conditions subsequent, not conditions precedent. Impossible because these decisions have steadily advanced, and strengthened as they have advanced, to almost positive and absolute decision that Congress has no power to declare a forfeiture of lands lying opposite completed road, although not completed within the time designated in the act. At any rate, respectable legal opinion asserts the decisions of the Supreme Court must be so construed. But, sir, I shall not stop to discuss the legal propositions involved. I state the fact of the decisions and the fact of the opinion of them as possible obstacles to an extreme course. Another fact and obstacle is the opposition of the Senate to forfeiting lands lying opposite completed road.

Mr. HOLMAN. I was told by a Senator but yesterday that he thought the general forfeiture bill would pass the Senate.

Mr. MCKENNA. I hope the gentleman will not occupy my time, as I have but very little, and I want to explain the position of Mr. PAYSON because he is absent. I do not care anything about the political discussion of the subject whatever.

I have heard a debate similar to that which has occurred to-day three times—as aimless and as purposeless as that to-day. I heard in the Forty-ninth Congress, as the gentleman from New Jersey [Mr. BUCHANAN] said he did, the distinguished chairman of the Committee on Ways and Means, Mr. Morrison, rebuke the gentleman from Indiana [Mr. HOLMAN] and his party for trying to make political capital out of the Pacific Railroad land grants for the Democratic party, declaring that they were necessary; that they were the development and issue of the patriotic sentiment of the country in its desire to unite the East and the West and to quicken communication between them.

But, as I have said, I have nothing to do with the political aspects of the question. But I have something to do with the correction of misstatements on the floor of the House, whether they be intentional or unintentional, be they coolly and deliberately made, as I do not think they were in this case, or whether impulsively made, and I am satisfied the gentleman will not adhere to them when the facts are stated to him.

[Here the hammer fell.]

Mr. RANDALL. Now, Mr. Chairman, can we not have a vote on this question.

Mr. STONE, of Missouri, rose.

Mr. MCKENNA. I just want a minute or two more.

Mr. STONE, of Missouri. How much time does the gentleman want?

Mr. MCKENNA. I do not know; only a few minutes.

Mr. STONE, of Missouri. I will yield to the gentleman two minutes of my time.

Mr. MCKENNA. I will state the position so fairly that I do not think the gentleman will object. I may not get through in the short time allotted to me, but I will endeavor to do so.

Now, sir, to direct myself to the purpose for which I rose, namely, to put Judge PAYSON in a correct attitude before the House and possibly myself. I wish to say that there is not a word uttered by my distinguished friend, Judge PAYSON, or the position taken by him, that militates against his former record that he has made in favor of the forfeiture of these land grants; but he supplements his record by submitting a report candidly reviewing the legal situation and the legislative situation of this subject, and declaring that, in his judgment, as a business proposition, if you mean business, we must concur with the Senate as far as the Senate will concur with the House, and then pass the other bills besides. But let us make sure of that which we can. That is his position, and that is the whole of it; and when the gentleman from Missouri says he [Mr. PAYSON] has deserted the ground he formerly occupied he uses a word of obloquy which is unjust, and in the assertion he makes an accusation which I am satisfied on reflection he will withdraw, because I do not think he could have meant it in an offensive sense, but only in a Pickwickian sense.

Mr. STONE, of Missouri. Mr. Chairman, I certainly desire to say that I would not make one remark intentionally offensive to the gentleman from Illinois, Judge PAYSON, a gentleman for whom I entertain the kindest feelings and the highest regard; a good man, a good citizen, and a good Representative. What I said was provoked by a remark of the gentleman from Kansas, who stated that all efforts made with a view to forfeit the land grants had originated with the gentleman from Illinois, and that he was really the power that had been pressing them forward, and that it was a Republican measure. I simply desired to say, in response to that, nothing that would be a reflection upon him or offensive to Judge PAYSON or any other gentleman upon this floor; and if I have said anything that can be so construed, which certainly was not my intention, I wish to withdraw it.

What I meant to say was that the Republican Senate had passed a bill forfeiting only such lands as lie adjacent to that portion of the routes of these railroads where no road has been constructed, aggregating a little over 5,000,000 acres of land, all told. The Democratic committee of this House reported a substitute, now pending, to that bill, forfeiting all lands lying coterminous with the roads constructed outside of the limitation fixed by the statute for the construction of the whole road. To that report Judge PAYSON, my friend from California, who has just taken his seat [Mr. MCKENNA] and one other filed a minority report, in which they seek to prevail upon this House to adopt the Senate view and pass the bill forfeiting 5,000,000 acres and virtually confirming all other lands to the railroads.

Mr. MCKENNA. You do not want to misrepresent. You are unwittingly doing so. We are simply saying that as a practical business proposition, in view of what we can do, let us pass that one bill and we will pass the others afterwards.

Mr. STONE, of Missouri. Is it not true that your minority report, now to be found in the document-room of this House, does advise this House to pass the Senate bill?

Mr. MCKENNA. Certainly it does.

Mr. STONE, of Missouri. If you pass the Senate bill, which forfeits only 5,000,000 acres of land, that is an end of the whole business; and I say it is practically an abandonment of the position which gentlemen have occupied here.

[Here the hammer fell.]

Mr. MCKENNA. Mr. Chairman, I withdraw my amendment.

Mr. ATKINSON. I renew the amendment.

Mr. Chairman, in the course of my remarks a few moments ago I had occasion to say that this policy of granting land for the construction of a railway to the Pacific was non-partisan in its character; that Democrats and Republicans both favored it. I now desire to lay before the House extracts from the platforms of the respective political parties in 1860. The Democratic (Douglas) platform adopted at the convention held in Baltimore June 18, 1860, had this declaration:

Resolved, That one of the necessities of the age, in a military, commercial, and postal point of view, is speedy communication between the Atlantic and Pacific States; and the Democratic party pledge such constitutional Government aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period.

Mr. HOLMAN. There is no land grant there.

Mr. ATKINSON. They pledge constitutional Government aid. They had previously given Government aid in the way of land grants for the construction of canals and for the construction of railroads; these grants of land were masked under a thin trust, but they amounted to the same thing.

Mr. JACKSON. Expressly for railroads.

Mr. ATKINSON. The Democratic (Breckinridge) platform declared:

Whereas one of the greatest necessities of the age in a political, commercial, postal, and military point of view is a speedy communication between the Pacific and Atlantic coasts: Therefore,

Be it resolved, That the Democratic party do hereby pledge themselves to use every means in their power to secure the passage of some bill to the extent of the constitutional authority of Congress for the construction of a railroad from the Mississippi River to the Pacific Ocean at the earliest practicable moment.

Those are the deliverances of the Democratic parties, each calling itself the Democratic party. The Republican platform of the same year declares:

That a railroad to the Pacific Ocean is imperatively demanded by the interests of the whole country, that the Federal Government ought to render immediate and efficient aid in its construction; and that as a preliminary thereto a daily overland mail should be promptly established.

Here then we have a consensus of opinion, a union of policy among all the then existing political parties. When these bills were introduced into Congress political lines were not drawn, but Democrats and Republicans alike voted for and against them. I believe it was a wise policy; that those men made no mistake when they did this thing. It was a grant only of alternate sections of land to the railroad companies along the line of the railroads. What was reserved to the Government was increased in value twenty or thirty fold. More than that, it rendered all of the vast region west of the Missouri accessible to settlement. More than that still, it cemented the Union of the States, uniting the Pacific with the Atlantic by an iron bond which will be indissoluble forever.

Mr. HOLMAN. Mr. Chairman, I wish to say that the Union Pacific Railroad grant stands upon an entirely different footing from any other ever made by Congress. It was made in the midst of a great conflict, and the importance of easy and rapid communication between the Pacific States and the Atlantic States was known to all men and recognized by all. At the then time I did not myself vote for that bill, for the simple reason that, in my judgment, imperatively necessary as was the construction of the road, the grant in bonds for that purpose was

ample, and the grant of 27,000,000 acres of land was never justifiable or excusable.

The grant in money was known at the time to be sufficient. It was known then to those who understood the subject as well as it was known in 1864, when the real act was passed authorizing the construction of the Union Pacific Railroad. By that time it was known to all men, because several successive surveys had been made, that the grant of $64,000,000 in bonds was ample, and that in view of that fact a bonus of 27,000,000 acres of land was without justification or excuse. And, sir, it affords me a great deal of pleasure to recall the fact that foremost among the men who most strenuously opposed that measure, on account of the land grant and on the ground of the palpable injustice done to the Government in giving the corporation mortgage an inside position as against the Government mortgage, Hon. E. B. Washburne, then a Representative from the State of Illinois, was most conspicuous. Basing his opposition on the two grounds I have stated, he led the opposition in this House when the measure was finally forced through at midnight. Those two measures must be considered together. When the last bill passed, that of 1864, the law under which the Union Pacific Railroad was constructed, while Mr. Washburne led the opposition, Thaddeus Stevens led those in favor of its passage. It passed at the hour of midnight, and nearly the entire negative vote was cast by the representatives of the Democratic party here. I must state that fact, while at the same time I mention with great satisfaction the fact that Mr. Washburne—the most valuable member of this House I have ever known—was the most strenuous and active and able in trying to defeat the measure upon the grounds I have mentioned.

Mr. ATKINSON. I wish to ask the gentleman from Indiana whether he now asserts that those land grants were Republican legislation?

Mr. HOLMAN. I must say that, taking into consideration all that had occurred prior to 1861 and all that had occurred afterwards, as a matter of fact, it was a Republican policy.

Mr. ATKINSON. Was not the policy of the Democratic party upon this subject outlined in their platform of 1860?

Mr. HOLMAN. But that had no reference to a land grant.

Mr. ATKINSON. It speaks of constitutional aid.

Mr. HOLMAN. Why, even in 1860 if a proposition had been made before the Democratic convention, or even before the Republican convention, to appropriate public lands to a great railroad corporation it could not have been carried. The influence of the movement of 1852 of the free-soilers was then fresh in the country, the first movement of the Free-Soil party at Pittsburgh, in favor of a policy securing the whole of the public lands for homesteads.

Mr. ATKINSON. The Democratic party pledged itself to give such constitutional aid as would insure the construction of the railroad.

Mr. HOLMAN. Certainly, but that did not imply a grant of land.

Mr. BUCHANAN. Did it imply a grant of money?

Mr. HOLMAN. I think it did imply a grant of money or credit.

Mr. ATKINSON. Is there any difference constitutionally between a grant of land and a grant of money?

Mr. HOLMAN. We are not discussing the question of constitutional power. Both parties were committed to that. The Whigs made such grants; the Democrats have done it, and the Republicans have done it; but the two old parties did it only in limited degree, not with a regular and definite system. The largest grant made by either of them was only three and one-half million acres, the grant to Illinois.

Mr. ATKINSON. Then the difference was only in degree?

Mr. HOLMAN. The difference was in the degree in this, that with the two old parties it was not a policy, while it became the policy of the Republican party from the beginning of its power and continued until the party declined and the Democrats controlled the House.

Mr. RANDALL. Now, Mr. Chairman, I ask unanimous consent that debate upon this amendment be closed.

There was no objection, and it was so ordered.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania [Mr. ATKINSON] to strike out the paragraph.

Mr. ATKINSON. I withdraw that amendment.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, $100,000, at rates not exceeding $9 per lineal mile for standard and meander lines, $7 for township, and $5 for section lines: *Provided*, That in expending this appropriation preference shall be given in favor of surveying land occupied, or to be occupied, in whole or in part, by actual settlers. And of the sum hereby appropriated not exceeding $20,000, may be expended for the examination of surveys in the field, to test the accuracy of the work, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors; and for inspecting mineral deposits, coal fields, and timber districts, and for making such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Mr. RANDALL. I desire to offer an amendment to perfect this paragraph.

Mr. HERMANN. I wish to make a point of order upon the paragraph.

The CHAIRMAN. The gentleman from Oregon will state his point of order.

Mr. HERMANN. I submit to the Chair that this paragraph is a change of existing law, and therefore in violation of the rules of the House. In support of this proposition I call the attention of the Chair to sections 2404 and 2405 of the Revised Statutes, which read as follows:

SEC. 2404. The Commissioner of the General Land Office may authorize, in his discretion, public lands in Oregon, densely covered with forests or thick undergrowth, to be surveyed at augmented rates, not exceeding $18 per mile for standard parallels, $15 for townships, and $12 for section lines.

SEC. 2405. The Commissioner of the General Land Office, in his discretion, may hereafter authorize public lands in California and in Washington Territory, densely covered with forest or thick undergrowth, to be surveyed at augmented rates, not exceeding $18 per linear mile for standard parallels, $16 for townships, and $14 for section lines.

Mr. HOLMAN. Will the gentleman state the date of the law to which he has referred?

Mr. HERMANN. The first of the sections I have just read was enacted July 15, 1870, and the second June 10, 1872; they are both embraced in the Revised Statutes, edition of 1878.

Now, Mr. Chairman, my proposition is that the rates proposed to be allowed in the paragraph read by the Clerk for surveys of the public lands are in effect a restriction upon the rates already allowed by existing law as embraced in the two sections which I have just read from the Revised Statutes. I do not think it necessary to occupy time in arguing this question, but submit it for the decision of the Chair upon the provisions of law which I have cited.

Mr. RANDALL. The act to which the gentleman has referred in reference to rates of payment for surveys was, if I remember rightly, passed in 1871. I think from the time of the Forty-seventh Congress there have been continuously allowed by law different rates, the same rates provided for in the pending clause of the bill. This clause is in the nature of a limitation upon the expenditure of money, and is, I submit, in order. I think we have had rulings to this effect.

Mr. BLOUNT. And did not the appropriation bill which originally provided for the present rates repeal any conflicting laws on the same subject?

Mr. HERMANN. I can find no change of statutory law in reference to this particular provision. I wish to say in addition that in other appropriation bills reported by the gentleman from Pennsylvania himself, as chairman of the Committee on Appropriations, the rates allowed have been in accordance with the statutory law, except in the Forty-ninth Congress, and now in this Congress.

Mr. RANDALL. I may have been wrong in my statement as to the action of the Forty-seventh Congress. But at any rate the clause in this bill is a limitation upon the expenditure of the money appropriated, and, according to rulings heretofore made, is in order.

Mr. HERMANN. The gentleman will permit me to say it is not only that, but it is a restriction as to the rates provided by law, and which shall be paid by the public land office for surveys in certain portions of the country, my own State in particular.

Mr. RANDALL. It has always been held that where there was a statute, for instance, fixing a salary, if Congress did not appropriate the full amount there would exist a claim against the Government, unless there should be incorporated in the bill some such phrase as "in full compensation;" but where any such language has been incorporated it has always been recognized as a limitation. The language in this paragraph is in fact a limitation on this appropriation, providing that it shall not be expended by the payment of higher rates than those fixed in the paragraph.

Mr. HERMANN. Does not that in itself constitute a change of existing law?

Mr. RYAN. I wish to say to the gentleman from Oregon [Mr. HERMANN] that this bill fails to make any appropriation for the class of surveys to which the provisions of law read by him refer. Therefore, in my judgment, the paragraph is not subject to the point of order. The gentleman's remedy is to offer an amendment to appropriate money for that class of surveys.

Mr. HERMANN. Under the statute law, it is provided that as to standard and meander lines the price paid shall not exceed $18 per mile, while under the terms of the pending paragraph the rate of payment is limited to $9. Surely the bill makes a very radical change in the existing law. The language of the bill is:

For surveys and resurveys of public lands $100,000, at rates not exceeding $9 per lineal mile for standard and meander lines, $7 for township, and $5 for section lines.

The provision of the Statutes at Large is that—

The Commissioner of the General Land Office may authorize in his discretion public lands in Oregon, densely covered with forests or thick undergrowth, to be surveyed at augmented rates not exceeding $18 per mile, etc.

It is therefore plain that the provision of the bill is a restriction upon the payment of the rates allowed by existing law, and hence a change. Therefore I submit that the clause is out of order as violative of the rule.

Mr. RANDALL. The language in this bill is the same as that in the bill of last year applying to the current fiscal year.

The CHAIRMAN. Does the gentleman affirm that the language in the two cases is identical?

Mr. RANDALL. It is, word for word.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HERMANN. Then I desire, as my only remedy, to offer an amendment.

The CHAIRMAN. The gentleman from Oregon will withhold his

amendment until an amendment sent to the desk by the gentleman from Pennsylvania [Mr. RANDALL] has been read and acted on.

The Clerk read the amendment of Mr. RANDALL, as follows:

In line 7, page 48, strike out the word "land" and insert "townships," and in the same line strike out the words "or to be occupied."

Mr. RANDALL'S amendment was adopted.

Mr. HERMANN. I offer the following amendment to the paragraph under consideration.

The Clerk read as follows:

After the word "lines," in line 5, insert "except that as to mountainous lands or lands covered with dense timber or underbrush the rate shall not exceed $13 for standard and meander lines, $9 for township, and $7 for section lines."

Mr. RANDALL. I do not think we want to survey that kind of land at all.

Mr. HOLMAN. Is not that amendment subject to a point of order?

Mr. HERMANN. I ask to be heard.

The CHAIRMAN. The gentleman from Indiana will state his point of order.

Mr. HOLMAN. I think that amendment changes existing law. I ask it may be read again.

Mr. HERMANN. I ask the gentleman from Indiana to withdraw his point of order until I can be heard on the proposition itself.

Mr. HOLMAN. I will withhold my point of order so the gentleman from Oregon may be heard.

Mr. HERMANN. In the few remarks, Mr. Chairman, which I desire to submit on the pending proposition, I wish especially to appeal to the chairman of the Committee on Appropriations. I submit to him and to the gentlemen who honor me with their attention that so far as Oregon, Nevada, Washington Territory, and I may say so far as all the Pacific Slope is concerned west of the summit of the Rocky Mountains, very few lands will be surveyed hereafter under the limited appropriation provided for in this paragraph. That is certain, and for the simple reason that it can not be done, and the evidence is before the House, conclusively showing that owing to the character of the country now remaining unsurveyed, the land being largely mountainous, with heavy undergrowth of brush, it is impossible to get surveys extended at the limited rates provided in the present bill. Surveyors-general of the States of Oregon, California, Nevada, and of the Territories on the Pacific coast have at different times during the past few years urgently appealed to the Department for a change of rates. They show that competent surveyors will not take contracts for surveys on this class of lands at existing rates. In support of the position taken by them, and as a further argument for my amendment, I desire to read to the committee from the recent report of the Commissioner of the General Land Office on this subject:

The estimates of the surveyors-general submitted with their annual reports amount to $518,640. My estimate of a little more than one-half of this sum may properlybe increa sed in the discretion of Congress, but should not be reduced. Nearly all the easily surveyable lands were surveyed or returned as surveyed in former yearsunde r larger rates of compensation than now prevail, leaving the difficult and expens ve lands unsurveyed. It is not possible to survey mountainous lands at existing rates. Yet such lands, within railroad land-grant limits at least, must be surveyed under positive law. An attempt made to expend the appropriation of the last fiscal year chiefly in Montana, within the limits of the Northern Pacific Railroad, failed for want of bidders for the contract at the rates provided by law. Much of this class of work will have to be done by special contract or at per diem rates, in which some augmentation in the scale of prices is unavoidable.

To meet this emergency I have recommended the restoration of augmented rates for heavily timbered or mountainous lands, limited, however, to $13 per mile for standard and meander lines, $11 for township, and $7 for section lines. The Revised Statute rates are: For Oregon, $18, $15, and $12, and for California and Washington, $18 and $14 (sections 2404 and 2405, Revised Statutes). I have also recommended that the provisions of section 2411 now applicable to Oregon and California, authorizing compensation for surveys in discretionary cases by the day instead of by the mile, be made general.

I desire to read still further from this report what is urged by the Commissioner in reference to the State of Oregon:

About two-thirds of the area of Oregon have been surveyed. Further surveys are needed to keep up with the progress of settlement. In many instances the lands settled upon are in small valleys, where the greater part of the land is mountainous and unfit for cultivation, or else containing more or less timber. Some of these lands are rough country, covered with dense undergrowth, so that no competent surveyor will attempt to make the surveys at the rates allowed by law.

The CHAIRMAN. The gentleman's time has expired.

Mr. HERMANN. I move to strike out the last word, for the purpose of reading to the House the communication from the Secretary of the Interior, transmitting a petition from all the district land officers in Oregon, asking appropriations for extending the surveys of public lands in Oregon for the fiscal year 1889, and for an increase in rates as to mountainous and timber-covered lands.

The Clerk read as follows:

Letter from the Secretary of the Interior transmitting a petition from the district land officers in Oregon asking appropriations for extending the surveys of public lands in Oregon for the fiscal year 1889.

DEPARTMENT OF THE INTERIOR,
Washington, March 22, 1888.

SIR: In compliance with a request of the Actining Commissioner of the General Land Office, I transmit herewith a copy of a petition of the district land officers in the State of Oregon relative to the necessity for a liberal appropriation for extending the public surveys in the said State during the ensuing fiscal year.

Very respectfully, WM. F. VILAS, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

[Here the hammer fell.]

To the honorable the Senate and House of Representatives of the United States:

We, the undersigned, district officers of the General Land Office, respectfully represent that the demands for surveys of public lands in the State of Oregon are urgent, and daily becoming more imperative because of the insufficient appropriations for the current and past fiscal years; that the maximum rate per mile now allowed by law for surveying is inadequate for such service in this district on account of the dense undergrowth that covers a large part of the surveyable lands in the State. Nearly all the petitions asking for surveys come from localities where the lands are more or less mountainous, or covered with timber or dense undergrowth, making surveying difficult and expensive, and unless the rates for this class of work are very materially increased competent surveyors can not be found to execute the surveys that are actually necessary in the interest of settlers.

For the relief of the settlers and in the interest of this State w e do most respectfully ask your favorable consideration, to the end that (as recommended by the honorable Commissioner General Land Office in his last annual report) ample appropriation may be made for the surveying service for the ensuing fiscal year, and the rates therefor be fixed high enough to provide for honest surveys by reliable surveyors, so that settlers can not be called upon to contribute, directly or indirectly, towards the expense of such surveys; and we, your petitioners, will ever pray.

DOUGLAS W. TAYLOR,
United States Surveyor-General for Oregon.
W. T. BURNEY,
Register, United States Land Office, Oregon City, Oregon.
B. F. BURCH,
Receiver, United States Land Office, Oregon City, Oregon.
CHAS. W. JOHNSTON,
Register, United States Land Office, Roseburgh, Oregon.
A. C. JONES,
Receiver, United States Land Office, Roseburgh, Oregon.
W. M. TOWNSEND,
Receiver, United States Land Office, Lakeview, Oregon.
A. F. SNELLING,
Register, United States Land Office, Lakeview, Oregon.
F. A. McDONALD,
Register, The Dalles, Oregon.
T. W. SLUSHER,
Receiver, The Dalles, Oregon.
HENRY RINEHART,
Register, United States Land Office, La Grande, Oregon.
J. T. OUTHOUSE,
Receiver, United States Land Office, La Grande, Oregon.

Mr. RANDALL. This is an appeal for higher pay to certain surveyors, and does not involve any real wants of the actual settlers; as in fact for that portion of the land proposed to be surveyed there is not much demand at any rate, or very little demand from persons wishing to acquire actual settlement. I hope there will be no change in the law.

Mr. HERMANN. I appeal once more to the chairman of the Committee on Appropriations that he permit this amount to be increased; it is totally inadequate. I can assure him it is necessary. The increase is demanded by the great emigration which is now setting in from all parts of the Union and seeking homes even in the remotest places—in the small valleys, along the foot-hills, on the narrow creek bottoms, and even on the steep mountain sides, for in the western portion of the Coast Range even the declivities of the highest hills are susceptible of cultivation, and especially in dairy grasses which the humid atmosphere keeps verdant in the dryest seasons.

Mr. MORROW. Mr. Chairman, I desire to say that in California the demand for the survey of public lands is very urgent for the reason that it has been found that the lands on the mountain slopes now covered by brush and timber are the most valuable lands that we have for vineyards and fruit-growing purposes, being lands lying on the lower or foot hills of the mountains. This demand has been expressed to the Commissioner of the General Land Office by the people interested in taking up these lands, and he has conveyed the request to Congress in the report which has been read from by the gentleman from Oregon, and I desire to call attention to that part of the report which refers to California.

The Commissioner of the General Land Office says:

The greater part of unsurveyed land in California that is now regarded as surveyable is considered very valuable, consisting of brush-hills producing the best vines and choicest fruits, and great demand exists for surveys of such lands. The surveyor-general urges that higher rates for surveys be allowed in order to prevent fraud and collusion induced by the surveyors relying upon interested parties for assistance when the meager rates for surveys are insufficient.

Now, the surveyor-general of California, in his report to the Commissioner of the General Land Office (and in a supplemental report) calls attention to the necessity for increased appropriations for these surveys. He says:

I respectfully urge in the interest of the many settlers, of those contemplating settlement but who are deterred from so doing on account of trouble in obtaining titles, and in the interest of good government that I may be allowed to survey such lands during the fiscal year ending June 30, 1888, as are settled upon and are surveyable.

The great immigration into California during the past twelve months and the prospect of a still greater number of people coming hither this year to make this State their homes would seem to be sufficient inducement for the Department to order such surveys of the unsurveyed public lands as are surveyable.

Mr. Chairman, as stated before, all the lands that are now surveyable are lands which will require more labor, more service, and larger expenditures than the surveys heretofore made. I am in favor of the amendment of the gentleman from Oregon. It is necessary to obtain proper surveys of the public lands in California.

Mr. TOOLE. Mr. Chairman, I move to strike out the last two words. I rise to confirm the statements just made by the gentleman from Oregon [Mr. HERMANN], the gentleman from California [Mr. MORROW], and the report of the Commissioner of the General Land Office touching the inadequacy of the present prices allowed for public sur-

veys in the mountainous and timbered regions. I am advised by the surveyor-general of Montana that if the present prices obtain we can not expect any considerable amount of the land grant of the Northern Pacific Railroad in Montana to be surveyed. The people of Montana have a direct interest in this amendment. I had intended to offer it myself.

The Forty-ninth Congress passed a law whereby we could tax the lands of that company as rapidly as surveyed, whether the company had the patents to the lands or not. In other words, it provided in effect that a failure on the part of the railroad company to pay the costs of surveying, selecting, and conveying the lands as provided by the charter should not operate to defeat the collection of taxes thereon by the Territory. We are vitally interested in this amendment. I ought to have said in advance that out of the $50,000 appropriated for public surveys last year Montana received $20,000 in the apportionment, every cent of which went back into the Treasury, because no contracts could be let at present prices.

The Northern Pacific Railroad Company grant in Montana amounts to 20,000,000 acres of land. Under present law they pay upon about 5,000,000 acres, that amount, I believe, having been surveyed and certified to it under the grant, leaving about 15,000,000 acres unsurveyed and upon which no taxes are paid. These lands are worth all the way from 50 cents to $30 an acre. Bonds for deeds have been given by the company in many instances, and the lands are cultivated and improved by the purchaser. The company, its property, and employés are entitled to and receive the protection of our laws. The tramps, malefactors, and lawbreakers following in its trail are made charges upon our counties, and we demand that it shall pay its just proportion of the public burdens; but the gentleman from Pennsylvania says it is time enough to provide for this when the company pays the 10 cents an acre for surveying the lands.

Mr. RANDALL. Whenever that road will agree to pay for the surveys of the land which the Government gave them, then I am perfectly willing to appropriate the amount of money necessary to survey them, but not before.

Mr. TOOLE. That, sir, is the point that the bill referred to as having passed the Forty-ninth Congress designed to cover. The company claim that their grant was *in præsenti;* that they have a perfect equitable title, and that nothing but the naked legal title, the mere evidence of the grant was in the Government. Holding to this theory it is plain that the railroad company would never pay the cost of surveys and take out patents; certainly not as long as they could evade the payment of taxes—hence the necessity of the law of the Forty-ninth Congress, the proposed amendment, and an adequate appropriation.

If there are gentlemen here who still cling to the hope of forfeiting the grant of the Northern Pacific, I want to say that the taxation of the grant by the Territories in no wise commits the Government against the forfeiture. Section 3 of the act authorizing taxation upon the surveyed land expressly reserves the right to forfeit.

Now, Mr. Chairman and gentlemen of the committee, pass this amendment, it will insure the survey and taxation of these lands, it will add $10,000,000 at once to our assessable valuation. We need it to build school-houses, colleges, and public institutions. The munificent dowry of public lands given us by the Federal Government is of no avail until we become a State.

For four years we have been appealing for constitutional government, for the benefits of statehood, and a closer connection with the American Union. We have appealed in vain. If we are to be kept out of the Union longer, give us all proper facilities to collect all the revenue to which we are justly entitled. With an ample appropriation to survey all our lands, and a fair price paid for the surveys, we will have money enough from surplus revenue to provide ourselves with the best educational facilities, as well as all other necessary public institutions.

It has been claimed, sir, that the land grant of the Northern Pacific Railroad was subject to forfeiture; and this House at frequent sessions has passed bills looking to that end. The act by which we propose to collect these taxes provides, in section 3—

> That this act shall not affect the right of the Government to declare or enforce a forfeiture of any land so granted, but all the rights of the United States to said lands or to any interest therein shall be and remain as if this act had not passed, except as to the lien mentioned in the first section hereof.

That gives the Government of the United States the right to buy these lands in when they are sold for taxes, in the event the railroad declines or fails to pay for them.

Now, Mr. Chairman, it seems to me that this is a simple act of justice. If this money is required to be paid out by the railroad company to the United States, so that it will not be at the expense of a single dollar for the cost of these surveys, and if the lands are ultimately forfeited to the United States, the lands are surveyed as they ought to be surveyed, so that they can go into the public market. We need them. There are 20,000,000 acres of these lands, which, if estimated at the moderate rate of 50 cents an acre, would yield to the Territory of Montana $10,000,000. We need the money to build school-houses, colleges, and seminaries of learning. Under Congressional enactment a munificent dowry of public land has been awarded to us for school purposes, but we do not get the land until we shall have been admitted into the Union, so that so far as that dowry is concerned it is of no benefit to us now. We have made repeated calls for constitutional government and for admission into the Union. Our calls have been in vain. We ask now simply that the land in the Territory of Montana that is claimed, dominated, and controlled by the Northern Pacific Railroad Company shall be made to respond to its just proportion of the public burden exactly as every citizen is made to respond.

[Here the hammer fell.]

Mr. WILSON, of Minnesota. Have you offered an amendment touching that?

Mr. RANDALL. The amendment which is offered now is to raise the rate of payment for the survey, and the gentleman from Montana [Mr. TOOLE] advocates it on the ground that he wants to induce the surveyors to go forward and survey all of the Northern Pacific land grant, so that the Territory of Montana shall be enabled to assess that property and secure the payment of taxes by the Northern Pacific Railroad Company into the Territorial treasury.

Mr. HERMANN. I think the gentleman from Montana omitted to state that in all sections inside of that line settled upon by actual settlers they are interested in this survey equally with the railroad.

Mr. TOOLE. Bonds have been given in the case of individuals.

Mr. RANDALL. That applies to the Territory of Montana; but it is not wisdom on the part of the United States to enforce that mode of survey at that increased rate. The price we do pay is adequate to the requirements of homesteaders. In this connection let me say that the committee have doubled the amount for the survey, so that the whole of that reservation in Northern Montana may be thrown open to settlement by survey, as provided in this act.

Mr. WILSON, of Minnesota. Permit me to say to the gentleman from Pennsylvania [Mr. RANDALL] that I am inclined to think perhaps he does not appreciate the gravity of this matter. These lands while the property of the railroads are exempt from taxation; but in order to evade this taxation the lands are sold, a contract given, and the money paid, but no deed made; and as I understand the gentleman from that Territory [Mr. TOOLE], in order to have this specific it is necessary to have the lands surveyed, so that there can be an exact description of the land. That these lands should be taxed as soon as they are sold is a fact that must be clear to any one who examines it, and keeping the lands covered up in this way is one of the most grievous acts of injustice in the West. It amounts to holding the property of a private individual exempt from his share of taxation, because the land stands nominally in the name of the railroad company.

Mr. RANDALL. Then you would be willing to pay the exorbitant rate?

Mr. WILSON, of Minnesota. I would be willing to pay whatever is necessary in order to secure their survey, in order to make the landowners pay their share of the taxes. I would pay whatever is necessary in order to reach that end.

Mr. HERMANN. I would like to have the gentleman from Pennsylvania [Mr. RANDALL] inform us as to the necessity for putting the limit in. Why not leave it to the discretion and judgment of the Department?

Mr. RANDALL. Because we found in the past they were paying largely in excess of what the Government should pay; and therefore not the Committee on Appropriations, but Congress, fixed these rates which we are endeavoring as members of the Committee on Appropriations to adhere to.

Mr. HERMANN. Will the gentleman indulge me for one question? If the gentleman from Pennsylvania is satisfied from all the evidence before us, and from the recommendations and appeals of the various Departments, that surveys can not be extended over the lands of my State or over other large portions of the Pacific coast at the present rates, then I ask him whether he will insist upon those rates and refuse to agree to the larger amount proposed in the amendment?

Mr. RANDALL. The entire amount of the current appropriation, $50,000, has been expended at these rates.

Mr. HERMANN. I desire to correct the gentleman. The larger portion of the amount allowed for the State of Oregon remains to the credit of that State unexpended, for the reason, as the surveyor-general informs me, that he can not get competent surveyors to perform the work at those rates.

Mr. RANDALL. I do not recollect how much was allotted to Oregon.

Mr. HERMANN. I think there was about $10,000.

Mr. RANDALL. I think not.

Mr. MORROW. I want to call the attention of the gentleman from Pennsylvania [Mr. RANDALL] to the report of the Secretary of the Interior——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. Debate on the pending amendment is exhausted.

Mr. BIGGS. Mr. Chairman, I move to strike out the last word. I want to state to the committee that I indorse every word that has been said upon this subject by the gentleman from Oregon [Mr. HERMANN] and the gentleman from California [Mr. MORROW]. I claim to be tolerably familiar with Oregon and also with California, and I know, and it is well known generally, that the lines can not be run or the

surveys made there for the rates proposed in this bill. For that reason, sir, I hope the amendment will be adopted. We have between three and four million acres of lands in our State that will have to be resurveyed because of a defective or bogus survey. We find that the foothills and where the chaparral grows is the finest fruit and grain land in the State. That land is unsurveyed in several counties of my State, and it is necessary that it should be surveyed in order that settlers may know where their homesteads are.

I went to the committee and tried to point this out to the chairman, and to show him the great need there was for a liberal appropriation for these surveys, and I say now that we might as well stop the work altogether and close up the surveyor's office in California, as to attempt to make surveys there at the rates named in this bill. If this committee choose to prevent the bringing into market and into use and under taxation all these valuable lands in California, in Nevada, and in great portions of Montana and Idaho and Washington Territory, all they have to do is to adopt this bill as it stands.

There is a great immigration to the Pacific slope at this time. I trust the gentleman from Pennsylvania [Mr. RANDALL] is not jealous because we are getting a good deal of immigration from his State. [Laughter.] We invite them to come; we want them to come, but when they do come there and settle on a piece of land we want to have it surveyed so that they will know the metes and bounds of their property. I hope the amendment will be adopted.

Mr. TOOLE. I move to strike out the last word. I want the committee to understand that out of the $50,000 which was appropriated last session, $20,000 was awarded to the Territory of Montana, every dollar of which was covered back into the Treasury of the United States simply because there could not be found any contractor who was willing to take the contract to do the work at the maximum rate fixed by the appropriation bill. So that we did not get any service at all in the Territory last year, although we had $20,000—two-fifths of the whole amount—allotted to us. The reason I have given was stated in the report of the Commissioner of the General Land Office by the surveyor-general, and I made known, or attempted to make known, the facts to the Committee on Appropriations.

Mr. RANDALL. Ten thousand dollars for Oregon, $20,000 for Montana, $10,000 of the $50,000 for a specific object stated in act leaves only $10,000 for all other points in the country.

Mr. HOLMAN. I made the point of order on this amendment that it proposed new legislation, but I wish to suggest that so far as I am concerned I am perfectly willing to withdraw the point of order if it can be understood that the surveys will be confined to lands suitable for agriculture. The most expensive lands to survey are the timber lands, and I do not think they ought to be surveyed at all until we have a better land system than we have now.

I think that while such is the state of the law that parties can enter the lands almost without restriction at $2.50 an acre and without settlement, these surveys ought not to be made. If it could be agreed that the surveys shall be confined to lands adapted to agriculture, I, for one, should be inclined to favor a policy which would place at the disposal of the Commissioner of the General Land Office a larger sum of money.

Mr. HERMANN. The gentleman from Pennsylvania, as I understand, proposes just such an amendment—that surveys shall be made of such lands only as are fit for actual settlement.

Mr. HOLMAN. No, that does not exactly meet my suggestion.

I wish to suggest that the paragraph might be amended so as to provide that in extending the appropriation it shall be confined to lands adapted to cultivation. In that event the discretion might be safely left as to the roads which should be paid for surveys.

Mr. RANDALL. I wish to explain, if the gentleman will permit me——

Mr. HOLMAN. I move to add after the word "settler" the following words:

And the surveys shall be confined to lands adapted to agriculture and lines of reservations.

I do not want timber lands surveyed.

Mr. RANDALL. I well remember the former law. Prior to the estimates for the fiscal year 1887 there was a provision which permitted higher payment. I think it was in amount what is provided in the amendment of the gentleman from Oregon for timber and mountainous lands. In the estimates for 1887, submitted by General Sparks, the words "mountain and timber lands at rates" thereafter dropped out of the estimates, and left the rates as fixed in this bill to be the rates for lands of all descriptions. Let me read from the law. It is as follows:

Except that the Commissioner of the General Land Office may allow for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, a sum not exceeding $13 per linear mile for standard lines, $11 for township, and $7 for section lines, or where for any cause not provided for by law, in Oregon or Washington Territory, he is unable to get the necessary surveys made at the rates aforesaid, he may allow a sum not exceeding $12 per linear mile for standard lines, $10 for township lines, and $6 for section lines.

Mr. HERMANN. Whatever may have been the position of the Department heretofore upon this subject so far as the Forty-ninth Congress was concerned when the first deviation was brought in the appropriation bill, yet at the present time you have before the committee an urgent appeal from the Department asking rates be restored as to mountainous and timber lands.

Mr. RANDALL. As I have stated, in the estimates of General Sparks for 1887 these dropped out. Like many other reforms of his the Land Office seems to have adopted other methods and gone in another direction.

Mr. HERMANN. That is not so, so far as Oregon is concerned, because the larger portion of the appropriation for that State still remains unexpended because it has been found impossible to get any surveyors to make surveys at the rates provided.

Mr. TOOLE. Every particle of the appropriation so far as Montana is concerned has lapsed.

Mr. HERMANN. The statement which I had read showed exactly the existing condition of facts in reference to this whole matter.

Mr. RANDALL. In the statement made by the Delegates of the Territories and by the gentleman from Oregon I am willing, so far as I am concerned individually, to give discretion to the Secretary of the Interior in this connection, provided the rates allowed shall not exceed the rates fixed under the law for the character of survey.

Mr. HERMANN. That is satisfactory.

Mr. MACDONALD. Let the gentleman from Oregon prepare his amendment.

Mr. HOLMAN. I ask the pending amendment, moved by the gentleman from Oregon [Mr. HERMANN], be read.

Mr. HERMANN'S amendment was again read, as follows:

After the word "lines," in line 5, insert "except that as to mountainous lands or lands covered with dense timber or underbrush the rate shall not exceed $13 for standard and meander lines, $11 for township, and $7 for section lines."

Mr. RANDALL. I would rather have the language of the old law, except that I would make the Cabinet officer responsible. So it will read: That the Secretary of the Interior may allow for survey of standard and meander lines the rate provided under the old law.

Mr. HERMANN. My amendment covers that.

Mr. RANDALL. The language I have read is in the language of the old law. The language of the gentleman's amendment is the same except——

Mr. HERMANN. I propose to add the words "subject to the discretion of the Secretary of the Interior."

The Clerk read the amendment as modified, as follows:

After the word "lines," in line 5, insert:
"Except as to mountainous lands, or lands covered with dense timber or underbrush, the rates shall not exceed $13 per mile for standard and meander lines, $11 for township, and $7 for section lines, subject to the discretion of the Secretary of the Interior."

Mr. RANDALL. I have no objection to that, in view of the debate.

Mr. BLOUNT. I would like to know the effect of the words "subject to the discretion of the Secretary of the Interior."

Mr. SMITH, of Arizona. I think the word "approval" would be better.

Mr. RANDALL. Or I will say "subject to the order of the Secretary of the Interior."

Mr. HOLMAN. Or "approval."

Mr. RANDALL. Well, "subject to approval." I will modify it in that manner.

Mr. RICE. I object to it as new law, and I make the point of order upon it. I ask the Clerk to read sections 2404 and 2405 of the Revised Statutes.

Mr. RANDALL. There has been debate for some time on this amendment.

Mr. McCREARY. I make the point of order that the gentleman who now makes the point of order is too late.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that the gentleman from Indiana had made a point of order originally, and indicated that he would withdraw it on certain conditions, which conditions have been considered in this colloquy.

Mr. McCREARY. I was not aware of that.

Mr. HOLMAN. I wish to say now, in view of the remarks of the chairman of the Committee on Appropriations on this subject, that if the following words be added I shall be very willing to withdraw the point of order I have made. My object is to prevent surveys of timber lands at $2.50 an acre, now being so rapidly exhausted without settlement; and would ask the insertion of the words, "and shall be confined to lands adapted to agriculture."

Mr. RANDALL. What is the suggestion the gentleman makes?

Mr. HOLMAN. I will send the amendment to the desk.

Mr. BLOUNT. Does the gentleman from Pennsylvania think that would carry out the purpose he has in view?

Mr. RANDALL. My wish originally in this regard, I will state, was not to pay any more money for the surveys of any land, no matter what the character of it should be. But there is a sentiment, it seems, here that makes it plain that no restriction should prevent the survey of certain lands necessary to be surveyed in some of the Territories, known as mountainous and timber lands, and I am willing to throw the responsibility for this work upon the Secretary of the Interior, in whom I have the fullest confidence.

Mr. BLOUNT. That is what I understood to be the purpose of the gentleman; but I was apprehensive that the change here did more than that.

Mr. RANDALL. If it does more than that I do not agree to it. If the gentleman thinks that any other conditions should be applied, I am willing to insert them, or withdraw consent to the amendment if it is objectionable.

Mr. BLOUNT. It seemed to me from a casual reading of the amendment that it goes beyond the scope the gentleman intended.

Mr. HOLMAN. Not beyond the rates fixed.

Mr. BLOUNT. Let it be read.

Mr. HOLMAN. I have not ascertained as yet whether the gentleman from Pennsylvania is satisfied with the other provision.

The CHAIRMAN. Is there objection to the modification proposed by the gentleman from Indiana?

Mr. BRECKINRIDGE, of Arkansas. Let it be read.

The Clerk read as follows:

After the word "settlement," in line 8 of the proviso, insert: "and shall be confined to lands adapted to agriculture and lines of resurveys."

Mr. RANDALL. Now read the paragraph as proposed to be amended, or as it will read if amended.

The Clerk read as follows:

For surveys and resurveys of public lands, $100,000, at rates not exceeding $9 per lineal mile for standard and meander lines, $7 for township, and $5 for section lines, except that as to mountainous lands, or lands covered with dense timber or underbrush the rates shall not exceed $13 per mile for standard and meander lines, $11 for township, and $7 for section lines, subject to the approval of the Secretary of the Interior: *Provided, etc.*, That in expending this—

Mr. RANDALL. I would like to change that to make it subject to he approval of the Secretary of the Interior. I do not think the gentleman will object to that.

Mr. HERMANN. I do not object to it.

Mr. RANDALL. Or perhaps it would be better to state it in this form: "when made upon the order of the Secretary of the Interior." I shall move to add those words.

Mr. MORROW. Is it the purpose of the gentleman to graduate the pay for the surveys per mile according to the difficulty of the survey?

Mr. RANDALL. I want wherever we raise the price that the Secretary of the Interior shall be responsible for the increased pay.

Mr. MORROW. I understand the amendment to have that effect. He will order certain surveys, and then will have to pay the sum fixed by this amendment. I suppose the purpose of the amendment was to give the Secretary of the Interior authority to graduate the pay for the survey according to the difficulty, or what he thought the price should be.

Mr. HERMANN. That is the intention. If the Secretary of the Interior is satisfied that it is mountainous land, if the surveyor-general of Oregon or California calls for the survey, then it is his duty to fix the rate according to the conditions of the amendment.

Mr. MORROW. There will be two rates of survey, then; one fixed by the law, and one by the amendment, and nothing between.

Mr. HERMANN. That is correct.

Mr. RANDALL. Let the amendment be read.

The amendment as modified was again reported.

Mr. RANDALL. Let the words be added "where the survey is made."

Mr. MORROW. That is all right.

Mr. HOLMAN. I ask that the first clause of the proviso be read.

The Clerk read as follows:

Provided, That in expending this appropriation preference shall be given in favor of surveying townships occupied in whole or in part by actual settlers, and shall be confined to lands adapted to agriculture and lines of resurveys.

Mr. RANDALL. I would like to ask the gentleman from Oregon [Mr. HERMANN] if he is now content with this amendment?

Mr. HERMANN. As I understand it, it fixes the particular price which has been named for the survey of mountainous or thickly timbered land subject to the discretion of the Interior Department.

Mr. McADOO. Mr. Chairman, I ask unanimous consent to go back and offer an amendment to the bill providing for a post-office building at Hoboken, N. J. A bill came to the House yesterday signed by the President authorizing an appropriation of $60,000 to complete the building. I ask the usual appropriation of one-half, $30,000, to purchase the site and commence the building.

The CHAIRMAN. Will the gentleman indicate the page?

Mr. McADOO. Page 4, after line 3.

Mr. RANDALL. I desire to say there are nine buildings in a like situation provided for in this bill, and it would be unjust to the gentleman from New Jersey and to those he represents if I prevented the Hoboken building from being added to the nine.

The CHAIRMAN. Will the gentleman withdraw his amendment until the previous amendment is completed?

Mr. McADOO. Yes.

The CHAIRMAN. Is there objection to the amendment proposed by the gentleman from Indiana [Mr. HOLMAN]? If not, it will be considered as adopted.

There was no objection.

The CHAIRMAN. The question is now upon the amendment proposed by the gentleman from Oregon [Mr. HERMANN] as modified by the gentleman from Pennsylvania [Mr. RANDALL]. Does the gentleman from Minnesota [Mr. RICE] withdraw his point of order?

Mr. MORROW. I hope the gentleman will not insist upon the point of order.

Mr. RICE. I withdraw the point of order.

The amendment was agreed to.

The CHAIRMAN. The gentleman from New Jersey [Mr. McADOO] asks unanimous consent to return to page 4 of the bill and offer the amendment which the Clerk will read.

The Clerk read as follows:

On page 4, after line 3, insert:

"For post-office at Hoboken, N. J.: For purchase of site and commencement of building, $30,000."

Mr. RANDALL. The limit for this building is $60,000. Under the provisions of this bill, if it becomes a law, the appropriation for the current year would be $30,000, with power to the Treasury Department to contract for the whole amount under the limit for completion of the building.

The CHAIRMAN. This paragraph can only be returned to by unanimous consent. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. I want to ask a question before consent is given. Has the bill been passed for the erection of this building?

Mr. McADOO. Yes; and signed by the President.

Mr. BRECKINRIDGE, of Arkansas. Then I have no objection.

The amendment was agreed to.

Mr. RANDALL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. McMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, returned to the House the bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia; said bill having been recalled from the House on the 17th of April last.

The message also announced that the Senate had passed with amendment the bill (H. R. 1451) for the completion of a public building at Wichita, Kans.; requested a conference with the House on said bill and amendment, and had appointed as conferees on the part of the Senate Mr. VEST, Mr. PASCO, and Mr. MORRILL.

The message also announced that the Senate had passed with amendments in which the concurrence of the House was requested the bill (H. R. 8779) granting a pension to Mary Dickinson.

The message further announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 215) granting a pension to James McCaffrey;

A bill (H. R. 367) granting a pension to Nathaniel D. Chase;

A bill (H. R. 469) granting a pension to Marie A. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary Army;

A bill (H. R. 618) granting a pension to James W. Harriman;

A bill (H. R. 722) for the relief of Marquis B. Davis;

A bill (H. R. 813) granting a pension to Mrs. Lovina J. Reeves;

A bill (H. R. 888) granting a pension to John Magher;

A bill (H. R. 891) granting a pension to Eliza Ann Shaver;

A bill (H. R. 927) for the relief of Friedericke Raff;

A bill (H. R. 962) granting a pension to Robert Lisle;

A bill (H. R. 1069) granting a pension to Robert McClean;

A bill (H. R. 2116) granting a pension to Johanna Eckhardt;

A bill (H. R. 2234) granting a pension to Henry P. Alexander;

A bill (H. R. 2475) granting a pension to Adelaide L. Jessup;

A bill (H. R. 2478) for the relief of Samuel E. Wynan;

A bill (H. R. 2529) granting a pension to Mary Monti;

A bill (H. R. 2690) granting a pension to Augustus Axmacher;

A bill (H. R. 3125) for the relief of Susan Jones;

A bill (H. R. 3568) for the relief of B. S. Van Buren;

A bill (H. R. 3868) granting a pension to Cynthia Witherell;

A bill (H. R. 4100) granting a pension to Martha B. Perry;

A bill (H. R. 4653) to grant a pension to Joanna Barry;

A bill (H. R. 4743) granting pensions to Ada Piatt, Leota Piatt, and Jessie Piatt;

A bill (H. R. 4770) for the relief of Franklin White;

A bill (H. R. 4774) granting a pension to Matthew H. Reynolds;

A bill (H. R. 4831) granting a pension to Delilah Vandevender;

A bill (H. R. 5114) granting a pension to Franklin Long;

A bill (H. R. 5544) granting a pension to John Shine;

A bill (H. R. 5574) granting a pension to Benjamin F. Byers;

A bill (H. R. 5759) granting a pension to John H. Rountree;

A bill (H. R. 5787) granting a pension to Charlotte E. Dilley;

A bill (H. R. 5789) granting a pension to Ellen M. Thiers;

A bill (H. R. 5792) granting a pension to Mary A. Wells;
A bill (H. R. 6006) granting a pension to Mary Flora;
A bill (H. R. 6070) granting an increase of pension to Thomas Benson;
A bill (H. R. 6300) granting a pension to Samson M. David;
A bill (H. R. 6302) granting a pension to Benjamin Contell;
A bill (H. R. 6431) for the relief of Van Buren Brown;
A bill (H. R. 6478) granting a pension to Elizabeth Smith;
A bill (H. R. 6761) for the relief of James H. Orr;
A bill (H. R. 6907) granting an increase of pension to Elias Shafer;
A bill (H. R. 6949) granting a pension to Emeline C. Young;
A bill (H. R. 6976) for the relief of Anna M. Thiele;
A bill (H. R. 7025) granting a pension to Evalina P. Brown;
A bill (H. R. 7577) granting a pension to Lewis C. Keck;
A bill (H. R. 7665) granting a pension to John E. Lewis;
A bill (H. R. 7693) granting an increase of pension to Peter C. Cheeks;
A bill (H. R. 7815) granting a pension to Mary A. West;
A bill (H. R. 7883) granting a pension to Susan L. Watson;
A bill (H. R. 7907) granting a pension to Mary Ann Lang;
A bill (H. R. 8291) granting a pension to Julia Welch;
A bill (H. R. 8299) for the relief of William M. Dayton;
A bill (H. R. 8510) for the relief of Mary Command;
A bill (H. R. 8607) to increase the pension of Lucius B. Varney;
A bill (H. R. 8673) to increase the pension of John R. Stiles;
A bill (H. R. 8694) granting a pension to Isabella F. Dyke;
A bill (H. R. 8762) granting an increase of pension to Charles H. Ordway;
A bill (H. R. 8807) granting a pension to Harriet E. Cooper;
A bill (H. R. 9127) for the relief of Chloe Fraily;
A bill (H. R. 9184) granting a pension to William M. Campbell, jr.;
A bill (H. R. 9200) granting a pension to John F. Huckaba;
A bill (H. R. 9224) granting a pension to Belle M. Baker;
A bill (H. R. 9284) granting a pension to Webster C. Webb;
A bill (H. R. 9321) granting a pension to Ruth Ann Porter;
A bill (H. R. 9347) granting an increase of pension to William H. H. Buck;
A bill (H. R. 9487) granting a pension to Mrs. Aurelia P. Hall;
A bill (H. R. 9877) granting an increase of pension to Mary L. Cleveland; and
A bill (H. R. 10267) granting a pension to William P. Gordon.

The message also announced that the Senate had passed joint resolution and bills of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. 96) authorizing the District commissioners to designate a site for a statue of Benjamin Franklin;
A bill (S. 1291) for the erection of a public building at the city of Staunton, Va.;
A bill (S. 1863) granting a pension to John A. Beltzer;
A bill (S. 1960) granting a pension to Willard A. Jackson;
A bill (S. 2682) granting a pension to Wilford White;
A bill (S. 2756) granting a pension to Andrew J. Hadley;
A bill (S. 2764) granting an increase of pension to James McGowan;
A bill (S. 2871) granting a pension to Mrs. Sarah J. Martin;
A bill (S. 2872) granting a pension to Thomas R. Sturman;
A bill (S. 2934) granting a pension to Mary Sullivan;
A bill (S. 2981) granting a pension to Walter N. Smith;
A bill (S. 2982) granting a pension to Ellen M. Thornton;
A bill (S. 2990) granting a pension to Eliza Settle;
A bill (S. 2993) granting a pension to Margaret A. Hillard;
A bill (S. 3016) for the relief of Sarah R. Fisher;
A bill (S. 3050) granting a pension to John Dennert;
A bill (S. 3060) providing a pension for Matilda C. King;
A bill (S. 3116) granting an increase of pension to Thomas Wynne;
A bill (S. 3135) granting an increase of pension to Eliza J. Alexander; and
A bill (S. 3183) granting a pension to James Parker.

The hour of 5 o'clock having arrived, the House, under its previous order, took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m. The House was called to order by Mr. MCMILLIN, as Speaker *pro tempore*, who directed the reading of the following communication:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 20, 1888.

SIR: Hon. BENTON MCMILLIN is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which this evening's session of the House is held.

The Clerk read as follows:

WEDNESDAY, *June* 20, 1888.

Ordered, That the House take a recess at 5 o'clock this afternoon until 8 o'clock this evening, which evening session shall be set apart for the consideration of bills of the House and Senate providing for the erection of bridges over navigable streams, to the consideration of which no objection shall be made.

The SPEAKER *pro tempore*. The Chair will state that most of these bills are in Committee of the Whole, and it will be necessary either to move to go into Committee of the Whole or to discharge the committee from the further consideration of the bills.

Mr. CRISP. These bills are on the Private Calendar, and whatever course will most facilitate the business will be most agreeable to me, whether the bills be considered in Committee of the Whole or in the House as in Committee of the Whole. I ask unanimous consent that the bills for the consideration of which this evening session is held shall be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

Mr. CRISP. Mr. Speaker, unless some gentleman objects, I will ask that the reading of these bills at length be dispensed with. I will state to the House that they all contain the usual provisions, and all meet with the approval of the Secretary of War. If there is any omission of any of the provisions or safeguards they should contain, it is due to an oversight, but I do not think that will be found to be the fact. Therefore, as the bills are quite long I ask unanimous consent that they be read only by title.

There was no objection, and it was so ordered.

Amendments reported from the Committee on Commerce to bills of the following titles were severally agreed to, and the bills as amended were respectively ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge at or near Burlington, Iowa;

A bill (H. R. 5096) authorizing the construction of a bridge across Flint River, in the State of Georgia;

A bill (H. R. 4759) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas;

A bill (H. R. 5095) authorizing the construction of a bridge across the Ockmulgee River in the State of Georgia; and

A bill (H. R. 2807) authorizing the Columbia River Bridge Company to construct a bridge across the Columbia River between the State of Oregon and the Territory of Washington.

Mr. CRISP moved to reconsider the votes by which the bills were severally passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI, NEAR CLINTON, IOWA.

The next bridge bill on the Private Calendar was a bill (H. R. 6610) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River, at or near Clinton, Iowa, reported from the Committee on Commerce with amendments.

Mr. HAYES. Mr. Speaker, this bill has been reported favorably from the Committee on Commerce, but pending its consideration here the Senate have passed a similar bill, which also has been referred to the Committee on Commerce and reported favorably to the House. It is Senate bill No. 1882, and I ask that that bill be now taken up and substituted for the House bill.

There was no objection, and it was so ordered.

The Senate bill (S. 1882) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Clinton, Iowa, was accordingly taken up, and the amendment recommended by the Committee on Commerce was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HAYES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The House bill H. R. 6610 was laid on the table.

BRIDGE ACROSS THE WICHITA RIVER, ARKANSAS.

The next bridge bill on the Private Calendar was the bill (S. 322) to authorize the Southwestern, Arkansas and Indian Territory Railroad Company to build a bridge across the Wichita River in Arkansas, reported by the Committee on Commerce with amendments.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE AT MEMPHIS.

The next bridge bill on the Private Calendar was the bill (H. R. 7871) to amend chapter 165 of the Revised Statutes of the United States authorizing the construction of a bridge at Memphis, Tenn., passed February 26, 1885.

Mr. CRISP. This is a bill which was referred to the Committee on Commerce and favorably reported to the House, to amend an outstanding charter for a bridge at Memphis, which charter was repealed by a bill that was subsequently passed. I ask that this bill be laid on the table.

There was no objection, and it was so ordered.

BRIDGE ACROSS RED AND LITTLE RIVERS, ARKANSAS.

The next bridge bill on the Private Calendar was the bill (H. R. 7676) authorizing the Kansas City, Texarkana and Gulf Railroad Company to bridge the Red and Little Rivers, in the State of Arkansas; reported from the Committee on Commerce with amendments.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE OVER TENNESSEE RIVER.

The next business on the Calendar was the bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama, and for other purposes.

The amendments reported by the Committee on Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS CANAL ENTRANCE TO DULUTH HARBOR, MINNESOTA.

The next business on the Calendar was the bill (H. R. 5191) for the construction of a bridge across the canal entrance to the harbor at Duluth, Minn.

Mr. HAUGEN. I object to the consideration of that bill.

The SPEAKER *pro tempore*. Objection being made, the bill will be passed over informally, without losing its place on the Calendar.

BRIDGE ACROSS BAY OF SUPERIOR, MINNESOTA.

The next business on the Calendar was the bill (H. R. 5192) for the construction of a bridge across the Bay of Superior from Rice's Point to Minnesota Point, in the State of Minnesota.

Mr. HAUGEN. I object also to the consideration of this bill.

The SPEAKER *pro tempore*. Objection being made, this bill also will be passed over, retaining its place on the Calendar.

BRIDGE ACROSS MISSOURI RIVER AT FOREST CITY, DAK.

The next business on the Calendar was the bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company.

The amendments reported by the Committee on Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS BAYOU D'ARBONNE, LOUISIANA.

The next business on the Calendar was the bill (H. R. 2412) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across Bayou D'Arbonne, in Louisiana.

Mr. NEWTON. The Senate has passed a bill similar in substance to this; and it has been reported by the House Committee on Commerce with amendments. I ask that the Senate bill be considered in place of the House bill.

There being no objection, the House proceeded to the consideration of the bill (S. 2199) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across Bayou D'Arbonne, in Louisiana.

The amendments reported by the Committee on Commerce were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. NEWTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

House bill No. 2412 was, by unanimous consent, laid on the table.

BRIDGE ACROSS THE MISSISSIPPI AT MUSCATINE, IOWA.

The next business on the Calendar was the bill (H. R. 6570) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Muscatine, Iowa.

Mr. HAYES. In this case, as in that last under consideration, the Senate has passed a bill similar in substance, which has been reported with amendments by the Committee on Commerce of the House. I ask that the Senate bill be considered in lieu of the House bill.

There being no objection, the House proceeded to the consideration of the bill (S. 1883) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Muscatine, Iowa.

The amendments reported by the Committee on Commerce were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HAYES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

House bill 6570 was, by unanimous consent, laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER IN MONTANA.

The next business on the Calendar was the bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River in Montana.

The amendments reported by the Committee on Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS CANEY FORK RIVER, TENNESSEE.

Mr. McMILLIN. I ask unanimous consent that the House take up and consider out of its order the bill (S. 1526) authorizing the construction of a bridge across the Caney Fork River, between Rock Island and Carthage, in Tennessee.

There being no objection, the House proceeded to the consideration of the bill.

The amendments reported by the Committee on Commerce were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. McMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER NEAR WINONA, DAK.

The next business on the Calendar was the bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River near Winona, Emmons County, Dakota.

The amendments reported by the Committee on Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSOURI RIVER.

The next business on the Calendar was the bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road.

The amendments reported by the Committee on Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT OQUAWKA, ILL.

Mr. GEST. There is a bill on page 28 of the Calendar which appears to have been overlooked. It is the bill (H. R. 3524) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road.

Mr. CRISP. I suppose the reason that bill has been overlooked is that it was placed on the House Calendar, instead of being referred, as most of the other bridge bills have been, to the Private Calendar.

Mr. GEST. I know of no reason why the bill should not be taken up and passed.

Mr. CRISP. I hope the gentleman will call it up.

Mr. GEST. I ask for the consideration of the bill.

There being no objection, the House proceeded to the consideration of the bill (H. R. 3524) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road.

The amendments reported by the Committee on Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GEST moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE TENNESSEE RIVER BETWEEN BRIDGEPORT AND SHEFFIELD, ALA.

Mr. MCMILLIN. I ask unanimous consent to take up out of its regular order the bill (S. 1524) to authorize the construction of a bridge over the Tennessee River between Bridgeport and Sheffield, Ala., for present consideration.

There being no objection, the bill was considered, the amendments recommended by the committee adopted, and the bill as amended ordered to a third reading, and being read the third time, was passed.

Mr. MCMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE COLUMBIA RIVER.

Mr. HERMANN. I ask unanimous consent to take up for present consideration the bill (S. 23) to authorize Dalles City to construct a bridge across the Columbia River in the State of Oregon and Territory of Washington.

There being no objection, the bill was considered, ordered to a third reading, and being read the third time, was passed.

Mr. HERMANN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI, WABASHA, MINN.

The next bridge bill considered was the bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn., with amendments by the Committee on Commerce.

The amendments recommended by the committee were adopted, and the bill as amended ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE MISSOURI AT SIOUX CITY.

The next bridge bill considered was the bill (H. R. 8946) authorizing the construction of a high or low wagon bridge across the Missouri River at or near Sioux City, Iowa.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE MISSISSIPPI AT NATCHEZ.

The next bridge bill considered was the bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company, of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss., with amendments by the Committee on Commerce.

Mr. CRISP. Mr. Speaker, there is an amendment, I think, to be offered to that bill on the part of the gentleman from Missouri [Mr. CLARDY], the chairman of the Committee on Commerce, who is not now in his seat.

The SPEAKER *pro tempore*. The Clerk informs the Chair that there is an amendment now pending.

Mr. STOCKDALE. What is the committee amendment?

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

It is proposed to add to section 9 of the bill the words: "And equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right to use the same for telegraph purposes."

Mr. CRISP. I will ask that this bill be passed over informally for the present, not to lose its place on the Calendar.

The SPEAKER *pro tempore*. Without objection that order will be made.

There was no objection, and it was so ordered.

BRIDGE ACROSS THE MISSOURI, SIOUX CITY.

Mr. CRISP. Mr. Speaker, the bill (H. R. 8946) which was passed a few moments ago should have been amended, and I would ask unanimous consent to go back with a view of reconsidering the vote by which the bill was passed, for the purpose of submitting an amendment.

The SPEAKER *pro tempore*. The Chair would state that the vote on that bill was not reconsidered, the Chair determining to make one order apply to all of these bills instead of reconsidering each one as passed.

Mr. CRISP. The bill provides that "it shall be lawful for any person or persons to erect a bridge." We want to change that so as to provide that "it shall be lawful for the city of Sioux City, Iowa, or any person," etc.

Perhaps I had better ask to substitute the Senate bill, No. 1701, and lay the House bill on the table.

The SPEAKER *pro tempore*. If there be no objection, that will be done.

There was no objection, and it was so ordered.

Mr. CRISP. I now ask to insert, after the word "for," in the third line of the bill, the words "the city of Sioux City, Iowa, or;" so that it shall read:

That it shall be lawful for the city of Sioux City, Iowa, or any person or persons, etc.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

The vote by which the bill (H. R. 8946) was passed being by unanimous consent reconsidered, the said bill was ordered to be laid on the table.

BRIDGE ACROSS MISSOURI, PONCA, NEBR.

The next business considered was the bill (H. R. 2625) authorizing the erection of a bridge across the Missouri at Ponca, Nebr., with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BILLS PASSED OVER INFORMALLY.

The bill H. R. 8492 and the bill H. R. 6440 being the next bills on the Calendar were, on request of Mr. CRISP, passed over informally, not to lose their place on the Calendar.

Mr. CRISP. My impression is that both of these bills have been passed in the House, and therefore until that matter is determined I ask that this course be taken.

BRIDGE ACROSS COOSA RIVER, ETC.

The next business considered was the bill (H. R. 9086) to authorize the construction of a bridge across the Coosa River, or bridges across the Oostanaula and Etowah Rivers, at or near Rome, Ga., with amendments.

The amendments of the committee were agreed to.

Mr. CRISP. There are one or two other amendments which should be made to this bill.

I move to strike out in section 2 the words beginning at the end of line 4—

That any bridge authorized to be constructed under this act shall be a lawful structure, and shall be recognized and known as a post-road, and the same is hereby declared to be a post-road.

These words appear to be duplicated in the bill.

The amendment was adopted.

Mr. CRISP. There is a further amendment in the next line. The word "also" should be stricken out; and in the third section, at the end of line 9, the word "or" should be "at;" so that it will read:

All matters at issue, etc.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS HALIFAX RIVER AT DAYTONA, FLA.

The next bill considered was the bill (H. R. 8354) to authorize the construction and maintenance of a pile bridge over the Halifax River at Daytona, Volusia County, Florida.

The amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE OVER MISSISSIPPI RIVER AT OR NEAR NATCHEZ, MISS.

Mr. STOCKDALE. Mr. Speaker, Mr. CLARDY is present now. I ask that we return to Senate bill 1669, which was passed over.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss., with amendments.

The amendments proposed by the committee were agreed to.

Mr. CLARDY. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

SEC. 3. Before approving the plans for said bridge the Secretary of War shall order three engineer officers from the Engineer Bureau to be detailed to the duty of examining by actual inspection the locality where said bridge is to be built, to report what shall be the length of the main-channel span and the other spans: *Provided*, That the main-channel span shall in no event be less than 700 feet in length or the other spans less than 650 feet each in length, and if the report of said officers shall be approved by the Secretary of War, the spans of said bridge shall be of the length so required. The lowest part of the superstructure of said bridge shall be at least 75 feet above extreme high-water mark as understood at the point of location, and the bridge shall be at right angles to, and its piers parallel with, the current of the river. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such alterations shall be made and all such obstructions removed at the expense of the owner or owners of said bridge, and in case of any litigation arising from any obstruction to the free navigation of said river caused or alleged to be caused by said bridge, the case may be brought in the circuit court of the United States within whose jurisdiction any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this act shall be so construed as to

repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers or to exempt this bridge from the same.

The SPEAKER *pro tempore*. The amendment proposed by the gentleman from Missouri [Mr. CLARDY] is to strike out section 3 and insert in lieu thereof what has been read by the Clerk.

The amendment was agreed to.

Mr. STOCKDALE. The original bill provides for 600 foot span in the case of the two shore spans and 700-foot span in the current. This amendment provides for a span of 650 feet. I move to amend so as to make the shore spans 600 feet and the span in the current 700 feet.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Mississippi [Mr. STOCKDALE] that the original section 3 has been stricken out.

Mr. CLARDY. I can not assent to that amendment. The board appointed to determine the length of spans and the height of the bridge have reported in favor of 700 feet instead of 650 on the shore spans and 1,000 feet on the middle span.

Mr. STOCKDALE. I will withdraw the amendment.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE COLUMBIA RIVER, ETC.

The next bridge bill on the Private Calendar was the bill (S. 560) to authorize the Columbia River Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post-road.

Mr. HERMANN. I ask for the consideration of that Senate bill.

The amendment recommended by the Committee on Commerce was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The House bill (H. R. 2807) for the same purpose having been previously passed, the action of the House in passing the bill was reconsidered, and the bill was laid on the table.

BRIDGE ACROSS RED RIVER OF THE NORTH.

The next bridge bill on the Private Calendar was the bill (S. 667) authorizing the construction of a bridge across the Red River of the North.

The amendment recommended by the Committee on Commerce was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGE ACROSS THE HILLSBOROUGH RIVER, FLORIDA.

The next bridge bill on the Private Calendar was the bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River, at a point in the town of New Smyrna, in the county of Volusia and State of Florida.

The amendments recommended by the Committee on Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE TENNESSEE NEAR KNOXVILLE.

The next bridge bill on the Private Calendar was the bill (H. R. 9079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.

The amendments reported from the Committee on Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE ST. JOHNS' RIVER, FLORIDA.

The next bridge bill on the Private Calendar was the bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River, between De Land Landing and Lake Monroe, in the State of Florida.

The amendment recommended by the Committee on Commerce was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE MISSISSIPPI RIVER, OQUAWKA, ILL.

The next bridge bill on the Private Calendar was the bill (S. 1405) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road.

The amendments recommended by the Committee on Commerce were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The action of the House in passing the bill (H. R. 3524) for the same purpose was reconsidered, and the bill was laid on the table.

HOUSTON, CENTRAL ARKANSAS AND NORTHERN RAILWAY COMPANY BRIDGES.

The next bridge bill on the Private Calendar was the bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew and across the Wichita, Red, Little, and Sabine Rivers, in Louisiana, reported from the Committee on Commerce with amendments.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE BLACK WARRIOR, ALABAMA.

The next bridge bill on the Private Calendar was the bill (H. R. 9611) to authorize the Macon, Tuscaloosa and Birmingham Railroad Company to build a bridge across the Black Warrior River, in Alabama, reported from the Committee on Commerce with amendments.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE MISSOURI RIVER, DECATUR, NEBR.

The next bridge bill on the Private Calendar was the bill (H. R. 8841) to authorize the construction of a bridge across the Missouri River at or near Decatur, Nebr., reported from the Committee on Commerce with amendments.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE TOMBIGBEE, ALABAMA.

The next bridge bill on the Private Calendar was the bill (H. R. 9610) to authorize the Birmingham, Selma and New Orleans Railway Company to build a bridge across the Tombigbee River, in Alabama, reported from the Committee on Commerce with amendments.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE MISSOURI, NEAR THE MOUTH OF THE KANSAS.

The next bridge bill on the Private Calendar was the bill (H. R. 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within 1 mile north and 1 mile south and east of the mouth of the Kansas River, reported from the Committee on Commerce with amendments.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

RAILROAD BRIDGE ACROSS THE RED RIVER OF THE NORTH.

The next bridge bill on the Private Calendar was the bill (H. R. 2523) to authorize the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railroad Company, reported from the Committee on Commerce with amendments of the Senate thereto.

The amendments of the Senate were concurred in.

BRIDGE ACROSS THE MISSOURI NEAR NEBRASKA CITY.

The next bridge bill on the Private Calendar was the bill (S. 2674) authorizing the construction of a bridge across the Missouri River at or near the city of Nebraska City, Nebr., and for other purposes, reported from the Committee on Commerce with amendments.

The amendments of the committee were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGE ACROSS THE CUMBERLAND, BURNSIDE, KY.

The next bridge bill on the Private Calendar was the bill (S. 1525) to authorize the construction of a bridge over the Cumberland River between Burnside, Ky., and Carthage, in Tennessee, or the south fork of said river, between Burnside and Tateville, Ky.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

RAILROAD BRIDGE, FORT SMITH, ARK.

The next bridge bill on the Private Calendar was the bill (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark., reported from the Committee on Commerce with amendments.

The amendments of the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

RAILROAD BRIDGES ACROSS SNAKE AND CLEAR WATER RIVERS.

The next bridge bill on the Private Calendar was the bill (S. 2601) authorizing the construction of railroad bridges across the Snake River and across the Clear Water River by the Oregon Railway and Navigation Company, reported from the Committee on Commerce with an amendment.

The amendment of the committee was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGE ACROSS RED RIVER AT HOOK'S FERRY, TEXAS.

The bill (H. R. 10063) to authorize the Paris, Choctaw and Little Rock Railway Company to construct a bridge across Red River at or near Hook's Ferry, Red River County, Texas, was laid on the table.

BRIDGE ACROSS THE OCONEE.

Mr. CRISP, by unanimous consent, reported back from the Committee on Commerce with an amendment the bill (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham and Atlantic Air Line Railroad Banking and Navigation Company across the Oconee River, in Laurens County, in the State of Georgia.

The amendment of the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

BRIDGE ACROSS THE RED RIVER OF THE NORTH.

Mr. CRISP, by unanimous consent, reported back from the Committee on Commerce the bill (H. R. 2527) authorizing the construction of a bridge across the Red River of the North by the Duluth, Rainy Lake River and Southwestern Railway Company, with the recommendation that the amendments of the Senate be concurred in.

The Senate amendments were concurred in.

BRIDGE ACROSS TRAIL CREEK, INDIANA.

Mr. CRISP also, by unanimous consent, reported back from the Committee on Commerce the bill (H. R. 2097) to authorize the construction of a bridge across Trail Creek, in the city of Michigan City, Ind., with the recommendation that the amendments of the Senate be concurred in.

The Senate amendments were concurred in.

BRIDGE ACROSS THE NOXUBEE RIVER, ALABAMA.

Mr. CRISP also, by unanimous consent, reported back from the Committee on Commerce the bill (H. R. 8343) to authorize the construction of a wagon and foot-passenger bridge across the Noxubee River at or near Gainesville, in the State of Alabama, with the recommendation that the amendments of the Senate be concurred in.

The Senate amendments were concurred in.

BRIDGE ACROSS MISSOURI RIVER.

Mr. CRISP also, by unanimous consent, reported back from the Committee on Commerce with an amendment the bill (S. 1404) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

GULF AND CHICAGO AIR-LINE RAILWAY COMPANY BRIDGES.

Mr. CRISP also, by unanimous consent, reported back from the Committee on Commerce, with amendments, a bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable water courses.

The amendments recommended by the committee were agreed to.

Mr. CLARDY offered the following amendments; which were severally agreed to:

SEC. 6. No structure of any kind shall be built upon the military reservation on Dolphin's Island until the location and nature of the same shall have been approved by the Secretary of War, and such structure may be removed in his discretion, and may be used by the United States free of cost.

SEC. 7. This act shall be null and void if actual construction of the bridge or bridges herein authorized be not commenced within one year and completed within three years from the date hereof.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CRISP moved to reconsider the several votes by which the several bills were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

On motion of Mr. CRISP (at 9 o'clock and 20 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. LANHAM: A bill (H. R. 10582) for the relief of Charles Roth—to the Select Committee on Indian Depredation Claims.

By Mr. MCCREARY: A bill (H. R. 10583) granting a pension to James Burke—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 10584) to grant a pension to William Kirsten—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Memorial of the New Orleans (La.) Stock Exchange for the restoration of the Bayou Lafourche appropriation to the river and harbor bill—to the Committee on Rivers and Harbors.

By Mr. C. R. BRECKINRIDGE: Petition of citizens of Lonoke County, Arkansas, in favor of amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. CROUSE: Petition of Henry W. Howe and 43 others of Summit County, Ohio, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. GREENMAN: Petition of William H. Kniffin and Edwin L. Carpenter, for relief—to the Committee on War Claims.

By Mr. MCCREARY: Petition of James Burke, for relief—to the Committee on Invalid Pensions.

By Mr. OATES: Papers in the case of Mrs. L. E. Boatwright—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of William W. Harris, of Coffee County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SAYERS: Petition of citizens of Burnet County, Texas, in reference to violations of the interstate-commerce law—to the Committee on Commerce.

By Mr. CHARLES STEWART: Petition of the Cotton Exchange and Board of Trade of Houston, Tex., for better postal facilities in Texas—to the Committee on the Post-Office and Post-Roads.

By Mr. TILLMAN (by request): Petition of W. G. Barnes and others, of Rigdon Peeples, and of William H. Dowling, administrator of James T. Dowling, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WILLIAMS: Petition of William Kirston, for a pension—to the Committee on Invalid Pensions.

By Mr. YARDLEY: Petition of 66 citizens of Bucks County, of 252 citizens of Montgomery County, and of 106 citizens of Doylestown, Pa., against the admission of Utah as a State so long as Mormonism controls the civil power—to the Committee on the Territories.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. HATCH: Of 27 citizens of Schuyler County, Missouri.

By Mr. MORRILL: Of 60 citizens of Brown County, Kansas.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. MCCULLOGH: Of P. P. H. Sherbondy and 66 others, citizens of Mendon, Pa.

SENATE.

THURSDAY, *June* 21, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 6th instant, a report from the Commissioner of Indian Affairs, inclosing a report made by R. L. Owen, United States Indian agent for the Union agency, relating to the claims of Indians of the Creek tribe for reimbursement of expenses of travel and for a year's support when those Indians were emigrated to the Indian country west of the Mississippi River, and other papers in regard to that subject; which, on motion of Mr. MORGAN, was, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Court of Claims, transmitting the conclusions of fact and of law of that court in the matter of the French spoliation claim of the schooner Mary; which was referred to the Committee on Claims, and ordered to be printed.

PATENT-OFFICE APPOINTMENTS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the United States Civil Service Commission, transmitting, in response to a resolution of April 24, 1888, a list of appointments to the Patent Office; which was ordered to lie on the table, and be printed.

ADJOURNMENT TO MONDAY.

Mr. PLATT. I move that when the Senate adjourn to-day it adjourn until Monday next.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented a petition of the Board of Trade of Phila-

delphia, Pa., praying for the passage of Senate bill 2851, proposing certain amendments to the interstate-commerce law; which was ordered to lie on the table.

Mr. PAYNE presented a petition of citizens of Summit County, Ohio, praying for certain amendments of the interstate-commerce law; which was ordered to lie on the table.

Mr. PASCO. On the 18th instant an amendment was offered by the senior Senator from Georgia [Mr. BROWN], intended to be proposed to the legislative, executive, and judicial appropriation bill, the effect of which seems to be to consolidate the internal-revenue districts of Georgia and Florida. I was not consulted in reference to that matter and I do not know its full purport, but the import of the amendment has evolved some opposition in my own State at two points, Key West and Jacksonville, where there are large manufacturing interests of cigars. Petitions have reached me by telegraph objecting to the proposed consolidation. I ask leave to present the petitions and to have them referred to the Committee on Appropriations, and that a copy of the petitions be referred to the Committee on Finance, that being the reference which was given to the amendment offered by the Senator from Georgia. One is from the Board of Trade of Jacksonville, Fla., and the other from the Board of Trade of Key West, Fla.

The PRESIDENT *pro tempore*. The petitions will be received and referred, as suggested by the Senator from Florida, to the Committee on Appropriations, and a copy to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9610) to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River, in Alabama; and

A bill (H. R. 7776) to authorize the construction of a bridge across the Missouri River in the county of Monona, in the State of Iowa, and in the county of Burt, State of Nebraska, and to make the same a post-route.

Mr. VEST. I report from the Committee on Public Buildings and Grounds an amendment intended to be proposed to the sundry civil appropriation bill. I move that it be printed and lie on the table until that bill reaches the Senate.

The motion was agreed to.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 2337) for the relief of Maria N. Abbey, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Maria N. Abbey, praying to be allowed a pension, submitted a report thereon, and asked to be discharged from its further consideration, and that it be recommitted to the Committee on Pensions; which was agreed to.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 422) for the relief of William Gray, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2813) for the relief of Joseph G. Swank, reported adversely and moved its indefinite postponement; which was agreed to.

He also, from the same committee, submitted a report, accompanied by a bill (S. 3196) for the relief of Joseph G. Swank; which was read twice by its title.

Mr. DOLPH. By direction of the Committee on Commerce I report, with amendments, the bill (S. 707) providing for the purchase of a site and the construction of a wharf in Astoria, Oregon, for the use of the Light-House Department, and I ask that it may receive present consideration.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the Senate now proceed to the consideration of the bill reported by him. It will be read at length for information.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BLAIR. I object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MITCHELL. I hope the Senator from New Hampshire will withdraw the objection.

Mr. BLAIR. I propose to make a motion, and I do not wish to give way for any general business. However, I will withdraw the objection.

Mr. SHERMAN. I should like to have the bill again read.

The PRESIDENT *pro tempore*. It will be again read.

The Chief Clerk again read the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BLAIR. Is there any necessity for the immediate passage of the bill?

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. DOLPH. I do not understand upon what principle the objection is made.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I propose to make a motion as soon as the formal business is concluded.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 2778) making an appropriation for the purchase of a site and the construction of a light-house on the headlands near the mouth of the Umpqua River, in the State of Oregon, reported it without amendment.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FAULKNER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9649) granting a pension to Milton Merwin;
A bill (H. R. 2495) for the relief of Ruth Clark;
A bill (H. R. 6434) granting a pension to F. G. Mittag;
A bill (H. R. 6273) for the relief of Hiram Chilson;
A bill (H. R. 8930) for the relief of J. H. Corn; and
A bill (H. R. 231) to increase the pension of Edmund Ashworth.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 2529) making an appropriation for the establishment of a light or lights and other aids to navigation to guide into St. Andrew's Bay, Florida, reported it adversely.

Mr. PASCO. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HAWLEY, from the Committee on Military Affairs, reported an amendment intended to be proposed to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 3197) granting a pension to Abbie L. Ham; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3198) granting a pension to Mary Murphy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURPIE introduced a bill (S. 3199) to donate to the State Soldiers and Sailors' Monument Commission of Indiana one hundred pieces of captured or condemned cannon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 3200) granting a pension to Scott S. Hawn; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3201) granting a pension to Elizabeth Wilson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 3202) to increase the pension now paid to Mrs. D. P. Woodbury; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VANCE introduced a bill (S. 3203) for the relief of Rufus Lowe and C. M. Loftin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

AMENDMENTS TO CLAIMS BILL.

Mr. REAGAN. I submit an amendment intended to be proposed by me to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act.

I will mention also that a copy of the action of the Court of Claims accompanies the proposed amendment.

I move that the amendment, with the accompanying papers, be printed and referred to the Committee on Claims.

The motion was agreed to.

Mr. FAULKNER submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MARGARET A. FITHIAN.

Mr. GORMAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate, to Margaret A. Fithian, the sum of $210.35, for damages sustained by her

and expenses of medical attendance caused by her being run into by one of the Senate mail-wagons, on the 7th day of September, 1885.

AWARDS UNDER MEXICAN TREATY.

Mr. MORGAN. Yesterday I made a report from the Committee on Foreign Relations upon the bill (S. 994) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868," and intended to ask the Senate to-day to hear some remarks upon it, but I conclude that it is not in accordance with the rules of the Senate, and I therefore ask that the bill go upon the Calendar.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. VOORHEES. Will that preclude a calling up of the bill at any time, if I should desire to submit remarks upon it? I did not hear the request of the Senator from Alabama.

Mr. MORGAN. I ask that the bill may go upon the Calendar. I decline to speak upon it this morning.

Mr. VOORHEES. What is the purpose of the Senator, then, in regard to speaking upon it?

Mr. MORGAN. Whenever I can get the bill before the Senate for consideration I propose to discuss it.

The PRESIDENT *pro tempore*. The bill being on the Calendar, it is subject to motion, and is at the disposal of a majority of the Senate at any time.

Mr. MORGAN. I will ask unanimous consent, while I am up, that the bill be made a special order for this day a week at 2 o'clock.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that the bill (S. 994) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico concluded on the 4th day of July, 1868," be made the special order for this day a week at 2 o'clock in the afternoon.

Mr. ALLISON. I shall not object if the Senator will make his motion subject to appropriation bills.

Mr. MORGAN. Always, of course.

Mr. FRYE. Including the bill making appropriations for rivers and harbors?

Mr. MORGAN. Yes.

Mr. DOLPH. How will that order affect the special orders already made?

The PRESIDENT *pro tempore*. The preceding special orders will take their assignment in the priority of time, if not at that time concluded.

Mr. MORGAN. Has consent been given to the order?

The PRESIDENT *pro tempore*. It has been so ordered.

JOHN HANCOCK.

Mr. HARRIS. Some weeks ago the bill (H. R. 1071) granting a pension to John Hancock was adversely reported and indefinitely postponed. I ask the unanimous consent of the Senate that the vote by which the bill was indefinitely postponed may be reconsidered and the bill with the adverse report placed upon the Calendar.

The PRESIDENT *pro tempore*. It will be so ordered, in the absence of objection.

EXECUTIVE SESSION.

Mr. SHERMAN. If there is no pressing legislative business, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. SHERMAN] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

CENTENARY OF RATIFICATION OF CONSTITUTION BY NEW HAMPSHIRE.

Mr. BLAIR. Mr. President, it will be remembered by the Senate that the convention which framed our Constitution made provision that upon its ratification by nine States it should become operative as among the States by which it should thus have been ratified.

One hundred years ago to-day the State of New Hampshire, in convention assembled, at the capital of the State, ratified the Constitution, and thus consolidated the States into the American nation. It seems that our convention had assembled in the month of February before, and after discussing the subject somewhat had adjourned until the 21st day of June, 1788.

Mr. Bancroft says:

> While the long winter of New Hampshire intercepted the labors of husbandry, the fireside of the freeholders in its hundreds of townships became the scene for discussing the merits of the Federal Constitution with the delegates of their choice and with one another. Their convention reassembled in June. Four days served them to discuss the Constitution, to prepare and recommend twelve articles of amendment, and, by 57 voices against 46, to ratify the Constitution.
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> * * * * * * *
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> As the glad tidings flew through the land the heart of its people thrilled with joy that at last the tree of union was firmly planted. Never may its trunk be riven by the lightning, nor its branches crash each other in the maddening storm, nor its beauty wither, nor its roots decay.

In the capital of our State appropriate ceremonies are now in progress for the celebration of this great event, and I believe that as the second centennial of our constitutional epoch approaches this day will be observed by unanimous consent as the one most appropriate for such memorial exercises.

Mr. President, in commemoration of this great event, the greatest of all the victories of peace, and in honor of my native State, which I have the privilege of representing in part upon this floor, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 41 minutes p. m.) the Senate adjourned until Monday, June 25, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 21, 1888.

UNITED STATES DISTRICT JUDGES.

John F. Philips, of Missouri, to be United States district judge for the western district of Missouri, *vice* Arnold Krekel, resigned.

James G. Jenkins, of Wisconsin, to be United States district judge for the eastern district of Wisconsin, *vice* Charles E. Dyer, resigned.

INDIAN INSPECTOR.

Edmund Mallet, of Owego, N. Y., to be an Indian inspector, *vice* Robert S. Gardner, whose term of office will expire June 30, 1888.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 21, 1888.

William B. Franklin, of Connecticut, to be commissioner-general of the United States to the international exposition to be held in Paris, France, in 1889.

Somerville P. Tuck, of New York, to be assistant commissioner-general of the United States to the international exposition to be held in Paris, France, in 1889.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 21, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

VALUE OF OLD COPPER COINS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Director of the Mint, of appropriation to cover the difference between the nominal value of the stock of old copper cents, and their value as metallic copper, on hand in the mint at Philadelphia; which was referred to the Committee on Appropriations, and ordered to be printed.

SCHOONER MARY AND GEORGE G. SILL ET AL. VS. UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting conclusions of fact and law in the spoliation case of the schooner Mary and George G. Sill *et al.*, claimants, *vs.* The United States; which was referred to the Committee on Appropriations.

PUBLIC LANDS, LOUISIANA.

Mr. ROBERTSON, by unanimous consent, introduced a bill (H. R. 10585) to withdraw the public lands of the United States in the State of Louisiana from sale at ordinary private entry and to restrict disposal thereof under the general statutes to homestead settlers only; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING, WICHITA.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 1451) for the completion of the public building at Wichita, Kans.

Mr. DIBBLE. I ask unanimous consent to non-concur in the amendments of the Senate, and agree to the conference asked thereon.

There was no objection.

The SPEAKER. The Chair will appoint the conferees during the course of the day.

MARY DICKINSON.

The SPEAKER also laid before the House the amendment of the Senate to the bill (H. R. 8779) granting a pension to Mary Dickinson.

Mr. MORRILL. I ask unanimous consent to concur in the Senate amendment.

The Senate amendment was read, and there being no objection it was concurred in.

Mr. MORRILL moved to reconsider the vote by which the amend-

ment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFERENCE OF BILLS.

The SPEAKER laid before the House Senate bills, which were severally read twice and referred as follows, namely:

The bill (S. 2613) to amend an act approved June 15, 1882, changing the boundaries of the fourth collection district of Virginia—to the Committee on Commerce.

Joint resolution (S. R. 96) authorizing the District commissioners to designate a site for a statue of Benjamin Franklin—to the Committee on the Library.

The bill (S. 1291) for the erection of a public building at the city of Staunton, Va.—to the Committee on Public Buildings and Grounds.

The bill (S. 1863) granting a pension to John A. Beltzer—to the Committee on Invalid Pensions.

The bill (S. 1960) granting a pension to Willard A. Jackson—to the Committee on Invalid Pensions.

The bill (S. 2682) granting a pension to Wilford White—to the Committee on Invalid Pensions.

The bill (S. 2756) granting a pension to Andrew J. Hadley—to the Committee on Invalid Pensions.

The bill (S. 2764) granting an increase of pension to James McGowan—to the Committee on Invalid Pensions.

The bill (S. 2871) granting a pension to Mrs. Sarah J. Martin—to the Committee on Invalid Pensions.

The bill (S. 2872) granting a pension to Thomas R. Sturman—to the Committee on Invalid Pensions.

The bill (S. 2934) granting a pension to Mary Sullivan—to the Committee on Invalid Pensions.

The bill (S. 2981) granting a pension to Walter N. Smith—to the Committee on Invalid Pensions.

The bill (S. 2982) granting a pension to Ellen M. Thornton—to the Committee on Invalid Pensions.

The bill (S. 2690) granting a pension to Eliza Settle—to the Committee on Invalid Pensions.

The bill (S. 2993) granting a pension to Margaret A. Hillard—to the Committee on Invalid Pensions.

The bill (S. 3016) for the relief of Sarah R. Fisher—to the Committee on Invalid Pensions.

The bill (S. 3050) granting a pension to John Dennert—to the Committee on Invalid Pensions.

The bill (S. 3060) providing a pension for Matilda C. King—to the Committee on Invalid Pensions.

The bill (S. 3116) granting an increase of pension to Thomas Wynne—to the Committee on Invalid Pensions.

The bill (S. 3183) granting a pension to James Parker—to the Committee on Invalid Pensions.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ROMEIS, until the 26th instant, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. WILLIAMS to withdraw the papers in the case of Ralph O. Twitchell.

BILL LAID UPON THE TABLE.

The SPEAKER. The bill (H. R. 8492) authorizing the construction of bridges over Northeast River, Black River, and Cape Fear River, in the State of North Carolina, should be laid upon the table, the House having passed at its session yesterday evening a Senate bill of the same title; and if there be no objection, that order will be made.

There was no objection.

ORDER OF BUSINESS.

Mr. RANDALL. I demand the regular order.

The SPEAKER. The regular order is the consideration of bills reported from the Committee on Public Buildings and Grounds.

Mr. DIBBLE. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering bills under the special order.

Mr. McRAE. Mr. Speaker, I desire to present a privileged report from the Committee on the Public Lands.

The SPEAKER. The Chair will state that several gentlemen have applied for recognition to make reports from committees——

Mr. RANDALL. That can be done after dispensing with the morning hour. I will make that motion now.

Mr. DIBBLE. I think the special order comes immediately after the reading of the Journal.

Mr. RANDALL. Very well, then, I raise the question of consideration.

Mr. DIBBLE. I have no objection to gentlemen filing reports.

The SPEAKER. If there be no objection, gentlemen can hand their reports to the Clerk's desk at any time during the day.

There was no objection.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

MARY ISABELLA R. CLEMENTS.

Mr. HUTTON, from the Committee on Pensions, reported back favorably the bill (S. 2549) for the relief of Mary Isabella R. Clements; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. BETSY LOCKWOOD.

Mr. BLISS, from the Committee on Pensions, reported back favorably the bill (H. R. 10244) granting a pension to Mrs. Betsy Lockwood; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL L. M. PROCTOR.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 9491) for the relief of Samuel L. M. Proctor; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARIA HULSE.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 9911) granting a pension to Mrs. Maria Hulse; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. FANNIE A. BOYD.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd, widow of Capt. O. B. Boyd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEWIS DAVIS.

Mr. BLISS also, from the Committee on Pensions, reported back with the amendments of the Senate the bill (S. 5903) for the relief of Lewis Davis, a soldier of the war of 1812; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANDREW T. M'REYNOLDS.

Mr. BLISS also, from the Committee on Pensions, reported back favorably the bill (S. 1935) for the relief of Andrew T. McReynolds; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MOBILE RIVER COMMISSION.

Mr. JONES, from the Committee on Rivers and Harbors, reported back favorably the bill (H. R. 10464) to authorize the United States engineer in charge of Mobile Harbor to act as a member of the Mobile River Commission; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MOUNT CARMEL DEVELOPMENT COMPANY.

Mr. JONES also, from the Committee on Rivers and Harbors, reported back favorably the bill (H. R. 4496) to authorize and empower the Mount Carmel Development Company to draw water from the Wabash River, or its tributaries, in the county of Wabash and State of Illinois; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, NASHUA, N. H.

Mr. SOWDEN, from the Committee on Public Buildings and Grounds, reported back favorably with amendment the bill (S. 385) to provide for the erection of a public building in the city of Nashua, in the State of New Hampshire; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, WATERBURY, CONN.

Mr. SOWDEN also, from the Committee on Public Buildings and Grounds, reported back favorably with amendment the bill (S. 2319) for the erection of a public building at Waterbury, Conn.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JAMES H. SMITH.

Mr. SIMMONS, from the Committee on Claims, reported back favorably the bill (S. 68) for the relief of James H. Smith, late postmaster at Memphis, Tenn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM A. BEVENS.

Mr. SIMMONS also, from the Committee on Claims, reported back favorably the bill (S. 317) for the relief of William A. Bevens; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES E. WALKER.

Mr. SIMMONS also, from the Committee on Claims, reported back favorably the bill (S. 773) for the relief of James E. Walker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. W. WELCH.

Mr. SHAW, from the Committee on Claims, reported back favorably with amendment the bill (H. R. 2557) for the relief of W. W. Welch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD BRADEN AND JOB W. ANGUS.

Mr. SHAW also, from the Committee on Claims, reported back favorably the bill (S. 145) for the relief of Edward Braden and Job W. Angus; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA J. ALEXANDER.

Mr. DE LANO, from the Committee on Pensions, reported back favorably with amendment the bill (H. R. 10350) granting an increase of pension to Eliza J. Alexander; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES H. CAMPBELL.

Mr. HOOKER, from the Committee on Military Affairs, reported back favorably the bill (H. R. 5846) to restore Charles H. Campbell to the rank of captain in the Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. DIBBLE. I now renew the motion.

The SPEAKER. The gentleman from South Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union to consider the special order.

Mr. RANDALL. I want to raise the question of consideration, the only way to do it being, I believe, to vote down the motion.

The SPEAKER. That is the only way.

Mr. BLOUNT. I presume the object of the gentleman from Pennsylvania is to reach the consideration of the sundry civil appropriation bill.

Mr. RANDALL. That is my purpose.

Mr. DIBBLE. I understand the gentleman from Arkansas wants to submit a report. I will yield to him temporarily.

Mr. RANDALL. I demand the regular order.

Mr. McRAE. Mr. Speaker, I desire to present a privileged report for consideration.

The SPEAKER. There is a motion pending before the House. Unless the report is a conference report it can not take another motion from the floor.

Mr. McRAE. But the gentleman who made the motion will now yield.

Mr. RANDALL. I ask for the regular order.

The SPEAKER put the question on the motion of Mr. DIBBLE that the House resolve itself into Committee of the Whole House to consider bills in relation to public buildings and was in doubt as to the result.

Mr. DIBBLE. I ask for a division.

The House divided; and there were—ayes 46, noes 35.

Mr. RANDALL. I ask for tellers.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] asks for tellers, and as no quorum has voted tellers will be ordered. The Chair will appoint the gentleman from South Carolina [Mr. DIBBLE] and the gentleman from Kentucky [Mr. McCREARY].

While the House was dividing the following took place:

Mr. RANDALL. I think the importance of this question requires the yeas and nays. I ask for the yeas and nays.

The SPEAKER. The Chair will state that if the yeas and nays disclose the fact that there is no quorum the result will be to suspend business for the day.

Mr. RANDALL. The members who want to go on with the appropriation bills ought to take the responsibility, and I believe they will. I want the privilege of putting myself and those who vote with me on record in regard to this matter.

Mr. DIBBLE. Mr. Speaker, the gentleman ought to consider that when the yeas and nays are called, if no quorum is developed in the House, we will be in a worse condition than we are now.

Mr. RANDALL. That is all right. We can not help that.

Mr. BURROWS. Can it not be agreed that the bills in relation to public buildings shall be taken up to-morrow or immediately after we have finished with the sundry civil bill?

Mr. McMILLIN. When this order was made it was understood it was not to interfere with appropriation bills or revenue bills. The gentleman from Michigan will bear that in mind.

The yeas and nays were ordered.

Mr. DIBBLE. Mr. Speaker, after conferring with the chairman of the Committee on Appropriations, I ask unanimous consent to postpone the special order until Saturday.

Mr. ANDERSON, of Illinois. I object.

Mr. BLOUNT. Mr. Speaker, I wish to know if the gentleman from South Carolina [Mr. DIBBLE] thereby desires to have it implied that the House will be bound to take up the bills for public buildings at that time if the naval appropriation bill or any other appropriation bill shall be ready for consideration?

Mr. DIBBLE. My intention is to have the matter remain in its present state in that respect.

Mr. HOLMAN. I ask permission to say that while the Committee on Public Lands have felt it to be their duty not to seek to interfere with the passage of the appropriation bills, as against all other measures that committee would insist that the general land bill, the homestead bill, shall be taken up and acted upon at the earliest possible moment. Except as against appropriation bills I think the committee ought to insist that that bill shall be disposed of. After a struggle of three months that committee has had altogether one hour and a half for the consideration of the most important bill in many respects that is pending in the House.

The SPEAKER. The gentleman from South Carolina [Mr. DIBBLE] asks unanimous consent to postpone the special order until next Saturday morning. Is there objection?

There was no objection, and it was so ordered.

Mr. RANDALL. Mr. Speaker, I move to dispense with the morning hour.

The motion was agreed to.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole on the state of the Union to consider appropriation bills.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BELMONT. Mr. Speaker, I desire to make a privileged report.

The SPEAKER. The gentleman can make the report, but it can not be considered now unless the motion of the gentleman from Pennsylvania is withdrawn.

Mr. BELMONT. I understand the gentleman will withdraw his motion.

Mr. RANDALL. I understand it is simply a request for a conference.

The SPEAKER. The Chair does not know how much time it will take.

Mr. BELMONT. It will take but a moment.

The Clerk read as follows:

The Committee on Foreign Affairs recommend a non-concurrence in the amendments of the Senate to the bill of the House 6833 making appropriation for the diplomatic and consular service of the United States for the fiscal year 1889, and ask for a conference thereon.

Mr. BELMONT. The Senate has not yet asked for a conference.

Mr. HOLMAN. Would it not be well to read the amendments?

Mr. BELMONT. There are but few amendments, nor are they of much importance. There are certain changes recommended in the diplomatic service, raising the rank of certain ministers resident to that of envoys and ministers plenipotentiary. In regard to the consular service there are but few changes, principally in the Mexican consulates, involving in amount not more than $1,000. There is a Senate proposition for a scientific commission to visit and report upon the commercial resources of the Upper Congo Basin, with an appropriation for this purpose amounting to $25,000. The committee, on consideration of these amendments, has requested that the House nonconcur and ask for a conference.

Mr. HOLMAN. If these amendments are to be opposed in good faith and not as a matter of form, I shall not insist upon their being read. If the report is made by my friend from New York with a view of opposing the adoption of the Senate amendments, I have no objection.

Mr. BELMONT. I think I may say on behalf of the committee that it is opposed to the amendment in regard to the Congo appropriation. The difficulty is there is no provision for placing the supervision of the proposed expenditure in the State Department, or in fact in any other Department. As to the increase in rank of ministers resident to ministers plenipotentiary, there is no increase proposed in salaries.

Mr. HOLMAN. That follows.

Mr. BELMONT. Pardon me; it does not follow, and I think the conferees should be left free to confer and to consider the importance and usefulness of such amendments.

Mr. McCREARY. I hope my friend from Indiana [Mr. HOLMAN] will make no opposition to the request of the gentleman from New York [Mr. BELMONT]. The Congo amendment is the most important one, because it proposes to appropriate $25,000. I think the Committee on Foreign Affairs is opposed to that; I know I am myself. The other item is not large in amount, and I believe that the committee of conference to which it may be referred will give it the consideration it deserves.

Mr. SPRINGER. I hope there will be no misunderstanding with regard to what shall be the report of the conferees. You are not pro-

viding for a conference at all when you appoint a committee to confer and then direct them what to do. It is the duty of the committee to confer with the Senate conferees for the purpose of reaching a conclusion.

Mr. HOLMAN. That is all right, but my friend must remember that it is proposed to take these amendments without consideration in the House, and of course they never will be considered.

The SPEAKER. The gentleman from New York [Mr. BELMONT] asks unanimous consent that the amendments of the Senate be non-concurred in, and that a conference be requested. Is there objection?

There was no objection.

The SPEAKER. The Chair will appoint as managers of the conference on the part of the House the gentleman from New York [Mr. BELMONT], the gentleman from Kentucky [Mr. MCCREARY], and the gentleman from Massachusetts [Mr. ROCKWELL].

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CLEMENTS. Mr. Speaker, I desire to submit a privileged report from the Committee on Appropriations.

The report was read, as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 8089) making appropriations to provide for the expenses of the government of the District of Columbia for the year ending June 30, 1889, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 5, 11, 12, 88, 89, 90, 91, 96, 97, 98, 108, 153, 154, 155, 156, 157, 158, 159, 160, 165, 166, 182, and 184.

They recommend non-concurrence in the amendments numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 92, 93, 94, 95, 99, 100, 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 161, 162, 163, 164, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 183, 185, 186, 187, 188, 189, 190, 191, and 192.

Mr. HOLMAN. Mr. Speaker, I suggest to the gentleman presenting this report that this list of the numbers of the amendments furnishes no information to the House. I do not know what the gentleman's motion is, but I think we ought to have some explanation of the effect of the report.

Mr. CLEMENTS. The motion is to adopt the report.

Mr. HOLMAN. The reading of that paper of course furnishes no information to the House.

Mr. SPRINGER. Is it proposed in this report to concur in the amendment of the Senate reducing the appropriation for the Homœopathic Hospital?

Mr. CLEMENTS. We do not recommend concurrence in that amendment. We want it to go to the committee of conference.

Mr. SPRINGER. That is all right. I hope we shall insist on the action of the House in regard to that.

Mr. HOLMAN. I suggest that the gentleman from Georgia state the effect of the report.

Mr. CLEMENTS. The principal amendment in which concurrence is asked is the appropriation of $15,000, to enable the District authorities to assess the real estate of the city and District next year. The permanent law requires that that shall be done every three years, and next year is the year in which it should be done. The matter was not submitted to the House committee originally, but the amendment is a proper one, and it is the only amendment which carries any considerable increase of appropriation, the amount being $15,000. Another amendment is for a fire-proof stairway in the Lincoln School building, and there are other small items. The aggregate increase, however, I think will not exceed $15,000.

Mr. BURROWS. Is this a conference report?

The SPEAKER. It is not a conference report. It is a report from the Committee on Appropriations recommending non-concurrence in certain Senate amendments and asking a conference on the disagreeing votes of the two Houses.

Mr. CLEMENTS. The report does not ask for a conference. It is simply a report recommending non-concurrence in certain amendments.

ORDER OF BUSINESS.

Mr. RANDALL. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the further consideration of general appropriation bills; and pending that motion I move that all debate on the pending paragraph and amendments thereto be closed in ten minutes.

Mr. MACDONALD. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MACDONALD. Can I ask for a division of the question?

The SPEAKER. There is only one question at a time. The first question is upon limiting debate.

Mr. RICE. I move to amend so as to make the time twenty minutes.

The amendment was rejected.

The motion of Mr. RANDALL, limiting debate on the pending paragraph and amendments to ten minutes, was then agreed to.

The SPEAKER. The question now is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House resolve itself into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The pending paragraph was the following:

For surveys and resurveys of public lands, $100,000, at rates not exceeding $9 per lineal mile for standard and meander lines, $7 for township, and $5 for section lines: *Provided*, That in expending this appropriation preference shall be given in favor of surveying land occupied, or to be occupied, in whole or in part, by actual settlers. And of the sum hereby appropriated not exceeding $20,000 may be expended for the examination of surveys in the field, to test the accuracy of the work, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors; and for inspecting mineral deposits, coal-fields, and timber districts, and for making such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Mr. RICE. I move to amend by striking out in the first line of the paragraph just read the word "one" and inserting "two;" so as to make the appropriation for surveys and resurveys of public lands $200,000.

This paragraph as reported proposes to appropriate $100,000 for public surveys, of which $20,000 is authorized to be deducted "for the examination of surveys in the field, to test the accuracy of the work," etc. Now, there are five States and eight Territories, excluding Alaska, among which this appropriation of $80,000 must be divided. This would allow to each of these vast Territories and Western States something over $6,000 a piece for public surveys. So meager an appropriation as this would be perfectly useless; there might as well be none. In 1880 $300,000 was appropriated for this purpose. In 1881 and 1882 the appropriation was the same; in 1883, $400,000; in 1884, $125,000; in 1885, $350,000; in 1887 and 1888, $50,000 for each year. The small amount appropriated in these recent years has proved a mere bagatelle, and its expenditure has practically amounted to nothing. The surveyor-general of Washington Territory alone has asked for $225,000 for surveys in that Territory, embracing 150 townships; and he states that this amount will be absolutely necessary, the land being occupied by actual settlers. Upon many portions of the public lands there are settlers who have resided there for twenty years without having obtained a title; and they can not obtain their titles for want of surveys.

These meager appropriations for surveys do great injustice to the settlers. The public faith is pledged to the survey of their lands. The Government should stand behind them and back them up in their honest efforts to acquire homes and to perfect the titles to their property. This is the interest of the individuals themselves and of the communities in which they reside, so that taxes may be levied and that they may be enabled to proceed with the building of school-houses, the construction of highways, etc., that the settlers who have made their homes there may enjoy the advantages of civilization.

I call the attention of the committee to the act of March 3, 1887, to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes. Section 1 of that act makes it mandatory upon the Secretary of the Interior to adjust these land grants. I ask the Clerk to read that section.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to immediately adjust, in accordance with the decisions of the Supreme Court, each of the railroad land grants made by Congress to aid in the construction of railroads and heretofore unadjusted.

Mr. RICE. There are probably 50,000,000 acres of lands which require to be surveyed immediately under this act, which has now been in force for more than one year. In addition to this, Congress has passed acts contemplating the survey of the Indian reservations, embracing about 38,000,000 acres; and how are they to be surveyed?

I do not wish to see the Secretary of the Interior handicapped in the performance of his duty to execute these laws. The laws make it mandatory upon him to make these surveys; yet Congress will not give him the money with which to do it. The requirement of law that these surveys shall be made stands as a dead letter so long as the Congress refuses to vote the necessary appropriations. The Secretary of the Interior asks for $360,000, which I think a very low estimate.

A MEMBER. How much does your amendment propose to give?

Mr. RICE. This bill proposes to appropriate $80,000, and I ask that it be increased to $200,000.

Mr. WILSON, of Minnesota. About one-half of what the Secretary of the Interior asks.

Mr. RICE. Yes, sir. I wish it were possible to obtain from Congress an appropriation for the whole amount asked by the Secretary of the Interior, but when I can not get what is reasonable I am willing to take what I can get.

I will state in addition that the surveyor of my own State, Minnesota, is insisting upon $30,000 for surveys in that State. There are 8,000,000 acres of Indian reservations there that should be surveyed immediately under the mandatory laws of Congress. The meager sum which this bill proposes to appropriate, and even the amount asked in my amendment, will be but a "flea-bite" when it comes to be distributed among the various States and Territories.

In conclusion, I call the attention of the House to the following com-

munications from the surveyor-general, deputy surveyor-general, and United States marshal of Washington Territory:

UNITED STATES SURVEYOR-GENERAL'S OFFICE,
Washington Territory, Olympia, May 29, 1888.

MY DEAR SIR: I have before me your letter of the 10th and 15th instants. The statement of the Commissioner of the General Land Office, that $450,000 will cover all needs for public surveys in the United States, is a surprise to me, for I left Washington in January fully impressed with the belief that he was to make a revised estimate recommending a considerable increase over that amount. My estimate of $125,000 for Washington Territory, which was made from applications then in hand is, I am now convinced, far less than is needed. Evidence has accumulated of the necessity for surveys in many townships not then considered, and I believe that at least half of the amount estimated by the Commissioner for the entire United States could be used with advantage in this surveying district alone.

If any member of the committee should still think there should be a uniform rate for surveys, I can simply say to him that here about 2 miles is a good day's work for a surveyor, whereas in many sections of the country they can cover from 12 to 15 miles a day. If, as I have said in previous communications, the contract system is adhered to, the augmented rates provided for in section 2405, Revised Statutes, should be restored; but I am fully satisfied that better service can be secured by paying a per diem.

I inclose a letter from United States Marshal Hamilton in regard to the necessity for extending the public surveys in Washington Territory, and copy of a letter from a reliable practical surveyor in regard to the cost of making them.

You ask for my views in regard to the maximum to be paid assistants to deputy surveyors, the expenses of furnishing surveyor's instruments, implements, utensils, etc. My idea is that after establishing a maximum price to be paid deputy surveyors for work while in the field, and for the time necessary to prepare their notes after the field-work is completed, all other items of expense should be regulated by the Commissioner of the General Land Office or by the surveyors-general, subject to the approval of the Commissioner. This is the way it is done with examiners of surveys who are sent out from Washington, and it seems to me is the best and most practical way.

Labor, supplies, and transportation are much higher in some localities than in others. In some parts of the country the supplies and all baggage of a surveying party can be hauled in wagons or carried on pack-horses, while in this country everything is packed on the backs of men, and this of course necessitates the hiring of additional force.

It would be impracticable to limit the expenses per day of a surveying party in this country under a salaried basis to the requirements of an open country, just as it is to limit it per mile under the contract system. Some discretion should be allowed somebody, but if it is desired to establish maximum rates for everything I would suggest the following:

Deputy surveyor, per day	$10.00
Two chain carriers, each $2.25	4.50
Two axmen, each $2.25	4.50
One cook	2.25
Transportation in the field, either wagon and team or "packers"	5.00
Provisions for 7 men per day, at 50 cents each	3.50
Total expense of a surveying party in the field, per day	29.75

Pay should be allowed the men from the time they leave the place where the party is organized, and their expenses should be paid to and from the place of beginning.

After the completion of his work the deputy should have his expenses paid from the field to the surveyor-general's office, where he should be required to write up his official notes from original data taken in the field. No provisions should be made for the purchase of surveying instruments, as every practical surveyor is supposed to be provided with an outfit of his own.

The cost of cooking utensils, etc., should be regulated by the Commissioner of the General Land Office. I hope something can be done for the relief of the many worthy settlers in this country who are suffering great inconvenience on account of not being able to perfect titles to their lands.

I am reliably informed that no surveys have been made for several years past, except at a heavy expense to the settler, and from a recent letter from the Commissioner on the subject I infer that, in future, even this poor privilege will be denied them.

Yours, truly, J. CABELL BRECKINRIDGE.

Hon. EDMUND RICE,
Washington, D. C.

DISTRICT OF WASHINGTON TERRITORY,
OFFICE OF UNITED STATES MARSHAL,
Seattle, Wash., February 15, 1888.

SIR: I ask permission to say a word about the appropriation for extension of public surveys in this Territory.

In the discharge of my official duties I am obliged to travel all over this Territory, and have had occasion to converse with settlers throughout the Territory. From my conversation with them, and from observations made by me, I find a great many people living upon unsurveyed public lands who are anxiously awaiting for surveys, which, in my judgment, ought to be made in the interest of honest settlers.

I am therefore led to believe that there will be needed for the purposes of such extension the sum of at least $250,000 or $300,000.

Very respectfully, T. J. HAMILTON.

Hon. CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives, Washington, D. C.

OLYMPIA, WASH., *May 23, 1888.*

DEAR SIR: In reply to your inquiry as to the time occupied in the survey of an average township, in what is commonly called the timber belt west of the Cascade Mountains, I would respectfully submit the following statement, after some eighteen or twenty years' service as a deputy United States surveyor:

A deputy surveyor with one party in the field is doing good work when he averages 1½ miles per day. In the most favorable localities he may average 2 miles, but in many of the most choice agricultural belts his average will be reduced to 1 mile per day.

Our best agricultural are the most difficult lands to survey, they being river and creek bottom lands. These lands, in addition to the thick growth of timber, are always covered with an almost impenetrable undergrowth, generally consisting of vine, maple, willow, rose brush, gooseberry, and briers.

After the above statement, the question will naturally arise, how can the lands described be surveyed, even for the augmented rates of $14 and $15 per mile? In reply I would say many of them can not, and the only way the majority of them have been surveyed for years past is by the settlers in the townships rendering such assistance to the deputy as was necessary in order to enable him to make the desired surveys.

Very respectfully, D. S. B. HENRY,
Deputy United States Surveyor.

Hon. J. C. BRECKINRIDGE,
Surveyor-General Washington Territory, Olympia, Wash.

The moneys derived from the public lands for the year 1887 amounted to $12,289,008.37, and out of this amount the insignificant sum of $80,000 is applied by this bill for public surveys.

Gentlemen on this floor who oppose this amendment on yesterday paid very high encomiums upon the integrity, ability, and wisdom of the late Commissioner of the General Land Office. If they are sincere in this, as I doubt not they are, they would be more consistent if they would vote for his recommendations. Here are some of them:

MINNESOTA.

There remains in this State one hundred and eighty unsurveyed townships of public lands and one hundred and seventy-five townships of Indian reservations. The development of fraudulent returns of swamp lands in surveys heretofore made render a thorough examination of such lands in this State a matter of importance to the Government and to settlers.

MONTANA.

The progress in office work on agricultural surveys was small, owing to the totally insufficient appropriation for clerk-hire for 1887. During the year 1885 contracts were let amounting to $23,320 for surveys of public lands. None of the work was returned during the year ending 1886, but in 1887 several deputies made returns, the principal portion of which remains unexamined for want of clerical force to do the work. The surveyor-general declines to make any recommendation as to further surveys in his district, believing it necessary that provision be made for the office work on surveys already contracted for before entering upon additional surveys.

Important surveys in this Territory, needed the past year for use in suits in the courts involving a pecuniary interest to the Government of upwards of a million dollars, could not be contracted for at the rates allowed by the present appropriation acts of Congress.

Here is what the Secretary of the Interior says:

PUBLIC SURVEYS.

I renew the suggestion in my last annual report in favor of the enactment of a law making false and fraudulent returns of public surveys a penal offense, and providing also penalties for the willful destruction or removal of surveying monuments. Special attention is called to the recommendation of the Commissioner for the appropriation of $300,000 for executing public surveys. I concur in this recommendation.

The appropriations for 1884 were $425,000, whilst those for 1887 and 1888 were respectively only $50,000. This is a very serious matter. It would be less disastrous to the interests of the people to abolish the present mode of administering the public surveys and remit the whole subject to the States or dispose of it in some other way if the Executive is not afforded the means of properly administering this branch of the public service. Our plan of surveying the public land is a most admirable one, and its correct administration lies at the very foundation of our established land system. But if the public surveys are not conducted with honesty and exactness, they are a snare and delusion to all who obtain title under them.

The Commissioner shows that where surveys have been made in many instances it is impossible to throw open the surveyed land because of the want of means to cause the surveys to be verified in the field or to have the necessary office work done. In addition, he shows that large bodies of valuable land are unsurveyed and no means available for the purpose of surveying them. Public interests demand that those lands be placed in such a condition that settlers may be able to acquire title to them. If it be true that one of the great objects in view is to facilitate the acquisition of homes by the homeless and industrious, the impolicy of retarding the surveys of the public lands is the more apparent; and when we reflect that the public land system is not a burden upon the taxpayers of the country, but the source of a large and unneeded income to the Treasury, the policy which hampers this administration is the more unaccountable. Frequently cases come before the Department where, after years of residence and improvement, the settler dies without having been able to secure title to the land, leaving that which ought to be the home of his helpless family to fall into the possession of others, and all because, in the absence of a survey, there is no means of securing title.

Another evil of these insufficient appropriations lies in the fact that several of the railroads to which land grants have been made pass for a considerable extent through unsurveyed public lands. In the granting acts to these companies is a clause directing the Executive to cause the land to be surveyed along the line of the road, so that the lands to which it may be entitled shall be made over to the company as fast as the road is constructed. But the Executive has been unable to comply with these directions because Congress has not thought proper to furnish the means to make the necessary surveys, and there was no other source from which it could come.

It is impossible for a settler to tell or even guess in an unsurveyed wilderness the even section from the odd, and he is as likely to make his settlement and his home upon the one as upon the other. When the survey is made, if that settler is found located within the primary limits of a grant upon an odd section, or any portion of one, he loses the land, because it is granted to the company. The same trouble would occur within the indemnity limits so long as the withdrawal thereof stood, for then under the law the rights of subsequent settlers were subordinate to those of the companies. Now, under the recent action of this Department in revoking the indemnity withdrawals, whilst the actual settlers will be safe in locating upon unclaimed lands within those limits, the companies most probably will be considerably curtailed in the amount of lands from which they may select indemnity for losses within the granted limits, which losses can not be ascertained until the surveys separate the odd from the even sections.

In view, therefore, of the general interests of the public, those of the settlers and of the railroad companies, and with an especial view to the speedy adjustment of the various land grants in obedience to the mandate of Congress, the appropriation for these surveys should be fully adequate to the results contemplated.

In this connection attention is called to the significant statement found on page 22 of the report of the Commissioner. Attention is also called to the fact that because of the want of funds to make necessary surveys in Montana the Government sustained a loss in that Territory last year estimated by the Commissioner at over $1,000,000. (See page 14 of his report.)

Special attention is also called to the several reports of the governors of the Territories, all of which are burdened with complaints of the want of public surveys within their respective jurisdictions.

I have above indorsed the recommendation of the Commissioner for $300,000, but I beg to urge the appropriation of $200,000 not asked for by him, to be specially devoted to the survey of lands within the granted and indemnity limits of the different land-grant railroads. There are lands along the lines of all three of the great routes to the Pacific which are unsurveyed. The roads are completed. The country through which these roads pass has been mostly settled by an industrious population who are unable to obtain title to the unsurveyed lands, whether the same belong to the Government or to the railroad company. So long as these lands remain unsurveyed it is impossible to adjust the land grants, to ascertain what are the losses of the corporations within the primary limits, and to what indemnity lands they are entitled. Great confusion

and many hardships have resulted for the want of the necessary appropriations for the survey of the lands along the lines of said roads.

It is manifest that it was the intention of Congress in making the grants that the survey should keep pace with the construction of the roads, making it practicable to adjust the grants as the roads progress. It is now urged that Congress afford a remedy for these long-standing evils by appropriating the sum asked, to be devoted specially to the survey of the land referred to.

DEPOSITS FOR SURVEYS.

A further experience of the pernicious practices that have obtained under the system of deposits for surveys confirms me in my former recommendation for the repeal of those laws, which I here renew.

PRIVATE GRANTS.

Another subject which, I would respectfully suggest, demands immediate legislation is the matter of private grants claimed to be derived from the Spanish or Mexican Government. This legislation, in my opinion, should be directed to two points: (1) to providing for a trial and final determination of such claims, subject only to appeal to the Supreme Court; (2) an act of limitation barring the presentation of new claims of this character within a stated period.

By section 8 of the act of July 22, 1864 (10 Stats., 308), it is made the duty of the surveyor-general of New Mexico to "ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico." He is to make report of all such claims, with his decision as to the validity or the invalidity of the same, which report shall be laid before Congress for action, and until final action of Congress on such claims all lands covered thereby shall be reserved from sale or other disposal by the Government. Under the provisions of this law from time to time since its passage many claims have been made and acted upon, whilst a number are yet pending before Congress unacted upon. The extent and number of the unconfirmed claims can not be accurately stated, as such claims are being continually made, and those heretofore presented seem to grow enormously in area with each passing year in the issuance of patents thereon. At the present time it is approximately estimated that the amount of public land actually reserved from entry and settlement because of such claims is a little short of 6,000,000 acres. Most of this land has been thus reserved for many years, used, enjoyed, or transferred and sold as freely by the pretended claimants as though their title had been fully confirmed.

These reports bristle all over with wise recommendations for adequate appropriations to enable them to administer the affairs of the public domain in accordance with law and the traditional policy of the Republic for more than one hundred years.

The system now is in a wretched condition. It would be better to turn over all the public lands to the States and Territories in which they are situated than to continue it as at present.

The domestic and foreign immigration for settlement upon these lands is now larger than ever, yet they can not know whether after making homes thereon they will, this year or twenty years hence, be able to obtain a title to them. Very poor encouragement indeed to the actual settler, for whom so much sympathy is due and so freely expressed upon this floor, which dies apparently inside these walls.

Mr. RANDALL. Mr. Speaker, I hope this amendment will not be adopted. In 1886 the appropriation for this purpose was $300,000, of which there was expended during the year only $176,000. The next year, 1887, $50,000 was appropriated, of which $25,408.23 was expended, leaving a balance of $24,591.77. The estimated unpaid expenses for that year were $12,532.77, showing about $12,000 covered into the Treasury. The Committee on Appropriations in this bill, doubling the appropriation of last year, propose to give $100,000. It is true that in the body of the estimates the Secretary of the Interior does mention the sum of $300,000, but in carrying out the gross estimates the estimate is stated at $250,000.

I do not want to make another appeal to the House, as I had to do yesterday, touching the increase of the expenditure of the Government I want to say an additional word. In the increase from $50,000 to $100,000 we have made special stipulations it shall be used for survey by townships wholly or in part for actual settlers who may desire to occupy the public lands for cultivation.

In addition we had in view the opening of the Piegan reservation, in Northern Montana. The committee has doubled what was given last year. It is not well to go beyond the amount recommended by the Committee on Appropriations.

In this amendment Nevada is one of the States provided for. That State received, exclusive of the $50,000, $30,000 for last year.

I can appreciate the position of the gentleman from Minnesota, his people are urging him; and I am quite sure he will not do more than is prompted by a sense of duty. I may say that the Committee on Appropriations at both ends of the committee favor, so far as I know, this amount. I hope, therefore, the amendment will be voted down, and that $100,000, which is double the amount given for several years, will be allowed to remain.

The CHAIRMAN. Debate is exhausted.

Mr. MACDONALD. I ask the debate on this subject be extended.

Mr. RANDALL. I must object.

Mr. MACDONALD. I know very well this is an important subject, and the House ought to fully understand it before members are called upon to vote on it.

Mr. RANDALL. We have heard sufficiently to understand the amendment and to be able to vote on it.

Mr. MACDONALD. We have a right to be heard fully on the matter, and we ought not to be choked off in this way.

The question recurred on Mr. RICE'S amendment.

The committee divided; and there were—ayes 28, noes 45.

Mr. MACDONALD. No quorum.

The Chair appointed Mr. FORNEY and Mr. MACDONALD as tellers.

The committee again divided; and the tellers reported—ayes 24, noes 74.

Mr. MACDONALD. I withdraw the point of no quorum.

So the amendment was rejected.

Mr. TOWNSHEND. I move that the amount be increased to $150,000.

Mr. RANDALL. Debate is not in order.

The CHAIRMAN. Debate is exhausted on the pending paragraph and all amendments thereto.

Mr. TOWNSHEND'S amendment was rejected.

Mr. McSHANE. I move the following amendment.

The Clerk read as follows:

That the Secretary of the Interior be, and is hereby, authorized to transfer to the secretary of state of the States of Nebraska and Iowa, or to such officers as may be entitled to receive them, the field-notes, maps, records, and other papers appertaining to land surveys in said States which are now stored in the district land office at Lincoln, Nebr.; and the office of surveyor-general for the district of Nebraska and Iowa is hereby abolished: *Provided*, That the aforesaid field-notes, maps, records, and other papers pertaining to the State of Nebraska shall not be delivered to the proper authorities until said State shall have provided by law for the safe-keeping of the same as public records, and for the allowance of free access to field-notes, maps, records, and other papers by the authorities of the United States, as provided by section 2221 of the Revised Statutes of the United States, the State of Iowa having heretofore enacted the requisite legislation.

Mr. RANDALL. I understand there is no further use for this office, and hope the amendment will be agreed to.

Mr. McSHANE. Mr. Chairman, in offering this amendment abolishing the office of surveyor-general for Iowa and Nebraska I desire to make the statement that this office was practically abolished by Congress refusing any appropriation for the expense of that office in the Forty-ninth Congress.

The object of this amendment is to legally abolish the office, so that the General Land Office may have control over the same and may complete the surveys where the contracts for surveys have not been carried out.

The amendment was agreed to.

Mr. HERMANN. By direction of the Committee on the Public Lands I offer the following amendment.

The Clerk read as follows:

After the word "work," in line 11, page 48, insert "including in this, if found necessary by the Secretary of the Interior, the resurvey of township 33 south, of range 4 west of Willamette meridian, in the State of Oregon."

The CHAIRMAN. Debate is exhausted on the pending paragraph.

Mr. HERMANN. I merely desire to make a word of explanation. This amendment is recommended by the Committee on the Public Lands.

The amendment was agreed to.

Mr. SMITH, of Arizona. I ask by unanimous consent, Mr. Chairman, as debate has been exhausted on the pending proposition, that I may be permitted to publish in the RECORD some remarks on this question.

Mr. RANDALL. I do not object to that.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

The Clerk read the next paragraph, as follows:

For survey of confirmed private land claims in New Mexico, at rates prescribed by law, $3,000.

[Mr. JACKSON withholds his remarks for revision. See APPENDIX.]

Mr. RANDALL. I hope we will have a vote on this proposition.

Mr. TOWNSHEND. The gentleman from Pennsylvania asserted that a marked contrast could be drawn between the policy of the Republican party, when in power, making grants of public lands, and the policy of the Democratic party in the same connection. I state to him that the Democratic party when in power never gave away to a railroad corporation one single acre of land. It did make a grant to the State of Illinois of several million acres of lands, but it was done upon the express condition that if these lands were given to a railroad company that it should be upon the consideration that the railroad company should forever pay into the State treasury of the State of Illinois 7 per cent. of its gross earnings. And I say here now, sir, that the lands granted to the State of Illinois under the Democratic administration were the best sold lands this Government ever disposed of in its history. The Illinois Central Railroad Company will find, after it has finished its payments for these lands, if it ever is released from that obligation, that it has paid thousands of dollars for every acre they received under that grant.

It was that wise provision inserted in the bill by the great Democratic leader, Stephen A. Douglass, which enabled the bankrupt State of Illinois to pay off its State debt, and which, under an honest administration of affairs in Illinois, would enable that State to pay all the ordinary expenses of the State government. But, Mr. Chairman, I rise more particularly for the purpose of calling attention to the amusing position occupied by the gentleman from Ohio yesterday, when he said that the Democratic party had not initiated the movement to forfeit or repeal grants made to railroad corporations. Why, sir, I dare any man to put his finger upon a single motion made or vote that was cast in a Republican Congress prior to the time the Democrats came into power here, in 1874, in favor of forfeiting or repealing

a grant to a railroad corporation. Grants to railroad corporations of public lands did not cease until a Democratic majority appeared in this House in 1874.

The only Republican Congress that has found power here since 1874, was the Forty-seventh Congress, elected in 1882 and presided over by Mr. Keifer. What was done then? As a member of the Judiciary Committee, the gentleman from Ohio sitting on that committee, the Democratic portion of the committee, with the help of but one Republican [Mr. PAYSON], sought sedulously and industriously to secure the forfeiture of the grant to the Northern Pacific Railroad. Under the terms of the grant, it had expired in 1879, some three or four years previously, and was forfeitable. We sought to forfeit the grant by legislative enactment. What was the result? A bill to that effect, which had been referred to the committee, was practically suppressed. The Republican majority refused to report the bill. They did report a resolution back to this House declaring it was not in the power of Congress to forfeit that grant, and when we offered an adverse report to that resolution and sought to put members upon record upon that proposition, the right to bring in a minority report was denied on a point of order, and every effort to obtain an expression of the House on the subject was suppressed. They absolutely stifled any action on the bill.

Now contrast the action of the Republican House of the Forty-seventh Congress and that of the next, the Forty-eighth Congress, which was Democratic and which passed bills forfeiting many grants of lands to railroad corporations. It is amusing to hear members say the Republican party has ever attempted to forfeit one acre of public land when it has been in power here. It is ridiculous and absurd to charge that the Democratic party in Congress and the Executive Departments have not forfeited and restored to the public domain 80,000,000 acres since they came into power. The most stupendous lie I have heard this year emanated to-day from the Republican convention at Chicago in a plank in its platform, declaring that the Democratic party has never restored an acre of land to the public domain.

[Here the hammer fell.]

Mr. RANDALL. I ask unanimous consent that debate on this paragraph be closed.

Mr. JACKSON. I object unless I can have five minutes.

Mr. RANDALL. I move that the committee rise.

Mr. BUCHANAN. The gentleman only asks for five minutes.

Mr. RANDALL. We had a day of general debate yesterday. I do not want to have it reinaugurated to-day. There will be plenty of time for this kind of discussion before we adjourn.

Mr. JACKSON. I had no time yesterday.

The motion was agreed to.

The committee accordingly rose; and the Speaker having taken the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, had come to no resolution thereon.

Mr. RANDALL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering appropriation bills; and pending that motion I move that all debate upon the paragraph under consideration be closed in one-half minute.

Mr. JACKSON. Mr. Speaker, is an amendment in order?

The SPEAKER. Yes.

Mr. JACKSON. I move to amend by inserting "ten minutes" in place of "one-half minute."

The amendment was rejected.

The SPEAKER put the question on the original motion. Before the result was announced the following took place:

Mr. JACKSON. I ask for a division.

The House divided; and there were—ayes 59, noes 12.

Mr. JACKSON. No quorum.

The SPEAKER. The point of no quorum being made the Chair will appoint as tellers the gentleman from Pennsylvania [Mr. JACKSON] and the gentleman from Nebraska [Mr. MCSHANE].

Mr. BURROWS. I hope that point will not be insisted upon.

Mr. JACKSON. I do not wish to obstruct business.

Mr. RANDALL. The gentleman from Pennsylvania [Mr. JACKSON] has occupied five minutes and has had the privilege of extending his remarks. I think that is all he ought to have and all he can reasonably ask.

The SPEAKER. The tellers will take their places.

Mr. JACKSON. I will withdraw the point of no quorum.

Mr. RANDALL. I move that the House now resolve itself into Committee of the Whole for the purpose of considering appropriation bills.

The motion was agreed to.

The House thereupon resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole. The debate upon the pending paragraph and amendments is limited to one-half minute.

Mr. RICE. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add to the paragraph the following words:

"For the survey of Indian reservations, required by law to be done under the direction of the Secretary of the Interior, $50,000; and for a survey of the lands mentioned in the act of March 3, 1887, entitled 'An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads, and for the forfeiture of unearned lands, and for other purposes,' $50,000."

Mr. RANDALL. We have passed the paragraph which relates to surveys and have gone to another paragraph. This amendment is not germane.

Mr. RICE. The paragraph under consideration relates to surveys.

Mr. RANDALL. That is not germane to the paragraph.

Mr. RICE. I think it is germane to the paragraph. I want a vote on it; that is all.

Mr. WILSON, of Minnesota. Mr. Chairman, I contend that this amendment is germane to the paragraph. The paragraph is one making provision for surveys.

Mr. RANDALL. It is not. We have passed that survey paragraph and are on a paragraph in relation to confirming private land claims in New Mexico.

Mr. WILSON, of Minnesota. For surveying private land claims. This paragraph makes provision for surveys.

Mr. RANDALL. But the difference is that the paragraph which we have passed makes appropriation for public surveys, while this is for private land claims.

Mr. WILSON, of Minnesota. You might as well say that one is for the survey of mountain lands and the other for the survey of valley lands. Both paragraphs provide for the survey of public lands.

Mr. RANDALL. Private land claims are not public lands.

Mr. WILSON, of Minnesota. It does not make any difference. This paragraph provides for surveying these lands.

The CHAIRMAN. The Chair thinks this amendment would properly be in order at the end of the paragraph in relation to the surveys of public lands, which has been passed; and the point of order is sustained.

The Clerk read as follows:

For topographic surveys in various portions of the United States, including the pay of temporary employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, $199,000.

Mr. ATKINSON. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out "$199,000," in lines 10 and 11, page 50, and insert "$270,000."

Mr. ATKINSON. Mr. Chairman, this amendment is offered to bring the appropriation up to the amount of the estimate for this service. In the Book of Estimates I find that $270,000 is the amount estimated as necessary for topographic surveys in the United States. This bill as presented makes appropriation for all the employés of this bureau, twelve geologists, two chemists, four geographers, three topographers; the whole of the office administrative force is appropriated for, but, sir, when it comes to an appropriation for the field-work—that work which is indispensable to the success of the bureau, and without which they can do nothing—we find that there is a deduction of $71,000 from the amount estimated. Now this deduction can not be made on the ground that the management of the bureau is inefficient, because we have the highest testimony in our records as to its efficiency. In the report of the Secretary of the Interior I find the following:

I ask special attention to the report of the Director of the Geological Survey. Apart from the achievements of the bureau as one of the great instrumentalities of the advancement of scientific research, I desire to express my admiration of its organized system for the transaction of business. In order to determine whether it was consistent with my duty to sanction the estimates of the Director for this bureau, it became necessary for me to look into the details of its practical operation. While undertaking to perform this duty I was struck with the perfect adaptation of the system to securing efficient work and rigid economy, as well as to fixing by documentary evidence the responsibility for the business transacted, and making the documentary and the actual responsibility coincident.

This is high testimony as to the efficient management of this bureau. Now, what will be the effect of reducing this appropriation? We have all the scientific officers provided for, but when it comes to making provision for field-work, that work which was estimated for by the Secretary of the Interior after carefully investigating the work of the bureau and having his admiration excited by it, when it comes to making provision for that work, the appropriation is cut down $71,000. How would this money be expended? It would be expended in field-work, not in the office here; and in making this reduction we act like a man who should construct a factory, employ a superintendent and overseers and put in all the necessary machinery, and then, though finding a demand for his products, should, for the sake of "economy," reduce the number of his workmen. Without workmen the factory would be less productive, and without adequate field-work in the Geological Survey, the amount of work that can be accomplished by the whole establishment will be diminished in that proportion. The Director of this survey, in a communication to the Committee on Appropriations, declares that—

The work of the Geological Survey is largely expert work, necessitating the employment of specialists, and there are in the colleges and universities of the land and in the great mining and metallurgical works of the country many learned and skillful experts whose labors for a week or a month can be secured

at a reasonable rate and who can thus perform work for the survey at a very much less price than it would cost if permanent employés were engaged therein.

Mr. RANDALL. In 1885 the appropriation for the Geological Survey was $386,000. In 1886 the estimate was $500,000 and the appropriation $400,000. The estimate for 1887 was $550,000 and $400,000 was appropriated. The estimate for 1888 was $450,000 and $400,000 was appropriated. The estimate for 1889 is $500,000 and we give $400,000. It will be observed that $400,000 is the maximum amount that has ever been given as far as my knowledge goes, is the exact amount given three years back, and is $14,000 more than was given in 1885.

Heretofore this appropriation has been made in a lump sum, but under the last appropriation act, in accordance with an amendment offered by the gentleman from Alabama [Mr. HERBERT], subdivisions have been made in reference to the character of work to be done under the appropriation. In this bill we have conformed to the subdivisions, as the Director has in his estimates, and the amounts given under these eight subdivisions are exactly in accordance with the Director's estimates based upon the gross appropriation which the committee were ready to recommend—$400,000. I think the House will be quite safe in adopting the recommendation of the committee.

Mr. ATKINSON. I will ask the gentleman what was the whole estimate of the Director?

Mr. RANDALL. The whole estimate was $500,000. We have given $400,000, the same amount which has been appropriated for many years; and we have obtained from him his own distribution of this amount under the eight subdivisions which the law requires shall be provided for.

Mr. ATKINSON. Has the Appropriations Committee any information to indicate that $500,000 could not be properly and economically expended for this work?

Mr. RANDALL. The committee heard Mr. Powell fully; he had the opportunity of saying all he desired to say on this subject, though I understood he wished to submit something additional in support of his original estimate of $500,000. The committee fully considered this subject.

Mr. ATKINSON. Is there any objection to an appropriation of $500,000?

Mr. RANDALL. There is, decidedly.

Mr. ATKINSON. What is the objection?

Mr. RANDALL. Four hundred thousand dollars is the sum which has been appropriated for some years, and the committee do not consider it proper as a matter of public policy to increase the amount at this time. I do not know but that I may say there was very little dissent in the committee on this point.

The question being taken on the amendment of Mr. ATKINSON, it was not agreed to; there being—ayes 12, noes 41.

The Clerk read as follows:

For geological surveys in the various portions of the United States, including the pay of temporary employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, $100,000.

Mr. ATKINSON. I move to amend by inserting after "one hundred," in the paragraph just read, the words "and twenty-five;" so as to make the amount of this appropriation $125,000.

Mr. Chairman, I assume from the action of the House on the amendment previously offered by me that this amendment also will be voted down. I desire, however, to occupy the time to which I am entitled in calling the attention of the gentleman from Illinois [Mr. TOWNSHEND] to the act of Congress making the land grant to the Illinois Central Railroad Company. It appears there is some misunderstanding about this matter, and I have taken the trouble to obtain the text of the original act. I find that in this act Congress grants to the State of Illinois "for the purpose of aiding in making the railroad and its branches as aforesaid every alternate section of land," etc. So that under this act of Congress the State of Illinois was a mere naked trustee, and had no right to retain a single acre of that land or to divert it to any other purpose.

Mr. ROWELL. Will the gentleman allow me to interrupt him a moment?

Mr. ATKINSON. Yes, sir.

Mr. ROWELL. My colleague [Mr. TOWNSHEND] has twice repeated the statement that in the granting act by Congress there was a provision that 7 per cent. of the gross earnings of the railroad should be paid to the State of Illinois. As the gentleman has repeated that statement, I desire distinctly to contradict it; and I want this Committee of the Whole to understand that there is not and never was any such limitation in the granting act.

Mr. TOWNSHEND rose.

Mr. ATKINSON. I decline to yield further.

Mr. TOWNSHEND. Was not the Democratic party in power at that time in Illinois? I affirm that the Democratic party, then in power in that State, required the railroad company to pay to the State 7 per cent. of its gross earnings.

Mr. ROWELL. But the gentleman said that Congress in the granting act made that requirement; and the statement is of the same class as the gentleman's statement this morning that the first plank of the Republican platform as reported to the Chicago convention to-day is a "stupendous lie."

Mr. TOWNSHEND. I adhere to that statement.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. ATKINSON] is entitled to the floor and declines to yield. His rights must be respected.

Mr. ATKINSON. I hope that this colloquy will not come out of my time.

The gentleman from Illinois [Mr. ROWELL] has anticipated a point which I was about to make. But I will call the attention of the gentleman from Illinois [Mr. TOWNSHEND] to the fifth section of this act, which authorizes the State of Illinois to sell parts of this land if it is not given to the railroad company, and it is required to account for the proceeds to the United States; and it is provided that if, after the expiration of ten years, the railroad should not be constructed, any land unsold by the State should revert to the United States. So here we have a land grant made in direct terms to a railroad company. This was a precedent which was followed through subsequent years; and when the Democratic platforms of 1860 referred to aid for the construction of a railroad to the Pacific, "within constitutional limits," this precedent stared in the face every man who voted for that resolution; and it was well understood, I presume, what this "constitutional aid" should be.

[Here the hammer fell.]

Mr. RANDALL. I ask by unanimous consent that debate on the pending paragraph be closed.

The CHAIRMAN. The Chair hears no objection and it is so ordered.

Mr. ATKINSON's amendment was rejected.

The Clerk read as follows:

United States Geological Survey:

For salaries of the scientific assistants of the Geological Survey: For five geologists, at $4,000 each;
For two geologists, at $3,000 each;
For one geologist, $2,700;
For two geologists, at $2,400;
For two geologists, at $2,000;
For one paleontologist, $4,000;
For one paleontologist, $2,000;
For one chemist, $3,000;
For one chemist, $2,000;
For one chief geographer, $2,700;
For three geographers, at $2,500 each;
For one general assistant, $3,000;
For three topographers, at $2,000 each; in all, $67,700.

For general expenses of the Geological Survey: For the Geological Survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and the products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employés in the field and office, and all other necessary expenses, to be expended under the direction of the Secretary of the Interior, namely: For pay of skilled laborers and various temporary employés, $15,000.

For topographic surveys in various portions of the United States, including the pay of temporary employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, $199,000.

Mr. MORROW. I offer the following amendment:

After line 21 insert:

"For the classification of the public lands of the United States, including pay of temporary employés in field and in office, the cost of all instruments, charts, and materials, and all other necessary expense connected therewith, $25,000."

Mr. Chairman, the Geological Survey was organized under the act of March 3, 1879, in which it was provided—

That this officer—

The Director—

shall have the direction of the Geological Survey and the classification of the public lands and examination of geological structure, mineral resources, and products of the national domain.

In another place it provides—

For the expenses of the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, to be expended under the direction of the Secretary of the Interior, $100,000.

Now, Mr. Chairman, under this provision of law the Geological Survey has proceeded to perform the last requirements of the statute, but has failed to perform the first requirement, namely, the classification of the public lands of the United States.

The question naturally asked is, what is the classification of the public lands of the United States contemplated by this act? This question is answered by the first annual report of the Geological Survey, in 1880, immediately after it was organized under the law.

In this report, dated November 1, 1880, it is stated by Mr. King, the then Director, that—

Two special and distinct branches of duty are imposed on the Director of the Geological Survey: first, the classification of the public lands; and second, the examination of the geological structure and mineral resources.

In another portion of the report, Mr. King, the Director, gives his views as to the purpose of Congress in providing for the classification of the public lands as follows:

I have therefore concluded that the intention of Congress was to begin a rigid scientific classification of the lands of the national domain, not for purposes of aiding the machinery of the General Land Office by furnishing a basis of sale, but for the general information of the people of the country, and to produce a series of land maps which should show all those features upon which intelligent agriculturists, miners, engineers, and lumbermen might hereafter base their operations, and which would obviously be of the highest value for all students

of the political economy and resources of the United States. Studies of this sort, entirely aside from the administration of the Land Office, can be made of the highest practical value, and to this end a careful beginning has been made.

Mr. King in making this report calls attention to the fact that he had made a careful beginning of the classification of the public lands for agricultural purposes. But the execution of the law in the work required of the Geological Survey as to classification of the public lands has not been entered upon beyond the beginning referred to by Mr. King. The Director has indicated that he would proceed to make that classification as required by the statute with the amount of $25,000 for the coming year. For that reason I have offered the pending amendment.

This matter has been discussed considerably in the West. The farmers and others interested in the public lands ask that this Geological Survey (which has already rendered such important service to the country) shall be extended so as to carry out the primary requirements of the statute and make classification of the public lands. I send up to the Clerk's desk to be read resolutions adopted by the California State Grange in the meeting last fall.

The Clerk read as follows:

Whereas agriculture lies at the very foundation of our national prosperity, and is justly entitled to an ample share of the fostering care of the General Government; and

Whereas in the opinion of this body it is of the highest importance that accurate and reliable information concerning the agricultural features and peculiarities of the country, and particularly of the newer States and Territories yet to be settled, should be within the reach of the intending settler and immigrant; and

Whereas the law creating the Geological Survey of the public domain of the United States provides for "the classification of the public lands and examination of the geological structure, mineral resources, and mineral products of the national domain," but in the actual execution of the work the first provision has thus far remained a dead letter, so far as any of the information needed by agriculturists is concerned, while the most elaborate and minute investigation of even the most recondite matters relating to the geological structure and mineral resources has received abundant attention: Therefore be it

Resolved, That the State Grange earnestly prays the honorable the Senate and House of Representatives that steps be taken and provision made to the end that the Geological Survey shall discharge the first duty intrusted to it by law, to wit, "the classification of the public lands," together with such other service to the agricultural development of the country as properly belongs to that effort.

Resolved, That copies hereof be transmitted to the honorable representatives of California in Congress, and that their approval and support of such measures as are needed to attain the result be most earnestly solicited.

[Here the hammer fell.]

Mr. RANDALL. While the statute may authorize the character of survey the amendment proposes, the Geological Survey has not entered upon that work. If it chooses to enter upon it there is $400,000 as heretofore given. I hope the amendment will not be adopted.

Mr. MORROW. Mr. Chairman, I wish to state that the chairman of the Committee on Appropriations only a moment ago informed the House that this bill provided for specific appropriations for the use of the Director of the Geological Survey; but under the statement of the gentleman and the wording of the bill it is manifest that the Director of the Geological Survey would not be enabled to appropriate one dollar in the way of doing the work provided in my amendment. I am aware of the fact that the Geological Survey is doing a most valuable work in its examination of the geological structure of the public domain, and in investigating the mineral resources of the United States. Furthermore, I know that its Director is a very competent man, and eminently qualified to conduct the agricultural survey, but he now simply submits to the direction of Congress whether his work shall now include a classification of the public domain for agricultural purposes. It is therefore proper that some action should be taken in the direction of the amendment.

It is not a large appropriation and would be of the greatest benefit to the agricultural people of this country. I would like, if I had time, to read the views of one of the ablest men in this country on this subject. I refer to Professor E. W. Hilgard, of the University of California.

Mr. RANDALL. I hope the gentleman will allow that to be printed, and not take up the time by reading it.

Mr. MORROW. I should like to read a portion of it. It will take only a few minutes, and is important as inducing favorable action on the part of this committee.

Mr. RANDALL. The Director of the Geological Survey did not impress me with any urgency in this particular.

Mr. MORROW. I hope I will be permitted to present to the committee the reasons in support of the amendment.

Mr. RANDALL. Very well; I yield to the gentleman the rest of my time.

Mr. MORROW. Professor Hilgard, who occupies the position of professor of agriculture in the University of California, has written and delivered an interesting and able essay upon this subject, and points out some of the preliminary matters connected with this question of the Geological Survey, and the classification of the agricultural lands. He gives reasons which I think strongly support the amendment I have offered. I will read extracts from this essay, and print the whole of it. It is as follows:

AGRICULTURAL WORK BY THE GEOLOGICAL SURVEY.

[Essay by Professor E. W. Hilgard, professor of agriculture, University of California.]

As, owing to the pressure of official duties at this season, I am unable to attend the meeting of agricultural chemists connected with experiment stations, I beg leave to submit in writing, for its consideration, a brief discussion of some points which, to the majority of those likely to be present, may not suggest themselves as forcibly as in the case of those who, like myself, have labored and are now laboring chiefly in regions in which, from whatever causes, agriculture is still passing through its first period of development. When it is considered that such regions comprise nearly all the United States lying west of the Mississippi River, the only material exceptions being the older settled portions of Missouri and Iowa and parts of adjacent States, it is not easy to overestimate the importance not only to that immense territory but to the United States at large of avoiding the mistakes made by the settlers in the older States, of placing within the reach of the actual or intending settler or immigrant a knowledge of the facts and conditions with which he has to deal in his practice, and of the best means to be employed in overcoming the numerous difficulties with which he has to contend in a *terra incognita*.

It has been broadly claimed, and even somewhat dogmatically contended, in the course of some of the discussions on the subject of the proper functions of the experiment stations, that their main duty and object should be to enlarge the knowledge of agricultural science, and that to act as bureaus of reference and information for the farming population is a departure from their true spirit and intent. I think we can not be too emphatic in the repudiation of any such point of view, and it must be patent to all who have followed the discussions relating to the bills for the establishment of experiment stations, whether by the States or the National Government, that a totally different view of their functions was taken by their advocates, and that on any other basis than that of effectually aiding in the solution of practical questions as they arise no such measures would have had the least chance of acceptance by the several legislative bodies. It is not, however, merely as a matter of good faith with Legislatures and tax-payers that such a course is advisable and necessary.

I contend, and am most thoroughly satisfied from a somewhat protracted experience in such work, that in no other way can we obtain such fruitful subjects of investigation in the domain of agricultural science or be so sure that what we hold to be true does not need a host of corrollaries and provisos in order to render it applicable to all cases. It is the endless multiplicity and variety of the problems presented for solution by the practical farmer that serves as the touchstone of our theories, and by continual attrition, now at this point, now at another, modifies our conceptions into a shape in which we may feel sure of their correctness.

In the presence of the multitude of suggestions and "live" problems thus continually presented to us in the newly-settled regions, the laborious search for proper subjects for investigation, that sometimes troubles our colleagues in the Old World, becomes an unknown quantity, the only danger being that the pressure of details may be so great as to drown to a certain extent the proper pursuit of a subject until it shall have been evolved into a definite form or proposition. The occurrence of such aggravation lies doubtless within the experience of many here present. It can of course be remedied only by a more adequate supply of means, such as is, or will be, afforded by the "Hatch bill" when fully carried into effect.

It should then, in my view, be distinctly understood that the experiment stations so endowed must perform the double function of a bureau of reference and information, and of a laboratory (in the widest sense of the term) where those points in agricultural science most directly interesting to the region for which it is established are investigated to their uttermost ramifications, theoretical and practical.

But that in order that these functions may be fulfilled to the best advantage, the institution should not be obliged to await the tardy and irregular action of applicants for information. It should have the means for getting possession of the actual facts of the case in advance of the settler, or at least of the time when the farmer by irrational practice shall have gotten himself into difficulties which the station will be called upon to solve for him.

The attainment of such knowledge involves, of course, the operations and results of an agricultural survey; and where such work has been done by the States (as is the case in the majority of those lying east of the Mississippi River) the work of the experiment stations will be greatly facilitated, although it is unfortunately true that in but too many cases the "geological and agricultural" surveys provided for by law have rested content with the fulfillment of the first-mentioned attribute, and have left agriculture to shift for itself as best it could.

Even where an attempt has been made to describe and investigate the agricultural features, it has too often been done in such a manner as to indicate, on the part of the director or writer, either a very slim acquaintance with the matter or an unwillingness to give to so distasteful a subject more thought and attention than was absolutely required by the letter of the law.

But for the newer States and Territories, where it is now most urgently needed, no such work has been done and none is at present in prospect. It is true that the law creating the United States Geological Survey provides for "the classification of the public lands, and examination of the geological structure, mineral resources, and products of the national domain;" and the first report of the Director of that work (1880) states that in his opinion "the intention of Congress was to begin a rigid scientific classification of the lands of the national domain * * * for the general information of the people of the country, and to produce a series of land maps which would show all these features upon which intelligent agriculturists, miners, engineers, and timbermen might hereafter base their operations. * * * And to this end a careful beginning has been made."

It is curious to note that both in the wording of the law and in the remarks of the Director, Mr. Clarence King, the agricultural side of the work is mentioned first, and to compare therewith the actual performance of the Survey during the last six years. It has done excellent work in the way of the much-needed topographical maps; it has laid down on these the geological and mineral features of the regions explored with a degree of accuracy and minuteness which has commanded the admiration of the civilized world and has aided powerfully in the development of the mining industries of the United States. But when we inquire what has been done to benefit the agricultural industry, to give to the farmer or immigrant the needed information so copiously afforded the miner, we quickly come to the conclusion that the agricultural side of the work has been left exactly in the state of "careful beginning" referred to by Director King in 1880.

It is no part of my object to discuss in detail the causes of this pointed omission. It may be said in general that in doing as it did the United States Survey followed the lead of the majority of State surveys; that its work was done in the direction in which there was the greatest active demand, so that while farmers got nothing it is also true that they asked for nothing.

The Land Office has, through its surveyors, actually collected more or less of the information wanted concerning the agricultural adaptations of the lands traversed by them. But this information is of so very general a character, and collected by men so little versed in the subject, that even if it were published in an available form it would be of little avail toward replacing agricultural surveys. The maps and pigeon-holes of the Land Office are not what is wanted either by the farmer or the experiment stations.

It has been suggested that this work be undertaken by the Department of Agriculture. But this would be a revival of the undesirable multiplicity and duplication of public surveys that was done away with by the special act of Congress consolidating all under one head. The topographical and geological work now so well carried out by the Geological Survey is absolutely essential to an intelligent discussion and description of the agricultural features. All the ma-

chinery is there, and it only needs an additional endowment and the employment of competent agricultural experts to do all that is necessary in the premises. Were the agricultural work undertaken *de novo*, endless and unnecessary expense would be incurred in the duplication both of work and of appliances. The functions of the Department of Agriculture and those of such a survey are so clearly distinct that it is difficult to see how any conflicts could arise, as has been feared.

But whatever may be the machinery to be provided, or the department of Government under which this work shall be carried on, it is essential that it should be inaugurated and carried forward as quickly as possible. It is needed by the resident farmer, in order to guide him in his methods of cultivation. It is needed by the immigrant, in order to give him reliable information as to where he may find a home adapted to his wants, outside of the recommendations of interested parties. It is needed by the experiment stations, in order that they may have a basis of well-ascertained facts upon which to conduct their experiments and investigations so as to result in the greatest good to the greatest number, and so as to avoid the most serious mistakes resulting from imperfect reports from persons unused to accurate observation.

Last, but not least, such work forms a most needful basis for truly practical instruction in our agricultural colleges; instruction which shall tell the student not only what he shall do in certain suppositious cases, but also what, in fact and in practice, are the conditions each will have to deal with in his own State.

Without such a basis of accurately observed facts, the experiment stations will never be able to do their best work, from unavoidable ignorance of the conditions under which agriculture exists in their respective fields of action. It is impossible for them to obtain this basis through their own exertions, within any reasonable limits of time. It should be done for them, and for the agricultural population at large as a Government work.

It will be seen, Mr. Chairman, that the omission up to the present time in the Geological Survey, spoken of by Professor Hilgard, relates to the failure on the part of Congress to provide for the classification of the public lands for agricultural purposes. He shows further that this is for the benefit of the experimental stations recently established by acts of Congress in the last year, and points out the fact that in California the experimental stations will be to a large extent useless without the agricultural survey which was originally contemplated by the act of 1879.

[Here the hammer fell.]

Mr. RANDALL. When the farmer buys lands he generally knows what he is going to buy.

The question being taken on the amendment of Mr. MORROW, the committee divided; and there were—ayes 32, noes 44.

So the amendment was rejected.

The Clerk read as follows:

For the purchase of necessary books for the Library, and the payment for the transmission of public documents through the Smithsonian exchange, $5,000; in all, $400,000.

Mr. JACKSON. Mr. Chairman, I move to strike out the last word. I make this motion in order to have an opportunity to reply to the remarks made by my friend from Illinois [Mr. TOWNSHEND] in regard to the action of the Republican convention to-day at Chicago. He evidently feels the force of the charge made by that convention, that the Democratic party is not entitled to any credit whatever for forfeiting land grants and restoring them to the public domain.

Mr. SPRINGER. I would suggest to the gentleman that my colleague is not in his seat at present.

Mr. JACKSON. I regret that he is not; but this is the proper time to meet this early attack, and I do not want to miss the opportunity. Republicans hold themselves ready on all occasions to defend their principles and give reasons for the faith that is in them. Possibly what I am going to say will be equally applicable to any Democrat on your side. The Republican platform is an arraignment of the Democratic party before the American people.

Its charges can not be met by simple denials. It is an appeal to facts, to the law, and to the testimony.

Mr. Chairman, when the Republican convention at Chicago stated in its platform of principles, this day adopted, that the Democratic party was not entitled to credit for having restored a single acre of land to the public domain for our people, it was correct and true. It is not necessary now to speak of the disposition and purpose of the Democratic party in this matter, but I consider it sufficient to call attention to the fact that when the land-grant forfeiture bills were passed that party did not have full control of legislation, and could not have passed them if it had wanted to, and hence what is said is strictly correct.

Another thing, when that party claim that 150,000,000 acres of the public domain heretofore granted to corporations have been restored, they make a misstatement of the facts. There is no such quantity involved. Certainly not exceeding 50,000,000 acres have been restored, and it required the Republican Senate, Republican votes in the House, and a Republican Executive to do that. The Democratic party never had an opportunity to do these things, to say as little of their disposition.

To this day not a single acre of land opposite constructed road has been forfeited, no matter whether constructed in or out of time according to the granting acts. All forfeitures of lands granted by a Republican Congress have been made by reason of provisions contained in the granting acts and placed there by Republicans. Still more, the bills making these forfeitures have at least in most cases, and I believe in all, been introduced by Republicans.

It was the Democratic party, when in power before the war, that inaugurated the policy of granting lands to build railroads. They did this to build roads in the old-settled States, where the grant was a pure gift and not necessary to open up a new country.

Our Democratic friends have so little to be proud of on this whole land question that after they search through their whole record they are compelled to rest it all upon the reputation of one man, Hon. W. A. J. Sparks, late Commissioner of the General Land Office.

Day after day our attention is called to his wonderful and extraordinary honesty, until the impression is created that he was the only original honest man in the present Administration. He was at least so conspicuous an instance in that party that he is pointed out as a remarkable exception. [Laughter.] Unfortunately for Democratic orators, as soon as his reputation was firmly established the Democratic Administration kicked him out of its inclosure.

Mr. Chairman, the gentleman from Illinois [Mr. TOWNSHEND] claims some credit to his party from the fact that the lands it voted to build railroads were made as gifts to the States. He does this in the face of the fact that the State was thereby made a mere trustee, and the acts expressly stated on their face that they were for the use of railroads. Why, let me ask, is it not just as much a gift if made to a State in trust for railroad purposes as if made to the railroad direct? It is simply the roundabout way of doing the same thing.

It is as much harm to take the public lands and grant them to a State to be squandered in railroad uses as it is to grant them direct to the railroads.

But, sir, if I had time, I would like to point out some other ways the Democratic party squandered the public lands when it was in power. It would be easy to show its inconsistency in this regard. Among these I would call attention to its gifts of the swamp lands, the most stupendous frauds ever practiced in this country—millions of the best lands given away under the pretense that they were worthless.

The gentleman from Pennsylvania on my right [Mr. ATKINSON] has well shown that in the grant of lands to the State of Illinois, by reason of which the Illinois Central Railroad was built, that there was not a reservation in that act as claimed by the gentleman from Illinois [Mr. TOWNSHEND], and is a full answer to the gentleman's remarks on that point. I have them here before me, and I might quote from other acts, some passed earlier than the Illinois act and some subsequent to it, of the same character, showing that the Democratic party when in power made many grants of public lands for building railroads, and without any reservations whatever.

I refer to the acts in relation to Alabama, to Florida, and to many other States. Grants were made for the express purpose of constructing railroads. Mr. Chairman, the Republicans may well go before the people pointing to their record upon this question. The general policy of the Republican party has always been to give the public lands to actual settlers. That has been the record of the party, a record of which it may well be proud. Its history is indissolubly associated with the grand homestead act, introduced into Congress by a Republican, the honorable gentleman who formerly presided over the deliberations of this House, Hon. Galusha A. Grow, of Pennsylvania. It is a part of the history of our country that the homestead law has given more homes to actual settlers than any other legislation we have ever had.

It is true the Republican party made grants, made gifts, if you choose to so call them, of public lands to aid in the construction of important continental railroads. They were made at a time of great peril to the country, at a time when the country needed the aid and assistance of these lines of transportation for military purposes. Some may even doubt the policy of going to the extent to which the Republican party then went; but its motives were good, its purposes were right, its purposes were to open up that vast country—a country without rivers, and that could not be settled without railroads. The policy of the Democratic party has always been wrong. It has made gifts where there was no special or urgent need of public improvements. It has made gifts to corporations to build railroads in settled communities like Illinois, Alabama, Mississippi, and Florida.

[Here the hammer fell.]

Mr. RANDALL. I ask for a vote on the pending paragraph.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. JACKSON] withdraw his *pro forma* amendment?

Mr. JACKSON. Yes.

The Clerk read as follows:

Protection and improvement of Hot Springs, Arkansas: For providing a system of reservoirs, pumps, piping, etc., and for other purposes necessary to the collection and economical distribution of the hot water, $31,000.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last word. I do it for the purpose of obtaining information with reference to the necessity of this appropriation. I have some information upon the subject gathered upon the spot; but I am not certain it is sufficient or accurate enough to determine my course in the matter. I understand that at the Hot Springs, Arkansas, there is a Government reservation. I understand that upon that reservation are erected a number of hotels, boarding-houses, and some private dwellings. I do not know whether the owners of the buildings erected give any recompense to the United States for the privilege they enjoy. It is a very valuable privilege to

be allowed to erect buildings upon that reservation. They have the use of the hot water which has, I believe, some curative properties. Upon the face of this paragraph it seems as though it was intended the United States should expend $30,000 in collecting, gathering together, and piping this hot water which is used by the hotels and at these boarding-houses. Unless I understand that the proprietors of these institutions pay something for this privilege I am opposed to making the appropriation. The Government has there a free bath-house and also has a hospital to which may go officers of the Army whose past course of life has been such that they find it necessary in their declining years to rid themselves of disease which has accumulated and clogged their systems.

But aside from that I know of no governmental use to which that can be put. As I said at the outset, my information is not as full as I desire, and it may be inaccurate. But until informed as to whether the Government receives anything for these privileges I am opposed to making this appropriation.

Mr. BROWNE, of Indiana. In company with the superintendent of the Hot Springs Reservation and the representative from the Congressional district, who is not now here, I passed over this reservation, or so much of it as produces hot water.

A very brief explanation will show the necessity for this appropriation. All the hot water furnished upon the reservation is from the base of what is known as the Hot Springs Mountain. I should think the distance of the water flow would be about one-quarter to one-half a mile. At the base of the mountain the hotels and baths are situated. This real estate belongs to the Government. It has been leased temporarily for the use of hotels and bath-houses to those who have erected and occupied them. For this use the Government of the United States receives rents. All the bath-houses with one or two exceptions are situated at the base of the mountain; but at the north end of what is known as Wichita avenue, the principal avenue of the city, they have in two or three instances allowed the water to be conveyed to bath-houses at or beyond the reservation.

The city has extended to the south to a very considerable extent. Hotels have been built at the south end of the reservation; but no hot water is furnished to the south part of the city at all. It is going to waste. It passes from the base of the mountains to these reservoirs and from the reservoirs to the baths; and that which is not used goes into the Hot Springs Creek, runs off and is wasted. Now, it was thought, and it seems to me a very fair proposition, that it was best to create additional reservoirs to save this waste of water, to store it at the south end of the reservation so that it might be passed off and used in the bath-houses and the hotels in the south end of the city.

Mr. BUCHANAN. Free?

Mr. BROWNE, of Indiana. No, sir; I will come to that in a moment.

At the north end of the city they are already supplied. Along the base of the mountains they are amply supplied. At the south end of the city there is no hot-water supply at all, and this water is going to waste. Now, the United States in all instances rents the use of its reservation and the use of its water from the Hot Springs, and the purpose is to charge water-rents for the additional supply that is to be furnished by this appropriation. The object of the appropriation is to reservoir a supply of water to accommodate additional bath-houses, for which the Government is to collect rents, and the fact is that by those rents the Government will not only reimburse this outlay, but will make a profit beyond. More than that, I understand it is provided that hereafter the rents to be charged by the Government for the bath-houses and the hotels shall be increased.

From the information which I have I know that the Government can increase its income there by 100 per cent., and I understand that it intends to do so just as soon as the present leases expire. The object of this appropriation, therefore, is simply to reservoir this water and sell it; and in a year, or perhaps in a less time, the Government can reimburse itself for this entire outlay. Furthermore, it is an outrage to allow the north end of the city to monopolize the use of this hot water. A very large part of the southern portion of the city is totally unsupplied, and people who have to go to the hotels there have to take the street-cars and then walk a considerable distance to reach the baths, while at the north end the customers of the Arlington and other houses there can walk from under the roofs of the hotels into a bath-house. In my opinion there never was anything more proper than this appropriation.

Mr. RANDALL. The statements of the gentleman from Indiana [Mr. BROWNE] are so clear and conclusive, and I hope so satisfactory to the gentleman from New Jersey, that I will not detain the committee.

Mr. BUCHANAN. The physical facts I was acquainted with before. I have been there, and I know the topography of the whole region. But I would like to know under what Department of the Government this business of renting out the water is conducted?

Mr. MCRAE. Under the Secretary of the Interior.

Mr. BUCHANAN. I never knew before that the Government had gone into the water business. I knew that it had been in the whisky business for a long time. [Laughter.]

Mr. SPRINGER. Well, this shows that it is reforming, going from whisky to water. [Laughter.]

Mr. MCRAE. Mr. Chairman, the gentleman from Indiana [Mr. BROWNE] has very clearly and fully stated the situation of this matter. I simply want to add that these new bath-houses are to be supplied with water as the existing ones are, at so much a tub. I believe the charge is to be $40. Under the regulations a hotel can not have less than ten, nor more than fifty tubs. This appropriation is in the interest of economy of the water, and it is also designed to accommodate the public and the hotel people alike. I trust, therefore, that the amendment of the gentleman from New Jersey will be withdrawn.

Mr. BUCHANAN. I withdraw the amendment.

The Clerk read as follows:

EDUCATION IN ALASKA.

For the education of the children of school age in the Territory of Alaska, without reference to race, $25,000.

Mr. MCCOMAS. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out lines 20, 21, and 22, and insert as follows:

"For the education of the children of school age in the Territory of Alaska, without reference to race, $50,000; and for the support and education of Indian pupils of both sexes at industrial schools in Alaska, $20,000; the whole fund for education in Alaska to be under the control of the Bureau of Education, under regulations prescribed and to be prescribed by the Secretary of the Interior."

Mr. MCCOMAS. Mr. Chairman, I shall want more than five minutes to discuss this amendment, and I ask unanimous consent that I be allowed ten minutes.

There was no objection, and it was so ordered.

Mr. MCCOMAS. Mr. Chairman, it is due to the Committee on Appropriations to say that the remarkable deficiency of the appropriation for education in Alaska is not the fault of that committee; nor, as I said the other day, is it the fault of the Committee on Indian Affairs. The situation is such now that everybody wants to appropriate $45,000, and yet nobody has tried to appropriate more than $25,000, and it is the fault of the Department of the Interior in not properly distributing its estimates.

The Secretary of the Interior recommends "in addition to the $20,000 heretofore given for the education of Indians in industrial schools in Alaska the further sum of $50,000 for the education of children of school age in the general schools without regard to race."

Mr. Chairman, that sum of $50,000 is what I am now contending for. I presume that nobody will oppose the giving of the $20,000 and the $25,000, and I simply appeal to this House, as a matter of humanity, to give the whole $50,000 instead of the $25,000 which is proposed to be allowed by this bill.

This Territory has no representative here. There is no politics in this matter. But up yonder in the land of the midnight sun are 39,000 people, 27,000 of them being Indians, 5,000 white people, and the rest Aleuts, civilized and intelligent. There are 5,000 children of school age, of whom only 1,700 are now attending school.

Mr. EZRA B. TAYLOR. Will the gentleman allow me to repeat a statement which has been made to me, a statement which calls for a reply, if any can be had? A gentleman who has been intimately acquainted with the schools in Alaska and all the affairs of that Territory told me recently that the schools are entire failures in this respect: That the young children are allowed to go to school for the purpose of getting rid of them, but just as soon as the girls come to the age of womanhood they are taken away from the schools by their mothers and sold for purposes of prostitution. This, he informed me, is the extent of the whole business. I am not responsible for his statement, for I have no personal knowledge on the subject.

Mr. MCCOMAS. For any statements I may make I have the authority of Rev. Sheldon Jackson, the agent in charge of the schools there, and also the authority of the Commissioner of Education, who, since the passage of the last appropriation bill, went to Alaska under the order of the Secretary of the Interior.

Mr. RANDALL. That is the way most of the money is used—in paying salaries and in going back and forth.

Mr. MCCOMAS. No, sir; not as respects the matter now under consideration. It is not the fault of the Secretary of the Interior that Alaska is pretty far from Washington. But it is the fault of this House if after the compact we have made in regard to the care of that Territory we leave those people to take care of themselves because that country is 5,000 or 6,000 miles distant.

In reply to the statement referred to by the gentleman from Ohio [Mr. EZRA B. TAYLOR] I will say that the trouble in that country is rather with polygamy than with the system of prostitution. It is sought now to obviate that trouble by sending out there married school teachers. Missions have been established there by the Catholics, the Moravians, the Presbyterians, and possibly other denominations, and the Russian Greek Church flourishes. There is abundant proof to justify a denial of the statement of the informant of the gentleman from Ohio; and this denial should certainly be sufficient as against the information of one man who traveled in Alaska, and who perhaps obtained his information from somebody else, for the chances are that he went there in the summer time, when there was no school, and did not ascertain personally the facts.

What are the facts? Of five thousand children in that Territory who

are entitled to school privileges we are now providing for but seventeen hundred. What more? When we acquired Alaska by treaty from Russia we promised that we would care for the common schools of that Territory. We sent our officers there to take possession twenty years ago, and the first request of the people was for common schools. We waited for nearly twenty years before, by the act of 1884, we began to war against immorality, before we gave them any schools at all under an organic law. This is our Territory, extending as far in one way as the distance from San Francisco to Washington and as far in the other direction as the distance from Maine to Florida; yet we have no schools in that vast Territory except in the southeastern corner. What has Russia done for that Territory? Russia to-day supports seventeen schools in that Territory by annual appropriations of her own funds. For churches and schools in Alaska the great Empire of Russia gives $60,000 this year, whereas we are giving only $45,000. I say this is not only a breach of honor and treaty compact, but a disgrace to our civilization. I appeal to this House that when Russia, an alien power, upon the ground of humanity and without any obligation in the matter, has expended $60,000 a year for education in Alaska, we should give at least $70,000 for the same object in this our own Territory.

Those people there are our people, not the people of Russia; yet Russia is spending as a matter of charity and humanity $15,000 more for schools in that Territory than this bill proposes to appropriate on behalf of the United States. In contrast with the conduct of the great autocratic power of Russia, which makes provision for the people there without any contract obligation on her part, and without any claim of citizenship or nationality on behalf of those people, we propose to ignore our obligations and to appropriate only $45,000. I ask Congress to expend in behalf of those 39,000 people the very moderate sum proposed in my amendment.

Why, sir, we have pending in this House an appropriation bill for the District of Columbia, which proposes to expend for a population of 225,000, $1,036,000. I am asking for the education of 39,000 people in Alaska only $70,000. This is the whole expenditure asked for this people situated remote from this capital. It is true that much of the money must necessarily be spent in travel, which can not be shortened.

Sir, the Territory of Alaska had a commerce in the last year of $7,000,000. She poured into the coffers of this Government during that year $325,000. That amount we took from her. She has no legislature and can raise no revenue. Having collected from her $325,000 we spent $16,000 for official salaries in that Territory. My amendment asks you only to give back to her $70,000 of her own money, which she can not appropriate and which we ought not to wring from her people, denying to them the common schools which they would provide for themselves if they had a legislature and an organized government.

[Here the hammer fell.]

Mr. McCOMAS. I would like a little more time on this question. I have occupied no time on this bill.

The CHAIRMAN. If there is no objection, the gentleman will proceed.

Mr. McCOMAS. Mr. Chairman, when we took possession of that Territory there were five schools in Sitka. Russia having kept up her seventeen schools, we have managed to increase the number of ours to fifteen. It appears that the Government has organized there a school board, consisting of the governor of the Territory, the judge of the court, and Mr. Jackson, the educational agent. This board asks for $77,000; but the Commissioner of Education, a very reliable officer, who has made a personal inspection of affairs there, says that they can get along this year with $50,000. Now, I ask the committee to look at this calculation and see how far $50,000 will go in this work. The sum of $15,000 is expended for salaries. You send out there as school-teachers men with wives, in order to avoid the danger and disgrace of polygamy and that the system of American civilization may prevail in that Territory. These mothers and fathers teach the schools and the monogamic life of the Christian home and family. They teach the language of our own country in the schools that have been established under our laws. These fifteen school-teachers have had their salaries reduced because of the scant appropriation. They have now but few school-houses. They have fifteen schools, the Commissioner reports. They want at least eleven more schools, located in as many centers of population.

Under this hot summer's sun we are far away from that land of the midnight sun, where arctic cold prevails for nine months in the year; they need good, warm school-houses. They have no access to their own revenues. If my amendment were adopted you could give them the eleven new schools which they require, and they could have eleven new teachers provided for them. This is not too much for us to do for the Territory of Alaska, which embraces 600,000 square miles of the public domain. The schools can not get along with less.

The teachers who went out there under the promise of $800 and $1,000 a year found their salaries reduced because of the smallness of the appropriation made by this House. I repeat, it is a disgrace to our country, because these people have no votes and no friends, to deny them common schools. I ask that we give them money enough to carry out the beneficent policy which has been lately inaugurated there in their behalf. It does not concern you or me, but it does concern the honor of our Government. It does concern the statesman who, taking long views, looks into the future and foresees the growth, after railways cross Behring Sea to Asia, of this great Territory of Alaska, and who would therefore make proper provision in time for the education of that community.

If the amendment be adopted as I have offered it the result will be to give one school to each settlement in the Territory of Alaska. When the Territory was in possession of Russia there were five schools for a single settlement. It will also provide one school for each Indian settlement in Alaska. And on that proposition I invoke the favorable judgment of this House as a matter of humanity. The Secretary of the Interior recommends $50,000 as a sufficient appropriation to keep these schools in a flourishing condition in Alaska. The Commissioner of Education, who went there and examined into the matter for himself, reports in favor of it. My amendment will only make the aggregate appropriation $70,000, which is only $10,000 more than the autocratic Government of Russia appropriated for a like purpose for our people.

Mr. COBB. What has become of the $20,000 appropriated in the appropriation bill?

Mr. McCOMAS. That was struck out by the Senate because the Secretary wished it appropriated by this bill.

Mr. COBB. Is it not in this bill?

Mr. McCOMAS. No, it is not in the Indian appropriation bill nor in this bill; but it is provided for here by my amendment, here where the Department desires it. Consider the rebuke of autocratic Russia when she supports for our citizens common schools which we deny them—we, the representatives of the greatest Republic on earth.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, I was a member of the House at the time, and voted to pay Russia $7,500,000 as the purchase money for Alaska. In doing so, I did not, however, agree to purchase any of the methods of the Russian Government, which the Greek Church exercised in control of the education of the children in that Territory under the Russian Government.

I agree in what has been said by the gentleman from Ohio [Mr. EZRA B. TAYLOR], that the amount appropriated in this connection has been more or less a waste of public money. It has been largely absorbed by people going out to Alaska and coming back again.

When the gentleman cites the testimony of Sheldon Jackson in that connection I would say the House had better not take what he says without some degree of allowance. My observation of the gentleman's method warrants me in saying that much at least. If he were here I would say much more.

Mr. McCOMAS. What does the gentleman say about Mr. Dawson, who is Commissioner of Education?

Mr. RANDALL. I believe Mr. Dawson, the Commissioner of Education, is an upright gentleman. In this matter I think he is governed more by sentiment than by any belief that it is going to benefit the children in that Territory.

Mr. McCOMAS. He was there himself last summer.

Mr. RANDALL. We have always looked upon this appropriation with doubt, because a close investigation of it has convinced us it has not been properly expended, and did not reach any substantial benefit in the way of education to these children. But the House by a moderate vote disagreed with me on the last sundry civil appropriation bill and appropriated $25,000. Now we have a proposition to increase that amount to $50,000. I hope that will not be done, and I hope the gentleman from Maryland [Mr. McCOMAS] will not press his amendment to increase the appropriation.

As to the governor of the Territory of Alaska, I should be glad if the appropriation for his salary could be put in such a shape as would compel him to remain in the Territory of Alaska and discharge the duties of his office instead of running around the halls of Congress. It would be a wise expenditure of the public money if that could be done.

I do not want to see any more money than is recommended by the committee attached to the bill in this particular; because I do not believe experience warrants it; and I agree fully with what the gentleman from Ohio [Mr. EZRA B. TAYLOR] on the other side said when he expressed the opinion that from information derived on what he believes to be reliable authority, and from the personal knowledge of the party from whom he received the statement, that this appropriation, and the whole of it, is a waste of the public funds of the Government.

Mr. EZRA B. TAYLOR. I move to strike out the last word.

I did not intend to assume the statement involved in my question propounded to the gentleman from Maryland as being true. I said I had been informed recently by a man who was thoroughly acquainted with this country and the matter of schools out there that the facts which I suggested in my question were true. It made such an impression upon my mind that I could not avoid thinking that before any other money is expended in this direction the truth of the statement should be made known.

I will say further in this connection, what I did not say then, that the details of the information which came to my knowledge so unexpectedly and so strikingly did convince me that there was substantial truth in his statement; and if the statement be true the expenditure

of this money is worse than wasted. It is simply bringing a class of people to a position where they are desirable for the purpose I have suggested, and leaving them in the hands of what are called in that country the "squaw men"—lazy white men, loafing about the mines, who, by means of a few blankets, purchase these school children, who are taken away, and lose everything they have in their prospective homes.

I do not make it as my own statement; but it comes to me from a well-informed source, a man who has spent years out there, and who knows every one of these educators; a man who has seen the very transactions of which he speaks, and hence speaks from personal knowledge of the facts.

Mr. McCOMAS. I would like to ask my friend from Ohio before he takes his seat a question, with his consent.

Mr. EZRA B. TAYLOR. Certainly.

Mr. McCOMAS. In the first place, let me say that the Commissioner of Education went out there at the instance of Secretary Lamar and investigated the matter, and talks here at great length in favor of these schools. But my question is this: If there should be among a semi-civilized people a low grade of morals, am I to understand the gentleman from Ohio to say that the remedy would be to take away from the people the common schools with a view to their moral improvement?

Mr. EZRA B. TAYLOR. No; but I would begin by taking away that kind of schooling which operates only in the way I have suggested.

But there is a way of getting at it, and of giving these people complete protection in this regard at the same time; and the way to get that protection is to reorganize thoroughly—reorganize the whole system, if this system is such as has been suggested.

Mr. McCOMAS. Well, last summer—in August and October—the whole system was thoroughly organized; and there are pure men and pure women, husbands and wives, teaching out there, and gradually breaking up this polygamy and prostitution which prevails throughout the country, establishing the system on a thoroughly Christian basis, with ministers of the Presbyterian Church and other ministers of churches gathered out there, all working in the interest of charity and humanity, and bringing about good results in the civilization of this class of people.

Mr. SPRINGER. I propose a *pro forma* amendment for the purpose of saying a word.

I understand the gentleman from Maryland to say that under some treaty obligations we are to educate these children in Alaska.

Mr. McCOMAS. I say that under the treaty made between Russia and the United States—between Mr. Seward and the Russian minister here—promises have been made by which these people are to have all of the rights, privileges, immunities, and advantages of American citizens, and you recognize that obligation by the organic act whereby we pledge them a common-school system by the appropriation of $25,000 for the beginning of it. And not only so, Mr. Chairman, but we pledged them by acts of Congress recognizing the validity of that treaty obligation and interpreting it for ourselves by the appropriation act of 1884, whereby we provided a fund for the schools out there, besides the moral obligation which rests upon us under the terms of the treaty.

Mr. SPRINGER. The statement of the gentleman from Maryland is not quite correct, I think. It is not a quite correct statement of the action of the Government to say that we pledged anything by simply an act of legislation.

Mr. McCOMAS. I stated that we were morally obligated, and that this Government was pledged by the terms of the treaty.

Mr. SPRINGER. I understood the gentleman to say that by the treaty obligations we were required to educate the children out there.

Mr. McCOMAS. The language of the treaty which I have already quoted——

Mr. SPRINGER. Well, I will read the language of the treaty.

Mr. McCOMAS. Very well; the gentleman will find, I think, that my statement was entirely correct.

Mr. SPRINGER. The language is—

> That they shall be admitted to all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.

That refers to their political rights and protection under our form of Government.

Mr. McCOMAS. Does not that include the right which our laws confer upon any poor man of sending his children to the common schools?

Mr. SPRINGER. Does the gentleman claim that the act by which we acquired Texas, and by which we acquired control of Louisiana, or of any other portion of foreign territory upon this soil, created any obligation on our part to educate the children?

Mr. McCOMAS. Will the gentleman tell me what State or Territory does not provide a common-school system?

Mr. SPRINGER. Well, that is maintained throughout the States at their own expense.

Mr. McCOMAS. And in the Territories.

Mr. SPRINGER. This only is claimed on the ground that there are some indigent Indians and half-civilized people there that we are obliged to take care of and educate, which would not be the case if they were civilized people capable of looking after their own interests. I am opposed to an increase of appropriation. What the people of Alaska require is not the education of these half-civilized nomadic tribes or their children. They require some form of Government by which the rights of persons and of property can be secured and people can acquire title to their lands. This is what is needed in order to develop that Territory. The efforts of humanitarians in the direction of educating the youth of that Territory are all very well. I think we should leave this matter to the missionary societies. They are doing great good in their work, and are not asking any aid from the Government. Let them go on in their efforts to civilize these Indians and educate their children. I have no objection to appropriating the sum provided in this bill, $25,000. I think it is ample. I am utterly opposed to the large increase of appropriation provided for in the amendment of the gentleman from Maryland, namely, $70,000.

Mr. McCOMAS. Does the gentleman understand what the increase really is?

Mr. SPRINGER. Yes.

Mr. McCOMAS. How much?

Mr. SPRINGER. Seventy thousand dollars. The bill provides for $25,000.

Mr. McCOMAS. No, sir. The conceded sum is $20,000 for Indian industrial schools, and $25,000 for general education. My increase is $25,000 added to the $45,000. I want to appropriate the sum Secretary Lamar and Commissioner Dawson asked for, namely, an increase of $25,000. My friend misunderstands me. It is only an increase of $25,000. The committee would have granted the increase if it had been brought to our attention before this time.

Mr. SPRINGER. Then your increase is $25,000?

Mr. McCOMAS. That is all. The bill now provides for $45,000, and I simply add $25,000, according to the recommendation of the Secretary of the Interior and the Commissioner.

Mr. SPRINGER. And also $25,000 provided in the Indian bill.

Mr. McCOMAS. The $25,000 which has been in the Indian bill for the last eight years now goes into this bill. It is an increase of from $45,000 to $70,000.

[Here the hammer fell.]

The CHAIRMAN. Does the gentleman from Ohio [Mr. EZRA B. TAYLOR] withdraw his *pro forma* amendment?

Mr. EZRA B. TAYLOR. I do.

[Mr. JACKSON withholds his remarks for revision. See APPENDIX.]

Mr. RANDALL. Mr. Chairman, I now ask that debate on this paragraph be closed.

Mr. ANDERSON, of Kansas. I would like to have about six minutes.

Mr. RANDALL. I am willing to——

Mr. McCOMAS. Say ten minutes.

Mr. RANDALL. Oh, I am not going to waste the public time in that way.

Mr. McCOMAS. We have wasted two days here digging up old politics.

Mr. RANDALL. Entirely without my consent.

Mr. McCOMAS. I appeal to the gentleman to allow us ten minutes.

Mr. ANDERSON, of Kansas. I want five or six minutes.

Mr. RANDALL. The gentleman from Maryland [Mr. McCOMAS] asked fifteen minutes for himself and got it.

Mr. McCOMAS. But other gentlemen desire to be heard on this amendment.

Mr. RANDALL. Then you ought to have given them a part of your time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. RANDALL] that all debate on the pending paragraph and amendments thereto be closed?

Mr. McCOMAS. I object.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BRECKINRIDGE, of Arkansas, having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN, from the Committee of the Whole, reported that they had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

Mr. RANDALL. I now move that the House resolve itself into Committee of the Whole for the further consideration of general appropriation bills, and pending that I move that debate upon the pending paragraph and all amendments thereto be limited to one-half minute.

Mr. McCOMAS. I move to amend that by making the time ten minutes.

The question was taken on the amendment of Mr. McCOMAS, and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. RANDALL. I ask for a division.

The House divided; and there were—ayes 30, noes 40.

Mr. McCOMAS. I ask for tellers.

Tellers were ordered.

Pending the vote by tellers the following proceedings took place:

Mr. ANDERSON, of Kansas. I want only five minutes for the purpose of saying that I have known Sheldon Jackson fifteen years and know him to be an honest man.

Mr. RANDALL. I spoke of him only in his public capacity.

Mr. ANDERSON, of Kansas. Well, I have known him personally and intimately, and I know him to be a man of integrity, intelligence, honesty, energy, earnestness, and as thorough a Christian as I ever knew, and I would vouch for him through and through.

Mr. RANDALL. I do not know anything about his Christianity, and I have not said anything about that.

Mr. ANDERSON, of Kansas. That is all I desire to say. I only wanted my statement on that point to appear in the RECORD as against that of the gentleman from Pennsylvania [Mr. RANDALL].

The tellers reported—ayes 49, noes 62.

The SPEAKER *pro tempore*. The amendment of the gentleman from Maryland [Mr. MCCOMAS] to the motion of the gentleman from Pennsylvania [Mr. RANDALL] is not agreed to.

The question now is on the motion of the gentleman from Pennsylvania [Mr. RANDALL] that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of general appropriation bills.

Mr. RANDALL. And pending that I move that when the House resolve itself into the Committee of the Whole for the consideration of the appropriation bill, all debate upon the pending paragraph and amendments thereto be limited to half a minute.

The motion was agreed to.

The SPEAKER *pro tempore*. The question now recurs upon the motion of the gentleman from Pennsylvania, that the House resolve itself into the Committee of the Whole on the state of the Union to further consider the pending appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. MCMILLIN in the chair) and resumed the consideration of the sundry civil appropriation bill.

The CHAIRMAN. By order of the House all debate on the pending paragraph and all amendments thereto is limited to one-half minute. If no gentleman wishes to occupy that time——

Mr. MCCOMAS. If nobody else desires to speak——

Mr. RANDALL. I wish to say that the effect of the amendment——

Mr. MCCOMAS. I thought the gentleman might be willing to yield the half minute to the gentleman from Kansas [Mr. ANDERSON].

Mr. RANDALL. I have already allowed the gentleman to lug into the RECORD a remark which was out of order, in reply to a remark of mine.

Mr. ANDERSON, of Kansas. If you object to that remark, withdraw what you have said.

Mr. RANDALL. No, sir; I do not desire to take back anything I have said, nor to have the gentleman withdraw anything he has said.

The effect of this amendment——

The CHAIRMAN. The time allowed for debate has expired.

The question being taken on the amendment of Mr. MCCOMAS, it was rejected; there being—ayes 32, noes 45.

The Clerk read as follows:

That hereafter it shall be the duty of the Inter-state-Commerce Commission to include in their annual report to Congress a statement showing in detail their expenditures for each fiscal year, including the number of persons employed and the amount of compensation to each.

Mr. TOOLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

For the purpose of investigating the extent to which the arid region of the United States can be redeemed by irrigation, and the segregation of the irrigable lands in such arid region, and for the selection of sites for reservoirs and other hydraulic works necessary for the storage and utilization of water for irrigation, and to make the necessary maps, including the pay of employés in field and in office, the cost of all instruments, apparatus, and materials, and all other necessary expenses connected therewith, the work to be performed by the Geological Survey, under the direction of the Secretary of the Interior, the sum of $250,000.

Mr. RANDALL. I make a point of order on this amendment, but I am willing to reserve it to allow the gentleman who offers the amendment [Mr. TOOLE] to be heard.

[Mr. TOOLE withholds his remarks for revision. See APPENDIX.]

The CHAIRMAN. The Chair thinks the point of order against the amendment is well taken.

The Clerk read as follows, under the heading "Watervliet arsenal, West Troy, N. Y.:"

For two steam-boilers for running steam-engine at shops, and for heating purposes, $8,600; in all, $44,850.

Mr. TRACEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in lines 12 and 13, the words "in all, $44,850" and insert:

"For necessary railway facilities in arsenal grounds, connecting shops with Delaware and Hudson Canal Company Railroad, Erie Canal, and with the Hudson River, $8,458; for replacing the present old and unsuitable wooden bridge over the Erie Canal with an iron bridge adapted to the present wants of the arsenal, capacity 130 tons, $15,000; in all, $68,308."

Mr. TRACEY. Mr. Chairman, on Saturday last, when the military appropriation bill was under consideration, I offered an amendment designed to supply this arsenal with machinery and implements, the sum proposed to be appropriated being $126,000. That amendment had the support of the Committee on Military Affairs, and the Chief of Ordnance and the Secretary of War had sent letters to the committee urging an appropriation of that amount. The amendment was, however, ruled out on a point of order.

It was my intention during the consideration of this bill to offer an amendment proposing a larger expenditure than that now under consideration—in all about $100,000. But after consultation with my colleague from New York [Mr. GREENMAN] and the members of the Appropriation Committee, we have come to the conclusion that the work now being carried on there would be very much advanced by the appropriation embraced in this amendment, and it being of so much importance to secure something, I have deemed it proper not to urge an appropriation for a larger amount. I hope the amendment will be agreed to.

Mr. RANDALL. I am instructed by a majority of the subcommittee to accept this amendment; and I believe such is the judgment and wish of the majority of the Committee on Appropriations, upon further information which has been obtained from the gentleman representing the Albany district [Mr. TRACEY] as well as the Representative from Troy [Mr. GREENMAN].

The amendment was agreed to.

The Clerk read as follows:

For improvement, maintenance, and care of Smithsonian Grounds, including construction of asphalt roads and parks, $10,000.

Mr. RANDALL. I move to amend by striking out in the paragraph just read the word "parks," and inserting "paths." This amendment is merely to correct a misprint.

The amendment was agreed to.

The Clerk read as follows:

Military Posts:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, $250,000.

Mr. RICE. Mr. Chairman, I move to amend the paragraph just read by striking out "$250,000" and inserting "$400,000." I do not wish to occupy the time of the Committee of the Whole, but will state briefly the purposes of the amendment. In 1886 the now general of the Army recommended the enlargement of the buildings at Fort Snelling for the purpose of establishing a rendezvous there for a regiment, to be distributed over the Northwest as emergencies might arise. There are now there fifteen buildings, partially unoccupied. There are five companies now established there. The original estimate of the Secretary of War was $65,000 for the enlargement of the barracks and establishment of four companies at that post. He has made a revised estimate, recommending an appropriation of $85,000 for the purpose of rebuilding barracks, making, with the buildings now occupied, a convenient rendezvous for eight companies. There are now five companies. The original estimate was for four companies. The old barracks at Fort Snelling are now in such a state of dilapidation that they can not be used with proper regard to the comfort or health of the troops; and the proposed enlargement is absolutely necessary, as, in addition to the five companies already there, three more are to be placed there by the Secretary of War and the general of the Army.

For Fort Snelling barracks, Book of Estimates, pages 181–2, March 3, 1887, $65,000; for additional barracks, June 4, 1888, $150,000; making the whole amount for barracks, construction, and enlargement $791,287; which added to the revised estimates of $85,000 would make a total of $876,287.

[Here the hammer fell.]

Mr. RANDALL. Mr. Chairman, the Committee on Appropriations give $50,000 more for military posts than for many years. Only to-day the Quartermaster-General was present in the room of the Committee on Appropriations and expressed himself satisfied.

The object of the amendment is to make an increase at Fort Snelling. The Committee on Appropriations have never deemed it to be wise so to legislate. They have fixed the amount and permitted the Quartermaster-General or the War Department to determine the points at which the money should be expended.

Fort Snelling is not one of the points, so far as the investigation has gone, which is likely to receive the first consideration. I believe Atlanta is the point which will have first consideration. The second one is San Antonio. Some gentleman near me suggests Fort Porter. I forget the name of the third place.

I think this is large enough, when we come to recollect there has been put into the Army appropriation bill an item for a military post at Chicago. The appropriations this year, as recommended by the Committee on Military Affairs and by the Committee on Appropriations, will be double what they have been for many years.

Mr. RICE. I ask to have published, as part of my remarks, the letter of the Secretary of the Treasury.

The CHAIRMAN. The Chair hears no objection.

Mr. RICE. It will be seen from this letter what the recommendation of the Secretary is.

TREASURY DEPARTMENT, *June 4, 1888.*

SIR: I have the honor to transmit herewith, for the consideration of Congress,

copy of a communication from the Secretary of War of the 1st instant, submitting a modified estimate of appropriation of $150,000 for the erection of barracks at Fort Snelling, Minn., in lieu of the estimate for such object on page 182 of the Book of Estimates for 1889.

Respectfully yours,

C. S. FAIRCHILD, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT, *Washington, D. C., June* 1, 1888.

SIR: I have the honor to transmit, for the consideration of Congress, a modified estimate of $150,000, as required for the erection of new barracks at Fort Snelling, Minn.

In Book of Estimates for 1888 and 1889, page 182, it will be seen that an item of $65,000 appears for barracks for four companies.

As it is proposed to increase the garrison to eight companies, it is recommended that the sum first proposed, namely, $65,000, be increased to $150,000, which will also cover the cost of the necessary apparatus for heating and lighting the barracks, an item which was not included in the estimate as first submitted.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

The SECRETARY OF THE TREASURY.

ESTIMATES OF APPROPRIATIONS REQUIRED FOR THE SERVICE OF THE FISCAL YEAR ENDING JUNE 30, 1889, BY THE WAR DEPARTMENT.

Military posts:

For the construction of new barracks at Fort Snelling, Minn., for eight companies. (March 3, 1889, vol. 24, p. 531, sec. 1.) Submitted $150,000

HOUSE OF REPRESENTATIVES, *Washington, D. C., May* 28, 1888.

SIR: Referring to the item, $65,000, for the construction of barracks at the post of Fort Snelling, Minn., contained in the estimates for the next fiscal year, now pending before the Committee on Appropriations, I have the honor to request the views and recommendations of the War Department upon the proposition to increase the amount of the appropriation for this purpose to the sum of $150,000.

I am informed that plans and estimates for the enlargement of the post were prepared and forwarded by Brigadier-General Ruger, commanding the Department of Dakota, more than a year ago, and are now on file in the War Department. These, I understand, provide for the construction of barracks to accommodate eight companies of infantry, at a cost of about $131,000, with $16,000 additional for heating and lighting, and it is presumed that it is upon these estimates that the appropriation of $65,000, to accommodate four companies of infantry, is based.

The reasons for the allotment of a larger amount are as follows:

First. The sum recommended ($65,000) will, I am informed, not be sufficient to furnish accommodations for the present garrison at the post. At the date of General Sheridan's action upon the estimate the garrison consisted of four companies of infantry and a battery of artillery. This force has since been increased by the addition of one company, which, after the completion of the new barracks, must of necessity remain in their present quarters and be isolated from the rest of the command.

Second. No provision whatever is made for heating and lighting the barracks. This is a serious matter, and it is believed should be provided for, both on the ground of economy and for climatic reasons.

Third. The objection that quarters recently occupied by the department commander and his staff are insufficient for an eight-company post can be obviated by the use of the six sets of frame quarters in the rear of the office building and the seven sets of officers' quarters (frame) near the same building and now used by the officers of the garrison.

For many years past the enlargement of Fort Snelling to a regimental post has been eagerly desired by the people of the Northwest, and I have now before me a memorial of the citizens of St. Paul, through a committee of the Chamber of Commerce, urgently requesting action on the part of the representatives from the State of Minnesota for an appropriation sufficient to carry out this object.

Very respectfully,

EDWARD RICE,
Member of Congress, Fourth Minnesota District.

Hon. WILLIAM C. ENDICOTT,
Secretary of War.

[First indorsement.]

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., June 1, 1888.

Respectfully returned to the honorable the Secretary of War.

On February 18, 1887, the Lieutenant-General recommended the erection of two new barracks for four companies, at a cost of $65,000; and an item calling for that sum appears in the Book of Estimates for 1888 and 1889. This amount made no provision for the expense attending the lighting or heating of the buildings.

From these papers it appears that shelter should be provided for eight companies, and that the Lieutenant-General is in favor of increasing the sum first proposed from $65,000 to $150,000.

It is recommended that Congress be asked for this increased amount, namely, $150,000.

S. B. HOLABIRD,
Quartermaster-General.

[Memorandum.]

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., May 29, 1888.

The Lieutenant-General (as his annual reports will show) has for some time been of the opinion that as the location of Fort Snelling possesses such military advantages, the garrison should be increased. An appropriation of $150,000 would suffice for the construction of barracks for eight companies; the buildings formerly occupied by the headquarters of the department would afford accommodation for the officers of four companies, and the adjacent officers' quarters of the old post would shelter comfortably the officers of the other four companies until such time as an additional appropriation might provide more permanent arrangements.

For these reasons the Lieutenant-General is in favor of the proposition to increase the sum first proposed for this purpose from $65,000 to $150,000.

By command of Lieutenant-General Sheridan.

S. E. BLUNT,
Lieutenant-Colonel and A. D. C.

Mr. RICE's amendment was rejected.

The Clerk read as follows:

Cavalry and artillery school, Fort Riley, Kans.: For continuing the work of buildings for the cavalry and artillery school, $100,000.

Mr. MORRILL. I offer the following amendment.

The Clerk read as follows:

For macadamizing roads at Fort Leavenworth, $10,000, to be expended under the direction of the Secretary of War.

Mr. RANDALL. I make the point of order there is no law authorizing such an amendment?

Mr. MORRILL. Does the Chair sustain the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Kansas on the point of order.

Mr. MORRILL. I have no desire to make any remarks on the subject.

The CHAIRMAN. The Chair sustains the point of order and rules the amendment out.

The Clerk read as follows:

New York, N. Y.: For completing the work of remodeling the old Produce Exchange building, $65,000: *Provided*, That the Secretary of War shall cause the public building in New York City, erected in place of the old Produce Exchange, to be completed and occupied without unnecessary delay; and to facilitate the work on said building, all expenditures upon the same shall be subject to the control and direction of the Secretary of War.

Mr. RANDALL. I move, on page 65, line 15, after the word "same," to insert "including those from the appropriations for the support of the Army."

I submit this amendment under direction of the Committee on Appropriations. It is in accordance with the recommendation of the Secretary of War.

The amendment was agreed to.

The Clerk read as follows:

For maintenance and repair of military and seacoast telegraph lines, including rent of offices, salaries of civilian operators and repairmen, lights, stoves and fixtures, supplies, and general repairs, $23,000.

Mr. MORROW. I move the following amendment.

The Clerk read as follows:

Insert after line 6, page 69:

"*Provided*, That whenever it is in the interest of economy the Chief Signal Officer is authorized in his discretion to rent wires in telegraph lines and spare conductors in submarine telegraph cables owned by corporations or private individuals.

"For the rental, in the discretion of the Chief Signal Officer, of two wires between the signal office in the city of San Francisco, Cal., and Black Point, $100.

"For the rental, in the discretion of the Chief Signal Officer, of a conductor in the submarine cable between Fort Point and Lime Point, across the Golden Gate, at San Francisco, Cal., $600."

Mr RANDALL. I make the point of order on that amendment.

Mr. MORROW. Mr. Chairman, the necessity for the amendment arises out of the following state of facts: An appropriation was made in the Forty-ninth Congress for building a line of telegraph from San Francisco to Point Reyes for the purpose of transmitting weather reports and other Government messages to San Francisco. Contracts were made for a line from the opposite side of the bay from San Francisco to Point Reyes. It was then supposed that the Signal Office would have the use of the Government cable from Black Point to Alcatraz, and then all that would be required to complete the line across the Golden Gate would be a short line of cable from Alcatraz to the main land. Within three months this Government cable between Alcatraz and Black Point has parted. On investigation by the Signal Office it has been determined that it would be more economical to rent spare conductors rather than to repair the present Government cable. The Signal Officer calls attention to that fact in the following language in his annual report to the Secretary of War:

Congress appropriated the sum of $2,500 for the purpose of building a line from San Francisco to Point Reyes, Cal. The appropriation amounted to but one-half of the original estimate, and it is doubtful whether the line can be built via Point San José. While the land line can be built from Point Reyes to a point on the Pacific Railway, thus insuring reliable telegraphic communication between Point Reyes and San Francisco at a very small cost, it is doubtful whether the entire line could be built, since the wording of the law would certainly require a cable.

It has been suggested that one of the spare conductors of the Western Union cable between Fort Winfield Scott and Saucelito could be rented; but this is not practicable unless specially authorized by Congress, since the Treasury officials will not pass vouchers for the renting of other lines unless there is a specific appropriation for that purpose.

The Government system of cables in San Francisco Harbor has been most expensive, and, so far, unsatisfactory. The cable between Point San José and Alcatraz Island has already cost this office nearly $3,800. It is almost four years since the cable was laid, and it has been in operation less than one-half the time. Situated as the cable to Alcatraz is, in a line where strong currents prevail, and where vessels frequently, by choice or necessity, anchor, it results that the chances of breakage are very seriously enhanced. The Chief Signal Officer is of the opinion that a cable can not be economically maintained between Alcatraz Island and Fort Mason, even if a new cable should be laid between those points, and it is doubtful whether the old one would longer serve the purpose, since it has been broken and underrun three times. Proposals have been invited, however, for the repair and maintenance of this cable, which will soon be in working order.

I also call attention to a letter addressed to me on this same subject:

SIGNAL OFFICE, WAR DEPARTMENT,
Washington City, April 13, 1888.

MY DEAR SIR: Referring to the Point Reyes telegraph line, which, under the law, is to be built to San Francisco via Point San José, I regret to inform you that the submarine cable from the latter point to Alcatraz Island, and which was to have been an important and necessary link in the line, has for the fourth time been broken, presumably by a ship's anchor, as in all other instances, and within less than three months after the last repairs had been made.

This only confirms what the Chief Signal Officer's experience and familiarity with the subject had led him to anticipate, as will be seen by reference to my annual report for 1887, a copy of which I inclose for your information, and to the marked portion of which, on page 35, your attention is respectfully invited.

This cable, which already has fourteen splices in it, is so badly strained, flattened, and kinked, and is generally in such wretched condition as to preclude the idea of further repairing it; nor would it be at all advisable to replace it by a new one, since the chances of breakage from anchors are many and unavoidable.

It becomes necessary, then, to provide other means of crossing San Francisco harbor, and the only practical route would be to lay a cable across the Golden Gate from near Saucelito to Fort Winfield Scott. As, owing to the swift current and rocky bottom, a very heavy cable would have to be contracted for over this route, the cost would be at least $3,000. When the Point Reyes line was originally discussed before the Senate Committee on Appropriations, a year ago, Senator ALLISON suggested that instead of laying a cable for this line it would be better to hire a conductor in the commercial cable already in position between the points named.

If we can succeed in renting a spare conductor it would undoubtedly be in the interest of economy to do so, since the deterioration of a cable, repairs, and interest on the money expended amount to at least 20 per cent. per year, or, in this case, to $600 per annum, a considerably larger sum than it is thought will be necessary to rent a conductor from the commercial company.

In view of the foregoing, and knowing the active interest which you take in this matter, permit me to suggest that you see Hon. Mr. RANDALL, with a view of having the following clause added to the sundry civil bill, under the proper heading, making an appropriation for the military telegraph lines, namely: "*Provided*, That whenever it is in the interest of economy the Chief Signal Officer is authorized to rent a spare conductor in submarine-telegraph cables owned by corporations or private individuals." As stated in my annual report, such a clause is indispensable if the conductor is to be rented, since the Treasury Department has decided that the leasing of lines by this service is illegal without it.

I am, very respectfully, your obedient servant,

A. W. GREELY, *Chief Signal Officer.*

Hon. W. W. MORROW,
House of Representatives, Washington, D. C.

In further explanation I ask attention to the following papers:

OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington, D. C., April 30, 1888.

DEAR SIR: I inclose herewith for your information copy of a letter from Vice-President Eckert, of the Western Union Telegraph Company, in connection with the letter from this office to you of the 13th instant, which shows the condition of affairs with reference to the Point Reyes line and the appropriation which will be necessary to secure the use of a conductor in the submarine cable of the Western Union Company.

Very truly, yours,

A. W. GREELY, *Chief Signal Officer.*

Hon. W. W. MORROW,
House of Representatives.

EXECUTIVE OFFICE WESTERN UNION TELEGRAPH COMPANY,
New York, April 28, 1888.

MY DEAR SIR: Referring to your letter of April 10, addressed to Acting Vice-President Van Every, I beg to say that this company will lease to the Signal Office a conductor in its submarine cable between Lime Point and Fort Point, across the Golden Gate, San Francisco, Cal., at $600 per year, that being the rental that we are already receiving for a conductor in the same cable.

Please advise me whether this rate is acceptable to the Department, and I will have a formal lease draughted and sent to you.

Yours very truly,

THOS. T. ECKERT,
Vice-President and General Manager.

General A. W. GREELY,
Chief Signal Officer, Washington, D. C.

OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington, D. C., June 14, 1888.

DEAR SIR: Lieutenant Maxfield reports from San Francisco that he has been unable to obtain permit for the erection of line from office to Point San José. He has made various attempts in the past four or five months, but the city authorities did not act. Their failure to act and a contract to be made before June 30 will prevent the completion of the Point Reyes line until another appropriation shall be made.

I advise you, since you were interested especially in the matter.

Very truly, yours,

A. W. GREELY, *Chief Signal Officer.*

Hon. W. W. MORROW,
House of Representatives.

SIGNAL OFFICE, WAR DEPARTMENT,
Washington City, June 19, 1888.

DEAR SIR: I have the honor to invite your attention to the report of Second Lieut. J. E. Maxfield, Signal Corps, in charge of the station at San Francisco, Cal., which is as follows:

"It has been found impossible to obtain from the board of supervisors of this city a permit for the erection of the poles for the telegraph line from this office to Black Point. The objection found is to the erection of poles in the business center of the city. There seems to be no objection to the erection of poles for two-thirds of the line nearest Black Point, and endeavors have therefore been made to obtain permission from some of the private companies to erect the lines for the city end of the line upon their poles. It is found, however, that one company has secured nearly all the available routes by securing from the smaller companies their franchise in return for the use of a certain number of wires. This company is the Pacific Bell Telephone Company, which refuse to allow the erection of the lines upon their poles. The best terms that could be obtained from this company was the erection and maintenance of two wires between the signal office and Black Point for the sum of $100 yearly. As the instructions received were not to issue bids for the erection of this part of the line until a permit had been obtained, no bids have as yet been invited. On account of inability to obtain the necessary permit from the board of supervisors further action is stopped."

Your attention was previously called to the fact that this officer had been unable to obtain permission to erect the line in question, and that if such permission were not obtained before June 30 the money necessary for the completion of this line must lapse into the Treasury and be of no use to San Francisco.

The proposition to rent wires from private corporations is not possible under existing law, it having been decided some years since by the Treasury officials that the appropriations of this service did not warrant such expenditures. You were once written to regarding the insertion of a clause in the sundry civil bill authorizing the renting of wires in the Western Union cables. In addition to such a clause should also be inserted a clause authorizing the leasing of two wires between the signal office and Black Point, for the sum of $100 yearly, which sum should be inserted in the sundry civil bill, on page 69, after the item for maintenance and repair of military and seacoast telegraph lines.

It is to be regretted that this office was not earlier advised regarding this matter, but the supervisors of San Francisco have been so uncertain, as would appear from Lieutenant Maxfield, that he could not report earlier on this subject.

I am, very respectfully, your obedient servant,

A. W. GREELY, *Chief Signal Officer.*

Hon. W. W. MORROW,
House of Representatives.

Now in reference to the proposed appropriation of $100 for the rental of the line from the city office to Black Point it seems to be advisable. The city of San Francisco has certain municipal regulations in reference to the construction of telegraph lines through the city; and as the obtaining of a permit has caused delay, it has been found on a careful investigation by the officer in charge at San Francisco that it will be economy to rent one of the lines from the main office in San Francisco to Black Point rather than to build an independent telegraph line through the city. So that this amendment, calling for an appropriation of $700 in all, is to enable the Government to finish the line of telegraph to Point Reyes and put it into immediate operation.

It is an economical proposition, Mr. Chairman, much cheaper than to undertake to lay the cable and build the city line. And, furthermore, because of the fact that the Government has not constructed the cable from Alcatraz to the main land, and has not built the line from the San Francisco office to Black Point within the fiscal year, there will revert to the Treasury from the appropriation for that purpose a sum of money larger, I think, than the amount required by the amendment. Therefore, not only will the Government be benefited by the adoption of the amendment in the immediate completion of the line, but it will carry out the object already contemplated by law in a more economical manner than was originally intended. I hope, therefore, the objection will be withdrawn, and that, in view of the proposed economy, the amendment will be adopted.

[Here the hammer fell.]

Mr. RANDALL. I will reserve the point of order for the present.

Mr. RYAN. Mr. Chairman, the Department has never in any way called the attention of the committee to this appropriation. It was never presented to the committee for consideration by the Department, and yet it would seem to be a very proper appropriation for the service. The amendment leaves the matter entirely in the discretion of the Chief Signal Officer, and if it should be necessary for that service, as I apprehend it may be from what has been said here by that officer himself, I think we ought not to object.

Mr. RANDALL. I want to say that as far as the amendment goes, in both connections the limitation as to the amount of money is inadequate.

Mr. MORROW. The limitation is fixed in the amendment; it provides $100 for the line in San Francisco, and $600 for the rental of the cable.

Mr. RANDALL. But that, I think, is too much.

Mr. MORROW. That is the amount ascertained from the documents I have read; and the Signal Officer informs Congress in the annual report that it will be economy to make this rental rather than to construct the cable.

Mr. RANDALL. I would like to ask the gentleman from Kansas, who had special charge of this portion of the bill, whether the Signal Officer during his investigations has impressed upon him the necessity for these appropriations?

Mr. RYAN. I have just stated, and if the gentleman from Pennsylvania had done me the honor to listen——

Mr. RANDALL. I always do myself that honor, but I can not well listen to two persons at a time. My attention was temporarily drawn away.

Mr. RYAN. The subject was never presented to the committee by the Department. It never came before the committee in any way for consideration. The Chief Signal Officer, in no interview with him, asked for this appropriation.

Mr. RANDALL. Why should it be done?

Mr. RYAN. And all I know about it is derived from the statement of my friend from California, and the communications which he has read showing the necessity for this work.

Mr. RANDALL. There is no law authorizing this mode of rental.

Mr. MORROW. It is simply a matter of economy, and I should not ask it if I did not think it was necessary.

The Signal Officer called attention to it in his annual report, and I am under the impression that he believed I would call the attention of the House to it. He has all the time been pressing upon me the necessity for action in this connection, and I believe that is the only reason why he has not called special attention to it himself, thinking that I would take the matter up and bring it before the House. Both these propositions have received the attention of that officer; and further, as I have already said, appropriations for these subjects have already been made, which will lapse at the end of the year, and more money will then be required than is asked in this amendment.

Mr. RANDALL. It may be the signal officer mentioned it in his report to the Secretary of War, but he does not report to Congress.

Mr. MORROW. I mean in his report to the Secretary of War. He made his recommendation in that direction.

Mr. RANDALL. I ask a ruling on the point of order.

The CHAIRMAN. The Chair is compelled to sustain the point of order.

The Clerk read as follows:

For superintendents of national cemeteries: For pay of seventy-three superintendents of national cemeteries, $60,000.

Mr. ANDERSON, of Illinois. I offer the amendment I send to the desk.

The Clerk read as follows:

Insert, in line 21, page 74, after the word "cemeteries," "for pay of seventy-four superintendents of national cemeteries, including national cemetery at Quincy, Ill., $60,720."

Mr. RANDALL. I make the point of order, but I yield to the gentleman.

Mr. ANDERSON, of Illinois. The object of this amendment is simply to provide one more superintendent of cemeteries. In former years we had a superintendent at the national cemetery at Quincy. Through some legal trouble there with the Grand Army, Secretary Lincoln, when he was in authority, removed him, and since then we have been unable to get one, the Secretary of War claiming that the number of superintendents was fixed by the appropriation and he could not go beyond it. The object of that amendment, therefore, as will be seen, is only to increase the number by one. At Quincy we have a State Soldiers and Sailors' Home located, and we have, we think, merit enough to justify us in asking this additional appropriation. It only increases $720 the total amount for the superintendent there; and besides, it is already a national cemetery.

We formerly had a superintendent, and since his removal we have had located there the Illinois State Soldiers' Home; and that, in addition to the number of soldiers there in our beautiful cemetery, we think justifies us in asking for this increase.

Mr. RANDALL. If we had any estimate or any recommendation in this connection I would hesitate before making the point of order; but as I have made the point of order all through the bill on every matter which was subject to it, I do not like to make an exception in this case. But I do say to the gentleman from Illinois [Mr. ANDERSON] that if he will get any recommendation in connection with the cemetery, so that we can take the subject up under the rule, I will see that it is carefully considered. He can go to the Senate in the mean time and do what is best there.

Mr. ANDERSON, of Illinois. Mr. Chairman, I will say that I have letters from the Secretary of War in which he suggested this method. I went before the Committee on Military Affairs with the papers. In some manner they have been lost. I made diligent search for them, but on account of the shortness of notice——

Mr. RANDALL. You can get them duplicated.

Mr. SPRINGER. This is not subject to the point of order, it seems to me, because we are already employing superintendents for cemeteries throughout the country. Here is a cemetery——

Mr. ANDERSON, of Illinois. A national cemetery.

Mr. RANDALL. I would prefer to have the gentleman from Illinois adopt the course I have suggested to him. He will find no obstacle, I think, put in his way; certainly not by me, and I think the Committee on Appropriations will put no obstacle in his way. Of course if there is a cemetery there they ought to have a superintendent.

Mr. SPRINGER. Suppose we put it in now, and if you find there is anything wrong about it you can take it out.

Mr. RANDALL. The gentleman asks me to break a fixed rule. Let the gentleman go over to the Senate and put it in, and I will not object to it.

Mr. SPRINGER. The gentleman has lost the papers.

Mr. RANDALL. I have no papers.

Mr. ANDERSON, of Illinois. The reason of the removal was on account of a local trouble there. We had a superintendent there before.

Mr. RANDALL. I do not know anything about the merits of the case.

Mr. ANDERSON, of Illinois. Certainly not; but you have my word for it.

Mr. RANDALL. Of course I would take your word.

Mr. ANDERSON, of Illinois. It seems to me if we were entitled to it previous to the removal of the soldiers' home we ought to have it now, and I hope the House will vote for it.

Mr. MANSUR. I would ask the gentleman in charge of the bill that by unanimous consent this amendment be agreed to. They had a superintendent for a number of years. There is no reason why he should not be provided for. This bill gives superintendents to cemeteries where there are not one-fifth of the number of soldiers buried that are buried here.

The CHAIRMAN. The question before the committee is the point of order made by the chairman of the Committee on Appropriations.

Mr. MANSUR. I am making this appeal for his benefit.

Mr. RANDALL. This is a matter of administration. We have given all that is estimated for.

Mr. SPRINGER. The point of order does not apply to this case.

Mr. RANDALL. The Chair will determine that.

Mr. SPRINGER. There are numbers of these cemeteries, and the law does not assign a superintendent to each one, but leaves the assignment to the Secretary of War.

The CHAIRMAN. Does the gentleman from Illinois claim, from the fact that there are already from seventy to eighty superintendents provided for, the House would be justified under the rule in increasing the number indefinitely?

Mr. SPRINGER. If there has been a cemetery established, the employment of a sufficient force to carry it on is authorized. That is a work already in progress. The establishment of a cemetery there carries with it the obligation of the Government to see there is a proper administration at that point. It is a work authorized by law. If there was no cemetery there it would be a different thing, but where there is a cemetery there is an implied obligation to keep it up.

Mr. ANDERSON, of Illinois. Not only is there a cemetery but we used to have a superintendent there.

Mr. SPRINGER. There was a superintendent there at one time and his salary was provided for; but by some misapprehension of the circumstances surrounding the case that salary was left out of the bill or the superintendent was dropped by the administration. We do not know exactly how that was. We do know there is no superintendent there now, and we think there ought to be one. There is a superintendent at Springfield, Ill., where the cemetery is not much larger than the cemetery at Quincy.

The CHAIRMAN. Does the gentleman from Illinois [Mr. ANDERSON] say there was an officer employed there as superintendent in former years?

Mr. ANDERSON, of Illinois. Yes, sir; and there was a home established there.

The CHAIRMAN. And by administrative act he was dispensed with?

Mr. ANDERSON, of Illinois. It was established there, and there was a superintendent appointed who remained there for some time. There was a charge made by some of the local men there that the superintendent made a dicker with the Grand Army post by which he gave them a part of his salary to indorse him. On this charge Secretary Lincoln removed him; and ever since then there has been no superintendent.

Mr. RANDALL. There is no law fixing the assignment. By the amendment proposed this officer will be assigned to Quincy.

Mr. ANDERSON, of Illinois. If I may be allowed to modify my amendment I will do so by inserting "national cemetery at Quincy, Ill."

Mr. RANDALL. That is a change of law.

Mr. ANDERSON, of Illinois. I will modify my amendment so as to fix the number at seventy-four, and the appropriation at $60,720.

Mr. LAIRD. I will ask the chairman of the Committee on Appropriations whether he made the point of order against the amendment of the gentleman from Illinois?

Mr. RANDALL. I did, because we have no information whatever from the Department about this. I asked simply that the gentleman might secure that information, and, that being secured, there will be no obstacle thrown in the way of their having a superintendent at that cemetery, or any other in the United States.

Mr. ANDERSON, of Illinois. I move to strike out, in line 22, the words "seventy-three" and insert "seventy-four," and also to make the appropriation, in lines 22 and 23, $60,720.

Mr. LAIRD. I wish to say to the chairman of the Committee on Appropriations that in the Military Committee this matter has been incidentally investigated, and we have some information as to the number of interments in this cemetery and to the necessity of having this officer, or some one, to take charge of it.

Mr. RANDALL. Is it proposed to put this same man back there?

Mr. LAIRD. Oh, no.

Mr. SPRINGER. No, sir. That performance was not under our administration.

Mr. RANDALL. What does the Chair rule?

The CHAIRMAN. The Chair is in doubt as to what would be the correct ruling on the amendment of the gentleman from Illinois, and will submit it to the committee.

The amendment of Mr. ANDERSON, of Illinois, was agreed to.

Mr. RANDALL. Mr. Chairman, I find a mistake in the next paragraph of the printed bill. After line 24, "Headstones for graves of soldiers," there should be inserted "for continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines."

The amendment was agreed to.

The Clerk read as follows:

Maintenance of roadways to national cemeteries: For maintaining the roadways to national cemeteries which have been constructed by special authority of Congress, $10,000.

Mr. FUNSTON. Mr. Chairman, I desire to offer an amendment at this point, and also to have read a letter from the Quartermaster-General, which I send to the desk.

The amendment was read, as follows:

Page 75, insert "for repairing roadway to National Cemetery at Fort Scott, Kans., $5,000."

The letter was read, as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., June 16, 1888.

SIR: I have the honor to suggest that an appropriation of $5,000 be made for repairing the roadway constructed under the authority of Congress from the city of Fort Scott, Kans., to the National Cemetery, near that place.

The Fort Scott National Cemetery is situated about 1½ miles southeast of the center of the town, and contains a little over 10 acres. Number of interments, 590.

The road heretofore constructed, 7,390 feet in length, is very much worn from the heavy teams passing over it, and it is estimated that the sum of $5,000, appropriation of which is recommended, will be required for the purchase of the necessary material and employment of labor to put it in proper condition.

Very respectfully, your obedient servant,

S. B. HOLABIRD,
Quartermaster-General United States Army.

Mr. JAMES C. COURTS,
Clerk Committee on Appropriations,
United States House of Representatives.

Mr. FUNSTON. This report of the Quartermaster-General was not made to the Committee on Appropriations in time to get the item into the bill, if they were so inclined, on account of the absence of the engineer, but when he returned the Quartermaster-General made the report which has just been read. Now, Mr. Chairman, in addition to what he states with reference to this matter, I desire to say that I have been over the road and have observed it personally, and while it is true that near the city it has been badly cut up by heavy teams, yet that cause applies to only a short portion of it. The whole road all the way to the cemetery is in bad condition.

The fact is the road was repaired by grinding limestone by means of a machine instead of putting on good broken rock, and the result is that in wet weather it washes away, and in dry weather it blows away [laughter], so that much of the last improvement made has disappeared, and instead of it there are great holes in the roadway, making it uncomfortable for visitors or others going to the cemetery. This is perhaps a matter of more consequence to the National Government than to the city of Fort Scott; and as the Representative of the district in which the cemetery is located I call the attention of the House to it. The road was built at the expense of the Government, and it has been once improved at the expense of the Government. That "improvement," however, has proved a failure, and we now ask that $5,000 shall be appropriated. I do not believe that is sufficient to put the road in perfect order, but I understand the hopelessness of getting more, and that is the amount that is asked for by the Quartermaster-General. I leave the whole matter now to the good sense of the House, and I hope the chairman of the Committee on Appropriations will agree to let this amendment be adopted.

Mr. LAIRD. What is the length of the road?

Mr. FUNSTON. It is given in the report.

Mr. LAIRD. The distance is about a mile and a half, I believe?

Mr. FUNSTON. It is 7,390 feet.

Mr. LAIRD. Does the road go through the city?

Mr. FUNSTON. No, sir; no part of it is in the city. It is altogether outside, I think, though I can not speak positively.

Mr. LAIRD. What is the number of interments in the cemetery?

Mr. FUNSTON. Five hundred and ninety.

Mr. LAIRD. When was the road built?

Mr. FUNSTON. Some six or eight years ago, and it was repaired some four years ago.

Mr. LAIRD. You say it was built out of crushed lime-rock?

Mr. FUNSTON. Yes; repaired with limestone crushed by machinery.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANDALL. Mr. Chairman——

Mr. FUNSTON. I ask the gentleman from Pennsylvania whether he will not yield two minutes to my colleague [Mr. RYAN].

Mr. RYAN. I will follow the gentleman from Pennsylvania.

Mr. RANDALL. Mr. Chairman, we appropriated last year for these purposes $3,000. In this bill we have increased the appropriation $7,000, making $10,000 in all, the full amount of the estimate of the Quartermaster-General. That officer, in his communication on the subject, states that the object of the appropriation is to repair roads leading to nine cemeteries; and among the cemeteries which he enumerates is this one for which the gentleman from Kansas [Mr. FUNSTON] is trying to get a separate appropriation.

Mr. FUNSTON. The gentleman will allow me to say that the estimate to which he refers was made without sufficient knowledge of the condition of the road.

Mr. RANDALL. I understand that this road has been used to some extent by citizens as a public road, and that partly in consequence of such use these repairs are made necessary.

Mr. FUNSTON. It has been so used for only a short distance. The whole road is in bad repair.

Mr. RANDALL. In fact, this is, I understand, a public highway in part. The matter had better be left under the care of the Quartermaster-General, to whom we give the full amount of his estimate; and he enumerates Fort Scott as one of the places for which the appropriation of $10,000 is to be spent.

Mr. RYAN. Mr. Chairman, my colleague on the committee [Mr. RANDALL] is correct in stating that the estimate of the Department for repairs of all these roads was $10,000, the amount reported in the bill. But that embraced only ordinary repairs of the roadways to the national cemeteries. Here is a roadway that needs to be constructed in order to make it at all serviceable or useful. Without the appropriation asked in the amendment this cemetery is practically inaccessible. The clerk of our committee, Mr. Courts, telegraphed to the Quartermaster-General, General Holabird, to ascertain whether he desired the $5,000 mentioned in a letter from the Department as additional to the $10,000 included in the bill. General Holabird sent in reply the following telegram:

WAR DEPARTMENT, *June 13, 1888.*

To J. C. COURTS:

Five thousand dollars additional wanted for Fort Scott road.

S. B. HOLABIRD,
Quartermaster-General.

I think there ought to be no objection to this appropriation which General Holabird asks for and states to be necessary.

Mr. RANDALL. I wish to ask whether this is a national cemetery exclusively.

Mr. RYAN. I understand it is.

Mr. FUNSTON. Yes, sir; exclusively.

Mr. RYAN. It is used for no other purpose. The amount asked in the amendment is a small matter, and I hope it will be agreed to.

Mr. RANDALL. I hope the estimate will be adhered to and the recommendation of the Committee on Appropriations sustained.

The question being taken on the amendment of Mr. FUNSTON, it was rejected, there being—ayes 29, noes 46.

The Clerk read as follows:

National Cemetery, Antietam, Maryland: For the construction of a macadam road from Antietam Station to the Antietam, Maryland, National Cemetery, $15,000.

Mr. PETERS. At the request of my colleague [Mr. PERKINS], who is not now present, I move to amend by inserting what I send to the desk as a separate paragraph after the paragraph just read.

The Clerk read as follows:

For the construction of a road from Baxter Springs, Kans., to cemetery containing monument erected by the Government to the memory of the members of the Third Wisconsin Cavalry, massacred at that place during the recent war, $2,500.

Mr. RANDALL. The amendment is subject to a point of order, I believe. The committee have never heard anything about this matter. We have received no communication on the subject, either oral or written.

Mr. PETERS. I suppose it can not be contended that this amendment is not subject to a point of order. But this monument was erected at the expense of the Government. It is situated about a mile from the town of Baxter Springs; and the road by which it is reached is in a very bad condition.

Mr. RANDALL. We have never heard of this matter.

Mr. PETERS. This is a monument erected in pursuance of law.

Mr. RANDALL. The gentleman never called our attention to the matter.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Burial of indigent soldiers: For expenses of burying, in the Arlington National Cemetery, indigent ex-Union soldiers who die in the District of Columbia, $800, said sum to be disbursed by the Secretary of War at a cost not exceeding $25 for such burial expenses in each case, exclusive of cost of grave.

Mr. McCOMAS. I move to amend the paragraph just read by striking out the words "five hundred dollars" and inserting "eight hundred dollars;" also by striking out "twenty-five dollars" and inserting "forty dollars."

Mr. FARQUHAR. I move, as an amendment to the amendment, the proposition which I send to the desk.

The Clerk read as follows:

After the words "Arlington National Cemetery," in the pending paragraph, insert "or other cemetery in the District of Columbia."
Strike out in the pending paragraph, "$500" and insert "$1,000."
Strike out also, "$25" and insert "$40."

Mr. RANDALL. There is no law authorizing these expenditures as to the various cemeteries in the District. We had better not confuse this question.

Mr. FARQUHAR. I do not care whether the point of order be made or not; but I want to say distinctly that if the United States Government can not do for its indigent soldiers after their death, what various States of the Union do, we may as well dispense with this class of legislation.

The CHAIRMAN. A point of order being made against the amendment, no discussion on its merits is in order. If the gentleman wishes to discuss the point of order, the Chair will hear him.

Mr. RANDALL. I understand the point of order is sustained. I move to strike out the last word. There is no illiberality at all in this provision of the bill. The body of every indigent soldier dying here without friends to care for him is placed in Arlington Cemetery. There the ground is free; the grave is dug without expense; everything is done by the Government. This $25 refers to the incidental expenses of his burial, and we supposed it was fully adequate. The Grand Army of the Republic wanted to be relieved of this expense to which they

were subjected heretofore in this District of Columbia, and we desired to relieve their treasury to that extent.

Mr. FARQUHAR. As to the expense outside of the grave, we have found in the State of New York it is not less than $40. How, in this expensive city of Washington, they can get along with $25 is beyond my conjecture.

Mr. RANDALL. There is no expense for digging the grave or other like incidental expense. This $25 is put under the direction of the Secretary of War. It has been asked for by the Grand Army of the Republic, and the object of it is to relieve their treasury in the District of Columbia from this burden. I do not believe the gentleman from New York [Mr. FARQUHAR] is in favor of any unnecessary outlay.

Mr. FARQUHAR. Not at all. I do not mean any extravagant outlay. But I do say if the State of New York has not been able to get along with less than $40, I do not see how in an expensive city like this it is possible to get along with $25.

Mr. RANDALL. This is a new step, and if after it has gone into effect it is discovered that the amount is not sufficient I am ready at the next session to change it and make the appropriation sufficient for the purpose; but we are advised by those who understand the matter that $25 is all that will be needed.

Mr. FARQUHAR. I only speak from the experience of those members of the Grand Army of the Republic who have been compelled to put their hands into their own pockets to pay these expenses. In the State of New York the amount is $40.

Mr. RANDALL. If we had fixed the amount at $50, no doubt some gentleman would rise and say it ought to be $75.

Mr. FARQUHAR. If you put it at $40 you will find no one will object or ask that it shall be increased to a higher figure. When the whole amount is only $1,000, it seems to me to be small arithmetic instead of $40 making it $25. An indigent soldier is not a pauper.

Mr. RANDALL. We have been generous as far as the Union soldier is concerned.

Mr. FARQUHAR. I am willing to say that, and especially in reference to the gentleman from Pennsylvania [Mr. RANDALL], chairman of the Committee on Appropriations, who was a soldier himself. But I hope gentlemen will not indulge in economy in reference to this matter, which seems to be small arithmetic when the whole amount is only $1,000.

Mr. RANDALL. I understand the gentleman to characterize this as a small business. Now, I do not think such language should be used by gentlemen on this floor.

Mr. FARQUHAR. The gentleman is mistaken. I merely said that when the whole cost was only $1,000 it seemed to me to be a small piece of arithmetic to fix the amount at $25 instead of $40.

Mr. McCOMAS. I was sitting between the gentleman from Pennsylvania and the gentleman from New York, and heard what was said by both, and am satisfied they misunderstood each other.

Mr. RANDALL. Such language is not such as should be used in a legislative body, and there is no justification for it.

Mr. FARQUHAR. I did not use the language in any such sense as that attributed to it by the gentleman from Pennsylvania. I merely said when the whole amount involved was $1,000 it seemed to be a small piece of arithmetic.

Mr. McCOMAS. The gentlemen have misunderstood each other. They are trying to reach the same point, and that is to provide for the proper burial of the indigent Union soldier. No one will say that gentlemen on the other side of the Chamber have favored anything else in respect to Union soldiers.

It illustrates the value of my amendment. From the statement I hold in my hand it appears the proper burial of a Union soldier in this District will reach a higher figure than is here provided. It is true they have ample ground at Arlington for the burial of Union soldiers.

Mr. RANDALL. Do you not see the advantage of putting them at Arlington, where we have perpetual protection for the graves of the soldiers of the Government? If they were scattered about in private cemeteries they would be left without care and unprotected.

Mr. McCOMAS. So I have stated, that if they were scattered in private cemeteries they would not have the protection which they will have buried at the national cemetery at Arlington. Whether Jew or Gentile, Catholic or Protestant, in that immense place there will be found consecrated ground for all, and where all will be properly cared for and protected.

Now as to the amount. We have made a careful inquiry, and the department commander, Colonel Lincoln, and others, have given the information which I am satisfied is reliable, and which indicates that $40 is the minimum sum that will be available for this purpose. If you include only the coffin, you will find the price running from $30 to $35. Then besides you must include the hearse and the shroud for the body of the indigent soldier of the Union who dies here; and when all these are included you can not possibly inter him in any sort of proper manner short of at least $40. You can not put a decent shroud about his body, you can not put him into a coffin, you can not get a hearse to take him to his grave across the river at Arlington, and put his body under the sod for less than that sum. It may be as much as is claimed in this paper, $60; but I am careful, as the chairman of the committee says, not to go beyond a proper limit in making such an appropriation.

I believe that $40 will be sufficient. But one thing is certain, we can not get it done for less than $40; and consider the cost of the shroud, the coffin, the hearse, and the transfer of his body to the grave, and you can not haggle it and make it less by one penny than $40. My amendment, therefore, is as small a sum as should be appropriated; and I believe that it is the correct amount. The addition of my friend here on the right [Mr. FARQUHAR], to apply it to the other cemeteries, I think is wrong. I ask the House to accept the amendment fixing the sum at $40.

Mr. RYAN. My own State pays $50 for this.

Mr. McCOMAS. If the House is willing to do so, I will agree to accept $50, but I want to make sure and get $40.

Mr. WILLIAMS. I desire to state, Mr. Chairman, that in Ohio we have a law to inter indigent soldiers of the Union, and fixed the sum originally at $35. I was on the committee for the disbursement of this money for some years, and I never found it sufficient to provide a decent coffin and hearse for the soldier.

Mr. FARQUHAR. And a uniform to put him in.

Mr. RANDALL. Did that include the ground?

Mr. WILLIAMS. No; we allowed nothing for digging the grave.

Mr. RANDALL. Or for the ground?

Mr. WILLIAMS. No, sir. I think the amendment ought to prevail. If you bury the indigent soldiers of the war of 1861, bury them decently, or not at all. Let the people do it.

Mr. RANDALL. I want to say, in answer to what has been stated by the gentleman from Ohio, that there has been on the part of every member of the Committee on Appropriations, and it was unanimous on the subject, a purpose to do exactly what is right and liberal in this particular. I must confess that it is a little irritating, to me at least, to have gentlemen coming here and proposing amendments in larger sums, and undertake to reflect upon the Committee on Appropriations for trying to keep expenditures within reasonable limits.

Mr. WILLIAMS. I want it understood, Mr. Chairman, now, that I have made no reflection whatever upon the committee. I believe that they have undertaken to do, with the information they had before them, just what was right and proper. It was only a matter of information; and whenever it is shown to a committee of the House that the sum fixed in the bill is not sufficient, and that it should be increased to the $40 asked in this amendment, then it is proper that incidental information in support of the amendment should be given, and when so given there ought to be no objection on the part of the committee. When I stated that if the Union soldiers are to be buried at all, they should be buried decently, I made no reflection upon the committee, and I think the gentleman from Pennsylvania is a little tender upon the subject in accepting it in that light.

Mr. RANDALL. Mr. Chairman, rather than have—because some of us in the committee are peculiarly situated in connection with the Union soldiers—any misapprehension existing in regard to the attitude of any one of the committee I shall yield my assent to the amendment. I do not want to have any one of these gentlemen placed in an incorrect position, because I know their impulse is to yield everything in this connection that could be desired. And so if the House wants $40 let them have it, as far as the committee is concerned.

Mr. McCOMAS. I think it is only proper that I should say that the information I have here came since the committee passed the bill.

Mr. MAISH. Let the amendment be again reported.

The amendment was again read.

Mr. RANDALL. I have no other objection.

The amendment of Mr. McCOMAS was adopted.

The Clerk read as follows:

At the Pacific branch: For maintenance of six hundred members, at $150 per annum each, $90,000;
For out-door relief and incidental expenses, $28,650;
In all, $1,987,944.60.

Mr. TOWNSHEND. I offer the amendment I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 14, insert:
"For the completion of the construction of the Pacific branch of the National Soldiers' Home."

Mr. LAIRD. Is that where the point of order comes in?

Mr. TOWNSHEND. No, this is an amendment.

Mr. RANDALL. Was there not a bill passed by your committee for this purpose, a separate bill?

Mr. TOWNSHEND. If the gentleman from Pennsylvania will hear the statement I wish to make, he will see that we had no jurisdiction to formulate a bill, but I am glad the gentleman seems to confess the propriety of this amendment.

Mr. RANDALL. I confess nothing at all. I do not know what it is. The gentleman runs too fast.

Mr. TOWNSHEND. In the last Congress, Mr. Chairman, the House passed a bill providing for the establishment of a national home to be known as the Pacific Home west of the Rocky Mountains. An appropriation was made for it which falls more than $100,000 below what is

actually needed for the construction of the necessary buildings for the accommodation of the applicants.

Mr. RANDALL. I reserve the point of order.

Mr. TOWNSHEND. It is too late to make the point of order. I have been debating the question for some time. I do not think the point of order will lie, anyhow.

Mr. RANDALL. I did not know what the amendment was.

Mr. TOWNSHEND. It was read from the Clerk's desk.

Mr. RANDALL. It never was read that I know of. I would like to hear it.

Mr. TOWNSHEND. The Clerk read it a few moments ago.

The CHAIRMAN. The Clerk will report the amendment.

Mr. TOWNSHEND. Mr. Chairman, I object to being taken off the floor in this way. I am occupying the floor.

The CHAIRMAN. The Chair will see that the gentleman is not taken off the floor.

Mr. TOWNSHEND. I am taken off the floor on the demand of the gentleman from Pennsylvania that the amendment be read again.

The Clerk commenced to read the amendment.

The CHAIRMAN. The Clerk will suspend. The gentleman from Illinois is entitled to the floor.

Mr. TOWNSHEND. The amendment is plain and simple. I was about to state the reasons for it when I was interrupted. It is offered for this reason: During the last Congress an appropriation was made for the establishment of a national soldiers' home west of the Rocky Mountains. It was finally located in Los Angeles County, California.

Mr. MORROW. Santa Monica.

Mr. TOWNSHEND. The appropriation that was made has fallen over $100,000 below what is actually needed for the purchase of a site and for the erection of the necessary buildings. The president of the Board of Management of the Soldiers' Homes, General Franklin, addressed a letter to the chairman of the Committee on Appropriations some time ago, urging that this appropriation be embraced in the sundry civil bill, but the Committee on Appropriations have ignored that request.

Mr. RANDALL. We have no law.

Mr. TOWNSHEND. Do not interrupt me. Wait until I get through. I will give the gentleman an opportunity to reply.

The CHAIRMAN. The gentleman declines to yield.

Mr. TOWNSHEND. I will ask the Clerk to read the letter that was addressed to the chairman of the Committee on Appropriations. I do not know why the committee did not make this appropriation. The letter itself will indicate the necessity for it.

The Clerk read as follows:

HARTFORD, CONN., *April* 16, 1888.

SIR: Congress at its last session directed the Board of Managers National Home for Disabled Volunteer Soldiers to establish a branch of the National Home for Disabled Volunteer Soldiers in one of the States west of the Rocky Mountains, and appropriated $150,000 for the erection of the branch.

Since the law was passed the board has procured 330 acres of land for a site for the branch, and has had examinations of the title, water and sewerage facilities made, and has had designs and estimates for the buildings prepared. It has now $135,000 available for the erection of the buildings. To erect seven barracks, housing eight hundred and seventy-five or nine hundred men, will cost $171,000. A dining hall and kitchen will cost $45,000, and a boiler-house, with the necessary machinery for steam heat and light, will cost $25,000, making in all $231,000. A building for officers will cost $10,000, and officers' quarters will cost $10,000 more. One of the barracks can at first be used as a hospital, but a hospital must be soon erected. The whole amount required, therefore, is $251,000, and the amount now available is $135,000.

I have been directed to inform the committee of these facts, and to ask it to insert in the sundry civil bill an item of $100,000 for the construction of the Pacific Branch of the National Home during the next fiscal year, in addition to the amount already asked for, and $70,000 for the maintenance of the members of the branch during the same time.

Respectfully yours,

W. B. FRANKLIN,
President Board of Managers National Home Disabled Volunteer Soldiers.

Hon. SAMUEL J. RANDALL,
Chairman Appropriation Committee, House of Representatives, Washington, D. C.

Mr. TOWNSHEND. Now, Mr. Chairman, it will be seen——

[Here the hammer fell.]

Mr. RANDALL. Now I make the point of order.

Mr. TOWNSHEND. I have not finished my remarks.

The CHAIRMAN. The five minutes to which the gentleman was entitled have expired.

Mr. TOWNSHEND. I raise against the point of order the point that it comes too late.

Mr. RANDALL. Before the gentleman gave me any opportunity to know what the amendment was or its effect he began to speak.

Mr. TOWNSHEND. The Clerk read the amendment.

Mr. RANDALL. I had no opportunity of knowing what it was.

Mr. TOWNSHEND. The Clerk read the amendment.

Mr. RANDALL. I do not want to be interrupted.

Mr. Chairman, the act authorizing this home came from the Military Committee. It was passed at the last session of Congress. If I am correctly advised, in that act a sum was fixed. The Committee on Appropriations informed General Franklin that they had no power to recommend anything in that connection. It was necessary for the law to be changed in connection with the limit.

Mr. TOWNSHEND. In reply to the gentleman——

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. TOWNSHEND. I desire to reply to the point of order.

Mr. RANDALL. I ask to have the law read in my time.

The CHAIRMAN. The Clerk will read the law.

The Clerk read as follows:

That the board of managers of the National Homes for Disabled Volunteer Soldiers are hereby authorized, empowered, and directed to locate, establish, construct, and permanently maintain a branch of said National Homes for Disabled Volunteer Soldiers, to be by such board located at such place in the States west of the Rocky Mountains as to said board shall appear most desirable and advantageous, and that the sum of $150,000 be, and the same is hereby, appropriated out of any money in the United States Treasury not otherwise appropriated, to be paid to the said board of managers, and by them expended in carrying out the provisions of this act.

Mr. RANDALL. "Carrying out the provisions of this act;" the Committee on Appropriations had no power to provide for the object which the gentleman has in view, and the House has no power in this way to change the law. But I want to say that if this building is not completed, as we supposed it would be completed, by the 1st of July, and as intimated in the letter of April last of General Franklin, then there is no occasion for us to put in this bill an appropriation such as we have inserted, of $90,000 for the maintenance of 600 persons at that home. I think, however, that the building will be in good condition by the 1st of July to receive these soldiers for whose care and maintenance we make this appropriation of $90,000.

Mr. TOWNSHEND. Mr. Chairman, I do not know whether the gentleman has been arguing the point of order or the merits of the amendment. If he claims that he has a point of order pending, I insist that he has not, because it was made too late. The amendment was read at the desk, and no point of order was made upon it, and I proceeded to address the committee on the merits of the amendment before the gentleman began to make his point of order. But, sir, even if it were true that the point of order was made in time, I insist that there is nothing in it.

This amendment is in pursuance of a work already commenced; it is in pursuance of a law already passed. It simply calls for an additional appropriation to complete a work authorized by law. I know of no appropriation bill that can be brought into this House to which this amendment can be germane, if it is not germane to the sundry civil bill. The very purpose of the sundry civil bill is to take up subjects of this character and to provide for completing works already begun, such as post-offices and custom-houses and other public works; as the pending bill itself will show, for it contains appropriations to make additions to buildings and to complete buildings of various kinds. In the first place, then, I insist that the point of order comes too late. But, even if the Chair should entertain the point of order, I insist, in the second place, that it has no force whatever. Take the rules and read the statement of the jurisdiction of the Committee on Appropriations, and you will find that it takes in all "sundry civil expenditures." What does the word "sundry" mean if it does not mean appropriations for items of a miscellaneous character that are not pertinent or germane to any other particular appropriation bill?

The CHAIRMAN. If the gentleman will permit, the Chair will direct his attention to a phase of the matter that the Chair thinks important to be discussed in this connection. The gentleman from Illinois [Mr. TOWNSHEND] states that the sundry civil appropriation bill carries appropriations for various public buildings and other public works already authorized by law; but does he insist that therefore the committee would have authority to incorporate an appropriation in excess of that fixed by law for the construction of a public work?

Mr. TOWNSHEND. Unquestionably.

This very bill contains appropriations to complete buildings and to make additions to public buildings, and if the Treasury Department required repairs or required to have an additional building attached to it, this would be the proper bill to carry the appropriation for that purpose. We had an illustration here the other day when the post-office at Chicago was under discussion. That building is in an unwholesome condition, and an amendment was offered appropriating $60,000 to make sanitary and other improvements.

Mr. RANDALL. In this very bill we provide for carrying on this institution to which the amendment refers.

The CHAIRMAN. The Chair thinks there is a distinction between providing for the repair of a building that has been already constructed, and making an increase of the limit originally fixed by law for the construction. The Chair thinks the former would be in order on an appropriation bill, but whether the latter would be is questionable.

Mr. TOWNSHEND. I beg the Chair to remember that the law authorizing the erection of this building simply provides a certain amount of money, but does not use any language which excludes the appropriation of an additional amount. We all know that when a public building is authorized to be constructed, in ninety-nine cases out of a hundred we merely appropriate at first a sum which is intended as the foundation, to start the building, and when we make an additional appropriation to complete the work it always goes into the sundry civil bill. I was on the Committee on Appropriations for four years, and I know that on every sundry civil bill brought into the House while I was a member of the committee there were amendments kindred in character to the one now offered.

Mr. RANDALL. To sustain my position I want to show that the gentleman himself from his own committee reported last session a bill of this character for the construction of additional barracks. They brought in a separate and distinct bill.

Mr. TOWNSHEND. I concede all that the gentleman claims in that case. The bill may have emanated from the Committee on Military Affairs.

Mr. RANDALL. It is another act to which I now refer.

Mr. TOWNSHEND. I do not care what committee reports a bill providing for the construction of a public building, when the law has been passed and there is need for repairs, or for an addition to the building, the Committee on Appropriations takes jurisdiction of the matter and the letters and estimates coming to the House from the Department are all sent to that committee, because it is the only committee having jurisdiction of the matter.

Mr. RANDALL. I ask for the reading of the act which I send to the Clerk's desk. I object to this dumping of matters from other committees into the Committee on Appropriations.

The Clerk read as follows:

An act making appropriations for additional barracks at the Southern, Northwestern, and Western branches of the National Home for Disabled Volunteer Soldiers.

Be it enacted, etc., That the sum of $150,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of a board of managers in the construction and equipment of additional barracks or quarters for disabled veterans at the Southern, Northwestern, and Western branches of the National Homes for Disabled Volunteer Soldiers located at Hampton, Milwaukee, and Leavenworth, respectively.

Approved June 30, 1886.

Mr. RANDALL. That is a case exactly in point with this, where a separate bill was introduced——

Mr. TOWNSHEND. Now let me call attention to the fact that the law which the gentleman from Pennsylvania has just caused to be read provides no plan for the building, and fixes no limit. It simply provides that a certain building shall be constructed and a certain amount of money appropriated.

Mr. RANDALL. To execute the provisions of the act.

The CHAIRMAN. The Chair will call the attention of the gentleman from Illinois [Mr. TOWNSHEND] to the closing language of the section which was previously read. After making the appropriation it continues, "and by them expended in carrying out the provisions of this act."

Mr. TOWNSHEND. That fixes no limit upon the amount which may be appropriated. It simply designates a certain sum to carry out the law, but there is no limitation similar to that frequently put in other bills of this character that the whole cost shall not exceed a certain sum. There is no such language in that law. It authorizes the erection of this home, and appropriates a certain sum of money to carry out the law, but provides no limit at all upon the aggregate cost of the building. No plan is designated by the act. My judgment is that even if the point of order were made in time, this amendment is in order, because it proposes simply to finish the construction of a building already authorized by law and upon the cost of which no limit has been placed by law.

The CHAIRMAN. The Chair is of opinion that the effect of the amendment would be to change existing law as to the construction of this building, and is compelled to sustain the point of order.

Mr. MAISH. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 12, page 86, insert the following:

"That the sum of $50,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, for the erection of monuments or tablets for the proper marking of the positions of each of the commands of the regular Army of the United States, including the Berdan Sharp-shooters, engaged at the battle of Gettysburgh, and for the restoration and care of the grounds, monuments, and tablets of said battle-field."

Mr. RANDALL. I reserve a point of order on that amendment.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania [Mr. MAISH] on the point of order.

Mr. MAISH. Mr. Chairman, this proposition has been recommended by the Committee on Military Affairs. It will be observed that this bill contains, on page 76, a paragraph headed "Monuments or tablets at Gettysburgh," providing—

That the appropriation of $15,000, made by the act approved March 3, 1887, for the erection of monuments or memorial tablets for the proper marking of the position of each of the commands of the regular Army engaged at Gettysburgh, be, and the same is hereby, made available for the purchase of land upon which to erect the monuments and tablets.

That appropriation of $15,000 being thus devoted to the purchase of land, no money whatever is left for the purchase of monuments and tablets to mark the positions of the regular troops. I offer this amendment so as to provide funds for purchasing such monuments and tablets; and I include the Berdan Sharp-shooters, because they were for the time being a part of the regular Army. The propriety of this proposition, after the $15,000 heretofore appropriated has been made available for the purchase of real estate only, seems to me very apparent.

Mr. RANDALL. The gentleman misconceives, I think, the object of the Department in this regard. Congress appropriated last year $15,000 for the object for which the gentleman now proposes an appropriation of $50,000. The Department this year has not asked any additional appropriation, but has simply requested that part of the $15,000 already appropriated may be used in the purchase of the land where they desire to place these monuments. No additional appropriation has been asked. We have passed the paragraph of the bill to which the gentleman has referred, and the committee has done in this connection all that the Department has asked.

Mr. MAISH. Of course the gentleman from Pennsylvania [Mr. RANDALL] is correct in saying that the Committee on Appropriations has not been asked for more than has already been appropriated; but the Committee on Military Affairs has been asked for even more than the sum proposed in my amendment. It seems to me that this is a suitable place to make the appropriation.

Mr. RANDALL. There is no law authorizing this appropriation.

Mr. MAISH. I had hoped there would be no objection to it.

Mr. RANDALL. It is altogether out of place here. We have given for this purpose all the money the Department has asked.

The CHAIRMAN. The Chair thinks that the amendment proposes a new provision of law, and is out of order.

Mr. ATKINSON. I move to amend by inserting, after line 12, page 88, the provision which I send to the desk.

The Clerk read as follows:

That where State homes for the reception of disabled Union volunteer soldiers have been established, the United States shall hereafter pay to the States establishing such homes an amount for each soldier maintained therein not exceeding the one-half of the cost of maintaining each inmate of a National Soldiers' Home; and to meet this expense for the next fiscal year the sum of $100,000 is hereby appropriated.

Mr. RANDALL. I make the point of order we have passed that part of the bill where the amendment would be germane.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. RANDALL. I am struggling to get the bill through.

Mr. ATKINSON. I understand the gentleman makes the point the amendment comes too late, that the part has been passed where it would be in order.

The CHAIRMAN. That is one point, and the other is that it changes existing law. The Chair will hear the gentleman on the point of order, if he wishes it.

Mr. ATKINSON. I hope the gentleman will withdraw his point of order.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. ATKINSON. I shall not insist upon it, but will offer the following amendment:

The Clerk read as follows:

After line 10, page 88, insert: "For outdoor relief, $50,000."

Mr. ATKINSON. Now, Mr. Chairman, while the existing law provides that appropriations may be made for outdoor relief, no amount is fixed except in the appropriation bill for last year. The amount in the pending bill differs from the amount appropriated last year. So, if this point is well taken on the theory that the amount is fixed in the existing appropriation for the current year, then this appropriation as found in the pending bill is subject to the same point of order. The existing law provides there shall be an appropriation for outdoor relief. The point of order was made in the Forty-ninth Congress, but was overruled by the Chair and the amendment was considered and voted down.

Mr. RANDALL. The point I make is we have passed away from that part of the bill, and, even if it were germane, the amendment is not now in order.

The CHAIRMAN. The Chair thinks it is too late, as the committee had passed to a subsequent paragraph.

Mr. RANDALL. We have given every dollar recommended for this purpose.

Mr. ATKINSON. My attention was not directed to the reading at the time or I would have submitted the amendment before the committee passed away from the paragraph. I hope the gentleman from Pennsylvania will withdraw his point of order against this amendment and allow it to come in.

Mr. RANDALL. We have given every dollar asked by the Department.

Mr. ATKINSON. These men are entitled to the relief which they ask for. There may be those who can not avail themselves of the relief afforded at the Soldiers' Homes. The recommendation of the Board of Managers is in favor of granting outdoor relief, and the Secretary of War recommends that their suggestion shall be carried out. Therefore I think this House should consider the proposition to increase the appropriation to give these soldiers the relief they are entitled to.

Mr. RANDALL. If the gentleman will read the report of the Board of Managers, which is embraced in the report of the Committee on Appropriations on this bill, he will find that we have given every dollar asked for by the Board of Managers.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out.

The Clerk read as follows:

In all, $1,987,944.60. And hereafter the provisions of sections 3690 and 3691 of the Revised Statutes of the United States shall apply to all appropriations made

for the National Home for Disabled Volunteer Soldiers: *Provided further*, That it shall be the duty of the managers of said Home, on or before the 1st day of October, in each year, to furnish to the Secretary of War estimates, in detail, for the support of said Home for the fiscal year commencing on the 1st day of July thereafter, and the Secretary of War shall annually include such estimates in his estimates for his Department.

Mr. TOWNSHEND. I make the point against that paragraph that it changes existing law.

Mr. RANDALL. When you come to understand it you will not oppose it.

Mr. TOWNSHEND. I do understand it. I well understand what it is.

Mr. RANDALL. I will inform, then, the rest of the House what it is.

Mr. TOWNSHEND. My point of order is pending.

Mr. RANDALL. The gentleman will reserve it and let me state——

Mr. TOWNSHEND. Let me state the reason why it should not go into the bill. I will state, if I am permitted to discuss the merits, that the law at present does not require the board of managers to return into the Treasury the amount left on hand at the end of the fiscal year. I think that is wisely left to the discretion of the officers. Suppose one of these homes should be burned down. It is necessary they should have on hand something with which to meet the emergency and to erect temporary shelter for the soldiers turned out.

It is said, perhaps, that if any public building is burned down the occupants are turned out from under shelter; but the application is not of that character which should refer to such a condition at these soldiers' homes, for it is a well-known fact, Mr. Chairman, that they are in their nature to a certain extent hospitals; holding men who are disabled, many of them crippled and sick; whereas ordinarily when a public building burns down the occupants are able to take care of themselves and provide for themselves.

The managers of the soldiers' homes should be permitted to retain in their hands in these institutions the amounts which may be left over from the expenditures of the preceding year, to meet just such emergencies as might arise, and which can not be provided for by any general law.

Further, Mr. Chairman, I want to state that the managers of the soldiers' homes—and every one knows they are men of the very highest character, men, every one of whom has the perfect confidence of the people, at the head of it General William B. Franklin—but I need not take up the time of this committee to mention their names, and only desire to mention the further fact that in making the estimates for the ensuing year the managers of the homes deduct the amounts which remained on hand at the end of the preceding year. Not a dollar of that surplus is used without authority. They follow the law strictly; and they desire now to do what the law allows them to do, and what the gentleman from Pennsylvania desires to deprive them of the power of doing by adopting here a new law on an appropriation bill—that is, the power of holding in their own hands the small sum—comparatively insignificant—which may remain in their hands at the end of the fiscal year.

Now I have stated the question upon its merits, and it remains for the gentleman from Pennsylvania to reply.

Mr. RANDALL. The calamity which the gentleman from Illinois alludes to as likely or possible in connection with soldiers' homes is just as likely or possible in relation to any other public edifice or institution in the country.

Mr. TOWNSHEND. I admit that; but the occupants are of a different character.

Mr. RANDALL. Now listen to me for a moment. We give $2,000,000 per annum to maintain these homes. By prudent management of the officials in charge of them there has been at the end of the year a balance remaining on hand in excess of the expenditures necessary to maintain the homes.

The Committee on Appropriations say, with reference to that balance, as they say with regard to every other branch of the public service, that such amount so left over in excess of the expenditure shall be turned back into the Treasury.

There are some $60,000 or $70,000 over last year, under the appropriations, at the beginning of the current year, of the appropriations for the last fiscal year that was not used. What does the Committee on Appropriations recommend? That this amount of money shall go back into the Treasury. The Committee on Appropriations have given in this bill every dollar that these managers have asked, irrespective of what may be the balance left over from the last year.

But I want the gentleman from Illinois to draw a distinction in his point of order between the first part of this proposition and the proviso. The proviso, I will say to him, is asked for by the managers, and was incorporated at the instance of the managers themselves.

Mr. TOWNSHEND. The gentleman is right as to that, and I will modify the point of order to that extent.

Mr. LAIRD. What is the point?

Mr. TOWNSHEND. That the point of order is not made against the proviso. Let that stand.

Mr. LAIRD. I am not going to attack the proviso.

The CHAIRMAN. The Chair is ready to rule upon the question presented.

Mr. LAIRD. I want to be heard on the point of order for a moment. In the remarks which I wish to submit, Mr. Chairman, I want to refer exclusively to the question of law, not so much to the question of policy. I do not care to discuss that except perhaps by a word.

I think the chairman of the Committee on Appropriations is mistaken, if I caught the import of his statement to the House correctly or understood it correctly. It seemed to be to the effect that the Board of Managers of the Soldiers' Homes were entirely satisfied with the paragraph.

Mr. RANDALL. No, I said that the proviso was incorporated at their instance. We had a controversy in the committee between General Franklin and the members of the subcommittee on that point, but he failed to convince the subcommittee, and then, of course, sought other sources to remedy it.

Mr. LAIRD. Very good. It would be clearly a mistake on the part of the Committee on Appropriations if the House understood the chairman of the committee to assert that the Board of Managers of the Soldiers' Home were satisfied with the provision that would take this unexpended appropriation from their custody, as proposed in this paragraph, and turn it into the Treasury.

I hold in my hand a letter written by the president of the board, and transmitting as a part of it another letter written by W. W. Upton, the Comptroller of the Treasury, in which he discusses the question of law involved in the point of order presented here, and I will send this, if necessary, to the Clerk's desk and have it read as a part of my remarks, as it is pertinent to the issue and covers the question involved. It may be possible, however, to state the substance of it more briefly than to take up the time of the committee by reading it.

There are two sources under the law, Mr. Chairman, from which the directors of the soldiers' homes derive revenue to support the homes, one by direct appropriations from Congress, and another is by the deduction of certain fines and penalties, and the proceeds of the sale of certain property sold under condemnation proceedings in the Army and applied to the fund for the support of the soldiers' homes.

Now, under the decision of the Comptroller and by operation of section 3681 of the Revised Statutes, so much of the proceeds of the fines and the money derived from the sale of property upon condemnation, etc., in the Army as is turned over to the support of the soldiers' homes is required to be covered into the Treasury of the United States, pursuant to the section to which I have referred. But so much of the money for the support of the homes as is derived from appropriations of Congress passes into the hands of the Board of Managers and remains in their hands and in the hands of their successors, they having perpetual succession, as though it were in the Treasury of the United States; and the opinion of the Comptroller is that this money under existing law is authorized to remain in the hands of the managers of the homes. Consequently the point of order is well taken that this amendment changes existing law.

The CHAIRMAN. Will the gentleman point to the statute which permits it or requires it to remain in the hands of the managers and not be treated as part of the surplus?

Mr. LAIRD. The statute does not specifically require it to remain in their hands.

Mr. RANDALL. It remains in their hands by a mere construction of the Department.

The CHAIRMAN. The Chair thinks it is important to show the statute, if there is a statute, in view of other provisions of law which the Chair has examined.

Mr. LAIRD. There are two statutes, as I have said: one which controls the funds derived, for the support of the homes, from fines, etc., imposed in the Army. Under the statute the money is specifically required to be covered back into the Treasury. I have cited the Chairman to that statute. It is section 3618 of the Revised Statutes, which requires specifically that the money be covered back into the Treasury. The other statutes—there are several of them—make no requirements on the subject.

I will read the opinion of the Comptroller:

> In reply I would say I deem it clear that such of said balances as have not been transmitted by request of the Secretary of War to the corporation mentioned in section 4825, remaining thus unexpended, should be covered into the Treasury in pursuance of section 3690, Revised Statutes, and the fifth section of the act of June 20, 1874 (18 Stat., 110), and I suppose there is no doubt as to that point. But as to such parts of the appropriation as have been regularly drawn from the Treasury and paid over to the said corporation in pursuance of the act of March 3, 1875 (18 Stat., 359), the covering-in acts do not seem to apply.

I have before me the statute referred to.

Congress has given to the National Home "perpetual succession, with power to take, hold, and convey real estate and personal property," and while this corporation is a trustee, and its acts are in many respects similar in their effect to the acts performed by disbursing officers, its functions are in some respects entirely different from those of an ordinary disbursing officer, inasmuch as the money placed in the custody of the latter remains the sole and exclusive property of the United States, and is still a part of the money in the Treasury; whereas, when

money is lawfully placed in the custody of the National Home for Disabled Volunteer Soldiers in pursuance of said act of March 3, 1875, the legal title vests in that corporation for the time being and until Congress shall otherwise order. Congress has not otherwise ordered by law.

Mr. BLOUNT. Does it refer to current appropriations?

Mr. LAIRD. Yes, sir.

Mr. RANDALL. We argued all that in the committee.

The CHAIRMAN. If the gentleman from Nebraska will allow the Chair to call attention to what he regards as the especial point in this discussion, he would like the gentleman from Nebraska to point to some existing law which excuses the managers and officers of soldiers' homes from complying with the general provision of sections 3690 and 3691 of the Revised Statutes, which provides:

The balance which is not needed for such purposes shall be carried to the surplus.

Mr. TOWNSHEND. If that provision applies, this amendment is out of order. It is unnecessary to re-enact a law already in existence.

The CHAIRMAN. It may be unnecessary; but what we want is some statute which excuses these officers.

Mr. TOWNSHEND. Is it not incumbent on the Committee on Appropriations to show some necessity for such enactment?

The CHAIRMAN. On the point of order the only question for the Chair to determine is as to whether the amendment changes existing law.

Mr. SPRINGER. That is all the Chair has to deal with.

The CHAIRMAN. As to the wisdom or unwisdom of the amendment, that is a question for the committee.

Mr. TOWNSHEND. There is one point to which I wish to call the attention of the Chair. The purpose of this bill is to make appropriation for the current year. The word "hereafter" is inserted, not "during the ensuing year," but the word is used as applying to the future. The bill reads, "and hereafter the provisions of the statutes" shall be applicable.

Why, it is as clear as the noonday sun that that is the enactment of a new law. It certainly will be assumed by the Chair as well as by every one else on this floor that the intelligent members of the Committee on Appropriations would not commit the absurdity of coming in here and asking us to re-enact a statute already in force, and it seems to me to be absolutely absurd for the inquiry to be made whether this board of managers are subject to the provisions of the statute or not. The committee confess by their bill that the managers are not subject to them; else the committee certainly would not now ask us to enact a permanent law bringing them under those provisions of the statute.

Mr. LAIRD. If the Chair will permit me to proceed with this, I think it will be seen that it covers the interrogatory of the Chair.

The CHAIRMAN. The Chair is ready to decide the point of order.

Mr. LAIRD. Well, if the mind of the court is made up there is no need of counsel taking up further time.

The CHAIRMAN. If the gentleman can point to a statute of the nature the Chair has indicated, the Chair will be glad to have him do so.

Mr. LAIRD. If the Chair will notice sections 3690 and 3691 of the Revised Statutes, he will see that at the end of 3690 there is a provision that "this section, however, shall not apply to appropriations known as permanent or indefinite appropriations."

Mr. BLOUNT. These are not such.

Mr. LAIRD. This is a continuous appropriation as ruled by the Comptroller.

Mr. BLOUNT. I do not understand that what you have read us refers to annual appropriations by Congress, but only to such funds as may be realized from other sources.

Mr. LAIRD. No, sir. I will insert the whole letter in my remarks, and the gentleman will see what the Comptroller says about the "covering in" of appropriations.

The letter in full is as follows:

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., November 4, 1878.

SIR: I have the honor to acknowledge receipt of your letter of the 17th of July last, submitting the following questions touching the accounts of the "National Home for Disabled Volunteer Soldiers:"

First. "Are balances of appropriations remaining unexpended at the end of each fiscal year to be covered into the Treasury as provided by section 3690, Revised Statutes?"

Second. "Ought the amount realized from sales by said Home to be covered into the Treasury as proceeds of Government property, as provided by section 3618, Revised Statutes?"

In reply I would say I deem it clear that such of said balances as have not been transmitted by requisition of the Secretary of War to the corporation mentioned in section 4825 remaining thus unexpended should be covered into the Treasury in pursuance of section 3690, Revised Statutes, and the fifth section of the act of June 20, 1874 (18 Stat., 110), and I suppose there is no doubt as to that point. But as to such parts of the appropriations as have been regularly drawn from the Treasury and paid over to the said corporation in pursuance of the act of March 3, 1875 (18 Stat., 359), the covering-in acts do not seem to apply.

Congress has given to the National Home "perpetual succession, with power to take, hold, and convey real and personal property;" and while this corporation is a trustee and its acts are in many respects similar in their effects to the acts performed by disbursing officers, its functions are in some respects entirely different from those of an ordinary disbursing officer, inasmuch as the money placed in the custody of the latter remains the sole and exclusive property of the United States, and is still a part of the money in the Treasury; whereas when money is lawfully placed in the custody of "The National Home for Disabled Volunteer Soldiers," in pursuance of said act of March 3, 1875, the legal title vests in that corporation for the time-being and until Congress shall otherwise order.

To avoid all difficulty which might arise from an unnecessary amount of money becoming thus set apart, Congress has, by the last-named act, besides requiring the annual estimate made for the information of Congress, required the managers of said home to furnish to the Secretary of War quarterly estimates of the probable expense of each ensuing quarter, and "an account of all their receipts and expenditures for the quarter immediately preceding." In this manner the Secretary of War is furnished with such data as to be able to determine with reasonable certainty whether at any time an unnecessary part of the appropriation has been placed in the keeping of the corporation, and to remedy any probable evil of this kind when issuing subsequent requisitions. This check upon the amounts to be intrusted to the administration of the corporation seems to have been designed by Congress as a substitute for the covering-in process which applies when the money is in the hands of disbursing agents having no corporate power and no legal title to the money intrusted to them.

I think there is no doubt your second interrogatory may be answered in the negative.

W. W. UPTON, *Comptroller.*

Hon. E. B. FRENCH, *Second Auditor.*

Mr. LAIRD. I think there is no doubt that the managers are not called upon under existing law to turn this over, as the amendment objected to requires them to do.

Mr. TOWNSHEND. It was perhaps because of that decision of the Comptroller that the committee wanted to make the law in this appropriation bill.

The CHAIRMAN. The Chair is ready to rule upon the point of order. The Chair will have read sections 3690 and 3691 of the Revised Statutes, which, in the absence of other provisions of law, the Chair thinks determine this question.

The Clerk read as follows:

SEC. 3690. All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year and remaining unexpended at the expiration of such fiscal year shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year, and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations.

SEC. 3691. All balances of appropriations which shall have remained on the books of the Treasury without being drawn against in the settlement of accounts for two years from the date of the last appropriation made by law shall be reported by the Secretary of the Treasury to the Auditor of the Treasury whose duty it is to settle accounts thereunder, and the Auditor shall examine the books of his office and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his office, and if it appears that such balances will not be required for this purpose, then the Secretary may include such balance in his surplus fund warrant whether the head of the proper Department shall have certified that it may be covered into the general Treasury or not. But no appropriation for the payment of the interest or the principal of the public debt, or to which a longer duration is given by law, shall be thus treated.

Mr. LAIRD. The Chairman will notice that the first section read is the section that is construed by the Comptroller.

The CHAIRMAN. The only exception made to the requirements of section 3690 of the Revised Statutes is found at the end:

This section, however, shall not apply to appropriations known as permanent or indefinite appropriations.

Appropriations made for the support of soldiers' homes are not of that class. These permanent or indefinite appropriations are appropriations providing for coinage, providing for payment of interest on the public debt, and others that might be named; but appropriations for the support of soldiers' homes, as just stated, do not come within that class. Section 3691 provides that—

If it appears that such balance will not be required for this purpose—

That is, for such outstanding accounts or claims—

then the Secretary may include such amount in his surplus fund, whether the head of the proper Department shall have certified that it may be covered into the general Treasury or not.

Construing these two statutes in the absence of any statutory exemption of the officers in charge of soldiers' homes from the requirement to report the surplus fund on hand, the Chair thinks that they are not excepted from those requirements.

If the Chair were to construe the law he would hold that they are now required to do so. The Chair therefore overrules the point of order. The Chair understood the point of order to be withdrawn as to the proviso.

Mr. TOWNSHEND. Do I understand that the Chair holds that the point of order is good as to the first clause?

The CHAIRMAN. The Chair overrules the point of order. The Chair has held that as to the first clause the point of order is not good. The Chair understands the gentleman to withdraw the point of order made against the proviso.

Mr. TOWNSHEND. I do not see any use in urging the point of order against the proviso, because I think it is more in order than the first clause. As the Chair has laid down a proposition which retains in the bill the first clause, I will not urge the point of order against the proviso.

The CHAIRMAN. The Chair did not include the proviso in the ruling. He understands the gentleman from Illinois to indicate now his purpose to withdraw the point of order as to that.

Mr. TOWNSHEND. I do not think the point of order is applicable to the second clause unless it is applicable to the first. Therefore I withdraw it.

The Clerk read as follows:

For payment of the fees and expenses of United States marshals and deputies, $675,000: *Provided*, That not exceeding $300,000 of this appropriation may be advanced to marshals, to be accounted for in the usual way, the residue to remain in the Treasury, to be used, if at all, only in the payment of the accounts of marshals in the manner provided in section 856, Revised Statutes.

Mr. OATES. I make a point of order upon the proviso just read, which, it seems to me, is new legislation and, under the rules of the House, not in order upon a general appropriation bill. I am aware it may be claimed with some plausibility that this clause is merely a limitation upon the expenditure, or a mere direction as to the method in which the money appropriated shall be disbursed; and on that ground it may be argued that the proviso is not subject to the point of order.

But, Mr. Chairman, this proviso certainly changes existing law. It provides a new method of payment. Under the existing statute the Attorney-General has authority to direct the apportionment of the money appropriated for the payment of marshals and their deputies; and this money may be used in the payment of fees to enable them to discharge their duties. Then when they make the reports which the law requires, the First Comptroller adjusts their accounts and makes a settlement, they being responsible upon their bonds for all the money that goes into their hands. Under the change of law proposed in this proviso only $300,000 of the sum appropriated will be allowed to go into the hands of the marshals of the United States, and $375,000 will be held in the Treasury. Why held in the Treasury? It will be held there, according to the terms of this proviso, to be paid out under section 856 of the Revised Statutes, which provides that all proper claims against the United States in favor of these officers are to be paid upon the settlement made with the accounting officers. In that respect there is a change of existing law.

I am not complaining about the amount, which I understand is fully up to the estimate; but it is well known to every one who has taken the pains to look into the matter that there has been great difficulty in the adjustment of the accounts of marshals and their deputies and the obtaining of payment on those accounts. To such an extent has this difficulty gone that in one case within my knowledge—the case of a marshal in my State—his accounts were not adjusted for eighteen months, in spite of all the energy he could bring to bear in the matter; and to such an extent were the fees which he and his deputies had earned withheld in consequence of small objections (all of which were at last waived) that he informed me he could not obtain the services of competent deputies unless that method was abandoned.

Now, this proviso proposes a continuation of that method. The First Comptroller, as I remember, ruled that where the marshal was not provided with ready money to pay the expenses of holding United States courts, so that jurors and witnesses had to go unpaid, or sell or deposit their certificates, the marshal could not pay on these claims money which afterward came into his hands except to the juror or witness himself, although in many cases the jurors and witnesses lived more than 100 miles away from the court. The First Comptroller, in construing the statute, held that the certificates of witnesses or jurors were not negotiable, though the Attorney-General had adopted a construction precisely the reverse. That ruling of the First Comptroller he himself has modified, because he saw the dilemma in which it put these marshals and the great inconvenience to these parties who had earned their money.

The CHAIRMAN. The gentleman from Alabama will permit the Chair to call his attention to the closing part of the proviso:

> The residue to remain in the Treasury, to be used, if at all, only in the payment of the accounts of marshals in the manner provided in section 856, Revised Statutes.

The Chair desires to ask the gentleman whether a direction that this money shall be paid in accordance with a certain existing provision of law is new law or is a change of existing law, and as such obnoxious to the rule?

Mr. OATES. I maintain that it is, because there are in the statutes a great many directions in regard to the payment of these accounts; that section is but one of them; and under this provision the payment of this whole sum of $375,000 is to be made in accordance with the provision of that single section, thereby suspending other provisions of law.

The CHAIRMAN. Will the gentleman refer the Chair to such provisions of law as will be rendered nugatory by the provision in the bill? If there are such provisions, the Chair would be glad to take them into consideration.

Mr. OATES. The construction which has been placed by the Department upon all these different sections has operated in effect to place all this money with the marshals for the purpose of meeting these expenses. Unless the provision now pending were intended to effect a change in that respect, it would have nothing to operate upon.

If this proviso is to have any effect, the construction heretofore prevailing will be ignored, and the amount of the appropriation here reserved will be paid out in accordance entirely with the section referred to, which provides that—

> The fees of district attorneys, clerks, marshals, and commissioners, in cases where the United States are liable to pay the same, shall be paid on settling their accounts at the Treasury.

This provision extends to several classes of officers—not simply to this particular class. I submit that the proviso does change existing law. If such were not designed to be the effect—if it did not change the method of paying out this money—it would be nugatory; it would accomplish nothing.

The CHAIRMAN. What the Chair begs to direct the attention of the gentleman from Alabama to is that he will point out what statute it is this provision in the bill changes. If it changes a custom or practice of the Department, that of course may be quite a different thing from a change of the law.

Mr. OATES. It is legislation introduced here for that very purpose. Now, there is no statute which in so many words directs that this money shall be paid over at all. That is the construction of the body of the statutes in relation to the payment of marshals and deputy marshals which has prevailed all the time. The purpose is to overturn that legislation. It is of course in the nature of new legislation, for the object sought to accomplish is to change the existing practice under the present law.

Mr. RANDALL. That refers to a mere interpretation of the law, and not to the law itself. I wish to say to the gentleman from Alabama it has been inserted upon the urgent request of the Comptroller of the Treasury.

Mr. OATES. I am aware of the fact that this provision has been suggested by the Comptroller of the Treasury. I am also aware that, owing to the dilatoriness of accounts in that Department, bills have been introduced to expedite the settlement of these officers with the Government.

The CHAIRMAN. The difficulty which the Chair sees, if he sustains the point of order, is this: Here is a gross sum of $675,000 to pay these officers; then a limitation placed on that by a clause in the bill providing, not that it shall be paid under any new law, but under existing law—a clause providing how the amount appropriated in this bill is to be paid.

Mr. OATES. Where a practice or custom in reference to the payment of these officers has continued for a long time it must be accepted as the law of the case.

The CHAIRMAN. The Chair would not hesitate to sustain the point of order if it can be shown the payment under section 856, which is directed by the clause in the appropriation bill, is a change in the law now upon the statute-book.

Mr. OATES. There are various modes of settlement adopted in reference to marshals, deputy marshals, commissioners, and other officers connected with the courts.

Mr. RANDALL. That relates to advances made to marshals.

Mr. OATES. The construction these statutes have received has gone into practice for many years. This money has been paid over in advance to marshals.

The CHAIRMAN. Will the gentleman point out the statute where that is required?

Mr. OATES. I am stating the construction put upon the statutes and the practice which has prevailed in reference to the settlement of these accounts. They are verified of course with the amount advanced, and proper credits are allowed in the adjustment. This provision changes that method to the extent that this sum is withheld and requires it to be paid out under section 856, which applies not only to marshals and their settlements but to district attorneys and other court officials. This money is retained from them. They must render their accounts and wait before they can reach it.

I find there is no statute which shows in so many words the whole amount appropriated for marshals shall be paid over to them, but the construction placed on the body of the statutes by the Department of Justice, by the accounting officers of the Treasury Department, and under which they have acted, is to pay over the money as the statutes require, and to require them from time to time to render accounts which, when properly verified, are passed upon by the Comptroller of the Treasury.

Mr. RANDALL. I admit there is a possibility of a change of practice if this is passed.

The CHAIRMAN. That is what the Chair was trying to get at; that it, whether it was merely the practice of the Department which was proposed to be changed, or whether it was a change of the statutes.

Mr. OATES. It strikes me if new legislation changes the construction which has been placed on these several statutes, or attempts to do so, and adopts a different practice, it is as much a change of the law as if it changed the words of the law itself.

Mr. RANDALL. I draw a line of distinction there.

Mr. OATES. A settled construction, as every lawyer knows, if changed, amounts to what is equivalent to a change of the law itself.

Mr. RYAN. It may be admitted that the practice of the Department which has obtained for a great many years has been to authorize the payment to marshals of these moneys in advance; but it is a matter of construction in the Department.

Mr. BRECKINRIDGE, of Arkansas. I think, Mr. Chairman, the point made by the gentleman from Alabama is perhaps of this nature: Here is an appropriation which is to be expended according to a certain section of the Revised Statutes, which section is cited in the bill. Now, all agree that under that section this money can only be expended in a certain manner. All agree that that section places a limitation upon the power of the officials acting in their various capacities. All agree that the action of the officials heretofore was perfectly lawful—I am not speaking now of the construction of law, but that they have been acting in a perfectly lawful manner.

Now, it is perfectly obvious that if the statute here cited will not

permit the exercise of that power as a part of the functions of these officials, then they drew it from some other part of the statutes. This clause in the bill therefore seeks to circumscribe the scope of the power of these officials, by saying that they shall be officials only to the extent laid down in that part of the statute, and shall not be officials in the sense laid down in the other undisputed section of the statute from which they drew undisputed lawful power heretofore. In that sense it may be a change of law, by imposing a limitation upon existing law, which is in effect a change of the statute.

The CHAIRMAN. The Chair is ready to rule upon the point of order. The appropriation is made in this language:

For payment of the fees and expenses of United States marshals and deputies, $675,000: *Provided*, That not exceeding $300,000 of this appropriation may be advanced to marshals, to be accounted for in the usual way, the residue to remain in the Treasury to be used, if at all, only in the payment of the accounts of marshals in the manner provided in section 856, Revised Statutes.

The question for the Chair to determine is whether it is competent for the Committee on Appropriations, in framing an appropriation bill, to include a clause providing that while $375,000 shall be expended in a special way, $300,000 of the appropriation made shall be expended only under another statute, which is the law.

The Chair thinks that it is competent for the Committee on Appropriations to do so. If there were any statute that could be cited which was infringed by this action of the committee, the Chair would hold that it would all have to be construed together, and that the infraction could not be made. But in the absence of any such showing the Chair holds that it is competent for the Committee on Appropriations to designate in their appropriation bill that the expenditure shall be made under a special statute now existing, and overrules the point of order.

Mr. RANDALL. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union, having had under consideration the sundry civil appropriation bill, had come to no resolution thereon.

APPOINTMENT OF CONFEREES.

The SPEAKER *pro tempore* announced the appointment of Mr. DIBBLE, Mr. JOHNSTON of North Carolina, and Mr. POST as conferees on the bill (H. R. 1451) for the completion of a public building at Wichita, Kans.

ENROLLED BILL.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled the bill (H. R. 8565) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1889, and for other purposes; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the bill (H. R. 885) to amend chapter 253 of the Revised Statutes of the United States, passed June 15, 1878, granting a pension to John Langland.

BRIDGE BILLS ERRONEOUSLY PASSED.

The SPEAKER *pro tempore*. The Chair desires to inform the House that certain House bills, which were erroneously upon the Calendar, were considered and passed at the last evening session, while similar bills, or bills covering precisely the same subjects, had been previously passed at other sessions of the House. The Chair will direct the Clerk to report the titles of the bills which were erroneously passed.

The Clerk read as follows:

A bill (H. R. 4759) authorizing the Little Rock and Alexandria Railway Company to build certain bridges in the State of Arkansas.

A bill (H. R. 7676) authorizing the Kansas City, Texarkana and Gulf Railroad Company to bridge the Red and Little Rivers, in the State of Arkansas, reported from the Committee on Commerce with amendments.

A bill (H. R. 9610) to authorize the Birmingham, Selma and New Orleans Railway Company to build a bridge across the Tombigbee River, in Alabama, reported from the Committee on Commerce with amendments.

The SPEAKER *pro tempore*. If there be no objection, the several votes by which these bills were passed will be reconsidered, and they will be laid on the table.

There was no objection, and it was so ordered.

And then (the hour of 5 o'clock having arrived) the Speaker *pro tempore* declared the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BRYCE: A bill (H. R. 10586) granting a pension to Moses Mayer—to the Committee on Invalid Pensions.

By Mr. COWLES: A bill (H. R. 10587) granting a pension to Mrs. L. M. Whitted—to the Committee on Pensions.

By Mr. DOUGHERTY: A bill (H. R. 10588) authorizing the construction of a bridge over the St. John's River, in the State of Florida—to the Committee on Commerce.

By Mr. S. T. HOPKINS: A bill (H. R. 10589) granting a pension to Henry Whitney—to the Committee on Invalid Pensions.

By Mr. MATSON: A bill (H. R. 10590) for the relief of Ludwig Kirtzmeier—to the Committee on War Claims.

Also, a bill (H. R. 10591) granting a pension to John W. Smith—to the Committee on Pensions.

By Mr. MCCULLOGH: A bill (H. R. 10592) granting a pension to Rebecca Brougher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10593) granting a pension to Mary Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10594) granting a pension to Jacob Hicks—to the Committee on Invalid Pensions.

By Mr. STONE, of Kentucky: A bill (H. R. 10595) for the relief of William A. Nelson—to the Committee on Invalid Pensions.

By Mr. WHITE, of Indiana: A bill (H. R. 10596) increasing the pension of all dependent parents over seventy years old—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARNES: Memorial of Jonathan M. Miller, concerning Sandbar Ferry, on Savannah River—to the Committee on Rivers and Harbors.

By Mr. HOVEY (by request): Petition of James P. Gray, of Vanderburgh County, Indiana, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. NEAL: Memorial of the Medical Society of Tennessee, for removal of duty from all medicines, medical and surgical appliances, etc.—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Memorial of the Philadelphia Board of Trade, favoring certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. PENINGTON: Petition of Typographical Union No. 2, in favor of the Chace-Breckinridge international copyright bill—to the Committee on Patents.

By Mr. RICHARDSON: Petition of the administrator of William Martin, of Rutherford County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. SHERMAN: Petition of James Armstrong and others, citizens of New Hartford, N. Y., for protection of American industries—to the Committee on Ways and Means.

By Mr. WASHINGTON: Petition of the widow of Charles Colton, of Davidson County Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Henry Hayett, of Jonathan O. Cooper, of Russell M. Kilburn, of Wyatt Oates, of Margaret M. Hargett, of F. W. Waugh, and of Caroline York, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of widow of John Nicholson, of Maury County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. WISE: Petition of John C. Jenks, heir of Augustus A. Jenks, of Chesterfield County, Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. YARDLEY: Petition of 86 citizens of Huntington Valley, Montgomery County, Pennsylvania, against the admission of Utah as a State with polygamy—to the Committee on the Territories.

The following petitions for the repeal or modification of the internal-revenue tax of $25 levied on druggists were received and severally referred to the Committee on Ways and Means:

By Mr. T. H. B. BROWNE: Of J. B. Hale and others, citizens of Fredericksburgh, Va.

By Mr. MCADOO: Of citizens of Hudson County, New Jersey.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. S. T. HOPKINS: Of 13 citizens of Cabin Hill, N. Y.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. MCCULLOGH: Of 47 citizens of Fayette County, Pennsylvania.

By Mr. O'DONNELL: Of 149 citizens of Schoolcraft and Houghton Counties, Michigan.

By Mr. E. J. TURNER: Of 132 citizens of Ellsworth and Mitchell Counties, Kansas.

The following petition for an increase of compensation of fourth-class postmasters was referred to the Committee on the Post-Office and Post-Roads:

By Mr. BARRY: Of citizens of Reid, Calhoun County, Mississippi.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 22, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

LIST OF CLAIMS ALLOWED BY ACCOUNTING OFFICERS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a supplemental list of claims allowed by the accounting officers of the Treasury under appropriation the balances of which have been exhausted or carried to the surplus fund; which was referred to the Committee on Appropriations, and ordered to be printed.

LIGHT-SHIP, COLUMBIA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of appropriation for a light-ship, with fog-signal apparatus, outside of the bar of the Columbia River, Pacific coast; which was referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE, CEDAR POINT, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of appropriation for a light-house at Cedar Point, mouth of Cedar River, Green Bay, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

FINDINGS OF FACT IN THE COURT OF CLAIMS.

The SPEAKER also laid before the House letters from the clerk of the Court of Claims, transmitting copies of findings of fact in the following cases; which were referred to the Committee on War Claims, and ordered to be printed:

William H. Wilson *vs.* The United States.
Susan S. Egler, administratrix, *vs.* The United States.
George H. Wenner *vs.* The United States.
John Dillard *vs.* The United States.
Jeremiah B. Simmons *vs.* The United States.
Philip Lindsey *vs.* The United States.
T. S. Galloway, administrator, *vs.* The United States.
Eliza Marstetter *vs.* The United States.
Samuel J. Peper *vs.* The United States.
John Rolator, administrator, *vs.* The United States.
Elizabeth J. Finney *vs.* The United States.
Thomas S. Fogg *vs.* The United States.
William A. Brown, administrator, *vs.* The United States.
Jeremiah F. Darris *vs.* The United States.
James A. Richardson, administrator, *vs.* The United States.
Almira E. Still, administratrix, *vs.* The United States.
Alexander Chavis, administrator, *vs.* The United States.
The heirs of Solomon George *vs.* The United States.

JOHN LANGLAND.

The SPEAKER also laid before the House the bill (H. R. 885) to amend chapter 253 of the Revised Statutes of the United States, passed June 15, 1878, granting a pension to John Langland, with Senate amendment.

The SPEAKER. The amendment is simply an amendment to the title of the bill. The Clerk will report the amendment.

The Clerk read as follows:

It is proposed to amend the title of the bill so as to read:

"An act to amend chapter 253 of the acts of the second session of the Forty-fifth Congress, passed June 15, 1878, granting a pension to John Langland."

The SPEAKER. If there be no objection, the amendment will be concurred in.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TAULBEE, indefinitely, on account of sickness.

To Mr. FORAN, until July 5, on account of important business.

ORDER OF BUSINESS.

Mr. OATES. I ask unanimous consent that the Committee of the Whole be discharged from the further consideration of Senate bill 212.

The SPEAKER. Does the gentleman from Pennsylvania yield?

Mr. RANDALL. I shall have to yield for one from each side. I can not make fish of one and flesh of the other.

Mr. BRECKINRIDGE, of Arkansas. I demand the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded.

Mr. RANDALL. I move to dispense with the morning hour for the call of States.

The motion was agreed to.

Mr. MCRAE. Mr. Speaker, I rise to present a privileged report.

Mr. RANDALL. Has the morning hour been disposed of?

The SPEAKER. It has.

Mr. RANDALL. I wish to make another motion.

Mr. MCRAE. I believe I have the floor, Mr. Speaker, to present a privileged report.

The SPEAKER. The Chair will recognize the gentleman later to present his privileged report. The gentleman from Pennsylvania being on the floor, desires to make another motion.

Mr. RANDALL. I move to dispense with private business for the day.

The motion was agreed to.

DISPOSAL OF PUBLIC LANDS.

Mr. MCRAE. Now, Mr. Speaker, I desire to present this privileged report.

The SPEAKER. The report will be read.

The Clerk read as follows:

Joint resolution (H. Res. 181) to amend the joint resolution approved May 14, 1888, relating to the disposal of public lands in certain States——

Mr. RANDALL. How is that privileged?

The SPEAKER. The Chair does not know yet. The gentleman from Arkansas [Mr. MCRAE] stated that he desired to present a privileged report. The report will be read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, etc., That the joint resolution relating to the disposal of public lands in certain States, approved May 14, 1888, be, and the same is hereby, amended so as to extend the provisions thereof to the States of Florida and Louisiana.

Mr. MCRAE. I am authorized by the Committee on Public Lands to report that resolution with the recommendation that it be adopted.

The SPEAKER. The joint resolution which this proposes to amend, as the Chair understands, withdraws public lands from sale in certain States and reserves them for homesteads, and this extends its provisions to two other States.

Mr. HOLMAN. Yes, sir; so as to embrace all the States of the South.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCRAE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, WICHITA, KANS.

Mr. JOHNSTON, of North Carolina. I desire to present a conference report.

The SPEAKER. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1451) for the completion of a public building at Wichita, Kans., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate and agree to the same.

SAMUEL DIBBLE,
THOMAS D. JOHNSTON,
P. S. POST,
Managers on the part of the House.
G. G. VEST,
S. PASCO,
JUSTIN S. MORRILL,
Managers on the part of the Senate.

The managers of the conference on the part of the House submitted the following statement:

The managers on the part of the House on the conference between the two Houses on the amendment of the Senate to the bill (H. R. 1451) for the completion of a public building at Wichita, Kans., respectfully submit the following statement:

The bill as passed by the House increased the limit of cost of the Wichita public building $50,000. The Senate amendment substituted an increase of $100,000. The effect of the action of the committee of conference is in favor of the latter as the amount of increase.

SAMUEL DIBBLE,
THO. D. JOHNSTON,
P. S. POST,
Managers on the part of the House.

The report of the committee of conference was agreed to.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FILING OF REPORTS.

Mr. MCCREARY. I ask unanimous consent that members having reports from committees to present be allowed to file them with the Clerk, to be referred to the appropriate Calendars.

There was no objection, and it was so ordered.

The following reports were filed by being handed in at the Clerk's desk:

MARY C. DAVIS.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10318) granting a pension to Mary C. Davis; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COUNTERFEITING TRADE-MARKS, ETC.

Mr. SMITH, of Wisconsin, from the Committee on Patents, reported back with amendment the bill (H. R. 7732) imposing punishment for counterfeiting trade-marks, labels, etc.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MOSES P. COFFEY.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9878) granting a pension to Moses P. Coffey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK C. SHAW.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 204) granting a pension to Frederick C. Shaw; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. STARR.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 206) granting a pension to William H. Starr; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD WATERS.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 201) granting a pension to Edward Waters; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EPHRAIM NYE.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 200) granting a pension to Ephraim Nye; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WEBBER S. SEAVEY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10358) granting a pension to Webber S. Seavey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

C. T. MAPHET.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 217) granting a pension to C. T. Maphet; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WALTER O. WATSON.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 200) granting a pension to Walter O. Watson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN J. LOCKERY.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 220) granting a pension to John J. Lockery; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN DENNERT.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3056) granting a pension to John Dennert; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM M. DEAN.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 2862) granting a pension to William M. Dean; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SUSAN E. ALGER.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1162) for the relief of Susan E. Alger; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARTHA J. RUSHFORD.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 9540) granting a pension to Martha J. Rushford, widow of John Rushford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS WYNNE.

Mr. SAWYER also, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 3116) granting an increase of pension to Thomas Wynne; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE AT PLATTSMOUTH, NEBR.

Mr. CRISP, from the Committee on Commerce, reported the bill (H. R. 10347) authorizing the construction of a bridge across the Missouri River near the city of Plattsmouth, Nebr., and for other purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADDITIONAL BOUNTY.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 3407) to extend the time for filing claims for additional bounty under the act of July 28, 1866; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHARLES EARLY, ETC.

Mr. HEARD, from the Committee on the District of Columbia, reported back favorably the bill (S. 1602) to provide for the closing of parts of two alleys in square 132 in the city of Washington, D. C., and for the relief of Charles Early and Corbin Warwick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALLEY CONDEMNED.

Mr. HEARD also, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 7364) to appropriate and pay for alley condemned in square No. 493; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BALTIMORE AND POTOMAC RAILROAD.

Mr. HEARD also, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 9977) to authorize the Baltimore and Potomac Railroad Company to extend a side track into square No. 1025, in the city of Washington; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The Clerk will report the pending paragraph.

The Clerk read as follows:

For payment of United States district attorneys, the same being for payment of the regular fees provided by law for official services, $225,000.

For payment of district attorneys, the same being for payment of such special compensation as may be fixed by the Attorney-General for services not covered by salary or fees, $3,000.

Mr. MORROW. I desire to offer an amendment to the paragraph just read. I want to make the amount ten thousand instead of three thousand.

The amendment was read, as follows:

Page 93, line 2, strike out "three" and insert "ten."

Mr. OATES. Mr. Chairman, I believe the committee rose yesterday just after the argument and decision on the point of order on the preceding paragraph.

The CHAIRMAN. The gentleman is correct.

Mr. OATES. The point of order was overruled, and then the committee rose. I desire to offer an amendment to that paragraph. I move to amend by striking out the proviso, for reasons which I gave yesterday. I do not know that I care to say anything in addition to what I then said.

Mr. RANDALL. Though we have passed this paragraph, I do not object to going back.

Mr. OATES. This is exactly where we left off last evening.

Mr. RANDALL. But several paragraphs have been read this morning.

Mr. OATES. I did not hear them read. I thought we were at the same point.

The CHAIRMAN. The Chair will state that one or two paragraphs have been read this morning. The paragraph to which the gentleman from Alabama directs attention can be returned to by consent.

Mr. OATES. I will withdraw my motion to strike out the proviso, and content myself with offering an amendment to the proviso, allowing it to stay in.

Mr. RANDALL. I do not want to take a "snap judgment" on any-

body; therefore I do not make the point that we have passed the paragraph.

The CHAIRMAN. In the absence of objection, the gentleman from Alabama will proceed.

Mr. OATES. The objection to the proviso, in my judgment, was that it would operate so as to embarrass the United States marshals and their deputies in obtaining the money that they actually earn. This provision withholds in the Treasury $375,000 of the appropriation instead of allowing it to be paid over to the marshals; it would remain there to be paid out to them on a statement and adjustment of their accounts. There may be some force in the argument that if the whole of this money should be at once distributed among the marshals at the beginning of the next fiscal year it might not be properly disbursed. It is argued further that there would be no stimulus to that vigilance and promptitude in the rendition of their accounts which is necessary to a proper keeping of the accounts of these officers in the Treasury. If these objections hold good the amendment which I propose would so arrange this matter that no harm could result. My amendment is simply to add this proviso: That the accounting officers of the Treasury shall audit, adjust, and settle the accounts of marshals and their deputies within sixty days after the same are presented for allowance.

Mr. RANDALL. I have no objection to that.

Mr. OATES. If this amendment be adopted I do not see that it can do any one any harm. All I wish in this matter is a prompt settlement of the accounts after the services have been rendered.

Mr. RANDALL. I wish to say to the gentleman from Alabama that this proviso was urgently pressed by the First Comptroller, Mr. Durham, and was adopted by the subcommittee after elaborate discussion. So far as we have heard, it has not been objected to by the Department of Justice. The gentleman understands that if the entire sum is distributed to the marshals, some get more than they need, others less; and thus a deficiency is created, unless the accounts are promptly adjusted, perhaps in the manner which the gentleman proposes.

Mr. OATES. If the accounts are promptly adjusted by the accounting officers of the Treasury, I do not see that any great inconvenience can result.

Mr. HERBERT. I wish to inquire of the gentleman from Pennsylvania [Mr. RANDALL] what reason the First Comptroller gave for asking the adoption of this limitation. It seems to me that under section 856 of the Revised Statutes, which is referred to in the proviso, the Comptroller has now full control over this money.

Mr. RANDALL. The reason given was that it is desirable to prevent the distribution of the entire appropriation at the beginning of the fiscal year, when it can not possibly be ascertained, or even guessed at, how much each marshal will require. This provision allows the distribution up to the amount indicated; then the accounts are adjusted, and the balance of the money in the Treasury is drawn upon. So far as I am concerned, I have no objection to the amendment just suggested by the gentleman from Alabama [Mr. OATES].

Mr. HERBERT. Mr. Chairman, it seems to me that the first motion indicated by my colleague [Mr. OATES] to strike out the proviso ought to prevail. As I understand, this whole matter is now under the control of the Comptroller. He advances the amounts appropriated in such sums from time to time as his discretion may dictate. Here is the provision of section 856 of the Revised Statutes:

> The fees of district attorneys, clerks, marshals, and commissioners, in cases where the United States are liable to pay the same, shall be paid on settling their accounts at the Treasury.

When the point of order was pending yesterday the Chair very properly asked, Where is the law which would be changed by this proviso? In other words, where is the law that compels any distribution of the fund to be made by the Comptroller? There is no such law; it is a matter entirely within his discretion. He advances the money for the purpose of enabling the several marshals to pay as they go in cash for the services of each witness and juror and for all other expenses incurred. The Government is amply secured by the bonds of the marshals, which are always sufficient to cover the amounts placed in their hands. That is the object of having those bonds. I know personally, by reason of having acted occasionally on behalf of the marshal in my district, that this matter is within the discretion of the Comptroller; and I can not see why he should come here and ask us to take away from him this discretion and compel him by law to keep more than half of this appropriation in the Treasury until the accounts have all been audited and settled. It does seem to me that the arrangement now proposed would add to the numerous complaints coming from all over the country in regard to the delay experienced by marshals in getting their accounts settled at the Treasury Department.

I venture to assert, Mr. Chairman, that there is scarcely a gentleman here who represents a district in which there is a United States marshal who has not had occasion to go or write to the Treasury Department in relation to the settlement of these accounts.

Now, it seems to me that this is placing just another obstruction in the way of a prompt and speedy settlement of these accounts, and Congress is asked to take the responsibility of putting that obstacle in the way. I hope it will not be done. There is no need for it. I do not see why we should do it.

It is a matter altogether in the discretion of the officials of the Department, and certainly if this is adopted complaints will be far more numerous in the future than they have been in the past in regard to these settlements.

There is no possible need for it

Mr. BYNUM. Mr. Chairman, it seems to me that the gentleman from Alabama has not fully considered the effect of the proviso, or he would not take the position he has assumed. Under the law, as it is now administered, this fund is all distributed at the beginning of the year.

Mr. HERBERT. I beg the gentleman's pardon; I am sure he does not want to be in error, but he is entirely mistaken in that assertion.

Mr. BYNUM. Then I am misinformed. I understand it is all distributed at one time.

Mr. HERBERT. No, sir; it is not distributed; it is only distributed from time to time as it is needed.

Mr. BYNUM. I am informed by the chairman of the committee that the statement I make is correct; and that it is all distributed at the beginning of the year.

Mr. HERBERT. I beg the gentleman's pardon; that is an entire misapprehension of the fact. It is not distributed.

Mr. RANDALL. The committee understood it was distributed.

Mr. BYNUM. And that has been my information.

Mr. HERBERT. The committee has been misinformend, for I know it is not the case.

Mr. HOLMAN. It can be distributed.

Mr. RANDALL. That is the information conveyed to the committee.

Mr. HERBERT. Of couse it can be distributed; but it is not distributed. It is a matter within the discretion of the Comptroller, and he does not distribute it.

Mr. BYNUM. That, however, has been the administration of the Department in this particular. It is not in the hands of the Comptroller, but is distributed by the Department of Justice or the Attorney-General, who apportions and places in the hands of the various marshals throughout the United States such sums as in his opinion the business of the several offices will require for the ensuing year. The result of this distribution has been an inequality in the amounts of the funds left in the hands of the various marshals at the end of the year. In one district the expenses may be greater or less than they are in another, and they may vary owing to conditions which can not be foreseen. In some large amounts may remain on hand, while in others there is a deficiency. The amount allotted to one marshal may be largely in excess of the amount required, and at the end of the year there will be a surplus, whereas in another district there will be a deficiency in the fund.

When that condition of affairs is ascertained, when one marshal has a superabundance of funds and another has nothing, you can not get it from the one and transfer it to another until the end of the year. It is therefore desirable to have a portion of the funds reserved in the Treasury, and not be compelled to wait until the end of the year to enable the Department to equalize the funds. If a distribution is made semi-annually instead of annually, the Department can then determine with greater accuracy about how much is needed by each marshal, and if there has been allotted to one marshal for the first six months of the year more than is needed and another marshal in another district a less sum than is needed the error can be remedied without a deficiency being reported. This provision, therefore, will enable the Department to more speedily adjust the accounts of the marshals, because the fund will be more equally distributed and the Department will have funds on hand with which to adjust any inequalities, instead of, as now, having to wait until the end of the year and for the new appropriations.

Mr. HERBERT. Let me ask the gentleman to point to any law which compels such distribution.

Mr. BYNUM. I do not know that there is any law compelling it. It has only been the practice.

Mr. HERBERT. There is no such statute, I can assure the gentleman.

Mr. BYNUM. But as I understand it, the Department asks this legislation for the purpose of making the distribution. It has been the practice, I believe.

Mr. HERBERT. The whole matter is in the discretion of the Comptroller, and you ask this House now to tie his hands absolutely, and prohibit him from exercising that discretion which the law confers upon him. That is not where the trouble is.

Mr. BYNUM. This fund goes to the Department of Justice, and is distributed on warrants to the marshals.

Mr. HERBERT. It is distributed in the Treasury by the Comptroller; but there is no law that regulates it. It is only a matter of practice.

Mr. BYNUM. The funds are not distributed by the Comptroller. They do not remain in the Treasury. They are appropriated to the Department of Justice in an aggregate sum, and are paid over upon the warrants of the marshals upon an apportionment by that Department.

Mr. HERBERT. It will be only another obstacle in the way, and I sincerely hope it will be rejected.

Mr. RANDALL. Let the amendment be again read.

The amendment of Mr. OATES was read, as follows:

Add to the paragraph the additional proviso:

"*Provided further*, That the accounting officers of the Treasury shall audit, adjust, and settle the accounts of marshals, and their deputies, within sixty days next after the same are presented for allowance."

Mr. RANDALL. I have no objection to that.

Mr. STONE, of Kentucky. I desire to amend the amendment of the gentleman from Alabama by inserting a provision for jailors also.

Mr. HERBERT. That will come in at another place.

Mr. STONE, of Kentucky. I do not propose to insist upon it now if it can be inserted at another place; but certainly the jailors are treated worse than any other servants of the Government.

The CHAIRMAN. The gentleman withdraws his amendment for the present.

The pending amendment was agreed to.

The Clerk read as follows:

For payment of district attorneys, the same being for payment of such special compensation as may be fixed by the Attorney-General for services not covered by salary or fees, $3,000.

Mr. MORROW. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In line 2, page 93, strike out "$3,000" and insert "$10,000."

Mr. MORROW. The compensation of the United States attorneys as fixed by the law at present provides for payment in most of the districts of the sum of $500 for annual compensation, and the remainder of the compensation is provided in what is called the fee bill of 1853, now incorporated into section 824 of the Revised Statutes, $6,000 being the limit of annual compensation under section 835; but there are services required of United States attorneys in many districts that do not properly come within the purview of the fee bill nor within the line of duty required under that portion of the statute providing an annual salary of $500.

In the northern district of California there is a service required of the United States attorney in connection with Chinese cases that is very important to the Government, yet it is a service that is not specifically provided for in the fee bill except upon the theory that the United States is a party in these cases. Therefore this provision of $3,000 is intended to recover such service at San Francisco and elsewhere in the United States. I am advised that the sum provided in the bill is not sufficient to pay for the service in San Francisco and elsewhere, and that this service will have to be abandoned unless a sum of money not less than $10,000 shall be appropriated.

I desire to call the attention of the committee to the necessity for the service in the district of California. I have no doubt but what the same facts will apply in other districts; but not being familiar with the other districts of the United States, I can only speak with regard to my own district. The Chinese immigration question is one of the most difficult questions we have to deal with in that district. Under the proceedings relating to habeas corpus as soon as a vessel arrives at San Francisco with Chinese passengers on board the Chinese immigrant, who is refused a landing by the custom-house official, sues out a writ of habeas corpus, is landed, and gives a bond for appearance in court when his case shall be reached for hearing.

He is then discharged and of course allowed to go where he pleases for several days or perhaps weeks or months, until his case can be reached on the calendar. In the mean time while he is out he is enabled to familiarize himself sufficiently with the country, so that when he comes before the court to support his plea of "prior residence" he is able to give such information concerning the city of San Francisco or surrounding villages as to convince the court that he has been there before and was there at the date of the treaty, which entitles him to his discharge. Confronted with this condition of affairs the Government officers made an investigation as to what could be done to prevent a false plea of this character being maintained in court. It was determined that the best way to proceed was, as soon as the Chinaman was landed to have him brought before the United States attorney and have him examined at once by the United States attorney as to whether he had been here before, and to that end ascertain his knowledge of the country and his alleged employment when he was here. Now, this system which has been adopted by the Government in San Francisco has proved the most efficient method yet devised in keeping out Chinamen not entitled to come in. But this is an unofficial service on the part of the United States attorney, directed by the court, and is not within the fee bill, unless, as I said before, we assume that the United States is in fact an actual party to the proceedings. Therefore the necessity for the sum provided for in my amendment.

[Here the hammer fell.]

Mr. RANDALL. An examination of the report of the committee presented with this bill will show that the officer to whom the gentleman alludes received $6,000 as his regular fee, and has been paid something like $6,000 more for attending to these Chinese habeas corpus cases. If that officer earns the first $6,000 and attends to the work for which he is chosen, his compensation is sufficient.

Mr. MORROW. Undoubtedly.

Mr. RANDALL. If he performs any other functions which enable him to earn $6,000 more he must neglect those duties.

Mr. MORROW. Unquestionably.

Mr. RANDALL. Now this district attorney, Mr. Carey, receives $6,000, and then in another way he gets $6,000 more. That is what we want to break up.

Mr. MORROW. That is precisely what I am trying to break up by my amendment. Under the present system the district attorney makes the charge for his services in habeas corpus cases under the fee bill, which, however, is a subject of controversy with the accounting officers of the Treasury. The result is his emolument accounts are swelled to the sum of $6,000. If you will give a sufficient appropriation to pay for the unofficial service according to their value under the approval of the Attorney-General, you will reduce the emolument accounts below $6,000 under the fee bill; but without a suitable appropriation the Attorney-General can not settle the accounts of the United States attorneys in this way.

I am with the gentleman from Pennsylvania in endeavoring to cut off these fees and extra salaries; and I would reduce the emolument accounts by withdrawing from them the habeas corpus cases, and pay the United States attorney what his services are fairly worth in such cases and no more.

Mr. RANDALL. Then offer an amendment that those fees shall go into the Treasury of the United States.

Mr. MORROW. That was the proposition made not long ago by a bill reported from the Committee on the Judiciary.

Mr. RANDALL. The only way the Committee on Appropriations can break up this abuse is by not giving the money.

Mr. MORROW. Well, that money that he now receives comes under the fee bill, and you are not breaking up any abuses. What I want you to do is to give a little more under this provision so as to stop the abuse you mention under the other head.

Mr. RANDALL. We are not going to give any more, so far as my advice is concerned, until we break up the system by which a district attorney can neglect his duty, and nevertheless draw his salary and go out into side work and make $6,000 more.

Mr. MORROW. I entirely agree with the gentleman from Pennsylvania in regard to that.

Mr. RANDALL. Then let us not give the money.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. MORROW. I move to strike out the last word. I want simply to make a provision here so that the Attorney-General can pay for these services such sums as he may deem appropriate, and avoid the provisions of the fee bill by which this officer is to swell his fee.

Mr. RANDALL. That is not the only case of this abuse. There are other district attorneys who are receiving fees which we think they ought not to receive. A district attorney who receives $6,000 a year ought to be content to perform all the service that the Government of the United States requires at his hands within the limits of his district.

Mr. MORROW. Unquestionably; and that is why I urge this amendment. If this amendment is adopted so that the Attorney-General can pay for these services a reasonable amount, the result will be that the fee bill will not exceed what it was formerly, before these cases arose, namely, two or three thousand dollars in the district of California. I had the honor to be assistant United States district attorney for the district of California for four years, and the emolument account at that time was about $2,000, or perhaps $3,000, a year; but the charges did not include such services as we are now discussing, as they were not required. These Chinese habeas corpus cases have originated since the act of 1882, and when it was determined that the United States should be represented by the district attorney it was discovered that these unofficial services might be brought into the emolument account of the district attorney under the fee bill, and then it was, and not before, that his accounts were swelled to $6,000 a year.

Mr. RANDALL. The Committee on Appropriations had not the power to say that these fees should go into the Treasury of the United States, nor had they power to create an official to be appointed by the court at a reasonable salary to perform these habeas corpus duties in connection with the Chinese. If, however, the gentleman [Mr. MORROW] will draw a paragraph that will give the court the power to appoint such an official at a reasonable salary, say $1,200 or $1,500 a year—because the work does not require a very great amount of mind—I will not object to its going into this bill; but we want to cut off this abuse of paying United States district attorneys large sums of money for performing duties that they ought to be glad to perform in connection with the service of the Government.

Mr. MORROW. I will prepare such an amendment and submit it to the gentleman from Pennsylvania.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OATES. As the Clerk has noted an amendment which I offered providing that these fees earned by the district attorneys unofficially shall be paid into the Treasury, I am in favor of that course. The gentleman from Pennsylvania [Mr. RANDALL] is right in saying that a district attorney who receives $6,000 a year salary ought not to be permitted to make six thousand more in this way; and yet that state-

ment does not fully meet the case. I agree with the gentleman on that branch of it, but there are district attorneys who do not make even $1,000 a year, and who are called upon to perform unofficial services for which they ought to be paid; yet with this meager appropriation of only $3,000, the Attorney-General will not have the means to compensate many of them. I do not know the extent——

Mr. RANDALL. I will tell you the extent. Six thousand dollars went to one man.

Mr. OATES. That is wrong.

Mr. MORROW. Yes; that is wrong. We want to break that up.

Mr. OATES. The proviso that I offered that the unofficial fees should go to the Treasury would enable the Attorney-General to properly compensate these officers without allowing any one to get double compensation.

Mr. RYAN. The gentleman from California [Mr. MORROW] stated that the service rendered by the United States attorney in these Chinese habeas corpus cases was compensated under the law by a fee of $10 for each case. Did I understand the gentleman correctly?

Mr. MORROW. Yes. He presents his account for that amount, but they have not been allowed by the accounting officers.

Mr. RYAN. If that be true, why should not the compensation that he receives for that service go into his emolument returns?

Mr. OATES. My understanding is that it is paid out of an appropriation similar to this.

Mr. RYAN. That is not what I am asking. My question is this: If this service of the district attorney is compensated by law, why should not the compensation go into the emolument return?

Mr. OATES. I am not aware of any provision of law that gives special compensation for that service.

Mr. OATES. There are a good many cases coming up where some compensation ought to be given to district attorneys for unofficial duties, none being provided for in the fee bill.

Mr. RANDALL. What I think is this: that if the United States attorney who receives $6,000 a year to attend to the duties of his office goes outside and gets as much more money by other work, either he does not earn regular compensation or else there is an abuse as to the latter work; and if his regular duties are sufficient to occupy his time, then it is plain that when he is absent the Government has to pay some one else to take his place in performing his proper official duties.

Mr. OATES. I quite concur with the gentleman in thinking that when the Government pays a district attorney $6,000 a year, it is entitled to his whole time, and to all the service he can render; but there are a good many of these officers who do not get that amount; there are a good many who get even less than $1,000 a year, and others who do not get more than $1,500 or $2,000 a year, which is not great compensation for a man of fair ability, and I say that if such an officer has any unofficial duties to perform for which there is no fee or allowance provided by law, the Attorney-General ought to have a fund in hand from which to compensate him.

Mr. RANDALL. Does not the gentleman think that those district attorneys who earn the smaller salaries have sufficient time at their command to pursue their private practice of the law?

Mr. OATES. Oh, yes; they can pursue their private practice when their time is not employed by the Government. But the proposition I make is that the Government ought to pay for services actually rendered. It has not, however, been the policy of the Government to allow these district attorneys to receive as their compensation fees to a larger amount than $6,000 except in some instances like those in California, where they have been allowed to collect double fees. I think that where the salary reaches as high a sum as $6,000, the Government is entitled to all the services which the district attorney can render. Where less than that amount is received and the district attorney has duties to perform for which fees are not provided by statute, the Attorney-General ought to allow him compensation.

Mr. RANDALL. I think that the holding of this office of district attorney is conducive to an increased private practice.

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama [Mr. OATES] to the amendment of the gentleman from California [Mr. MORROW].

The amendment of Mr. OATES was read, as follows:

Provided, That the fees earned by United States district attorneys unofficially shall be turned into the Treasury of the United States.

Mr. RANDALL. I suggest the insertion of the word "all;" so as to read "all fees." I presume the gentleman will not object to that.

Mr. OATES. I am requested to state what I mean by "unofficial" services. There are statutes providing a fee-bill, by which district attorneys are paid for certain services; yet they are required to perform by the Government other services, for which there is no fee provided by statute. It is fees of this character to which my amendment refers.

Mr. MORROW. Still they are services rendered for the benefit of the United States, but where the United States are not directly a party.

Mr. OATES. But they are not provided for by statute. I will, however, modify my amendment so as to strike out the word "unofficial" and insert "services for which no fee is now provided by law."

Mr. RYAN. If the fees are "unofficial," how does the gentleman from Alabama expect to get that class of fees turned into the Treasury?

Mr. MORROW. Under the law in regard to fees, a fee of $10 is charged and should be allowed in the case of a petition for habeas corpus in which the United States Government is not directly but indirectly a party. Under the amendment proposed by the gentleman from Alabama this fee of $10, which, so to speak, is a fee charged by the rule of analogy, will, if collected from the petitioner, go into the Treasury; and the officer will receive from the Attorney-General for his services whatever they are reasonably worth.

Mr. RYAN. In this connection I wish to ask the gentleman from Alabama whether he contemplates that this fee of $10 in the California cases which have been referred to shall be paid into the Treasury of the United States?

Mr. OATES. Certainly; that would be the effect under my amendment.

Mr. SPRINGER. I ask that the amendment as modified be now read.

The Clerk read as follows:

Provided, That for services rendered by United States district attorneys where they are not allowed to retain such fees, the same shall be turned into the Treasury of the United States.

Mr. BROWNE, of Indiana. Allow me to suggest a substitute for the amendment. It is to insert this provision:

Provided, That all fees earned by United States attorneys shall be included in their emolument returns and covered into the Treasury.

Mr. RANDALL. That is wise.

Mr. OATES. I have no objection to that. It covers the point. I withdraw my amendment.

The CHAIRMAN. The amendment of the gentleman from Alabama [Mr. OATES] being withdrawn, the Clerk will read the amendment sent to the desk by the gentleman from Indiana [Mr. BROWNE].

The Clerk read as follows:

Add to line 2, page 93, the words: "*Provided*, That all fees earned by United States attorneys shall be included in their emolument returns and covered into the Treasury."

Mr. SPRINGER. Does that allow the district attorney to retain any of the fees?

Several MEMBERS. No.

Mr. SPRINGER. I think it ought to read: "in excess of the amounts allowed by law."

Mr. OATES. By existing law the district attorneys are allowed to retain as their compensation the amount of their fees up to $6,000; the southern district of New York is an exception, the allowance there being larger.

Mr. BROWNE, of Indiana. At the suggestion of the gentleman from Kansas, I desire to modify my amendment by inserting after the word "fees" the words "or emoluments."

The CHAIRMAN. If there be no objection, the modification will be made.

Mr. SPRINGER. This being a new provision of law, it should provide fees and emoluments in excess of the salary allowed by law shall be covered into the Treasury.

Mr. RYAN. Not in excess of $6,000.

Mr. SPRINGER. That is the provision, that he shall not have anything.

Mr. RYAN. This provides the compensation he receives for his services as United States attorney through fees, or salary, or allowance shall all go into his emolument return to make up $6,000. Is not that right?

Mr. RANDALL. Yes; that is right.

Mr. SPRINGER. If you are going to pay $6,000 all right.

The amendment as modified was again reported.

Mr. BROWNE, of Indiana. A word in addition to what I have already said.

Mr. BYNUM. Will that amendment effect the gentleman's purpose?

Mr. BROWNE, of Indiana. The law provides that the district attorney may retain out of his fees and returns the sum of $6,000. He is required to make an emolument return—a return of his fees and earnings into the Treasury Department. If he earns fees and emoluments in excess of $6,000, then he may be allowed for extra services in the discretion of the Attorney-General; but he is permitted to retain $6,000, and if he earns more than $6,000 then the Attorney-General is allowed in particular cases to allow something beyond that.

Mr. BYNUM. I understand fully, and the only fear I have is that the language of the law will prevent his retaining anything.

Mr. BROWNE, of Indiana. No, sir.

Mr. OATES. There are so many statutes making exceptions as to different attorneys in different districts, it seems to me this is rather blind legislation, and we can not tell what the effect of it will be.

Mr. STEWART, of Georgia. I desire to call the attention of the House to this fact. If this matter is carefully investigated it will be ascertained there are a number of special statutes on this subject, and it will certainly be unwise in this inconsiderate manner to undertake to change the policy of the Government in this respect. This matter was called to the attention of the Judiciary Committee, and I remember that in many of the States there are many statutes regulating the payment of these officers. The gentleman from Indiana [Mr. BROWNE]

will find after this amendment is adopted—if the House shall see proper to do it—it will lead simply to confusion worse confounded. The gentleman will find by investigation there are a number of statutes regulating these payments, special in their character.

I desire to say in addition that I do not fully understand what he means by the word "emoluments." It is true that is a legal term and has a legal signification, but when he says fees and emoluments shall be covered into the Treasury it may be a matter in which he may find himself involved in difficulty when he comes to have the accounts made up.

My opinion is that it is better to let the law remain as it is now. Let these payments under the control of the Department of Justice be covered into the Treasury under existing law. We should not legislate, in my judgment, upon such an important matter in this inconsiderate way.

Mr. BROWNE, of Indiana. The law requires the district attorney every six months to report to the Treasury everything he has earned in every class of cases, dismissed cases, nolle cases, cases of trial by jury, judgments of court, which are all reported in their emolument returns, and are all covered into the Treasury. The district attorney, instead of being paid from the Department here, retains the amount out of his emolument returns. When I was district attorney I was never paid except from my emolument returns.

Now the only effect of this provision is to require the district attorney to cover into the Treasury, in certain cases, fees that for some reason heretofore he has not been in the habit of including in his emolument returns. That is all. He draws his salary just the same under the law as it is.

Gentlemen are mistaken if they suppose that district attorneys are paid by fees in the sense of retaining them. They may retain them, it is true; but they include them in the emolument return, and that emolument return is the measure of their compensation if it does not exceed $6,000. Take an instance: The United States marshal in Indiana makes his emolument returns, and receives his compensation, of course, in the same way. One United States marshal there concluded that he was not under obligation, in accordance with the practice, to return fees received in bankruptcy cases when he rendered his accounts; but the Comptroller refused to audit the account until he included also the bankruptcy fees in his emolument returns, and covered them into the Treasury of the United States.

Now, the effect of the amendment is to provide that he shall return his fees—and I have used the word "emolument" because it covers his earnings, and is perhaps a little more comprehensive than the word "fees"—it contemplates that he shall cover all the earnings of his office into the Treasury of the United States, and the Treasury Department shall audit the account and pay $6,000 a year to the official as his full compensation. That is all. It is not capable of any other construction. It does not contemplate anything else; and there is nothing in the provision which can justify any other construction. There is no confusion about it, nor can there be any.

Mr. RANDALL. Mr. Chairman, it is hardly to be expected that a layman should know exactly what the effect of such propositions are, when that most learned and fraternal of professions, the legal gentlemen of the House, differ so widely. But I venture to suggest that the remedy provided by the Committee on Appropriations, as far as they could go, is the better plan, and ought to be adhered to in the limitation as to the amount of money appropriated for this service. The Judiciary Committee, it seems to me, is the proper source for the cure of such abuses as I have indicated as occurring, or which have taken place in the northern district of California; and I hope at least that the amount fixed by the committee will not be increased.

The question being taken on the amendment of Mr. BROWNE, of Indiana, the committee divided; and there were—ayes 23, noes 41.

So the amendment was rejected.

Mr. SPRINGER. I desire to renew the amendment with an addition which I now send to the desk, as there seems to be some misapprehension in the minds of the committee as to the effect of the amendment.

The Clerk read as follows:

Add the following proviso:
"*Provided*, That all fees and emoluments earned by the United States attorneys shall be included in their emolument return and covered into the Treasury, except the amount of compensation now allowed by law."

Mr. SPRINGER. That makes the provision explicit——

Mr. RANDALL. I fear that if adopted it might by implication recognize exactly what I am trying to prevent.

Mr. SPRINGER. I want them to put all these fees into the emolument returns; but I will modify it to meet what I understand to be the objection of the gentleman from Pennsylvania by striking out the words "and covered into the Treasury."

Mr. RANDALL. I think it would be better to let the Judiciary Committee take charge of that subject and report by a bill. I want to say that there are services now rendered by the district attorneys for which there are no recognized fees provided by statute.

Mr. SPRINGER. I would suggest to the chairman that he allow this provision to pass over temporarily, with the privilege of recurring to it.

Mr. RANDALL. I have no objection to that.

The CHAIRMAN. Without objection, then, the clause will be passed over.

There was no objection.

Mr. OATES. What has become of the amendment of the gentleman from California?

The CHAIRMAN. The Chair understood it to be withdrawn.

Mr. OATES. I refer to the amendment proposed to strike out "three" and insert "ten."

Mr. MORROW. I have not withdrawn that amendment.

The CHAIRMAN. The Chair begs pardon. The Chair was under the impression that it had been withdrawn.

Mr. RANDALL. We do not want to increase that amount.

Mr. MORROW. This is the provision in reference to the Chinese question.

The CHAIRMAN. The Chair will submit the amendment of the gentleman from California to the committee.

The question was taken; and on a division there were—ayes 16, noes 42.

So the amendment was rejected.

The Clerk read as follows:

For payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General at a fixed annual compensation, $105,000.

Mr. OUTHWAITE. I offer the amendment I send to the desk.

The Clerk read as follows:

Insert at the end of the paragraph the words:
"*Provided*, That the respective salaries of such assistants be restored to the amount paid prior to July 1, 1887."

Mr. RANDALL. That is a change, and it belongs to the deficiency bill. It refers to the past and has no place in this bill. We have provided in this $105,000 that they shall receive that additional 20 per cent. allowed on the prior acts making the appropriation.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. RANDALL. I do.

Mr. OUTHWAITE. I do not think the gentleman from Pennsylvania understood the amendment.

Mr. RANDALL. I think I did.

Mr. OUTHWAITE. The amendment does not provide for paying them for the time which is passed. It only emphasizes the declaration of the committee.

Mr. RANDALL. The committee have emphasized this by giving $105,000 so that the assistants will get the additional $20,000 during the coming year. That is as far as we want to go.

Mr. OUTHWAITE. That is as far as the amendment I offered goes.

Mr. RANDALL. It is not necessary. We have provided that all he regular assistants shall get the 20 per cent. of which they have been deprived because of the fact that part of the fund was, whether unnecessarily and improperly or not I can not say, taken for special attorneys.

Mr. OUTHWAITE. I want to say to the chairman of the committee that this amendment, as I believe, is directly in accord with the plan of the committee. It goes no further and proposes nothing but a distinct declaration——

Mr. RANDALL. Oh, well, we do not want to legislate in that connection. We will take care of that 20 per cent. and emphasize it when the deficiency bill comes in.

Mr. OUTHWAITE. Then, Mr. Chairman, I address myself to the Chair on the point of order. The proposition is:

Provided, That the respective salaries of such assistants be restored to the amount paid prior to July 1, 1887.

Mr. RYAN. May I interrupt the gentleman for a moment?

Mr. OUTHWAITE. You may.

Mr. RYAN. The Department reduced all the assistants 20 per cent. for the current year. They did so because, as they claim, of an inadequate appropriation. The committee was informed that at present the aggregate amount that is being paid out to the regular assistants is $85,000. The amount of the 20 per cent. reduction was about $20,000. So the committee added that $20,000 to the $85,000 that is now being paid to the regular assistants, in order that the Department might restore the 20 per cent. that has been taken from these officers.

Mr. OUTHWAITE. I understand that. It was done in order that the Department might restore the salaries.

Now, I will address myself to the question whether this amendment is subject to the point of order. At the date of July 1, 1887, these assistants were receiving certain salaries in conformity with existing law. The Department of Justice having paid out or proposing to pay out larger sums to other assistants appointed by that Department, cut off without action of Congress, without action of law, the salaries of these assistants. Now, I think clearly the committee have appropriated a sum sufficient to restore that 20 per cent. But there is no declaration in the existing bill that the Department shall do so. My amendment is simply a declaration that they shall comply with existing law.

Mr. RANDALL. I only want to say, the amendment interferes with the discretion of the Department—that discretion which now rests with the Attorney-General under the law. The amendment changes the law in that particular. Will the Chair decide the point of order?

The CHAIRMAN. Was the reduction made by departmental action?

Mr. RANDALL. There is a discretion provided in the act in that connection. At least I presume so, because the Attorney-General would not violate the law. He is an officer to execute and administer the law.

The CHAIRMAN. The Chair will state that if there was a discretion given in the law for the reduction, if the Attorney-General followed that discretion, and if it is proposed by the amendment to take away that discretion by forcing the payment of a certain amount, the amendment would change existing law. But in the absence of the statute the Chair is unable to state how that is.

Mr. OUTHWAITE. As I understand the statement of the gentleman from Kansas [Mr. RYAN], who is a member of the Committee on Appropriations, the object in making this appropriation, both in the language used and in the amount fixed, was that the Department should restore these salaries. I think the language of the bill itself is just as much subject to the point of order as being new legislation as is the proviso I propose to place in it.

Mr. RANDALL. Not at all.

Mr. OUTHWAITE. Was it not and is it not the purpose of your committee that the Department should restore these salaries to what they were July 1, 1887.

Mr. RANDALL. No, sir; we give them the money that will enable them to do it, but we do not say they shall do it.

Mr. RYAN. That is true; but the object of adding that $20,000 was to enable the Department to restore the 20 per cent. to the officers from whom it had been taken.

Mr. RANDALL. I can understand that in some of these cases the Attorney-General might not want to restore the old salary, on account of the inefficiency of the officer or some other reason.

Mr. OUTHWAITE. I see that objection to the proviso.

Mr. RANDALL. I am willing to leave it as the law now is, to the discretion of the Attorney-General. Let us content ourselves with returning the amount of money that was taken from that fund to go to the regular assistants. We have separated the appropriation so that the amount fixed ($105,000) for those assistants shall not be diverted to other objects.

The CHAIRMAN. Will the gentleman from Pennsylvania [Mr. RANDALL] or the gentleman from Ohio [Mr. OUTHWAITE] give the Chair a reference to the statute under which the reduction was made? The amendment takes away all discretion as to the reduction.

Mr. RYAN. It grows out of the very law that authorizes him to fix the salary. He refixes the salary, and fixes it at the reduced figure. That is where he gets the power to make the reduction of 20 per cent., and that is the method by which the reduction was made.

The CHAIRMAN. The reduction was made by refixing the salary, and the statute allows him to adjust the salary?

Mr. RYAN. Yes, in his discretion.

The CHAIRMAN. Then, that being so, the Chair will be compelled to hold that the point of order is well taken, because the proviso compels this official to pay to these officers not what is proper in his discretion, but what he was paying prior to the reduction. Therefore, if the law is as the gentleman says, the Chair is compelled to hold that the proviso would change existing law in that it would take away this discretion. The Chair therefore sustains the point of order.

Mr. BUCHANAN. I move to strike out the last word, and I do it almost entirely for the purpose of obtaining information. I understand that the payments to assistant attorneys have heretofore been included in one item. I find that in this bill they are divided into two items, one being for the regular assistants, an appropriation of $105,000, and the other for what may be termed special assistants, $10,000 additional, aggregating $115,000. Now, I find by Executive Document No. 208 that the fees of assistant attorneys, as given therein, were for 1885, in round numbers, $90,000; for 1886, $98,500; for 1887, $98,645; and on turning to the report of the committee, I find a letter from Comptroller Durham, under date of March 9, 1888, where he gives the special cases in which services were rendered and the fees allowed therein, aggregating in round numbers $5,009. By adding that to $98,600, I get an aggregate of $103,600, instead of $115,000. I do not know that I have included all the items, but I do know that from the information furnished by the officials and by the committee it would seem as though there was an increase in the aggregate allowance. When I say the "aggregate allowance" I mean the allowances to the regular assistants and the special assistants united.

I may be wrong in this, but I am confirmed in my idea that there is an increase here, by turning to another letter of Comptroller Durham, under date June 9, 1888, where he suggests this division of the appropriation under these two heads, one for the regular assistants and the other for the special assistants. His suggestion is that the appropriation for the regular assistants should be $100,000, whereas the committee have reported it as $105,000. I understand the chairman of the Committee on Appropriations well enough to hesitate to believe that he would recommend an increase unless the needs of the service imperatively demanded it.

Mr. RANDALL. I think the gentleman from New Jersey [Mr. BUCHANAN] misapprehends the reference of the First Comptroller in his letter of March 9. That letter, with the table attached, applies to salaries paid to regular attorneys outside of their regular compensation, and the "special" amount that has been expended is much greater than that.

Mr. BUCHANAN. But where in these documents is there any specifications of the "special" amount which has been expended, to whom it has gone, and in what amounts? I must say that I have searched carefully every document within my reach but have failed to get the information, and I want to know where this difference is.

Mr. RANDALL. In order to simplify the matter we have provided, first, in a paragraph for the salaries of the district attorneys; next, for the regular assistants, who are paid an annual compensation; and third, for other assistants, who may be characterized as specials. I ask to have read a communication from the Attorney-General——

Mr. BUCHANAN. I understand that that is so in the bill, but I have given the figures as they were in 1885, 1886, and 1887; and in 1887, with the special allowances, they aggregated only $103,600, whereas these two items in the bill make $115,000.

Mr. RYAN. But you are mistaken; they aggregate more; those are for the regular assistants.

Mr. BUCHANAN. I am speaking of the special assistants.

Mr. RYAN. But those figures refer to the regular assistants, not the special assistants.

Mr. BUCHANAN. I wish to know what document gives us any light as to what special assistants have been employed during the past two years and their compensation. Can the chairman of the Committee on Appropriations give us that information?

Mr. RANDALL. I have not that information at hand; but the gentleman can get it.

Mr. BUCHANAN. Where?

Mr. RANDALL. A document which I hold in my hand shows the regular assistants for the last three years.

Mr. BUCHANAN. But it is well known there have been special cases prosecuted under the authority of the Department of Justice for the last two years. I want to know whether there is any appropriation in this bill for that purpose, and whether there is accessible to members any report giving the payments made on account of such services.

Mr. RANDALL. My information—and I want to speak with care, because I have to rely exclusively on my memory—is that heretofore there has been about $55,000 expended in other directions than as provided for, by reason of the two funds being put together, necessitating the 20 per cent. reduction to which allusion has been made. The committee want to break up that system, and in the very next paragraph of the bill have provided that $10,000 shall be the extent of the expense to which the Government shall be put in this connection.

Mr. BUCHANAN. I am in sympathy with the object of the committee, but I want to know——

[Here the hammer fell.]

Mr. BUCHANAN. I move to strike out the last two words. I want to know whether there is any document or report which will inform us what those $55,000 went for.

Mr. RANDALL. There is not in this report anything which will give that information; but the information is accessible to the gentleman from New Jersey.

Mr. OUTHWAITE. I take the liberty of stating to the gentleman from New Jersey that on page 193 of the annual report of the Attorney-General of the United States for 1887 he will find the information he desires.

Mr. BUCHANAN. I will examine that further on. I will now ask the chairman of the Committee on Appropriations another question. As I have stated, I find by the document I hold in my hand that in 1885 the compensation to these regular assistants was, in round numbers, $90,000; in 1887 it jumped up to more than $98,000; and now it is proposed to appropriate $105,000. Why the increase?

Mr. RANDALL. I can only say that is the statement which has come to us from the Department. We have simplified it so that those assistants shall get what they received prior to the reduction which was made by the Attorney-General or the President—I do not know which.

Mr. BUCHANAN. But Comptroller Maynard, in a letter of June 9, recommends an appropriation under this item of only $100,000; yet the committee has put it at $105,000.

Mr. RANDALL. We have made the appropriation separate and distinct, so that under this paragraph no money can go to pay exorbitant fees for special counsel.

Mr. BUCHANAN. I understand that. You follow the Comptroller's suggestion as to form, but exceed it as to figures.

Mr. RANDALL. I guess not.

Mr. RYAN. The gentleman from New Jersey [Mr. BUCHANAN] labors under a misapprehension.

Mr. BUCHANAN. Here is the letter, which I ask the gentleman to read.

Mr. RYAN. It does not matter what the letter says.

Mr. BUCHANAN. It does matter what the letter says when the gentleman disputes my statement based upon that letter.

Mr. RYAN. We have ascertained from the actual expenditures in the Department that $85,000 is now being paid to the regular assist-

ants, and the deduction of 20 per cent. for the last year amounted to $20,000. We have added $20,000 to the $85,000 in order to restore the 20 per cent.

Mr. BUCHANAN. I will read the letter of the Comptroller:

I am unable to give you exact figures for this year; but I suggest the appropriation for regular assistants ought to be about $100,000.

Mr. RYAN. "About."

Mr. BUCHANAN. I did not know that this committee ever exceeded the estimates.

The CHAIRMAN. The Chair understands that the *pro forma* amendment is withdrawn.

The Clerk read as follows:

For payment of assistants to United States district attorneys who are employed by the Attorney-General to aid district attorneys in special cases, $10,000.

Mr. SOWDEN. I move to strike out the paragraph just read. It seems to me, Mr. Chairman, that the vicious practice which has grown up of employing special attorneys under the Department of Justice should be discontinued. The report of the Attorney-General for the last year indicates the number of these special attorneys and the extraordinary expense attending their employment. I have before me an itemized account of the exorbitant charges of one of these special counsel, Grosvenor P. Lowery. I see by the bill of items which he rendered to the Department of Justice, and which was certified to the Treasury Department——

Mr. RANDALL. I submit to the gentleman that in this bill we provide against the recurrence of those large expenditures to which I suppose the gentleman is going to refer.

Mr. SOWDEN. I say that this gentleman charges—

To special services in accordance with terms of contract, attendance upon court at the adjourned June term in September, 1886, at Cincinnati, an argument of motion to dismiss and plea in abatement of the defendant, the American Bell Telephone Company, $500.

That is what he charges as per contract. I go back and examine the bill of particulars, and I find on the 16th of September he charges $75 for ten hours' work, and that he—

Went to Cincinnati at 7 p. m., arrived at Cincinnati at 6 in the morning, 17th, and charged $100.

In other words, he charged $100 while sleeping *en route* to Cincinnati. On another page of his bill I find he charges for traveling and other expenses for himself and clerk to Cincinnati and return, September 16, $171.50.

Here is his account and letter of Assistant Secretary Thompson transmitting the same to me. It deserves the careful examination of every member of this House before we vote for any further appropriations of this character.

TREASURY DEPARTMENT, *March* 12, 1888.

SIR: In compliance with your request of the 6th instant, I have the honor to transmit herewith a certified copy of an account No. 100436 for $5,783.45 in favor of Grosvenor Lowery for services as an attorney in the case of the United States *vs.* The American Bell Telephone Company.

Respectfully yours,

HUGH S. THOMPSON, *Assistant Secretary.*

Hon. WILLIAM H. SOWDEN,
House of Representatives.

[Office of the Register of the Treasury. Form 1*a*.]

TRANSCRIPT CERTIFICATE.

TREASURY DEPARTMENT, REGISTER'S OFFICE,
Washington, D. C., March 10, 1888.

Pursuant to section 886 of the Revised Statutes of the United States, I, W. S. Rosecrans, Register of the Treasury Department, do hereby certify that the annexed is a transcript from the books and proceedings of the Treasury Department, and true copies of the originals on file in the case of G. P. Lowrey, special assistant United States attorney for the southern district of Ohio.

W. S. ROSECRANS, *Register.*
A. H.

Be it remembered that William S. Rosecrans, esq., who certified the annexed transcript, is now, and was at the time of doing so, Register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof I, Hugh S. Thompson, Acting Secretary of the Treasury of the United States, have hereunto subscribed my name and caused to be affixed the seal of this Department, at the city of Washington, this 10th day of March, in the year of our Lord 1888.

[SEAL.]

HUGH S. THOMPSON,
Acting Secretary of the Treasury.

[No. 100436. Recorded December 20, 1886.]

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
December 18, 1886.

I hereby certify that I have examined and adjusted an account between the United States and G. P. Lowrey, special assistant United States attorney for the southern district of Ohio, and find that the sum of $5,783.45 is due from the United States to him for services and expenses in the case of the United States *vs.* The American Bell Telephone Company *et als.*, in full to December 6, 1886, which sum is payable from the appropriation for fees of district attorneys United States courts, 1887, as appears from the statement and vouchers herewith transmitted for the decision of the First Comptroller of the Treasury thereon.

JAS. Q. CHENOWETH, *First Auditor.*

To the FIRST COMPTROLLER OF THE TREASURY.

FIRST COMPTROLLER'S OFFICE.

I admit and certify the above balance this 28th day of December, 1886.

[SEAL.]

J. R. GARRISON,
Acting First Comptroller.

To the REGISTER OF THE TREASURY,
Draft to 15 Broad street, New York.

No. 15 BROAD STREET, NEW YORK, *December* 6, 1886.

The Department of Justice, to Grosvenor P. Lowrey, Dr.

To balance due as per bill rendered for services and disbursements to April 7, 1886, bill attached	$1,424.83
To professional services to and including December 6, 1886, as per accompanying memorandum	5,160.00
To disbursements as per statement herewith	698.62
To special service per contract, bill herewith	500.00
	7,783.45

The Solicitor-General says the approval for $5,783.45 is intended to cover all services, etc., not heretofore paid up to the date of December 6, 1886.

FIRST AUDITOR'S OFFICE, *December* 18, 1886.

R. M. COUSAR.

FIRST COMPTROLLER'S OFFICE, *December* 28, 1886.

[SEAL.]

L. SARGEANT.

No. 15 BROAD STREET, NEW YORK, *December* 6, 1886.

The Department of Justice to Grosvenor P. Lowrey, Dr.

To amount of bill rendered for services and disbursments to April 7, 1886	$3,424.83
Cr.	
By check dated April 29, 1886	2,000.00
Balance due	1,424.83

No. 15 BROAD STREET, NEW YORK, *December* 6, 1886.

The Department of Justice to Grosvenor P. Lowrey, Dr.

To services rendered in United States *vs.* American Bell Telephone Company *et al.*, upon the dates mentioned, consisting of study and examination of questions affecting all the issues in this case, in company with other counsel and experts; examination of the records of evidence in other cases with view to preparation of testimony in this case; advice concerning questions of pleadings, motion to dismiss, etc.; conduct of experiments with Reis and other instruments; and various other physical experiments with view to proof of the same:

1886.		
June 15.	At New York, 2 hours	$30.00
June 16.	At New York, 5 hours	75.00
June 17.	At New York, 2½ hours	37.00
June 18.	At New York, 5½ hours	75.00
June 19.	At New York, 1½ hours	22.50
June 22.	At Washington	100.00
June 23.	At New York, 14 hours	75.00
Sept. 2.	At New York, engaged in examination of papers in motion for leave to file plea, 12½ hours	75.00
Sept 3.	At New York, Cincinnati motions, 4 hours	60.00
Sept. 4.	At New York, on plea in abatement and in bar, 8 hours	75.00
Sept. 6.	At New York, on plea in abatement and in bar, 3 hours	45.00
Sept. 7.	At New York, on plea in abatement and in bar, 5 hours	75.00
Sept. 8.	Consultations with Mr. Chandler, Mr. Stone, and at Bar Association in respect to Cincinnati motions, 11 hours	75.00
Sept. 9.	At New York, Cincinnati motions, 8 hours	75.00
Sept. 10.	At New York, Cincinnati motions, 6 hours	75.00
Sept. 11.	At New York, Cincinnati motions, 2 hours	30.00
Sept. 13.	At New York, Cincinnati motions, 16 hours	75.00
Sept. 14.	At New York, Cincinnati motions, 14 hours	75.00
Sept. 15.	At New York, Cincinnati motions, 14 hours	75.00
Sept. 16.	At New York, Cincinnati motions, 10 hours [Went to Cincinnati at 7 p. m.]	75.00
Sept. 17.	Arrived at Cincinnati this evening	100.00
Sept. 18.	At Cincinnati, in consultation with other counsel and attendance in court	100.00
Sept. 20.	At Cincinnati, in consultation with other counsel and attendance in court	100.00
Sept. 21.	At Cincinnati, in consultation with other counsel and attendance in court	100.00
Sept. 22.	At Cincinnati, in consultation with other counsel and attendance in court	100.00
Sept. 23.	At Cincinnati, in consultation with other counsel and attendance in court	100.00
Sept. 24.	At Cincinnati, in consultation with other counsel and attendance in court	100.00
Sept. 25.	At Cincinnati; remained over to attend to printing	100.00
Sept. 27.	Traveling all day; arrived at New York evening	100.00
Oct. 18.	At New York, 12 hours	75.00
Oct. 19.	At New York, 12½ hours	75.00
Oct. 20.	At New York, 14 hours	75.00
Oct. 21.	At New York, 4 hours	60.00
Oct. 22.	At New York, 2 hours	30.00
Oct. 23.	At New York, 3 hours	45.00
Oct. 25.	At New York, 4 hours	60.00
Oct. 26.	At New York, 2 hours	30.00
Oct. 27.	At New York, 3 hours	45.00
Oct. 28.	At New York, 5 hours	75.00
Oct. 29.	At New York, 5 hours	75.00
Oct. 30.	At New York, 12 hours	75.00
Nov. 2.	At New York, 3 hours	45.00
Nov. 3.	At New York, 13 hours	75.00
Nov. 4.	At New York, 5 hours	75.00
Nov. 5.	At New York, 5 hours	75.00
Nov. 6.	At New York, 6 hours	75.00
Nov. 8.	At New York, 3 hours	45.00
Nov. 9.	At New York, 5 hours	75.00
Nov. 10.	At New York, 6 hours	75.00
Nov. 11.	At New York, 12 hours	75.00
Nov. 12.	At New York, 14 hours	75.00
Nov. 13.	At New York, 12 hours	75.00
Nov. 15.	At New York, 12 hours	75.00
Nov. 16.	At New York, 14 hours	75.00
Nov. 17.	At New York, 12 hours	75.00
Nov. 18.	At New York, 8 hours	75.00
Nov. 19.	At New York, 10 hours	75.00
Nov. 20.	At New York, 5 hours	75.00
Nov. 22.	At New York, 10 hours	75.00
Nov. 23.	At New York, 8 hours	75.00
Nov. 24.	At New York, 10 hours	75.00
Nov. 25.	At New York, 10 hours	75.00
Nov. 26.	At New York, 10 hours	75.00
Nov. 27.	At New York, 14 hours	75.00
Nov. 29.	At New York, 8 hours	75.00

1886.

Nov.	30.	At New York, 12 hours	$75.00
Dec.	1.	At New York, 10 hours	75.00
Dec.	2.	At New York, 10 hours	75.00
Dec.	3.	At New York, 10 hours	75.00
		[Left for Columbus at 7 p. m.]	
Dec.	4.	En route for Columbus	100.00
Dec.	6.	At Columbus; returned home, arriving at 12 p. m	100.00
			5,160.00

No. 15 BROAD STREET, NEW YORK, *December* 6, 1886.

The Department of Justice to Grosvenor P. Lowrey, Dr.

1886.

For disbursements made for your account to date, namely:

June	22.	Traveling and other expenses to Washington and return, Mr. Lowrey and clerk		$13.80
July	23.	Cablegrams to Mr. Stetson, from June 23 to July 28		20.22
Sept.	16.	Shotwell, stenographer at New York, as per voucher attached		13.80
Sept.	16.	Traveling and other expenses to Cincinnati and return, Mr. Lowrey and clerk		171.50
Sept.	25.	Printing of Mr. Lowrey's brief-notes, Cincinnati, as per voucher attached		75.00
Oct.	5.	F. M. Adams, stenographer, services at Cincinnati, as per voucher attached		63.00
Oct.	5.	Burgoyne, printing, as per voucher attached	$192.00	
Oct.	5.	Less proportion paid by Bell Telephone Company for copies desired by them, under their request that of all papers printed by the Government a certain number of copies should be delivered to them in unbound sheets	37.88	
				154.12
Dec.	5.	Traveling and other expenses to Columbus and return, Mr. Lowrey alone		52.15
Dec.	5.	Type-writing, overwork, etc., by Palmer and others, for which no vouchers can be given		78.14
		Small expenses on various dates, namely, messengers, telegrams, postage, express, etc		26.80
				698.62

No. 15 BROAD STREET, NEW YORK, *December* 6, 1886.

The Department of Justice to Grosvenor P. Lowrey, Dr.

To special services in accordance with terms of contract, attendance upon court at the adjourned June term in September, 1886, at Cincinnati, and argument of motions to dismiss and plea in abatement of the defendant, the American Bell Telephone Company $500.00

WORMLEY'S HOTEL, *Washington, D. C., June* 22, 1886.

Mr. Lowrey and clerk to JAMES WORMLEY'S SONS, Dr.

To board and room $5.00

Received payment.

JAS. WORMLEY'S SONS.

NEW YORK, *September* 16, 1886.

Mr. Grosvenor P. Lowrey, 121 Madison avenue, New York City, to George M. Shotwell, stenographer, 82 Fulton street, Dr.

Sept.	13.	To forty folios, at 15 cents	$6.00
		To one hour's dictation	1.00
Sept.	15.	To services (five hours)	5.00
		To use of type-writer and cartage	1.80
			13.80

Received payment.

GEO. M. SHOTWELL,
Per F. H. RILEY.

O. K.—W. W. P. Ch. Gov. Sel.

CINCINNATI, *September* 25, 1886.

United States Department Justice to the Ohio Valley Publishing and Manufacturing Company (office, No. 143 Race street, first building below Fourth; telephone No. 5021), Dr.

200 copies of brief of Judge Lowrey, United States *vs.* American Bell Telephone Company $75.00

Paid September 25, 1886.

O. V. P. M. Co.
A. J. J.

CINCINNATI, *September* 26, 1886.

Mr. G. P. Lowrey and secretary to Gibson House, Dr.

Bills payable weekly.

Room 234, 8¾ days, at $8 ..... $70.00

Paid.

GIBSON HOUSE COMPANY,
Per TALTY.

[Stenographer and law reporter. Tribune building, New York.]

UNITED STATES CIRCUIT COURT.

The United States *vs.* American Bell Telephone Company *et al.*

Before Jackson, Sage, and Welker, J. J.

NEW YORK, *October* 5, 1886.

Grosvenor Lowrey, esq., to F. M. Adams, Dr.

To furnishing copy of Mr. Lowrey's remarks in above at Cincinnati, September 21, 1886, 360 folios at 17½ cents $63.00

Correct. G. P. L.

Charge to United States.

NEW YORK, *October* 11, 1886.

Messrs. Lowrey, Stone and Auerbach, law telephone 587, to Burgoyne's Quick Printing House, 146-150 Centre street, Dr.

To Government telephone suit, 400 copies argument of Mr. Lowrey	$151.50
Alterations and extra proofs, 73 hours	36.50
Canceled 5 pages	4.00
	192.00

O. K.—W. W. P.

CITY AND COUNTY OF NEW YORK:

Grosvenor P. Lowrey, being duly sworn, says: The accompanying account against the Department of Justice for professional services and disbursements in the case of The United States *vs.* The American Bell Telephone Company, and also the bill for amount of balance due for services and disbursements April 7, 1886, in the same case, all bills being dated December 6, 1886, are true and correct in all respects.

The account is made out under employment of February 3, 1886; the times charged in both bills were actually and necessarily employed in investigating the matters embraced in the terms of my employment; the travel, correspondence, telegrams, etc., were necessary to the same.

The gross sum charged, being $7,783.45, is justly due, and no part thereof has been paid; and all available vouchers for outlays and disbursements have been secured and are annexed to the bills, including the bill rendered April 7, 1886.

GROSVENOR P. LOWREY.

Sworn to and subscribed before me, this fifth day of December, 1886.

JOS. T. BROWN,
Notary Public, N. Y. C.

COLUMBUS, OHIO, *December* 5, 1886.

Mr. G. Lowrey to Neil House, Dr.

McKinnie & Son, proprietors.] [H. McKinnie, F. H. McKinnie.

To 1½ days' board	$5.00	
To 2 fires	1.50	
To messenger boy	.15	
To railroad ticket	16.25	
	$22.90	
Section*	*6.00	*6.00
		*28.90

Paid.

McKINNIE & SON,
Per C.

* In pencil.

No. 109436. Department of Justice, southern district of Ohio.

Statement:
Received December 17, 1886.
Dated December 16, 188-.
From Special Assistant United States Attorney G. P. Lowrey.
Appointment February 3, 1886.
Oath April 2, 1886.
Subject, 1887:

$7,783.45. Services and expenses from April 7, 1886, to December 6, 1886, including balance due April 7, 1886, in United States *vs.* The American Bell Telephone Company *et al.*, being compensation per agreement.

Action:

DEPARTMENT OF JUSTICE, *December* 18, 1886.

I hereby certify that such services were actually rendered, and that the same could not be performed by the Attorney-General, or Solicitor-General, or the officers of the Department of Justice, or by the district attorneys.

This account is approved for $5,783.45, and respectfully referred to the First Auditor of the Treasury, payment to be made from fees United States attorneys fund, 1887, to G. P. Lowrey, 15 Broad street, New York City, N. Y.

[SEAL.] G. A. JENKS,
Acting Attorney-General.

This account speaks for itself, and needs no further comments at my hand.

Mr. RANDALL. If my colleague will examine the amount appropriated in this bill, he will find that it will prevent anything of this kind being done hereafter.

Mr. SOWDEN. Mr. Chairman, I find that there has already been paid to special attorneys in this one case an amount exceeding $40,000. In my judgment it is time to call a halt on such expenditures.

Mr. RANDALL. That is what the committee have done.

Mr. SOWDEN. I am glad to hear it. It should have been done long ago. It seems to me that my amendment ought to prevail. Over $40,000 has already been paid these special attorneys, and according to the statement before me, from the Treasury Department, Mr. Lowrey still claims $911.12.

Mr. RANDALL. The claim to which the gentleman refers is not covered by this bill, but will have to be provided for in the deficiency bill. I am advised there is an item of $20,000 in the deficiency estimates.

Mr. SOWDEN. I hope my colleague will see to it that no appropriation is made for any such purpose.

Mr. RANDALL. The amount in the pending bill, as the gentleman will find by looking at it, will prevent anything of the kind during the coming fiscal year.

Mr. SOWDEN. But we ought to see that this balance for which this man makes claim should not be paid to him.

Mr. RANDALL. "Sufficient unto the day is the evil thereof."

Mr. OATES. The gentleman from Pennsylvania, in support of his motion, discussed only estimates put in by the Attorney-General in the employment of counsel in the prosecution of what is known as the telephone case. The suit was brought and contracts entered into by Mr. Goode, except as to the contract made with him after he went out of office. Subsequent contracts in reference to suit in United States court in Massachusetts were made by the present Solicitor-General, Mr. Jenks.

And, sir, when any gentleman looks into the character of that litigation and the character of talent necessary in order to prosecute the suit properly he can not object to these expenditures.

It is true in the case of Lowrey the expenditure seems to be not in accord with the charges made by other attorneys, but in excess of them. I have not the official information at hand, but it is a fact,

nevertheless, that his services have been dispensed with, and he is no longer in the employment of the Government in that case. So, too, Mr. Goode has ceased to have any connection with the prosecution of that case, which has not been finally disposed of, but is still pending on an appeal before the Supreme Court. And it is necessary to retain, for the proper prosecution of it, all of the other counsel that the Solicitor-General, acting as Attorney-General in this matter on account of the disability of the Attorney-General from interest, has employed.

So instead of striking out the $10,000 which the committee has seen proper to report, that amount should be at least multiplied by four. It is too small, sir, for a proper compensation of the attorneys in this particular case. In addition to that we have but to look over the report of the Attorney-General and we will see that special attorneys are employed, and necessarily so, in other litigations in which the Government is largely interested. One suit in the State of California alone involves the interest of the Government to the extent of some two million of dollars, and we see by the report that Mr. D. M. Delmas, a lawyer of eminent ability in San Francisco, has been employed at a rate of compensation fixed at $100 a day.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OATES. I move to strike out the last word.

Now, sir, from the very character of that suit, which is instituted to recover damages of the Nevada Lumber Company for cutting timber and trespassing upon the lands of the United States, vast numbers of witnesses will be called upon to testify. During the present session money has been appropriated to pay for land surveys in order to have correct and accurate evidence in the case. There will be hundreds of witnesses, and it will take many days in time to prosecute the suit, and a large amount of money to pay the necessary expenses.

Mr. Chairman, the appropriation of $10,000, I repeat, is wholly insufficient to meet the expenses necessarily involved in these cases alone; and the Government ought not to trust entirely to the ability of the district attorney in the prosecution of cases involving such vast interests.

But a few words now in reference to the telephone litigation. I believe I am the only member upon this floor who was engaged in the special investigation of the telephone matters for about four months, under a resolution adopted by the last Congress. I ought to know something of the litigation which has been instituted in those cases; but it is sufficient to say at present that the first suit brought at the instance of the Solicitor-General, Mr. Goode, was dismissed, it was understood at the instance of the President, because it had not been referred to the Department of the Interior, which was the practice then prevailing.

Then another application was made, and the Secretary of the Interior summoned both his assistant and the Commissioner of Patents, and invited the Bell Telephone Company with the other competing companies interested to appear, all of whom came before them, and they had a hearing day after day, represented on both sides by the ablest counsel in the United States for a long time. Testimony was taken which formed a volume of many hundreds of pages; and after this full investigation by these officials, and after the First Assistant and the Commissioner of Patents all delivering opinions without consultation to the Secretary of the Interior, they were all of opinion, as well as the Secretary himself, that this suit ought to be brought in the interest of the people at large, on the allegation of facts tending to show that the patent was obtained by fraud, that it was not the invention of the original patentee, and that therefore a great monopoly with an aggregated capital amounting to some two hundred millions of money ought not to be permitted to continue its business if these allegations were true. And it was but just to the people of the United States that a suit should be brought at the instance of the Government, that being the only character of suit in which there could be an annulment of the patent in such a case.

In the other suits that had been brought and were pending in the Supreme Court, but which were recently decided, they were brought under the law which permitted them only for infringement, and the main question underlying was incidentally and not directly involved, and has never yet been decided. That question has never as yet been decided, important though it may be, by the Supreme Court; and while this committee deny to the Acting Attorney-General, Mr. Jenks, a sufficient sum of money to retain the services of efficient counsel in order to prosecute that suit to a final termination there can be no decision. It seems to me most unwise.

The gentleman from Pennsylvania [Mr. SOWDEN] complains that some $40,000 have already been paid to counsel. Well, suppose it be true that $40,000 has been paid to counsel; suppose that a greater amount was paid than ought to have been paid in the judgment of the gentleman from Pennsylvania, that is no reason to stop here and deny an appropriation which would be practically ordering a dismissal of the cases on the part of the Government. But we should appropriate money enough to enable the Acting Attorney-General in that matter to prosecute the case to a final decision, as well as the other important suit to which I have called attention in California, and several minor ones, for which the sum of $10,000 here appropriated is utterly insufficient.

Mr. RANDALL. I can state to the House that there was paid about $40,000; and as I understand it there is a deficiency asked for on account of assistant attorneys of $25,000 more. Now, it occurred to me that amount might not go to the regular assistant attorneys but to the special assistants. How much it will be I do not know because I have not examined the papers; but it occurs to me that $40,000 to these attorneys is sufficient compensation to enable them to pursue this case to the end, in connection with what is here provided for. We have divided the appropriation so that the amount provided for the regular assistants shall not be disturbed, and separate provision is made for the special attorneys. I think $10,000 is quite adequate for that purpose. We do not know or believe that a case is likely to occur again of so great magnitude as the one to which the gentleman has alluded.

Mr. OATES. The gentleman from Pennsylvania is doubtless aware of what I stated I knew unofficially, that the services of Mr. Lowrey and Mr. Goode have ceased. Mr. Goode has been paid in full.

Mr. RANDALL. I have a letter here, dated March 8, from the Department of Justice, which, after reciting that $38,591.74 has been paid, says the balance unpaid, as near as can be stated or estimated, is as follows: To John Goode, $5,000——

Mr. OATES. Not $5,000.

Mr. RANDALL. No; six days at the rate of $5,000. The amount due to Mr. Lowrey is $911. The letter goes on to state that Hon. A. G. Thurman has not rendered his bill for services in the case at Boston. This shows there must be some balance due.

Mr. OATES. Doubtless there is some balance due; but the two gentlemen to whom I have referred, Goode and Lowrey, have ceased their connection with the case. Probably Judge Thurman's connection will terminate also.

Mr. RANDALL. We thought $10,000 was enough for this purpose.

Mr. OATES. When you examine the contracts existing as to the other attorneys——

Mr. RANDALL. I want to say, in justice to the gentleman from Alabama [Mr. OATES], that I confirm his statement that the Attorney-General has had no connection whatever with the cases; that all the proceedings have been conducted under the direction of the Solicitor-General.

Mr. OATES. The Solicitor-General has had charge of all the proceedings.

Mr. RANDALL. Whether the Solicitor-General conferred with any other officer of the Government or not I do not know. It has been intimated he did.

Mr. SPRINGER. What is the pending question?

The CHAIRMAN. The pending question is the motion of the gentleman from Pennsylvania to strike out lines 7, 8, and 9.

Mr. SPRINGER. I am opposed to the motion to strike out. When opportunity is given I want to move to increase the amount.

The CHAIRMAN. Debate on the pending amendment is exhausted. The *pro forma* amendment is withdrawn.

Mr. SOWDEN. I renew it. I agree with the gentleman from Alabama in what he has to say in reference to the importance of the case of the United States against the Bell Telephone Company; but I take issue with him when he proposes to defend the immensely large sums of fees charged by these special attorneys, and more particularly the fees charged by Mr. Lowrey.

I say his claim is wholly unjustifiable. He charged $500 for attorney fees while attending court at Cincinnati—$100 a day while there—besides $8 a day for hotel expenses, and $171.50 for traveling expenses to and from Cincinnati for himself and clerk. This charge is beyond all reason, and I hope the House will refuse to appropriate any further money with which to meet his demands. I would like to know, Mr. Chairman, by what authority these special attorneys are employed through the Solicitor-General. If I correctly understand the act of 1870, under which these attorneys are employed, they can only be employed by the Attorney-General himself. No compensation can be allowed to any person besides the respective district attorneys and assistant district attorneys for service as attorney or counsel to the United States or to any branch or department of the Government, except in cases specially authorized by law, and then only on the certificate of the Attorney-General that such services were actually rendered, and that the same could not be performed by the Attorney-General or Solicitor-General, or the officers of the Department of Justice, or by the district attorneys.

I would like to know, Mr. Chairman, whether the district attorneys representing the Government in the different districts of the United States, together with their assistants, are incapable of properly representing the Government in these suits? Is it true that the Attorney-General with his corps of able assistants or deputy attorneys-general, with the Solicitor-General and his assistants, can not perform this work? As I understand the law, the Solicitor-General, or any officer of the Department of Justice, may be sent by the Attorney-General to any State or district in the United States to attend to the interests of the United States in any suit pending in any of the courts of the United States or in the courts of any State. Why can not the Solicitor-General or some other officer of the Department of Justice be sent into the different States or districts of the United States where suits are pending in which the United States have an interest, and assist the United States district

attorneys where they are incapable properly to represent the interests of the Government? Thus these extraordinary expenses might be saved to the people. Forty thousand dollars to $60,000 for special counsel fees in a single case is entirely too much, and can not be regarded as proper economy in the management of the Department of Justice under this Administration.

Mr. BUCHANAN. On examining the report of the Attorney-General to which I was referred, I find there is scarcely any information furnished upon the point about which I inquired. The names of the special counsel are stated, but that is all. There is no statement of what is paid them. The statement is that compensation is to be fixed by the Department of Justice. Now, as is well understood, in this Hall for some time past, and to-day as we have been sitting here, the thermometer has mounted up into the nineties. And when the suggestion was made by the gentleman from Alabama [Mr. OATES] that the Attorney-General was not responsible for the origin or conduct of this legislation, and the Solicitor-General alone was responsible, the suggestion struck this House with such a degree of refreshing coolness that the thermometer fell 10° instanter.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

Mr. OATES. Mr. Chairman, as remarks upon this side of the House have had such a beneficial effect upon the weather, we will have a few more. [Laughter.]

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. OATES. I move to amend by striking out "ten thousand" and inserting "forty thousand." This appropriation will be available in part to the use of the Solicitor-General, acting as Attorney-General in the prosecution of the telephone suit, and in part to the use of the Attorney-General in cases where he has seen proper or thought it necessary to employ assistants to district attorneys, particularly in the case that I have referred to in California, involving $2,000,000.

That is a suit against a solvent company entirely able to respond in damages, a suit requested by the Interior Department, in the first place, by Commissioner Sparks, and the Attorney-General saw proper in bringing a suit of that magnitude against a company with unlimited means, a company which employs attorneys of the very highest ability to defend that suit, and pays them, no doubt, more than the total amount I propose to appropriate in this bill—$40,000. The Attorney-General, I say, saw proper in bringing that suit to employ assistants. Could the Government safely rely upon the district attorney alone to prosecute such a case as that? Why, it would have been folly to have done it. On the contrary, it was wise to employ the very best ability that could be obtained.

That has been done, and in view of the length of time necessary for the trial of the cause (of which we can judge by the number of witnesses subpœnaed and the character of the contest), the payment of one attorney receiving $100 a day would probably absorb the greater portion of this ten-thousand-dollar appropriation. And is that anything to the Government in a suit involving two millions? Why pursue a policy which will cramp the Department and limit it to the expenditure of $10,000 when, if there were no more than two suits of the character I have indicated, that amount would be quite inadequate, and we all know that there are a good many minor suits in which it is necessary to employ assistant counsel? Why, sir, attorneys of the ability and standing of those employed specially are men who would not accept the office of district attorney, men who earn $25,000 or $50,000 a year in their general practice, and you can not expect to obtain their services for a mere song.

The Government when it employs their services must expect to pay them reasonably, otherwise it will not be able to secure them. In the telephone suit all of the preliminaries, all of the details, have been already gone through with, and it is now in a shape to go before the Supreme Court for argument and consideration. Would it be wise to deny to the Acting Attorney-General in that case a sufficient amount of money to retain the counsel already employed for the proper presentation of the case before that court? With this meager appropriation, to be divided between that suit and the other suit in California, it could not be expected that the Solicitor-General would be able to retain the services of the counsel who have been in the telephone case from the beginning and who therefore ought to know all of its features and be able to argue it to so much greater advantage than any new men could possibly do. For these reasons, while I acquit the committee of all wrongful intention in the matter, I do insist that they have not attached the importance to this suject that it deserves, that they have not gone to the bottom of it as they should have done; and I believe that if they had done so they would have appreciated it properly and would have recommended a more adequate appropriation than $10,000.

Mr. RANDALL. The gentleman will perhaps be surprised when I state that the expenditures of the Department of Justice for the current year are $350,000 greater than they have ever been before.

Mr. OATES. I raise no question about the general expenditures of the Department. This particular matter is what I have been speaking about.

Mr. RANDALL. And I was almost inclined to say that instead of being the temple of justice, it seemed to be a sink of injustice. The citizen and his rights are trampled upon in every direction in this country through processes of law, and there are many members of this House—I doubt not some from the gentleman's own State—who know that what I say is true in regard to the prosecution of cases by the Department of Justice. Now, I do not want to be drawn into a discussion of what is adequate or inadequate pay for the attorneys in the telephone case, but I will say that the fees already paid to gentlemen engaged in that suit are large—not to characterize them in any stronger language—and I hope most sincerely that the House will not increase this appropriation beyond the figure recommended by the committee. The committee do not think it likely that any other such cases as those which have been mentioned will occur again; and if they do I incline to the opinion that there ought to be fewer attorneys employed and an annual compensation fixed where there is a prospect that the litigation will continue a sufficient length of time to justify it.

Mr. OATES. Mr. Chairman, if the general policy of the Department of Justice were in issue here, I might enter upon a discussion on that subject with my friend from Pennsylvania [Mr. RANDALL]; but that is not the issue before the House, and I do not propose to enter into its discussion at this time.

Mr. RANDALL. I do not wish to reflect unjustly upon the Department of Justice in connection with these prosecutions in various sections of the country, which ought never to have been entered upon; but I think the influence of the Department ought to be brought to bear upon these district attorneys and marshals who engage in these frivolous prosecutions.

Mr. McRAE. I would remind the gentleman from Pennsylvania that deputy marshals have no authority to arrest people who have not been indicted without a warrant, and that such writs can only be issued by commissioners appointed by the courts to which they are amenable. The Attorney-General has no control of commissioners. If the courts know of the evil complained of, they have the power to correct it by removing the present and appointing better commissioners.

Mr. OATES. The only complaints I have heard in my State are against some of the commissioners and deputy marshals, and I do not know whether they are true or not.

Mr. RANDALL. It may be that I do injustice to the district attorneys, but it does seem to me that in Alabama, Georgia, and other States as to which I have had occasion to make examination, many of these prosecutions have been altogether without justification.

Mr. OATES. I can only say as to the two district attorneys in my State that I am personally well acquainted with both of them; that they are upright, conscientious gentlemen, as well as men of ability, and I do not think either of them would do anything wrong.

Mr. SPRINGER. I move to amend the amendment of the gentleman from Alabama [Mr. OATES] by striking out "forty" and inserting "fifty." I am advised, Mr. Chairman, that the Solicitor-General of the United States—a gentleman personally known to almost every member of this House, especially those on this side, he having formerly been a member here; a gentleman of the highest character and ability—is of the opinion that the sum of $50,000 is required for this service. He is charged with the duty of representing the United States in all contested cases and with the responsibility of employing such necessary assistance as he may think requisite. Although the Committee on Appropriations has reported only $10,000 for this service, I think that at least $50,000 has usually been expended for special counsel. The nature of the business intrusted to these special counsel is such as to require the very first talent in the country.

I call the attention of the committee to some of the suits which were pending during the last fiscal year, as recited in the annual report of the Attorney-General for 1887. I find many others: the case of The United States *vs.* The Sierra Lumber Company, in the northern district of California; the case of The United States *vs.* The Central Pacific Railroad Company; the suit to establish title to the Potomac Flats; the case of The United States *vs.* The Northern Pacific Railroad Company, the Montana Improvement Company, *et al.;* the case of The United States *vs.* The Missouri, Kansas and Texas Railroad Company; the Bell Telephone cases; the Election cases, as they were called in Missouri, and also in the western district of Texas; certain cases before United States commissioner at Las Cruces; the case in which the Eastern Band of Cherokee Indians were concerned; the Fidelty Bank cases in Cincinnati; the case of The United States *vs.* The Perpetual Emigrating Fund Company and Church of Jesus Christ of Latter Day Saints.

Mr. OATES. That was not only one case.

Mr. SPRINGER. No, there were a number of cases of that kind. Another of these cases is that of the United States against the Frontier Land and Cattle Company; another is the United States against the North Crow Land and Cattle Company.

These were cases pending during the last year, for which the Department of Justice deemed special counsel necessary; and the importance of the cases, together with the amounts involved, is such, it seems to me, as to justify, nay, require the employment of the very best counsel in the country to represent the United States. Such counsel can not be employed if the Committee of the Whole adheres to the recommendations of the Committee on Appropriations and allows but $10,000 for this purpose.

Mr. RANDALL. You underrate the qualifications of the district attorneys, some of whom I know are as competent as any attorneys who could be employed.

Mr. SPRINGER. My friend underrates the Solicitor-General's ability and his knowledge of the needs of the service. I am satisfied that this gentleman, who is well known to all of us, has the interests of the United States at heart and desires that they shall be subserved in these matters. He would not sanction the expenditure of a single dollar unless the public interest required it. If there is one man in the public service who is more entitled to our confidence than another, it is Solicitor-General Jenks.

Mr. SOWDEN. I fully concur with the gentleman from Illinois [Mr. SPRINGER] in what he has to say about Solicitor-General Jenks. Nobody can say anything against his character.

Mr. SPRINGER. And nobody can say anything against it. Yet he is of opinion that $50,000 is required for this service, and I am inclined to take his recommendation on a question of this kind, even against that of the Appropriations Committee, although as a rule, and in almost every case, I have stood by that committee even against my own judgment, knowing that their judgment was better than mine. But in this case, to which I have paid some personal attention, I think the amendment of the gentleman from Alabama [Mr. OATES] should be agreed to. I therefore ask permission to withdraw my amendment.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out the last word.

Mr. Chairman, the gentleman from Pennsylvania [Mr. RANDALL] remarks, in connection with the pending proposition, although not in logical connection with it, that the expenditures of the Department of Justice have largely exceeded the expenditures of that Department for any previous year in our history, and furthermore, that the policy of that Department is one of great injustice and oppression to our own citizens.

Mr. RANDALL. I intended to make no charge against this Department of Justice, but only against the officials in that Department.

Mr. BRECKINRIDGE, of Arkansas. I do not see any difference as to whether it is the Department of Justice, as you stated, or its officials who compose it who are now charged with being guilty of oppression and injustice to our own citizens. That is the proposition of the gentleman.

Mr. RANDALL. That is my belief.

Mr. BRECKINRIDGE, of Arkansas. You stated it and I have no doubt that is your belief. You do not mean to dispute that you stated it just as I have said. We understand each other.

When the gentleman from Pennsylvania brings in a statement of that character, and especially when it is in no wise germane to the proposition under consideration, I think it is proper that he should give us the particulars. I think we need to know how and why and where the Department of Justice of this Government is made a department of injustice to the citizens of this country. Let us know who is to blame. I do not believe in permitting a matter of that kind to go unchallenged or uninvestigated. I have no knowledge of such injustice or breaches of duty myself, but it seems the gentleman has, and if it exists it should not be permitted to go unrebuked, and I trust the gentleman will make good his serious charge against this administration if it be true, and also explain how and why expenditures in this Department have been increased. We want something more than mere charges. We want the facts.

The gentleman from New Jersey [Mr. BUCHANAN], who is generally here in his seat on the other side, and who seems to cover the whole of that side of the House, remarked——

A MEMBER. He is over here on the Democratic side of the House.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from New Jersey remarked that the Attorney-General had something to do with bringing what is called the telephone suit.

Mr. BUCHANAN. The gentleman misrepresents me. What I stated was, that the suggestion that the Solicitor-General and not the Attorney-General was responsible for the institution of this suit was very cool and refreshing.

Mr. BRECKINRIDGE, of Arkansas. Which is the same thing.

Now, sir, that responsibility, no matter to whom the responsibility attaches, is an honorable responsibility. It is an honorable and dutiful responsibility.

Mr. BUCHANAN. Had not the gentleman better address his remarks to the gentleman from Alabama, and not to myself?

Mr. BRECKINRIDGE, of Arkansas. Not at all, sir, because the gentleman from Alabama did not make his remarks in the spirit that you did, nor did he state or imply a charge. The remarks of the gentleman from New Jersey were conceived and expressed in a spirit of fault-finding and as a carping critic. He does not have the impression that it is an honorable responsibility.

Now, as to the matter of fact, regardless of the spirit and purport of the remarks of the gentleman from New Jersey. That statement has often been made, and it has nowhere been attempted to be proved that the Attorney-General had anything to do with the institution of the suit, and however much the gentleman from New Jersey may carp he will not now rise in his place and even attempt to prove that the Attorney-General had anything to do with the bringing of the suit.

Mr. BUCHANAN. I am willing to concede, if the gentleman thinks it is necessary, that the Attorney-General has nothing to do with the running of the Department of Justice.

Mr. BRECKINRIDGE, of Arkansas. He will say it because he is unwilling to do justice to any one under this Administration. He simply makes his insinuations, but he does not and he will not attempt to substantiate them, because he knows they are the mere vaporings of animosity, and that they can not be substantiated.

When we have suits of this character we know we need to guard against extravagant and unreasonable employment of special counsel.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Arkansas. I should like to have one minute more.

Mr. HOOKER. If the Chair will recognize me I will yield to the gentleman from Arkansas.

Mr. BRECKINRIDGE, of Arkansas. One sentence in addition. Our side of the House has made charges in times past, and perhaps with some measure of injustice—for it is the tendency of those in politics to find fault with their opponents—charging the administration of the other party with excessive expenditures in these or similar cases; and while we need to guard against excessive expenditures, we know there is parsimony, unwisdom, and injustice in any policy that utterly defeats the ends of justice. We have this case on hand, and we should carefully measure what would be suitable private compensation in a case of similar interest and importance, and so long as the demands of the Government are not in excess of that rule we ought to grant it.

And that economy which withholds what is necessary for the employment of proper counsel for the Government and the people can be made one of the most fruitful means to defeat the ends of justice and to actually establish the supremacy of the rascalities and monopolies which we ought to be seeking to prevent and destroy.

[Here the hammer fell.]

The CHAIRMAN. The Chair will assume the *pro forma* amendment to be withdrawn,

Mr. OATES. I renew it.

Mr. Chairman, I purposely did not attempt to enter into any argument by way of reply to the gentleman from Pennsylvania in regard to the general management of the Department of Justice, nor do I conceive that question to be involved in this discussion. I have not heard any complaint of it heretofore, and have not investigated so that I am sufficiently informed to give an opinion upon the question. I have had faith in the head of that Department, and have yet; and have not, therefore, investigated it.

I address myself to the point before the committee, the amount of the appropriation for assistants to district attorneys.

Now, sir, with reference to the employment of these assistants in the prosecution of the telephone suits, I have in my hand a copy of a letter furnished by Solicitor-General Jenks to Mr. RANDALL, chairman of the Committee on Appropriations, which explains in detail all of the expenditures that have been made, how much money has been paid, and what contracts are still existing; and I desire to have it read at the Clerk's desk in my time. I invite the attention of the members of the committee to the reading of this letter, so that they will have full information from that officer, who seems disposed by his acts to economize as far as possible in the proper prosecution of this question.

I ask the Clerk to read the letter I send to the desk.

The Clerk read as follows:

DEPARTMENT OF JUSTICE, *Washington, March* 8, 1888.

SIR: In answer to yours of the 28th of February, addressed to the Attorney-General, concerning the case of the United States *vs.* The American Bell Telephone Company and others, which is under my charge as Acting Attorney-General, and referring to House Document No. 153, with request that the Department "show when the employment of each of the counsel named therein began, the amount of money which has been paid to each up to date, and the amount to which each is entitled under the terms of his employment, from the beginning thereof up to this time," you are respectfully informed that the bringing of the suit to which your communication refers was recommended by the Secretary of the Interior after a preliminary hearing which, in his judgment, demanded the interposition of the Government to protect the people of the United States. It was brought after a careful examination of such facts as were accessible to the Government, and on consultation had between the Solicitor General and the counsel employed to assist the United States attorney in the circuit court of the United States for the southern district of Ohio against the Bell Telephone Company and other parties, its supposed agents, process was issued and served. The case came on to be heard, and, after argument, the court dismissed the bill without prejudice for want of jurisdiction in that district. The counsel employed in that case to assist the United States attorney for that district, and the amounts paid to each, were as follows:

Hunton & Chandler, appointed February 1, 1886, at a compensation of $5,000 for services in that case and traveling expenses, in pursuance of which they were paid in full, including expenses	$5,309.10
C. S. Whitman, appointed February 1, 1886, at a compensation of $3,000 for that suit and actual and necessary traveling expenses, under which he was paid in full	3,162.40
G. P. Lowrey, New York, appointed February 4, 1886, at a compensation of $1,000 retainer, $75 per day for services actually rendered in New York, and $100 per day when employed elsewhere, and necessary traveling expenses, under which employment he was paid	11,898.60
Hon. A. G. Thurman, appointed February 19, 1886, at a retainer of $1,000 and such further compensation as might be determined, and was paid thereon	4,629.95
Hon. John Goode having on the 10th of August, 1886, retired from the office of Solicitor-General, and had, through the whole course of the litigation, charge of the case, which on or about the 20th of September following was fixed for final argument, was, on the 13th of August, 1886, employed at an annual compensation of $5,000 and traveling expenses, not to exceed $250 per year, under which he was paid in that case	2,485.60

These amounts comprise the full compensation, so far as I have any knowledge, in that case.

After the dismissal of the bill in the southern district of Ohio, the Bell Telephone Company being a corporation organized under the laws of the State of Massachusetts, a bill was filed in the circuit court of the United States for the district of Massachusetts, on which process was issued and served, and the cause was brought on to hearing, when, after argument, the court dismissed the bill, from which decree an appeal is now pending in the Supreme Court of the United States. The bill was filed in the case last named on the 13th of January, 1887. The same counsel were employed as were concerned in the previous case, with the addition of W. C. Strawbridge, of Philadelphia, as follows:

G. P. Lowrey, appointed January 18, 1887, on the same terms as in previous case, except without additional retaining fee. He participated in the argument on final hearing in Boston. As the labor incumbent on him in preparation, except for final argument, was supplied largely by Mr. Strawbridge, his bill is probably confined to the actual preparation for and final argument. He has been paid nothing under this appointment. He has rendered his bill to the 14th of June, 1887. It aggregates	$911.20
This has not been paid. No bill has been rendered since that date, and I am not aware of any performance of services on his part after the date fixed in the bill last referred to.	
Hon. A. G. Thurman was appointed on the 18th of January, 1887, on the same terms as his previous appointment. He participated in the argument on the final hearing in Boston, but has rendered no bill.	
Hunton & Chandler were employed on the 18th of January, 1887, at a compensation of $5,000 for their entire services in this case, or any other which may hereafter be brought for the same purpose, $3,000 to be paid on or after July 1, 1887, the balance on the final determination of the suit or suits, with actual and necessary traveling expenses. They have been paid in full to date, including expenses	3,114.70
W. C. Strawbridge was employed on the 18th of January, 1887, at a compensation of $1,000 for all services in this suit or any which may be brought for the same purpose, and necessary expenses. He has been paid in full to date, including expenses, so far as rendered	1,283.64
Of this $90.91 was paid out of the appropriation for 1888, the balance out of that for 1887.	
C. S. Whitman was employed January 18, 1887, at a compensation of $3,000 for services in this suit and any other which might be brought for the same purpose, and traveling expenses. He has been paid to date, on this appointment, out of the appropriation for 1887	1,582.50
Hon. John Goode was employed January 18, 1887, at a compensation of $5,000 per year, and necessary traveling expenses, not to exceed $250 per year, payable quarterly. He has been paid in full to the 18th of January, 1888	5,125.25
He resigned January 24, 1888. His account for the last six days, at the rate aforesaid, has not been presented or settled.	

RECAPITULATION.

Total paid to G. P. Lowrey in both cases	11,808.60
Total paid to Hon. A. G. Thurman in both cases	4,629.95
Total paid to Hunton & Chandler in both cases	8,423.80
Total paid to C. S. Whitman in both cases	4,744.99
Total paid to Hon. John Goode in both cases	7,610.86
Total paid to W. C. Strawbridge	1,283.64
Total	38,591.74

The balance unpaid, as nearly as I can estimate, is:
To Hon. John Goode, six days, at the rate of $5,000 per year.
To G. P. Lowrey, as above stated, $911.20.
To Hon. A. G. Thurman, bill not rendered for services in cause at Boston.

It may be proper to state that the appointments of the several assistant attorneys in the case in Ohio, except the Hon. John Goode, were made by him as acting Attorney-General in charge of the case. His appointment in that case, as well as the appointments of all the assistant attorneys in the case in Massachusetts, were made by me as acting Attorney-General in charge of the cases.

Very respectfully,

G. A. JENKS,
Solicitor-General and Acting Attorney-General in this case.

Hon. SAMUEL J. RANDALL,
Chairman of the Committee on Appropriations,
House of Representatives.

[During the reading of the foregoing the hammer fell.]

Mr. MCCREARY was recognized.

Mr. HOOKER. If I can be recognized, I will yield the time to the gentleman from Alabama to complete the reading of that communication.

Mr. MCCREARY. I will yield for that purpose with the understanding that I may next be recognized.

The Clerk resumed and concluded the reading of the letter as above.

Mr. MCCREARY rose.

Mr. RANDALL. I want five minutes——

Mr. MCCREARY. I believe it was understood that I was to be recognized next.

The CHAIRMAN. Does the Chair understand the gentleman from Pennsylvania to suggest that debate close in five minutes?

Mr. RANDALL. No; but I want to be heard for five minutes on this proposition.

Mr. MCCREARY. For three days during the consideration of this bill I have voted with the Committee on Appropriations which framed it, but I believe the Committee on Appropriations is mistaken in the appropriation recommended in the paragraph under consideration. The bill provides:

For payment of assistants to United States district attorneys who are employed by the Attorney-General to aid district attorneys in special cases, $10,000.

Now, sir, in the light of the report which has just been read at the instance of the gentleman from Alabama showing that during the last year it was necessary to have about $38,000 in order to pay these necessary expenses, I am convinced that $10,000 is not enough. It has been the rule heretofore to make an appropriation for district attorneys and assistant district attorneys in the same paragraph, but at this time the Committee on Appropriations propose to make an appropriation for employment of attorneys in special cases in a separate paragraph and only allow $10,000. That sum is so insignificant, it is so utterly inadequate, that the Attorney-General will be unable to employ such assistant attorneys in important cases as are certain to be needed. The Attorney-General was compelled to employ assistants last year in many important cases.

I hold in my hand the annual report of the Attorney-General for the year 1887, and it appears that during the last year there were forty-six cases in which the Attorney-General deemed it to be his duty to employ special assistants. It is known to all that the best lawyers in this land are employed to prosecute claims against the United States Government. If we expect to maintain the dignity of the United States, if we expect that the business of the United States shall in every case be properly understood and properly attended to, then we must employ lawyers of the highest order of legal talent to meet the first-class lawyers employed to prosecute suits against the Government. Therefore I say that if we appropriate anything at all it should be more than the sum provided in the bill.

There were forty-six cases last year in which the Government was a party, and in which special counsel or assistants to the district attorneys were employed, cases distributed amongst the States and Territories as follows: In Alabama, California, Colorado, Dakota, District of Columbia, Idaho, Indiana, Kansas, Louisiana, Massachusetts, Michigan, Missouri, New Mexico, North Carolina, Ohio, Texas, Utah, Virginia, Washington, and Wyoming. The business extended, it will be seen, to almost every part of our vast country. I am in favor of the amendment offered by the gentleman from Alabama [Mr. OATES]. I believe we should appropriate $40,000. I believe that is the proper amount to appropriate, and it is about what was expended the past year, and I do not believe it is too large now. If it is not needed it will not be expended.

Mr. Chairman, I have confidence in the Solicitor-General of the United States. Mr. Jenks is not only one of the ablest lawyers we have, but he stands out conspicuously before this country for honesty, energy, and fidelity to duty. He believes that we should appropriate more than the sum suggested by the committee. I have confidence in the Attorney-General of the United States. I do not believe we have had a more faithful, efficient, or able Attorney-General at any time in the history of our Republic than the distinguished and worthy Attorney-General now in office. I am willing, therefore, to intrust to the Attorney-General, or to the Solicitor-General when necessary, the employment of assistants when they are required. They will only use the amount of money that is necessary in such cases. If you should appropriate too much they will only expend what is necessary, and the residue will be left to be used as needed.

[Here the hammer fell.]

Mr. RANDALL. The gentleman from Arkansas [Mr. BRECKINRIDGE] a moment ago seemed to criticise my statement as to the expenses of the Department of Justice during the current year having been in excess by about $350,000 of those in former years. I have a table here, which accompanies the urgent deficiency report, showing the expenditures for the Department of Justice and its courts since 1878. The largest amount I am able to find in any other year is $3,385,000, while the expenditures for the current year 1888 were $3,574,400. There is a deficiency of $150,000, making the total of $3,724,400. When the appropriation is expended and the deficiency is given it will cost the Government of the United States about $350,000 in excess of any former year.

Now, as to the next point, whether any citizens are improperly arrested, detained, and harassed at home or elsewhere. I want to direct the gentleman's attention to the report of the Committee on Appropriations prepared by General BURNES, of Missouri, and to a paragraph of that report which went undisputed, and was emphasized on this floor by the gentleman himself. I will ask the Clerk to read it.

The Clerk read as follows:

But the most painful and deplorable part of this subject has relation to the wrongs and outrages perpetrated, under the forms of law, upon poor and oftimes ignorant men by deputy United States marshals and others, because of some mere technical or imaginary petty misdemeanor, in order that a color of right may appear for retaining money of the United States for extraordinary expenses of witnesses and others. If the prodigal waste under this head were only the loss of money to the United States the injury would be inconsiderable as compared with the personal wrongs upon individual citizens perpetrated merely as a basis for large expenditures. The system now, and for years existing, pays a premium for cupidity and encourages assaults upon the body of the people.

Mr. RANDALL. Now, in addition, I have derived information from statements of members on this floor from Georgia, from Tennessee, from Alabama, and from other States.

Mr. JOHNSTON, of North Carolina. And from North Carolina.

Mr. RANDALL. And my colleague on the left also says Pennsylvania. I am not so familiar with prosecutions in that State as he is. This very day a member from North Carolina has appealed to me to permit an amendment to this bill which will go to prevent what I have characterized as great injustice.

Mr. OATES. I will ask the gentleman from Pennsylvania if all this complaint, which I have no doubt is very much exaggerated——

Mr. RANDALL. It may be, but still I hear it.

Mr. OATES. Does it not arise from the vicious system of perquisites?

Mr. RANDALL. I believe it does. I am not saying how it arises. I am saying it exists.

Mr. OATES. I think it exists only to a limited extent.

Mr. RANDALL. I think, myself, a good deal of it is done by commissioners and deputy marshals who thereby get fees. It is a fact that has come to my knowledge that these very officials have been rebuked by the judges of the courts wherein they acted. I can establish that fact beyond controversy. I sometimes feel it a duty to speak out. I prefer always to speak out myself against those of my own party who do not do quite right, rather than permit the opposition to call attention to such things and thereby secure some possible political advantage.

Mr. MCRAE. You say these prosecutions are instigated by commissioners who are rebuked by the court. Why does not the court remove them? They are appointed by the court.

Mr. RANDALL. I can bring a reliable gentleman, a member of this House, to say that judges of the United States courts have from the bench rebuked these officers. I take it the officers are deputy marshals who employ people to swear out warrants before the commissioners.

Mr. MCRAE. The point I want to call attention to is that the commissioners are appointed by the court, and the court has power to remove the commissioners, if not the power to remove the deputy marshals.

Mr. RANDALL. The commissioners are appointed by the circuit judges, and these prosecutions, I think, are mostly under district judges.

The CHAIRMAN. Debate on the present amendment is exhausted. The Chair understands the *pro forma* amendment is withdrawn.

Mr. SOWDEN. Mr. Chairman, I renew the *pro forma* amendment. I hope the amendment offered by the gentleman from Alabama will be voted down. I have here a statement which I received from the Treasury Department, and desire to have it read in order to show that $40,625.07 was paid to these special attorneys, leaving only a balance due Grosvenor P. Lowrey of $911.20.

The Clerk read as follows:

TREASURY DEPARTMENT, *February* 8, 1888.

SIR: In reply to your communication of the 3d inst., asking for a detailed statement of the accounts, rendered and approved by the Attorney-General, of the attorneys employed by the Government in the prosecution of the suit for the invalidation of the Bell Telephone patent, and the amounts paid thereon, I have the honor to inclose herewith copy of letter of the First Comptroller of the 7th instant, and statement therewith submitted.

Respectfully yours,

C. S. FAIRCHILD,
Secretary Treasury.

Hon. W. H. SOWDEN,
House of Representatives.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., February 7, 1888.

SIR: The letter of Hon. W. H. SOWDEN to you of February 3, asking for a detailed statement of the accounts, rendered and approved by the Attorney-General, of the attorneys employed by the Government in the prosecution of the suit for the invalidation of the Bell Telephone patent, and the amounts paid thereon, which you referred to me on the 4th instant for report, has been examined.

I have the honor to transmit herewith a summary of said accounts. If the particular items entering into any or all of these accounts should be required, the same will be prepared in this office; but the above is supposed to be all that will be necessary under the call made in the letter.

The letter of Mr. SOWDEN is herewith returned.

Very respectfully,

M. J. DURHAM, *Comptroller.*

The SECRETARY OF THE TREASURY.

No. of report.	Name.	Period embraced.	Fiscal year.	Amount paid.	Total.
96139	C. S. Whitman	Mar. 19 and 20, 1886	1886	$1,000.00	
98100	do	Mar. 30 to June 30, 1886.	1886	900.00	
*99417	do	Mar. 30 to Apr. 8, 1886	1886	47.65	
					$1,947.65
99418	do	Sept. 16 to 26, 1886	1887	65.50	
101364	do	In December, 1886	1887	49.25	
101365	do	June 30, 1886, to Jan. 6, 1887.	1887	1,100.00	
104017	do	Jan. 24, 1886, to Jan. 30, 1887.	1887	1,582.50	
					2,797.25
					4,744.90
96140	Hunton & Chandler	Mar. 20, 1886	1886	2,000.00	
97731	do	Expenses June, 1886	1886	52.95	
					2,052.95
99503	do	Sept. 16 to Oct. 20, 1886.	1887	1,267.85	
101363	do	June 30, 1886, to Jan. 6, 1887.	1887	2,041.25	
103947	do	Jan. 19 to Jan. 30, 1887.	1887	3,061.75	
					6,370.85
					8,423.80

*Report No. 103949 not paid, appropriation being exhausted.

No. of report.	Name.	Period embraced.	Fiscal year.	Amount paid.	Total.
96730	Grosvenor Lowrey	Apr. 2 to 7, 1886	1886	$2,000.00	
97870	do	Apr. 7 to June 14, 1886	1886	1,645.58	
					$3,645.58
100436	do	In full to Dec. 6, 1886	1887	5,783.45	
101951	do	Final compensation to Dec. 6, 1886.	1887	2,469.57	
*103949	do	Apr. 23 to June 14, 1887	1887	911.20	
					9,164.22
					12,809.80
96394	Allen G. Thurman	Mar. 23 to Apr. 5, 1886	1886	1,280.00	
†98403	do	Apr 5 to July 1, 1886	1886	2,146.25	
					3,426.25
†98403	do	July 1 to July 24, 1886	1887	625.45	
101201	do	Expenses July 1 to Dec. 31, 1886.	1887	578.25	
					1,203.70
					4,629.95
98782	John Goode	Aug. 14 to Aug. 30, 1886	1887	1,000.00	
99045	do	Expenses to Aug. 30, 1886.	1887	66.75	
99796	do	Aug. 14 to Nov. 14, 1886	1887	1,000.00	
100394	do	Expenses Dec., 1886	1887	52.00	
101662	do	Nov. 13 to Dec. 9, 1886	1887	366.85	
102185	do	Mar. 11 to Mar. 15, 1887	1887	45.90	
102654	do	Jan. 18 to Apr. 18, 1887	1887	1,250.00	
103608	do	June 11 to June 20, 1887	1887	79.35	
104030	do	Apr. 18 to June 30, 1887	1887	1,005.43	
					4,866.28
104031	do	July 1 to July 18, 1887	1888	244.57	
105384	do	July 18 to Oct. 18, 1887	1888	1,250.00	
106915	do	Oct. 18 to Jan. 18, 1887	1888	1,250.00	
					2,744.57
					7,610.85
96729	C. F. Brackett	Mar. 2 to Apr. 8, 1886	1886	220.63	
97623	do	Suspended 96729	1886	99.17	
98132	do	Apr. 14 to June 28, 1886	1886	644.14	
					963.94
106000	do	Jan. 22 to Feb., 1887	1887		518.32
					1,482.26
100295	G. A. Jenks	Dec. 3 to Dec. 8, 1886	1887		41.50
97221	Philip H. Kumler	March 15 to 23, 1886	1886		48.00
98800	Albert Stetson	May 5 to June 30, 1886	1886		294.00
98800	do	July 1 to Aug. 9, 1886	1887	206.00	
99194	do	July 31 to Aug. 3, 1886	1887	40.00	
					246.00
					540.00
99334	F. M. Adams	To October 5, 1886	1887		30.50
105806	Molecular Telephone Company.	Nov. 30, 1886, to Jan. 3, 1887.	1887		840.89
103614	W. C. Strawbridge	Jan. 22 to June 24, 1887	1887	1,192.73	
104958	do	July 1 to July 19, 1887	1888	90.91	
					1,283.64
99371	W. J. Hughes	Sept. 17 to Sept, 22, 1886.	1887		50.14

*Report No. 103949 not paid, appropriation being exhausted.
†No. 98403 was approved by Department of Justice for $2,815.45.

RECAPITULATION.

C. S. Whitman, attorney	$4,744.90
Hunton & Chandler, attorneys	8,423.80
Grosvenor P. Lowrey, attorney	12,809.80
John Goode, attorney	7,610.85
Allen G. Thurman, attorney	4,629.95
W. C. Strawbridge, attorney	1,283.64
G. A. Jenks, attorney	41.50
Philip H. Kumler, attorney	48.00
C. F. Brackett, professor of physics	1,482.26
Albert Stetson, stenographer	540.00
F. M. Adams, stenographer	30.50
Molecular Telephone Company	840.89
W. J. Hughes, stenographer	50.14
Total amount allowed	41,536.23
Deduct amount allowed but not paid for lack of funds, namely:	
Grosvenor P. Lowrey	911.20
Total amount paid to date	40,625.03

Mr. SOWDEN. This statement clearly exhibits the fact that $40,625.03 has already been paid to these special attorneys, and that there is a balance of $911.20 still due to Mr. Lowrey. Now I want to know from the gentleman from Alabama [Mr. OATES] why he proposes to increase the amount already provided for in the appropriation bill under consideration? Why make it $40,000? Who are the special attorneys that are still unpaid, either in this particular case or any other? Have they not all been provided for in previous appropriation bills? Did not the gentleman from Alabama [Mr. OATES] say that their services have been substantially dispensed with, and that they are no longer engaged in the service of the Government? From the letter of the Solicitor-General I infer that Mr. Lowrey is entitled to receive no other money than this balance of $911.20.

Mr. OATES. This is not a deficiency bill, and we are not discussing what has been paid in the past.

Mr. SOWDEN. No, sir; we are discussing what is due these attorneys.

Mr. OATES. Not at all. This appropriation is not intended to pay what may now be due to anybody.

Mr. SOWDEN. Oh! then this is to provide for future instances of this character.

Mr. OATES. I do not know whether of this character or of what character. This appropriation is to be used at the discretion of the Attorney-General.

Mr. SOWDEN. And the gentleman from Alabama [Mr. OATES] approves of the expenditure of money in this direction without limit.

Mr. OATES. Without limit?

Mr. SOWDEN. Yes, sir.

Mr. OATES. I have confidence in Solicitor Jenks, in his integrity and his economy.

Mr. SOWDEN. So have I. I have as great faith in the integrity of the Solicitor-General as the gentleman from Alabama [Mr. OATES] can have. There is no more able, honorable, and conscientious official in the public service than Solicitor-General Jenks. And I would not say an unkind word of the Attorney-General. He is one of the ablest officials that ever held the high and responsible office which he so acceptably fills. My object is simply to call the attention of this House, and particularly this side of it, to the enormously large fees charged by Mr. Lowrey and the other special attorneys in the public service, with a view of correcting the evil, if possible, and cutting down these needlessly extravagant expenditures.

Mr. OATES. Further expenditure in this direction is entirely in his discretion, but I want enough money appropriated so that he may not be cramped for want of means for the employment of counsel to prosecute these suits if he thinks it is best for the Government that assistant counsel should be employed.

Mr. RANDALL. Unless some one else wishes to take the floor, I shall ask unanimous consent to limit debate on this paragraph.

Mr. SPRINGER. I want to say a word.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. SOWDEN] has expired.

Mr. SPRINGER. I want one minute.

Mr. BRECKINRIDGE, of Arkansas. I wish to occupy not to exceed five minutes.

Mr. RANDALL. I ask unanimous consent that debate upon the pending paragraph and all amendments thereto be limited to fifteen minutes.

There was no objection, and it was so ordered.

Mr. SPRINGER. I simply want to state that the abuses which formerly existed in the administration of justice in the southern district of Illinois have been greatly lessened, if not entirely abated, and that while under a previous administration the expenses of the United States courts there aggregated over $80,000 a year, for the last year those expenses have amounted to only $56,000, showing that the frivolous prosecutions to which reference has been made——

Mr. RANDALL. I did not refer to Illinois.

Mr. SPRINGER. You referred generally to such prosecutions, and I say these figures show that in that State, at least, such prosecutions are no longer instituted, but that justice is administered there for the sake of justice by an honest Democrat.

Mr. RANDALL. The gentleman will remember that when those matters were brought to public attention under a former administration, I took care to characterize them in fitting terms.

Mr. SPRINGER. That is true. I simply wanted to congratulate the country upon the fact that in the State of Illinois, at least, the abuses which formerly existed have been remedied.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Pennsylvania [Mr. RANDALL] in commenting further upon his charge that this Administration, through the Department of Justice, is acting with hardship and injustice toward the people of this country, goes now into a dissertation upon the system of internal-revenue taxation.

Mr. RANDALL. I do not recollect that I alluded to internal taxation.

Mr. BRECKINRIDGE, of Arkansas. I thought the gentleman was alluding altogether to the question of collecting the spirit tax.

Mr. RANDALL. I alluded to the administration of the law in relation to all taxes, but the gentleman may proceed.

Mr. BRECKINRIDGE, of Arkansas. Was the gentleman speaking of the laws relating to customs taxes?

Mr. RANDALL. Go on.

Mr. BRECKINRIDGE, of Arkansas. I understood no such reference, but I accept both. Now, sir, the gentleman has spoken of calling attention to the faults of our party and the faults of our Administration, and first without limit, but even now the gentleman has not intimated that harsh and unnecessary procedures have not been limited and reduced under this Administration.

I maintain that we have far fewer complaints, just and unjust, under this Administration than we have had heretofore in regard to the execution of the revenue laws; for the people who pay the taxes have learned to know that a consistent, uniform, and maintained policy will be followed.

Sir, there is harshness in connection with the collection of all taxes laid upon consumption, and indeed in the collection of taxes of every character. In reference to our customs taxation, those who seek to do illegal acts, those who correspond to the people who, under the internal-revenue laws, sell without license or engage in illicit distilling—those who are known as smugglers—feel the hand of the law upon them, and have reason, like other violators of the law, to cry out with pain.

And, sir, good citizens will sometimes fall under suspicion in a rigid and faithful enforcement of the revenue laws, either in the interior or at the ports. We know that there are complaints of the searching of private baggage; and even the ladies who are passengers upon our ocean steamers are sometimes compelled to submit to the search of their persons by female officials of the Government in order that there may be no evasion of the customs duties. There must be travel. Can anything be more inquisitorial than this? But where is the case of undue injustice anywhere? It was charged. It is not cited.

I hold, sir, that whatever may be the occasion of an increase of expenditures, it has yet to be pointed out that this arises from any improper cause; and indeed the cause and occasion, whatever it may be, has not yet been stated, as I trust it will be.

The chairman of the Committee on Appropriations is certainly familiar with the occasions of the expenditures in these branches of the service, where, he says, there has been an increase in expenditure. Before the incoming of the present Administration we made this country ring from one end to the other with the cry that the rascals were permitted to go unwhipped of justice; but, sir, when now we have been fairer with honest men and harsher with rascals, we find that we do not stop complaints, not even within the limits of our own party. Yet, too, when we have a summary of these attorneys employed as assistant counsel, far fewer in the total than under previous administrations were employed in cases of no greater magnitude, smaller also in the total of fees than were perhaps single fees in similar cases before, we have complaints without evidence, and we have what I call a pseudo-economy, which says that we must stop the necessary employment of talent and ability and let those whom we have said were the rascals of this country go unwhipped of justice, to violate the law and maraud upon public interests. I will not say this is the purpose. I do say it is the effect.

I trust the gentleman will not continue to ignore part of his charge, and to shift from officials to system the other, but will point out where these increases are, and will show the House where there has been any additional or failure to lessen the hardship, friction, or oppression in the execution of the revenue laws, either in the interior or at the ports. I know that no one will be able to show that there has been any relaxation of that fair, even balance and undeviating justice which ought to characterize the administration of the laws of our country.

[Mr. OATES withholds his remarks for revision. See APPENDIX.]

The CHAIRMAN. Debate on the pending paragraph and amendments thereto is exhausted.

The question recurred on Mr. OATES's amendment.

The committee divided; and there were—ayes 31, noes 48.

Mr. OATES. No quorum has voted.

The CHAIRMAN appointed Mr. FORNEY and Mr. OATES as tellers.

The committee again divided; and the tellers reported—ayes 37, noes 83.

Mr. OATES. I am satisfied no quorum is present, and will therefore withdraw my point of no quorum.

So the amendment was rejected.

Mr. McCREARY. I move to strike out "ten" and insert "twenty."

I have so much confidence in the recommendation of the Attorney-General——

Mr. RANDALL. Debate is exhausted.

The CHAIRMAN. Debate is exhausted.

The committee divided; and there were—ayes 22, noes 53.

So the amendment was rejected.

Mr. SOWDEN. I withdraw my amendment.

The Clerk read as follows:

For fees of United States commissioners and justices of the peace acting as United States commissioners, $100,000. And no part of any money appropriated by this act shall be used to pay any fees to United States commissioners, marshals, or clerks for any warrant issued or arrest made, or other fees in prosecutions under the internal-revenue laws, unless the prosecution has been approved, either before or after such arrest, by the attorney of the United States in the district where the offense is alleged to have been committed or the prosecution is by indictment.

Mr. JOHNSTON, of North Carolina. I offer the following amendment.

The Clerk read as follows:

Insert in line 18, after the words "has been," the following:

"Commenced upon a sworn complaint setting forth the facts constituting the offense, and alleging them to be within the personal knowledge of affiant, or upon sworn complaint of the collector or deputy collector of internal revenue, setting forth the facts upon information and belief, and."

Mr. RANDALL. Is not that a change of the law?

Mr. JOHNSTON, of North Carolina. No; I think it is not a change of the law, but, on the contrary, is in harmony with the law which we have passed at this session.

Mr. RYAN. I make the point of order against it.

Mr. JOHNSTON, of North Carolina. It is in harmony with what has been enacted in legislation during this Congress. The object is to prevent frivolous prosecutions. It has been the practice to allow officers to issue warrants on affidavits setting forth the facts to be on information and belief. Whether malicious or otherwise, the result has been the accumulation of these prosecutions, greatly to the annoyance of the citizens. In one case, I am informed, more than thirty warrants were issued, which, upon investigation, resulted in only five being bound over to court.

Now, this is only a sample of the frivolous prosecutions that are inaugurated by officials simply for the purpose of getting fees. They are paid their fees, it must be understood, whether the prosecution is well founded or not; hence there is a constant temptation for them, in order to earn improper fees, to institute proceedings against people; and what we ask is to make them swear to these facts of their own personal knowledge or have their informant do so.

Mr. BUCHANAN. Will the gentleman yield to me for a question?

Mr. JOHNSTON, of North Carolina. Certainly.

Mr. BUCHANAN. Do I understand the gentleman to say that that practice is being continued now?

Mr. JOHNSTON, of North Carolina. I understand that to be the practice. In some places it is undoubtedly the practice on the part of these United States officers, supported by the Federal authorities.

Mr. BUCHANAN. I only wanted to know whether it was the case now or not.

Mr. RYAN. I insist upon the point of order. This changes existing law and is entirely new legislation. I may say, Mr. Chairman, that if that provision were to become a law there could be no complaints, if I understand it correctly, made against a wrong-doer, except by one who had personal knowledge of the fact.

Mr. JOHNSTON, of North Carolina. Yes, sir; that is correct.

Mr. RYAN. Personal knowledge of the facts?

Mr. JOHNSTON, of North Carolina. Of the facts, of course.

Mr. RYAN. And it would simply be to allow criminals to go unwhipped of justice.

Mr. JOHNSTON, of North Carolina. No, sir; just let me say to the gentleman, if the Chair will permit me a moment, that you can arrest persons charged with a violation of the law now upon information when the prosecution is instituted by a deputy collector, a collector, or revenue agent. My object is to prevent the deputy marshals or others from instituting suits for the purpose merely of getting the fees.

And, by the way, I take this position: The gentleman from Kansas says that the point of order he makes against my amendment is because it is a change of existing law. But the very clause itself which the committee have put into this bill is new legislation, and the point of order not having been made against that, I have a right to offer an amendment which is germane to that provision.

Mr. SPRINGER. That is correct.

Mr. JOHNSTON, of North Carolina. And the point of order can not lie against my amendment, since it was not made upon this clause of the bill which changes the existing law.

Mr. SPRINGER. That is true. The gentleman is correct in that respect. If the point of order had been made in regard to the clause, from lines 12 to 21, it would have been good, but not having been made against the clause, and it having been admitted to consideration by the committee, it is proper to move any amendment which is germane to it. We are dealing with changes in existing law.

Mr. JOHNSTON, of North Carolina. And the point of order therefore came too late.

The CHAIRMAN. The Chair does not think the amendment changes existing law.

Mr. RYAN. Mr. Chairman, it has been the practice ever since the organization of the Government that officers or others might make complaint upon information or belief before commissioners or other officers having jurisdiction of the crime alleged. This proposes to change that entire practice, to change the law now so that if an officer is informed by a good and respectable man, or men, of the existence of an offense or crime he can not go before a justice of the peace or a commissioner and make complaint upon information and belief. I think it is a dangerous innovation, and one that should not be adopted.

Mr. JOHNSTON, of North Carolina. In response to what the gentleman from Kansas says, it is necessary, too, that some provision should be made to protect the people from the unjust demands which are made by these Government officers and others for the purpose of securing their fees.

Mr. COWLES. The deputy collector, under existing law, is the only one who has a right to institute proceedings, as I understand the law now, and this amendment does not affect that right, but only requires an affidavit as to the facts alleged.

Mr. RANDALL. Let the proposed amendment be read again.

The amendment was again reported.

Mr. JOHNSTON, of North Carolina. The officers have the right to make the complaint.

Mr. RYAN. Ah, the revenue agents; but the marshals can not, under your amendment.

Mr. JOHNSTON, of North Carolina. No, sir; and they ought not to be allowed to do so. I want to keep the deputy marshals from doing that and harassing the citizens, and making frivolous complaints simply for the purpose of getting their fees; but let those from whom they obtain the information make the affidavits on their own personal knowledge.

Mr. BUCHANAN. Does the gentleman refer to the deputy marshals?

Mr. JOHNSTON, of North Carolina. Yes, sir; and not only now, but under your administration they pursued the same policy.

Mr. BUCHANAN. Well, I only wanted to know what officers the gentleman alluded to; and he need not get excited about it.

Mr. JOHNSTON, of North Carolina. I am not excited; but I was only referring the gentleman to the fact that this is an abuse that is not of recent growth. It is an old thing.

Mr. BUCHANAN. Because I understood the gentleman to say awhile ago, and to that I addressed my inquiry, that the deputy marshals of the United States were now pursuing that practice.

Mr. JOHNSTON, of North Carolina. Yes, sir, they are the ones who probably profit most by this practice, and I want to prohibit that; and also to break up the habit of other persons who obtain a part of these fees from being permitted to pursue that practice further.

Mr. COWLES. People who want to be witnesses and draw their per diem.

Mr. BUCHANAN. I supposed that the deputy marshals at present would not do such a thing.

Mr. JOHNSTON, of North Carolina. I ask a vote on the amendment.

The question was taken; and on a division there were—ayes 44, noes 43.

Mr. RYAN. No quorum. I ask for tellers.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. RYAN, and Mr. JOHNSTON of North Carolina, were appointed tellers.

The committee again divided; and the tellers reported—ayes 63, noes 43.

So the amendment was adopted.

Mr. BUCHANAN. I offer the amendment I send to the Clerk's desk.

The Clerk read as follows:

Page 93, line 19, after the word "by," insert "the circuit or district judge or."

Mr. RANDALL. I reserve the point of order on that.

Mr. BUCHANAN. No point of order lies.

Mr. RANDALL. I want to hear you.

Mr. BUCHANAN. Then reserve the point.

Mr. RANDALL. I will.

Mr. BUCHANAN. That is all right. Let the point of order be reserved.

Mr. Chairman, as the paragraph stood in the bill originally it seemed to me it was as favorable to violators of the internal-revenue laws as any legislation by this House could be. An amendment has been adopted which makes it still more difficult to arrest such violators. It may be that substantial abuses exist. It may be it is not within the power of the Department of Justice to regulate by effective action those abuses. I have nothing to say in criticism of the amendment which has just been adopted. But as the provision now stands thus amended it is almost impossible to secure a warrant for the arrest of a real offender. Not only must the facts be sworn to of personal knowledge, but the prosecution must be approved of by the attorney of the United States. Now, I propose to go one step further, which will not injure innocent persons in the least, and ask that that approval may be either by the attorney or a circuit or district judge of the United States. It might be necessary to issue this warrant in a moment's notice. The judge might be near by and the district attorney absent.

Mr. RANDALL. I accept that amendment, as far as I am concerned.

Mr. BUCHANAN. I simply want to add that I do not think the criminals of this country have all the rights.

The amendment was agreed to.

Mr. SPRINGER. Before we pass from the subject of United States district attorneys I wish to offer an amendment to line 2, page 93. I understood that leave was given to return to that point.

Mr. RANDALL. I will reserve the point of order on the amendment until I hear it read.

The amendment was read, as follows:

Add after line 2, page 93:

"In all proceedings or cases, civil and criminal, including prize cases, where fees or compensation of any kind are now taxed against and paid by the United States for services of district attorneys or their assistants, and in all such proceedings or cases where services are performed by United States attorneys or their assistants in behalf of the United States, and the costs are taxed against and paid by other parties than the United States, all such fees and compensation for such services shall be included in their emolument returns, and all such

fees as may be in excess of the amount of compensation now allowed by law shall be covered into the Treasury."

Mr. RANDALL. I reserve the point of order on that amendment. I want to get this bill through, and I know that an amendment of that character will occasion great delay in the consideration of the bill.

Mr. SPRINGER. This is the substance of what was moved by the gentleman from Alabama and the gentleman from Indiana, but we could not agree upon the language at that time. I have now prepared this, and I hope the Clerk will read it again for the information of the committee.

The amendment was again read.

Mr. BYNUM. Mr. Chairman, that is clearly subject to the point of order.

The CHAIRMAN (Mr. BLANCHARD). The gentleman will state the point of order.

Mr. BYNUM. The law already provides what fees district attorneys are entitled to. The question is covered by sections 833 and 834 of the Revised Statutes, with the exception of two statutory provisions, which allow these officers certain fees which are not included in the fees and emoluments returned. Section 825 provides—

That there shall be taxed and paid to every district attorney 2 per cent. upon all moneys collected or realized in any suit or proceeding arising under the revenue laws and conducted by him, in which the United States is a party; which shall be in lieu of all costs and fees in such proceeding.

Section 827 provides—

That when a district attorney appears by direction of the Secretary or Solicitor of the Treasury on behalf of any officer of the revenue in any suit against such officer for any act done by him, etc., he shall be allowed such compensation as may be certified to by the court, and approved by the Secretary of the Treasury, etc.

Now, this amendment would clearly make a change in these statutes.

Mr. SPRINGER. Let me call the gentleman's attention to this point. The law intended originally that the district attorney should receive a compensation not exceeding $6,000 a year. Five hundred dollars of it is paid in salary, and the remainder, so far as the fees of the office go, is paid in fees earned by him; and, notwithstanding the allowance of 2 per cent. in those revenue cases, the law provides that when the maximum of the district attorney is reached the balance shall be covered into the Treasury. It was the intention of the law that all fees and emoluments in excess of $6,000 a year should be covered into the Treasury, and this amendment simply provides that that original intention of the law shall be carried out. If the aggregate emolument exceeds that amount, it must be put in the emolument return to show what it was, and the excess above $6,000 must be covered into the Treasury. I hope the gentleman from Indiana [Mr. BYNUM] will not raise the point of order on this amendment, because it is simply carrying out the intention of the law at the time the compensation of these officials was fixed, and I have no doubt the gentleman will concede that $6,000 a year is enough.

Mr. RYAN. I ask to have the amendment read.

The amendment was again read.

Mr. SPRINGER. Now, Mr. Chairman, I contend that this amendment is in accordance with the law. I hold that that is the law now, but it has been construed differently by the Department, or rather, not by the Department, but by the attorneys in various localities who have refused to make returns of different kinds of fees which have been earned, and the Department has no official knowledge whatever of the amounts which they have received in that way. This amendment simply requires the district attorney to comply with the law.

Mr. RYAN. I will ask the gentleman from Illinois whether his amendment embraces all fees, allowances, and all other compensations to United States attorneys.

Mr. SPRINGER. It embraces everything that they earn.

Mr. RYAN. And provides that all those items shall be included in the emolument returns?

Mr. SPRINGER. Yes, sir.

Mr. RYAN. And shall go to make up the maximum of $6,000?

Mr. SPRINGER. Yes; and that all in excess of that amount shall be covered into the Treasury.

Mr. BYNUM. Mr. Chairman, I do not desire to make any further argument, but simply to call the attention of the Chair to the statute. Here is what is required by law to be returned as fees and emoluments, and the Chair will see that the statute especially excludes the fees mentioned in two sections of the statute I read. Section 833 provides that—

Every district attorney, clerk of a district court, clerk of a circuit court, and marshal shall, on the 1st day of January and July of each year, or within thirty days thereafter, make to the Attorney-General in such form as he may prescribe a written return for the one-half year ending on said days, respectively, of all the fees and emoluments of his office, including necessary clerk-hire, together with the vouchers for the payment of the same for such last half year.

Then section 834 provides that—

The preceding section shall not apply to fees and compensation allowed to district attorneys by sections 825 and 827 of the Revised Statutes.

Now the gentleman's amendment proposes to bring in the fees which are covered by sections 825 and 827 of the statute, and to make them a part of the fees and emoluments which district attorneys must include in their accounts.

Mr. SPRINGER. Do you object to that?

Mr. BYNUM. I raise the point of order that it changes existing law.

Mr. OATES. The point of order may be well taken, but does not the gentleman think this a proper provision?

Mr. BYNUM. I do not think this a proper place to legislate on such a subject. It is dangerous to amend the law in this hasty way.

The CHAIRMAN. The point of order is well taken.

Mr. SPRINGER. I am very sorry that this point of order has been made by a gentleman on this side of the House. I think my friend from Indiana [Mr. BYNUM] has stopped a very great reform.

The Clerk read as follows:

For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction, and including support of prisoners becoming insane during imprisonment and continuing insane after expiration of sentence, who have no friends to whom they can be sent, $330,000.

Mr. STONE, of Kentucky. I move to amend by adding to the paragraph just read the following:

Provided further, That the accounting officers of the Treasury shall audit, adjust, and settle the accounts of jailors for the support of United States prisoners within sixty days after the same are presented for allowance.

The amendment was agreed to.

The Clerk read as follows:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except when specially authorized by the Attorney-General; of expenses of district judges directed to hold court outside of their districts; of meals for jurors in United States cases when ordered by court; of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $135,600.

Mr. TIMOTHY J. CAMPBELL. I make a point of order on the first part of this paragraph. I submit that this reduction in the number of bailiffs is subject to the point of order, as it changes existing legislation. Section 715 of the Revised Statutes provides that—

The circuit and district courts may appoint criers for their courts, to be allowed the sum of $2 per day; and the marshal may appoint such a number of persons, not exceeding five, as the judges of their respective courts may determine, to attend upon the grand and other juries, etc.

In the southern district of New York United States courts are held as a rule every day in the year, excepting Sundays, Christmas, New Year's Day, the 22d of February, and the 4th of July, and sometimes four courts are running simultaneously. In these circumstances it would be utterly impossible for the marshal to get along with fewer bailiffs than he now employs.

This reduction, I understand, is not asked for by the Department of Justice, which has supervisory jurisdiction of all the United States courts.

So great is the business transacted in the United States courts of the southern district of New York that the Government is often required to call in a judge from another district, as Judge Shipman has often been called, to hold court.

My point of order, Mr. Chairman, is against that portion of this paragraph which proposes to provide for only three bailiffs, when the existing law to which I have referred, in section 715 of the Revised Statutes, authorizes five.

The CHAIRMAN (Mr. MCMILLIN). Does the gentleman from Pennsylvania [Mr. RANDALL] desire to be heard on the point of order?

Mr. RANDALL. I do. The point of order is made, as I understand, that this paragraph changes existing law. I admit that it does so in this respect: The existing statutes provide that the United States marshals shall appoint these bailiffs, subject to the approval of the court. It will be observed that the language of the law is, "not exceeding five," clearly indicating that in some cases five will not be required. The language to which the point of order may properly apply, "except when specially authorized by the Attorney-General," and in fact the language of the whole paragraph, was inserted in the bill at the instance of the Department of Justice, which, through one of its officials, appeared before the Committee on Appropriations. I think I repeat his language when I say that there has existed in connection with this branch of the service the grossest abuse; that five bailiffs are needed in but few United States courts; and he felt it his duty to inform the committee that three were sufficient in almost any court. But if in any city more than three bailiffs are required, that contingency is provided for by the clause giving the Attorney-General discretion to allow five.

In many cases these bailiffs are nothing more nor less than body servants to the judges; and in almost any court three bailiffs are sufficient. If the point of order be insisted upon, I shall have to consent that the words "except when specially authorized by the Attorney-General" be struck out. Then the limitation as to the employment of only three bailiffs will stand without any possible exception.

The CHAIRMAN. The Chair thinks that as the paragraph now stands, the point of order is well taken.

Mr. RANDALL. I consent that the language to which I have referred be struck out. Then this appropriation will contain an absolute limitation of the number of bailiffs to three.

Mr. TIMOTHY J. CAMPBELL. In reply to the gentleman from Pennsylvania, I wish to say it is very evident that if the Attorney-General sent any assistant to appear before the Committee on Appro-

priations on this subject, the official who appeared there did not know what he was talking about when he said that more bailiffs are employed than are necessary to perform the duties.

Mr. RANDALL. The gentleman who appeared before us, Mr. Hodges, is one of the most intelligent officers of that Department.

Mr. TIMOTHY J. CAMPBELL. He may be intelligent out in Kentucky or Pennsylvania, but he would not suit for New York City. [Laughter.] We know what we want in New York. We ask to be let alone. We want "home rule."

As to the necessity for these officers, I wish to say that there is not sufficient assistance at present in the United States courts in our city for the accommodation of the people who have occasion to do business there. I believe I understand the wants of those courts; and I have the authority of the United States marshal, General McMahon, for the statement that he has not sufficient assistance to keep the courts running in a proper manner for the accommodation of the public business. I do not care what may be the case in other parts of the country; I am here to defend the interests of New York City.

Mr. RANDALL. It is very evident that the point of order which the gentleman has made will deprive New York City of the relief which it would have had under the terms of the provision as reported.

Mr. TIMOTHY J. CAMPBELL. I prefer to have New York as it stands than to submit my case to any Attorney-General. [Applause.] I stand on the law, and I want it to remain as it is; I do not want to subject it to the caprice of anybody. There is the law, and I want the law obeyed. [Applause.]

The CHAIRMAN. The point of order is sustained.

Mr. RANDALL. I take out those words which have been objected to.

Mr. TIMOTHY J. CAMPBELL. I want to strike out "three" and insert "five."

Mr. BUCHANAN. I have an amendment which I think will promote harmony. I ask leave to insert the words which I send up to the Clerk's desk in place of those which have been stricken out.

The CHAIRMAN. The Chair sustains the point of order. The gentleman from Pennsylvania proposes now to strike out the obnoxious portion of the paragraph. Notwithstanding the law authorizes the employment of a certain number of bailiffs, the gentleman thinks it is competent for the Committee on Appropriations to make an appropriation for such number only as they may think proper.

Mr. BUCHANAN. Let me propose an amendment, which I think if accepted will get us out of the present trouble.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from New Jersey.

The Clerk read as follows:

After the word "court" insert "except in the southern district of New York or."

Mr. BUCHANAN. I offer this to get out of the trouble.

Mr. RANDALL. The gentleman from New York will now see that the words which have been stricken out are the words which he ought to have retained. I always like to accommodate the gentleman from New York.

Mr. TIMOTHY J. CAMPBELL. Yes; and I have always been in favor of the gentleman from Pennsylvania [Mr. RANDALL]. He is a gentleman for whom I have always had the highest regard.

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey [Mr. BUCHANAN].

Mr. BUCHANAN'S amendment was agreed to.

The Clerk read as follows:

For stenographic clerk for the Chief Justice and for each associate justice of the Supreme Court, at a sum not exceeding $1,600 each, $14,400.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, including the employment of janitors and watchmen in rooms or buildings rented for the use of courts, and of interpreters, experts, and stenographers; of furnishing and collecting evidence where the United States is or may be a party in interest, and moving of records, $140,000.

Mr. OATES. I move move to strike out "40" and insert "75;" so the appropriation will be $175,000 instead of $140,000. The Committee on Appropriations recommend $140,000. The amount estimated by the Department of Justice included the preceding proposition for $14,400. The appropriation of $14,400 for stenographers to judges of the Supreme Court being embraced in a separate paragraph would leave the amount to be covered by this paragraph $200,000. The Committee on Appropriations have recommended only $140,000. It seems to me that amount is too small, and I therefore move to amend by making it $175,000, $25,000 less than the amount estimated by the Department.

Mr. RANDALL. This is an increase of $50,000. Mr. Hodges, of the Department of Justice, appeared before the Committee and stated the amount provided was enough.

Mr. OATES. Does the gentleman say that the Department is satisfied with this appropriation?

Mr. RANDALL. That is what we judged from what they said. The gentleman will notice that the estimate for bailiffs and criers was $85,600. We have added $50,000 to that, which we are informed it was desirable to have, so they might be able to get their pay without being incumbered by other matters.

Mr. OATES. Do I understand the gentleman to state that this is substantially what the Department desires?

Mr. RANDALL. Yes, we understand it to be satisfactory.

Mr. OATES. Then I withdraw my amendment.

The Clerk read as follows.

UNDER LEGISLATIVE.

Botanical Garden:

For extension and repairs to heating apparatus; for new sash to rotunda of conservatory, paint and reglaze conservatory and various hot-houses, and general repairs to buildings and walks, including granolithic pavement on First street, leading to Botanic Garden to Capitol, under the direction of the Joint Committee on the Library, $4,000.

Mr. CRISP. I offer the amendment I send to the desk.

The Clerk read as follows:

After line 8, page 95, insert:

"For allowance to contestants and contestees in full for expenses incurred by them in contested-election cases: J. B. Morgan, $701; G. H. Thoebe, $2,000; J. B. White, $2,000; W. O. Arnold, $750; F. M. Simmons, $720; William Vandever, $2,000; N. E. Worthington, $2,000; A. C. Davidson, $2,000; J. V. McDuffy, $2,000; J. D. Lynch, $2,000; P. S. Post, $2,000; Robert Smalls, $2,000; J. G. Carlisle, $1,207.19; William Elliott, $2,000; in all $23,430.19."

Mr. RANDALL. This paragraph has always appeared heretofore on the deficiency bill.

Mr. CRISP. The only objection to putting it there is the uncertainty of that bill and the certainty as to this. It would seem to me to be entirely proper here, and that it belongs to this bill of right. It is in no sense a deficiency; it is a provision of law.

Mr. RANDALL. It is not a deficiency, but then it is not an expenditure for 1889 either.

Mr. CRISP. But it is one of the expenses, it seems to me, which should properly go upon the sundry civil bill. I suppose the gentleman will have no objection to its going on this bill. Do I understand the gentleman to object?

Mr. RANDALL. I have no power to object that I know of.

Mr. CRISP. Then I ask the adoption of the amendment.

Mr. ROWELL. I offer the further amendment which I send to the desk.

The Clerk read as follows:

After "P. S. Post," strike out "$2,000" and insert "$7,668.40."

Mr. RANDALL. That is subject to the point of order, of course.

Mr. CRISP. And I raise the point of order upon it.

The CHAIRMAN. The gentleman will state it.

Mr. CRISP. The point of order is that it is wholly——

Mr. ROWELL. Will the gentleman withhold the point of order for a moment and allow a statement?

Mr. CRISP. I have no objection to that.

Mr. ROWELL. Under the law, I admit, Mr. Chairman, that we are limited to the expense of $2,000 in each of these cases, unless Congress in the act making the appropriation shall see proper to exceed that sum by making a special exception.

Now, this case illustrates the necessity of an exception. The legal, notarial, and office charges, in exact accordance with the law in this case, amounted to $1,155.70. The legal constable's fees, charged up in exact accordance with the law, amounted to $501.55. For witness fees, ascertained exactly in the same manner, and paid in accordance with the law, $656.10 were paid. The record evidence, cost of copying, $194.65; printing the brief, $266.75; making a total of $2,774.75 of fees provided by statute where this evidence was taken, and required to be paid by the law; with other expenses not included in preparing and taking evidence, exclusive of attorneys' fees, of $823.65, making an expense on the part of this contestant, exclusive of attorneys' fees, of $3,598.40. This does not include a single dollar of the attorneys' fees. The attorneys were engaged in taking testimony for three hundred and twenty-nine days, engaged at the same time in four different counties, and sometimes in two or three different places, preparing an argument, without preparing the answer, without arguing the case before the committee. I repeat, they were employed for three hundred and twenty-nine days, for which a payment was made of $3,144, or less than $10 per day. For the preparation of the brief, which is a very elaborate and very comprehensive document, the charge was only $375, whereas the ordinary charge of attorneys of this city in such cases would not be less than $1,000, and for arguing the case before the Committee on Elections the charge was only $250. All these aggregate the sum which I have proposed in the amendment, and which was actually expended in the case.

[Here the hammer fell.]

Mr. RANDALL. I submit that the law is explicit on this subject, and of course makes this subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CRISP. I move to strike out the last word for the purpose of being heard for a moment. The Committee on Elections of which my friend from Illinois is a member, in passing upon these accounts for expenses, felt themselves bound by the existing law. I do not mean to be understood by that to say that it is not in the power of this Congress to repeal that law *pro tanto*, if you please, by making the allowance in excess of $2,000; but I do mean to say that it is not in the power of this House to do it upon an appropriation bill when the point of order is made that this provision is a change of the existing law.

Now as to why the law was passed it is perhaps unnecessary to say anything. I understand, however, that the expense accounts rendered have been increasing from year to year, for inasmuch as it was understood that the United States was to pay the bill, no special effort at economy was used, no formal contract with lawyers was made, but there was that kind of liberality employed which we all perhaps feel more or less when somebody else is required to foot the bill.

Mr. ROWELL. But in this particular case you will admit the fees were particularly low.

Mr. CRISP. I frankly admit that there are many cases where this law operates as a hardship. I am only mentioning the reasons that prompted Congress to make the law. We felt bound by it. I have no doubt the gentleman is largely a loser financially. I have no doubt that other gentlemen who have had contests have been losers; but I think the committee were unanimous in the opinion that we were bound to carry out this law. There is a specific provision of the Revised Statutes that in no case shall more than $2,000 be allowed.

Mr. RANDALL. I object to further debate.

Mr. CRISP. In this case we allowed the full amount the law permitted us to allow. Mr. Chairman, I now withdraw my *pro forma* amendment.

Mr. WHITE, of Indiana. Mr. Chairman, I wish to offer an amendment. I see there is a provision in the bill in my name for $2,000.

The CHAIRMAN. The amendment will be entertained, if in order.

Mr. WHITE, of Indiana. Can I be heard?

The CHAIRMAN. Yes, if you offer an amendment.

Mr. WHITE, of Indiana. I move to strike out "$2,000" and insert "$5,500."

Mr. BLOUNT. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WHITE, of Indiana. I wish to be heard.

Mr. BLOUNT. I ask for the regular order.

The CHAIRMAN. Does the gentleman wish to address the Chair on the point of order?

Mr. WHITE, of Indiana. Yes, sir; I do. I wish to state to the Chair that this point of order will not hold good as against my proposition. The chairman of the Committee on Elections, with all due respect to him, has misconstrued the situation of this case from beginning to end. I do not stand here as a contestee in this case, nor do I recognize the gentleman that pretended to dispute my seat as a contestant. I take the ground that I was duly elected a member of this House without the slightest tinge of fraud. There was not a particle of fraud in my case.

Mr. RANDALL. The gentleman is not speaking on the point of order.

The CHAIRMAN. The gentleman will please confine himself to the point of order.

Mr. WHITE, of Indiana. I was showing that the point of order against me does not apply. I am not a contestee and I was annoyed by a man who was not a contestant, but a deliberate pirate who attempted to steal my seat. He had no right to it whatever. The claim he made that I was not a citizen of the United States——

Mr. OUTHWAITE. Mr. Chairman, I make the point that the gentleman is out of order.

The CHAIRMAN. The Chair thinks the gentleman is outside of the point of order.

Mr. WHITE, of Indiana. If I had not been a citizen of the United States that question could have been investigated by this Congress without costing me a dollar. I was put to this great expense and annoyance out of pure wickedness and with the expectation that money might be made out of it.

Mr. OUTHWAITE. I make the point of order that the gentleman is not addressing himself to the point of order.

The CHAIRMAN. The Chair sustains the point. The gentleman is going outside of the point of order.

Mr. BLOUNT. I call for the regular order.

The CHAIRMAN. The Chair is ready to rule on the point of order, but does not like to be discourteous to any member.

Mr. WHITE, of Indiana. I will either have my proper fees or none. If my amendment is out of order, I move to strike out the whole amount.

The CHAIRMAN. The Chair sustains the point of order. The statute fixes the amount to be allowed in these cases, and under section 3, Rule XXI, it can not be exceeded in an appropriation bill. The gentleman from Indiana [Mr. WHITE] now moves to strike out what the Clerk will read.

Mr. WHITE, of Indiana. I would like to cite you two cases where this point of order, as you term it, has been decided the other way.

The CHAIRMAN. The Chair has ruled on the point of order. Does the gentleman appeal from the ruling of the Chair? If not, he is not in order.

The Clerk read as follows:

Strike out the words "J. B. White, two thousand dollars."

Mr. CRISP. Do I understand the gentleman wants to strike that out?

Mr. WHITE, of Indiana. I insist upon it.

Mr. CRISP. I have no objection.

Mr. WILLIAMS. I would like to hear the amendment of the gentleman from Georgia [Mr. CRISP].

The CHAIRMAN. It appropriates $2,000 for this purpose; and that the gentleman from Indiana [Mr. WHITE] proposes to strike out.

The question was put on the motion of Mr. WHITE, of Indiana, and the Chair being in doubt as to the result the committee divided; and there were—ayes 14, noes 35.

So the amendment to the amendment was rejected.

The amendment of Mr. CRISP was then agreed to.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employés, for labor (by the day, piece, or contract), and for all the necessary materials which may be needed in the prosecution of the work, $2,047,000; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely.

Mr. FARQUHAR. Mr. Chairman, I desire to ask a question for information of the chairman of the Committee on Appropriations. In the Book of Estimates the estimate of the Public Printer is $2,489,621, while the appropriation made by this bill is $2,122,000, making a difference of $367,000, or about $1,000 a day between the estimate of the Public Printer and the amount which the committee gives. Now, it is well known that last year we were troubled with deficiencies for the Government Printing Office because the appropriation for that year was certainly inadequate, and what I desire to know now is the reason for this difference of $367,000 between the estimate and the appropriation, and whether the committee are perfectly satisfied that the amount in this bill will carry the office through without a deficiency.

Mr. RANDALL. There is no deficiency this year, and this is the long session. The appropriation in this bill is for the next year, when we shall have the short session, and there is not likely to be a deficiency. We give the same amount for the coming year that was given for this year, with an addition of $20,000 and two items—one for a new engine, $12,000, and the other "for the construction of an additional story on the south center of the fire-proof main building of the Government Printing Office, and the removal of the electrotype foundry to the same, $16,000." So that this bill in fact makes an increase over the appropriation of last year of about $48,000.

The Clerk read as follows:

To enable the Public Printer to comply with the provisions of the law granting fifteen days' annual leave to the employés of the Government Printing Office, $95,000, or so much thereof as may be necessary; to pay pro rata leaves of absence to employés who resign or are discharged (decision of the First Comptroller), $15,000; in all $110,000.

Mr. FARQUHAR. Mr. Chairman, I observe that there is an appropriation here of $15,000 for the prorating of leaves of absence to employés who resign or are discharged. My recollection is that the previous appropriation which we made for this purpose for the discharged printers was only $5,000, and considering that there were hundreds discharged from that office, many of them without reason, and that it took only $5,000 to pay them their pro rata, it would seem from the amount of the present appropriation, $15,000, that it is the intention to discharge pretty nearly all the balance of those in the office.

Mr. RANDALL. This is for the coming year. It is not for anything that is due for the current year. That belongs to the deficiency bill.

Mr. FARQUHAR. I grant that, but I say it took only $5,000 in 1888 to pay the proratings of men discharged, and why should it take $15,000 this coming year? It looks like giving the office a premium to make more discharges

Mr. RANDALL. We gave the Public Printer the amount that he asked, but it can not be expended except in the manner provided in the paragraph.

Mr. FARQUHAR. But is it not a fact that the proratings of the discharged printers for the current year came within $5,000?

Mr. RANDALL. I have no recollection about that. My recollection is that there are some adjustments yet to be made in that connection.

Mr. FARQUHAR. The House will recollect that there was $2,500 extra asked for which went into the deficiency bill, and which would have made a total of $7,500, but now the committee propose to give $15,000 for these pro rata payments. It certainly looks like putting a premium on discharges.

Mr. RANDALL. Well, the committee had no manner of calculating to a dollar the amount that would be required under this clause, and therefore we were compelled to take the figures of the Public Printer. He said that $15,000 would be required, and we put that amount in the bill.

Mr. FARQUHAR. There is simply a misunderstanding as to the two allotments of money in this paragraph. The $95,000 to pay for the fifteen-days' leave of absence is strictly correct and within the figures; but it is the second part of the paragraph that I am referring

to, to pay pro rata leaves of absence. I claim that it did not take $7,500 to pay that in the last year, and here we are asked for $15,000.

The CHAIRMAN. The time of the gentleman has expired.

A MEMBER (to Mr. FARQUHAR). Do you want to reduce the amount?

Mr. FARQUHAR. I do not care particularly. I merely want to call the attention of the committee to this point.

The CHAIRMAN. Does the gentleman [Mr. FARQUHAR] withdraw his *pro forma* amendment?

Mr. FARQUHAR. I do.

The Clerk resumed and concluded the reading of the bill.

Mr. BRECKINRIDGE, of Kentucky. I desire unanimous consent to return to line 14, page 3, of the bill, to offer an amendment, which will come in more appropriately there than elsewhere.

Mr. RANDALL. I have examined the gentleman's amendment, and while it might come in at the end of the bill, the more appropriate place is that which he has indicated.

The Clerk read as follows:

After line 14, page 3, insert the following:

"For public building at Frankfort, Ky.: That the Secretary of the Treasury be, and he is hereby, directed to ascertain and report to this Congress at its next session the names of the persons who furnished materials for, or performed labor on, the public building at Frankfort, Ky. (by reason of the Government taking the construction of the building from the original contractors), for which they have not been paid, together with the amount and reasonable value of such material and labor."

Mr. RANDALL. I have no objection to this amendment.

The amendment was, by unanimous consent, considered and adopted.

Mr. BRECKINRIDGE, of Kentucky. I ask consent to have printed in the RECORD two letters explanatory of the amendment just adopted.

The CHAIRMAN. If there be no objection, the letters referred to by the gentleman will be printed in the RECORD.

There was no objection.

The letters are as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT, *September* 22, 1885.

SIR: On the 24th day of April, 1884, a contract was entered into with Thomas J. Collins for furnishing and laying all the stone and brick work required for the superstructure of the court-house, post-office, etc., at Frankfort, Ky. The contract provided for the completion of the work on or before the 7th day of February, 1885.

On the 26th of December, 1884, the contractor reported that the building was ready for the roof, with the exception of the tower and two large gables, and that in consequence of pecuniary embarrassment he was unable to prosecute the work further. Thereupon the Government, after communicating with the contractor's sureties, took possession, in accordance with their wishes, of the contractor's plant and finished the work. The account with the contractor stands on the books of this office as follows:

Amount paid to contractor on account of work executed by him	$26,559.00
Amount paid by Government for labor and material completing building after work thereon was abandoned by contractor	11,336.65
	37,895.65
PER CONTRA.	
Amount of contract for stone and brick work	30,911.00
Amount of proposal for pine joists	550.00
Amount proceeds of sale of old material	79.50
	31,540.50
Due the Government	6,355.15

The contract provides that if the contractor fails to complete the work within the time specified he shall forfeit the sum of $50 per day until completion, subject to the discretion of the Secretary of the Treasury. It appears from the reports of the Government superintendent at the building that the work was finished June 1, 1885, and unless relieved by the Secretary of the Treasury the contractor is liable to a penalty of $5,650.

At the time Mr. Collins reported his inability to proceed with the work he was indebted in sums aggregating in amount, according to his own statement, $7,805 for moneys advanced and labor and material supplied for the prosecution of the work upon the building. As security for money borrowed by him from the Bank of Kentucky he gave a chattel mortgage upon all the machinery, tools, etc., constituting his plant at the building, which is dated January 8, 1885. The plant was taken possession of by the Government January 14, 1885.

The amount paid out by the Government to complete this work in excess of the amount named in contract has encroached upon the fund intended for the completion of other work, and in view of the recent decision of the Solicitor (September 15, 1885) as to the application of sums appropriated for specific purposes the completion and occupancy of the building will necessarily be delayed until further appropriation is made or the amount of money paid for this work in excess of the amount named in Collins' contract recovered by suit from the securities on his bond.

The propriety or expediency of entering suit against the bondsmen is one for consideration, in view of the facts as shown by the papers on file in this office, and as the case involves complicated questions of fact and several important questions of law I respectfully recommend that the matter be referred to the Solicitor of the Treasury for examination and opinion as to the proper action to be taken by the Department in the premises.

Very respectfully,

M. E. BELL, *Supervising Architect.*

The Hon. SECRETARY OF THE TREASURY.

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, June 16, 1888.

SIR: In reply to your communications of the 29th ultimo, 4th and 11th instant, transmitting claims of sundry parties for labor and material supplied to Thomas J. Collins, contractor for stone and brickwork of superstructure of the court-house, post-office, etc., at Frankfort, Ky., I have to advise you that the Department entered into contract with Mr. Collins for the work in question on the 24th of April, 1884, and on the 26th of December, 1884, the contractor formally notified the Department of his inability to proceed with the work. On the 12th of January, 1885, the superintendent of the building was authorized to assume charge of the work, and complete the contract at the expense of the contractor.

In the several letters addressed you allusion is made to the alleged liability of the Government under the contract of Mr. Collins for payment for labor and material supplied for the work. The only foundation for this claim of liability is to be found on the fourth page of the specifications of contract, under the head of "subletting," a copy of which is herewith inclosed.

I also inclose for your information copy of letter addressed from this office to the Secretary of the Treasury on September 22, 1885, which recites the facts in connection with the matter, and embraces a statement of Mr. Collins's account with the Government under his contract.

I am unable to state definitely the aggregate of claims against the contractor for labor and material supplied in connection with this contract. A statement submitted by him to this office under date of September 29, 1884, gives as the amount of the indebtedness at that time, $7,805, but this amount is evidently in part estimated, as the bills which have since been presented to the Department through yourself and others differ in amounts from the sums given by the contractor in his statement, and the total indebtedness is doubtless in excess of the aggregate given.

The inclosed copy of a statement of obligations to laborers and mechanics employed upon the work shows a total indebtedness on this account of $1,488.44. A copy of the pay-roll of the contractor, forwarded to the Department by the superintendent of the building in June, 1885, shows the amount due $1,523.56, instead of the amount named.

The papers in this case are voluminous, but I think the inclosures herewith will give you all the essential information in possession of the Department upon the aspect of the case you desire to consider.

I return, as requested, the letters submitted with your several communications.

Respectfully yours,

WILL. A. FREERET,
Supervising Architect.

Hon. W. C. P. BRECKINRIDGE,
House of Representatives.

Mr. RICE. I move to amend by adding to the bill, as a new paragraph, the provision which I send to the desk.

The Clerk read as follows:

For a survey of Indian reservations, required by law to be made under the direction of the Secretary of the Interior, $50,000.

For a survey of the lands mentioned in the act of March 3, 1887, entitled "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes, $50,000.

Mr. RANDALL. I object to going back to adopt that amendment.

Mr. RICE. I do not propose any recurrence to a previous part of the bill.

The CHAIRMAN. Where does the gentleman from Minnesota [Mr. RICE] propose that this amendment come in?

Mr. RICE. I propose it as a new paragraph at the end of the bill.

Mr. RANDALL. We have already considered that subject of surveys.

The CHAIRMAN. That is true; but the Chair thinks the amendment is in order at this time as a new paragraph.

The question being taken on the amendment of Mr. RICE, it was rejected.

Mr. RANDALL. I move that the committee rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, had directed him to report the same back to the House with sundry amendments and a recommendation that it be passed as amended.

Mr. RANDALL. I call the previous question on agreeing to the amendments and ordering the bill to be engrossed and read a third time.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments?

Mr. RANDALL. I do not make any such request.

The SPEAKER. No separate vote being demanded, the question will be taken on the amendments in gross.

The amendments reported by the Committee of the Whole on the state of the Union were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. RANDALL. I call for the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXPENDITURES ON CUSTOM-HOUSE AT CHICAGO.

Mr. LAWLER. As some question has been raised in regard to the expenditures on the custom-house at Chicago, I ask leave to have printed in the RECORD for information two documents on that subject.

There was no objection.

The documents are as follows:

CHICAGO, ILL., *June* 19, 1888.

DEAR SIR: I respectfully inclose herewith a statement of the work done on the United States custom-house here since I have been in charge of the same. The statement, as you will see, gives a list of the different classes of work and the respective costs of the same. Many of the items represent new work, such

as "renewing the tiling and concreting in corridors," "room for messenger boys," "flagging in boiler rooms and engineer's department," plumbing, sewerage, etc.; besides the work of bracing the building with iron tie-rods and repairing the exterior stone work. It will be seen that vouchers have been issued from this office aggregating $159,635.69, which includes the expense of running the office, an item of $13,190.03, which amount has been paid as salary to one superintendent, one clerk, one foreman (for part of the time), one watchman, labor of draughtsman, drawing material, traveling expenses, etc., for over three years. There is yet a small balance to the credit of the building, considerable expense having been incurred in the Supervising Architect's office for plans, specifications, advertising, disbursing agent's commission, etc.

The work which has been done has been well done and will stand inspection for a long time to come. But it is necessary that the building be thoroughly painted, both inside and outside. New driveways should be built and the cornices covered with copper, that the stone work may continue in its present good condition.

The building is in good condition in so far as the work which has been done.

Very respectfully,

M. B. BAILEY.

Hon. FRANK LAWLER, M. C.,
House of Representatives, Washington, D. C.

For reference.

STATEMENT OF WORK DONE ON UNITED STATES CUSTOM-HOUSE, CHICAGO, ILL., TO JUNE 1, 1888.

Repairing and renewing tiling and concrete in corridors	$23,774.84
Repairing heating apparatus	944.65
Repairing granite wagon-way on Jackson street	101.17
Disconnecting gas-supply pipe of post-office from custom-house	558.00
General repairs, iron columns, etc	1,560.89
Repairs to exterior stone-work	10,103.75
Moving, repairing, and lowering gas-supply pipe, etc	1,095.75
Repairing and renewing roof	5,182.40
Glazing	830.87
Fitting up room for messenger boys	837.54
Repairing and cleaning skylight over post-office	740.00
Repairs to flagging in boiler rooms, renew	2,113.00
Repairs to roofs of porticos	1,147.00
Repairing tiling of stairs	1,385.00
Repairing and renewing flagging in engineer's department	3,350.00
Repairs to plastering	3,835.00
Repairs to sewerage, renewing	1,979.57
Repairing and renewing, plumbing	21,343.80
Bracing attic of building with iron tie-rods	$6,983.00
Bracing second, third, and fourth stories with iron tie-rods	22,980.00
Repairing exterior stone work, keystone, etc	30,997.50
Painting	4,600.93
Contingencies, including superintendent, one clerk, foreman, watchman, draughtsman, drawing material, traveling expenses, etc., since 1885	13,190.03
	159,635.69

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 2097) to authorize the construction of a bridge across Trail Creek, in Michigan City, Ind.;

A bill (H. R. 6070) granting an increase of pension to Thomas Benson;

A bill (H. R. 6300) granting a pension to Samson M. David;

A bill (H. R. 6302) granting a pension to Benjamin Contel;

A bill (H. R. 6431) for the relief of Van Buren Brown;

A bill (H. R. 6478) granting a pension to Elizabeth Smith;

A bill (H. R. 6761) for the relief of James H. Orr;

A bill (H. R. 6907) granting an increase of pension to Elias Shafer;

A bill (H. R. 6949) granting a pension to Emeline C. Young;

A bill (H. R. 6976) for the relief of Anna M. Thiele;

A bill (H. R. 7025) granting a pension to Evalina P. Brown;

A bill (H. R. 7577) granting a pension to Lewis C. Keck;

A bill (H. R. 7665) granting a pension to John E. Lewis;

A bill (H. R. 7693) granting an increase of pension to Peter C. Cheeks;

A bill (H. R. 7883) granting a pension to Susan L. Watson;

A bill (H. R. 7907) granting a pension to Mary Ann Lang;

A bill (H. R. 8291) granting a pension to Julia Welch;

A bill (H. R. 8299) for the relief of William M. Dayton;

A bill (H. R. 8343) to authorize the construction of a wagon and foot-passenger bridge across the Noxubee River at or near Gainesville, Ala.;

A bill (H. R. 8510) for the relief of Mary Command;

A bill (H. R. 8607) to increase the pension of Lucius B. Varney;

A bill (H. R. 8673) to increase the pension of John R. Stiles, late a member of Company G, One hundred and forty-eighth Regiment of New York Volunteers;

A bill (H. R. 8694) granting a pension to Isabella F. Dyke;

A bill (H. R. 8762) granting an increase of pension to Charles H. Ordway;

A bill (H. R. 8807) granting a pension to Harriet E. Cooper;

A bill (H. R. 9127) for the relief of Chloe Fraily;

A bill (H. R. 9184) granting a pension to William M. Campbell;

A bill (H. R. 9200) granting a pension to John F. Huckaba;

A bill (H. R. 9224) granting a pension to Belle M. Baker;

A bill (H. R. 9284) granting a pension to Webster C. Webb;

A bill (H. R. 9321) granting a pension to Ruth Ann Porter;

A bill (H. R. 9347) granting an increase of pension to William H. H. Buck;

A bill (H. R. 9487) granting a pension to Mrs. Aurelia P. Hall;

A bill (H. R. 9877) granting an increase of pension to Mary L. Cleveland; and

A bill (H. R. 10267) granting a pension to William P. Gordon.

NAVAL APPROPRIATION BILL.

Mr. HERBERT. I move that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. MCCREARY in the chair) and proceeded to the consideration of the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes.

Mr. HERBERT. The Committee on Naval Affairs has made a very full report upon this bill, and I have no desire to consume any time in general discussion. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BUCHANAN. I do not object to dispensing with the first reading, but I hope that, as we proceed, the gentleman from Alabama will explain the salient points of the bill.

There being no objection, the first reading of the bill for information was dispensed with.

The CHAIRMAN. The bill will now be read by paragraphs for amendment and discussion under the five-minute rule.

Mr. HERBERT. I ask that the report of the committee accompanying the bill be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The report (by Mr. HERBERT) is as follows:

The total amount embraced in the bill is $19,991,074.24. The amount appropriated in the act making appropriations for the current fiscal year was $25,783,847.79. But that sum embraced $1,722,364 for public works and $11,048,362 for increase of the Navy. The present bill embraces $1,312,156.47 for public works and $6,000,000 for increase of the Navy, leaving for current expenses of the naval establishment proper $12,678,917.77, against $13,336,329.32 for the current year. This sum, which is deemed sufficient, is less, it is believed, than has been appropriated or expended since 1860 for similar purposes.

The appropriations made at the first session of the Forty-ninth Congress for ordinary current expenditures for the fiscal year ending June 30, 1887, were less by $493,156.42 than for the previous year, and yet they were sufficient. The Treasury clerk answers a telegram by saying: "The deficiency estimates for naval establishments for 1888 aggregate only $3,882.03." The amounts suggested in our bill aggregate nearly $200,000 less than was appropriated for 1887, but we think them ample.

The building and repairs and preservation of yards and docks and of the Naval Observatory were, until the Forty-ninth Congress, embraced in the sundry civil bill, and are still estimated for as public works, separately and apart from the naval establishments. (See Book of Estimates, page 170.)

But if we include the amounts we propose to expend on these as part of the expenditures of the naval establishment the sum total is only (excluding increase of Navy) $13,991,074.24. Our appropriations for the repair and preservation of navy-yards and docks, which were many of them in bad condition, was last year very much more liberal than for many years, and the money seems to have been well expended and the public property much improved. We make a smaller but still a liberal appropriation this year for the same purpose.

We may obtain a fair idea of the economies of the present expenditures in the Navy Department if we glance back at those of the past. It will be interesting to go back for fifty years, taking a view of the expenditures every tenth year from the present.

In 1878, when the Navy was not being increased, the expenditures were $17,365,301.37, as given in the last annual report of the Secretary of the Treasury. In 1868 the expenditures were $25,775,502.72. In 1858 the expenditures were $14,053,264.64; in 1848, $9,408,476.02; in 1838, $5,131,580.53.

Counting in our estimate the full amount in the bill reported by your committee, including the $6,000,000 for increase of the Navy, say $20,000,000, and estimating our present population at sixty millions, the bill covers for purposes of defending our coasts and commerce about 33 cents per capita of our population. Estimated in the same manner, we were expending in 1868, 69 cents; in 1858, 46 cents; in 1848, 42 cents; and in 1838, 38 cents.

A mere glance at these figures will show that the statesmen of the past were far more liberal in their naval policy than we of this day, if we leave out of consideration the acts of the Forty-ninth Congress. This will become more apparent by considering the costliness of a modern vessel and its armament. In 1854 the Government appropriated $3,000,000 for six vessels. Five of these, the Merrimack, Minnesota, Wabash, Roanoke, and Colorado, were the best and probably the costliest ships of their day. The cost was estimated at $500,000 each. Now there are vessels costing with their armament as much as $5,000,000.

We do not advocate extravagant expenditures on a navy. It is unnecessary. By the observance of economy in the matter of ordinary expenditures we believe we have reached a point at which appropriations of, say, $20,000,000 per annum will allow us, for years to come, $6,000,000 each year toward building up our Navy.

Our old Navy is passing rapidly away. Its wooden ships, old-fashioned engines, and smooth-bore guns would be useless in combat with modern vessels. The chief of the Bureau of Construction reports that in six years we shall have but four of our present wooden vessels, and that in nine years the entire wooden navy will have disappeared. We are gradually reducing the amounts expended in repairing it. While reduction goes on here the amounts required to repair our new Navy will increase as new vessels come into service, yet we estimate that by the appropriation for a few years of $20,000,000 per annum we shall be able to gradually build up a marine which, though not among the large navies of the world, will nevertheless give us that position among maritime powers which the statesmen of the past of all parties thought America should take.

It is perhaps proper to add here that during the current fiscal year the Secretary has sold, under sections 3618, 3672, Revised Statutes, etc., old material no longer deemed useful to the Navy for sums amounting altogether to $352,037.30.

The work of building a new navy is progressing as favorably as could be expected under the conditions existing when it was taken in hand.

Under the appropriations made by the last Congress the Secretary of the Navy has succeeded in making contracts which will enable us to create in this coun-

try everything for the production of modern guns and ships. We are now in this regard absolutely independent of the world.

The first modern vessels we built were three steel cruisers—the Chicago, 4,500 tons displacement; the Atlanta, 3,190 tons; and the Boston, 3,190 tons—and the steel dispatch boat Dolphin, 1,483 tons. The Atlanta, Boston, and Dolphin are in commission, and the Chicago is completed, and as the last of her guns is nearly ready she will be commissioned in a few weeks. All these vessels may be classed as making 15 knots per hour. They carry first-class modern high-power great guns and modern secondary batteries. These vessels were authorized by the act of August 5, 1882, and were contracted for in July, 1883.

Next came the act of March 3, 1885, authorizing two cruisers and two gunboats. Under this, by William Cramp & Sons, at Philadelphia, are being built the Newark, 4,083, and the Yorktown, 1,700 tons. The other two boats authorized by this act are the Charleston, 3,730 tons, under contract with the Union Iron Works, San Francisco, Cal., and the Petrel, a small gunboat, being built by the Columbia Iron Works, at Baltimore, Md.

Next was passed the act to increase the Navy approved August 3, 1886. Under this act William Cramp & Sons, of Philadelphia, contracted to build the Baltimore, 4,413 tons, and the dynamite gun cruiser, 800 tons. The Secretary of the Navy has extended the time of completing certain of these vessels. The tests of steel prescribed by the Department are very rigid, and contractors have found difficulty in obtaining a supply that would answer the required conditions. But that difficulty no longer exists, and it is expected that contractors will progress more satisfactorily in future. Of the two armored cruisers authorized by the act of August 3, 1886, the Maine is building at the New York navy-yard and the Texas in the Government yard at Norfolk.

Not much progress has as yet been made on these vessels. The law requires that they shall be constructed entirely of American material. On the first day of May, 1887, the Secretary of the Navy contracted with the Bethlehem Iron Company, of Pennsylvania, for steel armor-plates and steel gun-forgings, prescribing tests which it is believed will secure material equal to any in the world. Under this contract the delivery of armor-plates is not to begin until October 1, 1889, from which date deliveries are to be at the rate of 300 tons per month. The company is to begin the delivery of gun-forgings in August of the present year, and it is believed will comply with its contract.

The Bethlehem Company is to furnish armor not only for the Maine and Texas, but also for the four monitors. Of these the Puritan, 6,000 tons, has her machinery in, has had her dock trial, and has been accepted. The Amphitrite, whose engines were built by Harlan & Hollingsworth, is ready for her steam-trial. The Terror has also had hers. The engines of the Monadnock, 3,815, have not yet been built.

The next act was that of March 3, 1887. Under this the Union Iron Works is building the San Francisco, 4,083 tons, to be completed October 26, 1889. William Cramp & Sons are building the Philadelphia, 4,324 tons, to be completed October 27, 1889, and N. F. Palmer, jr., & Co. are building the Concord, 1,700 tons, and the Bennington, 1,700 tons, the hulls at Chester, Pa., and the machinery in New York.

Thus it will be seen that when the vessels now building shall have all been completed the Government will have four 15-knot cruisers, three 16-knot cruisers (rating the 1,700 ton vessels as such), two 17-knot armored vessels, two 18-knot cruisers, and three 19-knot cruisers, besides the 20-knot dynamite cruiser. We append hereto a table showing the speed and number of armored and unarmored vessels building and built by the principal naval powers of the world. An examination of this table will show that other governments are now building, principally, very fast vessels.

Speed is a special requisite for an unarmored cruiser. To be of use in time of war it must be able to overtake merchant vessels and to get away from armored cruisers. England has and is building, as these tables will show, nineteen armored vessels with a speed of 16 knots and over. Seven of these make 18 knots. France has or is building four of 16 knots, two of 18 knots, and one 20-knot armored vessel. Armored vessels making 16 knots and more are very common. An unarmored cruiser upon the ocean, confronted by an armored vessel of superior speed which could choose its distance for fighting, would be absolutely helpless.

It would be a grave question whether in these days any administration, if we were at war with England, France, Germany, Spain, or other second-rate naval power, would take the responsibility of sending out upon the high seas an unarmored cruiser of no more than 15 knots' speed. Your committee believe that a navy has its uses in peace, yet they feel very sure that the American people are not willing to be taxed to support an establishment, necessarily expensive, unless it gives promise of usefulness in case of war. A few swift cruisers, capable of taking care of themselves in open conflict with vessels of their own class and of falling with celerity upon an enemy's commerce, would be of immense value.

Your committee, believing that speed is an indispensable requisite in a modern cruiser, and seeking to combine, as far as possible, this requisite with economy in size, have reported in favor of two cruisers of about 3,000 tons each. Size is essential to speed. Very small boats may be filled with machinery and thus secure great speed, as in the case of the Stiletto and other torpedo-boats, but this is done by a sacrifice of space necessary for coal and crew and armament.

The 3,000-ton vessels we provide for will be large enough to carry an efficient armament, provide comfortable quarters for officers and men, and fuel to steam ten or twelve thousand knots at 10 knots an hour. We hope to get in these cruisers 20 knots speed, but have fixed the guaranty of the contractor at 19 knots as a margin of safety. The other cruiser, being of 5,300 tons displacement, we hope will develop more than 20 knots. This speed has been recently attained by the Reina Regente, a vessel built by Thompson, at Clydebank, Scotland, for the Spanish Government.

The armored vessel we provide for in the bill is to be larger and more powerful than the Texas or the Maine. It is to be of 7,500 tons displacement, will carry a very powerful battery, and is expected to obtain a maximum speed of at least 17 knots an hour. As to how the Government should build its war vessels, we beg to repeat here what was said by your committee in its report on House bill 6664, first session Forty-ninth Congress.

Another question your committee have considered with great care was whether the ships provided for in the bill should be built by contract or in the Government yards. There seems to be no serious question as to having all repairs done in Government workshops. The difficulty of defining and valuing the work to be performed renders the contract system so impracticable that all important naval powers have repairs and refits done in their own shops. Some, as England, even established government workshops in their colonies. The plant necessary for repairs and refits is almost, if not quite, sufficient for the construction of vessels; and navy-yards and docks are certainly in better condition to do such work when also engaged in construction. The bill reported therefore provides that one or more of the new vessels contemplated by the bill shall be constructed in one or more of the navy-yards of the United States. Power is also given to the Secretary to build or complete in Government workshops all the vessels included in the bill, in case it shall become apparent to him that the contractors have made a combination against the Government. This provision will, it is believed, operate as a security for the Government, and will at the same time result in having most of our naval vessels procured by contract.

The weight of evidence is that contract ships are cheaper; but there is some very strong testimony tending to show that Government-built ships are better. In a table recently prepared by Maj. W. A. Jones, Engineer Corps, United States Army, it appears that the annual cost of repairs per ton of hull of British naval vessels built by contract is £1.2 per annum, and of vessels built in the Government dock-yards the cost is £0.8; but the report of a special mixed committee appointed by the English admiralty, in 1884, to inquire into the building and repair of ships, known as the Ravensworth committee, recites that the unanimous testimony of witnesses was that the quality of contract work in the construction of ships "as performed under admiralty supervision" was "in no way inferior to that performed in the dock-yards." Ships have heretofore been built in England, almost in equal numbers, by contract and in the Government dock-yards. This committee also found that it was "expedient to extend the practice of building ships of war by contract."

One of the desirable results to follow from this policy, with us, will be the encouragement of private building of naval vessels, and the consequent multiplication of the means of rapidly increasing our naval strength in case of need.

It will be seen that we provide that the President may build in navy-yards of the United States all the ships authorized by the act if contractors shall be found unwilling to undertake them at reasonable rates. Such a provision seems to us necessary for the protection of the Government. Only a few establishments have the plant necessary to build naval vessels. From them combination against the Government is easy, and to provide by law for the building of vessels by contract and contract only and entirely within the limits of the United States seems to us to be inviting combination. The Government should be willing to give contractors fair profits, but it should be nevertheless armed with the power to protect itself. We have therefore provided money enough to put three navy yards in condition to build modern ships.

The following information has been supplied by the Navy Department:

The tabular statements following contain the names and displacements of the fastest armored and unarmored vessels of the principal naval powers.

The vessels are classified according to speed, and those building are separated from those already built. The figures opposite to the names indicate the vessels' displacements.

The speeds given are the maximum trial speeds. The conditions under which these are obtained vary somewhat in different countries. Sometimes they are the result of six, four, or two hours' trial, and occasionally they may be the average speed obtained from several runs over the measured mile.

It is probable that the maintained sea speed of these vessels would be about 10 or 12 per cent. less than those obtained on trial, but the figures given furnish a sufficiently fair means of comparison to indicate the number of fast vessels in each service.

The want of time has not been sufficient to make the tables include all navies.

Résumé of armored vessels.

Nation.	Having a speed of and above—						Total with speed over 15 knots.
	15 knots.	16 knots.	17 knots.	18 knots.	19 knots.	20 knots.	
England	4	12	.....	7	.....	.....	23
France	4	4	.....	2	.....	1	11
Italy	2	3	.....	5	.....	.....	10
Germany	7	.....	.....	.....	.....	.....	7
Spain	.....	1	.....	.....	6	.....	7
Russia	1	3	1	4	.....	.....	9
Brazil	1	1	.....	.....	.....	.....	2
Chili	.....	.....	.....	.....	.....	.....	0
China	1	2	1	.....	.....	.....	4
Japan	.....	3	.....	.....	.....	.....	3
Austria	.....	1	1	.....	.....	.....	2
Total foreign	20	30	3	18	6	1	78
United States	.....	.....	2	.....	.....	.....	2

Résumé of unarmored vessels.

England	6	10	15	6	5	12	54
France	13	2	5	9	11	2	42
Italy	6	2	3	4	9	15	39
Germany	6	4	.....	3	3	1	17
Spain	10	.....	4	.....	.....	8	22
Russia	3	.....	1	1	.....	2	7
Brazil	.....	.....	1	.....	.....	.....	1
Chili	.....	.....	.....	1	1	.....	2
China	4	4	.....	2	.....	.....	10
Japan	.....	1	.....	3	.....	.....	4
Austria	.....	.....	1	1	2	3	7
Total foreign	48	23	30	30	31	43	205
United States	4	3	.....	2	3	1	13

Résumé of armored and unarmored vessels.

England	10	22	15	13	5	12	77
France	17	6	5	11	11	3	53
Italy	8	5	3	9	9	15	49
Germany	13	4	.....	3	3	1	24
Spain	10	1	4	.....	6	8	29
Russia	4	3	2	4	.....	2	15
Brazil	1	1	1	.....	.....	.....	3
Chili	.....	.....	.....	1	1	.....	2
China	5	6	1	2	.....	.....	14
Japan	.....	4	.....	3	.....	.....	7
Austria	.....	1	2	1	2	3	9
Total foreign	68	53	33	47	37	44	283
Total United States	4	3	2	2	3	1	15

ENGLAND.

Armored vessels—built.

15 knots.	16 knots.	17 knots.	18 knots.	19 knots.	20 knots.
Conqueror 6,200	Collingwood..... 9,500		Orlando..... 5,600		
Colossus..... 9,420	Imperieuse..... 8,400		Undaunted..... 5,600		
Edinburg..... 9,420	Warspite..... 8,400		Australia..... 5,600		
Hero..... 6,200	Rodney 10,300		Narcissus 5,600		
	Camperdown 10,600		Galatea 5,600		
	Benbow..... 10,600				
	Anson..... 10,600				
	Howe 10,600				
(4)	(8)		(5)		

Armored vessels—building.

	Victoria..... 10,470		Immortalite..... 5,600		
	Sans Pareil..... 10,470		Aurora..... 5,600		
	Trafalgar..... 11,940				
	Nile..... 11,940				
	(4)		(2)		

Unarmored cruisers, etc.—built.

Shah 6,250	Leander..... 3,750	Surprise..... 1,400	Iris 3,730		
Inconstant..... 5,780	Arethusa 3,750	Alacrity 1,400	Mercury..... 3,730		
Scout..... 1,600	Phaeton..... 3,750	Mersey 4,050			
Fearless 1,600	Amphion..... 3,750	Severn 4,050			
Curlew..... 1,600	Victoria and Albert..... 2,470	Thames 4,050			
Landrail 1,600	Osborne 1,850	Forth..... 4,050			
		Polyphemus..... 2,640			
		Archer..... 1,770			
		Brisk..... 1,770			
		Cossack 1,770			
		Mohawk 1,770			
		Porpoise..... 1,770			
		Tartar..... 1,770			
(6)	(6)	(13)	2)		

Unarmored cruisers, etc.—building.

15 knots.	16 knots.	17 knots.	18 knots.	19 knots.	20 knots.
	Blanche 1,580	Serpent..... 1,770	Grasshopper 525	Melpomene 2,950	Blake..... 9,000
	Blonde..... 1,580	Raccoon..... 1,770	Sandfly..... 525	Magicienne..... 2,950	Blenheim 9,000
	Barracouta..... 1,580		Spider..... 525	Marathon 2,950	Sharp-shooter..... 735
	Barrosa..... 1,580		Rattlesnake 525	Barham 1,800	Spanker..... 735
				Bellona 1,800	Speedwell..... 735
					Salamander..... 735
					Seagull 735
					Sheldrake..... 735
					Skipjack..... 736
					Vulcan 6,620
					Medea..... 2,800
					Medusa..... 2,800
	(4)	(2)	(4)	(5)	(12)

FRANCE.

Armored vessels—built.

Indomptable..... 7,168	Courbet 9,652		Marceu..... 10,581		
Devastation..... 9,639					
Ad. Baudin 11,380					
Formidable 11,441					
(4)	(1)		(1)		

Armored vessels—building.

	Hoche..... 10,581		Brennus..... 11,000		Dupuy de Lôme.... 6,297
	Magenta..... 10,581				
	Neptune..... 10,581				
	(3)		(1)		(1)

Unarmored cruisers, etc.—built.

Duquay Trouin..... 3,189	Tourville..... 5,522	Sfax..... 4,480	Milan 1,550	Forbin 1,848	
Laperouse..... 2,256	Duquesne..... 6,094	Condor..... 1,240	Bombe 321		
D'Estaing..... 2,256		Epervier..... 1,280	Couleuvrine..... 321		
Nielly..... 2,257		Faucon..... 1,272	Dague..... 321		
Roland..... 2,268		Vautour 1,272	Dragonne..... 321		
Primauget..... 2,257			Fleche 321		
Iphigenie 3,192			Lance 321		
Arethuse..... 3,360			St. Barbe..... 321		
Du Petit Thonars... 1,962			Salve..... 321		
Sané..... 1,915					
Seignelay..... 1,915					
Éclaireur..... 1,658					
Hirondelle..... 1,036					
(13)	(2)	(5)	(9)	(1)	

FRANCE—continued.

Unarmored cruisers, etc.—building.

				Tage ..... 7,045 Cecille..... 5,766 Jean Bart..... 4,162 Alger..... 4,162 Isly..... 4,162 Surcouf..... 1,848 Troude..... 1,877 Lalande..... 1,877 Cosmao ..... 1,848 Coetlogon..... 1,848 (10)	Davoust..... 3,027 Suchet..... 3,027 (2)

ITALY.

Armored vessels—built.

Duilio..... 11,138 Dandolo..... 11,202 (2)	Andrea Doria..... 10,045 Ruggiero de Lauria..... 10,045 Francesco Morisini..... 10,045 (3)		Italia..... 13,898 Lepanto..... 13,550 (2)		

Armored vessels—building.

			Re Umberto..... 14,000 Sicilia ..... 14,000 Sardegna..... 14,000 (3)		

Unarmored cruisers, etc.—built.

15 knots.	16 knots.	17 knots.	18 knots.	19 knots.	20 knots.
Flavio Gioja..... 2,524 Americo Vespucci... 2,533 Savoia..... 2,850 Staffetta..... 1,388 Barbarigo ..... 624 M. A. Colonna..... 656 (6)	Rapido..... 1,593 C. Colombo..... 2,316 (2)	Giovanni Bausan. 3,068 Esploratore ..... 1,000 Massagiero..... 981 (3)	Andrea Provana.. 649 Sebastian Veniere 649 Archimede..... 784 Galileo 784 (4)	Vesuvio ..... 3,530 Etna..... 3,530 Dogali... ..... 2,200 (3)	Tripoli ..... 741 Goito..... 741 Folgore..... 317 (3)

Unarmored cruisers, etc.—building.

				Stromboli ..... 3,530 Fieramosco ..... 3,530 4 of Dogali type... 2,200 (6)	Monzambano ..... 741 Montebello..... 741 Confienza ..... 745 Saetta ..... 317 4 Tripoli..... 741 4 Folgore..... 317 (12)

GERMANY.

Armored vessels—built.

Bremse..... 866 (1)					

Armored vessels—building.

6 gunboats. (6)					

Unarmored cruisers, etc.—built.

Freya ..... 2,017 Leipzig..... 3,925 Prinz Adalbert..... 3,925 Charlotte..... 3,360 Alexandrine ..... 2,370 Arcona..... 2,370 (6)	Hohenzollern ..... 1,700 Ziethen..... 975 Pfeil..... 1,382 Blitz..... 1,382 (4)			Wacht..... 1,240 (1)	Greif..... 2,000 (1)

Unarmored cruisers, etc.—building.

			Irene..... 4,400 Princess Wilhelm 4,400 Corvette H. (ordered) 4,400 (3)	Sister to Wacht ... 1,240 .....do..... 1,240 (2)	

SPAIN.

Armored vessels—built.

15 knots.	16 knots.	17 knots.	18 knots.	19 knots.	20 knots.
Pelayo 9,902 (1)				6 armored cruisers building..... 7,000	

Unarmored cruisers, etc.—built.

Isla de Cuba ..... 1,030 Isla de Luson..... 1,030 Castilla,..... 3,342 Navarra..... 3,342 Cristobal Colon..... 1,055 D. Juan de Austria. 1,152 Infanta Isabel..... 1,152 Isabel II..... 1,055 D. Antonio de Ulloa. 1,055 (9)		Arragon..... 3,342 Reina Cristina..... 3,090 Reina Mercedes... 3,090 Alfonso XII..... 3,090 (4)			Reina Regenta..... 5,060 Destructor 458 (2)

Unarmored cruisers, etc.—building.

Conde de Venaditta...1,055 (1)					3 R. Regente type. 3 torpedo vessels. (6)

RUSSIA.

Armored vessels—built.

Wladimir Monomach..... 5,796 (1)		Dmitri Donskoi.... 5,796 (1)	Ad. Nachimoff..... 7,780 Alexander II..... 8,440 Nicholas I..... 8,440 Pamjatz Azova.... 6,000 (4)		

Armored vessels—building.

	Tchesma ..... 10,181 Sinope..... 10,181 Catherine II..... 10,181 (3)				

Unarmored cruisers, etc.—built.

Pamjatz Merkurija ... 3,150 Vitlaz..... 2,965 Rinda..... 2,965 (3)		Wzriw..... 134 (1)		Admiral Korniloff..... (1)	Lt. Ilin..... 600 Captain Sacken..... 600 (2)

BRAZIL.

Armored vessels.

Aquidaban..... 4,950 (1)	Riachuelo..... 5,790 (1)				

Unarmored vessels.

		Almirante Tamandare..... 4,023 (1)			

CHILI.

			Esmeralda..... 2,920 (1)	Unnamed, building 4,500 (1)	

CHINA.

Armored vessels—built.

Ting Yuen..... ..... 7,430 (1)	King Yuen..... 2,900 Lai Yuen..... ..... 2,900 (2)	Chi Yuen..... 2,355 (1)			

CHINA—continued.

Unarmored cruisers, etc.—built.

Nan Thin ..... 2,200 Yang Pao..... 2,500 Wei Sin ..... 2,500 Nx..... 2,477 (4)	Nan Shin..... 2,300 Yang Wei..... 1,350 Choa Yung..... 1,350 Kiang Su..... 1,000 (4)		Chih Yuen..... 2,300 Ching Yuen..... 2,300 (2)		

JAPAN.

Armored vessels—building.

	Itsukusima..... 4,140 Matsukusima ..... 4,140 Hakidati 4,140 (3)				

Unarmored cruisers, etc.—built.

	Tsukushi..... 1,350 (1)		Naniwa..... 3,650 Takachiho 3,650 (2)		

Unarmored cruisers, etc.—building.

			Naniwa type..... 3,600 (1)		

AUSTRIA.

Armored vessels—built.

15 knots.	16 knots.	17 knots.	18 knots.	19 knots.	20 knots.
	Kronprinz Erzherzog Rudolf..... 6,870 (1)	Kronprinzessin Erzherzogin Stephanie 5,060 (1)			

Unarmored cruisers, etc.—built.

		Miramar 1,830 (1)	Panther..... 1,550 (1)	Leopard..... 1,550 (1)	Meteor..... 420 (1)

Unarmored cruisers, etc.—building.

				Tiger..... 1,041 (1)	2 Meteors..... 420 (2)

UNITED STATES.

Armored vessels.

		Maine..... 6,648 Texas 6,360 (2)			

Unarmored vessels.

Chicago..... 4,500 Atlanta..... 3,190 Boston..... 3,190 Dolphin..... 1,485 (4)	Yorktown..... 1,700 Bennington..... 1,700 Concord..... 1,700 (3)		Charleston..... 3,730 Newark..... 4,083 (2)	Baltimore..... 4,413 Philadelphia..... 4,324 San Francisco..... 4,083 (3)	Vesuvius..... 800 (1)

NOTE.—All the above except the Chicago, Atlanta, Boston, and Dolphin are building.

The CHAIRMAN. The Clerk will now proceed to read the bill by paragraphs for amendment.

The Clerk read as follows:

BUREAU OF ORDNANCE.

Ordnance and ordnance stores: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, tools, material, and labor to be used in the general work of the Ordnance Department; for furniture at magazines, at the ordnance dock, New York, and at the naval ordnance battery and proving-ground and for prizes to enlisted men for excellence in ordnance exercises and target practice, $130,000.

Mr. HERBERT. I move to insert, after line 128, the following:

For ammunition for the guns of the Vesuvius, $12,000.

The amendment was agreed to.

The Clerk read as follows:

Navy Yard, Washington, District of Columbia: For one clerk, at $1,400; one messenger, at $1.76 per diem; one foreman-laborer, at $3.50 per diem.

Mr. COMPTON. I move to strike out, in line 354, "$3.50," and in lieu thereof to insert "$4."

Mr. Chairman, I find by reference to the bill that at every other navy-yard there is paid from $4 to $4.50, $5, and $5.50 per day, while at the Washington navy-yard the pay is fixed at $3.50 only. I do not see any reason why this yard should be discriminated against. I find by the letter of the superintendent of this navy-yard that the duties of this laborer are of as onerous and responsible a character, and even more so, than similar laborers in other navy-yards of the country. My

amendment only provides that the pay shall be made at the lower rate provided in other navy-yards, that is, at $4 a day.

Mr. HERBERT. The wages of this laborer have been put at exactly the same rate they have been for many years. The committee did not think it proper to raise the pay, and they allowed it to remain at the same rate which it has been as far back as the committee have gone.

Mr. COMPTON. That may be true, but that is no good reason why the injustice should be continued.

My statement will be verified by reference to the provisions for other navy-yards in this bill, that similar officers get from $4 to $4.50, and from $5 to $5.50 a day, whereas this laborer receives only $3.50. I can not conceive for my life why discrimination should be made against the Washington navy-yard in this respect.

The CHAIRMAN. The noes seem to have it.

Mr. COMPTON. I ask for a division on my amendment.

The committee divided; and there were—ayes 7, noes 14.

So the amendment was rejected.

The Clerk read as follows:

Contingent, Bureau of Medicine and Surgery: For freight or expressage on medical stores, tolls, ferriages, transportation of sick and insane patients; care, transportation, and burial of the dead; advertising; telegraphing; rent of telephones; purchase of books and stationery; binding of all bound books and pamphlets, postage and purchase of stamps for foreign service; expenses attending the medical board of examiners; rent of rooms for naval dispensary and museum of hygiene; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons and harness; purchase of feed for horses and cows; trees, plants, garden tools, and seeds; furniture and incidental articles for the museum of hygiene; naval dispensary, Washington; naval laboratory, sick-quarters at Naval Academy and marine barracks and dispensaries at navy-yards; washing for medical department at museum of hygiene, naval dispensary, Washington, naval laboratory, sick-quarters at Naval Academy and marine barracks, dispensaries at navy-yards and naval stations and ships and rendezvous, and all other necessary contingent expenses, $25,000.

Mr. HERBERT. I move, in line 428, to strike out "all" and insert "un," so it will read, "binding of unbound books," etc., and not "binding of all bound books;" and, in line 433, I move, after the word "feed," to insert the words "of and."

The amendment was agreed to.

The Clerk read as follows:

Labor and expenses of general store-houses, $85,000; in all, $1,061,000.

Mr. HERBERT. I move, in line 464, page 20, to strike out "$85,000" and insert "$90,000;" and in line 465, to make the total $1,066,000 instead of $1,061,000.

The amendment was agreed to.

The Clerk read as follows:

Navy-yard, Washington, D. C.: In general store-houses: One book-keeper, $1,200; one stationery clerk, $1,200; one bill clerk, $1,000; one shipping and receiving clerk, $1,000.

Mr. HERBERT. I move to strike out, in line 525, the word "stationery;" so it will read:

One clerk, $1,200.

The amendment was agreed to.

The Clerk read as follows:

Erection of barracks and officers' quarters at Norfolk, Va., $30,000.

Mr. HERBERT. I move to strike out "and officers' quarters" and insert "towards the" before the word "erection;" so it will read:

Towards the erection of barracks at Norfolk, Va., $30,000.

The amendment was agreed to.

Mr. HERBERT. I was about to move that the committee rise and report the bill to the House, but I will yield to the gentleman from West Virginia [Mr. GOFF].

Mr. GOFF. I move to strike out the last word.

Mr. Chairman, I desire to state, not for the purpose of making any objection at all to any of the amounts recommended here, or suggested as an appropriation for the various purposes set forth in this bill, nor in fact to criticise the bill as it has been reported from the Committee on Naval Affairs, but simply to call attention to the fact that during the last fiscal year, according to the report of the Department, according to the suggestion of the chairman of the Committee on Naval Affairs in his report, according to the suggestion of the Secretary of the Navy himself in his annual report, that the work heretofore authorized by the Department in the completion of vessels heretofore commenced, and commenced under acts passed at the last session of Congress, has been progressing in a favorable manner. And my object in so calling attention is to state that during the last Congress we were repeatedly told that it was utterly impossible for the Secretary of the Navy to construct the new vessels then to be authorized by act of Congress under the system of organization as it then and now and has for over a quarter of a century existed.

It will be remembered, sir, that it was claimed upon this side of the House that the present organization was perfect; that each, every, and all of the bureaus of that Department were essential to a successful operation of the whole; and that if it was necessary or desirable to concentrate any of the officials of these departments under the bureaus as it then existed, or transfer them, or abolish any of the bureaus it could be done by a stroke of the Secretary's pen; and that he had authority under the law, as it existed, to abolish virtually any bureau by transferring the duties performed by one of them to another which in his judgment was more necessary for the successful accomplishment of the work in hand assigned to it.

Gentlemen of this committee will remember that we had a bill offered during that Congress abolishing the existing system, a system which we were assured had brought about all of the extravagance and abuses under which we were told a Republican administration had wantonly disposed of the people's money, or had perpetrated frauds, as some gentlemen chose to assert—a system under which the Department had been controlled for a number of years. That bill was offered, by which the eight bureaus of the Department were, in the first place, to be concentrated into three bureaus, or failing in that an effort was made to concentrate them into five; and it was then insisted that if the bill then offered should become a law—insisted upon this side of the House—that the Secretary of the Navy would find it absolutely essential to issue an order by which he would in fact restore the bureaus that were so abolished.

I desire to call the attention of the committee to the fact that all that was claimed on this side of the House during that controversy has been virtually conceded by the report of the Secretary of the Navy, Mr. Whitney, to this House in December last, and I read from page 11 of that report. Permit me to state first that he does not fail to call the attention of the Congress to the fact that he suggested that these changes should be made, and the committee will bear me out in the assertion that the Secretary of the Navy and the chairman of the Committee on Naval Affairs stated, and it was claimed on that side of the House, that it would be absolutely impossible to carry on the work without wasteful extravagance unless the bureaus were consolidated.

[Here the hammer fell.]

Mr. HERBERT. I ask unanimous consent that the time of the gentleman from West Virginia may be extended.

There was no objection.

Mr. GOFF. I shall not probably consume the five minutes allotted to me. The Secretary says:

In the last two annual reports of the Department, the necessity for a better system of handling the stores and supplies and for making the purchases of the Department has been fully explained. During the last year a new system has been inaugurated.

Inaugurated by virtue of what authority? How was it inaugurated? It was not by virtue of any legislative enactment. It was not by authority of any statute of Congress, unless it be the authority of legislative enactment existing previous to the criticisms that had been submitted upon the organization of the Department as it has heretofore existed. Then I say, sir, that the Secretary, when he calls the attention of Congress and the country to the fact that a new system has been inaugurated, admits it to be true as it was stated on this side of the House, I myself, among others, making the statement, and my colleagues on this side, as well as a member of the Naval Committee on the other side, that this system could be inaugurated under the much-abused organization of that Department as it had existed from 1846 down to the present time.

My honorable friend from Alabama [Mr. HERBERT] stated persistently and eloquently that it was impossible for this change to be made. He argued it well in his report, and argued it better on the floor of the House. And, sir, I am glad that he is here now to substantiate, as I have no doubt he will substantiate, this admirable statement of the Secretary of the Navy upon this particular branch of the law.

And I am very frank to say, Mr. Chairman, that my motive in this formal amendment and in making this statement to the House, calling the attention of the country and of this committee to these facts, is because of the very statements of my friends on the other side of this Chamber, which they have been in the habit of making for years past, of abusing the system of organization there, which they have criticised and abused so long, that they are so fond and anxious on all and every occasion of denouncing, and have even made it a pretext to hold up to the scorn of the country as a system by which repeated Republican administrations have repaired old ships and failed to construct new vessels and squandered millions of money, and that thereby the faulty organization of the Department was demonstrated beyond all question to exist.

I have no idea that the honorable chairman of the Committee on Naval Affairs will take issue with the Secretary of the Navy on this proposition. I read further:

During the last year a new system has been inaugurated. There will hereafter be accountability for the property and a responsible head to the business.

My friends, do you not, on that side of the Chamber, remember how the word "accountability" was played upon; that there had been no responsibility; that there had been no accountability in the Department; that it was absolutely impossible to have that accountability or responsibility under the existing organization? And yet we are told now that we have a perfect system of organization, that we have a superb system organized in the last year, inaugurated since the adjournment of Congress, by which we have to-day absolute accountability. I congratulate the chairman; I congratulate the Secretary; I congratulate my friends on the other side of the House.

Mr. HERBERT. Mr. Chairman, I have no disposition now and

shall not attempt at this time to discuss the question which the gentleman raises, whether the bill for the reorganization of the Navy, introduced by myself, so earnestly pressed on this side and so persistently fought on the other side of the House, ought to have passed or not. I am not at all surprised that the gentleman from West Virginia [Mr. GOFF] should feel like making some excuse to the country for being so largely responsible for the defeat of that bill, as he was resorting, as his party did, to parliamentary tactics, although two of the intelligent members of his party belonging to the Naval Committee had favored the bill.

But I desire to correct the gentleman in this. If he will look back to the RECORD he will see I did not state that it was impossible for a reorganization to be made by the Secretary. I admitted then, as I say now, that under the power the Secretary had to distribute among the eight bureas the authority vested in him he could easily do what he has done.

Mr. GOFF. I concede that that was your argument; but it was coupled with this proposition: That it could not be done and at the same time secure a proper accountability.

Mr. HERBERT. I think I could easily demonstrate, if this were the proper time and place, that even under the present organization there are grave defects. They were continually cropping out while we were preparing the appropriation bill. I shall not be tempted, however, to go back and discuss that question.

Mr. GOFF. You will take issue with the Secretary if you do.

Mr. HERBERT. I do not take issue with the Secretary. I am satisfied the Secretary believes now, as he believed then, that it would be better to pass that bill. If the bill had become a law it would have put at rest many questions that must rise hereafter. We could have framed under that bill, if it had become law, quite a different bill from that we have just passed. The Secretary made the present organization simply because we were not permitted to reorganize by law, although I know he thinks, and I entirely agree with him—and I am glad the gentleman from West Virginia does also—that the reorganization which he has made by his order has worked a great reform in this bureau system.

Mr. GOFF. I have stated no such thing as that. I have simply stated that reform and reorganization has been consummated under existing law when we were told it could not be accomplished.

Mr. HERBERT. Now, Mr. Chairman, I move that the committee rise and report the bill favorably to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. MCCREARY reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes, had directed him to report the same back to the House with sundry amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HERBERT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, returning bills of the following titles, with the statement that the bills having been presented to the President on June 7, 1888, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, they had become laws without his approval:

An act (H. R. 6899) to incorporate the Eckington and Soldiers' Home Railway Company of the District of Columbia;

An act (H. R. 7263) for the erection of a public building at Bay City, Mich.;

An act (H. R. 7264) for the erection of a public building at Bridgeport, Conn.;

An act (H. R. 7340) to authorize the construction of a bridge across the Mississippi River at Hickman, Ky.;

An act (H. R. 1184) to authorize the construction of a bridge across Rock Creek, and at the Woodley Lane Road, in the District of Columbia; and

An act (H. R. 6845) granting a pension to John Witham.

The message further announced that the President had approved bills of the following titles:

Joint resolution (H. Res. 183) authorizing the loan of tents and tent equipage to the veteran organizations of the Society of the Army of the Potomac;

An act (H. R. 6545) to increase the pension of Henry T. Bridges;

An act (H. R. 6552) to increase the pension of James R. Porter;

An act (H. R. 7857) to increase the pension of Henry L. Potter;

An act (H. R. 8496) to increase the pension of Albert E. Magoffin;

An act (H. R. 3712) increasing the pension of Milton Judd;

An act (H. R. 9682) increasing the pension of Jesse Dickey;

An act (H. R. 4864) to place the name of Jacob Behr on the pension-roll;

An act (H. R. 5429) to place the name of Smith V. Campbell on the pension-roll;

An act (H. R. 6990) to place the name of Rebecca E. Shoemaker on the pension-roll;

An act (H. R. 8771) to place the name of Mrs. Flora C. Andrews on the pension-roll;

An act (H. R. 6531) to pension Leah Roark;

An act (H. R. 2413) granting a pension to Mrs. Mercy Knight;

An act (H. R. 3535) granting a pension to Ellen St. Cyr;

An act (H. R. 3690) granting a pension to Penelope Morton, widow of Lieutenant Morton;

An act (H. R. 3706) granting a pension to Henry C. Richardson;

An act (H. R. 3745) granting a pension to Mary O'Neil;

An act (H. R. 4103) granting a pension to Edna M. Hildreth;

An act (H. R. 4891) granting a pension to Alpheus Dyer;

An act (H. R. 5177) granting a pension to Pleman Cook;

An act (H. R. 5756) granting a pension to David Gibbons;

An act (H. R. 6577) granting a pension to Abigail Sullivan;

An act (H. R. 6583) granting a pension to Sally B. Wilson;

An act (H. R. 7097) granting a pension to Edmund Ryan;

An act (H. R. 7115) granting a pension to William Scott;

An act (H. R. 7466) granting a pension to Hannah H. Grant;

An act (H. R. 7471) granting a pension to Moses L. Chase;

An act (H. R. 7574) granting a pension to Frank Lewis;

An act (H. R. 7642) granting a pension to Abbie R. Brown;

An act (H. R. 7688) granting a pension to John Glenning;

An act (H. R. 7721) granting a pension to Martha Linton;

An act (H. R. 7829) granting a pension to Thomas McGuire;

An act (H. R. 7944) granting a pension to Ann V. Ferguson;

An act (H. R. 7974) granting a pension to Herman Rankins;

An act (H. R. 8159) granting a pension to Jane Brown Dunn;

An act (H. R. 8217) granting a pension to Raphael Fowler;

An act (H. R. 8260) granting a pension to Lydia A. Hicks;

An act (H. R. 8629) granting a pension to Mrs. Abbe E. Jackson;

An act (H. R. 8798) granting a pension to Nettie Ellicott;

An act (H. R. 8884) granting a pension to Emily McClure;

An act (H. R. 9170) granting a pension to James W. Poag;

An act (H. R. 5378) for the relief of Tillman Faux;

An act (H. R. 6245) for the relief of William Burk;

An act (H. R. 6574) for the relief of William Compton;

An act (H. R. 6840) for the relief of Hiram M. Goss;

An act (H. R. 6973) for the relief of Enoch Weathers; and

An act (H. R. 2174) granting a pension to Lewis Fichthorn.

AMENDMENT OF LAND LAWS.

Mr. HOLMAN. Mr. Speaker, I now call up House bill No. 7901, which is the unfinished business.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill to secure to actual settlers the public lands adapted to agriculture, to protect the forests on the public domain, and for other purposes.

Mr. HOLMAN. When the bill was last before the House certain amendments were adopted. There are a large number of amendments pending. It is for the consideration of these amendments I desire to have the bill taken up as unfinished business.

I wish to say by way of explanation that the gentleman from Illinois, Judge PAYSON, who is a member of the Committee on Public Lands, and a very valuable member, authorized me to say to the House that he was extremely desirous that this measure should go right on whenever the opportunity should present itself, whether he was present or not.

Mr. BURROWS. In a conversation with Judge PAYSON after this matter was called up before, he expressed himself as very much gratified that I had called attention to it and had its consideration postponed until his return. He said he was very anxious to be here when the bill was considered. It certainly is a very important bill, and, while I have no feeling about it one way or the other, it seems to me that, considering the slimness of the House, it had better lie over until his return.

Mr. HOLMAN. I can only say that Judge PAYSON came to me, I think the same afternoon that he left the city, and said that while he wished to be here when the forfeiture bill came up, as he had a substitute to propose for that, he desired that this bill should go right on whenever there was an opportunity.

Mr. BURROWS. In view of the statement of the gentleman from Indiana [Mr. HOLMAN] that it is the wish of Judge PAYSON that this bill shall be taken up at the first opportunity, even in his absence, I will not interpose any objection.

Mr. TIMOTHY J. CAMPBELL. Will the gentleman from Indiana [Mr. HOLMAN] give way for a moment to let the gentleman from New

Jersey [Mr. McADOO] take up a little bill from the Committee on Naval Affairs? [Laughter.]

Mr. McADOO. The bill has been reported unanimously from the Committee on Naval Affairs, and I ask that it be taken up and considered now. It will occupy only a few minutes.

Mr. OATES. Will not the gentleman from Indiana [Mr. HOLMAN] consent to allow this bill to go over until to-morrow?

Mr. HOLMAN. It will take a day to consider the amendments to this bill, and I want every minute I can get. If this bill is not passed I want it understood that it is not the fault of the Committee on Public Lands. Although the bill has been pending before the House for three months or more, we have had altogether an hour and a half for its consideration.

The SPEAKER *pro tempore*. The Clerk will report the first amendment to the bill.

Mr. WILKINS. Let us have the regular order.

The SPEAKER *pro tempore*. This is the regular order.

Mr. WILKINS. How is it the regular order?

The SPEAKER *pro tempore*. It is unfinished business.

Mr. HOLMAN. The bill is properly before the House. It is unfinished business.

Mr. RANDALL. And has the right of way.

The SPEAKER *pro tempore*. And has the right of way.

Mr. BUCHANAN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUCHANAN. If the House should take a recess now would this bill have the right of way in the morning?

The SPEAKER *pro tempore*. It is unfinished business.

Mr. HOLMAN. It is unfinished business, and has the right of way all the time until disposed of.

Mr. BUCHANAN. I move that the House take a recess until 8 o'clock this evening. We have been in session here almost six hours in a sweltering atmosphere.

Mr. SOWDEN. I rise to a parliamentary inquiry. I would like to know what effect the consideration of this bill would have upon the special order assigning to-morrow for the consideration of business from the Committee on Public Buildings and Grounds?

The SPEAKER *pro tempore*. That will be for the Speaker to decide when the question comes up in the House to-morrow. [Laughter.] The gentleman from New Jersey [Mr. BUCHANAN] moves that the House take a recess until 8 o'clock p. m.

Mr. HOLMAN. I hope that will not be done.

Mr. TIMOTHY J. CAMPBELL. I hope the Chair will recognize the gentleman from New Jersey [Mr. McADOO].

The SPEAKER *pro tempore*. The motion is not debatable.

Mr. HOLMAN. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the motion of the gentleman from New Jersey [Mr. BUCHANAN] that the House take a recess until 8 o'clock this evening.

The question was taken on the motion of Mr. BUCHANAN; and there were—ayes 30, noes 40.

Mr. SOWDEN. No quorum.

A MEMBER on the Republican side. Let us have tellers.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. SOWDEN] and the gentleman from New Jersey [Mr. BUCHANAN] will act as tellers.

Mr. SOWDEN. I withdraw the point of no quorum.

The SPEAKER *pro tempore*. The point of no quorum is withdrawn.

Mr. HOLMAN. Now I ask that the Clerk proceed with the reading.

Mr. CHEADLE. Mr. Speaker, tellers were demanded by two gentlemen on this side.

The SPEAKER *pro tempore*. The Chair did not understand that tellers were demanded. The Chair understood that the point of no quorum was made, which made it the duty of the Chair to appoint tellers.

The question was taken on ordering tellers, and they were refused—only 19 members voting in favor thereof.

The SPEAKER *pro tempore*. Tellers are refused; the noes have it, and the House refuses to take a recess.

Mr. HOLMAN. Now let the Clerk read.

Mr. RYAN. I desire to ask the gentleman from Indiana [Mr. HOLMAN] whether the gentleman from Illinois [Mr. PAYSON] has not an amendment pending to this bill which he considers quite important?

The SPEAKER *pro tempore*. The Clerk will report the pending amendment, which is to section 3.

The Clerk read as follows:

But no patent shall issue except to a citizen of the United States.

The SPEAKER *pro tempore*. To the amendment just read, an amendment was proposed, to add the words which the Clerk will read.

The Clerk read as follows:

Or who has declared his intention to become such.

Mr. HOLMAN. The first proposition just read was submitted by the gentleman from Illinois [Mr. PAYSON], the other, I believe, by the gentleman from Minnesota [Mr. NELSON]. The question presented is a very important one, and I am anxious that the gentleman from Illinois should be present when it is considered. I therefore ask unanimous consent that this amendment be passed over.

The SPEAKER *pro tempore*. If there be no objection, these amendments will be passed over for the present, with leave to return hereafter to this part of the bill. The Chair hears no objection. There is another amendment pending to the third section—an amendment proposed by the gentleman from Kansas [Mr. ANDERSON]. The Clerk will read it.

The Clerk read as follows:

Amend section 3, by striking out all after the words "Revised Statutes" in line 2, and inserting the words "is hereby repealed."

Mr. BUCHANAN. I move that the House now take a recess until 8 o'clock. The gentleman who proposed that amendment is not here. This is a privileged matter, and can be brought up in the morning.

Mr. HOLMAN. Inasmuch as there does not seem to be a quorum present, and gentlemen have some reports they desire to make, I will not insist on the further progress of the bill just now, but give notice that I shall call it up in the morning.

The SPEAKER *pro tempore*. Under a previous order of the House, gentlemen having reports to make can hand them to the Clerk.

Mr. BUCHANAN. I withdraw the motion for a recess.

Mr. HOLMAN. Without allowing this bill to lose its place, I yield for a moment to the gentleman from New Jersey [Mr. McADOO].

CADET ENGINEERS.

Mr. McADOO. I ask unanimous consent for the immediate consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (S. 1484) to fix the status in the Navy of certain cadet engineers.

Be it enacted, etc., That for the purpose of placing certain cadet engineers (graduates) in their proper grade and rank in the Navy, the President of the United States be, and is hereby, authorized to appoint and, by and with the advice and consent of the Senate, commission as assistant engineers in the Navy the cadet engineers of the classes of 1881 and 1882 now in the Navy: *Provided*, That the commissions of the class of 1881 be dated from July 1, 1885, and their names be placed on the Navy Register immediately after the name of William D. Weaver, and that they take precedence in their grade and corps according to their proficiency as shown by their order of merit at the date of graduation; and that the commissions of the class of 1882 be dated from July 1, 1884, and their names be placed on the Navy Register immediately after the name of Charles E. Rommell, and that they take precedence in their grade and corps according to their proficiency as shown by their order of merit at the date of graduation: *Provided*, That any of such cadet engineers who failed to pass the physical examination at the Naval Academy made at the time of their graduation shall be subjected to further examinations before receiving their appointments, as above authorized.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BURROWS. I think we ought to have some explanation of it, the right to object being reserved.

Mr. McADOO. Mr. Speaker, this bill has been passed by the Senate and is indorsed by the unanimous report of the Committee on Naval Affairs of this House. It does not add one man to the official roster of the Navy. The circumstances are simply these: There were two kinds of cadets at the Naval Academy, engineer cadets and naval cadets. The course of engineer cadets was four years; that of naval cadets, six years. Mr. Chandler, while Secretary of the Navy, construed the law as requiring that engineer cadets should serve two years at sea before finally graduating. They demurred to this decision and took the case to the Court of Claims, which decided in their favor; and upon an appeal the Supreme Court of the United States decided that Mr. Chandler was wrong; that at the end of four years these engineer cadets should be enlisted in the Navy. By the action of the Department they lost two years. This bill simply gives them the advantage which they otherwise would have had.

Mr. HERBERT. There is a unanimous report in favor of it from the Committee on Naval Affairs.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. McMILLIN. I wish to know whether this bill applies simply to certain cadets who have graduated in the past, or whether it is prospective in its provisions.

Mr. McADOO. It relates entirely to these cases in the past; it is not prospective.

Mr. McMILLIN. How many persons will be affected by it?

Mr. McADOO. About ten, I think.

Mr. TIMOTHY J. CAMPBELL. It proposes to right a wrong which was done to them.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, was accordingly read the third time, and passed.

Mr. McADOO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, House bill No. 6947, similar in its provisions to the Senate bill just passed, will be laid on the table.

There was no objection, and it was ordered accordingly.

AMENDMENT TO LAND LAWS.

Mr. HOLMAN. I have not yielded the floor. I ask that the amendment which was submitted by the gentleman from Kansas [Mr. ANDERSON], who is not now present, be passed over.

Mr. BUCHANAN. I suppose that is with the understanding that it does not lose its place.

The SPEAKER *pro tempore*. Of course.

Mr. MCRAE. And with the further understanding that it is not to delay the passage of the bill.

The SPEAKER *pro tempore*. Under the order of the House, the gentleman from Indiana can recur to this part of the bill at any time. In the absence of objection, the amendment of the gentleman from Kansas [Mr. ANDERSON] will be passed over for the present.

Mr. HOLMAN. I now yield to the gentleman from Massachusetts [Mr. LODGE].

GETTYSBURGH.

Mr. LODGE. I ask, by unanimous consent, to call up for consideration from the House Calendar joint resolution (H. Res. 178) granting leave of absence to certain persons employed in the service of the United States.

The resolution was read, as follows:

Resolved, etc., That the heads of Departments are hereby authorized to grant to all persons employed in the service of the United States who were present at the battle of Gettysburgh, either in the Union or Confederate forces [be, and hereby are, granted], sufficient leave of absence, without loss of pay, to attend the reunion to be held at Gettysburgh on the 3d day of July next.

The Select Committee on Reform in the Civil Service recommended the following amendments:

Strike out "be, and hereby are, granted" and add, "such absence not to be taken from the allowance made by law."

The SPEAKER *pro tempore*. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. I call for the regular order.

The SPEAKER *pro tempore*. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. There is objection. I call for the regular order. I move the House take a recess to 8 o'clock this evening.

Mr. HOLMAN. I had the floor.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Indiana yielded, and I have moved to take a recess.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, the House, according to previous order, takes a recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. MAISH, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., June 22, 1888.

SIR: Hon. LEVI MAISH is designated to preside as Speaker *pro tempore* at the session of the House this evening.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

ANN ATKINSON.

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to take from the Calendar for present consideration the bill (S. 1844) granting an increase of pension to Ann Atkinson.

Mr. MATSON. Unless there is some special reason for that I shall be compelled to object.

Mr. ROBERTSON. This bill, if the gentleman will permit me to state, provides for a pension for an old lady now in her eighty-fourth year. She is the widow of a veteran of the war of 1812, and is now dependent entirely upon charitable institutions for her support. She is, as I have said, quite aged, and unless we do something now for her I think she will never be able to receive any of the benefits granted under our pension laws. I will state further that this is a Senate bill which has been upon the Calendar for some time. It is very far down upon the Calendar, and will probably not be reached this session. It only increases the pension from $8 to $16 a month.

Mr. MATSON. I do not insist upon the objection.

The SPEAKER *pro tempore*. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Atkinson, late widow of Hopeful Toler, late a soldier in Capt. Henry Saint George Tucker's company of Mounted Virginia Rifles, in the war of 1812, and pay her at the rate of $16 per month, in lieu of that which she is now receiving.

The report (by Mr. BANKHEAD) was read, as follows:

The soldier, Hopeful Toler, was a soldier in the war of 1812, and was paid for twenty-eight days' service, nine and one-half days' travel. The claimant, Mrs. Atkinson, a widow, was pensioned at the rate of $8 per month by act approved April 25, 1882.

She is now in needy circumstances, dependent upon the assistance of a charitable institution and her pension. Her age is seventy-eight years. Your committee recommend the passage of the bill.

Mr. ROBERTSON. I may state, Mr. Speaker, that this report was made some time ago, and I have heard since from a kinsman of this old lady that she is eighty-four years of age instead of seventy-eight.

There being no objection the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERTSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REBECCA MANLOVE.

Mr. HIRES. Mr. Speaker, I ask unanimous consent to discharge the Calendar from the further consideration of the bill (H. R. 9808) granting an increase of pension to Rebecca Manlove, and put it upon its passage.

Mr. MATSON. I will interpose the same objection in that case.

Mr. HIRES. I would like to say a word in reference to this bill. This is quite an aged lady, eighty-nine years old, and is the widow of a service revolutionary soldier. If relief is not granted shortly it can be of no service to her, and I hope, this being the widow of a soldier, there will be no objection to considering the bill.

Mr. MATSON. Let the bill be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mrs. Rebecca Manlone, widow of David Manlone, who served in the United States Navy in the war of 1812, from $12 per month to $30 per month, from and after the passage of this act.

The report (by Mr. BLISS) was read, as follows:

The claimant is the widow of David Manlove, who was sailing master of the Delaware flotilla from November 5, 1813, to April 8, 1815, in the war of 1812 with Great Britain. She has been in receipt of a pension at the rate only of $8 per month from March 9, 1878, and $12 from March 19, 1886, under the general laws.

It is shown by the certificate of Downs Edmunds, judge of common pleas, and John Spencer, mayor, both of Cape May, N. J., where claimant also resides, that Mrs. Manlove is almost totally blind; is in her eighty-ninth year, and has no means of support beyond her small pension. She is a very worthy woman.

Your committee are of the opinion that the pension should be increased to $30 per month, and therefore return the bill to the House, with the recommendation that it do pass, amended, however, by changing the word "Manlone," wherever it appears in said bill, to "Manlove."

Mr. MATSON. I would like some member of the Committee on Pensions to explain why it is that in this case an increase of pension to $30 a month is made, while in a similar case, just passed by the House, $16 a month was considered sufficient?

Mr. HIRES. Well, I suppose that $16 was all that was asked in that case. Thirty dollars certainly is not too high a pension.

Mr. MATSON. It strikes me that $16 a month is a very good pension.

The SPEAKER *pro tempore*. The gentleman reserved his objection?

Mr. MATSON. I did.

The SPEAKER *pro tempore*. Does the gentleman insist upon the objection?

Mr. MATSON. Unless there is some explanation, I do.

The SPEAKER *pro tempore*. Objection is made, and the bill is not before the House for consideration.

ORDER OF BUSINESS.

Mr. MATSON. I now demand the regular order.

I move that the House resolve itself into Committee of the Whole to consider the special order; but pending that I yield to the gentleman from New York [Mr. SAWYER], who desires to have a bill recommitted.

RECOMMITTAL OF A BILL.

Mr. SAWYER. I ask to have the bill of the Senate 2375, granting a pension to Joseph McGuckian, which was reported to the House with an adverse recommendation, recommitted to the Committee on Invalid Pensions.

There being no objection, the bill was recommitted to the Committee on Invalid Pensions.

ORDER OF BUSINESS.

The motion of Mr. MATSON was then agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

Mr. MORRILL. Mr. Chairman, I ask unanimous consent that the order of last Friday evening be followed to-night, giving the privilege of calling up any bill which has been passed over, but proceeding with the Calendar from the point where we left off before.

There being no objection, the order was agreed to.

ROSANNA K. GRIFFIN.

Mr. FARQUHAR. As my own case is the first on the call and under the regular order, I call up the bill (H. R. 4785) granting a pension to Rosanna K. Griffin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rosanna K. Griffin, widow of James Griffin, late of Company I, One hundred and fifty-fifth New York Volunteers.

The report (by Mr. SAWYER) is as follows:

The beneficiary named in the bill is the widow of James Griffin, who served in Company I, One hundred and fifty-fifth New York Volunteers, from September 3, 1862, until July 15, 1865, and died February 26, 1885, of aneurism of arch of

aorta. The widow's claim has been rejected by the Pension Office on the ground that the evidence fails to show the connection of the fatal disease with the military service.

Soldier, as shown by the testimony of commissioned officer and comrades, while in battle of Cold Harbor, was struck over the left breast with a musket-ball, which penetrated through the folds of a rubber and woolen blanket, which he carried over his left shoulder, the ball lodging in his clothing, pressed against his breast. This injury was, in the opinion of the widow, the immediate cause of the soldier's death, complicated with rheumatism also contracted in the service. It being clearly shown that soldier received an injury to breast, while the evidence as to origin of rheumatism was not satisfactory, the case was submitted to the medical referee for his opinion as to whether the death-cause could be accepted as a result of the former. The opinion of the medical referee, however, was adverse to that theory.

Upon a re-review of the case, it was held by the legal branch of the office that rheumatism was fairly established, and thereupon the medical referee gave the following opinion: "The rheumatism being admitted as due to the service, the aneurism of the aorta causing death will be accepted as due to disease of the heart, the result of rheumatism."

Before final action on the claim another re-reviewer differed with the former reviewer, as to the origin of rheumatism in the service, and the case was sent out for special examination.

The special examination failed to add to the testimony already in the case as to the existence of rheumatism in the service, but strengthened that relating to soldier's rheumatic condition at date of discharge and his suffering therefrom thereafter.

Two special examiners were favorably impressed with the merits of the case, but the third examiner, who was directed to examine a comrade, reported against the case upon that comrade's negative testimony only, who at the same time is shown by the special examiner to be unreliable because of his unsoundness of mind due to a wound received in service.

The judgment of this examiner was accepted and the widow's claim rejected.

Your committee have carefully examined the evidence in the case, and arrive at the conclusion that the soldier's death was due to his military service, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD HEALY.

Mr. LANE. I call up the bill (H. R. 6057) to place on the pension-roll the name of Edward Healy, being one of the bills passed over heretofore on page 61 of the Calendar.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward Healy, late of the Sixth United States Infantry.

The report (by Mr. LANE) was read, as follows:

His medical examination February 24, 1870, shows about the same condition found on first examination. June 14, 1873, his examination shows same disabilities increased, and a rating of $18 per month. Examination September 4, 1873, shows same condition as previous examination. Examinations November 11, 1873, November 18, 1874, show steadily increased disability. Examination June 7, 1875, shows progress of rheumatic trouble and heart disease. Examinations September 5, 1877, April 14, 1881, June 14, 1883, August 20, 1884, December 2, 1884, and April 7, 1887, show progress of both diseases, rheumatism and resulting heart disease. Last examination shows "joints and fingers of both hands slightly enlarged, toes of both feet distorted, stiffness of joints of lower extremities; locomotion very difficult; area of cardiac dullness increased; action of heart excited, forcible, and irregular; a rough throb over region of mitral valves; has valvular lesion, with cardiac hypertrophy, no doubt the result of rheumatism. Is incapacitated for performing any manual labor."

Drs. Draper and Eliott testified October 27, 1874, that the condition of claimant's feet, resulting from rheumatism, was such as to render walking impossible at times.

Thomas T. Smith testified June 10, 1886, that claimant "is frequently confined to his bed on account of rheumatism and heart disease, and that he is unable to dress or undress himself."

Julius Emmons testifies June 10, 1886, that claimant's disability has steadily increased during the ten years that he has known him, "and that he is unable to dress or undress himself, and is frequently confined to his bed from diseases of heart and rheumatism."

Grove Douglas testified March 28, 1877, to several years' intimate acquaintance with claimant, and "that he is afflicted in a most terrible manner with chronic rheumatism in feet and legs, and directly affecting his heart to such an extent that he is utterly incapacitated for business and all labor."

Dr. Garnett testifies that claimant's "feet are in such a condition as to render locomotion almost impossible." Dr. D. W. Bliss gives testimony fully corroborating that of Dr. Garnett. While the disability clearly shown to result from the claimant's rheumatism and heart troubles may not actually require the constant aid and attendance of another person, it is shown by facts, as well as testimony most reputable in character, that the aid and attendance of another person is an absolute necessity for considerable portions of the time.

It is further shown that the claimant's heart trouble is such as to render continuance of existence very uncertain, and that death may result almost instantly from some trivial cause or excitement or improvident exercise.

The bill is reported favorably with amendments, with a recommendation that it do pass.

The claimant served in the Sixth Regiment United States Infantry from June 6, 1860, to January 20, 1866, when he was discharged on account of disability because of "chronic rheumatism' with distortion of toes of both feet." He was granted pension August 23, 1869, for rheumatism of both feet, at the rate of $6 per month. Increase was granted from January 7, 1875, to $18 per month for rheumatism and resulting heart disease. Pension was again increased under act of March 3, 1883, to $24 per month, and on December 2, 1884, pension was increased to $30 per month for rheumatism and heart disease as a result. His medical examination August 13, 1869, shows "distortion of both feet, the toes being flexed by muscular action, causing great deformity and difficulty in progressive locomotion."

The committee recommend the following amendments: Strike out the words "placed on" in the first line and insert in lieu thereof the word "increase," and also to strike out the words "roll the name" in the same line; also to strike out the words "placed on the pension-roll" in the fourth line of said bill, and to insert in lieu thereof the words "increase the pension;" and also to add, after the word "infantry" in the sixth line of said bill, the following words, "and to pay him a pension of $45 in lieu of the pension he is now receiving."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FRANK H. REED.

Mr. MILLIKEN. I ask unanimous consent to take up for present consideration the bill (H. R. 9346) granting a pension to Frank H. Reed.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frank H. Reed, non compos son of George W. Reed, late a private in Company C, Thirty-first Regiment Maine Volunteers, at the rate of $18 per month, payable to his legally constituted guardian.

Mr. McMILLIN. Let the report be read.

The report (by Mr. GALLINGER) was read, as follows:

The facts in this case are, that claimant is the son of George W. Reed, a private in Company C, Thirty-first Maine Volunteers, who was killed in battle at Spottsylvania, Va., in May, 1864. The son was pensioned until he reached the age of sixteen years. He is now a complete imbecile, being adjudged insane and placed under guardianship. The facts are all thoroughly established, and a petition signed by 69 citizens of the town of Harmony, Me., is on file, setting forth the pitiable condition and necessities of claimant.

The bill submitted to the committee is defective in form, and a substitute bill is reported. As both Houses of the present Congress have passed bills in form precisely like the substitute, your committee recommend that it do pass, and that the original bill lie on the table.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY NEVELS.

The next business on the Private Calendar which was called up for consideration (by Mr. HOVEY) was the bill (H. R. 7162) for the relief of Mary Nevels.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Mary Nevels, a blind orphan, whose father, Thomas Nevels, of Company G, Twelfth Regiment of Kentucky Volunteers, was killed in battle in October, 1863, at the rate of $18 per month, during the term of her natural life.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7162) for the relief of Mary Nevels, submit the following report:

The claimant is the blind orphan daughter of Thomas Nevels, of Company G, Twelfth Regiment of Kentucky Cavalry, who died from the effects of wounds received at the battle of Philadelphia, Tenn., October 28, 1863, while on the way to the hospital from the battle-field. His widow drew a pension from date of soldier's death, but died on the 6th day of April, 1874, leaving the claimant unprotected and wholly dependent on the charity of friends for support.

The claimant was born December 25, 1853, and in March, 1864, was taken with spotted fever, which settled in her eyes and produced total blindness in both eyes. She has no home, no money, or means of any kind to make a support, and petitions Congress to afford her relief.

A petition accompanies this bill signed by many prominent citizens of Warrick County, Indiana, who are personally acquainted with the claimant and the facts set forth in the case.

Your committee have established many precedents of this kind for relief, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY A. GIBSON.

Mr. MAISH. I now call up the bill (H. R. 7247) to increase the pension of Mary A. Gibson, widow of Commander William Gibson, with an amendment.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary A. Gibson, widow of Commander William Gibson, United States Navy, and pay her a pension of $50 per month from and after the passage of this act; and this pension shall be in lieu of that which she is now receiving.

The committee recommend, in line 6, the correction of the name. Strike out the letter "A" and insert the letter "M."

Mr. MAISH. I move to take from the Speaker's table Senate bill 2129, which was reported from the committee, and will be found on the Calendar on page 90, and substitute it for the House bill.

There was no objection.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2129) to increase the pension of Mary A. Gibson, widow of Commander William Gibson, have had the same under consideration, and beg to adopt and submit the following report:

The applicant is the widow of William Gibson, late a commander in the United States Navy. She is now drawing a pension of $30 per month since the death of her husband, which occurred October 23, 1887. Such is the amount provided for by the general law in such cases. The deceased officer seems to have been appointed midshipman February 11, 1841, and to have been promoted by gradual steps until March 5, 1879, when he reached the grade of commander.

During this long service, although it seems he was advanced and deservedly promoted, yet the progress was so slow that at the death of her husband, after twenty-nine years' actual service, she is left with only $30, the pension of a commander. The husband served in the Mexican war, being closely engaged in the Reefer with the batteries and troops of the enemy in the two attacks upon Alvarado by our forces, and being present also with his vessel at Tobasco. In 1849, while serving on the Ewing, in the Coast Survey, in California waters, he was assaulted by a mutinous crew, rescued from drowning, and thanked by his superior officer for "characteristic gallantry." He was complimented by Admiral Rodgers, commanding the squadron in the sea of Japan in 1854–'55, "for zeal, energy, and the courage with which he endured the hardships of a dangerous cruise."

During the war of the rebellion he commanded the United States war steamer Yankee, of the Potomac flotilla. He was present during all the operations upon the James River during the campaign of General McClellan against Richmond, and was thanked for his services by Commodore Wilkes upon capturing several

vessels of the enemy. He was engaged in three attacks against Fort McAllister, and was mentioned by Admiral Dupont in his dispatches for his "great spirit and vigilance."

He was engaged against the Confederate batteries at Charleston, was officially commended by Admiral Dahlgrens and Rowan, and was thanked by Major-General Newton "for able co-operation with the land forces" in the expedition against St. Mark's.

In October, 1866, he rode out a hurricane near the Bahamas, and was thanked by the British Government for aid rendered those islands after the catastrophe.

We think such a record demands special consideration. He seems to have been exceedingly deserving of the rank at least of a commodore—never attained—doubtless prevented by some "rules of the service."

The widow, allowed now $30, asks an increase to $50 per month.

In distinct recognition of her husband's long and faithful service we recommend the passage of the bill.

Mr. CHEADLE. I understand the desire is that this bill shall go over until Thursday night, July 12.

Mr. MAISH. I understood objection would be made, and I therefore move that the same order be made in this case as was made in all similar cases—that the bill be put on the Calendar for Thursday night, July 12, for consideration after the bills heretofore set for that evening, fifteen minutes' debate to be allowed on each side, and the previous question to be ordered, with the right to offer amendments.

There was no objection, and it was so ordered.

The CHAIRMAN. House bill 7247 will be reported to the House with the recommendation that it lie on the table.

Mr. SPRINGER. I have a similar case, in which I desire the same course taken. I ask that the Senate bill be made the special order, and that the House bill No. 3155 lie on the table.

Mr. MATSON. I insist on the regular order. This bill has never been passed yet.

The CHAIRMAN. The Chair desires to know the status of the bill.

Mr. SPRINGER. It is a Senate bill on the Speaker's table. The House bill has been reported by the Committee on Pensions. I ask that the Senate bill be made the special order.

The CHAIRMAN. Has the Senate bill been reported by the Committee on Pensions?

Mr. SPRINGER. It has not.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. MATSON. Yes; I demand the regular order.

PHILOMELIA L. DARTT.

The next business on the Private Calendar which was called up for consideration (by Mr. MACDONALD) was the bill (S. 1827) granting a pension to Philomelia L. Dartt.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Philomelia L. Dartt, widow of Josiah R. Darrt, late captain of Company A, Fifth Regiment Minnesota Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1827) granting a pension to Philomelia L. Dartt, submit the following report:

The report of the Senate Committee on Pensions in this case is adopted, and the passage of the bill recommended.

[Senate report.]

The husband of the beneficiary under this bill was Josiah R. Dartt, captain of the Fifth Minnesota Infantry Volunteers, who died September 11, 1874. After his death his widow made claim for a pension on the ground that such death was occasioned by piles contracted in the service. The application was granted, and the widow drew the pension allowed from the date of her husband's death until September 4, 1884, after which her name was dropped from the rolls.

The records in this case are so voluminous that only the most general statement can be made. The testimony supporting the original application was clear, ample, and uncontradicted. Between the dates of allowance and suspension controversies arose involving a portion of the dead soldier's estate, which engendered much bitterness, and which induced a brother of the deceased to represent to the Pension Office that Captain Dartt was afflicted with piles before entering the service. The investigation made by agents of the Pension Office brought out a mass of conflicting testimony of equal positiveness, making the case before the committee rest entirely upon the credibility of witnesses. An analysis of the testimony of a hundred witnesses can not, of course, be given here.

The committee, however, partly from the personal knowledge of one of its members, and from the credence due some of the witnesses who had special means of information, among whom were the colonel of the regiment (afterward governor of the State), the regimental surgeon, and others of unquestioned standing and repute, do not hesitate to report that the real weight of such testimony is in favor of the widow, and they therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JULIUS C. MONSON.

The next business on the Private Calendar which was called up for consideration (by Mr. SAWYER) was the bill (S. 808) granting a pension to Julius C. Monson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Julius C. Monson, late a sergeant in Company D of the Fifteenth Regiment of Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 808) granting a pension to Julius C. Monson, submit the following report:

That the committee think that the facts as stated in the Senate report hereto attached and made a part hereof show that this is a meritorious case, and they therefore recommend that the bill do pass.

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 808) granting a pension to Julius C. Monson, have examined the same and report:

The claimant made application for a pension in 1879, and received notice of his final rejection in 1887, on the ground that he had epileptic fits before he enlisted. As to prior soundness, Annis Nelson, Gelbrand Jenson, Andrew Frederickson, and Henry Jacobs all testify to their acquaintance with him, to his robust health, and that he never had epilepsy or any other disease.

The second lieutenant of his company testifies that he appeared well from January, 1862, to September, 1862, when he had a fit or fainting spell. Had none after that that he knew of. He was a good soldier, prompt and active.

Two brothers of the claimant testified to a special examiner that the claimant was sound, never had epilepsy, and that there never had been epilepsy in the family. In reference to one of these witnesses the examiner says he had great difficulty in getting him to testify. He insisted upon knowing what questions would be asked before being sworn, a circumstance which the examiner intimates is disparaging to his veracity. The man's repugnance is nothing extraordinary. There are few persons who take kindly to these somewhat inquisitorial investigations.

There have been eight special examinations, and the bulk of testimony collected shows that the claimant was sound before enlistment. Such witnesses as testify to the contrary were doubtful as to their knowledge. They had heard or got an impression that he had fits before he entered the service, but they had no positive information.

The certificate of his discharge is one of those peculiar documents often found in pension files. It says "he was incapable of doing the duties of a soldier because of epilepsy. Had epilepsy when a boy; mother had epilepsy."

Such statements are not evidence; they carry no weight, because they are not based upon knowledge and they are contrary to the sworn testimony of respectable and trustworthy persons.

It is proved that the man was sound. It is a fact that he was accepted after critical examination—that he was a faithful soldier, "prompt and active;" that he was discharged for disability; that he has been disabled since—is disabled now.

The bill is reported favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY J. M'GREGOR.

The next business on the Private Calendar which was called up for consideration (by Mr. SAWYER) was the bill (S. 2331) granting a pension to Mary J. McGregor.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary J. McGregor, widow of William McGregor, late sergeant of ordnance, United States Army.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2331) granting a pension to Mary J. McGregor, submit the following report:

This is a remarkable case. The soldier first enlisted in December, 1828. He enlisted eleven different times, and died in the service in July, 1880.

Under our pension laws the claimant could receive no pension for the reason that she was unable to show that his death was due to his military service. On the expiration of his several enlistments his character as an honest, reliable, faithful man and soldier was in almost every case fully indorsed by his superior officers.

On the expiration of his tenth enlistment the certificate of his superior officer was that the soldier was "a tried and experienced soldier in different branches of the service."

The committee believe that this old and destitute widow of a soldier who had served his country for over half a century should be relieved in her destitution, and they therefore adopt the Senate report hereto attached as their own, and recommend that the bill do pass.

SENATE REPORT.

The Committee on Pensions, to whom was referred the petition of Mary J. McGregor, have examined the same, and report:

The petitioner is the widow of William McGregor, who enlisted eleven times, and served fifty years in United States military organizations. His record is one of almost unexampled faithfulness and integrity. In every position in which he served he received commendation. His last service was at Kennebec (Me.) arsenal. In 1878 he was relieved from all but nominal duty. In notifying him of his relief the major commanding says:

"Notwithstanding your advanced age (eighty-two years) it gives the commanding officer pleasure to state that soldierly instincts and integrity of character have, to the last day of your valuable service, won for you the best wishes and intentions of your commanding officer."

The surgeon at Kennebec arsenal certifies that—

"He died of paralysis of the brain, at the age of eighty-four. He had been in the service fifty years. His death was caused by long-continued, confined work as clerk in the Ordnance Department, in connection with his age."

In all the time of his connection with the Army he had received the wages of a soldier, from which, correct as were his habits, he had not been able to put by anything. His aged wife is destitute.

The committee think that she should have relief, and to this end the accompanying bill is reported, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. WILCOX.

The next business on the Private Calendar which was called up for consideration (by Mr. HAUGEN) was the bill (S. 802) granting a pension to Sarah A. Wilcox, now Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, at the rate of $12 per month, the name of Sarah A. Wilcox, now Roberts, who was a nurse in the United States hospitals during the late war. That the said pension of $12 per month shall be lieu of any pension heretofore granted her.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts, submit the following report:

The above claimant is now receiving a pension, heretofore granted by special act, at the rate of $8 per month for services rendered and disabilities incurred in the hospital service of the United States during the late civil war. Being fixed by special act the same can not be increased at the Pension Office.

For the reason that persons having acted as nurses in the late civil war are now growing more infirm by reason of age and the increased results of disabilities incurred in the service, Congress has adopted the rule of granting pensions to nurses for at least $12 per month.

The committee therefore adopt the report of the Senate committee, hereto attached, and recommend that the bill do pass.

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts, have examined the same, and report:

The claimant was an army nurse. She was pensioned at the rate of $8 per month by special act. In December, 1886, she applied for increase at the Pension Office, but was rejected on the ground that the rate having been fixed by Congress it could not be changed by the Department.

This bill increases her rate to $12. Inasmuch as the former rate was too low, and she is much disabled by her hospital service, the bill is reported favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY HEAP NICHOLSON.

The next pension business on the Private Calendar (called up by Mr. SAWYER) was the bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Heap Nicholson, widow of James W. A. Nicholson, late rear-admiral (retired) of the United States Navy, and pay her a pension at the rate of $50 per month from the date of the passage of this act.

Mr. SAWYER. I ask that that bill be laid aside, or rather that it go over to Thursday evening, July 12, under the same order that has been made with reference to several other bills.

Mr McMILLIN. Let us have that report read.

The report was read in part.

Mr. SAWYER. Mr. Chairman, I move that the further reading of that report be dispensed with, because we do not expect to consider the bill this evening.

Mr. McMILLIN. I am willing that it shall go over without the previous question being ordered upon it, but if it is to go over with the previous question ordered as in the other cases, I think the report ought to be read, and ought to appear in the RECORD.

The report (by Mr. SAWYER) was read in full, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson, submit the following report:

That the beneficiary under this bill is the widow of Rear-Admiral James W. A. Nicholson, one of the most distinguished officers of the Navy. For forty-five years he was in the active service of his country, until 1883, when he was placed upon the retired-list by operation of law, having reached the age of sixty-two years. Being upon the retired-list his widow is not entitled to a pension under existing laws. A. C. Rhoads, medical inspector United States Navy, certifies that—

"The disease causing his death originated in the line of duty from exposure incident to long and faithful service in the United States Navy."

The committee think that this case comes within the principle recognized by Congress in many cases where pensions for the sum of $50 per month have been granted. The Senate committee report is hereto attached and made a part hereof.

The committee believing the case to be a meritorious one would report favorably and recommend that the bill do pass.

[Senate Report No. 679, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson, have examined the same and report.

The claimant, Mrs. Mary Heap Nicholson, is the widow of Rear-Admiral James W. A. Nicholson, who, at the time of his death, October 28, 1887, was upon the retired-list of the Navy. The following certificate sufficiently identifies the cause of death as the result of the long service of Admiral Nicholson:

"140 WEST FORTY-FOURTH STREET, NEW YORK,
"*December* 14, 1887.

"I hereby certify that James William Augustus Nicholson, who was a rear-admiral in the United States Navy, died on the 28th day of October, 1887, of albuminuria, and that the disease causing his death originated in the line of duty from exposure incident to long and faithful service in the United States Navy.

"A. C. RHOADS,
"*Medical Inspector, United States Navy.*"

Admiral Nicholson was engaged in active service for forty-five years, the illustrious character of which is attested in the following sketch of his life.

The passage of the bill is recommended.

Admiral Nicholson was born at Dedham, Mass., on March 10, 1821. He entered the Navy as a midshipman in 1838, and till 1852 (from midshipman to acting lieutenant) served in the Mediterranean, Mexican war, West Indies, and Pacific station. From 1853 to 1855 he was lieutenant on the Vandalia, in the Japanese expedition under Commodore Perry. He was stationed on shore for several months with a guard at Shanghai, China, to protect the foreign settlement during the Chinese rebellion. From 1857 to 1860 he was on duty on the African coast.

Early in 1861 he became executive of the Pocahontas in the engagement with Confederate batteries on Aquia Creek and the Potomac River, and aided in the protection of Washington. His first command was the gun-boat Isaac Smith, in the Du Pont Port Royal expedition. During the battle of Port Royal, November 7, 1861, he evinced two of his characteristic traits—coolness and courage. When the Seminole and other vessels came to offer aid, as his ship was enveloped in clouds of steam, he thanked them, saying he could take care of himself, and told them to keep to their own line in the battle, and he continued fighting until the battle was won. He rendered important service at Fort Pulaski, Fernandina, St. Mary's, and Jacksonville.

In the spring of 1862 he was assigned the command of St. Augustine. After turning it over to the army of occupation, he went to the St. John's River, and while in command of a division of gun-boats on that river was attacked by Confederate infantry and defeated them with considerable loss to the enemy. He kept the river and coast clear of batteries and guerrillas. In February, 1862, he was in engagement with a Confederate flotilla on the Savannah River. In 1862 and 1863 he was ordnance officer at the New York station, the department at that time being one of vast importance. He was known as an able and practical officer of ordnance. In 1863 and 1864 he commanded the Shamrock, on duty in the South Atlantic Blockading Squadron before Charleston.

In 1864, in the West Gulf Blockading Squadron, under Rear-Admiral Farragut, he commanded the monitor Manhattan, and was at the battle of Mobile Bay forts and the capture of the Confederate ram Tennessee, August 5, 1864. Prior to the attack upon the forts the little monitor Manhattan arrived off the bay, and shortly after steamed inside and anchored in a position under fire from the forts, and where no wooden vessel, during the three years of the blockade, had ever been placed; also in such a position that the ram Tennessee could have attacked her at any time with impunity from any interference on the part of the wooden vessels, as they were all outside the bar. The Manhattan was the first to emerge from the cloud of smoke that enveloped the vicinity of the forts, and as she steamed away she took a course directly for the rebel fleet, opening her guns upon it as soon as she passed the forts.

When the rest of the fleet formed a circle about the rebel craft the Manhattan appeared directly in front of the ram to head her off; the shots which penetrated the armor of the Tennessee and caused her surrender were fired from the guns of the Manhattan; and while the entire fleet did good service, the conduct of Commander Nicholson, in the management of the Manhattan alone, in the opinion of many officers of the Navy, saved the Federal fleet from either being driven out of Mobile Bay or being sunk beneath its waters. The Manhattan's boats having been shot away, Commander Nicholson was unable to get on board the Tennessee to receive her surrender, but Captain Johnson, of the Tennessee, afterward stated that he wished to surrender to Commander Nicholson, of the Manhattan, as the latter vessel had conquered him. The Manhattan was also engaged in the bombardment of Fort Morgan.

Commander Nicholson, from 1865 to 1866, commanded the Mohongo, Pacific Squadron, and was present at the bombardment of Valparaiso by the Spanish fleet. From 1867 to 1868 he commanded the Wampanoag, the fastest steamer in the world at that time. From 1868 to 1870 he was navigation officer at the New York yard. In 1871 and 1872 he was captain of the flag-ship Lancaster, Brazil Squadron, and brought home the Portsmouth. He was commissioned commodore November 8, 1873. In 1873 and 1874 he was a member of, and in 1875 and 1876 was president of, the board for examination of officers for promotion and for retirement, which board also revised the Navy Regulations of 1876. On September 1, 1876, he took command of the Brooklyn navy-yard, which station he commanded till May 1, 1880.

On September 1, 1881, Admiral Nicholson was assigned to the command of the European Squadron. On June 27 of the following year he anchored his flag-ship in the harbor of Alexandria, and awaited the exciting events that were to follow. When he received official notice, July 10, at 4 a. m., from Admiral Seymour, commanding the British naval forces, that hostilities might occur within twenty-four hours, and requesting him to move the vessels under his command out of the line of fire, Admiral Nicholson sent the information at once to the consulate, and prepared to receive any and all refugees who might seek protection. At 3 p. m. he moved outside the bar with the squadron, having one hundred and three refugees on board. At 7 a. m., the 11th, the English opened fire upon the forts, and at 5 p. m. the forts were silenced. Fires raged in the city for two days and nights.

On the 14th Admiral Nicholson again crossed the bar and anchored in the lower harbor. He sent to the Khedive, stating his desire to re-establish the consulate. The Khedive granted the request, and begged that the admiral would aid in extinguishing the fires, and also in preserving order. Admiral Nicholson landed one hundred marines, guarded the consulate, aided in extinguishing the fires and burying the dead lying about the streets, himself visiting the consulate and the burning district. Throughout the whole Alexandria episode Admiral Nicholson's conduct was prompt, energetic, and efficient, and he received the general commendation of all Europe and the approval of his own Government.

In February, 1883, Admiral Nicholson was relieved of the command of the European Squadron by Admiral Baldwin, and on March 11 was placed on the retired-list by operation of law, having reached the age of sixty-two years.

Mr. SAWYER. Now, Mr. Chairman, I ask that this bill take the same course as other bills of the same character; that is, that it go over until the evening of Thursday, July 12, that the previous question be ordered upon it, and that debate be limited to fifteen minutes with the right to amend.

Mr. WILSON, of Minnesota. Why was this man relieved from his command?

Mr. SAWYER. I do not remember the facts of the case.

Mr. WILSON, of Minnesota. Then ought we to order the previous question upon the bill unless somebody here knows the facts of the case?

Mr. SPRINGER. There will be fifteen minutes for debate.

Mr. SAWYER. Let it go over subject to amendment. This officer was one of the most distinguished officers in the Navy.

Mr. WILSON, of Minnesota. But why was he relieved from his command?

Mr. SAWYER. That will appear later.

The motion of Mr. SAWYER was agreed to, and the bill was laid over until Thursday evening, July 12, under the order indicated above.

JUDSON KNIGHT.

The next pension business on the Private Calendar (called up for consideration by Mr. HAUGEN) was the bill (S. 1192) granting a pension to Judson Knight.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll the name of Judson Knight, late chief of scouts at headquarters of the armies operating against Richmond, subject to the provisions and limitations of the pension laws, as though he had been regularly mustered into the United States Army with the rank of captain of volunteers.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1192) granting a pension to Judson Knight, submit the following report:

The evidence shows very conclusively that the claimant served for a long time during the war with the Army of the Potomac as scout, and part of the time was chief of scouts in that Army; that he rendered very valuable services, and enjoyed the confidence of such officers as Generals Rosecrans, Phil. Kearney, Butterfield

and Sharpe, and that he is now suffering from disabilities incurred while acting as scout.

The committee believe that, in consequence of his valuable services, his disabilities, and poverty, this is a meritorious case, and they therefore adopt the Senate report hereto attached, and recommend that the bill do pass.

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill granting a pension to Judson Knight, have examined the same and report:

This is a bill to pension Judson Knight, whose services are identified by the best possible proof, and whose disabilities and need are equally apparent.

A particular account of his services is given by Bvt. Maj. Gen. George H. Sharpe, who says:

"During a considerable part of the time that I served on the general staff of the Army of the Potomac, and afterwards on the general staff of the armies operating against Richmond, in Virginia, Judson Knight was employed at these headquarters as a scout. He enjoyed an enviable reputation as a man to whom a bold enterprise could be intrusted without endangering the confidence of his superior officers. At times he rendered services that received signal praise of the major-general commanding the Army of the Potomac and of the lieutenant-general commanding the armies operating against Richmond.

"When he came to headquarters he brought high testimonials of his services with the late General Phil. Kearny. He was immediately engaged by me to serve with us. In 1864 he was made chief of scouts of the Army of the Potomac, and in that capacity, and until the close of the war, rendered most efficient service. At a later date, and in preparing for the last campaign, he gave substantial aid in establishing lines of communication between Richmond and our headquarters. Throughout his service his reports were always relied on, and I take pleasure in saying he is a man who deserves well of his country. He is now crippled from the effects of these services, and it affords me pleasure to make this testimonial in behalf of one who was always faithful and gallant in the performance of his duty."

In a letter to the Secretary of War General Rosecrans said:

"Capt. Judson Knight's services in the late war laid the foundation of his present grave disability; but he has hitherto forborne to ask a pension. After reading the high testimonials he has of service as scout and chief of scouts, and knowing the rare combination of courage, intelligence, and fidelity demanded in that service, I feel a warm interest in his case, and shall introduce a bill for pensioning him. I unite with Senator Sewell in asking you to interest yourself in securing him some suitable employment by which he can support himself until he gets legal relief."

In a letter to Captain Knight the late General Winfield S. Hancock says:

"I can state with pleasure that I knew you in the Army as one of the chief of scouts, and recall one occasion when you came to me on duty. My remembrance of you is that you were a meritorious person and performed good service."

Dr. Bronson, of the District of Columbia, testifies to his acquaintance with and treatment of the claimant. He began to treat him in 1865 for varicose veins and varicose ulcers, and his disabilities are such that he can only perform such duties as can be done in a sitting posture.

The committee have more testimony to the same effect. The pension laws do not cover his case, but it is evident that he has earned a pension and needs it.

The bill is reported favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

AMANDA W. BEACH.

The next pension business on the Private Calendar (called up for consideration by Mr. SAWYER) was the bill (S. 2255) granting a pension to Amanda W. Beach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amanda W. Beach, dependent mother of Henry H. Beach, late a private in Company D, Seventh Regiment of Massachusetts Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2255) granting a pension to Amanda W. Beach, submit the following report:

The evidence clearly shows that the son of the claimant lost his life in the service of his country; that he sent home to his parents while in the Army money for their support, and that the widowed mother is now poor and dependent.

Your committee therefore adopt the Senate report, hereto attached and made a part hereof, and recommend that the bill do pass.

[Senate Report No. 468, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the petition of Amanda W. Beach, have examined the same and report:

The petitioner prays for the passage of a bill granting her a pension as the dependent mother of Henry H. Beach, a private in Company D, Seventh Massachusetts Volunteers, who died at Warrenton, Va., January 22, 1864. The claim was rejected by the Pension Office on the ground of non-dependence, and on appeal to the Secretary the decision of the Commissioner was sustained.

In this case only a brief statement of the facts is necessary. When the son enlisted the father had no property, no income from any source save his daily earnings and the contributions of this son. They had three other sons, all of whom were in the Army. At the time of Henry's enlistment it is stated, as a justification for denying the mother relief, that the father was able to work at his trade of mill-wright, and that he earned $2 a day and upwards; and some witnesses testify that they think he may have earned $450 a year, but they do not know. He had nothing but his earnings; all his sons had left him and gone to the war; he lived in a village, paid house rent, experienced the hardship of high war prices for all the comforts of life, to be paid for with a depreciated currency.

One or two of his neighbors give a somewhat rose-colored view of his circumstances, founded upon his ability at that time to earn a mechanic's wages; but, judging from the son Henry's advice, it seems that the family knew more about the pressure they were under than those who described their circumstances as comparatively prosperous. He wrote from the Army that he had sent them help in money from his pay; that he had received no pay in four months, or he would have sent it more promptly; that it would probably be four months before he would be paid again, and in the mean time he says:

"I had a letter from Captain French, of Berkeley, a short time ago, and he told me to write to you and tell you if you were to write to the selectmen of Berkeley and tell them how you are situated, you could draw from the State through them $1 a week, perhaps $2. Tell them how you are situated."

The family knew their own need, and the neighbors did not. There was no income but the product of his day's work. He was then advanced in years; he grew older and more infirm; he died, and his death deprived the widow of her last support. Husband and sons were gone, and she had no alternative but to appeal for a pension.

As to property, it appears that two years after the son's death they bought a house. The purchase price is not stated; and this is the way they succeeded in getting a roof over their heads. They obtained $130 bounty after their son's death, and $50 that he had saved, and $200 from oldest remaining son after his discharge from service. These sums amounted to $380, and it probably covered the cost of the house, for it does not appear that there is any incumbrance upon it. This house has been variously estimated at $315, $400, and last as high as $750. There was no personal property, no income but that resulting from the father's day's work and the soldier's contributions.

There is not a doubt that these old people had a struggle with poverty from the day their four sons went to the war down to the time of the death of the husband; not a doubt that there has not been a day that they have not been more or less dependent, and upon whom if not their son?

The committee report the accompanying bill with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN R. WHEELOCK.

The next pension business on the Private Calendar (called up for consideration by Mr. HAUGEN) was the bill (S. 1193) granting a pension to John R. Wheelock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John R. Wheelock, dependent father of William H. H. Wheelock, late of Company E, Seventh Regiment Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1193) granting a pension to John R. Wheelock, submit the following report:

The evidence shows that the son of the claimant was killed in the Wilderness May 5, 1864; that the claimant is now poor and dependent, and for these and other reasons set forth in the Senate report adopted as part hereof and hereto attached, the committee recommend that the bill do pass.

[Senate Report No. 425, Fiftieth Congress, first session.]

The claimant is the dependent father of William H. H. Wheelock, who was a private in Company E, Seventh Wisconsin Infantry, and was killed at the Wilderness, Virginia, May 5, 1864. The Commissioner of Pensions rejected the claim on the ground that the father was not dependent at the time of his son's death. Appeal was taken, and the Pension Office decision was sustained.

There is evidence proving the dependence of the father at the time of enlistment and death of his son and ever since; that he was physically disabled to an extent that prevented him from earning sufficient for his own and his family's support; and there is a bundle of letters in the file from his son showing that he contributed to their necessities from his soldier's pay.

Silas B. Rist, sr., testifies that he knew claimant since they were boys. They lived in the same vicinity in Wisconsin, and their families visited each other all through and subsequent to the war. Claimant's financial condition was limited; he was hard pressed to meet his engagements; his transactions in real estate were trading one piece of barren, sandy land for another. He was a farmer, but his physical condition was such that he had to quit farming. He did not speculate or make money, for he had but little capital.

H. von Lilienthal lived at Harrisonville, the claimant's home, from 1851 to 1881; was all this time engaged in merchandise; had dealings with claimant, and knew his financial condition, which was very limited. He did some team work for affiant, but was physically unable to do much. He traded one piece of poor, sandy land for another a few times, but he did not speculate to amount to anything.

Walter Bissell testifies that he was greatly dependent upon his son at the time of his enlistment and death.

Michael Finnegan, assessor of the town in which claimant lived and afterwards register of deeds, says he does not believe claimant's income from real estate has been but little more than enough on an average to pay the taxes; that from his physical condition he was not able to do hard work; and that his income from all sources would not much exceed $100.

Jason Shurtleff gives similar testimony, and adds: Claimant is a man of steady habits; that claimant's opponents at Harrisonville are men of doubtful veracity: that he has lived in Harrisonville from 1860 to 1871, and knows whereof he speaks.

James Tarleton has been acquainted with claimant more than thirty years; knows that the small property owned by him with his own labor was not sufficient for his support in and during the year the soldier died; that he is still dependent upon those not legally bound for his support.

In 1864 the assessment rolls show that the claimant owned some unproductive village lots, the assessed value of which was about $400. There is no evidence that he had productive property or that he was a speculator.

There are many more affidavits, to which the committee do not think it necessary to refer. It is shown beyond question that he was dependent. As to his physical incapacity at the time of his son's death and since, Dr. Meacher, examining surgeon, says:

"This man sustained a fracture of lower end of ulna of left arm twenty years ago. There is considerble deformity, with more or less impairment of function. He sustained at same time an injury to right shoulder, causing anchylosis of shoulder-joint to a considerable extent, though not total. When he was a boy he received a cut with a scythe on right knee, which evidently severed the ligamentum patella and injured the joint more or less; its movements are impaired to some extent, and I have no doubt it is weak and incapable of much exercise, as walking. I think the wound of the knee disabled him about one-third since boyhood, and the injuries of wrist and shoulder one-third more for the past twenty years, or since he received the injury."

The evidence is conclusive as to his dependence, as to his physical incapacity, as to his son's contributions.

There were two special examinations, at which several witnesses gave strong testimony in favor of the claim.

In his report the special examiner speaks of the enmity existing against the claimant, and of the bad reputation of those who testify against him—all notoriously bad citizens, he says. The chief ground of prejudice is political. To show the extent of it, he says:

"I was notified by an anonymous letter that if a pension was granted him I would never be able to appear in that community again without danger to my life."

He reported in favor of allowance, and notwithstanding this and the ample testimony in support of the claim it was rejected.

The bill is reported favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ANNIE GIBSON YATES.

Mr. MAISH. Now, Mr. Chairman, I beg leave to call up House

bill No. 7708 to increase the pension of Annie Gibson Yates, which has been passed over.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Annie Gibson Yates, widow of Capt. George W. Yates, late of the United States Army, and pay her a pension of $50 per month from and after the passage of this act, and this pension to be in lieu of that which she is now receiving.

Mr. MAISH. I move now to take up from the Speaker's table the Senate bill and substitute it for the House bill.

Mr. MATSON. I object to that. The Senate bill has not been reached for consideration.

Mr. MAISH. It is true that it has not been reached on the Calendar.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7708) to increase the pension of Annie Gibson Yates, having considered the same, report as follows:

Capt. George W. Yates came from a family distinguished both in Army and State. His great-grandfather, Colonel Barber, of the Revolutionary army, was killed in action while at the head of his regiment.

Captain Yates was a distinguished soldier and served during the rebellion first as a lieutenant in Fourth Michigan Volunteers, then successfully as aid-de-camp on the staff of Maj. Gen. Alfred Pleasonton, with whom he served for about four years, participating with him in all the great cavalry fights of the Potomac. He accompanied that officer to the West and served with him in the campaign against General Price, who invaded Missouri in 1864. He was appointed captain in the Thirteenth Missouri Cavalry, but remained on the staff of General Pleasonton till the close of the war, when he was appointed by the President captain in the Seventh United States Cavalry. He received the appointment of major for gallant and "meritorious services" during the war, and was appointed lieutenant-colonel for "conspicuous gallantry at Gettysburgh."

At Fredericksburgh Captain Yates was dangerously wounded by a shell which exploded in the stomach of the horse he was riding.

Captain Yates was mustered out of service January 11, 1866, and accepted commission as second lieutenant Second Cavalry May 5, 1866, and served as such until August 19, 1867, when he accepted appointment as captain Seventh Cavalry.

He was killed June 25, 1876, in action with Sioux Indians, on Little Big Horn River, Montana, the same battle in which General Custer fell.

The extraordinary sad details of this unfortunate battle are too fresh in the minds of the American people to require repetition here.

Mrs. Yates is the only widow of a captain in the Custer disaster. She is greatly dependent on her own exertions for a living, having for ten years labored untiringly for the support of her three children.

Although her children are at present receiving $2 per month, yet even the youngest will shortly arrive at the age at which her pension will cease, and in consideration of this fact, and also that she is in delicate health, unable to work, and having no relatives able to give her pecuniary assistance, Mrs. Yates asks for a special act of Congress granting her $50 per month.

Your committee are of the opinion that the widow of this valiant officer ought to be granted an increase of pension, and they therefore recommend the passage of the bill, with the following amendment:

Strike out all after the word "to" in line 4, and insert in lieu thereof the words "increase the pension of $20 now received by Mrs. Annie Gibson Yates, widow of Capt. George W. Yates, to $30 per month, to take effect from and after the passage of this act."

Mr. MAISH. I move to amend the bill by striking out "$30" and inserting "$40." The original bill as introduced by me provided for a pension of $50 a month. The Senate reduced the amount to $40, and the House reduced it to $30. Afterwards the Senate bill came over to the House and was reported favorably, and now the Senate bill as reported to the House recommends a pension of $40. That is the reason I offer this amendment, and I hope there will be no objection to it.

The CHAIRMAN. There is an amendment pending reported by the committee. The amendment of the gentleman from Pennsylvania [Mr. MAISH] is an amendment to the amendment.

Mr. MCMILLIN. I will ask the chairman of the Committee on Invalid Pensions what is the usual pension allowed by the committee to widows of this class?

Mr. MATSON. The committee on Invalid Pensions has never increased the pensions of widows of captains so far as I know. I have never known of an instance. The Committee on Pensions have done so in some instances—not many.

Mr. MCMILLIN. But the Committee on Invalid Pensions has declined to do so?

Mr. MATSON. I can not recall an instance in which that committee has done it.

Mr. MAISH. I understand that this bill has been reported favorably by the Committee on Invalid Pensions.

Mr. MATSON. No, sir.

The CHAIRMAN. It has been reported with an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the words "directed to" and insert "increase the pension of $20 now received by Mrs. Annie Gibson Yates, widow of Capt. George W. Yates, to $30 per month, to take effect from and after the passage of this act."

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. MAISH] propose to amend that amendment?

Mr. MAISH. I withdraw my amendment.

The CHAIRMAN. The question is on agreeing to the amendment reported from the Committee on Invalid Pensions.

Mr. MATSON. I did not listen very attentively to the reading of the report in this case, but if there is any strong reason given why the widow of this captain should have her pension increased it has escaped my notice.

Mr. MAISH. I withdraw my amendment.

Mr. MATSON. But the proposition of the committee is to increase her pension from $20 to $30 per month. The bane of our pension legislation is this increasing of the pensions of the widows of officers. The Committee on Invalid Pensions, so far as I remember—there may be some exceptional cases—has refused to recommend such increases, except in the cases of general officers, and those increases were wrong. I admit that. I do not stand upon that action of the committee as fair, nor have I advocated it, although in one or two instances I have been disposed to tolerate it for special reasons. There is a case pending now in which I would be disposed to tolerate an increase, the case of the widow of General Stannard, of Vermont, whom we all knew as a very gallant man, and whose widow has been bedridden for years. But to increase the pensions of the widows of officers generally to these large amounts is an outrage upon the other pensioners, an outrage which the House ought not to commit, and whenever I am called upon to speak of it at all I must speak in this way, because it is my honest conviction and sincere belief that such action is a very great wrong and outrage upon the other pensioners, and especially upon the widows of the private soldiers. The proposition in this case, as I understand it, is to give this widow $30 a month instead of $20, and if there is any strong or good reason for the increase I would like to hear it.

Mr. MAISH. I quite agree with the sentiment which the gentleman who has just taken his seat has expressed upon the question of granting pensions; but I think this an unusually meritorious case. I have no personal acquaintance with this applicant. She is the widow of Captain Yates, who was one of the victims of the Custer massacre. By the death of her husband she was suddenly left almost penniless, a widow with three children to support.

Now, I maintain that if large pensions are granted to general officers, cases like this present a very strong appeal to our consideration. If I am not mistaken, the pensions of widows of officers who were killed in that disastrous engagement have been increased. I am not quite certain about that, but such is my recollection.

This being, as it seems to me, a very meritorious case, I trust the bill will pass, as recommended by the committee. It seems to me that the increase of $10 is a very small boon, which the House may very well grant. This man was a gallant soldier, who served during the war, and lost his life in the massacre to which I have referred.

Mr. CHEADLE. I trust the Committee of the Whole will not agree to the increase asked in this case. This claimant is already drawing a pension of $20 a month, the full amount allowed to the widows of officers of the rank of her husband. I grant that this man was a gallant soldier; but that is no reason why Congress should discriminate in this way and give to the widow of one soldier who died in the defense of the Government a greater pension than that authorized by law. Suppose the widow is poor; we are all very well aware of the fact that there are one hundred thousand other claimants whose cases are pending and who are equally poor. We ought to be just before we are generous.

The question being taken upon agreeing to the amendment reported by the committee, it was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANN VERNEUIL.

Mr. RUSSELL, of Connecticut. I desire to call up a bill which has been passed over—Senate bill 1004, granting a pension to Ann Verneuil.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Verneuil, widow of Francis Verneuil, late of the Ordnance Department, United States Army.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1004) granting a pension to Ann Verneuil, have considered the same, and report it back with the recommendation that it do pass.

The facts in the case are correctly set forth in the following Senate report:

[Senate report No. 342, Fiftieth Congress, first session.]

The claimant, Ann Verneuil, is the widow of Francis Verneuil, who enlisted January 19, 1858, in Company G, Second United States Infantry, and served continuously until April 16, 1881, when he was discharged on surgeon's certificate of disability for "epilepsy contracted in the service." At the time of his death Verneuil was drawing a pension of $50 a month on account of this disability, which resulted from an injury to the head incurred while the soldier was on duty at Philadelphia, during the Centennial, November 15, 1876. As a further consequence of this injury he became insane, and was subject to such frequent attacks that he was discharged as above. May 23, 1882, he was admitted to St. Elizabeth Government Insane Asylum, near Washington, and continued there until his death, January 7, 1885.

The widow's claim for pension was rejected by the Pension Office on the ground that the fatal disease (pneumonia) did not result from the service of the soldier. On this point Dr. W. W. Godding, superintendent of the asylum, submitted the following statement:

"The immediate cause of his death was pneumonia, supervening upon an attack of acute hepatitis, the latter due probably to a general enfeebled condition of the general health, and possibly malarial poisoning. Epilepsy, combined with the necessary indoor life when accompanied with furore (mania), as in this case, has a powerful depressing effect on all the organs of the body, rendering them peculiarly susceptible to and ill able to resist any intercurrent disease."

The statement is also made that the pneumonia resulted from a cold taken while the patient was in a nearly naked condition, as, during an attack, he had torn nearly everything off himself.

This soldier served more than twenty years in the United States Army, faithfully and well. The cause of his death would seem to have been a very reasonable result of the injury received and the various diseases he suffered from dur-

ing this long period of service, and it is only just for his widow to receive a pension.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. AURELIA HILLYER.

The next pension business on the Private Calendar (called up by Mr. HAUGEN) was the bill (S. 2151) granting a pension to Mrs. Aurelia Hillyer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Mrs. Aurelia Hillyer, mother of Lucius W. Hillyer, late a private in Company E, Fourth Regiment Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The committee believing the above to be a meritorious claim, the fact of the death of the son in the service, and the present dependence of the claimant being shown, would adopt the Senate report hereto attached as their own and recommend that the bill do pass.

SENATE REPORT.

The Committee on Pensions, to whom was referred the bill (S. 2151) granting a pension to Mrs. Aurelia Hillyer, have examined the same and report:

The claimant is the mother of Lucius W. Hillyer, Fourth Wisconsin Cavalry, who was mustered into service July 2, 1861, and died in Charity General Hospital, New Orleans, August 8, 1862. The claim was rejected by the Pension Office on the ground of non-dependence. To arrive at this decision a special examination was made, which brought out testimony relating to the business transactions of the father.

John L. Chapin, a neighbor of the Hillyers, and who has known the father of the soldier-son, testifies as to the pecuniary condition of the former. From this it appears that in 1862 the father made his living by purchasing produce, his brother furnishing the money. He had no personal property of any value. He had a small house, valued at $600, in which the family lived. He had another house, valued at $1,500, on which there was a mortgage of $1,400, and a warehouse, valued at $600, mortgaged for $500. This statement shows that he had no income from his heavily incumbered property, which was finally sacrificed to the incumbrances. His income was solely from his daily attendance to the business with which he was intrusted, and amounted to $2 a day, which the Pension Office regards as an ample support. Finally he was deprived of this, and his family were obliged to depend upon contributions from their children.

It is distinctly stated in the evidence that the revenue from the mortgaged property barely covered interest and taxes.

In his testimony, taken by the special examiner, Hillyer, the father, tells a straightforward story, covering all the years from 1862 down to 1887. He had a hard struggle, and came out of it an old man, with nothing—no resources whatever upon which he could depend for support for himself and wife. There is evidence that the son recognized his obligation to his mother, and that during his short service he contributed to her relief.

The reputation of the family is conceded to be good in every respect by all who testify. The conclusion suggested by all evidence bearing upon the point of non-dependence is that the father made a courageous struggle to succeed in various ventures; that he was unfortunate in all; that he was never free from embarrassment; that from his best efforts his income was inadequate to a comfortable support; that at the present time they are very aged people, without means except such as comes in contributions from a son-in-law.

It may not be a case to which the pension laws are strictly applicable for relief, but it is evidently one to which Congress may extend the small pittance for which the bill provides.

The bill is reported favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

RACHEL PLUMMER.

The next pension business on the Private Calendar (called up by Mr. SAWYER) was the bill (S. 2183) granting a pension to Rachel Plummer.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachel Plummer, mother of Charles Plummer, late a private of Company B, Seventh Regiment of Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The evidence shows that the beneficiary is now "advanced in years, struggling with poverty, and takes in washing that she may have bread." Her son was killed in the battle at South Mountain, Maryland, September 4, 1862, and while living contributed to the support of his parents. The Pension Office rejected the claim solely on the ground that the beneficiary was not dependent at the time of her son's death, although two special examiners reported in favor of her claim.

The fact of death of son, his contributions to the mother's support, and her present poverty fully appear, and the committee believe that this case comes within the rule universally recognized by this committee and indorsed by Congress, as well as by Executive approval, and they therefore report favorably and recommend that the bill do pass.

The Senate report is hereto attached and made a part hereof.

[Senate Report No. 651, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2183) granting a pension to Rachel Plummer, have examined the same, and report:

This is a bill for the relief of Rachel Plummer, mother of Charles Plummer, who was a private in Company B, Seventh Wisconsin Regiment, and was killed at South Mountain, Maryland, September 14, 1862.

The ground of rejection by the Pension Bureau is that the claimant was not at the time of and prior to his enlistment dependent upon her son.

It is in evidence that for some time previous to the soldier's death he at least in part, if not wholly, supported his mother; that he sometimes spoke of her dependence for support upon him; that he always considered it his duty to aid and assist her to as great an extent as was in his power, always having careful regard for comfort and welfare; that he contributed regularly to her support for at least four years prior to his decease, and the details are given as to the manner of his efforts in her behalf.

And there is ample proof to show that his assistance was necessary. The husband was a wagon-maker. He was not in good health, and his earnings amounted to about $70 a year for several continuous years. He had a shop and some tools. He took a partner; the latter says he worked and divided the proceeds, which was enough to support the Plummer family, with what the mother could earn by taking washing.

There is a reference to the county record to show that the husband owned real property, which was the case, amounting to a few hundred dollars, but it was encumbered. Again it is urged against her claim that they bought and sold, which the mother admits they did, but there was no accumulation. They bought with the proceeds of sales and money realized on her husband's tools when he was no longer able to work. It does not appear that they had any revenue from property, only from his struggle in working, when he could, at his trade, and the mother's washing.

The Commissioner of Pensions says the claim was rejected after a careful special examination on the ground of non-dependence. There were two special examinations. In his report one of the examiners says:

"It is my opinion, formed from a review of the testimony and from the general demeanor of the claimant and witnesses, hat there is clearly a case of dependence, and that pension should be granted."

The other special examiner says:

"It is my opinion that the case is made and should be admitted."

The husband was not apparently diseased, but it is in evidence, and so reported by both the special examiners, that he was a feeble man at the time of his son's enlistment, and that he continued so. He could not support his wife, faithfully as he tried to do so. The son knew this, and he recognized his duty to make his mother comfortable, and in doing so he performed the part of a dutiful and loving son. He was killed; they were deprived of his sympathy and assistance, and the mother, who gave her son to save her country, advanced in years and struggling with poverty, takes washing that she may have bread.

The committee agree with the special examiners that the pension should be granted, and they regard it as unfortunate that the Commissioner of Pensions was not of the same opinion.

The bill is reported favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY M. BRIGGS.

The next business on the Private Calendar was the bill (S. 899) for the relief of Mary M. Briggs.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary M. Briggs, a volunteer nurse during the war of the rebellion, and pay her a pension at the rate of $25 per month, in lieu of the pension she is now receiving.

The report (by Mr. SAWYER) was read, as follows:

The committee think, from the statements contained in the Senate report hereto annexed and made a part hereof, that the claimant is entitled to a pension as army nurse. It appears that she is now sixty-seven years of age, a widow, her husband serving as a soldier, and that she acted as nurse nearly four years. But the committee see no special reason why the same be allowed for a sum greater than the usual sum allowed.

Your committee therefore recommend that the bill do pass, with an amendment striking out the words "twenty-five," in the seventh line, and inserting in the place thereof the word "twelve."

SENATE REPORT.

The Committee on Pensions, to whom was referred a bill for the relief of Mary M. Briggs, have examined the same, and report:

Mrs. Briggs was a volunteer nurse, recognized and employed by the Military Department. She served one year at the hospital in St. Louis, and at Ironton, and again at Harvey Hospital, Madison, where she remained until the close of the war.

The bill is reported favorably, with a recommendation that it do pass.

The amendment reported by the committee, to strike out "twenty-five," in the 7th line of the bill and insert "twelve," was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ADVERSE REPORTS.

Bills of the following titles (reported adversely from the Committee on Invalid Pensions), being the next pension business on the Private Calendar, were severally laid aside to be reported to the House with the recommendation that they be indefinitely postponed:

A bill (S. 1041) granting a pension to Mary E. Walker, M. D.;

A bill (S. 822) granting a pension to Sarah Errickson, widow of James S. Errickson, late seaman United States Navy;

A bill (S. 817) granting a pension to Peter Stusse;

A bill (S. 830) granting a pension to David Williams; and

A bill (S. 897) for the relief of Rev. Corydon Millard.

ANN CLARY.

Mr. MACDONALD. I call up the bill (H. R. 7253) granting a pension to the widow of Samuel Clary.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of the widow of Samuel Clary, late a private in Company I, Twenty-fifth Regiment Ohio Volunteers, war of 1861.

The report (by Mr. MORRILL) was read, as follows:

Samuel Clary was enrolled in Company I, Twenty-fifth Regiment Ohio Volunteers, June 20, 1861, and was discharged March 1, 1863.

William Ashen, captain commanding company, in his certificate of disability for discharge, says:

"The above-named person (Samuel Clary) has been unfit for duty from the above-mentioned time (sixty days) by a chronic affection of the spine, caused by exposure and hard labor in the service of the United States as teamster."

William Walton, assistant surgeon of the Twenty-fifth Ohio Regiment, says:

"I certify that I have carefully examined the said Samuel Clary, a private of Capt. William Ashen's company, and find him incapable of performing the duties of a soldier because of lumbago of about one year's duration, accompanied by continual pain in the lumbar region, brought on by exposure while on march. He has been under treatment at intervals during the greater part of the time. Latterly the system has become considerably debilitated, so much so that he has been unable to perform military duty of the lightest character."

The evidence on special examination shows that the soldier was a confirmed invalid from the date of his discharge until the date of his death, February 12,

1879. Dr. Metly, who visited the soldier three or four times before his death, is also dead, and there is no medical evidence on file as to the immediate cause of death. John D. Clary, son of the soldier, says he lived at home during the last sickness and death of his father; that he was confined to the house from October 15, 1878, to the date of his death, February 12, 1879; that Dr. Metly called his disease affection of spine and kidneys; recollects that he said it was caused from exposure in the service; he was not so sick as to cause alarm, for he could help himself and get around the house up to the last five minutes before his death, which was produced from choking with a hemorrhage.

E. S. Weymouth says he lived near neighbor to soldier from spring of 1871 till he died, and during that time never saw him when he was able to do any hard work. He was always complaining of a pain in his back. He told him a number of times he had disease of spine, and claimed he got it in service.

Mrs. Anna Wellman says she was neighbor to soldier from spring of 1871 to death; was frequently at his house; heard him complain of pain in his spine and kidneys; never knew him to do a day's work, as he was unable to work; continued to grow worse until he died. During the last four months of his life he could scarcely lie down an hour on account of severe pain in his back.

All the testimony, and there is an abundance of it from neighbors and others who knew the deceased soldier, corroborates the statements above given. While there is no medical evidence before us as to the immediate cause of death, yet the committee are forced to the conclusion that the death of the soldier was caused by the diseases contracted in the Army and in line of duty.

Your committee believe this to be a very meritorious case, and therefore submit a favorable report, and recommend the passage of the bill, with the following amendment: In line 6, after the word "of," insert the words "Ann Clary."

The amendment reported by the committee, to insert, after the word "of," in line 6, the words "Ann Clary," was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PETER THOMPSON.

The next business on the Private Calendar (the consideration of which was requested by Mr. DOCKERY) was the bill (S. 1997) granting a pension to Peter Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, directed and required to place on the pension-rolls, subject to the laws and regulations, the name of Peter Thompson, late a private of Jeremiah Smith's company, Second Regiment Illinois Mounted Militia in Black Hawk war.

The report (by Mr. WALKER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1997) granting a pension to Peter Thompson, have had the same under consideration and beg leave to submit the following report:

The report of the Senate Committee on Pensions is as follows:

"Claimant enlisted in the Black Hawk war, in Capt. Jeremiah Smith's company, Second Regiment Illinois Mounted Militia, as a sergeant, April 20, 1832, and was discharged with the company May 27, 1832.

"The claim was rejected May 23, 1884, on the ground of no record evidence and claimant's inability to furnish satisfactory testimony connecting the alleged rheumatism with the service and line of duty.

"The testimony in the claim is as follows:

"The claimant states that he is now seventy years of age, and is suffering from sciatic rheumatism contracted by exposure in the service, in line of duty, May or June, 1832; that he is unable to furnish testimony showing origin of rheumatism in the service for the reason that he has been unable to ascertain the whereabouts of either the officers or enlisted men of his company; that the rheumatism was contracted by sleeping on the ground in wet weather, and mainly affects his left leg; that his occupation is that of a farmer, and he is unable to do but little work of any kind; that he is credibly informed that all of the officers of his company are now dead.

"In affidavit filed September 25, 1883, John W. West, of Lamonte, Mo., testifies that claimant is the identical Peter Thompson who served in Captain Jones's company of Illinois Volunteers in the Black Hawk war.

"Millie Boon, of Barnetts, Mo., testifies that claimant was lame upon his return home from the war, caused by exposure incident to the service; that his lameness was caused by sciatic rheumatism, which has continued to the present time.

"Thompson M. Howser, of Eldon, Mo., testifies that he has been acquainted with claimant since 1850, and that the said claimant has suffered from injury in the left hip during all the time of his acquaintance with him.

"Malinda Howser, of Aurora Springs, Mo., testifies to a crippled condition of claimant's leg since 1850.

"G. M. Bandy, of Eldon, Mo., testifies that claimant has been lame in his left leg from rheumatism contracted in the Black Hawk war since 1854.

"Henry Wrafford, of Litchfield, Ill., testifies to continuance of chronic rheumatism since 1858.

"Howard Jackson testifies to the continuance of rheumatism since 1867, greatly disabling claimant for manual labor.

"Moses Kelsy, of Eldon, Mo., testifies that claimant has been disabled for manual labor since 1867, by reason of disability causing lameness.

"Samuel T. Harrison corroborates the testimony of Moses Kelsy.

"Dr. L. M. Camp, of Aurora Springs, Ill., in affidavit filed May 26, 1886, testifies that he has known claimant for four years; that upon examination finds the joints of his left leg quite stiff and growing worse all the time, incapacitating him for manual labor, and that the said stiffness of joints is caused by chronic rheumatism.

"The examining surgeon, under date of September 5, 1883, gives claimant a total rating for disability caused by rheumatism.

"Although there is no evidence showing the existence of rheumatism in the service, it is quite clearly established that claimant was affected by rheumatism on his return from the war in 1832, and has suffered from the same disability to the present time.

"The facts in the case seem to warrant favorable action, and your committee, therefore, recommend the passage of the bill."

Your committee concur in the conclusion reached therein, and return the bill with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MATILDA BLEUMNER.

The next business on the Private Calendar was the bill (S. 1906) granting a pension to Matilda Bleumner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Matilda Bleumner, dependent mother of Charles McL. Bleumner, late a private of Company K, Eighth Regiment Kansas Volunteer Infantry.

The report (by Mr. WALKER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1906) granting a pension to Matilda Bleumner, have had the same under consideration and beg leave to submit the following report:

The report of the Senate Committee on Pensions is as follows:

"The claimant is the mother of Charles Bleumner, who was a private in Company K, Eighth Regiment of Kansas Volunteer Infantry, in the war of the rebellion. He enlisted at St. Louis, Mo., October 1, 1861, and served until February 12, 1864, when he died at Danville, Va.

"The soldier was at the battle of Chickamauga, and after the engagement is charged with deserting at Chattanooga, Tenn. This charge of desertion, as appears from the records of the Adjutant-General's Office, was afterwards removed, we must presume for good reasons. The soldier was then, October 20, 1863, captured at Philadelphia, Tenn.; taken as a prisoner of war first to Richmond, then to Danville, Va., where he died at the time above stated, while yet a prisoner. The circumstances of his capture are not shown, but nothing being proven to the contrary, we necessarily conclude that he was taken in the line of his duty while in service. The enemy treated him as a prisoner of war; that is, as one taken in arms against them. We must, therefore, deem him to have been so taken as belonging to and engaged with the military forces of the United States at the time of his capture, imprisonment, and death.

"The evidence shows that the soldier died unmarried, never having been married; that his father died before the war; that he lived with the claimant, his mother, before and up to the time of his enlistment, and that he contributed to her support and maintenance both before and after the date of his enlistment. The claimant is eighty years old, in very poor and dependent circumstances.

"We think the claim meritorious, and recommend the passage of the bill."

Your committee concur in the conclusions reached, and return the bill with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MACDONALD moved that the committee rise.

The committee divided; and there were—ayes 9, noes 11.

So the committee refused to rise.

Bills of the following titles were passed over, no one asking for their consideration:

A bill (S. 2137) for the relief of Rosalvo Sage; and

A bill (S. 1922) for the relief of Thaddeus S. Stewart.

CHARLES TIDMARSH.

The next business on the Private Calendar (the consideration of which was requested by Mr. HUNTER) was the bill (S. 2100) granting a pension to Charles Tidmarsh.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles Tidmarsh, late of Company C, First Kentucky Regiment Frankfort Battalion Capital Guards.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2100) granting a pension to Charles Tidmarsh, have had the same under consideration and make the following report:

This claim was rejected by the Pension Office on the ground that at the time of receiving his disabilities the claimant was a member of a State organization, and so, under the provisions of section 4693, Revised Statutes, the claim should have been completed by July 4, 1874, whereas it was not filed until June 24, 1886.

Tidmarsh enlisted May 20, 1864, under the name Charles Williams, as a member of Company C, First Regiment Kentucky Capital Guards, and was honorably discharged February 28, 1865. While in the line of duty, during an attack by guerrillas, the claimant was wounded in the left side, the left shoulder, and the left arm, and also slightly in the breast. His disability is rated at total, and his suffering is great. During the winter season he suffers intense pain in his wounds, and has had to remove South to escape the Northern winters. The only question is whether there is sufficient merit in the case to warrant its allowance, notwithstanding the statutory limitation. The claimant says:

"The reason I did not appiy for a pension years ago was I was making a very good living, and as my expenses were small, I did not need it."

The claimant has a wife and four children to support, and is certainly a worthy object of relief. He thought he could make a living without asking the Government for what was due him, and now that his wounds are troubling him more and more and he is getting old, this self-sacrifice ought not to stand in the way of his receiving his equitable deserts.

Your committee deem this case an exceptional one, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MACDONALD moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MAISH having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the special order, had directed him to report to the House sundry bills with various recommendations.

BILLS PASSED.

House bills of the following titles, reported without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 4785) granting a pension to Rosanna K. Griffin;

A bill (H. R. 9346) granting a pension to Frank H. Reed; and

A bill (H. R. 7162) for the relief of Mary Nevels.

Amendments reported to bills of the following titles were severally agreed to; and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7708) to increase the pension of Annie Gibson Yates;

A bill (H. R. 6057) to place on the pension-roll the name of Edward Healy;

The title was also amended to read "A bill to increase the pension of Edward Healy;" and

A bill (H. R. 7253) granting a pension to the widow of Samuel Clary.

LAID ON THE TABLE.

A bill (H. R. 7247) to increase the pension of Mary A. Gibson, widow of Commander William Gibson, was, in accordance with the recommendation of the Committee of the Whole, laid on the table.

SENATE BILLS PASSED.

Senate bills of the following titles were severally ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 1827) granting a pension to Philomelia L. Dartt;
A bill (S. 808) granting a pension to Julius C. Morison;
A bill (S. 2331) granting a pension to Mary J. McGregor;
A bill (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts;
A bill (S. 1192) granting a pension to Judson Knight;
A bill (S. 2255) granting a pension to Amanda W. Beach;
A bill (S. 1193) granting a pension to John R. Wheelock;
A bill (S. 1004) granting a pension to Ann Verneuil;
A bill (S. 2151) granting a pension to Mrs. Aurelia Hillyer;
A bill (S. 2183) granting a pension to Rachel Plummer;
A bill (S. 1997) granting a pension to Peter Thompson;
A bill (S. 1906) granting a pension to Matilda Bleumner; and
A bill (S. 2100) granting a pension to Charles Tidmarsh.

An amendment to the bill (S. 899) for the relief of Mary M. Briggs was agreed to; and the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

BILLS POSTPONED.

The consideration of bills of the following titles were postponed till July 12 under the same order as in other cases:

A bill (S. 1831) granting a pension to Mrs. Mary Heap Nicholson; and
A bill (S. 2129) to increase the pension of Mary W. Gibson, widow of Commander William Gibson.

Bills of the following titles, in accordance with the recommendation of the committee, were indefinitely postponed:

A bill (S. 1041) granting a pension to Mary E. Walker, M. D.;
A bill (S. 830) granting a pension to David Williams;
A bill (S. 817) granting a pension to Peter Stusse;
A bill (S. 887) granting a pension to Robert Foss; and
A bill (S. 822) granting a pension to Sarah Errickson, widow of James S. Errickson, late seaman United States Navy.

Mr. DOCKERY moved to reconsider the several votes; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. T. VINCENT.

Mr. HUNTER. I move to discharge the Committee of the Whole from the further consideration of the bill (H. R. 10356) granting a pension to J. T. Vincent, and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of J. T. Vincent, of Clinton County, Kentucky, late a private in Company D, Twelfth Regiment of Kentucky Volunteer Infantry.

The report (by Mr. HUNTER) was read, as follows:

It appears from the evidence before your committee that claimant was enrolled as a private in Company D, Twelfth Regiment of Kentucky Volunteer Infantry, at Albany, Clinton County, Kentucky, on the 15th day of October, 1861. That on the 1st day of November, 1861, while on a march with said command from Albany to Somerset, Ky., he contracted measles and was left at Seventy-Six, and taken from there to his home in Clinton County, Kentucky, where he remained in a precarious condition for some months with said malady and resulting lung complication. On his partial recovery from the acute stages of this attack it was discovered that his lungs, which were deeply involved during his sickness, had become permanently affected, rendering him thereby unfit for further military duty, in view of which he did not report to his command, and was not therefore mustered into the United States service.

Claimant has been unfit for any kind of active manual labor whatever since leaving the Army, by reason of the shattered condition of the system, consequent on the sickness referred to, and now, being a physical and financial wreck, rendered so in defense of his country, he appeals to the generosity of Congress.

Your committee find that this is a meritorious claim, and report back the bill with a favorable recommendation.

Amend by adding the letter "D" after the word "Company" in the seventh line.

Mr. MATSON. Mr. Speaker, I move to recommit that bill. The report does not set forth any testimony at all, and nothing upon which the House can act. It is only pretended that he was enlisted. The report ought to set out the facts shown by the testimony, so that we may be able to render proper judgment upon the bill.

Mr. HUNTER. I hope that motion will not prevail.

The motion to recommit was agreed to.

JOHN TAAFFE.

Mr. CARUTH. I ask unanimous consent to consider the bill (H. R. 6220) granting a pension to John Taaffe.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Taaffe, late a member of Company F, Sixth Kentucky Infantry.

The report (by Mr. HUNTER) was read, as follows:

The claimant, John Taaffe, was a private soldier in Company F, Sixth Regiment of Kentucky Volunteer Infantry, having enlisted in November, 1861. He served until January 5, 1865. At the battle of Stone River, in December, 1862, he received a gunshot wound in the groin, and was under medical treatment from December 31, 1862, the day he received his wound, until May 1, 1863. Notwithstanding this wound, he recovered sufficiently to serve with his company until his discharge, in January, 1865.

In the month of October, 1866, having suffered from the gunshot wound, and thinking that the Government which he had faithfully served should care for him when he was disabled and unable to help himself, he asked for a pension. After litigating his rights for years in the Pension Department, and constantly becoming more and more disabled, the case was finally rejected, in 1886, because the medical board could not rate the case, the wound having apparently healed; but it is in proof that the claimant can not retain his urine, and that the gunshot wound had the effect to completely destroy his manhood. It has also been so debilitating to his system that he is unable to engage in any business. The medical board certify that at the examination "his underclothing are wet; there is a urinous ammonical odor about him indicating leakage." Dr. H. H. Gwinn, who examined him, swears, under date of March 8, 1887:

"I certify that I have this day carefully examined John Taaffe, and find him laboring under impotency, a total loss of power, an irregularity of action in the generative organs; laboring under the deepest depression, caused by an old wound of the scrotum and testes, with neuralgia of the testical cord as a sequence of said wound. * * * I also find him very despondent, and a total loss of manhood, all of which, in my opinion, is caused by said old wound."

Your committee think that this man, who is now over sixty-eight years of age, should be pensioned, and report this bill with an amendment, fixing the rate at $8 a month, and, as amended, recommend that the bill do pass.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CARUTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REBECCA MANLOVE.

Mr. HIRES. I ask unanimous consent to discharge the Calendar of the Committee of the Whole from the further consideration of the bill (H. R. 9808) granting an increase of pension to Rebecca Manlove.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mrs. Rebecca Manlove, widow of David Manlove, who served in the United States Navy in the war of 1812, from $12 per month to $30 per month, from and after the passage of this act.

The report (by Mr. BLISS) was read, as follows:

The claimant is the widow of David Manlove, who was sailing-master of the Delaware flotilla from November 5, 1813, to April 8, 1815, in the war of 1812 with Great Britain. She has been in receipt of a pension at the rate only of $8 per month from March 9, 1878, and $12 from March 19, 1886, under the general laws.

It is shown by the certificate of Downs Edmunds, judge of common pleas, and John Spencer, mayor, both of Cape May, N. J., where claimant also resides, that Mrs. Manlove is almost totally blind; is in her eighty-ninth year, and has no means of support beyond her small pension. She is a very worthy woman.

Your committee are of the opinion that the pension should be increased to $30 per month, and therefore return the bill to the House with the recommendation that it do pass, amended, however, by changing the word "Manlone" wherever it appears in said bill to "Manlove."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title was amended to conform.

Mr. HIRES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERRY D. MARTIN.

Mr. WILSON, of Minnesota. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 3772) granting a pension to Perry D. Martin, and put it upon its passage.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Perry D. Martin, formerly a member of Company G, Third Regiment Minnesota Volunteers (Infantry), on the pension-roll, and to pay him a pension at the rate of $40 per month during the rest of his natural life.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions have had under consideration the bill (H. R. 3772) granting a pension to Perry D. Martin, and beg leave to recommend that the same do pass.

Said Perry D. Martin entered the United States service in October, 1861, as a member of Company G, Third Minnesota Volunteers; that prior to his enlistment he was a man of sound health and a member of the legal profession; that while in the United States service, in July, 1862, he was stricken down by sunstroke, from the effects of which he apparently partially recovered soon after. But as time went on there has not been any improvement; on the contrary, he has grown worse, and from the effects of said sun-stroke he is a mental and physical wreck beyond hope of recovery or improvement.

That he was sound and healthy, mentally and physically, when he entered the service, and that he is now physically and mentally a wreck, is shown by the affidavits of Sarah L. Cross, Dr. Vilas, Dr. Lewis, Dr. Cary, and Dr. Adams, as well as by his own affidavit. The member of this House, too, from the First district of Minnesota, being the district in which Martin lived prior to the war, and in which he now lives, certifies of his own knowledge to these facts. The records of the United States in the Adjutant-General's Office show the date of his enlistment and discharge, and that he was discharged for disability. The certificate of the examining board of surgeons at Wabasha, Minn., shows that while he was a bright and intelligent man before the injury complained of, he is now of defective intelligence and that there is now mental impairment and loss of memory.

The certificate and report also show that his present disabilities "may be the result of sun-stroke and it is very probable that they are."

The obstacle to obtaining relief under the law in the Pension Office is the loss of memory and mental impairment of said Martin by the sun-stroke and its effects. Your committee recommend the passage of the bill with an amendment striking out all after "pension-roll," in line 6, and inserting "subject to the provisions and limitations of the pension laws."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILSON, of Minnesota, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The motion was agreed to.

FRANCIS MARION WALKER.

Mr. GEST. I ask unanimous consent to consider the bill (S. 2168) granting a pension to Francis Marion Walker.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis Marion Walker, late private in Company I, Sixteenth Regiment Illinois Volunteer Infantry, at $18 per month from and after the passage of the act, and in lieu of the pension at present received.

The report (by Mr. MORRILL) was read, as follows:

The report of the Committee on Pensions in the Senate sets forth fully the facts in this case, and is adopted, and the passage of the bill recommended.

[Senate Report No. 333, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the petition of 115 ex-soldiers and citizens of Dallas City, Ill., and vicinity, praying that Francis Marion Walker, who is now entirely disabled as a result of his military service, be placed upon the pension-rolls, have examined the same and report:

The petitioners, ex-soldiers and citizens of Dallas City, Ill., pray that Francis M. Walker, who now receives a pension of $8 a month, may be granted such an increase as would be just on behalf of the soldier, who is poor, with a dependent family, who can move about only with the aid of crutches, and has become totally disabled for manual labor. The pension to soldier was granted for fracture of right clavicle and injury to back, incurred in the derailment of a railroad train on which he was engaged in the line of duty. An application to the Pension Office for increase within the past year was rejected.

The question in the case is one of rating. A medical board in March, 1887, pronounced the soldier totally disabled from injury to back, or rheumatism—while another medical board in November, 1887, gave him a rating of twelve-eighteenths of third grade, divided equally between fracture of clavicle, diarrhea, and disease of heart, ignoring injury to back or rheumatism altogether. Meantime, according to the representations of over a hundred of his neighbors, while the medical men disagree about the cause and extent of his disabilities, the soldier remains unable to move except by aid of crutches, continues disqualified for labor, and by petition shows that he would gladly compromise the whole medical question for aid enough to assist him in some material degree in furnishing necessary food and raiment for his family and himself.

This, your committee think, he is entitled to; and they report by bill granting him a pension for total disability of the grade in which he was rated, or $18 a month from and after the passage of the act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. GEST moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN A. GRIFFEY.

Mr. JOHNSTON, of North Carolina. I ask unanimous consent to consider the bill (H. R. 6783) to place the name of John A. Griffey on the pension-roll.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of John A. Griffey, dependent father of —— Griffey, late private of Company D, Second North Carolina Regiment, subject to the limitatations and conditions of the pension laws.

The report (by Mr. LYNCH) is as follows:

Soldier enlisted October 1, 1863, was mustered December 9, 1863, as a private in Company D, Second North Carolina Mounted Infantry Volunteers, and was killed March 22, 1865, near Jacksborough, Tenn.

The claim made by John A. Griffey, father of the soldier, was rejected January 25, 1886, upon a report made by A. B. Cassellman, special examiner; not in line of duty when killed. Soldier served creditably from day of enlistment until death, which occurred, as nearly as can be ascertained, as follows:

The regiment was on the march from Cumberland Gap to Knoxville, Tenn. Colonel Bartlett was absent from the regiment, which was under command of Major Bainly, who put the regiment in charge of Lieut. Charles Hartzell, of Company C. The regiment marched to Jacksborough, while Major Bainly remained back at Cumberland Gap. By the time it got to Jacksborough Lieutenant Hartzell was drunk and was arrested.

It seems that Lieutenant Hartzell sent a detail out and Griffey was one of the detail. What the detail was for is not explained. While Griffey was out on this detail he was shot and killed. There is no evidence except hearsay and gossip as to how he was killed, or exactly what he was doing at the time. Some of the witnesses say that they heard that Griffey was, at the time he met his death, attempting to take a horse by force. If this were true it would have been easy to have furnished the testimony of the person upon whom the attempt was made. It seems, for some unexplained cause, that the only person who could give the exact cause which led to the death was not called as a witness by the special examiner.

It is true that Griffey was a good soldier; that he was detailed as above set out by Lieutenant Hartzell; and also that Hartzell was at last censured for his conduct, if not dismissed the service.

When the case is carefully examined it will be found that a good soldier, of long service, was ordered by his superior officer to do certain duty and was shot and killed by an unknown man, and in an unaccounted for manner, while executing those orders.

Your committee is disposed to give the benefit of the doubt which exists in this case to the claimant, and therefore recommend that the bill do pass.

Mr. JOHNSTON, of North Carolina. There is an amendment to this bill. In the fourth line, after the word "place," insert the words "on the pension-roll."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOHNSTON, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY FITZMORRIS.

Mr. DE LANO. I ask unanimous consent for the present consideration of the bill (H. R. 9520) for the relief of Mary Fitzmorris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Mary Fitzmorris, widow of Edmund Fitzmorris, late of Company K, Twelfth New York Volunteers, and pay her a pension under the provisions and limitations of the general pension laws.

The report (by Mr. SAWYER) is as follows:

The beneficiary named in the bill is the widow of Edmund Fitzmorris, who enlisted in the Twelfth Regiment New York Volunteers May 13, 1861, and was discharged from Company K, of said regiment, May 17, 1863. He was wounded at Second Bull Run fight, necessitating the amputation of his right leg about 8 inches above the knee. The widow's claim has been rejected by the Pension Bureau because the fatal disease of lungs is not clearly shown to be due to the wound, as alleged.

The evidence in the case shows that the soldier suffered amputation, after having remained on the battle-field six days without attention. The wound was in the right shin, but when reached, the condition of the leg was such that amputation at the point above stated became necessary. His constitution became undermined and weakened, and in consequence thereof his lungs became affected. He died February 15, 1874.

Dr. John P. Shumway, who attended the soldier during his last illness, and who had personal knowledge of his condition for some years previous thereto, testifies that about February 1, 1874, he made an examination of the soldier and found his left lung studded with tubercles, some discharging, producing copious purulent expectoration, lower lobe of right lung hepatised, body very much emaciated, and physically excessively debilitated, arising no doubt from the condition of left lung. Affiant did not see the stump of the leg, and does not know its condition further than that it was claimed at the time that the stump did suppurate and discharge at intervals.

The claimant is quite old and an object of charity, as shown by an officer of the poor office at Syracuse, N. Y., who testifies that she has been assisted by the authorities ever since her husband's death.

Your committee are clearly of the opinion that the soldier's death is directly traceable to his military service, and therefore report favorably on the accompanying bill, and ask that it do pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DE LANO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN ETZELL.

Mr. MACDONALD. Mr. Speaker, I have a bill here which will take but a moment to pass as it is simply to amend a pension already granted.

Mr. MATSON. Regular order.

Mr. McMILLIN. Let the title of the bill be read, and then it can go over.

Mr. MACDONALD. There still remain a few moments of the hour, and I ask unanimous consent to consider the bill now.

Mr. MATSON. If gentlemen on the other side do not object, I have no objection.

Mr. MACDONALD. I ask unanimous consent to consider the bill (H. R. 10212) to amend an act granting a pension to John Etzell, approved March 3, 1879.

The bill is as follows:

Be it enacted, etc., That an act approved March 3, 1879, granting a pension to John Etzell, be, and the same is hereby, amended so as to read as follows:

That a pension be, and is hereby, granted to John Etzell, late a private in Company B, Second Minnesota Regiment Infantry, and that the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of said John Etzell on the pension-roll at the rate of $6 per month, subject to the provisions and limitations of the pension laws, including the right to an increase of the same if he shows himself entitled thereto.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MACDONALD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WILLIAMS. I ask now to consider a bill.

Mr. MATSON. Regular order.

Mr. LAIDLAW. I thought this side was also to have a chance, as there was no objection made to the other request.

And then (the hour of 10 o'clock and 30 minutes p. m. having arrived) the Speaker *pro tempore* declared the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 10597) for the relief of Emily J. Rowe and Elizabeth Patton—to the Committee on War Claims.

By Mr. BURROWS: A bill (H. R. 10598) granting a pension to Olive J. Stoughton—to the Committee on Invalid Pensions.

By Mr. LODGE: A bill (H. R. 10599) granting a pension to Polly A. Gammons—to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 10600) for the relief of James V. Symons—to the Committee on Claims.

By Mr. VOORHEES: A bill (H. R. 10601) granting a pension to Louisa Selden—to the Committee on Pensions.

Also, a bill (H. R. 10602) providing a charter for the city of Colfax, Wash.—to the Committee on the Territories.

By Mr. J. B. WHITE: A bill (H. R. 10603) for the relief of Julia Bodley—to the Committee on Invalid Pensions.

By Mr. THOMAS WILSON: A bill (H. R. 10604) to authorize the Winona and Southwestern Railway Company to construct a bridge across the Mississippi River at Winona, Minn.—to the Committee on Commerce.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. W. C. P. BRECKINRIDGE: Petition of Rev. H. H. Williams and others, for the relief of Elizabeth Dobyns—to the Committee on Invalid Pensions.

By Mr. KENNEDY: Petition of the Grand Army of the Republic, for an appropriation of $200,000 for the purchase of headstones for deceased soldiers—to the Committee on Military Affairs.

By Mr. McCREARY: Petition for the reference of the claim of John W. Vance, of Kentucky, to the Court of Claims—to the Committee on War Claims.

By Mr. SIMMONS: Petition of Leah Ward, of Craven County, North Carolina, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. VOORHEES: Papers in the pension claim of Louisa Selden—to the Committee on Pensions.

By Mr. WHEELER: Petition of Hugh B. Hudson; of T. G. Greenhill; of Elizabeth A. Card; of Mary L. Payne, executrix; of Armstead Payne, and of G. G. Lilly, of Alabama, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. KENNEDY: Of citizens of Springfield, Ohio.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. VOORHEES: Of 182 citizens of Washington Territory.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 23, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

MARY F. HARKINS.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 3016, entitled "An act granting a pension to Mary F. Harkins."

The husband of this beneficiary was discharged from the military service in 1865, and was pensioned for a gunshot wound in the right foot at the rate of $6 per month.

He died in 1882, seventeen years after his discharge, "from rupture of the heart, caused by the bursting and parting of the fibers of the right ventricle."

The claim is now made that the death was the result of the wound in the foot.

An application to the Pension Bureau was rejected on the ground that the death cause was not the result of the wound.

I am satisfied that this was a just conclusion.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1888.

Mr. SPRINGER. I move that the message be referred to the Committee on Invalid Pensions and ordered to be printed.

There was no objection, and it was so ordered.

MARY MINOR HOXEY.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 600, entitled "An act increasing the pension of Mary Minor Hoxey."

The husband of the beneficiary named in this bill was, while on military duty, wounded in the left hand and afterwards in the thigh. He was pensioned in 1871 on account of these wounds, and in 1879 was allowed arrearages from time of his discharge. He died in December, 1881, of consumption, being at that time in the receipt of a pension at the rate of $17 per month.

In 1884 his widow was allowed a pension at the same rate, with $2 a month each for two minor children. The children have now attained the age of sixteen years, but the widow still receives the pension awarded to her, which is the same as that allowed to all widows of her class.

I discover no reason of any substance why this pension should be increased; and if it should be done it would only be a manifestation of unjust favoritism.

I can not forget the thousands of poor widows with claims superior to this beneficiary, but with no interested friends to push their claims for increase of pension, who would be discriminated against if this proposed bill becomes a law.

It seems to me that there is a chance to do injustice by unfair caprice in fixing the rates of pension, as well as by refusing them altogether when they should be granted.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1888.

Mr. MORRILL. I move that the message be referred to the Committee on Invalid Pensions and ordered to be printed.

There was no objection, and it was so ordered.

JAMES G. W. HARDY.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 8231, entitled "An act for the relief of Lieut. James G. W. Hardy."

It is proposed by this bill to award a pension to the beneficiary above named.

In the month of January, 1864, he was on recruiting service in the State of Indiana. On the 15th day of that month he was traveling between Indianapolis and La Fayette in a railroad car, and he alleges that he raised a window of the car to obtain air, and placed his arm on the window sill, when it was struck by something from the outside and one of the bones of his arm broken.

In February, 1865, he resigned on account of disability caused by the accident above mentioned, the medical certificate then stating that he had a fracture of the right humerus of ten months' standing, which had not been properly adjusted.

He made an application for a pension to the Pension Bureau, which was rejected.

Although it is stated in a general way that he was traveling on business connected with his recruiting service at the time of his injury, he has given no information as to the precise purpose of his journey; and it is conceded that he was guilty of such negligence that he had no right of action against the railroad company.

It also appears by the medical certificate upon which his resignation was permitted that the fracture, not necessarily serious, was never properly treated. It seems, too, that he remained in the service ten months after the injury.

I am unable to discover why a pension should be granted in this case, unless the Government is to be held as an insurer of the safety of every person in the military service in all circumstances and at all times and places.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1888.

Mr. MORRILL. I move that the message be referred to the Committee on Invalid Pensions and ordered to be printed.

There was no objection, and it was so ordered.

ELLEN SEXTON.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 8174, entitled "An act granting a pension to Ellen Sexton."

The husband of the beneficiary served in the Union volunteer army from October, 1862, to June, 1864, having been during the last seven months of his service in the Veteran Reserve Corps. He was discharged for a disability which, to say the least of it, certainly had no relation to his military service, unless the Government is to be held responsible for injury arising from vicious indulgence.

He died in the city of Cork, Ireland, May 29, 1875, of consumption, certified by the health authorities there to have been of seven years' duration.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1888.

Mr. MORRILL. I move that the message be referred to the Committee on Invalid Pensions and ordered to be printed.

There was no objection, and it was so ordered.

CHARLES GLAMANN.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

I return without approval House bill No. 2215, entitled "An act granting a pension to Charles Glamann."

This beneficiary served in an Illinois regiment from September, 1864, to July, 1865, and his record shows no injury or sickness except an attack of remittent fever.

He filed a claim for pension in 1880, alleging that he was struck accidentally with a half brick by a comrade and injured in his left arm.

There is no doubt that whatever disability he thus incurred was the result of a personal altercation between himself and the man who threw the brick.

The extent to which the power to grant pensions by special act has been made to cover all sorts of claims is illustrated by the fact that, in the light of many pensions that have been allowed, this case, though presenting an absurd claim, does not appear to be much out of the way. The effect of precedent as an inducement to increase and expand claims and causes for pensions is also shown by the allegation in the report of the House committee, as follows:

"Your committee and Congress have, however, frequently relaxed the rule, and granted pension for injuries and disabilities incurred in such circumstances."

I believe that if the veterans of the war knew all that was going on in the way of granting pensions by private bills they would be more disgusted than any class of our citizens.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 22, 1888.

Mr. MORRILL. I move that the message be referred to the Committee on Invalid Pensions and ordered to be printed.

There was no objection, and it was so ordered.

DEFICIENCY IN APPROPRIATION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates to supply deficiencies of appropriations for the various Departments of the Government and for

the postal service; which was referred to the Committee on Appropriations and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent an indefinite extension of leave of absence was granted to Mr. HATCH, on account of sickness in his family.

PUBLIC BUILDING AT CHARLOTTE, N. C.

Mr. ROWLAND. Mr. Speaker, I ask that the Committee of the Whole on the state of the Union may be discharged from the further consideration of House bill 8721 to provide for the erection of a public building at Charlotte, N. C., and that the House now proceed to consider the same in the House.

Mr. BRECKINRIDGE, of Arkansas. I call for the regular order.

MARINE CONFERENCE.

Mr. BELMONT. I desire to present a privileged report.

The SPEAKER. Conference reports are in order.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1851) providing for an international marine conference to secure greater safety of life and property at sea, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments as follows:

1. In section 1, in lines 3, 4, and 5, strike out the words "in the city of Washington on the 1st day of October in the year 1888, or at such other" and insert in lieu thereof the words "at such."
2. In line 5, after the word "designate," insert the word "and."
3. In line 6 strike out the word "five" and insert the word "seven."
4. In line 6 strike out the word "one" and insert the word "two."
5. In line 6 strike out the word "officer" and insert the word "officers."
6. In line 7, after the word "service," insert "two masters from the merchant marine (one from the sailing marine and one from the steam marine), and two citizens familiar with shipping and admiralty practice."
7. In section 2 strike out the words "rule of the road at sea," in line 2, and insert the words "rules, regulations, and practice concerning vessels at sea and navigation generally."
8. In section 3 strike out the word "fifteen," in line 1, and insert "twenty."
9. In line 2 strike out the word "funds" and insert the word "money."
10. In line 10, after the word "necessary," insert a paragraph as follows:

"The powers and authority conferred by this act upon the persons appointed by the President by force thereof, shall terminate on the 1st day of January, A. D. 1890, or sooner at the discretion of the President."

PERRY BELMONT,
JOHN E. RUSSELL,
WILLIAM W. MORROW,
Managers on the part of the House.
GEORGE F. EDMUNDS,
WILLIAM P. FRYE,
JOHN T. MORGAN,
Managers on the part of the Senate.

The following statement under the rule was submitted by the conferees on the part of the House:

The managers on the part of the House submit the following statement to accompany the conference report on the bill providing for an international marine conference to secure greater safety for life and property at sea:

The bill as now amended leaves the place of meeting of the conference, as well as the time of meeting, discretionary with the President; it increases the number of delegates for the United States from five to seven, two of whom are to be officers of the United States Navy, one an officer of the Life-Saving Service, two masters from the merchant marine, and two citizens familiar with shipping and admiralty practice. The total amount appropriated, which in the Senate bill was $30,000, is restored to $20,000, the sum named in the bill originally reported to the House by the Committee on Foreign Affairs, and it is provided that the powers and authority conferred by this act on the persons appointed by the President shall expire on the 1st day of January, 1890, or sooner at the discretion of the President.

PERRY BELMONT,
WM. W. MORROW,
Managers on the part of the House.

Mr. BELMONT. I move the conference report be agreed to.

The report was adopted.

Mr. BELMONT moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

The SPEAKER. The bill (S. 27) to prevent the obstruction of navigable waters and to protect public works against trespass or injury was erroneously referred to the Committee on Commerce. If there be no objection that committee will be discharged from the further consideration of the bill and it will be referred to the Committee on Rivers and Harbors, which has the same subject under consideration.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been demanded by the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BELMONT. The gentleman from South Carolina [Mr. DIBBLE] I understand will yield a moment.

The SPEAKER. The gentleman from Arkansas [Mr. BRECKINRIDGE is the gentleman who demands the regular order, and he does not yield. The regular order is the special order of the House providing for the consideration of bills reported from the Committee on Public Buildings and Grounds.

Mr. DIBBLE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills reported from the Committee on Public Buildings and Grounds under the special order.

Mr. BRECKINRIDGE, of Arkansas. The gentleman from South Carolina perhaps does not wish to cut off reports from committees. The gentleman from New York [Mr. BELMONT] wishes to submit a report.

The SPEAKER. If there be no objection all gentlemen having reports to make from committees can hand them to the Clerk for reference.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

CHINESE IMMIGRATION.

Mr. BELMONT, from the Committee on Foreign Affairs, reported back bills of the following titles; which were laid on the table:

A bill (H. R. 9534) to prohibit the coming of Chinese laborers to the United States; and

A bill (H. R. 9613) to execute certain treaty stipulations prohibiting Chinese immigration.

Mr. BELMONT also, from the same committee, reported, as a substitute for the foregoing, a bill (H. R. 10605) to prohibit the coming of Chinese laborers to the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

EDSON SAXBERRY.

Mr. LANE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6193) for the relief of Edson Saxberry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA SETTLE.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2990) granting a pension to Eliza Settle; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS R. STURMAN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2872) granting a pension to Thomas R. Sturman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. SARAH MARTIN.

Mr. LANE also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2871) granting a pension to Mrs. Sarah J. Martin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIGHT-HOUSE, BALLAST POINT, SAN DIEGO BAY, CALIFORNIA.

Mr. CLARDY, from the Committee on Commerce, reported back with amendment the bill (H. R. 1228) making an appropriation for establishing a light or lights and a fog-signal on or near Ballast Point, entrance to San Diego Bay, California; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS, PORT OF LINCOLN, NEBR.

Mr. CLARDY also, from the Committee on Commerce, reported back the bill (H. R. 7903) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Lincoln, in the State of Nebraska; which was laid on the table.

He also, from the same committee, reported, as a substitute for the foregoing, a bill (H. R. 10606) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Lincoln, in the State of Nebraska;" which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH O'LAUGHLIN.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10634) to grant a pension to Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Minnesota Volunteer Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. SPRINGER. I suggest to the gentleman from South Carolina [Mr. DIBBLE] that it would be well to postpone this special order to some time in July and allow the more important business to be transacted now.

[Cries of "Vote!" "Vote!"]

Mr. HOLMAN. Mr. Speaker, I rise to a question of order. Last evening, when the House adjourned, the general homestead bill was before the House as unfinished business, and it is therefore, I think, entitled to consideration in preference to all other bills, except appropriation bills and bills in relation to the revenue. But if that bill is not entitled to priority, I submit that, as the gentleman representing the Committee on Public Buildings and Grounds has had two or three days already during this session, and as the Committee on Public Lands have been able to obtain only an hour and a half for the consideration of this bill, although they have had it before the House for the last three months, it seems to me the gentleman from South Carolina ought not to press his measure, even if it is entitled to priority.

Mr. DIBBLE. The gentleman from Indiana [Mr. HOLMAN] must understand that this order under which I make the motion is not a continuing order; that it is limited to to-day only; whereas the Committee on Public Lands is a committee which has the privilege of reporting and bringing up its measures at any time.

Mr. HOLMAN. Inasmuch as the Committee on Public Buildings and Grounds has already, I believe, two days set aside for its business——

Mr. DIBBLE. Three.

Mr. HOLMAN. I ask unanimous consent that the order for whatever time may still remain to that committee be made a continuing order, so that they may bring in their business at some future time, enabling us to-day to consider the land bill, a matter of the very highest public importance.

Mr. DIBBLE. If unanimous consent can be obtained that the special order in reference to business of the Committee on Public Buildings and Grounds be made a continuing order for the number of days to which it is now limited, I am perfectly willing to assent to that arrangement.

Mr. HOLMAN. I hope that will be agreed to.

The SPEAKER. The Chair will state the situation of the question. Under the order of the House two days have been set apart for the consideration of business of the Committee on Public Buildings and Grounds——

Mr. DIBBLE. Three days.

The SPEAKER. Three days were set apart originally, but two days still remain, one having gone by lapse of time. On the days set apart the business of this committee was to begin immediately after the reading of the Journal. The gentleman from South Carolina now asks consent——

Mr. DIBBLE. The gentleman from Indiana——

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] now asks consent that the order with reference to this committee be continued until two days are actually occupied by the committee. The gentleman from Indiana makes this proposition, as he states, with the view of having the House proceed to-day with the consideration of the public-land bill. Is there objection?

Mr. SPRINGER. That is intended to give the committee two more days.

The SPEAKER. There are two days remaining under the order already made. The proposition is now simply to make the order a continuing one.

Mr. McMILLIN. I object.

Mr. HOLMAN. I hope there will be no objection. We desire to go on with the land bill to-day.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] has objected.

Mr. SPRINGER. The gentleman does not, I understand, object to the committee having two days.

The SPEAKER. The gentleman can state his purpose in objecting. The Chair stated the request for unanimous consent, and objection was made.

Mr. DIBBLE. What gentleman objects?

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN].

Mr. McMILLIN. Mr. Speaker, it is proper I should say that there is a measure pending before Congress which I think of more importance than any other. The business now proposed to be assigned to two future days will necessarily come into competition with the revenue bill. Until that is disposed of, I do not propose, so far as I can prevent it, to allow any measure to be thrust in front of the revenue bill.

Mr. DIBBLE. So far as the revenue measure now pending is concerned, that is already excepted by the order; and I do not propose to antagonize it, if this be made a continuing special order.

Mr. HOLMAN. Now, it is all right; let the gentleman withdraw his objection.

Mr. McMILLIN. I know that the order now existing is in the form which the gentleman from South Carolina [Mr. DIBBLE] states; but I know what difficulty often arises in respect to questions of consideration. Such questions have heretofore been raised——

Mr. DIBBLE. I will not raise that question.

Mr. McMILLIN. Let the Committee on Public Buildings and Grounds go on to-day, if they propose to go on at all, and work out this business.

The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. DIBBLE] that the House now resolve itself into Committee of the Whole on the state of the Union for the consideration of bills under the special order.

Mr. HOLMAN. I rise to a parliamentary inquiry. If the motion of the gentleman from South Carolina be voted down, will it then be in order to call up the homestead bill?

The SPEAKER. If the motion to go into Committee of the Whole be not agreed to, the regular business of the House will proceed: first, the morning hour for the call of committees, unless it should be dispensed with; then the hour for the consideration of bills called up by committees; and when the time for general legislation is reached, it will be in order to consider the bill referred to by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I hope, then, that the House will not go into Committee of the Whole.

The question being taken on the motion of Mr. DIBBLE, there were—ayes 73, noes 26.

Mr. HOLMAN. As no quorum has voted, I must ask for tellers.

Tellers were ordered; and Mr. DIBBLE and Mr. HOLMAN were appointed.

The House proceeded to divide.

Mr. HOLMAN (before the result of the count by tellers was announced). Mr. Speaker, it is quite apparent there is no quorum present, and as the House seems to be inclined to give priority to the business of the Committee on Public Buildings and Grounds over that of the Committee on Public Lands, I will not press the point of order further.

The SPEAKER. The gentleman from Indiana withdraws the point of order that no quorum has voted.

Mr. HOLMAN. I hope the Chair will announce the vote.

Mr. ANDERSON, of Illinois. I insist on the point of no quorum.

The SPEAKER. The point of order is insisted upon by the gentleman from Illinois, who will take the place of the gentleman from Indiana as a teller. Gentlemen desiring to vote will please come forward and do so.

The tellers continued the count; and after some time reported—ayes 119, noes 45.

Mr. LANE. I call for the yeas and nays.

The yeas and nays were not ordered, one-fifth not voting in favor thereof.

So the motion of Mr. DIBBLE was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of bills under the special order.

PUBLIC BUILDING, PORTLAND, OREGON.

Mr. DIBBLE. I call up the bill (S. 20) to provide for the construction of a public building at Portland, Oregon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the custom-house at the city of Portland, in the State of Oregon; and plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $500,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than 40 feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site of said building shall be vested in the United States, nor until the State of Oregon shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the said sum of $500,000 for site and building.

The Committee on Public Buildings and Grounds recommended amendments striking out the words "five hundred" where they occurred in the bill and inserting "three hundred and fifty;" so as to make the amount appropriated $350,000.

Mr. ANDERSON, of Illinois. I call for the reading of the report.

Mr. DIBBLE. I will have the report read as a part of my remarks.

The report (by Mr. POST) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred House bill 1757 and Senate bill 20, providing for the construction of a public building at Portland, Oregon, and for the purchase of a site therefor, have had the same under consideration and submit the following favorable report, with amendments:

Portland, Oregon, has a population of about 40,000, with an additional population of 10,000 in the suburban towns adjoining. The report of the Supervising Architect demonstrates the urgent necessity for such a building. There is now crowded in the present building the post-office, with twenty-four employés, the custom-house, collector's office, surveyor-general's offices, the United States district and circuit court-rooms, with bailiff rooms, jury and witness rooms, postal agent's room, judges' chambers, and clerks' rooms, and the United States marshal's and United States district attorney's offices. Other rooms are rented in various parts of the city for the offices of collector of internal revenue, United States appraisers, local inspectors of steam-vessels, light-house inspectors, light-

house engineer of the Department of the Columbia, the quartermaster and chief paymaster of the Department of the Columbia, the marine-hospital surgeon, the United States Signal Service.

It is proposed that all these various offices, including the offices of the customs district, shall be in the new building, and thus save a present annual rental of over $6,000, and at the same time adding to the safety of the records and with greatly increased convenience to the public. It is proposed to leave to the present old building the post-office, with its various divisions, which will crowd the first floor; the second floor to be used by the United States district and circuit courts, marshals, with bailiffs, jury, witness, clerks, and district attorney's rooms, while the third floor, attic, to be used by the surveyor-general's division. All the room to be provided in the new building will at once be needed and fully occupied, with great saving and safety to the Government.

It is the opinion of this committee that in view of the damp and wet winters at Portland said building should be of enduring and substantial material. This city is the entrepot largely for the entire northeast, including Oregon, Idaho, Montana, and Washington Territory. Its domestic and foreign exports for 1887 were valued at $5,135,945, and the exports of wheat to foreign countries are valued at $2,651,070, and flour to the value of $1,152,854. These were chiefly to England, China, Japan, Peru, Sandwich Islands, British Columbia. The imports are valued at nearly half a million dollars for 1887. The aggregate capital involved in the actual business establishments of Portland, not including that in banking and railway enterprises, is $54,000,000. There are eleven banks, with a capital of $7,307,348.82. There are six railroads tributary to Portland, of which four are transcontinental lines. The real estate transfers of last year equal $6,000,000 in value, being three times that of the preceding year. The amount expended last year in buildings, streets, and suburban improvements equals $3,000,000 in value. The local manufactures of last year are valued at $7,000,000, being an increase of 30 per cent. over the preceding year. The largest of ocean steamers and sailing vessels, flying the flags of every maritime nation, reach her wharves.

The postal needs for additional room are urgent. The business and receipts are rapidly increasing. The receipts for the past year (ending March 31) were $75,142, and for the year ending September 30, $82,201. The customs receipts for 1887 (fiscal year) were $197,921.15. The internal-revenue receipts for the same period were $150,757.81.

Your committee recommend the passage of Senate bill 20, with the following amendments: Strike out the words "five hundred" wherever they occur in the bill and insert the words "three hundred and fifty."

Mr. HOLMAN. Mr. Chairman, the Senate bill proposed, I believe, an appropriation of $500,000.

Mr. DIBBLE. Yes; the Senate bill proposed $500,000, and the Committee on Public Buildings and Grounds reduced the amount to $350,000.

Mr. HOLMAN. I move to amend by making the amount $300,000.

Mr. LANE. I move to amend the amendment so as to reduce the amount to $200,000.

Mr. HOLMAN. Portland, I believe, is a city of 40,000 people.

The CHAIRMAN. The Clerk will report the amendment recommended by the Committee on Public Buildings and Grounds.

The Clerk read as follows:

Strike out "five hundred" and insert "three hundred and fifty."

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] moves to amend this amendment by striking out the words "and fifty," thus making the amount $300,000.

Mr. LANE. And I move to amend that so as to make the amount $200,000.

Mr. DIBBLE. That is not in order.

The CHAIRMAN. The amendment of the gentleman from Indiana [Mr. HOLMAN], being an amendment to an amendment, no other is in order until it is disposed of. The question is first on the amendment of the gentleman from Indiana [Mr. HOLMAN] to the amendment of the Committee on Public Buildings and Grounds.

Mr. HOLMAN. In order that the amendment of the gentleman from Illinois [Mr. LANE] may be voted on first, I withdraw mine for the present.

The question was taken on the amendment of Mr. LANE, striking out "350,000" and inserting "200,000;" and it was agreed to.

The CHAIRMAN. The question now is on the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. DIBBLE. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass as amended.

The question was taken, and the Chairman declared that the noes seemed to have it.

A division was called for.

The committee divided; and there were—ayes 68, noes 16.

Mr. LANE. No quorum.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint tellers. The gentleman from Illinois [Mr. LANE] and the gentleman from South Carolina [Mr. DIBBLE] will please act as tellers.

The tellers took their places, and the count proceeded.

Mr. WILKINS (pending the count by tellers). Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILKINS. Is it in order to move that the House do now adjourn?

The CHAIRMAN. It is not. It is in order to move that the committee rise. The House is in Committee of the Whole House on the state of the Union and the tellers are taking a vote; when their report is made it will then be in order to make any motion that can be made under the rules.

Mr. WILKINS. With the consent of the chairman of the Committee on Public Buildings and Grounds, I move that the committee do now rise.

Mr. DIBBLE. I am not prepared to give that consent, Mr. Chairman, at this time.

Mr. WILKINS. Then I withdraw the motion.

Mr. WHITTHORNE (pending the count by tellers). Mr. Chairman, if the tellers have not reported I insist upon their reporting.

The CHAIRMAN. If all members in the Hall have voted the tellers will make their report.

Mr. DIBBLE. I think there are several who have not yet voted who desire to vote.

Mr. BUCHANAN. How many are lacking of a quorum?

The CHAIRMAN. The Clerk informs the Chair that 59 additional votes are required to make a quorum.

Mr. DIBBLE. I move that the Clerk call the roll.

The roll was called, and the following members failed to answer to their names:

Adams,	Cutcheon,	Kean,	Russell, Conn.
Allen, Mich.	Dalzell,	Kelley,	Scott,
Anderson, Kans.	Davenport,	Kerr,	Seney,
Arnold,	Dingley,	La Follette,	Shaw,
Atkinson,	Dorsey,	Lehlbach,	Sherman,
Baker, N. Y.	Dunham,	Lind,	Shively,
Baker, Ill.	Dunn,	Lodge,	Smith,
Bankhead,	Ermentrout,	Long,	Snyder,
Barnes,	Finley,	Lyman,	Sowden,
Bayne,	Fisher,	Maffett,	Spinola,
Belden,	Fitch,	Mahoney,	Spooner,
Bingham,	Flood,	Mason,	Stahlnecker,
Bland,	Foran,	Matson,	Steele,
Boothman,	Fuller,	McAdoo,	Stewart, Ga.
Boutelle,	Gaines,	McCormick,	Stewart, Vt.
Bowden,	Gallinger,	McKinley,	Struble,
Brewer,	Gear,	McKinney,	Symes,
Brown, Ohio	Gibson,	Moffitt,	Tarsney,
Brumm,	Glover,	Montgomery,	Taulbee,
Bryce,	Granger,	Morgan,	Taylor, J. D., Ohio
Buckalew,	Greenman,	Morse,	Thomas, Ky.
Bunnell,	Grosvenor,	Nelson,	Thomas, Ill.
Burnett,	Grout,	Norwood,	Thomas, Wis.
Butler,	Guenther,	Nutting,	Thompson, Ohio
Butterworth,	Hall,	O'Neall, Ind.	Thompson, Cal.
Campbell, Ohio	Harmer,	O'Neill, Pa.	Turner, Ga.
Campbell, T. J., N. Y.	Hatch,	O'Neill, Mo.	Vance,
Cannon,	Hayden,	Osborne,	Wade,
Carlton,	Hemphill,	Owen,	Warner,
Caswell,	Henderson, Iowa	Patton,	Weber,
Clark,	Henderson, Ill.	Payson,	West,
Cockran,	Herbert,	Perkins,	White, N. Y.
Cogswell,	Hitt,	Perry,	Whiting, Mich.
Collins,	Holmes,	Phelps,	Whiting, Mass.
Conger,	Hopkins, Ill.	Pidcock,	Wickham,
Cooper,	Hopkins, N. Y.	Pugsley,	Wilber,
Cothran,	Houk,	Rayner,	Wilson, W. Va.
Cox,	Hunter,	Rockwell,	Woodburn,
Culberson,	Johnston, Ind.	Rogers,	Yost.
Cummings,	Jones,	Romeis,	

The committee rose; and Mr. MCCREARY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union finding itself without a quorum had caused the roll to be called, and had directed him to report the names of the absentees to the House to be spread upon the Journal.

Mr. DIBBLE. How many members have answered to their names?

Mr. MCCREARY. One hundred and sixty-five, which is more than a quorum.

The committee resumed its session, Mr. SPRINGER in the chair.

Mr. LANHAM. I desire to state, on behalf of my colleague [Mr. CULBERSON], that he is absent from the sessions of the House on account of sickness.

The CHAIRMAN. The committee resumes the consideration of the bill (S. 20) to provide for the construction of a public building at Portland, Oregon. The pending question is on the motion of the gentleman from South Carolina [Mr. DIBBLE] that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. CRISP. Was not the committee dividing when the want of a quorum was developed?

The CHAIRMAN. The committee was dividing by tellers, the point of no quorum having been made and tellers having been appointed by the Chair; but the roll having been called and the names of the absentees having been reported to the House and a quorum having appeared, the Chair is of the opinion that the appointment of tellers is vacated and the question must be put again to the committee.

Mr. DIBBLE. What is the question?

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with the recommendation that it do pass.

The committee divided; and there were—ayes 75, noes 7.

Mr. LANE. No quorum.

The CHAIRMAN. The Chair appoints as tellers Mr. DIBBLE and Mr. LANE.

The committee again divided; and the tellers reported—ayes 89, noes 6.

Mr. LANE. No quorum.

Mr. DIBBLE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCCREARY having taken

the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (S. 20) to provide for the construction of a public building at Portland, Oregon, and had come to no resolution thereon.

Mr. DIBBLE. As this day has been specially assigned by the House for the consideration of these public-building bills, I now ask, by unanimous consent, the order be made a continuing one, not to exceed two days, and not to interfere with appropriation or revenue bills. The Committee on Rules allowed the Committee on Public Buildings and Grounds three days for this purpose, and we have already lost one of those days.

The SPEAKER *pro tempore*. Is there objection?

Mr. LANE. I object.

Mr. DIBBLE. I move that the House do now adjourn.

Mr. HOLMAN. I hope not.

Mr. BUCHANAN. We will do the business assigned for this day or none.

The House divided; and there were—ayes 70, noes 20.

Mr. STONE, of Missouri, demanded the yeas and nays.

The yeas and nays were ordered.

Mr. BURROWS. There is no quorum.

Mr. HOLMAN. Give us this afternoon. There is no trouble about the amendments.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 66, nays 59, not voting 199; as follows:

YEAS—66.

Allen, Mass.	Davidson, Fla.	Hooker,	Rice,
Atkinson,	Davis,	Hovey,	Rowell,
Biggs,	Dibble,	Laidlaw,	Sawyer,
Bowen,	Dougherty,	Lawler,	Scull,
Browne, T. H. B., Va.	Felton,	Macdonald,	Seymour,
Brown, J. R., Va.	French,	Maish,	Simmons,
Buchanan,	Funston,	McCullogh,	Stephenson,
Burrows,	Gest,	McKenna,	Tillman,
Campbell, P., N. Y.	Goff,	Moore,	Vandever,
Cheadle,	Granger,	Morrill,	Washington,
Chipman,	Grimes,	Parker,	White, Ind.
Clardy,	Hare,	Penington,	Wilkins,
Cobb,	Haugen,	Peters,	Wilkinson,
Compton,	Hayes,	Phelan,	Williams,
Crain,	Hermann,	Plumb,	Yoder.
Crouse,	Hiestand,	Post,	
Dargan,	Hires,	Reed,	

NAYS—59.

Allen, Miss.	Farquhar,	Martin,	Rowland,
Anderson, Iowa	Forney,	McClammy,	Russell, Mass.
Anderson, Miss.	Gay,	McComas,	Sayers,
Anderson, Ill.	Glass,	McCreary,	Smith,
Barry,	Heard,	McMillin,	Spinola,
Belmont,	Hogg,	McRae,	Springer,
Blount,	Holman,	McShane,	Stone, Ky.
Bound,	Jackson,	Mills,	Stone, Mo.
Breckinridge, Ky.	Johnston, N. C.	Morrow,	Tracey,
Browne, Ind.	Kilgore,	Neal,	Walker,
Candler,	Laffoon,	O'Donnell,	Weaver,
Clements,	Lane,	O'Ferrall,	Wheeler,
Crisp,	Lanham,	O'Neill, Mo.	Whitthorne,
Davidson, Ala.	Lodge,	Richardson,	Wilson, Minn.
Enloe,	Mansur,	Robertson,	

NOT VOTING—199.

Abbott,	Clark,	Hall,	Mason,
Adams,	Cockran,	Harmer,	Matson,
Allen, Mich.	Cogswell,	Hatch,	McAdoo,
Anderson, Kans.	Collins,	Hayden,	McCormick,
Arnold,	Conger,	Hemphill,	McKinley,
Bacon,	Cooper,	Henderson, Iowa	McKinney,
Baker, N. Y.	Cotharn,	Henderson, N. C.	Merriman,
Baker, Ill.	Cowles,	Henderson, Ill.	Milliken,
Bankhead,	Cox,	Herbert,	Moffitt,
Barnes,	Culberson,	Hitt,	Montgomery,
Bayne,	Cummings,	Holmes,	Morgan,
Belden,	Cutcheon,	Hopkins, Ill.	Morse,
Bingham,	Dalzell,	Hopkins, Va.	Nelson,
Blanchard,	Darlington,	Hopkins, N. Y.	Newton,
Bland,	Davenport,	Houk,	Nichols,
Bliss,	De Lano,	Howard,	Norwood,
Boothman,	Dingley,	Hudd,	Nutting,
Boutelle,	Dockery,	Hunter,	Oates,
Bowden,	Dorsey,	Hutton,	O'Neall, Ind.
Breckinridge, Ark.	Dunham,	Johnston, Ind.	O'Neill, Pa.
Brewer,	Dunn,	Jones,	Osborne,
Brower,	Elliott,	Kean,	Outhwaite,
Brown, Ohio	Ermentrout,	Kelley,	Owen,
Brumm,	Finley,	Kennedy,	Patton,
Bryce,	Fisher,	Kerr,	Payson,
Buckalew,	Fitch,	Ketcham,	Peel,
Bunnell,	Flood,	La Follette,	Perkins,
Burnes,	Foran,	Lagan,	Perry,
Burnett,	Ford,	Laird,	Phelps,
Butler,	Fuller,	Landes,	Pidcock,
Butterworth,	Gaines,	Latham,	Pugsley,
Bynum,	Gallinger,	Lee,	Randall,
Campbell, Ohio	Gear,	Lehlbach,	Rayner,
Campbell, T. J., N. Y.	Gibson,	Lind,	Rockwell,
Cannon,	Glover,	Long,	Rogers,
Carlton,	Greenman,	Lyman,	Romeis,
Caruth,	Grosvenor,	Lynch,	Russell, Conn.
Caswell,	Grout,	Maffett,	Rusk,
Catchings,	Guenther,	Mahoney,	Ryan,
Scott,	Stewart, Ga.	Thomas, Wis.	White, N. Y.
Seney,	Stewart, Vt.	Thompson, Ohio	Whiting, Mich.
Shaw,	Stockdale,	Thompson, Cal.	Whiting, Mass.
Sherman,	Struble,	Townshend,	Wickham,
Shively,	Symes,	Turner, Kans.	Wilber,
Snyder,	Tarsney,	Turner, Ga.	Wilson, W. Va.
Sowden,	Taulbee,	Vance,	Wise.
Spooner,	Taylor, E. B., Ohio	Wade,	Woodburn,
Stahlnecker,	Taylor, J. D., Ohio	Warner,	Yardley,
Steele,	Thomas, Ky.	Weber,	Yost.
Stewart, Tex.	Thomas, Ill.	West,	

So the motion was agreed to.

Mr. STOCKDALE. Mr. Speaker, I am paired with the gentleman from Ohio [Mr. THOMPSON]. If he were present, I should vote "no."

Mr. STONE, of Missouri. I have voted "no" on this question, although I am paired with Judge PAYSON. I know if he were present he would vote in the same way, and consequently I will allow my vote to stand.

Mr. ANDERSON, of Illinois. I voted "no" on this motion, but am paired with my colleague from Illinois [Mr. HOPKINS], and hence withdraw my vote.

Mr. MILLIKEN. I am paired with the gentleman from Mississippi [Mr. MORGAN] upon all political questions. I do not consider this such a question, but will withdraw my vote in order to be on the safe side and avoid any cause of complaint.

Mr. EZRA B. TAYLOR. I am paired with the gentleman from New York [Mr. COX]; otherwise I should vote "no."

Mr. DOCKERY. I am paired with Mr. WARNER. If he were present, I should vote "no."

Mr. WISE. I am paired with the gentleman from Maine [Mr. BOUTELLE], and hence withdraw my vote.

Mr. LANDES. I am paired with Mr. YOST. If he were present, I would vote "no."

Mr. BYNUM. I am paired with the gentleman from Indiana [Mr. JOHNSTON]; otherwise I should vote "no."

Mr. O'NEILL, of Missouri. I find that I am paired on all questions with the gentleman from New Jersey [Mr. KEAN]. I voted in the negative on this question, but I withdraw my vote.

Mr. HENDERSON, of North Carolina. I am paired with the gentleman from New York [Mr. FLOOD], and withdraw my vote. Otherwise I should vote "no."

The following pairs were announced on all political questions until further notice:

Mr. FORAN with Mr. ADAMS.
Mr. HALL with Mr. WHITING, of Massachusetts.
Mr. PIDCOCK with Mr. PHELPS.
Mr. TAULBEE with Mr. SHERMAN.
Mr. LEE with Mr. ROMEIS.
Mr. ENLOE with Mr. BUTLER.
Mr. MAHONEY with Mr. LEHLBACH.
Mr. HENDERSON, of North Carolina, with Mr. FLOOD.
Mr. ABBOTT with Mr. HARMER.
Mr. DOCKERY with Mr. WARNER.
Mr. CULBERSON with Mr. BAKER, of Illinois.
Mr. BEEMONT with Mr. KERR.
Mr. BRYCE with Mr. BUNNELL.
Mr. ANDERSON, of Illinois, with Mr. HOPKINS, of Illinois.
Mr. BACON with Mr. DAVENPORT.
Mr. COX with Mr. EZRA B. TAYLOR.
Mr. HOPKINS, of Virginia, with Mr. MOFFITT.
Mr. TIMOTHY J. CAMPBELL with Mr. BELDEN.
Mr. DIBBLE with Mr. WADE.
Mr. TOWNSHEND with Mr. HENDERSON, of Illinois.
Mr. TURNER, of Georgia, with Mr. CANNON.
Mr. PEEL with Mr. LA FOLLETTE.
Mr. O'FERRALL with Mr. PARKER.
Mr. PAYSON with Mr. STONE, of Missouri.
Mr. GLOVER with Mr. PATTON.
Mr. CAMPBELL, of Ohio, with Mr. BUTTERWORTH.
Mr. LATHAM with Mr. WILBER.
Mr. MCSHANE with Mr. GUENTHER.
Mr. MORGAN with Mr. MILLIKEN.
Mr. COLLINS with Mr. WICKHAM.
Mr. NORWOOD with Mr. COOPER.
Mr. GREENMAN with Mr. THOMAS, of Illinois.
Mr. WHITE, of New York, with Mr. COCKRAN.
Mr. WISE with Mr. BOUTELLE.
Mr. HUDD with Mr. CLARK.
Mr. SNYDER with Mr. BOWDEN.

The following members were announced as being paired on all questions until further notice:

Mr. VANCE with Mr. WEST.
Mr. TARSNEY with Mr. SPOONER.
Mr. HATCH with Mr. CONGER.

The following were announced as being paired on all questions, both in Committee of the Whole and in the House, until further notice:

Mr. HUTTON with Mr. STRUBLE.
Mr. STOCKDALE with Mr. THOMPSON, of Ohio.

Mr. CARUTH with Mr. HOLMES.
Mr. ROGERS with Mr. FULLER.
Mr. FISHER with Mr. CUTCHEON.
Mr. COMPTON with Mr. WEBER.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. BLOUNT with Mr. BINGHAM.
Mr. MATSON with Mr. OWEN.
Mr. GLASS with Mr. HOUK.
Mr. HAYES with Mr. GEAR.
Mr. MCKINNEY with Mr. ALLEN, of Michigan.
Mr. BURNES with Mr. HENDERSON, of Iowa.
Mr. CUMMINGS with Mr. MCCORMICK.
Mr. O'NEILL, of Missouri, with Mr. KEAN.
Mr. BYNUM with Mr. JOHNSTON, of Indiana.
Mr. WHITING, of Michigan, with Mr. BREWER.
Mr. BURNETT with Mr. DINGLEY.
Mr. BLAND with Mr. BAYNE.
Mr. LYNCH with Mr. DALZELL.
Mr. BANKHEAD with Mr. PERKINS, on all political questions, and on the tariff bill.
Mr. BOOTHMAN with Mr. YODER, on all questions in Committee of the Whole and in the House; Mr. YODER reserving the right to vote in favor of pension bills.
Mr. SHIVELY with Mr. STEELE, in the House and in Committee of the Whole until further notice. Mr. SHIVELY would vote for the Mills bill, and Mr. STEELE against it.
Mr. HOWARD with Mr. BROWNE, of Indiana, on all political questions, until the 25th of June.
Mr. LANDES with Mr. YOST, on all questions except on tariff bill, for ten days.
Mr. LONG with Mr. MORGAN, from the 15th to the 25th of June, on all questions.
Mr. STEWART, of Vermont, with Mr. OATES, on all political questions, for two weeks.
Mr. CATCHINGS with Mr. COGSWELL, on all political questions, for ten days.
Mr. ELLIOTT with Mr. HAYDEN, in the House and in Committee of the Whole, on all questions.
Mr. TILLMAN with Mr. ANDERSON, of Kansas, for Friday and Saturday, on all questions while engaged in the Reading investigating committee.
Mr. MOORE with Mr. DARLINGTON, until Monday next, on all political questions.
Mr. BRECKINRIDGE, of Arkansas, with Mr. KELLEY, on all political questions, until Tuesday.
Mr. WILKINSON with Mr. THOMAS, of Wisconsin, on all tariff questions, for ten days from June 16.
Mr. ERMENTROUT with Mr. OSBORNE, in the House and in committee on all questions, from the 16th to the 25th of June.
Mr. OUTHWAITE with Mr. GROSVENOR, on all political questions, and the tariff, both in the Committee of the Whole and in the House, until the 30th.
Mr. MCKINLEY with Mr. SCOTT, on all political questions, until the 26th instant.
Mr. O'NEALL, of Indiana, with Mr. LYMAN, in Committee of the Whole and in the House, until June 25, on all questions.
Mr. BARNES with Mr. BAKER, of New York, on all questions, until the 25th of June.

The following were announced as being paired on all political questions for this day:

Mr. THOMPSON, of California, with Mr. MCKENNA.
Mr. CULBERSON with Mr. O'NEILL, of Pennsylvania.
Mr. ABBOTT with Mr. HITT.
Mr. DUNN with Mr. SYMES.
Mr. BRYCE with Mr. HOPKINS, of New York.

Mr. O'FERRALL. I find that the gentleman from New York [Mr. PARKER], with whom I understood I was paired, has voted, and I therefore desire to let my vote stand.

Mr. BIGGS. My colleague [Mr. THOMPSON] is detained at home on account of illness. He is paired, as announced, with Mr. MCKENNA.

Mr. BRECKINRIDGE, of Arkansas. I find I am still paired with the gentleman from Pennsylvania [Mr. KELLEY], and withdraw my vote. I thought my pair had expired.

Mr. MCSHANE. I find that I am paired with Mr. GUENTHER; but that pair is only intended to refer to the tariff bill. I shall therefore vote on this question.

The result of the vote was then announced as above recorded.

And accordingly (at 2 o'clock and 37 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. HOOKER: A bill (H. R. 10607) granting a pension to Rachel Morgan—to the Committee on Invalid Pensions.

By Mr. LAGAN: A bill (H. R. 10608) granting a pension to Mary I. Maltby—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. HAUGEN: Petition of J. A. Fisher and 49 others, citizens of Pierce County, Wisconsin, for amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. MCRAE: Protest of the Dalark Wheel, of Arkansas, against appropriations for funeral expenses of judges, etc.—to the Committee on Appropriations.

By Mr. WASHINGTON: Petition of Thomas G. Hardy, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WISE: Petition of George P. Loehr, of heirs of John McCormick, and of heirs of Mathew McCormick, for reference of their claims to the Court of Claims—to the Committee on War Claims.

SENATE.

MONDAY, *June* 25, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a request of the Adjutant-General that an appropriation be made for the military prison at Fort Leavenworth, Kans.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army requesting that provision be made in the Army appropriation bill for the Army and Naval Hospital at Hot Springs, Ark.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Surgeon-General of the Army setting forth the necessity for the appropriations requested for the building for the Army Medical Museum and Library; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

COURT OF CLAIMS REPORTS.

The PRESIDENT *pro tempore* laid before the Senate communications from the clerk of the Court of Claims, transmitting conclusions of fact and law in the French spoliation claims of the sloop Farmer, the schooner Elizabeth, the brig Sally, and the ship Speculator; which were referred to the Committee on Claims, and ordered to be printed.

THE WASHINGTON MONUMENT.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Washington Monument Commission stating that thirty-seven memorial tablets have not been inserted in walls, and recommending an appropriation of $1,500 therefor.

Mr. SHERMAN. I ask for the reading of the communication. It is from the President, and ought to be read, by the rules.

The PRESIDENT *pro tempore*. The communication will be read.

The Chief Clerk read as follows:

OFFICE JOINT COMMISSION FOR THE COMPLETION OF THE WASHINGTON MONUMENT,
Washington, D. C., June 23, 1888.

SIR: By the inclosed communication from Col. John M. Wilson, United States Army, lieutenant-colonel Corps of Engineers, engineer in charge, it will be seen that there are thirty-seven memorial blocks yet to be inserted or attached to the interior walls of the Washington Monument, the cost of doing which is estimated by that officer at $1,500. This commission respectfully ask that the appropriation for filling and grading the grounds around the monument and for other expenses connected with the shaft, as it appears on page 64, line 11, of the sundry civil bill as reported to the House of Representatives for the fiscal year ending June 30, 1889, be increased that amount for the purpose named.

Very respectfully, your obedient servants,

GROVER CLEVELAND,
President of the United States,
J. C. DUANE,
Chief of Engineers, United States Army,
WILL. A. FRERET,
Supervising Architect,
EDWARD CLARK,
Architect United States Capitol,
JOHN SHERMAN,
Vice-President Washington Monument Association,
Commissioners.

To Hon. JOHN J. INGALLS,
President pro tempore United States Senate.

Mr. SHERMAN. I suppose that the communication, together with the accompanying papers, will be referred. There is a report from the commission referred to, giving a statement of liabilities, a statement of expenditures, and asking to be discharged from the duty imposed upon

them by act of Congress. I suppose the whole matter had better go to the Committee on Appropriations, because an appropriation is asked for. Let it be so referred and printed.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

PETITIONS AND MEMORIALS.

Mr. EDMUNDS presented the petition of Roger A. Tubbs, late of the Eleventh Regiment Vermont Volunteers, praying for the passage of a bill extending the time for filing claims for arrears of pension; which was referred to the Committee on Pensions.

Mr. REAGAN presented the petition of George W. Jacobs and 96 other citizens of Goliad County, Texas, and the petition of B. S. Purcell and 27 other citizens of Fayette County, Texas, praying for the passage of a law to prevent common carriers from transporting commodities in cars and other means of conveyance owned by the shipper, and to give informers the fines imposed for violations of the interstate-commerce law; which were referred to the Committee on Interstate-Commerce.

Mr. SHERMAN presented a petition of members of the Grand Army of the Republic, Department of Ohio, of Lebanon, Ohio, praying that an appropriation be made to purchase headstones for the graves of deceased soldiers; which was referred to the Committee on Military Affairs.

Mr. BECK presented the petition of Crittenden Reeves and other citizens of Todd County, Kentucky, praying that certain amendments be made to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MORGAN presented the petition of W. F. Baker, J. B. Collins, and other citizens of Alabama, praying that certain amendments of the interstate-commerce law be made; which was referred to the Committee on Interstate Commerce.

Mr. McPHERSON. I present the memorial of Mr. Hiram Berdan, with respect to some improvement in seacoast defenses. Mr. Berdan has been a very successful inventor and operator in the construction of arms which have been of great use to the Government, and he proposes a scheme by which the coast defenses can be made most adequate and successful. The memorial is very short, and I should like to have it read from the desk, because I intend to base upon it a request to the Committee on Appropriations to make an appropriation of money.

The PRESIDENT *pro tempore*. The memorial will be read, if there be no objection. The Chair hears none.

The memorial was read, and referred to the Committee on Naval Affairs, as follows:

To the Senate:

Your memorialist, Hiram Berdan, of the city of New York, at present residing at 1820 N street, Washington, D. C., respectfully represents that in his opinion all of the means now in use for defending seacoast cities would prove to be ineffective, for the following reasons:

First. No ship now in use can stand the recoil of a gun that is large enough to sink a heavily-armored ship in the short time required to burn any city in reach of her guns.

Second. Guns in ships attacking our cities would have the very great advantage over guns in our forts of much larger targets; therefore they would open fire at ranges which would render the firing from the forts of little or no importance.

Third. The nets now employed in all of the European navies have proven to be a perfect defense against all mobile or fish torpedoes, and that the loss of speed caused by the use of these nets would not prevent them in any way from approaching our seacoast cities or entering our harbors.

Fourth. That the trials made with the pneumatic guns are deceptive, for the reason that the vessel was placed at the very spot where the shells had dropped in former trials.

A single trial of, say, fifty shots at full ranges at an object in motion at unknown distances will prove that it can never hit a ship (in consequence of the very great curve of the trajectory) except by mere accident. For burning cities they would be very good but for their short ranges, but not for defending cities, either from forts or ships.

Your memorialist represents that the defense of our seacoast cities demands means for sinking an enemy's ship at once and before they are even in range of our cities.

Your memorialist represents that he has, after several years of study, perfected such means, which are, briefly stated, a ram (plated at the bows to deflect the shots), with what may be called pendulum torpedoes attached at the bows and so arranged that after the ram has struck the ship or is broadside to her the torpedo is swung under the nets to the bottom of the ship by means of arms which are driven by steam-power, making the motion positive and therefore infallible.

Your memorialist having just perfected all the details, is now engaged making working drawings for six European Governments with which he has preliminary contracts, and he would be glad to explain the system to the Naval Committee at its next meeting. He would also be glad if the committee would ask Admiral Porter (who is admitted to be the best authority in this country on such matters) to be present, and to give his opinion as to the importance of this system for the defense of our coast.

Your memorialist prays that you will authorize the Secretary of the Navy to contract for a ram with guards for protecting the spur, armed with machine guns and torpedo attachment at the bows, that is capable of circumventing the nets and placing the torpedo, containing 200 pounds of gun-cotton, under the bottom of a ship, including forty torpedoes, at a cost of $2,500 each, the total cost not to exceed $500,000; that the system and plans shall be approved by a board consisting of the Admiral of the Navy, the Chief Constructor, and Chief Engineer of the Navy Department; the payments to be made as the work progresses for all save the torpedoes, which shall not be accepted or paid for until they have been tested by practical trials and accepted by this board.

This will not only give our Government a perfect ram (without any risk), which, in the opinion of the Coast Defense Board, was necessary (as expressed by its chairman in his report to the Secretary of the Navy), but will, in the opinion of our ablest authorities, by the employment of the pendulum torpedo, entirely solve the problem of our coast defense. On the other hand, if the torpedoes do not operate satisfactorily they will not be paid for, and the ram can be used as perfectly as it could have been had it not been arranged for the trial with the torpedoes.

Your memorialist will ever pray, etc.'

H. BERDAN.

Mr. GIBSON presented a petition of the Chamber of Commerce of New Orleans, La., praying that an appropriation be made for the improvement of Bayou La Fourche, Old River, and Bayou Terre Bonne; also other rivers and bayous in the State of Louisiana; which was ordered to lie on the table.

He also presented a petition of the board of directors of the Produce Exchange of New Orleans, La., praying for the construction of the Nicaragua Canal, signed by the president, Hugh McCloskey, and the secretary, Hy. H. Smith; which was referred to the Committee on Foreign Relations.

He also presented a petition of the heirs of the estate of Louis L. Ferriere, late of Jefferson Parish, Louisiana, praying that their claim against the Government for damages sustained by the deceased may be referred to the Court of Claims; which was referred to the Committee on Claims, and ordered to be printed.

Mr. CAMERON presented a joint memorial of the Board of Trade, the Commercial Exchange, the Maritime Exchange, and the Drug Exchange, of Philadelphia, and the Vessel-Owners and Captains' Association, representatives of the commercial and maritime interests of the city of Philadelphia and the State of Pennsylvania, remonstrating against the passage of Senate bill 1448 and House bill 4923, and suggesting the establishment of a permanent board of United States engineers to examine and revive, if necessary, all projected improvements and constructions, and annually recommend the sum to be appropriated for river and harbor work; the Secretary of War to be intrusted with the expenditure of the sum annually appropriated; which was referred to the Committee on Commerce.

Mr. GEORGE presented a petition of Buena Vista Grange, Patrons of Husbandry, of Buena Vista, Miss., praying that certain amendments of the interstate-commerce law be made; which was referred to the Committee on Interstate Commerce.

Mr. JONES, of Arkansas. I present the petition of Edwin D. Chadick, representing the Denison and Little Rock Railroad Company, stating that the passage of Senate bill 2929, granting the right of way to the Paris, Choctaw and Little Rock Railway Company interferes in some way with rights previously granted to the company which he represents, and praying that the bill be recalled for the purpose of allowing him a hearing before some committee of the Senate to present the wrongs that he thinks he has suffered by the passage of the Paris and Choctaw bill.

I move that the petition lie on the table, and that the President of the United States be requested to return the bill which has been passed, for the purpose of allowing this gentleman a hearing.

Mr. VEST. When did the bill go to the President?

Mr. JONES, of Arkansas. I think about eight days ago.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 2929) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and operate a railway, telegraph, and telephone line through the Indian Territory, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the President of the United States be requested to return the bill to the Senate.

Mr. COKE. I ask whether the request is to be treated as a joint resolution or as a resolution relating solely to the Senate?

The PRESIDENT *pro tempore*. The Chair thinks it would require a concurrent resolution, to be passed by both Houses.

Mr. COKE. This, then, is not such a resolution. It is simply a petition, and I propose to resist the action proposed. It being a petition, and neither a bill nor a resolution, I ask that it simply lie on the table.

The PRESIDENT *pro tempore*. The Senator from Arkansas presents a petition as the basis of the resolution which he offers, requesting the return of the bill. The petition will lie on the table. The Senator from Arkansas will reduce his resolution to writing.

Mr. EDMUNDS. It will have to go over. It involves a good deal of difficulty.

Mr. HARRIS. The resolution will go over on objection?

The PRESIDENT *pro tempore*. That undoubtedly will be the ruling of the Chair when it is presented. The Senator from Arkansas can reduce his resolution to writing and present it hereafter.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for

the fiscal year 1889, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. BELMONT, Mr. MCCREARY, and Mr. ROCKWELL managers at the conference on its part.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 1451) for the completion of a public building at Wichita, Kans., agreed to the conference asked by the Senate on the bill and the amendment, and had appointed Mr. DIBBLE, Mr. JOHNSTON of North Carolina, and Mr. POST managers at the conference on its part.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 322) to authorize the Southwestern Arkansas and Indian Territory Railroad Company to build a bridge across the Ouachita River in Arkansas;

A bill (S. 560) to authorize the Columbia River Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post-road;

A bill (S. 667) authorizing the construction of a bridge across the Red River of the North;

A bill (S. 899) for the relief of Mary M. Briggs;

A bill (S. 1404) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;

A bill (S. 1405) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road;

A bill (S. 1524) to authorize the construction of a bridge over the Tennessee River between Bridgeport and Sheffield, Ala.;

A bill (S. 1526) to authorize the construction of a bridge over the Caney Fork River, between Rock Island and Carthage, in Tennessee;

A bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.;

A bill (S. 1883) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Muscatine, Iowa;

A bill (S. 2199) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across Bayou D'Arbonne, in Louisiana;

A bill (S. 2601) authorizing the construction of railroad bridges across the Snake River and across the Clear Water River by the Oregon Railway and Navigation Company;

A bill (S. 2674) authorizing the construction of a bridge across the Missouri River at or near the city of Nebraska City, Nebr., and for other purposes;

A bill (S. 1882) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Clinton, Iowa; and

A bill (S. 1701) authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa.

The message also announced that the House had passed the following bills:

A bill (S. 23) to authorize Dalles City to construct a bridge across the Columbia River, in the State of Oregon and Territory of Washington;

A bi'l (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts;

A bill (S. 808) granting a pension to Julius C. Monson;

A bill (S. 1004) granting a pension to Ann Verneuil;

A bill (S. 1192) granting a pension to Judson Knight;

A bill (S. 1193) granting a pension to John R. Wheelock;

A bill (S. 1525) to authorize the construction of a bridge over the Cumberland River, between Burnside, Ky., and Carthage, in Tennessee, or the south fork of said river between Burnside and Tateville, Ky.;

A bill (S. 1484) to fix the status in the Navy of certain cadet engineers;

A bill (S. 1827) granting a pension to Philomelia L. Dartt;

A bill (S. 1844) granting an increase of pension to Ann Atkinson;

A bill (S. 1906) granting a pension to Matilda Bleumner;

A bill (S. 1997) granting a pension to Peter Thompson;

A bill (S. 2100) granting a pension to Charles Tidmarsh;

A bill (S. 2151) granting a pension to Mrs. Aurelia Hillyer;

A bill (S. 2168) granting a pension to Francis Marion Walker;

A bill (S. 2183) granting a pension to Rachel Plummer;

A bill (S. 2255) granting a pension to Amanda W. Beach; and

A bill (S. 2331) granting a pension to Mary J. McGregor.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1851) providing for an international marine conference to secure greater safety for life and property at sea.

The message also announced that the House had receded from its disagreement to the amendment of the Senate to the bill (H. R. 1451) for the completion of a building at Wichita, Kans., and agreed to the same.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 885) to amend chapter 253 of the Revised Statutes of the United States, passed June 15, 1878, granting a pension to John Langland;

A bill (H. R. 2097) to authorize the construction of a bridge across Trail Creek, in the city of Michigan City, Ind.;

A bill (H. R. 2527) authorizing the construction of a bridge across the Red River of the North by the Duluth, Rainy Lake River and Southwestern Railway Company;

A bill (H. R. 2528) authorizing the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railroad Company;

A bill (H. R. 8343) to authorize the construction of a wagon and foot-passenger bridge across the Noxubee River at or near Gainesville, in the State of Alabama; and

A bill (H. R. 8779) granting a pension to Mary Dickinson.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, in the State of Iowa;

A bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr.;

A bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River in Montana;

A bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;

A bill (H. R. 5095) authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia, and for other purposes;

A bill (H. R. 5096) authorizing the construction of a bridge across Flint River, in the State of Georgia;

A bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable watercourses;

A bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company;

A bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River near Winona, Emmons County, Dakota;

A bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn.;

A bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama, and for other purposes;

A bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River, at a point in the town of New Smyrna, in the county of Volusia and State of Florida;

A bill (H. R. 8354) to authorize the construction and maintenance of a pile bridge over the Halifax River at Daytona, Volusia County, Florida;

A bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River, between De Land Landing and Lake Monroe, in the State of Florida;

A bill (H. R. 8841) to authorize the construction of a railroad bridge across the Missouri River at or near Decatur, Nebr.;

A bill (H. R. 9079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

A bill (H. R. 9086) to authorize the construction of a bridge across the Oostenaula River, at or near Rome, Ga.;

A bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew and across Ouachita, Red, Little, and Sabine Rivers, in Louisiana;

A bill (H. R. 9611) to authorize the Macon, Tuscaloosa and Birmingham Railroad Company to build bridges across the Black Warrior River and the Tombigbee River, in Alabama;

A bill (H. R. 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within one mile north and one mile south and east of the mouth of the Kansas River;

A bill (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark.;

A bill (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham, Atlantic and Air-Line Railroad and Banking and Navigation Company across the Oconee River, in Laurens County, State of Georgia;

A bill (H. R. 3772) granting a pension to Perry D. Martin;

A bill (H. R. 4785) granting a pension to Rosanna K. Griffin;

A bill (H. R. 6057) to increase the pension of Edward Healy;

A bill (H. R. 6220) granting a pension to John Taaffe;

A bill (H. R. 6783) to place the name of John A. Griffey on the pension-roll;

A bill (H. R. 7162) for the relief of Mary Nevels;

A bill (H. R. 7253) granting a pension to the widow of Samuel Clary;
A bill (H. R. 7708) to increase the pension of Annie Gibson Yates;
A bill (H. R. 9346) granting a pension to Frank H. Reed;
A bill (H. R. 9520) for the relief of Mary Fitzmorris;
A bill (H. R. 9808) granting an increase of pension to Rebecca Manlove;
A bill (H. R. 10212) to amend an act granting a pension to John Etzell, approved March 3, 1879;
A bill (H. R. 10356) granting a pension to J. T. Vincent;
A bill (H. R. 10556) making an appropriation for the naval service for the fiscal year ending June 30, 1889, and for other purposes;
A bill (H. R. 10573) to provide for one additional associate justice of the supreme court of Dakota, and for other purposes; and
Joint resolution (H. Res. 184) to amend the joint resolution approved May 14, 1888, relating to the disposal of public lands in certain States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*
A bill (H. R. 215) granting a pension to James McCaffrey;
A bill (H. R. 367) granting a pension to Nathaniel D. Chase;
A bill (H. R. 469) granting a pension to Marie E. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary Army;
A bill (H. R. 618) granting a pension to James W. Harriman;
A bill (H. R. 722) for the relief of Marquis D. Davis;
A bill (H. R. 813) granting a pension to Mrs. Lovina J. Reeves;
A bill (H. R. 888) granting a pension to John Magher;
A bill (H. R. 891) granting a pension to Eliza Ann Shaver;
A bill (H. R. 927) for the relief of Friedericke Raff;
A bill (H. R. 962) for the relief of Robert Lisle;
A bill (H. R. 1069) granting a pension to Robert McClean;
A bill (H. R. 2116) granting a pension to Johanna Eckhardt;
A bill (H. R. 2234) granting a pension to Henry P. Alexander;
A bill (H. R. 2475) granting a pension to Adelaide L. Jessup;
A bill (H. R. 2478) for the relief of Samuel E. Wyman;
A bill (H. R. 2529) granting a pension to Mary Monti;
A bill (H. R. 2690) granting a pension to Augustus Axmacher;
A bill (H. R. 3125) for the relief of Susan Jones;
A bill (H. R. 3568) for the relief of B. S. Van Buren;
A bill (H. R. 3868) granting a pension to Cynthia Witherell;
A bill (H. R. 4100) granting a pension to Martha B. Perry;
A bill (H. R. 4653) granting a pension to Joanna Barry;
A bill (H. R. 4743) granting pensions to Ada Piatt, Leota Piatt, and Jessie Piatt;
A bill (H. R. 4770) for the relief of Franklin White;
A bill (H. R. 4774) granting a pension to Matthew H. Reynolds;
A bill (H. R. 4831) granting a pension to Delilah Vandevender;
A bill (H. R. 5114) granting a pension to Franklin Long;
A bill (H. R. 5544) granting a pension to John Shine;
A bill (H. R. 5574) granting a pension to Benjamin F. Beyers;
A bill (H. R. 5759) granting a pension to John H. Rountree;
A bill (H. R. 5787) granting a pension to Lottie E. Dilley;
A bill (H. R. 5789) granting a pension to Ellen M. Thiers;
A bill (H. R. 5792) granting a pension to Mary A. Wells;
A bill (H. R. 6006) granting a pension to Mary Flora;
A bill (H. R. 2097) to authorize the construction of a bridge across Trail Creek, in Michigan City, Ind.;
A bill (H. R. 6070) granting an increase of pension to Thomas Benson;
A bill (H. R. 6300) granting a pension to Samson M. David;
A bill (H. R. 6302) granting a pension to Benjamin Contel;
A bill (H. R. 6431) for the relief of Van Buren Brown;
A bill (H. R. 6478) granting a pension to Elizabeth Smith;
A bill (H. R. 6761) for the relief of James H. Orr;
A bill (H. R. 6907) granting an increase of pension to Elias Shafer;
A bill (H. R. 6949) granting a pension to Emeline C. Young;
A bill (H. R. 6976) for the relief of Annie M. Thiele;
A bill (H. R. 7025) granting a pension to Evalina P. Brown;
A bill (H. R. 7577) granting a pension to Lewis C. Keck;
A bill (H. R. 7665) granting a pension to John E. Lewis;
A bill (H. R. 7693) granting an increase of pension to Peter C. Cheeks;
A bill (H. R. 7883) granting a pension to Susan L. Watson;
A bill (H. R. 7815) granting a pension to Mary A. West;
A bill (H. R. 7907) granting a pension to Mary Ann Lang;
A bill (H. R. 8291) granting a pension to Julia Welch;
A bill (H. R. 8299) for the relief of William M. Dayton;
A bill (H. R. 8343) to authorize the construction of a wagon and foot-passenger bridge across the Noxubee River at or near Gainesville, Ala.;
A bill (H. R. 8510) for the relief Mary Command;
A bill (H. R. 8607) to increase the pension of Lucius B. Varney;
A bill (H. R. 8565) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1889, and for other purposes;
A bill (H. R. 8673) to increase the pension of John R. Stiles, late a member of Company G, One hundred and forty-eighth Regiment of New York Volunteers;
A bill (H. R. 8694) granting a pension to Isabella F. Dyke;
A bill (H. R. 8762) granting an increase of pension to Charles H. Ordway;
A bill (H. R. 8807) granting a pension to Harriet E. Cooper;
A bill (H. R. 9127) for the relief of Chloe Frailey;
A bill (H. R. 9184) granting a pension to William M. Campbell;
A bill (H. R. 9200) granting a pension to John F. Huckaba;
A bill (H. R. 9224) granting a pension to Belle M. Baker;
A bill (H. R. 9284) granting a pension to Webster C. Webb;
A bill (H. R. 9321) granting a pension to Ruth Ann Porter;
A bill (H. R. 9347) granting an increase of pension to William H. H. Buck;
A bill (H. R. 9487) granting a pension to Mrs. Aurelia P. Hall;
A bill (H. R. 9877) granting an increase of pension to Mary L. Cleveland;
A bill (H. R. 10267) granting a pension to William P. Gordon;
A bill (H. R. 8779) granting a pension to Mary Dickinson;
A bill (H. R. 885) to amend chapter 253 of the acts of the second session of the Forty-fifth Congress, passed June 15, 1878, granting a pension to John Langland;
A bill (H. R. 5759) granting a pension to John H. Rountree;
A bill (H. R. 878) for the relief of John D. Maxted and Robert J. B. Newcombe;
A bill (H. R. 4320) to authorize the construction of a graveled or macadamized road from the city of New Berne, N. C., to the national cemetery near said city;
A bill (H. R. 2528) authorizing the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railway Company;
A bill (H. R. 2527) authorizing the construction of a bridge across the Red River of the North by the Duluth, Rainy Lake River and Southwestern Railway Company;
A bill (S. 43) granting a pension to Polly H. Smith;
A bill (S. 175) granting a pension to Eleanor S. Lawson;
A bill (S. 432) for the relief of Joel B. Morton;
A bill (S. 767) granting a pension to Robert H. Sturgess;
A bill (S. 1018) granting a pension to Joseph W. Eubank;
A bill (S. 1086) granting a pension to Jacob Kintz, alias John Walters;
A bill (S. 1266) granting a pension to Shelton Flannigan;
A bill (S. 1267) granting a pension to Joseph B. Tingley;
A bill (S. 1343) granting a pension to Cordelia Emery;
A bill (S. 1547) granting a pension to Mary Ann Dougherty;
A bill (S. 1687) to restore J. Rock Williamson to the pension-roll;
A bill (S. 1744) granting a pension to William M. Davis;
A bill (S. 1919) granting a pension to John Fox;
A bill (S. 1967) granting a pension to Sarah J. Tompkins;
A bill (S. 2064) granting a pension to Titus Wilder;
A bill (S. 2108) granting a pension to George W. De Motte;
A bill (S. 2230) granting a pension to D. P. Hougland;
A bill (S. 2575) granting a pension to Elizabeth Dettis; and
A bill (S. 2930) to authorize the Paris, Choctaw and Little Rock Railway Company to construct a bridge across Red River at or near Hook's Ferry, Red River County, Texas.

INTERNATIONAL MARINE CONFERENCE.

Mr. EDMUNDS. I ask that the message of the House concerning the marine conference bill be taken from the table.

The PRESIDENT *pro tempore.* The Chair lays before the Senate the message from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *June* 23, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1851) providing for an international marine conference to secure greater safety for life and property at sea.

Attest:

JNO. B. CLARK, *Clerk.*

Mr. EDMUNDS. I present from the Senate conferees the report of the conference committee, which I ask may be read.

The PRESIDENT *pro tempore.* The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1851) "providing for an international marine conference to secure greater safety for life and property at sea," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments as follows:

1. In section 1, in lines 3, 4, and 5, strike out the words "in the city of Washington on the 1st day of October, in the year 1888, or at such other," and insert in lieu thereof the words "at such."
2. In line 5, after the word "designate," insert the word "and."
3. In line 6 strike out the word "five" and insert the word "seven."
4. In line 6 strike out the word "one" and insert the word "two."
5. In line 6 strike out the word "officer" and insert the word "officers."

6. In line 7, after the word "service," insert "two masters from the merchant marine (one from the sailing marine and one from the steam marine), and two citizens familiar with shipping and admiralty practice."

7. In section 2 strike out the words "rule of the road at sea" in line 2, and insert the words "rules, regulations, and practice concerning vessels at sea, and navigation generally."

8. In section 3 strike out the word "fifteen," in line 1, and insert "twenty."

9. In line 2 strike out the word "funds" and insert the word "money."

10. In line 10, after the word "necessary," insert a paragraph as follows:

"The powers and authority conferred by this act upon the persons appointed by the President by force thereof shall terminate on the 1st day of January, A. D. 1890, or sooner at the discretion of the President."

And the House agree to the same.

GEO. F. EDMUNDS,
WM. P. FRYE,
JNO. T. MORGAN,
Managers on the part of the Senate.

PERRY BELMONT,
JOHN E. RUSSELL,
WM. W. MORROW,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 1182) to amend the military record of Levi H. Figard, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 7491) granting a pension to Lewis Telyea, reported it without amendment, and submitted a report thereon.

Mr. ALLISON. I am instructed by the Committee on Appropriations to report back with sundry amendments the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes. I will state to the Senate that I make this report in print, and I shall be glad later in the day to call up the bill for consideration if there is no objection, as the printed bill will probably be laid upon the desks of Senators within an hour or two.

The PRESIDENT *pro tempore*. Meanwhile the bill will be placed on the Calendar.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 3163) to provide for the erection of a public building for the use and accommodation of the post-office at Mammoth Hot Springs, in the Yellowstone National Park, reported it without amendment.

Mr. DOLPH, from the Committee on Commerce, to whom was recommitted the bill (H. R. 1523) for the establishment of a light-house at Cob Point Bar, at the mouth of Wicomico River, in the State of Maryland, reported it with amendments.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2949) granting a pension to the widow of G. K. Warren, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9678) for the relief of William N. Robb, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. CAMERON introduced a bill (S. 3204) for the relief of Azariah Bartholf; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3205) for the relief of Adam Kirkwood; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 3206) for the relief of Henry G. Healy; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3207) granting a pension to Catherine P. Kesting; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3208) granting a pension to William S. Bradshaw; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3209) for the increase of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3210) for the relief of Lieut. Jerome E. Morse, of the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3211) to regulate the pay of certain retired officers of the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. EDMUNDS introduced a bill (S. 3212) for the relief of the estate of James M. Wayne; which was read twice by its title, and referred to the Committee on Claims.

Mr. BATE introduced a bill (S. 3213) for the benefit of William Watkins; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

He also introduced a bill (S. 3214) for the relief of Laura S. Norvell, widow and administratrix of Henry L. Norvell, deceased; which was read twice by its title, and referred to the Committee on Finance.

Mr. BERRY introduced a bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings's Landing, Arkansas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAIR. By request of the American Federation of Labor I introduce a bill.

The bill (S. 3216) for the further regulation of vessels engaged in domestic commerce was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. BLAIR introduced a bill (S. 3217) to prevent the sale, manufacture, or transportation of adulterated articles of food, drink, and drugs manufactured or made in one State and intended to be sold in another, or intended for export or for sale in the District of Columbia or any Territory or reservation of the United States, and to prevent the exportation or importation of adulterated food, drink, or drugs, and for creating a pure-food division in the Department of Agriculture; which was read twice by its title.

Mr. BLAIR. This is a bill pending in the House of Representatives which I introduce by request of persons representing certain agricultural societies. I move that the bill be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. HARRIS introduced a bill (S. 3218) for the relief of W. I. Smith and D. M. Wisdom; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PADDOCK introduced a bill (S. 3219) to increase the pension of Keyes P. Cool; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. CHANDLER submitted four amendments intended to be proposed by him to the naval appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BROWN, Mr. CALL, and Mr. HAWLEY submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BROWN. In support of the amendment which I have offered to the sundry civil appropriation bill, I beg leave to present the petition of a number of prominent citizens of Augusta, Ga., praying that an appropriation of $20,000 be made for the construction of an artesian well at the United States arsenal at or near Augusta, Ga. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. BATE and Mr. GEORGE submitted amendments intended to be proposed by them respectively to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which were referred to the Committee on Claims, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was ordered to be printed, and, with the statement of the Court of Claims, referred to the Committee on Claims.

Mr. HARRIS submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLATT. I am instructed by the Committee on Territories to report an amendment which is intended to be proposed to the legislative, executive, and judicial appropriation bill; and I move that it be referred to the Committee on Appropriations without printing.

The motion was agreed to.

COMPLEMENT OF NAVAL VESSELS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to furnish to the Senate a statement showing the full complement of men which will be required for the Chicago and each of the other fourteen vessels named on page 236 of the Department Report for 1887; also a similar statement showing the full complement of men which will be required for the Puritan and each of the other ironclads mentioned in the upper table on page 234 of the report; also similar statements showing the full complement of officers which will be required for each of the above ships.

CLARK'S DEFLECTIVE TURRETS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to inform the Senate

what progress has been made in investigating and testing the practicability of the deflective turrets designed by Chief Engineer N. B. Clark, for which investigation the sum of $20,000 was appropriated by act of March 3, 1883; what reasons, if any, exist for further delay, and how soon the tests are likely to be made.

RAILROAD IN INDIAN TERRITORY.

Mr. JONES, of Arkansas. I present a concurrent resolution, which I ask the Senate to consider now.

The PRESIDENT *pro tempore*. The concurrent resolution will be read.

The Chief Clerk read as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the President of the United States be requested to return to the Senate the bill (S. 2929) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and operate a railway, telegraph, and telephone line through the Indian Territory, and for other purposes.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COKE. I object.

The PRESIDENT *pro tempore*. Objection being made, the concurrent resolution lies over under the rule.

Mr. JONES, of Arkansas. Let it be printed.

The PRESIDENT *pro tempore*. The resolution will be printed.

THE FISHERIES TREATY.

Mr. MORGAN. A resolution was submitted by myself some time since—two resolutions indeed—in regard to the fisheries treaty. On the 4th of June consent was had that the resolutions, not losing their attitude before the Senate, should go over for consideration to-day. There was also consent at the last time the fisheries treaty was considered in open executive session that the treaty should also go over till to-day; and the Senator from Massachusetts [Mr. HOAR] had the floor upon it. I propose that both of these subjects, without any loss of their attitude before the Senate, shall go over for such length of time as may be suggested, a week from to-day, or go over to be called up by unanimous consent, inasmuch as the Senator from Massachusetts is not here.

I ask unanimous consent that the Senate consider the resolutions and also the treaty on next Monday, in their appropriate places and times in the order of business, the resolutions to be considered, of course, at the close of the routine business or as a part of the routine business, and the treaty to be considered in open executive session, say at 2 o'clock this day a week.

Mr. SHERMAN. The Senator from Massachusetts being absent, I would rather have the matter go over informally until he returns. He may be entirely prepared to go on upon his return, and I should not like to embarrass him. I have no objection to the suggestion of the Senator from Alabama, if the Senator from Massachusetts concurs when he arrives.

Mr. MORGAN. I will agree to that. I have no objection to that course, it being understood that I have the right to call up the resolutions any day.

Mr. SHERMAN. Certainly.

Mr. EDMUNDS. Let it all stand over just as before.

Mr. MORGAN. Yes; just as before.

The PRESIDENT *pro tempore*. It is understood, then, that, by unanimous consent, the resolutions to which the Senator from Alabama has referred, and also the fisheries treaty, stand over informally, their rights respectively in priority of time and assignment to be retained as at present. It is so ordered, if there be no objection.

PRESIDENT'S ANNUAL MESSAGE.

Mr. TURPIE. I give notice that on Monday next I shall move to take up the resolution of the Senator from Ohio [Mr. SHERMAN] to refer the President's annual message to the Committee on Finance, for the purpose of submitting some remarks.

OREGON RAILWAY AND NAVIGATION COMPANY BRIDGES.

Mr. DOLPH. I ask that the action of the House of Representatives on Senate bill 2601 be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2601) authorizing the construction of railroad bridges across the Snake River and across the Clear Water River by the Oregon Railway and Navigation Company.

The amendment of the House of Representatives was, on page 3, after line 22, to insert a new section as follows:

SEC. 4. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use, and in case the owner or owners of such bridge and the several railroad companies or any so desiring such use shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Mr. DOLPH. I move that the Senate concur in the House amendment.

The amendment was concurred in.

DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives concurring in some and non-concurring in other amendments of the Senate to the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes.

On motion of Mr. PLUMB, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and ask for a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL.

NAVAL APPROPRIATION BILL.

The bill (H. R. 10556) making appropriations for the naval service for the fiscal year ending June 30, 1889, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PUBLIC BUILDING AT NEWPORT NEWS, VA.

The PRESIDENT *pro tempore*. The first Order of Business on the Calendar under Rule VIII, being Senate bill 1365, will be stated.

The bill (S. 1365) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Yorktown, Virginia, and making an appropriation therefor, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment, in line 4, after the word "purchase," to insert "or acquire by condemnation;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized to purchase or acquire by condemnation a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the custom-house, internal-revenue offices, and post-office, at Newport News, in the county of Warwick, Virginia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHMOND AND DANVILLE RAILROAD COMPANY.

The bill (S. 2774) authorizing the Richmond and Danville Railroad Company to lay tracks, and so forth, in the District of Columbia was announced as next in order on the Calendar.

Mr. MCPHERSON. It seems to me that that bill involves the disposition of certain other railroad matters now pending before the Senate, and therefore, while I have no objection to the bill, I shall object to its present consideration. It seems to me that it should not be considered now.

The PRESIDENT *pro tempore*. The bill will go over under objection and take its place on the Calendar under Rule IX.

ESTABLISHMENT OF LIGHTS.

Mr. DOLPH. I reported a bill this morning by direction of the Committee on Commerce in regard to the establishment of certain light-houses, it being a House bill, with amendments providing for light-houses, bills for which had already passed the Senate. I am directed to call up the bill for present consideration. I therefore ask that the bill be taken up for consideration at this time.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent that the Senate proceed to the consideration of the bill (H. R. 1523) for the establishment of a light-house at Cob Point Bar, at the mouth of Wicomico River, in the State of Maryland.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, after the word "dollars," in line 5, to add:

And the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated for such purpose.

The amendment was agreed to.

The next amendment was to add after the amendment just adopted:

That the sum of $15,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be used under the direction of the Secretary of the Treasury in the purchase of a site and the construction of a suitable wharf at Astoria, Oregon, for the use of the Light-House Department.

The amendment was agreed to.

The next amendment was to add to the bill:

That the sum of $40,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the erection of a light-house on the high land (main land), to the westward of Crooked River, in Franklin County, Florida, said amount to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was to add:

That the sum of $500,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a light-house on or near Diamond Shoal, off Cape Hatteras, North Carolina: *Provided*, That such contractors for doing this work may be selected by the Light-House Board as may, in the judgment of the board, be best fitted, by reason of skill,

experience, possession of plant, and control of means, to do the work, payments to be made in the discretion of the board, upon the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was to add:

That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of pier lights at Duluth, Lake Superior, Minnesota; Kewaunee, Lake Michigan, Wisconsin; Charlotte Harbor, Lake Ontario, New York; Port Washington, Lake Michigan, Wisconsin.

The amendment was agreed to.

The next amendment was to add:

That the Secretary of the Treasury is hereby authorized and directed to cause a light-house to be constructed at Holland's Island Bar, near the entrance to Kedge's Straits, in the Chesapeake Bay, Maryland, and $25,000, or so much thereof as may be necessary, is hereby appropriated for this purpose from any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was to add:

That the Secretary of the Treasury is hereby authorized and directed to cause a light-house to be constructed at or near St. Joseph's Point, in Florida, and $25,000, or so much thereof as may be necessary, is hereby appropriated for this purpose from any money not otherwise appropriated.

The amendment was agreed to.

The next amendment was to add:

That there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000, for establishing a first-class light-ship, with steam fog-signal, in duplicate, on or near Bush's Bluff Shoal, entrance to Elizabeth River, Virginia, and that so much of the amount of $20,000 already appropriated and not used for establishing a light-house at that point be added to and used for the establishment of the light-ship; providing that the entire cost of constructing and establishing this light-ship shall not exceed $60,000.

The amendment was agreed to.

The next amendment was to add:

That the sum of $80,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purchase of a site and the construction of a first-order coast light-house on the headlands near the mouth of the Umpqua River, in the State of Oregon.

The amendment was agreed to.

The next amendment was to add:

That there be constructed and established a first-class light-ship, with a steam fog-signal, off False Cape, seacoast of Virginia, the cost of which shall not exceed the sum of $60,000: *Provided*, That the construction of said light-ship shall be let to the lowest responsible bidder after advertisement, and that said light-ship shall be built in American ship-yards. And the sum of $60,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for such purpose.

The amendment was agreed to.

Mr. BECK. I desire to ask if there is a report accompanying the bill. If there is, I desire to have it read.

The PRESIDENT *pro tempore*. There is no written report accompanying the bill. It was reported this morning.

Mr. DOLPH. I can state in a moment to the Senator from Kentucky that this is a House bill which was reported favorably from the Committee on Commerce. All the amendments except two are provisions for light-houses, bills for which have already passed the Senate, and the object in putting them on this House bill is to get them into conference and to secure action upon them by the other body.

Mr. BECK. The reason why I asked for the reading of the report is that on the sundry civil bill there are great numbers of light-houses provided for, perhaps three times as many as ever before have been provided for in any one year. The Light-House Board generally comes and reports those which are actually necessary, and those which can be postponed. I desired to know to what class these belong, because the Light-House Board generally makes very elaborate reports and sets forth very urgent cases and some not so urgent and some which may just as well as not be postponed. As all these items seem to carry their own appropriation, I desired to see the report as to the absolute necessity for them.

Mr. DOLPH. These items have all been carefully considered by the subcommittee of the Committee on Commerce, and then by the full committee. The various bills have been reported separately by direction of the committee, and now they are placed on this House bill as amendments by the committee with the request that the bill be taken up for immediate consideration. They have received the careful consideration of the committee. I presume there are reports with the special bills. They are all strongly recommended by the Light-House Board and by the Secretary of the Treasury.

Mr. ALLISON. I have not paid much attention to this bill. I do not know but that it is all right, but I think we are likely to get into confusion by proceeding in this way. As I understand, the bill as amended authorizes the construction of light-houses and appropriates money for them. I think we are likely to get into confusion by having this class of bills passed in this way. The usual mode, I think, has been to authorize light-houses to be built, and then let the Light-House Board scrutinize them and recommend the proper appropriation, and on their report we make the appropriation. I do not know but that all this may have been done, but I can see readily, as does the Senator from Kentucky [Mr. BECK], that we are likely to get into great confusion in respect to light-houses unless we pursue the usual course.

Mr. DOLPH. I think many of the bills for light-houses have carried their own appropriation and others have not. It is evident that any bill passed after this time must carry its own appropriation, or the work will be postponed until after the next session of Congress. It is for that reason that the Committee on Commerce directed this report to be made and that each one of these bills should contain its appropriation.

As I say, each one of these bills has received careful consideration, both as an individual bill and as an amendment to the present bill, by the Committee on Commerce. None of these items is provided for in the sundry civil appropriation bill.

Mr. ALLISON. The usual course pursued by the Appropriations Committee is to examine carefully the various light-houses proposed through the Light-House Board. If the Committee on Commerce, with which I do not wish to interfere, has examined the bill carefully——

Mr. FRYE. The cases have all been referred to the Light-House Board and reported on by the board to the Committee on Commerce.

Mr. ALLISON. The point I make is that the Light-House Board of course recommend a great number of lights, and undoubtedly there are a great many places where light-houses should be constructed; but it is not practicable to construct all the light-houses in a single year, and therefore the Appropriations Committee have concluded to take up those most important and which can be constructed within a reasonable period.

Mr. BECK. I should like to make a suggestion. This bill was only reported this morning, and it is accompanied by no written report. The sundry civil bill has already passed the House and come to the Senate. Without desiring to have this bill lose its place on the Calendar, I should be glad to have it lie over until we can see the number of urgent cases reported by the Light-House Board and make some comparison of them, in the absence of a report, when the bill is taken up to-morrow or the day after.

Take the Senator's own coast. There was a light-house ordered at Tillamook. It is a very important matter. The United States has lost perhaps $100,000 by making small appropriations, as, in order to give enough for the Tillamook light-house, we cut down others; and so it has been in a dozen other cases. I would like to see together a list of all the light-houses proposed, and have the views of the Light-House Board, see what they have sent to us, and the relative importance of one compared with the others as to which we should make appropriation for this year if we can not appropriate for all.

I do not make any objection in order to delay the bill improperly or to throw any obstacle in its way, but I think the Senate can see that there may be other works much more important than those named here, in the view of the board, although these may be advantageous; but some are more necessary than others, and a few days' delay perhaps may not injure it, but rather facilitate it.

Mr. DOLPH. Of course if any Senator desires to examine the bill, I have no objection to its being laid over for that purpose, but I will say to the Senator from Kentucky that the light-houses provided for in this bill are quite as important as, if not more important than, those which have had the good fortune to get through and be provided for in the appropriation bill. I have learned that the passage of a bill in Congress does not always depend upon its importance. It depends on whether it has friends on the committees who are favorable to its consideration by the committees and the House. But I adopt the suggestion of the Senator to let the bill go over until to-morrow.

Mr. BECK. I desire to correct one statement made by the Senator from Oregon in regard to the way light-house items come before the Appropriation Committee in the sundry civil bill. I do not think we have ever considered the pressure of either Senators or Representatives or their views as to which ought to be pushed, but we have deferred to the Light-House Board, and to the facts furnished by them, as to the urgency of the case and the needs of commerce at a particular place as determining the question, regardless of anything else.

Mr. DOLPH. The Senator did not understand my remark. I may be in error, but I supposed, of course, in providing for light-houses the course pursued was that bills were introduced in either House of Congress and passed frequently without carrying an appropriation, and it then was the practice of the Committee on Appropriations to appropriate the necessary money to carry out the provisions of the bill.

Mr. BECK. Under the direction of the Light-House Board.

Mr. DOLPH. What I had reference to and what I said was that I thought some of the bills which had not been fortunate enough to get through both branches of Congress were quite as important as those which had passed earlier in the session both branches of Congress and were therefore now properly before the Committee on Appropriations. The object in providing the appropriation in this bill for each of these light-houses is that when the bill passes there may be an appropriation so that the work may be commenced and prosecuted before another session of Congress.

Mr. BECK. I have only one remark to make. If the Senator from Oregon allows the bill to lie over without prejudice for a day, we will send for the Light-House Board and have a conference with them in regard to this and all other bills on the subject.

Mr. DOLPH. I will state that, if necessary, I will furnish to the

Senate the reports of the Light-House Board and of the Secretary of the Treasury in regard to each of these light-houses. All of them but two have passed the Senate before. The Senate has acted upon them. They have been reported by the Committee on Commerce, have received the consideration of the Senate, and have passed the Senate. The object now in putting them on this House bill is to secure consideration in the other House.

Mr. BECK. I will make no objection to the bill probably, if it is passed over to-day.

The PRESIDENT *pro tempore*. The bill will be informally passed over, retaining its place on the Calendar.

Mr. DOLPH. I ask that the bill be printed.

The PRESIDENT *pro tempore*. It will be printed with the amendments of the Committee on Commerce.

WASHINGTON AND SANDY SPRING RAILROAD.

The PRESIDENT *pro tempore*. The next bill on the Calendar in regular order will be announced.

The bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow-Gauge Railroad and Street Railway Company was announced, and the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, line 30, after the word "Columbia," to strike out—

And said corporation is hereby authorized to construct and lay down a single or double track railway to be operated by horse, cable, or electric power within the city of Washington, commencing at the intersection of New York avenue and the northern boundary of Boundary street, thence along the line of New York avenue to the intersection or crossing of Seventh street northwest, and said company shall cause said tracks to be laid upon an even surface with the pavement of the street, imbedded in concrete, and the space between the tracks and 2 feet beyond the outer rails thereof which this franchise is intended to cover, shall be at all times kept by said corporation well paved and in good order at its own expense, subject to the approval of the engineer commissioner of the District; and said company shall buy, lease, or construct a depot on the line of said New York avenue at some point between Fourth street and Seventh street northwest for the convenience of passengers on its said roads; and said company shall have the right to run its tracks and cars into said depot: That—

And insert the word "and."

The amendment was agreed to.

The next amendment was, after the words "Sec. 10," to strike out—

That whenever the foregoing route shall coincide with the route of any other duly incorporated railroad company, or connect portions of such route, but one set of tracks shall be used, and each company using the tracks shall contribute equitably to the expense of laying and maintaining them; the amount to be contributed to be ascertained when the companies disagree by the supreme court of the District of Columbia, upon application of any company interested and on notice to and hearing of the parties interested—

And insert:

That when the road shall be completed to Boundary street and put in operation, the said corporation shall have the right to run its own street cars over the traks of the Eckington and Soldiers' Home road, on New York avenue, for the purpose only of transferring its passengers between Seventh street northwest and Boundary street, on such terms and conditions as may be agreed upon by the two companies; and if they can not agree, the supreme court of the District of Columbia, upon the petition of either company and reasonable notice to the other, shall fix the terms and conditions upon which the tracks shall be so used; and if the Eckington and Soldiers' Home Railroad Company shall have failed to construct its line of road on New York avenue from Seventh street northwest to Boundary street by the time that the Washington and Sandy Spring Narrow Gauge road is completed from Sandy Spring to Boundary street, the said Washington and Sandy Spring Narrow Gauge Railway Company shall have the right to construct a street railway on New York avenue from Boundary street to Seventh street northwest, on the same terms and conditions that are granted to the Eckington and Soldiers' Home Railroad Company; and the said Eckington and Soldiers' Home Railroad Company shall have the right to run its cars over the tracks of said road between Seventh street northwest and Boundary street, upon terms and conditions to be agreed upon by the two companies, and in the event of their failure to agree, the supreme court of the District of Columbia shall fix the terms and conditions upon which the said tracks shall be so used.

The amendment was agreed to.

Mr. COCKRELL. I move to amend, in section 15, line 2, after the word "alter," by inserting "amend;" so as to read:

That Congress reserves to itself the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION TO GIRLS.

The bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape, was announced as next in order.

The PRESIDENT *pro tempore*. The Senator who reported the bill [Mr. FAULKNER] being absent, it will be passed over, if there be no objection, until he shall return, retaining its place on the Calendar.

ALFRED HEAD.

The bill (H. R. 860) for the relief of Alfred Head was considered as in Committee of the Whole. It provides for the payment to Alfred Head, or his legal representatives, of $200, the amount of purchase-money paid by him for the west half of the southeast quarter and the east half of the southwest quarter of section 26, township 42, range 22 west, subject to entry at the land office at Fayette, Mo., and subsequently resold by the land office and repurchased by Head.

Mr. EDMUNDS. Let us hear the report.

The Secretary read the following report, submitted by Mr. COCKRELL May 25, 1888:

The Committee on Public Lands, to which was referred the bill (H. R. 860) for the relief of Alfred Head, have duly considered the same and submit the following report:

In the House of Representatives the following report was made upon this bill, H. R. Report No. 297, Fiftieth Congress, first session, by Hon. C. H. MANSUR, from the Committee on Claims, to wit:

"This bill provides for the refunding by the United States Government of the sum of $200, the repurchase price of certain tracts of land which, after having once been sold to the party for whose relief this bill is designed, was improperly sold again by the Government and repurchased by said Alfred Head. Conclusive proof is presented by the said Head of all the facts relied on, and the case is clearly one calling for the relief prayed for. The committee had presented for examination and consideration the receipts of the officers of the Government who sold the land, together with receipts for taxes paid by said Head for the years intervening between the date of the original entry and second sale, together with the affidavits of himself and others, clearly establishing the justice of this claim. Therefore your committee respectfully recommends that the bill do pass."

At the instance of your committee Hon. JOHN T. HEARD addressed a letter to the Commissioner of the General Land Office, and received in reply the following communication, to wit:

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., May 17, 1888.*

"SIR: I am in receipt of your letter of March 2, 1888, relative to the east half southwest quarter and west half southeast quarter section 26, township 42 north, range 22 west, Missouri, claimed to have been purchased by Alfred Head November 19, 1840, per Fayette cash receipt No. 22479. In reply I have to state that the only indication in this office that Mr. Head purchased said tracts is the following pencil note on the tract books, namely: 'There has been presented at this office a duplicate receipt signed by Uriel Sebree, receiver at Fayette, Mo., issued to Alfred Head for $200 for this land, dated November 19, 1840; number of receipt, 22479.' On the 19th of November, 1840, David Fizer entered the northeast quarter southwest quarter section 29, township 51 north, range 19 west, Missouri, per Fayette cash certificate No. 22479, for which patent was issued April 1, 1843.

"Alfred Head located the said east half southwest quarter and west half southeast quarter section 26, October 28, 1868, per warrant No. 14477, 160 acres, act of 1855, for which a patent was issued January 1, 1870.

"The papers received in your letter are herewith returned.

"Very respectfully,

"T. J. ANDERSON,
"*Assistant Commissioner.*

"Hon. JNO. T. HEARD,
"*House of Representatives.*"

From the evidence in this case and the letter of the Commissioner of the General Land Office, it is manifest that on the 19th day of November, 1840, Alfred Head entered, at the then Fayette (Mo.) land office, the 160 acres of land described in the letter of the Commissioner of the General Land Office, and paid for the same the sum of $200, the cash entry price, and by some error or omission the General Land Office failed to enter on their books this entry, and that subsequently, on October 28, 1868, Mr. Alfred Head located on the said land bounty land-warrant 14477, issued under the act of 1855, relying upon receiving back from the Government the $200 he paid the Government as the cash entrance money for said lands. Therefore your committee recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROUND VALLEY INDIAN RESERVATION.

The bill (S. 1361) to provide for the reduction of the Round Valley Indian reservation, in the State of California, and for other purposes, was considered as in Committee of the Whole.

Mr. EDMUNDS. On page 2, section 2, line 4, after the word "have," I move to insert the word "lawfully;" so as to read:

SEC. 2. That said commission shall appraise the value of any and all tracts of agricultural lands within the Round Valley Indian reservation, with the improvements thereon, which have lawfully become the property of individuals by purchase, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. EDMUNDS. Mr. President, it is rather lonely on this side. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 3772) granting a pension to Perry D. Martin;

A bill (H. R. 4785) granting a pension to Rosanna K. Griffin;

A bill (H. R. 6057) to increase the pension of Edward Healy;

A bill (H. R. 6220) granting a pension to John Taaffe;

A bill (H. R. 6783) to place the name of John A. Griffey on the pension-roll;

A bill (H. R. 7162) for the relief of Mary Nevels;

A bill (H. R. 7253) granting a pension to the widow of Samuel Clary;

A bill (H. R. 7708) to increase the pension of Annie Gibson Yates;
A bill (H. R. 9346) granting a pension to Frank H. Reed;
A bill (H. R. 9520) for the relief of Mary Fitzmorris;
A bill (H. R. 9808) granting an increase of pension to Rebecca Manlove;
A bill (H. R. 10212) to amend an act granting a pension to John Etzell, approved March 3, 1879; and
A bill (H. R. 10356) granting a pension to J. T. Vincent.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, in the State of Iowa;
A bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River, at Ponca, Nebr.;
A bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River, in Montana;
A bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;
A bill (H. R. 5095) authorizing the construction of a bridge across the Ockmulgee River in the State of Georgia, and for other purposes;
A bill (H. R. 5096) authorizing the construction of a bridge across Flint River in the State of Georgia;
A bill (H. R. 5509) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable water courses;
A bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company;
A bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River near Winona, Emmons County, Dakota;
A bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn.;
A bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Ala., and for other purposes;
A bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River at a point in the town of New Smyrna, in the county of Volusia and State of Florida;
A bill (H. R. 8354) to authorize the construction and maintenance of a pile bridge over the Halifax River at Daytona, Volusia County, Florida;
A bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River, between De Land Landing and Lake Monroe, in the State of Florida;
A bill (H. R. 8841) to authorize the construction of a railroad bridge across the Missouri River at or near Decatur, Nebr.;
A bill (H. R. 9079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;
A bill (H. R. 9086) to authorize the construction of a bridge across the Oostenaula River at or near Rome, Ga.;
A bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew and across the Ouachita, Red, Little, and Sabine Rivers in Louisiana;
A bill (H. R. 9611) to authorize the Macon, Tuscaloosa and Birmingham Railroad Company to build bridges across the Black Warrior River and the Tombigbee River, in Alabama;
A bill (H. R. 9619) to authorize the construction of a bridge across the Missouri River at some accessible point within 1 mile north and 1 mile south and east of the mouth of the Kansas River;
A bill (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark.; and
A bill (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham, Atlantic and Air-Line Railroad and Banking and Navigation Company across the Oconee River, in Laurens County, State of Georgia.

The bill (H. R. 10573) to provide for one additional associate justice of the supreme court of Dakota, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary; and

The joint resolution (H. Res. 184) to amend the joint resolution approved May 14, 1888, relating to the disposal of public lands in certain States, was read twice by its title, and referred to the Committee on Public Lands.

PRESIDENT'S ANNUAL MESSAGE.

Mr. HARRIS. I move that the Senate now proceed to the consideration of the resolution submitted by the Senator from Ohio [Mr. SHERMAN] for the reference of the President's message.

The motion was agreed to; and the Senate proceeded to consider the following resolution, submitted by Mr. SHERMAN December 19, 1887:

Resolved, That the President's annual message be referred to the Committee on Finance.

Mr. HARRIS. Mr. President, the people of the country have suffered for many years from excessive, unjust, and unnecessary taxation.

Our present revenue system is vicious, not to say criminal. It exacts from the citizen much more than is needed by the Government for any public or legitimate purpose, which in itself is a great hardship and a wrong; and by this means it withdraws from the channels of trade, commerce, and business of the country many millions of dollars annually and locks it up in the Treasury. Day by day this surplus revenue is increased, and the amount of money in circulation diminished in precisely the same ratio, thus crippling every business enterprise and menacing the country with all the evils consequent upon financial stringency, if not financial panic, and operates as a constant temptation to extravagant and unnecessary appropriations.

The reports of the Secretary of the Treasury show that the amounts thus unnecessarily collected and locked up for the last three years are as follows:

For the fiscal year ending June 30—	
1885	$17,359,735.84
1886	49,405,545.20
1887, up to December 1	55,567,849.54

And we are informed by the message of the President that—

> Our surplus revenues have continued to accumulate, the excess for the present year amounting on the 1st day of December to $55,258,701.19, and estimated to reach the sum of $113,600,000 on the 30th June next, at which date it is expected that this sum, added to prior accumulations, will swell the surplus in the Treasury to $140,000,000.

This statement of the President, though based upon estimates, has been fully realized by the collections. At the end of the present fiscal year the surplus will amount to $140,000,000, independent of the fractional silver coin of about $26,000,000, which swells the surplus to $166,000,000. And this, too, notwithstanding the fact that the Secretary of the Treasury has gone to the full extent of his legal authority in the purchase of outstanding bonds for the sinking fund, having so invested $27,684,283.55, paying a premium for most of them as high as 24 per cent. And in order to further relieve the wants of the people and restore to circulation all that it was possible to restore legally, he anticipated the annual interest upon the bonded debt to a large extent.

But notwithstanding these expedients to reduce the surplus in the Treasury, the alarming fact remains that at the end of the present fiscal year, 30th June, 1888, we will have locked up in the Treasury from $150,000,000 to $166,000,000, with no legal method of restoring it to circulation except the purchase of bonds at whatever premium the holders may demand.

Year by year the excess of collections over necessary public expenditures has increased, and if our present revenue system is continued it would seem to be only a question of time as to when the Treasury will swallow up the entire circulation of the country.

In addition to this large sum, unnecessarily extorted from the people and withheld from circulation, technically called surplus, we have for several years kept in the Treasury $100,000,000 in gold coin with which to redeem the outstanding Treasury notes, which nobody wants to have redeemed. And in addition to that $100,000,000 reserve another fund of about $95,000,000 is held there for the redemption of the circulation of national banks which are retiring their circulation or have gone into liquidation.

This shows an aggregate of about $350,000,000 withheld from circulation and unnecessarily kept in the Treasury for no practical purpose.

It is the imperative duty of Congress to devise and apply a remedy for these evils at once. The first and most important of these remedies is to relieve the people from unnecessary burdens by reducing taxation to the strict revenue standard, to the lowest point that will produce a sum sufficient to meet the obligations of and support the Government honestly and economically administered.

The second is to restore to circulation this large surplus in the Treasury by investing it in interest-bearing bonds of the United States and cancel them.

And, third, invest the greater part of the $100,000,000 gold coin reserve held for the redemption of United States Treasury notes, and the greater part of the $95,000,000 of currency held for redemption of national-bank notes, in United States bonds, and hold the bonds, which can be converted into coin as and when money may be needed for the redemption of either Treasury notes or national-bank notes. The interest accruing upon the bonds while so held will more than cover any difference that can occur between the price paid for the bonds and the price at which they are sold, if, indeed, they shall be sold for the purpose of redeeming either Treasury notes or national-bank notes.

Confronted by this large and constantly increasing surplus, none will deny the absolute present and pressing necessity for the reduction of taxation; but the method of reduction is the point upon which there is a conflict of opinion. Certainly no Senator will deny that taxation should be so adjusted as to be least oppressive to the people who are compelled to contribute a part of their earnings to the support of the Government which protects their rights of life, liberty, and property. Nor will it be denied that justice demands that our revenues should be raised by a tax on luxuries as far as possible, so as to relieve to that extent the actual necessaries of life from taxation.

In readjusting our revenue laws we should endeavor to ascertain and adopt that system which will be least oppressive to the largest number of the people of the country.

For the fiscal year ending June 30, 1887, we collected—

Under our tariff laws	$217,286,893.13
Under our internal-revenue laws	118,823,391.22
And from sale of lands and miscellaneous sources	35,292,993.31
Making in all	371,403,277.66

Now, to put that $118,823,391.22 into the Treasury it cost the consumers of the distilled spirits, malt liquors, and tobacco, upon which it was raised, a small fraction over 3 per cent. That is, for every dollar the consumers paid, very nearly 97 cents went into the Treasury. And let it not be forgotten, but emphasized, that that amount was raised upon non-necessaries—upon luxuries that no man is compelled to use.

But how is it in respect to the $217,286,893.13 collected under our tariff laws? What did it cost the people to put that into the Treasury?

The following facts, material to this question, can not be truthfully denied:

First. That the importing merchant could not and would not continue from year to year to import any article of merchandise that he could not sell for a profit on what it cost in the foreign market, with the amount of the tariff tax and cost of transportation added.

Second. If the home manufacturer sold the same kind and quality of articles for less price than that demanded for the imported, the importer would be driven from the market and forced to abandon importation.

Third. As long as the importer continues to import and sell, and the home manufacturer continues to manufacture and sell the same kind and quality of article in the same markets, they sell at substantially the same price.

Therefore the conclusion is inevitable that by reason of the tariff tax upon the imported article the home manufacturer is enabled to increase the price of his product to an amount equal to the tax with the cost of transportation and the importer's profits added.

It is, therefore, too clear to admit of doubt or argument that the consumer pays the tax, transportation charges, and importer's profits upon the home-manufactured as well as upon the imported article.

In order to get an approximate estimate of the amount of bounty the tax-payers of the country were compelled to pay to manufacturers under our tariff laws, at my request the Chief of the Bureau of Statistics prepared for me the following table, taken from the official census reports of 1880, which includes only articles in general, if not in universal use, showing the aggregate value of these classes of articles imported for consumption in that year, with the amount of tariff tax imposed upon them, and the value of the home manufactured articles of the same kind consumed during the same year.

Statement showing the values of the principal articles of domestic manufacture consumed in the United States during the census year 1880, *and of similar imported dutiable articles entered for consumption during the same year, with the estimated amount of duties collected and the average ad valorem rate of duty thereon.*

Articles and classes of articles.	Home manufactured products consumed in 1880.	Imports. Dutiable imported articles of same character entered for consumption in 1880.	Imports. Duties collected 1880.	Imports. Average ad valorem rate of duty.
				Per ct.
Books, pamphlets, maps, and other publications	$11,350,134	$2,173,171	$538,482.91	25.00
Brick and tile, drain-pipe, and terra-cotta ware	33,817,855	113,210	25,176.43	22.24
Brooms and brushes of all kinds	10,450,445	371,138	148,371.55	39.98
Clocks and watches, and parts of	13,581,102	1,771,291	470,114.19	26.54
Copper	1,294,318	432,522	150,611.68	34.82
Cotton	267,190,668	25,723,252	9,976,417.95	38.08
Drugs, chemicals, and medicines not elsewhere specified	61,269,501	13,499,085	4,079,817.67	30.22
Earthen, stone, and china ware	7,836,205	5,500,994	2,331,154.44	42.37
Fancy articles not elsewhere specified	22,929,123	5,205,363	2,140,483.49	41.12
Flax, hemp, and jute	18,067,969	23,276,964	8,245,270.00	35.42
Furs and fur skins	2,834,294	3,823,969	796,124.82	20.82
Glass and glassware	22,939,714	5,133,285	2,811,368.07	54.76
Hats, caps, and bonnets:				
Of wool, fur, and silk	8,317,930	6,420	4,395.93	66.91
Of palm-leaf, straw, etc.	32,843,022	1,244,955	497,982.12	40.00
Iron and steel:				
Iron—				
Sheet, band, and hoop	246,950	1,455,041	843,574.09	57.97
Nails and spikes	5,341,301	2,701	1,060.90	39.28
All other manufactures of	577,256,221	31,696,947	13,023,971.85	41.10
Steel—				
Ingots, bars, sheets, and wire	19,949,200	1,710,190	646,658.84	37.81
Steel—continued:				
Cutlery and edge-tools	$14,899,934	$1,722,603	$771,440.50	44.78
Files and saws	6,398,520	155,506	70,245.45	45.17
Fire-arms	3,449,845	751,999	263,199.69	35.00
All other manufactures	7,883,827	6,808,156	3,325,705.06	48.85
Metals, metal compositions, and manufactures of	51,608,461	1,096,737	336,289.10	30.66
Scales and balances	3,053,048	(*)		35.00
Sewing-machines and parts of	14,278,658	(*)		35.00
Jewelry and other manufactures of gold and silver	33,665,379	289,241	88,349.86	30.5
Leather:				
Morocco and other fine, sole, upper, and other	202,843,061	7,614,472	1,406,319.59	18.47
Boots and shoes	196,479,412			
Saddlery and harness	37,947,938			
All other manufactures of, not elsewhere specified	9,803,661	4,260,738	2,042,122.03	47.93
Paints and painters' colors	22,958,993	1,065,964	382,600.70	35.89
Paper and stationery	178,996,240	1,795,625	653,622.79	36.40
Salt	5,184,609	1,750,175	845,293.07	48.35
Silk and silk goods	40,970,032	31,460,947	18,556,398.07	58.98
Sugar and molasses:				
Sugar and molasses	†152,227,749	77,030,649	42,203,915.49	54.79
Candy and confectionery	25,555,276	9,140	6,494.75	71.06
Tin	462,744	16,580,097	4,094,883.07	24.70
Wool:				
Carpets	32,645,982	1,313,352	838,805.09	63.87
All other manufactures of, not elsewhere specified	240,246,070	30,514,775	20,020,952.13	65.94
Total	2,399,075,706	307,350,673		‡12.11

*If any imported they are returned under "All other manufacturers of iron."
†Embraces domestic refined only consumed.
‡Percentage of imported.

WM. F. SWITZLER, *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
May 8, 1888.

This table shows that the people of the country consumed of home-manufactured protected goods, in the year 1880, $2,399,075,706, and of imported dutiable goods of the same kind, sold to consumers in the same year, in competition with the home manufacturer, $307,350,673—more than seven times as many home-manufactured protected goods as imported dutiable goods; or, in other words, it shows that under the operation of tariff taxation the consumers were compelled to pay $7 of bounty to home manufacturers to $1 of revenue they paid into the Treasury.

Apply the same principle to the fiscal year ending June 30, 1887, when we put into the Treasury, under our tariff laws, $217,286,893.13; assume that the people consumed in that year, as they did in 1880, seven times as many home-manufactured protected goods as of imported dutiable goods, and it shows the startling result of $1,521,008,251 of bounty paid to a favored class in order to put $217,286,893 into the Treasury under this system.

Add the bounty of $1,521,008,251 collected by the manufacturers to the $217,286,893 of revenue collected by the Treasury, and it shows that the people have paid in a single year under this system the enormous sum of $1,738,295,144.

But when the people complain of exorbitant and unnecessasy taxation and a surplus hoarded in the Treasury, which endangers the business interests of the country, the protectionists answer, we must protect American labor. And the manufacturer says, we must have protection to the extent of enabling us to pay the difference in the cost of American labor and the pauper labor of Europe.

Declarations such as these appeal with much force to the mind of every laboring man, but are they true? Does protection protect labor? I will endeavor to show from authentic official data that they are not true, and that capital and not labor is the chief if not the only beneficiary of protection.

On the 17th May, 1879, the Hon. William M. Evarts, then Secretary of State, but now a distinguished Republican Senator from New York, addressed a letter to the Speaker of the House of Representatives, transmitting reports from United States consuls in relation to the state of labor in Europe, in which he gives tables showing the wages paid to certain classes of skilled laborers in the several countries in Europe, and in New York and Chicago.

While these tables show that, when measured by dollars and cents, higher wages are paid in this country than in Europe, and that breadstuffs, beef, mutton, veal, and pork cost a little more in Europe than in this country, they fail to show how much less the blankets, flannels, and every other necessary article of clothing costs the laborer in that country than in this.

But, on page 37 of that letter Mr. Evarts says:

One workman in the United States, as will be seen from the foregoing extracts, does as much work as two workmen in most of the countries in Europe. * * * We have no oppressed and stupid peasantry, little more intelligent than the tools they handle. All are self-thinking, self-acting, and self-supporting.

Within the last fifteen years we have demonstrated our ability, by the brilliant development of our own resources, to exclude, by honest competition, foreign manufactures, to a large extent, from our shores.

The question which now peremptorily challenges all thinking minds is how to create a foreign demand for those manufactures which are left after supplying our home demands. We can not stand still, for the momentum of increase will soon become so great that it will push us outward anyway; to push us safely and profitably is of so much importance as to almost overtop all other public questions of the hour.

This question appeals equally to the selfishness and patriotism of all our citizens, but to the laborer it appeals with tenfold force, for without work he can not live, and unless we can extend the markets for our manufactures he can not expect steady work, and unless our manufacturers can undersell foreign manufactures we can not enlarge our foreign market.

This statement of Secretary Evarts is the philosophic and statesmanlike view of the question with which we are confronted. Our capacity for manufacturing is superior to that of any country in the world.

The telegraph has put the civilized world on speaking terms, and steam navigation has practically annihilated distance between civilized countries, the products of every country being thus made available to every other country at small expense for transportation.

The question for the American people to decide is, will we encourage the policy of exchange on reasonable terms of our surplus commodities for the commodities of other countries, or will we build a Chinese wall around our country, in the shape of a protective tariff, which shall handicap, if not effectually prevent exchange of commodities of all countries with us?

The capitalists who own our manufactories and the product of these manufactories, are, by existing laws, protected from foreign competition by an import tax that averages 47.10 per cent.

The intent, purpose, and effect of this law is to enable the American manufacturer to sell his product to the American people for 47.10 per cent. more than the same kind and quality of article could be imported and sold for in our markets, and 47.10 per cent. more than they could be sold for on the markets of the world.

The product belongs to the capitalist, not to the laborer who produced it. The 47.10 per cent. advanced price goes to the capitalist, not to the laborer.

I assert, and it will not be denied, that the manufacturers buy their labor at the lowest price that competition in the labor markets of the world will bring it to, and that the American laborer has to compete with the laborers of the civilized world (except China), there being no tax on the importation of labor; and I further assert that when some ingenius inventor brings out a machine that will do the work of twenty or fifty hands at less cost than the work can be performed by manual labor, the machine is bought and the twenty or fifty hands are discharged to find work, food, and shelter elsewhere if they can.

This cry on the part of capitalist manufacturers for the protection of labor is a miserable false pretense; their real object is increased profits to capital.

There is no interest in this country so worthy of consideration as that of labor, but to what extent is the labor of the country interested in or benefited by a high protective tariff?

Does it increase the wages of the operatives in the manufactory? No. The manufacturer buys his labor at the lowest price he can get it, and labor comes here from all countries free.

Does it increase the wages of agricultural labor? No. It compels him to pay an average of 47.10 per cent. more for what he consumes, and handicaps the exporter of agricultural products by compelling him to demand in the foreign market at least 47.10 per cent. of the value of his cargo in cash, to enable him to pay the import tax imposed upon such surplus commodities of other countries as he may wish to exchange for and import.

The same is true with regard to the carpenter, the blacksmith, the tailor, the seamstress, and every other laborer in the country. They are all compelled to pay the average of 47.10 per cent. for what they consume, while laborers may come from all countries in the world (except China) free of tax and enter into competition with them, and their employers always buy their labor at the lowest price that competition will bring it to.

If ex-Secretary Evarts is right, as I doubt not he is, when he says, in the letter above quoted, that our intelligent American labor accomplishes twice as much in the same time as European labor, even if we pay our labor twice the wages that are paid in Europe, the product is twice as great, and therefore the cost of labor that enters into production in this country and in that is about the same.

But the question for the laborers in the American mills to decide for themselves is this: Is it better for them to continue a high protective tariff, which tempts the manufacturer to limit production to the demands of home consumption, because he can get 47.10 per cent. more here than in the markets of the world? If that policy is maintained, whenever supply exceeds demand the mills stop, to allow consumption to catch up with production and stimulate demand, and the laborer is thrown out of employment for the time. Would it not be infinitely better for labor to have steady employment, even at lower wages, than to have employment for half or two-thirds of the year, as at present, and be idle the balance of the time?

For more than a quarter of a century we have had a high protective tariff, and manufacturers have grown rich. Have the laborers they employed grown rich also? Has protection protected them? Let the almost universal discontent which prevails and the strikes and lockouts of which we see almost daily accounts from the manufacturing and mining districts answer.

I quote from the able argument of the Senator from Texas [Mr. COKE] the following data on that subject:

The organization of workingmen into unions, through which they act with a force and power unknown to the disorganized mass, is the cause and secret of the little increase that has occurred in wages in the last thirty years. The concession is made to their power to take care of themselves and to resent injustice by inflicting damage on their employers. It is to their own efforts on this line and not to the tariff that any amelioration in their condition is due. I have before me a table furnished, at my request, by Hon. Carroll D. Wright, Chief of the Labor Bureau, giving a summary of labor strikes in the United States from 1881 to 1886, both inclusive, which shows for the period named 3,903 strikes, in which 22,336 establishments were involved and 13,443 temporarily closed.

It shows that the employés actually engaged in these strikes numbered 1,020,832, and that those actually engaged with others involved aggregate 1,324,402. It shows that the loss to laborers from these strikes amounted to $51,819,163 and to employers $30,731,653. The year 1887 is not included in the table, but the strikes during 1886 numbered 1,412. It shows 2,182 establishments in which lock-outs—that is, expulsion of employés by proprietors—occurred because of their refusal to comply with conditions they deemed oppressive, and 158,548 employés were locked out. These figures speak eloquently of the fierce struggle being made by the American workingman for fair living wages, and of the dogged obstinacy with which his demands are being resisted.

What a commentary they are upon the professions of those who contend for the war tariff, which produces $160,000,000 per annum more than the Government can spend, simply, as they say, to enable them to pay good wages to our laboring people. The profound discontent of which these figures, embracing more than half of all the people laboring in the protected industries, are conclusive evidence could not exist except in consequence of a deeply exciting cause, and that cause can be no other than the inadequacy of the wages paid for the livelihood of the laborers. What better or more conclusive proof than that furnished by this condition of our laboring people of the utter falsity of the claim that our present high protective tariff is in the interest of American labor? Let Republican Senators who so eloquently describe the wretchedness of the pauper labor of Europe ponder well the condition of American labor as disclosed by the well-verified labor-strike figures I have given; and if still doubting let them turn to the three volumes of testimony on every Senator's table taken by the Senate Committee on Education and Labor in 1885, touching the relations of labor and capital.

They will find in this testimony taken by a committee presided over by a high protective Republican chairman (Mr. BLAIR, of New Hampshire), tales of destitution, misery, and wretchedness among American laborers rivaling in pathos any ever told of pauper labor in Europe. I can not refer at length to this testimony for want of time, but will read from the testimony of Thomas O'Donnell, of Fall River, Mass., commencing on page 451 of the third volume of testimony. I will ask that the Secretary read the paragraphs marked.

The PRESIDING OFFICER. The Secretary will read as requested.

The Chief Clerk read as follows:

"Thomas O'Donnell examined.

* * * * * * * *

"LIFE OF A MULE-SPINNER.

"Q. What is your business?

"A. I am a mule-spinner by trade. I have worked at it since I have been in this country—eleven years.

"Q. Are you a married man?

"A. Yes, sir; I am a married man; have a wife and two children. I am not very well educated. I went to work when I was young, and have been working ever since in the cotton business; went to work when I was about eight or nine years old. I was going to state how I live. My children get along very well in summer time, on account of not having to buy fuel or shoes or one thing and another. I earn $1.50 a day and can't afford to pay very big house rent. I pay $1.50 a week rent, which comes to about $6 a month.

"Q. That is, you pay this where you are at Fall River?

"A. Yes, sir.

"Q. Do you have work right along?

"A. No, sir; since that strike we had down in Fall River about three years ago I have not worked much more than half the time, and that has brought my circumstances down very much.

"Q. Why have you not worked more than half the time since then?

"A. Well, at Fall River if a man has not got a boy to act as 'back boy' it is very hard for him to get along. In a great many cases they discharge men in that work and put in men who have boys.

"Q. Men who have boys of their own?

"A. Men who have boys of their own capable enough to work in a mill, to earn 30 or 40 cents a day.

* * * * * * * *

"ONE DOLLAR AND A HALF A DAY FOR NINE MONTHS TO SUPPORT SIX PEOPLE TWELVE MONTHS.

"I have a brother who has four children, besides his wife and himself. All he earns is $1.50 a day. He works in the iron works at Fall River. He only works about nine months out of twelve. There is generally about three months of stoppage, taking the year right through, and his wife and his family all have to be supported for a year out of the wages of nine months—$1.50 a day for nine months out of the twelve to support six of them. It does not stand to reason that those children and he himself can have natural food or be naturally dressed. His children are often sick and he has to call in doctors. That is always hanging over him and is a great expense to him. And then if he does not pay the bill the trustee law comes on him. That is a thing that is not properly looked after. A man told me the other day that he was trusteed for $1.75, and I understood that there was a law in this State that a man could not be trusteed for less than $10. It seems to me there is something wrong in the Government somewhere; where it is I can't tell.

"Q. How much money have you got?

"A. I have not got a cent in the house; didn't have when I came out this morning.

"Q. How much money have you had within three months?

"A. I have had about $16 inside of three months.

"Q. Is that all you have had within the last three months to live on?

"A. Yes; $16.

"SUPPORTING A FAMILY ON $133 A YEAR.

"Q. How much have you had within a year?

"A. Since Thanksgiving I happened to get work in the Crescent Mill and worked there exactly thirteen weeks. I got just $1.50 a day, with the exception of a few days that I lost—because in following up mule-spinning you are obliged to lose a day once in a while; you can't follow it up regularly.

"Q. Thirteen weeks would be seventy-eight days, and, at $1.50 a day, that would make $117, less whatever time you lost.

"A. Yes. I worked thirteen weeks there and ten days in another place, and then there was a dollar I got this week, Wednesday.

"Q. Taking a full year back can you tell how much you have had?

"A. That would be about fifteen weeks' work. Last winter, as I told you, I got in, and I worked up to about somewhere around Fast day, or may be New Year's day; anyway, Mr. Howard has it down on his record, if you wish to have an exact answer to that question; he can answer it better than I can, because we have a sort of union there to keep ourselves together.

"Q. Do you think you have had $150 within a year?

"A. No, sir.

"Q. Have you had $125?

"A. Well, I could figure it up if I had time. The thirteen weeks is all I have had.

"Q. The thirteen weeks and the $16 you have mentioned?

"A. Yes, sir.

"Q. That would be somewhere about $133, if you have not lost any time.

"A. Yes, sir.

"Q. That is all you have had?

"A. Yes, sir.

"Q. To support yourself and wife and two children?

"A. Yes, sir.

"Q. Have you had any help from outside?

"A. No, sir.

"Q. Do you mean that yourself and wife and two children have had nothing but that for all this time?

"Q. That is all. I got a couple dollars' worth of coal last winter, and the wood I picked up myself. I goes round with a shovel and picks up clams and wood.

"DIGGING CLAMS TO EKE OUT AN EXISTENCE.

"Q. What do you do with the clams?

"A. We eat them. I don't get them to sell, but just to eat, for the family. That is the way my brother lives, too, mostly. He lives close by us.

"Q. How many live in that way down there?

"A. I could not count them, they are so numerous. I suppose there are one thousand down there.

"Q. A thousand that live on $150 a year?

"A. They live on less.

"Q. Less than that?

"A. Yes; they live on less than I do.

"Q. How long has that been so?

"A. Mostly so since I have been married.

"Q. How long is that?

"A. Six years this month.

"Q. Why do you not go West, on a farm?

"A. How could I go, walk it?

"TOO POOR TO GO WEST.

"Q. Well, I want to know why you do not go out West on a $2,000 farm, or take up a homestead and break it and work it up, and then have it for yourself and family?

"A. I can't see how I could get out West; I have got nothing to go with.

"Q. It would not cost you over $1,500.

"A. Well, I never saw over a $20 bill, and that is when I have been getting a month's pay at once. If some one would give me $1,500 I will go.

"Q. Is there any prospect that anybody will do that?

"A. I don't know of anybody that would.

"Q. You say you think there are a thousand men or so with their families that live in that way in Fall River?

"A. Yes, sir; and I know many of them. They are around there by the score. You can see them every day; and I am sure of it because men tell me.

"Q. Are you a good workman?

"A. Yes, sir.

"Q. Were you ever turned off because of misconduct or incapacity or unfitness for work?

"A. No, sir.

"Q. Or because you did bad work?

"A. No, sir.

"Q. Or because you made trouble among the help?

"A. No, sir.

"Q. Did you ever have any personal trouble with an employer?

"A. No, sir.

"Q. You have not anything now, you say?

"A. No, sir.

"Q. How old are you?

"A. About thirty.

"Q. Is your health good?

"A. Yes, sir.

"Q. What would you work for if you could get work right along; if you could be sure to have it for five years, staying right where you are?

"A. Well, if I was where my family could be with me, and I could have work every day, I would take $1.50 and be glad.

"Q. One dollar and fifty cents a day, with three hundred days to the year, would make more than you make now in three or four years, would it not?

"ONLY A DOLLAR'S WORTH OF COAL IN TEN MONTHS.

"A. Well, I would have no opportunity then to pick up clams. I have had no coal except one dollar's worth since last Christmas.

"Q. When do the clams give out?

"A. They give out in winter.

"Q. You spoke of fuel—what do you have for fuel?

"A. Wood and coal.

"Q. Where does the wood come from?

"A. I pick it up around the shore, any old pieces I see around that are not good for anything. There are many more that do the same thing.

"Q. Do you get meat to live on much?

"A. Very seldom.

"Q. What kind of meats do you get for your family?

"A. Well, once in awhile we gets a piece of pork and some clams and make a clam-chowder. That makes a very good meal. We sometimes get a piece of corn-beef or something like that.

"Q. Have you had any fresh beef within a month?

"A. Yes; we had a piece of porksteak for four of us yesterday.

"Q. Have you had any beef within a month?

"A. No, sir; I was invited to a man's house on Sunday. He wanted me to go up to his house, and we had a dinner of roast pork.

"Q. That was an invitation out; but I mean have you had any beefsteak in your own family, of your own purchase, within a month?

"A. Yes; there was a half a pound or a pound, one Sunday, I think it was.

"Q. Have you had only a pound or half a pound on Sunday?

"A. That is all.

"Q. A half pound of pork?

"A. Yes. About 2 pounds of pork I guess we have had in the month, to make clam-chowder with, and sometimes to fry a bit.

"Q. And there are four of you in the family?

"A. Yes, sir.

"Q. How many pounds of beefsteak have you had in your family, that you bought for your own home consumption within this year that we have been speaking of?

"A. I don't think there has been 5 pounds of beefsteak.

"Q. You have had a little porksteak?

"A. We had half a pound of porksteak yesterday; I don't know when we had any before.

"Q. What other kinds of meat have you had within a year?

"A. Well, we have had corn-beef twice, I think, that I can remember this year—on Sunday, for dinner.

"Q. Twice is all that you can remember within a year?

"A. Yes—and some cabbage.

"Q. What have you eaten?

"A. Well, bread mostly, when we could get it; we sometimes couldn't make out to get that, and have had to go without a meal.

"Q. Has there been any day in the year that you have had to go without anything to eat?

"A. Yes, sir; several days.

"Q. More than one day at a time.

"A. No.

"Q. How about the children and your wife—did they go without anything to eat, too?

"THE CHILDREN CRYING FOR FOOD.

"A. My wife went out this morning and went to a neighbor's and got a loaf of bread and fetched it home, and when she got home the children were crying for something to eat.

"Q. Have the children had anything to eat to-day except that, do you think?

"A. They had that loaf of bread; I don't know what they have had since then, if they have had anything.

"Q. Did you leave any money at home?

"A. No, sir.

"Q. If that loaf is gone, is there anything in the house?

"A. No, sir; unless my wife goes out and gets something. I don't know who would mind the children while she goes out.

"Q. Has she any money to get anything with?

"A. No, sir.

"Q. Have the children gone without a meal at any time during the year?

"A. They have gone without bread some days, but we have sometimes got meal and made porridge of it.

"Q. What kind of meal?

"A. Sometimes Indian meal, and sometimes oatmeal.

"Q. Meal stirred up in hot water?

"A. Yes, sir.

"Q. Is it cold weather down there now?

"A. It is very cold now.

"SCANT CLOTHING IN COLD WEATHER.

"Q. What have the children got in the way of clothing?

"A. They have got along very nicely all summer, but now they are beginning to feel quite sickly. One has one shoe on, a very poor one, and a slipper, that was picked up somewhere. The other has two odd shoes on, with the heel out. He has got cold and is sickly now.

"Q. Have they any stockings?

"A. He had got stockings, but his feet comes through them, for there is a hole in the bottom of the shoe.

"Q. What have they got on the rest of their person?

"A. Well, they have a little calico shirt—what should be a shirt; it is sewed up in some shape—and one little petticoat, and a kind of little dress.

"Q. How many dresses has your wife got?

"A. She has got one since she was married, and she hasn't worn that more than half a dozen times; she has worn it just going to church and coming back. She is very good in going to church, but when she comes back she takes it off, and it is pretty near as good now as when she bought it.

"Q. She keeps that dress to go to church in?

"A. Yes, sir.

"Q. How many dresses aside from that has she?

"A. Well, she got one here three months ago.

"Q. What did it cost?

"A. It cost $1 to make it, and I guess about a dollar for the stuff, as near as I can tell.

"Q. The dress cost $2?

"A. Yes.

"Q. What else has she?

"A. Well, she has an undershirt that she got given to her, and she has an old wrapper, which is about a mile too big for her; somebody gave it to her.

"Q. She did not buy it?

"A. No; that is all that I know that she has.

"Q. You have had $1 or $2 worth of coal last winter?

"A. I think it was a quarter of a ton, and I believe it was $2.25 worth.

"Q. Is that all you have had?

"A. That is all I had last winter. All the rest I picked up—wood.

"Q. Did you try to get work?

"A. I was working last winter.

"Q. You say that a good many others are situated just like you are?

"A. Yes, sir; I should say as many as a thousand down at Fall River are just in the same shape, if not worse; though they can't be much worse. I have heard many women say they would sooner be dead than living. I don't know what is wrong, but something is wrong. There is an overflow of labor at Fall River.

* * * * * * *

"Q. You live in a hired tenement?

"A. Yes; but of course I can't pay a big rent. My rent is $6 a month. The man I am living under would come and put me right out and give me no notice either if I didn't pay my rent. He is a sheriff and auctioneer man. I don't know whether he has any authority to do it or not, but he does it with people.

"Q. Do you see any way out of your troubles—what are you going to do for a living—or do you expect to have to stay right there?

"A. Yes. I can't run around with my family?

"Q. You have nowhere to go to, and no way of getting there if there was any place to go to?

"A. No, sir; I have no means nor anything, so I am obliged to remain there and try to pick up something as I can."

In order to test the truth of the pretense that the protectionists want a tariff only high enough to cover the difference between the cost of labor in this country and in Europe, I present the following table prepared by the Chief of the Bureau of Statistics at the instance of my friend Senator COKE, of Texas, and heretofore presented by him:

Table of specified manufactures, showing amount of capital, value of materials, amount of wages, and value of product, with the per cent. of material and wages, also the average ad valorem rate of duty on similar importations for the fiscal year 1887.

[Compiled from the United States census of 1880.]

Manufactures.	Capital.	Value of materials.	Total amount paid in wages during the year.	Value of products.	Per cent. of—		Ad valorem rate of duty on imports, 1887.
					Materials.	Wages.	
							Per cent.
Cotton manufactures	$219,504,791	$113,765,537	$45,614,419	$210,950,383	53.93	21.62	40.17
Cotton manufactures (specific)	208,280,346	102,206,347	42,040,510	192,690,110	53.21	21.88	*45.49
Glass	19,844,699	8,028,621	9,144,109	21,154,571	37.95	47.95	50.14
Iron and steel manufactures	230,971,884	191,271,150	55,476,785	296,557,685	64.50	18.77	40.92
Hosiery and knit goods	15,579,591	15,210,951	6,701,475	29,167,227	52.15	22.97	{†62.80 ‡39.37
Silk and silk goods	19,125,300	22,467,701	9,146,705	40,033,045	56.12	22.84	50.00
Woolen goods	96,095,564	100,845,611	25,836,392	160,606,721	62.79	16.08	‖ 67.21
Worsted goods	20,374,043	23,012,628	5,683,027	33,549,942	68.59	16.94	‖
Mixed textiles	37,996,057	37,227,741	13,316,733	66,221,703	56.22	20.11	§54.20
Woolen and worsted goods	116,469,607	123,858,239	31,519,419	194,156,663	63.79	16.23	67.21
Woolen goods and mixed materials	134,091,621	138,073,352	39,153,145	226,828,424	60.87	17.27	§60.70
Woolen goods, mixed materials, and worsted goods	154,465,664	161,085,980	44,936,172	266,378,366	60.47	16.87	§61.31

*Cotton cloths. †Woolen hosiery. ‡Cotton hosiery. §Estimated.

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *January* 25, 1888.

Hon. RICHARD COKE, *United States Senate, Washington City, D. C.*

WM. F. SWITZLER, *Chief of Bureau.*

From this table it appears that the duties imposed by our present tariff laws are not only equal to the difference between the cost of labor in this and other countries, but are more than double the whole cost of the labor which produces the home article.

Take cotton cloth, an article in universal use. The labor that enters into its cost amounts to 21.88 per cent. The tax amounts to 45.49 per cent., the increased price paying the whole cost of labor and leaving a profit to capital of 23.61 per cent. Take woolen goods, used by every member of every family. The cost of labor in producing them is 16.08 per cent. The tax upon them is 67.21 per cent., nearly four times as much as the whole cost of labor. It leaves a net profit to capital of 51.13.

Take the various and multiform manufactures of iron and steel; the cost of labor that enters into their production is 18.77 per cent. The average tariff tax upon them is 40.92 per cent., leaving a net profit to capital of 22.15 per cent.

This table shows that labor receives a very meager part of the bounty extorted in the name of labor, and what he does receive is not bounty, not extra allowance, not profit, but the only compensation for his honest work, while capital appropriates to itself the lion's share. I can not state with precision the difference in the wages paid manufacturing operatives in this country and in England (our greatest manufacturing competitor) when measured in dollars and cents, but assume it to average 50 per cent. more in this country than in that.

But when measured by another and a truer standard, that is, by the necessaries of life that the wages of a week's work will buy, the English operative probably has the advantage. For while the American gets more money he has to pay an average of 47 per cent. more for all he buys than the Englishman pays, and unfortunately the manufacturing operatives of both countries are so poorly paid that their earnings have to go on Saturday evenings for the necessaries which have supported their families during the week.

But for the purposes of this argument we will assume that the wages paid manufacturing laborers in this country are twice as great as those paid in any other country, and let us see how much protection is necessary to enable the manufacturer to pay the difference in cost of labor. Referring again to the official table already quoted, we see that the whole cost of labor that enters into the cost of the following products is as follows:

	Whole cost of labor.	Ad valorem.
Manufactures of cotton cloths	21.88	45.49
Manufactures of iron and steel	18.77	40.92
Manufactures of woolen goods	16.08	67.21

From this statement it is clear that a tax of 20 per cent. ad valorem would not only pay the difference in the cost of labor in this and other countries, but more than pay the whole cost of the labor which enters into the production of these articles; and this would leave a net profit to capital of 27.10 per cent. under our present system.

But the argument of the protectionists for the protection of labor refers wholly to the labor employed in our manufactories and such supplies as that labor may draw from agriculture and other trades.

But when all the demands of the manufacturers have been filled the agriculturist finds himself with a large surplus that must find a market in foreign countries or perish upon his hands, in respect to which the foreign market fixes the home price.

Take the article of cotton. We raise more than three times as much as can be consumed in this country. We are compelled to send the surplus abroad; the Liverpool market controls the home price. Labor is the chief element of cost in its production. We are compelled to put it on the markets of the world in competition with the labor of all cotton-growing countries of the world. The laborer who produces it is not and can not be protected by any import tax, for no country would send cotton to this. Yet the cotton producer is taxed at the rate of 47.10 per cent. on every implement he uses and on all that he consumes to pay bounties to manufacturers, and embarrassed by the fact that he can not exchange his cotton for supplies that he would be glad to bring to this country unless he can get 47 per cent. of the value of his cargo in cash, to enable him to pay the duties on the articles for which he has exchanged his cotton.

By this system you force the agricultural laborer to work in competition with the labor, pauper or other, of the whole world, and to sell his commodity in the markets of the world at such price as that market may fix. The same is true with regard to breadstuffs, meats, dairy products, and tobaccos. Would anybody be fool enough to ship coal to Newcastle, or cotton, breadstuffs, meat, or dairy products to the United States? We have a large surplus of these that we are compelled to send abroad each and every year or allow them to perish on our hands, and being compelled to send them abroad we are compelled to take the exporter's price for them, and his price is fixed by what he knows he can get in the foreign market, less the transportation charges and such profit as he thinks reasonable.

The agriculturists interested in this question are very much more numerous than the manufacturing laborers, and as I think equally worthy of consideration.

You can not protect the cotton-grower, the producer of breadstuffs, meat, or dairy products by any import tax you could impose, for nobody would import any of these articles into this country. But you can, and you ought to relieve this agricultural labor from the unjust burdens that are imposed upon it by the high tax that it is compelled to pay on every implement it uses and every article it consumes.

In 1789, when manufacturing in this country was in its infancy, and an experiment, and the Government greatly in need of revenue, Congress levied a tax upon importations of 8½ per cent. The next year it was increased to 11 per cent., and in 1792 it was again increased to 13½ per cent., and even under these conditions manufacturing expanded and prospered. But we have now the skill that a hundred years' experience has given, and have become the greatest manufacturing country in the world. Yet we have a war tax of 47.10 per cent. on imports, which puts into the Treasury more than $100,000,000 a year that we have no public or legitimate use for, but our unselfish infant manufacturers only one hundred years old tell us if we reduce this tax we will bring ruin not only upon them but upon the whole country as well. So far as I am concerned I shall be glad to experiment with such ruin.

I do not mean by this, opposition to manufacturers. Far from it; I earnestly desire to see the labor of the country diversified, and to see all of our manufacturers, as well as all other industries, successful and prosperous. But I do mean that I am not willing to see every other

interest, and every other industry and enterprise in the country unjustly taxed to pay bounties to a small class of capitalists who chance to have invested their money in manufacturing establishments.

But the present condition of affairs in this country indicates unmistakably that monopoly rules.

The favored few, whose products are protected as against foreign competition by an import tax of 47.10 per cent., fearing that competition amongst themselves might reduce the cost of the necessaries of life to the consumers, and to that extent reduce the profits of monopoly, enter into trusts and combinations to fix prices and limit production.

To illustrate, I will here read the agreement of a combination of the cotton manufacturers of North Carolina, entered into on the 28th day of April, 1888. This paper was sent me by a firm of wholesale merchants. I will not give their names, but will say that their commercial standing is excellent and their respectability unquestioned.

GREENSBOROUGH, N. C., *April* 28, 1888.

The following are the resolutions adopted by the Southern Plaid Manufacturers' Association, organized this day:

Resolved, That it is the sense of the Southern Plaid Manufacturers' Association, this day assembled in Greensborough, N. C., that the condition of the plaids market demands a reduction of production, and to this end we, the undersigned plaid manufacturers, do hereby agree to reduce our production one-third each month, either by stopping our plaid looms two days in each week or by stopping one-third of our plaid looms from Tuesday, May 1, to the 1st day of August, 1888.

And we further bind ourselves that from and after this date, for the term of ninety days, we will not sell or offer to sell, either directly or indirectly, any 25-inch 5-yard plaids at a less sum than 5½ cents per yard, sixty days or 2 per cent. ten days; and we will not, for the term of ninety days from this date, sell or offer to sell, directly or indirectly, any 27-inch plaids at a less sum than 6 cents per yard, sixty days or 2 per cent. ten days, with no extra dating in either case.

That we agree and bind ourselves not to employ each others' hands unless application is accompanied by a written approval from the agent or superintendent of the mill from which said application comes.

We do hereby agree to make a weekly report to the secretary of this association upon a printed form to be furnished by said secretary, showing number of looms in our mills and number operated each week, number of days run, and number of pieces produced.

And upon failure to furnish said report on or before Tuesday of each week we agree to forfeit and pay the sum of $5, to be used in paying the current expenses of this association, and that the secretary furnish each member of this association a tabulated statement each week of the returns.

Granite Cotton Mills, Haw River, N. C., Thomas M. Holt, proprietor; Odell Manufacturing Company, Concord, N. C., W. R. Odell, treasurer; Empire Plaid Mills, High Point, N. C., E. H. C. Field, treasurer; Altamahaw Cotton Mills, Mill Point, N. C., Holt, Gant & Holt; Aurora Cotton Mills, Burlington, N. C., Lawrence S. Holt, proprietor; J. M. Worth Manufacturing Company, Worthville, N. C., T. C. Worth, treasurer; Manchester Mills Company, Manchester, N. C., A. M. Farely, superintendent; Glencoe Cotton Mills, Burlington, N. C., W. E. & J. H. Holt, proprietors; Elmira Cotton Mills, Burlington, N. C., W. L. & E. C. Holt, proprietors; Huguenot Mills, Greenville, S. C., C. E. Graham, attorney; C. E. Graham Manufacturing Company, Asheville, N. C., C. E. Graham, president; Oneida Cotton Mills, Graham, N. C., L. B. Holt; Bellemont Cotton Mills, Graham, N. C., L. B. & L. S. Holt; Naomi Falls Manufacturing Company, Randleman, N. C., R. P. Dicks, treasurer; the Powhattan Manufacturing Company, Randleman, N. C., J. E. Walker, treasurer; the Randleman Manufacturing Company, Randleman, N. C., John H. Ferree, treasurer; Plaidville Manufacturing Company, Randleman, N. C., John H. Ferree, treasurer; Fort Mill Manufacturing Company, Fort Mills, S. C., B. D. Springs, director; Wennonah Cotton Mills, Lexington, N. C., W. E. Holt; The E. M. Holt Plaid Mills, Burlington, N. C., William A. Erwin, treasurer; Carolina Cotton Mills, Burlington, N. C., J. H. & W. E. Holt & Co.; Alamance Cotton Mills, Burlington, N. C., E. M. Holt's Sons; Ossipee Mills, Mills Point, N. C., James N. Williamson; Central Manufacturing Company, Central Falls, N. C., A. C. McAlister, secretary and treasurer.

THOS. M. HOLT,
President, Haw River, N. C.
JOHN H. FERREE,
Secretary and Treasurer, Randleman, N. C.

But our North Carolina friends are not entitled to either the credit or the blame of having originated this method of robbing the whole people to enrich themselves. It had been invented and put in operation by their brother monopolists all over the North long before the 28th April, 1888.

Here is a list of some of the trusts which antedate them, with a statement of the ad valorem tax on each article, which, to that extent, makes competition from abroad impossible, and the trust silences the voice of home competition, so that the consumer has no alternative but to submit to the exactions of the monopolists.

Name.	Protected by duties averaging—	Name.	Protected by duties averaging—
	Per ct.		*Per ct.*
Salt trust	50	Tin trust	32
Earthenware trust	56	Lead trust	74
Bessemer-steel trust	84	Glass trust	55
Plow-steel trust	45	Soap trust	26
General steel trust	45	Linseed-oil trust	54
Nail trust	45	Rubber-shoe trust	25
General iron trust	45	Envelope trust	25
Copper trust	24	Paper-bag trust	35
Zinc trust	52	Cordage trust	25

How tenderly these capitalist manufacturers guard the interests of the laboring man. They generously consent to give him, as full compensation for his labor, nearly one-half of the amount that tariff taxation, with the aid of trusts and combinations, increases the price of the article that his labor has produced; but when the single brain that controls the trust says production must stop until consumption catches up with supply and increases demand, the manufactory shuts down and allows the laborer to rest without pay and without inquiry as to how he is to live in the mean time, and allows the agriculturist to hunt for a market for his surplus products which the protectionists promised should be brought to his door by encouraging manufacturing.

It is shown by the census of 1880 that there were 17,392,099 of our population engaged in all kinds of industries.

This includes—

Persons engaged in agriculture	7,670,493
Persons engaged in the professions	1,139,362
Persons who were domestic servants and laborers	2,934,876
Persons engaged in trade and transportation	1,810,256
Carpenters and joiners	375,143
Milliners, dress-makers, and seamstresses	385,401
Blacksmiths	175,726
Tailors and tailoresses	133,756
Masons	102,473
Butchers	76,241
Bakers	41,309
Plasterers	22,083
Persons engaged in manufacturing agricultural implements	4,891
Persons employed in such mining and manufacturing industries as it is claimed are benefited by a high tariff	2,623,089

There are about three times as many persons engaged in agriculture alone as in mining and manufacturing. They are entitled to consideration by reason of their superior numbers—but they are entitled to much higher consideration by reason of the fact that they are the producers of wealth that did not exist before. It is their production which gives life, employment, and prosperity to all other industries and vocations. They not only feed and clothe the people of our own country, but, from year to year, they furnish about 80 per cent. of our exports, which bring to us the money and products of other countries.

If class legislation was legitimate or proper in any case (which it is not), the agricultural interest is immeasurably most deserving and should receive the first and highest consideration. But instead of extending the strong hand of the Government to protect, foster, and encourage this greatest and most important of all of our great interests, the policy of the Government for the last quarter of a century has been to prostitute the taxing power to the illegitimate purpose of loading it down with burdens almost unendurable for no better reason than that the capital, not the labor, employed in manufacturing may reap illegitimate rewards.

The taxing power was given to Congress for no other purpose than that of raising the revenue necessary to enable the Federal Government to perform the duties devolved upon it by the Constitution (unless used as a retaliatory measure in the regulation of commerce). When exercised, revenue should be the object, and its exercise strictly limited to the actual revenue necessities of the Government honestly and economically administered.

It is safe to assume that with the present tax on distilled spirits, malt liquors, and tobacco we can raise annually $120,000,000; from the sales of public lands and miscellaneous sources, $30,000,000; making $150,000,000.

But it is said that the internal revenue is a war tax. Admitted; and so is the high protective tariff a war tax. But we have a rapidly increasing pension-roll, which, with the interest upon the war debt, is about equal to the receipts from internal-revenue taxation.

Let this war tax remain to pay a legitimate war debt, because, first, it is raised on non-necessaries, and, second, it costs consumers only about 3 per cent. to put it in the Treasury, while under the tariff taxation it costs them about seven dollars of bounty to put one dollar into the Treasury.

Certainly there are no more proper objects of taxation than non-necessaries, such as whisky, tobacco, and malt liquors; let those who consume them foot the bills, and put their $120,000,000 into the Treasury annually, and to that extent relieve from the burdens of taxation the actual necessaries of life which every man, the poorest as well as the most wealthy, must have.

Raising from these sources $150,000,000, ascertain the additional amount necessary, and so adjust your tariff taxation as to raise it by the imposition of the smallest duties that will accomplish the object, raising the largest amount possible upon luxuries. Put upon the free-list all articles except luxuries which do not come in competition with American production, so as to give to home producers such incidental protection as a strictly revenue tariff will give; but let revenue be the object and protection the incident. And let revenue necessities, not the demands of the manufacturer, limit the amount of the tax.

I deny the right of the Government to exert its power to favor any one class of citizens at the expense of another.

I quote from the decision of Mr. Justice Miller in delivering the opinion of the Supreme Court of the United States in the case of Loan Association *vs.* Topeka, 20 Wallace, page 663. Amongst other things Justice Miller says:

The power to tax is, therefore, the strongest, the most pervading of all the

powers of government, reaching directly or indirectly to all classes of the people. It was said by Chief-Justice Marshall in the case of McCulloch *vs.* The State of Maryland, that the power to tax is the power to destroy.

A striking instance of the truth of the proposition is seen in the fact that the existing tax of 10 per cent. imposed by the United States on the circulation of all other banks than the national banks drove out of existence every State bank of circulation within a year or two after its passage. This power can as readily be employed against one class of individuals and in favor of another so as to ruin the one class and give unlimited wealth and prosperity to the other, if there is no limitation of the uses for which the power may be exercised. To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation. It is a decree under legislative forms. Nor is it taxation. A "tax," says Webster's Dictionary, "is a rate or sum of money assessed on the person or property of a citizen by government for the use of the nation or state." Taxes are burdens or charges imposed by the legislature upon persons or property to raise money for public purposes.

It is a usurpation of power and a gross injustice to extort from one citizen a part of his earnings to increase the profits of another.

When taxation is imposed to meet the actual necessities of the Government, imposed for public not private purposes, every citizen will cheerfully respond; but when imposed or increased beyond the public needs in order to increase the profits of one class at the expense of other classes, it becomes legalized robbery, and the Government lending itself to such schemes is entitled to no higher respect than the common ruffian who demands of the traveler to stand and deliver. The Government and the ruffian occupy the same relation to society. The act of each is in violation of the Constitution, in violation of every principle of justice and right, and deserves the same rebuke at the hands of the civilized world.

The PRESIDENT *pro tempore*. Will the Senate agree to the resolution?

Mr. HARRIS. Let the resolution lie on the table, Mr. President.

The PRESIDENT *pro tempore*. The resolution will lie on the table.

RAILROAD BRIDGE ACROSS BAYOU D'ARBONNE, LOUISIANA.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2199) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across Bayou D'Arbonne, in Louisiana, which was, on page 2, section 3, line 23, after the words "United States," to add:

And equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes.

The bill and amendment were referred to the Committee on Commerce.

NAVY AND MARINE CORPS DESERTIONS.

The PRESIDENT *pro tempore*. The special order for this day will be stated.

The SECRETARY. A bill (S. 62) to provide for fortifications and other seacoast defenses.

Mr. COCKRELL. The Senator in charge of that bill is not in his seat, and I ask that it may be temporarily laid aside and that the Senate proceed to consider Order of Business 1150, being the bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion.

The PRESIDENT *pro tempore*. If there be no objection, the special order will be informally laid aside, and the bill the title of which has just been stated will be considered as in Committee of the Whole.

Mr. COCKRELL. This bill is intended to place the sailors on the same level in regard to the charge of desertion in which by law the soldiers of the Army have been placed, and it is intended to authorize the Secretary of the Navy to remove the charge of desertion against enlisted men and sailors on the same terms and under like circumstances as the Secretary of War is now authorized by law to remove the charge of desertion from soldiers.

At my instance the bill was passed over in order that I might prepare some amendment so as to make it conform more exactly to the law as it now exists in regard to the Army. I ask that the bill may be read, and as it is read I will offer the amendments that should be adopted.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Chief Clerk read the bill, which was reported from the Committee on Naval Affairs with amendments.

The first amendment reported by the Committee on Naval Affairs was, in section 1, line 6, after the word "war," to strike out "shall" and insert "may in the discretion of the Secretary of the Navy;" so as to read:

That the charge of desertion now standing on the pay or muster rolls of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war may in the discretion of the Secretary of the Navy be removed in all cases where it shall be made to appear, etc.

The amendment was agreed to.

Mr. COCKRELL. I move, in lines 3 and 4, where the words "on the pay or muster rolls" occur, to strike out the words "pay or muster," and after the word "rolls" to insert the words "and records;" so as to read:

That the charge of desertion now standing on the rolls and records of the Navy or Marine Corps.

The amendment was agreed to.

Mr. COCKRELL. After the word "war," in line 6, I move to insert "in the volunteer service;" so as to read:

Against any appointed or enlisted man of the Navy or Marine Corps who served in the late war in the volunteer service, may, in the discretion of the Secretary of the Navy, be removed, etc.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, in section 1, line 8, after the word "appear," to strike out "to the satisfaction of the Secretary of the Navy."

The amendment was agreed to.

Mr. COCKRELL. Now, in line 9, after the word "rolls," I move to insert "and records;" so as to read:

From such rolls and records.

The amendment was agreed to.

The reading of the bill was resumed.

Mr. COCKRELL. In line 12 of section 1, after the date 1865, near the end of the line, I move to insert:

Having previously served six months or more.

So as to make it applicable only to those who served six months or more.

The amendment was agreed to.

The reading of the bill was resumed.

Mr. COCKRELL. In section 2, line 3, before the word "rolls," I move to strike out "pay or muster;" and, after "rolls," to insert "or records;" so as to read:

SEC. 2. That the Secretary of the Navy is hereby authorized to remove the charge of desertion standing on the rolls or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war, etc.

The amendment was agreed to.

Mr. COCKRELL. In line 5, after the word "war," I move to insert "in the volunteer service;" so that it shall only apply to those who were in the volunteer service.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of section 3.

Mr. COCKRELL. In line 2 of section 3, before the word "rolls," I move to strike out "pay or muster," and after "rolls" to insert "or records," and in line 4, after the word "war," to insert the words "in the volunteer service;" so as to read:

SEC. 3. That the charge of desertion now standing on the rolls or records of the Navy or Marine Corps against any appointed or enlisted man of the Navy or Marine Corps who served in the late war in the volunteer service by reason of his having enlisted at any station or on board of any vessel of the Navy without having first received a discharge from the station or vessel in which he had previously served, shall be removed, etc.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of section 4.

Mr. COCKRELL. After the word "any," in line 3, of section 4, I move to insert the word "such," so as to refer only to those in the volunteer service without inserting those words again.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of section 5.

Mr. COCKRELL. In line 3, of section 5, before the word "appointed," I move to insert the word "such;" so as to refer to the same class of persons.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT NATCHEZ, MISS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company, of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.

Mr. WALTHALL. I move that the Senate non-concur in the amendment of the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. CAMERON, and Mr. DOLPH were appointed.

BRAZOS RIVER IMPROVEMENT.

Mr. COKE. I ask unanimous consent to call up the bill (S. 2831) for improving the mouth of the Brazos River, Texas, which is at the point where the call of the Calendar stopped.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, line 17, after the words "prescribed by," to strike out "the by-laws of said corporation, and in conformity with the laws of the State of Texas," and to insert "regulations that may be made by the Secretary of the Treasury of the United States, in conformity with the laws of the United States;" so as to read:

That the Brazos River Channel and Dock Company, a corporation organized under and by virtue of the laws of the State of Texas, be, and are hereby, authorized, on the conditions hereinafter mentioned, to construct, own, and operate such permanent and sufficient jetties and such auxiliary work as may be necessary to create and permanently maintain, as hereinafter set forth, a navigable channel at the mouth of the Brazos River, Texas, between said river and the Gulf of Mexico, and so far into the mainland and between the banks of the said Brazos River as may be necessary to reach a place that will afford security from storms, swells, cyclones, and tidal waves, for the purpose of furnishing the vessels and boats adapted to the purpose facilities for navigating in and along the entire length of said channel, charging and collecting such toll therefor as may be prescribed by regulations that may be made by the Secretary of the Treasury of the United States, in conformity with the laws of the United States; and for that purpose they may construct in the river, and likewise in the Gulf of Mexico, such walls, jetties, dikes, levees, and other structures, and employ such boats, rafts, and appliances as they may, in the prosecution of said work, deem necessary.

The amendment was agreed to.

The next amendment was, in section 3, line 1, after the word "that," to strike out the word "if;" so as to read:

That at any time during the construction of said jetties, etc.

The amendment was agreed to.

The next amendment was, in section 3, line 4, after "United States," to strike out—

May elect to pay the said Brazos River Channel and Dock Company the cost of constructing and maintaining the said jetties and auxiliary works, said cost not to exceed one and one-half million dollars, with interest, computed annually, at the legal rate as prescribed by the laws of the State of Texas, the United States may have the right to do so, and on such payment being made by the United States, together with interest as aforesaid, all right and liability on the part of the said Brazos River Channel and Dock Company in said channel, jetties, and auxiliary works shall cease and determine: *Provided, however*, That the United States shall thereafter maintain a depth of not less than 18 feet of water in said channel from 18 feet of water in the Gulf of Mexico to the point described in section 1 of this act, if the purchase of said works is made after 18 feet of water may have been obtained by said company; but if said works are purchased before 18 feet of water has been obtained, then the United States shall prosecute said improvement until said depth is obtained, and shall maintain the same as aforesaid.

And to insert—

Shall have the right to pay the said Brazos River Channel and Dock Company the value of their jetties and other works constructed under and by the authority granted to said company by the State of Texas, as well as by the authority of this act, and on such payment being made by the United States all right to said franchises and works on the part of said Brazos River Channel and Dock Company shall cease and determine;

So as to read:

SEC. 3. That at any time during the construction of said jetties and auxiliary works, or after said jetties and auxiliary works shall have been completed and said channel of 18 feet in depth has been obtained, the United States shall have the right to pay the said Brazos River Channel and Dock Company the value of their jetties and other works constructed under and by the authority granted to said company by the State of Texas, as well as by the authority of this act, and on such payment being made by the United States all right to said franchises and works on the part of said Brazos River Channel and Dock Company shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. ALLISON, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. ALLISON, and Mr. BECK.

CONSTRUCTION OF BRIDGES.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1701) authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa.

Mr. VEST. A number of those bills were sent over this morning with amendments made by the House of Representatives. I move that they be referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. The bills will be read at the desk by their number, and referred, with the amendments of the House of Representatives, to the Committee on Commerce, if there be no objection.

The bills, with the amendments of the House of Representatives, were referred to the Committee on Commerce, as follows:

A bill (S. 1701) authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa;

A bill (S. 1882) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Clinton, Iowa;

A bill (S. 1526) to authorize the construction of a bridge over the Caney Fork River, between Rock Island and Carthage, in Tennessee;

A bill (S. 1883) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Muscatine, Iowa;

A bill (S. 1405) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road;

A bill (S. 1524) to authorize the construction of a bridge over the Tennessee River, between Bridgeport and Sheffield, Ala.;

A bill (S. 2674) authorizing the construction of a bridge across the Missouri River at or near the city of Nebraska City, Nebr., and for other purposes;

A bill (S. 667) authorizing the construction of a bridge across the Red River of the North;

A bill (S. 1404) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

A bill (S. 560) to authorize the Columbia River Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post-road; and

A bill (S. 322) to authorize the Southwest Arkansas and Indian Territory Railroad to build a bridge across the Ouachita River, in Arkansas.

CHRISTOPHER COTT.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the bill (H. R. 956) for the relief of heirs of Christopher Cott.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the unfinished business, being the special order, may be informally laid aside for the purpose of proceeding to the consideration of the bill he has indicated.

Mr. DOLPH. I wish to say that it is not my intention to call up the fortification bill for action until there is a full Senate, but I should like to have the bill read as in Committee of the Whole, and the committee amendments acted upon, and the bill reported to the Senate and left where it can be amended and subject to discussion, and then it may go over until next Monday for aught I care.

Mr. COCKRELL. Let us pass this little bill.

The PRESIDENT *pro tempore*. Does the Senator from Oregon object to the consideration of House bill 956?

Mr. DOLPH. I withdraw the objection.

The bill (H. R. 956) for the relief of heirs of Christopher Cott was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "cavalry," to strike out "from the 30th day of April, 1864, to the 30th day of November, 1864, the supposed date of the said soldier's death," and to insert "which may have been due and unpaid to him on October 24, 1864;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the heirs of Christopher Cott, late a private in Company B, McLaughlin's Independent Squadron, Ohio Volunteer Cavalry, the pay, bounty, and all other allowances of a private of cavalry, which may have been due and unpaid to him on October 24, 1864.

Mr. COCKRELL. I move to amend the amendment by striking out the word "October" and inserting "November," and adding after the words "eighteen hundred and sixty-four," at the end of the bill, the words "the supposed date of the death of said soldier."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

STEPHEN M. COLLIS.

Mr. VANCE. I ask unanimous consent to take up the bill (H. R. 478) to place the name of Rev. Stephen M. Collis on the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof. It is a small matter, and is a unanimous report from the Committee on Military Affairs.

The PRESIDENT *pro tempore*. If there be no objection, the special order, being the unfinished business, will be informally laid aside.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the name of Stephen M. Collis on the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof, as mustered from the 1st of April, 1865, and mustered out on the 1st of September, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

Mr. FRYE. I move that the Senate proceed to the consideration of

the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. COCKRELL. Let that be passed over.

Mr. FRYE. I move to proceed to its consideration. I want to get it up so as to commence with it to-morrow.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine to proceed to the consideration of the bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

Mr. FRYE. I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read first for action on the committee amendments.

The PRESIDENT *pro tempore*. The bill will be read at length and the amendments of the Committee on Commerce will be acted upon as they are reached, if there be no objection.

Mr. FRYE. I think I shall not ask the Senate to go on with the bill now. I wish to have it as the unfinished business for to-morrow morning.

Mr. COCKRELL. Let it go to the Calendar then.

Mr. DOLPH. I supposed the unfinished business was laid aside by unanimous consent.

The PRESIDENT *pro tempore*. Appropriation bills, under the custom of the Senate, have what is technically called the right of way. Should the consideration of this bill be proceeded with, at its conclusion the bill to which the Senator from Oregon refers will be taken up for consideration.

Mr. VEST. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 26, 1888, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 18, 1888.

PROMOTION IN THE ARMY.

First Lieut. Francis Michler, to be captain, May 23, 1888.

POSTMASTER.

Thomas B. Southgate, to be postmaster at Corpus Christi, Nueces County, Texas.

Executive nominations confirmed by the Senate June 25, 1888.

UNITED STATES DISTRICT JUDGES.

Thomas S. Maxey, of Texas, to be United States district judge for the western district of Texas.

John F. Philips, to be United States district judge for the western district of Missouri.

POSTMASTERS.

J. G. H. Buck, to be postmaster at Hillsborough, Hill County, Texas.

Berryman Moore, to be postmaster at Gatesville, Coryell County, Texas.

J. C. Woodworth, to be postmaster at Cuero, De Witt County, Texas.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 25, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DE LANO, indefinitely, on account of important business.

To Mr. LEHLBACH, for four days, on account of important business.

To Mr. CARLTON, indefinitely, on account of sickness in his family.

To Mr. BAKER, of Illinois, indefinitely, on account of important business.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 43) granting a pension to Polly H. Smith;

A bill (S. 175) granting a pension to Eleanor S. Lawson;

A bill (S. 432) for the relief of Joel B. Morton;

A bill (S. 767) granting a pension to Robert H. Sturgess;

A bill (S. 1018) granting a pension to Joseph W. Eubank;

A bill (S. 1086) granting a pension to Jacob Kintz, alias John Walters;

A bill (S. 1266) granting a pension to Shelton Flannigan;

A bill (S. 1267) granting a pension to Joseph B. Tingley;

A bill (S. 1343) granting a pension to Cordelia Emery;

A bill (S. 1547) granting a pension to Mary Ann Dougherty;

A bill (S. 1687) to restore Rock Williamson to the pension-roll;

A bill (S. 1744) granting a pension to William M. Davis;

A bill (S. 1919) granting a pension to John Fox;

A bill (S. 1967) granting a pension to Sarah J. Tompkins;

A bill (S. 2064) granting a pension to Titus Wilder;

A bill (S. 2108) granting a pension to George W. De Motte;

A bill (S. 2230) granting a pension to D. P. Heugland;

A bill (S. 2575) granting a pension to Elizabeth Dettis; and

A bill (S. 2930) to authorize the Paris, Choctaw and Little Rock Railway Company to construct a bridge across Red River at or near Hook's Ferry, Red River County, Texas.

Mr. ENLOE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 215) granting a pension to James McCaffrey;

A bill (H. R. 367) granting a pension to Nathaniel D. Chase;

A bill (H. R. 469) granting a pension to Marie E. Salisbury and Almira Morgan, only children of Maj. Abner Morgan, of the Revolutionary Army;

A bill (H. R. 618) granting a pension to James W. Harriman;

A bill (H. R. 722) for the relief of Marquis D. Davis;

A bill (H. R. 813) granting a pension to Mrs. Lovina J. Reeves;

A bill (H. R. 878) for the relief of John D. Maxted and Robert J. B. Newcombe;

A bill (H. R. 885) to amend chapter 253 of the acts of the second session of the Forty-fifth Congress, passed June 15, 1878, granting a pension to John Langland;

A bill (H. R. 888) granting a pension to John Magher;

A bill (H. R. 891) granting a pension to Eliza Ann Shaver;

A bill (H. R. 927) for the relief of Fredericke Raff;

A bill (H. R. 962) for the relief of Robert Lisle;

A bill (H. R. 1069) granting a pension to Robert McClean;

A bill (H. R. 2116) granting a pension to Johanna Eckhardt;

A bill (H. R. 2234) granting a pension to Henry P. Alexander;

A bill (H. R. 2475) granting a pension to Adelaide L. Jessup;

A bill (H. R. 2478) for the relief of Samuel E. Wyman;

A bill (H. R. 2527) authorizing the construction of a bridge across the Red River of the North by the Duluth, Rainy Lake River and Southwestern Railway Company;

A bill (H. R. 2528) authorizing the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railway Company;

A bill (H. R. 2529) granting a pension to Mary Monti;

A bill (H. R. 2690) granting a pension to Augustus Axmacher.

A bill (H. R. 3125) for the relief of Susan Jones;

A bill (H. R. 3568) for the relief of B. S. Van Buren;

A bill (H. R. 3868) granting a pension to Cynthia Witherell;

A bill (H. R. 4100) granting a pension to Martha B. Perry;

A bill (H. R. 4320) to authorize the construction of a graveled or macadamized road from the city of New Berne, N. C., to the national cemetery near said city;

A bill (H. R. 4653) granting a pension to Joanna Barry;

A bill (H. R. 4743) granting pensions to Ida Piatt, Leota Piatt, and Jesse Piatt.

A bill (H. R. 4770) for the relief of Franklin White;

A bill (H. R. 4774) granting a pension to Matthew H. Reynolds;

A bill (H. R. 4831) granting a pension to Delilah Vandevender;

A bill (H. R. 5114) granting a pension to Franklin Long;

A bill (H. R. 5544) granting a pension to John Shine;

A bill (H. R. 5574) granting a pension to Benjamin F. Beyers;

A bill (H. R. 5759) granting a pension to John H. Rountree;

A bill (H. R. 5787) granting a pension to Lottie E. Dilley;

A bill (H. R. 5789) granting a pension to Ellen M. Thiers;

A bill (H. R. 5792) granting a pension to Mary A. Wells;

A bill (H. R. 6006) granting a pension to Mary Flora;

A bill (H. R. 7815) granting a pension to Mary A. West; and

A bill (H. R. 8779) granting a pension to Mary Dickinson.

ORDER OF BUSINESS.

Several members rose.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I demand the regular order.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction and reference of bills and resolutions. Under this call, petitions and memorials from State and Territorial Legislatures are in order; also resolutions of inquiry addressed to heads of Departments.

BRIDGE ACROSS ARKANSAS RIVER.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 10609) to authorize the construction of a bridge across the Arkansas River at or near Cummings Landing, Lincoln County, Arkansas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AMENDMENT OF SECTION 4474.

Mr. VANDEVER introduced a bill (H. R. 10610) to amend section

4474 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

LAND OFFICES IN COLORADO.

Mr. TURNER, of Kansas, introduced a bill (H. R. 10611) creating three additional land offices in the State of Colorado; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GOVERNMENT POSTAL TELEGRAPH.

Mr. RAYNER introduced the following resolution; which was read, and referred to the Committee on Rules:

Whereas the Committee on Commerce has reported to this House a bill providing for the creation, construction, and maintenance of a Government postal telegraph; and

Whereas petitions have been presented to Congress at this session signed by a million and a half of citizens praying for the passage of said measure; and

Whereas the Committee on the Post-Office and Post-Roads have announced their intention to raise a point of order in this House in reference to the jurisdiction of the Committee on Commerce upon said bill so reported; and

Whereas the Committee on Commerce are prepared to sustain their jurisdiction, and it is a matter of great importance that the matter should be considered at the present session, and not be impeded and delayed by technical objections: Now,

Be it resolved, In view of the large public interest involved, that Monday, the 2d day of July next, be set apart for the consideration of the question of jurisdiction of the Committee on Commerce over said bill and said report, and that each side be allowed one hour and one-half for the discussion of the same.

RELIEF OF SALESWOMEN IN DISTRICT OF COLUMBIA.

Mr. BUCHANAN (by request) introduced a bill (H. R. 10612) for the relief and protection of saleswomen in the District of Columbia; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

PUBLIC BUILDING AT NATCHEZ, MISS.

Mr. STOCKDALE introduced a bill (H. R. 10613) for the erection of a public building in the city of Natchez, State of Mississippi; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COMPENSATION OF FOURTH-CLASS POSTMASTERS.

Mr. STOCKDALE also introduced the following resolution; which was referred to the Committee on Rules:

Resolved, That the Committee on the Post-Office and Post-Roads be required to report back into the House House bill No. 5290, "to provide for the better compensation of postmasters of fourth-class post-offices of the United States," and that the said bill be placed upon the Calendar of the House for consideration.

TERRITORY OF OKLAHOMA.

Mr. SPRINGER introduced a bill (H. R. 10614) to organize the Territory of Oklahoma, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

FORFEITURE OF RAILROAD LAND GRANTS.

The SPEAKER. The call of States and Territories for the introduction of bills and resolutions is now concluded.

Mr. HOLMAN. I desire to report back with amendments from the Committee on Public Lands the bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes. The committee, having made some corrections in the bill, desire that it be printed and recommitted.

The bill was recommitted to the Committee on the Public Lands, and ordered to be printed.

VIRGINIA EXPOSITION.

Mr. WISE introduced a joint resolution (H. Res. 185) making an appropriation to enable the Department of the Interior, the Department of Agriculture, United States Commission of Fish and Fisheries, and the Smithsonian Institution, including the National Museum, to participate in the Virginia Agricultural, Mechanical, and Tobacco Exposition, to be held at Richmond, Va., from October 3 to November 21, 1888; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. Under the rules of the House, this day is set apart for the consideration of business reported from the Committee on the District of Columbia. If the day is not claimed for such business——

Mr. HEMPHILL. We are ready to proceed with that business.

Several members addressed the Chair.

The SPEAKER. The regular order is insisted upon.

Mr. HOLMAN. The Committee on Public Lands are very anxious to proceed with the homestead bill, and would be very glad if the gentleman from South Carolina [Mr. HEMPHILL], recognizing the importance of that bill, would permit it to occupy to-day. I hope there will be no objection to this course. We have had only an hour and a half on this bill, although it has been pending for about four months.

Mr. HEMPHILL. Mr. Speaker, the gentleman from Indiana [Mr. HOLMAN] will recognize the fact that his committee is entitled in this House to preference to which the Committee on the District of Columbia and many other committees are not entitled. Our committee has had only one day for the consideration of business in the House since the famous "dead-lock" in the spring; and if this day be not given to us the chances are that we shall not get any day at all during the balance of this session. As Congress refuses to let the District of Columbia legislate for itself, it is as little as it can do to legislate for the District at the times set apart under the rules for the consideration of District business. I trust, therefore, that members of the House will not take away the day which belongs to the District of Columbia under the rules, and give it to a committee which has a preference for its business over most of the committees of this House. The gentleman from Indiana can call up his bill to-morrow. There are no appropriation bills to interfere, and as it is well understood that our friends on the other side who are now absent will not be here to-morrow, of course the tariff bill will not interfere.

Mr. HOLMAN. The gentleman from South Carolina must bear in mind that——

Mr. ATKINSON. I call for the regular order.

Mr. HOLMAN. I now call up House bill No. 7901 to secure to actual settlers the public lands adapted to agriculture, to protect the forests on the public domain, and for other purposes.

The SPEAKER. The Chair will state to the gentleman from Indiana that the only way in which he can accomplish his purpose is to raise the question of consideration against such bill as may be called up under the special order.

Mr. HOLMAN. Very well; I will seek to get the sense of the House in regard to proceeding with the public-land bill to-day.

The SPEAKER. The Clerk will report the title of the bill which was pending as unfinished business at the adjournment on the last day devoted to business of the Committee on the District of Columbia.

The Clerk read as follows:

A bill (H. R. 7647) to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] raises the question of consideration.

Mr. HEMPHILL. Mr. Speaker, I desire that that bill shall be laid aside temporarily, in order that I may call up another.

The SPEAKER. If there be no objection that can be done, and the gentleman from Indiana can raise the question of consideration on the other bill.

Mr. HOLMAN. I prefer raising the question on this bill.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina that this bill be temporarily laid aside?

Mr. HEMPHILL. I give the gentleman from Indiana notice that he will have to fight me on every bill on the list.

Mr. HOLMAN. I will yield as to this bill.

There was no objection, and the bill was temporarily laid aside.

DECORATION DAY A HOLIDAY IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I give notice that I shall ask to call up this bill later in the day. I now call up the bill (H. R. 10053) making May 30 a holiday in the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the 30th day of May in each year, usually called "Decoration Day," shall be, and hereby is, made a holiday within the District of Columbia as fully in all respects as are the days mentioned as holidays in section 993 of the Revised Statutes of the District of Columbia.

Mr. HOLMAN. I will not raise any question on that bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALES FOR OVERDUE TAXES IN DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 10060) relating to notice of sales for overdue taxes.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia shall prepare a list of all taxes on real property in said District subject to taxation upon which said taxes are levied and in arrears on the 1st day of July, 1888, and each year thereafter, including all taxes due to the late corporations of Washington City, Georgetown, the levy court of the county of Washington, and the District of Columbia; and said commissioners shall publish the same, with a notice of sale, in a pamphlet, of which not less than 5,000 copies shall be printed for distribution to tax-payers applying therefor. Said commissioners shall, on the first Tuesday in September, 1888, and of each year thereafter, give notice, by advertising twice a week for three successive weeks in the regular issue of two daily newspapers published in said District, that said pamphlet has been printed, and that a copy thereof will be delivered to any tax-payer applying therefor at the office of said commissioners, and that if the taxes due, together with the penalties and costs that may have accrued thereon, shall not be paid prior to the day named for sale the property will be sold, under the direction of said commissioners, at public auction, at the office of the collector of taxes of the District of Columbia, commencing three weeks after the first publication of said notice and continuing on each following day, Sundays and legal holidays excepted, until all such delinquent property is sold.

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUBDIVISION OF LAND IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now call up the bill (H. R. 3329) to regulate the subdivision of land within the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the commissioners of the District of Columbia be, and they are hereby, authorized and directed to make and publish such general orders as may be necessary to regulate the platting and subdividing of all lands and grounds in the District of Columbia; and no such plat of subdivision made in pursuance of such orders shall be admitted to record in the office of the surveyor of said District without an order to that effect indorsed thereon by the engineer commissioner of said District.

SEC. 2. That all spaces on any duly recorded plat of land thereon designated as streets, avenues, or alleys shall thereupon become public ways, provided they are made in conformity with the provisions of section 1 of this act, and as such be under the protection of the laws and ordinances in force applicable to public roads out of said city.

SEC. 3. That if by the extension of any of the present streets or avenues, or the opening of any public way, it becomes necessary to traverse any grounds now used as a cemetery or place of burial, the commissioners are hereby empowered to secure a right of way through the same by stipulation with the proprietors thereof, or by condemnation, as in other cases now by law provided for.

SEC. 4. That the orders of the commissioners made pursuant to this act shall have the force and effect of law thirty days subsequent to the day of publication; and all laws and provisions of laws inconsistent herewith are hereby repealed.

The Committee on the District of Columbia recommended an amendment, in lines 6 and 7 of section 3, striking out the words "or by condemnation, as in other cases now by law provided for."

The amendment was agreed to.

Mr. HEMPHILL. I desire to offer an amendment as an additional section, which I send to the desk.

The amendment was read, as follows:

SEC. 5. No further subdivision of land in the District of Columbia, without the limits of the cities of Washington and Georgetown, shall be recorded in the surveyor's office of the said District unless made in conformity with the general plan of the city of Washington.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFORM SCHOOL, DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I call up the bill (H. R. 7762) authorizing the restoration to the Reform School of boys who have been discharged on probation, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That whenever a boy is dismissed from the Reform School of the District of Columbia to his parents, or to otherwise care for himself, he shall be dismissed on probation merely, until he reaches the age of twenty-one years, and the board of trustees shall have power to send for him and return him to the school whenever, in the opinion of a majority of the members of said board, the interests of the boy will be promoted by his return.

SEC. 2. That the chief clerk of the Department of Justice shall be *ex officio* a member of the board of trustees of said Reform School.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

MUNICIPAL LAWS OF THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now call up the bill (H. R. 8308) to provide for the examination, etc., of the municipal laws of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That the commissioners of the District of Columbia and the attorney for the District be, and are hereby, authorized and directed to examine certain manuscript volumes prepared by Josiah Quincy Kern, upon the submission of the same to them, at as early a date as practicable after the passage of this act; and if, after such examination, the commissioners of the District and the attorney for the District shall be of opinion that the volumes so submitted and examined comprise a complete and satisfactory revision and consolidation of all statutes and parts of statutes relating to municipal affairs in the District of Columbia in force on the 1st day of December, 1887, and of all orders, rules, regulations, and ordinances relating to such affairs made in pursuance of law and having the force and effect of law at the said date, and shall so state their opinion in writing, they shall thereupon purchase the said volumes from the said Josiah Quincy Kern, at a compensation not to exceed $5,000.

SEC. 2. That for the purposes of this act there is hereby appropriated $5,000, or so much thereof as may be necessary, to enable the commissioners of the District of Columbia to make the payment herein provided for, one-half thereof to be made out of any money in the Treasury of the United States not otherwise appropriated and the other half out of the revenues of the District of Columbia.

SEC. 3. That the said commissioners shall report to Congress, on the first day of its next regular session, the action taken by them under the provisions of this act, and may make such recommendations as to them shall seem advisable in relation to any further action respecting the manuscript volumes hereinbefore mentioned.

Mr. HOLMAN. Mr. Speaker, that bill I believe is subject to the point of order.

The SPEAKER. It is.

Mr. HOLMAN. I make the point of order that as this bill makes an appropriation it must have its first consideration in Committee of the Whole on the state of the Union.

Mr. HEMPHILL. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. HOLMAN. The amount, I believe, is small, and if it will occupy but little time I shall not object. What is the amount involved?

Mr. HEMPHILL. Only $5,000.

Mr. HOLMAN. I will not raise any question on this bill, but I must do it on the next.

Mr. HEMPHILL. I desire to offer two or three verbal amendments to the bill.

The amendments were read, as follows:

In line 17 of section 1, strike out the word "and" and insert "they." Strike out the words "their opinion," and strike out the word "they" and insert "and the commissioners of said District."

The amendments were agreed to.

The SPEAKER. The question is on ordering the bill to be engrossed and read a third time.

Mr. OATES. I would like to have some explanation of this bill from the chairman of the committee, as I do not quite understand its scope.

Mr. HEMPHILL. There is a gentleman here of this city whose name is in the bill, Mr. Kern, who has for several years devoted himself to preparing a digest of the laws of the District of a municipal character, relating, for instance, to the public debt, how it was created, how it is to be paid, all acts and laws in relation to the water-works, laws governing the supply of water, regulations in regard to the wasting of water, etc. This bill now proposed for adoption in the House provides that the commissioners of the District of Columbia shall have this compilation examined, and if in their judgment it contains a full and accurate digest of the laws of the District relating to its municipal affairs, that they should be permitted to purchase the same at the sum named in the bill, which is limited to $5,000.

Mr. OATES. It does not provide for a complete codification of all the laws of the District?

Mr. HEMPHILL. No, sir.

Mr. GROUT. No; there is another bill which provides for that.

Mr. HEMPHILL. We have already passed a bill providing for a codification of the laws. I mean by that a codification of such laws as are administered in the courts of justice. But this embraces all ordinances which have heretofore been adopted by the municipality, and which are still in force as laws of the District, embodying all minor matters of law necessary for the use of the commissioners, as well as for the commissioner having charge of the debt of the District and having charge of the water-works, etc.

Mr. OATES. Would it not be more convenient as well as more economical to provide for a compilation of all of these laws?

Mr. HEMPHILL. I think not. In the first place permit me to state that we have tried to get a codification or compilation of the laws more than once, and the House has acted upon such propositions; but the Senate has never concurred with the House. The work has been suspended from time to time and never completed; besides that, it is a work that will require time, while this work has already been done. It is said, I may state also, to be a very complete work in all of its parts. We have letters from prominent officials of the District having charge of the department matters and others who have examined this compilation, and all concur in saying that it is very full and accurate, and will be of very great convenience to their various offices. The commissioners have also recommended this.

Mr. RANDALL. Is this book published?

Mr. HEMPHILL. No, sir; it is not published; it is still in the hands of the compiler, and I believe the only copy in existence is that which he has, which is type-written.

Mr. RANDALL. Why can not the Government purchase a copy?

Mr. HEMPHILL. Because this has never been published at all; it is in the hands of the compiler, and until it has been printed, of course, no copies are on sale.

Mr. GROUT. It is still in manuscript.

Mr. OATES. Would it not be more economical to embody in one volume the whole compilation and codification of the laws of the District?

Mr. HEMPHILL. Well, sir, this embraces several volumes in itself. You can not put all of these laws in one volume. Besides that, there is no lawyer who has any practice who could devote himself to the compilation of the laws connected with the water-works, fire department, etc., and generally the laws as they are administered in the courts and the regulations of the Executive Departments.

Mr. OATES. And municipal ordinances.

Mr. HEMPHILL. Yes, sir; and municipal ordinances. But all these are embodied in this one volume. It will be remembered that this District has undergone a great many changes of government, and I do not know any man who could properly undertake to prepare such a compilation. It would certainly take a long time to do it.

Mr. BLOUNT. When was the last compilation made?

Mr. HEMPHILL. There never has been one.

Mr. BLOUNT. I thought the Government had published at one time a codification of the laws?

Mr. HEMPHILL. Well, they have; or there was something of the kind attempted in the past; but it never amounted to anything.

Mr. FELTON. Is this is a codification of the laws?

Mr. HEMPHILL. So far as they relate to particular branches of the subject that it covers, it is a codification; but it is not a full codification or compilation. This relates to the municipal regulations and ordinances.

Mr. BLOUNT. The difficulty with the efforts heretofore made to secure a complete codification or compilation of all District laws has been that legislation was attempted which could not be enacted, and hence such efforts failed in this House.

Mr. HEMPHILL. Well, I think the fact is they have undertaken to do too much by one bill. That explains the trouble, I think. I can only give the opinion of the committee and the testimony furnished us by gentlemen whose business it is to administer the affairs of the government and who are capable of judging of the merits of such a publication named, that this is a most excellent thing. We do not provide the payment at once, but that it shall be paid only when the commissioners ascertain that it contains a complete and accurate synopsis or compilation of every statute, order, or ordinance relating to the various municipal affairs of the District.

Mr. BLOUNT. Is there anything in the bill authorizing the adoption of it as the law?

Mr. HEMPHILL. It is a compilation of what is the law now. It is simply a gathering together of existing laws. The idea is to put it in some shape so that it can be gotten at conveniently. Take, for instance, the District Committee. In the consideration of our business in connection with the District we can not tell what the law is until either we have obtained the opinion of some lawyer here upon the subject or have gotten the opinion of the District attorney. We are obliged to adopt that system because there is no code to which we can have access to get the information as to the status of the law here upon any particular question.

Mr. SPRINGER. Allow me to ask this question: If this is a perfect compilation of the laws of the District now in force and our public officials need copies, why not make an appropriation sufficient to supply our city officers, the courts, and the committees of the two Houses with this compilation, and allow private individuals to purchase it in the book-stores for whatever it will bring.

Mr. HEMPHILL. That can be done when we once get possession; but the work is not ours yet.

Mr. SPRINGER. We do not need to get possession except as to the number of copies required by the Government.

Mr. WEAVER. The owner would not part with it on those term.

Mr. HEMPHILL. No; he would not part with it on those terms. This compilation is the result of a great deal of labor and care. He says it is thorough, complete, and accurate. He is willing, not to give his opinion and judgment, but to let the House of Representatives appoint anybody it sees fit to examine the work before a dollar is paid. If the report is favorable, then the commissioners of the District are authorized to pay for it. When it is paid for of course it ought to be published in such numbers as will supply the various officers of the District, and also the committees of the House and other persons who desire to obtain the information the work will give.

Mr. BLOUNT. Mr. Speaker, I wish to ask the gentleman from South Carolina [Mr. HEMPHILL] if this is the proposition: That money is to be paid for this compilation, the commissioners appointed by virtue of the act are to determine the question as to whether it is a correct code, and it is to be binding on the people of the District hereafter?

Mr. HEMPHILL. No, sir. We do not enact this compilation into law at all. It is simply a compilation of what is already the law in this District from the time the Government was established up to the present time. This gentleman has undertaken the work with the purpose of course of selling it when he got it completed. This bill does not provide that anybody shall compile the law; but it says the commissioners of the District shall have a thorough examination made of the compilation which has already been prepared, and upon being satisfied that it contains the law and that the work is necessary, then they are authorized to pay for it. When it is paid for of course Congress ought to publish it in such numbers as are necessary.

Mr. BLOUNT. Then there is no other acceptance of the compilation than the payment for it. That is to say, there is no legal force——

Mr. HEMPHILL. Oh, no; we do not enact this into a statute.

Mr. DOCKERY. Then of what value is it?

Mr. HEMPHILL. For this reason: Suppose you want to know what is the law in this District upon any point. Where would you go to find out? You would not know where to go. I do not know where to go.

Mr. DOCKERY. In the States you go to some codification or compilation made by authority.

Mr. HEMPHILL. Exactly; that is what we want to have here.

Mr. DOCKERY. A codification with some imprint of authority upon it.

Mr. HEMPHILL. That is what we want here. We want something that the committees of Congress, the commissioners of the District, and the heads of the Departments will know is authoritative and is the law.

Mr. DOCKERY. Then the effect is to make it the law.

Mr. HEMPHILL. Oh, no. We want to take the compilation and get satisfactory evidence through the commissioners of the District or anybody they may appoint that it does embrace the law already passed; and then we can enact a simple statute saying this compilation which has been accepted by the commissioners shall be the law of the District relating to these various subjects. That is the plan we have in view.

Mr. RANDALL. How much will the examination cost which you propose to make to find out whether the compilation is accurate or not?

Mr. HEMPHILL. It is not to cost anything.

Mr. RANDALL. Who is to do it?

Mr. HEMPHILL. It is to be done by the commissioners themselves.

Mr. DAVIDSON, of Florida. How much money is appropriated by this bill?

Mr. HEMPHILL. Five thousand dollars is appropriated, to be paid if the compilation is satisfactory.

Mr. MACDONALD. Why should not the District of Columbia itself pay this money instead of asking Congress to pay it?

Mr. HEMPHILL. The expenses of the District are paid one-half by the District and one-half by the United States Government.

Mr. MACDONALD. The public at large has no interest in this matter.

Mr. HEMPHILL. It has as much interest in this as in any other part of the District affairs. The Government owns half of the property here. It would be very hard upon the people if the Government, owning half of the property, should compel the people here to pay all of the taxes.

Mr. RANDALL. Ought not the District to pay half of this expense?

Mr. HEMPHILL. Yes; I think it ought to do so.

Mr. RANDALL. Is that provided for?

Mr. HEMPHILL. I think it is provided for. I am not positive. If it is not, it ought to be.

Mr. RANDALL. I did not hear the provision read. The people are almost exclusively interested in this.

Mr. HEMPHILL. That will be added by amendment. I will state, Mr. Speaker, that this bill provides that if the volumes so submitted and examined—

Comprise a complete and satisfactory revision and consolidation of all statutes and parts of statutes relating to municipal affairs in the District of Columbia in force on the 1st day of December, 1887, and of all orders, rules, regulations, and ordinances relating to such affairs made in pursuance of law and having the force and effect of law at the said date, and shall so state their opinion in writing, they shall thereupon purchase the said volumes.

I now desire to offer an amendment, Mr. Speaker.

Mr. BLOUNT. I will ask the gentleman from South Carolina whether the District commissioners are lawyers and are in the habit of doing this sort of work?

Mr. HEMPHILL. One is a lawyer.

Mr. BLOUNT. The other two are not?

Mr. HEMPHILL. One of the District commissioners is a lawyer; another is a business man; and the third, as the gentleman understands, is an engineer. But this compilation embraces laws relating to the engineer department, to the water-works, to the fire department, and everything of that sort. Of course the commissioners, in examining this compilation, will have the assistance of their own attorney.

Mr. HERBERT. Will the gentleman from South Carolina allow me five minutes to make a statement?

Mr. HEMPHILL. Yes, sir, I yield to the gentleman from Alabama [Mr. HERBERT] for five minutes.

Mr. HERBERT. Mr. Speaker, this seems to be a proposition to pay $5,000 for the manuscript of this digest, and then to have a report upon it by the commissioners.

Mr. MACDONALD. Is it a digest?

Mr. HERBERT. It seems to be a digest of the laws and regulations in force in the District of Columbia, and the proposition is to authorize the payment of $5,000 for this digest, which the commissioners at a subsequent session are to report to Congress, when it will be for Congress to decide whether this digest or compilation shall be printed or not. It seems to me that a better proposition would be that the printing of this work be left in private hands, that it be printed by the author, and that Congress agree to take as many copies of the work as may be necessary for the use of the District officers. If it be necessary in this way for us to pay $1,500, $2,000, or $2,500 for a certain number of volumes which Congress may see proper to take, let us do that. But let this work be printed as a private enterprise, if it is to be printed at all. According to the present proposition, the manuscript is to be bought, and then the Government is to print that manuscript at its own expense. It seems to me this course will entail a much greater cost to the Government than is necessary. I submit that if Congress will agree to subscribe for a certain number of volumes—how many I do not know—the gentleman who is the author of this work ought to be willing to print the

work at his own expense. All we want is to secure the printing of the work; even upon the statement of the chairman of the District Committee, we want it printed, and the method I suggest seems to me a much better way of reaching this result than the proposition now pending, and is, as I understand, the mode generally adopted by the States in matters of this kind. What is the necessity for the Government itself undertaking to do this printing?

Mr. BLOUNT. Mr. Speaker, I asked the gentleman from South Carolina a few moments ago whether there had been any code adopted by Congress for the District of Columbia. The gentleman replied that he did not know. I have before me a volume called "Revised Statutes relating to the District of Columbia and post-roads and public treaties." This revision and consolidation of the statutes relating to the District of Columbia was made in the Forty-third Congress and embraces all the laws relating to this subject up to that time. The laws which have been passed since and which are embraced in the volumes of the Statutes at Large, furnish, together with this compilation, very ready information for any gentleman who seeks to know anything in relation to the laws applicable to the District of Columbia. The laws since enacted relating to the water-works, the police force, etc., are small in number and very accessible. I can not therefore see any necessity for a new codification. We are not in the dark as to the laws passed in former years relating to the District. The revision to which I have referred, made in the Forty-third Congress, became after examination by the House and the Senate the permanent law in relation to this District, and this revision, as I have said, together with the few laws since enacted, which are to be found in the Statutes at Large, meets, it seems to me, every public want in this regard. Why should there be anything additional?

The compilation now proposed would, I think, prove unsatisfactory. The gentlemen who will undertake this work will, in the first place, take what has already been done up to the Forty-third Congress, and will incorporate with that revision the legislation since adopted. But by whom is this work to be done? This difficult work, which my friend from South Carolina thinks could scarcely be performed by any living man except the person who has prepared this manuscript revision, is to be passed upon by three gentlemen, two of whom are not even lawyers; and after this is done somebody is to have $5,000.

There are continually being prepared in the various Departments of the Government compilations by one officer on one subject and another officer on another subject, with the view of having such compilations recognized by Congress and their authors paid from the public Treasury. I can not see that anything more than this is proposed in the present case; and the compilation of District laws having already been completed as far as the Forty-third Congress, the charge proposed appears to be an outrageous one. I trust that under the circumstances the House will not agree to the proposition.

Mr. HEMPHILL. I think that if the gentleman from Georgia [Mr. BLOUNT] had read the bill he would not have made the speech which he has made.

Mr. BLOUNT. My friend will allow me to say that I have read the bill, though I may not have done so as intelligently as the gentleman from South Carolina.

Mr. HEMPHILL. The revision of the statutes to which the gentleman has referred undertook to give in a consolidated form the laws of the United States so far as they relate to the District of Columbia.

Mr. RANDALL. Do they not govern here?

Mr. HEMPHILL. Those statutes do govern in this District; but that revision does not pretend to embrace all the ordinances passed by the old cities of Washington and Georgetown; it does not pretend to contain the regulations of the levy court, which was in existence here for a number of years; it does not pretend to include all the laws, ordinances, and regulations relating to the water supply, the fire department, etc. These do not appear anywhere in the Revised Statutes of the United States, and it is very proper that they should not.

This that we are endeavoring to get hold of now is a thorough compilation of what have been the city ordinances of this city and of Georgetown, the levy court of the District of Columbia, and the other bodies which have had authority at different times to pass ordinances and to make laws and regulations relating to the various departments of the city government; so that the statutes to which the gentleman refers have nothing whatever to do with this matter. The gentleman from Georgia [Mr. BLOUNT] is about three or four months behind time. We have already passed a bill providing for a compilation of the laws of the District of Columbia, and that bill is now pending before the Senate.

This simply provides for getting a compilation of matters in relation to which lawyers have no special knowledge. A lawyer who has any practice in the courts does not undertake to keep up with the regulations relating to the various departments of the city government, and therefore it is not necessary that lawyers should examine this compilation, although if it were necessary there happen to be lawyers on the board of commissioners.

Mr. BLOUNT. I wish to ask the gentleman whether the very ordinances to which he is referring have not been printed by the District, and whether they are not to be found in the Library?

Mr. HEMPHILL. Well, sir, if they are to be found there, all I can say is that it is impossible for the District Committee to get hold of them. I am told by gentlemen who ought to understand the matter, by the commissioners and by an officer in the Treasury Department who has to do with the debt of the District of Columbia, that it is simply impossible for any man to know what these laws and regulations are, unless a man devotes his whole time to inquiring into the matter.

Mr. BLOUNT. Does my friend mean to say that it is impossible to get at a statement of the District indebtedness?

Mr. HEMPHILL. No; I do not mean that.

Mr. BLOUNT. Then what does the gentleman mean, and to what debt does he refer?

Mr. HEMPHILL. I speak of the rules, regulations, and city ordinances that have been passed from time to time, and I say no man can tell what they are unless by long and patient investigation.

Mr. BLOUNT. The gentleman referred to the debt of the District by way of illustration, and I want to know whether he proposes to stand by that statement.

Mr. HEMPHILL. I propose to stand by it to this extent, which is all that I mean. I say we have a letter from the gentleman who is particularly charged with that subject in the Treasury Department—I do not recall his name at this moment—to the effect that he has examined this compilation, and that he gives it the highest commendation possible, and thinks it particularly desirable that it shall be gotten hold of.

Mr. BLOUNT. My friend referred to the District debt awhile ago, and said that we could not get a statement of it.

Mr. HEMPHILL. No; I never said that you could not get a statement of the District debt.

Mr. BLOUNT. In what connection did you speak of the "debt?"

Mr. BRECKINRIDGE, of Kentucky. If my friend from South Carolina [Mr. HEMPHILL] will permit a suggestion, is it not the best plan for Congress to pass a law providing for a commission to prepare a code for the government of the city, and then pass that code into a statute, and repeal all these unknown laws and rules and regulations?

Mr. HEMPHILL. I think that would be a capital idea, but as soon as you brought your proposition in here somebody would object to it; so that as to this bill it is only a question whether we shall do something or nothing in this direction.

Mr. SPRINGER. There is a volume, published in 1875, entitled "Revised Statutes of the United States relating to the District of Columbia."

Mr. HEMPHILL. Yes, we heard of that from the gentleman from Georgia [Mr. BLOUNT].

Mr. SPRINGER. That compilation contains the laws of the District up to 1875.

Mr. HEMPHILL. It contains the statute law.

Mr. SPRINGER. Now, if you publish this compilation it will be simply this gentleman's opinion as to what old statutes of Maryland are still in force in this District.

Mr. HEMPHILL. Oh, no.

Mr. GROUT. No. It does not relate to that subject at all.

Mr. SPRINGER. And also his opinion as to the various statutes that remain unrepealed.

Mr. RAYNER. Does that book which the gentleman from Illinois [Mr. SPRINGER] refers to contain the municipal regulations of the District and the city ordinances?

Mr. SPRINGER. There are no city ordinances here.

Mr. HEMPHILL. Yes, there are.

Mr. SPRINGER. There are none since the city government was abolished.

Mr. HEMPHILL. Oh, yes, there are. What regulates the fire department?

Mr. SPRINGER. Those are not ordinances.

Mr. HEMPHILL. Certainly they are.

Mr. SPRINGER. They are simply orders executing the laws of Congress.

Mr. HEMPHILL. Certainly.

Mr. SPRINGER. The gentleman assumes that the District commissioners are a board of aldermen who can pass laws for the District of Columbia. I do not so understand it. They are executive officers and are required to execute the laws of Congress. Their orders are simply directions they give to city officials to carry out the laws. If these commissioners are assuming legislative authority here they are transcending their powers.

Mr. HEMPHILL. The gentleman does not know what he is talking about. The commissioners have some powers.

Mr. SPRINGER. I say legislative powers.

Mr. HEMPHILL. They have power to make rules and regulations—you may call it legislative or what you please; they have some privileges, and when they lay down rules and regulations the people of the District are obliged to obey them.

Mr. SPRINGER. There is no difficulty about knowing what are the orders, rules, and regulations of the commissioners of the District of Columbia. There is nothing mysterious about it.

Mr. HEMPHILL. If you knew as much as you claim to know, you would not make the speech you are making.

Mr. SPRINGER. I know nothing about it, except that the gentleman from South Carolina is trying to get Congress to buy a compilation in manuscript.

Mr. HEMPHILL. I am trying to do no such thing.

Mr. SPRINGER. What then?

Mr. HEMPHILL. I am pressing upon Congress and asking them to pass a bill which has been already once passed in this House.

The SPEAKER. Gentlemen must come to order. Gentlemen must address the Chair.

Mr. SPRINGER. I am not through.

The SPEAKER. The gentleman from Illinois can not be interrupted except by his own consent.

Mr. SPRINGER. The gentleman from South Carolina stated that I misstated his position. I simply stated he is asking Congress to pass a law—yes, it is before me—to purchase a compilation of the District laws, rules, or regulations, or ordinances, or whatever you may call them, of the District commissioners.

Mr. HEMPHILL. Oh, no; the gentleman does not state the proposition fairly.

Mr. SPRINGER. What is the bill? Let it be read. I will read the title.

Mr. HEMPHILL. The gentleman knows that the title has nothing to do with the particular kind of bill this is.

The SPEAKER. The gentleman from Illinois will proceed.

Mr. SPRINGER. I wish to state what the bill is if I can, and that the House may understand it I will read it. It is as follows:

Be it enacted, etc., That the commissioners of the District of Columbia and the attorney for the district be, and are hereby, authorized and directed to examine certain manuscript volumes prepared by Josiah Quincy Kern, upon the submission of the same to them, at as early a date as practicable after the passage of this act; and if, after such examination, the commissioners of the District and the attorney for the District shall be of opinion that the volumes so submitted and examined comprise a complete and satisfactory revision and consolidation of all statutes and parts of statutes relating to municipal affairs in the District of Columbia in force on the 1st day of December, 1887, and of all orders, rules, regulations, and ordinances relating to such affairs made in pursuance of law and having the force and effect of law at the said date, and shall so state their opinion in writing, they shall thereupon purchase the said volumes from the said Josiah Quincy Kerr, at a compensation not to exceed $5,000.

Now, is that understood?

Mr. BLOUNT. Will my friend, just here in connection, state what he is reading?

Mr. SPRINGER. Certainly; I am reading the bill that is pending.

Mr. BLOUNT. You have been referring to a District code.

Mr. SPRINGER. I have referred to it.

Mr. BLOUNT. You have. Will the gentleman allow me? Is his time limited?

Mr. SPRINGER. I will give way.

Mr. BLOUNT. The gentleman from South Corolina stated a few moments ago this code included rules in reference to water rates.

Mr. HEMPHILL. No; I did not, sir. I said there was nothing in relation to orders and regulations for water.

Mr. DOCKERY. I understood him otherwise.

Mr. BLOUNT. I do not like to take up the time of the gentleman from Illinois, but I am unfortunate in misunderstanding my friend from South Carolina.

Mr. SPRINGER. All I wish to say, Mr. Speaker, is this: It occurs to me if we have a revision of this book, a consolidation of the statutes of the United States, general in their nature, in the District of Columbia, in force on the 1st of December, 1887, then all that is required to secure the consolidation of the statutes since that time, and such orders in the District of Columbia as have had the force and effect of laws since that time, those orders, whatever they have been, have all been printed and are accessible to everybody in the District who has had anything to do with them.

Mr. HEMPHILL. Will the gentlemen state what has been printed in this connection?

Mr. SPRINGER. I have already stated; I have the volume before me.

Mr. HEMPHILL. Oh, yes; you refer to the Revised Statutes of the District of Columbia.

Mr. SPRINGER. Yes, sir; and I have stated further that all acts of Congress since this codification was made are in print, and the ordinances and regulations and orders and rules of the District of Columbia, I presume, have been printed if they expect anybody to obey them.

Mr. HEMPHILL. Oh, you presume they have been printed.

Mr. SPRINGER. Yes. If they are orders directed to municipal officers they are presumed to be printed; because no one is expected to take cognizance of them except the officer to whom they are addressed.

Mr. ROWELL. Does my colleague know that once there was a District Legislature here which passed laws, and which laws are now in force?

Mr. SPRINGER. Oh, yes; but they are presumed to be consolidated in this volume.

Mr. ROWELL. Oh, no; you are entirely mistaken.

Mr. SPRINGER. Why, it so states here in the very caption of it which I have read.

Mr. GROUT. Oh, no; that says the statutes of the United States relating to the District of Columbia. That is all.

Mr. SPRINGER. The District is now under the exclusive jurisdiction of the United States, in fact it has always been, and whatever statutes were made here by the municipal government were made in pursuance of the laws of the United States.

But, Mr. Speaker, the proposition here is to pay $5,000 for the manuscript compilation to which reference is made in this bill, the impression being that the laws and ordinances therein contained are still in force in the District of Columbia. After this volume is printed, which is already in manuscript, what does it amount to under this bill? It is simply the expression of opinion on the part of the compiler as to what laws are in force. It is not given the force of law by the passage of this act. It can not be given the force of law unless it is enacted as law by Congress. It may prove to be true that through inadvertence statutes have been omitted altogether, or else that laws which have been heretofore repealed are re-enacted by this compilation. That is one of the dangers arising from this method of legislation. The fact is that the statutes are now either in force in the District or they are not in force; and the only advantage that this digest would produce would be the convenience of reference and facility of reference it would afford which has heretofore not existed. That is the only advantage, the convenience of reference, and it would be of advantage to the profession in this city in that connection. The gentleman desires to appropriate $5,000 by this bill for that purpose; that is to say, the bill proposes to purchase the compilation outright.

Now, if we desire to use it after purchasing it we must print it at the Government Printing Office, and copyright the book. What I was going to suggest is that if it is necessary to have the compilation at all, and I admit it is valuable, then instead of buying the manuscript for $5,000 and having it copyrighted and printed at the Government Printing Office, and thus deprive the profession of the means of securing copies of it in the ordinary method, being only able to get them through the members of Congress, beg them at the Departments, or buy them in the junk-shops, let us do it in a business-like way, and say, as the book is probably valuable, we will buy some copies to supply the District authorities.

We will buy 500 copies of it for the use of the District, which will be enough to supply the various District officials, the courts of the District, and the Houses of Congress, and you can yourself have it printed, and retain your own copyright on it, and sell to the members of the profession in this city, or any other persons who choose to purchase it. We are willing to pay you $3 a volume for 500 copies, which is a good price. Then he will own the copyright himself, and he can sell it to anybody else. The Government, I repeat, has no use for the book except to supply such officials of the District as it may be necessary to supply, and it is not the business of the Government to furnish the profession in Washington with their law-books.

I yield now so much time as the gentleman from Georgia may want.

The SPEAKER. The gentleman has the remaining part of an hour.

Mr. BLOUNT. Mr. Chairman, my friend from South Carolina gets a little nervous upon this subject——

Mr. HEMPHILL. I trust the gentleman from Georgia will not begin his remarks in that way. He totally misapprehends me. It is a matter of entire indifference to me whether the bill passes or not. I am only doing my duty.

Mr. SPRINGER. The gentleman would hardly have told me that I did not know what I was talking about, I presume, if he had not been a little nervous.

Mr. HEMPHILL. Well, I thought you knew something about what you were talking of.

Mr. SPRINGER. And I am glad to know that the gentleman from South Carolina is assuming his usual equanimity.

Mr. BLOUNT. I assume the gentleman from South Carolina to be a little nervous, because he has been kind enough to insinuate that I had not read the bill, and that——

Mr. HEMPHILL. I think the gentleman is mistaken. I did not say exactly that.

Mr. BLOUNT. That was apparently the intimation, and the gentleman from Illinois was charged time and again with ignorance of the laws of the District——

Mr. HEMPHILL. Well, that may be.

Mr. BLOUNT. Which indicates decided nervousness on the part of my friend from South Carolina, for it is not his ordinary style.

But, Mr. Speaker, I asked the gentleman whether there had been a codification of the laws of the District. He was uncertain. He did not remember whether there was a code or not. I think the notes of the stenographer will show that there was a lack of information, according to the statement of the gentleman from South Carolina, in respect to the water regulations; and he made a further statement that there was lack of information in regard to the public debt of the District, about which, Mr. Speaker, there is just as much reasonable doubt as there is as to the public debt of the United States, and that it was necessary by this compilation to supply this deficiency.

But, sir, we have the code here. I have it before me. It has been said that there was nothing in it with reference to regulations about the water-works and what had been done in reference to the water taxes, levying assessments for water, collection of water rents, the levy

court, and other matters of that kind. I find in this code a compilation upon all these subjects, and that in reference to the water-works covers all subjects relating to that branch of the city's service: "the unlawful tapping of the water mains;" "penalty for tapping, or for injuring the pipes or fixtures;" "how prosecuted;" "schedule of water rates;" "how established and collected;" "not to be a source of revenue for any other purpose, but to constitute a fund for the maintenance of the water service;" "water rents derived from Washington Aqueduct;" "how applied;" "water service;" "supply from aqueduct main, or pipes;" "how regulated;" "water rates;" "how established;" "waste of water to be prevented;" "water may be shut off, when;" "use of water for mechanical and manufacturing purposes allowed, when;" "for private purposes, etc.;" "regulation of supply to manufacturing establishments;" water rents;" "how to be applied;" "penalty for unlawful tapping;" "injuring water pipes," and various other regulations of the city made by the District of Columbia to which reference has been made in the general title under this head in the volume before me.

Then it has been said that there was nothing here in reference to the laws of the levy court and those provisions of law and ordinance that have continued in force: in relation to the collection of money, the enforcement of contracts, the collection of unpaid taxes; suits for or against not abated by the act of February, 1871; property of county vested in District, etc.

So, Mr. Speaker, I think I have made a statement here in reference to matters that have not heretofore appeared and that are likely to be of some value in reaching a proper conclusion in relation to this bill. So far as I am individually concerned I do not care a great deal about it. I have happened in times past to come across compilations made by Government officials, first in one Department of the Government and then in another. Their preparation has generally been accepted by the House as a very nice scheme, perhaps not wanting in some convenience to the public, but largely impelled by the idea of compensation to the person doing the work. I have had some experience in this regard, and when this matter came up I took the liberty of expressing my dissent, nothing more.

Mr. McCOMAS. I should like to ask the gentleman from Georgia a question. I did not quite hear him. The gentleman was referring to the statutes, general and permanent, codified in the general revision. Is not that so?

Mr. BLOUNT. Yes.

Mr. McCOMAS. What did the gentleman say with respect to the ordinances and regulations passed by the District Legislature and by the several boards of control at different times, which have now the force and effect of law and are not included in that book?

Mr. BLOUNT. I do not understand they are not included.

Mr. McCOMAS. Does the gentleman from Georgia understand that this codification embraces all the acts of the District Legislature?

Mr. BLOUNT. I do. Was it not made the law? Why should it not be?

Mr. RAYNER. It does not, though. It is the Revised Statutes of the United States.

Mr. BLOUNT. Now, Mr. Speaker, if the gentleman will allow me I will say that I find in the index—I have not time to hunt it up now—what laws and ordinances of the levy court continue in force, etc.

Mr. McCOMAS. In force at what time?

Mr. BLOUNT. At all times.

Mr. McCOMAS. In force up to what time?

Mr. BLOUNT. In force in 1875.

Mr. McCOMAS. In force up to 1875.

Mr. BLOUNT. Yes, sir.

Mr. McCOMAS. The District government was not changed until after that time.

Mr. BLOUNT. To what time do you refer now?

Mr. McCOMAS. Eighteen hundred and seventy-eight.

Mr. BLOUNT. That would be three years afterward.

Mr. McCOMAS. That was prior to that time, and since the ordinances, regulations, and municipal statutes which were made by bodies and authorities competent to enact them, which have the force of permanent law, and are not statutes of the United States. But I am taking up the time of the gentleman from Georgia, and unless he is willing to yield to me——

Mr. BLOUNT. Certainly; the gentleman may go ahead.

Mr. McCOMAS. The gentleman will yield me a little of his time?

Mr. BLOUNT. Certainly; I am not interested in this matter.

Mr. McCOMAS. These important municipal regulations are nowhere contained in that volume. They are a floating and nebulous mass. They are in the books of the old District government in their several board regulations which under the authority of the Legislature had the right to pass certain health and other ordinances which would have the binding effect of law.

Mr. RAYNER. Will the gentleman allow me to say a word?

Mr. McCOMAS. Yes.

Mr. RAYNER. As I understand it that book contains none of the ordinances of the levy court, no municipal legislation, no District legislation. It is a book containing the Revised Statutes of the United States in reference to the District of Columbia; nothing else.

Mr. BLOUNT. Just there, under the head of "levy court," there is a declaration in terms of what laws and ordinances of that levy court are continued in force.

Mr. ATKINSON. Turn to the text and see what it says.

Mr. BLOUNT. I will hunt it up.

Mr. McCOMAS. Meantime I want to say this, that it is simply a codification of the statutes of the United States passed by Congress relating to the District of Columbia, which are general and permanent in their nature; and it contains nothing else. The immense body of municipal regulations of the recent District government and of the several boards of control which from time to time by act of Congress or by act of the District Legislature had the power to make ordinances—all those permanent ordinances are now floating out in a chaotic way.

Mr. DOCKERY. Will the gentleman allow me to ask a question?

Mr. McCOMAS. I will.

Mr. DOCKERY. I desire to know for information whether there has not been a printed compilation of the ordinances, rules, and regulations sought to be printed under the bill.

Mr. McCOMAS. I will say to the gentleman that the history of attempts at codification and compilation in this District has been just what the gentleman can see this morning here.

When I was a member of the committee in the Forty-eighth Congress I had a bill providing for the codification of the criminal code of this District, and looking back over twenty years to find out what had been done in this direction, I found that effort after effort had been made and had been killed in Congress; so that after six years spent in this body I am now in favor of anything that comes up for this purpose, either for a compilation of the general code or the criminal code. Three or four years ago I saw a part of this compilation which was then being made by the same gentleman. He came to me with letters from the then commissioners, or from one of the judges of the court, and I spent three or four evenings looking over the volume and also over another volume by the same compiler, the publication of which I understand this House has already provided at this session. There were, as Mr. Kern well knew, two distinct bodies of law. The other compilation to which the gentleman from Georgia refers is a compilation of the statutes which are general and permanent in their nature, and I am informed by my friend on the committee that nearly three months ago a bill providing for the publication of that compilation passed this House and is now pending in the Senate. The compilation we are now considering is to cover the rules and ordinances of the various bodies which have had jurisdiction from time to time of the municipal affairs, not of the District of Columbia, but of the municipality of Georgetown and the municipality of Washington, and therefore it will cover the two combined.

Mr. DOCKERY. How was the compilation which the gentleman says passed three months ago authorized?

Mr. McCOMAS. I understand that this House passed a bill providing for a commission to make a compilation of the statutes, and this bill simply proposes to supplement that, not for the whole District, but for the most important parts of it—the city of Washington and the city of Georgetown. Now, I confess that I think it would have been better to have had the District court examine and approve this compilation, but having seen how for twenty years every attempt to get these laws and regulations into definite shape has been defeated, I am now prepared to vote for any proposition that will tend to clarify and make certain the rules and regulations and ordinances relating to the municipal affairs of the District. The general laws have already been provided for. The municipal ordinances and regulations of Georgetown and Washington are cared for in this bill, and though it is not in the best shape, yet I am in favor of it in any shape.

Mr. GROUT. If the gentleman from Georgia [Mr. BLOUNT] is through I wish to say a word, although I hardly think it is necessary after the explanation which the gentleman from Maryland [Mr. McCOMAS] has given in reply to the position taken by the gentleman from Illinois [Mr. SPRINGER] and the gentleman from Georgia [Mr. BLOUNT] on this subject. The gentleman from Maryland, however, has said that he would have this compilation settled and approved by the District court.

Mr. McCOMAS. I shall vote for this bill.

Mr. GROUT. I understand that; but I was about to tell the House why the committee did not recommend that this should be referred to the District court. They thought that as inasmuch as there is always at least one lawyer among the District commissioners, and inasmuch as this is a subject purely municipal in its character coming so little to the knowledge of the court and so entirely within the knowledge of the commissioners as the executive power of the District, the commissioners would be the more suitable tribunal to review and consider the completeness of the compilation. If, however, the committee was in error in that respect, the court can be substituted as the tribunal to pass upon the compilation; but it still seems to me that the commissioners are the better judges of the matter. The gentleman from Georgia [Mr. BLOUNT] says that the compilation of statutes

which has been referred to keeps in force the laws of the levy court and of certain other municipal organizations. So it does. It leaves them in force, but it nowhere gathers up those laws and tells us what they are. It may do so to some extent, but it certainly does not do it fully. I ask the gentleman from Georgia to read the provisions which keep these laws in force, as I see he has the volume before him.

Mr. BLOUNT. Those very statutes are referred to in this codification and are published.

Mr. GROUT. Published where?

Mr. BLOUNT. They are printed like the other documents cited by Congress in the adoption of this very statute.

Mr. GROUT. Laws running through the whole history of this territory since its colonization, because at one time it was under the laws of Maryland and was afterwards ceded to the United States.

Mr. BLOUNT. Those were general statutes; and my friend does not undertake to say that those laws are not embraced in this codification.

Mr. GROUT. I undertake to say that those laws are not arranged and set forth in the compilation to which the gentleman refers. They are recognized as in force, but we are left to struggle through mazes of uncertainty in order to ascertain what they are, not only in regard to municipal matters but in regard to general provisions of law relating to the District. Here and there we may have a gleam of light upon the subject; that is all.

Gentlemen, when they look carefully at this bill, will find that it provides simply for a revision of all the laws, rules, regulations, etc., relating to the municipal affairs of the District—relating to the city of Georgetown as well as to the city of Washington—for the provisions of law relating to these two divisions of the District are not in all cases the same, because these two cities had separate municipal organizations for many years.

Mr. OATES. But you do not propose to embrace in the compilation all the laws of the District.

Mr. GROUT. That is provided for in a bill which has passed this House. Steps were taken some weeks ago, as the chairman of the committee has stated, to ascertain what those laws are. That bill I had the honor myself to report; it looks to inquiry in that direction. But the present bill relates to a system by itself; it applies to municipal affairs.

Now, as to the revision of the statutes of the District of Columbia. When you find there something in relation to the water-works of the city you find but a mere outline or skeleton; you find provisions giving the executive authorities of the city certain powers to make rules and regulations. Those rules and regulations of recent date have been printed and preserved and can be found; but when you undertake to go back to the regulations of the levy court, relating not to the water supply, but to taxes, you must, of course, refer to the municipal enactments—the city ordinances of Washington and Georgetown; and in that respect the enactments applying to the District are, as my friend from Maryland [Mr. MCCOMAS] has said, nebulous, so that only the most diligent inquiry can ascertain what they are.

Mr. ANDERSON, of Illinois. What do we want at any rate with those old rules?

Mr. GROUT. I must say that when the subject was first brought to my attention I was inclined to say as the gentleman from Illinois would now suggest, "Let us clean out all these old rules by a codification of the laws of the District; let not the spectacle longer exist of the capital of the country being absolutely in confusion as to its public and municipal laws. But I found a sentiment strongly prevailing with the courts, with the bar of the District, and with the commissioners that these old rules be got together and retained as a system; and finally, as one member of the committee, I came to the conclusion that these old rules, when collected and intelligently presented in a compact form, would probably answer every purpose.

The commissioners have recommended this legislation. If, when they come to make the examination contemplated, they find this proposed revision is not in proper form, they will reject it, as they have the right to do.

Mr. BLOUNT. Allow me a suggestion. It was stated a few moments ago—I do not know whether by the gentleman himself or by one of his associates on the committee—that efforts heretofore made to codify the various laws, ordinances, etc., relating to the District have failed in previous Congresses.

Mr. GROUT. The gentleman from Maryland [Mr. MCCOMAS] said that.

Mr. BLOUNT. I wish to ask my friend whether the discussion, the delay, and the failure attending such effort did not grow out of an attempt to ingraft new legislation into that codification.

Mr. GROUT. No, sir. As I read the records of those debates, the difficulty grew out of objections of gentlemen who had not made a careful study of this matter and were not quite willing to credit the District Committee with the ability to instruct them. The failure was due also in part to various other causes which operate in a large body like this—such as the fact of the District legislation failing to receive its proper share of consideration, and other causes entailing delay from which legislation often fails.

Mr. BLOUNT. Allow me to state a single fact which I am quite sure the gentleman from Pennsylvania and the gentleman from Indiana will remember, that in the Forty-sixth or Forty-seventh Congress there was a failure of the proposed codification of District laws, principally because of attempted changes in the laws relating to taxation. That is why the proposed codification was opposed and why it failed.

Mr. GROUT. The gentleman from Illinois has asked me, why not wipe out the old rules and bring in new rules? In reference to that suggestion, I for one finally concluded that the safe way was to gather up these fragments scattered through the history of the District and collect them together with the hope that they would be a sufficient rule.

Mr. BLOUNT. I am not complaining at all of that suggestion; but I did not want the statement to go uncontradicted that hitherto codifications have been obstructed, when in fact those attempts were not for codification, but for new legislation, to a very large extent.

Mr. GROUT. I presume the gentleman is right with reference to the matter to which he has referred. I now yield to my colleague on the committee, the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. Mr. Speaker, everybody who has had anything to do with the District laws knows how difficult it is, how much time it takes, to find out what are really the existing laws applicable here. There are the laws of the old corporation of Georgetown, which apply within the corporate limits of what was once Georgetown. There are the laws of the District Legislature as it existed for some time. There are the laws of the municipal councils, which regulated the government of the District when it had not a local legislature. There are the laws of the old levy court, under which all the roads were laid out. These various provisions of law are only referred to in the Revised Statutes of the District, and are not incorporated there.

Now, this manuscript volume which this bill proposes to have examined I have examined quite critically. It purports to gather up and put into a volume all of the various enactments pertaining to municipal affairs, with a complete index showing where each one of them may be found—a complete tracing up of the history of municipal legislation.

So far as I have been able to examine it, it will supply completely the purpose for which it was intended. It will enable Congress and the committees of Congress, without searching for weeks, to find out exactly the situation of the law here, and if there is anything wrong to apply the remedy with certainty, with exact knowledge of the law as it is, and therefore with opportunity to wisely change whatever is wrong. Without it it is utterly impossible to properly revise the laws of the District. Without it it is utterly impossible for the District Committee to wisely consider questions coming before it.

Whenever there is any question about a change of regulation we have to resort to the District commissioners and they to the attorneys, who hunt down and trace out what it is through those printed volumes and all those manuscript books, and even then we have no certainty they have not overlooked something. Here is a proposition to consolidate, to properly index all these laws for the information of the people of the District and for the information of the committees of Congress.

Now, Mr. Speaker, I believe there ought to be a complete codification of the criminal laws; that there ought to be a new code here as we have it in the States. I believe there ought to be a new civil code for the District of Columbia. Such codes could be readily prepared by the Committee on the District of Columbia if they had this volume printed and accessible, but they could not be prepared without it, and without it in the hands of members of Congress such a code could not be passed by Congress.

I do not know how we could spend money better, not only for the District of Columbia, but for the members of Congress themselves.

Mr. HEMPHILL. Mr. Speaker, I do not desire to consume the further time of the House in reference to this bill. It is a simple question whether the municipal ordinances and orders passed by the various tribunals here shall be codified in a way that they shall be accessible to the people who shall have to use them or not. I have heard nothing since my remarks which has shaken my view as to the passage of the bill. I now demand the previous question.

Mr. RANDALL. Will the gentleman permit me to move an amendment striking out "$5,000" and inserting "$2,000?"

Mr. HEMPHILL. If you do that I do not think he will sell for $2,000, or, if he does, he ought not to.

Mr. RANDALL. I think the value of the book has been exaggerated.

The SPEAKER. Does the gentleman yield to the gentleman from Pennsylvania?

Mr. HEMPHILL. I do not want any such amendment introduced if I can help it. I withdraw the amendment which I submitted providing for the payment of one half by the District and the other half by the United States, as I learn it is already provided for in the second section.

Mr. RANDALL. I ask that the gentleman allow my amendment to be submitted.

Mr. HEMPHILL. I will withdraw the previous question for that purpose.

Mr. RANDALL. I move to strike out "$5,000" and insert "at a sum not to exceed $2,000."

Mr. HEMPHILL. I demand the previous question.

Mr. GROUT. Will the gentleman from Pennsylvania allow me to ask him if the commissioners think this manuscript volume worth $5,000, if after examination they are satisfied of that fact, I do not see why they should be limited to the payment only of $2,000? Why not let the sum remain as it is in the bill, and then let the commissioners pay what they are satisfied the volume is worth?

Mr. RANDALL. My experience is that wherever you appropriate money in a bill the full amount appropriated goes out of the Treasury.

Mr. HEMPHILL. I agree with the gentleman about that.

Mr. GROUT. This is not appropriated.

Mr. HEMPHILL. Oh, yes, it is appropriated. I should like to ask the gentleman from Pennsylvania whether he has seen these volumes.

Mr. RANDALL. No, I have not, but I do not think they are of the value you expect in reference to this District.

I know the fact that the police attend to such regulations as the gentleman refers to; and whatever may be the course of the committee, whether they purchase this compilation or not, that must be the end of it after all. All these things must be looked after by the police authorities.

Mr. OATES. I would suggest to the gentleman from Pennsylvania as a fair compromise to make it $3,000.

Mr. RANDALL. Very well; I have no objection. The trouble is that it will be sent over to the Senate, and, speaking with the utmost respect of that body, it is very apt to be enlarged after it reaches there. If I could get the assurance of the chairman of the committee that he will stick to $3,000, then I will feel more confident.

Mr. HEMPHILL. My information is only such as we have been able to gather in committee. I know the book is admirably compiled. It is hard to fix the value of such a thing. It has, of course, no value outside of the District. It could not be sold to advantage anywhere else than here.

Mr. RANDALL. Well, it is of more value to the lawyers who come in contact with the city government than anybody else.

Mr. HEMPHILL. Well, we can make the lawyers pay for it, and just in the same way that they pay for the Supreme Court reports.

Mr. RANDALL. This looks also to the printing of this compilation after we have paid the money to obtain possession of the right.

Mr. HEMPHILL. When it is found to be satisfactory after this investigation, then we may also have it printed and give the right to purchase it to anybody who is willing to pay the price which may be fixed upon it at the Government Printing Office.

I call for the previous question upon the bill and pending amendment.

Mr. SPRINGER. I ask the gentleman to yield to me for a moment to allow another amendment to be pending under the operation of the previous question.

Mr. HEMPHILL. What is the amendment?

Mr. SPRINGER. To insert after the word "purchase," in line 18, page 2, the words "five hundred copies of—at the sum of $3 each." This provides for the purchase from the compiler of 500 copies at $3 each.

Mr. HEMPHILL. I can not yield for that. It changes the whole scope of the bill and the scheme of the committee in framing it as it is.

The previous question was ordered; on a division there being—ayes 34, noes 13.

The question recurred upon the amendment of Mr. RANDALL.

Mr. SPRINGER. Let the amendment be again read.

The Clerk read as follows:

In line 19 strike out "five" and insert "two;" so it will read "not to exceed $2,000."

Mr. OATES. Mr. Speaker, I did not gather from the reading of the amendment that the gentleman had modified it as I understood him to agree to do.

Mr. RANDALL. Upon reflection, and after conference with others, it is thought that $2,000 is enough.

The question was taken; and on a division there were—ayes 32, noes 18.

So the amendment of Mr. RANDALL was adopted.

The same amendment was adopted in line 2 of section 2.

The bill as amended was ordered to be engrossed for a third reading.

The question being upon the third reading of the bill, the question was taken; and on a division there were—ayes 37, noes 12.

So the bill was ordered to a third reading, and was accordingly read the third time.

The question recurred upon the passage of the bill as amended.

Mr. SPRINGER. Pending that, I move that this bill be recommitted to the Committee on the District of Columbia.

Mr. HEMPHILL. Is that debatable?

The SPEAKER. The previous question not having been ordered, the motion is debatable.

Mr. BRECKINRIDGE, of Kentucky. I move to amend the motion to recommit the bill.

The SPEAKER. The motion to recommit is susceptible of amendment, and whether before or after the previous question is ordered.

Mr. BRECKINRIDGE, of Kentucky. Then I move to amend the motion to recommit by instructing the Committee on the District of Columbia to report a bill providing for the appointment of a commission to codify the laws of the District.

Mr. SPRINGER. I will withdraw my motion and agree to the motion to recommit with that amendment.

Mr. GROUT. Will the gentleman allow me to ask that he limit the expenses of that commission to $50,000?

Mr. SPRINGER. If the gentleman will allow me, I will put a limit upon it that it shall not exceed $1,000.

Mr. HEMPHILL. I move that it be done by convict labor [laughter] or Chinese labor.

Mr. Speaker, I trust the House will not send this bill back to the committee. We all know that it amounts to nothing to pass a bill providing for the codification of the laws of the District. It has been tried for twenty years without success. This is a provision to get something like a compilation of the laws as they exist, in order that the District Committee may have something to act upon when they come to consider matters relating to the District.

I call the previous question upon the motion.

Mr. BRECKINRIDGE, of Kentucky. I hardly think it fair that the gentleman should call the previous question upon the motion of this side.

Mr. HEMPHILL. Very well, I will yield to the gentleman.

Mr. BRECKINRIDGE, of Kentucky. The idea in making the motion is that every compilation of the laws of the District of Columbia is a step in the wrong direction. That every attempt to obtain a compilation of these laws, many of them being obsolete, part being the old common law system, part the laws of the State of Maryland, and part the ordinances of the city council or municipality of the city of Washington under the various forms of the city government extending back for nearly a hundred years is, I repeat, a step in the wrong direction; and the right thing to do is for a code to be prepared for the government of the District, which code can be enacted into law by the Congress of the United States, which will work a repeal of the old obsolete forms of law; and in that manner alone can we make a satisfactory system of laws for the District.

Mr. HEMPHILL. Do you not know that has been attempted here and has failed every time?

Mr. BLOUNT. If the gentleman will allow me, I would like to say there has been a so-called attempt to codify, but the effort has gone beyond a codification and aimed at important legislation. There has been resistance to that legislation, not to codification.

Mr. HEMPHILL. You are obliged to have new laws in a codification; otherwise it is a compilation.

Mr. BRECKINRIDGE, of Kentucky. In a certain sense the gentleman from South Carolina [Mr. HEMPHILL] is right. There may be new laws in the codification in the sense that they have new validity given to them by the legislative act of Congress. But a codification of the laws that ought to govern the District of Columbia is not an impossibility. It has been done in various States under the name of revised statutes, general statutes, and other names. There are a number of lawyers at the bar of the District of Columbia that can do it. The gentleman himself is wholly competent to do it.

Mr. HEMPHILL. I agree to everything you say; but it never has been done. You know perfectly well we never can get a quorum here to pass a District bill. We have only one day at a time. Unless we get a compilation of the laws, so we can know what they are before we undertake to codify them, we never will get a codification

Mr. BRECKINRIDGE, of Kentucky. The whole argument of the gentleman, when reduced to plain English, is that the Congress of the United States will not perform its duty and is incompetent to codify the law for the District of Columbia.

Mr. HEMPHILL. Not incompetent, but it will not do it.

Mr. BRECKINRIDGE, of Kentucky. I am not willing to pass a law to print a compilation of certain laws of the District of Columbia upon the hypothesis that Congress will not perform its duty and is incompetent to perform its duty.

Mr. BLOUNT. The three commissioners, two of which are not lawyers, can do it.

Mr. BRECKINRIDGE, of Kentucky. I believe it is easier to prepare a code for the government of the District of Columbia than it is to make an intelligent and reliable compilation of the various laws which may apply to this District. It is a very doubtful legal question concerning many of these statutes and ordinances as to whether they do now have the validity of law or whether they have been repealed by subsequent acts. That legal question is to be decided by the compiler. It does not have to be decided by the codifier who is making a statute which is to be enacted. That is the ground upon which I moved to amend the motion made by the gentleman from Illinois [Mr. SPRINGER], that it was a step in the wrong direction to attempt to make an authoritative compilation of the laws that might now apply to the District of Columbia, for it postpones the possibility of doing what ought to be done, to wit, the codification and enactment of a statute which ought to be passed by Congress for the government of the District of Columbia.

Mr. HEARD. Will the gentleman allow me to say a word?

Mr. BRECKINRIDGE, of Kentucky. Certainly.

Mr. HEARD. It is this: We concede the importance of the codification of the laws; but I ask the gentleman if it is not necessary, or certainly if it is not a step in the right direction, to have a compilation of the District laws, or what is understood to be the District laws, to make the foundation of the codification?

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly the more the man who is to codify knows of the law and its history the better he will be competent to discharge his duties; but it is not worth $2,000 to purchase this compilation for the purpose of codifying the law. If the gentleman from Missouri [Mr. HEARD] and the gentleman from South Carolina [Mr. HEMPHILL] will undertake to draw up a code for the District of Columbia I have no doubt they would draw a better code than the law now in existence in the District of Columbia. I think I can say that without being guilty of any fulsome flattery of the two gentlemen.

Mr. HEARD. I thank the gentleman from Kentucky for his flattering remark——

Mr. BRECKINRIDGE, of Kentucky. I do not flatter. I am only just.

Mr. HEARD. But I think it is a very doubtful compliment when he says that we or any other two lawyers could draw a better code. I believe the District of Columbia has the poorest apology for a code that exists on the earth to-day.

Mr. BRECKINRIDGE, of Kentucky. And yet you think you can not draw a better one.

Mr. HEARD. Yet, Mr. Speaker, I think we ought to know what is understood to be the law here to-day. I believe in order to get an intelligent code we ought to have a compilation of the law as it is supposed to be to-day.

Now, Mr. Speaker, as to whether it is worth $2,000 or $1,000, that is a question for the House to determine. The committee have given the matter a good deal of attention. I submit this to the gentleman from Kentucky. He says our suggestion proceeds upon the hypothesis that Congress is incompetent to codify these laws. I say the gentleman is wrong. We do not proceed upon any such hypothesis. We do proceed upon the hypothesis that the gentleman meets us on that these laws ought to be compiled and codified, that there ought to be put before the people of the District and the country a code of laws for the District that can be understood. Mr. Speaker, I would like to know whether the gentleman proposes to have Congress itself codify these laws? Does he propose to raise a commission from the membership of this House to codify these laws?

Mr. BRECKINRIDGE, of Kentucky. What I proposed was that the Committee on the District of Columbia, in whose intelligence I have great confidence, should themselves, under the instructions of the House, report a suitable mode of carrying out the will of the House, which, if this resolution is adopted, will give us a code drawn up by a commission which shall be appointed in the mode reported by the committee.

Mr. HEARD. Now I think I clearly understand the gentleman's proposition. It is that the House in the first place shall disagree to our proposition to have the laws as they are supposed to exist compiled as the material for a codifying committee when raised.

Mr. BRECKINRIDGE, of Kentucky. That the House disagree with the proposition of the committee to have printed at the expense of the Government the present manuscript compilation. That is what the House does, not merely by disagreeing and stopping at that point, but by going a step further and directing a codification, the mode of which shall be left to the commission; and if they choose this mode I for one have no objection.

Mr. HEARD. Then I accept the issue as made by the gentleman from Kentucky [Mr. BRECKINRIDGE], and I submit that it is the judgment of the Committee on the District of Columbia that there ought to be a compilation of what is supposed to be the existing law as a predicate for the work which he recommends. Whether the price named here is too great or not is a matter to be determined by the House, but it is the judgment of the committee that there should be a compilation of what are supposed to be the existing laws as a predicate for the work which the gentleman from Kentucky himself recommends.

Mr. HEMPHILL. I yield five minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER. Mr. Speaker, it seems to me that the proposition of the gentleman from Kentucky [Mr. BRECKINRIDGE] is correct as far as it goes; but I know of nothing which is more needed than a thorough compilation and codification of the laws of the United States as applicable to the District of Columbia. When I came here in the early part of this session I had occasion to examine a question in which it was necessary to ascertain what were the laws appertaining to the District of Columbia upon a given subject. I inquired of one or two of the very reputable lawyers in this District where I could find a code or compilation of those laws, and nowhere could they point me to it. The proposition of the gentleman from Kentucky [Mr. BRECKINRIDGE], it seems to me, is, however, defective in this. With regard to many suits now in existence, or that may hereafter be instituted, it becomes necessary to know, not only what is the existing code of laws appertaining to the District, but also what have been the laws heretofore under the various forms of government which have existed at different times in the cities of Washington and Georgetown and the District of Columbia. In such cases a codification or compilation merely of the future laws of the District would not of course apply.

You want to know not merely the existing law but the former laws, and in order to get that knowledge a compilation of this general character is necessary, and, as I have already said, I know of no work which is more imperatively demanded by the people resident in the District, by the Congress of the United States, and by the attorneys who practice law in this District than such a compilation of the laws and regulations appertaining to the District. This bill proposes to give the commissioners of the District discretion, under the advice of their District attorney, to examine the work which has been done by the gentleman named in the bill, and ascertain whether it constitutes a proper compilation of these laws and regulations, and whether it is worthy of being purchased and published as such. The commissioners are given discretion, under the advice of their attorney, to examine the work and pass upon it, and the sum of $5,000 which is named in the bill is in my judgment a mere bagatelle in view of the importance of this work.

Mr. MCADOO. I want to make a suggestion to the chairman of the committee. I have been voting against this bill, and my idea has been this: I have thought that we could get for about a thousand dollars a compilation of the laws of the District which would serve every purpose. It ought not to be difficult to get the work done. The city which I represent is a large city; it has a legislative history of nearly sixty years; our legislative sessions are annual, and the number of charters and enactments with reference to the city is very great; yet the whole body of these charters and laws was very intelligently compiled at a cost of about $500. I admit that it is necessary that there should be not only a compilation but a codification relating to the District; but the first step is a compilation, and I suggest to the able chairman of the Committee on the District of Columbia that he allow this bill to be recommitted, and let us have some one or two men designated to make such a compilation as the first step.

Mr. HEMPHILL. But here is a compilation already made, which is to be subjected to the scrutiny of the commissioners and of the attorney for the District, four gentlemen who are certainly as well qualified to pass judgment upon it as any that we could find here. The work is already done. If it is satisfactorily done we may as well buy it. Of course, if it is not properly done we shall not buy it and shall not pay a cent for it.

Mr. MCADOO. It seems to me that the price is very high.

Mr. HEMPHILL. Well, the bill does not say that we shall pay $2,000; it simply says that the price shall not exceed that sum.

Mr. BRECKINRIDGE, of Kentucky. Does not the gentleman know that when we authorize the purchase at not more than that price, it necessarily means that we shall pay that price? I do not myself object to the price. In fact, I do not know but $5,000 may be a proper price for the work.

Mr. HEMPHILL. Well, the amount has now been limited to $2,000.

Mr. BRECKINRIDGE, of Kentucky. I did not object to the price. My idea was that the compilation would rather postpone than hasten the codification.

Mr. HEARD. Not at all. It is the first step toward codification.

Mr. MCADOO. The greatest code ever made in this country was the New York State code, by Mr. David Dudley Field and his associates, and I think you will find that the price which this bill proposes to pay for codifying the laws of this District is very much larger than what was paid to that distinguished lawyer for his code, which has attracted international attention.

Mr. HOLMAN. I hope the gentleman from South Carolina will call the previous question and let us dispose of this matter.

Mr. HEMPHILL. I call the previous question.

The previous question was ordered.

The SPEAKER. The first question is on the motion to recommit. Did the gentleman from Illinois [Mr. SPRINGER] propose to modify the motion so that the expenditure shall not exceed $1,000?

Mr. SPRINGER. I will not press that modification; that matter can be arranged in the committee.

The question being taken on the motion to recommit the bill to the Committee on the District of Columbia with instructions, it was not agreed to; there being—ayes 10, noes 31.

The bill was then passed; there being—ayes 40, noes 12.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECORD OF WILLS IN THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. I now call up the bill (H. R. 1514) relating to the record of wills in the District of Columbia. This bill has been returned from the Senate with an amendment, in which the District Committee recommend concurrence.

Mr. HOLMAN. I trust the gentlemen from South Carolina will now permit the Public Lands Committee to go on with their bill. I think the gentleman ought to consent to that.

Mr. HEMPHILL. If the gentleman will be patient a little while, I think we shall soon get through with our business.

Mr. HOLMAN. I shall have to raise the question of consideration. We are losing a great deal of time on unimportant measures.

The SPEAKER. The Chair will state to the gentleman from Indiana that the amendment proposed to this bill is simply to insert a few words.

Mr. HOLMAN. If this is merely a formal amendment I do not object to its being acted upon.

The amendment of the Senate was read, as follows:

In line 4, after the word "Columbia," insert "or by the late orphans' court of said District."

The amendment was concurred in.

AMENDMENT OF DISTRICT REVISED STATUTES.

Mr. HEMPHILL. I now call up another bill which has been returned from the Senate with an amendment—the bill (H. R. 3290) to amend section 685 of the Revised Statutes relating to the District of Columbia.

The SPEAKER. The Committee on the District of Columbia recommend non-concurrence in this amendment.

Mr. HEMPHILL. With the consent of the members of the committee I withdraw the recommendation for non-concurrence and ask the House to concur in this amendment. It simply provides that in case of serving a summons, the party shall not be bound by service at his residence upon a person who is less than sixteen years of age.

The amendment of the Senate was read, as follows:

In line 11, page 1, strike out "twelve" and insert "sixteen."

The amendment was concurred in.

ORDER OF BUSINESS.

Mr. HEMPHILL. I now call up House bill No. 7647 to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia. This bill was the unfinished business of the last District day.

The SPEAKER. The Chair will state that at the adjournment on the last day when District business was under consideration, House bill No. 7647 was pending upon a motion made by the gentleman from Pennsylvania [Mr. BAYNE], not now present, to strike out the enacting clause.

Mr. HOLMAN. I raise the question of consideration against this bill and in favor of the land bill.

The SPEAKER. The gentleman from South Carolina, on behalf of the Committee on the District of Columbia, calls up House bill No. 7647, to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia. On this bill the gentleman from Indiana raises the question of consideration, stating that he desires the House to consider the bill known as the public-land bill. The question is, Will the House now proceed to consider House bill No. 7647?

The question was decided in the negative—ayes 15, noes 34.

REFORM SCHOOL FOR GIRLS, DISTRICT OF COLUMBIA.

Mr. HOLMAN. I hope there will now be no objection to permitting the public-land bill to be called up. I shall have to raise the question of consideration against any bill which the gentleman from South Carolina seeks to have considered.

Mr. HEMPHILL. I call up the bill (H. R. 1361) to incorporate the Reform School for Girls of the District of Columbia. This bill has been returned from the Senate with amendments.

The SPEAKER. Upon this bill the gentleman from Indiana [Mr. HOLMAN] raises the question of consideration, for the purpose already indicated. The question is, Will the House now proceed to consider this bill?

The question was decided in the negative—ayes 15, noes 28.

ORDER OF BUSINESS.

Mr. HOLMAN. In view of the expression of the sentiment of the House, I hope my friend from South Carolina will not further press District business. I call up the public-land bill, which is unfinished business.

Mr. HEMPHILL. There are a number of bills which are very important, as the people of the District believe, to their interests. There has been but little opportunity to have such business attended to. Later in the day, if my friend from Indiana wants to take up this bill, or even if he wants an evening session, I will not object. I ask the gentleman from Indiana how long his bill will take.

Mr. HOLMAN. There are forty-two amendments to the bill; and the amendments are the important matter.

Mr. WILKINS. It will take a week.

Mr. HOLMAN. If the gentleman will agree that the District business shall not extend beyond 2 o'clock——

Mr. HEMPHILL. I would like to make a statement: There are two measures which were left in an unfinished state on the last District day—one the bill to incorporate the Georgetown and Tennallytown Railway Company, which was reported from the Committee of the Whole to the House; the other the joint resolution in regard to the case of Samuel Strong, which, when we adjourned, remained in Committee of the Whole. If we can get through those two bills, I will then yield to the gentleman from Indiana.

Mr. HOLMAN. They will occupy the whole day.

Mr. HEMPHILL. No, they will not. We will soon get through with them.

Mr. HOLMAN. Call up the first bill.

Mr. HEMPHILL. I will make that proposition. I desire to dispose of the resolution in the Strong case, and then the bill in reference to the Georgetown and Tennallytown Railway Company.

Mr. HOLMAN. Let them be read, and let us vote upon them.

Mr. BLOUNT. Does this require unanimous consent?

The SPEAKER. It does.

Mr. HEMPHILL. Let there be fifteen minutes of debate on each side upon the resolution in the Strong case. Does the gentleman agree to that proposition?

The SPEAKER. The Chair hears no objection to the proposition of the gentleman from South Carolina.

Mr. HEMPHILL. My proposition is that the debate shall be limited on the Strong resolution to fifteen minutes on each side, and on the Georgetown railway bill to five minutes on each side.

Mr. BLOUNT. Does this require unanimous consent?

Mr. SPINOLA. Say fifteen minutes on each side.

Mr. HOLMAN. With the understanding that it is not to run beyond 2 o'clock.

There was no objection, and it was ordered accordingly.

SAMUEL STRONG.

Mr. HEMPHILL. I now call up joint resolution (S. R. 26) to arbitrate and settle the questions at issue between the District of Columbia and Samuel Strong.

The SPEAKER. That is in Committee of the Whole.

Mr. HEMPHILL. I move the House resolve itself into Committee of the Whole House for the purpose of proceeding to the consideration of that resolution; and pending that motion I move that all debate be limited to fifteen minutes on each side.

Mr. HOLMAN. The question of consideration can not be raised.

The SPEAKER. It can not.

Mr. HOLMAN. The question is as to whether the House will go into committee or not.

The SPEAKER. That is a question which will have to be voted on. The question now pending is on limiting the debate.

Mr. PAYSON. I desire to say, when this matter was under consideration two weeks ago and the hour expired within which it could be considered, I had the floor for the purpose of offering an amendment in connection with one of the sections of the bill. If I may be recognized for a limited portion of the time, I have no objection to consenting to the motion of the gentleman from South Carolina.

The SPEAKER. As the proceedings took place in committee, the Chair has no knowledge of the status of the resolution.

Mr. PAYSON. If I may be recognized when this matter shall come up in the committee, I have no objection.

The SPEAKER. The question is on the motion of the gentleman from South Carolina limiting debate to fifteen minutes on either side.

The motion was agreed to.

The question recurred on the motion that the House resolve itself into Committee of the Whole.

The House divided; and there were—ayes 42, noes 12.

Mr. HOLMAN. No quorum.

The SPEAKER. The Chair will appoint tellers.

Mr. SPINOLA. If we are not permitted to have a vote on this joint resolution, I give notice I shall object to everything else and demand the presence of a quorum.

Mr. HOLMAN. If this will occupy but a half an hour I will yield, but if it is to occupy longer I will not.

The SPEAKER. Does the gentleman withdraw the point of no quorum?

Mr. HOLMAN. I do.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of joint resolution (S. R. 26) to arbitrate and settle the questions at issue between the District of Columbia and Samuel Strong; and by order of the House debate is limited to fifteen minutes on either side. The resolution will be read.

The Clerk read as follows:

Whereas for many years there has been vexatious and expensive litigation between the District of Columbia and Samuel Strong that is likely to continue for many years to come, involving each year additional expense to the parties concerned; and

Whereas experience shows that matters of account so complicated and extensive consume the whole term of the court trying the same, to the delay of other causes; and

Whereas it is the duty of the Government and the interest of the citizen that such controversies should be ended as speedily and satisfactorily as possible: Therefore,

Resolved, etc., That the matters in controversy, as shown by the pleadings, between the District of Columbia and Samuel Strong, known in the circuit court of the District of Columbia as causes at law numbered 14706 and 14736, be submitted to the arbitration of three persons to be appointed by the President of the United

States, and the award of said arbitrators, or a majority of them, shall be final and conclusive as to the matters in issue between the parties under the pleadings in said causes, which award shall be filed in the papers of the said causes in the district court of the District of Columbia, and noted on the records of said court; and the Secretary of the Treasury is hereby directed, should the award be in favor of the said Samuel Strong, to pay said award, when duly certified to him by the clerk of said court, in the same manner that judgments against the District of Columbia are paid when rendered by the Court of Claims.

SEC. 2. That it shall be lawful for said arbitrators to consider any competent evidence heretofore taken either before any of the courts where said causes were pending, or before any of the referees heretofore appointed, including the evidence taken before William Penn Clark, Albert E. Payne, and Edward Clark, and if, in the judgment of said arbitrators, further evidence shall be deemed necessary, the same may be taken by them under the rules now governing the taking of evidence to be used before the courts of the District of Columbia.

SEC. 3. That before the President of the United States shall appoint the said arbitrators, the said Samuel Strong shall consent in writing to the appointment of the said arbitrators as provided in this joint resolution, and, further, that any award made by them, or a majority of them, shall be final and conclusive as to matter in issue between the parties to these causes, which consent shall be entered of record in the court in which the cases are pending, and shall be certified by the clerk of said court to the President of the United States.

SEC. 4. That the said arbitrators in passing upon any questions of law involved in the pleadings in said causes shall follow and be bound in making their award by any judgment or decision heretofore rendered in the said causes, or either of them, by the supreme court of the District of Columbia in general term, and in stating the account between the parties shall credit the District of Columbia with the face value of the certificates issued.

SEC. 5. That the compensation of said arbitrators shall not exceed the sum of $1,000 each.

Mr. GROUT. I will yield to the gentleman from Illinois [Mr. PAYSON] to make his amendment.

Mr. PAYSON. The gentleman favors the resolution and should be heard first.

Mr. GROUT. I occupied considerable time the other day in explaining the provisions of the resolution and its purpose, which I do not think have in any sense been answered. Unless the gentleman has something to offer I am ready to take the vote now without further debate.

The CHAIRMAN. The Chair is advised by the Clerk that the motion is to report the bill back with the recommendation that the enacting clause be stricken out.

Mr. SPINOLA. Who makes that motion?

The CHAIRMAN. The Chair is informed it was made by the gentleman from Pennsylvania [Mr. BAYNE].

Mr. GROUT. Let us take the sense of the committee, then, if nobody wishes to be heard. But I think, Mr. Chairman, there is some mistake here, and that the motion to strike out the enacting clause refers to the Georgetown Railway bill and not to this joint resolution.

The CHAIRMAN. The gentleman from Vermont is correct. The Chair will recognize the gentleman from Vermont in favor of the joint resolution.

Mr. PAYSON. If you will look at the RECORD you will discover, Mr. Chairman, that when the joint resolution was last up for consideration I had the floor explaining my amendment.

Mr. GROUT. Whatever may be said in favor of the joint resolution, perhaps, had better be said now.

Mr. PAYSON. Very well.

Mr. GROUT. Well, I said that if there was nothing to be urged against the bill, the friends of it are ready to take the sense of the House at any time. So we are now, and I call for a vote upon the pending proposition.

Mr. PAYSON. This resolution, Mr. Chairman, in substance proposes a reference of all questions in dispute between Samuel Strong and the District of Columbia to a board of arbitrators to consist of three members to be appointed by the President of the United States, whose decision, as to the amount found to be due Mr. Strong, shall be conclusive, and shall be paid out of the Treasury of the United States upon the certificate of the board thus organized. As appears by the report submitted by the Committee on the District of Columbia, this controversy grows out of the performance of certain work by Mr. Strong for the District of Columbia in years past, for which a large amount is claimed to be yet due the beneficiary of this bill.

Mr. Chairman, this matter has been pending in the courts for many years, and the principal argument presented by the friends of the bill to the House in favor of the adoption of this course of procedure, which two weeks ago I characterized as being one of the most extraordinary character, is the fact that this account is old, that the litigation has been long protracted, and that it is a desirable thing that there should be an end to litigation; and as these proceedings will bring the matter to a summary end, that therefore the resolution now before the House ought to pass.

In the litigation which has already taken place in years past it appears from the report of the committee that the first findings by a judicial tribunal in favor of plaintiff was for $15,413, which was the finding of a judge, for it was a chancery proceeding.

Mr. GROUT. The gentleman is mistaken there. That was the amount found due to a subcontractor from Strong.

Mr. PAYSON. That was the first finding in the courts. Again, on the 3d day of June, 1878, it appears that there was a finding by an auditor, appointed in conformity to law under the District, in favor of the plaintiff of $32,958.

That finding was set aside. Then, again, there was a jury called in the same case, and a verdict rendered by the jury for $133,000 in favor of the plaintiff. That verdict was subsequently set aside, it being held by the judge, as I glean from the report, that there was no authority of law for the incurrence of the indebtedness upon which the suit was prosecuted; and that finding was subsequently reversed by the next court, being the supreme court of the District of Columbia. By agreement of the parties, later on, there was a reference of the whole question of dispute to a board of arbitration, and an award by that board of $234,798, which was made in 1883. The legal questions involved in the case were presented, and the award was also set aside, it being held by the supreme court of the District that one item in connection with the award allowed to the plaintiff ought not to have been allowed for this reason: that it was made up of an allowance to him of the discount he had suffered in disposing of certain certificates of indebtedness which had been received by him from the District on account of the work; and the board of arbitrators allowed him in this settlement the benefit of that discount. The supreme court of the District held, however, that he was not entitled to it.

That is only essential, in my view of the case and the position I shall take in reference to it, to show that there have been wide ranges of individual opinions as to the amount to be obtained from the District for the work done, ranging from $15,000 in the first amount awarded to $234,000 in another award.

Mr. GROUT. The gentleman is mistaken about the $15,000 award.

Mr. PAYSON. Very well; the next award, $32,956. There is this wide range of opinion as to the amount due.

Now, I have no objection; indeed, I am in favor of the submission of this claim to a board of arbitrators. It is evident from an inspection of this report that the amount involved necessitates an inquiry into a great volume of small transactions, matters of computation, matters of account, work done, and the different prices to be paid for the work when performed, and it is especially that kind of a situation or dispute between parties that demands a reference to a board of arbitrators and that such a board is especially adapted to consider.

But I am opposed in this case, as in every other case where the Government is interested, to provide first for a board of arbitration, to be composed of citizens of this District, to adjust a matter between the Government on the one side and an individual on the other, and say that Congress shall then step in to declare that whatever they determine shall be a finality in the matter, and particularly where the matter involved is a quarter of a million of dollars, because of the point made by the plaintiff that litigation has been delayed because of vexatious, not to say malicious, action on the part of the law officers of the District, for it has been so asserted on the other side. I shall propose at the proper time to amend the bill to provide that the arbitration may be had; and instead of the provision of the bill that the award of the arbitrators shall be final, that the award when made shall be entered as a judgment in the supreme court of the District of Columbia, and from that decision an appeal may be taken to the Supreme Court of the United States, as in other cases, by either party, and that the appeal shall not be prosecuted by the District of Columbia unless it shall be approved by the Attorney-General of the United States.

That is a protection against any case of an award which is extortionate, or to an amount that ought not to be allowed, and at the same time it protects the plaintiff in the case from any claim that his rights will either be retarded or frittered away by reason of any personal feeling on the part of the officers of the District which may have grown out of this vexatious litigation. No rights can be lost to him, the rights of the Government can be preserved, and it seems to me it will be a concession to the plaintiff that his friends ought to be perfectly satisfied with. Therefore, Mr. Chairman, I move that the words in section 3, which I send to the Clerk's desk, and which are underscored, be stricken out, and in lieu thereof the amendment be inserted, which I also send to the Clerk's desk.

The Clerk read as follows:

It is proposed to insert, in the fourth line, after the word "resolution," striking out all the balance of the section, the following:

"And the award of the arbitration shall be entered as a judgment in the supreme court of the District of Columbia, and an appeal shall be allowed to the Supreme Court of the United States by either party, as in other cases, but shall not be taken by the District unless approved by the Attorney-General of the United States."

Mr. GROUT. Mr. Chairman, this amendment in substance was carefully considered by the committee, that is, the question of giving the right of appeal from the decision of these arbitrators. Upon full consideration of the matter the committee at last decided that it was best, under all the circumstances of the case as it seemed to them, not to make this provision. It may seem differently to the House, although the House can not understand this matter in its fullness in a talk of fifteen minutes or three times as long, for it took seventy-nine days to hear the case before a jury.

It seemed to the committee the best course to have a board of arbitrators, appointed by the President, to hear and decide upon this controversy and have an end of the whole business. This decision was reached not because the courts do not ordinarily offer an ample source of relief for parties litigant, but because this case has been so long in court and is so involved and complicated in its character, involving so

many questions of law and fact. It should be said that most of the questions of law have already been determined by the supreme court of the District, to which the case has been four times on appeal; once from the $32,000 judgment spoken of by the gentleman from Illinois, which was reversed; again from a verdict of a jury of $133,000, and reversed upon the ground that there was an understanding by which the case was to have been continued, as the court found, at the time it was tried.

Again it went to the supreme court, having been taken away from the jury by the presiding judge after seventy-nine days of trial, the jury not being allowed to find the sum due at all, upon the ground that there was no appropriation at the time the board of public works entered into these contracts, and hence the contracts were invalid. After that case had been on trial seventy-nine days, the District managers were able to get that ruling from the court and the case was taken from the jury and went to the supreme court of the District. Again the court below was reversed. The supreme court of the District said that would not answer; that while it might be true there was no appropriation and so, so far as the law was concerned which authorized the board of public works to act, it might not be valid, yet Congress by subsequent legislation had validated these contracts and the work had been performed and never fully paid for, and therefore that objection ought not to obtain. The case came back and was then sent to three referees.

I have here their report, running through 204 pages of closely-printed matter, Mr. Chairman; their report simply of the facts, in which they found two hundred and odd thousand dollars due to the plaintiff. Now I ask the attention of the House to what I am about to say. That case went to the supreme court and was reversed. The contract, in the first place, was that Mr. Strong was to have his pay in lawful money; but after he worked for a time he called for his pay and there was no money in the treasury. So he informed the board of public works that he must withdraw his men; that he could not work, for he had not the means. It was then arranged, not that he should have pay, but that they would issue to him certificates of indebtedness, which he could use as collateral with his own notes with which to raise money and prosecute the work. He did so. He concluded that rather than abandon the job he would go forward under that arrangement. He received these certificates of indebtedness and put them up as collateral security.

The District treasury was bankrupt. There were no funds available to meet the certificates. The result was that these certificates had to be disposed of at less than 50 cents on the dollar; some forty-odd cents on the dollar. This bankrupted Mr. Strong. Now he claims that he never agreed to take the certificates in payment. He only took them as an accommodation arrangement to help him raise money on his notes, with the expectation that with the money he could go forward with the work, and in due time the District would pay as they had agreed to pay for his work. The whole matter became involved. Mr. Strong went into bankruptcy. He finally brought forward a claim for extra work that was done for laying certain sewers, especially the Slash Run sewer, making it much longer. There were a great many changes in almost all the sewers he constructed, forming a basis for a charge for extra work. He brought suits against the District, making claim of course when he brought the suits that he should be allowed the difference between the certificates and good money of the United States.

It was finally decided by the District court that Mr. Strong, having taken these certificates and put them up, he was bound by that action and so must be the loser. Now, that was allowed by those three referees, and it entered into almost every item throughout the whole account; but the supreme court have reversed that decision, and Mr. Strong, for the sake of having an end of the matter, has agreed, as gentlemen will see by consulting the report, to waive all claim on that score, and this joint resolution provides that all law already established by the supreme court of the District of Columbia shall be accepted by arbitrators in finding their result. Now, the reasons why it seemed to the committee wise, and fair, and honest, and equitable, and proper in every way to let this old man have a conclusion of the controversy in this way is because he has been kept dancing attendance upon the courts of this District for fifteen years, and every time they have got the judgment of men as to what he was entitled to a large balance has been found due to him. But counsel, ingenious in conducting defenses, have raised all manner of questions, and it is a fact that in one of the last bills of exception there were between forty and fifty exceptions.

It seemed to the committee fair that this old man, who is now seventy-nine years of age and who is broken down and ruined by the failure of the District to keep its contract with him—it seemed, I say, only fair that having now waived his claim to that item, and asking only for this extra work, he should have whatever little pittance there may be left passed upon by a board of arbitrators to be appointed by the President, and have an end to the matter.

These are the reasons why the committee recommend the bill. As other gentlemen wish to speak upon the question, this perhaps is all the time I ought to occupy, and I yield now to the gentleman from Illinois [Mr. PAYSON], reserving the balance of my time.

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. PAYSON. How much time remains in opposition to the bill?

The CHAIRMAN. Six minutes.

Mr. PAYSON. There is one point that I would like to have the gentleman from Vermont [Mr. GROUT] inform us about. The delay in the hearing and final determination of this case since 1883 is owing entirely to the fact that the plaintiff claimed as against the Government the difference between the face value of the certificates and their market value.

Mr. GROUT. It is not.

Mr. PAYSON. Why not?

Mr. GROUT. I have already stated that when they had completed a trial of seventy-nine days before a jury the District counsel persuaded the judge to make an order that the plaintiff could not recover.

Mr. PAYSON. That is not an answer at all.

Mr. GROUT. Yes, it is; because you say that was the cause of the delay.

Mr. PAYSON. If the gentleman will answer my question—

Mr. GROUT. I am answering your question.

Mr. PAYSON. You are not. I ask the gentleman's attention to my point. On the 24th of May there was a reference to a board of arbitration, which board of arbitration found $234,000 against the District. In that sum a large item was the discount on the District certificates.

Mr. GROUT. Yes.

Mr. PAYSON. And that was a year and a half after the jury trial to which the gentleman refers.

Mr. GROUT. That is true.

Mr. PAYSON. Now, I say to the House that the reason of the delay since 1883 has been the fact that the plaintiff's lawyers have claimed that the discount upon the District certificates should be charged up against the District; and if the plaintiff had been content with claiming the money that the supreme court decided he was entitled to as a matter of law, there is nothing appearing to show that he might not have had his judgment years ago. But because he claimed that the District should be saddled with this discount, and because he claimed the $234,000 which the court had decided he was not entitled to, that is the reason of the delay for the last five years.

Mr. GROUT. A part of it.

Mr. PAYSON. And in this bill there is no provision that he waives any claim to this discount now.

That is the point I am making as against the provision in this bill—that it should not be left to the judgment of three men to decide finally and conclusively all questions of law and fact against the Government of the United States, the District being prohibited from taking any appeal to the Supreme Court of the United States.

Mr. GROUT. That matter is provided for in the bill.

Mr. PAYSON. I know it is provided in the bill that the law as decided by the supreme court of the District shall be the rule by which the arbitrators shall be bound; but we all know well enough as lawyers that if it should happen to be the judgment of the board of arbitrators that this old gentleman had been badly treated, and if they should want to apply a salve to his wounds by an extortionate award, it would be the easiest thing in the world for them to find a pretext for doing so.

Mr. GROUT. That is only the gentleman's supposition.

Mr. PAYSON. I submit that no fault can reasonably be found with such an amendment as I offer, under which an appeal by the District will not be permitted unless approved by the Attorney-General of the United States. This ought to be satisfactory, unless gentlemen here desire that the entire control of this matter shall be given over to three gentlemen, the hands of the Government being tied. I submit that the amendment I have offered ought to be adopted.

The CHAIRMAN. The gentleman from New York [Mr. SPINOLA] is now entitled to the floor for four minutes.

Mr. SPINOLA. Mr. Chairman, the question which will be submitted for the decision of the arbitrators under this bill will be simply a question of fact. The report on this matter has been presented both in the Senate and the House without a dissenting voice, and I wish to call attention to the question of fact as presented in the report:

There seems to be no question that the contractor furnished the material and performed the work and labor required by the terms of his contract.

On that point there is no question.

And it is equally clear that the board of public works failed to comply with the thirteenth clause in the contract, which provided that the work should be paid for in legal money of the United States.

In regard to the question raised by the gentleman from Illinois [Mr. PAYSON], why Mr. Strong did not want to give full credit for these certificates, I have on my desk ten or fifteen affidavits setting forth the fact that the District of Columbia, through its legal representatives, paid pretty much all its contractors at that time in these same certificates, representing about 50 cents on the dollar. Hence, when that question came up Mr. Strong said, "I am willing to take those certificates at the same rates as other contractors have taken them." The court so adjudged and gave him credit accordingly. But the higher court set aside that judgment upon the ground that the full face value should

have been allowed, although all other contractors had been paid in certificates representing only 50 cents on the dollar of their indebtedness. This resolution provides that Mr. Strong, under this arbitration, shall take those certificates at their face value.

Here is a man who did his work faithfully under a contract; who fulfilled his contract to the very letter, as could be shown by reference to the facts if my time allowed. This joint resolution is recommended by the chief justice of the supreme court of the District of Columbia, who says:

In every point of view, it seems to me economical, just, and desirable to have a reference of the cause to some competent referee or referees.

This is the language of a letter of Hon. William M. Merrick, chief-justice of the supreme court of this District.

I appeal to gentlemen of the House not to adopt the amendment which has been offered. This man has been struggling during fourteen years to obtain his rights; he has won his suit every time it has gone to trial, and would have obtained justice through the courts if he had not been set back by technicalities. He has had to contend with what appears to have been a piece of malicious persecution on the part of an officer of the District. The District has had the advantage of this man's labor; it is now enjoying the benefits of the work he performed in carrying out his contracts. The improvements in this city which have done so much to beautify and ornament it and in which every man here claims to feel pride, are due in a large degree to the labors of Mr. Strong.

If I had more time for the presentation of this case, I think I could put it before the House in such a way that there would not be a dissenting voice upon the passage of this joint resolution.

In regard to the selection of the arbitrators, that is left entirely to the opponents of Mr. Strong. The District of Columbia, through the President of the United States, will select three disinterested, honorable men, who are to make the decision. Mr. Strong will have nothing to do with the selection, but will be bound by their decision, whatever it may be. Something is due him beyond all question; and that something, whether $1 or $25, or $50,000, this old man ought to have paid to him. He did his work for the District faithfully as an honorable, honest man. He is to-day a bankrupt, and will die in the poor-house unless he gets some relief at the hands of the representatives of the people. I appeal to the humanity and justice of every man here not to adopt this amendment, because it will tie up the proceedings to such an extent as practically to defeat the securing of this old man's just rights.

[Here the hammer fell.]

The CHAIRMAN. The time allowed by the order of the House for debate on this question has expired. The question is first on the amendment of the gentleman from Illinois [Mr. PAYSON].

The question being taken, there were—ayes 28; noes 20.

Mr. SPINOLA. No quorum; let us have tellers.

Mr. REED. I call for tellers.

The CHAIRMAN. Ayes 28, noes 20. The gentleman from Maine [Mr. REED] and the gentleman from New York [Mr. SPINOLA] make the point of no quorum.

NOMINATION OF HARRISON.

Mr. PAYSON. Let the dispatch be read which I send up to the Clerk's desk.

The CHAIRMAN. There being no objection it will be read.

The Clerk read as follows:

[Western Union Telegraph Company bulletin.]

Harrison nominated.

[Loud applause on the Republican side and waving of handkerchiefs and flags.]

SAMUEL STRONG.

The CHAIRMAN. The point of no quorum having been made, the Chair will appoint the gentleman from Illinois [Mr. PAYSON] and the gentleman from New York [Mr. SPINOLA] as tellers.

Mr. SPINOLA. I think if we can have the vote taken over again there will be no necessity for having tellers.

The CHAIRMAN. If there be no objection, by unanimous consent the present proceeding will be dispensed with, and the amendment and pending section of the joint resolution will be read for the information of the House.

Mr. TOWNSHEND. That is right.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

The question recurred on Mr. PAYSON's amendment.

The amendment was rejected.

Mr. HEMPHILL. I move that the committee rise and report the joint resolution back to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House had, according to order, had under consideration joint resolution (S. R. 26) to arbitrate and settle the questions at issue between the District of Columbia and Samuel Strong, and had directed him to report the same back to the House with the recommendation that it do pass.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGETOWN AND TENNALLYTOWN RAILWAY COMPANY.

Mr. HEMPHILL. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 7647) to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia.

Mr. HOLMAN. I wish to call the attention of the gentleman from South Carolina to the fact that the pending motion is to strike out the enacting clause, made by the gentleman from Pennsylvania [Mr. BAYNE], not now in his seat, and acting on the principle which has controlled us heretofore, I hope the bill will not be taken up in his absence, but that we will allow it to go over; otherwise I must raise the question of consideration on it.

Mr. HEMPHILL. I am sure I would not do anything which would interfere with the gentleman from Pennsylvania [Mr. BAYNE] in the discharge of his duties touching the interests of his own constituents, but it is not a bill concerning him or his constituents, but it is a bill in which he can take no special interest. If it were, I would of course not ask the House to consider it. I think it is hardly fair that the people who are interested in a bill should be compelled to stand over because the gentleman is not present. I therefore prefer the House should pass upon it.

I should state when the bill was up before one ground of complaint was that there was no petition presented in favor of it. I have a petition signed by 234 persons living along this route. I have also a letter——

Mr. HOLMAN. Is the question debatable?

The SPEAKER. It is not debatable. The question is, Will the House now proceed to the consideration of the bill?

The House divided; and there were—ayes 30, noes 41.

So the motion was disagreed to.

Mr. HOLMAN. I now move to take up the land bill.

Mr. HEMPHILL. If the gentleman from Indiana will allow this railroad bill to go through, it will be the end of the business of the District of Columbia for to-day. I do not see why I should give up everything while he gives up nothing.

Mr. HOLMAN. The gentleman has now taken up nearly the whole day with this business.

Mr. HEMPHILL. The people of the District of Columbia are entitled to some consideration. Is the gentleman from Indiana willing to allow ten minutes on each side?

Mr. HOLMAN. Very well then; say ten minutes on each side. I agree if the debate on this bill shall not go beyond ten minutes. After that let the vote be taken, and let it be passed or rejected.

Mr. HEMPHILL. I agree to that.

The SPEAKER. The House has determined not to consider it.

Mr. HEMPHILL. I move to take the vote over again.

Mr. HOLMAN. Now, if my friend will allow the homestead bill to be called up——

Mr. ATKINSON. I withdraw the objection.

Mr. REED. What was the proposition?

The SPEAKER. By unanimous consent to reconsider the vote by which the House refused to consider the bill, and proceed to its consideration with an understanding between the gentleman from Indiana and the gentleman from South Carolina that there would be not exceeding ten minutes' debate.

Mr. HOLMAN. I hope the House will reconsider the vote.

Mr. REED. What is the vote upon?

The SPEAKER. The Tennallytown railroad bill.

Is there further objection to the request to reconsider the vote and consider the bill?

There was no objection.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7647) to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. BAYNE] to strike out the enacting clause.

Mr. HEMPHILL. Under the agreement the general debate is to be limited to five minutes on each side.

I desire to state, gentlemen, that when this bill was up for consideration the other day objection was made on the part of the gentleman from Pennsylvania [Mr. BAYNE] that it was not demanded by people living along the line; and that the real estate through which the road passed, and which would be benefited by its construction, was owned by a syndicate in the northwestern part of the city who were the only people who would be benefited by the bill. I have taken some occa-

sion to investigate the map showing different lots occupied or owned by people along the proposed route of this road, and I am prepared to say that the statement of the gentleman from Pennsylvania was an entire misapprehension. I am prepared to say that the map of the District in that locality is cut up into a large number of lots, and they are owned by a very large number of different people.

Some gentleman, whom I do not know, but he lives out in that part of the city, sent me the other day through one of the doorkeepers a petition signed by two hundred and thirty-four persons living along the line of the road, asking the House of Representatives to pass the bill. They, as I am informed, have no pecuniary interest whatever in the road itself, but simply desire to have some convenience to go from their homes into the city and back to their homes whenever it is necessary for them to do so. At present there is no such facility. I have in addition to that a letter addressed to me and signed by General Drum, who lives in that part of the city, and who says that he has noticed the debate upon the subject, and that it was an entire mistake to state that he and other people living out there, and who may not be able to keep private conveyances, were not interested in and anxious for the passage of the bill. On the contrary, he says that they are interested, and this letter and this petition I think are complete answers to the statement made by the gentleman from Pennsylvania [Mr. BAYNE] upon such information as he had at the time. It is simply a question now as to whether or not this railroad, which will pass through a certain portion of this District, and which will lead from the city to a town of about seven or eight hundred inhabitants on the edge of the District, shall be constructed; but whether it shall be constructed or not I do not believe that there is any reason whatever for refusing to grant this right of way. There is not a single protest or objection on the part of anybody in the District of Columbia along the line of the road or elsewhere against the bill.

I ask a vote, unless some gentleman wants to be heard further upon it.

The SPEAKER. The question is on the motion to strike out the enacting clause.

The motion was not agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, there being on a division—ayes 56, noes 8.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFORM SCHOOL FOR GIRLS, DISTRICT OF COLUMBIA.

Mr. HOLMAN. I have agreed to yield to the gentleman from South Carolina one minute longer to ask concurrence in Senate amendments to a House bill.

Mr. HEMPHILL. Under that agreement I call up House bill 1361, to incorporate the reform school for girls of the District of Columbia, simply to ask concurrence in certain Senate amendments.

The SPEAKER. The amendments will be read.

The Clerk read as follows:

Page 1, line 9, after the word "Columbia," insert "subject to the approval of the commissioners thereof."

Page 1, lines 14 and 15, strike out "District of Columbia" and insert "United States."

The SPEAKER. This bill is in Committee of the Whole; but if there be no objection, the committee will be discharged, and the question will be taken in the House.

There was no objection.

Mr. HEMPHILL. I move to concur in the Senate amendments.

The motion was agreed to.

Mr. HEMPHILL moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF LAND LAWS.

Mr. HOLMAN. Mr. Speaker, I now call up the unfinished business, being the bill (H. R. 7901) to secure to actual settlers the public lands adapted to agriculture, to protect the forests of the public domain, and for other purposes.

The Clerk read as follows:

By Mr. PAYSON:

At the end of section 3 add, "but no patent shall issue except to a citizen of the United States."

By Mr. NELSON:

Add to the amendment offered by Mr. PAYSON, the words "or when he has declared his intention to become such."

Mr. McRAE. I desire to call attention to the fact that there are several other amendments to that section that ought to be considered first, and may make the consideration of the present amendment unnecessary.

The SPEAKER. The Clerk has reported the amendments in the order in which they were offered. If there be no objection, the Clerk will report the amendments in the order in which they will appear in the bill.

Mr. PAYSON. I ask unanimous consent that that may be done as to all these amendments when they shall be reached; that the amendments shall be presented and taken up in the order in which they would appear to the bill, rather than the order in which they were offered.

The SPEAKER. If there be no objection, that order will be pursued.

Mr. HOLMAN. That has been agreed to heretofore.

There was no objection.

Mr. HOLMAN. I wish to say, Mr. Speaker, that the committee has had these amendments arranged in conformity to the understanding that they should be considered in the order in which they stand as applicable to the several sections of the bill. There are quite a large number of the amendments here. They have been printed and any gentleman desiring to see the amendments can be supplied with copies. I have already sent a copy to the Clerk.

The SPEAKER. The Clerk will be governed by that copy.

The Clerk read as follows:

By Mr. CUTCHEON:

Insert in line 3, section 1, after the words "United States," "now belonging to the public domain, or which may be hereafter restored to the public domain from lands heretofore granted to any State or corporation for the purpose of aiding in the construction of any railroad or other public improvement."

Mr. PAYSON. I think that amendment was determined upon by the House when the matter was under consideration before.

Mr. HOLMAN. I think that amendment was not adopted.

Mr. McRAE. We have already reached section 3 of the bill.

The SPEAKER. The Chair is advised by the Clerk that this amendment has been agreed to heretofore, and that the House has reached section 3.

Mr. HOLMAN. Yes.

The SPEAKER. The amendment first reported by the Clerk a few moments ago is the one now pending.

Mr. McRAE. That was not the first amendment to section 3. There were several other amendments.

Mr. HOLMAN. The first amendment to section 3——

The SPEAKER. The Clerk has a record here which shows that some amendments were rejected by the House. The question seems to be on the amendment proposed by the gentleman from Minnesota [Mr. NELSON] to the amendment proposed by the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. That was the pending question when the bill was last under consideration.

Mr. HOLMAN. That is my understanding.

The SPEAKER put the question on the amendment proposed by the gentleman from Minnesota [Mr. NELSON] to the amendment offered by the gentleman from Illinois [Mr. PAYSON].

The amendment to the amendment was rejected.

The amendment offered by Mr. PAYSON was agreed to.

The Clerk read as follows:

Amendment proposed by Mr. NUTTING:

"Strike out the words 'or who has declared his intention to become such,' in lines 5 and 6, page 2."

The amendment was rejected.

The Clerk reported the next amendment, as follows:

Strike out the words "or who has filed his declaration of intention to become such, as required by the naturalization laws," in lines 5 and 6, page 2; lines 5, 6, and 7, page 8, and lines 7, 8, and 9, page 12 of the printed bill.

Mr. PAYSON. That is the same thing.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The Chair is informed that that amendment was voted down.

Mr. PAYSON. It is the same thing.

The SPEAKER *pro tempore*. The Clerk informs the Chair that there were amendments pending to the first section which were not disposed of, and the Chair desires to ask whether it is the purpose of the gentleman from Indiana [Mr. HOLMAN] to go on or to recur to that section now?

Mr. HOLMAN. I hope there will be no objection to disposing of the amendments to the first section as we are proceeding now. I ask that they be reported. My understanding was that the gentleman from Michigan [Mr. CUTCHEON] offered an amendment to the first line of the first section——

The CHAIRMAN. The Chair is informed that that amendment was adopted.

Mr. McRAE. It was voted down.

The SPEAKER *pro tempore*. If there be no objection, the amendments that have been adopted will be read.

There was no objection.

The amendments were read, as follows:

In section 1, line 3, after the words "United States," the following amendment was inserted: "Now belonging to the public domain or which may hereafter be added to the public domain."

Also insert after the word "tin," in section 2, line 3, the words "or other valuable mineral deposit."

In the same line strike out the word "contiguous," and in line 4, after the word "in," insert the word "contiguous."

The SPEAKER *pro tempore*. The Clerk informs the Chair that those are the amendments that have been adopted to the first section. There is another amendment pending, which was proposed by the gentleman from Kansas [Mr. PETERS], which the Clerk will read.

The amendment was read, as follows:

After the words "United States," in line 3, add the words "including No Man's Land or the neutral strip lying immediately south of Western Kansas and Eastern Colorado."

Mr. HOLMAN. It will be seen by the amendment adopted to the first section that that is unnecessary.

Mr. STONE of Missouri. That amendment was withdrawn. The record shows that it was withdrawn by the gentleman from Kansas [Mr. PETERS].

The SPEAKER *pro tempore*. If there be no objection, the amendment will be considered as withdrawn, and the Clerk will report the next amendment.

Mr. HOLMAN. Mr. Speaker, there were two amendments offered by the gentleman from Kansas [Mr. ANDERSON], to strike out parts of lines 6 and 7 in section 3 and certain words in lines 12 and 13.

The SPEAKER. The Clerk will read the amendments.

The Clerk read as follows:

It is proposed by Mr. ANDERSON, of Kansas, to amend section 3 by striking out all after the words "Revised Statutes," in line 2, and inserting the words "is hereby repealed."

Mr. ANDERSON, of Kansas. I think the amendment to which the gentleman from Indiana [Mr. HOLMAN] refers is one which was offered earlier than that. I ask the Clerk to read the amendment in lines 6 and 7.

The Clerk read as follows:

Amend by striking out in lines 6 and 7 of section 3 the words "or any association of persons severally qualified as above;" and in lines 12 and 13 of section 3 strike out the words "or 320 acres to such association."

Mr. HOLMAN. I wish to say to the gentleman from Kansas that after quite a careful consideration of the matter the Committee on Public Lands think that the words included in the last amendment, "or 320 acres to such association," ought to stand. The entry is limited to 160 acres.

Mr. ANDERSON, of Kansas. Yes, for a person; but what object is there in making any provision in this bill for an association?

Mr. HOLMAN. What is the objection to it?

Mr. ANDERSON, of Kansas. Simply because we ought to profit by the experience of Pennsylvania, where the coal lands have gone out of the hands of individuals and into the hands of large corporations or associations.

Mr. PAYSON. I desire to inquire of the gentleman from Kansas whether he is insisting upon this amendment.

Mr. ANDERSON, of Kansas. Yes.

Mr. PAYSON. Then I shall be glad to hear his reasons.

Mr. ANDERSON, of Kansas. Because, in making provision in the land laws for an individual, a person, you go as far as I think you ought to go. The public domain was not intended, in my opinion, to be given away except to persons, to individuals; but it is provided here that associations may be formed and may take these lands. Now, if the gentleman has looked carefully into the condition of the Eastern coal fields he has found that the great difficulty to-day is in the fact that associations control the whole of them. There are three or four railroad companies which to-day absolutely control the whole anthracite coal region. That being the case, when you are making provision for the disposition of that portion of the public domain which still remains in the control of the Government, and all of which is in the West, I can not see why it is necessary for us to make any provision by which associations shall be recognized and by which these coal lands shall be given to them.

Mr. PAYSON. They are not given; they are sold.

Mr. ANDERSON, of Kansas. Well, sold. I do not want any association about it, so far as I am concerned. We have had "trusts" enough.

Mr. PAYSON. I do not desire to consume the time of the committee, but it seems to me that the amendment of the gentleman ought not to prevail. Briefly stated, the proposition is this: The bill proposes to dispose of coal and iron lands for so much money per acre, and it proposes to sell lands in quantities not exceeding 160 acres to an individual, or not exceeding 320 acres to an association, either a partnership or a corporation.

As a matter of practical experience in reference to mining in the West, it goes without saying that such business is always carried on by an association of capital; it is never, so far as I know, an individual enterprise. Take my own State, or take the iron region of Michigan, or any part of the West where these mining operations are carried on. They require the outlay of such an amount of capital that for this reason, as well as for convenience in other respects, partnerships and associations of capital are formed for the purpose of developing coal and iron mines. And I know of no reason why the Congress of the United States should say that it will sell 160 acres of coal land to me individually for the purpose of development, but will not sell to a partnership composed of the gentleman from Kansas and myself. There is no logic in such distinction. There is nothing in this matter involving the question of monopoly or anti-monopoly; it is simply a business proposition. The coal and the iron, as they lie undeveloped, are absolutely valueless; their value consists only in their availability when worked. It seems to me, therefore, without going into an argument (for the statement of the matter carries with it all the argument necessary), that the amendment of the gentleman from Kansas to strike out the provision allowing a partnership or association to acquire these mining interests ought not to be adopted. I hope it will not prevail.

Mr. WEAVER. I wish to call the attention of the gentleman from Illinois [Mr. PAYSON] to page 5 of the list of amendments. He will find there an amendment offered by the gentleman from Wisconsin [Mr. SMITH] which ought to be considered in connection with this proposition—at least this amendment ought to be adopted or rejected with reference to that amendment, which is yet to be voted upon—an amendment which, if adopted, will nullify this section altogether.

The question being taken on the amendment of Mr. ANDERSON, of Kansas, there were—ayes 6, noes 14.

Mr. ANDERSON, of Kansas. I think, Mr. Chairman, there ought to be a quorum on this question.

Mr. HOLMAN. I submit to the gentleman that this amendment is of no practical importance; the result is exactly the same whether the grant be made to two or three persons individually or as an association. The gentleman's other amendment is an important one, and I hope it will be adopted.

Mr. ANDERSON, of Kansas. I will not insist on a quorum.

The CHAIRMAN. The amendment is rejected.

The second branch of the amendment of Mr. ANDERSON, of Kansas, was read as follows:

In lines 12 and 13 of section 3 strike out the words "or 320 acres to such association."

Mr. HOLMAN. I submit that the words struck out should be simply "three hundred and twenty acres to such," making the language read: "not exceeding 160 acres to such individual, person, or association," etc. This modification seems to be necessary in order to make the concluding language harmonize with the preceding portion of the section.

Mr. ANDERSON, of Kansas. I think the preceding portion of the section is a humbug.

Mr. HOLMAN. I move to amend the amendment so as to strike out simply the words "three hundred and twenty acres to such."

The amendment to the amendment was agreed to; and the amendment as amended was adopted.

The next amendment (offered by Mr. LIND) was read, as follows:

Add to section 3 the following:

"*Provided, however*, That Congress shall always have and does hereby reserve the power to regulate, by laws general in their provisions, the management and conduct of the business of mining coal on any of the lands entered in this act, and also the right to prevent any person or corporation engaged in operating or mining on such lands from charging an unreasonable price for the production thereof."

The question being taken, the amendment was rejected.

The next amendment (offered by Mr. ANDERSON, of Kansas) was read, as follows:

Amend section 3 by striking out all after the words "United States," in line 2, and insert the words "is hereby repealed."

Mr. HOLMAN and Mr. STONE, of Missouri. There is some mistake about that.

Mr. ANDERSON, of Kansas. No; the effect of this amendment will be to make the beginning of section 3 read: "That section 2347 of the Revised Statutes is hereby repealed," striking out the words "be amended so as to read as follows." This will of course annul this section altogether instead of amending it.

Mr. PAYSON. Will the gentleman tell us the substance of section 2347?

Mr. ANDERSON, of Kansas. I suppose it to be quoted in that portion of the bill embraced between lines 4 and 14, on page 2.

Mr. PAYSON. Why does the gentleman want that repealed?

Mr. ANDERSON, of Kansas. For the simple reason that I do not want to give the lands to these associations.

Mr. PAYSON. What would the gentleman do with these coal and iron lands, if he would not sell them?

Mr. ANDERSON, of Kansas. Let the Government keep them.

Mr. PAYSON. Well, that makes a straight issue.

Mr. ANDERSON, of Kansas. Certainly. This thing of being so intensely liberal to associations in giving to them the complete control of the coal and iron lands now remaining as a part of the public domain is to my mind a mistake; and this amendment raises the whole question as to whether we want to do that or not.

For my part, Mr. Chairman, I believe it is the true policy of the Government in reference to these mineral lands to dispose of them with great slowness if at all. Then in the future we will be in a far better condition in reference to them. That is the point in the amendment.

Mr. SMITH, of Wisconsin. I believe the amendment I offered to section 2, which will be found on page 5 of the amendments to the bill, will cover the whole question. We ought to refer back and settle that question before we proceed any further. If we adopt that or the substitute offered by the gentleman from Michigan it will settle the whole question so far as coal lands are concerned.

Mr. ANDERSON, of Kansas. I hope that will be done. These amendments have been passed over for the time being. Really the

amendment of the gentleman from Wisconsin [Mr. SMITH] is the decisive one.

Mr. HOLMAN. If that amendment is adopted we will have to go back to that section. We will have to provide some means of disposing of the lands even if the Government determines to retain the coal lands. There is no period in our history when the disposition of coal lands was suspended. This has been found to be impracticable. I do not see how we can embrace it without embracing in some form the disposal of coal lands.

Mr. PAYSON. The amendment by Mr. ANDERSON, of Kansas, as printed reads:

Amend section 3 by striking out all after the words "United States" and insert the words "is hereby repealed."

Now, the words "United States" do not occur in line 2 at all.

Mr. ANDERSON, of Kansas. Instead of "United States" the words should be "Revised Statutes."

The SPEAKER *pro tempore*. The question recurs on the amendment of Mr. ANDERSON, of Kansas, to amend section 3 by striking out all after the words "Revised Statutes," in line 2, and inserting the words "is hereby repealed."

The House divided; and there were—ayes 6, noes 25.

So the amendment was disagreed to.

The SPEAKER *pro tempore*. The Clerk will read the next amendment.

Mr. ANDERSON, of Kansas. I move to strike out the words "or coal."

Mr. WEAVER. That has been withdrawn.

Mr. STONE, of Missouri. I desire to offer not exactly with the recommendation of the committee, but after consultation with members of the committee, the substitute for section 4 which I send up to the Clerk's desk to be read.

Mr. CHIPMAN. I have an amendment to section 3.

The SPEAKER *pro tempore*. The Chair will first recognize the gentleman from Michigan to move his amendment to section 3.

Mr. CHIPMAN. I send the amendment to the Clerk's desk to be read.

The Clerk read as follows:

Add to section 3 the following:

"No railroad corporation or corporation formed to carry on the business of common carriers shall have a right to enter any land under this section or at any time undertake to acquire by gift, grant, or devise any land entered under this section under said railroad corporation or corporation formed to carry on the business of common carriers at any time in the future to carry on the business of mining either in their own name or in the name of other persons on land so entered."

Mr. WEAVER. I wish to call the attention of the gentleman from Indiana to the fact that we have passed over the amendment to the second section which should be considered in this place.

Mr. HOLMAN. Let us vote on this proposition first.

Mr. WEAVER. There is an amendment pending by the gentleman from Wisconsin [Mr. SMITH] to section 2 of this bill.

Mr. HOLMAN. That has been passed over. I ask the gentleman to withdraw his amendment for the present.

Mr. CHIPMAN. Very well.

The SPEAKER *pro tempore*. The amendment of the gentleman from Wisconsin [Mr. SMITH] is now pending, and the Clerk will read it.

The Clerk read as follows:

By Mr. SMITH, of Wisconsin:

Amend by striking out all of the section after the word "provided," and inserting as follows:

"*Provided, however*, That all deposits of coal or iron on the lands of the United States are hereby reserved to the United States, and no future grant or patent from the United States shall be held to include such deposits: *Provided*, That nothing herein contained shall prevent the owner of any land acquired subject to the exceptions and reservations of this section from using such deposits for his own private use: *And provided further*, That neither the right of the Government of the United States to control and regulate the use and disposition of such deposits and working thereof, nor the right of said Government to enter upon the lands containing such deposits, either by its officers, agents, or lessees, shall ever be questioned, and the provisions of this section shall be expressed in all grants and patents for lands hereafter disposed of by the United States."

Mr. SMITH, of Wisconsin. The House will understand this bill provides for the disposition and sale of timber lands and of the iron and coal lands now belonging to the Government.

It seems to me that that is a proposition to place the future inhabitants of the region now owned by the United States, and known as the public domain—to place them in the hands entirely of the coal monopolists and timber monopolists of this country.

Mr. HOLMAN. Is not that the law or the practice now?

Mr. WEAVER. Well, it may be; but if that be the law now it is bad law.

Now, look at this matter for a moment, Mr. Speaker. Take 160 acres of land with an 8-foot coal vein underlying it. The amount of coal underlying that tract is wholly out of proportion to any wants that may ever arise on behalf of the owner of the 160 acres of land. It was never placed there, if I may be permitted to refer to the laws of nature, for the use of any one single individual, but it was placed there by the Great Power that controls the universe for the benefit of the people, the multitudes living in the cities in the vicinity of the coal, and who are just as much at the mercy of the elements, and who are just as much dependent upon its use as the man who happens to live on the 160 acres of land and finds the bed of coal below the surface.

It is adapted for fuel for all the people, and the Government ought to protect the people from the mercy of the monopolists, whose operations we have witnessed in this respect in other parts of the country.

A MEMBER. We do protect the mineral lands now.

Mr. WEAVER. I know that we have protected them to a certain extent. We have embraced upon our statute-books laws to reserve the title to the coal deposits. I am not so particular about the iron deposits, because iron is not so much an article of daily necessity; but I am strenuous in my demand that we should protect the coal deposits. It is provided expressly in this bill that these deposits of fuel—timber and coal—shall be protected; and this simply provides a reservation of the title to the coal and timber deposits, or rather to the coal and iron deposits under the United States.

I repeat, I am not so particular about iron, and am willing to strike out the words in this amendment, "or iron," and shall offer an amendment with that view.

But I do insist, sir, that we should retain the title to all coal deposits, reserving the simple right to the owner of the soil to use so much as may be necessary for his private purposes, and guard the balance carefully for the use of the people, so as to protect them against paying tribute to monopoly.

We own the land now; but when once we have parted with its possession, either under this or any other provision of law, we will never regain title, for it has passed out of the hands of the United States and it is beyond our control and beyond the reach of legislation. No general statute of the United States or State statute can reach it.

The people thereafter are forever at the mercy of the monopoly. Let us pause right here before we take another step, and let us, with the remnant of the public domain, inaugurate the careful policy which should have been the policy in this respect from the foundation of the Government.

I hope no gentleman will vote against the amendment.

I move a further amendment, to strike out the words "or iron" from the amendment in line 3.

Mr. PAYSON. Before the gentleman from Iowa takes his seat will he foreshadow what his policy would be as to the disposition of the coal for general use now on the lands reserved by the bill?

Mr. SMITH, of Wisconsin. That is not so easily done.

Mr. WEAVER. The Government might dispose of it in small quantities; they may lease the lands even, without charge if you please, and in the lease and in the law authorizing the lease they may prescribe the maximum price beyond which the coal shall not be sold. In this and other ways protection may be afforded to the people. I do not wish to retain it as a source of revenue to the Government, as in Spain, and for some time in England and other countries—a source of profit to the Government. I do not want the Government to undertake the leasing of coal lands or enter into mining operations; but what I do want is that the Government shall retain sovereign control over the source of the fuel supply in this country, and I would be willing to let the Government lease the lands to individuals under proper restrictions, regulations, and conditions, free of cost.

It must be remembered, Mr. Speaker, that we are not legislating for to-day, but we are fixing conditions which will exist through the whole future of this country, and in that future millions of people will be dependent upon this fuel deposit in order to keep them warm when the mercury is below zero; and I am unwilling, in view of what we know will come in the future, to say here, as a legislator, that these lands and these people shall be placed under the control of monopoly. I would retain for all time the power in the Government to control this business.

Suppose the Government had to-day control over the anthracite region. You would have no anthracite coal monopoly, such as now disgraces our civilization.

Mr. McRAE. I want to ask the gentleman this question, with his consent: if he knows of any such region belonging to the public domain? The question is not whether corporations are controlling the coal lands by any organization, nor whether a syndicate or corporation own them, but whether we shall dispose of what we have in the manner suggested here in the bill? Have we any such large public coal lands?

Mr. WEAVER. There are vast coal deposits, I will tell the gentleman.

Mr. McRAE. Whereabouts?

Mr. WEAVER. In the region known as No Man's Land, and in many regions of the country. I presume there is not any considerable portion of the public domain remaining to the United States that is not underlined with coal deposits. It is one of the wise provisions of nature and of nature's God, and we are here legislating for the future, not for to-day, but for all time to come; and I hope this House will not shut its eyes to follow a bad precedent that ought to have been reversed years ago.

Mr. PAYSON. Before the gentleman takes his seat let me ask him now, assuming what we want is a practical solution of this thing, whether he sees any constitutional difficulty in the way of Congress attempting to control the management, output, prices, etc., in the States, and

where this Congress can get any such power if it undertakes to exercise that right?

Mr. WEAVER. Congress has the right to dispose of all the property that belongs to the United States. If the United States retains the title to this coal it will be Government property, and therefore the Government can control it. There is no constitutional provision in the way that I can see.

Mr. HOLMAN. My sympathy is entirely with the gentleman from Iowa, but I object to his criticisms of this particular measure.

Mr. WEAVER. I do not offer it as a criticism at all. It is simply a matter of correct policy.

Mr. HOLMAN. The law has been as is proposed by this bill for a great many years, except in one respect. The general law provides now that coal lands may be disposed of in quantities of not exceeding 360 acres to any association of persons at $20 an acre for land within 15 miles of a railroad and $10 an acre where situated further from a railroad than 10 miles. The committee thought it was just as well at once to establish one price, and therefore fixed upon $10, and so recommend. As we understand the proposition now pending, the Government can not well retain the title of the land. There are embarrassments in the way. Yet all must admit there is great force in the suggestion that in some form or other the Government should seek to obtain control. I submit that if the land is sold subject to an express condition, that condition will not be affected by the fact that the land ultimately comes to be in a State rather than a Territory. The Government retains an express right and controlling power in the entire property, in the coal mine itself. I therefore ventured to draw up a proposition upon this subject, although I must say I am not satisfied with anything I have seen. It is, I think, quite a mild proposition, which does not propose to retain the title of the land in the Government. I felt embarrassed by another fact, and I think the committee all did. Some of these lands are reported on returns to the Land Office as coal lands, and are ultimately found valueless for any purpose. This is the case in the State of Alabama, in the State of Arkansas, perhaps other States in the South, and to a very large extent in the West.

The lands are not really coal lands. They are valuable only for agriculture. There the Government ought not be embarrassed nor the citizen embarrassed by a complicated state of title resulting from a Government reservation. So I venture to suggest the amendment which the Clerk will read.

The Clerk read as follows:

It is proposed to amend the amendment by inserting:
"*Provided, however*, As to coal lands hereafter sold, Congress reserves the right to regulate by general laws the business of mining the coal deposits therein; also to prohibit the consolidation of the interests of coal lands and the ownership therein in trusts or otherwise beyond the original entry thereof by any person as authorized by this act, and to control and regulate the disposition of the product of any coal mine on any such land and prohibit unreasonable charges for the same."

Mr. HOLMAN. While that proposition permits the sale of the land it simply seeks to retain Government control over the mineral deposits.

Mr. WEAVER. It seeks to do what it can not do.

Mr. HOLMAN. Why not?

Mr. WEAVER. Because you pass the fee-simple of the land. After that is done the coal belongs to the individual, and you can not retain it. You have got to retain the title in the property in order to get jurisdiction. The jurisdiction can not be severed from the ownership of the property.

Mr. HOLMAN. I think the criticism of the gentleman from Iowa [Mr. WEAVER] is not exactly correct. I can not see why the Federal Government can not sell the land, reserving a property interest in this way.

Mr. TILLMAN. Mineral rights.

Mr. HOLMAN. Certainly; just as any individual may do.

Mr. WEAVER. That does not reserve the right of property.

Mr. HOLMAN. The power of regulation and control in this case is vested in the Government. It is a retention of the property interest in the property. It does not seem to be a matter of any consequence as to the difference between the powers of a State and the powers of a Territory. Of course this legislation is admissible in a Territory and I think it is also in a State. The Government retains the power of control.

It seems to me this would be far better than for the Government to enter into the business of leasing coal lands. Our Government has too much upon its hands to look after, and should not go into a business so remote from the legitimate objects of Government. I would be glad to see such control retained as that the Government could prevent monopoly, and secure the coal to the people at a fair and reasonable price. I think the amendment I offer will accomplish that result.

Mr. WEAVER. I want to say in reply to the gentleman that I did not in the remark which I made awhile ago mean any unfriendly criticism of the bill. The general object of the bill is perfectly humane and patriotic. But it was the particular feature of the bill of which I was speaking.

Now, with due respect to the gentlemen, I think the amendment just offered will probably be of doubtful force and effect. I can not conceive how the Government can part with the fee-simple title, with all the property interest that it has in these lands, and still retain the right to legislate with regard to how the purchaser shall dispose of the land which he has purchased and paid for. But, on the other hand, there can be no doubt about the effect of the amendment offered by the gentleman from Wisconsin [Mr. SMITH], which I will now read:

Provided, however, That all deposits of coal or iron on the lands of the United States are hereby reserved to the United States and no future grant or patent from the United States shall be held to include such deposits: *Provided*, That nothing herein contained shall prevent the owner of any land acquired subject to the exceptions and reservations of this section from using such deposits for his own private use: *And provided further*, That neither the right of the Government of the United States to control and regulate the use and disposition of such deposits and working thereof, nor the right of said Government to enter upon the lands containing such deposits, either by its officers, agents, or lessees, shall ever be questioned, and the provisions of this section shall be expressed in all grants and patents for lands hereafter disposed of by the United States.

It seems to me, sir, that is broad, humane, and most unobjectionable.

Mr. MANSUR. Mr. Speaker, I have a sincere desire to see this bill become a law. I believe that this land law in its general modification as presented by the Committee on Public Lands is surpassed in merit by very few measures that have been presented to Congress, and while that is true of the bill as a whole, this proposition to reserve the coal which underlies so much of this land in the West, is an exceedingly important one. For nearly twenty years of my life I have been the land agent of the Hannibal and St. Joseph Railroad Company. A few years ago they withdrew all their land contracts and patents and inserted just the provision which we are seeking to have ingrafted into this bill. They are reserving the ownership not merely of the coal, but of all mineral that underlies their lands.

Mr. WEAVER. And the Northern Pacific Railroad Company is doing the same thing.

Mr. MANSUR. Yes, and we know that that reservation holds in law. We know that you can deed lands and make a reservation of anything that lies underneath. These lands are not sold to-day for the value of the coal that underlies them. It is discovered later. It makes the purchase of lands a perfect lottery, and there is no reason why the man who merely discovers the coal or other mineral should have that which is worth ten times more than the land cost him originally, or even than it is worth with all his improvements at the time of the discovery. We understand from general newspaper reports that so far as commercial purposes are concerned the supply of timber in this country will soon be exhausted.

Fire-wood is already very costly in the neighborhood of cities, and, besides that, it is bulky. We know, also, what quantities of coal are being mined everywhere for the use of people who are located in a cold and inhospitable climate. Great discoveries of coal are being made all through the West. I understand that extensive discoveries have been made in the Indian Territory and in Colorado and elsewhere in the West. It is said that the Rocky Mountains are underlaid with it, and if that coal supply can be reserved and kept under the control of the Government it will be a great advantage to the people at large. If at any time coal mines are discovered and opened on these lands, and the parties who are working them do not seek to make a monopoly of them, but sell the coal at reasonable rates, the probability is that there will not be any attempt to interfere with their operations; but, inasmuch as no laches can ever be attributed to the Government, whenever such parties attempt to take advantage of the people, whenever an effort is discovered on the part of those who have the usufruct of the land to monopolize this product and charge extortionate prices for it, then the Government can step in and put a stop to such proceedings.

The question of fuel and of fuel supply is a very important one, not only for the people generally for their domestic uses, but also for all the great manufacturing enterprises of the country, and I do believe that the amendment of the gentleman from Wisconsin [Mr. SMITH] is one which we ought to adopt because it is in line with the precedents set by these great corporations, and they would not introduce such a provision into their land patents unless they knew that it would hold water.

Mr. SMITH, of Wisconsin. I send to the Clerk's desk to be read the reservation which is inserted by the Northern Pacific Railroad Company in its deeds when it sells land.

The Clerk read as follows:

And also reserving and excepting from said described premises so much and such parts thereof as are or may be mineral lands, or containing coal or iron, and also the use and the right and title to the use of such surface ground as may be necessary for mining operations, and the right of access to such reserved and excepted mineral lands, including lands containing coal or iron, for the purpose of exploring, developing, and working the same.

Mr. SMITH, of Wisconsin. Mr. Speaker, the provision just read is inserted by the Northern Pacific Railroad Company in every grant of land which it makes; it excepts and reserves from such grants all mineral lands, including lands containing coal or iron.

Mr. WEAVER. Those are lands which the company obtained from the Government of the United States.

Mr. SMITH, of Wisconsin. Exactly. Now, Mr. Speaker, many things have been stated pro and con in reference to the amendment which I have offered. I will only say I have offered it in good faith. We know that every manufacturer in the United States is dependent upon fuel for his motive power; and I believe we have a constitutional right

to reserve these great resources of nature for the people of the whole country. If a full and honest vote of the people of the United States were taken upon this question, I believe a proposition of this kind would be carried by such a majority as would astonish members of this House; and we would not hesitate a moment about adopting such a provision.

Mr. VANDEVER. Mr. Speaker, we know from experience that it requires a combination between the railroad companies and the owners of coal lands to enforce a monopoly of the fuel supply of the country. Such provisions as that inserted in the deeds given by the Northern Pacific Railroad Company show that the transportation companies are sensible that in order to exercise a monopoly over the fuel supply it is necessary that provisions of this kind be inserted in their contracts.

Now, as a protection for the public at large against the exactions of these monopolies sought to be consummated by the combination of railroad companies and coal companies, it is but natural and reasonable that the Government should step in and when giving the privilege of cultivating the surface of the public lands should reserve the minerals below the surface.

The Government reserves to itself the privilege of mining the precious metals—gold and silver—so that there can be no monopoly in this respect. Why not extend a similar reservation to the fuel supply, the material which produces the motive power of the country, which warms and comforts the people, which is one of the absolute necessaries of life? Why is it not the highest wisdom to prevent these overshadowing monopolies from gaining the absolute control of the fuel supply as they have of the transportation facilities of the country?

I do not say anything as to the particular form of the amendment proposed by my friend from Wisconsin [Mr. SMITH], or as to the form of the provision submitted by the chairman of this committee; but these propositions involve a vital principle essential to the interests of the people at this time, and it is well that they should arrest the attention of the committee and the House.

Now, that we have under consideration this bill in regard to the disposition of the public lands, I submit that it is a question demanding consideration whether we can not put some restriction upon the power of those who are seeking to control the fuel supply. At present, in many parts of the country these monopolies own the great coal beds, and they regulate the output of them, not for the purpose of promoting the welfare of the people at large, but in order to control prices and put money in their own pockets, irrespective of the interests of the people. The principle involved here is a right one, and should be fully and fairly considered. We should not fail to incorporate in this bill some provision which will guaranty to the people at large that they shall no longer be subject in regard to their fuel supply to these overshadowing monopolies.

Mr. MCRAE obtained the floor.

Mr. HOLMAN. I am very anxious that we shall limit debate on this question.

The SPEAKER *pro tempore*. What time does the gentleman from Indiana suggest?

Mr. HOLMAN. Ten minutes.

Mr. WHEELER. I shall object to that.

The SPEAKER *pro tempore*. The gentleman from Arkansas [Mr. MCRAE] has been recognized. If he yields for the purpose, the Chair will put the request of the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I ask unanimous consent that debate on this section be limited to five minutes on each side.

Mr. ANDERSON, of Kansas. Oh, no; this is a very important amendment. I would like five minutes myself.

Mr. CHIPMAN. And I desire five minutes.

Mr. HOLMAN. I suggest that, by unanimous consent, we let this paragraph be passed over, to be recurred to when the remainder of the bill is finished.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent that the pending paragraph be passed over for the present.

Mr. MCRAE. I yielded to the gentleman to make the request, but not to take me off the floor. I want to say what I have to say now. I agree to a great deal that has been said on the other side of this question, but I do not come to the same conclusion my friends do in regard to this creating a monopoly. I believe you can do nothing which will more effectually tend to establish a coal monopoly and raise the price of coal and private coal lands than the withdrawal of the public coal lands from the market by the United States. I think the best way to secure in the future an ample supply of coal at fair rates is to provide some simple, honest way of disposing of the public lands in small holdings to actual bona fide settlers of the country. They will protect it and preserve it better than the Government can.

But the moment you say you will not sell coal lands, just that moment the North Pacific Railroad and other companies, with their millions of acres of such coal lands, will at once raise the price of coal and coal lands. How can the people get the coal? If the syndicates own most of the private coal lands and the Government refuses to dispose of such public land we are in a bad fix.

You ought to say to the people of the country that they may go on prospecting for minerals of all kinds; go on making investigations, and secure what they want if they can find it at a fair price; we want the country developed. That is the best protection to the people against corporate monopoly. It is the only protection against the coal monopoly we hear so much of here this evening. It is the only protection to the people whose lands have been so recklessly disposed of.

What is to be done with the coal lands unless the Government proposes to go into the business of mining coal? No one dares propose such a scheme. If we have coal land the important question is how we are to get it in such shape as to enable the people to get the benefit of it. The Government will have to take it out or else provide some way to dispose of the land or coal itself. You can not get coal without money and labor. People will not dig coal for nothing. For the chances of a paying mine some will take big risks.

I am in favor of allowing the settlers who have the good fortune of finding coal upon the lands which they occupy as homesteads to have the advantage of whatever coal they may find in it. The coal is not lost to the country at all. If, on the contrary, you say you will not part with the title to coal lands no one who hears me will live to see the coal disposed of. The private coal lands now held by corporations will be increased in price and the price of coal itself likewise increased. These corporations will, I fear, be able to defeat any legislation in the future.

I am not in favor of aiding in any way the owners of private coal lands either now or in the future, and therefore I would give the benefit arising from such to the settlers. This system has made our country the greatest mineral producing country in the world. We lead them all in the output of coal even.

Mr. ANDERSON, of Kansas. The railroads of this country control the existing coal mines of the United States. That is a proposition no one will dispute.

Mr. PAYSON. That is a proposition which is disputed everywhere.

Mr. ANDERSON, of Kansas. If that be so, the Northern Pacific Railroad does not control the coal lands along the line of that road.

Mr. PAYSON. The gentleman is mistaken. Along the Northern Pacific Railroad there is not a pound of coal on the Pacific Railroad lands—not a pound, sir.

Mr. ANDERSON, of Kansas. Is it not true that coal companies are formed by men in connection with the railroad companies? I know that to be the case along the Central Pacific road.

Mr. MCRAE. Let me inquire whether the Northern Pacific did not get its land under a grant made by Congress and not through the operation of any general land law?

Mr. ANDERSON, of Kansas. Of course that is a fact. I resume the floor. Of course this bill can not be given *ex post facto* effect upon lands to-day which have left the public domain and which are in the hands of private owners.

It does not apply, of course, to the coal lands belonging to the North Pacific or to the Central Pacific, or to other railroads where coal lands were embraced in the grant made to them by Congress. It is true, wherever lands are granted to individuals embracing coal lands, that in a short time these lands will be absorbed by railroad companies and be controlled by railroad monopolies. We know this from experience. It is done sometimes by those interested in railroad companies being the owners of the coal land or by the railroads mining the coal themselves. But my statement is true that the coal and coal lands of the United States are controlled pretty generally by the railroad companies. The anthracite-coal fields, covering 477 square miles, certainly are controlled by railroad corporations to-day, and the railroad companies control the price of coal lands, and they control pretty generally the selling price of coal itself.

So we stand in this position, and I ask gentlemen to look at it and see if there is not some remedy to be provided in behalf of the people. Coal lands exist along these great lines of road which have the capacity to supply coal which may be needed for many years.

Second, that in the nature of things the great carrying companies will control these existing coal lands which have been segregated from the public domain.

Then the third proposition is this: That being so, is it wise for the American Government to retain the title to these coal fields still remaining in the public domain? That is simply the pressing question before us now on the amendment submitted by the gentleman from Wisconsin, and I advocate that heartily.

It does not follow that the Government must go into the coal business. It is no objection really to this general proposition that the Government would have to mine coal. Not a bit of it. This proposition looks ten or twenty years ahead. During those ten or twenty years there can be found wisdom and capacity enough in the American Congress to pass such legislation as may be necessary.

Now, the amendment of the gentleman from Indiana does part with the title, and I think it is a doubtful remedy to seek to control the output after the title is parted with. The amendment of the gentleman from Wisconsin is simply that we will retain the fee-simple. That is all.

It does not say that the Government will engage in coal-mining or charge a royalty. It says nothing of the kind. It simply provides—and that is the only thing about it—that we shall retain the title to the

coal and iron lands. Now, why should we not retain it? What compulsion is there to give these coal-fields to the great corporations of the country? Was it the genius of the public-land law to provide for associations, for a few corporations controlling this article of absolute necessity; or was it the genius of that system to provide for the individual? Certainly the latter; and I can see no earthly reason why the United States Government shall not now retain control over that portion of the public domain which may contain mineral deposits.

Mr. HERMANN. Do you withdraw it from the people altogether?

Mr. ANDERSON, of Kansas. No, that would not follow.

Mr. HERMANN. I understand it does.

Mr. ANDERSON, of Kansas. And so far as that is concerned, I would rather take the chances of injuring some individual than to give this entire business into the hands of the Northern Pacific, the Union Pacific, the Texas Pacific, or any other railroad or corporations to acquire the right to control the whole of the coal-fields for over 500 miles. That, I think, is the serious objection.

It seems to me that we are reaching a time now when there ought to be a little bit of prevision, a little forecasting as to the future and the condition of the future of this country ten or twenty years hence. In view of that I do not feel under the slightest compulsion to give to any association, and especially to any railroad company, the title to the coal lands of the United States.

Mr. HERMANN. But why not give it to the individuals?

Mr. HOLMAN. I now ask unanimous consent that the debate upon this clause and amendments thereto be limited to ten minutes.

Mr. PAYSON. I would like to be heard for a short time on this question, and would suggest twelve minutes at least.

Mr. CHIPMAN. I want to be heard also.

Mr. WEAVER. I wish to be permitted to occupy the floor for a short time.

Mr. HOLMAN. I ask unanimous consent, then, to close the debate in fifteen minutes.

Mr. WHEELER. I can not give consent to that. I must object for the present at all events.

Mr. HOLMAN. I have asked that fifteen minutes be allowed for debate.

The SPEAKER *pro tempore*. The gentleman from Alabama objects.

Mr. CHIPMAN. Mr. Speaker, I was one of the committee sent by this House to investigate the troubles in the mining regions of Pennsylvania during the last winter. I learned a great deal there about this coal question, and saw a great deal during that investigation which I hope has taught me some wisdom, and which I think it will be well for the House to know and well for the people of the United States to understand. I found there the anthracite region of the world in the hands of a very few people. I found great railroad corporations not only carrying coal, but mining coal. I found that gradually and through the course of years they had crowded out the private owners until one company has secured the control of and represents a principality in extent in which is found this great necessity of life.

Now, sir, we have a chance to do something for the people. We have an opportunity to do them a great deal of good, an opportunity to adopt a principle which in the future will give them cheap fuel, which will put within their reach this necessity of life. We have an opportunity to enact such legislation here as will prevent it from being controlled by a company or set of men seeking to use the necessities of the people for speculation on behalf of capitalists and others.

This amendment offered here proposes no system, so to speak. It simply says to this House, "Wait; do not dispose of this matter to-day; do not adopt the system now; do not embalm into law the present method of disposing of your coal lands, but hold them long enough so that you may think over it, so that you may give your wisdom to it, so that at some time, after consideration, after digesting the system properly, you may erect a system here which will be a blessing to the people for all time." It is not a matter that should be hastily considered, and hence I hail this proposition to consider it with pleasure. It is in that aspect that I welcome the matter. It is not because it decides a mere title, but it gives us an opportunity after adopting it to construct any defenses that may be necessary to protect the people and to protect the Government on this important matter.

For that reason I shall support the amendment and hope every Representative and friend of the people in this House will vote for it.

DISTRICT APPROPRIATION BILL.

Mr. CLEMENTS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the District appropriation bill, and that the House accede to the request of the Senate for a conference on the disagreeing votes of the two Houses thereon.

There was no objection.

The SPEAKER *pro tempore* announced the appointment of Mr. CLEMENTS, Mr. FELIX CAMPBELL, and Mr. MCCOMAS as managers on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate insisted on its amendments, non-concurred in by the House, to the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, asked for a conference thereon, and had appointed as conferees on the part of the Senate Senators PLUMB, DAWES, and COCKRELL.

The message further announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2601) authorizing the construction of railroad bridges across the Snake River and across the Clearwater River by the Oregon Railway and Navigation Company.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1851) providing for an international marine conference to secure greater safety for life and property at sea.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1365) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Yorktown, Va., and making an appropriation therefor; and

A bill (S. 82) for the relief of the legal representatives of Henry S. French.

The message also announced that the Senate had non-concurred in the House amendments to the bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, asked for a conference thereon, and had appointed as conferees on the part of the Senate Senators VEST, CAMERON, and DOLPH.

The message also announced that the Senate had passed without amendment the bill (H. R. 478) to place the name of Rev. Stephen M. Collis on the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof.

The message further announced that the Senate had passed with amendment, in which the concurrence of the House was requested, the bill (H. R. 956) for the relief of the heirs of Christopher Cott.

The message further announced that the Senate insisted on its amendments, non-concurred in by the House, to the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1889, asked for a conference thereon, and had appointed as conferees on the part of the Senate Senators HALE, ALLISON, and BECK.

AMENDMENTS TO LAND LAWS.

Mr. WHEELER was recognized.

Mr. WHEELER. I will yield to the gentleman from Illinois [Mr. PAYSON].

Mr. PAYSON. It seems to me, Mr. Speaker, that we are not looking at this proposed legislation from a proper standpoint. What the situation may be in Pennsylvania, where the anthracite coal-fields are located, which are rendered specially valuable because of their proximity to the great cities lying along the seaboard, it seems to me is not an element to be considered in connection with this proposition. A ton of coal lying in the bowels of the earth unmined is of no more value than a ton of granite unmined in the mountains of New Hampshire.

The only coal affected by the operation of this bill is the coal that lies in land the title to which now belongs to the General Government. Whether Congress has been sufficiently guarded; whether legislation with reference to the disposition of land to the Union Pacific and the Northern Pacific Railroads was proper or improper as to these coal fields within their limit, is a matter that is not material now. I undertake to say, Mr. Speaker, that there is not a pound of coal to be affected by the operation of this bill in which any of these railroads have either a direct or indirect interest; not a pound. And when gentlemen say that this amendment should be adopted because there is no necessity for its present passage, they speak without light.

In the great regions of the Northwest, Dakota, Montana, Wyoming, Idaho, Utah, Washington Territory, and the State of Oregon, with the exception of a few coal mines that are operated on the line of the Central Pacific road and a few beds of lignite that are found in Western Dakota, and that is of no practical use as fuel unless mixed with the bituminous coals of the East, there is not a coal mine to-day that is being operated. I have seen, in the visits I have made in the Northwest, on the engines of the Northern Pacific Railroad coal that has been transported from Pennsylvania to the extreme regions of the West mixed with that light lignite for the purpose of fuel, or with coal that came in ballast from Australia and England to the Pacific coast. I have been told after making special inquiry among those who knew about it, as I have said before, that, with this exception, there is not a coal mine now being operated in that vast area of country. Recently south of the line of the Northern Pacific Railroad coal mines have been discovered in the Snow range of mountains and in other places in the Rocky Mountains.

If this amendment shall be adopted, where are those people to get their coal from? Of what earthly use is it? This amendment proposes that the Government shall retain the title; an absolute prohibition upon the disposition or mining of the coal.

Mr. WEAVER. Will the gentleman yield to me?

Mr. PAYSON. With pleasure.

Mr. WEAVER. The people out there will have no trouble in getting coal.

Mr. PAYSON. But the people out there are having trouble in getting coal. If it can not be mined, how are they to get it?

Mr. WEAVER. It can be mined.

Mr. PAYSON. How?

Mr. WEAVER. It is the duty of this Government to provide a method by which they can get the coal. That is what we are here for.

Mr. PAYSON. I am coming to that. I have asked the gentleman from Iowa [Mr. WEAVER] twice to indicate to this House what plan he would recommend for its adoption. Will the gentleman from Iowa say he favors the plan of leasing coal mines? That presupposes a bill will be introduced here organizing a system of governmental supervision for the operation of coal mines on government land wherever coal can be found, appointing employés, and all that sort of thing. Does the gentleman from Iowa, in the most hopeful view of the situation, expect that any scheme of that kind can run the gauntlet of Congress and become a law? I will be glad to yield now for the answer.

Mr. WEAVER. I will answer in my tin e.

Mr. PAYSON. And again, if there is any other plan except that of leasing I do not know what it is, except that the gentleman indicated that there would be a royalty upon the product to be paid to the Government. Then what? That presupposes that somebody is going to operate it, that somebody shall have the control. I know all our prairies in Central Illinois are underlain by coal. We get all the coal we want at a royalty of from 3 to 10 cents a ton. It amounts to nothing practically. But if a bill is introduced into this House proposing to establish an army of officers, like those of the internal revenue, what will they have to do? To collect a royalty from coal from the mines, which royalty will have to be paid by the consumer. Nothing of that kind could be done which would prevent combinations among those operating the mines with any more certainty of success than to prevent a combination if they were the owners.

So, Mr. Speaker, the question presents itself as a living question now. The Government having the coal lands and there being a necessity for their disposition, what is the best way to make it? The committee believed that the disposition of coal land in small areas to individuals and a prohibition upon combinations was the best way.

Mr. RANDALL. At an increased price.

Mr. PAYSON. Yes, at an increased price above the ordinary price of land, not less than $10 an acre being charged for coal lands. If the Government reserves this coal land it might as well be out of existence; it is only valuable as it can be used, and when the gentleman from Kansas [Mr. ANDERSON] talks about the preservation of this coal for the wants of the distant future he knows, and everybody knows, that the coal will be used only as there is a necessity for its use. A million tons of coal lying at the different dumps in the State of Illinois is worth nothing unless a purchaser comes for it, and no purchaser does come for it unless there exists a necessity for its use.

Therefore, inasmuch as it is the business of Congress to legislate for the present wants of the people, and inasmuch as these lands are not to be held for the purpose of swelling the sum in the Federal Treasury hereafter, it seems to me that the provisions in this bill for the disposition of such coal lands to individuals in limited quantities is a wise one and ought to be adopted. If the decision which gentlemen who are favoring this amendment have come to is a correct one, why would it not be a good plan to revolutionize our system with reference to the deposits of the precious metals and increase the revenue of the Government in that way? But that has never been the idea of any American Congress.

Our policy has been to dispose of the public property for the benefit of all the people. There is a demand to-day for the opening up of the coal mines which have been discovered out in the extreme West. Not an acre of the land contemplated by this bill belongs to the railway companies, nor can it belong to them under the provisions of this bill; and the fact that out of the prodigal grants of public land which have been made heretofore to various railroad companies in the West these companies are now making a reservation as to minerals furnishes no argument at all why we should adopt the proposed policy with reference to the lands which we still retain.

There is no monopoly so far as I know in the bituminous coal regions of this country, and I live in the midst of one of them. It may be that in the bituminous region of Pennsylvania to which reference has been made such a difficulty has presented itself, but those fields are extremely limited in area, and their value is greatly increased by reason of their proximity to the cities of the East. But, on the contrary, wherever in the West coal is found it is found in great areas. Any man having a farm anywhere in my country may have his own coal mine by sinking a shaft 300 or 350 feet in depth.

There is not a particle of monopoly about it. There is no more monopoly of the bituminous coal in my district than there is a monopoly of air in this Chamber, and neither is there in the far West, as I have learned from inquiries which I have made during three several trips to the Pacific. I know that the gentleman from Kansas [Mr. ANDERSON] asserts vehemently from time to time that such monopolies do not exist, and I now ask him to name the locality where the railway companies own the coal fields, and if he should answer that some of the railroad companies in his own State control some of the coal fields there, I will say to him that not one of the coal fields that are affected by this bill could in any possible contingency become the property of a railroad company.

Mr. ANDERSON, of Kansas. The coal fields in Colorado, and, I think, in Southern Kansas, and the coal mines along the Union Pacific Railroad are controlled by persons connected with that company.

Mr. PAYSON. I did not catch accurately what the gentleman said about the coal lands of Southern Colorado.

Mr. ANDERSON, of Kansas. Those coal lands are in the hands of a company.

Mr. PAYSON. The railroad company?

Mr. ANDERSON, of Kansas. No; but a company composed of parties inside of the railroad company.

Mr. PAYSON. Let me correct the gentleman. The gentleman, I suppose, has not made any personal investigation of the matter on the ground?

Mr. ANDERSON, of Kansas. No.

Mr. PAYSON. The great coal fields in Colorado, and the only ones worked, are near Rattoon. I spent two or three days there on the last trip which I made to the Pacific, and obtained information which has since been confirmed, and that information was to the effect that there is not a man interested in the Atchison, Topeka and Santa Fé Railroad Company who has a dollar of interest in the coal mines. It is true the mines are controlled by a corporation, precisely as a coal mine in my own locality is controlled by a corporation, of which corporation I happen to be a member.

There is a little coal mine there which supplies coal to my little town. There is an agricultural country round about extending half way to the city in which lives my distinguished colleague [Mr. ROWELL]. That coal mine is owned by individuals; but there is no more monopoly in regard to it than in regard to the water in the stream which runs through my town or the water in the Illinois River. So in Colorado the case is precisely the same.

Mr. ANDERSON, of Kansas. It is a matter of common notoriety in my State that while the mines are not controlled by the company *per se*, they are *de facto* controlled by parties connected with the company. That is true of the mines in the southern part of Kansas.

Mr. PAYSON. How will this legislation affect the mines in your State?

Mr. ANDERSON, of Kansas. I will answer the gentleman. Of course this legislation can not affect the mines of which I have been speaking, because the Government has parted with the title to them. But we ought to seek by this legislation to prevent a repetition in the future of that which has occurred in the past, so that royalties may not be so high as they are in Pennsylvania where the price in some instances is 53 cents a ton. That is the object to which we should look in this legislation. Unfortunately it can not affect that which has already occurred; but as a matter of ordinary good judgment we should seek to prevent its repetition.

Mr. PAYSON. In my own time, I would be glad to know from the gentleman how he would dispose of the coal lands which the Government now owns in the Territories.

Mr. ANDERSON, of Kansas. I suppose if the Committee on Public Lands would sit down and wrestle with this question——

Mr. PAYSON. We have "wrestled" with it; and this bill is the product; we have done our best at "wrestling;" at least I have.

Mr. ANDERSON, of Kansas. No, my friend has not grappled with this particular proposition of how the Government should control these mineral lands.

Mr. PAYSON. Yes, I have.

Mr. ANDERSON, of Kansas. If the Public Lands Committee would take up this matter, I have not the slightest doubt they could devise a feasible method of dealing with the question.

Mr. PAYSON. But, Mr. Speaker, the Committee on Public Lands has grappled with this question, and this bill is the result. If there is anything better, let us have some practical suggestion as to what should be done, rather than carping criticism upon what the committee has done. This measure is what we recommend to the House; if any one has anything better to recommend, something which is not mere non-action, let it be suggested, and if it is better than our proposition nobody will go further or move more quickly than I will to adapt myself to it.

Mr. ANDERSON, of Kansas. Of course, this legislation would cover large quantities of land not now known to be coal lands, and the probability is that before those lands could be utilized as such there would be ample time to provide some method either of leasing the lands or of reserving a royalty, or, what is perhaps better, simply doing nothing, the Government holding the title so that nobody may step in, thus preventing monopolies.

Mr. PAYSON. Why, Mr. Speaker, in this very bill we have included provisions on that subject which we think ought to meet the approval of the gentleman from Kansas. We provide that wherever any land is susceptible of use as agricultural land it shall be given to the farmer, and if later on it should be discovered that this land is under-

laid with a vein of coal a thousand feet in thickness we allow him to use it just as he chooses or to sell it to whomever he pleases. We provide for the very condition of things which the gentleman seems to assume has not been considered by the committee.

It seems to me, Mr. Speaker, this is the best method we can adopt, unless it should be the judgment of the House that, in addition to the performance of legislative duties, the Congress of the United States, for the purpose of flooding the Treasury now overflowing, should go into the business of coal mining; and if it goes into that business why not enter upon the mining of gold and silver, or any other business the basis of which is property which the Government owns? This is not, in my judgment, the business of Congress. I have said all I care to say on this question.

[Mr. WHEELER withholds his remarks for revision. See APPENDIX.]

Mr. STONE, of Missouri, was recognized, and yielded to Mr. COBB.

Mr. COBB. I desire simply to offer an amendment.

The SPEAKER *pro tempore*. The Chair is informed that there are two amendments pending.

Mr. HOLMAN. I withdraw the amendment I submitted.

The SPEAKER *pro tempore*. The Clerk will read the amendment of the gentleman from Alabama.

The Clerk read as follows:

After the words "United States," in the fourth line, insert "except on the lands sold as coal or iron lands."

Mr. STONE, of Missouri. I now renew the suggestion I made to the gentleman from Indiana [Mr. HOLMAN], the chairman of the committee, that this section be passed over informally with a view to returning to it after awhile, so that it may be considered, and let us go on with the rest of the bill.

Mr. HOLMAN. I hope that may be done.

The SPEAKER *pro tempore*. The gentleman from Missouri asks unanimous consent that this paragraph be informally passed over with the privilege of recurring to it to perfect it after the rest of the bill is concluded.

Mr. WEAVER. I have no objection to that.

Mr. ANDERSON, of Kansas. I have no objection; but only desire to ask if there is any limitation upon the debate?

Mr. HOLMAN. Not yet.

The SPEAKER *pro tempore*. Without objection, that order will be made.

There was no objection.

Mr. STONE, of Missouri. I would like to have it understood that I retain the floor when we recur to that section.

The SPEAKER *pro tempore*. The gentleman will be recognized when the House returns to that section of the bill.

The Clerk will report the fourth section of the bill.

Mr. PAYSON. Before section 3 shall be finally disposed of by the adoption of the amendment I suggest that there ought to be two or three verbal changes.

Mr. HOLMAN. It has been passed over informally.

Mr. PAYSON. Passed over without prejudice?

Mr. HOLMAN. Yes, sir; to be returned to after awhile.

Mr. PAYSON. I have no objection to that.

The Clerk read section 4, as follows:

SEC. 4. That all public lands chiefly valuable for timber of commercial value as sawed or hewed timber, and every contiguous 160 acres, or less quantity thereof, in legal subdivisions, the greater part of which is covered with timber of commercial value as sawed or hewed timber, and unfit for cultivation, shall be classified as timber lands. No such timber land shall be sold, but the timber thereon of commercial value, as sawed or hewed timber, in tracts not exceeding 40 acres in extent, in conformity with the legal subdivisions of the public lands, shall from time to time, in the discretion of the Secretary of the Interior, with the approval of the President, be sold to the highest bidder, on sealed proposals, after due appraisement as hereinafter provided, at not less than the appraised value thereof; but the Secretary of the Interior may, in his discretion, reject any and all bids at any time.

Mr. STONE, of Missouri. After conferring with the chairman of the committee and other gentlemen of the committee, I offer the amendment I send to the desk, to take the place of section 4, and will say that it merely changes the phraseology of the section.

The SPEAKER *pro tempore*. The Chair will state that there are amendments pending to this section, and they will have to be acted upon first before a substitute can be voted on.

Mr. MCRAE. The amendment I proposed for the committee is embodied in that, and this being in the nature of a committee amendment, will it not be first in order? My amendment being embodied in this, it is not necessary to delay on that account.

The SPEAKER *pro tempore*. But this is a different amendment. Other amendments are pending.

Mr. STONE, of Missouri. Are not amendments coming from the committee first in order?

The SPEAKER *pro tempore*. Under the rules an amendment to the pending paragraph must be acted upon before a substitute for the paragraph is in order. That is, it can be pending if in order, but can not be voted upon as a substitute unless an opportunity has been given to perfect the text of the section.

The Clerk will report the first pending amendment.

The Clerk read as follows:

Amendment proposed by Mr. PERKINS:

Add to section 4:

"*Provided*, That any one owning farming lands and engaged in agriculture may buy, as under existing law, 40 acres of land or less, classified herein as timber lands, and upon making full payment therefor shall receive a patent thereto from the Government of the United States in fee simple."

Mr. ANDERSON, of Kansas. I would like to ask if that is not accepted.

Mr. HOLMAN. We have abandoned the idea of selling the lands.

The amendment was rejected.

The next amendment, by Mr. SMITH, of Arizona, was read, as follows:

At the end of section 4 add:

"*Provided, however*, That timber not of commercial value, as sawed or hewed timber growing on public lands wholly unfit for cultivation, shall be free to the domestic use of any bona fide resident of the Territory in which said timber on such land is found."

Mr. SMITH, of Arizona. I would like to say to the House, in explanation of the conditions existing in this country, that this amendment ought to be adopted for the following reasons: Under the provisions of this act we find it is absolutely impossible for these people, who are engaged in mining or in agriculture and the various pursuits incident to frontier life, in many cases to obtain common firewood for kitchen use and domestic purposes in that country.

Mr. HOLMAN. Mr. Speaker, if my friend from Arizona will yield to me a moment I think I am authorized on behalf of the committee to say that this provision will be adopted, with the further amendment adding the words "under such regulations as the Secretary of the Interior shall prescribe."

Mr. SMITH, of Arizona. Well, I accept even that.

The SPEAKER *pro tempore*. If there be no objection, the amendment proposed by the gentleman from Indiana [Mr. HOLMAN] to the amendment of the gentleman from Arizona [Mr. SMITH] will be agreed to.

There was no objection.

Mr. SMITH, of Arizona. I will withdraw my amendment for the present.

The Clerk read as follows:

After the word "time," in line 16, page 3, add:

"But no timber under this section shall be sold to any one except citizens of the United States."

Mr. STONE, of Missouri. That is Mr. NUTTING'S amendment.

Mr. HOLMAN. That is the amendment pending. If that amendment should be adopted it seems to me there should be added to it the usual provision.

Mr. MCRAE. Let us vote it down.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] will please send up his amendment.

Mr. HOLMAN. I will not submit it now. [Cries of "Vote!" "Vote!"]

The amendment was rejected.

Mr. HERMANN. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

At the end of line 16, section 4, add:

"*Provided, however*, That no title shall pass to any such timber where the land upon which it was grown is in whole or in part fit for cultivation."

Mr. HOLMAN. I do not think that is a proper provision.

Mr. HERMANN. I wish to add to it, as follows:

And the patent from the United States shall in all cases specially reserve said class of timber.

Mr. MCRAE. It is not timber land if it is fit for cultivation.

Mr. HERMANN. Whatever the form of the conveyance may be, I desire that all titles from the United States, evidenced by patents, shall contain a special reservation as to the particular timber, and that it shall not include any timber on land fit for cultivation.

Mr. STONE, of Missouri. Will my friend allow me to interrupt him? The text of the section itself provides that the land shall not come within the classification of timber land if it is fit for cultivation. It specially provides that it must be unfit for cultivation before it can be denominated as timber land.

Mr. HERMANN. I understand that; but the mining laws particularly prescribe that only mining lands shall be sold, not agricultural lands. Yet in all agricultural patents there is a reservation as to the mineral land. I desire these conveyances guarded in like manner as to timber taken from land which is not tillable and fit for cultivation.

Mr. STONE, of Missouri. There is to be no patent issued for the timber.

Mr. HERMANN. That may be as to lands which are mineral; yet they are prohibited by the law from passing under that particular clause in the law.

Mr. HOLMAN. That provision may be a great embarrassment.

Mr. HERMANN. I only offer it as an additional guard.

The amendment was rejected.

The SPEAKER *pro tempore*. The Clerk will report the substitute offered by the gentleman from Missouri [Mr. STONE] for section 4, the section under consideration.

The Clerk read as follows:

Strike out section 4 and insert the following in lieu thereof:

"That every 160 acres or less quantity, in contiguous legal subdivisions of the public lands, the greater part of which is covered with timber of commercial value as sawed or hewed timber, and unfit for cultivation, and which is chiefly valuable for such timber, shall be classified as timber lands. No such timber land shall be sold, but the timber thereon of commercial value as sawed or hewed timber, in tracts not exceeding 40 acres in extent, in conformity with the legal subdivisions of the public lands, shall from time to time, in the discretion of the Secretary of the Interior, with the approval of the President, be sold to the highest bidder, on sealed proposals, after due appraisement as hereinafter provided, at not less than the appraised value thereof: *Provided*, That no present company or corporation shall purchase or hold in any State or Territory a greater quantity of such timber than the timber on four quarter-sections of land: *And provided further*, That the Secretary of the Interior may, in his discretion, reject any and all bids at any time: *Provided further*, That timber on no isolated or disconnected tract or parcel of timber land of less quantity than 160 acres shall be sold, but such tracts or parcels of such lands may be disposed of under section 11 of this act."

Mr. STONE, of Missouri. In explanation of this substitute I desire to say that it embodies substantially the provisions of section 4 as it stands in the bill, the difference being a mere transposition of language so as to avoid some confusion by reason of apparent tautology.

Mr. ANDERSON, of Kansas. What is the provision in the substitute in regard to selling lands?

Mr. STONE, of Missouri. Just what it is in the bill.

Mr. ANDERSON, of Kansas. That after the timber is taken off then the lands may be sold?

Mr. STONE, of Missouri. There is no new provision introduced into the substitute at all. There is one thing to which I wish to call the attention of my friend from Oregon [Mr. HERMANN]. The last clause of section 6 has been inserted as a proviso in this substitute, making it a part of section 4. It was thought that it more properly belonged to that section than to section 6. I call the attention of the gentleman from Oregon to this fact because he offered some amendments to that clause. This substitute is approved by the committee.

Mr. SMITH, of Arizona. Now, Mr. Speaker, I renew my amendment to the substitute offered by the gentleman from Missouri. The amendment will be found on page 4 of the printed amendments.

Mr. STONE, of Missouri. I agree to that amendment. It has been already adopted by the House.

The SPEAKER *pro tempore*. The amendment will be read.

The amendment was read, as follows:

At the end of section 4 add:

"*Provided, however*, That timber not of commercial value, as sawed or hewed timber growing on public lands wholly unfit for cultivation, shall be free to the domestic use of any bona fide resident of the Territory in which said timber on such land is found, under such rules and regulations as the Secretary of the Interior may prescribe."

Mr. CHIPMAN. I desire to offer an amendment.

The SPEAKER *pro tempore*. There is a substitute pending, and an amendment to that. Is the gentleman's amendment an amendment to the substitute?

Mr. CHIPMAN. I understood that the amendment to the substitute had been accepted.

The SPEAKER *pro tempore*. The question is on the amendment proposed by the gentleman from Arizona [Mr. SMITH] to the amendment proposed by the gentleman from Missouri [Mr. STONE].

The amendment to the amendment was agreed to.

Mr. CHIPMAN. Now, Mr. Speaker, I ask that my amendment be read.

The amendment was read, as follows:

Add to the substitute the following:

"*Provided*, That the Secretary of the Interior shall designate and reserve from sale, so far as practicable, shade-trees on the lines of the legal subdivisions of the lands on which said timber is located."

Mr. CHIPMAN. Mr. Speaker, I wish to say in regard to that amendment that I am not altogether pleased with the general policy of the wholesale denudation of our country of its trees. I live in a State which was formerly noted for its forests, but from which the forests have melted away almost like the snow.

In that State whole sections which used to be covered thickly with trees are now without enough for shade, and along the roadsides and on the lines of the divisions between the farms the people are setting out trees to replace those which they might have saved if such a policy had been adopted as that which I propose in this amendment. It is to save the trees, to save the shade, to prevent our country from becoming as it were bald headed [laughter], without verdure, without life—it is for that purpose that I offer this amendment; and it seems to me that it ought to commend itself to every gentleman in this House.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question recurs on the adoption of the substitute proposed by the gentleman from Missouri [Mr. STONE].

Mr. PAYSON. To that substitute I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "value" insert "not less than 10 inches in diameter at the butt;" so as to read, "that every 160 acres or less quantity in contiguous legal subdivisions of the public lands, the greater part of which is covered with timber of commercial value, not less than 10 inches in diameter at the butt," etc.

Mr. PAYSON. I have offered this amendment at the suggestion of gentlemen whom I met recently in the West, who are largely interested in timber matters in Michigan. It was suggested that, in order to avoid any possible ambiguity as to what should constitute timber of commercial value, there should be a minimum limit fixed.

The amendment was agreed to.

Mr. MACDONALD. The amendment offered by the gentleman from Arizona, and which has been adopted, authorizes the cutting for domestic use of timber which is not of commercial value by any person wherever he may find it, without his paying anything for it or acquiring any right or title thereto. While I am in favor of some privilege of that kind, I think this provision is too broad.

Mr. HOLMAN. I do not see how we can very well avoid adopting such a provision, which will apply to scrub oak and other forms of timber of no commercial value.

Mr. McRAE. And on land unfit for cultivation.

Mr. MACDONALD. It would appear that any person desiring to cut timber for domestic use need only claim that the timber he wants to cut is not of commerical value.

Mr. HOLMAN. I do not see how we can make the provision more definite.

Mr. HERMANN. I move to amend the substitute of the gentleman from Missouri [Mr. STONE] by striking out "four quarters" and inserting "one quarter," so as to limit the quantity of timber to one quarter of a section, rather than one section or one square mile.

Mr. HOLMAN. That is right.

Mr. HERMANN. Mr. Speaker, it has frequently been asserted during this debate that too much latitude has been given for the operations of corporations or syndicates to obtain control of the public domain in reference to mineral and agricultural lands as well as timber lands. It occurs to me the time has arrived when there should be fixed a limit as to the amount of timber which can be acquired in this way by any person, corporation, or association. In my judgment one square mile is entirely too much for any one person to acquire, especially in view of the fact that our timber resources are nearly exhausted in certain portions of the nation. To grant this privilege as to one quarter-section seems to me sufficient; and by this restriction we give increased facility for the great body of the American people to become at some time or other the owners of a portion of the timber domain of the country. In this spirit and with this view I have offered the amendment.

Mr. McRAE. Mr. Speaker, if this amendment is to be adopted, this timber section appears to me to be entirely futile. Any man who knows anything about operating a saw-mill—at least in the southern country—must know that no man can afford to establish a saw-mill if he is limited to 160 acres of land. Such a restriction would simply invite evasion of the law. If you mean to sell the timber to the highest bidder, a small enough quantity to which to restrict the miller is 640 acres.

This timber must be cut within the time fixed in the act, five years—a reasonable time. There is no method by which any one can obtain a monopoly. Unless you mean to say that you will not give millers an opportunity to buy enough land to justify them in locating a mill, this amendment ought not to be adopted. If you do not want to sell the timber, but keep it—a policy of which I would be in favor—then let us strike out this whole provision. You must do one of two things: either you must sell the timber or keep it, to be depredated upon. If you sell it, you must sell it in some way which will enable the buyer to cut it to advantage and supply cheap lumber.

Mr. HERMANN. It does not necessarily follow that if we make the restriction proposed in my amendment we are not to sell the timber. By reason of this restriction we can sell the timber to a greater number of persons. Instead of selling it to corporations or syndicates we can sell it to men of small means. If the mills desire to purchase, let these men have an opportunity of selling it to the mills.

Mr. McRAE. You simply invite the small millers to go in and make combinations.

Mr. HERMANN. We allow a larger number of individuals to buy.

Mr. McRAE. But anybody can buy who wants to.

Mr. HERMANN. Under my amendment, men of small means who would not be able to purchase 640 acres can buy 160 acres.

Mr. HOLMAN. Why not compromise this matter by making the restriction two quarters, half a section?

Mr. McRAE. Mr. Speaker, the committee went over this bill thoroughly; we voted down an amendment of this character; and I believe that at least the members of the committee ought to oppose such amendments. I care nothing about the matter personally; but it seems to me foolish for us to adopt a provision which assumes that millers can locate mills for the sake of the timber yielded by 160 acres of land. They can not do it in my part of the country, because the timber yielded by that quantity of land could be cut off by some large mills in a month.

Mr. STONE, of Missouri. The provision under consideration contemplates a sale, not of the land, but of the timber upon it. If it is the purpose to put this timber upon the market, it certainly ought to be done in such a way as will produce the largest amount of revenue. The purchaser is limited to five years in which to remove the timber; and the land itself remains the property of the Government after the timber is gone.

Now, the bill provides that the timber lands shall be sold in 40-acre tracts. No quantity exceeding 40 acres can be bid in at one time. This limitation goes simply to the maximum amount which may be purchased. It provides that no person shall be permitted to buy or hold more than that amount of land. It provides they shall not purchase exceeding 640 acres. I say if we are pressing to sell timber lands we ought to sell them in a way which will bring the largest amount to the Government. Is it not true men may establish mills who would buy 640 acres, but would not hazard the investment necessary if they are to be limited to 160 acres? If that be true, to attempt to limit 160 acres as the maximum will reduce the price to be received by the Government.

Mr. STOCKDALE. So far as the timber lands in Arkansas and Mississippi are concerned, there are none of them which are not susceptible of cultivation. There is not a foot of them which may not be cultivated. If, therefore, this is limited to timber lands not fit for cultivation, it will not apply to timber lands in my district or my State.

Mr. MCRAE. If fit for cultivation, then they are not timber lands.

Mr. STOCKDALE. If the gentleman will closely observe the language used in the fourth section, he will see that these timber lands can only be lands unfit for cultivation. So far as the lands in my district and State are concerned, there is not a foot of timber lands which is not fit for cultivation. I consider therefore that those timber lands can not be sold under this restriction.

I made no objection, because I thought people living in the Northwest, where there are thickly-timbered lands, ought to understand their own business, and that the timber might be sold off the land. Those gentlemen agreed to it because it would sell the land and allow the lands to be denuded and put in condition for cultivation. But when this amendment was introduced providing that only timber lands should be sold not fit for cultivation, as there are in my State and district no timber lands unfit for cultivation, of course it would not apply to any lands in that State at all. The amount provided for here is too small upon which to establish a saw-mill. In my State saw-mills established for commercial purposes require 5,000 acres.

Mr. MCADOO. I do not believe the Government of the United States ought to become a landlord or trader. I believe the true policy for the present in regard to the public domain is that we shall pursue a conservative course, and when the public domain ceases to be settled in good faith by actual settlers we shall be careful to provide some proper and effective limitation.

Now, as to the timber. It is a singular proposition at this time, when the United States Government is placing a premium on the planting of trees and the preservation of the forests, that we shall give a stimulus towards cutting them down. One of the greatest demands of the country is that the forests shall be preserved, and one of the principal reasons why we are advocating free lumber on this side is to protect our forests, and not that we shall make the timber on our public lands, as proposed here, a commercial article for auction.

Mr. HOLMAN. What would be the difference between preserving the timber on the lands, or protecting the lands without the timber? At present we are losing both land and timber in vast quantities.

Mr. MCADOO. I believe it is best for the people to go slow in such a matter as this.

Mr. HOLMAN. But we are going fast all the time; land, timber, and all are going.

Mr. MCADOO. Then let us stop it.

Now, as to the argument of the gentleman from Arkansas [Mr. MCRAE], if you give a small portion of timber land to a man, that he can not afford to erect a saw-mill upon it. Now, in the Western country, as well as in the East, to a certain extent, men are putting up small grist-mills to grind for the people of the neighborhood, for the people who raise wheat. The same will be the result in cases where timber lands are sold in small lots. The enterprising man will go amongst the people; he will put up his saw-mill, and will cut and saw the timber for so much, of every man who brings it to him. It is better for the miller and better for the owner of the timber that the enterprises shall be separated, and that there shall be a separate interest in the ownership of the land and the mill. What we want is to divorce coal from the transportation companies, and lumber from the corporations and monopolists who are getting hold of such vast quantities of it.

The SPEAKER *pro tempore*. The Chair will interrupt the gentleman from New Jersey to state that the hour of 5 o'clock having now arrived, the House, under its previous order, takes a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired the House (at 8 o'clock p. m.) was called to order by Mr. MCMILLIN, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
June 25, 1888.

SIR: Hon. BENTON MCMILLIN is hereby designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE,
Speaker.

Hon. JOHN B. CLARK,
Clerk, House of Representatives.

AMENDMENT OF LAND LAWS.

The SPEAKER *pro tempore*. The House resumes the consideration of the unfinished business, and the question is on the amendment of the gentleman from Oregon [Mr. HERMANN] to the amendment of the gentleman from Missouri.

Mr. HERMANN. My amendment confines the entry of timber lands to 160 acres. At the suggestion of the chairman of the Committee on the Public Lands I would be willing to modify that amendment to the extent of confining the maximum to 320 acres.

Mr. MCRAE. Mr. Speaker, I stated before the recess that I was opposed to all this timber legislation. I have not opposed it here because I was voted down in committee, but will stand by it here. This bill comes before the House rather as a compromise measure, and was discussed in the committee as thoroughly as a measure of this kind could be discussed. I was opposed to the timber section altogether, and hoped that as I had conceded that such a section might be incorporated into the bill that no member of the committee would seek to amend any part of it that received the consideration this did, and which was adopted as a sort of compromise.

I want to repeat what I said before the recess, that this section amounts to nothing, or to but little if applied to my country, or to that section of the country from which I come, if you restrict it to 160 acres. I would be willing to wipe the whole thing out, but do not want a foolish statute enacted. I want to see the timber preserved as far as possible, both the timber lands and the agricultural lands, for actual settlers. It is supposed that the timber on no lands will be sold that are fit for cultivation. I am opposed to the changes that have been suggested here, and particularly in this section, although I am perfectly willing to adopt the bill as a whole as a sort of preliminary measure to be amended hereafter by such modifications or changes as may be found necessary. But if every section is to be cut up in this manner, and every member to have his own way, instead of taking the bill framed as it was in the committee as a whole, then I, with the two or three other members of the committee who opposed certain provisions of the bill, feel justified in presenting the various amendments to sections which were voted down in committee.

Mr. HERMANN. The gentleman forgets that I have agreed to modify my amendment to make it 320 acres.

Mr. MCRAE. Still that is not the bill that the committee adopted. It reported a bill fixing 640 acres, and even that against the protest of myself and others, three members, as I remember, who were distinctly opposed to the whole thing. Now, if this section is to be ridden down, then I say that the sections which were voted out before the committee we feel justified in bringing before this House for action. But we ought to agree to take this bill as a compromise measure, adopt it as it passed the committee, and trust to future legislation to correct and advance in the direction of such appropriate legislation as may be required, and thus step by step we may be able to accomplish what we desire.

I can not say what effect the legislation passed here will have upon the Northwest, where there is abundant and valuable timber land, covered, as I am informed, with the best kind of timber; but in my country, where the pines are not large, where the timber is scant, a large mill, working fifty or sixty hands, will cut the timber off of over 5 or 10 acres a day, especially when you have some subdivisions where there are not more than twenty or thirty trees to the acre. So, if you expect to sell timber lands, you must make it an inducement for the establishment of saw-mills and lumber manufacturers.

My friend from New Jersey [Mr. MCADOO], whom I do not see in his seat, undertook to tell us something about running a saw-mill and a grist-mill together. That is a thing of the past in this country. He certainly knows but little about the manufacture of lumber in the South and West. I do not suppose he ever saw much of the country west of the Mississippi River if he expects these little mills that we had twenty-five years ago to cut the timber of our country. It is absurd. We have no such saw-mills now. The mills run night and day and employ from twenty-five to one hundred hands, and ship millions of feet of lumber a week. We can not expect such machinery as that to stop to grind for the neighborhood on Saturday. These are not the kind of mills we are to have in the future.

So I repeat that if we are to engage in the lumber business, if we are to establish a lumber-yard, let us make it one that will pay; make it one that will do something. I do not mean by that to say that you should sell all the timber. Let it be restricted to 640 acres. That is about as little as any mill can afford to locate for, large or small, in my country.

Mr. HERMANN. I think the gentleman from Arkansas upon mature reflection will discover there is more wisdom in the remarks of the gentleman from New Jersey [Mr. MCADOO] than he gives him credit for. It might probably with equal grace be said of the gentleman from Arkansas [Mr. MCRAE] that he has not traveled a great deal in the milling country, if we are to infer the extent of his travels from the remarks which he has just uttered. It has been my experience among mills, in logging camps, etc., that the largest mills of the country are usually near water courses, usually connected with some shipping point. They are usually near some stream which enters into the forest, or runs in the direction of the forest; and from a particular stream

the forests are connected by railroads, by logging-roads, etc. I will say this: that there is to-day among the small manufacturers situated in the forests of the West no greater inducement for their settlement than the proximity to mills; that the greater portion of the lumber manufactured in the West is to-day purchased from the small land-owners of the country.

It was said during the discussion of the tariff bill that these large mill-owners are becoming the millionaires of the country. If there is any truth in that at all, it is to be attributed to men who are the owners of timber lands, and especially those who have in connection with them shipping interests. But it is not those who have mills alone and who are compelled to purchase their timber from others. The settler comes over here and settles among the timber upon 160 acres of land, if you please, or, as I have known them to do, upon 40 acres. He then culls out the particular trees fit for commercial purposes, cuts them down, logs them, etc., places them upon his logging-team, takes them to the short railway or to the stream if it be convenient, and then, in the shape of a raft, the timber goes to the mill, and he receives his pay. In that way he is not only taking the timber to the market, but he is clearing up the land. He is utilizing that resource there which otherwise he would be compelled to dispose of by selling, burning and reducing to ashes, and which therefore would be a benefit neither to the Government nor to himself.

So I say, the gentleman from New Jersey [Mr. McADOO] was correct in saying these mills were a great benefit to the small land owners of the country. In the West, especially on the Pacific coast, of which I am now directly speaking, nearly all the large mill owners own some of the finest timber tracts in that country, some of them in quantity largely exceeding 100,000 acres of land. Yet but very few of them have recourse to their own land. They buy all they can from the small land owners around them, and when their lands are exhausted of timber they have left this great legacy to fall back upon. So that now it seems to me we should restrict these timber land purchases to the maximum of 160 acres.

Mr. McRAE. Why not strike it all out if your point is worth anything?

Mr. HERMANN. So that the poor man can come in as well as the rich. The gentleman asked, why can not the poor man have the same chance as the rich man? He is entitled to purchase the 160 or 640 acres. But who was first in the race, the rich man or the poor man? The poor have lead on their feet. The rich have wings. It is the rich who will reach the local land office first, and when he gets there he is entitled to 640 acres of land and will get it.

Mr. McRAE. The gentleman knows very little about this bill which he has helped to frame if he does not understand that these lands are to be sold in 40-acre tracts to the highest bidder; so that there is no "getting there first" about it. I trust he will deal fairly with this matter. The land is to be put up and sold publicly. If it is proposed to sell the timber at all, why not give the rich man and the poor man an equal chance?

Mr. HERMANN. I ask the gentleman in all candor to answer whether at a sale at which there are competitive offers the poor man has the same opportunity with the rich man? Is it not the longest purse that generally gets the largest amount, even if more has to be paid for it? Is not that the fact?

Mr. McRAE. But the land is to be sold in 40-acre tracts. The man who buys 640 acres must buy in 40-acre tracts.

Mr. HERMANN. But he pays a larger amount.

Mr. McRAE. We can not help that. According to your proposition we should not allow the land to be sold at all. You should save it for the poor man.

Mr. HERMANN. I propose to save it for him by providing that only 160 acres, and no more, shall be purchased by any one person, corporation, or association. Under this plan it seems to me this great timber fund, this great lumber interest of the future, will probably last long enough to extend among a greater number of people than under the present provisions of this bill. My proposition is in the interest of the poor man, in the interest of the settler.

Let me say to the gentleman that timber is not found as it was a quarter of a century ago in great forests extending over an area of 50 or 100 miles. You may find 160 acres at one place; 2 or 3 miles further you may find 320 acres; 4 or 5 miles further you may find 40 acres. I venture to make the assertion that nearly all the great timber forests of the country have already been disposed of to corporations, associations, or syndicates, so that there is little left for the poor man.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent that the debate on these various propositions proceed under the five-minute rule. I think we shall make better progress in that way.

The SPEAKER *pro tempore*. The gentleman asks unanimous consent that further debate on the amendments to the pending bill be conducted under the five-minute rule. Is there objection? The Chair hears none.

Mr. HOLMAN. Mr. Speaker, I should be very glad indeed if the members of the committee could unanimously agree to this proposed amendment. I abhor monopoly in any form in which it may present itself. In any proposition of this kind I favor the smaller number of acres rather than the larger number. There is, however, a great deal of force in the suggestion of the gentleman from Arkansas [Mr. McRAE] that the committee which prepared this bill ought, as far as consistent with the views which may be developed in the course of its consideration, to stand by the measure. I shall feel bound, therefore, to oppose this amendment under all the circumstances. Yet, taking the whole country throughout, I think it would be far better and juster that no one person should be permitted to purchase more than half a section of the timber on these public lands.

I live in a timber country where there are saw-mills everywhere; and looking at the subject from my standpoint I certainly do not desire to see any great establishments of this kind. I think a community is far better off with a dozen saw-mills of moderate size than with the same amount of business concentrated under the control of a solitary firm. The timber interest in my country is important, as it is in various portions of Indiana, and there is no concentration there of large tracts in a few hands. Generally one establishment controls about a quarter-section of land, more frequently 80 acres. Mills are found in all directions, small establishments employing five, six, or seven men. This diffusion of industries I regard as beneficial to the community. Still I believe I shall stand by the provisions of the bill as reported.

Mr. WEAVER. Mr. Speaker, I do not wish to speak in criticism of this committee, for I have the highest respect for it and its labors. I know how difficult it is to prepare, on so great a question as this, a bill which will meet satisfactorily the various ideas entertained by different gentlemen.

But I do not think it beneficial to the country or wise to separate this timber from the fee in the land. I believe that there ought not to be an acre of timber sold in this way. Gentlemen say that some of the land is not fit for agriculture. Very well; it is fit for timber. Where a tree grows something will grow. Let a man take his 160 acres for the sake of the timber, and let him make his money out of it in that way instead of raising cereals or other agricultural products. As was wisely said by the gentleman from New Jersey [Mr. McADOO], let the mill be owned by the small land-owner, and let the logs go to the mill as grist goes to a mill. This plan is best for the people.

I can not conceive any reason why the Government of the United States should sell its timber. We do not need the revenue. That is certain. Why part with the timber? It belongs to the people now; we do not need the revenue; why part with the timber?

Mr. HOLMAN. What do you propose to do with the timber?

Mr. WEAVER. If this provision be stricken out, let all this land be entered under the homestead law in quantities not greater than 160 acres.

Mr. PAYSON. The bill now makes that provision in express terms in regard to agricultural lands.

Mr. WEAVER. But, as the gentleman will see, I want that provision to apply to the whole of the lands, whether agricultural or not. If the land is not agricultural land, but forest land having timber on it, let it go exactly as agricultural land would go.

Mr. PAYSON. But I would like the gentleman to explain himself so that we may get his idea. All land which is agricultural land now goes free of cost under the provisions of this bill to the man who will take it. Does the gentleman from Iowa think for a moment that where a farmer can get agricultural land for the taking he will take land which is not agricultural land, simply because it is classed as timber land?

Mr. WEAVER. I do not; but I realize that this generation is not the only generation that is going to live on this earth; and that the 60,000,000 people who now inhabit this country are not all who are going to live here. The time will come when a man will be glad to own 160 acres of timber land, although not classified as agricultural land.

Mr. PAYSON. In the mean time what is to become of the timber as it matures? It is only valuable so far as it is utilized. Decay must have its effects; and if nobody can acquire it as timber land, and nobody will take it as agricultural land to live upon, how is it to be disposed of?

Mr. WEAVER. There is no danger of the timber decaying. Reproduction goes on as fast as decay; otherwise there would be no forests at all. I do not think it necessary to sell this timber for fear it is going to spoil on our hands. It has never spoiled in ages past.

Mr. HOLMAN. The present law authorizes the entry of these lands at $2.50 an acre——

A MEMBER. In some of the Territories.

Mr. HOLMAN. And on the Pacific coast, where the better class of timber lands are found. Some of those lands, as has been abundantly shown by evidence before the Land Department, are worth $200 an acre. Now what does the gentleman propose in regard to such lands? Would he have them sold at $2.50 an acre, or would he withdraw the land entirely from sale?

Mr. WEAVER. I would simply put that timber land on sale precisely as the agricultural land is put on sale, and for the same price.

Mr. HOLMAN. But we do not want to sell the land.

Mr. WEAVER. Let the lands be taken as homesteads.

Mr. HOLMAN. How can they be, when they are not adapted to agriculture?

Mr. WEAVER. The gentleman is willing to sell land at $2.50 an

acre and let the owner of the soil have the benefit of a vein of coal 40 feet thick which may be underneath the surface.

Mr. HOLMAN. We can not anticipate such a thing as that.

Mr. WEAVER. We know the fact exists in many places that there are veins of coal 40 feet thick on Government land. And we know also that on some of this Government land there is very valuable timber. Take the redwood tract, for instance, in California. Some of that land is now subject to entry, having been forfeited by the action of Congress. Other valuable timber land has been declared forfeited by departmental construction. In the case of some of this valuable timber land it may be well worth a man's while to go and live upon it, and make his home there.

I do not think the Government ought to speculate in that timber land. We do not need it; and the people need homes.

Mr. HOLMAN. You speak for the present; that is, we do not need it now.

Mr. WEAVER. No, we do not need it now. If we could get it in the Treasury, it would only tempt Congress.

Mr. HERMANN. What is the amendment?

The CHAIRMAN. To strike out "four quarter-sections" and insert "a quarter-section."

Mr. STONE, of Missouri. Is that all there is of it?

Mr. HERMANN. That is all.

The question recurred on Mr. HERMANN'S amendment.

Mr. McSHANE. Mr. Chairman, I agree with the gentleman from Iowa it should not be the policy of the Government to speculate in timber on this land. This section provides all lands not adapted to agriculture shall be classified as timber land, if a portion of this land is covered with timber. How are we to judge whether this land is adapted to agriculture until all the timber has been removed from it? I hope this provision will be stricken out of the bill, and a provision will be inserted providing for taking this land under the homestead law, and if necessary reduce the number of acres. If the timber is of more value than it would be if on prairie land, let the value of the timber be considered in the number of acres allowed for a homesteader.

Mr. HERMANN. How would it be for a homesteader to make proof if the land is unfit for cultivation?

Mr. McSHANE. Very easily. I hold there are few sections of land in the country upon which a full compliance with the homestead act can not be had. On the side of a mountain the homestead law can be complied with.

Mr. WHEELER. Should not a man be allowed to make his home there if he so desires it?

Mr. HOLMAN. The bill allows that.

Mr. McSHANE. If lands can be entered, homes can be established on land although it may be on the side of a mountain. They can be used for agricultural or other purposes. It is not necessary the homesteader should raise corn on a homestead in order to comply with the homestead law. There are many things which can be done on a homestead which will comply with the law and make a home for the settler.

People talk about arid lands in the mountains. There are no more arid lands in the mountains. I have watched those mountains for years, and I say from change of climate homes can be established on those mountain tops and in cañons where the timber is removed so the land can be cultivated. I say that every year the rainfall is increasing, and although it may be difficult at the present time, I say that when the time does come that it is necessary to occupy those lands for homestead settlement they will be of such a character as will be susceptible of cultivation, and can be taken up under the homestead law or under this bill.

Mr. HOLMAN. I move that further debate, by unanimous consent, be closed on this amendment.

There was no objection, and it was ordered accordingly.

The question recurred on Mr. HERMANN'S amendment, and it was disagreed to.

The SPEAKER *pro tempore*. The question next recurs on Mr. McSHANE'S motion to strike out section 4, as follows:

SEC. 4. That all public lands chiefly valuable for timber of commercial value as sawed or hewed timber, and every contiguous 160 acres or less quantity thereof, in legal subdivisions, the greater part of which is covered with timber of commercial value as sawed or hewed timber, and unfit for cultivation, shall be classified as timber lands. No such timber land shall be sold, but the timber thereon of commercial value as sawed or hewed timber, in tracts not exceeding 40 acres in extent, in conformity with the legal subdivisions of the public lands, shall from time to time, in the discretion of the Secretary of the Interior, with the approval of the President, be sold to the highest bidder, on sealed proposals, after due appraisement as hereinafter provided, at not less than the appraised value thereof; but the Secretary of the Interior may, in his discretion, reject any and all bids at any time.

Mr. HOLMAN. I desire to offer an amendment to insert——

Mr. McSHANE. I wish to strike out the section, and I believe that has precedence. My motion is to strike out section 4.

The CHAIRMAN. That takes precedence of the motion to strike out and insert.

Mr. HOLMAN. But a word. I wish to say, Mr. Chairman, that the main feature of the bill is to secure the lands adapted to agriculture for purposes of homestead settlement. That is the fundamental idea of the bill. The main object we have in view is to benefit actual settlers. Wherever the lands can be settled it is provided they can be entered under the homestead law. There is no single provision that does not look to that object. At the same time lands not valuable, not fit for agricultural purposes or for the establishment of homes, ought to go to the benefit of the whole people rather than to any favored classes. Such are lands covered with timber and not adapted to agriculture, and valuable only for the timber that is upon them.

And a case has recently occurred in the county of Humboldt, California, where a contest has arisen before the Commissioner of the Land Office, where lands have been bought up by a syndicate to the extent of some fifty or sixty thousand acres, valued at $150 to $200 an acre, which are being sold under the present law at $2.50 an acre.

The two objects of this bill are to accomplish, first, in the sale of the timber which can be made valuable, by a systematic course of procedure in regard to that character of land by which the whole people will get the benefit of it, and second, by reserving the lands themselves which are not adapted to agriculture, but test their recuperative capacity to produce new forests, the lands being always held by the Government.

I admit that there is another feature here in the bill which tends to the same object, and that is that the President of the United States may set apart any timber lands he may think proper as forest reservations.

That has a double object in view, first, to preserve the forest for public purposes; and, secondly, it prevents the possibility of monopoly of the lands, so that all of these important interests shall not be exhausted at once, but may project themselves into the future for the benefit of posterity.

Mr. McRAE. Right there I want to suggest to the gentleman that while I was not in favor of this provision, timber lands can not be sold now without the approval of the President.

Mr. HOLMAN. Yes, that is true.

Now, in conclusion, the whole country is aroused to the importance of selling timber and preserving the lands not adapted to agriculture. We have from every State of the Union, from Pennsylvania to Oregon, institutions organized as forestry societies, and we have at the Agricultural Department, paid by the Government at an annual appropriation amounting to $10,000, a Bureau of Forestry, created for the same purpose, to try to secure such regulations and forest laws as are wise to prevent waste and destruction.

This feature is especially pursued by these organizations. But they want us to go beyond all reasonable appropriations and allow a half million dollars annually to protect our forests. We do not deem that necessary. They want us to parcel out the lands, to distribute them in the manner they suggest; but we think the plan of the committee is much more effectual.

I trust, therefore, the House will not strike out the feature, but upon a more careful examination into all its details I think it will be admitted that it is one of the wisest measures ever enacted by Congress for the prevention of monopoly and at the same time the protection of the timber lands of the country, and especially in regard to the larger tracts of timber lands not adapted to agriculture.

Mr. McSHANE. The chairman of the committee states the object of this bill is to prevent the monopoly of the timber lands of the country.

Mr. HOLMAN. I say that that is one of the main objects.

Mr. McSHANE. A few years ago the Congress passed a law known as the "desert-land act." That has been in operation but a few years, where one citizen is entitled to a section of land. We find here in the Department of the Interior to-day 450,000 acres of land held by single syndicates under the desert-land act.

Mr. PAYSON. I hope the gentleman will be a little specific as to that. You do not understand exactly how it has occurred.

Mr. McSHANE. I am going to state just how it occurred. I find syndicates who procure men who make their declarations and take up the lands under the desert-land act, and after they have paid the amount necessary to procure the possession of the lands these syndicates perform the necessary work required under the law to make the final proof. That I will say, the first declaration of the first settler, and, by the way, he is not required to live on the land, but to make certain improvements; he is not even required to go to the land district to make his filing under the law, but his filing is placed upon record, and the syndicates perform the necessary requirements from that time on during the period of three years to effect and complete the improvements and secure the title. They have an assignment of the claims from the original party, and when the proofs are completed we find the claims being transferred and the patents issued to the syndicate performing the improvements of the land.

Mr. McRAE. The gentleman is talking of existing law, not the provisions of the pending bill.

Mr. McSHANE. I am saying that this bill has similar provisions and will result in the same procedure.

Mr. McRAE. Certainly the gentleman has not read the fourteenth section of the bill or he would not make that statement.

Mr. McSHANE. Congress can pass no law to prevent a purchaser

of timber, who purchased the timber and paid the Government, from transferring that timber to whomsoever he pleases.

Mr. HOLMAN. If that is true, would it not apply to the lands as well as to the timber?

Mr. McSHANE. Not to the homestead lands.

Mr. HOLMAN. Why not to the homestead lands as well as to any other lands?

Mr. McSHANE. I claim that there is no land that a man can not take possession of by cultivation under the homestead act in the future.

Mr. McRAE. Then there would not be any lands covered by the timber-culture act.

Mr. McSHANE. No.

Mr. WEAVER. But somebody of course has got to determine what are agricultural lands.

Mr. McSHANE. Now, I say, Mr. Speaker, that the experience of the desert-land act is a sufficient reason and a sufficient experience for this House not to take a similar step in relation to the timber land of the country.

Mr. HOLMAN. What is the remedy of my friend in that large class of cases where the lands can not be settled under the homestead law?

Mr. McSHANE. Where are those cases?

Mr. HOLMAN. You will find them all over Washington Territory. You will find them in Arizona and Montana. I have traveled extensively across millions and millions of acres that can not by human possibility be cultivated and that are covered with magnificent forests; all over the Rocky Mountains and the Sierra Nevadas.

Mr. McSHANE. Mr. Speaker, I have no doubt but what I can produce the testimony necessary to show that there are arid lands in Central Nebraska in a vicinity where we raise 60 bushels of corn to the acre. I can bring this House all the testimony it needs to show that that land is arid. The same thing can be said in Wyoming, in Montana, in Washington Territory, and all of the mountainous region. I say for seventeen years I have had a personal experience in the Rocky Mountains, and even on the mountain side the homestead law can be literally complied with.

Mr. HOLMAN. Take the east fork of the Yellowstone. Would you cultivate those slopes?

Mr. McSHANE. Yes; you can cultivate the east fork of the Yellowstone. You can not raise corn.

Mr. HOLMAN. What can you raise?

Mr. McSHANE. You can raise many things.

Mr. HOLMAN. Nothing.

Mr. McSHANE. It is not to-day fit for cultivation; but let it be held for a few years.

Mr. HOLMAN. That is just what this bill proposes to do.

Mr. McSHANE. No, sir.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Speaker, I asked unanimous consent that debate be closed on this paragraph and this amendment. I think the question was not submitted.

The SPEAKER *pro tempore*. Is there objection?

Mr. TOOLE. I object.

Mr. HOLMAN. Then I ask that it be closed after five minutes.

Mr. HERMANN. I have an amendment which contemplates perfecting——

Mr. HOLMAN. That will not be cut out.

Mr. WHEELER. I must have a few minutes.

Mr. HOLMAN. I will make it ten minutes.

The SPEAKER *pro tempore*. Is there objection?

Mr. CHIPMAN. I object.

Mr. HOLMAN. I will extend the period and make it fifteen minutes.

There was no objection.

Mr. TOOLE. It is evident there are some members here who are not conversant with the whole of the country which is covered or sought to be covered by this provision concerning the timber.

With due deference to my friend from Nebraska [Mr. McSHANE] I want to say that there probably can not be found 160 acres of land in the Territory of Montana, a section of country which embraces 140,000 square miles, upon which timber grows, that could be adapted to agriculture. The truth is, and I have lived in that country for seventeen years, that substantially all the timber grows on the mountain side, and the most precipitous mountains that are to be found in that country, utterly inaccessible.

The whole country is a country that has to be irrigated in order to produce crops, even in the valleys. It is utterly amazing and astounding to an individual who knows anything about it to hear statements made upon this floor that the lands that are covered by timber could be adapted to homestead and subject to agriculture. The valleys themselves that produce prolific crops are irrigated by artificial means in order to produce these crops. The mountains on which the timber grows could never be made to yield anything.

Now, suppose this provision is stricken out. The result will be that in Montana, Idaho, and Arizona, where we have undeveloped coal mines, and no fuel supply, no lumber supply, except such as we get in the Territories, there will be no way by which we can buy a foot of lumber and by which we can buy a dollar's worth of cord wood or anything of that kind, and we will be subject to extortionate charges in shipping them from the East or from the extreme West, where, according to the rates of transportation now, coal costs us $21 and $22 a ton.

If we are remitted to that process by which all of the lumber that goes into our buildings and all of the timber that goes into our mines will have to be purchased in that way, it will simply amount to striking down the mining and commercial enterprises which exist in those Territories. I trust that if any change is to be made these timber lands will not be held out entirely for homesteads. No individual could go and live for five years under the laws of the United States upon one of these precipitous mountain sides in order to acquire a title; no individual could live long enough to see his title perfected.

Mr. CHIPMAN. The debate this evening has been very profitable. I think we have learned a good deal about the true condition of affairs in the country which has been under discussion. Yet I was very much struck by the remarks made by the gentleman from Nebraska [Mr. McSHANE] and by the plan he proposed during the course of those remarks. I, for one, believe that this Government, situated as it is to-day, with an overflowing Treasury, ought not to try to make any money out of the public lands. I do not regard lands which may be a home for the people as a proper source for revenue. I believe in opening them freely to the people that they may be covered with happy homes, that we may allow the millions to go there whom they are now inviting; and then we will have no trouble about the revenue. The revenue will flow in from the industry which will grow up there and which will be gigantic compared with anything we will derive from the operation of this bill.

One word more. I regard this bill as putting a premium, so to speak, upon the destruction of our forests. It invites speculation; it invites combinations——

Mr. HOLMAN. Can you not now buy any of those lands you think proper in unlimited quantities at $2.50 an acre?

Mr. CHIPMAN. Yes, sir.

Mr. HOLMAN. Does not this bill expressly provide that no more lands shall be sold than those of which the President of the United States or the Secretary of the Interior may approve the sale?

Mr. CHIPMAN. So far as concerns leaving the rights and liberties of our people with regard to the soil of this country in the hands of any President or other public officer, I would about as willingly turn them over to a combination or a syndicate or a "combine" of any kind.

Mr. HOLMAN. Has not the executive department throughout all our history controlled the sale of the public lands?

Mr. CHIPMAN. I will ask the gentleman from Indiana whether the people of the country are now satisfied with the condition of affairs with regard to our public lands?

Mr. HOLMAN. No, sir; and that is the reason we are now trying to legislate on this subject.

Mr. CHIPMAN. And you propose among other provisions of your legislation to cling to one of the objectionable features of the past.

Mr. HOLMAN. What is that?

Mr. CHIPMAN. Leaving it to the discretion of the President or any other officer——

Mr. HOLMAN. Somebody must administer your laws.

Mr. CHIPMAN. Somebody must administer the laws; but I propose to make the law so that he who runs may read, and so that there shall be no discretion in regard to this matter; that as to every foot of land on which an American citizen may build his home he may sit beneath his own vine and fig tree, President or no President, discretion or no discretion.

Mr. HOLMAN. What do you propose to do with those forests where the land can not be cultivated, but where, on account of the forests, the land is worth two or three hundred dollars an acre?

Mr. CHIPMAN. In the Lake Superior country—that great mining and lumber country—it was believed for years that the land could not be cultivated. But what do we see there to-day? Why, sir, that is a part of the great wheat belt of America. There was a time when a man who would talk of buying a farm and settling in the pine lands of the lower peninsula of Michigan would have been considered almost crazy; yet to-day hundreds of thousands of people are living there and carrying on farming operations extensively. I have been through the Northwest; I grew up with it, and I have seen the whole process. I say that under a provision of this kind in this bill there is chance for combination, there is chance for subtlety. In matters of this kind I would leave nothing to the discretion of any man; and I think the proposition of the gentleman from Nebraska [Mr. McSHANE] would render these improper combinations an utter impossibility.

Mr. HOLMAN. I hope the gentleman will take occasion to propose such amendments to the bill as will prevent the results he deprecates.

Mr. CHIPMAN. I will try to do so.

Mr. HOLMAN. I hope you will.

Mr. WHEELER. Under ordinary circumstances, and if the question were presented to us for the first time, I should be very much in sympathy with the amendment proposed by the gentleman from Ne-

braska [Mr. MCSHANE] and the line of argument by which he has supported it. But after the committee has carefully considered this question, modifying proposition after proposition, and after we have finally arrived at the provisions of the fourth section, which, as every one must see, is a compromise, aiming as near as possible to suit the wishes and interests of the various Representatives from different parts of the country, the committee can not be expected to assent to any amendment which has not been thoroughly considered and which does not present the strongest claims for adoption.

I have an amendment which I can state the committee has agreed not to oppose, and which I now send up to the desk to be published in the RECORD.

The SPEAKER *pro tempore*. If there be no objection, the amendment will be published in the RECORD.

There was no objection.

The amendment is as follows:

After line 28, section 29, add:

"*Provided*, That after the 1st day of January, 1890, all the public lands in the State of Alabama shall be open to entry and settlement under the homestead laws."

Mr. WHEELER. The idea of this amendment, as of others which have been proposed, is that after the Government has offered the lands under the other provisions of this bill, if they still remain in the hands of the Government they may be allowed to be entered as homesteads, no matter whether they be mineral or timber lands, or whatever other conditions may exist.

I believe it consistent with the duty of the Government to get these lands in the hands of the people, and after a certain period has elapsed without the land being taken to allow any man to locate upon them, make his home there, and acquire title under the homestead law. I hope an amendment will be offered and adopted placing beyond question the power of the citizen to acquire lands in this way, no matter what they may contain, after they have remained a certain period in the hands of the Government without being taken up under any other provisions of the law.

A MEMBER. How long a period does the gentleman propose?

Mr. WHEELER. I would say two or three years as the extreme limit; and if after that period, though they may be coal lands, if they have not been entered under the law authorizing the entry of coal lands, then let any man go and take them who will comply with the provisions of the homestead law.

Mr. MCSHANE. If that principle would be good after a period of three years, why is it not good now?

Mr. WHEELER. It would be good now; but it is the opinion of many gentlemen that some lands may be so valuable that the Government ought to sell them for their full value. I say let the Government have full chance to do so; but if after a period of two or three years the lands have not been taken up under the coal-land laws or the iron-land laws, then let them be taken by any man who will comply with the homestead law and in that way acquire an indefeasible title. This principle, I think, will meet the views of many members of this House who object to the various provisions of the bill. Let the land be subject to the provisions of the law for a certain period, and then let every acre of land in the whole country be thrown open and entered under the homestead law.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Nebraska [Mr. MCSHANE] to strike out the fourth section.

Mr. STONE, of Missouri. Has the time for debate expired?

The SPEAKER *pro tempore*. Two minutes yet remain.

Mr. STONE, of Missouri. Mr. Speaker, I wish to say, especially to my friends immediately around me, that this bill has been prepared with a great deal of care and labor by the Committee on Public Lands. It received first the careful attention of a subcommittee, which spent many months in its preparation, and afterward it was thoroughly discussed and amended in the full committee. I hope, therefore, that amendments will not be offered, unless they are considered vital, and that none will be submitted which are likely to embarrass the passage of the bill and counteract the good effects which the measure seeks. This is a good measure, as we believe, and I appeal to gentlemen here not to assail it for the mere sake of making captious criticism. [Cries of "Vote!" "Vote!"]

Mr. MCSHANE. Mr. Speaker, the object of the amendment which I have offered is that all public lands, both timber and prairie lands, shall be taken up exclusively under the homestead laws.

The question being taken on the amendment of Mr. MCSHANE, it was rejected.

The SPEAKER *pro tempore*. The question is now on the motion of the gentleman from Missouri to strike out the section and insert the substitute which has been read.

Mr. HERMANN. I have sent to the desk an amendment designed to perfect that substitute.

The SPEAKER *pro tempore*. The gentleman did not submit it in the regular way. Does he offer it now?

Mr. HERMANN. I do.

The SPEAKER *pro tempore*. The Clerk will read it.

The Clerk read as follows:

At the end of the substitute add the following:

"*Provided*, That no person, corporation, or association shall own, including any purchase under this act, an aggregate amount exceeding 640 acres of timber at the time of purchase; and proof to this effect shall be made before the register and receiver at the time of purchase."

Mr. HERMANN. Mr. Speaker——

The SPEAKER *pro tempore*. Debate is exhausted.

Mr. HERMANN. I ask unanimous consent to occupy five minutes in explaining my amendment, which seeks to perfect this substitute.

Mr. MACDONALD. If I understand aright, the provision of that amendment is already a part of the substitute.

Mr. HERMANN. It is not. I offer the amendment in good faith to perfect the substitute.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Oregon [Mr. HERMANN] to occupy five minutes? The Chair hears none.

Mr. MACDONALD. In order that we may understand the question which the gentleman is about to discuss, I would like to have the substitute read in connection with the gentleman's amendment.

Mr. HERMANN. That would come out of my time, and I prefer first to make my explanation, to which I invite the kind attention of the chairman of the Committee on Public Lands [Mr. HOLMAN] and the gentleman from Illinois [Mr. PAYSON].

Mr. Speaker, I understand it is the desire of the Committee on Public Lands to confine the purchase of timber lands to tracts not exceeding 640 acres for any one person or association.

Mr. HOLMAN. That is right.

Mr. HERMANN. But I think a strict construction of this section or substitute will not carry out that object; in other words, I think that without my amendment a large number of persons who are already owners of an indefinite amount of lands will be allowed to come in and compete with others who are not the possessors of timber lands.

This is the language, that no corporation shall purchase or hold a greater quantity of such timber land than four quarter-sections. My amendment is that no person or corporation shall hold 640 acres of land by purchase from the United States, but that the purchase shall not exceed 160 acres. It is similar to the restriction in the additional homestead. There any person may acquire an additional homestead which may be vacant and may adjoin.

Now, a man owning 100,000 acres of timber land may come in and purchase 640 acres additional. My amendment only allows a man to purchase in addition to what he owns what will make 640 acres, and not more. It is calculated to create more equality in this regard.

Mr. HERMANN'S amendment was agreed to.

The substitute of Mr. STONE, of Missouri, as amended, was agreed to.

Section 5 was read, as follows:

SEC. 5. That before any sale of timber as above provided for shall be made, notice thereof shall be given by the Secretary of the Interior for at least ninety days in two newspapers of general circulation printed and published in the State or Territory, one of which shall be published in the land district in which the same is situated, describing by numbers the tracts of land on which the same is situated and the location thereof, and designating the land office of the district in which the land is situated as the place where such sealed proposals will be received, and stating the time within which such sealed proposals will be received. All such sales shall be for cash, payable at the time of sale at the land office of this district in which the land is situated, and the proceeds shall be accounted for by the receiver of such land office as the proceeds of the sale of public lands are now required by law to be accounted for.

Mr. TOOLE'S amendment was read, as follows:

Amend section 5 by adding thereto the following:

"*Provided*, That it shall be lawful for the residents of either of the States of Colorado or Nevada, or either of the Territories of New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, and Montana, to cut and remove timber on the public domain under existing law and the regulations thereunder for the period of six months after the passage of this act."

Mr. TOOLE. I think a brief statement will show the propriety of this amendment. The section provides these lands shall be classified as timber lands, and then they shall be advertised for a period of three months. So if this section becomes the law the result will be that there will be a period of time between the passage of the law and the time in which these lands shall be classified and ninety days thereafter during which it will be impossible to procure timber in any of the States or Territories named in this amendment.

Mr. HOLMAN. There is no serious objection to that.

Mr. TOOLE'S amendment was agreed to.

Section 6 was read, as follows:

SEC. 6. That the timber so sold on any tract of land as above provided for shall be removed from the land, and from the public domain, within five years from the date of the sale thereof, and not afterward. The rights acquired by any such purchaser of the timber on any tract of public land shall be the ownership of such timber and the right to remove the same from such land within the period above specified, and any necessary use of the land incident thereto, subject to the direction of the Secretary of the Interior, which timber and right of removal shall be deemed personal property for all purposes, including taxation: *Provided, however*, That any tract of land the timber on which shall be sold, if found to be mineral land, shall, notwithstanding such sale, be subject to entry under the laws in force in relation to mineral lands, but such sale of the land as mineral land shall in no wise impair the rights of the purchaser to such timber thereon and to remove the same within the period hereinbefore specified. But no person, company, or corporation shall purchase or hold in any State or Territory a greater quantity of such timber than the timber on four quarter-sections of land.

Mr. STONE, of Missouri. I ask by unanimous consent the last sentence, beginning with the word "but," be stricken out, it having been incorporated in section 5.

Mr. HOLMAN. That is right.

The amendment was agreed to.

Mr. HERMANN'S amendment was read, as follows:

On line 18, page 4, strike out the words "or hold."

On line 20, page 4, strike out "four" and insert "one;" so as to read "one quarter-section."

On line 20, page 4, insert the following after the word "land:"

"*Provided*, That an actual settler or owner of farm or grazing lands shall have the preference right to purchase not to exceed 160 acres of such timber lands which shall adjoin his own lands at $1.25 per acre, and the adverse applicant shall first serve notice on said settler or owner of his said application, after which the said settler or owner shall have ninety days within which to exercise his preference right of purchase or entry."

Mr. HERMANN. That has been withdrawn. I now move, in line 3, section 6, to strike out "five" and insert "forty." This is to enlarge the time within which the timber shall be removed. Instead of limiting it to five I propose to extend the time to forty years.

Mr. HOLMAN. That is too long.

Mr. HERMANN. Five years is too short a time. He ought to have thirty or forty years to use the timber in connection with the farm, and for household purposes.

Mr. WEAVER. But he purchases the timber on the land, not the land.

Mr. HERMANN. That is true, but still he ought to have time——

Mr. HOLMAN. But the gentleman will observe that you should not so extend the time as to warrant speculators in purchasing these lands. The object in limiting the time was to prevent speculation. That was the very purpose the committee had in view.

Mr. HERMANN. I think, if the gentleman from Indiana will permit me to make the suggestion, that without some such provision as I have indicated in this act it might as well be called an act to promote speculation in timber lands and to denude the forests of the United States of America.

Mr. HOLMAN. But we limit the amount of lands which can be purchased under the timber-land act.

Mr. HERMANN. Yes; but take the case of a large milling interest that purchases timber, we will say on 640 acres, and have but five years in which to remove the growth. The expiration of that period is about reached, there is no special demand for the timber, but the mill company will cut it all off, cut every tree down, manufacture it into lumber, even if they have to house it or put it in sheds rather than lose the chance of being able to make something out of their purchase.

Mr. HOLMAN. But they will not seek to get hold of timber lands, hoping that it will increase in value to any considerable extent.

Mr. HERMANN. They may do it with the hope of shutting others out; but at all events they will cut the timber down even if they have to shed or house it in order to protect their purchase.

And what do you accomplish by reducing the time to so short a period? The man who purchases his farm and has in his neighborhood a tract of 160 acres of timber lands needs fire-wood; he may purchase the land for that purpose, but before he could possibly consume the fire-wood upon the land another person comes in and outbids him.

Mr. HOLMAN. If the purpose for which he wants the timber is as you suggest, he will get it free anyway.

Mr. HERMANN. Well, take it for building purposes, for fencing around the farm, and for purposes generally of the farm. And permit me just in this connection to call the attention of the committee to a communication from a surveyor out in that country who writes to me from Oregon, and gives his objection to some of the features of this bill. He says:

> It seems to me to have some very objectionable features, especially in regard to selling the timber, only allowing six years to remove it. The result will be to throw all the timber into the hands of the mill-owners and monopolists.
>
> The mill-men and their henchmen will buy what they can saw, and the poor man who purchases a little timber can let his stand until the six years are out and see it revert to Government to be bought by some one else.

[Here the hammer fell.]

Mr. MACDONALD. I will now take the floor and yield to the gentleman to answer a question.

Mr. HERMANN. If the gentleman will yield to me I will take great pleasure in answering any question he may desire to ask.

Mr. MACDONALD. This is the question: Suppose, in connection with the argument you make, the land was in the proximity of the farmer, how would you have the settler to exercise his preference right?

Mr. HERMANN. Just as he does now, by being a bidder for the land. That is the only way he can exercise his preference right.

Mr. MACDONALD. That is, by bidding more than the other man.

Mr. HERMANN. That is the only way he can get the land.

Mr. PAYSON. Now, while the gentleman is answering questions, will he answer this suggestion: Since he supposes that the business of farming is abandoned and the farmer goes to speculating in the market and buying up timber land, is it not true that the moment he does so he ceases to be a farmer and becomes a speculator at once?

Mr. HERMANN. It is very rarely done. When the farmer converts himself into a millman there are some peculiar reasons for it. There are few instances where it is done, because the profits are not sufficient.

The question being taken on the amendment of Mr. HERMANN, it was rejected.

The Clerk read section 7 of the bill, as follows:

SEC. 7. That the Secretary of the Interior shall cause examinations to be made of the public lands bearing timber to ascertain and properly designate the lands which by the provisions of this act are classified as timber land, and for that purpose may employ the services of the land inspectors now authorized by law in the administration of the public land service. Each of said timber inspectors shall be assigned to such district of timber lands as the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, shall designate, who, in addition to such classification of the timber lands of such district, and proper designation thereof as such, shall appraise the timber on each 40-acre tract classified as timber land, according to the legal subdivisions in such district, at the fair cash value thereof, and make return thereof as the Secretary of the Interior shall direct; but such appraisement and classification shall not be conclusive. And the Secretary of the Interior shall, with the approval of the President, prescribe all rules necessary and proper to carry the provisions of this act touching timber lands into effect.

Mr. HOLMAN. I now offer on behalf of the committee an amendment to restore to this section the words which were stricken out in committee, which I ask the Clerk to read:

The Clerk read as follows:

After the word "service," in the seventh line, insert:

"And not exceeding three additonal land inspectors, each of whom, including those now authorized by law, shall receive a salary of $2,000 per annum and necessary expenses when traveling in the performance of their duties, all of whom shall be annually appointed by the President, and shall take and subscribe an oath for the faithful performance of the duties of their office."

The amendment was adopted.

The Clerk read the amendment of Mr. TOOLE, as follows:

Insert the words "and mineral" after the word "timber," in line 2.

Mr. TOOLE. I withdraw that amendment, and also the several other amendments that I have offered to this section bearing upon the same point.

The Clerk reported the amendment proposed by Mr. CAREY, as follows:

Amend by adding at the end of section 7 the following:

"*Provided*, That sections 4, 5, 6, and 7 shall not apply to any timber lands in the Territory of Wyoming."

The amendment was rejected.

Sections 8 and 9 were read, as follows:

SEC. 8. That the President of the United States may from time to time set apart and reserve, in any State or Territory having public lands bearing forests, any part of the public lands designated in this act as timber lands, or any lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, on which the tree and undergrowth shall be protected from waste or injury, under the charge of the Secretary of the Interior; and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof, and may employ such portion of the military forces as may be necessary or practicable in protecting such or any other reservations, or any other public timber land from waste or injury; and all the provisions of this act, or of any law touching the public domain which relates to timber lands, shall be subordinate to the provisions of this section.

SEC. 9. That in all surveys of the public lands hereafter made the deputy surveyors shall note in the field-notes, and designate on the township plats, each 40 acres of land, according to the legal subdivisions, bearing timber of commercial value, and as near as may be the portion of each of such 40 acres bearing such timber, and also each 40-acre tract bearing timber or undergrowth not of commercial value and the extent thereof. The Commissioner of the General Land Office shall prescribe rules for giving effect to this section.

Mr. GAY. I offer the amendment I send to the desk.

The Clerk read as follows:

Provided, That sections 4, 5, 6, 7, 8, and 9 shall not apply to any land, timber or otherwise, in the parish of Calcasieu, Louisiana, which are subject to entry by actual settlers under the homestead act only in tracts not exceeding 160 acres each.

Mr. HOLMAN. I hope my friend will not press that amendment, because the bill can not be applicable if these lands are adapted to any character of agriculture. As it is, this applies only to lands not adapted to agriculture, except only as to the power of the President to withdraw land from sale and to set apart certain lands for timber reservations, in which the whole country is deeply interested. I do not see that there is any need for the amendment.

Mr. GAY. Mr. Speaker, if the provisions of these sections do not apply to agricultural lands which may now have more or less timber upon them, then of course my amendment is unnecessary. I wish to say that these are all agricultural lands. They are partly covered with timber, not of very great value. Some of them have no timber upon them. But that parish is now the center of a large immigration from Iowa and other Northwestern States, coming to Louisiana for the benefit of a milder climate in which to secure homes. It would be very injurious to have these lands complicated with the provisions of this bill and withdrawn from the market and subject to five years delay. More than that, because it will take a long time under the provisions of this bill before the Department of the Interior is properly advised by examination whether these lands are agricultural, whether they have timber upon them worth preserving, or otherwise.

I wish to say, Mr. Speaker, that these immigrants find a means of support in this timber at the beginning. They put a part of the land

in cultivation immediately, and as fast as they can cut the timber off they have the advantage of the timber, which enables them to erect their habitations and to secure and improve their homes.

Mr. HOLMAN. My friend will observe this bill does not reach those lands at all. Those lands being agricultural lands are expressly excepted.

Mr. GAY. Then there should be no objection to the adoption of the amendment.

Mr. HOLMAN. The only objection would be that we would have to cut the whole bill up into fragments.

Mr. GAY. I would like to have that portion of my district positively excepted and not complicated at all with doubt upon this question.

Mr. HOLMAN. There is no doubt about it.

Mr. McRAE. My friend may rest assured that the bill will not affect any agricultural lands. It is as broad as it can be. All lands that are fit for agriculture may be taken under the homestead law. His land can not be classified as timber or mineral land.

Mr. GAY. Homestead entries are the only kind of entries I believe in.

Mr. McRAE. That is all we seek to give you.

Mr. GAY. But I fear that under the provisions of this law the lands in question will not be allowed to be entered.

Mr. HOLMAN. A vast body of land is left in exactly the same condition as it was before. To those lands we apply the homestead principle. That, I think, is the corner-stone of this bill.

Mr. GAY. These are not mountain lands and they are not coal lands. There are no minerals in my country. They are more or less timber lands. I desire to have the right of settlement go on. Therefore I offer this amendment, which I think is germane. If there is no provision in this bill conflicting with it, then the amendment will do no harm.

Mr. HOLMAN. I know; but every other section will insist on coming in and suggesting provisions. This matter is already provided for in the bill.

The amendment was rejected.

The Clerk read section 10 of the bill; also an amendment offered by Mr. TOOLE, as follows:

Add the following to section 10:

"That in order to determine what lands may lawfully be selected, certified, or patented under grants made by Congress to each and every of the several land-grant railroads of the United States, and to which patent has not heretofore issued, such railroad company or corporation shall, by its agent thereto authorized in writing, file with the register and receiver of the land office in which such land is situated an affidavit that the land claimed or selected and each legal subdivision thereof is non-mineral in character, as contemplated by the grant, and that the affiant has made a personal inspection of said land; and thereupon the register and receiver of the land office in which said land is situated shall cause to be published in a newspaper of general circulation, published nearest the land so claimed or selected, for four successive weeks a notice that such affidavit has been filed, and at any time within thirty days thereafter any citizen of the State or Territory within which said land is situated may deny the allegation of non-mineral in said affidavit upon oath; and thereupon the same proceedings shall be had and obtain as in other contested cases, including the right of appeal by either party, but the burden of proving the non-mineral character of the land shall be upon the railroad company; and in all such contests it shall be sufficient to reject the claim or selection of any railroad company if it appears from the proof that the land contains lodes of mineral-bearing matter, which does not pass by the grant, whether it has been worked or not, or whether it will pay or not to work at the time of the contest. As between the railroad company and the Government any and all land that bears mineral which does not pass by the grant, or gold in placer form in such appreciable quantities as to render it in any sense valuable so as to be likely to be sought out for its mineral qualities, shall be considered within the exception made by Congress and shall be considered mineral lands.

Mr. TOOLE. This amendment becomes necessary for the following reason: Under the charter of the Northern Pacific Railroad and others they are given in their grant coal and iron, but all other minerals are expressly excepted from the grant. The surveyors-general of several of the States and Territories, in the early days, before the character of the country was known, acting in collusion with the railroad companies, returned large quantities of mineral land, land bearing gold, silver, and copper, as agricultural land. These lands have been certified to the railroad companies.

The object in passing this amendment is to compel those companies to comply with the terms and intention of the grant, namely, that they shall not take any of the mineral lands by grant.

The amendment was agreed to.

Mr. TOOLE. I ask unanimous consent that that amendment may be transferred to whatever place in the bill may be deemed appropriate.

Mr. HOLMAN. Let it be made a separate section between sections 2 and 3, as the bill now stands.

There was no objection.

The Clerk read section 11 of the bill.

Mr. McRAE. I have an amendment proposed by the committee.

The SPEAKER *pro tempore*. Amendments are to be considered in the order of their presentation.

Mr. PAYSON. By unanimous consent, when the bill was first called for consideration to-day, it was ordered that amendments should be considered in the order in which they would logically apply.

The SPEAKER *pro tempore*. The present occupant of the chair was not then in the chair.

Mr. McRAE. My amendment does not conflict with the present amendment.

The SPEAKER *pro tempore*. The Chair will entertain the amendment now.

The Clerk read as follows:

Add, after "so," in the sixth line of the eleventh section: "Preference being given to persons residing upon or owning improvements thereon."

The amendment was agreed to.

Mr. WHEELER. I ask unanimous consent to have a resolution passed which I send to the Clerk's desk, providing for having 2,000 more copies of the bill printed. We have entirely exhausted the edition, and if we are going on to-morrow we ought to have more.

The SPEAKER *pro tempore*. That request will be entertained later.

The Clerk read the next amendment, as follows:

By Mr. SMITH, of Wisconsin:

Amend section 11 in the third line by striking out the words "private or."

Mr. SMITH, of Wisconsin. I would like to ask the chairman of the committee why this land is to be sold at private sale.

Mr. HOLMAN. It was thought that was a matter that might be safely submitted to the discretion of the Secretary of the Interior and the Commissioner; that there might be cases where it would be proper to sell at private sale, especially if they were to give priority to the person who happened to be on the land.

Mr. SMITH, of Wisconsin. Since the amendment offered by the gentleman from Arkansas, I see the appropriateness of the words "private or." Prior to that the wording did not seem right. I now withdraw my amendment.

The Clerk read the next amendment, as follows:

By Mr. CAREY:

Amend line 3 of section 11 by striking out the words "private" and "or," and by inserting in said line 3, section 11, between the word "sale" and the word "for," the words "after advertisement as provided for the sale of timber lands under the provisions of this act."

The amendment was rejected.

The Clerk read the next amendment, as follows:

By Mr. HERMANN:

On line 6, page 7, after the words "to do so," insert the words "subject to the rights of actual settlers to purchase or enter."

Mr. HERMANN. That point is already covered.

The SPEAKER *pro tempore*. If there is no objection, the amendment will be withdrawn.

There was no objection.

The Clerk read section 12 of the bill.

Mr. WEAVER. I have an amendment which I wish to offer if I can get the attention of the chairman of the committee. I think it ought to be adopted, and I do not know of any better place to insert it than here. I will read it before sending it to the Clerk.

Providing that along all water courses, lake and sea shores there shall be reserved to the United States for public use alternate strips of land 100 feet wide and 1,000 feet long; and all patents for land disposed of after the passage of this act shall expressly recite this reservation.

Mr. McADOO. Will the gentleman allow me to make a suggestion—that the words "living springs" be inserted?

Mr. WEAVER. Do you say springs or streams?

Mr. McADOO. Springs and streams.

Mr. WEAVER. I do not think it best to put springs in.

Mr. TURNER, of Kansas. Would it not be well to say "navigable water streams?"

Mr. WEAVER. No; I think not. The object is to keep people from being fenced off from stock water and necessary water supply. I think this is a very important reservation.

Mr. BUCHANAN. The amendment has not been reported from the desk.

Mr. WEAVER. Let it be made an independent section.

The Clerk reported the amendment.

Mr. BUCHANAN. My only trouble about that is it seems to be indefinite. Is it 1,000 feet on the water front? Which way does it lie?

Mr. WEAVER. Parallel with the stream.

Mr. BUCHANAN. One thousand feet along the stream?

Mr. WEAVER. Yes.

Mr. BUCHANAN. It does not say so.

Mr. WEAVER. I will put it "parallel with the stream."

Mr. BUCHANAN. I will say to the gentleman that the reservation of the sea front for the purpose of watering stock——

Mr. WEAVER. There are a great many places where they can not get to the sea.

Mr. SMITH, of Wisconsin. Why would it not be wiser to make the amendment apply to each quarter-section?

Mr. HOLMAN. I hope this proposition will be withheld for the present.

Mr. LAIRD. I hope it will not be adopted now or at any other time.

Mr. WEAVER. I am willing that the amendment be passed over for the present, to be considered hereafter at a proper time.

The SPEAKER *pro tempore*. Does the gentleman from Iowa withdraw it for the present?

Mr. WEAVER. I am perfectly willing that it be passed over now by unanimous consent, with the understanding that we shall go back to it.

The SPEAKER *pro tempore*. In the absence of objection, that order will be made.

Mr. McSHANE. Mr. Speaker, have all the amendments to section 11 been passed upon?

The SPEAKER *pro tempore*. They have.

Mr. McSHANE. I ask unanimous consent to offer another amendment to section 11.

The SPEAKER *pro tempore*. The gentleman from Nebraska asks unanimous consent to recur to section 11 for the purpose of offering an amendment.

Mr. PAYSON. Let it be read for information.

The Clerk read as follows:

In line 2 strike out the words "one hundred and sixty" and insert "forty;" so as to read:

"That all isolated or disconnected tracts or parcels of the public domain less than 40 acres may be ordered sold at private or public sale for not less than $1.25 per acre by the Commissioner of the General Land Office, when in his judgment it would be proper to do so."

Mr. PAYSON. I have no objection to recurring to the section for the purpose of having the amendment offered. But the Committee on Public Lands had that proposition before it, investigated it thoroughly, and after information from the General Land Office, as well as personal information from gentlemen living in localities which would be affected by the provisions of the bill, it was unanimously agreed that 160 acres would be the proper amount. While I have no objection to the offering of the amendment, I think it ought to be voted down.

The SPEAKER. If there be no objection, the amendment of the gentleman from Nebraska will be considered as pending.

Mr. McRAE. I hope it will not be agreed to; it clearly ought not to be, because the land can be homesteaded now if any man wants to homestead it.

Mr. McSHANE. Mr. Speaker, this section will place hundreds of thousands of acres of land under the control of the Commissioner of the General Land Office to be placed on the market at private sale. Now, I understand the intention of this bill is to preserve as much of the public domain as possibly can be preserved for homestead entry. We all know that in many instances 120 acres of land are regarded as sufficient for a homestead entry. There are thousands of settlers who willingly make a filing upon 80 acres of land in close proximity to a railroad rather than go off 20 or 30 miles from a railroad and settle on 160 acres. Until a few years ago a settler could not file upon more than 80 acres within the 20-mile limit of a railroad, and that law was repealed only in 1880.

Mr. CHIPMAN. This bill provides that any tract of this character less than 160 acres may be sold in the manner provided. It covers your amendment.

Mr. McSHANE. But there might be a fraction of a quarter-section, embracing, we will suppose, 154 acres, which, under this section, the Commissioner of the General Land Office would be permitted to sell at public or private sale.

Mr. HOLMAN. I wish to suggest that this provision will apply only to cases where there has been in some form or other a reservation of a small, isolated body of land rendered valuable by being in the neighborhood of settlement.

Mr. McSHANE. Mr. Speaker, the provisions of this section go a long way. They give authority to the Commissioner of the General Land Office to sell at public or private sale, whenever he sees fit, any parcel of land less than 160 acres. Surely the effect of this section will be to remove from the operation of the homestead act every fraction of a quarter-section, if there is anybody ready to purchase it and if the Commissioner of the General Land Office sees fit to sell it. I am in favor of preserving every fraction of a quarter-section in excess of 40 acres for settlement under the homestead laws.

Mr. LAIRD. Take, for instance, the Platte River, having a tortuous course, full of islands which embrace a large number of fractions of quarter-sections, marked on the Government plats as "lots." These may be valuable to the holder of contiguous property, but worthless to any person who might propose to take them up separately under his homestead or pre-emption right. What does the gentleman say as to those cases?

Mr. McSHANE. I presume that all those parcels of land to which the gentleman refers are less than 40 acres.

Mr. LAIRD. Oh, no.

Mr. PAYSON. We have information of very large numbers of such fractional tracts in Indiana and Illinois, outside of the meander lines of surveys, etc.

Mr. McSHANE. I will ask my colleague [Mr. LAIRD] whether it is not a fact that there are in Nebraska thousands of quarter-sections of land containing only from 152 to 158 acres?

Mr. LAIRD. I think that is the fact.

Mr. PAYSON. That is not a matter coming within the provisions of this section at all.

Mr. HOLMAN. They are not isolated.

Mr. McSHANE. They become isolated the moment the quarter-sections on each side of them are taken up.

Mr. LAIRD. I do not think the case presented by my colleague [Mr. McSHANE] is covered by this section.

Mr. PAYSON. Not at all.

Mr. McSHANE. The provisions of this section go much further, I apprehend, than they were intended to go by the committee in reporting the section. I have no objection to modifying the amendment by striking out "40" and inserting "80." I want to provide against including under this provision the short quarter-sections of which I have spoken.

Mr. LAIRD. I think that my colleague [Mr. McSHANE] sees this matter somewhat differently from the rest of us. It does not occur to me that the "short quarter-sections," which are short owing possibly to defects in surveys and not from natural causes, are comprehended under this section. But I can see this is a state of things where subdivisions are cut up and reduced below 160 and 80 acres. Along the Platte River there are a large number of fractional parts of land separated from the public lands and marked as lots. They comprehend a portion of the shore. Some of them are islands.

I have a bill before the Committee on Public Lands asking that the Secretary of the Interior be authorized to advertise and sell these lands to particular holders. The land is more valuable to settlers near by than to those who are distant as it may be used for pasturage and like purposes.

Mr. MACDONALD. I was just waiting to see how long the gentleman would occupy the minute which I yielded to him. I think if my friends will reflect for a moment upon the purpose of the section they will agree that it shall remain as it is.

Any gentleman who has resided in a land-grant State as long a time as I have, from the time the Government offered land for sale down to the present hour, will realize fully the necessity of such a provision as the one provided in the pending section. Although lands in the country where I live have been out of the market over twenty years, there are one or two isolated tracts there yet of marsh land which have become valuable on account of drainage constantly going on. Throughout the West there are tracts of land of 8 or 10 acres which still remain undisposed of. [Cries of "Vote!"]

Mr. McRAE. I want to say, in the Southern public land States, the States where public lands have been nearly disposed of—in Arkansas Missouri, in the northern part of Louisiana, and the northern part of Mississippi—this section is a necessity. A great part of the land has not been taken because it is unfit for cultivation; that is, unfit for a homestead. This section was draughted to enable the Department to dispose of the land in any way to accommodate those who may desire a part of these lands. I hope the amendment will not be agreed to. In fact, the Representatives of those States could not afford to give a hearty support to this bill if this section was taken out of it.

Mr. LAIRD. I say preference should be given to the men owning abutting or adjoining lands.

Mr. McRAE. He makes out his application to the Commissioner of the General Land Office, and the latter can sell it whenever he is convinced it is for the interest of the Government to do so.

Mr. LAIRD. But preference in the sale of such lands is always to be given to the owners of the nearest abutting lands.

Mr. McSHANE. I desire to change my amendment so it will read 80 instead of 160 acres. And I wish, Mr. Chairman, to impress on this House the fact that in the Western States a very large portion of the surveyed sections run short in the number of acres. In those States containing 158 or 159 acres the Commissioner of the General Land Office can offer the same for sale.

Mr. PAYSON. In many portions of the West, as stated by the gentleman from Nebraska, there are fractional or isolated tracts of land.

A MEMBER. What do you mean by isolated?

Mr. PAYSON. I will state what isolated is. An isolated tract of land is understood to be, in public-land parlance, a piece of land which stands disconnected from other public lands having been disposed of by the Government, or land when disconnected by reason of its proximity to a stream or surrounded by water, as in the case of an island. That is what I mean by isolated land.

Mr. McSHANE. I understand the gentleman. In other words, take the lands located within the limits of a land-grant railroad, where the odd sections are granted to the railroads, leaving a section of Government land surrounded by four sections of railroad land. That section is short in the number of acres it contains. Whenever three-fourths of that section is settled on the other quarter is subject to the provisions of this section.

Mr. PAYSON. Precisely.

Mr. HOLMAN. Well, I think not.

Mr. McSHANE. There is no question about it.

Mr. PAYSON. Concede that it is; what is the objection? The general law operates in regard to it, and any homesteader or pre-emptor can take it up. This is not a repeal of the general law. It is simply an addition to that law which is not supplanted by it. If no homesteader or pre-emptor takes it, all we do is to say that the Commissioner

of the General Land Office may sell it at private sale after giving the right of purchasing to the owner of the nearest adjacent land.

Mr. MCSHANE. There is no provision in this bill giving the first right to the homesteader.

Mr. PAYSON. No, for the general law does that.

Mr. MCSHANE. But it provides that whenever the fraction of a quarter-section becomes isolated the Commissioner may offer it for sale.

Mr. PAYSON. But that does not prevent the homesteader from taking it. There is simply a discretion given to the Commissioner to sell it if no one else takes it under the general law.

Mr. MCSHANE. This gives too much discretion to the Commissioner of the Public Lands; it places too many acres of the public domain on the market for sale. It is the objectionable feature of this section; and I hope the amendment will be adopted reducing the amount to a fraction of 80 instead of 160 acres.

The question being taken on the amendment of Mr. MCSHANE, the House divided; and there were—ayes 16, noes 11.

Mr. MCRAE. No quorum.

Mr. WEAVER. I ask unanimous consent to make a statement. I think we have been in session long enough to-night. Let us take a recess now until half past 10 to-morrow.

Mr. HERMANN. No; I object to any recess.

Mr. SPRINGER. I move that the House take a recess until 10 o'clock.

Mr. PAYSON. I ask consent to make a suggestion to the gentleman from Arkansas, and I ask his attention for a moment.

I ask unanimous consent, Mr. Speaker, that the pending proposition be passed without prejudice, to be called up at a later stage in the consideration of the bill when there is a fuller attendance of the members.

Mr. MCRAE. I can not consent to that, as I may not be here. This is a matter that the representatives of five of the public-land States can not possibly concede. They can not support the bill.

Mr. SPRINGER. But this amendment does not seem to make it so objectionable.

Mr. MCRAE. I know what the amendment means. We can not support the bill with that amendment.

The SPEAKER *pro tempore*. Is there objection to the suggestion of the gentleman from Illinois [Mr. PAYSON]?

Mr. MCSHANE. I object.

Mr. PAYSON. Does the gentleman object to passing it over without prejudice?

Mr. MCSHANE. I do, for I may not be here to-morrow, and I want to say here again that the State that I in part have the honor to represent has many millions of acres of unoccupied Government lands.

Mr. PAYSON. This clause of the bill will not affect that.

Mr. WEAVER. Yes, because there are a great many fractional sections.

Mr. MCSHANE. And I can not consent to have such a large body of lands put in the hands of the Commissioner of the General Land Office for sale and subject to his discretion. We want to preserve them for homestead settlers.

Mr. PAYSON. But I think the gentleman is mistaken about the effect of it in that respect.

The SPEAKER *pro tempore*. The gentleman objects.

Mr. HOLMAN addressed the Chair.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. MCRAE and Mr. MCSHANE were appointed tellers.

Mr. HOLMAN. It is obvious that there is no quorum present.

Mr. WEAVER. I move that the House take a recess until half past 10 o'clock.

Mr. BUCHANAN. I move that the House now adjourn.

The motion to adjourn was rejected.

The question recurred upon the motion of Mr. WEAVER that the House take a recess.

Mr. BUCHANAN. It will take a quorum to do that.

The question was taken; and there were—ayes 15, noes 8.

Mr. BUCHANAN. No quorum.

The SPEAKER *pro tempore*. The point of order being made that a quorum has not voted, the Chair will order tellers.

Mr. BUCHANAN and Mr. WEAVER were appointed tellers.

Mr. MACDONALD. I ask consent to offer an amendment which will meet the objection of the gentleman from Nebraska.

The SPEAKER *pro tempore*. There is a pending motion on which no quorum has voted.

Mr. WEAVER. I withdraw the motion for a recess.

Mr. MACDONALD. I propose to add to this section these words:

Provided, That lands shall not become so isolated or disconnected until the same have been subject to homestead entry for a period of two years after the surrounding land has been disposed of by the Government in any manner.

Mr. WEAVER. That, I think, meets the objection.

Mr. MCSHANE. With an amendment fixing it at three years, I will accept that.

Mr. MACDONALD. Very well; I will so modify the amendment.

The amendment as modified was adopted.

Mr. LAIRD. Now I submit this amendment to the amendment offered by the gentleman from Arkansas.

The SPEAKER *pro tempore*. To what section?

Mr. LAIRD. To section 11. I understand Mr. MCRAE to be willing to accept this as it simply completes the matter.

Mr. MCRAE. I have no objection. My amendment has been adopted.

Mr. LAIRD. It is as follows: Add to the amendment of the gentleman from Arkansas:

Provided, That in the absence of any resident, preference in sale of the same—

Referring to an isolated piece of land—

shall be given where practicable to the owner of the nearest abutting land, said owner to have six months in which to make such purchase.

Mr. MCRAE. I think the "six months" ought to be stricken out. The preference is given and the time ought to come under the discretion vested in the Commissioner.

Mr. LAIRD. I do not care about that. Let it be stricken out.

The Clerk reported the amendment.

The amendment was agreed to.

The Clerk read section 13 of the bill; also the following amendment, offered by Mr. BIGGS:

Amend section 13, line 3, by striking out "three hundred and twenty" and inserting "six hundred and forty."

Mr. MCKENNA. My colleague, the mover of that amendment, was unable to be here to-night. He therefore requested me to ask unanimous consent that it be passed over, and returned to upon the next consideration of the bill.

Mr. HOLMAN. I have no objection, provided we do not get through the bill to-night.

Mr. SMITH, of Arizona. I would like to have Mr. BIGGS here to-night. If the bill is not finished to-night, but is passed over, I do not want to waive any right to be heard upon that amendment.

The SPEAKER *pro tempore*. The gentleman will have the same right that he would have if the amendment was considered to-night.

The Clerk read section 14.

Mr. SMITH, of Wisconsin. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out after the word "affidavit," in line 3, down to and including the word "family," in line 4, on page 8.

Mr. SMITH, of Arizona. This amendment leaves out the words "that he or she is the head of a family." I do not think the lands should be restricted to persons who are the heads of families.

Mr. HOLMAN. The language is the same as that of the homestead law.

Mr. SMITH, of Arizona. There are many young men under twenty-one years of age who have no human being to depend on for their support. They are the most energetic and industrious people among us. It seems to me that this question should not be raised against them. I would like to see the law so amended that people of a younger age even than twenty-one shall have the right to enter the desert lands.

Mr. WEAVER. What age would you suggest?

Mr. SMITH, of Arizona. There are plenty of them out there eighteen years of age.

Mr. HOLMAN. We have adopted the language of the homestead law as near as may be.

The amendment was rejected.

The Clerk read section 15.

Mr. SMITH, of Arizona. I would like to offer an amendment to add after the word "map" the words "or diagram." I am afraid this language might be construed to mean a regular map with distances, heights, etc., and that the settler would be put to too much expense.

The amendment was agreed to.

The Clerk read section 16; also the amendment by Mr. SMITH, of Wisconsin, as follows:

Amend section 16 by adding to the end of same:

"*Provided, however*, That the Government of the United States may, at any time whenever the public interest may require, enter upon a system of irrigation, and may by purchase or condemnation acquire all irrigating canals, ditches, and reservoirs provided for in this act, and as may be found necessary for a complete system of irrigation, and the title of waters that may or can be used for irrigation shall remain in the United States."

The amendment was rejected.

The Clerk read section 17.

Mr. HOLMAN. I see in line 22, after the word "land," there is a word omitted. It is the word "has." If there is no objection, that should be inserted.

There was no objection.

The Clerk read the next amendment, as follows:

Section 17, in lines 8 and 9, strike out "three hundred and twenty" and insert "six hundred and forty."

Mr. MCKENNA. I make the same request in regard to this amendment as I made in regard to the other amendment, offered by Mr. BIGGS. If there is no objection, I should like to have it passed over.

There was no objection, and the amendment was passed over.

Mr. LAIRD. I desire to amend line 26 of this bill by inserting, after the word "time," the word "naturalized;" so that the section will read "at that time naturalized citizens of the United States."

Mr. HOLMAN. Is it not the same thing?

Mr. LAIRD. I think not. A man can be a citizen of the United States in contemplation of the homestead law and not be a naturalized citizen.

Mr. PAYSON. If the amendment offered by the gentleman from Nebraska should prevail, it strikes me it will restrict the provisions of this section to naturalized citizens. Certainly the gentleman does not intend that the benefits of the section shall only go to foreign-born people who have become naturalized.

Mr. LAIRD. The benefits would only go to naturalized citizens.

Mr. PAYSON. You do not mean that.

Mr. LAIRD. No; I mean aliens that have acquired naturalization, not merely admission to vote in a State.

Mr. HOLMAN. The language is just as broad as it can be. [Cries of "Vote!"]

The amendment was rejected.

The Clerk read section 18; also the following amendment:

By Mr. LAIRD:

Amend section 18 by adding at the end thereof the following: "The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements: *Provided*, That homestead entries can be commuted to cash entries after actual inhabitancy of the land sought to be entered by the homesteader and his improvement and cultivation of it for a period of one year."

Mr. LAIRD. I withdraw part of the amendment which has already been provided for, and only desire to offer the proviso.

[Mr. LAIRD withholds his remarks for revision. See APPENDIX.]

The question being taken on the amendment of Mr. LAIRD, it was rejected, there being—ayes 5, noes 18.

The Clerk read as follows:

SEC. 19. That sections 2288 and 2290 in said chapter No. 5 of the Revised Statutes be, and the same are hereby, amended so that it shall read as follows:

"SEC. 2289. Every person who is the head of a family or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, to be located in a body in conformity to the legal subdivisions of the public lands; but no person who is the proprietor of 160 acres of land in any State or Territory, or who quits and abandons his residence on his own land to reside on the public lands in the same State or Territory, shall acquire any right under the homestead law. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate 160 acres."

SEC. 2290. That any person applying to enter land under the preceding section shall first make and subscribe before the proper officer and file in the proper land office an affidavit that he or she is the head of a family, or is over twenty-one years of age, and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, corporation, or syndicate, and that he or she will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation, or syndicate in making such entry, nor in collusion with any person, corporation, or syndicate, to give them the benefit of the land entered, or any part thereof, or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation, but in good faith to obtain a home for himself, or herself, and family; and that he or she has not directly or indirectly made, and will not make, any agreement or contract in any way or manner, with any person or persons, corporation, or syndicate whatsoever, by which the title which he or she might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person, except himself, or herself, and family; and upon filing such affidavit with the register or receiver on payment of $5 when the entry is of not more than 80 acres, and on payment of $10 when the entry is for more than 80 acres, he or she shall thereupon be permitted to enter the amount of land specified.

The following amendment (proposed by Mr. JACKSON) was read:

Amend section 19 as follows, namely:

Strike out all after "United States," in line 7, all of line 8, and the words "laws" and "one quarter-section," in line 9, and insert in line 9, in lieu of the words stricken out, "80 acres."

Mr. JACKSON. The first part of the amendment I have proposed is embraced, I understand, in an amendment of the gentleman from Illinois [Mr. PAYSON] which has not yet been disposed of, and which, I believe, he desires to discuss.

Mr. PAYSON. No, sir; that amendment applied to an earlier section of the bill; and the House voted it down, in the absence of the gentleman from Pennsylvania [Mr. JACKSON].

Mr. JACKSON. That matter having been passed upon, I do not care to speak upon it, and will withdraw that part of my amendment, if I may be permitted to do so.

The SPEAKER *pro tempore*. The gentleman can withdraw any portion of his amendment.

Mr. JACKSON. Upon the other part of my amendment, striking out "one quarter-section" and inserting in lieu thereof "80 acres," I desire to have an expression of the opinion of the House.

I believe that all gentlemen who have given study to the subject of the proper disposition of the lands belonging to the Government are agreed that the homestead land law has furnished the best means of putting the title of the Government lands in the hands of the actual settler. In my judgment we have reached a time in the history of the Government when the quantity of land granted as a homestead may very properly be reduced.

I conclude this for the reason that the number of citizens of the United States who are landless to-day has increased in late years proportionately very greatly; and that the number who own in the settled States less than 160 acres has also increased much greater relatively in recent years than formerly.

And, Mr. Speaker, while the law has permitted ever since the enactment of the homestead bill the taking of 160 acres of land of the public domain, we ought not to forget that other portions of the country were settled in much smaller bodies. The older States of the Union, known as the Eastern and Middle States, were largely settled in not exceeding 100, and perhaps less, acre tracts, and I understand that Indiana was settled in lots of 40 acres. I think that the period has now arrived when we can see that at no great distance in the future the time will present itself when the Government of the United States will have no good lands to give, and therefore we ought to reduce the quantity that may be taken up by settlers as homesteads.

The frauds that have been perpetrated under the homestead law, it I may be permitted to observe, largely grew out of the fact that 160 acres of land was permitted to be taken up. Quantities of land were often obtained through fraudulent entries made readily by men (under contracts with two or three or more citizens) who took up the lands and afterwards transferred them; and thereby large bodies of land have been acquired, not by actual settlers. But if the quantity was reduced to 80 acres there would be that much less of inducement to perpetrate fraud.

[Here the hammer fell.]

Mr. WHEELER was recognized, and yielded his time.

Mr. JACKSON. A moment more. The subject preceding this, disposed of by the House, leads me to believe that if the attention of the committee was given to this section they would be disposed to limit the quantity to be taken under homestead entry in the manner suggested.

The committee, I see, are opposed to the commutation feature of the law, and I agree with them in that respect; that is, against allowing these homestead entries to be commuted and paid for before the expiration of the time required by the law. We all agree that the proper form is to take the lands from Government and place them in the hands of actual settlers; and having this in view, I ask careful attention to the propriety of limiting the homesteads in future to 80 acres.

We are, in a very few years, likely to have great trouble in this country growing out of the fact that we have a large and increasing body of landless citizens; and the time has come when we should change our ideas in reference to the disposal of the public lands. We have always had the idea apparently in the disposal of these public lands, too long has it existed among us, and it is occasionally advanced here that the main effort on the part of Congress should be to facilitate their disposal as rapidly as possible, as if it was something of an advantage to the Government to get rid of these lands and give the title to somebody. I think now the legislative brakes ought to be put down, and we ought to turn our attention for awhile to the other direction of how we may best save the lands for the generation coming upon the stage and which is to follow us.

I would not prevent men who want lands for actual purposes of occupancy for farms from acquiring them; but I think 80 acres is a sufficiently large quantity of land, a good-sized farm. In most of the older States 80 acres is far above the average of the farm.

Mr. MACDONALD. I would suggest that you have no children there.

Mr. JACKSON. Why, my dear sir, the gentleman was never more mistaken in his life. We have children in sufficient number to send a great many out to your country to settle it and people it. It is generally understood that you get your settlers largely from the eastern part of the country, and I have no doubt that the gentleman himself first saw the light somewhere in the East. [Cries of "Vote!" "Vote!"]

[Mr. LAIRD withholds his remarks for revision. See APPENDIX.]

The amendment was rejected.

Mr. VANDEVER. Mr. Speaker, I move to strike out the whole of the proviso in this section on the fourteenth page, beginning in the sixth line and going down to and including the fourteenth line.

Mr. Speaker, I think at this late hour of the night it is hardly worth while for me to attempt any considerable discussion of this important question. Certainly in the limited time assigned to me I can scarcely more than state the question; but as an exemplification of the vicious character of this proviso I will only call the attention of the House to what has actually taken place in the district I represent under the desert-land act.

This desert-land act was passed on the 3d day of March, 1877. Within sixty days from the time of the passage of the act, in the district I represent, in upper San Joaquin valley nearly 400,000 acres of land were located upon under the provisions of the act, and almost immediately the parties who made the location transferred and assigned the

land to other parties. To-day the land is held by a syndicate that has never paid but 25 cents an acre for the land. The parties who made the location were dummies. It is not exactly a desert country, such as was described by the gentleman on my right, but it is the very garden spot of Southern California.

Many of these lands that are so held under the desert-land entries of eleven years ago to-day to the actual settlers would be worth a thousand dollars an acre, and yet they are called desert lands. It is a dangerous thing to put in this section of the bill a proviso recognizing the right of a man who makes a desert-land entry to assign before he acquires title to his land. The act of the 3d of March, 1877, provides specifically that the person making the settlement must make it for himself alone; but the law has been so perverted that the syndicate to which I have referred have held nearly 400,000 acres of land.

Mr. HOLMAN. And that in a single county.

Mr. VANDEVER. And they own other land in addition to the three or four hundred thousand acres. They have appropriated all the water there is in that country. They own the water and they own the land. They stand there like cormorants and keep it from the honest settlers.

I understood the chairman of the committee to say here to-night that the object of this bill is to secure these lands to the actual settlers. But he inserts in the bill a vicious amendment which neutralizes that idea.

[Here the hammer fell.]

Mr. HEARD. If I am recognized, Mr. Speaker, I desire to yield to the gentleman from California.

Mr. VANDEVER. It is not the time nor the occasion to make any extended remarks; but I am painting no fancy picture. I am stating facts in regard to this matter. Since I have been here I have made it my business to wait upon the Secretary of the Interior and the Land Department and to address communication after communication to get the facts into that office. To this day not one finger has been lifted in that Department towards the rectification of this great fraud practiced upon the settlers of the country.

Mr. LAIRD. They have been using their spies on us out there.

Mr. HOLMAN. The gentleman from California [Mr. VANDEVER] will bear in mind that a very large portion of these desert-land entries are suspended in the Land Office and the subject is being investigated.

Mr. VANDEVER. I understand that. The great point is that we want the 300,000 acres thus suspended restored to the public domain, so that the honest settler may have an opportunity of going upon it and getting a homestead.

Mr. HOLMAN. That is being brought about as rapidly as possible.

Mr. VANDEVER. When the settler comes in and asks permission to locate upon this land he is told in the local land office it is no longer public land, it does not belong to the body of the public land, and he has no right to file upon it. He is shut off. A wall of adamant is raised around it. It is one of the most difficult things in the world, almost impossible, to beat that idea into the head of the Interior Department or into the head of the Land Office, to make them understand the frauds that are being practiced at this hour under their very jurisdiction by connivance of the subordinates in their offices that they ought to control.

Now, what I fear in regard to this matter is that if we recognize in this bill the right of a man under the desert-land act to assign his title before he has perfected it, it may be claimed that this is a recognition of the right of those locators in 1877 to assign their title to the syndicates that claim to hold them to-day. This is a matter of very great importance to the people of that country. There is a crying evil there which they charge upon the present administration of the Land Office and of the Interior Department.

There is no politics in this matter. There is a great wrong to be righted, and whoever may be responsible for the perpetration of the wrong, whatever may be the party to which he belongs, I say we should apply the principle that "no guilty man shall escape." I therefore call the attention of the committee and the House to the propriety of striking this provision from section 20 of the bill.

Mr. LAIRD. May I ask the gentleman a question? Outside of the possible effects of this section upon the existing condition of things described by the gentleman, what does he say about its mischievous effects in prospective?

Mr. VANDEVER. That we can only infer.

Mr. LAIRD. What do you say about that?

Mr. VANDEVER. I think it will be just as mischievous in the future as this practice of the Department has been in the past, laying the foundation for neutralizing the beneficial effects of this bill, designed by the committee which reported it.

Mr. MCKENNA. Mr. Chairman, my colleague [Mr. VANDEVER] has related very glaring cases of fraud, which, if they exist, and are permitted to exist without redress under any administration, must be a disgrace to that administration. But, sir, to state that frauds have existed under the previous law is no condemnation of this provision. And if gentlemen will pause a moment to contemplate what they intend by a gift of desert land or by a right of parties to acquire desert-land, and will then look further to see how the gift is to be made available, they will discover that some such provision as this must be inserted, or the gift will be an entire disappointment to the person who is expected to receive it.

Desert land, as has been stated by the gentleman from Nebraska [Mr. LAIRD], is not like agricultural land. You can not go upon it and from the very beginning have some prospect of a profit and benefit. You must employ capital upon it; you must bring water upon it; and until you do employ capital and bring water it is of no more use than is that bare floor for the production of any crop. Employ capital upon it, bring water, and it may be made productive.

Now, how is the settler going to employ capital upon this desert land when he has no capital? How is he going to put water upon it when he has not the means of bringing water there? How is he to accomplish this? He pledges his industry and his honesty to somebody who has the capital. This person sees that the settler is industrious and honest; he sees also that all the title and rights of the Government are made paramount to everything the settler does, are secured to the very end, and that the settler if he be industrious and honest, if he performs his duty to the land and to the Government, will be able to repay amply the advances of money which may be made to him. Thus the person who advances the money for the improvement of this desert land is secured by the pledge of one half of 320 acres.

We had this matter under consideration in the committee; we deliberated upon it thoroughly, and we could devise no other plan to make this an available offer on the part of the Government. We realized the existence of some objections to the provision of the bill; we realize those objections now, and if any other plan could have been suggested whereby the result could have been accomplished, we would gladly have adopted such a plan.

How is the Government to be defrauded under this provision? It grants 320 acres of land, arid land; as arid as that floor, so far as concerns the production of crops. It says to the settler, "Go there; employ your time; devote your industry; and if you reclaim that land, if you make it bloom and blossom, then we will grant you a gift of 320 acres; and in order to enable you to do this we will allow you to mortgage one-half of what you are to get." The title of the Government and the right of the Government are always paramount to any right of the mortgagee; the Government is always secure against any possible abuse.

I consulted my other colleagues from California about this measure, and I thought I had consulted my colleague who has just spoken [Mr. VANDEVER], but in this respect I must be mistaken. My judgment is that my other colleagues concur in the propriety of this provision. Such is my present recollection, although the chairman of the committee [Mr. HOLMAN] has just told me that some of them dissent from it. If they do they have not expressed their dissent to me.

Mr. HOLMAN. I do not undertake to speak definitely on that subject.

Mr. VANDEVER. I would like to say a few words in response to my colleague [Mr. MCKENNA].

Mr. MCKENNA. The gentleman shall have ample opportunity for that. Between my colleague and myself there is no contention about this matter—certainly none on my part. My whole desire is, in the first place, to secure to the settler ample opportunity to realize the benefits of this gift of the Government; and, in the second place, to protect the Government against any possibility of being defrauded by such schemes as have been depicted by my colleague [Mr. VANDEVER].

I wish to say as to the lands in Kern County that they are not desert lands. It is land which is referred to as being as arid as this floor. It is very rich land and makes that country like a garden spot. It is agricultural land; but the parties constituting the syndicate in Southern California own three or four thousand acres of other lands, and they also monopolize the water which is necessary for irrigation. They monopolize the land and they also monopolize the water which is necessary to cultivate the land. Those who go there upon the land to settle have no water, and they have to depend for what they use upon this syndicate. As a result, this monopoly which owns the water and owns the surrounding land becomes the possessor, little by little, of all the lands in the country.

Mr. MCKENNA. Is not this proviso calculated to prevent abuse?

Mr. VANDEVER. I am not advocating the proviso, but opposing any provision by which the settler is allowed to mortgage his land before he acquires title to it. That is the worst part of this section.

There is an investigation going on in the Land Office in regard to this matter, which ought to have been inaugurated before this. It is of the highest importance this House should be informed before they adopt that proviso. It is a matter of importance to the community in which I live.

As I have already said, this land is not arid land. It is rich land and susceptible of the highest cultivation. Men are going there to settle upon these lands in large numbers; but they can not remain there unless they put themselves under obligation to this syndicate which owns all the water.

Mr. PAYSON. As a member of the committee reporting this provision, I desire to ask the gentleman this question.

Mr. VANDEVER. Certainly.

Mr. PAYSON. Does not this section provide that the mortgage shall be subject to the rights of the United States, and upon the performance of acts required to be done; that is to say, the mortgagee gets no rights from the Government until there is value?

Mr. VANDEVER. I have no doubt the provision may protect the Government, but my object is to protect the settler and keep him out of the clutches of the syndicate which is squeezing the life-blood out of him in that country.

Mr. STONE, of Missouri. I rise to submit a remark in the line suggested by my friend from Illinois. It seems to me this is practically a great ado about nothing. The desert-land laws under which these frauds complained of by the gentleman from California are practiced are repealed by this enactment if it should become a law.

In lieu of desert-land entries of 640 acres it is provided a person having proper qualifications may make a desert-land homestead entry of 320 acres, going upon the land and making his home there, filing maps and plans of irrigation at the time when he makes his final proof showing the plan has been substantially carried out and a certain portion of the land put in cultivation.

To enable him to do this it is provided in section 20 he may mortgage one-half of his claim of 320 acres, but reserves the rights of the Government. They are in no sense impaired. The right the Government may have is not diverted to the right of any mortgagee. On the contrary, the rights of the mortgagee are subordinate to the rights of the Government.

Now, I stated that it was an ado about nothing, because I can not conceive of any statute that could deny to the homesteader the right to mortgage to any party to whom he wanted to mortgage, not only one-half of the land, but the whole of it; and if he afterwards completes the homestead entry and obtains a patent the mortgage becomes valid.

Mr. McRAE. There is a statute against the mortgaging of lands of any sort under the homestead law.

Mr. LAIRD. The decisions are with the gentleman from Missouri [Mr. STONE] on that proposition.

Mr. STONE, of Missouri. I was not aware of the existence of any such statute.

Mr. HOLMAN. You can not make any defense so far as the United States is concerned. It is entirely inoperative.

Mr. STONE, of Missouri. It would not be inoperative in Indiana or Missouri. Do I understand that the mortgage would be inoperative and could not be enforced?

Mr. HOLMAN. It would be a question of the power of the homesteader in advance of his obtaining the patent.

Mr. STONE, of Missouri. Oh, yes; of course the office might decline to grant the patent. I understand that. But that is not the question presented here.

[Here the hammer fell.]

Mr. HOLMAN. Let us have a vote.

The amendment was rejected.

Mr. VANDEVER. I did not withdraw my amendment.

The question being taken on the amendment of Mr. VANDEVER, it was rejected.

Mr. MACDONALD. I now insist upon my motion to adjourn.

Mr. HOLMAN. Let the Clerk read the next section.

The Clerk read as follows:

SEC. 21——

Mr. MACDONALD. I insist upon the motion.

The motion was agreed to; and accordingly (at 11 o'clock and 25 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CARUTH: A bill (H. R. 10615) granting a pension to Sallie T. Ward—to the Committee on Invalid Pensions.

By Mr. HOVEY: A bill (H. R. 10616) to increase the pension of Michael A. Dillon—to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 10617) for the relief of William Roberts—to the Committee on Claims.

By Mr. J. D. STEWART: A bill (H. R. 10618) for the relief of Stafford, Seymour & Co., and sundry other parties therein named, for Indian depredations—to the Select Committee on Indian Depredation Claims.

By Mr. LAWLER: A bill (H. R. 10619) granting an increase of pension to Frances M. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10620) granting a pension to Barbara Madden—to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 10621) for the removal of the political disabilities of John H. Parker—to the Committee on the Judiciary.

Changes in the reference of bills improperly referred were made in the following cases, namely:

A bill (H. R. 3865) granting a pension to Sarah E. Beeman—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3965) granting a pension to Ann Kinney—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 2964) granting a pension to William E. Parker—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 2845) granting a pension to J. Claude White—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3873) granting a pension to Esther A. Brown—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3874) granting a pension to Ann E. Goodrich—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 4861) granting a pension to Mrs. Julia Hickey—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 5493) granting a pension to Mrs. E. G. Cartar—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3611) granting a pension to William Lutz—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3872) granting a pension to James Safely—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3610) granting a pension to William Thields—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3864) granting a pension to Sophia A. Freeland—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3609) for the relief of Elizabeth Hamilton—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3608) granting a pension to William E. Prince—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 4571) granting a pension to Jacob Shear—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3861) for the relief of George A. Holt—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3863) for the relief of Susan Buchanan—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3875) for the relief of Patrick Daley—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 5497) for the relief of Josiah Mahoney—from the Committee on Pensions to the Committee on Invalid Pensions.

Also, a bill (H. R. 3599) for the relief of John W. Benedict—from the Committee on Pensions to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. T. H. B. BROWNE: Petition of E. D. Joyner and others, citizens of Accomack County, Virginia, for dredging out Pangoteague Creek—to the Committee on Rivers and Harbors.

By Mr. BUCHANAN: Resolutions of United Labor League of America, for payment of John Pope Hodnett for acting as counsel to the workingmen of the District of Columbia—to the Committee on Claims.

By Mr. BUNNELL: Petition of wool-growers of Bradford County, Pennsylvania, against lowering the duty on wool—to the Committee on Ways and Means.

By Mr. CARUTH: Petition of J. A. Miller, for relief—to the Committee on Claims.

Also, papers to accompany House bill 6219 to pension Mary Griffith—to the Committee on Invalid Pensions.

By Mr. CASWELL: Petition of W. T. Lewis, James McLaven, and 1,048 others, citizens of Racine, Wis., praying for the passage of House bill 8706—to the Committee on Commerce.

By Mr. COLLINS: Petition of Eunice M. Macausland, of Boston, Mass., for a pension—to the Committee on Invalid Pensions.

By Mr. CRAIN: Petition of citizens of Goliad, Tex., for amendment of the interstate-commerce act—to the Committee on Commerce.

By Mr. DOCKERY: Petition of citizens of Jackson County, and of citizens of Clay County, Missouri, for charter for Randolph and Kansas City Bridge Company—to the Committee on Commerce.

By Mr. GAY: Papers in the claim of Adolph Verret, of Terre Bonne Parish, Louisiana—to the Committee on War Claims.

Also, petition of Adolph Verrett, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. HUNTER: Petition of members of Trenton (Ky.) Grange, Patrons of Husbandry, No. 39, and other citizens, asking amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. MATSON: Petition of F. A. Schell and 222 others, citizens of Owen County, Indiana, for the passage of the bill to give arrears of pensions—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Petition of L. M. Bellows, of Waldo County (Maine) Grange, for amendment to the interstate-commerce law—to the Committee on Commerce.

By Mr. O'FERRALL: Petition of Jeremiah Keister, of Strasburgh, Va., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. WHITTHORNE: Petition of W. G. Porter, of Tennessee, for relief—to the Committee on War Claims.

SENATE.

TUESDAY, *June 26*, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of June 13, 1888, a statement showing the amount of United States bonds offered for sale from April 23 to June 15, 1888; which, with the accompanying documents, was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Ordnance recommending a change in the provision of the sundry civil appropriation bill for powder depot at Dover, N. J.; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a letter of the Commissioner of Indian Affairs regarding the claim of the Presbyterian Mission Board for reimbursement for improvements to the Albuquerque (N. Mex.) Indian school grounds; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITION.

Mr. EDMUNDS presented the petition of John Farrell, of Burlington, Vt., praying to be allowed a pension; which was referred to the Committee on Pensions.

BILLS INTRODUCED.

Mr. REAGAN introduced a bill (S. 3220) for improving Aransas Pass, Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAVIS introduced a bill (S. 3221) granting a pension to Isaac N. Hawkins; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO CLAIMS BILL.

Mr. BERRY and Mr. HARRIS submitted amendments intended to be proposed by them respectively to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act; which were ordered to be printed, and, with the accompanying reports of the Court of Claims, referred to the Committee on Claims.

AMENDMENT TO APPROPRIATION BILL.

Mr. PLUMB. I offer an amendment intended to be proposed to the sundry civil appropriation bill, which I ask may be read, printed, and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read as follows:

Add, on page 89, after line 3:

"That there shall not be purchased for the use of the National Homes for Disabled Volunteer Soldiers any material or supplies which are the result of convict labor."

The PRESIDENT *pro tempore*. If there be no objection, the proposed amendment will be printed and referred to the Committee on Appropriations.

RAILROADS IN INDIAN TERRITORY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a concurrent resolution coming over from yesterday, which will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. JONES, of Arkansas, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the President of the United States be requested to return to the Senate the bill (S. 2929) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and operate a railway, telegraph, and telephone line through the Indian Territory, and for other purposes.

Mr. JONES, of Arkansas. Let that go over.

The PRESIDENT *pro tempore*. The resolution will lie over until to-morrow.

TRANSFER OF COAST SURVEY.

Mr. CHANDLER. I move that Order of Business 1279, being the bill (S. 2487) to transfer the survey of the coasts of the United States to the Navy Department, and for other purposes, be recommitted to the Committee on Naval Affairs.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 26) to arbitrate and settle the questions at issue between the District of Columbia and Samuel Strong.

The message also announced that the House insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes, insisted upon by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLEMENTS, Mr. FELIX CAMPBELL, and Mr. MCCOMAS managers at the conference on its part.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 3329) to regulate the subdivision of land within the District of Columbia;

A bill (H. R. 7762) authorizing the restoration to the Reform School of boys who have been discharged on probation, and for other purposes;

A bill (H. R. 8308) to provide for the examination, and so forth, of certain manuscript volumes of the municipal laws of the District of Columbia;

A bill (H. R. 10053) making May 30 a holiday in the District of Columbia;

A bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes; and

A bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The message further announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. 956) for the relief of heirs of Christopher Cott;

A bill (H. R. 1361) to incorporate the reform school for girls of the District of Columbia;

A bill (H. R. 1514) relating to record of wills in the District of Columbia; and

A bill (H. R. 3290) to amend section 685 of the Revised Statutes relating to the District of Columbia.

HOUSE BILL REFERRED.

The bill (H. R. 10540) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PUBLIC BUILDING AT WICHITA, KANS.

Mr. VEST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 1451) for the completion of a public building at Wichita, Kans., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

G. G. VEST,
S. PASCO,
JUSTIN S. MORRILL,
Managers on the part of the Senate.

SAMUEL DIBBLE,
THO. D. JOHNSTON,
H. S. POST,
Managers on the part of the House.

The PRESIDENT *pro tempore*. No further action is required by the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 25th instant approved and signed the following acts and joint resolution:

An act (S. 1507) providing for an additional associate justice of the supreme court of the Territory of Utah, and for other purposes;

An act (S. 656) granting an increase of pension to James Jackson Purman;

An act (S. 900) for the relief of Mrs. Alice Croarken;

An act (S. 647) for the relief of W. A. Lemaster;

An act (S. 303) granting a pension to Mattie Graziani, of Covington, Ky.;

An act (S. 1194) granting a pension to Mary Wherry; and

Joint resolution (S. R. 42) extending the provisions of an act entitled "An act relating to arrears of taxes in the District of Columbia," approved March 3, 1887.

The message also announced that the bill (S. 1299) granting a pension to George Park, having been presented to the President June 7, 1888, and not having been returned by him to the Senate, in which it originated, within the ten days prescribed by the Constitution, had become a law without his approval.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (H. R. 7647) to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia; in which it requested the concurrence of the Senate.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHIPMAN, Mr. FRENCH, and Mr. MORRILL the managers at the same on its part.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. If there is no further morning business, I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. Is there further morning business? If there be none that order is closed. The Senator from Iowa moves that the Senate proceed to the consideration of a bill the title of which will be stated.

The CHIEF CLERK. A bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the motion to take up the bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and will be read at length.

The bill was reported from the Committee on Appropriations with amendments.

Mr. ALLISON. I ask that as the reading progresses the amendments of the Committee on Appropriations may be considered.

The PRESIDENT *pro tempore*. The formal reading will be dispensed with, if there be no objection, and the amendments of the Committee on Appropriations will be acted upon as they are reached in the reading of the bill.

Mr. ALLISON. And that all the amendments of the committee be acted upon before other amendments shall be in order.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. EDMUNDS. That is going a little too far. We may want to amend the amendments of the committee, or add something in the same connection; and therefore that privilege ought to be reserved in the usual course. I have nothing in thought myself but to keep it safe in hand.

Mr. HARRIS. An amendment to an amendment of the committee will be in order.

Mr. ALLISON. I make no request, Mr. President.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The Chief Clerk proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, under the head of "Legislative," in the appropriations for the "Senate," in line 14, on page 1, to increase the total appropriation "for compensation of the officers, clerks, messengers, and others in the service of the Senate" from $307,398.80 to $316,143.30.

The amendment was agreed to.

The next amendment was, in the appropriations for "office of Sergeant-at-Arms and Doorkeeper of the Senate," on page 4, line 24, before the word "messengers," to strike out "two" and insert "three;" so as to read:

Three messengers, acting as assistant doorkeepers, at $1,800 each.

The amendment was agreed to.

The next amendment was, in the same clause, on page 5, line 1, after the word "messengers," to insert "including one for the press gallery;" so as to read:

Twenty-seven messengers, including one for the press gallery, at $1,440 each.

The amendment was agreed to.

Mr. ALLISON. I ought to say that these changes are made in pursuance of resolutions of the Senate, a resolution of the Senate having provided for an additional messenger as assistant doorkeeper, and also a messenger for the press gallery.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the office of the Sergeant-at-Arms and Doorkeeper of the Senate, on page 5, line 8, after the words "upholsterer and locksmith, $1,440," to insert:

Two carpenters to assist him, at $960 each.

Mr. ALLISON. These two carpenters do not increase the force at all. They are now on the force, but paid out of another fund. We simply put them in here at the compensation they are now receiving.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, on page 5, line 18, before the word "pages," to strike out "fifteen" and insert "sixteen;" and in line 19, after the words "telephone page," to insert "and one page for the press gallery;" so as to read:

Sixteen pages for the Senate Chamber, including one telephone page, and one page for the press gallery, at the rate of $2.50 per day each during the session, $4,537.50.

The amendment was agreed to.

The next amendment was, on page 5, line 22, to increase the total amount of the appropriations for "office of Sergeant-at-Arms and Doorkeeper of the Senate" from $88,009.90 to $92,030.40.

The amendment was agreed to.

The next amendment was, in the appropriations for the post-office of the Senate, on page 6, line 5, after the word "each," to insert:

To enable the postmaster of the Senate to keep a constant supply of postage-stamps for sale to Senators, $50.

Mr. ALLISON. I desire to have that amendment disagreed to, in order that it may be inserted at another place in the bill.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 6, line 8, to increase the total amount of the appropriations for the post-office of the Senate from $15,788 to $15,838.

Mr. ALLISON. This amendment should also be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for the document-room of the Senate, on page 6, line 14, after the word "dollars," to strike out—

One page in document-room, $900—

And insert—

One assistant in the document-room, $1,200.

The amendment was agreed to.

The next amendment was, on page 6, line 17, to increase the total amount of the appropriations for the Senate document-room from $8,220 to $8,520.

The amendment was agreed to.

The next amendment was, on page 7, to strike out the clause from line 1 to line 7, inclusive, as follows:

Engineers' Department: For chief-engineer, $2,160; three assistant engineers, at $1,440 each; conductor of elevator, $1,200; two firemen, at $1,095 each; three laborers in engineers' department, at $720 each; in all, $12,030.

And to insert in lieu thereof:

Under Architect of the Capitol: For chief engineer, $2,160; three assistant engineers, at $1,440 each; two conductors of elevator, at $1,200 each; one machinist and assistant conductor of elevator, $1,000; two firemen, at $1,095 dollars each; four laborers in engineers' department, at $720 each; in all, $14,950. And all engineers and others who are engaged in heating and ventilating the Senate wing of the Capitol shall be subject to the orders and in all respects under the direction of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules.

Mr. ALLISON. In line 11 I think the word "elevator" should be "elevators." There are two elevators. I move that amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. BECK. In the next line the same amendment should be made.

Mr. ALLISON. In line 13 I move to change the word "elevator" to "elevators."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 7, line 22, before the word "clerks," to strike out "twenty-five" and insert "twenty-seven;" and in line 23, after the word "session," to strike out "eighteen thousand one hundred and fifty" and insert "nineteen thousand six hundred and two;" so as to make the clause read:

For twenty-seven clerks to committees, at $6 per day during the session, $19,602.

The amendment was agreed to.

The next amendment was, in the appropriations for contingent expenses of the Senate, on page 8, line 9, before the word "dollars," to strike out "one hundred" and insert "fifty;" and, in the same line, after the word "all," to strike out "two hundred" and insert "one hundred and fifty;" so as to read:

For postage-stamps for the office of the Secretary of the Senate, $100; for the office of the Sergeant-at-Arms, $50.

The amendment was agreed to.

Mr. ALLISON. In line 9, after the word "dollars," I move to insert—

To enable the Postmaster of the Senate to keep a constant supply of postage-stamps for sale to Senators, $50.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 8, line 9, after the words "in all," to strike out "two hundred" and insert "one hundred and fifty;" so as to read:

In all, $150.

Mr. ALLISON. Now, that amendment should be rejected, so that the total of the item may remain $200.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 8, line 14, to increase the appropriation "for materials for folding" from $4,500 to $6,000.

The amendment was agreed to.

The next amendment was, on page 8, line 17, to increase the appropriation "for folding speeches and pamphlets, at a rate not exceeding $1 per thousand," from $2,500 to $5,500.

The amendment was agreed to.

The next amendment was, on page 8, line 20, after the word "apparatus," to insert "exclusive of labor;" so as to make the clause read:

For fuel, oil, and cotton-waste, and advertising, for the heating apparatus, exclusive of labor, $7,500.

The amendment was agreed to.

The next amendment was to strike out lines 22 and 23, on page 8, as follows:

For furniture and repairs of furniture, $8,000.

And insert:

For purchase of furniture, $1,000.
For materials for furniture and repairs of same, exclusive of labor, $1,500.
For services in cleaning and varnishing furniture, $300.

The amendment was agreed to.

The next amendment was, on page 9, line 3, to increase the appropriation "for packing boxes" from $780 to $870.

The amendment was agreed to.

The next amendment was, on page 9, line 5, to increase the appropriation "for miscellaneous items, exclusive of labor," from $15,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 9, line 11, before the word "cents," to strike out "fifty" and insert "twenty-five;" so as to make the clause read:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $15,000.

The amendment was agreed to.

The next amendment was, under the head of "House of Representatives," on page 14, line 21, to increase the appropriation for compensation of Doorkeeper from $3,000 to $3,500.

The amendment was agreed to.

The next amendment was, in the same clause, on page 14, line 22, to reduce the appropriation "for hire of horses, feed, repair of wagon and harness" from $1,100 to $600.

The amendment was agreed to.

Mr. ALLISON. After the word "dollars," in line 22, I move to insert "or so much thereof as may be necessary."

The amendment was agreed to.

Mr. ALLISON. I will say respecting these three amendments that they are inserted at the request of the House Committee on Appropriations, they having been omitted for some cause, and not inserted in the House of Representatives.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the clause making appropriations for Official Reporters of the House of Representatives, on page 17, line 2, after the word "reporter," to insert "under the chief official reporter;" so as to read:

One assistant official reporter, under the chief official reporter, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "Library of Congress," on page 18, line 15, before the words "assistant librarians," to strike out "twenty-five" and insert "twenty-eight;" in line 19, after the word "each," to strike out "seven" and insert "ten;" and in line 23, after the word "all," to strike out "thirty-eight thousand five" and insert "forty-two thousand seven;" so as to make the clause read:

For compensation of Librarian, $4,000; and for twenty-eight assistant librarians, two at $2,500 each, two at $1,800 each, two at $1,600 each, two at $1,440 each, ten at $1,400 each, six at $1,200 each, one at $960, one at $720, and two at $600 each; in all, $42,760.

The amendment was agreed to.

The next amendment was, on page 18, line 25, to increase the appropriation "for purchase of books for the Library" from $3,000 to $6,000.

The amendment was agreed to.

The next amendment was, on page 19, line 10, to increase the total amount of the appropriations for purchase of books, etc., for the Library of Congress from $10,000 to $13,000.

The amendment was agreed to.

The next amendment was, on page 19, line 20, after the word "thousand," to strike out "three hundred dollars" and insert "and seventy-three dollars and seventy-five cents;" in line 21, after the word "all," to strike out "$13,100" and insert "$12,873.75;" and in line 23, after the word "cents," to strike out:

Provided, That the wages of no day laborer shall be less than $2 per day.

So as to make the clause read:

For Botanic Garden: For superintendent, $1,800; for assistants and laborers, under the direction of the Joint Library Committee of Congress, $11,073.75; in all, $12,873.75.

The amendment was agreed to.

The next amendment was, under the head of "Executive," on page 20, line 8, after "United States," to insert "at the rate of;" and in the same line, after the word "dollars," to insert "per annum, $2,622.22;" so as to make the clause read:

For compensation of the Vice-President of the United States, at the rate of $8,000 per annum, $2,622.22.

The amendment was agreed to.

The next amendment was, under the head of "Department of State," on page 22, line 4, before the word "assistant," to strike out "two" and insert "five;" so as to read: "Five assistant messengers;" and in line 7 to increase the total amount of the appropriation for the compensation of the Secretary of State, Assistant Secretaries, and the clerks and employés in the office from $115,350 to $117,510.

The amendment was agreed to.

The next amendment was, on page 22, after line 8, to insert:

For indexing records, namely: One clerk of class 3, two clerks of class 1; in all, $4,000.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," in the clause making appropriations for "division of loans and currency," on page 26, line 15, before the word "clerks," to strike out "six" and insert "eight;" so as to read:

Eight clerks of class 4.

The amendment was agreed to.

The next amendment was, in the same clause, line 18, before the word "clerks," to strike out "two" and insert "four;" so as to read:

Four clerks of class 1.

The amendment was agreed to.

The next amendment was, in the same clause, on page 27, line 1, to increase the total amount of the appropriations for "division of loans and currency" from $61,319 to $67,319.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "miscellaneous division," on page 27, line 13, after the word "three," to strike out "two clerks" and insert "one clerk;" after the words "class 1," at the end of the same line, to insert "one clerk, at $1,000;" and in line 15, after the word "all," to strike out "fifteen thousand one" and insert "fourteen thousand seven;" so as to make the clause read:

Miscellaneous division: For chief of division, $2,500; assistant chief of division, $2,000; one clerk of class 4; two clerks of class 3; one clerk of class 2; one clerk of class 1; one clerk, at $1,000; one clerk, at $900; one assistant messenger; in all, $14,720.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the "division of mail and files," on page 28, line 5, after the word "mail-messenger," to strike out "eight hundred and forty" and insert "one thousand;" and in line 7, after the word "all," to strike out "twenty-five thousand nine hundred and eighty" and insert "twenty-six thousand one hundred and forty;" so as to make the clause read:

Division of mail and files: For chief of division, $2,500; one clerk of class 3; five clerks of class 2; two clerks of class 1; six clerks, at $1,000 each; four clerks, at $900 each; one mail-messenger, $1,000; two assistant messengers; one laborer, at $600; in all, $26,140.

The amendment was agreed to.

The next amendment was, on page 30, line 8, before the words "clerks of class 4," to strike out "ten" and insert "nine;" and in line 11, after the words "in all," to strike out "ninety-one thousand seven" and insert "eighty-nine thousand nine;" so as to make the clause read:

Second Comptroller of the Treasury: For Second Comptroller of the Treasury, $5,000; deputy comptroller, $2,700; seven chiefs of division, at $2,100 each; nine clerks of class 4; ten clerks of class 3; ten clerks of class 2; ten clerks of class 1; two clerks, at $1,000 each; five clerks, at $900 each; one messenger; and three laborers; in all, $89,920.

The amendment was agreed to.

Mr. ALLISON. I offer the following amendment, to be inserted after line 21, on page 30:

And provided further, That the Secretary of War shall prepare and submit to Congress, through the Secretary of the Treasury, in the Book of Estimates for the fiscal year 1890, estimates in detail for the support and maintenance of the Soldiers' Home, and for all necessary expenses connected therewith for the fiscal year 1890.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 33, line 5, before the word "laborers," to strike out "eight" and insert "seven;" and in line 6, after the words "one hundred and," to strike out "ninety-one thousand five hundred and thirty" and insert "ninety thousand eight hundred and seventy;" so as to make the clause read:

Third Auditor: For Third Auditor, $3,600; deputy auditor, $2,250; seven chiefs of divisions, at $2,000 each; six clerks of class 4; twenty-one clerks of class 3; fifty-four clerks of class 2; twenty-nine clerks of class 1; five clerks, at $1,000 each; six clerks, at $900 each; one assistant messenger; and seven laborers; and one female laborer, at $480; in all, $190,870.

The amendment was agreed to.

The next amendment was, on page 33, line 14, before the words "clerks, at $1,000 each," to strike out "three" and insert "two;" in line 16, after the word "each," to insert "one messenger;" and in line 18, after the word "thousand," to strike out "three hundred and ninety" and insert "two hundred and thirty;" so as to make the clause read:

Fourth Auditor: For the Fourth Auditor, $3,600; deputy auditor, $2,250; three chiefs of division, at $2,000 each; two clerks of class 4; thirteen clerks of class 3; eight clerks of class 2; nine clerks of class 1; two clerks, at $1,000 each; five clerks, at $900 each; two clerks, at $800 each; one messenger; one assistant messenger; and two laborers; in all, $69,230.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of "Treasurer," on page 35, line 22, to reduce the appropriation for salary of "one mail messenger" from $1,000 to $840; and on page 36, line 3, to reduce the total amount of the appropriations for compensation of the Treasurer and the clerks and employés in his office from $273,521.60 to $273,361.60.

The amendment was agreed to.

The next amendment was, on page 39, line 1, in the clause making appropriations for "Light-House Board," after the words "class two," to strike out "who shall be a stenographer;" so as to read:

One clerk of class 2.

The amendment was agreed to.

The next amendment was, on page 39, line 7, after the words "class two," to insert "who shall be a stenographer;" so as to read:

For the following additional employés in the office of the Light-House Board, who shall be paid from the appropriations for the Light-House Establishment, namely: One clerk of class 2, who shall be a stenographer, etc.

The amendment was agreed to.

The next amendment was, in the appropriations for "Bureau of Statistics," on page 41, line 9, before the word "thousand," to strike out "seven" and insert "eight;" so as to make the clause read:

For the payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, $8,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Office of the Director of the Mint," on page 42, line 23, before the word "hundred," to strike out "two" and insert "four;" so as to read:

One translator, $1,400.

The amendment was agreed to.

The next amendment was, in the same clause, on page 43, line 3, to increase the total amount of the appropriations for compensation of the Director of the Mint and the clerks and other employés in his office from $28,740 to $28,940.

The amendment was agreed to.

The next amendment was, under the head of "Independent Treasury," in the appropriations for "Office of assistant treasurer at New Orleans," on page 50, line 6, after the word "dollars," to insert "one paying-teller, $2,000;" and in line 13, after the word "all," to strike out "sixteen" and insert "eighteen;" so as to make the clause read:

Office of assistant treasurer at New Orleans: For assistant treasurer, $4,000; cashier, $2,250; receiving teller, $2,000; one paying-teller, $2,000; book-keeper, $1,500; one clerk, at $1,200; one coin and redemption clerk, $1,200; two clerks, at $1,000 each; porter, $500; one day-watchman, at $720; one night-watchman, at $720; in all, $18,090.

The amendment was agreed to.

The next amendment was, on page 53, line 25, before the word "thousand," to strike out "eight" and insert "nine;" so as to make the clause read:

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $9,000.

The amendment was agreed to.

The next amendment was, under the head of "United States mints and assay offices," on page 54, line 5, after the word "each," to insert "assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each;" in line 8, after the word "each," to insert "abstract clerk, and register of deposits, at $1,800 each;" and in line 11, after the word "all," to strike out "nineteen thousand nine" and insert "twenty-nine thousand five;" so as to make the clause read:

Mint at Carson, Nev.: For salary of superintendent, $3,000; for assayer, melter and refiner, and coiner, at $2,500 each; assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each; chief clerk, at $2,250; cashier, book-keeper, and weigh clerk, at $2,000 each; abstract clerk, and register of deposits, at $1,800 each; assayer's computation clerk, at $1,200; in all, $29,550.

The amendment was agreed to.

The next amendment was, on page 54, line 13, in the appropriations for "mint at Carson, Nev.," to increase the appropriation "for wages of workmen and adjusters" from $20,000 to $60,000.

The amendment was agreed to.

The next amendment was, on page 54, in the appropriations for "mint at Carson, Nev.," line 15, to increase the appropriations "for incidental and contingent expenses" from $5,000 to $25,000.

The amendment was agreed to.

The next amendment was, on page 56, after the words "warrant clerk," to insert "at $2,200 each;" and on page 57, line 1, after the word "all," to strike out "forty" and insert "forty-one;" so as to make the clause read:

Mint at San Francisco, Cal.: For salary of superintendent, $4,500; assayer, melter and refiner, and coiner, at $3,000 each; chief clerk and cashier, $2,500 each; book-keeper, abstract clerk, weigh clerk, and warrant clerk, at $2,200 each; assistant assayer, assistant melter and refiner, and assistant coiner, at $2,000 each; register of deposits, $2,000; cashier's clerk, $1,800; assayer's computing clerk, assistant weigh clerk, and superintendent's computing clerk, at $1,600 each; in all, $41,900.

The amendment was agreed to.

The next amendment was, on page 57, line 18, in the appropriations for "Assay office at Boise, Idaho," to increase the appropriation "for incidental and contingent expenses, including labor," from $7,500 to $10,000.

The amendment was agreed to.

The reading of the bill was continued to the end of the clause making appropriations for the Territory of Utah, on page 63, line 18.

Mr. ALLISON. In the appropriations for the Territory of Utah, in line 15, on page 63, I move to strike out "two" and insert "three;" so as to read:

Chief-justice and three associate judges, at $3,000 each.

A law has lately been passed providing for an additional judge in that Territory.

The amendment was agreed to.

Mr. ALLISON. The footing of the appropriation should be changed accordingly.

The PRESIDENT *pro tempore*. The footing will be changed to correspond.

The next amendment of the Committee on Appropriations was, under the head of "Government in the Territories," in the appropriations for the "Territory of Utah," on page 64, line 8, before the word "thousand," to strike out "seven" and insert "ten;" so as to make the clause read:

For the following expenses of the commission, namely: For traveling expenses, printing, stationery, clerk-hire, and office rent, $10,000: *Provided*, That out of this sum the commission is hereby authorized to pay the secretary of the Territory, who is its secretary and disbursing agent, a reasonable sum for such service, not exceeding $300, for the fiscal year 1889.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 66, line 3, before the words "clerks of class 3," to strike out "eight" and insert "seven;" in the same line, after the word "three," to strike out "including one for the retired General of the Army;" so as to read:

Seven clerks of class 3.

The amendment was agreed to.

The next amendment was, in the same clause, on page 66, line 4, after the word "three," to insert:

One clerk of class 3, or stenographer, for the General of the Army; one clerk of class 3, or stenographer, for the retired General of the Army, at $1,600 each, to be selected by them respectively.

The amendment was agreed to.

Mr. ALLISON. I move to amend there by inserting:

In the office of the General of the Army, and one clerk.

I move to strike out in the amendment reported by the committee the semicolon in line 5 and insert the word "and," so as to read:

One clerk of class 3, or stenographer, for the General of the Army, and one clerk of class 3, or stenographer, for the retired General of the Army.

The amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, in the same clause, on page 66, line 15, to increase the total amount of the appropriation for the compensation of the Secretary of War and the clerks and employés in his office from $113,450 to $115,050.

The amendment was agreed to.

Mr. ALLISON. In the appropriations for "office of Adjutant-General," on line 22 of page 66, I move to strike out "forty-five" and insert "forty-four;" so as to read:

Forty-four assistant messengers.

The amendment was agreed to.

Mr. ALLISON. The footing should be changed accordingly in lines 23 and 24 of that page.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The change will be made by the Secretary.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for "the office of the Quartermaster-General," on page 68, line 17, before the word "clerks," to strike out "thirteen" and insert "twelve;" so as to read:

Twelve clerks of class 4.

The amendment was agreed to.

The next amendment was, in the same clause, line 18, before the word "clerks," to strike out "eleven" and insert "twelve;" so as to read:

Twelve clerks of class 3.

The amendment was agreed to.

The next amendment was, in the same clause, line 23, after the word "laborers," to strike out:

One civil engineer, $1,800; one assistant civil engineer, $1,200.

The amendment was agreed to.

The next amendment was, in the same clause, on page 69, line 1, after the word "dollars," to strike out:

One assistant draughtsman, $1,400; one assistant draughtsman, $1,200.

The amendment was agreed to.

The next amendment was, on page 69, line 3, to reduce the total amount of the appropriation for the clerks and employés "in the office of the Quartermaster-General" from $156,440 to $150,640.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of the clause making appropriations for "the office of the Commissary-General," on page 69, line 10.

Mr. ALLISON. In line 9, on page 69, I move to strike out the word "one" before "assistant" and insert "two," and to add the letter "s" after the word "messenger;" so as to read:

Two assistant messengers.

The amendment was agreed to.

Mr. ALLISON. I move we change the footing, in line 10, by adding $720, so as to make the total amount of the appropriation $42,760.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the clause making appropriations for "the office of the Surgeon-General," on page 69, line 23, before the word "laborers," to strike out "fifteen" and insert "seventeen;" and in line 24 to increase the total amount of the appropriations for "the clerks and employés in the office of the Surgeon-General" from $512,940 to $514,260.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 75, line 8, before the word "office," to insert the word "for;" so as to read:

For office of naval intelligence.

The amendment was agreed to.

The next amendment was, on page 76, line 12, after the word "for," to insert "one clerk of class 2;" in line 14, to strike out "one copyist" and insert "four copyists;" in line 15, after the word "dollars," to insert "each;" and in the same line, after the word "all," to strike out "two thousand nine hundred and twenty," and insert "six thousand four hundred and eighty;" so as to make the clause read:

For the compilation of the Naval Records of the War of the Rebellion: For one clerk of class 2; one clerk of class 1; for one clerk, at $1,000, and four copyists, at $720 each; in all, $6,480.

The amendment was agreed to.

The next amendment was, in the appropriations for the Hydrographic Office, on page 78, line 6, after the word "same," to insert "including postage;" so as to read:

Expert marine meteorological and other work in the preparation of the Pilot Chart and supplements, and the printing and mailing of the same, including postage.

The amendment was agreed to.

The next amendment was, on page 78, line 14, after the word "rates," to insert "and expense of removal;" and in the same line, before the word "thousand," to strike out "one" and insert "six;" so as to make the clause read:

For rent of building, for printing-presses, draughtsmen, and engravers, storage of copper-plates and materials used in the construction and printing of charts, and for repairs and heating of the same, and for gas, water, and telephone rates, and expense of removal, $6,500.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 16, on page 78, to the end of line 3, on page 79, as follows:

For contingent expenses of branch offices, including furniture, fuel, lights, rent and care of offices, car-fare, and ferriage in visiting merchant vessels, freight, express, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, at Boston $1,500, New York $5,000, Philadelphia $1,500, Baltimore $1,500, Norfolk $1,500, New Orleans $1,500, San Francisco $1,500, Portland, Oregon, $1,500; in all, $15,500.

And to insert:

For contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, New Orleans, San Francisco, and Portland, Oregon, including furniture, fuel, lights, rent and care of offices, car-fare and ferriage in visiting merchant vessels, freight, express, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, $11,000.

The amendment was agreed to.

The next amendment was, on page 79, line 13, after the word "thousand," to insert "two hundred;" in line 14, after the word "at," to strike out "one thousand eight hundred" and insert "two thousand;" in line 16, after the word "dollars," to insert "two computers, at $1,200 each;" and in line 20, after the word "all," to strike out "eighteen" and insert "twenty-one;" so as to make the clause read:

Naval Observatory: For pay of three assistant astronomers, one at $2,200 and two at $2,000 each; one clerk of class 4; one instrument maker, $1,500; two computers, at $1,200 each; four watchmen, including one for new Naval Observatory grounds; two skilled laborers, one at $1,000 and one at $720, and seven laborers; in all, $21,120.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 83, line 9, after the words "seven clerks of class 3," to insert—

One clerk of class 3 to assist in preparation of work for the Board of Pension Appeals.

The amendment was agreed to.

The next amendment was, in the same clause, on page 84, line 1, to strike out—

Two carpenters, at $900 each.

The amendment was agreed to.

The next amendment was, on page 84, line 10, to reduce the total amount of the appropriations for the office of the Secretary of the Interior from $185,490 to $185,290.

The amendment was agreed to.

The next amendment was, on page 86, line 9, to reduce the appropriation "for connected and separate United States and other maps prepared in the General Land Office" from $15,000 to $7,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the Pension Office, on page 87, line 21, before the word "clerks," to strike out "sixty-one" and insert "seventy;" so as to read:

Three hundred and seventy clerks of class 1.

And in line 22, before the word "clerks," to strike out "two hundred" and insert "two hundred and ten;" so as to read:

Two hundred and ten clerks, at $1,000 each.

Mr. ALLISON. I will say in relation to these clerks that the Commissioner of Pensions appeared before the committee and said that this addition was absolutely necessary to keep up the business of his office. He asked for a few more clerks and we gave them.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the appropriations for the Pension Office, on page 87, line 25, before the word "messengers," to strike out "twenty-five" and insert "twenty-eight;" so as to read:

Twenty-eight messengers.

The amendment was agreed to.

The next amendment was, in the same clause, on page 88, line 1, before the word "messenger-boys," to strike out "twenty" and insert "twenty-two;" so as to read:

Twenty-two messenger-boys.

The amendment was agreed to.

The next amendment was, in the same clause, on page 88, line 5, before the word "firemen," to strike out "three" and insert "four;" so as to read:

Four firemen.

The amendment was agreed to.

The next amendment was, in the same clause, on page 88, line 7, to increase the total amount of the appropriations for compensation of the Commissioner of Pensions, deputy commissioners, and the clerks and employés in the office from $1,808,750 to $1,833,590.

The amendment was agreed to.

The next amendment was, on page 88, line 9, after the word "home," to strike out "and traveling;" in line 10, after the words "on duty," to strike out "outside the District of Columbia;" and in line 15, after the word "transportation," to insert "and assistance;" so as to make the clause read:

For per diem, when absent from home on duty, for special examiners, or other persons employed in the Pension Office detailed for the purpose of making special investigations pertaining to said office, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and necessary expenses for transportation and assistance, $225,000.

The amendment was agreed to.

The next amendment was, on page 89, line 3, after the word "transportation," to insert "and assistance;" so as to make the clause read:

For per diem in lieu of subsistence for one hundred and fifty additional special examiners above provided for, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $3 per day, and for actual and necessary expenses for transportation and assistance, $190,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the Patent Office, on page 91, after line 14, to insert:

International protection of industrial property, Patent Office: For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, for the years 1887, 1888, and 1889, $2,400; of which sum $1,600 shall be immediately available.

The amendment was agreed to.

The next amendment was to strike out the clauses from line 23, on page 92, to line 20, inclusive, on page 93, as follows:

Bureau of Labor: For Commissioner of Labor, $3,000; chief clerk, $2,000; two clerks of class 4, both to be statistical experts; two clerks of class 3, one of whom may be a stenographer; two clerks of class 2; four clerks of class 1, one of whom may be a translator and one of whom may be a stenographer; two clerks, at $1,000 each; two copyists; two copy-holders, at $720 each; one assistant messenger; one assistant messenger, at $600; one watchman; one skilled laborer, $600; two charwomen; eighteen special agents (at least two of whom shall be females), at $1,400 each; in all, $52,960.

For books, periodicals, and newspapers for the library, $500.

For per diem of special agents when away from home on duty, in lieu of expenses for subsistence, the rate to be fixed by the Secretary of the Interior, and not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employés, $39,850.

The amendment was agreed to.

The next amendment was, on page 96, line 6, after the word "dollars," to strike out "and for rent of buildings until not later than December 1, 1888, for the following offices: For the;" in line 8, after the word "education," to strike out "one thousand six hundred and sixty-seven" and insert "four thousand;" in line 10, after the words "Indian Office," to strike out "two thousand two hundred and ninety-two" and insert "five thousand five hundred;" in line 11, after the word "dollars," to strike out "Bureau of Labor, $1,000;" in line 12, after the word "land," to strike out "office" and insert "offices;" after "offices," to strike out "seven hundred and fifty" and insert "two thousand four hundred;" and in line 14, after the word "all," to strike out "sixteen thousand and sixty-seven" and insert "twenty-two thousand two hundred and sixty;" so as to make the clause read:

For rent of buildings for the Interior Department, namely: For the Geolog-

ical Survey, $10,000; for store-rooms for documents, $360; Bureau of Education, $4,000; Indian Office, $5,500; railroad and general land offices, $2,400; in all, $22,260.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 101, line 3, after the words "chief clerk," to strike out "to the Postmaster-General" and insert "of the Post-Office Department;" so as to read:

Chief clerk of the Post-Office Department, $2,500.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of the First Assistant Postmaster-General, on page 102, line 2, before the word "clerks," to strike out "seven" and insert "eight;" so as to read:

Eight clerks of class 2.

The amendment was agreed to.

The next amendment was, in the same clause, on page 102, line 3, before the word "clerks," to strike out "twenty-one" and insert "twenty-four;" so as to read:

Twenty-four clerks of class 1.

The amendment was agreed to.

The next amendment was, in the same clause, on page 102, line 5, before the word "laborers," to strike out "seven" and insert "eight;" so as to read:

Eight laborers.

The amendment was agreed to.

The next amendment was, in the same clause, on page 102, line 6, to increase the total amount of the appropriations for compensation of the First Assistant Postmaster-General and the clerks and employés in his office from $112,340 to $118,000.

The amendment was agreed to.

The next amendment was, in the appropriation for the office of the Third Assistant Postmaster-General, on page 103, line 4, before the word "laborers," to strike out "six" and insert "seven;" and, in the same line, to increase the total amount of the appropriations for compensation of the Third Assistant Postmaster-General and the clerks and employés in his office from $117,850 to $118,510.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Dead Letter Office," on page 103, line 13, before the words "clerks at $900 each," to strike out "fifty-five" and insert "fifty-eight," and in line 17, to increase the total amount of the appropriations for the Dead-Letter Office from $116,630 to $119,330.

The amendment was agreed to.

The next amendment was, in the appropriations for the office of disbursing clerk and superintendent of Post-Office Department building, on page 105, line 22, after the word "charwomen" to insert:

And for force in the additional building for the use of the division of post-office supplies as follows: Two watchmen, one laborer, and one charwoman.

The amendment was agreed to.

The next amendment was, on page 106, line 1, to increase the total amount of the appropriations for the office of disbursing clerk and superintendent of Post-Office Department building from $52,120 to $54,460.

The amendment was agreed to.

The next amendment was, on page 105, line 5, after the words "Sixth Auditor's office," to insert in small capitals "and the additional building for the use of the division of post-office supplies of the Post-Office Department;" so as to make the heading read:

For contingent expenses of the Post-Office Department, including the additional building occupied by the money-order division of the Sixth Auditor's office, and the additional building for the use of the division of post-office supplies of the Post-Office Department, namely.

The amendment was agreed to.

The next amendment was, on page 106, line 13, to increase the appropriation "for fuel and for repairs to heating apparatus" from $8,000 to $8,500.

The amendment was agreed to.

The next amendment was, on page 106, line 14, to increase the appropriation for gas from $5,000 to $5,250.

The amendment was agreed to.

The next amendment was, on page 107, line 6, after the word "dollars," to insert "for rent of a suitable additional building for the use of the division of post-office supplies of the Post-Office Department, $3,000;" and in line 8, after the word "all," to strike out "fourteen" and insert "seventeen;" so as to make the clause read:

For rent of topographer's office, $1,500; for rent of a suitable building or buildings for the use of the money-order office of the Post-Office Department, $8,000; for rent of building for use of the money-order division of the Auditor of the Treasury for the Post-Office Department, $4,500; for rent of a suitable additional building for the use of the division of post-office supplies of the Post-Office Department, $3,000; in all, $17,000.

The amendment was agreed to.

The next amendment was, on page 107, line 12, after the words "eighteen thousand," to strike out "two hundred;" so as to make the clause read:

For the publication of copies of the Official Postal Guide, including not exceeding 1,500 copies for use of the Executive Departments, $18,000.

The amendment was agreed to.

The next amendment was, under the head of "judicial," in the appropriations for the office of the Attorney-General, on page 108, line 5, after the word "each," to strike out:

One of whom shall take charge of business in the Court of Claims under the act of March 3, 1883, known as the Bowman act.

So as to read:

Three Assistant Attorneys-General at $5,000 each.

The amendment was agreed to.

The next amendment was, on page 109, after line 10, to insert:

For the purchase of session laws and statutes of the States and Territories for the library of the Department, $1,000.

The amendment was agreed to.

The next amendment was, on page 110, line 9, after the words "four thousand" to insert "five hundred;" and in line 13, after the words "twenty-six thousand," to strike out "one" and insert "six;" so as to make the clause read:

Office of the Solicitor of the Treasury: For compensation of the Solicitor of the Treasury, $4,500; assistant solicitor, $3,000; chief clerk, $2,000; three clerks of class 4; three clerks of class 3; four clerks of class 2; one assistant messenger; and one laborer; in all, $26,680.

The amendment was agreed to.

The next amendment was, on page 112, after line 10, to insert:

DEPARTMENT OF LABOR.

For compensation of the Commissioner of Labor, $5,000; chief clerk, $2,500; disbursing clerk, $1,800; four clerks of class 4, all to be statistical experts; five clerks of class 3, one of whom may be a stenographer; six clerks of class 2, one of whom may be a translator and one of whom may be a stenographer; eight clerks of class 1; five clerks, at $1,000 each; two copyists, at $900 each; two copyists, at $720 each; one messenger; one assistant messenger; three watchmen; two skilled laborers, at $600 each; two charwomen; six special agents, at $1,600 each; ten special agents, at $1,400 each; four special agents, at $1,200 each; in all, $84,540.

For per diem, in lieu of subsistence of special agents while traveling on duty outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employés, $17,500.

For stationery, $2,000.

For books, periodicals, and newspapers for the library, $1,000.

For postage-stamps to prepay postage on matter addressed to postal-union countries, $200.

For rent of rooms, $4,000.

For contingent expenses, namely: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, telephone service, expressage, repairs of cases and furniture, outfit for printing small circulars, etc., fuel and lights, soap, brushes, brooms, mats, and other absolutely necessary expenses, $6,000.

For street-car tickets for messenger service in the city of Washington, $40.

Mr. ALLISON. In line 18 of the amendment I move to strike out the words "outfit for printing small circulars."

The amendment to the amendment was agreed to.

Mr. ALLISON. I desire to call the attention of the Senate to the fact that on pages 92 and 93 we struck out the provision there made for the Bureau of Labor, which was estimated for originally in the Book of Estimates under the Interior Department. At this session we have passed a law creating a Department of Labor, and we had a subsequent estimate covering the exact provisions of the new statute.

The amendment as amended was agreed to.

The Chief Clerk resumed and concluded the reading of the bill.

The PRESIDENT *pro tempore*. The committee amendments are concluded. Are there further amendments to be proposed by the Committee on Appropriations? If not, other amendments will be received.

Mr. BLAIR. By instruction of the Committee on Education and Labor I move, in the list of annual committee clerks, on page 4, line 8, after the word "Forestry," to insert the words:

Clerk to the Committee on Education and Labor.

The amendment was agreed to.

Mr. PLATT. I move to insert, immediately after the amendment just made, in line 8, on page 4, the words:

Clerk to the Committee on Territories.

Mr. BECK. Is there any report of a committee urging that, or any special need for the clerk to remain here after the Committee on Territories go away? Why should he remain here during the vacation?

Mr. PLATT. There is a good deal more reason for it than for many other committees which have annual clerks.

Mr. BECK. But that does not answer the question. Does the committee remain here during the recess?

Mr. PLATT. The committee does not remain here during the recess——

Mr. BECK. Then why pay a clerk to remain here?

Mr. PLATT. Nor do over two of the committees remain here who have annual clerks.

Mr. BECK. Then it would be better to strike out a good many than to pay clerks to remain here when there is no need for them.

Mr. PLATT. If the committee will strike them out, I shall withdraw the amendment.

Mr. BECK. The committee has no right to strike them out.

Mr. PLATT. Yes, it has. The Committee on Territories is as old a committee as any in the Senate; it is as important as three-quarters of those which have annual clerks; it is as important as the Committee on Education and Labor, which has just been granted an annual clerk by an amendment adopted without objection, and I do not know

why it should not receive the same treatment that other committees do.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Connecticut [Mr. PLATT].

The amendment was agreed to.

Mr. ALLISON. Before passing from the question of committee clerks I desire to make a statement. The amendments suggested by the Senator from New Hampshire and the Senator from Connecticut were amendments in order, because they were reported from their respective committees and referred to the Committee on Appropriations. The chairman of the Committee on Rules, the Senator from Rhode Island [Mr. ALDRICH], mentioned to me before his departure (being necessarily absent for a week) that it was necessary that the clerk to the Committee on Rules should remain here during the vacation, that committee now having charge of the entire Senate wing; and he asked me to consider the question of inserting the clerk to that committee as an annual clerk. I did not say whether I would do so or not, though I called the attention of the Committee on Appropriations to the situation. The committee concluded not to add to the number of annual clerks; but two such clerks having now been inserted, I ask unanimous consent, with no authority from the Committee on Appropriations to do so, to move to insert the clerk of the Committee on Rules after the amendments just agreed to.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Iowa will be stated.

The CHIEF CLERK. On page 4, line 8, after the amendments already agreed to, insert the words:

Clerk to Committee on Rules.

The amendment was agreed to.

Mr. EDMUNDS. I wish to ask the Senator in charge of this bill to inform the Senate how much money in the whole is appropriated by the bill for the rent of buildings, rooms, apartments, etc., in this city, for in two or three of the instances that my eye has fallen upon I find that very large sums of money are appropriated for the rent of buildings in this District.

I remember that a few years ago there were considerable sums thus appropriated, and when the attention of the Senate was called to the matter the Senate imposed some very stringent limitations and regulations in regard to the renting of buildings, which I believe became laws, with the view of preventing the expansion of the renting business in this District, where we have so many public buildings, and where, if we have not enough for the economical and proper administration of the public business, we ought to build more rather than be paying rentals from year to year out of an abundant Treasury—abundant enough to build at a rate which, if private persons built their buildings as cheaply even as the United States do, would be an enormous profit upon the investment.

I see here that under the head of "the Post-Office Department" there are $17,000 appropriated for the rent of outside rooms and buildings to carry on three subheads or bureaus of the Post-Office Department: First, the money-order office; second, the money-order division of the Auditor of the Treasury for the Post-Office Department; third, for the rent of a building or room for post-office supplies, which I suppose means buying paper and blanks and such things which are furnished. Those three together amount to $17,000, which at 5 per cent. would represent a pretty large capital. Certainly those three offices could find a place in the public buildings already erected here. One would suppose that the Auditor of the Treasury might stay in the Treasury Department. If it is unsafe to put him with the man who attends to the practical money-order business of the Treasury, certainly the Treasury Department building just finished ought to supply a place.

But I did not rise to criticise mere individual instances. There are others. The sum total of it is that we are year by year spending very large sums of money for rents which make extremely profitable investments for—I will not say the favorites of the heads of Departments, but for those fortunate business men who are able to persuade a Secretary or somebody that their particular building is the best on the whole and the most convenient, and they get a rent for it that I think is usually once and a half what they could get from any private individual who had ever hired it before. That is perhaps natural to the public business, but I should be glad to understand, if I may, how it is that we go on year after year, with money enough to build the structures that are necessary, knowing what ought to be done, and do not do it, or if we have structures enough, why we have to spread ourselves out and colonize everywhere in hiring places for the various bureaus. Very likely the chairman of the committee can tell us all about it.

Mr. ALLISON. Mr. President, I have not made an exact footing of the amount of rent involved in this bill, but I should say in round numbers that it amounts to $4,800 for the Treasury Department, $9,700 for the War Department, $4,000 for the Navy Department, $22,260 for the Interior Department, $17,000 for the Post-Office Department, and $4,000 for the newly created Department of Labor, making altogether about $62,000 in round numbers. There is, in addition to that, paid for the Coast and Geodetic Survey Office $10,000 rent. There is also paid for the city post-office $5,000. The Committee on Appropriations have tried two or three times to secure the purchase of the building which is now used for the Coast and Geodetic Survey, in order to save that rent, but whenever we have inserted such a clause in an appropriation bill we have been compelled finally to surrender by the other House.

There is no doubt of the fact that every available space in this city owned by the Government is overcrowded with clerks. If the Senator will take observation of the report made by the Senator from Missouri [Mr. COCKRELL] from the special committee on the mode of conducting departmental business, at this session, he will find a statement there which discloses that there is not a single public building in the city of Washington that is not overcrowded by clerks. So the necessity for building additional structures must be apparent; but these various bureaus must be provided for until public buildings are erected, and therefore these rents are inserted in this bill.

As to the reasonableness of the rents, I think some of them are high, although they have been reduced gradually from year to year. We are now paying less rent for the same buildings than was paid at any time prior to this year. We have cut them down year by year in appropriation bills; but I think some of them are quite high now. Many of these buildings are inconvenient.

Some two years ago, I believe, we inserted in an appropriation bill a provision that the Indian Bureau, the Bureau of Labor, the Railroad Bureau, etc., should be transferred to the Pension Office building, and in this bill as it came to us from the House the rent for buildings for these several bureaus is only provided for until next December with a view of transferring three or four bureaus into the Pension Office building.

Following upon the heels of this bill the House of Representatives passed a provision in the sundry civil bill repealing the law of two years ago requiring these bureaus to be moved into the Pension building. To any one who examines the condition of the Pension Office it is perfectly apparent that such removal can not be made unless they use the great open space there, and that is provided to be used by the Post-Office Department in the sundry civil bill, which will come up later on.

Mr. BUTLER. May I ask the Senator whether that Pension building was not examined at the instance of the Secretary of the Interior and pronounced to be unfitted to be occupied by the Indian Bureau?

Mr. ALLISON. It would not be unfit to be occupied if there was space there for it.

Mr. BUTLER. Precisely; that portion of the building to which the bureau was assigned, the fourth story, was pronounced by the commission as unfit for occupancy by the Indian Bureau.

Mr. ALLISON. Any one who will examine that fourth story will see that it can not be occupied by clerks. It is valuable for storage-room and is so used, but the entire building is now practically in use by the Pension Office, and it is proposed in the sundry civil bill to repeal all the provisions requiring other bureaus to be transferred there and to provide that the city post-office shall be put in that great corridor or central court.

Mr. BUTLER. Of the Pension Office?

Mr. ALLISON. Of the Pension Office; and the Secretary of the Interior has agreed to it by a letter which has been sent to the House committee, I understand. That is the situation of this matter in this city. I agree with the Senator from Vermont that some provision should be made for the construction of new public buildings.

Mr. BUTLER. If the Senator will permit me I should like to add my testimony. It became my duty the other day to go into what is known as Marini's Hall, I believe, occupied by the Sixth Auditor of the Treasury. It was on a hot summer day, it is true, but that place was so crowded by people as to be unfit to be occupied by human beings. I am told that there are eighty-odd people on one floor there. It is cruel to require people to subject themselves to hazard the loss of their health by being crowded as those people are in that building. I think it is the Sixth Auditor's office.

Mr. ALLISON. That is not only true, but a large force of the Sixth Auditor's clerks are in the third story of the Post-Office building, which has no ventilation from the roof, and which has little circular windows a foot or two square, and such a building as that is entirely unfit for occupancy by clerks in the hot months.

Mr. EDMUNDS. Why do we go on year after year renting at apparently very heavy prices instead of building? I find that the sums named by the Senator from Iowa amount to $72,000 a year of rents. That is 10 per cent. on $720,000. Calling it 5 per cent.—it is twice that—which is a fair rate of interest now, the buildings represent $1,440,000 of capital that the United States might invest and get 5 per cent. on and save money on these rentals, save half the money that is now paid, and contribute to the comfort of the people employed; but we do not do it.

Mr. ALLISON. I can only answer the Senator's question by saying that the Committee on Appropriations have not latterly taken jurisdiction of the question of public buildings.

By a gradual process of exclusion, the Committee on Public Buildings and Grounds have taken that question into their hands, even so far as not to allow the Committee on Appropriations to make revision of it. In other words, the Committee on Public Buildings and Grounds

have become a committee on appropriations as respects that particular subject, and therefore the Committee on Appropriations if it undertakes to suggest a public building in this city is regarded as usurping the functions of some other committee. Therefore, when, two or three years ago, we put on our appropriation bills provisions for public buildings, we were either turned out of doors by the House of Representatives or by the other committees of this body.

We agreed to an appropriation some years ago for what we regarded as a convenient fire-proof building well adapted to the public business in the construction of the Pension Office, and I think it has been ridiculed from that day to this on this floor.

That building, costing six or seven hundred thousand dollars, now is the best ventilated and the best constructed building for public use in this city, and it is a cheap public building. But it seems that the Committee on Public Buildings and Grounds find it necessary to erect here a building costing six or seven million dollars, consisting of corridors and walls and stairways as the State, War, and Navy Department building is, a building that has cost the Government $12,000,000, and yet it has scarcely the capacity for clerks or very little more capacity than the Pension building on Judiciary Square.

I believe with the Senator from Vermont that we ought this year to commence the erection of a public building in the neighborhood of the Post-Office Department, and that we ought to buy, if we can buy it at reasonable rates, or if we can not we ought to condemn the square between Eighth and Ninth streets and between E and F streets. Some years ago an enterprising citizen of this city built a cheap building there; I do not know how he came to build it, but the Post-Office Department straightway rented it at a rental of five or six thousand dollars; I do not remember the exact amount.

I think we ought to erect a building that can be used not only by the Post-Office Department and the Sixth Auditor's Office, but that can be used by these outlying bureaus of the Interior Department; and if need be part of the Post-Office Department could be temporarily put in the Pension building, although I am not satisfied that that is a wise thing to do; but certainly there ought to be a provision not only for the city post-office but for the overflow of the Post-Office Department, and of the Interior Department in that immediate neighborhood.

Now, we are paying rents, as the Senator from South Carolina says, for Marini's Hall, and the clerks are crowded in there at the rate of seventy or eighty or ninety in a small space. We have another building rented for the Topographer of the Post-Office Department, and so all about the Post-Office and Interior Departments are buildings rented by the Government. The Topographer of the Post-Office Department occupies a building for his bureau at a rental of $3,000 or $3,500 a year.

The inquiry suggested by the Senator from Vermont is a proper inquiry, and one which ought to address itself to the attention of this body. The Committee on Appropriations have tried at various times to release the Government from the neccessity of renting buildings, but have failed to do so.

Mr. EDMUNDS. Now, I should like to suggest to the chairman of the committee to prepare and move an amendment to this bill, which will provide for buildings under the direction of some one of the Secretaries, or all of them—I do not care how—and for taking the land to do it, and ask the House of Representatives to agree to it, and then it will be done. We have this same kind of virtuous talk year after year, and find ourselves when the next bill comes around exactly where we stood before.

Mr. ALLISON. I will say to the Senator that I think the Committee on Appropriations do intend to propose on the sundry civil bill a provision for a building in this city.

Mr. PLUMB. I move to amend, on page 103, line 8, by striking out "$2,250" and inserting "$2,500," which is the compensation provided by law for the official there described.

The PRESIDENT *pro tempore*. The amendment will be stated from the desk.

The CHIEF CLERK. In the clause making appropriations for "dead letter office," on page 103, line 8, it is proposed to strike out "$2,250" and insert "$2,500;" so as to read:

For superintendent of dead letter office, $2,500.

Mr. EDMUNDS. Is that what the law now provides?

Mr. PLUMB. It is what the law now provides.

The amendment was agreed to.

Mr. ALLISON. The total of that item should be changed.

Mr. PLATT. The total should be changed also on page 104.

The PRESIDENT *pro tempore*. These totals will be changed.

The CHIEF CLERK. It is proposed to change the total of the paragraph so as to read "$119,580."

The amendment was agreed to.

Mr. ALLISON. I ask unanimous consent to go to page 7, line 22, and insert "twenty-four" instead of "twenty-seven" before the word "clerks."

The PRESIDENT *pro tempore*. The amendment will be stated from the desk.

The CHIEF CLERK. In the appropriations "for the Senate" on page 7, line 22, it is proposed to strike out "twenty-seven" before "clerks" and insert "twenty-four;" so as to read:

For twenty-four clerks to committees at $6 per day during the session.

The amendment was agreed to.

Mr. ALLISON. The total must be changed in line 24 to correspond.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Iowa that it would be better to have the footings changed by the organ of the committee. The clerks at the desk are hurried and can hardly find time to make the necessary changes.

Mr. ALLISON. Of course I have no objection to that suggestion. The clerk of the committee will see that the totals are correct.

The PRESIDENT *pro tempore*. The corrections will be furnished to the clerks at the desk before the close of the consideration of the bill.

Mr. PLATT. I move to amend on page 64 by striking out lines 23, 24, and 25, and to the word "thereafter" in line 26. The clause relates to the appropriations "for legislative expenses of the twelfth biennial session of the Legislative Assembly of the Territory of Washington." I move to strike out that part of the clause which is in the nature of legislation and is legislation.

The PRESIDENT *pro tempore*. Will the Senator allow the part proposed to be stricken out to be read?

Mr. PLATT. Certainly.

The CHIEF CLERK. On page 64, after the words "Territory of Washington," at the end of line 22, it is proposed to strike out:

Which session is authorized to meet on the second Monday of January, 1889, at 12 o'clock, noon, and each succeeding session shall meet biennially thereafter.

Mr. PLATT. It will be observed that I do not propose to strike out the appropriation, but the question has arisen whether the change of the time of holding the session is one which the Legislature could legally make, and that question has been referred to the Committee on Territories by a resolution, and is under consideration by that committee. Without expressing any opinion on it one way or the other now, it seems to me that the consideration of the question ought not to be forestalled by a ratifying act incorporated in an appropriation bill. I do not suppose that with these words stricken out it will make any difference about the holding of the session, but it simply relieves from the hasty legislation which is proposed in this appropriation bill.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Connecticut to strike out the words which have been read.

The amendment was agreed to.

Mr. MITCHELL. I submitted an amendment to the bill, increasing the salary of the surveyor-general of Oregon from $1,800 to $2,500, which was properly referred. It seems that it was not acted on by the Committee on Appropriations. I now present it to the Senate, and hope it will be adopted.

The surveyors-general of the Territories of Idaho, Montana, and New Mexico receive $2,500, the salary as fixed by law. The salary of the surveyor-general of Oregon is fixed by law at the same rate and he should have it.

The PRESIDENT *pro tempore*. Will the Senator indicate the page and line of the bill that he proposes to amend?

Mr. MITCHELL. On page 99, line 24, I move to strike out the words "one thousand eight hundred" and insert in lieu thereof the words "two thousand five hundred."

The PRESIDENT *pro tempore*. The amendment of the Senator from Oregon will be reported from the desk.

The CHIEF CLERK. On page 99, line 24, it is proposed to strike out "one thousand eight hundred" and insert "two thousand five hundred;" so as to read:

For surveyor-general of Oregon, $2,500.

Mr. MITCHELL. I will explain that under an act recently passed additional work has been imposed on the surveyor-general of Oregon. There are several large Indian reservations in that State which are to be divided under that act, and the work of surveying these reservations is assigned to the surveyor-general. There are about 20,000,000 acres of unsurveyed lands in the State of Oregon. The surveyor-general of that State has certainly as much work under his supervision as any of the surveyors-general of the Territories adjacent, and his salary is fixed by law at $2,500, but is cut down by the Appropriations Committee. I hope it will be restored.

Mr. ALLISON. This is the salary that has been paid to the surveyor-general of Oregon for the last ten or twelve years.

Mr. MITCHELL. I beg pardon. The Senator is mistaken. It is the salary that has been paid to the surveyor-general of Oregon for the last two years, but prior to that he was paid $2,500.

Mr. ALLISON. I may be mistaken, but if I am this is an exception. If we are to go back in this bill and insert everywhere the statutory salary it will require a revision of the entire bill. If there is any one thing that the Committee on Appropriations have been pressed about more than another it is for the increase of salaries in the Departments, indeed in every Department of this Government. There is not a day in the Interior Department, in the Navy Department, in the War Department, in the Treasury Department, or in any place that the pres-

ent bureau officers and the Secretaries do not ask for an increase of compensation for the Democratic employés. If we are to begin with Oregon I do not know where we are to end. I care nothing about it; a salary of $1,800 may not be a sufficient compensation, but it is the salary allowed the surveyor-general in every State in the Union where we have such an officer. It is true that some of the Territorial surveyors-general receive a higher compensation, but——

Mr. EDMUNDS. The standing law, if the Senator will allow me, the old, regular, formal law put in the Revised Statutes, coming down from 1850, made a distinction between the Territories and the States of $500. For instance, the surveyor-general of Oregon by the Revised Statutes beginning with 1850 is to receive "at the rate of $2,500 a year." That was before Oregon was admitted, while she was a Territory. The surveyors-general of Colorado, New Mexico, Idaho, and the other Territories, naming them all, were to have $3,000 a year. So the distinction between the rate of the State surveyor-general and the Territorial one has always been kept up by a difference of $500.

Mr. BECK. It is to be observed, too, Mr. President, that in this bill the surveyors-general of the States, beginning with Minnesota, receive a salary of $1,800; the surveyor-general of Louisiana, $1,800; the surveyor-general of Nevada, $1,800; the surveyor-general of Oregon, $1,800; and the surveyor-general of each of the Territories receives $2,500.

Mr. MITCHELL. I admit that is so; but does not the Senator from Kentucky know that there is more work to be done in Oregon than in Louisiana or Nevada by the surveyor-general? In Oregon there is as much work being done now under the direction of the surveyor-general as in any one of the Territories.

Mr. BECK. I am not aware of the amount of the work done.

Mr. MITCHELL. There are 20,000,000 acres of unsurveyed land yet in Oregon. As a matter of simple justice, why not give this man a fair compensation? It is not a general application to have the statutory amount restored. I do not think there is any application from any other State. There is a particular reason for this increase, if you may call it an increase. The salary fixed by law is $2,500, but it has been reduced by appropriation bills to $1,800.

I shall not take up the time of the Senate about it, but I think it is a matter of simple justice.

Mr. ALLISON. The Senator is mistaken as to Oregon, for I remember that in 1877 the rates of salary for governors of Territories and surveyors-general were overhauled in the House and finally agreed upon at the sums generally inserted in this bill. So it has remained ever since. It may be that the Senator is right in saying that Oregon was fixed by the general law at the rate he suggests.

Mr. DOLPH. The change was made, I think, two years ago—since I have been in the Senate; and at the last session or the session before an amendment offered by me was adopted in the Senate increasing the amount allowed for the surveyor-general in Oregon.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Oregon [Mr. MITCHELL].

The question being put, a division was called for, and the ayes were 7——

The PRESIDENT *pro tempore*. Is a further count demanded?

Mr. MITCHELL. A further count would perhaps develop the want of a quorum.

The PRESIDENT *pro tempore*. No further count being demanded, the amendment is not agreed to.

Mr. ALLISON. In reporting this bill the committee inserted "For postage stamps for the office of the Secretary of the Senate, $100." That was done under the impression that the opinions of the Supreme Court could be sent to Senators under frank, but I believe those opinions are not regarded as public documents in the sense that would allow them to go free in the mails, and therefore it is necessary to increase the allowance for postage-stamps. I move, therefore, to add $50 in line 8, on page 8; so as to read:

For postage-stamps for the office of the Secretary of the Senate, $150.

That will necessitate changing the footing on line 10 of that page to $250.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 8, line 8, after the word "hundred," it is proposed to insert "and fifty;" so as to read:

For postage-stamps for the office of the Secretary of the Senate, $150.

The amendment was agreed to.

Mr. ALLISON. Now add $50 to the footing.

The CHIEF CLERK. In the same clause, in line 10, it is proposed to strike out "two hundred" and insert "two hundred and fifty;" so as to read:

In all, $250.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 3329) to regulate the subdivision of land within the District of Columbia;

A bill (H. R. 7762) authorizing the restoration to the reform school of boys who have been discharged on probation, and for other purposes;

A bill (H. R. 8308) to provide for the examination, and so forth, of certain manuscript volumes of the municipal laws of the District of Columbia;

A bill (H. R. 10053) making May 30 a holiday in the District of Columbia;

A bill (H. R. 10060) prescribing the times for sales and for notice of sales of property in the District of Columbia for overdue taxes; and

A bill (H. R. 7647) to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia.

FOREIGN AFFAIRS FOR 1887.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, accompanied with selected correspondence relating to foreign affairs for the year 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, June 26, 1888

The PRESIDENT *pro tempore*. This communication is accompanied by a voluminous printed report. What disposition shall be made of the message and documents?

Mr. EDMUNDS. The ordinary number is printed as a matter of course, I believe, is it not? It should be, and the question of extra numbers should be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The document will be referred to the Committee on Foreign Relations and printed.

WIDOW OF JOHN A. TURLEY—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 845 entitled "An act granting a pension to the widow of John A. Turley."

The husband of this beneficiary belonged to a Kentucky regiment of volunteers, and in 1863 having been in camp and on leave of absence he and others of the regiment embarked on a steam-boat in charge of a lieutenant to be taken to Louisville, whither they had been ordered.

While on the steam-boat an altercation arose between two of the soldiers, and the deceased interfered to prevent, as is alleged, an affray. By so doing he was pushed or struck by one of the parties quarreling and fell upon the deck of the boat, striking his head against a plank, thus receiving a fatal injury.

It is quite clear to me that the death of this soldier was not the result of his military service. His presence on the boat was in the line of duty, but he had no charge of the rest of the men and was in no degree responsible for them; and whether he should be in any way implicated in the dispute which occurred was a matter entirely within his own control and determined by his own volition. If he had refrained from interference he would have saved himself and performed to the utmost his military duty.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June 26, 1888.*

The PRESIDENT *pro tempore*. Shall this bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. EDMUNDS. I think, on the statement of the President himself, without going to the report of the committee, this man is entitled under the law to a pension. He was there in the line of his duty, and if it is not a part of the duty of a soldier, without waiting for the order of his captain if he is downstairs drinking champagne or asleep, to try to stop an affray between his fellow-soldiers, I do not know what the duty of a soldier is. I should like to see the Senate vote on this message.

The PRESIDENT *pro tempore*. Is the Senate ready for the question? As the Constitution requires the vote to be taken by yeas and nays, the roll will be called.

Mr. BECK. Is it in order to refer the matter to the Committee on Pensions for investigation? It is evident that there is no quorum here, and perhaps we may have one by to-morrow.

Mr. EDMUNDS. Let it stand; there is no use in referring it. I want to vote on the President's message itself, but as there is probably not a quorum, I move that the Senate adjourn pending this question.

The PRESIDENT *pro tempore*. The message and bill will then lie upon the table and be printed.

Mr. EDMUNDS. No; I want to leave the question as the unfinished business, just where it stands.

The PRESIDENT *pro tempore*. As the Senator from Vermont insists upon action on the question of the passage of the bill notwithstanding the objections of the President of the United States, the Secretary will call the roll.

Mr. EDMUNDS. Pending that, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate do now adjourn.

The motion was agreed to; and (at 3 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 27, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 26, 1888.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

HEIRS OF CHRISTOPHER COTT.

The SPEAKER laid before the House the amendment of the Senate to the bill (H. R. 956) for the relief of the heirs of Christopher Cott.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent that the Senate amendment be concurred in.

The SPEAKER. The amendment of the Senate had better be read.

The amendment was read.

There being no objection, the amendment was concurred in.

BRIDGE ACROSS THE MISSISSIPPI AT NATCHEZ.

The SPEAKER also laid before the House the bill (S. 1699) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi River at Natchez, Miss., with House amendment disagreed to by the Senate.

Mr. CRISP. I ask unanimous consent that the House insist upon its amendment and agree to the conference asked by the Senate.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. DAVIS, from June 27 to July 10, on account of important business.

To Mr. GRANGER indefinitely, on account of ill health.

SHOSHONE AND BANNOCK INDIANS.

The SPEAKER also laid before the House the bill (S. 2266) to accept and ratify an agreement made with the Shoshone and Bannock Indians for the surrender and relinquishment to the United States of a portion of the Fort Hall reservation in the Territory of Idaho, for the purpose of a town site, and for the grant of a right of way through said reservation to the Utah Northern Railway Company, and for other purposes.

Mr. PEEL. I ask unanimous consent that this bill be now taken up and considered. A similar bill has been reported by the Committee on Indian Affairs of the House; and it is very important that this agreement should be ratified promptly.

Mr. DIBBLE. I will have to object to anything that will lead to discussion, this day being set apart for the consideration of business from the Committee on Public Buildings and Grounds, under the order of the House.

Mr. PEEL. I do not think that this will lead to any discussion.

Mr. FORD. I ask the gentleman from South Carolina to yield to me for a moment.

The SPEAKER. Does the gentleman from South Carolina demand the regular order?

Mr. DIBBLE. I feel compelled to do so.

The SPEAKER. This bill will be referred to the Committee on Indian Affairs.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

Mr. FORD. I understand the gentleman from South Carolina will yield to me for a moment.

Mr. SPRINGER. If the House will give me its attention, I would like to ask unanimous consent to make a change in the order of business for to-day. This day being set apart by order of the House for public buildings and grounds, I would suggest in view of the importance of the pending bill in relation to the public lands, that the special order be postponed, to take its place exactly as of to-day four weeks from this time, and to have precisely the same status as it now has on the Calendar.

Mr. DIBBLE. I would not agree to that. The only thing I would agree to is to make it a continuing order for one day, not to interfere with the revenue or appropriation bills.

Mr. SPRINGER. Very well.

Mr. HOLMAN. I hope that will be done.

HETTIE K. PAINTER.

Mr. CHIPMAN. Mr. Speaker, I desire to present a privileged report; a conference report.

The SPEAKER. The gentleman will send the report to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3839) granting a pension to Hettie K. Painter, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House concur in the amendment of the Senate to the said bill.

J. L. CHIPMAN,
CARLOS FRENCH,
E. N. MORRILL,
Managers on the part of the House.

A. S. PADDOCK,
C. K. DAVIS,
D. TURPIE,
Managers on the part of the Senate.

STATEMENT OF HOUSE CONFEREES.

The Senate amendment to the House bill proposed to increase the amount named in the bill from twelve to twenty-five dollars. Several similar bills have passed for that amount. The services rendered by this lady were both as physician and nurse and entitle her to the highest pension allowed her grade.

J. LOGAN CHIPMAN,
CARLOS FRENCH,
E. N. MORRILL,
Managers on the part of the House.

Mr. CHIPMAN. Mr. Speaker, I move the previous question on agreeing to the report of the committee of conference.

The previous question was ordered.

The report was agreed to.

Mr. CHIPMAN moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded.

Mr. SPRINGER. I ask unanimous consent that the special order be made a continuing order, not to interfere with revenue bills nor appropriation bills.

Mr. HOLMAN. I hope that that motion will be agreed to, and that we may finish the land bill to-day.

Mr. SPRINGER. I add this to my request: with the understanding that it is not to be called up this week.

Mr. DIBBLE. I am perfectly satisfied with that.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that the special order for to-day be postponed and made a continuing order until one day has been occupied under it. Is there objection?

Mr. MCMILLIN. Allow me to make a statement. I know it is the purpose of Colonel MILLS, who is not in the House at this time, to proceed to-morrow, as he has given notice to gentlemen on the other side, with the revenue bill. Therefore I shall object to anything that interferes with the revenue bill.

Mr. HOLMAN. This does not.

Mr. MCMILLIN. Yes; but I do not want any fight over the question.

Mr. DIBBLE. There will not be any fight over the question.

Mr. HOLMAN. There can not be.

Mr. MILLIKEN. This order is not to antagonize revenue bills and it is not proposed to do so.

Mr. MCMILLIN. With the understanding that it is not to interfere with revenue and appropriation bills, and with a view of getting the very important land measure through the House, I shall interpose no objection, provided only one day is to be used.

There was no objection, and it was accordingly so ordered.

The SPEAKER. The regular order is the call of committees for reports.

Mr. HOLMAN. I move to dispense with the call of committees; and in that connection I ask unanimous consent that gentlemen having reports to make from committees may have leave to present them to the Clerk for reference.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

NAVAL MILITIA.

Mr. WHITTHORNE, from the Committee on Naval Affairs, reported back the bill (H. R. 1847) to provide for the enrollment of the naval militia and the organization of the naval reserve force; which was laid on the table.

He also, from the same committee, reported, in the nature of a substitute for the foregoing, a bill (H. R. 10622) to provide for the enrollment of a naval militia and the organization of naval reserve force; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NICKOLAS LEUSCHEN, ETC.

Mr. WISE, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 4601) to grant a naval record to Nickolas Leuschen, Peter Leuschen, and Loth Possum; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GREAT ROUND SHOAL, NANTUCKET.

Mr. DAVIS, from the Committee on Commerce, reported back favorably the bill (H. R. 10183) to establish a light-ship for Great Round Shoal, near Nantucket, Mass.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MARY E. NOLL.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2006) granting a pension to Mary E. Noll, widow of Philip Noll; which was referred to the Committee of the

Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. BELTZER.

Mr. MORRILL also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1863) granting a pension to John A. Beltzer; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH A. DARLING.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7950) granting a pension to Sarah A. Darling, widow of George S. Darling; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH A. FISHER.

Mr. CHIPMAN, from the Committee on Invalid Pensions, reported back favorably the bill (S. 3016) for the relief of Sarah A. Fisher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LIEUT. COL. M. W. BURNS.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3897) for the relief of the widow of Lieut. Col. M. W. Burns; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ABRAM DURYEE.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7275) to give an increase of pension to Abram Duryee; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE CARROLL.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8511) for the relief of Catharine Carroll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN DEAN.

Mr. CHIPMAN also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 9372) granting a pension to John Dean; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS OF WILLIAM H. WILSON, ADMINISTRATOR, AND OTHERS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 10623) for the allowance of certain claims for stores and supplies taken and used by the Army of the United States, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MISS JANE LINN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 7621) for the relief of Miss Jane Linn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF LUCIEN GOYAUX.

Mr. WILKINSON, from the Committee on War Claims, reported back favorably the bill (S. 1582) for the relief of the estate of Lucien Goyaux; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF C. A. J. FLEMISTER.

Mr. PENINGTON, from the Committee on War Claims, reported back with amendment the bill (H. R. 6055) for the relief of the heirs of C. A. J. Flemister; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM T. TRAMWELL.

Mr. PENINGTON also, from the Committee on War Claims, reported back with amendment the bill (H. R. 6056) for the relief of William T. Tramwell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LUCY A. HOPKINS.

Mr. PENINGTON also, from the Committee on War Claims, reported back adversely the bill (H. R. 7975) for the relief of Lucy A. Hopkins; which was laid on the table, and the accompanying report ordered to be printed.

NAVAL ASYLUM, PHILADELPHIA.

Mr. RUSK, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 6671) to authorize the sale to the Schuylkill River East Side Railroad Company of a lot of ground belonging to the United States Naval Asylum, in the city of Philadelphia, and providing that the amount of moneys received shall be expended in the improvement of the Naval Asylum at Philadelphia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

JOHN C. PHILLIPS.

Mr. MAISH, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 6195) for the relief of John C. Phillips; which was laid on the table.

He also, from the same committee, reported, in the nature of a substitute for the foregoing, a bill (H. R. 10624) for the relief of John C. Phillips; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. D. RYAN & CO.

Mr. STOCKDALE, from the Committee on War Claims, reported back favorably the bill (H. R. 8916) for the relief of J. D. Ryan & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACKSON BRISCOE.

Mr. STOCKDALE also, from the Committee on War Claims, reported back favorably the bill (H. R. 8968) for the relief of Jackson Briscoe; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORT HALL AND LEMHI RESERVATION, IDAHO.

Mr. PERRY, from the Committee on Indian Affairs, reported back the bill (H. R. 5004) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi Reservations in Idaho, May 14, 1880, and for other purposes; which was laid on the table.

He also, from the same committee, reported back, in the nature of a substitute for the foregoing, a bill (H. R. 10625) to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters of the Fort Hall and Lemhi Reservation, Idaho, May 14, 1880, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE PRESIDENT.

Several messages, in writing, from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had, on the 22d instant, approved and signed bills of the following titles:

An act (H. R. 152) granting a pension to Mrs. Therese Grulich;
An act (H. R. 354) granting a pension to Samuel McClure;
An act (H. R. 780) granting a pension to James H. Darling;
An act (H. R. 809) granting a pension to Ephraim Reynolds; and
An act (H. R. 6440) to authorize the construction of a bridge over the Missouri River at or near the city of Omaha, Nebr.

The message also announced that the President had, on the 25th instant, approved and signed bills of the following titles:

An act (H. R. 2077) to place on the pension-roll the name of Salina A. Sims, widow of William S. Sims; and
An act (H. R. 7783) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.

The message also announced that bills of the following titles were presented to the President June 12, 1888, and not having been returned by him to the House of Congress in which they originated within the ten days prescribed by the Constitution, they had become laws without his approval:

An act (H. R. 432) granting a pension to Columbus Bosteder;
An act (H. R. 1074) granting a pension to Linnæus W. Risley;
An act (H. R. 2156) granting a pension to Warren Ohaver;
An act (H. R. 5812) granting a pension to Catherine Tierney;
An act (H. R. 6770) granting a pension to Miss Carrie A. Luey;
An act (H. R. 8722) granting a pension to Jessie M. Barthauer;
An act (H. R. 8400) for the relief of Lydia Burridge; and
An act (H. R. 2017) to incorporate the Rock Creek Railway Company of the District of Columbia.

ORDER OF BUSINESS.

The SPEAKER. The regular order is now the consideration of reports.

Mr. HOLMAN. I believe that can be dispensed with.

The SPEAKER. By unanimous consent.

Mr. HOLMAN. Does not unfinished business have priority?

The SPEAKER. The Chair thinks it does not, until the time for the unfinished business of the House arrives.

Mr. HOLMAN. I ask unanimous consent that the hour for the consideration of bills reported from committees may be dispensed with.

There was no objection, and it was so ordered.

AMENDMENTS TO LAND LAWS.

Mr. HOLMAN. Mr. Speaker, I now call up the unfinished business.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7901) to secure to actual settlers the public lands adapted to agriculture, to protect the forests on the public domain, and for other purposes.

The SPEAKER. The Clerk will read the pending section.

Mr. VANDEVER. Mr. Speaker, before we proceed with the bill, I desire to move a reconsideration of the amendment to section 20 that I offered last evening.

The SPEAKER. Was the amendment agreed to or rejected?

Mr. VANDEVER. It was rejected. It was the last business of the evening.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the proviso to section 20, as follows:

"*Provided*, That any actual settler on any tract of desert land entered under the provisions hereof may mortgage not exceeding one-half of his claim to procure the means necessary for the reclamation thereof as aforesaid, but that said mortgage shall be subject to the rights of the United States as reserved or defined in this act, or by other acts, and shall be dependent in all particulars, as far as the United States are concerned, upon the performance of the acts required to be performed by said settlers."

The SPEAKER *pro tempore*. The gentleman from California [Mr. VANDEVER] offered an amendment which was rejected. The question now is on the motion to reconsider the vote by which the amendment was rejected.

Mr. VANDEVER. Mr. Speaker, in connection with that motion I desire to have read a communication addressed to the Secretary of the Interior by the Acting Commissioner of the General Land Office.

The communication was read, as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 20, 1888.

SIR: I am in receipt, by your reference for a report in the matter, of a letter from Hon. WILLIAM VANDEVER, of the 16th ultimo, in which he asks to be informed of the status of the application pending in this Department for confirmation of assignments of desert land located in the Visalia land district of California, and whether any Congressional action is required or expected in regard to the desert-land act, to locations or assignments under it.

The act providing for the sale of desert lands in certain States and Territories was approved March 3, 1877.

On the 12th of March, 1877, this office issued instructions (copy herewith) under said act showing the manner of proceeding to obtain title to desert lands.

On the 28th of September, 1877, this office, in pursuance of the directions of the honorable Secretary of this Department of September 12, 1877, suspended all entries made up to that date under the desert-land act at the Visalia land office, and issued instructions to the register and receiver of said office for a hearing to determine the character of the land embraced in said entries.

Under the directions of the Secretary of October 29, 1877, instructions additional to the above were issued by this office November 2, 1877, to the register and receiver to inquire particularly at the hearing whether the applicant knew from personal observation anything about the character of the tract entered before making the entry; if so, over how long a period his knowledge extended; whether he paid the first installment required by law to be made at the time of making said entry, or whether the money so paid was advanced by other parties; if so, by whom; whether he has assigned or mortgaged, or agreed to assign, convey, or mortgage his interest, present or future, in the tract or tracts so entered; if so, to whom, when, and upon what consideration; and where a conveyance, assignment, or mortgage, or an agreement to convey, assign, or mortgage the tracts entered had been made by the applicant, to require the original instructions, or a certified copy of the same, to be furnished and made a part of the testimony in each case.

A hearing was accordingly had, and, in pursuance of the Secretary's instructions in the matter, the Commissioner, on the 26th of October, 1878, forwarded to him the evidence submitted at the hearing, with his opinion that the entries ought not to be canceled.

On the question of the assignment of the claims, the Commissioner says:

"It seems that in this case money has been loaned by one of the parties (Haggin) to others, and a contract made which is set forth in the evidence purporting to give him a lien therefor on the land.

"In case the certificates are not assignable or the claims inalienable before a patent issues, then the contract for a lien on the land is simply void. I think that question is not properly before us in the case."

It will be observed that the record in this matter is now and has been before the Department since October, 1878, and I have the honor to state that I am not aware that an application for confirmation of assignments in these cases is pending before the Department, and that there is no evidence of record in this office that Congressional action is required or expected in relation to locations or assignments under the desert-land act. The letter herewith returned.

Very respectfully, your obedient servant,

T. J. ANDERSON,
Acting Commissioner.

Hon. W. F. VILAS,
Secretary of the Interior.

Mr. VANDEVER. Mr. Speaker, I introduce that communication from the General Land Office to show what has been the effect of a practice in the Land Office in the Interior Department of allowing assignments to desert-land locations. In the district I represent, according to that communication, under the act of March 3, 1877, desert-land locations from No. 1 up to three hundred and some odd were made. Assignments of them were made to a syndicate of persons, who now hold and control under those assignments some three or four hundred thousand acres of land in that district which they are holding from homestead settlement. The entries have never been perfected to this day, but the land is held up there, and the Commissioner in this communication says that he sees no reason for Congressional action at this time; meaning, I suppose, action to confirm these assignments. Now the bill under consideration proposes to depart from the policy which has been followed by the Government in regard to these desert lands heretofore, and to specifically confer upon the settler the power to assign and transfer one-half of his interest before he has perfected his title. The proposition is vicious in the extreme. The practice has been found to operate to the prejudice of the settler in that portion of the State of California which constitutes the very garden spot of that State, and this clause in the bill, if allowed to stand and become part of the law, will undoubtedly be construed by these parties as an indorsement by Congress of the right and propriety of allowing these homestead locators to assign their rights. The evidence in regard to those locations in that district is that there was connivance between the persons composing the syndicate and the men who made the settlements, and to this day we do not know who those men are nor where they have gone. The syndicate furnished the money to make the first payment of 25 cents an acre, and the land has been held by them down to the present time upon that payment of 25 cents an acre; the syndicate men control the water of that country, and, in addition to that, some three or four hundred thousand acres of land, thus constituting one of the most overshadowing and arrogant land-grabbing monopolies that can be found in the State of California or elsewhere. The passage of this clause of the pending bill will be in aid of their policy, and I ask the chairman of the Committee on the Public Lands to consent, as a matter of precaution, to the adoption of my amendment.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from California to reconsider the vote by which his amendment was rejected.

The motion to reconsider was rejected—ayes 10, noes 30.

The Clerk read as follows:

SEC. 21. That any person who has not heretofore had the benefit of the homestead or pre-emption law, and who has failed from any cause to perfect title to a tract of land heretofore entered by him under either of said laws, may make a second homestead entry in lieu of the pre-emption privilege hereby repealed or the homestead entry lost.

The Clerk read also the following amendment, submitted by Mr. JACKSON:

Amend section 21 by adding, in line 3, after the word "cause," the following: "Except sale or disposal of his right thereto."

Mr. JACKSON. Mr. Speaker, the principal objection that can be raised to the legislation contained in this bill is the tendency that it may have to enable parties to make a fraudulent use of the homestead law and the desert-land provisions of this act for the purpose of acquiring title to large bodies of public lands and withholding them from the use of actual settlers. The beneficent provisions of the homestead law, we can perhaps well agree, might be extended a second time to any settler who through misfortune or from other cause beyond his own control has not been able to perfect his title to the homestead upon which he first located. I would be entirely willing that there should be a provision in this general law allowing any such settler to make a second entry; but I think the condition upon which he should be allowed to make such second entry ought to be the loss of his first entry not through his own fault. With reference to the homestead law and desert-land acts I consider that a settler's loss by sale, whether by direct sale or by some agreement between the parties, is such a fault on the part of the settler that he ought not to have another opportunity to locate a homestead.

I know that there is a provision in the general law which prohibits the sale, assignment, or transfer of rights acquired under the homestead law, but all of us who have any acquaintance whatever with the practice under the law know that frequently this provision is avoided, and there is an arrangement by which a settler leaves his homestead for a money consideration and allows another to settle upon it and obtain the benefits of his improvements, thus doing indirectly what the law directly prohibits. Now, the object of my amendment is to provide that a man shall not have a second opportunity to locate a homestead where he has sold his first right. The homestead law is intended as a gift to an actual settler. No man should be permitted to make it a matter of speculation. Still less should inducements be given to parties to make repeated fraudulent settlements for the very purpose of selling and assigning their rights to speculators. This latter practice has become a very great evil.

Mr. MCRAE. Mr. Speaker, I am opposed to the amendment of the gentleman from Pennsylvania [Mr. JACKSON], and desire to be heard briefly on it and this section. My friend means well, but he lives too far from any vacant land to fully understand or thoroughly appreciate the practical operations of the land laws, and in his zeal to save the lands for settlers he would unwittingly do injustice to some of the most deserving of them.

He would make it impossible for some who have no home, and who have never acquired title to any land under the homestead law, to get public land.

This is neither the spirit nor letter of the original homestead act. It has, I think, been misconstrued against the interest of the settlers, and my friend accepts that bad construction as the real meaning of the law.

I think I understand something of the land law and know something of its workings in the public-land States, and I am satisfied that there can be nothing more just than this section. I have labored both in this and the last Congress to get this and the next section of the bill enacted into law. They were both favorably reported to the Forty-

ninth Congress, but were never reached and were never considered. All the talk we have heard about settlers getting a second homestead under this section amounts to nothing whatever.

The homestead law provides that no lands entered under it shall be alienated or assigned in any way prior to the issuing of the final papers. All the relinquishment that can be made is one to the United States Government, and when made the land becomes a part of the public domain and is subject to entry by some other settler. No assignment to speculators is valid, but my friend may not know it. If no relinquishment is made and the law as to settlement and cultivation is not complied with, the entry is canceled and the land restored and opened to settlement.

So in either event the United States loses nothing, and if the settler who becomes dissatisfied with his surroundings and must move can find some other person who is qualified to enter and is willing to give him something for improvements, whose business is it but theirs? It is no concern to the Government since it still retains the title to the land. In the first draught of the homestead bill it was provided that no individual should "make more than one entry," and these words were stricken ont and the words "acquire title to more than one quarter-section" inserted, and that is still the law.

This ought to be sufficient to satisfy any one that Congress did not intend to restrict the settlers to one entry, but to limit the amount to be acquired under the law to one quarter-section. That is the plain, common-sense meaning of the language adopted. No one then dreamed that an uncompleted entry would estop the homeless settler from again taking up public lands. Many special acts have been passed by Congress for the relief of persons who have failed through misfortune or other causes to comply with the homestead law. Why not make a general law and treat all alike?

I am in full accord with the present Administration in its honest and manly fight to protect the public domain. I am opposed to all schemes of monopoly of the public lands by which the right of the people to obtain homes in a simple and easy manner is in the least restricted. All such laws retard the wealth and prosperity of our country. We can afford to be liberal with the tillers of the soil.

Millions of acres of the richest of our lands have been granted to railroads and other corporations, and yet we have been niggardly in our gifts to the settlers, who, with ax in hand, have gone upon the outskirts of civilization, away from society, churches, and schools, and made for us a civilization that challenges comparison with the old and elegant civilization of the East. In doing this these old pioneers have been kept in the front of the march of improvements, often moving before they acquired title; and now, when this civilization has reached the Pacific Ocean and must take up its permanent abode, shall we say to these honest old men, who must now cease their roamings, that though landless they can have no more land, because they did not remain on the first selection made? I hope not. There is no Western or Southern Representative here who knows that country and the hardships of such a life who would favor such a policy as the gentleman proposes. I hope the amendment will not be adopted.

Mr. TURNER, of Kansas. Mr. Speaker, I certainly am very strongly opposed to the amendment suggested by the gentleman from Pennsylvania. There seems to be a very serious misapprehension on the part of some of our Eastern friends in relation to the development of the frontier of this country. They seem to think that all that is necessary is to go out there and break up the sod, plant crops, and immediately you are insured a bountiful return. This is absolutely not true. As a homesteader myself, having proved up upon a homestead after five years of residence there, having settled in a new county in Northwestern Kansas, I know something about the conditions of developing that country. I want to say to you that all through the western part of Kansas and Nebraska the ground before it has been broken and the country developed is no more capable of yielding agricultural productions than is the greatest desert in the world. The sod which covers that country is absolutely impervious to water. Dig down wherever you please from 3 to 4 inches, and you have to break the ground with a pick. But after the sod is broken up and the water is allowed to settle into the earth, the land seems to fertilize itself, and after three or five or seven years you can depend upon that ground for yielding agricultural productions. These are the facts. It takes from five to seven years and in many cases even ten years to reclaim the land there so as to make it possible to depend upon obtaining from it agricultural productions.

You have all heard of the droughty frontier. I have stated the reason for the conditions prevailing there. The state of things I describe has prevailed continually from the Missouri westward. There has been a constant development of the country by breaking up its entire sod.

Now, a great many persons who go upon the frontier are evidently men of limited means. They go out there and build their houses; they break up 20, 25, or 30 acres of that sod. At first it is absolutely incapable of production to any reasonable degree, and so it continues the next year. The settler finds that for perhaps the first time in his life he has been obliged to purchase everything at the store. The country is new; there is no soil for agricultural productions. The consequence is that he finds the money he carried with him is rapidly being exhausted, and, ordinarily, in five cases out of seven perhaps, unless he can obtain some employment, he is obliged to give up his claim and return to the East.

Every influx of immigration to that country breaks up more of the sod and consequently allows the ground thus broken to fertilize; so that the man who, after a lapse of four or five years, follows the one who has given up his claim, is enabled to take advantage of the work previously done and may thus possibly become an actual settler of the country and succeed in raising agricultural productions.

The first man who comes there and after trying to sustain himself for a year or two fails, being absolutely starved out of the country, forced back into the old settled sections for the purpose of securing employment for himself and support for his family, has virtually abandoned, you may say, his claim. The man who follows him learns perhaps of his address. It would cost from $15 to $20 to contest that claim through the land office. Consequently, whenever a man goes upon a piece of land which has been previously entered it is the constant practice for him to secure the assignment of the first man's original entry papers back to the Government, for which he receives the compensation of perhaps $15 or $20—just what it would cost to carry through the contest.

Now I want to say to you, and it is peculiar perhaps, but nevertheless it is true, that a man who goes upon the frontier and who from any cause is forced to leave the country and seek a home elsewhere, is never satisfied until he comes back. A few years after he has been there other men come and develop the lands and are growing agricultural productions. He comes back upon the frontier the second or third time to secure for himself a home. You can see the gross injustice, therefore, of this amendment. A man who has been already out upon the frontier, and has attempted to secure for himself a home, has been driven back by circumstances over which he had no control, perhaps, received possibly for his occupation of the land the compensation which is the universal custom of that country, of from $15 to $20 from the man who would have contested his claim. But he pays him this sum for the final receipt from the Government in order to avoid all contests, and the purchaser can go upon the land and complete his entry.

[Here the hammer fell.]

Mr. HOLMAN. I ask that debate on this proposition be now closed.

Mr. PEEL. I would like to have a few moments on this myself.

Mr. HOLMAN. I think the amendment is one that will be voted down any way.

Mr. PEEL. I am opposed to the amendment altogether. I was not here, Mr. Speaker during the discussion upon this amendment, but I understand it is a motion to amend a section of the bill which allows persons who have failed to complete their title under the homestead law to take a second homestead.

I have always been of the opinion that the spirit of the law was to allow each citizen of the country not only to file his application for 160 acres of land, but to make his proof and obtain a complete title and a home for himself, and that there was nothing in the law to prevent that.

It is perfect nonsense to say that a man can not get a full title for a piece of the public land because some time or other in the past he undertook to make a claim which was not completed, or that some matter had interposed which prevented the completion of his title, and that he is therefore deprived of the benefit of the public domain entirely.

I have always believed that it was the spirit of the law, notwithstanding the rulings of the Department in the particular cases which have been submitted to it, that the homesteader should be entitled to a complete ownership of the public domain. That opinion has been sustained by the decision of a judge in some one of the Western Territories, which one I do not now remember, which settled the legal principle there beyond all question, where a party had made a homestead entry and was indicted for perjury under the following conditions: The evidence disclosed the fact that in some State he had filed an application under the homestead law and had failed for some reason to complete the title. He went West and filed an additional application on the ground that he never had the benefit of the act. Upon filing the second application he was indicted for perjury, but it was held by the court that he had not committed perjury, the spirit of the law being that he was entitled to the full completion of the title, and that he had not been in possession of the benefits arising under the act. He swore that he had not received the benefit of the act, and the court held that he had not received it by not having a complete title. I know many persons in my own State and section in the early days of the homestead law who in good faith made application and filed their application in the local land office, but some circumstances arose by which it became necessary that the party should change the location and thereby dispose of the little homes that they had already established and seek a home elsewhere. Surely it can not be contended that when a man sells his improvements only he gets anything from the Government. If he disposes of his homestead after improving it to some extent, he but sells the product of his own labor, and thereby does not deprive the Government of a single cent or in any manner interfere with its operations under the homestead law. He abandons the homestead for

what he can get, and the purchaser gets the benefit of the improvements, but he has to go over the same course and make his final proofs as if he had been the original homesteader himself. The rights of the Government are all protected in such a transaction.

I think, therefore, in all fairness, that it is but just to the settlers of the country that they should have not only the benefit of the law for completing their homestead entry, but that they should have the perfect right to complete the title so that they may become independent citizens and property owners in their own right.

I hope the amendment will be voted down, and the settlers who have not completed their homestead entry will not have their little homes gobbled up by the land-grabbers who are seeking every opportunity to obtain possession.

The question being taken on the amendment, it was rejected.

The Clerk read section 22 of the bill, as follows:

SEC. 22. That any homestead settler who has entered less than 160 acres of land may enter other and additional land lying contiguous to the original entry, which shall not, with the lands first entered, exceed in the aggregate 160 acres; or, if such settler so elect, he or she may surrender the lands first entered to the United States for cancellation, and thereupon be allowed to enter lands under the homestead laws the same as if the surrendered entry had not been made, and the residence and cultivation of such settler upon and of the lands embraced in the first entry shall be considered residence and cultivation for the same length of time upon and of the land entered by the additional or new entry, and shall be deducted from the time of residence and cultivation required by law; and if such settler has made final proof and obtained title to less than 160 acres of land under the homestead law, and has, prior to the passage of this act, in good faith sold and conveyed the same, then he or she may enter so much of any other public lands as may be subject to entry as when added to the quantity previously acquired and sold shall not exceed 160 acres.

The amendment (by Mr. JACKSON) was read, as follows:

Amend section 22 by striking out the word "less," in line 22, and the word "than," in line 2, and adding "or less," in line 2, after the word "land."

Strike out all commencing with the word "may," in line 2, down to and including "she," in line 5; also strike out all of the remainder of the section after the word "made," in line 9.

Mr. HOLMAN. I suggest to my friend from Pennsylvania that there must be some mistake in the first amendment. There is no line 22 of this section.

Mr. OUTHWAITE. The gentleman evidently means line 1.

Mr. JACKSON. It should be printed line 1, of section 22.

Mr. HOLMAN. I call for a vote.

Mr. JACKSON. Mr. Speaker, this section is in line with the preceding one, subject to the same objections, and my amendment is for the same purpose as the one I offered to the former one; that is, to limit the gift of public land to a moderate-sized farm to actual settlers.

I can very well understand how gentlemen here representing districts containing public lands are urged by their constituents for legislation enabling them to obtain more and more of the public lands. They seem to act upon the principle that to him who hath much more should be given. Some of the arguments urged in favor of this section are, to say the least, very remarkable. It is urged that the public lands are poor, and almost if not altogether worthless; that it can be no great loss to give them away. There seems, however, to be a kind of sliding scale in the boundary line of worthless lands. Just as soon as the title passes out of the Government and into the hands of private persons the character of the lands improve. Of course I presume it is meant that cultivation improves the lands, but I fear that gentlemen in their anxiety to give their constituents greater facilities for obtaining title to them are possibly induced to state the matter a little stronger than they otherwise would.

The loyalty of the Western man to his particular locality is proverbial, and I suppose that nowhere else in all this country could you find a representative of these States and Territories willing to stand up and say, as has been said yesterday and to-day here upon this floor, that these lands are almost entirely worthless; that without more liberal legislation the limit of settlement has been reached; that it is necessary to give these lands away in order to have them reclaimed. I confess my surprise at these statements. Why, Mr. Speaker, large bodies of these lands are in States that we understood were the happy homes of free, industrious people, in great agricultural regions furnishing a large per cent. of the cereals of the country. Now they are described as barren, and we were told by the gentleman from Nebraska [Mr. LAIRD] that there will be no further settlement of all this vast domain; that the line has been reached. Gentlemen, I do not want to say anything unkind. I understand it is politic for you to make these remarks in order to obtain legislation. But there ought to be some legislation here keeping in view the fact that the public lands of the United States belong to the people of the United States and do not belong to the few who happen to live near them.

The whole argument here in favor of more liberal means of obtaining lands is upon the theory that the land is to be given to the people who are near the land. The United States has in its Eastern States and in the Middle States and in many portions of the old-settled country a large body of men who have no land at all. It is for them I speak. I want the public lands kept for the landless. I have a sincere sympathy for every family that owns no foot of land. And, Mr. Speaker, it is not so far back in our history and we ought not to forget that some of the States relinquished claims to the vast domain in the Northwest for the purpose of dedicating that domain to actual settlers. I feel that we ought to give credit in this matter where it fairly belongs. I consider that it is a proud monument to the early statesmen of Virginia that to settle disputes, and having in view the great future of our country and the prospect of formation of new States, they relinquished the claim of Virginia to that large body of lands in the north and west of that State that the General Government might control them and that they might be settled by freemen. These lands were relinquished to the General Government with the expectation that Congress would carefully and wisely dispose of them so as to promote the general welfare of all our citizens. The public domain is the property of all the people. The Louisiana purchase from France, the acquisition growing out of the Mexican war, and the Territory of Alaska have all been paid for out of the common Treasury and should be held in trust for the use of all the people. It is unjust as well as impolitic to dispose of these lands except in such a way as shall do justice to all our citizens.

I am opposed to the section under consideration for the reason that it is an unreasonable gift of lands and has the effect of nullifying an original provision in the homestead act that where a man located a homestead upon Government land adjoining sections which had been granted to railroads to aid in their construction he should only receive 80 acres. Why? The argument that was made on this floor in favor of granting alternate sections to railroads was that it was no loss to the country; that the remaining half of the land within the lines of the granting act would be worth to the Government and the people after the railroad was built just as much as the whole without the road. With this belief a modification was made in the homestead law, so that men could only take up half the quantity within the limits of these railroad grants. Many men, preferring these locations, accepted the smaller quantity in preference to twice the amount farther from railroads and obtained 80 acres along the constructed roads or near them. Having taken their choice, and compelled other citizens to go farther to secure homes, the proposition comes in this section that they shall have 80 acres more anywhere. This is a gift without reason or excuse. It is not in the line of encouraging our landless people to locate on the public domain.

Mr. MCRAE. Will the gentleman allow me to interrupt him for a moment?

Mr. JACKSON. Certainly.

Mr. MCRAE. This section does not enlarge the land of people along the line of railroads. Their lands have been enlarged for five or six years. This section has no reference to such cases. If you have such a thought in your mind you may dismiss it. It has nothing to do with such cases.

Mr. JACKSON. I am yielding to the gentleman for a question and not for a speech. My time is very limited, and I have a great deal to say that I consider important. I only regret that I am not able to make my statements more interesting.

But, Mr. Speaker, the remarks of the gentleman only carry out what I said first, that all along of late years the effort of legislation has been to enable men to get more and more land. The gentleman calls attention to what ought to be known by all, that so far as the railroad legislation was concerned they had already obtained a chance to get much more land. I only used the railroad matter as an illustration, as the gentleman well knows that this bill will cover large bodies in similar grants as well as other lands. Besides, I still think that this bill will apply to many railroad grants. Every one knows that the only purpose of this section is to give men land who can not get it under existing law. There are many good features in this bill, and I regret to see it weighed down with such propositions as the section under consideration. The time has come to stop this kind of legislation, and I assure you that the country is now taking great interest in this matter. If you pass this bill without amendment, it will be understood to be a bill to enable men who have already been treated with great liberality in the gift of public lands to be treated with still greater liberality.

Let us show some disposition to save the public lands for the actual settlers who have no land, for the landless who want and need homes. Our policy ought to be to keep the land in small quantities. It is wrong policy and a wrong theory of legislation to encourage the ownership of lands in large bodies. The larger the number of people having an ownership in lands the better it will be for the nation.

[Here the hammer fell.]

Mr. MCRAE. It is evident from the answer the gentleman from Pennsylvania [Mr. JACKSON] made to my question when I interrupted him a moment ago that he has totally failed to understand the theory of the homestead law or the scope of this section. The main object of the homestead act of May 20, 1862, was to secure every citizen of the United States or person who has declared his intention to become such one quarter-section of land for a homestead. Those who own and reside upon farms of less quantity than 160 acres are allowed to enter other lands which would not, with the land already owned, exceed in the aggregate 160 acres. That provision was embodied in the homestead law and is still in this bill. It is right. No one, not even my friend from Pennsylvania, has offered to strike it out.

So we see, Mr. Speaker, that if a person qualified to make an entry does, by purchase, inheritance, or otherwise, acquire title to a less quantity than 160 acres, he or she may, under the law now, enter other and

additional land not to exceed in all 160 acres as an adjoining farm entry. Why, then, should the same person be denied an additional entry because he has acquired his title to this less quantity from the Government under the homestead law?

Absurd as it may appear that is the construction and practice of the Department, and is, in effect, favored by my friend who offered the pending amendment. In some cases, such as within the limits of railroad grants referred to by my friend from Pennsylvania, the discriminations have been removed by special act. Let us now wipe them all out.

They all ought to be treated alike. The homestead law was passed during the late civil war and was not extended to the five public land States of the South then in rebellion, but by virtue of the first section of the act of June 21, 1866, its benefits were extended to those States with the settlers restricted to 80 acres for two years. The homeless emancipated slaves and other people were only allowed one-half the quantity allowed in the northern States, although the lands of the southern States were of less value. In this two years there were 11,629 entries made in those States, averaging 67.69 acres for each. There were 3,665 of these entries in my own State. Other settlers afterwards not so restricted, acting under the feeling and belief that they did not require as much as a quarter section, took less. As their families and necessities increased they have found that they should have more and now want it. I say, give it to them.

Mr. HOLMAN. I hope my friends will bear in mind that this is a principle of universal application. It is not designed to operate in one section of the country more than another.

Mr. McRAE. Certainly it is universal in its application; but the principle involved and justice proposed is forcibly demonstrated and shown by calling attention to this class of citizens who were thus wronged and who will be relieved by this act. There are many others in all sections of the Union. I hope the amendment will not be adopted.

The amendment of Mr. JACKSON was rejected.

The Clerk read as follows:

SEC. 24. That section 2291 of the Revised Statutes be amended so as to read:

"SEC. 2291. Each person making such entry shall, within three months thereafter, establish his or her actual personal residence in a house habitable at all seasons of the year upon the land applied for, and shall actually and continuously reside thereon until the expiration of five years from the date of such entry, and shall clear and place in cultivation at least 10 acres thereof within said period. And if at the expiration of such time, or at any time within two years thereafter, the person making such entry, or if he be dead his widow, or in case of her death his heirs or devisee, or in case of a widow making such entry, her heir or devisee in case of her death, proves by two credible witnesses, who are householders, that he, she, or they have so continuously resided upon the same for the term of five years immediately succeeding the time of making the entry, and that he, she, or they have cleared and cultivated at least 10 acres of such land, and makes affidavit that no part of such land has been alienated, except as provided in this act, and that he, she, or they will bear true allegiance to the Government of the United States, then, in such cases, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent as in other cases provided by law."

The Clerk read also the following amendment, proposed by Mr. LAIRD, to section 24:

Amend section 24 by adding, after the proviso offered by way of amendment thereto by Mr. DORSEY, these words:

"And no settler on the public domain, under the provisions of this act, shall be deprived of his title to any land based upon a receiver's final receipt, except upon an open and public trial under and according to the forms of law relating to contest cases."

The amendment was rejected.

The Clerk read the following amendment to section 24, proposed by Mr. SMITH, of Wisconsin:

Amend section 24, in line 15, by inserting, after the word "householders," the words "residing within a radius of 10 miles."

Mr. HOLMAN. I think there is no objection to that amendment.

Mr. SMITH, of Wisconsin. I think it can be improved by inserting the word "neighboring" before the word "householders."

Mr. HOLMAN. Let it read "householders of the neighborhood." That is the more common expression.

Mr. SMITH, of Wisconsin. I will accept that suggestion.

Mr. TURNER, of Kansas. Mr. Speaker, the only serious trouble that could arise from the adoption of that amendment would be this: At times settlement has been made away out upon the prairies, and later the neighborhood has been abandoned by all except one settler, whom we will suppose to be the one who desires to make proof. Now, in order to make his proof he must have witnesses who know exactly the time he settled his claim, and who know his continuous residence there for five years; and it is within my personal knowledge that in many cases it has been found absolutely necessary to go or to send to some other section of the country in order to secure witnesses to make such proof.

Mr. MACDONALD. What substitute would the gentleman suggest?

Mr. TURNER, of Kansas. I would leave it just as it is, because the rules of the Land Office which govern the register and receiver control all that.

Mr. MACDONALD. But this section speaks merely of "householders," and in any case the householder required as a witness might live in Maine.

Mr. TURNER, of Kansas. What difference does it make if the witness does live in Maine, provided he knows the facts?

Mr. BIGGS. And states the truth.

Mr. SMITH, of Wisconsin, withdrew the printed amendment and offered as a substitute the following:

Amend section 24, in line 15, by inserting after the word "householders," the words "of the neighborhood."

The amendment was agreed to.

The Clerk read the following amendment to section 24, submitted by Mr. ANDERSON, of Kansas:

Amend section 24 by striking out the word "five," in lines 7 and 17, and inserting the word "three."

The amendment was rejected.

The Clerk read the following amendment to section 24, submitted by Mr. DORSEY:

Add to section 24:

"*It is further provided*, That after proof is made before the register and receiver of the district in which the land is situated, and a certificate is issued to the entrymen, said certificate shall be considered *prima facie* evidence of ownership, and the burden of proof to vacate said entry shall rest upon the Government."

Amend section 24, in line 4, by striking out "three" and inserting "six."

Mr. HERMANN. Mr. Speaker, this amendment is so obviously proper that I think the chairman of the Committee on the Public Lands will not interpose any objection to its adoption. This section of the bill proposes that the settler shall, within three months after making his entry, establish his residence in a house habitable at all seasons of the year upon the land applied for, etc. Now, I respectfully submit to the gentleman that it is absolutely impossible for the poor man to enter upon a tract of land and build his house so as to make it a habitable dwelling within a period of ninety days.

Mr. HOLMAN. I agree to that. Let us first take a vote upon the other part of the amendment, the proviso.

The proviso was rejected.

The SPEAKER *pro tempore*. The question now is on the second part of the amendment, which is to amend section 24 in line 4, by striking out "three" and inserting "six."

Mr. HERMANN. I move the adoption of that amendment.

Mr. GAY. I move to amend the amendment by striking out "three" and inserting "nine."

Mr. HERMANN. Nine months is too long.

Mr. GAY. If six months is deemed a sufficient time, I will withdraw the amendment.

The SPEAKER *pro tempore*. The amendment of the gentleman from Louisiana is withdrawn. The question is on the amendment offered by the gentleman from Nebraska [Mr. DORSEY].

The amendment was agreed to.

The Clerk read the following amendment by Mr. PETERS to section 24:

Add to section 24 the following:

"*Provided*, That in all cases wherein a homestead entryman or pre-emption claimant, lawfully in possession of Government lands under acts of Congress which require residence, shall have been elected or appointed to any official position the acceptance of which requires his absence from said land in the discharge of his official duties, but who, nevertheless, shall have kept up his improvements on said land in good faith throughout such necessary absence, he shall be deemed to have complied with the laws relating to residence upon such land, and no advantage shall be taken of such necessary absence by any adverse claimant or by the United States, but such claimant shall be entitled to all rights and privileges which would attach to actual and continuous residence covering such period of necessary absence."

The amendment was rejected—ayes 7, noes 28.

The Clerk read as follows:

SEC. 25. That section 2294 of the Revised Statutes be amended so as to read:

"SEC. 2294. In any case in which the applicant for the benefit of the homestead or desert-land law is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land office, he or she may make the affidavit required by law, before any commissioner of the United States circuit court or the clerk of a court of record for the county in which the land is situated, and transmit the same, with the fee and commissions, to the register and receiver."

The following amendment (proposed by Mr. DORSEY) was read:

Amend section 25 by adding:

"*It is further provided*, That in all cases where notice by publication of intention to make final proof upon any land taken under the provisions of this act is required the entrymen shall be allowed ten days following the day named in the advertisement in which to complete proof and present witnesses."

The amendment was rejected.

The following amendment (also offered by Mr. DORSEY) was read:

Add as a new section after section 25 the following:

"SEC. —. That any person who may make a homestead entry upon any of the agricultural lands of the United States under the provisions of this act, and who shall erect a dwelling-house thereupon worth at least $300, and shall put into cultivation 20 acres of said land, shall, after one year's residence thereon, have the right to commute said entry under such rules as the Secretary of the Interior may prescribe, and upon the payment of $1.25 per acre shall be entitled to receive a patent for said land."

The amendment was rejected.

The Clerk read as follows:

SEC. 26. That the proof of settlement, residence, occupation, cultivation, irrigation, or reclamation, the affidavit of non-alienation, and the oath of allegiance required to be made under the homestead and desert-land laws, may be made before any commissioner of the United States circuit court, or before the judge

or clerk of any court of record of the county or parish in which the lands are situated; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register and receiver, when transmitted to them, with the fee and commissions allowed and required by law; and the register and receiver shall be entitled to the same fees for examining and approving said testimony as are now allowed by law for taking the same. That if any witness making such proof, or any applicant making such affidavit or oath shall knowingly, willfully, and corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalty as if he had sworn falsely before the register.

SEC. 27. That it shall be unlawful to cut, cause, or to procure to be cut, or wantonly destroy, any timber growing on any lands of the United States, or to set fire to any tree or timber or underbrush on any timber lands of the United States and willfully or negligently leave the fire burning thereon, or remove or cause to be removed any timber from said public lands, or to knowingly manufacture any lumber from timber so cut or removed. And no owner, master, or consignee of any vessel, or owner, director, or agents, agent of any railroad shall knowingly transport the same, or any lumber manufactured therefrom, and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined, for every such offense, a sum not exceeding $1,000: *Provided, however*, That nothing herein contained shall impair the right of any person who shall purchase timber on public land, under the provisions of this act, from cutting and removing the same, or prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim or preparing his farm for tillage, or from taking the timber necessary to make and support his improvements, or selling timber felled in the necessary clearing of the homestead, or the taking of timber for the use of the United States, and all moneys collected under this act shall be covered into the Treasury of the United States. But this section shall not be construed as repealing any provision of law touching or concerning the protection of timber on the public lands in any State or Territory of the United States, or as affecting in any wise penalties connected therewith.

Mr. HERBERT. I move to amend by striking out the last clause in the section just read. The language I propose to strike out is in these words:

But this section shall not be construed as repealing any provision of law touching or concerning the protection of timber on the public lands to any State or Territory of the United States, or as affecting in any wise penalties connected therewith.

It seems to me, Mr. Speaker, the result of this clause would be to nullify largely the very carefully drawn and properly considered provisions which precede it in the same section. A member of the committee who sits beside me tells me that the effect of striking out this clause would be to discontinue prosecutions which have already been commenced. Of course the purpose of my amendment is not to put a stop to any pending prosecutions, or to affect them in any manner; and it seems to me there can very readily be inserted a proviso that "nothing herein contained shall affect prosecutions now pending." I offer the amendment in that shape to strike out from the word "but" in line 24 to the end of the section and to insert in lieu thereof, "*Provided*, That nothing herein contained shall affect prosecutions now pending."

Mr. HOLMAN. I hope my friend will not press this amendment. There are two or three acts, passed several years ago (one in regard to the live-oak timber), the provisions of which, it seems to me, ought to be continued in force, otherwise the provisions incorporated in this bill should be broader than they are. I do not think it would be safe to adopt the provisions embraced in this bill without at the same time keeping in force the provisions of former laws. It can not possibly do any harm to continue those penalties; there can not be too many safeguards thrown around the timber lands of the United States. I hope my friend will not press his amendment.

Mr. HERBERT. Will the gentleman tell us the effect of the preceding part of the section if the latter clause, which I propose to strike out, be allowed to stand?

Mr. HOLMAN. Certainly. The existing penalties would remain in force, and the provisions of this bill would be, as they are intended to be, cumulative. The whole system of laws on the subject would be perfectly consistent with each other. Our former laws have been the result of considerable experience, and we wish to retain them. The important feature, after all, of these amendatory provisions is that in regard to unlawfully permitting fires on the public lands.

That it shall be unlawful to cut, cause, or to procure to be cut, or wantonly destroy, any timber growing on any lands of the United States, or to set fire to any tree or timber or underbrush on any timber lands of the United States and willfully or negligently leave the fire burning thereon.

This provision is, in my opinion, the most important addition to the present law.

Mr. HERBERT. That would not be at all affected by my amendment.

Mr. HOLMAN. That may be; still, all these provisions are intended to be cumulative; and unless my friend from Alabama can point out some reason why the existing law should be repealed, I think the penalties now in force should be continued.

Mr. HERBERT. Under my amendment it is intended that this proviso in the bill shall become law:

Provided, however, That nothing herein contained shall impair the right of any person who shall purchase timber on public land, under the provisions of this act, from cutting and removing the same, or prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim or preparing his farm for tillage, or from taking the timber necessary to make and support his improvements, or selling timber felled in the necessary clearing of the homestead, or the taking of timber for the use of the United States, and all moneys collected under this act shall be covered into the Treasury of the United States.

Mr. HOLMAN. I think my friend falls into a misapprehension about this whole section in this respect. The provision which he has just read would more properly come in before the word "provided;" that would have been a better arrangement, although the sense is not changed a particle. The object of the proviso which the gentleman moves to strike out is to show that the penalties already existing were not intended to be repealed. That clause has no special relation to the provision which the gentleman has just read, following the words "provided, however."

Mr. HERBERT. The gentleman does not mean to say if you pass the law leaving out those words—the words in the proviso—will not have the same effect.

Mr. HOLMAN. They have now?

Mr. HERBERT. Let me state my point. I know different courts at different times construe differently the rights of a settler to cut and carry away timber where he is making a clearing. Some courts hold it to be a violation of law under the circumstances enumerated here, and at other times—and properly, I think—they hold otherwise.

I think this would be a proper enactment. The provision is carefully drawn generally, but I do not think any settler should be held responsible, as he now is, for selling the timber he cuts in clearing up a homestead. I think that should become law. I do not see any good reason for making a provision of that kind and afterwards annulling it by saying that this shall not be construed as repealing any provision of law touching or concerning the protection of timber on the public lands in any State or Territory of the United States or as affecting in any wise penalties connected therewith.

Mr. HOLMAN. This statement of my friend shows me that he misapprehends this section. This provision has been studied with care and adopted after a thorough examination of the existing laws and penalties. The trouble with the gentleman is this—here is where it comes in properly——

Mr. HERBERT. I will read how I consider it ought to be.

Mr. HOLMAN. Let me finish my statement. If you will turn to page 18 you will find it is provided—

That no owner, master, or consignee of any vessel—

I wish to state right here that this legislation had reference originally to the exportation of timber cut from live-oak forests of the South, and hence the necessity of this provision—

And no owner, master, or consignee of any vessel, or owner, director, or agents, agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom, and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined, for every such offense, a sum not exceeding $1,000.

Mr. HERBERT. Right there——

Mr. HOLMAN. Let me proceed. Now, right there we might transpose, commencing with the word "but," in the last sentence of the section, so as to insert it before the word "provided" and after the words "one thousand dollars." Then immediately after "not exceeding one thousand dollars" insert:

But this section shall not be construed as repealing any provision of law touching or concerning the protection of timber on the public lands in any State or Territory of the United States, or as affecting in any wise penalties connected therewith.

Mr. HERBERT. Mr. Speaker, I can make the proposition somewhat clear.

Mr. MACDONALD. I do not think the gentleman understands it.

Mr. HERBERT. I have the floor. I understand, Mr. Speaker, that gentlemen of the committee are perfectly willing this proviso shall be adopted. I do not understand any gentleman has opposed my amendment, or is unwilling the words of the proviso I have read shall be omitted. So I suggest, instead of the amendment as sent up, these words be inserted in line 25; so it will read:

This section, except as to the proviso, shall not be construed as repealing any provision of law touching or concerning the protection of timber on the public land in any State or Territory of the United States, or as affecting in any wise penalties connected therewith.

That will have this effect. This is simply cumulative. Passing it does not affect any laws on the statute-book in reference to the protection of timber, and I am perfectly willing the proviso shall become law if those words are inserted.

Mr. HOLMAN. The section is right as it is. That is the fact about it. It has been most carefully studied. If the gentleman prefers those words inserted I am willing to transpose it in that way, although I do not like to do it.

Mr. MACDONALD. I think I can make it clear that the gentleman from Alabama is laboring under a misapprehension. Gentlemen will bear in mind it is a fundamental principle wherein a new law is enacted fixing penalties for crime unless there be a saving clause it operates to exempt parties committing offenses previously. This provision of law is intended to prevent making it a crime for parties to start a fire in certain forests, leaving it remain, "except in certain cases." It was determined by the committee for greater protection, they intended to prevent other parties from escaping who should come in there. But in this section it is provided—

That it shall not be construed as repealing any provision of law touching or concerning the protection of timber on the public lands in any State or Territory of the United States, or as affecting in any wise penalties connected therewith.

Mr. HERBERT. As I understand it, the gentleman is willing to transpose that last sentence of the section so it shall come in before the word "provided."

Mr. HOLMAN. I am willing to make that transposition.

Mr. HERBERT. My proposition is to transpose the sentence beginning with the words in the twenty-fourth line "but this section shall not be construed as repealing any provision of law," etc., and continuing down to the end of line 28, to transpose the entire paragraph to the fourteenth line, so that it will come in after the word "dollars" in that line.

That is where it properly belongs, in my opinion.

Now, I understand the chairman of the committee, the gentleman from Indiana, consents to that transposition, and it will effect the object I have in view. He sees no objection to it. I do not believe any other member of the committee except the gentleman from Minnesota objects to it. I therefore ask a vote upon the transposition.

Mr. HERMANN. Your original amendment was sufficient.

Mr. HERBERT. Yes; but I put this in lieu of the other in order to put myself in harmony with the majority of the committee. I believe the whole committee, excepting the gentleman from Minnesota, are willing to accept it.

Mr. MACDONALD. I do not so understand it. This is the first time that I ever heard of a sentence qualifying a section of a bill put in the middle of the section. It is always placed at the end of it, just where this is, and properly.

Mr. HOLMAN. I said to my friend from Alabama rather than have the time consumed I would consent to the transposition, but I am satisfied the more he will consider the section the more convinced he will become that it is now in its proper position; and I hope he will not insist upon the amendment.

Mr. HERBERT. I am so much impressed with the necessity of making the change that I offer the amendment.

The amendment was rejected.

Mr. McRAE. Mr. Speaker, I offer an amendment to insert the words which I think will make this perfectly clear.

The Clerk read as follows:

In the twenty-seventh line, after the words "United States," insert "not in conflict with it."

Mr. HOLMAN. I hope my friend will let the section stand just as it is.

The amendment was rejected.

Mr. COBB. Mr. Speaker, it seems to me that the amendment just offered by the gentleman from Arkansas would come in more properly after the word "law," in the twenty-fifth line, and I offer it there; so that this section will read:

But this section shall not be construed as repealing any provision of law not in conflict with it.

The amendment was rejected.

Mr. WILSON, of Minnesota. I offer a further amendment.

The Clerk read as follows:

Add, after the last word in section 27, as follows:

"*Provided always*, That it shall be lawful for any settler on any subdivision of lands in the United States to remove, use, or sell any dead or fallen timber found thereon."

Mr. HOLMAN. I think he has that right now as it is.

Mr. WILSON, of Minnesota. Not at all.

Mr. HOLMAN. Why?

Mr. WILSON, of Minnesota. I will say to the learned chairman of the Committee on the Public Lands that if he will look at this very bill itself he will find that it is prohibited by this very section. For instance:

SEC. 27. That it shall be unlawful to cut, cause or to procure to be cut, or wantonly destroy any timber growing on any lands of the United States, or to set fire to any tree or timber or underbrush on any timber lands of the United States and willfully or negligently leave the fire burning thereon, or remove or cause to be removed any timber from said public lands, or to knowingly manufacture any lumber from timber so cut or removed.

I call the gentleman's attention to the words:

To remove or cause to be removed any timber from said public lands.

It is not only for the interest of the person who resides upon the land that he shall have the benefit of such dead timber, but it is for the benefit of the lands themselves to remove the dead or fallen timber.

Mr. WEAVER. I think the gentleman is correct in that.

Mr. HOLMAN. As to the location of the proposed amendment, it will be noticed that I am trying to avoid, as shown by my colloquy with my friend from Alabama, any conflict between the two provisions of this section. The last clause of it refers to the provision embodied in the first clause, and it was an important matter which should be made clear and distinct. It seems to me that this amendment should come in after the word "United States" in this connection:

Provided, however, That nothing herein contained shall impair the right of any person who shall purchase timber on public land, under the provisions of this act, from cutting and removing the same, or prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim or preparing his farm for tillage, or from taking the timber necessary to make and support his improvements, or selling timber felled in the necessary clearing of the homestead, or the taking of timber for the use of the United States; and all moneys collected under this act shall be covered into the Treasury of the United States.

And right there after the word "United States" that language ought to come in.

Mr. WILSON, of Minnesota. It does not make a particular difference where it comes in in the paragraph.

Mr. HOLMAN. It will otherwise divide the section into three parts instead of two.

Mr. WILSON, of Minnesota. I have no objection to inserting it in line 24, after the words "United States," as suggested by the gentleman.

The amendment was adopted.

Mr. WHITE, of Indiana. I offer the amendment I send to the desk.

The Clerk read as follows:

At the end of section 27 add:

"*Provided, however*, That timber not of commercial value, as sawed or hewed timber, growing on public lands wholly unfit for cultivation shall be free for the domestic use of any bona fide resident of the Territory in which said timber on such land is found."

Mr. HOLMAN. I do not understand where it is proposed to insert this amendment.

The SPEAKER *pro tempore*. At the end of the section?

Mr. HOLMAN. I hope that will not be done. This section is regarded as one of the most important sections in the bill, and if so amended it will be confused to an extent to make its interpretation almost impossible. That provision ought to come in as an independent proposition, if at all.

Mr. STONE, of Missouri. It is already in the bill.

Mr. PAYSON. There was an amendment offered that was identical with this.

Mr. WHITE, of Indiana. This amendment applies to a different class of land.

The Clerk again reported the amendment.

Mr. HOLMAN. That provision is already in the bill.

Mr. WHITE, of Indiana. But it applies to a different class of land.

Mr. HOLMAN. It is in almost the same words.

Mr. WHITE, of Indiana. If it will cover this section too, well and good.

Mr. HOLMAN. The language is almost identical.

The SPEAKER *pro tempore*. The gentleman insists upon his amendment. The Chair will put the question.

The amendment was rejected.

Mr. COBB. Mr. Speaker, I believe we are still on section 27, are we not?

The SPEAKER *pro tempore*. Yes.

Mr. COBB. I move to strike out the last word in order to call attention to what I conceive to be a serious defect in this section, and to which I invite the attention of the chairman of the committee. Section 27 contains a penal statute. At the close of the section are these words:

That this section shall not be construed as repealing any provision of law touching or concerning the protection of timber.

That is to say you enact a penal statute, and as a part of the statute itself you say it shall not affect any existing law. Now, suppose there be a penal law in existence in conflict with this section. How would the courts construe it? There are penal enactments now in existence touching the protection of the timber in the United States. Here is another law making it a penalty to do certain things upon the public land of the United States. In this last section you incorporate the provision that none of the existing laws shall be affected by this section at all. If it should happen that any of the existing statutes are in conflict with this section, you have a serious situation about which the courts of the country would have difficulty in their construction.

Mr. HOLMAN. Can my friend say there is any provision of law that will come in conflict with the penal provision?

Mr. COBB. I asked that question of one of the members of your committee, and he told me he did not know whether there was or was not. I do not know.

Mr. HOLMAN. This is not a subject in regard to which any member would study all the statutes for the purpose of enabling him to draw up a section.

Mr. COBB. I ask the chairman of the committee whether he can or can not tell us whether there is any law now in existence in conflict with the section as it is framed?

Mr. HOLMAN. I will say that I drew up this section with all the penal statutes on the subject before me. I incorporated this section simply out of abundant caution; nothing more.

Mr. COBB. Now, Mr. Speaker, it is perfectly evident if there is any law now in existence in conflict with this section it is intended that this section shall repeal it, otherwise it would be useless legislation altogether, or very singular legislation. If you have an act in conflict with existing law and say at the same time that both shall stand, you have a system of legislation singular indeed and leading to serious complications. Now, I take it for granted that it was the intention of the committee to have all laws which are in conflict with this section repealed by it. If so, this latter clause ought to have inserted in it the words which I proposed just now as an amendment. Those words are:

But this section shall not be construed as repealing any provision of law not in conflict herewith.

That makes it plain. There can be no difficulty in construing the existing law with this law so as to prevent difficulty. I ask unanimous consent to renew this amendment and have a vote upon it.

The SPEAKER *pro tempore*. The gentleman can offer the amendment without asking unanimous consent. The Chair understands the gentleman withdraws his formal amendment and offers this.

Mr. COBB. Yes; I withdraw my formal amendment and offer this amendment.

The Clerk read as follows:

After the word "law," in line 26, insert:
"Not in conflict herewith."

Mr. COBB. That will prevent the difficulty I have suggested.

Mr. MACDONALD. Will the gentleman allow me to make a suggestion?

Mr. COBB. Yes.

Mr. MACDONALD. I suggest that you say "with it" instead of "herewith."

Mr. COBB. I have no objection. I do not care, if gentlemen like that better.

The amendment thus modified was reported by the Clerk.

The question was put on the amendment, and the Chair was in doubt as to the result.

Mr. COBB. I call for a division.

The House divided; and thereupon there were—ayes 13, noes 17.

So the amendment was rejected.

Mr. STONE, of Missouri. Insert the word "agent" after the word "director," in section 27, line 9, and strike out the word at the end of the line.

The amendment was agreed to.

The Clerk read as follows:

SEC. 28. That a strip of land of the width of 2 rods on each side of the section lines on the public lands shall be, and is hereby, dedicated for public highways, and may be opened or vacated in the manner provided for establishing public roads by the State or Territorial Legislatures, and until opened, or if opened and afterward vacated, shall be considered a part of said sections respectively, and shall pass to and vest in the owners of said sections, subject only to said right of highway as aforesaid.

Mr. JACKSON. The purpose of my amendment is to change, and, as I think, improve the phraseology of the section, and I should like to have the attention of the chairman of the committee to the amendment. I understood in the committee that it was thought there should be some change in the phraseology of this section.

Mr. HOLMAN. I ask that the amendment be read again.

The amendment was again read.

Mr. HOLMAN. The gentleman from California [Mr. MCKENNA] prepared that section of the bill, and I would like to hear what his view is upon the proposed amendment.

Mr. MCKENNA. I do not consider it an improvement.

Mr. JACKSON. You leave the title to this strip in uncertainty.

Mr. MCKENNA. I think not. While I suggested the substance of that section, the language is the language of the committee, and I think it expresses what they desired to express, and ought not to be amended.

The SPEAKER *pro tempore*. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. JACKSON].

Mr. SPRINGER. I would like to understand this clause in the text, beginning in the third line: "May be opened or vacated in the manner provided for establishing public roads by the State or Territorial Legislatures until opened, or if opened and afterwards vacated," etc.

It seems to me that that clause as it stands provides only for the opening of this part of each section, namely, two rods wide on each side of the section line, at the instance of the Territorial or State Legislature, or in pursuance of laws passed by such Legislature; whereas I think the clause should provide that the land should be forever reserved as a public highway, unless vacated under and in pursuance of laws passed by the Legislature.

Mr. PAYSON. That is precisely what the section as it is now provides.

Mr. SPRINGER. I understand it just the other way.

Mr. PAYSON. If the gentleman will give me his attention for a minute I think I can convince him. The section provides that "a strip of land of the width of two rods on each side of the section lines on the public lands shall be, and is hereby, dedicated for public highways." There is the fundamental proposition.

Mr. SPRINGER. If you stopped there it would be all right.

Mr. PAYSON. We do not stop there, and we ought not to stop there. The title is now in the Government, and we go on to provide by this section that the lands so dedicated for public highways may be opened or vacated in the manner provided for establishing public roads by the State or Territorial Legislatures.

That makes it perfect as to them, and there is no difference in the principle between the section as it is now and the proposition of the gentleman from Pennsylvania [Mr. JACKSON], except that the language that he uses is less clear and distinct than this, and is, I submit, no improvement. We first dedicate the land for public purposes and establish public highways, and then provide that the Territorial Legislature may adopt the machinery required for the perfecting of the grant that we make. The language of the amendment of the gentleman from Pennsylvania [Mr. JACKSON], on the other hand, only provides that the Territorial Legislature may improve and work the grant. That is a matter of their own concern, in regard to which they may do as they see fit. That ought to be a matter purely of local legislation. All that we do is to provide by dedication for public highways, and then we throw upon the Territorial or State Legislature the duty of opening them as the public necessities may require.

Mr. SPRINGER. What I object to is this provision:

And until opened shall be considered as part of said sections respectively, and shall pass to and vest in the owners of said sections subject only to said right of highway as aforesaid.

Mr. PAYSON. That is just what we want to do. We provide that the owner may use the land until it is opened, but that when opened the public comes in and have the right of user.

If, in the language of the section, the highway should at any time afterward be vacated, then the title would revert to the owner of the section as it should do; otherwise, as the Government now owns the title and dedicates the land for the purpose of a public highway, the title, if there should afterward be a vacation of that highway, would revert to the General Government; so that an additional conveyance of the title from the General Government to the owner of the section would be necessary. This seems to me a very simple proposition.

Mr. SPRINGER. But suppose the homesteader should take the section before any act of the Legislature had been passed or put in force for opening the highway; he would then take absolutely——

Mr. PAYSON. No, sir; under the provisions of the bill he takes the land subject to the dedication for the public highway, this dedication to be perfected by the Territorial Legislature whenever the necessities of the case may require.

Mr. SPRINGER. But suppose he should take the land before the Legislature had opened the highway, and should build an important improvement on the section line——

Mr. PAYSON. That would be his misfortune.

Mr. SPRINGER. And suppose afterward the Legislature should open the highway; then, it seems to me, under the provisions of this section, he could claim damages——

Mr. PAYSON. Does not my colleague see that the very first provision of this section is that "a strip of land of the width of 2 rods on each side of the section lines on the public lands shall be and is hereby dedicated for public highways?" This dedication being made by an act of Congress, the Government owning the land, whoever may succeed to the land takes it subject to that easement. This is as familiar a proposition in real-estate law as the proposition in mathematics that 2 and 2 make 4. The land being subject to this easement, if any one builds improvements upon the land thus dedicated it is his misfortune; but the public convenience must not be defeated, simply because some one may make a mistake in building his house on land which has been reserved.

Mr. SPRINGER. I would prefer that the section should read as follows:

That a strip of land of the width of 2 rods on each side of the section lines on the public lands shall be, and is hereby, dedicated for public highways and shall be held by the person owning the section, subject to this right of way.

Mr. PAYSON. That is exactly what this section does now. I submit to my colleague (he and I wanting to accomplish the same thing) that it would perhaps be somewhat difficult for him, under the inspiration of the moment, to suggest a section which would be more apt in its phraseology than this which has received the careful consideration of the Committee on Public Lands for a couple of days.

Mr. SPRINGER. I think it would be better if the language were similar to that I have suggested. Still I am willing to take the section as it is, and will not offer any amendment.

[Here the hammer fell.]

Mr. JACKSON. Mr. Speaker, I have no direct interest in this matter; and as other gentlemen seem satisfied with the language of this section I will not press any objection. I am, however, very well satisfied that the section as now written is not correct and will not accomplish what gentlemen expect.

The SPEAKER *pro tempore*. Does the gentleman withdraw his amendment?

Mr. JACKSON. No, sir. Under this section, after the road is once opened according to the local law, the title would be left in abeyance; no one would know where it would be. More than that, if the road, having been once opened, should be vacated, then all right to open other roads, no matter how much they might be needed, would be gone. Thus the section would become inoperative and of no use. I think it might have been worded so as to be of great service—to lay on the lands an easement which would have been a great convenience and no further burden than as an easement.

The question being taken on the amendment, it was rejected.

Mr. MCADOO. I propose a new section, which I will read.

Mr. WEAVER. I want to offer an amendment to section 28, and the gentleman from New Jersey proposes a new section which is not in order until we have first perfected the pending section 28.

The SPEAKER *pro tempore*. The gentleman from Iowa is recognized, after which the gentleman from New Jersey will be recognized to offer his amendment.

Mr. WEAVER. I move the amendment which I send up to the

Clerk's desk, to come in immediately after the provision providing for laying off roads.

The Clerk read as follows:

SEC. 29. And along all water-courses and on each side thereof immediately adjoining low-water mark there shall be reserved to the United States for public use alternate strips of land, 100 feet wide and 1,000 feet long, lying parallel to said streams and following the meander thereof. Like reservations shall be made along all lake and sea shores where they adjoin the public lands of the United States. All patents for lands disposed of after the passage of this act shall expressly recite this reservation.

Mr. WEAVER. I should like to have the attention of the committee for a short time while I explain the necessity for this amendment. I regard it as an important one. It was offered last evening, but passed over by consent. It should be inserted as part of section 28, where reservation for highways is made. That provides for highways in getting to water and returning therefrom. It is an important provision, and there should be the further provision which is contained in my amendment to make it complete, so that when they go over the highway they may have access freely to the water.

Mr. HERBERT. Let the amendment be again reported.

Mr. WEAVER. Certainly, as it is my desire that the amendment shall be perfectly understood.

The amendment was again read.

Mr. HERBERT. I hope this amendment will not be adopted. If gentlemen will think for a moment they will see its consequences are far-reaching. If along all the public streams flowing through the public lands of the United States there shall be these reservations it would constitute a very large portion of the public domain. Timber scattered along the streams would furnish a constant temptation to depredators. In my judgment, Mr. Speaker, the United States ought not to reserve any public lands anywhere in small quantities. The policy of doing so, it seems to me, would be a bad one. In many sections we have trouble growing out of the fact that there are numerous suits brought against persons where the United States is charged with depredating upon the timber lands. In the first place, it would be difficult to find them out in the case of these reservations. There would have to be a survey of every one of them. The lands would have to be marked so distinctly that every person should be warned that if they attempted to go beyond the fixed line and cut timber they would be trespassers under this very act, and punishable by a fine of $1,000 and by imprisonment also.

It seems to me the Government ought not to have any land reserved anywhere. Certainly it ought not to have reservations of lands which would be a constant temptation to evil men, and a constant source of trouble to honest men. What is the use of it? What is its purpose?

Mr. WEAVER. There can not be any difficulty about it, and certainly there can be no inconvenience. The Government owns it and dedicates it to the public use forever. It is to prevent mischief. Every one on the frontier knows parties of settlers take up the water-front on a stream, perhaps the only stream in the surrounding country. Twenty or thirty men may enter the whole front of a stream, and on the side of it. They will thereby cut off all others from access to that water. They may cut off their water along the stream for many miles in either direction. Now, that is a great hardship. But such is often the situation in the West. There can be no harm, therefore, in making a reservation of this land. As we have provided for highways, for ingress to the water and egress therefrom, we ought to provide these reservations so the settlers may obtain the water after they get to the stream. They can thus obtain water for their stock without having a man with a revolver standing across the highway and backed up by cow-boys to drive them off. No injury can arise from carrying out this amendment I have proposed, but, on the contrary, it is for the purpose of benefiting the settlers on the public lands.

Mr. MCADOO was recognized.

Mr. HERBERT. Mr. Speaker, it seems to me that the more you think of this the more the difficulties multiply.

The SPEAKER *pro tempore*. If the gentleman from Alabama desires to address himself to the amendment, the Chair will recognize him later on.

Mr. MCADOO. I think this is one of the most important amendments to the bill. Some two or three years ago it was my good fortune to pass over the Northern Pacific Railroad, and while so doing I had a conversation with one of the largest capitalists of New York City, as well as the owner of the greatest cattle herd in that whole Western region.

I studied the question while in that country as best I could and the position of the case as far as the disposal of the public land was concerned. From personal observation I became convinced that the man who owned the water owned the land virtually. The Western country, that portion that needs irrigation, presents this condition of things: That the man who controls the right to a living stream of water is virtually the lord of the territory as far back as he chooses to go; and in a cattle country where the cattle were dying for want of water, and he commanded the right of way to it, he was virtually the owner of the surrounding land.

I stated that in my opinion the United States ought, under the right of eminent domain, if in no other way, to condemn the right of way for the smallest cattle-owner to take his herd of cattle to the living stream of water; and this gentleman admitted that in his opinion that was the solution of the whole problem—getting the small cattle herds in such a position that they might afford to live, as against the tremendous companies that control the cattle trade of that region.

Mr. Speaker, I can not imagine a more important amendment for the great Western country than the one offered by the gentleman from Iowa, and that of the gentleman from Wisconsin, now pending.

If you want to make it possible for the poor man to graze his cattle on those lands at all, and obtain the use of the land for that purpose, you have got to give him the right of way through or over the public highway to the living stream of water in that country. Why, take an illustration: Here is a little river or a little spring and a powerful company, or a rich man goes out there and the first thing it or he does is to secure the land immediately bordering upon this water. There may be no water nearer to that point than 40, 50, or 100 miles, and every living creature, man and beast, is absolutely at the mercy of the individual who owns the land around this stream of water. Now, I say that it is a bad policy for the United States Government to give up an acre of these lands around a living stream of water in a country that is rainless for six, seven, or nine months of the year. We are deluding the people of the East when we ask them to go out and take up these lands which have no water upon them, and upon which there is no rainfall for nine months of the year.

It is an injustice to a man to give up his home in the East and ask him to go out there and take up a homestead, only to find that condition of things prevailing, to find that there is no water, that his neighbor across the way owns the river, or the creek, or the lake, or the spring, or that it belongs to the tremendous cattle syndicates, and who hold it with such a tight grip in the hands of these powerful monopolies that a thirsty dog traversing the prairie dare not stop to lap the flowing water to slake his thirst without paying tribute if he could to the powerful combination. The water should be as free as the air we breathe. It was but a few years ago, as you all remember, that a riot was almost precipitated out in that region by the fencing in of the springs of water by some of the cattle syndicates. Valuable herds of cattle were staggering around on the prairies absolutely dying from thirst.

[Here the hammer fell.]

Mr. WILSON, of Minnesota, was recognized and yielded his time to Mr. MCADOO.

Mr. MCADOO. I thank the gentleman for his courtesy.

Mr. Speaker, this is a very important measure now before the House. I do not know of a more important bill in this Congress than the bill reported by the Committee on the Public Lands now pending before us; and I think that the masses of the people in this country will consider it when it is passed as one of the most important bills ever enacted in any Congress.

But, sir, I want, when it is perfected, that this vital thing of water shall be preserved to the people of this country. We have land monopolies here now which are controlling principalities in extent. We have land and industrial monopolies, but still at least we have as yet no water monopoly. But it was only recently in one of our oldest States that a powerful syndicate started out for the purpose of controlling the watersheds which supply the great cities, and if this condition of things goes on long enough, we will have not alone monopolies of lands, but we will have water monopolies, and the time may come, if science shall furnish the invention, when we will have a monopoly of the air we breathe, and will not be permitted to use it without paying tribute to somebody.

Confederation, combination, and conspiracy, inspired by greed and corporate and individual rapacity, threaten the welfare and very existence of our people. Let us check and avert them here and now.

Now, sir, this amendment is eminently practicable. Wherever there yet remains an acre of the public domain near living water, save it—save it for the people who are going to settle upon the surrounding territory. Save it as a common highway by which the poor man may drive his steer to water, or where his family may go to get water necessary for their existence, and not let it be stolen by the "dummy" entryman, by the first man on the ground, by the pioneer capitalist, who foresaw that if he once got possession of the water he would get the land, and having gotten the lands around the water has shut off all other people. I say it is time for the United States to step in and protect what we have remaining, ay, far more important as a duty than the preservation of the great national pleasure park for English lords and dukes and our privileged and indolent classes to hunt stags and deer in. Preserve these lands in the immediate vicinity of the water, without which your public domain is but a snare and a delusion to tempt the honest settler who goes into the West to build up your country in good faith.

Now, Mr. Speaker, this will not cost a great deal of money, because wherever condemnation is necessary under an honest Secretary of the Interior, or an honest valuation, valuing the land for what it is worth as land, not allowing the right to add to the value of the land what has been obtained by trick and chicanery, to wit, the absorption and monopoly of the water, you will be able for a comparatively small sum to thus preserve to your people a priceless heritage; and the Congress

which ingrafts this resolution in the bill will be held in grateful remembrance by every honest man on the public domain and by every good citizen in the United States. Water, and air, and land are God's great gifts to our race, and while private property is always to be respected, let us in this great continent of freemen stifle and crush out in its inception all monopolies in these essentials to existence.

Mr. SMITH, of Wisconsin. I desire to address the House in favor of the amendment offered by the gentleman from Iowa [Mr. WEAVER]. We have reserved in this bill a 4-rod roadway between the alternate sections or the section lines. The amendment of the gentleman from Iowa proposes to give us a body of land 100 feet wide and a thousand feet long along the streams, lakes, and seashore. To my mind that seems to be a very wise provision. The settlers back from these streams, lakes, and so forth, if they wish to get water, can combine and put up pumping works and lead the water on their lands by means of piping. They can thereby inaugurate a system of irrigation cheaply. I know of no other way of succeeding in irrigating some of these lands, if the Government does not enter into it, than by the combination of settlers; and in order to give them a chance to get to the water we should reserve some land for that purpose. Four rods of width is not enough to put up pumping works and permit stock, and so forth, to be driven to these waters. We should not occupy the highway for this purpose. We should put the pumping works alongside of the water. I believe the amendment is well put and should be adopted.

Mr. HERBERT. Mr. Speaker, if this question related simply to land in the West which had to be irrigated for purposes of cultivation or to those portions of the country where water is very scarce, there might be something in this objection; and there is now, but this is not the proper mode of meeting the objection. The gentleman from New Jersey [Mr. MCADOO] says there ought to be a right in the United States to condemn a way to the water for persons owning stock. Now, a provision might very well be inserted here reserving to all cattle owners a right of way to streams when they would fence both sides of the way; some provision of that kind. But if you apply the amendment of the gentleman from Iowa [Mr. WEAVER] to those portions of the country like Alabama, Mississippi, or any portions of this country where streams are very frequent, you will in the first place prevent the settler from using the bank of the stream as his fence. You will compel him to build a fence between himself and the water. You will compel him to fence himself out from the water. Why should you do that? Is it necessary in order to reach the difficulty suggested by the gentleman from New Jersey [Mr. MCADOO] that you should deprive every owner of the right to clear immediately up to the stream; of the right to take the stream into his field if he wants to?

The convenience to himself for watering his stock renders it very essential, it seems to me, that he should have the right to cross the stream with his fences, or certainly to build up to the stream. I therefore think this amendment ought not to be adopted.

Mr. HERMANN. What would be the result in this case, so far as the guaranty of a right of way to the stream is concerned?

Mr. HERBERT. Nothing in the world. They are not guarantied the right of way now. Suppose this amendment is passed. Here is an alternate section 1,000 feet long and 100 feet wide, surrounded on three sides by the land of private individuals. This gives no right of way at all. How are you going to get to the strip of land?

Mr. WEAVER. By the public highway.

Mr. HERBERT. It would be better to present an amendment giving the right of way to any person who was a stockholder, or who desired to get to the water, upon building the necessary fences, so as to protect the riparian property. That sort of amendment would be very well, but this amendment is too ill-digested and does not reach the difficulty the gentleman has in view.

Mr. WEAVER. Then let the gentleman draw up a better amendment.

Mr. HERBERT. Anybody can do that.

Mr. WEAVER. Do it. Do not talk about it; but do it.

[Here the hammer fell.]

Mr. LAIRD was recognized.

Mr. HOLMAN. Mr. Speaker, I want to say a word about this proposition.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Nebraska. The Chair will recognize the gentleman from Indiana hereafter.

Mr. LAIRD. I wish to say a word about this proposition.

Mr. Speaker and gentlemen of the House, probably any man who has ever traveled west of the one hundredth meridian in this country has had a considerable amount of amusement but a larger amount of mortification from the light which has been cast upon this subject by gentlemen like the gentleman from New Jersey [Mr. MCADOO]. It is a convenient thing to say that the settler, the man who stands on the ground, is a thief, to the end that he may be prejudiced in the minds of gentlemen who know nothing about it; and so accordingly upon that string all the thousands of those who sing the song of reform are forever playing.

So, then, the man who stands at the bottom and has nothing furnished him but the pluck of a human being, and the earth and air and water which God gives to all of us, is a thief! The next man who comes in for the condemnation of the gentleman from New Jersey [Mr. MCADOO] and others like him, who know nothing of what they are talking about, is the "cattle monopolist," and the next scoundrel in the West is the "syndicate," whatever that may be. So that here we are crucified like the thieves upon the cross, only there is one more than tradition tells us there were on that occasion. They hold us up to ignominy before the world, and the gentleman from Iowa [Mr. WEAVER], who ought to be bound to these pioneers of the West by sympathy for the labors and hardships they have undergone, comes in here and takes part in holding them up to obloquy.

Mr. WEAVER. The thieves on the cross were very different, because they repented, but you do not. [Laughter.]

Mr. LAIRD. We do not repent, for the righteous are not called to repentance. We are not here to give you judgment by confession, like a band of criminals and cowards.

Mr. WEAVER. What is the matter with you? [Laughter.]

Mr. LAIRD. Nothing. "I am all right;" only I do not propose to be labeled a thief by every demagogue that mistakes notoriety for reputation. These gentlemen talk about the cattle-men. Is there any man on this floor who is ignorant of the fact that it takes 34 acres of this land, which you are talking of splitting up into rods, feet, and inches, to graze one steer for a year? Gentlemen talk about the cattle-men entering into a conspiracy to get land enough to raise a thousand head of cattle on. Why, everybody who knows anything about it knows that the minute they have got to buy the land, that minute they move off. If by holding 160 acres they can hold grazing ground for a thousand head or ten thousand head, they hold it, but when they have to buy the land they move off elsewhere. Now, where do these men come from that I am defending here, and that gentlemen on the other side are holding up to obloquy? They come from Texas and Missouri. They are Democrats, and they do not spend their time in invoking blessings upon your heads. If there is any man here who does not know that the cattle business now and always has been impossible where the owner of the herd had to own the land on which it ranged, then your ignorance amounts to imbecility.

Again, gentlemen talk about fences, and draw a fancy picture with which to harrow up the fears of those who are ignorant of the whole matter. I have been inside those inclosures, and what have I found to be the verdict of the homesteader? He says, "Great God! let the fences alone. They furnish me a sure pasturage for my little bunch of cattle so that I know where they are, but if the fences are torn down I shall not know where they range, and I can not afford to herd them." Misfortune has in many cases robbed the cattle men of 75 per cent. of their herds, and at least half of that loss is due to the fact that they have dammed up the flight of the cattle toward the south when the cold blasts of the north come down upon them, by wire fences. Run a 20-mile fence across a trail so as to cut off the flight of the cattle, and what happens? They die and are piled up by the thousand at the barrier. And long before the proclamation of the Executive the cattle men were willing to take down the fences and get rid of them.

Now, as to the question presented by the amendment, if there is anything to be done, let it be the reservation of every permanent water course, and not the proposition of the gentleman from Iowa [Mr. WEAVER], because that is entirely useless.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HOLMAN. I ask the Clerk to read the sixteenth section of this bill.

The Clerk read as follows:

SEC. 16. That the right to the use of water by the person or persons conducting the same on or to any tract of desert land so entered shall depend upon bona fide appropriation, and such right shall not exceed the amount of water actually appropriated and necessarily used for the purpose of irrigation and reclamation, and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights.

Mr. HOLMAN. That, of course, refers only to lands in the desert portions of the United States; but this legislation is of more importance there than in any other part of the country. In studying this subject it seems to be almost impossible to legislate so as to secure for all persons settling upon the public lands in the drier portions of the country the use of the water. The subject is a very embarrassing one, but I think the provision which has been read in section 16, with perhaps some enlargement, goes as far as we can successfully go in that direction. I should be very glad indeed if we could adopt something broader, more comprehensive, and more certain to furnish security against the monopoly of water; and I think that any suggestion made to that end ought to be acceptable, but I do not think the proposition of the gentleman from Iowa [Mr. WEAVER] is practical. Some objections to it have been pointed out, and there are others; and I do not see that we can hope to accomplish much beyond what is provided in section 16. I suggest that for the present we pass over this amendment, and that the gentleman study the sixteenth section of the bill to see whether he can not accomplish his object, in some degree at least, by a modification of that section.

Mr. HERBERT. I wish to suggest a difficulty in regard to this amendment. The amendment applies to all water courses; that means water courses of any size; it would include a branch; and under this amendment the settler would be deprived of any right to fence in a branch upon his land, if it were capable of being used as a stream for watering cattle.

Mr. WEAVER. Oh, no.

Mr. HOLMAN. Mr. Speaker, I drew up a proposition which I submitted to the Committee on Public Lands, providing in effect that in all cases of sales of public lands bordering upon rivers or other bodies of water the water should be subject to such legislation as Congress, or, after the formation of State and Territorial governments, those governments, might deem necessary for the protection of the interests of all persons purchasing lands in the vicinity of those water sections. I am aware that this is substantially the law now in at least a portion of the United States. Whether it could be extended further I have great doubt.

Mr. MCRAE. Mr. Speaker, I agree with what has been said by the chairman of the committee [Mr. HOLMAN]. I think the adoption of this amendment would be dangerous. Section 16, it seems to me, provides about all the remedy for the evil complained of which can be provided by Congress. If any more can be given it ought to be in the form of an amendment to that section. Certainly portions of country like Arkansas, Louisiana, and Mississippi ought not to be subjected to such a provision as that proposed by the gentleman from Iowa. On many of the farms in my State there are creeks and branches running through, coursing in the manner represented on this diagram [illustrating]. Now, under the gentleman's amendment, in order to permit the stock of a man who owns land back here away from the stream, [illustrating] to get to water over here, the man who owns the land must build a crooked lane and fence himself off from the stream and lead his own stock to water, although he may have homesteaded the land. Is that what my friend wants?

Mr. WEAVER. Not at all.

Mr. MCRAE. Then your amendment does not mean what it says. Now, we have provided for a road upon every section line, so that these streams will be accessible at every place they cross such lines.

Mr. HOLMAN. The reservation of a width of 2 rods on each side of every section line for public highways is far-reaching in its beneficial effects. Of course it is impossible to monopolize completely the water in any section of the country.

Mr. MCRAE. If it runs across one section of land into another it is.

Mr. WEAVER. Gentlemen will, however, observe that the reservation for public highways does not take effect until action has been had by the State or Territorial Legislature. Now, the cattle men get into the new portions of the country, get control of the local government, and exclude other settlers from the water. There may not be a time within twenty years when you can get a highway opened up so that the body of the people can reach that water. These highways, although the land is expressly dedicated for them, may be closed up.

Mr. MCRAE. The condition of affairs described by the gentleman may exist in some sections of the country, but not in Arkansas. There is no danger of any "cattle syndicate" or any other kind of syndicate getting possession of the streams in the country I come from. They can neither be bought nor stolen. We can certainly trust the State and Territorial legislatures and county courts to provide public roads.

Mr. WEAVER. That is true.

Mr. MCRAE. If any such legislation as that proposed in the gentleman's amendment is to be adopted, I shall insist that my section of the country at least be exempted from it. My people can not afford to go into the business of fencing branches, creeks, and everything of that kind. The rivers are already reserved for the purposes of commerce; we have public roads, and under the right of eminent domain may open more across sections as well as upon sectional lines. It is useless to say that the people of this country can not protect themselves against the troubles which gentlemen apprehend. When those difficulties arise, we will meet them. This is not the way to meet them. I am willing to trust these matters to the States. In California and other desert land States, where it has been necessary to irrigate the land, State laws have been enacted for the purpose of regulating it. So far as the Territories are concerned, if we want to adopt a system of irrigation, we have the power and can do so later. But this is not the time nor the place for entering upon that subject. This bill should not be weighted with this provision, in my judgment, with regard to any part of the country; certainly such a provision should not be general ini ts application.

Mr. WEAVER obtained the floor.

Mr. HOLMAN. Before the gentleman proceeds, I ask unanimous consent that debate on this amendment be limited to ten minutes.

There was no objection.

Mr. WEAVER. Mr. Speaker, the central idea of my amendment is to preserve access to water for the poor people settling in the Territories. We all understand that the abuse at which the amendment strikes actually exists. It is a very easy matter for the gentleman from Arkansas to stand up here and criticise this amendment, though for some reason he appears not to be able to offer a better one himself.

The criticism would destroy it entirely. Why do we not provide for the safety of the public domain through safeguards round the land itself to prevent fraud being practiced by designing and dishonest men to deprive settlers of the right and title to their lands? There is a disposition on the part of corporations to prevent them acquiring the public domain in order that they may be able to acquire it for themselves.

Now, one convenient method by which they are enabled to acquire these public lands is, in the first place they acquire the water-front, and then all the public lands as far as you can ride soon fall into their hands. It is one of their methods to cut the people off from water, so that they can neither irrigate their lands nor water their stock. That is one of the evils which I desire to remove.

I concede the difficulty of draughting a measure that will be without hardships, but the difficulty of the situation ought not to deter us from doing the very best we can to secure the settlers against injury by avoidance of evils to which I have referred.

Mr. HOLMAN. Will not that meet your purpose? Every mile will be opened.

Mr. WEAVER. The difficulty in the section is just this: Under the language of the section contained in the bill, the settler on the public domain is entitled to fence it until the public need it. Now let a company or cattle syndicate enter into a county and fence it so as to exclude the public from the water, you will have no highways.

Mr. HOLMAN. That is an extreme case.

Mr. WEAVER. No, it is not; it is a case which exists in various counties in the West. It is a widespread evil in the West.

I will not say if that section in regard to public highways is so amended as that the purchaser of the soil is allowed to fence it up, but so as to leave the highways all open in order the settlers may get to the public road in order to get to water, very well. By special provision they may be allowed to fence it.

Mr. HOLMAN. Until the public need it.

Mr. MCRAE. Why not allow this matter to remain under the control of the local Legislature?

Mr. WEAVER. They cut off the settlers from access to the water, and then they acquire for themselves all the adjoining property.

Mr. MCRAE. Some of the settlers may want the highway on one side, and some on the other. They do not want a road every mile, but they do want it wherever it may be necessary.

Mr. WEAVER. If the road is too rough to ride, then it is too rough a country to live in.

Mr. FELTON. Mr. Speaker, my experience in reference to irrigation and water rights satisfies me that no general law can be passed and meet the requirements of all, for the reason that the conditions under which it would act are so different in different States and Territories and sections of the same. They differ so largely there is no general rule by which Congress can arrive at or do justice as between the parties. What would benefit one locality would ruin the other.

In my own State we require one kind of law in the northern and another for the southern part of the State. In the arid deserts to be found in parts of the Western States and Territories the land is utterly worthless, impossible to inhabit in its natural state; but by the aid of irrigation the face of nature is changed and made not only habitable, but remunerative and profitable.

In some places the expense of furnishing water for irrigation of small tracts is not large, yet in others, and the majority of cases, it is only attainable by large expenditure of capital and time to furnish an adequate quantity of water; in others such are the surrounding circumstances as to make it desirable to leave the water undisturbed in its natural channels, and the common law doctrine of riparian rights is invoked for this purpose.

It would therefore seem to be a part of wisdom to leave the adjudication of this question to what might be called home rule. Let the States and Territories attend to it, each for itself. There is no danger of the settlers being ridden over by a lot of cattle kings or cow boys. They outnumber them numerically and politically. The settlers can take care of themselves and protect themselves when necessary. Only leave them free to act. [Applause.]

Mr. SMITH, of Arizona. There are objections to this amendment in this respect. The fear of cattle kings of which we hear so much amounts to nothing in our country. Neither syndicates nor indeed anybody else can fence in a live stream. It is impossible for any one to fence in a stream from the use of the settlers who require the water to irrigate their fields and to water their flocks.

The cattle baron and the cattle king of course by his larger herds has more need of water than anybody else. His herds in going to and coming from the water trample the grass all around it on both sides, and the small herder seeks a smaller stream or spring at some other point.

But eventually all of this water course will be used for purposes of irrigation; and there would have to be a right granted by Congress to run a canal across these lands for the purpose of using it in that way. The springs are only used by the cattle for the present, for eventually they will all be taken up for irrigation purposes. The cattle king can not prevent that from being done; and, as has been said by the gentle-

man from California, as soon as the stream is used for other purposes the cattle will have to be taken elsewhere. This will finally be the result, and this fear, I think, which has been expressed by gentlemen in this debate is entirely unfounded.

The question being taken on the amendment of Mr. WEAVER, the House divided; and there were—ayes 13, noes 31.

So the amendment was rejected.

Mr. MCADOO. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MCADOO. Is it in order now to offer another amendment to this section?

The SPEAKER *pro tempore*. The Chair will state to the gentleman that it is, but that debate, with the exception of one minute which yet remains, has been exhausted.

Mr. MCADOO. I offer the amendment I send to the desk.

The Clerk read as follows:

That on and after the passage of this act sufficient public lands of the United States to give passage for man and beast adjoining any living spring, stream, creek, or river of water in any Territory of the United States shall be withdrawn from the public domain as open to settlement under any law or as capable of being purchased. Such land shall be and remain a common, to give free ingress and egress to use such water for legitimate and necessary purposes. The owners of adjacent lands must dedicate and preserve to public use a free and reasonable passage through their lands to such water. Such passage way shall, if necessary, be procured by condemnation for public purposes of the requisite land by commissioners appointed by the Secretary of the Interior, as hereinafter provided for, and paid for out of any moneys remaining in the Treasury not otherwise appropriated.

SEC. 2. That diversion by any means of any stream or living spring of water from its course in such quantities as to destroy or endanger its usefulness to the public shall be a misdemeanor, and shall be punishable for each offense by a fine not exceeding $2,000 or imprisonment for any term not exceeding five years, or both, at the discretion of the court.

The amendment was rejected.

Mr. PLUMB. I desire to offer a further amendment, which I send to the desk.

The Clerk read as follows:

That wherever in this act the expression "quarter-section, or 160 acres" is used it shall be held to include all of the land found to be contained in any subdivision known as a quarter-section, although it may be fractional and may contain more than 160 acres.

Mr. HOLMAN. I think the words "or less" ought to be added, so that it will read:

May contain more or less than 160 acres.

Mr. PLUMB. I accept that modification.

Mr. Speaker, the effect——

The SPEAKER *pro tempore*. The Chair will state that but one minute remains for debate upon the pending paragraph.

Mr. PLUMB. Very well.

I desire to say that complications and serious difficulties have arisen because there was not a clear expression of law in respect to what constitutes a quarter-section, or 160 acres. In one instance in my own knowledge a homestead had been located upon that which was in excess of 160 acres, and in consequence a serious difficulty arose in settling the question as to the title——

Mr. HERMANN. Let me ask if the Department itself and the law does not permit the purchase of the excess over 160 acres?

Mr. PLUMB. Yes, it may be so, but the object now is to give the lands to the actual settler, and wherever the settlement is upon 160 acres, or a quarter-section, it declares the meaning of the act when that term is used in the bill.

The amendment was adopted.

Section 29 of the bill was read, as follows:

SEC. 29. That chapter 4 of Title XXXII, excepting sections 2275, 2276, 2286, of the Revised Statutes of the United States, and all other laws allowing pre-emption of the public lands of the United States, and an act entitled "An act to amend an act entitled an act to encourage the growth of timber on the Western prairies," approved June 14, 1878, an act entitled "An act to provide for sale of desert lands in certain States and Territories," approved March 3, 1877, and also sections 2288 and 2301, of the Revised Statutes of the United States, and all other laws in conflict with the provisions of this act, are hereby repealed, but all bona fide claims lawfully initiated before the passage of this act, under any of said provisions of law so repealed, may be perfected upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitations, forfeitures, and contests, as if this act had not been passed, and at the uniform price of $1.25 per acre when payment is required by law, and all existing laws in relation to bounty-land warrants and college and other land scrip, and the location thereof, except that the same shall not be located on reserved lands, and all of the existing provisions of law in relation to town-sites on the public domain, and provisions of law in relation to swamp lands, and other grants made by Congress to States and Territories, shall remain in full force.

The pending amendment, offered by Mr. MCRAE, was read, as follows:

After the word "one," in line 13, section 29, insert "two thousand three hundred and forty-five."

Mr. MCRAE. I will ask the Clerk to read the section proposed to be repealed, which is the section which exempts Minnesota, Wisconsin, and Michigan from the operation of the mineral-land act.

Mr. WEAVER. That is all right.

The Clerk read as follows:

SEC. 2345. The provisions of the preceding sections of this chapter shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase according to legal subdivisions in like manner as before the 10th day of May, 1872; and bona fide entries of such lands within the States named since the 10th day of May, 1872, may be patented without reference to any of the foregoing provisions of this chapter. Such lands shall be offered for public sale in the same manner, at the same premium, price, and under the same rights of pre-emption as other public lands.

The amendment of Mr. MCRAE was adopted.

The amendment proposed by Mr. DORSEY was read, as follows:

Insert, in line 2, section 29, after "sections," "2259, 2260, 2262, 2263, 2264, 2267, 2273."

Mr. HOLMAN. That is to restore the pre-emption law——

The SPEAKER *pro tempore*. The gentleman will desist for a moment to receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which it requested the concurrence of the House:

A bill (S. 1631) to incorporate the Washington and Sandy Springs Narrow-Gauge Railroad and Street Railway Company;

A bill (S. 2831) for improving the mouth of the Brazos River, Texas; and

A bill (S. 1361) to provide for the reduction of the Round Valley Indian reservation in the State of California, and for other purposes.

The message further announced that the Senate had passed, with amendments in which it requested the concurrence of the House, the bill (H. R. 1508) to relieve certain bounty or enlisted men in the Navy and Marine Corps from the charge of desertion.

AMENDMENTS TO LAND LAW.

Mr. HOLMAN. Mr. Speaker, in regard to the pending amendment I only wish to remark that this is the commutation clause of the homestead law, and of course ought not to be passed.

The amendment was rejected.

The Clerk reported the next amendment, as follows:

By Mr. CAREY:

Amend by adding as an additional section:

"SEC. —. That section 2 of the act of June 15, 1880, entitled 'An act relating to the public lands,' is hereby declared applicable to any entry made previous to January 1, 1888, under the homestead, desert-land, or pre-emption laws which had been improved in value previous to the last-named date by means of irrigation, works constructed for its reclamation, water rights, breakage of soil, or other improvements on the land to an amount equal to $2 per acre."

The amendment was rejected.

The Clerk read the next amendment, as follows:

SEC. —. That persons who have heretofore under any of the homestead, desert-land, or pre-emption laws entered lands properly subject to such entries, or persons to whom the rights of those having so entered lands under the laws named may have been attempted to be transferred by bona fide instrument in writing, may entitle themselves to said land by paying the Government price therefor, and in no case less than $1.25 an acre, and the amount heretofore paid the Government upon said lands shall be taken as part payment of said price: *Provided*, That no one shall avail himself of the provisions of this section unless the lands contained in the entry effected on the 1st day of January, 1888, had been improved in value by irrigation works for the reclamation of the lands, water rights, buildings, or other improvements thereon, to an amount equal to $2 an acre for each acre contained in the entry: *Provided further*, That this section shall not interfere with the rights of any one who may have subsequently entered any of such lands therein described under either of the laws referred to in this section.

The amendment was rejected.

The Clerk reported the next amendment, as follows:

Amend by adding the following sections to the bill:

"SEC. —. That the Secretary of the Interior be, and he is hereby, authorized to have the lands embraced within abandoned military reservations regularly surveyed by an extension of the public surveys thereon.

"SEC. —. That said lands when so surveyed shall, upon the approval of such surveys by the Secretary of the Interior, become a part of the public domain and subject to entry and settlement under the homestead laws of the United States, and not otherwise.

"SEC. —. That the Secretary of the Interior shall cause any improvements, buildings, building materials, and other property which may be situated upon such lands, not heretofore sold by the United States authorities, to be appraised by three competent and disinterested men, to be appointed by him, who shall, after each having been duly sworn to impartially and faithfully execute the trust imposed in him, appraise the said improvements, buildings, building materials, and other property situate thereon, and report their proceedings to the Secretary of the Interior for his action thereon; and thereupon the Secretary of the Interior shall cause the same to be advertised for sale at public auction, to the highest bidder, for cash, in at least two newspapers of general circulation published in the State or Territory where said reservation is situated for four successive weeks, giving the time and place of said sale. Any sale of improvements made under the provisions of this act shall be subject to the approval of the Secretary of the Interior.

"SEC. —. That all acts and parts of acts in conflict herewith are hereby repealed."

Mr. TOOLE. Mr. Speaker, the object and purpose of this bill, as frequently declared in the House, is to reserve the public land of the United States for the benefit of actual settlers. The amendment which I have offered is in keeping with the spirit and purpose of the bill. The act of July 5, 1884, for the disposition of abandoned and useless military reservations, provides for selling these reservations at public sale to the highest bidder. The result is and has been since the passage of the act that instead of these lands falling into the hands of actual settlers or of homesteaders, they have fallen into the hands of capitalists and individuals who have combined to buy the whole of the land or so much thereof as they deemed necessary for the purpose intended by the

purchase. This matter has been brought to the attention of the Commissioner of the General Land Office, and in his last annual report he says:

Complaints and protests continue to be received at this office against the sale at public auction of lands embraced in relinquished military reservations. These reservations embrace some of the choicest remaining agricultural lands of the United States, and are needed for settlement purposes. It is impossible for settlers to compete with capitalists at public sales, and if sold in that manner the lands are certain to pass into the hands of large proprietors, from whom the farmer hereafter can purchase, if it all, only at greatly enhanced rates. The general situation and the condition public feeling in respect to the manner of disposing of these reservations is shown in the following letter from the register and receiver at Bozeman, Mont.

The register and receiver write with special reference to the Fort Ellis military reservation, which has been abandoned, and which contains 34,000 acres of land and is unoccupied at this time. They say in their letter:

UNITED STATES LAND OFFICE,
Bozeman, Mont., February 14, 1887.

SIR: We, in response to public request and from our own convictions in the premises, respectfully call your attention to the matter of the disposal of the Fort Ellis military reservation, that having been determined and placed in the hands of the Interior Department.

We believe that the best interests of the Government and of our people would be met, not by its sale in large or small bodies, but by its relegation to the public lands and its disposal under the land laws of the United States.

This reserve contains over 32,000 acres, and consists of agricultural, grass, timber, stone, coal, and mineral lands. It commands available irrigating water, and is one of the best locations in this Territory and the best on many accounts now remaining unsettled in this land office district.

It would be rapidly taken up by bona fide settlers and locators, and should it be sold, as seems now intended, the result in our opinion would be damaging to public interest and a great disappointment to our people. Already we hear of syndicates formed to attempt its purchase in a body. This we and all good citizens would deplore, as such disposal would not only prevent its general settlement, and consequent general improvement, materially depriving the country of tax-paying property and added population, but it would establish almost within our little city, and between us and the Yellowstone, a monopoly of lands which it is rightly the policy of the Government and the Department and the people to discourage.

The available lands of this district are not so great in extent that this country and Territory can afford to quietly witness such disposal of this extensive and valuable area, and we feel that, under the circumstances, we can consistently address you upon the subject.

A petition has gone forward asking the donation of a small area, with the buildings thereon, of this reserve to the Territory for insane asylum purposes. This we have had the honor to indorse, and we feel that our present recommendation regarding the remainder of this land covers a duty we owe to all concerned in the matter. We therefore respectfully submit the matter, feeling that you will consider our motives, and, if possible, take steps to secure the object in view.

Respectfully,

GEO. W. MONROE, *Register.*
WM. A. IMES, *Receiver.*

HON. COMMISSIONER GENERAL LAND OFFICE,
Washington, D. C.

The amendment which I have suggested provides that these lands shall be taken up only under the homestead laws of the United States; and in that respect it comports with the object and purpose of the bill introduced by the Committee on the Public Lands. I therefore hope the House will adopt this amendment.

Mr. HOLMAN. The question of how the military reservations should be disposed of is quite an interesting one. It is very clear that the principle of the homestead law should be applied to those abandoned reservations where it can be properly applied, and up to this time I think Congress has uniformly, by special acts applicable to particular reservations, provided for the disposal of such lands in that way.

Mr. TOOLE. There is a general law, passed in 1884, providing for the sale of the military reservations at public auction.

Mr. HOLMAN. I know that; but I say I think that Congress has generally or uniformly provided, by special acts, the manner in which those lands should be disposed of, always securing to actual settlers the benefit of the provisions of the homestead law. But, Mr. Speaker, there is a class of cases for which it is difficult to legislate in that general way. I refer to cases where the lands have been rendered especially valuable by the settlement of the surrounding country.

Take, for instance, the case referred to by the gentleman from Montana—the Bozeman reservation. That comprises a fine body of land amounting to some thirty or forty thousand acres. It is in a settled country. These lands have been rendered valuable by the improvement of the surrounding country, and the principle of the homestead act does not seem to apply in such a case. The object of the homestead law is to create the largest possible number of homesteads, of freeholds, but to create them out of lands that are public—lands to which people from all sections of the country can go and make settlements; but where there is already a large settlement surrounding a reservation it is easy to see that whether you dispose of the lands by public sale or under the homestead law a few persons will obtain the benefit of them, and those will be generally persons who have settled upon the lands without any regard to the question of whether they were reservations or not. Now, if the lands have been increased greatly in value by the common labor of the whole people, it would seem that the benefit of the increase should go to the Government.

On the other hand, where the value has been increased in that manner, the land certainly ought to be disposed of under the homestead law. For instance, take the case of Fort Wallace; it is very clear that the provisions of the homestead law should apply to that reservation, and undoubtedly they should apply in all cases where there are no special reasons or circumstances against it, as there are in cases where the value of the lands have been greatly increased by surrounding settlement. The act of 1884 simply provides that the lands shall be sold to the highest bidder. I believe in limited tracts; but this bill itself provides that these reservations shall be disposed of only under acts of Congress specially applicable thereto.

Where lands are very valuable it seems to me that to give one citizen or one class of citizens priority over others would be very unjust, and certainly it would be unjust to give to one citizen a quarter-section of land which had been rendered very valuable by the improvement of the surrounding country while others taking under the same law obtained lands of very inferior value. Therefore in the cases of these reservations, where the lands have been improved in value by settlement of the surrounding country, if you are going to apply the principle of the homestead law at all, I think you ought to reduce the amount of land that can be taken in each case. On the whole it seems to me well to let the matter rest where it does now. In proper cases the Interior Department will act under the law of 1884, and this bill contains provisions that these reservations shall be disposed of under special acts. While I fully sympathize with the spirit of my friend's amendment, and would go to the outer edge to secure the benefit of these lands to homestead settlers, it seems to me that this is a matter as to which we can not properly adopt a general rule.

Mr. TOOLE. I would like to know what the gentleman from Indiana would have us do. Here is a tract of land embracing 30,000 acres—capable of furnishing homes for eight hundred homesteaders, which is under the control of the Secretary of the Interior, with a guard in possession so that no man is permitted to go upon it and originate an entry—30,000 acres, embracing some of the best agricultural lands in the county of Gallatin, lying idle, producing nothing, contributing nothing to the support of the Government; and the question is, is that land to be permitted to lie there indefinitely, or what would the gentleman have us do with it?

Mr. HOLMAN. Well, my friend himself has a bill pending to dispose of that reservation.

Mr. TOOLE. And it is identical in its provisions with this amendment.

Mr. HOLMAN. But that bill, I think, ought to be amended. I believe there is a special report upon the subject from the Commissioner of the General Land Office; at least I have talked fully with him on the subject. I think that bill ought to be passed, but with some modification. Some of those lands are immensely valuable as compared with the lands generally taken up under the homestead laws, and I think the homesteads granted should be limited to a certain portion of the reservation, and I believe my friend holds that view himself. I think the bill should be amended so as to permit some portions of the land to be sold and the balance to be taken under the homestead law, reducing the amount, however, from 160 acres to 80 acres.

A MEMBER. Let us pass this amendment making the amount 80 acres.

Mr. HOLMAN. That will not do either, because in some parts of the reservation no improvements have been made, and in those portions of it I think the full amount of 160 acres should be allowed for a homestead. It seems to me, in view of all the circumstances, that it is better to pass special laws from time to time applicable to particular cases as they arise, just as we have done heretofore, than to attempt to adopt any general principle to govern all cases. I know that a portion of the Bozeman reservation ought to come under the provisions of the homestead law, a portion under this bill, and another portion, not a large one, ought to be sold.

The question being taken on the amendment of Mr. TOOLE, it was rejected.

The following amendment (offered by Mr. VANDEVER) was read:

Add the following proviso to the last line of the bill:

"*Provided*, That nothing in this act shall be construed to legalize assignments heretofore made by claimants under the desert-land act of the rights acquired by them as locators on these lands.

Mr. HOLMAN. That is right. While I do not think there is anything in the bill which could have the effect against which the amendment proposes to guard, yet if there is anything of that sort the amendment is very proper.

Mr. VANDEVER. I modify the amendment by adding to it the words "prior to making improvement thereon."

The amendment as modified was agreed to.

The Clerk was proceeding to read the next amendment, when

Mr. STONE, of Missouri, said: Mr. Speaker, I rose for the purpose of addressing myself to the amendment of the gentleman from California [Mr. VANDEVER]. I would like the Clerk to read that amendment again.

The SPEAKER *pro tempore*. The amendment has been adopted; but by unanimous consent it will be again read.

The amendment of Mr. VANDEVER as adopted was read.

Mr. STONE, of Missouri. I move to reconsider the vote by which that amendment was adopted. To the amendment as printed in the list of amendments I have no objection whatever; but the gentleman

from California has just added to it these words, "prior to making improvement thereon."

Now, it is a fact—at least it is alleged to be a fact, and the statement has been repeated over and over again in the reports of the Commissioner of the General Land Office—that vast frauds have been committed in the assignment of those desert-land entries. The matter is now being investigated by special agents; and a great many of those entries stand suspended during such investigation. It is probable, Mr. Speaker, that the amendment as now adopted would, if any improvements have been made, have the effect of confirming in the assignees the assignments of thousands of those entries which are now being investigated by the Land Department. I think, therefore, the amendment in the form in which it has been adopted is a dangerous proposition.

Mr. VANDEVER. I am willing that the words which I added to my amendment a few moments ago may be stricken out.

Mr. HOLMAN. I was not aware that any addition had been made to the amendment as printed.

Mr. STONE, of Missouri. If those words be stricken out, there is no objection to the amendment.

The SPEAKER *pro tempore*. The words "prior to making improvements thereon" will be stricken out, if there be no objection.

There was no objection.

The following amendment (offered by Mr. WICKHAM) was read:

Add as follows:

"SEC. 30. Nothing in this act contained shall in any manner interfere with or curtail the right of soldiers, sailors, marines, or officers in the Army or Navy of the United States to make and perfect entries of land for homestead purposes, in the manner and to the extent now provided by law."

Mr. HOLMAN. Mr. Speaker, of course there would be no objection to this amendment but for the fact that its provisions are already a part of the law. Gentlemen will observe that in this bill we simply adopt the homestead law in terms, with the commutation clause stricken out. The homestead law contains these provisions in favor of the soldier. Under the terms of this bill every right of the soldier is guarded exactly as it has been heretofore. As to this amendment, I suggest that it presents an ambiguity. While it will do the soldier no good, it may, as suggested to me by the gentleman from Iowa [Mr. WEAVER], have the effect of restoring the commutation clause as to the soldier; and certainly no gentleman intends that.

The question being taken on the amendment, it was rejected.

The following amendment (offered by Mr. LIND) was read:

Add as an additional section the following:

"SEC. —. That in all actions brought by any land-grant company, or by any person claiming title under or through such company, against any actual settler occupying not to exceed 160 acres of land which he in good faith entered upon, intending to claim the same under any of the public-land laws of the United States, such settler may raise and interpose as a defense in such action any mistake, error, or mistaken construction of an act of Congress by the Interior or Executive Department, or any officer thereof, which may have resulted in an erroneous certification or patent of such land to such land-grant company or to a State for its benefit; and such settler may also raise and interpose as a defense in such action any question which the United States might by its Attorney-General raise by a bill in equity to set aside such patent or certificate, and such defense shall be given the same effect as if the questions so presented had been so raised by the Attorney-General in such suit."

Mr. LAIRD. Mr. Speaker, one word probably is all that is necessary in reference to this matter.

Mr. OATES. I would like to suggest to the gentleman from Nebraska [Mr. LAIRD] a modification of the amendment, which I think would improve it. I suggest the amendment should include a provision that if the court should find that a patent has been fraudulently or improperly issued it may cancel the same.

Mr. LAIRD. I see no objection to that.

Mr. OATES. In the absence of such a provision, the suit for cancellation would have to be a direct one. I suggest that the language of the amendment be made broad enough to accomplish the purpose I have suggested.

Mr. PAYSON. Perhaps an amendment in the form proposed by the gentleman from Alabama [Mr. OATES] would go a little too far. The cancellation of a patent is a matter in which the Government of the United States is directly interested. For the purpose of the litigation contemplated in the amendment offered by the gentleman from Minnesota, it would be sufficient if the court should find for the settler without making any judgment which would affect the United States. I think the amendment of the gentleman from Minnesota would be improved by an addition which I shall offer a little later, providing in substance that the judgment of the court in these cases shall not bind the United States unless the United States be a party. If the United States were a party, then the suggestion made by the gentleman from Alabama would be eminently proper.

Mr. OATES. The gentleman would improve his amendment by adding to it a provision "that in the State where the patent was adjudged to be illegal, or to have been illegally and improperly issued, that the court trying the case may cancel it."

Mr. PAYSON. It can not be done unless the Government of the United States is a party to the proceedings.

Mr. OATES. Under existing law a patent can not be canceled or annulled except in a direct proceeding in the name of the United States.

Mr. PAYSON. It is not necessary for the purpose sought to be accomplished by this amendment.

Mr. OATES. I agree with the gentleman from Illinois in what he has stated.

Mr. LAIRD. I believe I have the floor.

The SPEAKER *pro tempore*. The gentleman is entitled to the floor.

Mr. LAIRD. It will be remembered that in the Forty-ninth Congress a case arose in which Congress appropriated $250,000 to make good the loss sustained by certain settlers in Nebraska and Kansas by reason of the failure of the patent of the United States, which patent failed by reason of a grant made to a railroad company which was prior to it, and after the settlers had been in possession of the land for ten or twelve years, and their lands had to be given up to the company, it being decided by the court that the settlers held the legal title in trust for the benefit of the road. These settlers afterwards came to Congress for relief, and Congress gave it to them. It cost us $250,000 to make good this trouble growing out of the failure of the title held by these settlers. It afterwards transpired on investigation that under the grant made to this railway company they had received more lands than they were entitled to. Now, could the settlers in that litigation have plead that fact, the action of the railroad company would have been defeated, and the settlers would have saved their lands and the Government all the trouble and expense which resulted.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HOLMAN. The gentleman uses the word "company" in two or three places, and I suggest that he use instead the word "corporation."

Mr. LAIRD. Certainly.

The SPEAKER *pro tempore*. The amendment will be modified in that particular.

Mr. HOLMAN. It seems to me this is a fair provision. It only gives to the actual settler on the land the benefit.

Mr. RYAN. It should be adopted.

The SPEAKER *pro tempore*. Does the gentleman accept the suggestion of the gentleman from Illinois [Mr. PAYSON].

Mr. LAIRD. I do.

Mr. PAYSON. I move the following amendment, to come in at the end of the amendment.

The Clerk read as follows:

Add to the amendment:

"And the judgment of the court shall not bind the United States unless it shall be a party to the litigation."

The amendment to the amendment was agreed to.

The question recurred on Mr. LIND'S amendment as amended.

Mr. SMITH, of Arizona. I move in line 3, page 18, after the word "company," to insert:

Or any person holding a grant from any foreign government.

Mr. RYAN. I do not think the gentleman is offering an amendment to the amendment of the gentleman from Minnesota.

Mr. SMITH, of Arizona. Yes, sir; it comes in that amendment.

Mr. RYAN. I have not the bill before me, but the gentleman may be right.

Mr. SMITH, of Arizona. I have the printed copy.

Mr. RYAN. Let the amendment be read.

The SPEAKER *pro tempore*. The gentleman from Arizona will prepare his amendment and send it up.

Mr. SMITH, of Arizona. I move the following amendment to the amendment of the gentleman from Minnesota [Mr. LIND].

The Clerk read as follows:

After the word "company," in line 3, insert:

"Or any person holding a grant from any foreign government."

Mr. PAYSON. Where does it come in?

Mr. SMITH, of Arizona. After the word "company," in line 3, page 18. So it will read:

"That in all actions brought by any land-grant company or any person holding a grant from any foreign government."

Mr. RYAN. That is all right.

The amendment was agreed to; and Mr. LIND'S amendment as amended was then adopted.

[Mr. WHEELER withholds his remarks for revision. See APPENDIX.]

Mr. OATES. Mr. Speaker, my colleague is quite right, if this bill does not require a reclassification of lands and the character of lands under existing law designated as mineral lands in Alabama. I know a good deal about the trouble the smaller settlers upon this land have who went in and took it under the homestead law. In some cases they lost their land when it was ascertained that only a very small portion, sometimes only one or two acres, of a homestead was mineral. In the Forty-eighth Congress there was a law being executed under which all the mineral lands had been advertised for sale. There was so much objection to that law that one of my colleagues, Mr. Hewitt, introduced a bill for the purpose of suspending the order and preventing the sale. I prepared a substitute, or an elaborate amendment, which I offered, and which was adopted in the House, providing for the disposal of all those lands under the homestead law. To that amendment was added the States of Arkansas, Louisiana, Mississippi, and Florida. It passed the House, but failed in the Senate. Again in the last Congress a single bill was introduced here and favorably re-

ported, and I am not sure but it passed also. The true character of those lands is that upon nearly every 160 acres that can be found there is some valuable agricultural land and some mineral land. All through that section there are small mountains or hills and valleys, and in the valleys homesteaders can find valuable agricultural land; but when surveyed it turns out almost invariably that they take in some portion of the hills, nearly all of which contain valuable mineral. Now, under the provision of this bill, if these lands are to be reclassified under the clause which provides that if they are more valuable for mineral than agricultural purposes then they are to be disposed of only as mineral lands, but if more valuable for agricultural purposes then they are to be disposed of as agricultural lands—if that is contemplated, if that is to be done, then the amendment of my colleague is useless. But if it is not to be done, or is to be long postponed, his amendment is a proper one and I would like to see it adopted.

Mr. Speaker, gentlemen at one glance will see that there is much difficulty in the classification of these lands where minerals are, in such small quantities, interspersed throughout that whole section of country. The mineral lands can be bought now and are offered at private sale at from $3 to $10 an acre. If these lands are set apart as mineral lands, to be disposed of under this bill, the Government will not sell 50,000 acres in five years, in all probability.

Mr. HERMANN. Does not the gentleman understand that according to section 2 such classification will be made?

Mr. OATES. I am not sure. I put that question to the chairman and members of the Public Land Committee having the bill in charge whether that is their construction; whether it is the purpose of this provision in the bill that there shall be a reclassification of all these lands?

I wish to say one word more, and that is that if such is the contemplation or the purpose of the bill it seems to me that the machinery provided for that purpose is very defective.

Mr. HERMANN. As a matter of information, may I ask the gentleman what is the preponderating character of those lands, I mean as to their agricultural or their mineral value?

Mr. OATES. Well, on 160 acres of land you would find perhaps only two or three acres of mineral, and the question whether the land was more valuable for agriculture or for minerals would depend of course on the character and richness of the mineral found.

Mr. HERMANN. Then I understand the gentleman is in doubt as to whether these lands would be classified as mineral or agricultural?

Mr. OATES. I presume that some parts of them would be classified under the reclassification as mineral land and other parts as agricultural land, but I think the majority, perhaps two-thirds or three-fourths, would be classified as agricultural.

Mr. HERMANN. Then do you agree with your colleague who preceded you [Mr. WHEELER] that should they be classified more distinctively as mineral than as agricultural, they should be subject to disposal under the homestead law?

Mr. OATES. My own opinion is and has been all the time that these mineral lands so classified could be disposed of with most advantage to the Government, and particularly to the State of Alabama, by being classified as agricultural lands and disposed of to homesteaders, because when the poor homesteader settles upon his 160 acres of land, most of which is valley and good agricultural land, if there are a few acres upon it that are valuable for minerals, I would much rather he should have the benefit of it rather than give it to monopolists to lock it up, and keep it out of the market in that way.

Mr. HERMANN. The gentleman will find that under a liberal construction of section 2 of this bill, although a tract of land may be more valuable for mineral than for agricultural purposes, it still can not be classified as mineral if it be at all fit for cultivation. In other words, it must be unfit for cultivation to enable it to be classified as mineral land.

Mr. OATES. The gentleman's construction of the provision may be correct, but where is the machinery provided in this bill for any immediate or early classification? I do not see it, and therefore I favor the amendment of my colleague.

Mr. HERMANN. I hope we shall have a vote now upon the amendment.

The question was taken on the amendment of Mr. WHEELER, and it was rejected—ayes 19, noes 32.

Mr. OATES. I desire to offer an amendment to section 2, which has been passed.

The SPEAKER *pro tempore*. The section has been passed, but there was an agreement to recur to it.

Mr. WHEELER. I offer an amendment to the pending section, which I send to the desk.

The amendment was read, as follows:

Upon and after the 1st day of January, 1891, the public lands in the State of Alabama which may then be vacant or unoccupied shall be held subject to entry and settlement under the homestead laws.

Mr. WHEELER. This is similar to the amendment that I offered before, except that it extends the time one year more, giving nearly three years for these lands to be sold under the provisions of this act. Now, sir, I say that for Congress to refuse to adopt this amendment is to refuse to follow the expressions upon this subject of all parties for a period of sixty years past. When the Land Office tells us that these lands are of a character that they can not be disposed of as mineral lands, and we know that they are of a character which will justify people going onto them and making homes, how can Congress hesitate, after giving three years for their disposal, to say that at the end of that time the poor laboring man shall be permitted to go upon those lands and make himself a home. And, Mr. Chairman, I will state to the gentlemen upon the other side of the House that this bill will benefit most the people of a locality in my State which sent 2,591 soldiers to the Federal Army. They are not in my district. I am not appealing for my district. I am appealing for the district represented by my colleague [Mr. BANKHEAD]. But the men who do live in that locality and who appeal to Congress to pass this law are the men, or the sons of men, who furnished nearly 2,600 soldiers to the Federal Army.

Mr. HERMANN. Does not this law give those men that privilege?

Mr. WHEELER. It gives it to them after they have spent five times the value of the land in contesting for it. Lawyers' fees and land-office fees will make it impossible for them to acquire land, unless you let this amendment come in and give them the unrestricted right of making entries under the homestead law, after the Government has had three years and has failed to sell this land under any other law.

Mr. HERMANN. If I understand properly the effect of this bill, it will classify as agricultural lands such lands as the gentleman refers to, and will make them subject to the provisions of the homestead law.

Mr. WHEELER. It may or it may not do that. All these lands of which I speak have, I admit, some tincture of mineral about them, but not enough to make them so valuable as to be bought for mineral lands.

Mr. HERMANN. But under this bill, if they are at all fit for cultivation, however valuable they may be as mineral lands, they are subject to the homestead law.

Mr. WHEELER. No. If the greater part of a tract of 160 acres is fit for cultivation, it can be entered under the homestead law, but if the greater part is not fit for cultivation, this can not be done. Hence there arises a question and a contest. The object of this amendment is to relieve the people from the necessity of any such contest. I appeal to gentlemen on this side of the House to do justice to honest, good men; and I appeal to all members of this House who represent States of the North to listen to the appeals of men who listened to their appeals twenty-five years ago.

Mr. HERMANN. Is the Alabama delegation united on this proposition?

Mr. WHEELER. They are united on it in the Senate and in the House.

Mr. HERMANN. Then I will vote for it.

[Here the hammer fell.]

Mr. HOLMAN. I ask unanimous consent that debate on this paragraph be closed in ten minutes.

There was no objection, and it was so ordered.

Mr. HERBERT. Mr. Speaker, it seems to me if gentlemen of the House will take the pains to look into this proposition of my colleague for a moment it will present itself to their minds as a perfectly fair one. It is true that this bill provides for a classification of these lands into mineral and agricultural; but it provides that lands which are chiefly valuable for mineral deposits shall not be subject to homestead entry, but shall be held, as under existing law, subject to sale as mineral land.

Mr. PAYSON. The gentleman does not quote quite accurately the provision of the bill. Of course he desires to be accurate.

Mr. HERBERT. I do.

Mr. PAYSON. In addition to the requirement that the land must be chiefly valuable for mineral deposits, the proposition is that the greater part of it must be unfit for cultivation.

Mr. HERBERT. Yes; the greater part of it must be unfit for cultivation.

Mr. PAYSON. That is a very essential qualification.

Mr. HERBERT. Now, the proposition is, that a tract of land embracing, say, 160 acres, chiefly valuable for mineral deposits, and the greater part of which (say 100 acres) is unfit for cultivation, shall not be subject to homestead entry, but shall be reserved, as now, for sale only as mineral land. Now, suppose there is a subdivision of 160 acres, fairly classified, 60 acres of which are fit for agricultural purposes, but which tract as a whole the officers who classify the land regard as more valuable for mineral deposits than for agricultural purposes. Such a tract is, of course, withdrawn from entry under the homestead law.

Now, according to the proposition of my colleague, if for three years the Government fails to sell that land as mineral land at present prices then it shall be subject to homestead entry. Why not? If the Government is unable to sell it as mineral land at the prices fixed, why should not the land be homesteaded? In the case supposed, 60 acres are agricultural land; the remaining 100 acres may be valuable as timber, as accessory to and a part of a farm. If 60 acres only are fit for agricultural purposes, the remaining 100 acres would be very useful in furnishing timber for necessary purposes about a farm.

In carrying out the general spirit of this bill I do not see why we should not, at the end of three years, allow such land as the Government has been unable to sell for mineral purposes to be entered under the homestead law and settled. That is a simple proposition.

Mr. HERMANN. Is there a large percentage of land in Alabama, chiefly valuable for minerals, and the greater part of which is unfit for cultivation?

Mr. HERBERT. In the mountain country of which I am now speaking there would be a good many subdivisions in just the situation I have supposed, embracing enough agricultural land to justify a man in making a homestead and cultivating a farm, and embracing also land classified as valuable for mineral purposes, yet not valuable enough to induce anybody to buy it as such. If nobody will buy the land for mineral purposes during the next three years this amendment proposes to allow the settler to enter upon the land and make a homestead.

Mr. HERMANN. Your object is to put this land within the reach of settlement?

Mr. HERBERT. The object of the amendment is, in the first place, to give the Government a fair opportunity to sell the land under the classification as mineral; but when it has been found that the land can not be sold as mineral land, if anybody wants to enter it for the purposes of a homestead, why should he not be permitted to do so? Is there any reasonable objection to the proposition? It seems to me there is not.

Mr. MACDONALD. Mr. Speaker, a single remark in answer to the gentleman from Alabama [Mr. HERBERT]. This question is not a new one to members of the Committee on Public Lands. When it was before that committee I made inquiry of gentlemen from Alabama, and they were unable to satisfy me that the condition of things in Alabama is different from what it is in other States. I can not, therefore, see any need of making Alabama an exception. I consider the case made out for Alabama just as good as that of numbers of other States—no better. Our land laws should, so far as possible, be general in their provisions. In consequence of the considerations submitted to the committee by the gentleman from Alabama [Mr. WHEELER] the committee has been careful to frame this bill in such a way as to make it almost impossible to defeat the purpose which he seeks by the amendment; because when land is classed as mineral it must not only be chiefly valuable for its mineral deposits, but the greater part of it must be unfit for cultivation. I fail to see any reason why Alabama should not be under the same law in this respect as the rest of the country. My State, as well as Alabama, will come under the general provisions of this bill.

Mr. HERBERT. Why should the Government reserve from homestead entry any land which is fit for homestead entry, and which it is unable to dispose of as mineral land? We propose that the Government shall have three years in which to dispose of these lands as mineral lands.

Mr. COBB. Mr. Speaker, it is no argument against the proposition now submitted that it would apply equally well to other States as to Alabama. I believe the law should be general; and I think so from the fact that the best policy, in my judgment, is to encourage by every method of legislation the transfer of the public domain from the Government into the hands of the private individual, to such men as propose to make permanent homesteads upon the soil. The homestead, which involves the family relation, is the foundation of all good government, and the more we can encourage the citizenship of the Government to enter into this relationship and acquire permanent homes, the better security we have for the safety and perpetuity of the Government itself.

If a man will go upon any of these lands and live for five years and support his family upon the soil—and he has to do that before he can homestead it at all—it is the securing of a permanent residence upon the soil, and he has become to that extent a valuable citizen—much more so than he was before.

Now, we propose to apply the rule to Alabama simply because there have been objections raised to making it general in its application; and I insist if it be well to have it general, that affords no reason whatever why, if other Representatives from other States object, we should not have it as applying to the State of Alabama.

[Here the hammer fell.]

The SPEAKER *pro tempore*. Debate on this paragraph and all amendments thereto has been closed by order of the House.

The question being taken on the adoption of the amendment of Mr. WHEELER, the House divided and there were—ayes 17, noes 31.

So the amendment was rejected.

Mr. WHEELER. I offer a further amendment.

The Clerk read as follows:

After the 1st day of January, 1892, all public lands which shall be unoccupied or not disposed of, shall be subject to homestead entry and occupation under the homestead laws.

Mr. WHEELER. Mr. Speaker, I wish to be heard for a moment.

The SPEAKER *pro tempore*. Debate has been closed by order of the House.

Mr. WHEELER. I ask unanimous consent to be allowed to proceed for one minute.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. WHEELER. Now this is extending the provision for four years, and I want to explain my reasons in the minute that has been allotted to me.

The section of country affected by the proposed amendment is not in my district, nor are the people in whose interest the amendment is offered my constituents, yet they are poor, honest people, who for six years have appealed to Congress for the right to get their homes upon these lands. My colleague [Mr. BANKHEAD] and myself have been so earnest in this matter that we have been asked by some gentlemen what personal interest we had in it. I scorn such a question. I scorn the suggestion that I would advocate on this floor any matter in which I had a personal interest, and with equal earnestness I scorn such a suggestion as applied to my absent friend and colleague [Mr. BANKHEAD]. We are both earnest in the advocacy of what is right, and we will always remain earnest in such matters. I have an interest in Alabama, in the people of Alabama, in the poor people of Alabama, and it is in their interest alone that I ask you to give this little favor—to tell them that four years from now, if any of these lands remain unoccupied and unpurchased, because they are not worth the price charged in the bill, they shall have the privilege to go upon the lands and build up homes for themselves and their families. This is all they ask.

[Here the hammer fell.]

The question was taken on the amendment of Mr. WHEELER; and there were—ayes 25, noes 32.

Mr. WHEELER. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. WHEELER and Mr. HOLMAN were appointed tellers.

The House again divided; and the tellers reported—ayes 32, noes 44.

Mr. WHEELER. I withdraw the demand for a quorum.

So (no further count being demanded) the amendment was rejected.

Mr. WHEELER. I now offer the amendment I send to the desk.

The Clerk read as follows:

That from and after the 1st day of July, 1892, all the public lands of the State of Alabama which have not otherwise been disposed of prior to that date shall be subject to homestead entry and occupation under the provisions and limitations of the homestead law.

Mr. HOLMAN. I offer an amendment to the amendment. After the words "public lands" to insert "except lands chiefly valuable for coal and minerals and not valuable for agriculture."

I will state that that is the proposition of the bill, so that the amendment would mean practically nothing.

The question being taken, the amendment to the amendment was adopted, there being on a division—ayes 31, noes 13.

The amendment as amended was rejected.

Mr. HOLMAN. I believe there is a pending amendment.

The Clerk read the amendment (by Mr. PETERS) as follows:

Add a new section, to come in after section 26, as follows:

"SEC. 27. That whenever final proofs are made before any other officer than the register or receiver, the fees of the officer taking such proofs shall not exceed $3 for each quarter-section or fractional part thereof; and any officer demanding or receiving a greater sum shall be deemed guilty of a misdemeanor, and shall be punished for each and every offense not exceeding $100."

Mr. HOLMAN. That is up for the first time, and I think is fairly subject to the point of order. The bill does not deal with the subject of the administration of the Land Office or the system and machinery employed there. I will not make the point of order, although I submit it is subject to it, because this bill has no reference to the administration of the land system, but only to the classification of the lands.

Mr. TURNER, of Kansas. Mr. Speaker, I think that this is a wise provision. Under the general laws the parties living 50 or 75 miles from the land office are allowed to make their proof upon their homestead before the clerk of the district court or the county court. Of course by that means they save the heavy expense of traveling and taking their witnesses with them to the land office. Very frequently these clerks before whom they appear increase their fees to the extent at least allowed by the statute of the State, making those fees amount to $15, and even in some instances to $20. I regard these fees as entirely unreasonable. The clerk of the court is paid a salary in most of the Western States; at least that is true in Kansas. In addition to that he is allowed certain fees regulated by the statute. I think it is unreasonable to allow him to take advantage of that statute regulation, which of course relates to municipal affairs, to bleed the man who desires to make proof upon a homestead. For that reason, and that reason alone I take the ground that this provision should be enacted.

Mr. HOLMAN. I will say that while this amendment is not in harmony with the general provisions of the bill, it is understood to be a fairly good feature, and does not mar the general character of the bill. So far as I am concerned, I will make no objection to it.

Mr. McSHANE. Under the existing law notaries public and clerks of the district courts in the different counties have the power to take the testimony of the final proof and forward the same to the district land office. In the majority of cases the final proof is taken before the clerk of the district court in the county in which the homestead is

located. The existing law does not fix the amount of fees to be charged in such cases; but where the proof is taken before the district land office the fees are limited. The charges usually in such cases before the clerk of the district court and county clerk are from two to five dollars, and are in excess of the amount allowed where the proofs are taken before the register or receiver. An imposition is being practiced all through the West on homesteaders making their final proofs from the fact that even at the exorbitant price charged by those officers it is cheaper than to pay railroad fare in many cases 75 or 100 miles to the district office. I hope the committee will accept this amendment. It is only to guard against the imposition of the officers in the different counties.

Mr. McRAE. Mr. Speaker, I agree to the amendment as far as it goes, but it does not go far enough. Under the bill affidavits for making entries may be made before the same officers. We ought to prescribe fees for making these entries as well as for making the proof. If we undertake to legislate upon this subject at all, let us cover the whole ground. Instead of saying "not to exceed $3," we ought to say exactly what the fees shall be; so much for each affidavit and so much for taking such deposition; so that the man will know exactly what he is going to be charged. If I could have a little time I would like to draught a substitute for this amendment. My attention has not been called to the matter before.

Mr. McSHANE. It is a private bargain between the homesteader and the officer.

Mr. McRAE. So is the other. The argument you make in one case can be made in the other case.

Mr. McSHANE. The fees are fixed.

The SPEAKER *pro tempore*. Does the gentleman offer a substitute?

Mr. McRAE. I ask unanimous consent that this amendment be laid aside. There are some other amendments to be introduced. We can take up this amendment immediately after the others are disposed of, and then I will submit the substitute.

There was no objection.

The SPEAKER *pro tempore*. This completes the amendments that have been printed.

Mr. TOOLE. I desire to offer an amendment I send to the Clerk's desk.

The Clerk read as follows:

That the Secretary of the Interior be, and he is in his discretion hereby, authorized to have the lands embraced within abandoned military reservations regularly surveyed by an extension of the public surveys thereon, and when so surveyed shall, upon approval of such surveys by the Secretary of the Interior, become a part of the public domain, subject to entry and settlement under the homestead laws of the United States and not otherwise.

Mr. McRAE. I think that amendment ought to be adopted. I suggest that by unanimous consent, instead of being made an independent section, it be added as a proviso in section 11.

Mr. TOOLE. That is entirely satisfactory.

Mr. HOLMAN. There is no objection to that. Mr. Speaker, this amendment is not consistent with the general features of the bill, but I do not oppose it.

The amendment was agreed to.

Mr. OATES. I desire to offer an amendment, to come in at the end of the bill as an independent section.

The Clerk read as follows:

That no alien or person who is not a citizen of the United States shall after the approval of this act acquire title to or own a greater interest than a leasehold for five years in any lands anywhere within the United States of America and their jurisdiction; and deeds or other conveyances of land acquired after the approval of this act by any alien or unnaturalized foreigner, or by any company, firm, or corporation composed of such, shall be void: *Provided*, That foreign governments and their representatives may acquire and own lands or lots sufficient in quantity for ministerial and legation purposes to be approved by the Secretary of State: *Provided further*, That any alien may for valuable consideration take, hold, and assign, foreclose and sell under any mortgage or deed of trust any land within the United States and their jurisdiction.

Mr. HOLMAN. I think there is a portion of that proposition which is not germane to this bill, the portion of it in regard to ministerial residences, etc., and as to so much of the amendment as is not germane to the bill I make the point of order.

The SPEAKER *pro tempore*. Will the gentleman indicate the portion of the amendment upon which he makes the point of order?

Mr. HOLMAN. I will reserve the point of order upon the whole amendment until the gentleman from Alabama [Mr. OATES] has been heard.

Mr. OATES. Mr. Speaker, it may be admitted that the provisos in the amendment standing alone may not be germane to the bill before the House.

Mr. HOLMAN. Mr. Speaker, how much time has the gentleman? Debate has been closed on this paragraph.

The SPEAKER *pro tempore*. The gentleman from Alabama proposes to add this as a new paragraph.

Mr. HOLMAN. But it is simply an amendment to the last section of the bill.

The SPEAKER *pro tempore*. The Chair does not think that the close of debate upon the previous paragraph of the bill would necessarily close debate upon an amendment offered as a separate paragraph.

Mr. HOLMAN. I beg the Chair's pardon, but I feel quite confident that where the debate has closed on the last paragraph of a bill, inasmuch as everything else that comes after that is an amendment to that paragraph, all debate is cut off.

The SPEAKER *pro tempore*. The Chair will look into the question.

Mr. OATES. Mr. Speaker, on the point of order I was proceeding to say that the question before the House is the disposition of lands belonging to the United States. The amendment which I have offered relates to the capacity of aliens to take and hold lands within the United States. If one proposition is not germane to the other, I must confess that I do not understand very well the signification of that word. I am aware that the point taken against a part of the amendment, as not being germane, is to a very large extent an appeal to the discretion of the Chair. It depends altogether upon what the Chair thinks is germane, and it is a question which can not be settled or governed by precedents. I do not know that I can say anything more on the point of order than that the amendment relates to the disposition of lands of the United States and the capacity of persons who acquire title to those lands.

Mr. KERR. By what provision of the Constitution does Congress have the power to regulate the control of titles to lands in the several States?

Mr. OATES. When we pass beyond the point of order and come to the discussion of the merits of the proposition, I will answer you, and on authority.

Mr. WILSON, of Minnesota. Do I understand my friend from Alabama [Mr. OATES] to propose to incorporate into this bill a provision that a man shall not be permitted to acquire title to a piece of land in this country until he has been here at least five years?

Mr. OATES. Why, certainly; but my friend will excuse me. We are not now discussing the merits of the proposition, and his question goes to the merits. As soon as the Chair overrules the point of order I shall be prepared to discuss the merits.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Indiana [Mr. HOLMAN] to reserve the point of order and agree that the gentleman from Alabama [Mr. OATES] might go on to discuss the merits.

Mr. OATES. I did not understand that.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. OATES] is recognized on the merits of the proposition, pending the decision of the point of order.

Mr. OATES. Then, Mr. Speaker, I will ask to have read from the Clerk's desk the portions which I have marked of a report which I made upon this bill at the present session of Congress, because it is as concise a statement of the leading purposes of this amendment as I can possibly make. There are additional arguments to be offered and a good many of them, but I ask that this be first read.

The Clerk read as follows:

Your committee have ascertained with reasonable certainty that certain noblemen of Europe—principally Englishmen—have acquired and now own, in the aggregate, about 21,000,000 acres of land within the United States. We have not sufficient information to state the quantity owned by the untitled aliens, nor is it so important, as it is generally held in smaller bodies. This alien nonresident ownership will, in the course of time, lead to a system of landlordism incompatible with the best interests and free institutions of the United States. The foundation for such a system is being laid broadly in the Western States and Territories. A considerable number of the emigrants annually arriving in this country are to become tenants and herdsmen on the vast possessions of these foreign lords under contracts made and entered into before they sail for our shores.

The avarice and enterprise of European capitalists have caused them to invest many millions in American railroad and land bonds, covering perhaps 100,000,000 acres, the greater part of which under foreclosure sales will most likely before many years become the property of these foreign bondholders in addition to their present princely possessions. It is thus manifest that if the present large alien ownership is an evil, of which we have no doubt, the probabilities of the near future still more imperatively demand legislation for its prevention. This aggressive foreign capital is not confined to lands it has purchased, but, overleaping its boundaries, has caused hundreds of miles of the public domain to be fenced up for the grazing of vast herds of cattle and set at defiance the rights of the honest but humble settler.

The policy of the Government heretofore toward aliens has been characterized by great liberality, and the different States of the Union, each acting for itself, have gone still further, upon the idea of the desirability of a rapid increase of population and wealth, and by their legislation have conferred upon aliens rights far beyond those they enjoyed by treaty stipulations, the common law, or the law of nations.

In England the people are divided into natives, or such as are born within the protection of the Crown; denizens, or such as are foreign-born, but who have obtained letters patent to make them English subjects; and aliens, or such as are born outside of the dominions of the Crown and have not taken such letters.

In this country a similar division is observable. Natives are those who are born under the protection of the flag of the United States and owe allegiance thereto in return for its protection. A denizen is one who was born without the jurisdiction and allegiance of the United States, but who has legally declared his intention to become a citizen thereof; and an alien is one who was foreign-born and does not owe allegiance to the United States, but to some other sovereignty.

The bill proposes to place the latter class of people under the disabilities of the civil law as to all future attempts to acquire lands in this country. In other words, the bill is a declaration against alien absentee landlordism.

The bill is simple and of easy comprehension. It declares all foreign-born persons who have not been naturalized incapable of taking the title to lands anywhere within the United States except a leasehold for not exceeding five years, and it has no retroactive, but a prospective operation. It places all persons alien to our Government under the disability to take real estate or immovables which the civil law imposed. By that law deeds of conveyance of im-

movable property were void on account of the absolute incapacity of the grantee if an alien, to take or hold the land.

The bill proposes, as a part of the foreign policy of this country, to operate only prospectively, and therefore not harshly to prevent absolutely the citizens or subjects of other nations, so long as they adhere to and retain their allegiance to other powers, from acquiring the ownership of American soil within the jurisdiction of the United States. We maintain that American soil should be owned exclusively by American citizens.

Perhaps objection may be made to the bill on the ground that its tendency will be to drive foreign capital from this country, which we do not admit. The right to be a mortgagee or beneficiary in a deed of trust pertains to an alien independently of an enabling act, but an amendment is proposed to give assurance on this point. The mortgages and land bonds held by aliens would not be materially impaired by the law proposed. They are deeds of trust, and can be foreclosed and the lands sold in default of payment by an alien holder as well as by a citizen. Neither can, according to law, buy at his own sale, because of the conflict of interest with duty, unless it is so stipulated in the contract; and this being known, can have no other effect upon future foreign investors in this class of securities than to make them a little more careful, and not to rely upon the prospect of ultimate ownership of the land mortgaged.

The bill does not stop at State lines, but under authority of that clause of the Constitution which confers upon Congress the sole and exclusive right "to establish a uniform rule of naturalization throughout the United States" overlaps them, and would, if enacted into a law, prevent any more such abuses as that of Mr. Scully, who resides in England and is a subject of the Queen, but owns 90,000 acres in the State of Illinois, occupied by hundreds of tenants, mostly ignorant foreigners, from whom he receives as rent $200,000 per annum and expends it in Europe. The Scheuley estate, consisting of about 2,000 acres, within the city limits of Pittsburgh and Allegheny, from the rents of which the Scheuleys, who are subjects of the British Queen, draw annually not less than $100,000, is another instance of alien landlordism in America. Numerous others could be cited. The Tenth Census shows that the United States has 570,000 tenant farmers, the largest number possessed by any nation in the world, notwithstanding our policy of giving homes to all natives, and foreigners who have declared their intention to become citizens, if they will but reside upon the land for five years.

With the natural increase in population, and the five hundred thousand foreigners who flock to our shores annually, and by competition are reducing the wages of labor, making the battle of life harder to win, how, a few years hence, to provide homes for our poor people is a problem for the American statesman to solve. The multiplication of the owners of the soil is a corresponding enlargement of the number of patriots, and every land-owner in this country should owe allegiance to the United States.

The SPEAKER *pro tempore*. The time of the gentleman from Alabama [Mr. OATES] has expired.

Mr. HOLMAN. Now, Mr. Speaker, I hope we shall have some agreement as to limiting debate on this bill; otherwise we shall not finish the bill to-day.

The SPEAKER *pro tempore*. What limit does the gentleman suggest?

Mr. HOLMAN. I suggest ten minutes.

Mr. OATES. I hope the gentleman will not cut me off. I am in favor of his bill.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Indiana [Mr. HOLMAN] merely to suggest a time when the debate shall close.

Mr. HOLMAN (to Mr. OATES). How much time do you want?

Mr. OATES. Seven or eight minutes.

Mr. HOLMAN. Will fifteen minutes be sufficient?

Mr. WHEELER. Does that mean on the whole bill?

Mr. HOLMAN. On this proposition. I shall then seek to call the previous question on the bill and the pending amendments.

The SPEAKER *pro tempore*. What is the motion of the gentleman from Indiana?

Mr. HOLMAN. I ask unanimous consent that debate close in fifteen minutes.

Mr. WILSON, of Minnesota. I object. This amendment ought not to pass without discussion.

Mr. DOCKERY. There is not any danger of its passing without discussion.

Mr. MCADOO. Mr. Speaker, I offer an amendment to the amendment.

The amendment was read, as follows:

Amend section 1, line 2, by adding after the word "States" these words: "or who is not a resident of the United States and who has not in proper form declared his intention to become a citizen."

Mr. MCADOO. I am substantially in favor of the amendment offered by the gentleman from Alabama [Mr. OATES]. I had the honor of introducing a like measure in the Forty-eighth Congress.

I do not think we realize in the United States the full meaning of land ownership—the full meaning of the term "landlord." In olden times the man who was lord of the land was, by virtue of his lordship, the war lord; by virtue of owning and controlling the land he had his hand upon the destinies of the people.

I am utterly opposed to permitting men from foreign lands who are not in sympathy with our institutions, who are opposed, heart and soul, to republican government, to come here and acquire that which is the foundation of all our national prosperity—the land; for the men who own and control the land will, of necessity, direct the political destinies of the country whose land they own.

As I understand, the younger sons of English lords, cut off under the law of primogeniture from inheritance in the lands of their own country, have come here with small fortunes and acquired vast tracts of land in the West, especially in Colorado and some of the new Territories. The gentleman from Alabama [Mr. OATES] has incorporated in his report the startling exhibit which has been read, showing that these noblemen from various countries in Europe have come here and obtained possession of a quantity of land which is almost fabulous.

Gentlemen, unless this thing is checked, foreign landlordism with all the trains of evils which have followed such an institution in the older lands, with the serfdom and political subserviency which must follow, will become an established institution in the United States. I can scarcely have patience with the estimable gentlemen coming here from our Western country who, anxious, as they naturally should be, that our great Territories should be quickly built up as States and the land quickly occupied, are willing, in order that for the present they may find ready purchasers for these lands, to encourage this very vicious and dangerous system of alien ownership of lands.

Mr. LAIRD. We are not in favor of it.

Mr. RYAN (to Mr. MCADOO). How does your proposition differ from the existing law on this subject?

Mr. MCADOO. It is a little stronger.

Mr. RYAN. In what respect?

Mr. MCADOO. I will leave that to the gentleman from Alabama to answer. In reference to my amendment, I will say that it liberalizes somewhat the pending amendment by providing that a man who comes here and makes a declaration of intention to become a citizen may own land. I believe that the class of people of whom I have spoken will not come here and forswear their allegiance to the institutions and potentates to which they are attached in the old country. For instance, it is safe to say that an English nobleman will not go into an American court in Colorado or New Jersey and forswear his allegiance to the British Crown. If he is willing to do so, if he is ready to become a bona fide resident and citizen, then I look upon him as one who has been redeemed to the ranks of democracy, and I am perfectly willing he shall have a show with the rest of us.

[Here the hammer fell.]

Mr. WILSON, of Minnesota, obtained the floor.

Mr. OATES rose.

Mr. WILSON, of Minnesota. If the gentleman from Alabama [Mr. OATES] desires to proceed now, I will take the floor afterward.

Mr. OATES. Mr. Speaker, I do not wish to trespass upon the time of the House, if what I say is not interesting; but I would like to have a little more time than I can get under the rules; for on this proposition I could occupy the floor without much repetition for at least an hour. There is not only one, there are two or three very grave and important questions involved in the amendment. It is farther-reaching than some gentlemen conceive; and although it may fail now, mark my prediction, the time is not many years distant when the substance of this proposition will be adopted by the Congress of the United States.

Substantially the same measure as that which I now propose was introduced by me in the form of a bill in the Forty-eighth Congress; and in the Forty-ninth Congress the provision as to the power of aliens to acquire and own land in the Territories was adopted and became law.

Mr. WILSON, of Minnesota. Does the gentleman say the substance of this amendment was adopted as law?

Mr. OATES. The substance of the amendment in its application to the Territories was enacted as law in the Forty-ninth Congress, the bill having been originally introduced by me in the Forty-eighth Congress.

Mr. RYAN. How does this measure differ from that already adopted?

Mr. OATES. It differs in this respect: Under this provision an alien can not acquire title to land within the States; that is all.

The bill to which I have referred does not remedy the evil intended to be reached, except very partially. I stated in the report read the aggregate of a portion, but not all, of the lands owned by the titled nobility of Europe, who, while not residing in this country, not caring a groat for it except for the money they can make out of it, own more than 21,000,000 acres of land in this country, and nearly all of it within the States.

The objection which has been raised to this proposition in committees which have heretofore considered it, comes up here now, which is a question of power. Some gentlemen do not believe that Congress has constitutional power to enact such a law. While I am an advocate for the observance of constitutional limitations, while I always seek to find in the terms of the Constitution or fairly deducible from it, the power for every measure I propose to vote for, I do not see any difficulty in recognizing this measure as constitutional. Although some good lawyers have expressed the opinion that Congress has no power to go to this extent, it is clear to my mind that Congress has the power.

Gentlemen should reflect for a moment that this proposed amendment does not operate upon any State or the right of any citizen of any State; it does not undertake to deprive any citizen of any right; it is to operate only as to the status of aliens—men who are not citizens of this country, who have no rights under this Government, except the common-law rights which general civilization extends in all Christian countries to subjects of other countries.

This simply fixes the status of an alien in this country in respect to his capacity for ownership of lands. Under the common law an alien

could take title to lands, but as he had no inheritable blood the title, if it were allowed to remain by the sovereign power, died with him. His heirs could not inherit it.

The sovereign power, as decided by the Supreme Court of the United States many years ago in a case arising in the State of Virginia, has the right to denounce and forfeit a title which an alien acquires to land.

The difference between the common law and the civil law in this respect is that the civil law renders an alien incapable of taking and holding lands. Under that law if an alien were to attempt to acquire land in this country the title he got would be null and void. This proposes to enact the civil law. The amendment proposes to put the United States in this respect in line with the other nations of the world, because except by treaty or special enactment for a particular case nowhere can any of our citizens under any other Government acquire and own real estate.

This amendment allows aliens a leasehold of not exceeding five years. It allows them to hold property for legation and ministerial purposes. It also permits, in accordance with the common law, aliens to advance capital and secure debts by mortgage and deeds of trust in this country, and it gives them the right to foreclose and sell, but it does not give them the right to acquire title—a thing which they can not do under existing law, except by contract with the mortgagor.

Gentlemen, when you look into the indebtedness of these great railroad corporations, and especially the Pacific railroad companies, you will find that nearly all the mortgages are owned in Europe by aliens. If those mortgages are foreclosed and millions of acres are sold, the result will be that these lands will pass into the hands of these alien holders of the mortgages. I would not deprive them of any of their rights, but I certainly would not like to see these lands pass into the hands of aliens.

Mr. WILSON, of Minnesota, rose.

Mr. OATES. I merely want to finish my sentence, and then I will yield the floor to the gentleman from Minnesota. I would not deprive these aliens of a single one of their rights, but at the same time if they should foreclose their mortgages and sell these millions of acres and become the purchasers, I do not wish to see them bring out here their ignorant hordes from Europe to settle upon these lands as their tenants, to the disadvantage and injury of our own people.

[Here the hammer fell.]

Mr. WILSON, of Minnesota. Mr. Speaker, I do not agree with the gentleman from Alabama who has just taken his seat; and I hope this House will not overlook the purpose and effect of this amendment.

I am not in favor, Mr. Speaker, of aiding or permitting any foreign syndicates or any syndicates to obtain extensive tracts of land in this country. But this proposition will touch severely a class of immigrants in whose welfare I hope we all feel an interest, and who have added much to the prosperity of this country.

The amendment proposed by the gentleman from Alabama [Mr. OATES] denies to any foreigner landing on our shores the right to obtain title to or any interest in any real estate—except a lease for a term not exceeding five years—before he has become a citizen of the United States. And he can not become a citizen before he has been five years a resident in this country. I do not think that the country whose development has so largely depended on this class of people—a country that has taken so much pains to invite and encourage immigration—should adopt such a policy. It is best for this country and for them that those immigrants intending to become citizens of the United States and who have on oath declared their intention to become citizens, should become owners of real estate. Nothing so surely attaches any one to the institutions of a country, or so certainly interests him in its laws and in the preservation of good order, as the ownership of real property.

I agree to the amendment to the amendment proposed by the gentleman from New Jersey—that it shall be a condition precedent to the acquisition of real property that they shall on oath declare their intention to become citizens; but beyond that I am not willing to go.

There came to this country from Europe last year nearly 500,000 people. They had reason to feel that they would be welcomed by us. This amendment would deny them the right for five years at least to even purchase a home to shelter themselves or their families, or the right to initiate proceedings to acquire title to that part of the public domain on which we invite them to settle. I think such a proposition, while it may, as said by the gentleman from Alabama [Mr. OATES], correspond to the precedents of European countries, is not American.

I am opposed, sir, utterly opposed, to such a proposition. The Western part of our country at the present time, and the same was true of the Eastern part of the country when it was newer, has a large percentage of its population who are foreign born and of many different nationalities, and no more peaceable, no more industrious, no better citizens are found among us. It would be to them an indignity and a wrong to show such distrust of their patriotism or intelligence as is implied by this amendment.

Mr. Speaker, when war broke out in this country, and I take every war since the settlement of the colonies until this time, there were no more gallant soldiers that marched under the banner of the Republic than our foreign-born citizens. I may safely say, and it is only due to them to say it, they have been as patriotic, as brave, and as gallant in all of our struggles as our own native-born citizens.

I remember well, sir, for history records it, that some entertaining the same feelings that this amendment would have us indorse have always been found in this country. I might instance the case of Thomas Addis Emmet. Driven from his own country for attempting to free it from the yoke of England, he fled to the United States, the hope and asylum of every lover of liberty. But, strange to say, he found here not only individuals, but a party that strove to deny him the right to earn a living by the practice of his profession before he had become a citizen of the United States. But they failed.

These natives of other countries who come here attracted by our free institutions and with the purpose of becoming American citizens have in peace and in war reflected credit on themselves and added to the greatness and wealth of this country. The few anarchists who have fled from their own country are not of this class, nor are they of the class who wish to acquire real estate or homes in this country. To show distrust of that liberty-loving, law-abiding class who have done so much for our country because a few outlaws have landed on our shores would, I submit, Mr. Speaker, not be worthy of us or creditable to us.

[Here the hammer fell.]

Mr. OATES. I hope my friend from Indiana will allow me to occupy five minutes additional time, as I perceive this amendment and my remarks have both been entirely misunderstood.

Mr. HOLMAN. Very well; I will ask unanimous consent that the debate close in five minutes.

Mr. KERR. I object to that.

Mr. HOLMAN. I move that all debate upon the pending paragraph close in five minutes.

Mr. KERR. It seems to me that such an important matter ought not to be settled in a five-minutes' debate. It is revolutionizing the entire policy of the Government.

Mr. HOLMAN. How much time does the gentleman want?

Mr. KERR. I only want two or three minutes myself.

Mr. HOLMAN. Well, the time is getting late, and I will ask consent to close the debate in eight minutes.

Mr. WHITE, of Indiana. I object.

Mr. HOLMAN. Then I shall make a motion to close the debate in ten minutes.

The SPEAKER *pro tempore*. The gentleman's remedy is to move the previous question upon the bill and amendments.

Mr. HOLMAN. Then I give notice that I will in eight minutes' time make a motion to close the debate.

Mr. WHEELER. On this paragraph and the amendments.

Mr. OATES. Mr. Speaker, I was apprehensive at the outset that the gentleman from Minnesota and others would misapprehend the character, nature, and scope, or, in other words, the extent and purpose to be accomplished by this amendment. My friend from Minnesota supposes that this is aimed at the foreigners, or is hostile to those who come from abroad to our shores.

No one, sir, has greater sympathy than myself for the crowded populations of the Old World, who flee to this country because of the difficulty of maintaining an existence and founding happy homes in their own native land. But, sir, however broad and philanthropic we may be, the time is coming when it will not do to legislate and act upon mere sympathy. The time is rapidly approaching when a further increase of population beyond that which arises from the natural growth of our own people will not be desirable.

Sir, whenever the time comes that it will be against the interests of the American people for the vast hordes of foreigners who are coming here year after year to be admitted into our country, you will find Congress enacting laws to restrict that immigration.

Mr. RYAN. Will the gentleman yield to me for a question here?

Mr. OATES. I will.

Mr. RYAN. I wish to know if under your amendment an alien who has declared his intention to become a citizen of the United States can make an entry upon the public lands?

Mr. OATES. I understand the amendment to be strictly in harmony with this bill which you are about to pass. It, I believe, provides that the patent can issue only to a citizen; and the law requires a residence of five years on the land before a patent can issue; indeed, before he can prove up his compliance with the requirements of the law which gives him a title. He can have no title until this is done.

Mr. RYAN. That is the bill in the absence of your amendment.

Mr. OATES. The homesteader does not acquire title until he has resided upon the lands five years; and there is nothing in this amendment which would prevent an alien who has declared his intention to become a citizen from entering upon a homestead and occupying it for five years, at which time he could perfect his naturalization and homestead proof; and having become a citizen he could take the title to his homestead. This bill permits aliens who have legally declared their intention to become naturalized to enter upon a homestead, but withholds the patent until citizenship is perfected. The amendment is, therefore, in harmony with the bill.

Mr. RYAN. That answers my inquiry.

[Mr. OATES withholds his remarks for revision. See APPENDIX.]

[Here the hammer fell.]

Mr. WILSON, of Minnesota. Mr. Speaker, if the gentleman's purpose be, as I understand him, to exclude immigration to this country, he has well chosen his language. The amendment will tend to effect the purpose he has in view. But I trust this House will not be misled by the impression that the amendment strikes only titled lords. Where it strikes one titled lord it will strike ten thousand poor, industrious, honest, law-abiding men who wish to become good American citizens.

Mr. OATES. Will the gentleman allow me to interrupt him?

Mr. WILSON, of Minnesota. Certainly.

Mr. OATES. A man can become naturalized in less than five years. He can settle on the public domain. He can not get his title until he has been there five years, just the time required for him to become naturalized. As soon as he is naturalized he is a citizen.

Mr. WILSON, of Minnesota. What you say shows that a gentleman so intelligent on almost every point may be mistaken about our Western land laws and the mode of acquiring title under them.

A man who settles with a view to acquiring a homestead or pre-emption right, can not take a leasehold interest. He must settle there in good faith, complying with the laws of the United States, and thus initiating title. If he does not do that he is liable to be turned off any day and dispossessed. He can not initiate title which he can afterward perfect until after he has been there five years, if the gentleman's amendment passes.

Mr. OATES. Will my friend answer one question right there?

Mr. WILSON, of Minnesota. I beg pardon; I have but five minutes. I should be glad to yield to my friend, but my time is short and it is being rapidly used up, and so I would rather not be interrupted.

Now, Mr. Speaker, so far as the class of persons for whom I speak is concerned, they represent ninety-nine one-hundredths of the immigrants to this country. The titled lords in number are not worth speaking of. They will do to hold up as a pretext for passing this bill, but they are so few as to be not worth discussion.

Mr. MCADOO. But one lord takes as much land as ten thousand immigrants.

Mr. WILSON, of Minnesota. Very well; if you are willing to cut off all the other parties who come here for the purpose of striking one lord, I never was so mistaken in a man in my life. I do not believe you mean it.

Mr. MCADOO. The amendment does not do it. Your amendment to the amendment does not. I am in favor of that. But the amendment of the gentleman from Alabama does prevent the acquisition or any right but a leasehold right for a term not exceeding five years.

Mr. OATES. Nor my amendment either?

Mr. WILSON, of Minnesota. I think it does.

Mr. MCADOO. I understand it does not.

Mr. WILSON, of Minnesota. I understand it does. The gentleman from Alabama [Mr. OATES] in a manly manner avows his purpose to exclude immigration to this country.

Mr. OATES. I say that because I have introduced another bill to restrict it.

Mr. WILSON, of Minnesota. I think I do not misunderstand this bill. It merely says to those parties who come here to develop our country and become American citizens that they can not, as I say, initiate any proceedings by which to acquire title until they have become citizens, which would require at least five years. By that time the opportunity for their getting a homestead where they may have settled would have passed by.

I am not ready by implication to say to them that they shall be excluded from our shores as dangerous to our peace and detrimental to our prosperity. I am not in favor of the purpose of the amendment in any sense whatever. Those men who thus come here are among our best citizens. They add to our greatness and prosperity on the battlefield and in civil life. There is nothing in the history of the past that justifies us in anticipating danger from a continuance of the privileges which have been heretofore extended to them. Forbid the acquisition of titles to large tracts of land by wealthy foreigners if you will. Punish and exclude from the country anarchists if you will. All this I favor. But in the name of justice let us not punish or do injustice to peaceable, law-abiding citizens on account of the crimes of or the dangers to be apprehended from those other classes.

I have no time to discuss the constitutional question. But I wish to say that I do not think Congress has the constitutional power to make such a regulation as is proposed operative in the States.

[Here the hammer fell.]

Mr. KERR, Mr. HOLMAN, and Mr. OATES addressed the Chair.

Mr. KERR was recognized.

Mr. HOLMAN. I ask the gentleman from Iowa [Mr. KERR] to yield to me to make a request.

Mr. KERR. I intend to occupy only two or three minutes.

Mr. HOLMAN. I should like to make the request now.

Mr. KERR. I yield to the gentleman.

Mr. HOLMAN. It is very manifest that although there are pending only two or three amendments to the bill there will not be enough time before five o'clock to finish the bill, and I therefore ask unanimous consent that the session extend beyond five o'clock until the bill is completed.

Mr. REED. Suppose you ask an extension until half past five. You kept the House here until 11 o'clock last night.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that this day's session be extended until the pending bill is completed.

Mr. BURROWS. I think that ought not to be done, after having been in continuous session for six hours. I object. I should prefer to take a recess.

Mr. HOLMAN. Then I ask unanimous consent that when the House adjourn it adjourn to meet at 8 o'clock this evening, to proceed with the consideration of this bill, no other business to be transacted.

Mr. BUCHANAN. I object.

Mr. KERR resumed the floor, but yielded to Mr. OATES.

Mr. OATES. I am satisfied from the remarks of my friend from Minnesota [Mr. WILSON] that there are gentlemen here who do not begin to understand my position in reference to this amendment which I have offered, and as I can not obtain time to discuss it on the floor I ask leave now to extend my remarks in the RECORD.

There was no objection, and it was so ordered.

Mr. KERR. Mr. Speaker, at the beginning of this session, or thereabouts, I noticed the bill of the gentleman from Alabama [Mr. OATES], and I was surprised at it. At the beginning of this debate I asked him to state what provision of the Federal Constitution authorized the General Government to regulate the transfer of title in the States. He has made no suggestion on that point; but I noticed that in his remarks he did step outside of a certain platform which was recently adopted. The platform says that no power exists in the General Government unless it is specifically granted.

In the gentleman's remarks he said that either there was a power granted in the Constitution to do what he proposes, or that it arose from necessity. I am glad to see the gentleman stepping under the broad doctrine of the old Whigs on that question. But, sir, in confirmation of what the gentleman from Minnesota [Mr. WILSON] has said, I wish to say that I believe the States of this Government have ample power to prevent any class of their citizens from becoming oppressive or acquiring such control of land titles in their midst as will be injurious to the permanent prosperity of the community.

The States can regulate the laws of descent; they can provide absolutely, so far as I know, that all property shall descend in a particular direction, or even that it shall go to the State. There is no inhibition of that to my knowledge; if there is, let the gentleman point it out. I do not believe there is any danger to this country from men who come here from other countries, if when they come they are permitted to make contracts for the permanent ownership of a portion of the land of this country; but that is what the gentleman's bill seeks to prohibit.

If you say that when a man comes to this country he must remain a leaseholder for five years you put him in a fair position to become a public enemy; but let him, even the day he lands, be free to become an owner and you make him a friend of our institutions and a man who will ultimately become a citizen ready to fight for our Government in its direst extremity. Therefore, sir, I am opposed to the gentleman's proposition.

Mr. HOLMAN. I now ask unanimous consent that the time of this session be extended half an hour beyond 5 o'clock, if that should be necessary for the completion of this bill.

There was no objection, and it was so ordered.

Mr. HOLMAN. There are two or three small matters to which I want to call attention. It is suggested that there is an ambiguity in the language of the bill on page 19, line 26.

Mr. OATES. Mr. Speaker, I rise to a question of order. What has become of my amendment and the gentleman's point of order on it?

The SPEAKER *pro tempore*. Does the gentleman withdraw his point of order?

Mr. HOLMAN. No, sir; I do not. The amendment is not germane to the bill.

The SPEAKER *pro tempore*. Debate is exhausted. Will the gentleman from Indiana please state his point of order?

Mr. HOLMAN. My point of order is, that of the three propositions in the amendment neither one is germane to the subject-matter of the bill. The subject-matter of the bill is the regulation of the public domain, while all the propositions in the amendment go entirely beyond that. Of course this does not apply to the Territories, because as to them the law is already fixed. It can apply only to the States, and therefore has no application to the public domain.

The SPEAKER *pro tempore* (Mr. MCMILLIN). The Chair thinks that the amendment of the gentleman from Alabama, in so far as it seeks to control the future disposition of lands not now the property of the Government, and not the subject of legislation in this bill, is not germane. To that extent, therefore, the Chair sustains the point of order. The gentleman from Alabama having, in framing his amendment, gone beyond the public lands, the Chair is compelled to hold that

the amendment is not in order. It would be competent, in the opinion of the Chair, to adopt a proviso of the kind suggested, applicable only to the public lands and their disposition; but waiving altogether the question of the power of Congress—a matter with which the Chair would have nothing to do—the Chair thinks it is not germane in a bill of this kind, dealing only with the public domain, to attempt to incorporate any provision not bearing distinctly upon the public lands and their disposition.

Mr. HOLMAN. I move to amend by inserting, after the word "law," in line 26 of section 27, the words "not in conflict with it;" so as to read:

This section shall not be construed as repealing any provision of law not in conflict with it, touching or concerning the protection of timber, etc.

I think this amendment hardly necessary, but I move it as a matter of abundant caution.

The amendment was agreed to.

Mr. HOLMAN. The concluding language of this bill is:

All provisions of law in relation to swamp lands and other grants made by Congress to States and Territories shall remain in full force.

The word "grants" has relation to forfeited land grants and the like. I desire to offer, as a matter of precaution, though I think it hardly necessary, the following amendment to come in at the end of the bill:

The term "grants" in the foregoing sections shall not be construed as applying to grants to States to aid in the construction of railroads, wagon-roads, and canals.

The amendment was agreed to.

Mr. LAIRD. I desire to move an amendment to come in as an additional section.

Mr. McRAE. I would like to call up a section which was passed a moment ago, as I desire to move an amendment.

Mr. LAIRD. I yield to the gentleman for that purpose.

Mr. McRAE. As a substitute for the amendment proposed by the gentleman from Kansas [Mr. PETERS], I offer the following amendment, to be added to section 26:

That the fees for entries and for final proof, when made before any other officer than the register and receiver, shall be as follows:
For each affidavit, 25 cents.
For each deposition of claimant or witness, when not prepared by the officer, 25 cents.
For each deposition of claimant or witness, prepared by the officer, $1.
Any officer demanding or receiving a greater sum for such service shall be guilty of a misdemeanor and shall be punished for each offense by a fine not exceeding $100.

Mr. RYAN. The original proposition limited the fee in cases of final proof to $3. I think it should not exceed that sum, as it may do under the gentleman's amendment, I believe.

Mr. McRAE. No, sir; the fee in such cases would not exceed $3. There would be the affidavits of two witnesses and the claimant; and $1 for each would make just $3.

I submit that the people ought to know just what they are required to pay in matters of this kind; and the officers ought to be controlled by a fixed rule so that there may be no dickering between the claimant and the officers. If the deposition is prepared by the officer, a fee of $1 is reasonable; if prepared by the attorney, a charge of 25 cents is fair and usual.

Mr. WEAVER. I suggest that the gentleman insert in his amendment, before the words "shall be punished," the words "upon conviction."

Mr. McRAE. Very well; I modify my amendment in that manner.

The question recurred on Mr. PETERS's amendment as modified; which was agreed to.

Mr. SMITH, of Arizona. I offer the following amendment to the amendment.

The Clerk read as follows:

Amend by adding another section:
"That all persons who have heretofore settled upon the public land within the limits of forfeited railroad land grants whereon the railroad has not been constructed, and who have paid to the United States a sum in excess of the prices hereinbefore set out, shall have refunded to them such excess so paid, and the Secretary of the Treasury is authorized to pay to the order of such persons such excess on the certificate of the Secretary of the Interior.

Mr. SMITH, of Arizona. It is found by an examination of the bill, page 10, line 9, it is provided

Nor shall any payment be required therefor, except the payment of 25 cents per acre, to be paid when the application is filed.

And then we find on page 20:

And at the uniform price of $1.25 per acre when payment is required by law.

Throughout my country and New Mexico there are settlers who were compelled to pay because of the grant to the Texas Pacific Railroad $2.25 per acre for their lands. They were compelled to pay that price in consideration of the benefit they were to derive from the construction of the railroad. But no railroad has been constructed, and it seems to me only fair and just they should have their money returned to them to the extent at least of what was overpaid in view of the construction of the Texas Pacific Railroad. Many of these settlers are located far away from any railroad. These men, in the hope of receiving benefit from the railroad, paid $2.25 per acre, and my amendment will have the effect to return to them the amount which they have overpaid on account of the Texas and Pacific Railroad grant.

I know the objection will be raised to the adoption of any such provision in this bill that those who are in favor of the passage of the bill do not want to put as a brake upon it any such amendment as the one I have proposed. It is feared it may have some tendency to defeat the bill. It must be apparent to everybody that the object I have in view is merely to do justice to these men. I have been trying to get up a bill for their relief but have always failed to do so. It is now here, and I hope members of the House will adopt it.

Mr. HOLMAN. I regret the amendment is offered. It was subject to the point of order, if the point of order had been made in time. It has nothing to do with the public-lands system at all. It is a mere question whether this money should be refunded to these people or not. These men are in the same condition with hundreds and thousands of others in the Western country.

I have no right now to make the point of order against it, but I insist that the gentleman from Pennsylvania shall not press it too far. We have propositions in this bill which I do not think belong to it. They were put upon the bill against my judgment. I hope we will not add this amendment to the others. I ask gentlemen to confine themselves to the question of the public lands, and not go into these other matters.

The amendment of Mr. SMITH, of Arizona, was disagreed to.

Mr. LAIRD. I move the following amendment to come in as an additional section.

The Clerk read as follows:

SEC. 33. That after proof is made before the register and receiver of any land district in which land is situated, and a certificate is issued to the entryman, said certificate shall be considered *prima facie* evidence of ownership, and the burden of proof to vacate said entry shall rest upon the Government.
And no settler or his grantee or assignee on the public domain under the provisions of this act shall be deprived of his title to any land based upon a receiver's final receipt, except upon an open and public trial under and according to the forms of law relating to contest cases.

Mr. HOLMAN. I make the point of order on that amendment. We have already voted on this proposition, and I hope the gentleman will not insist upon it.

Mr. LAIRD. I must insist upon it.

Mr. HOLMAN. It has already been voted upon.

Mr. LAIRD. I beg pardon; it is somewhat changed from the way it was presented before.

Mr. HOLMAN. It is the same practically. This bill is not to provide for the administration of the land system.

Mr. LAIRD. This is no more administrative than the amendment offered by myself and adopted here a few moments ago with the concurrence of the committee, and which relates to the administration of the Land Department.

Mr. HOLMAN. Well, let us have a vote.

Mr. LAIRD. Mr. Speaker, I want to say a word in explanation of this amendment.

It is notorious that a system has prevailed in the General Land Office during the greater part of the last three years under which, after the granting of a final receipt to land by the United States local land officers, the Commissioner of the General Land Office, without notice or citation to the settler or his grantee or assignee, cancels such settler's final receipt. And this was commonly done by the Commissioner on the confidential report of a special agent, access to which was refused to the settler. He was condemned on private and privileged information without hearing, without a day in court.

A final receipt, in law, is title, and in the absence of fraud in its acquisition (shown affirmatively by the Government) the Government is estopped from going behind such receipt.

The trouble with the General Land Office is that they assume the fact to be proved, namely, the fraud, and punish the settler by depriving him of his vested right in the land acquired by compliance with the laws of the United States, thus violating the presumption of innocence running with every legal transaction, and also violating the Constitution of the United States, which provides that no man shall be deprived of life, liberty, or property without due process of law.

In the absence of fraud, which can not be presumed or assumed, this final receipt is absolute title the same as a patent, and it is the duty of this Congress and this House to pass this amendment and protect honest settlers from this illegal invasion of their rights.

I ask that these gentlemen in the Land Office, if they want to wipe out the vested rights of my constituents and of the settlers of the West, shall first cite these men to a hearing and give them a legal day in court.

Mr. RYAN. That is but right.

Mr. LAIRD. It is only an act of justice.

Mr. HOLMAN. I do not care to discuss the subject, and ask a vote. We have already voted it down once.

The question was taken; and on a division there were—ayes 27, noes 36.

So the amendment was rejected.

Mr. HOLMAN. There are two sections of this bill which have been reserved—the amendment of the gentleman from California [Mr. BIGGS] in regard to the desert-land act, and also the feature in regard to coal, the amendment of the gentleman from Wisconsin [Mr. SMITH]. I ask to go back now to these two provisions.

Mr. WHEELER. I have an amendment to offer before we leave this paragraph of the bill.

Mr. HOLMAN. Very well.

The amendment of Mr. WHEELER was read, as follows:

Add as a new section:

"SEC. —. That after the 1st day of January, 1890, all the public lands of the United States which have not otherwise been disposed of prior to that date shall be subject to homestead entry and occupation under the provisions and limitations of the homestead laws."

Mr. WHEELER. That amendment makes the provision general. The intimation from several gentlemen that they would favor it if it was made general encourages me to offer the amendment in this form. When it was proposed to limit it to Alabama alone it had been suggested by one or more gentlemen that they did not desire its application to extend so as to include their States in its operation. I think this amendment should be adopted.

I think that after a certain period of years these lands that have not been disposed of ought to be so placed that the homesteader can go upon the lands and by an honest residence there acquire title and secure it for his home. The only objection urged is that frauds might be perpetrated. I say that it is in the power of the Government and of the officials of the Government to prevent fraud. The frauds which have been perpetrated heretofore have taught our officials the proper method of preventing them; and I believe if the amendment is adopted it will result in giving homes to many men who otherwise could not obtain them; and with the provisions now against fraud, I do not believe there will be any fraud under the homestead law.

I do not wish, Mr. Speaker, to be persistent in this matter, but I do hope the House will adopt this amendment, so that after this period of three years our citizens may go to any part of our public domain in this broad land and obtain homes for themselves and families wherever these lands are to be found, and notwithstanding the lands they choose to select may have been classified as lands chiefly valuable for timber or mineral.

If the land they select is fit for a home, I say let any honest citizen of our country take it and make a home, and if there happens to be mineral under the soil let the man who has complied with the provisions of the homestead law have the benefit of it. If it proves to be valuable, let the profit accrue to him. It will not hurt this great Government.

Mr. WHITE, of Indiana. I think the amendment of the gentleman from Alabama is a very proper one. His first amendment, which applied simply to Alabama, I did not feel it proper to support, for the reason that it made an exception; but the present amendment embraces all the country, every State and Territory, and it seems to be quite appropriate to be adopted on a bill of this character.

The present bill, with all respect to the committee, is framed in a manner which rules against the poor man, the very men whom you pretend to favor. They pretend to say that they are to have the lands in preference to other people, that they are held for the benefit of the people, when in truth, if you examine the merits of the bill, you will see that the plan adopted rules against the poor and in favor of the rich man.

Why should these lands be reserved and classified as mineral lands any more than the agricultural lands? I can tell you that in my own State where there are agricultural lands there is a difference between them of from $5 to $10 and even to $15 an acre, according to the soil and location; and if it is true that it is right for the Government to classify the public lands into mineral and agricultural, then I hold that they should make the additional classification of the agricultural lands, if it is the business of the country to make money out of the public. Why should the Government begrudge you or me or any other man who goes West and has the fortune to locate upon a piece of land that happens, as afterwards ascertained, to have coal or mineral deposits in it? Surely, if we are fortunate enough to make a good selection the Government loses nothing. The whole purport of the bill we are told is intended for the benefit of poor people, but by the method adopted the poor man can not buy these lands, and can not locate upon mineral lands; and the result is that he is deprived of the opportunity of purchasing because the price is beyond his reach. The effect of such a provision as this is that the capitalist and the monopolist get possession of the mineral lands; and this same principle has brought about the monopolies of iron and coal about which we hear so much. The lands are practically reserved for them. If those lands are thrown open to the people to locate upon, then we will have less oppression from monopoly. I hope the amendment will be adopted.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Speaker, I wish to say a single word before asking for a vote. I have a very kindly feeling for my colleague, and yet I must insist that before he makes another speech he shall read the bill under consideration. [Laughter.]

Mr. WHITE, of Indiana. I have read it, but I will read it again.

Mr. HOLMAN. When my friend has read the bill he will not make any such speech. Not having read the bill at all, my friend reaches a conclusion and makes a discovery that nobody else has reached or made. All that I insist on is that my friend shall read the bill.

Mr. WHITE, of Indiana. I will state to my colleague from Indiana that I have read the bill, and I will read it to him to convince him that he has that classification in it if he wants to hear it.

Mr. HOLMAN. This bill is explicitly and wholly a homestead law.

Mr. WHITE, of Indiana. Have not you $10 an acre on that land?

Mr. HOLMAN. Under that ten-dollar provision all our public lands are now subject to be sold and the cash turned into the Treasury. The object of this bill is to secure the public lands to actual settlers. You can not apply the homestead principle to mountains and forests where there is no land to cultivate. You can not give to a rich miner, such as I would suppose my friend to be representing if I did not know his integrity, a whole quarter-section in a rich mining district. My friend must read the bill. I disclaim any such purpose as he mentions. Every acre of land adapted for agricultural purposes is secured for the benefit of the actual settlers.

The question was put on the amendment of Mr. WHEELER, and the Chair was in doubt as to the result.

Mr. WHEELER. I ask for a division.

The House divided; and thereupon there were—ayes 11, noes 44.

So the amendment was rejected.

Mr. HOLMAN. Now, Mr. Speaker, I ask that the House carry out its engagement and go back to the former section.

Mr. WHEELER. I have an amendment to submit to section 29.

The SPEAKER *pro tempore*. The Clerk will read the amendment.

The Clerk read as follows:

That the act of March 3, 1887, entitled "An act to exempt the public lands in Alabama from the operation of the laws in relation to mineral lands," shall remain in full force and effect.

Mr. WHEELER. In 1883 a law was passed which exempted the mineral lands of Alabama from the operation of the mineral-land laws. It may be a question whether that law is repealed by this act or not, and I would like to get an expression upon this subject. I would like to have a direct declaration that the law of 1883 is not repealed. I simply ask that we remain where Congress has put us. Let the law stand in regard to Alabama as it was enacted on the 3d of March, 1883. If it was wise to exempt the lands of Alabama from the operation of the mineral laws in 1883 the same wisdom dictates that it should be done to-day. The lands are the same, and any change in the condition of that section of our country is a change which has increased and not diminished the necessity for the provision adopted then and asked for now. If, as some contend, the bill being considered does not repeal the law of March 3, 1883, it can do no harm for us to plainly make that declaration. I do not wish to detain the House. I do not wish to obstruct the passage of the bill. I want to have it passed, but I want to have it passed in such a way as to do the most good possible. I hope the House will let a declaration be made that the law of March 3, 1883, is not repealed by this act.

The question was put on the amendment.

Mr. WHEELER. I call for a division.

The House divided; and there were—ayes 6, noes 36.

So the amendment was rejected.

Mr. HOLMAN. I now ask that the amendment submitted by the gentleman from Wisconsin in regard to coal lands may be read.

The Clerk read as follows:

Amend section 2 by striking out all of said section after the word "provided," in the seventh line, and insert:

"*Provided, however*, That all the deposits of coal or iron on the lands of the United States are hereby reserved to the United States, and no future grant or patent from the United States shall be held to include such deposits: *Provided*, That nothing herein contained shall prevent the owner of any land acquired subject to the exceptions and reservations of this section from using such deposits for his own private use: *Provided further*, That neither the right of the Government of the United States to control and regulate the disposition of such deposits and working therein, nor the right of said Government to enter upon the land containing such deposits, either by its officers, agents, or lessees, shall ever be questioned; and the provisions of this section shall be expressed in all grants and patents for land hereafter disposed of by the United States."

To which the gentleman from Alabama [Mr. COBB] proposes the following amendment:

After the words "United States," in the second line, insert the following: "Except on the land sold as coal or iron land."

Mr. HOLMAN. I wish to submit a proposition to the House, and I do it with a good deal of diffidence. I feel very anxious that our coal lands shall, if possible, not be subject to any form of monopoly; yet certainly we can accomplish that purpose by legislation which will be in harmony with our land system and our practice heretofore in regard to the public domain. I wish to submit as a substitute for the amendment of the gentleman from Wisconsin [Mr. SMITH] the proposition which I send to the desk.

The Clerk read as follows:

That as to all lands hereafter sold the United States expressly reserves from sale all coal deposits therein; but, notwithstanding this express reservation, the purchaser of any such lands, his heirs, lessees, and assigns may mine and dispose of coal in any such land until such time as Congress in its discretion shall determine that the public good requires further legislation in relation thereto, and shall by general laws take the control of any such coal deposits for the purpose only of protecting the same from monopoly and securing the prod-

uct thereof at reasonable prices to the people, and such reservation shall be expressed in all patents issued for land hereafter disposed of under the provisions of this act.

Mr. HOLMAN. I do not wish to discuss this proposition; and as time is becoming very precious to us, I ask unanimous consent that a vote be taken upon it as a substitute for the amendment of the gentleman from Wisconsin, and that the vote be taken without debate, because both sides of the House fully understand both propositions.

Mr. STONE, of Missouri. Mr. Speaker, as a part of my remarks I wish to have the Clerk read what I send to the desk, merely saying by way of preface that I am inclined to prefer the proposition of the gentleman from Wisconsin to the substitute proposed by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

Add the following to the amendment of Mr. SMITH, of Wisconsin, printed on page 5 of amendments:

"*Provided*, That the Government of the United States shall pay to the owner of the lands such damages as he may sustain on account of any use that may be made of his lands in operating any coal mines thereon; said damages to be ascertained and assessed under rules and regulations to be prescribed by the Secretary of the Interior, with the approval of the President; and the Secretary of the Interior shall report to Congress at each session thereof all proceedings and findings done and had under the provisions of this section for such action as it may see proper to take thereon, and no claim or award under the provisions of this act shall be paid until Congress shall make an appropriation therefor.

"SEC. —. That whenever any deposits of coal are discovered in any lands hereafter disposed of by the United States, which deposits are by this act reserved to the United States, the Secretary of the Interior, under rules and regulations to be prescribed by him, with the approval of the President, may license any person or association of persons, citizens of the United States, to open up, develop, mine, remove, and dispose of any such coal: *Provided*, That no license shall continue for a period longer than six years, but the same may be renewed upon like conditions: *And provided further*, That no railroad or canal company or corporation, or other person, company, or corporation engaged in the business of common carriers, shall receive any license to mine such coal, or be permitted to have any interest, directly or indirectly, in the operation, conduct, or ownership of any coal mines under the provisions of this act: *And provided further*, That no person or association of persons shall receive a license, or be authorized to hold or operate, or be interested, directly or indirectly, in the holding or operation of more than 80 acres of such coal lands at any one time: *And provided further*, That the Secretary of the Interior may at any time revoke and annul any license granted under the provisions of this act, for any violation of law or of the rules and regulations of the Department, by any licensee or those claiming under him."

Mr. HOLMAN. I now ask for the previous question on the bill and pending amendments.

Mr. MCCULLOGH. Mr. Speaker, I have not very much to say about these amendments or about this bill, but I want to call the attention of the House to the fact that all things in relation to all men can not be limited and regulated in a public land bill. We are told in this bill that each individual shall be allowed to take 160 acres of land and each association 320 acres. No lawyer that I have ever seen, no lawyer who had ten clients proposing to go into an association would permit them to do so in order to take lands under this bill.

Any lawyer of common sense having ten clients who wished to form an association in the ownership of coal lands would first get 160 acres of land for each, and then having obtained the individual patents would form the association. Thus, those ten men, instead of owning 320 acres, would own 1,600 acres.

Mr. Speaker, the amendments just now offered are in the same line of foolishness. What boots it to insert in the bill provisos that patents shall not be granted for land having coal underneath it when the bill in its very terms provides that the surveyors and geologists shall classify this land, and that the agricultural land shall first be sold at $1.25 an acre? If some time or other coal be found below the surface of that land the man does not get his patent; the man who pays $10 an acre for coal lands does not get his patent. The bill does not say what it means.

Now let us legislate "straight." Let us say in our legislation what we mean. If we mean to give to a man 160 acres of coal land at $10 an acre, let him take it. If he should happen to find under it 2 feet of iron ore, as often happens in my county, why should he not be allowed the advantage? If he happens to find a piece of quartz with a little gold, why not let him take it? If he wants to go into partnership with a man who owns the next section, why should he not be allowed to do so?

If you pass such legislation as this, what is its effect? The honest settler who buys 160 acres of farming land, or the honest miner who buys 160 acres of coal land, is not safe in his title until the day when Gabriel's trump shall blow, because there may be underneath that land a grain of iron or a grain of gold.

Sir, you can not legislate against all the possibilities of the future. Legislate in honest, clear, common-sense terms, and let the future take care of itself. I have enough faith in the people to believe that when the time comes we can find whatever remedy we may require to restrain monopoly.

[Here the hammer fell.]

Mr. HOLMAN. I now rise for the purpose of calling the previous question on the bill and pending amendments. But I yield a moment to the gentleman from Oregon [Mr. HERMANN], who desires to correct a clerical error.

Mr. HERMANN. The language of section 27, in lines 8, 9, and 10, is as follows:

And no owner, master, or consignee of any vessel, or owner, director, or agents, agent of any railroad, shall knowingly transport the same.

I move to amend by striking out the word "same" and inserting "such timber."

Mr. HOLMAN. That is right.

The amendment was agreed to.

Mr. HOLMAN. I now call the previous question on the bill and amendments.

Mr. STONE, of Missouri. I rise to a parliamentary inquiry. I sent up an amendment which was read in my time, and which I desired to have voted upon. Under the operation of the previous question will there be a vote on that amendment?

Mr. HOLMAN. Certainly; upon all amendments which are pending.

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Indiana [Mr. HOLMAN] calls the previous question with the understanding that the amendment of the gentleman from Missouri shall be considered as pending.

Mr. HOLMAN. Before insisting on the previous question I must yield a moment to the gentleman from Michigan [Mr. SEYMOUR], who desires to offer an amendment.

Mr. SEYMOUR. I move to amend by adding to section 11 the following:

Any portion of an abandoned military reservation located within the limits of an incorporated city may be set apart and reserved, by order of the President, for public purposes.

Mr. HOLMAN. I now insist on the call for the previous question upon the bill and pending amendments.

The previous question was ordered.

The SPEAKER *pro tempore*. The first question is upon the amendment of the gentleman from Missouri [Mr. STONE] to the amendment of the gentleman from Wisconsin [Mr. SMITH].

The amendment was rejected.

The SPEAKER *pro tempore*. The next question is upon the amendment of the gentleman from Alabama [Mr. COBB] to the amendment of the gentleman from Wisconsin. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

After the words "United States," in the second line of the amendment, insert "except on the lands sold as coal or iron lands."

The amendment was rejected.

The SPEAKER *pro tempore*. The question is next on the amendment offered by the gentleman from Indiana [Mr. HOLMAN] as a substitute for the amendment of the gentleman from Wisconsin [Mr. SMITH].

Mr. WEAVER. I ask that the substitute of the gentleman from Indiana be read.

The Clerk read as follows:

That as to all lands hereafter sold the United States expressly reserves from sale all coal deposits therein; but notwithstanding this express reservation the purchaser of any such lands, his heirs, lessees, and assigns, may mine and dispose of coal in any such land until such time as Congress in its discretion shall determine that the public good requires further legislation in relation thereto, and shall by general laws take the control of any such coal deposits for the purpose only of protecting the same from monopoly and secure the product thereof at reasonable prices to the people; and such reservation shall be expressed in all patents issued for land hereafter disposed of under the provisions of this act.

Mr. RYAN. To what lands does this apply?

Mr. HOLMAN. It applies to all coal lands hereafter sold.

Mr. MCCULLOGH. I make a point of order on this amendment. The House having already passed those sections of the bill in which the classification of agricultural lands, coal lands, and mineral lands is provided for, I submit that this amendment is not in order, because it is in effect a reconsideration of those sections which have been passed.

Mr. WEAVER. The right to return to this proposition was expressly reserved.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania [Mr. MCCULLOGH] that the section proposed to be amended was passed informally, to be recurred to for the purpose of offering amendments. The question is on the substitute of the gentleman from Indiana for the amendment of the gentleman from Wisconsin.

Mr. SMITH, of Wisconsin. I am ready to accept that substitute.

The SPEAKER *pro tempore*. Still, it must be voted on.

The question being taken on agreeing to the substitute, there were—ayes 32, noes 22.

Mr. COBB. No quorum.

The SPEAKER *pro tempore*. The Chair appoints as tellers Mr. HOLMAN and Mr. COBB.

Mr. COBB. I would like to say a word.

The SPEAKER *pro tempore*. The previous question is pending.

Mr. COBB. I ask for just one minute to make a statement.

Mr. TILLMAN. Not unless time is given for reply.

Mr. COBB. I do not wish to enter into debate, but merely to make an explanation.

The SPEAKER *pro tempore*. Is there objection to allowing two minutes on each side?

There was no objection, and it was ordered accordingly.

Mr. COBB. Here is a provision thrust into this bill by the committee.

Mr. HOLMAN. Oh, no; the committee did not authorize it.

Mr. COBB. Then it was suggested by the chairman of the committee?

Mr. HOLMAN. I offered it as a substitute.

Mr. WEAVER. I consider it an honor to anybody to have brought it forward.

Mr. COBB. If gentlemen will allow me I will go on.

The SPEAKER *pro tempore*. The gentleman will proceed.

Mr. COBB. Coming as it does from the chairman of the committee, it has weight which it would not have if it came from anybody else. Here is an important measure put into this bill and hurried through without debate, affecting the policy of the Government in regard to public lands and seriously affecting the interests of our constituents. It is such a proposition I will not allow to pass without the presence of a quorum.

Mr. TILLMAN. I wish to have one minute for reply.

The SPEAKER *pro tempore*. The gentleman from South Carolina is entitled to the floor.

Mr. TILLMAN. The only condition prescribed by the substitute is that the Federal Government shall reserve mineral coal until such time as it thinks fit to make regulations to dispose of them or permit them to be mined.

Mr. WEAVER. They have the right to mine them now.

Mr. TILLMAN. Yes, purchasers have that right as the substitute reads.

Now, Mr. Speaker, four railroad companies have virtually absorbed control of every acre of the large anthracite coal fields in Pennsylvania. Jay Gould, I am told by responsible authority, has already acquired title to all the best coal lands in the State of Missouri, and that he is seeking such lands in Arkansas and Texas, as well as elsewhere in the West. The gentleman from Alabama knows, and if he does not I know the railroad corporations have virtually absorbed all the best bituminous coal lands.

Mr. McRAE. Under this bill they can only get 160 acres.

Mr. TILLMAN. Ah, but how easily can a railway corporation buy up each 160 acres that may be taken by a hundred or even a thousand purchasers, as has been done in Pennsylvania. All the lands of Pennsylvania were once public land belonging to the State.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HOLMAN. I ask for a vote.

The SPEAKER *pro tempore*. The tellers will take their places.

Mr. HOLMAN. I ask by unanimous consent that the vote be first taken on the amendment of my friend from California [Mr. BIGGS] which was passed over yesterday.

Mr. CHIPMAN. I have another provision in reference to railroad corporations taking up coal lands, which was also passed over.

Mr. HOLMAN. Let us take up and act upon the provision of the gentleman from California [Mr. BIGGS]. I ask that be done by unanimous consent.

Mr. OATES. There is a misunderstanding on the floor in regard to the meaning of the amendment. If I understood it aright I do not think it is objectionable.

Mr. HOLMAN. I ask by unanimous consent that the vote be first taken on the amendment of the gentleman from California [Mr. BIGGS].

Mr. FORD. I object, and I call for the regular order.

Mr. BIGGS. I want to make a statement. I believe I can expedite this business if permitted to proceed. [Cries of "Order!"]

The SPEAKER *pro tempore*. The only business in order is that the tellers shall resume their places.

Mr. ANDERSON, of Kansas. The previous question having been ordered on the bill and amendment, will this not come up to-morrow as the unfinished business?

The SPEAKER *pro tempore*. The Chair thinks it will.

Mr. ANDERSON, of Kansas. Then I move that the House adjourn.

Mr. WEAVER. I have a suggestion to make that I think will meet the difficulty. Give us a yea-and-nay vote without debate immediately after the reading of the Journal in the morning on the adoption of the substitute of the gentleman from Indiana, and there will be no further objection as far as I am concerned, and I believe that will meet the approval of everybody.

The SPEAKER *pro tempore*. That is, of course, for the House to determine.

Mr. COBB. I will agree to that. I do not know but that I may agree to this after I have had time to consider it. But it has been thrust upon us here so that we have not had an opportunity to examine it.

Mr. WEAVER. The gentleman from Alabama agrees to my suggestion. I want a square vote on the proposition. That is all.

Mr. McKENNA. This a remarkable proposition. You sell your coal lands at $10 an acre and keep your coal. Did you ever know of any government doing such a thing as that?

Mr. WEAVER. Did you ever know of any government sustaining monopolies?

Mr. BIGGS. I want one minute to explain my amendment before it is withdrawn.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment of the gentleman from Indiana, and the tellers will take their places.

Mr. WEAVER. Will the Chair submit my request to the House?

Mr. McCULLOGH. We can not order the yeas and nays here.

Mr. WEAVER. Why not? If we can have a yea-and-nay vote there will be no further objection.

Mr. McCULLOGH. Because you have got to call it by one-fifth of the members then present.

Mr. WEAVER. We can order the yeas and nays and then adjourn.

Mr. WILLIAMS. Regular order.

Mr. STONE, of Missouri. I demand the yeas and nays.

The yeas and nays were ordered, 36 members voting in favor thereof.

Mr. STONE, of Missouri. Now, a parliamentary inquiry. If the House should adjourn, would the call of the yeas and nays be the first thing in order after the reading of the Journal in the morning?

The SPEAKER *pro tempore*. That is a matter for the then occupant of the chair to determine.

Mr. MACDONALD. I ask unanimous consent to extend the time until 6 o'clock to consider this matter.

Mr. McCREARY. I rise to the point of order that such a request is not in order at this time.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

The question is upon the amendment of the gentleman from Indiana, upon which the yeas and nays have been ordered; and the Clerk will call the roll.

Mr. SPRINGER. Pending that, I move that the House adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BLISS: A bill (H. R. 10626) for the relief of Charles Gallagher—to the Committee on War Claims.

By Mr. DE LANO: A bill (H. R. 10627) granting a pension to George W. Shaffer—to the Committee on Invalid Pensions.

By Mr. DOCKERY: A bill (H. R. 10628) authorizing the construction of a bridge across the Missouri River, between Clay County and Jackson County, Missouri—to the Committee on Commerce.

By Mr. ENLOE: A bill (H. R. 10629) granting a pension to Washington Ryan—to the Committee on Pensions.

By Mr. McCULLOGH: A bill (H. R. 10630) to remove the charge of desertion from the military record of Miller Demaway—to the Committee on Military Affairs.

Also, a bill (H. R. 10631) granting a pension to John Vincent—to the Committee on Invalid Pensions.

By Mr. WILKINSON: A bill (H. R. 10632) for the relief of James E. Chaffee—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLISS: Memorial of Charles Gallagher, of New York City, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. BARRY: Petition of citizens of Buena Vista, Miss., to amend the interstate-commerce law—to the Committee on Commerce.

By Mr. BUTLER: Petition of D. C. Carmichael, administrator of Hamilton Carmichael, of W. J. Henard, of John P. Sloan, executor of Mohala J. Mayse, of Mary A. Pougle, of R. G. Netherland, of Mahalia Rucher, and of Sallie Green, widow of Thomas Green, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. DAVIS: Memorial of the New York Yearly Meeting of Friends, against the traffic in intoxicating liquors with the native races of Africa and the Western Pacific Islands—to the Committee on Foreign Affairs.

Also, memorial of the same for the establishment of a court of international arbitration—to the Committee on Foreign Affairs.

By Mr. GLASS: Petition of William Crews, of George S. Cunningham, of Nathaniel Harper, of Thomas Hutchinson, and of Sandy Hines, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. HOGG: Petition of William George, of Mason County, West Virginia, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. LYMAN: Petition of Margaret S. Lewis for a widow's pension—to the Committee on Invalid Pensions.

By Mr. MORROW: Petition of citizens of Nolan and Fisher Counties, Texas, in favor of schedule of duties on wool, as agreed upon by the wool-growers and woolen-manufacturers of Washington on January 14, 1888—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Joint memorial of the Board of Trade, Commercial Exchange, Maritime Exchange, Drug Exchange, and Vessel Owners and Captains' Association, of Philadelphia, against Senate bill 1448 and House bill 4923—to the Committee on Rivers and Harbors.

By Mr. J. D. STEWART: Petition of Nancy E. Wilson, of Fulton County, and of John M. Trimble, of Campbell County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of E. W. Eggleston, of Williamson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. YARDLEY: Petition of 57 citizens of Montgomery County, Pennsylvania, against the admission of Utah as a State with polygamy—to the Committee on the Territories.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. GIFFORD: Of 236 citizens of Stutsman and Ransom Counties, Dakota.

SENATE.

WEDNESDAY, *June* 27, 1888.

Prayer by Rev. FREDERICK D. POWER, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of April 30, 1888, a complete list of the laborers, skilled laborers, messengers, model-attendants, and other persons below the classified service who have been appointed or employed in the Interior Department in Washington since March 4, 1885; also a list of all persons who have been appointed in that Department in Washington since March 4, 1885, to any position, class, or grade, who have been since their appointment or are now employed in a position, class, or grade different from the one to which they were appointed, giving in detail the change in position, rank, or grade of employment in regard to each person separately; which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. PLUMB presented a petition of the Board of Trade of Oakley, Kans., praying for the passage of what is known as the Outhwaite Union Pacific funding bill; which was referred to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

Mr. MANDERSON presented a petition of the Board of Trade of Pierce, Nebr., praying for the passage of the so-called Outhwaite Union Pacific funding bill; which was referred to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

Mr. MANDERSON. I present a memorial of the Omaha Board of Trade, remonstrating against the passage of "what is known as the Wilson bill." I take it this is a bill which has originated in the House of Representatives, providing for the imposition of double customs duties upon property transported through Canada. Perhaps the memorial should be referred to the Committee on Interstate Commerce, and I move its reference to that committee.

The motion was agreed to.

Mr. COCKRELL presented the petition of John Thomas Vincent, late a private in Company G, First Regiment of Maryland Valtigeurs, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present a petition of the Randolph and Kansas City Bridge Company, praying for the passage of a bill for the construction of a ponton draw-span bridge across the Missouri River. I also present a petition numerously signed by citizens of Clay County, Missouri, and a petition of citizens of Kansas City, Mo., praying for the passage of the same bill. I move the reference of the petitions to the Committee on Commerce.

The motion was agreed to.

Mr. BROWN. I present a petition of the board of commissioners of the village of Summerville, near Augusta, Ga., praying that an appropriation of $20,000 be made for the purpose of boring, constructing, and equipping an artesian well at the Augusta arsenal. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2530) granting a pension to John C. Wagoner;

A bill (H. R. 9340) granting a pension to Lucy A. Noel;

A bill (H. R. 2064) granting a pension to Jacob F. Joseph;

A bill (H. R. 8078) granting a pension to Theresa Herbst, widow of John Herbst, late private, Company G, One hundred and fortieth Regiment of New York Volunteers;

A bill (H. R. 2046) for the relief of William E. Wheeler;

A bill (H. R. 2193) granting a pension to Elisha Wilkins; and

A bill (H. R. 5913) granting a pension to Thomas Shannon.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 9520) for the relief of Mary Fitzmorris, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments:

A bill (H. R. 10128) to authorize the construction and maintenance of a railroad bridge by the Birmingham, Atlantic and Air-Line Railroad and Banking and Navigation Company across the Oconee River, in Laurens County, State of Georgia;

A bill (H. R. 5096) authorizing the construction of a bridge across Flint River, in the State of Georgia;

A bill (H. R. 7438) granting to the Aberdeen, Bismarck and Northwestern Railway Company the right to construct and maintain a bridge across the Missouri River near Winona, Emmons County, Dakota;

A bill (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark.;

A bill (H. R. 7899) authorizing the construction of a bridge over the Tennessee River at or near Lamb's Ferry, Alabama, and for other purposes;

A bill (H. R. 3070) to authorize the construction of a bridge across the Missouri River in Montana; and

A bill (H. R. 3523) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 9611) to authorize the Macon, Tuscaloosa and Birmingham Railroad Company to build bridges across the Black Warrior River and the Tombigbee River, in Alabama; and

A bill (H. R. 5095) authorizing the construction of a bridge across the Ocmulgee River, in the State of Georgia, and for other purposes.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn., to report it adversely, with a recommendation that it be indefinitely postponed.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed if there be no objection.

Mr. VEST. I am also instructed by the Committee on Commerce, to whom was referred the bill (H. R. 2625) authorizing the erection of a bridge across the Missouri River at Ponca, Nebr., to report it adversely, with a recommendation that it be indefinitely postponed.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed, if there be no objection.

Mr. MANDERSON. These bridge bills come so much as a matter of course that I hope the Senator from Missouri will excuse me if I ask the reason for the adverse report.

Mr. VEST. The difficulty in that case is that there is no corporation, but simply an association of a number of individuals, and whether it is even an association does not appear. The rule of our committee is not to give permission to build a bridge across a navigable stream simply to a collection of individuals. Nobody is responsible in such a case, and they may sell out from day to day, so that we do not know who has the authority at last.

Mr. MANDERSON. I understand that has been the rule of the committee, and certainly no exception can be taken to that practice; but I understand that there is in the hands of the committee a Senate bill granting the right to build a bridge at the same locality, which is not subject to the objection stated by the Senator from Missouri.

Mr. VEST. I beg the Senator's pardon; the very same objection applies to that bill.

Mr. MANDERSON. Is there no corporation stated in it?

Mr. VEST. There is no corporation; and I call the attention of the Senator who offered it—I think it was the Senator's colleague—to the fact that the defect exists in that bill also. In the mean time the House bill comes before us in the same condition and subject to the same objection.

Mr. MANDERSON. We will try to remedy that difficulty before the session closes.

Mr. VEST. That is all the trouble. I did not go any further with the bill, because that is a rule we established after long experience, and that caused the adverse report.

I beg leave to state to the Senator from Florida [Mr. CALL], as he makes a side remark in regard to it, that it is not a question of right at all. We admit the right, but we found out in one or two instances, when we gave that right simply to individuals, that they would sell out, and there was nobody amenable to the power of Congress if an alteration had to be made in the bridge. As a matter of course, Congress could not hunt up Mr. Smith, Mr. Jones, and Mr. Brown, or their successors or assigns, through the country and serve writs upon them if the bridge should become a nuisance and be an obstruction to navigation. Therefore we have adopted the rule that there must be

some corporation which is amenable to the laws of Congress and to its jurisdiction.

Mr. CALL. I did not propose to take any part in this discussion. I happened to make a side remark which I still maintain is a very correct one, and which the Senator from Missouri has in no respect answered. I understand the objection he makes to this bill on the part of the committee is that the grantee of this franchise is not a corporation, and that the right to build a bridge was denied because it was not an artificial person, the assumption being that certain peculiar rights attach to an artificial person which as a matter of public policy should be favored so much as to refuse the grant of a public franchise to a natural person or an association of natural persons, and to require them to become an artificial person incorporated by law. I know of no difference between the rights which can be given by law to a corporation and those which can be given to a natural person; they are the same in their responsibility and subjection to law, in theory at least, and in fact the law is much more easily enforced against natural than artificial persons.

Mr. VEST. I beg the Senator's pardon; I did not make any such statement. I do not claim that there are any peculiar rights. I simply say, as a question of expediency and policy, that the right ought not to be given to a lot of individuals. We have found that out by experience.

Mr. CALL. The Senator's argument demands it, and necessarily demands it; I speak not of what he individually claims. A corporation is nothing but a person, an artificial person, and differs in no respect in its rights nor in its powers except in the right of succession.

Mr. VEST. No lawyer disputes that. That is not the question at all.

Mr. CALL. But the Senator's argument disputes it.

Mr. VEST. I beg the Senator's pardon; my argument does not. I simply say that Congress under the decision of the Supreme Court has the unquestionable right to remove any bridge which turns out to be an obstruction to navigation. In order to do that it must serve notice upon the persons to whom that right has been given, either by a State or by Congress itself. In one instance, in the State of Illinois, this right was granted to a number of individuals. It was afterwards found necessary to serve notice upon them, which is just and proper in all such cases, that the bridge must be altered or removed, because it had been found to be a nuisance and obstruction to navigation. We found that the persons to whom the right had been originally given had sold out, and it became in that case impossible to ascertain who were the lawful owners of the bridge. If it had been a corporation no such difficulty would have existed. If it had been an artificial person we could easily have served notice upon it, or if it had sold, on its assigns. That is the whole point in the case.

Mr. PADDOCK and Mr. CALL addressed the Chair.

Mr. VEST. I suggest that we can take up this question when the bridge bills come up. I want to finish my reports from the Committee on Commerce.

Mr. CALL. I propose to make an observation.

Mr. VEST. If the Senator from Florida wants to discuss the question he will have ample opportunity hereafter.

Mr. PADDOCK. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Missouri is entitled to the floor, and has been recognized to make reports from a committee. Does he yield to the Senator from Nebraska?

Mr. VEST. Yes, sir.

Mr. PADDOCK. I understood the Senator from Missouri to refer to the fact that I had introduced a similar bill.

Mr. VEST. I do not remember who introduced it.

Mr. PADDOCK. I do not remember to have introduced such a bill.

Mr. VEST. Then I beg the Senator's pardon.

Mr. PADDOCK. In reference to the bill just reported, I wish to say that it can be very easily corrected.

Mr. VEST. I suppose so. I have stated the only trouble.

Mr. PADDOCK. I agree fully with the Senator in his views as to the framework of the bill. Probably it had better go to the Calendar.

Mr. VEST. Certainly.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska desire to have the bill placed on the Calendar with the adverse report?

Mr. PADDOCK. Yes, sir.

Mr. VEST. It can be placed on the Calendar.

The PRESIDENT *pro tempore*. It will be so ordered, if there be no objection.

Mr. VEST, from the Committee on Commerce, to whom was referred the amendment of the House of Representatives to the bill (S. 1701) authorizing the construction of a high wagon-bridge across the Missouri River at or near Sioux City, Iowa, reported it with amendments.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 9587) granting a pension to Louise F. D. Hoit, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 362) to increase the pension of Charles W. Sanborn, reported it without amendment, and submitted a report thereon.

Mr. SHERMAN. I report back from the Committee on Foreign Relations the bill (S. 343) for the encouragement of closer commercial relationship, and in the interest of and the perpetuation of peace between the United States and the Republics of Mexico and Central and South America and the Empire of Brazil, and I ask that the committee be discharged from its further consideration, the material provisions of the bill having been already incorporated in a bill that is now a law.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the bill if there be no objection.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3537) granting a pension to Cullen W. Green;

A bill (H. R. 4762) granting a pension to Benjamin F. Howard;

A bill (H. R. 6603) to grant a pension to the minor children of Levi M. Hunter, deceased; and

A bill (H. R. 8704) granting a pension to Julia Bryan, late nurse at Jeffersonville Hospital.

Mr. DOLPH, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH, from the Committee on Commerce, submitted a report to accompany the bill (S. 707) providing for the purchase of a site and the construction of a wharf in Astoria, Oregon, for the use of the Light-House Department, heretofore reported.

He also, from the same committee, submitted a report to accompany a bill (S. 2778) making an appropriation for the purchase of a site and the construction of a light-house on the headlands near the mouth of the Umpqua River, in the State of Oregon, heretofore reported.

CONSTRUCTION OF BRIDGES.

Mr. VEST. I am instructed by the Committee on Commerce, to whom were referred the amendments of the House of Representatives to the bill (S. 1524) to authorize the construction of a bridge over the Tennessee River between Bridgeport and Sheffield, Ala., to report it with the recommendation that the Senate concur in the first and non-concur in the second amendment of the House of Representatives.

The PRESIDENT *pro tempore*. The first House amendment will be reported.

The CHIEF CLERK. On page 1, line 20, after the word "bridge," the House of Representatives inserted the following:

And equal privileges in the use of said bridge shall be granted to all telegraph companies.

The amendment was concurred in.

The next amendment of the House of Representatives was, on page 3, at the end of line 3, to add:

And if said bridge shall not be finished within two years from the passage of this act, the rights and privileges hereby granted shall be null and void.

Mr. VEST. That same provision, I will state, is found in the bill as passed by the Senate. Therefore there is no necessity for the amendment. I think it was an oversight.

The amendment was non-concurred in.

The PRESIDENT *pro tempore*. Does the Senator from Missouri ask for a conference on the disagreeing votes of the two Houses?

Mr. VEST. I move that a conference be requested.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. SAWYER, and Mr. DOLPH were appointed.

Mr. VEST. I am also instructed by the Committee on Commerce, to whom were referred the amendments of the House of Representatives to the bill (S. 1626) to authorize the construction of a bridge over the Caney Fork River, between Rock Island and Carthage, in Tennessee, to report in favor of concurring in the first and non-concurring in the second amendment.

The PRESIDENT *pro tempore*. The amendments of the House of Representatives will be stated.

The CHIEF CLERK. On page 1, line 20, after the word "bridge," the House of Representatives inserted:

And equal privileges in the use of said bridge shall be granted to all telegraph companies.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next amendment of the House of Representatives will be stated.

The CHIEF CLERK. On page 2, at the end of line 28, the House of Representatives added the following:

And if said bridge shall not be finished within two years from the passage of this act, the rights and privileges hereby granted shall be null and void.

The amendment was non-concurred in.

Mr. EDMUNDS. I wish to suggest to add to the amendment of the committee to the first paragraph, after the word "companies," the words "and the United States," so that if the United States should ever have a telegraph we should have the right to use the bridge for telegraph purposes.

Mr. VEST. That same provision is in the bill.

Mr. EDMUNDS. It is in the bill already?

Mr. VEST. Yes, in another portion of it.

Mr. EDMUNDS. All right then.

Mr. VEST. I move that the Senate ask for a conference with the House of Representatives on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. SAWYER, and Mr. DOLPH were appointed.

Mr. VEST. I am also instructed by the Committee on Commerce to report back a number of Senate bills to which there were formal amendments made by the House of Representatives, with the recommendation that the Senate concur in the amendments.

The PRESIDENT *pro tempore*. The bills will be severally reported by their titles and the amendments of the House of Representatives considered, if there be no objection.

The CHIEF CLERK. A bill (S. 322) to authorize the Southwest Arkansas and Indian Territory Railroad to build a bridge across the Ouachita River, in Arkansas.

The PRESIDENT *pro tempore*. The amendments of the House of Representatives will be stated.

The CHIEF CLERK. On page 1, line 15, after the word "bridge," insert:

And equal privileges in the use of said bridge shall be granted to all telegraph companies.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next amendment will be stated.

The CHIEF CLERK. The House of Representatives inserted as new sections the following:

SEC. 4. That the bridge hereby authorized to be constructed may be used by any other railroad company desiring to cross the Ouachita River at the point where said bridge is built. The amount of compensation to be paid the corporation controlling said bridge shall be fixed by the parties; and in the event of their being unable to agree on the amount, the Secretary of War shall establish such rate of compensation. The right of Congress to repeal, alter, or amend the provisions of this act is hereby expressly reserved.

SEC. 5. That unless the construction of this bridge be commenced within one and completed within three years after the passage of this act, all privileges conferred hereby shall become null and void.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The next bill reported will be stated.

The Senate proceeded to consider the amendment of the House of Representatives to the bill (S. 1883) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Muscatine, Iowa.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be stated.

The CHIEF CLERK. On page 3, line 5, after the word "bridge," insert:

And equal privileges in the use of said bridge shall be granted to all telegraph companies.

The amendment was concurred in.

The CHIEF CLERK. A bill (S. 2674) authorizing the construction of a bridge across the Missouri River at or near the city of Nebraska City, Nebr., and for other purposes.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be stated.

The CHIEF CLERK. On page 4, line 16, after "United States," the House of Representatives inserted the following:

And equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes.

The amendment was concurred in.

The CHIEF CLERK. A bill (S. 560) to authorize the Columbia River Bridge Company to construct and maintain a bridge across the Columbia River, between the State of Oregon and the Territory of Washington, and to establish it as a post-road.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be stated.

The CHIEF CLERK. On page 1, at the end of line 20, the House of Representatives inserted:

And equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

The amendment was concurred in.

The CHIEF CLERK. A bill (S. 1404) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be stated.

The CHIEF CLERK. On page 2, line 16, after the word "bridge," the House of Representatives inserted:

And equal privileges in the use of said bridge shall be granted to all telegraph companies.

The amendment was concurred in.

The CHIEF CLERK. A bill (S. 1405) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be stated.

The CHIEF CLERK. On page 2, line 26, after the word "bridge," the House of Representatives inserted:

And equal privileges in the use of said bridge shall be granted to all telegraph companies.

The amendment was concurred in.

The CHIEF CLERK. A bill (S. 667) authorizing the construction of a bridge across the Red River of the North.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be stated.

The CHIEF CLERK. On page 3, line 30, after the word "bridge," the House of Representatives inserted:

And equal privileges in the use of said bridge shall be granted to all telegraph companies.

The amendment was concurred in.

The CHIEF CLERK. A bill (S. 2199) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across Bayou D'Arbonne, in Louisiana.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be stated.

The CHIEF CLERK. On page 2, line 23, after "United States," the House of Representatives inserted:

And equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

The amendment was concurred in.

The CHIEF CLERK. A bill (S. 1882) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Clinton, Iowa.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be stated.

The CHIEF CLERK. On page 3, line 31, after the word "bridge," the House of Representatives inserted:

And equal privileges in the use of said bridge shall be granted to all telegraph companies.

The amendment was concurred in.

RELATIONS WITH CANADA.

Mr. FRYE. I was instructed by the Committee on Foreign Relations to report to the Senate a resolution that the Committee on Foreign Relations "be authorized to employ the necessary assistants for the examination and revision of the statistical and other information collected by the said committee," etc. I suppose under the rules it will be necessary to refer the resolution to the Committee on Contingent Expenses.

The resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Committee on Foreign Relations be authorized to employ the necessary assistants for the examination and revision of the statistical and other information collected by the said committee, in response to a resolution of the Senate which passed February 8, 1888, directing the said committee to prepare for the use of the Senate certain information touching the commercial relations of the Dominion of Canada and the United States and other subjects as are fully set forth in said resolution, and that the necessary expenses thereof be paid out of the contingent fund of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had receded from its disagreement to the amendments of the Senate to the following bills, and agreed to the same:

A bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased; and

A bill (H. R. 3839) granting a pension to Hettie K. Painter.

The message also announced that the House insisted upon its amendments to the bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRISP, Mr. PHELAN, and Mr. ANDERSON, of Iowa, managers at the conference on its part.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 3222) to authorize the construction of a bridge across the Missouri River at a point between Kansas City, Mo., and a point 5 miles below said city; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL (by request) introduced a bill (S. 3223) to authorize the construction of railroad bridges over the St. Mary's and St. John's Rivers, in the States of Georgia and Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WILSON, of Maryland, introduced a bill (S. 3224) for the restoration of William C. Spencer, of Maryland, to the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 3225) for the relief of David Morrow; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3226) granting the Leavenworth Rapid Transit Railway Company the right to construct and operate its railroad through a portion of the military reservation at Fort Leavenworth,

Kans.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CHANDLER introduced a bill (S. 3227) relative to the rules and regulations allowing projections from buildings and permitting carriageways across sidewalks in the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3228) to reduce the bureaus and improve the organization of the Navy Department; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SAWYER introduced a bill (S. 3229) to establish a light at or near Cedar River Point, at the mouth of Cedar River, Green Bay, Michigan; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3230) granting a pension to Martha J. Cole; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON (by request) introduced a bill (S. 3231) to provide for the construction of a railroad from Sturgis, Lawrence County, Dakota Territory, to some point on the Burlington and Missouri River Railroad, in Wyoming Territory, to the west of the Black Hills; which was read twice by its title, and referred to the Committee on Railroads.

Mr. EVARTS introduced a bill (S. 3232) granting a pension to Adam Velten; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 3233) for the relief of James H. Hamilton; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3234) to provide for writs of error to the district court of the United States for the western district of Arkansas in certain cases; which was read twice by its title.

Mr. JONES, of Arkansas. In presenting this bill I desire to call the especial attention of the Committee on the Judiciary to the wrong which the bill is designed to remedy.

The district court of the United States sitting at Fort Smith has jurisdiction of a large extent of the Indian country. It is almost constantly in session and tries a great number of capital felonies at every term. Scarcely a term of that court passes without the conviction in capital cases of from half a dozen to a dozen men. The court being situated in the western part of the State of Arkansas, just on the line of the Indian country, it is not easily accessible to the circuit judge for that circuit, and the statutes provide that the district judge shall sit with circuit-court powers. The result is that in all capital cases where numbers of men are tried for their lives and convicted and executed, there is no appeal; there is no other court authorized to examine the trials and to correct any errors of law which may occur.

This is an anomaly in our judicial system which, it seems to me, the commonest principles of humanity demand should be changed in some way. If Chief-Justice Marshall himself could rise from the dead and preside in the district court, I for one would believe that any American citizen brought before that court, tried for his life, and convicted of a capital felony, if he thought he had suffered wrong at the hands of the court, ought to have the right to have the proceeding reviewed.

This state of things, I confess, I do not know whether the bill I have presented will remedy in a proper way; but I hope that the able lawyers who constitute the Judiciary Committee, after their attention has been called to this wrong, if it exists, if the bill is not a proper one, will frame a bill and report it to the Senate, providing some sort of remedy for what seems to be an outrageous wrong.

Mr. VEST. Bills have been reported from the Judiciary Committee for the establishment of courts in the Indian Territory and doing away with courts having outside criminal jurisdiction. Until those bills are disposed of and the policy of the Government in regard to that Territory as to judicial functions is settled, very little can be done in the direction suggested by the Senator from Arkansas.

I agree with him entirely, however, omitting any discussion on the other bills, that some appellate jurisdiction should be provided. It is not using language too strong to say that it is a shame and outrage upon our civilization that human beings are found by the half dozen—not one; that attracts no attention at Fort Smith now, but six at a time—under the judgment of a single man, with the verdict of a jury not of the vicinage, but of a State outside of the Territory where these people live, and there is no appeal from that decision.

Whilst the laws of the United States give appellate jurisdiction to the Supreme Court as to matters of property over a certain amount, here, where the lives of human beings are at stake, for years men have been executed without any right to ask the judgment of the Supreme Court of the United States whether it be judicial murder or not.

I agree fully with the Senator from Arkansas, but until these other matters are disposed of it is hardly possible that we shall arrive at any conclusion as to the present bill.

Mr. JONES, of Arkansas. I wish to have the bill referred to the Committee on the Judiciary. I did not hear the concluding sentence of the Senator from Missouri, but I do not understand that he objected to the reference of the bill.

Mr. VEST. Not at all.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

Mr. BLAIR introduced a bill (S. 3235) granting an increase of pension to George L. Warren; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 3236) granting an increase of pension to George A. Washburn, late major Sixteenth Connecticut Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILL.

Mr. DOLPH and Mr. PLUMB submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

HETTIE K. PAINTER.

Mr. PADDOCK submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3839) granting a pension to Hettie K. Painter, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House concur in the Senate amendment to the said bill.

A. S. PADDOCK,
C. K. DAVIS,
D. TURPIE,
Managers on the part of the Senate.

J. LOGAN CHIPMAN,
CARLOS FRENCH,
E. N. MORRILL,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The House of Representatives having concurred, no further action is required by the Senate.

MARY M. BRIGGS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 899) for the relief of Mary M. Briggs, which was, in line 5 of the bill, to strike out "twenty-five" and insert "twelve."

Mr. SAWYER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Calendar under Rule VIII is in order.

Mr. FRYE. I move that the Senate proceed to the consideration of the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from Maine moves to lay aside the pending order, that the Senate may proceed to the consideration of the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The PRESIDENT *pro tempore*. The amendments of the committee will be acted on as they are reached in the reading of the bill, unless objection be made.

The Chief Clerk proceeded to read the bill.

The first amendment reported by the Committee on Commerce was, in section 1, after line 15, to insert:

For commencing the construction of a breakwater from Mount Desert to Porcupine Island, Maine, $50,000.

The amendment was agreed to.

The next amendment was, in section 1, line 20, to increase the appropriation for "improving harbor at Portland, Me.: Continuing improvement," from $25,000 to $40,000.

The amendment was agreed to.

The next amendment was, in section 1, line 23, after the words "Back Cove," to insert "Portland Harbor;" and in line 24, before the word "thousand," to strike out "fifteen" and insert "twenty-five;" so as to make the clause read:

Improving harbor at Back Cove, Portland Harbor, Maine: Continuing improvement, $25,000.

The amendment was agreed to.

The next amendment was, in section 1, line 32, before the word "thousand," to strike out "ten" and insert "twenty-five;" so as to make the clause read:

Improving harbor of refuge at Little Harbor, New Hampshire: Continuing improvement on the enlarged plan, $25,000.

The amendment was agreed to.

Mr. FRYE. In line 34, in the clause, "Improving harbor at Burlington, Vt.: Continuing improvement, $25,000," the committee have instructed me to offer an amendment increasing that amount to $40,000, striking out "twenty-five" and inserting "forty."

Mr. HARRIS. I suggest to the Senator from Maine that we act upon

the committee amendments as they appear in print, and he can make a memorandum of and move afterwards other amendments.

Mr. FRYE. There are only four throughout the whole bill.

Mr. HARRIS. I shall not object to any course the Senator proposes, but I think what I have suggested would be the better way.

Mr. FRYE. As there are only four such amendments in the whole bill I thought it better to suggest them as they were reached.

The PRESIDENT *pro tempore*. The amendment of the Senator from Maine will be stated.

The CHIEF CLERK. In line 34, before the word "thousand," it is proposed to strike out "twenty-five" and insert "forty;" so as to read:

Improving harbor at Burlington, Vt.: Continuing improvement, $40,000.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Commerce was, in section 1, after line 34, to insert:

Improving the channel between the islands of North Hero and South Hero, Lake Champlain, Vermont, $10,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to the clause appropriating $125,000 for improving the harbor of Boston, Mass., in line 44.

Mr. FRYE. The committee instruct me to move to add at the end of line 44 the following words:

And so much thereof as may be necessary may be expended in extending the sea-wall at Gallup's Island.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 92, before the word "thousand," to strike out "ten" and insert "fifteen;" in line 93, after the word "harbor," to strike out "and;" and in line 94, after the word "breakwater," to insert "and $5,000 for removing sand-bar at entrance of harbor;" so as to make the clause read:

Improving harbor at Block Island, Rhode Island: Continuing improvement, $15,000; of which sum $6,000 are for inner harbor, $4,000 for breakwater, and $5,000 for removing sand-bar at entrance of harbor.

The amendment was agreed to.

The next amendment was, in section 1, line 108, after the word "breakwater," to insert "and the Secretary of War is authorized, in his discretion, to expend any portion of said sum in commencing its construction;" so as to make the clause read:

Improving breakwater at New Haven, Conn.: Continuing improvement, $75,000; and the Chief of Engineers may, if deemed necessary, relocate the western breakwater; and the Secretary of War is authorized, in his discretion, to expend any portion of said sum in commencing its construction.

The amendment was agreed to.

The next amendment was, in section 1, line 114, before the word "thousand," to strike out "three" and insert "twenty-eight;" and in the same line, after the word "dollars," to insert "$25,000 of which shall be expended in dredging and deepening the channel in the lower harbor up to Wilson's Point;" so as to make the clause read:

Improving harbor at Norwalk, Conn.: Continuing improvement, $28,000; $25,000 of which shall be expended in dredging and deepening the channel in the lower harbor up to Wilson's Point.

The amendment was agreed to.

The next amendment was, in section 1, after line 123, to insert:

Improving harbor at Milford, Conn.: To complete improvement, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 127, after the words "two hundred," to insert "and fifty;" so as to make the clause read:

Improving harbor at Buffalo, N. Y.: Continuing improvement, $250,000.

The amendment was agreed to.

The next amendment was, in section 1, line 128, after "New York," to strike out "continuing" and insert "to complete;" and in line 129, after the word "improvement," to strike out "one hundred" and insert "ninety-five;" so as to make the clause read:

Improving Buttermilk Channel, N. Y.: To complete improvement, $95,000.

Mr. EVARTS. In regard to this item, will the chairman of the committee allow me to ask, where is the propriety of reducing the House appropriation of $100,000 down to $95,000?

Mr. FRYE. The report of the Chief of Engineers shows that in order to complete the entire improvement $95,000 are required. We can not properly go beyond that in the amount of the appropriation.

Mr. EVARTS. I would suggest, as no more will be expended than is required, that it is hardly worth while to make this amendment when perhaps the $5,000 may be wanted and necessary in some further consideration of the subject.

Mr. FRYE. As the Engineer Department always makes an allowance of 15 to 20 per cent. for contingencies, there can not be any question about the $95,000 completing the work, and the bill would not look exactly right to have an increase over and above the entire amount that the Chief of Engineers says will be necessary.

Mr. EVARTS. That might be if the completion was certain for the amount, but I do not suppose it is.

The PRESIDING OFFICER (Mr. BERRY in the chair). The question is on the amendment of the Committee on Commerce.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, to strike out lines 131 and 132, as follows:

Improving harbor at Sheepshead Bay, New York: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out lines 135 and 136, as follows:

Improving harbor at Canarsie Bay, New York: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 138, before the word "thousand," to strike out "twenty-five" and insert "forty-five;" so as to make the clause read:

Improving harbor at Charlotte, N. Y.: Continuing improvement and repairs, $45,000.

The amendment was agreed to.

The next amendment was, in section 1, line 141, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

Improving harbor at Dunkirk, N. Y.: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, in section 1, line 145, after the word "improvement," to insert:

By deepening to 21 feet mean low water and widening the channel to 400 feet on the northerly side from the foot of Percival street, along the wharves to the 23-foot curve, opposite the entrance to the Erie Basin.

And in line 149, before the word "thousand," to strike out "twenty" and insert "sixty;" so as to make the clause read:

Improving channel at Gowanus Bay, New York: Continuing improvement by deepening to 21 feet mean low water and widening channel to 400 feet on the northerly side from the foot of Percival street, along the wharves to the 23-foot curve, opposite the entrance to the Erie Basin, $60,000.

The amendment was agreed to.

The next amendment was, in section 1, line 153, after the word "dollars," to insert:

And the engineer in charge, with the approval of the Secretary of War, may use such part of this appropriation for dredging and deepening the channel and harbor as he may deem proper.

So as to make the clause read:

Improving harbor at Little Sodus Bay, New York: Continuing improvement, $16,000. And the engineer in charge, with the approval of the Secretary of War, may use such part of this appropriation for dredging and deepening the channel and harbor as he may deem proper.

The amendment was agreed to.

The next amendment was, in section 1, line 171, after the word "New York," to strike out "Continuing" and insert "To complete;" and in line 172, before the word "thousand," to strike out "five" and insert "seven;" so as to make the clause read:

Improving harbor at Plattsburgh, N. Y.: To complete improvement, $7,000.

The amendment was agreed to.

The next amendment was, in section 1, line 173, after "New York," to strike out "Continuing" and insert "To complete;" so as to make the clause read:

Improving harbor at Rondout, N. Y.: To complete improvement, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 183, after "New York," to strike out "Continuing improvement" and insert "For repair of dikes;" so as to make the clause read:

Improving harbor at Saugerties, N. Y.: For repair of dikes, $12,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out lines 191 and 192, as follows:

Improving and completing breakwater at entrance to Port Jefferson Harbor, New York, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 199, after the word "improvement," to insert "by dredging;" so as to make the clause read:

Improving channel between Staten Island and the New Jersey shore, New York and New Jersey: Continuing improvement, by dredging, $15,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 199, to insert:

Improving Arthur Kill, between Staten Island and the New Jersey shore, New York and New Jersey: Dredging and straightening channel near Staten Island bridge, and removing the point of land westerly of same, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 205, before the word "thousand," to strike out "twenty" and insert "thirty-five;" so as to read:

Improving harbor at Raritan Bay, New Jersey: Continuing improvement, $35,000.

The amendment was agreed to.

The next amendment was, in section 1, line 216, after the word "them," to insert "and the shoals adjacent thereto," and in line 219, before the words "hundred and fifty thousand," to strike out "two" and insert "five;" so as to read:

Improving the harbor of Philadelphia: For the removal of Smith's Island and Windmill Island, in the State of Pennsylvania, and Petty's Island, in the State of New Jersey, or such parts of them and the shoals adjacent thereto as may be required, and for the improvement of the harbor between the cities of Philadelphia, Pa., and Camden, N. J., $550,000.

Mr. REAGAN. I ask the chairman of the committee which of the islands are to be removed, Smith's Island or Windmill Island, and what is the estimate of the cost of purchasing them?

Mr. FRYE. The cost of purchasing the islands will probably be, as the evidence appeared, about $600,000, and the cost of the entire improvement, I think my recollection is, about two and a half million dollars.

Mr. REAGAN. It seems to me that this item deserves some consideration before it is adopted by the Senate. There is ample room in front of Philadelphia for the shipping there. These islands are natural islands, and have been there always. We should understand what we are to do before we enter on a work to cost millions of dollars. I think the committee ought to state to the Senate what the probable cost of this will be and what the necessity of it is. There is ample room for navigation there now, I believe.

It is true that these islands lie between the shore on the Philadelphia side and the shore on the New Jersey side; but there are navigable pathways across there to any depth of water that is needed. Additional pathways may be made by dredging, if necessary; but I do not understand that we should enter carelessly and indifferently on a work of this kind, which seems to me more a work of fancy than of real necessity, at an expense of millions of dollars.

Mr. FRYE. The Senator is mistaken in supposing that in the harbor of Philadelphia there is ample room. With the present size of the ships used in commerce there is no room even for a ship to turn. The basin there is somewhat in the shape of a horseshoe, and the current is very sharp and presses in around the inner ring of this horseshoe, the wharves being around the ring. There is great depth of water near those wharves, but on account of that great depth of water they extend now as far out as they can. These islands occupy a distance in length of about 130 feet, and there are shoals both below and above the islands. For a distance of a half mile below Windmill Island there is less than 12 feet of water. I read from the committee's report:

These two islands, with the adjacent shoals, thus practically form a continuous obstruction in the river opposite the centers of the water fronts in both Philadelphia and Camden, extending 1¼ miles, if we consider only the portions of the shoals having less than 6 feet of water, or 2 miles if we include all of the shoals covered with less than 12 feet. The width of even the 12-foot channel between this obstruction and the heads of the Philadelphia wharves, for 1¼ miles, is from 750 to 1,000 feet, and the wharves can only be extended by diminishing this width, already too small. The greatest length of these docks is but 260 feet, while, as is well known, the larger ocean steamships are much longer. The part of the river on the Camden side of the islands is almost useless as a portion of the harbor, as it is thus so thoroughly cut off from the Philadelphia side.

I desire to say to the Senator from Texas that in the mind of the committee there was not the slightest question whatever about the propriety of the removal of these shoals and of these islands. I did not give the Senator the cost correctly. The cost is probably about $3,500,000 instead of $2,500,000 as I stated.

The only question with the committee was as to the propriety of Congress purchasing the islands which it is proposed to remove. The proposition was made before the committee that Congress appropriate $300,000 towards the purchase of the islands, and I suppose the people of Philadelphia will furnish the rest. There was a discussion in relation to it in the committee. The chairman of the committee is free to say that he was opposed to appropriating any money for the purchase of the islands, believing that Philadelphia could purchase them itself instead of the United States, but the large majority were favorable to the appropriation of $300,000 towards the purchase of the islands.

As to improving the harbor of Philadelphia, one of the greatest cities in the United States, and bringing into use the chances for docks on the Camden side as well as the opportunity of extending the wharves on the Philadelphia side, there can not be any possible question even though it should cost $5,000,000. The committee was not deterred in relation to that at all.

Mr. VEST. Mr. President, I want to supplement what has been stated by the Senator from Maine. I voted for this amendment in the committee. I coincide with the general views of the Senator from Texas. I believe in appropriations for improvements of national importance. If there are in the river and harbor bill any of a different character, that is an evil against which we have never found a remedy; but this appropriation is eminently a national one. The commerce there is second only to that which goes into the port of New York, and while it appeared to the engineers that the cost will be $3,500,000, it is not by any means an exorbitant appropriation. If my friend from Texas had paid the attention to this amendment that it became our duty upon the Committee on Commerce to give, he would find that the appropriation is just and proper. The engineers state that—

These islands, with their dependent shoals, besides being obstructions to the cross traffic between Philadelphia and Camden, practically reduce the width of the Delaware opposite them on the Philadelphia side to about 750 feet.

The whole argument in a nutshell, without reading in full, is this:

Smith's and Windmill Islands and the adjacent shoals should be removed, so as to give a 26-foot channel, about 1,000 feet wide, alongside the revised Philadelphia wharf-line, from Kaighn's Point to the foot of Petty's Island. If, in the progress of the work, it is found a wider deep channel can be maintained, it may ultimately be advisable to increase the 26-foot channel to 1,500 feet width.

To-day the commerce of the city of Camden is almost entirely cut off by the condition of the river, and it is one of the most promising of the Eastern cities. The commerce between Philadelphia and Camden is by no means inconsiderable; and in addition to that there is all the commerce of the Delaware River reduced now to this 750-foot channel, and that diminishing from year to year. This is, I said, one of the most important improvements in this whole bill, and there was nothing in it which commended itself more to my judgment in the whole investigation we made in regard to this bill.

Mr. REAGAN. Mr. President, I am certainly always in favor of the most liberal appropriations for such national works as the improvement of the Delaware River and the facilitation of the commerce of Philadelphia. I know about the matter from having personally examined the river there.

It seems to me in regard to the objection which is urged, that large vessels can not conveniently turn between these islands and the Pennsylvania shore, that it would have been much cheaper to obviate that by dredging the river above or below the islands and by dredging a channel on the New Jersey side of the islands, if it is desirable to have an additional channel on that side. It may be necessary to do that in order to give ample facilities there, but I do not like to support a measure which looks to me more like a very large job for the owners of these islands than a work for the benefit of commerce. Certainly it would be cheaper to dredge the channel of the river than to remove the islands and then dredge under them. It seems to me we had better adopt the plan of improving the river than of removing land to get water beneath where the land now stands. Why not dredge on either side of the islands and thus give room enough for ships to turn?

Mr. VEST. I will say in answer to my friend from Texas that we of course depend on the judgment of the engineers. They recommend that these islands be removed. As a matter of course if the Senator from Texas has personal knowledge of the matters suggested by them which lead his judgment to a different conclusion, I have nothing to say; but we had before us what I commend to the attention of my friend, on page 30 of the report of the committee, the conclusion come to by the Engineer Bureau, and, as the chairman of the committee has properly remarked, the only question in our minds was as to the purchase of the islands. Some of the committee thought the city of Philadelphia ought to purchase them. I came to the conclusion that the same principle ought to apply to a city as to a hamlet; that if this improvement was national the Government ought to pay for it; and because Philadelphia was the second city in the Union we had no right to say that she should buy these islands and present them to the Government for the purpose of having control of them.

We were unanimous in regard to the importance of this improvement. The evidence was absolutely conclusive beyond all reasonable doubt that this improvement ought to be made. Three million five hundred thousand dollars is a bagatelle compared with the enormous commerce to be moved.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 220, after the word "dollars," to strike out:

Provided, That no part of this sum shall be expended until the title to the lands forming said islands shall be acquired and vested in the United States without charge to the latter.

And insert:

Of which sum $300,000 may be expended for the purchase of said islands.

The amendment was agreed to.

The next amendment was, in section 1, line 235, after the word "improvement," to insert "and widening channel to 600 feet;" and before the word "hundred," in line 236, to strike out "two" and insert "three;" so as to make the clause read:

Improving harbor at Baltimore, Md.: Continuing improvement and widening channel to 600 feet, $350,000.

The amendment was agreed to.

The next amendment was, in section 1, line 245, after the word "improvement," to strike out "between Lambert's Point and Fort Norfolk, $10,000; and;" and in line 246, after the words "one hundred and," to strike out "eight" and insert "nine;" so as to make the clause read:

Improving approach to Norfolk Harbor and the United States navy-yard at Norfolk, Va.: Continuing improvement, the balance of $109,000 of former appropriations made under this head and available July 1, 1887, is hereby authorized to be expended according to the modified plan of the engineer in charge.

The amendment was agreed to.

The next amendment was, in section 1, line 261, after the word "dollars," to insert "of which $5,000 may be expended on Mount Pleasant

shore of inner harbor of Charleston, S. C.;" so as to make the clause read:

Improving harbor at Charleston, including Sullivan's Island, South Carolina: Continuing improvements, $350,000, of which $5,000 may be expended on Mount Pleasant shore of inner harbor of Charleston, S. C.

The amendment was agreed to.

The next amendment was, in section 1, line 265, after the word "dollars," to strike out "of which $5,000 may be expended on Mount Pleasant shore of inner harbor of Charleston, S. C.;" so as to make the clause read:

Improving harbor at Georgetown, S. C.: Continuing improvement, $7,500.

The amendment was agreed to.

The next amendment was, in section 1, to strike out lines 268 and 269, as follows:

Improving Winyaw Bay, South Carolina: Continuing improvement, $100,000.

Mr. BUTLER. I hope the Senate will non-concur in that amendment. No reason has been assigned for the amendment proposed by the Senate Committee on Commerce, and I do not think that a satisfactory one can be given. I move that the Senate non-concur in the amendment.

Mr. FRYE. The reasons which actuated the committee in moving this amendment are briefly these: The project for the improvement of Winyaw Bay, as appears by the survey of the engineer and by the recommendation made by him, will probably cost $2,500,000. That is at any rate the project which seems to be the favorite one of the Engineer Department. There are one or two other projects, one which would cost $800,000 and the other which would cost over a million, which I recollect seeing, but the favorite one seems to be the one which would cost $2,500,000. That I think was the report of Captain Bixby.

While the committee see the importance of the improvement at this point and admit it, they believe that the project should be passed upon by a competent board of engineers of five, and then by the Chief of Engineers, before Congress should by an appropriation of this kind adopt the project itself. That was what actuated the committee in moving to strike out the appropriation and inserting in its place a provision for a board.

Mr. BUTLER. I should be very sorry if the Senate should adopt the amendment proposed by the Committee on Commerce. This sum of $100,000 was inserted in the bill by the House committee after the most thorough and exhaustive examination of this subject. There can be no doubt that the War Department recommended the appropriation suggested by the House of Representatives. Some years back a survey was made of the bar across Winyaw Bay, and the engineers then recommended an appropriation, and Congress made an appropriation in 1886, but it turned out that it was too small and too insignificant to be expended by the War Department, and but a very small part of the sum of eighteen thousand and odd dollars was used.

The Senator from Maine remembers that the Senate committee cut down the appropriation for rivers and harbors by 25 per cent. that year, which reduced the $25,000 in the House bill to eighteen thousand and some odd dollars, so that the Engineer Bureau did not feel authorized to expend the eighteen thousand and odd dollars, as it was insufficient for the purpose. That amount is still subject to this improvement. So the War Department passed upon this improvement several years ago. Captain Bixby has again and again and again recommended an appropriation for the improvement of Winyaw Bay, and his recommendation has been indorsed by Colonel Craighill, who has charge of that district, and Colonel Craighill's recommendations have been indorsed by the Chief of Engineers and by the Secretary of War. There is, perhaps, one fact which accounts for the opposition of the chairman of the Committee on Commerce.

Here is what Captain Bixby says in regard to it:

The submitted project of 1885 proposed to secure from 12 to 20 feet depth of water over the Winyaw Bay bar by a suitable contraction of the entrance by means of dikes. It recommended at least $300,000 for the construction of stone dikes across the sloughs and along the inner edges of the bars, so as to gradually stop all outflow except through the main bar entrances.

It was recommended in July, 1885, that the improvement be extended to a total amount of $880,000 if necessary, to be appropriated in three yearly installments of $300,000, $180,000, and $400,000, respectively. Of this amount it is now estimated that $300,000 can be profitably spent before the end of the fiscal year ending 30th June, 1887, in constructing a suitable heavy stone dike about 5,000 feet long, rising to 2 feet above low water and extending from the southern part of North Island in a general southerly direction completely across the nearest slough; that this single dike will probably produce at one or both of the remaining bar entrances a depth of 10.5 feet at low water, of great immediate advantage to the commerce; that two additional appropriations of $180,000 and $400,000 will probably complete the proposed improvement by securing the desired depth of at least 12 feet at low water upon one or both entrances.

Then he says this improvement may be made "at a probable cost of $300,000 for 10 feet depth, $880,000 for 12 feet depth, $2,500,000 for 15 to 20 feet depth on the bar at low water." It is in that way that the confusion has arisen, I dare say, in the mind of the Senator from Maine. If we spend $300,000 we get 10 feet of water; if we spend $880,000 we get 12 feet; if we spend $2,500,000 we get 15 to 20 feet. In my judgment there can be no sort of doubt about the propriety of this appropriation.

The Winyaw Bay and the Santee River, which empties into the ocean a very short distance from Winyaw Bay, are the outlet for the streams of twenty-seven of the thirty-three counties of South Carolina. The Great Pee Dee, the Little Pee Dee, the Lynch, the Black, and the Sampit Rivers, all of them navigable for quite a distance, terminate at Winyaw Bay, and the Broad River, the Saluda River, the Congeree, and the Wateree form the Santee, and that terminates very near the Winyaw Bay. The Santee River has been connected with the Winyaw Bay by what is known as Mosquito Creek Canal, so that really this is the most important location that I know of on the Atlantic coast for improvement.

Now, I wish to read a letter from General Alexander, the president of the Georgia Central Railroad Company, who lives in the neighborhood of Georgetown, and is therefore competent to speak as to this improvement. This letter is addressed to me, and is dated June 1:

SAVANNAH, GA., *June* 1, 1888.

DEAR GENERAL: I am quite interested in seeing the appropriation for Winyaw Bay bar restored to the river and harbor bill. I have written on the subject to Senators FRYE, JONES, of Nevada, and Governor BROWN. I wish to say to you officially, as representing the Ocean Steamship Company of Savannah, and the New York and New England Steamship Company, who are largely interested in Atlantic coast commerce, that an improvement of that harbor is very desirable as offering a port of refuge on a long stretch of coast, from Charleston to Wilmington, now destitute of any. I am also personally well acquainted with the country tributary to the Waccamaw, the Great Pee Dee, the Little Pee Dee, Black, Sampit, and Santee Rivers, which have their outlets in Winyaw Bay, and I know personally of the large commerce which will be developed by even a small increase in depth on that bar. A very small appropriation will increase the depth from 7 feet, which it is at present, to 10 or 12 feet; and I am sure there is not another point on the coast south of Norfolk where as great an amount of commerce is choked up and held back for the lack of a very few feet of water.

I write you this thinking it may possibly be of some service in your efforts.

Very truly, yours,

E. P. ALEXANDER, *President.*

General M. C. BUTLER,
Senator, Washington, D. C.

General Alexander expresses it aptly when he says that there is no other point on the Atlantic coast south of Norfolk where there is so much commerce choked up as at Winyaw Bay. I have seen it stated somewhere—I can not now lay my hand on the authority—that many vessels have been known to lie off that bar from ten to fifteen and some as many as twenty-one days, because they could not get in. As I stated awhile ago, this is a basin. There seems to be a pit on the Atlantic coast at this point where almost every river in South Carolina and I think about eleven of the State of North Carolina terminate. After I looked into the subject it surprised me that it has not been a place of more commercial importance than it is; but I have attributed it to the fact that the bar absolutely prevents the entrance and departure of vessels engaged in commerce foreign and coastwise. The depth of water is ample after you pass the bar; it is from 12 to 15 feet. There are from 6 to 10 feet on the bar; and by the expenditure of $300,000 we can increase that to 10 feet at low water; by the expenditure of $880,000 we can increase it to 15 feet; and by the expenditure of $2,500,000 we can increase it to from 15 to 20 feet. Georgetown is the chief commercial port.

If I thought it necessary to weary the Senate, I could read from the official report of the engineers showing the immense increase of the commerce of these rivers terminating at Georgetown since the improvement was begun in 1880. I recall just now that by the improvement of the Wateree River the increase in commerce has been $25 for every dollar expended. In the Great Pedee River my recollection is the increase of commerce has been $23 for every dollar expended by the Government, from something like $400,000 anterior to the improvement of 1880 to a million and odd thousand dollars at the last report.

All of these rivers terminate in this Winyaw Bay, and, as General Alexander has expressed it, the commerce there becomes choked up because ocean-going steamers can not cross the bar.

This project was first recommended in 1882, and it has been recommended every year consecutively from that time until the present. I have a letter here from the Chief of Engineers to the chairman of the committee of the House of Representatives, dated February 25, in which he says:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., February 25, 1888.

SIR: Your letter of the 21st instant, requesting to be informed why the estimate for improvement of Winyaw Bay was omitted, etc., has been received. In reply I have to say that in 1882 a project was submitted to Congress for the improvement of the entrance to this bay. (Annual Report of the Chief of Engineers, pages 1122 to 1127, inclusive.) Upon this project no action was taken. Again, in 1885 a project was submitted, in compliance with the river and harbor act of July 5, 1884, by Capt. W. H. Bixby, Corps of Engineers, the officer charged with that duty, estimated to cost about $2,500,000. In the report Captain Bixby stated that at least $300,000 could be profitably expended in commencing the project, and Col. W. P. Craighill, Corps of Engineers, supervising engineer, remarked, in forwarding the report, that "the commercial interests involved justify such an improvement."

With this report before it Congress appropriated $18,750 in the river and harbor act of August 5, 1886. As the amount appropriated was too small to be advantageously expended upon a work of such magnitude, it was a question of doubt with this Department whether it constituted an approval of the project by Congress, and therefore only $2,575.42 of this amount was expended in obtaining such data as would be needed before operations could be commenced understandingly and the balance was withheld, and the facts reported for the further action of Congress. (Report of the Chief of Engineers, page 136.)

This Department concurs in the views expressed by Colonel Craighill, and if Congress approves the project the amount of $300,000 can be profitably expended during the next fiscal year. It is impossible to obtain any results with the ex-

penditure of so inconsiderable a sum as that now available upon a work of this character and magnitude.

Very respectfully, your obedient servant,

J. C. DUANE,
Brigadier-General, Chief of Engineers.

Hon. N. C. BLANCHARD,
Chairman Committee on Rivers and Harbors,
United States House of Representatives.

I can not see, in view of that state of facts, what additional information Congress wants or the War Department wants before this enterprise is entered upon in this bill.

I have here also a letter from a gentleman who is engaged in the steam-ship business, I believe a constituent of my distinguished friend from New York [Mr. EVARTS]. This letter is addressed to Hon. Mr. ELLIOTT, who represents that district in the other House of Congress:

GEORGETOWN, *May* 25, 1888.

DEAR SIR: I notice by evening papers the committee have stricken out of harbor and river bill the amount for Winyaw Bay bar. As master of a steamer of over 1,000 tons capacity, running between this port and New York, I take the liberty of calling your attention to the great necessity of this being put back, and the relief so much needed granted. I am connected with people in New York who contemplate building another steamer for this Georgetown trade, but who would hardly be justified in doing so under the present condition of the bar.

At the writing of this my ship is now lying at the dock loaded, bound to New York, and can not leave until 9 a. m. to-morrow, and then at great risk, thus losing twenty hours' valuable time. I write, not as a politician with some ax to grind, but as a practical shipmaster who knows the needs of this port, the possibilities for it when this bar is deepened to become a large seaport, and where Government aid can not be more advantageously granted than right here.

I think our representatives from New York would willingly aid you in getting the sum needed if it was properly represented to them, as the merchandise from this port goes North, and if you think they can be of any assistance, would see to it on my return trip.

Trusting you will do all in your power for us that have to cross this, the most dangerous bar from Maine to Florida,

I am, your obedient servant,

F. C. MILLER,
Master Steamer Caroline Miller.

Hon. G. ELLIOTT,
Washington, D. C.

The Senator from Alabama [Mr. MORGAN] asks me if Bixby's report has ever been adopted. Most assuredly. The supervising engineer, Colonel Craighill, has adopted it; the Chief of Engineers has adopted it, and I can not understand what additional information can be secured.

Mr. VEST. The present report estimates for this work.

Mr. BUTLER. Certainly it does. I shall not detain the Senate longer. I trust that the Senate will not concur in this amendment of the Committee on Commerce. As I stated before, the appropriation was put in this bill after the most careful investigation by the House committee, and I confess I was a little surprised when I found that our committee had stricken it out and recommended the appointment of a board of officers.

Mr. VEST. I have no doubt that this bay ought to be improved, and that an appropriation should be made for the work. On the basis of the appropriation made by the House of Representatives this Winyaw Bay improvement should have $150,000. The engineers say that $300,000 can be expended profitably during the present year, and the House gave $100,000. I do not remember the discussion in the committee in regard to it, but if I had been there I certainly should not have agreed to the amendment of the committee.

Without delaying the Senate it is enough now to call attention to the report of the Engineer Bureau. They indorse the report made by Captain Bixby and ask that $300,000 be expended the present year. As to the importance of the work I will simply call the attention of the Senate to a single sentence:

The present commerce of this bay is that of the Waccamaw, Pee Dee, Black, and Sampit Rivers and Georgetown Harbor, a commerce of already $7,000,000 per year, carried by two hundred ocean vessels and two steamers making biweekly trips to Charleston.

I think $100,000 is a paltry appropriation to remove an obstruction to such a commerce as that. We are appropriating $550,000 for the Delaware River at the city of Philadelphia, and here now the Senator from South Carolina asks only an appropriation of $100,000 to remove an obstruction to $7,000,000 of commerce, with two hundred vessels, says the engineer, steam-vessels, ocean-going vessels, passing through the bay.

Mr. FRYE. Mr. President, I think the Senator from Missouri was present in committee, and there was no difference of opinion in the committee as to the propriety of improving Winyaw Bay. There was an entire recognition of the amount of commerce now there and of the amount of commerce which probably would be brought there by reason of the improvement; but there were these three reports that $800,000 would produce so much water, another sum would produce so much water, and $2,500,000 would produce so much water. There was not anywhere a recognition by the Chief Engineer of any single project.

Mr. BUTLER. Why, Mr. President, the Senator will permit me to interrupt him. As I understand the report, the results of the expenditure of $300,000, $880,000, and $2,500,000 were all stated as the different stages of a single project.

Mr. FRYE. Undoubtedly that is so.

Mr. BUTLER. So that when you get to the point of having spent $300,000 you get 10 feet of water on the bar. Congress may go further or not. If it is then thought desirable to expend $880,000 to get 15 feet of water on the bar, it is within the discretion of Congress to do that, and so on.

Mr. FRYE. No, Mr. President; it makes all the difference in the world as to what the ultimate project and purpose are to be. Take the appropriation made by the two Houses four years ago of $20,000 for the improvement of Winyaw Bay. What did the two Houses determine? That they were to enter upon a project requiring an expenditure of $2,500,000 when they appropriated $20,000. The engineers said, "We can not expend that money; it would be absurd." The only purpose the committee had was to have a determination as to what ought to be adopted as a project for the improvement of that bay. If this Board of Engineers determine, as they probably would, on the project of $2,500,000—because 10 feet of water is good for nothing on an ocean bay; you have got to have in these days of modern commerce 15 or 20 feet of water in order to accommodate the ordinary commercial vessels, even the ordinary tramps of the ocean—let us know it. I have no doubt that the report of this board would be in favor of the project of $2,500,000. I do not object on that account. All that the committee desired, looking at the appropriation of $20,000 four years ago, thrown aside by the engineers as utter nonsense, was that it was better to have a board examine the subject, and then let the appropriation be governed by the project to be accomplished.

Now, as the Senator from Missouri suggests, I have not the slightest objection so far as I am concerned to allowing the $100,000 to stand, provided the Senate will make no objection to the committee's amendment for a board, so that we may have the report of a full board and of the Chief of Engineers settling upon what plan shall be determined.

Mr. BUTLER. But the $100,000 can not be expended until the board reports?

Mr. FRYE. Oh, yes; it can. It can be used to go on dredging with.

Mr. BUTLER. Then I have no objection to that suggestion.

Mr. EVARTS. I hope the Senate will not concur in this amendment striking out the $100,000 appropriation, and that what is apparently a proper disposition in that regard will now be made.

My constituents in New York engaged in commerce have drawn my attention to this subject and with a good deal of interest and based upon a very intelligent and practical estimate of the value of this expenditure. I listened with great interest to the views of the chairman of the committee and of the committee itself, but I believe it must be conceded that all that exists now in matter of difference is whether there shall be a preliminary consideration of what shall be the ultimate expenditure and the ultimate result, while it is admitted that there is to be no waste towards that result if the present expenditure shall be made. I then can see no reason why we should not proceed with an amount now of expenditure if it should stop at 12 feet or at 15 feet or at 10 feet, for besides the great value to be attained by this lesser elevation of the tide, it is the best tentative and experimental inquiry of how much good will come towards the greater object if it be conceded, as I believe it is, that there is to be no waste from the present expenditure.

Now, I will agree that on the estimate of my constituents a very large improvement of this Winyaw Bay should be indulged in for the advantage of the country, but they are practical men, and they would like for the immediate use of commerce an increased draught for their vessels, getting as much beyond afterward as experiment shall show is useful. Nor do I see any disadvantage in continuing the amendment which will next be considered, provided, however, that before the word "improving," in line 272, we should insert the word "further"—"into the expediency of further improving Winyaw Bay."

Mr. BUTLER. I was going to suggest to the chairman that perhaps with the present language there might be some doubt by the War Department as to their right to expend this money until the report of the board comes in. The amendment as reported has this language:

Whose duty it shall be to examine into the expediency of improving Winyaw Bay, South Carolina.

Mr. FRYE. "Upon the plan submitted."

Mr. BUTLER. But in the mean time the Secretary of War might say, "I can not spend any of this $100,000."

Mr. FRYE. We can put in the words "to be immediately available."

Mr. EVARTS. The insertion of the word "further" before the word "improving" would meet that difficulty.

Mr. BUTLER. It does not strike me that it does.

Whose duty it shall be to examine the plan submitted by Capt. William H. Bixby—

Striking out—

Into the expediency of improving Winyaw Bay, South Carolina, upon—

So as to read:

And shall examine and report upon the plan submitted by Capt. William H. Bixby for the improvement of Winyaw Bay—

Transposing the words—

Whose duty it shall be to examine the plan submitted by Capt. William H. Bixby for the improvement of Winyaw Bay—

And striking out the words "into the expediency of improving."

Mr. FRYE. In the first place I will agree to the amendment of the amendment by striking out in lines 271 and 272 the words:

Whose duty it shall be to examine into the expediency of improving Winyaw Bay, South Carolina.

Mr. BUTLER. Say—

Whose duty it shall be to examine the plans submitted.

Mr. FRYE. Striking out "into the expediency of improving Winyaw Bay, South Carolina;" so as to read:

Examining the plan submitted by Capt. William H. Bixby, United States Army Engineers, for improving Winyaw Bay, South Carolina.

The PRESIDING OFFICER. The Senator will please send up his proposed amendment.

Mr. BUTLER. The first vote to be taken, I believe, is on the amendment of the committee striking out the appropriation. I move that the Senate non-concur in that amendment.

The PRESIDING OFFICER. The same object will be accomplished by refusing to agree to the amendment without a motion. The Chair will put the question. Will the Senate agree to the amendment striking out the appropriation in lines 268 and 269?

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 269, after the word "dollars," to insert the following:

The Secretary of War is authorized and directed to appoint a board of three engineer officers of the United States Army, whose duty it shall be to examine into the expediency of improving Winyaw Bay, South Carolina, upon the plan submitted by Capt. William H. Bixby, United States Army Engineers, under date of October 26, 1884. The said board shall report to the Secretary of War, who shall lay its report before Congress at its next session, with the views of himself and the Chief of Engineers of the United States Army thereon.

The PRESIDING OFFICER. The question is on agreeing to the amendment which has just been read.

Mr. BUTLER. Now, I move to amend the amendment. After the word "examine" in line 272, I move to strike out "into the expediency of improving Winyaw Bay, South Carolinia, upon;" so as to read:

The Secretary of War is authorized and directed to appoint a board of three engineer officers of the United States Army, whose duty it shall be to examine the plan submitted by Capt. William H. Bixby, United States Army Engineers, under date of October 26, 1884.

The amendment to the amendment was agreed to.

Mr. FRYE. One further amendment is necessary. In line 276, after the date 1884, there should be inserted "for the improvement of Winyaw Bay, South Carolina."

Mr. VEST. Say "said bay."

Mr. FRYE. That will do.

For the improvement of said bay.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 286, after the word "improvement," to insert "on project for securing a channel 28 feet deep at mean high water, from the city of Savannah to the sea;" and in line 288, before the word "thousand," to strike out "ninety" and insert "two hundred;" so as to make the clause read:

Improving harbor at Savannah, Ga.: Continuing improvement on project for securing a channel 28 feet deep at mean high water, from the city of Savannah to the sea, $200,000.

Mr. EDMUNDS. I should like to have that explained. What does the amendment mean?

Mr. BROWN. Mr. President, it simply means that the appropriation made by the House of Representatives was entirely inadequate to the necessity of the case, entirely too small.

Mr. EDMUNDS. That is not the point. I am making no objection to the $200,000 for this great purpose. That is quite right. But the amendment is "on project for securing a channel 28 feet deep," etc.

Mr. FRYE. The Senator will allow me to say that there is a special report on the Savannah harbor, under date of January 4, 1888, which shows that it is practicable to obtain a depth of 28 feet of water on the bar at Savannah, and the committee knowing the amount of water which is required for commercial ships nowadays desired to adopt in their recommendations this special report which was made by the Engineer Department for 28 feet of water.

Mr. EDMUNDS. Now what is the whole thing going to cost, if we commit ourselves to keeping up 28 feet of water?

Mr. BROWN. That survey was made under the authority of the act of 1886, directing the survey to be made.

Mr. EDMUNDS. That there is no objection to.

Mr. BROWN. It is certified to by General Gillmore. The whole amount is $6,600,000 to complete the improvement.

Mr. EDMUNDS. What is the necessity of inserting in an act of Congress a preliminary committal to the idea that this $200,000 must be spent on that project? The effect of it practically for the next two or three years might be that the engineers would be compelled to spend it in such a way as to be of no benefit to commerce at all for the time being, by digging it all out to 28 feet for 100 yards distance or however far it might come to, leaving all the rest just as it is, whereas if you leave it to the discretion of the Executive Department having it in charge if they think it desirable to go on, Congress appropriating money to try to get it to 28 feet, that is all right. Why declare in the statute that it shall be cut to 28 feet and kept there?

Mr. BROWN. For the reason that there have been two or three projects for the improvement, one following another. The last was for 28 feet of water. One hundred and eighty thousand dollars of the last appropriation have not been expended. The purpose is that that shall not be expended on the old project, but on the new project, and to put this $200,000 on the new project rather than to spend the $180,000 available on the old.

Mr. EDMUNDS. Is there anything in the old law which requires them to expend it to get 22 feet? I do not remember any such thing in the bill.

Mr. BROWN. The estimate then was for a channel 22 feet deep. One hundred and eighty thousand dollars of the amount then appropriated has not yet been expended. We appropriate now $200,000 in this bill, and we want the whole of it expended on the new project instead of spending the balance of the former appropriation on the old.

Mr. EDMUNDS. That I can understand as a matter of administration, but unless the present law forbids the use of the money that is now available to secure 22 feet in an endeavor to procure 28, then there is no necessity for inserting this, as I think, extraordinary provision in the bill itself.

Mr. VEST. Let me make a suggestion. In line 288, after the word "dollars," insert "or so much thereof as may be necessary."

Mr. EDMUNDS. That is not the point that I am on, because a great deal more will be necessary, for my friend from Georgia says over $6,000,000 will be necessary to get 28 feet of water. My point is that it is unusual and bad legislation for Congress in advance to declare in a bill that this money must be spent in an effort to produce 28 feet of water, because that ties up all the discretion and engineering capacity of the Administration (and we all know that the Administration in a political sense has great engineering capacity, whether it has or not in a physical sense) to an effort to produce a result which can not be got for ten years; and therefore unless the law now forbids the use of this money, as I do not believe it does, why, as a matter of law-making, you shall say this money shall be spent on the idea of getting 28 feet, instead of expending it on the idea of improving that river in the best possible way, I can not understand.

Now I will look at the last river and harbor law, if I can find it, and see whether there is any limitation on the expenditure of the money already appropriated. [Examining the Statutes.] The provision in the act of 1886 is—

Improving harbor at Savannah, Ga.: Continuing improvement, $50,000.

Is that the item which bears upon this question?

Mr. BROWN. That was the last appropriation.

Mr. EDMUNDS. Then the Senator will see that there is no limitation in the law which requires the Secretary of War to be governed by one attainable depth or another, but it is left, as it ought to be, to his conservative expenditure of that money in the best way to obtain all the available depth that can be got. I think, therefore, that this clause, so unusual in a bill, and committing Congress in advance for ten years to the project of attaining 28 feet at whatever cost, is an embarrassment to the best use of the money rather than an aid to it. If I lived in that State, as far as I now understand the case, I would rather have those words out than in. Certainly I think it is bad legislation.

Mr. FRYE. The same thing occurs here as in the Winyaw Bay appropriation. It does make an immense difference whether Congress has determined to enter upon a project for a channel 125 feet wide at its bottom, with a depth of 28 feet, or upon a channel 45 feet wide at its bottom and depth of 10 feet. All the wing-dams, all the jetties, all the mattresses, everything of that kind which would do in the one case are utterly useless in the other case. It is of the utmost importance, when you make an appropriation for improving a river where jetties and mattresses and delimiting walls and things of that kind are required that Congress should understand what the project is that it proposes to do, and that the engineers should understand it, else they may go on and make an expenditure of $300,000 or $400,000, and the very next year, if they adopt a plan of increased depth and width the whole amount of money expended is thrown away. It is not, as the Senator from South Carolina suggests, the simple taking out of so much earth; it is all the difference in the world whether the earth taken out is to be on a bottom 125 feet wide or a bottom only 100 feet wide, if you have to put wing-dams and jetties and keep the scour clear, because the next year if you find you have to double the depth of the water and double the width of the channel, as likely you may, then the jetties you put in the year before are utterly useless, and you have to take them all out.

So it is exceedingly important when you make an appropriation to determine exactly what your project is, if you can. I admit there are cases where you can not; but it strikes me these are cases where you can. This special report sets out everything that is to be done on the Savannah River, the various points in the river, and the various jetties to be built, the heights of the jetties, the defining walls all the way down to the ocean. That is one plan to obtain 28 feet. I confess I

am very decidedly in favor of the plan of 28 feet, because in ten years from now less than that for an ocean vessel will not be worth 1 cent.

Mr. EDMUNDS. If the argument of my friend from Maine as applied to this bill and these subjects is correct, then, so far as I can now see in running hastily over the bill, the only correct proposition in the bill is the one we now have under discussion.

Mr. FRYE. That is not so at all.

Mr. EDMUNDS. For I can not find any other clause in the bill anywhere—there may be one, it is a very long bill, but the Senator can point it out if there is, I can not find it—in regard to any of the other rivers or harbors named in this bill where it is provided that the work shall be carried on upon a particular project of securing a particular depth of water. Here is Winyaw Bay, to which my honorable friend refers. The last bill that we passed on the subject contains no statement of what principle shall be employed of engineering or what end shall be attained in improving that bay. Neither does this bill. It appropriates the money, and then the money being appropriated, it directs the Secretary of War to make an examination and inquiry into a certain plan that has been submitted.

Mr. FRYE. But the committee did not do that.

Mr. BROWN. I call the Senator's attention to the very next page of the bill:

Improving harbor at Mobile, Ala.: Continuing improvement on enlarged project for securing a channel 23 feet deep and 280 feet wide, $250,000.

Mr. EDMUNDS. The Senator from Georgia is right; he has found one other.

Mr. BROWN. There are a number of them.

Mr. EDMUNDS. Why are they not all so, then, if we have any?

Mr. BROWN. The bill is full of them.

Mr. EDMUNDS. Senators say that there are other instances of this character. So much the worse for the bill and so much the worse for the principles of carrying on public works of this character, because it has happened in our experience—and these reports show it—that to-day or last year there is a report of the Chief of Engineers that says a particular thing ought to be done; he carries on that experiment for a year, and he finds that that particular thing ought not to be done at all, and that it is a great deal better to proceed in some other way. Now, if in advance by an act of Congress you provide that the thing is to be done in a particular way and for a particular mechanical object—I am not speaking of the great object of improving commercial facilities, but to attain a given mechanical result on the face of the earth by a certain performance—then you have got to stop and Congress has to begin again.

For one I do not wish to engage in that kind of legislation; and at this moment and on the information that we have I do not wish to commit the tax-payers of the United States to the obligation of paying upwards of $6,000,000 for getting 28 feet of water in the Savannah River. I would rather leave it to the Secretary of War and the engineers to go on upon whatever plan they choose to take. If they think 28 feet is a good plan, go ahead; and when they come for another appropriation Congress will be perfectly at liberty to understand whether it is likely to work out well or whether it is not.

Mr. BROWN. The bill does not commit Congress to go on and expend for that. Might not Congress stop and not make another appropriation?

Mr. EDMUNDS. It is true in point of law and Constitution, undoubtedly, but in point of the influences—and I mean just influences of persuasion and committal that operate on the members of both Houses and are urged upon them—it is not so.

The PRESIDENT *pro tempore*. The question is on the amendment.

The question being put, it was declared that the amendment was agreed to.

Mr. EDMUNDS. I will not divide on it now, because that might interrupt proceedings, but I wish to reserve the amendment in the Senate.

The PRESIDENT *pro tempore*. That will be attended to when the bill is reported to the Senate. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, to strike out lines 289 and 290, as follows:

Improving harbor at San Augustine, Fla., $35,000.

And in lieu thereof to insert:

The Secretary of War is authorized and directed to appoint a board of three engineer officers of the United States Army, whose duty it shall be to examine into the expediency of improving the harbor of San Augustine, Fla., upon the plan submitted by Lieut. William M. Black, United States Army Engineers, under date of December 12, 1887. The said board shall report to the Secretary of War, who shall lay its report before Congress at its next session, with the views of himself and the Chief of Engineers of the United States Army thereon.

Mr. CALL. I hope the amendment will not receive the sanction of the Senate. The improvement of this harbor is of great importance to the country in a national point of view. The harbors on the coast of Florida are of importance. Vessels passing around the capes of Florida to engage in the commerce of the Gulf of Mexico pass within a very few miles of the entrance to St. Augustine Harbor. The engineers report the facts of the case very clearly.

A Spanish map, dated 1791, shows the same conditions and depths. The harbor forms an excellent sheltered anchorage, but the shifting nature of the bar and the shallow water on its crest have presented so many difficulties to mariners that the commerce of the port has been greatly hampered, and as until recently the city has had no railroad communication with the interior, it has been limited to the necessary supplies for St. Augustine. St. Augustine was founded in 1665, and during the Spanish possession was the capital of East Florida, and as such its most important city. After the cession to the United States the city remained quiescent for many years, with little or no growth. Within the past few years it has greatly developed. It has been connected with the St. John's River and the interior by three lines of railroad—one to Jacksonville, one to Tocoi, and one to Palatka—giving it good rail connection with all parts of Florida.

* * * * * *

The Atlantic Coast Canal connects this harbor with the Halifax and Indian Rivers. With the canal finished and the harbor so improved as to permit safe and free passage of coasting steamers, this would be the natural line for the transportation of the large and increasing quantity of fruits and vegetables raised along these rivers. This, with the railroad connections with Central and South Florida via Palatka, the Jacksonville, Tampa and Key West and the Florida Southern Railroads and their feeders, together with the safety of the port and its proximity to the ocean, will all tend to make St. Augustine the natural and best point of export for Northern markets for the fruit and vegetable trade.

Mr. President, you can not probably find anything that expresses more clearly the importance of the improvement of the port than this statement of the engineer. St. Augustine has an investment now of probably not less than $10,000,000 of the money of this country in different employments and properties, largely in hotels.

It is the resort of not less than twenty thousand persons every winter. It is naturally adapted better perhaps than any other harbor on the coast as a harbor of refuge and entrance in times of storm or distress for the commerce that passes along the coast of Florida. We can not have too many of them. The House of Representatives, in view of these facts, inserted this provision for the commencement of the improvement of the harbor.

The estimate for making this port a harbor is comparatively small, and the committee have thought proper to strike it out of this bill and to insert this provision, which has been done already, namely, a report by the engineers and by a commission of the importance of this improvement and a plan for making it. That has been repeatedly done, and is already contained in the report of the engineers, so far at least as is necessary for the amount here appropriated. I do not know any place where you can more beneficially to the national commerce expend this small amount of money than in the improvement of the harbor of St. Augustine.

You can not have too many harbors of refuge for the coastwise commerce of the United States or for the commerce that passes through the Gulf of Mexico, the whole of which finds its way into the Gulf stream, running nearer to the mainland at that point than any other. It is this fact which gives to St. Augustine a peculiarly mild climate. This great commerce passes immediately along the mouth of the harbor, within sight of it, and in times of storm requiring as many places of entrance as it can have. This small sum will be the commencement of an expenditure probably of not more than one or two hundred thousand dollars, which will make this port at all times easy of access to the entire commerce that passes along the coast. I think the Senate must see the importance of continuing the appropriation made by the House of Representatives.

Mr. PASCO. Mr. President, I concur in all that my colleague has said, and I call upon the chairman to state why this amount has been stricken from the bill. I understand that no reason has yet been assigned for it.

There has already been a most careful survey made under the act of Congress, and as far back as 1829 the Government had this harbor surveyed for the purposes of commerce.

As has been already said, it is necessary as a harbor of refuge. For a long distance up and down the coast there is no other place to which vessels in distress can resort. It is of very great importance in that respect.

There are many millions of dollars invested at St. Augustine, and arrangements are being made for additional improvements there, and materials are being brought there by water, and commerce with it is carried on very largely by rail.

Unless there are some other reasons than those which appear in the report of the committee, I hope the Senate will non-concur in the amendment reported.

Mr. FRYE. Mr. President, my judgment is that the same reason applies to San Augustine and to Key West as applies to Winyaw Bay. This is one of those shifting harbors where an improvement is made and in a few years it disappears. As the Senator from Florida said, the map away back in 1791 shows it, and no project has been agreed upon that is thoroughly satisfactory for the improvement of this harbor, nor has there been for the improvement at Key West. The committee thought it desirable that there should be a full and thorough investigation by a board of officers to settle what should be done at Key West and at this harbor for permanent improvement, so that whatever is done shall stay. This has been improved over and over again and in a few years the whole thing has disappeared and all filled up again. Perhaps something may be done by the jetty system. They may agree on something which shall be a permanent improvement, and that is all the committee desire. The committee did not believe that one of these places ought not to have $35,000 and another one ought not to have $25,000. That is not a large amount of money to expend on either of these harbors.

The Senator speaks for Key West. The committee did believe that some project should be determined upon by a board of engineers, and that it should be confirmed and ratified by the Chief of Engineers, and that then appropriations requisite to complete those projects should be made by Congress.

Mr. PASCO. I hope the suggestion now made by the Senator from Maine will be accepted; but I think he is mistaken in one thing. No such appropriation has been made for the harbor of St. Augustine as he supposes, and there has not been the amount previously expended on it that he suggests. If this appropriation is stricken out now it will be postponed for another year, and I suggest that the same course be pursued that was pursued in regard to Winyaw Bay.

Mr. FRYE. I agree if Winyaw Bay is to be put back that San Augustine should be put back and Key West should be put back. They stand on the same bottom, all three of them.

Mr. PASCO. That is satisfactory. We do not object to an examination by a board of engineers. We accept that proposition.

Mr. REAGAN. There has been a reference to the general commerce at this locality. The commerce of the Gulf, passing out of the mouth of the Mississippi, going eastward, has to pass the capes of Florida to reach the Atlantic. For 400 miles, then, until reaching Cumberland Sound, there is no harbor of refuge. If properly improved there is a very good harbor at San Augustine, and if its entrance was opened it would afford a haven to vessels in distress, and would furnish the large commerce that passes around Eastern Florida a harbor of refuge in case of stress of weather. In addition to that—

The Secretary of War is authorized and directed to appoint a board of three engineer officers of the United States Army, whose duty it shall be to examine into the expediency of improving the harbor of San Augustine, Fla., upon the plan submitted by Lieut. William M. Black, United States Army Engineers.

The same remark might be made about the improvement at Key West. A very large commerce passes out of the Gulf of Mexico around the capes of Florida, where there might be good harbors adjacent. No one familiar with the commerce of that country will doubt that there ought to be harbors of refuge. While I say this I do not under-estimate the local importance of these improvements; but all I desire to suggest is that that long distance of coast around the capes of Florida and up the eastern coast is without a single harbor of refuge for vessels coming from the Gulf.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Commerce.

The amendment was rejected.

Mr. FRYE. Now, I desire the other amendment of the committee to remain as it is, with the exception of inserting after the word "of," in line 293, the word "further;" so as to read:

The expediency of further improving.

So that that report may be had which, in my judgment, is absolutely necessary. I want the board to determine how these harbors—they are the worst harbors in the world to improve—can be improved in some way that the improvements shall be reasonably permanent.

Mr. EDMUNDS. That is very true. I can see the force of that; but where is the force of spending the money until you know what you can do? The committee was right in its report.

Mr. FRYE. But the Senate in the Winyaw Bay appropriation determined the other way, and this stands on the same bottom with Winyaw Bay. Before the word "improving," in line 293, insert the word "further."

Mr. CALL. I desire to say that this small amount of money may be very usefully employed in temporary expedients to answer the present needs of commerce. I am informed by the engineer officer that the use of this money will deepen the harbor so far as St. Augustine is concerned considerably for present need, but it will not be a permanent protection against the shifting sand.

The engineer officer in charge designated a line of improvement which at moderate cost might be made permanent. The same is true in regard to Key West. It is the point of transit of all the commerce that passes along from Mobile to New Orleans, saving 100 miles, and when the prevailing winds upon the northwest channel keep it open this commerce has been saved this large amount of dangerous travel. I am informed that the use of temporary expedients will keep these channels open until some permanent system shall be devised and put in operation.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Maine was not clearly understood at the desk. Does he propose to amend the part proposed to be inserted? The Chair understands that the Committee of the Whole have disagreed to the amendment of the Committee on Commerce.

Mr. FRYE. The first clause of the amendment was to strike out the appropriation of $35,000. I thought only that was voted on.

The PRESIDENT *pro tempore*. But the amendment was to strike out and insert, which can not be divided.

Mr. FRYE. Then I ask to reconsider the vote.

Mr. EDMUNDS. Take it by unanimous consent.

The PRESIDENT *pro tempore*. If there be no objection, the action announced will be reconsidered.

Mr. FRYE. Now I move to amend the portion which it is proposed shall be inserted as I indicated: In line 293, before the word "improvement," insert the word "further."

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the motion to strike out and insert as proposed by the committee.

Mr. FRYE. Why is not that divisible?

The PRESIDENT *pro tempore*. Because the rules forbid a division of a motion to strike out and insert.

Mr. FRYE. Then I ask unanimous consent that it may be divided in the two cases of Key West and St. Augustine.

The PRESIDENT *pro tempore*. If there be no objection, the question will be submitted upon the motion to strike out and also upon the motion to insert separately. The question will first be on the motion to strike out—

Improving harbor at St. Augustine, Fla., $35,000.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question now recurs on the words proposed to be inserted by the Committee on Commerce as amended.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 306, after the word "dollars," to strike out "of which $5,000, or so much thereof as may be necessary, shall be used in completing the survey of the outer and inner bars in the harbor;" so as to make the clause read:

Improving harbor at Pensacola, Fla.: Continuing improvement, $35,000.

Mr. CALL. Why is that?

Mr. FRYE. The surveys are provided for elsewhere.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 1, line 310, after the word "Florida," to strike out "continuing" and insert "to complete;" in line 311, after the word "improvement," to insert "from outer bar to Mangrove or Bushy Point;" and in line 312, before the word "thousand," to strike out "twenty" and insert "fifty;" so as to make the clause read:

Improving harbor at Tampa Bay, Florida: To complete improvement from outer bar to Mangrove or Bushy Point, $50,000.

The amendment was agreed to.

The next amendment was to strike out lines 313 and 314 of section 1, as follows:

Improving entrance to harbor at Key West, Fla., $25,000.

And in lieu thereof to insert:

The Secretary of War is authorized and directed to appoint a board of three engineer officers of the United States Army, whose duty it shall be to examine into the expediency of improving the entrance to the harbor at Key West, Fla., upon the plan submitted by Lieut. William M. Black, United States Army Engineers, under date of May 31, 1887; the said board shall report to the Secretary of War, who shall lay its report before Congress at its next session, together with the views of himself and the Chief of Engineers of the United States Army thereon.

The PRESIDENT *pro tempore*. The Chair understands that this amendment is to be treated as the amendment from line 289 to 300?

Mr. FRYE. Yes, sir.

Mr. PASCO. The motion to strike out is to be considered separate from the other.

The PRESIDENT *pro tempore*. The first part of the amendment, proposing to strike out certain words, will be considered disagreed to, and the amendment proposing to insert the words from line 314 to 325 will be agreed to.

Mr. CALL. I suggest to the Senator from Maine, in line 312, in the clause in relation to improving the harbor at Tampa Bay, after the words "Bushy Point," to insert "including the channel" from that place to the town of Tampa.

My reason for that is that I should like the Secretary of War to have the discretion of continuing the improvement as it is going on from the town to this point. Bushy Point is the place of arrival and departure of steamers via Key West for Havana. There has been a considerable amount expended upon that channel, as will appear from the report of the Chief of Engineers, and I think it advisable to leave the matter in the discretion of the Secretary of War to continue the work that has been going on for years past. The city of Tampa is a prosperous seaport, and bids fair to be a place of great commercial importance. Between nine and ten thousand dollars of the former appropriation remain unexpended which belong to this improvement, and this amount and some part of the $50,000 may perhaps be usefully expended in improving this channel and other parts of the bay, including the Alobia, which empties into the Bay of Tampa.

Mr. FRYE. I shall be obliged to object to that. The old town of Tampa is now an inland town. No vessel will ever go to it or come from it. It is utterly useless as a harbor. It is a waste of money to put any money there whatever. Bushy Point is the point to which vessels will go hereafter, as the Senator from Florida must well understand, and the committee have very generously and liberally provided money enough to make a channel for a line of steamers drawing, I think, 10 or 11 feet of water, has generously provided for a channel sufficient for that line of steamers to Bushy Point, and no more than enough; not a dollar of it is to be thrown away at an obsolete point

like Tampa Bay, which now is useless. I think the Senator from Florida ought to thank the committee with all his heart for this generous appropriation to give a channel there.

Mr. CALL. I hope the Senator will allow the vote to be taken on my proposition. There has been an improvement going on for years from the town of Tampa to deep water. The entrance over the bar may be made a very excellent one; vessels of 20 feet of water may be brought in over the outer bar and brought up to this point, Mangrove Point, with a small expenditure.

The vessels now engaged in foreign commerce there, and which are expected to be largely increased in number by the enterprising gentlemen who are interested in them, and which are now carrying the fast mail to Cuba, and another line projected to be built and I believe now in course of construction, to run to some portion of Central America—these vessels and the rapidly growing commerce, require that there should be a terminus in deep water and a good depth of water over the outer bar.

The importance of that can not be overestimated, but at the same time the channel from Mangrove Point to the town of Tampa, which has been in the course of improvement for years, will be used by the lighter draught steamers, and it is a matter of very great importance, as the shores of the bay are becoming filled with people and towns are growing up all through the peninsula. The town of Tampa is the base of supply.

It is not expected that there will be anything more than a depot for the shipping and the receipt of merchandise at Mangrove Point, and the town of Tampa will be the place of delivery of everything except sea-going steamers, and it is a matter of necessity to them that the channels to the town should be improved. For these reasons the work which has been going on should not be abandoned, but some part of this $50,000 may be added to the unexpended balance and used for the purpose of improving this channel, including the Alafia River.

All that I ask is that the Secretary of War and the Chief of Engineers shall have a discretion to continue that improvement with a portion of this money so far as it may be necessary or advisable; and surely the Secretary of War and Chief of Engineers, acting upon their own examination and the information they have, are better capable of determining whether it shall be so or not than we are. All that I ask is that they shall have a discretion allowed them to continue this improvement with a portion of this money so far as it may be necessary or expedient to continue it. I therefore ask that this matter may be submitted to the Senate. This town of Tampa, with its fine bay, its deep water, and its excellent climate, will be very soon occupied with beautiful homes, and its foreign commerce is now an object of national importance.

Mr. PASCO. The amendment does not enlarge the appropriation. It only extends the power of the Secretary of War in expending it, and I hope the committee will not object to my colleague's amendment.

The PRESIDENT *pro tempore*. The item, having been passed and agreed to, can only be returned to now by unanimous consent. Is there objection? The Chair hears none. The proposed amendment will be stated.

The SECRETARY. In line 312, after the words "Bushy Point," it is proposed to insert:

Including the channel to Tampa.

Mr. FRYE. I hope this will not be agreed to. I stated before that the committee, on advice and consultation with practical sailors, with the men who are connected with this steam-ship line, determined, with an unusual liberality, to make immediately a channel of sufficient depth for the line, and I can not consent that any of that money shall be diverted to this old town of Tampa, which, in my judgment, is a fossil and utterly useless so far as commerce is concerned.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. CALL. I ask for a division.

Mr. FRYE. Wait until we get into the Senate.

Mr. CALL. Very well; I withdraw the call.

The reading of the bill was continued. The next amendment of the Committee on Commerce was, in section 1, line 346, before the word "thousand," to strike out "thirty" and insert "twenty-five;" so as to make the clause read:

Improving harbor at Ashtabula, Ohio: Continuing improvement, $25,000.

Mr. PAYNE. I hope the amendment will not be agreed to. The amount allowed by the House is not large. It is only $30,000. The harbor has been under improvement for years.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Commerce.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, at the end of the clause appropriating $10,000 for "improving harbor at Fairport, Ohio," to add:

And the Secretary of War is hereby authorized to agree with the Pittsburgh, Painesville and Fairport Railroad Company for such use and occupany of the pier at the mouth of Grand River, on the east side, as is consistent with public interests, upon such terms and conditions as he deems reasonable and just.

Mr. FRYE. I am instructed by the Committee on Commerce to request the Senate to non-concur in that amendment. There was, subsequent to the report of the bill, a hearing touching that matter before the committee, and it appeared conclusively that this railroad was practically adopting to itself the entire harbor, and that if this amendment passed it would gain control absolutely of the harbor, to the exclusion of the general commerce. The committee unanimously instructed me to request the Senate to non-concur.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, to strike out lines 367 and 368, as follows:

Improving harbor at Port Clinton, Ohio: Continuing improvement, $5,000.

Mr. SHERMAN. I know it is always unpleasant to interfere with the report of a committee, and as a rule I take their judgment as conclusive; but I am satisfied in this particular, striking out this little appropriation of $5,000, they made a mistake. This appropriation is recommended by the Secretary of War and by the Engineer Bureau. It is to improve a port of not very great importance in one respect, but yet it is of comparatively considerable importance. The sum is small. I have a memorial in relation to it, signed by gentlemen well known to myself, to my colleague, and to others. I will ask that that be read.

The PRESIDENT *pro tempore*. The memorial will be read, if there be no objection.

The Secretary read as follows:

MEMORIAL.

To the honorable the Senators in the Congress of the United States of America:

The undersigned, citizens of the village of Port Clinton, in the State of Ohio, respectfully represent to your honorable body as follows:

First. Our town has a population of about 2,500; it is the county-seat of Ottawa County, and is situated on the shore of Lake Erie, at the mouth of the Portage River, which is navigable for ordinary lake craft to a distance of 12 miles inland.

Second. A new railroad is now in process of construction from this point which will place us in direct connection with the coal fields of Southeastern Ohio, and said road has commenced the building of docks, piers, and wharves to cost $60,000. It will afford an outlet to the South, Southeast, and Southwest for the lumber and iron-ore brought here by water. It will, if proper channel facilities are secured, make this a coaling point for the largest lake steamers, and will be the most direct passenger route from the interior to the summer resorts on the islands and at Lakeside.

Third. Since 1885 a line of steamers has been running daily during the season of navigation between this port and the Put-in-Bay islands, and does an extensive business both in freight and passengers, but the piers on either side of the channel are very much in need of repairs, and there is great danger that if the work is delayed another season the improvements already made will be almost entirely lost, and the business established by said steamer line be entirely destroyed.

It is therefore earnestly and sincerely prayed by the citizens of said village that such an appropriation may be made by the present Congress for the harbor of Port Clinton as will enable the Government to preserve the work already done for another year, by which time we expect to be in position to demonstrate beyond a doubt the importance of Port Clinton as a lake port and secure an appropriation adequate to the needs of our harbor.

MAY 26, 1888.

Respectfully,

The citizens of Port Clinton whose names are subscribed to the petition sent herewith.

PETITION.

To the honorable Senators in the Congress of the United States of America:

The undersigned, citizens of the village of Port Clinton, represent to your honorable body as set forth in the accompanying memorial concerning the harbor at this place, and respectfully pray your honorable body to restore the sum of $5,000 struck out of the appropriation bill for the Port Clinton harbor:

Henry J. Rohr, mayor of Port Clinton; Richard Slater, D. R. McRitchie, probate judge of Ottawa County; Albert T. Hopfinger, John Wahlers, Charles E. Payne, R. W. Lathams, C. Gernhard, proprietor of the Island House; A. Hammel, N. C. Hammel, Will Huber, August Popkey, J. T. Schoerger, Ferd. Wieman, Geo. W. Keightley, C. K. Freer, W. A. Eisenhour, clerk of the court of Ottawa County; F. C. Hitchcock, John A. Mackey, Harry Leget, Gustavus J. Daum, D. Gillerd, Edward Wedekind, David McRitchie, Lewis Beber, John Orth, W. Buzzell, Fred. Meyer, Henry Bredehoft, Matthias Jensen, Frank Haddick, Fred. Cluver, Anthony Pett, Jacob Boos, Nicolai Nissen, John H. Goode, E. C. Heim, B. F. Mason, W. C. Heim, Philip Kuhnli, John Hilberg, Howard B. Magruder, J. A. Hollinshead, A. E. Turner, Hains T. Petersen, Walter Smith, W. W. Montgomery, Peter Lange, Ferd. Zeller, John Offernburg, S. A. Magruder, J. H. Buck, John J. Robinson, J. R. Johnson, Henry Quast, John Haller, P. tr., Charles Sprenger, W. O. McMahan, Chas. A. Robinson, Jno. D. Luehsinger, B. O. Richardson, August Selz, Wesley Clark, W. Bense, member General Assembly, Ohio; A. B. Orth, H. A. Sherman, J. B. Freehafer, druggist; Wm. Bertsch, Hop. Treas.; Malcolm Kelly, attorney; McRitchie Bros., butchers; Conrad May, G. D. McRitchie, J. W. Mellish, Geo. E. St. John, capitalist; Richard Gerner, Christian Vollmer, Joseph Pete, John Pete, J. W. Grisier, publisher Ottawa County Republican; John W. Mezener, John McConkie, superintendent schools; Sigmund Leimgrube, marshal; A. W. Courchaine, publisher Lake Shore Bulletin; F. P. Frantz, D. B. Courchaine, master sea J. K. Lecore; Aug. Carstensen, J. C. N. Carstensen, Thomas Sronnum, Joseph Weis, Geo. H. Babcock, E. C. Paine, James Meichem, W. T. Kirk, W. U. Semple, jr., Lorenz Lorenzen, Wilson Hodge, Thomas Knight, R. Bell, D. S. Nash, John Heim, Capt. Fred. Cleaver, Henry Harnet, sailor; Henry Cleaver, sailor; George Johnson, D. Cleaver, Joe Jeremy, Joe Dooner, John Lipfen, Chas. A. Palmer, Edward Wedekind.

Mr. SHERMAN. I also have a letter from a leading gentleman in that region, from which I will read a short extract. He says:

Our people were highly pleased to learn that the House had allowed $5,000 for the improvement of our harbor in the appropriation bill passed by that

body, and were greatly disappointed to hear that the Senate committee has stricken it out of the bill.

This really is a great misfortune to our shipping interests. With the present low state of the water it is impossible for vessels of any considerable carrying capacity to get in or out. There is to-day a barge loaded with lumber lying on the bottom inside of the piers, and she will be obliged to have her load taken ashore by lighters. If we could have had the amount allowed by the House retained in the bill, we could have had the channel dredged out to a depth that would admit large vessels.

The letter goes on and shows that they have spent some $50,000 in building requisite piers, etc., by private subscription. I know the locality myself. It is in the neighborhood of what are called the islands of Lake Erie, where there is a very large commerce, mainly in grapes and wine.

It is a matter of vital importance to this rapidly growing interest. I am quite sure that if the Senate Committee on Commerce had had these matters before them they would not have rejected this appropriation, and I therefore ask the Senate to disagree to the amendment.

Mr. DOLPH. The committee may have acted unadvisedly in regard to some amendments, although they examined the bill and the reports of the engineers with great care. I am certain, however, that they did not act unadvisedly in regard to this amendment. I will read from the report of the committee:

In 1870 a survey of the harbor was made, which showed the channel at the entrance to be narrow and intricate, with a depth of only 5 feet.

The original project provided for cutting a channel 8 feet deep through the outer bar, and constructing piers from the shore out to the necessary depth.

Efforts were made, without success, during the years 1872, 1873, and 1874 to obtain a channel by dredging only, but the required depth could not be maintained.

The present project, adopted in 1875, provides for a pile revetment, running from the north shore of the Portage River, opposite the town, 967 feet out into the lake in a direction north 57 degrees east; then inclining towards the north, a pile pier, about 1,500 feet long, extends to the depth of 10 feet in the lake; parallel to this, and 200 feet from it, an east pier, 2,600 feet long, to run out from the south shore of the river. It is expected that a full depth of 9 feet can be maintained by confining the waters of the Portage River between these piers.

The total amount appropriated for this harbor to date is $48,000, of which $46,000 has been expended, and has resulted in obtaining a depth of 8 feet from the lake to the town. It is estimated that $42,000 will be required for the completion of the project. The engineer in charge reports against the advisability of the expenditure at present on the ground that the commerce, present or prospective, is not such as to justify it. During the past fiscal year fifty-four vessels entered the port, with an average of 53.6 tons.

They were very small vessels, and not a large number. The report of the engineer in charge contains the following:

The sum of $46,000 has been appropriated and expended up to the close of the fiscal year ending June 30, 1886, but as the commerce of Port Clinton is small, and prospects for much increase in the near future are not great, it is doubtful whether the expenditure of the remaining $44,000 for the completion of the proposed project, under the revised estimate, would be advisable.

It will be seen, therefore, that the committee in striking out the appropriation of $5,000 for this improvement acted upon the report of the engineer in charge of the work, who reports substantially against it. He does not at least say that it is advisable to make the further expenditure of $42,000, on account of the small commerce and the little prospect of any great increase in the future.

Mr. SHERMAN. The answer to that is that I do not ask and would not ask the appropriation of $42,000 to complete this improvement, but I do ask that a sum sufficient be appropriated to dredge out and maintain the present condition of the improvement. If I were appearing here asking for $42,000 to deepen the channel it would be different; but all I ask is a sum sufficient to dredge out and maintain the *status quo* of this improvement.

I consider this so important that I shall have to ask for a division of the Senate upon it. This is a small matter, simply to preserve and maintain by dredging the present stage of improvement upon which already private citizens have expended $50,000 in the faith that the Government would maintain what it already had completed; and I hope that the committee will not object to leaving in the bill this small sum to make such necessary dredging as will maintain the present depth of water. I can not consent that the amendment shall be agreed to unless it shall be done by the Senate.

The PRESIDENT *pro tempore*. Does the Senator from Ohio desire to have the question taken as in Committee of the Whole, or will he reserve the amendment for a separate vote in the Senate?

Mr. SHERMAN. I prefer to have the question taken now because it is too small a matter to be continued long. The appropriation is only $5,000, merely for the use of a dredge-boat.

Mr. DOLPH. I call the attention of the Senator from Ohio to the fact that as it appears in the bill the appropriation is for continuing the improvement. It is to continue the plan already adopted.

Mr. SHERMAN. The Senator may change the language if he chooses; I do not care anything about that. All we want is by dredging to maintain the present status. That will be continuing the improvement, but not according to the plan, because the money proposed to be appropriated would be insufficient to deepen the channel.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Commerce.

The amendment was rejected.

GETTYSBURGH REUNION.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 178) granting leave of absence to certain persons employed in the service of the United States.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a joint resolution from the House of Representatives, which will be read at length.

The joint resolution (H. Res. 178) granting leave of absence to certain persons employed in the service of the United States was read, the first time by its title and the second time at length, as follows:

Be it resolved, etc., That the heads of Departments are hereby authorized to grant to all persons employed in the service of the United States who were present at the battle of Gettysburgh sufficient leave of absence, without loss of pay, to attend the reunion to be held at Gettysburgh on the 3d day of July next, such absence not to be taken from the allowance made by law.

Mr. MANDERSON. I ask unanimous consent of the Senate that the joint resolution be now considered.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that the pending business be informally laid aside for the consideration of the joint resolution which has just been read. Is there objection?

Mr. MANDERSON. It is practically the joint resolution that passed the Senate a few days ago. It comes to us now as a House resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 425, after the word "improvement," to strike out "ten" and insert "twelve;" in the same line, before the word "thousand" where it occurs the second time, to strike out "three" and insert "five;" and after the word "thousand" to insert "dollars;" so as to make the clause read:

Improving harbor at St. Joseph, Mich.: Continuing improvement, $12,000; $5,000 to be used in improving the water channel leading up to Benton Harbor.

The amendment was agreed to.

The next amendment was, in section 1, line 463, after the word "Wisconsin," to strike out "Continuing improvement" and insert "For repairs and dredging;" so as to make the clause read:

Improving harbor at Menomonee, Wis.: For repairs and dredging, $9,000.

The amendment was agreed to.

The next amendment was, in section 1, line 472, before the word "thousand," to strike out "two" and insert "twenty;" and in the same line, after the word "dollars," to insert—

Eighteen thousand dollars of which appropriation shall not be available until the city of Oconto has caused repairs to be made, to the satisfaction of the engineer in charge, to the old part of the pier built by private enterprise;

So as to make the clause read:

Improving harbor at Oconto, Wis.: Continuing improvement, $20,000; $18,000 of which appropriation shall not be available until the city of Oconto has caused repairs to be made, to the satisfaction of the engineer in charge, to the old part of the pier built by private enterprise.

The amendment was agreed to.

The next amendment was, in section 1, line 513, before "Minnesota," to strike out "Marias" and insert "Marais;" so as to make the clause read:

Improving harbor at Grand Marais, Minn.: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, in section 1, line 527, before the word "hundred," to strike out "two" and insert "three;" after the word "hundred" to insert "and fifty;" and in line 528, before the word "part," to insert "any;" so as to make the clause read:

Improving harbor at Oakland, Cal.: Continuing improvement, $350,000; which sum, or any part thereof, may be used, in the discretion of the Secretary of War, on the training-walls and channel.

The amendment was agreed to.

The next amendment was, in section 1, line 534, before the word "thousand," to strike out "ninety" and insert "sixty-two;" and after the word "thousand" to insert "five hundred;" so as to make the clause read:

Improving harbor at Wilmington, Cal.: Continuing improvement, $62,500.

The amendment was agreed to.

The next amendment was, in section 1, line 547, before the word "thousand," to strike out "twenty" and insert "fifty;" so as to make the clause read:

Improving harbor at Yaquina Bay, Oregon: Continuing improvement, $150,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 548, to insert:

Improving Tillamook Bay and Bar, Oregon, $5,200.

The amendment was agreed to.

The next amendment was, in section 1, line 552, before the word

"thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

Improving Lubec Channel, Maine: Continuing improvement, $20,000.

The amendment was agreed to.

The next amendment was, in section 1, line 554, before the word "thousand," to strike out "ten" and insert "fifty;" and in the same line, after the word "dollars," to insert "$20,000 of which sum to be expended between Bangor and Crosby's Narrows, and $30,000 between Bucksport and Winterport, according to the last plan of the engineer in charge;" so as to make the clause read:

Improving Penobscot River, Maine: Continuing improvement, $50,000; $20,000 of which sum to be expended between Bangor and Crosby's Narrows, and $30,000 between Bucksport and Winterport, according to the last plan of the engineer in charge.

The amendment was agreed to.

The next amendment was, in section 1, line 559, after the word "Maine," to strike out "to complete" and insert "continuing improvement;" so as to make the clause read:

Improving Narragaugus River, Maine: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 565, before the word "thousand," to strike out "twenty" and insert "seventy-five;" so as to make the clause read:

Improving Kennebec River, Maine, $75,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 566, to insert:

Improving Moose-a-Bee Bar, Maine: Continuing improvement, $15,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 570, to insert:

Improving Bellamy River, New Hampshire, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 584, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

Improving Pawtucket River, Rhode Island: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, in section 1, line 588, after the word "improvement," to strike out "twenty" and insert "twenty-eight;" so as to make the clause read:

For removing Green Jacket Shoal, Providence River, Rhode Island: Continuing improvement, $28,000.

The amendment was agreed to.

The next amendment was, in section 1, line 591, before the word "thousand," to strike out "five" and insert "ten;" so as to make the clause read:

Improving Pawcatuck River, Rhode Island: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 594, after the word "Connecticut," to strike out "ten" and insert "thirty-five;" and in line 595, after the word "dollars," to insert "$25,000 of which may be expended in commencing the construction of a breakwater at the mouth of said river;" so as to make the clause read:

Improving Housatonic River, Connecticut, $35,000; $25,000 of which may be expended in commencing the construction of a breakwater at the mouth of said river.

The amendment was agreed to.

The next amendment was, in section 1, line 599, before the word "thousand," to strike out "twenty-five" and insert "sixty-five;" and in the same line, after the word "dollars," to insert "which may be expended at any point between Norwich and New London;" so as to make the clause read:

Improving Thames River, Connecticut: Continuing improvement, $65,000; which may be expended at any point between Norwich and New London.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 622 to line 625, inclusive, as follows:

Improving Grass River at Massena, N. Y.: The Secretary of War is authorized and directed to expend the balance remaining on hand of the sum heretofore appropriated in dredging operations according to the original plan.

The amendment was agreed to.

The next amendment was, in section 1, line 627, before the word "thousand," to strike out "eight" and insert "ten;" so as to make the clause read:

Improving Maurice River, New Jersey: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 629, before the word "thousand," to strike out "thirty" and insert "thirty-five;" in line 630, before the word "thousand," to strike out "two" and insert "seven;" after the word "thousand" to insert "five hundred;" and in the same line, after the word "used," to insert "to complete improvement;" so as to make the clause read:

Improving Passaic River, New Jersey: Continuing improvement, $35,000; of which $7,500 are to be used to complete improvement above Newark.

The amendment was agreed to.

The next amendment was, in section 1, line 633, before the word "thousand," to strike out "forty-five" and insert "fifty;" so as to make the clause read:

Improving Raritan River, New Jersey: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 662, to insert:

Improving Mispillion Creek, Delaware: To complete, from Milford to its mouth, $3,500.

The amendment was agreed to.

The next amendment was, in section 1, after line 665, to insert:

Improving Broadkiln River, Delaware: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 667, to insert:

Improving Broad Creek, Delaware: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 679, to insert:

Improving Potomac River at Washington: Continuing improvement, $100,000.

The amendment was agreed to.

The next amendment was, in section 1, line 691, after the word "hundred," to strike out "and twenty-five;" so as to make the clause read:

Improving James River, Virginia: Continuing improvement below Richmond, $200,000.

The amendment was agreed to.

The next amendment was, in section 1, line 695, after the words "Mount Vernon," to strike out "continuing improvement" and insert "to complete;" so as to make the clause read:

Improving channel at Mount Vernon: To complete, $6,000.

The amendment was agreed to.

The next amendment was, in section 1, line 714, before the word "thousand," to strike out "fifty" and insert "twenty-five;" so as to make the clause read:

Improving, by dredging and otherwise, the inland water way, from Chincoteague Bay, Virginia, to Delaware Bay, at or near Lewes, Del., to be used from Chincoteague Bay to Indian River Bay: Continuing improvement, $25,000.

Mr. FRYE. That amendment may be passed over for the present.

The PRESIDENT *pro tempore*. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 721, before the word "thousand," to strike out "one" and insert "three;" and after "thousand" to strike out "five hundred;" so as to make the clause read:

Improving Elk River, West Virginia: Continuing improvement, $3,000.

The amendment was agreed to.

The next amendment was, in section 1, line 725, after the word "hundred," to insert "and fifty;" so as to make the clause read:

Improving Great Kanawha River, West Virginia: Continuing improvement, $350,000.

The amendment was agreed to.

The next amendment was, in section 1, line 736, after the word "dollars," to strike out "and for continuing improvements;" so as to make the clause read:

Improving Monongahela River, West Virginia: To complete dam No. 8, $55,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 737, to insert:

Improving the Ohio River: For constructing a movable dam on the Ohio River near the mouth of the Beaver River, $100,000, and the Secretary of War shall locate sites for three such movable dams between the dam hereby provided for and the dam at Davis Island: *Provided*, These dams shall, in his opinion, be necessary to the carrying out of his plans of improvement.

Mr. REAGAN. I wish to inquire of the chairman of the committee whether the committee have the approval of the Chief of Engineers of this scheme, and what is the probable cost to execute the plan of movable dams along the Ohio River? I make the inquiry because this scheme has been before another branch of Congress several times, and it was developed that the chances were—that was the conclusion reached by the committee there—that it would probably injure the navigation of the Ohio River more than it would benefit it, and that the system could not be completed as contemplated originally short of about $78,000,000.

I do not know the information which has been before our committee, but this seems to have in view inaugurating the plan of making movable dams along the Ohio River. I do not now remember the number contemplated in the plan that was formerly presented and urged, but I do know that it was regarded as likely to be very expensive and of very doubtful expediency. We had models before us, and this matter was discussed several times.

I suggest that before we enter upon this work it would be well for the Senate to understand what we are entering upon. If the Committee on Commerce understand that it is an expenditure of $78,000,000 and recommend it with that view, all well, for that is what the system originally intended to do.

Mr. BLAIR. I think it ought to be considered that the appropriation proposed is within one million of the amount of the school bill.

Mr. REAGAN. I did not hear what the Senator said.

Mr. BLAIR. I only suggested that it seemed to be worthy of attention that this was within $1,000,000 of the amount of the school bill.

Mr. REAGAN. I think it is about as absurd as the school bill was.

Mr. FRYE. When the Great Kanawha River was proposed to be improved in about the same way there were a great many who said that was absurd; but yet it has increased the output of coal from, I think, 4,000,000 tons to about 16,000,000 tons, and has decreased the cost to the consumer from 50 cents to a dollar a ton. I refer to the improvement of those dams in the Great Kanawha.

Mr. FAULKNER. I will state to the Senator that the output of coal was increased from 4,048,300 tons to 23,233,374 tons.

Mr. FRYE. I thank the Senator for the correction. It is an illustration of what may be done by the improvement of these rivers.

In the bill as it came from the other House there was a proposition for the purchase from the Monongahela Navigation Company of the upper lock and dam, the proposition being ultimately to appropriate to the United States by purchase all of the dams on the lower Monongahela River.

Mr. REAGAN. I suppose I am misunderstood. I was discussing the item beginning at line 738 for the improvement of the Ohio River.

Mr. FRYE. Yes, and I was leading up to that by a reference to the Monongahela River. The committee determined to strike out the proposed purchase of those dams, not believing that it was proper at this time to enter upon that expenditure, but it was shown to the committee that the Ohio River at the points named here could be very greatly improved by the construction of movable dams at a cost of $100,000 apiece, and that four movable dams would be all that would be necessary to complete the entire improvement of the upper Ohio River, as I understand it. In the judgment of the committee it was thought entirely proper to enter upon that work, as it was now thought improper to purchase the Monongahela works. My impression is that the Senator from West Virginia [Mr. KENNA] understands the matter fully.

Mr. REAGAN. The illustration offered by the Senator from Maine is hardly precisely in point. There are no movable dams on the Kanawha River; there are locks and dams on that river. The Senator from West Virginia [Mr. KENNA] informs me that I am mistaken. Then they have been of recent construction.

Mr. KENNA. If the Senator will pardon me, I will state that on the upper part of the Kanawha River fixed dams are built because of the conditions which apply to ordinary and low water. In other words, the fall is great and in open stages the navigation is not large, but below Cannelton on the Kanawha are the movable dams. We need on the Kanawha River the benefit of this improvement only in low stages of water. In the ordinary stages the Kanawha is a good, successful, navigable stream, but in low stages of water, on account of the fall, the channel gets low and hence becomes unnavigable. In the ordinary stages of water these dams are lowered so that there is a 200-foot passage-way in the dams that allows the navigation to go on, just as it would without any improvement.

Mr. REAGAN. This proposed improvement on the Ohio is below the Kanawha?

Mr. KENNA. Oh, no; it is 240 miles above.

Mr. REAGAN. Is it above or below Pittsburgh?

Mr. KENNA. It is below Pittsburgh.

Mr. FRYE. Let me inquire of the Senator from West Virginia if the movable dam at Pittsburgh did not work perfectly?

Mr. KENNA. There never was any trouble, I understand, about the work of the movable dam except in the exigencies growing out of the conditions, which were abnormal this last winter, on account of the ice, so that they could not lower the dam.

Mr. REAGAN. The dam was built at Pittsburgh for the purpose of making a harbor there in which vessels might rest, in which they might load and unload; but it was presented to the committee who had charge of this subject at the time I speak of that the expense of the improvement of the Ohio River would be as I have stated. It is an open river for navigation, not like the upper part of the Kanawha, of which the Senator from West Virginia speaks, where movable dams were built on account of the great fall of the river; but in the Ohio River they already have good navigation. It was deemed then of very doubtful expediency and of very great expense, the amount that I suggested a while ago.

The dam which was built at Pittsburgh was constructed at very considerable expense, costing not a hundred thousand dollars, but several hundred thousand dollars; I do not remember how many hundred thousand dollars. It was built there for the purpose of making an artificial harbor for the rest and security of vessels—not especially in the interest of navigation, but for the making of a harbor for the rest of vessels.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. HARRIS. I do not think I heard the answer of the Senator from Maine, if indeed he answered the question of the Senator from Texas, as to the probable cost of carrying out this plan, if it is entered upon.

Mr. FRYE. I understand that only four movable dams are required, and that they will cost about a hundred thousand dollars apiece. That is, as I recollect, the testimony before the committee. I know the committee unanimously agreed upon this proposition. It was presented by the Senator from Pennsylvania [Mr. QUAY] practically as a substitute for the Monongahela provision which follows it, and the committee were satisfied that it was something which ought to be done.

Mr. REAGAN. I will ask what the nature of the testimony was about the cost of each dam being $100,000? Did it come from any engineer?

Mr. FRYE. My recollection is that it did, from letters of the engineers.

Mr. REAGAN. All I have to say is that the dam above this point, at Pittsburgh, cost many hundred thousand dollars, and my opinion is that it cost over half a million dollars.

Mr. FRYE. The appropriation for the one dam at the mouth of Beaver River is just $100,000. That is to complete it.

Mr. REAGAN. It may be a smaller stream. The Ohio River is a good, large river.

Mr. FRYE. The Senator from Pennsylvania [Mr. QUAY] presented to the committee an estimate from the engineers of the cost at $100,000 each.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Committee on Commerce.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, to strike out the clauses from line 745 to line 802, inclusive, as follows:

The Secretary of War be, and is hereby, authorized and directed to negotiate for and purchase, at a cost not to exceed $161,733.13, lock and dam number 7, otherwise known as "the Upper Lock and Dam," and its appurtenances, of the Monongahela Navigation Company, a corporation organized under the laws of Pennsylvania, which lock and dam number 7 and its appurtenances constitute a part of the improvements in water communication in the Monongahela River, between Pittsburgh, in the State of Pennsylvania, and a point at or near Morgantown, in the State of West Virginia. And the sum of $161,733.13, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for consummating said purchase, the same to be paid on the warrant of the Secretary of War, upon full and absolute conveyance to the United States of the said lock and dam number 7, and its appurtenances, of the said Monongahela Navigation Company.

In the event of the inability of the Secretary of War to make voluntary purchase of said lock and dam number 7 and its appurtenances for said sum of $161,733.13, or a less sum, then the Secretary of War is hereby authorized and directed to institute and carry to completion proceedings for the condemnation of said lock and dam number 7 and its appurtenances, said condemnation proceedings to be as prescribed and regulated by the provisions of the general railroad law of Pennsylvania, approved February 19, 1849, and its supplements, except that the United States shall not be required to give any bond, and except that jurisdiction of said proceedings is hereby given to the circuit court of the United States for the western district of Pennsylvania, with right of appeal by either party to the Supreme Court of the United States: *Provided*, That in estimating the sum to be paid by the United States the franchise of said corporation to collect tolls shall not be considered or estimated; and the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay the necessary costs of said condemnation proceedings; and upon final judgment being entered therein the Secretary of War is hereby authorized and directed to draw his warrant on the Treasury for the amount of said judgment and costs, and said amount for the payment thereof is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. And when said lock and dam number 7 and its appurtenances shall have been acquired by the United States, whether by purchase or condemnation, the Secretary of War shall take charge thereof, and the same shall thereafter be subject to the provisions of section 4 of an act entitled "An act making appropriations for the construction, repair, and preservation for certain public work on rivers and harbors, and for other purposes," approved July 5, 1884.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill; and having read the item for improving New River, West Virginia, at line 805,

Mr. KENNA said: I ask the chairman of the Committee on Commerce to allow that paragraph to stand. I may have occasion to ask the consent of the Senate to offer an amendment which will involve the mere phraseology of the paragraph when the bill is reported to the Senate.

Mr. FRYE. To which item does the Senator refer?

Mr. KENNA. I refer to the New River improvement. I have a letter from the engineer in charge of that improvement, who suggests a modification of the phraseology to secure the general result, but I have it not at hand.

Mr. FRYE. The Senator desires to have it passed over for the present?

Mr. KENNA. I should like to have it passed over for the present, so that I may change the phraseology.

The PRESIDENT *pro tempore*. There is no occasion for passing it over. The paragraph will be open to amendment in the Senate.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 815, before the word "hundred," to strike out the word "one" and insert "two," and after "hundred" to insert "and forty-five;" so as to make the clause read:

Improving Cape Fear River below Wilmington, N. C., $245,000.

Mr. EDMUNDS. That needs an explanation, as it more than doubles the appropriation in the bill as passed by the other House. I should like to hear the report of the engineer upon that subject.

Mr. RANSOM. The clerk of the committee will hand the Senator the report of the engineer. This is the amount estimated to complete the present plan of that improvement. It completes the improvement.

Mr. EDMUNDS. It does not say so in the bill. I should like to hear the committee's report on that point, at page 108, read.

The PRESIDENT *pro tempore*. Does the Senator from Vermont desire to have the report read at the desk?

Mr. EDMUNDS. Yes, sir.

The PRESIDENT *pro tempore*. The report will be read as indicated.

The Chief Clerk read as follows:

NORTH CAROLINA.

Cape Fear River.—Improving Cape Fear River, North Carolina, above Wilmington: Continuing improvement, $12,000.

Improving Cape Fear River below Wilmington, N. C., $245,000.

The Cape Fear River below Wilmington, when placed under improvement in 1829, had three bar entrances with least depths as follows: About 9 feet at the Baldhead Channel, 9 feet at the Rip Channel, and 10 feet at New Inlet Channel, these bars being, respectively, 2, 6, and 2 miles below the point which was then the head of the river's delta. From the head of this delta 20 miles up to Wilmington there were several shoals with a least depth of 7.5 feet at low water.

Between the years 1827 and 1857 projects of improvement were adopted involving dredging and jetty contraction of the channel, and $359,500.76 were expended. The works, however, were never fully completed for lack of funds. From 1872 to date plans of improvement have been adopted, which proposed the extension of the New Inlet dam 2 miles further down the stream to prevent the further erosion of Smith's Island at the Swashes; dredging upon the outer bar to assist the tidal currents in straightening and deepening the bar entrances so as to obtain a 14-foot depth at low water, and for the 20 miles above New Inlet dredging and diking where necessary across the shoals so as to secure a 16-foot channel, 270 feet wide at low water over this whole length.

Up to June 30, 1887, a total of $1,773,946.25 had been spent on the projects of improvement adopted since 1870 with great success, obtaining a 13.5 to 14 feet least depth of water at the main bar entrance, and completing a channel of 16 feet depth and at least 111 feet width 28 miles further to Wilmington. This depth, combined with the average rise of tide of 4.5 feet at the bar and 2.5 at Wilmington, is such that at present vessels loaded to 16 feet draught can readily go from Wilmington to the ocean in a single tide and any day of the year.

After the improvement is finished its proper maintenance may cost from $5,000 to $15 000 per year for a few years; but the improvement should be fairly permanent.

It is estimated that $245,000 will be required to complete the proposed improvement of the river from Wilmington to the ocean.

The effect of the improvement thus far has been to decrease greatly marine freights and insurance, and to increa e the foreign commerce by $4,500,000 per year since 1871, thus showing a development of $2.40 of annual foreign exports for each dollar once spent by the Government during the same period.

The present development of the Cape Fear River means the future development of the State of North Carolina, and of many Western States, which will before long be forced to send their commerce by new and shorter routes via North Carolina railroads and the Cape Fear River to the ocean and foreign markets.

The Cape Fear River above Wilmington has a total length of about 400 miles, and a drainage area of 7,167 square miles, of which 5,620 square miles lie above the mouth of the Black River, its main tributary.

The present head of navigation is at Fayetteville, 112 miles above Wilmington. When placed under improvement in 1881 this part of the river was navigable during the nine flush-water months of the year; but the channel for the upper 75 miles was badly obstructed by sunken logs, snags, overhanging trees, and shoals; and for the upper 66 miles it was full of shoals on which there was not more than 12 or 14 inches of water during the low-water season. At that time the navigation was owned by private parties.

Up to June 30, 1887, a total of $65,832.94 has been spent in all upon this improvement, giving a moderately well-cleared channel over the whole length of river, a moderately good 4-foot continuous channel during the entire year from Wilmington 44 miles to Kelley's Cove, thence a similar 2-foot channel 26 miles further to Elizabethtown, and thence a similar 1-foot channel 42 miles further to Fayetteville; increased to 5-foot draught from Wilmington to Fayetteville during seven months of the year. In consequence, three permanently-established steam-boat lines have been running over the entire distance with full draught for seven months each year, and with lessened draught for the rest of the time.

Freights have been reduced 33 per cent., marine insurance has been rendered unnecessary, and the commerce has been increased by $1,200,000 per year, thus showing a development of $18 of annual commerce for each dollar once spent by the Government.

Mr. EDMUNDS. The particular recommendation of the local engineer is $265,000.

Mr. FRYE. Two hundred and forty-five thousand dollars.

Mr. EDMUNDS. It reads here in the report of Captain Bixby, "Amount estimated, required for completion of existing project, $265,000," and he says that that amount can be profitably expended in the fiscal year ending June 30, 1889; "submitted in compliance with the requirement of section 2 of the river and harbor act of 1866–'67." In the report of the engineer in charge (only a part of which is embodied in the committee's report), on pages 1045, 1046, and following, he illustrates what I said in regard to the Savannah River and the changes of plans and so on. It would seem that there have been nearly half a dozen different projects for the Cape Fear River, and that more than a million dollars has already been spent in experimenting on various contrivances in this way and that way; and now it is proposed to give the total amount that the local engineer recommends for completing the work, though not to give it in the bill as completing the work, but to give it as the ordinary appropriation for an improvement.

I am perfectly willing to improve the Cape Fear River in every suitable and reasonable way, because it is a river that is truly a commercial and navigable river of the United States, and it has a city at the head of its sea navigation, the city of Wilmington, which is a point that will accommodate the people of a great region of the United States undoubtedly. But going on in this way, making fish of one and flesh of another in regard to these ports, and appropriating the full amount that a local engineer says will be necessary to complete the work in one appropriation (and they have a large balance, it would appear, now, I believe, in hand besides), does not seem to be fair to the other portions of the country where similar improvements are going on and similar necessities continue to exist. There ought to be some reasonable uniformity in these respects, as it appears to me.

I should hope, therefore, that the Cape Fear River would stand on the same footing that the other rivers do. If this amendment is put on the ground that this is to complete that work, as the engineer says in his report, then it would seem to be rather wise to put it in the bill that this sum is intended to complete the work. But it is not in the bill. It is the ordinary appropriation for improving that river, and the next year we may have a local engineer who will say he wants $265,000 more, as perhaps he will; but if the bill is to follow the report it ought to say for completing that work, as we often do. It does not say so, and it does not appear to me that it stands on that fair equality of rating of benefits and burdens that is intended, as I suppose, to run through the estimates of the engineers as it does of the Chief of Engineers in general, and runs through the bill in general.

Mr. FRYE. I am satisfied that the intention of the committee was that this appropriation should complete the Cape Fear River improvement. There has been an expenditure of over a million dollars on the river. The Chief Engineer recommended that the work should be completed. It is quite an important river, and the proposition commended itself to the committee that we should just put in enough more to complete it.

Mr. EDMUNDS. Then say "for completion."

Mr. FRYE. My recollection is that it was intended to be for completion, and therefore I move, in line 814, to strike out "improving" and to insert "to complete improvement of."

Mr. RANSOM. I shall be very candid, Mr. President. I do not want to take any advantage or do anything covertly about the matter. I hope that Congress hereafter will upon another survey see the necessity of a further improvement of the Cape Fear River, and that at the right time the right way will be adopted, exactly as has been done in reference to every other large improvement in the United States.

I have no objection to inserting the words "to complete the present improvement" in the bill. The members of the committee will remember that I asked in the committee to have that done.

The PRESIDENT *pro tempore*. The proposed amendment will be stated.

The SECRETARY. At the beginning of line 814 strike out the word "improving"——

Mr. FRYE. There is no need of striking that out. Insert, after "North Carolina," the words "to complete improvement."

The SECRETARY. So as to read:

Improving Cape Fear River below Wilmington, North Carolina: To complete improvement, $245,000.

Mr. EDMUNDS. Oh, no; say "to complete improvement" in place of the word "improving," to make it straight.

Mr. HARRIS. Then strike out the word "improving," in line 814, and say "to complete improvement."

Mr. EDMUNDS. That will make it straight.

Mr. FRYE. All right.

Mr. RANSOM. I hope the chairman of the committee will allow me to amend the clause by saying "to complete the present improvement of the Cape Fear River."

Mr. EDMUNDS. This means the present improvement. I would not put in the word "present." We are all present.

Mr. RANSOM. I wish that to be done, so that hereafter, if I shall try in another year, as I expect to try, to have another improvement for the Cape Fear River under a different survey, Senators can not suppose that I would be guilty of any equivocation or misrepresentation in the matter.

Mr. EDMUNDS. "To complete the improvement of" is the common phrase in all such items. Of course it does not prevent Congress hereafter from putting Cape Fear River down a thousand feet below its present depth, if it wishes to do so.

Mr. RANSOM. Then it is all right; I am satisfied.

Mr. FRYE. The phrase is used in thirty cases in the bill.

Mr. RANSOM. I am satisfied now.

The PRESIDENT *pro tempore*. Will the Senator from Maine indicate the exact language of the amendment he proposes to the amendment of the committee?

Mr. FRYE. Strike out the word "improving" and insert "to complete the improvement of."

The PRESIDENT *pro tempore*. The proposed amendment will be stated.

The SECRETARY. At the beginning of line 814, strike out the word "improving" and insert "to complete the improvement of;" so as to read:

To complete the improvement of Cape Fear River below Wilmington, N. C., $245,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 825, after the words "Tar Rivers," to insert "from the mouths to the falls at Rocky Mount;"

and in line 827, after the word "improvement," to strike out "five" and insert "ten;" so as to make the clause read:

Improving Pamlico and Tar Rivers from the mouths to the falls at Rocky Mount, N. C.: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 829, to insert:

Improving Lumber River, North Carolina, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 832, after the words "North Carolina," to strike out "continuing improvement, five," and insert "from its mouth to Clarksville, Va., forty;" so as to make the clause read:

Improving Roanoke River, North Carolina, from its mouth to Clarksville, Va., $40,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 834, to insert:

Improving Yadkin River, North Carolina, $10,000.

Mr. FRYE. I desire to ask the Senator from North Carolina [Mr. RANSOM] if this "Yadkin River, North Carolina, $10,000," is the identical Yadkin River which is contained in a report from the Secretary of War of "localities unworthy of improvement by the General Government."

Mr. RANSOM. No, Mr. President. The chairman of the committee had the kindness to call my attention to that matter. This is not the improvement alluded to in that report.

The Yadkin River is a very long stream. The survey to which allusion is made in the report of the engineer was made under an amendment which I had placed upon a river and harbor bill some years ago. The engineer reported upon the improvement, and I have never asked for a cent in reference to that part of the river. There is another part of the river away above that, which has been the subject of improvement since 1879 in this body. The chairman of the committee will find in the engineer's report a strong report from Captain Bixby, and the amount here proposed to be appropriated is recommended by the local engineer and by the Chief of Engineers.

Mr. EDMUNDS. I should like to ask the Senator from North Carolina if there are two Yadkin Rivers in North Carolina?

Mr. RANSOM. No, sir; there are not two Yadkins there. The Yadkin River is a very long river. It rises in the mountains of North Carolina and goes down through North Carolina and out through South Carolina into the Pee Dee. The part of the Yadkin River that has been surveyed and which the surveyor says ought not to be improved (the part to which the Senator from Maine alluded), lies partly in South Carolina and partly in North Carolina, on which are the narrows of the Yadkin, and that proposed improvement has been condemned by the board of engineers. The same board of engineers before and since have recommended the improvement of another part of the river.

Some $80,000 have already been expended upon the improvement of the river, and successful results have been obtained from it. The report of the engineer shows that.

Mr. EDMUNDS. I should like to ask my friend from North Carolina where the other Yadkin River is that the Senator from Maine referred to?

Mr. RANSOM. It is a part of this same Yadkin River.

Mr. EDMUNDS. Is it a branch?

Mr. RANSOM. No, sir; it is a continuation of the main stream.

Mr. EDMUNDS. Then this is the river that is described in the report of the Chief of Engineers. This river "has a total length of about 200 miles and a drainage area of 4,320 square miles," somewhat less, I was going to say, than the city of Washington, including the flats; but rather more.

The Yadkin River, North Carolina, has a total length of about 200 miles and a drainage area of 4,320 square miles. Its middle third, extending from the railroad bridge near Salisbury 64½ miles upward to the foot of Bean Shoal, is the only portion so far under improvement by the General Government. This portion of the Yadkin River, prior to governmental improvement in 1880, had a slope of about 2 feet to the mile, and its navigation was completely obstructed by rock ledges, fish and mill dams, and numerous shoals, with a greatest depth of 1 foot at ordinary low water on some of its shoals and ledges. Its river commerce was therefore nothing. The original project of 1879 proposed, for $82,000, to secure a 2.5 to 3 foot steam-boat navigation during the entire year over the 64½ miles above the Salisbury railroad bridge.

This estimate must have been based mainly upon theoretical considerations, since subsequent practice showed that this sum was sufficient to give the desired depth of navigation for only two-thirds of the year and over only one-third of the distance. A personal examination of the river over the 32 miles above the Salisbury railroad bridge (made as soon as possible after assuming charge in 1886) confirmed these points, and moreover showed me the agricultural richness of the river basin and its urgent need for transportation facilities. By careful consideration of the original estimates as checked by my personal examinations and recent surveys, the estimates for the final cost of the work necessary to give the desired depth over the entire 64½ miles, and during only mean winter stages of water (two-thirds of the year) are herewith raised to $400,000.

I do not think it is necessary to read any more, Mr. President.

Mr. RANSOM. I hope not.

Mr. EDMUNDS. I do not wonder that my honorable friend from North Carolina says he hopes not, because the reading is not altogether encouraging for this sort of an appropriation. The little State that I have the honor in part to represent has several rivers that are not so long but are a good deal deeper, so that they have as much water in them, though it is not spread over as much surface, as the Yadkin River; but we have never thought of asking Congress to appropriate money to clear out the sand-bars, shoals, rocks, and ledges to get 2 feet of depth of water for imaginary navigation.

If this is really a national work, then the rivers in Vermont that I allude to are too. It would be a great local convenience to the neighborhoods in getting to the railroads with their products and so on; but having been brought up Jeffersonian Democrats, we were really under the impression that those streams are not streams of that national and constitutional importance which under the authority of Congress to regulate commerce the people of Vermont had a right to ask the national Treasury to put in order for their passage.

I must say, with great respect to my friend from North Carolina and with the respect that I have for the Cape Fear River, which has been explained, that it does not appear to me that the Yadkin River falls within the class that Congress ought to deal with; but I suppose there is no help for it. I have tried it a good many years without any success.

Mr. RANSOM. Mr. President, we have heard this talk before in reference to the Yadkin River. I have not thought it either necessary or proper for me, and I do not think it is now, to inquire more than we have done upon the Committee on Commerce in reference to the rivers in Vermont. We have generally tried to treat them just as we have treated the rivers in North Carolina and elsewhere.

This is not a new improvement. Since 1879 this improvement has been upon the river and harbor bills.

I did not say that I hoped the Senator from Vermont would not read any further because I was afraid of the report. I knew he would read all that would be pertinent to the subject. Let me say to that Senator that this is a very great improvement to the section of country through which it is to go. It is a part of North Carolina, and a large and respectable part of the State heretofore absolutely cut off from improvement. If the Senator will do me the kindness to read on in the report he will see that the engineer says so, and that when this improvement is completed it will largely develop a commerce which is now almost nothing, and prove of great benefit to that section of the State.

I ask pardon of the Senate for taking up any time.

Mr. EDMUNDS. May I ask the Senator, before we leave this item, because it will illustrate a great many other items in the bill, and I know my friend's State can stand it as well as any, how many months in the year this river is navigable at all, even with the improvement?

Mr. RANSOM. If this improvement is made, in my judgment the river will be navigable the year round.

Mr. EDMUNDS. How many months in the year is it navigable now for vessels drawing 2 feet of water?

Mr. RANSOM. The river is now scarcely navigable at all. This improvement is making it navigable. This improvement is intended to make the river navigable for 64 miles.

Mr. President, there is scarcely a river in this country that at one time did not fail to be navigable because of obstructions at its mouth. We heard the Senator from South Carolina [Mr. BUTLER] to-day eloquently and forcibly represent that commerce was checked at the mouth of a river unless you took out the obstructions. We have heard the Senator from Oregon [Mr. DOLPH] upon the same subject. I may be mistaken about it, but I think I have known the Senator from Vermont to represent to the Committee on Commerce that with a very small appropriation made to what appeared to be a small stream in the State of Vermont it would become a very great convenience to the public. No doubt he represented it correctly. Just so when this stream is cleaned out, if this improvement goes on, it will be a great thing for that part of North Carolina.

Mr. EDMUNDS. If there is no railroad along that river, I dare say it would, if you can make a river there. It may be like that other river, I think it was in North Carolina, in the time of one of my friend's predecessors who had an amendment of this kind to a bill, and the report of the engineers was read; and it appeared from the report of the engineers, soberly and truly and officially made, that the river could be made navigable, but in order to do it, it was necessary to build pumping works on the other side of the mountain and pump water over to it; and it was estimated that it would cost so much, not a very extravagant sum, a million or two of dollars.

Mr. RANSOM. That is a piece of imagination on the part of the Senator from Vermont.

Mr. EDMUNDS. Not at all; I am speaking with all truth and soberness.

Mr. RANSOM. The Senator means to tell the truth about it; but let me show him just how far he is mistaken. I suppose the Senator thinks that it may be a little bit interesting to me.

The PRESIDENT *pro tempore*. Does the Senator from Vermont yield to the Senator from North Carolina?

Mr. EDMUNDS. With great pleasure, Mr. President.

Mr. RANSOM. There was a survey at one time in reference to what we hoped might be a great water way. It was attractive to my friend going down to shoot ducks in Currituck.

Mr. BUTLER. The French Broad?

Mr. RANSOM. No, sir; it was a hundred miles from the French Broad,

away down on the Atlantic Ocean, where you could hear the great surf and the waves beat. We had a survey made so as to see what could be done. A brilliant engineer, as the Senator from Vermont said, reported that it would be very practicable if they had water enough, but he said he knew no way in the world of getting water there. He said perhaps that somebody had suggested that it could be pumped up, but nobody ever dreamed of doing that. Nobody has ever made a suggestion about it. That had nothing in the world to do with the improvement under consideration.

Mr. BUTLER. What part of the Yadkin is it proposed to improve?

Mr. RANSOM. From the main line of the Richmond and Danville Railroad, going on this side of Salisbury up to the mountains, 64 miles. I wish my friend from Vermont could go down and look at the Yadkin, see it on a rise or swell, or see it when it was low in the summer season, although it is a perpetual stream. My impression is that there is no stream in the United States that falls less during the summer season than the Yadkin, for it is made up of mountain streams that come pouring down. If my friend from Vermont could go down there one day with me, he would be ashamed of every river in Vermont. He would say, "Well, the Senators from North Carolina from time immemorial have been trifling; they ought to have had more money; instead of having a few thousand dollars they ought to have had a million or two millions of dollars spent upon this great stream."

A few years ago the Senator from Vermont had these same ideas about the Cape Fear, but he went down and saw it with the engineer and his friends. Our people were glad to see him there, and carried him down to South Hope, formerly Smithfield. He went down the river, and when he saw the breadth and the depth and glory of Cape Fear River, he came back and, except a little irony, he has not said one word about it since. He has always admitted it to be a great and good stream.

Mr. President, I wish that I was in the humor to speak to-day, but this weather is too warm. I wish we were not here in open Senate; I wish we were in executive session, so that I might describe that river of love which the Senator from Vermont has been inviting the Committee on Commerce to see. I have seen that distinguished Senator send for three different maps and charts, and special ones, before he could find the river he wanted to get an appropriation for.

Mr. BUTLER. In Vermont?

Mr. RANSOM. In Vermont. The chairman of the committee and every Senator here will bear me out in the statement. He knows there is no imagination in that. And now he comes and fights the Yadkin. It was right to improve the creek up in Vermont, but, as a Senator once told me, he hoped I would give better names to my rivers in North Carolina. I think I would change the name Otter and make it Attar—Attar of Roses. I do not know much about perfumery, but I know the Yadkin is a great big river, and when my friend comes down some day and looks at it he will see that I was right in trying to have it improved, and he will thank me for it.

Whenever there has been an improvement suggested in my State and I became satisfied it was not right and was not good, I have abandoned it. Where I thought it would do no good, I have abandoned it.

Mr. EDMUNDS. As to the Vermont river, my friend is drawing, as he well may, because he has a boundless fountain, upon his imagination; but it is very pleasant to hear him even when he is speaking of imaginative matters, as well as it is when he is speaking of matters of fact. I have no doubt about the necessity of the improvement of the Yadkin River. I am not entirely ignorant of it. I have crossed it four times within the last six months; but I did not have half the hesitation on either occasion that Cæsar is said to have had about crossing the Rubicon, which I believe the Roman Senate never appropriated anything for the improvement of, so far as I have read.

But the Yadkin River is a great river. The Senator says he wishes I could see it on its rise and flush, or whatever you call it, and he is supported by the engineer in that respect, for the engineer says that all the works of clearing the river channel were prevented before June, 1887, by high water. Then he goes on to add that when the high water got down the water was so low that nobody could do anything with the river. It is very high in high time. There really is not any water in it in low time. I will read just what the engineer says about the low water. I read literally what he said about the high water.

Seventy-seven thousand two hundred and sixty-five dollars and ninety cents has been spent, in all, upon this improvement up to June 30, 1887—

It is a pity they had not put on it the odd 10 cents—

in securing a good channel for flat-boats (and only an indifferent channel for steam-boats) of 40 to 70 feet width—

That is the channel, not the steam-boat, I presume—

and from 2 to 2½ feet depth during mean winter stages of water (eight months of the year) from the Salisbury railroad bridge, 21 miles upward, to above Swicegood's Mill. No river commerce has yet been created—

Seventy-seven thousand dollars has not got any river commerce for a single foot of that stream—

and none is expected until the improvement reaches Bailey's Ferry, 35 miles above the Salisbury railroad bridge.

I can not infer from what I have seen of the magnificent State of North Carolina that for this 21 miles there is a desert, an impassable, uncultivable mountain region, that is incapable of habitation, and that does not rejoice in tobacco, and wheat, and corn, and cattle, and horses, and all that makes North Carolina so famous. But $77,000, speaking seriously, spent upon 21 miles of this river and making 2½ feet depth of water in the winter when the water is high, has not yet produced any commerce at all.

I can say in all seriousness to my friend that I am glad to do anything I can for North Carolina, but I do not want to tax the people of North Carolina, or Vermont either, to try to make the Yadkin River a navigable stream, unless we go into the pumping business and get some water in.

Mr. RANSOM. I do not want to say anything more about this matter, because my friend from Vermont has touched me so lightly upon the Yadkin that I ought to be thankful to him. Some envious gentlemen on this side of the Chamber are really suspecting me of being on too good terms with that Senator and getting him to help the amendment through. But there is no doubt that the amount of money stated was spent upon the river. The Senator from Vermont says that $77,000 were spent to secure a channel 70 feet wide and 2½ feet deep, and that it is an enormous sum and will ruin the country. If the Senator from Vermont would think for one second he would know that there is not a railroad in this country carried through a hilly or mountainous region that does not cost from $30,000 to $77,000 a mile to construct it. Then you can run but one train upon it, and here you can run boats up and down and through the stream as you please.

It is said there is no commerce on the Yadkin. It is true there is no commerce on it yet. Until last year there was no commerce on the Tennessee River through the Mussel Shoals, and there will be on that river in the future perhaps the greatest internal commerce in this country. Why was it? It was because the work had not been completed; but as soon as the work is completed and steamers can go through you will see commerce there, just as the engineer says there will be no commerce on the Yadkin until the improvement is completed up to a certain point, and then it will come in.

The Senator from Vermont is right when he says that it is not a desert land. It does produce tobacco, corn, wheat, and much more. Make this improvement and a valuable commerce will be developed.

Mr. EDMUNDS. Mr. President, I became so mystified and delighted with the eloquence of my friend from North Carolina that I forgot to read the report of the engineer in charge, of the 15th of December, 1887, upon this subject of the practicability of making the Yadkin as available for the purposes of navigation as its intrinsic merits undoubtedly entitle it to. Here is what the engineer says:

Since the date of this preliminary report I have examined the river in person, in a small row-boat, over the entire length above specified—

That is the length proposed to be improved—

and at a time when the water was at nearly its lowest stage. The middle portion of this river from the Grassy Island Shoals upward 16 miles, was found to be comparatively level, and in itself could be easily made navigable"—

These 16 miles—

at low water for boats drawing 4 feet—

That is very good—

but there would be no way of connecting this navigation to other navigable parts of the river below, or even to nearest railroad, except at a cost to-day out of proportion to the resulting benefits. The rest of this river, the general features of the whole river, the cost of its improvement, and the statistics of commerce were found to be practically as already described in the preliminary report, to which you are referred for fuller details.

In my opinion this river-basin is one of considerable water-power and of great agricultural wealth, but at the same time one which is at present best adapted to development by the construction of a railroad up its valley, instead of by the improvement of its water ways. Moreover, the people along the river appear anxious to have an open passage cut through the existing fish-dams, more to allow fish to ascend the river than to facilitate the river commerce.

That was the case, I believe, several years ago in West Virginia, before either of the present Senators was here, where an appropriation had been obtained in a preceding year, and it was made the foundation for a secondary one for cutting away the brush and the logs in a certain stream in West Virginia, and it was found on examination that that stream was not either nationally or locally a navigable stream at all, and that the only benefit that would accrue to the public—and that I admit is a great benefit—would be to fishermen (including Senators) who go up and down in canoes fishing for trout, for it is a very good trout stream.

Mr. KENNA. The Senator will pardon me. I do not quite understand to what stream in West Virginia he alludes.

Mr. EDMUNDS. I can not remember the name of it. As I said, it was before the Senator came into this body, or his colleague either.

Mr. KENNA. I believe I have read of streams so characterized by the newspapers; but no such stream in West Virginia has ever received an appropriation from Congress. There is not a stream in West Virginia upon which a dollar was ever appropriated where there could not be demonstrated to the satisfaction of the Senator himself the absolute propriety of the appropriation and its benefit to the Government. The West Virginia Senators have ample opportunity for fishing without asking appropriations for trout streams.

Mr. EDMUNDS. I am very glad to know that both in the beginning and the end of my friend's discourse——

Mr. KENNA. And in the middle of it.

Mr. EDMUNDS. And I repeat, without using it in any Pickwickian sense, that my recollection is at fault if there does not appear either in a bill or an act of Congress—I can not say that it became a law—a proposition for cutting out the brush and logs in a certain stream, and that with what light we could get at the time, ten or a dozen or fifteen years ago, for aught I know, it appeared that the only value that stream had to anybody besides floating logs was the value of its fishery interest, which, of course, we Republicans are all for just at this present time.

Now, I come back to the rest of this report of the engineer about the Yadkin—

Moreover, the people along the river appear anxious to have an open passage cut through the existing fish-dams, more to allow fish to ascend the river than to facilitate river commerce.

Since making the above-described examination, I have visited other rivers of similar nature—

I suppose North Carolina, like Damascus, has a good many other rivers than the one mentioned in Scripture—

upon which there already exists a more or less successful pole-boat navigation.

As a result of all these examinations, I am now of the opinion that the steep descent of the Yadkin River, its comparatively small volume of water at ordinary stages, and its large extent of rocky bottom render any extended navigation of this river impracticable except by the aid of locks and dams and the extensive removal of rocks between these dams; that the cost of any such improved navigation (even for rafts and barges) is here altogether too great (see preliminary report), in comparison with the advantages to be derived therefrom, until the mineral resources of the river-basin are much more fully developed than at present; and that under these circumstances, this river, within the limits of the prescribed examination, is not to-day worthy of improvement by the General Government.

Very respectfully, your obedient servant,

WM. H. BIXBY,
Captain of Engineers.

THE CHIEF OF ENGINEERS UNITED STATES ARMY.

Mr. RANSOM. Mr. President, if the Senator from Vermont had paid attention to the inquiries suggested to me by the chairman of the committee and to the attempt I made to make my answer clear, he would have seen that he is now reading from a different survey entirely—a survey not of the part of the stream on which the improvement is to be made, but a survey 50 miles below it and in no way connected with it.

Why, Mr. President, this same engineer and the Chief of Engineers in the reports before us recommend this improvement and make an estimate for it, putting it down at $10,000. That is a different part of the stream. That is a part of the stream that I said to-day I never had asked an I never would ask an appropriation for.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Committee on Commerce. [Putting the question.] The ayes appear to have it.

Mr. EDMUNDS. I think we can safely divide or have the yeas and nays on this.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were present, I should vote "yea."

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I do not know how he would vote if present; therefore I refrain from voting.

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL]. If he were present I should vote "yea."

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

Mr. WILSON, of Maryland (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

The roll-call was concluded.

Mr. GRAY. My pair is with the Senator from Illinois [Mr. CULLOM], a member of the Committee on Commerce, and as this is a committee amendment I consider myself at liberty to vote "yea."

Mr. BUTLER. I am informed upon inquiry that the Senator from Pennsylvania would vote "yea" upon this proposition, if present, and I therefore record my vote "yea."

Mr. HARRIS. I am paired with the Senator from New York [Mr. HISCOCK]. If he were here, I should vote "nay."

Mr. FAULKNER. I am paired with the Senator from Pennsylvania [Mr. QUAY]. I do not know how he would vote if present.

Mr. RANSOM. He would vote "yea."

Mr. FAULKNER. Then I vote "yea."

Mr. MANDERSON. I am paired with the Senator from Kentucky [Mr. BLACKBURN], but I am informed that the Senator from Kentucky, if present, would vote "yea" on this amendment, and therefore I vote "yea."

The result was announced—yeas 29, nays 6; as follows:

YEAS—29.

Bate,	Evarts,	Jones of Arkansas,	Pugh,
Blair,	Faulkner,	Kenna,	Ransom,
Blodgett,	Frye,	McPherson,	Sawyer,
Brown,	Gorman,	Manderson,	Turpie,
Butler,	Gray,	Mitchell,	Vest.
Call,	Hale,	Morgan,	
Chace,	Hampton,	Paddock,	
Dolph,	Hawley,	Payne,	

NAYS—6.

Allison,	Davis,	George,	Platt.
Chandler,	Edmunds,		

ABSENT—41.

Aldrich,	Dawes,	Palmer,	Stewart,
Beck,	Eustis,	Pasco,	Stockbridge,
Berry,	Farwell,	Plumb,	Teller,
Blackburn,	Gibson,	Quay,	Vance,
Bowen,	Harris,	Reagan,	Voorhees,
Cameron,	Hearst,	Riddleberger,	Walthall,
Cockrell,	Hiscock,	Sabin,	Wilson of Iowa,
Coke,	Hoar,	Saulsbury,	Wilson of Maryland.
Colquitt,	Ingalls,	Sherman,	
Cullom,	Jones of Nevada,	Spooner,	
Daniel,	Morrill,	Stanford,	

The PRESIDENT *pro tempore*. The state of the vote disclosing the absence of a quorum, the Secretary will call the roll of the Senate.

The roll was called, and the following Senators answered to their names:

Allison,	Davis,	Hawley,	Ransom,
Bate,	Dolph,	Ingalls,	Reagan,
Beck,	Edmunds,	Jones of Arkansas,	Saulsbury,
Berry,	Evarts,	Kenna,	Sawyer,
Blair,	Faulkner,	McPherson,	Sherman,
Blodgett,	Frye,	Manderson,	Turpie,
Brown,	George,	Morgan,	Vance,
Butler,	Gorman,	Paddock,	Walthall,
Call,	Gray,	Pasco,	Wilson of Md.
Chace,	Hale,	Payne,	
Chandler,	Hampton,	Platt,	
Coke,	Harris,	Pugh,	

The PRESIDENT *pro tempore*. The call of the roll shows the presence of 45 Senators. A quorum being present, further proceedings under the roll-call will be dispensed with, if there be no objection. The Secretary will call the roll upon the question of agreeing to the amendment proposed by the Committee on Commerce.

Mr. MANDERSON. I think it is quite evident with the number of pairs that there is no quorum to vote on this bill at this stage; and I move therefore that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 28, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 27, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

FOREIGN RELATIONS, 1887.

The SPEAKER laid before the House the following communication from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, accompanied with selected correspondence relating to foreign affairs for the year 1887.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 25, 1888.

INDIAN SCHOOLS, ALBUQUERQUE, N. MEX.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, with accompanying correspondence, a letter from the Commissioner of Indian Affairs relative to the claim of the Board of Home Missions of the Presbyterian Church for improvements made on the grounds of the Indian school at Albuquerque, N. Mex.; which was referred to the Committee on Indian Affairs.

SPOLIATION CLAIMS.

The SPEAKER also laid before the House communications from the clerk of the Court of Claims, transmitting conclusions of fact and of law in the following spoliation claims; which were severally referred to the Committee on Appropriations, namely:

Ship Speculator, Charles Frances Adams, administrator, and others, claimants;

Schooner Elizabeth, Frederick J. Huntington, administrator, and others, claimants;

Sloop Farmer, Charles Francis Adams, administrator, and others, claimant; and

The brig Sallie, Charles T. Lovering, administrator, and others, claimants.

RELIEF OF CERTAIN APPOINTED OR ENLISTED MEN.

The SPEAKER also laid before the House the bill (H. R. 1508) to relieve certain appointed or enlisted men in the Navy and Marine Corps from charges of desertion, with Senate amendments thereto.

Mr. WISE. Mr. Speaker, as the gentleman who offered this bill is absent, I ask unanimous consent that it be withheld for the present.

The SPEAKER. Without objection, that can be done.

Some time subsequently,

Mr. HERBERT said: Mr. Speaker, in relation to the bill laid before the House a moment ago with Senate amendments, in relation to desertions from the Navy and Marine Corps, which the gentleman from Virginia asked to be withheld for the present until the return of Mr. BOUTELLE, I ask that the House non-concur in the Senate amendments and ask for a committee of conference on the disagreeing votes thereon.

There was no objection, and it was so ordered.

The SPEAKER. The conferees will be appointed some time during the day.

UNLAWFUL GRAZING—INDIAN LANDS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 8393) to protect the lands belonging to the Indians from unlawful grazing purposes; which were referred to the Committee on the Judiciary.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills; which were read twice, and referred as follows:

The bill (S. 1361) for the reduction of the Round Valley Indian reservation, in the State of California, and for other purposes—to the Committee on Indian Affairs.

The bill (S. 1631) to incorporate the Washington and Sandy Spring Narrow-Gauge Railroad and Street Railway Company—to the Committee on the District of Columbia.

BRIDGE ACROSS THE MISSISSIPPI AT NATCHEZ.

The SPEAKER announced as the conferees on the disagreeing votes of the two Houses on the bill (S. 1699) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi River at Natchez, Miss., Mr. CRISP, Mr. PHELAN, and Mr. ANDERSON of Iowa.

CHANGE OF REFERENCE.

The SPEAKER. The bill (S. 2833) granting a pension to Caspar Blanke, of Portland, Oregon, was improperly referred to the Committee on Invalid Pensions. Without objection, that committee will be discharged from its further consideration, and the same will be referred to the Committee on Pensions.

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence, for one week, was granted to Mr. HEMPHILL.

ORDER OF BUSINESS.

Mr. MORRILL. Mr. Speaker, I ask unanimous consent to take up the bill which I send to the Clerk's desk.

Mr. HOLMAN. To-day is set apart for discussion of the tariff bill. The Committee on Ways and Means, I think, however, are not inclined to interfere with the finishing up of the bill under consideration last night, providing it is proceeded with at once. So with reluctance I call for the regular order.

Mr. ANDERSON, of Kansas. I will say to the gentleman from Indiana that there is no quorum in the House, and he might just as well let other business go on.

Mr. HOLMAN. I am under a pledge to the Committee on Ways and Means.

The SPEAKER. The gentleman from Texas [Mr. MILLS] also demands the regular order.

MARTHA F. WOODRUM.

Mr. THOMPSON, of California. Mr. Speaker, I desire to present a conference report.

The SPEAKER. The gentleman will send the report to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the House bill 2805 granting a pension to Martha F. Woodrum, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment and agree to the same.

T. L. THOMPSON,
J. LOGAN CHIPMAN,
W. GODFREY HUNTER,
Managers on the part of the House.

C. K. DAVIS,
JOHN H. MITCHELL,
D. TURPIE,
Managers on the part of the Senate.

STATEMENT OF HOUSE CONFEREES ACCOMPANYING REPORT.

The effect of the action recommended in the above conference report is to give the claimant a pension of $50 per month instead of $12 per month, the rate provided by the general law, because of her helpless condition by reason of total blindness and extreme poverty.

T. L. THOMPSON,
J. LOGAN CHIPMAN,
W. GODFREY HUNTER.

The conference report was agreed to.

Mr. THOMPSON, of California, moved to reconsider the vote by which the conference report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I ask unanimous consent to dispense with the call of committees, and that gentlemen having reports to make may send them to the Clerk for proper reference.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

ISAAC HURD.

Mr. HENDERSON, of North Carolina, from the Committee on Pensions, reported back with amendment the bill (H. R. 9935) to increase the pension of Isaac Hurd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY ANN SHOOK.

Mr. HENDERSON, of North Carolina, also, from the Committee on Pensions, reported back favorably the bill (H. R. 2702) granting a pension to Mary Ann Shook; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. DELILAH WHIPPS.

Mr. HENDERSON, of North Carolina, also, from the Committee on Pensions, reported back favorably the bill (H. R. 3764) for the relief of Mrs. Delilah Whipps; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

OBSTRUCTION OF NAVIGABLE WATERS.

Mr. BLANCHARD, from the Committee on Rivers and Harbors, reported back with amendments the bill (S. 27) to prevent the obstruction of navigable waters, and to protect public works against trespass or injury; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

W. S. BRANTLY.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back favorably a bill (H. R. 3469) providing for the payment of $450 to W. S. Brantly, executor of J. H. Brantly, for damages to property by United States troops in 1865; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments in which it requested the concurrence of the House, the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

ORDER OF BUSINESS.

Mr. HOLMAN. I ask unanimous consent that the hour for the consideration of reports from committees be dispensed with.

The SPEAKER. The call rests with the Committee on Military Affairs, which the Chair thinks is not ready to report.

There was no objection.

AMENDMENT TO LAND LAWS.

Mr. HOLMAN. I ask that the unfinished business be now taken up.

The SPEAKER. The yeas and nays have been ordered on the amendment which the Clerk will read.

The Clerk read as follows:

That as to all lands hereafter sold the United States expressly reserves from sale all coal deposits therein; but notwithstanding this express reservation the purchaser of any such lands, his heirs, lessees, and assigns, may mine and dispose of coal in any such land until such time as Congress in its discretion shall determine that the public good requires further legislation in relation thereto, and shall by general laws take the control of any such coal deposits for the purpose only of protecting the same from monopoly and secure the product thereof at reasonable prices to the people; and such reservation shall be expressed in all patents issued for land hereafter disposed of under the provisions of this act.

The SPEAKER. This amendment was offered by the gentleman from Indiana [Mr. HOLMAN] as a substitute for the amendment of the gentleman from Wisconsin [Mr. SMITH].

Mr. COBB. Is this proposition debatable now?

The SPEAKER. It is not. The previous question has been ordered upon the amendment and upon ordering the bill to be engrossed and read a third time.

Mr. COBB. I appeal to the committee to open this matter. A very

important proposition is thrown upon the House at the end of this bill, and it ought to have some discussion.

Mr. WEAVER. Mr. Speaker, it has been discussed, but the gentleman was not present.

The SPEAKER. There can be no debate, except by unanimous consent.

Mr. COBB. I ask unanimous consent that a limited time be allowed for debate upon the proposition.

The SPEAKER. Will the gentleman indicate the time?

Mr. COBB. Half an hour.

The SPEAKER. I suppose to be divided equally between the opposers and supporters of the amendment?

Mr. COBB. Yes.

The SPEAKER. Is there objection?

Mr. HOLMAN. I object.

Mr. SPRINGER. I ask unanimous consent that the gentleman from Alabama be allowed five minutes in opposition to this amendment, and that the same length of time be given to some gentleman on this side in favor of the amendment.

Mr. ANDERSON, of Kansas. I call for the regular order.

Mr. ROGERS. I ask unanimous consent that the amendment be again reported.

The amendment was again read.

The question being taken, there were—yeas 131, nays 38, not voting 155; as follows:

YEAS—131.

Abbott,	Cowles,	Latham,	Sayers,
Allen, Mass.	Crisp,	Lawler,	Scull,
Allen, Miss.	Culberson,	Lynch,	Seney,
Anderson, Iowa	Dargan,	Maish,	Seymour,
Anderson, Kans.	Davidson, Fla.	Mansur,	Simmons,
Atkinson,	Dockery,	Martin,	Smith,
Bacon,	Elliott,	Matson,	Spinola,
Baker, N. Y.	Farquhar,	McAdoo,	Springer,
Baker, Ill.	Ford,	McClammy,	Stahlnecker,
Barnes,	French,	McComas,	Stephenson,
Barry,	Fuller,	McCormick,	Stewart, Ga.
Bayne,	Gay,	McMillin,	Stockdale,
Blanchard,	Gest,	McShane,	Stone, Mo.
Bland,	Glass,	Mills,	Tarsney,
Blount,	Hare,	Moffitt,	Taylor, J. D., Ohio
Boothman,	Harmer,	Moore,	Thomas, Ky.
Bound,	Haugen,	Morrill,	Thomas, Wis.
Breckinridge, Ark.	Heard,	Neal.	Thompson, Ohio
Browne, T. H. B., Va.	Henderson, N. C.	Newton.	Tillman,
Browne, Ind.	Hermann,	Nichols,	Tracey,
Brown, J. R., Va.	Hiestand,	O'Donnell,	Townshend,
Bryce,	Holman,	O'Neill, Pa.	Turner, Kans.
Buchanan,	Hopkins, Va.	Osborne,	Vandever,
Burrows,	Hudd,	Parker,	Wade,
Campbell, F., N. Y.	Johnston, Ind.	Perry.	Walker,
Candler,	Johnston, N. C.	Pugsley,	Weaver,
Caruth,	Kerr,	Randall,	White, Ind.
Caswell,	Kilgore,	Rayner,	Whiting, Mass.
Cheadle,	Laffoon,	Richardson,	Wilson, Minn.
Chipman,	Lagan,	Robertson,	Wilson, W. Va.
Clardy,	Laidlaw,	Romeis,	Wise,
Clements,	Landes,	Rowland,	Yardley.
Cothran,	Lanham,	Ryan,	

NAYS—38.

Anderson, Ill.	Fitch,	McKenna,	Rowell,
Biggs,	Forney,	McRae,	Russell, Mass.
Breckinridge, Ky.	Grout,	Morrow,	Sawyer,
Bunnell,	Herbert,	Outhwaite,	Stone, Ky.
Cobb,	Hovey,	Peel,	Thompson, Cal.
Darlington,	Kelley,	Penington,	Turner, Ga.
Davidson, Ala.	Kennedy,	Plumb,	Wheeler,
Dingley,	Lane,	Reed,	Whitthorne.
Dorsey,	Lyman,	Rice,	
Felton,	McCullogh,	Rogers,	

NOT VOTING—155.

Adams,	Conger,	Guenther,	Mahoney,
Allen, Mich.	Cooper,	Hall,	Mason,
Anderson, Miss.	Cox,	Hatch,	McCreary,
Arnold,	Crain,	Hayden,	McKinley,
Bankhead,	Crouse,	Hayes,	McKinney,
Belden,	Cummings,	Hemphill,	Merriman,
Belmont,	Cutcheon,	Henderson, Iowa	Milliken,
Bingham,	Dalzell,	Henderson, Ill.	Montgomery,
Bliss,	Davenport,	Hires,	Morgan,
Boutelle,	Davis,	Hitt,	Morse,
Bowden,	De Lano,	Hogg,	Nelson,
Bowen,	Dibble,	Holmes,	Norwood,
Brewer,	Dougherty,	Hooker,	Nutting,
Brower,	Dunham,	Hopkins, Ill.	Oates,
Brown, Ohio	Dunn,	Hopkins, N. Y.	O'Ferrall,
Brumm,	Enloe,	Houk,	O'Neall, Ind.
Buckalew,	Ermentrout,	Howard,	O'Neill, Mo.
Burnes,	Finley,	Hunter,	Owen,
Burnett,	Fisher,	Hutton,	Patton,
Butler,	Flood,	Jackson,	Payson,
Butterworth,	Foran,	Jones,	Perkins,
Bynum,	Funston,	Kean,	Peters,
Campbell, Ohio	Gaines,	Ketcham,	Phelan,
Campbell, T. J., N. Y.	Gallinger,	La Follette,	Phelps,
Cannon,	Gear,	Laird,	Pidcock,
Carlton,	Gibson,	Lee,	Post,
Catchings,	Glover,	Lehlbach,	Rockwell,
Clark,	Goff,	Lind,	Russell, Conn.
Cockran,	Granger,	Lodge,	Rusk,
Cogswell,	Greenman,	Long,	Scott,
Collins,	Grimes,	Macdonald,	Shaw,
Compton,	Grosvenor,	Maffett,	Sherman,
Shively,	Struble,	Washington,	Wilkins,
Snyder,	Symes,	Weber,	Wilkinson,
Sowden,	Taulbee,	West,	Williams,
Spooner,	Taylor, E. B., Ohio	White, N. Y.	Woodburn,
Steele,	Thomas, Ill.	Whiting, Mich.	Yoder,
Stewart, Tex.	Vance,	Wickham,	Yost.
Stewart, Vt.	Warner,	Wilber,	

So the substitute was agreed to.

Pending the roll-call the following proceedings took place:

Mr. ANDERSON, of Illinois. Mr. Speaker, I am paired with my colleague, Mr. HOPKINS, of Illinois. If he were present, I would vote "no."

Mr. WISE. Mr. Speaker, I am paired. If I were at liberty to vote, I would vote "ay."

Mr. TOWNSHEND. Mr. Speaker, I am paired with my colleague, Mr. HENDERSON, of Illinois. I did not suppose that this was a political question, and I do not now think it is, but as a matter of precaution I will withdraw my vote.

The SPEAKER. The Chair thinks that the pairs all provide that members may vote if necessary to make a quorum.

Mr. TOWNSHEND. Is it necessary in this case?

The SPEAKER. No quorum has yet appeared.

Mr. TOWNSHEND. Then I will let my vote stand. I do not know how my colleague, Mr. HENDERSON, would vote on this question.

Mr. WISE. Mr. Speaker, under the circumstances I will vote "ay."

Mr. LYNCH. Under the same circumstances I will vote "ay."

Mr. HENDERSON, of North Carolina. I am paired with Mr. FLOOD, but under the circumstances I shall vote "ay."

Mr. BAYNE. Mr. Speaker, I am paired and may have to withdraw my vote, but I will vote to make a quorum. I vote "ay."

Mr. GLASS. Mr. Speaker, I am paired with my colleague, Mr. HOUK, but if allowed to break the pair to make a quorum, I will vote "ay."

Mr. ELLIOTT. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. HAYDEN. If permitted to vote, I will vote "ay."

The SPEAKER. The Chair will state that the practice of voting after the roll-call is completed is irregular and not allowed by the rules, but as there has been no objection in this instance, and as it is necessary to make a quorum, the Chair has not endeavored to enforce the rule. The proper way, however, is for gentlemen who are paired to vote in the first instance and afterwards withdraw their votes if they are not necessary to make a quorum.

The Clerk proceeded to recapitulate the vote.

Mr. RICHARDSON. I ask unanimous consent that the recapitulation of the names of members voting be dispensed with.

Mr. WEAVER. I object.

The Clerk recapitulated the names.

The following-named members were announced as paired until further notice:

Mr. BARNES with Mr. BAKER, of New York.
Mr. CUMMINGS with Mr. MCCORMICK.
Mr. O'NEILL, of Missouri, with Mr. KEAN.
Mr. BLAND with Mr. BAYNE.
Mr. LYNCH with Mr. DALZELL.
Mr. BURNETT with Mr. DINGLEY.
Mr. BANKHEAD with Mr. PERKINS.
Mr. SHIVELY with Mr. STEELE.
Mr. WHITING, of Michigan, with Mr. BREWER.
Mr. BURNES with Mr. HENDERSON, of Iowa.
Mr. MCKINNEY with Mr. ALLEN, of Michigan.
Mr. HAYES with Mr. GEAR.
Mr. GLASS with Mr. HOUK.
Mr. MAHONEY with Mr. LEHLBACH.
Mr. ENLO with Mr. BUTLER.
Mr. LEE with Mr. ROMEIS.
Mr. MATSON with Mr. OWEN.
Mr. FISHER with Mr. CUTCHEON.
Mr. CARUTH with Mr. HOLMES.
Mr. TAULBEE with Mr. SHERMAN.
Mr. PIDCOCK with Mr. PHELPS.
Mr. FORAN with Mr. ADAMS.
Mr. CULBERSON with Mr. BAKER, of Illinois.
Mr. DOCKERY with Mr. WARNER.
Mr. HENDERSON, of North Carolina, with Mr. FLOOD.
Mr. TOWNSHEND with Mr. HENDERSON, of Illinois.
Mr. DIBBLE with Mr. WADE.
Mr. TIMOTHY J. CAMPBELL with Mr. BELDEN.
Mr. COX with Mr. EZRA B. TAYLOR.
Mr. BLOUNT with Mr. BINGHAM.
Mr. BACON with Mr. DAVENPORT.
Mr. MONTGOMERY with Mr. HUNTER.
Mr. COMPTON with Mr. WEBER.
Mr. ANDERSON, of Illinois, with Mr. HOPKINS, of Illinois.
Mr. CAMPBELL, of Ohio, with Mr. BUTTERWORTH.
Mr. GLOVER with Mr. GOFF.
Mr. HUTTON with Mr. STRUBLE.

Mr. PEEL with Mr. LA FOLLETTE.
Mr. CLEMENTS with Mr. CANNON.
Mr. NORWOOD with Mr. COOPER.
Mr. COLLINS with Mr. WICKHAM.
Mr. MCSHANE with Mr. GUENTHER.
Mr. SNYDER with Mr. BOWDEN.
Mr. HUDD with Mr. CLARK.
Mr. WISE with Mr. BOUTELLE.
Mr. WHITE, of New York, with Mr. COCKRAN.
Mr. GREENMAN with Mr. THOMAS, of Illinois.
Mr. VANCE with Mr. WEST.
Mr. TARSNEY with Mr. SPOONER.
Mr. HATCH with Mr. CONGER.
Mr. STEWART, of Vermont, with Mr. OATES.
Mr. DOUGHERTY with Mr. PETERS.
Mr. CARLTON with Mr. RUSSELL, of Connecticut.
Mr. HALL with Mr. WILBUR.
Mr. HEMPHILL with Mr. DAVIS.
Mr. GRANGER with Mr. ROCKWELL.
Mr. ELLIOTT with Mr. HAYDEN.
Mr. CATCHINGS with Mr. COGSWELL.
Mr. LONG with Mr. MORGAN.
Mr. WILKINSON with Mr. THOMAS, of Wisconsin.
Mr. ERMENTROUT with Mr. OSBORNE.
Mr. HOWARD with Mr. BROWN, of Ohio.
Mr. MOORE with Mr. DARLINGTON.

The following-named members were announced as paired for this day:

Mr. HOOKER with Mr. JACKSON.
Mr. DUNN with Mr. GALLINGER.
Mr. GRIMES with Mr. FINLEY.
Mr. BELMONT with Mr. CROUSE.
Mr. SOWDEN with Mr. HOPKINS, of New York.
Mr. O'FERRALL with Mr. DE LANO.

Mr. OUTHWAITE and Mr. GROSVENOR were announced as paired until June 30.

The vote was then announced as above recorded.

The SPEAKER. The Clerk will read the next amendment.

The next amendment (proposed by Mr. CHIPMAN) was read, as follows:

Add to section 3 the following:

"No railroad corporation, or corporation formed to carry on the business of common carriers, shall have a right to enter any land under this section, or at any time in the future to acquire by gift, grant, or devise any land entered under this section; nor shall said railroad corporation, or corporation formed to carry on the business of common carriers, at any time in the future carry on the business of mining, either in their own names or the names of other persons, on land so entered."

The amendment was agreed to.

The next amendment (proposed by Mr. SEYMOUR) was read, as follows:

Add to section 11 the following:

"Any portion of an abandoned military reservation located within the limits of an incorporated city may be set apart and reserved by order of the President for public purposes."

Mr. HOLMAN. I ask unanimous consent that this amendment be modified by striking out the words "set apart and" so as to read "may be reserved," etc. The gentleman from Michigan [Mr. CHIPMAN] consents to this modification.

The SPEAKER. If there be no objection, the modification requested will be made.

There was no objection; and the amendment was accordingly modified.

The amendment as modified was agreed to.

The next amendment (proposed by Mr. BIGGS) was read, as follows:

Amend by striking out, in line 3 of section 13, the words "three hundred and twenty" and inserting "six hundred and forty;" in lines 8 and 9, section 17, make the same amendment.

Mr. HOLMAN. Inasmuch as the gentleman from California [Mr. BIGGS] was deprived of the opportunity of being heard on this proposition, I ask unanimous consent that he now be allowed five minutes to explain this amendment.

There was no objection.

Mr. BIGGS. Mr. Speaker, I was unavoidably detained from the House the other night when this question was up for consideration. The committee have treated me very courteously, but I do not feel disposed to occupy much time.

I am satisfied that it is a great mistake to undertake to fix 320 acres as the maximum amount of desert land which may be taken up by any one person. I am very familiar with this question, and I have received some forty letters, which I could produce if necessary, asking that the present law on this subject—allowing 640 acres of desert land to be taken up—be continued in force. No man can make a living for himself and his family on 320 acres of desert land, because the improvement of such land requires a large amount of money for the purpose of bringing in water to irrigate the land that it may produce something.

Under the provisions of this bill a person holding such land is allowed to mortgage only 160 acres. The consequence of the legislation as proposed in this bill will be that hundreds of families will be compelled to abandon the homes they have undertaken to establish on these tracts of desert lands. Without trespassing further on the time of the House, and thanking the committee for the courtesy extended to me, I will only say that the adoption of the provisions of this bill without the amendment I propose would do great injustice to persons who may wish to locate with their families on desert lands for the purpose of establishing homes.

Mr. HOLMAN. I hope the amendment will not be adopted.

The question being taken on the amendment of Mr. BIGGS, it was rejected.

The SPEAKER. All the amendments have now been disposed of. The question is on ordering the bill as amended to be engrossed and read a third time, on which the previous question has been ordered.

Mr. MCRAE. I ask consent to print in the RECORD some remarks on this bill and amendments thereto.

Mr. HOLMAN. I hope that a general leave to print remarks in the RECORD on this bill will be granted.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that all gentlemen desiring to do so may print remarks in the RECORD on this bill. Is there objection? The Chair hears none.

Mr. HOLMAN. I have here a very interesting report from the Commissioner of the General Land Office on the subject of coal lands. I ask unanimous consent that it be printed in the RECORD.

Mr. MCRAE. I think I ought to object to that.

The SPEAKER. The Chair thinks that the gentleman from Indiana could publish this report in the RECORD as a part of remarks printed under the leave just granted.

Mr. MCRAE. This information ought to have been furnished to the House before the vote just taken.

Mr. HOLMAN. The report only came in this morning.

Mr. MCRAE. Mr. Speaker, the idea of submitting a letter from the Department after the vote has been taken on propositions which revolutionizes the policy of the Government in regard to the mineral lands of the country ought not, I think, to go unrebuked. The vote was had this morning after the letter was received.

Mr. HOLMAN. I hope my friend will allow a public communication from the Land Office on an important subject to be printed. If not, I will introduce the report as part of my remarks.

Mr. MCRAE. I withdraw the objection.

The SPEAKER. The objection is withdrawn, and the report will be printed in the RECORD.

The report is as follows:

DEPARTMENT OF THE INTERIOR, *Washington, June —*, 1888.

SIR: In accordance with your recent verbal request of the Commissioner of the General Land Office, he has made a report expressive of his views relative to House bill No. 9957, a copy of which report I transmit herewith.

Very respectfully,

WM. F. VILAS, *Secretary.*

HON. W. S. HOLMAN,
Chairman Committee on the Public Lands,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 26, 1888.

SIR: Replying to the verbal inquiry of Hon. W. S. HOLMAN as to my opinion of the propriety of the passage of H. R. bill 9957, to provide for the discovery, location, and reservation of coal in public lands, I have the honor to state that I have given the subject my earnest consideration.

The question as to how the remaining coal lands belonging to the United States shall be disposed of so that they may be developed as rapidly as the growing population of the country and especially of the great West requires, is one of much interest and magnitude.

The almost boundless prairies in the West, the scarcity of timber for fuel and other purposes, the rapid increase of population, the severe winters incident to much of the country, the demand for fuel for domestic and for manufacturing purposes, all conspire to make it a matter of the greatest moment that the coal mines belonging to the Government should be rapidly and judiciously developed.

There is, however, another consideration connected with this question which is of equal if not greater importance. In the disposition by the Government of its coal lands, justice and fair dealing demand that, in so far as it is possible, the acquisition of this character of property should be placed in the power of as many of our citizens as can well be done. This is not only a matter of justice, but of sound policy, as it tends to prevent a monopoly of the coal interests in the hands of the few to the detriment of the consumers of coal. It was manifestly the intention of Congress in the act of March 3, 1873, providing for the sale of coal lands in the United States, to prevent this evil of monopoly. Under section 2347 the amount of coal lands individuals may enter is not exceeding 160 acres, and associations not exceeding 320 acres, and under section 2348 an association of not less than four persons, on certain conditions, may enter and acquire 640 acres. It is well known that notwithstanding the strict and well guarded provisions of the act of 1873, much of the coal lands have been acquired by corporations in quantities far in excess of the amount provided for by law.

Under the present system of disposition of these lands this result is absolutely unavoidable, and no provisions of law, however well guarded, can prevent it. It is utterly impossible that the Government can know beforehand what disposition a coal entryman will make of the property when his title shall have become perfect. Wealthy individuals and corporations can furnish the means with which to purchase the lands, and by a secret understanding the titles may be conveyed away as soon as patents issue and the jurisdiction of the Government ceases. This is not only possible but practicable, and experience shows that it is a probable result of the present system. In my opinion it would prove a great calamity to the whole country to allow any system to continue which would result in the accumulation in the hands of the few a monopoly of so im-

dispensable a necessity as that of coal. It would affect injuriously, if not disastrously, every material interest in the whole country. How to prevent this threatened calamity whilst it is yet in the power of the Government to do so is a question of the greatest moment.

The bill before me provides first for the survey of the public lands in the States and Territories containing coal lands, for locating, making, and keeping record of the same, and makes needed appropriation therefor.

The second section provides that coal beds thus discovered shall remain the property of the United States; that they may be leased for a term not exceeding twenty years; that no more than one lease shall be made to any one person, company, or corporation in any one county or district, and that no one lease shall contain in quantity exceeding 160 acres. and the third section provides that settlers on public lands shall have the right to mine coal for their own uses, etc.

In order to obtain all the light and information obtainable on the question, I caused a short note to be addressed to each of the representatives of foreign Governments in Washington, requesting them to furnish me with information as to the manner in which their respective Governments dispose of their mineral lands, and especially of coal land.

Prompt answers have been received from most of them, from which I gather the following:

In Costa Rica, mines, whether on public or private land, are granted to the person who applies for them to the proper offices. The grant is forfeited by stopping work for six months if before resumption of work another person applies for the grant.

In Mexico mineral lands are free (coal lands included) to any person who denounces them.

In the Belgian Government the Government does not work any mine under its immediate direction. The mineral lands (including coal) are neither leased nor sold. He who wishes or proposes to work a mine, whether on his own land or that of another, must apply to the Government for a license. The application is examined by the *consul des mines*, who makes a report on the case. If no other claim to the same ground appears the application is granted, and royalty is paid to the Government, which is rather a tax than a dividend.

In Austria-Hungary mines are partially worked by private individuals and partly by the Government under its immediate direction. The Government works all silver and gold mines. No such thing as a lease of mines is known.

The Spanish Government reserves the monopoly of its quicksilver mines. All other mines may be denounced by private parties and worked upon payment of a royalty to the Government.

In Corea mineral lands are the property of the Government, and may not be sold. They may be leased for an indefinite period, but the usual custom is to work the mines for a royalty, the per cent. paid to the Government being regulated by the nature of the deposit and the difficulty of working them.

In France the mines are disposed of by way of concessions, as set forth in the act of April 21, 1810.

In Japan they have not adopted any fixed rules with reference to the disposal and development of its mineral lands. There have been instances of sales of such lands to private parties, of leases, and of direct working by the government. The representative of that Government in Washington says: "I am inclined to believe on the whole that the system of leases will in future have the preference." Of the three principal coal mines in Japan, one, the Takeshima mine, near Nagasaki, belongs to and is worked by private parties; one, the Miike mine, in Kenshen, belongs to the Government, but it is worked by a company which has a lease from the Government for a term of years; and one, that at Horonai or Peronai, in Yesso, is worked by the Government. These three mines supply the greatest part of the coal for domestic consumption, as well as for export.

In Great Britain, so far as her representative knows, the Government does not own any coal property, but he says should it own any it would be worked by private individuals on lease, paying tonnage royalty of 5d. to 6d. a ton.

According to the Chilian code of laws relating to mines and mining, enacted November 18, 1874, and according to article 591 of the civil code, enacted January 1, 1857, the mines containing gold, silver, copper, platina, mercury, lead, zinc, bismuth, cobalt, nickel, tin, antimony, arsenic, iron, manganese, molydena, and precious stones belong to the person who discovers the same and represents the fact of discovery before the competent officers, following the rules set over in the code, whoever may be the owner of the land in which those mines are found.

The same rule is applied to mines lying in lands belonging to the Government. Coal mines and fossils not covered by the former specifications belong to the owner of the land. Building stones, sands, clays, limes, turbaries, marls, and other substances of the kind lying in lands belonging to the Government or municipal corporations can be worked by whoever may want to apply those substances for building, agricultural, or artistical purposes.

The Government or municipal corporations have nevertheless the right to make concessions of the same to private parties by means of particular agreements.

The Government has not at present and never has had (to the knowledge of her representative in Washington) any mines worked under its immediate direction.

It appears from the above that foreign nations have no one settled policy with regard to the disposition of mineral lands, nor has any one of them a uniform system. In our country and with our system of disposition of coal lands the trouble has been to prevent capitalists under color of law from absorbing these lands in such great quantities as to create monopolies. If the law as it now stands could be so amended as to effectually prevent the evil referred to it would be better to continue under the present system than to resort to a policy of leasing. In some cases it requires much capital to develop and successfully work coal mines, and it is to be feared that persons would be slow to invest in properties to which they do not get a fee-simple title. The term of twenty years when it expires would perhaps in some instances find the property just beginning to be profitable, and I fear that persons possessing the mining capital would not be willing to invest in property which might be taken away from them just as it was beginning to prove profitable. The people of the United States are accustomed to holding their lands in fee-simple, and any change from this method instituted by the Government is not likely to give satisfaction. Moreover it would in all probability be a matter of as much difficulty to prevent combinations and monopolies under a leasing system, as there is under the present law. On a consideration of the whole question I am unable to see how the leasing system could work well.

Very respectfully,

S. M. STOCKSLAGER, *Commissioner.*

Hon. WILLIAM F. VILAS,
Secretary of the Interior.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN. I call the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE TO ATTEND GETTYSBURGH REUNION.

Mr. SCOTT. I ask unanimous consent that the House take up and pass the joint resolution which I send to the desk.

The Clerk read as follows:

Joint resolution (H. Res. 178) granting leave of absence to certain persons employed in the service of the United States.

Resolved by the Senate and House of Representatives, etc., That all persons employed in the service of the United States who were present at the battle of Gettysburgh, either in the Union or Confederate forces, be, and hereby are, granted sufficient leave of absence, without loss of pay, to attend the reunion to be held at Gettysburgh on the 3d day of July next.

The amendments reported by the Select Committee on Reform in the Civil Service were read, as follows:

After the word "that," in the second line of the resolution, insert the words "the heads of Departments are hereby authorized to grant."

In line 6 strike out "be, and hereby are, granted."

Add to the resolution the words "such absence not to be taken from the allowance made by law."

There being no objection, the House proceeded to the consideration of the joint resolution.

The amendments as reported were agreed to.

Mr. LODGE. I move to still further amend the resolution by striking out the words "either in the Union or Confederate forces;" so that it will conform to the Senate resolution.

Mr. SCOTT. I have no objection to that amendment.

The amendment was adopted.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SCOTT moved to reconsider the vote by which the joint resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT WALLACE MILITARY RESERVATION, KANSAS.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent on behalf of the Committee on the Public Lands that the gentleman from Kansas [Mr. TURNER] may be recognized to bring before the House a bill for consideration, and which, I think, will occupy but a few minutes.

Mr. ROGERS. Let it be read, subject to objection.

The SPEAKER. The bill will be read, subject to the right of any member to object to its consideration.

Mr. TURNER, of Kansas. I desire to ask consideration of the bill (H. R. 8310) to provide for the disposal of the Fort Wallace military reservation in Kansas.

The bill was read at length.

The SPEAKER. Is there objection to present consideration of the bill.

Mr. LANDES. I object.

ORDER OF BUSINESS.

Mr. MILLS. I move that the House resolve itself into Committee of the Whole for the purpose of considering bills raising revenue.

Mr. KELLEY. I ask the gentleman from Texas to yield to me long enough to submit to the House a proposition which may expedite the adjournment and lead to the final disposition of the tariff bill acceptably to the House and to the country.

Mr. MILLS. Very well.

Mr. KELLEY. Neither Chitty's Pleadings nor any other book indicating methods by which an issue may be reached has suggested a process by which a fairer or more direct issue could be made than that which has been made between the two political parties of this country, and been submitted for consideration to the people of the country by their respective conventions.

Thus the President sent us his message. The Democratic convention at St. Louis indorsed and approved it without qualification. The Republican convention at Chicago found nothing in it worthy of commendation, and the issue upon the doctrines of the message is perfectly clear and unmistakable. The Mills bill, as it is called, received the approval of the St. Louis convention, and the condemnation, as cordially expressed, of the Chicago convention, again making this issue perfectly clear.

The action of the members of the House favoring the bill and urging its adoption was approved at St. Louis, and the course which seemed fitting as a matter of duty to the Republicans, to contest every modification of the existing tariff attempted by the bill which the judgment of the Republicans of the House could not approve, was cordially indorsed at Chicago, thus presenting the same well-defined issue a third time.

Mr. OUTHWAITE. Will the gentleman——

Mr. KELLEY. Hear my proposition first, and then I will submit to any interruption. I am not asking an immediate reply to my suggestion, nor does its presentation involve any of my associates in responsibility. I alone am responsible for submitting it to the consideration of the House. I believe that in submitting it to the consideration of gentlemen good results will flow from the proposition; but

whatever be the result, I alone am responsible for my action. I repeat that whether we consider methods of action or results, the issue between the two parties is sharply defined and complete.

Now, sir, my suggestion is that the bill shall be laid over until the next session of Congress, with the understanding that if at the November election it shall be distinctly approved by the people the Republican party will withdraw its opposition. If, on the other hand, it is condemned unmistakably by the voters, that the bill shall not be further pressed.

This proposition leaves the question of the surplus undisposed of, and I have a suggestion on that subject which will require of the President's supporters a slight concession to the "condition that confronts us." It is that they shall allow the entire internal tax on tobacco to be repealed, and instead of making two bites of that cherry and repealing only about eighteen millions of the thirty-one millions derived from the internal taxes on tobacco, shall permit the entire repeal.

This is my personal proposition, and I beg gentlemen to consider it, and not require us to swelter here uselessly from now until the end of September.

Mr. MILLS. It is very true, Mr. Speaker, as stated by the gentleman from Pennsylvania, that the Democratic convention at St. Louis did indorse the measure presented to the House for a reduction of taxes. It is very true, as stated, that the Republican convention at Chicago has condemned this measure that has been submitted for a reduction of taxation upon the necessaries of life and proposed in lieu of it a reduction of the taxation on whisky. It is very true, as stated by the gentleman from Pennsylvania, that the issue is fairly and squarely made before the American people, and that the issue thus presented must be met in the coming campaign and decided in November next by the American people—whether they propose to reduce the surplus revenues of the Government, which are constantly increasing, by a reduction of taxation upon the absolute necessaries of life, or whether they will reduce that surplus by a reduction of taxation upon whisky.

Mr. SPOONER. Upon alcohol used in the arts.

Mr. MILLS. Mr. Speaker, these things being true, as stated by the gentleman on the other side, it is somewhat remarkable that a proposition should be submitted from the minority side of the House to the majority, when the majority of the country have instructed their representatives to go forward and press this bill, not only to consideration, but to its final passage. The path of duty for us on this side of the House as the majority responsible to the people for the administration of the Government and for its legislation is plain. It is to press this bill in season and out of season until we reduce taxation unnecessary and unjust in its rates upon the necessities of life and relieve the surplus in the Treasury, and relieve the people from taxation.

Now, I have a counter-proposition to submit to the gentleman from Pennsylvania. Inasmuch as we are the majority side of this House and his side is the minority side, if he has faith in the position which he and his party occupy, it seems to me it would be the part of wisdom to welcome us to the time when we vote on this bill and put ourselves on record upon it, so that they may use it against us in the coming campaign. [Applause on the Democratic side.] I therefore submit to him this proposition: That we will stop all this unnecessary talk, in the hope of obstructing the passage of the bill, and set an early day when we will take the bill up and put it upon its passage in the House. [Applause on the Democratic side and cries of "Regular order!"]

Mr. REED. Mr. Speaker, the suggestion which was made on this side by the gentleman from Pennsylvania [Mr. KELLEY] was very properly and distinctly declared to be an individual suggestion.

Mr. KELLEY. Entirely so.

Mr. REED. The Republican party have resolved by their properly-constituted assembly that they would give due and deliberate consideration to every item of this bill, believing, each man, that it was his duty to his constituency to explain and expose the errors of the bill. I desire here and now to repeat the asseveration that has been made in open day so many times: there has been no discussion here with any purpose of delay; nothing but an honest, fair discussion, fairly brought out by an attack, a political attack upon the industries of the United States of America. [Applause on the Republican side.] That attack has been met by facts and figures, and not by deluding phrases often repeated like "tariff taxes" and "taxes on the necessities of life." It has been met by arguments clearly showing that the good of the people of this country requires a system of protection; a statement backed up by history as well as it is backed up by argument. The Republican party of this nation have taken the ground before the country that the system of protection is valuable in itself, and not to be sacrificed, because it is for the interest and advantage of the American community. By that doctrine we will stand, and by that sign we will conquer. [Applause on the Republican side.]

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, I have no desire in response to what has fallen from the gentleman from Maine [Mr. REED] to make any rhetorical, declamatory, or passionate reply, but I hope that we may reach some practical result this morning in fixing a day to take a vote. It may be as well understood now as at any other time that the majority of the Representatives of the people upon this floor intend to have a vote upon this bill, unless the 4th of March is reached by obstruction. [Applause on the Democratic side.] If the gentleman from Maine is candid in his statement that nothing up to this point has been done for obstruction, which statement I accept as candid and also as a prophecy, and, so far as he can make it, a pledge that no obstruction shall be made in the future, surely we can reach some practical agreement.

This is an effort to reduce taxation. [Cries of "Oh, no!" on the Republican side.] Oh, yes; not oh, no. Oh, yes; it does reduce taxation. It does relieve burdens. It does take money that under the present system would go into the pockets of the favored classes and keep it in the pockets of the men who earn it. [Applause on the Democratic side.] That is not only its object, but that will be its effect.

The Republican party has announced that it will reduce, not the burden, but the revenue, by increasing the rates, if that be necessary, after reducing taxation by the repeal of the tobacco tax and the tax on alcohol used in the arts. Now, gentlemen, you have formulated your purpose into a platform. Formulate it into a bill. You have men of ability. Put your platform into the form of a legislative proposition. Let that proposition come to a vote. Let our proposition come to a vote. If your proposition carries, then it becomes an enactment of the lower House to go to the Senate. If ours carry, a Republican Senate has to take it into consideration. This is practical legislation. Can we not agree upon some proposition to carry the details of this proposed legislation, contrary in its principles, into practical effect? That is the question for this morning. Can not we agree upon it? Undoubtedly a certain amount of debate is desired by gentlemen representing various interests. We on our side want to be liberal. We have shown no spirit since this bill came to this House except a spirit of the utmost liberality. At the request of the gentleman from Maine [Mr. REED] and his colleagues on the Committee on Ways and Means, the majority of that committee agreed to twenty days of debate, and when we were requested to extend that time we did extend it four additional days. We have made no attempt to limit debate on the other side. We desire to be liberal, but we desire it to be fully understood that with that liberality we intend to pass this bill if the gentlemen on the other side do not use obstructive tactics, and we intend to pass it if they do use obstructive tactics, unless they use up the time for which this House was elected by the people. [Applause on the Democratic side.] Now, with that frank understanding upon both sides, is it not possible for us to come to some practical arrangement by which a certain time shall be given for debate on the various schedules included in our proposition, and a time be fixed for the bill to be reported in such shape as the Committee of the Whole shall have put it, so that it may be voted upon in the House?

This seems to me to be what we ought to do this morning. Any time that the gentleman will suggest and any amount of debate that he will suggest will be considered by our side, but it does seem that we ought to be able to reach a conclusion by giving to the remainder of this bill ten legislative days. If that is too little time, gentlemen of the other side, say what in your judgment is a proper time. Let us deal with this as business men dealing with a practical business proposition, neither side being presumed to want to do anything except to submit to the House and the country a fair statement as to the items of the bill and to reach a conclusion at a sufficiently early day for the Senate to consider our bill and make its proposition to us either for concurrence or conference.

Mr. REED. Mr. Speaker, I have listened with great interest to the observations of the gentleman from Kentucky [Mr. BRECKINRIDGE]. They have not surprised me, because they have been somewhat in line with propositions which he has hitherto made to us. His first proposition is that we shall formulate our views in a bill and present them to this House to be voted upon as a whole as against his bill as a whole. Now, if the gentleman had been anxious to state that matter accurately and carefully and fairly he would not have stated it at all. [Laughter.] There is an utter impossibility for a minority of a House of Representatives to propose a bill which can pass, simply because they are a minority. There is no method known to science by which a 5-foot plank can be made to span a 7-foot chasm. [Laughter.] If we should undertake to propose a bill which could pass this House it would have to be with such an abatement of Republican principle as would secure Democratic votes. For us to make a proposition like that would be simply absurd in view of the fact that we should be required to carry out such a proposition in the future; and for us to make it knowing that it can not pass would be to exhibit ourselves in a foolish dress-parade, which nobody is called upon to do. When the gentleman who now occupies the chair [Mr. CARLISLE] was the leader of the opposition to the tariff bill in the Forty-seventh Congress I never heard of his presenting a bill; I never heard of his side urging him to present a bill. On the contrary, he and his friends spent seven long weeks in discussing one-half of the bill, seven long weeks in discussing one-half the items. Whatever the gentleman from Kentucky [Mr. BRECKINRIDGE] may say as to his kindness of disposition toward us, it has been perfectly evident from everything he has said upon this floor that he has grudged us every minute of the discussion we have already had, and now he proposes that we shall fix a time for a vote.

Now, what is the object of debate? Is it to get over time; or is it, fairly and fully, like reasonable men, to discuss propositions and give reasons for and against? And upon what principle of fair discussion can you purpose to compress the entire business of a great country like this within ten legislative days without knowing what arguments may be urged for or what arguments ought to be urged against? Why, this bill has had no discussion elsewhere. When these gentlemen have been charged, as they have been charged repeatedly, with the suppression of discussion and of means of information in relation to this bill, when they have shut their doors against all the business interests of this country, they have replied, "There will be ample opportunity for discussion in committee;" yet we had hardly got into Committee of the Whole before they began to exhibit every symptom of impatience at discussion even here

They wanted to crush out this Republican minority in the same way that they have crushed out the Democratic minority on their side. But they will find that the people of this country have business interests involved here, which, however willing we might have been to make up mere political issues by accepting these questions in a lump, demand of us full, complete, and proper discussion. That we propose to give to the bill, but no more. We do not intend to adopt the tactics which were adopted in the Forty-seventh Congress, when the respectable gentlemen who managed the affairs of the Democratic party argued as long as it was respectable and then put other gentlemen up to do the rest. [Laughter.] You will find that all discussion on this subject will be in the future as it has been in the past, solely for the purpose of elucidating the questions and principles involved, so far as we are able to do so. I say to gentlemen on the other side, and I say to everybody whom my voice can reach, that there never has been an effort on this side since the beginning to induce any man to speak, to induce or cause any discussion. Whatever discussion has taken place has been spontaneous, arising out of the imperiled business interests of the country. [Applause on the Republican side.]

Mr. SPRINGER. I ask unanimous consent to offer a resolution for immediate consideration. I ask that it be read for information.

Mr. KELLEY. We will hear the resolution read, reserving the right to object.

The SPEAKER. Of course it is read subject to objection.

The Clerk read as follows:

Resolved, That the Committee on Ways and Means be instructed to report to the House a rule for the further consideration of the tariff bill, providing for stated times for votes upon the more important propositions, and fixing a day upon which the bill shall be reported to the House and put on its passage.

The SPEAKER. Is there objection?

Mr. KELLEY. I object.

Mr. BRECKINRIDGE, of Kentucky. Mr. Speaker, one of the reasons which prompted me to make the suggestion I did was because the suggestion had first been made by the gentleman from Maine [Mr. REED] himself. He and his colleagues on the Committee on Ways and Means suggested that they would, as a last resort, offer a substitute. I hold in my hand the views of the minority of that committee as printed with the report of the majority. These gentlemen of the minority say that—

They sought by amendments in the Committee on Ways and Means to make this bill reasonable, just, and practical; failing there, they will seek to amend and modify it in the Committee of the Whole House, and if their efforts there are unavailing, they will seek as a last resort an opportunity to offer a substitute, which will assuredly diminish the revenues without any impairment of the American system of protection.

[Applause on the Democratic side.]

What I was proposing to do was simply to offer the opportunity which these five gentlemen said they would seek as a last resort.

Mr. REED. We will seek our opportunity under parliamentary law.

Mr. BRECKINRIDGE, of Kentucky. After they had tried the process of amendment and after it had failed, we proposed to aid them in getting the opportunity which they said they would seek. Notwithstanding the various adverbs which the gentleman used in charging me with having acted unfairly, I sought simply to offer the opportunity which he and his colleagues had publicly pledged themselves to the country and their party that they would seek to obtain. [Applause on the Democratic side.]

Mr. KELLEY. I desire to say——

[Cries of "Regular order!"]

The SPEAKER. The regular order is demanded.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The SPEAKER. The Chair will lay before the House the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes. This bill has been returned from the Senate with amendments.

Mr. FORNEY. Mr. Speaker, it is very necessary that this bill should pass both Houses during the present week. I have examined the amendments; they are in general slight. I ask that the bill be printed with the amendments; that the House non-concur in the amendments, and ask for a conference with the Senate.

Mr. BURROWS. I think these amendments ought to go to the Committee on Appropriations.

Mr. RYAN. It seems to me they should be examined by that committee.

Mr. FORNEY. The amendments are slight, and unless the bill be passed by both Houses during this week a resolution extending the appropriations for the present fiscal year will be necessary.

Mr. RYAN. We know nothing about these amendments whatever.

Mr. FORNEY. They appear in the RECORD of to-day as a part of the Senate proceedings. If the amendments be at once non-concurred in, and a conference agreed to, there will be no difficulty in getting the bill through by Saturday night.

Mr. RYAN. I think the committee can consider the amendments in the course of half an hour.

The SPEAKER. This is a privileged matter. There being objection to the request of the gentleman from Alabama, the bill with the amendments will be referred to the Committee on Appropriations and ordered to be printed.

TARIFF.

The question recurred on Mr. MILLS's motion that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of proceeding to the consideration of bills raising revenue.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue. The Clerk will read the pending paragraph, page 5, lines 89 and 90.

The Clerk read as follows:

Coal-tar, products of, such as naphtha, benzine, benzole, dead oil, and pitch.

Mr. MCCOMAS. Is not line 87 still pending, "coal-tar crude?"

Mr. RANDALL. And line 88, "aniline oil and its homologues," is pending.

Mr. MCCOMAS. Certainly line 88 is pending. Line 87 has not been voted on or passed from.

Mr. MILLS. It was passed from and not read this morning.

Mr. MCMILLIN. Those lines were passed from when the bill was under consideration before.

The CHAIRMAN. The recollection of the Chair is that when the House was in committee considering this bill these two lines were read and the House adjourned after reading line 88.

Mr. MCCOMAS. I move to strike out lines 87, 88, 89, and 90.

Mr. MCMILLIN. I make the point that line 87 has been passed.

Mr. MCCOMAS. I make the motion to strike out the three lines, 87, 88, and 89.

Mr. MCMILLIN. As to lines 87 and 88, they have been passed by.

Mr. MCCOMAS. That can be settled by reference to the RECORD. I ask for the reading of the RECORD.

The CHAIRMAN. The Chair will cause the RECORD to be read.

A MEMBER. What page of the RECORD are you reading from?

The CHAIRMAN. It is page 5738 of the RECORD proceedings of June 15.

The Clerk read as follows:

The Clerk read as follows:
"Sulphur, refined, in rolls.
"Wood-tar.
"Coal-tar, crude."

Mr. FORAN. I ask unanimous consent that the Committee of the Whole recur to line 77, to which I wish to offer an amendment. A gentleman came to my desk and asked a question at the moment the Clerk was reading that line, hence my attention was momentarily diverted.

Mr. MCMILLIN. I have declined similar requests so often that I do not see how I can assent in this case, though I very much dislike to be unable to oblige my friend from Ohio.

Mr. FORAN. I would not make this request but for the fact, as I have said, that a gentleman came to my desk and was asking me a question while the Clerk read the line. I think, under the circumstances, the gentleman from Tennessee ought not to offer objection to my request.

The CHAIRMAN. As the Chair understands, objection is made.

The Clerk read as follows:
"Aniline oil and its homologues."

Mr. FORAN. Mr. Chairman, is objection made to my request?

Mr. MCMILLIN. I have declined to accede to every similar request.

Mr. FORAN. It was through no negligence on my part that I lost the opportunity to offer the amendment when the line was read.

Mr. MCMILLIN. I understand that.

Mr. FORAN. well, if there are to be no courtesies here—if there is to be an iron rule——

Mr. MCMILLIN. I would rather suffer an injury than have any gentleman suppose me capable of being discourteous. The gentleman can make his proposition, and if no one else objects, I shall not.

The CHAIRMAN. What is the amendment which the gentleman from Ohio desires to offer?

Mr. FORAN. I move to strike out line 77, which reads:
"Iron, sulphate of, or copperas."

Mr. MCMILLIN. That is all that occurred. It is as I stated to the gentleman from Maryland [Mr. MCCOMAS]; line 87 had been passed and line 88 had been read.

Mr. MCCOMAS. In that way it occurred, and I stood here waiting.

Mr. MCMILLIN. It makes no difference in what way it occurred, the committee passed to the next paragraph.

Mr. MCCOMAS. No, we agreed to go back to line 77; the vote was taken on that, and when I came to make my amendment the committee rose.

Mr. McMILLIN. The point is that line 87 had been passed upon.
Mr. McCOMAS. No, it had not.
Mr. McMILLIN. The gentleman's right to amend had been complete.
Mr. McCOMAS. At the moment the bill was read, but before I could get recognition, Mr. FORAN asked to go back to line 77. Consent was granted, and the committee did go back to line 77. The pending matter therefore before the committee is line 87, just as I have stated—"coal-tar, crude."
Mr. McMILLIN. The line was read and the gentleman never opened his mouth on the question.
Mr. McCOMAS. The gentleman himself was the one who objected to going back and then withdrew his objection, whereupon Mr. FORAN made his amendment to line 77 and was heard upon it. I stood here ready all the time to make my amendment to line 87, when the committee rose. I stood here as a Representative in my place waiting for Mr. FORAN to get through with his amendment to line 77.
Mr. McMILLIN. The point I make, and that is just what the gentleman ignores, is that line 87 was read and no amendment was offered to it. Line 88 was then read——
Mr. REED. To-day?
Mr. McMILLIN. And the only point at which an amendment could be offered would be at line 88. You could not go back to the other line without unanimous consent, and against that the point of order has been made.
In answer to the gentleman from Maine, I do not mean to say that the line was read to-day, but when this bill was considered before, on the 14th day of June.
Mr. REED. Because the moment the bill was taken up before the House to-day, I thought I heard the gentleman from Maryland make his statement.
Mr. McMILLIN. Yes, that is correct. What I referred to was the proceedings had on the 14th. The point I made was that the gentleman had no right to return to line 87, because that line had been passed, it having been read and no amendment offered.
Mr. REED. How long is line 88?
Mr. McMILLIN. It contains five words.
Mr. McCOMAS. Three words.
Mr. REED. That might have been passed entirely through inadvertence, being so short as not to attract any attention.
Mr. McMILLIN. But there had been five or ten minutes' debate over another matter after line 87 was read, in which time the gentleman from Maryland did not seek the floor, and after that line 88 was read.
Mr. REED. He could not have sought the floor if there was five or ten minutes' controversy.
The CHAIRMAN. The Chair desires to state that the pending amendment is the motion of the gentleman from Ohio [Mr. FORAN], who by unanimous consent was allowed to return to line 77, and moved to strike out the words: "Iron, sulphate of, or copperas;" upon which a division was had, and no quorum appeared, and the Chair had ordered tellers.
Mr. McMILLIN. The Chair states correctly the status in that connection; and in courtesy to the gentleman from Ohio, who is not now in his seat, I ask unanimous consent that that status be permitted to remain, to return to it hereafter when the gentleman is present.
Mr. McCOMAS. I will only consent to that on condition that I can have the right to offer the amendment here, which the gentleman seeks to deny me.
Mr. McMILLIN. Very well; rather than wrangle with the gentleman all day I will withdraw the point of order.
Mr. McCOMAS. You are wise.
Mr. McMILLIN. I wish I could say the same for the gentleman.
Mr. McCOMAS. I mean to say it for myself.
The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee that permission be given to recur to line 77 when the gentleman from Ohio [Mr. FORAN] is present?
There was no objection.
The CHAIRMAN. The Chair will now entertain the amendment of the gentleman from Maryland.
Mr. McCOMAS. My motion is to strike out lines 87, 88, 89, and 90.
Mr. RANDALL. I hope the gentleman will not make the motion so broad as that.
Mr. McCOMAS. Very well then; I will confine it to line 87, "Coal-tar, crude." Other gentlemen may want to object to the lines just read.
The CHAIRMAN. The Chair desires to state that the lines under consideration are lines 87, 88, 89, and 90, which are now subject to amendment.
Mr. McCOMAS. Mr. Chairman, of the bituminous coal product of this country last year, which was nearly one hundred and twenty-four millions, two and a half millions of it were devoted to illuminating gas. This is the product of coal distilled for the purpose of making gas. By this book, prepared by the Ways and Means Committee clerk, coal-tar, crude, has now a duty equivalent to 10 per cent. ad valorem, and there were imported last year 2,599 barrels. In that connection coal-tar products, such as naphtha, benzine, benzole, dead oil, and pitch, and by the provisions of the present bill all of its homologues, are admitted free, while at present there is a duty of 20 per cent. and the freight of 20 cents per gallon. The preparations of coal-tar, not colors or dyes, and not acids of colors or dyes, have a like duty of 20 per cent. ad valorem.
Now, this coal-tar is the residual product of the making of ordinary illuminating gas. It is made of the oily mixture formed by the ordinary distillation of coal in the making of the illuminating gas. In its separation in water the naphtha rises to the surface, while the dead oil is precipitated, and the residuum of the dead oil is the common substance known as pitch. Now, this substance, coal-tar, naphtha, and dead oil, and pitch, are the second stages of the coal-tar, crude, which is put upon the free-list, and when this naphtha is distilled it yields the oils benzole and toluole, from which when combined is made by conversion the aniline oils referred to in line 88. Now, this is a complicated process which I do not pretend to understand and further analyze, nor do I undertake to enlighten the House upon it very much.
But my main point is that in this country lately, in the large cities—Baltimore, Philadelphia, New York, Boston, and St. Louis—benzole, toluole, pitch, and dead oil are separated from each other by distillation, and benzole and toluole are converted into aniline and toluidine. Now, as to the consumption of these various products in this country, in 1886 2,150,000 tons of bituminous coal was used in the making of gas. From that coal 200,000 tons of coal-tar was produced. In the smaller towns and cities it is not yet a matter of great consideration what shall be done with these by-products of coal. In the older countries attention has been given to this matter. The result is that there comes from France to a small amount, from England to a greater degree, and very largely from Germany, competition with us in all the products in all of the stages to which I have adverted. The oils, naphtha, benzole, and the coal-tar, crude, all alike come in from Germany. If there be an infant industry in this country it is that of these by-products, under further analysis which has lately been established by three firms in this country. Some of the experiments in this country indicate that here is to be found the beginning of an industry which will make it unnecessary to bring coal-tar across from Germany, or any of the by-products, and give the industry to home work here. In competition with paving, with roofing, with tin, with all of the building material where it can be used, the products begin to show a possibility of home production which we all should guard. As you have rightly kept bituminous coal from the free-list, these by-products of coal and these oils ought also to stand where they now stand. Therefore I hope the amendment will prevail. But my time has expired and I can go no further.
[Here the hammer fell.]
The amendment was rejected.
The Clerk read as follows:

Coal-tar, products of, such as naphtha, benzine, benzole, dead oil, and pitch.

Mr. RANDALL. Line 88 ought to be read.
The CHAIRMAN. It has been read.
Mr. RANDALL. I desire to amend that line.
The CHAIRMAN. The Chair will entertain the amendment.
Mr. RANDALL. I move to strike out the word "homologues."
Mr. TRACEY. I rise to a point of order.
The CHAIRMAN. The gentleman will state it.
Mr. TRACEY. These three lines have already been considered.
The CHAIRMAN. That point has been passed upon.
Mr. RANDALL. I objected to their being considered together when the gentleman from Maryland [Mr. McCOMAS] suggested it. I think the word "homologues" is entirely too indefinite to find a place on the free-list. Its meaning is in the nature of similitude. There is no objection so far as I know to having aniline oil on the free-list; but a word like this might mean a great deal more than is intended and might add to the now prevalent disputes in the custom-house which have caused so much litigation. It is my judgment that no article should go on the free-list unless it is specifically named or unless it is an article that is in its character carefully described.
The amendment was rejected.
The Clerk read as follows:

All preparations of coal-tar not colors or dyes, and not acids of colors and dyes.

Mr. FARQUHAR. Mr. Chairman, I desire to change the phraseology of those lines so as to make them perfectly explicit and well understood. I offer an amendment simply to change the phraseology of the paragraph.
The Clerk read as follows:

All preparations of coal-tar except colors and dyes, and except the bases and acids of colors and dyes.

Mr. FARQUHAR. I hope the committee, and especially the gentleman from Arkansas [Mr. BRECKINRIDGE], who has charge of this chemical schedule, will see it is much better instead of having negations to make this paragraph simply affirmative. There is no change in the sense. It does not change any of the articles. It simply makes the paragraph comport with the usual way it exists in the old tariff law. I hope the committee will agree to this amendment. It is merely verbal, and I think it is necessary in the construction of the law at the Treasuay Department.
The amendment was rejected.

The Clerk read as follows:

Logwood and other dyewoods, extracts and decoctions of.

Mr. LODGE. Mr. Chairman, I move to strike out the words "extracts and decoctions of" in lines 93 and 94.

The Clerk reported the amendment.

Mr. LODGE. Mr. Chairman, the duty on these extracts and decoctions is 10 per cent. ad valorem. The principal competitor we have is France. This small duty protects us against the French competition. The industry has about $10,000,000 invested in it, and employs many hundred men in different States. It is a comparatively new industry. I can see no reason for taking from these capitalists and workmen their employment in order to give it to France. I offer the amendment for the purpose of indicating the mistake that is made by striking this blow at that industry.

I ask that this letter from the representative of the manufacturers of dyewood extracts and decoctions be read and incorporated in my remarks:

The letter was read as follows:

WASHINGTON, D. C., *March* 8, 1888.

DEAR SIR: We note with feelings of deep concern that in the proposed new Mills tariff bill the articles of extracts and decoctions of logwood and other dyewoods are placed upon the free-list.

Against this proposition we desire to protest, inasmuch as the present duty of 10 per cent. ad valorem is a small but necessary protection to this American industry.

The amount of revenue derived from the importations of this article is small, and the amount will not materially effect any great change in the proposed reduction of the revenue.

The present duty of 10 per cent. ad valorem is barely sufficient to offset the difference in price of labor between the United States and France, which country is our greatest competitor, and whose tariff laws exact so high a rate of duty as to make exportation from this country into that impossible—their rates being from 20 to 30 per cent. specific.

The amount of capital invested in this industry is about $10,000,000, and many hundreds of men are constantly employed.

The various manufactories are located in the following States, namely: Massachusetts, New York, Connecticut, Rhode Island, Delaware, Pennsylvania, Virginia, Maryland.

The duty is now and has always been small, but has been of value in developing the industry, which, if removed, will take away the proper offset in difference of labor between ours and the French, and will be of no material advantage to the proposed reduction in the revenue; neither will its removal be of any benefit to any other industry.

I would also call your attention to the proposed reduction on American sumac and sumac extracts. The latter is an infant industry, the oldest works having been established only a few years, and our own have been erected within a year. Both the raw and manufactured article are produced in this country, and we are obliged to compete with the foreign article imported into this country. We therefore are obliged to again protest against the proposed reduction of duty on these articles for the same general reasons and to the same general effect that we have applied to extracts and decoctions of logwood.

We therefore respectfully request your very best endeavors in our behalf, with both committee and in the House, in the direction above indicated, and we do this, not only from a personal interest, but for the general welfare of all the industries of the country.

Yours truly,

MARSHALL K. ABBOTT,

Representing the Manufacturers of Dyewood Extracts and Decoctions.

Mr. KELLEY. Mr. Chairman, if nobody desires to oppose the amendment, I will move to strike out the last word. This proposition is in conflict with the high-sounding professions that heralded this bill to the country and the assurance that it was designed to secure "free raw materials." There is no country in the world that has such abundant raw materials as the United States for the extracts and decoctions enumerated in this paragraph. As near as I can learn, there are about $10,000,000 invested in the gathering of the materials and the production of these extracts and decoctions.

The present duty is not prohibitory, as we imported last year, in spite of our enormous home supply of these materials for their manufacture, 3,666,378 pounds. What are the materials? Logwood, which we do not produce; fustic, quercitron, sumac, oak, hemlock, and chestnut barks, all of which we do produce. The gathering of sumac alone, by women and children in Virginia and North Carolina, as I had occasion to say when we were on the bill before, amounts now to about a million dollars a year. It amounted to $500,000 in the days of the Forty-seventh Congress, and it is but one of the industries to be damaged or destroyed by this paragraph.

Put, if you please, these raw materials on the free-list; but leave undisturbed the manufactures and the capital embarked in the employment of many people North and South in the preparation of these extracts and decoctions. Live up to your boastful announcement:

We shall injure no industry, because we do not mean to affect any of them except beneficently by giving them free raw materials.

Mr. MILLS. Mr. Chairman, these logwoods, dye-woods, extracts, and decoctions are dyes that are used in the manufacture of cloth. The gentleman [Mr. KELLEY] says they are not raw materials. They are materials that are used by the manufacturers of cloths, as the gentleman knows; and I remember very well that the manufacturers of woolen goods, when they were asking Congress to raise the duties on woolen goods to compensate them for the taxes they had to pay, brought in the dyes as one of the items, and, according to my present recollection, they charged that the additional cost to them was 2½ cents a pound on account of the dyes.

Mr. KELLEY. I never heard that statement from a manufacturer.

Mr. MILLS. Now, we want to remove the duty on these materials used by the manufacturers, so as to enable them to purchase their goods at a lower cost than they can now.

Mr. KELLEY. But these decoctions and extracts are not raw material. They are advanced manufactured products, though they be materials for more highly advanced manufactures.

Mr. MILLS. But at the same time they are raw material for something else.

Mr. KELLEY. No, they are not. That which is cooked, as these extracts and decoctions must have been, is never raw material. [Laughter.]

Mr. MILLS. Provided it is cooked done.

Mr. KELLEY withdrew his formal amendment.

The question was taken on the amendment of Mr. LODGE, and it was rejected—ayes 51, noes 57.

Mr. RUSSELL, of Massachusetts. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read the amendment, as follows:

After line 94 insert the following:

"Alizarine, natural or artificial, and other dyes and colors produced from anthracine."

Mr. RUSSELL, of Massachusetts. Mr. Chairman, I offer this amendment because alizarine colors or dyes were intended to be made free in the last tariff act. "Alizarine, natural or artificial," was then made free. Since that time three additional colors of alizarine have been added to the list, but those colors, under a decision of the Treasury Department, are not included under that law. Consequently we have the anomaly of five colors made of alizarine that are admitted free, and three colors, orange, brown, and blue, that are dutiable by the decision of the Treasury Department.

This amendment is for the purpose of clearing up this matter and admitting free, as was intended in the passage of the existing tariff act, all colors of alizarine. No colors manufactured from anthracine are made in this country; all such colors are manufactured abroad, and the duty upon them is a tax which falls upon all calico printers and manufacturers of fine worsted goods. I offer this amendment in the interest of manufacturing alone.

Mr. MILLS. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read as follows:

Spirits of turpentine.

Bone-black, ivory drop-black, and bone-char.

Mr. MILLS. I move to amend by striking out the line last read—

Bone-black, ivory drop-black, and bone-char.

The amendment was agreed to.

The Clerk read as follows:

Ocher and ochery earths, umber and umber earths, sienna and sienna earths, when dry.

Mr. JACKSON. I move to amend by striking out the lines last read. We have in this country the earth and the raw material (if that name can be properly applied) sufficient to furnish all of these articles that we can possibly need or use. Their manufacture is a business in which there is at present a very considerable amount of capital employed and which gives occupation to a large number of persons. It is a comparatively new but growing industry, and sufficient has already been developed in this line to show that we can very readily produce all that we need of these colors for the manufactures for which these earths are used.

The amendment was rejected.

The Clerk read as follows:

All preparations known as essential oils, expressed oils, distilled oils, rendered oils, alkalies, alkaloids, and all combinations of any of the foregoing and chemical compounds and salts by whatever name known, and not specially enumerated or provided for.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out the paragraph just read and insert the following in lieu thereof:

Olive oil, salad oil, cotton-seed oil, whale oil, seal oil, and neat's-foot oil.

Mr. BUCHANAN. I move to amend the amendment by striking out "neat's-foot oil."

Mr. BUCHANAN'S amendment to the amendment was rejected.

The amendment of Mr. BRECKINRIDGE, of Arkansas, was agreed to.

The Clerk read as follows:

All barks, beans, berries, balsams, buds, bulbs, bulbous roots, and excrescences, such as nut-galls, fruits, flowers, dried fibers, grains, gums, and gum resins, herbs, leaves, lichens, mosses, nuts, roots, and stems, vegetables, seeds, and seeds of morbid growth, weeds, woods used expressly for dyeing, and dried insects, any of the foregoing which are not edible and not specially enumerated or provided for.

Mr. BUCHANAN. I move to amend by striking out in the paragraph just read the word "mosses." Whilst I am aware that there are some mosses imported into this country which are not grown here, and which might very properly go upon the free-list, other mosses which are imported come into direct competition with some of the agricultural products of my own district and other parts of the country. I offer this amendment at the request of a constituent of mine, who is to-day a prominent Democrat in his locality, an office-holder by the grace of his party, and an extensive farmer.

The importation of a coarse kind of moss has become very great in

the last few years. It is used as bedding for horses in cities, and has come directly into competition with the straw of the farmers adjacent to our cities. As this importation thus comes in direct competition with the agricultural production of my own district and other parts of the United States, I have offered this amendment at the request of this constituent of mine, and in the interest of the agriculturists of the country.

The CHAIRMAN (having put the question on agreeing to the amendment) said: The noes seem to have it.

Mr. BUCHANAN. I call for a division. I want to see where the friends of the farmers are.

The question being again taken, the amendment was disagreed to; there being—ayes 41, noes 57.

Mr. RANDALL. I move to amend by striking out the pending paragraph and inserting what I send to the desk.

The Clerk read as follows:

Drugs, such as barks, beans, berries, balsams, buds, bulbs and bulbous roots and excrescences, such as nut-galls, fruits, flowers, dried fibers, and dried insects; grains, gums and gum-resin; herbs, leaves, lichens, mosses, nuts, roots, and stems; spices, vegetables, seeds aromatic, and seeds of morbid growth; weeds and woods used expressly for dyeing—any of the foregoing which are not edible and are in a crude state, and not advanced in value or condition by refining or grinding, or by other process of manufacture, and not specially enumerated or provided for.

Mr. RANDALL. The provision of law from which this paragraph on the free-list is taken applied only to such articles now there known commercially as drugs. In previous acts the words "drugs, such as" avoids litigation——

Mr. MILLS. By this you name them specifically.

Mr. RANDALL. Yes.

Mr. MILLS. You say "such as"——

Mr. RANDALL. I say "drugs, such as." It is taken from the existing law.

Mr. MILLS. I know it is.

Mr. RANDALL. It refers to articles commercially known and designated as drugs, and this makes it plain.

Mr. MILLS. You may include things out of which drugs are made.

Mr. RANDALL. It will avoid confusion.

Mr. MILLS. Of course these would be admitted, but others also might be admitted.

Mr. RANDALL. This is the language of the existing law; and the prefix in the law is "drugs."

Mr. MILLS. This makes it clear. It does not amount to anything.

The amendment was disagreed to.

The Clerk read as follows:

All non-dutiable crude minerals, but which have been advanced in value or condition by refining or grinding, or by other process of manufacture, not specially enumerated or provided for.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the paragraph because in my judgment it embodies legislation of the most vicious character. Here is used language which in the hands of a dishonest official might be subject to grave abuse. Now, what is the proposition? To admit free of duty "all non-dutiable crude minerals, but which have been advanced in value or condition by refining or by other process of manufacture." By refining—to what extent or in what manner? How much labor shall be expended upon them? And, as if this general provision was not enough, there is added the other alternate, "or advanced in value by any other process of manufacture." The words are "by any other process of manufacture." Under this provision almost anything can come in which has not reached its final perfected state of manufacture.

Mr. BYNUM. It is a mere transfer to the free-list from the law as it now is, and without any design whatever such as has been attributed to it.

Mr. FARQUHAR. This is from the old law. Now, the revenue derived from the articles enumerated in this paragraph was $140,000. The gentleman from New Jersey is correct. It places these articles on the free-list, which now pay 10 per cent. ad valorem. Unless there are good reasons for it I think, as a matter of safety, they should be retained at the present rate of duty. It covers over one hundred and fifty articles.

It does seem to me it is too general legislation, and $140,000 a year does not amount to a very large reduction in the revenue. It keeps us from competition in my district.

Mr. MILLS. It is the law, and the language is used to distinguish one class of dutiable articles from another. I have never heard any complaint that articles escaped from a higher to a lower class by the use of this language.

Mr. FARQUHAR. It is the old law.

Mr. BUCHANAN. The words "not herein specially enumerated or provided for" apply not to the old law but to this bill, and to put these articles upon the free-list extends the list far wider than would seem to be the case at first glance. I am satisfied it goes further than the gentleman from Texas or the committee designed. If the words "not specially enumerated or provided for by the law of 1883 or this bill" were inserted then the result would not be more harmful than the old law.

But in any bill which has only partial schedules, to make a general provision of this sort is to make the scope of the provision far more reaching than in the case of a law where the schedules are much fuller, and consequently fewer articles are left to be embraced by the general clause. In this bill the schedule of articles of this character particularly named is short, and consequently the general provision "not elsewhere provided for" will include many more articles than it would were the schedule as full as in the old law. That is the point I am making.

The CHAIRMAN. Debate on this amendment is exhausted.

The question being taken on the motion to strike out the lines, it was rejected.

The Clerk read as follows:

All earths or clays unwrought or unmanufactured, China clay or kaoline.

Mr. MILLS. I move to strike out line 117.

Mr. BROWNE, of Indiana. I would be very glad to have the gentleman give some reason for making this change.

Mr. MILLS. I will be entirely frank with the gentleman. We propose to restore this article to the dutiable list, when we reach the same, hereafter, with, however, a reduction of the duty.

Mr. HOPKINS, of Virginia. I ask unanimous consent to return to line 74.

The CHAIRMAN. The first question is on agreeing to the amendment of the gentleman from Texas, to strike out line 117.

The amendment was adopted.

Mr. HOPKINS, of Virginia. I renew my request for unanimous consent to return to line 74, in reference to which I wish to submit a motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. BROWNE, of Indiana. Mr. Chairman, I think it is not a good practice, and I shall have to object.

Mr. RUSSELL, of Massachusetts. I offer an amendment to come in after line 117.

The CHAIRMAN. That line has been stricken out.

Mr. RUSSELL, of Massachusetts. Then I offer it to take the place of line 117.

The amendment was read, as follows:

Glass plates or disks, unwrought, for use in the manufacture of optical instruments, spectacles, and eye-glasses.

Mr. RUSSELL, of Massachusetts. The tariff act of March 3, 1883, scheduled glass plates or disks, or plates unwrought, for use in the manufacture of optical instruments, as free. No such glass or disks of glass as are referred to in that paragraph of the schedule are made in this country at all.

The glass imported for this purpose is in a rough, unwrought shape, about 1.7 inches by 1½, and are all finished and ground in this country. Under the law here passed the Treasury decided that spectacles and eye-glasses were not optical instruments, although Mr. Noah Webster, Sir David Brewster, Dr. Lardner, and all of the principal writers upon the subject of optics hold that they are such, and consequently the intention of Congress in this provision of the act of 1883 was nullified by a Treasury regulation.

This amendment, I will state, as offered, is entirely acceptable to the officers of the Treasury, and it includes rough disks for the use of the spectacle and eye-glass makers, none of which disks, as I have said, are now made in this country.

Mr. MILLS. I have no objection to the proposed amendment.

Mr. KELLEY. Is that proposed as a substitute for line 117?

The CHAIRMAN. No; line 117 was stricken out. This is proposed as an amendment to the bill to come in in place of line 117.

The amendment was adopted.

The Clerk read as follows:

Opium, crude, containing 9 per cent. and over of morphia, for medicinal purposes.

Iron and steel cotton ties or hoops for baling purposes, not thinner than No. 20 wire gauge.

Mr. RANDALL rose.

Mr. BAYNE. Mr. Chairman——

Mr. BURROWS. Mr. Chairman, if my friend from Pennsylvania will allow me a moment, I wish to submit a request to the committee.

Mr. RANDALL. I have an amendment that I desire to offer to the preceding lines.

Mr. BURROWS. In one moment. I merely want to ask unanimous consent that this item expressed in lines 120 and 121 may be passed over informally until to-morrow. Mr. MCKINLEY had this matter particularly in charge, and will be here to-night.

Mr. MILLS. I have no objection.

The CHAIRMAN. Without objection, these lines will be informally passed over until to-morrow.

There was no objection.

Mr. RANDALL. I wish to offer an amendment to lines 118 and 119, to insert, after the word "crude," the words "and not adulterated."

Mr. MILLS. I have no objection.

The amendment was adopted.

Mr. BROWNE, of Indiana. I will withdraw the objection I made

a few moments ago to the request of the gentleman from Virginia to recur to line 74.

Mr. HOPKINS, of Virginia. I am very much obliged to the gentleman.

The CHAIRMAN. The Clerk will read line 74 again.

The line was read, as follows:

Baryta, sulphate of, or barytes, unmanufactured.

Mr. HOPKINS, of Virginia. I move that line 74 be stricken out.

Mr. BROWNE, of Indiana. Will the gentleman explain why? It is a free raw material, as I understand it, and a very raw material at that.

Mr. HOPKINS, of Virginia. My reason for asking is this, that in my district I have considerable interest in this product [laughter on the Republican side]; of course I am like gentlemen on the other side, a little selfish in this matter. I hope the amendment will be adopted. I will say that this is quite a rough material, and when ground is used in paints exclusively.

Mr. BUCHANAN. I would like to ask if the gentleman did not vote against protecting the farmers' straw in my district?

Mr. HOPKINS, of Virginia. I voted in reference to the question of moss, if that is what the gentleman means.

Mr. KELLEY. I would like to ask, with permission of the Chair, whether barytes is not an element used in the adulteration of paints?

Mr. HOPKINS, of Virginia. It is used, I understand, in paint in the place of white lead.

Mr. KELLEY. A very bad adulterant; a substitute for white lead in no sense or wise connected with it or related to it. It is a mere means of cheating the consumers of cheap paint.

Mr. HOPKINS, of Virginia. They have no business to use cheap paint.

Mr. KELLEY. I do not object to the line being stricken out; because it is a great industry, adulterant as it is, in the gentleman's district in Virginia.

The amendment was rejected.

The Clerk read as follows:

Needles, sewing, darning, knitting, and all others not specially enumerated or provided for in this act.

Copper, imported in the form of ores, regulus of, and black or coarse copper and copper cement, old copper fit only for remanufacture.

Antimony, as regulus or metal.

Quicksilver.

Mr. FELTON. Mr. Chairman, I move to strike out line 128. During the general discussion of this bill I submitted some remarks to the House in relation to this item. I therefore do not desire to take up the time of the House in repeating myself; but I desire to briefly supplement what I said on that occasion, as one of the most important industries of the district I have the honor to represent is the production of quicksilver. The source of its production in the United States is confined to the State of California; its chief production is within my, or the Fifth, Congressional district. Sir, there is no item on this free-list that occupies the peculiar position that does the production of quicksilver. The facts are that the sources of its supply are practically but three: the Almaden mine of Spain; the Idria mine of Austria, and the New Almaden mine of California, before referred to.

It is a well-known fact to those who are conversant with this subject, or the production of this metal, that the Almaden mine in Spain and the Idria mine in Austria are owned, controlled, and worked for the account of their respective governments; that they are remarkably rich; that they can and are producing this metal at about one-quarter the cost that we can produce it. The price of labor is about one-fourth of that paid in California in this industry (there is probably no such scale of wages paid in the aggregate in any of our home industries); the ore of the foreign mine is from five to ten times richer than ours at the present time; their ore-bodies are more compact and homogeneous, thus enabling them to work almost all of the rock mined, while those of California lack these important requisites to cheapness. At the time of the first production of this metal in California it was selling at $1.50 per pound; since the production in California it has been reduced to less than one-half dollar per pound. The mines in California at the present time are not a bonanza.

As I before remarked, its cost of production is about four times that of the European. In connection with the remarks I made and before referred to I submitted a table of the production and prices of this metal during the time it had been produced in California, from which any gentleman who will take the trouble to examine will observe that the production of California has ruled the price throughout the world during the whole time of its production, save and except that time when no duties were levied upon it, to wit, from 1874, when it was put upon the free-list, to 1883, when the tariff was restored. An examination of those statistics will show this state of affairs: that during that entire time, year by year and month by month, quicksilver invariably sold for a higher price in the London market than it did in the American market, varying, of course, in degree, and at one time bringing a price of from $24 to $25 per flask greater in the London market than it was sold for in the American, and during all that time large exports were made to the United States from London, the product of the Spanish and Austrian mines.

Another striking fact is developed that during the interim between the passage of the act of 1883 restoring the tariff on quicksilver and its taking effect nearly as much was imported into the United States as was imported during the nine previous years; and here we observe the conservative policy of the Austrian and Spanish producer. While commanding and protecting the market other than the United States they produced and exported to the United States a surplus, manifestly for the purpose of breaking down the industry within the United States.

Now, sir, quicksilver is a metal which has no equivalent. Nothing takes its place in the arts or mechanical uses. Just in proportion as the industries of this country grow, in that proportion is the use of quicksilver required. I have no doubt, and though I have not the statistics and can not prove it or positively make the statement, I believe that the United States is the largest consumer of this metal.

Now, I submit to this House these facts, that practically the only other producers, and consequently competitors to the United States, are the Spanish and Austrian Governments. Their policy has ever been conservative; that whenever possible they have taken advantage of the laws of this country to give them a monopoly of the production, they have sold their products at higher prices at home and sent their surplus here to be sold at less prices. I believe the present tariff is not sufficient to promote and develop the quicksilver industry of this country as a competitor to the foreign production; and I think I hazard nothing in saying (and it is my honest opinion) that if the present tariff, small as it is, is removed, taking into consideration the conditions and advantages of the European producers as against those of the United States and the poverty of the American ores at the present time, this industry will be suspended or annihilated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORROW was recognized, and yielded his time to Mr. FELTON.

Mr. FELTON. As I was about to remark, taking into consideration the fact that the only sources outside of the State of California are the mines controlled by the Governments of Austria and Spain; taking into consideration their uniform policy of husbanding their resources; taking into consideration the vast amount of ores that they have still in store, this article should not be put on the free-list.

It is said in the Spanish mines there is a sufficient quantity of ores to supply the present yearly output for fifty years; that the New Idria mine has in store already developed a quantity of ore equal to one-half of the production of California for the last thirty-seven years. I submit to this House that if the California production is discontinued—and I believe upon my honor it will be if the tariff is taken off—will the consumers be benefited? I can see no mode or means by which the consumer of this country can be benefited; and I believe the price will be twice what it is now.

If the object of the gentlemen on the other side (and I believe that to be the case) is to furnish necessary articles to the consumers of this country as cheap as possible, the only way they can do it in this instance is by taking this item from the free-list, which I sincerely hope will be done, and restoring the duty to 10 cents per pound instead of 10 per cent. ad valorem.

Spain and Austria have protective duties upon this article. They both protect their own industries so that we can not export the article into those countries without paying a tariff duty——

Mr. BURROWS. I ask to have read the extract which I send to the desk, to show that the proposition to put this article on the free-list is in the interest of a foreign trust.

The Clerk read as follows:

The Rothschilds are at the head of a quicksilver "trust" which controls all the output of that metal save that which is produced in the United States. A 10 per cent. duty has prevented them from deluging our market to a degree that would make profit impossible to our mine owners, and then purchasing their unprofitable mines cheaply and regulating the price over all the earth.

Mr. BRECKINRIDGE, of Arkansas. We are large exporters of quicksilver, having exported in the last fiscal year over 500,000 pounds of that commodity.

Mr. FELTON. The United States?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir. Our imports during the same year were six hundred and ninety-three thousand and some odd pounds. Thus it appears that our exports nearly keep pace with our imports.

Mr. FELTON. Will the gentleman allow me to interrupt him?

Mr. BRECKINRIDGE, of Arkansas. The gentleman had his time extended, but I will hear his question.

Mr. FELTON. Does that embrace the exports from San Francisco?

Mr. BRECKINRIDGE, of Arkansas. I speak of the exports from the United States. Some of our exports are made to Quebec. Some of the exports of our domestic product are made from the Atlantic seaboard, but we export largely to Guatemala and principally to Mexico. Our quicksilver is able to enter the Republic of Mexico upon an equal footing with the foreign quicksilver and to command that market by sales almost as great in extent as our imports from foreign countries.

It is perfectly clear that our producers have got the whole East at their command, and when they are able to export and undersell the foreign producer in the countries I have named, it is not proper that we should hold our consumers of quicksilver along the Atlantic seaboard in unnecessary bondage in order to control for the producers an

unnatural and unnecessary market. Therefore, putting this upon the free-list justly hurts nobody. If there be a trust in Europe, that fact lays no just or proper basis for inaugurating a corresponding trust in America. Our friends upon the other side seem to think that if they can by any means claim or show that there is a trust abroad, then it follows that we should inaugurate a trust at home.

Mr. FELTON. I do not say that there was a quicksilver trust abroad, but I said there would be one.

Mr. BRECKINRIDGE, of Arkansas. There is no need for a tariff on quicksilver, either for revenue or for any other reason.

Mr. FELTON. In reply to what the gentleman has said, I think that if he will examine the exports from San Francisco he will find that our quicksilver producers export to China, Mexico, and perhaps to South America, but he will find that the volume of that export is not very large. If the gentleman knew the cost of transportation from the Pacific coast to the Atlantic coast he would soon discover why so little of the product comes here. The only legitimate exports of quicksilver that we of the Pacific coast have at the present time are to China, South America, and Mexico.

California has produced more quicksilver than she and the rest of the Pacific coast could consume; but notwithstanding that, much has been imported into this country because it can be brought from Spain and from Austria at less cost for transportation than it can be sent from the Pacific coast to the Atlantic coast. Now, if we have no quicksilver production upon the Pacific coast, what will be the result? As I remarked before, I prepared a table of statistics which any gentleman can examine, and when he examines it he will discover that just in proportion to the production on the Pacific coast its increase or its diminution have been the fluctuations in price.

Mr. BRECKINRIDGE, of Arkansas. But what makes the gentleman think that he is not going tc have that industry in California?

Mr. FELTON. Because it costs $28.30 to make a flask of quicksilver in California, while it costs in Spain only $7.10; and also because they have cheaper transportation.

Mr. BRECKINRIDGE, of Arkansas. Then why do not they drive you out of the Mexican market?

Mr. FELTON. Because it is more convenient for them to buy of us, because our freights are less, as the steamers leaving San Francisco for China and the South American ports do so practically in ballast, returning with cargoes of teas and rice from China, coffee and other products from South America; because the transportation takes less time, and perhaps because the demands of those markets for this metal are too limited to be worth contending for.

Mr. BRECKINRIDGE, of Arkansas. It is because you have control of the situation and hold it, and year in and year out you go down to Mexico and Guatemala and sell great quantities of your product. Now, if the foreign producers can not drive you out of Mexico they can not drive you out of California.

Mr. FELTON. In reply to that I have to say they can by reducing the price here, and free quicksilver would accomplish that. Ten years ago we had thirty mines producing quicksilver in California, while two years ago we had but nine, and now——

We have but one principal mine having a large production, and that is in a very poor condition so far as the ores are concerned. Taking the present prices of quicksilver—about $37 a flask—I believe that putting quicksilver upon the free-list will be the straw which will break the camel's back. I desire gentlemen to remember that if the result should be to crush this American industry, every branch of manufacture which requires quicksilver will be compelled to pay twice as much for it as it does now.

Mr. BRECKINRIDGE, of Arkansas. As these manufacturers are able to get along in selling to the Mexicans, I do not see why they can not command the market nearer home.

Mr. FELTON. The gentleman, I presume, did not hear my statement that during the entire time quicksilver was on the-free list—during every month of those nine years—it sold at vastly larger prices in London; always higher than in the United States.

Mr. BRECKINRIDGE, of Arkansas. Then how are you going to be broken down?

Mr. FELTON. Because they could make their profits abroad and undersell us here, as during the interim between the passage of the law imposing the duty and its taking effect as much quicksilver almost was imported and sold in this country as in the nine years before of no protection.

Mr. BRECKINRIDGE, of Arkansas. I am unable to see how an increase in the price of quicksilver is going to break down the market of the gentleman's constituents.

Mr. FELTON. I am very sorry I can not make the gentleman see it.

Mr. MILLS. Let us have a vote.

Mr. LODGE. I move *pro forma* to amend by striking out the last two words. I merely wish, in behalf of certain constituents of mine who are interested in the quicksilver industry, to put upon record their protest against this attack upon that industry. Without delaying the House, I will simply read a letter from the treasurer of the Napa Consolidated Quicksilver Mining Company, which states the case very fairly:

THE NAPA CONSOLIDATED QUICKSILVER MINING COMPANY,
TREASURER'S OFFICE, 23 MASON BUILDING,
Boston, April 11, 1888.

DEAR SIR: Among other articles put upon the free-list by contemplated new tariff bill is quicksilver, which, as you are well aware, is produced to a considerable extent in California. The only other places where it is produced in large quantities are Spain, at the "Almaden," and Austria, at the "Idria," which are controlled by those Governments, the Almaden being leased to the Rothschilds at present. The mines in California have had hard work since 1883, when the rate was reduced to 10 per cent., to run and pay expenses, and a small reduction in the price would compel them to close down and give up the business, which at present gives employment to a large number of miners.

The above company since 1884 has had a hard struggle to keep above water, but by the building and maintaining of an improved and expensive plant and costly machinery and furnaces has at last succeeded in getting a small margin of profit, which, if our reform-tariff friends prevail, will to a great extent be swept away. As a real American industry, in competition with cheap labor in Europe, and affording a good livelihood here to a large number of people, it would seem that it has some claim to recognition. The expense of closing down and refiring is large, and once closed down the mine owners would be reluctant to start up again, and the foreign article could be easily advanced to an exorbitant figure, while the small margin now allowed permits the mines to be worked at very close figures, and really benefits the consumer. As the Napa Consolidated is owned and operated entirely by Boston capital and people, and as you yourself were once cognizant of its affairs, I have taken the liberty to call your good services into requisition, and beg that you will give the matter your attention, and see that the duty is not taken off.

I am, dear sir, yours, very respectfully,

W. B. BUCKMINSTER,
Treasurer and Manager.

Hon. HENRY CABOT LODGE, *Washington, D. C.*

I also submit as a part of my remarks the following:

Memorial of the quicksilver manufacturers of California.

To the President and Members of the Tariff Commission:

The undersigned, quicksilver manufacturers in the State of California, respectfully beg leave to submit to your honorable body that the production of quicksilver is one of the most important interests of the Pacific coast, representing a capital of $30,000,000, and giving permanent employment to more than five thousand men, who are paid liberal wages; that the article of quicksilver is an absolute necessity in the mining of silver and gold, and other uses; that for many years while the article was protected by a duty the business was fairly profitable and remunerative to the manufacturers, and that some thirty mines were in operation in the State.

That within the last few years, since the abolition of the duty, owing to sharp competition with foreign producers, particularly of the Almaden mines in Spain, which are owned and worked by the Spanish Government, and the Idria mines in Austria, owned and worked by the Austrian Government, the price has been reduced to so low a figure that there is no profit to manufacturers here; that only eight mines are now being worked in California, and that the total amount received for sales of the article during the last three years has not paid the cost of its manufacture, allowing for depreciation in works and exhaustion of mines; that owing to the richness of the Spanish and Austrian mines, and the fact that the cost of labor in those countries is not more than one-sixth of what is paid in California, quicksilver can not be manufactured in America to compete with the product from Spain and Austria, and unless some relief or protection is given, this important interest must entirely give way to foreign competition; that owing to the high rates of transportation between California and the Eastern States, foreign quicksilver can be sent from Europe to New York at one-quarter the freight and in one-third of the time that it can be sent from San Francisco; that many articles necessary for the working of quicksilver mines, particularly iron and steel, are subject to high duties, thereby largely increasing the cost of manufacture; that empty quicksilver flasks are subject to a duty of 35 per cent.; that most of the flasks used in California are second-hand flasks returned from China, on which the quicksilver manufacturers here are obliged to pay the high duty, often paying many times on the same flasks, while new flasks filled with quicksilver are imported into New York free of duty; that owing to these facts, all of the American market east of the Rocky Mountains has been lost to home manufacturers, and supplied with a foreign product which pays no duty or revenue to our Government.

1883—Duty imposed on quicksilver, 10 per cent. ad valorem.

1888—New tariff bill puts quicksilver on free-list.

That the imposition of a duty on quicksilver would lead to no hardship or damage to other industries in this country, the article being used over many times in gold and silver mining, so that the small advance in price would practically be almost nothing in the cost of mining, while the only other industries which would be affected—the manufacture of vermillion and the manufacture of medicinal preparations from mercury, both of which are small in comparison with the manufacture of quicksilver—are now protected by a duty.

That owing to the great extent and richness of the Spanish mine, as compared with any mines in this country, and the low rate of labor in Spain, the Spanish Government can at any time produce quicksilver in sufficient quantities to supply the consumption of the world, and at a price which would close every mine in this country; that the control of this Spanish product is a practical monopoly in the hands of Messrs. Rothschild, of London, who have a lease of the Spanish mines for thirty years, to secure the payment of a loan to that government; that there is a very large accumulation from the products of these mines now in London; that prior to the manufacture of quicksilver in California the price of foreign quicksilver was more than treble the present price, and that, should the California mines, which are practically the only competitors of the Spanish and Austrian mines, be, for want of protection, driven from the field, the price of the foreign article would be advanced to a rate that would compel the consumer of quicksilver in this country to pay a hundred-fold more than the imposition of a duty on the American product would cost them. The admission free of duty of a product manufactured exclusively by foreign governments (which themselves have a high protective tariff), to the detriment and ruin of an American industry, is an anomaly in our revenue laws which your petitioners beg may be at once removed.

Your petitioners further respectfully represent that all other metals of American manufacture, from native ores, iron, copper, zinc, nickel, lead, etc., are protected by high duties; quicksilver, which under the present foreign competition seems to require it more than any other, forming almost the only exception; and they therefore trust that your honorable body will recommend the imposition of a duty on this article.

Under the old tariff the duty on quicksilver was 15 per cent. ad valorem, and ranged in amount from 10 to 23 cents per pound, but your petitioners would respectfully suggest that a specific duty of from 20 to 25 cents per pound be recommended—20 cents being, in their opinion, about the lowest figure which would

enable American manufacturers to compete with the Spanish and Austrian Governments, and give them a fair return for the capital invested.

THE QUICKSILVER MINING COMPANY, NEW ALMADEN, CAL.,
J. B. RANDOL, *Manager.*
SULPHUR BANK QUICKSILVER MINING COMPANY,
By PARROTT & CO., *Agents and Factors.*
GREAT WESTERN QUICKSILVER MINING COMPANY,
G. PALACHE, *President.*
THE REDINGTON QUICKSILVER COMPANY,
JOHN H. REDINGTON, *President.*
THE NEW IDRIA MINING COMPANY,
By THOMAS BELL, *President.*
THE SANTA CLARA MINING ASSOCIATION, OF BALTIMORE (GUADALUPE),
HENRY MAY, *Receiver.*
THE OAKLAND MINING COMPANY,
By THOMAS BELL, *Trustee.*
THE NAPA CONSOLIDATED QUICKSILVER MINING COMPANY,
W. B. BUCKMINSTER, *Manager.*
THE GREAT EASTERN QUICKSILVER MINING COMPANY.

Mr. HERBERT. Does the gentleman think that if quicksilver should be put on the free-list these establishments which now produce it will shut down and quit exporting quicksilver to Mexico?

Mr. LODGE. There is no large margin of profit in this business; and the destruction of the quicksilver-mining industry will put the supply of quicksilver for this country into the hands of government monopolies of Austria and Spain, controlled by the Rothschilds.

Mr. HERBERT. How will putting this article on the free-list prevent these American establishments from exporting to Mexico as they do now?

Mr. FELTON. I will explain that matter to the gentleman. The chief quicksilver-producing mine in California now is the New Almaden. The present price under the existing tariff leaves these manufacturers a profit of only $5 or $6 a flask. They work some 750 men, and their operations extend over a surface of country 5,000 feet one way and 6,000 feet another, and 2,300 feet deep, making the production very expensive.

Mr. MCSHANE. The gentleman must be mistaken in his statement as to the profit on a flask of quicksilver. It is $22 instead of $5 or $6.

Mr. FELTON. In a flask of quicksilver there are 76½ pounds.

[Here the hammer fell.]

Mr. MORROW. I ask unanimous consent that the time of my colleague [Mr. FELTON] be extended for five minutes.

There was no objection.

Mr. FELTON. Quicksilver is selling for $37 per flask of 76½ pounds.

Mr. MCSHANE. I am sure the gentleman is mistaken.

Mr. FELTON. In what respect?

Mr. MCSHANE. I know what I am talking about. I know that quicksilver is being sold by Wells, Fargo & Co. in San Francisco at $50 a flask.

Mr. FELTON. I know that a month ago it was selling in New York and San Francisco at $37 a flask. It has ruled about that price for years. If the gentleman will take the trouble to examine the matter he will discover that my statements are about correct. I do not undertake in every case to speak with perfect exactness; I am talking about the average. If there is any one thing about which I am solicitous it is to state nothing here which I do not believe to be strictly true; if any statement of mine is inaccurate it is because I am mistaken, and I now state that for eleven years past the average of the highest prices (ignoring the lowest) has been about $35 per flask, and I have the statistics to prove it.

At the time I obtained my figures (and that was during this debate) this metal was selling at $37 per flask. That price does not leave a sufficient profit, because last year the cost of production was $28.38 per flask.

Now, the mining of this metal in the United States is under disadvantageous circumstances compared with the Austrian and Spanish mines. The amount the mine has been making for the last year or for the last two years has not been more than enough to pay the wear and tear, and will not now pay the interest on the plant in addition.

Mr. MCSHANE. I am not discussing as to the cost of production. I take the gentleman's statement that it costs $28 a flask, but I do say that it is selling to-day in San Francisco at $50 a flask; at that rate selling $100,000 worth.

Mr. FELTON. I understand it has been selling at the highest at $37 a flask. I have not heard of its selling at $50 a flask. I say if it is $50 now it will not remain that very long, and that there must be some especial reason for it.

Mr. MCSHANE. It is $50 a flask.

Mr. HERBERT. Let me call the gentleman's attention now to the question which I put to him. I admit the Government does compel the home consumer to pay these quicksilver manufacturers a bonus on what they produce, but this mine has no power to compel the Mexican consumer to pay for these quicksilver miners any bonus at all. How, then, will it affect the export of quicksilver to Mexico?

Mr. FELTON. That is the easiest thing in the world to answer. If we do not produce it we will not export it. At the present rates you will not export it because you will not produce it.

Mr. HERBERT. Under the present conditions you do produce and sell it in Mexico. If there were a repeal of the tariff why could you not produce and sell it in Mexico, where you have to compete with the production in other countries? Please explain that.

Mr. FELTON. I will explain it. We would not produce it because the Austrian and Spanish mines would ship their surplus to sell in this market at a less price than we could produce and break down our industry and get both markets. They have sold it for nine years at a less price here than they sold it in their own markets.

Mr. HERBERT. Why do they not send us their surplus? It is because you can produce it cheaper. There is no answer to that.

The CHAIRMAN. The time for debate has expired, and if there be no objection the formal amendments will be withdrawn. The Chair hears no objection.

Mr. WHITE, of Indiana. I move to strike out the last word, and I do so for the purpose of answering the question of the gentleman from Alabama [Mr. HERBERT], which he put to the gentleman from California [Mr. FELTON]. He asked what effect it would have upon our exportation to Mexico of quicksilver by putting this article upon the free-list. It would have this effect: The quicksilver industry, through the influence of the tariff, has become so great in this country and the competition has grown up amongst them to such an extent they have reduced the price of the article so that they can afford not only to sell it in this country in competition with what comes from abroad, but they can also ship it into Mexico and compete with the production there. They do that because they have a 10 per cent. tariff upon it. In that way they are enabled to build up an export trade. But the moment you take off the tariff you not only kill off the home trade, but you also kill off the export trade.

Mr. HERBERT. The gentleman's theory, then, is, by making the price of quicksilver higher in this country you thereby enable us to build up an export trade in that article.

Mr. WHITE, of Indiana. That is the theory upon your side of the House and that is the theory upon which you act; but let me say to the gentleman from Alabama that there is nothing in it. It is purely imaginary and not at all practicable.

The only difference, Mr. Chairman, is in respect of the wages of labor. There is nothing else in it under the sun. The business men here are just as good as they are in Europe or anywhere else. Our manufacturers are just as ingenious and just as successful as those in Europe. They can produce whatever can be produced elsewhere. The difference is, however, that here high wages are paid to labor, whilst in other cases it can be hired at the rate of 25 cents a day. The result of the adoption of free-trade doctrines in this country will be to reduce our labor to the same low rates. To that we are opposed. We favor the protection of our industries. We propose to keep up the wages that are paid our labor in this country.

Mr. HERBERT. Then your theory seems to be that the higher the wages you pay and the more it costs to produce the article the better you will be able to export the product for sale to the Mexicans. Is that it?

Mr. WHITE, of Indiana. As I have already said, the question of labor is the principal one, and it is only right and just that when the product of our manufactures is brought into competition with the foreign product the difference in wages paid in this country and abroad should be made up by a proper rate of duties for the protection of our own manufactures. In that way we have seen that our manufacturers can not only afford to supply the article at a reasonable rate but at the same time to build up an export trade; otherwise we would not be able to carry on the manufacture to supply our own market or to supply the demand created by our export trade.

Why, let me refer the gentleman to the fact, as the result of the policy to which I am referring, we shipped calico over to Europe and sold it in London, Glasgow, and Liverpool in competition with the foreign fabric. It will be the same case with the production of quicksilver if we are only careful to provide wise legislation.

Mr. MILLS. It is the cost of transportation in which this production finds its protection. Ten per cent. does not give any protection against the Austrian production of quicksilver.

It is the enormous transportation charges overland from California to New York that gives it protection. The very fact, sir, that quicksilver is exported from California into Mexico, or into any other country where it is to come in competition with the same mineral from other countries, shows that it has this distance competition.

Now, it can be sold cheaper at the point where it is produced than anywhere else, because the producer has not got to pay the charge for transporting it to the open market, where it comes in competition with the productions from other countries. He can sell his quicksilver cheaper in California than he can sell it in Mexico; but we see that it is exported from California into Mexico, and is sold cheaper in Mexico than the quicksilver which is produced in Spain or Austria; and hence it follows as a matter of course that he must be able to produce it in California cheaper than it can be produced in Spain or Austria, and it does not suffer by competition and needs no such protection as gentlemen urge.

Let us have a vote.

Mr. KELLEY. Mr. Chairman, the gentleman from Texas [Mr.

MILLS], the chairman of the Committee on Ways and Means, says that there is not any protective duty in 10 per cent. on quicksilver; or rather, that it really does not protect the industry in California, because of the enormous railroad charges which this product has to meet in seeking the markets of the world. Why, God bless his soul, there are no railroad charges in that connection. The vessels that come to California for wheat, that come there for a cargo, come in ballast and they are very glad to have the quicksilver, and the heavy iron flasks in which it is imported, as ballast, and take it without charge.

There is no charge for the water transportation of the Rothschilds Italian and Spanish quicksilver of the Almaden and Idria mines, which they hold as mortgages from the Italian and Spanish Governments. There are no railroad charges whatever unless it be in getting the product to the seaboard in Spain or Italy; and then all is water carriage, where this very heavy and condensed article is gladly taken by vessels in want of ballast, that come by the hundred, not by the tens or scores, but which you will find lying in the harbor of San Francisco, and in the harbors of other wheat-growing countries, by the hundred, each one waiting a chance to get into dock and receive its cargo. So that the gentleman's calculation of railroad charges as a protection to the industry of producing quicksilver is utterly and entirely delusive.

Mr. MILLS. Now let us have a vote.

The question being taken on the amendment of Mr. FELTON to strike out the line, the committee divided, and there were—ayes 45, noes 49.

So the amendment was rejected.

The Clerk read as follows:

129. Chromate of iron or chromic ore.

Mr. VANDEVER. I move to strike out this line 129.

In my district there is a very considerable quantity of this ore produced. It barely sustains its own under the existing tariff, and if it be put upon the free-list it will result in the obliteration of the entire industry in that State.

This mineral is found chiefly in the county of San Luis Obispo. Contracts have been made for the product of the mines. It is mined and shipped around the Horn to points on the Eastern seaboard. It is a business carried on within the limits of our own country. It is carried on by our own people, and it will be fatal to the prosecution of that industry and the production of that ore if it be put upon the free-list.

This ore, mined as I have said in California and carried around the Horn in vessels, is sold upon the Atlantic seaboard at a very close margin; and if you put it upon the free-list you offer a direct premium on the part of this Government to the producers of this ore on the other side of the water and discriminate against our own industries. And you can see, Mr. Chairman and gentlemen of the committee, what an impression such a condition must have upon the minds of the people who are directly interested in that industry in this country. The motion I make, therefore, is a matter of equity. The revenue derived now is not much. I think the chairman of the Committee on Ways and Means might very well consent under the circumstances to allow that to be stricken from the free-list and the duty to remain as under the present law.

Mr. MORROW. Mr. Chairman, the ore mentioned in this paragraph of the bill is produced only in California, and in but three places in that State—San Luis Obispo, referred to by my colleague, in Placer County, and also in Del Norte County.

I find upon an examination of a petition which has been presented to the House and referred to the Committee on Ways and Means that chrome-iron ore is sold in the New York market at about $20 per ton. That, I take it, is about the average price from year to year. We produce in California 5,000 tons annually. The cost of this product is about $17 to $18 per ton. Now, the present duty is 15 per cent. ad valorem, which I believe is equivalent to about $3 per ton. The present proposition is to place this ore upon the free-list, and the removal of the duty as proposed will, of course, not only reduce the present price, but it will result in destroying the industry because it is impossible to carry on a business on such a narrow margin without the reduction of the rate of labor. The amount paid in earnings is not less than $100,000 annually.

Now, Mr. Chairman, the result of placing this ore on the free-list will be the destruction of the industry altogether. No ore can be produced in California and shipped to New York and sold at $20 a ton at the present rate of labor in California. By continuing this tariff you enable us to produce a large amount of ore annually for the benefit of the consumers and to pay large numbers of workmen good wages for their labor. The question is simply whether you will continue this labor or whether you will strike it down. If the article is placed upon the free-list it will, under the present conditions, put an end to the whole industry in the country.

The Chair put the question, and was in doubt as to the result.

Mr. MORROW. I call for a division.

The House divided; and there were—ayes 42, noes 52.

So the amendment was rejected.

Mr. KELLEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will call the attention of the gentleman to the fact that it will be necessary to read the next line.

Mr. KELLEY. No; I want to speak on this line. We have not perfected this line yet. We have voted on one amendment, which was to strike out all of the line. I propose to further perfect it by striking out the last word.

The CHAIRMAN. Very well; proceed.

Mr. KELLEY. Mr. Chairman, I want to know if gentlemen are aware and will be kind enough to tell me what the chief use of this chromic ore is? It is a raw material, they will say. Yes; it is. It is the raw material upon which a most important industry depends and which we could not establish until these three beds of chromic iron or chromic ore were found on the Pacific coast. It is the substance from which bi-chromate of potash is produced, by the transportation of which from San Francisco or other ports on the Pacific coast around to Baltimore and Philadelphia we have been enabled to reduced the price of bi-chromate of potash, which enters into our dyes and colors, so that we are now able to compete with British and Scotch manufacturers of high-priced colored cotton fabric by reason of our ability to work these chromic beds in California.

The duty is not by any means prohibitory, for last year, as is shown by the paper furnished by the gentleman, we imported 1,403 tons, of a value of $20,812. To remove the whole duty received would make no perceptible impression on our revenues, because it was $3,121. We are really, without knowing what we are about, playing the part of a bull in a china shop. We are destroying an industry on the Pacific coast, and thereby endangering the industries in Maryland, Pennsylvania, and New England and affecting some of the finest of our textile factories.

The CHAIRMAN. Does the gentleman withdraw his *pro forma* amendment?

Mr. KELLEY. Yes; I withdraw it.

The Clerk read as follows:

Mineral substances in a crude state and metals unwrought, not specially enumerated or provided for.

Mr. BUCHANAN. Mr. Chairman, I move to strike out lines 130 and 131, just read. I do it for the reason that those lines reach further in their effect than I suppose the committee intended. That provision is copied in form from the old act, but in the old act it was provided that such substances should pay a duty of 20 per cent. In the old act the schedule of metals was full. There was but little left to be included under this proviso, whereas in the schedule in the present bill but few metals are specified. The proviso in the bill under consideration says:

Mineral substances in a crude state and metals unwrought, not specially enumerated or provided for.

Especially enumerated or provided for where? Why, in the bill under consideration. It thus admits to the free-list a large number of metals in the unwrought state that are not named in this bill specifically and that are not upon the free-list as it now stands. For instance, in the old schedule, of which these words are a part, I find that lead, nickel, zinc ores, argentina, and some other metals in an unwrought state are provided for, but in the schedule attached to this bill I do not find that they are provided for, though my examination has been hasty upon the spur of the moment. Therefore they would come in free under the provisions of this general clause. I do not believe the committee intended that to be the effect, because if they had I believe they would have been manly enough to say in so many words that these articles should go on the free-list. Therefore I move that these two lines be stricken out.

Mr. MILLS. There is no difficulty in my mind or in the mind of the committee as to the clearness of the language we have used. Where an article is not specially provided for either by existing law or by this bill it would come in under the free-list. "Not otherwise specially provided for" means either by existing law or by the law as changed.

But I would say to the gentleman from New Jersey that a number of gentlemen in the House have suggested some doubts about this language, and so the committee have prepared a clause to come in at the end of the free-list which will cover all these cases.

Mr. BUCHANAN. Upon that assurance, that a proviso will be presented which will beyond doubt or cavil cover this difficulty—because it is a difficulty—I am perfectly willing not to press my amendment at the present time, but I would like to hear the proviso read.

Mr. MILLS. I will read it to the gentleman now:

This act is intended and shall be construed as an act supplementary and amendatory to existing laws, and the rates of duty and modification of clauses, provisions, and sections herein specifically made are intended and shall be construed as a repeal of all clauses, provisions, and sections in conflict herewith; but as to all clauses, provisions, and sections in existing laws not herein specifically changed, modified, or amended, the rates of duty now existing shall be and remain in full force and effect.

Mr. BUCHANAN. I am free to say that the language of that proviso is not satisfactory to me, because it speaks of rates of duty "not here specifically changed;" but this is specifically changed, and I submit that the very fact that it has occurred to several gentlemen that this language is doubtful shows that there is substantial ground for objecting to it, and for fearing that the "not otherwise specifically enumerated or provided for in this schedule" will be held by the court to apply to articles named in this schedule and to nothing else.

Mr. MILLS. Now, will the gentleman name the articles of which he speaks?

Mr. BUCHANAN. Yes, sir. I will withdraw my motion to strike out, and move to amend by inserting "except lead, nickel, and zinc."

Mr. BAYNE. And iron ore. I will ask the chairman of the Committee on Ways and Means where iron ore is enumerated in this schedule?

Mr. MILLS. It is enumerated in the existing law at 75 cents a ton duty.

Mr. BAYNE. Yes; but do you propose to leave section 41 still a part of the bill?

Mr. BYNUM. No; this will take its place.

Mr. BAYNE. Because if you do leave it in the bill you will have two conflicting propositions.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from New Jersey.

Mr. BAYNE. Why not accept the amendment of the gentleman from New Jersey [Mr. BUCHANAN]?

Mr. BYNUM. Because it would make the meaning doubtful.

Mr. KELLEY. I desire to insert "zinc, lead, and iron ore, and bituminous coal." The gentleman will find, on examining pages 20 and 21 of the bill, that "lead in pigs and bars," etc., pays a duty of 1½ cents per pound, and that zinc ores pay 20 per cent. ad valorem.

My contention is that with the provision now under consideration in the bill, "Mineral substances in a crude state and metals unwrought, not specially enumerated or provided for," the other products can do as well without a special provision as ore and coal can.

Mr. MILLS. But my friend will remember that iron and coal remain as they are under the existing law. We do not touch them at all in this bill.

Mr. KELLEY. Well, the others remain also.

Mr. MILLS. Coal and iron ore remain untouched at 75 cents a ton. But we have touched these others. The provision is in relation to "mineral substances in a crude state, and metals unwrought not specially enumerated or provided for." These are specially enumerated and provided for, one set of them by this proposed bill, and the other set in the existing law.

Mr. KELLEY. Well, as tens of thousands of men believe that by the circumlocutions of this bill their industries are to be ruined or injured, either by the decision of some Department clerk, or possibly by the decision of a court, why not protect them by using the language of the present law, "on bituminous coal 75 cents a ton," "on iron ore 75 cents a ton?"

Mr. MILLS. But I say to the gentleman that we have agreed in committee upon a provision which we will insert at the end of this bill, and which will make its meaning as clear as the English language can make it.

Mr. KELLEY. Like the gentleman from New Jersey, I listened to the reading of that proviso, and like him I did not think it was quite clear. I have no coal miners nor iron-ore miners in my district, but I am appealed to by thousands to have their rights made clear by a couple of lines in this bill, and I propose to amend this provision so as to say "mineral substances in a crude state, and metals unwrought not specially enumerated or provided for, except iron ore and bituminous coal."

Mr. WISE. I have as much interest in this subject as the gentleman from Pennsylvania [Mr. KELLEY]. I shall not vote for his amendment, because I believe the amendment of the Committee on Ways and Means, which will be adopted by the House, will leave this subject free from doubt.

Mr. BYNUM. Mr. Chairman, this provision as it stands covers some articles which are not enumerated, and there are numerous other articles which, though not enumerated in the present bill, are to be found in the existing law. If you undertake to include in this provision any part of those, you simply make the construction of the provision more doubtful and difficult. For this reason the committee prefer a general repealing clause which will apply to the construction of this whole bill and leave it consistent. The adoption of the amendment of the gentleman from Pennsylvania would, I submit, only complicate matters and probably create doubt in the minds of the courts as to other items of equal importance.

Mr. KELLEY. Iron-ore is certainly a "metal unwrought;" bituminous coal from the mine is certainly a "mineral substance in a crude state." Now, by this bill metals unwrought and crude minerals are put on the free-list. I ask the committee to adopt an amendment excepting iron-ore and bituminous coal.

The gentleman from Virginia [Mr. WISE] may very courageously vote for the provision of the bill, and if he lives until next November, he may wish he had not done so. I know that I have heard from many iron-miners and coal-handlers of his district begging me to try by this simple phrase to have their industry protected.

Mr. WISE. The gentleman will allow me to say that I have heard from the people engaged in this industry in my district; and they are satisfied that I understand what I am doing. I propose that their interests shall be guarded so far as my vote can control the matter, and that iron and coal shall not be put on the free-list. I believe that the amendment of the Committee on Ways and Means will accomplish the purpose I have in view.

Mr. BAYNE. I would like to ask gentlemen of the committee what mineral substances they mean by this language: "mineral substances in a crude state."

Mr. MILLS. Anything not elsewhere embraced specifically.

Mr. BAYNE. What are they?

Mr. BRECKINRIDGE, of Arkansas. The gentleman will find by referring to page 72 of the compilation of the existing tariff various articles enumerated—ashes of zinc, barytes earth, or ore in natural condition——

Mr. BAYNE. Oh, no; that is provided for here in this bill, in line 74—

Baryta, sulphate of, or barytes, unmanufactured.

Mr. BRECKINRIDGE, of Arkansas. That is another article altogether.

Mr. BAYNE. What other articles do you speak of?

Mr. BRECKINRIDGE, of Arkansas. I am simply reading the names of some of these articles not elsewhere provided for—

Black lead; British luster; crysolite; claystone; cobaltum or cobalt crystals; yellow metal manufactured—

"British gold," as some gentleman suggests—

Fining earth; gannister, crude; guhr; limestone, rough, for burning into lime; sheathing metal, old, and fit only for remanufacture.

Mr. BAYNE. That is equivalent to putting iron ore on the free-list.

Mr. BRECKINRIDGE, of Arkansas. This is not iron ore, however.

Mr. WISE. That is otherwise provided for.

Mr. BAYNE. The colleague and associate of the gentleman says it is not; that it is included in this proposition.

Mr. BRECKINRIDGE, of Arkansas. I say it is elsewhere provided for.

Mr. BAYNE. Why did you name it, then, as one of those substances included here?

Mr. BRECKINRIDGE, of Arkansas. I have not named it. I am naming these other articles.

Mr. BAYNE. The gentleman has mixed those which are provided for and those which are not provided for.

Mr. BRECKINRIDGE, of Arkansas. Just the reverse. I have been separating them.

Mr. BAYNE. What mineral substances will come in free under this proposition?

Mr. BRECKINRIDGE, of Arkansas. I have been reading a few of them.

Mr. BAYNE. You read one which you admitted would be equivalent to placing iron ore on the free-list.

Mr. BRECKINRIDGE, of Arkansas. I denied that expressly.

Mr. BAYNE. The gentleman mentioned sheet-iron, fit only to be remanufactured.

Mr. BRECKINRIDGE, of Arkansas. That is not one of these articles I have been reading.

Mr. BAYNE. I so understood the gentleman.

Mr. BRECKINRIDGE, of Arkansas. "Sheathing metal," not sheet-iron. I presume it refers to such metal as is used for the copper bottoms on shipping—"sheathing metal, old, and fit only for remanufacture." I refer the gentleman to page 72 of the compilation of the present tariff.

[Here the hammer fell.]

Mr. WHITE, of Indiana. As an amendment to the amendment, I move to add after the word "for," in line 131, the following:

Provided such mineral substances and metals are not found or produced in the United States.

Mr. Chairman, I offer this amendment so that if this bill should pass there may not be any conflict or difficulty arising from the language of this clause. Under the language as it stands at present almost any kind of metal can be imported into this country free. Metal is a wrought article manufactured. The very moment the miners go to work, that moment there is labor used and applied to the article, whatever it may be.

They go upon the principle these metals when unwrought are raw material. Iron ore may be a raw material when it lies in the bowels of the earth, but when the ore has been taken out and turned into metal it is a manufactured article.

If this clause goes through, other metals may also come in free. If they are not produced in this country, it is well enough to allow them to come in free; but if they are produced here let them pay a tariff equal to the additional labor and the higher wages paid in this country. If you will allow it to be introduced into the country our manufacturers will soon be able to manufacture it; but if it is manufactured here, then our producers should be protected, as I have already stated, by the difference in the higher wages paid here than are paid abroad.

The amendment to the amendment of Mr. WHITE, of Indiana, was rejected.

Mr. BUCHANAN'S amendment was rejected.

The Clerk read as follows:

Brick, other than fire-brick.

Mr. BUCHANAN. I move to strike that out.

I do not see how that got into this bill. I see no reason for it. I have heard no cry along the seashore for free brick, and I know imported brick does not reach very far into the interior. The manufacture of brick has become an important industry, and especially in my own State. Bricks are not raw material. They do not make themselves. Three thousand and odd years ago it was found impossible to make bricks without straw, even.

A MEMBER. Where do you find that?

Mr. BUCHANAN. I ask the gentleman to peruse the book from which the quotation is taken.

Bricks are made by the expenditure of labor to a larger extent perhaps than is the case in almost any other manufacture. Bricks, as I have already said, do not make themselves; they are made to a limited extent by machinery, but largely by hand.

Bricks do not burn themselves; they require to be burned by the expenditure of labor and by the consumption of coal. This House has just refused to give us free coal with which to burn them. The duty to-day on bricks is only 20 per cent., and the revenue, which will be reduced, last year was only $6,157. If this bill passes in its present shape $6,157 is the total amount of surplus, which will be reduced by putting this American manufactured product on the free-list.

There is nobody that I am aware of who is asking to put brick upon the free-list. Who asks for it? No one. On the contrary thousands of men in my State protest against putting bricks on the free-list. They back their protest by assertions and figures which I would detail here to-day, but as we are now under the five-minute rule it is impossible for me to do so.

I see no reason for putting this on the free-list. Bricks are not raw material; they do not make themselves; they do not burn themselves. They are the brick-makers' finished product.

[Here the hammer fell.]

Mr. DINGLEY. I wish to call the attention of our friends on the other side of the House to the grave injustice of placing manufactured bricks on the free-list, while at the same time they allow to remain on the dutiable list bituminous coal, which is used in such large amounts in burning them. Along the New England coast and in the Middle States bricks are manufactured to a large extent. In 1880, according to the census, the value of bricks and tile, the bricks not being separated, was $33,000,000. And there are over $13,000,000 paid out in wages, a larger proportion perhaps than in any other manufacture. Yet in the face of that fact, in the face of the fact that more than one-third of the cost of bricks is in the coal used to burn them, it is seriously proposed to put this completed product on the free-list. It seems to me if gentlemen will reflect for a moment they will not carry out any such policy.

Mr. MILLS. The $6,000 of revenue which is taken off certainly will not injure the manufacture of this product.

Mr. DINGLEY. There is a duty of 20 per cent. on bricks, which keeps and maintains that industry almost entirely in this country. On the St. John River, adjoining the State of Maine, bricks are manufactured by labor costing 75 cents a day less than labor in the State of Maine. They have coal there, while we are obliged to bring it to our side, and yet you propose to put a duty of 75 cents upon coal.

Mr. MILLS. Your party put it there in 1883, and we only leave it where you put it.

Mr. DINGLEY. But while you put the perfected article on the free-list, you put a duty of 75 cents upon the coal used in producing it. If you proposed to put coal on the free-list there would be more reason for your action. But when you propose to retain a duty of 75 cents per ton upon bituminous coal used in the manufacture of brick, and then put brick themselves upon the free-list, with the labor that is used in this country costing 50 or 60 per cent. more, it seems to me that my friend, the chairman of the Committee on Ways and Means, must pause for a moment and see that so far as this manufacture is concerned upon the seacoast, where the provincial brick may be brought as cheaply from the St. John River to Boston or Portland, or along the coast anywhere, as cheaply as any other brick, that he will destroy the interest if this provision is allowed to remain.

Now, in the platform adopted by the Democratic party, it has been declared that it did not propose to place a single article produced by the labor of this country in such a condition that it would not protect the difference in the cost of the labor as between the production of the same article here and in foreign countries. And yet here is a proposition to put manufactured brick upon the free-list, where the labor cost of every thousand brick manufactured is at least a dollar more per thousand than it costs in the adjoining British provinces, and in addition to that, and more than that, you propose to leave the very fuel, one of the materials used in its manufacture, on the dutiable list at 75 cents a ton.

I appeal to gentlemen who desire to do justice in this matter if such a condition and such a proposition as that is either just or fair or reasonable. I ask if it is in accordance with the principles that your party have put forth and which you have proclaimed at St. Louis? All that is proposed in this matter is simply that we may concur in striking from the free-list a completed manufacture of this description, when one of the materials by which it is produced is left upon the dutiable list.

Mr. SMITH, of Wisconsin. Mr. Chairman, I want to state a few facts for the purpose of setting members right as to the manufacture of brick. There is very little manual labor about the manufacture of brick as a rule. I have built machines enough to make brick, and to make them at the rate of thirty thousand a day, each machine, to make me somewhat familiar with the subject. There is, I repeat, but little labor about it. All you have to do is to shovel the clay into the machine and the brick comes out just as nice as you want. In my own State, which is one of the largest brick-producing States in the Union, they are paying very low wages, and are employing little boys to do the heavy work and in carting the brick to the floors where they are piled for burning.

If they will go to work and pay living wages, I am in favor then of voting to keep the tariff on brick. But they will not do that. I will say that our laboring men for three years have been trying to get them to add a few shillings daily to their wages, but they have been entirely unsuccessful, although the brick is to-day sold at an enormously high price. And I repeat, while there is little labor used, and that paid for at a low rate, the work being done by machinery, I hope this amendment will not prevail. [Applause on the Democratic side.]

Mr. DINGLEY. Mr. Chairman, according to the report of the census for 1880 the production of brick in this country amounted in value to $32,833,587, of which product $13,443,532 was paid in wages, and I think that is a sufficient answer to the suggestion of the gentleman who has just spoken, that these wages are low and that but little labor is employed in the product. I think this will compare most favorably with other industries in this country, and show at once that there is a larger proportion of labor employed than in most any other. While in some sections of the country machine-made brick are largely used, yet this product is largely produced by hand, because better brick are made in that way.

Mr. MILLS. If the gentleman had $30,000,000 worth of bricks made in Nova Scotia, or anywhere else outside of the limits of the United States, he would find the corresponding amount paid for labor was greater in proportion than it is here.

Mr. DINGLEY. Oh, no; that is a mistake.

Mr. MILLS. I admit that you do pay a higher rate of wages per day or per week or per year; but you leave out the most essential factor, and always leave it out, in your calculations, and that is that our laboring people turn out from fifty per cent. to a hundred or a hundred and fifty per cent. more by their labor than in other countries.

Mr. DINGLEY. I think the gentleman is entirely mistaken in his calculations.

Mr. MILLS. I know I am not.

Mr. DINGLEY. Because there are no such facts existing as he suggests.

But I withdraw the *pro forma* amendment.

Mr. KELLEY. I renew it for a moment.

I have seen bricks made in England. I have seen fair girls and young women, old mothers and young children carrying the wet fire-brick from where it is fashioned to the warm boards on which it is laid near the furnace door in which it is to go on the morrow; and yet with all the cheapness of labor gained by the employment of women and children as brick-makers, the day seems to come when Macaulay's New Zealander may take his stand upon a broken arch of London Bridge and look at the ruins of London's past.

As you cross this bridge you behold one of the most remarkable buildings on the Surrey side, St. Thomas Hospital, a large brick building which was not built of Belgian brick, according to contract, because, as my friend from New York says every now and again in this discussion, the laborers of London had learned the power of united labor; but, sir, St. Thomas Hospital—one of the most beneficent buildings in its object and one of the finest for its purposes in its architecture—is a brick building, the girders and all other iron work of which is Belgian and not English, because Belgium can produce her ore and convert it into iron and send it to England cheaper than England can make the materials for her own hospital.

Belgium had secured the contracts for all the bricks for St. Thomas Hospital. The Belgian iron was there, but the United Bricklayers of England prohibited the laying of Belgian bricks in that building, and the managers and trustees of St. Thomas Hospital had to buy themselves free from the parties in Belgium with whom they had contracted for the brick for the building, and but for the pluck and nerve of the British Association of Bricklayers and House-builders, St. Thomas Hospital would stand a monument of the increasing weakness of England, and the intensification of the poverty of her laboring people under free trade, which puts brick on the free-list. There it stands, near the bishop's palace, near the greatest pottery works among English-speaking people—Dalton's. But there the public building is a monument of the growing decline of England under free trade.

[Here the hammer fell.]

Mr. MILLS. The remarks of my friend from Pennsylvania [Mr. KELLEY] about seeing women and children making bricks in England

recalls to my memory a speech he made a few years ago, in which he reminded this House that on a former visit to England he had seen women making nails at 37½ cents a day; and that the product of that pauper labor was coming over here to drive our people out of employment.

Mr. KELLEY. Oh, no; I never said that. I was only talking about the condition of England.

Mr. MILLS. I appeal to the record. You were talking about the tariff and the danger from the product of that pauper labor.

I asked a gentleman who was familiar with the manufacture of nails, how many nails that old woman could have made in a day for 37½ cents. He said about 10 pounds would be a fair day's work for her. That would make the labor cost for 1 pound of nail's over 3 cents. I went to the table of the census prepared by Mr. Swank on the iron and steel industry of the United States——

Mr. KELLEY. I must say I think the gentleman is appealing to his imagination as to my stating the price of the nails by the pound. I never computed it.

Mr. MILLS. No; but you said the woman got 37½ cents a day. That is all you said about it.

Mr. KELLEY. Yes.

Mr. MILLS. You said she was making 37½ cents a day while our good nail-makers were getting five and six dollars a day; and you said the product of such pauper labor would come over here and drive our men out of the market.

Mr. KELLEY. One moment. I would like to say there that I was not comparing them with our people as to power to produce.

Mr. MILLS. I know you were not.

Mr. KELLEY. I was pointing to the fact that that system had reduced mothers, wives, and daughters to the condition in which I saw them.

Mr. MILLS. I am coming to that. I went to the census report to find out whether there was any danger of our workingmen being supplanted by this pauper labor in Europe. I found out from the census that one man working at five or six dollars a day as a nailer would turn out 30 kegs of 100 pounds each by machinery; that while that poor old woman was working over yonder for 37½ cents a day to make 10 pounds of nails, one man here was sitting by and working a machine and making 3,000 pounds of nails; and that the cost of the labor in the United States was from one-fifth to one-sixth of a cent a pound, while the cost of the labor in Europe was over three cents a pound. And yet those nails are to be brought to this country to take the market away from us. Those nails are to drive our nails all out of the country and destroy our industry.

And then the gentleman brings up a pathetic scene of women and children working over yonder making brick to come here and drive our brick out of the country.

Mr. KELLEY. Oh, no.

Mr. MILLS. Now, Mr. Chairman, my friend, who is a practical brickmaker, or who understands that business, pricked the whole bubble here before us when he told us that these bricks were made by machinery. I have just told my friend from Maine that I knew enough, by general reading, of the efficiency of American labor to know that the labor cost of a thousand bricks in Nova Scotia, England, or Belgium was greater than it was anywhere in the United States.

Now, gentlemen will say that we are endangered by the product of iron-workers in Belgium, in Germany, and in Great Britain, and yet they want a great duty on iron to protect the labor in it. Yet I read the other day a most able and exhaustive lecture made by a German engineer, who was sent over to Pittsburgh to investigate the cost of natural gas. He made a thorough investigation into the subject and went back home and delivered a lecture, in which he told all about these things, and then he concludes by saying that he found at Pittsburgh that forty men working in iron could do in one day as much work as it required one hundred men to do in Germany. That means that the labor of the United States is 150 per cent. more efficient than the labor of Germany. Here was a German engineer, a man of ability, talking to his own people and telling them what obstacles stood in the way of their controlling the market. It is not the labor that is in our way. We have got the cheapest labor in the world. I know that our labor gets more wages by the day, more by the month, more by the year; but it is because our laborers do more work than any others in the world; and when you come to compute the labor cost of a unit of product, I do not care whether it is brick or woolen goods or cotton goods or silk goods, our labor gets less for a given product than labor anywhere in the world receives.

MESSAGE FROM THE SENATE.

The committee rose informally to receive a message from the Senate, and Mr. BLOUNT took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed the joint resolution (H. Res. 178) granting leave of absence to certain persons employed in the service of the United States.

The message further announced that the Senate had concurred in the first amendment of the House to each of the following bills of the Senate, and had non-concurred in the second amendment of the House to the same severally, requested conferences with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. VEST, Mr. SAWYER, and Mr. DOLPH managers at said conferences on the part of the Senate.

The message further announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 322) to authorize the Southwestern Arkansas and Indian Territory Railroad Company to build a bridge across the Ouachita River, in Arkansas;

A bill (S. 560) to authorize the Columbia River Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post-road;

A bill (S. 667) authorizing the construction of a bridge across the Red River of the North;

A bill (S. 1404) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;

A bill (S. 1405) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road;

A bill (S. 1882) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River, at or near Clinton, Iowa;

A bill (S. 1883) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Muscatine, Iowa;

A bill (S. 2199) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across Bayou d'Arbonne, in Louisiana;

A bill (S. 2674) authorizing the construction of a bridge across the Mississippi River at or near the city of Nebraska City, Nebr., and for other purposes; and

A bill (S. 899) for the relief of Mary M. Briggs.

TARIFF.

The Committee of the Whole resumed its session, Mr. SPRINGER in the chair.

The CHAIRMAN. Debate on the pending amendment is exhausted. If there be no objection, the formal amendment of the gentleman from Pennsylvania will be regarded as withdrawn.

Mr. PARKER. Mr. Chairman, I renew the amendment. I wish to say a word as to this brick question. But first I wish to make a suggestion about the mistake of the gentleman from Texas [Mr. MILLS] upon the question of nails. There is no doubt, I take it, of the fact that the nails which the old lady was making, referred to by the gentleman from Pennsylvania [Mr. KELLEY], were hammered or wrought nails, while those referred to by the gentleman from Texas were cut nails. They are not deficient in machinery in England to make cut nails, nor are they unable to find Englishmen who can make as many nails per day as an American can; but by ignoring for the moment the difference between cut nails and wrought nails, the gentleman from Texas has run entirely wild of the facts.

Now as to this question of brickmaking, the gentleman from Wisconsin [Mr. SMITH] alleges that wages are not paid in Milwaukee that are satisfactory to him in the brick-making business, and therefore, in order to punish the brick-makers there for not paying such wages as he thinks they ought to pay, he is ready to admit Canadian brick free. Does that do any good to his constituents who now make their living at this business even at poor wages? Is it probable that he can benefit the workingmen living along the northern border by having Canadians make the brick that build our houses and by having the brick-makers fed upon provisions produced in Canada, or is it better to reserve the benefit of these industries to ourselves?

There are made annually in the United States over 3,822,000,000 common brick, and in the State of New York over 576,000,000 of such brick.

The capital invested in the United States in the brick and tile manufacture (exclusive of sewer and drain tile) is over $27,500,000, the number of employés is over 66,000 (of whom over 59,000 are males above sixteen years of age), and the amount of wages paid them per year is over $13,400,000. In the State of New York the same manufacture employs nearly $4,000,000 of capital, and over 7,000 hands, of whom over 6,700 are males over sixteen years of age. The wages paid them amount to over $1,600,000 per year, and the product amounts to over $4,000,000.

Under the existing law the duty is 20 per cent. ad valorem.

The value of the importation last year (other than fire-brick) amounted to over $31,000, paying a duty of over $6,000. What the importation would have been with the duty removed no man can tell.

The gentlemen who constitute the majority of the committee who framed this bill live so far from the Canadian line that they are in no wise affected by Canadian competition. Therefore they are safe; and they propose to take the tax off cotton-ties and other commodities which do concern their own locality, and make the people along the northern border suffer in order to benefit their own friends, the Canadians.

They propose that Chicago, Detroit, Rochester, Buffalo, and all cities on the northern lakes shall have their workmen injured by letting

Canadian brick come in free of duty, and we shall have those great avenues of approach to our large cities, the Erie Canal, the Oswego Canal, the Champlain Canal, kept busy transporting Canadian products, and the whole line of our northern coast dotted with Canadian vessels, manned by Canadian boatmen, carrying these products to our markets, where they will sell them at prices which our producers, with their higher wages and higher rents and higher expenses generally, can not compete. In the southern tier of New York counties a great many brick are made, but the cost of making them is such that the producers can not compete with the Canadians in cheapness.

It is difficult to see why gentlemen who are so quick to protect their own interests by making cotton-ties free and by keeping a protective duty upon rice and sugar are so ready to pour upon Northern cities free bricks. It is perhaps to the credit of the intellects of our friends on the other side that no man has had the "gall" to attempt to defend the proposition. You can go on and get confused in the matter of wrought and cut nails and talk glibly about general principles, but no man of you has yet attempted to make any defense of this proposition. [Applause on the Republican side.]

Mr. KELLEY. Mr. Chairman, I must have been singularly unfortunate in my language if I led the excellent chairman of the Committee on Ways and Means to suppose I was afraid of our nail industry being destroyed by the women of the villages of Lye, Lye-Waste, and other towns near Birmingham. I used the illustration simply to show how in the destruction of one industry after another the laboring people of England, apparently thrifty, temperate, and hard-working, have suffered. Those people I was able to visit in their humble homes, because I had with me a lady—my daughter. I visited the women nail-makers, the women brick-makers, the women galvanizers of that district of country.

I want to protect the poorest of American laborers against such degradation. To show the humiliation of British industry, I pointed to the fact that the grandest of the benevolent institutions erected in the last fifteen years in London—the St. Thomas Hospital—is an enduring monument of the incapacity of England to provide material for such a building. The brick came from Belgium, the iron mainly from Belgium, and what was not from Belgium was from Germany. The doors and sash, the door-frames and sash-frames—not only the timber, but the finished work—are all from Norway. Within eighteen months I have seen colored boys in Chattanooga turning out by machinery hammered nails at the rate of one hundred, or perhaps five hundred, to every one produced by the poor women of Lye and Lye-Waste, working in their little smoky coops.

I know what machinery can do, and I know that British fuel will run our machines and theirs as rapidly and as effectively as American fuel will run either native or foreign machines. There is where labor comes in. Their machines run as rapidly as ours. They do not cost so much in the beginning; and the boys and girls and women who attend the machinery in the cotton and woolen manufactories get not one-third the wages paid per hour, per day, per yard, or per piece to American laborers in the same line. One of those colored boys in the Bessemer Nail Works at Chattanooga gets more money for his day's work at an American machine than is paid to five of those women working in English establishments by British methods. I am not afraid that the manual laborers of England in any department will interfere with our industries. I hope I have made that statement emphatic enough for the gentleman from Texas to understand.

Mr. OUTHWAITE. What difference does it make whether the brick are manufactured in Belgium or in England, when there is no duty upon the manufacture of brick in Belgium?

Mr. KELLEY. To the capitalist it does not make any difference; to the English brick-maker it is a question of life or death.

Mr. OUTHWAITE. As there is no duty upon brick in Belgium, how does it affect the manufacture of them or make them cheaper?

Mr. KELLEY. The gentleman is a little confused, or I am.

Mr. OUTHWAITE. There is no duty upon the manufacture of brick in Belgium. Belgium is free trade so far as brick-making is concerned.

Mr. KELLEY. My point is this: The St. Thomas Hospital in London is built of Belgian brick, because England imposes no duty against Belgian brick and in favor of the British brick-maker. Those brick are therefore made in Belgium, where the highest wages paid to a woman brick-maker is a franc a day. I saw those women at their work. I spent three summers traveling among the laboring people of Great Britain, France, Belgium, Holland, and Germany; and I tell you that a woman brick-maker—a virgin girl, a young wife, or an old grandam—gets never more than a franc a day—a little short of 20 American cents.

Mr. OUTHWAITE. That is in free-trade Belgium, is it?

Mr. KELLEY. Yes.

Mr. OUTHWAITE. Is not the low rate of wages mentioned by the gentleman due to the fact that labor is so plentiful, not because the duty has anything to do with the question whatever?

Mr. KELLEY. There is no duty in Belgium, and you can not induce me to admit that there is. Nor is there any in England. As the English do strive to pay some sort of living wages, contracts were made with Belgian brick-makers to supply the brick for the St. Thomas Hospital, London.

Mr. OUTHWAITE. The point I want to make is, that the duty does not make the difference in the wages; that the lower rate of wages in Belgium is because labor is so plentiful there.

Mr. KELLEY. I am not talking about the question whether the duty affects the Belgian wages; there is not another gentleman on the floor who thinks I am.

Mr. OUTHWAITE. But you continually assert that the duty does affect the American wages. Why does it not affect the Belgian wages just as well?

Mr. KELLEY. Free trade has reduced the wages in Belgium until it has extinguished the idea of chastity among the wives and daughters of Belgium.

Mr. OUTHWAITE. Why has it not reduced the wages to the same extent in England, so as to leave no difference between wages in the two countries?

Mr. KELLEY. By and by it will. That was the very point of my speech. I began by saying that Lord Macaulay's prophecy was coming true, and that when "some traveler from New Zealand shall, in the midst of a vast solitude, take his stand on a broken arch of London Bridge to sketch the ruins of St. Paul's," he will find that the road to this desolation has been free trade, by virtue of which England has imported her doors and her sash from Norway and her bricks from Belgium.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I remember reading a year or two ago a statement in a consular report to the effect that all the nails made abroad are made by hand; that the art of making cut nails has never been developed there. Of course that industry may have grown up there to some extent since; but I have no information as to that matter. I do find, however, that we send abroad 11,000,000 pounds of nails and spikes to compete successfully with the production in foreign countries.

Now as to the matter of brick. We send our brick to foreign countries; we send millions of our brick to compete with foreign brick-makers on their own soil.

It has never appeared that any drawback or allowance has been given for coal consumed in making these bricks, and it can not be successfully alleged that we do not sell largely to Canada the bricks that we manufacture.

We sold last year over two millions to Quebec, New Brunswick, Nova Scotia, and Prince Edward Island, passing by the only coal deposits we know to exist in Canada, and we compete successfully with that country best situated to compete with us.

The gentleman from Pennsylvania [Mr. KELLEY] has brought out, in connection with the gentleman from Wisconsin [Mr. SMITH], one or two interesting points. In this country we work largely by machinery. We use machinery more freely than any other people in the world because we are beyond question the most ingenious people on earth. We employ labor for the lighter work about brick-yards; but the heavier work, that which requires greater muscular force, the gentleman [Mr. KELLEY] tells us is in England done by old women and children.

Why, we could employ old women and children here to do the same sort of work, but why do we not do it? Because we find it cheaper and more profitable in those divisions of the work to employ vigorous men to whom we pay higher wages. We know we could employ women and children who would get no more wages than are paid for the labor of women and children employed in England, as stated by the gentleman from Pennsylvania. But we refuse to employ them at such wages because we find it cheaper and better to employ more vigorous people in those portions of the work. Therefore when he tells about the wages of labor it is only just to tell us in addition that the women and children who are employed in England could be employed here at daily and weekly wages at no more than they receive in England; that we could employ the same class of labor in this country, but we refuse to do it as it is unprofitable. This shows that his comparison of daily and weekly wages is not a comparison of like unto like.

Look at the question in another light. I have the facts here which take it out of the range theory and speculation. From 1846 to 1861 there was no duty on brick, as is shown by the Government print which I hold in my hand. They were free.

I want to call the attention of the gentleman from Maine [Mr. DINGLEY] to this point, that there was a duty on coal at the same time. The duty on coal was 30 per cent. and 24 per cent. from 1846 down to 1861. I would like to have gentlemen when they speak of these countries to tell us what amount of brick were imported into this country from 1846 to 1861. We were less masterful of the situation at that period than we are now. We then had free bricks, and in addition we had a tax upon coal. We imported no bricks, but, on the contrary, after paying the coal tax, we supplied the markets of other countries. What protection do you need in the markets on our border from countries burdened by over 3,000 miles of transportation? The freight is some four or five dollars a thousand, which is more than the wage. The only effect of the duty, therefore, is to lay an embargo upon consumption, to lower wages, to load down the builder, and to glut the Treasury.

[Here the hammer fell.]

Mr. REED. I was glad to listen to another exposition from the chairman of the Committee on Ways and Means of the great doctrine of

labor-cost. According to him there is something in this climate which produces magical results and great wages. According to his idea the amount a man receives for wages here depends upon the amount of the product. If a citizen of India gets 10 cents for a day's labor, and a citizen of the United States gets $3 for his labor, the citizen of the United States produces just thirty times as much. It is the same with regard to England or Belgium, although the relative percentage is different.

If that be so I do not understand why this bill stops just where it does. If it be true that the labor cost in this country is cheaper than in any other country in the world, why is the great truth limited in its application in this bill to the articles to which it is limited? Is it that there is a division resulting from climatic influences inside the United States, as well as a difference between the United States and abroad? This bill certainly indicates such a thing. The labor of the citizen of the United States ought to be equal to the labor of the citizen of India, compared relatively price with price; and yet the tariff tax on rice has been very slightly diminished.

Again, the labor of the citizen of the United States ought to be equal, price for price, according to this great theory propounded here, to that of the citizen of Cuba; and yet only 20 per cent. comes off sugar, while the whole percentage comes off lumber. Is it not singular that this great principle of labor cost, somehow or other, seems to be strictly geographical; that it strikes the Canadian line with cyclonic force, and that the Southern States seem to be so far removed from the storm center as not to be in the slightest degree even ruffled? [Laughter and applause on the Republican side.]

Mr. Chairman, it shows clearly that there are climates within climates. That not only are the citizens of the United States more productive in their capacity than the citizens of foreign countries, but that those of us near the Canadian border are much more productive than those who are a little more distant from it.

This is a variation from the great principle of labor-cost which has so delighted the chairman of the Committee on Ways and Means, and so largely mystified the House. [Laughter on the Republican side.] If in its original enunciation it was true, namely, that the difference which has been suggested exists between this country and foreign countries, why then the tariff bill ought to run straight through the whole line, and without variation. The same reasons are as applicable at one end as at the other. But under the new arrangement, as developed by the pending tariff, it is evident that the whole affair is geographical, and I think, Mr. Chairman, if it be closely watched in the amendments which will be placed upon it from time to time, it will be found that the geographical condition is modified to a considerable extent by the political complexion of the various Congressional districts. [Applause on the Republican side.]

The CHAIRMAN. The Chair will assume the *pro forma* amendment to be withdrawn.

Mr. MILLS. I renew it.

Mr. Chairman, we have had various speeches laying down the doctrines on the tariff as they are held by gentlemen on the other side. It has been boldly denied, however, by the gentleman who has just spoken that the efficiency of labor has anything to do with its payment; that the bootblack will get just as much and does get just as much as the book-keeper does; that Depew gets just as much for his labor as the lawyer who has just received his license; that the tariff regulates the wages of Depew, one of the greatest lawyers of the United States, who said the other day in an address to the people that his earnings were equal to an income of $2,000,000; and yet that the tariff regulates the wages of Mr. Depew and every other lawyer of the country as it regulates the wages of the bootblack and the book-keeper.

I said before during the course of this discussion, and I repeat, that the history of this country and its business affairs shows that men are paid in proportion to the amount of work they do; not always the same, it is true, in every part of the country, but in proportion to the efficiency of the labor performed.

Now, the gentleman from Pennsylvania [Mr. KELLEY] has carried this thing out to the extreme, and I hope that I understood him to-day, as it seems I failed to do a few years ago, when he said that the result of free trade in Belgium was to produce prostitution amongst the women of that country. I want to know if that is one of the legitimate consequences of the doctrine of free trade? If it is why is it? And will the gentleman explain why it has not produced the same results in America? Our fathers made free trade here. The free-trade idea among the States prevailed, and was one of the cardinal principles in the formation of the Government of the United States and in its Constitution, which removed all obstructions or restrictions upon the trade of the United States and the commercial relations between the States, and I ask the gentleman if he will say that that pernicious effect which he claims was produced upon the women in Belgium has been produced in this country under our Constitution.

Mr. TOWNSHEND. And Belgium much smaller in area than one of our own States.

Mr. MILLS. But this is the legitimate doctrine of the gentlemen on the other side and of the Republican party which they represent. The gentleman from Maine [Mr. REED] has again called attention to the inconsistencies of this bill, and tells us how gently we touched rice because it is a Southern product; that we would have touched it more severely if it had been located further North. I will remind the gentleman from Maine and the gentlemen on the other side who have repeated that remark heretofore, that we have cut rice more than we have iron and steel. The reduction on rice is greater than the reduction on iron and steel. A large part of the whole metal schedule we left untouched.

The same is true of sugar. The Southern products have been touched more severely than many of the others in this bill.

Why, sir, in the woolen manufactures, where you have a duty under existing law of only 35 per cent. to represent the protection of the manufactured product, we give you 40. We have increased it. And yet the product is nearly all manufactured north of Mason and Dixon's line, or the greater part of it. We have taken the duty from wool, although a great part of it comes from the South. We have done it because it was a raw material, and because it was a heavier mode of taxation to tax the raw material and in addition to tax the finished product, than it was to keep the raw material free and put the tax alone upon the finished product. Mr. Chairman, it will not do for these gentlemen to tell us what we have done in the South and what we have done in the North. Nobody believes this bill is perfect. We do not profess it is perfect. But it is an honest effort to comply with the recommendation of the President of the United States to reduce taxation, which is filling the coffers of this Government with more than $80,000,000 surplus every year.

We have yet to reach the first item in this bill, except rice, where the gentlemen on the other side have consented that one solitary dollar of reduction should be made. In the committee and in the House every amendment that they have offered has been either to restore the taxation to existing rates or to increase it. They mustered their whole force on an amendment to increase the duty on tin-plate that will increase the revenue and the taxation of the people over $7,000,000 in addition to the present rate. They have pending in this House now before the Committee on Ways and Means a proposition to increase the duty on wool and on woolen goods that will add $15,000,000 more to the taxes on these articles, and that at a time when the Treasury is overflowing; when money is taken out of circulation and the channels of business and locked up; when prices are falling; when mortgages are maturing, and when the whole business of the country is in peril of panic. They are proposing to add to that panic by increasing the taxation on two articles of over $20,000,000. We are engaged in an honest effort to try to reduce taxation. Our effort may not be philosophical; it may not be just exactly fair on everything. If the gentlemen on the other side had come to us to help us, instead of to criticise every effort and throw every obstruction they could in our way, they might have assisted us in many cases to make a much better bill. We would cheerfully accept their efforts now, instead of their criticisms, if they would only come and help us to improve this bill and to reduce the taxation unnecessarily imposed upon the people.

[Here the hammer fell.]

Mr. CASWELL. Mr. Chairman, I did not know that we were discussing the iron schedule or the steel schedule. I supposed the proposition was to place brick upon the free-list. My colleague [Mr. SMITH] has told this House what he knows of brick-making in the city of Milwaukee. He stands here upon this floor as the professed champion of labor, representing their interests; and yet he seems to congratulate himself that he has reached that period where he has made a machine to take the place of hand-labor in the city of Milwaukee, and that there are very few laboring men now employed there in brick-making. Sir, I want to say that outside of the city of Milwaukee, in the State of Wisconsin, there are twenty thousand laborers to-day making brick for a living. It may be true that in my colleague's district, in Milwaukee, there are a few wealthy men with machines he has made for them, which have driven labor from that city into the interior. It may be true those wealthy men are able to carry on brick-making and might possibly compete with imported brick if this bill should pass; but it would be utterly impossible for the men who make brick by hand in the interior, men without capital, to make brick to send forward to build up our cities.

Mr. Chairman, if my colleague has deserted the cause of labor in my State I want to appear here, temporarily at least, to champion their cause; and I want to say to this House that if you place brick upon the free-list you will render it almost impossible for the laboring man of this country with small means to make brick for the market. It can only be done by wealthy men, perhaps with my colleague's machine to aid them in the manufacture. My colleague forgets that for the time being he is simply speaking in the interest of the machine, which has driven out and absorbed the labor. He seems to feel proud of the occasion. My friend from Texas [Mr. MILLS] indorses the evidence which my colleague gave as the key to the situation. But while you progress with this bill section by section and paragraph by paragraph, do not forget that in every step you take in that direction you are crushing out the laboring classes of the country. It can not be otherwise.

You may reduce the tariff, increase the imports into this country, turn the balance of trade against us, and we shall not be long troubled

with a surplus in the Treasury or in business circles or anywhere else. Do not forget that prior to the great financial crisis of 1873 the balance of trade had been against us for ten years. We had sent $103,000,000 on an average every year from this country to liquidate the balances due to foreign countries. Shall we see that repeated? Reduce the duties on imports, and you will increase the importations, and not one year will roll around before the balance of trade will be against us, and nothing but the gold of this country will serve to liquidate it; and that drain will continue year after year until we find ourselves again in a financial crisis.

The CHAIRMAN. Debate upon the pending amendment is exhausted. If there be no objection, the Chair will regard the formal amendment of the gentleman from Texas as withdrawn.

Mr. HERBERT. Mr. Chairman, I have not taken up much of the time of the House in this debate, and I do not propose to, but I wish to say a very few words upon this question of the effect of law upon wages.

No better illustration can be found of the fallacy of the idea that wages depend upon the existence or non-existence of tariff laws than the cases of Belgium and England, alluded to by the gentleman from Pennsylvania [Mr. KELLEY] when last upon his feet. Belgium has free trade; England has free trade. They are both upon precisely the same footing so far as regards the law, and yet the Belgians, according to the gentleman from Pennsylvania, make brick and transport them all the way to London and there sell them in competition with English brick. They do this, he says, because the wages of labor are lower in Belgium than in England. Now it is perfectly certain that the difference in wages between Belgium and England does not arise from any difference in laws, for both countries are on free trade. So, on the other hand, when you come to America. Here we all live under precisely the same tariff laws. And yet we find differences in wages in the different States, East, West, North, and South. If it was free trade that made low wages you would find the same low wages in England and Belgium; if it was protection that made high wages you would find the same high wages ruling in every State in America.

Contrast other countries in Europe one with another, and you find there that the wages are higher there in free-trade England than anywhere else. Why? Is it solely because of free trade? No. England has coal; she is surrounded by water, giving the benefits of cheap transportation, and, in addition to these natural advantages, she has free trade, which gives her free wool and free cotton; and being thus allowed by the wisdom of her lawmakers to utilize her natural advantages, she can and does pay higher wages than are paid anywhere else in Europe.

I traveled there last summer myself, and was very much struck with the differences between things in England and in Belgium, France, and Germany. The highest wages paid anywhere in Europe are, as I have said, paid in England, and the next highest perhaps in France, where protection prevails, but not to so great an extent as in Austria and Germany. Nowhere in Europe are wages lower than in Germany. If a high tariff could make high wages we should find wages higher in Germany than in England; workingmen would remain in Germany and not go to England; and yet, sir, I was particularly struck with the almost universal complaint that cheap labor coming over from protected Germany was ruinous to labor in free-trade England.

You find the English newspapers filled with the complaint that the Germans are flocking to England and working for less wages than English workingmen receive as firemen on railroads, brakemen, conductors, barbers, waiters, and every imaginable position a hungry man can fill. I think the gentleman will not deny that that is a common complaint among the English working people, that they are being ruined by the lower-priced labor of Germany. Therefore, sir, it is clear that it is not, and can not be, in the power of the law to secure men high wages. Wages depend upon other conditions; where population does not crowd the means of subsistence; where there is work to do and money to pay for it and demand for its products, wages will be high, and they will continue to be high, and labor will find plentiful employment where lawmakers are wise enough to add to their natural advantages by giving them free raw materials upon which to employ their skill, just as the Mills bill proposes to do for the workingmen of America. [Applause on the Democratic side.]

Mr. REED. The gentleman from Texas [Mr. MILLS] says that his bill may not be philosophical. I think it is not open to that objection. [Laughter.] It is a bill which can not be reconciled with any principle which he has enunciated in any paragraph of his speech in the general debate, or of his speeches since the five-minute debate began. If his doctrine of labor-cost be true, there can be no excuse for keeping the tariff either upon the articles from which he takes the duty, or upon other articles of his own region upon which he leaves the duty. It is this discrepancy to which I have repeatedly called his attention. I also called attention the other day to the fact that the chairman of this Committee of the Whole [Mr. SPRINGER] came down from his place and enunciated the doctrine which, if it leads to anything, leads to the abolition of the tariff. I called the attention of his own side of the House to the gravity of the occasion and the distinctness of the enunciation, and not one of them has made any reply from that day to this.

I challenge the production of any speech upon the other side, which, if carried to its logical conclusion, is not in favor of the abolition of the tariff. There is never an argument in favor of putting anything on the free-list which is not an argument for putting everything upon it. The declaration in each case is that the duty is, in the first place, a tax on the people, going into the Treasury to the extent of the goods imported; and, secondly, a much wider and larger tax upon the domestic production, going into the pockets of the manufacturers. Yet I venture the prediction that the Presidential campaign now opening will not be two months old before every one of these gentlemen will be endeavoring to explain his position consistently with protection in certain geographical localities.

The gentleman from Texas has said that there is less reduction on steel than there is on rice. Why, sir, he knows that his section of the country is just beginning an industry which will lead to the production of steel in immense quantities. He knows also that it has been declared by one of the Representatives of that region on this floor that they have kept on enough for themselves and enough to enable the rest of us to starve.

Mr. BRECKINRIDGE, of Arkansas. Who said that?

Mr. REED. That is precisely the charge that I made against them. I say this bill, when analyzed, will be shown to be regulated by isothermal lines which take in political districts.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman give us the name of the Representative he just referred to?

Mr. REED. It was a gentleman over there whose name I do not know.

Mr. BRECKINRIDGE, of Arkansas. I would be glad to get his name and his exact language.

Mr. REED. There was licorice, which, having been placed on the free-list, was the other day taken off. Why? Because a Democratic district was affected by it. Something is going to be done with wood-screws. A Democratic district is affected by that. Something will be done with carpets. A Democratic district is affected by that. Then there is glue. The isothermal line touched a district there, and glue is taken off the free-list. It is useless for me to try to enumerate all these things. I only point out some instances to direct attention to the nature and character of this transaction.

Why, Mr. Chairman, it will be found that this bill, so far from being philosophical, is political from one end to the other. Yet gentlemen get up here and talk about going on with this measure on account of the business interests of the country. Why, even the gentleman from Pennsylvania [Mr. SCOTT], the hero of the St. Louis convention—the man who managed the Pennsylvania convention in order to find out how, and then showed us in the St. Louis convention the perfect work of a skilled master—came back here frightened at the effect which even the agitation of this question has produced in this country. He stated that even the discussion of it is jeopardizing the business interests of the country; and so it is. Yet gentlemen on the other side still persist in pressing this measure, notwithstanding the declaration of their head man; they are determined to rush on without any reference to the business interests of the country.

The gentleman from Texas complains that we do not help him improve his bill. Why, we have been trying to do that ever since the discussion began; but we have never received from him the least assistance in the world. [Laughter.]

Why, if he would allow us to improve that bill we would make it a fit, reasonable, and suitable bill. We would get rid of the surplus. We would relieve the country from jeopardy of its industries so great that gentlemen from every district could see it even when beaten on the broad field of conflict. [Laughter and applause.]

I want to say another thing. Why was it we were not allowed to improve the bill a little more when in Committee of the Whole? Why were the manufacturers shut out? Why were members upon this floor prevented from improving the bill? Why did the gentleman not ask us for assistance a little earlier; and why was he not a little more disposed to agree when it was proffered to him? [Laughter and applause.]

Mr. MILLS. We are told here is an argument carried out to its legitimate results would be an argument in favor of absolute free trade. Now, Mr. Chairman, the arguments we make and the propositions we make in this bill, it is true, come down. We propose to reduce, and as we are coming down from high taxes, we are necessarily gravitating towards a point where there is no taxation; and if we should continue to come down we would certainly get at absolute free trade in the end. But there has never been a political party in this country from the foundation of the Government that has ever proposed absolute free trade.

We propose to support this Government by taxation, and by taxation on articles imported into the United States. But we say that when we find the rate of taxation is bringing more money to the coffers of the Government than is needed for an honest, efficient, and economical administration of the Government, our duty to the people is to stop taxation at that point.

A MEMBER. And reduce it.

Mr. MILLS. And reduce it to the point where the revenue is nec-

essary. We do not propose to relieve the people from taxation on imports, but we propose to tax them only to obtain whatever revenue is necessary for an honest administration of the Government, and not to have it burdensome upon them in any way.

Let us see where their argument in favor of protection comes to. Suppose the Republican party should carry out to its legitimate consequences the doctrines which they have proclaimed—that is, to restrict commerce and trade within certain lines with a view to foster the growth of wealth, the growth of manufactures, the growth of agriculture, the growth of all departments of labor. If it is true when you place such a Chinese wall of restriction around the whole of the United States, it is equally true in reference to a single State. The policy would be as good for the State of Virginia, then, as it would be for the whole thirty-eight States and the Territories. It would increase her manufactures, and it would foster the growth of all her infant industries.

Of course it is the legitimate reasoning, if good for Virginia, why is it not good for one county of Virginia? Suppose they should build a Chinese wall around each county of the State, would it not, according to the theory of the gentleman, necessarily foster the manufactures and increase the wealth of the people of that county? Would it not make them more happ and prosperous in every respect? Unquestionably. And if it be good for a county, why not for an individual? That is the legitimate result; but we know that such a thing is a perfect absurdity, and it exposes the fallacy of the whole doctrine.

The CHAIRMAN. The gentleman's time has expired.

Mr. MILLS. If nobody else wishes to be heard on this matter I hope we will have a vote.

Mr. KELLEY. I would like to say a word as to how free trade in England and Belgium has produced the most unhappy social condition. It seems to have startled some gentlemen to hear that in countries probably unknown to them there were families, including parents, sons, and daughters, old enough to be at work, sons-in-law and daughters-in-law who are all huddled together in one sleeping room in such a way as to render modesty and delicacy impossible, and which leads necessarily to vicious social results. And yet that is the condition in Belgium.

They seem to think it doubtful whether they have doomed maidenhood, wifehood, or motherhood to the unnatural task of working in the mines or in the fields of unskilled labor in the furnaces, the forges, the rolling-mills, the glass-works, and in carrying the stone and the mortar and the brick for the masons clear to the upper story of a six-story building, as I saw done in Belgium, in France, and in Germany.

When leaving Brussels with two members of John Cockrell's company I said to them, were I in your imperial legislature as I am in the Congress of the United States, I would try to procure the enactment of a law to prohibit the working of women in these unwomanly industries, imperfectly clad as they are, not only for humanity's sake but for decency's sake, as I saw them working at Charlevoi and elsewhere. "Why," said one of them, "you would ruin us; we can not get men to work at the hard work these women have to do at a franc a day"—a franc, less than 20 cents, 19 cents and a fraction—"we can not get the men to do the work for a franc a day, for they would rather go into our army, and if its ranks are full go over into France and enlist there."

Mr. Chairman, do you wonder that chastity ceases to be a law among the working women of a country thus managed in order to effect cheapness, and to enable its productions, thus created, to undersell the well-paid and the well-housed laboring people of the United States?

[Here the hammer fell.]

The CHAIRMAN. The question is on striking out line 132 of the bill.

The amendment was rejected.

Mr. MILLS. I want to offer an amendment here to come in after this line.

Mr. BUCHANAN. I desire to perfect this line first.

Mr. MILLS. Very well.

Mr. BUCHANAN. I have an amendment to offer to the line, which I send to the desk.

The Clerk read as follows:

Add to line 132:
"And other than pressed, ornamental, glazed, or front brick."

Mr. BUCHANAN. Mr. Chairman, the gentleman from Wisconsin [Mr. SMITH] stated that there was but very little labor expended in the production of brick; that they were made almost entirely by machinery. That may be true as to the locality he represents, but in regard to the locality that I have the honor in part to represent it is by no means the case.

My amendment is simply to provide that there shall not be placed upon the free-list the more advanced forms of brick. The Committee of the Whole have refused to keep the common brick off the free-list, and I ask that the paragraph be so amended as to keep off the free-list at least the more advanced and more costly forms of brick, to wit, pressed, glazed, ornamental, and front. The manufacture of these is carried on very largely in my section of the country, and it is done almost entirely by hand. These brick are sent to almost all parts of the country. Some of them adorn the beautiful fronts in the western part of this city to-day. They are to be found in Buffalo, in Chicago, in Cincinnati, and, in fact, all over the country. We fear that this industry coming to be so important may be interfered with by the brick that are imported. Very few common brick are imported, but it is the more advanced forms that we fear may be sold in this country from abroad if they are placed on the free-list, and the 20 per cent. restriction removed.

Mr. MILLS. From what country are they imported?

Mr. BUCHANAN. We fear them from Europe and especially from Canada.

Now, Mr. Chairman, let me detain the committee for just a few moments. After almost two hours of solid debate during which we have been listening to general observations on all subjects disconnected with this paragraph, I want a few moments' time in which to tell the members of the committee something about this product and how these brick are made. Bricks are not made by shoveling loose dirt or untempered mud into one end of a machine and taking smooth-pressed, hard-burnt brick out at the other as some seem to suppose.

First the soil must be stripped, and the only machines that can be used for that purpose are the shovel and the cart. The soil has then to be dug up, and the only machines used in the digging are the shovel and the pick. The clay is allowed to be exposed to the influences of the frosts and the air for months. It is then shoveled into a cart and taken to the mixing machine. The mixing machine is simply a wheel traveling in a varying orbit in a wide circular trough by which the clay mixed with water is tempered. It is shoveled out and taken to the man who makes the brick, and he makes them by molding one at a time in a mold especially shaped for the purpose.

The bricks are then laid one by one upon a beaten earthen floor by hand, and when they become sufficiently seasoned they are gathered up by hand, placed upon a carrier, placed in sheds to further dry, and afterward, one by one, by hand labor put in the kilns and then burned. When they are taken out of the kilns they are handled in the same way, one by one. From the very first time the shovel enters the earth until the brick are placed in cars for transshipment it is, I may say, entirely a series of operations conducted by hand labor. I ask that this product thus manufactured by this expenditure of labor be not placed upon the free-list. From first to last the clay is handled from eight to twelve separate times, and this labor should receive protection.

Mr. FELTON. Mr. Chairman, I visited a brick-yard last spring where they have the most approved method for manufacturing bricks that is known, so I was informed. I had some curiosity to know the proportion of hand-labor used there. I was told that before the bricks were ready for shipment they were handled eight times by hand.

Mr. BUCHANAN. That is the general practice.

The CHAIRMAN put the question on Mr. BUCHANAN's amendment, and was in doubt as to the result.

Mr. BUCHANAN. I call for a division.

While the committee was dividing the following took place:

Mr. BUCHANAN (to gentlemen on the other side). You had better vote for the amendment. You will be asking for our votes in November.

Mr. OUTHWAITE. And we will get them, too.

Mr. BUCHANAN. Yes; unless the voters know where their bread and butter lies.

The committee having divided, there were—ayes 43, noes 60.

So the amendment was rejected.

Mr. MILLS. I offer the amendment I send to the Clerk's desk.

The Clerk read as follows:

After line 132 add the following:
"German silver looking-glass plates made of blown glass and silvered."

Mr. KERR. Mr. Chairman, I make the point of order that the amendment is not germane to the provisions of this section.

The CHAIRMAN. This is simply a collection of articles placed on the free-list. The amendment may be put in at any part of the list.

Mr. KERR. I would like to know why the provision comes in here, or why it ought to be made at all? While I have the floor I wish to say a few words about the position of the gentleman from Texas [Mr. MILLS] in regard to labor. I have had something to do with employing labor in the West. We do not understand that a German is worth a great deal less than an American for ordinary work. We hire our Germans——

Mr. MILLS. Nobody has ever said that. When a German comes to this country he works with American machinery.

Mr. KERR. That explains the whole matter. The gentleman has been trying to impress upon the House and the country that American labor earns so much more than foreign labor that we can afford to do away with our tariff.

Now he says that American machines with American hands, a high quality of inventive genius combined with American labor, is more productive than a foreign laborer without any machine. That shows the absurdity of all the argument he has been making to the House. Who denies that proposition? Does not the gentleman know that the prices secured to American labor by the American tariff throughout the whole of the American country have added to the character of the American laborer and made him an inventive man; made him capable of in-

venting machinery that has secured greater productiveness to manufactures in this country? That is all there is of it.

Mr. OUTHWAITE. I would like to ask the gentleman a question.

Mr. KERR. Very well.

Mr. OUTHWAITE. I have here a speech of yours delivered on April 28, 1888. I would like to have you explain if the tariff makes wages higher in this country than in free-trade England why school-teachers in Iowa get less than they do in England? As your speech shows, the average wages of the school-teacher in England and Wales was $9.85, while it was only $9 in Iowa.

Mr. KERR. Nine dollars in Iowa?

Mr. OUTHWAITE. Here is your table.

Mr. KERR. If there is any such statement in the table it is a mistake. It is a misprint. I know the wages received in Iowa. I will say to the gentleman that the school-teachers in Iowa are the poorest-paid laborers we have. They ought to get more.

Mr. OUTHWAITE. The tariff ought to equalize this matter.

Mr. KERR. That is not a protected industry. [Laughter.] We admit teachers from all over the world; and nine-tenths of our teachers are females, and they teach in our schools for very low wages. They prefer teaching to working as hired help in families; they prefer teaching because it is a more dignified calling.

Mr. OUTHWAITE. So it is in England.

Mr. KERR. It affords better opportunities for advancement in the world than the ordinary avocations of life; and those are the reasons why teachers are not paid better than they are in Iowa. The gentleman from Iowa [Mr. WEAVER] understands that.

Mr. WEAVER. You must not undertake to prove that by me. [Laughter.]

Mr. KERR. But, Mr. Chairman, the wages of teachers in Iowa, females included, are not less than $30 a month.

The CHAIRMAN. The time of the gentleman has expired. Debate on the pending amendment is exhausted.

Mr. BAYNE. I move to strike out the last word.

Mr. MILLS. Mr. Chairman, was the point of order withdrawn?

The CHAIRMAN. The Chair decided that it was not well taken.

Mr. BAYNE. Mr. Chairman, I do not understand exactly the nature of this glass; but from the language of the amendment, as I read it——

Mr. FORD. Will the gentleman allow me to explain it to him?

Mr. BAYNE. Certainly.

Mr. FORD. The amendment was offered at my solicitation. We have an industry in this country, the furniture industry, whose annual product is very large, about $80,000,000. The furniture manufacturers use large quantities of glass, both what is called the French silvered plate and German silvered plate. The French plate is a thick glass; the German plate is a thin glass, a blown glass, not cast. It is not made in this country, never has been, and probably never will be. Duty to the amount of $400,000 was paid upon this article last year by the furniture manufacturers of the United States, and they believe that as the Government has more revenue than it needs, and as this is not a protective duty, it is only proper that it should be abolished, and that all parties should agree to abolish it. German looking-glass plate, as I remarked before, is not and never has been manufactured in the United States. It is made, silvered, packed in boxes, and the original packages intact come to the furniture manufacturers, by whom the article is used.

Mr. BAYNE. Whether any blown glass is made into looking-glasses in this country I am not prepared to say, but that it can be made into looking-glasses in this country I do say.

Mr. FORD. Oh, certainly.

Mr. BAYNE. What is our cheap glass, not a plate glass, that is made into looking-glasses?

Mr. FORD. The German looking-glass plate is not the ordinary, common, cheap mirror glass that the gentleman sometimes sees in the market. It is a highly polished plate which is almost equal, so far as use is concerned, to the French plate, but not so thick. The common mirror glass is made in the United States, but the German plate is not.

Mr. BAYNE. Then, Mr. Chairman, I object to this proposition, and I hope it will be voted down. If this glass is of the high quality which the gentleman describes, it will come into competition with the French plate and with several great manufacturing establishments in this country, one in Indiana and one in my own district.

Mr. FORD. Does the gentleman suppose that there is an inch of French plate glass made in this country that is silvered for mirrors?

Mr. BAYNE. I do not know whether there is or not.

Mr. FORD. I think there is not.

Mr. BAYNE. Very well. Then this will come into competition with a glass which is inferior to French plate, and therefore there is all the greater reason for excluding it. It will certainly come into competition with some kind of glass that we do make and silver for looking-glasses. Now, the discrimination which this proposes strikes me as in keeping with many other provisions in this bill. It is certainly intended to drive out of consumption a product of American manufacture or at least it will have that effect. I think we ought to consider this amendment carefully, and I ask that it go over until to-morrow morning, in order that we may have an opportunity to look into the matter.

Mr. MACDONALD. I object.

Mr. BAYNE. Very well. You can not finish it to-night.

Mr. MACDONALD. I do not care whether we can or not. I am voting for this bill under protest, because it does not take off enough duties.

Mr. FARQUHAR. This amendment is brought to the consideration of the House now for the first time, and I certainly think it ought to lie over for at least one day in order that we may have an opportunity to ascertain its scope and effect.

Mr. BRECKINRIDGE, of Arkansas. This was given out from the caucus with the other amendments, and if gentlemen have not seen it before it is their own fault and not the fault of the committee.

Mr. REED. I hope there will be some official publication made of the caucus amendments, so that we may know what we are to expect. I have seen such things floating around through the papers, but I did not know they were authentic. [Laughter.]

Mr. MACDONALD. Mr. Chairman, I have formed the determined purpose of objecting upon every occasion during the consideration of this bill to dilatory motions or anything looking to delay or having that effect. I have refrained from taking more than the limited part in this debate which I have because I felt that the purpose of this opposition was to defeat this bill by this delay. I think so now, and am surprised that gentlemen upon this side do not all agree with me upon this point and act accordingly.

The gentleman from Pennsylvania [Mr. BAYNE] knows as well as I do that any amendment which may be proposed will not be adopted. We upon this side of the House are not so childish as to suppose that opposition to this proposed clause is sincere. We are not going to allow the enemies of this bill to mutilate it or amend it in any form.

Gentlemen upon the other side must not be surprised if we look upon every proposition made by them with suspicion and as intended merely for delay. This bill does not suit me any more than it does the gentleman from Pennsylvania [Mr. BAYNE], or his venerable colleague [Mr. KELLEY], but for exactly the contrary reason. I am not satisfied with it and vote for it with a mental protest because it does not go far enough and does not put enough on the free-list. But I desire to secure some reduction and therefore will secure what I can.

I have listened to this debate (a debate that certainly can accomplish no object but delay, whether so intended or not) until I frankly state I have become impatient at this delay, and here enter my protest against having to listen to such speeches as have occupied most of our time to-day.

The gentleman from Pennsylvania [Mr. KELLEY] has had much to say to-day about the condition of the working classes of Great Britain and Europe. He became eloquent and pathetic as he described the laboring women of those lands. One would almost suppose, in listening to him, that there were no poor women in this country. That there are proportionately as many poorly paid and poorly clad and fed women and children in our cities was clearly established by this side in the general debate; and if that gentleman will go with me to the West I will show him women working in the harvest-fields of Iowa, Minnesota, and other States. They will be working there because they have, with their husbands, to compete with the cheap labor of Europe in marketing their wheat and other products. And although they may have to do this and to live in log cabins or sod shanties, they are the peers in womanhood of their more fortunate sisters who reside in the palatial residences of the rich. These are the people who have made it possible for wealth to accumulate by their being compelled to contribute much to the proprietors of protected industries.

We have just listened to an appeal for the brick-makers and laborers. In regard to this subject of brick I can state that in my district, across the river from where I reside, are establishments which, in my opinion, make more brick than are made in the entire State of New Jersey, and they are not asking to have the tariff retained. You may increase the tariff on brick or you may reduce it and it will not make one dollar of difference with the wages of the laborers in those brick-yards. With this now upon brick there is no class of labor that is paid lower wages than the common laborer employed in brick-yards all over the country. And why? Because the supply exceeds the demand.

But I started out to object to this proposal to continue this discussion and have stated why. If this bill is to pass a change in our proceedings upon it must take place.

Mr. FORD. One word in reply to the gentleman from Pennsylvania. The furniture manufacturers of the United States have presented here a memorial, signed, I think, by almost every one engaged in that business throughout the country. That industry represents $80,000,000 of production—more than the entire value of the wool product of the United States. More than fifty thousand workmen are employed in this industry. These people have never come about Congress whining to have others compelled to help them carry on their business.

Mr. DINGLEY. They are protected by a duty of 30 per cent.

Mr. FORD. They do not care for that. That duty is no protection to them; they fear no competition from any quarter.

But, sir, almost every article that enters into the manufacture of furniture is taxed—timber, glass, screws, knobs, etc. Why, sir, within a short time a large furniture-manufacturing concern in the city of Grand Rapids, Mich., where I reside, entered into a contract with William Anderson & Co., of Liverpool and London, to furnish them with a large quantity of furniture monthly, furniture manufactured in "the white," furniture upon which simply the cabinet work is done, having no varnish, no glass, no screws, nothing of that sort. This establishment in Grand Rapids packs that furniture and ships it to England. Those English business men supply the varnish, the glass, etc., needed to finish that furniture, and then they ship it to Mexico, a distance of 5,000 miles, depriving us of trade which we ought to get; for, Mr. Chairman, we exported last year only $2,000,000 worth of furniture. We could supply practically the furniture for the world if this Government would give that industry a fair chance. The men engaged in it have asked that certain things which they use be put on the free-list.

Mr. FARQUHAR. The gentleman has spoken of the very modest request made by these manufacturers. Will he enumerate the articles which they desire to have put on the free-list?

Mr. FORD. I do not know that I can enumerate all of them.

Mr. FARQUHAR. Burlaps, I believe, are one of the articles.

Mr. FORD. Yes, sir; burlaps. Then they ask a reduction of duty on French looking-glass plates; they ask that German looking-glass plates be put on the free-list.

Mr. FARQUHAR. And sponges.

Mr. FORD. Yes, sir; sponges. I think a large concern in Buffalo signed the memorial on this subject. That memorial was sent to me. Why I know not, unless because the city of Grand Rapids, where I reside, is recognized as a very large furniture manufacturing place. I replied that I thought it impolitic, after these tariff duties had continued thirty years, to ask that so much in the way of reduction should be done at once; that if so many amendments were insisted on in their behalf they could not probably secure the granting of their application. But I think there is every reason why German looking-glass plates should be put on the free-list. There is no home industry to be affected by such a measure, because all of this article that we use has been imported. Statistics furnished to me by the furniture association to which I have referred show that there was last year an importation of about $2,100,000 worth of German looking-glass plates, on which duties to the amount of $450,000 were paid. The result is that the furniture industry in the United States is saddled with that large extra expense.

Mr. REED. If every dollar of the tax goes into the Treasury and none into the pockets of the manufacturers why does the gentleman object?

Mr. FORD. Because the Treasury is raising $100,000,000 more than it needs, and I say it is robbery to tax the people for more than is needed by the country.

Mr. REED. Your theory is, it is all right if $1 goes into the Treasury and $5 into the pockets of the manufacturers.

Mr. FORD. I am not discussing that now. I am talking about German looking-glass plate for furniture, but I am opposing this tax which has been collected for years and years.

[Here the hammer fell.]

Mr. BAYNE. I ask in good faith in behalf of my constituents this go over until to-morrow. You will save time by doing so.

Mr. MILLS. Let it be passed over informally with leave to recur to it to-morrow.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

Vegetables in their natural state or in salt or brine, not specially enumerated or provided for.

Mr. BAKER, of New York. I desire to ask the chairman of the Committee on Ways and Means whether that includes potatoes.

Mr. MILLS. It does not. The committee will have prepared and will submit an amendment which will provide for all such cases.

Mr. BAKER, of New York. I move to strike out those lines in order to submit a few remarks. Now, it strikes me it is a fair construction of the language employed that this clause will embrace potatoes. The chairman states it is not the intention of the committee to embrace them.

Mr. MILLS. It does not do it.

Mr. BAKER, of New York. Then there should be some change in the language.

Mr. MILLS. We have an amendment which will provide for all such cases.

Mr. BAKER, of New York. It seems to me this language is of doubtful effect. Now, in the district I represent, and in Wayne County on the east and Genesee and Niagara on the west, bordering on the Canadian frontier, they produce an immense supply of potatoes, beans, pease, and other vegetables, which are protected now by a duty. In the paragraph following "beans, pease, and split pease" are put upon the free-list. If it shall become the law it would seriously affect the agricultural industries of that whole section of country. In the first place, potatoes are protected now by a duty of 15 per cent.

Mr. MILLS. I move the committee rise.

Mr. BAKER, of New York. I still retain the floor.

The CHAIRMAN. Of course.

The motion was agreed to.

The committee accordingly rose; and Mr. BLOUNT having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 9051, and had come to no resolution thereon.

And then, the hour of 5 o'clock having arrived, the House adjourned according to previous order.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. GLASS: Joint resolution (H. Res. 186) referring the claim of Robert Dudley, administrator of Fletcher Lane, and C. S. Farrar, administrator of Gray W. Smith, Lucy E. Dowdy, and W. A. Galloway to the Court of Claims—to the Committee on War Claims.

By Mr. CHIPMAN: A bill (H. R. 10634) for the relief of Mary A. Ripley—to the Committee on Invalid Pensions.

By Mr. DINGLEY: A bill (H. R. 10635) to increase the pension of Joseph O. Dodge—to the Committee on Invalid Pensions.

By Mr. FITCH: A bill (H. R. 10636) for the relief of Charles B. Meyer—to the Committee on Claims.

By Mr. LAFFOON: A bill (H. R. 10637) granting a pension to James Wilson—to the Committee on Invalid Pensions.

By Mr. LANDES: A bill (H. R. 106 8) for the relief of Henry Roark—to the Committee on War Claims.

By Mr. MACDONALD: A bill (H. R. 10639) granting a pension to John Y. Hooper—to the Committee on Invalid Pensions.

By Mr. MATSON: A bill (H. R. 10640) granting an increase of pension to William Martin—to the Committee on Invalid Pensions.

By Mr. STONE, of Missouri: A bill (H. R. 10641) granting a pension to Leaman L. Bowers—to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 10642) to authorize the construction of a bridge and approaches at New York City across the Hudson River in and between the States of New York and New Jersey, and to confer upon the same character and privileges of a post-route—to the Committee on Commerce.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUCHANAN: Petition of citizens of the Second district of New Jersey, for a postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. CATCHINGS: Petition of Ann Ferguson, administratrix of John Ferguson, of Absalom Grant, and of James G. Ferguson, of Mississippi, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. DAVENPORT: Petition of William Hedges, of Bradford, N. Y., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. DINGLEY: Petition of E. J. Gilkey and others, of Strong, Me., for increase of pension of Joseph O. Dodge, of Company G, Twelfth Maine Volunteer Militia—to the Committee on Invalid Pensions.

By Mr. DORSEY: Petition of citizens of Neligh, Nebr., for the passage of the disability pension bill—to the Committee on Invalid Pensions.

By Mr. LANDES: Petition asking for a pension for Martha J. Higgins—to the Committee on Invalid Pensions.

By Mr. MACDONALD: Petition of citizens of Carver County, Minnesota, in favor of amendment of the interstate-commerce law—to the Committee on Commerce.

By Mr. PHELAN: Petition of John O. Buford, of E. Y. Reddick, of James C. Rice, of Dr. James V. Bolton, of Josephine C. Bailey, of Amos Black, of Benjamin S. Branch, of Mary McCormick, of John W. Richmond, and of William Reaves, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PUGSLEY: Petition of L. C. Yates and 13 others, citizens of Brown County, Ohio, for a general pension law—to the Committee on Invalid Pensions.

By Mr. RANDALL: Joint memorial of the Board of Trade, Commercial, Maritime, and Drug Exchanges, and the Vessel Owners and Captains' Association, opposing Senate bill No. 1448 and House bill No 4923—to the Committee on Rivers and Harbors.

By Mr. SENEY: Petition of the Grand Army of the Republic of Ohio, for an appropriation for tombstones for deceased ex-Union sailors and soldiers—to the Committee on Military Affairs.

By Mr. STONE, of Missouri: Petition of John Turley, of Cass County, Missouri, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. T. L. THOMPSON: Petition of Markus Mung, of Lake County, California, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of estate of Peter Cole, of Frederick Cook, of James D. Copeland, and of Snowden B. Herbert, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

The following petitions for the more effectual protection of agriculture, by means of certain import duties, were received and severally referred to the Committee on Ways and Means:

By Mr. GIFFORD: Of H. M. Hanson and 41 others, citizens of Howard, Dak.

By Mr. REED: Of citizens of Mississippi County, Arkansas.

SENATE.

THURSDAY, *June* 28, 1888.

Prayer by Rev. FREDERICK D. POWER, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Elizabeth M. Atwell, of Ontario County, New York, praying to be relieved from her political disabilities; which was referred to the Select Committee on Woman Suffrage.

Mr. COCKRELL. I present a petition of citizens of Bates and St. Clair Counties, Missouri, signed by A. C. Page and others, praying that Congress may by law provide amendments to the interstate-commerce law so that it shall be unlawful for any common carrier subject to the provisions of that act to carry or transport any commodity for any shipper in a car or vehicle owned, leased, or in any way controlled by such shipper, and that it shall be unlawful for any shipper to make any contract with any carrier to convey the property of such shipper in cars or vehicles owned or controlled by such shipper; and another addition, that in all prosecutions under that section, on complaint of a citizen of the United States, such citizens shall be entitled to have and receive, for his own benefit, all fines that may be imposed and collected for any violations of said act in any and all prosecutions in which he may be such complainant.

I move that the petition be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. HOAR presented the petition of Clement A. Cahoon, J. G. Ryder, William M. Ryder, and others, citizens of Harwick, Mass., praying for the passage of Senate bill 283, for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented the petition of the Boston Board of Marine Underwriters and others, of Boston, Mass., praying for the passage of House bill 10183, to construct and establish a light-ship off Great Round Shoal, near Nantucket, Mass.; which was referred to the Committee on Commerce.

Mr. HALE presented the petition of William Pierce, late of Company F, Seventh Regiment Maine Volunteers, praying that he be relieved from the charge of desertion; which was referred to the Committee on Military Affairs.

He also presented a petition of Waldo County Grange, of Maine, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of citizens of Portland, Me., praying that the surplus in the Treasury be used in making arable and cultivating the Government lands, giving many people who are out of employment an opportunity to work thereon; and that such lands be divided into farms of 40 acres each, to be let or sold on easy terms; which was referred to the Committee on Education and Labor.

VETOED PENSION BILLS.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following acts, and the veto messages of the President of the United States thereon, reported them with the recommendation that they be passed, the objections of the President to the contrary notwithstanding, and submitted a report thereon:

An act (S. 820) granting a pension to David A. Servis;
An act (S. 465) granting a pension to William Sackman, sr.;
An act (S. 549) granting a pension to Hannah R. Langdon;
An act (S. 1237) granting a pension to Anna Mertz;
An act (S. 809) granting a pension to Betsey Mannsfield;
An act (S. 838) granting a pension to Mary Sullivan; and
An act (S. 739) granting a pension to Johanna Loewinger.

The PRESIDENT *pro tempore*. The Senator from Minnesota, from the Committee on Pensions, reports the several bills named with a recommendation that they pass, the objections of the President of the United States to the contrary notwithstanding. The bills will be placed on the Calendar.

Mr. MANDERSON. I understand that the report on these bills from the Committee on Pensions is one of very great importance and treats upon the entire subject-matter of the veto of pension bills. I move that 5,000 additional copies of the report be printed for the use of the Senate, and I ask that the motion be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. There is not a report in each case, the Chair understands.

Mr. MANDERSON. I understand that it is a combined report as to the seven bills now reported.

The PRESIDENT *pro tempore*. If there be no objection, the motion to print 5,000 additional copies of the report of the Committee on Pensions will be referred to the Committee on Printing, and the bills, the numbers and titles of which have been read, will be placed on the Calendar.

Mr. DAVIS. The committee report seven bills.

The PRESIDENT *pro tempore*. The Chair understood the report to include seven bills; and the motion was to print 5,000 extra copies of the report.

Mr. DAVIS. The seven bills will be placed on the Calendar?

The PRESIDENT *pro tempore*. The bills, with the report of the committee recommending their passage, notwithstanding the objections of the President of the United States, will be placed on the Calendar, if there be no objection.

Mr. HARRIS. What is the matter of which 5,000 copies are proposed to be printed?

The PRESIDENT *pro tempore*. The report will be stated, if there be no objection.

The CHIEF CLERK. The report of the Committee on Pensions on Senate bills 820, 465, 549, 1237, 809, 838, and 739, granting pensions, and the messages of the President in disapproval thereof.

The PRESIDENT *pro tempore*. These bills were returned to the Senate without the approval of the President of the United States. The committee report that the bills should pass, notwithstanding the objections of the Executive, with a report in writing. Does the Senator from Tennessee desire to have the report read?

Mr. HARRIS. I understand that the committee ask that 5,000 extra or additional copies be printed.

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. MANDERSON] moved that 5,000 copies of the report be printed, which motion was referred to the Committee on Printing.

Mr. HARRIS. Oh, it was referred.

The PRESIDENT *pro tempore*. The motion has been referred.

Mr. HARRIS. That is right.

Mr. PLATT. Will the report appear in the RECORD without having been read at the desk?

The PRESIDENT *pro tempore*. It will not unless ordered to be printed in the RECORD.

Mr. PLATT. I wish there may be consent that the report shall appear in the RECORD.

The PRESIDENT *pro tempore*. Is there objection to the report of the committee being printed in the RECORD?

Mr. SAULSBURY. Is it proposed to have the veto messages as well as the report of the committee printed?

The PRESIDENT *pro tempore*. The veto messages have already been printed in the RECORD. Is there objection to the request of the Senator from Connecticut?

Mr. HARRIS. I object to printing the report in the RECORD. Let the Committee on Printing report the matter back, and we shall consider it then.

Mr. ALLISON. What is the motion?

The PRESIDENT *pro tempore*. The Senator from Connecticut [Mr. PLATT] moves that the report of the committee be printed in the RECORD. The question will be submitted to the Senate.

Mr. ALLISON. Is it a brief report?

The PRESIDENT *pro tempore*. The Chair can not state.

Mr. ALLISON. I should be glad to hear it read, if it is not long.

Mr. FAULKNER. I do not concur in the full report of the Committee on Pensions in reference to all the vetoes. As to some of those bills that have been vetoed by the Executive, I have very decided opinions; but before the 5,000 copies of the report are ordered to be printed I think it would be well for some of the members of the Committee on Pensions on this side of the Chamber to have an opportunity to read the full report as to all the bills, so as to see whether they concur in the report made as to each and every one of the seven vetoes reported upon.

As to some of these bills, I repeat that I have very decided opinions, and I shall express those opinions when the bills come up for action. As to others, I am not familiar with the facts, and wish to examine them before 5,000 copies of the report are ordered to be printed.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] asks that the report may be read.

Mr. MORRILL. I think the Senator from West Virginia will withdraw his objection to having the report printed in the RECORD. As the veto messages have already been printed in the RECORD, it is proper and fair that the report should be also printed there. That will save the time of having it read now.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] objected, not the Senator from West Virginia [Mr. FAULKNER].

Mr. MORRILL. I thought the Senator from West Virginia objected.

Mr. FAULKNER. I did not make any objection to printing the report in the RECORD. My only objection, as I stated, is to the motion to print 5,000 copies of the report before further examination; and the motion should go to the Committee on Printing, as suggested by the Senator from Nebraska [Mr. MANDERSON].

The PRESIDENT *pro tempore*. It has been so referred.

Mr. FAULKNER. Then I can have an opportunity before the printing of extra copies of the report of the Committee on Pensions is ordered to examine the report and see whether I, as one of the members of that committee, concur in the views of the committee.

Mr. MANDERSON. I understand that the motion has been referred to the Committee on Printing, and if there should be a minority report, of course that would be printed with the 5,000 copies as a part of the report.

Mr. SAULSBURY. I do not know whether it is in order exactly now to move that the veto messages of the President on these bills also be published in connection with the report of the Pension Committee on these cases, and to have the motion referred to the Committee on Printing.

It is very evident that the object and purpose is to assail the President for the vetoes he has submitted. It is right and fair and just to the Executive that if that is to be a campaign document it should not be given out without submitting the causes of the vetoes, so that the Executive may have the benefit of his own reasons assigned to accompany the report on the subject, and that the country may understand the reasons pro and con for these measures. I suggest, therefore, that if the Committee on Printing should report favorably to the printing of this document, it should also report favorably to the printing of the Executive veto messages on the subject.

The PRESIDENT *pro tempore*. The Senator from Delaware asks unanimous consent that the veto messages of the President may be printed.

Mr. DAVIS. For the information of the Senator from Delaware I will state that in each instance the message of the President is set out fully in the report which it is proposed to have printed.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senator from Delaware to the statement of the Senator from Minnesota.

Mr. SAULSBURY. I did not hear it.

Mr. DAVIS. I say to the Senator from Delaware that in each instance the veto message is set out fully in this report.

Mr. SAULSBURY. Very well, if the veto messages accompany the report in these cases.

Mr. DAVIS. It does, in each case.

Mr. SAULSBURY. If that is to be the case, I am perfectly satisfied.

The PRESIDENT *pro tempore*. The reading of the report will proceed.

Mr. COCKRELL. I do not see the Senator from Tennessee [Mr. HARRIS] here, who I believe objected to the printing of the report in the RECORD. I raise a question of order as to whether when a report is made in that way, and when it is first presented to the Senate, upon the request of any Senator the report can be read at full length.

The PRESIDENT *pro tempore*. Such has been the uniform practice of the Senate so far as the Chair is advised.

Mr. COCKRELL. I have not so understood, and I do not believe it is in accordance with the rule. I had hoped the Senator from Tennessee would withdraw his objection, so that no such precedent would be set, because I object to a ruling that any Senator can call for the reading of a report when it is presented and before it has been printed or anything has been done with it. If so, the entire day could be taken up in reading two or three reports that would be presented. If it is the right of a Senator to do that, it would place the entire business of the Senate in the control of one Senator.

The PRESIDENT *pro tempore*. Does the Senator from Missouri object to the reading of the report?

Mr. HARRIS. I will withdraw the objection to the printing of the report in the RECORD, if it is desired.

The PRESIDENT *pro tempore*. Does the Senator from Iowa then ask that the report be read?

Mr. ALLISON. No, sir; I do not.

The PRESIDENT *pro tempore*. The report will be printed in the RECORD, in the absence of objection.

The report is as follows:

The Committee on Pensions, to whom were referred the messages of the President returning with Executive disapproval bills (S. 820) granting a pension to David A. Servis; (S. 465) granting a pension to William Sackman, sr.; (S. 739) granting a pension to Johanna Loewinger; (S. 549) granting a pension to Hannah R. Langdon; (S. 1237) granting a pension to Anna Mertz and the minor children of Charles A. Mertz; (S. 809) granting a pension to Betsey Mannsfield; and (S. 838) granting a pension to Mary Sullivan, have considered the same, and report:

Since the 8th day of May, 1886, one hundred and thirty-six special acts granting pensions to individuals have been disapproved by the President.

Legislation of this character has been a matter of settled and favored policy for a very long period, commencing before the civil war. These disapprovals were based in a great majority of cases upon the expressed opinion of the President that Congress had erred in its judgment upon mere questions of fact, such as the incurrence of disability in the service; or whether death from a disease or casualty asserted to be the secondary result of some disease incurred in the service, ought to be held upon the testimony to be so referable; or whether the proof before Congress showed the existence of any disability whatever.

The practice of the President respecting bills of this character is indicated by the following extract from his message of May 8, 1886, disapproving an act to increase the pension of Andrew J. Hill: "There have lately been presented to me on the same day for approval nearly two hundred and forty special bills granting and increasing pensions and restoring to the pension-list the names of parties which for cause have been dropped. To aid Executive action they were referred to the Pension Bureau for examination and report." This practice is further disclosed by the following extract from the report of the committee upon the message disapproving Senate bill 2005, Forty-ninth Congress, first session, granting a pension to Mary J. Nottage:

The files of papers in these vetoed cases, which are now in possession of your committee, contain a letter of the Assistant Secretary of the Interior, under date of June 14, 1886, stating that he incloses enrolled bills as follows, enumerating 118 House bills and 11 Senate bills, and instructing the Commissioner of Pensions as follows:

"Please cause the same to be critically examined, and report to this Department whether, in your opinion, any objections to their approval are known to exist. In cases where objections exist they should be specifically set forth." (Forty-ninth Congress, first session, Report No. 1424.)

That this method of procedure still continues is apparent from several of the messages now in question. The result is that the decision of Congress upon the facts in reversal of the decisions of the Bureau of Pensions are referred by the President to that bureau for "examination and report;" and for any such "objections to their approval as are known to exist," in which cases such objections are to be "specifically set forth."

It is, of course, impossible for the President to examine the mass of documentary evidence upon which each case depends, and which is invariably examined by the committee; and it follows that when he disagrees with Congress upon the questions of fact in these cases, his judgment must be based, not upon the reports of the committees, in which the facts are always stated with sufficient fullness, but upon the report of some subordinate in the Bureau of Pensions. This bureau, whose action Congress has reversed, is thus enabled to review the action of Congress by the express direction of the President.

These reports of the bureau can not in the nature of things possibly be made by any one person within the time during which the President can hold bills for consideration when they are received by him in such numbers. This explains the numerous inconsistencies of Executive action which are hereafter fully exposed.

This method of consideration is an abridgment by the Executive of the exercise of the right of Congress to waive that strict proof which is properly required in ordinary cases in the Department under the somewhat technical rules that have grown up out of repeated precedents. This results plainly from the practice that Executive disapproval follows in any case where the records of the bureau are deemed by the President not to sustain the action of Congress. This invasion upon the province of Congress goes further: It annuls its undoubted power in the cases which have been subjected to Executive disapproval to determine by the will of its majority that the public money shall be appropriated for a legitimate and constitutional purpose.

It can not be maintained upon any fair construction of the Constitution that the power of Executive disapproval ought to be exercised upon acts of this character for the sole reason that the President differs in opinion from Congress upon a mere question of the weight of testimony, or upon the expediency of a special act which subserves a proper general purpose and which imperils no power of any other department.

If it shall ever become established that such an exercise of the veto power has sufficient warrant as to this class of cases, it must follow that it is proper in all cases. That this has never before been systematically attempted in any class of cases does not remove the cause for alarm. Usurpations move rapidly in republics from small objects to those of the greatest concern. That the power exists in the Executive to disapprove any legislative measure can not be denied. But the duty undeniably also exists that it shall not be used in such a manner or upon any occasion or pretext as to make its exercise operate as an encroachment upon the powers of other departments of the Government.

It is the theory of our Government that the great body of power shall rest in the legislative department as the most immediate representative of the people. To that department the Constitution has confided these powers by description if not by restrictive definition and enumeration. Equally with the executive department it is bound to exercise them in a proper manner and for constitutional purposes. But if from a factious or revolutionary spirit it shall ever fail to do this, and thereby cripple the power to act of the other departments, it will then have violated the spirit of the Constitution, and it will be no defense that the violation was committed by the refusal to exercise a granted power.

The Constitution provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law." A factious Congress can stop every function of the judicial department by refusing to enact laws making appropriations therefor. In doing so it would as clearly violate the Constitution as would a factious or usurping President who should refuse to approve an act making such appropriations in a case where the two-thirds vote necessary to enact the law over the disapproval could not be obtained.

The right to so use the power of executive disapproval as to change the ordinary method of legislative action by a majority vote, upon proper subjects of legislation, merely because the Executive differs from Congress upon the sufficiency of proof or the expediency of relief, does not, in the opinion of your committee, exist. Such a misconception of the extent of executive power, making it limitless, is fraught with dangers to the independence and to the constitutional powers of Congress, and it clearly implies that a factious or usurping President who proposes to subordinate to his will that department to which the Constitution has confided the principal powers of Government can rightfully do this and prevent the will of the people from taking statutory form, except by a two-thirds vote of each House of Congress.

The present Chief Executive has disapproved one hundred and sixty-two bills. Of these, one hundred and thirty-six are bills granting pensions to individuals. All of his predecessors vetoed but one hundred and thirty-three bills. None of his predecessors disapproved any acts of this character, excepting President Grant, who disapproved but five; and none of these were unsanctioned on account of any difference of opinion upon the facts. The bill to pension Abigail Ryan was disapproved by President Grant because her name was already on the roll; that to pension Ann Montgomery was disapproved merely to enable Congress to correct an ambiguity in the act and thereby to benefit the soldier's children; that to pension R. B. Crawford because he was already enjoying all the pension the general law allowed him; that to pension Lewis Hinely because his true name was Heinlig; that to pension Eliza Jane Blumer because the company to which her husband belonged was misdescribed in the bill. These bills were disapproved by this great soldier and patriot, who knew and felt the obligations of the nation to its defenders, not for the purpose of de-

feating relief, but to enable relief to be granted by amendments, or because relief had previously been given.

The veto power was odious to the founders of this Government. The first count in the Declaration of Independence against the King of Great Britain is that "he has refused his assent to laws the most wholesome and necessary for the public good." The persistent vetoes of the royal governor led to his expulsion from South Carolina before hostilities broke out. In Virginia the repeated veto of acts to check the slave trade was one of the most prominent of colonial grievances. So unpopular was this power that it was conferred by only one of the first constitutions of the original States—Massachusetts.

To overcome the popular distrust the advocates of the Federal Constitution urged that the power had not been exercised in England for nearly a century as to acts of Parliament; that it would never be employed by any President except to protect his own constitutional powers, or in rare cases of public emergency where revolutionary legislation should menace the general weal; that it was a power whose utility lay rather in its existence and in the fear that it might possibly be employed than in its use; that such existence was necessary (to use Hamilton's expression) "because of the superior weight and influence of the legislative body"—a foreboding which has not been verified by our history.

A cotemporaneous exposition of this power will be found in an official opinion delivered by Mr. Jefferson to President Washington, Mr. Jefferson then being Secretary of State. It was given upon the bill granting a charter to the Bank of the United States. He remarks, "It must be added, however, that unless the President's mind on a view of everything which is urged for and against the bill is tolerably clear, that it is unauthorized by the Constitution; if pro and con hang so as to balance his judgment, a just respect for the wisdom of the Legislature would naturally decide the balance in favor of their opinion. It is chiefly for cases where they are clearly misled by error, ambition, or interest that the Constitution has placed a check in the negative of the President."

"The primary inducement," says Mr. Madison, "in conferring the veto power upon the President, is to enable him to defend himself. Indeed, even in England, where the King is considered a part of Parliament, and therefore possessing a share of legislative power, the royal negative would only be permitted in cases where encroachments were attempted upon the royal prerogative."

The framers of the Constitution well knew that paper limitations of power never execute themselves. They knew that the checks and balances of the Constitution depend for their efficacy upon the wisdom and the patriotism of the persons to whom their exercise is confided. They knew that maladministration can make them as destructive as correct application can make them preservative.

The same just conceptions have been entertained by the predecessors of the present Chief Magistrate. They have, in the opinion of your committee, been disregarded by him.

The inordinate proportions to which the executive power has grown during the last twenty-five years, through the tendency to centralization; through the production of those great subjects of administration which have come under executive control through its departments; through the political influence of office-holders, and through the discretionary power of the Executive over an enormous financial system, give just cause for apprehension. To admit that these powers, "which have increased, which are increasing, and which ought to be diminished," can be reinforced by a constitutional exercise of the veto power upon the action of Congress upon subjects clearly within its province and its duty, and involving not the least infringement upon any other department, is to admit a power totally subversive of the ends of government and destructive to the Federal Constitution.

The following observations are submitted upon the particular cases now under consideration:

DAVID A. SERVIS.

The testimony shows that while Servis was absent on duty for a short time from the military hospital to which he was detailed as a nurse one of the patients filled a pipe with powder, handed the pipe to claimant on his return to the hospital, and that the consequences detailed in the report ensued.

This act is disapproved on the ground that the injuries were not "such a result of military service as to entitle the applicant to a pension."

This is not a case of a mere joke played by one comrade on another while off duty. Whatever might be the rights of this claimant to a pension were this a malicious or thoughtless act of some well comrade when off duty, this case is different.

Servis was on duty as a nurse in a military hospital. He was in a position of authority over the patients, required to minister to and control them. One of these patients, while Servis was in his place of duty, inflicted upon him a grievous injury. The claimant is clearly within the statute (section 4693) which grants a pension to any enlisted soldier "disabled by reason of any wound or injury received or disease contracted while in the service of the United States and in the line of duty."

The fact that he was detailed to the hospital for duty explains to any one who was in the military service why no record appears of the casualty. In such cases the hospital attendant was treated there and was generally carried on its reports under his detail as nurse. This was of course quite irregular, but it was the way the business was frequently done.

It is to be regretted that the facts and law of this case did not sufficiently attract the attention of the President.

We append the report and the message, and recommend the passage of the bill, the objections of the President to the contrary notwithstanding.

Mr. SAWYER, from the Committee on Pensions, submitted the following report (to accompany bill S. 820):

The Committee on Pensions, to whom was referred the bill (S. 820) granting a pension to David A. Servis have examined the same and report:

The claimant was a private in Company B, Twenty-first Wisconsin Volunteers, and he claims a pension for injury to his eyes by the accidental discharge of a cartridge. The testimony shows that while at Bridgeport, Ala., acting as hospital nurse, one of his comrades filled a large pipe which claimant was in the habit of smoking with powder, placing a thin layer of tobacco on top; that claimant, ignorant of the trick, lighted the pipe, which exploded and blew him half across the tent. There is no record testimony in the case, nor does it appear that any notice was taken of this wanton act of his tent-mate.

The application was rejected on the ground that the injury, to whatsoever extent it exists, was not due to the service. It was incurred *in* the service. It was due to the willful and reprehensible act of a soldier, for whose conduct the military branch of the Government was responsible. If he had killed this claimant, his wife would have been pensioned. That he escaped death and incurred injury to the most sensitive and valuable organ of his physical structure, does not exempt the Government from the obligation of compensation and relief. Surely the Government is as responsible in this case as is the corporation that by accident destroys life or limb, and upon which the decisions of the United States courts have repeatedly imposed pecuniary penalties.

The committee believe that the claimant should be pensioned to the extent of the existing damage to his eye-sight, and report the bill favorably, with a recommendation that it do pass.

To the Senate:

I return without approval Senate bill No. 820, entitled "An act granting a pension to David A. Servis."

The beneficiary named in this bill enlisted August 14, 1862, and was discharged June 8, 1865.

It is alleged that about the month of January, 1863, a comrade, by way of a joke, put powder into a pipe which the beneficiary was accustomed to smoke and covered it with tobacco, so that when he lighted it the powder exploded and injured his eyes. The report of the Senate committee states that it does not appear that "any notice was taken of this wanton act of his tent-mate."

There is no mention of any disability or injury in the record of the soldier's service. He seems to have served nearly two years and a half after the injury. He filed an application for a pension in May, 1885, more than twenty-two years thereafter.

Whatever may be the extent of the injury sustained, in regard to which the evidence is apparently quite meager, I can not see that it was such a result of military service as to entitle the applicant to a pension.

The utmost liberality to those who were in our Army hardly justifies a compensation by way of pension for injuries incurred in sport or pastime, or as the result of a practical joke.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 28, 1888.

WILLIAM SACKMAN, SR.

This case was considered by the committee with the care which the character of the evidence required, and the facts are set forth in the original report with more than the usual fullness.

The case as first made by the claimant was rejected April 11, 1883. Up to that date it was based upon his own affidavits, his hospital record, his certificate of discharge, and the certificate of the examining surgeon. This last certificate states that the disability "is a fracture of three ribs of left side, which are very well healed; the body is in poor condition; applicant complains of stinging pains; his inspiration (35) has a whistling sound; expiration, 31; palpitation of the heart."

The claimant's case was manifestly prejudiced by the imputations set out in his certificate of discharge, self-contradictory as it is. This document is in the handwriting of Asst. Surg. John H. Williams, and its material portions are set out in the report of your committee recommending the passage of the bill.

The case was reconsidered by the Bureau of Pensions, and it was then that the claimant furnished the mass of testimony the substance of which is stated in the original report of your committee.

Your committee, after a most critical re-examination of this voluminous body of proof, remain of the opinion that this veteran has not only cleared his character of the odious imputations placed upon it by the certificate of discharge, but that in doing so he has also established his right to a pension.

We do not believe the derogatory statements contained in the certificate of discharge.

It is incredible that if this man received his injury in September, 1862, and did no duty after that date, he should have been retained in the service until February, 1864. The discharge is self-contradictory. It is, as we have remarked, in the hand-writing of Assistant Surgeon Williams. It states in one place that the disability was caused by falling off his horse while in detached service; while in another place it states that the disease has been produced by sexual indulgence and the excessive use of intoxicating liquors. One of these statements, thus written by the same man at one time, must be false.

The claimant has successfully met the attack upon his moral character by evidence such as the rules of law make plenary for that purpose, by proof of good character and by the testimony of neighbors, comrades, and public officials. He has also overthrown the charge that he was intoxicated when he received the injury, by the testimony of comrades who were with him when it was incurred.

The fact that he said nothing about broken ribs until he applied for a pension is of no moment. He had no occasion until then to say anything on that subject. That the ribs had been fractured is distinctly stated by the examining surgeon, who also states his belief that the disability "did really originate in the service aforesaid, in the line of duty."

The Pension Bureau made use of none of its ample means for investigating the case. It sent no special examiner to re-examine witnesses. It made no inquiry of the company officers. To the above there is one qualification which confirms your committee in the conclusion they have reached after two examinations of the case.

On November 19, 1885, the Commissioner of Pensions wrote to Surg. John H. Williams, the author of the certificate of discharge, the following letter:

"SIR: The claimant in this case alleges that three of his ribs were fractured and his left side injured by being thrown from his horse during an engagement with the enemy near Fredericktown, Mo., in April, 1863. The certificate of disability upon which the claimant was discharged the service is signed by you, and shows him to have been discharged on account of 'hypertrophy, with dilation of left side of heart,' stating further that 'the disease in this case has been produced by sexual indulgence and excessive use of intoxicating liquors.'

"It is requested that you inform this office whether your certificate was based upon a personal knowledge of the claimant's private habits, upon the statement of his captain, or upon statements made to you by others. Your early reply with such information as you may be able to furnish touching the general merits of this case will be fully appreciated.

"Very respectfully,

"JOHN C. BLACK,
"*Commissioner.*"

This letter was returned with the following indorsement:

"ASHEVILLE, N. C., *November* 21, 1885.

"In reference to within I have to state that I remember the case very distinctly. I made the examination in person and was thoroughly acquainted with the case. I read the statement on which the application for discharge was based to the man, and he consented to have the papers forwarded as they read. The application for pension is fraudulent and should not be allowed. The excessive venery alluded to was in part 'masturbation.'

"Very truly, yours,

"JOHN HEY WILLIAMS, A. M., M. D.,
"*Late Assistant Surgeon, Fifth Missouri State Militia Cav.*"

It is to be observed that the bureau, by reciting in its letter what Mr. Williams had written twenty-one years before, furnished him the means of making a consistent answer—in other words, by a leading question put the expected answer into the mouth of the witness.

The proper and fair question would have been to ask Mr. Williams what was his recollection as to the incurrence of the claimant's injuries and the cause of his discharge. The result expected as the answer to this informing question promptly followed. Mr. Williams cast his answer into the mold of the interrogatory. He did more and worse. He gratuitously added a charge of addiction to a certain habit. Such an answer to such a question is condemned by the rules of evidence even when given under oath. This answer, however, is not sworn to. Considering it in connection with the certificate of discharge which was given to this German boy, your committee believe that both aspersions are unworthy of credit upon the present question as they would be in a court of justice.

We have presented these considerations somewhat fully because the President has been avowedly influenced by discreditable, incredible, and unsanctioned *ex parte* declarations.

We append the act, the report, and the message, and recommend the passage of the act, the objections of the President to the contrary notwithstanding.

Mr. FAULKNER, from the Committee on Pensions, submitted the following report (to accompany bill S. 465):

The Committee on Pensions, to whom was referred the bill (S. 465) granting a pension to William Sackman, sr., have carefully examined the same, and report:

The claimant enlisted as a private in Company K, Fifth Regiment Missouri Militia Cavalry, on the 24th of December, 1861, to serve during the war in Missouri, and was discharged on the 29th of February, 1864. His declaration for a pension was filed July 1, 1881, claiming that "at Fredericktown, Mo., about the 10th or 12th of April, 1863, he had three ribs broken by falling from his horse while surrounded by the guerrillas."

The claim was rejected by the Pension Bureau April 9, 1883, upon the ground "that the record evidence shows that the alleged disability was not incurred in the line of duty."

The records of the Adjutant-General's Office show the petitioner present April 10, 1863. Absent sick at hospital until October 31, 1863. Present January and February, 1864. Nature of sickness not stated. No evidence by the record of the injury complained of.

The discharge for disability shows—

"Palpitation of the heart and defective lungs, the disability caused by falling off his horse near Fredericktown, Mo., while intoxicated, on detached service, in the month of September, 1862. Not having done any duty since, a discharge would benefit the Government and himself."

The assistant and acting surgeon certifies the disability to consist of—

"Hypertrophy with dilatation of left side of heart. The disease in this case has been produced by sexual indulgence and excessive use of intoxicating liquors."

The surgeon who attached the certificate to the discharge for disability, in reply to a letter from the Commissioner of Pensions, under date of November 21, 1885, says:

"I have to state that I remember the case very distinctly. I made the examination in person and was thoroughly acquainted with the case. I read the statement on which the application for discharge was based to the man, and he consented to have the papers forwarded as they read. The application for pension is fraudulent and should not be allowed. The excessive venery alluded to was in part masturbation."

Upon this evidence the Pension Bureau rejected the claim and declined to reconsider its decision, notwithstanding the affidavits filed by the petitioner, as follows:

"Henry Markwort, on the 27th day of December, 1883, made oath that 'he knew claimant, William Sackman, sr., in the year 1860, and also ever since, and knew him while he was a member of the above-named organization with affiant, and the said claimant was, during all that time, of sober habits and of virtuous disposition, and affiant never saw him in a state of intoxication, * * * and was never, to his knowledge, guilty of sexual indulgence, but that he was a good soldier and bore a good name for morality.'

"Frederick Lauderman, Christian Pape, Deiderich Klingman, Henry Thiessen, and John Haslauer, on the 26th day of September, 1883, made oath 'that they were members of the above-named organization, and that they well knew the claimant herein, William Sackman, sr., prior to his enlistment and during his service in said organization, and ever since he was discharged from the service of the United States, and that said William Sackman was a good soldier and bore a good character always for sobriety and moral habits, and that he was never guilty of the charge of being intoxicated or indulging in the excessive use of intoxicating liquors nor sexual indulgence.'

"Henry Thiessen and William Braus, on the 11th day of June, 1883, made oath 'that they were members of the organization aforesaid, and that they well knew William Sackman, sr., the claimant herein, and that in the organization aforesaid, in the line of duty, being on detached duty at the time, the said Henry Thiessen being a corporal at that time in command of said detatchment, and the said William Braus also a member of said detachment, and that while so detached for the purpose of guarding one of their company to his home, the horse claimant was riding took fright and ran off with him, thereby injuring said claimant so that he could not arise nor get onto his horse without assistance. That the post surgeon furnished a certificate to the said corporal in regard of the inability of said William Sackman, sr., to be carried back to his command.'

"William Wolfeckiller, on the 17th of September, 1883, made oath 'that the said petitioner, while on duty on the march from Pilot Knob to Cape Girardeau, in the year 1862 or 1863, was thrown from his horse and seriously injured; that he was not intoxicated at that time; that he served with the said petitioner in the same company about three years, and that the said petitioner was free from sexual indulgence and the excessive use of intoxicating liquor.'

"William Northropt, on the 17th day of September, 1883, made oath 'that he was first sergeant of Company D, Twelfth Regiment Missouri State Militia Cavalry, and knew petitioner to be a sober man and never saw him intoxicated or indulging in any bad habits. The record showing that the petitioner indulged in the excessive use of intoxicating liquors or sexual indulgence is false.'

"G. H. Cramer, mayor of Cape Girardeau, where the petitioner resides, on the 12th day of February, 1884, made oath as follows: 'I have known said petitioner and have been well acquainted with him ever since about the year 1854, while he was, as he is yet, a citizen of Cape Girardeau. I have never heard or seen anything derogatory to his moral character, and I believe he is considered, generally, as an honorable and virtuous man.'

"On June 28, 1882, Fred B. Schultz, examining surgeon of the Pension Office, examined the petitioner and certified: 'The disability is a fracture of three ribs on the left side.'"

The evidence above quoted fully sustains that of the petitioner, that while in the service and in the line of duty he was thrown from his horse and seriously injured. This appears on the face of the certificate of discharge for disability. The records of the Adjutant-General's Department, as well as the Surgeon-General's, tend to sustain this view of the case. The certificate of the examining surgeon of the Pension Bureau confirms the claim of the petitioner in the declaration for a pension. Does the evidence justify the conclusion reached by the Pension Bureau, that at the time of the injury he was not in the line of duty, or that it occurred while he was intoxicated, or that his disability at present is the result of excessive sexual indulgence or the improper use of stimulants?

The committee is of opinion that the certificate of discharge and the evidence of his comrades conclusively show that the injury happening to him by the falling from his horse, near Fredericktown, Mo., was while in the line of duty, and that at the time he was performing services under the orders of his superior officer.

Was he intoxicated at the time the injury occurred?

The only evidence to sustain that allegation is the statement embodied in the discharge for disability signed by his captain. This is contradicted by the oath of the petitioner, as well as the testimony of two of his comrades, who were present and had personal knowledge of the fact, and the corroborating evidence of a number of comrades, who testify to his sober habits. This view is further strengthened by the affidavit of the mayor of the city in which he lives, who testifies to his moral character.

Was his disability the result of sexual indulgence or the excessive use of liquor?

The testimony upon these questions is full and satisfactory. The numerous affidavits filed overthrow even the suspicion that his disability is the result of either cause assigned; and the certificate of the examining surgeon of the Pension Bureau, that "the disability is the result of the fracture of three ribs on the left side," in the absence of all other evidence, should be conclusive on this point.

In the opinion of the committee the claim of the petitioner for a pension should be sustained. The bill is, therefore, reported favorably, with the recommendation that it do pass.

To the Senate:

I return without approval Senate bill No. 465, entitled "An act granting a pension to William Sackman, sr."

The beneficiary named in this bill served from December 24, 1861, to February 29, 1864, in the Fifth Regiment of the Missouri Militia Cavalry.

He was discharged on the day last named for disability. His certificate of discharge states his disability as follows:

"Palpitation of the heart and defective lungs, the disability caused by falling off his horse near Fredericktown, Mo., while intoxicated, on detached service, in the month of September, 1862. Not having done any duty since, a discharge would benefit the Government and himself."

It appears that a claim for pension was filed in the year 1881, in which the claimant alleged that—

"At Fredericktown, Mo., about the 10th or 12th of April, 1863, he had three ribs broken by falling from his horse while surrounded by guerrillas."

It will be seen that while the certificate of discharge mentions a fall in September, 1862, no allusion is made to any fracture of ribs, while the claimant alleges such an injury occurred in April, 1863.

In 1885 the surgeon who made the medical certificate attached to the discharge, in answer to an inquiry made by the Commissioner of Pensions, says:

"I have to state that I remember the case very distinctly. I made the examination in person, and was thoroughly acquainted with the case. I read the statement on which the application for discharge was based to the man, and he consented to have the papers forwarded as they read. The application for pension is fraudulent and should not be allowed."

I have omitted references made to the habits of the soldier by this medical officer.

Of course much reliance should be placed upon these statements made by an officer whose business it was to know the exact facts, and who made his certificate at a time when such facts were fresh in his mind. There is no intimation that the surgeon who made the statement referred to was inimical to the soldier or influenced by any unjust motive.

The attempt to impeach the record thus made is based upon affidavits made by a number of the soldier's comrades, who testify to his character and habits, and only three of whom speak of an injury to the soldier caused by falling from his horse. Two of these affiants allege that they were with the claimant on detached duty when his horse took fright and ran away with him, injuring him so that he could not rise and get on his horse without assistance. So far as these affidavits are before me no date of this occurrence is given, nothing is said as to the character of the injuries, and no reference is made to the condition of the soldier at the time. The third affiant, who speaks of an injury, says that it occurred while on duty on the march from Pilot Knob to Cape Girardeau, in the year 1862 or 1863, and that it was caused by the soldier's being thrown from his horse. He says further that the soldier was not intoxicated at that time.

No mention is made that I can discover of any fracture of the ribs except in the claimant's application for pension made in 1881, seventeen years after his discharge, and in a report of an examining surgeon made in 1882.

With no denial of the soldier's condition, as stated by the surgeon, on the part of the only parties who claim to have been present at the time of the injury, I can not satisfy myself, in view of the other circumstances surrounding this case, that the allegations contained in the claimant's discharge are discredited.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 30, 1888.

[Fiftieth Congress of the United States of America, at the first session, begun and held at the city of Washington, on Monday, the 5th day of December, 1887.]

An act granting a pension to William Sackman, sr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Sackman, sr., late a private in Company K, Fifth Regiment Missouri State Militia Cavalry.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN J. INGALLS,
President of the Senate pro tempore.

I certify that this act originated in the Senate.

Attest:

ANSON G. McCOOK,
Secretary,
By CHAS. W. JOHNSON,
Chief Clerk.

JOHANNA LOEWINGER.

Your committee have carefully re-examined this record. The claimant has substantially been estopped by the Department and the President from showing the facts in this case by the undue conclusiveness attributed to the coroner's inquest, and even the verdict of the coroner's jury has been misconstrued. "Crowner's 'quest law" has seldom been given such efficacy. But one witness was summoned before that jury. What the fact in reality was concerning this death was absolutely established by the testimony filed before the Pension Bureau.

Emma Loewinger, daughter of the deceased, testifies: "At the time my father inflicted the wound in his throat I was away at work. My mother sent for me and I reached home about half an hour afterwards. My father was then lying on the floor and his wound had been dressed and there was no evidence at that time of any flow of blood. Shortly after my arrival they placed him on the bed, and he lay there apparently without suffering any pain, and finally passed away quietly without a struggle. He lived from three to three and a half hours after I reached his bedside. * * * My father had been sick for a long time with chronic diarrhea, and at the time he inflicted that wound was in a very weak condition, and so much so that he had to be assisted in and out of bed. * * * I know he suffered a great deal of pain during his sickness."

Dr. Werner deposes as stated in the report of your committee.

Meland Freutz deposes that she lived in adjoining house to claimant. On the day soldier inflicted wound on his throat his wife was out marketing; affiant heard something fall and went into the house and found him lying on the floor; saw the blood and sent immediately for the doctor. The incision

across the throat was immediately in front and near the windpipe, just deep enough to expose the windpipe without cutting it. The incision was from 1 to 2 inches in length and was made with a razor. Affiant washed blood from the wound when the doctor was sewing it up. There was not much blood. He lived about four hours after the wound was dressed. * * * He had been confined twenty-four weeks to the house prior to his death with chronic diarrhea, and he became so weakened from the disease that he had to be assisted in and out of bed. At times he appeared to suffer intensely with the disease.

Dr. Werner again deposes that the wound was about 2 inches in length and one-eighth of an inch deep; was cut over the larynx and on both sides from the larynx; only the skin was cut through. No large blood vessels were cut. He only lost about 2 ounces of blood. The loss of blood did not change the symptoms. He died twenty-four hours later, as the result of chronic diarrhea.

Your committee remain clearly of the opinion that the deceased, although he attempted to commit suicide, did not succeed in his attempt. But conceding that the death was self-inflicted it is apparent from the phraseology of the verdict that the deceased "came to his death by suicide by cutting his throat with a razor, caused from long-continued illness," and that the coroner's jury attributed the act to a condition of mental aberration, which was the result of the illness. Such an act thus induced is not suicide in legal contemplation or definition.

We append the act, the report, and the message, and recommend the passage of the act, the objections of the President to the contrary notwithstanding.

Mr. FAULKNER, from the Committee on Pensions, submitted the following report (to accompany bill S. 739):

The Committee on Pensions, to whom was referred Senate bill 739, granting a pension to Johanna Loewinger, have examined the evidence in the record, which may be briefly stated as follows:

Charles Loewinger, the husband of the widow now claiming a pension, enlisted June 13, 1861, in Company E, Twenty-eighth Ohio Volunteers. Discharged for disability May 18, 1862. Application for a pension filed January 27, 1865, for chronic diarrhea and ulceration of the bowels. He died July 17, 1876. His widow filed her application to be put upon the pension-roll March 31, 1880; claim rejected July 25, 1885.

The medical reviewer rejects the claim of the widow on the ground "that the soldier committed suicide, as shown by the verdict of the coroner's jury, and his death in this manner is not considered the result of chronic diarrhea, nor chargeable in any way to his military service." If the above finding is sustained by the evidence filed with the widow's application there could be no question that her claim had been properly rejected. On a careful analysis of the testimony the committee can not agree with the finding of the Pension Office, and is satisfied that the evidence clearly supports the opposite conclusion.

The verdict of the coroner's jury finds: "The deceased came to his death from suicide by cutting his throat with a razor, caused by long-continued illness."

This verdict is supported as to the cause of his suicide by an overwhelming amount of testimony.

The "certificate of disability for discharge" finds him "incapable of performing the duties of a soldier because of chronic ulceration of the mucous membrane of the colon, resulting from an attack of camp fever contracted while on Big Sewell Mountain, in October, 1861, marked by excessive exhaustive diarrhea, occasional hemorrhage of the bowels, and such reduction of strength that he is utterly unfit for service."

The evidence of a number of physicians, as well as his neighbors, embracing the period from the date of his discharge to the hour of his death, conclusively proves that his disease, for which he was discharged from the service, continued, without intermission, during that whole period, and that he suffered excessive pain and was totally unfit to perform any labor, and that during the latter years of his life he was confined to his house, and most of the time to his bed. That his condition preyed upon his mind, and at times it was seriously affected. Dr. G. C. Werner, who attended him during the last years of his illness and at the time of his death, testified that—

"The soldier became affected with melancholy and became very debilitated several months before he committed suicide. That affiant never had any doubt but that the chronic diarrhea, from which he was continually suffering, was the immediate cause of his melancholy; that death was not caused by cutting his throat, as affiant sewed up the wound and there were no arteries severed, and that, in affiant's opinion, he could not have lived more than a few days longer, as he was then in a dying condition from chronic diarrhea."

This statement is supported by the affidavits of Neland Frentz, Dr. F. L. Emmert, Annie N. Rohrer, Mary Byer, Frank Geiler, Carl Keneher, and Carl Lirche.

The medical reviewer, July 14, 1885, upon these facts, in referring the cause to the chief of the medical division, said: "As the case now stands we must, in my opinion, accept death as due to diarrhea, and not to the wound of the throat."

This conclusion, which the committee think is fully sustained by the testimony, was reached after the medical reviewer had commented upon the case, May 6, 1885, and the medical referee himself had called for further testimony June 12, 1885.

It is clear from the evidence that the pensioner was the victim of painful, exhausting, and debilitating disease; that no cause other than this disease is pretended to have existed which could have affected the mind of the husband of the petitioner and caused him to take his life. And it is fair to conclude that at the time he made the attempt on his life his mind, by reason of the disease contracted in the service, was seriously affected. And the evidence of the physician that he did not die from the injury inflicted, but as the result of his debilitated condition, resulting from that disease, seems to your committee conclusive of the case.

The conclusion of the committee in this case is fully sustained by the decisions and rulings of the Pension Bureau, found in the "Digest of Pension Laws and Decisions," pages 141, 142, 143, 144, 145, 279.

Your committee would report the bill favorably, after amending the title so as to read: "A bill granting a pension to Johanna Loewinger," and by striking out, in line 6, the word "Johnanna" and inserting in lieu thereof the word "Johanna."

To the Senate:

I return without approval Senate bill No. 739 entitled "An act granting a pension to Johanna Loewinger."

The husband of the beneficiary named in this bill enlisted June 28, 1861, and was discharged May 8, 1862, upon a surgeon's certificate of disability. He was pensioned for chronic diarrhea. He died July 17, 1876. A coroner's inquest was held, who found by their vedict that the deceased came to his death "from suicide by cutting his throat with a razor, caused by long-continued illness."

This inquest was held immediately after the soldier's death, and it appears that the case was fully investigated with full opportunities to discover the truth. Upon the verdict found, in the absence of insanity caused by any disability, it can hardly be claimed that his death was caused by his military service. The attempts afterwards to impeach this verdict and introduce another cause of death do not seem to be successful.

GROVER CLEVELAND.

EXECUTIVE MANSION, *June* 5, 1888.

[Fiftieth Congress of the United States of America, at the first session, begun and held at the city of Washington, on Monday, the 5th day of December, 1887.]

An act granting a pension to Johnanna Loewinger.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Johnanna Loewinger, widow of Charles Loewinger, deceased, late of Company E, Twenty-eighth Regiment Ohio Volunteers.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN J. INGALLS,
President of the Senate pro tempore.

I certify that this act originated in the Senate.

ANSON G. McCOOK,
Secretary.

HANNAH R. LANGDON.

Your committee, after re-examining the records in this case, adhere to their former report.

We are clearly of the opinion that the claim should have been allowed by the Department, and this widow should have thus become entitled to receive what is due her from the Government from the date of her application, instead of from the date of the passage of the special act in her behalf.

It seems to have attracted the attention of the President that the deceased husband tendered his resignation in less than six months after entering the military service. This is true. He served from October 7, 1862 to March 27, 1863. But he had been stationed at Pensacola and Santa Rosa Island, Florida, and there contracted the diseases (chronic hepatis and diarrhea) which forced him to quit the service. The change of climate in his case was an extreme one. He was undoubtedly entitled to a pension from the date of his resignation. From motives of pride, doubtless, he did not apply for it until June, 1880, and it was allowed to him in January, 1881, for chronic diarrhea and resulting piles. He died in September, 1881. Some five years before his death he began to break down, evincing symptoms of the disease of which he finally died, and was reduced to a physical condition which invited it and made him an easy victim to its attack.

Dr. H. H. Atwater, a member of the board of examining surgeons, in an affidavit filed December 5, 1881, deposes that he first professionally advised for the deceased five or six years since, for purpura hæmorrhagia, consequent upon an impoverished condition of the blood; also for various derangements of the digestive organs, and continued to advise him for such derangements at occasional intervals during the next three or four years. * * * That he began to treat him regularly about two years since, for pleuro-pneumonia, followed by abscesses and degeneration of lung tissue; and that these diseased conditions were complicated with the above-mentioned digestive affections, such as diarrhea, dyspepsia, indigestion, etc. That, in his opinion, the said Langdon was incapacitated for manual labor about one-eighth of the time, during the first three or four years of his treatment, and totally incapacitated during nearly all of the last two years of his life.

Warren Gibbs, next neighbor to Dr. Langdon, deposes December 30, 1880, that the "deceased has been in a gradually failing condition for years; think he has done little business for the last two years on account of not being in sufficient health."

To this testimony no effect seems to have been given in the Department or in the message.

It is stated in the message that the breaking down, cough, emaciation, and debility were not made by the deceased any ground of a claim for pension. In this respect the President was insufficiently informed as to the facts. On August 30, 1881, less than one month before he died, Dr. Langdon applied for an increase of pension, in which application he deposes as follows:

"The disability for which he (affiant) is pensioned has resulted in loss of appetite, bad cough, and bloody expectoration, increased respiration, hemorrhage of the lungs, loss of flesh (39 pounds) to such an extent that he is not capable of any manual labor whatever. The hemorrhoids have so disabled me that I am at times unable to sit upon a chair. Loss of appetite being almost total."

We append the act, the report, and the message, and recommend the passage of the act, the objections of the President to the contrary notwithstanding.

Mr. BLAIR, from the Committee on Pensions, submitted the following report (to accompany bill S. 549):

The Committee on Pensions, to whom was referred the bill (S. 549) granting a pension to Hannah R. Langdon, have examined the same, and report:

A bill to pension this widow was reported favorably by this committee, and passed the Senate during the last Congress. The former report is herewith appended, and your committee again recommend the passage of the bill.

That the petitioner is the widow of Dr. Henry H. Langdon, late an assistant surgeon in the Seventh Regiment Vermont Volunteers, war of the rebellion; that he enlisted in the Army October 7, 1862, and was discharged on surgeon's certificate of disability March 27, 1863; that at the time of his death, 24th September, 1881, he was receiving a pension of $8.50 per month for chronic diarrhea and piles, contracted at Pensacola and Santa Rosa Island, Fla., about January, 1863; that the petitioner filed a claim for pension December 5, 1881, which was rejected on the ground that it failed to appear in the papers in the case that the disease from which the officer died (consumption) was in any degree traceable to his military service.

On this point the affidavits of Dr. A. P. Grinnell and Dr. H. H. Atwater, submitted to your committee, among other proofs and papers, would seem to be conclusive, which are as follows:

"I, A. P. Grinnell, of the city of Burlington, Vt., of lawful age, on oath depose and say, that I am a practicing physician in Burlington, Vt., and have been for the last fourteen years; that I was acquainted with Dr. H. H. Langdon and knew him and his family from boyhood, and also saw him quite frequently, and advised with him often regarding the treatment of his disease, although I was not his regular professional attendant; that no history of consumption could be traced in his family; that I am acquainted with Hannah R. Langdon, and know that she is the widow of said Dr. H. H. Langdon, and has not married since his decease; that I have read her petition for a pension, and state that I have no doubt from the facts set forth in said petition and from my personal knowledge of said Dr. Langdon's condition, that his lung trouble was the direct result of his chronic diarrhea, and that the chronic diarrhea was the cause of his death.

"A. P. GRINNEELL, M. D.

"Subscribed and sworn to this 10th day of November, 1886, before me.

"J. M. RUSSELL,
"*Justice of the Peace.*"

"I, Hiram H. Atwater, United States examining surgeon for pensions, do de-

pose and say that, as a member of the board of examining surgeons, I examined Henry H. Langdon, assistant surgeon of the Seventh Vermont Regiment, December 1, 1880, who claimed a pension for chronic diarrhea and piles, and that upon the certificate of said examination said Langdon was granted a pension. I further state that said Langdon died 24th September, 1881; that I saw him and prescribed for him several times during his last sickness; that the immediate cause of his death was disease of the lungs; and that I believe this disease supervened upon and was associated with the chronic diarrhea for which he was pensioned, and that this latter disease was the remote cause of his death. I further state that I have read the petition of Mrs. Langdon, and that I believe reliance can be placed upon her statements.

"H. H. ATWATER.

"Personally appeared before me this 16th day of November, 1886, at Burlington, Vt., Dr. H. H. Atwater, and made oath to the above affidavit by him subscribed.

"J. M. RUSSELL,
"*Justice of the Peace.*"

In view of the statements contained in these affidavits, the signers of which are gentlemen well known to be of the very highest standing in their profession and in the community where they and Dr. Langdon resided, your committee are of the opinion that the prayer of the petitioner should be granted; and therefore report the accompanying bill, and recommend its passage.

To the Senate:

I return herewith without approval Senate bill No. 549, entitled "An act granting a pension to Hannah R. Langdon."

The husband of the beneficiary named in this bill entered the military service of the United States as assistant surgeon in a Vermont regiment on the 7th day of October, 1862, and less than six months thereafter tendered his resignation, based upon a surgeon's certificate of disability on account of chronic hepatitis (inflammation of the liver) and diarrhea.

On the 12th day of June, 1880, more than seventeen years after his discharge, he filed a claim for pension, alleging chronic diarrnea and resulting piles. He was allowed a pension in January, 1881, and died of consumption on the 24th day of September in the same year.

Prior to the allowance of his claim for pension he wrote to the Bureau of Pensions a full history of his disability as resulting from chronic diarrhea and piles, and in that letter he made the following statement: "I have had no other disease, except last September (1880) I had pleurisy and congestion of my left lung." From other sources the bureau derived the information that the deceased had suffered an attack of pleuro-pneumonia on his left side, and that his recovery had been partial.

In December, 1880, he was examined by two members of the board of surgeons at Burlington, Vt., of which board he was also a member, and the following facts were certified:

"For the past fifteen years claimant has practiced his profession in this city, and has, up to within a year or year and a half of this date, shown a vigor and power of endurance quite equal to the labor imposed upon him by the popular demand for his services. About a year ago he evinced symptoms of breaking down, cough, emaciation, and debility."

These results, "breaking down, cough, emaciation, and debility," are the natural effects of such an attack as the deceased himself reported, though not made by him the ground of a claim for pension, and it seems quite clear that his death in September, 1881, must be chargeable to the same cause.

His widow, the beneficiary named in this bill, filed her claim for pension December 5, 1881, based upon the ground that her husband's death from consumption was due to the chronic diarrhea for which he was pensioned. Upon such application the testimony of Dr. H. H. Atwater was filed, to the effect that about 1879 he began to treat the deceased regularly for pleuro-pneumonia, followed by abscesses and degeneration of lung tissue, which finally resulted in death; and that these diseased conditions were complicated with digestive affections, such as diarrhea, dyspepsia, and indigestion. Another affidavit of Dr. Atwater, made in 1886, will be found in the report upon this bill by the House Committee on Invalid Pensions.

The claimant's application for a pension was rejected by the Pension Bureau on the ground that the cause of her husband's death was not shown to have been connected in any degree with the disease on account of which he was pensioned, or with his military service.

I am entirely satisfied that this determination was correct.

I am constrained to disapprove the bill under consideration, because it is thus far our settled and avowed policy to grant pensions only to widows whose husbands have died from causes related to military service, and because the proposed legislation would in my opinion result in a discrimination in favor of this claimant unfair and unjust to thousands of poor widows who are equally entitled to our sympathy and benevolence.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 16, 1888.

[Fiftieth Congress of the United States of America, at the first session, begun and held at the city of Washington, on Monday, the 5th day of December, 1887.]

An act granting a pension to Hannah G. Langdon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Hannah R. Langdon, widow of Henry H. Langdon, late an assistant surgeon in the Seventh Regiment Vermont Volunteers in the war of the rebellion.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN J. INGALLS,
President of the Senate pro tempore.

I certify that this act originated in the Senate.

ANSON G. McCOOK, *Secretary.*

ANNA MERTZ.

A critical re-examination of the records in the Pension Bureau and also of the additional evidence and the petition filed with the committee, upon all of which their report was founded, fully justifies the conclusion therein stated.

Upon the face of the record in the Bureau of Pensions there is, in our opinion, evidence amply sufficient to justify such conclusion. To this body of testimony are to be added the proofs and the petition which were laid before the committee, and which, manifestly from the message, the President has never seen. The claimant has thus suffered prejudice from the fact that the revising authority considered only a part of the evidence. If such a method of re-examination by the Chief Executive is to obtain, the result will be that any new testimony and all petitions laid before the committee are struck out of the case upon the appeal upon mere questions of fact, which is entertained for the first time in the history of the Government by the President upon bills of this character. The fruits of the right to petition Congress are thus denied the citizen, and he is judged solely upon the representations which he may have previously made to a bureau of one of the Departments. This is manifestly true unless the President applies to Congress for the additional testimony or petitions upon which it has acted, and your committee feel warranted in stating that no such application has ever been made.

More than this: If it shall become established, in case of private right and legislative relief therefor, that executive disapproval will annul legislative action, unless it expressly appears by documentary evidence that the weight of testimony sustains such action, the hitherto undoubted right of the legislative department to act upon the knowledge of its members, or upon parol representations, or upon considerations of sound policy in individual cases, or upon mere petition, will be annihilated in such instances by an arbitrary and technical rule of procedure adopted by the President. It can not be successfully contended by the most intrepid advocate of the vast extension which the veto power has received from the present Chief Executive that any application of that power which produces practical collision between the legislative and executive departments by abridging the one by the mere will of the other is anything less than encroachment by the latter upon the former.

Such a consequence is conclusive that the power of disapproval by the President was never intended to apply to cases of this character, where the only question is as to the weight of testimony. That Congress may err in its judgment as to testimony does not affect the principle nor at all derange the constitutional limitations upon the several departments of the Government.

The case of the pauper widow and children of this soldier is in itself of no great consequence to any persons excepting themselves. But their case as connected with the rights of others in like situation, and with the rights and duties of the legislative and executive departments as to each other, is of the greatest public concern; and the more so because it is upon the rights of the weak and defenseless that usurpation always first lays its hands and is made strong by precedent for attack upon interests of more general importance.

In addition to the records of the Bureau of Pensions the committee had before them the following:

1. The affidavit of the claimant dated December 17, 1887, stating, among other facts, that "about three years prior to his (the husband's) death he brought home medicine given him by a regular physician; that said Mertz told affiant it contained morphine; that from that time on until his death he continued to take similar medicine, but at no time, so far as affiant knows or believes, without being both prescribed and prepared, or prescribed (and prepared by a regular druggist) by a competent and regularly practicing physician."

2. A petition signed by 53 citizens of Mattoon, Ill., praying a pension to this widow and her children. It is dated December 9, 1886, is addressed to General John A. Logan, and filed with the committee by Senator CULLOM.

This claim was rejected August 8, 1886, and the committee carefully considered the following evidence filed in the Bureau of Pensions afterwards, namely, the affidavit of P. A. Kemper, the family physician of the deceased. It was sworn to February 25, 1887. It states that affiant "from June 1872 to 1883 was his family physician; saw him often and was consulted by him from 1872 to June 1883, at various times for chronic diarrhea and at times a severe pain in the head; this last was so severe at times that he became nearly crazy from it; that I prescribed the usual remedies for his sickness, camphor, opium, bismuth, etc. He always desired morphine for his head troubles from me, saying that was what they gave him in the Army for it, and that it gave him more ease than anything else. I nearly always gave it to him, and often talked with him about taking it, and about the dose, etc.; remember once showing him about the quantity to take for a safe dose."

Other evidence, not deemed necessary to be here set out, was also submitted after the rejection of the claim, but was not deemed by the Pension Bureau sufficient to warrant reopening the case.

We append the act, the report, and the message, and recommend the passage of the act, the objections of the President to the contrary notwithstanding.

Mr. TURPIE, from the Committee on Pensions, submitted the following report, to accompany bill S. 1237:

The Committee on Pensions, to whom was referred the bill (S. 1237) granting a pension to Anna Mertz, widow, and the minor children of Charles A. Mertz, have examined the same, and report:

The claimant is the widow of Charles A. Mertz, deceased, who was a captain in Company K, of Sixty-second Regiment of Illinois Volunteer Infantry, in the war of the rebellion. The husband was mustered into the service as captain, April 10, 1862, and resigned June 7, 1863. It appears from certificate of Dr. John W. Cameron, surgeon of the regiment, dated Jackson, Tenn., 6th day of January, 1863, that he was suffering from disease in such manner as to require a furlough of thirty days, and furlough was recommended for that time. He returned, however, to the regiment at Jackson, Tenn., but on the 17th of May, 1863, the surgeon of the regiment again certified that he was wholly unfit for duty, and that there would be no probability of his recovery in less than six months, if at all. Upon this he tendered his resignation and the same was accepted. He returned home but never recovered. It appears from the testimony of his comrades and neighbors on file that he was a sound, healthy man when he entered the Army. It is shown that he was attacked while in the service, from the labor and exposure incident thereto, with chronic intermittent fever, followed by acute dysentery, which debilitated him to the extent that he was wholly unfit for duty.

Upon his return home, as appears from the evidence of his neighbors, and Dr. Keneper and others, he was continuously affected with chronic diarrhea, catarrh, and intense pains in the head. To ease his suffering he frequently took laudanum and morphine under the advice of physicians. This relief was, however, temporary. He never applied for a pension, although he constantly attributed his complaints to his Army service. He worked occasionally at his trade, but was subject at any time to attacks of very severe diarrhea, accompanied with acute catarrhal pains in the head and face. On the 1st of December, 1884, he died from the effects of an overdose of morphine taken to alleviate his suffering. The evidence does not show that he had a prescription from a physicinn upon the occasion of the fatal dose. It shows that he had, under medical advice several times given him, taken the same medicine, and was in the habit of taking it when attacked by his disease. We think the death clearly traceable to the disease as its primary cause.

The widow is very poor; has two children of this soldier, offspring of her marriage with him, depending upon her support.

We recommend passage of the bill, amended by inserting "captain" in seventh line, in place of "private," which is a misdescription of the deceased.

To the Senate:

I return without approval Senate bill No. 1237, entitled "An act granting a pension to Anna Mertz."

The beneficiary named in this bill is the widow of Charles A. Mertz, who served in the Army as a captain from April, 1862, to June, 1863, when he resigned on account of impaired health. It is stated in the committee's report that after his return from the Army he worked occasionally at his trade, though subject to attacks of very severe diarrhea, accompanied with acute catarrhal pains in the head and face, which he constantly attributed to his Army service.

It is alleged that he had several times taken morphine under medical advice to allay pain caused by these attacks.

He did not apply for a pension.

On the 1st day of December, 1884, more than twenty-one years after his discharge from the Army, he died from an overdose of morphine self-administered, for the purpose, it is claimed, of alleviating his suffering.

I do not think that in this case the death of the soldier was so related to his military service as to entitle his widow to a pension.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May* 28, 1888.

[Fiftieth Congress of the United States of America, at the first session, begun and held at the city of Washington, on Monday, the 5th day of December, 1887.]

An act granting a pension to Anna Mertz.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Anna Mertz, the widow, and the minor children of Charles A. Mertz, late a captain of Company K, Sixty-second Illinois Volunteers.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN J. INGALLS,
President of the Senate pro tempore.

I certify that this act originated in the Senate.

ANSON G. McCOOK,
Secretary.
By CHAS. W. JOHNSON,
Chief Clerk.

BETSEY MANNSFIELD.

The papers in this case are voluminous and the testimony is in some particulars contradictory.

The committee remain of the opinion that, upon a fair construction, the preponderance is in favor of the claimant.

To a mind prepossessed with reluctance to allow any claim for a pension unless proved beyond a doubt, and habituated to resolve all doubts against the soldier or his child or widow, material for controversy upon the facts exists in this case.

Your committee do not deem this to be the proper method of considering such cases, and they therefore repeat their recommendation that the bill be passed, the objections of the President to the contrary notwithstanding.

The report, message, and bill are appended.

Mr. SAWYER, from the Committee on Pensions, submitted the following report to accompany bill (S. 809):

The Committee on Pensions, to whom was referred the bill (S. 809) granting a pension to Betsey Mannsfield, have examined the same and report:

The claimant is Betsey Mannsfield, mother of Franklin Mannsfield, a private in Company I, Fifth Wisconsin Infantry, who died at Fairfax, Va., November 14, 1861.

From the evidence it appears that the soldier was a mere youth at the time of his enlistment: that he enlisted contrary to the father's wishes; that his death affected his father very seriously, and that he became and remained dissipated and reckless. It is also shown by the evidence that soon after his son's death he was seriously injured by a fall; that his mind was affected, wholly unfitting him for business or manual labor.

The claim is rejected on the ground that he was the owner of considerable land, which was purchased at an early period, but it does not appear that it was productive, or that much of it was improved. Immediately after his son's death he sold a horse belonging to the soldier, and which he had left at home. The price obtained was $50, and the money was used for their support. While felling timber, prior to 1861, he was struck on the head, and in addition to his other peculiarities he became deranged on the subject of religion and persisted in exciting discussions. It is affirmed by reputable witnesses that the net income, in 1861, from his farm and shop did not exceed $150, and some years it was less.

It is in evidence that prior to the son's enlistment the father was subject to temporary mental incapacity; that the claimant has earned her own living by toil and management. In 1883 their possessions were reduced to 40 acres, mortgaged to affiant, O. D. Bishop, for $600, two cows, and a pig. The father, years back, owned more land, but it had been sold from time to time to pay debts incurred in a reckless way, and from which there was no escape. There is no contradictory evidence that is of any value, and it is apparent that the mother is very old, very needy; that she has bravely struggled to maintain herself, and that it is time she had relief.

The bill is reported favorably with a recommendation that it do pass.

To the Senate:

I return herewith without approval Senate bill No. 809, entitled "An act granting a pension to Betsey Mannsfield."

It is proposed to grant a pension to the beneficiary named in this bill as the mother of Franklin J. Mannsfield, who enlisted as a private April 27, 1861, and died in camp of disease on the 14th day of November in the same year. His mother filed an application for pension in June, 1882.

The testimony filed in the Pension Bureau discloses the following facts:

At the time of the death of the soldier the family, beside himself, consisted of three persons—his father and mother and an unmarried sister. They owned and resided upon a homestead in Wisconsin comprising 293 acres, 20 of which were cleared, the balance being in timber, all unincumbered. The assessed valuation was $1,170; the real value being considerably more. The father was a farmer and blacksmith, healthy and able bodied, and furnishing a comfortable support; but shortly after the soldier's death he began to drink and his health began to fail. Upon the marriage of the daughter he deeded her 50 acres of the land. He became indebted, and from time to time sold portions of his homestead to pay debts; but in 1882, at the time the mother's application for pension was filed, there still remained 110 acres of land, valued at about $3,300, 40 acres of which was mortgaged in 1880 for $600. Since 1879 the farm had been rented, except 8 or 10 acres reserved for a residence for the family. They owned two cows, and the rent averaged about $125 a year.

This was the condition of affairs as late as 1886, when the claim of the mother for a pension was, after investigation, rejected by the Pension Bureau, and it is supposed to be substantially the same now.

It also appears that a son, born since the soldier's death, and upwards of eighteen years of age, resides with his parents and furnishes them some assistance.

The claimant certainly was not dependent in the least degree upon the soldier at the time of his death, and she did not file her claim for pension until nearly twenty-one years thereafter.

Though the lack of dependence at the date of the soldier's death is sufficient to defeat a parent's claim for pension under our laws, I believe that in proper cases a relaxation of rules and a charitable liberality should be shown to parents old and in absolute need, through default of the help which, it may be presumed, a son would have furnished if his life had not been sacrificed in his country's service.

But it seems to me the case presented here can not be reached by any theory of pensions which has yet been suggested.

GROVER CLEVELAND.

EXECUTIVE MANSION, *April* 16, 1888.

[Fiftieth Congress of the United States of America, at the first session, begun and held at the city of Washington, on Monday, the 5th day of December, 1887.]

An act granting a pension to Betsey Mannsfield.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Betsey Mannsfield, mother of Franklin J. Mannsfield, late a private in Company I, of the Fifth Regiment of Wisconsin Volunteers.

JOHN G. CARLISLE,
Speaker of the House of Representatives.
JOHN J. INGALLS,
President of the Senate pro tempore.

I certify that this act originated in the Senate.

ANSON G. McCOOK, *Secretary.*

MARY SULLIVAN.

The fact that a special statute exists for this claimant's relief makes the act under consideration merely superfluous.

Bills granting pensions to individuals are presented in great numbers to Congress. Nearly all of these are cases which have been adversely determined by the Bureau of Pensions. The testimony in each of such cases is invariably transmitted by that bureau to the committee, by whom it is carefully investigated. The record is generally voluminous. It presents questions of law and fact which are not infrequently hard to solve. The duty of deciding these is as clearly legislative as the office of President has been said to be "essentially executive."

In undertaking to reconsider hundreds of such investigations, to review the mass of testimony in each case, to detect into what errors of fact, if any, Congress has fallen, the President, even when aided by the "examination and report" or by "the objections to their approval" of the Pension Bureau, has become involved in repeated inconsistencies from which injustice has resulted. He has approved many bills substantially identical with those with which this report is concerned. By such contradictory action many claimants have become pensioners, while many others have been denied relief by his adverse action upon facts of substantial identity.

It has not been difficult to select the following examples of inconsistent Executive action.

A brief statement of these cases and also the reports are appended hereto:

[Catherine Collins, dependent mother. Report No. 336, Forty-ninth Congress, first session.]

Claim rejected on ground that while death occurred in service, it resulted from being run over by cars and was not incurred in line of duty. Became a law without approval. Received by the President April 27, 1886.

[Elise Burki, widow. Report No. 332, Forty-ninth Congress, first session.]

Soldier pensioned for gunshot wound in left leg. Widow's claim rejected on ground that soldier died of cerebral meningitis. Approved May 22, 1886.

[Margaret Smith, widow. Report No. 601, Forty-ninth Congress, first session.]

Soldier pensioned for injuries to veins of right leg, incurred in marches in Mexico. Served two years in rebellion, during which time he was dropped, after which he was restored to and retained on rolls till death, which occurred from "old age and disease of liver." Approved June 22, 1886.

[Maria Hollands, widow. Report No. 603, Forty-ninth Congress, first session.]

Soldier pensioned for wound in wrist. Died of neuralgia of heart. Rejected for want of pathological connection. Became a law without approval. Received by the President April 27, 1886.

[Mary S. Webster, dependent mother. Report No. 725, Forty-ninth Congress, first session.]

Soldier lost arm in 1864; drew pension until enlistment in regular Army in 1867. In 1869, at Madison Barracks, New York, he took an overdose of laudanum, from which he died. Claim of mother rejected on ground of suicide. Became a law without approval. Received by the President April 27, 1886.

[Elizabeth B. Bell, widow. Report No. 757, Forty-ninth Congress, first session.]

Soldier enlisted and served till close of war, when he was honorably discharged. Received three gunshot wounds, one of which "struck the outer corner of the right eye, making an indentation in the skull, glancing around the head and coming out about an inch back of the left ear." He shot himself January 16, 1880, while suffering intense pain. Soldier never pensioned. Approved June 1, 1886.

[Eugenia A. Smalley, widow. Report No. 763, Forty-ninth Congress, first session.]

Soldier received a gunshot wound through left arm above elbow into chest, fracturing two ribs. Died February 21, 1880, by falling from an elevator on which he was working. Widow's claim rejected on ground that death was not attributable to military service. Approved July 3, 1886.

[Bridget Sherlock, dependent mother. Report No. 764, Forty-ninth Congress, first session.]

Soldier was discharged on certificate of disability as result of severe injury received during siege of Corinth, resulting in scrotal hernia and numbness in lower extremities. He did not apply for pension. While in employ of railroad company he fell under the wheels of a train and was injured so that his left foot was amputated. Erysipelas of the blood set in and he died as a result. Approved July 2, 1886.

[Catherine Johnson, widow. Report No. 857, Forty-ninth Congress, first session.]

Soldier reported on muster-roll of company as having drowned himself July 2, 1862. Widow's claim rejected on ground that death was not due to military service. Approved June 24, 1886.

[Forty-ninth Congress, first session. Report No. 306, to accompany bill H. R. 613.]

The Committee on Pensions, to whom was referred the bill (H. R. 613) for the relief of Catherine Collins, have examined the same, and report:

The facts are set forth in the annexed report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 69) during the

present session. Upon a careful consideration of them your committee recommend the passage of the bill.

Mrs. Catherine Collins, dependent mother of John Collins, deceased, filed her application for pension June 7, 1880, which was "rejected on the ground that the death cause, namely, injury from being run over by the cars, was not incurred in line of duty."

The proof shows that John Collins enlisted in Company G, Twenty-sixth Iowa Volunteers, August 9, 1862; was seriously wounded at Arkansas Post, January 11, 1863, in consequence of which he was honorably discharged May 30, 1863. He was placed on the pension-roll December 18, 1863; rate, $8 per month; disability, total—Dr. A. H. Ames, examining surgeon, making the following certificate:

"This applicant was wounded in the left shoulder, the ball entering above the acromion process of the scapula, passing downwards and inwards along the spine of the shoulder-blade, emerging near the spine. The wound has always been open at its exit. Great pain has existed along the course of the ball, and now a fistula extends from the point of exit into the substance of the lungs. His lungs are much diseased in consequence, and he apparently, from the coughing, the pain, and the emaciation consequent upon the suppuration of his wound, will not live long."

On September 8, 1864, he enlisted in the Fourth Independent Company, Veteran Reserve Corps, and, as shown by the records in the War Department, "died February 23, 1866, at Camp Butler, Illinois; run over by cars."

Amasa M. Gregory, agent of the Wabash, St. Louis and Pacific Railway, swears to the following as a correct transcript of accident report made by conductor, February 26, 1866:

"My train, No. 8, of February 21, 1866, leaving Springfield at 5.30 p. m., arrived at — hours — minutes late, delayed from causes as follows:

"When about 2 miles east from Springfield, ran over a man, severing the left leg at the knee. When first seen he was lying on the track, and so covered with mud that the engineer failed to see him until we came so close on him it was impossible to stop. I asked him his name and place of residence; said he belonged to the Invalid Corps, and his name was John Collins. Was not injured in any other place, as I could see.

"C. F. PIERCE, *Conductor.*"

[Forty-ninth Congress, first session. Report No. 332, to accompany bill S. 843.]

The Committee on Pensions, to whom was referred the bill (S. 843) granting a pension to Elise Burki, have examined the same, and report:

The claimant is the widow of Christian Johann Burki, late captain Company E, Fifteenth Missouri Volunteers. She made application at the Pension Office, but the claim was rejected on the ground that the disease of which the soldier died, cerebral meningitis, was not due to his military service.

It appears that the soldier was pensioned for a gunshot wound in the left leg at $8.50 per month; that he returned to his native country, Switzerland, and died there, April 13, 1873. The widow afterward came to this country, and is now a resident of Washington, D. C. She has called upon members of your committee and made personal statements of her condition. She is in abject poverty, with several small children solely dependent upon her for support. A comrade writes as follows in support of her claim:

"I was well acquainted with said Captain Burki. The last time I saw him was in Berne, Switzerland. He was then complaining about his wound, and said to me, 'Dear friend, this ball in my leg will make me die, sooner or later,' and so it came. He was a good, courageous soldier, and warm patriot for the American Union, a good husband and father. The poor wife and children are utterly in poverty and distress, without work or hope to get some. Shall the wife and children of a glorious defender of our Union be left in such a precarious position?"

The committee answer that by recommending the passage of this bill, believing that, although the evidence of the cause of death is not technical, still it is satisfactory to a reasonable mind, and that the pension should be granted.

[Forty-ninth Congress, first session. Report No. 601, to accompany bill S. 1467.]

The Committee on Pensions, to whom was referred the bill (S. 1467) granting a pension to Mrs. Margaret Smith, have examined the same, and report:

That the claimant is the widow of Sergt. Joseph Smith, late of Company H, Fourth United States Infantry; Company H, Sixth United States Infantry, and Company B, Tenth Regiment Kansas Volunteers. She made application to the Commissioner of Pensions, but the claim was rejected on the ground "that the soldier's death was not a result of any disease contracted in the United States service."

Sergeant Smith was pensioned October 9, 1850, for injuries of veins of right leg, from long and continuous marches during the war with Mexico. During the rebellion he served from July 26, 1861, to August 8, 1863, when he was discharged for disability. Was restored to the pension-rolls February 18, 1867, to date from his discharge from the volunteer service August 9, 1863, and was a pensioner at date of his death, which occurred August 10, 1881, the cause of death being stated as "old age and chronic disease of liver."

Joseph Smith served in the armies of the United States, volunteer and regular, a period of thirty-two years. He participated in the Florida war, the war with Mexico, and in the war of the rebellion. During his last illness, covering a period of two years and eleven months, he was confined to his bed, and at times not able to move without assistance. The claimant attended him constantly, and as a result is completely broken in health, aged, and unable to earn a living. Her home had to be sold at great loss to enable her to purchase food, medicine, and medical attendance for the soldier.

A number of leading citizens of the city of Leavenworth certify to the respectability of the claimant, and petition Congress to grant her a pension, believing that the soldier's death was indirectly caused by his long and faithful service in the armies of the United States.

Your committee, being of the same opinion, recommend the passage of the bill.

[Forty-ninth Congress, first session. Report No. 603, to accompany bill S. 1586.]

The Committee on Pensions, to whom was referred the bill (S. 1586) granting a pension to Maria Hollands, have examined the same and report:

Joshua Hollands, the husband of the petitioner, was, at the time of his death, receiving a pension of $8 a month for a wound in the wrist received while on detached duty. By the widow it is claimed that this injury was the cause of his death, and in proof she furnishes the affidavit of H. E. Desmond, of Atchison County, Kansas, who testifies that he treated the husband of the applicant continuously for five years previous to his death—

"For nervous prostration, palpitation of the heart, and severe, acute pain in his wounded hand; the effect of which upon his nervous system, through grief, anxiety, and fear, and the functional disturbance of the heart, producing neuralgia of the heart, which was the cause of the soldier's death. The patient being compelled to labor for his support and that of his family, the exertion on his part had a tendency to produce frequent attacks, from one of which he died August 13, 1884."

The medical reviewer of the Pension Office briefly expresses the opinion that there is no connection between the wound and the heart affection.

The difference in the two reports is that the first is careful, candid, and specific, while the second is simply a negative statement.

In the opinion of your committee it is reasonable to infer that the intense suffering of the man by reason of his wound, aggravated by the necessity for using it in his daily toil, may have produced effects which ultimately resulted in his death.

The bill is reported favorably, with the recommendation that it do pass.

[Forty-ninth Congress, first session. Report No. 725, to accompany bill H. R. 4960.]

The Committee on Pensions, to whom was referred the bill (H. R. 4960) granting a pension to Mary S. Webster, have examined the same and report:

Your committee adopt the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 773), hereto appended, and recommend that the bill do pass.

The bill was favorably reported to the Forty-fifth Congress by the Committee on Invalid Pensions. After a reinvestigation of the case, your committee decide to adopt that report as its own, which is as follows:

"That the said Charles T. Webster enlisted into the military service of the United States in June, 1861. At the battle of Spottsylvania Court-House, in 1864, he lost an arm. For this wound he was discharged and granted a pension, which he continued to draw until he enlisted into the Regular Army, in the Forty-second Regiment United States Army, on the 14th of June, 1867.

"The evidence shows that the claimant was poor, and depended upon the soldier for support.

"After the amputation of his arm he suffered great pain at times, for the relief of which he was accustomed to take opiates.

"On the 9th of January, 1869, his command was stationed at Madison Barracks, New York. On that day he, while suffering the most intense pain from his wound, took a large dose of laudanum, from the effects of which he died.

"The Pension Bureau rejected the claim of his mother for a pension on the ground that the soldier committed suicide.

"The Surgeon-General says, in substance, that it is his opinion that death resulted from his wound which he received in the service and in the line of his duty. He also says that it is well known that in very many cases mutilations received during the war have led to the habitual use of opiates, and death from an overdose taken to relieve pain consequent upon wounds is held as an accidental consequence of such wound.

"The committee are fully satisfied from the evidence that the death of the soldier was not suicidal, and therefore recommend the passage of the bill with amendments, as follows: Strike out, in the fourth line of the bill, all after the word 'pension-roll' to the word 'subject,' in the fifth line; also, all after the word 'infantry,' in the ninth line of the bill."

[Forty-ninth Congress, first session. Report No. 757, to accompany bill H. R. 5655.]

The Committee on Pensions, to whom was referred the bill (H. R. 5655) granting a pension to Elizabeth B. Bell, have examined the same and report:

That after careful examination they have adopted the report of the House Committee on Invalid Pensions, hereto annexed, and recommend the passage of the bill.

That Elizabeth B. Bell is the widow of V. Bradford Bell, late lieutenant Company K, Nineteenth Regiment Illinois Volunteers, who enlisted in 1861, first call for three-months men, and re-enlisted and served till the close of the war, a period of service extending over five years, and was honorably discharged. He died January 16, 1880, in the city of Detroit, by shooting himself in the head while temporarily insane. His widow now appeals to Congress for relief, for the reason that owing to the manner of her husband's death it can only be granted by special act. She sets forth in her petition that while serving as lieutenant her husband received three gunshot wounds, one in the left foot, one in his right leg, and a third in the head, this latter the most serious, and from the effects of which she attributes his aberration of mind and consequent death.

This wound was received at the battle of Stone River December 31, 1862, the bullet striking him at the outer corner of the right eye, making an indentation in the skull, glancing around the head, and coming out about an inch back of the left ear. This wound partially obscured the vision of the right eye and seriously affected his brain, especially bringing on at times the most intense pains in the head, with aberration of mind and deep melancholy with suicidal tendencies. While in one of these periods of intense pain, from which he could get no relief, he put an end to his sufferings, as stated above.

Maj. James V. Guthrie testifies:

"I was major of the Nineteenth Illinois Infantry, and was with my regiment at the battle of Stone River, December 31, 1862. Vincent B. Bell was second lieutenant Company K, and commanded his company in the action. Lieutenant Bell received a severe wound in the head and fell insensible. He was hit over the eye, the bullet passing around under the skin, coming out at the back of the neck. I saw him hit, and supposed him instantly killed. We lost the position, and Lieutenant Bell was left as killed in the hands of the enemy. This was about noon. Toward evening he was found by a Confederate officer and taken to a log hut, with other wounded officers, his parole demanded, which others gave, but which he refused, saying he would not give his parole on the field. That night he came into our lines and was brought to his regiment and ordered to hospital. Lieutenant Bell was one of the bravest men I ever knew, and a very capable and efficient officer. Several times he was noticed for his courage and judgment."

R. G. Bogue, M. D., testifies:

"He was a surgeon of Nineteenth Illinois Volunteers; knew Lieutenant Bell to have been a well man while in the regiment up to the time of the battle of Murfreesborough or Stone River, at which time he received a gunshot wound of the head, in one temple; he does not remember which. He apparently recovered from said wound, as he served with him afterwards."

Sarah B. Cushing testifies as follows:

"I am the sister of Lieut. V. Bradford Bell, and was in Nashville, Tenn., when he was brought in from the battle-field of Stone River wounded in the head, from which I know he always suffered, and I believe caused his death."

From an article published in Every Saturday, January 24, 1880, we make the following extract:

"Lieutenant Bell won high fame as a fighter. He refused higher rank, even a colonelcy, in other regiments, preferring to remain with the men with whom he had gone out, and many of whom he had induced to enlist. On one occasion, in October, 1862, while serving in Tennessee with a handful of 35 men, he defended a stockade protecting a railroad bridge against a whole regiment of rebel cavalry under command of Colonel Bickwell. In answer to a summons to surrender Lieutenant Bell said his duty and intention were to defend the stockade, and he kept his word. His gallantry on this occasion was rewarded by mention in general orders, and the New York press declared his bravery entitled him to promotion to a brigadier-generalship. Severely wounded at Stone River and Murfreesborough, he was once left for dead upon the field."

Mr. Bell was a man of fine character, great ability, and correct habits. He had a bright and active mind, and was always able to command first-class positions and salary with which to support his wife and child in comfort, for which reason he made no application for pension. His widow further sets forth in her petition that Dr. S. S. Brown, of Detroit, Mich., was their family physician, who attended her husband during the periods of insanity mentioned next preceding his death. Dr. Brown died at Detroit about the year 1882, so that she is unable to get further medical testimony. She further states that she is now poor; is possessed of no property whatever; is dependent upon her own efforts for support of herself and child, a daughter aged fourteen years. It would seem to your committee that in this case of Lieutenant Bell there is an utter lack of any assignable cause other than this wound why he should be subject to these constantly recurring periods of intense pain in the head and resulting melancholy. His health was good before enlisting; his habits good after discharge; his home happy; his occupation pleasant and profitable; his relations, public, private, and social, satisfactory. Judged by all these his life was worth the living. It is, therefore, not unreasonable to suppose that so severe a wound in such a place may have wrecked his life. In consideration of the loss to his wife of so gallant a husband, we recommend that the bill do pass.

[Report No. 763, to accompany bill H. R. 1232.]

The Committee on Pensions, to whom was referred the bill (H. R. 1232) granting a pension to Eugenia A. Smalley, have examined the same, and report that after careful examinatian they have adopted the report of the Committee on Invalid Pensions, House of Representatives, hereto annexed, and recommend the passage of the bill.

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The applicant, Eugenia A. Smalley, is the widow of Robert Smalley, late a private of Company A, Second Regiment Minnesota Volunteers, who enlisted on the 26th day of June, 1861, and was discharged June 26, 1864.

Soldier received a gunshot wound, passing through the left arm above the elbow into the chest, fracturing two ribs, at the battle of Chickamauga, Ga., on the 20th of September, 1863, and was rated by the Pension Office as totally disabled from manual labor, and pensioned accordingly, which pension he received up to the date of his death, February 21, 1880, caused by a fall from an elevator, where he was engaged at work.

Widow's claim for a pension was rejected on the ground that the cause of soldier's death was the result of a fall from an elevator, on which he was working at the time, and is not attributable to his military service.

Edward Goodboo testifies under oath that he was present at soldier's death, which took place at Rothsay, Wilkin County, Minnesota, February 21, 1880, and that it is his belief that the accident would not have occurred had he not been suffering from the effects of his wounds, which were in his arms and lungs, and which caused soldier great pain, causing him to complain greatly, and he believes that the pain from the wounds caused him to be crazy at times, and thinks that his fall must have been the result of one of these crazy spells getting the best of him, so as to lose all control of himself. He further states that the wound in his arm was at the time of soldier's death a running sore, and that soldier died in about one minute after he struck the ground.

Frank G. Willsey, in his testimony, corroborates the former witness, and adds that he was surprised that said Smalley was able to do any work, he being so badly wounded, and he verily believes that soldier's wounds were the cause of his fall, as it would be impossible for a man shot as he was to have complete use of his arms and shoulder. Soldier did not have full use of his arms on account of said wounds.

The widow is quite poor, with two small children dependent upon her for support.

Your committee are of the opinion that while soldier did not die directly from the wounds received in battle, they are, however, satisfied that said wounds contributed greatly to the fall which caused his death, and therefore recommend that the bill do pass.

[Forty-ninth Congress, first session. Report No. 764, to accompany bill H. R. 556.]

The Committee on Pensions, to whom was referred the bill (H. R. 556) granting a pension to Bridget Sherlock, have examined the same, and report that after careful examination they have adopted the report of the Committee on Invalid Pensions, House report hereto annexed, and recommend the passage of the bill.

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Stephen Sherlock enlisted as a private soldier in Company F, Fifteenth Indiana Volunteers, on the 14th day of June, 1861, and served as such until the 23d day of November, 1862, when he was honorably discharged by the order of General Rosecrans upon a certificate of disability given to him as the result of a severe injury received during the siege of Corinth, "resulting in scrotal hernia, and numbness and difficulty in using the lower extremities. His case is one of very bad scrotal hernia, caused by a fall over a log, May 10, 1862, in front of Corinth, while carrying a heavy load of rails upon his shoulder for the purpose of building a road over which to pass the artillery and wagons during that memorable siege."

The above is the language of the certificate. He was the son of Patrick and Bridget Sherlock, who were at the time of his enlistment quite old and feeble, and depended largely upon said Stephen for a support. After his discharge he returned to the home of his parents, at Bedford, Ind., and within a few months took employment on the Louisville, New Albany and Chicago Railroad as the conductor of a freight train. It is clearly shown by the testimony of the family physician that his disability continued until his death, and that it had approached a condition of paralysis that would probably have rendered him totally helpless.

While in the employ of the railroad company, as aforesaid, in leaving the train, and because of his disability contracted in the Army, he fell under the wheels of the train and was so injured that his left foot was amputated. By reason of the weak and enfeebled condition of his blood erysipelas resulted, and he died of that disease.

Because he did not die of the injury which he received in the Army his mother's claim for pension was rejected. His father is dead, and his mother is now nearly eighty years of age and has no property. The evidence of her dependence at the time of his death is clear and convincing.

This committee think that, under all the circumstances, she should be pensioned. If the son had not met his death he would have been pensioned long ago upon the record made by the Government as to his injury in the service. He did not get any pension; his mother should, and the committee therefore recommend the passage of the accompanying bill.

[Forty-ninth Congress, first session. Report No. 857, to accompany bill H. R. 3906.]

The Committee on Pensions, to whom was referred the bill (H. R. 3906) granting a pension to Catherine Johnson, have examined the same, and report that after careful examination they have adopted the report of the Committee on Invalid Pensions, House of Representatives, hereto annexed, and recommend the passage of the bill.

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The claimant is the widow of Zachariah Johnson, who enlisted in Company C, Sixtieth Regiment Indiana Volunteers, at Evansville, Ind., December 3, 1861. The Adjutant-General reports that upon special muster-roll of August 18, 1862, the soldier is reported as having drowned himself in Green River, Kentucky, July 2, 1862, while insane.

The widow's claim, filed June 6, 1863, has been rejected by the Pension Office on the ground that the evidence fails to show that the soldier's death is chargeable to his military service.

Captain Nash, of the company, testifies that in April, 1862, the soldier was granted a sick furlough to return to his home in Posey County, Indiana, and that while returning to his command from said furlough was drowned in Green River, Kentucky; remembers distinctly the granting of this furlough, and knows it was in April, 1862, but can not now fix definitely the date of the month. He further states that on several occasions during the latter part of his service in the company soldier exhibited signs of insanity, and had on one occasion attempted to take his life by cutting his throat, and believes that he drowned himself in a fit of delirium.

William Ouman testifies that he was with the soldier on his return to the regiment, and that on July 2, 1862, near Ashbysburgh, Ky., on Green River, Kentucky, the latter was ordered by the affiant, acting as sergeant, in command of the squad, down said river in a skiff to ascertain the location of certain of the enemy's forces reported in that vicinity. The skiff was afterwards found containing the soldier's blouse, but soldier did not turn up, and it was the general belief that he was then and there drowned. Being compelled to move on next morning, no search was made for the body. Affiant also corroborates the statement of Captain Nash as to Johnson's mental condition a short time previous to the supposed drowning.

Col. Richard Owen and twelve other officers and enlisted men of the soldier's command testify that they were well acquainted with him prior to his enlistment; that he was a good citizen, and a good and faithful soldier while with his command, and of amiable disposition, strongly attached to his family and home; that they have every reason to believe that he was drowned while in a boat on Green River, Kentucky, in July, 1862, and that had he been alive subsequent to that date he would have returned to his family.

Sixty-five other citizens of Posey County, Indiana, testify to the high character of the soldier and of his widow, and asked that a pension be granted to her, she being old and in need of assistance from the Government.

Your committee have given the evidence above referred to careful consideration, and have become fully convinced that the soldier came to his death while returning to his command from sick leave, and while actually obeying the order of his superior officer. Whether the drowning was accidental or of his own act must necessarily remain in doubt, although the evidence points toward the latter.

The claimant is evidently worthy of the relief asked for, and having lost the support of a kind and affectionate husband while in the service of his country, your committee believe that she is entitled to the benefit of whatever doubts may exist in the case, and therefore report favorably on the bill and ask that it do pass.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I report from the Committee on Appropriations with amendments the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes. As it is important that this bill should pass finally before the 1st of July, I shall ask the Senator from Maine [Mr. FRYE], about 4 o'clock to-day, to give way that I may endeavor to secure its passage this afternoon. In the mean time it will be printed with the amendments.

The PRESIDENT *pro tempore*. Meanwhile the bill will be placed on the Calendar.

THE FISHERIES TREATY.

Mr. HOAR. I should like, in connection with the request of the Senator from Iowa, as the Senator from Ohio [Mr. SHERMAN] and the Senator from Maine [Mr. FRYE] are both present, to ask an indication of the desire of the Senate as to the time of proceeding with the fisheries treaty. I have the floor on that question and propose to address the Senate when it is taken up. I do not wish to interfere with other public business or with the desire of other Senators, but I should like very well to know the purpose of the Senate. I am prepared to proceed this morning, but if I should do so it would displace the river and harbor bill and would interfere with the request of the Senator from Iowa.

Mr. SHERMAN. What time would best suit the Senator's convenience?

Mr. HOAR. Any time that will be convenient to the Senate.

Mr. SHERMAN. Suppose we put it off until next Monday?

Mr. HOAR. That would be entirely satisfactory to me.

Mr. ALLISON. I think, if the Senator from Massachusetts desires to proceed uninterruptedly, it would be better to postpone until Monday the subject on which he wishes to speak, because during the remainder of this week there will undoubtedly be intervals of conference reports, appropriations bills, and so on.

Mr. HOAR. Suppose the river and harbor bill should not be finished by next Monday, would it be convenient to the Senator from Maine to have me proceed then?

Mr. FRYE. I shall be obliged to ask the Senate to proceed with the river and harbor bill to its completion this week at any rate, as I have an imperative engagement that will take me away nearly all of next week.

Mr. HOAR. Then, if it will be agreeable to the Senate, I will ask that the fisheries treaty be set down for consideration next Monday at the conclusion of the routine morning business.

The PRESIDENT *pro tempore*. The resolutions offered by the Senator from Alabama [Mr. MORGAN] and the treaty having been assigned for Monday last, were informally laid aside to wait the convenience of

the Senator from Massachusetts [Mr. HOAR]. He now asks unanimous consent that the consideration may be resumed on Monday next at 2 o'clock. Is there objection?

Mr. HOAR. The suggestion was that it be resumed at the conclusion of the routine business.

The PRESIDENT *pro tempore*. At the conclusion of the routine business on Monday next.

Mr. MORGAN. That would place the consideration of the treaty ahead of my resolutions, and I can not consent to that.

Mr. SHERMAN. No, put them both together.

Mr. HOAR. Both together.

The PRESIDENT *pro tempore*. The agreement was that the precedence in point of time of the assignment should continue undisturbed.

Mr. MORGAN. The resolutions coming up at the conclusion of the routine business of the morning hour would naturally have precedence over the treaty for consideration.

Mr. SHERMAN. Both will be considered together and both will be disposed of together. I do not think the Senator need be technical about it.

Mr. HOAR. I do not wish to disturb any desire of the Senator from Alabama. Of course it makes no difference which I shall speak on.

Mr. MORGAN. Well let them stand.

Mr. HOAR. Let them stand together as they do now.

Mr. MORGAN. Just as they now stand until next Monday.

The PRESIDENT *pro tempore*. The understanding, then, is, by unanimous consent, that the consideration of the resolutions of the Senator from Alabama and the fisheries treaty will be resumed at the conclusion of the routine morning business on Monday. Reports of committees are still in order.

REPORTS OF COMMITTEES.

Mr. HAWLEY. I report, by instruction of the Committee on Military Affairs, an amendment intended to be proposed to the Army appropriation bill. I understand that the bill has been reported this morning.

The PRESIDENT *pro tempore*. The Army appropriation bill was reported this morning, and the Senator from Iowa gave notice that he would call it up for consideration at 4 o'clock to-day.

Mr. HAWLEY. Let the proposed amendment be referred to the Committee on Appropriations without printing.

The PRESIDENT *pro tempore*. That order will be made.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 3237) making an appropriation for the establishment of a light-ship, to be provided with fog-signal apparatus, outside of the bar of the Columbia River on the Pacific coast; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GRAY introduced a bill (S. 3238) granting a pension to Sarah Vantine; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. FAULKNER and Mr. GORMAN submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1885, known as the Bowman act; which were referred to the Committee on Claims, and ordered to be printed.

Mr. DOLPH and Mr. PADDOCK submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. DOLPH and Mr. MITCHELL submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. COLQUITT and Mr. GORMAN submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. PADDOCK, from the Committee on the Improvement of the Mississippi River, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had elected Hon. JAMES H. BLOUNT, a Representative from the State of Georgia, as Speaker *pro tempore* during the temporary absence of the Speaker.

The message also announced that the House had receded from its amendments numbered 2 to the following bills:

A bill (S. 1524) to authorize the construction of a bridge over the Tennessee River between Bridgeport and Sheffield, Ala.; and

A bill (S. 1526) to authorize the construction of a bridge over the Caney Fork River, between Rock Island and Carthage, in Tennessee.

The message also announced that the House had passed the bill (H. R. 7901) to secure to actual settlers the public lands adapted to agriculture, to protect the forests on the public domain, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker *pro tempore* of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (S. 23) to authorize Dalles City to construct a bridge across the Columbia River, in the State of Oregon and Territory of Washington;

A bill (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts;

A bill (S. 808) granting a pension to Julius C. Monson;

A bill (S. 1004) granting a pension to Ann Verneuil;

A bill (S. 1192) granting a pension to Judson Knight;

A bill (S. 1193) granting a pension to John R. Wheelock;

A bill (S. 1484) to fix the status in the Navy of certain cadet engineers;

A bill (S. 1525) to authorize the construction of a bridge over the Cumberland River, between Burnside, Ky., and Carthage, in Tennessee, or the south fork of said river, between Burnside and Tateville, Ky.;

A bill (S. 1827) granting a pension to Philomelia L. Dartt;

A bill (S. 1844) granting an increase of pension to Ann Atkinson;

A bill (S. 1851) providing for an international marine conference to secure greater safety for life and property at sea;

A bill (S. 1906) granting a pension to Matilda Bleumner;

A bill (S. 1997) granting a pension to Peter Thompson;

A bill (S. 2100) granting a pension to Charles Tidmarsh;

A bill (S. 2151) granting a pension to Mrs. Aurelia Hillyer;

A bill (S. 2168) granting a pension to Francis Marion Walker;

A bill (S. 2183) granting a pension to Rachel Plummer;

A bill (S. 2255) granting a pension to Amanda W. Beach;

A bill (S. 2331) granting a pension to Mary J. McGregor;

A bill (S. 2601) authorizing the construction of railroad bridges across the Snake River and across the Clearwater River by the Oregon Railway and Navigation Company;

A bill (H. R. 478) to place the name of Rev. Stephen M. Collis on the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof;

A bill (H. R. 860) for the relief of Alfred Head;

A bill (H. R. 956) for the relief of the heirs of Christopher Cott;

A bill (H. R. 1361) to incorporate the Reform School for Girls of the District of Columbia;

A bill (H. R. 1451) for the completion of a public building at Wichita, Kansas;

A bill (H. R. 1514) relating to the record of wills in the District of Columbia;

A bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased;

A bill (H. R. 3290) to amend section 685 of the Revised Statutes relating to the District of Columbia;

A bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter;

Joint resolution (H. Res. 178) granting leave of absence to certain persons employed in the service of the United States; and

Joint resolution (S. R. 26) to arbitrate and settle the questions at issue between the District of Columbia and Samuel Strong.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Calendar, under Rule VIII, is in order.

Mr. FRYE. I move that the Senate proceed to the consideration of what is known as the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate resume the consideration of the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending amendment will be stated.

The CHIEF CLERK. In section 1, after line 834, the Committee on Commerce report to insert:

Improving Yadkin River, North Carolina, $10,000.

The PRESIDENT *pro tempore*. The yeas and nays having been ordered on agreeing to the amendment, the roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE]. If he were present, I should vote "yea."

Mr. GRAY (when his name was called). I am paired generally with the Senator from Illinois [Mr. CULLOM], but I understood yesterday from the chairman of the Committee on Commerce that the Senator from Illinois, who is a member of that committee, would vote "yea" on this amendment. I therefore vote "yea."

The PRESIDENT *pro tempore*. The Senator from Delaware will be recorded in the affirmative.

Mr. HARRIS (when his name was called). I am paired with the Senator from New York [Mr. HISCOCK], and therefore shall not vote.

Mr. MANDERSON (when his name was called). I understand that the Senator from Kentucky [Mr. BLACKBURN], with whom I am paired, would vote "yea" on this proposition. I therefore vote "yea."

Mr. MORRILL (when his name was called). I was paired with the Senator from Virginia [Mr. DANIEL] the last time he was here, and I suppose he may consider that I am so paired now. I therefore withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. WALTHALL (when his name was called). I am paired with the Senator from Wisconsin [Mr. SPOONER].

The roll-call was concluded.

Mr. BERRY. I am assured by friends that the Senator from Michigan [Mr. STOCKBRIDGE] would vote "yea" if he were here. I therefore vote "yea."

The result was announced—yeas 37, nays 8; as follows:

YEAS—37.

Beck,	Evarts,	Ingalls,	Saulsbury,
Berry,	Faulkner,	Jones of Arkansas,	Sawyer,
Blair,	Frye,	Kenna,	Stewart,
Bowen,	Gibson,	Manderson,	Teller,
Brown,	Gorman,	Mitchell,	Turpie,
Butler,	Gray,	Morgan,	Vance,
Call,	Hale,	Paddock,	Vest.
Chace,	Hampton,	Payne,	
Coke,	Hawley,	Pugh,	
Dolph,	Hoar,	Ransom,	

NAYS—8.

Allison,	Chandler,	Edmunds,	Platt,
Bate,	Davis,	George,	Reagan.

ABSENT—31.

Aldrich,	Dawes,	Morrill,	Spooner,
Blackburn,	Eustis,	Palmer,	Stanford,
Blodgett,	Farwell,	Pasco,	Stockbridge,
Cameron,	Harris,	Plumb,	Voorhees,
Cockrell,	Hearst,	Quay,	Walthall,
Colquitt,	Hiscock,	Riddleberger,	Wilson of Iowa,
Cullom,	Jones of Nevada,	Sabin,	Wilson of Md.
Daniel,	McPherson,	Sherman,	

So the amendment was agreed to.

Mr. RANSOM. I designed to submit a statement in reference to the amendment just passed, but the commencement of the roll-call anticipated me. I beg leave to have put in the RECORD the local engineer's report on this improvement and the recommendation and estimates of the Chief Engineer of the United States, as taken from the report of the Secretary of War for 1887. I will also put in the RECORD the preliminary survey of the Yadkin River "from the South Carolina line to the Narrows," made by the local engineer upon a part of the river entirely distinct and separate from that part which is under improvement, so that there may be no confusion in reference to the two subjects, and that the impression produced by the preliminary survey of one section of the river may not prejudice the improvement which has been going on for nine years upon another part of the river, and for which the local and Chief Engineers have made their recommendation and estimates.

The PRESIDENT *pro tempore*. The Senator will indicate in the volume the portion he desires to have incorporated, and it will be done.

The extracts referred to are as follows:

11. Yadkin River, North Carolina (in charge of Capt. F. A. Hinman, Corps of Engineers, until August 11, 1886): This river has a total length of about 200 miles and a drainage area of 4,320 square miles. Its middle third, extending from the railroad bridge near Salisbury, 64½ miles upward to the foot of Bean Shoal, is the only portion so far under improvement by the General Government. In this portion of the Yadkin River, prior to improvement in 1880, navigation was completely obstructed by rock ledges, fish and mill dams, and numerous shoals, with a greatest depth of 1 foot at ordinary low water on some of its shoals and ledges.

The original project of 1879 proposed for $82,000 to secure a 2.5 to 3 foot steamboat navigation during the entire year over the 64½ miles above the Salisbury railroad bridge. For various reasons, as detailed by the officer in charge, the estimates for the final cost of the work necessary to give the desired depth over the entire 64½ miles and during only mean winter stages of water (two-thirds of the year) are now placed by him at $400,000.

During the fiscal year ending June 30, 1887, no work was done before October, 1886, on account of lack of funds. After that time $8,650, including outstanding liabilities, was spent in thoroughly repairing the plant, in removing the rock and sand from the channel, in building jetties, in carefully surveying various ledges and dams, in caring for the property, and in office work. All work of clearing the river channel was prevented before June, 1887, by high water.

Up to June 30, 1887, a total of $77,265.90 has been spent in all upon this improvement in securing a good channel for flat-boats (and only an indifferent channel for steam-boats) of 40 to 70 feet width and from 2 to 2½ feet depth during mean winter stages of water (eight months of the year) from the Salisbury Railroad bridge 21 miles upwards to above Swicegood's mill. No river commerce has yet been created, and none is expected until the improvement reaches Bailey's Ferry, 35 miles above the Salisbury Railroad bridge.

July 1, 1885, amount available		$8,384.10
Amount appropriated by act approved August 5, 1886		10,000.00
		18,384.10
July 1, 1887, amount expended during fiscal year, exclusive of liabilities outstanding July 1, 1886	$7,338.83	
July 1, 1887, outstanding liabilities	1,311.17	
		8,650.00
July 1, 1887, amount available		9,734.10
Amount (estimated) required for completion of existing project		313,000.00
Amount that can be profitably expended in fiscal year ending June 30, 1889		10,000.00

Submitted in compliance with requirements of section 2 of river and harbor acts of 1866 and 1867.

(See Appendix M 11, Volume II, part 1, page 133, Report of Chief of Engineers United States Army for 1887.)

[House Executive Document No. 58, Fiftieth Congress, first session, page 92.]

EXAMINATION OF YADKIN RIVER, FROM SOUTH CAROLINA LINE TO THE NARROWS, NORTH CAROLINA.

WILMINGTON, N. C., *December* 15, 1887.

SIR: I have the honor to submit herewith a final report upon the examination of the Yadkin River, North Carolina, from the South Carolina line to the Narrows, assigned to me by river and harbor act of August 5, 1886, and letters from your office dated September 27, October 4, and October 28, 1886.

Upon the 4th February, 1887, I submitted a preliminary report upon this examination, in which I stated the general features of the river, the estimated cost of its improvement, and the necessities of neighboring communities, and my opinion as to the probable advantages of the improvement of the river, as based upon previous reports and upon information obtained from persons living along the river.

Since the date of this preliminary report I have examined the river in person, in a small row-boat, over the entire length above specified, and at a time when the water was at nearly its lowest stage. The middle portion of this river, from the Grassy Island Shoals upward 16 miles, was found to be comparatively level, and in itself could be easily made navigable at low water for boats drawing 4 feet; but there would be no way of connecting this navigation to other navigable parts of the river below, or even to nearest railroad, except at a cost to-day out of proportion to the resulting benefits. The rest of this river, the general features of the whole river, the cost of its improvement, and the statistics of commerce were found to be practically as already described in the preliminary report, to which you are referred for fuller details.

In my opinion this river basin is one of considerable water-power and of great agricultural wealth, but at the same time one which is at present best adapted to development by the construction of a railroad up its valley, instead of by the improvement of its water ways. Moreover, the people along the river appear anxious to have an open passage cut through the existing fish-dams, more to allow fish to ascend the river than to facilitate the river commerce.

Since making the above-described examination, I have visited other rivers of similar nature, upon which there already exists a more or less successful pole-boat navigation.

As a result of all these examinations, I am now of the opinion that the steep descent of the Yadkin River, its comparatively small volume of water at ordinary stages, and its large extent of rocky bottom render any extended navigation of this river impracticable except by the aid of locks and dams and the extensive removal of rocks between these dams; that the cost of any such improved navigation (even for rafts and barges) is here altogether too great (see preliminary report), in comparison with the advantages to be derived therefrom, until the mineral resources of the river basin are much more fully developed than at present; and that under these circumstances this river, within the limits of the prescribed examination, is not to-day worthy of improvement by the General Government.

Very respectfully, your obedient servant,

WM. H. BIXBY,
Captain of Engineers.

The CHIEF OF ENGINEERS, U. S. A.

CONDITION OF APPROPRIATION BILLS.

Mr. MORGAN. I wish to ask the indulgence of the Senator from Maine [Mr. FRYE] for just a moment. I have requested the chairman of the Committee on Appropriations [Mr. ALLISON] to make a statement to the Senate in regard to the present condition of the appropriation bills, and it will occupy I suppose only a very few moments. I should like it to go into the RECORD for the information of the Senate and the country. If the Senator from Maine will indulge me just for one moment I will ask the Senator from Iowa to make a statement in regard to the present condition of the appropriation bills.

Mr. ALLISON. I can state in a moment the exact condition of these bills. The West Point appropriation bill, the Indian appropriation bill, and the pension appropriation bill have passed both Houses, and I believe have been signed by the President, making three of the regular bills which are completed. The agricultural appropriation bill passed the Senate on the 14th of June, and since that time has not been heard from. I think it is in the Committee on Agriculture of the House of Representatives. The diplomatic and consular appropriation bill is in conference. The District of Columbia appropriation bill is also in conference. The legislative, executive, and judicial appropriation bill passed the Senate the day before yesterday; it will be reported back to the House of Representatives to-day, and I presume can be passed finally within the next two or three days. The Post-Office appropriation bill passed the Senate on the 14th of June, and has not since been heard from. The Army appropriation bill was reported this morning, and I hope to have it passed during the day. The sundry civil bill came to the Senate day before yesterday. Of

course it will be impossible to consider and pass that bill before the 30th of June. So of the Naval appropriation bill, which came to the Senate on Monday last; it will be impossible to complete that bill before the 1st of July. The fortification bill has not yet been reported in the House of Representatives, nor has the general deficiency bill; so that it will be necessary to pass a joint resolution either on Friday or Saturday to extend the appropriations for the current year a certain number of days.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

OHIO CENTENNIAL EXPOSITION.

The PRESIDENT *pro tempore* appointed Mr. SHERMAN, Mr. ALLISON, Mr. MANDERSON, Mr. COLQUITT, and Mr. BERRY members on the part of the Senate of the committee of Congress authorized by the act approved May 23, 1888, to attend the Centennial Exposition of the Ohio Valley and Central States to be held at Cincinnati, Ohio.

HOUSE BILL REFERRED.

The bill (H. R. 7901) to secure to actual settlers the public lands adapted to agriculture, to protect the forests on the public domain, and for other purposes, was read twice by its title, and referred to the Committee on Public Lands.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

Mr. BUTLER. Before proceeding with the reading of the bill, I beg to call the attention of the chairman of the committee to a mistake in the amendment which was adopted yesterday in regard to Winyaw Bay. The amendment refers to the report of Captain Bixby of October 26, 1884. I am informed this morning from the War Department that the date should have been January 31, 1885. It is a mere mistake of date.

Mr. FRYE. I ask unanimous consent that that amendment may be made.

The PRESIDENT *pro tempore*. The proposed amendment will be stated.

The SECRETARY. In line 375, strike out "October 26, 1884," and insert "January 31, 1885;" so as to read:

The Secretary of War is authorized and directed to appoint a board of three engineer officers of the United States Army, whose duty it shall be to examine into the expediency of improving Winyaw Bay, South Carolina, upon the plan submitted by Capt. William H. Bixby, United States Army Engineers, under date of January 31, 1885.

The PRESIDENT *pro tempore*. The amendment will be made, if there be no objection.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Commerce was, in section 1, line 841, after "South Carolina," to strike out "Continuing" and insert "To complete;" and in line 842, before the word "thousand," to strike out "three" and insert "eight;" so as to make the clause read:

Improving Salkehatchee River, South Carolina: To complete improvement, $8,000.

The amendment was agreed to.

The next amendment was, in section 1, line 845, after the word "dollars," to strike out:

Of which as much as may be necessay is hereby authorized to be expended in acquiring, by purchase or condemnation, the right of way for cut-offs along said river, pursuant to the plan and recommendation of the engineer in charge.

So as to make the clause read:

Improving Santee River, South Carolina: Continuing improvement, $24,000.

The amendment was agreed to.

The next amendment was, in section 1, after "South Carolina," at the end of line 850, to insert "to Waccamaw Lake, North Carolina;" and in line 852, before the word "thousand," to strike out "fifteen" and insert "ten;" so as to make the clause read:

Improving Waccamaw River, North and South Carolina, to Waccamaw Lake, North Carolina: Continuing improvement, $10,000.

Mr. BUTLER. I should be very glad if the chairman of the committee would favor me with some explanation of the reason of the committee in striking out $15,000 and inserting $10,000. In the estimate made for this work, as I now remember, it was stated that $48,000 could be advantageously expended during the fiscal year. The amount appropriated has been cut down by the committee from $15,000 to $10,000. In the absence of any explanation, I shall move to non-concur in the amendment. In fact, I may as well make a motion that the Senate disagree to the amendment.

The PRESIDENT *pro tempore*. The question properly to be submitted is upon agreeing to the amendment of the committee, and a negative vote will leave the appropriation to stand as it came from the House of Representatives.

Mr. BUTLER. I trust that will be done and that the amendment of the committee will be rejected.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The question being put, there were on a division—ayes 9, noes 12; no quorum voting.

Mr. FRYE. I think I must ask for a yea-and-nay vote on the amendment.

Mr. BUTLER. I wanted the Senator to explain why that was done. I am quite willing to acquiesce if there is sufficient reason for it.

Mr. FRYE. We increased two or three items in South Carolina.

The PRESIDENT *pro tempore*. The Chair can not entertain debate when the absence of a quorum has been disclosed. There were but 21 votes on a division of the Senate. It is the duty of the Chair to have the roll called; but the Senator from Maine can ask for the yeas and nays.

Mr. SHERMAN. I do not ask for a further count, and I do not suppose anybody else will.

Mr. VOORHEES. Will the Senator from Maine allow me to introduce a bill for reference?

The PRESIDENT *pro tempore*. The Chair can not receive it while no quorum is present. The Secretary will call the roll.

Mr. FRYE. I shall not demand the yeas and nays on the amendment. I can not afford to stop the bill for this little item.

The PRESIDENT *pro tempore*. A division has resulted in the disclosure of a want of a quorum.

Mr. RANSOM. There is evidently a quorum in the Chamber.

Mr. SHERMAN. Let the vote be taken over again.

Mr. BUTLER. I ask unanimous consent that the chairman of the committee may make some explanation of the amendment. I am not disposed to be factious about it, and yet I can not understand why that particular river should have been selected for a reduction when the appropriations made by the House for others were increased. If there is any reasonable explanation about it, I am quite willing to acquiesce in the report of the committee. I ask unanimous consent that the Senator from Maine may be allowed to explain the amendment.

The PRESIDENT *pro tempore*. Less than a quorum of the Senate can not give unanimous consent.

Mr. BUTLER. I understand that the demand for a division has been withdrawn. I think we had better have a quorum, anyhow. Let us have the yeas and nays on agreeing to the amendment.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks that the yeas and nays may be entered on the Journal upon the question of agreeing to the amendment.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. Now the Senator from Maine will be in order.

Mr. FRYE. The rule adopted generally by the House committee was to appropriate to rivers that were entitled to improvement, in their judgment, from 44 to 50 per cent. of the amount which the Chief Engineer determined could be profitably expended for the year. Of course the committee were compelled to vary that in important cases. But the amount in this case which it was determined by the Chief Engineer could be profitably expended was only $18,000. One-half of that is $9,000. The Senate committee could see no earthly reason why the House committee dropped their rule in the case of this river and made the appropriation $15,000 instead of $9,000, and therefore, coming nearer to the rule than the other House, it appropriated $10,000, which is a little more than one-half the amount recommended by the Chief of Engineers.

Mr. BUTLER. The explanation of the chairman of the committee is entirely satisfactory to me. I was not informed as to those facts. The information that I had was that the amount which could be profitably expended was $48,000, and I was not aware of it until this morning from the last report of the War Department I ascertained that $18,000 was the amount specified. I think the committee have provided amply for the river, and I withdraw the demand for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from South Carolina withdraws the demand for the yeas and nays, and, the Chair having ascertained that a quorum is present, the question recurs on the amendment proposed by the Committee on Commerce.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 854, before the word "thousand," to strike out "three" and insert "five;" so as to make the clause read:

Improving Wappoo Cut, South Carolina: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 856, to add to the clause

appropriating $12,000 for "improving Wateree River, South Carolina: Continuing improvement," the following proviso:

Provided, That no part of said appropriation shall be expended until the Wilmington, Columbia and Augusta Railroad Company, and the Camden branch of the South Carolina Railroad Company shall have built suitable draw-spans in their bridges over said river, to be approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 1, line 863, to add to the clause appropriating $7,500 for "improving Congaree River, South Carolina: Continuing improvement," the following proviso:

Provided, That no part of said appropriation shall be expended until the South Carolina Railroad Company shall have built a suitable draw-span in its bridge over said river, to be approved by the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 1, line 885, before the word "thousand," to strike out "fifteen" and insert "seven;" and after the word "thousand" to insert "five hundred;" so as to make the clause read:

Improving Ocmulgee River, Georgia: Continuing improvement, $7,500.

Mr. BROWN. I hope that amendment will not be adopted. I simply want to submit a short statement of facts to the committee. I do not want to make any issue with them, but there were important facts that they did not have before them I am quite sure, when the House appropriation of $15,000 was cut down.

The Ocmulgee River is one branch of the Altamaha. The Oconee is the other branch. They form a junction near Lumber City, in Georgia, forming the Altamaha. The Ocmulgee is the southern branch of the stream. There is a railroad, which has been constructed within the last two years, and completed to the Ocmulgee River within the last two or three months, 110 miles along through the Southwest Georgia pine and cotton country, that now has its depot upon the bank of the Ocmulgee at the town of Abbeville.

This opens a regular line of railroad and water communication from the southwestern part of Georgia to Brunswick, which is much shorter than any other one of the lines. The line is now established and has prorating rates with the other railroads.

At the time the engineer made the estimate of $15,000 for the Ocmulgee that road was not completed to Abbeville. It has only reached there within the last six weeks or two months, as I am informed.

The river has been an important river, and was so regarded by the State of Georgia prior to the war. The State, as will be seen by the report of the committee, has expended out of her own treasury $60,000 for the improvement of this river. The United States Government took charge of the matter after the war, and has made considerable expenditure. I am informed by Judge CRISP, who represents this measure in the House of Representatives, as it is in his district, that the amount which is now estimated for would be entirely inadequate, that there are five river steamers being now constructed to run upon that line, and that two have been wrecked on account of the bad condition of the river in the last year. It is therefore no sham line, and it is no very small river. The completion of the railroad to the river connecting Southwestern Georgia, as I have already stated, makes it really one of the most important connections in Georgia. The amount of $15,000 which was put in the bill by the House of Representatives was put there with an understanding of these facts, and I think in all candor it ought to be permitted to remain.

To cut it down $7,500 now, leaving only $7,500 of the $15,000, would leave the appropriation entirely inadequate to do what is very necessary to be done to encourage a rapidly growing line, and one that is going to be very important to commerce. I appeal to the committee to make no objection to voting down the amendment proposed by them.

In case of the other river I mentioned, the Oconee, the committee also make a reduction, but I make no point on that.

Mr. FRYE. I stated when I was up before that the committee had generally a rule which was 50 per cent. of the amount recommended for expenditure, but that they violated the rule in exceptional cases, and in the State of Georgia they have violated it by giving at least $110,000 additional to Savannah. Therefore it is but fair that the State of Georgia shall be held to the rule so far as the other rivers are concerned, and this is just one-half of the amount which the Chief Engineer said could be profitably expended.

Mr. BROWN. In that connection I will say that the estimate on the old project for Savannah Harbor was $180,000, and the estimate on the new was $200,000. So I do not think it can be said that there was a great addition to Savannah. Savannah certainly does not get as much in proportion to her commercial importance as some other cities. Still I have no complaint of the committee on that account. I only make the appeal to the Senate in view of the facts I have stated in regard to the Ocmulgee.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Commerce.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 887, before the word "thousand," to strike out "twelve" and insert "ten;" after the word "thousand" to strike out "five hundred;" and in line 889, before the word "railroad," to insert "Georgia;" so as to make the clause read:

Improving Oconee River, Georgia: Continuing improvement, $10,000; a portion of which may be expended on said river between Skull Shoals and the Georgia Railroad bridge.

The amendment was agreed to.

The next amendment was, in section 1, after line 895, to insert:

That the sum of $4,632.77 is hereby appropriated for completing the existing project at Romerly Marsh, in the State of Georgia, to be paid to the contractors for completing the job.

The amendment was agreed to.

The next amendment was, in section 1, line 903, after the word "Florida," to strike out "Continuing" and insert "To complete;" in line 904, after the word "improvement," to insert "of upper river," and in the same line, before the word "thousand," to strike out "four" and insert "ten;" so as to make the clause read:

Improving Caloosahatchie River, Florida: To complete improvement of upper river, $10,000.

The amendment was agreed to.

Mr. CALL. I would like to insert after the word "river," in line 904, the words "including the lower river bar, in the discretion of the Secretary of War." This does not vary the amount allowed, but allows the Engineer Department to have a discretion in expending a part of the $10,000 on the lower river. There has been an estimate and a survey, and it may be important that some portion of the money should be expended there.

Mr. FRYE. The committee examined that with some little care, and thought it was a great deal better to complete the improvement of the upper river.

Mr. CALL. I suggest to the Senator that it would be better to allow the Secretary of War and the Engineer Department who expend the money to have some discretion in its use.

Mr. FRYE. The Senator from Florida ought to be satisfied with the item. The appropriation came from the House $4,000 for that whole river. The committee examined the matter and found that a portion of the river could be completed for $10,000, and they increased the appropriation to $10,000 to complete it; and the Senator from Florida ought to be content.

Mr. CALL. I do not quarrel with the amendment as to the amount; but I think I am right in suggesting that the discretion of the Secretary of War and the Engineer Bureau in expending the money should not be interfered with.

The PRESIDENT *pro tempore*. The amendment has been agreed to.

Mr. FRYE. I wish to go back to line 896. I ask the Senator from Georgia if "Romerly Marsh" is the correct name?

Mr. BROWN. It is correct.

Mr. FRYE. At the end of the clause the phrase "for completing the job" occurs. I do not exactly like that language. I ask unanimous consent to strike out the word "job" and insert "improvement."

The PRESIDENT *pro tempore*. That will be agreed to, if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 914, after the word "improving," to strike out "channel over the bar at the mouth of;" in line 915, after the word "Florida," to insert "from Jacksonville to the ocean," and in the same line to strike out "continuing improvement;" so as to make the clause read:

Improving St. John's River, Florida, from Jacksonville to the ocean, $150,000.

The amendment was agreed to.

Mr. CALL. I ask the Senator from Maine to allow an amendment of the clause, beginning in line 910, by adding at the end of the clause the words:

Including Holmes River to the town of Vernon.

So that it will read:

Improving La Grange Bayou, Florida: To complete, $3,000; including Holmes River to the town of Vernon.

Steamers bring the produce of that section of country to La Grange, and this money should be left in the discretion of the Secretary of War to improve the continuation of the bayou.

Mr. FRYE. Will the Senator inform me whether or not the $3,000 will complete the work as provided for here?

Mr. CALL. I can not say in regard to that. You might strike out the words "to complete." The appropriation has been made in small sums for several years, and a very good purpose has been served.

Mr. FRYE. I have no objection to the amendment allowing the words "To complete" to stand.

The PRESIDENT *pro tempore*. Will the Senator from Florida send his proposed amendment to the desk, or repeat it so that it may be heard at the desk and taken down?

Mr. CALL. I will send the amendment to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. The proposed amendment is to add, at the end of line 911, the words:

Including Holmes River to the town of Vernon.

So as to make the clause read:

Improving La Grange Bayou, Florida: To complete, $3,000; including Holmes River to the town of Vernon.

Mr. VEST. Is that connected with La Grange Bayou?

Mr. FRYE. The item stands "To complete," the Senator from Missouri will notice.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 931, before the word "thousand," to strike out "one hundred" and insert "fifty;" so as to make the clause read:

Improving Black Warrior River, Alabama, from Tuscaloosa to Daniel's Creek: Continuing improvement, $50,000.

The amendment was agreed to.

The next amendment was to strike out lines 936 and 937 of section 1, as follows:

Improving Tombigbee River, Alabama, from Walker's Bridge to Fulton, $4,000.

The amendment was agreed to.

The next amendment was, in section 1, line 939, after the word "Vienna," to strike out "Continuing" and insert "To complete;" before the word "thousand," in line 940, to strike out "six" and insert "twelve;" and after "thousand" to strike out "five hundred;" so as to make the clause read:

Improving Tombigbee River, Alabama, from Fulton to Vienna: To complete improvement, $12,000.

The amendment was agreed to.

The next amendment was, in section 1, line 942, before the word "improvement," to strike out "Continuing" and insert "To complete;" so as to make the clause read:

Improving Tombigbee River, Alabama, below Vienna: To complete improvement, $6,000.

The amendment was agreed to.

The next amendment was to strike out lines 967 and 968 of section 1, as follows:

Improving Yallabusha River, Mississippi: Continuing improvement, $3,000.

The amendment was agreed to.

The next amendment was to strike out lines 973 and 974 of section 1, as follows:

Improving Cassity Bayou, Mississippi, $2,500.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 975 to line 977, inclusive, as follows:

Improving Amite River, Louisiana: Continuing improvement, $5,000, of which $2,500 may be used in improving Bayou Manchac.

The amendment was agreed to.

The next amendment was to strike out lines 980 and 981 of section 1, as follows:

Improving Bayou Bartholomew, Louisiana and Arkansas: Continuing improvement, $5,000.

Mr. GIBSON. In this item only $5,000 is asked for Bayou Bartholomew. I find, on examination of the report of the engineer, that—

This stream is a tributary of Ouachita River. It rises in Southeastern Arkansas, within a few miles of Pine Bluff, on the Arkansas River, and following an exceedingly tortuous course, flows at first nearly parallel to the Arkansas River, at a distance varying from 15 to 30 miles, then parallel to the Mississippi at about the same average distance, and after entering Louisiana diverges to the southwest and flows into the Ouachita River opposite Ouachita City.

The improvement was begun in 1881 and consisted in the removal of wrecks, snags, overhanging timber, etc., obstructing navigation between Baxter, Ark., and the mouth, a distance estimated at 213 miles. In all $23,000 have been appropriated, and up to June 30, $21,116.55 had been expended. It is estimated that $6,500 will complete the projected work. The expenditure already made has resulted in putting the bayou in good navigable condition during high and medium stages of water from its mouth up to Point Pleasant, La., a distance of 50 miles.

During the past year three steam-boats, drawing from 3 to 5 feet, were running regularly upon the river for five months, and the commerce was valued at $1,075,000.

I think a good case is made for the retention of this item.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. FRYE. The last report says:

The estimated cost was given at $26,862, but this estimate was based upon a plan of operations for twelve months, or two consecutive seasons' work, whereas, owing to the small amounts appropriated, operations have now extended over six years. For this reason the cost of the work will be increased, as new obstructions are continually forming, and after the work is thoroughly completed these will require removal from time to time; hence no estimate for permanent improvement is given.

This is one of those places—there are several of these bayous in Louisiana—where the engineers report that it is impossible to make any permanent improvement.

Mr. GIBSON. An improvement can be made with a very small expenditure and kept in running order. I have read from the report of the chairman of the committee himself. The engineer says here:

It is estimated that $6,500 will complete the projected work.

The work has been going on for some time, and it ought to be continued.

Mr. JONES, of Arkansas. I hope that the suggestion of the Senator from Louisiana will be adopted. I know something from personal observation of Bayou Bartholomew. It drains a very rich country, but the current is exceedingly sluggish in the spring. It has a deep, narrow channel, and in a narrow stream there is considerable difficulty in navigation on account of overhanging timber. Much of the improvement has been in clearing the overhanging timber away and getting out snags and timber that has fallen into the current.

The character of the work done must necessarily, with the limited appropriations, be merely getting timber out of the channel and getting the overhanging timber off the banks of the stream. The work that has been done has improved the navigation of that stream very much, and I hope it will be continued. I regard the money expended there as of as much value as on many others.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the committee, to strike out lines 980 and 981.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was to strike out lines 982 and 983 of section 1, as follows:

Improving Bayou Courtableau, Louisiana: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was to strike out lines 986 and 987 of section 1, as follows:

Improving Bayou Terre Bonne, Louisiana: To complete, $3,000.

The amendment was agreed to.

The next amendment was, in section 1, before the word "thousand," in line 996, to strike out "sixty-five" and insert "fifty-five;" and in the same line, after the word "dollars," to strike out:

Of which $5,000, or so much thereof as may be necessary, to be used upon Cypress Bayou and the lakes between Shreveport, La., and Jefferson, Tex.; and $5,000, or so much thereof as may be necessary, upon Bayou Dorcheat.

So as to make the clause read:

Improving Red River, Louisiana and Arkansas: Continuing improvement from Fulton, Ark., to Atchafalaya River, including completing the work at Alexandria, $55,000.

The amendment was agreed to.

The reading of the bill was continued to the end of the item on page 42, ending in line 1005, "for improving Ouachita and Black Rivers, Louisiana."

Mr. JONES, of Arkansas. I suggest to the chairman that if the report of the committee is right the words "Arkansas and" should be inserted before "Louisiana," for the reason that the Ouachita and Black Rivers proposed to be improved in this clause begin in Arkansas, and 60 or 70 miles of the length of river proposed to be treated, as I understand, are in the State of Arkansas. I think, to carry out the purpose, these words should be inserted.

Mr. FRYE. If the Senator knows that to be the fact, I have no objection to the amendment he suggests.

The PRESIDENT *pro tempore*. The amendment proposed is in line 1001, after the word "rivers," to insert "Arkansas and;" so as to read:

Improving Ouachita and Black Rivers, Arkansas and Louisiana, etc.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was to strike out lines 1006 and 1007 of section 1, as follows:

Improving Tickfaw River and its navigable tributaries, Louisiana: Continuing improvement, $1,000.

The amendment was agreed to.

The next amendment was to strike out lines 1008 and 1009 of section 1, as follows:

Improving Little River, Louisiana, $2,500.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1012 to line 1014 of section 1, inclusive, as follows:

Improving Calcasieu River and passes, Louisiana: Continuing improvement at the entrance to said river and pass, $10,000.

The amendment was agreed to.

The next amendment was to strike out from line 1021 to line 1025 of section 1, inclusive, as follows:

Improving Bayou Lafourche, Louisiana, pursuant to the project of Lieut. O. T. Crosby, Corps of Engineers, dated June 11, 1886, $50,000, including immediate dredging to secure low-water navigation.

Mr. GIBSON. I move to amend the clause proposed to be stricken out by making it read:

Improving Bayou Lafourche, Louisiana: For dredge-boats and dredging to secure low-water navigation, $25,000.

I think the chairman of the committee will accept that.

The PRESIDENT *pro tempore*. The Senator will please send the proposed amendment to the desk.

Mr. GIBSON. I send the amendment to the desk.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out lines 1021 to 1025, inclusive, and insert in lieu thereof:

Improving Bayou Lafourche, Louisiana: For dredge-boats and dredging to secure low-water navigation, $25,000.

Mr. FRYE. I am instructed by the committee to accept that amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee to strike out the clause as amended.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 1030, after the words "improving Arkansas River, Arkansas," to strike out "continuing improvement" and insert "for the removal of obstructions, bars, and shoals, operating snag-boat, repairing snag-boat Wichita, and general improvements to the navigation of the river, to be expended in the discretion of the Secretary of War."

Mr. JONES, of Arkansas. I hope that the committee will not insist on striking out the words in lines 1030 and 1031, "Continuing improvement," nor on striking out the words from line 1043 down to line 1063.

The amendment of the committee, beginning on line 1031 and down to line 1043, I think, is exactly right; but I believe that the words already in the clause limiting the appropriation and the purpose the committee had in view in making the appropriation will be more definite and certain by the clause remaining in that shape.

The members of the committee well know the various reports recommending the improvement of the Arkansas River and that the one they propose to follow provides for locks and dams in certain places. The other general plan is one providing for dikes and dams in the narrower channels. The language stricken out by the committee limits the appropriation to exactly the purpose the committee have in view in the language they propose to insert. I think the clause would be in better shape with the language that they have inserted in it than it would be if the House clause was taken as it came to the Senate.

Mr. FRYE. Will the Senator kindly repeat his proposed amendment?

Mr. JONES, of Arkansas. I propose to leave the clause standing, not striking out any part of the item as it came from the other House, but adopting the proposed amendment of the committee so far as the insertion of words is concerned. I think we should insert the words the committee recommend to be inserted, and not strike out the language coming from the House, as they propose in their motion to strike out. For instance, I think the clause should read, in regard to the Arkansas River:

Continuing improvement: For the removal of obstructions, bars, and shoals, etc.

And then should proceed:

Provided, That the Secretary of War shall expend the appropriation under this head with reference to the final improvement of this river as contemplated in the report of the Chief of Engineers for the year ending July 1, 1885, and as authorized in the act for the improvement of rivers and harbors approved August 5, 1886, and in House Executive Document No. 90, Forty-ninth Congress, first session; said methods to be applied, as the Secretary of War may direct, at such points between Wichita, Kans., and the navigable mouth of the Arkansas River, at its junction with the Mississippi River, as he may deem for the best interest of commerce.

The only objection I can see to that language is that it allows the Secretary of War the discretion, if he chooses to do so, to permit a portion of this money to be used on the part of the river from Arkansas City down. The report of the engineer is that the river from Wichita, Kans., to Arkansas City is not feasible of improvement; that in the present requirements of commerce there is no necessity for any expenditure being made on that part of the river, because it is not worthy of improvement at present; but he does recommend an improvement from Arkansas City to the mouth of the river; and in the old report, under which this very plan of improvement has been suggested, the method of narrowing the channel in certain places, the manner of building up dams in a cheap and efficient way, is proposed, which has been tried on the river a number of times. It seems to me to be the part of wisdom that the present appropriation shall be limited to the old plan, and that it shall be followed out, and that there shall be no doubt left as to the intention of Congress in making this appropriation. The engineer earnestly recommends that there shall be a uniform purpose, and that the appropriation as made in the last bill shall be carried out under this.

As the motion to strike out and insert is not divisible by the rules of the Senate, I understand the difficulty I have to deal with, and I appeal to the chairman of the committee to agree that this clause shall be put in this shape. There may be no great harm done in allowing the recommendation of the committee to be carried out exactly as it is made; but it would be safer and this appropriation would be more clearly and distinctly limited to the purpose the committee have in view if the language proposed to be inserted by the committee be inserted and the language recommended by the House committee be allowed to remain in the clause.

The PRESIDENT *pro tempore*. The motion to strike out and insert may be considered divisible by unanimous consent.

Mr. FRYE. I do not feel at liberty to give assent to any change in this item. The committee spent a great deal of time over this item; they devoted a good deal of attention to the provisions of it, and the Senator from Arkansas was present and discussed with the committee its provisions, and they finally settled upon the language contained here. I believe it carries out fully and completely the intention of the committee and prevents any adoption of a plan which in the opinion of the committee is altogether too extravagant for this river. The river is an important one. The committee recognize that fact. Its commerce is large. But there is one plan proposed which is excessive and extravagant, and the committee determined that under no circumstances could it be committed to it. It seems to me that the language used here, that was adopted after long discussion and with great care, carries out completely the purpose the committee had in view. Therefore I shall be obliged to object to the Senator's suggestion.

Mr. COKE. When this matter was under consideration the Senator from Arkansas was freely consulted, as I understood, and the provision as placed in the bill by the committee he agreed was right. I know he was there, and my understanding was that he consented to the amendment agreed to by the committee as a reasonable and satisfactory conclusion.

Mr. JONES, of Arkansas. The Senator from Maine and the Senator from Texas do not seem to understand the point I made. I was before the Committee on Commerce and stated to them what my views were about this clause as they originally framed it in the first draught of the bill the committee brought into the Senate. I called their attention to the fact that they were compelling the improvement of the Arkansas River, under a report of the Board of Engineers, from Wichita, Kans., to its mouth, of March 16, 1888; that they did not intend that purpose, and that the reference to the report by its date had committed the committee to a plan of improvement which they did not intend. After I had made my statement the chairman of the committee said, and the members of the committee who were present agreed, that they were satisfied with my purpose, and I heard no more from the committee. I was not present at any of the committee conferences; I heard no discussion among the members of the committee about the effect of this clause.

Now the purpose I have in view is this: I agree with the Senator from Maine that this clause as it is framed prevents the taking up of the plan to which I have just referred and which is in terms excluded by the language of the committee's report; but it does not go quite far enough. I think that the committee ought to be prepared to follow the plan which has been heretofore recommended, which has been heretofore adopted, and upon which the appropriations that have been made prior to this time have been expended.

There is a declaration in the clause, if it shall be passed as the committee recommend it, that it will not follow the recommendation made by the board of the date mentioned, which would be enormously expensive; but it does not at the same time say that it will adhere to the old plan and continue the improvement on the plan that has been adopted heretofore. Of course I take it for granted the Secretary of War will in all probability take this view of it, that Congress having declared it will not accept the new plan he should follow the old plan; but I submit to the chairman of the committee that it would be well to say in exact words that you expect this appropriation to be expended in the line that appropriations made heretofore have been expended and there shall be no change from the plan as recommended by the Engineer Department and adopted by the House committee.

Mr. BERRY. I was before the committee and had a conversation with the chairman and other members, and I agree with my colleague that the object to be accomplished will be best attained by keeping in the language reported and also retaining the House language.

I understand the purpose of the committee was to prevent the Government being committed to the new plan. The amendment proposed by the committee does exclude that plan; but my colleague thinks it goes further than that, and might possibly be construed to exclude another plan and one which we all agreed, as I thought, the committee as well as all the rest, should be adopted. My colleague, who had something to do with preparing the words of the bill as it came from the other House, said that the purpose was to exclude the plan to which the Senator from Maine has alluded, and simply give force to the other plan which has been already pursued.

Mr. FRYE. I am entirely willing to restore the words "continuing improvement," in lines 1030 and 1031, but I can not see why the clause as reported does not do everything that the two Senators desire:

For the removal of obstructions, bars, and shoals, operating snag-boat, repairing snag-boat Wichita, and general improvements to the navigation of the river, to be expended in the discretion of the Secretary of War.

I do not see the least difficulty in this language allowing the Secretary of War to continue the improvement that he has been making heretofore.

Mr. JONES, of Arkansas. Restoring the words "continuing improvement," I think, will go very far to indicate to the Secretary of War that the old plan shall be pursued.

Mr. FRYE. I am willing that those words shall remain.

Mr. JONES, of Arkansas. That almost meets my idea, but I believe a direct declaration that the old plan shall be pursued would be still better.

Mr. VEST. My construction of this amendment is that the matter shall be left entirely to the discretion of the Engineer Bureau. It is not proposed to commit them to any plan. The distinct understanding, as I recollect, was that the Engineer Bureau should go on with the improvement of the river according to the plan that they might see fit to adopt. The language here can admit of no other construction; it is for continuing the improvement of the river, and we did not propose to commit ourselves to the old plan or the new.

The PRESIDENT *pro tempore*. The Chair understands that by unanimous consent the words, "Continuing improvement," in lines 1030 and 1031 are to remain in the bill. The question then recurs upon agreeing to the further amendment proposed by the committee, to insert the words printed in italics from line 1031 to line 1035, which will be read.

The CHIEF CLERK. After the words "Continuing improvement," in line 1031, on page 43, the Committee on Commerce propose to insert:

For the removal of obstructions, bars, and shoals, operating snag-boat, repairing snag-boat Wichita, and general improvements to the navigation of the river, to be expended in the discretion of the Secretary of War.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in the same clause, line 1035, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to read:

To be expended in the discretion of the Secretary of War, $175,000.

The amendment was agreed to.

The next amendment was, in the same clause, after the word "dollars," at the end of line 1035, to insert the following proviso:

Provided, That nothing herein contained shall authorize the Secretary of War to enter upon the project of improvement of said river as set forth in the report of the Board of Engineers on improvement of the Arkansas River from Whicita, Kans., to its mouth, dated New York City, March 16, 1888, and contained in House Executive Document No. 234, first session, Fiftieth Congress.

The amendment was agreed to.

The next amendment was, in the same clause, after the word "Congress," in line 1043, to strike out:

Provided, That the Secretary of War shall expend the appropriation under this head with reference to the final improvement of this river as contemplated in the report of the Chief of Engineers for the year ending July 1, 1885, and as authorized in the act for the improvement of rivers and harbors, approved August 5, 1886, and in House Executive Document No. 90, Forty-ninth Congress, first session; said methods to be applied, as the Secretary of War may direct, at such points between Wichita, Kans., and the navigable mouth of the Arkansas River, at its junction with the Mississippi River, as he may deem for the best interest of commerce. And all moneys now to the credit of different sections of the Arkansas River, other than appropriations for the operating of snag-boats, shall be available for use under this head; and in future the engineer in charge of this work and the Secretary of War shall make report upon the progress and needs of this work under this head, instead of reporting upon disconnected projects, as heretofore.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 1073 to line 1078, inclusive, as follows:

Improving Arkansas River, Arkansas: For removing obstructions, $25,000, of which $10,000 is authorized to be used in constructing a new hull for the snag-boat Wichita, including capstans and the transfer of the upper works, and $375 in completing survey and maps.

The amendment was agreed to.

The next amendment was, in section 1, line 1079, after the word "Arkansas," to insert "To complete improvement;" so as to make the clause read:

Improving Red River, Arkansas: To complete improvement above Fulton, $3,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1087, after the word "Arkansas," to strike out "Continuing" and insert "To complete;" so as to make the clause read:

Improving Petit Jean River, Arkansas: To complete improvement below the iron bridge at the Rocky Crossing, $2,500.

The amendment was agreed to.

The next amendment was, in section 1, line 1092, after the word "Camden," to insert "To complete;" and in line 1093, before the word "thousand," to strike out "five" and insert "nine;" so as to make the clause read:

Improving Ouachita River, Arkansas, above Camden: To complete, $9,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1095, at the end of the clause appropriating $7,000 for "improving Cache River, Arkansas," to add the words:

Three thousand dollars of which shall be expended for the building and equipping of a small hand-propelled snag-boat, and $4,000 for running expenses of the same, in accordance with the recommendation of the engineer in charge.

The amendment was agreed to.

The next amendment was, in section 1, to strike out lines 1132 and 1133, as follows:

Improving South Fork of Cumberland River, Kentucky: Continuing improvement, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1138, after the word "Kentucky," to strike out "continuing" and insert "to complete;" and in line 1139, before the word "thousand," to strike out "three" and insert "six;" so as to read:

Improving Tradewater River, Kentucky: To complete improvement, $6,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1144, after the word "river," to insert "also $20,000, or so much thereof as may be necessary, shall be expended for the construction of a drift-gap at Davis Island Dam, with the necessary bear-trap gates and masonry walls;" so as to read:

Improving the Ohio River: Continuing improvement, $380,000; of which sum $25,000, or so much thereof as may be necessary, shall be expended in removing the rock obstruction at the mouth of Licking River; also $20,000, or so much thereof as may be necessary, shall be expended for the construction of a drift-gap at Davis Island Dam, with the necessary bear-trap gates and masonry walls; also $7,500 in constructing an ice-pier pursuant to the present or prospective plan of the Chief of Engineers, at or near Portsmouth, Ohio.

The amendment was agreed to.

The next amendment was, at the end of the same clause, after the word "harbor," in line 1179, to insert:

And $30,000 of said sum of $380,000, or so much thereof as may be necessary, may be expended, in the discretion of the Secretary of War, in repairing the dam at the head of Cumberland Island and building a dam from the head of Dog Island to the Illinois shore; and $30,000 of said sum of $380,000 may be expended in protecting the harbor at Cairo, Ill., in the discretion of the Secretary of War.

Mr. FRYE. I have received a letter from the engineer in charge, William E. Merrill, which letter has been submitted to the Committee on Commerce, and it makes it clear to them that this amendment ought not to be adopted, and I am instructed to ask the Senate to nonconcur in the amendment.

Mr. EDMUNDS. I should like to hear the letter read.

Mr. FRYE. The Senator from Vermont asks that the letter be read. I send it to the desk.

The PRESIDING OFFICER (Mr. PLATT in the chair). The letter will be read by the Secretary.

The Secretary read as follows:

UNITED STATES ENGINEER OFFICE, CUSTOM-HOUSE,
Cincinnati, June 7, 1888.

SIR: I desire to call your attention to a few points in connection with the pending river and harbor bill.

Lines 1180-1188, Ohio River.

The reconstruction of the Cumberland dam is bitterly opposed by the commerce of the Ohio River. I rebuilt this dam once and removed it afterwards for reasons that you will see in the report of the Chief of Engineers for 1876, part 2, page 22.

The other item is for "protecting the harbor at Cairo." The harbor at Cairo, if this means the steam-boat landing, needs no protection. There is some wash of a piece of shore about a mile and a half above the steam-boat landing which belongs to private parties, and I was ordered a couple of months ago to examine and report on this shore, but I was unable to do so on account of high water. According to the general rule this matter should lie over until an engineer's report has been made. If every washing bank on the Ohio River is to be protected by the United States, the river and harbor bill will be swamped by projects that have no connection with navigation.

In this connection I would add that the Great Miami levee at Lawrenceburgh is for the protection of the town from inundation, as is also the levee at Shawneetown. Neither has the slightest connection with navigation. The levee at Lawrenceburgh is the track of the Cincinnati, St. Louis and Indianapolis Railroad, and I am now raising this track, or paying the company for raising it, out of an allotment made in the last river and harbor bill from the appropriation for improving the Ohio River.

I have no desire to oppose the will of Congress in the distribution of appropriations, but as Congress often acts on erroneous information and seems to desire that the United States engineers shall give them facts for their use in making appropriations, I have thought it my duty to call your attention to these points.

Respectfully, your obedient servant,

WM. E. MERRILL,
Lieutenant-Colonel Engineers.

Hon. W. P. FRYE,
United States Senate, Washington, D. C.

Mr. BECK. When this amendment came to my notice I looked at it somewhat, and after the committee's action on it, believing that the matter was left in the discretion of the Secretary of War to do it or not as he pleased, and if it was not considered proper after a thorough examination it would do no harm, I am a little astonished to find a letter from Colonel Merrill now giving his individual opinion in regard to what he thinks ought to be done and asking that the amendment be stricken out. I was not expecting a letter of this sort, and am not prepared for it. I thought the Secretary of War ought to have a right to do what is here proposed if he thought proper after examining the head of the Cumberland River. There was a voluminous statement showing the importance and the necessity of it, and the Committee on Commerce was satisfied in regard to it. It being a matter of discretion, I know of no reason why the amendment should not be made. Colonel Merrill is a very good officer in some regards. In others I am not prepared to vouch for him. I do not think the action of the committee ought to be overthrown by a letter like this.

The PRESIDING OFFICER. The question is on the adoption of the amendment. [Putting the question.] The noes appear to have it.

Mr. BECK. Let us have the yeas and nays on that.

The PRESIDING OFFICER. The Senator from Kentucky calls for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The Secretary read the amendment proposed by the Committee on Commerce.

Mr. FRYE. I desire to repeat what I said a moment ago, that after a hearing before the Committee on Commerce the committee unanimously determined that the chairman should request the Senate to nonconcur in this amendment.

Mr. BECK. On what authority?

Mr. FRYE. On the letter which has been read and the report to which Colonel Merrill refers.

Mr. BECK. Colonel Merrill alone?

Mr. FRYE. Yes.

Mr. BECK. I do not want to delay the Senate, as a call of the yeas and nays might embarrass the bill. I will offer the amendment again in the Senate, if on examination I find it proper.

The PRESIDING OFFICER. The Chair understands the demand for the yeas and nays to be withdrawn.

Mr. BECK. Yes, sir.

The PRESIDING OFFICER. In the opinion of the Chair the noes have it, and the amendment is disagreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 1201, after the word "Zanesville," to insert "and other necessary repairs to locks and dams on said river;" so as to make the clause read:

Improving Muskingum River, Ohio: For the construction of a lock at Taylorsville and the reconstruction of the lock at Zanesville, and other necessary repairs to locks and dams on said river, pursuant to the report of the engineers, $102,000; and the Secretary of War is hereby authorized and empowered to grant leases or licenses for the use of the water-powers on the Muskingum River at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient: *Provided*, That the leases or licenses shall be limited to the use of the surplus water not required for navigation. And he is also empowered to grant leases or licenses for the occupation of such lands belonging to the United States on said Muskingum River as may be required for mill-sites or for other purposes not inconsistent with the requirements of navigation; and all moneys received under such leases or licenses shall be turned into the Treasury of the United States, and the itemized statement thereof shall accompany the annual report of the Chief of Engineers.

Mr. EDMUNDS. I should like to hear that amendment explained, Mr. President. Are there any other locks and dams on that river besides those of the United States?

Mr. FRYE. No; no locks and dams that do not belong to the United States. The United States had the misfortune, in my judgment, to purchase this improvement from the State of Ohio, but it was understood that there were very few repairs needed, and it was so stated on the floor of the Senate, I think. It turns out on examination that there is hardly anything of the whole improvement that does not require repairs, and these words "and other necessary repairs to locks and dams on said river" were put in because the committee believed from the statement of the engineers that other repairs were as absolutely necessary as the construction of this lock as provided for. The Senator from Ohio [Mr. SHERMAN] has a letter on the subject.

Mr. SHERMAN. I have a letter from Colonel Merrill in which he speaks of the amendment proposed by the committee as not at all necessary. I therefore suggest that it be dropped out.

As a matter of course when work constructed many years ago by civil engineers under State authority was placed under the control of military engineers, men who are experts, as Colonel Merrill and others, they are not satisfied with the kind of work the State was satisfied with in the construction of internal improvements, and therefore they no doubt recommend a greater amount of improvements and a greater amount of repairs than would be deemed necessary by the authorities of any State. I understand that their mode of conducting improvements is on a different scale from that adopted by State authorities. Therefore it is that what might be considered very reasonable and right by a board of public works such as we have in Ohio would be considered very inefficient by a board of engineers of the United States Army. When a work is done under the charge of military engineers of the United States, they expect good work at a good cost. You can not have one without the other. I think, therefore, the amendment had better be omitted so as to avoid any ambiguity, and apply this sum to the particular works recommended.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Commerce.

Mr. EDMUNDS. I notice from the remarks of the distinguished chairman of the Committee on Commerce respecting this Muskingum River in Ohio that it was a very great mistake, in his opinion, on the part of Congress to take that, as I believe, worthless river for any purpose of navigation, and the worthless works that the State of Ohio had built there by the aid, I believe, of land grants of the United States——

Mr. SHERMAN. Not a dollar.

Mr. EDMUNDS. The United States took those works off the hands of the State of Ohio, and paid her a large sum of money for them.

Mr. SHERMAN. May I correct the Senator in regard to that matter? It was before the era of land grants at all. The work was constructed in 1837, and there was no land grant, nor did the Government of the United States ever contribute a cent to it.

Mr. EDMUNDS. My friend from Ohio, who certainly ought to be more familiar with the land grants to that State than I am, says I am mistaken in saying that there was a land grant applicable to this particular stream. I hope I am mistaken, though I very much doubt it, although the stream probably was not named in the land grant with precision; for the river, according to my examination when the matter was upon the subject of our taking the works off the hands of the State, was not one that the interests of national commerce or State commerce required should be made navigable in the present stage of the world.

Now, recurring to the remarks of my friend from Maine, I opposed and tried to get the Senate to refuse to take this thing off the hands of the State of Ohio; but of course (as is usual in all such cases) without any considerable success; that is to say, a majority of the Senate thought that the national interests required that it should be taken. I have forgotten how many thousand or hundred thousand dollars were paid to the State of Ohio for it.

I find that this bill illustrates what sort of an elephant we have on our hands. The Secretary of War is to grant leases and licenses for the use of the water-power on such terms as he considers just and expedient; but they are not to hinder navigation. He is to grant leases or licenses for the occupation of lands belonging to the United States on the Muskingum River, that is those we got from the State of Ohio, for mill-sites and other purposes. We took out from the hands of the State of Ohio a failing, costly, losing, worthless enterprise that she waited to get rid of, because if she kept it up at all it was a tax upon her treasury, and naturally enough—and I do not blame the State of Ohio for it, for it was done openly—if she could persuade the representatives of all the other States to take it off her hands and tax the whole people of the United States for keeping it up, for whatever use it might be, it was a good thing for the State of Ohio that we did it.

Now we have got a lot of useless and worthless property which we are to lease out and peddle out by licenses and leases for mill and whatever other sites there may be to whatever customer we can find.

This illustrates my own course in particular and enables me—because this amendment is of no particular account—to explain why I have given up as one Senator following this bill in detail, after the test on a small appropriation for a river in North Carolina which had no business to be improved—I have given up the idea of persuading a majority of the Senate (who undoubtedly are wiser and more patriotic than I am) that anything can be proposed on a bill of this kind and supported earnestly by a Senator from the locality where it is, which can be rejected; and my respect for the Senate is such that I do not wish to fight against "manifest destiny" and the judgment of a majority of my fellows. And so I keep silent in respect of these matters in the main, not because there are not a great many similar improvident and unjust expenditures provided for in this bill, as there have been in all its predecessors, but, as I say, it is useless and perhaps unjust for any one Senator to undertake to resist the judgment of a majority of the Senate in respect of this long enumeration which contains so large a per cent. of things that ought not to be done.

The appropriation of liberal sums of money, all that is necessary, for the improvement of the navigation of rivers in which the people of the States at large or of the States in their localities have a just commercial interest, and which in the sense of the Constitution belong to the commerce of the United States, as rivers that are in their nature navigable and only require to be improved—not rivers that have to be made—I have not the slightest objection to, but I am for. But when a bill of this kind is interlarded in so many instances with mere local pride, with selfish considerations or neighborhood convenience, where the people of the States concerned, if they wanted the improvement proposed, ought to tax themselves for it, as a matter of mere local concern, it makes it difficult for me to vote for a whole bill of this kind when it is completed.

I have said this once for all, Mr. President.

Mr. SHERMAN. Mr. President, the Senator from Vermont does not apprehend, I imagine, the reasons why the State of Ohio surrendered this improvement and why the Government of the United States finally assumed it. They are these: At the time the Muskingum River improvement was made it was a navigable stream, and a series of locks and dams were built to make very good slack-water navigation. That was in 1836-'37. At that time the Government of the United States refused to make any works of internal improvement whatever, and they were attended to by the States. Most of the States, North and South, assumed to construct their own works of internal improvement. Ohio, among other things, constructed the Ohio Canal, the Miami Canal, and the Muskingum River improvement. The State became embarrassed so that in 1841 or 1842 Ohio bonds sold at one time at 50 cents on the dollar, and the State even failed to pay the interest for a time. Nearly all the systems of public works then conducted by the States fell to the ground, and some of the Southern States were thereby so embarrassed in their financial affairs that they have never yet recovered.

The Government of the United States subsequently, under the lead of both political parties, adopted the idea that works of internal improvement should be made on navigable streams, and to improve harbors of a national character. Under that system the river just opposite the mouth of the Muskingum, which comes into the Ohio at Marietta, was constantly improved and excellently improved by the Government of the United States by locks and dams of similar character to those in

the Muskingum. The Tennessee River, the Cumberland River, and many other branches of the Ohio and Mississippi have been thus improved by the Government of the United States.

Under these circumstances, the State of Ohio having only this single work of internal improvement by locks and dams, it fell rather into decay. It was kept up and always paid expenses, but that was about all. Meanwhile the State of Ohio, seeing that it had this improvement on its hands while all its sister States about it had their rivers improved by the General Government, rivers of the same character and degree, felt it but right to turn this improvement over to the General Government.

The Senator says he does not know how much the Government paid for it. It never paid a cent. There was simply a surrender of the improvement as it stood, in a somewhat dilapidated state, it is true, but its precise condition was known and reported by the official papers. Ohio proposed to surrender the improvement by an act of the State Legislature to the General Government. The General Government finally agreed to accept it, and it was recommended by the Secretary of War, and also by the officers of the Engineer Corps, and it was finally adopted by Congress.

Mr. TELLER. When was that done?

Mr. SHERMAN. Two years ago, I think. That is all there is about it. It is true that when this work was taken possession of by the General Government it was said some of the locks were insufficient, some were not wide enough, in some cases the scales were out of order and had to be rebuilt. I have no doubt that under the management of Ohio they would have been continued without rebuilding; but now Colonel Merrill recommends that one of the locks be rebuilt and the other largely repaired. I think if we had the management of it in Ohio we would not do anything of the kind, but would bear it and get along; but the Engineer Corps, having charge of it, naturally want good work instead of poor work.

Here is an appropriation of $102,000 to fix the locks. Suppose it should cost $200,000 to give the people of that beautiful valley, where they are now celebrating their one hundred years of national birth, a complete improvement of this river, is there any injustice in that when the very rivers all around and about, the Wabash and the Illinois and the Kanawha and the Kentucky and the Tennessee and every river in every State all around, are being improved by the National Government? Is it unreasonable that the Government should assume the management and care of this improvement, which cost the people of the State of Ohio $2,000,000?

I do not think there is any ground of complaint on the part of the Senator from Vermont as to the particular amendment in view. I think myself that amendment ought to be disagreed to, because, as the engineers recommend the improvement of these two locks alone, leaving the general repairs to be managed as heretofore out of a general fund for that purpose, I think it is better to take their report just as they had it.

I am told that one of my colleagues in the other House, probably on representations made to the committee, had this amendment put on. If that is so, I am perfectly willing to let it remain on and let the matter go to a conference, or let it be stricken off, whichever is deemed proper.

Mr. VEST. That is the fact.

Mr. SHERMAN. He thinks there is no provision made for repairs. There is, however, provision made for repairs generally. Colonel Merrill in a letter which I handed to the Senator from Maine, and it is on his desk, I suppose, says expressly that it is necessary to have the amendment made for that purpose, and he thought it had better be made.

Mr. VEST. The amendment can not do any harm.

Mr. SHERMAN. I say I have no objection to its being on or off, as the Senate please.

Mr. VEST. I want to say a word in regard to this item in the river and harbor bill.

No one in the Senate has any right to complain of this appropriation after the action of the Senate two years ago. We proposed then if the State of Ohio would transfer her improvement of the Muskingum River to the Government of the United States to keep it in repair. The House bill came to us with that provision in it, and the Committee on Commerce of the Senate reported against it, and the Senator from Ohio moved to disagree to the action of the committee of the Senate, and succeeded by one vote in reversing our action. The whole matter was debated here, and if I am not mistaken the Senator from Vermont voted with the Senator from Ohio.

Mr. EDMUNDS. Not much. I resisted it all in my power.

Mr. VEST. I beg the Senator's pardon. I know that the committee was beaten by one majority. I objected to it in committee and in the Senate. I did not think the great State of Ohio ought to place this improvement on the General Government after it had allowed this work to go into a condition of ruin for want of repairs; but it was done by the Senate and this is the logical result, and no man has a right to complain of it. I told the Senate then, and other Senators told the Senate, what would be the result; that the next thing the State of Ohio would come here, or rather, the Engineer Bureau in charge of the work, would come and say, "We require now several hundred thousand dollars to put this work in a fit condition;" and it has come to pass.

Then the State of Kentucky, that does not owe a dollar in the world, whose credit is as good as that of any other State or the United States, put one of her internal improvements on the General Government, and now I understand there is a proposition to take the Licking River and the Green River improvements. I have objected to the whole thing.

Mr. EDMUNDS. The Licking is not here.

Mr. VEST. But Green River is in the bill. After the Senate determined deliberately that they would take this work off the hands of the State of Ohio they can make no discrimination against any other State. I was opposed to the system; I am opposed to it now. I fought it from 1877, but was beaten in the Senate; and I simply rise now to say that we are plucking the fruit from the tree we planted two years ago.

Mr. REAGAN. Mr. President, I have not examined the report of the engineers on this matter, for it is not before me. There seems to be an instruction in the report of the committee on the provisions of the bill. The report of the committee is in favor of an appropriation of $60,000 "for ice harbor at the mouth of the Muskingum River, Ohio," for the completion of that work. The provision is—

Improving Muskingum River, Ohio: For the construction of a lock at Taylorsville and the reconstruction of a lock at Zanesville, and other necessary repairs to locks and dams on said river, pursuant to the report of the engineers, $102,000.

I suppose this is questionable, of course, but it is not apparent on looking at the report of the committee and the provisions of the bill. I suppose some member of the committee will tell us why the report is one thing and the provision of the bill another. But that is not the main question to which I rise now.

Mr. COKE. Perhaps my colleague will allow me to call his attention to page 147 of the report of the committee, where this item appears:

Muskingum River.—Improving Muskingum River, Ohio: For the construction of a lock at Taylorsville and the reconstruction of the lock at Zanesville, and other necessary repairs to locks and dams on said river, pursuant to the report of the engineers, $102,000.

Mr. DOLPH. The Senator from Texas [Mr. REAGAN] will find that there are two items. He has referred to the report relating to one while he is looking at the provision of the bill in regard to the other.

Mr. REAGAN. I saw it in the report in the first place, but the index does not indicate a reference to the report to which my attention is now called.

But, Mr. President, if we intend to pursue the policy of improving the navigable waters of the United States, it seems to me that it is essential for the present that until we can improve the open navigation of the country we should not be expending the public revenues on very costly works on small and unimportant streams.

The canal at Des Moines Rapids was one connecting the waters of the Upper and Lower Mississippi, connecting the open water way of a great stream. The canal at the Mussel Shoals, on the Tennessee River, was of a like character. So the locks and dams at Sault Ste. Marie connected the lakes, connected great bodies of navigable water where there were large amounts of commerce. There could be no objection to works of that kind, because of the great amount of commerce which they facilitated and aided.

But if we go on making slack-water navigation on the small and unimportant streams of the country, our river and harbor improvement system must break down, for the revenues of the country will not permit of providing slack-water navigation on all the unimportant streams of the United States. When I say "unimportant" I do not mean those without commerce and wholly unimportant, but I mean those comparatively unimportant, because they are small streams and because of the large amounts of money required to improve them.

I have resisted from year to year for twelve or more years the effort to take local streams and expend large sums of money in building slack-water navigation upon them, and I have done it because I am a friend to the river and harbor bill, and a friend to the improvement of the water navigation of the country as one of the great aids of commerce, and to the development of the wealth and resources of the country.

We had as well consider the point. I do not know but that we have gone too fast and too far, and that the work of improving the water ways of the country is to be wrecked upon this idea of improving small streams at very great expense. We commenced on the Kanawha River and improved that for 96 miles at an expense of some $4,000,000, I think. We have got the Kentucky River on our hands, and we have got a number of other rivers on our hands, and we are spending hundreds of thousands of dollars to improve streams with small commerce. I do not mean to say that the Kanawha River is a stream with very small commerce, because its peculiar situation gives it a very considerable commerce. But going over the list we find that we are providing for slack-water navigation at great cost to the Government on streams that have but little commerce. We are expending money on streams and communities the expenditures on which may benefit the localities and the people residing about them much more than they benefit the general commerce of the country.

I recognize the right of Congress, the power and the duty of Con-

gress to improve the navigable waters of the country that are under the jurisdiction of the Federal Government; that is, those streams on which commerce is borne that goes by continuous navigation by water to other States and to foreign countries, but I do not recognize the right of Congress to make merely local improvements.

I am not so much disposed now to discuss the question of power as to discuss the question of the policy of breaking down the river and harbor bill by putting upon it slack-water navigation, taking money away from improving the great water ways of the country, the open navigation of the country, in order to make local improvements by slack-water navigation. Senators might as well understand that if we go on with slack-water navigation the country will call a halt, and it will be the defeat of river and harbor bills for the improvement of the open navigation of the country.

I simply rose to renew here the protest I have made from year to year for twelve or fourteen years against slack-water navigation and local improvements merely at the expense of the great system of the improvement of the water ways of the country.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Commerce in lines 1201 and 1202.

The amendment was rejected.

Mr. DOLPH. I ask unanimous consent to return to page 9, line 196. The last word there "1881" should be "1871," as appears from a letter in my possession from the chairman of the House Committee on Rivers and Harbors. The bill adopts the later plan of improvement, which it was not the intention to adopt.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent to return to line 196, on page 9, and proposes the amendment which will be stated.

The CHIEF CLERK. On page 9, line 196, before the word "one," it is proposed to strike out "eighty" and insert "seventy;" so as to read:

Improving harbor at New Rochelle, N. Y.: Continuing improvement, the balance remaining on hand from former appropriations to be expended in pursuance of the project adopted in 1871.

Mr. EDMUNDS. Saving objection, I ask the Senator to explain how much is "the balance remaining on hand from former appropriations" which is here authorized "to be expended."

Mr. DOLPH. I suppose it is $3,000. There are two surveys, one of 1871 and one of 1881. It was not the intention of the committee to adopt the latter and more expensive one, but to compel the application of the money to the former one.

Mr. EDMUNDS. The phraseology is such as to cover every unexpended balance of any former appropriation made at any time, and it would be interesting to know how much, taking all of those for twenty years past, they would all foot up. It is not confined to the balance remaining under the last appropriation bill, but the balance of all former appropriations.

Mr. DOLPH. But the final balance of all previous appropriations is shown by the manner in which these accounts are made up by local engineers.

Mr. EDMUNDS. Do not river and harbor appropriations ever lapse?

Mr. DOLPH. They do not lapse. They are continuing appropriations. Therefore the balance in the report this year is the balance of all time.

The PRESIDING OFFICER. Is there objection to considering this amendment? If there be none, the question is on the adoption of the amendment proposed by the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

The reading of the bill was resumed, and continued to the end of the following clause, from line 1219 to line 1221 of section 1:

But nothing in this act shall be construed to affect any vested right, if such there be, of any lessee of water-power on said river.

Mr. REAGAN. I had looked at the clause, but had not at first noticed the fact that we are undertaking to make water-power and peddle it out to private parties in the name of improving the navigable waters of this country. We propose to create water-power by the Federal Government and peddle it out to those who may need it for private purposes. Surely the Senate will not go into such a measure as that.

Not only is this a local improvement, but we abandon the idea that it is purely for the purpose of accommodating the commerce of the country and make the Government a corporation to provide and peddle out water-power for private millers and manufacturers! I trust the Senate will vote this clause out. Surely we do not mean to go on with this. I have on a former occasion referred to a case where the Government paid about $2,000,000 to make water-power for private purposes, and I hope we shall stop now.

Mr. DOLPH. The United States are not proposing to create any water-power. The State of Ohio by the improvement of the Muskingum River did create water-power which is incidental to navigation. When that was turned over by the State the river with its improvements was turned over. There is a water-power which now belongs to the United States, and ought to be utilized. There is no improvement being made for the purpose of creating water-power, but the water-power was created by the State in the improvement of the river, and this simply authorizes the Secretary of War to do what was previously done by the State of Ohio.

Mr. REAGAN. I understand that; but this clause provides an appropriation for the improvement of the Muskingum River. It appropriates money for that purpose. It creates water-power by that appropriation, and then the Secretary of War, if I can understand it, is authorized to peddle out that water-power to private parties.

Mr. VEST. But we do not create the water-power. It is there and must be used by somebody. I submit to my friend from Texas that if we do not do this, what are we to do? The State of Ohio has been leasing out this water power. We have obtained the whole system from beginning to end. We have not created it. We found it there, and having got it, I want to save what we can out of it.

Mr. REAGAN. I confess I am surprised that the Senator from Missouri should undertake to defend a measure like this. What power have we to peddle out water? We claim the power and we have the power to improve the navigable water ways of the United States in order to benefit commerce, but where we derive the power here asserted, whether by the direct assertion of the fact or as trustee of the State of Ohio, to peddle water for private purposes, I do not know, and I think any gentleman will find it very difficult to derive that power from the Constitution of the United States.

Mr. VEST. Where do you find the power in Congress to dispose of any public property?

Mr. REAGAN. That is incident to the control of the property that the Constitution authorizes the Government to acquire. There are kinds of property that we have the right to acquire, public buildings, etc., and when we have that property which we have a lawful right to acquire, and find that we have no further use for it, we may dispose of it as a matter of necessity. Indeed, in that case it is a necessity that it shall be disposed of for the public good. But that is a very different question from the one of creating property for the purpose of peddling it out to private parties.

Mr. VEST. We did not create this water-power; we found it.

Mr. REAGAN. I understand there were locks and dams there erected by the State of Ohio at an expenditure of hundreds of thousands of dollars, and when the work was turned over to the General Government the water-power went to the Federal Government. The property was taken on the idea of providing slack-water navigation to benefit the commerce that passes over the Muskingum River, and now we are asked to sanction a proposition to grant leases and licenses of the water-power on that river. I protest, sir, that it has no constitutional warrant, that it is wrong in principle, that it is an assumption of power that in the better days of this Republic no one would have dreamed of assuming.

Mr. DOLPH. This item has been passed by the Senate and the Senate has proceeded to consider another item of appropriation. If it were not for suggestions made in regard to this improvement which I think ought to be answered, I would not say a word.

I consider the Muskingum River quite as important to navigation as many of the other rivers the improvement of which has been provided for by Congress and which are provided for in this bill. I consider it quite as important as some of the appropriations for the works which are appropriated for in the Senator's own State. I find by reference to the report that—

The Muskingum flows through a rich valley, furnishing a large amount of commerce. Along and accessible to the river are important deposits of coal, salt, natural gas, oil, and cement. The total extent accessible for mining is about 60 miles in length, with an average width of 5 miles on each side of the river. With improved navigation a large increase of business would undoubtedly be developed.

Here is a river 60 miles in length going into the Ohio and tributary to the Mississippi River, and the commerce of which is tributary to the great bulk of commerce that flows through the Mississippi River. The presumption is in favor of the importance of the improvement, because the State of Ohio undertook out of the State treasury to make the improvement at a time when, as has been stated, the United States was not making appropriations for such improvements, and that State expended a large amount of money on it. Having done that, and the General Government having improved other rivers of a similar character throughout the country, the State of Ohio turned over the Muskingum to the United States without payment for what had been expended by the State.

It is true that there are some locks upon the river, but similar improvements are made on other rivers where there are rapids or other obstructions to navigation which require locks to make the navigation continuous. The United States found these locks with a surplus of water, and that is all there is of the case. The improvement was made for the purpose of improving navigation. The locks were constructed for that purpose. We found the navigation improved, the locks there, the surplus water there, which must either run to waste or be appropriated by some individuals, as is suggested by the Senator from Missouri, without payment. The United States simply uses this property, which now is its own by virtue of the act of Congress and the act of the Ohio Legislature, as it uses any other public property.

I can not see that there is any constitutional question involved, nor

can I see that the suggestions of the Senator from Texas concerning the character of this improvement are really supported by the facts of the case.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives concurring in some and non-concurring in other amendments of the Senate to the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

Mr. ALLISON. I move that the Senate insist on its amendments disagreed to by the House of Representatives.

Mr. EDMUNDS. I should like to hear the amendments that the House disagreed to read, so that we may know what they are.

The PRESIDING OFFICER. The amendments to which the House disagreed to will be read.

The Chief Clerk read from the message of the House of Representatives as follows:

The House of Representatives non-concur in the amendments of the Senate: No. 1, page 1, line 12, strike out all after "and," where it occurs the first time, down to and including "eighty," line 13, and insert "$22,027.30."

Mr. EDMUNDS. Will the Senator please explain what that means?

Mr. ALLISON. Is there a copy of the printed bill at the desk?

Mr. EDMUNDS. I withdraw the request. It is impossible to understand what all these numbers mean.

Mr. ALLISON. Does the Senator withdraw his request?

Mr. EDMUNDS. I withdraw my request to have the amendments read.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate insist on its amendments disagreed to by the House of Representatives.

The motion was agreed to.

MARTHA F. WOODRUM.

Mr. DAVIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased, having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the Senate amendment, and agree to the same.

C. K. DAVIS,
JOHN H. MITCHELL,
D. TURPIE,
Managers on the part of the Senate.
THOS. L. THOMPSON,
J. LOGAN CHIPMAN,
W. GODFREY HUNTER,
Managers on the part of the House.

The PRESIDING OFFICER. The Chair does not see that any action is required by the Senate on this conference report. It will be placed on file.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FRYE. One word of explanation as to the Muskingum River leases. I have a letter from Colonel Merrill, the engineer in charge, in which he says:

The Secretary of War doubts his authority to grant leases of water-power on the Muskingum River, notwithstanding the fact that such leases were always granted by the State of Ohio, and that when the United States took charge of the river it was generally understood that no change would be made in the time-honored policy of permitting the surplus water to be used for manufacturing purposes.

It therefore seems necessary that Congress should distinctly authorize the Secretary of War to grant leases for water-power and the necessary land for mill sites; and to this effect I would suggest that the following clause be added to the river and harbor bill now pending:

And that is the clause which was added.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 1236, before the word "thousand," to strike out "fifty" and insert "seventy-five;" and in the same line, after the word "dollars," to strike out "a" and insert "all or any;" so as to make the clause read:

Improving St. Clair Flats Ship-Canal, Michigan: Continuing improvement, $75,000; all or any portion of which may, in the discretion of the engineer, be expended in dredging Grosse Pointe Channel.

The amendment was agreed to.

Mr. REAGAN. I desire to give notice that when the bill comes into the Senate I shall ask a vote of the Senate—I do not care to call for a division now, as we may not have a quorum—on the clause from line 1199 to line 1218, inclusive, relative to leases, etc., on the Muskingum River.

The PRESIDING OFFICER. The bill is now being read for the consideration of amendments proposed by the Committee on Commerce. It will be in order, after those amendments have been acted on, to move to further amend the bill in Committee of the Whole.

The reading of the bill was resumed, and continued to the clause on line 1239 to line 1241, as follows:

Improving St. Mary's River, at the Falls, Michigan: Continuing improvement on new lock, dam, and approaches, $1,000,000.

Mr. EDMUNDS. I should like a little explanation of that item in connection with the item at the top of the same page. This appropriates a million dollars for "improving St. Mary's River, at the Falls, Michigan." In lines 1224 to 1229, inclusive, is this paragraph:

Improving Hay Lake Channel, Michigan: Continuing improvement, $500,000: *Provided*, That any portion or all of this sum may, in the discretion of the Secretary of War, be used in the work at the falls of the St. Mary's River, in addition to the specific appropriations herein made for the latter.

I see in looking at the engineer's report that the Hay Lake Channel, as it is called, was an invention of the former river and harbor bill for building a new line there to shorten the distance and get out of the St. Mary's River proper, and to thus improve the commercial facilities there, and a great deal of money has been appropriated and expended for that purpose. Now, it would appear from this bill as it came from the House that it has not been thought important to appropriate any money definitely and positively to go on with the Hay Lake Channel business, which apparently is to be thrown up if the Secretary of War chooses to take all the money, leaving none for Hay Lake Channel, and apply it at the Falls, which is entirely a different work. I should like to have an explanation about that; whether it has been found that Hay Lake Channel is so unimportant or so impracticable in the way of building a ship route that way that we are going to gradually edge out of that business by this double appropriation for St. Mary's Falls; or what it does mean?

Mr. SAWYER. I do not think that the engineers have abandoned the Hay Lake Channel by any means, because it is very important, but the canal at the end of Lake Superior is locked by some of the best locks in the world probably, and they are not sufficient to do the business of the outlet of Lake Superior. The object is to allow the engineers, if they do not need the money for Hay Lake Channel, to go on and get out the stone and get ready for the new lock at the Falls. That lock will cost four or five million dollars. It would be a great deal cheaper to the Government to make the whole appropriation for that lock at once.

Mr. EDMUNDS. I understand that. I am not criticising or condemning whatever is thought necessary and the doing of it as fast as it can possibly be done, to enlarge the locks at St. Mary's Falls. That is one thing; but here I find that in former appropriation bills we have gone into a project, as this bill is so fond of calling it, of making the Hay Lake Channel, which is an entirely different thing, which is said to shorten the distance 11 miles and be a great thing when it is done, and we have made appropriations and money has been expended *ad libitum*, and, as I see by the report, they are substantially out of money now at the Hay Lake Channel. This bill appears to give the Hay Lake Channel the go-by entirely by allowing the Secretary of War to stop entirely on that channel and to devote that $500,000 to the locks. Why not, if a million and a half is needed to go on with the locks this year, give it in this item and either leave out Hay Lake Channel entirely as a useful performance any more, as one which has been found to be impracticable, or appropriate the money which the report of the engineers seems to show ought to be appropriated to carry it on? Why is Hay Lake Channel made the scapegoat to carry $500,000 to St. Mary's Falls—it never yet carried anything else to be sure—and left dry and desolate without any appropriation?

Mr. SAWYER. I think the Senator is mistaken about Hay Lake Channel not demanding money or not being of importance, because the other channel is a very crooked one. It may save more than 11 miles. The lock is of main importance, and that ought to go on. If they do not want to use all of the appropriation for Hay Lake Channel, they can use part of it to get stone out for the new lock. I think myself it is as well to have that provision in.

Mr. DOLPH. This is a very important improvement. I am told that the commerce passing through this lock at St. Mary's River is very large.

Mr. EDMUNDS. It certainly is.

Mr. DOLPH. It is larger than the commerce of the Suez Canal and larger than the foreign commerce of the city of New York.

Mr. EDMUNDS. It is undoubtedly very large.

Mr. DOLPH. In 1886 Congress determined that the capacity of the present locks was not sufficient to accommodate the commerce, or will not be long before another lock can be completed. Besides that, if anything should happen to the present lock so that it could not be operated for a time the whole commerce would be obstructed at this point. The engineer says in regard to the necessary appropriation for the lock:

The aggregate, then, of the funds which should be made available as soon as practicable is $2,235,875. Whilst any reduction of this amount would be a cause of great regret, yet, if it should be deemed necessary to make a reduction, the best way to do so would be to omit the $1,225,000 for masonry of lock-walls. On no account should the remainder ($1,010,875) be reduced, nor should the appropriation in that case be trammeled with any condition requiring more than the excavation of the lock-pit and building the culverts and lock-floor.

I understand the dredging of the Hay Lake Channel, which is to shorten the distance and straighten the channel and make it navigable

at night, is really a part of this general improvement, but as dredging can be made from year to year, and if not done this year possibly can be done next year before the completion of this lock, and as the local engineer and the Chief of Engineers—because the committee had several communications on this subject from the Engineer Department—recommend this appropriation as it is made, it was thought advisable that there should be some fund appropriated by which in case of accident repairs could be made at this lock by which cut stone could be provided for proceeding with the work another year. The other House sent it to us in this shape, an appropriation for the improvement of Hay Lake Channel, dredging in Hay Lake Channel, and providing that any part of the amount might be used, if found necessary in the judgment of the Chief of Engineers, upon this lock or cutting stone for the new lock.

Mr. EDMUNDS. I understand the Senator to say that there is a letter from the engineer or engineers recommending that this appropriation for the Hay Lake Channel be applicable to the St. Mary's Canal. I should like to hear that letter, so as to understand the ground on which the engineer puts it. Perhaps he will tell us something about the Hay Lake affair.

Mr. DOLPH. I ask that this item be passed over, and we can return to it.

Mr. EDMUNDS. It is in the text of the bill, so that the reading can go on.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, after the word "Montello," at the end of line 1261, to insert "except as hereinafter provided;" and in line 1263, after the word "dollars," to insert:

Of this sum $5,000, or so much thereof as may be necessary, shall be used for deepening the south outlet of Lake Winnebago, at Neenah, Wis., so as to make navigation practicable during low-water season; $6,000, or so much thereof as may be necessary, shall be expended in constructing a levee at Portage, Wis., to prevent the overflow of the Wisconsin River into the Upper Fox River.

So as to make the clause read:

Improving Fox River, Wisconsin, below Montello, except as hereinafter provided: Continuing improvement, $100,000; of this sum $5,000, or so much thereof as may be necessary, shall be used for deepening the south outlet of Lake Winnebago, at Neenah, Wis., so as to make navigation practicable during low-water season; $6,000, or so much thereof as may be necessary, shall be expended in constructing a levee at Portage, Wis., to prevent the overflow of the Wisconsin River into the Upper Fox River.

Mr. EDMUNDS. I should like to hear explained this matter of overflow. We have had some items in a previous part of the bill where the river seemed to be destitute of water. Here we have a case where apparently the river has too much water and we are going to keep it from overflowing. I should like to understand what that really is, for information.

Mr. SAWYER. Does the Senator wish me to explain it now?

Mr. EDMUNDS. Yes.

Mr. SAWYER. The Wisconsin River rises very high. The Government has improved directly opposite the portage, where there are some islands, and blocked up the other side of the islands years ago to make the river navigable. If it was not for that I suppose the river would still be liable to overflow. The ground is low there for 2 miles. They had to get out one hundred men there last spring in the time of high water. If the river overflows there, it overflows the whole country. The Wisconsin River is a very large and powerful stream. This appropriation is intended to prevent it from destroying the works below.

Mr. EDMUNDS. How far on the river is that?

Mr. SAWYER. About 2 miles, and the Fox River is some 8 feet below the Wisconsin.

Mr. EDMUNDS. And the United States are to prevent the Wisconsin River from flowing across these 2 miles of flat country, I suppose?

Mr. SAWYER. Yes; it is a low country.

Mr. EDMUNDS. Going across from there to the other river?

Mr. SAWYER. It flowed on the other side of the islands. You have blocked up the other side of the islands, turning in a heavy volume of water on this bank. I think it is no more than just that we should prevent the consequences of that.

Mr. EDMUNDS. I do not see anything in the report of the engineers—very likely I have overlooked it—on the subject of improving this river by preventing it, when there is a flood, from running over these 2 miles of the beautiful lowlands of Wisconsin.

Mr. SAWYER. We have a report on the subject, but it is not here now.

Mr. EDMUNDS. I should very much like to have that report read.

Mr. SAWYER. I will look it up.

Mr. EDMUNDS. It is not in the official reports submitted to Congress by the Secretary of War, so far as I find, and there is no allusion to it. However, as I said, it is, of course, useless to attempt to resist any of these amendments, but I have felt it my duty to call attention to them.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, after line 1271, to insert:

The sum of $6,000, appropriated by the river and harbor act of August 5, 1886, for a levee at Portage, Wis., shall be available for that purpose; the sum of $10,000, appropriated by the river and harbor act of July 5, 1884, "to be used in maintaining a channel between De Pere and Green Bay, Wis." shall be used, as soon as practicable, on the Lower Fox River, in buoying, straightening, and deepening the channel of said river, between said cities, to a depth of not less than 12 feet at low-water mark, the measurement for such depth to be based upon the lowest recorded stages of water heretofore found by United States governmental surveys to have existed in Lake Michigan.

Mr. EDMUNDS. I should like to ask the chairman of the committee if he will kindly tell us what has become of the channel between De Pere and Green Bay, Wis., from which we are to take this money which was appropriated four years ago and put it down on to the Lower Fox River?

Mr. SAWYER. No, we do not take that. We only make it available for this purpose.

Mr. EDMUNDS. The way it reads is:

The sum of $10,000, appropriated by the river and harbor act of July 5, 1884, "to be used in maintaining a channel between De Pere and Green Bay, Wis.," shall be used, as soon as practicable, on the Lower Fox River.

Mr. SAWYER. That is the same thing exactly.

Mr. EDMUNDS. What is the use of the reappropriation?

Mr. SAWYER. Because the other appropriation provided that it should be used to maintain a channel of 12 feet. The engineer said there was a channel of 12 feet during a certain period of the year, and consequently it could not be used. This is to have it used in boring.

Mr. EDMUNDS. They found that the appropriation for maintaining the channel was unnecessary, then, as I understand.

Mr. SAWYER. Before they were to use it to maintain a channel of 12 feet, and they construed it to mean 12 feet at high water. Now we want a channel of 12 feet at low water.

Mr. EDMUNDS. Is that recommended by the engineers?

Mr. SAWYER. I do not think it is in this report, but the local engineer has stated that he would like to put it in that shape.

Mr. EDMUNDS. I should like to have his letter read.

Mr. SAWYER. I have not got it here now, but I can get it.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Commerce.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 1286, before the word "thousand," to strike out "seven" and insert "ten;" and after "thousand" to strike out "five hundred;" so as to make the clause read:

Improving St. Croix River, Wisconsin and Minnesota: Continuing improvement, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1298, after the word "Vincennes," to strike out "Continuing improvement, including the work at or near Grayville, $60,000" and insert "Continuing the work on lock and dam at Grand Rapids, near Mount Carmel Ill., $50,000, and for continuing improvements, including the work at or near Grayville, $10,000;" so as to make the clause read:

Improving Wabash River, Indiana and Illinois, below Vincennes: Continuing the work on lock and dam at Grand Rapids, near Mount Carmel, Ill., $50,000; and for continuing improvements, including the work at or near Grayville, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1311, before the word "one-half," to insert "two and;" and after "one-half," to strike out "mile" and insert "miles;" so as to make the clause read:

Improving Calumet River, Illinois and Indiana: Continuing improvement, $50,000, of which $15,000 is to be used in improving the river above the Forks to 2½ miles east of Hammond, and $35,000 for the improvement of the river between its mouth and One hundred and eighth street.

The amendment was agreed to.

The next amendment was, in section 1, line 1322, at the end of the clause appropriating $200,000 for "Improving Illinois River, Illinois: Continuing improvement," to add:

And for the purpose of securing a continuous navigable water way between Lake Michigan and the Mississippi River, having capacity and facilities adequate for the passage of the largest Mississippi River steam-boats, and of naval vessels suitable for defense in time of war, the Secretary of War is authorized and directed to cause to be made the proper surveys, plans, and estimates for a channel improvement and locks and dams in the beds of the Illinois and Desplaines Rivers from La Salle to Lockport, so as to provide a navigable water way, not less than 160 feet wide and not less than 14 feet deep, and to have surveyed and located a channel from Lockport to Lake Michigan, at or near the city of Chicago, such channel to be suitable for the purposes aforesaid, and capable of carrying not less than 600,000 cubic feet of water per minute, flowing at the rate of 2 miles per hour; the necessary expenses of such surveys, estimates, plans, and location to be paid out of the sum herein appropriated for the improvement of the Illinois River.

Mr. SHERMAN. That amendment ought to be considered in connection with the next paragraph. It is a part of the same thing.

Mr. FRYE. It is hardly a part of the same thing. The people who are in favor of this project are antagonistic somewhat to the other provision. There was a hearing before the committee touching this question. They do not embrace in their scheme at all what is known as the Hennepin scheme.

Mr. SHERMAN. I think that in the absence of the Senators from Illinois this amendment ought not to be considered. It involves the great question of the making of a canal from Lake Michigan to the head waters of the Illinois River. We ought to understand before en-

tering upon that work the magnitude of it. I think myself the matter had better go over until the Senators from Illinois are here. I am disposed to be opposed to this proposition, but I do not like to oppose it in the absence of those Senators.

Mr. FRYE. I am entirely willing to pass over these two items until to-morrow; but I should not wish the river and harbor bill to go into next week in order to await the return of the Senators from Illinois, and I should hardly consent to any postponement if I was not also myself opposed to both items. The two items may be passed over for the present.

The PRESIDENT *pro tempore*. The proposed amendments between lines 1322 and 1357 will be passed over informally until the remainder of the amendments of the Committee on Commerce have been acted upon.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 1, line 1381, before the word "thousand," to strike out "twenty-five" and insert "fifteen;" so as to make the clause read:

For operating snag-boats and dredge-boats on Upper Mississippi River, $15,000.

Mr. DAVIS. I trust that amendment of the committee will not be concurred in, and that the original amount as proposed by the House may be restored. The report of the engineers on this subject, on page 1617, states:

By the act of August 5, 1886, $22,500 was appropriated for this special work.

* * * * * * *

It appears to be generally admitted that the preservation of the navigation of the Upper Mississippi is a necessity in the interest of cheap freight rates and for the benefit of the general public; and, in considering the importance of such work and the amount of good resulting therefrom, it seems proper to consider all freight affected by river competition rather than the amount of freight actually carried on the river.

It is also stated that the amount of miscellaneous freight moved by boats during the year 1886 was 337,713 tons. The report also states:

The work of the snag and dredge boats is an important one, furnishing immediate results and benefiting especially present interests of navigation.

"I believe that permanent provision should be made for this work of snagging, wrecking, tree cutting and pulling, clearing banks, finding and marking new channels, making surveys, soundings, and examinations; assisting boats in distress, watching and repairing existing improvements, investigating and supervising work on bridges, collecting physical data and statistics of commerce and navigation, and, in general, facilitating and reducing expenses of navigation."

To carry on this work properly, including the operation of a dredge, would cost approximately $30,000 per year.

That I take to be the recommendation of the Board of Engineers upon the subject. The House of Representatives proposed to give $25,000 for that purpose. The Senate committee purposes to give but $15,000. I am not advised upon what ground, except a very general one, the reduction has been attempted. The work is of exceeding importance, covering the whole reach of river, I think, from Des Moines Rapids to St. Paul.

Mr. FRYE. My recollection is that there was an appropriation of a less sum than that made about three years ago, and that it was not all used. The Government owns the snag-boats there, and there was a balance left; and there is to-day a balance left of a former appropriation. It was found by the committee on investigating the matter that $15,000 is all that will be required for the use of snag-boats on that reach.

Mr. DAVIS. I have here the letter of the Secretary of War and the table. I shall be very much surprised if the Senator is correct in his recollection.

Mr. FRYE. I must be correct in the recollection.

Mr. DAVIS. See if you can find any excess of appropriation stated in this report. I do not think there is any.

Mr. FRYE. There was a balance left on every appropriation for the Upper Mississippi last year.

Mr. DAVIS. I have it here. On the 1st of July, 1887, the amount available from the appropriation of August 5, 1886, was $4,588.

Mr. FRYE. The other appropriation went over two years, and it was a smaller appropriation than $25,000 considerably. The committee found that $15,000 would do everything that was required.

Mr. DAVIS. I can not deduce that from the official figures before us. The balance available is $4,588. The Board of Engineers recommends $30,000 for this work. The House of Representatives proposed to give $25,000, manifestly carrying the $4,588 to the credit of the fund and taking it into allowance. The Senate committee now proposes to reduce it to $15,000.

Mr. FRYE. The Senator must remember that the bill does not pretend to appropriate anywhere near the sum which the engineers report. We could not do it. It would make a bill of $50,000,000. Unless in exceptional cases we have appropriated only half the amount which the engineers report could be properly expended this year. The engineers recommend that $30,000 be expended on this reach. One-half of that is proposed to be appropriated by the committee, and there is a balance of $4,000 and more left over from the last appropriation.

Mr. DAVIS. I understand perfectly well that it is not proposed to appropriate all that the Board of Engineers recommend, but if by the act of August 5, 1886, $22,500 was appropriated, and only $4,000 was left, I can not see why the amount given by the House should be reduced.

Mr. FRYE. That appropriation lasted over two years.

Mr. DAVIS. This appropriation is to run two years, is it not?

Mr. FRYE. That appropriation has lasted to the present time, nearly three years.

Mr. DAVIS. Is not this appropriation to run two years?

Mr. FRYE. Undoubtedly; but that appropriation of $22,500 has run nearly three years, with $4,000 left over.

Mr. DAVIS. It seems to me that this proposed reduction is entirely arbitrary. I hope the amendment will not be agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Committee on Commerce.

The amendment was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a joint resolution (H. Res. 187) to provide temporarily for the expenditures of the Government; in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOUTELLE, Mr. WISE, and Mr. HERBERT managers at the conference on its part.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6833) "making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 22, 23, 24, 25, and 31.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 19, 20, 21, 26, 27, 28, 29, and 30, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out from said amendment the words "and consul-general;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out the sum named in said amendment and insert in lieu thereof "$378,500," and the Senate agree to the same.

As to amendment numbered 16, the committee of conference has been unable to agree.

EUGENE HALE,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

PERRY BELMONT,
JAMES B. McCREARY,
WM. W. MORROW,
Managers on the part of the House.

Mr. HALE. The single point on which the conferees failed to agree is amendment 16, which was reported, not upon the appropriation bill from the Committee on Appropriations, but by the Committee on Foreign Relations, and adopted on its motion by the Senate. I send that amendment to the desk to be read, that the Senate may see what is involved in it.

The PRESIDENT *pro tempore*. The amendment will be read.

The Secretary read as follows:

For salaries and expenses of a scientific commission of three persons, to consist of one officer of the Army or Navy competent for such service, a geologist and mineralogist, and a naturalist, to visit and report upon the commercial resources of the Upper Congo Basin, its products, its minerals, its vegetable wealth, the openings for American trade, and to collect such information on the subject of that country as shall be thought of interest to the United States, $25,000; and the President may fix the salaries and compensation of the members of this commission at such sum, not exceeding $6,000, as he may deem proper; and said commission shall expire on the 30th day of June, 1889.

Mr. HALE. The conference committee came to a dead-lock on this proposition. The House conferees very strongly opposed it and declared that from intimations which had been given when the bill was last before the House of Representatives it would be impossible for the House to agree to the proposition. They would not consent to its remaining in the bill, and insisted upon its going out.

The Senate conferees did not feel like yielding and receding and letting the proposition go out, all the more because it had not been put on originally by the Committee on Appropriations on examination and investigation, but had been moved by the Committee on Foreign Relations, which had given it its examination and consideration. The Senate had adopted the views of the Committee on Foreign Relations, and therefore to a degree the Committee on Appropriations had not the responsibility of examining and deciding upon the measure.

So the Senate conferees did not feel like receding and letting this proposition go out, but thought it wiser to report it to the Senate, where the Committee on Foreign Relations, which had considered the subject, could be heard upon the proposition, and then the Senate could decide whether it would insist further upon the amendment and have another conference appointed, or whether it would recede and let it go out and allow the bill to go through without it.

I will take no more of the time of the Senate, because I know my colleague is anxious to go on with his bill, and this perhaps, so far as the Committee on Foreign Relations is concerned, is a sufficient explanation. The chairman of the Committee on Foreign Relations [Mr. SHERMAN] is present, and also the Senator from Vermont [Mr. EDMUNDS], who took an interest in the subject.

Mr. SHERMAN. The amendment proposed to establish and put on foot a scientific expedition to the Congo country. It was agreed to unanimously by the Committee on Foreign Relations, so far as I now remember, without dissent. The importance of it was felt by every member of that committee.

The Congo country is the most interesting country now open for the exploration and occupation of civilized nations. It is a country of vast extent, of untold wealth, and of greater undeveloped resources than any other portion of the world.

The Senator from Alabama [Mr. MORGAN] took a good deal of interest in this subject, and I think first suggested this proposition. We have had several bills before us in regard to the Congo country, one in regard to the prohibition of the sale of intoxicating liquors in that country, and there are various other propositions affecting the settlement of the country. We have had treaty relations, and have become a member of a community of nations, I may say, which have substantial control of that country, headed by Belgium. It was deemed of vital importance that we should take our share in the development and occupation of that country by our commerce and our trade.

There is no doubt that if that country should be opened to civilized nations the United States could send a great variety of raw material there, its oils, its petroleum, and largely agricultural implements and coarse cotton goods. Being in a warm climate cotton goods would be introduced probably in the first elements of their civilization, and they would be largely manufactured in this country; and agricultural implements, shovels, spades, hoes, and the like, and a great variety of articles might be sent there if trade was opened.

At present we have no such relations there, and no such information as will enable Congress to decide what ought to be done. It was thought that the cheapest and best way would be to send a highly intelligent body of officers to explore the country, to report upon its resources, upon the prospects of trade there, and then we should have information upon which we could legislate.

I can see no reason in the world why, if the House of Representatives were as well informed upon the subject as the Senate has been compelled to be informed by engaging in treaty negotiations, the members of the House would not readily agree to the amendment if they examined the question.

I do not wish to say anything further about the matter. Although I had no connection with the introduction of the original proposition in regard to the Congo country, I have no doubt that this expenditure would be a very important one, yielding very valuable results.

I should like to have the Senator from Alabama [Mr. MORGAN], who is more familiar with the subject, and to whom have been committed various bills in relation to the Congo country, state his view of the question.

Mr. MORGAN. Mr. President, the Government of the United States was the first Government to take cognizance of the existence in the Congo Basin of a form of government which, it is true, was very crude and inefficient at first, by the recognition of the flag of that country as one of the flags entitled to respect among the nations of the earth. I think that many persons at the time supposed that that was rather a vain essay in the direction of trying to build up a state out of some benevolent enterprise on the part of scientific men and explorers; but very soon the nations of Europe, I think twenty or twenty-one of them, including the United States plenipotentiary at Brussels, called a congress, and they did in regard to the Congo country, which had been explored by Mr. Stanley under American auspices, what had never before been done with reference to any wild, savage country in the world. They agreed upon a certain series of principles, I may call them, which ranked with the principles of international law as applied to the Congo Basin, under which these different governments engaged with each other that there should spring up and be developed within that country whatever of civilization may take place there under mutual agreements for the preservation of the peace and for the security of explorers and persons engaged in traffic of every kind, and also under agreements between themselves in regard to the tariff revenue, the taxation which may be imposed upon the commerce of the world.

Our Government, falling back upon the ancient idea of keeping out of entangling alliances with foreign powers, declined to become a party; at least the President declined to recommend that the United States should become a party to that convention, very much to my regret. I think the convention was not properly understood, because at first we had a mistranslation of it, which the honorable Mr. Kasson kindly consented, under a resolution of the Senate, to correct. In my opinion we ought to have become a party to that convention.

I think that the Government of the United States, without reference to any other fact in connection with the proper development of the Congo country, owes a very peculiar duty to that country. We have here a large mass of population, brought to us in slavery, who have become comparatively a very enlightened people, certainly the most enlightened large body of negro population which ever existed in the world anywhere. They are progressive; they are industrious; they are intelligent. They have ideas of government the same that we have; they have a very good understanding of it, and they participate with us in the administration of the affairs of this Government.

Many of those people have grown up to wealth in the Southern States; they command large amounts of capital which they have treasured up. Many of them have enterprise; they have sagacity; but we do not find them taking hold of American institutions. I do not suppose there is a negro bank president in the United States. There is no negro president of a railroad company in the United States. There is no negro president of any large corporation unless it may be some benevolent or eleemosynary establishment of their own. They do not catch hold of those enterprises which are calculated to develop wealth, and to develop genius and talent and to increase and improve the experience of men in this country, and I do not think they will in a great many years to come do these things.

In the basin of the Congo there is unquestionably, from Stanley Pool away out to the eastern lakes which supply the waters of the Congo River, a very vast expanse of country that even in its native condition furnishes an immense treasure to commerce. They have native productions there which have only to be encouraged by the negroes who inhabit those wilds, as I call them, to be very useful in commerce; among others, India rubber and the palm-nut, which yields a very valuable oil, sugar-cane, bananas, and a great many products, and ivory of course, which is collected from the herds of elephants that have heretofore been found in that region of the world; and the capacity for the improvement of agriculture and for the development of mines in that country is something that is said by travelers to be very extraordinary.

Following up this very rapid and peculiar and wonderful development of research and of political organization in that country, this Government at the very outset sent out a gentleman, Mr. Tisdel, who failed in his health there, as a great many people do who go out there, and who came back with a report which, while it was to some extent satisfactory, did not really go beyond Stanley Pool. He confined his operations to the Lower Congo River and to that intermediate belt of country which is occupied by rapids between Vivi and Stanley Pool, so that his explorations were not of very much consequence. Then the Navy Department sent out Lieutenant Taunt. He made a report, which was printed by order of the Senate during the last Congress, that is very interesting indeed. It gives an idea, it is true not a very particular idea, but at the same time one that is reliable, I have no doubt, which provokes the imagination in respect to that country in a very extraordinary degree. I do not know that I ever read a synopsis or skeleton description of a country that seemed to contain more of interest than is disclosed in the little brief report of Lieutenant Taunt.

Now I thought, and the Committee on Foreign Relations thought, that it was a proper thing for us to do to send out a scientific mission there. For what purpose? Not merely for the purpose of writing books or gaining information that might be merely for the moment interesting to read, but to lay down the foundation facts upon which commerce can be established between this country and that.

It occurs to me that if there is a country in the world that is open to the enterprise of the negro race, it must be the great valley of the Congo. We ought not to shut the doors to such an enterprise as that. We ought to encourage it. If these people can not attain to the highest reach and power and civil capacity of every kind in our midst, do we not owe them the duty, having brought them as slaves from that country, to open the gates of Africa to them, so that they may go back and traffic with their own people and promote commerce in the midst of the African population? Have they not a better natural right to reap the wealth of Africa than any other race of people in the world?

I should be delighted to see a line of steamers between Charleston and New Orleans and the mouth of the Congo River. I think it ought to engage the attention and interest of every American citizen, and especially of gentlemen from the South. I feel like throwing open every door of opportunity to these people, and as we know that the customs and usages of society and the prejudices of race close the avenues to these people in this country, if they are closed here I want them opened for them abroad. It seems to me that that is a most inviting field.

This may all turn out to be a mere romance, a mere effort of the imagination to grasp something beneficial for the negro race, but it does not seem so to me. I think there are great, substantial, material advantages in that Congo country which the African population of this country, encouraged by us, can lay their hands upon, and I would give them by the legislation of Congress peculiar privileges in the organization of commerce and in the running of their ships for the purpose of engaging in that commerce.

We may say what we like about it, but after all, "blood is thicker than water," according to the celebrated axiom; and I would say that if a Congo negro who wanted to furnish traffic of any kind found the money and the capacity for trade in the hands of an American negro, he would prefer him to a white man to trade with. I should think

so. I believe that these people would enter the Congo country with a masterful advantage, growing out of race prejudice and race affiliation, over any other race of men who might trade there.

There is more than that in it, Mr. President. Slavery has been abolished in Brazil; it has been abolished practically in Cuba and various other countries; but still we know, according to the report of Mr. Taunt and the report of all others who visit that coast, that the Portuguese and a great many other people in the world to-day carry on a slave-trade upon the coast of Africa. It is not as high a class of trade as the old cooly trade from China. They make some little promise that the negro himself does not understand when he finds himself in the hands of the slave-catcher in the interior, that they will carry him off to some island or to some coast and keep him for so many years and return him to his native land with a certain amount of calico or cotton or the like of that; but the man never gets back.

I think that the United States Government owes it to itself, it owes it to its traditions, it owes it to its treaties, it owes it to its own character in every respect, that it should be looking into that country and seeing what is going on there. So I thought it was right for us to send out this commission, and I can not understand what it is that prevents it from being carried into effect after the Senate has voted it, unless it may be an impression on the part of the House of Representatives that it is a matter of no consequence. But the slightest study of this question ought to convince gentlemen, it seems to me, that this is a matter of very serious consequence, of real importance, and that it involves on our part the performance of a duty which is of a very high and a very delicate character.

Mr. HALE. I am entirely willing to take the sense of the Senate as to what course shall be pursued by the conferees. Unless some other Senator desires to discuss the subject, without trenching upon the time of my colleague, who is in charge of the river and harbor bill, I move that the Senate further insist upon its sixteenth amendment.

Mr. EDMUNDS. Mr. President, I should like to say a word. I can not help feeling very great regret that the House conferees have had any hesitation whatever upon this subject. This Congo country, now so recently opened to the gaze of white men and to some understanding of what it contains, is, so far as we know, one of the most fertile countries that exist on the face of the globe. It abounds in every species of tropical production, palm-oil and the oil of the other trees that go into commerce—I have forgotten the names of them—ivory, spices, India rubber, and so on. To make it very brief, the whole resources of tropical nature are in the fullest exertion there in producing the things that are convenient for the welfare of man. The population is very numerous, of course of uncultivated and comparatively wild and savage black men.

Under the auspices of the United States as the real aider of the Belgians in the enterprise (the United States being the first to recognize the national existence of the independent state of Congo, which has been formed there by the leading chiefs) Congo has got an attitude among the European nations and really with us, although we were not a party to the convention which regulated how the European nations should act in their trade there. But it has become opened to the operations of civilized commerce, and Germany, Great Britain, France, Italy, and other nations are looking to that country and are now engaged in facilitating commercial intercourse there for the benefit of their own people in the way of trade, to get rid of the surplus products of the industry of their nations, which I think is a very good thing for them to do.

It is proposed by the House of Representatives that we shall really stand idly by, or stand back, unwilling to afford our citizens, by an examination and investigation of that country, information about it as to what objects and subjects of our industry can best find a market there, and what products we can get in return, and to make our people familiar with the resources of the country and opportunities for trade there. It is proposed that we shall stand idly by and see our European rivals, with the friendly antagonisms of commerce and production, absorb the whole of that new field which is opened to commerce and the productions of men. I do not like it.

The United States has too long occupied the attitude of standing silently and idly by and seeing our rivals, in what I think I have properly characterized as the commercial antagonisms and competitions of the world, cover the globe. Wherever the morning birds sing to the rising sun, those nations, Germany, Great Britain, and France, have been pushing their enterprises to every continent and to every island for the purpose not of gaining the political control of the world but of gaining the control of its trade, to find outlets for their productions, and thus increase the wealth of their people, while we stand dumb and silent, incapable of managing to consume our own products (as of course we can not, our people are so industrious and our resources are so great), and wonder why it is that our farm products do not bring more, that our manufacturing products do not bring more, and that there is always a surplus, like the boy at the brook waiting until it shall have run out so that he may pass over.

I think we ought to adopt a different and a better policy, and this is one of the first steps toward it in this direction. I hope that the Senate will insist upon the amendment, and insist unanimously.

Mr. HALE. The Senate conferees endeavored to impress upon the House conferees the considerations which have been presented here, not of course with the force and vigor and eloquence and imagination to which we have listened to-day; but the conferees on the part of this body did the best they could, suggesting these views and suggesting to the representatives of the other body a broader and wider policy for the American people to pursue when that fertile land opens to our trade and commerce, as it does now, a land widely populated, needing our products. However, we failed to strike any fire into the minds or hearts of the House conferees. They remained stolidly immovable to all of these considerations, and declared that under no conditions, unless instructed by the House that they represented, could they consent to this proposition remaining in the appropriation bill.

Mr. BUTLER. Will the Senator be kind enough to inform the Senate, if he can, what action the House of Representatives has taken upon the report of the conference committee?

Mr. HALE. The report is now first presented under the rules in the Senate. I am for one glad that the discussion has taken place, so that the House of Representatives may have the benefit of this discussion when it first considers the subject on the report of the conference committee.

Mr. BUTLER. Then I understand that the House of Representatives has taken no action whatever.

Mr. HALE. The House of Representatives has not yet acted upon the conference report.

Mr. EDMUNDS. But it disagreed to the Senate amendment.

Mr. BUTLER. I understand that.

Mr. HALE. Under the rules the report is made here first; but the House of Representatives, by voting to disagree to the Senate's amendment, has planted itself in opposition to the amendment, and in that position it has been sustained by the conferees appointed by the House. I should like the Senate to feel that the Senate conferees in this case are met by a hitherto firm and immovable body on the other side.

I move that the Senate further insist upon the sixteenth amendment, in order that this matter may go into further conference.

The PRESIDENT *pro tempore*. If there be no objection, the report of the conference committee will be agreed to, and the Senate will still further insist upon amendment numbered 16, and ask for a further conference with the House of Representatives.

Mr. HALE. I do not know—the Chair is better informed on the rules than I am—whether at this stage, as the House has not acted upon the report, the Senate should ask for a further conference or do anything more than insist upon its sixteenth amendment; and then when the House has considered the conference report further action may be taken.

The PRESIDENT *pro tempore*. It will be left then in that way. The Senate agrees to the report and still further insists upon its sixteenth amendment.

BILL INTRODUCED.

Mr. VOORHEES introduced a bill (S. 3239) granting a pension to Frederick Wunoch, late of Company H, Twentieth Regiment Indiana Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. JONES, of Arkansas, and Mr. CALL submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

ALLEGED NAVAL DESERTIONS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 1508) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. CHANDLER, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HALE, Mr. CHANDLER, and Mr. GRAY.

EXTENSION OF APPROPRIATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a joint resolution from the House of Representatives for reference.

The joint resolution (H. Res. 187) to provide temporarily for the expenditures of the Government was read the first time by its title.

Mr. PLATT. I wish to have the joint resolution read for the information of the Senate.

The PRESIDENT *pro tempore*. The joint resolution will be read the second time at length.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That all appropriations for the necessary operations of the Government under existing laws which shall remain unprovided for on the 30th day

of June, 1888, be, and they are hereby, continued and made available for a period of thirty days from and after that date, unless the regular appropriations therefor provided for in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1889; and in case the appropriations, or any of them, hereby continued are or is insufficient to carry on the said necessary operations, a sufficient amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended therefor than will be in the same proportion to the appropriations of the fiscal year 1888 as thirty days' time bears to the whole of said fiscal year: *Provided further*, That authority is also granted for continuing during the same period the necessary work required for public printing and binding, and for all other miscellaneous objects embodied in the sundry civil, Army, District of Columbia, legislative, executive, and judicial, and naval appropriation acts, in advance of appropriations to be hereafter made for said objects: *And provided further*, All sums expended under this act shall be charged to and be deducted from the appropriations for like service for the fiscal year ending June 30, 1889.

Mr. PLATT. I do not wish to object to the reference of the joint resolution to the Committee on Appropriations, but I merely wish to remark now that it is very extraordinary, and, as it seems to me, a very sad thing that after Congress has been in session for seven months it should be necessary to present at the end of seven months a joint resolution of this kind. I hope the Committee on Appropriations will carefully consider the question whether any such resolution should be reported favorably or passed, and whether it would not be better, for the future at least, to leave the Departments to get along as best they can until the appropriation bills are regularly passed.

Mr. SHERMAN. I hope the Committee on Appropriations will not report the joint resolution until the middle of next week, at the earliest, if they shall be compelled to report it then. As a matter of course, the Government can not be conducted without appropriations, but the enormous expense and labor imposed on the different Departments of Government by such a measure can not be estimated or appreciated by members of the Senate. I happened to be in a position where I saw that labor performed twice under circumstances of great difficulty. I know how much expense is incurred, what additional accounts are opened, and how difficult it is to keep the accounts, and how embarrassing it is. It runs clear through the year. I hope the joint resolution will not be reported back before the middle of next week.

Mr. HALE. What method does the Senator suggest shall take the place of this resolution in view of the fact that it will be literally impossible to pass the appropriation bills before the commencement of the next fiscal year?

Mr. SHERMAN. I imagine that several of the appropriation bills referred to in the joint resolution can be passed before the middle of next week.

Mr. HALE. None except the legislative, executive, and judicial appropriation bill.

Mr. SHERMAN. That is the most difficult of all to extend in this way.

Mr. HALE. But the question is raised by other appropriation bills which it is impossible to pass in that time.

Mr. SHERMAN. All I ask is that the Committee on Appropriations will hold the joint resolution back as long as it can so as to get as many of the bills as possible out of the way, because the expense involved and the discouragement and trouble in keeping accounts under a resolution of this kind are very great indeed.

Mr. ALLISON. I quite agree with the Senator from Ohio that the joint resolution ought not to be passed until the last moment. I think it ought to be passed late on Saturday, in order that it may take effect on the 2d certainly, if not on the 1st of July.

Mr. SHERMAN. A few days would make no difference.

Mr. ALLISON. Perhaps two or three days might not make any difference.

I wish to say to the Senator from Connecticut [Mr. PLATT] that I can not conceive that it is the fault of the Senate that the appropriation bills have not been passed so as to take effect on the 1st day of July. The naval appropriation bill came to the Senate last Monday. Of course our committee has not had time to mature that bill and present it to the Senate. The sundry civil bill, which is the most important perhaps of all the appropriation bills, did not reach this body until Tuesday last, the day before yesterday, and it was only printed yesterday. It is of course absolutely impossible for the Senate to consider with any care a bill of that magnitude between now and the 1st day of July, so that whatever happens the bill appropriating money for the Navy and the sundry civil bill must go over beyond the 1st of July before they can become laws.

There are other bills which are hanging between the two Houses. The agricultural appropriation bill is an important bill. It passed this body on the 14th day of June, I think, after having reached the Senate about the 1st day of June. Yet that bill has not been heard of since that time. The House of Representatives has asked no conference, it has not agreed to our amendments, and the bill remains in that body. The conferees on the part of the two Houses have been in session on the District of Columbia appropriation bill for two days, occupying most of the time. I hope, and I believe they hope, that before Saturday evening they will be able to agree upon the disagreeing votes with respect to the District of Columbia appropriation bill, but I think whatever happens it may be taken for granted that the naval appropriation bill and the sundry civil bill can not be passed before the 1st of July.

Mr. EDMUNDS. I think this might be as good a time as any to ascertain whether there is competence enough in Congress to keep the Government going by regular and proper appropriations that both Houses have had time enough to consider carefully in detail. If the Senate is really to have any place in the administration of the Government, or if the case were reversed, the House of Representatives is, we might as well begin to say now to the House of Representatives, with the utmost kindness, that if they are unable to send appropriation bills to the Senate (and they insist upon the right to originate them) in time to have them fairly and deliberately considered before the Government is stranded for want of money, the responsibility is theirs, and whatever evil happens must fall where it belongs; and that we ought not to be compelled, year after year, as we are, or two years after two years (for this is not the first occasion), to resort to this most embarrassing and improper expedient of bridging over indefinitely after the 1st of July by these universal provisions to carry on the last year's appropriations and give money enough to do it for an indefinite period of time until some other law can go into effect. Nothing will justify such legislation except some extreme emergency, which may sometimes arise, but in the peaceful and regular order of business in carrying on this Government there is no excuse for it whatever.

The occasion to which the Senator from Ohio refers, I think, or the most of it, arose from the fact that the two Houses of Congress, both of them, were determined that there should be no appropriations to carry on certain branches of the Government until the President of the United States would, against his judgment, consent to the repeal of certain legislative provisions that existed in the statutes of the United States which a majority of the two Houses thought, or professed to think, ought to be repealed. He did not think so, and they put these repealing and modifying provisions into appropriation bills. He could not conscientiously approve them, and the two Houses said on that occasion by their action and as a result that they would not have any appropriations at all for the Army, for instance—I remember that was one of them—unless the President of the United States would consent to the repeal of general provisions of the statutory law having no relations to appropriations at all That was one affair.

But this instance relates purely to matters of appropriation. There has been no contest between the two Houses, or between either House and the President, on any subject of the general laws of the land. It relates purely to the ordinary operations of carrying on the Government, and I confess I am unable to see how, after more than a half a year, at the very last month of the time, these appropriation bills, some of them, are coming along now, and we are asked to grant this universal and widespread and inscrutable authority to the administrative departments of the Government to go on upon the basis named in this provision. It is not good legislation, but until the Senate has sufficient firmness to say that it can not consent to carry on the Government in that way it will of course continue.

Mr. ALLISON. I ought to say that the statutes provide now that no person in the employ of the Government shall receive pay for any service until that service has been appropriated for by law.

Mr. SHERMAN. And it must be paid out of appropriations made for the year. The unexpended appropriations of a former year lapse into the Treasury and can not be used.

Mr. ALLISON. There is no doubt of that. Therefore, unless this joint resolution shall pass, the Government, so far as its conduct relates to these several appropriation bills, must stop. That is the situation.

Mr. EDMUNDS. That is, the pay must stop.

Mr. TELLER. I should like to ask the chairman of the Committee on Appropriations if there is not a provision in the statutes which declares that the executive officers of the Government shall not receive the gratuitous labor of employés?

Mr. ALLISON. Yes, there is.

Mr. HALE. This form of legislation, objectionable as it is, has been resorted to not in fugitive cases as suggested by the Senator from Vermont. It is not a good way of legislation, undoubtedly, but it has been done time and again. We have got into the way of doing it at every long session that runs over the 1st of July, and there are few Senators here who remember any long session of Congress which has not exceeded that time. We have fallen into the fashion of passing such a resolution, and it comes up in this way now. I see no other way except to pass it.

Mr. SHERMAN. Let the joint resolution be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on Appropriations.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I think it important, in view of what has been said, that action should be taken this afternoon upon the Army appropriation bill. If the Senator from Maine [Mr. FRYE] will give way, I will ask the Senate to proceed to the consideration of that bill.

Mr. FRYE. It was understood yesterday that I should yield for the consideration of the Army appropriation bill to-day.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the pending order be informally laid aside that he may move to proceed to the consideration of the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

Mr. HAWLEY. Has unanimous consent been given to proceed to the consideration of the Army appropriation bill?

Mr. ALLISON. Not yet.

Mr. HAWLEY. I wish to say to the Senator from Iowa that I was instructed by the Committee on Military Affairs this morning to propose an important amendment. If the chairman of the Committee on Appropriations will kindly waive any technical objection he might make against that amendment when the time comes, I shall not be disposed to object to the consideration of the bill to-day. I do not feel like losing my opportunity to present the amendment.

Mr. ALLISON. I will say to the Senator from Connecticut that I shall make no objection to-day to the amendment suggested by the Committee on Military Affairs that I would not make to-morrow; that is to say, I shall waive any objection because of time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Appropriations with amendments.

The PRESIDENT *pro tempore*. The bill will be read at length, and, if there be no objection, the amendments of the Committee on Appropriations will be acted upon as they are reached in the reading.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was, in line 103, after the words "expenses of," to insert "not exceeding fifty;" in line 104, after the words "contract-surgeons," to insert "not exceeding one hundred and sixty;" in line 105, before the word "veterinary," to insert "not exceeding fourteen;" and in line 106, before the word "thousand," to strike out "one hundred" and insert "eighty-five;" so as to make the clause read:

For pay and traveling expenses of not exceeding fifty contract-surgeons, not exceeding one hundred and sixty hospital matrons, and not exceeding fourteen veterinary surgeons; in all, $85,000.

The amendment was agreed to.

The next amendment was, in line 108, after the word "each," to insert "not exceeding thirty;" so as to read:

For pay of not exceeding forty-two paymasters' clerks, at $1,400 each, not exceeding thirty paymasters' messengers, and traveling expenses of paymasters' clerks, in all $80,000.

The amendment was agreed to.

The next amendment was, to strike out the clause from line 123 to line 128, inclusive, as follows:

For the pay of a clerk attendant on the collection and classification of military information from abroad, $1,500; and the officers detailed to obtain the same shall be entitled to mileage and transportation and also commutation of quarters while on this duty, as provided when on other duty.

The amendment was agreed to.

The next amendment was, in line 136, after the word "troops," to insert "when authorized by law;" and in line 137, after the words "one hundred," to insert "and fifty;" so as to read:

For mileage to officers when traveling on duty without troops, when authorized by law, not to exceed $150,000.

The amendment was agreed to.

The next amendment was, in the first proviso to the same clause, in line 140, before the word "usually," to insert "shortest;" and in line 141, after the word "thereto," to strike out "when transportation from the Quartermaster's Department can not be furnished;" so as to make the proviso read:

Provided, That in disbursing this amount the maximum sum to be allowed and paid to an officer shall be 4 cents per mile, distance to be computed over the shortest usually traveled routes, and, in addition thereto, the cost of the transportation actually paid by the officer over said route or routes, exclusive of sleeping or parlor car fare and transfers.

Mr. SHERMAN. I call the attention of the Senator from Iowa to the use of the word "shortest." It seems to me to be a very serious interference with the convenience of officers, and I do not see any object in inserting it. For instance, the shortest route from here to Chicago is by the Baltimore and Ohio road, while the usually traveled route is by way of the Pennsylvania Central. Now, is it right for us to legislate so as to require an officer to travel by one road rather than another? To say "by the usually traveled route" gives the officer at least some reasonable facility about choosing the road. I do not see any reason for the insertion of the word "shortest."

Mr. ALLISON. I should like to ask the Senator from Ohio if he thinks an officer who in going to Chicago travels over the Pennsylvania road rather than the Baltimore and Ohio would violate this provision.

Mr. SHERMAN. I think he would.

Mr. ALLISON. They are both "usually traveled routes."

Mr. SHERMAN. I know, but under this provision he must take the shortest route. Otherwise how would he get his allowance with the word "shortest" in the bill? In many cases it would cause great inconvenience. Senators will see that it is sometimes necessary to have a choice of routes. I would leave the officers to take the usually traveled route, and not compel them to go over a particular road.

Mr. ALLISON. They take any route they choose with this provision in. Of course the paymasters have a table of routes. The officer takes the route he chooses. His mileage, then, is fixed by the shortest route, just as we are paid our mileage.

Mr. SHERMAN. Our mileage is on the usually traveled route, but we take our choice. If we should take any other than the usually traveled route, if we should attempt to go around by Cape Horn, or New York, or anything of that kind, we should only get mileage for the usually traveled route.

Mr. ALLISON. The committee heard no complaint respecting this language. It is the existing law.

Mr. SHERMAN. It is not in the bill as it came from the House of Representatives.

Mr. ALLISON. I know.

Mr. SHERMAN. However, I do not want to interfere in a matter of that kind.

Mr. ALLISON. I will say to the Senator that if we find any difficulty about it, it will be considered in conference.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, at the end of the second proviso to the clause making appropriations for mileage of officers, to add:

And provided further, That the Quartermaster's Department shall not furnish transportation to officers traveling without troops otherwise than by conveyance belonging to said Department.

The amendment was agreed to.

The next amendment was, in line 155, after the word "pay," to strike out "and general expenses;" so as to make the clause read:

Making in all, for pay of the Army, $12,676,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the subsistence of the Army, in line 195, after the words "traveling to," to insert "and;" in the same line, after the word "from," to strike out "and at;" and in line 199, before the word "thousand," to strike out "twenty" and insert "ten;" so as to read:

For the payment of the regulation allowances for commutation in lieu of rations to enlisted men on furlough, to ordnance-sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued, to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in the department, division, and Army rifle competitions, while traveling to and from places of contest; in all, $1,745,000, to be expended under the direction of the Secretary of War; and not more than $110,000 thereof shall be applied to the payment of civilian employés of the Subsistence Department.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for incidental expenses of the Quartermaster's Department, in line 255, after the word "surgeons," to strike out "and of a riding and training master for the more thorough instruction of officers and cadets, a sum not exceeding $1,500;" and in line 264, after the words "six hundred and," to strike out "seventy-six thousand five hundred" and insert "seventy-five thousand;" so as to read:

And for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicine for horses and mules, picket-ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movement and operations of the Army, and not expressly assigned to any other Department, $675,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for "Army transportation," in line 288, after the word "water," to strike out "of the necessary agents and employés;" so as to read:

Army transportation: For transportation of the Army, including baggage of the troops, when moving either by land or water; of clothing, camp and garrison equipage and other quartermaster's stores from Army depots or places of purchase or delivery to the several posts and Army depots, and from those depots to the troops in the field.

The amendment was agreed to.

The next amendment was, in the same clause, line 304, after the words "hire of teamsters," to strike out "and other employés."

The amendment was agreed to.

The next amendment was, in line 326, to reduce the total appropriation for Army transportation from $2,800,000 to $2,700,000.

The amendment was agreed to.

The next amendment was, in line 331, to strike out the additional proviso at the end of the clause making appropriations for "Army transportation," as follows:

And provided further, That no expenditure authorized by this act from the appropriations made herein for the Quartermaster's Department of the Army, including the transportation of troops and their supplies, and the expenses incident thereto, shall be made except by the Quartermaster-General, under the direction of the Secretary of War, unless an emergency exists that demands immediate action; and in such case the expenditure necessary to meet the emergency may be made upon the order in writing of the general commanding the Army, or upon the order in writing of division or department commander in whose jurisdiction the emergency arises; but every such order from a division or department commander shall certify that an emergency exists requiring immediate expenditure, stating the emergency necessary to be met.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the "Medical and Hospital Department," in line 407, after the word "general," to insert "post;" in line 412, after the word "diseases," to insert "and the supply of the Army and Naval Hospital at Hot Springs, Ark.;" in line 415, to insert "and five" after "two hundred;" and in line 416, after the word "over," to strike out "thirty-eight" and insert "forty-three;" so as to make the clause read:

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for general post sanitation, expenses of medical purveying depots, pay of employés, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made, for the proper care and treatment of cases in the Army suffering from contagious or epidemic diseases, and the supply of the Army and Navy Hospital at Hot Springs, Ark., advertising, and other miscellaneous expenses of the Medical Department; in all, $205,000; and not over $43,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés of the Medical Department.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Engineer Department," after line 444, to insert:

For repairs to sea-wall and wharf at Willets Point, New York, $2,500.

The amendment was agreed to.

The next amendment was, in the appropriations "for Ordnance Department," in line 466, after the word "cavalry," to insert "and artillery;" so as to make the clause read:

For infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, $100,000.

The amendment was agreed to.

The next amendment was, in line 469, after the word "national," to strike out "armory" and insert "armories;" so as to make the clause read:

For manufacture, repair, and issue of arms at the national armories, $400,000: *Provided*, That not more than $60,000 of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said department.

The amendment was agreed to.

The next amendment was, in line 473, at the end of the clause making appropriation "for manufacture, repair, and issue of arms at national armories," to add the following proviso:

Provided further, That the cost to the Ordnance Department of all ordnance and ordnance stores issued to the States, Territories, and District of Columbia, under the act of February 12, 1887, shall be credited to the appropriation for "manufacture of arms at national armories," which appropriation for 1889 and thereafter shall be available until exhausted.

The amendment was agreed to.

The next amendment was, in line 484, after the word "same," to strike out "for armaments" and insert "all complete and mounted in place ready for;" so as to make the clause read:

For the purchase by the Secretary of War of pneumatic dynamite guns of different calibers, and the necessary machinery to fire and handle the same, ammunition, and carriages for the same, all complete and mounted in place ready for military use, $400,000, or so much thereof as he may deem proper.

The amendment was agreed to.

The next amendment was, in line 488, after the word "gun-carriages," to strike out "and plants for the same and" and insert "aerial torpedoes;" so as to make the clause read:

For examining, testing, and experimenting with pneumatic or other dynamite guns, gun-carriages, aerial torpedoes, dynamite shells and ammunition, and batteries for coast defense, whether sunken, counterpoise, or otherwise, brought to the notice of the Secretary of War, $100,000, or so much thereof as he may deem proper.

The amendment was agreed to.

The next amendment was, after line 493, to insert:

For the manufacture, or purchase, and test of cannon and carriages, including two 10-inch carriages maneuvered by power, one of which shall be a disappearing carriage, and also including those for the field and siege services; for the alteration of carriages on hand to adapt them to improved service guns; for projectiles, powders, fuzes, and implements, their trial and proof; for experiments in the means of protecting torpedo lines; for compensation of draughtsmen while employed in the Army Ordnance Bureau on ordnance construction, and for the necessary expenses of ordnance officers while temporarily employed at the proving ground and absent from their proper stations, at the rate of $2.50 per diem while so employed, $600,000: *Provided*, That all purchases of materials under this provision shall be of American manufacture.

Mr. GORMAN. I did not agree in committee to this provision proposed to be inserted. I think it properly belongs on another bill.

Mr. DOLPH. To what provision does the Senator refer?

Mr. GORMAN. The provision on page 21, commencing with line 494. It is an appropriation of $600,000. I simply desire to say that it ought to be considered at another time.

Mr. HAWLEY. It is very difficult to hear the Senator. May I ask on what bill this could more properly be placed?

Mr. GORMAN. I think it belongs to the deficiency bill or the fortification bill.

Mr. HAWLEY. But a large part of this is for the general uses of the Army. I wish to move an amendment to the proposed amendment of the committee. I move to insert in line 499, after the word "projectiles," the words:

And increased facilities for their manufacture.

The amendment as it stands provides for the manufacture or purchase and test of cannon and carriages, etc., but the Ordnance Department desires to spend a small fraction of this $600,000 in improving some of the machine tools. It is a matter of plain, straightforward business and in perfect harmony with the rest of the amendment. I make the proposition at the request of an officer of the department.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut to the amendment of the Committee on Appropriations.

Mr. HAWLEY. I do not ask a change of the total.

Mr. ALLISON. The Senator from Connecticut handed this amendment to me in the early part of the day, and now states that it is proposed to use a small sum for the purpose of increasing the facilities for manufacturing projectiles. This is a lump appropriation of $600,000 for these various purposes. I do not know that I should object to having a small sum designated for the purpose suggested by the Senator's amendment, but if it is only necessary to use a small sum for that purpose I prefer that he should modify his amendment so as to add a proviso saying, "provided that a certain sum (whatever may be necessary) may be used for increasing the facilities for the manufacture of projectiles."

I have here a statement in answer to a request addressed to the Secretary of War, to furnish a *project* of the methods of expenditure of this appropriation. The Secretary of War is very anxious that this appropriation should be inserted in this bill, differing somewhat from my friend from Maryland [Mr. GORMAN] on that subject, and in his statement I find nothing for increased facilities for manufacturing projectiles. So it seems to me the provision, if inserted at all, should be inserted in the nature of a proviso and specifying a specific sum.

Mr. HAWLEY. The same authority that suggested the whole amendment here made this suggestion, and spoke of it as a desirable thing. If the chairman of the committee makes no objection, let this lie over a few moments. I expect one of the officers here, and I will ask him what is necessary for the purpose.

The PRESIDENT *pro tempore*. The paragraph proposed to be inserted, with the amendment of the Senator from Connecticut, will be passed over informally, and the reading of the bill will be resumed at line 510.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "Signal Service," in line 529, before the word "thousand," to strike out "three" and insert "five;" so as to read:

Signal Service:

For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs; signal equipments and stores; binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use on target-ranges; telephone apparatus and maintenance of same; in all, $5,000.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 2. That the Secretary of War be authorized to enter into negotiations for the purchase of the 225 acres of land on the Hudson River, directly south of the military reservation at West Point, belonging to the estate of Edward V. Kinsley, or so much thereof as he may deem necessary for the purposes of the Military Academy, and to receive offers for the sale of their interest in such land from such of the heirs of said Kinsley as are competent and willing to sell such interests; and the Secretary of War is authorized to submit all offers so made and the question of the value of said 225 acres to a board to consist of three Army officers and three competent civilians, who shall make due investigation and report concerning said value; and the Secretary of War shall submit said offers and the report of said board, with his opinion, to Congress, at its next session. The expenses of said board and compensation at the rate of $10 a day for not more than ten days for each of the civilian members shall be paid from the appropriation or contingencies of the War Department.

The amendment was agreed to.

Mr. ALLISON. In line 20 of section 2, before the word "contingencies," the word "or" should be "for;" so as to read:

Be paid from the appropriation for contingencies of the War Department.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the committee on page 21, line 494. The question is on the amendment of the Senator from Connecticut to the amendment, to insert, after the word "projectiles," "and increased facilities for their manufacture."

Mr. HAWLEY. That may wait a moment longer. I move now to add to the bill the amendment I was directed to report from the Committee on Military Affairs, which is printed and on the desks.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The Chief Clerk read the amendment, as follows:

SEC. 3. For the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an army gun factory for finishing and assembling heavy ordnance, to be erected at the Watervliet Arsenal, West Troy, N. Y., in accordance with the recommendation of the Gun Foundry Board of February 16, 1884, $750,000.

SEC. 4. For the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $5,000,000: *Provided*, That no money shall be expended except for steel accepted and delivered.

SEC. 5. The material for the guns provided for in section 4 shall be purchased in accordance with section 3709, Revised Statutes, for which purpose the Secretary of War is authorized to make contracts with responsible steel manufacturers, after proper advertisement, continuing not less than thirty days in the newspapers most likely to reach the said manufacturers: *Provided*, That each

bidder with whom such contracts shall be made shall agree to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it in accordance with the contracts, and shall further agree to deliver yearly a specified quantity of each caliber, the time of the delivery of the steel for the smaller calibers of heavy guns to commence at the expiration of not more than eighteen months, and that for the largest calibers specified in the advertisement at the expiration of not more than three years from the date of the acceptance of the contracts; and that all the material for said guns shall be manufactured in the United States.

SEC. 6. For the purchase of submarine mines, for needful casemates, cable galleries, and appliances to operate submarine mines; for continuing torpedo experiments and for practical instruction of engineer troops in the details of torpedo service, $500,000.

SEC. 7. For the purchase of submarine controllable torpedoes or torpedoes and torpedo-boats controllable from shore and adapted to coast defense, $100,000.

SEC. 8. The appropriations provided for in sections 3, 4, 6, and 7 shall be available until expended.

The PRESIDENT *pro tempore*. Is there any objection to treating these various paragraphs as one amendment? The Chair hears none.

Mr. GORMAN. Mr. President, I rise to a point of order. I submit that the amendment is out of order.

The PRESIDENT *pro tempore*. The Senator from Maryland will state his point of order.

Mr. GORMAN. First, the amendment is not germane to this bill; second, it is not estimated for; and next, it has not been submitted to the Committee on Appropriations one day before being offered in the Senate.

Mr. HAWLEY. First, the Senator says it is not germane to the bill; but the whole purpose of the bill appears to be to organize, arm, pay, and equip an army; and as this can not go very well upon the naval bill, and as it did not necessarily go upon the fortifications bill, because the building of fortifications does not necessarily imply their armament, I see no possible objection to its being put upon the Army appropriation bill. Certainly on page 20 we find an appropriation provided for "for the purchase of * * * pneumatic dynamite guns of different calibers, and the necessary machinery to fire and handle the same, ammunition, and carriages for the same, all complete and mounted in place ready for military use, $400,000."

Now the point is fine if we may spend $400,000 to buy dynamite guns, which are in a large sense still in the stage of experimentation, and we may not provide for the manufacture of some forged, built-up steel cannon of modern steel whose value is unquestionably established by the science of the world and by the usages and practice of all military nations.

The PRESIDENT *pro tempore*. The question of relevancy is not debatable.

Mr. HAWLEY. As I have said all I need to say on that point, I will not contest the matter with the Chair.

The PRESIDENT *pro tempore*. The contest is with the Senate, not the Chair. The rules say it shall be decided without debate.

Mr. HAWLEY. I have forgotten now what the other point was.

Mr. GORMAN. The point was that it has not been estimated for, and has not been offered and referred to the Committee on Appropriations one day.

Mr. HAWLEY. As to the point that it is not estimated for, I do not know how much of technical truth there is in that objection, for I have not the Book of Estimates by me at this moment; but I beg leave to say that the substance of it has been demanded by the annual report of every Secretary of War for ten or fifteen years, and by every annual report of the Bureau of Ordnance.

The general proposition, the essence of this measure, has been reported favorably by four or five of the best and most elaborately constituted boards we have ever had on the subject of the armament of the country, the Getty board, the Armament Board, the Fortifications Board, composed of eminent officers of the Army and Navy and eminent civilians; the Gun Foundry Board, composed of the very best men in the Army and Navy for that purpose, and who made an elaborate examination of gun-making machinery and plant in this country and in Europe.

The Select Committee on Ordnance and War Ships of the Senate devoted a year and a half to visiting the leading steel establishments of this country and the leading gun and ship building establishments of Europe, and to an examination of many prominent skilled experts in all this business, an examination of literature of Europe generally upon it, and they came to the conclusion that these things were needed. Whether the War Department sanctions every word of this amendment and has asked for it I can not say. Of course we do not expect them to submit elaborate estimates every year for the cost of fifty or seventy-five or one hundred guns, for they confine themselves to showing that guns are absolutely necessary, and that we have not got any, leaving it to Congress in its discretion to prescribe the manner of purchasing or building them.

The Senator from Maryland is mistaken in another respect. This amendment comes from the Military Committee, which, to be sure, met only this morning, not having met for a week before, and it was not expected that the Army appropriation bill would be reported so soon from the Appropriations Committee. But as soon as possible after the organization of the Senate to-day I reported this amendment, which came fresh from the Committee on Military Affairs, and had it referred to the Committee on Appropriations.

I do not think the points of the Senator from Maryland are good; but I wish he might waive them, so that we might have the merits considered. I do not feel like going into the merits until the point of order is decided.

I asked the chairman of the Committee on Appropriations when he reported the bill to-day to waive any points of order he had, and he knows very well the conversation between us. I rose when he asked unanimous consent to take up this bill to intimate that I possibly, unwillingly might, if my vote would do so, postpone its consideration unless he would intimate to me that he would not raise a point of order on the admission of my amendment.

Mr. MORGAN. The Senator from Connecticut stated that $400,000 was appropriated, as I understood, for four pneumatic dynamite guns.

Mr. HAWLEY. The price of these new guns is not quoted in the market; but the sum here appropriated by this bill would answer for ten fine guns and the necessary steam-engines or condensers for condensed air. I believe the idea is that they will cost $40,000 apiece.

Mr. ALLISON. These pneumatic dynamite guns are to cost $40,000 each.

The PRESIDENT *pro tempore*. Does the Senator from Maryland insist on the question of relevancy?

Mr. GORMAN. I do.

Mr. HAWLEY. I wish the Senator would waive it until I can make some statements on the propriety of this amendment.

Mr. ALLISON. One moment, before that point is made. I wish to say in response to the suggestion made by the Senator from Connecticut that when I asked unanimous consent to take up this bill to-day the Senator from Connecticut intimated that he might not consent unless the amendment which he offered this morning from the Committee on Military Affairs and sent to the Committee on Appropriations should also be considered, and in response to that suggestion I stated that I would make no objection to the introduction of the amendment to-day that could not be made to-morrow. In other words, I should not make the point to-day that the amendment had not been sent to the Committee on Appropriations for a sufficient length of time, and I hope in any suggestion of points of order the Senator from Maryland will help me keep that agreement.

Mr. GORMAN. With great pleasure I withdraw that part of the point of order.

Mr. ALLISON. The Senator was not in at the time.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Maryland to insist on the question of the relevancy of this amendment. The rules require that the question of relevancy when raised shall be submitted to the Senate and decided without debate. The question, therefore, recurs, Is this amendment germane or relevant to the bill?

Mr. MANDERSON. I ask, for the information of the Senate on that question, that the clause from line 487 to 493, inclusive, of this bill shall be read.

The PRESIDENT *pro tempore*. That would be debate, but the clause can be read by unanimous consent.

Mr. MANDERSON. Perhaps there will be no objection to it.

The PRESIDENT *pro tempore*. The Chair hears no objection.

The Chief Clerk read as follows:

For examining, testing, and experimenting with pneumatic or other dynamite guns, gun-carriages, aerial torpedoes, dynamite shells and ammunition, and batteries for coast defense, whether sunken, counterpoise, or otherwise, brought to the notice of the Secretary of War, $100,000, or so much thereof as he may deem proper.

The PRESIDENT *pro tempore*. Senators in the affirmative will say "ay."

Mr. HAWLEY. What is the question precisely?

The PRESIDENT *pro tempore*. The Secretary will read the third clause of Rule XVI, or so much thereof as applies to this point.

The Chief Clerk read as follows:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

The PRESIDENT *pro tempore*. The question therefore recurs, Is the amendment proposed by the Senator from Connecticut germane or relevant to this bill?

The question was determined in the affirmative.

The PRESIDENT *pro tempore*. The question of relevancy is decided in the affirmative. The question then recurs on agreeing to the amendment.

Mr. GORMAN. I make the second point, that there is no estimate for this.

The PRESIDENT *pro tempore*. Even if that were so, if the amendment had been reported by order of a standing or select committee, it would still be in order, and it has been reported, the Chair understands, from the Committee on Military Affairs.

Mr. HAWLEY. I think there is an estimate.

The PRESIDENT *pro tempore*. It is immaterial whether it has been estimated for or not. It has been reported by a committee.

Mr. DOLPH. There is an estimate of $8,239,000 for this very year.

Mr. TELLER. Let the estimate be read.

Mr. DOLPH. Let the Secretary read the item on the top of page 177 of the Book of Estimates.

The Chief Clerk read as follows:

	Estimated amount required for each detailed object of expenditure.	Total amount to be appropriated under each head of appropriation.
Gun and mortar batteries—		
For construction of gun and mortar batteries for defense of our chief seaports: For Portland Harbor, $290,000; Boston Harbor, $280,000; Narragansett Bay, $290,000; New York, $690,000; Philadelphia, $210,000; Baltimore, $80,000; Washington, D. C., $80,000; Hampton Roads, $250,000; New Orleans, $210,000; and San Francisco, $460,000. (Submitted)		$2,840,000.00
Torpedoes for harbor defenses:		
For closing channels leading to our principal seaports. (Submitted)	$300,000.00	
Preparing mining casemates and cable-shafts and galleries to render it possible to operate submarine mines at Portland Head, 3; Boston, 5; Narragansett Bay, 2; New York, 5; Philadelphia, 2; Baltimore, 1; Washington, 1; Hampton Roads, 2; and San Francisco, 5. (Submitted)	1,560,000.00	

Mr. HAWLEY. I submit that it is not necessary to read further. What has already been read shows clearly that the estimates are made.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment proposed by the Senator from Connecticut.

Mr. HAWLEY. May I trespass on the Senate a few moments to say why I press this particular proposition?

I do not wish to argue the whole case as to whether it is necessary to arm our coasts or not, but I make the broad statement that a nation of more than sixty millions of people, with their almost incalculable wealth, can not resist a first-class ship of China, Japan, Chili, or any one of the nations of Europe.

I make the broad statement that every one of our great ports is open to complete capture by a fraction of the navies of any one of the great powers of Europe; that ships can go past any of our forts with their guns and levy upon the cities; that there is not in the possession of the Army on the coast of the country a single modern gun. The whole Army has not a single modern built-up steel gun. It has only the old-fashioned heavy cast-iron smooth-bores, and the Parrotts, which kill more friends than enemies.

I ask by this amendment that there may be a beginning of the manufacture of the proper guns for the fortification of our coasts. The experience of Europe is in favor of the plan proposed here—joint work between private manufacturers and the Government. The experiment has been tried to satisfaction of conducting these large establishments wholly by Government; it has been tried to satisfaction conducting them wholly by individuals; and the latter, I must confess, so far as my recollection goes, answers better than to conduct them by the Government entirely. But the plant required to enter upon the manufacture of the proper modern built-up rifle is very large indeed, and differs in many respects from the plant required for ordinary commercial purposes; and no wise manufacturer of steel will make a contract with the Government unless it be large enough to justify him in putting in new machinery.

Take one single element of it as an example—the steam-hammer. An appropriation, I will not dare to say of how much, would be required for the old steam-hammer; but that is substituted now by a vastly improved machine, an extraordinary machine, too, known as the hydraulic forging machine, which will take a mass of thirty, forty, or fifty thousand pounds of steel, a cubic ingot of it, and work it as the cook works the dough in the kitchen, thereby making a homogeneous mass of steel of approximately equal tenacity and strength all the way through.

It will cost hundreds of thousands of dollars to put up that forge alone. I have seen one of them working upon a trifle of 16 tons of steel at once, and capable of working 40 or 50. One is already being put up in this country now by the concern which successfully bid for the making of the armor and the parts of heavy guns for the Navy. The Navy has got ahead of the Army in this, far ahead of it. The country could not resist the demand for a regeneration of the Navy. Successive bills passed Congress ordering the building of ships, not of the first class, not of the most offensive class, but cruisers, the sea police, the beginning of a navy, the light horse of the Navy, and some partially protected cruisers.

After Secretary Whitney found that adding together such armor as he was required to have for a number of these ships, and adding together the number of guns that he was directed to get, he would be able to offer to some manufacturer a contract for six or seven thousand tons of forged armor and forged parts of heavy guns, anticipating the necessity, anticipating the absolute necessity that the Government would sooner or later begin the manufacture of these things, one of the great steel works began in advance to make the appropriate plant at a cost of anywhere from $800,000 to $2,000,000 and upwards, so that it was able to take beyond all competitors immediately that contract offered by the Secretary of the Navy.

Now the Navy has thirty-four steel cannon of the modern style, very good indeed, of moderate sizes, nearly done, and it is authorized to contract for one hundred and eight more steel pieces, running up to something like a 10-inch gun, a very effective and heavy gun. In the mean time the Army has not one single gun of that description unless you may count an experimental steel gun, I believe, nor has the first step been taken towards their creation.

Without waiting to furnish the details, I lay down the proposition that the way to do this is to ask private manufacturers to forge, anneal, temper, and even shape the parts of the big guns, and then bring them to a finishing and assembling shop. One for the Navy is well under way here. You are going to have an admirable establishment at the navy-yard in this city. It is admirable now so far as it has gone. There should be another for the Army, which it is settled should be at Watervliet. There these pieces are finally turned to the thousandth or the fraction of a thousandth of an inch. The jacket is slipped on to a central tube on the gun, other jackets are put on it, and bands of steel, very much as we remember the tires of the wheels in the old way of putting them on. There a gun is built up which is as nearly as possible—it depends on the skill shown—what the gun would be if it could all be made in one piece.

The way is now, I say, to get private establishments to forge these large parts and bring them to the Government concerns that will put the last touches and the assembling upon them. That is what the Navy are doing. The Bessemer Steel Works are building a part of the guns for it, and the Navy people are assembling and getting them together at the navy-yard here. That we want done for the Army. The Navy is one hundred and forty-two guns ahead of the Army, thirty-four built and one hundred and eight to be built; but we have not one upon our whole coast, not one that can check the first, and second, or third class ships of the navies of the world.

We must begin. It takes time. This $5,000,000 looks like a large item, but it can not be paid out under three or four years, and the last section of the amendment provides that it shall be a continuing appropriation and shall not be turned into the Treasury in the usual way at the end of two years. We do not expect anything to be delivered within that time unless it be some parts of the light and trifling 6-inch gun—we call it trifling nowadays though it carries a projectile that will go through six of our ships of the Navy side by side.

We do not expect much from these forging establishments for some considerable time—a year or a year and a half, I think. If one is started to-day, it will probably be eighteen months before it can be forged, and we do not require the pieces of the large gun to be delivered under three years.

I hope this contract will not go to the Bethlehem Steel Works simply because I want another establishment set up, and I would not care if there were three of them in the country who, while answering such stray commercial demand as might come along for steel shafting, would be ready all the while to enter into the manufacture of heavy guns for us, for a considerable number of them we must absolutely have.

This simply makes a beginning. It is the first step towards wiping out that shame which rests upon us of being an absolutely defenseless people.

I do not argue that question. I will not insult the Senate by arguing the question whether it is right for a people to be in a condition of defense. You can not argue, Mr. President, with a foreign nation with nothing behind you. Your argument is not worth a farthing when the high temper of controversy arises and the war spirit begins. They look at you with a tremendous argument in your fist, but a bubble behind you, and what do they care?

Mr. MORGAN. Mr. President, the experience which I have gained on the committee that the Senator from Connecticut spoke of will not permit me to allow anything to pass this body silently when I shall have an opportunity of voting for a proposition to put our people and our Government in a condition adequate for coast defense. That committee made a very exhaustive examination of all these subjects, with the assistance of some of the very best scientific ability in the United States, and we came to a gratifying conclusion, on which, I think, everybody is now united, that we have all the material in the United States necessary for the manufacture of ordnance of the heaviest and best description. We have the talent and genius amongst our mechanics, we have the enterprise amongst our manufacturing capitalists, and we have everything but the encouragement of the United States to some person or persons to engage in this very heavy enterprise.

There is but one customer in this country for heavy guns, and that is the Government of the United States. Unless we step forward and

make a beginning in this direction there is nobody that is competent to do it. No private company or man is going to invest his money in a gun factory on the mere idea that he may be able to sell guns to some foreign country. There must of necessity be some home encouragement to these enterprises before they can be started. We must start at some time. We have really started later than we ought to have done.

We started two or three years ago in the same direction where the Secretary of the Navy found himself able to start by congregating certain appropriations made in one bill and another so as to purchase the steel. If we had started in the same direction and had the same opportunities for the establishment of a gun factory and the machinery for the production of heavy guns in this country three years ago, we should now have had an establishment that we could rely upon.

Things go pretty fast in the world just at this time. Steam propels ships with great rapidity, and electricity carries messages in the twinkling of an eye across the sea, so that nations that have any expectation that they will be allowed to pursue any other than a certain settled policy ought to be prepared, in a certain degree at least, with the means of defense. We need establishments in the United States, we need foundations for these heavy compressers, these heavy hammers, whatever may be the best, to weld and to prepare by hammering and otherwise the large billets of steel that are now requisite for making steel guns.

I notice a $400,000 appropriation in this bill for mere experimental purposes in regard to dynamite guns. In regard to steel guns the experiment, I think, has been made. I think the world has probably attained to as high state of perfection in the manufacture of steel guns as will be attained at all, unless we can find some means by which we can make a cast-steel gun cheaper and stronger than a built-up gun. I think that after having waited so many years for the purpose of gaining the enlightenment that comes from the experience and scientific efforts of the different nations of the earth on this subject, we can now afford to say to ourselves that we can make as good a gun in the United States as can be made in any other part of the world, and that perhaps it is not necessary to wait any longer for the scientific genius of the world to develop a better gun than can now be made out of steel.

The science of gun-making having reached this very high plane, it seems to me now that we ought to enter upon it with confidence, adopt what science has developed, and proceed to make our foundations with a view of putting our country in reach of all the necessary agencies to meet any emergency that may come upon us. If we had to-day in the United States such a gun factory as Krupp's establishment in Germany, it would add immensely to the moral power of the United States, and I think that there is scarcely a Senator here who has ever bestowed any attention upon the relations of the United States with foreign countries who has not felt that there was some necessity for more moral power in this Government than we possess. The moral power of this Government is not at all equivalent to its sixty-five millions of population, its vast wealth, its great ocean boundaries, and its enormous resources of every kind and character.

This Government in its power of command and control over the nations of the earth, in the moral sense of which I speak, is not up to the realization of its actual facilities, its actual inherent power. What do we need? Nothing at all but some action on the part of the Government to show the nations of the earth that we are prepared to use these great facilities and these extraordinary resources immediately whenever occasion may demand, and that if an emergency should arise we shall not go and have to waste three or four or five hundred million dollars in making the preparation that experience and attention and care and scientific endeavor and effort ought to have developed slowly and completely.

I agree with the Senator from Connecticut that the best thing we can do is to give Government support to private effort in making guns. The experience of Germany has established that proposition. Why was Krupp a better gun-maker than any other man in the world, and why is his steel reckoned among the very best in the world? It was because that faithful and common-sense old man worked from his early manhood all along with experience and preparation in the best methods of manufacture, and then with the best pattern of gun that could be put together, and every gun was examined with critical and scrupulous care before it was put in.

Krupp's steel was what made Krupp's guns. Krupp's patience and care, his individual effort devoted to the building up of his establishment, that made it a success. What was it that animated Krupp? Not merely ambition or glory. He had not any office under the German Government the duties of which he was performing under a salary. He was a private man, but he had the Government for a patron; and he had a German's pride in the glory of his country, and then he had a personal fondness for money-making to stimulate him to build up these great guns. It was through these simple agencies that that man got such power over the gun market of the world as that all the nations, nearly without exception I believe, more or less, patronized his great establishment.

Now, if we start in the United States a gun factory, or if you will enable our people by contributing as we ought to do to the manufacture of guns to build the machinery that is requisite for the manufacture of these great guns, it will not be very long, not a great while, until you will find that San Francisco will be making guns out of that unparalleled steel ore that they have there and sending them across the Pacific Ocean to China and Japan, and down the South American coast, and on this coast we shall be manufacturing guns for the eastern market of South America and Central America, and for the old countries as well, because if you give our men the advantage they have the genius and the enterprise to do anything that ingenuity and capacity can accomplish.

So I am in favor of the proposition. I want us to start, and we had just as well start now, and commence with this appropriation of $5,000,000, as to start later, and a great deal better start now than start later. We ought to have this establishment started; this steel ought to be in process of manufacture, and all of the experience of our mechanics, the better parts of it, ought to be gathered into establishments of this kind.

Now, in regard to the dynamite gun, that is a very different thing. There is very little known about dynamite projectiles or dynamite guns. I understand that we have to have steam-engines for the purpose of making compressed air in order to get a powerful expanding element to project the projectile out of the gun without exploding the dynamite before it reaches the target at which it is aimed. That is experimental. We are willing to bestow $400,000 in this bill on making that experiment. It is very doubtful whether after all we shall provide a dynamite gun that will take the place of a steel gun in the navies of the world or that will enable us to arm a ship with dynamite to go out and fight the enemies of this country on the high seas.

I confess that I should dislike very much to see the best man-of-war that we could build sent out for the purpose of engaging a man-of-war of equal power with steel guns on board his ship and nothing but dynamite on board of ours. I think that would be a very hazardous experiment.

It has been but two days since I read that a patent had been issued here with thirty-three claims allowed by the Patent Office in favor of an Alabamian for a dynamite gun by which he proposes to throw the dynamite, not with a great steam-engine, but with 40 or 50 or 100 pounds of powder, and do it with absolute security. If that man's invention is what it appears to be, and what I really believe it to be, we shall not have spent $400,000 under this bill until that man will come in with a dynamite gun that will dispense with the engine entirely, and he will fire it like an ordinary steel gun.

That is experimental; and I think when the Congress of the United States is willing to bestow $400,000 upon a project that is peculiarly and entirely experimental, after the investigations that have been made by a committee of this body and a report that has received the sanction of the War and Navy Departments both, and a report that is incontrovertible on its facts and conclusions, we should not be unwilling to expend what the Senator from Connecticut proposes to expend in his amendment in building guns about which there is no longer any experiment at all, but the mere putting into actual physical use the result of those experiences which have been collected by this committee and by the scientific men of this country, and which are absolutely controlling in regard to the manufacture of these guns. I shall therefore vote for the amendment.

Mr. GORMAN. Mr. President, I regret to see the Senate about to commit itself apparently to an appropriation for the manufacture of steel guns.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Maryland yield to the Senator from Kentucky?

Mr. BECK. The Senator from Maryland has the floor, and being advised that there are a number of Senators who desire to speak, I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 29, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 28, 1888.

ELECTION OF SPEAKER PRO TEMPORE.

The House was called to order at 11 o'clock a. m. by Hon. JOHN B. CLARK, its Clerk, who said:

The Clerk of the House has received the following communication from the presiding officer:

WASHINGTON, D. C., *June* 28, 1888.

SIR: As I am compelled to be absent from the city for two days, you will please request the House to elect a Speaker *pro tempore* to serve during my absence.

JOHN G. CARLISLE.

Hon. JOHN B. CLARK,
Clerk House of Representatives.

Clause 7 of Rule I provides that in the absence of the Speaker, or his omission to make an appointment of a Speaker to preside during his absence, it is for the House to proceed to elect a Speaker *pro tempore*.

Nominations are now in order.

Mr. MILLS. I offer the resolution I send to the desk.

The Clerk read as follows:

Resolved, That Hon. JAMES H. BLOUNT, a Representative from the State of Georgia, be and he is hereby, elected Speaker *pro tempore* during the temporary absence of the Speaker.

The resolution was adopted.

Mr. BLOUNT accordingly took the chair as Speaker *pro tempore*.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

NOTIFICATION TO THE SENATE.

Mr. MILLS submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk be directed to inform the Senate that the House has elected Hon. JAMES H. BLOUNT, a Representative from the State of Georgia, as Speaker *pro tempore* during the temporary absence of the Speaker.

FOG-SIGNAL, ETC., STONINGTON HARBOR, CONNECTICUT.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of appropriations for a light and fog-signal at the entrance of Stonington Harbor, Connecticut; which was referred to the Committee on Commerce, and ordered to be printed.

HENRY H. LANSDALE VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of findings of fact in the case of Henry H. Lansdale *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

ST. CECILIA'S ACADEMY VS. THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of findings of fact in the case of St. Cecilia's Academy *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

BRIDGE OVER THE CANEY FORK RIVER, TENNESSEE.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1526) to authorize the construction of a bridge over the Caney Fork River, between Rock Island and Carthage, in Tennessee, with House amendment disagreed to by the Senate.

Mr. CRISP. Mr. Speaker, the Senate non-concur in the amendment proposed by the House to this bill, and have asked a conference thereon.

I have examined the amendment and find it is only formal in its character, and I therefore ask unanimous consent that the House recede from its amendment.

Mr. SPRINGER. What is the amendment?

Mr. CRISP. I ask that it be reported.

The Clerk read as follows:

Page 2, after line 28, add:

"And if said bridge shall not be finished within two years from the passage of this act the rights and privileges hereby granted shall be null and void.

Mr. CRISP. I will state that by mistake that clause is put twice into the bill. This is a Senate bill amended by the House, which amendment was disagreed to by the Senate, and I ask the House to recede.

There was no objection, and it was so ordered.

BRIDGE ACROSS TENNESSEE BETWEEN BRIDGEPORT AND SHEFFIELD.

The SPEAKER *pro tempore* also laid before the House the bill (S. 1524) to authorize the construction of a bridge over the Tennessee River between Bridgeport and Sheffield, Ala.

Mr. CRISP. This is a Senate bill to which the House attached two amendments, one of which the Senate agrees to; and the other, which is identical with the amendment just stricken from the former bill, they reject. I ask that the House recede from its insistence upon that amendment.

There was no objection, and it was so ordered.

IMPROVEMENT OF BRAZOS RIVER.

The SPEAKER *pro tempore* also laid before the House the bill (S. 2831) for improving the mouth of the Brazos River, in Texas; which was read twice and referred to the Committee on Rivers and Harbors.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. ALLEN, of Massachusetts, for ten days, on account of important business.

To Mr. LYNCH, for two weeks, on account of important business.

To Mr. MORRILL, for one week, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to Mr. FULLER to withdraw papers accompanying House bill 8680, for the relief of Fannie A. Boyd.

BRAZOS RIVER, TEXAS.

Mr. CRAIN. I ask unanimous consent to discharge the Committee of the Whole on the state of the Union from the further consideration of House bill 10165, and that the same be put upon its passage.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Brazos River Channel and Dock Company, a corporation organized under and by virtue of the laws of the State of Texas, be, and are hereby, authorized, on the conditions hereinafter mentioned, to construct, own, and operate such permanent and sufficient jetties and such auxiliary works as are necessary to create and permanently maintain, as hereinafter set forth, a navigable channel at the mouth of the Brazos River, Texas, between said river and the Gulf of Mexico, and so far into the mainland and between the banks of the said Brazos River as may be necessary to reach a place that will afford security from storms, swells, cyclones, and tidal waves, for the purposes of furnishing the vessels and boats adapted to the purpose facilities for navigation in and along the entire length of said channel, charging and collecting such toll therefor as may be prescribed by the regulations that may be made by the Secretary of the Treasury of the United States in conformity with the laws of the United States; and for that purpose they may construct, in the river, and likewise in the Gulf of Mexico, such walls, jetties, dikes, levees, and other structures, and employ such boats, rafts, and appliances as they may, in the prosecution of said work, deem necessary: *Provided*, That no such structures or means employed shall hinder, delay, or materially interfere with the free navigation in said river or between said river and the Gulf of Mexico; and, to protect their said works, they may build and maintain such levees or embankments as may be necessary to secure their permanency along the banks of said Brazos River; and said Brazos River Channel and Dock Company shall hold the United States harmless from any damages that may accrue to any person or persons by overflow or otherwise caused by the construction of said walls, jetties, dikes, levees, and other works constructed by said company: *Provided further*, That unless the construction of the proposed work shall be substantially commenced within one year from date of the approval of this act, and prosecuted with due diligence, the provisions contained herein in relation to the said improvement shall be null and void; and unless the said Brazos River Channel and Dock Company shall secure a navigable depth of 12 feet of water from a point in the river so far as may be necessary to reach a place that will afford security from storms, swells, cyclones, and tidal waves, above its mouth and extending from said point to a depth of 12 feet in the Gulf of Mexico, outside of the present bar, within three years after the date of the approval of this act, Congress may revoke the privileges herein granted in relation to said improvement. And Congress may revoke the provisions hereing granted in relation to said improvement, unless the said Brazos River Channel and Dock Company shall, after securing 12 feet of water, secure an additional depth of not less than 2 feet during each succeeding year thereafter, until 18 feet shall have been secured; and in case said Brazos River Channel and Dock Company shall fail to comply with the foregoing conditions as to depth of water, and time, for any period of twelve months in excess of the time fixed as aforesaid, then the privileges herein granted, in relation to said improvements, shall absolutely become null and void without action by Congress.

SEC. 2. That the works of improvement in the said Brazos River, from the mouth of said river to the point described in section 1 of this act, shall consist of the construction of dikes, wing-dams, levees, embankments, and dredging or other means which may be considered by said Brazos River Channel and Dock Company necessary for obtaining a depth of 18 feet of water between the mouth of said river and said point described in section 1 of this act; and that the said Brazos River Channel and Dock Company may, if they shall decide it best for the interests of navigation, change the course of said river at the sharp bend in said river between the mouth of said river and the said point described in section 1 of this act, but in making such change the channel shall be made of sufficient depth and width to receive the volume of said river without disturbance of its regimen.

SEC. 3. That if at any time during the construction of said jetties and auxiliary works, or after said jetties and auxiliary works shall have been completed, and said channel of 18 feet in depth has been obtained, the United States shall have the right to pay the said Brazos River Channel and Dock Company the value of their jetties and other works constructed under and by the authority granted to said company by the State of Texas as well as by the authority of this act, and on such payments being made by the United States all right to said franchises and works on the part of said Brazos River Channel and Dock Company shall cease.

SEC. 4. That any person maliciously or intentionally injuring said works or interfering with the construction thereof shall be deemed guilty of a misdemeanor, and may be tried for such offense before the district court of the United States for the district wherein such offense may be committed, and if found guilty he shall be liable to a fine not exceeding $1,000 or to imprisonment not more than two years, or both fine and imprisonment as aforesaid for each offense.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. CRAIN] asks unanimous consent for the consideration of the bill.

Mr. HOLMAN. In consequence of the confusion in the House the reading of the first portion of the bill was not very well understood. I would like to have the nature of the bill explained.

Mr. ROWELL. I do not think that bill ought to pass the House. It proposes to allow a private corporation to take charge of a navigable river. I think that is a bad principle.

Mr. CRAIN. Will the gentleman allow me two minutes to explain the bill?

Mr. ROWELL. Certainly.

The SPEAKER *pro tempore*. Does the gentleman withdraw his objection?

Mr. ROWELL. I withdraw the objection in order to permit the gentleman to explain, reserving the right to renew the objection.

Mr. CRAIN. The bill is almost exactly the same bill that was reported on the same subject from the Senate this morning. The only difference between the two bills is that the Senate bill omits the provision that this company shall hold the United States Government harmless for any damage done in the construction of the work. The bill before the House is a substitute unanimously reported by the Committee on Rivers and Harbors. It simply grants to a corporation the right to improve the mouth of the Brazos River, which work the Government engineers have given up as impracticable, and which has been abandoned by the Government. The charges to which the gentleman refers are to be regulated by the Secretary of the Treasury.

Mr. MILLS. I must insist on the regular order.

Mr. CRAIN. I only ask two minutes.

Whenever the Government of the United States deems it proper to do so, it has the right to purchase all these works and to deprive the company of its franchise. That is the whole bill.

Mr. ROWELL. I do not see any reason for passing a bill of that kind. If this improvement is practicable, the United States ought to make it.

Mr. MILLS. I now ask for the regular order.

ENROLLED BILLS SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolution of the House of the following titles; when the Speaker *pro tempore* signed the same:

Joint resolution (H. Res. 178) granting leave of absence to certain persons employed in the service of the United States;

A bill (H. R. 478) to place the name of Rev. Stephen M. Collis on the muster-roll of the Thirteenth Tennessee Cavalry as chaplain thereof;

A bill (H. R. 860) for the relief of Alfred Head;

A bill (H. R. 956) for the relief of the heirs of Christopher Cott;

A bill (H. R. 1361) to incorporate the Reform School for Girls of the District of Columbia;

A bill (H. R. 1457) for the erection of a public building at Wichita, Kans.;

A bill (H. R. 1514) relating to the record of wills in the District of Columbia;

A bill (H. R. 2805) granting a pension to Martha F. Woodrum, widow of James Woodrum, deceased;

A bill (H. R. 3290) to amend section 685 of the Revised Statutes relating to the District of Columbia;

A bill (H. R. 3839) granting a pension to Mrs. Hettie K. Painter;

Mr. KILGORE also, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the Senate of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 1193) granting a pension to John R. Wheelock;

A bill (S. 1906) granting a pension to Matilda Bleumner;

A bill (S. 1827) granting a pension to Philomelia L. Dartt;

A bill (S. 1844) granting an increase of pension to Ann Atkinson;

A bill (S. 1997) granting a pension to Peter Thompson;

A bill (S. 2100) granting a pension to Charles Tidmarsh;

A bill (S. 2151) granting a pension to Mrs. Amelia Hillyer;

A bill (S. 2168) granting a pension to Francis Marion Walker;

A bill (S. 2183) granting a pension to Rachel Plummer;

A bill (S. 2255) granting a pension to Amanda W. Beach;

A bill (S. 2331) granting a pension to Mary McGregor;

A bill (S. 1484) to fix the status in the Navy of certain cadet engineers;

Joint resolution (S. R. 26) to arbitrate and settle the question at issue between the District of Columbia and Samuel Strong;

A bill (S. 23) to authorize Dalles City to construct a bridge across the Columbia River in the State of Oregon and Territory of Washington;

A bill (S. 1525) to authorize the construction of a bridge over the Cumberland River, between Burnside, Ky., and Carthage, in Tennessee, or the south fork of said river, between Burnside and Tateville, Ky.;

A bill (S. 2601) authorizing the construction of railroad bridges across the Snake River and across the Clear Water River by the Oregon Railway and Navigation Company;

A bill (S. 1851) providing for an international marine conference to secure greater safety for life and property at sea;

A bill (S. 808) granting a pension to Julius C. Monson;

A bill (S. 802) granting an increase of pension to Sarah A. Wilcox, now Roberts;

A bill (S. 1004) granting a pension to Ann Verneuil; and

A bill (S. 1192) granting a pension to Judson Knight.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

Mr. MILLS. I move to dispense with the morning hour.

Mr. SPINOLA. I ask the gentleman to give way for a moment to allow me to make a report from the Committee on Military Affairs.

Mr. MILLS. I will withdraw the motion to dispense with the morning hour and let the committees be called.

RUFUS LOWE AND C. M. LOFTIN.

Mr. HENDERSON, of North Carolina, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 10578) for the relief of Rufus Lowe and C. M. Loftin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MAJ. GEN. W. W. AVERILL.

Mr. SPINOLA, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. 1650) for the relief of Maj. Gen. W. W. Averill; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. SPINOLA. Two weeks from this evening there is to be a session to consider several bills of like character with the bill I have just reported, and I ask that it be included among the bills to be considered at that evening session.

The SPEAKER *pro tempore*. That request is not in order at this time.

Mr. SPINOLA. Well, I will make it later in the day.

ROCK ISLAND DAM.

Mr. TOWNSHEND. Mr. Speaker, the Committee on Military Affairs have made a favorable report upon a resolution calling upon the Secretary of War for information as to the destruction of the dam at the Rock Island arsenal, but as I understand that the information called for has been fully furnished to the Committee on Appropriations, I suggest that it is not necessary for us to put the resolution upon the Calendar or upon its passage, and I therefore ask that it lie on the table.

There was no objection, and it was so ordered.

BUILDINGS AT HIGHWOOD, NEAR CHICAGO.

Mr. TOWNSHEND, from the Committee on Military Affairs, reported a bill (H. R. 10643) appropriating $300,000 for the construction of buildings for the military post at Highwood, near Chicago, Ill.

Mr. TOWNSHEND. This bill was ordered to be reported favorably some weeks ago, and would have been reported to the House, but at the request of gentlemen in Chicago we concluded that we would hold the report until after the Army appropriation bill was disposed of, as it was expected that we would make an appropriation in that bill for this purpose. That appropriation has now been made in the Army bill, and I therefore suggest that for the present this bill and report lie on the table.

There was no objection, and it was so ordered.

LEAVE TO FILE REPORTS.

Mr. DORSEY. Mr. Speaker, there are two or three reports from the Committee on Private Land Claims that I desire to present this morning, but the gentleman who has them in his possession is not present at this moment, and I therefore ask unanimous consent that they may be filed with the Clerk.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The call of committees is now completed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insists upon its amendments, non-concurred in by the House of Representatives, to the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The message further announced that the President *pro tempore* had appointed Senators SHERMAN, ALLISON, MANDERSON, COLQUITT, and BERRY members on the part of the Senate of the committee of Congress authorized by the act approved May 28, 1888, to attend the Centennial Exposition of the Ohio Valley and Central States, to be held at Cincinnati, Ohio.

The message further announced that the Senate insists upon its amendments to the bill (H. R. 1503) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, disagreed to by the House of Representatives, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Messrs. HALE, CHANDLER, and GRAY.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889, and still further insists upon its sixteenth amendment to said bill.

ORDER OF BUSINESS.

Mr. MILLS. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of bills raising revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of revenue. The pending amendment is to strike out lines 133 and 134:

Vegetables in their natural state or in salt or brine, not specially enumerated or provided for.

Debate on this amendment is exhausted, but the gentleman from New York [Mr. BAKER] is still entitled to two minutes in support of the amendment.

Mr. BAKER, of New York. In the two or three additional minutes allowed me I will withdraw the amendment which I offered yesterday, and move instead to amend by inserting after the words "vegetables" the words: "Such vegetables as are now specifically dutiable under existing law." Under the existing law vegetables in their natural state or in salt or brine, not specially enumerated or provided for, are subject to 10 per cent. ad valorem duty. The proposition is to make vegetables in their natural state or in salt or brine, not specifically enumerated or provided for, free. That provision, unless covered by some

amendment which the honorable chairman of the Committee on Ways and Means informs us is to be proposed, would put potatoes, and, by a subsequent provision in this bill, beans, pease, and split pease upon the free-list. It would strike down a large agricultural interest in my section of the country, and it meets with the most earnest protest of the agriculturists, especially along the border line, who do not desire that their products shall come in competition with those of Canada or other foreign countries.

In this connection, Mr. Chairman, I will have printed as part of my remarks a table which has been prepared by Colonel Switzler, of the Bureau of Statistics, comprising a statement showing the imports of wheat and other breadstuffs, provisions, vegetables, eggs, etc., into the United States from the British North American Provinces and all other foreign countries each year from 1868 to 1887. It is a special exhibit of the importations referred to, and I am sure will be of interest to both sides of the House. It shows the magnitude to which the business has grown of importing into this country breadstuffs and eggs (which are free both ways), and I think when the committee come to consider this table and to examine this exhibit of this business they will agree to make a more material modification of the provisions of the bill than that which is now proposed.

I shall also incorporate in my remarks an article from the New York Tribune of June 4, 1888, in relation to the importation of cheap potatoes from Europe.

The following is the article:

[From the New York Tribune, June 4, 1888.]

CHEAP POTATOES FROM EUROPE—DANGER TO THE AMERICAN FARMER IF THE DUTY ON THEM IS REMOVED.

The recent large arrivals of potatoes upon trans-Atlantic passenger steamers, which bring them over practically as ballast, has occasioned no little surprise in the shipping world as well as among dealers in farm produce. A steamer of the National Line arrived here a few days ago with 1,000 barrels of potatoes, and upon inquiry it was found that the freight paid upon them was hardly enough to cover the expense of putting them into the vessel, to say nothing of the transportation of them for 3,000 miles; and, too, they were landed here at a less price than potatoes brought from Newfoundland, which, after payment of the import duty of 15 cents a bushel, are cheaper than the home product. This new departure of bringing potatoes from Europe, together with the proposition in the Mills free-trade bill entirely to remove the duty from potatoes, is causing alarm to everybody excepting the foreign growers and the foreign shipowners.

The receipts of potatoes from Great Britain since October 1 last up to Saturday, were 3,411,840 bushels, against 106,047 bushels for the same period a year ago. There also came 240,249 bushels from the continent, against 19,512 bushels a year ago. This means an attack upon the American farmer, and a more effective one upon his industry if the duty should be entirely removed, as he would then find it useless to cultivate his unprofitable lands; but the Democratic Congress is determined to foster the foreign producer and the foreign capitalist in preference to the American industries.

G. S. Palmer, a produce merchant, who has studied the question thoroughly, said on Saturday: "To remove the present duty of 15 cents per bushel would undoubtedly so flood the market with foreign potatoes that American producers could raise them only at a loss to themselves. The present duty was an equitable one, and it should not be made higher than it is at present, because in seasons when the home crop fails, or is not large enough to meet the home demands, a high tariff would be an injustice. When they are put up in sacks they are easily handled and occupy but little space, and consequently make excellent ballast. The farmers are much opposed to having the duty removed. Foreign potatoes, by being brought as ballast, can be sold cheaper than the home product, but once drive our own farmers out of the market, or remove the home competition, there will be a demand for potatoes that will send up the freight charges, and the potatoes will cost the consumer more than they do now."

Statement showing the imports of wheat and all other breadstuffs, provisions, vegetables, and eggs into the United States from the British North American Provinces and all other foreign countries during each year from 1868 to 1887.

[Under the title of "British North American Provinces" are included the Dominion of Canada, Newfoundland, and Labrador.]

BRITISH NORTH AMERICAN PROVINCES.

Year ending June 30—	Wheat.		All other breadstuffs.	Provisions (including meats).	Vegetables.	Eggs.	
	Bushels.					*Dozens.*	
1868	1,593,824	$2,704,132	$4,393,894	$1,545,829	$290,386	(1)	(1)
1869	1,337,227	1,673,629	5,423,570	[4]1,429,349	(3)	(1)	(1)
1870	838,362	862,879	6,158,635	[4]3,633,937	(3)	(3)	(3)
1871	688,264	894,984	4,249,213	[5]2,374,604	(3)	(1)	$224,232
1872	1,532,220	2,167,390	4,949,339	1,876,728	26,065	4,812,647	644,284
1873	1,453,204	2,021,211	3,722,285	1,226,704	113,604	4,948,679	676,463
1874	1,631,404	2,065,447	5,173,241	959,043	239,214	5,421,546	735,294
1875	290,617	296,588	6,707,047	488,567	54,471	4,238,615	592,778
1876	1,552,666	1,606,079	8,285,309	250,472	12,344	4,748,473	620,276
1877	319,945	361,691	5,299,266	113,791	[1]451,549	4,918,105	608,654
1878	1,340,418	1,534,299	4,463,333	328,079	154,013	5,963,944	719,871
1879	2,003,633	1,784,140	5,389,308	157,028	1,221,960	5,918,074	639,593
1880	451,612	515,828	5,118,311	566,193	192,569	7,662,068	894,349
1881	191,362	190,742	7,142,396	249,550	795,940	9,471,391	1,199,157
1882	844,196	1,072,618	12,702,978	791,961	2,501,649	11,728,518	1,793,167
1883	1,073,156	1,063,436	9,406,481	435,511	1,009,933	14,683,061	2,584,279
1884	22,590	19,321	6,540,530	226,868	177,616	14,688,417	2,356,325
1885	203,996	165,973	6,779,547	177,737	197,881	13,969,474	2,095,437
1886	379,569	328,500	7,354,551	162,805	427,104	14,465,664	1,893,672
1887	277,510	218,551	6,312,461	163,115	430,708	13,682,914	1,930,844

[1] Not stated.
[2] Imports of eggs by countries not stated.
[3] Imports of vegetables by countries not stated.
[4] Includes tallow.
[5] Includes vegetables.
[6] Included in provisions.

Statement showing the imports of wheat and all other breadstuffs, etc.—Continued.

ALL OTHER FOREIGN COUNTRIES.

Year ending June 30—	Wheat.		All other breadstuffs.	Provisions (including meats).	Vegetables.	Eggs.	
	Bushels.					*Dozens.*	
1868	22,682	$30,517	$42,153	$263,963	$297,988	(1)	(1)
1869	33,266	44,777	1,585,047	562,864	(3)	(1)	(1)
1870	12,964	15,954	494,667	1,014,931	(3)	(2)	(2)
1871	28,935	38,269	492,756	1,275,883	(3)	(1)	$33,717
1872	14,406	21,299	448,173	1,510,251	173,628	92,676	5,650
1873	23,300	31,783	306,228	1,148,621	411,757	116,898	7,397
1874	14,688	18,747	1,755,526	788,399	597,632	179,629	12,572
1875	12,430	15,876	993,261	743,376	557,579	113,195	7,694
1876	15,892	17,770	437,961	707,747	580,005	155,298	10,117
1877	8,061	11,002	338,516	610,461	730,022	130,166	8,568
1878	10,590	14,780	351,307	599,185	584,104	89,705	6,166
1879	7,658	10,422	656,615	662,198	508,063	104,432	7,142
1880	11,270	18,647	466,895	668,799	659,681	111,424	7,583
1881	9,258	13,766	522,938	1,029,238	810,782	106,680	6,910
1882	2,479	5,177	689,528	1,380,693	3,238,100	200,837	15,418
1883	2,569	6,886	415,091	1,522,270	991,871	596,004	93,325
1884	1,739	4,598	135,254	1,616,584	978,138	1,798,787	321,055
1885	2,560	4,317	144,218	1,652,810	1,080,826	2,128,976	381,235
1886	971	2,893	249,532	1,925,640	1,216,252	1,626,819	279,782
1887	332	310	108,900	1,643,124	924,613	255,140	29,552

TOTAL FROM ALL COUNTRIES.

1868	1,616,508	$2,734,649	$4,436,047	$1,809,792	$588,374	(1)	(1)
1869	1,370,493	1,718,406	7,008,617	[4]1,992,213	182,621	(1)	(1)
1870	851,326	878,833	6,653,302	[4]4,648,868	61,283	(1)	$43,270
1871	717,179	933,253	4,741,969	[4]3,650,487	(4)	(1)	287,949
1872	1,546,623	2,188,689	5,397,512	3,386,979	199,693	4,905,423	649,894
1873	1,476,504	2,052,994	4,028,513	2,375,325	525,361	5,065,577	683,850
1874	1,646,092	2,114,194	6,928,767	1,747,442	836,246	5,601,175	747,866
1875	303,047	312,464	7,700,308	1,229,943	612,050	4,351,810	600,472
1876	1,568,558	1,623,849	8,723,270	958,219	592,349	4,903,771	830,393
1877	328,006	372,693	5,637,782	724,252	2,183,571	5,048,271	617,622
1878	1,351,008	1,549,084	4,814,640	927,264	738,117	6,053,649	726,037
1879	2,011,291	1,794,562	6,045,923	819,226	1,730,023	6,022,506	646,735
1880	462,882	534,475	5,585,206	1,234,992	851,650	7,773,492	901,932
1881	200,620	204,508	7,665,334	1,278,788	1,606,722	9,378,071	1,206,067
1882	846,675	1,077,795	13,392,506	2,172,654	5,739,749	11,929,355	1,808,585
1883	1,075,725	1,070,316	9,821,572	1,957,781	2,001,804	15,279,065	2,677,604
1884	24,329	23,920	6,675,784	1,843,452	1,155,754	16,487,204	2,677,360
1885	206,556	170,290	6,923,762	1,830,547	1,278,710	16,098,450	2,476,672
1886	380,540	331,393	7,604,083	2,088,445	1,643,356	16,092,583	2,173,454
1887	217,842	218,867	6,421,361	1,806,239	1,355,321	13,935,054	1,960,396

[1] Not stated.
[2] Includes tallow.
[3] Includes vegetables.
[4] Included in provisions.

WM. F. SWITZLER, *Chief of Bureau.*

TREASURY DEPARTMENT,
Bureau of Statistics, May 26, 1888.

I now withdraw my former motion, and move to strike out the pending lines—lines 133, 134. I think the vote had better be taken directly upon this motion.

Mr. MILLS. Let us have a vote.

The CHAIRMAN. If there be no objection the amendment heretofore submitted by the gentleman from New York [Mr. BAKER] will be regarded as withdrawn, and the motion to strike out the paragraph will be treated as the pending motion. The Chair hears no objection.

Mr. MILLIKEN. Mr. Chairman, I hope that the motion submitted by the gentleman from New York [Mr. BAKER] will be adopted; and I say this in the interest of the farmers all along the northern border of Maine and New York and other States contiguous to Canada. If I had not known that a great deal of what is said by our friends on the other side is little if anything more than a specious argument to sustain their case, I should have been astonished to see proposed in the bill this attack upon the farmer; for if our friends on the other side are great in anything, they are great as weepers over the hard condition of the farmer. I have heard my friend from Missouri [Mr. DOCKERY] cry over the farmer so many times in this House that I have in sympathy with him almost shed tears myself. My friend from Iowa [Mr. WEAVER] joins in the chorus with such vigor that you would think he saw nothing but the farming interests of this country. And my friend from Texas [Mr. MILLS] presenting this bill to the House in his eloquent, and (considering the badness of his cause) able argument, gave as his principal reason, if I mistake not, for introducing this bill, that it would relieve the hardships of the farmers. Yet, gentlemen now come in here and in these two lines of the bill attack the farmers along the northern border of our country in the most vital particular; for, as we all know, it is upon vegetables rather than upon staple articles which can be transported across the ocean that the farmer makes the largest percentage of profit; from vegetables, more, perhaps, than from anything else, he gets the returns with which he purchases the supplies for himself and his family. Yet in respect to this important part of the farmer's production our friends upon the other side would put him in direct competition with the farmers of New Brunswick, who live in cheaper houses; who have but few of the comforts of life; in whose fields women can be seen working as you do not see them on this side of the border. Those farmers of New Brunswick can sell their

productions for a less price, because they need smaller returns. Why, sir, on the line between Maine and New Brunswick you will find the American producer getting 25 cents a bushel for his potatoes, which are taken in the field just as they come and sent to the starch factories, while the farmer on the other side of the line sells his potatoes for but half that price. And the same comparison applies through the whole list.

Allow me to say to my friend from Texas that his argument that the superior skill of the American laborer—skill and the use of machinery—gives to him the facility to labor with more effect, and therefore to get better pay because he produces more, does not apply in this case. It does not require skilled labor to produce the products of the farm on the other side of the line. I know that new machinery, new farming implements, have been introduced; but our progressive Yankees have carried their inventions and their machinery across the border, and you can find there, as well as on this side, your mowing machine, your reaping machine, and all your patented implements of husbandry.

[Here the hammer fell.]

Mr. MILLIKEN. I would like to occupy a few moments more.

Mr. MILLS. I now ask for a vote.

Mr. NELSON. I rise to move a *pro forma* amendment, and yield my five minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. I hope I shall be allowed five minutes more.

Mr. NELSON. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Minnesota [Mr. NELSON] asks unanimous consent that the gentleman from Maine [Mr. MILLIKEN] be permitted to continue his remarks for five minutes. Is there objection?

Mr. MILLS. I object.

Mr. BREWER. I move to amend *pro forma* by striking out the words "not specially enumerated or provided for."

Mr. MILLS. I move that the committee rise so that the House may limit debate on this proposition.

The question being taken on the motion of Mr. MILLS, there were—ayes 74, noes 64.

Mr. BAKER, of New York. I make the point that no quorum has voted. Let us have tellers.

Mr. BUCHANAN. That is right. The other side should not be allowed to go back on the farmers without telling them why.

Tellers were ordered; and Mr. BAKER, of New York, and Mr. MILLS were appointed.

Mr. BAKER, of New York (before the count by tellers was concluded). Mr. Speaker, we have agreed that the debate on this proposition be allowed to run for twenty minutes on each side.

The CHAIRMAN. Does the gentlemen from Texas withdraw his motion that the committee rise?

Mr. MILLS. Yes, sir; the gentleman from New York and I have made an agreement, which I hope the Committee of the Whole will ratify, that twenty minutes be allowed on each side.

The CHAIRMAN. The motion that the committee rise is withdrawn. The gentleman from Texas asks unanimous consent that all debate upon the pending paragraph and amendments thereto be limited to forty minutes—twenty minutes on each side. Is there objection? The Chair hears none. Without the interposition of formal amendments the Chair will recognize gentlemen to speak on the motion to strike out. The gentleman from Michigan [Mr. BREWER] has been recognized.

Mr. BREWER. Mr. Chairman, I will only take about three minutes to say all I desire to say on this question. The committee who reported this bill and the gentlemen who framed it do not appreciate the enormous competition which arises between our farmers along the border of Canada and those who reside in Ontario, in the western portion of the province of Canada.

The district I have the honor to represent here lies within 12 miles of the city of Detroit. It is largely a rural district. The great market for the people residing in that district is in the city of Detroit. They take there their vegetables, they take there their grain, they take there all their farm products and exchange them for goods they find in that city. Immediately opposite the city of Detroit, across the river, about three-quarters of a mile, is the province of Ontario, an excellent farming country. There is nothing which prevents to-day the competition in vegetables between the people residing across the river and the farmers of my district except a small tariff duty on potatoes. Are we to remove this duty? If we do what compensation will the people of Detroit or the people of Michigan receive for that gift we are making to the people residing in the province of Ontario. If we are to receive our potatoes and other vegetables from the people of Ontario free, then ought not the people of Detroit and the border States be entitled to pass their products across the river into Ontario free of duty. Yet the Committee on Ways and Means propose to give, without any compensation whatever in return, to the people residing in Canada the right to have the markets naturally belonging to the people of Michigan without any compensation whatever.

I know, Mr. Chairman, it is useless for me, it is useless for any one residing near the border to protest against this act, because it has been decreed this bill is to pass and to pass as reported by the committee as ordered by the caucus. I rise, therefore, merely for the purpose of protesting against it, and protesting in the interest of the farmers who live in my district and whose products are brought in direct competition with the like products from the province of Ontario, which come free into Detroit in opposition to the interest of those whom I have the honor to represent.

I now yield to the gentleman from Pennsylvania [Mr. YARDLEY].

Mr. YARDLEY. Mr. Chairman, a large percentage of the people whom I have the honor to represent on this floor are farmers, and in their behalf I have presented to this House petition after petition signed by farmers' granges, by farmers' clubs, and by individual farmers, asking the duty on farm products be increased. Gentlemen on the other side of the House who profess to be interested in the farmers have answered their prayers and petitions by placing the products of the farms upon the free-list.

I submit there should be protection to the American farmer against the importations from Canada and other foreign countries.

The distinguished chairman of the Committeee on Ways and Means tells us that hereafter, some time in the future, a proviso will be brought in which will explain and interpret the provisions of this section. I submit until that proviso is offered this section must be construed as it is written, and as it is written, potatoes, together with other vegetables, are put upon the free-list.

Further along in the bill garden seeds are put upon the free-list. I have the honor of representing several of the largest industries in raising garden seeds in the whole United States. I represent here people who cultivate all kinds of garden seeds, and one gentleman in my own county who cultivates turnip seeds informs me that he has contracted with many farmers in his locality to pay 12 cents a pound for their entire crop of turnip seeds, and yet English growers of turnip seeds offer to deliver (all costs paid) in Philadelphia turnip seeds at 8 cents per pound. While that contract may be a good one for the farmers this year, they will find that after the passage of this bill they will have to compete with foreign importations and can not sell their turnip seeds for more than 8 cents a pound.

Mr. Chairman, we have been told again and again by the gentlemen upon the other side that their hearts are overflowing with love for the farmer, and their chief desire in presenting this bill is to relieve the farmer from excessive taxation, and yet they propose to relieve them by placing garden seeds, beans, pease, and other vegetables upon the free-list.

During the fiscal year ended June 30, 1887, $149,876.07 worth of garden seeds and $519,312.36 worth of vegetables were imported into this country in direct competition with the products of the farms of our own country. Mr. Chairman, if the gentlemen upon the other side of the House are sincere in their repeated expressions of sympathy for the farmers they will unanimously join with us now in this effort to strike the enumerated vegetables and garden seeds from the free-list, and thus aid us to fairly and honestly protect the products of the farm. [Applause.]

[Mr. THOMAS H. B. BROWNE withholds his remarks for revision. See APPENDIX.]

Mr. BURROWS. Mr. Chairman, it will be impossible to know the effect of putting this provision upon the free-list without understanding beforehand just what is now admitted under the language "vegetables in their natural state, etc." Of the imports entered for consumption during the year 1887 of this class of farm products other than beans and pease, the total value was $519,312, upon which a duty of about $51,000 was collected. But what the items are, composing these importations, "vegetables in their natural state, etc.," the committee have not given us any information. In this condition I have taken occasion to ascertain from the Secretary of the Treasury the importations for the last nine months under the clause "vegetables other than beans, pease, and potatoes, imported in their natural state or in salt or brine," and I find that at the ports of Bangor, Boston, New York, Philadelphia, Baltimore, Buffalo, Niagara, and Detroit, there were imported under this provision during that period, beets, cabbages, cauliflower, corn, cucumbers, onions, pease, radishes, squash, turnips, tomatoes, and various other vegetables amounting to an aggregate value of $265,904; and I shall insert at this point a table giving the exact amount of each.

The table is as follows:

Values of the several kinds of vegetables (other than beans, pease, and potatoes) imported in their natural state, or in salt or brine, and entered for consumption at the below-named ports during the nine months ending March 31, 1888.

Ports at which entered for consumption.	Beets.	Cabbages.	Cauliflower.	Corn.	Cucumbers.	Garlic.	Lentils.	Onions.
Bangor	.....	$22	$3	.....	.....	.....	.....	.....
Boston	.....	372	51	.....	.....	.....	.....	$7,681
New York	$18,254	.....	.....	.....	.....	.....	.....	109,525
Philadelphia	.....	12	.....	.....	.....	$21	$874	213
Baltimore	.....	.....	65	.....	$233	.....	1,939	240
Buffalo	.....	1,170	.....	.....	.....	.....	.....	.....
Niagara	184	184	.....	$184	.....	.....	.....	184
Detroit	.....	.....	.....	.....	.....	.....	.....	340
Total	18,438	1,760	119	184	233	21	2,813	118,183

Values of the several kinds of vegetables, etc.—Continued.

Ports at which entered for consumption.	Pease, green.	Radishes.	Squash	Turnips.	Tomatoes.	All other.	Total.
Bangor	.....	.....	.....	$19,474	$2	.....	$19,501
Boston	.....	.....	.....	3,338	.....	.....	11,442
New York	.....	.....	.....	.....	9,127	$45,636	182,542
Philadelphia	.....	.....	.....	5	.....	12	1,137
Baltimore	.....	.....	.....	.....	260	.....	2,737
Buffalo	.....	.....	.....	22,231	.....	.....	23,401
Niagara	$184	.....	$183	21,148	.....	.....	22,251
Detroit	.....	$1,250	.....	598	.....	705	2,893
Total	184	1,250	183	66,794	9,389	46,353	265,904

NOTE.—The transactions at the above ports represent 84 per cent. of the total of like transactions in the United States.

WM. F. SWITZLER,
Chief of Bureau.

TREASURY DEPARTMENT, BUREAU OF STATISTICS, *May* 31, 1888.

I have inserted this table, Mr. Chairman, for the purpose of giving the committee that information which they require in taking action upon a provision of this character, and so that the committee will know just what will be admitted free of duty if this provision, as proposed in the bill, shall stand.

We protect to a large extent the products of the farm, and why the majority of the Committee on Ways and Means should strike down these products of the soil and allow them to be imported in competition with our own products I do not understand.

The Chief of the Bureau of Statistics, in giving information upon this subject showing the imports entered for consumption during the year 1887, furnishes the Committee on Ways and Means the following:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., May 25, 1888.

DEAR SIR: Of the imports entered for consumption during the fiscal year 1887 of vegetables (other than beans and pease) in their natural state, or in salt and brine, dutiable at 10 per cent., $519,312 in value, the value imported into the port of New York was $228,152.

The collector at that port informs me that during the quarter ending March 31 last the imports under this head comprised the following: Onions, 60 per cent.; beets, 10 per cent., and tomatoes, 5 per cent.; unknown, 25 per cent.

It is probable that this would approximate the percentages of the articles classed under this head imported into the whole country.

Respectfully,

WM. F. SWITZLER, *Chief of Bureau.*

HENRY TALBOT, Esq.,
Clerk to Committee on Ways and Means, House of Representatives.

I desire to submit this in order that the Committee of the Whole may know what is being stricken down by this provision of the bill.

Mr. PLUMB. Can the gentleman state whether or not Canada imposes any duty upon vegetables?

Mr. BURROWS. I am not positive as to that.

Mr. FARQUHAR addressed the Chair.

Mr. MILLS. How much time is remaining on that side?

The CHAIRMAN (Mr. DOCKERY in the chair). Five minutes.

The Chair understands that the gentleman from Maine [Mr. MILLIKEN] was to be allowed five minutes in this discussion; but as he is not in his seat, the Chair will recognize the gentleman from New York.

Mr. FARQUHAR. Mr. Chairman, as representing one of the border districts of this country, and a large one, I can not but admire the generosity of this Committee on Ways and Means in opening the doors of our Northern markets to the Canadians. I want simply to say here, sir, that the Canadian pays no taxes in our country; he furnishes no roadways for our people; he pays no school rates, and pays nothing whatever towards the support of the Government only through indirect taxation, nor has he any interest in the land, but simply to get American money wrung from the tillers of the soil and take it home with him.

The county in which Buffalo is situated is largely interested in the products of the farm; and the land is divided into small plats, devoted to a considerable extent to vegetable and fruit raising, which employs thousands and thousands of men who get their whole living from that character of occupation in that county. Opposite to us is a good Canadian agricultural district; and all that is necessary, when the bill is passed, is simply to open the market for the Canadians to step across the Niagara River and drive out of business the Erie County farmer. If that is good American policy, let the committee go on and pursue it to its legitimate consequences; but I can assure gentlemen that in that region along the Canadian line you will find intelligent farmers who will give their opinion of this character of legislation when November comes around. [Applause on the Republican side.]

Mr. MILLS. Mr. Chairman, opposition is made to the insertion of this provision in the bill on two grounds; one is, it is charged on the other side that it puts potatoes on the free-list. Now, by existing law, as stated here often during this discussion, potatoes are dutiable, being named specifically in existing law.

This clause provides—

Vegetables in their natural state, or in salt or brine, not specially enumerated or provided for.

Potatoes are specially enumerated and provided for; hence they do not come within the provision of the clause. Certainly, therefore, it seems to me that no one can justly claim that there is any sufficient reason whatever to allege that potatoes are included or intended to be included in that provision.

But, as I stated before, in order to satisfy the views of gentlemen who might have any honest doubts upon the subject, we have prepared carefully a provision to come in at the close of the bill, which is to dissipate all doubts on the subject.

Now, then, on the merits of this proposition; the gentleman from New York who represents the Buffalo district [Mr. FARQUHAR] says that this provision of the law is in the interest of Canada. It is as much in the interest of the people of the city of Buffalo as any other part of the country in proportion to the amount of imports brought into that country from Canada or elsewhere. The reports show that turnips are largely imported into Buffalo to feed the poor laboring people whose Representative here on this floor is demanding that the duty upon the necessaries of life, upon their food, shall be made higher by striking out this clause while we are trying to reduce the price, so that they may have the necessaries of life cheaper than they are getting them now.

Another large item in the bill is onions. A great many onions are imported from Cuba into the port of New York to feed the working people, the poor laboring people of New York who live on onions among other articles of food. [Derisive laughter on the Republican side.]

Gentlemen are trying constantly to keep up the prices of the necessaries of life. They will not even let the workingmen in New York have onions to eat. Onions are among the most healthful vegetables we have. And yet our friends on the other side of the House demand that we shall keep up the price of everything that is necessary to human existence, everything necessary for the working people of this country, for the advantage of those who are interested in producing these things; and only a few of them at that. I want to know, Mr. Chairman, at what point in this bill gentlemen will agree to reduce the taxation? This question constantly confronts us. The taxes must be reduced.

Mr. BRUMM. We will begin with the internal revenue; right there.

Mr. MILLS. You want free whisky. You say so in your platform. We will meet that proposition.

Mr. BRUMM. We want free sugar.

Mr. MILLS. You do not say sugar. You say internal revenue.

Mr. BRUMM. We want free sugar and rice.

Mr. MILLS. You do not say in your platform at Chicago that you want to reduce the duty on sugar nor on rice. The Republican party have overruled what you have heretofore contended for on that subject. Your party commands you here on this floor to ask for free whisky. We will go with you to the country on that question. We demand a reduction on those things that enter into consumption as necessary to human existence. We demand that the tax shall remain on whisky as it is to-day.

Mr. BRUMM. I know you do.

Mr. CONGER. I would like to hear the amendment the gentleman proposes to offer.

Mr. MILLS. I do not propose to offer any amendment.

Mr. CONGER. You said you were going to propose one.

Mr. MILLS. The amendment I referred to is in the RECORD.

The CHAIRMAN. Two and a half minutes now remain on the other side of the House.

The Chair will recognize the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. I shall not endeavor in so short a time to answer the bold argument of the gentleman from Texas [Mr. MILLS], which he has made ever since this bill has been before the House, that on account of better machinery, better labor in this country we are able to contend against the cheap labor that comes in from abroad. His argument does not apply to the case of the farmer along the northern border line. The farmer has to contend with men who can labor as well as he can, and who have as good appliances to labor with.

I desire to call attention to one item in these two lines, cucumbers in salt or brine, that are put on the free-list. That is a large industry in the State of Maine, and directly affects the farmer, the man who raises the cucumbers these pickles are made from. They are shipped in salt and brine to Boston, New York, and to the markets along the Atlantic coast. Without this protection he will have to contend with the New Brunswick farmer, who can raise these cucumbers with cheaper labor and who can raise them with as good appliances as those of our farmer. I am somewhat astonished when my friend on the other side claims this bill is not a sectional measure. There is hardly a product of the farmer who lives along the northern boarder of this country that this bill does not put on the free-list. You attack him in every production. There are only a few staples produced by the farmer that this bill, framed by men who have stood up here to claim they were *par excellence* the friends of the farmer, does not put on the free-list.

[Here the hammer fell.]

Mr. BAKER, of New York. As a matter of fairness I think it well to have read from page 6147 of the RECORD the amendment now pending, so that the House may understand just what are its terms.

Mr. MILLS. Has the time for debate closed?

The CHAIRMAN. Yes.

Mr. MILLS. The amendment is already in the RECORD.

Mr. BAKER, of New York. Yes; but let it be read, so gentlemen may understand its provisions.

The Clerk read as follows:

This act is intended and shall be construed as an act supplementary and amendatory to existing laws, and the rates of duty and modification of clauses, provisions, and sections herein specifically made are intended and shall be construed as a repeal of all clauses, provisions, and sections in conflict herewith; but as to all clauses, provisions, and sections in existing laws not herein specifically changed, modified, or amended, the rates of duty now existing shall be and remain in full force and effect.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BAKER].

The question was taken; and the amendment was rejected—ayes 59, noes 68.

Mr. BRUMM. I call for tellers.

Tellers were refused, only 28 members voting in favor thereof.

The Clerk read as follows:

Chicory root, ground or unground, burnt or prepared.

Mr. EZRA B. TAYLOR. I move to strike out the last word.

Mr. MILLS. I want to move that the committee rise, in order that the Committee on Appropriations may present some business.

Mr. EZRA B. TAYLOR. I will occupy only a few minutes.

Mr. MILLS. I yield to the gentleman.

Mr. EZRA B. TAYLOR. Mr. Chairman, during the discussion of the last amendment a remark was made by the chairman of the Committee on Ways and Means which I wish to challenge at this moment; that is, that the Republican party is in favor of free whisky. I think the gentleman did not coolly and carefully intend that statement. A large proportion of the Republican party is in favor of abolishing the internal taxes now existing in this country, not because they are levied upon whisky or tobacco, but because they believe that system of taxation to be unwise.

The assertion that the Republican party is in favor of free whisky is absurd. The Republican party is not in favor of that either in its convention or in its individual capacity, and I take the first opportunity to repudiate it so far as I am concerned. In fact, there is no truth, there is no meaning in the statement. It seems to me, sir, that the great question now before the people is whether protection to American industries shall be continued. The Republican party, I admit, is in favor of the general doctrine of protection, not to one industry but to all industries; and if internal taxation is in the way of that, the Republican party are in favor of repealing that internal taxation. The Democratic party, I think, are in favor of another course; and if the existing internal taxation can be made a means to strike down and destroy protection, they will encourage and sustain it for that purpose and that alone. Mr. Chairman, a man who under these circumstances, with his judgment in hand, would coolly say that the Republican party is in favor of free whisky is a man who might be developed according to the Darwinian theory for countless cycles of time without mounting intellectually to the position of a brevet ass. [Laughter.] I withdraw the formal amendment.

Mr. MILLS I desire to ask the gentleman from Ohio [Mr. EZRA B. TAYLOR] whether he meant that last remark for me. I desire to have it read.

Mr. EZRA B. TAYLOR. I can repeat it, I think.

Mr. MILLS. Well, repeat it.

Mr. EZRA B. TAYLOR. After having stated that I did not believe that the gentleman from Texas [Mr. MILLS] had expressed that as his real opinion, I said that a man who under all the circumstances would, coolly and with his judgment in hand, assert that the Republican party was in favor of free whisky *per se*, was a man, etc.

Mr. MILLS. Now, Mr. Chairman, all I have to say is that the platform of the Republican party says that they are in favor of the repeal of the internal-revenue taxes. [Cries of "No!" "No!" on the Republican side.]

Mr. MILLS. Do not interrupt me.

Mr. MILLIKEN. Well, read the platform.

Mr. MILLS. It says that the Republican party is in favor of the repeal of the internal-revenue taxes. It says that it is first in favor of taking the duty off alcohol used in the arts, and if that does not reduce the revenue enough then it says it is in favor of taking off the internal-revenue taxes, and what does that mean but taking the tax off whisky? Now that is what is understood in the country as favoring free whisky. [Murmurs of dissent on the Republican side.]

Mr. Chairman, I am not at all astonished at the tenderness of gentlemen on this question. It is well known that a majority of the gentlemen on the other side, and a majority of the Republican party, have been opposed to the extreme position which was taken at Chicago. It is known that my friend from Pennsylvania [Mr. KELLEY] has represented a minority of his party on this floor, and when the convention at Chicago was lashed and scourged and driven into taking a position for free whisky, no one sooner than the gentleman from Pennsylvania used the wings of the lightning to congratulate the convention for coming up to the heroic stand which he had taken in advance for his party.

Mr. KERR. I want to ask the gentleman——

Mr. MILLS. Oh, you sit down. [Laughter.]

You were then——

Mr. KERR. I want to ask you——

Mr. MILLS. Oh, you sit down. [Laughter.]

Mr. Chairman, it is well known that when we have hitherto asked gentlemen on the other side of the House to name the articles upon which they were willing to reduce taxation they spoke of rice and they spoke of sugar, but there was not a gentleman on that side of the House who said he was in favor of taking the taxation off whisky. For the first time at Chicago the Republican party came up boldly and defiantly and took the position before the American people in favor of retaining taxation on the necessaries of life—on food, on clothing, on the implements of labor, on everything necessary to human existence—and demanded that the Treasury should be emptied of the surplus revenue by taking the tax off whisky. That is the language of their platform; that is the position they have to take before the intelligent judgment of the American people; no amount of disclaimer will be able to satisfy the American people that they do not mean, when they get into power, to reduce internal-revenue taxation, to take the tax off whisky, and, as they are constantly trying to do here during the consideration of this bill, leave the taxation where it is, upon the necessaries of life, or increase it.

[Here the hammer fell.]

Mr. KELLEY. As my name has been freely used by the gentleman from Texas [Mr. MILLS], I ask to be heard for a few minutes.

The CHAIRMAN. Debate is exhausted on the pending amendment. If there be no objection, it will be regarded as withdrawn. The Chair hears no objection.

Mr. KELLEY. I renew the amendment. I desire to say, Mr. Chairman, that no man who has read or heard what I have said on the subject of internal-revenue taxation at any time since the close of the war is justified in charging me with being in favor of free whisky. I have never favored it. I have advocated the repeal of war taxes, such taxes as Jefferson denounced as "an infernal system," and which were then repealed at the end of eleven years. I have denounced that "infernal system" which Madison and Monroe hastened to repeal at the end of four years, when such taxes had been again resorted to as a war measure. I have demanded that the Democracy shall walk in the footsteps of the fathers of their party, shall maintain its holiest precedents, by relieving from the supervision of the National Government the fields, the factories, and the orchards of the South. I have demanded that they carry out their platform of 1884, which demanded and promised an abolition of the internal-revenue taxes. Gentlemen on the other side can not deny that it was the promise of the Democracy, in their convention of 1884, to the tobacco-growers, the fruit-growers, the distillers of the South that they should be relieved from national surveillance and supervision in their industry.

I have asked that these great sources of revenue be remitted to the people in the States, and under State law to the municipalities of the States, so that those governments which bear the burden of vice, crime, and insanity shall have whatever revenue may be justly derived from a source so fruitful of crime and misery as the whisky business.

I in favor of free whisky! It is a dire party necessity that prompts the leader of the Ways and Means Committee, with whom I have been so intimate, to make such a charge against me personally or as a representative of my party. A Democrat of old, I stand by the teachings of the founders of the party, of the framers and expounders of its doctrines; and I ask the Democracy to-day to keep faith with the people of the South, who were deluded into the support of that party four years ago by its lying promise to remit the internal taxes. [Applause on the Republican side.]

Mr. SPINOLA. Mr. Chairman, I have listened with a great deal of admiration to the remarks of the gentleman from Pennsylvania [Mr. KELLEY] in regard to the Democracy. So far as he has spoken in a complimentary manner of that ancient party, I of course appreciate his suggestions. But another gentleman sitting beyond him—I do not know exactly from what part of the country he comes—delivered a sort of temperance lecture to the House, and undertook to refute the suggestion that the Republicans of the country, as they have expressed themselves in their convention, are in favor of free whisky. I am of the opinion that the acts of the people—what they do—go a great way towards establishing their reputation and standing before the community. Now, I find in the papers of the day the statement that at the sittings of the convention at Chicago, held a day or two since, there were consumed 31,250 extra barrels of beer. [Applause and laughter on the Democratic side.]

A MEMBER. What Republican paper makes that statement?

Mr. SPINOLA. Now, this looks to me like a very strong piece of *prima facie* evidence that the Republican party is in favor of free rum, with a little honey, perhaps, mixed in, or a little maple-sugar, according to taste. I learn also that a thousand baskets of champagne were

taken to that convention to stimulate and fire it up, to give it the proper spirit, so that it might take the necessary action to present suitable candidates; and, speaking on behalf of this side of the House, I thank them for what they did. Thirty-one thousand two hundred and fifty extra barrels of beer for the benefit of the protectionists—I mean the prohibitionists—of the country is evidence enough to the American people where that party stands. [Laughter.] I wish to read it for the information of the gentleman over there who discovered the missing link. [Laughter.]

A MEMBER. What is the authority which you quote?

Mr. SPINOLA. I read from the Evening Wisconsin, Monday, June 25, 1888, and I will read all the items. [Laughter and applause.]

Several MEMBERS. Let the Clerk read it.

Mr. OWENS. They got it for the visiting Democrats. [Laughter.]

Mr. SPINOLA. Democrats do not visit places of that sort, my friend. [Laughter and applause.] I ask the Clerk to read from the Evening Wisconsin.

A MEMBER. What is the politics of the paper?

Mr. SPINOLA. Republican, of course.

The Clerk read as follows:

BARRELS TO A CAR-LOAD—A FREIGHT AGENT FURNISHES A LITTLE INTERESTING INFORMATION.

"Your convention beer figures were pretty correct," said a freight agent to a Wisconsin reporter to-day, "except that the number of barrels of beer in a car-load is only half as great as the Wisconsin stated. A barrel of beer weighs 350 pounds, while a barrel of flour weighs about 200 pounds. A car-load of flour is about 125 barrels, while a car-load of beer is in the neighborhood of 60 barrels. Figuring on this basis, the gross amount of extra beer sent to Chicago last week was 31,250 barrels."

[Laughter.]

Mr. REED. Mr. Chairman, these two speeches which have been made by the leading Democrats here seem to be on a par with each other, both as to fact and as to inference.

The gentleman from Texas [Mr. MILLS] does not mean to be believed when he says the Republican party is for free whisky, because he knows there would not be enough Democrats left to make up the electoral ticket in half the States of the Union if they had confidence in his statement. [Laughter and applause.]

If he had taken the trouble to read our platform he would have known that his statement is one of those asseverations that are worthy of the dignity of the stump, but not of the position of the chairman of the Committee on Ways and Means of the House of Representatives of this country. [Laughter and applause.]

He knows that the Republican party's position on this subject is too simple to be turned in this way, but he also knows that if the Democratic party should even commence a campaign without a false statement its own friends would not recognize it. [Great laughter and applause on the Republican side.] They have to disguise their own position; with that they have been familiar for years, and they are now trying to disguise ours. [Laughter.]

What we said to the country was that having removed all unsuitable taxation, after having tried every other method consistent with the maintenance of the system of protection, that if then it came to us to choose between the internal-revenue taxes and the protective system we should stand by the system of protection to American industry. [Applause.]

Now, if the gentleman from Texas [Mr. MILLS] means to say he will hang on to the whisky monopoly and give up protection, let him say so, and let him say so openly and manfully, and not get behind miscellaneous sentences which mean both sides—which mean nothing. [Laughter and applause.]

Why here, Mr. Chairman, is a declaration by the Legislature of the State of Virginia, two-thirds Democratic, declaring it is the duty of their representatives to "use their best efforts to secure the immediate repeal of the internal-revenue system, a relic of the war, and no longer necessary to meet the demands of the Government, and because it is oppressive, and fosters monopolies [laughter and applause on the Republican side], and is obnoxious to the interests of our people." [Applause.]

Is the Democratic Legislature of Virginia, two-thirds strong, in favor of free whisky? [Laughter and applause.] The gentleman from Tennessee [Mr. HOUK] will tell you that no Democrat has been elected in his State except upon the pledge to use his best efforts for the repeal of the internal-revenue taxes. Is the Democratic party in Tennessee in favor of free whisky?

Oh, the gentleman from Texas had better remember the position he occupies in this House, and disport himself with those things when he finds himself on the far off pampas of his own Texas. [Laughter and applause on the Republican side.]

Mr. WEAVER. In order that there may be no mistake as to the proper interpretation of the platform recently adopted by the Republican convention at Chicago concerning the internal-revenue taxes, I send forward to be read in my time an editorial article under the head of "A grave blunder in the platform," which I find in the Chicago Tribune of June 23.

[Cries of "Oh!" on the Republican side, and derisive laughter.]

Mr. MILLIKEN. That does not hurt us.

Mr. WEAVER. Well, it seems to hurt you, and will hurt you a good deal more during the campaign, so that you will cry out much louder than you are doing now. [Applause on the Democratic side.]

Mr. MILLIKEN. Why do you not quote from yourself? You may as well give us one of your own speeches.

Mr. WEAVER. Because I propose out of your own mouths to condemn you.

Mr. MILLIKEN. This is not our mouth; it is your own.

Mr. WEAVER. It is a leading Republican organ of the Northwest, and you can not get away from it.

Mr. MILLIKEN. Oh, no.

Mr. JACKSON. Send up the platform itself if you want authority.

Mr. WEAVER. Let it be read. It contains your plank on the subject under consideration.

The Clerk read as follows:

The Tribune does not propose at this time to enter into any discussion of the Republican tariff plank; but desires before it is too late to ask the attention of the delegates to the extraordinary demand for the repeal of the whisky tax. The platform first declares in favor of repealing the tax on alcohol used in the arts and for mechanical purposes—a policy which has always been met with the objection that it would be impossible of enforcement on account of frauds, and would amount virtually to free whisky. However that may be, the platform goes on to declare further:

"If there should still remain a larger revenue than is requisite for the wants of the Government, we favor the entire repeal of internal taxes [whisky and tobacco]——

Mr. FARQUHAR. I ask if those words are not in brackets, and if they are not interpolated into that clause of the platform?

Mr. WEAVER. Let the Clerk continue the reading.

Mr. FARQUHAR. I want it to be read properly. Let us know the facts. [Cries of "Regular order!" on the Democratic side.]

The Clerk continued the reading, as follows:

rather than the surrender of any part of our protective system at the joint behest of the whisky trust and the agents of foreign manufacturers."

Four years ago the Republican party pledged itself to correct the inequalities of the tariff and reduce the surplus. Now, it is made to demand the placing of whisky and tobacco on the free-list in order to prevent any reduction of the surplus by correcting any inequalities of the tariff or by reducing the sugar tax. The Republican tariff platform of 1884 in substance declared:

"The Democratic party has failed completely to relieve the people of the burden of unnecessary taxation by a wise reduction of the surplus. The Republican party pledges itself to correct the inequalities of the tariff and to reduce the surplus."

Is putting whisky on the free-list an honest redemption of this pledge?

Mr. WEAVER. Now that certainly is entitled to great weight. In the first place it gives the platform word for word on that subject in connection with the internal-revenue taxes, and then follows the comment of the editor. I repeat, this is from one of the leading Republican newspapers of the Northwest. [Cries of "Oh, no!" on the Republican side.] It is not only correct in its interpretation, but it cites the language of the platform, so that there can be no disputing it.

What is the difference between the two sides of the House? The Republicans say they want imports "checked"—that is the language used—checked upon all articles that can be produced in this country. Not which are produced, but which can be produced. Then they want, rather than abandon the protective policy, such legislation as will repeal the internal-revenue taxes. If that does not include whisky and tobacco, what does it include? It also includes the repeal of the oleomargarine tax which was enacted by the last Congress for the benefit of the farmers and dairymen of this country. Gentlemen, do not undertake to shirk the issue. Stand up like men. It is impossible to get away from the plain issue presented. You can not run away from it. We accept the issue on this subject, and will go to the people confident of the result. [Applause on the Democratic side.] There should be no shuffling——

Mr. WISE. Will the gentleman yield to me for a moment?

Mr. WEAVER. Yes, sir.

Mr. WISE. I am a Democrat, and I am in favor of the repeal of the tobacco tax. [Applause on the Republican side.]

Mr. TOWNSHEND. Well, this bill provides for that.

Mr. WISE. But the gentleman mentioned the tobacco tax as if it was a test.

Mr. WEAVER. Certainly; but this bill makes provision for that and takes off a part of that tax.

Mr. WISE. And if there is to be debate on that subject, I want to be heard myself.

Mr. WEAVER. I want to say to the gentleman from Virginia that his position in favor of the repeal of the internal-revenue taxes is not in harmony with this bill.

Mr. WISE. My position is in harmony with the national Democratic platform of 1884. [Applause and laughter on the Republican side.]

Mr. WEAVER. I want to ask the gentleman if he is not standing upon his platform of 1888?

Mr. WISE. But the platform of 1888 indorsed the platform of 1884.

Mr. WEAVER. Then of course you stand upon it?

Mr. WISE. I stand where I have always stood, in favor of the repeal of the tobacco tax.

Mr. WEAVER. Then you are all right. We do repeal a great part of it in this bill. It is one of the last taxes I would repeal, because

it is a voluntary burden. The tax-payer can exempt himself from the burden at any time by simply quitting the use of the weed.

[Here the hammer fell.]

Mr. FARQUHAR rose.

Mr. MILLS. I move that the committee now rise.

Mr. FARQUHAR. I want to make a correction before that motion is considered. When this editorial was read at the suggestion of the gentleman from Iowa I called attention to the fact there was an interpolation in that part of the platform which was quoted. I think it is entirely unfair to this House to have an article read in this manner when there is no possibility of making verbal correction, even where the error is so palpable.

But, sir, I want to call the attention of this House now to a piece of sophistry—I was about to say an exhibition of cowardice—manifested in the article which is quoted from the Tribune, a paper for which I have great respect, having been an employé on it for many years. When the gentleman from Iowa sent up one of the planks of the Republican platform to be read, and permitted it to be read without calling attention to the fact that there is an interjection of a private opinion incorporated or interpolated into the platform, I say it is unfair and should not be permitted to stand in the RECORD in that shape.

I now ask the attention of the House for one moment, with the permission of the gentleman from Texas [Mr. MILLS]. I simply desire to read the platform as it stands:

If there should still remain a larger revenue than is requisite for the wants of the Government, we favor the entire repeal of internal-revenue taxes rather than the surrender of any part of our protective system at the joint behests of the whisky trusts and foreign manufacturers.

The Tribune publishes that plank, but in publishing it the editor interjects in brackets, after the words "internal-revenue taxes," the words "whisky and tobacco," which are not named in the platform. That is merely the inference of an individual and a sophistry from beginning to end. I am astonished that the gentleman from Iowa [Mr. WEAVER], who is generally fair, should ever permit such an interpolation to be read from the desk of the American Congress. That is a question that belongs to the Republican party. It does not belong to Mr. Medill or to any man to say what is meant by the language. If the platform is to be read before this House, let it be read in a manly and fair way, and not in a catch-penny manner.

Mr. WEAVER. It was read as published, interpolations and all.

Mr. FARQUHAR. Most certainly; but no attention was called to the interpolation that an editor had put his views into the Republican platform.

Mr. WEAVER. Let me ask you a question to show that Mr. Medill is perfectly fair. Do not the internal-revenue taxes include whisky and tobacco?

Mr. FARQUHAR. Most certainly they do.

Mr. WEAVER. Was not the interpolation exactly in accordance with the meaning of the platform?

Mr. FARQUHAR. Not when you take the generic sense of the platform. Let me tell you I have helped to write too many platforms not to know how to construe them. I say it is not fair to take a secondary conclusion and interject your own opinion.

Mr. WEAVER. I will ask you if you are in favor of the repeal of the internal-revenue taxes?

Mr. FARQUHAR. I am.

Mr. WEAVER. I am not.

Mr. FARQUHAR. When I say that I do not come down to free whisky. There is no man on this side who takes that view. No man here looks for free whisky. But let me tell the gentleman from Iowa [Mr. WEAVER] if he ever does see a Republican House the whisky trusts will be taken care of.

Mr. WEAVER. I have no doubt that side of the House will try to give the people free whisky, and therefore relieve them from the whisky trusts. But why do you not come in and relieve them from the trusts on clothing and the necessaries of life? [Applause on the Democratic side.]

Mr. FARQUHAR. Your want is cheap wages.

Mr. MILLIKEN. Why do you not relieve us from the sugar trusts? We would like to be relieved from those.

Mr. MILLS. I move the committee now rise.

The question was put, and there being doubt as to the result of the vote, a division was called for.

The committee divided; and there were—ayes 112, noes 2.

So the motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* (Mr. BLOUNT) having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, had come to no resolution thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. FORNEY. I am directed by the Committee on Appropriations to report back the legislative, executive, and judicial appropriation bill with the Senate amendments, with various recommendations.

The Clerk read the report, as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1889, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 39, 40, 41, 42, 43, 53, 54, 57, 63, 64, 65, 66, 70, 71, 89, 90, 101, 102, 107, 131, 132, 133, 141, 148, 161, 162, 163.

They recommend non-concurrence in the amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 28, 34, 35, 36, 37, 38, 44, 45, 46, 47, 48, 49, 50, 51, 52, 55, 56, 58, 59, 60, 61, 62, 67, 68, 69, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 103, 104, 105, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 134, 135, 136, 137, 138, 139, 140, 142, 143, 144, 145, 146, 147, 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 164, 165, 166, 167, 168, 169, 170, and 171.

Mr. FORNEY. I move the adoption of the report, and ask the previous question on it.

Mr. BURROWS. Has the statement been read?

The SPEAKER *pro tempore*. This is not a conference report.

The motion of Mr. FORNEY was agreed to, and the report was adopted.

CONTINUING APPROPRIATIONS.

Mr. RANDALL, from the Committee on Appropriations, reported a joint resolution (H. Res. 187) to provide temporarily for the expenditures of the Government; which was read a first and second time, as follows:

Resolved by the Senate and House of Representatives, That all appropriations for the necessary operations of the Government under existing laws which shall remain unprovided for on the 30th day of June, 1888, be, and they are hereby, continued and made available for a period of thirty days from and after that day, unless the regular appropriations therefor provided in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1889; and in case the appropriations, or any of them, hereby continued are or is sufficient to carry on the said necessary operations, a sufficient amount is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry on the same: *Provided*, That no greater amount shall be expended therefor than will be in the same proportion to the appropriations for the fiscal year 1888 as thirty days' time bears to the whole of said fiscal year: *Provided further*, That authority is also granted for continuing during the same period the necessary work required for public printing and binding and for all other miscellaneous objects embodied in the sundry civil, army, District of Columbia, legislative, executive, and judical, and naval appropriations acts in advance of appropriations to be hereafter made for said objects: *And provided further*, That all sums expended under this act shall be charged to and be deducted from the appropriations for like service for the fiscal year ending June 30, 1889.

Mr. RANDALL. If there be no objection, I now demand the previous question on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF FROM THE CHARGE OF DESERTION.

The SPEAKER *pro tempore*. The Chair will appoint as conferees on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 1508) to relieve certain appointed and enlisted men of the Navy and Marine Corps from the charge of desertion, Mr. BOUTELLE, Mr. WISE, and Mr. HERBERT.

TARIFF.

Mr. BRECKINRIDGE, of Arkansas. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of House bill 9051.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. Debate upon the pending amendment is exhausted. The Chair will assume that the formal amendment is withdrawn.

Mr. BUCHANAN. I renew the amendment. I renew it not *pro forma*, but because I desire to have this clause stricken out unless I can have information upon the subject different from what I now possess.

The CHAIRMAN. The Chair had intended to recognize first the gentleman from Illinois [Mr. CANNON], but will recognize the gentleman from New Jersey later.

Mr. CANNON. I move to strike out the last word. Mr. Chairman, every instrument, including platforms, must be taken together as a whole, and each section and provision must be construed in the light of every other section and provision, and must be read in the light of the loves, hopes, actions, and history of the party making the platform. By the platform adopted at Chicago I am willing to stand, or by it fall; but I am not willing that a sentence here or there shall be picked out and separated from other sentences and a false construction placed upon it by the gentleman from Texas [Mr. MILLS] or any other enemy, and that we be compelled to accept such construction. So when the gentleman from Texas says that the platform commits the Republican party to "free whisky," I deny it.

The Secretary of the Treasury estimates that after the ordinary

expenses of the Government are paid for the year 1888 under existing law and appropriation for that year there will still remain in the Treasury of the revenues collected for that year $66,000,000. Now what does the Republican platform pledge the Republican party to do if it comes into power? Amongst other things, it demands appropriations. For what? "For the rebuilding of our Navy." It means such a navy that will command respect at home and abroad, sufficient to strengthen our diplomacy, sufficient to enforce all just demands, either touching the person or property of the citizen. Such a navy, when completed, would cost at least $50,000,000. It also demands appropriations "for the construction of coast fortifications and modern ordnance, and other approved modern means of defense for the protection of our defenseless harbors and cities." Such fortifications, ordnance, and means of defense, when completed, would cost at least $50,000,000 more.

The platform also demands appropriations "for the payment of just pensions to our soldiers." Such appropriation includes not only pensions to all honorably discharged soldiers of the late war who are disabled and dependent upon their labor for a support, but such pledge will not be satisfied until every worthy soldier of the late war is at least placed upon as good a footing as the soldier of the Mexican war; that is, by law placed upon the pension-roll at the age of sixty-two, whether disabled or not, for at least $8 per month. The keeping of this pledge will at least add to the annual expenditure $25,000,000 per annum, and may exceed it. Now, in light of these pledges of appropriation and legislation contained in the Republican platform, listen to the reading of the section touching the reduction of internal and tariff taxation, as follows:

The Republican party would effect all needed reduction of the national revenue by repealing the taxes on tobacco, which are an annoyance and burden to agriculture, and the tax upon spirits used in the arts and for mechanical purposes; and by such revision of the tariff laws as will tend to check imports of such articles as are produced by our people, the production of which gives employment to our labor, and release from import duties those articles of foreign production (except luxuries) the like of which can not be produced at home. If there shall still remain a larger revenue than is requisite for the wants of the Government, we favor the entire repeal of internal taxes rather than the surrender of any part of our protective system at the joint behest of the whisky trusts and the agents of foreign manufacturers.

It says when we can safely reduce taxes. First, take the tax off tobacco, which amounts to $30,000,000 per annum. That is contrary to the President's message, but you Democrats, while you indorsed his message at St. Louis, repeal the tobacco tax by the Mills bill and then indorsed the Mills bill also at St. Louis in your platform. There is consistency for you!

Next, the Republican platform says that if further reduction is necessary the tax shall be taken off "spirits used in the arts and for mechanical purposes;" this would reduce the revenues at least $6,000,000 more per annum. Next, the Republican platform says in substance that the tax shall be taken off articles imported that can not be produced in this country (except luxuries). A fair construction of this provision in the platform will give you over $1 per capita by the removal of the tariff upon sugar, amounting to a decrease of $60,000,000 per annum on that article alone, and this, too, before you touch the internal tax upon spirits.

Now, when all these things are accomplished, amounting to a very large sum of money, if there is still need of further reduction, and we are obliged to choose between attacking the protective system, the wages of labor and the prosperity of the country on the one side, and a reduction of internal-revenue taxation on the other, then, and not till then, after all these things have been accomplished, the Republican party places itself upon record as favoring the further removal of internal taxation rather than to interfere with the wages of labor and the diversity of the industries of the country. That is the position of the platform plainly and truthfully stated. The country will pass judgment upon the platform, in view of all it says, and not upon a distorted representation of a part of what it says by the gentleman from Texas.

Mr. MILLS. We have given gentlemen on the other side "the last word;" and I think we should now close this debate. I ask for a vote.

Mr. BUCHANAN. I move to strike out these two lines.

Mr. MILLS. I move that the committee rise for the purpose of closing debate.

Mr. BUCHANAN. I do not offer this amendment with the view of engaging in any general discussion. I desire to get back to the bill.

Mr. MILLS. All right.

Mr. BUCHANAN. The gentleman must have observed that in all I have said I have always kept to the text of the bill. I deprecate these side excursions as much as the gentleman from Texas can.

Mr. MILLS. Go ahead.

Mr. BUCHANAN. I move to strike out these two lines; and I do so because, according to my information, chicory root is used for the purpose of adulterating the cheaper kinds of coffee. I would like to ask the chairman of the Committee on Ways and Means whether it is used for any other purpose.

Mr. MILLS. I do not know of my own knowledge whether it is used for any purpose except to make a drink something like coffee.

Mr. BUCHANAN. Chicory root contains no nutriment; it is a fraud; it is used, as I have said, for the purpose of adulterating the cheaper kinds of coffee, which are sold to our laboring classes. This article, instead of being admitted free, should be prohibited. In the very next paragraph I find the bill proposes to put upon the free-list—

Acorns and dandelion root, raw and prepared, and all other articles used or intended to be used as coffee or substitutes therefor, not specially enumerated or provided for.

If members of this House will take the pains to read the proceedings of the different conventions held in Washington from year to year, assembled with the view of securing measures to protect our people against adulterations of their foods and their drink, they would see the necessity of raising the bars higher against this class of frauds rather than lowering them. If chicory is used for any other purpose than I have stated, if it is used for any useful purpose, let that class of chicory be excepted and put upon the free-list; but let us not admit free this article which comes in as a fraud, which as chicory root sells for 6 or 7 cents a pound, but which, after being mixed with coffee, is sold at coffee prices to persons who think they are buying coffee. Let us do what we can to prohibit such business. For the reasons I have stated I move to strike out the paragraph.

Mr. MILLS. Chicory root is used as a coffee substitute now, when there is a duty upon it; it will still be used as a coffee substitute after the duty is taken off—but the poorer class of people, who can not afford to pay the higher prices for pure coffee, will, when this duty is removed, get the substitute a little cheaper than now.

Mr. BUCHANAN. But the substitute is worthless to them, and they are cheated in buying it. They think they are buying coffee.

Mr. MILLS. That is their business, not mine.

Mr. BUCHANAN. This article of adulteration is sold as coffee at coffee prices; it is not a substitute; chicory is a cheat, a fraud, a delusion, a snare—an incarnate lie.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted.

Mr. KELLEY. I renew the amendment.

Mr. MILLS. I move that the committee rise. I gave notice of this motion a short time ago.

Mr. KELLEY. I desire to say a word on the merits of this amendment.

Mr. MILLS. Well, I yield to the gentleman. When he has concluded I will ask for a vote.

Mr. KELLEY. Mr. Chairman, I have for many years endeavored to ascertain any other use to which chicory is applied than as a substitute for coffee; I have never been able to learn one.

Mr. BUCHANAN. It is not a substitute; it is a fraud.

Mr. KELLEY. It is not sold raw; it is sold burned or browned and ground. In every package which the poor people buy of what they believe to be browned coffee chicory is a chief ingredient. It has not the qualities of coffee. Among epicures, I believe, it is supposed to soften the harsh flavor of very green coffee; but the use of this article, so far as concerns the mass of the people, has the effect of depriving them of that which they suppose they are buying for use at the morning meal to invigorate them for their work. This article, as the gentleman from New Jersey has suggested, is a sheer fraud; there is no pretense that it is anything else. You require oleomargarine to be sold by its name, and such a requirement is proper; yet you propose now to offer a bonus for fraudulently adulterating all the coffee consumed by the poor, by means of an article which is not at all kindred to coffee.

The question being taken on the amendment of Mr. BUCHANAN, it was not agreed to, there being—ayes 60, noes 80.

Mr. BAYNE. I ask that we now recur to the amendment which was passed informally in regard to German looking-glass plates.

The CHAIRMAN. The gentleman from Pennsylvania calls up the amendment submitted by the gentleman from Texas [Mr. MILLS], which will be read.

The Clerk read as follows:

After line 132, insert:
"German looking-glass plates, made of blown glass, silvered."

Mr. BAYNE. Mr. Chairman, I wish to submit a remark or two on this subject. In the first place, I have here a letter from a glass manufacturing establishment in my district, not only protesting against the reduction of the duty on this article, but asking for an increased duty. These gentlemen say:

We ask an increase on silvered glass, because enormous quantities of silvered German plate are annually imported at such a figure that they can not be manufactured here on account of the low duty placed upon them. Besides, they also keep out of the market a similar quantity of silvered plate-glass of home manufacture.

As admitted by the gentleman from Michigan [Mr. FORD], the blown glass polished, which when 24 by 60 inches square, is to pay a duty of 15 cents a square foot, and all above that 25 cents a square foot, is a very high order of glass—a quality next to plate-glass—the difference between it and plate-glass being that the plate-glass is somewhat thicker; but for looking-glass purposes this blown glass polished is as good as, if not better than, plate-glass, because it is much lighter. It answers every purpose of plate-glass for looking-glass purposes.

I am told in Germany this glass is blown, and after having been blown and made flat is handed over to poor women who take it to their

homes and polish it and silver it; and these women work for from 20 to 30 cents a day.

I am told, moreover, that the expense of silvering is trifling compared with the value of the glass, and if this proposition goes into the bill a large quantity would be imported for looking-glass purposes. When imported the silver could be easily removed and the glass could then be used for ordinary purposes.

Mr. Chairman, the bill provides that polished cylinder and plate-glass of certain dimensions shall pay certain duties, and when the dimensions are greater the duty is increased.

If this proposition be admitted into the bill silvered glass of all sizes and thicknesses can be imported into the United States free of duty, and if such glass be desirable for looking-glass purposes the silver can be left on; but if it may be desired for other uses the silver can be removed.

The CHAIRMAN. The gentleman's time has expired.

Mr. BAYNE. I ask for five minutes more to explain this.

The CHAIRMAN. Is there objection?

There was no objection, and it was so ordered.

Mr. BAYNE. Now, Mr. Chairman, it must be perfectly evident to everybody if the silver can be removed and their glass can be used as a substitute for plate-glass, it will drive out to a very great extent the home product, and to how great an extent no man can tell. It will supplant, in all probability, both the plate-glass and ordinary window-glass.

That must be plain to everybody. If the cost of polishing and silvering be trifling, such inevitably must be the result.

Are the gentlemen who prepared this bill willing a proposition shall be inserted which is susceptible of such an abuse? Are they willing the plate-glass establishment in Missouri, the plate-glass establishment in Indiana, the plate-glass establishments in Pennsylvania, and the ordinary establishments in all these States and in New Jersey, Ohio, and elsewhere shall have their business cut off by the introduction into this bill of a proposition susceptible of such abuse?

Is any gentleman on that side of the House prepared to say it is not a practicable matter? Is any gentleman prepared to say that glass silvered and polished when brought into the country can not be used for other than looking-glass purposes? If you are not prepared to say that, you ought not to embrace in this bill such a proposition. It should not be done in reference to any glass. When you make other descriptions of glass pay a graded duty, why should you incorporate into the bill a feature which would drive out of use both the higher and the lower grades of glass to an extent which no man can foresee?

Gentlemen, I consider this is a proposition fraught with serious peril to the glass industries of the country. I trust it will be voted down. If it is not voted down it should be amended to make it clear.

In addition to that, there is not a single thing which the American manufacturer of glass can not supply. He can make all the glass needed for the furniture men in Chicago and elsewhere. I understand we are able to produce any quantity or quality required.

It seems because there is a large furniture establishment in a Democratic district represented by the gentleman from Michigan, and because that establishment wants this glass to come in free for its uses, there is to be a discrimination, while every man else throughout the country, the man who builds a house through whose windows God's sunlight streams upon a humble repast——

A MEMBER. What is that?

Mr. BAYNE. I use the language of J. Randolph Tucker. I say every man, however poor, is obliged to pay a duty of 15 cents a square foot if he imports the glass for such a house, and if he imports larger panes for his parlor, 25 cents a square foot. But the big furniture establishments are to get theirs in free.

[Here the hammer fell.]

Mr. FORD. Mr. Chairman, I move to strike out the last word.

I am somewhat surprised to find from the remarks of the gentleman from Pennsylvania that he seems to be laboring under a singular misapprehension with regard to this whole question, and particularly so as he comes from a State which manufactures annually in the neighborhood of from two and a half to three million dollars' worth of glass.

The object sought to be attained by the amendment now pending is to put a certain class of looking-glass plates upon the free-list. And if this amendment prevails it will not interfere with a single glass manufacturer in the United States, and I believe I can demonstrate that proposition to the satisfaction of the gentleman from Pennsylvania before I conclude.

This amendment has been solicited by the furniture manufacturers of the United States, not, as the gentleman from Pennsylvania seems to suppose, the manufacturers from a Democratic district or any other district of the State of Michigan; and if I mistake not—I will not be positive on this point, but I have an impression that there is a concern engaged in the manufacture of furniture in the city of Pittsburgh whose name appears appended to the memorial presented to this House asking the adoption of the amendment now before the committee.

These manufacturers are not all of one political faith. Many of them are Republicans and believe in the system of taxation advocated by gentlemen on the other side of the House.

For about fifteen years we have had a duty on German looking-glass plates, the object being, as we have been informed, to encourage this branch of manufacture in the United States. But the effort has not met with success, for during that whole period not one foot of this glass has been manufactured here, and it must be remembered that it is not the price of the glass which interferes, but because nature has not specially fitted our country for this industry, and there are natural conditions which prevail to such an extent that this character of glass can not be manufactured here. It is not the price of labor that prohibits it. It is prevented from entirely different causes. And I do not believe any amount of tariff would have the effect to establish the manufacture of these plates here.

Mr. Chairman, the German looking-glass plates to which the amendment refers are highly polished glass plates, utterly unfit for ordinary use. They are only used in mirrors. In order to produce a fine mirror a cheap plate of glass can not be used, and for the reason that the moment you put the quicksilver upon the back of the glass every defect in the glass is at once developed.

Now, the gentleman from Pennsylvania seems to fear that if German looking-glass plates were put upon the free-list the silver on the back might be scraped off and the glass used for domestic purposes as ordinary window-glass, coming in competition with window-glass manufactured in the United States. Why, Mr. Chairman, that idea will scarcely be pressed, I imagine. It is not worthy of consideration. The amount of silver is exceedingly small on a plate of glass. Take, for instance, an ordinary German looking-glass plate of the average size, say 30 by 24 inches. The price paid in the city of New York, including the duty, is $3.02; deducting the tariff, which would be about 50 cents, it would leave the price of the glass plate a little over $2.50 each if there were no tariff on them. Now, let us assume that the silver is scraped off. That will add an expense of from 15 to 25 cents, probably. Put it at 25 cents, and it would leave the cost of the glass plate $2.25. What is the market value of an American window-glass of that size to-day? It is exactly 47 cents. It is manifest, therefore, that there can be no competition in this respect.

[Here the hammer fell.]

Mr. HIRES. Mr. Chairman, I understand the object of this amendment, although I was not present when it was read, is to permit the introduction of German silver looking-glass plates free of duty. I would like to call attention to the fact that under the operation of the present law all cylinder and ground glass, polished, not exceeding 10 by 15 inches square, pays a duty of 2½ cents per square foot, and all glass above that, and not exceeding 16 by 24 inches, pays 4 cents a square foot.

This is the identical glass which is termed looking-glass plates; and if I am correctly informed the moment you remove the duty from this kind of glass it will be imported free of duty and will be the substitute for the American plate-glass which is now being largely made in this country; and also of the American manufacture of blown glass. I will admit there is a great difference in the price, as my friend from Michigan [Mr. FORD] says; but notwithstanding the price, the superior quality of this glass, which, when it is polished, is the finest glass made, would cause it to be largely substituted for our own American glass.

Mr. FORD. Does the gentleman mean window glass?

Mr. HIRES. Yes.

Mr. FORD. Do you suppose a man who could buy window glass for 47 cents would discard it and pay $2.50?

Mr. HIRES. I will only say as a dealer in this article that oftentimes people will get quotations, and where the difference is no greater than it would be here they would take this polished cylinder glass in preference to American double-thick. Not but what the price is greater, but that the difference in quality would be an inducement to use that kind of glass.

I think, Mr. Chairman, this amendment if passed would be very detrimental to the manufacturer and also to the honest importer. I sincerely hope it will not pass.

The Chair put the question on the amendment, and was in doubt as to the result.

Mr. BAYNE. I call for a division.

The committee divided, and there were—ayes 62, noes 31.

So the amendment was adopted.

Mr. JOSEPH D. TAYLOR. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. I have received a couple of telegrams calling my attention to certain articles, which I wish to add at this point—pressed and ornamental brick. I wish to know if I can offer an amendment at this time? There was a similar amendment made yesterday to embrace several kinds of brick. I now want to move an amendment at the end of line 132 to that effect, in the same place where the present amendment occurs.

Mr. MILLS. We have passed that point.

The CHAIRMAN. The line has been passed.

Mr. JOSEPH D. TAYLOR. Then I ask unanimous consent to return to that line.

Mr. MILLS. I object.

The Clerk read as follows:

Acorns and dandelion root, raw or prepared, and all other articles used, or intended to be used, as coffee or substitutes therefor, not specially enumerated or provided for.

Mr. BUCHANAN. Mr. Chairman, I move to strike out that paragraph. I do it for the reasons which I stated as applying to the preceding paragraph. I will only say in addition to what I said then that here the fraud becomes still more apparent. I would ask any member of this House if he ever knew a person to go to a grocery store and ask for a pound of acorns. I would ask any member of this House if any groceryman ever sold acorns as acorns; if he ever sold dandelion root mixed with coffee as anything but pure coffee. These things are not substitutes for coffee; they are frauds on coffee and frauds on the coffee buyers. The amendment by which I attempted to strike out the other fraud was rejected by a unanimous vote upon the other side against striking it out and a unanimous vote on this side in favor of striking it out.

Now, I want to know whether the gentlemen upon the other side can afford to stand up here with united front and say to the buyers of coffee in this country: "Sirs, we will allow these gentlemen who adulterate the article which you buy as coffee and at coffee prices the free run of the American market." Instead of putting these adulterations on the free-list they should be prohibited or put at such a high rate of duty as would be practical prohibition. If this has not been done in the past it ought to be done now. Talk about these being substitutes for coffee; they are never sold for anything but coffee. It may be the bill is consistent in putting these things upon the free-list. It may be that the operation of this bill if it became a law would be such as to reduce the American laborer to the dire alternative of drinking a decoction of acorns and dandelions or living upon acorn-juice instead of taking healthful and nutritious coffee.

But I want to say to the gentlemen on the other side that this bill in the shape it stands will not become a law. Thank God, if American industries can not be protected in one end of this Capitol they will receive protection at the other end. The American workman asks for coffee; you offer him acorn-juice and dandelion-root soup; but, sirs, he spurns your offer and will insist upon having his coffee.

To return to the exact proposition before us, here is a proposition to favor the introduction into this country of substitutes for coffee which are never sold as substitutes, but are sold as coffee and at coffee rates. It ought to be struck out.

Mr. MILLS. I call for a vote.

Mr. JOSEPH D. TAYLOR rose.

The CHAIRMAN. If no one desires to oppose the amendment the Chair will have to recognize the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. JOSEPH D. TAYLOR. Mr. Chairman, since the line concerning brick was passed——

The CHAIRMAN. Will the gentleman offer a *pro forma* amendment?

Mr. JOSEPH D. TAYLOR. Yes, I move to strike out the last word.

Since the line concerning brick was passed I have received two telegrams from the city of Zanesville, Ohio, 25 miles from where I reside, calling my attention to the fact that there are in that city two firms—and I know both of them very well, and have dealt with both of them—who are engaged in manufacturing and shipping brick.

They ship largely to the North and Northwest, where they would come in competition with Canada brick in case brick are placed on the free-list. They manufacture the best quality of pressed, ornamental, and front brick, and are entitled to some consideration at your hands. They manufacture 30,000,000 brick a year, worth at the place where they are manufactured $200,000.

These two firms, T. B. Townsend & Co. and W. B. Harris & Bro., have built up this large industry, which now yields an annual product of $200,000 a year, at great expense, and should not be subjected to a foreign competition which may destroy some of their best markets, especially those bordering on Canada, where cheaper labor can be had.

This $200,000 is substantially all labor. As the gentleman from New Jersey [Mr. BUCHANAN] stated last evening, the manufacture of brick is mainly done by hand labor. Very little machinery is used. The only material of any considerable value is pure clay. Hence this $200,000 is substantially all labor, and you can estimate for yourselves how many persons are probably employed in a business like this which amounts to $200,000 a year. They make pressed and ornamental brick, and sell them at Cleveland, Toledo, Chicago, and other Northwestern cities. I remember very well that when this business was first started they negotiated with the Baltimore and Ohio Railroad Company for cheap freights.

They said it was a new business, a mere experiment; there was no considerable demand for this kind of brick in Zanesville, and hence when they entered into the business they expected to ship their brick to distant cities, and they secured an arrangement by which they got very cheap freights for the first year or two. They have in this way built up an immense business, and are now making thirty million brick a year, and of course they have a large amount of money invested in their business. They manufacture the very best quality of expensive brick, and many of the largest and best blocks in Toledo, Chicago, St. Louis, Cincinnati, and other cities are built of Zanesville brick.

These brick are widely known in the market as being of good quality; but if this bill should become a law the industry would be stricken down, because they could not make and sell their brick on the Canadian border in competition with brick made on the other side of the line, where labor costs not more than one-half or two-thirds as much as it does in Ohio. And, in this connection, I wish to say a word in reply to a remark made last evening, to the effect that the Western brick-yards do not pay as much wages as are paid for other kinds of labor.

In my town, in my county, in my district, and wherever I have known brick to be made in Ohio, the brick-yards pay the same wages that are paid in other like kinds of work. I can not understand why a man would consent to go into a brick-yard and work for one-half or two-thirds of the compensation that he would get in some other similar kind of work, and I think the gentleman who made the statement was mistaken. Let me add, that where I live machines are not employed in this business to any considerable extent. The work is done by hand, and there are thousands of men in Ohio engaged in making brick, and I can not understand why they are not as much entitled to protection as any other class of men; but they will not be protected in case this bill becomes a law.

The manufacture of the best quality of pressed, ornamental, and other front brick which has grown up in this country to such large proportions, should not be imperiled by opening the doors of importation as is done by this bill. It means to destroy this industry in some localities, and to endanger it in others; it means to turn thousands of men out of employment, to send large sums of money out of the country for no other purpose than to let foreigners import into this country free of duty. This amendment has already been voted down as is every amendment made by this side, but I desired to present these facts.

Mr. Chairman, I withdraw my *pro forma* amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from New Jersey [Mr. BUCHANAN].

Mr. MILLS. Does the gentleman withdraw that amendment?

Mr. BUCHANAN. No, I do not. Of course I do not withdraw it.

The amendment was rejected—ayes 47, noes 63.

The Clerk read as follows:

Cocoa prepared or manufactured

Mr. KERR. Mr. Chairman, I desired a while ago to obtain the floor to answer the gentleman from Texas, and I now move to strike out the line which the Clerk has just read. The gentleman from Texas [Mr. MILLS] accused this side of the House of being in favor of free whisky.

Mr. MILLS rose.

Mr. KERR (to Mr. MILLS). Do you wish to say anything?

Mr. MILLS. I simply wish to remark that what I said was that your party was in favor of freeing whisky of the internal-revenue tax.

Mr. KERR. That is a different proposition.

Mr. MILLS. That is what I said at the time.

Mr. KERR. Oh, no. I am very glad that you have made the modification.

Mr. MILLS. That is what I said all the time, and I referred to your platform.

Mr. KERR. If that is the gentleman's position, I am willing to concede that his statement is true in so far as I am concerned. [Applause on the Republican side.] I do not believe that this Government can safely pursue a policy that was repudiated by the great fathers of the Republican party and by the early Democratic party of this country. I believe that all the taxes necessary to carry on our Government economically administered can be raised by a revenue tariff so adjusted as to afford protection to every American industry. That was the position of the Republican party in 1860, and that is the position of the Republican party to-day. The Democratic party held that position until this Congress, and in 1884 they declared that sufficient revenue to carry on the Government economically administered, including pensions and interest and principal of the public debt, could be raised by such a tariff. The gentleman from Michigan [Mr. TARSNEY], who was on that platform committee in 1884, made the statement in this House on the 24th of last April that that proposition adopted at Chicago was understood to leave no room for the internal system of taxation in this Government, and the gentleman from Virginia [Mr. WISE] upon this floor has emphasized that position.

That is the position of the Democratic party of North Carolina as repeated in all of its State platforms for years, and it is the position of every Democrat who stands by the early teachers of his party. Now, Mr. Chairman, the first divergence from that theory was by the present President of the United States, who was elected upon that platform, and who declared at the opening of this session that no one was in favor of repealing any portion of the internal-revenue taxes.

That position has been indorsed by the Democratic party. The Mills bill, which repudiates that position and takes the tax off tobacco, has

been indorsed. In addition to that, they indorse the position of the party in 1884, which repudiates both positions, and embodies what I now assert to be the true position.

[Here the hammer fell.]

Mr. KERR. I would like two or three minutes more.

Mr. MILLS. I hope we shall adjourn this political discussion.

Mr. KERR. If I can be allowed two or three minutes more I shall be done with it.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to occupy two minutes.

Mr. MILLS. I take the floor and yield two minutes to the gentleman.

Mr. KERR. Mr. Chairman, the gentleman from Iowa [Mr. WEAVER] was the leading exponent of the prohibition sentiment of our State ten years ago, and as a man in favor of that sentiment I sympathized with that gentleman when he was at that time a leading candidate for governor. Unfortunately for the party—possibly unfortunately for the gentleman, though I do not know as to that—the majority of the people of my State did not agree with that portion of the people who wanted to make him governor, and since that time he has not been with us upon that question. [Laughter on the Republican side.] He stands up here to-day against the unanimous sentiment of the Prohibitionists of this country, repudiating the doctrine that they have asserted North and South, in favor of divorcing the Government from this system of taxation which seeks to make permanent in our Government a policy which puts the main portion of the tax upon the poor people, who are least able to pay it.

[Here the hammer fell.]

Mr. WEAVER. If my colleague [Mr. KERR] will give me his attention, I want to ask him a question or two.

Mr. KERR. Yes, sir.

Mr. WEAVER. Do you stand on the Republican platform of 1888 or the Prohibition platform of 1888?

Mr. KERR. I stand on the Prohibition platform and the Republican platform, both. [Laughter and applause.] They are identical.

Mr. WEAVER. Behold the Colossus of Rhodes! [Renewed laughter.]

Mr. MILLS. I now ask for a vote. I must appeal to gentlemen to stop making party speeches.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. VANDEVER. Mr. Chairman, I move to amend by striking out lines 141 and 142, which read as follows:

Cocoa, prepared or manufactured.
Dates, plums, and prunes.

The CHAIRMAN. Line 142 has not yet been reached.

Mr. VANDEVER. Then I move to strike out line 141.

The CHAIRMAN. That motion is now pending.

Mr. VANDEVER. I move, then, *pro forma*, to strike out the last word.

Mr. Chairman, the cocoa bean is, as I understand, a product of South America. The present duty upon it is 2 cents a pound. When imported it is the basis of a growing manufacture. In the part of the country from which I come the cocoa bean is coming into very considerable use in the manufacture of chocolate. I do not understand, therefore, the propriety of putting the manufactured products of cocoa upon the free-list. If this proposition be persisted in, the manufacture of such products in this country—an industry which, as I have said, is of growing importance on the Pacific coast, and I think especially in the district of my colleague in front of me—will be entirely and irreparably broken down.

This branch of industry now gives employment to a considerable amount of capital and a large number of persons on the Pacific coast. The rates of freight, as a matter of course, enter into this question. The raw product being manufactured upon the Pacific side, the heavy railroad freights are escaped, and thus great advantage is enjoyed in the supply of that product to our portion of the country. I suggest to the chairman of the Ways and Means Committee and to the Committee of the Whole whether under existing circumstances it would not be just to except the manufactured article from the operation of this clause of the free-list.

The value of the import of cocoa bean into this country is put down at $126,543; the duty collected is $9,020. Here is a feeble industry just coming into importance, struggling for life. It may employ ultimately a large amount of American capital and American labor. It will be no detriment to the revenue to admit the crude cocoa free, and no detriment to the public interest to continue the duty upon the manufactured article.

On the Pacific coast, as everywhere else, people are affected very much by their private interests. Touch a man's pocket and you are very apt to touch his judgment. I think our friends on the other side have had recently a practical illustration of this matter in the election in Oregon. The pending bill struck a blow at some of the most important industries of that State. The people of Oregon recognized this measure as affecting injuriously their interests. What was the result? A verdict against the Democratic party, which may have carried some little consternation into their camp. I would remark to the chairman of the committee in connection with this item, and other items which affect in a very material degree the interests of California, that if they be persisted in California will follow in the same direction in the approaching November election.

[Here the hammer fell.]

Mr. MILLS. Let us have a vote on this question.

The CHAIRMAN. The gentleman from Iowa [Mr. KERR] has moved to strike out line 141. Does the gentleman from California [Mr. VANDEVER] desire to submit a substantial amendment?

Mr. VANDEVER. I move to amend by striking out in line 141 the words "prepared or manufactured."

The question being taken on the amendment of Mr. VANDEVER, it was rejected, there being—ayes 47, noes 55.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Iowa [Mr. KERR] to strike out the whole line.

Mr. KERR. I withdraw that motion.

The Clerk read the next line, as follows:

Dates, plums, and prunes.

Mr. MILLS. I move to strike out the words "plums and prunes."

The motion was agreed to.

The Clerk read as follows:

Currants, Zante or other.
Figs.

Mr. MCKENNA. I move to strike out the line just read, "figs." Mr. Chairman, I would not have much hope of carrying this amendment if the distinguished chairman of the Committee on Ways and Means had not voluntarily moved a moment ago to strike out "plums and prunes." I do not see any legislative or economic distinction between plums and prunes on the one hand and figs on the other. The gentleman's action has "set me up in hope."

Mr. BUCHANAN. Whose district do the figs grow in?

Mr. MCKENNA. The isothermal line mentioned by the gentleman from Maine [Mr. REED], in its various course touching a Republican and Democratic district and discriminating products by politics, ought not to apply to this case. I am left in confusion and puzzled to know how discrimination against figs can be justified. I am inclined to think the chairman of the Committee on Ways and Means will urge the Democratic members of the House to vote for this amendment.

There is no reason under the sun, and no Democrat and nobody else, be he from California or be he from Texas, can explain why prunes and plums should be struck from the free-list and figs retained upon the free-list. They are all three California industries; three young California industries. Figs to-day are so cheap it is clear that their price is little affected by the tariff. It scarcely pays now in the State of California to dry the black figs. We are resorting, with great success, to the white Smyrna fig. If Congress will stop meddling, if it will keep off its hands for a little while, we will develop the industry to a great success. I hope the gentleman will recommend to his side of the House to vote for this amendment.

Mr. FELTON. Mr. Chairman, I indorse what has been said by my colleague who has just taken his seat. I desire to congratulate the chairman of the Committee on Ways and Means and the constituency I represent for putting prunes and plums where they ought to be—on the tariff-list. I can assure him it is a wise measure. It will not be many years when what is now a luxury will be produced in such quantities as to supply everybody at a reasonable rate, and will no longer need any protection.

But I did not rise for the purpose of discussing this matter, but for another purpose. I have attempted on two or three occasions to submit resolutions passed by the State board of horticulture of California, and requesting their being printed in the RECORD, but I have invariably run against some one of the rules and miserably failed. I now submit them as a part of my remarks, as they are germane to the item under discussion, and I understand I have the right.

The CHAIRMAN. That is the gentleman's right.

Mr. FELTON. I submit these resolutions, and ask for them the attention of the House.

The Clerk read as follows:

Resolutions of State Board of Horticulture of California.

Whereas there are $20,000,000 invested in fruit culture in this State; and
Whereas this may indefinitely increase if given the proper conditions; and
Whereas the white scale bug (*Icerya purchasi*) threatens the very existence of the citrus fruits in this State, as well as numbers of other fruit trees; and
Whereas it stands to reason that there are parasites for these different scale bugs in the places of their nativity: Therefore,
Be it resolved by the Fruit Growers of California in convention assembled, That the United States Congress be petitioned for an appropriation of not less than $50,000, to be used by the Department of Agriculture for the purpose of sending experts to those countries where the baneful insects are known to have originated, to discover if possible their natural enemies, the parasites, and introduce them to this country; also, that the Department of Agriculture be enabled to make actual experiments here in the field to, if possible, overcome these injurious insects, etc.

Mr. STONE, of Missouri. I do not know whether there is a trust controlling the fruit market or not, but I ask the Clerk to read this morceau which I have clipped from the Critic of this city.

The Clerk read as follows:

Twelve thousand crates of the choicest Southern fruits were dumped into the Atlantic outside of Sandy Hook last week to prevent breaking down prices in

the New York markets. With as many people going hungry as there are in New York, this sort of thing should be permitted to occur only once.

[Laughter.]

The question recurred on Mr. MCKENNA's amendment.

The committee divided; and there were—ayes 57, noes 58.

So the amendment was rejected.

The Clerk read as follows:

Meats, game, and poultry.

Mr. WEBER. I move to strike out that line 145. Now, Mr. Chairman, I do not know the amount of revenue put into the Treasury on the importation of the items embraced in line 145.

A MEMBER. One hundred and ten thousand dollars.

Mr. WEBER. Whatever the amount may be it is purely a tribute paid by the Canadians for trading in our markets. It will not affect the price of meat in our market a particle. It will fall into that category of articles some of which we have passed in this bill whose importation into this country is so insignificant compared with the amounts consumed that the price is not affected. The fact of placing this item on the free-list will be simply to enhance the prosperity of our Canadian friends without benefiting the consumers in any degree whatever on our side.

I hope, Mr. Chairman, that before this is voted upon, and I have no desire to occupy any of the time of the committee, that some reasons will be given by the other side for the action the committee have taken in placing this item upon the free-list; and I will not occupy the floor at present for the time allotted to me under the rule, but ask that a reason be given as to the propriety of the action sought to be taken here by the committee.

Mr. MILLS. I will give the gentleman a reason that I think will be satisfactory. In the first place it is admitted on all hands that we have got to reduce taxation to some extent; and in the second place, acting in that view, we thought it better to reduce that taxation upon meats, upon the absolute necessaries of life, and things of that character, rather than upon other articles which are to a certain extent not so necessary; and consequently we put meat, game, and poultry upon the free-list in order to cheapen the food of the people of this country.

Now I ask a vote.

The question being taken on the amendment of Mr. WEBER, it was rejected.

The Clerk read as follows:

146. Milk, fresh.

Mr. LYMAN. I move to strike out that line.

Mr. Chairman, I have thus far taken no part in the debate upon the pending bill. The manufacturing industries of the district which I represent are yet in their youngest infancy, and I do not assume to be as well informed upon the details of what is a just protective tariff on articles the product of the various manufactories which our people (and by that I mean the people of the United States) are endeavoring to build up; and hence, I have left the discussion of those details to gentlemen upon this floor who represent districts where these manufactories are situated, and who are better, much better, qualified than I to cast light upon those items of the bill now pending.

The district I have the honor to represent on this floor is largely, and, indeed, almost exclusively agricultural, and a large majority of my constituents are farmers. In my course upon the tariff I endeavor to divest myself of all purely local prejudices and interests, and to act in a way to best promote the material interests of our entire country and enhance the prosperity and happiness of all the people of the United States, whether they live upon the Atlantic seaboard, in the new South, in the great Mississippi Valley, among the Rocky Mountains, or upon the golden Pacific coast. I am in favor of the protection of American industries and American labor from principle, and not for the purpose of aiding the local interests of my own district alone. But by so doing I believe I am, in the best and strongest manner possible, advocating and advancing the interests of the farmers of my section. What my people want is the best market for the products of the soil they can possibly get, and, too, they want that market at the very shortest possible distance from their own doors. I shall be rejoiced if it shall be vouchsafed to me to live long enough to see a manufacturing establishment planted in every township in the fertile Ninth district of Iowa, as well as in every township of that great agricultural State, of which its sons are all proud.

I would like to see these hives of industry planted and flourishing, with their dozens, scores, and hundreds of happy, well-paid, prosperous operatives, there to buy and eat the product of the fertile acres around them, and not subject to the free competition of Canada and other foreign countries. I want to see a market at the very doors of the farmers of Iowa, in order that they may save the immense cost of transportation to which they are now subjected, the waste and loss of transportation, the commissions of middlemen, and all annoyances and cost of reaching the "markets of the world." Hence, I say, I believe that if I were not a protectionist for protection's sake, my present position on this bill would but represent the local interests of my immediate constituents. I say, all hail to the day when these things shall be. But I am bound to say that if Democratic principles and methods are to continue to prevail in this country, neither I nor the youngest gentleman on this floor can hope to live to see it.

But we are now considering a portion of the bill which makes a direct attack upon the farmers of my section and upon the farmers of this entire country. It is proposed by the Mills bill now under consideration to retain a tariff upon, and to protect sugar, rice, and other products of the soil of limited and local production only, and which can never be produced in our country in sufficient quantity to meet the demands of our people, they being articles of universal consumption by the masses of our country, and to place upon the free-list those articles the product of agricultural industry of almost universal production, and of which we may produce a surplus and be in great want of a market for.

In 1884 the people of this country made a lamentable mistake when they put the Democratic party in power. They are fast waking up to that error. The awakening began to manifest itself in Oregon a few days ago, out on the Pacific, and it will roll on and on, until in November next it will reach the Atlantic and the Gulf, and the real and true friends of the people, of free, independent government will be again at the helm.

It is claimed that one of the objects of this bill is to reduce the surplus in the Treasury. It will not do it. It provides for a tariff for revenue, and our revenues thereunder will be increased. However, the surplus does not worry me greatly. When we pay our just debts, and provide for our dependent veteran soldiers as humanity, honor, and justice demand we shall have no surplus.

During the delivery of the foregoing remarks the hammer fell.

Mr. MCKENNA was recognized and yielded his time to Mr. LYMAN, who resumed and concluded his remarks as above.

The amendment was rejected.

The Clerk read as follows:

Egg yelks.
Beans, pease, and split pease.

Mr. JACKSON. Mr. Chairman, on this side of the House we have repeatedly charged that this bill is framed in the interest of foreign nations, and that it would work great injury to our own people. We have asked, as we have passed over article by article and section by section of this bill, that gentlemen upon the other side would give us some reason why the various articles were placed upon the free-list. Our inquiries have as a rule met with no satisfactory response, and in most cases no reason has been attempted to be given, and the other side have acted as if none can be given. I think myself that no good reason can be given.

But, Mr. Chairman, I think there is a reason for the introduction of this bill not avowed by its advocates. I avail myself of this opportunity to tell you what seems to me to be one of the reasons why the passage of this bill is urged in its present form, and so far as I have noticed it is one to which the attention of the country and the House has not been as yet directed. I do not claim any originality in the discovery; but it has not been called to the attention of the committee, and possibly not to the people of the country for a reason which I will try to make manifest. We had some time since a distinguished body sitting in this city engaged in negotiating a fishery treaty between this country and our neighbors governing the country on our Northern boundary.

I have here before me the official report made by one of the members of that commission, Hon. Sir Charles Tupper, who represented Canada and Her Britannic Majesty on that conference. The report was made in the House of Commons of the Canadian Parliament, and will be found in the House of Commons debates, second session Sixth Parliament, 51 Vic., of 10th of April, 1888. Sir Charles is evidently undertaking to explain to the Canadian people that whilst he had given the United States something in the treaty that was negotiated with our country, he wanted to call their attention to the much more valuable things which they had secured in return for it. And whilst, Mr. Chairman, we do not think he gave away anything that properly belonged to Canada and Great Britain, and that on the face of the treaty it is unjust to the United States, and concedes little or nothing that is not ours by right, yet I want to call the attention of the House and the country to what is now apparent, that this treaty was agreed to because the representatives of the British Government have had some private understanding with the Democratic majority in this House in regard to legislation to be hereafter had in Congress in the interest of Canada; that the small concessions made to the rights of our people in that treaty were obtained through promises from Americans that something that would be of great advantage to the Dominion of Canada on our north should be done by the Congress of the United States. This is at least one of the reasons why the industries of our country are being attacked by the Mills bill. As an argument for this free-trade bill we have been often told in this debate that tariff duties are a tax on the people of the country laying the tariff; that our tariff duties are paid by the people of this country exclusively. Sir Charles Tupper does not so understand it, and I propose to have read now from his official report made in Parliament on the 10th day of April, 1888, and the House can then judge for itself as to the meaning of his re-

marks, and also whether the Democratic Administration has not been promising Canada free trade.

After he had stated to the House of Commons that his arguments would no doubt be used against the treaty and quoted against him in the Senate of the United States, he goes on to say:

The only way we Canadians can obtain any benefits from the reciprocal relations with the United States is by legislation.

I read from pages 11, 21, and 22. Speaking of the non-intercourse act of our Congress, he says:

That expressed the sentiments and the feeling in the United States of America, and our friends the plenipotentiaries representing the United States, said: "If we make a treaty with you affecting the tariff, however small the inducement you might be willing to accept, it is certain of absolute rejection by the Senate, because the Congress of the United States have stated their position firmly, and they will not permit any interference on the part of the Administration of the United States by treaty with anything that involves a change in fiscal laws of the United States."

It will be observed that Sir Charles is very cautious in making public the promises he had received, but he continues:

Now, sir, I am in somewhat a similar position in explaining this treaty, which I have now reached, to that in which I was in 1871 when defending the treaty of my right honorable friend under somewhat different circumstances. Then he said: "Every word that you force us to say in support of this treaty will be used against us at Halifax in diminution of the payment that we are entitled to for the greater value of our fisheries." To-day I am in a somewhat similar position. For every word that I say in defense of the treaty to which I have put my hand and to which I ask the sanction of this House with the utmost confidence, every word that I say in support of it may be used to-morrow in the Senate of the United States, where support to the treaty may be more difficult to obtain than it is in the House of Commons of Canada.

The House will therefore understand that on this occasion it can not be expected from me that I shall point out very elaborately the advantages accruing to Canada under the treaty to which we have placed our hands. What I say is this: I say, sir, that the course that has been adopted in reference to this treaty has been adopted with a view to secure in the only way that was found practicable the best interests of Canada.

* * * * * * *

As I have already informed the House, the plenipotentiaries of the United States stated they were quite unable to put anything in the treaty that would necessarily touch the fiscal policy of their country. They said that to do so would be simply to invite rejection of the treaty on the ground that they had infringed the jurisdiction which Congress possessed, the United States Congress having, as I have shown the House, adopted, in the most emphatic form, the policy not to allow any changes in their tariff except by the act of Congress itself.

We therefore put this in the contingent clause. We provide absolutely for the concessions that have been made with reference to delimitation, and with reference to the treatment of United States fishing vessels, when compelled to resort to our ports in distress or in need of casual supplies or for a homeward voyage. All these were made absolute by the treaty; but when it came to that which is of great value to the United States fishermen, when it came to that which enables the United States fishermen to make Canada a basis of supplies for the purpose of better competing with our own fishermen, we then felt that we had a right to take our stand, and if Her Majesty's plenipotentiaries have not been able to support the extreme contention of the Canadian Government, honorable gentlemen will find that, on the other hand, the plenipotentiaries of the United States, who had, as a matter of diplomatic intercourse, taken a very strong ground as to the indefeasible rights of American fishing vessels to obtain in our ports as commercial vessels whatever supplies they required for carrying on their fishing—to be able to purchase bait, to be able to purchase supplies of every kind, and to be able to transship their fish—they will find that our friends on the other side had, in the same way, to concede a great deal as compared with the extreme contention that they had made.

Here it is provided, as a just and proper security to the interests of the fishermen of Canada, who have the right, while excluded by heavy duties from the markets of the United States, to such protection as the treaty of 1818 has provided for them, that whenever a question arises as to Canada being made the basis of supply for the American deep-sea fishing vessels—because the question of fishing is not in controversy at all, the Americans having given up the right to catch fish in the inshore waters of Canada—that only can be done for a sufficient *quid pro quo*. We have, therefore, provided in article 15:

"When the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and of Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland."

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays, and harbors of the aforesaid coasts of Canada and of Newfoundland shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes, namely:

"1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits.

"2. Transshipment of catch, for transport by any means of conveyance.

"3. Shipping of crews.

"Supplies shall not be obtained by barter, but bait may be so obtained.

"The like privileges shall be continued or given to fishing vessels of Canada and of Newfoundland on the Atlantic coasts of the United States."

I think that is a measure which will meet with the hearty approval of the House. I think that will be regarded as a fair and reasonable proposition, that if fishing vessels of the United States are allowed to make Canada a base for obtaining their supplies and furnishing all the materials necessary for the outfit of a fishing voyage, for the transshipment of their catch, and making our harbors and ports the means of carrying on their industry, the fishermen of Canada, with whom they are in that case better able to compete than they could otherwise, are entitled to have their fish entered free in the ports of the United States.

While the plenipotentiaries of the United States were not able to make this an absolute provision, I do not hesitate to say that I look confidently to the period in the not remote future when fish will be made free and the fishermen of the United States will be able to obtain all the advantages in our ports which are here given to them. I hold we have accomplished that without injuring in the slightest degree the fisheries of Canada, without injuring Canadian interests to any extent whatever. We have made concessions, as I have said, but we have made them with the avowed object of placing all our people, not only the fishermen, but the agriculturist, the lumberman, every man in this country, in a better relation with the United States than he was before. What is the result?

As I have said, Mr. Bayard told us, the American plenipotentiaries told us that there was but one way of obtaining what we wished. "You want greater freedom of commercial intercourse. You want relaxation in our tariff arrangements with respect to natural products in which you are so rich and abundant. There is but one way to obtain it. Let us by common concession be able to meet on common ground and remove this irritating cause of difficulty between the two countries out of the way, and you will find that the policy of this Government, the policy of the President and of the House of Representatives, the policy of the great Democratic party of the United States, will at once take an onward march in the direction you propose, and accomplish steadily that which you would desire, is the only way by which it can ever be attained."

Those were not empty words, those were the sober utterances of distinguished statesmen who pointed to the avowed policy of the Government of the United States as the best evidence of the sincerity of what they said. What has happened already? Already we have action by the financial exponent of the Administration of the United States, I mean Mr. MILLS—the gentleman who in the United States Congress represents the Government of the day, and stands in the position most analogous in the United States to the finance minister in this house, the chairman of the Committee on Ways and Means, who propounds the policy of the Administration in the House.

How is he selected? The Democratic party sustaining the Government selects a man as Speaker of the House of Representatives who is in accord with the policy of the Administration for the time being, and Mr. CARLISLE, the Speaker of the House of Representatives, nominates the chairman of the Committee on Ways and Means and all the members of the committee, and therefore the chairman of that committee occupies the position of representing the Government in bringing forward such bills as will represent the views and sentiments of the Democratic party in the United States supporting the Administration.

What have we seen? The ink is barely dry upon this treaty before he, as the representative of the Government and chairman of the Committee of Ways and Means, brings forward a measure to do what? Why, to make free articles that Canada sends into the United States, and upon which last year $1,800,000 of duty was paid.

Some Hon. MEMBERS. We paid?

Sir CHARLES TUPPER. I ask, sir, if that is nothing?

Some Hon. MEMBERS. Who paid?

Sir CHARLES TUPPER. I do not intend to insult both the great political parties of this country who have since 1854 and long before, maintained that the interests of Canada, the interests of British North America, were intimately bound up in obtaining free intercourse with the United States for our natural products; I do not intend to insult the two great parties of this country by telling them that they were fools; that they did not know what they were doing.

Down to the present hour we have adopted the policy on both sides of the House, and we have pledged ourselves to the people to do everything that lay in our power to obtain a free market for the natural products of our country with the United States, and I say you must answer me the question as to whether that was an act of supreme folly or whether it was wise statesmanship on the part of both parties in this country to adopt that policy, before you ask me such a question as "Who pays the duty?"

I say that under this bill which has been introduced and which, I believe, will pass, for it does not require two-thirds of the Senate where the Republican majority is only one in the whole House to pass this bill, it requires a majority of one only, and I am very sanguine that this bill will pass during the present session. Modified it may be, but I am inclined to think the amendments will be still more in the interests of Canada than as the bill stands to-day.

If this is the case I think we may congratulate ourselves upon securing the free admission of our lumber, upon which was paid during the last year no less than $1,315,450. On copper ore, made free by the Mills bill, we paid, or there was paid—to make it meet the views of the honorable gentlemen opposite more correctly—$96,945.

On salt $21,992 duty was paid. This is rendered free by the Mills bill. I am sorry to find, as I hoped would be the case from the first copy of the bill that came to me, that potatoes were not included in vegetables. I am sorry to find there is a doubt as to whether the term "vegetables" not specially enumerated will not exclude potatoes. In grappling with this policy of making the natural products of the two countries free, you do not expect any person who wants to carry a bill to put a heavier load upon his shoulders than he is able to carry, lest he may break down and do nothing. You expect him to take it in detail, and, as I believe, you will find the policy contained in this bill of making those natural products of Canada free carried out until you have perfect freedom of intercourse between the natural products of Canada and the United States. Of wool we sent last year 1,319,309 pounds of one kind and a variety of other kinds, upon which a duty was paid to the extent of $183,852. Now, as I say, on articles of prime importance and interest to Canada the removal of duty by the Mills bill amounts to no less than $1,800,193.

In the measure I submit I believe will be found a bill of vital importance to Canada to pass.

I believe, sir, that we owe it to the Empire as well as to ourselves steadily to keep in view every measure that will conduce to the rapid progress of Canada, the development of our inexhaustible resources, and the building up of a great and powerful British Dominion on this side of the Atlantic. I say, sir, that in the discharge of my duty I have steadily kept that conviction in view, and I believe the course which has been pursued will not only commend itself to the judgment and the support of the great majority in this House, but that the great majority of the people in this country will feel that in the adoption of this treaty we are taking a step that is calculated to conduce to the progress and greatness and best interests of Canada.

And, Mr. Chairman, we have the very best assurance of the fact that Canada was promised free trade in the legislation which is now proposed for the adoption of this House. Well might Sir Charles say that—

The ink is barely dry upon the treaty before the chairman of the Committee on Ways and Means brings forward a measure to that effect.

To do what? Why,

To make free articles that Canada sends into the United States, and upon which last year $1,800,000 of duty was paid.

Yes, that is how much gain the Canadians obtain by this legislation. That is why the honorable gentleman introduced this bill. We need have no misunderstanding about it. It is not in the interest of the United States. It is the bonus they propose to give Canada and Great Britain for having yielded up something in the matter of the fisheries. This Administration can not negotiate treaties upon a fair level with Great Britain. Our country has fallen so low that it has to buy any rights it obtains by throwing up and giving away what we ourselves are entitled to.

Let it be known, then, that this bill is not for our advantage or for the advantage of the people of the United States, that the charge is true that it is in the interest of foreigners. It is to give to Canada $1,800,000 annually and far more. That it is to be given by an attack on our own industries. That our own laborers are to be thrown out of employment and our factories closed that Canada may thrive. The Canadians have no doubt but that our tariff duties are paid by them. They know very well they do not come off the people of the United States.

They know very well who pays the duty, and Sir Charles, in getting a promise that it shall be repealed, has a good reason why Canada might yield a little something upon the fisheries question. And in return for this confidence on the part of the representative of the British Government we see the chairman of the Committee on Ways and Means introducing this bill and doing all he can to return the Canadians something not in kind, but of much more value. He says further:

You will observe that on salt $21,992 duty was paid last year. This is rendered free by the Mills bill.

Twenty-one thousand dollars bonus to Canada.

Sir Charles grows pathetic and can not conceal his disappointment when he adds—

I am sorry to find, as I hoped would be the case from the first copy of the bill that came to me, that potatoes were not included amongst vegetables.

Hence gentlemen on the other side have the Canadian authority for it that potatoes will not come in under that clause. I can now understand why the honorable chairman was so certain this morning that potatoes would not be free. The parties most interested admit it. He says that in grappling with this policy of making the natural products of the two countries free, which is the English for free trade, he does not expect any person who wants to carry a bill through the United States Congress to put a heavier load upon his shoulders than he is able to carry. How considerate he is of our free-trade friends. Alas, I fear they have already shouldered more than they will be able to carry far.

This gives a new meaning to the expression often repeated here by the friends of this bill, that it is only a step in the right direction; that we are to go further and carry bigger loads for our Canadian brethren hereafter.

One provision of the treaty is only to go into effect, it says on its face, when we give Canada free trade in certain enumerated articles. I would ask the chairman of the Ways and Means to explain to Congress and the country whether Sir Charles had authority for the use he makes of alleged assurances of free-trade legislation. If we get valuable concessions from Canada for free trade, I would also like to know whether anything is promised us from other countries that will gain by the passage of the Mills bill. If our own people must suffer by this legislation, let us know whether we are even promised anything from the countries of Europe and Asia. Gentlemen of the majority, explain yourselves. Are you working in the interest of American or of foreign countries?

[Here the hammer fell.]

Mr. Chairman, I will print the extract I have quoted in connection with my remarks.

Mr. BRECKINRIDGE, of Arkansas. I would like to ask the gentleman a question, to come out of my time, if the gentleman will kindly give me his attention. The gentleman referred to a tax on salt that Sir Charles Tupper said would be released. He referred to it in connection with a question as to who pays the tax. Does not that tax relate to American salt imported into Canada?

Mr. JACKSON. I do not quite catch the gentleman's question. Will he please repeat it?

Mr. BRECKINRIDGE, of Arkansas. Sir Charles Tupper was referring to a tax paid by the Canadians on American salt imported into Canada.

Mr. JACKSON. Oh, no; he was referring to the duty paid by the Canadians to bring their salt into our market. He enumerates a number of other things, and goes right on. He comes to the wool after awhile, and to the ores and a great number of things, and shows just how much is to be given to them by this bill.

Mr. GROUT. Seven or eight millions.

Mr. JACKSON. In the aggregate, yes.

Mr. BRECKINRIDGE, of Arkansas. I understood the gentleman to say this: That Sir Charles Tupper takes the position that the Canadians will be relieved of some $23,000 tax that they pay for Canadian salt coming into America.

Mr. JACKSON. To bring it into our market. They have been paying that much for the liberty of coming into our market and selling on equality with our own people. This they will be relieved of if the Mills bill passes, for then they can come in free.

Mr. BRECKINRIDGE, of Arkansas. I am only asking for the fact.

Mr. JACKSON. That is the way I understand the argument. In fact it can not be understood any other way. It is plainly so stated.

Mr. BRECKINRIDGE, of Arkansas. Sir Charles Tupper takes the position that it is a release of so much tax to the Canadians.

Mr. JACKSON. Yes.

Mr. BRECKINRIDGE, of Arkansas. I only wanted to know what the fact was.

Mr. PARKER. Mr. Chairman, a New York house (Messrs. Miles & Holman) handling pearl barley, oat-meal, and pease and split pease, makes the following statement:

In reference to split pease, we can not compete with Canada. The duty on split pease is only 20 per cent., and the barrel they are packed in comes in free. The duty should be taken off the round or whole pea and the duty left on the split pease, thus giving manufacturers here an opportunity to make split pease, and thus reduce the revenue, and our people would have their pea soup just as cheap, with the satisfaction of eating their own manufacture and not encouraging our Canadian neighbors. You will see that the importation of split pease can thus be stopped and revenue reduced without increasing the cost to our people, and building up their manufactures to the detriment of our own.

Yet, as to garden seeds, and beans, pease, and split pease, this bill offers Canadians free the markets of 62,000,000 people, while they, raising far more than they can consume, have no reciprocal market to offer us.

Now, Mr. Chairman, I do not quite understand the attitude occupied by the members of the committee who are responsible for this bill. It would seem that a committee proposing to make great changes affecting manufacturers and dealers and producers throughout the country would be willing to tell us what was the theory upon which they had acted. Men upon this side of the House rise and show how their localities will be injured, how their constituents will be harmed, how great interests will be damaged or destroyed, but the gentlemen upon the other side sit still without making any response as to why they seek to make these changes, and when the time comes stolidly—I do not use the word in an offensive sense—but in effect, I say, they stolidly vote us down. I would like to have gentlemen tell us, for example, why it is that they propose to make fresh and salted vegetables free of duty while they require protection on their own rice.

I would like to have them tell us upon this item under consideration why it is that they make beans, pease, and split pease free, while they provide for protection upon items that benefit themselves? I would like to have the attention of the chairman of the committee while I ask him to inform the House how it is that split pease, which every one who knows anything about the subject knows are a manufactured article, should be put in the same free-trade class with whole pease and beans. I would like some explanation of that. It is well known that split pease are a manufactured article, and that there are houses with large capital employed in the business of gathering pease, splitting them by machinery, and selling them for culinary purposes, and yet these gentlemen put them in the same free-trade category with beans and whole pease. I wish also to protest, in the interest and upon the judgment and complaint of a farming community, against this proposition which comes to us from the other side of the House that the products of the farm are raw materials.

The granges, the farmers' societies, the husbandmen's newspapers, the rural organizations everywhere are denouncing that assertion upon which this legislation is based as an assertion utterly false, and, to them, ruinously false; and yet gentlemen on the other side go on acting upon the theory that pease and beans and vegetables, fresh, or in salt or brine, and tallow, and fresh milk, and wool, and meat, and poultry, and all such products are "raw material." Although they contain in their amount and volume the results of much of the labor of the greatest body of workers upon the American continent, yet these Democratic legislators have the effrontery to face the farmers and tell them that the products which take their inception under their care, and become articles of commerce under their supervision, are raw materials, like the ore in the earth and the unquarried rock, etc., and, therefore, for the benefit of workmen whose work is protected, and of manufacturers whose output is protected, these products of the farmer's toil shall be made free. I think the farmers will make an answer to this proposition which the gentlemen in charge of this bill will, by and by, understand.

Mr. MILLS. I hope we shall now have a vote on this line.

The question was taken on the motion to strike out the line, and it was rejected—ayes 45, noes 59.

Mr. VANDEVER. I move to strike out the last word.

Mr. MILLS. Mr. Chairman, is that in order?

The CHAIRMAN. It is in order.

Mr. VANDEVER. I move to strike out the last word, and in that connection I desire to say that one of the chief staple products of my country is beans. The probability is that we raise beans enough in that section to feed two or three States. We load vessel after vessel with them in the fall of the year, and send them away; and although there is but 10 per cent. duty upon beans under existing law, yet the proposition to put them upon the free-list comes directly in conflict with the interests of that portion of the country.

It does seem to me, Mr. Chairman, following up the items of this bill one after another, as though the blows were rained more directly and frequently than anywhere else upon the interests of the Pacific side of the country, and especially against California. I am very willing, however, to accord some credit to the chairman of the Committee on Ways and Means for the concession he has made to-day in consenting to strike from the free-list plums and prunes, which also are products of very great value in that part of the country. Another product of the California coast is raisins. I have already referred to other products of that Southern California country, which has been called the Italy of America, and whose products come directly in com-

petition with those of old Italy, and I can not but recur to the fact that immediately preceding the assembling of this Congress, when it was given out by the leaders of the Democratic party that one of the chief measures of policy in this Congress would be the modification of the tariff law, there were poured in appeals to members of Congress from these foreign interests to put raisins and plums and other products of that kind upon the free-list; and in deference to such appeals various provisions have been put into this bill at the expense of our own interests in America, especially the interests of the southren part of California, that favored land to which so many people are now turning their faces, as they did in the early history of the settlement of that country. These things are making their impression; and although there has been accorded to us to-day by the chairman of the Committee on Ways and Means a small crumb of comfort, it will not turn aside the people of that country in their condemnation of a policy which lends a willing ear to appeals from abroad and at the same time sacrifices our home interests. [Applause.]

[Here the hammer fell.]

I withdraw the *pro forma* amendment.

Mr. SAWYER. Mr. Chairman, I move to strike out the last word. In what I have to say upon this line, 148, I do not wish to speak of politics at all. The district which I represent is very largely interested in the growth of beans, some of our farmers raising as much as 2,000 bushels of this one article. In reading this bill, I have been at a loss to understand upon what principle this product is selected for a place on the free-list. I asked this question of one member of the committee, and he could give me no reason. I really wish I could be enlightened as to the reason why this particular agricultural product should have been selected for a place on the free-list.

If the answer be made that the intention is to make food cheap for the laboring people, why is not every agricultural product suitable for food placed on the free-list? Why not flour, or meal, or rice, or wheat, or cheese, or butter? I can not imagine or conceive of any good reason. None has been given.

This bill should be based upon some consistent principle. No one article should be taken off or put on the free-list unless there be some good reason for it. Rice is necessary for the poor man and the invalid; beans are also necessary for the poor man; why should not these two articles be placed upon an equality? It seems to me that a sense of justice would dictate that the farmers in one locality should be treated with the same fairness as the farmers of another locality.

[Here the hammer fell.]

The CHAIRMAN. If there be no objection, the amendment of the gentleman from New York will be considered as withdrawn.

Mr. WHITE, of Indiana. Mr. Chairman, I move to amend by striking out the last word. This question of beans is one with which I am somewhat familiar; I have dealt in the article for a good many years.

Mr. MILLS. I appeal to gentlemen on the other side to let us make some progress with the bill. There have been three or four speeches over there on this question.

Mr. WHITE, of Indiana. I will not take more than a few minutes. I wish to state to the chairman of the Committee on Ways and Means, who is a warm advocate of the farmers and the protection of their interests, that he is making a great mistake in proposing to place beans on the free-list. Beans constitute one of the greatest articles of production of the farmers in some sections of our country, especially in New York State, and also, as has been said, in California. Even with the present tariff on beans, it should be remembered the Germans supply a great portion of our country with this product.

What, then, will be the effect of taking off the duty? Will it not simply result in the Germans furnishing the whole supply to our people? The effect will be to drive our American farmers into raising more extensively wheat and corn and those products for which, as the gentleman from Texas says, they are now underpaid. If they do not now get enough for these products, why should the gentleman from Texas drive them into raising still larger quantities of them, in consequence of beans being placed on the free-list? In spite of the duty, as I have already suggested, German beans are to a large extent supplanting those of American growth. If the duty be taken off, of course the importation will be increased. The farmers in Germany and other foreign countries are not paid so well as the farmers in this country; consequently our market will be deluged with their product, and our farmers, the very men whom the gentleman from Texas claims to be so desirous of protecting, will be injured.

The gentleman has remarked that the price of wheat is controlled to a great extent by the tariff, because, as he says, Europe, in consequence of the tariff, does not take wheat enough from us. He is greatly mistaken in that assertion. The truth is, Europe takes the surplus which we have to spare every year. The gentleman's other idea, that Europe regulates the price, is also a great mistake. Europe has no more to do with regulating the price of wheat in this country than with regulating the price of hickory-nuts. The price of wheat is not regulated in Europe, but in Chicago, and it is not regulated by supply and demand, but simply by the gambling——

[Here the hammer fell.]

Mr. MILLS. I now ask for a vote.

Mr. WHITE, of Indiana. I withdraw the *pro forma* amendment.

The Clerk read as follows:

Pulp, for paper-makers' use.

Mr. BYNUM. I move to amend by striking out the line just read.

Mr. REED. What is the objection to that line?

The motion of Mr. BYNUM was agreed to.

The Clerk read as follows:

Bibles, books, and pamphlets, printed in other languages than English, and books and pamphlets and all publications of foreign governments, and publications of foreign societies, historical or scientific, printed for gratuitous distribution.

Bristles.

Bulbs and bulbous roots, not medicinal.

During the reading of the lines Mr. FARQUHAR rose.

Mr. REED. Mr. Chairman——

Mr. BUCHANAN. I have an amendment to offer to line 155.

The Clerk read as follows:

Add to line 155 the words "not edible."

Mr. FARQUHAR. I move to strike out the last word.

I sought the recognition of the Chair while these lines were being read to call attention to the propriety of striking out the words "books and pamphlets," in line 150.

The CHAIRMAN. The Chair had recognized the gentleman from New Jersey.

Mr. FARQUHAR. But the amendment I wish to offer is first.

Mr. BUCHANAN. Very well. I will withdraw my amendment for the present.

The CHAIRMAN. The Chair will then recognize the gentleman from New York if there be no objection. But the Clerk had read down to line 155.

Mr. FARQUHAR. I sought the attention of the Chair and tried to get his recognition to offer an amendment to the line I have indicated.

The CHAIRMAN. The Chair will recognize the gentleman to offer an amendment if there be no objection.

Mr. FARQUHAR. I simply submit that while the House has on its Calendar an international copyright bill, which will probably meet the views of the House and become a law, it is unfair to the American publisher and the American printer and book-sellers and book-binders, and to all persons engaged in the manufacture of books, to have such a broad provision as is embraced in the words in line 150, "books and pamphlets," placed upon the free-list, whereby the country may be flooded with foreign-made books. In the admission of Bibles printed in foreign languages free there is manifest propriety, and no one can find fault with that. Nor can there be any objection to admitting books, pamphlets, and publications of foreign Governments and of foreign scientific associations. But the words I have quoted are highly objectionable as opening the door to admit all classes of publications, or all kinds of books made by foreign publishers and foreign printers.

Mr. MILLS. Mr. Chairman, I make the point of order that the gentleman is not discussing the line before the House.

The CHAIRMAN. But the Chair entertained the amendment of the gentleman from New York. There was some confusion at the time the lines were read——

Mr. MILLS. I do not want to be going back all the time; we will never get on with this bill. I object to it.

Mr. REED. The trouble seems to be that the Chairman of the committee and the Clerk failed to catch the voice of the gentleman from New York, who addressed the Chair while that paragraph was being read.

Mr. MILLS. I was listening to the reading of every word of the bill, and I know that line 155 was read.

Mr. REED. That may be very true; but I also know that I heard the gentleman from New York call the attention of the Chair to the paragraph to which he has been addressing his remarks.

Mr. MILLS. And line 155 had been read.

Mr. REED. I do not deny that; but these lines are so short that when the Clerk puts on steam enough of course he can run considerably ahead of any member who desires to attract the attention of the Chair. The fact is, the Chairman did not hear the gentleman from New York.

Mr. MILLS. I was paying attention to my business here; and I know that we had passed beyond that paragraph.

Mr. REED. Well, I am very glad to hear that the gentleman has been paying attention to his business here, for it is more than he has been doing for the business of the country.

Mr. FARQUHAR. Mr. Chairman, I object to being taken off the floor by these personal allusions.

Mr. MILLS. How did the gentleman get the floor?

Mr. REED. By the recognition of the Chair.

The CHAIRMAN. The Chair stated that the lines down to 155 had been read; but as the gentleman sought recognition of the Chair, and so stated, when the preceding lines were being read, the Chair recognized him to offer an amendment.

Mr. MILLS. The gentleman from New York ought to deliver his lecture to his colleague on that side of the House, who owes an apology to the House——

Mr. REED. But the gentleman from Texas is the only one who did not seem to have heard the gentleman from New York.

Mr. WILSON, of West Virginia. Did not the gentleman from New Jersey offer an amendment to line 155?

The CHAIRMAN. The gentleman did offer an amendment, but the gentleman from New York stated that he was on the floor trying to get the attention of the Chair to offer an amendment to the preceding line, and the Chair recognized him, the gentleman from New Jersey withholding his amendment.

Mr. REED. Therefore, so far from owing an apology to the House, the Chairman of the committee has himself justified all that I said. But, Mr. Chairman, it is the rule of parliamentary law, that whenever a gentleman rises in his place and states that he has endeavored to attract the attention of the Chair when a line or a paragraph was being read, to receive that statement as absolutely true and to act upon it. It is well known to all——

Mr. MILLS. The gentleman from Maine did not say that when he commented upon my action a moment ago.

Mr. REED. The House so understood it.

Mr. MILLS. The gentleman said that the chairman of the Committee on Ways and Means had not been attending to his business.

Mr. REED. The gentleman from Texas having an apprehension in his own mind jumps at a conclusion and so interprets words that did not have that meaning. [Laughter.]

Mr. MILLS. That is what the gentleman said himself.

Mr. REED. What I said was that the Chairman of this Committee of the Whole, the gentleman from Illinois, and the Clerk perhaps had not caught the voice of the gentleman from New York. It was respectful to the Chairman of the committee, and had nothing to do with the chairman of the Committee on Ways and Means.

Mr. BRECKINRIDGE, of Kentucky. Does the gentleman from New York himself state that he sought recognition while this paragraph was being read?

Mr. REED. The gentleman from New York has already so stated.

Mr. BRECKINRIDGE, of Kentucky. Let the gentleman from New York speak for himself. He is of age.

Mr. FARQUHAR. Mr. Chairman, I made the interruption as quickly as possible and called attention to this paragraph of the bill. I waited and stood patiently until the paragraph was read and as soon as I could be recognized I called attention to it to make a motion.

Now, on this question——

Mr. KELLEY addressed the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. KELLEY. I wish to state in this connection that I have collected information on this very paragraph, and hastened to my seat for the purpose of taking exception to it.

Mr. FARQUHAR. I wish to say that this paragraph, this proposition to put Bibles printed in other languages than English, and books and pamphlets and all publications of foreign governments, and publications of foreign societies, historical or scientific, printed for gratuitous distribution, upon the free-list, is strictly in the line of enlightened public intelligence, and is proper and correct in all respects. I am very glad indeed that the committee has seen proper to put it in that shape. But what I do object most strenuously against is that part of line 150, "books and pamphlets," whereby you permit free trade in books and pamphlets that are exclusive of Bibles, as they appear in this paragraph, and I simply submit to the committee that with the international copyright bill on the Calendar we are going a little too hastily until we settle that matter.

There is no need of opening the door more than propriety might admit. Being an old member of the Printing Committee of this House, I know the existent comity between the American and European associations and the interchange the United States of America has made with European societies. Such favors, I think, are very proper indeed. But free trade in other books than Bibles and scientific publications I think radically wrong.

Mr. TOWNSHEND. I understand the amendment to take from the free-list will cover books printed in German and other foreign languages than the English. Is that the intention?

Mr. FARQUHAR. Yes.

Mr. TOWNSHEND. It is a well-known fact that no German educational books are published in this country; none whatever. School-books in the German language are not published in this country. By placing them upon the dutiable-list you are simply levying a tax upon education.

Mr. BRUMM. You are mistaken.

Mr. FARQUHAR. Totally mistaken.

Mr. BRUMM. There are publishing houses in Philadelphia that issue those books.

Mr. TOWNSHEND. I am informed by an eminent German scholar, who is very well informed on the subject, that there are no German text-books published in this country.

Mr. BUCHANAN. Will the gentleman permit a question?

Mr. TOWNSHEND. Certainly.

Mr. BUCHANAN. Does he not know there are such books published in New York to-day?

Mr. TOWNSHEND. I am told by a gentleman I have the highest confidence in——

Mr. BUCHANAN. I am told by a student who sits here and who studies them that they are published in New York.

Mr. FARQUHAR. Indeed they are.

Mr. TOWNSHEND. I do not speak from personal knowledge, but only from what I have been told by a very intelligent editor of one of the leading German newspapers published in this country.

Mr. FARQUHAR. I have printed French text-books myself.

Mr. TOWNSHEND. All I have to say, then, is, if you are correct, that by keeping these books upon the dutiable-list you are simply levying a tax upon education, which is wrong.

Mr. BRUMM. Oh, no.

Mr. BUCHANAN. That is a sample of their reasoning.

Mr. BRECKINRIDGE, of Kentucky. It does seem to me that this step which the Committee on Ways and Means propose to take is as short a step as the American Congress ought to be willing to take, and that instead of striking out books and pamphlets from this provision it would be better to add to the provision and make all literature free. I shall not now enter into any discussion about the copyright law, to which my friend from New York referred, because it does not touch this question at all.

This question stands upon an entirely different principle and is an entirely different question. I am a very strong friend of the international copyright law—not so much a friend of all the provisions of the proposed measure as of the principle which underlies it. I hope this House, before it adjourns, will pass the bill which has been passed by the Senate. We can all agree on that bill, however we differ on the principles of tariff legislation; and this can be easily demonstrated at the proper time.

But such discussion is not germane to this provision. This is simply a provision by which Bibles, books, and pamphlets printed in another language than our own may be brought in by the scholars of the country, by persons who are interested in larger research, in advancing the domain of knowledge, and in giving to us the benefit of the investigations made by learned men in all countries; that books may come in without having to pay unnecessary duty to a country whose Treasury is overflowing; that persons who immigrate to our country to make homes in our midst, speaking foreign languages, most generally poor persons seeking wider and better homes among us, may have an opportunity to import books printed in their own language at as low a cost as possible.

Therefore, in all the aspects of the case it seems to me to be one of those questions upon which both sides may agree without regard to our differences of opinion upon economic questions. Surely no one will go to the extent of saying that taxes and duties ought to be levied on learning simply for the purpose of protection. Protection ought not to go so far as to make the means of knowledge more expensive merely for the purpose of taxation, and that, too, at a time when there is no necessity for the tax and when we are removing taxation. In the effort to eliminate subjects of taxation, in trying to reduce the revenue by assorting the subjects upon which the taxes are laid, what better subject for release from duty can possibly be found than good books?

From what can we possibly take the burden better than from a tool for education? From what could we in this nineteenth century better take taxation off than knowledge?

Petitions from not less than sixteen States, from over a score of the leading universities and colleges of the Union, and from many private citizens have prayed that this change be made. Petitions from those making private gain by means of our tariff duties are reverently received, carefully obeyed, and jealously filed by gentlemen; but petitions from men who are only scholars, teachers, and thinkers carry no weight and are set aside carelessly.

I regret that we do not see our way clear to go further than we have in this provision. I wish that we thought we were able to make all books, all art, all productions of human genius, in print or picture or sculpture, free.

Milton plead for unlicensed printing; and in a freer and richer country literary and scholarly gentlemen, who would feel hurt if any one doubted their love for learning or friendship for culture, plead for taxed books—a demonstration of the tyranny of party discipline and of the cowardice which political ambition creates.

I do not believe America less worthy than England of Milton's compliment.

Lords and Commons of England! consider what nation it is whereof ye are and whereof ye are governors. A nation not slow and dull, but of a quick, ingenious, and piercing spirit; acute to invent, subtle and sinewy to discourse, not beneath the reach of any point the highest that human capacity can soar to.

And it is scarcely less a crime to exclude from our people these books than it would be to murder them; and—

books are not absolutely dead things, but do contain a progeny of life in them to be as active as that soul was whose progeny they are; nay, they do preserve as in a vial the purest efficacy and extraction of that living intellect that bred them. I know they are as lively and as vigorously productive as those fabulous dragon's teeth, and being sown up and down may chance to spring up armed men. And yet, on the other hand, unless wariness be used, as good almost kill a man as kill a good book.

Who kills a man kills a reasonable creature, God's image; but he who destroys a good book kills reason itself, kills the image of God, as it were, in the eye. Many a man lives a burden to the earth; but a good book is the precious life-blood of a master spirit, embalmed and treasured up on purpose to a life beyond life. It is true, no age can restore a life whereof, perhaps, there is no great loss; and revolutions of ages do not oft recover the loss of a rejected truth, for the want of which whole nations fare the worse.

We should be wary, therefore, what persecution we wage against the living labors of public men, how we spill that seasoned life of man preserved and stored up in books, since we see a kind of homicide may be thus committed, sometimes a martyrdom; and if it extends to the whole impression, a kind of massacre, whereof the execution ends not in the slaying of an elemental life, but strikes at the æthereal and fifth essence, the breath of reason itself; slays an immortality rather than a life.

The effort to strike out this provision is protection gone mad. It is of a piece with the effort to keep books from the slave or the Bible from the people. The demands of the system require this subserviency, and no appeal can break the stubborn array around every "protected" interest, so that all within the trenches shall be defended by the united power of all. But the defense will be fruitless.

As much has been said to-day concerning the platforms recently adopted by the two parties, I desire to say that the bill reported is in exact accordance with the platform adopted by the Democratic convention at Chicago, upon which the victory of 1884 was achieved.

"All taxation shall be limited to the requirements of economical government." "Unnecessary taxation is unjust taxation." "The Democracy pledges itself * * * to reduce taxation to the lowest limit consistent with due regard to the preservation of the faith of the nation to its creditors and pensioners." This was the declaration by the Democratic party of the true limitation on the power to levy and collect taxes of every sort, and its pledge, if given power, to reduce taxation to that limit. It recognized that "many industries have come to rely upon legislation for successful continuance," and therefore "that any change of law must be at every step regardful of the labor and capital involved;" that "the process of reform must be subject to this plain dictate of justice."

The reform must be accomplished, but "knowing full well, however, that legislation affecting the occupations of the people should be cautious and conservative in method, not in advance of public opinion but responsive to its demands," it pledged itself to "revise the tariff," cautiously and with conservatism, "in a spirit of fairness to all interests," and with frequent appeals to an enlightened public opinion. So, too, it pledged itself "to reduce taxation," "but in making reduction in taxes it is not proposed to injure any domestic industry, but rather to promote their healthy growth;" and it declared its belief and purpose that "the necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country."

The pledge was, therefore, "to reduce taxation to the lowest limit consistent" with our national obligations, and "to revise the tariff;" these are the objects to be accomplished, and the whole power intrusted to a party put in control of the Government was pledged to their "execution."

The mode of the revision of the tariff was with equal clearness pointed out. It is to obtain the revenues "from custom-house taxes on fewer imported articles, bearing heaviest on articles of luxury and bearing lightest on articles of necessity," and "by freeing American manufacturers from a hopeless competition with manufacturing nations" by removing taxes from off "raw materials."

The amount of revenue to be raised is to be so curtailed that not one dollar shall be raised except "exclusively for public purposes," and then not to exceed, even "for public purposes," "the needs of the Government economically administered." As this reduction, cautiously made, "in a spirit of fairness," will gradually render a smaller and smaller sum necessary to be raised, the revision of the tariff shall also, in "the process of reform, be subject in its execution to the same cautious spirit of fairness." But revision and reduction shall not cease, nor be delayed; both shall be at once commenced.

"The fewer imported articles" on which custom-house taxes are to remain can only be selected by elimination, by taking from the dutiable list those which are not to be taxed and placing them on the free-list. This elimination must be gradual; and in this selection two rules are laid down:

First. The American manufacturer must be given free raw materials. It will not do to say that there is no pledge to do this. We denounced the Republican party for not doing this; and no gentleman or honest man will consent to say that he denounced another for that which he approves, and if given power would continue. The declaration is eloquent and ringing.

It (the Republican party) professes the protection of American manufactures. It has subjected them to an increased flood of manufactured goods and a hopeless competition with manufacturing nations, not one of which taxes raw materials.

Second. By putting on the free-list "articles of necessity."

But this was not all the revision pledged; for "the inequalities of the tariff" were to be removed, and that with the object kept steadily in view that the revenues produced by tariff taxes should be "exclusively for public purposes;" and therefore every rate imposed for any other purpose was gradually and cautiously to be changed until that purpose was accomplished.

Every limitation imposed in this platform, but one, on these pledges is as to the time of the execution of the "process of reform." "It shall be done wisely, gradually, regardful of the labor and capital involved."

There is one limitation imposed as to the nature of reform; it is that "the necessary reduction in taxation must be effected without depriving American labor of the ability to compete successfully with foreign labor;" so that the pledge was given that so much of "any increased cost of production" in those "fewer imported articles," which are "articles of luxury," and not "articles of necessity," or "raw materials" as is caused by "the higher rate of wages prevailing in this country" may be protected by the rates imposed. This is the only item to which protection can be given. As to all other items, we are pledged against protection. Let us recognize in good faith this limitation, but let us, like wise men, be honest in applying it.

It is not to be disregarded, nor is it to be used as a cover for every sort of inequality and favoritism; a pretense to be taken advantage of for improper ends and to excuse every form of class legislation and the prostitution of governmental power to private gain.

"Free raw materials," "custom-house taxes on fewer imported articles," "Federal taxation exclusively for public purposes," in order that American manufacturers may compete successfully with foreign manufacturers; that "all American industries," of which "the many have been impoverished to subsidize the few," may flourish; that American labor may find constant and profitable employment; that the products of American soil may find ready sale, and the husbandman receive fair return from his harvest—this was our solemn pledge. To reduce expenses and taxation so that the public debt may be paid; the pensioner receive the evidence of a nation's gratitude; and industry be followed by comfort and rewarded by competence—this is what we plighted our faith to accomplish.

But if there had been no pledge, no platform, that would have been our bounden duty. It is an august trust to be intrusted with the power to manage the affairs of this great Republic, and the acceptance of the trust imposes an obligation we can not avoid.

This platform meant only that the revision of the tariff should be fairly and cautiously carried on until a revenue system was substituted for the present unjust and iniquitous congeries of legislative exactions. The present bill was prepared in the precise spirit of that platform.

But two constructions had been placed upon its language, and the St. Louis convention has adjudicated as between those who placed these diverse constructions upon it, by declaring that "it indorses the views expressed by President Cleveland in his last annual message as the correct interpretation of that platform upon the issue of tariff reductions."

I quote from that message:

The difficulty attending a wise and fair revision of our tariff laws is not underestimated. It will require on the part of the Congress great labor and care, and especially a broad and national contemplation of the subject, and a patriotic disregard of such local and selfish claims as are unreasonable and reckless of the welfare of the entire country.

Under our present laws more than four thousand articles are subject to duty. Many of these do not in any way compete with our own manufactures and many are hardly worth attention as subjects of revenue. A considerable reduction can be made in the aggregate, by adding them to the free-list. The taxation of luxuries presents no features of hardship; but the necessaries of life used and consumed by all the people, the duty upon which adds to the cost of living in every home, should be greatly cheapened.

The radical reduction of the duties imposed upon raw material used in manufactures, or its free importation, is of course an important factor in any effort to reduce the price of these necessaries; it would not only relieve them from the increased cost caused by the tariff on such material, but the manufactured product being thus cheapened that part of the tariff now laid upon such product, as a compensation to our manufacturers for the present price of raw material, could be accordingly modified. Such reduction or free importation would serve beside to largely reduce the revenue.

It is not apparent how such a change can have any injurious effect upon our manufacturers. On the contrary, it would appear to give them a better chance in foreign markets with the manufacturers of other countries, who cheapen their wares by free material. Thus our people might have the opportunity of extending their sales beyond the limits of home consumption—saving them from the depression, interruption in business, and loss caused by a glutted domestic market, and affording their employés more certain and steady labor, with its resulting quiet and contentment.

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Our progress toward a wise conclusion will not be improved by dwelling upon the theories of protection and free trade. This savors too much of bandying epithets. It is a condition which confronts us—not a theory. Relief from this condition may involve a slight reduction of the advantages which we award our home productions, but the entire withdrawal of such advantages should not be contemplated. The question of free trade is absolutely irrelevant; and the persistent claim made in certain quarters, that all efforts to relieve the people from unjust and unnecessary taxation are schemes of so-called free-traders, is mischievous and far removed from any consideration for the public good.

The simple and plain duty which we owe the people is to reduce taxation to the necessary expenses of an economical operation of the Government, and to restore to the business of the country the money which we hold in the Treasury through the perversion of governmental powers.

It was, indeed, consistent to follow the indorsement of the message of the President with it "also indorses the efforts of our Democratic Representatives in Congress to secure a reduction in taxation," and to make a distinct approval of the pending bill. This bill, prepared to meet a condition and not to fit a theory, has met the approval of the Democratic party, because it is moderate, conservative, and compromising; avoiding extremes we have in good faith sought practical results,

that would be of good to every class of our citizens. It has gained strength every day since we reported it; it will more and more commend itself to the thoughtful as it is better understood and more discussed.

It is a partial remedy for our present condition; it is the only practicable remedy just now. Let our opponents fairly face this alternative—this bill in substance or no remedy, and they must take the responsibility of its defeat in the Senate, where they have the majority. A reduction of revenue will be never "needed" if the Republican party is given power, as more than the present income will be "needed" for the appropriations, "needed" "for the early rebuilding of our Navy, for the construction of coast fortifications and modern ordnance and other approved modern means of defense for the protection of our defenseless harbors and the channels of internal, coastwise, and foreign commerce; for the encouragement of the shipping interests of the Atlantic, Gulf, and Pacific States;" for "free schools" and "pensions."

In each of these schemes, to which unlimited governmental aid is promised, there are contingent "jobs" of huge proportions, and the American people might as well realize that Republican victory means no reduction of revenue; but the proposed remedy is, first, by the repeal of the tax on tobacco; second, tax on alcohol used in the arts and for mechanical purposes; third, such revision of the tariff as will tend to check imports—that is, an increase of duties on such articles as are produced by our people, the production of which gives employment to our labor; fourth, the release from import duties of articles of foreign production (except luxuries) the like of which can not be produced at home; fifth, the repeal, if necessary, of the internal taxes.

This is an impossible and wholly impracticable policy; it is a delusion and a snare, and can never be made permanent. It means perpetual agitation and instability. The present bundle of sections known as our tariff law can not be permanently maintained, and an attempt to enact higher duties will fail. The rival private interests will not be able to agree on another revision that will tend to check imports.

If it were possible, it is iniquitous. The proffer really made by the party at Chicago is large expenditures of public money to be raised by increased duties, so that the burdens of taxation shall be increased in both modes—by increased expenditures and increased cost of living. The tax-payer must pay tribute to those in whose interest the duties are increased and to those to whom these new expeditures shall be paid. This means that power shall be obtained by the contributions and exertions of those who are to receive pecuniary and private gain from the Government.

The issue is fairly made—strict economy, decreased expenditures, reduced taxation by removal of burdens from the necessaries of life; against increased expenditures, larger appropriations, higher taxation, and continued legislation for those who can combine and control the party machinery.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FARQUHAR rose.

Mr. TOWNSHEND. I am very well satisfied that upon inquiry the gentleman from New York [Mr. FARQUHAR] will find that none of the school-books used in the teaching of German are published in this country. I hope, therefore, the gentleman will withdraw his amendment, or that it will be defeated and these books, etc., be placed on the free-list.

Mr. FARQUHAR. I wish to call the attention of the gentleman from Kentucky [Mr. BRECKINRIDGE] and the gentleman from Illinois [Mr. TOWNSHEND] to the fact that they have entirely missed the scope of this paragraph. All of these books are for gratuitous distribution. We are not discussing universal knowledge at all; all of these books are for gratuitous distribution.

[Cries of "Vote!" "Vote!" on the Democratic side.]

The amendment was rejected—ayes 53, noes 70.

Mr. KELLEY. Mr. Chairman, there seems to be a misunderstanding on the part of some of us here as to the true meaning of this paragraph.

The CHAIRMAN. Does the gentleman submit an amendment?

Mr. KELLEY. Yes; I move to strike out the last word. As I read this paragraph, Bibles and books or pamphlets printed in other languages than English are to come in free.

Mr. WILSON, of West Virginia. That is right.

Mr. KELLEY. That is your interpretation of it?

Mr. WILSON, of West Virginia. Yes, sir.

Mr. KELLEY. Then, in addition to that, "books, pamphlets, and all publications of foreign governments, and publications of foreign societies, historical or scientific, printed for gratuitous distribution." That would let in those valuable documents issued annually after a big dinner by the Cobden Club, which calls itself scientific. [Laughter.] But, Mr. Chairman, I want to speak seriously to the mistakes of fact of the gentlemen on the other side. Had the Ways and Means Committee been accessible to information, or had the five Republican members of that committee had extended to them in this connection the ordinary courtesies of that and other committees of the House, I would have had before them Mr. Ignatius Kohler, the head of one of the oldest publishing houses in Philadelphia, with the heads of large publishing houses of foreign books in New York, Cincinnati, St. Louis, Milwaukee, and other cities in which there is a large population of the poor people spoken of by the gentleman from Kentucky [Mr. BRECKINRIDGE] who want reading in their own languages, and among whom are to be found printers, type-founders, paper-makers, book-binders, and workers in all the manifold industries which are involved in producing books.

There are in the United States large establishments engaged wholly in the production of books and pamphlets in foreign languages, and I can see no reason in the world why we shall not give the same protection to the American paper-maker, type-founder, press-builder, and book-binder, and to those engaged in all the various branches of the book-making industry, whether the books are printed in the English language or in any other.

Mr. TOWNSHEND. Can the gentleman tell us the name of any firm in the United States engaged in publishing German educational works?

Mr. KELLEY. Scribner & Co.

Mr. TOWNSHEND. Do they publish German educational works?

Mr. KELLEY. I think they do. There is in this country one very large firm, not that of Scribner & Co., which prints nothing but books in foreign languages. I made inquiry on the subject when I supposed the information would be useful before the Ways and Means Committee, and I had arranged with Mr. Kohler that he should have notice when the committee came to determine these questions; but I had to write to him that I had overestimated my influence with my colleagues on that committee, and could not get him or his associates, the other printers and publishers to whom I have referred, a hearing before the committee.

Mr. TOWNSHEND. I wish to ask my friend whether he is willing to put a tax upon knowledge just to benefit two or three large firms?

Mr. KELLEY. I stand by the American paper-maker, printer, type-founder, book-binder, whether he is engaged in printing and binding books in English or in a foreign language, and I tell the gentleman there are other large American establishments engaged exclusively in the production of books in foreign languages.

Mr. TOWNSHEND. At the expense of the dissemination of knowledge?

Mr. KELLEY. No; not at the expense of anybody.

Mr. HOPKINS, of New York. I will say to the gentleman from Illinois [Mr. TOWNSHEND], in relation to a subject which he does not appear to understand, that there are over twenty firms in this country engaged in reprinting foreign works in the foreign languages, principally German and French. Many of those works are brought out in sheets and rebound. If you adopt this paragraph you will put out of employment 5,000 men in the city of New York alone.

Mr. WILSON, of West Virginia. Oh, no!

Mr. HOPKINS, of New York. The gentleman does not live in New York and does not know anything about this. The result will be to send the binding of all these works to Germany and France, while, if they come to us simply in printed form, employment is given to a number of establishments in different cities of this country.

Mr. TOWNSHEND. I think the gentleman will find he is mistaken.

[Here the hammer fell.]

Mr. WILSON, of West Virginia. I think that a bill to put on the free-list books in foreign languages was introduced by a gentleman on the other side of the House and referred to the Committee on Ways and Means, by which it was considered.

Mr. KELLEY. It is quite possible that some gentleman on this side of the House may have had such a measure suggested to him, and may have made the mistake of presenting it. But I say to the gentleman that the publication of books in foreign languages is a very large branch of business in New York, Philadelphia, Cincinnati, Chicago, and Milwaukee. The gentleman from New York [Mr. HOPKINS] and another gentleman assure me that it is also a very considerable business in Baltimore.

Mr. HOPKINS, of New York. I ask the gentleman from Illinois [Mr. TOWNSHEND] to state how many men are employed in the city of New York in reprinting, binding, and preparing for our market publications in foreign languages.

Mr. TOWNSHEND. My understanding, obtained from a very eminent German scholar, the editor of a German paper published in this country, is that there is not a single establishment in the United States engaged in publishing German school-books.

Mr. HOPKINS, of New York. The gentleman's information is entirely wrong.

Mr. KELLEY. The gentleman from Illinois is utterly mistaken.

Mr. HOPKINS, of New York. I ask my friend from Illinois to name the gentleman from whom he has obtained his information.

Mr. TOWNSHEND. I have no hesitation in naming him. I refer to Dr. Preus, the editor of a very prominent German paper published in St. Louis. I know the gentleman I speak of to be one of the most eminent scholars who has come to this country from Germany. In my judgment he is well informed in reference to this matter.

Mr. HOPKINS, of New York. I repeat that the effect of this meas-

ure will be to throw out of employment thousands of men in New York City alone, and to deal a fatal blow at a most important industry.

The CHAIRMAN. Debate on the *pro forma* amendment is exhausted. If there be no objection, it will be considered as withdrawn.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, we have again heard from the gentleman from Pennsylvania [Mr. KELLEY] the old story about the lack of opportunity for introducing evidence and deficient courtesy in the Committee on Ways and Means, not a word of which, I wish to say, with no desire to be personal to the gentleman, is in accordance with the facts.

Mr. KELLEY. It is according to the facts as I found them.

Mr. BRECKINRIDGE, of Arkansas. I do not mean to raise any personal issue with the gentleman.

I wish to file a positive and emphatic denial of every statement and every insinuation of the character to which I have referred, both from the gentleman and from his associates. For a month we consulted only the convenience of gentlemen of the minority. They were considered by us competent representatives of the interests for which they pretended especially to speak. The petitions and arguments laid before the committee were always there, welcome to be brought up.

Mr. Chairman, I wish to have read a short extract to show in what sharp contrast our conduct was to that of the Republican majority of the same committee in a previous Congress. This was when they were trying to do what we are now trying to do—to reduce tariff taxes as they promised to do. They occupy new ground now.

The Clerk read as follows:

[From the Philadelphia Inquirer, January 20, 1883.]

APPLICATION OF THE GAG IN THE TARIFF DEBATE.

To the Editor of the Inquirer:

SIR: The Committee on Ways and Means having, after the manner of the famous and tyrannical Council of Ten of Venice, which tried and convicted men without permitting them to appear before it, refused to hear any one in defense of the thousands of industries which are imperiled by proposed tariff legislation, it was eminently proper that Judge KELLEY, the chairman, should offer a resolution in the House of Representatives in which it was proposed that "general debate upon the pending bill (H. R. 7313) reported from the Committee on Ways and Means be limited to one day, to be equally divided between the friends and opponents of the bill." Indeed, it seems a great piece of condescension that he or his committee should voluntarily propose to permit any general debate upon the measure at all. * * *

HENRY CAREY BAIRD.

PHILADELPHIA, *January* 19, 1883.

Mr. BRECKINRIDGE, of Arkansas. I ask the Clerk to read, also, an extract I have marked from the remarks of the gentleman from Pennsylvania on the 22d of April, 1872.

The Clerk read as follows:

Mr. KELLEY. Here is a bill for the reduction of taxes and duties covering sixty-three pages, in which there are items sometimes of only a line, on which a whole day of debate would be spent under the five-minute rule. If we adjourn on the 29th of May we shall have repealed no tax or duty, and the people will ask us in every paper and at every corner why we have continued the system of taxation, so largely in excess of the demands of the Government and the reduction of the public debt, at the rate of $50,000,000 per annum outside of what is already provided by law. On neither side of the House can justification be found, nor do I believe apologies, for having hastily adopted a resolution of adjournment which will prove entirely satisfactory to the tax-payers, who are loaded at every point and whose profits are absorbed in the excessive Treasury of the Government.

Mr. BRECKINRIDGE, of Arkansas. When the gentlemen themselves sought to keep some of their pledges to the people, they found themselves obliged to shut out of the committee-room the lobbyists and those who clamored around them. Having done nothing and yielded to the clamor of monopoly, they now invoke the lobby without limit. Sir, we did not limit time to the official representatives of any interest in this country to speak for the people, or for the interests that they had at heart. After we have thus given the amplest opportunity of that kind—after all these days and weeks of debate, it comes with a poor grace for gentlemen to get up here with the miserable insinuations and misstatements that they make about this question. I say to the gentleman now, as he said when he had some regard for his pledges, in 1872, that if you do not reduce the taxes and lessen the surplus revenue flowing into the Treasury, you will not be able, when you confront a justly indignant people, to find any adequate excuse for such a breach of public faith.

Mr. KELLEY. I had as much regard for my word in 1872 as the gentleman has had for his at any time from the time he learned to lisp his words, and as much now as I had in 1872.

He sends to the desk to have read a communication from a fanatic, who, if somebody telegraphed him over a responsible name that I had been stricken dumb in a tariff debate, and although alive and apparently well, had become black and my hair had become curly like that of a negro, he would jump up and exclaim, "I knew hell would overtake him for refusing me a hearing four years ago because I refused to go before the Tariff Commission." [Laughter.]

That is the whole case. I say again, and I say it veraciously, this bill in this paragraph proposes to close several large publishing houses in New York, perhaps one of the largest there, unless it be Scribner's, and one I have known from my boyhood, from father to son, that of Ignatius G. Kohler, in Philadelphia, and I had from Mr. Kohler the address of other houses, several in other cities, and had made arrangement they should be heard. So far as I supposed a hearing would be granted; but I had to write—and the correspondence exists—to these gentlemen that no Republican member of the Committee on Ways and Means, I nor my four associates on that committee, could get an opportunity to tell them of the extent and character of their business. I say that without fear of actual contradiction on that subject, and am confident of the support of my Republican associates, who suffered the same way on other subjects.

The CHAIRMAN. Debate is exhausted, and the Chair hears no objection to the withdrawal of formal amendments.

Mr. FARQUHAR. As my statement in relation to the publication of foreign text-books in this country has been measurably called in question, I have just returned from the Congressional Library, after consultation with Mr. Spofford, the librarian. He has shown me a large list of such publications.

Mr. BUCHANAN. Here are three of the identical books.

Mr. FARQUHAR. Mr. Spofford cites the publication of German and French text-books by D. Appleton & Co., New York, and Ginn & Co., Boston.

Mr. TOWNSHEND. What class of books do they publish?

Mr. FARQUHAR. They have a large catalogue of German and French text-books.

Mr. TOWNSHEND. Let me ask the gentleman this, whether they are not known as school-books. I would like to have the gentleman tell me how it is that school-books published in the protective-tariff country of Germany can be published there and brought into this country to compete with the books published here. There is a higher protective tariff in Germany than there is in this country. How can they publish books in Germany and import them into this country and be successful in competition with ours? It seems to me, Mr. Chairman, there is an effort here to put a tax on knowledge in this country.

Mr. FARQUHAR. I am making no attempt to put a tax on knowledge. I am trying to protect the manufacturer of books in this country. The question is whether the last clause means what it seems to mean. I contend you are opening free trade to European publishers.

[Here the hammer fell.]

Mr. BUCHANAN. Read line 155.

The Clerk read as follows:

Bulbs and bulbous roots, not medicinal.

Mr. BUCHANAN. I move to add the word "non-edible."

Mr. MILLS. In the lines 104 to 111 we have already passed that.

Mr. BUCHANAN. I offer the amendment to guard against the possibility of some customs officials ruling that bulbs and bulbous roots include edible vegetables. I do it for this reason: The growers of American onions are competing with the growers of onions in Egypt. Gentlemen may smile. It is news to them; but it is not news to the market-gardeners of the Atlantic coast, who are already feeling this competition with the fellaheen labor of Egypt.

Mr. TOWNSHEND. I wish to ask the gentleman a question.

Mr. BUCHANAN. Certainly.

Mr. TOWNSHEND. Do I understand the gentleman to say these are German text-books printed in the United States? Some, I know, are printed abroad and brought into this country, but they are not bound.

Mr. BUCHANAN. I am talking about onions [laughter], and my information upon that subject is far more accurate than the information of the gentleman from Illinois upon the subject of German text-books, as I gather from what he said to-day. That discussion has passed.

Mr. TOWNSHEND. But I want to find out from the gentleman——

Mr. BUCHANAN. Now the gentleman is simply frittering away valuable time. [Renewed laughter.]

I have stated that I offered this amendment in the interest of the agricultural classes. During the discussion of this question we have heard the condition of the farmers bewailed, upon the other side from time to time; and I stand here to-day to say that their condition is deplorable, and to resist any attempt to make that condition worse than it is. The importation of agricultural products into this country has grown to an enormous and alarming extent within the last few years. I do not know that it was the design of the committee to increase that burdened condition which now prevails among our farmers, but the provisions of this bill certainly contribute largely to that end, and in order to guard against one blow at least at their interests I ask that the lines be amended in the manner I have suggested.

Mr. WILSON, of West Virginia. I ask the attention of the gentleman from New Jersey for a moment. The existing law provides as follows:

Bulbs and bulbous roots, not medicinal, and not specially enumerated or provided for in this act, 20 per cent. ad valorem.

The proposed amendment takes out from that taxable classification "bulbs and bulbous roots not medicinal," leaving all others not specially enumerated at 20 per cent. ad valorem, the present rate.

Mr. BUCHANAN. I do not so understand it. I do not think it will have that effect at all. The provision in this list in the bill under consideration is that the importation free shall be allowed of "bulbs and bulbous roots not medicinal." Now onions may be held to come under that class; and hence I desire to add the words "not edible" to

keep them out of this bill, and in the law as it now stands at the present rate.

Mr. WILSON, of West Virginia. But they are excluded under the law.

Mr. BUCHANAN. What law?

Mr. WILSON, of West Virginia. The existing law.

Mr. BUCHANAN. Yes, but I desire to put it beyond question that they are not in this bill. By implication this bill takes them out of the old law, and I want to prevent that. In fact this bill destroys the provision in the old law.

Mr. WILSON, of West Virginia. The law now provides that bulbs or bulbous roots not specially enumerated shall pay this duty.

Mr. BUCHANAN. Well, I want to have it emphatic and not subject to any misconstruction, and I want them by express words kept out of this proposed free-list, and so, beyond cavil, left in the old law.

But the gentleman from Illinois has mixed his German text-books up with my onions. Now I want to mix my onions up with his German text-books. I have before me a German grammar written by a professor in Wellesley College in this country, and another by a professor of the Ruel-Browne School in New York, both printed and published by Henry Holt & Co., and copyrighted by them.

But, Mr. Chairman, while upon my feet and upon this subject I desire to call attention to a marked feature of this bill. It deals in the most severe manner with the farmers, and especially the farmers who raise varied crops. The present rates of duty upon farm products can not be said to be high. The chief of these are:

Wool at 30 cents a pound or less, 10 cents; at over 30 cents a pound, 12 cents. Beef and pork, 1 cent a pound. Hams and bacon, 2 cents a pound. Butter, 4 cents a pound. Lard, 2 cents a pound. Cheese, 4 cents a pound. Grapes, 20 per cent. ad valorem. Wheat, 20 cents a bushel. Oats, 10 cents a bushel. Corn, 10 cents a bushel. Rye, 15 cents a bushel. Barley, 15 cents a bushel. Potatoes, 15 cents a bushel. Hay, $2 a ton. Live animals, 20 per cent. ad valorem. Beeswax, 20 per. cent. ad valorem. Vinegar, 10 cents a gallon. Honey, 20 cents a gallon. Fruit, shade, and ornamental trees, shrubs, etc., 20 per cent. ad valorem. All vegetables, not otherwise provided for, 10 per cent. ad valorem. Rice, cleaned, 2½ cents per pound. Wheat-flour, 20 per cent. ad valorem. Tobacco (unmanufactured), 35 cents per pound. Sugar, 1½ to 3½ cents per pound. Rice-flour and rice-meal, 20 per cent. ad valorem. Extract of meat, 20 per cent. ad valorem. Barley, pearled or hulled, ½ cent per pound. Barley malt, 20 cents per bushel. Corn-meal, 10 cents per bushel. Oat-meal, ½ cent per pound. Rye-flour, ½ cent per pound. Potato and corn starch, 2 cents per pound. Pickles and sauces not otherwise provided for, 35 per cent. ad valorem. Garden seeds, 20 per cent. ad valorem. Hemp seed, ½ cent per pound. Currants, 1 cent per pound. Apples, 10 per cent. ad valorem. Hops, 8 cents per pound. Milk, preserved or condensed, 20 per cent. ad valorem. Flax-straw, $5 a ton. Flax, not dressed, $20 a ton. Flax, dressed, $40 a ton. Tow of flax or hemp, $10 a ton. Bristles, 15 cents a pound. Tallow, 1 cent a pound. Flaxseed or linseed, 20 cents per bushel.

These rates, as I have once before had the honor of stating, have not prevented importations, and, as already remarked, such importations have increased recently to an enormous extent. The products of the soil imported last year figure up as follows:

Animals	$4,631,846	Rice	$1,674,394
Breadstuffs	6,640,228	Sugar and molasses	74,219,607
Flax, hemp, etc., raw	12,312,833	Tobacco, raw	8,704,950
Fruits	15,840,827	Vegetables	2,350,351
Hay	790,394	Wool, raw	16,424,479
Hops	3,404,669		
Barley, malt	153,363	Total	149,254,784
Provisions	1,806,239		

Since these statistics were collected the importations of potatoes and onions has continued to grow enormously, and our own farmers have felt this new competition keenly. Since January 1, 1888, over 3,000,000 bushels of potatoes have reached the port of New York alone. The president of the New Jersey State Board of Agriculture, in his last annual address, said, in view of these facts:

The tariff on beans, pease, and other leguminous seeds should be raised from 10 per cent to 25 per cent.; on split beans, from 20 per cent. to 25 per cent.; garden seeds, from 20 per cent. to 25 per cent.; on hay, from $2 per ton to $3; hops, from 8 cents per pound to 10 cents per pound; pickles and sauces, from 35 per cent. to 40 per cent.; potatoes, from 15 cents per bushel to 25 cents.; on cabbage the duty should be $1 per hundred; on onions, 25 cents per bushel; and on all other vegetables it should be not less than 25 per cent. These duties are imperative, and should be demanded by every farmer and farmers' organization in the land. We are abundantly able and willing to feed all our people at prices but little, if anything, higher than are now paid for vast quantities of imported products.

How does this bill meet this condition? On looking over it I find that the Eastern farmer, driven from the raising of corn and wheat by the lower priced fertile lands of the West and low rates of transportation, and compelled to turn his attention to the production of vegetables, fruits, and other products which will not bear long transportation, is dealt a blow that must seriously cripple him. I find on this proposed free-list the following (I take them in the order given):

Flax straw; flax, not hackled or dressed; flax, hackled, known as dressed lint; tow of flax or hemp; hemp, manila, and other like substitutes for hemp; jute butts, jute; sunn, sisal-grass, and other vegetable fibers; beeswax; glue; gelatine; soap stocks; soap, hard and soft; hemp-seed and rape-seed oil; cotton-seed oil; wood tar; vegetables, in their natural state or in salt or brine, not specially enumerated or provided for; dates, plums, and prunes; currants; figs; meats, game, and poultry; milk, fresh; egg-yelks; beans, pease, and split pease; bristles, bulbs and bulbous roots; feathers of all kinds; grease; hemp and rape seed; garden seeds; flaxseed; broom-corn; tallow, and wool.

As the consideration of this bill has progressed all effort to amend in the interest of the agricultural classes has been defeated. If this be friendship for the farmer he may well pray to be delivered from his friends. I have received protest after protest against this feature of the bill from farmers, granges, and agricultural societies, and I would be derelict in my duty did I not here use my utmost efforts to change this obnoxious feature, even though I may know that the majority of this House means to vote all such efforts down. As a test of your alleged friendship for the farmer, I call on you to vote to protect his products.

The question being taken on the amendment of Mr. BUCHANAN, the committee divided, and there were—ayes 58, noes 70.

So the amendment was rejected.

The Clerk read as follows:

Feathers of all kinds, crude or not dressed, colored, or manufactured.
Finishing powder.
Grease.
Grindstones, finished or unfinished.

Mr. EZRA B. TAYLOR. I move to strike out line 160.

This is not an industry, Mr. Chairman, in which my constituents are specially interested, but the State of Ohio is largely interested in it, and I desire to have read a sentence or two from the testimony that was taken before the commission in 1883. There has been no opportunity of getting information since.

The Clerk read as follows:

Mr. Worthington, president Berea and Huron Stone Company, and others testify:

The bulk of grindstones imported into this country are made in Nova Scotia and New Brunswick and used mostly in New England States, and although there may be some steel works near Philadelphia which use English stones, fully three-fourths of the manufacturers in this country use Ohio grindstones. No class of grinding for which stones found in Ohio and Michigan will not do.

If grindstones are put upon the free-list we must either cut down quarrymen's wages or abandon the market of the Eastern States.

Price of grindstones to-day is lower than ever before, which proves that the present duty does not foster monopoly.

Thousands of home labor find employment in this industry.

Imports of grindstones are not needed, but if they come they should pay duty.

Mr. EZRA B. TAYLOR. It was said in 1848 that Ohio was an abolition State any way, and I suppose that because she is a protection State now I have no right here.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I must confess that I am surprised at the effort made here to place grindstones upon the free-list when this material is abundant and inexhaustible in this country. All through the Northern part of the State of Ohio and over almost the entire State, as well as perhaps over many parts of other States, stone suitable for making grindstones is found in great abundance, and, as has just been stated, there is no complaint that they are expensive. They are cheap, they are manufactured inexpensively, and the product of this industry is very large. The present ad valorem duty on grindstones is 14.73 per cent., or nearly 15 per cent. ad valorem, and yet with this duty there were imported last year 3,159.75 tons of grindstones, valued at $37,548.75, and the duty paid to the Government was $5,529.54. It is now proposed to remove the duty entirely by placing grindstones on the free-list.

I am unable to understand why this duty should be removed, and certainly no reason has been given. Only the day before yesterday, in coming along the railroad between here and Chicago, we passed large quarries where this kind of stone is found in the greatest abundance. We passed over thousands of acres of it, and thousands of men are employed in quarrying the stone and in manufacturing the grindstones. Railroads are employed in transporting them, and they are being sent all over the country. Nothing can be more abundant in this country, and very few things are less expensive.

The proposition is to let grindstones come in free of duty. I do not see the object of such legislation. It means that the men who are now employed in this industry are to be turned out of employment, or their wages are to be reduced, and eventually the business must be abandoned.

It will be impossible to carry on this industry as it is now carried on if the duty is removed; and the men who are employed in the quarries and in the factories where the stone is dressed and in hauling the stone will be thrown out of employment, and this industry will be lost to the country, and money to the extent of many thousands of dollars will be carried out of the country.

No grindstones are made in my district, while very many of them are used; but I am in favor of protecting every American industry, and wish to enter my protest against placing grindstones on the free-list when stone is so abundant in this country and so suitable, and when labor will suffer a loss and business a misfortune by such a course.

I can not understand, Mr. Chairman, why it is that the gentlemen on the other side are so fearfully concerned in regard to hoarding up a few thousand dollars in the Treasury of the United States while they are not at all concerned in reference to sending money out of the country where it will be hoarded up in the treasuries of Europe. I would like to know if it is not just as harmful to the industries of this country to have a million dollars carried to London, to Liverpool, or to Manchester as it is to have that money locked up in the Treasury of the United States. It is just as much withdrawn from the channels of trade and the business of the country in the one case as it is in the other.

[Here the hammer fell.]

Mr. MILLS. The revenue from grindstones amounts to $5,529.54.

I do not think the admission of grindstones free of duty will make any especial difference here. I have not a doubt but what the grindstones from Ohio, of which my friend speaks, can be made cheaper there than anywhere else. I expect he will be able to send them everywhere throughout the United States. He need not have any fears that grindstones will come from anywhere else to crowd his grindstones out of the market. I hope we will have a vote on this proposition.

Mr. FARQUHAR. In the testimony taken before the last Morrison committee the Berea and Huron Stone Company of Ohio furnished, through Mr. FORAN, the Representative from Cleveland, quite an extended letter. By that letter I desire to call the attention of the House to a few paragraphs that cover this whole question of grindstones and also the export duty that is against American grindstones. I desire the Clerk to read the paragraphs I have marked, so that the House may have an intelligent idea of the grindstone trade.

The Clerk read as follows:

In the interest of the quarry owners of Ohio and the hundreds of workingmen employed in the quarries we desire to draw your attention to the following facts:

1. That there is essentially but little difference between a finished and unfinished grindstone. The latter are generally, to all intents and purposes, grindstones ready for use. All they lack is the eye through the center or a little smoothing off to finish them, which costs but a trifle. They were formerly shipped to this country in that shape simply for the purpose of evading the duty. There is no doubt that if unfinished grindstones are put upon the free-list no finished stones will ever be imported.

2. The bulk of the grindstones imported into this country are made in Nova Scotia and New Brunswick, and are used principally in the New England States. Even with the present duty upon them our rail rates are so high and the distance so great that we are obliged to make very low prices upon our stones to compete with those products.

3. The quantity of grindstones annually imported into this country from England is but a trifle. Nine-tenths of the imported stones come from the maritime provinces, as before stated. There are more grindstones consumed in the New England States than in all the balance of the country. Foreign grindstones being produced by cheap labor and brought there by water at low rates of freight, we are by the aid of the present tariff only enabled to get a fair share of that trade.

4. If grindstones are put upon the free-list the manufacturers of Ohio must abandon all the Eastern States to foreign stone, thus cutting off an annual shipment from here of many thousands of tons.

5. Nova Scotia and New Brunswick grindstones are of course free in their own country, but on every ton we ship into Canada we have to pay a duty of $2.

6. Mr. Mitchell claimed, when before the Ways and Means Committee, that foreign grindstones are absolutely required in large steel works. This is not correct. There may be, in the vicinity of Philadelphia, some steel works that use English stones, but we are positive that fully three-fourths of the steel manufacturers in the United States use Ohio grindstones. In fact, there is no class of grinding for which the various grits found in Ohio or Michigan are not adapted.

In conclusion, we wish to say that if grindstones of any kind are put upon the free-list the manufacturers of this State must either cut down quarrymen's wages sufficiently to offset the present duty or abandon the business in the Eastern States entirely.

The price of grindstones to-day is lower than was ever before known, which should satisfy the most skeptical that the present duty does not foster any monopoly.

Trusting that this matter will receive at your hands the attention which it deserves, we are,

Very truly, yours,

THE BEREA AND HURON STONE COMPANY.
GEO. H. WORTHINGTON, *President.*

The CHAIRMAN. If there is no objection, the *pro forma* amendment will be considered withdrawn.

Mr. RUSSELL, of Massachusetts. Mr. Chairman, I renew the *pro forma* amendment. I wish to call the attention of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] who spoke last to the fact that it appears from the evidence that has just been read that the grindstones that are imported into this country are brought from the maritime provinces of Canada for use in the New England States. Very few indeed are brought from England. The reason why those stones of great weight are brought from the maritime provinces is not because they are cheaper, not because they are water-borne, and the freights are long, but because there is no other grindstone that has a grit that is suited for the manufacturers of New England. The grindstones of Ohio have a sharper and harder grit. They are entirely of a different quality. They may be used in steel-works or in iron-works, but they are not suitable for the cutlery manufacturers of Massachusetts and Connecticut. They have never been used there. The duty upon grindstones imported from Nova Scotia and New Brunswick is merely a tax upon the manufacturers of Connecticut and Massachusetts in the cutlery interest.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I wish to say that some of the stone in the northern part of Ohio is very soft, so soft that it can be used to hone a razor. It is a very superior quality of stone.

Mr. RUSSELL, of Massachusetts. Yes; but where it is soft it is of uneven quality. I am glad the gentleman made the remark he did, because it reminds me to say that one of the necessities of the cutlery industry in these great grindstones that weigh a thousand pounds and upwards is equality of grit, and the difficulty with those Ohio stones is that while they are soft they have hard spots, so that they do not wear equally or run evenly upon the arbors upon which they are hung. The soft stones of Nova Scotia are the only ones that are fitted for the use of the cutlery manufacturers of New England, and in the interest of those manufacturers I ask that grindstones be put on the free-list, as they are not in competition with the industry of Ohio.

Mr. EZRA B. TAYLOR. I move to strike out the last word. Mr. Chairman, the testimony taken before the so-called Morrison committee and the testimony taken before the Tariff Commission in 1883 shows that the Berean grindstones will accomplish every purpose that the Nova Scotia or New Brunswick grindstones will accomplish, and that they are in every respect adequate to every task that can be put upon them. Therefore the statement of the gentleman from Massachusetts [Mr. RUSSELL] is a mistake. That, I say, appears quite clearly, so far as the evidence is concerned. This is merely a question of whether the New England States can be benefited by grindstones being put upon the free-list. Now, that may possibly be. I stand here to-day not in defense of any local interest. With me the question of a tariff is not a local issue. I believe in protecting American industry in New England, in California, and in every intermediate locality. I find, however, that local influences do govern in regard to free trade and protection on the Democratic side. I find that in New England in Democratic localities it is demanded that for immediate local advantage they shall have free trade in this, that, and the other thing, but beyond that they want protection.

Now, I have no sort of respect for that intellectual idea, although I may have great respect for gentlemen who urge it, and as to the item under consideration, I stand here to-day to say that according to the best evidence on the subject there is not in the United States anywhere any need or requirement for grindstones that can not be supplied in the United States, and furthermore, let me say that I do not believe that the adoption of this provision of the bill would cheapen grindstones to New England. I withdraw the formal amendment.

The motion to strike out was rejected.

The Clerk read as follows:

Curled hair, for beds or mattresses.

Mr. LODGE. I move to strike out that line. The horse-hair from which curled hair for beds and mattresses is made is largely imported into this country. It comes chiefly from South America, and is on the free-list. The curled hair that is affected by this clause is the result of labor applied in this country to the raw horse-hair, and the margin of profit in this industry is extremely narrow.

The wages paid in this country for making curled hair are nearly double those paid in the same industry abroad. The duty collected on curled hair last year amounted to $38.25 So that its removal is no relief to the Treasury. The effect of putting this article on the free-list, therefore, will be simply to strike a fatal blow at this industry, which is scattered through many of the Northern States; because, even with a reduction of wages, the domestic article could not probably be furnished at a sufficiently low price to enable it to compete with the imported product.

Sir, there is nothing, except, of course, "trusts" and "monopolies," which so much excites the virtuous and stormy eloquence of our friends on the other side as the question of the surplus. In this instance, however, the surplus is only affected to the amount of $38.25. Yet they propose to strike down a manufactured article which differs from the raw material purely in the labor which has been applied to it. The entire additional value of curled hair comes from the labor.

I utterly fail to see for what reason this is proposed. It is not a relief to the masses of the people; it does not relieve the necessaries of life; it does not reduce the surplus. Among the many items which we have touched in this bill I do not know that I have seen any which showed more decidedly the absolutely sectional and geographical character of the bill than this. I know this is a small industry; I know there is not much capital invested in it; there is no "trust" connected with it; but yet it affects a certain number of workingmen and American capitalists throughout the country and gives them employment and a reasonable living. The reason that they are selected as victims is because they are few in number and live for the most part in Northern States and Republican districts. It is all part of this same insincere and unfair policy which inspires this bill. For example, we have been told here to-day, with a burst of eloquence from the chairman of the Committee on Ways and Means, that it was our duty to put vegetables on the free-list; yet in that very speech he protested against any interpretation of the clause which would place potatoes on the free-list. If it is right to put vegetables on the free-list, why should there be a discrimination as to potatoes, a vegetable which enters probably more largely than any other into general consumption.

Again, a few minutes ago we heard pathetic addresses from the gentleman from Kentucky and other gentlemen on that side about the enormity of putting a "tax on knowledge." Why is knowledge sacred from taxation when embodied in the German, French, Greek, or Latin languages, while the tax is continued on English books? You continue the "tax on knowledge" when conveyed in the English language, the language of our country, but when "knowledge" comes in the shape of Greek, Latin, French, or German books you get up here and wail over the great hardship it would be if knowledge should continue to be taxed. The whole thing is a sham, a shallow device to catch votes, but you forget that you are trifling with the industrial life of the country. As a part of my remarks, I submit the following:

The Curled Hair Manufacturers of the United States, at a meeting held in the city of New York, on the 8th March, 1888, appointed a committee to prepare a suitable document to be presented to Congress, petitioning against the placing of "curled hair for beds or mattresses" on the free-list.

The committee, on behalf of themselves and their fellow manufacturers, de-

sire to present to your honorable body the following reasons why the present duty of 20 per cent. on curled hair should be retained as now:

The raw horse hair used in our business is mostly imported from South America, which country is the greatest source of supply for these goods in the world. Freights from that point to Europe are somewhat cheaper than to this market. The wages paid by the curled-hair manufacturers in Europe are less than one-half the rates given in this country, while the freights between Europe and the United States are so low as to enable the manufacturers abroad to ship goods to this market at less rates than we can transport them a few hundred miles in this country.

The profits of our business for many years have been exceedingly close, there being no combination or "trust" among the manufacturers, and the removal of the present duty would enable the European manufacturers, who pay their laboring men so much less than we do, to destroy our industry, and would result in the closing up of our factories and throwing out of employment of a large number of men.

The ostensible object of the proposed tariff bill is to reduce the revenue, and we would respectfully call attention to the fact that the amount of duty received by the Government last year on the imports of curled hair was only $38.25.

Curled hair is used almost entirely by the wealthier classes, and the abolition of the duty would not therefore remove any burdens from the mass of the people. It would simply benefit the manufacturers of the article in Europe at the expense of those in our own country.

The free importation of curled hair from Europe would be dangerous to public health. A certain proportion of the raw hair gathered in Europe is of such character as to be likely to cause disease if made into curled hair. The Governments of Germany and Great Britain have appointed commissioners to investigate the matter, and their reports show the great danger that exists from this source. Any manufacturing done in this country is amenable to our laws, but what is done abroad is not subject to any authority here and can not be prevented by any means now known to us.

We feel that your purpose in making laws is to benefit the great body of the people and at the same time do nothing to destroy existing industries; we would therefore respectfully but earnestly petition that the duty on curled hair be allowed to remain as it is now.

All of which is respectfully submitted.

B. F. WEBB, *Chairman*,
(Of Baeder, Adamson & Co., New York, Philadelphia, and Boston),
LOUIS WILKENS,
(Of William Wilkens & Co., Baltimore and New York),
W. J. GAMBELL,
(Of Pomeroy & Gambell, New York),
R. W. POWELL, *Secretary*,
(Of Delany & Co., Philadelphia and New York),
Committee.

[Here the hammer fell.]

The question being taken on the amendment of Mr. LODGE, it was not agreed to.

The Clerk read as follows:

Human hair, raw, uncleaned, and not drawn.
Hatters' furs, not on the skin.

Mr. BYNUM. I move to strike out the line last read—"hatters' furs, not on the skin."

Mr. REED. I hope the gentleman will tell us the reason for this amendment.

Mr. BYNUM. Gentlemen upon the other side have so repeatedly informed us of the complete destruction of American industries that will be wrought by the passage of this bill that we have become alarmed, and concluded that we must preserve some in order that manufacturing will not become a lost art. The production of hatters' furs will still live.

A MEMBER. Which district does this cover?

Mr. BYNUM. The entire State of Maine may depend upon it.

Mr. REED. That is as correct an answer as any gentleman on that side has made on this subject of the tariff. [Laughter.]

The amendment was agreed to.

The Clerk read as follows:

Hemp and rape seed, and other oil seeds of like character.
Lime.

Mr. BYNUM. I move to strike out the line last read—"lime."

Mr. REED. I hope the gentleman will tell us the ground of this amendment.

Mr. BYNUM. The same ground as the other.

Mr. BRUMM. I would like to know what member you expect to whip into voting for the Mills bill by striking this article from the free-list.

Mr. BYNUM. I would be glad to enlighten the gentlemen on the other side as to this change, but the contract is too great; we have not time.

Mr. REED. I have asked these questions of the gentleman from Indiana to see whether we should have here a repetition of the proceedings in the Committee on Ways and Means. This is precisely the answer which was given—not by him, for I think he maintained total silence on all occasions—but I believe this was the answer given us regularly. We were either told that they did not know, or we received some answer which was not true. This is a specimen of the way in which this bill has been gotten up. Even the modifications which the gentlemen themselves now make in it, they give us no reasons for, because the reasons which they have are such as are not suitable for the light of day.

Mr. BYNUM. The gentleman has stated that my answers as to the changes proposed in the bill are but a repetition of the actions of the Democratic members of the Committee on Ways and Means when formulating the measure. I simply desire to say that the conduct of the gentleman from Maine during the consideration of this measure in the House is but a repetition of his actions in the committee during the consideration of the same. The House can judge as to the propriety of one and the justification of the other.

Mr. REED. Now, I want the House to review this matter with me. I have asked here the reasons why a certain act was proposed to be done—a public act concerning the public business, concerning the business interests of the country. This was my manner in the Committee on Ways and Means; and that it was a good, sensible, business-like manner, it is not necessary for me to say. The gentleman's manner was not to reply, or to answer with some trifling jeer. Now, which manner is most satisfactory upon a business question? The methods we see exhibited here on the other side, are the methods by which this bill affecting the business interests of the country is foisted by party whip and lash upon the people who are to be affected by it, without giving them any opportunity to discuss the question or to inform the committee, except by private interviews which these gentlemen do not dare to expose.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana.

[Cries of "Vote!" "Vote!" on the Democratic side.]

Mr. REED. That is another of their methods; that is what they said in committee.

The amendment was agreed to.

The Clerk read as follows:

Garden seeds.
Linseed or flaxseed.

Mr. WILSON, of Minnesota. I move to strike out line 167—"linseed or flaxseed."

Mr. EZRA B. TAYLOR. I move to strike out that line.

The CHAIRMAN. The gentleman from Minnesota has submitted the motion to strike out line 167.

Mr. BRECKINRIDGE, of Arkansas. That amendment has the approbation of the Committee on Ways and Means.

The CHAIRMAN. Does the gentleman from Ohio [Mr. EZRA B. TAYLOR] desire to speak?

Mr. EZRA B. TAYLOR. I yield my time to my colleague [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I desire to call attention of the committee to an important and growing industry of this nation that has received but little attention in the discussion of the Mills bill. I refer to the linseed or flaxseed oil business. There are now in this country over $5,000,000 invested in operating over eighty linseed-oil mills, which are distributed from New York to Dakota.

In the Third Congressional district of Ohio over $1,000,000 are invested in this business. The present law protects the linseed-oil industry by a tariff of 25 cents per gallon upon all imported oil, and 20 cents per bushel on flaxseed. Under that protection the raising of flaxseed by our farmers has increased from an annual produce of 700,000 bushels to over 12,000,000, which crop finds a ready cash market from the linseed-oil mills at prices ranging from $1 to $1.25 per bushel, bringing to the pockets of the American farmers the sum of from twelve to fifteen million dollars each year.

The flaxseed crop to the American farmer is one of profit from the fact that the cost of said crop is comparatively light and the returns quick. The farmer sows his crop in April or May, and by the last of July or the first of August has his crop harvested and marketed, leaving the ground upon which it is raised in splendid condition for wheat. The proceeds of the crop come into the pocket of the farmer at a time when he has no other crop ready for market, and in addition to the sale of the seed the flax straw commands a ready market from $4 to $6 per ton.

The exports of linseed oil for the fiscal year ending June, 1887, is only 119,840 gallons, valued at $57,136. Thus it will be observed that the oil is nearly all consumed in the United States, and that the crop of flaxseed raised by the farmers of the United States increases in proportion to the demand of oil for home consumption. Now, throw open this growing industry to the markets of the world by placing flaxseed or linseed oil on the free-list. What will be the result? I send to the Clerk's desk three letters from parties engaged in the manufacture of linseed oil in Ohio, and request that they be read as a part of my remarks.

Those letters in clear, terse language tell what will become of over $5,000,000 of invested capital in mills and machinery for the manufacture of linseed oil, and the manufacture of linseed oil will cease to be an American industry.

Therefore by removing or reducing to a nominal sum the duty on linseed oil, you render it impossible for our oil-mills to compete with the oil-mills of England. The result must be the closing out of every oil-mill in the United States, or if they can continue in business it will be for the reason that free trade will enable the manufacturers to purchase flaxseed raised in India, where it is the second crop produced each year from the same ground, by labor that only costs 7 cents per day, at such a price that under the proposed reduction on oil they can compete with England; and the sure result will be that the burden and loss will fall on the farmer, and the heavy burden upon the Western farmer—the class of poor landless men who left their native homes in the crowded East and endured the hardships of a pioneer life in order that they might find homes and land for their children; for to the pioneer farmer of the Western prairies the flaxseed crop is the

prime factor and chief dependence for success, both in subduing the virgin soil and in producing a crop quickly made and quickly marketed.

Place flaxseed upon the free-list in the name of revenue reform you will filch from the pockets of the American farmers from twelve to fifteen million dollars. What amount of revenue does the Government derive from the present duty on flaxseed? We now import flaxseed to the amount in value of $418,031.30, on which the duty is $83,060.81, and the duty on linseed-oil is $1,319.30; so that the revenue by the destruction of this industry would only be reduced $84,380.11, and for that pitiful reduction you will reduce the income of the farmers $15,000,000.

But we are told that the farmers must suffer and the linseed-oil industry be destroyed in order that the consumers will have cheaper oil. How stands the record of the past on that subject? In 1862 nearly all the linseed oil consumed in this country was imported, and the consumer paid for his oil from 90 cents to $1.20 per gallon. In 1870 the present tariff of 25 cents per bushel was placed on flaxseed and the manufacture of linseed oil largely increased, and the raising of flaxseed grew from 3,000,000 to 12,000,000 bushels. I desire to incorporate into my remarks a table prepared by the gentleman from Minnesota [Mr. LIND], which shows that the flax crop of the United States in 1876 was 3,750,000 bushels, and that we imported 2,500,000 bushels, and that for the year 1887 our farmers produced 11,000,000 bushels and we imported 400,000 bushels.

	1875-'76.	1876-'77.	1877-'78.	1878-'79.	1879-'80.	1880-'81.
Crop of flaxseed	3,750,000	2,500,000	4,000,000	4,500,000	5,750,000	9,000,000
Importation of linseed	2,500,000	1,400,000	1,250,000	1,060,000	1,500,000	800,000
Total	6,250,000	3,900,000	5,250,000	5,560,000	7,250,000	9,800,000
Exported						300,000
Total quantity used for crushing and seeding	6,250,000	3,900,000	5,250,000	5,560,000	7,250,000	9,500,000

	1881-'82.	1882-'83.	1883-'84.	1884-'85.	1885-'86.	1886-'87.
Crop of flaxseed	7,500,000	7,500,000	7,500,000	8,000,000	12,500,000	10,900,000
Importation of linseed	620,000	620,000	2,730,000	2,240,000	1,000,000	400,000
Total	8,120,000	8,120,000	10,230,000	10,240,000	13,500,000	11,300,000
Exported					1,100,000	400,000
Total quantity used for crushing and seeding	8,120,000	8,120,000	10,230,000	10,240,000	12,400,000	10,900,000

Average from 1875 to 1886, 7,893,000 bushels.

Linseed oil in 1876 sold in the market at 80 cents per gallon; in 1888 at from 40 cents to 50 cents per gallon.

Therefore the theory of cheap oil to the consumer under free trade is contradicted by undisputed facts. I have not tried to explain the fallacy of your theory; I give the results of actual experience.

I ask the earnest consideration of the committee to this subject. The advocates of the Mills bill profess to be the special friends of the American farmers. How can you explain to the farmers of the great and growing West the necessity of destroying an industry worth $12,000,000 to the farmer in order to reduce the revenue of the Government $84,380.11? A policy that not only deprives the farmers of $12,000,000, but enriches the linseed capitalist of England at the expense of American citizens. And I am glad that the committee have concluded, in view of this great and growing industry, to permit the tariff on flaxseed to remain.

I append a few letters.

THE WOOD LINSEED OIL COMPANY,
Piqua, Ohio, March 19, 1888.

DEAR SIR: We presume it is hardly necessary to say to you that if the tariff was taken off of flaxseed or oil that every oil mill in the West (representing millions of capital) would be closed up; and that the item of seed raising, which has been increased in the United States under the present tariff from 700,000 bushels to more than 12,000,000 bushels, would be entirely cut off. Our farmers can not compete with free seed. The present tariff barely protects this great industry; and we trust you will use every effort in your power to have it remain as it is. We will forward you petitions before long.

Yours, very truly,

THE WOOD LINSEED OIL COMPANY.

Hon. ELI S. WILLIAMS,
Washington, D. C.

THE GRISWOLD LINSEED OIL COMPANY,
243 *Superior Street, Cleveland, Ohio, April* 13, 1888.

DEAR SIR: We wish to call your attention to the proposed change made by the Mills bill affecting import custom duty on linseed or flaxseed and linseed oil, placing both on the free-list. No change in the tariff could be so radical and unreasonable as this, in view of the simple argument which can not be gainsaid when the plain facts are considered governing the case. We have presumed that you, as a Representative from Ohio, will be willing to have attention called to this matter in brief, as follows:

We have in this country between 80 and 85 linseed-oil mills, representing a moneyed investment in machinery for working seed of $5,000,000 and over. These mills have sprung up, and the industry has grown to the extent that their capacity is sufficient to consume the entire production of flax grown in this country; and of late years the home production of seed by the farmer has increased along with the needs of the trade, so that little foreign seed is consumed here, as reference to the amount imported will readily show. In this country the seed is converted into oil and cake, the oil being the principal or prime factor, and is all consumed in the United States, and the cake is the refuse material, nearly all exported to England for feeding purposes. On the other hand, England works only Calcutta seed, raised in the East Indies, and the situation is then reversed, the manufacturer producing like products to our own, but upon an entirely different basis—their prime object being to obtain the cake for feeding, and the oil becomes the secondary product. It can therefore be readily seen that under the proposed change the entire basis of this manufacturing industry will be transferred to England, thus leaving our mills powerless and worthless, with no chance whatever to compete with them, as the production of seed in America would be entirely cut off, and we could not import seed and work it in competition with England. We give below the distribution of the mills by States:

Ohio	21	Pennsylvania	8
Indiana	7	Minnesota	3
Illinois	12	Wisconsin	3
Iowa	11	Michigan	1
Missouri	4	New York	7
Kansas	2		
Nebraska	1	Total	81
Dakota	1		

How could these mills expect to work seed imported from the East Indies (virtually England), paying freight from the seaboard to their different points, and export the cake, and at the same time successfully compete with English oil in this country and cake in their own. Our mills, it would seem, would become valueless, and it certainly would appear unjust to our manufacturers to wipe out their investment of capital for which nothing could be realized. As the matter stands with this change, no reduction of revenue, to speak of, would come, the only thing it would accomplish would be to wipe out completely this industry. Clearly this should not be done by Congress; at least, it should not be considered until Congress is prepared to reimburse the mill owners for the investments now represented by their machinery and buildings; that would relieve the surplus to a considerable extent, while the proposed change in the tariff would not.

A careful study of this matter will, we feel confident, show you the evil resulting, without any good.

Very respectfully,

THE GRISWOLD LINSEED OIL COMPANY,
A. P. HOUSE, *Vice-President.*

Hon. E. S. WILLIAMS, M. C.,
Washington, D. C.

PIQUA, OHIO, *June* 4, 1888.

DEAR SIR: We see by reports from Congress that amendments to the proposed Mills revenue bill will be in order soon. This being so, permit us to call your attention to the industry in which we are engaged as manufacturers of linseed-oil. Under the present tariff flaxseed has a protection of 20 cents per bushel and linseed-oil 25 cents per gallon. By the Mills bill flaxseed is free and linseed-oil (under pressure from the seaboard crushers) has 10 cents per gallon. The growing of seed in this country, without some protection from the cheap-labor seed of the East Indies, we think would be impossible, for the reason that the manufacturers find it very difficult to get a supply now, and would be entirely unable to get it if it was not the fact that it is considered a good crop for fresh-broken ground on the prairie of the extreme West and Northwest. Older farmers have almost abandoned it as a profitable crop in competition with wheat, corn, oats, barley, etc. Therefore should the duty be removed the American manufacturers would be sacrificed, and we think without benefit to the consumer.

The linseed-oil interest occupies an entirely different position in America from what it does in England. We manufacture oil for consumption, the cake being incidental and having to seek a market abroad for a large per cent. of it. While in England they manufacture for the cake, which is used largely for feeding and fertilizing purposes, oil being incidental. An English manufacturer buys his seed from the cheap lands of the India possession, manufactures it into cake and oil, the relative quantity being about 65 per cent. of the cake and 35 per cent. of oil. For the 65 per cent. he has the market, having to seek a market for only a portion of his 35 per cent.

In America the manufacturer has a market for the 35 per cent. and has to seek a market for a large portion of the 65 per cent. Now, if you take the duty from seed the American farmers refuse to grow it, and greatly so for the reason that the English manufacturer can throw his surplus 35 per cent. into the American market. Knowing full well if he can destroy the American-grown, he will ultimately have control of the American markets, as it would be impossible for the American manufacturers to import seed from India and then pay the increased cost of transportation on the cake, which must go back to England for a market. Having then effectually ruined the American grower, and through him the interior manufacturer, competition is virtually destroyed, and the English manufacturer advances his price on the 35 per cent. which he has to dispose of, and the American consumer has to pay the advance whether he wants to or not. We, therefore, under the existing facts, ask you to use your influence to keep the duty on foreign seed and oil, where it now is. Feeling fully assured that the price of oil will always be kept as low as it should be by the active competition of the American manufacturers.

Yours, respectfully,

THE W. P. ORR LINSEED OIL COMPANY,
Piqua, Ohio.

Per H. L. POPE & CO.,
Dayton, Ohio.

Hon. E. S. WILLIAMS,
Washington, D. C.

Mr. KERR. I move to strike out the last word.

Mr. TOWNSHEND. Is it an amendment to the amendment?

The CHAIRMAN. It is.

Mr. TOWNSHEND. What is the effect of it?

Mr. REED. The effect of it is to give him five minutes. [Laughter.]

The CHAIRMAN. The amendment is a formal one to strike out the last word.

Mr. KERR. That is it. It is the line in the Mills bill providing that linseed or flaxseed shall be put upon the free-list. That line is

indorsed by the Democratic party at the St. Louis convention. [Laughter.] The Democratic committee and the Democratic side of the House for some reason have seen proper to go back on that part of the Democratic platform. I do not know why it is, except it be the motion has been made by a Democratic member from Minnesota, who may think it conducive to his interest. [Laughter.]

I have received numbers of petitions and numbers of letters from my district in favor of striking out this provision. I am glad Democratic necessity has made it necessary. I withdraw my formal amendment.

Mr. HARMER. I move to strike out the last two words.

I send to the Clerk's desk to be read within my time a protest against the passage of the Mills bill, signed by over eight hundred manufacturers of the city of Philadelphia and vicinity, representing 150,000 employés.

The Clerk read as follows:

To the Honorable the House of Representatives, Washington, D. C.:

1. In selecting taxes for removal, the direct internal taxes, laid solely upon our own people, should be stricken off, rather than the indirect customs taxes, laid wholly or in part upon foreigners.

2. The maintenance of two costly methods of collecting revenue where but one is necessary is indefensible. Of the methods now employed, the customs service must be permanent. The other method should at once be abolished and the cost of it saved.

3. The protective principle embodied in the laws by the founders of this Government and maintained by the votes of the people for nearly one hundred years, should include in its benefits every American producer, whether of so-called raw material or of manufactured articles. All raw material when ready for market is, like the completed fabric, the fruit of labor, and labor is the thing protected.

4. The American market consumes annually more than $7,000,000,000 worth of articles manufactured at home. In addition, it consumed last year $350,000,000 worth of fabrics made abroad which could have been made here. These figures show it to be the greatest and richest market in the world; and they prove that its domestic manufactures, being still within its capacity to consume, have ample room for expansion without seeking foreign markets. To open the American market further to foreigners, while no foreign market is further opened to us, will be to surrender the richest commercial prize in the world without compensation.

5. Industries which produce $7,000,000,000 a year under a system proved by a century of experience to be conducive to national prosperity, represent interests of too vast importance for employers and employed, and for the people at large, to be made the subject of loose experiment. No general reconstruction of the tariff law, involving disturbance of the commerce of the entire country, should be undertaken, unless in response to the wish of the people plainly expressed at the polls, and the people have not expressed such a wish.

6. Any reconstruction of the tariff law should be based upon a system of specific rather than ad valorem duties, for the reason that the latter offer greater facility for the perpetration of the frauds which even now rob the Government of large sums of money every year.

As the tariff bill prepared by the majority of the Ways and Means Committee, and commonly known as the Mills bill, is constructed in complete disregard of all the conditions of safety, equity, and prosperity for the American people indicated by the above propositions, we, the undersigned manufacturers of the city of Philadelphia and vicinity, do most earnestly protest against its approval by Congress.

Name.	Business.	Number of persons employed.
Cambria Iron Company	Iron and steel	9,000
John & James Dobson	Carpet manufacturers	4,000
Thomas Dolan & Co	Woolens and worsteds	1,800
John Bromley & Sons	Carpet manufacturers	1,682
S. B. & B. W. Fleisher	Braids, worsted, and woolen yarns	584
John T. Bailey & Co	Bag and twine manufacturers	600
Marshall & Co	Flax-spinners	1,000
William Whitaker & Sons	Cotton goods and carpets	500
Firth & Foster Bros	Dyers and finishers	250
John J. Glazier, Bro. & Co	Knit goods	600
Porter & Dickey	Cotton and woolen goods	250
William Sellers & Co	Founders and machinists	600
The Allison Manufacturing Company.	Car-builders	800
A. Whitney & Sons	Car-wheels	250
Thomas Potter, Sons & Co	Oil-cloths	450
Hoopes, Townsend & Co	Bolts, nuts, and washers	650
Otis Brothers & Co	Elevators	700
George Branson	Hosiery and yarns	650
Fleisher Bros	Clothing	1,250
Hexter Bros	do	1,000
Allen B. Rorke	Builder	250
Excelsior Brick and Stone Company.	Bricks	550
The Brideaburg Manufacturing Company.	Textile machinery	650
Hughes & Patterson	Iron	300
J. W. Patterson & Co	Morocco	400
Dungan, Hood & Co	do	250
J. B. Lippincott & Co	Publishers and booksellers	500
G. W. Plumley	Paper boxes	400
William H. Grundy & Co	Worsted yarns	550
McCallum & Sloan	Carpets	400
Hastings & Co	Gold leaf	350
Hero Fruit Jar Company	Glass	750
Whitney Glass Works	do	700
Enterprise Manufacturing Company.	Hardware	650
Charles Spencer & Co	Cloakings and knit goods	500
American B. H. O. and Sewing Machine Co.	Sewing machines	402
Baugh & Sons	Boneblack and chemicals	525
The Pennsylvania Salt Manufacturing Company.	Chemicals	1,125
Sanquoit Silk Manufacturing Company.	Silk goods	800
The Jessup & Moore Paper Company.	Paper manufacturers	500
Whitney Paper Company	do	1,000
Bement, Miles & Co	Machine tools	600
Southwark Foundry and Machine Company.	Engines and boilers	500
Pottstown Iron Company	Iron and steel	1,600
John Mundell & Co	Shoes	600
John Lucas & Co	Paints	250
Baeder, Adamson & Co	Glue and curled hair	453
Burnham, Parry, Williams & Co	Locomotives	3,100
Bailey, Banks & Biddle	Watches, jewelry, etc	160
James Doak, jr., & Co	Worsted yarns	350

And 750 other manufacturing concerns, employing in the aggregate about 150,000 persons.

Mr. HARMER. The signers of this protest are gentlemen who have made Philadelphia the greatest manufacturing city in the United States, and also made it the city of homes, largely owned and paid for by the wage-earners under protection.

Mr. BURROWS. Has line 166 been stricken out?

Mr. BRECKINRIDGE, of Kentucky. We have passed it and we are now on line 167.

The CHAIRMAN. The Clerk will read the next line, which is line 168.

The Clerk read as follows:

Marble of all kinds, in block, rough or squared.

Mr. BRECKINRIDGE, of Kentucky. I move to strike out that.

Mr. BURROWS. On that motion I desire to be heard. When lines 165, 166 were reached, the reading was so rapid I lost the opportunity to make the motion in regard to line 166. I am quite sure if the committee will listen to what is said on that industry of garden seeds, they will unanimously agree to return to it and strike that line out. There was no information furnished to the committee on that subject we are aware of, but when the Tariff Commission was investigating the subject a large number of witnesses brought before that commission testified in regard to it. I have a short extract from the testimony taken and from a large number of witnesses, and only one suggested garden seeds should be free. I ask the Clerk to read this, and then I will ask unanimous consent to return to that line with the view to strike it out.

The Clerk read as follows:

GARDEN SEEDS.

D. Landreth & Sons, Philadelphia, say:

"This industry requires use of 30,000 acres of land, gives employment to thousands of people both in fields and in workshops. The pauper labor of Europe comes in competition. England's humid climate permits a larger yield, although the seed has not so much power as our own."

C. C. Morse, California, says:

"The seed-growing business in California is a new one, not more than eight years old, but this year (1882) we supplied the Eastern market with not less than 60 tons of garden seeds. We need protection anyway until we are stronger. We have not only European competition against us, but high freights. The vegetables of to-day are much better than those of fifty years ago, and improvement in next ten years will be very great."

Mr. Wells, of Connecticut, said: "I represent the seed farms of New England, near Wethersfield, where there are at least thirty seed-growing farms. We have been in this business for some time, and have buildings, etc., for carrying on this business properly; but the influx of foreign seeds of an inferior quality is driving us out. We have to compete, for instance, with turnip-seed, which they bring in at 10 cents a pound, while we can not grow it for less than 20 cents.

Mr. BURROWS. In view of that statement I ask unanimous consent to make a motion to strike out the line indicated.

Mr. MILLS. I object.

Mr. BURROWS. So I supposed.

The CHAIRMAN. The Chair will assume the *pro forma* amendment to be withdrawn.

Mr. BRECKINRIDGE, of Kentucky. The gentleman offered no *pro forma* amendment. My motion was to strike out that line, 168.

Mr. HOUK. I hope the House will agree to the motion of the gentleman from Kentucky to strike out the line he proposes.

The CHAIRMAN. The Chair thinks the House will.

Mr. HOUK. To keep this item in the bill would destroy an industry which employs several thousand men in my own county; and with free marble it is a notorious fact that American marble can not compete with foreign. I hope the motion will prevail.

The motion of Mr. BRECKINRIDGE, of Kentucky, to strike out the line was agreed to.

The Clerk read as follows:

Osier or willow, prepared for basket-makers' use.
Broom-corn.

Mr. JOSEPH D. TAYLOR. I move to strike out line 170, "broom-corn."

I am entirely unable to understand, Mr. Chairman, why broom-corn should be placed upon the free-list when it is a product of almost all parts of our country. Wherever corn can be grown broom-corn can be also. It can be produced in most of the States of the Union.

The Democratic caucus, or the Ways and Means Committee, has de-

creed that lime shall be restored to the dutiable-list, when it is not found in all parts of the country by any means, but is only found in certain localities. There are some States or parts of States where no limestone is found, and other States where very little is found. They have also restored to the dutiable-list linseed or flaxseed, which are only produced in certain localities.

They have also restored to the dutiable-list marble of all kinds in block, rough, or squared, which is largely a Southern production, and I am unable to see why there should be this discrimination against broom-corn. It is an agricultural product and is produced almost every place, and can be produced in the greatest abundance in this country, and can be grown cheaply as well as in abundance, and can be grown wherever any farm product can be grown, and should be protected. And yet it is to go on the free-list, while some influence has been brought to bear to restore the articles which I have just named, though they, like broom-corn, have been on the free-list until now.

Some Democratic district was imperiled, the return of some Democratic member was endangered, and the changes were accordingly made; but broom-corn is to go, as it is not a panacea for the evils feared on the other side of the House. The fact that it is an agricultural product, and the fact that it grows in all parts of the country and is produced largely by poor people makes no difference in this House.

This industry is an extensive one, and if it is to be prejudiced by the importation of broom-corn from Canada or Cuba, or any other foreign country, as it will be if placed upon the free-list, many poor people, as well as those who are not poor, will feel the effects.

I do not understand why it is to be brought here from Canada, or Cuba, or South America in competition with our American product, and I fail to see any reason for it which could possibly justify such action. Every dollar that is sent out of the country for broom-corn is so much drawn from the channels of trade unnecessarily, and we are just that much poorer. I have no interest in this industry beyond the fact that it is an American industry and should be protected. We are all interested in every American industry, and should be on the alert to see that no man or woman or child should be robbed of an opportunity to labor by giving employment to foreigners which we should give to our own people.

[Here the hammer fell.]

Mr. FARQUHAR. Mr. Chairman, I wish to inquire of the chairman of the Committee on Ways and Means if there ever was before a duty on broom-corn?

Mr. MILLS. I am inclined to think there was not; but there has never been any imported.

Mr. FARQUHAR. I can not find it in any official schedule, either on the free-list, on the list of sundries, or on the dutiable-list.

Mr. MILLS. None is imported. Therefore it ought to be on the free-list. The committee believed it to be proper to place it there, and I ask that we have a vote upon the pending proposition.

Mr. CANNON. What is the pending motion?

The CHAIRMAN. To strike out line 170—"broom-corn."

Mr. CANNON. Then, if broom-corn is stricken out, so far as the action of the committee is concerned, it will not be upon the free-list?

Mr. MILLS. Of course.

The CHAIRMAN. That is correct.

Mr. CANNON. Now, I would like to ask another question as to the present tax upon it.

Mr. MILLS. There is none imported.

Mr. CANNON. But what does the law provide that it shall pay if it is imported?

Mr. MILLS. It is not enumerated at all.

Mr. DINGLEY. It doubtless has a duty fixed in the unenumerated clauses of the bill—some basket clause.

Mr. MILLS. Yes, in some basket clause.

Mr. CANNON. Then what is it taxed under some general clause?

Mr. DINGLEY. Twenty per cent. under the basket clause.

Mr. CANNON. The gentleman from Maine says 20 per cent.

Mr. MILLS. It would doubtless come under the provision:

There shall be levied, collected, and paid on the importation of all raw or unmanufactured articles not herein enumerated or provided for a duty of 10 per cent. ad valorem.

Mr. CANNON. Ten per cent.?

Mr. MILLS. Yes, sir.

Mr. CANNON. And your action is to leave it as it is under the law?

Mr. MILLS. No, to put it on the free-list.

Mr. CANNON. The motion then came from that side?

Mr. MILLS. No, the motion came from your side to strike it off the free-list.

Mr. CANNON. I desire to be heard upon that motion.

I make a *pro forma* amendment as it may be necessary in order to obtain the floor.

From the statement of the gentleman from Texas the tax upon broom-corn imported is now 10 per cent. ad valorem. He says none is imported. Very well, then, what harm can it do to let it remain as it is under the law?

I want to state, further, that substantially two-thirds, as I understand it, from one-half to two-thirds, of all the broom-corn produced here is produced in the district I have the honor to represent. I understand further that almost all the remainder produced in this country comes from Kansas, with some small portion from Nebraska.

Mr. BAKER, of New York. A considerable amount is produced in the State of New York.

Mr. JOSEPH D. TAYLOR. And in Ohio.

Mr. CANNON. And a considerable amount, I am informed, is raised in New York and also in Ohio. I understand that it can be produced in Canada.

And yet 10 per cent. is sufficient to prevent the importation of broom-corn. This is purely an agricultural product. Gentlemen who understand it, understand that great labor has to be expended in its production, not only in preparing the ground, in seeding and in the cultivation, but the labor is enormous in harvesting and preparing for the market. In fact, so far as that is concerned the product may be said to be represented by more than four-fifths of labor. So I trust the gentleman will allow the motion to prevail and let broom-corn stand as it now does, with a tax of 10 per cent. ad valorem, which he informs us is the tax.

Mr. MILLS. Mr. Chairman, one of the most distinguished Secretaries of the Treasury our country ever had, Mr. Walker, lays down among the principles to guide in the formation of a tariff bill this: That where an article bears a very low duty, and the importation is very small, or it is not imported at all, the article ought to be transferred to the free-list. We have put this article on the free-list, finding no importation of it at all even under this nominal duty. Besides that, we have reduced the duty on the manufactured product. We all know enough about the manufacture to know brooms are made out of broom-corn. We have reduced the duty on brooms and put broom-corn on the free-list. My friend says they raise it in his district. I suppose that is true of almost every district in the country. I know they raise it in my district. The very fact that none is imported into the country, I think, ought to be accepted as sufficient proof to all of us that we produce it cheaper than it can be produced by anybody abroad and sold in our neighborhood in competition with us.

Mr. CANNON. What will be the effect of leaving the duty as it is?

Mr. MILLS. There will be no effect at all to your part of the country, and perhaps to no other part of the country.

Mr. CANNON. Then, as it has been said the farmer has no place in this bill, we would much rather——

Mr. MILLS. The prosperity of the farmer does not depend on broom-corn.

Mr. CANNON. As the gentleman says it will do no harm, we would much rather have the duty remain as it is.

Mr. MILLS. Let us vote. It is too small a matter to talk about.

The Chair put the question, and was in doubt as to the result.

Mr. CANNON. I call for a division.

The committee divided; and there were—ayes 60, noes 82.

Mr. HOPKINS, of New York. I challenge the count.

Mr. JOSEPH D. TAYLOR. I demand tellers.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Illinois [Mr. CANNON] and the gentleman from Texas [Mr. MILLS].

The committee again divided; and the tellers reported—ayes 60, noes 83.

So the amendment was rejected.

The Clerk read as follows:

Brush-wood.
Plaster of Paris, when ground or calcined.

Mr. MILLS. Mr. Chairman, I move to strike out line 172.

The motion was agreed to.

The Clerk read as follows:

Rags, of whatever material composed.

Mr. DINGLEY. I move to strike out that line. I wish to inquire of the chairman of the Committee on Ways and Means if the sole effect of this line is not simply to admit free of duty woolen rags, which now pay 10 per cent?

Mr. MILLS. Rags, of whatever material composed.

Mr. DINGLEY. I think the sole effect of this line is to admit free of duty woolen rags, which now pay a duty of 10 per cent.

Mr. BRUMM. To admit woolen rags and yellow fever.

Mr. DINGLEY. It is to be borne in mind that this practically affects the wool question, because woolen rags imported into this country and worked here in the form of shoddy take the place of wool to a large extent, and furnish one of the means by which the price of wool has been largely crowded down.

Now if it is proposed to put wool upon the free-list, woolen rags, of course, should follow in the same direction. But if it is not proposed to put wool upon the free-list, then woolen rags should not be put upon the free-list but should retain the same duty that they have at present, competing, as they do in so material an extent, with the use of wool. I would therefore suggest to the gentleman from Texas that by unanimous consent we pass over this line until we shall have reached and determined the question of wool.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that this line may be passed for the present.

Mr. DINGLEY. I do not see the chairman of the Ways and Means Committee present, but I noticed the gentleman from Kentucky [Mr.

BRECKINRIDGE], who is on that committee. I will say to that gentleman what I said a moment ago, thinking the chairman of the committee was present, that if wool is put on the free-list, then of course woolen rags ought to be, but if wool is not put on the free-list woolen rags should not be. My question was whether the committee would not consent to pass over this line until wool is disposed of.

Mr. BRECKINRIDGE, of Kentucky. I heard the gentleman's remark and consulted with the chairman of the committee (who has been called out), and he objected to passing over this line.

Mr. DINGLEY. Then I hope that the motion which I have made that this line be stricken out may be adopted, for this is simply the preliminary contest with reference to the question of free wool. My belief is that one of the most ruinous acts which this Congress could perform would be the placing of wool upon the free-list—ruinous not simply to the farmers who produce wool in this country, but ruinous in the long run to the consumer, resulting eventually in increasing rather than decreasing the cost of woolen cloth to the consumer. Now, as this is the preliminary step in the matter, and the question practically is to be determined here, for woolen rags should not be put upon the free-list unless wool is to be, I hope that this House will meet the question at this point and determine whether it is to be the policy of the majority to put wool upon the free-list, as this bill proposes, in which case, of course, woolen rags would follow.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, in 1866 this question of free woolen rags was under debate in this House in connection with the question of the making of shoddy. It was not proposed at that time to put wool upon the free-list, and I send to the Clerk's desk an extract from the debate giving the remarks of one of the present members of the Committee on Ways and Means of this House, the gentleman from Pennsylvania [Mr. KELLEY], from which it will be seen that even if wool were not to be put upon the free-list, which is altogether an idle supposition at this time—that even if it were not to be put upon the free-list, yet very weighty authority upon the other side of the House then held that nevertheless woolen rags should be put upon the free-list. I ask the Clerk to read the extract which I send to the desk.

The Clerk read as follows:

July 28, 1866.

Mr. KELLEY. Let the raw material come in. Let us make blankets that will drive out English blankets. Let us make our own "English frieze" and "Peterboro' frosted beaver." Let us be able to rival England and France and other representative nations in making these cloths.

Mr. BRECKINRIDGE, of Arkansas. Now, Mr. Chairman, this was about woolen rags, and it is true now as then that if anything is raw material I suppose it is old rags.

And upon the question of raw material I wish to have read an extract from the remarks of Mr. DAWES showing how different were the views entertained by gentlemen upon the other side of the House at that time from those entertained there now.

The Clerk read as follows:

June 29, 1866.

Mr. DAWES. The duty must be levied on the raw material or on the manufactured article. If you levy it on the raw material you discriminate against American labor, and if you levy it on the manufactured article you discriminate in favor of American labor. You must have either a protective tariff or a tariff which discriminates against American labor.

Mr. BRECKINRIDGE, of Arkansas. I submit, sir, that it is nothing less than mockery for this same class of gentlemen to now claim, when we are trying to do what they said until the recent past was best for labor, that we shall lessen wages. Your party has taken a new departure. You are the Chinese party of monopoly.

Mr. ADAMS rose.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. ADAMS. The amendment pending is to strike out the line. I move to amend the line by striking out the last three words and inserting in lieu thereof the word "cotton."

A MEMBER. Cotton rags are on the free-list.

Mr. ADAMS. Well, I make the motion merely for the purpose of submitting a few remarks. By the existing law I find——

Mr. MILLS. Mr. Chairman, I ask the gentleman from Illinois to yield so that I may make a motion that the committee rise, in order to let the Committee on Appropriations present a bill.

Mr. ADAMS assented.

The CHAIRMAN. The gentleman from Illinois [Mr. ADAMS] having the floor, the Chair will recognize the gentleman from Texas [Mr. MILLS] to make the motion indicated by him.

Mr. MILLS. I move that the committee do now rise.

The committee accordingly rose; and Mr. BLOUNT having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

The SPEAKER *pro tempore* laid before the House the legislative, executive, and judicial appropriation bill, with the action of the Senate thereon, as follows:

IN THE SENATE OF THE UNITED STATES, *June 26, 1888.*

Resolved, That this bill pass with amendments.

Mr. FORNEY. I move that the House insist upon its disagreement to the amendments of the Senate, and ask for a committee of conference.

The motion was agreed to; and the Speaker *pro tempore* appointed as conferees on the part of the House Mr. FORNEY, Mr. RANDALL, and Mr. CANNON.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. I rise to a privileged motion. I am instructed by the Committee on Agriculture to move that the House non-concur in the amendments of the Senate to the agricultural appropriation bill, and agree to the conference asked by the Senate.

The SPEAKER *pro tempore*. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes.

Mr. ADAMS. Mr. Speaker, ought not these amendments to go to the Committee of the Whole on the state of the Union?

The SPEAKER *pro tempore*. They must take that course if a point of order be made.

Mr. ADAMS. If the gentleman from Missouri [Mr. HATCH] will state the purport of these amendments, I shall probably make no point of order.

Mr. HATCH. There is no necessity that the amendment should go to the Committee of the Whole. The two principal amendments—the only ones on which there will be any controversy—will come before the House at the proper time. One of these proposes to appropriate $100,000 for additional sugar experiments—a matter that the House committee considered as closed with the last report, and a matter for which no appropriation was asked by the Commissioner of Agriculture in the Book of Estimates. The other of these amendments proposes an appropriation of $25,000 for an agricultural experiment station, somewhere out in the Northwest. This is proposed just after we have established an experiment station in every State and Territory where there is an agricultural college.

Mr. ADAMS. May I ask the gentleman whether he is in favor of concurring or non-concurring, and if so, why?

Mr. HATCH. My motion is to non-concur in the Senate amendments, and let them go to a conference committee. When the conference report is presented, the House can take a vote upon the question. If the gentleman wants my individual opinion, I have no hesitation in the world in giving it to him.

Mr. ADAMS. That is the only opinion I can get now.

Mr. HATCH. I have voted for every appropriation for these sugar experiments down to a point where every single man connected with the matter said that every dollar that was necessary had been appropriated. Not only that, the committee authorized and instructed me to say upon the floor on their behalf that they would ask no further appropriation for this purpose.

I did make that statement a year ago. These experiments have gone as far as the Commissioner himself can find anything to experiment upon, except that you can take $100,000 of the people's money and throw it into the pockets of some favored man who happens to have a sugar manufactory situated somewhere in some favored district. That is all there is in the matter.

Mr. ADAMS. With the exception of those two amendments there is nothing substantial involved.

Mr. HATCH. The others are small amendments, cutting down or raising a salary here and there; they amount to nothing substantial.

Mr. ADAMS. I make no point of order.

Mr. HATCH. I demand the previous question on my motion that the House non-concur in the Senate amendments and agree to the conference asked by the Senate.

The previous question was ordered; and under the operation thereof the motion of Mr. HATCH was agreed to.

Mr. HATCH moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BELMONT. I rise to make a privileged motion—that the House agree to the conference report on the disagreeing votes of the Senate and House upon the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889. The report is at the desk. I ask that it be laid before the House. I desire to move that the report be agreed to and that the House insist on its disagreement to the amendment numbered 16, and ask a further conference with the Senate on that amendment.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6833) "making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 22, 23, 24, 25, and 31.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 19, 20, 21, 26, 27, 28, 29, and 30, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to

the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: Strike out from said amendment the words "and consul-general;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out the sum named in said amendment and insert in lieu thereof $378,500; and the Senate agree to the same.

Amendment numbered 16: As to amendment numbered 16 the committee of conference has been unable to agree.

PERRY BELMONT,
JAMES B. McCREARY,
WM. W. MORROW,
Managers on the part of the House.
EUGENE HALE,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

The following statement was subsequently furnished to accompany the report:

The managers on the part of the House submit the following statement, to accompany the report:

The principal amendments made by the Senate, in which the House managers concurred, change the rank of several of the foreign missions, without increasing the salaries, and provide for two additional secretaries of legation. The conferees have been unable to agree upon the provision for an expedition to explore and report upon the resources of the Congo Basin, and ask for a further conference.

PERRY BELMONT,
JAS. B. McCREARY,
WM. W. MORROW,
Managers on the part of the House.

Mr. ADAMS. Will the gentleman from New York [Mr. BELMONT] state what the sixteenth amendment is?

Mr. BELMONT. The sixteenth amendment provides for an appropriation of $25,000 for a commission to explore the Congo Basin and report upon its products and commercial capabilities. The Senate insists upon that amendment; we desire to insist upon our disagreement, and ask a further conference.

Mr. BURROWS. Is there any statement furnished by the House conferees in connection with this report?

Mr. BELMONT. I can give it verbally.

Mr. BURROWS. But I understood this was a conference report.

Mr. BELMONT. It is the conference report as agreed to by the Senate.

Mr. BURROWS. But there are certain amendments of which we desire to know the effect.

Mr. BELMONT. I will state to the House——

Mr. BURROWS. The rules require that a written statement be submitted by the House conferees to accompany the conference report.

Mr. BELMONT. Do I understand that the gentleman insists upon a written statement?

Mr. BURROWS. The rules require it. I will, however, waive the demand if the gentleman will state the matters in issue between the two Houses.

Mr. RANDALL. I ask that the gentleman from New York have leave to file that statement hereafter.

Mr. BURROWS. Of course the report as read by the Clerk that certain amendments designated by number are agreed to, and certain others disagreed to, does not convey any information.

Mr. BELMONT. I will repeat the statement which I made at the time of the ordering of the conference. There have been comparatively few and unimportant changes made by the Senate. The amendments we have agreed to raise the rank of ministers-residents to that of envoys without increase of salaries. There are some changes by the Senate in regard to Mexican consulates. Some of these strongly commended themselves to the House conferees, particularly the transfer of the consulate-general from Matamoros to Nuevo Laredo. But others could not be adopted without doing injustice, and the result of the conference was that all the proposed changes were abandoned, the Senate conferees desiring to either have all the changes retained or none. So, in this respect, the bill is now as it passed the House.

Mr. ADAMS. Has the House considered these amendments, or were they by unanimous consent sent to conference?

Mr. BELMONT. They were sent to conference by unanimous consent, after a statement such as I have already made in reply to the gentleman from Indiana [Mr. HOLMAN].

Mr. ADAMS. Did the House consider the Senate amendments?

Mr. BELMONT. After a statement made in the House they were sent to a conference committee.

Mr. ADAMS. A conference was ordered by unanimous consent, according to a practice which the gentleman knows, I suppose.

Mr. SPINOLA. I move by unanimous consent the time of the session be extended five minutes, so we may dispose of this matter.

Mr. HOPKINS, of New York. I object.

The SPEAKER *pro tempore*. Does the gentleman from Michigan insist on the point of order?

Mr. BURROWS. I do not.

The SPEAKER *pro tempore*. The question recurs on the adoption of the conference report.

The conference report was adopted.

Mr. BELMONT moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BELMONT. In accordance with the suggestion of the gentleman from Pennsylvania [Mr. RANDALL], I will add a written statement to accompany the report.

CONFEREES APPOINTED.

The SPEAKER *pro tempore* appointed as conferees on the disagreeing votes of the two Houses on the agricultural bill, Mr. HATCH, Mr. DAVIDSON of Alabama, and Mr. CONGER.

The hour of 5 o'clock p. m. having arrived (in accordance with the previous order), the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BOOTHMAN: A bill (H. R. 10644) granting a pension to Elizabeth Peterson—to the Committee on Invalid Pensions.

By Mr. McCULLOGH: A bill (H. R. 10645) for the relief of Enoch Pierce—to the Committee on Pensions.

By Mr. MERRIMAN: A bill (H. R. 10646) granting an increase of pension to Harriet E. Martin—to the Committee on Invalid Pensions.

By Mr. MOFFITT: A bill (H. R. 10647) granting a pension to Samuel J. Wright—to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 10648) to correct the military record of Cincinatus Condict—to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 10649) to increase the pension of Mrs. Sue B. Johnson—to the Committee on Invalid Pensions.

By Mr. WOODBURN: A bill (H. R. 10650) removing the charge of desertion from the military record of Mathew Totten—to the Committee on Military Affairs.

By Mr. SENEY: A bill (H. R. 10651) granting a pension to Arminda H. Tracy—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. GEST: Papers in the pension claim of Eliza Richardson—to the Committee on Invalid Pensions.

By Mr. HARMER: Joint memorial of the Board of Trade, Commercial, Maritime, and Drug Exchanges of Philadelphia, opposing Senate bill No. 1448 and House bill No. 4923—to the Committee on Rivers and Harbors.

By Mr. McRAE: Petition of A. Park and others, of Euclid, Howard County, Arkansas, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. PHELAN: Petition of Mrs. Mary L. Behr, of Shelby County, Tennessee, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. G. M. THOMAS: Petition of W. B. Cooper, and of William M. Lewman, for pensions—to the Committee on Invalid Pensions.

The following petition, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, was referred to the Committee on Invalid Pensions:

By Mr. WALKER: Of 20 citizens of Douglas County, Missouri.

The following petition praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. OSBORNE: Of 390 citizens of the United States.

SENATE.

FRIDAY, *June* 29, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. STEWART presented a memorial of raisin-growers, citizens of Fresno County, California, remonstrating against a reduction of the tariff on raisins; which was referred to the Committee on Finance.

Mr. VEST. I present petitions of the Merchants' Exchanges of St. Louis, Cincinnati, Louisville, Nashville, Chattanooga, Atlanta, and Tampa, praying that an appropriation be made for improving the harbor of Tampa Bay, Florida, at Mango Point. This is one of the items in the river and harbor bill that is pending, and I suppose the proper course would be to let the petitions lie on the table and be printed.

The PRESIDENT *pro tempore*. The petitions will lie on the table and be printed, if there be no objection. The Chair hears none.

Mr. GEORGE presented the petition of Louisa Q. Lovell and others, heirs of General John A. Quitman, praying to have their claim against the Government for rent of plantation belonging to them, situated in

Warren County, Mississippi, referred to the Court of Claims; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the bill (H. R. 1338) to extend the leave of absence of employés in the Government Printing Office to thirty days per annum, reported it without amendment, and submitted a report thereon.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

He also, from the Committee on Printing, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAVIS, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6057) to increase the pension of Edward Healy;

A bill (H. R. 10212) to amend an act granting a pension to John Etzell, approved March 3, 1879;

A bill (H. R. 10356) granting a pension to J. T. Vincent; and

A bill (H. R. 3772) granting a pension to Perry D. Martin.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 7708) to increase the pension of Annie Gibson Yates, reported it with an amendment, and submitted a report thereon.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 9346) granting a pension to Frank H. Reed, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 8354) to authorize the construction and maintenance of a pile-bridge over the Halifax River at Daytona, Volusia County, Florida, reported it without amendment.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 995) for the relief of Robley D. Evans and Richard M. Green, reported it without amendment.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 3240) granting a pension to Benjamin P. Dobson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3241) granting a pension to Easter A. Jackson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONES, of Arkansas, introduced a bill (S. 3242) granting a pension to John Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STEWART (by request) introduced a bill (S. 3243) granting an increase of pension to Mary C. Ringgold; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 3244) to equalize the allowances for office expenses at Presidential post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FAULKNER. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill. I also file with the amendment a report from the Supervising Architect's Office recommending that the appropriation be made. I move that the amendment be printed, and that it be referred, with the papers accompanying it, to the Committee on Appropriations.

The motion was agreed to.

Mr. SAWYER, Mr. TELLER, and Mr. MANDERSON submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. BROWN. I submit an amendment intended to be proposed by me to the sundry civil appropriation bill. I ask that the amendment be treated as an additional section. I move that it be printed and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. MANDERSON and Mr. TELLER submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes; asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. FORNEY, Mr. RANDALL, and Mr. CANNON managers at the conference on its part.

The message further announced that the House insisted upon its disagreement to the sixteenth amendment of the Senate to the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889; asked a further conference with the Senate in the disagreeing votes of the two Houses thereon, and had appointed Mr. BELMONT, Mr. MCCREARY, and Mr. ROCKWELL managers at the further conference on its part.

The message also announced that the House further insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes; asked a further conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLEMENTS, Mr. FELIX CAMPBELL, and Mr. MCCOMAS managers at the further conference on its part.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HATCH, Mr. DAVIDSON, of Alabama, and Mr. CONGER managers at the conference on its part.

The message also announced that Mr. MORROW had been appointed a manager on the part of the House at the conference on the sixteenth amendment of the Senate to the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889, in place of Mr. ROCKWELL.

The message further announced that the Speaker had appointed the following committee on the part of the House to attend the Centennial Exposition of the Ohio Valley and Central States:

Mr. BENJAMIN BUTTERWORTH, of Ohio;

Mr. WILLIAM M. SPRINGER, of Illinois;

Mr. WILLIAM C. P. BRECKINRIDGE, of Kentucky;

Mr. GEORGE W. STEELE, of Indiana; and

Mr. MELBOURNE H. FORD, of Michigan.

The message also announced that the House had passed a joint resolution (H. Res. 188) authorizing the loan of tents and camp equipage to the veteran organizations of the Society of the Army of the Potomac; in which it requested the concurrence of the Senate.

ARMY APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate resume consideration of the Army appropriation bill.

The PRESIDENT *pro tempore*. If there be no further morning business that order is closed; and the Senator from Iowa moves that the Senate resume the consideration of the Army appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, the pending question being on the amendment proposed by Mr. HAWLEY to add the following additional sections to the bill:

SEC. 3. For the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an army gun factory for finishing and assembling heavy ordnance, to be erected at the Watervliet arsenal, West Troy, N. Y., in accordance with the recommendation of the Gun Foundry Board of February 16, 1884, $750,000.

SEC. 4. For the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $5,000,000: *Provided*, That no money shall be expended except for steel accepted and delivered.

SEC. 5. The material for the guns provided for in section 4 shall be purchased in accordance with section 3709, Revised Statutes, for which purpose the Secretary of War is authorized to make contracts with responsible steel manufacturers, after proper advertisement, continuing not less than thirty days, in the newspapers most likely to reach the said manufacturers: *Provided*, That each bidder with whom such contracts shall be made shall agree to erect in the United States a suitable plant, including the best modern appliances, capable of making all the steel required, and of finishing it in accordance with the contracts, and shall further agree to deliver yearly a specified quantity of each caliber, the time of the delivery of the steel for the smaller calibers of heavy guns to commence at the expiration of not more than eighteen months, and that for the largest calibers specified in the advertisement at the expiration of not more than three years from the date of the acceptance of the contracts; and that all the material for said guns shall be manufactured in the United States.

SEC. 6. For the purchase of submarine mines, for needful casemates, cable galleries, and appliances to operate submarine mines; for continuing torpedo experiments, and for practical instruction of engineer troops in the details of torpedo service, $500,000.

SEC. 7. For the purchase of submarine controllable torpedoes or torpedoes and torpedo-boats controllable from shore and adapted to coast defense, $100,000.

SEC. 8. The appropriations provided for in sections 3, 4, 6, and 7 shall be available until expended.

Mr. GORMAN. Mr. President, my objection to the amendment of the Senator from Connecticut is based upon the fact that this is not the proper time nor the proper bill for the consideration of the question presented by that amendment. I regret exceedingly that he has offered the amendment. I made the point of order against it and I oppose it now, not because I am opposed to a sufficient appropriation to begin the great work of constructing heavy ordnance, but because I believe that this is not the proper bill nor time to consider that question, nor do I believe that the terms of the amendment are sufficiently guarded to protect the interests of the Government in beginning the manufacture of heavy ordnance in a Government shop.

The terms and conditions and restrictions under which we shall begin this work on a large scale have been a subject of consideration for the last twenty years, and I believe there is scarcely an exception among those who have considered it, outside of the officers of the Ordnance Department, that the system proposed by the amendment of the Senator from Connecticut is vicious and will result in disaster. To appropriate $6,350,000 in addition to that which is provided for in the general appropriation bill, making in all over $7,000,000, and to place the expenditure of that entire amount in the hands of the Ordnance Department, would, I think, as has been the case with every other government that has attempted to manufacture arms in the same way, become extravagant, corrupt, and bad, and be without satisfactory results in the end.

The history of the manufacture of heavy ordnance shows that there have been three systems: One for the Government itself to manufacture these guns; the second, for the Government to enter into partnership with private individuals; and the third, to rely alone upon private enterprise for the manufacture.

We must be guided by the experience of the world in this matter. In the consideration of the question by the Committees on Appropriations on the fortifications bill, upon which this question was to be considered and has always been considered, the great controversy has been from the Fortieth Congress until now as to the exact mode of utilizing the appropriation when made. Congress has never at any time heretofore attempted to engraft upon the Army appropriation bill a provision of this character, but has considered it wise to place it alone upon the fortifications bill, where it should be considered and where all the conditions that Congress in its wisdom thought proper might be imposed. The Senator from Connecticut by his amendment proposes to place the whole $6,350,000 in the hands of the Ordnance Department, to be disposed of as they see proper.

Let us see what has been the result of the systems that I have indicated elsewhere. In the report of Sir H. Bessemer and Professor Osborne Reynolds to the English Parliament they take up the case of the Woolwich arsenal, where the government has manufactured its own guns, and they come to the conclusion that the government itself can not make guns properly, with economy and efficiency. They say, in their report, of their very best government shop, Woolwich, a miniature of which the Senator proposes we shall have without the safeguards which are thrown around the English shop:

> We believe that the defects in our own system of ordnance arise, and are likely to have undue continuance from the absence of independent criticism, and in consequence of the technical advisers of the government being the same persons as those who either are or have been in charge of the manufactories responsible for these defects. We believe there are in existence several systems of ordnance superior to the Woolwich system, but that these have not had fair trial in this country because of the jealousy of the technical advisers of the government in favor of our own system. This jealousy has caused an undue resistance not only to the adoption of better ordnance, but also to the reception of true theoretical principles of gunnery and the construction of ordnance.

Rear-Admiral Simpson says in his report of the plan of financially involving the Government in a joint operation with private parties:

> The experiences in England and Russia are very instructive and warn against the adoption of such a system. In England the government, in addition to paying during several years very high prices for articles delivered, was forced to pay £65,000 to close an agreement, while the company, besides the profits in manufacture, came into possession of a complete working plant at a mere nominal valuation.
>
> In Russia the government finds itself involved with a stock company, paying excessive prices for what it receives, and discovers no way of relief except by buying up shares and operating the establishment as a government foundry.

Of the third method, that of giving the entire contract to private works, splendid examples of success are found in the establishments of Krupp and Sir William Armstrong. They supply guns, complete, to all parts of the world. Still, serious objections are made to sole reliance upon this method, which are thus stated by the Simpson board:

> As an example of depending almost entirely on private works, Germany is a perfect instance. The works of Mr. Krupp are practically the sole source of supply of the government artillery. In such a case the government must be the slave of the corporation and subject to its whims, caprices, and conveniences. It needs no argument to show the dependent condition of the government under such a rule; it might prove a source of the greatest embarrassment. The board is well informed that ten or eleven years ago the artillery officers were very restive under this load and were making strenuous efforts to be relieved from it, but without success. It is hardly to be supposed that time has quieted the feelings of dissatisfaction.

After the examination of these reports and a thorough consideration of this whole question it was practically the unanimous opinion of Congress that you could neither build ships of war constructed of steel nor make guns of great power unless you had the two systems combined by throwing open to the inventive genius of the country an opportunity to build ships in competition with the Government, and making the steel of which these guns are to be constructed and assembling and finishing them and making them complete, subject to a test by the officers of the Government in competition with the Government establishments.

Mr. HAWLEY. I did not quite hear. May I ask what Government the Senator is speaking of now?

Mr. GORMAN. I spoke of the Russian Government, where they relied upon contracts alone, and I read from Commodore Simpson's report upon that subject.

Mr. President, let us go back for a moment. The Senator from New Hampshire [Mr. CHANDLER], whom I see in his seat on the opposite side of the chamber, has had practical experience and knowledge of these affairs. You had not in 1880 any Government officers of sufficient knowledge and experience to design a vessel of power and speed; you had not the facilities in your navy-yards to build one, nor was there more than a single private contractor who would undertake to produce the steel for a vessel of war. You were compelled to make contracts for the entire construction of the hulls and the machinery with the one man who was the pioneer in all this business in this country, a man of force, a man of energy, a man of great will-power and intense patriotism, who was ahead of his time. I refer to the late John Roach, one of the greatest men that we have had within our borders in half a century. He was ahead of all the naval officers and the officers of the Ordnance Department, having energy and skill and bravery enough to establish the first plant of any magnitude within the United States. He constructed the first great vessel that you had.

The plant which he established upon the Delaware made it possible for us to obtain and improve the machinery for the purpose of making great guns. But because he was the only man whose genius and enterprise had taken him far in advance of the scientific men in the ordnance branches of both departments of this great Government, by the rivalry and the enmity between naval boards and bureau chiefs and the criticism of mere theorists he was destroyed.

As we advanced a step further Congress, without any consideration of political questions, as there are no politics in it to-day, said that this defect of having the Government to rely exclusively upon a private concern is destructive to individual enterprise and bad for the Government; so the last Congress made ample provision not only for the purpose of contracting with individual firms and corporations to make the steel for your armored vessels and to make steel for the great guns up to 10 and 12 inches, but the Ordnance Department of the Navy, by direction of the Secretary of the Navy, selected the yard here at Washington as the great shop for completing and assembling the guns that were to be made out of the rough steel furnished by private enterprise.

The result of the policy was that not only Mr. Roach's ship-yard, but Crump's, at Philadelphia, a firm in Baltimore, and another one in San Francisco and the great firms at Wilmington came forward and made bids for the construction of the great war-vessels. You have competition among themselves, and you had the navy-yards of Norfolk and New York prepared to do the work, and they are now constructing two of the great engines of war which the last Congress provided for. You have been going on in the most satisfactory way, both to the Government and to the contractors, until to-day you are approaching the construction of the best vessels in the world.

Here you have the best possible conditions; the skill and genius of the best constructors upon the Pacific and the Atlantic pitted against your naval engineers and constructors. Our officers know that the world is looking forward to compare the result of their work as to cost, speed, and durability with the two great engines of war to be constructed at the Norfolk and New York yards and with vessels being built by private establishments, by Crump, and at San Francisco and Baltimore.

Not only this, Mr. President, but this policy has had the effect of increasing the plants of the great works at Bethlehem, Midvale, and other places. Within 40 miles of this Capitol that legislation has had the tendency to establish (indeed it was the immediate cause of the beginning of the establishment) great steel works on the Patapsco (Steelton) within 5 miles of the city of Baltimore, which is to be the greatest establishment in the world. Selecting a point on the shores of the Chesapeake as barren and uninviting as the plains, but a point where all the crude material can be brought together cheaper than any other place in the country, they have there begun (and it is now ready to be seen by any man who has interest enough to go 40 miles to look at it) a plant such as when completed there will be nothing on the Clyde to equal. It will within five years have twenty-five thousand people around its furnaces. It will be prepared to make anything from a nail to the finest vessel that floats upon the waters of the world; and they expect within ten years, with all the conditions as they now stand, with their ores taxed as they are by the present tariff—and half of the ores come from Cuba—to make vessels there as cheaply as they can be made upon the Clyde.

This is one of the outgrowths of the legislation of the last Congress, and the intelligent and patriotic administration of the Navy Department by a man who has grasped the situation and who understands the needs of the American people.

Mr. HAWLEY. Will it trouble the Senator if I interrupt him? I wish to assist in the discussion, merely.

Mr. GORMAN. Not at all.

Mr. HAWLEY. Is the Senator aware that my amendment proposes to precisely duplicate the successful force of the Navy?

Mr. GORMAN. No, Mr. President; I think before I get through, or at least I hope to do so, I shall convince even the Senator from Connecticut that it does no such thing. The one system is based upon the American idea. The proposition of my friend from Connecticut, who I know to be earnest in this matter, broad and liberal, and who has given it great attention, is based upon the English idea. permitting

the Government alone to do the work, except so far as relates to the manufacture of steel, which is to be furnished to the Government.

Mr. HAWLEY. The Senator kindly allowed me to interrupt him.

The PRESIDENT *pro tempore*. Does the Senator from Maryland yield to the Senator from Connecticut?

Mr. GORMAN. Certainly.

Mr. HAWLEY. That is exactly what the Navy Department is doing and wisely doing, and in accordance with the recommendations of all the boards. The Navy Department has a contract with the Bethlehem Steel Works for the rough parts, tempered and annealed, of the guns. It brings those guns to the Washington navy-yard, where they have been building up, almost unknown to Congress, an admirable finishing and assembling foundry. The Gun Foundry Board report, from which the Senator has quoted, with Simpson's name at the head of it, whose name he has given, recommends that identical course also for the Army. The amendment proposes to leave open to all the private enterprise in the country the contract to build rough parts of guns, to be finished and assembled for the Army at Watervliet, exactly as they are assembled and finished for the Navy at Washington.

Mr. GORMAN. The statement that the Senator has made as to the number of guns that have just been completed is exactly true. But that is not the point that I am making. You can not separate the manufacture of steel for the construction of your vessels and the manufacture of your guns. I say that the Government has made it a success only because it has pursued the policy of giving private enterprise and genius an opportunity to come in and furnish the material. The few guns that are being constructed at the Washington navy-yard are well enough in their way, but they form a very small part of what must be done. My main proposition is that it has been the unanimous opinion of every committee of Congress since the Fortieth Congress that while the Government must have its own establishments it must also permit private enterprise to come in and not only make the rough parts of the gun but to enable private enterprise to present to the Government a complete gun, tested by the Government's own methods exactly as you permit them to make the great ships of war.

It is true, Mr. President, that the last Congress made provision for an increase of the plant at the Washington navy-yard, and authorized the Secretary of the Navy to construct a certain number of steel guns from the forgings bought by contract. As the vessels of war were being constructed it was necessary to make an exception in favor of the Ordnance Bureau of the Navy Department, and it is also true that the Chief of Ordnance of the Navy is universally admitted to be far in advance of the Army corps. I am glad to say he has been broad enough to recognize that all the talent was not within his corps, but has been wise enough to take advantage of the best talent of the country in finishing and assembling his guns, and he has been giving great satisfaction to his superior officers. Yet if there were a private establishment in sharp and active competition with the Washington yard, no man doubts but that the naval officers in charge would produce better results at less cost than they will without such competition.

Sir, read the advertisements of the Secretary of the Navy for bids and the contracts that he has made for the construction of the ships. He not only permitted every ship-builder in the country to bid for the construction of the ships upon the plan furnished by the Navy Department, but he gave them the additional privilege of designing their own machinery, of making suggestions as to improvements in the vessels, and it was by that method and that method alone that you secured bids for the fast cruisers, yes, to be the fastest in the world. So it would be with the manufacture of ordnance if you give the master mechanics in private life a fair opportunity to compete with your Army officers.

I do not care to go back over the entire history of this matter, but there has not been a committee of either House of Congress since the Fortieth Congress that has not said that the Ordnance Department as now organized is affected with the dry-rot. The head has not and will not permit an inventor in this country to bring his invention to perfection, notwithstanding the fact that they have not for twenty-five years made a single improvement of any importance nor any ordnance officer urged or presented to Congress for adoption a plan which has not proved a failure. All they have done is to copy what the English and the French have done. The Ordnance Bureau as it is now organized, and as it would be under the amendment of my friend from Connecticut, would be the graveyard of American inventive genius and enterprise. They have destroyed every man in the country who has presented any gun, and notwithstanding the liberal amount recommended by the Committee on Appropriations, giving them in this bill nearly a million dollars as it stands, without the amendment of my friend from Connecticut, to experiment with, more money than they can properly spend in two years, to build and complete their machinery and plant at Watervliet, to get ready to compete with private enterprise, they are not satisfied with that. They want the exclusive control of this whole affair. They want $7,000,000 more—more than can be expended in four years.

Mr. President, when I speak of the Ordnance Bureau of the War Department I mean its organization; I mean the officers responsible and in charge of the bureau. I do not intend to underrate the officers of that corps. There are gentlemen in it who will compare favorably with any Army officers in the world. There are young men of education and bright promise, independence and manhood; but these, as a rule, are found in some second-class arsenals and have no opportunity for great work. Their superiors are practically in life positions. They have become attached to routine and to the traditions of the office in Washington. They are jealous of innovation and new ideas. No man in the Artillery Corps or in the Engineer Corps is permitted to make a suggestion as to the improvement of the ordnance. The fossils must be ordered to the rear, and any man in the Army who has developed special talent for the construction of these great engines of war must have an opportunity. This will come when the Ordnance Bureau is compelled to compete with the splendid mechanics and magnificent genius in civil life.

After the discussion of this question two years ago Congress had refused to appropriate a dollar unless new conditions should be imposed, unless the door was opened to Americans of genius and enterprise in private life to produce a gun. We refused in the last two Congresses to give ordnance officers a dollar; but in the mean time they have had an appropriation which has amounted to millions of dollars since the war, the proceeds of the sales of old stores and old ordnance supplies, which amount to about $75,000 a year. That they have used, and they have been using that fund since 1872, and from that fund they have produced one or two guns.

I have no unkind feeling toward the officers of this Department. On the contrary, I recognize that there are some exceedingly bright young men in it; but it is their organization, their system, their disposition to reject every suggestion that has been made by practical and enterprising men outside, against which I protest. One of them thought to call my attention to the fact that they had at last succeeded in doing something, after expending five or six million dollars from the money coming from the proceeds of sales, and he writes me a letter that at last they have made one 8-inch steel gun of greater power than was known in the world, and so far as I know, while it has only been fired forty-three or forty-seven times, it is the only product, it is the only result, it is practically all they have to show for the expenditure of $5,000,000 or $6,000,000.

Mr. President, what both committees of Congress in the past two Congresses have attempted to do, what they are attempting to do now, what is provided for in the bill that has already been formulated and is being considered by a body elsewhere, is liberal appropriations for the Ordnance Department, and the balance of it to be placed in the hands of a commission which will say to all Americans: "We have $5,000,000, or $6,000,000, or $20,000,000 to spend in the manufacture of 6, 8, 10, 12, and 16 inch guns. The Government wants them. As the Senator from Alabama has well said, there is not a single gun today on your coast that could defend you against any of these great ironclads, unless it be the dynamite gun. We want them. Our Government officers have not been able up to this time to make one. We will give you an opportunity. Put up your plant and present us a finished, complete gun, for which we will pay you liberally, and at the same time we will give the Army officers, or the ordnance branch, sufficient money to complete the plant at Watervliet, and buy the steel, for the Government can not make the steel; we will pit you one against the other. That is the only known method from which great results can be had. Now, go on and compete with the world, and let us have the best pattern that American genius can make."

But the Senator from Connecticut comes forward with a proposition which excludes all the outside world. He proposes to appropriate $6,000,000 or $7,000,000 (for the bill will amount to $7,000,000 if his amendment is adopted), and to place the entire manufacture, or the assembling and finishing of these guns, in the hands of the Army. That, I say, has been universally condemned by every committee of Congress which has considered this subject. It is unwise and impolitic. No man of private enterprise would engage in it, and it is no time for the Congress of the United States, with the restlessness there is, with the full knowledge that exists, to undertake it. But private enterprise has no consideration at the Army headquarters—I mean of the Ordnance Bureau of the Army, for with the General of the Army, whom we all trust will be spared to look over our affairs for a long, long time, they have had a cordial reception and the encouragement which comes from a great man and a patriot.

As an illustration of what has been done take the item in the bill referred to by my friend from Alabama, $400,000 for a pneumatic dynamite gun, the invention of an American, developed by one of the brightest men in the Army, not in the Ordnance Corps, but an artillery officer, Lieutenant Zalinski. There was an invention that the ordnance officers in Washington in effect said could not but be a failure. There was not one of them who ever dreamed that they could fire a dynamite shell a hundred yards successfully. No encouragement whatever was given to the development of that enterprise. Nothing but obstruction so far as the Government was concerned was offered by them. Without a dollar of aid, and by the expenditure of nearly a million dollars and with a courage and genius such as we have not seen in the last twenty years in that particular branch, this lieutenant and his friends have gone on until the world has been astounded by the result of the experiments made, testing it at their own expense, and driving the Department itself, the Secretary of War, and the General of the Army against

what they believed to be possible to the conviction that it is to-day the most formidable weapon known to the world. I have it from the highest authority in talking over the communication which the Secretary of War sent to the Committee on Appropriations, and which will be found in the report accompanying this bill, that it was no longer an experiment, that it was perfect so far as it was possible to have an instrument of war of this sort perfect, and that the General of the Army and the best engineer officers in the United States Army—and I exclude in making this statement any members of the Ordnance Corps located in Washington, for they have set their faces against the genius and skill of Americans outside of their own corps, and they have nothing of it within it so far as we know by results—these officers have said to the Secretary of War that with ten or fifteen of these guns at the Narrows in New York Harbor it would not be possible for any ironclad that is afloat in the world to pass the Narrows with the dynamite guns there properly protected.

Mr. DOLPH. I did not understand the Senator. What officers are those?

Mr. GORMAN. The General of the Army is at the head of them.

Yet, Mr. President, when that proposition comes to this body embraced in the bill, the Ordnance Bureau, with all of its tact and genius (and it has the genius of promoting legislation to suit itself, but has an extraordinary talent for killing all legislation that does not originate with that corps), comes and throws obstructions in the way, makes insinuations as to its value, which necessarily have an effect upon legislators.

Sir, if I were Secretary of War and there was authority under the law for it, there is not a man in the corps who has been dallying about Washington for the past four years whom I would not send to the interior in order to bring some new blood here that would not interfere and obstruct these great measures which are recognized by all, except the members of the corps, as being of great value to this country.

Now, Mr. President, what have we provided for in this bill? More money than the War Department can possibly spend in two years, without the amendment of the Senator from Connecticut. We give first the amount from the sale of old material, amounting to $75,000 a year, which has amounted to that much in the last few years. I will not trouble the Senate, however, to read the figures, but the amount is about $75,000 a year. They have that, they have $100,000 for experiments, and we have given them $600,000 to repair gun-carriages, to make gun-carriages, to complete the manufacture for which the Committee on Appropriations have been appropriating for the last eight years, and they are not yet completed. While I have not had time to gather together and to examine the various appropriation bills, I venture to say that the amount of money they have had is twice the amount that should have been required.

To complete guns under manufacture	$16,500
New seacoast guns	75,000
Steel mortar	17,000
Field-gun and mortar (experimental)	3,000
Projectiles (for testing guns and issues to service)	65,500
Powders	40,000
Seacoast and mortar carriages	80,000
Platforms	15,500
Siege and field carriages (experimental)	4,300
Expenses of proving ground and incident to test	15,000
Draughtsmen	4,000
Field-guns, carriages, etc., for issue	75,000
Twelve-inch mortars	90,000
Altering 8 and 15 inch carriages	75,000
Total	577,800

There is in the bill more money than they can expend in the next two years, and then the Senator from Connecticut desires to have placed in the hands of this bureau that has accomplished so little $6,350,000 more. I say that it would be the grossest extravagance. No appropriation of any kind should be made in that way. If it is to be made it should be on the conditions I have named, and I am ready so to vote for it. I advocated an appropriation for the purpose at the last session, and I am ready to do it again when it is put in proper form, that is to say to open it to the whole country, to give every enterprising firm here an opportunity to compete with our own officers and our own plant, but not otherwise.

Mr. President, to show that I am right in this matter, I propose to refer to a report made in the Fortieth Congress by the then Senator from Michigan, Mr. Howard. It was a report made by as intelligent a committee as was ever appointed by the Senate. In that report the committee say:

> The difficulty appears to have been twofold. First, the ordnance officers, knowing their positions secure to them for life, have not felt the incentive to exertion and improvement which stimulates men not in Government employ, and they have become attached to routine and to the traditions of their corps, jealous of innovation and new ideas, and slow to adopt improvements. An illustration of this is found in the fact that the late war was fought with muzzle-loading guns (with the exception of carbines for cavalry), although a variety of excellent breech-loaders were urged upon the attention of the Government constantly, and the honor was reserved for Prussia, with a weapon inferior to many American inventions, to demonstrate the immeasurable superiority of breech-loading guns. In the second place, these officers, educated to a specialty and proud of their positions, come to look upon themselves as possessing all the knowledge extant upon the subject of ordnance, and regard citizen inventors and mechanics who offer improvements in arms as ignorant and designing persons, and pretentious innovators, who have no claim to consideration. Instead of encouraging the inventive talent of the country, these officers seem to have constantly discouraged it, and many complaints of improper and oppressive treatment have been laid before the committee by persons who have sought to draw the attention of the proper authorities to what were supposed to be vital principles connected with their art.

Mr. President, the report from which I have been reading goes on further to say that there is another difficulty, and that is—

> That it is impossible to use navy ammunition in an army gun, or army ammunition in a navy gun. Co-operation between the Army and Navy while in active service is thus greatly restricted and in some cases has been entirely prevented. Offensive operations on the part of a joint expedition of the two might be brought to an end for the want of projectiles for the land forces, while the ships of the Navy possessed a surplus of the very articles required, which could not be used by the land forces.

And hence in all the appropriations hereafter made there should be a joint arrangement as to guns, and they should be of the same pattern in both services. That there would be economy in this is very evident. We should take the question into consideration on the only bill on which it ought to be considered, the fortifications bill, to make provision for that very defect which now exists. It is admitted on all sides that this is a serious defect which has cost the Government millions from the beginning, and will cost millions and millions if it is continued. A more equitable proposition has been suggested and agreed to unanimously by one commission to dispose of the millions that are to be appropriated, but the main point is summed up again in this report:

> That every encouragement should be given to inventors, and a full and fair trial accorded to all devices offered to the Government that promise a solution of the ordnance problem.

I say, with all the light we have had on this subject, and all the consideration we have given it, that this proposition is the one that the American people expect Congress to adopt for the protection of American interests.

I have said to my friend from Connecticut, and I repeat it now, that the Government entering upon these improvements has made it possible for more than one great steel manufactory in this country to increase its plant and begin the great work of making steel for guns. If it is seen that we will continue to make fair appropriations for this work, you have not only the one great steel manufactory, but you will have half a dozen others in this country within the next three or four years that will manufacture all the steel and all the guns for ships the Government may demand.

Mr. HAWLEY. May I ask whether the Senator would have us wait three years before we undertake to build a gun when we have not one now?

Mr. GORMAN. No, Mr. President, I would not wait one hour; but I would wait fifty years rather than say to the American people, "Your private enterprise and your genius shall be excluded by the Ordnance Bureau of the War Department." I am ready to make the appropriation to-day, or, rather, I am ready to make it upon the regular bill, when you can surround it by such conditions as will open the door to private enterprise; but I will not vote at any time in favor of the proposition of my friend from Connecticut that places the money in the hands of officers who have no respect for the rights of the people outside, who have failed always to recognize a valuable invention when it has been brought to their attention. You know, sir, as my friend from Connecticut must know, that there has been at least one great invention of an American civilian, who, after waiting here until his patience was exhausted and he was bankrupt almost, had complete success from foreign governments owing to the perversity and the peculiar organization of this Department, which is now to receive $7,000,000 more.

Mr. BECK. I wish to ask the Senator from Maryland a question. One of the objections I had in the Committee on Appropriations to such a proposition was that not only are the inventions of the American people excluded, but our own officers, in great part have, heretofore and I suppose now, patents for the inventions they expect to have used. I have always fought against officers of the United States getting out patents of their own. I want to know where the patents are now.

Mr. GORMAN. In the various reports from which I have been reading and in the report of every committee that has considered this subject, the fact has been stated and emphasized that there was not an invention that was adopted by the Ordnance Department except it was by one of their own officers or one which was taken by some one outside who had it tested abroad and then came back to our own country. You will find on your tables pamphlets from these various officers calling attention to their inventions and improvements.

In the letter that I referred to a moment ago it is said:

> Since 1872 we have witnessed the failure of the Sutcliff, Thompson, Hitchcock, Mann, Yates, and Haskell systems, and feel no small satisfaction in finally possessing a powerful gun which will stand the "racket," and which has a great reserve of strength to insure the *morale* of the soldiers who may have to use it.

I remember that there was an officer for whom I have had the highest regard from my childhood up. I mean the late General Logan, the great volunteer officer of our armies in the late war, and his feeling was so great, and his reports show it—and therefore I have a right to refer to it—upon this subject of the exclusion of American genius from the bureau, and the same conclusions were reached by General Rosecrans and by other volunteer and regular officers. Rosecrans was a graduate of West Point. There are strong denunciations of the action of the ord-

nance officers. When I began to investigate I supposed that the rivalry between regulars and volunteers, and between officers, outsiders, and the bureau officers, might have warped the judgment of Logan and Rosecrans, but I soon became convinced that they could have fairly gone further. When a bill came up in which was presented an appropriation to test an invention, these interests induced the most remarkable action on the part of Congress in preventing the test of what Congress had provided for from its inventors.

Then came the invention of which my friend from Nebraska [Mr. MANDERSON] has knowledge. The inventor's efforts here were fruitless; his time was destroyed and lost; but he went abroad, and there his invention was accepted.

Mr. President, I am as anxious as my friend from Connecticut is to make this appropriation. I would not stop at $6,000,000. I would give them $20,000,000 to be expended in the next four or five years, but I would give it only upon condition that it was in the hands of a board who would not wait longer or spend millions in experimenting; who would contract with one, three, or five of the great steel works for the steel, and at the same time give to the great works at Bethlehem, Midvale, Chicago, Baltimore, and the one in San Francisco, and any others, an opportunity to furnish you a complete gun tested by the most severe tests that the Government chooses to apply.

When you do that then give to your own officers a sufficient amount for the Watervliet or any other arsenal, and say to them: "Here you are now in competition with the outside world; make the best gun you can; let us have the benefit now of all the skill that is in you. We have educated you at West Point, we have sent you abroad to examine everything that foreign governments have done; now let us see what you are made of; compete if you can with the men who have the genius and the courage on the outside." When it is done in that way then you will have results. As I said before, there is no party consideration and has not been. I am entitled to say that during the last four years this matter has been considered as a pure business proposition. That is the only way in which it ought to be treated, as a great public question without politics. If I do not mistake the temper of the American people, I do not believe that they are content to have their millions expended in any way other than that I have indicated—open competition, a fair field for every American mechanic.

Mr. HAWLEY. I confess, Mr. President, that this is an opposition that was hardly to have been expected to the amendment I have proposed, because the Senator from Maryland in general has been heartily in favor of this work. I did not know what his special and particular plans were, but I venture to say to the Senator now that he proposes the most monstrously expensive plan that I have ever heard in connection with the subject, and one that has been recommended by no single board and no single officer of the Army or Navy, and is not followed by his own Secretary of the Navy. I confess I am not only surprised but discouraged. It has now been thirteen years since one single dollar has been spent upon the coast defenses of this country, in the construction of them.

It has been two or three years since there has been money enough to cement a falling wall, to sustain a broken revetment, to paint an old carriage, to paint a gun, or to cut the grass upon the glacis; and the United States land forces have but one single modern gun, and that is on the proving-ground, not ready yet to be put in use. They have two or three others in the course of construction, but I am speaking of completed guns—I mean the larger gun necessary for siege and coast defense. They have twenty-five or thirty field breach-loading rifled guns for the artillery; and yet here comes the same old story over and over and over again: Wait; something is to be invented; somebody is to put up a new plant; there is something better to be done in the future.

Why, sir, I hope there are to be better houses and better clothing and better food as time goes on; but we must eat to-day, we must have clothing, we must have houses now. We must do the best thing that is to be done this day.

Mr. President, I want to talk directly to the Senator from Maryland. We must do the best thing that is to be done to-day. He has dwelt eloquently upon our reliance on private genius. There is no man who has a higher respect for the American mechanic and inventor than I have. I would take off my hat in the great machine-shops of Connecticut as I would almost in a church in deference to the marvelous skill and executive power of these men; but I say to the Senator that the great guns of Europe now and those that we propose to have are the result of the collection of the private genius of Europe and America, which has been devoted with an intensity not equaled anywhere else in the world on any subject to invention.

I say that the gun now adopted in Europe is the end of a generation of study. I suppose I should have voted, as I did in Congress twenty years ago, to build the best gun known then, though there was great doubt about that; but the world was in a transition state then. I affirm (and I ask all the mechanics and inventors and ordnance officers to stand with me, and I know they will justify me)—I affirm that we have now reached a stage in that development when we are no longer to be excused for waiting, for these great guns perhaps will never be obsolete. It can not be that a gun of 17 inches caliber, throwing a shot of 2,000 pounds, will ever be useless, for the limits of flotation in the building of armored ships have practically been reached. The vessels have 24 inches of forged steel to protect their vital parts, and yet an 1,800-pound shot or a smaller shot will smash them in. The limit of defense upon water is apparently reached. I do not expect to see within my time anything seriously better, anything greatly better, in resisting shot than the best forged and hardened steel.

Now the question is, having reached this culmination beyond question, all Europe having come step by step, one an inch and another an inch and another an inch, and converging a degree here and a degree there, the inventors and manufacturers and the governments having finally come together, whether we shall not adopt this, which is really just what the Senator calls for. It is done in a measure, too, by our own Rodman and our own Gardner and our own Hotchkiss and other men of that sort, and by Krupp, who built up his great works and who got his power largely through government contracts until now he makes guns for the world. It has been done, too, largely through the genius of Armstrong of England, and largely through the genius of Schneider of France, and the other great manufacturers and inventors.

Now let us take that. The Senator says that there is going to be a great establishment over here at Baltimore in three or four or five years. Certainly. Are we to wait three years without one gun before we ask for contracts? Why talk about leaving it open to the genius and power of our capitalists and steel-makers? That is what the amendment does.

We should think from what the Senator said that the Ordnance Bureau of the War Department has some particular pet gun of its own, the contract for which it wants to send to some particular pet firm. Does not the amendment provide that the statutes shall be followed? Does it not provide that advertisements shall be made for a certain period of time and sent to all the leading manufacturers? Does it not contemplate that they will offer to build these parts of guns, and that we shall take that which seems to be the best for the purposes, on the whole? That is what the amendment says.

I did hope, after we had lost the executive department of the Government, that there was no longer an excuse on the Democratic side for saying that men were thieves and liars and idiots at the other end of the avenue; and when the time had come, when nothing but perfect integrity reigned there from high to low, I thought then if we Republicans turned around and said, "Now, gentlemen, that you have got in, we will show you that we will trust you with any money necessary to put the country in a condition of defense," the offer would be accepted. I will trust Mr. Endicott, I will trust Mr. Whitney, each in his Department; whether I would otherwise or not I will trust him with the administration of his Department, very glad to vote him any money that is necessary. This is not put in the hands of Benét. There seems to be an impression that Benét knows nothing, and would not do anything if he did know it. Mr. Endicott controls every one of these contracts. Is he not as capable of awarding a contract as Mr. Whitney is? Precisely; and I wish to do for the Army just exactly what has been done for the Navy—just exactly the duplicate of it.

I repeat that my proposition is the one sanctioned by that very Gun-Foundry Board, from whose report the Senator has quoted. He eulogizes those men. That was an admirable board. Mr. Endicott made a fortifications board which has never been equaled in this country for qualification on this subject. I have the report of the Gun-Foundry Board here. I do not wait to read it, but I say that the Gun-Foundry Board examined the sources of supply for heavy guns in every country of Europe, and came to the conclusion that I seek to carry out in this amendment, and that the Navy is already carrying out.

The Navy Department has the right to advertise for the building of one hundred and eight steel guns. I do not know whether the proposals have been published or not, but they propose to leave it open to the prominent, able, and wealthy steel manufacturers to propose the terms on which they will construct the rough parts of those guns, and then they propose to bring them here to Washington to put in the fine finishing and the assembling of which I spoke yesterday. The finishing and sighting of the guns will all be done here. That is exactly what I wish to do at Watervliet for the Army, precisely the same thing.

The Senator would have us wait longer for experiments, I judge from what he says; and yet he says we want to wait no longer for experiments; but he proposes to do that which is a postponement. If I understand his proposition, it is that the private concerns shall be invited to make a perfected gun. I want to call his attention to this exact point. No large manufacturers in the United States will undertake upon any terms whatever that the Government would listen to, or the people sanction, to build a 12-inch or a 16-inch gun of American material and in their own shops purely for experiments. They will not do it, and I ask the gentleman, who, if I understood him aright, eloquently described the treatment given to Roach, to say whether if he owned a steel plant of two or three million dollars he would think it worth while to waste $1,000,000 of it in putting up a great costly plant, forging machines, etc., in order that he might finish one single gun which should then be tried by these same ordnance officers (for who else would try it?)

and then it might be objected to, or some improvement might have come on in the world in the mean time so that they would say we must have another gun. That is his proposition, as I understand, to ask the private manufacturers to build a completed gun. They will not do it.

This plan upon which I am acting is one devised by the men who studied the subject for a generation in the interest of economy and in the interest of proper checks and balances. Let the private manufacturers do this, which they would gladly agree to do on getting a contract for a pretty large quantity—several thousand tons; let them promise that they will deliver within a specified time certain sizes and kinds of steel, with tubes and jackets, etc.—parts of guns. This is their own suggestion; they not to have a dollar until it is delivered and tested and approved. They understand that kind of a contract. They do not care how strict you make the terms. Require whatever you please as to tenacity, ductility, density, and all those qualities, chemical or physical, of the steel. Anything you say in regard to size, anything you say in regard to annealing, tempering, putting them in, may be prescribed; and then they say, "If you want us to build 3,000, or 5,000, or 6,000 tons of this we will put in a plant of a million dollars and give you the best work to be had in the world." And so they will, without doubt. I have not the slightest doubt of it. They never reproduce European processes, because they will always lay down something better after having examined those produced abroad. When they have done that you are free of embarrassment. They can do that with about half or two-thirds of the plant that would be required if you demanded of them that they should produce a finished gun. They will not produce a finished gun as an experiment; they will on a contract. If you wish to command of these men a finished gun, then you must put in, not $5,000,000, but $10,000,000, and then leave the whole gun open to them.

You have given these men lessons during the last twenty-five years that they have not forgotten. You have given them years of agony for unpaid debts. You have sent man after man into bankruptcy. You have had them here by the dozen following Congress for a generation to get that which you owe them as honestly as you owe your landlady your board bill. You sent John Roach to the grave—a man who was an honor to the American mechanics, a splendid example of what this country can do for men. Do you suppose these men will seek any more such contracts? No, sir; not one solitary one of them will spend a million dollars to make you one gun.

This plan, I say, is devised by men who have studied this subject in the light of all these failures and experiments. They give to the Government a partial control; in the Government shops, the finishing and assembling shops, the finer and more skillful fitting and sighting are required to be done, and it is then comparatively easy to get contracts for the rough and unfinished parts, and we should do just the same by the Army as we have done by the Navy and as Great Britain has done. The Government has the machine tools of various kinds, some of which it has just withdrawn from the South Boston Iron Works, and it has at Watervliet, where there is a splendid water front, abundant opportunity in a neighborhood of skillful mechanics. If there be a plan that would admit jobs and delay and abuse in contracts, it is that suggested by the Senator.

He speaks of the dynamite gun as an established and final success. I do not know but that it is. I have heard Zalinski's lecture on the details, with the diagram and stereoscope, and I have read all I could get hold of on the dynamite gun from the beginning to the end of it. I think beyond doubt it is largely a success. I think it has come to stay as a part of the art of warfare; but I would as soon say that all you needed for a cavalryman was a saber with one spur, and all you needed for an army was a bayonet. It only fills one field in the system of defense, and it remains to be seen how much of that field it can fill.

Is the gentleman contented that, while you have not brought about the building of a single steel gun in many years, while you have not given out a single one of these contracts, yet here now you provide $40,000 apiece for ten dynamite guns—$400,000 in this bill? I do not object to it, even if it be an experiment. I do not think it will be money wasted; but I think it is as yet partially an experiment. He says the Ordnance Department opposed it and they have been about here to oppose that. I have been in communication with several of the leading men—skillful and accomplished men—of that bureau, and they have never said a word to me on the subject. I have consulted them, not because they asked me to do so, but because I know they have been for years familiar with the subject and with the necessity of action.

I think the grossest injustice is continually being inflicted on Army officers here. I know them. They do their duty without any reference to politics. I do not know how one man in the Ordnance Bureau votes, if he does vote, and I do not care. For this purpose I do not care who is Secretary of War. I wish to say, however, that both in the Army and Navy there is a body of young men from the time of leaving the Academy, say from twenty-one to thirty-five years of age, who are not surpassed, who are not equaled, in the staff corps of any nation for their excellent preliminary training, because there is not a military or naval school in Europe that equals our military and naval schools. They are not equaled for their preliminary training and for the zeal with which they have studied this subject from day to day, the curiosity and fidelity with which they read every foreign paper and magazine and Government publication on the subject. You may ask for a figure regarding any foreign navy or any foreign gun and you can get it by telephone in five minutes from the Bureau of Information in the Navy Department. You may go down there and have the present condition of all navies and all guns and all modern inventions laid before you. These men are aching that they may do something to justify the education that has been given to them and something that will give them reputation. We have few wars, thank God, but they desire to distinguish themselves in showing that we can build up an excellent system of coast defense with the best guns known in the world, and we can build the best ships and the best steam-engines, and if need be we can fight them the best.

I am proud of them on the whole. Of course there are exceptions. If we want a good army and a good navy, the first rule is to establish a high standard, and the next is to cut off relentlessly the head of a man who does not come up to it, and in the third place, to give them all honorable reward and encouragement and not perpetually treat them in our debates or in the newspapers on the idea that they are either ignorant or dishonest.

The Senator said that the amendment offered by me puts all this in the hands of the Ordnance Bureau. We do not put it in the hands of the Ordnance Bureau. We say that the Secretary of War shall invite these bids and shall accept them. Of course in advertising for proposals it is necessary that we should say what we would have built, and the War Department will say that we want just what the best peoples in the world have built up—forged steel guns.

At the same time while we would do that I would not overlook what there is of merit in the Senator's proposition. I do not seek to do what he would intimate—that is, to disregard and overlook private genius at all. I would be ready for any reasonable experiment, and the Ordnance Department has been for twenty years spending money, and I confess some of it against its own judgment. I know there have been cases in which tens and tens of thousands of dollars have been wasted in obedience to an order of Congress upon things that were of no mortal use whatever. I could read you quite a considerable catalogue of the guns which the Congress of the United States have from time to time directed should be tried.

The Senator says the Ordnance Department has had a considerable sum of money annually raised from the sales of old and obsolete guns and materials. So it has had, and whatever money has been so realized has been used largely for the renewal of the armament of the country, and most of the guns that have been made are still now counted among the resources of the Army. It has built field-pieces, it has worked upon carriages, it has done jobs of current work, repairs and manufacture, as from time to time it has obtained money in that way. The Senator might have had an itemized account of the manner in which that has been expended. I am sure the Ordnance Bureau has never kept books that could not be opened to the public, when we consider the severe criticism and scrutiny to which it has been subjected.

I will not detain the Senate longer. There may have been something more which I should be glad to answer, but I have referred to everything of importance said by the Senator from Maryland that I desired to reply to.

Mr. DOLPH. I wish to ask the Senator a question. I was not satisfied with the answer of the Senator from Maryland to the question as to the patents upon guns adopted by the Fortifications Board and the Gun Foundry Board, that is to say, breech-loading forged steel rifles. Can the Senator from Connecticut inform me whether there are any American patents on those guns, and if so, whether any officer of the Army is interested in them?

Mr. HAWLEY. The proposition is to give the Government a certain large quantity of forgings, parts of great guns. The process of making them the Government has nothing to do with. I ought to say that these should be forged and not hammered, because the forge has superseded the hammer. The hammer affects only the surface of the steel, while the forge works it as bread is worked. But there is no patent on forms to my knowledge; there is no patent on processes that will be touched by this sort of contract, nor am I aware of any patent that any Government officer has on anything in the nature of a forged built-up steel gun. The only patent of which I have heard—I do not know that Zalinski is even an officer of the Army—is the patent on the dynamite gun which the Senator from Maryland praises so much.

Mr. BUTLER. Mr. President, I am not particular in what form or on what bill we make this appropriation. I am not informed as to the point of order made by the Senator from Maryland, but that has been obviated at any rate by the action of the Senate, the decision having been in favor of the amendment being in order. I am not particular, I say, as to the bill on which this appropriation should be made; my own opinion is that without further delay we should begin this work.

If the position taken by the Senator frem Maryland be scrutinized, I think it will be found that he is not very far from the Senator from Connecticut in regard to what should be done. This amendment proposes to do for the Army what has been done for the Navy, nothing

more and nothing less. The first section of the amendment makes an appropriation of $750,000 to provide a plant at the Watervliet arsenal, West Troy, N. Y. The second section of the amendment proposes:

For the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $5,000,000: *Provided*, That no money shall be expended except for steel accepted and delivered.

That is all that this amendment provides for so far as the manufacture of guns is concerned.

At a previous session of Congress an appropriation was made to convert the navy-yard at Washington into a place where the ingots of steel or the fragments, if I may use the expression, of steel should be collected for the purpose of being manufactured into guns. A proper appropriation was made for that purpose, and those guns are now being constructed in the navy-yard at Washington, 6, 8, and 10 inch guns. Whilst I do not pretend to be an expert in the manufacture of ordnance, I will venture the opinion that there are no better guns made anywhere upon the face of the earth than are being made to-day in the Washington navy-yard. I will venture the additional assertion that there is no better steel made anywhere in the world than is being made to-day in the United States. And, sir, I will go a step further, at the risk of differing with my distinguished friend from Maryland, and say that if this amendment be adopted and this appropriation be made for the Army, in less than twelve months' time guns will be manufactured under the direction and supervision of the proper officers of the Army which will equal any of their kind in the world.

I do not sympathize with the disposition to criticise the officers of the Army, especially of the Ordnance Department of the Army, because they decline to adopt the suggestion of every crank who chooses to go there with a device for an improvement in arms. If my friend, the Senator from Maryland, were a member of the Committee on Naval Affairs, as I am, or of the Committee on Military Affairs, as the Senator from Connecticut is, he would soon come to the conclusion that the Ordnance Departments of the Army and of the Navy are subjected to a very trying ordeal. It has not been three days since a gentleman appeared before the Committee on Naval Affairs with a device which he thought was absolutely perfect for the removal of nets which are spread for the protection of a vessel against torpedoes; and yet when we subjected him to an examination as to the practical operation of it he had to admit that it had not been tested, and he flaunted in our faces the threat that unless the committee recommended the appropriation of the money he asked he would take the steamer on the 1st of August and go to Europe, where he would have his scheme adopted.

I mention that simply as an illustration of what the officers of the Army and Navy have to encounter almost daily; and when, forsooth, the suggestions of these gentlemen are not adopted and carried out by the officers of the Army and Navy they are denounced for rejecting the inventive products of the genius of the American people.

Now, sir, I do not believe that the Ordnance Department of the Army has rejected or will reject a single device which has merit in it and which is calculated to be an improvement on the present ordnance of the world. The Senator from Maryland asks me if it has ever adopted one. I am not now prepared to answer the question in detail, but the ordnance of the United States Government has been about equal, where it has had money to experiment with, to that of any nation in the world. The country is flooded with all kinds of devices and inventions for small-arms and for heavy ordnance, and my friend from Connecticut and my friend from Alabama remember that when we went to Sandy Hook there was a man there with a multicharge gun from which it was expected that great results would flow, and I believe upon a further experiment with it it proved to be a failure. So it has been perhaps with the others. Hence I think the Ordnance Department of the Army is not amenable to this charge of rejecting or refusing to encourage the inventive talent and genius of this country.

But what, Mr. President, does this amendment propose? As I stated, it proposes to spend $750,000 to put the Watervliet arsenal in condition to manufacture guns. It proposes then to appropriate $5,000,000 to be expended in the manufacture of parts of the steel to be used in guns. Now, how many guns does this country need? That is one of the important questions. How many guns have we that may be called available for any purpose whatever, considering the improvements in the armor of ships and the high-pressure guns of other nations?

I find in the report made by a select committee of this body on ordnance and war-ships the following:

PRESENT ARMAMENT OF THE ARMY AND NAVY.

In considering the best locations for manufacturing guns and armor, and the choice between Government and private work, it is well to see first what we have and what the future supply ought to be.

The Army has in forts and arsenals:

Smooth-bores:		
20-inch caliber	2	
15-inch caliber	308	
10-inch caliber	998	
8-inch caliber	210	
		1,518

A total of 1,518 smooth-bore muzzle-loading guns—iron, my friend from Alabama [Mr. MORGAN] suggests.

Parrott rifles:		
10-inch caliber, 300 pounders	38	
8-inch caliber, 200 pounders	81	
6.4-inch caliber, 100 pounders	173	
		292
Converted from 10-inch smooth-bores to 8-inch rifles	160	
Ditto under contract for conversion	50	
		210
		2,020

Mr. HAWLEY. Those are finished. There are now two hundred and ten converted.

Mr. BUTLER. I am glad to hear it.

Smooth-bore mortars	45	
		2,065

These are all muzzle-loaders. The nine classes require thirty-three kinds of ammunition. They are totally inadequate to the defense of our most important harbors. They may be utilized in the protection of harbors admitting only vessels of light armor and draught, and even there they should usually be supplemented by the modern breech-loading steel rifle, with its more rapid and efficient fire.

The number of serviceable naval great guns is:

Smooth-bores:		
20-inch caliber	3	
15-inch caliber	76	
11-inch caliber	357	
10-inch caliber, shell	12	
10-inch caliber, shot	21	
9-inch caliber	1,011	
8-inch caliber, 6,500 pounds	345	
32-pounders, 4,500 pounds	378	
		2,234
Parrott muzzle-loading rifles:		
150-pounders	28	
100-pounders	297	
60-pounders	75	
30-pounders	375	
20-pounders	245	
Dahlgren muzzle-loading rifles, converted from 11-inch to 8-inch	50	
		1,040
Parrott breech-loading rifles:		
80-pounders	9	
60-pounders	27	
30-pounders	5	
		41
		3,285

That was the number of heavy guns that we had on hand at the time of this report, made in 1884. Of course it has been increased somewhat since.

Mr. HAWLEY. Will the Senator let me tell him the change? Thirty-four steel guns, all done but two or three, of moderate sizes. Either two or three are 10-inch. That has been the only addition.

Mr. BUTLER. I am much obliged to the Senator. I have not kept pace with the facts.

Mr. HAWLEY. Thirty-four steel guns added to that number makes the total.

Mr. BUTLER. That is sufficient for the purpose I have had in view:

The "Armament Board" of Army officers (see Senate Executive Document No. 5, Forty-eighth Congress, second session) in its report of December 5, 1884, being required to determine the character and number of guns required for fortifications and other works of defense, said:

"The board interpreted the act of Congress under which it was appointed to refer only to mortars and guns of high power for the defense of our harbors against foreign armor-clad vessels, and in their investigation have not taken into consideration the lighter guns required for the flank defense of permanent works."

And right there I will say in reply to what has fallen from the Senator from Maryland, that the best flank-defense gun that I have ever heard of, and I believe now the best confessedly on every hand, is the gun made by Mr. Hotchkiss, a distinguished man, who invented the celebrated shell bearing his name, and who, after our war, went to France and there manufactured ordnance for the French Government for seventeen years. I understand that the Hotchkiss gun has been adopted in a measure; so that the Ordnance Department does not exclude the invention of every outside person, for Mr. Hotchkiss is not in the Army.

Mr. HAWLEY. And a contract has been made for the manufacture of ninety Hotchkiss guns.

Mr. ALLISON. And we have thirty-six of them now.

Mr. BUTLER. So that the Ordnance Department have not rejected everybody's invention or anybody's manufacture who is not an Army officer or a graduate of West Point.

Mr. HAWLEY. The Gatling gun is on most ships.

Mr. BUTLER. There are the Gatling gun and the Nordenfelt gun and the Rodman gun.

Mr. HAWLEY. The Gatling, Hotchkiss, and Nordenfelt are American guns.

Mr. GORMAN. The Senator from South Carolina will allow me to suggest that what I said was that the Ordnance Department has never recognized or adopted any important improvement of an American. The only cases in which it has been done are where an American invention has been put into use abroad.

Mr. BUTLER. I take it for granted that one of the controlling reasons for that condition of things, if it is true—and I am not prepared to

deny or admit it—has been due to the fact that Congress has been so parsimonious and illiberal in its appropriations for that purpose that it has not given the Ordnance Department the money needed to make the experiments. The Senator says they never recommended it. How can an ordnance officer of the Army recommend a thing which he knows nothing about, and how can he inform himself until he experiments with it? Congress declines to give him the money. Other governments give their officers the money; they experiment, and the thing turns out to be a success or otherwise.

The blame, if any there is, should be attached to Congress in refusing to vote money to the different departments of the Army and Navy for experimentation. When the matter is discussed, unless the problem is susceptible of absolutely accurate demonstration, they say "we can not spend the money for it; we must not spend any money unless the problem is worked out to the satisfaction of everybody in this country."

Mr. HAWLEY. Gatling went abroad because, while our Government liked his gun, and accepted the gun gladly, they wanted a few for the Western plains or a few for the Navy, and he could make no great sum of money here. He went abroad, and his guns are manufactured there, and the English would not have them unless they were manufactured on its own soil. That is the nature of that free-trade country; and so the Gatling guns are made there. Hotchkiss could not make any money over here. The Government liked the gun well enough, but the Government was not buying enough. It is an amazing thing here to buy ten guns in this bill. He went abroad, and the French and German and English Governments told him to build a great shop. Now, that we want arms, we have taken ninety of his; but what would ninety have been to Hotchkiss in thirty years?

Mr. BUTLER. Not only that, but there was great aptness in what was said by the Senator from Connecticut in regard to the pay by this Government of the people who take these contracts. Mr. Hotchkiss himself told me that when he got a contract with the French Government and held it he got his money at once, and did not have to dog around the doors of the legislative chambers for weeks and months, and perhaps years, and then be compelled to go into bankruptcy before he got his money.

Mr. HAWLEY. I think the Senator will remember that Mr. Hotchkiss told us that they always advanced him something on his gun contracts.

Mr. BUTLER. Yes, sir, and that is one of the reasons why the inventive talent of this country has had to go abroad and seek there a market for its products.

But, sir, proceeding with its recommendation the armament board says:

> The board first directed its attention to the depth of water in the channels leading to all of our seaports, and then ascertained the number of and thickness of armor of the known ironclads of the world which could enter their harbors.
>
> The powers of the guns necessary to penetrate these armors were then calculated and the numbers of guns considered essential for a proper defense of the harbors was decided upon. In that determination the board was guided by a list of guns and mortars which had been prepared by the Board of Engineers for fortifications after careful study of the subject.
>
> The decision in regard to the calibers, length of bore, and weights of guns and projectiles was made from an examination of the most powerful and approved types of modern guns known in this country and in Europe. The weights of these guns and of their steel-armor-piercing projectiles being definitely known, they are not given between limits.
>
> The following tables give, as far as it can be ascertained, the information which the board is called upon to furnish:

TABLE I.

Caliber.	Number of each caliber.	Length of—		Weight of gun.	Weight of projectile.	Weight of charge.
		Bore.	Gun.			
Inches.		*Calibers.*	*Feet.*	*Feet.*	*Tons.*	*Pounds.*	*Pounds.*
8	125	30.00	20.00	21.5	13.00	285.0	100.0
10	226	30.00	25.00	26.875	25.00	575.0	225.0
12	306	32.06	32.06	35.11	48.00	894.0	456.0
16	50	31.74	41.67	45.93	107.77	1,631.4	650.4
12" mortar	512	9.00	9.00	10.33	13.06	610.0	52.0

TABLE II.

Caliber.	Velocity of projectile in feet per second at—							
	Muzzle.	1,000 yards.	2,000 yards.	3,000 yards.	4,000 yards.	5,000 yards.	6,000 yards.	7,000 yards.
Inches.								
8	1,800	1,639.0	1,488.0	1,350.0	1,230.0	1,129.0	1,049.0	995.0
10	1,900	1,767.7	1,642.2	1,523.3	1,410.9	1,308.5	1,217.5	1,138.6
12	1,853	1,731.2	1,641.0	1,508.5	1,405.1	1,310.2	1,225.5	1,150.9
16	1,985	1,865.0	1,750.0	1,641.0	1,536.9	1,437.1	1,344.5	1,260.6

TABLE III.

Caliber.	Penetration of wrought iron in inches at—							
	Muzzle.	1,000 yards.	2,000 yards.	3,000 yards.	4,000 yards.	5,000 yards.	6,000 yards.	7,000 yards.
Inches.								
8	16.43	14.97	13.63	12.40	11.31	10.39	9.67	9.19
10	21.08	20.38	18.96	17.61	16.33	15.16	14.13	13.23
12	24.24	22.68	21.21	19.81	18.47	17.25	16.15	15.18
16	30.49	28.96	26.95	25.29	23.71	22.20	20.74	19.52

So it appears from this report that this Government ought to have, for anything like a sufficient armament for coast defense, twelve hundred and nineteen guns of that character. How far will $5,000,000 go in that direction? It will be a mere bagatelle, and I do not hesitate to say that if some of the money should be wasted in arriving at the best weapon that can be made in the world I should be perfectly content; not that I desire to see any money thrown away, but no great improvement by any great government can be made in war-ships or in war material of any kind unless some money is thrown away, because we can not reduce the calculation to an absolute certainty.

But, Mr. President, the Senator from Maryland says we ought to encourage private contractors, private enterprise; that the Government ought not to enter upon the manufacture of its own guns. I agree with him entirely in that. The Senator from Connecticut, I understand, agrees with that proposition, and there is nothing in this amendment which forbids it.

And, sir, at the risk of being a little tiresome, I shall ask the Secretary to read the remainder of the report made by the select committee of the Senate to which I have referred on that subject.

The Chief Clerk read as follows:

CONCLUSIONS.

Our conclusions are:

1. The United States is metallurgically independent for all purposes of war fare.

2. The manufacture of iron and steel for peaceful purposes has kept pace with the foremost science and skill of the world. For steel-making the casting capacity is ample, but the heavy forging and finishing of guns and armor will require new and costly plants.

3. The machinery and machine tools of the navy-yards are sufficient for the building of engines, but much of it is obsolete and no longer economical; the means of building iron or steel ships are lacking; one yard has a good plant of limited capacity for finishing steel guns and has done some good work.

4. As a partial check upon private builders and as a resource in case of necessity, some ships should be built in navy-yards, the parts to be furnished by private foundries. Ships in general should be built by private contract, and private yards are capable of doing the work. The uncertain nature of repairs is such that some Government yards should be kept ready to make them.

5. Armor plate and engines should be obtained wholly from private manufacturers.

6. The costly experiments of twenty-five years have reached a stage which justifies certain conclusions. Guns should be made of open-hearth steel, forged, breech-loading, chambered, of calibers ranging from 5 to 16 inches, of lengths ranging from 30 to 35 calibers. Armor and projectiles should be made of forged steel. The hydraulic forging press produces better results than the steam-hammer, costs much less, and should be used for Government work. Ships should be constructed of steel, but certain minor classes may be composite of steel and wood.

7. The manufacture of guns suitable for ships and coast defense should be divided between private foundries and Government shops; the former providing the forged and tempered parts and the latter finishing those parts and assembling them.

8. The Government should establish two factories for machine-finishing and assembling guns. The weight of opinion among Army and Navy experts and prominent manufacturers of heavy work in steel decidedly indicates the Washington navy-yard and the Watervliet arsenal as the best sites for such factories. When the determination to contract for heavy guns shall have been reached, the localities for finishing them can easily be determined.

9. All needed private capital is ready for cheerful co-operation with the Government in whatever it may require.

10. Proposals for armor and guns should require such quantities and extend over such a series of years as to justify private persons in securing the best plant. Payments should be made only for completed work, and only the guarantied bids of persons having capital and experience should be considered.

Respectfully submitted.

J. R. HAWLEY, *Chairman.*
N. W. ALDRICH.
W. J. SEWELL.
J. T. MORGAN.
M. C. BUTLER.

Mr. BUTLER. Mr. President, those are the conclusions of the select committee appointed by the Senate for the purpose of inquiring into the subject; and if at any time or anywhere there has been a suggestion that this work should be done entirely by the Government, I am ignorant of it. And there is nothing in this amendment, if this appropriation should be adopted, that would prevent Congress making an appropriation and putting that money in the hands of a commission to use just exactly as the Senator from Maryland has suggested. But I think he will recognize the wisdom and propriety of the Government being independent of all private enterprises in such matters. That was the policy adopted in regard to the Navy. It was thought that one or two of the navy-yards of the Government should be put in condition to build a ship out and out, and one is now being constructed in the navy-yard at Norfolk, and perhaps one at another navy-yard.

Other ships are being built by contract. So it would be with the guns. But it does seem to me that a government like this should at least have one place where it can collect the various parts of a gun and put them together independent of any other establishment in this country.

My colleague [Mr. HAMPTON] very properly suggests that the expenditure of this money will extend perhaps over four or five years, so that there is no very great danger to result in that aspect of the case. But, Mr. President, it seems to me, as I said awhile ago, that it is of the last consequence that the Government should have one or perhaps two establishments of its own where it can make itself independent of private establishments.

Now, in regard to the suggestion of the Senator from Kentucky and the Senator from Maryland about the patents of Army and Navy officers being used and that the patents of nobody else are used, I think that must be imaginary. If the guns that are being fabricated now at the navy-yards are being made in pursuance of any patent of any Navy or Army officer, I am not aware of it. Perhaps the Senator from Connecticut can tell me how that is.

Mr. HAWLEY. I am assured by Army gentlemen that not a single officer of the Ordnance Bureau has a patent of any description for anything that is used.

Mr. BUTLER. That is my information. So I think that objection is more imaginary than real, and that the Government is not likely to suffer on that account.

In regard to the patents for the manufacture of steel, I do not understand that this amendment requires the War Department to accept any particular patent. It requires the steel to be subjected to a certain test and that it shall come up to that test, and if it does it is accepted, and not otherwise. But, as is suggested in the conclusions of this report, the liquid-compressed steel is superior to that which is produced by being hammered, and the 100-ton hammers are now going out of vogue. So we are not likely to have any evil consequences from those causes.

Now, one other observation, Mr. President. We have heard much of late years about seacoast defenses and about the propriety of appropriating immense sums of money for permanent fortifications. I undertake to say, and I believe I am entirely within bounds when I do say it, because the Senator from Connecticut made substantially the same statement, that there is not one single gun in possession of the United States Government to-day to be put upon the fortifications for any of our harbors—not one.

Mr. HAWLEY. Not one of the modern style.

Mr. BUTLER. Of course I mean that. I say there is not one single gun of modern style to mount upon a fortification if we had every river and harbor in this country protected by permanent fortifications, so it looks to me as if we are proceeding as a man would who commenced building his house by beginning at the top.

Mr. HAWLEY. The most powerful old cast-iron gun we have is a 20-inch gun, and it compares with the powerful rifle that heads the list in Great Britain by the figures of 18 to 57 in energy.

Mr. BUTLER. Precisely. To mount those guns upon permanent fortifications and to compel men to stand behind them against the high-power guns of Great Britain and other foreign governments would be little short of murder.

We ought to make a beginning if we are going to have guns that are at all equal to those of other governments—modern guns, I mean. If we are going to have them at all we ought to begin at once to prepare for their manufacture. Then after having made some progress we could begin to put up some fortifications for the harbors of the United States, and let the two go hand in hand. But it would be perfectly useless for us, it seems to me, to build permanent fortifications anywhere in this country without guns to mount on them. So there is every reason why the Government should enter at once, without another day's delay, on the manufacture of the best guns that can be made anywhere in the world; and I believe that if we give the War Department of this Government the money needed they will build as cheap and as complete and as effective guns as can be made anywhere in the world.

Mr. REAGAN. Mr President——

Mr. BECK. Allow me one word, as I was referred to.

Mr. REAGAN. Very well.

Mr. BECK. This very important question ought not to be attached as an amendment to an appropriation bill in which we have to provide for the Army of the United States for the year beginning on Sunday next; but here we are confronted now with a proposition that may hang up the bill between the two Houses for a month, when we have two committees specially charged with the business of attending to guns for the Army and guns for the Navy, and they have had seven months in which to present a bill, and without doing it now they say that urgency is demanded and that there ought not to be a day lost. They have lost the seven months of the session now passed; they have had the matter under consideration and have not yet prepared a bill for the two Houses to act upon on its merits; and yet they now attach this as an amendment to the Army appropriation bill, and the other House is to be coerced into the passage of something on this question or the Army is to go unprovided for.

That is the attitude in which the two committees charged with these matters seek to place the Congress of the United States. If the measure had any merit in the seven months that have passed, when we were adjourning from Thursday to Monday for weeks and months and doing nothing, they could have afforded to bring the subject up and discuss it. Whether the Senator from Maryland or the Senator from Connecticut be right, and whether we are to go into the hands of patentees in the War Department or anywhere else, or whether we are going to exclude fair propositions or favor certain gentlemen, could all have been discussed and the House of Representatives could have met the questions fairly without the pressure of this "stand and deliver" policy or prevent the Army of the United States from being sustained.

Mr. BUTLER. Mr. President——

Mr. BECK. I beg pardon. I have said all I care to say.

Mr. BUTLER. The Senator from Kentucky speaks of the action of the Committee on Military Affairs in pressing this question, and he says the Senate is seeking to coerce the other House, and says it as if in bad humor. The discussion has been very remarkable for its mildness. I think there is no disposition to coerce the other House.

Mr. BECK. The Senator from South Carolina mistakes a piece of earnestness for bad humor. I never stir up anybody. There is no bad humor in me. No one will spend more money than I for guns; but what I object to is what has been going on for years, spending millions on the navy, pretending to get a navy and getting no navy, pretending to get guns and getting no guns. We have given money and we will give money without stint whenever we see that we are going to have the money fairly and properly applied; but before that is done the committees having charge of these matters ought to bring them up and have them discussed in the Congress of the United States, and give assurance that the money will be properly expended without favoritism and without rewarding persons interested in patents. That is all we ask.

Congress has been charged time and again with failing to act, but it has been because Congress had no faith in the expenditure which they were asked to make. When Professor Baird was alive and he asked to build the great museum he was told to take all the money he wanted, which he did, and he built it for half what other people would have done. When the War, State, and Navy Department building was under construction and Colonel Casey was put in charge of it, after the State Department was put up he was told to take all the money he wanted. When General Meigs was in charge of the Pension Office we said: "We will give you all the money you want." We knew the money would be honestly expended. But when we are asked to buy guns for the Navy or the Army we want to know whether the money is to go into the hands of favored contractors. When ships were sold for old scrap Congress did hold back, because they wanted to be assured that they would get what they were contracting for. Congress ought to be dealt with fairly.

All I ask now is to be assured—for I have no sort of means of knowing—whether this is the best plan. I am not on the Naval Committee or the Military Committee. I am on the Appropriations Committee, and when this is flung in to us, as it was yesterday morning, as an amendment to an appropriation bill, without having had a chance to look at it, without having had a chance to call on the heads of Departments about it, we are told we must attach it to an appropriation bill when we had never even seen it until yesterday morning, and then it came from the Committee on Military Affairs, fresh from a hearing the previous afternoon, who put it in the hands of a committee that had never seen it before, and the fact is, we could not have had time to read it or perfect it. I say this is not the proper bill to place it upon.

Mr. HAWLEY. Would it make it any better to place it on the fortification bill, which has not come yet and nobody knows when it will come?

Mr. BECK. I suppose that it should come in as an independent measure if it has merit, and not be sought to be forced through whether we like it or not, or have the Army bill fail.

Mr. HAWLEY. It went through the Senate unanimously as an independent measure at the last Congress.

Mr. REAGAN. I will say to my friend, the Senator from Kentucky [Mr. BECK], that the action of the Senate has placed this amendment fairly before it. I will suggest, in the first place, that the Committee on Coast Defenses, of which I am a member, have given a good deal of consideration to the defenseless condition of the country and to the necessity of preparing for proper defense, and have reported a bill to the Senate recommending the appropriation of very considerable sums of money for the purpose of providing proper guns and proper fortifications. The amendment offered by the Senator from Connecticut [Mr. HAWLEY] is in the line of the recommendation of the Committee on Coast Defenses, only that it appropriates much less money, and therefore it is more liable to be acceptable to the Senate and to the other branch of Congress and to secure action and enable us to commence doing something on the subject. But as to the Senate being unprepared for the subject, as suggested by the Senator from Kentucky, I would observe that the Senate committees have been considering this subject for years. The subject has occupied the attention of the War Department, of the Navy Department, and of Congress for a number of years, and the necessity for action has been pressed upon Congress.

The first section of this amendment provides for the appropriation of $750,000 to secure "the erection, purchase, or manufacture of the necessary buildings and other structures, machinery, tools, and fixtures for an Army gun factory for finishing and assembling heavy ordnance, to be erected at the Watervliet arsenal, West Troy, N. Y., in accordance with the recommendations of the Gun Foundry Board of February 16, 1884."

That we need such an establishment I think there is hardly any controversy by any one.

The second section of the amendment provides:

For the purchase of rough-finished, oil-tempered, and annealed steel for high-power coast-defense guns of 8, 10, and 12 inch caliber, in quality and dimensions conforming to specifications, subject to inspection at each stage of the manufacture, and including all the parts of each caliber, $5,000,000.

It is objected by the Senator from Maryland [Mr. GORMAN] that this work ought to be let out to competition. This particular item, which calls for the principal part of the money asked for, is for the purchase of steel, which is to be furnished upon competitive bids in response to a notice from the Government, and is open to the competition of all persons who think they have the capacity to manufacture such steel as is required.

If I was better qualified to discuss this subject than I am I would not in the present stage of business undertake to detain the Senate by a prolonged discussion. I simply desire now to call attention to a feature of this question not embraced in the discussion of Senators who have given more attention to the quality and character of the arms to be furnished.

The United States is the leading power in the Western Hemisphere. With its sixty-five millions of people, with a population larger than that of any country in Europe save Russia, with a commerce larger than that of any other country in the world save Great Britain, it has to compete with the enterprising, aggressive populations of Western Europe and the teeming millions of Asia, situated on the half-way ground between them, so that we must recognize the necessity and the obligations which rest upon a first-class power. We can not ignore the fact that the United States now has, by its population, by its position in the earth, reached a point that makes it necessary to be a first-class power, unless we propose to abdicate the duty of the American Government and the rights of American citizens.

In this condition of things what next comes to our view? That we have a seacoast of 10,000 miles and a northern border of three or four thousand miles more upon a country more likely to have antagonisms with us than any other. Our frontiers and our seacoast are to-day, in view of the armaments of the other nations of the earth, powerless and defenseless. Is this condition of things to be tolerated by the American Senate? In view of such a condition of things are we to wait until the mind of every Senator shall be satisfied with every detail of a measure necessary to place the country in a proper condition of defense?

I do not profess familiarity enough with the subject to know that this is the best measure that could be adopted, but it is a measure in the right direction, and I do not think we can commence too soon to manufacture first-class guns, nor do I think we can commence too soon to make proper preparation for the defense of our seacoast cities and for the protection of our northern frontier.

The best negotiators get along a little better when they have good guns and good ships at their back. I care not what the population, what the wealth of a nation may be, if it is unprepared to defend its rights and defend its people it is subject to encroachments at the hands of those nations with greater foresight who seek to impose unjust terms. No Senator can doubt to-day that if the United States were involved in war with any first-class power of the earth, especially one having a first-class navy, while in the end we should sustain ourselves, in the beginning hundreds of millions of dollars must be sacrificed, with the loss of life, the wreck of fortunes, and the misery which always follows such calamities; and what would be five or ten or one hundred million dollars expended for the public defense rather than such a calamity as this should befall the American people to injure their interests and to humiliate their pride?

I shall vote, sir, with pleasure for the amendment offered by the Senator from Connecticut, because it seems to me that it begins in a right way. Whether it is the best way or not, I am not expert enough to say; but it begins in a right way, and no better way seems to have been suggested yet. If any Senator has a better way I will accept that; but until a better is proposed I shall vote for this amendment. I believe that it is our duty to prepare better for the defense of the rights and honor of the American Government and people.

Mr. STEWART. Mr. President, I fully concur in the remarks of the Senator from Texas and other Senators who have advocated this appropriation. I am one of those who do not believe that it has been economy heretofore to wait for other nations to make inventions and to build guns, and to wait until they have perfected them.

What is the object of guns and of an army and a navy? We do not expect war, but we want to avoid war. If we remain entirely defenseless we must be subjected to humiliation continually or have war. That is the experience of all nations. We are without any guns at all; it takes six years to prepare them, and think of what we must submit to in case of emergency! Consequently we are in no condition to treat with any foreign power; we have got to put up with its decision. The islands of the Pacific are being occupied by other nations, taken up one after another. We can not even protest. The Isthmus is going into foreign hands. We can hardly protest. All along our northern border our opposite neighbor is doing whatever she pleases, and we can make no effectual protest; but everything is excused here on the ground that we must submit; that we are in no position to do otherwise; it is the best thing we can do in our defenseless condition.

Not only that, but failing to build guns ourselves and make experiments ourselves, we are sacrificing the experience we should gain by building guns. We must make some mistakes. Other nations have made mistakes. We can afford the expense if we would have the experience; but in case of an emergency we are here without any experience whatever, with no shop fit to build guns in, and no cannon; we must wait until our seaboard is destroyed or submit to the most humiliating terms.

We are supporting an army and a navy. We have the best naval and the best military academies in the world, and I believe we are educating the finest class of young men. If we will give them an opportunity, if we will go on and make the necessary preparation and give them something to act with, they will defend the country. And it is a reflection upon these officers, it is a reflection upon the whole system, that we dare not trust anybody to build the necessary guns, to construct the necessary fortifications, to build the necessary navy, and we must wait. I have heard a great deal about the money we have saved by waiting. We have lost immensely in the skill, in the experience, in the establishment necessary to keep our country in a constant state of preparation.

Until this world forgets the art of war, until we have a guaranty of universal peace, until arms are entirely abandoned, we must remain in a state of readiness for war in order to have any prospect of peace. If we are in readiness we may be the most peaceful nation on earth. If we have our establishments so that we can build a first-class gun, if we have some first-class ships, if we properly fortify our coasts, nobody will interfere with us, and we can then talk of the Monroe doctrine, and we shall not be told that we are too weak to defend our rights.

It is false economy, because one of two things is inevitable, that we must submit to a third-class power, so far as all negotiations are concerned, and submit to the most humiliating terms whenever we deal with any nation, or we must be in a state of preparation, because we dare not make the sacrifice that war would bring, with our vast cities on the seacoast and on the lakes entirely unprotected. The destruction of life and property would be so great that no statesman would dare vindicate the rights of our country, no President dare do it if there was a prospect of war with any nation. I say, if we would maintain our position on the continent, if we would be respected as a nation, we must go forward and make some mistakes, if necessary, but we must go on and be prepared to build guns and to build ships, and we must build some, for we shall never learn how to build unless we commence building.

It is humiliating to talk about waiting for other nations to make the experiments, and then sending spies there to find out what they have done, so that we can follow it, when we have more inventive genius than any nation on earth in every department, and we can be trusted to excel in every mechanical art if we will go ahead. Our people are able and competent, our country is unbounded in resources, and we need not wait for other peoples to invent arms and means of fortification.

We should go on with experiments and we can lead; but if we wait until the emergency comes, suffer the humiliations and the destruction and indignities to our flag from every power in the world, we shall be not only exercising bad economy but bad patriotism, bad because we can not make the people of the world respect our flag unless it has power behind it. We can not make our own people love it unless we make the world respect it; and the way to make a united people is to make them proud of the power and greatness of the nation, proud of being American citizens, proud of the flag wherever it floats; and in order to do that we must be prepared to defend that flag.

Then let us go forward. This is a small appropriation. It may not have been perfectly considered, and drawn in the best way. I do not know whether it has been or not, but it comes well recommended; it is clearly defined; it is intelligently set forth by the gentleman who presents it, and I do not think we shall have a better opportunity at this session to get a vote of the Senate in favor of preparing for war in time of peace, and taking a step towards placing this country in a position that every third-rate power of the whole world will not feel at liberty to insult our flag and humiliate American citizens.

Mr. CHANDLER. Mr. President, I rose when the Senator from Connecticut [Mr. HAWLEY] obtained the floor and made his clear and comprehensive and I may say patriotic address on this question, not to recite any of the arguments which have been adduced during the last half dozen years in favor of the construction by the United States of modern guns, but to call the attention of the Senate to the remarkable concurrence of opinion on the part of all persons, members of Congress, mem-

bers of the Army and Navy, and private citizens who have investigated this subject.

The first formal investigation was made by the gun foundry board, which was organized in pursuance of the act of March 3, 1883, five years ago, and upon that board were Rear-Admiral E. Simpson, Capt. E. O. Matthews, and Lieut. W. H. Jaques, of the Navy, and Col. Thomas G. Baylor, Lieut. Col. Henry L. Abbott, and Maj. Samuel S. Elder, of the Army. That board visited Europe; they visited all the works in America, and they made a report on the 20th of February, 1884.

On the 12th of March, 1885, President Cleveland appointed, under the act of March 3, 1885, what is known as the fortifications board. I call the attention of Senators to the distinguished character of the members of that board. The Secretary of War, Hon. William C. Endicott, was president; Brig. Gen. Stephen V. Benét, Brig. Gen. John Newton, Lieut. Col. Henry L. Abbot, and Capt. Charles S. Smith, of the Army, and Commander W. T. Sampson and Commander Caspar F. Goodrich, two of the ablest officers of the Navy, and two eminent civilians, Mr. Joseph Morgan, jr., of Pennsylvania, and Mr. Erastus Corning, of New York, constituted that board, and their report was in due time made and has been printed by the order of Congress.

In addition to investigations made by these boards, two committees of Congress were appointed to make investigation and report. I hold in my hand the report of the House committee, Report No. 1450, Forty-ninth Congress, first session, the members of which commission, for it was a joint commission of the two Houses in the first instance, were Mr. RANDALL, of Pennsylvania, Mr. Hewitt, of New York, Mr. BURNES, of Missouri, Mr. CRISP, of Georgia, Mr. HISCOCK, of New York, Mr. REED, of Maine, and Mr. PHELPS, of New Jersey. They made a report in which they discussed the whole subject. Then we have the report of the Senate Committee on Ordnance and War Ships, which was the complement of the commission appointed by the Senate and the House. Their report, which was made as long ago as February, 1886, is signed by Senator HAWLEY, Senator ALDRICH, Senator Sewell, Senator MORGAN, and Senator BUTLER. These reports have been also supplemented and indorsed by reports by the Senate Committee on Ordnance and War Ships, the present committee, at the head of which is the Senator from Oregon, Mr. DOLPH.

The report of the Senate Committee on Ordnance and War Ships is remarkable for being the result of a most thorough and exhaustive examination of this subject. The members of the committee, I doubt not, are too modest to do themselves justice with reference to this report, but I take occasion to pronounce it as having been founded upon as complete and thorough and exhaustive an examination of this subject as ever was made of any subject by any committee or any commission whatever.

I give the membership of the committees and commissions to which I have referred:

Senate Select Committee on Ordnance and War Ships, 1886.—J. R. Hawley, chairman; N. W. Aldrich, W. J. Sewell, J. T. Morgan, M. C. Butler. (See report of the Select Committee on Ordnance and War Ships, Senate Report No. 90, Forty-ninth Congress, first session).

Board on Fortifications or other Defenses (appointed by the President of the United States under the provisions of the act of Congress approved March 3, 1885).—Hon. William C. Endicott, Secretary of War, president of the board; Brig. Gen. Stephen V. Benét, Chief of Ordnance; Brig. Gen. John Newton, Chief of Engineers; Lieut. Col. Henry L. Abbot, Corps of Engineers; Capt. Charles S. Smith, Ordnance Department; Commander W. T. Sampson, United States Navy; Commander Caspar F. Goodrich, United States Navy; Mr. Joseph Morgan, jr., of Pennsylvania; Mr. Erastus Corning, of New York. (See report of the board printed in House Executive Document No. 49, Forty-ninth Congress, first session).

Commission on Ordnance and War Ships (appointed under resolution of the House of Representatives, approved July 6, 1884, and continued under provision of the act of March 3, 1885, volume 23, Statutes at Large, page 470).—Hon. Samuel J. Randall, of Pennsylvania; Hon. Abram S. Hewitt, of New York; Hon. James N. Burnes, of Missouri; Hon. Charles F. Crisp, of Georgia; Hon. Frank Hiscock, of New York; Hon. Thomas B. Reed, of Maine; Hon. William Walter Phelps, of New Jersey. (See report of the Commission on Ordnance and Gunnery, House Report No. 1450, Forty-ninth Congress, first session).

Senate Committee on Coast Defenses (first session, Fiftieth Congress).—Joseph N. Dolph, of Oregon; James Donald Cameron, of Pennsylvania; Joseph R. Hawley, of Connecticut; Frank Hiscock, of New York; John R. McPherson, of New Jersey; Wade Hampton, of South Carolina; John H. Reagan, of Texas. (See Senate Report No. 603, Fiftieth Congress, first session).

Mr. President, with all this investigation we have the remarkable fact that all of these committees and commissions and all the members of these commissions and committees reached the one conclusion, which is expressed in the amendment proposed by the Senator from Connecticut, and which has been expressed in the report which the Senator from South Carolina to-day has incorporated in his remarks, and that conclusion is, that if the United States is to have any modern guns either for its war ships or for its fortifications, it should procure them in this way, by making contracts with American manufacturers to produce the steel and get it into a condition where it can be taken and fabricated into the gun. I say that with this common consensus, with this universal agreement, with nobody dissenting, it is about time that something should be done.

In 1883 there appeared by the report of the Navy Department the number of guns then possessed by the Navy. The Senator from South Carolina has read a statement showing the number and condition of the guns of the Army. I will read a statement as to the number of guns of the Navy. They were large in number, but worthless for all practical purposes:

The guns of the Navy are 2,233 smooth-bore muzzle-loading cannon of various calibers; 77 Parrott muzzle-loading 40-pound rifles; 267 similar 80-pound rifles; 51 muzzle-loading 180-pound converted rifles; 26 breech-loading 40-pound converted rifles; and 10 breech-loading 80-pound converted rifles.

The 87 converted rifles have fair power, and may be considered useful for the present. The Parrott rifles were made during and immediately after the rebellion; they might in an emergency serve a subordinate purpose as part of our armament, but are in no real sense suited to the needs of the present day. The smooth-bore guns are incapable of contending with rifled guns throwing one-half their weight of shot.

With not one modern high-powered cannon in the Navy, and with only 87 guns worth retaining, the importance of action for the procurement of naval ordnance seems apparent if the Navy is to longer survive.

Since that time there have been built for the Navy, as has been stated by the Senator from Connecticut, about thirty guns for the ships now under construction, and authority exists to construct about one hundred and eight more modern guns for the Navy; but as yet, as has been so well stated, and I repeat it, the Army of the United States has not one modern gun except an experimental gun which it has managed to construct. Yet we stand here discussing the question whether we shall authorize the Army to build guns upon an appropriation bill or shall wait to pass a special bill and go over all this ground again.

Mr. President, I hope that unanimously, without any distinction of party, the Senate will agree to the appropriation of $5,000,000 which is named in the amendment offered by the Senator from Connecticut.

I desire before closing to say that I do not understand that this amendment is obnoxious to the criticisms made by the Senator from Maryland. I do not understand that the amendment excludes the War Department from making contracts with private gun establishments to fabricate guns if any such establishments come forward and offer to build them. The amendment proposes that the Watervliet arsenal shall be put in a condition to build guns. I do not understand that the Senator from Maryland objects to that. The amendment provides for procuring $5,000,000 of gun-metal for the Army. However, it does not provide that that $5,000,000 of gun-metal shall be worked up and used in the Government shops, but it is entirely open to the War Department, as I understand it, when that metal is ready, to make contracts with private manufacturers to construct guns. As I understand, there are to-day existing contracts both with the Cold Spring Foundry and the South Boston Iron Works for the construction of guns for the Navy.

The whole question raised by the Senator from Maryland, as I understand it, is outside the present measure, which simply says that we will fit up the Watervliet arsenal, and that we will provide $5,000,000 of gun-metal for the Army of the United States for Army guns, as we have already provided nearly $5,000,000 of gun-metal for the Navy.

I hope, Mr. President, that there will be no objection to making an arrangement by which the other powers of the world may understand that after five years of investigation, all leading to the same result, the United States of America propose to build guns that are fit to be put in the fortifications of the United States.

Mr. DOLPH obtained the floor.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the bill (S. 2929) to authorize the Paris, Choctaw and Little Rock Railway Company to construct and operate a railway, telegraph, and telephone line through the Indian Territory, and for other purposes, was presented to the President on June 14, 1888, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, it had become a law without his approval.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask the Chair to lay before the Senate sundry messages from the House of Representatives.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. ALLISON, it was

Resolved, That the Senate further insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives insisting upon its disagreement to the sixteenth amendment of the Senate to the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United

States for the fiscal year 1889, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. In the absence of the Senator from Maine [Mr. HALE], who has charge of the bill, I move that the Senate still further insist on the sixteenth amendment, and agree to the further conference asked by the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate.

The PRESIDENT *pro tempore*. The Chair appoints as the managers of the conference on the part of the Senate the Senator from Maine [Mr. HALE], the Senator from Iowa [Mr. ALLISON], and the Senator from Kentucky [Mr. BECK].

Mr. ALLISON. As the disagreement is on an amendment presented to the Senate by the Committee on Foreign Relations, I ask that I may be excused from service upon the conference committee, and I beg to suggest that the chairman of the Committee on Foreign Relations, the Senator from Ohio [Mr. SHERMAN] be substituted in my place.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Iowa [Mr. ALLISON] will be excused, and the Senator from Ohio [Mr. SHERMAN] will be appointed in his place.

Mr. SHERMAN. I trust for the explanation of the matter fully to the committee on the part of the House that the Senator from Alabama [Mr. MORGAN] will be added as a member of the conference committee, either in place of the Senator from Kentucky [Mr. BECK], or, if that is not deemed advisable, that the conference committee on the part of the Senate be increased to four. I think it is better that that should be done, because the Senator from Alabama is more familiar with the whole subject than I am.

The PRESIDENT *pro tempore*. The Chair believes that there is no precedent for the appointment of four managers of a conference on the part of the Senate. If it is desired by the Senate, the Senator from Alabama [Mr. MORGAN] may be substituted for the Senator from Kentucky [Mr. BECK].

Mr. SHERMAN. I do not see the Senator from Kentucky present, but I have no doubt he would at once assent to it if he were present. I move that the Senator from Alabama be substituted for the Senator from Kentucky.

The PRESIDENT *pro tempore*. The Chair, then, will announce as the managers of the conference on the part of the Senate, the Senator from Maine [Mr. HALE], the Senator from Ohio [Mr. SHERMAN], and the Senator from Alabama [Mr. MORGAN].

AGRICULTURAL APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. PLUMB, it was

Resolved, That the Senate insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. PLUMB, Mr. FARWELL, and Mr. CALL.

DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives further insisting on its disagreement to certain amendments of the Senate to the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

On motion of Mr. PLUMB, it was

Resolved, That the Senate further insist on its amendments to the said bill disagreed to by the House of Representatives, and agree to the further conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL.

BRIDGE AT WABASHA, MINN.

Mr. DAVIS. I move that the vote by which the bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabasha, Minn., was indefinitely postponed be considered, and that the bill be recommitted to the Committee on Commerce.

The PRESIDENT *pro tempore*. The vote by which the bill was indefinitely postponed will be reconsidered, if there be no objection, and the bill will be recommitted to the Committee on Commerce.

LOAN OF TENTS, ETC.

Mr. HAWLEY. The joint resolution (H. Res. 188) authorizing the loan of tents and camp equipage to the veteran organizations of the Society of the Army of the Potomac came over from the House of Representatives a short time ago. It relates to the loan of tents and camp equipage for the celebration at Gettysburgh. I wish to make a statement in regard to it which will dispose of it, and I wish to put that statement upon record that there may be no misapprehension about it.

The Senate on the 20th of June concurred in a House joint resolution precisely identical in terms and the matter is concluded, the President having signed the joint resolution and the work being in progress. I do not know how it happens that the House of Representatives has just passed it over again and it comes here to-day. I make this statement that there may seem to be no disrespect or negligence in the Senate paying no attention to it. The matter is all done; it was done nine days ago.

EXTENSION OF APPROPRIATIONS.

Mr. ALLISON. It is manifest that many of the appropriation bills can not be passed during to-day and to-morrow, and therefore I report back from the Committee on Appropriations the joint resolution (H. Res. 187) to provide temporarily for the expenditures of the Government, and I give notice that to-morrow morning I shall ask to have it considered.

Mr. ALDRICH, Mr. BECK, and others. Have it passed now.

Mr. ALLISON. Senators around me suggest that I ask unanimous consent to have the joint resolution considered to-day. I will ask that consent now.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the joint resolution just reported may be now considered by the Senate, the pending business being informally laid aside. Is there objection? The Chair hears none, and the joint resolution is before the Senate as in Committee of the Whole. It will be read.

The joint resolution was read, as follows:

Resolved, etc., That all appropriations for the necessary operations of the Government under existing laws which shall remain unprovided for on the 30th day of June, 1888, be, and they are hereby, continued and made available for a period of thirty days from and after that date, unless the regular appropriations therefor provided for in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1889; and in case the appropriations, or any of them, hereby continued are or is insufficient to carry on the said necessary operations, a sufficient amount amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended therefor than will be in the same proportion to the appropriations of the fiscal year 1888 as thirty days' time bears to the whole of said fiscal year: *Provided further*, That authority is also granted for continuing during the same period the necessary work required for public printing and binding, and for all other miscellaneous objects embodied in the sundry civil, Army, District of Columbia, legislative, executive, and judicial, and naval appropriation acts, in advance of appropriations to be hereafter made for said objects: *And provided further*, All sums expended under this act shall be charged to and be deducted from the appropriations for like service for the fiscal year ending June 30, 1889.

Mr. SHERMAN. I do not want to interfere with the business of the Committee on Appropriations, but the effect of the joint resolution will be that in regard to every branch of the public service that is not appropriated for by to-morrow night a new account will have to be opened of one-twelfth of all the appropriations of the present year, and the accounts must run for thirty days. As a matter of course, the accounts must be opened separately, as for a new appropriation for thirty days.

It seems to me it would be a great deal better to run along even for a week without paying out any money from the Treasury for the ordinary current expenses of the Government than to pass the joint resolution. Its passage would be a very serious embarrassment to the Departments. If Congress should fail to make appropriations for one week, nobody would be injured, because no money need be paid. The expenses for the present fiscal year are provided for by existing law, and can be paid out, and even if no payments are made for ten days of next year that is a great deal better than to open two separate books of accounts which will run for thirty days on every item of expenditure not provided for by the appropriation bills already passed, while if the Committee on Appropriations would hold back the joint resolution for a week or so and let it stand probably most of the appropriation bills named would be out of the way.

Mr. ALLISON. A few years ago there was a provision inserted in one of the appropriation bills to the effect that no head of an Executive Department should accept the services of any clerk or employé unless a prior appropriation had been made for the purpose.

Mr. EDMUNDS. Will you kindly refer to that law?

Mr. SHERMAN. I should like to see it. If there is such a law it ought to be repealed.

Mr. TELLER. I think it was passed in 1883 or 1884. There is such a provision of law. It prohibits the head of a Department from accepting services where there has been no appropriation made. A failure to pass this joint resolution would simply suspend all the operations of the Government.

Mr. SHERMAN. I would repeal that law.

Mr. TELLER. It ought to be repealed, undoubtedly.

Mr. ALLISON. It is the law of 1884.

Mr. PLATT. I should like to inquire of the Senator from Colorado what the object was in passing such a provision of law. Was it not intended as a notice that appropriations must be made thereafter during the current year for the next fiscal year?

Mr. TELLER. I can not answer the Senator from Connecticut, because I was not a member of this body when it was passed. I was a member of the Government in another Department, and I know the question was presented to me directly whether, on a failure of appropriations, the Department over which I presided would shut up shop or not, and I determined that if there was a failure of appropriations I would shut up shop and not attempt to do any business. I suppose it was passed for the purpose of preventing the different Departments from doing what they sometimes did—accept services where the appropriations were insufficient and thus create a deficiency. I suppose it was done to cover some such case as that. For instance, in the Interior Department at one time when a certain land office had been burned up, the Department was compelled either to close the land office, a very large land office, or to put some volunteer employés at work to transcribe the records from the General Land Office to be furnished to the local land office. Quite an item of expense was thus made without the authority of law. It was made because there seemed to be an absolute necessity for it. The law might have been passed to cover some such case as that, or it might have been, as suggested, for the purpose of compelling the appropriation bills to be passed in ample time. At all events, there is such a statute somewhere on the statute-book, unless it has been repealed within the last three years.

Mr. SHERMAN. It may have been a provision for a single year.

Mr. TELLER. No; it was a general provision.

Mr. PLATT. My recollection about it is not very distinct, but my recollection is that at a former session of Congress we were confronted just at the end of the fiscal year by the fact that seven months' time had elapsed from the commencement of the Congress, and the appropriation bills had not been forwarded to the Senate in time to act upon them before the commencement of the next fiscal year. A joint resolution like the one under consideration was passed extending the period fifteen days, and when the fifteen days were about expiring another joint resolution had to be passed extending the appropriations for another fifteen days, and I am not sure but that there was a third extension in order to have the appropriation bills passed for the next fiscal year. My recollection may be imperfect, but my impression is that under those circumstances the Senate then introduced this clause in one of the appropriation bills, and that it was put there as a distinct notice that this kind of a resolution was not good legislation, and that it ought to cease.

It seems to me that whenever we find ourselves in this situation we ought to emphasize our opinion that the appropriation bills ought not to be delayed in this manner. I wish to say that I do not intend any criticism upon the Committee on Appropriations of the Senate. At the very commencement of this session we undertook to emphasize the opinion of this body that the appropriation bills ought to be furnished to the Senate in time so that they could be passed during the fiscal year ending the 30th of June. The Committee on Rules reported an amendment to the rules providing that no appropriation bill should be considered until, I think, seven days after it had been sent to the Senate, and that resolution and that report of the Committee on Rules is now, if I am not mistaken, on our Calendar. It came up for consideration and this matter was alluded to, and it was suggested that perhaps the fact that the Committee on Rules had reported such an amendment would cure the evil, and we should have no further necessity for it, and it remains now upon our Calendar under those circumstances.

Either the appropriation bills have not been reported in time to pass them before the 30th of June or they have been reported so late that it has been necessary for the committees to sit nights and all night, and for the Senate to sit evenings and all night in order to hurry the appropriation bills through.

It can not be possible that the appropriation bills can not be prepared and passed before the 30th of June. In the short session we have but three months, and the appropriation bills are prepared and passed during those three months; but when we have a long session, which may extend seven or eight months, we invariably find ourselves in such a position that the appropriation bills are not ready for action on the 30th day of June. I am not particularly familiar with the operations of the Government, but I can see that, as the Senator from Ohio says, every account which is made necessary, except in the case of the appropriation bills which shall become laws to-morrow, will have to be opened anew.

Mr. SHERMAN. For thirty days.

Mr. PLATT. For thirty days, and there is no assurance that we may not have to extend the appropriations for a period beyond thirty days. The appropriation bills are now in such a shape that, judging by the past, it is fair to assume that on the 30th day of July all the appropriation bills will not be through. It involves the opening of an account consisting of one-twelfth of the appropriations of the preceding year.

Mr. SHERMAN. On every item.

Mr. PLATT. On every item, for thirty days, and all warrants have to be drawn against that account, and that account is to be closed and a new one opened at the end of the thirty days.

Mr. President, I do not know how much it will embarrass the operations of the Government not to pass the joint resolution. Of course the Government must go on in some way, but if it is a mere matter of paying out money next week or the week after——

Mr. EDMUNDS. That is all it is.

Mr. PLATT. If that is all it is, I think we had better not pass the joint resolution.

Mr. ALLISON. The statute to which I referred is found in the urgent deficiency act passed in 1884.

Mr. EDMUNDS. Page 17, of volume 23, of the Statutes at Large.

Mr. ALLISON. It is as follows:

> And hereafter no Department or officer of the United States shall accept voluntary service for the Government, or employ personal service in excess of that authorized by law except in cases of sudden emergency involving the loss of human life or the destruction of property.

That applies to a very large class of cases. Of course it does not apply to the entire civil service; but nearly all persons in the employ of the Government now, such, for example, as the Pension Office clerks—I merely mention them by way of illustration—are not authorized by any other law except the appropriation acts from year to year, providing for that service for the fiscal year. So I think under this statute the civil service of the Departments here would be absolutely stopped, or nearly so.

Mr. PLATT. The joint resolution goes to the extent of extending appropriations for all miscellaneous objects embodied in the sundry civil bill as well as the Army, the District of Columbia, the legislative, executive, and judicial, and naval appropriation acts in advance of the appropriations to be hereafter made.

Mr. SHERMAN. There is one clause in the joint resolution which makes new appropriations for all objects that may be deemed necessary, leaving to the executive authorities for the time being the absolute control of the whole Treasury of the United States, if according to their judgment they think it necessary. It seems rather a dangerous power.

Mr. EDMUNDS. We all agree that the military and naval establishment is not within this clause in the joint resolution, and I do not agree with the Senator from Iowa that the civil establishment is within it. Take the clerks for illustration. It is suggested by him that the clerks in the Departments exist only by force of the appropriation acts. I do not agree to that proposition. Their pay depends upon appropriation acts, but their existence depends upon their appointment by the head of the Department under the authority of the present Revised Statutes of the United States, which set up the Treasury establishment and authorizes the Secretary of the Treasury to appoint clerks and to carry on the whole establishments; and so of other heads of Departments. The Secretary of the Treasury is authorized to prescribe regulations, etc., for the government of his Department, the conduct of its officers and clerks, and the distribution and performance of its business, etc. Then the law provides how they shall be appointed and classified; that they shall be arranged in four classes, and so on. So the administrative authority to appoint clerks in the Treasury Department under the limitations and classifications named exists just as it does to appoint a lieutenant in the Army of the United States in the Army establishment.

Mr. PLATT. Would they have a claim for their pay?

Mr. EDMUNDS. That is another thing. This act that my friend has referred to as something to show that the whole Government would be paralyzed and fall to pieces in point of its capacity to do anything is the point to which I am addressing myself. That is clearly incorrect in my opinion, and my position is made still more clear by the subsequent sections of the Revised Statutes, which forbid the expenditure of any more money in the payment of these clerks and employés, who exist by force of this standing law, than has been appropriated for those purposes.

That being the state of the case, as it appears to me clear, the Government will go on in all its organized departments whether it has any money or not to pay in a week or two, and pay-day only comes once a month, on the 1st of every month. It will be the 1st of August before there will be any necessity to pay anything to any person in the service of the Government. It may be necessary, as they have money enough over, and it does not lapse until two years, to buy ice and so on. In respect of mere incidental supplies, purchases, etc., for which there is no money available, they can not purchase, because there is a prohibition against making contracts between the Government officers and the people with whom they deal in advance of the money which Congress shall have appropriated to pay them.

Mr. ALLISON. Take for illustration the point made by the Senator from Vermont. Suppose the Post-Office Department has exhausted its appropriation for the current fiscal year, as it undoubtedly has, because we have had several deficiencies already; how will the postage-stamps, envelopes, and various services of that kind be carried on unless there is an appropriation therefor? How can the Postmaster-General make a contract, say, for postage-stamps?

Mr. EDMUNDS. I do not think he can, unless he has money under the existing appropriation act to do so, or has made his contract, as un-

doubtedly he has before this time, for a sufficient supply of postage-stamps to last from now until the 1st of August. It is perfectly obvious that the Postmaster-General has not brought his postage contracts and his supply of postage-stamps down to the 1st day of July, 1888, but that he has a supply on hand large enough to run his Department for a month. They do business on a large scale.

Then my friend refers to his being short because we have had so many deficiency bills. One would suppose that the deficiency bills, which were intended to help out for a whole fiscal year, had given him a supply to stock himself long enough to run later than to-morrow night.

Mr. CHANDLER. I wish to ask the Senator from Vermont how he proposes to provide for the laborers and others employed in the arsenals and navy-yards of the United States under the general appropriating clauses for that purpose?

Mr. CHACE. Before the Senator from Vermont answers that question I should like to ask——

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

Mr. CHANDLER. As I know, there are large numbers of such employés, who depend upon the annual appropriations, who are not provided for by any law as a part of the existing force of the United States, and who can not be employed but must be discharged if the appropriations are not extended. Their services can not be accepted even if they are willing voluntarily to give them, unless the head of the Department, the Secretary of War or the Secretary of the Navy, declares that there is an instant emergency involving loss of human life or destruction of property. I ask the Senator from Vermont how he would provide for those persons?

Mr. EDMUNDS. I will answer in a moment, but yield to my friend from Rhode Island [Mr. CHACE], who wishes to ask a triangular question of my friend from New Hampshire.

Mr. CHACE. Before we pass from the other subject, in reply to the question that the Senator from Iowa asked the Senator from Vermont, I should like to inquire if we did not in the deficiency appropriation act passed the present year make an appropriation of $87,000 to pay a firm in Connecticut for envelopes, and does not that answer the Senator's question?

Mr. ALLISON. We did, but the payment was made under a contract.

Mr. CHACE. Was not that contract made after the law was passed?

Mr. ALLISON. It was made in absolute violation of law, as the Postmaster-General admitted in the printed letter which may be found in our files.

Mr. CHACE. But does not that demonstrate that there is a practical way for the Postmaster-General to get along?

Mr. TELLER. By violating the law.

Mr. HAWLEY. Let us have the correct history of the matter. There was no violation of law.

Mr. ALLISON. That is the question.

Mr. HAWLEY. I will tell the Senate exactly how it stood. The envelopes ran out because this economical Democratic Administration prefers to pay $900 on a thousand-dollar debt and the other hundred dollars another time. That is the way it prefers to do business. The envelopes ran out. The manufacturer said: "Mr. Postmaster-General, I know the law as well as you do. You can not contract with me. There can be no obligation." "Quite so," said the Postmaster-General. "Notwithstanding," said the other man, "I will go on and help your Government out, and furnish these envelopes for two or three months." The Postmaster-General said, "I can not promise to pay you." "Quite so; I understand that; I will just take my chances;" and he borrowed the money, and raised $87,000, and went on and did the work knowing that there was no legal obligation and without asking anybody to incur any; and we had to override the Committee on Appropriations in order to get the money for him.

Mr. EDMUNDS. Mr. President, I think I shall resume the floor. In the first place, I will answer my friend from New Hampshire [Mr. CHANDLER] on the subject of the persons in the arsenals. If those are extra persons, taken on temporarily, above and beyond the regular force authorized by law in the arsenal establishments, then the Senator would be right, and they would have to be dismissed, as they ought to be dismissed, because they ought not to have been taken on and carried on beyond the time that the money ran out. But if they are regular employés in that Department under its regular establishment, then they stand just like everybody else, and they are not rendering voluntary service; they are not volunteers, but they continue, just as the soldiers did in the Army whose time of enlistment had run out, because the fight was going on and they had not any convenient way voluntarily to retire, because they had to get a discharge and so on. So much for that.

Now, let us see exactly what the act of 1884 means. I will read the whole of the clause, and you will then see exactly how it came in and to what it applies:

INDIAN OFFICE.

To enable the Secretary of the Interior to pay the employés temporarily employed and rendering service in the Indian Office from January 1 up to July 1, 1884, $2,100; and hereafter no Department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property.

I infer from that statute, although I do not remember the circumstances, that beyond and above the regular authorized legal establishment in the Interior Department and in the Indian Office, the Secretary of the Interior thought it for the public interest to employ a certain number of persons whom the law before had not provided for, entirely outside of and extraneous to the regular force, for what he thought was a public interest, and he then called on Congress to pay those people. Congress said, "We will pay them, but hereafter we forbid you or any other head of a Department to employ people whose employment is not authorized by law. Those were temporary people, and we are not going to have any more of that sort of business done. If you can not get on with the regular force that Congress provides for you in its Revised Statutes of systematic organization and such temporary assistants as appropriations may give you for that one year alone, then so far you must suspend business." It was a very correct statute, but in my humble judgment, with great respect to everybody else, it has no application whatever to the regular and systematic force that is carrying on the civil and military and naval government of the United States.

So we are only confronted with the simple proposition that we shall make haste now, when several of the appropriation bills are just about to become laws in two, or three, or four, or five, or eight days, to extend all the appropriations of the fiscal year now about to expire, some of which will not be again made, for objects that will have effectuated all their purposes and no money is wanted for them. We extend those last by the general phraseology of the joint resolution, and put the whole of the machinery and the whole of the expenditure of the last annual appropriations on for an indefinite period of time within the thirty days. That ought not to be done unless there is an extreme emergency that requires it. As I say, there may be no money already appropriated to pay until the 1st of August, but there is time enough before then to clean up probably all of these appropriation bills. There ought to be time enough.

Mr. TELLER. The Senator from Vermont is mistaken in supposing that these clerks and employés are appointed by general law. They are appointed under the provisions of appropriation acts, appropriating for so many clerks in each Department each year, and they can only be maintained in office during that year. For instance, take the appropriations of 1886. For the office of Assistant Attorney-General in the Interior Department appropriation was made for three law clerks, one at $2,750, one at $2,500, one at $2,250, five clerks at $2,000 each, one clerk of class 3, one clerk, who shall act as stenographer, at $1,600; in all, $27,700. If that appropriation failed to be repeated the next year, those people would go out at the end of the year. Everybody understands that.

Mr. EDMUNDS. I do not understand it.

Mr. TELLER. That is a fact in administration which the Senator could readily understand. If he would telephone down to the Department he would find that is the case; and there are Senators here who must know that such is the fact.

You may take the General Land Office. The Commissioner of the General Land Office is provided for by general statute. I want to say that it is not true of the Commissioner of the General Land Office, but of some officers it has been true that the salary is one thing by statute and another by appropriation.

Mr. EDMUNDS. May I interrupt my friend on the Department of Justice, which he took for illustration?

Mr. TELLER. Certainly.

Mr. EDMUNDS. We want to get at the true state of this business. I find in the standing law, the United States Revised Statutes—pretty old, to be sure, and the establishment has been somewhat increased, I dare say—a provision that there shall be in the Department of Justice one chief clerk, giving the salary—I shall condense as much as I can—one law clerk, one stenographic clerk, one disbursing clerk. In the office of the Solicitor of the Treasury, which is part of the same thing, it is provided that there shall be one chief clerk and such temporary clerks as from time to time may be needed, but the allowance for such temporary clerks shall in no one year exceed $1,000 each.

Mr. TELLER. The Senator has given much attention to the question of the appointment of these clerks. The former method was to appropriate for each Department a certain amount of money under the statutes. Then they went to work and parceled them out just exactly as the head of the Department saw fit, giving a clerk $1,000, or $1,200, or $1,500. That was the original method except in the case of a few clerks designated. There are four clerks in the Interior Department now appointed by the President of the United States under the old law, performing the same duty that clerks who are appointed by the Secretary perform. Those are established clerks; their position is fixed by law. What I read was not in the Department of Justice but in the Interior Department.

Mr. EDMUNDS. I understood the Senator to refer to the Department of Justice, to the office of the Attorney-General.

Mr. TELLER. No; I referred to the office of the Assistant Attor-

ney-General for the Department of the Interior. Every Department of the Government has an Assistant Attorney-General assigned from the Department of Justice to that Department. In making the appropriations for that Department the appropriations are made for the clerks in that office, but they are appropriations made under the head of the Department of the Interior or whatever Department it may be.

I will venture to say that in the Pension Office 90 per cent. of the clerks there are provided for only by appropriation acts. They cease at the end of the year and they are never the same. There are some of one class this year who are not in the next, and so on.

Mr. EDMUNDS. That is all true; but that is merely done by the appropriation act. It does not legislate; it recognizes the existence of the system, and it gives just as much money as Congress chooses to pay the clerks.

Mr. TELLER. It does not recognize the system. It establishes the office and provides that there shall be so many clerks of class 1, and so many clerks of class 2, so many of class 3 and class 4, and it makes the appropriations for those clerks; and the moment that the appropriation ceases they are out of office. That is the practical result, and that will be the practical result with a very large proportion of these clerks if there is no appropriation available on the 1st of July.

Mr. PLATT. May I ask a question? I suppose that nobody becomes a clerk in the Pension Office or in any Department until he or she receives a notification that he or she has been appointed clerk in class 1 or class 2, as the case may be. If that appointment lasts only for a year, does that clerk at the end of the year get another notification that he or she has been again appointed? According to the Senator that clerk is out of office at the end of the year.

Mr. TELLER. He is out of office.

Mr. PLATT. How do they go on and draw their pay, then?

Mr. TELLER. He is out of office unless the appropriation act again provides for him. If the appropriation act provides for one hundred clerks of class 1 this year, and next year appropriates for fifty clerks of class 1, fifty go out of office in the practical operation of the Department.

Mr. EDMUNDS. Which fifty?

Mr. TELLER. The fifty whom the Secretary selects.

Mr. EDMUNDS. Then none go out until he selects?

Mr. TELLER. He selects them beforehand if he is an executive officer who understands his business.

Mr. PLATT. It is not that the Secretary does not reappoint them, but the Secretary at the end of the year gives them notice that their services are no longer required, and removes them.

Mr. TELLER. No, he does not remove them, because he has no power to do so. It is a question which has been much discussed in the Departments whether they should be reappointed. In some of the Departments they have been reappointed and in others they have been allowed by a formal order to continue. Senators are but dealing with a mere technicality when they talk upon that subject. They know that no executive officer in this Government dare to keep a clerk there who is not appropriated for, although the office is established by law. There is a statute which makes it a misdemeanor for him to do it. There is a statute now in force which confronts every head of a Department, providing that he must not expend a dollar that is not appropriated for.

The Senator from Vermont says that they can keep on and let the Administration run; they can do it in defiance of law; but is it necessary, is it proper that in order to avoid a little trouble in book-keeping we should ask every executive officer of the Government to violate the plain provisions of a statute? It is a good deal better that they should be inconvenienced in their book-keeping than that that should be done.

The practical result, as everybody knows, is, if we do not pass the joint resolution, that we have failed to legislate to keep in office a great number of people and they will be out of office. They must be reappointed; they must pass the civil-service examination again, and go through all the troubles they have gone through with to get in. I do not know that I have a great deal of interest in keeping many of those people in, but I know, and everybody ought to know, that it would be better for us to pass the joint resolution, so as not to create confusion of the greatest kind and character in the administration of the affairs of the Government. Its defeat can only be defended upon the theory that we want to punish the House of Representatives. We do not punish the House of Representatives because they did not send their bills here in time. I do not suppose they care any more about the confusion that results than we do. We punish ourselves quite as much as we punish the House.

Mr. ALLISON. I wish to call attention to section 3679 of the Revised Statutes.

Mr. EDMUNDS. I saw it.

Mr. ALLISON. Which the Senator from Vermont looked at and did not read.

Mr. EDMUNDS. I did not read two others in the same connection.

Mr. ALLISON. Section 3679 provides that—

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

That is one provision.

Mr. EDMUNDS. Then section 3732 is another one.

Mr. ALLISON. So the statutes are full of various provisions in this regard. It may be that a dozen or two clerks in the Department of Justice could be retained under the statutory provisions already cited; but it is nevertheless true that the entire civil force of our Government practically is carried on through appropriation acts and in no other way. I will take the office of the Public Printer, and I make the prediction now that if we do not pass the sundry civil appropriation bill, in which the appropriation is usually made for the Government Printing Office, by to-morrow night, on Monday morning the Government Printing Office will be closed up or else the Government Printer will be violating the law. That is the existing condition of things. I regret it just as much as other Senators do.

Mr. PLATT. Would he be in office still?

Mr. ALLISON. I presume he would be in office still, and there would be three clerks in his office, because they are provided for by law, and they are the only persons there who are so provided for. It might be a wise thing, as some Senators suggest, to make a change in that office by refusing to make the appropriations, but that is not a very honorable way to carry on the Government, in my judgment.

This joint resolution is carefully guarded. It provides, in the first place—

That all appropriations for the necessary operations of the Government under existing laws which shall remain unprovided for on the 30th day of June, 1888, be, and they are hereby, continued and made available for a period of thirty days.

Therefore it gives no discretion to the Executive Departments beyond the necessary service under existing law. When you come to miscellaneous service or objects the joint resolution is guarded especially, because it provides—

That authority is also granted for continuing during the same period the necessary work required for public printing and binding, and for all other miscellaneous objects embodied in the sundry civil, Army, District of Columbia, legislative, executive, and judicial, and naval appropriation acts, in advance of appropriations to be hereafter made for said objects.

Of course that contemplates that the Executive Departments will take notice of the provisions in these bills as they now stand, and they can not go an inch beyond them. I remember perfectly well, and the Senator from Ohio undoubtedly has in his mind the fact, that in 1877 there was no appropriation for the Army. President Hayes did not call an extra session of Congress at once, and the Army ran along for three or four months without any appropriation.

Mr. EDMUNDS. Several of the other bills ran over for some time, but we did not have any extension.

Mr. ALLISON. The Army bill was the only appropriation bill that failed that year.

Mr. EDMUNDS. If the Senator will allow me, I am quite sure that we were in the same category precisely then that we are now as to two or three other bills besides the Army bill, and that we went far beyond the 1st of July, and nobody was dismissed or anything of that kind.

Mr. ALLISON. I remember no such instance as stated by the Senator from Vermont. I have not the statutes before me, as of course I did not anticipate this discussion. We have frequently and repeatedly passed these continuing statutes from time to time. It is a matter of no moment to me personally, as it is not to the Committee on Appropriations, whether this joint resolution shall go through or not.

If the Senator from Connecticut [Mr. HAWLEY] would exhaust himself a little bit on the House of Representatives instead of making a fling at the Committee on Appropriations in respect to the particular appropriation to which he alluded, he might employ himself more profitably. The particular appropriation alluded to by the Senator from Connecticut was presented to the House of Representatives by Mr. Vilas, who was then Postmaster-General, and he stated in his letter to the committee, which can be found and read, that he had practically violated the statutes of the United States in order that the Post-Office Department might not stop. It is true they whipped the individual around the stump, as the Senator from Connecticut so beautifully illustrated in his statement.

I could convict a man upon the statement of the Senator from Connecticut of violating the law. The Committee on Appropriations had an urgent deficiency bill. The House committee had stated that they had excluded the item after an explanation of the matter by Postmaster-General Vilas, and it was important that that particular bill should be passed the day it was reported. The Committee on Appropriations did not embody the amendment of the Senator from Connecticut in the bill, but by the courtesy of that committee the Senator from Connecticut was authorized to offer the amendment, and he did offer it, and it was passed. There was no special objection to it. So I think whatever blame there is attached to that particular matter it should go beyond this body.

I believe that on the 2d day of July we shall find that several of these important appropriation bills will not have become laws.

Mr. PLATT. How many of them have become laws?

Mr. ALLISON. Only three of them are laws now, out of fourteen. If I were at the head of one of these Departments, I should not violate

the law, as every one of them will do if he goes on expending money not authorized by law and not appropriated for.

Mr. VEST. I should like to ask the Senator a question. As a legal proposition his statement has excited my curiosity. I understood him to say that upon the statement of the Senator from Connecticut [Mr. HAWLEY] he could convict the former Postmaster-General, now the Secretary of the Interior, of having violated the law. I understood the statement to be that Mr. Vilas distinctly stated to the manufacturer of envelopes that he had no authority to contract with him; that the law positively forbade it; and that the man said, "Very good; I will furnish the articles and take my chances of the Government paying me hereafter." Does the Senator mean to say that he could convict the Postmaster-General on that statement?

Mr. PLUMB. If he fixed the price.

Mr. VEST. The price had been already fixed by the former contract.

Mr. ALLISON. Not on the particular envelopes, because there was no law for them.

Mr. VEST. I want to know from the Senator how he could convict a Cabinet officer on that statement.

Mr. ALLISON. I do not think I could wish to do so.

Mr. VEST. I do not think you would.

Mr. ALLISON. The Postmaster-General received these envelopes and sent them day by day to the postmasters of the country for daily use, and as the Senator from Kansas [Mr. PLUMB] says, they were charged and the account made out.

Mr. VEST. How did that violate the statute? Suppose any citizen of this country comes and says: "I will trust the faith and honor of this Government. It is true that Congress has failed to make the proper appropriation, but I will furnish these goods and I will take the chances on the natural, general equity that I shall afterwards be paid." I should like to see any one who would say that that was a violation of law.

Mr. ALLISON. Perhaps I made a mistake in that statement. The statute prohibits any head of a Department accepting any voluntary service without an appropriation. I do not say that the Government itself would stop. I do not believe that. Of course it would go on; but merely on account of a little inconvenience to the clerks in the Treasury Department in adjusting these appropriations I do not think it is wise for us to subject the heads of Departments to the serious inconvenience of carrying on their Departments in violation of law.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. ALLISON. Certainly.

Mr. EDMUNDS. I should like to ask the Senator from Iowa if he thinks the only objection to this way of doing business is the inconvenience to the clerks in the Departments in making up the accounts?

Mr. ALLISON. No, I did not say so.

Mr. EDMUNDS. I know the Senator did not.

Mr. ALLISON. I mean to say that we are confronted here, on the 29th day of June, one day before the expiration of the fiscal year, by a lack of appropriations to carry on the Government, and if it is carried on in many of its branches after to-morrow it will be carried on in the face of absolute statutes. That is what I say, and I mean to say that it is the fault of the two Houses of Congress that the appropriations have not been made.

Mr. EDMUNDS. What I wish to ask the Senator as one member of this body and as chairman of the Committee on Appropriations is, if this method of carrying on the business of the Government is a bad one, not merely in the inconvenience of the clerks of the United States but in its principles and in its broad and general practice, when are we going to begin to stop it? Is there to be a continual recurrence to the same methods, or are we going to say that we will face it once for all and see if we can not persuade our friends at the other end of the Capitol, if they assume the sole right to originate appropriation bills, that they must send them over in time to have them considered and got through, so as to have the Government go on regularly, and if they do not choose to do it, suffer whatever inconvenience from their failure to do their part of the work, or are we to continue on forever in this way?

Mr. ALLISON. That is a question which addresses itself to the judgment of the Senate.

Mr. EDMUNDS. I am asking the Senator.

Mr. ALLISON. The Committee on Appropriations did not feel that it could take the responsibility, and as chairman of that committee I do not think I ought to take it, nor as an individual Senator do I think I ought to take it; but if other Senators differ from me, let them vote down the joint resolution.

Mr. SHERMAN. Mr. President, I for one am perfectly willing to take the responsibility myself, and I think the Senate should put an end to this practice which has sprung up of late years. Under the old laws as they existed several years ago, the balances of appropriations could be applied to the payment of the current expenses of the next fiscal year. Congress has seen proper in the last fifteen or twenty years to make these severely restrictive laws on the use of appropriations.

There was great difficulty in Mr. Hayes's administration on account of the failure to pass the Army appropriation bill at one time. Army officers had to borrow money from bankers in order to pay their current expenses from the beginning of the fiscal year until some time in January. I am perfectly willing now to take the responsibility, for one, of saying that we should pass these appropriation bills as rapidly as possible, and sit here night and day, and abandon and discontinue, forever I trust, this process of making appropriations in this haphazard way, which makes a complication of accounts, gives great powers to the Executive Departments, and embarrasses the fiscal operations of the Government.

We are continuing under this resolution a set of appropriations not applicable to the next fiscal year. Many of them have fallen and their force is spent, and their object has been accomplished, and some of them are not needed for the next fiscal year. In the orderly way of conducting the business of the Government there can be no great inconvenience from a failure to pass the joint resolution.

Mr. HARRIS. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Let me finish. All the officers are continued. There is no inconvenience about it. Every employé of this Government can receive his pay up to the 30th day of June whether he applies for it before or after, because all appropriations are available to pay for the expenses of the last fiscal year. No payments are required under the ordinary operations of the Government for fourteen days after the beginning of the next month.

Mr. TELLER. What are they expected to do?

Mr. HARRIS. Perhaps the question I wanted to ask the Senator from Ohio has already been answered; it is this: Can the head of any one of the Executive Departments continue the services of any employé in any one of those Departments, incurring a liability to pay money, under the existing statutes as they now are?

Mr. SHERMAN. I think they can. I think the Senator from Vermont [Mr. EDMUNDS] has fully explained that. The ordinary operations of the Government go on. These men are employed not for a particular time, though the appropriation is made for a particular time. Nothing is limited but the appropriation. The money appropriated for this year can not be applied next year, but the employés of the Government now in the service will go on in the Printing Office and everywhere else. I have no doubt of it. There is no limit to their employment.

Mr. HARRIS. I unfortunately was not in the Senate when the Senator from Vermont spoke; but as I read the statutes I should very seriously doubt, indeed I incline strongly to the opinion, that the head of no Department of this Government can incur the liability to pay a dollar for the services of any employé until the appropriations have been made.

Mr. SHERMAN. He does not incur any liability. The Secretary of the Interior or the Secretary of the Treasury makes no contract whatever. These men continue in the employment in which they are now engaged. They are not hired for a particular time.

Mr. HARRIS. Is there no implied contract that they shall be paid the salaries that are fixed by law?

Mr. SHERMAN. Let me get through. I say there is no such implied contract. A man is employed under the existing law without any fixed time. It is true the appropriation expires and that is the end of the appropriation, and until Congress again appropriates money no money can be paid an employé; but is it not better that these executive officers should suffer a little inconvenience, even if they are delayed in the payment of their compensation, rather than that we should disarrange the whole operations of the Government in this irregular and improper manner? That is what I claim. I do not believe that it need disturb any of the ordinary operations of the Government. The people who are now employed in the public service in the Government Printing Office can go on and perform their duty, but they can not get their pay. The only restriction is that no money shall be taken out of the Treasury of the United States except in pursuance of appropriations made by law.

Mr. HARRIS. Or liability incurred.

Mr. SHERMAN. True.

Mr. HARRIS. Now, does the Senator say that it is a matter of no consequence that the head of a Department shall commit a misdemeanor by violating an explicit statute in incurring a liability to pay, and when the appropriations are made paying exactly what the law condemns?

Mr. SHERMAN. How can the head of a Department incur a liability when he makes no appointment, makes no employment?

Mr. HARRIS. Will the Senator allow me to ask him a question?

Mr. SHERMAN. The clerks remain in office just as the officers of the Army remain in office.

Mr. HARRIS. That is exactly the point. Here is a man appointed to perform a given class of duties and for a given salary, the appropriation has expired, the statute forbids the head of the Department to incur any liability for services, but he allows the man to go on and perform the service, and subsequently he pays him for it. There is no express contract of course, but if the head of the Department allows the employé to go on in the performance of his duties, and when the appropriations are made pays for the services according to the salary fixed by law, can it be denied that so far as an implied contract is concerned there is one?

Mr. SHERMAN. There is no such thing as an implied contract with the Government of the United States. A person is employed in pursuance of law, not for any fixed period of time, but upon the presumption that Congress will do its duty; and all these contracts are made upon that presumption. If Congress fails to do its duty, no money can be taken out of the Treasury and paid for this employment; no money can be paid for your salary or mine, or that of the President of the United States, or for any clerk or employé until there is an appropriation for it. That is all there is about it. The contract exists, and the employment continues. My friend from Colorado asks, will the clerk perform his duty? If he does not, let him be dismissed or go out.

Mr. TELLER. He is willing to perform it if he gets a chance, but you say he shall not have the opportunity.

Mr. SHERMAN. He will be there at his desk and will be working away.

Mr. TELLER. It will be a violation of the law if he does.

Mr. SHERMAN. I do not think it will be. I think if we would take the position firmly that until the appropriations are made in the regular way the money shall not be paid out, then we shall have an end of this business, and we shall have the appropriation bills brought to us in time and passed in time.

Mr. EVARTS. Mr. President, I am as hostile as any one can be to the system by which the Senate or the House of Representatives is placed at a disadvantage in the proper consideration of appropriation bills; and in general it may be said that the fault is not with the Senate. Nevertheless there is a consumption of time in debate and a difference of opinion in the Senate as to our power of amendment to the appropriation bills which can not be imputed to the House of Representatives as a fault. It is a fault in ourselves. Now, if any proper legislation or if any political morals can correct this mischief, it must be done by appropriate, adequate, and seasonable provision; and now on this 29th day of June, the fiscal year expiring to-morrow, we are confronted with the problem whether we can deal with the question freely without incurring and exposing others to greater responsibility than this protraction and delay in the presentation of appropriation bills by the other House.

I understand, differing in this regard from the Senator from Ohio [Mr. SHERMAN] and the Senator from Vermont [Mr. EDMUNDS], that the difficulty about the clerks all over these Departments, except such as there is provision for in the general statutes, is that not only money for their payment, but the requisition of their existence rests on appropriation bills. The fact and the service makes the payment in one breath. Certain classes of clerks up to a certain number in the various Departments are provided for by the appropriation acts, and they provide for their existence and their term and their payment all in one word, and when that is exhausted there is no ground, there is no place to put them in, no place to keep them in, as well as no money to pay them with. The fiscal year expiring and the appropriations expiring, the places are vacant and there are no places in which to put them back until there is a creation of a term and a payment for them.

We then must deal with this matter practically. We can not at this late day of the year fail to see, as it seems to me, the very mischievous nature of the legislation which we are asked to adopt and which we should like to discontinue; but how are we to terminate it? Can there be any difference of opinion as to what the meaning of the act of 1884 is? We all know the restrictions that have been thrown over the Departments in regard to employés by the general legislation, and then there comes what no doubt was intended to be a blocking of the effort to delay appropriation bills by this final provision.

And hereafter no Department or officer of the United States—

Giving force, of course, to what was already in existence in the way of restriction—

shall accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in case of sudden emergency involving the loss of human life or the destruction of property.

The Government must stand still; and it is a violation of law for the head of a Department to permit any of the clerks to yield voluntary service to the United States of America. It is impossible, then, as it seems to me, that at this stage we should regard the inconveniences of the proposed course to be as serious as are the mischiefs of delay in the appropriation bills. In this situation now, in this vortex, we are unable to repel or repair this mischievous system by undertaking to say that under these existing laws things shall be done illegally after the 30th day of June.

Mr. CHANDLER. Of course, Mr. President, if the Senate desire to apply the heroic remedy suggested by the Senator from Ohio to the practice of passing appropriation bills so late in the fiscal year, there can be no objection to that; but it must not be imagined that the remedy can be applied without great injury to the public service and without great injury to individuals. The difficulty is not the prohibition against the head of a Department running the Government in debt or making a contract. The difficulty is the prohibition upon the head of a Department against accepting voluntary service even if offered, and that provision will discharge every laborer, every watchman, every man who is at work for day's wages in every Department of the Government where the annual appropriation bill does not become a law before next Monday. One of the bills that are not likely to become laws on the 30th day of June is the Naval appropriation bill, and I find by examining one of the regular Naval appropriation bills for a year that it is full of provisions for the employment of watchmen, of laborers, of men in humble employment, all of whom will cease to be employed on Monday next, none of whom can be allowed to work even if they voluntarily wish to work, and if they were to do so Congress can not pay them for working without sanctioning a violation of express law.

I will do no more than read the provisions for the Navy Department, to which my remarks are applicable.

The appropriations "for the civil establishment" of the Bureau of Ordnance is devoted to paying civil employés in the navy-yards, and in the act of 1881, for instance, there is $11,886.25 "for the Torpedo Corps;" for labor, $15,000; Bureau of Equipment and Recruiting, for the civil establishment, $18,251.75; Bureau of Yards and Docks, for the civil establishment, $37,906.25; Bureau of Medicine and Surgery, "for the maintenance of the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and Naval Academy, $40,000; Bureau of Provisions and Clothing, for civil establishment, $12,411.50; Bureau of Construction and Repair, for the civil establishment, $40,-105.75; Bureau of Steam-Engineering, for the civil establishment, $20,-038. At the Naval Academy there is an appropriation "for pay of watchmen and others," $24,455; "for pay of mechanics and others," $16,835.95; for pay of employés in the department of steam-engineering, $8,577.50, and so on to the extent of many thousands of dollars in addition. All of these moneys are paid out to mechanics, laborers, and watchmen, every one of whom must not work on Monday next if this resolution fails to become a law.

It is quite easy for Senators to stand here and say that the heads of Departments will go on and accept this voluntary service and take the risk; but I assure the Senator from Vermont that if he were the head of a Department, with a Senate of the United States as critics, as this Senate has sometimes been in the past in reference to the action of executive officers, it would be a long while before he would accept voluntary service in a Department which he should be conducting, after next Monday.

Mr. PLUMB. Mr. President, the Senator from Iowa, in speaking about the matter of the failure of the appropriation bills to pass, said that the responsibility was upon the Houses of Congress.

Mr. ALLISON. If I used that phraseology, I meant to say that the responsibility is upon Congress; and I might have gone further and I will now go further and say that the responsibility is upon the House of Representatives, which fails to send these bills to us in time for their due consideration before the beginning of the new fiscal year.

Mr. PLUMB. I am glad to have given the Senator an opportunity to amend his statement. There are fourteen regular appropriation bills. Taking them in their alphabetical order, they are the agricultural; Army; diplomatic and consular; District of Columbia; fortification; Indian; legislative, executive, and judicial; Military Academy; naval; pensions; Post-Office; river and harbor; sundry civil; and deficiency. In the House of Representatives the responsibility for the preparation of these bills has been divided. The Agricultural Committee is responsible for the preparation and reporting and management in the House of the agricultural appropriation bill. The Military Affairs Committee has a similar responsibility in regard to the Army appropriation bill. The Committee on Foreign Affairs has a similar responsibility in regard to the diplomatic and consular bill. The Indian Committee has the charge of the Indian appropriation bill. The Military Committee has charge of the Military Academy appropriation bill. The Naval Committee has the preparation of the bill appropriating for the Navy. The pension bill is in the charge of the regular Committee on Appropriations, as are also the sundry civil bill; the legislative, executive, and judicial bill; the fortification bill, and the appropriation bill for the District of Columbia. The Post-Office Committee has charge of the Post-Office appropriation bill, and the River and Harbor Committee of the House has charge of the river and harbor bill. The regular Committee on Appropriations has charge of the deficiency bill.

It will be seen, therefore, that a majority of the important appropriation bills are in charge each of a single committee of the House of Representatives, a majority of the committees having to do with these appropriation bills having charge of one bill each and no more.

The first of these bills that was reported to the House of Representatives from any of these committees was the pension bill, reported on the 19th day of January, and which was passed by the House on the 20th day of April. It was reported to the Senate on the 10th day of May, and passed by the Senate on the 17th day of May. The Senate had that bill seven days from the time it was reported at the Secretary's desk to the time when, having been reported by the Appropriations Committee, it was amended and made ready to be presented to the President.

The next bill reported to the House was the diplomatic and consular bill, reported on the 7th of February from the Foreign Affairs Committee. It was passed by the House on the 21st day of May. It was

reported to the Senate on the 4th day of June. It was passed by the Senate and returned to the House with amendments on the 6th day of June, the Senate having had the bill but two days before it took final action upon it.

The next of these appropriation bills which came before the House was the Post-Office appropriation bill, which was reported there on the 13th day of April. It was passed by the House on the 24th day of May. It was reported to the Senate on the 11th day of June, and on the 14th day of June, three days later, it passed the Senate.

The legislative, executive, and judicial appropriation bill was reported to the House on the 14th day of April and passed the House on the 1st day of June. It was reported to the Senate on the 25th day of June and was passed by the Senate on the 26th day of June, the Senate having had the bill for all purposes of its committee and action in the Senate only twenty-four days.

The Indian appropriation bill was reported to the House of Representatives on the 16th day of March, passed the House on the 20th of April, and passed the Senate on the 1st day of June. That bill has become a law.

The next appropriation bill reported in the House of Representatives was the District of Columbia appropriation bill, which was reported on the 29th day of March. It passed the House on the 21st day of May, two months later; was reported to the Senate on the 11th day of June, and was passed by the Senate on the 13th day of June, two days later. That is still in conference.

The river and harbor bill was reported to the House on the 31st day of March, passed the House on the 7th day of May, and is now pending in the Senate.

The agricultural appropriation bill was reported to the House on the 28th day of May, passed the House on the 2d of June, was reported to the Senate from the Committee on Appropriations ten days later, on the 12th day of June, passed the Senate on the 14th day of June, and has not since been considered by the House until yesterday, when the amendments of the Senate were non-concurred in, and it came back to the Senate to-day with that message.

Congress met on the first Monday of December. The first bill that was reported to the House of Representatives from the Committee on Appropriations was on the 19th day of January following, and the last bill that was reported to the House of Representatives was on the 16th day of the present month. The House committees had these bills in charge before reporting them an average of more than four months from the date of the assembling of Congress until the time they were reported to the House and passed. The Senate has acted with unexampled rapidity upon all these bills so far as they have come here. They have been given as much consideration as they could in the time which has been available for the purpose; and yet I think every member of the Committee on Appropriations will say that more time was really needed in order that the committee might have given them that attention which they required. Every single effort consistent with even a fairly decent discharge of public duty has been made in order that these bills might be passed to take effect before the 1st day of July.

Unless it comes to be understood that the Senate shall abdicate all its functions in regard to appropriations there must be some other practice finally adopted, or we shall not only be met by the position with which we are confronted now constantly repeated and growing more aggravated at every Congress, but the time will come when we shall be confronted with still more serious difficulty, because it can not be supposed that the Senate will go on forever adopting makeshifts and temporary devices such as are proposed by the resolution now pending, leaving to the House of Representatives not only this ample time, but putting it in that condition in which it evinces a contempt for the Senate as a part of the legislative power of the country.

If the Senate can dispose of bills of this importance within a week or two weeks, or within three weeks at the outside—which I think is the longest time any of these bills have been in the Senate—the House ought certainly to be able to prepare and pass them in as many months. And yet, as I have stated, it takes an average of four months to prepare and pass in the House of Representatives a single appropriation bill.

Naturally, of course, this situation gives an excessive control to the House of Representatives of the appropriation bills. The bills come to us with such items on them as the House sees fit to put there. The Senate naturally, inevitably, and commonly amends them to conform to its own ideas of what is necessary for the discharge of its own duty and what is requisite for a continuation of the public service, and the bills go into conference; and there under the pressure of this brief time which must necessarily elapse, all the questions of difference between the two Houses are to be settled, and settled with a knowledge of the fact that unless they are settled within a very brief period of time there must necessarily be a lapse of the appropriations.

Something further has got to be done. There must be some rule whereby the House shall be required to discharge this most important public duty within a proper time, or the Senate must come finally to the point that it will not consider these bills unless they come within that proper time, and thereby allow the 1st day of July to go by without making the appropriations necessary to pay for the carrying on of the public service.

It is not very pleasant to criticise the House of Representatives, but something is due, not only to the Senate, but something is due to the fair and proper discharge of public obligations. Two years ago, under a belief, apparently, that more expedition would result from a division of duty and responsibility, the House of Representatives took away from its regular Appropriations Committee one-half of all the appropriation bills and gave to other committees the preparation of those bills. It committed to the Committee on Agriculture the agricultural appropriation bill; it committed to the Military Affairs Committee the Army appropriation bill; it committed to the Committee on Foreign Affairs the diplomatic and consular appropriation bill; it committed to the Indian Affairs Committee the Indian appropriation bill; it committed to the Military Affairs Committee the Military Academy appropriation bill; it committed to the Naval Committee the naval appropriation bill; and to the Post-Office Committee the Post-Office appropriation bill; and these committees, as any one will readily see, are not committees having engrossing duties of another character. I venture to say that no one of all these committees has reported more than two or three important bills outside of the appropriation bill committed to it; and yet, with each committee having only one appropriation bill, having no engrossing duties of another character, there is a greater delay than there was when all these bills were submitted to a single committee.

Perhaps I might go further and say, but I should hesitate to say it, though still I think it is in the line of that which our duty requires us to say, that this evidences the incapacity of the majority of the House of Representatives to deal with public measures promptly, sensibly, as they ought to be dealt with. The question is a pretty large one; it is a question to be considered elsewhere than here, probably during the coming summer; but these are the facts, that the House of Representatives, with this division of labor and under the control that it is now under and has been for years, is apparently unable to formulate and pass in time, in order that the Government may be properly carried on, the appropriation bills necessary for that purpose.

It will not do to say that there has been a tariff bill pending; that there have been other things to do, because these bills could all have been prepared long before the tariff bill ever saw daylight. The Senate, in whatever control politically it may be, is bound to consider, in view of its own responsibility for the carrying on of the Government, what will be necessary hereafter to prevent the contingency by which we are confronted now.

Mr. President, nothing could be more lax, more unsatisfactory, more prejudicial to good order than the passage of a resolution of this kind. Changes of appropriations become a necessity from year to year. New clerks are required in some branches of the Government, a diminution in another branch; new classes of expenditures in regard to public buildings, in regard to light-houses, and in regard to all the various classes of expenditures embraced in these fourteen different appropriation bills; there are changes necessary every year; and yet what do we do? We come in and say that the total this year shall be the same as in the laws of last year. This resolution says that wherever any of the clerks are provided for in the last appropriation bills he shall be continued for the next thirty days at the same salary, no matter whether his services are needed or not. It says also there shall be no increase in any direction in any Department of the Government which the necessities of the service may require, but whatever the condition of things was last year shall be continued. If we are to continue it for thirty days, why not for sixty days, and if for sixty days, why not for twelve months, so that all the same scale of expenditure and the same objects and purposes shall go on each year?

But, Mr. President, there is more than that. While we are now brought face to face with this failure of appropriations, we are reminded every day that scores and hundreds of bills affecting the expenditures of the Government, for the payment of the debts of the Government, bills necessary to meet changed conditions, bills essential as the appropriation bills themselves are to the perpetuity of the Government, have been passed by the Senate, and piled up on the table of the Speaker of the House of Representatives, where they receive not only no attention, but no pretense of attention, and there is no expectation either here or there that they ever will be attended to. We have come to that point where there is a practical embargo on legislation. We not only have to submit to the coat of last year, notwithstanding the growth of the necessity in regard to appropriations, but in regard to all other things on which legislation is desired we are compelled to labor under old conditions totally unsuited to the new and pressing needs of our people.

This is not the time, nor is it, perhaps, opportune to go into this subject more largely. At this moment, of course, whatever may be said, a bad motive will be ascribed to him who says it. It will be alleged that it is uttered because we are in a Presidential campaign; but it is proper at all times, and especially when an emergency of this kind arises, that there should be a full exposition of the condition of things which exists not only every year, but which becomes more and more aggra-

vated, and which is bound, it seems to me, to result in a state of affairs much more serious than will be the result of a postponement of appropriations, and that will finally result in the delay of business, in a lack to meet new and pressing necessities, fruitful of the most important consequences.

I do not know what the Senate may be able to do that will effect a change. I was opposed in the early portion of this session to the adoption of the rule reported from the Committee on Rules by the Senator from Connecticut, to the effect that the Committee on Appropriations should not consider any appropriation bill not reported prior to six days from the expiration of the session—I believe that was the time named. I was opposed to that, because I could see that emergencies might arise in which that would work great harm to the Government, and yet it will take a catastrophe, and one perhaps of an overwhelming character, in order to work a reformation at the other end of this Capitol.

Mr. CALL. I can see no great evil consequences to result from the passage of the resolution. The argument of the Senator from Kansas denies the capacity of the people to elect their Representatives, or the capacity of those Representatives. These are the only two logical points of his propositions. By our form of government the House of Representatives is constituted with full discretion whether it will report an appropriation bill or any other bill at a particular date or time during the session or term of Congress. That is all there is to be said about it. If the people elect Representatives, as it is said they have done, for years who are incapable of performing their function, the indictment then is upon the people of the United States. I do not concur in either of these propositions.

Assuming that the fiscal year is to begin in July, which is neither a necessity nor a provision of the Constitution, and assuming that the session of Congress shall begin in December and end at some period of the summer, then we might say that the Senate would not have time to consider an appropriation bill unless the House should act by some particular time; but if the three hundred and thirty members in the performance of the constitutional duty required of them spend one hundred and fifty or three hundred days in the consideration of the appropriation of the money of this Government, it is their sovereign right and discretion to do so, and we have no right to impeach the methods of this performance of their duty.

Now, Mr. President, what evil to the country is it to appropriate money by an appropriation bill or by a joint resolution? Suppose it does inconvenience the clerical force of this country? What relation does that bear to the convenience and the sovereign right, power, and duty of the legislators representing the people to exercise their discretion as to time and methods in the performance of their functions. The failure of a hundred appropriation bills would not affect the even course and tenor of this great Government resting upon the affections of the people of this country.

What is this of which we complain and which we exaggerate and magnify so much here? It is the simple question of convenience to the clerks in keeping the accounting books of the Treasury. Suppose it to be true, as it is true, that every salary of this Government is by law made in contemplation of and subject to the express provisions of the Constitution that no money can be paid except by the act of Congress, be the law what it may, the appropriation is to be made by every succeeding Congress, unfettered and unlimited by the action of or the prohibition of any preceding Congress.

Suppose it to be true, as it is true, that no implied contract can rest upon this Government, that its powers are all mandatory, and that in their exercise it commands, and does not act by agreement or consent. Suppose all that to be true, and that the great sovereign principle of this Government is that the people every two years, by their representatives in the House of Representatives and those here assembled, shall have the sole and absolute power of imposing taxation and of disposing of the proceeds of taxation out of the Treasury of the United States, what then?

Why, Mr. President, it is comparatively of but little importance whether a general appropriation bill shall be passed on the 1st day of July or the Government carried on by a joint resolution. It does not affect in any respect the great public policy of this Government. It is well that the Senate should have its opportunity of considering every item of appropriation. It can take the time to do it if it chooses to do so. It can prolong the sessions of this body as long as it sees fit, for there can be no adjournment without its consent. There is therefore nothing in these propositions except the simple question of the convenience of these two bodies in their periods of adjournment and the termination of the session.

Mr. President, I agree with everybody else that there ought to be reasonably expeditious consideration of the appropriation measures, that it is a proper method of public business to unite them for the convenience of the Representatives and Senators in a general bill, not for any object of public policy, but to save time. That is all there is in the proposition, and certainly when we are required and the duty is imposed upon us to appropriate the money out of the Treasury with unlimited discretion as to the manner of appropriating, whether by single bill or resolution or by general appropriation bill, there can be no doubt that when the law is exhausted the obligation is imperative upon this body to make that appropriation in such form as is possible to be done within the time limited. Therefore I do not think there ought to be any two opinions on the subject of the passage of this joint resolution.

As to coercing the House of Representatives by a rule that unless they shall pass appropriation bills at a certain time the Senate will abdicate its functions and not pass them at all, it seems to me there can be no consideration of that proposition; and the whole question, therefore, is simply whether we shall perform a constitutional duty imposed upon us of appropriating money out of the Treasury to answer the public necessities and the public demands, or whether we shall refuse to do it.

The PRESIDENT *pro tempore*. An amendment seems to be necessary, which will be stated.

The SECRETARY. In line 13 strike out the word "amount" where it occurs the second time.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Connecticut [Mr. HAWLEY] on which the Senator from Oregon [Mr. DOLPH] is entitled to the floor.

Mr. DOLPH. So much time has been consumed with the resolution just disposed of that I will reserve what I have to say on the amendment of the Senator from Connecticut [Mr. HAWLEY] to the Army appropriation bill to a later time in the consideration of the bill. I propose to offer an amendment to it. I will yield now to the Senator from New York [Mr. EVARTS].

Mr. EVARTS. Mr. President, I will detain the Senate but a few moments from the consideration and determination of this amendment if the Senate is ready to pass upon it. My only reason for speaking at all is lest it should be supposed that the State of New York and the city of New York were indifferent to any proper and prompt action toward putting this country in a state of defense.

As I understand, we have reached in consideration and examination by all competent sources of examination and report, to a general conclusion that this amendment is in its subject and its substance a proper piece of legislation. I believe that the objections which have been made do not at all touch the occasion of the public and of the Government requiring that provision should be made for furnishing armaments for forts that are already at the service of the Government or are to be built.

Now, Mr. President, as I understand it the real question for us to determine is this: Is there any such impediment in this measure being ingrafted upon an appropriation bill as should deter Congress from making it now an immediate piece of legislation? I do not understand that any of the general and conservative rules which should confine appropriation bills to appropriation matters give any ground to object to this measure. It has been suggested that the fortification bill when it comes would then be a more proper and a more regular place to dispose of the question, but I have not understood from any quarter, unless, perhaps, from the Senator from Maryland, that if this measure were here in a fortification bill any objection would be made to passing these clauses and sections thus found in that bill.

Mr. President, we are constantly brought in this attitude in legislation of agreeing that something ought to be done, that something ought to be promptly done, that something ought to be definitely done, and now we have reached by every stage of preliminary examination a condition to determine whether this measure is a good measure and should be accepted and adopted, and if we find that it is, and if we find that this is the promptest and the readiest mode of setting at work the purpose of this Government in regard to this armament of forts, I hope the Senate will find that there is no course for us to take but promptly and immediately to adopt this amendment.

Mr. HAWLEY. The Senator will pardon me for a few words further.

An inquiry was made of me as to about how many tons or how many guns the $5,000,000 would secure. Of course it can only be approximately estimated now. Such forged steel costs $600 or $700 a ton, and the estimate is about as follows: 100 8-inch guns of 15 tons, 1,500 tons; 120 10-inch guns of 30 tons, 3,600 tons; 50 12-inch guns of 50 tons, 2,500 tons; making a total of 7,600 tons, and making 270 guns when completed. But it will take five or six years at least to expend the $5,000,000.

One point more. It has been said that the Ordnance Bureau had

$75,000 a year for many years out of the avails of obsolete guns and old material, the money being covered into the Treasury and $75,000 of it being set apart each year for, in the language of the statute—

The purpose of procuring a supply of material adapted in manufacture and caliber to the present forms of the service.

One would think perhaps that would be used to buy new types, but the law has been construed in a just and proper sense. Among the guns made under that are 3.2-inch steel guns, of which there have been, I think, thirty made and some more to be made. The statute contemplates that there shall be a standard gun made and tested thoroughly before guns of that kind shall be issued to the Army or put into the available list of guns.

The Ordnance Bureau has built a 5-inch siege gun, and a 7-inch howitzer, and an 8-inch rifle and twelve steel-hooped mortars, all breech-loading, and they are said to be unsurprssed by any guns of like caliber in the world. They are kept for testing and are standard guns. They have been subjected, except the siege pieces, to severe tests for endurance, under that appropriation.

The Department has now under manufacture at the Watervliet arsenal one 10-inch breech-loading steel gun, one 8-inch breech-loading steel gun, and twenty-five 3.2-inch breech-loading steel field guns.

This is a report of the Ordnance Office to the Secretary of War, dated June 19 of the present year.

This work was begun under authority of the general law (section 1164, page 209, Revised Statutes United States, second edition, 1878), which prescribes the duties of the Chief of Ordnance, under direction of the Secretary of War, with regard to the procurement of ordnance supplies for the use of the Army, etc.; and also of the Statutes at Large (seventh paragraph, page 388, United States Statntes at Large, volume 18, part 3), which provides a permanent appropriation from proceeds of sales of obsolete and unserviceable material, which I have referred to.

A single word more, because the Senator from Kentucky made a point against us here which I suppose may be assumed to have a little force unless it is noticed. He said that this was too important matter to be discussed now upon the Army appropriation bill at this late stage of the session. I rebel, I indignantly rebel against that objection. Why was not the Army bill here two months ago? Last year it was passed before the 4th of March. Why are we told year after year when these important bills come here in the very last days, "Do not put on your amendment; do not take up the time; it is important that this bill pass before the 1st of July?" I will not listen to that. It is my duty to propose the amendment in behalf of the Military Committee. I do it and urge it, and I should speak upon it until Monday morning next if I thought it was my duty to do so.

Then, again, it was intimated that we ought to try the fortification bill. Mind you, sir, the fortification bill is not even here in the Senate in the hands of our committee yet.

Mr. ALLISON. It has not been reported to the other House.

Mr. HAWLEY. It has not been reported to the House, so far as we are allowed to know the proceedings of the House, as I understand. It may be here some time or other.

Mr. BUTLER. I should like to ask the Senator if this subject-matter has not been under discussion by the Committee on Military Affairs for a number of months?

Mr. HAWLEY. Yes, especially the committee of which my friend from Oregon [Mr. DOLPH] is the chairman. It has been discussed there over and over again, and moreover it is the same thing that the Senate in the last Congress passed without perhaps a single dissenting vote, practically unanimously. I refer to the pair of bills that provided 10,000 tons for Army guns and 10,000 tons for Navy guns. Over and over the question has been discussed, and yet the Senator from Kentucky rises and says, "We have no sort of means of knowing that this is the best way." You have been shown truly that half a dozen boards have investigated the subject, have reported exactly this, and that it has passed the Senate unanimously heretofore.

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. HAWLEY. Certainly.

Mr CHANDLER. He has stated the number of guns the $5,000,000 will furnish. Does he mean the metal or the guns?

Mr. HAWLEY. The $5,000,000 will provide pieces enough for about two hundred and seventy guns.

Mr. CHANDLER. Will furnish them for fabrication?

Mr. HAWLEY. Furnish them for fabrication. The Senator uses that term to cover the finishing and assembling. I do not quite like it, because "fabrication" implies the whole work. The forging of the rough parts is what is covered by this clause. The "fabrication" is the word the Department uses in describing the business of fine finishing and assembling. That is not covered by this item.

Mr. PLUMB. Two years ago, when this question came up in the Senate as a matter of appropriation, I was very much in favor of some such plan as is covered by the amendment of the Senator from Connecticut. Nothing was done because of a disagreement between the Senate and the House of Representatives as to what should be done, and nothing has been since done except what has been done for the Navy. I was quite willing myself that the amendment should be inserted in the bill providing an appropriation of $600,000 for manufacture, purchase, and test of cannon, etc.; but I am not as enthusiastic as I was two years ago about this project of the Senator from Connecticut. It is not actually certain that it will be a success. I know at all events that other governments are undertaking experiments in different directions, and that certain things have been developed which seem to show that the steel built-up gun is likely to be faulty as compared with others. I have here a dispatch, dated Vienna, May 29, as follows:

VIENNA, *May* 29.

The Austrian Government has adopted the automatic Maxim gun, which is considered the finest in existence. Thirty of these guns have been ordered to be delivered immediately to fortify Cracow and Przemyse.

Mr. HAWLEY. Before the Senator passes from that will he allow me to make a remark?

Mr. PLUMB. Certainly.

Mr. HAWLEY. The automatic Maxim gun carries an ounce ball.

Mr. PLUMB. It is an entirely new gun.

Mr. HAWLEY. It is a little rapid-firing gun. When a cartridge is fired it has rebound enough to set the machinery in motion by which the shell is thrown off and a new cartridge put in. You load, pull the trigger once, and go to your dinner, and by the time you get back it has fired a lot of cartridges of 1-ounce musket-balls.

Mr. PLUMB. With due respect to the Senator, I say I do not believe that he knows what he is talking about.

Mr. HAWLEY. We do not decide much by bets in the Senate, but I could appeal to two ordnance officers in the corridor and appeal to the intelligence of all the armies in the world.

Mr. PLUMB. That is very safe, because we can not appeal to the Supreme Court so as to have any effect on the passage of this bill; but this gun is thought worthy of being provided for the purpose of fortifying certain important points in Austria, and therefore I do not believe that the Senator understands it.

Mr. HAWLEY. But there has been one in the town within four weeks, in the War Department.

Mr. PLUMB. The Senator is so loaded generally with ammunition and ordnance that he carries it about his person. [Laughter.]

Mr. HAWLEY. Thank you for the compliment, implying that I know something about the subject.

Mr. PLUMB. That I doubt. [Laughter.] Mr. President, the Senator pressed this measure on us with great momentum two years ago; but I think he is somewhat oblivious now to what has occurred within the last fiscal year. I do not say this may not be a good thing to do, but I mean to say it does not seem to be so conclusively a good thing to do as it was two years ago.

In the first place, important discoveries have been made within the past few years, in fact in the past twelve months, which I think tend to show, and conclusively do show in fact, that we are not to make guns on the plans we now know; that is, the best gun has not been made yet, and it is not necessarily to be made as a built-up gun. Guns can be lighter, more adjustable, containing a great deal more tensile strength than any iron or steel. Recent discoveries show that the metal to do that can be produced at a nominal cost. Aluminum has an affinity for iron. Heretofore there has been a combination of such materials that aluminum could not be readily separated from, but it is now being used in connection with the manufacture of certain very important articles in a large city in this country in such a way as to produce practically a new metal, a metal composed of iron and aluminum in combination, and a metal having a greater strength than iron has, a metal which is finer, softer, more malleable, and of greater tensile strength than either iron or steel. It opens up a very wide field in regard to this very question of gun manufacture. It is probably practicable to make by casting a gun of iron and aluminum which will have greater tensile strength than has heretofore existed in built-up steel guns.

I do not want to say anything disrespectful of the Ordnance Department of this Government; I have the highest personal respect for every one whom I know to be connected with it; and yet there is a remark in a letter, which I shall read in a moment, which expresses my idea, that those persons who are in charge of this Department are not sufficiently alive to the fact that somebody else may know something and that the whole world is marching on with great rapidity, developing new things, new ideas, new projects, and they are so conservative that even if what I have spoken of shall be definitely developed to be the fact they will not avail themselves of it in time to be of any use to this generation.

There has been recently tried what is called the pneumatic dynamite gun, and this bill contains an appropriation for the purchase of ten. Four hundred thousand dollars, it is thought, will furnish ten of these guns. I have some doubt as to the value of that gun, but I have a letter from a gentleman who, if I was permitted to disclose his name, would, I think, convey some idea of authority on this subject to the Senate. Referring to this gun, he says:

I consider it the complete solution of the harbor-defense question. Why do I? The gun uses a projectile that, in my opinion, nothing can withstand. Four hundred pounds of explosive gelatine is for destructive power entirely beyond

any conception of the mind, and I do not overlook the cases where dynamite projectiles have not done what was expected.

The use of the pneumatic power allows of accuracy so that within the gun's range you can drop a projectile at any given point. Nets are no protection against it by reason of its line of flight, and they can not countermine and clear a channel, as in the case of fixed mines or torpedoes.

If you stop to think of the matter you will see that unless you propose to abandon torpedoes and mines for the defense of harbors (which would be exactly against the present tendency of things), then this gun is incomparably beyond anything heretofore known. It uses high explosives in larger quantities than any other weapon and in a way that vessels have at present no method of resisting. If I were Secretary of War I should have asked for $1,000,000 and should with that money have been able, I think, to protect perfectly every city in this country which has to be reached by a channel.

A million of dollars, according to the scale of prices established by this bill, would buy twenty-five of these guns, and according to the authority of this gentleman, no mean authority, who has watched every step of this experiment, and is himself in a responsible position, a million dollars would do more tenfold than the $5,000,000 that the Senator from Connecticut proposes to appropriate by his amendment. I have before me a letter from a gentleman in Philadelphia who writes to the chairman of the Committee on Appropriations, in which, speaking of this general question, he says:

Would it not be better to await the full trial of the pneumatic gun now upon the cruiser recently launched by Messrs. Cramp? There are radically different opinions as to whether this gun—

That is the gun being arranged now upon the cruiser—

will do all claimed for it, and until it is thoroughly tried nothing definite can be determined. I am not in the least interested in either gun.

He goes on to express the opinion that it is going to be a great success.

We have now entered upon this field of investigation. It has not been entered upon by persons employed by the Government; it has been entered upon by private people, by people under the stimulus of private enterprise, under the desire, of course, for profit, by people who survey the entire field, as unfortunately I think those who have charge of this matter for the Government do not. This gentleman goes on to say, concerning the pneumatic gun, that—

It is no longer experimental—

It has a range of about 2 miles, with the prospect that that range may be increased to 5 miles—

and if ordnance officers were not a little impervious to the force of evidence—

That is the point I want to make—

and if ordnance officers were not a little impervious to the force of evidence, we should have had the solution of the harbor-defense question settled by the general adoption of the gun.

There is, of course, wide room for difference of opinion about all these questions; but the Senator from Connecticut has observed that we have made great progress. Ten years ago it was said if you wanted a ship for offense or defense you must have one that was heavily armored. The concurrence of opinion on that subject was even stronger and more conclusive at the time than any concurrence is as to the character of the guns that the Senator from Connecticut now proposes the construction of. And yet to-day the whole civilized world admits that we do not want ships of that kind, because the power of offense has been developed far beyond the power of defense. You can not put upon the frame-work of any ship plate of sufficient thickness to resist the offensive weapons which in the mean time have been invented and put in use. In addition, that part of the ship which by modern inventions is exposed, to wit, the bottom, should never be plated at all. So the vessels which have been built by England, by France, by Italy, and by all foreign countries, with heavy armor, are not adapted for the present state of naval warfare. We shall never see one of these on the coast of this country. They are not to be feared.

Human invention has disposed of that question, and to-day the whole naval powers of the world, the United States included, are turning their attention to swift cruisers with a single large gun, and that have no solidity whatever practically so far as armor is concerned.

In the midst of this great revolution, why should we take up that which was proposed five or ten years ago and is confessedly not needed to-day? I venture now the prediction that if we enter upon this plan, within five years from now we shall be abandoning it. I do not mean to say that the appropriation will not do some good. I believe in keeping the officers of our Army employed; I believe in stimulating their genius and their efforts and their energy to enable us to keep as nearly as possible at a pace with or ahead of that which private enterprise is doing; but I do not want to rest on the theory that we are going to get the highest possible method of harbor defense or coast defense, because I believe the genius of individuals outside of the Army has contributed a method of solution which the Army has yet to take hold of or to appreciate.

We spend millions now. We have half a million in this bill for one item. They do not say they want anything else. They say they want to make a gun and test it, and after testing it to determine whether it is one that the Government should build or not. And yet the Senator from Connecticut wants to spend $5,000,000 upon the theory that we want that which no experiment has yet determined that we do want; and that, as I said before, although we are apprised of the very important fact that we have got, not at the expense of the Government, but at the expense of private parties solely, a weapon which to-day is superior to anything that ever has been manufactured. One shot from the pneumatic dynamite gun such as was fired from it last summer on the Hudson River will do more damage than a thousand shots fired from the best built-up gun. In the first place the range is more accurate than that of any gun can be the expelling power of which is powder.

In the next place, as stated in this letter, the shell it carries contains an amount of explosive the result of which is beyond the reach of contemplation almost of anybody as to its effect.

But I venture to say what will be the final result. I do not say the pneumatic dynamite gun is the best of its kind. On the contrary, the Senator from Alabama [Mr. MORGAN] spoke yesterday with that pride with which he always speaks of those things that concern his State of a patent for thirty-three inventions not only for the creation, but for the handling and the throwing of an explosive of the same character out of an ordinary gun with ordinary dry powder. The Senator from Connecticut [Mr. PLATT] says that is done in other countries. Whether he means thereby to disparage the inventive genius of the gentleman referred to by the Senator from Alabama I do not know. If it is done in other countries, then we have overlooked still another field in competition with these built-up steel guns and have developed another weapon which is superior to that, because it can be shown that torpedoes to be carried in the air and in the water and containing immense projectile force could be fired with accuracy out of an ordinary gun.

We have developed something which is of infinitely more consequence even than the pneumatic dynamite gun. We have got guns; we have got powder; we have all that is necessary except the preparation of the explosive. I will venture to say, as I have said before, that before we shall get fairly under operation under the propositions of this amendment, if it shall be adopted, every man will see that we have outgrown it all, that it was a coat fit for a boy when he had come to the stature of a man.

We have gained immensely as we all see now by not having entered upon the construction of ironclads twenty years ago. The obstructive policy of the Democratic House of Representatives as it was then was wise, although they did not know it.

Mr. STEWART. Suppose we had an immediate war now, would we not need the guns?

Mr. PLUMB. Suppose the skies should fall, should we not catch some larks? Mr. President, the man, woman, or child does not live who will ever hear a hostile shot fired on the American continent. It is not simply the possession of a few guns that makes the American people free from any possibility of intervention by foreign powers. It may or may not be the creation of a few weeks or a few months, but the inventive genius of 60,000,000 people will develop ten thousand times the offensive and defensive appliances required, of which we now know nothing. No one of the ironclads of the Old World to-day, in the absence of the pneumatic dynamite gun or gun of any kind, could ever sail into New York Harbor.

I do not say that therefore we ought not to provide something which shall at least seem to be adequate means for the public defense. We ought to provide against the accidents of the situation; it is all that we absolutely need to provide against. We want something to inspire the feeling of safety. The man who travels out in the country with my friend from Nevada does not carry a pistol because he thinks he will need it, but he carries it just on the principle that a man carries one in the State of Texas; he knows if he does need it he will need it badly, not because he thinks there is going to be any organized force out there that will attack him, not because there is any lack of that administration of the law which furnishes personal safety, but because he prefers to be safe against all peradventure. That is the condition of the people of the United States to-day. It does not need to do anything else except simply to provide against the possible accidents of the situation.

It ought to give stimulus to the inventive genius of its own people. It ought to be willing to accept the good things that the people of the United States bring to it at their own expense. I admit also that it ought to keep going the force of young, active, and intelligent men it has in its ordnance service.

I will venture to say when the stress comes on this country, if it ever does, its reliance will not be upon the regular Army any more than it was in 1861. It is the nucleus, it is the housekeeping service, and that is all. It is a good thing to have, a good thing to maintain and to be well spoken of—I utter no word to its discredit—but when I speak of the defense of this country I am speaking of something that bursts the bounds of any possibility of accomplishment by an army of twenty-five thousand men. I know, as every one here knows, that it is not the genius of peace that provides for war. It is the genius of the time of trial which focuses the determination, the judgment, the genius of every man in the country in one direction, and that the defense of the country, which develops that which is needed for the occasion.

We shall build, I have no doubt, in some way a gun foundry, and there will be a whirring of wheels, and there will be a turning of shafts, and there will be the making of guns after a perfunctory fashion; yet alongside of that and ahead of it, far beyond it all the time, will be

going the effort of men who do these things and similar things not for the salary but because they are led by high ambition, by cupidity, if you please, but yet by that spirit which carries the nation forward all the time and which makes the regular Army and its accompaniment also by comparison a lack. I do not plead for one as against the other. I say give both of them a chance. Give to the Ordnance Bureau this half million dollars in order that they may make these experiments. They may want to send over to England to buy one gun. Good as they are, conservative as they are, honest as they are, they want to build a gun to see whether that is the kind of gun we want. Meanwhile other persons have determined at their own expense certain things which are greater in their results than anything that has yet been found. We shall take up these things as we go along. We shall buy some things perhaps that we do not want, but all the time we shall be getting something better, and every day and every week and every year we shall be getting further and further away from that which the Senator from Connecticut three years ago, or five years ago perhaps, said then as his judgment and the judgment of the world was the best possible thing.

The world has grown in the last five years. The report of the Gun Foundry Board is here because we put it into imperishable print; but if it had not been printed we should not be referring to it to-day. It is because we stick to these printed pages which we printed some years ago that we do not see the things going on around us. If instead of printing it the report of that Gun Foundry Board had been burned up and had gone out of the recollection of men we should not be referring to it here to-day, and we should be taking up the current things that have been developed since, squaring our accounts by those, taking into account those things as the things to be done necessary for the protection of the country and not clinging to things that are past.

For these reasons I have not felt that now I could support this amendment. I have voted for the other amendment. I am willing to keep this machinery of ours greased and going on, but I do not want to give to it in the large way here proposed every single thing that pertains to the defense of this country. I do not want to do it because I do not believe it represents the best possible for to-day; I do not believe it represents the best possible for to-morrow, and for the days yet to come. At all events, whatever it may be, it is only a part of that which sixty million people are doing in this same direction.

Mr. HAWLEY. Mr. President, we have been waiting since 1867 for something that was to supersede anything that we had, and we have done nothing. I will imagine a case. About 1826 a man hears that there is a new-fangled steam machine that can make 15 miles an hour upon some rails laid on the surface—a new locomotive. He says, "I will not build one; I know there is a man who is getting up one of 20 miles an hour." He waits until 1835 and finds that there is a man who has got up one that will go 35 miles an hour. He waits until 1860, and finds out that there is somebody who can go 50 miles an hour. That man has got up to 1888 without building a single locomotive, and that man is the dear friend of the Senator from Kansas.

Mr. PLUMB. Will the Senator allow me to interrupt him for a moment?

Mr. HAWLEY. He does not want us to go to building things because we can do something better in the future.

Mr. PLUMB. Not at all. I am willing to do to-day the things for to-day and to-morrow I want to do the things for to-morrow.

Mr. HAWLEY. One gun then will only defend one little corner of New York Harbor. Let us put to-day our harbors in a decent condition of defense and I will wait with him; but I appeal to the common sense of the Senator to say whether a 17-inch gun throwing a 1,200-pound shot is ever likely to be entirely superseded, or whether even a 6-inch gun that throws a 100-pound chilled-steel bolt 5 or 6 miles is likely to be superseded, or whether a Hotchkiss revolving cannon that throws a chilled-steel projectile as fast as you can fire a revolver is likely to be superseded. I would stand within 2 miles and a quarter of the Zalinski battery with a 13-inch tube 40 feet long, with half a dozen revolving Hotchkiss guns, and I would shatter him and his friends all to pieces and never be reached by his dynamite charge. Mr. Zalinski says himself he has not the slightest idea in the world this is ever to supersede the best rifled cannon.

My friend says let us wait for the better thing. He says these guns will be abandoned in five years. Now, let us see. I hold in my hand a statement of these guns. The world is going away from them, he says. Here are nine ships of the British navy with from 4 to 24 inches of steel armor on their sides waiting for the finishing of seventy-eight steel guns.

Was there ever a nation since the world began that had more interest in solving this great naval and military problem than Great Britain has, whose colonies are found in every quarter of the world, whose trade depends upon the rifled cannon that she has got to protect her commerce on the seas, who pays the most liberal and generous rewards to every new inventor, who hears him state his case at night and says, "I will be on hand in the morning to see it tried," as I have had done to me by the British Board of Admiralty? They have an interest if anybody has. They are finishing up the Howe with four 13.5-inch 67-ton guns, the Collingwood with four 12-inch 45-ton guns, the Camperdown with four 13.5-inch 67-ton guns and six 6-inch 5-ton guns; for the Anson four 13.5-inch 67-ton guns and six 6-inch 89-hundredweight guns, the Undaunted with two 9.2-inch 22-ton guns, the Australia with two 9.2-inch 22-ton guns and ten 6-inch 5-ton guns, the Narcissus with two 9.2-inch 22-ton guns and ten 6-inch 5-ton guns, the Galatea with two 9.2 inch 22-ton guns and ten 6-inch 5-ton guns, and the Immortalité with two 9.2-inch 22-ton guns and ten 6-inch 89-hundredweight guns.

Those vessels are lying at the wharf waiting to have those seventy-eight manufactured guns put on board—the very guns I have been describing here. That 9.2-inch gun has been well tried. One was tried last year on the occasion of the jubilee. Ordnance officers made up the elements of trial, the gun of such a size, such a bore, of such a length, the shot so long, of such a caliber, such chilled steel, so much powder of such a description, and sent these elements out to the ordnance officers of the world to calculate what would be the range of that gun at an elevation of 40 degrees. The young man who won the premium was an officer of our Army, a Mr. Ingalls—Captain Ingalls, I think; I may have forgotten his rank—whose estimate was nearest. The projectile went 20,000 yards, or within a few yards of eleven miles and a quarter, and yet I am told that a wooden tube carrying a big shell of 400 or 500 pounds of dynamite is to take the place of that gun. A single gun would go through the whole American Navy side by side. Except the old monitors, there are not thirty vessels fit to go to sea; you could lay them side by side, and it would go through them. Such guns are not about to be superseded anywhere.

The Senator reads a statement from an anonymous gentleman; he may be a shareholder in the Dynamite Gun Company or Aluminium Steel Company.

There are one or two other points. He says if the report of the Gun Foundry Board had not been printed we should not have remembered it. I think he is slightly mistaken. We did not need that record to tell what kind of guns the world wanted.

I have here another statement about English guns, giving the number issued for sea service. Four hundred and seventy-five breech-loading rifles were issued within seventeen years, and thirteen hundred and thirty-two muzzle-loading rifles, amounting to eighteen hundred and seven steel heavy rifle guns issued within seventeen years by the British Government.

I put that immense expenditure of the British Government against the anonymous letter of the gentleman who thinks he has got hold of something better than anything that has come yet. I hope he has. We get rumors and rumors of inventions. Some of them amount to something and some do not.

But the Senator says with a sort of eloquent felicity that the time of genius is the time of trial; the genius of the time of trial will develop that which is needed for the occasion. I assent to that in a measure. The genius of the time of trial developed the Monitor in the beginning of the war, but, sir, ten times over, while that Monitor was building, Great Britain or France or Spain could have collected $200,000,000 in the city of New York without the possibility of resistance on the part of New York. The Monitor was a brilliant idea, and my friend Rowland nearly killed himself by working night and day for one hundred days to finish it, until divine Providence sent that modern machine down to Hampton Roads in time, you might say, in a sense, to save the country.

I have a book here giving me some tables of the distances. Here is a figure or two. Before the gentleman could turn around, before he could plant mines in New York Harbor, before he could get himself ready, the British fleet would come from Halifax. What is Halifax? The strongest position they perhaps have in the world, a naval station, the largest dock, and supplied always with coal and with every naval supply in anticipation of any trouble with us. Some of these vessels, he says, will not sail. They do sail, nevertheless. They go over there and quietly rendezvous; the officers dance with the ladies at night until the telegraph informs them that they have to take Portland, and in from thirty to thirty-four hours they are at Portland. They have another great fleet at Bermuda to assist them. From Havana the Spanish fleet can reach New Orleans in forty-five hours; and ninety-six hours from Vancouver would place a British fleet in front of San Francisco.

That is the sort of war nowadays. War nowadays does not wait for three months. War flashes, and fires the next day. Cap-a-pie the continent of Europe stands, each nation glancing at the other, not knowing when the long roll will be beaten. While the gentleman is looking around upon a new invention the German army crosses the Rhine and is at Sedan, is soon in Paris; the Emperor is a prisoner, and France pays a thousand millions of ransom. That is the way war is declared nowadays.

The Senator says we shall never hear a hostile shot fired on this continent We shall never hear a hostile shot fired by the militiamen in the middle of our States. No foreign nation would make war in that way upon us. Nobody supposes that they would land an army and that we should step back from the shore and say, "Gentlemen, please come on shore." "One hundred thousand?" "Thank you." "One hundred and fifty thousand?" "Yes." "Three hundred thousand?" "Yes; walk on shore, gentlemen. Walk up in the

country." Provided even as we are for that kind of war, we should give a good account of ourselves. We have only twenty-five little steel cannon, to be sure, and we have got a few old smooth-bores, but they would do. We could collect 20,000 men from the regular Army, and about 200,000 of the National Guard would turn out, and we have some spare rifles at Springfield, not enough for a large army, but pretty good, and we could extemporize an army, and by sheer force of multitude we would roll over that foreign force and swallow it, no matter if it cost five men of ours to one of theirs. But that is not war.

Great Britain has two hundred and seventy-five vessels which she can sail out to-day to make war. She has forty-one vessels drawing under 7 feet, which are armed with 10-inch guns and 67-pounders. They can go up the Welland Canal into Lake Erie.

Gentlemen say these things will never happen. I suppose to the superficial observer there never was a fairer scene than hung over this continent in 1860; and yet it was not a year before men by the hundred thousand were shaking the continent with their tread, and we were losing twenty thousand and thirty thousand in battles. No war! Who can prophesy? The pull of the trigger, the touch of the electric signal may plunge us into war. Are we sure of it?

I dare you to invite combat with any foreign nation. There is not a Congress, one so idiotic could not be assembled in these Halls, as to declare war against any, even a fourth-rate power, for any imaginable insult. You dare not do it. They have you at their mercy. They can treat you to two hundred and fifty ironclads and vessels of all sorts and descriptions, with thousands of modern guns, and show you their rendezvous at twenty places in the West Indies, along the shore, and their rendezvous within gunshot of you on the Pacific at Victoria or Vancouver.

No, sir, this is where we are. We, under any imaginable provocation, must negotiate, and procrastinate, and exercise the arts of diplomacy and politeness. We can endure outrages, we can go on so undoubtedly for a great while, and we can escape war; but by and by somebody will make such a demand on us for something to be done or yielded that for very shame, even if we had not a pocket-knife, the American people will say, "Never," and then come your millions of ransom from your different cities, your scanty commerce driven from the ocean, your people humiliated with a shame that will make them weep for centuries. Then you will have guns built, and you will have ships built, and you will uplift your hands, and you will swear for revenge if it takes ten years to get it; but the brand will be on you forever, and then the men who told us generation by generation not to arm ourselves will hide themselves lest the mountains should fall upon them when that day comes.

These things you are liable to. I am drawing no extreme picture. I say we have here before you what your War Department, what your Navy Department, what the war and navy departments of every nation in the world say is the best thing to be done now. I am aware that the appropriation bill comes here within two days of the close of the fiscal year, and we are begged not to embarrass that bill. I shall not hear to it. I rebel, I say. We are told that we might wait for a fortification appropriation bill. That is not here; it is not even reported. We have tried that. We put this very proposition upon the fortifications bill last year and it led to a defeat of the bill. We passed bills independently, and they went to the House of Representatives and they have slept the sleep of death. Will gentlemen tell us what course to take? Is there anything they will do?

I told how the Republican party, when the Democrats came into power, threw their hands up and said, "Now we will do something; you go on and we will vote everything you want." They are doing nothing. Not one stroke of a spade in thirteen years for our coast defenses, not one dollar for two or three years for their preservation, not an ounce of mortar to bind the falling revetments, not a pound of paint to paint the cannon, not money enough to pay for timber to shore up your tumbling casemates. You have abandoned them. They are falling.

This is the truth, the absolute truth, exactly as it stands. I am out of patience, I know. I think I have a right to be. Go abroad and hear the comments of men skilled in the art of defense and of warfare upon our condition. Was there ever such a happy-go-lucky reliance upon luck as ours since the world began? Sixty-three million people, worth about $50,000,000,000, lying helplessly, a dismasted hulk or a lazy whale at sea, a monstrous mass of potential power, but against the modern steel gun no more effective than a dead whale.

Mr. PLUMB. The Senator from Connecticut was somewhat swift in impugning the motives of the gentleman whose letter I read. He said, after, I have no doubt, ample reflection, that he was probably a stockholder in some pneumatic-gun company.

Mr. HAWLEY. I said possibly, because the Senator did not disclose his name.

Mr. PLUMB. I will relieve the Senator on that point. He is not only not a stockholder in that company but he is not interested in any steel works. He is a gentleman who has more responsibility to-day about the matter of coast defenses than all the Senators of the United States put together.

I beg the Senator to understand that the General of the Army himself is on record in the most emphatic way, stronger than the letter which I read, in favor of this new appliance, so that it has got out of the domain of private speculation. I hope when the Senator from Connecticut comes to impute motives he will be tolerably sure of his ground.

But I beg to say another thing. I do not care so much about European opinion. They may think we are happy-go-lucky. If we had guided ourselves by European opinion we would not have had any republic at all. When the Senator comes to me with the opinion of Europe in regard to American institutions, in regard to American works of offense and defense, I tell him that that opinion is inspired with the deepest possible hatred of the American people; it is not a judgment worth quoting at all.

Mr. HAWLEY. I did not catch what opinion the Senator referred to.

Mr. PLUMB. I am speaking of European opinion upon anything affecting the American Republic. If the Senator does not feel like hearing that adverse opinion I think he had better stay at home.

Mr. HAWLEY. The Senator must know I spoke of European opinion upon guns that would best defend them.

Mr. PLUMB. I understand, and that is born not of a knowledge of the situation, but is born, as I said, of dislike and deep distrust and hatred of the American people. So far as I am concerned I do not propose that that shall have any influence with me. This is a question not to be settled by the opinion, haphazard or otherwise, of those persons who would not participate in maintaining the American Republic, but in depreciating it and breaking it down.

I have no doubt they would like to have us get into their ways. They would like to have us buy or build some of their useless ironclads. Great Britain has been building ironclads for a number of years, just as men have built houses, and other men have come along with better ones, and they have not abandoned them for that reason.

To-day the British ironclad is practically useless. It has not been two years since one of the heaviest ironclads sank on its first trial trip without a gun being fired against her.

The British people have not won by dexterity, by skill; they have won by bull-dog resolution. They have piled their dead, and they have had to walk over their dead bodies rather than adapt themselves to modern conditions. The British Government is not a government to go to for reference in regard to warfare, except when it comes to a question of personal courage and persistency. That they have enough of. Take the experience of the British and French combined in the Crimean war, where the British starved to death in their own tents for lack of food and other supplies, and had to be clothed and sheltered and fed from the French commissary.

It is not to Great Britain that we are to go for lessons on this subject. She is not a first-class power in that sense of power that fills the breast. We have had ample illustrations in the last few years that underneath all the admiralty and all the army establishments Great Britain is a honeycombed superstructure of fraud. There has not been a contract let probably in the British navy and in the British army in the last ten years that has not been the result of favoritism. Of course they would build great ironclads they did not want, for thereby they gave fraudulent profits to favorite contractors. We get nothing by comparison in that quarter. The Senator from Connecticut has weakened, in my judgment, his argument entirely by the comparison he has made with Great Britain.

Mr. STEWART. I do not think the fact that frauds have been committed in the British navy is a reason why we should not have any guns. I think that if you will examine the question you will find that they have better guns than we have, notwithstanding all the frauds. I believe that is the evidence of all our officers and of every man who has visited them, and that every nation of any importance on the earth is better prepared for defense and for attack than we are. We are so helpless that we dare not protest in a manly way against any third-rate power for any outrage it may commit.

Look at the Samoan Islands. The people of my section of the country went out there, they really built up the government, they were trading there. A German fleet came in and took possession, and claimed the islands, and we dared not to protest in any manly way. If we had been armed properly and put in an ordinary protest, they would not have taken possession against our ships. We dared not complain of it. How humiliating that is.

So it goes on all around. We can not meet Great Britain on equal terms. I was in Victoria last summer. They are building a large establishment there, and fortifying. They have an immense naval establishment there. What can we do? Nothing. We are so everywhere.

When you undertake to say that there never will be a gun fired again on this continent, it seems to me that you are not regarding the example of all those around us. We are a great big fat goose to be plucked by anybody, and as long as we remain in that condition we are liable to be plucked. We may be able to buy our peace for a time, but every time we surrender our rights and refuse to defend them we grow weaker, and foreign powers will presume further and further because we can not resent an outrage.

The idea has been advanced that we should not be at work building guns because we may not build as good ones as will be manufactured

some years from now, because they will be improved. We are asked to wait until the work is perfected, and while we wait we are in the condition I have stated. What we want is to be at all times ready to defend the honor of our flag, to defend our rights, to demand respect. We want to be in that condition, and the only way we can be in it is to be building defenses and preparing for defense all the time.

I had the honor more than twenty years ago to offer a resolution in the Senate instructing the Committee on Naval Affairs to inquire into the expediency of building two ships a year, one to be built by the Navy Department and the other by contract, and to abandon repairing old hulks. The measure seemed to be popular. It passed the Senate after a short debate, and it seemed to meet the approbation of everybody. It was afterwards abandoned, and we have not built any; we have not kept up the necessary establishments. We have spent as much money on those hulks as would have been necessary to have carried out that plan. If that had been done we should have had some first-class ships; we should have had some first-class mechanics. But until you build ships, until you allow establishments to be created in this country, you will not have mechanics, you will not have the appliances, and you will have to bear any indignity that any nation has a mind to inflict upon you while you are preparing.

It seems to me that we need mechanics, we need establishments, and we should be prepared to get ready. We need to be ready to prepare for war. Of course we do not propose to prepare for war, but we want a nucleus. If we want guns we should have establishments where they can be manufactured. This takes years, and although we may not make the best guns at first, we should have a place where we could make them, and during all the time we should be doing this we should be receiving the reward of protection, we should be insured against trouble, we should be demanding and preserving peace.

It seems to me that to allow a great nation like this to be in the peril it now is, to be at the caprice of all the world, is criminal. It is criminal, I say, in those having the power to put us in an attitude of defense, to allow this great nation to stand here the prey of any nation which may be wicked enough to make war upon us.

I remember the consternation in San Francisco when there was talk about trouble with Chili. She could have come up here with her ironclads and levied contributions. Everybody was alarmed, and everybody lost faith in the Government. Chili, that little power, had two or three guns and could go there and levy contributions upon San Francisco and all your cities along the lakes and seaboard.

We should be at all times prepared to build guns and to defend ourselves. Foreign nations know exactly how we are situated, and they know we would pay tribute rather than subject this country to the damage which might be inflicted. They know we let them have the Samoan Islands, and they know that we shall make the treaty they want with Great Britain in regard to the northern boundary. There are 4,000 miles of crooked boundary between us and Canada. Difficulties are liable to arise over it, and we must be in a position to deal with Great Britain on equal terms, because I tell you Great Britain is aggressive. She is polite to power, she always bows to power, but she takes what she can without resistance, no matter where it is.

She goes just as far as she can. If there is nothing in the way she will take up any country. She has never been bound by any law but the law of power. She has conquered the world wherever she could, and she has taken all the advantages that she was able to take. She will do so with us.

We are discussing the treaty and we are in a position where we can criticise the Administration for having made it, but I doubt whether anybody could have made a better treaty. We are afraid to demand a better one. We could have got a better one if we had had a nucleus of an army. If we had had guns, if we had had machine-shops, if we had had a navy, Great Britain would never have thought of asking of us what she was not willing to grant to us. She would not give us the same privileges in her harbors and in her ports that we grant to her.

Mr. PLUMB. Let me ask the Senator what was the inducement of Great Britain to give us $15,000,000 as the result of the Geneva award?

Mr. STEWART. It was because we then had the best navy in the world; because when our iron-clads went over there there was commotion in Great Britain. They had not built their navy. We had the best navy in the world then, and the English knew that it would be unsafe for them to offend us, for their navy then was in a very defenseless condition. But if times should change, if things had been then as they are to-day, they would have laughed at us. The $15,000,000 was paid because we had the best navy.

Mr. PLUMB. I think it was because we had demonstrated the power of a free people to maintain their integrity by arms to an extent that was sufficiently demonstrative.

Mr. STEWART. All the world then was without a navy. They have gone on since and built a navy. The English press said at the time that the reason why they negotiated it was because we were prepared to defend ourselves, because we had a superior navy, and the English nation complained that they were negotiating with us not on equal terms; that we were prepared for war and they were not. Now they have changed. They have been building ships and guns, and we have not. The times have changed. We could not make any such treaty as that now.

Let us build a navy, not a large one, but an effective one. Let us have machine-shops where we can manufacture guns. Let us have the nucleus of defense, so that we shall be on equal terms, and then we can make treaties with Great Britain as we did before. We are proud of that treaty because it was a concession, but it was a concession not only to the great power of the American people, but it was a concession to the ironclads, and it was placed distinctly upon that ground by the British press.

Mr. ALLISON. I move that the Senate adjourn.

Mr. FRYE. One moment, if the Senator will allow me. I yielded day before yesterday an hour to the Senator from Iowa in order that the Army appropriation bill might be passed in season to become operative on the 1st of July, and I at the same time informed the Senate that honor compelled me to be absent the first three days of next week. It seems to me that this bill can be disposed of in a very short time in the morning. If not, I desire to take up the river and harbor bill, which is in my charge. I should like to have the Senate adjourn to meet at 11 o'clock to-morrow. There is no reason why we should not do so. We have been doing nothing for the last two or three weeks, and we might just as well work now as to play.

Mr. COCKRELL. Was the Chicago convention nothing?

Mr. FRYE. It was nothing to us here. If the Senator from Iowa will allow me, I will move that when the Senate adjourn it be to meet to-morrow at 11 o'clock.

The PRESIDENT *pro tempore*. The Senator from Maine moves that when the Senate adjourn it be to meet at 11 o'clock to-morrow. [Putting the question.] By the sound the noes have it.

Mr. DOLPH. I ask for a division.

LOAN OF TENTS, ETC.

Mr. HAWLEY. I fear that a division may disclose the lack of a quorum. There is a little matter that ought to be disposed of if Senators will let me call their attention to it. I ask unanimous consent to call attention to House joint resolution 188.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Connecticut proceeding? The Chair hears none.

Mr. HAWLEY. We passed a joint resolution that came from the House in regard to loaning tents, etc., at Gettysburgh, supposing it to be just what was wanted. The War Department criticises it, and the House passed it over again, correcting a single word. The words were "tents and tent equipage." They meant "camp equipage." Nobody noticed it. The House sent over to us this afternoon a corrected joint resolution reading "tents and camp equipage." I ask the Senate to concur with the House in the passage of the resolution.

The PRESIDENT *pro tempore*. The Senator from Connecticut asks unanimous consent that the Senate now proceed to consider the joint resolution (H. Res. 188) authorizing the loan of tents and camp equipage to the veteran organizations of the Society of the Army of the Potomac. The joint resolution will be read the second time at length if there be no objection.

The joint resolution was read the second time at length and considered as in Committee of the Whole

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. COCKRELL. I do not intend to interpose any objection to the consideration of this resolution, but I am opposed to its passage. It is in direct conflict with the precedents of the Military Committee in all other cases, and will entail a heavy expense on the Government. I am willing, however, that this experiment shall be made, but I want to enter my disapproval of the action, so that I shall be on the record in that way.

The PRESIDENT *pro tempore*. Having been read three times, the question is, Shall the joint resolution pass?

The joint resolution was passed.

HOUR OF MEETING.

Mr. FRYE. I now renew my motion.

The PRESIDENT *pro tempore*. The question recurs on the motion of the Senator from Maine, that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The motion was agreed to—ayes 29, noes not counted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the joint resolution (H. Res. 187) to provide temporarily for the expenditures of the Government.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes.

Mr. ALLISON. Now I move to take a recess until 8 o'clock this

evening. ["No!" "No!"] I understood Senators desire to pass this bill to-night.

Mr. HAWLEY. We can not get a quorum here this evening.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate take a recess until 8 o'clock this evening.

The motion was not agreed to.

Mr. ALLISON. Then I hope we shall go on with the bill.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Connecticut [Mr. HAWLEY].

Mr. COCKRELL. Mr. President, I was very much amazed at the frenzy into which my distinguished friend from Connecticut [Mr. HAWLEY] and the venerable Senator from Nevada [Mr. STEWART] wrought themselves. I could almost imagine that I could see the British red-coats coming down from the sky and landing on American soil and driving back the timid Yankees, sacking their cities, levying contributions upon them, and humiliating American citizens.

Mr. HAWLEY. They burned this Capitol once.

Mr. COCKRELL. Yes, they burned this Capitol once, and they regretted it, and regret it to this day.

Mr. HAWLEY. So do we.

Mr. STEWART. Do not we regret it?

Mr. COCKRELL. We do not regret it. I do not regret it; the American people do not regret it. When a nation can descend to such a depth the American people will not regret it.

Mr. President, the Senator from Nevada said that we must place ourselves upon an equality with England. I suppose that is the object of this. In other words, the United States of America must have a standing army equal to England and must have a navy equal to England. The United States must have a standing army equal to Germany, a standing army equal to France, and a navy equal to that of France or Germany.

Mr. STEWART. The Senator is mistaken as to what I said. I did not say that. I did not speak about a standing army.

Mr. COCKRELL. The Senator used the words "equal footing."

Mr. STEWART. That we were to be on a footing with other nations in building guns. Without the guns we are at their mercy.

Mr. COCKRELL. The Senator used deliberately the words "equal footing."

Mr. STEWART. I say "equal footing." I want to be on an equal footing with all the world.

Mr. COCKRELL. Then you want a standing army like Great Britain; you want a standing army like France; a standing army like Germany.

Why, Mr. President, to hear these distinguished Senators speak you would think that the American people were standing trembling in their boots, as the saying is, in trepidation and fear. Thank God, that is not the feeling of the American people. The bone and sinew of the United States fear no people, nor the combined nations of the earth. We can bid defiance to England, to France, to Germany, to Russia, to all the nations combined. You could not hire one of these nations to attack the United States. Not one of them would dare to do it. A million dollars of gold poured into the treasury of any nation on earth would not induce that nation to enter the port of New York and levy a contribution upon that city.

Mr. STEWART. Do you approve of Germany taking the Samoan Islands?

Mr. COCKRELL. That has nothing to do with the Senate of the United States. What good would all the fortifications on earth here do in protecting the Samoan Islands?

Mr. STEWART. Do you approve of that?

Mr. COCKRELL. I am not discussing that question. What have the Samoan Islands to do with the defense of the territory of the United States? Nothing more than a Chinaman has to do with it.

Mr. STEWART. Will the Senator from Missouri answer my question? Does he approve of it?

Mr. COCKRELL. It is none of your business whether I do or not.

Mr. STEWART. That is evidence——

Mr. COCKRELL. It is not a question in issue. The Senator can not take me from his position for a standing army equal to England. That is the theory of the distinguished Senator from Nevada.

Mr. STEWART. I never suggested anything of the kind.

Mr. COCKRELL. "On an equal footing" was the Senator's language.

Mr. STEWART. Yes, I said that.

Mr. COCKRELL. On an equal footing, and an equal footing would be an equal number of soldiers, an equal number of ships and fortifications all around your coast, equal to those of England. The United States needs no fortifications.

Mr. STEWART. Will the Senator allow me to ask a question? Does he admit that we are not on an equal footing now with Great Britain?

Mr. COCKRELL. We are far superior to Great Britain.

Mr. STEWART. Far superior?

Mr. COCKRELL. Far superior to Great Britain.

Mr. STEWART. In guns?

Mr. COCKRELL. We can demand of Great Britain whatever is just and right, and Great Britain or any other nation on earth will yield to our just demands. The point is that the American people fear nobody. They worship at the shrine of an Everlasting Almighty Jehovah and not at the shrine of any kingly power or all the kingly powers of earth combined. We bid them defiance. Under a Democratic Administration, if the Senator pleases, we are not bowing to any nation; we are not asking that millions be expended in building forts along our borders and along the coast. We need no defense but the brave, true, patriot hearts of sixty millions of American citizens, and they are equal to any emergency that can be cast upon this people. Not a nation on earth could to-morrow declare war against the United States and come and attack any city of any consequence in the United States—not one; and no two of them could do it.

It is ridiculous to talk about any nation coming here and attacking the United States; it is childish. There is no danger. The Senator from Nevada need have no fear. He will never see a foreign nation levying a contribution upon San Francisco; he will never see a foreign nation levying a contribution upon New York; he will never see a foreign nation levying a contribution upon Charleston, Mobile, Galveston, or any other city in the United States. We need have no fears from the outside world.

We have on our southern border our sister Republic of Mexico. We are too brave, too magnanimous, too generous, too chivalrous to attack our weaker sister republic. There is no danger from her. We have on our northern frontier Canada. What would Canada do? The militia of the border States could go over there and take care of Canada, and do it in a very short time. We do not want any forts along the Canadian border to keep the Canadians from coming over into the United States. No, no, you could not get the Canadians to come over in hostile array across the Canadian line. Why? They know that in thirty or sixty days from that time we should possess every single foot of their territory, have them under our power and jurisdiction, and do with them just as we pleased. There would not be a skirmish even.

Now, how can any nation attack us? Do you suppose that Great Britain could be hired or could be induced to enter into any combination to come here and attempt to levy a contribution upon the city of New York? No, sir, the English statesmen can never be induced to commit so suicidal an act as that. Were Great Britain to do it, it would be the death-knell of her power, and her statesmen know it; it would be the decline upon which she would rapidly descend as a great power in this world. Why, Mr. President, in a very short time American ingenuity, American resources, American courage and devotion to this Union and to our Constitution, would make a navy, would make a fleet that would drive England from the ocean and humiliate her and make her pay $10,000 for every dollar of contribution that she might attempt to levy upon an American city.

No, Mr. President, we want none of these things to try to intimidate the nations of the earth. The United States does right; the United States will continue to do right, and it will ask nothing but what is right, and asking what is right, it will obtain it from any nation on earth; and we need no standing army, we need no clustering fortifications around our coast to make the nations of the earth do us justice. They will do it without them, and there is not one American citizen in ten thousand who has any apprehension, any fear, any disturbance as to what the nations of the earth may do. We do not care what they do. We can take care of ourselves. We want no unholy alliances; we want no combinations with any nation. We take no nation as an exemplar. We, when our fathers landed on this soil, ordained an entirely new system of government, a system which had never been seen on earth before. It is a system which has never yet been adopted elsewhere. Under it we have grown to be what we are, and under it for all time to come we shall continue to grow and to prosper, and we shall have no alliances with other countries. We do not need their help.

Talk about Great Britain not being willing to do justice to the United States! Why, Mr. President, it is in the memory of some living to-day that we had a fearful fratricidal war when section was arrayed against section, and American soldier met American soldier upon many a battle-field, and the tempest of war came. After that peace spread all over this land and the Stars and Stripes waved in honor and glory from one end of the land to the other, and every knee bowed and every tongue confessed its peaceful sway; one-half of the country was paralyzed and comparatively devastated financially, and yet the Government of the United States demanded of Great Britain compensation for her sympathy and her sympathetic acts with the rebellion and got more than the equivalent of all the losses. We got more than we were entitled to according to our own theory, and we quarreled here in the Senate and in the other House of Congress over three years in finding somebody to whom to give the money.

Now that every cause of dissension and sectional jealousy and spite has been removed, and we have an indissoluble Union of indestructible States; now that we are one people in all our hopes and aspirations, to talk about any nation coming to our shores and making a demand for contributions is ridiculous. As I said before, you could not hire Great Britain to commit such a suicidal act.

Mr. President, we need no fortifications on our coast, we need no standing army. We simply need in this country a little, compact mili-

tary organization merely as a nucleus. We need a militia far more than we need any army. We need a navy more than we need fortifications, far more than we need fortifications. We do not need the fortifications. Build your fortifications to-day, and a year hence the system of fortifications will be so improved that your fortifications, artillery, and officers will be useless. You do not know what kind of fortifications you want. You do not want mortar; you do not want stone; you do not want brick; you do not want wood. What do you want? What is the best? One says one thing and another another. We do not know yet what is best.

There is no occasion for experimenting. We shall have no war. This nation will give no other nation cause of war, and no nation will commit any act of war against us.

So there is no danger. The time may come when we may want a few fortifications, but it will only be when we have determined what kind of fortifications will stand and resist the ordnance which may be conceived by the ingenuity of the American people. It may be in time that we shall only need steel casemates and breastworks. We can not tell.

Mr. President, I am sorry that the distinguished Senator from Connecticut, the gallant and faithful soldier of the war, should have suffered himself to become—I scarcely know what to say—to become so wrought up over the danger of this country getting into a war with some foreign nation and being humiliated. The people of the country do not share any such idea.

Then the Senator from Nevada wanted to place the United States on an equal footing with England. Mr. President, I am sorry that the Senator from Nevada wanted to humiliate the United States. He would bring the United States down to an equal footing with Great Britain, when we occupy a pedestal far above her or any other kingly or monarchical power. I do not like to be placed down on that kind of deposit, and I see no occasion whatever for this excitement about the possibility of the United States being attacked and contributions being levied upon our cities and the people of the United States humiliated. There is no danger, not one particle, and the Senator from Nevada may sleep in the consciousness of perfect freedom from any harm now and henceforth.

Mr. FAULKNER. Mr. President, in view of the great importance of this measure, and the slim attendance in the Senate, I move an adjournment.

Mr. STEWART. Please let me have a minute and a half before you move an adjournment,

Mr. FAULKNER. If we could have a vote I would withdraw the motion, but a vote can not now be had.

Mr. STEWART. I only want to make a few remarks.

Mr. FAULKNER. How long does the Senator propose to speak?

Mr. STEWART. Five minutes.

Mr. FAULKNER. Then I withdraw the motion, to allow the Senator five minutes.

The PRESIDENT *pro tempore*. If the motion is withdrawn it must be withdrawn unconditionally. Does the Senator withdraw his motion?

Mr. STEWART. He did withdraw it. I understood him to do so.

If boasting would scare Great Britain, I think if we had four or five men like the Senator from Missouri there would not be any necessity for any armament whatever; but it has not happened to turn out that way in the past.

Another thing. The Senator from Missouri is so far inland that he probably would be safe at the present time. I think he would. I think a foreign enemy would not get in as far as where he lives. He is entirely safe, because he is not on the seaboard. But I remember something in history with regard to the conduct of Great Britain. It has been already suggested that at one time she burned our Capitol, and she could do it again. She could take New York. We have no guns; as has been stated all around, we have not one gun to repel the attack of any first-class power. This is not a question of a standing army. It is a question whether we shall build a few guns, a question of whether we shall have any guns at all.

The Senator from Missouri does not care about a 20-inch gun; that is not anything to him. He could march right up to it and blow it the other way probably. But the experience of all nations that have dealt with Great Britain has taught them the necessity of having guns to meet her guns.

The Senator says Great Britain will not interfere with us. I remember when the destinies of this nation trembled in the balance and when Great Britain threatened to send her fleets here, at the time of the Mason and Slidell incident, when every Union soldier and every Union man and woman in the whole country was trembling lest that event should come. If it had occurred, what would have been the result? I remember that distinctly, and I remember hearing all my neighbors say that if we ever were in a position to act Great Britain should never make such a demand again. We submitted then to any demand she might make.

That is not all. This brave Administration is allowing things to proceed, and they are excused on the ground that we can not help it. I have alluded to the taking of the Samoan Islands. The Senator from Missouri would not say whether he approved that or not. I do not believe any American citizen approves of those islands being taken from us after we had populated them, as it were, and they were ours. We had no fleet to send there, and a large German fleet came and took possession.

I believe that the principal argument in favor of the fisheries treaty is that we dare not ask for anything better. The tone of the argument of those who favor it in the Senate is this: "Dare you say to Great Britain that you will make no treaty? Dare you let this go on without a treaty? If you demand more of Great Britain she will chastise you." We are making that treaty, I say, under duress. What was it that made us successful in obtaining what we demanded of Great Britain at the close of our war, when our ironclads were superior to hers?

It costs but little to be in a state of preparation. We do not want any standing army to be on an equal footing with other nations, but we do need guns. Men can not fight battles with their hands. We need machine-shops so that we can provide guns in case of emergency; we need preparation; we need to keep pace with the times, so that we may prepare for war before we are destroyed or before we submit to humiliating treaties. I do not believe any American citizen would agree to the fisheries treaty except on the ground that we are unable to demand better of Great Britain. Why is Great Britain fortifying on the Pacific and having a large naval establishment there? Why is she spending millions and millions on the naval establishment on the Pacific? She will command that coast. Why does she do that? It can be pointed to nobody but us. Why is she building a canal so that she will have a water way to carry her naval ships to the lakes? Why is she making preparation, as I say, in case of emergency? Why are her guns pointed toward us, if she is entirely pacific? When she is doing these things, why should we not build guns or put ourselves in preparation to build them? I say that it is criminal to leave this great Republic in as defenseless a condition as it is, and I deny that the Senator from Missouri can halloo loud enough and get excited enough to scare Great Britain or beat her ironclads in case of war.

But I will not detain the Senate longer.

Mr. FAULKNER. I move that the Senate adjourn.

Several SENATORS. Let us vote.

Mr. FAULKNER. I will say to Senators that——

Several SENATORS. "Vote!" "Vote!"

Mr. FAULKNER. If I was satisfied that we could have a vote, I would not insist on the motion; but I am sure there is not a quorum present.

The PRESIDENT *pro tempore*. The motion to adjourn is not debatable. The question is on the motion of the Senator from West Virginia that the Senate do now adjourn. [Putting the question.] The "noes" appear to have it.

Mr. BECK called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. BERRY (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE].

Mr. COCKRELL (when his name was called). I am paired with the Senator from South Carolina [Mr. BUTLER].

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

The roll-call having been concluded, the result was announced—yeas 10, nays 17; as follows:

YEAS—10.

Bate,	Chace,	Gorman,	Vest.
Brown,	Coke,	Hampton,	
Call,	Colquitt,	Plumb,	

NAYS—17.

Aldrich,	Evarts,	Morgan,	Sawyer,
Allison,	Frye,	Paddock,	Stewart.
Blair,	Hawley,	Palmer,	
Chandler,	Ingalls,	Ransom,	
Dolph,	Manderson,	Reagan,	

ABSENT—49.

Beck,	Eustis,	Kenna,	Spooner,
Berry,	Farwell,	McPherson,	Stanford,
Blackburn,	Faulkner,	Mitchell,	Stockbridge,
Blodgett,	George,	Morrill,	Teller,
Bowen,	Gibson,	Pasco,	Turpie,
Butler,	Gray,	Payne,	Vance,
Cameron,	Hale,	Platt,	Voorhees,
Cockrell,	Harris,	Pugh,	Walthall,
Cullom,	Hearst,	Quay,	Wilson of Iowa,
Daniel,	Hiscock,	Riddleberger,	Wilson of Md.
Davis,	Hoar,	Sabin,	
Dawes,	Jones of Arkansas,	Saulsbury,	
Edmunds,	Jones of Nevada,	Sherman,	

The PRESIDENT *pro tempore*. The want of a quorum being ascertained by the state of the vote, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Cockrell,	Hampton,	Plumb,
Allison,	Coke,	Hawley,	Ransom,
Bate,	Colquitt,	Hearst,	Reagan,
Beck,	Davis,	Ingalls,	Sawyer,
Berry,	Dolph,	Manderson,	Stewart,
Blair,	Evarts,	Morgan,	Teller,
Brown,	Faulkner,	Paddock,	Vest.
Chace,	Frye,	Palmer,	
Chandler,	Gorman,	Pasco,	

The PRESIDENT *pro tempore*. The call of the roll discloses the presence of 34 Senators, less than a quorum.

Mr. ALLISON. As there is not a quorum, and one can not be had without a call, I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 26 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 30, 1888, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 29, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

EXPENDITURES FOR 1886.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting statement of account of expenditures of the United States for the fiscal year ended June 30, 1886; which was referred to the Committee on Appropriations, and ordered to be printed.

RANGE LIGHTS, PASCAGOULA RIVER, MISSISSIPPI.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Light-House Board of appropriations for range lights to guard into the mouth of the Pascagoula River, Mississippi; which was referred to the Committee on Appropriations, and ordered to be printed.

PAY OF SPECIAL ASSISTANT ATTORNEYS.

The SPEAKER *pro tempore* also laid before the House letters from the Secretary of the Treasury, transmitting estimates from the Attorney-General of appropriations to pay the accounts of H. N. Alexander, L. H. Chalmers, and Jos. Campbell, assistant to the United States attorneys in defense of certain Arizona Indians charged with murder; which were severally referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. LODGE, for ten days, on account of important business.

Mr. ENLOE. I desire to ask that leave of absence be granted to my colleague, Mr. PHELAN, for ten days, on account of sickness.

There was no objection.

CONFEREES, CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The SPEAKER *pro tempore*. In consequence of the absence of the gentleman from Massachusetts, Mr. ROCKWELL, the Chair will announce the following conferees on the disagreeing votes of the two Houses on the consular and diplomatic appropriation bill in place of the conferees heretofore appointed: Mr. BELMONT, Mr. MCCREARY, and Mr. MORROW.

SUBSTITUTE FOR OKLAHOMA BILL.

Mr. BARNES. I rise to ask leave to have printed a substitute for the Oklahoma bill, which several members of the Committee on the Territories have requested to have printed.

The SPEAKER *pro tempore*. Without objection, that order will be made.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the morning hour for the call of committees for reports on private bills.

Mr. BRECKINRIDGE, of Arkansas. I move to dispense with the morning hour for the call of committees; and give notice that it is my purpose, if the House shall dispense with private business to-day, to move to go into Committee of the Whole House on the state of the Union to further consider the tariff bill.

The SPEAKER *pro tempore*. The Chair will submit the first part of the motion of the gentleman from Arkansas, that the morning hour for the call of committees be dispensed with.

The motion was agreed to.

Mr. BRECKINRIDGE, of Arkansas. I now ask unanimous consent that members having reports from committees to file may be permitted to hand them in at the Clerk's desk.

There was no objection, and it was so ordered.

FILING OF REPORTS.

The following reports were filed by being handed in at the Clerk's desk:

GEORGE WINTERS AND L. B. COOK.

On motion of Mr. O'DONNELL, the Committee on Accounts was discharged from the further consideration of a House resolution for the relief of George Winters and L. B. Cook, and it was referred to the Committee on Appropriations.

MAHALA H. PORTLOCK.

Mr. LAWLER, from the Committee on Claims, reported back favorably with amendment the bill (H. R. 10377) to refer the claim against the United States of Mahala H. Portlock to the Court of Claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GERTRUDE K. LYFORD.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2500) granting a pension to Gertrude K. Lyford; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD JARDINE.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10525) to increase the pension of Edward Jardine; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILLIP KOPPLIN.

Mr. WALKER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 2566) for the relief of Phillip Kopplin; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAMUEL W. PIERCE.

Mr. FRENCH, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 3172) granting a pension to Samuel W. Pierce; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH LINCOLN YOUNG.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back favorably with amendment the bill (H. R. 2474) granting a pension to Joseph Lincoln Young; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FLORENCE COURTNEY COCKNOWER.

Mr. FRENCH also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1459) granting a pension to Florence Courtney Cocknower; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAVINGS OF SEAMEN, UNITED STATES NAVY.

Mr. HERBERT, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 4351) to provide for the deposit of the savings of seamen of the United States Navy; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CLOTHING FOR APPRENTICES, UNITED STATES NAVY.

Mr. HERBERT also, from the Committee on Naval Affairs, reported back the bill (H. R. 4350) to authorize the granting of an outfit of clothing to boys, apprentices in the United States Navy, to serve until they shall become twenty-one years of age; which was laid on the table.

He also, from the same committee, reported, in the nature of a substitute for the foregoing, a bill (H. R. 10652) to encourage the enlistment of boys in the United States Navy; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

TEMPORARY HOME FOR DISCHARGED PERSONS.

Mr. HERBERT also, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 4353) to provide a temporary home for certain persons discharged from the United States Navy; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. DAWES, and Mr. COCKRELL.

The message also announced that the Senate further insisted on its sixteenth amendment, disagreed to by the House, to the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889, agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of Senate Mr. HALE, Mr. SHERMAN, and Mr. MORGAN.

The message further announced that the Senate insisted upon its amendments, disagreed to by the House, to the bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. FARWELL, and Mr. COCKRELL.

The message also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 8989) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes, agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL.

UNITED STATES AND BRAZIL MAIL COMPANY.

On motion of Mr. ANDERSON, of Illinois, the Committee on the Post-Office and Post-Roads was discharged from the further consideration of the bill (H. R. 5242) to compensate the United States and Brazil Mail Company for the transportation of United States mail; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. I move to dispense with the consideration of private business for this day, with a view to going on with the tariff bill.

Mr. CLEMENTS. I ask the gentleman from Arkansas to yield to me to make a privileged report.

Mr. BRECKINRIDGE, of Arkansas. Let the House adopt my motion to dispense with private business first and I will yield to the gentleman.

The question being taken on the motion to dispense with private business, there were—ayes 40, noes 13.

So the motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BRECKINRIDGE, of Arkansas. I yield now to the gentleman from Georgia to submit a privileged report.

Mr. CLEMENTS. I am directed by the committee of conference on the disagreeing votes of the two Houses to submit the following report:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8989) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1889, and for other purposes, having met, after full and free conference have been unable to agree.

JUDSON C. CLEMENTS,
FELIX CAMPBELL,
LOUIS E. McCOMAS,
Managers on the part of the House.
P. B. PLUMB,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. CLEMENTS. I desire to submit a few remarks in connection with this report and in explanation of it. I wish to state particularly the main points upon which the conferees of the Senate and the House have been unable to agree.

First, I would call attention to the fact that the bill as proposed by the House carries an aggregate appropriation in round numbers of $4,525,000. As proposed to be amended by the Senate the total aggregate will be in the neighborhood of $5,381,000. The appropriation for the last fiscal year for this purpose amounted to $4,284,000.

Mr. HOLMAN. This is an increase, then, of over a million of dollars.

Mr. CLEMENTS. If the Senate amendments should be concurred in by the House, the increase would be something over a million of dollars over the law for the current fiscal year and $855,628 over the bill for 1889 as passed by the House.

The principal points upon which we have been unable to agree, on account of the large increase proposed by the Senate, are, first, upon the amount appropriated for paving and improving the streets of the city. The amount fixed by the Senate is $757,000, in round numbers, for this purpose, which does not include permit work, repairs, cleaning and sweeping the streets, and ordinary repairs of that sort.

Upon the subject of schools we could substantially agree if the other questions were out of the way. Still it is proper I should state the increase proposed for that purpose. For new school-houses it is proposed by the House bill to appropriate $235,000 as against $230,000 last year. It is proposed by the Senate to increase that amount to $397,000. For public schools, including new school buildings, the amount proposed by the House is $842,000 as against $812,000 last year. The Senate proposes $1,036,000. All I desire to do in this statement is simply to call attention to these totals. I will ask the permission of the House to insert in the RECORD a comparison of the District appropriations from 1881 to the present time, which covers the period during which the District has been provided for by a separate bill. Prior to that time the appropriations were made on the sundry civil bill.

Mr. DINGLEY. Right at that point, will the gentleman from Georgia pardon me for asking whether this difference of about $160,000 in the appropriation is for schools alone, or does it cover school-houses—school buildings?

Mr. CLEMENTS. The difference is $194,041. I read two statements, one in relation to school buildings and one for the support of schools. The principal difference grows out of an increase in the number of school-houses that is proposed by the Senate. But, as I stated, while we feel the Senate amendments go too far and are too great an increase for one year, out of proportion to increases heretofore, in our judgment, necessary to the proper care of children of school age, having in view the enrollment of last year, still we could agree on this subject if we could agree on other amendments.

There is another difference between us, and that is in relation to the control of the contingent fund appropriated by this bill. Under the present law all of the heads of Departments of the Government have their contingent funds expended under the supervision and final control of the First Comptroller of the Treasury. For the last three or four years the contingent fund of the District has been under the sole control of the commissioners, and not subject to the review of the Comptroller. We think this is a bad practice, and see no reason why the Secretary of the Treasury and the heads of all other Departments should have their contingent expenditures overlooked by the First Comptroller and yet that the commissioners of the District of Columbia should be excepted from that supervision.

Mr. RANDALL. Will the gentleman permit me to ask him whether the commissioners of the District object to that supervision?

Mr. CLEMENTS. I must say that the civil commissioners have protested against it.

Mr. HOLMAN. I hope that point will not be yielded.

Mr. RANDALL. That point ought never to be yielded.

Mr. CLEMENTS. Another point of disagreement is as to the question of putting telephone, telegraph, and electric lighting wires underground in this city. We have been asked for several years past, and have appropriated and are asked to appropriate in this bill, an increased amount for putting the District wires under-ground. We have inserted a proviso that where that is done the wires of companies for these various purposes shall be required to go under-ground also on the same streets under the direction of the commissioners.

The Senate proposes to strike that out. We also, with the unanimous voice of this House, included in the bill a proviso, that any surplus remaining at the end of the fiscal year might in the discretion of the sinking-fund commissioner be applied to the extinguishment of the debt of the District owing to the Government for increase of the water supply in this city, the District's half of which amounts now to something like $1,200,000. That is stricken out.

In 1882, when the water-works extension was provided for by Congress, the whole amount was authorized to be advanced and paid by the Federal Government, with the provision that one-half should be reimbursed to the Government from the District funds arising from water rates. Two or three years passed without any steps being taken on the part of the commissioners to provide for this reimbursement. In that condition of things in 1884 Congress concluded to fix a time and a manner for the repayment of this advance by the Government, and passed in the District of Columbia appropriation act for 1885 the following provision:

That hereafter it shall be the duty of the commissioners of the District of Columbia to include in their annual estimates for the expenses of the water department an estimate, to be made by the Treasurer of the United States, of the amount necessary to refund, in not less than twenty-five annual installments, one-half of the amount advanced by the United States under the said act of July 15, 1882, with interest on said amount at the rate of 3 per cent. per annum, computed annually on the principal sum remaining unpaid.

It will be observed that this provision does not require that this indebtedness shall be paid only in twenty-five yearly installments, but that it shall be done "in not less than twenty-five annual installments," thus making it competent for Congress at any time to alter the terms of the repayment, and this the House has proposed to do.

At the close of the last fiscal year there was a surplus of District revenues in the Treasury amounting to about $385,000. The estimated revenues for 1889 are placed at $2,363,000.

The bill as passed by the House provided for the District for next year on the basis of an increase over the current year's appropriation of nearly a quarter of a million dollars, including an increase for street improvements of $100,000, and for the erection of eight new school-houses. We believe the house gave amply, indeed liberally, for the District Government, and that the sum total of the bill as passed by the Senate is out of proportion to the city's growth, and beyond the necessities of any municipality of like population and importance. As compared with the appropriations for former years it is out of proportion and is without precedent.

We think there is no better or more honest purpose to which the

surplus revenues of the District should be applied than the extinguishment of the debt which the District owes the Government, and which we are under no contract or obligation not to require speedy settlement of, because originally there was no provision for its return except in general terms, and since that time Congress has only said it should be done in not less than twenty-five annual installments.

There is nothing in the way of Congress saying now that with this surplus some of it may be and shall be paid sooner. It must be remembered that the people of this District are paying 3 per cent. interest on that debt. Now, we think that this bill as it went from the House was a liberal bill, increasing the appropriation above that of last year to the amount of about a quarter of a million. The bill comes back to us with an increase of something over a million over the current year, which is largely over the increase of any past year. This is a sudden and large increase, and the conferees of the House have not felt authorized to accede to these propositions, and have therefore been compelled to report to the House their disagreement. I submit the following statement, showing in detail the increases proposed by the Senate; also statements of previous appropriations for the District.

INCREASES MADE BY THE SENATE.

Salary inspector of plumbing	$1,200.00
Contingent expenses, executive office	1,300.00
Expenses of assessment	15,000.00
Two clerks in collector's office	2,400.00
Contingent expenses, collector's office	2,000.00
Expenses of collecting over-due personal taxes	2,000.00
Contingent expenses, auditor's office	50.00
Contingent expenses, attorney's office	200.00
Judicial expenses, attorney's office	2,500.00
Contingent expenses, coroner's office	200.00
Contingent expenses of markets	200.00
Work on streets	299,802.65
Grading streets, alleys, and roads	10,000.00
Repairs to pavement	15,000.00
Permit work on alleys, sidewalks, etc	60,000.00
Repairs to streets, avenues, and alleys	5,000.00
Repairs to county roads	15,000.00
Constructing county roads	19,300.00
Surveys of the District	5,000.00
Care of bridges	2,000.00
Cleaning and repairing sewers	5,000.00
Main pipe sewers	15,000.00
Suburban sewers	5,000.00
Sprinkling, sweeping, and cleaning streets	15,000.00
Gas lighting	10,000.00
Public schools	194,041.00
Police force	77,020.00
Fire department	28,780.00
One expert repairman, telephone service	960.00
Contingent expenses, health department	500.00
Miscellaneous expenses	300.00
Reformatories and prisons	6,575.00
Charities	12,500.00
Water department	38,000.00
Total increase by the Senate	866,828.65
Reductions by the Senate:	
Condemnation of streets, roads, and alleys	10,000.00
Expenses of police court	1,200.00
Total reduction by the Senate	11,200.00
Net increase by the Senate	855,628.65
Amount of the bill as passed by the Senate for 1889	5,381,429.97
Amount of the bill as passed by the House for 1889	4,525,801.32
Amounts of the District of Columbia laws for the past eight fiscal years:	
1888	4,284,590.66
1887	3,721,650.99
1886	3,622,683.20
1885	3,594,255.54
1884	3,505,494.97
1883	3,496,060.47
1882	3,379,571.44
1881	3,425,257.35
Amount proposed for street improvements by Senate, 1889	757,678.65
Amount proposed for street improvements by House, 1889	457,776.00
Amounts appropriated for street improvements during past eight years:	
1888	360,000.00
1887	265,000.00
1886	265,000.00
1885	263,000.00
1884	350,000.00
1883	300,000.00
1882	300,000.00
1881	300,000.00
Amount proposed by the Senate for public schools, 1889	1,036,236.00
Amount proposed by the House for public schools, 1889	842,195.00
Amounts appropriated for public schools during the past eight years:	
1888	812,420.00
1887	572,250.00
1886	554,930.00
1885	541,840.00
1884	543,675.00
1883	535,893.00
1882	574,610.47
1881	504,834.80
The Senate proposes for new school buildings, 1889	397,000.00
The House proposes for new school buildings, as estimated, 1889	235,000.00
Amounts appropriated for new school buildings during the past eight years:	
1888	230,000.00
1887	50,000.00
1886	60,000.00
1885	69,500.00
1884	90,000.00
1883	96,000.00
1882	174,630.00
1881	100,000.00

Mr. ADAMS. I understand that the conferees believed they could substantially agree except in regard to one item. I did not understand what that item was.

Mr. CLEMENTS. There are several items.

Mr. ADAMS. I will ask the gentleman first in regard to the increase of $750,000 for paving streets.

Mr. CLEMENTS. The increase of $300,000 for street improvements is one of the points upon which we have been totally unable to agree.

Mr. ADAMS. In what part of the city are the streets designed to be improved?

Mr. CLEMENTS. All parts.

Mr. ADAMS. Was it not alleged, and does not the gentleman believe, that there is a very strong popular demand in some parts of the city—I do not refer to the fashionable part, but, say, the northeast, if I remember the points of the compass aright—for the improvement of the streets? Is it not generally believed here that the improvement of those streets would really benefit the tax-payers as a whole by increasing the assessable values?

Mr. CLEMENTS. It is doubtless true that where you pave in front of the houses on a street, the value of those houses is increased. The improvement is undoubtedly beneficial to that property, and of course it is beneficial to a certain extent to all the property of the city, as any general improvement must be. We concede that; but still we think that these improvements should go on reasonably and gradually, increasing according to the increase in population and to the requirements of the city.

Mr. ADAMS. I hope the gentleman has taken into consideration that the increase should be something more than proportional. You can not very easily judge from the appropriations of former years——

Mr. CLEMENTS. That is one way of considering it.

Mr. ADAMS. There should be an increase in the ratio of increase. I have a very strong impression that there is a general demand for the improvement of streets which the people have never been able to get improved. What we want here, I think, is to find out what is alleged on behalf of these improvements, so that the House can decide.

Mr. CLEMENTS. Well, it is alleged in behalf of this appropriation for the improvement of streets that it would enhance the general value of property, particularly in the section where the improvements are made; that it would increase values and increase revenue, and that it is needed. That is the argument of those who press the appropriation. I am frank to say that. But we can not improve all of the streets upon which the value of the property would be increased by such improvements, and I apprehend that that is hardly a fair rule to make appropriations upon—the simple proposition that the improvements would increase the value of property. The House has recognized the propriety of increasing the provision for these street improvements over the appropriations of previous years and gave $100,000 more for this object than was appropriated for the current year. It should not be lost sight of that for every dollar drawn from the citizens of the District for their municipal expenditures the people of the country at large are called upon to pay a dollar, and from this standpoint I do not believe a ratio of increase that doubles former appropriations is justifiable.

Mr. ADAMS. I will ask the gentleman a question in regard to one other item which he has mentioned, to wit, the surplus. The Senate, as I understand, struck out the provision of the House bill. Did they propose any disposition to be made of that surplus?

Mr. CLEMENTS. They did not, except to appropriate it in the way proposed by their amendments.

Mr. ADAMS. And that would partly go to the paving of streets.

Mr. CLEMENTS. Largely so. Three hundred thousand dollars would go that way.

Mr. BAYNE. Mr. Speaker, I wish to ask the gentleman——

Mr. CLEMENTS. I want to say before the gentleman asks his question that another point of disagreement, and a vital one, was upon the question of the control of the contingent expenses. We think they should be controlled by the proper accounting officers of the Treasury constituted for that purpose, and that they should be audited and supervised as are the expenditures of all other branches of the public service.

Mr. ADAMS. I do not apprehend that there will be any difference of opinion about that.

Mr. BAYNE. I want to ask the gentleman what was the estimate for what is called the "permit work?"

Mr. CLEMENTS. The estimate I think was $100,000.

Mr. BAYNE. I have made some inquiry about that subject within a day or two, and I find that the commissioners would now recommend, if they had an opportunity, an appropriation of $144,000, or in round

figures perhaps $150,000. I wish to suggest that no appropriation in this bill is more needed than that appropriation for permit work. If there is any measure of improvement called for in the city of Washington, it is to put into better condition these alleys.

Mr. CLEMENTS. That question would not be a material difficulty in the way of agreement by the conference committee.

Mr. ADAMS. Will there be any difficulty in reaching an agreement about the schools?

Mr. CLEMENTS. If we agree on these other things, we can, in my judgment, come together on that matter.

Mr. RANDALL. I confess to a good deal of surprise at the reply of the gentleman from Georgia in answer to an inquiry of mine, in which he states that the commissioners of this District object to having their accounts of expenditures from the contingent fund audited by the First Comptroller. In my long experience I have never known any public officer who, when this matter has been suggested, has raised any objection to the adoption of such a plan of scrutiny. Upon the recommendation of the Committee on Appropriations, supported by the uniform action of the House, there has been inaugurated a policy under which no contracts causing expenditures of money from the Treasury or involving the credit of the Government are allowed to escape the investigation of the Treasury officers. There is no reason in the world why an officer of the District of Columbia, endowed with authority to involve the Government in expenditure, should not be treated in just the same way as all other officers are treated under the policy I have mentioned, so that his accounts may be properly examined by the accounting officers of the Treasury. On the other hand, there is every reason why this should be done. The reasons are absolutely so plain and imperative that I hope the conferees on the part of the House will never assent to a change of policy in this direction.

Mr. CLEMENTS. I now yield to the gentleman from Maryland [Mr. MCCOMAS], a member of the committee.

Mr. MCCOMAS. This bill as amended by the Senate presents a very marked increase of appropriations upon the bill as passed by the House. If the bill should be enacted in the form passed by the Senate there would be an appropriation on behalf of the District of Columbia in excess of the revenues of the District for the year. The conferees on the part of the House had some hesitation in assenting to so rapid an advance. But on all of the Senate amendments except those relating to three subjects there would in all probability have been easy agreement. In regard to the expenditures for police, for the fire department, for schools and school buildings, I apprehend no serious trouble in reaching an agreement. In reference to the control of the expenditure of the contingent funds allowed here and there in the bill there was a very marked difference of opinion. On the one hand it was contended that a municipality can not, as can a mere bureau, be subjected to the judgment of an auditing officer in the exercise of a discretionary power; that sudden emergencies, unforeseen necessities, in reference to municipal affairs, require a power of expenditure which can not be subjected to such control as can the expenditures in other Departments or bureaus of the Government. On the part of the House, it was urged, on the other hand, that the considerations I have just mentioned were an argument against the existing system of government; that the principle of auditing public expenditures by approved methods in the various Departments of the Government could not be departed from in the District without danger; that we could not properly sanction on the part of these disbursing officers a freedom from control in regard to the expenditure of the public money. This is the first point in dispute.

Upon one other subject there is a considerable difference between the House and the Senate. The present bill as it left the House appropriated for repair and construction of streets, avenues, alleys, roads, and the like, $759,256, a sum which, after inquiry, we find to be double that expended in the city of San Francisco for such purposes; far beyond similar expenditures in Baltimore; and, if we are properly advised, in excess of corresponding expenditures for New York City itself.

Mr. ADAMS. Does the gentleman mean to say that there is properly any analogy between the appropriations for the paving of streets in Washington and corresponding appropriations in an old city like Baltimore? Is there not a great difference in this respect: that Washington has never been improved as it should have been, and that there has been for ten or fifteen years a demand for such improvement; while Baltimore is an old city in which the bulk of these appropriations must be for repairs?

Mr. MCCOMAS. I am simply stating these conflicting views, without undertaking to comment very much upon their merits. But the difference between the age of Baltimore and that of Washington is not so great probably as my friend suspects.

Mr. ADAMS. I was simply suggesting the comment that might be made.

Mr. MCCOMAS. And there are other considerations. The gentleman might have suggested that the streets in other cities are narrow, while they are wide here and require more outlay for paving.

The appropriation for the same purposes last year was $651,000, allowing for this year an excess of $100,000 over the expenditure of last year.

These appropriations for streets are the second point in dispute between the two Houses, for the Senate amendments propose for these purposes—construction, repair, and outlay upon streets, avenues, alleys, roads, and the like—an expenditure of $1,184,000. On the difference between the House bill and the Senate bill, amounting to over $400,000, the conferees of the two Houses have been unable to agree, and have made this report, declining to take the responsibility of assenting to so large an increase without the instruction of the House.

The revenues of the District estimated for the next year are $2,363,271, whereas in the bill as it passed the Senate the sum payable of the total appropriations by the District would be $2,531,873, leaving an excess to be provided for over and above the estimated revenue of $148,602. Now, upon the face of it, I hesitate to agree to expend in excess of the estimated revenues of the District for the coming year the whole amount here proposed. It is fair to say, however, that the surplus revenues of the District accumulated on July 1, 1887, were $381,323. But during this session of Congress we appropriated in the deficiency bill $355,000 for the purpose of finishing the water-works tunnel, which would nearly absorb the whole of the surplus revenue for the past year.

It is also fair to say that the revenues in excess for the coming year will be considerably greater than the excess of the revenues of the last year; but no one has been able to give us an undisputed estimate of that surplus revenue for the current year. But I believe that we ought to use part of this money to pay off a portion of the water-tunnel debt now bearing interest, and out of the balance can appropriate liberally, amply, for the improvement of the streets and avenues and county roads, which have been too long neglected, and which leading out into Maryland will open up the best markets for this city. For this plan of opening up the city to the country I have always contended and do now. We can pay and ought to pay out of the current surplus revenue the $355,000 of the water-works in order to avoid the needless increase of the funded debt of the District, and needlessly pay 3 per cent. interest thereon out of the funds of the District; an available surplus ought first to be used to pay this floating debt. In other words, I do not believe that it is good financiering for the District to extend its avenues and streets to quite the degree proposed by the Senate in the next year, instead of paying this current indebtedness out of the current funds. I prefer out of the surplus to pay as we go, and then build the streets with liberal and fairly apportioned appropriations out of the balance of the funds.

Mr. Speaker, I base my conclusions in regard to this matter on the concern I feel for the development of this great capital city, and because I do not want to see a reaction. I do not compare the city of Washington with the other great cities of the country in one respect, for I believe it ought to be improved and beautified and made worthy of being the capital city of a great nation. It will soon have an immense population. It will soon be the capital of a country having a population of 150,000,000 people. Believing this to be true, and recognizing the rapid growth of the city, commensurate with the rapid growth of the population of our country, I favor the continuance of this system whereby the Government pays dollar for dollar with the people of the District in improving and beautifying the city. I already realize that there is a growing sentiment in Congress in favor of repealing the organic law whereby Congress pays one-half of the expenditures in this District. I am apprehensive that the expenditure annually of twelve hundred thousand dollars on the streets and avenues, alleys and roads here may suddenly lead to a repeal of this system, and I want this system to prevail for many years so that through a series of years Congress may pay half of generous appropriations for this District.

I believe we owe that much not only to the people of the country but to the name of the country, and to the pride and the glory of the nation, to pay dollar for dollar of these expenditures here; but I believe that the giving of large appropriations, like this suggested by the Senate in a lump in this year, and following it up next year by other appropriations of a similar character, will, in the end, tend to the creation of a sentiment in the Congress of the United States which will eventually repeal the present form of dividing these appropriations between the District and the people of the country at large. It is therefore as a true friend of the District, because I am a friend to the growth and development of the city, not spasmodic but continuous, that I want to prevent the adoption of extravagant appropriations in a single year which will tend to create a sentiment which will break up a system which has produced such happy results for the District and the city. Believing that these vast appropriations would tend to endanger that condition of things, I oppose them as a friend of the city. I prefer, therefore, liberal appropriations extending over a series of years.

Mr. BUTTERWORTH. Will this appropriation exhaust the surplus?

Mr. MCCOMAS. It will if all of the amendments of the Senate should be adopted, and if a liberal part of the surplus be appropriated to the payment of three or four hundred thousand dollars of the water-tunnel debt, for which this District now owes more than a million dollars payable at will.

Now, there is a third and last point in dispute, and that is the putting of telegraph, telephone, and electric-light wires under-ground. By the rapid growth of the use of electricity for many purposes throughout the city it will not be long before there will be a perfect network of wires between the heavens and the houses and streets of this city

unless we call a halt. I hold in my hand a letter from the very intelligent and very excellent engineer commissioner, Charles W. Raymond, now happily in charge of these affairs under the District government.

Mr. ADAMS. Will the gentleman from Maryland permit me to ask him to state the exact condition of this question of putting the wires under the ground?

Mr. McCOMAS. Certainly.

Mr. ADAMS. As I understand it, the House wants to put them under the ground here.

Mr. McCOMAS. Yes; the House wants to do so, and the Senate says it would like to have them put under the ground, but does not think it feasible at present; that it ought to be done at some time in the future.

Mr. KELLEY. It has been found feasible in Philadelphia to put them under-ground.

Mr. ADAMS. They are also under-ground in Chicago.

Mr. RYAN. And other cities have done the same thing. There is no reason why it should not be done here.

Mr. McCOMAS. It is practicable everywhere. It is simply whether we shall require it to be done or not; that is all. There is a way if we have the will.

Mr. KELLEY. It ought to be required in all cases.

Mr. McCOMAS. And if the House insists that it shall be done, I believe it can be done eventually.

Mr. KELLEY. I know it can be done.

Mr. McCOMAS. It will be done.

Mr. TOWNSHEND. Why has not the committee provided it shall be done?

Mr. McCOMAS. The committee and the House did put a proviso upon the bill, which was stricken out by the Senate. I had the honor to propose this proviso, and the committee unanimously favored it.

Mr. TOWNSHEND. What has the conference committee done with it?

Mr. McCOMAS. They have failed to agree upon doing anything. The Senate has insisted upon doing nothing and we insist on doing something.

Mr. TOWNSHEND. I hope the conferees on the part of the House will not yield to the Senate.

Mr. McCOMAS. We have not yielded to the Senate upon that question, and after this expression of unanimity in this House we could not yield.

I will now ask the Clerk to read a part of this very interesting letter from Major Raymond.

The Clerk read as follows:

The main public uses to which electricity is at present applied are electric lighting, the telephone service, and the telegraph service. Electric lighting, generally speaking, requires currents of high intensity, and the best authorities still consider it necessary that conductors conveying such currents should be widely separated from those carrying low-tension currents such as are employed in the telegraph and telephone services. The gathering together of conductors employed for these different purposes in the same conduit is believed to involve not only grave complications in the working of the low-tension systems but also serious dangers to the public. I am aware that the collection of high and low tension conductors in one conduit is claimed to have been satisfactorily accomplished in some special cases, but the successful establishment of such a system on any extensive scale is considered too doubtful to warrant its adoption, especially in the city of Washington, where the width of the streets and avenues renders it unnecessary to make so hazardous and uncertain an experiment. For these reasons I am of the opinion that the electric-light wires and those for the telegraph and telephone services should be laid in entirely separate conduits.

There are now about 9.64 miles of wire employed in the city of Washington for the public lighting of the streets. Of these about 5.2 miles are under-ground, the conduits extending along Pennsylvania avenue from First to Fifteenth street northwest, thence on Fifteenth street from Pennsylvania to New York avenues, and thence along Pennsylvania avenue to Washington Circle; on Fourteenth street from Pennsylvania to New York avenue northwest, and on New York avenue from Fourteenth to Fifteenth street northwest.

These wires are entirely separate from those employed for other purposes. Although the experiment has not proved completely satisfactory, the results are believed to warrant its continuance and justify its gradual and careful extension.

The wires employed in the telephone service have already, to a great extent, been placed under-ground. In compliance with the orders of the commissioners, more than 5 miles of conduits have been constructed by the telephone company for this purpose, and 1,356 miles of wire have been buried, constituting more than two-thirds of the trunk-lines employed. The system works well, but recent improvements in the manufacture of cables justify the expectation that better results can be obtained. Since the burying of the remaining overhead wires in this service involves extensive excavations in the streets, it is not considered desirable to undertake this until the result of experiments now in progress has been ascertained, especially as the delay will be short. If these results prove satisfactory, all trunk-lines now overhead should be placed under-ground as soon as possible. There are about 650 miles of such lines.

The company intends to put about 200 miles of this wire under-ground and to bury in addition about 200 miles of new wire. When this work is completed the telephone service will have about 1,756 miles of wire in under-ground trunk-lines and only 450 miles in trunk-lines overhead.

A portion of the wires employed in the District service for fire-alarm, police, and other purposes has been placed under-ground, and the system works in the most satisfactory manner. For this purpose nearly 5 miles of conduits, containing more than 25 miles of wire, have been constructed. To complete the system about 550 miles of wire should be buried, and this ought to be done as rapidly as means permit.

The wires employed in the general telegraph service have not to any considerable extent been placed under-ground in the District of Columbia. There are about 473.14 miles of such wires, only 23.5 of which are buried. The practicability of burying these wires without great injury to the service has been seriously questioned. Upon this point I hesitate to express a decided opinion, since I have not as yet been able to give the subject careful investigation and study, but experience in other cities leads me to believe that this work can be successfully accomplished. For example, it is stated in the report of the board of commissioners of electrical subways of the city of Brooklyn that the Western Union Telegraph Company and the Gold and Stock Telegraph Company have agreed to place their conductors along certain routes in under-ground conduits; and although I am unable to say at the present moment how much progress has actually been made, it appears that the Western Union Company alone buried about 32 miles of wire during the year 1887. In their report for the year 1886 the Brooklyn commissioners remark that "the problem appears to be solved for this city, so far as telephone and telegraph lines are concerned." This commission is one of high ability, and I have great confidence in its opinion.

In addition to the wires included in the above statement there are now in the District about 35 miles of wire employed and controlled by the General Government. Of these about 31.2 miles are under-ground. There are also about 13.68 miles of wire employed for private lighting, of which about .68 miles are under-ground.

The following table shows approximately the character, quality, and location of electric wires in the District of Columbia:

Service.	Miles of conduit.	Miles of under-ground wires.	Miles of overhead wires.
Telegraph	2.1	23.5	473.14
District fire-alarm and police	5.1	21	550
Telephone	4.9	1,356	650
Electric lighting, public	4.6	5.2	4.24
Electric lighting, private	.34	.68	13
Total	17.04	1,406.38	1,690.38

Mr. McCOMAS. Now, Mr. Speaker, I have had that letter read so that those who care to hear it may know it is no longer an experiment in other cities of the country, and that in this city of Washington, for which we are now legislating, there are 1,406.38 miles of under-ground wire to 1,690.38 miles of overhead wire.

Mr. TOWNSHEND. Who wrote that communication?

Mr. McCOMAS. Maj. Charles W. Raymond, the able engineer commissioner of the District.

It has been stoutly contended in debate elsewhere that it was impossible to put electric-light wires under-ground; that the attempt was a failure, and it could not be done with the present knowledge of the subject. Yet at the moment of that debate, out of all the miles of electric wire in this city, only 4.25 miles were overhead, while 5.2 miles were under-ground already. Yet the proposition seems to have failed elsewhere because gentlemen thought the thing which was done to a greater extent with the electric-light wires than with telephone and telegraph wires in this city could not be done at all.

Mr. TOWNSHEND. Let me ask my friend if his attention has been called to the fact that in the city of Philadelphia they have demonstrated the practicability of putting electric wires under ground? There they have miles of electric wire under-ground.

Mr. McCOMAS. Yes; I am glad the gentleman has referred to that matter. In Philadelphia and in Brooklyn, notably, it has succeeded. The contest is whether they shall have the electric-light wires in the same conduit with the wires of the telephone and telegraph service, which conduct currents of lower tension or intensity, while the electric-light wires conduct currents of higher intensity. I believe it has been found better to put them in separate conduits; but they are all put under-ground.

Mr. TOWNSHEND. I think in Philadelphia they put them in one conduit, but separate them by wooden boxes.

Mr. McCOMAS. They certainly are put under-ground.

Now, Mr. Speaker, in conclusion, this committee does not insist and the conferees on the part of the House do not insist that their mode of arranging these wires is the only proper mode. They take it that the sense of this House is in favor of putting the wires under-ground, and they have a provision prepared by the eminent counsel of the commissioners, Hon. A. G. Riddle, which they have endeavored and will again strive to substitute for the proviso stricken out by the Senate.

If we succeed in our contention, no single wire of these companies will hereafter be strung over the streets, avenues, or roads of this city; it will stop from this day, and not another wire shall go overhead. All that are run hereafter shall be put under-ground. When the Government's own wires are mostly under-ground, why should not the Western Union Telegraph Company have its wires under-ground? We put our own telephone wires under-ground; why should not the telephone company put its wires under-ground? They are nearly so now. In view of the great advancement in electric lighting we should not wait for the future. In the course of the current year many miles of electric-lighting wires will be put up in this city. They ought to be put under-ground when they are run; and in some proper way all that are now overhead should be put under-ground.

In the interment of these wires the commissioners have no ample power. By act of Congress some years ago all these highways were left open for the telegraph companies to run their wires overhead. One corporation here, after a long contention, actually cut all the telephone wires under the pavement along its line. There is trouble in getting them under-ground in some of the streets because of the vaults under the pavements. As the companies will not go under-ground voluntarily, if we wait longer soon they will darken the air with their clouds of wires—clouds increasing all the while.

Now, Mr. Speaker, if it be the duty of any city to control these agencies and to see to the interment of the wires, that ought to be the case in the capital of the country. Resistance should be made to the claims of these corporations to take the sky and air when the wires can be interred in the earth, and will there subserve all the uses of the community. I think if there be one place where we ought to insist as an example to the country that this shall be done it is here in this city. If it is to be done, we must lodge a discretion somewhere. We propose to put it in the hands of the commissioners, with power to inflict penalties in cases where wires are put overhead or where there is too great delay in putting them under-ground.

Mr. BUTTERWORTH. I would like to ask my colleague, what are the objections made to placing these wires under-ground?

Mr. McCOMAS. The objections are numerous. The first is the one which has been exploded by the concurrent testimony of so many gentlemen here to-day, the objection that it can not be done. That is the main objection. That, we think, is exploded. The second is that from long usage here, citizens are accorded certain vault privileges under the pavements, and think that the Congress of the United States and the commissioners of the District have no right to take any space more than 6 inches for pavement, and that everything else is to be devoted to private interests and not reserved for public control.

Mr. BUTTERWORTH. What do you say as to that?

Mr. McCOMAS. The courts seem to say that that is the law, though an appeal is pending. But I do not believe it is beyond the power of Congress to say that it will take control for the public use of the streets, sidewalks, and alleys to such an extent as to enable these agencies to be put under-ground. There is no constitutional inhibition which prevents us from doing the right thing here in this seat of government.

Congress may do what a State Legislatnre may not do under the constitutional provisions in respect to the impairment of contracts. Congress may do this incidentally, even if it conflicts with existing licenses or permits. I insist with great earnestness and confidence that we have ample powers to control this matter. Now, when we decide to do this it should be done by placing the matter in the discretion of the commissioners as to the kind of conduits, the places where they shall be put, and the time when the change shall be made. Nobody wants to ruthlessly cut off the communications of these companies, as was done by the blizzard some months ago; but we ought to insist that reasonably, as to time and manner, and finally these agencies shall be put under-ground, and that discretion as to the manner and the time shall be lodged in the commissioners.

Mr. GROUT. I suppose another objection is that it would be more expensive.

Mr. McCOMAS. Yes, that is one objection, that it would cost the companies something. But they make us pay very liberal tolls. When I telegraph I pay what they charge, and we all expect to do the same when they have put their wires under-ground. And this great monopoly of Jay Gould will charge us enough to pay the cost.

Mr. THOMPSON, of Ohio. It ought to be done in the interest of the public safety.

Mr. McCOMAS. Yes; it is necessary also in the interest of the public safety, as my friend from Ohio suggests. Why, Mr. Speaker, only the other day a distinguished jurist of New York State, Judge Andrews, was thrown from his horse by a wire, and still, I believe, lies dangerously ill. Every now and then a broken wire kills a man, a woman, or a child, and during the late "blizzard" the press was filled with accounts of accidents of that sort. For all these reasons it is high time that this reform be made. The objection is urged, also, that this is a too weighty discretion to lodge in the hands of the commissioners, that they might do some wonderful or dangerous thing.

Sir, my observation leads me to just the contrary conclusion. All the arguments that have been addressed to me in person upon this subject have been by the agents and in behalf of these companies, the telegraph companies, the telephone companies, the electric-light companies, and the safe-deposit company, these corporations which are claiming the streets and the air. When I have been spoken to on the subject from time to time, in the committee or elsewhere, it has been urged upon me that we should not do this thing, that we ought not to go so fast, that we ought to stand still. Nobody has come to me on behalf of the people to urge that the wires should be put under-ground, although I believe that the mass of the people agree, as I now see the House agrees, that that should be done. Therefore, sir, my answer to this objection is that the commissioners will be so beset by these companies and their representatives that there is no danger of their going too fast, but the danger will be that they will go too slow. If it be the sense of the House, I should like to have it say and insist that these wires shall no longer incumber the air, but shall, within a reasonable time, in a reasonable manner, and under reasonable conditions, be put under-ground, and that no other wires shall be put above ground after the adjournment of this Congress. I now ask my colleague [Mr. CLEMENTS] to yield five minutes to the gentleman from Illinois [Mr. ADAMS].

Mr. CLEMENTS. I will yield to the gentleman.

Mr. ADAMS. Mr. Speaker, I shall probably not occupy two minutes. I find here six points of difference between the Senate and the House. It is a custom of conference committees, and a bad custom, not to agree upon any point until they can agree on all. The conferees on the diplomatic appropriation bill set us a good example the other day by agreeing whenever they could agree, and reporting the one point upon which they could not yield to the Senate. Now, there being a disagreement here, I believe that this House ought to agree wherever it can reasonably yield to the Senate, and thereby impose upon the Senate the responsibility of holding out on those points as to which the House can not consistently and logically agree. For my part, I shall be glad to vote to concur in the Senate amendment in the matter of paving streets, and also in the Senate appropriation for schools. But I cordially agree with the position of the House conferees on most of the other points involved. I hope, therefore, that I shall have an opportunity, under the rules, to make a motion to concur on the points I have indicated. I think I am entitled to a division of the question so soon as the gentleman from Georgia shall bring the House to a vote upon any disagreement between the Houses.

Mr. CLEMENTS. I call for the previous question on agreeing to the conference report.

Mr. ADAMS. Mr. Speaker, when there are several points of disagreement is not the question divisible?

The SPEAKER *pro tempore*. After the conference report shall have been agreed to, it will be in order to insist on the disagreement to the Senate amendments or to move to recede from the disagreement and concur.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. CLEMENTS. I now move that the House insist on its disagreement to the amendments of the Senate, and ask a further conference.

Mr. ADAMS. I now ask for a division of the question, so that we may have a separate vote on the Senate amendment in regard to paving streets, upon which I wish to move concurrence in the Senate amendment.

Mr. HOLMAN. Is not this conference report an entirety?

The SPEAKER *pro tempore*. The report has been agreed to. The motion of the gentleman from Georgia [Mr. CLEMENTS] is now that the House insist on its disagreement to the Senate amendments, and ask a further conference. The Chair thinks the gentleman from Illinois [Mr. ADAMS] is entitled to a division of the question.

Mr. CLEMANTS. This is not a report agreeing to certain amendments and disagreeing to others, but it is a report of total disagreement as an entirety. I therefore submit that after the report has been adopted the proposition of the gentleman from Illinois [Mr. ADAMS] is not in order.

The SPEAKER *pro tempore*. The Chair thinks it is in order for the House to recede from its disagreement to any of the amendments, and to concur.

Mr. RANDALL. Let us have a vote.

Mr. ADAMS. I move that the House recede from its disagreement to the amendment of the Senate in regard to the paving of streets, and concur in that amendment.

The motion was rejected.

Mr. ADAMS. I move that the House recede from its disagreement to the amendment of the Senate in regard to schools and school houses, and concur in the same.

The motion was rejected.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Georgia [Mr. CLEMENTS] that the House insist on its disagreement to the Senate amendments, and ask a further conference.

The motion was agreed to.

The SPEAKER *pro tempore* announced as the conferees on the part of the House Mr. CLEMENTS, Mr. FELIX CAMPBELL, and Mr. McCOMAS.

WAR CLAIMS.

Mr. STONE, of Kentucky. Mr. Speaker, the House has decided to dispense with private business to-day; but before we go into Committee of the Whole on the state of the Union I wish to ask consent that the Committee of the Whole be discharged from the further consideration of House bill No. 6514, providing for what is known as "4th of July claims." I would like to have the immediate action of the House on this bill. These claims are reported by the Secretary of the Treasury to Congress as having been passed upon and allowed by the accounting officers of the Treasury. This is a bill of the same character as that which is passed regularly at every session of every Congress. It can not possibly create discussion.

The SPEAKER *pro tempore*. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. STONE] asks unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of this bill, and that it be now considered in the House. Is there objection?

Mr. BRECKINRIDGE, of Arkansas. This being private bill day, I have no objection to the consideration of the bill now, with the understanding that discussion upon it shall not exceed thirty minutes. I am willing to make this concession in favor of private business.

Mr. DINGLEY. I would like to inquire the nature of these claims.

Mr. RICHARDSON. This is the usual bill for the payment of "4th of July claims." A similar bill has been passed by Congress at every session, I believe, since the war, and usually, I think, by unanimous consent. It embraces claims which have been audited by the accounting officers of the Treasury.

Mr. STONE, of Kentucky. These claims are reported by the Secretary of the Treasury as having been regularly allowed. The bill can not possibly require any discussion. I do not know that it is necessary even to read the bill, as it simply enumerates the names of claimants, with the amount allowed to each.

A MEMBER. What is the aggregate?

Mr. STONE, of Kentucky. The aggregate is $108,037.22.

Mr. SPRINGER. I hope the bill may be passed by unanimous consent without reading, because it will take three-quarters of an hour to read it. It is usually passed without reading.

Mr. STONE, of Kentucky. As I have stated, the bill contains nothing but a list of claimants, with the amount allowed to each.

Mr. RICHARDSON. And the aggregate amount is less than in any former year.

Mr. STONE, of Kentucky. I give my assurance to the House that, in addition to the names of the claimants and the amounts allowed to each, there is nothing in the bill except one amendment of the act of last session. One claim which was included in the bill of last session was found upon examination to have been sent in by the accounting officers by mistake, the claim having been previously allowed and paid. This bill includes a clause to repeal that provision of the last bill, which provided for the payment of the sum of $280.

Mr. RANDALL. I wish to ask whether there is any general legislation of any character in the bill?

Mr. STONE, of Kentucky. None whatever.

Mr. SPRINGER. Let the bill be passed without reading.

Mr. HOLMAN. No attention has been called to this bill up to the present time, and I presume very few gentlemen have had an opportunity of looking over it and understanding its provisions. I suggest, therefore, that the reading of the bill proceed for the present (I do not know that I shall insist upon its being read through), so that time may be given to look into the bill. I do not think the condition of our business is such as to justify the passage of this bill without some examination. The gentleman from Illinois [Mr. SPRINGER] suggests to me that the bill be permitted to go over until to-morrow morning, with the understanding that then unanimous consent shall be asked for its consideration.

Mr. SPRINGER. I ask by unanimous consent that the bill be put on its passage after the reading of the Journal.

Mr. HOLMAN. I wish to look at the bill before it is taken up for consideration. I ask the gentleman to postpone the consideration of the bill until to-morrow morning.

Mr. STONE, of Kentucky. I am willing to do that.

The SPEAKER *pro tempore*. What motion does the gentleman submit?

Mr. STONE, of Kentucky. I ask that the consideration of the bill be postponed until to-morrow, and that the bill be then put on its passage.

Mr. RYAN. Why, this bill is not before the House.

Mr. ROGERS. Put through without reading?

Mr. HOLMAN. No, but that to-morrow morning the consideration of the bill shall be entertained by the House.

Mr. STONE, of Kentucky. I move that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill, and that it be taken up for consideration to-morrow morning, after the reading of the Journal, without being read.

Mr. HOLMAN. I can not consent to that. Let the bill be postponed for consideration until to-morrow morning.

Mr. STONE, of Kentucky. I consent to that.

The SPEAKER *pro tempore*. What motion does the gentleman submit?

Mr. STONE, of Kentucky. All I wish to do is to get the bill before the House for consideration. I now move, by unanimous consent, that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill, and that it be taken up in the House to-morrow morning after the reading of the Journal.

Mr. HOLMAN. That it is to be considered in the House to-morrow morning.

Mr. STONE, of Kentucky. Yes; to be considered in the House to-morrow morning after the reading of the Journal.

Mr. BRECKINRIDGE, of Arkansas. I hope the gentleman from Kentucky will incorporate in his motion a provision that the debate on the bill shall not exceed thirty minutes.

Mr. STONE, of Kentucky. I am willing to agree to that.

The SPEAKER *pro tempore*. Fifteen minutes on each side. Is there objection? The Chair hears no objection, and it is ordered accordingly.

LOAN OF TENTS TO THE SOCIETY OF THE ARMY OF THE POTOMAC.

Mr. TOWNSHEND. I ask by unanimous consent to introduce a joint resolution rendered necessary by a mistake made in the joint resolution authorizing the loan of tents and tent equipage to the veteran organizations of the Society of the Army of the Potomac. The War Department has discovered a defect in the resolution which has already passed the House and has gone to the President for his signature. The only change in the joint resolution which I propose to introduce at this time is in striking out "tent" and inserting "camp;" so it will read "camp equipage," which is the proper technical expression.

The SPEAKER *pro tempore*. The bill has already been enrolled.

Mr. TOWNSHEND. It has gone to the President to be signed. I now ask to introduce another resolution at this time striking out "tent" and inserting "camp," so it will read "camp equipage." It is necessary that this joint resolution should pass to-day to provide for the celebration next Monday.

There was no objection, and it was ordered accordingly.

Mr. TOWNSHEND, by unanimous consent, introduced the following joint resolution (H. Res. 188) authorizing the loan of tents and camp equipage to the veteran organizations of the Society of the Army of the Potomac.

The joint resolution was read, as follows:

Whereas, at the annual reunion of the Society of the Army of the Potomac, held at Saratoga, N. Y., in 1887, a resolution was passed extending to all the survivors of the battle of Gettysburgh an invitation to meet in fraternal reunion on the twenty-fifth anniversary of the battle of Gettysburgh, July 1, 2, and 3, 1888, on the field of Gettysburgh, and as the invitation has been generally extended and accepted: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and directed to loan to the committee in charge of quarters of the Society of the Army of the Potomac such tents and camp equipage as may be needed for the sheltering of the veteran organizations participating in said anniversary, and that to prevent loss or damage resulting from the use of said tents and camp equipage, the Secretary of War is authorized to detail troops to take charge of the same and to provide for the safe keeping and transportation under the direction of the Quartermaster-General.

The joint resolution was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TARIFF.

Mr. BRECKINRIDGE, of Arkansas. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The line before the committee is:

Rags, of whatever material composed.

The gentleman from Maine [Mr. DINGLEY] moved to strike out the words "of whatever material composed."

Mr. ADAMS. The amendment I made was a formal one. I now yield to the gentleman from Pennsylvania [Mr. KELLEY].

The CHAIRMAN. Does the gentleman withdraw his formal amendment?

Mr. ADAMS. I do.

Mr. KELLEY. I renew the amendment.

Mr. Chairman, there is but one kind of rags to be affected by this provision embodied in the bill under the head of "Rags, of whatever material composed." All rags fit for paper, and that includes all the forms of rags of linen and cotton goods, are now on the free-list.

This is, therefore, a provision to admit woolen and worsted rags in free competition with the wool-growers of the United States. It is nothing more nor less than the following up of the action of yesterday in inviting the importation of cheap adulterants for the coffee of the laboring people and the poorer classes of this country.

Carlyle must have foreseen that such a body as the Democratic members of the Committee on Ways and Means would arrive at prominence some day when he dubbed the system of political economy as the "dismal science" and designated it as "the road to the cheap and nasty." Our friends are devoting themselves with all their energy and zeal over there to make a system of manufactures in this country which will substitute forever the cheapest and the nastiest competing articles that the world can produce.

I have in my hand a little book entitled "The History of the Shoddy Trade, its Rise, Progress, and Present Position." It was written by Rev. Samuel Jubb, a clergyman of the Church of England, and published in 1860 by Houlston & Wright, of London; John Heywood, of Manchester, and J. Fearnsides, of Batley, England.

Gentlemen on the other side continually harp on the heavy duties imposed by the Republican side on cheap blankets. They say, "Here you are willing to give to the people of the country free whisky"—of course there is no truth in the statement, but still they say it—"and impose the heaviest duties upon the poor man's blankets and clothing."

Now I want to show you something of the character of this branch

of manufacture as it appears from this little book. I read from page 52, under the head of "Colored blankets:"

COLORED BLANKETS.

These have been made largely for some years for the American market—gentian, gray, blue-gray, and green are the prevailing descriptions. The widths and qualities vary materially, and consequently the values. The lowest kind is a very inferior gray fabric, at a correspondingly low price. The writer understands that the bulk of these blankets is consumed in the slave States of America, and that the low gray blankets just adverted to are designed chiefly for the use of the slaves, both as coverlets and materials for garments. Dewsbury and Earlsheaton are the centers of this manufacture.

Now, Mr. Chairman, I confess to having been guilty throughout my entire legislative career of attempting to get such duties imposed upon these dog blankets, which were made for the poor whites of the South, and a poorer condition of them for the slaves, so as to shut them out of our markets forever.

[Here the hammer fell.]

Mr. BURROWS. I ask unanimous consent that the gentleman from Pennsylvania may be permitted to proceed for five minutes longer.

There was no objection.

Mr. KELLEY. I propose, sir, now to notice a remark that was made after I had left the House on yesterday, thoroughly worn out, by the gentleman from Arkansas [Mr. BRECKINRIDGE], which shows several things, and among the rest the value, in some slight degree, of a little knowledge of the history and growth of our industries by a member of the Committee on Ways and Means. I am sorry to say that this paragraph, standing alone, illustrates the utter absence of such knowledge on the part of the gentleman who used it. He says that on July 28, 1866, I used the following language:

Mr. KELLEY. Let the raw material come in. Let us make blankets that will drive out English blankets. Let us make our own "English frieze" and "Peterboro' frosted beaver." Let us be able to rival England and France and other representative nations in making these cloths.

Now the gentleman is not aware probably that at the time that remark was made there was no harmony between our wool growers and our wool manufacturers; that in fact we had no real woolen industry. It was created afterward. We had some woolen mills which had been created by war, as I shall endeavor to show you if time permits; but the treaty between the wool growers and the wool manufacturers, effected largely through the agency of the late John L. Hayes, was what really called into existence our flocks.

The war created manufactories. When the first troops came to Washington at the call of the President for three-months' men, most of those, indeed all from my State, were clad in shoddy clothes. They left home with blouses, or short jackets, and pants, and by the time they got here and marched along the avenue those with short jackets looked as though they had long-tailed coats cut square across, and their pantaloons had no seats in them. They were clad in shoddy, and the ride to the capital to go into the encampment left them in rags; and then we neither had flocks on the hillsides to yield the wool nor the factories on our water courses in which to spin and weave cloth in sufficient quantities to supply the troops. Four years of duty on wool encouraged the growth of sheep. Four years of war developed the art of dyeing, spinning, carding, and weaving; and at its close the clothing of our soldiers bore as marked a contrast to the rags worn by the first regiments as has ever been exhibited in the growth of any industry on earth.

When Johnny came marching home 80,000 strong behind Grant and Sherman he was clad in American cloth. Much of it was American wool. All of it had been spun and woven in our newly-created factories. It is true that in 1866, in order to stimulate the combination and in order to build up factories which would shield our soldiers and our working people from this rotten shoddy, I said, "Yes, import the raw material." But I would not now propose to obliterate the flocks of the country. I would not destroy the great product of American wool. I would not now silence the looms and the spindles of this great nation whose progress in the production of textiles enabled them during the last quarter of a century to exceed any nation or combination of nations in the world.

I shall take advantage of the privilege of enlarging my speech by inserting some extracts from the history of shoddy, so that gentlemen may see what the rags are which we protect by one or two hundred per cent.

The extracts are as follows:

The sources from which soft rags are derived are substantially the same as those from which mungo rags are received. London is the great entrepôt for soft rags; but it must be noted that America, while contributing freely mungo rags, sends us little if any of the soft kind. It is presumable that the whole civilized world is engaged, either directly or indirectly, in supplying this country with linen and woolen rags, or the produce of the latter; if not now, such will, no doubt, be the case shortly, for the field of operation in this respect is apparently ever enlarging. London serves the market with mixed softs, stockings, white flannels, stuffs, carpets, etc., in addition to the large quantities of army cuttings produced there, namely, serge, flannel, and cloth clippings of various colors and qualities; these constitute a valuable part of the rag collection, being new, sound, and of good color and quality. Scotland sends her stockings and mixed rags; Ireland, her white; Germany, her knitted stockings, in gray and white, and also what are termed "nons;" Austria and Italy swell the general stock by their quotas of soft and mungo rags; Turkey and Russia also furnish low coarse softs.

Machines now engaged in grinding soft rags produce four or five packs of shoddy, and those engaged upon hard or cloth rags two to two and a half packs of mungo per day. The machine when operating upon soft rags, particularly the lower descriptions, makes its presence felt by "kicking up a dust" which is by no means pleasant to those who are obliged to keep company with it. The occupation is not to be termed an unhealthy one, though in the case of some few persons it would appear to have induced asthma, and the very nature of the employment suggests this to be the ailment most likely to arise from it. To the uninitiated it must be surprising to see the rags suddenly transformed into fibrous wool, and it is in this process of grinding that the apparent impossibility of making old rags into new cloth vanishes away; for those persons who are otherwise unable to form an idea how the rag is to be metamorphosed into cloth can, when it is assimilated to wool in its form and condition, at once see the solution of the supposed difficulty.

We proceed to furnish some calculations made in 1858 respecting the quantity of rag-wool then being produced, together with the weight of rags required for the same. According to these it is computed that at that time there were fifty rag machines in the township, producing yearly about 13,000,000 pounds weight of shoddy and mungo, the latter estimated at one-third of the whole; this may be so as regards this locality, but taking an average of all the rag-machines at work in the district, which includes Ossett, the proportion of mungo produced is probably from one-third to one-half the aggregate quantity. The following figures present the details of the calculation:

Machines	50
Packs of rag-wool, daily average of production	4
Packs	200
Days per week	6
	1,200
Weeks, per year, allowing two weeks for holidays and repairs	50
	60,000
Reduce into pounds	240
	14,400,000
Deduct 10 per cent. for slack times	1,440,000
Net produce of rag-wool	12,960,000
Add 25 per cent. for waste of rags in grinding and picking	4,320,000
Pounds	17,280,000

Or 7,764 tons of rags.

Assuming the foregoing table to be correct, it shows the large quantity of 7,764 tons of rags converted annually in this township into rag-wool, the produce being 12,960,000 pounds, or 5,785 tons. In the calculations referred to, it was assumed that within a radius of 4 miles of Batley the quantity of rag-wool produced is equal to that at Batley itself, and furthermore, that all the scattered places in the woolen districts, lying beyond the radius in question, produce equally with Batley, or one-third of the total quantity manufactured in the country. According to this assumption there is the enormous weight of 51,840,000 pounds, or 23,143 tons of rags worked up yearly in the shoddy center and districts of the kingdom, yielding 38,880,000 pounds, or 17,357 tons of rag-wool. Calculating the value of this material, shoddy, at an average of 4*d.* and mungo likewise at 6*d.* per pound, and reckoning the latter staple to constitute a third part of the whole, we find the entire quantity to amount to upwards of three-quarters of a million of money. The items of the account stand thus:

25,920,000 pounds of shoddy at 4*d.* per pound	£432,000
12,960,000 pounds of mungo at 6*d.* per pound	324,000
Total	756,000

The following statement presents a tabular view of an approximate calculation relative to the operatives engaged in the shoddy manufacture and the shoddy trade, in the township of Batley, specifying the number of persons employed in the several branches of labor, together with the weekly earnings of each class. It also, on the same principle, but with a nearer approach to certainty, gives the number of "billies," "tommies," and "horses," with their aggregate of spindles at work. Also, the total of mule-spindles, and the amount of nominal horse-power employed; and, moreover, records, as ascertained facts, the number of mills and steam-engines in connection with the business. These particulars are the result of a computation made for another object, in 1858, and, though some changes have occurred since, especially in relation to the increase of power-loom weavers, they may be taken, for all practical purposes, as applicable to the present time.

TABLE OF WAGES.

Rate of wages paid in Batley, distinguishing the different descriptions of work people.

Description of operatives.	Wages per week.	
	s. d.	*s. d.*
Rag-sorters (women)	6 6 to	7 0
Foreman over women	20 0 to	25 0
Carriers (rag trade)		18 0
Rag-grinders	16 0 to	25 0
Willeyers	18 0 to	20 0
Slubbers		3) 0
Servers (girls and boys)		4 6
Do		8 6
Attendants on piecing-machines (boys)		6 0
Piecers (boys and girls)	1 9 to	3 6
Card-cleaners (young men)		10 0
Overlookers	35 0 to	40 0
Mule-spinners (say half employed)	28 0 to	30 0
Mule-piecers (boys and girls)	3 6 to	5 0
Pluckers (boys)		7 0
Warpers (women)		8 0
Weavers (hand-loom)		18 0
Weavers (power-loom)	9 0 to	10 0
Fullers		25 0
Raisers	13 0 to	22 0
Dyers (foremen)		40 0
Dyers (men)		17 0
Tenterers		25 0
Burlers (women)	6 6 to	7 0
Drawers		30 0
Finishers (men)		29 0
Finishers (boys)		7 0
Engine-men		30 0
Engine-boys		10 0
Carriers	16 0 to	18 0

Table of wages—Continued

Description of operatives.	Wages per week.	
	s. d.	s. d.
Book-keepers		25 0
Wool-scourers		18 0
Power-loom tuners and assistants	15 0 to	25 0
Foremen of weavers		20 0
Wool-sorters	20 0 to	25 0
Watchmen		18 0

Mills in Batley	35
Billies, tommies, and horses	220
Billies, tommies, and horses, spindles	17,500
Mule-spindles	35,000
Steam-engines	35
Nominal horse-power	1,089

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I do not at this time desire to make any other reply to the gentleman than simply to print in the RECORD a petition from workingmen in Philadelphia.

The petition is as follows:

To the honorable the House of Representatives, Washington, D. C.:

When the forty thousand textile workers of Philadelphia, in April, 1886, made the appeal to you, through the Committee on Ways and Means, for relief from the outrageous inequalities, discriminations, and oppressions of the present tariff laws, it was hoped by them that their demands, reasonable as they were, would be heeded, and that partisan, sectional, or class considerations would not be allowed to stand in the way of the doing of a simple act of justice and the righting of the most glaring wrongs. It was the first time that the workingmen spoke on the subject uninfluenced by any outside pressure or coercion, but the answer has been the failure to perfect a measure of relief.

Hence it becomes necessary to renew the appeal, and in doing so we beg leave to submit the reasons and causes that inspire us to this act.

The condition of the textile industries, especially the woolen trade, has been growing worse, the working time in the mills is being shortened, and the wages are being pared down just in proportion as the strain upon the physical exertions of the toiler increases, and we are forced to compete with labor in other parts of our own country that is paid no more than is the much-talked-of "pauper labor" of Europe, and as all this has taken place under a system that is declared to be for the "protection of American labor," are we not justified in making inquiries, with the aid of our experience, as to whether it is so or not?

If there is any virtue in the theory that in order to protect American labor against ruinous foreign competition it is necessary to place a tax upon goods that are brought in from countries where labor is cheaper, it follows that these taxes should in all cases correspond with the amount and cost of labor required upon such goods in their successive stages of manufacture, but this obviously plain and honest rule has never been observed in any tariff law which its framers claimed to be for the protection of labor. That the reverse has been the case naturally excites the suspicion that the design was to crush rather than help labor. In the woolen industry, as in many others, the tax on the raw materials neutralizes the tax on the finished fabrics, and taking quality into account, the tax always graduates downward against quality instead of upwards with it, and in every case exceeds by three to four times the entire labor cost in the product. To call such laws "protective to labor" is a fraud and deception, and labor has a right to protest against the perpetrators of these wrongs being allowed to any longer influence legislation on this subject.

According to Bowes & Co., an accepted authority, 100 pounds of greasy wool will make 21.45 pounds of finished cloth, and on this basis it will require 530 pounds of greasy wool to make 100 yards of cloth with backing, weighing 18 ounces to the yard. Suppose this cloth is made of four different kinds of wool, the cost to the English manufacturer would be—

150 pounds of fourth quality, at 12 cents	$18.00
130 pounds of third quality, at 24 cents	31.20
125 pounds of second quality, at 26 cents	32.50
125 pounds of first quality, at 33 cents	41.25
Total cost of wool	122.95

With precisely the same grades of wool the cost to the American manufacturer would be—

150 pounds of fourth quality, at 23.94 cents	$35.91
130 pounds of third quality, at 37.54 cents	48.80
125 pounds of second quality, at 39.64 cents	49.55
125 pounds of first quality, at 49.61 cents	62.01
Total cost of wool	196.27
Excess of cost to the American manufacturer	73.32

The total cost for labor in making this cloth is not over 27 cents per yard, or $27 for the whole, showing that the tariff-enhanced cost of the material is nearly three times the entire expense for labor.

The importations of woolen and worsted yarns for the years 1886-'87 were 7,039,448 pounds, valued at $4,030,738, on which duties were paid amounting to $2,777,582. The amount of wool required to make this yarn is 28,157,792 pounds. The duty on the wool would be $2,815,779, and adding the charges for carrying the duty we have a total tax burden on the wool of $3,097,356, or $319,776 in excess of the duty on the yarn. The total cost for labor in making this yarn is not over $700,000, showing that the tax on the wool is nearly four and a half times the total labor cost in the yarn. This, on the theory advanced by the modern protection school, can be called by no other name than protection to foreign manufacturers and labor.

The per cent. of duty on the yarn is 69.11, and on the cloth 70.40, a difference of but 1.29 per cent.; but as there is a loss by waste and shrinkage in weaving, dyeing, and finishing of 3 to 5 per cent., we find that this difference between the yarn duty and that on the cloth is more than neutralized, and thus the "protective" duty is again in favor of the foreign cloth manufacturers, who could not have done better for themselves if they had been permitted to make our tariff laws for us.

Under the present law the percentage of duty on the finer and more costly fabrics is always lower than on the coarser and cheaper grades, thus depriving us of the chance to work upon the better class of goods, upon which our work would be lightest and our earnings largest.

The importation of woolen and worsted cloths for the year ended June 30, 1887, was, of the value not exceeding 80 cents per pound, 1,117,564 pounds, valued at $713,315, on which duties were paid amounting to $640,808. Per cent. of duty, 89.84. Value above 80 cents per pound, 7,689,699 pounds, valued at $9,309,054, on which duties were paid to the amount of $6,415,016. Per cent. of duty, 68.91.

This shows how we are crippled, both in our earning powers and in the exercise of our skill by the infamous discriminations of the tariff, which at the same time make the burdens upon the rich comparatively lighter than upon the poor.

It is no stretch of the truth to say that these discriminations against the manufacturing industries have very materially discouraged the use of wool and promoted the substitution of adulterants, most manufacturers having for some time given more attention to the manipulation of substitutes, so as to give them the appearance and touch of wool, than to the matter of improvements in the making of pure woolens in order to compete in quality with their foreign rivals. This has given rise to the impression that we are less skilled than the European workmen, yet it is self-evident that it requires as much if not more skill to work up the adulterants so as to give them a marketable appearance as to manipulate the genuine materials.

A great deal of stuff is put upon the markets now as cassimeres, etc., that does not contain over 10 per cent. of wool. Manufacturers who attempt to make nothing but pure woolens are compelled to close their mills. To make stuffs that shall compete in the markets with foreign makes in texture and variety it is almost invariably necessary to use some wools of foreign growth for mixing with the domestic; but as the tariff enhances the cost of these wools by from 25 to 150 per cent. there is no possibility of the American manufacturer using them in competition, and hence we are forced to give over to the foreign manufacturers the monopoly of all the markets and allow them to supply our own people with goods into which not a pound of American wool enters. Thus the woolen manufactures imported in 1887 amounted to 49,000,000 pounds, which, at 4 pounds of raw wool to the pound of finished product, represented 196,000,000 pounds of wool, which, with the 115,000,000 pounds of raw wool, makes a total importation of 311,000,000 pounds, or considerably more than the entire wool-clip of the United States. If all this had come in free in the raw state it would have absorbed for mixture a large quantity of domestic wool, instead of every pound that did come in anyhow displacing a pound of American wool and at the same time depriving American labor of employment and our poor people of the comfort of woolen clothing.

From a statement recently made public by a leading carpet manufacturer we gleam the fact that ingrain carpets which formerly were made largely of wool are now made of an average of one-fifth wool and four-fifths adulterants, and in the whole of the carpet industry probably not a million pounds of domestic wool is now used. There is no carpet wool raised in this country, and yet a tax of over 26 per cent., which far exceeds all the wages paid in the manufacture of carpets, is still imposed upon the wool which is necessarily brought in from the outside. If this wool were admitted free, a greater quantity would be used, and probably not less than 10,000,000 pounds of domestic wool would be absorbed for mixture.

For these reasons we fail to see how the wool-growers are benefited by the tariff on wool, as it inevitably restricts the market for their wool both by forcing the use of substitutes and by promoting the importation of wool in the manufactured state, all of which must redound to the injury of both the wool-grower and the woolen-worker.

If protection protects, or if the present tariff arrangement is really beneficial to the manufacturing industries, why do the manufacturers find it necessary to form "combines," "arrangements," or "understandings" in order to protect themselves against what they term a demoralized market? Why should they adopt the suicidal policy of reducing the wages of labor, which can not but curtail the absorption of their wares and thus injure their business? Why do workingmen find it necessary to organize for self-protection against the very men who are loudest in their demands for more tariff upon the plea that labor "must be protected?" Men who are really protected need not go to the trouble and expenses of protecting themselves. As "charity begins at home," would it not be more consistent for the protected and protectionist employers to show by the bettering of wages of their employés and by treating them as men—freemen if you please—that their cry for more taxes is not raised solely for their own benefit, and that they are ready to make true the oft-repeated declaration that protection to the manufacturer will enable him to pay high wages?

Now, as he has just the protection he wants, and is still cutting down wages, is it not evident that he is either wrong in his protection theory or is playing "heads I win and tails you lose" with his workingmen? Surely no sane man can see in the "trusts" and "arrangements" of the capitalists and the frantic efforts of labor to hold its own against the encroachments of combined capitalists aught else but the positive and practical proof that protection of labor by a tariff, or by any other tax upon its products, is worse than a failure, because it neutralizes the natural advantages of our country and disarranges the natural course of trade, and thus must result in the destruction of labor. When the manufacturer closes his mill, or lays off any of his hands, he will invariably give as an excuse the bad state of trade, an honest acknowledgment that it is trade that keeps the mill going, and hence is a good thing to keep labor steadily employed and give it a chance for better wages. Now, it is always the part of wisdom to protect ourselves against a bad thing, but it has fallen to the lot of the protectionists to discover the utility of protecting ourselves against a good thing, and in order to accomplish this to tax ourselves to spite and impoverish some one else.

That the protectionist manufacturers do not altogether believe in this theory is evidenced by the fact that they have here an association which has for its object, among others, the securement of a higher tariff for the protection of American labor and, by unity of action, to be better prepared to resist the demands of labor for more wages. But if they really do believe that people can become rich by taxing themselves why do they not try the experiment by taxing themselves to pay us more wages, or why do they resist all our efforts in that direction? It would surely be as cheap, or cheaper, to tax themselves to pay us a little more than it is to tax themselves to pay to the raw-material men much more than our entire wages amount to. Is not this evidence that they are in favor of those taxes of which the largest share flows back into their pockets and falls with crushing weight upon us. Hence we have just cause to demand such a change of the laws as will secure a more equitable distribution of the benefits amongst all the people.

But there is danger in this theory of protection in this, that it involves the delegation or transference of the taxing power to individuals and corporations, thus placing the greatest and widest of all governmental powers and responsibilities into the hands of irresponsible men, whose greed will thus be stimulated to such a degree that soon classes will be created which will be specially interested, and will be powerful enough to override the will of the people and make ours a government of, by, and for the classes. As we as a nation are already tending towards customs and conditions indigenous to European monarchial institutions, are we not justified in sounding the alarm now? And as these tendencies are due solely to the drift of legislation towards restrictions upon the natural powers and privileges of the people, is it not time to turn about and see if by going in the direction of more freedom we will not the more quickly realize the anticipations of the founders of the Republic of making this the most free, and therefore the most prosperous, country on earth, thus setting an example to the world that will cause all other nations to imitate us?

Can it be said that the burdens of taxation are not excessive when they are equal to two dollars for every one dollar of wealth accumulated by the whole people; when they absorb nearly, if not quite, one-half of the earnings of labor,

falling ten to twenty times heavier upon those who labor for a living than upon those whose income is from capital, and when they are accumulating in the national Treasury by a hundred million dollars or more, taken from the channels of trade and locked up to be a source of temptation for every political trimmer, jobber, and subsidy shark in the country? When we reflect that this sum, if left among the people to fulfill its legitimate functions in trade, would naturally foster the distribution and absorption of the products of labor to more than ten times the amount of the surplus, we can readily appreciate the full measure of the damage done to labor by the accumulation and locking up of a surplus.

Ignoring the influence of material conditions upon the wages of labor, they have told us that the laying on of these taxes was necessary to keep up the high standard of American wages. If this was correct it would follow that the proportion of wages to materials should have increased during the period of protection. But what are the facts?

In 1850 the proportion of value of materials to the wages of labor in the manufactures was 70 to material, 30 to labor; in 1860, 74¾ to material, 25¼ to labor; in 1870, 76½ to material, 23½ to labor; in 1880, 78 to material, 22 to labor, and now it is about 80 to material, 20 to labor.

Accepting the theory of the modern protection school these figures would furnish the indubitable proof that the tariff has had the effect of raising the cost of the materials and depressing the wages of labor; and when we take in connection with this the wonderful advance in the efficiency of labor during the same period, this table stands as a most terrible indictment against those whose bungling legislation has wrought the mischief.

The relative productivity and earnings of the woolen and worsted weavers in the United States and England will show, too, whether the high standard of wages has been kept up here; and to make the comparison perfectly fair, we will presume that both weave the same class of goods, 80 picks to the inch:

Speed of loom, United States, average, 85 picks per minute.
Speed of loom, England, maximum, 60 picks per minute.
Hours of labor, United States, 60 per week.
Hours of labor, England, 54 per week.
Product per weaver per week of continuous work, United States, 106 yards.
Product per weaver per week of continuous work, England, 68 yards.

The average loss of time caused by breakages, etc., being about one-fifth the net product per week, would be, in the—

United States, 85 yards.
England, 54 yards.

The highest average rate of wages paid in this country for this class of work is 2 mills per pick per yard, or 16 cents per yard for 80-pick work, and if the same rate was paid in England it would follow that the American weaver can earn a possible wage of $13.60 per week to the English weaver's possible $8.64. Of course the actual earnings are less in both cases, but the relative difference will not vary either on a rise or fall. The earnings, however, vary so much throughout our own country as to bring the time earnings of our weavers in some cases even lower than the time earnings of some of the European weavers, as will be seen from the following table, compiled from the first annual report of the National Commissioner of Labor, and the same rule holds good for every other class of workmen in the woolen industry.

Daily wages of woolen weavers in the United States:

Delaware	$1.71	New Jersey	$1.00
Illinois	1.52	New York	1.08
Indiana	1.08	North Carolina	.75
Massachusetts	1.28	Vermont	1.17
Pennsylvania	1.85	Connecticut	1.16

According to the United States consular reports the earnings of woolen weavers in England vary from $3.50 to $11 per week. If we keep in view the relative productivity of the labor of this country and England, we can not avoid the conclusion that the $4.50 per week in North Carolina is below the lowest of England, and does it not prove that the American manufacturer gets his work done cheaper than the English manufacturer, and that therefore the wages of labor do not and can not find consideration in his cry for more protection? It also proves that we are brought into deadly competition with labor in our own country that may be as justly called "pauper labor" as that of Europe. It further proves that the tariff has not even preserved to us our just share of the natural opportunities of the country; that it has only been instrumental in building up colossal fortunes for the few, and that a continuance of it will end in our degradation to a condition of serfdom.

There are a number of mills in and around Philadelphia where $5 a week are considered very good wages now for a weaver, and there are any number of mills in England where these would be considered starvation wages, and whenever the employers here offer a reduction of wages they set up the plea that some of their neighbors are paying less, and hence a reduction is necessary in order to enable them to compete. They seem no longer to fear foreign competition, but it is home competition that is now the great "scare-crow," and we have to suffer from it all. Is it not self-evident that a uniform rate of wages should have resulted from the "protective" tariff if it had the virtues claimed for it by its advocates?

Heretofore labor has had no direct or independent voice in the arrangement of tariff laws, these matters having been entirely left to the bosses and monopolists, who were naturally prompted by selfish and conflicting motives, which is best evidenced by the fact that they have found it profitable to spend vast sums of money, and much time, in maintaining expensive lobbies at Washington and costly organizations all over the country, some of which have as one of their objects and purposes the keeping of the workingmen from getting any share of the "protection" by an advance of wages.

They have subsidized newspapers and maintained literary bureaus in order to influence public opinion and defame the few men who dare to voice our cause. These sums are largely made up of money that should consistently have gone towards the betterment of our wages, and we are thus placed in a condition which deprives us of the ways and means to be heard before Congress upon an equal footing with those who for the protection of labor spend the parings of our wages. Even now, finding that the desire to hear from the workingmen is growing, they are organizing some of their employés into clubs and associations under the direction of the bosses, the expenses being met by outsiders, in order to prepare them for an expression of sentiment and the making of demands that are to be paraded before the world as those of the free and untrammeled workingmen. The cause which requires such work to bolster it up can not be less than an unholy one. The very means condemn the end. Protection means the enslavement of labor, and nothing proves this more emphatically than the fact that there are workingmen, whether, forgetful of the natural dignity of labor, they do it voluntarily, or whether, driven by the force of circumstances brought up by protection, they are compelled to submit to the command to rivet the chains still more tightly about themselves.

But why should we find it necessary to make costly efforts in our behalf in this matter? Are we not represented by those to whom we gave our votes, and to whom we have a right to look for efforts in our behalf and for justice? If we were to spend money or keep up a lobby would it not simply be an acknowledgment that we recognize the power of money to be superior to the will of the people? Shall we be asked to subscribe to the infamous and un-American idea that a well-filled purse gives one man greater rights, powers, and privileges than poverty connected with toil does to the other? To do this would be to confess our loss of faith in a representative free government and our belief that the old-time spirit of fair play and equality has entirely departed from the councils of the nation.

The fact is, there is no government on the face of the globe, however despotic, that is so unmindful of the interests of labor as to tax the raw materials of industry, which tax must inevitably come out of labor in that it neutralizes its opportunities by depriving it of the means to compete with the labor of other countries, notwithstanding its superior productivity, thus forcing down its wages and speeding its enslavement. But it does more. It builds up colossal fortunes for the few at the expense of our toil and its natural rewards, and is already bearing its legitimate fruit in the aping of European aristocracy on the one hand, and on the other compelling the mass to make piteous appeals for leave to toil; ay, forcing them even to beg of some men the permission to obey the command of the Creator "to eat bread in the sweat of their brow." Shall we stand by with folded arms and bated breath whilst we see this "land of the free and home of the brave" transformed to a "land of the master and home of the slave" by a process which even the most despotic government dares not attempt?

Hence we demand the repeal of all taxes upon the raw materials of industry, so that we may be no longer handicapped by costs other than those of production, and that we may be relieved from those depressions of wages which arise from enhanced cost of the necessaries of life, which is due to taxation independent of the cost of production.

In fixing the duties upon manufactured articles care should be taken to measure the duties by the difference there may be in wages between this country and Europe, not forgetting to take into account the relative productivity of labor compared with its earnings, and in all cases the duties should be so graded as to correspond with the amount and quality of labor bestowed upon the article in the various stages of manufacture. That this has never been done in any tariff law called protective has been shown above, and it clearly demonstrates the falsity of the claim of their framers that they considered the interests of labor at all in this work.

Under the present law the duty on cloth weighing 16 ounces to the yard and valued at 80 cents per yard is 63 cents, while the duty and charges on the amount of wool required to make this cloth will be 53 cents, leaving for protection but 10 cents per yard. Under the most radical tariff-reform measure ever offered in Congress the case would be thus:

	Per yard.
Duty on the cloth, 35 per cent	$0.28
Duty and charges on the wool	Nothing.
Clear protection	.28

There is not a woolen or worsted worker in the country who is so blind as not to see that, even on the theory of protection, the tariff reformer who is willing to give him 28 cents against the foreign cloth is a better friend than the protectionist who gives him but 10 cents. Under the present law the duty on a piece of cloth worth 45 cents per yard is 140 per cent., whilst the duty on a piece worth $3.50 per yard is just 50 per cent. How unselfishly careful the protectionists are to make the workingman rich by taxing his cloth 90 per cent. more than the rich man's and at the same time depriving him of the pleasure and profit of making the finer grades of cloth.

We learn from the census of 1880 that the total wage account in the woolen industry was 17.70 per cent. of the value of the product, and we have reason to believe that the percentage is even smaller now and gradually sinking. Now, suppose with wool free the duty was fixed at 18 per cent. of the value of the imported article, varying, of course, with those features which indicate the degree of labor expended, would it not fully and absolutely protect labor, even though the foreign workmen would work for nothing and find themselves? When, therefore, a duty of more than twice that amount is proposed it can surely not be objected to by the woolen-worker on the ground of offering too little protection, because it will give him 32 cents per yard on the same cloth on which the present law gives him but 10 cents.

An excess of duties over differences in the wages of labor can have no other effect than to nullify the efforts of labor, organized or unorganized, to better its condition by placing it absolutely at the mercy of the employer, who, by having his market secured to him by law, can, under the tariff duties, free from the fear of competition, exact from the consumers, who are in large part the workingmen themselves, much more than the wages of labor amount to, while labor, exposed on every side to open competition, is thus forced to pay tribute to the employers, and through them to the controllers of the raw materials, both by suffering a reduction of its time wages and by increased cost of the necessaries of life. This is the shifting of the taxing power which gives the employers privileges that are incompatible with our form of Government, and must thus end in the destruction of our liberties. It encourages, and sometimes forces, the formation of "trusts," "arrangements," and "understandings," drawn together under the fostering influence of "protection" in order to be the better able to bleed the people and build up gigantic fortunes for the beneficiaries of the law.

It has been fashionable to "take all the traffic will bear," and now it is "take all the law will allow," and laws framed under the dictation of the favored monopolists themselves are always sure to give them a wide enough margin to take the "last pound of flesh." Thus, while the wage account in the product is but 17.70 per cent. the bosses are protected by a tax of 70.40 per cent., an advantage of 52.70 per cent., which is the field within which they have free play, by "trusts" and "understandings," to exact special profits and make us pay back to them with double compound interest all that may be given us as an advance of wages.

We do not fear the antagonism of the agricultural interests, because there is nothing in our demands that will not at the same time promote the interests of the farmer. The natural market for American wool is America; and as the cheapening of the products will necessarily promote their consumption and curtail importations, whilst it will at the same time encourage the use of wool instead of adulterants, we can not see why a change of the law which would vouchsafe to us steadier employment could fail to be a benefit to the wool grower.

The removal of the duties would also open the foreign markets to greater American competition, which would so measurably drive up prices there as to neutralize the advantage the foreign manufacturer has from cheap wool. We have too good an opinion of the intelligence and acumen of the farmers to believe for a moment, as the protectionists profess to do, that they would antagonize their own interests by asking for the removal of duties from those things which consume their wool if such duties were necessary to maintain the woolen industry of the country.

A return to the tariff of 1867 would in no wise be a remedy for the evils we suffer from, as the same incongruities, inequalities, and discriminations against labor characterized every feature of that law, and in some respects it was even worse.

Hence we request that wool and all other raw materials be placed on the free-list, and that in arranging the schedule of duties on the finished or partly manufactured articles labor should be duly considered. Yarns, for instance, are the raw materials of the cloth-maker, and if both yarn and cloth are placed under the same duty it will be a discrimination against the cloth, because in the manufacture of the cloth the yarn will lose by waste and shrinkage in weaving, dyeing, and finishing, and hence the duty per pound on the yarn will somewhat exceed the duty per pound on the cloth, and there would therefore be an

inducement to import the cloth in preference to the yarn, as it is now preferable to import the yarn instead of the wool, and the yarn spinner would have all the protection and the cloth weavers, dyers, and finishers none at all as against the yarn importations.

While it is as yet difficult to obtain positive data as to the differences in the wages between this country and Europe whereon to base a scientific schedule, it is yet safe to follow the line here indicated, and if the duties are fixed to equal the entire labor cost in the product no interest will have any cause to complain if we wish to come nearer to justice.

With free raw materials we will soon demonstrate our superiority in the industrial field, and do our share in making this country what nature appears to have destined it to be, the workshop of the world and the ruler of the seas.

Hence patriotism joins with national pride in appealing to the law-makers of the nation to give to labor those measures of fair play and justice to which it is entitled as the foundation-rock of our national greatness and prosperity.

In the name and on behalf of the textile workers of Philadelphia, Pa.

F. H. HERWIG.

PHILADELPHIA, *March* 26, 1888.

We, the undersigned, committee of the Workingmen's Tariff Reform Association, No. 1, of Philadelphia, principally composed of textile workers, upon due and deliberate consideration of the foregoing memorial, do hereby fully and freely indorse the same, and request that its recommendation be granted as a simple act of justice, not only to us but to the whole people, and we will ever pray.

Joseph Smith, 2414 North Third street; Wm. L. Wild, 1334 Hope street; John Moore, 2188 Huntingdon street; E. H. Murphy, 1715 North Fourth street; Wm. Stewart, 2633 Braddock street; Wm. Hudson, 1610 North Front street; Cornelius Carr, 106 Jefferson street; Jos. Hagerty, 1504 North Fourth street; Patrick Glavey, 2912 Kipp street; Daniel Donovan, 1912 Hazzard street; Edward J. O'Brien, 2414 North Third street; Frederick H. Mackerell, 2306 Geiss street; John Snee, 2015 Palethorpe street; Joseph Stott, 2026 North Front street; Thomas Dronsfield, 1443 Hanover street; John Brogan, 2008 Howard street; James Donogue, 2641 Hope street; John McCloskey, 1841 North Seventh street; Thomas S. McCaffray, 2404 Holmans street; Benjamin L. Yarnall, 912 Sterner street; James McCauley, 2419 North Fourth street; John Harle, 2671 Braddock street; James Delaney, 1513 Howard street; Harry T. Delaney, 1513 Howard street; Joseph G. Downing, 1752 Howard street; G. Greul, 616 Callowhill street; James Magonigle, 1740 Waterloo street; John H. Cannon, 1742 Waterloo street; Edward Coyle, 4241 Green street; M. J. Gorman, 1730 Howard street; John A. Pasley, 1617 Hope street; Thomas Grant, 2824 Reese street; James Turner, 103 West Montgomery avenue; George McGeowen, 2002 Abigail street.

Mr. KELLEY. I am glad the gentleman will give the petition prominence and permit me to explain.

Mr. BRECKINRIDGE, of Kentucky. I wish it to be distinctly understood that if the gentleman can answer the argument of the petition I am going to put in it will add greatly to the well-earned reputation of the gentleman as an orator.

Mr. KELLEY. We will see.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I simply want to remark that as soon as I can find the paper I will have read some of the remarks of the gentleman from Pennsylvania [Mr. KELLEY], in which he speaks of the shoddy industry in a very different manner from that in which he now speaks of it.

The amendment was rejected.

The Clerk read as follows:

Rattans and reeds, manufactured, but not made up into finished articles.

Mr. LODGE. Mr. Chairman, I move to strike out all after the word "rattans," in lines 174 and 175.

The majority of the Committee on Ways and Means, who, as the House has observed during this debate, know everything, are undoubtedly entirely familiar with this industry, and are undoubtedly equally familiar with the effect of this provision. It is possible, however, that the House is not familiar with the effect of this clause, and as those persons interested in it, many of whom I represent, and as I myself had no opportunity to appear before the committee, I am going to trespass on the time of the House for a few moments to explain exactly what this provision means and what its result will be.

Rattan, which is grown in China and does not grow in this country, comes in free. I think it always has come in free. The rattan, of which I hold a specimen in my hand, is used in two forms. The outside is used for chair-cane. It is stripped off in this form [illustrating]. It is the ordinary stuff used for seating chairs. When the outside of the rattan is thus stripped off there is left what is called the pith or reed of the rattan, which I have here [holding it up].

The late Cyrus Wakefield invented or developed processes and machinery by which those piths were used in making furniture, and the chair-canes were stripped from the rattans. Out of his inventions and processes a large industry has been developed. The village in which he lived has become a prosperous town, supported in large measure by this industry; and large public buildings there bear witness to the munificence of the man whose talents and ingenuity founded a new industry in this country.

The process of making these piths and stripping these chair-canes from the original rattan is a principal value of the business. This paragraph proposes to put the manufactured reed, that is, the pith and the chair-cane, on the free-list. The chief competitors whom our manufacturers and workingmen have to meet in this business are the Chinese. Some of the furniture is made in Germany, but it is inconsiderable, I think, in amount, and the furniture, moreover, still remains protected; but in the manufacture of the reeds and chair-cane, which lie at the root of the business, the real competitors and the competitors to be feared are the Chinese. The chair-cane is stripped by the Chinese and used for baling tea chests and everything of that kind.

It is in very common use. The result is that they will sell the pith out of which our furniture is made for almost nothing. So eager are they to get control of this business that they have sent men to San Francisco, where the Wakefield Rattan Company has a branch house, and have offered, in order to get in there and learn the processes of this business, to work for nothing. To-day if you pass that paragraph you take directly from the hands of a large body of skilled mechanics the employment which they have in making chair-canes and reed-piths and give it to the Chinese. That is the precise, direct effect of that paragraph. From a small industry it has grown in the single town of Wakefield into the employment of a million and a quarter of capital. In that single town they pay $300,000 a year of wages and employ 700 hands in their factory.

The same company has a branch, as I have said, in San Francisco. The business is extended; it is no monopoly, and there is no "trust." Haywood Bros. & Co., at Gardner, Mass., have $1,250,000 in the business, and employ 1,200 hands. W. F. Whitney, of South Ashburnham, Mass., has a $50,000 business, and employs 150 hands. The New Haven Rattan Company have $25,000 capital invested, and employ 75 hands. The Union Rattan Manufacturing Company, of New York City, have $150,000 capital, and employs 150 hands. E. Newton & Son, of New York City, have $25,000 capital, and employ 50 hands. The Chicago Rattan and Reed Company have $50,000 in the business, and employ 100 hands. These are the principal people engaged in the business in this country, and these statistics, I may say, are furnished to me as close estimates by the manager of the Wakefield Company. There are many others engaged in the business, but they are small makers. It is a business which can be carried on very well without large capital, by men of small means, employing only a few hands. Now, sir, I will read a further extract from the letter of Mr. Lang, the manager of the Wakefield Company. He says:

The effect upon our business, should articles manufactured of rattan or rattan reeds be admitted free of duty, would be a tendency to reduce wages——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HATCH. By leave of the gentleman, I will move that the committee rise, simply for the purpose of correcting an error made in regard to the agricultural appropriation bill, and which it is necessary to correct in order to get the bill into conference. It will occupy the House but a moment.

The motion was agreed to.

The committee accordingly rose; and Mr. BLOUNT having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the collection of revenue, and had come to no resolution thereon.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. Mr. Speaker, in asking on yesterday evening that the House agree to the conference requested by the Senate on the agricultural appropriation bill, I was under the impression that the Senate had asked for a conference and had appointed their conferees, but upon examination of the bill I found that I was in error. I now move that the House non-concur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER *pro tempore*. The conferees have already been appointed?

Mr. HATCH. Yes, sir.

TARIFF.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole for the further consideration of House bill 9051.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

Mr. KEAN. I ask unanimous consent that the gentleman from Massachusetts [Mr. LODGE] be permitted to continue for five minutes.

There was no objection, and it was so ordered.

Mr. LODGE. I will continue the extract I was reading from the letter of Mr. Long. He says, further:

We have a branch house and factory in San Francisco. Last year several attempts were made there by Chinese to bribe our foreman to admit them to employment, so that they could get an idea of our way of doing things. One offered $75 and to work three months for nothing. We have, or did have, in our possession photographs of chairs which came from Hong-Kong, and which illustrated to the minutest detail several of our patterns. This is conclusive evidence that the Chinese are at our heels, and that a specific duty should be levied upon chair cane, rattan reed or piths.

The gentleman from Indiana [Mr. BYNUM] suggested to me that there was already a duty on rattan, and it so appeared on the Treasury schedule, but upon looking at the comparison of the pending bill with the existing law, I find that the duty is only upon manufactured rattan, as I stated. I was quite certain that I could not be mistaken about raw rattan being on the free-list.

Now, Mr. Chairman, the result of the use of these piths in this business has been the employment of a hitherto unused part of the rattan,

and the introduction of a graceful and cheap furniture which has continually fallen in price, and has been of great advantage to the people of this country. The Chinaman can put these piths into this country, after using the chair-cane for their packing purposes, at almost nothing, and the result will be to take the work out of the hands of just so many American workingmen and give it to the Chinese. I do not mean to say that the business will not go on. Undoubtedly the business of making the furniture will go on. But I do mean to say that you will greatly injure the business, will take from just so many American working men their employment, and lower the wages of just so many more, and in doing so, will simply benefit the Chinese, a people whom we have excluded from our shores, whose labor we do not propose to admit here, but which it is now proposed to admit in the concrete form of a manufactured article. Mr. Chairman, this blow falls upon this industry because it is a small industry, because it is a Northern industry, and because it is not believed there are many votes in it, and the blow that strikes it is as ignorant as it is cruel. [Applause on the Republican side.]

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Massachusetts [Mr. LODGE] has certainly adduced very extraordinary statistics for the consideration of this House. He has built up here some millions of dollars of industry, and the entire amount of the unmanufactured material on which he has built this vast aggregation of industry is less than half a million dollars. There is an error somewhere, beyond all question.

Mr. LODGE. I do not understand what your point is.

Mr. BRECKINRIDGE, of Arkansas. I want to understand how he can get millions of dollars of products when there is nothing complicated in handling rattan, and when our entire imports of rattan——

Mr. LODGE. I did not say "millions of dollars of products."

Mr. BRECKINRIDGE, of Arkansas. I think your statement will clearly show it.

Mr. LODGE. I said three millions of capital were employed in the manufacture. That was my only reference to "millions."

Mr. BRECKINRIDGE, of Arkansas. Does the gentleman mean to say that three millions of capital do not give rise to at least three millions of products? Then the gentleman stands in this attitude: He asserts that three millions of capital are employed in working up $464,000 worth of rattan and produces less than three millions of products.

Mr. LODGE. The rest of it is labor.

Mr. BRECKINRIDGE, of Arkansas. Then three millions of capital, with the attendant labor, are engaged in making the light wickerwork that requires only $464,940 of the imported material.

Mr. LODGE. There is no duty on rattan; it is on the free-list.

Mr. BRECKINRIDGE, of Arkansas. I did not say there was any duty; I said that the cost of the rattan imported (and the gentleman if he turns to the import tables will see I am correct) was $464,940.

Mr. LODGE. What of it?

Mr. BRECKINRIDGE, of Arkansas. Your statement is absurd—perfectly absurd on its face.

Mr. LODGE. But your saying it is absurd does not make it absurd. The value of the raw material is no guide to the value of the manufactured product.

Mr. BRECKINRIDGE, of Arkansas. But the official fact is as I state it, and this is a remarkable as well as a sample case if it be not absurd. The gentleman gets up here with another equally absurd plea. He wants us now to take this rattan with the outer coverings and the pith and make the manufacturers of New England pay for 10,000 miles of ocean transportation and 3,000 miles of land transportation upon what is really nothing more than the sawdust that is in the material, in order that they may have something to work up. Sir, if it takes all that labor and all that capital to work up this little pittance, I say it is time that we should do something more for the laborers of the gentleman's State than to make them pay for 13,000 miles of transportation upon the waste material that does not enter into the product of their labor.

Mr. LODGE. Mr. Chairman, I move to strike out the last word. The amount of the rattan worked up is perfectly trifling in connection with this question. The great value of this product, as the gentleman will find, is in the furniture. Upon the rattan goes the labor. This parting of the chair-cane pith, as I tried to make clear, is only a part of the process. That does not touch the furniture.

Mr. BRECKINRIDGE, of Arkansas. Does not the gentleman know that the furniture is protected?

Mr. LODGE. I am perfectly aware of that.

Mr. BRECKINRIDGE, of Arkansas. The gentleman made no such line of argument. He argued here that $3,000,000 of capital were engaged in working up this rattan.

Mr. LODGE. Why, Mr. Chairman, I can not be responsible for the gentleman's ignorance of industries which he has never seen.

Mr. BRECKINRIDGE, of Arkansas. The gentleman need not concern himself about any responsibility for me. He put himself on record as saying that $3,000,000 of capital was engaged in working up this rattan. I am perfectly willing to let the statement of the gentleman be discussed by intelligent people anywhere. I say it is a perfectly absurd proposition. Those furniture factories——

Mr. LODGE. I believe I have the floor. I stated that three millions of capital were engaged in making rattan furniture. It is perfectly true; there is no question about it. A part of that process—I hope the gentleman will gradually get to understand it—is the conversion of the raw rattan into the piths and the chair-canes. After that comes the manufacture into furniture, which is protected. I said especially—and every gentleman who did me the honor to listen to me knows I so said—that this removal of duty was not going to stop the business. I said the business of making rattan furniture would continue; but I said a part of that business would be taken from American workmen and given to the Chinese. That is the opinion of men who have given their lives to this business, who know it through and through, who have to meet the competition. There may be in Arkansas factories engaged in this business which the gentleman may understand, and from which he draws his statistics. I take only those of which I can get a list.

Mr. BRECKINRIDGE, of Arkansas. I do not believe a single word of the statistical statement—I say this in no personal sense—I do not question that the gentleman believes it—that $3,000,000 of capital are engaged in working up less than half a million dollars' worth of rattan in this country; and when you analyze that statement I think you will find that you have $3,000,000 making up rattan furniture and a large lot of other kinds of furniture in the East.

Mr. LODGE. I never said that, Mr. Chairman. I said there are millions of dollars in the rattan furniture business, and whether the gentleman believes it or not is to me a matter of complete indifference.

The CHAIRMAN. The question is upon agreeing to the amendment.

Mr. FARQUHAR. I move to amend the amendment so as to strike out the words in lines 174–5, "manufactured, but not made up into finished articles." I do so because the present free-list contains rattans and reeds.

The CHAIRMAN. The amendment will be again read.

Mr. FARQUHAR'S amendment was again read.

Mr. FARQUHAR. Now, Mr. Chairman, I wish to say, in addition to what has been said by the gentleman from Massachusetts [Mr. LODGE], that the importation of rattans and reeds, while it belongs to the chair-cane and to the manufacture originally established, the capital invested in it has in the last twenty-five years increased in the cognate industries of the country until 114 concerns were directly using rattan and reeds, and these 114 concerns produce annually eighteen millions of finished products. One house employs 600 hands, and turns out annually 8,000 gross of parasol handles, 6,000 gross of umbrella handles, and 2,000 gross of rattan walking-canes. Every feature of the imported reed and rattan is used. Its pith, its fiber, and all have gone into eight great American industries.

I wish to say to the House all these industries have grown up since the Morrill tariff came into existence. They employ now, as I know from the president of the Cane-Workers' Association in America, a man whose honesty and word can not be doubted—that over 12,000 industrious men, earning from $1 to $2.75 per day, are employed.

This industry has been domesticated in this land. It has entered into the ornamentation of our every-day life. It is in fact a new industry. There is that one fear that enters into the minds of these workingmen—I am speaking for them. I know none of these owners of patents, Mr. Wakefield or any other. I believe, however, the patent expired a year or two ago.

Now, whatever the result may be certainly under this entering-wedge—and I wish to call the attention of the gentleman from Arkansas to the fact there is one clause inside this Mills bill which shows the animus of its free-trade sentiment, and that is this one in reference to rattans and reeds in favor of Asiatic labor. That bears the mark of the free-trader and none more so than the last part of the clause we are now considering. What is the intention? Simply by putting rattans and reeds on the free-list to admit a few manufactured articles you cut down one-half of the wages of the American workingmen. It is an entering-wedge. It is unfair in business and it is not fair in politics.

I want to say if the committee has blundered, possibly in not knowing this industry, they have certainly stabbed American labor, and although it might not be widespread in its effects, it is one of the attacks made on the other side which strike at the American workingman.

[Here the hammer fell.]

Mr. LODGE. I wish simply, Mr. Chairman, without extending the discussion, to read a few extracts from the testimony of Mr. Cyrus Wakefield, who was the inventor of some of these processes. In his testimony in 1882 he says:

The manfacture of reeds has grown up in this country chiefly in the last twenty-five years. The capital now directly employed in this business is not less than $2,500,000—

That was in 1882, six years ago—

that of the corporation I represent being one million, and the number of persons directly employed is not less than two thousand. It is now proposed to destroy or reduce the duty on one of the products of this industry, namely, "chair-cane."

This, as the gentlemen are well aware, is only one of the manufactured products of rattan, being the outer rind or shell which by ingenious machinery (the patents on which have now expired) is separated from the pith or reed,

dressed, shaved, and stripped into strands suitable for the seating of chairs and other like purposes.

That bears out fully all I have said. Three millions of capital are employed in making rattan furniture, wholly or in part formed of rattan pith and chair-cane. Part of that product of rattans is reed and pith, another is chair-cane. By this clause it is proposed to put chair-cane and rattan pith on the free-list and give the work of making chair-cane and reed pith to the Chinese. That is the whole case. I hope this time I have made it clear so that any one can understand it.

Mr. BRECKINRIDGE, of Arkansas. The gentleman has just substantiated what he charged me with erroneously stating awhile ago.

The 10 per cent. charge on the refuse part of this product is just that much of a hinderance and burden on the working people engaged in working rattan into the furniture they make for use. It is to their relief this would come. It would, with the change in furniture, be that much taken from the proprietor and added to the laboring man and consumers of the country. I think that we are ready now for a vote on this amendment.

Mr. SPOONER. Do I understand the gentleman to mean that he understands he is helping the American workingmen by taking away from them the material on which they can work or the means by which they work?

Mr. BRECKINRIDGE, of Arkansas. There is 10 per cent. simply for the machine. The real labor is in putting the material together as furniture, and if the great body of the workingmen who put the material into the furniture can get this raw material that much cheaper, it is just that much better for them in the labor they are called upon to perform.

Mr. SPOONER. Then I understand the gentleman would relieve the workingmen by stopping the machines on which they are engaged?

Mr. BRECKINRIDGE, of Arkansas. The point involved is too immaterial to weigh against the benefit conferred upon the great body of the working and other people.

Mr. WILSON, of West Virginia. I move to strike out the last word.

The CHAIRMAN. Debate on the pending amendment is exhausted and no further amendment is in order until the pending amendments are disposed of, which are substantial amendments.

The question being taken on the amendment to the amendment, the committee divided; and there were—ayes 69, noes 66.

Mr. BRECKINRIDGE, of Arkansas. I demand tellers. [Laughter and applause on the Republican side.]

Tellers were ordered.

Mr. BRECKINRIDGE, of Arkansas, and Mr. FARQUHAR were appointed tellers.

The committee again divided; and the tellers reported—ayes 66, noes 72.

So the amendment to the amendment was rejected.

The question recurring upon the amendment of Mr. LODGE, the committee divided; and there were—ayes 66, noes 74.

So the amendment was rejected.

The Clerk read as follows:

Paintings in oil or water colors and statuary not otherwise provided for; but the term "statuary" shall be understood to include professional productions of a statuary or of a sculptor only.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out from line 176 to line 179, inclusive.

The amendment was adopted.

Mr. BRYCE. Mr. Chairman, I move to put pictures and statuary back on the free-list. We practically allow the product of European authors to come in free on the principle that cheap literature is a benefit to the people. Why not admit pictures for a like cause, since it seems to me they are less the luxuries of the rich than the educators of the poor? Good pictures encourage the artistic talent that lies dormant in a country, thus giving occupation to numbers of people, and by building up a native school they will tend to save our going to Europe at all for our purchases.

As one of the early members of the Students' Art League of New York, I am somewhat familiar with the growth of these native schools. Originally the members of this society were the pupils of the National Academy, but so intolerant were the officers of the latter institution—so bitterly opposed to the more progressive forms of art instruction—that the students rebelled, and, following the example of our forefathers, set up independently. To-day they are in a prosperous condition, and the Students' Art League is destined to assume a leading part in the artistic development of our country. Take, however, any young man or woman of this training school; they are generally obliged to finish their course of instruction in Europe because of the comparative scarcity of museums and good pictures here. Now this instruction which they receive in Europe is given to them gratis, and I know that I voice their sentiments when I request that a reciprocity should be shown by allowing the works of European artists to come in free.

Mr. Chairman, I ask this not alone on the principle of common fairness, but rather for the purpose of building up, by increasing the number of museums in America, schools of instruction at home, and thus making our art education cheaper for our poor boys. As a nation we are rapidly developing, building up great cities and seats of trade. It becomes of paramount importance that our development should be on lines that will appeal to the taste of future generations. This can only be accomplished by having the best examples always before our eyes, the best pictures, statuary, and works of beauty generally, which all enter into the science of architecture.

Mr. Chairman, these are not sentimental considerations. The beautiful contributes to the sum total of happiness in the world and lifts up to a higher enjoyment of life those very classes who have as now so little to interest them.

The rich man's gallery is in nine cases out of ten open to the poor man's enjoyment, and the rich man's picture by bequest or the mutation of events generally finds its way at last into the public museum. Increase these museums and you decrease prisons; encourage art and you encourage the growth of a healthier tone in our cities. You not alone improve the buildings in our cities, but the very parks and the streets in our cities, and will add new pleasure to those who find the streets their only home.

Mr. Chairman, I think pictures and statuary should be put back on the free-list. The American artists themselves desire to see them there, for the duty does good to no one. It is asked for by no one; it protects no one, and injures most severely those very classes whose interest a popular Government ought most zealously to guard.

The Clerk read as follows:

Stones, unmanufactured or undressed, freestone, granite, sandstone, and all building or monumental stone.

Mr. LEHLBACH. I move to strike out lines 180 and 181.

I offer this amendment, Mr. Chairman, in good faith, and hope it will be adopted. Any person who would class stone unmanufactured or undressed as raw material certainly must be entirely ignorant of the manner in which it is quarried. Stone does not lie on or even near the surface, and can only be placed in the market ready for the stone-cutter's skill after the expenditure of a vast amount of labor.

In sandstone—and I speak from personal knowledge and experience—it is necessary before reaching the stone to remove the earth bank lying above, varying in depth from 15 to 35 feet. This requires labor, and the cost of this stripping is one of the expenses that add to the cost of production. For every thousand dollars' worth of stone laid on the bank, $900 at least have been expended for labor. In my district there are now ten quarries in operation. The wages paid to those employed in these quarries are from $1.50 to $2.75 per day. Those receiving $1.50 per day are the unskilled laborers who handle the pick and shovel, and are engaged in stripping off the earth, loading up the wagons, etc. The rockmen and scabblers receive from $1.75 to $2.75 per day, this work requiring skill and experience. The amount paid for wages in our quarries is from two to two and one-half times more than the wages paid in Europe or Canada. Up to this time the duty, which is but 21.22 per cent. ad valorem, has been sufficient to prevent any considerable importation, the amount collected for import duties on this article for the fiscal year ending June 30, 1887, being but $3,513.18.

The freight charges on the stone which is imported, coming over 3,000 miles, are less than those paid here for inland transportation of only a few miles, as it comes mostly as ballast. This committee has already, on motion of the gentleman from Kentucky [Mr. BRECKINRIDGE], stricken out line 168, which placed marble of all kinds in block, rough or squared, on the free-list. The duty collected last year on this article was $250,588.86, and I respectfully submit to the chairman of the Ways and Means Committee that the reduction of the revenue being the object of this bill, it is inconsistent to leave on the protected list marble, an article which brings over seventy times more revenue, and at the same time place on the free-list sandstone, when the cost of both productions is almost exclusively the wages paid to the workingmen.

I will ask the committee whether wage-workers engaged in quarrying sandstone in my district are not as much entitled to protection as those engaged in the marble quarries in Tennessee? If anything, they should have more protection for the reason that they come into immediate competition with the articles imported. Marble, and stone of all kinds, quarried in the Western States, or any point over 500 miles from the Atlantic coast, are sufficiently protected from foreign competition by reason of the cost of freight.

Mr. Chairman, I do not desire to occupy the time of the House on this amendment any further, nor to enter into a discussion of what political effect it may have in the coming election on the people engaged in that industry; but I do desire, on the presentation of the facts I have given, to have the amendment fairly considered and adopted. I believe if this character of stone is placed on the free-list that it will be imported largely into this county and come in competition with the people who are engaged in its production in my district and also in other parts of the Eastern States, and as it is merely a question of protecting the present wages paid to the men employed in it, I ask the committee to strike out the lines and allow the present duty to remain.

During the delivery of the foregoing remarks the hammer fell.

Mr. BRUMM. I ask unanimous consent that the gentleman from New Jersey may be permitted to proceed for five minutes longer.

There was no objection.

Mr. LEHLBACH resumed and concluded his remarks as above.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, there is a marked difference between marble and stone of the character enumerated in these lines, marble being more costly, and freight that might be a perfectly ample protection on cheap stone may not be an adequate protection for the more costly kinds; and that difference should be distinctly kept in view.

I think it very likely that gentlemen will find upon investigation that the freight on stone of the character herein enumerated will amount to as much as the wage per ton for getting it out.

Mr. LEHLBACH. I would like to state to the gentleman for his information that this character of stone which comes in now is free as far as freight is concerned, because it comes as ballast.

Mr. BRECKINRIDGE, of Arkansas. It is doubtless stated over and over again in countries like protected Germany that everything that comes from America comes as ballast, and it is stated in protected America that pretty much everything that comes from Germany and other such countries is ballast. And yet gentlemen state that we pay $150,000,000 a year freight on articles that go annually between us and other countries.

Mr. BRUMM. But the marble comes from Italy—free trade.

Mr. BRECKINRIDGE, of Arkansas. Yes, marble comes from Italy, and marble comes as ballast, we are told, and the Italian will no doubt tell you that your wheat goes as ballast to Italy. It is all ballast when gentlemen have anything to protect.

Mr. LEHLBACH. But does not the gentleman agree with me that more than 90 per cent. of the cost of production of stone is the wages paid, whether it be stone or marble?

Mr. BRECKINRIDGE, of Arkansas. I am not willing to say that that is true of marble; but whether it be true of sandstone or not I hold that the difference is made up in freight, which is, perhaps, more than the wage paid for the quarrying, and therefore I do not see where the difference comes in.

Mr. LEHLBACH. It makes just this difference——

Mr. BRECKINRIDGE, of Arkansas. It makes this difference, that you simply add the tariff to the proper price, so that the consumer must pay more than he ought to pay, and thus consumption and production are lessened, wages are lessened, and the wage-worker and consumer alike are unnecessarily and unjustly deprived of money for the proprietor.

As for the gentleman from Tennessee [Mr. MCMILLIN], who is a member of the Ways and Means Committee, but who is not now in the House, I will say to the gentleman that he opposed any duty upon marble. Marble is produced in Vermont, marble is produced, I believe, in Massachusetts, and it is produced in New York, if I mistake not. It is produced in my own State. I was in favor of free marble. It is produced in Tennessee, and the gentleman from Tennessee [Mr. MCMILLIN] was in favor of free marble. Not only from the several Northern States, but from one Southern State, Georgia, have we heard a desire for a duty on marble.

Mr. LEHLBACH. Why did your Committee on Ways and Means authorize the striking out of the line which put marble on the free-list; at whose request was it done? That is what I want to know.

Mr. BRECKINRIDGE, of Arkansas. I have substantially told the gentleman I do not now remember the names of all the people who desired a duty retained, but I will tell him that the States in which marble is produced are the States through which their people and representatives urged that it would not be just at this time to put so costly an article as marble on the free-list. I have enumerated New York, Vermont, and Massachusetts. I have stated to him that the gentleman from Tennessee [Mr. MCMILLIN], did not ask for the retention of the duty. I did not ask it for my own State; indeed, I opposed it. If that does not satisfy the gentleman I am unable to satisfy him.

Mr. LEHLBACH. I do not believe the representatives from one State have any more influence in the Democratic caucus than I have. I am here to represent my district——

Mr. BRECKINRIDGE, of Arkansas. I say to the gentleman that a man need not be a Democrat to get impartial and just consideration on the part of the committee. We are not seeking to combine for political purposes, nor are we seeking to present a sectional bill. We are giving you a broad and patriotic bill, one appropriate to all the industries of the country. When the gentleman sees it, he can not rise to a conception higher than a mere political combine. I think the time has come for us to have a vote on this amendment.

Mr. LEHLBACH. Mr. Chairman, one moment.

The CHAIRMAN. Debate is exhausted.

Mr. MILLIKEN. I move to strike out the last word.

Mr. Chairman, I can not but admire the stupendous boldness of assertion, to call it by no other name, of my friend from Arkansas [Mr. BRECKINRIDGE] when he states that in this particular at any rate the committee has sought to give us a fair, impartial, unsectional, and patriotic bill. The stone industry is one of the great industries in my State. We employ thousands upon thousands of men in it. The granite when it is taken out of the quarry, when it is split, is transported all over this country. It is transported before it is worked up. The granite which has gone into the New York state-house, one of the largest public buildings in this country, was almost all of it taken out of the rough in my own district, transported there, and then worked up by skilled labor after it got there. The anchorage of the Brooklyn bridge was split out in the same way and taken there. All the paving-stone that is transported to the great cities on the Atlantic coast and elsewhere comes out in the rough and will go on the free-list under this section.

Mr. BRUMM. That is, the Belgian block.

Mr. MILLIKEN. Yes.

Now, my friend states that the difference in freight is equal to the cost of the production of the granite. Does not my friend know that the difference in freight between granite produced in New Brunswick, where the quarries of red granite and gray granite and all kinds of granite are as inexhaustible as they are in Maine, and the granite produced in the State of Maine is no difference at all? The gentleman can not stand up here and deny that granite is brought as ballast in vessels from Scotland. Is not the freight greater upon marble? Who is to compete with him? Not New Brunswick; not any contiguous foreign country; not any lands that lie next to us; not any country as near as Scotland. His marble competes with Italy. Is not the freight upon marble from Italy here greater than the freight upon granite from Scotland, even if it does not come in as ballast? The truth is, the gentlemen strike us in this bill right upon the industries that have to compete with foreign industries close along our border. Putting granite on the free-list is only another instance. They put brick on the free-list. They put lumber on the free-list. They put building stone on the free-list. This wonderfully unsectional and impartial bill puts those articles upon the free-list which are of Northern production, which are along the northern border of the country and have to compete directly with production in Canada close to our borders.

I have further to say, Mr. Chairman, that if there is any one industry in this country the value of which is almost entirely labor it is this production of granite. The quarries are worth almost nothing. You can buy them almost by the square mile. The stone lying there is raw material. That is one material that is raw material, not one that is the product of human skill or human labor; and when a paving-block is produced 90 per cent. of the cost of it is for labor.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. While rough marble has been stricken out from the free-list, yet it is the purpose of the committee to take more off rough marble when we come to it in the tax-list than is the present duty on stone.

As to this matter of competition in stone, I happen to be interested somewhat in a stone quarry property near the northern border. I and my family and some friends own a quarry which furnished stone of which the court-house at Milwaukee is built, of which the Chicago Tribune building is built, of which the most beautiful church I ever saw, a church in Milwaukee, is built; and if we can not sell that stone fairly and squarely in competition with foreign stone we will not ask any subsidy to enable us to do it.

Mr. MILLIKEN. Where is the gentleman's quarry?

Mr. BRECKINRIDGE, of Arkansas. In the Apostle Islands, in Lake Superior.

Mr. MILLIKEN. Ah, but you do not have to compete with Canadian granite from New Brunswick there.

Mr. BRECKINRIDGE, of Arkansas. We will ask no subsidy to enable us to do it. And I know not what stone may be on the northern shore of the lake.

Mr. MILLIKEN. But the cost of transportation from New Brunswick to where you sell your stone would be so great as to afford ample protection.

Mr. BRECKINRIDGE, of Arkansas. Our locality has to pay the freight from the Apostle Islands down to Chicago; and does not the gentleman know that the New Brunswick stone will come as "ballast?"

The CHAIRMAN. In the absence of objection, the Chair will regard the formal amendment as withdrawn.

Mr. ARNOLD. Mr. Chairman, I move to strike out line 180.

In the district which I have the honor to represent there are extensive granite quarries, in which the owners have a large amount of capital invested and employing thousands of laborers.

If this clause of the bill is permitted to stand and stone of the various kinds mentioned therein is admitted free of duty, one of two things will happen to the people who are engaged in this industry. The quarrymen will either stop operations or the wage-earners will have their wages reduced 20 per cent., or sufficient to offset the present duties. In support of that proposition I will send to the Clerk's desk, to be read, two letters that I have received from men who are engaged in the business.

The letters were read, as follows:

WESTERLY, R. I., *June* 18, 1888.

DEAR SIR: Your favor of the 14th instant is duly received, and, in reply, we submit the following:

We are not specially interested in sandstone, freestone, or marble, except as we are sometimes obliged to purchase a small quantity to complete some contract, and so you will understand us as speaking particularly of granite.

	Per week.
Common laborers in Scotland	$4.50 to $5.00
Common laborers in America	10.80 to 12.00

	Per week.
Paver-cutters in Scotland	$7.00 to $8.00
Paver-cutters in America	18.00 to 21.00
Granite-polishers in Scotland	4.50 to 5.00
Granite-polishers in America	10.20 to 11.40
Cutters (skilled) in Scotland	7.00 to 7.50
Cutters (skilled) in America	15.00 to 19.50

With granite placed on the free-list it would be impossible to compete with European cheap labor in our business, and, in our opinion, this great industry would be paralyzed.

With the enormous difference in the price of labor which we have shown, the duty of 25 per cent. ad valorem should be doubled in order to give full protection to this business. Duties on foreign imports, made for "revenue only," is a pernicious doctrine which should be repudiated, together with the party which invented it.

The vicious reduction of the tariff, as proposed in the Mills bill, would deprive intelligent labor as well as capital of its just reward and degrade all of our great industries to the foreign standard.

We regard it to be the duty of every patriot to oppose such a destructive measure.

Yours, respectfully,

THE SMITH GRANITE COMPANY.
ORLANDO R. SMITH, *Treasurer.*

Hon. WARREN O. ARNOLD,
House of Representatives, Washington, D. C.

DALBEATTIE GRANITE WORKS, *Westerly, R. I., June 20, 1888.*

DEAR SIR: Your favor of the 14th instant, sent to your brother, was duly handed to me, and in reply I have much pleasure in answering the inquiries contained therein so far as within my knowledge. We own two quarries in Scotland, one near Peterhead, where we procure what is known as the red Scotch granite, and the other at Dalbeattie, where we quarry the gray stone, and in all we employ about 400 men. For the last twelve or fifteen years we have been importing considerable granite to this country, both for monumental purposes and building work, the duty on same being 20 per cent. ad valorem, which makes the price on cars, New York or Boston, to be much the same as for American granite; but with the low rates of wages in Scotland we can import an all-polished monument to this country cheaper than it can be manufactured here. In my opinion, if the tariff was reduced it would simply cause a corresponding reduction in the price of work, and to enable the American quarriers to compete with those in the old country the price of wages must be reduced in proportion.

The following is the comparative rate of wages we are paying our skilled and unskilled laborers in this country and the old:

SCOTLAND.

	s. d.	s. d.
Laborers		2 8
Quarriers	3 8 to 4	0
Stone-cutters, say		4 6

AMERICA.

Laborers	$1.50
Quarriers	$1.75 to 2.00
Stone-cutters	2.75

Those, I think, are the average; some more and some less. Now, as regards the condition of the people here and in the old country, a little incident which happened the other day will explain things probably better than anything else. When at the quarry a week or so ago I asked one of our laborers, who, by the way, has worked for us in the old country, how he liked this country and whether he preferred to live here or in Scotland. "Oh," was his reply, "since I have come to this country every day has been like Christmas"—no doubt referring to the food, where they certainly do not live nearly so well as they do here. Of course the purchasing power of money is greater in the old country than here, but withal I am sure the stone-cutters in this country would not exchange places with their brethren in England or Scotland, the great free-trade countries of the world. If there is any other information that I can give you, it will be most cheerfully tendered by,

Yours, respectfully,

DAVID M. G. NEWALL.

Hon. WARREN O. ARNOLD,
House of Representatives, Washington, D. C.

Mr. PARKER. Mr. Chairman, I move to strike out the words "sandstone and all building," in line 181. Yesterday when we reached the item of rough marble, a gentleman upon the other side rose in his place and moved to strike out that line, taking it out of the free-list of the bill which his party had approved at St. Louis; but when we reach "sandstone," and rough building stone, objection is made to striking these out. It appears that we are ruled here, so far as this House is concerned, by the Democratic party. The Democratic party assumes to rule the country; the Democratic party, it appears, is ruled by a caucus, and it appears from the action upon this floor that the caucus is ruled by a section. It brings to mind a stanza of Burns's epitaph upon a man ruled by a woman, which, as I remember it, ran:

As father Adam first was fooled
A case that's still too common,
Here lies a man by woman ruled,
The devil ruled the woman.

[Laughter.]

Mr. Chairman, we find ourselves in this predicament: the Democratic party rules the House; the caucus rules the Democratic party, and the devil rules the caucus. [Laughter.]

Now, sir, as to this item of stone, we have no explanation offered why these gentlemen strike out "rough marble," and keep in the free-list rough sandstone, freestone, and granite and all building stone. It appears by the records that the duty now is $1 per ton, or over 21 per cent. In the summary of imports given by the Treasury Department it appears that the importation of "stone and manufactures of, including slate," for the year ending December 31, 1887, was $385,000, and for the year ending December 31, 1886, $399,000.

In the report of the Tenth Census, which I have before me, four hundred pages of text are given to building stone and that class of material. There are, in addition, nearly forty plates illustrating the building and ornamental stone of this country; and the writer tells us as to the importation of stone into the United States, that—

The custom-house reports show such importation from nearly every country in the world. It is well known, of course, that stone comes from Scotland, England, Ireland, France, Germany, Belgium, Italy, and the British North American provinces. It is also known that onyx has been imported from Mexico, marble from Spain, Portugal, and Sicily; granite from Norway, Sweden, and Russia; marble from Africa. But it is not so easy to account for the stone imported from the British West Indies, and Central America. * * * The only countries from which stone is constantly in market in this country are Italy and Nova Scotia. The granite and sandstones from Scotland are imported on special orders, etc.

[Here the hammer fell.]

Mr. PARKER. I ask five minutes further time.

Mr. BRECKINRIDGE, of Arkansas. I have no objection, if it be understood that we can have a vote at the end of that time.

Mr. PARKER. I can not answer as to what time other gentlemen may desire.

Mr. BRECKINRIDGE, of Arkansas. If it is the understanding of the House——

Mr. SPOONER. I object.

Mr. MILLIKEN. I object to any such understanding.

The CHAIRMAN. Is there objection to the request that the gentleman from New York [Mr. PARKER] be allowed to extend his remarks for five minutes?

Objection was made.

Mr. BAKER, of New York. I rise to move an amendment, and I desire to yield my time to my colleague [Mr. PARKER].

The CHAIRMAN. The Chair can not entertain any amendment. There is already pending an amendment to strike out the entire paragraph; and the gentleman from New York [Mr. PARKER] has moved an amendment to that amendment.

Mr. PARKER. I desire to submit the question of order that no one rose in his place and made objection.

The CHAIRMAN. Objection was made.

Mr. PARKER. Objection was made; but no one rose in his place to make it.

The CHAIRMAN. The gentleman from Pennsylvania objected to the request of the gentleman from New York.

Mr. BRECKINRIDGE, of Arkansas. I do not wish to appear discourteous. How much time do gentlemen on the other side desire—ten minutes? If so, I am perfectly willing.

Mr. PARKER. I do not ask any further time by consent. I think I can take care of myself.

Mr. BRECKINRIDGE, of Arkansas. Will fifteen minutes on the other side and five minutes on this side, if we desire it, suit the gentlemen?

Mr. BURROWS. I understand that two gentlemen besides the gentleman from New York [Mr. PARKER] desire to speak on this question. I think that at the end of fifteen minutes we shall be ready to take a vote.

Mr. MILLIKEN. We make no agreement.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that fifteen minutes be allowed to the side of the House represented by the gentleman from New York [Mr. PARKER], and five minutes to the other side, if desired, and that then debate be closed on the paragraph and the amendments thereto. Is there objection?

Mr. SPOONER. I do not object if I can have five minutes.

Mr. PARKER. I object. I protest against a request for a courtesy of this kind being made the basis for a blackmailing agreement.

Mr. SPOONER. I rise for the purpose of moving an amendment.

The CHAIRMAN. No amendment is in order, unless the gentleman from New York [Mr. PARKER] withdraws his amendment to the amendment.

Mr. BRECKINRIDGE, of Arkansas. Is it understood that the other side of the House objects to occupying fifteen minutes to our five?

The CHAIRMAN. That was objected to by the gentleman from New York [Mr. PARKER].

Mr. MILLIKEN. We do not care how gentlemen on the other side use their time; we simply want enough time for ourselves.

Mr. BRECKINRIDGE, of Arkansas. How much time do you want? It was intimated on your side that fifteen minutes would be satisfactory, and that was granted.

Mr. SPOONER. This is an important matter, and there are several gentlemen on this side who desire to speak.

Mr. BRECKINRIDGE, of Arkansas. Well, go on; we will close the debate later.

Mr. PARKER. I move to amend by striking out the last four words. The census report to which I have already referred gives in detail a description of the building and monumental stones of America, and the most cursory examination of this document will show that Providence has been wonderfully lavish to our country in the provision of building stones, monumental stones, and ornamental stones. It is well known that a great portion of the value of almost all kinds of stone covered by this amendment is in the work which is put upon them. From the first uncapping of the stone labor begins to attach to it, and by this labor put on the stone, day by day and month by month, the immense value of the building and monumental stones of the country is created.

Therefore protection given to building stone is protection to the workman.

In order to show you how this question is regarded by stone-cutters, I will send to the Clerk's desk and have read the following from an experienced stone-cutter.

The Clerk read as follows:

TALES ON THE TARIFF.

P. B. Laird, an old stone-cutter of Syracuse, gives the Press the following:

"I am an old stone-cutter, and worked from 1851 to 1861 as a granite stone-cutter, most of the time in Boston, and during a period of Democracy and free trade. The best workmen among us did not earn in any year of that period more than $1.50 per day. From the time we got the tariff on monuments, in 1861, to the election of Grover Cleveland, good workmen were able to earn $4 per day, a difference in our pay per year of $750 in favor of protection.

"Up to 1861 the number of men engaged in manufacturing monuments for the home trade did not exceed 300. We were importing from Scotland. In 1884 20,000 men were engaged in making our monuments, and pauper-fed Scotchmen were keeping their work at home.

"Up to 1861 I did not know of a single stone-cutter who had been able to earn and pay for a home. In 1884 I knew of hundreds who paid for their homes with the work of their hammer and chisels. The tariff gave us these homes; the Republican party gave us the tariff. The Democratic party is trying to take it away. The Mills bill, indorsed by their convention, removes all the duty from monuments, which will injure the marble-cutters more than it does the granite-cutters. Stone-cutters in Italy do not earn more than 50 cents a day. I can show by a diary kept since 1851 that I have bought the necessaries of life for my family as cheap during the past twelve years as under the free-trade rule from 1851 to 1861.

"In conclusion, I will say the tariff has given me a good home and double the pay I would have made under free trade, and I hope my right hand may wither before I again vote myself and fellow-workmen on an equality with the pauper labor of Europe. Laboring men have been endeavoring for years to prevent convict-made goods from coming into competition with our own work. Now, will it not lower prices of labor just as much to have them made in Europe, and, if Democracy prevails, sold in our markets free from duty?"

Mr. PARKER. The amount of sandstone and crystalline siliceous stone quarried in the United States the last census year was over 45,000,000 cubic feet, valued at nearly $10,000,000.

Our coast cities and Northern cities can be readily reached by water at cheap freights from great numbers of the quarries of Canada as well as those of other countries, but there is no good reason, nor even plausible excuse, for inviting the bringing of the products of foreign quarries to the United States, thus displacing American stone-cutters, mechanics, and teamsters and those who furnish them supplies.

The duty of $1 per ton should be allowed to remain.

The CHAIRMAN. The Chair hears no objection, and formal amendments will be withdrawn.

Mr. SPOONER. I move to strike out the last word.

Now, Mr. Chairman, if I correctly understood the explanation of the gentleman from Arkansas [Mr. BRECKINRIDGE] he said that marble unmanufactured and undressed was taken from the free-list, while granite and these other kinds of stone were left on the free-list for the reason that marble was the more expensive or more valuable stone. From the Republican standpoint I think we on this side of the House are inclined to look at the question of labor involved, and to insist that labor is the material interest which should be properly cared for and protected in the imposition of tariff duties, and that while the labor required in quarrying granite and other stone is quite equal to that in quarrying marble and more valuable stone, there is no reason why protective duties should not be maintained upon granite and other stone in the same manner as upon marble. If not, I want to know why not. Do gentlemen on the other side of the House mean to commit themselves to the proposition that they are in favor of protecting the quarry-owners, protecting those who own the valuable deposits of marble in the quarries, and refusing protection to the labor engaged in getting out the granite and other kinds of stone? Do you intend to discriminate in favor of the owners of valuable marble quarries and against labor?

The position of our Democratic friends in this matter, however, is not inconsistent with their previous record, and is not surprising to those who have followed the course of this debate upon the various items of this bill. When we have come to an article upon the free-list which, when subject to tariff duty, produced but a trifling amount of revenue, gentlemen on the other side of the House have argued that it should be upon the free-list because it produced such a trifling amount of revenue; but when we have reached an article which they desire to place upon the free-list, the tariff duties upon which are producing a large amount of revenue, they have been able to make their argument or their alleged logic sufficiently elastic to permit them to urge that because the article produces a large amount of revenue therefore it should go upon the free-list, in order that a reduction to that large amount might be made in the increasing surplus in the Treasury.

I regard this matter from quite a different standpoint and in quite a different manner. If I find an article which during the last year has produced from the tariff duties collected from it a very small amount of revenue it is to me an indication at least that that article is well protected by the tariff duties already imposed upon it. Consequently I think in such case it may well be inquired whether it is not an article upon which the tariff duties might well be lessened—not removed, because if removed our ports are opened to the free importation of the product whatever it may be, and irrespective of claims for adequate protection. When, on the other hand, I find an article that has produced in tariff duties collected from it during the past year a large amount of revenue, it is equally suggestive to my mind that such article is probably not sufficiently protected by tariff duties and its importation not properly limited. The large importation of worsteds and the consequent large revenue therefrom is an instance strongly illustrative of the view submitted.

In such case, instead of putting the article upon the free-list, or, what is more absurd yet, reducing the duties, and thereby necessarily increasing the importations, I should say, if I knew nothing absolutely concerning it, that it was probably a case where the tariff duty should be increased in order to afford greater protection to the American product of the same kind, limiting to a greater extent the importation of that article and thereby reducing to the same extent that dangerous surplus which you gentlemen on the other side claim to be the purpose and object of this bill.

Why will you not deal with a practical business question in a practical, common-sense, business-like way?

[Here the hammer fell.]

Mr. DINGLEY. I join with my colleague, Mr. MILLIKEN, in opposing the proposition to place on the free-list imported granite, freestone, sandstone, and all building or monumental stone, when unmanufactured or undressed. One of the most important industries of the State and district which I represent is the granite industry. Thousands of industrious, intelligent, and most deserving men are employed in getting out building and monumental stone and paving stones. The duty which is now imposed on such imported stones holds nearly all of this business in our own country and gives employment to our labor at good wages. It is now proposed to remove this duty and allow building, monumental, and paving stones got out by labor paid scarcely more than one-half such labor is paid here to come into our markets and compete with similar products of our own labor. I am opposed to this proposition, and hope the committee will adopt the motion to strike it out of the bill.

The CHAIRMAN. The Chair will regard the *pro forma* amendment as withdrawn.

Mr. BRUMM. I renew it.

The theory of the Committee on Ways and Means and the Democratic caucus of this House has been, with reference to whisky at least, that it should be taxed because it is a luxury? This is evidently the theory notwithstanding the fact that the product which goes into the manufacture of whisky is the product of the farms of this country, and that by reason of the whisky rings they have so monopolized the manufacture of whisky that there are none but large distillers who can exist. The farmer's corn, his wheat and rye, must be shipped a great distance to the large distiller in order to be utilized. It can not be utilized at home by small distillers, and in that way his product is made the subject of monopolies by this terrible whisky ring, and is taxed, by means of which they invade every farmer's house in the country.

They claim the right to tax it simply because it is a luxury. When it comes to the question of sandstone, however, the lowest order of building stone, the stone that is used by the poor man of our country, in which his labor is employed, they say oh, no; we will put that on the free-list. But as you rise in grandeur and expanse, as you get up into the fine stone that is used by the wealthy, by those who not only dream, but actually dwell in marble halls, the stone that is used by the wealthy alone, the marble of the country, they say——

Mr. CANDLER. Did we not strike that off the free-list on yesterday?

Mr. BRUMM. Ah, but the gentleman did not allow me to complete what I was saying. Yes; you struck it from the free-list yesterday, but what was the object of that? Will the gentleman state the reason why it was stricken off? I will tell you. You struck it off because you want the marble to come in practically free, and marble is struck off that list with a view to regulate it when you come to that part of the bill under a pretext of a tariff that is merely nominal. But where is the consistency in this bill in placing this stone on the free-list?

The CHAIRMAN. The question is on agreeing to the amendment to strike out the paragraph. The Chair will regard the *pro forma* amendment as withdrawn.

Mr. KERR. I see the gentleman from Iowa [Mr. WEAVER] is now in the Hall, and I desire to ask his attention for a few moments to what I am about to say.

On yesterday, when I proceeded to address the committee in regard to the statement made by the gentleman from Texas [Mr. MILLS], in which he had accused the Republican party of being in favor of free whisky, the gentleman from Texas claimed that he had not made a remark of that kind, and I was diverted from the subject. I find, on reading the RECORD, that he had made that charge, and therefore I wish to say that the Republican party of this country is not in favor of free whisky. I wish to state further that a number of Republican States of this country are in favor of the absolute prohibition of the manufacture or sale of intoxicating liquors in any form as a beverage, and the national party are in favor of temperance. And when the

gentleman makes the statement that the Republican party is in favor of free whisky, he ignores the fact that most of the prohibition sentiment in this country is found in the Republican party.

But the gentleman from Iowa while he was on the floor made a remark which I did not hear at the time, but find in the RECORD:

Behold the Colossus of Rhodes.

[Laughter.]

By which I presume the gentleman means to accuse me of straddling on the question which we were then discussing—the question of the repeal of the internal-revenue tax on whisky. I do not think any member of this House on either side will seriously accuse me of taking a double or doubtful position on any question.

But, Mr. Chairman, I thank the gentleman from Iowa for mentioning the Colossus of Rhodes, that great statue of ancient times which stood athwart the harbor of that city. It was noted for its long legs, so long, indeed, that the ships of that time could pass between them. And I will say that the gentleman from Iowa has the longest political legs and has more capacity for straddling than any man in this country at the present time. He can stand athwart and bridge the largest political chasm on the American continent to-day. [Laughter.]

Why, even now he has succeeded in securing the nomination for Congress of a small body of men who call themselves the labor party in his district; yet here he stands up as a Democrat on that side of the House and says, "We welcome the tariff issue." What does the gentleman mean by "we?" I suppose he means to have it inferred that he belongs to the great Democratic party that is controlling the nation in the House of Representatives. I thank the gentleman for that remark, because I think before the people of Iowa he will not succeed in standing athwart and bridging the political chasm in his district any longer. [Applause on the Republican side.]

Mr. BYNUM. Mr. Chairman, I desire before a vote is taken to correct any impression that may have been made upon the mind of any member of the committee by the remarks of the gentleman from New York [Mr. PARKER]. He objects to this clause because he construes the language as admitting dressed and polished stone free of duty. The provision of the existing law, of which this is an amendment, is as follows:

Stones, unmanufactured or undressed, freestone, granite, sandstone, and all building or monumental stone, except marble, not specially enumerated or provided for in this act, $1 per ton; and upon stones as above, hewn, dressed, or polished, 20 per cent. ad valorem.

The proposed clause, which it is now sought to strike out of this bill, is as follows:

Stones, unmanufactured or undressed, freestones, granite, sandstone, and all building or monumental stone.

It will be seen that it is not sought to place hewn, dressed, or polished stone upon the free-list, but the same are left to bear the rate of duty now imposed.

Mr. PARKER. I am afraid it is left subject to unfriendly construction.

The Chair put the question, and was in doubt as to the result.

Mr. BUCHANAN. I call for a division.

The committee divided; and there were—ayes 45, noes 61.

So the amendment was rejected.

The Clerk read as follows:

All strings of gut or any other like material.
Tallow.
Waste, all not specially enumerated or provided for.

Mr. BAKER, of New York. Mr. Chairman, I offer the amendment I send to the Clerk's desk.

The Clerk read as follows:

After line 184 insert:
"Photographic print paper not albumenized or sensitized; provided that nothing shall be deemed photographic print paper under either of the provisions of this act unless it has the name of the manufacturer stamped in water-mark thereon."

Mr. BAKER, of New York. Mr. Chairman, this is a matter of considerable importance, and I beg to invite the attention of the committee to my remarks, and especially of the majority of the committee which rules and dictates what shall go into this bill and what shall not. The proposition I make is to put photographic print paper, not albumenized or sensitized, upon the free-list. This paper is all, substantially, made in two European factories, one near Lyons, in France, and the other in Malmedy, in Germany. Attempts have been made to manufacture it in this country, but owing to the limited amount consumed in the arts and to the difficulties attending its manufacture its production has not been a success in the United States. It is imported into this country at an expense of about 50 or 60 cents a pound. After being imported it is subjected to two processes, one known as albumenizing, with a preparation made from the whites of eggs, the other as sensitizing, in the process of which great quantities of silver are consumed. To illustrate: in my own city we have two establishments engaged in the preparation of this imported plain paper, one in albumenizing, and the other in sensitizing. The albumenizing establishment to which I refer consumes about one thousand dozen eggs a day. The sensitizing establishment uses $5,000 worth of silver per month. Each establishment employs about one hundred persons in the prosecution of its business.

Under the law from 1861 to 1883 the duty upon this class of paper was 35 per cent. ad valorem. Under the tariff of 1883 it was reduced to 25 per cent., being included in the provision for "paper not otherwise provided for."

Now there is in Europe an establishment engaged in albumenizing and sensitizing this class of paper. I hold in my hand a specimen of the plain paper. After it is albumenized it comes out like the sample I now show to the House. The albumenizing and sensitizing processes enhance the value of the paper very largely. Under the decision of an inferior court in the city of New York it was decided that this albumenized paper had undergone such a change of character as to bring it under the class of "a manufacture of paper." Now, bear in mind here is the plain paper subjected to a duty of 25 per cent. ad valorem. After being treated in this way and enhanced in value one or two or three hundred per cent. (just how much I am unable to state), it is classed as "a manufacture of paper" and rated at 15 per cent. ad valorem. Now you see the inconsistency of the classification and of this ruling of the court that charges 25 per cent. upon plain paper, and when it has been enhanced in value two or three hundred per cent. charges a duty of 15 per cent. only. Emerson says "consistency is a bugbear to men of small minds;" but I think in the construction of this law the courts and the Departments have out-Emersoned Emerson. Here is a plain proposition that ought to meet the candid approval of the members of this committee and of the House.

Later on in the bill I shall ask to have albumenized and sensitized paper specifically rated at 25 per cent. ad valorem. Plain paper is produced in such small quantities and the difficulties connected with its manufacture are so great that the efforts to produce it here, according to the statements of a letter addressed to me by the two firms engaged in albumenizing and sensitizing this paper, have not been crowned with success.

[Here the hammer fell.]

Mr. BAKER, of New York. I ask unanimous consent that I may have my time extended.

There was no objection; and Mr. BAKER'S time was extended for five minutes.

Mr. BAKER, of New York. Now, as I stated before, this has been a subject of some consideration by the Department. On the 1st of March I addressed a letter to the Secretary of the Treasury, calling attention to this subject, and on the 9th of March I received an answer thereto. My letter and the answer I will read and make part of the RECORD. They emphasize what I have already said, and the communication from the establishments in my city referred to I will read as part of my remarks, because it states the whole matter so plainly that I hope the House will realize the justice and reasonableness of this amendment and agree to the same. I trust that members will carefully consider this communication which so clearly exhibits the injustice of the law as it is administered to-day. This proposition, as I have stated, is to put the plain paper, when it is imported into this country unsensitized or unalbumenized, upon the free-list so that we shall be able to compete with the foreign establishments. Now, the foreign manufacturer imports into this country the albumenized and sensitized paper at 15 per cent. duty ad valorem, while the people to whom I have referred are compelled to pay 25 per cent. upon the plain paper. That certainly is not fair, and I submit to my good friend from Arkansas [Mr. BRECKINRIDGE], who I know wants to do what is right, that he ought to consent to have the plain paper put on the free-list and to subject the albumenized or sensitized paper to a duty of 25 per cent., as it will be contended is already provided for farther on in this bill. The paper in that form is a manufactured article which is used exclusively in photography, and this is only a matter of justice to new and struggling enterprises involving a large outlay for labor and plant.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. BAKER].

Mr. BRECKINRIDGE, of Arkansas. The gentleman from New York makes his appeal to us on the ground that we desire to put raw materials on the free-list. Now, while this is not in one sense a raw material, yet it is the base of an industry, and if it were not manufactured in this country, and if our action would produce no industrial complications it might, in an economic sense, be considered as a proper material to be put on the free-list; but the Committee on Ways and Means have not been able, with such examination as they have given to the subject—and I am not prepared to say that the examination has been very thorough—the committee, I say, have not been able to see their way clear to recommend that this article should be made free of duty. It is an article which is not fit for use until it is further treated. If a corresponding reduction were made in the duty on the finished product, that would of course leave the industry just where it is now, and would, to the extent of the change at both points, relieve the consumer; but if we put this upon the free-list it puts this class of finished photographic paper at a very great advantage over other classes of photographic paper.

Mr. BAKER, of New York. I beg my friend's pardon—he is in error, and does not yet understand the case.

Mr. BRECKINRIDGE, of Arkansas. Well, that may be so; but I am not satisfied on that point; and while I do not doubt that the gentleman is perfectly honest in his opinion, yet I have not been able so

far to be persuaded that his view is correct. Furthermore, as the gentleman states, some of this article itself is produced in this country. Now, I think it is probable that if this were all there was in it, a base of photographic paper, the production in this country might be so small as not properly to weigh against the larger interests of those engaged in the photographic business, and in the finished paper; but, as I stated before, there are other kinds of photographic paper, and if there be a change in the business, it is rather a change in contemplation than an established change. The industry is not dependent upon it now, so far as I can see, and I would rather that the matter should receive further consideration than we have been able to give it before it is determined. If our bill goes to the Senate, as I have no doubt it will go, the gentlemen over there can look at these new matters more carefully and with closer scrutiny than we have been able to give to some of them. Doubtless there are some meritorious new propositions which we have felt compelled to reject, and if upon closer examination in the Senate they are found to be really meritorious, I have no doubt we can agree upon them.

Mr. BAKER, of New York. I want to say to my good friend that I am very glad to find that there is one thing he is willing to acknowledge that he does not know all about.

Mr. BRECKINRIDGE, of Arkansas. I do not pretend to know all about anything; and I think that is an unnecessary remark.

Mr. BAKER, of New York. I want to assure my friend that the manufacture of this particular paper, or the importation of it free, would not materially conflict with any American industry. Upon that point I am reliably advised. The paper itself costs 50 or 60 cents a pound, and is too costly to be used for any purpose except to be sensitized or albumenized for use in the business of photography. It will not interfere with any industry, while, on the other hand, not to make this change is to make a direct discrimination against an American industry in favor of a foreign industry—a direct discrimination, and I can tell you how much.

As it is, the discrimination in favor of the European and against the American industry is $5 a ream. If you put the duty at 15 per cent. ad valorem on the albumenized and sensitized as well as the plain paper, *it would be a discrimination of $4 a ream against the American industry. If you make plain paper free and put 15 per cent. on the coated*, the discrimination is $2.50 against the American industry. My proposition is to make the plain paper free and impose 25 per cent. on the coated, which is still a discrimination of 60 cents a ream in favor of the European industry and against our own. The letters produced and read by me during this discussion considered in connection with my remarks will, I trust, give gentlemen a clear understanding of the case and result in causing the proposed amendment to be adopted without opposition. I ask, Mr. Chairman, that the letters may be printed in the RECORD in their chronological order at the close of my remarks.

ROCHESTER, N. Y., *January* 26, 1888.

SIR: As constituents of yours doing business at Rochester, N. Y., we desire to submit for your consideration, and through you to call the attention of Congress to certain facts and statements in support of the bill (H. R. 5660) introduced by you into the House of Representatives on January 23, 1888, to regulate the admission into the United States of photographic print paper, which bill was referred to the Committee on Ways and Means.

Our business consists in the preparation of this class of paper by special treatment for the use of photographers. The plain paper of this grade is all made at two mills, one situated near Lyons, France, and the other one at Malmedy, Germany. The difficulties attendant upon its manufacture have been so great, and the consumption of the paper so comparatively small, that the two mills specified have for the past ten or fifteen years practically monopolized its manufacture, and, no doubt, will continue to do so. Some efforts have been made to manufacture it in the United States, but because of the small quantity of it used and the difficulties connected with its manufacture, these efforts have not been crowned with success.

From 1861 to 1883 the duty on this class of paper was 35 per cent. ad valorem, and under the tariff of 1883, now in force, it is 25 per cent., it being included under the provision for "paper not otherwise provided for," so that for over twenty-five years there has been a substantial protective duty on this class of paper sufficient to develop its production in this country if there was any likelihood of its being made a profitable branch of industry. It is of a peculiar character, readily distinguishable from any other grade or class of paper by any expert in paper; quite as much so as "printing paper, unsized, used for books and newspapers exclusively," or "paper sized or glued, suitable only for printing paper," for each of which classes special provision is made in the tariff at rates of duty far below those fixed on the general class of paper not specially named in the tariff.

Photographic print paper commands a very high price, costing, delivered in New York without duty, from 50 to 55 cents per pound. When imported in sheets the name of the manufacturer is impressed in a water-mark on each sheet, and when imported in rolls the water-mark appears on every 3 feet of the roll. Aside, however, from its distinguishing characteristics, its price is so high as to make it unsuitable for any other use than its legitimate one of printing pictures from negatives taken by photographers. There would, therefore, be no danger to the revenue in giving this grade of paper a separate classification under the tariff, no more so than in the case of paper for books and newspapers and printing paper, and the special provisions made in the tariff for these classes of paper have been attended with no difficulties in the way of their execution, the character of the paper being found to be a sufficient test to determine its classification. This statement will apply with equal force to photographic print paper.

II. Before the paper is available for the use to which it is to be applied it must undergo several processes. One is called albumenizing, which consists in coating the paper with the white of eggs. Another is in coating the paper with a mixture of gelatine and bromide of silver. This process is called sensitizing. The paper is imported in three conditions, namely, plain, albumenized, and sensitized. It is sold to photographers only in two conditions: first, sensitized, in which condition it is ready for use, and second, albumenized. When sold in the latter condition the photographer himself performs the work of sensitizing. The business of albumenizing and sensitizing paper in the United States was commenced only a few years since, but has already become an important branch of industry, and with proper encouragement can be enlarged both for our own and foreign markets.

Messrs. D. Hovey's Sons, one of the firms whose names are attached hereto, are engaged in the business of albumenizing the paper, and in this work they have been accustomed to use from six hundred to a thousand dozen of eggs per day, the whites of the eggs only being used for this purpose, the yolks being barreled and shipped to Gloversville, N. Y., to be used in dressing leather for the manufacture of gloves. This gives a large market to the poultry products of that region and is a material help to the farming interests.

In their business they have been accustomed to employ as many as one hundred hands, and about the same number are employed by the Eastman Company, the other firm signing this memorial. The latter firm, in their business of sensitizing paper, use about $5,000 worth of silver per month, or $60,000 per year. The machinery they use is intricate and expensive, and it has been invented and patented by persons connected with the company. It is only by their superior processes, aided by their machinery, that they have at all been able to compete with the foreign product, the foreigners having the great advantage of cheap materials and cheap labor.

In addition to supplying the home market, the Eastman Company are large exporters of coated paper, and if they could have their raw paper free and a reasonable duty on their finished product they could command a very much larger trade abroad. They paid duty last year amounting to some $2,000 on paper which they had coated and which was exported to foreign countries, which duty was not returned to them by way of drawback.

III. The duty on both the plain paper and the coated article was originally held to be, under the tariff act of 1883, 25 per cent. ad valorem, the article, whether coated or plain, being regarded only as paper, dutiable under the provisions for "paper not otherwise provided for." This arrangement still gave the foreigner an advantage, because it enabled him to import his finished product at the same rate of duty as was imposed on the plain paper, and it was then only by our improved processes and machinery, developed at a great expenditure of time and money, that we were enabled to compete with the foreign article and thereby control a part of the home trade.

But last year the Treasury Department put in force a ruling founded on the verdict of a jury in a case brought before a United States court that the albumenized and sensitized paper was no longer paper, but was an article which, by the distinct and additional processes it had undergone, was to be regarded as "a manufacture of paper," dutiable under the act of 1883 at only 15 per cent. ad valorem, and that ruling is still in force. This presents the anomalous condition of the finished product paying a less rate of duty than the raw material or plain paper from which it is made, and reverses all ordinary and well-established principles of tariff legislation.

It was a serious blow to an industry which, under the former condition of affairs, was already struggling for existence, and we believe that no argument is necessary to convince you or any other member of Congress that the present condition of the tariff in this respect should not be permitted to continue, but that a duty sufficient to encourage the domestic manufacturer should be placed on the coated paper, leaving the plain paper to be placed on the free-list or to bear a very low rate of duty. We do not seek to have the duty on the finished article placed so high as to increase the cost to the ultimate consumer, but we do ask that we may be placed in a position where we can furnish the article to the consumer somewhere near as cheaply as the foreigner does.

As the tariff now stands the foreign albumenized paper can be delivered here at a cost of $5 less than the article coated in the United States. If the plain paper is put at the same rate duty of as the albumenized the foreign article could be delivered here for $4 a ream less than the paper coated here. If the plain paper is made free of duty and the coated article is put at 15 per cent. ad valorem the cost of the foreign article would be $2.50 per ream less than that made here. If the plain paper is put at 15 per cent. ad valorem and the coated article at 25 per cent. ad valorem the foreign article can be delivered here for $2 per ream less than the home product. If the plain paper is made free of duty and the coated paper 25 per cent. ad valorem the foreign article can still be delivered here for 60 cents less than the article coated in the United States. Grouping these statements and numbering them for ready reference, we have:

No. 1. (Same as now) $5 against American industry.
No. 2. (Both at 15 per cent.) $4 against.
No. 3. (Plain free, coated 15 per cent.) $2.50 against.
No. 4. (Plain 15 per cent., coated 25 per cent.) $2 against.
No. 5. (Plain free, coated 25 per cent.) 60 cents against.

The propositions that we favor the most, and which should be adopted as a matter of fairness and justice to domestic interests, are those marked 3 and 5, in both of which the plain paper is made free and the coated paper is put at 15 or 25 per cent. ad valorem. A duty of 15 per cent. on the coated paper, with plain paper free of duty, would be a substantial benefit to us; but the only change which would really meet the situation and establish both branches of our business on a positive basis, would be the admission of the plain paper free of duty, and a duty of 25 per cent. ad valorem on the coated article.

We respectfully ask that you urge upon the Committee on Ways and Means, and upon the other members of Congress, that a provision of the character last named be embodied in any tariff bill which may be adopted by Congress.

Respectfully, yours,

D. HOVEY'S SONS AND
THE EASTMAN DRY-PLATE AND FILM COMPANY,
Of Rochester, N. Y.

Hon. C. S. BAKER,
House of Representatives.

WASHINGTON, D. C., *March* 1, 1888.

SIR: The inclosed memorial, addressed to me by constituents of mine engaged in business in Rochester, N. Y., having reference to the duty on photographic paper, will explain to you the embarrassing position in which they are placed by the present position of your Department, which admits coated paper at the duty of 15 per cent., and at the same time exacts a duty of 25 per cent. on the plain or uncoated paper. I had not intended to again trespass upon your valuable time in relation to this matter, but the importance of it and of some relief to the gentlemen who are concerned and the apparent hopelessness of any speedy relief through a tariff bill at the present session of Congress, constrains me to ask as a matter of justice and favor at your hands a re-examination of the subject. It must, I presume, be accepted that the legal duty on the uncoated paper is 25 per cent. The trouble comes in admitting the coated paper at a duty of 15 per cent. It is true that you had the decision of the United States court as a basis for such action, but that decision was by an inferior court, and I am informed that the law officers of the Government in New York City were not willing to accept that decision as final.

It would have been entirely in accordance with precedents to have either taken that case to the United States Supreme Court for review or to have ordered the trial of another case, and then, in the event of an adverse decision, carried that case up to the Supreme Court, meanwhile keeping the rate of duty 25 per cent. ad valorem. This latter course I beg most respectfully that you may be constrained to pursue, after you shall have given the subject due consideration. On trial of another case, the parties concerned will see that the United States attorney is put into possession of facts which were not produced

at the other trial, and which they claim will have a controlling effect upon the same.

I believe it to be entirely within your power and hope you may conceive it to be your duty in the interest of justice and due protection to our industries to take this course, and which needs no argument, I apprehend, to satisfy you of its justice. I am convinced from the statement made to me by these constituents of mine that the coated paper ought not to be classed as a manufacture of paper, and that on a proper presentation of the facts a jury would so decide.

I have the honor to be, very respectfully, your obedient servant,

CHAS. S. BAKER, M. C.

Hon. CHARLES S. FAIRCHILD,
Secretary of the Treasury.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 9, 1888.

SIR: Referring to your letter of the 1st instant, inclosing a memorial addressed to you by constituents engaged in business in Rochester, having reference to the duty on photographic paper, you are informed that the Department must at this time decline to take any steps looking to a change in the classification of the albumenized and sensitized paper covered by Department's decision of April 9, 1887 (S. 8169), a copy of which is herewith inclosed.

It will be seen that the decision followed the ruling of the court in the cases of Gennert *vs.* Robertson and The Scovill Manufacturing Company *vs.* Robertson, in both of which it was held that such merchandise was dutiable at the rate of 15 per cent. ad valorem under the provision in Schedule M of the existing tariff for manufactures of paper, or of which paper is a component material, not specially enumerated or provided for; and accords with the views of the United States Attorney-General, who expressed the opinion that the processes of sensitizing and albumenizing should, under the finding of the court in these cases, be considered as a definite and separate operation from that used in the manufacture of paper and sufficient to place the completed article of sensitized and albumenized paper within the purview of the provisions for manufactures of which paper is a component material.

Respectfully, yours,

I. H. MAYNARD, *Assistant Secretary.*

Hon. CHARLES S. BAKER,
United States House of Representatives, Washington, D. C.

Mr. BRECKINRIDGE, of Arkansas. I ask for a vote on the amendment.

The question being taken, the amendment was rejected, there being—ayes 47, noes 57.

Mr. BUCHANAN. I move the amendment which I send to the desk.

The Clerk read as follows:

After the word "for," in line 184, on page 8, insert the following:

"*Provided*, That whenever any of the articles named in this section are imported in vessels having a foreign registry, the full duties imposed by the act of March 3, 1883, shall be levied and collected upon such article or articles so imported."

Mr. BUCHANAN. Mr. Chairman, during the general debate on this bill we were told repeatedly by gentlemen on the other side that our protective tariff had destroyed our merchant marine. I do not agree with that proposition. I believe there were other causes at work which resulted in the serious diminution of our portion of the world's carrying trade; and I can look back and see those causes operating during those memorable years from 1861 to 1865, when the skies of almost every navigable sea were reddened with the glare of the flames from burning American merchant vessels, fired by cruisers built upon the Clyde and manned by men who once were proud to be called American citizens.

Our merchant marine was further injured by the policy pursued by other civilized nations toward their marine, and not met by counter measures upon the part of our Government. Without detailing the amounts paid at different times, it is sufficient to say that almost every civilized nation except ours granted and now grants bounties or subsidies in one shape or another to its merchant marine; and we were compelled to compete upon the open seas with vessels thus favored. Why, sir, can it be that the protective tariff has injured our merchant marine when the very law in existence to-day provides, as it has been provided for years, that all articles entering into the composition of a ship built upon our shores for participation in the foreign trade shall be admitted in bond, and when thus used shall be released from all obligation to pay duty?

We propose by this bill to add largely to the free-list. In doing so let us impose the condition which is embodied in my amendment and which is so plain that any one can understand its purpose and effect. That condition is simply that if those countries which desire to send us the products of their labor will avail themselves of the permission given in this bill they shall send those products to our shores in vessels of American build, flying the American flag, and having an American register. If our people desire to go to the other side and buy these products, let them be brought here in our vessels. Let us retain what we can in this bill of the American spirit, American sentiment, American shrewdness, business tact, and capacity.

[Here the hammer fell.]

Mr. DOCKERY. I do not wish at this time to enter upon any discussion of the causes which have led to the decline of our merchant marine, and will not do so if the matter is not pressed further on the other side of the House, for the good and sufficient reason that this whole question will be brought to the attention of the House in a very few days, as presented on the subsidy proposition in the Post-Office appropriation bill.

Mr. BUCHANAN. We shall be there.

Mr. DINGLEY. I move *pro forma* to amend by striking out the last word. I ask the Clerk to read section 2502 of the Revised Statutes.

The Clerk read as follows:

SEC. 2502. A discriminating duty of 10 per cent. ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, and merchandise which shall be imported in vessels not of the United States; but this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported in vessels not of the United States, entitled, by treaty or any act of Congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in vessels of the United States.

Mr. DINGLEY. My object in having this section read was to call the attention of my friend from New Jersey and of the committee to the fact that by the Revised Statutes as they exist to-day, a discriminating duty of 10 per cent. is imposed upon all articles imported in foreign vessels, with the proviso that this shall not affect commercial treaties existing with foreign nations. If there were in existence no reciprocal commercial treaties between the United States and other nations, there would to-day be imposed upon all goods imported in foreign vessels a discriminating duty of 10 per cent. This is a matter, therefore, which can not be covered by legislation, but only by the abolition of existing treaties. Our legislation to-day does impose a discriminating duty of 10 per cent. upon all imports in foreign vessels; but by reciprocal commercial treaties entered into in years past with all the commercial nations the effect of this statute has been entirely nullified; so that if we should adopt the amendment proposed by the gentleman from New Jersey it would in effect be no more than what exists now upon the statute-book. The reciprocal commercial treaties into which we have entered with all commercial nations would still rise above legislation and be the supreme law.

Mr. BUCHANAN. The gentleman will allow me to say that I inadvertently omitted in my amendment the words which I have since added—"subject, however, to the provisions of existing treaties." The difficulty about the 10 per cent. business is that this amendment of mine is meant to apply to goods which by this bill are to come in free; and where goods come in free no 10 per cent. can be added, because there is nothing to which to add it.

Mr. DINGLEY. If the gentleman desires to press his amendment, I suggest that he add the words—

Provided, That this shall not conflict with existing commercial treaties.

Mr. BUCHANAN. I have added substantially those words.

Mr. DINGLEY. With those words added, the amendment would of course have no effect, because we have such treaties with all commercial nations.

Mr. DOCKERY. Then, as I understand the gentleman from Maine [Mr. DINGLEY], the amendment of the gentleman from New Jersey amounts to nothing.

The question being taken, the amendment of Mr. BUCHANAN was rejected.

Mr. RUSSELL, of Massachusetts. After line 184, I move to insert "primuline."

Now, Mr. Chairman, primuline is one of the new dyes produced by European chemists, that takes the same place in dyeing calicoes and cottons that alizarine does in dyeing woolens. None are made in the country, and the alizarine dye was put on the free-list in the tariff of 1883. That was guarded by an amendment I made the other day, because several varieties of alizarine colors were put on the market which were not accepted by the Treasury as alizarine dyes. Primuline is of a similar class and from the same source. It is one of the necessities of our calico printing, and I am sure the House will not object to putting it on the free-list.

Mr. EZRA B. TAYLOR. Is that substance produced in this country?

Mr. RUSSELL, of Massachusetts. Not an ounce of it is produced in the country or anything from which it is manufactured.

Mr. EZRA B. TAYLOR. I thought there ought to be a tax for that reason.

Mr. RUSSELL, of Massachusetts. We will leave that to the House.

The amendment was agreed to.

Mr. JOSEPH D. TAYLOR. I move to strike out line 184. That line was read, and the gentleman from New York [Mr. BAKER] moved an amendment to it.

The CHAIRMAN. Another line has been added to it and several amendments have been disposed of. But if there be no objection the Chair will entertain the gentleman's motion.

Mr. JOSEPH D. TAYLOR. I move to strike out line 184, which reads:

Waste, all not specially enumerated or provided for.

The CHAIRMAN. The Chair hears no objection, and the gentleman will proceed.

Mr. JOSEPH D. TAYLOR. I desire to have read, in reference to this matter, a letter from Justice, Bateman & Co., of Philadelphia.

The Clerk read as follows:

PHILADELPHIA, *April 28, 1888.*

DEAR SIR: We send you a sample received this day from Liverpool, marked No. I, which is lap waste, such as by the recent decision comes in at 10 cents per pound duty, instead of 30 cents. This wool is selling in England at 50 cents free on board, duty 10 cents per pound, while the wool from which it is made costs 11½ pence, or 23 cents in the grease. The shrinkage is 51 per cent., and the scoured cost 47 cents, so you see that waste is 3 cents per pound higher than scoured wool in Liverpool. This is made up of broken pieces of top. The

Mills bill admits top free, therefore this article will be free, and as 90 per cent. of Ohio wool is used for worsted purposes and the first process is to make it into top, under the Mills bill tops being free, they will be made in Europe. Therefore what is to become of the 90 per cent. of Ohio wool which at present enters into the manufacture of such tops as are made in the United States?

Very truly, yours,

JUSTICE, BATEMAN & CO.

Hon. JOSEPH D. TAYLOR,
Washington, D. C.

Mr. JOSEPH D. TAYLOR. However, gentlemen may differ as to what waste is and for what purpose it is used, for under the term "waste" vast quantities of wool have been introduced in various shapes. I should like to inquire of the gentleman from Arkansas, of the Committee on Ways and Means, what he understands by the term "waste."

Mr. BRECKINRIDGE, of Arkansas. This is waste not taxed 10 cents a pound, as stated in the communication read at the Clerk's desk. It is therefore not rightly referred to in the paper the gentleman had read, as this means the waste of linen, and does not refer to the waste of wool at all. The article to which the gentleman has referred comes in at a later part of the bill.

Mr. BRECKINRIDGE, of Kentucky. In section 3.

Mr. JOSEPH D. TAYLOR. Is there anything in the bill elsewhere which would distinguish waste of different kinds?

Mr. BRECKINRIDGE, of Kentucky. Yes; the other has a duty of 10 cents a pound upon it.

Mr. BRECKINRIDGE, of Arkansas. This is not that waste, but it is provided for in another part of the bill.

Mr. BRECKINRIDGE, of Kentucky. You will find it in the third section of the bill, applying to wool and the woolen schedule.

The amendment was rejected.

The Clerk read as follows:

SEC. 2. That on and after the 1st day of July, 1888, in lieu of the duties heretofore imposed on the articles hereinafter mentioned, there shall be levied, collected, and paid the following rates of duty on said articles severally.

Mr. BRECKINRIDGE, of Arkansas. I move this clause be passed over informally, as we may desire to change the date.

There was no objection, and it was ordered accordingly.

Mr. DINGLEY. Mr. Chairman, I move to amend by inserting the following paragraph after line 5:

Lime, 15 cents per cask.

The committee, on learning something of the facts relating to this industry, have with entire unanimity stricken manufactured lime from the free-list of the pending bill and restored it to the dutiable list. It was so evident that the placing of lime on the free-list, as proposed by the majority of the Ways and Means Committee, would result in the destruction of this industry in the United States, that no one came forward to defend the proposition after the subject had received candid consideration.

Mr. Chairman, I hope that a full consideration of the conditions which surround this industry will satisfy this committee and the House that the amendment which I offer, to substitute a specific duty of 15 cents per cask for the present ad valorem duty of 10 per cent., ought to be adopted.

When the existing duty of 10 per cent. ad valorem on lime was fixed by the low tariff of 1846 (20 per cent. having been the previous rate) it afforded a substantial protection of about 10 cents per cask. For many years it practically gave our markets entirely to our own lime producers. Up to 1884, even, Canada did not even supply her own markets, notwithstanding she imposed and still imposes a duty of 20 per cent. on imported lime. But about that time capitalists began to develop the lime quarries of Canada, using the most improved kilns and methods, and with the advantage of the cheaper labor of the Dominion soon supplied the Canadian markets and began to reach out to the markets of the United States.

Taking advantage of the fact that our duty on lime is ad valorem, and only 10 per cent. at that, the Canadian manufacturers soon learned the European trick of undervaluing their lime in the invoices and thus practically fixing the duty themselves, and gradually reduced it until, to-day, instead of paying a duty of about 10 cents per cask, as contemplated by the Walker tariff of 1846 and the tariff of 1883, they are paying but about 3 cents per cask duty on lime. This shamefully low duty is nearly 2 cents lower than it would be if a decision of the Treasury Department had not excluded the cost of the barrel from the invoiced value of the lime at the place of shipment.

The effect of this practical reduction of duty by means of undervaluations is already being seriously felt by our lime manufacturers. In 1886, 82,855 casks of Canadian lime were imported into this country. In 1887 the importations ran up to 132,239 casks, and it is thought there will be 200,000 casks imported the present fiscal year, with a prospect of a rapid increase in the future.

In view of these facts there is grave danger that unless something is done, not only to restore the duty on imported lime to the figure intended by all our tariff acts, but also to increase the duty so as to meet the changed conditions, within a few years the lime manufacturing industry will be in large part driven from the United States to Canada, unless the employés in this industry are willing to work at Canadian wages, and the 8,000 laborers now employed at liberal wages in this industry will be added to the army of the unemployed or be driven into other already crowded industries.

I am aware that the chairman of the Ways and Means Committee [Mr. MILLS] insists, as he did in the brick manufacturing industry a few days ago, and as he had previously in other industries, that notwithstanding the best class of laborers on lime-kilns receive in this country $2 per day and in Canada $1.25, yet that our laborers do so much more work in a day that the labor cost of producing lime, as well as the other products, is no more here than in Canada or Europe.

This is a very pleasant theory, one which the distinguished chairman has pressed with great earnestness, but which has no foundation of ascertained facts to rest upon. When the chairman asserted that this was the fact as to brick manufacture and rested his whole argument for placing Canadian bricks on the free-list on the assumption that the labor cost of manufacturing a thousand of bricks was no more here than in Canada, I could meet the assertion only with the expression of my conviction from observation that laborers in Canada performed as much work in any department of industry in a day as in this country.

Anticipating a repetition of this labor cost assumption when lime should be reached in this bill, I have obtained through intelligent and responsible gentlemen a detailed statement of the comparative cost of manufacturing a hundred casks of lime on the St. John River in New Brunswick, and in Rockland, Me., to which I invite the attention of the gentleman from Texas [Mr. MILLS] and the committee:

Comparative cost of manufacturing one hundred casks of lime at Rockland, Me., and St. John, New Brunswick.

	Rockland.	St. John.	Excess cost at Rockland.
Lime-rock delivered at kilns	$21.00	$10.00	$11.00
Three men on kiln, $2 per day each	6.00	3.75	2.25
One man feeding	1.57	1.00	.57
One man trimming casks	2.00	1.25	.75
Wheeling fuel to kiln, etc	2.00	1.25	.75
Coal or wood used in burning	17.50	10.00	7.50
One hundred lime casks	18.00	18.00	
Nails and liners	.30	.30	
Delivering lime to vessel	.50	.31	.19
Kiln rent	3.00	3.00	
Total	71.87	48.86	23.01
Cost per cask	.71 87/100	.48 86/100	
Cost per cask delivered in New York	.90 to .93	.75	
Excess of cost of cask of lime at Rockland			.23
Excess of cost of fuel for lime at Rockland		.07½	
Excess of cost of labor in burning and delivering		.05½	
Excess of cost of labor in quarrying and transporting lime rock (estimated)		.05	

It will be seen by this comparative statement that it requires the same number of men working the same number of hours to make a hundred casks of lime in Canada as in the United States, thus demonstrating that the efficiency of the labor employed in Canada in lime manufacture is almost exactly the same as in the State of Maine, and I am confident Maine labor is as efficient as any in the country.

What becomes of the theory on which the distinguished chairman is constructing this bill, that notwithstanding labor is receiving 60 per cent. more as daily wages in this country than in Canada, yet that this is offset by 60 per cent greater efficiency of our own labor?

There can be no doubt that so far as the lime manufacturing industry is concerned the theory has nothing to stand upon, and I have no doubt the same is true as to other industries. The fact stares us in the face that Canadian labor in this industry is as efficient as our labor, and that labor in this country costs 60 per cent. more than in Canada.

The clear and unquestioned facts are that it costs 10 cents more per cask to quarry and transport lime rock to the kiln in Rockland than on the St. John, at least half of which is due to higher cost of labor in quarrying and transporting to the kiln; 5½ cents more per cask for the labor employed in burning, barreling, and delivering on the vessel, and 7½ cents (certainly 5 cents) more per cask for the fuel used in burning; which is largely labor. Total excess of cost per cask in this country over Canada, 23 cents, of which labor in some form gets 10½ cents more than the labor which does the same work in Canada, leaving 7½ cents to go to fuel and the balance to other causes. Delivered in New York Canadian lime costs 15 cents per cask less than our own lime, the balance being made up by the advantage we have in being nearer to our own markets.

It ought to be evident to the committee that unless the duty on imported Canadian lime is made sufficient to cover the difference in the cost of the labor employed in Canada and in the United States, the lime-manufacturing industry in this country will be gradually driven to the wall by Canadian competition, or our labor be compelled to accept Canadian wages.

In view of the changed conditions which have enabled Canadian lime manufacturers to come into ruinous competition with our own, there ought to be no hesitation by any one in voting to place the duty at the

low rate of 15 cents, for this only covers the difference in cost of labor, in the materials and their manufacture, and even the Democratic national convention at St. Louis gave a pledge to workingmen that the Democratic party would maintain sufficient duties to cover this. I I now ask the Democratic majority of this House to redeem this pledge to the laborers employed in the lime industry.

It appears from the census of 1880 that the lime manufacturing industry produced in that year nearly six millions of casks of lime, valued in the markets at $5,772,318; and that in producing this lime $1,579,313 was paid in wages. This makes the wages paid 28½ per cent. of the value of the product—twice as large a percentage of labor as in the manufacture of glue, which the committee have transferred to the dutiable list, and as large a percentage of labor as is shown in a majority of manufactured products.

In the district which I have the honor to represent over two million casks of lime were made last year, furnishing the chief manufacturing industry of a county of over 32,000 population, giving employment to thousands of workingmen, supplying a market for every farmer, and promoting the prosperity of every citizen. What the views are of the enterprising men who are engaged in this industry in my own district will be seen by the following memorial to Congress, which has been signed by every lime manufacturer in Knox County, Maine, without distinction of party:

To the honorable the Senate and House of Representatives of the United States:

We, the undersigned, manufacturers of lime in the county of Knox, State of Maine, do most respectfully and earnestly desire to call your attention to the following important facts relating to and affecting the interest of the people of this and surrounding counties:

The vast beds of limestone in this county opened up an industry in the seaports of Thomaston, Rockland, Rockport, and Lincolnville in the manufacturing of lime, which has existed for over a century. Gradually increasing, it now amounts to a capital invested in kilns, wharves, and storehouses of about $1,000,000; in lime-rock quarries of about $2,000,000, and it is an investment worthless for any other purpose. There is besides a large shipping interest employed in transporting the lime and fuel for burning it. About 2,000,000 casks of lime are annually manufactured and shipped from this county at a cost, delivered in the markets, of from 90 cents to $1 per cask.

Excepting the rock in the quarry, the fuel and lumber on the stump at an average cost of 6 cents per cask, the whole cost of this article is made up of labor, which includes quarrying the rock, hauling same to kilns, gathering the fuel, making and hauling the lime casks by the inhabitants of the surrounding towns, burning the lime, handling and carrying the same to market.

Before and after the formation of the Dominion of Canada, Nova Scotia was one of our large lime markets, but at or about that time a duty was imposed on our lime by that Government which necessitated the abandonment of that market by us, the said duty still remaining in force. Since the decline in ship-building the manufacture of lime is the only industry of any importance at the ports above mentioned, affording as it does employment to a large number of men who have become permanently located here. We therefore deem it of the utmost importance that the Fiftieth Congress take some action to protect this great industry upon which the future of this county depends.

Near St. John, New Brunswick, are vast deposits of limestone, with fuel in abundance and at less than half the cost of the same used here, with labor much cheaper. Within a few years the business of burning lime has been begun and carried on there, and the product largely sent into our markets, namely: to New York alone there were shipped in 1885 less than 5,000 casks; in 1886, 41,000, and in 1887, 138,000 casks, and it is estimated that under the present arrangement 200,000 casks or more will be sent to that market this year.

The difference in the cost of this article here and there at the kiln ready for shipment is about 23 cents per cask in their favor, and there is now a duty of 10 per cent. ad valorem, or only 3 cents per cask, it being invoiced at 30 cents per cask, which is exclusive of the package.

Under the tariff bill as revised by the Ways and Means Committee we notice lime among the articles placed on the free-list. We therefore most respectfully petition your honorable body to not only remove lime from the free-list, but to impose a specific duty corresponding to that of the Dominion Government.

I commend this memorial to the considerate attention of the committee and the House.

There is another reason, Mr. Chairman, why there should be no hesitation in fixing this duty at the low rate of 15 cents per cask, and that is the fact that the pending bill leaves a duty of nearly 30 per cent. on bituminous coal, which is now being used extensively as fuel in burning lime, the cost of the fuel being nearly one-third of the cost of manufacturing. It would certainly be a grave injustice to the manufacturers and laborers engaged in this industry to impose a duty of 30 per cent. on the coal used in burning lime, and not give an equivalent protection on the manufactured lime.

I trust that the justice of the proposition which I have made will commend it to the committee and the House.

Mr. EZRA B. TAYLOR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. It is the duty of the Chair to recognize some gentleman in opposition to the amendment.

Mr. BRECKINRIDGE, of Arkansas, rose.

Mr. EZRA B. TAYLOR. Mr. Chairman, I am willing to oppose the amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Ohio [Mr. EZRA B. TAYLOR] can offer his amendment hereafter. This side of the House is entitled to the floor now.

Mr. Chairman, the duty on lime has been for a great many years 7 and never exceeded 10 per cent.

Mr. DINGLEY. Since 1846 only 10 per cent. Before 1846 it was 20 per cent.

Mr. BRECKINRIDGE, of Arkansas. The proposed bill contemplates leaving lime at its present rate of duty; but as we restored the package clause, lime will really be taxed higher than it was before.

Mr. DINGLEY. Only 1.8 cents more.

Mr. BRECKINRIDGE, of Arkansas. But it is something more, nothing less. Whether it be much or little it is in the line of increase. Now, the gentleman proposes to increase the present duty on lime over 300 per cent. upon its present rate. It is 10 per cent., and the gentleman proposes to make it three and four-tenths times greater than it is. That is his increase.

Now, sir, I do not myself believe, though I yield to the judgment of others, that lime needs any duty whatever. We find that we are large importers of lime and cement; that we exported over 71,000 barrels in the last fiscal year.

Mr. DINGLEY. That is a very small export.

Mr. BRECKINRIDGE, of Arkansas. We export more than we import.

Mr. DINGLEY. We exported 71,000 barrels of lime and cement, and imported 200,000 barrels of lime alone in the present year.

Mr. BRECKINRIDGE, of Arkansas. I stand corrected. I find that I was making a statement of only one part. In our exportation of lime and cement we sent over 17,000 barrels from San Francisco, over 35,000 barrels from New York, over 5,000 barrels from Portland and Charleston, over 3,000 barrels from Detroit, and nearly 2,000 barrels from Oswego, N. Y.

It is perfectly evident that we do not need to import lime anywhere within the range of a natural market. I am unable at this moment to state the ports at which we bring in lime, but I would expect them to be those ports which are remote from the seats of the lime-producing industry.

Mr. DINGLEY. Largely Boston and New York, because they are so convenient to New Brunswick.

Mr. BRECKINRIDGE, of Arkansas. The returns show large exports from New York and from other cities upon the seaboard and the northern border.

Mr. DINGLEY. It is cement that is exported from New York.

Mr. BRECKINRIDGE, of Arkansas. The official returns do not distinguish between them, but we do know that the cement-men claim that they need more protection than do those who are engaged in producing lime, and it is perfectly evident that the present bill proposes to put lime at as high a rate of duty as it has paid since many years before the war, and a duty in the same form. We know also that the business is a prosperous one; that it is sustaining itself at home and seemingly to a great extent commanding foreign markets, and certainly there is no occasion for increasing the present tax over 300 per cent.

Mr. EZRA B. TAYLOR. I move to strike out the last word. My purpose in making that motion is simply to correct an impression which my friends around me received from what I said in reply to the gentleman from Massachusetts [Mr. RUSSELL]. When that gentleman introduced his amendment to line 184, I asked him if the article mentioned in his amendment was one produced in this country, and his reply was, "not a pound." I then said that for that reason it should be taxed. I supposed that everybody understood me to express, not my own sentiment, but what I regarded as the sentiment of this proposed legislation. I understand right well that this bill is not in its form wholly a free-trade measure. It has in it protection to various industries, but I accept it as the men who favor it understandingly describe it, as "one step in the direction of free trade." I accept it as the reasoning of every man who has supported it, who has presented the shadow of a reason for supporting it, as a free-trade measure. Now it is based, I take it, upon a general proposition, which I will presently state. I do not know absolutely but what that proposition is true. I believe it to be untrue, and so I oppose this bill. But if it be true that a tariff is a tax to the amount of the duty, then I say that according to that principle revenue should be collected alone upon those articles which are not manufactured or produced in this country.

For instance, to make myself briefly plain, if we tax by a duty an article that is manufactured wholly in other countries, the entire amount of the duty goes into the Treasury, and there is no burden anywhere else; but if we tax an article that is partly produced in this country, and if the proposition which I have cited be correct, then only a portion of that tax goes into the Treasury, while another portion goes into the hands of the manufacturers or the laborers or somebody else, and thus the duty becomes obnoxious to the criticism that we have no right to tax one person for the benefit of another. Take iron; suppose that we produce in this country 90 per cent. of all that is consumed in this country, then it follows that a tax upon iron, according to this proposition, pays one dollar into the Treasury and nine dollars into the pockets of somebody else. Now, I will admit at once, and nobody could prevent my mind from coming to the conclusion, that such a proposition as that is not tenable or supportable for a moment. So in that sense, and in that sense alone, in the spirit of this bill and of the arguments that have been presented in support of this bill, I did say that our entire revenue should be raised by duties upon articles not produced in this country, because then the tax would be one and simple, and the whole of it go into the Treasury. I withdraw the formal amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Maine [Mr. DINGLEY].

A MEMBER. Let the amendment be read.

The Clerk read as follows:

Insert after line 5, "Lime, 15 cents per cask."

The amendment was rejected—ayes 63, noes 75.

The Clerk read as follows:

Glycerine, refined, 3 cents per pound.

Mr. ADAMS. I move to strike out that line. I make that motion in order to call the attention of the House to the position of the Committee on Ways and Means and the estimates they have made as to the effect of the passage of this bill upon the industries of the country and the revenues of the Treasury. It has been repeated here over a dozen times, and it is simply a repetition of the statement made in the President's message, that the reduction of a duty implies a reduction of the cost of the article to the American consumer. I presume if I were to ask any member of the Ways and Means Committee what effect this proposed reduction of the duty on refined glycerine would have he would answer without question that the effect would be to make the article cheaper in the American market.

But if that is so, how absurd are the predictions of the Committee on Ways and Means with regard to the effect of this change in the law upon the surplus revenues of the Government. We have their predictions in the statement which I hold in my hand; and it seems that all through this dutiable list the gentlemen of the Ways and Means Committee have calculated that the same amount of refined glycerine, for instance, will be imported into the country under the reduced duty that is imported under the duty now existing. The revenue from refined glycerine last year amounted to $89,337.40; and they predict that under the pending bill the revenue will be $53,602.44, which will be a relief to the overburdened Treasury of over $25,000. But, as gentlemen will find from an examination of this table, that calculation is based on the assumption that the same number of pounds of refined glycerine will be imported if the tax is reduced as are imported under the existing law.

Now, if it be true, as they say, that refined glycerine, or any other substance, will be cheaper to the American consumer in consequence of a reduction in the duty, it is inconceivable that this will happen except by an enlargement of the supply. Gentlemen of the Ways and Means Committee can not suggest any way in which glycerine or anything else can be cheaper to the consumer except by a diminution of the demand or an increase in the supply. The theory on which they have gone is that the increase of supply will reduce the price; but if the supply is increased it can not conceivably be increased by an increase of the American part of the supply; the increase must come from additional importation. I admit that there will be this increase of importation, and that there will be for a time an increase in the total supply. The only question is whether the diminution in the profits of the American manufacturer will not cut off the American supply, the deficiency being made good by the supply from foreign countries. But I admit that the supply will be increased during the first six or twelve months after the passage of the bill. If that is so, what becomes of this argument that the surplus revenues of the Government will be reduced $25,734.96?

[Here the hammer fell.]

[Mr. EZRA B. TAYLOR withholds his remarks for revision. See APPENDIX.]

Mr. BRECKINRIDGE, of Arkansas. The tax on glycerine was made specific in the revision of 1883. Prior to that time it was ad valorem, and no distinction was made between crude and refined glycerine. If you look back to the origin of the tax on glycerine, which is but a by-product in the manufacture of candles, you will find there was no tax until 1862. The tax laid under the first act of 1861 was laid professedly not for any need of protection, but for the temporary needs of revenue. It was laid as a temporary revenue tax, with a promise at the time that whenever the war needs of the Government ceased this tax would be dispensed with. Therefore you are doing nothing more than keeping your own pledge when you seek to put glycerine, at the present rate, and even if it were refined glycerine, and it were to put both on the free-list. You are keeping your own pledge because it had no tax upon it at all. We put crude glycerine back to where it was, and we leave a tax on refined glycerine of exactly the margin now existing between crude and refined, 3 cents.

As to the further question of the tax on refined glycerne, it was admitted by the manufacturers themselves in 1882 that the cost of refining glycerine was 3 cents a pound. We then leave it at 3 cents, covering the entire cost of refining. Yet gentlemen contend that this will hurt the workingman.

Mr. ADAMS. I made the motion to strike out this line to get some information. As the gentleman does not seem to be at leisure I wish some other member of the committee would give me his attention. The point I make is this. You have changed the duty from 5 cents to 3 cents, which is a reduction of 40 per cent. Do you think that will considerably reduce the cost of refined glycerine in the American market?

Mr. BRECKINRIDGE, of Arkansas. Of course I think it will reduce the price of refined glycerine.

Mr. ADAMS. Do you think it will have that effect except by enlarging the importation?

Mr. BRECKINRIDGE, of Arkansas. Certainly, especially as we import nearly all the crude glycerine we use.

Mr. ADAMS. I am talking about refined glycerine.

Mr. BRECKINRIDGE, of Arkansas. So am I; but crude glycerine is its base.

Mr. ADAMS. Can there be any reduction to the American consumer except by the reduction of the tax on the imported article?

Mr. BRECKINRIDGE, of Arkansas. The same amount as the repeal may be the reduction involved, because crude glycerine is made less by the 2-cent tax being taken off, and the refined is correspondingly reduced from 5 to 3 cents, and then you will be able to charge the present price less 2 cents a pound and no more.

Mr. ADAMS. Does the gentleman suppose the manufacturers will sell for less because it costs less to produce it?

Mr. BRECKINRIDGE, of Arkansas. I do. Price affects consumption, and hence production. Every customer gets it for the least price he can, it enters largely into the arts, and the change this bill will make in the cost of production and in the selling-price will increase the consumption of the product, will increase the importation of the crude article only, and will doubtless largely increase the domestic production and consumption of the refined article, and will doubtless cause much production for foreign markets.

The law states in distinct terms that if the manufacturers choose to stand together they can compel the customers to pay them 5 cents more a pound than it is worth in the markets of the world; but under this bill only 3 cents more.

Mr. ADAMS. As it is evident we can not understand each other on the question, I will abandon the attempt to discuss that point.

Mr. BRECKINRIDGE, of Arkansas. It seems very clear.

Mr. ADAMS. It is my fault, perhaps, not to be able to understand the gentleman's mode of reasoning. But I will ask him this question: whether he believes that in consequence of the change of duty there will be any considerable importation of refined glycerine, the article we are discussing, and I refer now to refined glycerine exclusively?

Mr. BRECKINRIDGE, of Arkansas. It does not follow that there will be an increase——

Mr. ADAMS. Whether it follows or not, does the gentleman believe that will be the effect?

Mr. BRECKINRIDGE, of Arkansas. Upon the contrary, I think there will not be any increase. I will state to the gentleman that I think the effect will be to increase the domestic refining, and enable us, having the crude material free, to even sell our refined product in many of the foreign makets.

Mr. ADAMS. I am talking now of this item under consideration, refined glycerine, and its importation.

Mr. BRECKINRIDGE, of Arkansas. And so am I. I say to the gentleman that if you make free and thus increase the importation of the crude material, which is the raw material or base of the refined, you enable us to increase the manufacture and begin the exportation of the refined material.

Mr. ADAMS. I do not understand the gentleman's mode of reasoning. It seems we can not understand each other.

[Here the hammer fell.]

Mr. JOSEPH D. TAYLOR. I move to strike out the last word.

Mr. Chairman, I have been very much interested in hearing the discussion which has taken place between the gentleman from Arkansas and the gentleman from Illinois upon this question; and I would like to ask the gentleman from Arkansas a question. This is an article in general use which, if cheapened as he proposes to cheapen it, will greatly increase the importation and consumption of it in this country. If you take an article and reduce the cost of it 40 per cent., or any other per cent., I ask the gentleman if the consumption will not be increased, and if the consumption be increased will not the duties in the aggregate be increased, and will not the increased importation of the article increase the amount of money to be paid into the Treasury?

Mr. BRECKINRIDGE, of Arkansas. I suppose it is hardly worth while to argue the point with the gentleman. He is snagged upon a very simple proposition. [Laughter.]

Mr. JOSEPH D. TAYLOR. I do not hear the gentleman.

Mr. BRECKINRIDGE, of Arkansas. The gentleman does not seem to see that the crude glycerine, for instance, is the base of the refined.

Mr. JOSEPH D. TAYLOR. That has nothing whatever to do with my question.

Mr. BRECKINRIDGE, of Arkansas. Why, it has got everything to do with it; it is the whole question.

Mr. JOSEPH D. TAYLOR. You propose to cheapen a commodity; now, when you cheapen a commodity do you not at the same time expect an increase in the consumption of that commodity? In every single instance is it not true that by cheapening the commodity you increase its consumption?

Mr. BRECKINRIDGE, of Arkansas. Exactly, but the gentleman——

Mr. WILSON, of West Virginia. When you propose to take the tax off whisky in your platform, do you expect thereby to increase the consumption? [Laughter and applause on the Democratic side.]

Mr. JOSEPH D. TAYLOR. It seems to me perfectly natural, Mr. Chairman, that gentlemen on the other side of the House should always find it incumbent upon them to refer to whisky. No matter what is under discussion, no matter how disconnected the subject may be with that question, they in every case take to whisky just as familiarly as a duck takes to water. [Laughter.] I do not understand the reason for it, I must confess.

Now, there is no connection whatever between the American product and the imported product in the relation to which the gentleman has referred; and we all know that when you reduce the rate on a commodity you increase the consumption. When you reduced the postage on letters, you multiplied the number of letters, and the aggregate number of letters has increased. When sugar is cheaper the consumption is greater; and when you have reduced the price, the reduction of the duty has that effect upon any article, it at the same time increases the consumption. Such has been the case on wool and woolen goods, and these increased imports have increased the amount of money in the Treasury. With the Mills bill, if it ever becomes a law, the effect would be to increase the amount of money placed in the Treasury instead of reducing it. It can not be reduced so far as this question of reduction is concerned. Because when you place an article on the free-list, then you can reduce the duty paid into the Treasury; but when you only propose to reduce the duty, and to not place it on the free-list, you simply increase the importation and increase the consumption, and the amount of revenue is more than made up in many instances by the great increase in importation.

So it is here, Mr. Chairman. When you cheapen the price you simply increase the consumption, and by increasing the consumption you increase the revenues of the country.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. I suppose that argument is entirely satisfactory to gentlemen on that side of the House; and I now ask a vote.

Mr. ADAMS. If in order I desire to move an amendment by adding the words "or Brazil."

The CHAIRMAN. No further amendment is in order pending the consideration of the substantive amendments.

Mr. ADAMS. I will withdraw my former amendment, and now move to amend the line by adding the words "imported from Brazil."

I want to state as distinctly as possible my suggestion of a few moments ago, which I then tried to make clear to the gentleman from Arkansas, as to the result of the reduction of taxation on this commodity from 5 cents per pound to 3 cents per pound. That is a reduction of 40 per cent., a very considerable reduction. Now, what is the effect of the existing duty on this importation?

There were imported last year into this country of refined glycerine, 1,786,748 pounds; but there were manufactured in this country during the same time between thirteen and fifteen millions of pounds.

That is to say the 5-cent duty is almost prohibitory. Now, when you take a prohibitory duty and reduce it 40 per cent., is it conceivable that there will not be a large increase in the importation of the article?

Mr. REED. Allow me to suggest to the gentleman from Illinois that that is the very object of the bill—to increase importations. That is what they made it for.

Mr. ADAMS. Very well. If it is the object of the bill, and I have no doubt it is, then how can the Committee on Ways and Means estimate the effect of this change of the law on the surplus revenue of the Government, by assuming that precisely 1,786,748 pounds would be imported next year and the year after next, that being the precise number of pounds imported heretofore? If it be true that so large a reduction in the duty, which is now nearly prohibitory, will greatly increase the importation, what becomes of their prediction that $25,734.96 will be saved from the overburdened Treasury? And yet that same argument will follow almost all the way through the dutiable articles of this bill.

The gentleman from Pennsylvania [Mr. KELLEY] was, I believe, justified in saying that the effect of the bill as a whole might be even to add to the surplus. I have very little doubt that the dutiable part of the bill will considerably increase the income of the Government. As for what you put on the free-list and what you take from the internal-revenue taxes, there is no question that you diminish directly the surplus revenues of the Government. But when you take the bill as a whole how can you appeal to this House without giving some explanation of what you consider to be the probable effect of the bill upon the surplus revenue of the Government as a whole?

I withdraw the formal amendment.

Mr. REED. I ought to add that an effort was made to obtain the opinion of the Treasury Department as to the effect of this bill upon the revenues, but that the effort was resisted and defeated by the Committee on Ways and Means. Now, it seems to me the plain purpose of this bill (and it can have no other so far as these items to which we have arrived are concerned) is to increase importations. And yet the committee have come before the House and before the country with a system of figures founded upon a state of facts which the bill is itself intended to destroy. In other words, they produce a bill which is intended to increase importations and they deceive the country by insisting that the importations are to remain the same. Now that position is not uncharacteristic. It is rather natural. It is one that you would expect. As for their refusal to explain, to give you any definite facts to proceed upon, that is certainly in accordance with the plan of campaign which has been adopted by the other side.

I am glad to see it has been brought so distinctly before the House as it has been by the various arguments which have been presented. Here is a most delusive schedule, a schedule founded upon a statement of facts which this bill is intended to destroy, a statement which in its very nature must be untrue, and it is given to the country as true, and day after day they refuse and persist in refusing to give any explanation as to the effect of the bill. It is part and parcel of a pleasant plan they have. You see the only thing that troubles them to-day is the surplus, but they are engineering the surplus as a something against what they call the tariff tax. You notice how sedulously every gentleman on his feet emphasizes the word "tax." They are using it for that purpose. Now, when they get through this bill and it begins to operate, if it should succeed in passing, the sole effect of it will be to give us with the growth of the country as big a surplus as we have now. Then they will come in with another bill, not for the purpose of injuring the industries of the country; not for that purpose, gentlemen on that side will say, but for the purpose of cutting out the surplus again. Then comes the second step, and so it goes on until the procession ends just where it started, for while they go on denying that they intend to start for that point at all, nothing can show it more plainly than the very fact that they keep persisting in this statement they have made.

Mr. WILSON, of West Virginia. As I understand the gentleman from Maine [Mr. REED] he criticises the Committee on Ways and Means because of the method which they have adopted in estimating the probable reductions in the revenue to be made under this bill, and finds fault with that committee because it has not submitted to the House some more trustworthy information upon that subject. Mr. Chairman, it will be found upon examination that there accompanies this bill a more thorough and complete estimate of the reduction of taxes to be made by it than, as I am informed, has ever accompanied any tariff bill presented to this House. Of course no man can conjecture exactly what the importations for the next fiscal year will be, and the only estimate that can possibly be made is what would have been the revenue last year if the rates proposed by this bill had been in existence rather than the rates of the existing law. Now, I admit, as claimed by the gentleman from Maine [Mr. REED], that it is very possible that the reduction of duty upon some articles will increase the importations, and that the revenue from those articles will not fall off. But I have risen not so much to make these remarks as to show that the criticism which the gentleman makes upon the majority of the Committee of Ways and Means is one that he would not have made if he had recalled the debate upon the tariff bill that was brought into this House in the Forty-seventh Congress, under the leadership of Judge KELLEY, then chairman of the Committee on Ways and Means. I have here the RECORD in which Judge KELLEY's opening speech in explanation of that bill appears, and when he had concluded this question was put to him:

Mr. CARLISLE. Will the gentleman from Pennsylvania allow me to ask him a question?

Mr. KELLEY. Certainly.

Mr. CARLISLE. I think the House and the country will be very much disappointed at the gentleman's failure to state his opinion as to the amount of reduction of the rates of duty and the amount of reduction in the revenue to be effected by this bill. I should be glad to hear the gentleman's opinion.

To that question Mr. KELLEY responded as follows:

I cut my remarks short because I had an intimation that I would be interrupted directly by a message from the Senate. Mr. Chairman, I do not believe that anybody can make a guess or an estimate, as the phraseology runs, of what the reduction of revenue will be. The Committee on Ways and Means bring to the attention of the whole House means of testing their bill such as I have never seen submitted under similar circumstances before. Here is a table showing articles, amounts, and rates of duty under existing law and those reported in House bill 7313, the computations being on the importations for the fiscal year ending June 30, 1882.

That, Mr. Chairman, is exactly what has been done in this case. We have made a calculation on the basis of the imports for the fiscal year ending June 30, 1887, and have brought into the House such estimates as could be made upon that basis, believing, as Judge KELLEY expressed himself in the Forty-seventh Congress, that after all it is largely a matter of conjecture and not a matter of accurate estimate.

Mr. REED. I have been so accustomed to something sharp and bright whenever the gentleman from West Virginia [Mr. WILSON] rises to his feet (and I regret that he rises so rarely) that I am a little surprised that he has not followed his usual custom this time. It must be evident to the House that he has failed to make any real answer to the suggestions that I have submitted. He shields himself behind a former chairman of the Committee on Ways and Means whom he is in the habit of repudiating upon all other occasions. He seems to feel that if he has come up to the level of something which has happened in the past he has done his entire duty.

But I call his attention and the attention of the House to the fact that a request was made to the Committee on Ways and Means for an estimate on the part of the Secretary of the Treasury giving us the benefit of the best resources at his command to show us what reduction would necessarily or probably be the result of this tariff bill, and to the fact that that information has been refused by the committee to the country. Now, the Treasury Department has resources in that direction which we do not know. Whether the same proposition was presented to the former Committee on Ways and Means to which the gentleman has referred I do not know. I do know that it was presented to this committee and that they refused to ask for the information. Instead of that, instead of saying to the House and to the country, as Judge KELLEY said, that they did not know what reduction would be made, they have boldly gone to the country with the statement that certain reductions would be made, that assertion being based upon a state of facts which their bill is intended to render—a state of falsehood. In other words, they tell the country that such and such will be the reduction when such and such things come to pass, which things their bill is intended to prevent from coming to pass.

Now, what answer has been made to that charge? Gentlemen on the other side have gone before the country announcing that this bill makes a total reduction of so much in the revenues, and then they get up here and admit that as to a large part of it they do not know whether it will make any reduction or not, while the experience of the past would indicate that it will probably yield an increase of revenue sufficient to counterbalance all that is put upon the free-list. If it does that we shall again be met with a surplus, and again we shall be told that "tariff taxes must be reduced;" but during the next campaign all these gentlemen will be scattering themselves over the country, as some of them have already gone to New York, to tell the people that they do not mean free trade. The Democratic party never "means" what it intends to do. [Laughter.]

Mr. WILSON, of West Virginia. I move, *pro forma*, to strike out the last two words. I wish simply to call the attention of the gentleman from Maine to the report of the Committee on Ways and Means, to which is appended the letter of the Secretary of the Treasury, giving, as far as it was possible for him to give, his estimates of the reductions proposed by the bill, showing that he did not refuse to answer the request of the committee.

Mr. REED. I did not charge him with refusing to answer; I charged the committee with refusing to ask.

Mr. BRECKINRIDGE, of Arkansas. Which was equally a mistake.

Mr. REED. I am right.

Mr. BRECKINRIDGE, of Arkansas. Of course you are not right.

Mr. WILSON, of West Virginia. Here is the letter of the Secretary of the Treasury——

Mr. REED. Give us the letter addressed to him.

Mr. WILSON, of West Virginia (reading):

Mr. Talbott, clerk of your committee——

Mr. REED. Give us the letter addressed to the Secretary of the Treasury.

Mr. WILSON, of West Virginia. The Secretary begins his letter with a reference to the letter of the committee.

Mr. REED. Let us have the questions which were asked of the Secretary.

Mr. WILSON, of West Virginia (reading):

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 14, 1888.

SIR: Mr. Talbott, clerk of your committee, has presented me copies, respectively, of the proposed bill "to reduce taxation and simplify the laws in relation to the collection of the revenue," and of the tables relating to the same, with the request that I communicate to you my views as to the probable effect the adoption of the administrative sections of the bill would have upon the revenue, and also that I cause the computations in the tables to be verified, and footings of the column of "values" therein to be made by experts in this Department.

Mr. REED. That is, you asked his opinion about the effect of the administrative parts of the bill, but not about the rest.

Mr. WILSON, of West Virginia. We submitted the other tables with the request that he should have them verified.

Mr. REED. That is, add up the figures.

Mr. WILSON, of West Virginia. No, sir; have them verified as to whether they were correct or not.

Mr. REED. Do you mean to affirm that the Secretary of the Treasury says your estimate about that is correct?

Mr. WILSON, of West Virginia. The Secretary of the Treasury does not give estimates, because it is impossible for anybody to do that, but he gives his opinion as to each matter in turn under the bill. The gentleman will find his letter in the report of the Ways and Means Committee.

Mr. REED. Mr. Chairman, the gentleman from West Virginia does not intend to mislead the House, or if he does he is not going to be successful, because that table is a plain statement of the importations of a preceding year, and the duty is figured under this bill as if the importations would be the same, when the bill intends that they shall not be the same. I beg pardon of the House for reiterating this, but after awhile the gentlemen on the other side will get hold of it.

Mr. WILSON, of West Virginia. That is the very point I admitted in the beginning—that nobody could speak definitely as to the future importations; that we must content ourselves with proceeding upon the basis of last year's importations.

Mr. ADAMS. Will the gentleman give us his opinion on this point——

Mr. KERR. With regard to importations——

Mr. WILSON, of West Virginia. I yield to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS. Here is a reduction from 5 cents to 3 cents (being a 40 per cent. reduction) on an article of which last year less than two million pounds were imported, while from thirteen to fifteen million pounds were manufactured in the country. Now, will the gentleman from West Virginia say what, in his individual opinion, the effect of the reduction of duty will be—how much it will reduce or increase the revenue?

Mr. WILSON, of West Virginia. I can not answer such a question as to any particular item. Possibly there would not be a single additional pound of crude glycerine imported, because, with the home supply, there might not be needed for consumption in this country more of the foreign glycerine than was brought in last year. On the other hand, the removal of the duty might increase the supply of the imported article. But in any event, whether we are decreasing the surplus in the Treasury or not, we are decreasing the taxes imposed upon the people. [Applause on the Democratic side; derisive cries on the Republican side.]

Mr. REED. That is the point; the surplus is of no account; free trade is everything. [Applause on the Republican side.]

Mr. WILSON, of West Virginia. On the other hand, with gentlemen on that side taxation is of no account, and subsidy for private individuals is everything. [Applause on the Democratic side.]

Mr. REED. I am glad to hear the gentleman from West Virginia characterize protection in that way, because it shows what he is at heart.

Mr. WILSON, of West Virginia. It is the truth.

Mr. BRECKINRIDGE, of Arkansas, obtained the floor.

The CHAIRMAN. If there be no objection, the *pro forma* amendment of the gentleman from West Virginia [Mr. WILSON] will be considered as withdrawn. The gentleman from Arkansas [Mr. BRECKINRIDGE] renews it.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, the gentleman from Maine [Mr. REED] states that the Committee on Ways and Means refused to refer the bill proposing a reduction of taxes to the Secretary of the Treasury. Sir, that matter came before the committee more than once, and it came in more than one form. There is no doubt whatever in the minds of the Democratic members of the committee that every means possible was resorted to, principally under the leadership of the gentleman from Maine [Mr. REED], to retard and delay and hinder the measures to reduce the surplus in the Treasury, until he and his associates felt constrained by the lash of an indignant public sentiment to cease their obstructive measures.

Sir, when they wanted to refer this bill to the Secretary of the Treasury in a way which involved nothing but delay the Democratic members of the committee were unwilling to enter into any such policy. But the letter of the Secretary of the Treasury is proof that we did refer the tables which are appended, and which the gentleman knows and which he can not deny, and if he does he can not bring facts to substantiate him, are the forms of tables officially employed to show the effect of a tax bill upon the revenues of the country. We were not disposed to stop in the consideration of this important part of the public business in order to wait until the figures of the Secretary could get back to us, because we had the same figures in the usual official form compiled by our clerk, who is one of the most painstaking and most experienced and accurate experts in such matters in this country.

It was a question of delay, and only a question of delay, which met with the opposition of the Democratic members of the committee. We had the tables compiled by the clerk, and we sent those same tables to the Secretary, and the Secretary's comment has been read by the gentleman from West Virginia [Mr. WILSON]. We subsequently put at their command the same figures in the form of this document which I hold in my hand, and which gives the estimated reduction at fifty-three millions of dollars. It gives every bit of information ever given that I know of in such cases. The gentleman suggests no different form of information. For my part I know of no better form. It gives every estimate. It gives more precise information in reference to every item than does any other statement, so far as I know, ever compiled by or for the committee or the House. It gives the page in the present law to which each item refers, the imports, units of value, and all that. The gentlemen have had all that was ever offered and more. They have had it unceasingly thrust at them. The gentleman from Maine can get up here and make the assertions he does, but he can not substantiate them by any documents, nor does he suggest any improvement on the tables at command.

Mr. REED. Mr. Chairman, when the gentleman drops into oratory and talks about my being lashed, he is only indulging in that style of rhetoric so suitable to his own sunny clime, but so unsatisfactory in

this region. [Laughter.] The fact of the case is, stripped of rhetoric, the demand was made, and this bill was reported weeks after that demand was made. Ample time there was and no delay designed or dreamed of.

As for the asseveration there has been any attempt to make delay the gentleman states a fact within his own knowledge that is not so. In the Committee on Ways and Means efforts were made for a short period of time to obtain information with regard to the reasons and facts which induced the opening of the various items of this bill.

As soon after careful effort as it was ascertained the other side had determined to afford to the House, to the country, and to their colleagues no information whatever, there was no more delay except to take votes on the items of the bill. And he knows and every man knows in this House that with the use of one-quarter of the powers which the parliamentary laws give us we might have detained the bill in the committee ten hours for every one which has been consumed. Here we have gone sedulously to work taking up item by item; men have risen to their feet as the interests of their constituents prompted them, and if debate has taken a wide range it only shows how wide in its extent has been the stroke against the industries of the country. [Applause on the Republican side.] If there have been many topics discussed during the consideration of this bill it is because of the fact that many of the industries of this country have been attacked; and I am very sure that the gentleman from Arkansas upon reflection will deem it desirable not to repeat that there has been any unnecessary delay with regard to the progress of the bill. When we consider that under the leadership of the present Speaker of this House, at the short session of the Forty-seventh Congress, seven weeks of the session were spent on one-half of the items of the bill, it is surprising that they should have the courage to make as many repetitions of this attack as they have seen proper to make. [Applause on the Republican side.]

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, when the Democratic party, under the leadership of the present Speaker of this House, delayed the consideration of the tariff bill to which the gentleman from Maine [Mr. REED] alludes, they delayed the consideration with the distinctly announced purpose of defeating the passage of the bill.

Mr. REED. They announced nothing of the kind.

Mr. BRECKINRIDGE, of Arkansas. I repeat, with the distinct announcement that they intended to defeat the passage of the bill.

Mr. REED. On the contrary, they denied that such was their intention.

Mr. BRECKINRIDGE, of Arkansas. I have never heard it stated by any member on this side of the House that such was not the fact.

Mr. REED. The gentleman was not in parliamentary existence at that time. [Laughter.]

Mr. BRECKINRIDGE, of Arkansas. It is true. I was not in parliamentary existence at that time, and I speak only of what I have read, heard, and believe, and not of what I can know of my own knowledge; but the fact has never been denied but often so stated by my associates on this side of the House.

Mr. REED. The gentleman is not familiar with all the facts.

Mr. BRECKINRIDGE, of Arkansas. They have stated to me that they intended to kill it; that they condemned it; they make no secret here now that it was their intention to defeat it; that they fought it for the purpose of defeating it; and I know of none of my associates on this side of the House here now who were in the Forty-seventh Congress who will get up and deny that such was the fact.

Mr. REED. No; they never deny past history; it is always the present.

Mr. BRECKINRIDGE, of Arkansas. Now, sir, as regards the parliamentary power of the committee ——

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman from Arkansas——

Mr. BRECKINRIDGE, of Arkansas. Let me complete what I was saying first.

Mr. JOSEPH D. TAYLOR. I want to ask the gentleman in this connection on that very bill——

Mr. BRECKINRIDGE, of Arkansas. I refuse to yield to the gentleman; I have not yet answered what has been stated by the gentleman from Maine [Mr. REED].

[Cries of "Sit down!" on the Democratic side.]

Mr. JOSEPH D. TAYLOR. The gentleman will not yield?

Mr. BRECKINRIDGE, of Arkansas. I will answer the gentleman after I have concluded my answer to the statements which have been made by the gentleman from Maine.

Now, sir, as far as the question of the parliamentary power of the committee is concerned, to which allusion has been made by the gentleman from Maine, the Democratic majority of that committee could have brought that bill out of committee and before the House at any time without asking anything whatever of the minority of the committee.

But, sir, we did put one month at the disposal of the minority; and while I do not care to go into a question of personal allusions with the gentleman from Maine, yet as a matter of evidence, as a matter of fact, which I believe to be absolutely true, I file my conviction in the statement that there is not a word or a suggestion that he makes about these questions, as he has now stated them to this committee, that is true. [Applause on the Democratic side.]

I contradict it *in toto*. I contradict and deny it absolutely and emphatically; and I state my belief that under his leadership, a leadership the most discourteous, the most insolent and as brutal as any ever witnessed in even a degraded assemblage of degraded men, he hindered the progress of this bill until, in my opinion, he shrank under the lash of an indignant public sentiment which demanded a reduction of the surplus revenues of this country. [Applause on the Democratic side.] I do not make any question contravening the statement of what the gentleman believes or asserts as his belief. With that I have nothing to do, but I resent with unutterable contempt the base insinuation he makes as to the integrity of my belief; and I file this statement in no spirit of animosity, but in a spirit of earnestness and zeal as distinct testimony of what I believe to be the truth of history, to go upon the records of this House to vindicate the Democratic party. [Applause on the Democratic side.]

The CHAIRMAN. Debate on the pending amendment is exhausted. If there be no objection, the *pro forma* amendment will be considered as withdrawn.

Mr. JOSEPH D. TAYLOR. I move to strike out the last word.

Mr. Chairman, I was a member of the House during the discussion of the tariff in the Forty-seventh Congress, and being a new member I had little to do but listen. I remember distinctly that the present Speaker of the House, during that discussion repudiated all the while having in view any object like delay. He said he proposed to discuss the measure, and he did discuss it at length and with very great ability; but he denied having in view the defeat of the bill by the consumption of time, and he refused to take part in any filibustering that took place at that time or looking to that end.

This the record will show. I never heard it said during that discussion by any man on the Democratic side of the House, that the course of the Democratic party aimed at the destruction of the bill by the consumption of time. The Speaker, as I then understood him, was not in favor of resorting to any method except fair discussion followed by a vote, and I did not hear any one admit at that time that the course then pursued was intended only to defeat the bill by delay and by consumption of time.

Mr. WHITE, of Indiana. Mr. Chairman, we have heard a great deal of discussion, not only to-day but in days past, about the difference of opinion between the members of the committee in the deliberations on this bill. That may be very material to them as men; but to this House and to the public generally, the people of the United States, it does not amount to anything. What we are here for is to represent the people, to look after their interests; not to look after the fighting interests of the members of that committee. I take it for granted more attention ought to be given to the bill than to quarrels between those parties.

I want to say this, with all due respect to the committee, if they had been in earnest and desirous of helping the people of the land, relieving them from taxation, they could have found a quicker, a shorter, and better method than the one they have adopted. They state that they propose doing what? To reduce the revenue $50,000,000 a year. That is all they propose doing. That is all they are asked to do by our worthy President. By that means the surplus in the Treasury will be stayed. If that is the only object they have in view, and if that is the only instruction they have received from their worthy leader, why did they not at once adopt the method of taking the duty off of sugar? That is $50,000,000 a year.

Mr. WILLIAMS. Fifty-five millions.

Mr. WHITE, of Indiana. Would not that have relieved the people of this country from their taxes? Why not select one item and not attack all the industries from Maine to California? That would only have destroyed one industry in this country. Yet I say to the committee I would not be in favor of that. I am glad they kept the sugar tax as it is. I only wish they had doubled it. It would be no hardship to the people of this country if they had doubled the tariff on sugar, for the reason that sugar to-day is cheap enough. It is cheaper than it has been for the last thirty years. It would have been very creditable to them if they had doubled the tariff on sugar. It would have encouraged the planting of sugar and the manufacture of it in this country. As it is now the tariff on sugar is not enough. It is not sufficient to encourage the planters to continue planting it. For that reason most of the sugar is raised in Cuba, Demerara, and other foreign countries.

But if the only object had been to reduce the revenue of the Government $50,000,000 it might have been done at one stroke. That would have saved all the discussion in this House, which appears to be likely to continue for a month longer. It would have reduced taxation and at the same time it would have relieved the people of the extra price on sugar.

I believe there is not a man on this side of the House but what would be willing to increase the bounty to the sugar-grower providing they had struck that out. I am satisfied that would have been the case. So either way, either by increasing the duty or striking it off, they

would have accomplished the purpose and would have saved all this discussion which is alarming the country and disturbing the industries of the land. In every paper you will read that mills are shutting down and workmen are being cut in their wages. Why? Simply because this tariff bill is discussed. They apprehend a destruction of the industries by the competition that will come in from Europe. Any thinking man who will look at this question will see that the only element of this country to be benefited by the reduction of the tariff is the rich. The poor people pay none of the tariff except on whisky and tobacco, and those are the very items on which you want to keep up the tax. There is another case where you could have struck the duty off if you pleased. Why did you not do that? That is over $50,000,000. If you had struck out the two items of whisky and tobacco you would have saved the industries of this country instead of destroying them; and you would have relieved the workingmen from the tax they pay on whisky and tobacco. [Applause.]

Mr. BRUMM. The gentleman from Arkansas [Mr. BRECKINRIDGE] stated that it was the avowed purpose of the Democratic party in the Forty-seventh Congress to defeat the tariff bill that passed that Congress. Mr. Chairman, the Forty-seventh Congress elected the Hon. J. Warren Keifer, Republican, Speaker by a majority of only two votes. It was a House almost exactly divided, with a majority of but two members, and the Democratic party were able—oh, no; not the Democratic party, but the rebel brigadiers. [Derisive laughter and applause long continued on the Democratic side.]

Why, Mr. Chairman, they are always ready to applaud whenever the Southern brigadiers are mentioned. [Loud applause on the Democratic side.] The Southern brigadiers [loud and continued applause on the Democratic side] could filibuster for a number of weeks to defeat the State tax bill, with a small majority even of their own party; and finally lashed the entire Democratic party into their measures this session. But, Mr. Chairman, in the Forty-seventh Congress, when the Republicans had a majority of but two, the gentleman from Arkansas [Mr. BRECKINRIDGE] said the avowed purpose of their party was to defeat that bill, and yet they could not with their big vote defeat it, but allowed it to pass.

If they did intend to defeat it with that vote and failed to do it, that only shows that they were true to their record as cowards not to do that which they had the power to do. [Jeers and derisive laughter on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BRUMM. I ask unanimous consent that I may be allowed to proceed.

[Cries of "Go on!" "Go on!" on the Democratic side.]

Mr. BRUMM. Half a minute more and I shall have done.

Several MEMBERS (on the Democratic side.) Take five minutes.

The CHAIRMAN. Is there objection to the request that the time of the gentleman from Pennsylvania be extended?

Mr. JACKSON. Mr. Chairman, I ask unanimous consent that the time of my colleague [Mr. BRUMM] be extended for five minutes.

[Cries on the Democratic side of "Make it ten!"]

Mr. ALLEN, of Mississippi. I move to amend by making the time ten minutes.

Mr. McRAE. Mr. Chairman, if I can be recognized I will yield to the gentleman.

The CHAIRMAN. The gentleman from Arkansas has no time to yield. [Laughter.] Unanimous consent is asked that the gentleman from Pennsylvania [Mr. BRUMM] be allowed to proceed for five minutes.

There was no objection, and it was so ordered.

Mr. BRUMM. I have only a few words to add. I say, then, that the Democratic party, if they intended to defeat that bill and failed to do it, were either too cowardly to carry out their intent, or the gentleman from Arkansas showed his entire ignorance of the facts, or he maliciously and willfully misstated them on this floor. [Renewed jeers on the Democratic side].

Mr. BRECKINRIDGE, of Arkansas. I would like to ask the gentleman, who is always so moderate and so well-informed, whether he ever heard of the Keifer ruling, by which the rules of the House were changed and the Democratic party here were completed gagged?

The CHAIRMAN. In the absence of objection, the *pro forma* amendment will be regarded as withdrawn, and the question recurs upon striking out the line, which the Clerk will again read.

The Clerk read as follows:

Glycerine, refined, 3 cents per pound.

The CHAIRMAN. Debate upon this amendment is exhausted.

Mr. REED. I move to strike out the last word. Mr. Chairman, the gentleman from Arkansas [Mr. BRECKINRIDGE] has raised between him and myself not exactly a question of veracity, but a question as to which of us would be most liable to be mistaken as to a fact. [Laughter.] He has asseverated in the presence of this Congress, the Fiftieth, that the gentlemen of his party in opposing the tariff bill of the Forty-seventh Congress distinctly and openly avowed that that was their purpose. I asseverate the contrary.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman permit me a moment?

Mr. REED. Certainly.

Mr. BRECKINRIDGE, of Arkansas. I do not asseverate that of my knowledge, but of my belief. I was not present and do not know of my own knowledge. I have no doubt of it, however.

Mr. REED. I will give the gentleman the benefit of his explanation, and will now proceed. In the presence of the Democrats of the Forty-seventh Congress, who then knew what they were doing and what they were willing to avow they were doing, I made some observations, which will be found on page 2136 of the sixty-first volume of the CONGRESSIONAL RECORD. I will not read the whole of what I then said, but I will read sufficient to show that the question was distinctly put to them.

They—

The Democrats—

have, in the face and eyes of this country, for the last week and more, by dilatory motions, by resort to every parliamentary tactic derived from their fertile knowledge of such subjects, by the enunciation of every trifle they could think of upon unimportant points, indicated their disposition to beat this bill by any means—as was said by the gentleman from Missouri [Mr. BLAND]—fair or foul; but they have not the courage even of their prejudices. They do not dare to-day to come here and say so. When there is a debate like this, when things must put on their best face, it is not the gentlemen from Illinois [Mr. SPRINGER and Mr. TOWNSHEND] who are put to the front. It is the gentleman from Kentucky [Mr. CARLISLE], and he talks to us about the sacred liberty of speech, while the gentleman from Illinois [Mr. SPRINGER], in his own proper person, illustrates the license of speech. The gentleman from Kentucky says he has not proposed any factious amendments. No; that is not his rôle. It would not sit fittingly upon him. He is of too high character to do that work; but others are set to do it before his very face and eyes. This country knows that these gentlemen mean to beat this bill. The country would be glad if they had at least the virtue of courage and would avow it.

Now, if they had avowed it openly in that Congress could I have used such language without dispute in their presence?

Mr. BLAND. The gentleman will do me the honor to admit that I did avow it, because he refers there to the fact that I made the avowal on this floor.

Mr. REED. The gentleman is the only one. Mr. CARLISLE distinctly denies it, as you will find by his remarks on page 2135 of the RECORD.

Now, it is perfectly well known by every man who was a member of the Forty-seventh Congress, it is known to the gentleman from Missouri [Mr. BLAND], that repeated charges of this kind were made and they were repeatedly denied. Instead of avowing it they absolutely refused to avow it; but took refuge in dilatory motions. Now, you can see the courage which it requires of gentlemen of the same party to come here after treating a tariff bill in that manner in a short session of Congress and object to legitimate, fair, and proper discussion of this bill.

Mr. BLAND. If I remember correctly, we had only one week's debate in Committee of the Whole on that bill before it was taken out of committee and passed.

Mr. REED. The gentleman's memory does not serve him correctly.

Mr. BLAND. I think that was stated by Mr. CARLISLE in his speech before the adoption of the rule.

Mr. REED. The bill was never passed; the Democratic party killed it by delays. We stopped when we were half-way through with it.

Mr. BLAND. But the bill from the Senate was taken up and passed.

Mr. REED. We passed the Senate bill in very short order.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted. If there be no objection, the *pro forma* amendment will be considered as withdrawn.

Mr. BAYNE. I renew the *pro forma* amendment. The gentleman from Maine [Mr. REED] has alluded to the fact that in the discussion of this bill the opprobrious name "taxes" has been almost invariably applied on the other side to tariff duties. That is the fact; and when the other side of the House has been charged by this side with advocating free trade, I have not observed during the whole progress of this debate a single gentleman rise in his place and protest that that side of the House was not in favor of free trade or in favor of a policy which would lead to free trade. But we have asserted that in the campaign of 1884 protectionist Democrats like my colleague [Mr. RANDALL] and others declared upon the stump that the Democratic party was not in favor of free trade and was in favor of protection.

I wish now to call attention to the fact that thus early in the campaign—almost immediately after the nominations of the two parties for the Presidency have been made—our amiable and kindly Speaker, in a speech delivered the other night in New York City, after declaring that the Democratic party is not in favor of free trade, proceeded to say:

After a careful investigation of the whole subject—

The tariff subject—

it was thought best to propose the abolition of the internal-revenue taxes upon unmanufactured chewing and smoking tobacco, not including cigars, cigarettes, and cheroots, and the repeal of tariff taxes on certain articles of necessity, with moderate reductions of the rates of duty upon others where the existing rates were unusually high; and accordingly the measure now so widely known as the Mills bill was prepared and reported.

Governor Hill, of New York, in making a speech on the same occasion, declares that the Democratic party is not in favor of free trade, and states also that the effort of the Democrats in Congress is to reduce the duties where they are too high, and to correct inequalities and absurdities in the existing law. It will be observed that the Democratic speakers who have already gone upon the stump, even while this bill is pending in the House, do not use the opprobrious term "taxes," but they adopt the more euphonious word "duties," and speak of the tariff as needing revision on account of "inequalities" and of reducing duties where they are "unusually high." The attitude thus taken before the country on behalf of the Democratic party by the Speaker of this House, when he appears before an audience of Democrats in the city of New York, and taken by the governor of the State of New York before the same audience, is inconsistent with the stand taken by the Democratic members of the House of Representatives, who characterize duties all the way through as "taxes," and endeavor by the frequent use of that term to bring opprobrium and odium upon the tariff system of the country.

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn.

Mr. YARDLEY. Mr. Chairman, I do not wish to occupy time, nor to interfere with the entertainment which has been in progress here; but I desire to call attention to the fact that the duty upon glass bottles, demijohns, and pickle and preserve jars is 1 cent per pound under the present law, while the Mills bill, as now presented, makes the duty three-fourths of 1 cent per pound. To show the unfairness and injustice of this reduction as affecting a great industry in my district, I desire to have read a letter which I send to the desk from the Diamond Glass Company.

The Clerk read as follows:

ROVERSFORD, PA., *March* 9, 1888.

DEAR SIR: We notice in the Mills tariff bill, just introduced in the House of Representatives, that there is a proposed reduction on duty of empty bottles to three-quarters of a cent per pound, and makes filled bottles in many cases free. Have that committee an idea of what they are trying to do, or do they wish the glass manufacturers of the United States to shut down until our workmen submit to work for same wages as Europe is paying. Why, at the rate of duty now, 1 cent per pound, we meet with competition almost every week, and I have seen figures from Dresden and Belgium the same as ours on the same contract, and our figures were low at that. The imports on this line of goods were 75 per cent. greater last year than the year previous, and recent orders given by a number of small dealers at still lower rates than six months ago indicate still greater imports for next season at prices American manufacturers can not afford to meet.

As the present duty of 1 cent per pound does not cover the difference in wages between imported articles and domestic, any reduction on rates will decrease production in the United States, increase imports, and must of necessity increase revenue; you can see at first glance the foolishness of the proposed reduction.

Under existing tariff regulations green-glass bottles when imported, if filled, pay 30 per cent. ad valorem in addition to duty on contents. The difference between specific and ad valorem duty on same class of bottles, one being empty the other filled, is as follows: We will take a 23-ounce, green, quart bottle, of which there are hundreds of gross imported into the United States yearly, filled with just water, which can be emptied out and the bottles used for other purposes.

Items.	Empty, per gross.	Filled, per gross.
Cost of manufacturing in Europe	$2.14	$2.14
Packing and freight to seaboard	.82	.82
Freight to America	.35	.35
Duty	*2.07	†.64
Total	5.38	3.95

* Specific duty on 207 pounds of glass, at 1 cent per pound.
† Ad valorem duty of 30 per cent.

Making a difference of $1.43—a marked difference, and that of itself is sufficient to be brought before Congress.

The manufacture of glassware in your district is a young industry, and bids fair to grow considerably in a short time if it is not restricted by some tariff tinkers who know nothing about the business. You being our Representative we look to you for protection.

We are yours, etc.,

DIAMOND GLASS COMPANY.
J. M. SCHELLINGER, *Secretary.*

Mr. ROBERT M. YARDLEY.

Mr. YARDLEY. So far as I know there has not been a single petition and there is not a single individual asking for a reduction on these articles in this bill. My constituents, on the contrary, are protesting against it, and I ask to have read by the Clerk a petition signed by fifty-five laboring men in Montgomery County, in the State of Pennsylvania, against it.

The Clerk read as follows:

To the Members of the House of Representatives of the United States, in Congress assembled:

We, the undersigned, green and colored glass bottle blowers and other citizens of Montgomery County, Pennsylvania, interested in the manufacture of glass bottles, most respectfully petition your honorable body against the 25 per cent. reduction in import duty on green and colored glass bottles proposed in the Mills tariff bill. Under the existing tariff on glass bottles a considerable importation takes place annually, and to reduce the present duty any would result positively in increasing importations to such an extent as to demoralize the trade, or would reduce the price of labor equivalent to the amount of the reduction in duty. Your petitioners claim the present duty to be as low as it should be to enable our manufacturers to compete with foreign manufacturers and pay wages that such exhausting labor is entitled to. And we most respectfully ask your honorable body that the present duty of one cent per pound should be retained.

And your petitioners shall ever pray, etc.

H. Kaltenbach, E. D. Martin, D. G. McCaig, Henry Schnell, Jos. F. Buzby, Andrew J. Christie, Henry Long, Chris. Cellars, Thomas Usherwood, S. Carnelo, S. M. Houck, J. B. Wentzell, J. Ruckel, F. Carmelia, W. Carmelia, J. W. Hiller, D. D. Holcombe, J. Merritt Schellinger, William J. Ralston, John B. Moser, A. W. Berks, H. S. Mattes, J. Stokeley, James F. Walsh, George Lewis, Jacob Wentzell, Arthur Roxby, J. A. Frederick, Chas. Raiser, Apey Busherd, John Crothers, L. B. Strouse, E. M. Lockhart, A. Eppehimer, E. Matthews, F. Matthews, E. S. Langner, John C. Rickle, B. Geisinger, Chas. A. Price, H. W. Fredirici, Patrick Hynes, John B. Lochrey, Theo. Porter, W. M. Stickle, Henry Ganner, Edward Thomas, T. A. Fry, Martin McJuane, John E. Schrack, B. McMahon, W. F. Buckwalter, Harry Carmelia, Frank Eppehimer.

The CHAIRMAN. The Chair hears no objection, and the formal amendments are withdrawn.

Mr. STONE, of Kentucky. Mr. Chairman, I move to strike out the last word, and I do so for the purpose of having read, in answer to what has been read on the other side of the House, a card, which is only a sample of numbers I am receiving every day from the people of the First Congressional district of Kentucky.

The Clerk read as follows:

IRON HILL, KY., *June* 20, 1888.

Mr. W. J. STONE:

We are watching Congress with eager interest. You say to them fellows they may as well agree to reduce that tariff. We clod-hoppers are going to patch our old wool hats and tie up our last winter brogans with hickory bark until it's done.

Yours, truly,

J. M. DEAN.

[Laughter and applause.]

Mr. JACKSON. Mr. Chairman, I send to the Clerk's desk and ask to have read in my time a petition from laboring men of Beaver Falls, in the Congressional district I have the honor to represent, on this same subject. It is one of strong protest against the passage of the Mills bill. The paper is signed by skilled laborers, men who make iron nails and glass, men who make machinery of the finest quality. The signers of the petition live in a town that has graded schools, numerous churches, and a flourishing college. They are industrious men, proud of the name of laborers. They are men who delight in the prosperity of their thriving city, which is a very hive of industry. They know the good effects of the American system of protection. They have seen the various industries in which they are employed grow and increase with protection. It has enabled them to receive good wages and support themselves and families in comfort. They have seen their town grow from a small village to its present size, and they view with dread your attack on their industries. They solemnly protest against the passage of the Mills bill. [Applause on the Republican side.]

BEAVER FALLS, *April* 9, 1888.

Hon. O. Jackson and the Congress of the United States:

We the laboring class of this, your Congressional district, feel that if the present Mills tariff bill becomes a law that it will injure the laboring classes and the industries of this district. We would petition you and your honorable body to use your utmost to defeat the passage of said bill, as we feel confident that if passed it will be detrimental to all concerned.

PETITIONERS.

G. C. Hamilton, heater, New Brighton, Pa.; Alfred Turner, roller; William Ruckert, heater; Samuel Turner, blacksmith; James W. Murray, shearman; Jackson Vaughn, Joseph Tate, A. J. Hagan, G. W. Murray, Thomas Holt, Frank Kain, Christopher Keeling, Anthony Lloyd, Hamilton X. Gosneyr, Athea X. Fox, John Ritz, Jonathan Evans, Fred Small, H. Readman, Fred N. Harlan, B. Young, Joseph James, John Greenwood, Thomas Bates, George Hales, A. C. Ross, William Rogers, roller; Elmer Johnson, Thomas Hagan, William Cole, J. F. Wilson, G. W. Tomlin, tailor; Jno. C. Hart, Frank Boswell, S. L. Fridiger, C. H. Kelley, W. A. Heckathorn, molder; P. W. Boswell, John Boswell, John Martin, H. A. Moore, John Fagan, Richard Kennedy, James S. Paterson, Edward W. Jones, William Doyle, Frank McQuilla n, John E. West, W. N. Rea, Chas. W. May, Martin Mooney, John B. Barratt, Thos. Minehin, James Wynn, Charley Kure, William Stirling, Wm. Warner, G. W. Coates, D. A. Garden.

Mr. JACKSON. My friend from Kentucky says, as I understand him, that his petition for this bill is from the clod-hoppers or hickory-barkers in his district, and I hope he does not have many such as these—men who do not want to see thriving and prosperous communities growing up as the result of skilled labor and industry. The men I speak for, and who protest against the passage of the Mills bill in the petition which has been read, are those who are skilled workmen; who have built up a thriving town with prosperous industries. The petitioners in my district, as I have stated, are surrounded with schools and churches, whose wives and children are refined and educated women, as lovely as any the sun shines on, well dressed and happy. These constitute the class which this bill strikes at. If the constituents of my Kentucky friend would only visit our thriving towns and see the benefits of protection they would never favor the Mills bill again. It is to change the clod-hoppers to skilled laborers with happy homes in every part of our country that I favor the system of protection. I shall welcome the day when every part of Kentucky and the whole land shall enjoy its benefits. [Applause.]

[Here the hammer fell.]

Mr. STONE, of Kentucky. I believe my time has not expired, Mr. Chairman, and I only wish to say in reply to the gentleman from Penn-

sylvania tha I am proud to represent upon this floor men who cultivate the soil and who live on their own earnings and do not wish to take what belongs to others, but remain content with that which is their own. Their honest toil crowns them with honor, and they do not seek to impose burdens of taxation upon others in order that they may reap greater profits like the constituents who oppose the passage of the Mills bill. It may be the "clod-hoppers" do not wear the costly clothing or indulge in the luxuries of the gentleman's constituents, but it is equally true that they only spend upon themselves the money which they honestly earn, and that they do not indulge in extravagant expenditures which are paid for by unjust burdens of taxation imposed upon others who are least able to bear them. My constituents prefer to cultivate the soil and to labor in the fields and to live fairly and justly, and to do equal and exact justice to all. They are in favor, therefore, of doing away with the dangerous surplus by reduction of taxation.

[Here the hammer fell.]

The Clerk read as follows:

Acid, acetic, acetous, or pyroligneous acid, exceeding the specific gravity of 1.047, 5 cents per pound.

Mr. BRECKINRIDGE, of Arkansas. I move that the committee now rise.

Mr. ADAMS. I suppose this line will be understood as pending?

Mr. BRECKINRIDGE, of Arkansas. Yes.

The motion was agreed to.

The committee accordingly rose; and Mr. BLOUNT having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the tariff bill, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of a joint resolution (H. Res. 187) to provide temporarily for the expenditures of the Government, with an amendment in which concurrence was requested.

TEMPORARY APPROPRIATIONS.

Mr. RANDALL. I ask the House to consider the amendment of the Senate to the joint resolution extending the appropriations for thirty days.

The SPEAKER *pro tempore*. The Clerk will read the Senate amendment.

The Clerk read as follows:

Page 1, line 11, of the joint resolution, strike out the word "amount" where it occurs the second time.

Mr. RANDALL. The word stricken out was inserted by a clerical error, being a mere repetition of the word. It does not change in any way the purport of the resolution. I move, therefore, to concur in the Senate amendment. The error was made in transcribing.

Mr. ADAMS. Does this extend the appropriations for twenty days?

Mr. RANDALL. Thirty days.

The Senate amendment was concurred in.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. I move that the House now adjourn.

The SPEAKER *pro tempore*. Under the order of the House the House is to take a recess at 5 o'clock until 8 o'clock to consider pension bills.

Mr. BRECKINRIDGE, of Arkansas. Then I move that the House now take the recess.

The motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., resumed its session.

BETSY LOCKWOOD.

Mr. MORROW. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. 10244) granting a pension to Mrs. Betsy Lockwood.

Mr. MATSON. Unless there is some special reason for taking this up out of its regular order I shall object.

Mr. MORROW. This is an exceptional case. This is the daughter of a Revolutionary hero, and she is ninety-five years of age.

Mr. MATSON. I have no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Mrs. Betsy Lockwood, daughter of Joseph Mather, deceased, and a commissioned officer of the war of the Revolution, and pay her a pension at the rate of $20 per month.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MORROW moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. JOHNSTON, of North Carolina. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill H. R. 10579.

Mr. MATSON. If there is any special reason I would like to know what it is why this bill should be passed out of its order.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The Clerk proceeded to read the bill.

Mr. MATSON. I object, and move that the House resolve itself into Committee of the Whole to consider bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

Mr. MATSON. I ask unanimous consent, at the earnest request of several members, that each member present may be permitted to call up one bill.

There was no objection.

SAMUEL MASSEY.

Mr. JOHNSTON, of North Carolina. I ask to call up the bill (H. R. 10579) to place the name of Samuel Massey on the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Samuel Massey, of Charleston, Swain County, North Carolina, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. MATSON) is as follows:

At the beginning of the late war the claimant was a resident of Swain County, North Carolina, and a strong Union man. He was not regularly enrolled in the service of the Union Army, but received orders from General Carter, then operating in East Tennessee, by whom papers of loyalty were issued, authorizing said claimant to engage in recruiting men for the Union Army. He alleges that he made from 1862, first trip, to the time of the surrender of Knoxville, last trip, eleven round trips to Knoxville, carrying through to the Federal Army about four hundred persons from Western North Carolina and upper South Carolina.

He alleges that next to the last trip he made to Knoxville he and his guard had an encounter with Confederate soldiers near Waynesville, in which three Confederate soldiers were wounded, and thereafter on same day, at Davis Gap and Pigeon River, Recruiting Officer John Swanger and Pink Inman, who was with claimant, were killed. About one week thereafter claimant was captured on the headwaters of Cany Fork, and was carried to Webster and put in jail. A short time thereafter he was carried to Quallatown and put under guard of twelve men, and on the third night he succeeded in removing the handcuffs from his wrists. He threw ashes in the eyes of the immediate guard and escaped, but in doing so was shot through the right leg, through the muscle, from which wound he was confined to his bed and room for ninety days.

He alleges that he has never been able to do hard manual labor since the infliction of said wound; that the recruiting papers given by General Carter were on the person of John Swanger when killed; that he was at that time illiterate, could neither read nor write, and did not know the contents of the papers, except as informed by General Carter and others; that he was recognized and acted as recruiting officer for the United States, and during said service was furnished clothing, ammunition, and arms by the United States Army at Knoxville.

Lebo Gibson testifies that he has known claimant since 1860; that he was one of a party of twenty-seven conducted to the Union Army, eight of whom he remembers were Federal officers escaped from prison at Columbia, S. C.; he saw the recruiting paper of claimant, and knows that he was recognized and acted as recruiting officer for the United States.

Andy A. Crawford testifies that he has known claimant over thirty years; that he was engaged, as he understood and believed, over two years in the recruiting service of the United States; that he had to his (Crawford's) knowledge conveyed four different parties of loyalists from Western North Carolina to East Tennessee, about 125 miles, numbering from one hundred to two hundred men, up to 1863. He was one of a party of about thirty conveyed to East Tennessee by said claimant.

E. Everett testifies that he is acquainted with claimant; that after claimant's capture as alleged he was put in his charge; that he escaped by removing his handcuffs and throwing ashes in the eyes of his guard. The next he heard was that claimant had been shot in the leg while making good his escape.

D. K. Collins testifies that he was a soldier in the Confederate army and on duty at Quallatown when claimant was brought in a prisoner. While he was guarding him claimant made his escape, and he fired on him, the ball taking effect in the right leg, as he was informed.

W. J. Worley testifies that he was in the Union Army from 1863 to 1865. He knew claimant, and knows that for three years it was generally understood that claimant was serving as recruiting officer for the United States Army.

The evidence before the committee seems to fully establish the fact that the claimant was in the service of the United States as recruiting officer; that his services were of great value; that while acting as such recruiting officer he was taken prisoner, and in making his escape was shot as alleged.

The committee believe this to be a meritorious case, and therefore submit a favorable report and recommend the passage of the bill with the following amendment: After "pension-roll," in line 5, insert "and pay him the pension of a captain."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES C. WHITE.

Mr. HUNTER. I call up the bill (H. R. 9344) granting a pension to James C. White.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James C. White, late a private of Company I, Twenty-first Regiment of Kentucky Volunteer Infantry.

The report (by Mr. HUNTER) is as follows:

It appears that claimant was enrolled and mustered into the United States service in Taylor County, Kentucky, on the 29th day of September, 1861, for three years, and while serving in that command at Atlanta, Ga., he incurred a double rupture by heavy lifting while employed in the commissary department.

He filed an application for pension in the usual way on the 4th day of August, 1883, but the claim was rejected by the Pension Bureau on the 30th day of September, 1887, "on the ground that after a reasonable time claimant has failed to furnish the necessary evidence to establish his claim."

The character and location of the trouble was such as to preclude the possibility of comrades seeing the accident occur. Even the claimant was ignorant of the true nature of the injury for some time after its incurrence, hence his inability to furnish positive proof as to the exact time and place the hernia was produced.

It is shown by a joint affidavit of two comrades, James Anderson and Cyrus W. Murphy, furnished on the 19th day of August, 1884, that soon after the heavy lifting referred to claimant called their attention to the tumor; that they saw the hernia then and have heard him complain of it up to the date their statement was furnished.

W. G. Hunter, United States examining surgeon at Burkesville, Cumberland County, Kentucky, made an official examination of claimant on the 10th day of September, 1883, and stated as follows:

"I find this applicant afflicted with incomplete direct inguinal hernia of both sides, or double inguinal hernia. These tumors are reducible, and a double truss which he wears keeps the tumors back."

Your committee are decidedly of the opinion that claimant incurred hernia in the service and in the line of duty, as alleged, and therefore make this favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MOSES T. COFFEY.

Mr. MATSON. I call up the bill (H. R. 9878) granting a pension to Moses T. Coffey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Moses T. Coffey, late a private in Company H, One hundred and forty-eighth Regiment Indiana Volunteers.

The report (by Mr. MATSON) is as follows:

Claimant enlisted February 10, 1865, as a private in Company H, One hundred and forty-eighth Regiment Indiana Volunteers, and was mustered out with company, by reason of close of the war, September 5, 1865.

In his application for pension, filed February 7, 1885, claimant alleges that while in camp near Nashville, Tenn., about March 15, 1865, he incurred a rupture of the left side, and at the same time and place he injured his back by a strain when making a leap or jump; that he also claims pension for erysipelas, resulting in deafness of both ears, said disease having been contracted near Pulaski, Tenn., about April 5, 1865.

The claim was rejected January 27, 1887, on the ground that the alleged rupture of left side and injury of back were not incurred in the line of duty; that the claimant has stated his inability to furnish the necessary proof to show that deafness resulted from erysipelas or is otherwise due to the service, and that erysipelas is not shown to have caused any disability.

The records on file in the office of the Surgeon-General, United States Army, show that claimant was admitted to Sixth Division Hospital at Pulaski, Tenn., April 5, 1865, with erysipelas, and returned to duty June 28, 1865.

The board of examining surgeons, under date of April 8, 1885, report as follows:

"Claimant has left inguinal hernia. The hernia is not down into scrotum, but has passed out of external ring to nearly size of fist. It can be reduced, and might be retained with a pad.

"Tenderness of lumbar region of spine and considerable atrophy of lumbar muscles, slight tenderness of left great sciatic nerve. The tympanum is perforated, the opening size of a pea; severe deafness of right ear. The tympanum of left ear is also perforated; perforations small; slight deafness. Rating ten-eighteenths third grade."

Several comrades testify that they were present and saw claimant injured as alleged, and the records on file in the office of the Adjutant-General, United Stated Army, show that claimant was in hospital at Nashville, Tenn., since March 14, 1865, and returned to company about April 3, 1865; cause for which sent to hospital not stated.

Claimant's neighbors testify that he was a sound, able-bodied man at the time of his enlistment in the military service of the United States, and that on his return home from the service he (claimant) was ruptured, and was continually complaining of his back, and at different times was almost unable to get out of his house.

From the evidence presented your committee fully believe that this soldier was injured as alleged, and that his deafness was caused by erysipelas while in the military service of the United States, therefore report favorably, and recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID A. YEAW.

Mr. SPOONER. I ask consent to call up the bill (H. R. 9595) granting a pension to David A. Yeaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of David A. Yeaw, late a private in Company D, Eleventh Regiment of Rhode Island Volunteers.

The report (by Mr. SPOONER) is as follows:

David A. Yeaw was a private in Company D, Eleventh Regiment Rhode Island Volunteers. He enlisted in said service September 17, 1862, and was discharged for "hydrocele and general debility" February 14, 1863.

The soldier's claim for pension was rejected by the Pension Office because the statement appears in the surgeon's certificate of disability, upon which he was discharged, that the disability "existed prior to enlistment."

No suggestion of such prior disease or disability appears, except as stated in said surgeon's certificate, and nothing appears to indicate the origin or foundation of such statement; while, on the other hand, Dr. George H. Taft, who was assistant surgeon of the soldier's regiment, testifies that the soldier was injured on the march of the regiment, on or about October 10, 1862, and that said injury resulted in hydrocele and general debility, for which he was discharged in February following. Lieut. Henry S. Olney, of the same regiment, and the mother, brother, and uncle of the soldier testify from their personal knowledge that prior to his enlistment the soldier was in sound health and free from the disease for which he was discharged the service; and the same fact is corroborated, if not directly testified to, by the testimony of Dr. C. G. McKnight and Captain Goston of the soldier's company.

The examining board of surgeons at Providence, R. I., report a rating for existing disability; and other testimony on file shows that the soldier's disability has existed since his discharge.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EDSON SAXBERRY.

Mr. ANDERSON, of Illinois. I ask consent to call up the bill (H. R. 6193) for the relief of Edson Saxberry.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Edson Saxberry, late private Company C, Ninety-ninth Regiment Illinois Volunteers, on the pension-roll, at the rate prescribed by existing provisions of law.

The report (by Mr. LANE) is as follows:

The soldier entered the service on the 23d day of August, 1862, and was discharged July 31, 1865. In the latter part of the year 1863, on the march with his company up Teche River from New Orleans, he bruised his right leg, which became very sore.

The report of the Surgeon-General shows that he was admitted to Adams General Hospital, Memphis, Tenn., December 17, 1864, with indolent ulcer of right leg, and returned to duty January 6, 1865. About the time this soldier's leg began to heal his eyes became sore.

The application was rejected by the Pension Commissioner on the ground of disability prior to enlistment.

Neither the record of the mustering officer nor that of examining surgeon who received the soldier into service shows any disability at time of enlistment. This claim of rejection is based on the report of the special examiner, who reports that the soldier admitted that he had had sore eyes several times prior to enlistment. This report is strengthened by the statement of several neighbors to the special examiner that the soldier had weak eyes before enlistment.

The soldier filed an affidavit, in which he denies having made any such statement to the special examiner, and he is confirmed in this denial by the statement of two neighbors, who swear that they were present at the time that this statement was taken by the special examiner. In addition to this he filed several affidavits of neighbors, who state that he was sound and free from those disabilities at the time of enlistment.

The committee, from a review of the evidence, is inclined to the view that the soldier's prior soundness has been established; and inasmuch as the soldier served for over one year before the disability showed itself, the committee think that is sufficient, with the numerous affidavits of soundness filed, to bring this case within the line of pensionable cases.

The committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MYRON TEACHOUT.

Mr. ROMEIS. I ask unanimous consent to call up the bill (H. R. 9894) granting a pension to Myron Teachout.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Myron Teacharet, late of Company G, One hundred and twenty-third Regiment Ohio Volunteer Infantry, subject to the limitations of the general pension laws.

Amend the title so as to read: "A bill granting a pension to Myron Teachout."

The report (by Mr. YODER) is as follows:

The bill proposes to grant a pension to Myron Teacharet, who served as private in Company G, One hundred and twenty-third Ohio Volunteers, from December 17, 1863, to May 13, 1865. He applied for pension June 24, 1880, on account of chronic diarrhea and ulcers of right leg. This application has been rejected on the ground that there is at present no disability from chronic diarrhea, and the diseased condition of the leg is not satisfactorily connected with the service. The record establishes the fact that the claimant was treated during the latter part of his service for chronic diarrhea, and was mustered out from hospital. It is claimed that while under treatment for the latter disease the legs became dropsical, and in particular the right leg, on which sores broke out below the knee.

There is an abundance of lay testimony showing an extremely debilitated condition of claimant, and the existence of the ulcers of leg immediately upon return home, but the death of the physician who treated him at that time precludes the possibility of furnishing medical evidence on that point. Dr. Woodward testifies to treatment of leg from 1871.

Medical examinations show periostitis and necrosis of the tibia of right leg, from 2 inches below the knee to within 2 inches of the ankle, also an open superficial ulcer, size of a silver half-dollar, on lower third over tibia, for which the surgeons rate at total.

The medical reviewer of the Pension Office admits that ulcers may appear on legs as a result of dropsy, and that dropsy may result from chronic diarrhea, but to establish such sequences it must be proven that as a result of diarrhea the subject becomes very much emaciated, debilitated, and anæmic.

It appears to your committee that the evidence presented on that point is as strong as lay testimony can establish the fact, and could claimant produce the testimony of the physician who treated him upon discharge, the pathological connection between the chronic diarrhea of service and the present disability would be fully established. This, however, can not be done for reasons heretofore stated. But aside from the lay testimony showing the anæmic condition of the soldier at discharge, the record necessarily points to such a condition. He was admitted to general hospital July 10, 1864, for chronic diarrhea, and remained under treatment until discharged the service from the hospital, at a date subsequent to the close of the war, and when the authorities were closing up hospitals and discharging the inmates, whether cured or not.

In the absence of any evidence, medical or lay, questioning the origin of the disability, your committee feel justified in accepting the testimony as sufficient to show its connection with claimant's military service, and therefore report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the word "Teacharet" wherever the same appears in the same or its title, and insert therein instead the word "Teachout."

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SARAH ANN WATERS.

Mr. RUSSELL, of Massachusetts. I call up the bill (S. 1258) granting a pension to Sarah Ann Waters.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Ann Waters, mother of George Waters, deceased, late a private in Company G, Ninth Regiment of United States Colored Troops.

The report from the Senate committee is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1258) granting a pension to Sarah Ann Waters, have examined the same, and report:

This claim was fully considered by the committee at the second session of the last Congress, but lack of time prevented action on the bill, which was identical with that under consideration, and which is hereby reported favorably, and with the recommendation that it do pass.

The report of the committee of the last Congress, made by Mr. SAWYER, is hereby adopted, and is as follows:

"This bill is to pension Sarah Ann Waters as dependent mother of George Waters, Company G, Ninth United States Colored Troops. The record evidence shows that he died of Asiatic cholera at Brownsville, Tex., August 28, 1866. He was enrolled in 1863. His record is good. The application was rejected by the Pension Office on the ground that he left a minor child. It appears that he left no widow; there is no evidence that he was married. The child was an infant, and its death and that of the soldier occurred within a few months of the same time.

"It also appears that the son before he enlisted was a waiter, and gave his pay to his mother, whose husband had been dead many years. It is the opinion of the committee that, if application had been made promptly after the son's death and evidence had been produced, as it might have been, the case could have been substantiated to the satisfaction of the Pension Office; but this poor old colored woman had no one to advise, no one to aid her, and was not probably sufficiently intelligent to proceed in obtaining the necessary proofs. It is very clear that she was dependent upon him; that she is now very needy; that there is no minor child; that there has been no minor child to dispute her claim or to be wronged by her being allowed a pension.

"The bill is reported favorably, with a recommendation that it do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE R. HASELTINE.

Mr. GALLINGER. I call up the bill (S. 2385) granting a pension to Caroline R. Haseltine.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caroline R. Haseltine, mother of Edward C. Haseltine, late ensign in the United States Navy from New Hampshire, and pay her at the rate of $15 per month.

The report (by Mr. GALLINGER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2385) granting a pension to Caroline R. Haseltine, beg leave to adopt the Senate report as a part of their own, as follows:

"The claimant is the mother of Edward C. Haseltine, late an ensign in the United States Navy, who graduated at the Naval Academy in 1861. On December 27, 1862, he was appointed an ensign, and ordered to duty on the Housatonic, a man-of-war, then forming part of the South Atlantic blockading squadron. The Housatonic was destroyed by a rebel torpedo off Charleston, February 17, 1864, by which event Ensign Haseltine met his death. The father of this officer was a man of small means during his life-time, and died November 16, 1883. The claimant, his widow, is now destitute, and has no children to aid in her support.

"No application has been made to the Bureau of Pensions in this matter, for the reason that at the time of the officer's death his mother was not dependent upon him, and under the restrictions of the general law the application would certainly be rejected, by reason of the want of power to relieve in such a case, however meritorious.

"Your committee are of the opinion that this is an exceptional case, and that this lady is entitled to relief."

A member of the House Committee on Invalid Pensions has personal knowledge as to the present dependence of claimant, and as the Commissioner of Pensions has recommended a change in the general law making present dependence a sufficient ground for relief, your committee report the bill back favorably, and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WASHINGTON T. OTEY.

Mr. LANDES. I call up the bill (S. 1307) to increase the pension of Washington T. Otey.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Washington T. Otey, late a lieutenant of Company F, of the Sixty-second Regiment Illinois Infantry Volunteers, and to pay him a pension at the rate of $12 a month in lieu of the pension he is now receiving.

The report (by Mr. LANE) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1307) to increase the pension of Washington T. Otey, have examined the same, and report:

This case was reported adversely on March 20, 1888, on the ground that the additional testimony in support of his application for an increase is substantially the same as that upon which the original pension was granted.

[Senate Report No. 660, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1307) to increase the pension of Washington T. Otey, have examined the same, and report:

Claimant enlisted in Company F, Sixty-second Illinois Volunteer Infantry, December 15, 1861; re-enlisted as a veteran volunteer December 23, 1863, and was discharged as a sergeant March 6, 1866. He is now receiving a pension at $8 per month, by special act of Congress approved June 24, 1886. His application for increase of pension was filed August 18, 1886, and rejected November 17, 1886, on the ground that claimant was pensioned by special act, which fixed the rate and prevents increase under the general law.

In his application for increase of pension claimant states that the injury to his back not only totally disables him for the performance of manual labor, but also causes much pain and suffering; that at times he is confined to his bed and not able even to turn himself; that men are sometimes detailed from the Grand Army of the Republic to wait upon him; that owing to the severity of his injury he believes himself entitled to a higher rate of pension.

In his subsequent affidavit claimant states that he has been unfit for manual labor ever since he came out of the service, by reason of injury of back incurred by having been caught by his left foot and thrown down stairs from the deck of a vessel by James Borgin, an insane comrade, whom he was taking to Washington, D. C., by special order of Maj. Gen. F. Steele; that his pecuniary means are entirely exhausted and that the charity of the Grand Army of the Republic has often been extended to him; that his small pension of $8 per month is not sufficient to keep himself and three children, seven, nine, and fourteen years of age, respectively; that his disability was incurred in the line of duty, while under special orders of his superior officers; that his disability is greater than the loss of an arm or leg; that he is compelled to have speedy relief.

"T. N. Browning states that the pension granted claimant, $8 per month, is entirely too low and out of proportion to the degree of his disability.

"William C. Jones states that claimant deserves a higher rate of pension.

"Dr. T. N. Rafferty, of Robinson, Ill., testifies that he has been acquainted with claimant during the last seventeen years; that claimant has been a constant sufferer from injury of back received in the service, and resulting in rheumatism of back and hip-joints, rendering him unfit for manual labor of any kind.

"It would appear that claimant is entitled to a higher rating than that at which he was pensioned by the former action of Congress, but as the additional testimony in support of his application for an increase is substantially the same as that upon which the original pension was granted, the committee do not find warrant for a favorable recommendation."

The bill was recommitted April 6, 1888, additional evidence having been filed, as follows:

In affidavit executed April 11, 1888, George W. Harper, of Robinson, Ill., testifies that he has known claimant during the last twenty-five years, more intimately for the last eight years; that claimant has been disabled, on account of a weak back, during all the years since the war, but especially during the last eight years; that claimant is a brickmason by trade, but owing to the weak condition of his back he is unable to follow his trade or to support himself and his large family by manual labor.

In affidavit executed April 11, 1888, Allen T. Baker, of Robinson, Ill., testifies that he has been acquainted with claimant during the last two years, and that claimant is crippled in his back, wholly disabling him from manual labor; that $8 per month, which he is now drawing, is inadequate to his necessities in his crippled condition, and that he has often to be helped by the Grand Army of the Republic.

In affidavit executed April 11, 1888, William Caughey, of Robinson, Ill., testifies that he has been personally acquainted with claimant since the year 1870; that, owing to his weak back, claimant is almost wholly disabled for manual labor; that he can not follow his trade as a brick-mason, because it hurts his back to stoop; that claimant is a poor man, with a large family dependent upon him.

In affidavit executed April 11, 1888, Samuel L. Bennett, of Robinson, Ill., testifies that he has been personally acquainted with claimant during the last five years; that claimant is greatly crippled in his back, disabling him for hard manual labor, and that he is understood in the neighborhood to be a physical wreck.

In affidavit executed April 11, 1888, Levi Goens and John A. Watts, of Robinson, Ill., testify that they have been personally acquainted with claimant for the last eight years, and know that he has a weak back, which prevents him from following his trade as a brick-mason; that he can do but little work at any time, and is a poor man, with a large family to support.

The report of March 20, 1888, is hereto appended, which, considered in connection with the additional testimony in the claim, warrants favorable action, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MANUEL GARCIA.

Mr. GEST. I call up the bill (H. R. 3521) granting a pension to Manuel Garcia.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Manuel Garcia, late of Company I, Eighth New Jersey Volunteers.

The report (by Mr. LANE) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3521) granting a pension to Manuel Garcia, submit the following report:

Claimant was a private in Company I, Eighth New Jersey Volunteers; he enlisted August 6, 1864, and was discharged July 2, 1865.

The reason a pension was not granted by the Department is that there is no testimony to show origin in line of duty, or to show condition at discharge, or prior to 1870, and no medical testimony. Claimant states that he is unable to furnish testimony as to his physical condition prior to enlistment for the reason that he was at sea for seven years prior to his enlistment; that he came into port on the 5th of August, 1864, and enlisted on the 6th August, 1864; that he was examined by Edgar Holden, Government surgeon, and passed into the service of the United States.

William W. Lamb, of Philadelphia, Pa., a physician in good standing, being sworn, says—

"That he did not know the claimant prior to enlistment; but that he knew of his being taken sick while in the intrenchments in front of Petersburgh, Va. That he treated him for rheumatism and varicosed condition of limbs. That while lying in camp in the rear of Alexandria, Va., the intense heat produced inflammation of eyelids. That claimant was then sent to the hospital and he saw no more of him up to the present time."

J. B. Davidson, a physician, testifies—

"That he examined claimant in 1866; that he found the veins of the legs in a varicose condition; that he found the second toe on the left foot stiff and useless."

Edwin H. Hollister and Reuben G. Hollister, of Coe, Rock Island County, Illinois, being duly sworn, testify—

"That they have known the claimant for five years; that he worked for them; that his eye-sight was poor and from some cause he was very awkward with his legs, and that from their own personal knowledge he could not do more than one-half a man's work."

As the claimant was examined by Edgar Holden, a Government surgeon, and passed as physically sound, and in the absence of testimony to the contrary, we assume that he was a sound man when admitted into the service. And the other testimony proves that he was taken sick in the service and was treated for rheumatism and varicose veins and inflamed eyes, and that from said causes he has been continuously disabled ever since. Your committee conclude from these facts that the claimant was disabled in the service and is entitled to a pension, and therefore respectfully recommend the passage of this bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM J. HEADY.

Mr. CARUTH. I call up the bill (H. R. 9910) increasing the pension of William J. Heady.

The bill is as follows:

Be it enacted, etc., That the pension of William J. Heady, who was pensioned by act of Congress approved July 6, A. D. 1886, be increased to the sum of $100 a month from and after the passage of this act, owing to increased disability.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9910) granting an increase of pension to William J. Heady, have considered the same, and report as follows:

The claimant is now in receipt of a pension at the rate of $20 per month for "general debility, lance wound of left hip, and varicose veins of both legs." He was a captain in Company E, First Kentucky Volunteers, Mexican war, and served from June, 1846, to October, 1847; and for the last ten months of his service he was a prisoner of war in the hands of the Mexicans.

Drs. Cary B. Blackburn and D. W. Yandell, his physicians, of Louisville, Ky., certify that the claimant is not able to do any kind of business or labor; that "he is suffering from chronic eczema of the whole body, and it is breaking down the old man rapidly. He has no family, and no one to help the poor old fellow," and is really in a dependent condition. He is now seventy-one years of age, and can not long be a charge upon any one.

Your committee believe that his pension should be increased, and report back the bill with the recommendation that it should pass, amended, however, by striking out the words "one hundred," in lines 5 and 6, and inserting in lieu thereof the word "fifty."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES M'INTYRE.

Mr. O'DONNELL. I call up the bill (H. R. 7713) granting a pension to James McIntyre.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provision and limitations of the pension laws, the name of James McIntyre, late a private in Company G, Tenth Michigan Infantry.

The report (by Mr. CHIPMAN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7713) granting a pension to James McIntyre, submit the following report:

The claimant in this case enlisted in the Tenth Michigan Infantry in 1864. The officer who enlisted him, a man of large experience, testifies that he was at the time of his enlistment a sound, healthy man, and that he did good service in the field for some time afterwards. He claims that on July 19, 1864, his leg began swelling, either by reason of extreme heat or vegetable poison. On that day, at Peach Tree Creek, Georgia, he was engaged with his company in a skirmish, and up to that time had been able-bodied.

After the skirmish was over he was so lame that he was assisted into camp, by direction of his captain, by a comrade, who testifies to the fact. Since that time his leg has been constantly diseased and has incapacitated him largely from manual labor, by which alone he is obliged to support himself. By reason of this incapacity he is obliged to depend on public charity for his support. His leg has shrunk, and his great toe is gangrened, and the medical testimony shows that, while he has suffered from this disability ever since he left the service, it must and will shorten his life.

There is no doubt as to his health before and his disease after his discharge. His claim for pension was rejected on the ground that the proof was not satisfactory as to incurrence of the disability in the line of duty.

The reasons given for this are threefold: First, that only two comrades and no commissioned officer testify to the receipt of the injury; second, that claimant's witnesses were doubtful or untruthful, and third, that claimant has no hospital record. The first of these grounds and the second are virtually one, because it can not be conceived that the testimony of two honest soldiers is not equal to that of one commissioned officer.

The examiner alleges that the cross-examination of one of the witnesses by him evinces the doubtful nature of the testimony. This is a matter of opinion, and persons used to eliciting and weighing evidence will hardly agree with him. The lack of a hospital record is explained by the claimant on the ground that he dreaded the hospital and earnestly desired to remain with his comrades. He performed duty, so far as he was able, until his discharge, and the nature of his injury seems to have been progressive, so that his condition has grown worse and worse as the years have gone by.

We think this bill ought to be passed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH O'LAUGHLIN.

Mr. MACDONALD. I call up House bill 10034, to grant a pension to Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Minnesota Volunteer Infantry.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place upon the pension-roll, at $18 per month, the name of Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, deceased, and late a member of Company I, Ninth Regiment Minnesota Volunteer Infantry, subject to the provisions and limitations of the pension laws.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10334) granting a pension to Elizabeth O'Laughlin, submit the following report:

The person for whom this pension is asked is the invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Regiment of Minnesota Volunteer Infantry, who died in said service and in his line of duty. A pension was granted to her mother as the widow of said soldier, and she continued to draw the same until the date of her death, which occurred October 7, 1886.

The evidence is conclusive to our minds that this invalid daughter of said soldier is afflicted with serious physical and mental disability. Two physicians, resident in the town in which she lives, testify in substance that, although of mature age, she is but 4 feet 10 inches high, and is suffering from double curvature of the spine, and has a serious organic heart lesion, which is the result of inflammatory rheumatism; also, that she is incurably idiotic and wholly incapable of maintaining herself by labor of any kind.

A letter of the honorable Commissioner of Pensions is submitted, showing that the claim was denied because the present law did not permit the Pension Bureau to allow pensions for mental or other infirmities to persons over the age of sixteen years.

In addition to other evidence, the honorable member who introduced this bill submitted a letter to the committee, in which he states that he personally knows the above-mentioned Elizabeth O'Laughlin, and knows her to be afflicted with mental and physical disabilities as above stated, and that he knows her to be entirely without means of support and dependent upon the charity of neighbors and friends, and that she was dependent upon her mother for support up to the time of the mother's death.

Her father and natural guardian having lost his life in the service of his country, the committee believe this to be a proper case for the relief asked, and therefore recommend the passage of the bill, with an amendment, adding to the same the following words: "And pay the same to her legally constituted guardian."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

COBURN D. OUTTEN.

Mr. THOMAS, of Kentucky. I call up House bill 7624, for the relief of Coburn D. Outten.

The bill is as follows:

Be it enacted, etc., That the pension allowed to Coburn D. Outten be increased to $30 per month, to commence upon the passage of this act.

The report (by Mr. HUNTER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7624) for the relief of Coburn D. Outten, have considered the same, and submit the following report:

Coburn D. Outten enlisted August 1, 1862, in the Tenth Kentucky Cavalry, and was mustered out on the 17th day of September, 1863. He re-enlisted in Company I, Forty-fifth Kentucky Mounted Infantry, on the 1st day of February, 1864; was promoted to second lieutenant in Company G, in said regiment, and was mustered in as such on the 12th day of March, 1864. He served in that capacity until he was honorably discharged at Catlettsburgh, Ky., on the 14th day of February, 1865.

He was stationed at Louisa, Ky., and while there was detailed to act as issuing clerk at commissary headquarters, and while invoicing the commissary stores he was obliged to climb to the top of a large pile of hard bread; the front row gave away under him and precipitated him to the floor, he falling on an open barrel, breaking two of his ribs and injuring his back and kidneys. This happened about the month of March, 1865. He was carried to the hospital at that place (Louisa, Ky.) and was confined there some time. He claims to be greatly injured by said accident.

He further claims that while in the line of duty as second lieutenant of his company, his regiment, marching to Saltville, W. Va., was attacked by Confederate forces at Clinch River, near Laurel Gap, in said State, and that his regiment was ordered to charge; in so doing they were repulsed and forced into said river, and he was knocked down and trampled under foot in the water. His pack-horse, with his clothing, food, and blankets, were lost at Clinch Mountain in an engagement on the same day. He was left without change of clothes, and was obliged to wear wet clothing until they became dry on his person, and he was exposed to the most inclement weather. From said exposure he contracted a severe cold, which caused him to suffer intensely. He was compelled to swim Red River on his return from Saltville. His regiment arrived at Lexington about October 19, 1864, when he was confined to his room until about the 12th or 13th of November, 1864, when he was detailed to act as assistant adjutant-general Second Brigade, Fourth Division, Twenty-third Corps, in which capacity he served until about the 22d of November, 1864, when he asked to be relieved, not being able to attend to the duties devolved upon him.

He was suffering from hemorrhage of the bowels and rheumatism, and he asked for a leave of absence to go home, which was granted. He was afflicted with disease during the remainder of his term of enlistment. The disease developed into piles, and eventually fistula, for which he was operated upon. He claims that he has suffered almost continually ever since he left the service, that he has lost the use of his right hand with pen paralysis, and is disabled in his legs and feet so he can not use them well, which he claims was caused by rheumatism contracted while he was in the service in the campaign to Saltville, W. Va., October, 1864. He claims that he has been disabled from performing any manual labor on account of said disabilities, and can not support himself and family.

Outten applied for a pension May 31, 1884; alleged fracture of two ribs, injury to back and kidneys, hemorrhage from bowels, fistula, rheumatism, and resulting pen paralysis; declaration filed May 9, 1887, alleged disease of heart, contracted in the service from exposure in October, 1864; declaration filed December 29, 1885, alleges original disability, for which pensioned, and heart disease, result of other diseases contracted in the service. Approved for disease of rectum; other alleged disabilities stand rejected. Action, December 2, 1886. Pensioned from May 31, 1884, at $3.75, for disease of rectum; increased February 2, 1887, to $7.50 per month. Pension claim, No. 343346.

Archibald L. Scudder, in affidavit filed May 31, 1884, says "he understood that the claimant received an injury from a fall whilst invoicing goods, as he understood; he afterwards visited claimant in hospital and there were two or three ribs broken, besides other injuries."

Assistant Surgeon Samuel Maguire, Tenth Kentucky Volunteers, in affidavit filed August 7, 1884, testifies from recollection that claimant was brought to hospital at Louisa, Ky., about November, 1863, with two ribs broken and back and kidneys hurt; he says that said Outten was greatly disabled by reason of said injuries.

William B. Johnson, first lieutenant Company G, Forty-fifth Kentucky Mounted Volunteers, states in an affidavit filed May 31, 1884, that claimant Outten, on the retreat from Saltville, W. Va., was knocked down and trampled on in the water. He says claimant became sick by reason thereof.

John C. Means, private in Company G, Forty-fifth Kentucky Mounted Volunteers, in an affidavit filed May 31, 1884, says that claimant, during a retreat, while attempting to march on Saltville, W. Va., was knocked down, trampled on, and exposed to inclement weather, and became sick by reason thereof, and remained sick till discharge.

G. W. Bradshaw, private Company G, Forty-fifth Kentucky, testifies as to same.

J. W. Thornton, private in Company G, Forty-fifth Kentucky, in an affidavit filed May 31, 1884, says that after regiment returned to Lexington, Ky., from the Saltville raid, claimant was sick at Phœnix Hotel from hemorrhage of bowels and rheumatism, caused, as he believes, by the exposure incident to said raid. At Catlettsburgh, Ky., about February, 1865, claimant was also suffering from said diseases, and so remained up to discharge.

Capt. W. B. Shockley, Company B, Forty-fifth Kentucky, in an affidavit filed May 31, 1884, states that claimant was suffering from hemorrhages of bowels

and aching from rheumatism, in his room at Lexington, Ky., about October or November, 1864, after returning from the Saltville raid; that claimant, when able to be about, was detailed to act as assistant adjutant-general of second brigade, but, not being able to perform the duties, was allowed to go home to recuperate; that he saw claimant at Maysville, Ky., after muster out, and he (claimant) was suffering from hemorrhage of bowels and aching from rheumatism. He lived a short distance from claimant, and saw him frequently.

Dr. W. G. Martin, in an affidavit filed May 31, 1884, says that he has been acquainted with claimant nineteen years, and has been his physician fourteen years, except three years, during which claimant lived in Portsmouth, Ohio; that he began to treat claimant in 1871 for rheumatism and progressive muscular paralysis, and in 1872 for writer's cramp; in 1873 claimant had to abandon writing with right hand. He has frequently treated claimant for said disabilities since. During the past five years claimant has been affected with progressive muscular paralysis of the legs, producing a sliding motion of feet and unsteadiness, causing him to fall sometimes.

Dr. C. M. Finch, Portsmouth, Ohio, late surgeon Ninth Ohio Cavalry, in an affidavit filed September 25, 1884, states that at the above-named place in 1874 he operated upon claimant for fistula and prescribed for him a considerable length of time.

Dr. A. L. Mahaffey, in affidavit filed August 7, 1874, says that at Portsmouth, Ohio, in March, 1875, he visited claimant six different times and treated him for a severe spell of rheumatism. Dr. E. E. Hume, Frankfort, Ky., in an affidavit filed October 12, 1885, states that in July and August, 1885, he treated claimant for hemorrhage of the bowels, and was also at the same time obliged to relieve claimant by drawing the water from his bladder.

Dr. John P. Phister, in an affidavit dated July 20, 1887, says:

"I am a practicing physician in Maysville, Mason County, Kentucky, and have been since 1848. I have known Coburn D. Outten from his earliest childhood. He has been very much disabled ever since his discharge from the Army, and for some of his disabilities is now receiving a small pension. I think he is entitled to an increase by reason of his great trouble with neuraigic affection of the heart, and the strong possibility of an organic affection of that organ.

"There is great pericardial derangement, in irregularity of beat and volume in his pulse; dyspepsia, that sometimes amounts to about suffocation, and an acute pain in the cardiac region. Were he sound and well otherwise, he would be almost entirely disabled from any continuous labor, even of the lighest character, from this trouble. I have treated him at irregular intervals for twenty years, and his disability increases. He had a violent attack in January and March of this present year, 1887, in which all the symptoms above given presented themselves in aggravated form. To the best of my knowledge and belief, and I had every opportunity of knowing, none of these conditions existed prior to his enlistment in the Army."

He further declares that he has been a practitioner of medicine for thirty-nine years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

The proof in this case is conclusive that the claimant is at this time almost totally disabled. He was a good and faithful soldier; is poor, and unable to make a living by manual labor. The committee is of the opinion that this is a meritorious case, and they report in favor of the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

AMANDA F. DECK.

Mr. WALKER. I call up the bill (S. 470) granting a pension to Amanda F. Deck.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amanda F. Deck, of Putnam County, Missouri, widow of William C. Deck, late a private in Company L, First Colorado Cavalry Volunteers, who was a pensioner at the time of his death, under pension certificate numbered 113521.

The report (by Mr. WALKER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 470) granting a pension to Amanda F. Deck, having had the same under consideration, adopt the Senate report thereon, which is as follows, and recommend the passage of the bill:

"The claimant is the widow of W. C. Deck, late a private of Company I, First Colorado Volunteers. He enlisted in October, 1861, served under Colonel Chivington, and on September 25, 1864, was wounded in the right shoulder in a battle with hostile Indians. During his lifetime he suffered greatly from his wound, being unable to use other than partially his right arm and hand. In addition, he was subject to a chronic abscess of the joint. For his injuries the claimant's husband drew a pension from the Government.

"The three years' hard frontier service of the soldier whose widow now applies for relief, and the serious injuries from which he suffered, which prevented him from making provision for his family, taken in connection with Mrs. Deck's needy circumstances, clearly entitle her to relief.

"Your committee therefore report the bill favorably, with the recommendation that it pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CYNTHIA J. CARLTON.

Mr. CONGER. I call up the bill (H. R. 154) restoring to the pension-roll the name of Cynthia J. Carlton.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to restore to the pension-roll the name of Mrs. Cynthia J. Carlton, widow of Henry Carlton, late captain in the Twenty-second Regiment of Michigan Volunteers, and pay her a pension, subject to the provisions and limitations of the pension-laws, from and after the passage of this act.

The report (by Mr. SPOONER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 154) restoring to the pension-roll the name of Cynthia J. Carlton, have given the same due consideration and beg leave to submit the following report:

Mrs. Cynthia J. Carlton was a pensioner as the widow of Henry Carlton, a captain of Company E, Twenty-second Regiment Michigan Volunteers, who was killed in service and in line of duty. She continued to draw pension until September 20, 1870, when she was married to one William R. Pratt, whereupon her pension ceased.

Her second husband died at Shoreham, Vt., in 1873, and she has remained a widow since. By a decree of the circuit court of Johnson County, Iowa, her name was changed from Cynthia J. Pratt to Cynthia J. Carlton. She is now poor and dependent for a livelihood upon her own labor. She is a woman of high character and worthy the continued recognition given by this bill of her husband's service and her loss in his death.

The Government has been relieved from the payment of this pension for eighteen years, but your committee believe this case a deserving one, and that, following the precedents of this and former Congresses, her pension should be restored.

Hence the bill is returned with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ANDREW T. M'REYNOLDS.

Mr. FORD. I call up the bill (S. 1935) for the relief of Andrew T. McReynolds.

The bill is as follows:

Whereas Andrew T. McReynolds served as a captain of Company K, Third Dragoons, United States Army, in Mexico, during the war with that Republic, and while acting in squadron with Capt. (the late General) Phil. Kearny, the usual escort to the general-in-chief, was, on the 20th day of August, A. D. 1847, disabled by a grape-shot wound in a charge at the gates of Mexico, by reason whereof he was placed on the pension-roll at the rate of $25 per month, which pension he continued to receive until the 15th day of June, A. D. 1861, when he was mustered into the volunteer service as colonel of the First New York (Lincoln) Cavalry (the first volunteer cavalry regiment organized for the late civil war), and served as such until the 22d of August, A. D. 1864, when he received an honorable discharge, during all of which time his said pension was withheld from him, amounting in all to the sum of $959, no part of which sum has since been received by him: Therefore,

Be it enacted, etc., That the Commissioner of Pensions be, and he is hereby, directed to pay to the said Andrew T. McReynolds the said sum of $950, taking his receipt therefor in full discharge of said claim.

SEC. 2. That this act shall take effect from and after its passage.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1935) granting relief to Andrew T. McReynolds, have considered the same, and report back the bill, recommending its passage.

The statements in the report of the Senate committee give the facts in the case as follows:

[Senate Report No. 757, Fiftieth Congress, first session.]

The preamble of the bill under consideration succinctly states the ground of the claim for the restoration of the pension, which was withheld more than three years, or while the pensioner was commissioned in the service during the late civil war.

Andrew T. McReynolds was captain of Company K, Third United States Dragoons, during the Mexican war, and while acting in squadron with the late Phil. Kearny, in a charge at the gates of Mexico, was wounded by a grape-shot, and so disabled that he was pensioned therefor at $25 a month. This pension he received up to June, 1861, when he took command of the First New York (Lincoln) Cavalry. He remained colonel of this regiment until his honorable discharge in August, 1864, during which period his Mexican pension was stopped. The bill is for its restoration.

The man who was so badly wounded in one war that he was considered to be entitled to a pension of $25 a month, and who on the breaking out of the rebellion showed such alacrity of patriotism that he volunteered and served as colonel of the first cavalry regiment organized for its suppression, should not be forced by the Government to pay a penalty to the Government for his loyalty and his heroism in its defense. The pay which he received during the rebellion was for service rendered therein, and was not, and should not be, held as commutation for wounds and disabilities endured as the heritage of gallantry displayed at the gates of an enemy's capital a generation before.

The committee recommend the passage of the bill.

Mr. MATSON. That seems to be an unusual bill, to say the least. I would like to have some explanation as to why this man should receive arrears.

Mr. FORD. I will explain the bill to the gentleman. General McReynolds was a captain in the Mexican war, a comrade of Grant's. He was wounded by a grape-shot in the shoulder at the gates of Mexico. His arm was disabled in such a manner that he was granted a pension of $25 a month. In 1861, while he was not able to march as a soldier, he was able to ride a horse. He organized the First New York Union Cavalry and served the Government during the entire time of the civil war. During the time he served the Secretary of the Interior stopped his pension. At the conclusion of the war the general was a man of some wealth. He regarded his pension for service in the Mexican war as a vested right, but at the same time, not being at all in need, he never applied for it and never contested the decision of the Secretary of the Interior. Time passed. He is now a poor man. This bill passed the Senate in the Forty-eighth Congress, but came to the House too late to pass. It passed the Senate in the Forty-ninth Congress and failed to pass the House. It has again passed the Senate and has been reported favorably by the Committee on Pensions of the House.

That is the entire status of the matter.

Mr. BROWNE, of Indiana. At the expiration of service in the late war was General McReynolds's pension restored?

Mr. FORD. It was.

Mr. BROWNE, of Indiana. And he has been drawing it since?

Mr. FORD. Yes. It seemed to me, and it seemed to the Senate committee that to withhold his pension because he served the Government in the late war would be putting a premium upon a lack of patriotism.

Mr. MATSON. Did he not get the full pay received by all other officers during the war?

Mr. FORD. He did receive pay for his service during the civil war; not as commutation for wounds received in Mexico.

Mr. MATSON. He did recover from his disability?

Mr. FORD. Not at all. He was able to ride a horse, although he had the use of only one arm. He received the pay of a colonel, and they stopped his pension.

Mr. MATSON. I presume there are many other cases like this.

Mr. FORD. I never heard of one like it.

Mr. MATSON. I suppose there were many officers who served during the late war who were wounded in the Mexican war, and who gave up their pensions. The question is whether it will not be a bad precedent to give this man arrears. There is a rule everybody has acquiesced in who comes here and asks the grace of Congress for the passage of an act, not to expect to have arrears given.

Mr. FORD. I understand the gentleman has reported a bill giving arrears.

Mr. MATSON. That is to all; not to a single individual.

Mr. FORD. I do not think that will affect this case.

Mr. MATSON. It seems to me it is hardly fair, although I do not know that I shall object. What committee does this come from?

Mr. FORD. The Committee on Pensions. I think there is no case like it, at least before the Senate committee.

Mr. MATSON. I do not pretend to know any case precisely like it that has been brought to the attention of the House committee. I have no doubt many officers who were wounded in the Mexican war and drew pensions served during the late war.

Mr. MACDONALD. What pension did he get?

Mr. FORD. Twenty-five dollars a month.

Mr. MATSON. My impression is that the highest rate of pension paid at the time the war ended was $8 a month.

Mr. FORD. This man was captain of dragoons in the war with Mexico. He drew $25 a month. The papers were in the room of the Pension Committee and examined by that committee. That was the pension he drew and draws now.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN H. CLAUS.

Mr. THOMPSON, of Ohio. I call up the bill (H. R. 8150) for the relief of John H. Claus.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John H. Claus, late a private in Company K, One hundred and eighth Regiment Ohio Infantry Volunteers, and also late a private in the Ordnance Department of the United States Army.

The report (by Mr. THOMPSON, of Ohio) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8150) for the relief of John H. Claus, submit the following report:

John H. Claus, the applicant here, has an honorable military record covering twenty-two years of service in the Army of the United States. He first enlisted November 6, 1858, and served in Battery E, Fourth United States Artillery, until his discharge, November 6, 1863. On February 16, 1864, he again enlisted as a private in Company K, One hundred and eighth Ohio Volunteers, for three years, and is reported present on the rolls until mustered out with his company July 22, 1865, as corporal.

January 27, 1866, he again enlisted in the regular Army for three years, and served in Troop A, First United States Cavalry, until his muster out, January 27, 1869. Within twenty days thereafter, namely, on February 15, 1869, he again re-enlisted for three years, and served until the expiration of his term in Battery A, Second United States Artillery, being discharged February 15, 1872.

On the 15th of March, 1872, he again re-enlisted, and was assigned to ordnance detachment, Vancouver arsenal, Washington Territory, and reported as a first-class private, and served with said detachment his five years' term, being discharged March 15, 1877. He re-enlisted on the same day in the same detachment, and was discharged to enter the soldiers' home, January 26, 1880. The records of the Adjutant-General of the Army show him present for duty on all rolls from March 15, 1872, to date of his last discharge.

On October 31, 1879, his captain, John A. Cress, Ordnance Corps, United States Army, says of the applicant, in a report concerning him made to the Adjutant-General of the Army:

"Private John H. Claus, of my detachment, has applied for his discharge for the purpose of going to the Soldiers' Home at Washington, D. C., having served faithfully and honestly twenty years. He is fifty years of age; is not disabled, but is not an active man, and should have been loath to re-enlist him on March 15, 1877, but for his excellent record in the service."

There are other evidences of superior character which show that Claus is a reputable man and entitled to full credence. He alleges as the basis of his claim for pension that he contracted heart disease in 1874 from long service in the United States Army and exposure incident thereto. He was discharged last on January 26, 1880, and made application for pension June 25, 1887, to the Pension Office. There have been several hearings of his case and considerable testimony taken; a special examiner has reported the testimony, and the final rejection was made by the Pension Office June 30, 1884, because he could not establish by the testimony of officers or comrades that his disability originated in the service and in the line of duty. On appeal to the Secretary of the Interior, Assistant Secretary Hawkins sustained the action of the Pension Bureau.

There may be technical difficulties in the way of such proofs as would beyond a peradventure cover an allowance by the Pension Office in this class of cases. But the facts in this case are such that not only is there good proof in law, but the evidences of moral certainty as to the justice of this man's claim are many and convincing. Evidently when he first entered the regular Army in 1858 he was a young and sound farmer, and was critically examined by the army surgeon; hence it may be taken as proven that he was then sound. His next term is as a volunteer in the One hundred and eighth Ohio. After this, and after the war, and with but short periods between his several discharges and re-enlistments, he again enters army service, and in each instance, with the exception of his last enlistment, enters an entirely different arm of the service, in their order thus: First, artillery; second, infantry; third, cavalry; fourth, artillery; fifth, ordnance; sixth, ordnance. So that it is but a fair presumption that at each enlistment he was subjected to the medical examination usual for recruits in each arm of the service.

It is also fair to presume from the statement of Captain Kress heretofore quoted, that at the last enlistment in the Ordnance Corps Claus was not examined, for he re-enlisted immediately upon his discharge, and Captain Kress avers that he was loath to re-enlist him, except that the man's record was so good, etc. With regard to Claus having heart disease, Captain Kress reports to the Adjutant-General July 26, 1882:

"I do not remember ever having heard that he had heart disease, but if contracted in 1874 it was certainly while in service. He was on duty, to the best of my recollection, during the whole of that year."

This would seem to cover the objection as to service and line of duty, if the incurrence of the disability is reasonably proven. On this we have Claus's own statement, which is supported by the affidavit of Sergeant of Ordnance Robert Williams, who served with Claus and was sergeant of the detachment of ordnance in which Claus served. Williams, on February 13, 1884, makes oath before the clerk of the district court of said Territory that Claus complained to him several times that he had heart disease. He fully believes that Claus did incur the disease in his long service, and through the incident exposure; that as he grew older it grew worse. He remembers seeing Claus troubled with hard breathing, like as if he had asthma; his appetite was poor; and that Claus was a good and faithful soldier, an upright and honest man. In these last particulars the sergeant fully supports the high encomium of the commander of Claus. Those who have had command of such men know how they fight shy of the "sick-list" and go down for want of "hospital record," and Claus in all this long service has little, if any, to speak of. Four days in quarters with a sprained wrist, two days in quarters with intermittent fever, is the sum of his sickness certified from the Adjutant-General of the Army.

In further proof Claus alleges that at his last discharge the surgeon said he was touched with heart disease. The board of surgeons who examined him in 1881 find, and so report, that his heart is displaced downward, that its action is somewhat feeble—hypertrophy, with dilitation and valvular disease of the heart. They state his disability as permanent and fix his rating at three-quarters.

In 1883 the same board again examined him, and made the same finding. It is therefore evident that he has now disease of the heart. The proofs and presumption show that he had heart disease when he left the service, and also during the latter period of the service. It is furthermore beyond question that it was, as Captain Kress asserts, incurred in the service, if at all, for the man was nowhere else for the twenty-two years prior to January 26, 1880.

Among the files of the case is the report of the special examiner, dated June 29, 1884, which concludes thus:

"In the opinion of the examiner it is but fair to admit origin in service, and the claimant having declared his inability to furnish the testimony of comrades other than that of Sergeant Williams, the claim is submitted for admission on the best obtainable evidence."

After an exhaustive search of the files in this case, your committee is constrained to believe that John H. Claus did honorable service for more than twenty years for this country; that he is truthful and upright, and has the confidence and respect of his peers and superiors and their indorsements of his integrity; that he did contract heart disease in the service during those years while performing his duty; that he is entitled to the relief he asks; and therefore your committee recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM M. DICKEN.

The next pension business on the Private Calendar called up for consideration (by Mr. JOSEPH) was the bill (H. R. 9467) granting a pension to William M. Dicken.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William M. Dicken, of Clinton County, Kentucky, late a member of Capt. Abijah Guthrie's company of Kentucky Home Guards, and pay him a pension at the rate of $10 per month.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9467) granting a pension to William M. Dicken, have had the same under consideration, and make the following report:

It appears from the evidence before your committee that claimant was enrolled as a private in Capt. Abijah Guthrie's company of Kentucky Home Guards, at Albany, Clinton County, Kentucky, on the 15th day of July, 1861; that this company was armed by officers of the United States Army, and subsequently co-operated with the Federal troops; that while claimant was serving with his command and in the line of duty in an engagement with the Confederate forces at Rowena, Russell County, Kentucky, on or about the 13th day of December, 1861, he was captured by the enemy and taken to rebel prison at Nashville, Tenn., where he was confined a few weeks, and then removed to Salisbury, N. C., prison, where he remained about one year. From this place he was taken to Richmond, Va., thence to City Point, where he was exchanged on or about the 13th day of February, 1863.

He was ordered to report to Col. W. A. Hoskins at Lebanon, Ky., but being unable to travel by reason of disease and an enfeebled condition of the system from long confinement in a loathsome prison, he was sent to hospital at Annapolis, Md., where he remained under treatment for some time.

He was a stout, healthy man when captured, and when exchanged he was a physical wreck. Since that time he has been tortured with rheumatism of the back and extremities, and he is now unfit for any kind of active manual labor by reason of this trouble, which was contracted in rebel prison.

As claimant has never been mustered into the United States service, his name can not be placed on the pension-roll through the Pension Bureau. He therefore seeks relief by a special act, and appeals to the generosity of Congress.

Your committee are decidedly of the opinion that this is a meritorious claim, and they therefore report back the bill and recommend its passage.

Amend by striking out all after the word "guards" in the eighth line.

The amendment recommended by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA SMITH.

The next pension business on the Private Calendar called up for consideration (by Mr. BROWNE, of Indiana) was the bill (H. R. 2140) granting a pension to Eliza Smith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eliza Smith, widow of Clinton D. Smith, late first lieutenant of Company C, Eighty-fourth Regiment of Indiana Volunteers, and grant her a pension subject to the provisions and limitations of the pension laws.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2140) granting a pension to Eliza Smith, have considered the same and now report:

The claimant is the widow of Clinton D. Smith, who enlisted as first lieutenant of Company C, Eighty-fourth Regiment Indiana Volunteers; was discharged April 2, 1864, and died December 18, 1884. At the time of his death he was on the pension-roll at $30 a month, for gunshot wound of left arm, received in the battle of Chickamauga, September 20, 1863.

The claimant made application for pension, alleging that soldier died from the effects of the gunshot wound received in service, but the claim was rejected by the Pension Bureau on the ground that "cause of soldier's death from an overdose of morphine was not a result of his military service.

It appears from the papers before us that the wound nearly all the time since it was inflicted has been very painful, and continually gathered and broke, and frequently had to be lanced in order that the accumulation of pus could be removed.

Dr. Markle testifies that he prescribed for soldier for—

"Gunshot wound of left arm, close to shoulder-joint, for eight years or more prior to his death. He was subject to frequent inflammatory attacks and suppurations of the parts surrounding the wound. I have lanced these abscesses to relieve pain several different times. He was subject to severe and excruciating pain whenever he had the inflammation spoken of. Spiculæ of bone were discharged at times with pus; that to relieve the pain in arm when he had the attacks of inflammation he was in the habit of taking morphine or some other anodyne, and it frequently took large doses. I believe the wound the indirect cause of death."

The proprietors of the hotel where soldier died (Loyd Molen and Jane Molen) testify that he stopped at their hotel, and retired about 9 o'clock p. m., taking with him some water, pitcher, and tin cup, stating at the time that he wished to warm the water and drink it for his suffering for the asthma, and directing not to call him next morning, as he had been suffering from his wounded arm and was at the time. He was called next day about noon, but did not come down. He was called again about 5 o'clock, and said "Well." Suspecting he was in a bad condition, the door was afterwards forced open. He was then lying prostrate and helpless. When told he must get out of that condition, he remarked, "All right. I am willing to do what is right." Some coffee was given him, but he died in about half an hour after the door was forced open. He seemed to be suffering intensely from his arm all the time he was in our presence, during the time he was with us, until his death.

Dr. Proctor testifies that he was called to see soldier at the hotel, and found him in a very stupid condition, and was very hard to arouse. Gave him some medicine, which he took readily and willingly. After taking medicine said he felt sick. Thinks he was suffering from asthma. He died about half an hour after the doctor arrived. The coroner testifies that there was no call for an inquest, and none was held.

The committee, after carefully considering the evidence in all its bearings, do not believe that the morphine was taken with suicidal intent, but for the purpose of alleviating the pain caused by his wounded arm.

We are aware that some cases, when narcotics were self-administered, have met with the disapproval of the Chief Executive, but we think the evidence set out shows so clearly that the remedy used to relieve the pain from the wound was that prescribed by his physician, and was probably applied for the purpose of relieving pain only, that we submit a favorable report, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA RUSSELL.

The next pension business on the Private Calendar called up for consideration (by Mr. WHEELER) was the bill (H. R. 24) for the relief of Eliza Russell, widow of Eldredge Russell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Eliza Russell, widow of Eldredge Russell, of General Harris's command, war of 1836.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 24) granting a pension to Eliza Russell, have considered the same, and report as follows:

The husband of the claimant enlisted in Capt. Joseph Martin's company, of Alabama Militia, February 27, 1836, and discharged May 27, 1836, and was engaged in the war against the Seminole Indians in Florida. He was allowed a land warrant. His widow, the claimant, is now in her seventy-eighth year, and in needy circumstances, having been dependent on the county in which she resides for her support. She was married to the soldier in 1831, and lived with him until his death in 1862.

Your committee recommend the passage of the bill, with the following amendment added thereto, namely, "on the pension-roll at the rate of $12 per month."

The amendment recommended by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. FLOWERS.

The next pension business on the Private Calendar called up for consideration (by Mr. HIRES) was the bill (H. R. 5383) granting a pension to George W. Flowers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of George W. Flowers, late a private in Company C, Fifty-second Pennsylvania Militia Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5383) granting a pension to George W. Flowers, have had the same under consideration, and beg leave to submit the following report:

The beneficiary named in the bill served as private of Company E, Fifty-second Regiment Pennsylvania Volunteers, from July 5, 1863, to September 2, 1863. He alleges that while in said service he contracted rheumatism, affecting his hands, feet, and general system. His claim for pension has been rejected on the ground that the Commissioner of Pensions, after a personal examination of the evidence, does not deem the same sufficient to connect the disability with the service.

The merits of the claim have been very thoroughly looked into by a special examiner, who, in submitting the case, says:

"The witnesses whom I have examined all testify, without apparent bias, in favor of claimant, and the general sentiment of such as I talked with, concerning the case, is strongly in its favor. From the evidence before me I am of the opinion that the claim is meritorious, and from the fact that it is improbable that any further evidence as to origin can be obtained by any further examination, unless the name and present whereabouts of the regimental surgeon can be ascertained, I would recommend that the claimant be given the benefit of adjudication on the evidence submitted, and that the claim be admitted without reference for further examination."

This conclusion was reached after an examination of fifteen witnesses, all of whom are shown to be persons of high character, including neighbors testifying as to claimant's prior soundness; comrades, as to origin of the alleged disability in the service; and neighbors and physicians, who testify to the existence of the same at discharge and treatment therefor ever since.

The physician who attended the soldier, immediately upon his return from service, for rheumatic fever is dead. So are others who treated him thereafter. But from 1869 to the present time the testimony of treatment is conclusive and corroborated by receipts for medical attendance covering that period.

The evidence is very voluminous; therefore reference to its general character only can be made in this report. The short service of the claimant and the absence of regimental hospital records or medical evidence of treatment in the service undoubtedly afforded justifiable grounds for the Commissioner's action. But in view of the undisputed testimony furnished by the claimant as well as the special examiner, your committee are of opinion that the service is chargeable with the soldier's present unfortunate condition, as shown by the reports of examining surgeon, and therefore report favorably on the accompanying bill and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN F. BALLIER.

The next pension business on the Private Calendar called up for consideration (by Mr. RANDALL) was the bill (S. 1613) granting an increase of pension to John F. Ballier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John F. Ballier, late colonel of Ninety-eighth Pennsylvania Volunteers, in the war of the rebellion, at the rate fixed by law for cases of total disability.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1613) granting an increase of pension to John F. Ballier, have considered the same, and adopt and submit the Senate report, as follows:

"John F. Ballier, the petitioner, was a German immigrant, a lieutenant of the American Army in the Mexican war, colonel of the Twenty-first Pennsylvania Infantry and Ninety-eighth Pennsylvania Infantry during the late war, and was brevetted brigadier-general for meritorious service. His regiment participated in nearly all the engagements of the Army of the Potomac and his personal career was distinguished for gallantry.

"At Salem Heights, in May, 1863, he received a gunshot wound in the ankle, and was shot through the right thigh, in 1864, at Fort Stevens, on the occasion of Early's attempt upon the defenses of this city.

"In 1866 he was allowed a pension of $22.50 per month on account of his wounds. In 1871 his pension was increased to $30 per month.

"In 1884 he petitioned Congress for a further increase, but the Committee on Pensions reported adversely for want of evidence, and because it was believed the increase, if proper, could be secured through the Pension Office.

"General Ballier thereupon made formal application to the Commissioner of Pensions for an increase on account of hernia arising from the gunshot wound in his thigh and defective vision.

"A board of examiners reported his disability from these causes as total, though the constant attendance of another was not necessary, and fixed the rate of pension at $50 per month, stating in their report that he suffered from three disabilities, any one of which entitled him to $30 per month.

"His claim was rejected January 10, 1887, because there was no evidence to show that the hernia and impaired vision were chargeable to his military service, the Commissioner of Pensions, however, declaring that on account of his age and good military record the case of General Ballier was a proper one for the interposition of Congress.

"He is now seventy-three years of age, is, according to his petition, helpless, and his present pension is insufficient for his support. In view of these circumstances, of his good military record, and in accordance with the suggestion of the Commissioner of Pensions, your committee recommend the passage of a bill placing him upon the pension-roll at the rate fixed for cases of total disability."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM M. WHALEY.

The next pension business on the Private Calendar called up for consideration (by Mr. THOMAS, of Wisconsin) was the bill (H. R. 621) granting an increase of pension to William M. Whaley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of William M. Whaley, late of Company C, Sixth Regiment of Wisconsin Volunteers, and of Company C, Forty-eighth Regiment of Wisconsin Volunteers, on the pension-roll, and cause to be paid to him a pension of $40 per month in lieu of the pension now received by him.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 621) granting an increase of pension to William Whaley, submit the following report:

William Whaley, the soldier referred to in this bill, enlisted and was mustered into the service of the United States as a private in Company C of the Sixth Regiment of Wisconsin Volunteers on the 16th day of July, 1861, and acted as first principal musician of said regiment. That while so in the service, at Arlington Heights, Virginia, he was taken very sick with intermittent fever, caused by exposure while in the line of duty, and was confined in hospital with such fever for a long time.

He was, before said sickness, a very active, energetic, and vigorous man, in perfectly sound physical health and condition. By reason of said sickness he became very feeble and debilitated, and the disease settled in his back to such a degree that he could not bear a belt round his body, and when the regiment was on the march he was permitted, when it was possible, to ride in an ambulance.

His sickness finally terminated in a disease of the spinal column and disease

of the nervous system, and he was, by reason of disability arising therefrom, honorably discharged from the service at camp near Lovettsville, Va., on the 31st day of October, 1862. He has been, since his discharge, gradually growing worse, and is now suffering from paralysis of the optic nerve, which has resulted in complete amaurosis and total blindness as a result of these difficulties.

The said Whaley has been for some years drawing a pension of $4 per month for the disease of back and nervous condition of system, as the same existed before it had resulted in total blindness. Claimant made application for an increase of his pension on account of his blindness, as a direct result of the disease of the spinal column and the nervous condition of the system induced thereby, and the examining surgeons reported that claimant was constantly afflicted with lameness and weakness of back in lumbar region, by reason of which he has sleepless nights; that he is prematurely old, and is almost totally incapacitated for the performance of manual labor, and is totally blind. The Pension Office, however, rejected the application for an increase on account of blindness for the reason, as your committee understand, that they were not able to determine, as is claimed, that his blindness was occasioned by the disease which he contracted in the service.

The examining surgeon, however, Dr. John Conant, certifies under oath that he had been acquainted with the said Whaley since 1865, and that he has treated him since that time up to the present time for his disabilities, and is thoroughly well acquainted with his physical condition; that said Whaley has been suffering ever since his discharge from the Army from a disease of spinal column and disease of the nervous system, and is now suffering from paralysis of the optic nerve, which has resulted in complete amaurosis and total blindness and is a result of these difficulties.

The doctor testifies that the amaurosis is a direct result of the disease of the spinal column and the disease of the nervous system. He further says the disease has been increasing until at the present time he is totally blind; that he is in a very enfeebled condition, and is able to perform but little, if any, manual labor.

The evidence upon which the claimant draws a pension establishes that the disease of the spinal column and disease of the nervous system as it existed before it had resulted in total blindness were caused by his sickness contracted in the service in line of duty, and Dr. Conant, who has been an examining surgeon for the Pension Bureau for a number of years, testifies, and positively states, that the present condition of disability and total blindness are the direct results of the said disease of spinal column and nervous system. There is nothing in the reports of any of the examining boards or in the testimony to contradict this opinion of Dr. Conant's, but, on the contrary, confirms the same. Your committee have no doubt that the present total blindness and enfeebled condition of the claimant is a direct result of the disease which he contracted in the service, and by which he is now in a condition amounting to almost total disability, requiring nearly the constant aid and assistance of another person, and entitles him to the amount of increase of pension to $40 asked for in the bill.

Your committee therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

FRANK OREDSNIK.

The next pension business on the Private Calendar called up for consideration (by Mr. HUDD) was the bill (S. 898) for the relief of Frank Oredsnik.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frank Oredsnik, late of Company F, Third Wisconsin Volunteers.

The report (by Mr. SAWYER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 898) for the relief of Frank Oredsnick, submit the following report:

The soldier was drafted into the United Stated service December 29, 1864, and became a private in Company F, Third Wisconsin Volunteers, where he remained until his discharge, July 18, 1865. He filed his claim for a pension May 27, 1881, on the ground of hernia, and the same was rejected on the ground "of no record of alleged hernia, and no satisfactory evidence of incurrence in service and line of duty."

The question of soundness at time of enlistment or draft seems to be conceded.

The claimant and many of his witnesses are Bohemians, talking our language with difficulty. Besides, he went into his company as a conscript or drafted man, and the feeling of the enlisted soldier towards a drafted man is very well shown by one witness, a member of the same company, who testifies:

"He (the claimant) came to us as a conscript addition. I was never associated with that element any more than I could help."

The character of the claimant and of every person whose testimony is referred to herein is certified to by the special examiner as being fair or good.

The claimant states the incurrence of the disability while in the line of his duty and the circumstances under which it was incurred. The manner, as detailed by him, was not unusual. The disability might easily have been incurred as stated by him.

One comrade states that he was informed by claimant, who was his tent-mate, the day the rupture was incurred, of the fact of the same, and that he could see the same, although the soldier then had on his drawers.

Soldier's wife testifies that her husband was free from a rupture when drafted, but that when he returned from the Army he was ruptured. It appears that other comrades heard soldier complain of rupture while in the service.

Witnesses testify as to soldier's complaining of rupture continuously after his discharge, and a medical examination by the examining board of the Pension Office shows the undisputed existence of the hernia.

The committee think that the evidence of persons who are shown to be of good character should be received, even though they may be related to the soldier unless their testimony appears to be inconsistent or unreasonable or contradicted by other testimony.

The committee think that the case is a meritorious one, and therefore report favorably thereon and recommend that the bill do pass.

The report of the Senate committee is hereunto attached and made a part thereof.

The Committee on Pensions, to whom was referred the bill (S. 898) for the relief of Frank Oredsnick, have examined the same, and report:

This bill is for the relief of a man claiming disability in consequence of hernia, incurred by a fall in jumping a ditch while on a march near Richmond. He was a member of Company F, Third Wisconsin, and was a drafted soldier. It is apparent that he was sound prior to his conscription, and it is proven by comrades that he was injured as he alleges, and it is evident that he has hernia now.

His case is not strongly sustained for positive reasons. First, he is a Bohemian, and does not speak or understand English well. His witnesses are Bohemians, who labor under the same disadvantage, and the apparent inconsistencies of their statements from this cause have been turned against him in the Pension Office adjudication. He was a conscript, and for this reason intercourse with him was avoided, and persons sought by the special examiners disavow any knowledge of him. One of the special examiners undertook the task of hunting up the captain of the company and succeeded in finding him, but he disavowed any knowledge of the man, because, as he said, conscripts were not in favor.

The man was drafted; he was not long in service; long enough, however, to get hurt and be disabled. The surgeon appointed to examine him says:

"I find this man has a direct inguinal hernia of the right side. The hernial sack passes through the external abdominal ring and projects forwards. The hernial tumor is about the size of a small hen's egg, and is easily reduced. He is obliged to wear a truss constantly. I rate disability resulting from hernia at one-half."

The bill is reported favorably, with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

RACHEL BARNES.

The next pension business on the Private Calendar called up for consideration (by Mr. FULLER) was the bill (H. R. 149) granting a pension to Rachel Barnes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Rachel Barnes, widow of William Barnes, who served in Company I, Second United States Infantry, from February 24, 1836, to and until February 24, 1841, and pay her a pension as such widow from and after the passage of this act, subject to the provisions and limitations of the pension laws.

The report (by Mr. STRUBLE) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 149) granting a pension to Rachel Barnes, widow of William Barnes, having had the same under consideration, report as follows:

William Barnes, husband of petitioner, enlisted in Company I, Second United States Infantry, February 24, 1838, and was honorably discharged February 24, 1841. During the winter of 1840-'41, while engaged in an extended scouting expedition in South Florida, and sleeping upon the ground, with no tents to cover himself and companions, he contracted a disability of the eyes which resulted in partial blindness. This disability has followed him ever since, incapacitating him for earning a livelihood, and refusing to yield to medical treatment. For this disability the soldier was treated at the time of its incurrence by the hospital steward, there being no physician with the party. Not having been treated upon his return to camp, and the steward who treated him being dead, the soldier is unable to produce any testimony of his treatment during service.

The soundness of his eyes before and at date of enlistment, and their unsoundness upon his return home after discharge, is abundantly shown by the evidence. Medical examinations had since the service aforesaid, and while the soldier's application for pension was pending, reveal the existence of the alleged disability in a pensionable dgree; but the medical examiner states that he was unable, from the symptoms, to decide whether or not said disability originated in the service. Your committee do not regard it strange that said examiner should not, nearly forty years after the incurrence, be able to say that the disease was incurred in service and line of duty, and, upon the evidence, it was not necessary that he should so find, for that fact is satisfactorily established by other evidence.

The soldier filed an application for a pension July 3, 1880, alleging disease of eyes contracted in Florida in 1840-'41. The claim was rejected January 14, 1881, on the ground that there was no record of the alleged disability, and claimant could not furnish satisfactory evidence of its origin in the service and line of duty.

At date of the rejection there was no record evidence of incurrence, nor of officers or comrades, although there were—besides the evidence of the soldier, his wife, and two sisters—two affidavits of civilians who saw him during the service and know his eyes were affected while he was in the service in Florida.

After rejection of the claim the soldier, as a result of correspondence with the Pension Department, learned that Lieutenant Patrick, who, at one time during the Florida campaign, commanded the company in which the soldier served, was then living, and, as General M. R. Patrick, was governor of the Soldiers' Home at Dayton, Ohio. Correspondence between the soldier and General Patrick followed, and in the early part of the year 1882 the soldier went to Dayton and had a personal interview with the general, at which time, by aid of his journal and the statements of the soldier, General Patrick was enabled to recall incidents of the service, and, by means thereof, his memory was so much aided that he not only was able to identify the soldier, but remember facts which enabled him some weeks after to write the Commissioner of Pensions very fully respecting the claim then pending, and to state facts satisfactorily establishing, with other evidence on file, that the soldier incurred disease of eyes in the service, as alleged by him.

The Hon. W. E. FULLER, now member of the House from Iowa, was for years personally acquainted with William Barnes, and gives valuable oral evidence to your committee of his excellent character as a man and citizen.

Mr. FULLER, who was his attorney, represents that he was aware of the visit of Mr. Barnes to Dayton, Ohio, to see his old commander; that he remembers his return, and the evident satisfaction entertained by him because of the assurances of General Patrick that he would in a few days write the Commissioner of Pensions, giving the facts relating to the soldier's impairment of sight when in the service; that as a few weeks passed and no word was received from General Patrick, the soldier, who had become dependent and despondent, came to the conclusion, as he expressed it, "that the old general had gone back on him," and soon after met Mr. FULLER and told him he need do no more for him in regard to the pension case, and the next morning after the conversation, March 24, 1882, the old man was found in the adjacent woods hanging lifeless to a tree.

He had undoubtedly become burdened by a weight of anxiety and despondency, and in despair, if not insanity, took his own life. How gravely he was in error in supposing his old commander had, to use his own language, "gone back on him," the following statements will disclose:

On January 7, 1882, in answer to a letter from the Commissioner of Pensions relating to the claim of Mr. Barnes, among other things General Patrick said:

"I have been unable to complete the search in my journals and memoranda of those days. After a diligent search I can only find two allusions to him—one of the 18th of March, 1840, in which he behaved remarkably well in a skirmish with the Seminoles; and again on the 29th of July following I find him employed as a kind of rough carpenter in hewing timber for building purposes."

This letter was written prior to the visit of Mr. Barnes to General Patrick. On February 16, 1882, General Patrick wrote Commissioner Dudley as follows:

"On or about the 7th of January, 1882, in reply to inquiries made in relation to one William Barnes, formerly of I Company, Second Regiment of Infantry, I wrote you, giving some facts which I found in my journal. I had written him

at about the same time very nearly a duplicate of what I wrote you. At his own expense he has come here to see me, bringing with him letters of the very best character. His presence here and a re-examination of my journal enable me to speak of him more in detail than before; and, at the risk of being somewhat prolix, I will state that in the summer of 1839 he, with his company, under command of Captain Russell, went into Florida and down the coast in the neighborhood of Key Biscayne and the mouth of the Miami River, where the captain was soon after killed, and the company left in command of a young lieutenant recently appointed from civil life.

"When I reached there, in December following, I found that the company was for quite a time without shelter, sleeping in the open air, suffering much from mosquitoes and the climate generally. A number of cases of moon blindness existed when I took the company, some of the men being unable to perform night duty on that account.

"I do not recollect anything in particular of this man Barnes, save that on several occasions I took him with me as a very trusty man. He had been a corporal almost from his enlistment, but, being without any education, felt himself incapable of discharging the duties and so resigned.

"On the 1st day of March following I find him one of the picked men who were sent out and were attacked by Indians, in which he behaved remarkably well, as he was reported to have done once before I took the company. Between that time and the 1st of July following I occasionally took him with me on hunting expeditions, I carrying a rifle and he a fowling-piece, because, as he stated, he could not see to shoot at any distance, as he could when he first came into Florida.

"On examining my journal in his presence he has recalled to my recollection certain incidents, such as my signaling him to join me when he has been at some distance from me, and his being unable to see me until being told by those with him that I was signaling.

"On one occasion in particular he was for a time very much troubled at a reprimand I gave him for not shooting at an object which I pointed out, until he again reminded me that he could see but a short distance. I find from a reference to my journal that on the 24th of July I placed him in charge of certain rough carpenter work in building a post, and in connection with the fall of a bent in a large building the question of his defective eyesight again came up.

"From my knowledge of the man up to the time of his discharge in February, 1841, I feel very confident, amounting to almost certainty, that his disability commenced in the summer of 1839, while serving in the neighborhood of Key Biscayne, involving a large amount of boat service among the keys, bays, Miami River, open-water everglades, and water service generally (the sun shining upon the water with great brilliancy), sleeping in open air at night during that summer, and that it became intensified by continuous service through the summer of 1840 in the sands of the Touhlacooche and Ochlawaha districts, when troops, in that country, were usually at rest. On this subject I speak from an experience of five years' continuous service in Florida.

"In 1837, and again in 1842, I was myself laid up with brain fever from these same causes.

"I have asked Colonel Thomas (treasurer of the Home), recognized as among the ablest of our medical men, to be present during my examination of the man, and himself to examine him professionally with a view to giving his opinion in the case. Through other sources than the letter I have received, I hear the very best character possible given him as to perfect truthfulness and honesty, and these accord with the record in my journal of the trusts with which he was honored when with me. I do not know whether this statement can be of any use in forwarding his claim, but so far as it goes I can swear to it.

"Very respectfully,

"M. R. PATRICK, *Governor*."

Mr. Barnes's decease occurred prior to action by the Pension Department upon the letters of General Patrick, and, in fact, no ruling was made upon the case thereafter.

On March 20, 1883, the widow of Mr. Barnes filed an application for pension, alleging as ground therefor the death of her husband from insanity, resulting from disease of head and eyes. Her application was rejected April 27, 1883, for the reason that the soldier's death from insanity, forty-one years after service, had no connection with the service. She is now seventy-two years of age and in dependent circumstances, and in the judgment of your committee the bill should pass.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

ELIZA MATHEWS.

The next pension business on the Private Calendar called up for consideration (by Mr. REED) was the bill (H. R. 8953) granting a pension to Eliza Mathews.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza Mathews, dependent mother of John Mathews, late a private in Company F, Thirty-second Maine Volunteers.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6519) for the relief of Eliza Matthews, having considered the same, report as follows:

John Matthews was a private in Company F, Thirty-second Maine Volunteers. He was a good soldier and died in Andersonville prison. The claimant under this bill was largely dependent upon soldier for support; but when she applied for pension as dependent mother it was properly denied on the ground that the soldier left a widow and minor children, who were pensioned. Since that time the widow has remarried, and the children have passed the pensionable age, so that no pension is being paid in consequence of soldier's death.

Claimant is eighty-seven years of age, entirely unable to do manual labor, and is supported by charity. The case is an exceptionally strong one of its class, and as there are numerous precedents your committee report back a substitute bill with the recommendation that it do pass, and also recommend that the original bill lie on the table.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. CAROLINE G. SCYFFORTH.

Mr. CASWELL. I call up the bill (H. 9126) granting a pension to Mrs. Caroline G. Scyfforth.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Caroline G. Scyfforth, widow of the late Edmund Scyfforth, a contract surgeon in the United States Army.

The report (by Mr. HUNTER) was read, as follows:

Claimant is the widow of Edmund Seyfforth, who was a contract surgeon at Lawrence, Mass., from April 12, 1862, to August 17, 1865, at which time his services were no longer needed. The claimant alleged in her declaration for pension that her husband while engaged in said hospital service at Portsmouth Grove Hospital, in Rhode Island, in the month of January, 1863, while dressing the wounds of a certain patient in said hospital was poisoned by certain poisonous matter from said patient, whereby he was seriously injured by blood poisoning, which caused his death July 21, 1874. The claim was rejected on the ground that the death resulted from congestion of liver, not due to cut of finger. It is admitted that the deceased was free from blood poisoning prior to his engagement as surgeon. It is also admitted that claimant has never married since the date of her husband's death.

Dr. Joseph W. Cushing, acting assistant surgeon, United States Army, testifies—

"That the said Dr. Edmund Seyfforth, while in the discharge of his duty as surgeon as above stated, became disabled; that he was daily and intimately associated with him from October, 1862, to March, 1865, and that he was knowing to Dr. Seyfforth receiving a wound while operating on a patient (a soldier), which wound was followed by severe illness and blood poisoning, and compelled the amputation of his finger, and that in consequence of the injury his nervous system and general health was greatly injured, and that he never recovered his full vigor."

David Dana, late surgeon First Massachusetts Heavy Artillery, in an affidavit, March 30, 1885, testifies—

"That he has been acquainted with said surgeon twenty years, and that he practiced medicine with him in the same city and saw him frequently; that he was stationed at the Portsmouth Grove Hospital, and while operating on some of the soldiers he injured his hand by poison from the wounds, and was suffering from blood poison, so that he was obliged to lose several fingers and part of his hand, deforming him for life, and, in his opinion, it was one of the causes of his death. He was with him a day or two before his death, and he seemed to be a complete wreck."

Andrew C. Stone, a member of Company A, Thirty-third Massachusetts Volunteers, was taken to the hospital at Portsmouth for treatment in 1863, and there met Dr. Seyfforth. He had just had his forefinger amputated. He had punctured it during an operation, and it had been inoculated with gangrenous matter, which caused the loss of the joint and necessitated amputation. Stone remained in the hospital until 1865; saw Dr. Seyfforth almost every day. He was very much emaciated after the loss of the finger, and he continued in substantially that condition up to the time of death.

Dr. J. Q. Adams testifies in substance that he was a physical wreck after his return from the Army, and adds:

"It is my undoubted opinion that he died of blood poison; knows these facts from being well acquainted with him and boarding in his family and being in his office more than three years."

There is no medical hospital evidence for the reason that the deceased treated himself while in the service and up to the time of his death. The evidence seems to be abundant that the deceased surgeon incurred blood poison as stated, and that said blood poison was the cause of his death. We therefore submit a favorable report and recommend the passage of the bill with the following amendments: In the name "Scyfforth" wherever it occurs in the bill insert "Seyfforth."

The amendments recommended in the last paragraph of the report were read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELNATHAN MEADE.

Mr. PEEL. I call up the bill (H. R. 4069) granting an increase of pension to Elnathan Meade.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elnathan Meade, late of Company C, Forty-fourth Regiment New York Volunteers, at the rate of $45 a month, in lieu of the pension he is now receiving.

The report (by Mr. LYNCH) is as follows:

The beneficiary named in the bill enlisted in Company C, Forty-fourth New York Volunteers, August 20, 1862. He was wounded in left hand at the battle of Fredericksburgh, December 13, 1862, and in head, severe, at the battle of the Wilderness, and was discharged on surgeon's certificate of disability.

In addition to these wounds he contracted disease of heart and lungs. The combined disabilities are rated at the Pension Office at $24 per month. Several efforts to have his pension increased have failed, because he can perform some manual labor. It appears from the medical evidence that the wound of the head, the greater of the disabilities, alone is of such a character as to entitle Mr. Meade to a higher pension than that now allowed for the combined disabilities.

Dr. William V. Marmion, of Washington, D. C., and an oculist of national reputation, in 1882 described the disability resulting from the gunshot wound of head as follows:

"Left eye: vision, perception of light of left side of visual field, central as well general vision in all other respects lost. Ophthalmoscopic examination reveals atrophy of optic nerve, with a well-marked and almost vertical fissure of the retina, caused by the concussion of the bullet as it traversed the posterior and inferior portion of the orbit; the tension of both eyes about normal; globe of left somewhat sunken, owing to the partial destruction of fatty cushion in posterior portion of orbit. Right eye: vision nine-tenths emmetropic. There are some traces of slight neuro-retenitis remaining, most likely resulting from sympathetic irritation. Patient suffers from asthenopia, which no glass relieves; close application of eye might produce serious symptoms and threaten the health of the eye. Left eye deviates outward. Projection of right eye good."

The general effect of the wound of the head upon the system is described in the certificate of T. B. Hood, late brevet colonel United States volunteers and medical examiner of the Pension Office, under date of January 6, 1886, as follows:

"I certify that I have intimately known Mr. Elnathan Meade, and that at intervals for several years past he has been in my professional care for the results of a gunshot wound of his head and face. The missile, a large musket-ball, struck him a little above the external canthus of the left eye and, passing somewhat downward, emerged just in front of the ear upon the right side of the face. In its track the ball fractured the malar or cheek-bone (its zygomatic process), passed through the floor of the orbit of the left eye, fracturing the orbital plate of the upper jaw-bone (superior maxillary), injuring the globe of the eye, passed the nasal fosse, fracturing the bones there, and passing through the right upper jaw-bone emerged through the ramus of the lower jaw-bone (inferior maxillary), fracturing it.

"Thus the ball passed through the face from left to right. The statement that Mr. Meade was thought to have been killed outright at first, and that when it was apparent that that was not true it was believed scarcely worth while to

waste time and attention upon so hopeless a case, is wholly credible, and most certainly but few persons would recover from so severe a wound.

"The sight of the left eye is wholly destroyed, and there is growing involvement of the right eye from sympathy. But even that is not the worst of the case. The involvement of the nervous system as a result of the wound, the constant pain which is paroxysmally increased beyond the point of endurance, and the reflected irritation upon the whole nervous system as a matter of fact increases his trouble so as to unfit him for any kind of labor, mental or physical.

He should, if possible, have no enforced occupation; should not be compelled to any business cares of any character, but should be so situated as to consult his inclinations as to either mental or physical work. With freedom from care of any kind, so far as practicable, he might live in comparative comfort, but as long as he must labor with mind or body so long will that labor precipitate paroxysms of pain which will cause general excitement and shock of the nervous system and utter unfitness for any business pursuits, and I express this opinion not upon the theoretic grounds alone, but base it upon close observation of the case for several years."

The wound has also destroyed the power to masticate solid food.

Your committee fully appreciate the severity of the wound of head and its effects upon the eyes as well as upon the general system, and the consequent necessity of quiet and abstention from any business. This alone would seem to justify an increase of the pension now received by Mr. Meade. But as heretofore stated, there are other disabilities recognized by the Pension Bureau but not included in the present rating, which should not be ignored in the consideration of his request for increase.

After a careful examination of all the evidence, part of which only has been referred to in this report, your committee are convincingly impressed with the merits of the case, and therefore report favorably on the accompanying bill and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES JEWETT.

Mr. GROUT. I call up the bill (H. R. 9318) granting an increase of pension to Charles Jewett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Charles Jewett, late a private in Company I, Third New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month, in lieu of the pension he is now receiving.

The report (by Mr. GALLINGER) is as follows:

Claimant was a private in Company I, Third New Hampshire Volunteer Infantry, enlisting August 21, 1861, and being discharged August 25, 1864, making a full three years' service. He was pensioned at the rate of $6 per month for rheumatism, and applied for an increase on the ground of rheumatic disease of the eyes, causing blindness, which application was rejected by the Pension Office. Had that application been allowed claimant would have received $72 per month, and this bill proposes to give him $40 per month, which is in the line of numerous precedents established by Congress.

The merits of this case must necessarily be determined by medical testimony, on which point the following is submitted:

Dr. John H. Cutler, of Peterborough, N. H., a distinguished physician and late a surgeon in the Union Army, under date February 11, 1886, says:

"I was called to attend Charles Jewett professionally during the year 1867, said Jewett being personally known to me as the same man who served as a private in Company I, Third Regiment New Hampshire Volunteers; that the disease for which I first treated him was a rheumatic weakness of the back, and I have treated him for the same trouble, from time to time, down to date. The disease has gradually increased upon him, and in April, 1884, it became so severe that he was compelled to give up the job at which he was employed, and has since been unable to perform manual labor to any considerable extent; in fact, has been able to do little of anything. He has had a severe trouble in the back, which has been abated since last August to some extent, and the disease seems to have gone to his eyes. He has a rheumatic inflammation of the eyes, which has destroyed the sight of the right eye, and the left eye is badly diseased from the same cause."

One medical board gave the opinion that the blindness was not due to the service, while another admitted that it was impossible to determine whether or not such was the fact.

On the 9th day of December, 1887, soldier was sent for examination to Dr. H. D. W. Carvelle, of Manchester, N. H., a specialist in diseases of the eye. Dr. Carvelle found almost total blindness, and gave an elaborate statement of the case, concluding in these words:

"Do not know whether rheumatism could cause these changes. Can scarcely accept rheumatism as a cause of the blindness, but it might be possible."

Since that time, on April 16, 1888, Dr. Cutler the attending physician, has filed with your committee the following additional affidavit:

"I, John H. Cutler, of Peterborough, in the county of Hillsborough and State of New Hampshire, on oath depose that I am and have been since November, 1865, a practicing physician and surgeon at said Peterborough; that I have known Charles Jewett, late a private in Company I, Third Regiment New Hampshire Volunteers, and have lived but a short distance from him during all of that time; that I was called to prescribe for him very early in my practice in Peterborough for rheumatism when he had been but a short time out of the Army, and have treated him occasionally ever since for that disease and related ailments, which were apparently the result and effects of his military service in a southern climate; that this disability has increased in severity from year to year ever since. I first found it in the lumbar regions, when it gradually encroached upon the dorsal and cervical regions, and later upon the base of the brain, the result of which is blindness and total disability to perform manual labor, the result of which is permanent.

"I further depose that I have no interest in the prosecution or result of any claim for pension on behalf of said Jewett.

JOHN H. CUTLER, M. D.

"PETERBOROUGH, N. H., *April* 16, 1888.

"STATE OF NEW HAMPSHIRE, *Hillsborough, ss:*

"Personally appearing the above-named John H. Cutler on the 16th day of April, 1888, subscribed and made oath to the foregoing affidavit before me, and I certify that he is personally known to me as the person he represents himself to be, and is reputable and entitled to credit, and that I have no interest in any claim for pension by or in behalf of Charles Jewett named in the above affidavit.

"[SEAL.] R. B. HATCH, *Notary Public.*"

A summary of the medical testimony is as follows: One board thinks the blindness is not due to rheumatism, and another admits that it is impossible to determine that point; an oculist finds blindness, but can not say positively as to whether rheumatism did or did not cause it; while the attending surgeon, who has treated soldier continuously for more than twenty years, swears positively that the blindness is the direct result of rheumatic trouble.

As it is well known to every medical man of experience that rheumatic diseases of eye are not uncommon, it is safe to assume that the attending surgeon in this case understands the matter better than other medical men who have seen the soldier but once, and accordingly your committee report the bill back favorably and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERIC RONICKE.

Mr. WILLIAMS. I call up the bill (H. R. 3923) to place the name of Frederic Ronicke on the pension-roll.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Frederic Ronicke, late of Company A, Fifty-eighth Ohio Volunteer Infantry, on the pension-roll, subject to the limitations and provisions of the pension laws.

The report (by Mr. YODER) was read, as follows:

Frederick Ronicke enlisted October 1, 1861, in Company A, Fifty-eighth Regiment of Ohio Volunteer Infantry, and was discharged January 14, 1865. The evidence filed in his pension claim establishes that he was a sound, robust, healthy man when he enlisted; also his officers testify to his being a brave and willing soldier. He claims that while on duty on the gunboat Mound City, in the winter of 1863, he contracted rheumatism from exposure and was sent to hospital-boat Red Rover.

There is no record evidence of his being treated for rheumatism, but the evidence of Lieut. Charles Kelte, then commanding Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, says "that claimant was under his command from February 8, 1863, to June, 1863; that he was often taken with pains in his limbs, and that he became reduced in flesh and unfit for duty." Joseph Dister, of Dayton, Ohio, captain of Company F, Fifty-eighth Ohio Volunteer Infantry, testifies "that while on an expedition from Chickasaw Bayou, Mississippi, to Arkansas Post, Arkansas, about January, 1863, claimant complained of severe pains in his legs and body and had to be put into an ambulance." The evidence is that since his discharge the rheumatism grew more severe until he was disabled from manual labor. The board of examining surgeons under order from Pension Department examined Mr. Ronicke, June 7, 1882, and report:

"This man is very much deformed from the effects of deposits in the various joints of the body; the knees are rigid in a semi-flexed position; the fingers useless on account of the deformity at each joint; he is unable to walk erect, and helps himself as best he can upon crutches; he has no acute pains or actual inflammation in any of his joints now, and that he is totally incapacitated for obtaining his subsistence by manual labor."

The evidence shows this man to be very poor. He states that he is unable to procure the evidence necessary to complete his claim, and in the absence of hospital record for treatment of rheumatism the Pension Department rejected his claim. But from his present condition and his condition since his discharge, in connection with claimant's statement, supported by the evidence of Captain Dister and Lieut. Charles Kelte, officers in his company and regiment, your committee believes the claimant is entitled to pension, and therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN A. ROLF.

Mr. ADAMS. I call up the bill (H. R. 7093) granting an increase of pension to John A. Rolf.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John A. Rolf to $50 per month, in lieu of the pension now received by him under certificate 6304.

The report (by Mr. CHIPMAN) was read, as follows:

John A. Rolf served in Company D, Seventy-second Regiment Illinois Volunteers, from December 22, 1863, to July 29, 1865, when discharged for disability on account of gunshot wound of left elbow received in battle at Franklin, Tenn., November 30, 1864.

For this wound he is pensioned at $24 per month, the disability being equivalent to the loss of a hand.

On April 30, 1871, pensioner then being employed as a letter-carrier at the Chicago, Ill., post-office, and while on his route gathering up letters, in the attempt to get off a street-car he lost his hold by reason of the disabled condition of the left arm, was thrown under the wheels of the car, and had his right arm so badly crushed that amputation at the shoulder-joint became necessary.

A captain of police and others who witnessed the accident attribute this injury to the weakened condition of the wounded arm, rather than to carelessness or negligence on the part of the pensioner. He is shown to have always been a sober and industrious man, and is spoken of in the highest terms by those under whom he was employed at the time of the accident.

By reason of the wound of service and the subsequent loss of the other arm he is incapable of performing skilled or manual labor, and is in a great measure dependent upon the efforts of his small children, who keep a small fruit-stand in the city of Chicago. In addition to the disabilities described Rolf is nearly blind in left eye, and suffers much from rheumatism of both shoulder-joints, left hip, both knees, and ankle-joints.

It is true that the greater disability is not directly chargeable to the military service, but that it is indirectly due to the severe injury of service, is, in the opinion of your committee, clearly shown. Pensioner's condition is pitiable in the extreme, and while no relief can be afforded him under the general pension laws, it is the desire of this committee that his pension should be increased, and therefore report favorably on the accompanying bill, and ask that it do pass, amended, however, by striking out the work "fifty," in line 5, and insert therein instead the word "forty-five."

The amendment recommended in the last paragraph of the report was read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MANHATTON PICKETT.

Mr. OSBORNE. I call up the bill (S. 2301) to increase the pension of Manhatton Pickett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Manhatton Pickett, late a sergeant of Company B, One hundred and twelfth Regiment New York Volunteers, to $45 per month, in lieu of the pension now authorized by law.

The report (by Mr. LYNCH) was read, as follows:

The claimant in this case is now drawing a pension of $36 per month, under a special act of Congress approved July 14, 1886. After a full examination of the facts of this case, and the report of Senator BLAIR, No. 915, made to the first session of the Forty-ninth Congress, which clearly and briefly states the facts, the committee is of the opinion that the claimant's pension should be increased to the amount allowed under the law approved August 4, 1886, for the loss of a leg at the hip-joint, or so near the joint as to prevent the use of an artificial limb.

The evidence is conclusive that the claimant is more disabled by reason of the wound from which he is now suffering, and is less able to provide for the maintenance of himself and family, than if he was on crutches and had his limb amputated "so near the hip-joint as to prevent the use of an artificial limb." His condition can not be remedied by the amputation of the leg at or above the knee-joint, from the fact that his physical condition is such that the operation could not be performed without endangering life.

Your committee would, therefore, recommend that Senate bill 2301 be amended by striking out in line 6 the words "one hundred," and inserting in lieu thereof the word "forty-five," and as so amended the bill is reported favorably, with the recommendation that it do pass.

The following is the report made to the Forty-ninth Congress, referred to above:

"The soldier is now in receipt of a pension for gunshot wound, described as follows by J. L. Stewart, president board of examining surgeons:

"'Gunshot wound of posterior surface of left leg, leaving an ulcerated discharging wound 3½ inches long over the lower part of the gastrocnemius muscle, the lower third of which muscle has been removed by inflammatory action and discharges, producing pain and weakness of the leg and ankle, and impairing his ability for manual labor, causing a disability equal to the loss of a hand or foot.'

"Dr. Pickett has appeared personally before your committee, and, having examined him carefully, they find the leg atrophied, with a large ulceration, which is evidently incurable.

"The leg requires bandaging to be constantly renewed, and is offensive to the smell. This has impaired his general health and reduced it to so low an ebb that an amputation of the leg, though very much to be desired, would now be exceedingly dangerous and probably fatal.

"Taking all things into consideration, your committee think that this pensioner would be better off had his leg been amputated.

"In addition to the above the following affidavit has been filed in support of the claim for increase, as follows:

"CITY OF WASHINGTON, *District of Columbia, ss:*

"Alexander M. Lowry, after being duly sworn, deposes and says that he was late adjutant of the One hundred and twelfth Regiment New York State Volunteers; that he was attached to said regiment from August, 1862, until about Septe ber, 1864; that he was well acquainted with Manhattan Pickett, late a sergeant of Company B of said regiment, who is now an applicant for a pension by special act of Congress by bill H. R. 7165; that he has known him since August, 1862.

"Affiant further states that said Pickett was wounded at Cold Harbor in the line of duty; that he was immediately afterward taken to the hospital, where he remained until discharged and sent home. Said Pickett has never recovered from the effects of said wound, but is now entirely disabled and rendered utterly helpless and unable to do anything to support himself or family in consequence thereof. The wound has never healed, but, on the contrary, has continually grown worse, until at the present time it is in such an offensive condition that it is necessary to dress the same at least twice every day.

"The soldier is himself an eminent physician and surgeon, one of the best in Western Pennsylvania, and has, therefore, thus far been able to prescribe for his own case; were he required to employ medical assistance it would take a much larger amount of money to pay for the same than his present pension. He now requires constant care, attendance, and treatment on account of the offensive and dangerous character of this wound and its discharges. Under its influence his health is rapidly declining, owing to the constant and severe drain upon his physical system; this is greatly enhanced by the continuous pain which he suffers on account of this wound, which has shattered his nervous system, and requires large quantities of opiates to be persistently administered in order to relieve the same, the effect of which has necessarily been very injurious.

"The said wound is several inches in length from the knee down and the flesh is gradually sloughing off, the result of which is of the most disagreeable character. He long ago would have submitted to amputation of the leg above the knee were it not for the fact that he has been assured by the best medical authorities in that section that such amputation would probably result in death. The claimant has therefore continued to drag out a miserable existence, which it is the belief of your affiant can not probably be continued but a short time, and which it is very probable may even be numbered by months.

"Affiant further states that the claimant has a wife and one young child depending upon him for support; that he is entirely without property or means; that he is an eminent physician, and would be capable, if physically able to attend to his profession, of securing a large and lucrative practice; that he has been surgeon of the Philadelphia and Erie Railway Company, but, not being able to attend to the duties of that position, must resign the same.

"Affiant further states that the wife of said claimant has been his constant attendant, and has given and is now giving a large portion of her time, strength, and energy to his care, and that but for her assistance he would be compelled to procure the constant aid and attendance of another person, which he is now unable to do by reason of poverty.

"Affiant further states that he has no interest in the prosecution of the above claim.

"ALEX. M. LOWRY.

"Sworn and subscribed before me this 4th day of May, 1886.

"[SEAL.] "R. B. NIXON, *Notary Public.*"

"Your committee think that the evidence shows a condition of this soldier which will fully warrant the pension of $50 per month, as it would seem that he requires the aid and attendance of another, besides constant medical attendance. The bill is therefore reported back with a recommendation that it do pass, with the following amendment: Strike out the word 'thirty-six,' in the sixth line, and insert the word 'fifty.'"

The amendment recommended in the last paragraph of the report was read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

TOBIAS BANEY.

Mr. HIESTAND. I call up the bill (S. 121) granting a pension to Tobias Baney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Tobias Baney, late of the One hundred and ninety-fifth Regiment Pennsylvania Volunteers.

The report (by Mr. LYNCH) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 121) granting a pension to Tobias Baney, have had the same under consideration and respectfully report that they submit and adopt the Senate report, as follows:

"Tobias Baney, the claimant, enlisted as a private in Company H, One hundred and ninety-fifth Regiment Pennsylvania Volunteers, February 28, 1865, and was honorably discharged January 31, 1866.

"About November, 1865, while at Washington, D. C., claimant was attacked by pains in the region of the heart, which have continued until the present time, with a steady increase in violence and the disability consequent thereupon.

"The hospital records contain no mention of any disability, but claimant alleges that as military duty at that time was merely nominal, and his regiment was in daily expectation of muster out, he made no complaint of his disability to his superior officers, or to the regimental surgeon.

"After his discharge he was treated by Dr. J. W. Bowman, of Bainbridge, Pa., until 1868; since then he has been treated by Dr. G. W. Beane, of the same place.

"Dr. Beane testifies, *inter alia*, that claimant suffers much from attacks of pain and broken-down condition of his health; that in his opinion claimant contracted from exposure pericarditis, or inflammation of the heart's coverings, which extends to and along the great arteries; that he is and always has been a temperate, industrious man, whose health was certainly undermined while in the service.

"From the evidence submitted it appears that claimant, owing to his disability from the above-mentioned cause, was, for the first ten years, incapacitated for manual labor one-fourth of the time; from then to 1882, one-half of the time, and from the latter date to the present time has been totally incapacitated for manual labor.

"That the disability originated in the military service of the United States is proven by the testimony of a number of claimant's comrades, who, together with other persons, show him to have been a robust, healthy man prior to his enlistment.

"In view of these facts, your committee recommend that the accompanying bill do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LYDIA A. HEINY.

Mr. CHEADLE. I desire to call up the bill (H. R. 9034) granting a pension to Lydia A. Heiny.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the rules and regulations of the Pension Department, the name of Lydia A. Heiny, widow of George Heiny, late a member of Company E, Thirty-ninth Regiment Indiana Volunteers, and Company E, Eighth Indiana Cavalry Volunteers.

The report (by Mr. MATSON) is as follows:

Lydia A. Heiny is the widow of George Heiny, who enlisted as a private in Company E, Eighth Indiana Cavalry (Thirty-ninth Volunteers), and was enrolled on the 28th day of August, 1861, and was mustered out at Lexington, N. C., July 20, 1865, and died December 13, 1880. The widow filed application for pension May 11, 1885, alleging that the soldier, George Heiny, her husband, soon after the battle of Chattanooga, Tenn., while in the line of his duty, contracted indigestion, dyspepsia, bronchitis, disease of throat, and nervous debility, and that his death was caused by reason of said disabilities. The claim was rejected by the Pension Department on the ground that the cause of the soldier's death, the result of a fall, was not due to his military service.

In relation to the death of the soldier, W. D. Winburn testifies that his occupation is that of a barber, and that he knew the soldier two years prior to his death. He was a patron of the affiant's. He suffered from throat trouble, and he often noticed when in his (affiant's) barber-shop that he seemed to suffer greatly of smothering; seemed as if his throat filled up and he could not breathe, and choked, and this grew worse seemingly, and greatly annoyed him on the evening he was severely injured, December 12, 188'. He came to affiant's barber-shop, located upstairs, to get shaved, Saturday evening, December 12, 1880. He sat down to wait his turn, being crowded with customers. Affiant noticed that he (soldier) seemed quite uneasy, and seemed to be choking, and started to go out of the shop, and said that he would come in again when he felt better. He opened the door and started down the stairs and fell. Affiant heard him fall and went to the door at once, and he was lying on the brick sidewalk. The soldier died the following day.

P. R. Whitesell, captain of the soldier's company, and also a physician, testifies that he was personally acquainted with the said Heiny, and that he was a sound, able-bodied man, free from disease prior to enlistment; that he prescribed for him frequently for disease of the throat while in the Army. After returning from the Army he commenced treating soldier for disease of the throat in October, 1865, and was his physician up to 1866. The disease continued to take on a more aggravated form. It affected his voice organs and deglutition. Dr. W. B. Graham, he says, treated the soldier the greater part of the time after the above date, and he (Dr. Whitesell) examined him frequently while Dr. Graham was treating him, and advised with the doctor in the treatment.

Dr. Graham testifies that he treated the soldier for disease of throat, and that it gradually grew worse, and that while under his treatment from about September, 1866, to 1870, was so as to disable him from manual labor fully half the time.

Dr. Tucker testifies that he treated the said Heiny for disease of throat and vocal organs during the summer and winter of 1871–'72 until he removed to Noblesville. He says he suffered a great deal during deglutition from severe pain in throat and he gradually grew worse; the treatment merely allayed the pain, but he did not make any improvement in his condition. He says he does not know the origin only from hearsay, but it was understood that it originated in the Army. He saw him frequently after he ceased to treat him until about the date of his death, and his condition was growing gradually worse to the extent that he was unable to perform manual labor more than half the time, and that his habits were good.

Austin Lenner testifies that he was a member of the same company with Heiny, and has been acquainted with him all his life; that they enlisted together, and he knows that Heiny was a stout, active young man and not afflicted with any kind of disease; that after the war they returned to their homes, near Noblesville, Ind., where they lived and saw each other more or less every month from the date of his discharge to the date of his death, and he knows of his own personal knowledge that he was greatly afflicted with some kind of throat trouble and unable to perform manual labor in consequence thereof; that he was treated by physicians; that his disability continued to grow worse all the time up to the date of his death, and knowing what he does of the soldier's condition before enlistment and his duties while in the service he has every

reason to believe that he contracted his disability in the service and in line of his duty, and that his death was the result of said disabilities.

Your committee are of the opinion that it is proved beyond a reasonable doubt that the soldier was a sound, healthy man at the time he enlisted. There is no hospital record of treatment in his case, but it is shown that said records are incomplete; but the testimony of Captain Whitesell, who was also his family physician, is sufficient to show that his disability was incurred while in the service and in line of duty. The fall from the top of the stair-way to the brick sidewalk below was technically the cause of his death, but the committee are forced to the conclusion that the debilitated condition of the soldier at the time, resulting from the diseases which were incurred in the Army, is sufficient, in the opinion of the committee, to justify the belief that death resulted from said disabilities.

In view, therefore, of the facts above stated, and the further facts that the soldier was a poor man when he came out of the Army, and was an invalid and unable to perform manual labor only to a limited extent from the date of his discharge to the date of his death, we believe that the relief asked ought to be granted.

Your committee therefore submit a favorable report, and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM KNIGHT AND OTHERS.

Mr. BOOTHMAN. I call up the bill (S. 341) granting pensions to William Knight, Jacob Parrott, and John Whollam.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the act approved July 7, 1884, entitled "An act granting pensions to Wilson W. Brown and others," the name of William Knight, late of Company E, Twenty-first Ohio Volunteer Infantry, and Jacob Parrott and John Whollam, late of the Thirty-third Ohio Volunteer Infantry.

Mr. BOOTHMAN. As the report in this case is long, I think I can make a statement of the case which will be entirely satisfactory, after which I trust the report may be printed in the RECORD without reading. These men are all who now remain of what are known in history as the "Mitchel Raiders," and who have not been pensioned under the act of July 7, 1884. At the time of the passage of that act the whereabouts of these men and even their existence had not been ascertained. They have since been found. One of them is a resident of my own county. The bill proposes to place these men on an equality with the other surviving members of that expedition, at the rate of $24 a month. They suffered extreme hardships, as is known, under circumstances which it is not necessary to repeat.

The report (by Mr. THOMPSON, of Ohio) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 341) granting pensions to William Knight, Jacob Parrott, and John Whollam, submit the followlng report:

This bill, as originally introduced into the Senate at this session of Congress was a duplicate of House bill No. 961, for which it is now reported as a substit ute It provides for granting pensions, subject to the provisions and limitations of the act of Congress approved July 7, 1884, entitled "An act granting pensions to Wilson W. Brown, and others," William Knight, Jacob Parrott, and John Whollam, the now remaining unpensioned survivors of that brave band of Union soldiers known in history as the "Mitchel Raiders."

The facts upon which the relief sought is based are set forth in the Senate report accompanying the bill, which is herein incorporated and made a part of this report, namely:

"[Senate Report No. 475, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 341) granting pensions to William Knight, Jacob Parrott, William Reddick, and John Whollam, have examined the same, and report:

"The beneficiaries of this bill were members of the forlorn hope, known in 1862 as 'Mitchel's Raiders.'

"By special act of July 7, 1884, Congress bestowed a pension of $24 a month, in response to their petition, upon Wilson W. Brown and others, comprising a majority of the survivors of those who were engaged in a hazardous enterprise, under orders of General O. M. Mitchel, having for its object the destruction of the bridges between Chattanooga and Atlanta, as part of a movement for the capture of the former place. The enterprise involved a raid of 200 miles south within the Confederate lines, and the duty was of so desperate a character that volunteers were called as for a forlorn hope. Twenty-one responded to the call. The enterprise was not successful, the party having been captured, and seven, with their leader, were tried, convicted, and hung as spies.

"Before this trial and execution the twenty-one prisoners were confined in a room 13 feet square for nearly three weeks, and of those remaining unhung one (the Jacob Parrott of this bill) was whipped on the bare back with a hundred lashes, and the balance were confined from six to eleven months in expectation of the fate which had overtaken their dead comrades, and were forced to submit to and endure special indignities and sufferings.

"The details of the affair are narrated more at length in the report of the House Committee on Invalid Pensions on House bill 4444, during the Forty-seventh Congress, and also in a report of this committee (Senate Report 712, Forty-seventh Congress, first session), in accordance with whose recommendations the act of July 7, 1884, was passed. That act provided for all the participants then petitioning for aid in that behalf.

"The bill now under consideration grants to William Knight, late of Company E, Twenty-first Ohio Volunteer Infantry, and Jacob Parrott, William Reddick, and John Whollam, late of the Thirty-third Ohio Volunteer Infantry, members of the same expedition, unprovided for in the act of July 7, 1884, the same pension as that given their comrades by the terms of that act, thus placing them all on the same footing. William Reddick, however, one of the men named, received the aid proposed by this bill under the name of William H. Reddick in a special act of Congress approved February 27, 1887, and his name should be stricken from the bill. With an amendment to that effect the bill is reported favorably and its passage recommended.

"Amend by striking out the name of 'William Reddick' wherever it occurs in bill and title."

Your committee very cheerfully indorse and approve the statements of the Senate report, and hereby report the Senate bill favorably and ask its passage; and also ask that the House bill, No. 961, be laid upon the table.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE RUPPERT.

Mr. DOCKERY. I call up the bill (S. 996) granting a pension to Caroline Ruppert.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Caroline Ruppert, widow of Christian Ruppert, late a private in Company F, Second Regiment of Michigan Cavalry Volunteers.

The report (by Mr. WALKER) was read, as follows:

The Senate Committee on Pensions have presented a report fully setting forth the facts in the case, which your committee adopt as their own and likewise recommend the passage of the bill.

The report is as follows:

"Caroline Ruppert, the claimant, is the widow of Christian Ruppert, who enlisted as a private in Company E, Second Michigan Cavalry, November 9, 1863, and was discharged August 17, 1865. Her claim was rejected by the Pension Office on the ground that the disease of which the soldier died April 25, 1876—disease of the lungs—did not originate in the service.

"It is alleged that the fatal disease of the lungs was the result of the soldier's falling from his horse and being kicked and trampled upon. The morning reports of the company have this entry for February 22, 1865: 'Kicked by a horse, jawbone broken.' On account of this injury he was sent to hospital February 25, 1865.

"There is abundant testimony to show that at enlistment Ruppert was an exceptionally strong and healthy man, and free from any disability. Frederick Danes, who saw Ruppert on the day of his return from the Army, and who worked in the same shop with him afterward at the cooper's trade, testifies that soldier was never in good health after his discharge, and that he often complained of his breast. This evidence is corroborated by several other fellow-workmen and acquaintances, who testify that he was not able to do heavy work, and that he had to 'lay off' frequently on account of the pains in his breast. Dr. Adolph Henning testifies that he treated Ruppert for lung disease in February or March, 1866; that he undoubtedly got the disease in the service, as it was of six or seven months' standing, and as he was in very bad health; and that he treated him subsequently for the same affection. The evidence as to the lung disease is corroborated by other physicians who treated him at different times.

"The evidence as to soldier's soundness at enlistment is undoubted, and that as to his ill-health at discharge is as satisfactory.

"Your committee deem it but a reasonable conclusion that the fatal disease arose from the service, and are willing to give the widow the benefit of this conclusion.

"They therefore recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH A. CORSON.

Mr. LEHLBACH. I wish to call up the bill (H. R. 6307) granting a pension to Sarah A. Corson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Sarah A. Corson, widow of the late Joshua Corson, late a corporal in Company B, of the Twenty-fourth Regiment of New Jersey Infantry, at the rate of $12 a month, from the date of his death, to wit, December 12, 1885.

The report (by Mr. PIDCOCK) was read, as follows:

The beneficiary named in the bill is the widow of Joshua Corson, who served in Company B, Twenty-fourth Regiment New Jersey Volunteers, from August 30, 1862, to June 29, 1863. He received a total pension for gunshot wound of left hip and right thigh, and died of strangulated femoral hernia, December 12, 1885. The widow's claim has been rejected by the Pension Bureau because, in the opinion of the medical referee, the death cause had no connection with the wounds for which pensioned.

The board of examining surgeons at Camden, N. J., under date of January 28, 1885, make the following report:

"Find a ball-size entrance scar 4 inches below and behind the left trochanter major, and the exit scar (ball cut out) about 4 inches below and behind the right trochanter major, the course of the ball evidently being through the gluti folds or buttocks, and possibly passing between bowel and sacrum low down, for we find no midway evidence of ball injury."

It appears from the evidence in the case that the hernia made its appearance first about four years prior to the soldier's death, although he complained for years prior thereto of a weakness and pain in that part of the body.

Dr. Joseph Butcher, who attended the soldier during the last two years of his life, testifies that when first called in the case found him suffering from femoral hernia, which affiant diagnosed as omentum. It was irreducible. In three or four months it became very painful, and soon showed signs of malignant infiltration, from effects of which he died. Held no *post mortem*, therefore can show no direct connection between the wound and hernia, but believes the wound to have caused hernia by deteriorating and weakening his whole system, and parts contiguous to wound, and there also being no other accountable cause of hernia, no blows or heavy lifting. The history of the case, previous to time affiant saw soldier, would undoubtedly indicate a connection, namely, that there was a discharge from wound until appearance of hernia, when it ceased entirely; also, pain which had existed a long time in the hip, thigh, and back, seemed to change to anterior portion of the body after appearance of hernia, affecting it and contiguous parts.

Dr. Butcher is a physician in good standing and evidently has given the case close attention. While doubts must necessarily surround a case of this character, yet in the opinion of your committee the same should be solved in favor of the claimant, in particular when the testimony of the attending physician warrants such a solution.

The bill is therefore returned with the recommendation that it do pass, amended, however, by striking out all after the word "Infantry," in line 8.

The amendment recommended in the concluding paragraph was read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EMIL SCHATTLE.

Mr. KERR. Mr. Chairman, I call up for present consideration the bill (S. 1435) granting a pension to Emil Schattle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emil Schattle, late of Company F, Ninth Iowa Cavalry.

The report (by Mr. SPOONER), which was ordered to be printed in the RECORD, is as follows:

That they adopt the accompanying Senate report, and recommend the passage of the bill.

[Senate Report No. 539, Fiftieth Congress, first session.]

The claimant was a private in Company F, Ninth Iowa Cavalry. He enlisted July 22, 1863, was discharged August 11, 1865, filed his declaration for invalid pension July 11, 1879, claiming disability on account of varicose veins and ulcers, resulting from exposure in the service.

The decision of the Pension Office is adverse, and is approved by the Secretary of the Interior; and it takes the very common form of asserting that the disability existed before enlistment. There is no denial or question of the existence of the infirmity, even to the degree of disqualification for manual exertion. Decisions of this kind by the Pension Office are so numerous as to suggest one of three things: That they are inaccurate; that the surgeons making the examinations and the officers accepting recruits were careless or incompetent; or that the Union forces were largely composed of physically disqualified soldiers.

This is another of the many similar cases in which the committee are compelled to conclude that there is no justification for the rejection.

The discharge is signed by the acting assistant surgeon, who thus states the cause:

"Varicose veins of legs of such size as to render him unfit for military duty in any capacity. Existed prior to enlistment, but aggravated in the service in the line of duty."

It is asserted in the discharge also that the soldier admitted the previous existence of varicose veins, to which he makes answer in an affidavit that if the discharge contains this statement it is erroneous and was a misapprehension of the surgeons, who could have had no knowledge of affiant before he was sent to the hospital. He says further:

"As to the statement of affiant referred to, he stated that the veins of the leg were always enlarged from childhood, but that no disability from that cause existed until by exposure and hard service the ulcerations appeared, and this after a long time and hard service. And he claims that if the surgeons who discharged him made such an assertion it should not be recognized, as he was examined by Dr. Jesse Warren at enlistment and mustered into service."

The man was accepted as sound; there is reason to conclude that he was able to perform the duties of a soldier, otherwise the recruiting surgeon and officer would not have certified "on honor" that he was capable of bearing arms. In any case he did serve, and it is admitted that he was disabled in consequence. Moreover, there is no evidence of the prior existence of disability except that contained in the discharge, which is answered by the soldier himself, and whose statement is quite as consistent as the other. The bill is reported favorably, with a recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES E. GOTT.

Mr. MILLIKEN. I ask unanimous consent for the present consideration of the bill (S. 1539) to increase the pension of James E. Gott.

The bill was read, as follows:

Be it enacted, etc., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James E. Gott, late a private in Company A, Fourteenth Maine Volunteers, at the rate of $50 per month, in lieu of the present pension which he now receives.

The report (by Mr. GALLINGER), which was ordered to be printed in the RECORD, is as follows:

The facts in this case are fully set forth in the report of the Senate Committee on Pensions, which report your committee adopt as their own, and recommend the passage of the bill. The Senate report is as follows:

"The claimant was pensioned at the rate of $24 a month for abscess in left maxillary bone. He applied for increase, which was rejected October 21, 1887, as the Commissioner states in his letter of transmission, 'because the disability resulting from the pensioned cause did not incapacitate him for the performance of any manual labor whatever.'

"The examining surgeon says that his disability is the result of gangrene from the effects of scurvy. Another surgeon, designated by the Pension Office, says: 'He is sustained by the removal of two incisors, and draws fluid food through the aperture. It takes him a long time to eat; is poorly nourished. His condition is not the result of bad habits.'

"The board of examining surgeons who examined him in 1885 report that 'his jaws are firmly bound together by a cicatrix; he is unable to perform any manual labor.'

"The claimant was a private in Company A, Fourteenth Maine Volunteers. A petition to Congress praying for the increase, signed by 120 citizens of the town of Deer Isle, the home of the soldier, states on their personal knowledge that, in consequence of the flesh on the inside of his mouth adhering or growing to the jaw, he is unable to open his mouth or to take any solid food; that he is a great sufferer, unable to labor, and requires the attendance of another person.

"It is apparent to the committee, after a careful investigation of the case, that he is not only utterly incapacitated to perform any kind of labor, but that his emaciated condition, and the peculiarities of his case not only require the attendance of a person to take care of him, but make the occupation of his nurse a very unpleasant duty.

"The committee do not undertake to reconcile the conclusions of the Pension Office with the very positive existence of the facts as shown by the surgeons appointed to examine him, as well as by his neighbors, who have daily opportunities to know whereof they testify.

"With the evidence before us we have no doubt that this soldier is entirely disabled, and that his condition is such as to justify and demand a special act for his relief.

"The bill is reported favorably with a recommendation that it do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. PITNER.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent to call up the bill (H. R. 940) granting a pension to George W. Pitner.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Pitner, late of Company E, Seventy-seventh Regiment of Ohio Volunteer Infantry.

The report (by Mr. THOMPSON, of Ohio), which was ordered to be printed in the RECORD, is as follows:

George W. Pitner was a member of the Seventy-seventh Ohio Volunteer Infantry, and served about three years, and in his affidavits he states that while in the service and on a march from Mobile to Nana Hubba Bluff, on the Tombigbee River, on or about the 28th of May, 1865, he had a sun-stroke, from which he has never recovered; that he was mustered out of the service on the 8th day of March, 1866; that on the 2d day of June, 1881, while under the influence of vertigo, caused by sun-stroke, he fell into a well and was so injured that his right leg had to be amputated below the knee and the left leg was so injured that it is substantially useless, the ankle joint being destroyed, and that he is now utterly helpless.

The testimony of George W. Williams, who was with him on this march at the time of the sun-stroke, is that Pitner went away at the time of this sun-stroke in an ambulance; that he was too weak to march; that he was so light-headed that he was apt to stagger around and fall; that he did no more duty there, but was under the care of the surgeon, and did only light duty from this injury until he quit the service; was subject to fainting spells and complained of his head.

Dr. Cook, a prominent physician in Bridgeport, Ohio, the present postmaster of that place, states that he has known Pitner and treated him more or less ever since he came out of the service; treated him at times for sun-stroke or vertigo; that when he was treating him in July, 1867, for sun-stroke, he told him of the attack of sun-stroke he had in the Army and gave him the full particulars of the same. Dr. Cook says that he believed then and still believes that the attack he had in July, 1867, was superinduced by the former attack in the Army, and that these attacks of vertigo are so severe as to incapacitate the claimant for any kind of daily labor. Dr. Cook also testifies that it was during one of these attacks that he fell in the well and was dreadfully injured.

The testimony shows conclusively that Pitner is a man of good character, worthy of credit and belief, and free from all bad habits, but very poor, entirely without any means of support.

Your committee therefore recommends the passage of the bill.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I move to amend this bill, to strike out the words "subject to the provisions and limitations of the pension laws" and insert in lieu thereof the words "at the rate of $30 a month;" and I wish briefly to explain the object of this amendment.

The CHAIRMAN. This is not a committee amendment?

Mr. JOSEPH D. TAYLOR. No, sir; this amendment I offer myself.

The reason I desire to offer the amendment is this: Under the provisions of this bill—and it is a matter that did not occur to me until quite recently—he would be pensioned merely for the sunstroke, from which, as is shown by the testimony in the report, he has been suffering, and which occurred during his service in the Army, which pension would probably be quite a small one in comparison to the disability from which he is suffering.

But while under the influence of this vertigo, the result of the sunstroke, and after coming from the Army, while standing near a well, he fell into it during an attack of vertigo, and was so seriously injured, as shown by the report, that his right leg had to be amputated below the knee, and the left leg is comparatively useless, the ankle-joint being destroyed, and he is now rendered utterly helpless.

This man was a good soldier, who served for three years in the Army, made a very creditable record for himself, and is a most respectable man. In view of the condition in which he is placed by the disability incurred during the service, and this accident, the direct result of that disability, I think the pension should be increased as I have suggested. Because, Mr. Chairman, we should take into account somewhat the misfortune of falling into the well, and that though it is not a direct injury received in the service it is the indirect result of that injury for the reason stated. He has lost, as I have said, one leg and the other is broken at the ankle-joint so that its use is destroyed.

Mr. RYAN. What is the amount of the pension proposed?

Mr. JOSEPH D. TAYLOR. That he be pensioned at the rate of $30 per month.

Mr. MATSON. This bill is in the precise form of all other bills of this class, and we have not yet entered upon the proposition of pensioning men for disabilities incurred out of the service. It seems to be very unfair to all the rest of the pensioners to pension this man for some disability which occurred since he left the service. Besides, if he had sun-stroke so severe that he is in the disabled condition the gentleman suggests he will get a pretty good pension anyway, and I see no reason whatever for selecting him out and establishing a rate different from that fixed by Congress in all other classes of a similar character which are submitted for a rating by a board of examining surgeons. My own opinion is, I repeat, that if the disability is such as to make him so helpless as described by the gentleman from Ohio he will get a fair pension anyway. Then it seems to me that this matter ought to have been investigated, and the proposition should have been made in the first place and submitted to the committee. There does not seem to have been any attempt of that kind made, and I think it ought not to pass, and I shall resist it as far as I can.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. JOSEPH D. TAYLOR. Let me state, Mr. Chairman, that this is an exceptional case. At the time that I introduced the bill it did not occur to me that it should be introduced in the form I propose to amend it. Other bills have been introduced here for exceptional cases

and have been passed. The amount of $24 was granted in the last bill but one passed this evening. This is a most worthy man and it would be a very rigorous treatment indeed to allow this case to be rejected because of the harsh rules that prevail in the Pension Department.

Mr. WILLIAMS. Was this brought before the Pension Committee?

Mr. JOSEPH D. TAYLOR. Was what brought before the Pension Committee?

Mr. WILLIAMS. This vertigo.

Mr. JOSEPH D. TAYLOR. The report shows that he had it in the Army, and that he never did any service after he had received the sunstroke. He came home suffering from the vertigo, and after his return he had the attack from which he fell into the well and received the injuries I have stated.

I have recommendations here signed by the business men of the city where he lived, by the man who was president of the medical association of the county, by the present postmaster at Bridgeport, and they all agree in saying that something of this kind ought to be done for this man. My attention has been recently called to the particulars of the case. I introduced the bill without much consideration, but from recent information I am satisfied that it would be great injustice and wrong to this claimant to give him a pension of less than $30 a month, and I am assured that if the case goes to the Department in this way he will be pensioned only for the sunstroke, because his misfortune in falling into the well will not and can not be taken into consideration by the Pension Bureau.

It seems to me, sir, that the very object of passing these special bills is to reach out and give relief beyond the point which the general law covers. I have waited a good many weeks to have this case considered; I have not called it up now until we have reached about its regular place on the Calendar, and I am satisfied the House ought to grant the pension I have proposed. This man has a family, and he is utterly helpless. He has been receiving support from the trustees of the township for a long time, and from the citizens of the county, and I do not know of a case pensioned at this rate that is more meritorious than this one.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

Mr. CHEADLE. If this claimant is totally disabled by reason of the injury received from sunstroke, what would he be rated at under the law?

Mr. JOSEPH D. TAYLOR. He would be rated for sunstroke. They can not take into account the fact that he fell into the well and broke his leg.

Mr. CHEADLE. But my question is this: Total disability is total disability, whether resulting from blindness or any other cause, and if he is totally disabled what would he be rated at under the law?

Mr. JOSEPH D. TAYLOR. The rating would be much higher I think than $30 a month.

Mr. HUNTER. Seventy-two dollars a month.

Mr. JOSEPH D. TAYLOR. I believe it would be $72, but I am not asking that. I am asking a compromise amount; I am asking only $30.

Mr. WILLIAMS. I think he would fare better without the amendment.

Mr. HUNTER. No; he will fare better with the amendment.

Mr. JOSEPH D. TAYLOR. The bill would be of no value without the amendment. I would not care about passing it.

Mr. MATSON. If the gentleman prefers to have the bill recommitted I have no objection to that. Let it be recommitted and let the case be investigated. The bill certainly ought not to pass in this way. But aside from the merits of this particular case, it is not the policy of Congress to pension men for disabilities incurred since the war. It seems that this claimant could not get a pension through the Pension Office. I suppose he has applied there. If not he ought not to come here.

Mr. JOSEPH D. TAYLOR. He applied, but he could not get a pension.

Mr. MATSON. Then he has to come here and ask grace, even for the original disability, and if we give him a pension for that I think we treat him pretty liberally. If he was so disabled by this accident as is represented he will certainly get a pretty fair rating, and he has to come here to get it.

Mr. JOSEPH D. TAYLOR. But the Pension Bureau can not take into consideration the injury from falling into the well.

Mr. MATSON. I do not say that they can, but I do insist that if he is suffering from the effects of the sunstroke to the degree that is claimed he will be pensioned at a fair rate, and we have never adopted the policy of granting pensions for injuries received by men after leaving the Army and returning to civil life.

Mr. JOSEPH D. TAYLOR. Oh, we have pensioned people who never were soldiers at all.

Mr. MATSON. Nobody doubts that; but although they may not have been soldiers they were acting as soldiers.

Mr. JOSEPH D. TAYLOR. Well, this man served three years in the Army and was a good soldier.

Mr. RYAN. I think we understand this case now and are ready to vote.

Mr. MATSON. I have served notice on the gentleman from Ohio that if he wishes to have the bill recommitted——

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. MACDONALD. I want to ask the gentleman if he knows why this man's claim was not allowed for sunstroke?

Mr. JOSEPH D. TAYLOR. Because the proof did not satisfy the Commissioner of Pensions. The physicians, some of them, were dead. It was like thousands of other cases where the proof is not complete.

The CHAIRMAN. The committee is dividing and debate is not in order. The question is on the amendment of the gentleman from Ohio.

The question was taken on the amendment of Mr. JOSEPH D. TAYLOR; and there were—ayes 10, noes 10.

A MEMBER. The Chair must decide.

The CHAIRMAN. If the Chair is called upon to decide, the amendment is not agreed to.

Mr. JOSEPH D. TAYLOR. I ask unanimous consent that the case be passed over informally, retaining its place on the Calendar. Will it lose its place if it be recommitted?

Mr. MATSON. There will be no objection to its being recommitted.

The CHAIRMAN. The Chair understood the request of the gentleman to be that the bill should be passed over, retaining its place on the Calendar.

Mr. JOSEPH D. TAYLOR. That was the request.

There was no objection, and it was so ordered.

Mr. RYAN. I desire to call up Senate bill No. 1742.

The CHAIRMAN. There are four gentlemen on the list who have not been recognized to call up bills, and of course every member present desires that they shall have recognition.

Mr. SPOONER. There will be time enough if we go right on.

W. A. HICKS.

The next pension business on the Private Calendar called up for consideration (by Mr. RYAN) was the bill (S. 1742) granting a pension to W. A. Hicks.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of W. A. Hicks, late of Company M, Fifteenth Regiment Kansas Volunteer Cavalry.

The report (by Mr. MORRILL) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1742) granting a pension to W. A. Hicks, report as follows:

The report of the Committee on Pensions of the Senate is adopted, and the passage of the bill recommended.

[Senate Report No. 422, Fiftieth Congress, first session.]

William A. Hicks enlisted as a private in Company M, Fifteenth Regiment Kansas Volunteer Cavalry, August 6, 1863, and was discharged at Fort Leavenworth, Kans., with company, October 19, 1865.

In his application for pension, filed April 2, 1886, he alleges, as a basis of his claim, that on or about the 15th day of June, 1864, he incurred rupture, while in chase of bush-whackers, by being thrown on the horn of his saddle, which has grown worse; that he never was treated by regimental surgeon for rupture, and was not treated for rupture until after his discharge.

On October 29, 1886, the Adjutant-General United States Army reports enlistment of claimant August 6, 1863, at Kansas City, Mo., for three years, and is reported on rolls to February 29, 1864, present; April 30, 1864, absent, detailed to guard a train to Fort Gibson, Special Order No. 7 from Major Plumb; June 30, 1864, absent on scout since June 27, 1864; August 31, 1864, present; October 31, 1864, absent on detached service in quartermaster's department at Mound City, Kans.; December 31, 1864, present; February 28, 1865, present; April 30, 1865, absent on detached service at Humboldt, Kans., Special Order No. 45; March 13, 1865, present; mustered out with company October 19, 1865, at Fort Leavenworth, Kans.

The board of examining surgeons at Eureka, Kans., May 19, 1886, find as follows: Right oblique inguinal hernia, reducible; wears a truss constantly; when truss is just taken off tumor is 2 inches in diameter; no other complications.

In his petition to Congress, asking for a pension, the claimant states—

"That in June, 1864, he was detailed for duty to escort a supply train, under command of Major Plumb, from Fort Scott, Kans., to Fort Gibson; that while on the trip, south of Baxter Springs in Kansas, the extreme advance guard was attacked by bushwhackers; that it was early in the morning; that we succeeded in capturing some of the enemy. At that time my horse, in attempting to jump a ravine, fell, and threw me on the horn of my saddle and caused a break in my right groin, which finally resulted in rupture * * * When first hurt I did not know what ailed me, nor did not for some time after."

This soldier was a mere boy at his enlistment, and, in fact, during his entire service. The Adjutant-General's report verifies his statement as to detail to guard train to Fort Gibson. His military record shows him to have been a good soldier.

When he should be in his prime, as a stout, able-bodied man, he is broken in health, poor, and disabled, and suffers from a painful disability, which he doubtless incurred, as he states, in the service of the United States. We recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN F. SCOTT.

Mr. BRUMM. I call up the bill (H. R. 8523) granting a pension to Susan F. Scott.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Susan F. Scott, mother of John B. Scott, late of Company G, Eighteenth Connecticut Infantry.

The report (by Mr. FRENCH) was read, as follows:

Susan F. Scott is the mother of John B. Scott, who enlisted in Company G, Eighteenth Regiment Connecticut Volunteers, August, 1862, and was killed in action at Piedmont, Va., June 5, 1864. Her claim for pension has been rejected by the Pension Bureau because the soldier left surviving him a widow. The papers in the case show that the widow was pensioned, but remarried on January 13, 1870. No minor child survived.

A number of letters on file, written during his service, show that he contributed to the support of his mother, who has been a widow since 1844. From the sworn statement of selectmen and other credible citizens of the town in which she resides it appears that she is without means, has had no income except that derived from her own manual labor, but that by reason of old age and infirmities she is no longer able to provide for herself, and is now supported by charity. Her good character is established beyond question. In fact, every essential of a case of dependence under the general law is fully established, with the single exception of the celibacy of the soldier.

Congress in similar cases having granted relief to old and dependent parents, your committee unhesitatingly report favorably on the accompanying bill and ask that it do pass, amended, however, by striking out the letter "B," in line 7, and inserting therein instead the letter "G."

The amendment recommended in the last paragraph of the report was read, and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM P. RIDDLE.

Mr. YARDLEY. I call up the bill (H.R. 9183) granting a pension to William P. Riddle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of William P. Riddle, late private of Company E, Fifth Regiment of Kentucky Volunteer Cavalry, at the rate of $8 per month, subject to the provisions and limitations of the pension laws.

The report (by Mr. HUNTER) was read, as follows:

It appears from the proof on file in the Pension Bureau in this case, that claimant was enrolled at Burkesville, Cumberland County, Kentucky, on the 4th day of October, 1861, as a corporal in Company E, Fifth Regiment of Kentucky Volunteer Cavalry, and mustered into the United States service at Gallatin, Tenn., on the 31st day of March, 1862, for three years, and was discharged on account of disability at Chattanooga, Tenn., on the 17th day of May, 1863.

It is shown that claimant contracted pneumonia from exposure in camp at Columbia, Ky., on or about the 1st day of February, 1862, and was sent to regimental hospital near that place, where he remained under treatment for that trouble until the 1st day of March, 1862, when he was sent home by the surgeon in charge, and where he remained some time under the medical care of Dr. T. S. Ellison, of Burkesville, Ky.

The proof is conclusive that claimant has never recovered from the effects of this attack of pneumonia, and that he is in destitute circumstances, rendered so by his total inability to perform manual labor consequent on his lung trouble.

He filed an application for pension on the 20th day of March, 1879, but it was rejected because of the charge of desertion standing against his military record, which seems to have been erroneously entered while he was absent sick, and which the Adjutant-General of the Army declines to remove.

In view of the above your committee believe this to be a meritorious claim, and recommend the passage of the bill.

Amend by striking out all after the word "Cavalry," in the sixth line, and add the words "subject to the provisions and limitations of the pension laws."

The amendment recommended in the last paragraph of the report was read and agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH PEVE.

Mr. POST. I call up the bill (H. R. 737) granting a pension to Joseph Peve.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Joseph Peve, late a private in Company H, Fifty-first Regiment Illinois Volunteers.

The report (by Mr. LANE) was read, as follows:

Joseph Peve was a private, and belonged to Company H, Fifty-first Regiment Illinois Volunteers. He enlisted January 29, 1862, and was discharged April 7, 1862. While in line of duty at New Madrid, Mo., March, 1862, he contracted rheumatic disease of the spine and kidneys and derangement of the liver. The reason said pension was not granted by the Department is "that his disability was contracted prior to the date of his enlistment."

It appears in evidence that Peter Lane and Ezekiel A. Trimmer, both of Wyoming, Stark County, Illinois, after being duly sworn, testify—

"That they were intimately acquainted with said Joseph Peve for over twenty years prior to his enlistment; that they knew him to be a strong, healthy man, and never knew him to be sick or complain of any inability."

Perry H. Smith and James P. Emery, also of Wyoming, Stark County, Illinois, after being duly sworn, testify—

"That they were acquainted with said Joseph Peve for twenty-five years before the war; that they associated with him and knew him to be a healthy, able-bodied man, always able to perform manual labor."

Dr. Robert W. King, a physician in good standing, residing in Wyoming, Stark County, Illinois, after being duly sworn, testifies—

"That prior to and at the time of his enlistment said Joseph Peve was a sound, healthy man, especially free from rheumatic disease of the spine and kidneys and derangement of the liver; he also testifies that when said Joseph Peve came home from the Army he was suffering with derangement of the liver and rheumatic disease of the spine and kidneys; that he treated him for said disabilities, and that he has been so afflicted continuously ever since."

Your committee think that the facts in this case warrant us in coming to the conclusion that said disabilities were contracted while in the service, and that the applicant is justly entitled to a pension, and therefore respectfully recommend that the bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. RANDALL. I would like to be recognized to call up a bill.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] asks consent for recognition. Is there objection?

Mr. MATSON. I object.

Mr. RANDALL. Why does the gentleman object?

Mr. MATSON. Because each member present has now had one recognition; and we have not time to go around twice.

Mr. RANDALL. Then I will delay my privilege until the next pension evening, when I shall be "No. 1." [Laughter.] I trust the Chair will bear that in mind.

Mr. MATSON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MATSON having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration pension bills, had directed him to report back sundry bills with various recommendations.

HOUSE BILLS PASSED.

House bills of the following titles reported from the Committee of the Whole House without amendment were severally ordered to be engrossed for a third reading; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 9344) granting a pension to James C. White;
A bill (H. R. 9878) granting a pension to Moses T. Coffey;
A bill (H. R. 9505) granting a pension to David A. Yeaw;
A bill (H. R. 6193) for the relief of Edson Saxberry;
A bill (H. R. 3521) granting a pension to Manuel Garcia;
A bill (H. R. 7713) granting a pension to James McIntyre;
A bill (H. R. 7624) for the relief of Coburn D. Outten;
A bill (H. R. 154) restoring to the pension-roll the name of Cynthia J. Carlton;
A bill (H. R. 8150) for the relief of John H. Claus;
A bill (H. R. 2140) granting a pension to Eliza Smith;
A bill (H. R. 5383) granting a pension to George W. Flowers;
A bill (H. R. 621) granting an increase of pension to William M. Whaley;
A bill (H. R. 149) granting a pension to Rachel Burnes;
A bill (H. R. 8953) granting a pension to Eliza Mathews;
A bill (H. R. 4069) granting an increase of pension to Elnathan Meade;
A bill (H. R. 9318) granting an increase of pension Charles Jewett;
A bill (H. R. 3923) to place the name of Frederic Ronicke on the pension-roll;
A bill (H. R. 9034) granting a pension to Lydia Heiny; and
A bill (H. R. 737) granting a pension to Joseph Peve.

House bills with the following titles, reported from the Committee of the Whole House with amendments, were taken up, the amendments agreed to, the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 10579) to place the name of Samuel Massey on the pension-roll;
A bill (H. R. 9910) increasing the pension of William J. Heady;
A bill (H. R. 10334) to grant a pension to Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Minnesota Volunteer Infantry;
A bill (H. R. 9467) granting a pension to William M. Dicken;
A bill (H. R. 24) for the relief of Eliza Russell;
A bill (H. R. 7093) granting an increase of pension to John A. Rolf;
A bill (H. R. 6307) granting a pension to Sarah A. Corson;
A bill (H. R. 8523) granting a pension to Susan F. Scott;
A bill (H. R. 9183) granting a pension to William P. Riddle;
A bill (H. R. 9894) granting a pension to Myron Teacharet (title amended to read "A bill granting a pension to Myron Teachout"); and
A bill (H. R. 9126) granting a pension to Mrs. Caroline G. Scyfforth (title amended so as to read "A bill granting a pension to Mrs. Caroline G. Seyfforth).

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 1258) granting a pension to Sarah Ann Waters;
A bill (S. 2385) granting a pension to Caroline R. Haseltine;
A bill (S. 1307) to increase the pension of Washington T. Otey;
A bill (S. 470) granting a pension to Amanda F. Deck;
A bill (S. 1935) for the relief of Andrew T. McReynolds;
A bill (S. 1613) granting an increase of pension to John F. Ballier;
A bill (S. 898) for the relief of Frank Oredsnik;

A bill (S. 2301) to increase the pension of Manhatton Pickett;
A bill (S. 121) granting a pension to Tobias Baney;
A bill (S. 341) granting pensions to William Knight, Jacob Parrott, and John Whollam;
A bill (S. 996) granting a pension to Caroline Ruppert;
A bill (S. 1435) granting a pension to Emil Schattle;
A bill (S. 1539) to increase the pension of James E. Gott; and
A bill (S. 1742) granting a pension to W. A. Hicks.

Mr. WILLIAMS moved to reconsider the various votes by which pension bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. PITNER.

On motion of Mr. JOSEPH D. TAYLOR, by unanimous consent, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill (H. R. 490) granting a pension to George W. Pitner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Pitner, late of Company E, Seventy-seventh Regiment of Ohio Volunteer Infantry.

The report (by Mr. THOMPSON, of Ohio) was read, as follows:

The Committee on Invalid Pensions, to whom was referred House bill 490, submit the following report:

George W. Pitner was a member of the Seventy-seventh Ohio Volunteer Infantry, and served about three years, and in his affidavits he states that while in the service and on a march from Mobile to Nana Hubba Bluff on the Tombigbee River, on or about the 28th of May, 1865, he had a sun-stroke, from which he has never recovered; that he was mustered out of the service on the 8th day of March, 1866; that on the 2d day of June, 1881, while under the influence of vertigo, caused by sun-stroke, he fell into a well and was so injured that his right leg had to be amputated below the knee and the left leg was so injured that it is substantially useless, the ankle-joint being destroyed, and that he is now utterly helpless.

The testimony of George W. Williams, who was with him on this march at the time of the sun-stroke, is that Pitner went away at the time of this sunstroke in an ambulance; that he was too weak to march; that he was so lightheaded that he was apt to stagger around and fall; that he did no more duty there, but was under the care of the surgeon, and did only light duty from this injury until he quit the service; was subject to fainting spells and complained of his head.

Dr. Cook, a prominent physician in Bridgeport, Ohio, the present postmaster of that place, states that he has known Pitner and treated him more or less ever since he came out of the service; treated him at times for sunstroke or vertigo; that when he was treating him in July, 1867, for sunstroke he told him of the attack of sunstroke he had in the Army and gave him the full particulars of the same. Dr. Cook says that he believed then and still believes that the attack he had in July, 1867, was superinduced by the former attack in the Army, and that these attacks of vertigo are so severe as to incapacitate the claimant for any kind of daily labor. Dr. Cook also testifies that it was during one of these attacks that he fell in the well and was dreadfully injured.

The testimony shows conclusively that Pitner is a man of good character, worthy of credit and belief, and free from all bad habits, but very poor, entirely without any means of support.

Your committee therefore recommends the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JOSEPH D. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MALINDA HARDIN.

On motion of Mr. BUNNELL, by unanimous consent, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill (H. R. 9729) granting a pension to Malinda Hardin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Malinda Hardin, mother of J. G. Hardin, late a second lieutenant in Company K, Fifth Regiment of Kentucky Volunteer Cavalry.

The report of the committee (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9729) granting a pension to Malinda Hardin, mother of Joseph G. Hardin, late a lieutenant in Company K, Fifth Regiment Kentucky Cavalry, ask leave to submit the following report:

The claimant filed an application for pension on the 24th September, 1887, and alleged in her declaration that her son died of disease in hospital at Nashville, Tenn., September 29, 1863.

Notwithstanding the strong proof hereinafter cited in support of the case, the claim was rejected by the Commissioner of Pensions "on the ground of non-dependence."

In support of this allegation is the affidavit of Wilson W. Wright, who resides in Monroe County, Kentucky, who says that he has been for several years well acquainted with Madison H. Hardin and his wife, Malinda Hardin, the father and mother of Joseph G. Hardin, who was a member of Company K, Fifth Kentucky Cavalry. He was also acquainted with said Joseph G. Hardin for several years before he joined said regiment, and he knew that said Joseph G. Hardin did for some time previous to his joining said regiment work upon a small farm, and the proceeds of his labor upon said farm were used in the support of his father and mother.

Madison H. Hardin is now, and has been for fifteen years, afflicted with a disease of the eyes and kidneys, and in consequence of said diseases he is three-fourths disabled from making his living by manual labor.

B. W. Wright, of same county, as to the disabilities of Madison H. Hardin, corroborates the above statement.

Also M. H. Hardin, E. L. Palmore, and W. W. Wright, of same county, as to the disability of M. H. Hardin, corroborate the above statement, and further state that Joseph G. Hardin, while in the service, sent his mother, Malinda Hardin, as much as $30 at a time.

L. E. Williams, of the same county, corroborates Wilson W. Wright's statement as to Madison H. Hardin's health rendering him incapable of earning a living, and further states that he knew of Joseph G. Hardin, son of Malinda Hardin, while in the service, sending his mother money.

John H. Chapman, of Monroe County, Kentucky, says he was well acquainted with Joseph G. Hardin, and also his father and mother, and knew of Joseph G. Hardin assisting in the support of his mother.

The committee, having carefully considered all the evidence in the case, find that deceased was enrolled October 3, 1861, as second lieutenant Company K, Fifth Regiment Kentucky Cavalry, and died of disease in hospital in Nashville, Tenn., September 29, 1863. The committee further find that the applicant is the mother of deceased, that deceased was an unmarried man, as stated in her application, and that the soldier did contribute to his mother's support; and therefore report back the bill and recommend its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. HIESTAND (at 10 o'clock and 20 minutes p. m.), the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. DAVENPORT: A bill (H. R. 10653) granting a pension to Bridget Rossiter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10654) to remove the charge of desertion against Royal S. White—to the Committee on Military Affairs.

By Mr. O'FERRALL: A bill (H. R. 10655) granting the right of way and other privileges to the Hampton and Old Point Railway Company—to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 10656) granting a pension to William Perry—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: A bill (H. R. 10657) to grant an increase of pension to Levi T. E. Johnson—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 10658) to refer the claim against the United States of T. C. Greenhill to the Court of Claims—to the Committee on War Claims.

By Mr. MACDONALD: A bill (H. R. 10659) for the relief of Elizabeth C. Cole—to the Committee on Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON: Petition of H. Cooper and others, citizens of New County, Mississippi, proposing certain amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. R. H. M. DAVIDSON: Resolutions of the Board of Trade of Tampa, Fla., against the forfeiture of the land granted to the Florida Railway and Navigation Company—to the Committee on the Public Lands.

By Mr. DORSEY: Resolutions from Pierce Slate, Nebr., favoring the Outhwaite bill—to the Committee on Pacific Railways.

By Mr. MCCULLOGH: Resolutions of Scottdale Council, No. 102; of Warden Council, No. 182; of Philos Council, No. 188; of Bethany Council, No. 155; and of Mayer Council, No. 166, Junior Order of United American Mechanics of Pennsylvania, praying for the passage of Senate bill No. 553, for regulating and restricting immigration—to the Committee on Labor.

By Mr. PARKER: Resolution of the Liverpool Provision Trade Association, in relation to pure lard—to the Committee on Agriculture.

By Mr. PETERS: Evidence in the support of House bill 241 to correct the military record of John Summers—to the Committee on Military Affairs.

By Mr. RICE: Resolutions of the Chamber of Commerce of St. Paul, Minn., in opposition to bridging the Detroit River, or any rivers connecting the Great Lakes, as being obstructive to navigation—to the Committee on Commerce.

By Mr. RICHARDSON: Petition of Eliza Harrison, of Coffee County, Tennessee, for reference of her claim to Court of Claims—to the Committee on War Claims.

By Mr. SAWYER: Petition of 27 citizens of Wyoming County, New York, against removal of duty on wool—to the Committee on Ways and Means.

By Mr. STAHLNECKER: Communication referring to lard adulteration from the Liverpool Provision Association—to the Committee on Agriculture.

By Mr. WHEELER: Petition of John Marlin, of Jackson County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. YARDLEY: Petition of 56 citizens of Bristol, and of 50 citizens of Newtown, Bucks County, Pennsylvania, against the admission of Utah with polygamy—to the Committee on the Territories.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. S. T. HOPKINS: Of 32 citizens of Masonville, Delaware County, New York.

The following petitions for the more effectual protection of agriculture, by means of certain import duties, were received and severally referred to the Committee on Ways and Means:

By Mr. LAIDLAW: Of the Agricultural Society, of northern Chautauqua, New York.

By Mr. YARDLEY: Of Grange No. 606, Patrons of Husbandry, of Montgomery County, and of farmers of Montgomery County, Pennsylvania.

The following petitions, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, were severally referred to the Committee on Education:

By Mr. C. R. BRECKINRIDGE: Of 36 citizens of White County, Arkansas.

By Mr. BREWER: Of 240 citizens of Genesee County, Michigan.

By Mr. PATTON: Of 112 citizens of Clearfield County, Pennsylvania.

SENATE.

SATURDAY, *June* 30, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 1258) granting a pension to Sarah Ann Waters;
A bill (S. 2385) granting a pension to Caroline R. Haseltine;
A bill (S. 1307) to increase the pension of Washington T. Otey;
A bill (S. 470) granting a pension to Amanda F. Deck;
A bill (S. 1935) for the relief of Andrew T. McReynolds;
A bill (S. 1613) granting an increase of pension to John F. Ballier;
A bill (S. 898) for the relief of Frank Oredsnik;
A bill (S. 2301) to increase the pension of Manhatton Pickett;
A bill (S. 121) granting a penson to Tobias Baney;
A bill (S. 341) granting pensions to William Knight, Jacob Parrott, and John Whollam;
A bill (S. 996) granting a pension to Caroline Ruppert;
A bill (S. 1435) granting a pension to Emil Schattle;
A bill (S. 1539) to increase the pension of James E. Gott; and
A bill (S. 1742) granting a pension to W. A. Hicks.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 187) to provide temporarily for the expenditures of the Government; and it was thereupon signed by the President *pro tempore*.

PETITIONS AND MEMORIALS.

Mr. PALMER presented the petition of H. H. Spencer and 70 other citizens of Macomb County, Michigan, and the petition of Duncan Buchanan and 111 other citizens of Huron County, Michigan, praying that certain amendments be made to the interstate-commerce law, to prevent existing evils vitally affecting public interests; which were referred to the Committee on Interstate Commerce.

He also presented the petition of Joseph Fraser, of Algonac, Mich., praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Orville Ball and 104 other ex-Union soldiers and sailors, citizens of Mecosta County, Michigan, praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

Mr. PASCO. I present a copy of a memorial of the Jacksonville (Fla.) Board of Trade, remonstrating against the proposition to consolidate the internal-revenue districts of Florida and Georgia. I have lately received a memorial of the same body, setting out their views at length on the question, and stating their ground of opposition to be that the proposed consolidation would be injurious to the cigar-manufacturing interests of Florida. I move that the memorial and the copy be referred—one to the Committee on Appropriations and the other to the Committee on Finance.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Commerce, to whom was referred an amendment intended to be proposed by Mr. MITCHELL to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. TURPIE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2233) granting a pension to Bernard Carlin;
A bill (H. R. 7253) granting a pension to the widow of Samuel Clary;
A bill (H. R. 4785) granting a pension to Rosanna K. Griffin;
A bill (H. R. 7162) for the relief of Mary Nevels; and
A bill (H. R. 9808) granting an increase of pension to Rebecca Manlove.

BILLS INTRODUCED.

Mr. PALMER (by request) introduced a bill (S. 3245) for the relief of James W. Knaggs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. COCKRELL and Mr. MANDERSON submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 490) granting a pension to George W. Pitner;
A bill (H. R. 9729) granting a pension to Malinda Hardin;
A bill (H. R. 9344) granting a pension to James C. White;
A bill (H. R. 9878) granting a pension to Moses T. Coffey;
A bill (H. R. 9595) granting a pension to David A. Yeaw;
A bill (H. R. 6193) for the relief of Edson Saxberry;
A bill (H. R. 3521) granting a pension to Manuel Garcia;
A bill (H. R. 7713) granting a pension to James McIntyre;
A bill (H. R. 7624) for the relief of Coburn D. Outten;
A bill (H. R. 154) restoring to the pension-roll the name of Cynthia J. Carlton;
A bill (H. R. 8150) for the relief of John H. Claus;
A bill (H. R. 2140) granting a pension to Eliza Smith;
A bill (H. R. 5383) granting a pension to George W. Flowers;
A bill (H. R. 621) granting an increase of pension to William M. Whaley;
A bill (H. R. 149) granting a pension to Rachel Barnes;
A bill (H. R. 8953) granting a pension to Eliza Mathews;
A bill (H. R. 4069) granting an increase of pension to Elnathan Meade;
A bill (H. R. 9318) granting an increase of pension to Charles Jewett;
A bill (H. R. 3923) to place the name of Frederic Ronicke on the pension-roll;
A bill (H. R. 9034) granting a pension to Lydia Heiny;
A bill (H. R. 737) granting a pension to Joseph Peve;
A bill (H. R. 10579) to place the name of Samuel Massey on the pension-roll;
A bill (H. R. 9910) increasing the pension of William J. Heady;
A bill (H. R. 10334) to grant a pension to Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Minnesota Volunteer Infantry;
A bill (H. R. 9467) granting a pension to William M. Dicken;
A bill (H. R. 24) for the relief of Eliza Russell;
A bill (H. R. 7093) granting an increase of pension to John A. Rolf;
A bill (H. R. 6307) granting a pension to Sarah A. Corson;
A bill (H. R. 8523) granting a pension to Susan F. Scott;
A bill (H. R. 9183) granting a pension to William P. Riddle;
A bill (H. R. 9894) granting a pension to Myron Teachout;
A bill (H. R. 9126) granting a pension to Mrs. Caroline G. Seyfforth; and
A bill (H. R. 10244) granting a pension to Mrs. Betsy Lockwood.

RIVER AND HARBOR BILL.

The PRESIDENT *pro tempore*. If there are no resolutions, concurrent or other, the morning business is closed, and the Secretary will report the first bill on the Calendar under Rule VIII.

Mr. FRYE. I move that the Senate resume the consideration of the river and harbor bill.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate resume the consideration of the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The reading of the bill will be resumed.

The Chief Clerk resumed the reading of the bill. The next amend-

ment of the Committee on Commerce was, in section 1, after line 1381, to insert:

Improving the Mississippi River above St. Anthony's Falls, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1392, before the word "hundred," to strike out "six" and insert "five;" and after "hundred" to strike out "and fifty;" so as to make the clause read:

The amendment was agreed to.

Improving the Mississippi River from the landing on the west bank below the Washington avenue bridge, Minneapolis, to the Des Moines Rapids, including work for the protection of the bank of the Mississippi River, at Winona, Minn., on account of the erosion caused by dams erected above the city to improve the navigation of the river, and the examination and survey at the Rock Island Rapids in said river hereinafter mentioned: Continuing improvement, $500,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from lines 1393 to 1419, inclusive, as follows:

And inasmuch as the present channel of the Mississippi River at the Rock Island Rapids is said to be of insufficient width and depth, and dangerous to the navigation of said river, the Secretary of War is hereby authorized and directed to cause an examination and survey to be made at said rapids, with a view of determining the best and most economical mode of securing a safer channel of greater width and depth, sufficient to meet the necessities of the commerce and navigation of the river, either by the construction of a canal around said rapids on the Illinois side of said river, from the head of the rapids near Rapids City, Ill., on the most direct and feasible route to the main river, at the foot of said rapids, or by widening and deepening the present channel of the river at said rapids. And the Secretary of War shall cause a report of said examination and survey to be made to Congress at its next session, together with plans and estimates of the probable cost for the construction of such canal, or for the widening and deepening of the present navigable channel of the river, and with such plans and estimates shall submit his opinion as to the best and most economical plan of improving the river at said rapids in the interest of the commerce and navigation of the river; and for the purpose of such examination and survey; so much of the above appropriation of $650,000 as may be necessary is hereby authorized to be expended, not to exceed $15,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1436, before the word "hundred," to strike out "and" and insert "one;" so as to make the clause read:

Improving Mississippi River from Des Moines Rapids to the mouth of Illinois River, $150,000, including the removal of bars at the mouth of Cedar Creek, in Quincy Bay, dredging in said bay; opening Willow Slough, and removing the bars at the mouth of Whipple Creek and Hamburg Bay, if in the opinion of the Secretary of War the same is deemed advisable in the interest of commerce and navigation.

The amendment was agreed to.

The next amendment was, in section 1, after line 1442, to insert:

Improving and strengthening Sny Island levee where it crosses Snicarte Slough and other sloughs, $50,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1452, after the words "Missouri River," to insert "and the improvement of St. Louis Harbor;" so as to make the clause read:

Improving the Mississippi River from the mouth of the Illinois River to the mouth of the Ohio River, including the completion of the work at Alton, and, at the discretion of the Secretary of War, the protection of the Illinois shore opposite the mouth of the Missouri River, and the improvement of St. Louis Harbor: Continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1457, after the words "two million," to insert "five hundred thousand;" so as to read:

Improving Mississippi River from Head of the Passes to the mouth of the Ohio River: Continuing improvement, $2,500,000; which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission

Mr. GIBSON. I shall have to object to this amendment and all the amendments incorporated in the bill from line 1455 to line 1502 by the Senate Committee on Commerce. I wish the bill to stand as it was adopted by the House of Representatives, and I suppose if we reject the amendments that will be the effect.

Mr. FRYE. Then the Senator's objection would extend all the way through to line 1552 on page 64?

Mr. GIBSON. Yes, sir.

Mr. FRYE. If serious objection is to be made to the amendments, I ask that page 60, from line 1455, and pages 61, 62, and 63, down to line 1553, on page 64, be passed over for the present. We shall have more Senators present when the matter comes up for action.

Mr. GIBSON. Of course the reservation includes also the amendment in line 1457, where an increase is proposed from $2,000,000 to $2,500,000.

Mr. FRYE. My request covers the whole of the amendments relating to the Mississippi River. I ask unanimous consent to pass over the amendments from line 1455, on page 60, to the end of line 1552 inclusive, on page 64, for the present.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection.

The reading of the bill was resumed, beginning at line 1553, on page 64.

The Committee on Commerce proposed an amendment, in section 1, before the word "thousand," in line 1560, to strike out "three" and insert "five;" and after "thousand" to strike out "five hundred;" so as to make the clause read:

Improving St. Francis River, Missouri, from Greenville to the Arkansas State line, $5,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 1561, to insert:

Improving Black River, Missouri, $7,000.

The amendment was agreed to.

The next amendment was, in section 1, after line 1563, to insert:

Improving Missouri River from mouth to Fort Benton: Continuing improvement, $1,100,000, including removal of obstructions, surveys, and examinations, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 1, after line 1568, to insert:

Out of the above sum the following amounts shall be applied to the purposes hereinafter specified, namely: $150,000, or so much thereof as may be needed, shall be expended on that portion of the Missouri River lying between the cities of Council Bluffs, Iowa, and Omaha, Nebr., and a point 5 miles above the bridge of the Omaha and Council Bluffs Bridge Company, by the course of said river; that the sum of $100,000, or so much thereof as may be needed, shall be expended on said river at Sioux City, Iowa, and in Nebraska, opposite said city; that the sum of $50,000, or so much thereof as may be needed, shall be expended on said river at or near Plattsmouth, Nebr.; that the sum of $50,000, or so much thereof as may be needed, shall be expended on said river at or near Rulo, Nebr.; that the sum of $75,000, or so much thereof as may be needed, shall be expended on said river at or near Nebraska City, Nebr.; that the sum of $75,000, or so much thereof as may be necessary, shall be expended on said river at or near Kansas City, Mo.; that the sum of $75,000, or so much thereof as may be necessary, shall be expended on said river at or near St. Joseph, Mo.; that the sum of $50,000, or so much thereof as may be necessary, shall be expended on said river at or near Arrow Rock, Mo.; that the sum of $75,000, or so much thereof as may be necessary, shall be expended on said river at or near Leavenworth, Kans.; that the sum of $75,000, or so much thereof as may be necessary, shall be expended on said river at or near Atchison, Kans.

The amendment was agreed to.

The next amendment was, after line 1600 of section 1, to insert:

That so much of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, creating the Missouri River Commission, and defining its powers and duties, be, and the same is hereby, repealed.

Mr. PADDOCK. I am constrained to ask that the lines inserted between 1601 and 1607, inclusive, be stricken out.

The PRESIDENT *pro tempore*. The Senator from Nebraska desires that the amendment be disagreed to?

Mr. PADDOCK. Yes, that is the proper action to accomplish what I desire.

Mr. FRYE. If the Senator from Nebraska desires to make a serious contest as to the amendment I shall ask that it be passed over for the present.

The PRESIDENT *pro tempore*. The amendment will be passed over informally, if there be no objection. The reading of the bill will proceed.

The next amendment of the Committee on Commerce was, in section 1, to strike out the clauses from 1608 to line 1634, inclusive, as follows:

Improving Missouri River from the mouth to Sioux City, to be expended under the direction of the Secretary of War in accordance with the plans and estimates of the Missouri River Commission: Continuing improvements, $550,000; and, at the discretion of the commission, so much of said sum as may be deemed necessary in the interest of the navigation of the river may be expended at Atchison and Fort Leavenworth; and the sum of $5,000 may be used between the southern limit of St. Joseph and the head of Lake Contrary, if in the judgment of the commission it be advisable.

Improving Missouri River from Sioux City to Fort Benton, including, at the discretion of the Secretary of War, such work as may be deemed necessary by him in the improvement of the river at Sioux City: Continuing improvement, $75,000.

For removing obstructions in the Missouri River, $44,000.

For examination and survey of Missouri River: Continuing survey, examinations, and observations required in a thorough study of the river, $25,000; and the balance of $15,000 remaining on hand from a previous appropriation for a survey of the Missouri River above the Missouri River Falls at Fort Benton, is hereby made available for the general survey of the river.

The amendment was agreed to.

The next amendment was, in section 1, line 1643, before the word "thousand," to strike out "twenty-five" and insert "twenty;" so as to make the clause read:

Improving San Joaquin River, California: Continuing improvement, $20,000; a portion of which may be used, in the discretion of the engineer, in closing Laird's Slough and in making the partial closure of what is called "Paradise Cut."

The amendment was agreed to,

The next amendment was to strike out lines 1647 and 1648 of section 1, as follows:

Improving Petaluma Creek, California: Continuing improvement, $2,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1650, before the word "hundred," to strike out "one" and insert "three;" and in the same line, before the word "thousand," to strike out "and seventy-five;" so as to make the clause read:

Improving canal at the Cascades, Oregon: Continuing improvement, $300,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1656, before the word

"hundred," to strike out "three" and insert "five;" and after the word "hundred," to strike out "and fifty;" so as to make the clause read:

Improving the mouth of the Columbia River, Oregon: Continuing improvement, $500,000.

The amendment was agreed to.

The next amendment was, in section 1, line 1659, before the word "below," to insert "in front of and;" in line 1660, before the word "thousand," to strike out "eighty" and insert "one hundred;" and in the same line, after the word "dollars," to insert "of which sum $1,000, or so much thereof as may be necessary, may be expended in dredging the bar at Skamokawa, on the Columbia River;" so as to make the clause read:

Improving Lower Willamette and Columbia Rivers in front of and below Portland, Oregon: Continuing improvement, $100,000, of which sum $1,000, or so much thereof as may be necessary, may be expended in dredging the bar at Skamokawa, on the Columbia River.

The amendment was agreed to.

The next amendment was, in section 1, line 1665, before the word "thousand," to strike out "fifteen" and insert "twenty-nine;" and in line 1666, after the word "dollars," to insert "of which sum $14,000, if deemed necessary by the Secretary of War, may be expended in revetting the Willamette River above Corvallis, to prevent the threatened change in the channel of the river at said point;" so as to make the clause read:

Improving Willamette River above Portland, Oregon: Continuing improvement, $29,000, of which sum $14,000, if deemed necessary by the Secretary of War, may be expended in revetting the Willamette River above Corvallis, to prevent the threatened change in the channel of the river at said point.

The amendment was agreed to.

The next amendment was, in section 1, line 1672, before the word "thousand," to strike out "twenty-two" and insert "twenty-five;" and in line 1673, before the word "thousand," to strike out "two" and insert "five;" so as to make the clause read:

Improving Coquille River, Oregon: Continuing improvement, $25,000, of which $5,000 is authorized to be be expended for snagging between Coquille City and Myrtle Point.

The amendment was agreed to.

The next amendment was, in section 1, line 1684, before the word "thousand," to strike out "two" and insert "three;" and after "thousand" to strike out "five hundred;" so as to make the clause read:

Improving Cowlitz River, Washington Territory: Continuing improvement, $3,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 1690 to line 1698, inclusive, as follows:

The Secretary of War is hereby directed to establish and maintain public moorings for the protection of shipping in the open and exposed ports on the northern coast of California, one each at Fort Ross, Fish's Mill, Fish Rock, Shelter Cove, Trinidad, and other appropriate places, as may be deemed advisable by him; the cost thereof to be paid out of the unexpended balance appropriated March 3, 1879, for the establishment of a harbor of refuge on the Pacific coast.

The amendment was agreed to.

The next amendment was, in section 3, line 5, after the word "contract," to strike out "or otherwise, as may be most economical and advantageous to the Government" and insert "whenever reasonable bids can be obtained therefor;" so as to make the section read:

SEC. 3. That it shall be the duty of the Secretary of War to apply the money herein and hereafter appropriated for improvements of rivers and harbors, other than surveys, estimates, and gaugings, in carrying on the various works by contract whenever reasonable bids can be obtained therefor. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made to the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract.

Mr. DOLPH. That amendment is to be disagreed to.

Mr. FRYE. Yes; the committee after careful consideration found it absolutely necessary to ask the Senate to non-concur in the amendment striking out the words in lines 5 and 6 and inserting "whenever reasonable bids can be obtained therefor."

Mr. DOLPH. I should like to say that the amendment was inserted at my suggestion. I think there ought to be some improvement in the manner of doing this work, and I supposed this amendment would accomplish it; but on further information I am satisfied that it would hamper the expenditure of the money appropriated for these improvements and do great harm. As I am not now prepared to formulate a substitute for it that would answer the purpose, I agree that the amendment may be disagreed to.

The PRESIDENT *pro tempore*. The question is on the amendment.

The amendment was rejected.

Mr. COKE. I desire to be informed how the section will read without the amendment.

Mr. FRYE. Just as it did in the bill last year.

The PRESIDENT *pro tempore*. The section will be read as it stands with the amendment disagreed to.

The Chief Clerk read as follows:

SEC. 3 That it shall be the duty of the Secretary of War to apply the money herein and hereafter appropriated for improvements of rivers and harbors, other than surveys, estimates, and gaugings, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Commerce was to strike out section 6, as follows:

SEC. 6. That for the purpose of securing the uninterrupted gauging of the waters of the Lower Mississippi River and its tributaries, as provided for in joint resolution of the 21st of February, 1871, upon the application of the Chief of Engineers, the Secretary of War is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the amount appropriated in this act for such purpose: *Provided, however*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers.

The amendment was agreed to.

The next amendment was to strike out section 7, as follows:

SEC. 7. That for the purpose of securing the uninterrupted work of operating snag-boats on the Upper Mississippi River, and of removing snags, wrecks, and other obstructions in the Mississippi River, the Secretary of War, upon the application of the Chief of Engineers, is hereby authorized to draw his warrant or requisition from time to time upon the Secretary of the Treasury for such sums as may be necessary to do such work, not to exceed in the aggregate for each year the amounts appropriated in this act for such purposes: *Provided, however*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers.

The amendment was agreed to.

The next amendment was to insert, as a new section, the following:

SEC. 9. Whenever the improvements provided for by this bill, or those which have heretofore been prosecuted by the United States, or may hereafter be undertaken, shall be found to operate (whether by lock and dam or otherwise) as obstructions to the passage of fish, the Secretary of War may, in his discretion, direct and cause to be constructed practical and sufficient fish-ways, to be paid for out of the general appropriations for the streams on which such fish-ways may be constructed.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 10. Where it is made manifest to the Secretary of War that the establishment of harbor lines is essential to the preservation and protection of harbors, he may, and is hereby authorized to, cause such lines to be established beyond which no piers or wharves shall be extended or deposits made except under such regulations as may be prescribed from time to time by him.

The amendment was agreed to.

The next amendment was in section 11, directing the Secretary of War "to cause examinations or surveys, or both, to be made, and the cost of improvement to be estimated" in different localities, in line 11, under the head of "Alabama," after the word "made," to insert "at the earliest practicable time;" so as to make the clause read:

The Secretary of War is hereby authorized and directed to cause a survey to be made at the earliest practicable time for the location of a channel in and along the Coosa River, in Alabama, from the rapids at Wetumka to connect with the improvements already completed on said river above the Ten Islands, and to direct the engineer making the survey to report as to the most feasible, economical, and suitable plan for making such improvement.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Arizona," after line 36, to insert:

Colorado River, between Camp Mojave and the point where the boundary line between Nevada and Utah Territory intersects said river.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Delaware," after line 43, to insert:

Appoquinimink Creek.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Florida," after line 51, to insert:

Ocklawaha River from its mouth to Lake Griffin.
Homosassa River and bar at its mouth.
Chipola River from its mouth to Wewahitchka and the "Cut Off," and "Lee's Slough," running from the Apalachicola River to the Chipola River.

Mr. PASCO. The spelling of Wewahitchka should be corrected. It should be "Wewahitchka."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to line 62 of section 11.

Mr. BROWN. I beg to call the attention of the Senate to a verbal amendment which is desired by the Representative of the Albany district in Georgia. In line 62 the word "reef" occurs; he desires that it shall be "reefs," in the plural.

Mr. FRYE. There is no objection to that amendment.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In line 62 strike out "reef" and insert "reefs," so as to read—

Flint River, rock reefs at Albany and above.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the

Committee on Commerce was, in section 11, under the head of "Georgia," after line 62, to insert:

Savannah River above Augusta and between Augusta and Andersonville.
Oconee River.
Ocmulgee River. Resurvey.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Indiana," after line 69, to insert:

For the survey of a canal-way connecting the waters of Lake Michigan with the Calumet River, beginning at a point on the Calumet River 1 mile east of Hammond, Ind., and running due north to Berry Lake, and thence along the eastern waters of said Berry Lake; thence northeast to Lake Michigan. The survey to estimate a canal 14 feet deep and 100 feet wide.

The amendment was agreed to.

The next amendment was, in section 11, after line 76, to insert:

Berry Lake forming a natural harbor of refuge.

The amendment was agreed to.

The next amendment was, in section 11, after line 78, under the head of "Illinois," to insert:

Moline City Harbor.

The amendment was agreed to.

The next amendment was, in section 11, to strike out lines 81 and 82, as follows:

Illinois and Des Plaines Rivers, from the city of La Salle to Lake Joliet, with a view to the improvement of said rivers.

The amendment was agreed to.

The next amendment was, in section 11, after line 82, to insert:

Mississippi River, the main slough at Hamilton, Ill., to the end of securing a good and sufficient steam-boat landing at that point.

The amendment was agreed to.

The next amendment was, in section 11, after line 85, to insert:

The Secretary of War is hereby authorized and directed to cause an examination and survey to be made at Rock Island Rapids, with a view of determining the best and most economical mode of securing a safer channel of greater width and depth, sufficient to meet the necessities of the commerce and navigation of the river, either by the construction of a canal around said rapids on the Illinois side of said river, from the head of the rapids near Rapids City, Ill., on the most direct and feasible route to the main river, at the foot of said rapids, or by widening and deepening the present channel of the river at said rapids.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Iowa," to strike out line 98, as follows:

Moline City Harbor.

The amendment was agreed to.

The next amendment was, in section 11, after line 98, to insert:

For a survey and examination of the Mississippi River at and near the head of Beaver Island, at Clinton, Iowa, to determine what is necessary to remove the sand-bars there formed and forming, so as to make navigable and protect the entrance to the western channel, and the channel itself that runs between Beaver Island and the Iowa shore.

The amendment was agreed to.

The next amendment was, in section 11, after line 104, to insert:

KENTUCKY.

Harbor at Owensboro.

The amendment was agreed to.

The reading of the bill was continued to line 122 of section 11.

Mr. GIBSON. After line 122, with the permission of the chairman of the Committee on Commerce, I move to insert:

Bayou Carre Bonne and Bayou Black, with the view of opening a shorter water way between the Mississippi River and Berwick Bay, Texas and Mexico.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 11, under the head of "Louisiana," after line 123, to insert:

Amite River.
Bayou Manchac.
Bayou Teche, with a view to putting in locks.
Tickfaw River.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Massachusetts," to strike out line 154, as follows:

West Branch of Westport River.

And to insert:

Westport Harbor, and east and west branch of Westport River.

The amendment was agreed to.

The next amendment was, in section 11, after line 155, to insert:

Malden River, as to straightening, widening, and deepening the channel.

The amendment was agreed to.

The reading of the bill was continued to line 162 of section 11.

Mr. FRYE. I move to amend, in line 162, in the surveys for Mississippi, by striking out "Bonie River" and inserting "Bowie Creek, near the New Orleans and Northeastern Railroad;" so as to read:

Leaf River, from its mouth to mouth of Bowie Creek, near the New Orleans and Northeastern Railroad.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 11, under the head of "Maine," after line 204, to insert:

Monhegan Island Harbor.

The amendment was agreed to.

The next amendment was, in section 11, after line 206, to insert:

Harbor and channel at Pembroke.

The amendment was agreed to.

The next amendment was, in section 11, line 208, after the words "Union River," to insert "and Union River Bay;" so as to read:

Union River and Union River Bay.

The amendment was agreed to.

The next amendment was, in section 11, after line 209, to insert:

St. Croix River: Resurvey.
Medomac River.
Pleasant River, from Columbia Falls to its mouth.
Kennebunk River.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Missouri," after line 217, to insert:

The Secretary of War is hereby authorized and directed to cause a survey to be made of the Osage River, Missouri, from its mouth up to the first shoal, and 5 miles above the same, and to report an estimate, based on such survey, of the cost of constructing one lock and dam within the limits of said survey, and the effect, upon the navigation of said river of constructing said lock and dam.

The amendment was agreed to.

Mr. FRYE. I am instructed by the committee to move to amend at this point by inserting after line 224:

Missouri River at Miami.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 11, after line 224, to insert:

NEW HAMPSHIRE.

Cocheco River, from Dover to its mouth.
The Secretary of War is hereby authorized and directed to cause a survey to be made of the Hampton River in New Hampshire, and to direct the engineer making the survey to report as to the most feasible, economical, and suitable plan for improving the same.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "New York," after line 277, to insert:

The East River, with a view to the removal of a ledge of rocks in the same, from the foot of Broome street to the foot of Twenty-third street in New York City. This survey to be made notwithstanding any other survey heretofore made.

The amendment was agreed to.

The reading of the bill was continued to line 287 of section 11.

Mr. FRYE. Under the head of "New Jersey" the committee instruct me to move to insert, after line 287:

NEW JERSEY.

From the pier Lithe to the main channel, a distance of about 1,[illegible] feet, and 700 feet north by northeast from Ellis Island, for a ship channel or basin between the deep waters of Hudson River and Ellis Island.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 11, under the head of "North Carolina," in line 289, after the word "upper," to strike out "free" and insert "Quaker;" so as to read:

Trent River, from Trenton to upper Quaker bridge.

The amendment was agreed to.

The next amendment was, in section 11, after line 295, to insert:

Mackey's Creek.
Pasquotank River, above the mouth of Turner's Cut.
Cape Fear River, North Carolina, from Wilmington to the ocean, with an estimate of the cost of its improvement, with a navigable channel 20 feet deep at mean low water.
Ocracoke Inlet.
Tar River, from Tarboro to Rocky Mount.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Oregon," to strike out line 310, as follows:

Tillamook Bay and bar.

The amendment was agreed to.

The next amendment was, in section 11, after line 310, to insert:

Tuallitaan River.

The amendment was agreed to.

The next amendment was, in section 11, to strike out lines 312 and 313, as follows:

Columbia River, between The Dalles and Celilo, with a view to a boat-railway to aid transportation.

And in lieu thereof to insert:

The Secretary of War is authorized and directed to appoint a board of three engineers from the United States Army whose duty it shall be to thoroughly examine the obstructions to navigation in the Columbia River at The Dalles and Celilo Falls, and at Three and Ten Mile Rapids, and to report to the Secretary of War, on or before the first Monday in December next, as to the feasibility and advisability of overcoming such obstructions by means of a boat-railway at The Dalles and Celilo Falls, and by widening, to a navigable status for large-tonnage river-boats, the channel of said river at Three and Ten Mile Rapids, accompanied by careful and detailed plans, with estimates of the cost and a statement as to the usefulness of such improvements to navigation and of their relations and value to commerce; and said board shall also report, at the same

time, as to any other plan or project for overcoming said obstructions at said points whereby said obstructions to navigation may be removed, which in the judgment of said board may be deemed either more desirable than the above or worthy of consideration by the Secetary of War and Congress, and shall report detailed plans, with estimates of the cost of such proposed improvement or improvements, and as to their relations to commerce and usefulness to navigation; and said board shall report which of said projects is by it deemed most advisable. And the Secretary of War shall transmit said report to Congress at its next session, with his own views and those of the Chief of Engineers of the United States Army thereon; and the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated to defray the cost of making said examination and survey and the expenses of said board.

The amendment was agreed to.

The next amendment was, in section 11, after line 346, to insert:

Umpqua River, in the State of Oregon; separate surveys and estimates to be made, first, of that portion of such river between Scottsburgh and the mouth; and second, of that portion between Scottsburgh and Hart's Rapids, near Elkton.

The amendment was agreed to.

The next amendment was, in section 11, after line 351, to insert:

SOUTH CAROLINA.

Saluda River, above Columbia.

Mr. HAMPTON. In line 352, I move to insert the words "Broad and;" so as to read:

Broad and Saluda River, above Columbia.

Mr. FRYE. There is no objection to that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HAMPTON. I was also requested by my colleague to offer another amendment, after line 353 to insert:

Beaufort River, from a point 3 miles south of the town of Beaufort through to Coosaw River, with view to its improvement, especially at Brickyard.

Ashepoo River, from Charleston and Savannah Railroad bridge, 6 miles down the river, with view to removing obstructions and shoals caused by sunken vessels.

Connect North Edisto and South Edisto Rivers by St. Pierre River and South Creek.

The amendment was agreed to.

Mr. HAMPTON. I move to insert after the preceding amendment:

Socastee Creek, from its entrance into Waccamaw River to the bridge at Socastee.

The amendment was agreed to.

Mr. HAMPTON. Following that I have another amendment for a survey. After line 364, in section 11, I move to add:

Combahee River: Examine whether the breaking of Bull River into Combahee River, near the head of Bull River, will injure the navigation of Combahee River, and report a plan for obstructing said breaks, and the cost thereof.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 11, after line 353, to insert:

Savannah River, as to whether the damage to the Vernezobie Freshet Bank in 1887 was caused by the work at cross-tides, and whether the maintenance of said bank is essential to the success of the work at cross-tides, and what will be the cost of so constructing said bank as to confine the water of said river to its bed.

Owendaw and Wando Rivers and other waters and water routes connecting Bull's Bay and the harbor of Charleston.

The amendment was agreed to.

The reading of the bill was continued to line 373 of section 11.

Mr. FRYE. After line 373 I move to insert:

For survey at Narrangansett Bay, at the mouth of Narrow River, with the view of establishing a breakwater.

Mr. CHACE. Instead of the word "establishing" I would use the word "constructing."

Mr. FRYE. I have no objection to that.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 11, after line 385, to insert:

VERMONT.

Swanton Harbor, as to what changes are necessary in present improvements.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Virginia," after line 403, to insert:

Hunting Creek, at its mouth.

The amendment was agreed to.

Mr. FRYE. After line 404 I move to insert the following surveys in the State of Virginia:

Harbor of Cape Charles City and approaches by Chenton Inlet.
Chincoteague Inlet, for the purposes of a breakwater.
Machadoc River.
Nassawadox River.
The channel crossing the Potomac from Alexandria, Va., to the Maryland side.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 11, under the head of "West Virginia," after line 411, to insert:

South Branch of the Potomac River.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Washington Territory," after line 415, to insert:

North Palouse River.

The amendment was agreed to.

The next amendment was, in section 11, to strike out lines 417 and 418, as follows:

Wisconsin.
Centreville Creek, Manitowoc County.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Wisconsin," after line 419, to insert:

Centreville Creek, Manitowoc County.

The amendment was agreed to.

The next amendment was, in section 11, under the head of "Wisconsin," after line 422, to insert:

Harbor at mouth of Fond du Lac River, in Lake Winnebago.

The amendment was agreed to.

The next amendment was, in section 11, after line 427, to insert:

For a survey of Minnesota Point, at Superior, at the west end of Lake Superior, and an examination and report by the Secretary of War upon the expediency and probable cost of acquiring the same by purchase or condemnation, to be held by the United States as a reserve for the purpose of harbor protection, and for other purposes.

The amendment was agreed to.

The next amendment was, in section 11, after line 433, to insert:

Menomonee Harbor, from the waters of Green Bay to N. Ludington & Co.'s mill, Wisconsin, for a channel 16 feet deep and 200 feet wide.

The amendment was agreed to.

The next amendment was, in section 12, line 3, after the word "harbors," to strike out "seventy-five" and insert "one hundred and fifty;" so as to read:

For examinations, surveys, and contingencies, and for incidental repairs, for which there is no special appropriation, for rivers and harbors, $150,000.

The amendment was agreed to.

The reading of the bill was concluded.

The PRESIDENT *pro tempore*. Does the Senator from Maine desire to have the reserved amendments acted on at this time?

Mr. FRYE. Yes, sir. The first is on page 30, I believe.

The PRESIDENT *pro tempore*. The reserved amendments will be reported in their order.

The Chief Clerk read the first reserved amendment, which was, in section 1, on page 30, line 714, before the word "thousand," to strike out "fifty" and insert "twenty-five;" so as to make the clause read:

Improving, by dredging and otherwise, the inland water way, from Chincoteague Bay, Virginia, to Delaware Bay, at or near Lewes, Del., to be used from Chincoteague Bay to Indian River Bay: Continuing improvement, $25,000.

Mr. FRYE. The Committee on Commerce instruct me to ask the Senate to non-concur in the proposed amendment striking out "fifty" and inserting "twenty-five."

The amendment was rejected.

Mr. FRYE. And they instruct me further to move to add to the clause these words:

No part of which shall be expended until the right of way is secured free of cost to the United States.

The amendment was agreed to.

The next reserved amendment of the Committee on Commerce was stated to be, in section 1, line 1201, after the word "Zanesville," to insert "and other necessary repairs to locks and dams on said river;" so as to read:

Improving Muskingum River, Ohio: For the construction of a lock at Taylorsville and the reconstruction of the lock at Zanesville, and other necessary repairs to locks and dams on said river, pursuant to the report of the engineers, $102,000; and the Secretary of War is hereby authorized and empowered to grant leases or licenses for the use of the water-powers on the Muskingum River at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient.

Mr. SHERMAN. That was disagreed to.

The PRESIDENT *pro tempore*. It will be disagreed to, if there be no objection.

Mr. FRYE. It was disagreed to.

The next reserved amendment of the Committee on Commerce was, in section 1, at the end of the clause appropriating $[illegible]000,000 "for improving Illinois River, Illinois," in line 1322, to insert:

And for the purpose of securing a continuous navigable water way between Lake Michigan and the Mississippi River, having capacity and facilities adequate for the passage of the largest Mississippi River steam-boats, and of naval vessels suitable for defense in time of war, the Secretary of War is authorized and directed to cause to be made the proper surveys, plans, and estimates for a channel improvement and locks and dams in the beds of the Illinois and Desplaines Rivers from La Salle to Lockport, so as to provide a navigable water way, not less than 160 feet wide, and not less than 14 feet deep, and to have surveyed and located a channel from Lockport to Lake Michigan, at or near the city of Chicago, such channel to be suitable for the purposes aforesaid, and capable of carrying not less than 600,000 cubic feet of water per minute, flowing at the rate of 2 miles per hour; the necessary expenses of such surveys, estimates, plans, and location to be paid out of the sum herein appropriated for the improvement of the Illinois River.

The Secretary of War is further authorized and directed to cause to be located, on such line as he may approve, a canal from the Illinois River at or near the town of Hennepin to the Mississippi River at or above the mouth of Rock River,

together with a necessary feeder for the same, said canal to be known as the Illinois and Mississippi Canal, and to be 80 feet wide at the water-line, and to have a depth of not less than 7 feet of water, with locks 170 feet long and 30 feet wide. The Secretary of War shall cause to be made and submitted to Congress detailed plans and estimates for the construction of said canal and feeder; the necessary expense of making such location, plans, and estimates shall be paid out of the unexpended balance on hand heretofore appropriated for the survey of said canal.

Mr. FRYE. These items were read together before.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Commerce.

Mr. FRYE. The first clause relates to an entirely new matter, in which the city of Chicago feels a very profound interest. Her people sent on a large delegation here, who were heard before the committee. While I object myself to the Hennepin Canal clause, I do not object to the first clause.

Mr. SHERMAN. This amendment not only involves a new principle in river and harbor bills, but is a subject of infinitely greater importance, and, I may say, of more demerit, than the Hennepin-Canal project. This scheme, as I understand it, is to secure to the great city of Chicago, from its present outlet into Lake Michigan, a water way across the United States to the Gulf of Mexico through the Illinois, the Desplaines, and the Mississippi Rivers. The magnitude of it can scarcely be conceived. It provides for a water way with a channel sufficient to discharge 600,000 cubic feet of water every minute flowing at the rate of 2 miles an hour. That is 36,000,000 cubic feet an hour flowing at the rate of 2 miles an hour.

This may be an entire revolution of the whole basin of the lakes. It is an immense system, to be continual and perpetual, a system so great that it may change the level of the lakes. It would provide a stream to the Mississippi River in order to carry off the sewerage of Chicago. It seems to me the proposition on its face is monstrous. What are we to do with the work? Is this a question of internal improvement? The object of it as drawn is to open a channel "not less than 160 feet wide, and not less than 14 feet deep;" and the Secretary is "to have surveyed and located a channel from Lockport to Lake Michigan, at or near the city of Chicago, such channel to be suitable for the purposes aforesaid." That is, of a ship-canal, "and capable of carrying not less than 600,000 cubic feet of water per minute, flowing at the rate of 2 miles per hour." In other words, this is a proposition at the public expense to provide sewerage for Chicago, and to provide what is called a ship-way running through the whole of the State of Illinois, and to carry a channel of water 14 feet deep and 150 feet wide at a flow of 600,000 cubic feet of water every minute. I do not think it would be wise for us to load down this bill with a proposition like this, so novel in its character.

I wish to say a word also in regard to the Hennepin Canal. I voted before for the Hennepin Canal on a river and harbor bill, and I am inclined to think that if any great work of internal improvement is to be made to connect the Mississippi River with the Lakes, probably this is the best and most feasible project; but the very agitation of the Hennepin-Canal project started two similar projects in the State of Ohio. The very moment it shall be determined to connect the waters of Lake Michigan with the waters of the Mississippi River we have a proposition fully as feasible to connect the waters of Lake Erie with the waters of the Ohio River, to turn Lake Erie into the Ohio River by way of the Miami River, and following somewhat the line of what is called the Miami Canal. A ship-channel, as large as is proposed for Chicago, can be made for a less distance across the State of Ohio connecting the waters of Lake Erie with the body of the Ohio River; and if this provision is entertained on an appropriation bill you will undoubtedly have a similar proposition from Ohio. It has been already organized and is ready to be presented to Congress whenever this plan is entered upon. In my judgment, no canal ought to be built by the United States of America, except to cut off some little imperfection or obstruction in the way as between Lake Michigan and Lake Superior, or some short canals like that on the Ohio River at Louisville, where the construction of a canal of about a mile and a half long removed the obstruction of the Falls of the Ohio River.

I am not willing to vote for either of these propositions. I am only sorry that the Senators from Illinois are not here, and therefore I asked the other day when these amendments came up that they be passed over. I think myself that it is pretty hard to deal with this matter in their absence, but as the bill must be pressed to a final vote, as a matter of course I must state my objections now.

Mr. TELLER. I wish to correct the Senator from Ohio in his statement that this is for the purpose of sewerage for the city of Chicago.

Mr. SHERMAN. And for a ship-canal.

Mr. TELLER. It is for a ship-canal. It is for the purpose of returning to what originally was the condition of affairs in that section of country when the Illinois River was the outlet of Lake Michigan. If the Senator had given any attention to it he would not have suggested that this flow of water would materially lower the water in the Lakes. The most careful examination has been made of this subject by the engineers, and their reports are accessible and could have been consulted by the Senator if he had taken pains to inform himself on the question as he usually does on questions coming before the Senate. It has been thoroughly examined, and it is clear that there will be no perceptible diminution of the waters of Lake Michigan by this water way being made. The Illinois River is a navigable river for a long distance. The proposition now is to practically make the Illinois River a navigable river to the city of Chicago.

The Senator may think that that is objectionable. I do not; and I do not think it is objectionable either if it should have the other purpose in addition to that, if it should sewer the greatest inland city on the continent, a city that undoubtedly in a generation will be the greatest city on the continent, the greatest inland city probably in the world in two generations, a city that every American ought to be proud of. If in addition to having a navigable highway from Chicago to the Mississippi River and thus to the sea we should give a little advantage to the people of that great city in its sewerage, nobody ought to object.

Mr. President, the Senator from Ohio says it has less merit than the Hennepin Canal. If there has been a proposition made to the Senate for a water way in a generation that has the merit of the Hennepin Canal, it is the proposition to make a water way between the Mississippi and its tributaries and the Great Lakes. It is to give the people of the Upper Mississippi water intercourse with the city of New York; and why any Senator can stand here and speak of it as having no merit is more than I can comprehend.

I know that this question has been presented to the Senate year in and year out, and I know more, that the great metropolitan journals of this country have been in the habit of speaking of it as "the Hennepin steal" and "the Hennepin fraud." Why should any man hesitate when it is proposed for the public interest to connect the lakes with the Mississippi River? We undertook to do it more than a generation ago through the Fox River, and we utterly failed. We found that we had mistaken the location and that it could not be done practically there. While we have expended almost money enough on the Fox River to have made a water way from Chicago through to the Mississippi in the neighborhood of Rock Island or thereabouts, what we have done on the Fox River is practically worthless to-day, as everybody knows. It can not be disputed that a water way can be made from the city of Chicago to the Mississippi River at Rock Island or above Rock Island at an expense that any other nation in the world having such an advantage would not hesitate an hour to do.

I know that the great railway corporations of this country have set their faces against these water ways in a determined manner. I know that every time such a proposition is made here the great metropolitan journals, influenced or owned in large part by the railroad companies, have been found the sturdy opponents of a water way across the continent. Here nature has provided a natural outlet for commere by water, a series of depressions and streams that can be used and advantage taken of them and at a comparatively small expense a water way secured to the Lower Mississippi by the way of the Illinois River, and a water way to the Upper Mississippi by the way of the proposed Hennepin Canal, crossing several streams and in one instance utilizing one stream in its course.

The whole expense of the Hennepin Canal as proposed here is not to exceed seven or eight million dollars; and what would it do? It would open a line of river above Rock Island for a long distance, giving access to it from the city of Chicago, from which those vessels are now excluded.

Mr. President, I did not propose myself to discuss this question. I had understood the two Senators from Illinois would be here, and I had hoped the case would be presented by them. If I supposed there would be opposition I should have come with the data prepared by the Engineer Department and those furnished by the Board of Trade of Chicago to show the advantages and necessity of this work. In this bill you provide for examinations of a proposed ship-canal around the Falls of Niagara. Nobody rises to find fault with that. That is all right, that I am in favor of; but it has no merit at all compared with the proposition to connect Lake Michigan with the Upper and Lower Mississippi. The commerce that will pass around the Falls will not equal the commerce that will pass through these two avenues to the Mississippi River.

It is not fair to state here that this is a scheme of the city of Chicago. It is in the interest of commerce, it is in the interest of trade, it is in the interest of cheap commerce, and it can be demonstrated that the railroads on the line of the Illinois River are carrying freight for 60 per cent. of what they are carrying it off the line of that same river. Why? Because on or near the river they are brought in competition with a water way. We shall never regulate the tariffs upon railroads as they ought to be regulated until we bring them in competition with the cheap freight rates of river and canal intercourse. Every time such a measure is proposed the railroads will be here against it, public clamor will be against it, but no man who has studied this question and has examined it ought to stand up and oppose it.

Why, sir, look at our position. We agreed with Great Britain many years ago that we would keep on the Lakes only so many guns, so many war vessels. The Senator from Maine [Mr. HALE] the other day showed us how Great Britain could put into those Lakes her gun-boats without stint as to number while we were preparing to build our craft and get the timber together that was necessary to put in the keel. If you had a connection between the Lakes and the Mississippi River, as

you ought to have, you could run your gun-boats from any Atlantic seaport into Lake Michigan and thus into all the other Lakes. That alone, as a war measure, ought to commend it to the people of this country. If there was no commercial advantage whatever to be derived from it, that alone ought to commend a work of this kind.

The Senator says that if this is done Ohio will be ready with another work. I have no doubt that Ohio will have another scheme to offer against this; but should that deter us from doing what is right? Does the Senator suppose that there is any comparison between the benefit that would accrue to the people by a canal from Chicago to the Mississippi River on either one of these proposed routes and a canal across the State of Ohio into the Ohio River? The Ohio River is a river of moderate capacity; the other is a great international highway running from the sea to the very center of the American continent. We spend upon the Ohio River for the local interests of Ohio, West Virginia, and Pennsylvania, year after year, immense sums of money that nobody complains of; but when it is proposed to make a canal that shall be of some national importance, and that all the people of the Northwest are interested in, that every farmer and every laborer in that country has an interest in, then we are told that it is without merit, and then it is attacked as a steal, as a fraud upon the Government.

Mr. President, I regret that I did not know that the Senators who had prepared themselves for this amendment would not be present, for if I had I could lay before the Senate information on this subject that I believe would render it impossible for the sneers of the Senator from Ohio on this subject to have any effect upon this body. If there is a meritorious thing in the bill, if there is one thing that would commend the bill to my support, it is the proposition to open a ship-canal from Lake Michigan through the Illinois River and thence across the country to accommodate the people of the Upper Mississippi River and of the extreme West. All Illinois, all Iowa, all Minnesota, all Colorado, all Nebraska, and Dakota are interested in this water way. It is not a local thing. It is not for the benefit of Illinois alone, but it is for the benefit of a large and growing portion of the United States—a portion that has had less money out of the Treasury than any other portion of the country in comparison to its interests and to its importance.

I insist, Mr. President, that this is a meritorious enterprise and one that we have a right to have put into this bill.

Mr. DOLPH. Mr. President, I do not propose to discuss the merits of this proposed improvement to any extent. I am not prepared to say how I shall stand in regard to the improvement after the survey and report shall have been made. Of course if this improvement would lower the level of the Great Lakes and destroy the harbors upon those lakes and render useless the improvements which have already been made by Congress, no Senator would favor it. So far as I have had any information on this point, it is that it will not materially interfere with the water-level of the Lakes.

But this proposition is simply for a survey, for an examination and report as to what the expense will be, and I suppose what the effect will be, not only upon the navigation of the Illinois River and its commerce, but upon the navigation of the Great Lakes. We have not been in the habit of objecting seriously to proposed surveys when they have been asked for in a river and harbor improvement bill, especially one so important as this is. The project is important—important to the commerce of the great West, important also perhaps with a view of securing a better disposition for the sewerage of Chicago, and important in a national point of view, with reference to the national defense.

I alluded some time since in a speech on the subject of fortifications to the agreement between the United States and Great Britain under the treaty of 1814 by which both countries had agreed that the armament of the Great Lakes should consist of one vessel on Lake Champlain with one 14-pound gun, the same character of vessel upon Lake Ontario, and two vessels of the same character upon the Upper Lakes. The Senator from Maine [Mr. HALE] in a recent speech in the Senate upon the fisheries treaty claimed that there had been a violation by Great Britain either of the letter or the spirit of the treaty by providing fortified naval stations at Halifax and Bermuda and by the improvement of the Rapids of the St. Lawrence and the construction of the Welland Canal, by which a fleet of gunboats could at a few hours' notice be placed upon the Great Lakes. As I understand, if we had the gunboats we have no place where they could be rendezvoused within reach of the Great Lakes, so as to be placed upon the Lakes to meet any force which might be put there by Great Britain. This improvement, if it should be undertaken by the United States and completed, would furnish us a means by which naval vessels of 14 feet draught could be placed upon the Great Lakes. So, then, I say the improvement is important not only in a commercial point of view but with reference to the national defense.

I am not prepared now to say that I believe it to be practicable or wise; but I am willing that a portion of the money which is appropriated by this bill as it came from the House for improving the Illinois River shall be expended for the purpose of a thorough survey and report in regard to this improvement.

There was a representative body of the great interests of Chicago before the Committee on Commerce to press this measure. They certainly made a very good showing for this improvement. They desired ample provision for the survey and, I think, an appropriation for the commencement of the work. The committee thought it wise to let the survey be made. I do not understand that even if there is a favorable report from the engineers that will commit Congress to the improvement.

I see no reason why the survey should not be ordered. Of course the board will report upon the subject of how the improvement would affect the water in the Great Lakes, and if it should appear to the board likely to destroy the navigation of the lakes or destroy the harbors which have already been improved by the Government no appropriation for the work would be recommended.

Mr. VEST. Mr. President, the Senator from Oregon favors a survey by the engineers. He will find a report by the engineers on the subject in conformity with a provision of the river and harbor bill of 1886, and I want to call the attention of the Senate to this salient point in this whole thing, that this is not a provision for a survey. The survey has already been made, and I hold the report of the survey in my hand.

Mr. DOLPH. Which improvement does the Senator refer to?

Mr. VEST. The Hennepin Canal.

Mr. DOLPH. I was speaking about the improvement of the Illinois River.

Mr. VEST. I want to call attention to the salient point that this river and harbor bill if it becomes a law in this shape commits us to the construction of the Hennepin Canal at a cost, according to the engineers, on the route which they have selected, of $5,811,367.80, and that point was distinctly made in committee (if I violate no parliamentary rule in alluding to it), and the Senator from Illinois stated it himself. It is not a provision for a survey. If Senators will turn to the bill they will see that it is a location and the word "locate" is used, and it is put in for that purpose.

It is not my purpose to discuss this question. I have an insuperable objection to putting canal surveys in the river and harbor bill. It is not the place for them. There is a proposition for a canal which cuts an open passage for a number of miles and reduces the cost of transportation. Various canal projects are now pending before the Senate of the United States amounting to millions of dollars. If we put them in the river and harbor bill, what is the consequence? We increase it to an amount year by year that becomes simply insupportable, and that will bring the bill into such odium that the whole system of internal improvements will fall together.

If the Senators from Illinois, if the Senator from Colorado and the friends of this measure—and I am not its enemy—want this appropriation made, let them bring it here in a separate bill, let them have the matter fairly discussed, or let them bring in a bill providing for all these great canals throughout the country, many of which have great merit in them. But to commit the Government to the expenditure in subsequent river and harbor bills of nearly $6,000,000 for this work I say is beyond all question wrong.

Sir, I only want to emphasize this fact. There are a number of small canals in this bill. I opposed the appropriations for them in committee; I have opposed them at every session of Congress; but they were forced upon us, and now we are reaching a culmination of the canal legislation we had in former river and harbor bills. These great monstrous canal projects are thrust here upon the Congress of the United States, so that the river and harbor bill in future will become a great monstrous bill of appropriation and the public sentiment of the United States will not tolerate it.

Mr. SHERMAN. Mr. President, the Senator from Colorado discussed this measure as if it was a single proposition. There are two propositions here, entirely distinct, so distinct that the member who represents one of these canal projects came and called my attention to it, saying that they were not the same propositions, but were rivals. As a matter of course those who do not know the geography of the country as well as the Senator from Colorado might suppose that these works from their location were necessarily connected, but the first item here is altogether different from the Hennepin Canal. It is for a water way from Chicago to the Illinois River and thence across to the Mississippi River.

Mr. TELLER. They go together to a certain extent.

Mr. SHERMAN. From Chicago to the beginning of the Hennepin Canal there is the Illinois River. There is no necessity for a survey there if that is all that is desired, because that has been already had. The Illinois River has been surveyed time and again, and it has been improved. Large sums of money have been voted for it. I have myself, in connection with the Hennepin Canal project, voted for an estimate for a ship-canal from Chicago to the headwaters of the Illinois River and thence down.

This bill provides for locks and dams of a different character from those used now in the improvement of the Illinois River, and contemplates a great ship-canal of immense extent, with a large traffic, in comparison with which the Hennepin Canal is a mere minnow, a small affair. The construction of the ship-canal proposed in the first clause now pending would cost many times more than the Hennepin Canal in all probability; I can not say how many times. The one is a canal from the Illinois River across to the Mississippi River, near Rock Island. I do not know the length of it, but I have heard that discussed

very fully. Here is a document that does give full information in regard to the Hennepin Canal, a document laid on the table, as the Senator from Missouri says, that points out the location of the canal; and the second amendment here does locate that canal and fixes it so that you will be held to the status here fixed beyond all peradventure.

I have here a report in regard to the Michigan and Illinois Canal that is full and ample, containing 200 or 300 pages, with maps, etc., giving full explanations. If Congress is prepared now to authorize the location of that canal, the second proposition ought to be adopted; but the first proposition is the one that my attention is principally attracted to. That is simply a magnificent proposition to build a canal from Chicago to the mouth of the Illinois River, which, if I remember aright, is about 300 miles, perhaps more. The Senator from Missouri [Mr. VEST] may be able to tell me what is the distance from Chicago to the mouth of the Illinois River.

Mr. VEST. One hundred and sixty-four miles.

Mr. SHERMAN. The Senator is thinking of the Hennepin Canal.

Mr. FRYE. Two hundred and fifty miles.

Mr. SHERMAN. From Chicago to the mouth of the Illinois River is at any rate 250 miles.

There is to be a ship-canal with locks and dams and slack-water navigation to go through the divide between the waters of the Lakes and the waters of the river, not very deep it is true, but still a good sized canal across the whole divide, extending several hundred miles from Chicago until it reaches the navigable waters of the Illinois River. It is a magnificent project, like the Nicaragua Canal and some of the great international enterprises. The Nicaragua Canal is estimated to cost more than $5,000,000, and the whole distance from one ocean to the other is less than from Chicago to the mouth of the Illinois River.

Is it worth while to adopt propositions like these? I appeal to Senators to consider them. If we put these propositions on, one that contemplates surveys for works that will cost millions upon millions of dollars, and the other that will actually locate and establish a pledge of faith by the Government—because that is meant by location—the line of a canal that we are to construct, so that the engineers will negotiate for the land and get it. Here on the last day before the law ought to take effect the construction of all these improvements and the expenditure of all the money for the various improvements provided for in this bill is to be stopped until we shall consider these two provisions. It seems to me monstrous. If they are taken up in their order, I am generally in favor of internal improvements and favor pretty large expenditures for such purposes; but if we are to enter into the idea of this great, magnificent project from Chicago to the mouth of the Illinois River, and then another similar project from the Illinois River across to the Mississippi River, let us do it with our eyes open and after full information and upon a separate bill.

Mr. TELLER. Mr. President, I treat these two propositions as one, because the two are so connected it is almost impossible to discuss them separately.

I wish to say a word further, because of the suggestion of the Senator from Ohio that the proposed Illinois River improvement had less merit, or, as he said, its demerit was greater than that of the original Hennepin Canal scheme. The Illinois River scheme now proposed is nothing more nor less than an enlarged part of the original Hennepin Canal. The plan was to build from Chicago to La Salle a canal with locks for 102 miles, as I recollect, a 60-foot canal with about 8 feet depth of water. That is not large enough for the purpose suggested by the Senator from Oregon that this might serve. It is not large enough for Government war-vessels to go through. Since that the proposition has been enlarged to take that part of the Hennepin Canal and to make it 14 feet deep (which is not as deep as it ought to be), and thus by the great flow of water make the Illinois River from La Salle to its junction with the Mississippi River, which is about 150 miles, as I recollect, a navigable stream at all seasons of the year.

So I discuss them together because the two go together; that is to say, all the money expended on the Illinois River between Chicago and La Salle can be utilized for the Hennepin scheme and thereby reduce the expense of the Hennepin scheme a considerable degree, at least.

Mr. VEST. The report of the engineer shows that it is 5 miles to Bridgeport and 97.24 miles from Bridgeport to the mouth of the Illinois River, making 102.24 miles for the whole length of the canal.

Mr. TELLER. Then I was not far out of the way. I thought it was in the neighborhood of 100 miles.

Mr. President, this first proposition does not commit the Government to anything at all. The Senator from Missouri says there has been a survey. There never has been a survey and an estimate made of the expense of this canal.

Mr. VEST. I spoke of the Hennepin Canal. I supposed that was under discussion.

Mr. TELLER. For so much of this canal as goes from Chicago to La Salle there has been an estimate made a number of times, but never of the size now proposed. There has been an estimate made at various times for a small canal. Now the proposition is to make a large canal, a ship-canal across, and for that the proposition is that there shall be taken from this bill a part of the money appropriated to the Illinois River and apply so much of it as may be necessary for the purpose of this new survey. To that I do not think even the Senator from Ohio can object.

He says he is in favor of canals in separate bills. He says he expects us to pass this bill to-day. Is it unusual to put into this bill a new survey? One hundred streams are in it named for survey. If you take the one hundred streams for which surveys are provided in the bill, and when they are completed, as they only can be completed, with great expenditure, they would not all carry the commerce this Illinois River would carry, becoming a practicable water communication between the two great inland cities of St. Louis and Chicago.

Does the Senator propose to pass a bill to find out how much this will cost? If there is any place where it ought to go, it ought to go in this bill; and that has been the custom. There are half a dozen canals provided for in the bill now, according to my recollection; and not one of them has the merit of this scheme, not one of them has the importance of it, and there is not one of them that will have the commerce flowing upon it that this canal will have if it shall be completed, and not one of them has the commerce that the other branch of this would have if the Hennepin Canal should be completed.

Does the Senator think it is of no importance to the people of the Upper Mississippi that they shall be enabled to put their grain into Chicago by barges and boats without unloading? Does he not know and does not everybody know that it will reduce the price of transportation from St. Paul and Minneapolis and the wheat-growing regions of the West to New York one-half? It may come in contact with railroads; it may reduce their rates; it may reduce their income; but it will give to the people of the East cheap bread, and it will enable us to compete with Russia and with the Mediterranean countries in the production of wheat that we are compelled to send abroad.

The Senator from Missouri says that it ought not to go into this bill because it will break it down; the people will not stand it. If you put anything in the bill that the people think has got merit, it will not break down the bill. But when you turn over here to the last part of this bill—and this is but a copy of all the bills that have passed since I have been a member of this body—when you turn to the State of Louisiana you will find purely local enterprises provided for in this bill. You need not stop with the State of Louisiana; you can take every other State in the Union, and you will find purely local enterprises, whether you refer to canals or to improving rivers for navigation. In one State, for 7 miles a river is to be cleaned out and made navigable, with no business practically on either side of it, and I can point out to you a hundred items of appropriation in the bill that have no national character whatever; and that is why the bill is in danger of breaking down; that is why the people sneer at the river and harbor bill.

It is not because of the amount of money. Who begrudges when you give $350,000 to the harbor of Charleston or $250,000 to the harbor of Savannah, or a million to the great seaport where the bulk of our commerce comes and goes? Nobody. You may make improvements on the Gulf at a great expense and the people of the West and the Northwest are in favor of them; but they are not in favor of these local measures. And if you can add to this some international measure, something like the Illinois River improvement to connect the Great Lakes with the Lower Mississippi, that shall give an opportunity for the produce of the Great Lakes to go by water to New Orleans, and thus to sea, and to connect the Lakes with the Upper Mississippi, so that produce can be shipped from St. Paul and Minneapolis to Chicago, and thus on down through the Lakes to New York, you will have added something that will make the bill reputable and respectable, and you can add as much money as may be necessary for that kind of enterprise, and there will be no hesitation on the part of the people in accepting and approving it.

The trouble with this bill is that you exclude from it, with rare exceptions, all the enterprises that the people of this country are interested in. I am willing that the Senator from Maryland should have in it the canal across the Maryland and Delaware peninsula; I am willing that the Senator from Florida shall put into it a provision for a canal across the peninsula of Florida, which is a national object worthy of the attention of the American people, and I do not believe the millions that may be necessary to complete those enterprises or any other enterprise of that character will meet with the disapprobation of the people of the United States. The people of the United States are in favor of putting out their dollars so that something will come back to them; I mean to the whole people, to some international interest that is of benefit to everybody and not a few. This is not an international law; it is not an interstate-commerce law; it does not provide for a commission to be appointed by the President, but it looks to the fact that the man who puts his goods upon water can get them carried at a rate which compels the railroads to reduce their freights in accordance with the price to him who carries by water.

If the Senate will give me a little attention in regard to that they will see that the money spent on the Illinois River has had a tendency to cheapen the freights all the way from Chicago to St. Louis. They will find that the money spent on the Ohio River has cheapened freights from Pittsburgh and the country thereabouts all the way down to the

mouth of that river. I refer now to the freights that went on railroads on both sides of the river and to a considerable distance from the river. So it does not become a question for Chicago, but it is a question for all the people of this country who reside on the Great Lakes and who reside on the rivers below and above.

Mr. VEST. Mr. President, I had the impression that we were discussing the Hennepin Canal.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Commerce inserting the words between lines 1322 and 1342.

Mr. VEST. That includes the Illinois River improvement as well as the Hennepin Canal.

Mr. FRYE. I do not see any serious objection to the first clause.

Mr. VEST. The provision in regard to the Illinois and Michigan Canal simply provides for a survey, which we made for the Hennepin Canal under the river and harbor bill of 1886. I have not the slighest doubt that the river and harbor bill, if we make the survey, will put in the detailed proposition in regard to this canal that we have in the present bill for the Hennepin, and that is to locate it and commit the Government to its construction. This is simply the first step. The second step is now being taken with the Hennepin Canal, for which the Government has heretofore ordered a survey.

I have not spoken of the Illinois and Michigan Canal, because the proposition as to that is only for a preliminary survey and involves the expenditure of only a few thousand dollars. As to the Hennepin Canal project, I have most decided objections, because that is the committal of the Government to the whole project. If the Illinois and Michigan Canal shall be surveyed, of course the survey will be reported to us.

Congress years ago appropriated 1,800,000 acres of land to the State of Illinois for the construction of this canal. Afterwards the condition was taken off the grant, and Illinois was permitted to use the proceeds of those lands in the construction of railroads. The city of Chicago advanced a large sum of money to aid in the construction of the canal. After the great fire in Chicago the Legislature of Illinois passed an act repaying the money, with interest, which the city of Chicago had advanced. A portion of the canal is constructed. I have fought at every step the idea of putting it in the hands of the United States. The State of Illinois, with a credit as good as that of the United States Government, with an immense area, with an industrious, aggressive, hopeful people, says to the Government of the United States: "Take this work of internal improvement that we have commenced, though you gave us 1,800,000 acres of land to build it; take it off our hands and let the Government of the United States complete it." According to the engineers it will cost over $5,000,000. I want to consider that proposition. When it is discussed I want the Florida canal and the Maryland canal put in, so that there can be no sectional feeling in regard to the matter, and if we go into this wholesale business of the construction of canals throughout the country let us do it openly and manfully, without committing the river and harbor bill to the construction of these great works. It is not fair to us to do that. We should not commit the Government now to this project and to the Hennepin Canal project, the two involving probably $15,000,000 at the lowest estimate in the river and harbor bill.

I am not here as the enemy of this project, but I will not vote for it, though the construction of this Hennepin Canal and of this improvement would add to the commerce of the Mississippi River, in which my State is deeply interested; but I do not want to be committed indirectly to a system like this on a river and harbor bill.

Mr. CALL. I conceive it to be very clear that the appropriations of the Government for the construction of works of internal improvement should be made on well considered and established principles of public policy, and whatever sums are needed to construct such works ought to be voted to complete them in a reasonable time. Upon what bill it should be done is another question, whether by a separate bill in each case or by a general bill, as in this case, must be decided by the convenience of legislation and the opportunity the different methods may afford for deliberation and discussion.

I fail to see the difference in the benefits to be derived in the interests of commerce in improving a river and in making an avenue or highway for commerce by an excavation in the earth or a canal. Logically it seems to me that if you can carry a larger amount of production by an excavation, whether there was water before or not makes no difference, and therefore the question of whether it is a canal or river is immaterial. Admitting the fact that the distribution of the productions of the country is a national object and a necessary public policy, and that there should be means of transportation created or encouraged by the National Government, and that being settled, the next question is, what is the most feasible, most economical, and most beneficial method of accomplishing that object? Whatever that method may be is the proper object of national aid and appropriation, whether it be a canal or a river, an ocean or a lake, whether the amount required be large or small.

I take it that we have been led to the improvement of the water ways of the country by its natural condition and its development along the lines of the natural water ways, and that this accounts for the confinement of the appropriations by the General Government largely to the natural water ways of the country. But if it be possible to make a water way, if it be economical and a cheap method of transportation, as it is conceded to be in our present experience and our present knowledge, whatever it may be in the future, I gravely doubt whether or not in the future some method of controlling the great avenues of land transportation will not be found, so as to make them as cheap if not cheaper than the water ways; but we have not reached that point at the present time. We have adopted, and I think wisely, the policy of improving the harbors of the country, that we may exchange the productions of this country for those of foreign countries, and that we may thus give the interior of the country the benefit of exchange with other countries and other localities. This is the only object and the only effect sought to be obtained by this policy of improving harbors and protecting coasts with light-houses and life-saving appliances.

Now, when we have once done that and can obtain the same or a greater benefit by a canal than by the improvement of a water way that is strictly within the principles which we have recognized and established as a possible policy, yet we hesitate at the question of the creation of a water way. If there be by nature a water way we think it is sound public policy to improve it. If there be not, and it be necessary to make it by the connection of two streams, we consider and doubt whether we are not adopting a new and dangerous policy.

But the river and harbor bill, if justified by principle, demands that wherever it is practicable and necessary and within the reasonable means of the Government to establish a water way by which the productions of a locality, if it be of sufficient importance, may be brought into the common exchanges of the country, it shall be done, and it is simply a question of the amount of benefit to be derived from the improvement.

The Senator from Colorado [Mr. TELLER], with whom I agree in much that he has said, has stated that there are improvements in this river and harbor bill which are local. What is a local improvement? Suppose it to be but one man and one bag of cotton. It goes to New York and to Liverpool, and it enters into the common exchanges of the country. It ceases to be local and becomes national as soon as it becomes a subject of commerce just as much as if it was a million of bags of cotton produced by a million of men.

Of course no improvement can be made for one man or one bale of cotton or one hundred, but there is some proportion in the magnitude of the commerce and of the production to the extent of the benefit which it will confer. But all commerce is national, all exchange is national, and there is no difference between foreign commerce and domestic commerce in the character of the benefit which it confers upon the people. Foreign commerce is of no benefit, except as it gives to the producer wherever he may be, whether in the valleys of the Rocky Mountains, on the Pacific coast, in the interior of the Middle States, or on the South coast or the North, an opportunity to dispose of his product. It has no value except as it gives to the producer material and exchange and a value for his productions.

Therefore, Mr. President, it seems to me that we can dig a canal anywhere if the magnitude of the interest of production and distribution connected with it be so great as to justify the expenditure. If it be practicable and within the reasonable means of the Government, it should be just as properly an object of improvement and of aid by the National Government as the rivers and the harbors; and in that point of view I am prepared at all times, when there is a fair distribution of the benefits of the national aid, to vote for any well-devised and necessary measure of that description. We have reached a period in the history of this country when the question of cheap transportation and a fair distribution of the products of labor is the most important of all public questions. When it is a question of abundance or starvation to the millions of our wage-workers—to the great mass of our people—this question, as well as that of reasonable compensation to labor, depends on the avenues of transportation, and not on the fact whether it is a natural or an artificial water way.

I think there is some force in the suggestion of the Senator from Missouri [Mr. VEST] that this question ought to be carefully considered, that it ought to be made a special object of consideration, and that the canal improvements which are demanded by the commerce of the country, the improvement in Maryland, the improvement in Illinois or in Ohio, the improvements in the State of Florida, which have been examined and are entirely practicable, and good and safe methods of transportation—that all these ought to receive consideration; and I am of the opinion that it ought to be given at an early day; that the interests of cheap transportation demand that the Congress of the United States should give immediate consideration to this great question, which so nearly concerns the prosperity of the producers and the consumers of the country.

The inland coast line of communication on the coast of Florida to Key West, where steam-vessels of great speed and great comfort can go without exposure to severe storms, a ship-canal across the peninsula of Florida, inland canals connecting the Mississippi and the Great Lakes, the inland coast communication from Maine to Florida, which is practicable with but few breaks in its continuity, these are the measures

of public policy which will cheapen everything and at the same time pay the laborer and the producer a better profit for his labor.

But, Mr. President, if this provision in this bill can be so changed as not to commit the Government positively to any one plan, and there can be added to it a proposition for a survey of the other different projects of improvement of a like character, I should be entirely willing to give to it my vote.

I ask of the Senate to-day upon what ground can we justify voting the appropriations in this bill and refuse an appropriation for the survey and even for the construction of a canal along the coast of Florida, connecting the great line of coastwise transportation for every class of vessels, so that they may be protected from the outer ocean running from New York, and perhaps above New York, to Key West, Fla., with but little outside exposure? Upon what ground can we refuse to make an appropriation if it be practicable to construct the work at a reasonable cost across the peninsula of Florida, by which the entire commerce of the Mississippi River, the Mexican Gulf, and the Central American States may safely pass along our coast?

I say, if it be possible to construct such a canal or water way, on what ground can we refuse to do it, when this vast amount of commerce can be expedited and be rendered safe, the cost of insurance saved, and the wrecks and the lives that are annually lost on the West India and Gulf and Atlantic coasts of Florida and the United States be saved to the country and to the world?

These great works give employment to labor, and so long as they are beneficial in their results they are no burden and no actual cost to the tax-payer, for they pay back more than they cost, and they are largely built with labor which may otherwise be unemployed, but yet must be fed and clothed. It would make the earth a Garden of Eden if the unemployed labor of the country and the men in arms all over the world could be employed in making the earth more productive and in distributing at little cost its productions.

It seems to me that these are the considerations which should determine our action, and if we are to maintain this policy of internal improvements let us do it on a broad and wise and just basis, and provide that other works of great national importance, of importance to the commerce of the world, shall be included.

Mr. ALLISON. Mr. President, I have not given that attention perhaps to the debate on this subject which the importance of the question demands because of my other engagements, but I have paid some attention to the subject-matter.

The first amendment, the one which I believe is immediately under discussion, is an amendment providing for a survey of the Illinois River and the region of country now covered by the Illinois and Michigan Canal, so called.

This is no new question either as respects appropriations or as respects surveys. I remember perfectly well in 1864 that this whole question of a ship-canal connecting the Northwestern lakes with the Mississippi River was presented by military men and by others in this country as of the utmost importance; and the project received a majority, if I do not mistake, of both Houses of Congress at that time as providing for a military way connecting the lakes with the Mississippi River.

Since that time we have gone on year by year and have appropriated money for the improvement of the Illinois River, and in this bill I find an appropriation of $200,000 for the Illinois River. What is that for? It is for the purpose of securing a low-water navigation to a depth of 7 feet in that river; and with this expenditure, and probably an expenditure of a like amount for a year or two longer, there will be a navigable water way on the Illinois River from the mouth of that river to La Salle of 7 feet. Between La Salle and the city of Chicago is a canal that was constructed by the State of Illinois many years ago, and was constructed at that time so, as was supposed, to be ample for the commerce of that period; and it is in operation to-day. It is a small canal.

This Illinois and Michigan Canal, so called, ought to be enlarged so as to make it compare with the navigation of the Illinois River, so that steam-boats navigating that river from its mouth to La Salle shall not be required to transship there, but may extend their course directly to the city of Chicago.

Is there any doubt but what the Illinois and Michigan Canal should be enlarged for these 102 miles so as to make it compare with the navigation of the river, thus enabling a craft drawing 7 feet of water to go not only to La Salle but to go also to the city of Chicago? Especially is that true when the entire expense of the enlargement of the Illinois and Michigan Canal will not exceed two or three million dollars. Then we have a water way extending between the Mississippi River and the Great Lakes and all of them, and also from Buffalo clear through to the mouth of the Illinois River and so on to St. Louis.

If this river and harbor bill is worth the paper on which it is printed, that is the most important water way project in it.

It runs through a densely populated region, teeming with industries and with commerce; and are we to stand here and appropriate $22,000,000 to rivers and harbors and higgle about a proposition which is intended to connect the great system of water ways on the Northern lakes with the Mississippi River?

Mr. GEORGE. I should like to ask the Senator from Iowa a question.

Mr. ALLISON. I yield.

Mr. GEORGE. I ask whether the provision is confined to the Illinois and Michigan Canal, or whether it extends all the way from Lake Michigan to the Illinois River?

Mr. ALLISON. The reports show that it is perfectly feasible and practicable by this improvement to connect the waters of the Great Lakes with those of the Mississippi River.

Mr. GEORGE. That is the very point I wish to be informed about. Will there be a sufficient flow of water?

Mr. ALLISON. Perfectly competent engineers have made that investigation, and they have reported over and over again that it is a perfectly feasible thing to turn the waters of Lake Michigan into the waters of the Mississippi River through the Illinois River.

Mr. GEORGE. A steady and regular flow?

Mr. ALLISON. A steady and regular flow.

Mr. VEST. If the Senator will permit me, I have the report here. The Senator from Iowa is entirely mistaken about the cost of this improvement.

Mr. ALLISON. I was speaking of the cost of the enlargement of the Illinois and Michigan Canal so as to take a vessel drawing 7 feet of water.

Mr. VEST. That is the next part of it.

Mr. ALLISON. I will come to the next part. I am speaking of what is contemplated by this very bill. This very bill has an appropriation in it contemplating an improvemant of the Illinois River so as to secure 7 feet of water. I say in connection with that that it seems to me a perfectly demonstrable proposition that if you can secure a 7-foot water way for 102 miles additional it would be bordering on absurdity not to expend the money, if water ways are of any value at all, or if river and harbor bills are of any value; and to enlarge that canal to secure 7 feet of water will not cost more than two or three million dollars. I have not the data and the reports before me, because I did not expect to participate in this debate; but I make these general statements from my knowledge of the subject. That is the situation as respects the connection of the Great Lakes with the Mississippi River. The work is going on, and large amounts have been expended for that purpose.

That brings me to this amendment, which is what? That instead of having a 7-foot water way between the mouth of the Illinois River and Chicago, our engineers shall make an investigation and examination to see whether, with a reasonable expenditure, it is not wise and proper to enlarge this water way so as to draw 14 feet of water, in other words, double its capacity, and enable us, if need be, to build gunboats at St. Louis or Carondelet; and in time of war, if it should ever come, which I do not apprehend in the very near future, these gunboats could be transported into Chicago Harbor. That is all there is of that and the associate project to see whether or not that is a feasible thing, and if feasible, whether it is wise for us to enter on that expenditure.

I have no hesitation in saying for myself, although in that particular project the State in which I live perhaps has no immediate interest, that in my judgment there could not be a wiser expenditure of public money than such a one to connect the great Mississippi River with the great Northwestern Lakes by a water way 14 feet deep.

The Senator from Missouri says if we enter on this investigation at all, it will result next year in an appropriation of money. It may not so result unless the judgment of the Congress of the United States is that such an expenditure will be a wise and prudent one for our commerce and for our defense. Therefore it is that I shall vote for whatever expenditure is necessary to make this survey, and I do that for the reason that I take it for granted that either at this session or some near session in the future we shall appropriate money to enlarge the Illinois and Michigan Canal so as to secure 7 feet of water. I am sorry to see that some provision is not made in this bill for that purpose.

There is no greater commercial need now in the Northwest than this need of the enlargement of the Illinois and Michigan Canal and the beginning of the construction of the Hennepin improvement and extending that improvement to the Mississippi River, a distance of 64 miles, at a cost variously estimated at from four to six million dollars. That improvement could be made in five or six years, and when made it would relieve the people of the Northwestern States of five times its cost annually in the reduction of the freights on the bulky articles which would go over that canal. It is anticipated that the railways are in the pathway of this Hennepin Canal and the enlargement of the Illinois and Michigan Canal. I do not know whether they are or not, but I believe that it would benefit the commerce carried by rail. It would relieve the railroads perhaps of some of the cheaper and more bulky articles that they now carry, but it would so enlarge the commerce of that region and the commerce of our country that they would find increased receipts in the transportation of our more costly products.

I am amazed, I confess, that gentlemen will stand here in the Senate, with the situation and condition of this country as respects its in-

ternal commerce, and make objection to a survey of a work of the magnitude and importance of this project.

I regard these two propositions as important as any two propositions in the bill, and if they are to be whistled down the wind and all of the little streams from one end of the country to the other are to be dug out and enlarged, I shall feel very little interest as to what becomes of the bill, I say frankly. If we are to improve the Yadkin River, if we are going into the State of Ohio to spend $100,000 or $200,000 to repair the old locks and dams on the Muskingum River, an improvement entirely local in its nature as compared with this one, an improvement that has a beginning and an ending in the Ohio River—if that is the policy of this bill, and if the great water ways and great canals are not to be improved or we are not even to examine into the feasibility of their improvement through the examination of the Engineer Corps of the Army, then I say for one that this bill has lost much of its interest to me and to the region in which I dwell. I warn Senators that if they are running this bill as a mere local internal bill, and if they can get $5,000 for a little creek or $2,000 for a little harbor, think they have accomplished all that is desirable to be accomplished, then they have mistaken, in my judgment, the feeling and sense of the people of this country as respects our internal commerce.

It is perfectly well known that every civilized nation upon this globe except our own enters upon the largest possible expenditure of public money for the building of canals and the improvement of water ways. France is honeycombed with canals, and so is Great Britain, expending year by year large sums of money for this purpose. Are we to tie our hands, with the great area we have in this country, in the work of cementing its internal commerce by simply saying that we will not improve and enlarge what nature has provided us? It seems to me that it is madness for us to think so, especially when we have a bill here of $22,000,000.

I voted some years ago for a canal across the Maryland and Delaware peninsula, in our immediate neighborhood. I am ready to vote for it again. I believe it is an important national work. Although it is far remote from my State, I know that when that canal is constructed it will have beneficial influence upon all the products that are produced in my State and upon all the products that are consumed in it.

Mr. President, we have now reached an important point in this bill. It is a bill in which I have a deep interest and in which my constituents have a deep interest, and I do not propose for one that the amendment shall go out of the bill without a full and free discussion and without a yea-and-nay vote of the Senate.

Mr. GORMAN. In the river and harbor bill of last year practically the same provision was inserted for the survey and location of this canal. I voted for it then, and did so because I believed that this is one of the great improvements that ought to be made. I do not think this provision commits the Government absolutely to the construction of this canal any more than was done by the final survey and location of the proposed canal between the Chesapeake and Delaware Bays. But there is one provision in the amendment to which I desire to call the especial attention of the Senator from Iowa. It will be found on page 55, beginning at the word "and" in line 1334, and going down to and including the word "hour" in line 1339, in these words:

And to have surveyed and located a channel from Lockport to Lake Michigan, at or near the city of Chicago, such channel to be suitable for the purposes aforesaid, and capable of carrying not less than 600,000 cubic feet of water per minute, flowing at the rate of 2 miles per hour.

If these words are stricken out of the amendment, it leaves a provision for the survey and location for the improvement of the Illinois River and the construction of the canal from Hennepin as a great water way between the lakes and the Mississippi River. Of that I am heartily in favor, but the clause I have read has been inserted for the first time, and it is inserted for the purpose of making a better sewerage for the city of Chicago. I suggest to my friend from Iowa that this is the first time that such a project has ever appeared in a river and harbor bill. If you confine the amendment to the great work of connecting the waters of the lakes with those of the Mississippi, I think there can be really no substantial objection to it, for I do not believe that the language is different from that by which the surveys of the other great improvements were directed to be made. It does not commit the Government to the absolute construction of the work. The question of appropriating money hereafter for the work is another matter, when all these great works will come up together.

I will say to the Senator from Iowa that while in the committee and on the floor we are anxious to have the work to which he referred, the Chesapeake and Delaware Canal, and the whole country is interested in it, I do not believe that this is the time to make the appropriations. If the Senator will strike out the words beginning with the word "and" in line 1334, down to and including the word "hour" in line 1339, leaving this a clear-cut proposition for the survey and location of this great national work, I shall with pleasure vote with him. Therefore I move to strike out those words.

Mr. ALLISON. Of course the phraseology of this amendment is not of my making.

Mr. GORMAN. I understand that.

Mr. ALLISON. My attention had been called to this particular phraseology before, and I supposed it was in accord with some estimate or some statement of the engineers. If, as the Senator states, it is for a particular purpose, of course I have no objection to its being stricken out. Indeed, I do not think it is of very great value as it stands.

Mr. GORMAN. None whatever.

Mr. ALLISON. Therefore, without committing anybody on this matter, in which I suppose, of course, the Illinois Senators are more deeply interested, if it can not go over until they come, I shall not object to striking out these words.

Mr. GORMAN. I make that motion.

Mr. SAWYER. I understand that the senior Senator from Illinois [Mr. CULLOM] is quite sick, and it is not at all likely that he will be here soon. I have news from him this morning.

Mr. TELLER. I understand that the words objected to were put in the amendment after an examination by certain engineers with reference to the quantity of water that would be necessary to keep up the navigation of the Illinois River below La Salle. There is a series of locks in the river which to some extent retard, of course, the flow of water from the lakes. It is a gradual descent, but too much of a descent from Chicago to La Salle to enable the stream to be navigated without some locks. I do not myself see what the objection can be to allowing the engineers to tell us what that project would cost; and that is all there is of it.

Mr. FRYE. That is on the first amendment?

Mr. TELLER. That is the first amendment.

Mr. FRYE. I do not believe there is any serious objection to the first amendment. It is something the Senator from Illinois was exceedingly anxious about. I think there was but little division on the first amendment in the committee.

Mr. TELLER. I suggest to the Senator from Maryland that if we adopt the report of the engineers and appropriate money eventually for building the canal we shall not be obliged to build it with reference to the amount of water that will flow through it. That is a part which might be abandoned or not be adopted. It seems to me it would be well to know how much water would be required in the Illinois River to keep its stage to a navigable condition. I can not see what harm it does to leave that provision in. I am not authorized to speak for anybody connected with this improvement, because I have never conferred with the Senators from Illinois on the subject.

The PRESIDENT *pro tempore*. The Secretary will read the amendment proposed by the Senator from Maryland [Mr. GORMAN].

The SECRETARY. After the word "deep," in the amendment of the committee, in line 1334, it is proposed to strike out the words:

And to have surveyed and located a channel from Lockport to Lake Michigan, at or near the city of Chicago, such channel to be suitable for the purposes aforesaid, and capable of carrying not less than 600,000 cubic feet of water per minute, flowing at the rate of 2 miles per hour.

Mr. ALLISON. I understood the amendment of the Senator from Maryland to be to strike out all after the word "aforesaid" in line 1336. I hope he will modify his amendment in that way, because the other portion of the amendment is a part of the necessary survey, it seems to me.

Mr. GORMAN. I have no objection to modifying the amendment in that way.

The PRESIDENT *pro tempore*. The Senator from Maryland modifies his proposed amendment to the amendment of the committee.

Mr. FRYE. As modified I have no objection to it. I did have objection to the other clause being stricken out.

The PRESIDENT *pro tempore*. The part proposed to be stricken out of the amendment of the committee will be read.

The CHIEF CLERK. After the word "aforesaid," in the amendment of the committee, in line 1336, it is proposed to strike out:

And capable of carrying not less than 600,000 cubic feet of water per minute, flowing at the rate of 2 miles per hour.

Mr. FRYE. I have no objection to that change being made.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment proposed by the committee, as amended on the motion of the Senator from Maryland.

Mr. CALL. I ask if it would be in order to add to the amendment the following words:

To make an estimate for a ship-canal across the peninsula of Florida at the most convenient point.

The PRESIDENT *pro tempore*. The Chair thinks it would not be in order, not being germane or related to this amendment. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the committee which was passed over will be read.

The CHIEF CLERK. The committee report, after line 1342, to insert:

The Secretary of War is further authorized and directed to cause to be located, on such line as he may approve, a canal from the Illinois River at or near the town of Hennepin to the Mississippi River at or above the mouth of Rock River, together with a necessary feeder for the same; said canal to be known as the Illinois and Mississippi Canal, and to be 80 feet wide at the water-line, and to have a depth of not less than 7 feet of water, with locks 170 feet long and 30 feet wide. The Secretary of War shall cause to be made and submitted

to Congress detailed plans and estimates for the construction of said canal and feeder; the necessary expense of making such location, plans, and estimates shall be paid out of the unexpended balance on hand heretofore appropriated for the survey of said canal.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the committee.

Mr. VEST. I just want the Senate to understand distinctly what is the meaning of that amendment, what the Senator from Illinois [Mr. CULLOM] stated its meaning to be in the committee and would state if he were here. This is not a survey; this is the location of a canal; and the intention is to commit the Government in this river and harbor bill to the construction of the Hennepin Canal. I do not propose to argue it any further; I have said all I desire to say, and the Senate can vote with that understanding.

Mr. GORMAN. I simply want to say that I do not understand by this survey and location that the proposed canal will stand on any different footing from the Chesapeake and Delaware Canal, which under a provision in a river and harbor bill heretofore passed was surveyed and located. The question of appropriating money for these works will come up at another time, when we shall have an opportunity to discuss them and group, if possible, all these works together. Notwithstanding it was the intention of the mover of this amendment, the Senator from Illinois, to commit the Government to the work, I do not believe that this amendment does that, and it will remain to be considered when the matter comes up at a future time.

Mr. TELLER. That is the fact.

Mr. DOLPH. There is no compulsion upon Congress to make an appropriation at any time or to continue a previous appropriation.

Mr. BECK. I rise only to say that some years ago when I was a member of the Committee on Transportation Routes to the Seaboard (and I think I was chairman of it for two years), there was a very exhaustive examination made in connection with the water ways connecting the Mississippi and the Lakes, also the Chesapeake and Delaware Bays, the mouth of the Mississippi, and a very large number of other important points. I became thoroughly convinced that instead of expending, as proposed very often in bills for coast defenses and other bills, millions, perhaps hundreds of millions of dollars, the true policy of this country is to connect the Delaware and the Chesapeake, the Mississippi and the Lakes, and if it be possible in some form to get across Florida, and to continue our interior lines of water way from Norfolk through the great sound of North Carolina; and that as a matter of defense, as a matter of putting ourselves in a shape, whereby all the available resources of the country could be brought to one point without exposure and guard any other points, this was the most valuable system of improvement that could by any possibility be made. If this is a step in that direction and not altogether in regard to commercial relations, I shall do what little I can for it.

Mr. VEST. I wish to submit one additional remark and I shall say nothing further about it. It is very evident that the amendment will be adopted. My experience has been that any amendment can be adopted to a river and harbor bill. But I congratulate myself on one fact, and that is that the friends of this movement now seem to be unanimous in the opinion that the amendment does not commit Congress to this project, and it will be an open question hereafter upon the subject of appropriations.

Mr. ALLISON. I do not wish the remark of the Senator from Missouri to commit me in any way.

Mr. VEST. No; I do not suppose it will.

Mr. ALLISON. I shall express my own views on that point.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment. [Putting the question.] The ayes appear to have it.

Mr. VEST. Let us have a division.

The PRESIDENT *pro tempore*. Senators in favor of agreeing to the amendment will rise and stand until they are counted.

Mr. VEST. I should like to ask for the yeas and nays. I should like to go on record myself against the amendment.

The PRESIDENT *pro tempore*. The Senator from Missouri asks that on agreeing to the amendment of the committee the yeas and nays may be entered on the Journal. ["No!" "No!"]

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

Mr. VEST. I withdraw the demand for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Missouri withdraws the call for the yeas and nays.

Mr. HARRIS. By unanimous consent he can do so.

The PRESIDENT *pro tempore*. By unanimous consent the call for the yeas and nays is withdrawn. The Chair hears no objection. Is the Senate ready for the question upon agreeing to the amendment?

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment which was passed over will be stated.

The CHIEF CLERK. On page 60, the amendment relating to the improvement of the Mississippi River, in the paragraph beginning at line 1455 and the amendments following, extending to line 1552, on page 64.

Mr. GIBSON. I find that in this bill very liberal appropriations have been made for all the rivers in the Mississippi Valley, but that the Committee on Commerce of the Senate have reduced the appropriation for the Mississippi River itself about $600,000, so that there will remain to carry on the great work of improving the navigation of the Lower Mississippi only $1,455,000 out of the $2,500,000 appropriated for the river below the mouth of the Ohio. The proceeding which we have just had indicates the impossibility of getting a yea-and-nay vote on any amendment which may be resisted, and not desiring to delay the bill or to defeat it, and trusting that in the conference committee the appropriation for the Mississippi River may be increased, I withdraw all further opposition to the amendments indicated.

The PRESIDENT *pro tempore*. The amendments will be stated in their order.

The CHIEF CLERK. In section 1, line 1457, after the word "million," the Committee on Commerce report to insert the words "five hundred thousand;" so as to read:

Improving Mississippi River from head of the Passes to the mouth of the Ohio River: Continuing improvement, $2,500,000; which sum shall be expended under the direction of the Secretary of War in accordance with the plans, specifications, and recommendations of the Mississippi River Commission.

The amendment was agreed to.

The next amendment was, in section 1, line 1460, at the end of the clause appropriating $2,500,000 for "improving Mississippi River from head of the Passes to the mouth of the Ohio River," to add:

Of the foregoing sum $150,000, or so much thereof as may be necessary, shall be expended in protecting the bank along the Lake Bolivar front by revetment; $25,000, or so much thereof as may be necessary, in continuing improvement on said river at Columbus, Ky.; $70,000, or so much thereof as may be necessary, in continuing improvement on said river at Hickman, Ky.; $75,000, or so much thereof as may be necessary, in continuing improvement on said river at Greenville, Miss.; $150,000, or so much thereof as may be necessary, in continuing improvement on said river at Vicksburg, Miss.; $200,000, or so much thereof as may be necessary, in continuing improvement on said river at New Orleans, La.; $75,000, or so much thereof as may be necessary, in improving said river at Helena, Ark.; $300,000, or so much thereof as may be necessary, shall be expended at the head of the Atchafalaya and mouth of Red River, Louisiana, for rectification thereof, by preventing further enlargement of the Atchafalaya and restricting its outlet capacity, and for turning the waters of Red River into the north or upper channel around Turnbull's Island, and for keeping open a navigable channel through the mouth of Red or Old River into the Mississippi.

Of the above sum there shall be expended, under the direction of the Secretary of War, for gauging the waters of the Lower Mississippi River and its tributaries, as provided for in joint resolution of 21st of February, 1871, $9,600: *Provided*, That $3,600 of the same is authorized to be expended in paying the expenses of gauging the waters during the fiscal year ending June 30, 1888; for examinations and surveys at South Pass, mouth of Mississippi River, pursuant to the act of March 3, 1875, $10,000; for survey of the Mississippi River from the head of the passes to its headwaters, $75,000; for continuing the removal of snags, wrecks, and other obstructions in the Mississippi River, $100,000.

The amendment was agreed to.

The next amendment was, in section 1, in the same clause, after the word "channel," in line 1509, to strike out:

Of the foregoing sum, $150,000, or so much thereof as shall be necessary, shall be expended in protecting the bank along the Lake Bolivar front by revetment.

So as to read:

Provided, That no portion of this appropriation shall be expended to repair or build levees for the purpose of reclaiming lands or preventing injury to lands or private property by overflows: *Provided, however*, That the commission is authorized to repair and build levees if in their judgment it should be done as part of their plans to afford ease and safety to the navigation and commerce of the river and to deepen the channel.

The amendment was agreed to.

The next amendment was, in section 1, to strike out lines 1514 and 1515, as follows:

Improving the Mississippi River above St. Anthony's Falls, $10,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 1516 to line 1518, inclusive, as follows:

For survey of the Mississippi River from the head of the passes to its headwaters: Continuing survey, $75,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clause from line 1519 to line 1521, inclusive, as follows:

For continuing the removal of snags, wrecks, and other obstructions in the Mississippi River, $100,000.

The amendment was agreed to.

The next amendment was, in section 1, to strike out the clauses from line 1522 to line 1552, inclusive, as follows:

For work in accordance with the plans and specifications of the Mississippi River Commission:

At Columbus, Ky.: Continuing improvement, $25,000.
At Hickman, Ky.: Continuing improvement, $70,000.
At Greenville, Miss.: Continuing improvement, $75,000.
At Vicksburg, Miss.: Continuing improvement, $150,000.
At New Orleans, La.: Continuing improvement, $200,000.

At the head of the Atchafalaya and mouth of Red River, Louisiana, for rectification thereof, by preventing further enlargement of the Atchafalaya and restricting its outlet capacity, and for turning the waters of Red River into the north or upper channel around Turnbull's Island, and for keeping open a navigable channel through the mouth of Red or Old River into the Mississippi, $300,000.

For gauging the waters of the Lower Mississippi River and its tributaries, as provided for in joint resolution of 21st of February, 1871, $9,600: *Provided*, That $3,600 of same is authorized to be expended in paying the expenses of gauging the said waters during the fiscal year ending June 30, 1888.

For examinations and surveys at South Pass, mouth of Mississippi River, pursuant to the act of March 3, 1875, $10,000.

The amendment was agreed to.

Mr. TELLER. I desire to offer an amendment to come in on page 66.

The PRESIDENT *pro tempore*. There is one further amendment of the committee that was passed over which the Chair asks the indulgence of the Senator from Colorado to submit.

Mr. TELLER. I will reserve my amendment. I supposed we were through with the committee amendments.

The PRESIDENT *pro tempore*. The next amendment of the committee will be read.

The CHIEF CLERK. On page 66, after line 1600 of section 1, the Committee on Commerce report to insert:

That so much of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, creating the Missouri River Commission, and defining its powers and duties, be, and the same is hereby, repealed.

Mr. PADDOCK. I asked to have this amendment passed over when it was reached in the consideration of the amendments of the Committee on Commerce. I do not desire to make any undue contention as to the matter, but I wish to state that the Committee on the Improvement of the Mississippi River and its Tributaries, of which the Missouri is one, has been carrying on for some time an inquiry as to the plan, system, and method of improvement, and the practical working of the commission with respect to the improvement of the Mississippi River, with the view of continuing that inquiry as regards the Missouri River. While that inquiry is in process of consideration, I have thought that it would be better to leave this subject entirely alone, and not to make any radical change as to the plan of conducting the improvement upon the Mississippi River and its tributaries until the committee shall have concluded its inquiry and shall be ready to report as to the advisability of continuing the commission or of adopting some other system or plan in respect to conducting the improvements.

On behalf of the committee, which has given this subject a good deal of attention during the past month and is still in the midst of its investigation, I ask the Senate to let this matter rest for the present until we shall have had an opportunity to fully conclude our investigations and make a report in pursuance thereof.

Mr. VEST. I drew the amendment to the river and harbor bill of 1886, which created the Missouri River Commission. I drew this amendment to this bill which abolishes that commission. I did it deliberately and after full investigation and a knowledge of all the facts.

I believe that the Missouri River Commission honestly endeavored to do their duty, and I believe that the system which they endeavored to enforce was the correct system, and that is, to improve the river, if it is to be improved at all, by reaches of 10 miles at a time with a view to the navigation of the stream. That system has been deliberately ignored by Congress. I have defended it. I have done all I could in my capacity as a Senator to induce the Senate and House of Representatives to coincide with the commission. Instead of that, at each recurring session, both on the Mississippi and Missouri Rivers, appropriations for local improvements have been carried until it is useless to disguise the fact that any other system is impossible with the present constitution of this and the other branch of Congress.

The Missouri River Commission, in their report which I have before me—and I shall not exhaust my strength nor the patience of the Senate by reading it—emphatically and distinctly protest against these local improvements, the improvement of harbors which have nothing whatever to do with the navigation of the river. They say that it is money thrown away; that they can do nothing with the Missouri River if the appropriations are diverted from the main object, the systematic improvement of the stream, to local improvements at towns and harbors. With that report before them the Committee on Commerce voted me down almost unanimously. I think I was the only, solitary Senator who voted against it. They ignored the report of the commission and agreed to appropriate several hundred thousand dollars to different localities. The same thing was done on the Mississippi River.

I say that the logical result is, when we create a commission and refuse to pay the slightest respect to its recommendations, abolish it. The commission come here, honest and reputable men (one of them is one of the best friends I have in the world, a gentleman from my State, a civilian engineer), and in their deliberate conviction, based upon personal observation, based upon their expert knowledge as hydraulic engineers, they say to us: "We recommend so much money for the general improvement and nothing for these local improvements." Congress says: "We know better; we have no confidence in your recommendation; we wipe out your report." I have come to the conclusion, and as an honest representative I can come to no other, that the money, $50,000 a year, spent for this commission is absolutely thrown away, because no matter what they may report we pay no attention to it. The Senator from Nebraska represents one of the States upon the upper portion of the river.

Mr. PADDOCK. I should like to inquire of the Senator from Missouri if that is not measurably true of the Mississippi River Commission and its recommendations?

Mr. VEST. So I say; but the items for the Mississippi River have been passed and I do not care to discuss them, although I am prepared to do it. I think that is the logical result of our action in regard to the Mississippi. We have taken $970,000, against the protest of the Mississippi River Commission, and put it on local improvements in this very bill. I was opposed to it, but I was overwhelmingly defeated.

When Captain Eads was living (who in my judgment knew more about hydraulic engineering than all the rest of the engineers in this country put together, and I can say that safely now, because he is beyond the reach of censure or praise) he told me over and over again that every dollar which was put on local improvements on the Mississippi River was thrown away. He said it had nothing whatever to do with the improvement of the stream. So it is upon the Missouri River.

I do not believe that it has come to be a matter of a great deal of importance to the part of the Missouri in which I am particularly interested. It is a lamentable fact, but it is a fact, that we have not one single steam-boat running from Kansas City, where I live, to St. Louis. The last boat was taken off the river whilst I was in attendance on the St. Louis convention.

Mr. TELLER. Why?

Mr. VEST. There was no trade. The railroads have abolished river navigation, just as much as civilization has abolished the Indians as an autonomy in this country. The poor straggling steam-boat men whom I see around this Capitol now remind me of the last remnants of an extinct race, the melancholy historical remains of a former era. It is inevitable and you can not help it.

All that we can do now, in my judgment, and I am as much interested in it as any man living, is to keep the rivers in such a condition of repair as to be a perpetually recurring check upon the railroads. That is the whole situation almost completely.

Mr. PADDOCK. I should like to ask the Senator from Missouri whether, if the recommendations made by the Missouri River Commission as to appropriations had been adopted by Congress, and if their theory of the improvement of the river could have been carried out, having sufficient money to do it, the result would have been to make a navigable river between Kansas City and St. Louis.

Mr. VEST. That is a matter simply of conjecture. They use this guarded language in their report, and I have read every word of both reports and I believe most of the schedules: "We have seen nothing yet which causes us to doubt the feasibility"—they do not say it can be done—"of so improving that river by reaches as to make it an entirely navigable stream." Nobody is more interested in it than I am. I live upon its banks. I have lived there forty years. The fact remains that the railroads have exterminated the steam-boats. All we can do is to keep these rivers for barge transportation. There is one line on the Mississippi, the Anchor Line, and the principal owner of that line told me only a few weeks ago when I was in St. Louis that his stock in the company was not paying him a dollar. The railroads built along the banks of the river have absolutely annihilated the river commerce; I mean to say except as to the very heavy articles, and those only to a limited extent.

I do not want to go into a general discussion, but the fact is that time is the great element in commerce with the American people to-day. The man who wants merchandise to sell wants it at once. He does not want to wait for a steam-boat. If a man goes for pleasure and to travel he can take a steam-boat, but where one American travels upon a river with a view to pleasure, there are thousands who go upon business, and they want to be immediately at their destination. But I do not propose to go into any essay upon commerce.

Mr. TELLER. I should like to ask the Senator how it is above Kansas City? Is there business on the river there?

Mr. VEST. On the Upper Missouri, above Kansas City, there are several boats. I do not know exactly how many, but a considerable number.

Mr. PADDOCK. There has been continuous navigation from Sioux City to St. Louis on the river. The river is navigable 3,000 miles during a part of the year.

Mr. VEST. That is true.

Mr. PADDOCK. The trouble about it has been that all the money which has been appropriated has been limited in the application of the appropriations so that the Missouri River has never really had any attention. That is what is the matter with it, and that is why the railroads monopolize the business.

Mr. TELLER. That is not the case in this bill.

Mr. PADDOCK. This is the first time the Missouri has received attention.

Mr. VEST. Nobody can be more friendly to the steam-boats or rivers than myself. I live in a country that is full of them, and I have as much interest in them as anybody; but the fact remains, and you can not ignore it, and it is a fact that is immutable and unanswerable, that the commerce of this country is conducted on railroads and not on steam-boats, and so it is about canals. You have your Chesapeake and Ohio Canal here and the grass is growing along its tow-path. There is not a canal in the United States to-day that is paying one cent upon the investment or a quarter of a cent, and the whole of it comes from something that is beyond the control of Congress, great as its powers are; and that is that time is the essence of commerce in this era of civilization, and the railroads furnish quickness of transportation while other modes of communication do not. That is all of it.

Mr. FRYE. But the Senator must not neglect to say that the rivers and the canals are an immense factor in keeping down freights.

Mr. VEST. That is exactly what I undertook to say in a very few words, without elaborating the idea, that these water ways are factors. I do not by any means advocate abandoning them. I propose, so far as my vote and influence shall go, to keep them in as good state of repair as possible. They are immeasurably valuable in the way of a check upon the exorbitant rapacity of the railroads when they make pools and combinations.

I can give the Senate one instance which comes to my mind now. There was a pool made at Kansas City upon freights to St. Louis and to the East between the railroads, and they put them up to such an enormous extent that a few of the leading merchants of my city combined and subscribed to build a barge line, to build five barges to put on the Missouri River to carry heavy goods and groceries. The very minute that that company was organized the pool was broken and the freights went down. In that way these water ways are valuable, but as to the old-time glory of the steam-boat, it has gone like that of Tecumseh and the great Indian chiefs, never more to be seen in this country; and the present railroad system will give way to advanced railroad transportation, and we shall look back to the present condition of our railroads almost as we now look back to the old times when a trip on the Mississippi River from Louisville to St. Louis was the highest point of ambition to the young American on his travels.

Recurring to the subject of the Missouri River Commission, I have no feeling in the world but the kindest possible one toward the gentlemen who compose it. My action upon the Committee on Commerce was dictated solely with the view to save some $60,000, the expenses of this commission, which, in my judgment, amount to no use at all. The recommendations of the commission are absolutely ignored; the appropriations they ask are not given to them, and I do not think there is any further necessity for continuing the commission.

Mr. BECK. Are the amendments of the committee through?

Mr. FRYE. This amendment has not been acted upon yet.

Mr. BECK. I wish to offer an amendment when that has been acted upon.

The PRESIDING OFFICER (Mr. PALMER in the chair). If there be no objection, the amendment will be agreed to.

Mr. PADDOCK. I hope the amendment will not be agreed to.

Mr. FRYE. The Senator from Nebraska desires a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. FRYE. That completes the committee's amendments.

Mr. BECK. I desire to offer an amendment which I had referred to the Committee on Commerce on the 28th of last May. It is as follows: After line 1139, on page 47, I move to insert:

For the purchase of the improvements known as the Green and Barren River improvements, $150,000: *Provided*, That no part of said sum shall be expended until a full and absolute conveyance of said improvements, together with rights of way, easements, piers, docks, and appurtenances of every nature belonging to or connected with said improvements, by the owner or owners thereof, and the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.

Mr. FRYE. I ask the Senator if that amendment was referred to the Committee on Commerce?

Mr. BECK. It was referred on the 28th day of May, as is shown by the printed amendment which I have sent to the desk. It is a literal copy of a provision contained in the river and harbor bill passed last year, which failed to become a law. It passed both Houses of Congress just as I offer it to-day, with the exception that I propose to make the sum $135,000 instead of $150,000.

The PRESIDING OFFICER. The amendment will be so modified if there be no objection.

Mr. BECK. I propose to reduce the amount because the time of the lease has shortened since the provision was inserted on the former bill. The committee agree to it. I desire to say that I hold in my hand a number of copies of the report of the Committee on Commerce of last year. I would be glad if Senators would read it. I ask to have a copy of the report inserted in the RECORD without taking time to read it. It contains a full history of this matter, and it was so satisfactory to both Houses of Congress that the provision was passed and made a part of the bill, which, as I said, did not become a law simply because it was not signed by the President.

The PRESIDING OFFICER. The report will be printed in the RECORD if there be no objection.

The report is as follows:

GREEN AND BARREN RIVERS, KENTUCKY.—REPORT OF SENATE COMMITTEE ON COMMERCE, SECOND SESSION, FORTY-NINTH CONGRESS.

The Senate committee, after having fully considered and investigated the proposed purchase of the franchise of the Green and Barren River Navigation Company by the General Government, reported favorably thereon, with an amendment to the river and harbor bill appropriating $150,000 for that purpose. Following is the report of the committee, embraced in Senate Report No. 1884, Forty-ninth Congress, second session:

The Green and Barren Rivers lie wholly within the State of Kentucky, and, with their tributaries, drain an area of about 10,000 square miles, nearly all of which is contained within the State. Their general direction is northwest, and the Green, after receiving the waters of the Barren River, empties into the Ohio about 8 miles above Evansville, Ind.

COMMERCIAL STATISTICS.

Shipments of merchandise from Evansville, Ind., to Green and Barren River country annually	$1,507,000
Shipments of tobacco from that country annually	1,000,000
Stock, staves, and hoop-poles from that country annually	200,000
	2,707,000
Floated out:	
Five hundred thousand saw-logs, worth $5 each	2,500,000
Lumber, stone, and coal	50,000
Total	5,257,000

The Green and Barren Rivers form an important line of navigation through a country rich in mineral and agricultural products. In a state of nature, these streams were, at certain stages, obstructed by rapids which boats could not pass. About fifty years ago the State of Kentucky most wisely improved these rivers by constructing five locks and dams, giving continuous slackwater navigation throughout the year from the Ohio River to Bowling Green, a distance of 175 miles.

The locks and dams were built under difficulties which increased their cost, but the work was well done. These locks were made 150 feet long and 36 feet wide, giving a capacity which it was thought would be sufficient for all future needs of commerce and navigation; but it is now apparent that, to avoid delays and reduce cost of transportation to a minimum, larger locks will be desirable in the future.

For a number of years after completion, the locks were operated and tolls were collected by the State of Kentucky; but, in 1868, by an act of the Legislature, the Green and Barren River line of navigation was leased for a period of thirty years to the Green and Barren River Navigation Company, with power to collect tolls, operate mines, run steam-boats, and conduct general business. The practical effect of this lease has been to give the exclusive right of free transportation to the company and render competition impracticable. This condition of affairs will continue until March 9, 1898, unless the rights of the company are extinguished by purchase or other legal means.

In 1880 the Kentucky Legislature, in behalf of the commercial interests of the Green and Barren Rivers, attempted to repeal the act which gave to the navigation company its privileges; but such action was declared illegal by the supreme court of the State, which court at the same time called attention to the fact that the State could, when the same was demanded by public necessity, resume control of the Green and Barren Rivers upon the payment to the company of a just compensation.

In place of such action as was suggested by the decision of the court, the Kentucky Legislature in 1886 ceded to the United States the five locks and dams on the Green and Barren Rivers, upon the condition that the United States rather than the State should extinguish by "purchase or otherwise the claim of the navigation company to exact tolls and control the rivers."

COMMERCIAL IMPORTANCE.

The Green River and its tributary, the Big Barren, are streams most favorably adapted to purposes of navigation, and they with their branches are the natural outlet for a country rich in mineral and agricultural wealth, and by connecting this tributary country, through the Ohio, with the markets of the Mississippi Valley, are capable of being made important navigable waters of the United States.

These rivers are at the present time, by reason of the charter granted a private corporation by the State of Kentucky, virtually closed to general commerce, and the country tributary to the rivers is placed at a great disadvantage. The tolls, which prohibit competition in transportation, and the uncertain results of any enterprise which is dependent on the will of a monopoly, prevent the investment of capital which is necessary for a full development of the country.

Considering the relative advantages of this line of navigation and the natural resources of the country, as compared with other streams and territory, it appears most probable that the improvement of the Green River and its tributaries would have been undertaken by the United States long ago had not the conditions been such as to withdraw these rivers from the fostering care of the General Government.

The value of existing commerce is placed at $6,000,000 per annum. The possible commerce with the rivers in a free and fully improved condition is very great, greater in fact than that of many other streams which are now being improved by Congressional appropriations at great expense.

VALUE OF EXISTING WORKS OF IMPROVEMENT.

These works, which are the property of the State of Kentucky, consist of five locks and dams. The present intrinsic value of the works is placed by the board at $350,000, and the money value of benefits which would accrue to general commerce from a release from the control exercised by the Green and Barren River Navigation Company is considered to be not less than $30,000 per annum, which yearly saving would amount, during the remaining life of the company's lease, to an amount equal at least to the present intrinsic value of works.

VALUE OF PROPERTY (FRANCHISE) OF THE GREEN AND BARREN RIVER NAVIGATION COMPANY.

The company's property consists of chartered rights granted them by the State of Kentucky. In the works themselves they have no ownership. The company, while disclaiming any desire to dispose of their property, offer the same to the United States for a sum based upon its estimate of the earning capacity of the franchise. At the date of the proposition, November 26, 1886, with eleven years and four months for lease to run, the value is placed at $338,000. On the 30th of next June this value would be about $325,000.

The Green and Barren River Navigation Company is now the legal owner of this property, and, so long as a voluntary sale is under consideration, the company has an undoubted right to fix the selling price.

Considering the value of the franchise in the light of damages to the business of the company, which might follow an abrogation of the right to collect tolls, their price seems excessive.

In justice to the country, tributary to the Green and Barren Rivers, the present obstructive tax on its commerce should be removed, and it is also of the opinion that the commercial importance of these rivers is sufficiently great to justify the General Government in extending aid to their improvement.

There appears to be three methods by which the General Government can secure control of the Green and Barren Rivers, and their works of improvement:

1. By purchasing the chartered rights on the most reasonable terms the Green and Barren River Navigation Company will accept, as provided for by the act of the Kentucky Legislature.

2. By condemnation, with just compensation, as determined by the proper legal tribunal. This method is also contemplated by the act of the Kentucky Legislature, which concedes the works to the United States on condition that the claims of the company are extinguished by purchase or otherwise.

3. By accepting the works and assuming control of the improvements of the Green and Barren Rivers, on the condition that the State of Kentucky will first extinguish the franchise, as suggested by the State court of appeals. On such a basis the board is of the opinion that the interests involved are sufficient to justify the General Government in reimbursing the State in an amount not exceeding $350,000, the estimated present intrinsic value of the works.

Mr. BECK. The Green River flows into the Ohio River a few miles above Evansville, Ind., the Barren flowing into Green River. The two rivers drain an area of over 10,000 square miles, perhaps the richest in the West in iron ore, in coal, in lumber, and in valuable building stone, independent of all sorts of agricultural products that can be produced in the State of Kentucky. These rivers drain a larger area, perhaps, than the Kentucky River.

Green River has a great many peculiarities to make it very valuable to commerce. In the first place it is a very deep stream, and when the Ohio and all the other rivers in that region are frozen over so that they can not be navigated the Green River rarely, if ever, freezes. It is fed in great part by subterranean streams. In a region of country for 40 or 50 miles square there is hardly a running stream of water above ground; the water runs into sinks and forms subterranean rivers, of which the river that flows through the Mammoth Cave is one, and reach the Green River at such a temperature in the winter that the main river remains unfrozen and is navigable because it is so fed, while every other stream around it is frozen up.

It furnishes at its mouth the best harbor of refuge of any other river in the Ohio valley. The city of Evansville, as I said, is about 6 miles below its mouth, and is carrying on a trade now of two or three millions of dollars up and down that river. The trade from Evansville and the trade to Evansville is great now, and will hereafter increase vastly if we make the improvements proposed. It has the further great advantage that the coal and the iron which can be brought out of that river may be taken to, say, Memphis, to all the cities on the Lower Mississippi, and even up the Mississippi to St. Louis at seasons of the year when there can be no navigation of the Ohio River above the mouth of Green River.

Kentucky, appreciating the importance of it, in 1847, at an expense of about $800,000, built locks and dams on the river up to Bowling Green. It carried on the work until the war broke out in 1861. That portion of Kentucky, as is well known, was the scene of the operations of both armies. Kentucky, as Senators know, remained in the Union, and furnished at great expense, I believe, eighty-odd thousand troops. During the war the works on the river were greatly injured, first by one side and then by the other, until the river improvements became almost useless.

In 1868 the State, finding the works injured as they were, and having advanced large sums of money to the Federal Government, made a lease for thirty years of these improvements to the company now holding it, ten years of which are unexpired. The lease expires in 1898. That company have the right to those works for ten years to come, and the State can not deprive it of that right.

Senators may ask why Kentucky made such a lease as she did in 1868. For a great many reasons. The then existing works were so out of repair as to be useless. The war had just closed. The Government of the United States, as I said, owed the State over a million dollars at that time for war expenditures. We have been paid part of it since, but we did not then know that we would ever get any of it. In order to keep the work from being absolutely destroyed, although the State had spent $800,000 upon it, she made a lease for thirty years to this company.

As soon as the company got possession of these works, of course they controlled them in such a way as best to promote their own interest; therefore no business could be carried on by other people without paying immense tolls. Therefore the commerce of that river was seriously impaired, especially as it came into competition with like commerce from the Upper Ohio. On the canal at Louisville heavy tolls were exacted, until the United States bought it and controlled it. While the commerce coming from Pennsylvania and from the Upper Ohio in competition with the Green and Barren river commerce had to pay tolls something like what they had to pay there was some chance for competition on the Green and Barren Rivers. But five or six years ago Congress made that canal free comparatively, so that boats can bring their goods, such as coal, lumber, and everything else, down the Ohio River, passing the obstructions at Louisville through the Louisville and Portland Canal, which we have paid for and own, almost free, while the tolls on the Green and Barren Rivers are kept up by the company that owns the works to such an extent as to make it almost impossible to utilize that river at all in competition with the goods shipped from above because of the monopoly that is held by the company. People can not pay the tolls and compete with the small tolls that the United States now exacts by making the Portland Canal comparatively free.

I need not go into detail, as I hold in my hand a very full statement made by Hon. J. Proctor Knott, the former governor of Kentucky, now president of the executive committee of the industrial conference of the State, setting forth all the facts. It is as follows:

WASHINGTON, D. C., *June* 23, 1888.

MY DEAR SIR: I trust you will pardon me for suggesting certain reasons why the Government of the United States should assume control of the navigation of the Green and Barren Rivers, upon the terms proposed by the State of Kentucky, and thus relieve the commerce of those important channels of traffic from the oppressive burden by which it is at present incumbered.

These rivers, with their tributaries, drain an area of over 10,000 square miles—the largest water-shed perhaps in the State—much the greater portion of which is extremely rich in every variety of agricultural product known to the latitude. It also abounds in valuable hard-wood timbers of various kinds, and in almost unlimited quantities. For 140 miles Green River, in its windings, cuts through one of the most remarkable coal basins west of the Appalachian chain, embracing numerous deposits of the finest quality of bituminous coal, over 700 miles nearer the markets of the Lower Ohio and Mississippi than the coal fields of Western Pennsylvania. Its banks furnish inexhaustible quantities of the most excellent building-stones, for which there is a constantly increasing demand throughout the South and West, while in convenient reach are to be found abundant supplies of iron ore of various grades, which with coal and limestone in immediate proximity present a most fascinating field for the manufacture of iron and steel.

Long before the extent or variety of these extraordinary resources had begun to be appreciated the State of Kentucky inaugurated a system of slackwater improvements extending from the mouth of Green River to Bowling Green, on the Big Barren, its principal tributary, embracing five locks and dams, which were completed in 1847 at a cost of nearly $800,000, furnishing steam-boat navigation the year round for 200 miles on the two streams, which are susceptible of being made for a far greater length among the cheapest and most commodious channels of commerce on the continent at a comparatively trifling cost to the Government.

Yet for more than twenty years there has been, and still is, almost a complete barrier to the development and general progress of the Green River valley, which has in a great measure deprived other portions of the country of the benefits of its manifold resources and will continue to do so until it shall be removed.

The obstruction to which I refer is the monopoly of the carrying trade on both rivers, held by "The Green and Barren River Navigation Company" under a charter granted by the State in 1868, conferring upon the company the privilege of exacting tolls upon the entire commerce of both streams—which soon proved so onerous as to drive off nearly all competition, and throw at least four-fifths of the transportation into its own hands—where it must remain for nearly ten years yet to come unless relief from some quarter can be had.

It is much easier to criticise the policy of such a concession on the part of the State at this time than it would have been in the light of the circumstances existing when it was made—shortly after the close of the war—when a large proportion of the resources of the State had been expended in the equipment and maintenance of soldiers in the field for which she had not then been reimbursed; when the locks and dams, partly from neglect and partly from the acts of the recent belligerents, were badly out of repair, and required the outlay of a large amount of money to restore them; when the values were unsettled and a general uneasiness and want of confidence in all varieties of active enterprise pervaded the popular mind.

Nor can it be justly complained that the company sought to make the most of its bargain. It had bought the franchise and paid for it, and had at least a legal right to employ it in any manner consistent with the terms of its contract that its cupidity or discretion might suggest. If it sought to destroy competition and monopolize the entire business of the two rivers it did precisely what business men always do under similar circumstances.

It is not surprising, therefore, that under such auspices the tax upon the commerce of these rivers soon became so oppressive as to stifle all attempts to develop upon anything like an adequate scale the resources of the region for which they were the natural and, in a great part, the only avenues of transportation. It could not be expected that capital would seek investment in a locality when its products, whether from the mine or the manufactory, the forge or the farm, would be for a long series of years completely at the mercy of a corporation which not only monopolized the means for getting them to market but had the right of competing in their production.

In order to form some idea of the enormity of the tax imposed upon the traffic of these two rivers, you have but to refer to the terms of the charter which allow the company to levy upon each ton of freight—custom-house tonnage—an average toll of 40 cents per lock, or $1.20 per ton per trip, a rate over twenty times higher than that charged on the Louisville and Portland Canal since it has been under the control of the General Government. At this rate the tollage on one of the steamers at present plying these rivers, with a registered tonnage of 183.57 tons, amounts to over $440 the round trip. The president of the company estimates its annual receipts from tolls on one-fifth of the carrying done at $10,000, and it is entirely reasonable to conclude that the increased rates of freight upon the remaining four-fifths monopolized by the company aggregate over $50,000 per annum in addition.

This tax, however, grievous as it is, constitutes the least part of the burden complained of. The greater injury by far, not only to that portion of Kentucky, but to the country at large, consists in the suppression of great productive enterprises which naturally results from the monopoly of the means of transportation in the hands of a corporation whose powers over them are practically limited alone by its own interests or discretion.

This is amply illustrated by the celebrated "Airdrie" property, comprising over 20,000 acres of the most valuable mineral and lumber lands on Green River, with buildings for the accommodation of at least five hundred operatives, and all the appliances for mining coal and manufacturing iron, besides a full equipment of tow-boats and barges for the transportation of such commodities, which from this very cause has remained absolutely idle and unproductive for nearly twenty years, a melancholy warning to all who would invest their capital in similar enterprises in this munificently endowed valley.

Handicapped and crippled as it is by this monopoly, however, the commerce of the Green and Barren Rivers is far greater than that of many streams in other States which have for years shared the beneficence and enjoyed the fostering care of the Federal Government. Notwithstanding the disadvantages under which it has struggled for nearly a quarter of a century, it was estimated more than two years ago by those who had the best means of knowing its real value at over $6,000,000 per annum exclusive of local traffic, while that of the portion of Kentucky River, for the improvement of which the Government had appropriated over a million dollars was set down for the same period at $5,524,000.

The rapid increase which had taken place in the trade upon the latter river up to that time was attributed, and no doubt correctly, to the improvements which the United States had made in its navigation, and if that hypothesis was correct, what might be predicted of the commerce of the Green and Barren Rivers if relieved of its present burdens? It is at least safe to say that the president of the company was not far wrong when he said, that with the navigation of those rivers free, they would furnish an avenue to market for fully half the 50,000,000 pounds of tobacco annually produced in the adjacent counties, which now go at enhanced rates through other channels, and that the present yearly output of 70,000 tons of coal would be increased sevenfold, with a corresponding movement in building stones, lumber, and other commodities requiring cheap water transportation.

Indeed, with anything like the same facilities for navigation furnished by the Government to other streams of far less importance, the increase in the commerce of these two rivers would be almost fabulous. The coal-fields through which they cut are not only 700 miles nearer their natural market than those of Western Pennsylvania, from which it is at present in a great measure supplied, but it is one of the peculiar characteristics of Green River that its waters, furnished as they are from vast subterranean sources, are rarely, if ever, frozen, but open to constant and convenient navigation, while those of the Upper Ohio are frequently gorged with ice, or too low for the passage of any but small boats of the lightest draught, thus causing the disastrous "coal famines" so often experienced by those dependent upon that region for fuel.

If the increased facilities for the navigation of these rivers were merely to benefit the section drained by them the question would be different. But other portions of the country are as much interested in the liberation of its commerce as the Green River Valley itself. They need its coal, its iron, its stone, and its timber, and they have a right to have them brought into competition with similar commodities from other localities, while on the other hand they have a right to demand a free, cheap, and convenient channel for the transportation of their own merchandise to that section.

To illustrate this it is only necessary to refer to the simple fact that the flourishing city of Evansville, Ind., is indebted for very much of its commercial prosperity to the Green River region, to which it ships annually by this line of navigation alone over $1,500,000 worth of goods of various kinds, while its mills are furnished with thousands of logs from that source every year, and which would be more than quadrupled if the river were free.

In view of these facts, every one of which has been fully verified by the official reports of competent engineers detailed by the War Department to investigate the very question to which your attention is respectfully invited in this communication, I would ask if the Government should not extend to this grand avenue of interstate commerce the same enlightened liberality it has shown in the improvement of others of far less importance, and remove this serious impediment to public traffic, which otherwise must continue to obstruct it for ten years to come?

If the terms upon which this is asked were inconsistent with the well settled policy of the Government, or were in anywise unjust or unreasonable, I would not ask you to consider them for a moment. But they are not. On the contrary, they seem to be not only fair but liberal.

The State of Kentucky has ceded to the United States full jurisdiction and control of the navigation of these two streams, as well as complete title to the five locks and dams, estimated by the Board of United States Engineers to be worth $350,000, on condition that the United States will extinguish the franchise of the navigation company by purchase or otherwise. Major Post, in his report to the Secretary of the date of January 27, 1885, estimated the actual value of the franchise, computed according to the formula for annuities, at $379,454.70 at 4 per cent., or $404,128.48 at 3 per cent., and it is now offered to the Government for $135,000, less than one-half its real worth calculated on the same basis.

The result of the transaction would therefore be, not merely to relieve the commerce of the Green and Barren Rivers of an annual tax of at least $20,000, amounting in the next ten years to nearly five times the appropriation asked, but the transfer to the United States of at least $350,000 worth of property, for less than one-half the actual value of the franchise surrendered by the company.

You may ask, however, why Kentucky should not remove this obstacle to commerce at her own expense? But I might retort by asking why Massachusetts should not be required to bear the burden of improving Boston Harbor, or why Louisiana was not left to open the mouth of the Mississippi, or why the General Government should be asked to remove an obstruction to the commerce of any other river? And the answer in each case would be obviously the same.

If Kentucky were alone to be benefited, it would certainly be but just and fair that she should alone bear the burden; but she is not. The people of other States who desire the multifarious products of the Green River region and wish to send their own commodities thither for gain, are as much interested in the free navigation of that stream as those living adjacent to its waters, and if the terms proposed shall be accepted the State and the company will have contributed more than their respective proportions to the general welfare by the surrender of property rights aggregating in actual intrinsic value more than three times the amount of the appropriation required.

But the facts present a complete estoppel to such a proposition on their face. The State of Kentucky, on the 20th February, 1886, proposed to surrender to the General Government complete control of the navigation of these two rivers, as well as its property in the works thereon, on condition that the Government should extinguish the company's franchise. Congress took the proposition under consideration, and on the 5th of August, of the same year, by a provision in the river and harbor act, directed the Secretary of War to cause an inquiry to be made as to the value and commercial importance of the works and the property of the company.

On the 26th of the following December the board of engineers appointed in pursuance of that provision not only reported the value of the works on Green and Barren Rivers and of the company's franchise, but that the latter ought to be extinguished and navigation of those rivers improved by the General Government, and furthermore that the Government might obtain control of the navigation of these streams either by purchasing the company's franchise or by agreeing to assume such control on condition that the State should extinguish the franchise, but that if the latter alternative should be adopted the General Government ought to pay the State $350,000, the value of her improvements.

The company having, however, agreed to take $150,000 for its franchise, a provision was incorporated in the river and harbor bill of the ensuing session of Congress appropriating that sum for that purpose, thus clearly accepting the proposition which had been made by the State, notwithstanding the bill failed to become a law for want of the Executive signature, and the Legislature of Kentucky, which recently adjourned, having every reason to believe that the proposition submitted by the State had been acceded in good faith, took no further action in the matter, supposing that a similar provision would be inserted in the bill now pending.

These facts are entitled to more serious consideration in view of the circumstance that it will be over eighteen months before another Legislature will convene in Kentucky, when it is not probable that any bill can be passed different from the one which became a law two years ago, as it is not to be expected that the people of other sections of the State, whose commercial facilities have already been provided for by contributions from the Government Treasury, will voluntarily burden themselves with a tax for the benefit of their less fortunate neighbors. The consequence will be, therefore, that unless this trifling appropriation for their relief shall be made the sufferers from this oppressive incubus upon their property must remain under their burden for ten years longer.

Begging pardon for what I fear has grown to be a trespass on your courtesy,

I am, very truly, yours,

J. PROCTOR KNOTT,
President Executive Committee Industrial Conference, Kentucky.

Hon. JAMES B. BECK,
United States Senate.

I need not repeat that when the people of Kentucky found that the commerce of that portion of the State was being destroyed by the heavy tolls exacted, the State of Kentucky endeavored to set aside the lease to the company. The supreme court of the State decided that the Legislature had no power to divest that company of the right it had acquired. That settled it, so far as the State is concerned.

We then applied to the United States to take possession of it and buy out the company. Report after report of the engineers was made, all favoring it as a part of the system of improvements of the Ohio River and its tributaries, as being as important as the Monongahela, as the Illinois, as the Kentucky, as the Great Kanawha, or as any of the other rivers that form part of the Ohio and Mississippi Valley system. They valued this improvement at three hundred and sixty-odd thousand dollars at 4 per cent., or $304,000, I believe, at 3 per cent., and recommended that the United States should pay that sum and take possession and control of the improvement.

We made better arrangements than was anticipated with the company last year when the river and harbor bill was passed containing the provision I have now offered. That is the reason why $150,000 was inserted. It was proposed that they should be paid $150,000 for the use of the works for ten years, and they agreed to it. I have their agreement before me, but need not incumber the record with it, nor need I read the modified agreement to take $135,000 now.

The Kentucky Legislature met and ceded to the General Government all its right to and authority over the river and the improvements. I have in my hand the act of the Legislature ceding to the United States all of it, as well as the agreement with the company, which need not be read in detail.

We modified the agreement because the time of the lease was shortened. Therefore I have inserted $135,000 instead of $150,000 in my amendment.

I may be asked why did not the State of Kentucky at the last session of its Legislature agree to pay that sum itself? First, because it has surrendered works that it has paid $800,000 for, and that are now valued at $350,000, because these works belonged to it, and it is proposed that the United States shall pay only $135,000 as the beginning of this work of improvement, receiving property worth three times that amount to start with.

In the next place, as the bill passed both Houses last year, containing the provision I now propose, the Kentucky Legislature properly assumed that it had been taken hold of by Congress as a national work. The Legislature of Kentucky adjourned some time ago and will not meet for two years. It assumed, I think fairly, that the proposition having met with the sanction of Congress to take control of these rivers and pay the company less than half what our own engineers had valued the improvements at, and as the State had surrendered all that the State had expended it would not be called upon or expected by Congress to extinguish the claim of the company. All that is clearly set forth in the argument or letter of Governor Knott, supplementing what he has said.

I ask leave to insert in the RECORD a very able argument prepared last year by Mr. LAFFOON, then and now representing the Second district of Kentucky in Congress. I do this so that members of the other House may see the reasons for this provision, if the Senate should pass the amendment, as I hope we shall. It sets forth very forcibly the reasons why this amendment should be adopted. It is as follows:

SHALL THE GOVERNMENT CONTROL GREEN AND BARREN RIVERS IN KENTUCKY?

[Argument by Hon. POLK LAFFOON.]

As the Representative of the Second district of the State of Kentucky, composed of eight counties, most all of which are directly interested in the free and unobstructed navigation of the Green and Barren Rivers within the State, I desire to submit the following views on this subject:

The river and harbor act, approved March 3, 1879, directed a survey of Green River and its tributaries, Muddy and Barren Rivers, Kentucky. The Secretary of War assigned this survey to a corps of engineers, who submitted a report under February 21, 1880, printed as Senate Executive Document 119, Forty-sixth Congress, second session.

The act of July 5, 1884, provided that the Secretary of War be directed to report to Congress the condition of the Green and Barren Rivers and the provisions and estimates of cost necessary to relieve the same from incumbrance, with a view to such legislation as would render the same free to commerce at the earliest practical period. This question was referred to a corps of engineers, who submitted a report under date of January 27, 1885, printed as House Executive Document No. 212, Forty-eighth Congress, second session.

House resolution of February 15, 1886, directing the Secretary of War "to ascertain and report at the earliest practical period upon what terms the franchises and property of the Green and Barren River Navigation Company in Kentucky, can be conveyed to the United States," which report was submitted under date of March 24, 1886, from the acting Chief of Engineers, printed as House Executive Document No. 152, Forty-ninth Congress, first session.

The river and harbor act of August 5, 1886, provided that the Secretary of War be authorized and directed to ascertain the value and commercial importance of the works and property of the Green and Barren River Navigation Company. The board of engineer officers constituted to carry this provision into effect submitted a report under date of January 24, 1887, printed as House Executive Document No. 111, Forty-ninth Congress, second session.

From the above and other official documents has been gleaned, in a condensed form, for ready and convenient reference, the information furnished as stated.

The Green and Barren Rivers lie wholly within the State of Kentucky, and, with their tributaries, drain an area of about 10,000 square miles, nearly all of which is contained within the State.

* * * * * * *

Green River is distinguished by some remarkable characteristics. It rises in the central portion of Kentucky, flows with a gradual descent in a general course a little south of west to within about 100 miles of its mouth, and thence in a northwesterly direction to the Ohio, 10 miles above Evansville. It drains a large extent of country, comparatively level or moderately hilly, and is therefore not subject to the sudden and torrent-like freshets which characterize rivers that have mountain sources.

A striking feature is its great depth in the last 150 miles of its course, with only occasional obstructions from rocky reefs. In the natural pools thus formed from 20 to 30 feet is a common depth. Another peculiarity is the subterranean character of its sources. Perhaps it is this peculiarity, combined with the great depth, that preserves a comparatively mild temperature in the water, so that the river in its lower portion is rarely obstructed by ice.

The mouth of Green River has always been a noted harbor for boats of every description in the season of ice on the Ohio. Still another peculiarity for a river

of its size is the considerable number of tributaries adapted to navigation of from 15 to 30 miles or more, thus extending the area of its usefulness as an avenue for commerce. Pond River, Rough Creek, Mud River, Big Barren, Bear Creek, and Nolin, respectively about 60, 80, 140, and 180 miles from its mouth, are examples of this sort. The river varies in breadth from about 200 yards at the mouth to about 100 yards at the confluence of the Big Barren.

Rock foundations are found at all desirable points for locks and dams, and building materials, timber, and stone of every desirable kind are available everywhere. The banks have an average height of about 30 feet above low water, and the river is bordered by a rich bottom land varying from about 400 yards at the Big Barren to perhaps nearly a mile at the mouth. The bottoms are often overflowed, but less frequently and to a less depth, I think, within the last twelve years than formerly. The change may be ascribed to the clearing of the land for the sake of the timber.

* * * * * * *

Concerning the mineral resources of the country through which Green and Barren Rivers flow, Mr. John R. Proctor, State geologist of Kentucky, says:

* * * * * * *

"The resources along Green River, Kentucky, are of such a character as to warrant the assertion that if the river was opened to commerce untrammeled there would rapidly follow a large industrial development along its valley, and important contributions would be yearly added to the commerce of the Ohio and Mississippi Rivers.

* * * * * * *

"This river, penetrating through the center of the western coal-field of Kentucky, has along its banks, above the water-level, a variety of coals of excellent quality. The principal coals are the main Nolin coal, of Edmonson County (the lowest coal in Western Kentucky), from 3 to 5 feet thick; the Mud River coal (probably the same as the main Nolin), located near the head of slackwater on that stream, a coal well known for its good quality. A barge-load of this coal was taken to St. Louis some years since and tried very successfully in one of the Kingsland (now Vulcan) Company's furnaces.

"Coal No. 9 is 5 feet thick in Muhlenburgh, Ohio, and some of the adjoining counties; coal No. 11 is 6 feet thick on Green River, and coal No. 12 varies in thickness from 2 to 6 feet. Some of these coals have, in years past, obtained high reputations in the markets of the Lower Ohio and Mississippi Rivers. That they are favorably situated along the river for cheap mining, and can be delivered in large barges on the Ohio at the mouth of Green River at seasons when the Upper Ohio is not navigable, should certainly lead to a large development of coal-mining along the river.

"I know of no region richer in coal-measure iron ores than the valley of Green River. These ores are thick, easily mined, convenient to coal, and are equal in quality to coal-measure ores found elsewhere where there is now large development in iron manufactures, with transportation facilities inferior to those of this valley. These ores occur principally in Muhlenburgh, Butler, Edmonson, and Grayson Counties. In this statement brief mention can only be made of a few of the principal iron ores. The ridge extending northward from Green River for 20 miles, between Bear Creek and Green River, contains several beds of ore of workable thickness and good quality. The principal bed is regularly stratified, and is from 3 feet to 5 feet thick over a large area.

* * * * * * *

"That furnaces along Green River can depend on a reliable supply of cheap and good iron ore there is no question. In addition to the large deposits of ores contiguous to the coals, the excellent limonite-iron ores from the Cumberland River can be delivered to furnaces on Green River at a reasonable cost. These ores have from 45 per cent. to 52 per cent. of metallic iron, and some of them run as low as .07 per cent. in phosphorus. The high-grade ores from Iron Mountain district of Missouri would cost less delivered to furnaces on this river than to furnaces in the Upper Ohio valley, where much of this ore is now used.

"Thus it will be seen that cheap and pure ores are accessible along Green River, and that with the combination of coals, ores, and very pure limestone there should be a large development of iron manufacturing in this valley. Connecting, as this river does, with the great system of water ways of the Mississippi Valley, the production of cheap iron ore will be of great benefit to the consumers of iron in the entire valley. The extensive forests of valuable timber along the river, the quarries of fine building-stone, the clays and other resources to be developed, together with the fertility of the soil, give assurance that the opening of this river to free navigation will bring about an industrial activity widespread in its quickening results on the commerce and trade of the entire country."

IMPROVEMENTS BY THE STATE OF KENTUCKY.

From the preceding extracts and other sources it appears—

That the Green and Barren Rivers form an important line of navigation through a country rich in mineral and agricultural products. In a state of nature these streams were at certain stages obstructed by rapids, which boats could not pass. About fifty years ago the State of Kentucky most wisely improved these rivers by constructing five locks and dams, giving continuous slackwater navigation throughout the year from the Ohio River to Bowling Green, a distance of 175 miles.

The locks and dams were built under difficulties which increased their cost, but the work was well done. These locks were made 150 feet long and 36 feet wide, giving a capacity which was sufficient for the needs of commerce and navigation.

For a number of years after completion the locks were operated and tolls were collected by the State of Kentucky; but in 1868, by an act of the Legislature, the Green and Barren River line of navigation was leased for a period of thirty years to the Green and Barren River Navigation Company, with power to collect tolls, operate mines, run steam-boats, and conduct a general business. The practical effect of this lease has been to give the exclusive right of free transportation to the company and render competition impracticable. This condition of affairs will continue till March 9, 1898, unless the rights of the company are extinguished by purchase or other legal means.

An act of the Kentucky Legislature, approved April 5, 1880, repealed the act of March 9, 1868, and directed the commissioners of the sinking fund "for and on behalf and in the name of the Commonwealth of Kentucky to take possession of the Green and Barren River Line of Navigation, together with all houses, grounds, water-power, works, tools, implements, and machinery belonging thereto, on the 1st day of June, 1880, or as soon thereafter as practicable."

The Green and Barren River Navigation Company declined to surrender the property, and suit was brought by the State in the Franklin circuit court and decided in favor of the company. An appeal was taken to the court of appeals, the supreme court of the State of Kentucky. The decision of the court was as follows:

Court of appeals, Kentucky. Equity. Commissioners of the Sinking Fund *vs.* Green and Barren River Navigation Company. Case 16. Appeal from Franklin circuit court.

OCTOBER 29, 1880.

1. The State has the same power to improve her navigable streams as to improve her highways; and, when it is necessary to develop the resources of the Commonwealth and facilitate commerce, contracts may be made with individuals or corporations, and, as a consideration for such improvements, the tolls arising from the use of the rivers may be transferred by the State.

2. An exclusive privilege to navigate any stream in the State can not be granted, but it is competent for the State to authorize the corporation improving it, under a contract with the State, to charge tolls prescribed by the General Assembly, reserving the right to all citizens to navigate the stream upon the payment of tolls.

3. The act entitled "An act to incorporate the Green and Barren River Navigation Company," approved March 9, 1868, coupled with the execution of the bond mentioned therein by the appellees, constituted a valid and subsisting contract between the State and appellees.

4. The act of the General Assembly entitled "An act to repeal in part an act entitled 'An act to incorporate the Green and Barren River Navigation Company,'" approved April 5, 1880, is unconstitutional and void.

5. The contract between the State and appellees is not the subject of repeal by the General Assembly.

As also bearing on the legal status of the Green and Barren River Navigation Company may be mentioned a suit brought in 1870, in the Daviess circuit court, State of Kentucky, by Joseph McReynolds *et al.* against C. C. Smallhouse—at that time collector for the company—to restrain the collection of tolls and to compel the collector to allow the boats of said McReynolds to pass the locks without the payment of any tolls to him. This case was decided in favor of the company in the following words:

"After a careful examination of all the objections urged to the constitutionality of that part of the act in question allowing tolls to be collected from boats using these rivers, and all the authorities cited, as well as such others as I have been able to get access to, my conclusion is that none of said objections have been sustained. The petitions are dismissed and injunction dissolved."

This case was carried to the court of appeals, and the decision of the circuit court in favor of the company's right to collect tolls was confirmed.

The court, at the same time, called attention to the fact that the State could, when the same was demanded by public necessity, resume control of the Green and Barren Rivers upon the payment to the company of a just compensation.

In place of such action, as was suggested by the decision of the court, the Kentucky Legislature in 1886 ceded to the United States the five locks and dams on the Green and Barren Rivers, upon the condition that the United States rather than the State should extinguish by "purchase or otherwise the claim of the navigation company to exact tolls and control the rivers."

THE ACT CEDING RIVERS TO THE GENERAL GOVERNMENT.

Chapter 69.—An act to grant the consent of the State of Kentucky to the acquisition by the United States of certain lands within the Commonwealth bordering on Green and Barren Rivers for certain purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, and it is hereby enacted by the authority of the same:

SECTION 1. That whenever the United States shall, by purchase or otherwise, extinguish the claim of the Green and Barren River Navigation Company to take tolls and to exercise control over said rivers the consent of the State of Kentucky is hereby given to the acquisition by the United States, by purchase or condemnation, of any lands, buildings, or other property necessary for the purpose of erecting dams, abutments, locks, lock-keepers' dwellings, chutes, and other necessary structures for the construction and maintenance of slackwater navigation on said rivers or for the purpose of constructing canals on the same, and the United States Government shall have title to the ground and sites thus acquired, and all power, authority, and jurisdiction over the same which the Government of the United States may, under the Constitution of the United States and laws made in pursuance thereof, acquire over lands in the State ceded to it for similar purposes, but the State of Kentucky reserves the right to execute processes lawfully issued under its authority within and upon said grounds, sites, rivers, and canals.

SEC. 2. That in case of failure of the United States to agree with the owner or owners of any such lands as the United States deem necessary for the purpose named in the first section of this act it shall be lawful for the United States to apply for condemnation of such land by petition to any judge of a court of record in or nearest to the county where the land may be situated, either in term time or in vacation, notice of the time and place of such application having been first duly given, by publication for thirty days prior to the day of such application, in some newspaper of general circulation published in the county where the land lies, or, if the owner or owners reside in the State of Kentucky, by personal service upon the owner or owners of such land at least twenty days prior to such application; and thereupon it shall be lawful for such judge to appoint three disinterested freeholders of the county where such land lies as commissioners, who, having been first duly sworn to well and duly appraise the damages due the owner or owners of said land proposed to be taken, shall report, in writing, to the said judge the amount of damages to be paid to the owner or owners of such land, which report, upon confirmation by said judge, shall be held as final and binding upon said owner or owners of said land, and upon the amount of such damages being paid to the owner or owners of said land the title of such land shall vest in the United States, and said land shall be exempt from all taxes and assessments so long as it shall remain the property of the United States.

SEC. 3. That if any person or persons shall willfully or maliciously injure any of the lands, buildings, or other property acquired or held under the provisions of this act, such person or persons shall be liable to a fine of not less than $20, and to imprisonment not exceeding six months, or both or either, at the discretion of the court; said offense to be prosecuted in any court of competent jurisdiction.

SEC. 4. That for the purposes contemplated by this act the State of Kentucky hereby transfers and cedes to the United States the five locks and dams heretofore constructed by the State on said rivers, together with all the grounds and appurtenances belonging to the same; this grant to become effectual upon the extinguishment of the claim of the Green and Barren River Navigation Company, as provided in the first section of this act, and when the Government of the United States shall by law assume control of the improvement and navigation of said rivers.

SEC. 5. This act to take effect from its passage.

CHAS. OFFUTT,
Speaker of the House of Representatives.
JAMES R. HINDMAN,
Speaker of the Senate.

Approved February 20, 1886.

J. PROCTOR KNOTT.

By the governor:
J. A. MCKENZIE,
Secretary of State.

COMMERCIAL IMPORTANCE.

The Green River and its tributary, the Big Barren, are streams most favorably adapted to purposes of navigation, and they, with their branches, are the natural outlet for a country rich in mineral and agricultural wealth, and by connecting this tributary country, through the Ohio, with the markets of the Mississippi Valley are capable of being made important navigable waters of the United States.

These rivers are at the present time, by reason of the charter granted a private corporation by the State of Kentucky, virtually closed to general commerce, and the country tributary to the rivers is placed at a great disadvantage.

The tolls, which prohibit competition in transportation, and the uncertain results of any enterprise which is dependent on the will of a monopoly, prevent the investment of capital which is necessary for a full development of the country.

Considering the relative advantages of this line of navigation and the natural resources of the country, as compared with other streams and territory, it appears most probable that the improvement of the Green River and its tributaries would have been undertaken by the United States long ago had not the conditions been such as to withdraw these rivers from the fostering care of the General Government.

The value of existing commerce is placed at $6,000,000 per annum. The possible commerce with the rivers in a free and fully improved condition is very great, greater in fact than that of many other streams which are now being improved by Congressional appropriations at great expense.

President Smallhouse, of the Green and Barren River Navigation Company, writing to United States engineers on the commercial importance of these rivers says:

"As to the value of commerce on these rivers I can only give an estimate based upon the business of this company. During the year 1883 there was received in tolls $11,955.21, and for the first nine months in 1884, $7,897.76 for vessels other than those belonging to this company. We estimate the business done by this company to be about four-fifths of the commerce of the rivers. Our boats carry in the neighborhood of 50,000 tons of freight annually. The coal output will aggregate 70,000 tons, and the lumber interest will approximate 200,000,000 feet, counting the sawed lumber and logs rafted out of the river.

"It is estimated that 6,000 hogsheads of tobacco are shipped to market from counties adjacent to the rivers, and depending upon them for transportation facilities. With a large trade in staves, hoop-poles, tan-bark, and stone added to the figures I have given, I would estimate the total value of the commerce of Green and Barren Rivers per annum at about $6,000,000; more probably above than below that amount. This does not represent the resources of the section of country to be benefited. The one item of coal, with a present output of 70,000 tons could be increased sevenfold, and the timber product is inexhaustible.

"In the counties adjacent to this line of navigation, it is safe to assert, 50,000,000 pounds of tobacco are annually grown, and fully one-half of that amount would go to market by way of these rivers were they made free and thus afford cheaper transportation. Estimating our receipts from tolls at $10,000 annually, and supposing that to represent one-fifth of the tonnage passing through the locks, our own vessels constituting four-fifths, it will be seen that lockage fees alone constitute a tax of $50,000 per annum upon the commerce of the rivers.

"Indeed, upon a careful estimate, the lockage upon our own boats and barges last year, if compelled to pay at schedule rates, would amount to $51,000. Of course there is a great deal of stuff passes our locks over the dams in high water upon which we collect no tolls, and is not included in the estimate I have given you. This estimate is based upon such data as I have at command, and while possibly not accurate, yet may serve to afford you an idea of the value of these rivers as navigable waters. If you should desire more specific information I do not know from what source it can be procured. I believe my figures will approximate the true values."

This estimate does not apparently include the local traffic on the rivers. The value of existing commerce was in 1885, estimated at $6,000,000.

AS COMPARED WITH OTHER RIVERS.

The commercial statistics of Kentucky River, as published in reports of the Chief of Engineers, show a volume of business amounting in 1883 to about $3,937,000, in 1884 to $5,013,000, and in 1885 to $5,358,000. The increase is attributed to the improvements made by the United States. The Government has already appropriated for the improvement of the Kentucky and the consequent development of its resources nearly $1,000,000. The great natural advantages of the Green and Barren Rivers as navigable streams and the relative importance of the tributary country would appear to entitle these streams to at least as much consideration as has been given to the Kentucky and other streams emptying into the Ohio.

In regard to the Great Kanawha, in the improvement of which the Government has already expended nearly $2,000,000, Colonel Craighill in his report for 1885 says:

"As the improvement of the river has progressed the commerce on it, notably the shipment of coal, has greatly increased. * * * The full advantage of the improvement can not be realized until it is complete."

For the improvement of the Cumberland, the reported river commerce of which is no greater than that of the Green and Barren, there has been appropriated by the General Government about $800,000.

The amount of the future increase of commerce of the Green and Barren, which would doubtless follow the removal of the existing obstructive tax and the extension of the system of improvement as far as justified by the interests involved, can not be definitely given, but the resources of the country are very great, and their full development would seem wise and desirable. The natural products, which can be obtained in almost unlimited quantities from the Green and Barren River district, such as coal, iron, hardwood, lumber, etc., are needed and would find ready markets in the Mississippi Valley; and, owing to location and surrounding circumstances, would, it is claimed, reach their markets at much less cost and with less interruption from ice, low water, etc., than those from other sections of the country upon which dependence is now placed. Such conditions must result in reduction of cost to the consumer and consequent benefit to the general public.

VALUE OF EXISTING WORKS OF IMPROVEMENT.

These works, which are the property of the State of Kentucky, consists of five locks and dams. The present intrinsic value of the works is placed by the board at $350,000, and the money value of benefits which would accrue to general commerce from a release from the control exercised by the Green and Barren River Navigation Company is considered to be not less than $30,000 per annum, which yearly saving would amount, during the remaining life of the company's lease, to an amount equal, at least, to the present intrinsic value of works.

CONDITION NECESSARY FOR FREE COMMERCE.

As these rivers are controlled by the Green and Barren River Navigation Company, whose charter extends to March 9, 1898, a little more than ten years from the present time, it was necessary to ascertain if the company would release its control of these rivers and upon what terms it could be effected. Accordingly, a letter to that effect for this purpose was addressed to the president of the company.

In reply he stated that for the sum of $135,000 the company will transfer to the Government its rights and privileges to collect tolls, and will convey whatever claims it may have in the property acquired by its charter from the State of Kentucky, giving the United States free and unrestricted control of all the locks and dams upon the Green and Barren Rivers. The company claims to have expended at least $300,000 in making the necessary repairs to the locks and dams to put them in working order and to preserve them in their present condition.

It is also stated that the company's boats, which are the only ones plying these rivers regularly, carry yearly about 50,000 tons of freight, which is estimated to be four-fifths of the commerce upon the rivers. According to the statement made, the company receives about $10,000 annually for tolls upon the remaining one-fifth. Assuming that the other four-fifths pay tolls in the same proportion, it results in a total tax of $50,000 upon the present commerce of these rivers.

This statement is sufficient to clearly show the restrictions which are imposed upon commerce in this locality and to fully account for its slow development. The resources of the valley drained by the Green and Barren Rivers are very great. It abounds in timber, coal, and iron, besides being in great part a rich agricultural country. Should the United States purchase the rights of the navigation company, these interests, with free locks, would undoubtedly receive a great impetus and would rapidly develop into large proportions.

WHY THE GOVERNMENT SHOULD ASSUME CONTROL.

[From the CONGRESSIONAL RECORD, April 26, 1886.]

Mr. BLANCHARD. The great bulk of coal used by the consumers of the West and the South comes from the State of Pennsylvania and in part from the State of Kentucky. Tributary to these rivers, the Monongahela and the Green and Barren Rivers, are the exhaustless coal-fields which supply this coal.

Years ago private enterprise improved these rivers, which were then and are now navigable water ways of the United States. What is proposed now, sir, is simply an inquiry on the part of Congress as to what steps may and should be taken for ridding these rivers of the monopolists, in whose grasp they have been held, for the benefit of the whole country.

If Congress has the right to open the Muscle Shoals of the Tennessee River or the Cascades on the Columbia River, in Oregon, and make them free to the commerce of the country, why is it that we can not buy out improvements which have been already put there by private parties on other rivers which come within the designation of "navigable water ways" of the United States? To ascertain whether it is advisable to do that is the pending proposition, pure and simple.

Mr. BROWN, of Pennsylvania. Why, sir, if it were not for the lakes and rivers of the country the freights on the railroads would be infinitely higher than they now are. You could multiply them by three or four times their present rate and then would not satisfy the railroad corporations if they were not kept within bounds by water way competition. Tolls upon commerce that floats upon our water ways is just what the railways most desire. Only make your tolls high enough, and the managers of railroads will laugh in their sleeves while we appropriate money to improve rivers and harbors.

Tolls are odious, especially if levied upon commerce that floats upon the highways that God has given us. There is nothing that so embarrasses the commerce between the States as tolls levied upon it, no matter whether levied by railroads or navigation companies. The theory of protection in this country is against tolls upon interstate commerce. The theory of protection would levy tolls upon international commerce and give us the most absolute freedom of commerce between the States.

There is no danger whatever of monopoly in manufactories of any kind in this country if you will have free commerce between the States. There will always be competition enough to make iron cheap, for instance, if you will allow the coal and iron to go from the State of Alabama into the State of Pennsylvania, if it will go there, and the gentleman from Alabama [Mr. JONES] told us the other day it would if you will only take off your tolls. Just make the rivers free, and the question of cheap transportation is solved at once.

Mr. HALSELL. Those rich ores of iron and coal have remained undeveloped in the bosom of the earth from the beginning of time, and they will remain there forever undeveloped if we are to depend upon the navigation company which now holds a monopoly of this slack water navigation. That navigation company has established such enormous tolls as practically to prevent the development of that whole country, and unless something is done by the Government of the United States for better communication and safer and cheaper transportation the resources of those rich valleys will remain forever undisturbed. Therefore I trust the day is not distant when the Government of the United States will take charge of these works and relieve the people from the unjust exactions under which they now suffer.

The Legislature of the State of Kentucky, at its present session, recognizing the propriety and importance to the commerce of the country that the Government of the United States should have control of the navigable waters of the country, passed an act ceding to the General Government the property, rights, and franchises which she has, upon condition that the lease which the Green and Barren River Navigation Company has shall be extinguished.

From the foregoing extracts, and recognizing the importance for prompt and favorable action on the part of this Congress at its present session, the conclusion is deduced that the forthcoming appropriation for rivers and harbors should authorize the expenditure of $135,000 to extinguish the franchise of the Green and Barren River Navigation Company and open those rivers to commerce between the States.

And I hope that the House will give due consideration to this subject and relieve my people and the commerce of the country from this onerous burden which has so long oppressed them.

We have appealed to the Legislature of the State of Kentucky; we have appealed to the courts of first and last resort, and have failed, and now appeal to you, the only forum from which we can ever expect relief.

I have only to add that I hope the Senate will agree to the amendment I have offered, and carry out the policy that Congress was generous enough to adopt last year.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. BECK].

The amendment was agreed to.

HOUR OF MEETING.

Mr. MORRILL. I desire to state that I expect to leave, perhaps for the remainder of the session, the early part of the next week. The Senator from Massachusetts [Mr. HOAR] has kindly consented that I shall precede him in making some remarks on Monday morning in relation to the steam-railroads in this District. In order not to trespass upon the time of the Senator from Massachusetts, I move that when the Senate adjourn to-day it adjourn to meet at 11 o'clock on Monday morning.

The motion was agreed to.

BILLS INTRODUCED.

Mr. HAWLEY (by request) introduced a bill (S. 3246) to increase the pension of Michael A. Dillon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a joint resolution (S. R. 97) for the printing of the report of the Newburgh (N. Y.) centennial celebration; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO A BILL.

Mr. STEWART submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PADDOCK submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RIVER AND HARBOR BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BERRY. On page 45, line 1091, before the word "thousand," I move to strike out "eight" and insert "fifty;" so as to read:

Improving White River, Arkansas: Continuing improvement. $50,000.

Mr. BERRY. Mr. President, this amendment was prepared and intended to be offered by my colleague [Mr. JONES, of Arkansas], but he is unavoidably absent from the Senate to-day, and requested me to offer it for him.

In the printed report of the engineer in regard to this river there is a statement that he will file a subsequent report at some future period. That new report did not get in in time to be printed with the general report of the engineers, and from some cause or other it was not presented to the committee of the House of Representatives, and was not known to the House at the time it passed the river and harbor bill. I now have the written report of the engineer in regard to White River before me. From that report in regard to White River, without reading at length, Senators will find that he states that from the town of Forsyth, in the State of Missouri, to the mouth of White River, at the Mississippi, is a distance of 502 miles. This is divided into three sections, being from Forsyth to Buffalo Shoals, 112 miles; from Buffalo Shoals to Newport, 135 miles, and from Newport to the Mississippi River, 253 miles. The engineer states as to the first section, from Forsyth, in Missouri, to Buffalo Shoals, in Arkansas, that the expense of improving that would be so very great that he does not recommend that Congress enter upon the work. In regard to the two other sections the following language will be found in his report:

The other two sections should have immediate attention, as they are pre-eminently worthy of improvement, and when properly improved will remain so for many years, as this is a stream not subject to those rapid changes in regimen common to so many of the streams of the Lower Mississippi Valley. Its waters are very clear at all times compared with other rivers in the State, its banks cave but little, and from the mouth of Black River, a few miles above Newport, it will require a comparatively small outlay to make it a great highway of commerce.

Again, in a subsequent part of the report, the engineer says:

The benefits to be conferred are so great that the outlay seems insignificant.

I will state furthermore for the middle section, that is, from Buffalo Shoals down to Newport, in Arkansas, the engineer recommends the sum of about $6,000, the object and purpose of that being to remove certain obstructions, particularly at Buffalo Shoals and at other points upon the river, he stating that by means of this small expenditure a depth at lowest water mark of from 2½ to 3 feet can be obtained in the middle section.

For the lower section from Newport, Ark., to the mouth of the river where it enters the Mississippi, which is 253 miles, he recommends the sum of $100,000. In the report he states that a uniform depth, with a small expenditure on that river, can be obtained of 5 feet water at the lowest water mark during the year.

Mr. FRYE. How much?

Mr. BERRY. Five feet at low-water mark on the lower section of the river from Newport to the mouth at the Mississippi.

White River is one of the most important streams in the southern section of country. It is not so broad as the Arkansas River, but it is a much deeper stream in the lower part of White River, and can be made navigable at all times of the year as far as Newport.

The engineer states further that at those points where less than 5 feet can be obtained at low-water mark it is in consequence of the spread of the river, and with a very little work, by means of dikes confining the water, a uniform channel can be made of 5 feet depth from Newport down to the mouth of the river.

I will state that there is no part of my State that is more thickly settled than along White River. Some of the finest farming lands in the South lie upon the lower banks of White River. In the upper portion, the middle section that the engineer recommends be improved, they have no other means of transportation whatever. They have no railroads in that section of the country. The river furnishes the only mode of getting the cotton raised there to the Mississippi River and getting it to market, unless they haul it by wagons a distance of some 85 or 90 miles, or in some cases more than 100 miles, to Springfield in the State of Missouri.

These are the facts in regard to the river. The engineer recommends that $105,000, or something more than that, be appropriated for the lower and middle sections of the stream. He says about $50,000 can be utilized in the coming year, and that not less than $50,000 should be appropriated.

As I have said before, if this report had been before the House committee or before the House of Representatives while the bill was being considered there, I am confident that they would have granted this appropriation. The report was made in January, 1888, and from some cause was not known to that committee, and is now before the Senate for the first time.

I trust, in view of the facts, that the chairman of the committee will consent that the sum of $50,000 may be inserted where $100,000 was recommended, and that the matter will be allowed to go into conference; and I assert now that if there is any objection by the conferees on the part of the House, and if there is any difficulty about it, I shall not complain if it is stricken out. But in view of the fact that the report was not before the House, and is now here, and in view of the importance of the work, and the large number of people living along the river to be benefited by its improvement, and the great disappointment it will be to them if the appropriation should not be made, I hope that the committee will consent that this increased amount may be inserted in the bill.

Mr. FRYE. Mr. President, I have but a word or two to say in relation to this and other amendments offered from the floor of the Senate. There never, within my memory, has been a river and harbor bill which has received the attention this one has. Fortunately it came over to the Senate at a very early day. It was considered item by item by the Committee on Commerce with great care. Every Senator was notified to be present to present his wishes touching the rivers and harbors of his section of the country. Many Senators, all who desired, appeared. The bill was then reported to the Senate, ordered to be printed, and recommitted. Having been printed it then came to the attention of all Senators again, and again Senators appeared before the committee, and, in many cases, we made additional amendments.

I repeat, no bill has ever been presented to Congress within my memory, which extends over eighteen years, that has received the consideration this bill has. I do not believe there is an appropriation in it which can not be justified fully and completely by the reports of the engineers, unless it be the appropriation for the Lower Mississippi, in which I have no faith whatever myself, not believing that a dollar of the money appropriated tends to help navigation. As to all the rest of it, in my judgment it is a thorough bill, and it can be justified on the floor of the Senate or anywhere else.

Now, take the White River. The committee had the reports before them, and it was estimated that a yearly sum of $8,000 would be required for snagging and repairs of dams, etc., until a plan for permanent improvement could be adopted. The committee adopted that recommendation, appropriating $8,000 to take care of the river. White River can be taken care of for a year for the $8,000.

Since then, as the Senator says, a report of the local engineers has been made touching a plan for the permanent improvement of the river. That report has not been submitted to the chief engineer, has not been approved by him, has not been submitted to the committee of the House, has not been approved by them, has not been submitted to the committee of the Senate, has not been approved by them. Under those circumstances it seems to me it would be much more sensible for the Senate to accept the action of the committees of the two Houses and let this go for one year longer.

The Senator from Arkansas says that the local engineer recommends the expenditure of $108,000, and hence he asks for $50,000. In ninety-nine cases out of one hundred if that had been submitted to the Chief Engineer, and he had approved of it, he would have said that $50,000 could be profitably used during the coming year, and the two committees would have cut that down one-half, which would be $25,000.

Mr. BERRY. I will take $25,000 if I can not do any better. I will state to the Senator that this is a peculiar case from the fact that we did not know that this report was here. It was not in the printed reports; it is a written report. If my colleague and myself had known that there was such a report here on file we should have presented it to the committee and urged it, but it did not come to our knowledge until after the bill was reported back to the Senate.

In view of that fact I do insist and hope that the chairman of the committee will allow the amount which he says would probably have been recommended by the committee at $25,000 to be inserted. I will modify the amendment so as to make the amount $25,000, with the consent of the Senate, and ask that it be reduced to $25,000, inasmuch as the chairman of the committee objects to $50,000.

I think in view of the fact that we had no knowledge that there was such a report it ought not to have been expected that we should go before the committee, because we could not have done anything without the report. It came to our knowledge after the bill was reported, and I repeat to the chairman of the committee that after the bill goes to a conference committee, if there is any objection on the part of the House, or if the Senate conferees can find any well-founded objection to it, no complaint will be made if the increase is stricken out. I hope the Senator will allow the amendment at $25,000 to be adopted.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Arkansas as modified. The amendment will be stated.

The CHIEF CLERK. In line 1091 of section 1, before the word "thousand," it is proposed to strike out "eight" and insert "twenty-five;" so as to read:

Improving White River, Arkansas: Continuing improvement, $25,000.

The amendment was agreed to.

Mr. TELLER. I desire to move an amendment on page 66. On page 64 there is an appropriation of $1,100,000 for the Missouri River. The committee have distributed that in part, but not the whole of it. I move, after the word "Kansas," in line 1600, to add:

That the sum of $25,000, or so much thereof as may be necessary, shall be expended on said river at or near Mandan, Dak.

This does not increase the appropriation and it carries out what the committee attempted to do—distribute the appropriation. I am informed by the Delegate, and Dakota is not represented here, that a condition of things exists at Mandan in reference to the landing which makes it absolutely necessary that some money should be appropriated at that particular place. Mandan is a small town on the Missouri River and the crossing of the Northern Pacific Railroad. It is quite an important commercial point on the west side of the river, and it is only proposed that so much as may be necessary shall be appropriated.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Colorado.

Mr. VEST. After taking out the local improvements from the $1,100,000 it will only leave some $325,000 to be expended by the engineers in the general improvement of the river.

The committee were governed by the recommendations of the Missouri River Commission. The engineers were here with their estimates for Omaha, Plattsmouth, Nebraska City, Brownsville, St. Joseph, Atchison, Leavenworth, Kansas City, Arrow Rock. Mandan is not included in the list, and the $25,000 now asked simply decreases the amount to be expended on the whole river from the mouth of the Missouri to Fort Benton—not to Sioux City, but the whole length of the river.

I was opposed, as I can not repeat too often, to these local appropriations, but when the committee overwhelmingly defeated me on that proposition, then I considered myself bound to follow the report of the Missouri River Commission, the engineer's report, and Mandan was not included. It seems to me very clear that we ought not to advance the amount of the general appropriation for the river. If it is necessary to assist the navigation of the river to make this improvement at Mandan, of course the Engineer Bureau will make it. They are not restricted at all. They have $325,000 within their discretion to make an improvement at any place where they may please, provided it is for the general navigation of the stream. As to specific appropriations I simply followed in drawing the clause the recommendations of the Engineers.

Mr. TELLER. I have no personal knowledge of this matter, but the Delegate for whom I moved the amendment states that it is absolutely necessary that some money should be expended at Mandan, and he suggested $25,000. If the Senator thinks that is too much, make it $10,000 or $15,000; I shall have no objection. The Delegate states that the condition is such that the boats find it difficult to land. What is being done with this money in the various places is to provide so that the boats can get to land, as I understand. I will modify the amendment in the way I have suggested if it is agreeable to the members of the committee.

Mr. VEST. In the absence of any recommendation of the engineers on the subject, I should think it would be bad legislation. We can not take the personal statement of the Delegate in regard to it. I have before me the report of the engineers. They say nothing about this proposed improvement. As a matter of course, if we were to take the declaration of Representatives or Delegates there would be no end to the appropriations. It seems to me to be bad legislation. We had better leave this matter to the engineers. They have $325,000 for the river, and they can take any amount of that they please for this purpose.

Mr. TELLER. They can if they want to do so.

Mr. VEST. Yes; if they desire to do it. In the absence of their recommendation it seems to me we ought to adhere to the bill.

Mr. TELLER. There is not any doubt that the engineers can expend money there. They have expended money at these other points for the same purpose. They would expend it for the very same purpose that they will expend it at Leavenworth, that they will expend it at St. Joseph, Mo., at Arrow Rock, and other places, as I understand, where the points are designated at which they are to expend the money. It is for the purpose of enabling the boats to reach the shore, as I understand. I have no doubt the same state of facts exists at Mandan that exists at other places on the river.

Mr. VEST. I will say to my friend from Colorado that the only thing we can go by in the committee or in the Senate or in the House of Representatives is the report of the engineers who have charge of the river. The engineer in charge of the Upper Missouri River has not recommended this. There has been no estimate or survey for it. The Senator will appreciate at once the fact that if we are to go upon an outside statement and take anybody else's say-so about the matter instead of the board of engineers, we are at sea at once. The difference between Mandan, and Leavenworth, Atchison, St. Joseph, and these other places is that the engineers have surveyed and estimated for these points.

Mr. TELLER. I understand that.

Mr. VEST. Here we have simply a request from a Delegate. I do not know anything about the facts, but it seems to me dangerous to do what is asked.

Mr. TELLER. I suppose the engineers have not got as high as Mandan. That is the trouble, I presume.

Mr. VEST. Oh, yes.

Mr. TELLER. There are no appropriations as high as Mandan; they are all below.

Mr. VEST. I do not know about the appropriations, but the engineer who has charge of that part of the river is in the city of Washington now, for I received a note from him this morning. The Missouri River Commission have made a survey through all that portion of the river and it was given in their report. The same engineer is in charge there, Captain Sears, who has charge of the Yellowstone National Park.

Mr. TELLER. I have no knowledge on the subject except what I have stated to the Senate. I do not desire to press the amendment when the Senate is so thin that we can not have an intelligent vote. I have called attention to it, and I believe I will withdraw the amendment as the committee seem to be against it.

Mr. PALMER. I rise to offer an amendment to come in after line 1257, on page 52.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. In section 1, on page 52, after line 1257, it is proposed to insert:

For the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal, and the Lake Superior Ship-Canal, Railway, and Iron Company Canal, being the improved harbors of refuge and the water communication across Keweenaw Point from Keweenaw Bay to Lake Superior, by way of Portage River and Lake, in the State of Michigan, and to make the same a free passage-way and harbors of refuge to commerce and navigation, $350,000: *Provided*, That no part of said sum shall be expended until a full and absolute conveyance of said two harbors of refuge, canals, easements, rights of way, piers, docks, and appurtenances of every nature belonging to or connected with said works, or either of them, has been made to the United States by the owner or owners thereof, and the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect. And when such title shall have been acquired, the said canals and harbors of refuge shall thereafter be subject to the provisions of section 4 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884.

Mr. PALMER. Mr. President, I do not suppose that it is necessary for the information of the Senate that I should dilate on the propriety of the purchase of the Portage Lake Canal. It has been voted for by the Senate three times; it has been passed by both Houses once, and was in the last bill, which was vetoed by the President. It belongs to that system of improvements which saves to the people of the United States, as has been demonstrated, over $200,000,000 a year in freights.

It has another advantage. It furnishes two harbors of refuge on an inhospitable coast, where within the last twenty years two hundred lives have been lost; one-half of whom, at least, or probably three-quarters, might have been saved if the Government had this canal and its facilities for creating harbors of refuge.

Again, it is at the base of Keweenaw Point, a long promontory which projects into Lake Superior and compels a detour by all vessels going between Sault Ste. Marie and Duluth, making a loss of 125 miles on the single trip or 250 miles on the round trip.

The commerce of Lake Superior, which has increased from 700,000 tons to over 6,000,000 tons within eight years, is increasing now in the same ratio, and the bulk of that commerce will come from beyond the canal which is now proposed to be obtained. The Vermillion iron mines, the Gogebic iron mountains, the wheat and flour of Minnesota and Dakota are all beyond the proposed purchase, and will be accommodated by the canal and through freights proportionately reduced.

To correct any misapprehension in regard to this canal, I will say that it is composed of two canals which connect a lake called Portage Lake. One canal was built by an appropriation of the Government, the other was private property, and over $400,000 has been spent of private money on that single canal. So that the Government is not in a position of buying something that it has once paid for. It is buying something that it has never put any money into in addition to a canal that it has made appropriations for.

That has been recommended by the Engineer-in-Chief and by the subordinate engineers, and if it was not for taking up the time of the Senate, I should ask that the report be read, which is exhaustive and is an argument in favor of the purchase of these canals.

I shall be glad to answer any questions if any one desires any light on the subject. I do not think it requires any more explanation unless there shall be some inquiries.

Mr. FRYE. I ask the Senator whether or not he is willing to withdraw this amendment at this time and offer it when the bill is in the Senate? It is entirely evident that there is no quorum here now, and if a division is demanded it will stop the further progress of the bill. There will be the same opportunity to offer it in the Senate as there is now.

Mr. PALMER. I would say that if that objection had been made

before three or four other appropriations had been voted in I should consider myself on the same basis. I do not feel willing now to defer it until the bill is reported to the Senate.

Mr. FRYE. The Senator in charge of this bill will demand a separate vote on those which have been inserted.

Mr. SAWYER. Let me suggest that this be inserted now, and a separate vote can be had on it afterward in the Senate.

Mr. PALMER. All I ask is the same treatment that has been conceded to others.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Michigan. [Putting the question.] The "noes" appear to have it.

Mr. PALMER. I ask for a division.

Mr. FRYE. That will end the case. I hope the Senator will not ask a division. The Senator will have an opportunity to offer the amendment in the Senate. A division simply stops all progress with the bill.

The PRESIDENT *pro tempore*. Does the Senator insist on his demand for a division?

Mr. PALMER. I withdraw the call for a division.

The PRESIDENT *pro tempore*. The call for a division is withdrawn. The amendment is not agreed to.

Mr. GORMAN. I offer an amendment.

Mr. VEST. I desire to give notice that I shall ask a separate vote in the Senate on the Hennepin Canal amendment.

The PRESIDENT *pro tempore*. The Chair will call for reservations when the bill is reported to the Senate. The amendment of the Senator from Maryland [Mr. GORMAN] will be read.

The CHIEF CLERK. The proposed amendment is, in section 1, page 28, at the end of line 675, to add:

To be expended above the Philadelphia, Wilmington and Baltimore Railroad bridge.

So as to make the clause read:

Improving Susquehanna River, Maryland and Pennsylvania: Continuing improvement, $10,000, to be expended above the Philadelphia, Wilmington and Baltimore railroad bridge.

Mr. GORMAN. I do not suppose there will be any objection to the amendment. The same provision was in the bill of last year.

The amendment was agreed to.

Mr. WALTHALL. On line 971, section 1, page 40, I move to strike out "seven" and insert "eight;" so as to read:

Improving Yazoo River, Mississippi: Continuing improvement, $32,000; of which $10,000 shall be used in repairing snag-boat Meigs and $8,000 for constructing a pumping dredge-boat.

I suppose there will be no objection to the amendment as it does not increase the appropriation, but merely affects the apportionment.

Mr. FRYE. What reason is there for the change?

Mr. WALTHALL. The reason is that since this bill was printed the engineer in charge of this work has stated that at the present prices of material the dredge boat can not be constructed for $7,000.

Mr. FRYE. That is a good reason. There is no objection to the amendment.

The amendment was agreed to.

Mr. BECK. On page 80, in section 11, after line 106, I desire to add an amendment for a survey.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 80, section 11, after line 106 it is proposed to insert:

Big Sandy River, from Catlettsburgh to Pikeville, on Louisa Fork, and the mouth of Pond Creek on Tug Fork.

The amendment was agreed to.

Mr. CALL. I move, on page 38, section 1, line 916, before the word "hundred," to strike out "one" and insert "two;" so as to read:

Improving St. John's River, Florida, from Jacksonville to the ocean, $250,000.

I have a letter from the engineer in charge saying that this amount is necessary for the St. John's River. I presume that we are to rely on the reports of the engineers. This amount will be necessary to make the great river accessible. He writes as follows:

Since sending my report concerning the present condition of the work at the mouth of the St. John's River, as called for by your resolution, the annual survey of the work has been completed. This shows a most gratifying increase of depth in the bar, but also shows an increased shoaling in the "middle ground" near the mouth of the river, predicted in my annual report for 1887. (Report of Chief of Engineers, part 2, page 1213.) This will make more necessary than ever the expenditure of the largest sum possible at the mouth of the river in order to hold what we have and to prevent the formation of a bad bar here before the north channel has broken through. The $300,000 I asked for was limited to the barest necessities for good work at this point. Only one-half of it was given, and it is proposed to expend a portion of this elsewhere.

Since the annual report some of the work has been destroyed by the cutting down of the appropriation and the consequent inability to protect it. The engineer reports in this letter that the bars of the river before the artificial channel made by the jetties had been cut through will imperil the existence of the jetties, destroy the work which has already been done, and the millions of dollars expended there will have to be reappropriated unless this amount of money is given to enable him to remove the obstructions and straighten the jetties at that point.

I submit, therefore, that a clear case is made for this increase of appropriation, and I hope there will be no objection to it.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Florida [Mr. CALL].

Mr. FRYE. There is $150,000 appropriated here to the St. John's River, and in order that the engineers might have the opportunity if, as they say, it may become necessary to use it on the channel at the mouth of the river, we made the appropriation to cover down to and including the mouth of the river.

The State of Florida has been treated with very remarkable generosity by the Senate Committee on Commerce and by the House committee, too, and I think the Senator is asking altogether too much when he asks the Senate to almost double this large appropriation of $150,000. I hope he will not ask it, and if he does, I hope the Senate will vote it down.

Mr. CALL. I ask for this increase on the strength of this letter.

Mr. FRYE. I read the letter.

Mr. CALL. The letter states an absolute necessity for the increase of this amount, for the expenditure of $250,000. I am not making an appeal to the generosity of the Senate. There is every reason to suppose that not only $250,000 will be needed next year, but more for the continuation of this work.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Florida [Mr. CALL].

Mr. PASCO. I trust this amendment will be agreed to. The necessity of it is absolutely shown by the letter of the engineer. The improvement is of great importance, and the work is very necessary to the commerce of the country. I have seen the improvement myself, and from my knowledge of it I am satisfied this increase is necessary. The engineer has made an estimate for the improvement of the river, and he tells you that this sum is needed to continue and preserve the work already done. I trust the amendment offered by my colleague will be adopted by the Senate.

Mr. GEORGE. I know the importance of this river in Florida, but it is not so important to Florida as it is to the people of the United States generally.

The question is whether we shall adhere to an iron rule, which I understand the Committee on Commerce has adopted, of allowing a certain proportion of the estimates made by the engineers. They will so far adhere to it as to imperil works which have already been undertaken, whereby, if we are to make the improvements, as I hope we are, there will be required a larger appropriation at some future time. We might postpone appropriations in some cases to a future time if there was a financial pressure, but the Treasury is overflowing, there is more money in the Treasury than is necessary for the uses of the Government, and where an improvement can be made which is of real benefit to the country and where the money can be profitably expended, it occurs to me that we ought not to be guided as to the amount by any idea that we will at some future time make an additional appropriation to complete the improvement. It seems to me that this is the appropriate time to make the necessary and proper appropriation.

Mr. STEWART. I am in favor of the appropriation. I believe it is needed and that it will be highly beneficial. I have been quite recently over the place where the money is to be expended.

In regard to all these appropriations I would say that the work can be done this year 28 per cent. cheaper than in ordinary times. We are giving to bondholders that much premium because we want to get the money out of the Treasury, and now is the time to do the work when we can do it cheap. We can do it cheaper than at any other time. I would rather the 27 or 28 per cent. should be spent in Florida in improving that beautiful harbor and in making it advantageous to commerce than in having it thrown away on the bondholders.

Mr. BECK. I have been in Florida, and have gone to the mouth of the St. John's River and consulted with the engineer in charge, who knew all about it, and I examined that bar with as much care as I was able to do, not being an engineer, and it is apparent to my mind that there is danger of destroying the work already done at the mouth of the St. John's River, so that we shall have hereafter to repeat what we have already done. We had better appropriate a sufficient sum to make the work good and secure.

At that time the commerce of the St. John's River was being carried on in boats of not over 300 tons. That was about all that could then pass the bar. We were assured that if the improvement was made which is now going on, vessels of 3,000 tons could pass over the bar, and, as has been very well said to us, the difference between carrying our freights, lumber, cotton, and other things on vessels of 300 tons and 3,000 tons is equal to a profit of 10 per cent.

I never saw anything so important to the commerce of the whole country, not only to the St. John's River, not only to Florida, but to the people as far north as Boston. Baltimore, Philadelphia, Savannah, and all the great lines are competing for the commerce of that country. The commerce of the United States and the commerce of the world would be benefited by this improvement. The improvement of the St. John's River, one of the most magnificent streams in the country, would build up and establish commerce for miles up that river that its present magnitude can furnish no idea of.

I know the Committee on Commerce is loaded down with applications for increased appropriations. I know how the failure to sign the bill last year has doubled their embarrassment, and I know how thankless it is to resist appeals from all parts of the country; but from a personal examination made on the ground, and with a knowledge of the changes going on in that locality, I am satisfied that we can do better by not straining a point. I think the better policy would be to increase the appropriation. I spent a day especially for the purpose of examining the river. I had no idea of the nature of it or the magnitude of it until I made that examination.

Mr. VEST. There is an appropriation of $150,000 already in the bill for the St. John's. If it is to be increased, others will ask for increases on the same ground. I will not go into the argumentation as to the form of these bills, but the allowance already in the bill for this river is sufficient in proportion to the amounts allowed others. By adding to all these items we are in danger of swamping the river and harbor bill and having a repetition of what occurred in the last Congress. The reports show an amount of money still on hand absolutely unused.

I say to my friend from Florida that if he were on the committee he would hear the same sort of argument in regard to almost every case. There is nothing to equal the amount of eloquence that is expended to secure increased appropriations; but it is simply a question as to what we are to do as legislators. If the ideas of the Senator from Nevada should obtain, you may throw aside all limitations and appropriate the whole revenue in the Treasury. The estimates of the Bureau of Engineers, though, are two and a half times what this bill appropriates.

Mr. STEWART. I distinctly said that I would rather spend the surplus money that is in the Treasury for making necessary improvements when the work can be done cheaply. Three-fourths or one-half, I suppose, of all the money expended on rivers and harbors is lost by commencing work and letting it go to decay. Nature will recover itself, and much that you have expended is lost by dribbling expenditures for purely national work, when we can do it 27 per cent. cheaper now than at any other time. I say I would be willing to let commerce have the benefit of the surplus rather than the bondholders.

Mr. GEORGE. Would it not be better to spend the money now in this way?

Mr. VEST. I see no connection between bond purchases and the river and harbor bill. I decline to accept any challenge to go into a discussion of that sort. We in the Committee on Commerce have done the best we could. All my effort has been to get this bill to a point where it can become a law. We can not spend $100,000,000 on this bill. There is a limit; and yet we are appealed to now to add $100,000 to another item, and so on, because we have plenty of money in the Treasury.

We must have some sort of rule in regard to these appropriations and we must adhere to it. The appropriation for Baltimore Harbor was cut down, and surely that is very important to commerce. My friend from Oregon wanted a large sum for the improvement of the Columbia River, and so it goes. Every one wants something for his own State. I am informed that the rule laid down has been observed on the whole. I do not object to Florida, but I appeal to the Senate to stand by the work of its committee.

Mr. PASCO. Mr. President, in reply to what has been said by the Senator from Missouri, I wish to give a special reason for making this increase at the present time.

I do not find that any such rule as he has stated has been carried out. This estimate is designed to preserve the work already accomplished. The rule is very well, but there are exceptions always. There are a great many works where the rule may be applied, but here is a large, important, and expensive work that is in danger if it is not supported and continued. On the St. John's River jetties have been constructed and they are in danger of being swept away by any storm unless they are completed and perfected. When the work was suspended the engineer was afraid the jetties would be swept away, which would require the expenditure of additional money. It is false economy not to preserve work already accomplished. So I urge that this is an exception to the rule laid down by the committee, which may do very well in other cases, but there must be some exceptions to it.

Mr. CALL. Mr. President, I call the attention of the Senator from Missouri to the fact that this bill—and I do not complain of it—increases quite largely the plan of improvement for the harbor at Savannah. To show the superior merit of this case, the engineer alludes to that and points out the fact that the plan of improvement at the expense of $680,000 has deepened this bar until vessels drawing 12 feet of water pass over it, and the whole of this work is now liable to be destroyed by the storms and the accumulation of water likely to arise, and he points out to Congress that this fact has been developed since his annual report, and hence the necessity of this appropriation, 600 feet of the jetties having been swept away a year or two since by a similar failure to make the appropriation estimated for. He calls attention to the fact that this great work, which has accomplished so much, is today about to be destroyed for the want of an adequate appropriation to strengthen it, which he says will take $250,000.

The argument of the Senator from Missouri does not apply to this case at all. This is a case of the improvement of the harbor. It is a case in which an important work is about to be destroyed, and that fact is specially called to the attention of Congress by a report of the engineer made in view of late developments and the necessity of strengthening this specific work. I hope, therefore, the amendment will be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. EVARTS. I offer an amendment on page 9, line 189, of section 1, by striking out "ten" before "thousand" and inserting "twenty;" so that the clause will read:

Improving harbor at Glen Cove, N. Y., $20,000.

In the provisions for the minor relations of commerce to the city of New York I have given notice of amendments, but this is the only one I shall ask attention to, as I believe it perhaps has not been so fully considered as it should be.

Glen Cove is a good bay, and is a place of large manufacturing interests, which are capable of further enlargement if there was a proper improvement of the approach by water to it. It is the most important harbor in Long Island Sound between New York and Bridgeport, which is 60 miles from New York. This is about 20 miles. The commerce already in exercise there is $4,000,000 a year. A good deal of improvement of the channel-way has been produced at the private expense of the owners of interests there, something like an amount of $50,000, and no appropriation has been sought from or given by the United States before.

The difference between ten and twenty thousand dollars is not very great unless that difference makes a wide difference in the results of the improvement, and I think it will be agreed that, if a considerate and faithful community like this present $20,000 as a sum that can be usefully employed and that ten thousand is unimportant and much less useful, this allowance should be made.

The nature of the improvement is to make this cove accessible at all times and it does not require much depth to secure that advantage for commerce to ply. Hempstead Bay is a place of good shelter and resort. It might be improved no doubt, and perhaps some day it may be, but the benefit of this Hempstead Bay for resort is very much impaired by the small commerce that seeks Glen Cove harbor if it must be detained there under adverse winds which expose the bay to disturbance for several days at a time.

The total number of arrivals and departures in the year 1885–'86 was 1,140 sailing vessels and 110 canal-boats; the registered tonnage, 81,500 of the one and 17,000 of the other. The imports were $1,688,000, and the exports $2,619,000.

The Senate will observe that if this were a separate and remote harbor it would be immediately recognized as one worth improving and developing. I should regret that it should be passed over merely because it is of so relatively little importance compared with the greater interests connected with the port of New York, and I hope that the committee may not find it necessary to insist upon an objection to this very small addition in money, which I am assured will make a very great difference in the result. I hope, therefore, that the amendment will be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York.

The amendment was agreed to.

Mr. FRYE. I offer an amendment on page 88.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 88, in section 11, after line 309 under the head of "Oregon," it is proposed to insert:

Clackamas River.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Will Senators indicate the amendments they desire to have reserved?

Mr. PADDOCK. I desire to have reserved the amendment in relation to the Missouri River Commission, on page 66, section 1, lines 1601 to 1607, inclusive.

Mr. FRYE. I desire a separate vote on the amendment in relation to White River, Arkansas, and also on the Green and Barren River improvement.

The PRESIDENT *pro tempore*. The amendments are so numerous that the Secretary will make a memorandum of each one proposed to be reserved. Senators will indicate the page and line.

Mr. FRYE. I can not give the page and line, but I except the amendments in relation to the White River, Arkansas, and the Green and Barren River improvement, Kentucky. These are all I desire to reserve.

Mr. EVARTS. The amendment on page 6, lines 128 to 130, "improving Buttermilk Channel, New York," I wish to have separately considered.

Mr. FRYE. I thought the Senator from New York had but one amendment.

Mr. EVARTS. This is not my amendment. It is a question on agreeing to a committee amendment.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Maine to state that the committee would reserve a separate vote on each of the amendments agreed to in Committee of the Whole not reported by the Committee on Commerce.

Mr. FRYE. No; not on each one. I only reserve amendments in reference to the White River and the Green and Barren Rivers, and the Senator from Nebraska [Mr. PADDOCK] gave notice that he reserved the one in regard to the Missouri River Commission.

The PRESIDENT *pro tempore*. That has been noted. Are there further reservations of amendments? The Secretary will indicate the amendments reserved, so that there may be no mistake as to the amendments on which a separate vote is required.

The SECRETARY. The amendment on page 66, from line 1601 to 1607, inclusive, in relation to the Missouri River Commission.

The amendment relating to the White River improvement.

The amendment relating to the Green and Barren Rivers improvement.

The amendment on page 6, lines 128, 129, and 130, in relation to Buttermilk Channel, New York.

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. VEST], who is not now in his seat, gave notice that he would demand a separate vote on the Hennepin Canal amendment.

Mr. HARRIS. I ask a separate vote on that amendment for the Senator from Missouri.

The PRESIDENT *pro tempore*. It will be noted by the Secretary. If there are no further reservations——

Mr. KENNA. Is a motion to amend by inserting propositions that were rejected in Committee of the Whole in order at the present time?

The PRESIDENT *pro tempore*. The bill will be open to amendment in the Senate the same as if it were in an original state. There is no limitation.

Mr. HARRIS. And the fact that an amendment has been offered in the Committee of the Whole, and not agreed to, does not exclude it.

The PRESIDENT *pro tempore*. It does not exclude it.

Mr. BECK. On page 49 there was an amendment offered by the committee for repairing the dam at the head of Cumberland Island, etc., that was disagreed to, and I desire to call the yeas and nays on it; so I ask for a separate vote.

The PRESIDENT *pro tempore*. That amendment was disagreed to.

Mr. FRYE. It was disagreed to at my request.

Mr. BECK. I want a separate vote on that amendment.

Mr. HARRIS. Let me suggest to the Senator from Kentucky that as this was an amendment reported by the committee but disagreed to by the Senate, he will have to offer it as a new amendment in the Senate. It is not a thing for a separate vote, because it is not in the bill.

The PRESIDENT *pro tempore*. It was stricken from the bill; it is not incorporated in the bill. The vote of the Committee of the Whole rejected it. The Senator from Kentucky can offer it as an amendment in the Senate.

If there be no further reservations of amendments will the Senate concur——

Mr. FRYE. I will withdraw my demand for a separate vote as to the White River amendment.

The PRESIDENT *pro tempore*. The Secretary will note that. Will the Senate concur in the amendments made as in Committee of the Whole with the exception of those reserved specially?

The amendments not reserved were concurred in.

The PRESIDENT *pro tempore*. The Secretary will report the first reserved amendment.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

Mr. PADDOCK. I hope the Senator will allow these amendments to be acted upon.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. I ask that that motion be withdrawn for a moment as I desire to make a report from a committee of conference.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will receive the conference report.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. SHERMAN. It so happens that two of the conferees appointed by the Chair yesterday are necessarily absent, and, therefore, I ask that the Senator from Iowa [Mr. ALLISON] be put in place of the Senator from Maine [Mr. HALE] as chairman of the committee of conference on the consular and diplomatic appropriation bill.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection, and the Senator from Iowa [Mr. ALLISON] will be substituted as one of the managers on the part of the Senate for the Senator from Maine [Mr. HALE].

Mr. SHERMAN. It is not necessary to make the report just now. It has not been signed yet.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior transmitting, in answer to a resolution of the Senate of the 5th instant, a copy of Order No. 339 of the Commissioner of Patents, and also communicating information relative to the report made to the Commissioner of Patents in June, 1887, in regard to the clerical force of the Patent Office; which was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 490) granting a pension to George W. Pitner;
A bill (H. R. 9729) granting a pension to Malinda Hardin;
A bill (H. R. 9344) granting a pension to James C. White;
A bill (H. R. 9878) granting a pension to Moses T. Coffey;
A bill (H. R. 9595) granting a pension to David A. Yeaw;
A bill (H. R. 6193) for the relief of Edson Saxberry;
A bill (H. R. 3521) granting a pension to Manuel Garcia;
A bill (H. R. 7713) granting a pension to James McIntyre;
A bill (H. R. 7624) for the relief of Coburn D. Outten;
A bill (H. R. 154) restoring to the pension-roll the name of Cynthia J. Carlton;
A bill (H. R. 8150) for the relief of John H. Claus;
A bill (H. R. 2140) granting a pension to Eliza Smith;
A bill (H. R. 5383) granting a pension to George W. Flowers;
A bill (H. R. 621) granting an increase of pension to William M. Whaley;
A bill (H. R. 149) granting a pension to Rachel Barnes;
A bill (H. R. 8953) granting a pension to Eliza Mathews;
A bill (H. R. 4069) granting an increase of pension to Elnathan Meade;
A bill (H. R. 9318) granting an increase of pension to Charles Jewett;
A bill (H. R. 3923) to place the name of Frederic Ronicke on the pension-roll;
A bill (H. R. 9034) granting a pension to Lydia Heiny;
A bill (H. R. 737) granting a pension to Joseph Peve;
A bill (H. R. 10579) to place the name of Samuel Massey on the pension-roll;
A bill (H. R. 9910) increasing the pension of William J. Heady;
A bill (H. R. 10334) to grant a pension to Elizabeth O'Laughlin, the helpless and invalid daughter of Dennis O'Laughlin, late a member of Company I, Ninth Minnesota Volunteer Infantry;
A bill (H. R. 9467) granting a pension to William M. Dicken;
A bill (H. R. 24) for the relief of Eliza Russell;
A bill (H. R. 7093) granting an increase of pension to John A. Rolf;
A bill (H. R. 6307) granting a pension to Sarah A. Corson;
A bill (H. R. 8523) granting a pension to Susan F. Scott;
A bill (H. R. 9183) granting a pension to William P. Riddle;
A bill (H. R. 9894) granting a pension to Myron Teachout;
A bill (H. R. 9126) granting a pension Mrs. Caroline G. Seyfforth; and
A bill (H. R. 10244) granting a pension to Mrs. Betsey Lockwood.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. PADDOCK. I should like to appeal to the Senator from Tennessee to allow a vote on the first reserved amendment. There will be no time consumed with it.

Mr. HARRIS. If it involves no division of the Senate, I certainly shall not object to letting the question be determined.

Mr. PADDOCK. I think there is no disposition on the part of the committee to press it.

Mr. HARRIS. But if it involves, as I suppose it must involve, as the amendment was reserved, a division of the Senate, the Senator had better wait until another day.

Mr. PADDOCK. If it requires a division I will not press it.

Mr. HARRIS. I withdraw the motion for an executive session for the purpose suggested by the Senator from Nebraska.

The PRESIDENT *pro tempore*. The first reserved amendment will be stated.

Mr. PADDOCK. I think there will be no opposition on the part of the committee to what I desire.

The SECRETARY. After line 1600 of section 1 the Committee of the Whole inserted:

That so much of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, creating the Missouri River Commission, and defining its powers and duties, be, and the same is hereby, repealed.

Mr. PADDOCK. I hope this amendment will not be agreed to. I do not care to take up the time of the Senate in making any further statement about it. I simply ask that the amendment be rejected.

EXECUTIVE SESSION.

Mr. HARRIS. There is no quorum here, I fear, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 9420) authorizing the Houston, Central Arkansas and Northern Railway Company to construct and maintain bridges across Bayou Bartholomew and across the Ouachita, Red, Little, and Sabine Rivers in Louisiana, reported it with an amendment.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments:

A bill (H. R. 9086) to authorize the construction of a bridge across the Oostenaula River at or near Rome, Ga.;

A bill (H. R. 6699) to authorize the construction of a bridge across the Missouri River at Forest City, Dak., by the Forest City and Watertown Railway Company;

A bill (H. R. 2170) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Burlington, in the State of Iowa;

A bill (H. R. 8355) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the St. John's River, between De Land Landing and Lake Monroe, in the State of Florida;

A bill (H. R. 9079) to authorize the construction of a bridge across the Tennessee River at or near Knoxville, Tenn.;

A bill (H. R. 8353) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Hillsborough River at a point in the town of New Smyrna, in the county of Volusia and State of Florida; and

A bill (H. R. 7749) to authorize the building of a bridge across the Mississippi River at Wabash, Minn.

Mr. SAWYER, from the Committee on Commerce, to whom was referred the bill (S. 3229) to establish a light at or near Cedar River Point, at the mouth of Cedar River, Green Bay, Michigan, reported it without amendment.

MRS. SARAH H. WOOD.

Mr. HOAR. I move that the Senate now proceed to the consideration of Order of Business 1520, Senate bill 1257.

The motion was agreed to; and the bill (S. 1257) for the relief of Mrs. Sarah H. Wood was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Mrs. Sarah H. Wood, widow, of the city of Baltimore, Md., $1,344.44, that sum being the proceeds of $2,240.74 in legal money taken from the Bank of Louisiana, at New Orleans, by Capt. J. W. McClure, assistant quartermaster, under military order No. 202, Department of the Gulf, dated August 17, 1863, and by him turned over to Col. S. B. Holabird, chief quartermaster of that department, and by him disbursed and accounted for to the Treasury; such payment to be in full repayment of all claims from any source upon the Government.

Mr. SHERMAN. I should like to hear the report on that bill read.

The Secretary read the following report, submitted by Mr. HOAR June 6, 1888:

The Committee on Claims, to whom was referred the bill (S. 1257) for the relief of Mrs. Sarah H. Wood, have considered the same and respectfully report:

Mrs. Sarah H. Wood, the claimant, is a widow now living in Baltimore, Md. In the year 1862 she resided in her country home in Louisiana, about 100 miles from New Orleans, where she had gone on the advice of a physician on account of the feeble health of her children. August 12, 1863, she moved into the city of New Orleans, and at once took the oath of allegiance required under General Order No. 41, Department of the Gulf. She had at that time on deposit in the Bank of Louisiana $2,240.74.

This fund consisted of notes of the said bank. September 11, 1863, this money, with money of other depositors in the said bank, was seized under General Order No. 202, Department of the Gulf, "requiring the several banks and banking associations of New Orleans to pay over to the chief quartermaster of the Army, or to such officers of his department as he might designate, all money in their possession belonging to or standing upon their books to the credit of any person registered as an enemy of the United States or engaged in the military, naval, or civil service of the so-called Confederate States, or who should have been or might thereafter be convicted of rendering any aid or comfort to the enemies of the United States."

A receipt for the funds thus taken was given to the bank by Capt. John W. McClure, assistant quartermaster. They were placed in the hands of Col. S. B. Holabird, chief quartermaster, and by him were sold, realizing to the Government 60 per cent. of their face value. The proceeds of this sale were accounted for to the Treasury, in quartermaster's sequestration account, as money on hand and received during the month of February, 1864.

It is proposed in the bill for the relief of Mrs. Wood to pay her 60 per cent. of her original deposit, which is the amount received by the Government as proceeds from the sale of the funds representing her claim against the bank. The facts on which she rests her claim are clearly established by receipts of United States officers contained in House Executive Document No. 101, Forty-ninth Congress, first session, and by the sworn petition of Mrs. Wood.

The order of General Banks, by which the funds in the Bank of Louisiana were sequestrated, has been held by the Supreme Court of the United States to be illegal (Planters' Bank *vs.* Union Bank, 16 Wall, 483, 497). The acts of Congress of August 6, 1861, and July 17, 1862—

"Designated Government agents for seizing enemy's property and they directed the mode of procedure for its condemnation in the courts. The system devised was necessarily exclusive. No authority was given to a military commandant, as such, to effect any confiscation. And under neither of the acts was the property of a banking institution made confiscable. Both of them had in view the property of natural persons who were public enemies, of persons who gave aid and comfort to the rebellion, or who held office under the Confederate government, or under one of the States comprising it. * * * It follows, then, that the order of General Banks was one which he had no authority to make, and that his direction to the Union Bank to pay to the quartermaster of the Army the debt due the Planters' Bank was wholly invalid." (Opinions of Court, by Strong, J.)

The order, however, although illegal, was enforced. The funds were taken and appropriated to the use of the United States Government. Under these circumstances the bank has no remedy against the military officer, if the statute entitled "An act regulating judicial proceedings in certain cases for the protection of officers and agents of the Government, and for the better defense of the Treasury against unlawful claims," approved July 27, 1868, be valid.

It is settled by the Planters' Bank *vs.* Union Bank, already quoted, that if the claimant had brought suit against the Bank of Louisiana she would have recovered, in spite of the payment under the order of General Banks, and the bank then would have been entitled in justice to a remedy which should be provided by Congress. But there is no occasion for this circuity of action. It is quite as convenient and as well for the public interest that the remedy should be afforded directly to the claimant.

Similar relief has already been given to three of the depositors in the Bank of Louisiana whose claims were precisely the same as Mrs. Wood's. E. E. Simpson and the legal representatives of J. A. Simpson recovered 60 per cent. of their deposit under a judgment of the Court of Claims (found 7 Court of Claims, 632).

The grounds of the decision of the Court of Claims in these cases are not reported. It does not appear that the attention of the court was called to the consideration that the jurisdiction conferred upon the Court of Claims by section 1059, fourth clause, Revised Statutes, extended only to captured and abandoned property and did not include claims of this kind. Senator Jackson, in a report made on a claim precisely similar to the claim under consideration, states in reference to this point:

"If the military authorities had seized the funds under the act of Congress of March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' the claimant could have resorted to the Court of Claims within the time prescribed by law for relief. The claim does not, however, fall within the provisions of, or originate under, that act. But, as stated by the Supreme Court in the case cited, Planters' Bank *vs.* Union Bank, the order under which the funds were taken possession of was an unauthorized attempt by the military commander to enforce summarily the confiscation acts of 1861 and 1862." (Report No. 103, Forty-eighth Congress, first session.)

The other case in which relief was granted is that of John W. Franklin, executor of the will of John Armfield, in which a special bill was enacted, which was approved January 14, 1885.

The only other question to be considered is that of laches. We are of opinion that as the claimant petitioned Hon. S. P. Chase, Secretary of the Treasury, and before such time of praying for relief from the Treasury Department had pressed her claim before the Quartermaster and the Secretary of War, who held that they could do nothing, as the funds had passed into the Treasury, she has done all that reasonably could be expected of her, and that the delay in the matter of remedy is not attributable to her.

We therefore report the accompanying bill and recommend that it do pass.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ASSISTANTS TO CHIEFS OF NAVY BUREAUS.

Mr. CHANDLER. I move that the Senate proceed to the consideration of Order of Business 444, Senate bill 1438.

The motion was agreed to; and the bill (S. 1438) to provide for the appointment of assistants to the chiefs of bureaus of the Navy Department was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, which was to add to the bill:

Provided, That the assistant to the Chief of the Bureau of Construction and Repair shall be selected from the Corps of Naval Constructors not below the relative rank of commander, and shall receive an extra compensation of $800 per annum in excess of his regular pay.

Mr. CHANDLER. I am willing that the amendment reported from the committee shall be disagreed to.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Committee on Naval Affairs.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. SHERMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment numbered 16 of the Senate to the bill (H. R. 6803) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 16 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted, insert the following:

"For salary and expenses of a commercial agent at Boma, in the Lower Congo Basin, with authority to visit and report upon the commercial resources of the Upper and Lower Congo Basins, their products, their minerals, their vegetable wealth, the openings for American trade, and to collect such information on the subject of that country as shall be thought of interest to the United States, $4,000."

And the Senate agree to the same.

W. P. ALLISON,
JNO. SHERMAN,
JNO. T. MORGAN,
Managers on the part of the Senate.

PERRY BELMONT,
JAMES B. McCREARY,
WM. W. MORROW,
Managers on the part of the House.

Mr. CHANDLER. I see by the report there is a provision for salary and expenses of a commercial agent at Boma, in the Lower Congo Basin, at $4,000. This consul is authorized to visit the Upper and Lower Congo. I ask what provision is made, if any, for the expenses of the investigation?

Mr. SHERMAN. The sum of $4,000 is paid for the salary of this agent, and it is to cover all expenses. The ordinary pay of a consul would be $2,500 or $3,000. I admit that it is a very inadequate provision, but the House were not willing to go any further. The origi-

nal provision of the Senate provided for a commission of scientific men to make an elaborate investigation of the matters stated, and provided an appropriation of $25,000 for that purpose. The House resolutely refused to agree to it, and we thought it was better to take this much for a consul there to examine and report. It is not a very satisfactory provision, I admit.

Mr. CHANDLER. I think it is very inadequate. Congress has once before provided for sending a commercial agent there and paid $10,000 for that mission. Now we have made a great demonstration about the Congo and we propose to put a consul there at $4,000. I think it will amount to very little. If we are not able to provide a commission at an expense of $25,000, we surely ought to be able to give the country more than a consul at $4,000.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

RAILROAD BRIDGE AT FORT SMITH, ARK.

Mr. BERRY. I move that the Senate proceed to the consideration of Order of Business 1680, being the bill (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark.

The motion was agreed to; and the bill (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was in section 6, line 4, after the words "whenever the," to strike out the word "Congress" and insert "Secretary of War;" so that the section will read:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the right to require any changes in said structure, or its entire removal at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The next amendment was, in section 7, line 5, after the word "bridge," to insert the words "under the provisions of this act;" so that the section will read:

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof. And if any litigation shall rise in regard to said bridge under the provisions of this act, the same shall be had in the circuit court of the United States in whose jurisdiction the bridge or any part thereof is located.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FLINT RIVER BRIDGE, GEORGIA.

Mr. BROWN. I move that the Senate proceed to the consideration of Order of Business 1678, being House bill 5096.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5096) authorizing the construction of a bridge across Flint River, in the State of Georgia.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 4, line 12, after the word "War," to insert "the construction of;" and in the same line, after the words "not be," to strike out "built" and insert "commenced;" so as to make the section read:

SEC. 4. That said bridge shall be built and located under and subject to such regulations for the security of navigation of said rivers as the Secretary of War shall prescribe; and to secure that object said company or corporation shall submit to the Secretary of War a design and drawings of said bridge, for his examination and approval, and a map of its location, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and in all things shall be subject to such rules and regulations as may be prescribed by the Secretary of War; and until said plan and location of said bridge are approved by the Secretary of War the construction of said bridge shall not be commenced; and should any change be made in the plan of said bridge, during the progress of the work of construction, such change shall be subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, in section 6, line 4, after the word "whenever," to strike out "Congress" and insert "the Secretary of War;" so as to make the section read:

SEC. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structure, or its removal, at the expense of the owners thereof, whenever the Secretary of War shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PROMOTION OF ARMY ASSISTANT SURGEONS.

Mr. STEWART. I move to proceed to the consideration of Order of Business 358, Senate bill 35.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 35) to authorize the promotion of certain assistant surgeons of the Army after twenty years' service.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the assistant surgeons of the Army, appointed under the act approved July 28, 1866, who are assistant surgeons at the passage of this act, and have, or shall hereafter have, served twenty years continuously as assistant surgeons from the time of their appointment under the said act, shall be nominated and, by and with the advice and consent of the Senate, be appointed to the office of surgeon, with the rank of major, in the order of their present arrangement upon the Army Register. Said service shall count from the date of original appointment and commission as assistant surgeon under the act of July 28, 1866, but no commission shall bear date prior to the passage of this act: *Provided*, That no assistant surgeon shall be promoted under this act who has not been examined and approved by a medical examining board, as required by section 1172 of the Revised Statutes: *And provided further*, That the whole number of officers of the Medical Department shall not be increased by this act, and after the appointments authorized thereby shall have been made, no promotion to the grade of surgeon with the rank of major shall be made until the number of such surgeons shall have been reduced below fifty.

SEC. 2. That all acts and parts of acts in conflict herewith are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SITE FOR LIGHT-HOUSE AT ASTORIA, OREGON.

Mr. DOLPH. It will be recollected by the Senate that some days ago I reported, by direction of the Committee on Commerce, bills for a light-house and wharf at Astoria, Oregon, and under the objection of the Senator from New Hampshire [Mr. BLAIR], who wanted the Senate to adjourn, they went over. I ask the Senate now to take them up in order that these bills may be put on a par with others before the Committee on Appropriations. I move that Order of Business 1653, Senate bill 707, be first considered.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 707) providing for the purchase of a site and the construction of a wharf in Astoria, Oregon, for the use of the Light-House Department.

The bill was reported from the Committee on Commerce with an amendment, in line 3, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the bill read:

Be it enacted, etc., That the sum of $15,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be used under the direction of the Secretary of the Treasury in the purchase of a site and the construction of a suitable wharf at Astoria, Oregon, for the use of the Light-House Department.

The amendment was agreed to.

Mr. DOLPH. That is the only committee amendment. I move to strike out the word "department," in line 8, the last word in the bill, and insert "establishment;" so as to read: "for the use of the Light-House Establishment;" because I think that would be better language.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill providing for the purchase of a site and the construction of a wharf in Astoria, Oregon, for the use of the Light-House Establishment.

LIGHT-HOUSE AT MOUTH OF UMPQUA RIVER, OREGON.

Mr. DOLPH. I ask that the next Order of Business, Senate bill 2778, which accompanied this, and is under the same recommendation, be taken up.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2778) making an appropriation for the purchase of a site and the construction of a light-house on the headlands near the mouth of the Umpqua River, in the State of Oregon. It appropriates $80,000 for the purchase of a site and the construction of a first-order coast light-house on the headlands near the mouth of the Umpqua River, in the State of Oregon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. W. SHARRETTS.

Mr. SAWYER. I ask the Senate to take up the private pension bills on the Calendar favorably reported.

Mr. HOAR. Before that is done I should like to ask for the consideration of Senate bill 59, for the relief of George E. W. Sharretts.

Mr. SAWYER. I will yield for that, but after that I must insist on my motion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 59) for the relief of George E. W. Sharretts.

The Committee on Claims reported an amendment, in line 6, after the words "the sum," to strike out "fifteen thousand" and insert "twelve hundred;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George E. W. Sharretts the sum $1,200, in full compensation for

his time and services in the preparation of his salary tables, used by the Government, and in lieu of all royalty or values of such tables, of which he is the inventor and author, as appears by the finding of facts of the Court of Claims, filed February 2, 1885.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. FRYE in the chair). The word "of" has been omitted in the next line. It will be inserted, if there be no objection.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSIDERATION OF PENSION BILLS.

Mr. SAWYER. I now move that the Senate proceed to the consideration of private pension bills favorably reported.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the Senate proceed to the consideration of private pension bills favorably reported.

The motion was agreed to.

The PRESIDING OFFICER. The first private pension bill on the Calendar will be stated.

MARGARET LAHEY.

The bill (H. R. 9523) for the relief of Margaret Lahey was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to place on the pension-roll the name of Margaret Lahey, widow of James Lahey, late private of Company A, Forty-third Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM BATEMAN.

The bill (H. R. 3836) granting a pension to Hiram Bateman was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hiram Bateman, late a private in Company I, Third Michigan Infantry Volunteers, at $36 a month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WINANS.

The bill (H. R. 4788) granting an increase of pension to William Winans was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of William Winans, late corporal of Company B, First Regiment New York Cavalry, at $30 per month, in lieu of the $16 per month heretofore allowed him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WOODFORD M. HOUCHIN.

The bill (H. R. 9174) granting a pension to Woodford M. Houchin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Woodford M. Houchin, late captain of Company E, Eleventh Regiment Kentucky Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE D. RICE.

The bill (H. R. 3722) for the relief of Jennie D. Rice was considered as in Committee of the Whole. It proposes to pay to Jennie D. Rice, sole surviving daughter of Richard T. Lurvey, late a private in Company K, Thirteenth Regiment of Maine Volunteer Infantry, the amount of pension which had accrued to Lurvey at the time of his death, December 30, 1882, subject to deduction for any amount that may have been paid for reimbursement of the expenses of the last sickness and burial of the deceased, Jennie D. Rice having had the care and contributed to the support of her father, Richard T. Lurvey, who was totally blind from July 1, 1877, to the time of his death, December 30, 1882.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH TERRALLS.

The bill (H. R. 8455) for the relief of Elizabeth Terralls was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Elizabeth Terralls, widow of Thomas Terralls, late sergeant Company H, First Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES TURNER.

The bill (H. R. 964) granting a pension to James Turner was considered as in Committee of the Whole. It proposes to place the name of James Turner, late a private in Company A, Fourteenth Regiment United States Infantry, on the pension-roll, at such rate as his present disabilities may show him to be entitled to receive.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUDITH A. KINSEY.

The bill (H. R. 2640) for the relief of Judith A. Kinsey was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Judith A. Kinsey, widow of George Kinsey, late a private in Company D, Thirteenth Regiment New Jersey Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY W. OGDEN.

The bill (H. R. 2641) granting a pension to Emily W. Ogden was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Emily W. Ogden, widow of Cornelius A. Ogden, late a major in the United States Army, who died while in the service, in 1856, and to pay her a pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRISWOLD ROGERS.

The bill (H. R. 8984) granting a pension to Griswold Rogers was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Griswold Rogers, late a private in Fourth Company, Third Regiment Connecticut Militia, in the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON MERWIN.

The bill (H. R. 9649) granting a pension to Milton Merwin was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Milton Merwin, the child of Morris M. Merwin, late a private Company E, Ninetieth New York Volunteers, at $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUTH CLARK.

The bill (H. R. 2495) for the relief of Ruth Clark, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ruth Clark, surviving widow of Bardon Clark, who was a soldier of the war of 1812, and to pay her a pension of $12 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. G. MITTAG.

The bill (H. R. 6434) granting a pension to John F. G. Mittag was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John F. G. Mittag, of Lancaster County, South Carolina, late a soldier in the war with the Seminole Indians, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM CHILSON.

The bill (H. R. 6273) for the relief of Hiram Chilson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hiram Chilson, a soldier of the war of 1812.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. H. CORN.

The bill (H. R. 8930) for the relief of J. H. Corn was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. H. Corn, late a member of Company A, Fortieth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMUND ASHWORTH.

The bill (H. R. 231) to increase the pension of Edmund Ashworth was considered as in Committee of the Whole. It proposes to increase the pension of Edmund Ashworth, late a private in Company E, Eighth United States Infantry in the war with Mexico, to $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS TELYEA.

The bill (H. R. 7491) granting a pension to Lewis Telyea was considered as in Committee of the Whole. It proposes to place upon the pension-roll the name of Lewis Telyea, late of Company B, Thirty-ninth Regiment Wisconsin Volunteer Infantry in the war of the rebellion, now residing at Appleton, Minn.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMILY F. WARREN.

The bill (S. 2949) granting a pension to the widow of G. K. Warren was considered as in Committee of the Whole.

The Committee on Pensions reported amendments, in line 7, after the words "rate of," to strike out "$2,000 per annum" and insert "$100 per month;" and after the word "laws," in line 10, to insert "the same to be in lieu of any pension she now receives;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, au-

thorized and directed to place on the pension-roll of the United States the name of Emily F. Warren, widow of G. K. Warren, late a major-general in the United States Army, and to pay her at the rate of $100 per month, to take effect from and after the passage of this act, and subject to all the provisions and limitations of the pension laws, the same to be in lieu of any pension she now receives.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BLAIR. I ask that the report in that case be printed in the RECORD.

The PRESIDING OFFICER. If there be no objection, the request of the Senator from New Hampshire will be granted.

The report is as follows:

Mr. BLAIR, from the Committee on Pensions, submitted the following report (to accompany bill S. 2949):

The Committee on Pensions, to whom was referred Senate bill No. 2949, granting a pension to Emily F. Warren, widow of the late Maj. Gen. G. K. Warren, have examined the same, and report, recommending its passage with amendments as follows:

Strike out, in seventh line, words "two thousand dollars per annum" and insert "one hundred dollars per month;" also add to the bill the words "the same to be in lieu of any pension she now receives." Her present pension being $50 per month.

Mrs. Warren is now becoming old, in weakened health, with a very limited and uncertain income, so that her present pension does not afford the comforts of life. Beyond this she has little that she can depend upon, and besides herself has necessary expenditures for two of her children. Her personal labor has become unavoidable in obtaining a livelihood.

In several familiar cases pensions to the amount provided in this bill have been granted to the widows of officers whose record of service, however distinguished, could not and did not surpass that of General Warren.

It is an act of justice merely to the memory of this gallant and devoted officer, whose remarkable record is hereto appended, to provide for the comfort of her who is the widow of one of the purest patriots who ever served in the American Army.

[General Orders No. 5.]

HEADQUARTERS CORPS OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., August 9, 1882.

It has become the painful duty of the brigadier-general commanding to announce to the Corps of Engineers the death of a brother officer, Lieut. Col. Gouverneur K. Warren, brevet major-general, United States Army, who died at Newport, R. I., yesterday.

General Warren was graduated from the Military Academy and promoted to the rank of brevet second lieutenant in the Corps of Topographical Engineers, July 1, 1850. He served as assistant engineer on the topographical and hydrographical survey of the delta of the Mississippi, 1850-'52, and to the board for the improvement of canal around the falls of the Ohio, 1852-'53; in charge of surveys for the improvement of Rock Island and Des Moines Rapids, Mississippi River, 1853-'54; in compiling the general map and reports (conjointly with captain, now general, A. A. Humphreys) of Pacific Railroad explorations, 1854; as chief topographical engineer on Sioux expedition, 1855, being engaged in the action of Blue Water, September 3, 1855; in charge of reconnaissances in Dakota Territory, and making map and report of same, 1855-'56; and in Nebraska Territory, 1856-'57, and preparing maps and reports thereof, 1857-'59.

He was assistant professor of mathematics at the Military Academy, 1859, and principal assistant professor, 1859-'61.

He entered upon his distinguished service in the late civil war (1861-'66) in the Department of Virginia, as lieutenant-colonel of the Fifth New York Volunteers, being engaged in the action at Big Bethel Church, June 10, 1861. He was engaged on the defenses of Baltimore, and constructing fort on Federal Hill, 1861-'62, being temporarily detached on expedition to Northampton and Accomac Counties, Virginia, 1861; in the Virginia Peninsula campaign (Army of the Potomac), 1862, being engaged in the siege of Yorktown, April 11-May 4, 1862, and in command of brigade, May 24, 1862; skirmish on Pamunkey River, May 26, 1862; capture of Hanover Court-House, May 27, 1862; battle of Gaines's Mill, June 27, 1862, where he was wounded; repulse of Wise's division at Malvern Hill (command), June 29, 1862; battle of Malvern Hill, July 1, 1862, and skirmish at Harrison's Landing, July 2, 1862.

In the Northern Virginia campaign, 1862, he was engaged in the battle of Manassas, August 30, 1862, and skirmish near Centreville, September 1, 1862. He was in command of brigade (Army of the Potomac) in the Maryland campaign, 1862, being engaged in skirmishes and battle of Antietam, September 15-17, 1862; skirmish with the enemy's rear-guard on the Potomac, September 19, 1862; and march to Falmouth, Va., 1862. In the Rappahannock campaign, 1862-'63, he was in command of brigade till February 4, 1863. He then became chief topographical engineer of the Army of the Potomac, and he was engaged in the battle of Fredericksburgh, December 13-16, 1863; making reconnaissances, 1862-'63; action on Orange Pike, May 1, 1863; storming of Marye Heights, May 3, 1863, and battle of Salem, May 3-4, 1863, and as chief engineer of the Army of the Potomac, June 8-August 12, 1863.

In the Pennsylvania campaign he was engaged in charge of the re-embarkation of stores at Acquia Creek, 1863; reconnaissance and battle of Gettysburgh, July 1-3, 1863, where he was wounded; and construction of bridges, and making reconnaissances while pursuing the enemy, July-August, 1863.

He was in command of Second Corps (Army of the Potomac) from August 12, 1863, to March 24, 1864.

In the operations in Central Virginia he was engaged in movement to Culpeper and the Rapidan, September 13-16, 1863; combat at Auburn and Bristoe Station (in command), October 14, 1863; skirmish at Bull Run, October 15, 1863, and at Kelly's Ford, November 8, 1863; movement to Mine Run, with heavy skirmishing, November 26-30, 1863, and demonstration upon the enemy across Morton's Ford, February 6, 1864.

He was in campaign of Fifth Corps (Army of the Potomac) from March 24, 1864, to April 1, 1865.

In the Richmond campaign he was engaged in the battle of the Wilderness, May 5-6, 1864; battles about Spottsylvania, May 8-20, 1864; battles of North Anna, May 23-25, 1864; skirmish on Tolopotomy Creek, May 29, 1864; battle of Bethesda Church, May 30, 1864; battle of Cold Harbor, June 1-4, 1864; skirmish on White Oak Swamp, June 13, 1864; assaults on Petersburgh, June 17-18, 1864; siege of Petersburgh, June 18, 1864-April 2, 1865; Petersburgh Mine assault, July 30, 1864; actions for the occupation of the Weldon Railroad, August 18-25, 1864; combat of Peeble's Farm, September 30, 1864; action at Chapel House, October 1, 1864; skirmishes near Hatcher's Run, October 27-28, 1864; destruction of Weldon Railroad to Meherrin River, December 7-10, 1864; combat near Dabney's Mill (in command), February 6-7, 1865; actions and movement to White Oak Ridge, March 29-31, 1865; battle of Five Forks, April 1, 1865.

He was in command of the defenses of Petersburgh and Southside Railroad, April 3 to May 1, 1865; in command of the Department of Mississippi, May 14-30, 1865; and was at New York city preparing maps and reports of his campaigns, June 20, 1865, to July 31, 1866.

General Warren was promoted successively from the grade of lieutenant to that of lieutenant-colonel, Corps of Engineers, and major-general, United States volunteers. He received the brevets of lieutenant-colonel, United States Army, "for gallant and meritorious services at the battle of Gaines's Mill," Va., 1862; colonel, United States Army, "for gallant and meritorious services at the battle of Gettysburgh," Pa., 1863; brigadier-general, United States Army, "for gallant and meritorious services at the battle of Bristoe Station," 1865, and major-general, United States Army, "for gallant and meritorious services in the field during the rebellion," 1865.

Since the close of the war he has been superintending engineer of surveys and improvements of the Upper Mississippi and its tributaries, 1866-'70; of survey of the battle-field of Gettysburgh, Pa., 1868-'69; and survey of the battle-field of Manassas, 1878; of Rock Island bridge across the Mississippi, 1870; of the fortification of New London and New Haven, Conn., 1870-'74; of the improvement of certain rivers and harbors on Long Island, 1870-'74; of construction of Block Island Breakwater, R. I., 1870-'82.

He was a member of commission to examine Union Pacific railroad and telegraphic lines, 1868-'69, and member of many important boards of officers of the Corps of Engineers organized for the consideration of the plans and the execution of the works of the corps, among which were the board on improvement of the Des Moines Rapids, 1867; board on bridge across Niagara River, at Buffalo, N. Y., 1870-'71; on bridging the Ohio River, 1870-'71, and 1878-'82; on plan for docks constructed for breakwater at Chicago Harbor, Illinois, 1871; on the completion of Cincinnati and Newport bridge over the Ohio, 1871; on the harbors of St. Louis, Mo., and Alton, Ill., and banks of the Mississippi, 1872; on bridging the channel between Lake Huron and Lake Erie, 1873; on ship-canal from the Mississippi to the Gulf of Mexico, 1873-'74; to examine the St. Louis bridge across the Mississippi, 1873; on the reclamation of the alluvial basin of the Mississippi, 1874-'75; on Mississippi bridges between St. Paul, Minn., and St. Louis, Mo., 1876; and on the improvement of the Mississippi River, from the Falls of St. Anthony to Rock Island Rapids, 1878. He was engaged in the survey of the battle-field of Groveton, Va., and in the preparation of campaign maps of certain operations in 1862-'63 of the Army of the Potomac in Virginia.

He was appointed a member of the advisory council of the harbor commissioners of the State of Rhode Island, 1878.

In 1870 General Warren was assigned to the charge of the surveys and improvements of various rivers and harbors in Southeastern Massachusetts, and in Rhode Island and Connecticut, on which duty and in the supervision of the construction and repair of the fortifications of New Bedford, Mass., of Narragansett Bay and of Newport, R. I., he remained until the time of his death.

In scientific investigations General Warren had few superiors, and his elaborate reports on some of the most important works which have been confided to the Corps of Engineers are among the most valuable contributions to its literature.

In the field, in the late civil war, he was a brave and energetic officer, and in the high command to which he attained by his patriotic valor and skill he merited the admiration of the Army and the applause of his country.

He was kind and considerate in all the relations of life, and his family in its affliction will have the hearty sympathy of the Corps of Engineers.

As a testimonial of respect for the deceased the officers of the corps will wear the usual badge of mourning for thirty days.

By command of Brigadier-General Wright.

GEORGE H. ELLIOT,
Major of Engineers.

WILLIAM N. ROBB.

The bill (H. R. 9679) for the relief of William N. Robb was considered as in Committee of the Whole. It proposes to increase the pension now paid to Willian N. Robb, a soldier in the war between the United States and Mexico, to $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. WAGONER.

The bill (H. R. 2530) granting a pension to John C. Wagoner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John C. Wagoner, former chief packer in Custer's expedition against the Indians, and to pay him a pension at the rate of a private soldier.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY A. NOEL.

The bill (H. R. 9340) granting a pension to Lucy A. Noel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Lucy A. Noel, an imbecile daughter of George W. Noel, who was killed while serving as a member of Company H, Thirty-ninth Regiment of Iowa Volunteers, and to pay her legally constituted guardian a pension of $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB F. JOSEPH.

The bill (H. R. 2064) granting a pension to Jacob F. Joseph was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jacob F. Joseph, of Camp Point, Adams County, Illinois, late captain of Company G, Seventy-eighth Regiment Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERESA HERBST.

The bill (H. R. 8078) granting a pension to Theresa Herbst, widow of John Herbst, late private Company G, One hundred and fortieth Regiment of New York Volunteers, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theresa Herbst, widow of John Herbst, late a private in Company G, One hundred and fortieth Regiment of New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM E. WHEELER.

The bill (H. R. 2046) for the relief of William E. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William E. Wheeler, late of Company G, First United States Sharpshooters, at $8 per month, in lieu of the pension now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELISHA WILKINS.

The bill (H. R. 2193) granting a pension to Elisha Wilkins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Elisha Wilkins, of Crawfordsville, Iowa, late a private soldier in the company of Captain Jacob Peak, and in the regiment of Col. Joseph Byrd, in the war with the Creek Indians in Florida, in 1836.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS SHANNON.

The bill (H. R. 5913) granting a pension to Thomas Shannon, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Thomas Shannon, late a private in Company B, Tenth Regiment United States Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY FITZMORRIS.

The bill (H. R. 9520) for the relief of Mary Fitzmorris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mary Fitzmorris, widow of Edmund Fitzmorris, late of Company K, Twelfth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISE F. D. HOIT.

The bill (H. R. 9587) granting a pension to Louise F. D. Hoit was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Louise F. D. Hoit, widow of Joseph S. Hoit, late of Company E, Seventh Regiment New Hampshire Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. SANBORN.

The bill (H. R. 362) to increase the pension of Charles W. Sanborn was considered as in Committee of the Whole. It proposes to increase the pension of Charles W. Sanborn, late a private in Company H, Seventeenth Maine Regiment, by giving him a proper rating for right inguinal hernia, as an additional disability to those for which he is now pensioned.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CULLEN W. GREEN.

The bill (H. R. 3537) granting a pension to Cullen W. Green was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cullen W. Green, late of Company I, Forty-fourth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. HOWARD.

The (H. R. 4762) granting a pension to Benjamin F. Howard was considered as in Committee of the Whole. It proposes to place the name of Benjamin F. Howard, a helpless cripple from the age of six years, and a son of Eli Howard, late a member of Company D, of the Ninety-ninth Indiana Volunteers, on the pension-roll, at the rate of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINOR CHILDREN OF LEVI M. HUNTER.

The bill (H. R. 6603) to grant a pension to the minor children of Levi M. Hunter was considered as in Committee of the Whole. It proposes to place on the pension-roll the names of the minor children of Levi M. Hunter, deceased, late of Company A, One hundred and twentieth Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA BRYAN.

The bill (H. R. 8704) granting a pension to Julia Bryan, late nurse at Jeffersonville Hospital, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Julia Bryan, late nurse in Jefferson General Hospital, at Jeffersonville, Ind., and to pay her a pension of $12 per month for services as nurse in the late war of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE GIBSON YATES.

The bill (H. R. 7708) to increase the pension of Annie Gibson Yates was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "dollars," to strike out "thirty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of $20 now received by Mrs. Annie Gibson Yates, widow of Capt. George W. Yates, to $40 per month, to take effect from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EDWARD HEALY.

The bill (H. R. 6057) to increase the pension of Edward Healy was considered as in Committee of the Whole. It proposes to increase the pension of Edward Healy, late of the Sixth United States Infantry, to $45 per month in lieu of the pension he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN ETZELL.

The bill (H. R. 10212) to amend an act granting a pension to John Etzell, approved March 3, 1879, was considered as in Committee of the Whole. It proposes to amend an act approved March 3, 1879, granting a pension to John Etzell, so as to read as follows:

That a pension be, and is hereby, granted to John Etzell, late a private in Company B, Second Minnesota Regiment Infantry, and that the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of said John Etzell on the pension-roll at the rate of $6 per month, subject to the provisions and limitations of the pension laws, including the right to an increase of the same if he shows himself entitled thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

J. T. VINCENT.

The bill (H. R. 10356) granting a pension to J. T. Vincent was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of J. T. Vincent, of Clinton County, Kentucky, late a private in Company D, Twelfth Regiment of Kentucky Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERRY D. MARTIN.

The bill (H. R. 3772) granting a pension to Perry D. Martin was considered as in Committee of the Whole. It proposes to place the name of Perry D. Martin, formerly a member of Company G, Third Regiment Minnesota Volunteers (Infantry) on the pension-roll, at $40 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK H. REED.

The bill (H. R. 9346) granting a pension to Frank H. Reed was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frank H. Reed, non compos son of George W. Reed, late a private in Company C, Thirty-first Regiment Maine Volunteers, at the rate of $18 per month, payable to his legally constituted guardian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW MADRID LOCATION.

Mr. COCKRELL. On the 2d day of February, 1888, I introduced a bill (S. 1849) to confirm New Madrid location, survey No. 2889, and to provide for issue of patent therefor, which was referred to the Committee on Private Land Claims. Since that time the House of Representatives has passed a bill very similar to it, and that bill was referred to the Committee on Public Lands, reported back favorably, and passed, and is now a law. I therefore desire to have the Committee on Private Land Claims discharged from the further consideration of the Senate bill, and then I shall ask to have it postponed indefinitely.

The PRESIDING OFFICER. The request of the Senator from Missouri will be complied with, without objection. The committee will be discharged from the further consideration of the bill, and it will be postponed indefinitely.

TOMBIGBEE RIVER BRIDGE IN ALABAMA.

Mr. MORGAN. I move that the Senate proceed to the consideration of the bill (H. R. 9610) to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River in Alabama.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. PALMER. I move that the Senate proceed to the consideration of Senate bill 705, Order of Business 718.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 705) to establish additional life-saving stations.

The Committee on Commerce reported amendments, in line 5, after the word "follows," to insert "one near the entrance to Yaquina Bay, Oregon;" in line 8, after the word "Head," to strike out "Oregon" and insert "Washington Territory;" in line 9, after the word "one," to insert "on Peterson's Point;" and in the same line, after the word "at," to insert "the entrance to;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish additional life-saving stations upon the sea coast of the United States, as follows: One near the entrance to Yaquina Bay, Oregon; one at or near the mouth of the Umpqua River, Oregon; one between McKenzie's Head and Peterson's Point, near Loomis Place on the Head, Washington Territory; one on Peterson's Point, at the entrance to Gray's Harbor, Washington Territory, as the General Superintendent of the Life-Saving Service may recommend.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 188) authorizing the loan of tents and camp equipage to the veteran organizations of the Society of the Army of the Potomac; and it was thereupon signed by the President *pro tempore*.

M. C. MORDECAI.

Mr. HAMPTON. I ask unanimous consent to call up Senate bill 1521, Order of Business 1561. It is a report made by the Senator from Maryland [Mr. WILSON] from the Committee on Claims. He is not present, but asked me to call it up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1521) for the relief of M. C. Mordecai.

The Committee on Claims reported an amendment, in line 6, after the words "sum of," to strike out "$37,991.95" and insert "$6,400;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to M. C. Mordecai, or his legal representatives, out of any moneys in the Treasury not otherwise appropriated, the sum of $6,400, in full compensation for all services rendered in carrying mails in the steamer Isabel, or any other steamer, from Charleston, S. C., to Havana, Cuba, via Savannah, Ga., and Key West, Fla., from the 1st day of October, 1859, to the 20th day of July, 1860.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CALL. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, July 2, 1888, at 11 o'clock a. m.

NOMINATIONS.

Nominations received by the Senate June 30, 1888.

CONSUL.

John Henry Haynes, a citizen of the United States, to be consul of the United States at Bagdad.

INDIAN AGENT.

William D. Myers, of Pleasant Hill, Mo., to be agent for the Indians of the Kiowa, Comanche, and Wichita Agency in the Indian Territory, *vice* Elmer A. Howard, declined.

REGISTER OF LAND OFFICE.

Oscar E. Rea, of Canton, Dak., to be register of the land office at Bismarck, Dak., *vice* John A. Rea, whose term of office will expire July 3, 1888.

POSTMASTER.

Thomas Parker, to be postmaster at Albion, Orleans County, New York, *vice* Augustus W. Barnett, commission expired.

CONFIRMATIONS.

Nominations confirmed by the Senate June 30, 1888.

POSTMASTERS.

Christopher G. Allard, to be postmaster at Winooski, Chittenden County, Vermont.

Berry Mitchell, to be postmaster at Auburn, Placer County, California.

P. H. Carney, to be postmaster at Mankato, Blue Earth County, Minnesota.

Gardner C. White, to be postmaster at Carson City, Ormsby County, Nevada.

C. A. McCabe, to be postmaster at Pomeroy, Garfield County, Territory of Washington.

Abram B. Hawkins, to be postmaster at Watsonville, Santa Cruz County, California.

C. F. Farmer, to be postmaster at Santa Rosa, Sonoma County, California.

Henry Baldwin, to be postmaster at Park River, Walsh County, Dakota.

James T. Houtz, to be postmaster at Blunt, Hughes County, Dakota.

Charles W. Morgan, to be postmaster at Hillsborough, Traill County, Dakota.

David E. Baxter, jr., to be postmaster at Delphos, Allen County, Ohio.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 30, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

JUDGMENTS, COURT OF CLAIMS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an additional list of judgments of the Court of Claims for which appropriations should be made; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BLOUNT, for this day, on account of sickness.

To Mr. MCCORMICK, until July 7, on account of important business.

To Mr. YARDLEY, until July 7, on account of important business.

To Mr. SAWYER, until July 9, on account of important business.

To Mr. PERRY, for one week from this day.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. Res. 188) authorizing the loan of tents and camp equipage to veteran organizations of the Society of the Army of the Potomac.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. 1524) to authorize the construction of a bridge over the Tennessee River between Bridgeport and Sheffield, Ala.; and

A bill (S. 1566) to authorize the construction of a bridge over the Caney Fork River between Rock Island and Carthage, in Tennessee.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same, namely:

Joint resolution (H. Res. 187) to provide temporarily for the expenditures of the Government.

FOURTH OF JULY CLAIMS.

Mr. BRECKINRIDGE, of Arkansas. I demand the regular order.

Mr. STONE, of Kentucky. The regular order is the consideration of the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, which was fixed as a special order for this morning.

I now call that bill up.

The SPEAKER. By order of the House thirty minutes debate, if desired, fifteen minutes on each side, was to be permitted on this bill.

Mr. STONE, of Kentucky. Yes, sir; that was the agreement. Unless some gentleman desires to discuss the bill within the time allowed I shall ask the previous question upon the bill and a pending amendment reported from the Committee on War Claims.

Mr. BURROWS. I understood the gentleman to state on yesterday that there was no general legislation appended to this bill.

Mr. STONE, of Kentucky. None whatever.

Mr. BURROWS. It simply provides an appropriation for the amounts allowed by the accounting officers of the Treasury?

Mr. STONE, of Kentucky. Yes, sir; that is all.

The SPEAKER. There is an additional section appended to the bill. Perhaps the Clerk had better read it.

Mr. STONE, of Kentucky. Yes, sir; the committee recommend the adoption of an amendment to the bill.

The Clerk read the proposed amendment, as follows:

SEC. 2. That the provisions of the act of Congress approved May 17, 1886, appropriating the sum of $280 to Alexander Sayers, of Nelson County, Kentucky, be and is hereby repealed.

Mr. STONE, of Kentucky. I move the previous question on the bill and amendment.

The previous question was ordered, under the operation of which the amendment was adopted.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of the committees for reports.

Mr. BRECKINRIDGE, of Arkansas. I move that the morning hour be dispensed with, and in connection therewith I ask unanimous consent that committees having reports to make be permitted to present them at the Clerk's desk.

Mr. MILLIKEN. I object to that.

The SPEAKER. The question then is on the motion to dispense with the morning hour for the call of committees.

The motion was agreed to, two-thirds having voted in favor thereof.

Mr. TURNER, of Kansas. I ask unanimous consent to present a report——

The SPEAKER. The regular order has been demanded.

Mr. BRECKINRIDGE, of Arkansas. Will it be in order to make a motion that committees be privileged to hand in their reports at the Clerk's desk?

The SPEAKER. It would not. That would be a change of the rule.

Mr. BRECKINRIDGE, of Arkansas. Then I renew my request that committees be permitted to file their reports at the Clerk's desk.

There was no objection, and it was so ordered.

REPORTS FILED.

The following reports were filed by being handed in at the Clerk's desk:

RELINQUISHMENT OF TITLE TO KANSAS LAND.

Mr. TURNER, of Kansas, from the Committee on the Public Lands, reported back with amendment the bill (H. R. 6217) to relinquish the interest of the United States in certain lands in Kansas; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. CLARDY, from the Committee on Commerce, reported back with amendment the bill (H. R. 10628) to authorize the construction of a bridge across the Missouri River between Clay County and Jackson County, Missouri, at a point to be selected consistent with the interests of river navigation between Kansas City, Mo., and a point within 5 miles below said city; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF RICHARD W. MEADE.

Mr. HOOKER, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 6336) for the relief of the estate of Richard W. Meade, deceased, which bill was reported from the said committee on the 19th instant and referred to the Committee of the Whole House by unanimous consent, reported a joint resolution (H. Res. 189) to amend and enlarge the provisions of a joint resolution to refer the claim of the administrator of Richard W. Meade to the Court of Claims, with the recommendation that the same be passed in lieu and stead of said bill H. R. 6336; which resolution was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE, of Arkansas. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the tariff bill.

Mr. STEELE. I would like to inquire of the gentleman from Arkansas when the committee is willing to allow the resumption of the morning hour for the consideration of bills from committees? This call belongs to the Committee on Claims, and the next is the Committee on Military Affairs. We have one or two very important matters which ought to be considered. I hold in my hand now a bill—a Senate bill—which can be passed in five minutes if we could get the hour, or by unanimous consent, which will save the Government a hundred thousand dollars.

Mr. SPINOLA. What is the bill?

Mr. STEELE. For the sale of the Omaha reservation. We have assurances that it will sell for $300,000. It provides that the ground shall be platted, appraised, and sold. We can purchase other ground adapted to the purpose, more suitable, and erect the necessary buildings for the Government for $200,000, a clear saving to the Government of the difference I have named, or $100,000.

The Secretary of War, the General of the Army, and the commander of the department have recommended it. There is no rifle range where they are now. They expect to have rifle practice at Omaha next fall and want to get on their own grounds to do it. Mr. MCSHANE, on your side of the House, is very anxious——

Mr. BRECKINRIDGE, of Arkansas. I do not think it is necessary for the gentleman, if he will pardon me, to elaborate the question. I will answer him, so far as I am able to answer, not being of course permanently in charge of this bill. I will say I do not think that class of cases will be revived until we have passed a bill to reduce taxation and sent it to the Senate.

Mr. STEELE. In reference to this bill, the chairman of the Committee on Ways and Means said to Mr. MCSHANE three weeks ago——

Mr. BRECKINRIDGE, of Arkansas. The gentleman of course will have to confer with the chairman about it. He is not present at this time, and I can not answer the question for him.

Mr. STEELE. Will the gentleman object to our taking up this bill and disposing of it at this time?

Mr. BRECKINRIDGE, of Arkansas. Yes, yes; I ask for the regular order.

Mr. STEELE. The regular order is the morning hour.

The SPEAKER. Subject to the right to make the motion which the gentleman has made. If the House declines to sustain that motion the hour will be for the consideration of reports from committees.

The Speaker put the question and was in doubt as to the result.

Mr. HOPKINS, of New York. I call for a division.

Mr. STEELE. I hope that request will not be insisted on. I do not think we will gain anything by undertaking to insist on the morning hour.

Mr. HOPKINS, of New York. Then I withdraw my request.

The motion was agreed to.

TARIFF.

The House accordingly resolved itself into Committee of the Whole House on the state of Union, Mr. ROGERS in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the tariff bill. The Clerk will read the next line.

The Clerk read as follows:

Acid, acetic, acetous, or pyroligneous acid, exceeding the specific gravity of 1.047, 5 cents per pound.

Mr. ADAMS. Mr. Chairman, I move to amend by adding the words "not imported from Canada."

The Clerk reported the amendment.

Mr. ADAMS. Mr. Chairman, I find that of this substance there were imported in the last year 19,144 pounds, while there were manufactured in the United States 12,400,000 pounds. The existing duty is 10 cents per pound. The proposed duty is 5 cents per pound. This is a proposed reduction of 50 per cent. The effect will be largely to increase the importation, and in all probability to considerably increase the surplus in the Treasury of the United States.

I withdraw my amendment.

The Clerk read as follows:

Caster beans or seeds, 25 cents per bushel of 50 pounds.
Castor-oil, 40 cents per gallon.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I do not know that it requires the action of the House, but sometimes mere typographical errors have a very material effect in regard to the meaning of the law. I wish to suggest a correction.

The CHAIRMAN. The Clerk advises the Chair that he has made the correction.

Mr. BRECKINRIDGE, of Arkansas. If there be no objection then, the typographical error in the spelling of the word "caster" will be corrected.

There was no objection.

The Clerk read as follows:

Flaxseed or linseed oil, 10 cents per gallon.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out the word "ten," in line 12, and insert "fifteen."

The Clerk reported the amendment.

Mr. KERR. I move to amend by inserting the present rate of duty, 25 cents per gallon I think it is. I have received a number of petitions from manufacturers of linseed oil in my district. They all seem to be of opinion that the reduction of the duty will be very injurious to that interest. I think that is the unanimous opinion of the men who are engaged in that business in that district. It has grown to be a very important industry. The growth of flaxseed has been encouraged and the result has been a very great reduction in the price of linseed oil in the United States. That being the case, the consumer having been benefited by it, the producers of flaxseed having been largely benefited by the market the local manufacturers give them, the manufacture of flaxseed into oil having become a very important industry and having afforded a large amount of employment for laborers engaged in that industry in the Northwest, I do not think it ought to be discouraged at this time. For that reason I think the present rate of duty ought to be maintained.

The CHAIRMAN. What is the present rate?

Mr. KERR. Twenty-five cents per gallon is the present rate.

The CHAIRMAN. The gentleman from Iowa can accomplish that object by moving to strike out the line.

Mr. KERR. I move to strike out the line. I hope gentlemen who have conceded that the position taken in regard to flaxseed is correct by striking that line out and restoring the duty, will concede to the manufacturers and the flax raisers of the Northwest the continuance of the present rate, at least for a year or two longer.

The CHAIRMAN (Mr. SPRINGER). The question is on the amendment striking out "ten" and inserting "fifteen."

Mr. BYNUM. Mr. Chairman, I think the statement made by the gentleman from Minnesota [Mr. LIND] some days ago in regard to the rates of duty that the seed and the oil should bear was fair and equitable. The duty upon the seed is 20 cents per bushel. One bushel of seed produces about 2½ gallons of oil; a duty of 15 cents per gallon on oil gives a protection of about 37½ cents on the product of a bushel of seed. The oil manufacturers therefore will have an advantage of 17½ cents on the product of a bushel of seed. This certainly is sufficient protection for the manufacturer. It will not be denied that there is a combination or trust among the producers of oil, and that the price since its formation has been considerably increased. If the duty had not been so high on oil the manufacturers could not have increased the price out of all proportion to price of the seed.

Mr. GEAR. Mr. Chairman, I sincerely hope that the amendment of my colleague [Mr. KERR] will prevail. Gentlemen on the other side say there is a trust in oil. I do not believe it. I have seen no evidence of the existence of any trust in the linseed-oil trade. There is none in my State, and no trust can live in Iowa under the statutes of that State. Now, a word in regard to the price. It is but a short time, comparatively speaking, since nearly every gallon of this oil used in the United States was imported from England. The gentleman from Arkansas [Mr. BRECKINRIDGE], I think, stated here some days ago that flax was grown in Scotland and England for textile purposes only; that it therefore was not fit for the production of oil, and it therefore follows that all the seed crushed in that country was produced by cheap ryot labor in the East Indies. Under the protection which our flax-growers have had, oil-mills have sprung up all over the West; and let me assure gentlemen on both sides of the House that there is no crop that is really so much the poor man's crop as flax, because it is the first crop that he puts in to subdue his ground, and out of it he not only pays for his ground, but pays his living expenses at the same time. The price of linseed-oil for the last twenty years has been lower than it ever was before in the history of this country. Only within a year I had occasion to buy twenty gallons of oil to paint my own house, and I bought it in my own town, a thousand miles from the seaboard, at a less price than I paid by the cask in New York thirty years ago.

Mr. ADAMS. What did you pay for it?

Mr. GEAR. I paid 40 cents a gallon for boiled oil. The price in New York thirty years ago by the cask was 52 and 54 cents a gallon; but under the protection that we have had on this article the home production of oil has constantly increased, and the price has gone down.

Another thing in relation to this reduction of the duty on oil is that it is a blow at the cooperage interest in this country.

Mr. BYNUM. Has there not been within the last two or three years an increase in the price of linseed-oil following the formation of the trust?

Mr. GEAR. No, sir; no material increase. What is the price to-day?

Mr. BYNUM. I can not state exactly, but I know I have noticed the fact that there has been an increase in the price.

Mr. GEAR. I will tell the gentleman why there has been an increase. He is a Western man, and he knows that in the West for the last two or three years there has been a comparative failure of the crop, and, owing to the scarcity, there has been naturally an increase in the price.

Mr. DOCKERY. Then it was not the tariff that increased it. [Laughter.]

Mr. GEAR. Of course it was not, in that case. Mr. Chairman, as I was saying, there are a great many men employed in the manufacture of barrels to hold the oil. It takes 80,000 barrels for the oil produced in Iowa last year, and therefore I say that this reduction is incidentally a blow at the cooperage interest.

Then, in addition to that, the large profit, perhaps the main profit, in making this oil in the West is from the exportation of the cake, which we send to England. In England they crush the seed mainly for feeding purposes, not so much for the oil.

I have presented petition after petition, not from oil-men, but from men who grow the seed, asking this House to withhold its hand from making a reduction of the tariff on this article, and I earnestly hope that the amendment of my colleague [Mr. KERR] will prevail.

Mr. WILSON, of Minnesota. Mr. Chairman, I do not wish to discuss this question at any length. Discussion of these several amendments has gone so far that it has interfered with the dispatch of business and bids fair to keep us here all summer; but, in answer to the gentleman from Iowa [Mr. GEAR], who has just taken his seat, and who said that there is no trust in linseed-oil, I wish to say that, while he is undoubtedly honest in his statement, the existence of the trust is a matter that is not denied by the linseed-oil manufacturers themselves.

I have in my hand a letter from the president of one of the linseed-oil mills—one of the leading manufacturers of linseed-oil in the West—who admits that this "trust" exists, but he insists that it does not raise the price of the oil.

Mr. REED. Precisely; and the sole object of your fight against "trusts" is on account of their raising prices.

Mr. WILSON, of Minnesota. But who ever heard any man in a "trust" admit that it did raise the price of anything?

Mr. REED. I will tell you——

Mr. WILSON, of Minnesota. I am merely answering the gentleman from Iowa, who says there is no "trust." I do not expect that men engaged in these "trusts" will admit that they are raising the price of products. Nobody expects that, nor is that the question now before the committee.

A MEMBER. What is the object of a "trust?"

Mr. WILSON, of Minnesota. One object of a "trust" is to raise prices, as I suppose everybody knows.

Permit me one further remark. The gentleman from Iowa says that this article, oil, will not bear any cut. This letter which I hold in my hand admits that the oil will bear a cut of 5 cents a gallon. And the writer is a man of perhaps as much intelligence as any man engaged in the business—a man, too, who has not grown poor in the business.

The CHAIRMAN. Debate is exhausted.

Mr. ADAMS. I move to amend by adding the words "not imported rom Canada."

The CHAIRMAN. That motion is not in order at this time. An amendment and an amendment to the amendment are now pending.

Mr. WHITE, of Indiana. I move to strike out the last word.

The CHAIRMAN. That amendment is not in order. The question is first upon the amendment of the gentleman from Arkansas [Mr. BRECKINRIDGE] to strike out "ten" and insert "fifteen."

Mr. ADAMS. Does that question come up first?

The CHAIRMAN. This being an amendment to perfect the text, it takes precedence of the motion to strike out.

Mr. GEAR. Is not the motion to strike out the line first in order?

The CHAIRMAN. No; the question first in order is on the amendment to perfect the text. The question is on the amendment of the gentleman from Arkansas [Mr. BRECKINRIDGE] to strike out "ten" and insert "fifteen."

The amendment was agreed to.

Mr. ADAMS. I move to amend by adding the words "not imported from Canada." Mr. Chairman, of linseed oil there were imported last year 5,277 gallons; there were manufactured in this country 25,000,000 gallons. The existing duty is 25 cents; it is proposed to reduce it to 15 cents. This is a considerable reduction. It will lead to a considerable increase in the importation. If it increases the importation by the amount of 1 per cent. or one-tenth of 1 per cent. of the total amount used in this country, then instead of diminishing the surplus in the Treasury it will increase it.

With reference to the existence of the "trust" about which the gentleman from Minnesota [Mr. WILSON] was so eloquent, I wish to state my information as to the existing price of linseed oil in this country. I am informed and believe that the average price in this country during the last year has been from 50 to 52 cents per gallon, while the average cost in foreign countries has been 45.6 cents, a difference, as gentlemen will see, of 5 to 7 cents a gallon. It is evident that if a "trust" exists, it has not been very effectual in raising the price of the American commodity beyond the difference beyond the cost of production here and the cost of production abroad, since it is also a fact that the foreign wages paid in the production of this article are from $3.84 to $5.28 per week (except in the East Indies), while in this country they are from $8 to $12 per week.

I withdraw my amendment.

Mr. WILLIAMS. I move to amend so as to make the duty 20 cents. I understood the committee had voted to make the duty 15 cents.

The CHAIRMAN. The motion to strike out "ten" and insert "fifteen" has been agreed to; it is not now in order to move to strike out "fifteen" and insert any other sum.

Mr. KERR. In order to enable the gentleman from Ohio [Mr. WILLIAMS] to submit his remarks, I ask leave to withdraw my amendment to strike out the line.

Mr. WILLIAMS. I believe the renewal of that amendment will accomplish what I desire. The present duty, I believe, is 20 cents.

Mr. BUCHANAN and others. Twenty-five cents.

The CHAIRMAN. The gentleman from Iowa [Mr. KERR] asks unanimous consent to withdraw his amendment. The Chair hears no objection.

Mr. WILLIAMS. I move to amend the line so as to read "twenty" instead of "fifteen."

The CHAIRMAN. As the Chair has already remarked, that motion is not in order, because the Committee of the Whole has already voted to insert "fifteen," and it is not in order to move to strike out what has been already agreed to.

Mr. WILLIAMS. I move, then, to strike out the line. Mr. Chairman, this article illustrates to as great degree as any article of American production the benefit of protection. Prior to the establishment

of mills in this country for producing oil, and while our supply was imported, the price of linseed-oil was from $1 to $1.25 a gallon; but under the present protection oil has been reduced in price to 40 or 50 cents a gallon.

If we take off the present duty or reduce the duty, that accomplishes nothing in the way of reducing the revenue, which is the object of this bill, because the present revenue derived from imported linseed-oil is only $1,319.20. The result of the competition which has arisen from the manufacture of oil by our home mills has reduced the price of oil. I have been informed at the present time it is reduced to such an extent there is but little profit in the manufacture.

If we reduce the duty on oil the manufacturers will reduce the price of flaxseed to the farmers, and we strike a blow at the farmers of the country. I believe it would be best for the whole people to maintain the present duty of 25 cents a gallon.

Mr. WHITE, of Indiana. Mr. Chairman, I hope the amendment will be adopted by the House. It will be supported by this side of the House, and I believe that the other side of the House will see that it is wisdom to agree to it.

Go to page 8 and you will find the other side of the House moved to strike out linseed and flaxseed. What did they do that for? They did it for the reason that flaxseed is produced largely in this country, and especially in the Northwest. The object was to please the farmer by keeping up the tax on flaxseed. That reason was a good and proper one, and I am glad that side of the House took that view of it. But why do they take a different view when we come to linseed-oil, which is the product of the flaxseed? It is surprising to me that they would attempt to deceive the farmer by taxing flaxseed coming into the country, and then permit linseed-oil, the product of flaxseed, to come in at a reduced rate of duty. They can not deceive the farmers of the country by any such proceeding as that. Gentlemen of the committee I do not believe expect to deceive them, but it looks that way.

If this tariff was reduced to 15 cents a gallon on linseed-oil it will not only have the effect to shut up the linseed-oil mills in this country, but it will also have the effect to curtail the market for flaxseed.

Gentlemen on the other side of the House are constantly telling us they are trying to secure for the farmer a fair price for his agricultural products. We are told the farmer is not paid well enough for his wheat, oats, and corn, and yet by this process they are driven into raising more of them for a less price. It will have that effect as sure as you are living men by attempting to bring in flaxseed free of duty and reducing the duty on linseed-oil. As soon as the farmer finds that the tax is taken off flaxseed there will be no inducement for him to raise it, and the raising of flaxseed will be relegated to where it was a few years ago, when none was raised in this country, and we had to import the whole of it from abroad.

Take the East Indies, for instance, where flaxseed is grown principally. We know the price of labor there is only 10 or 15 cents a day. Do you think you can get the farmers of this country to work at that price? I hope the time will never come in this country when such will be the case. Yet if you reduce the tariff you will be helping to produce such a result. You can not deceive the farmers by taking the tax off of flaxseed and reducing the duty on linseed-oil. You can not deceive them.

The reason some gentlemen give because of this action on their part is that there is a trust in linseed-oil. I am sure most of those gentlemen who talk about a trust have not exactly considered what a trust is. A trust is simply a partnership. It is no monopoly. There is no reason why you or I or any other men in this country can not go into the linseed-oil trust if we please. The trust is not to protect the price of oil, but it is more to protect the wages of the workingmen. And that is the case in reference to most of the trusts formed in this country. [Applause.]

Mr. ADAMS, of Illinois, withdrew his amendment.

Mr. PERKINS. I move as a substitute the following:

The Clerk read as follows:

Flaxseed or linseed oil, 20 cents a gallon after January 1, 1889.

The CHAIRMAN. The Chair was of the opinion that was an evasion of the rule. The rule is, after the committee has once fixed the rate by a vote of the committee, that can not be changed again, as there is no motion in the committee to reconsider. The object of the rule is to reach a finality.

Mr. PERKINS. I offer the substitute for the whole line. While it changes the rate it fixes the time when it shall go into effect, and in that view I thought it was in order as a substitute for the entire line.

The CHAIRMAN. If the gentleman's object is to fix the time at which this provision shall take effect, he can move that as an addition to the line; but if the amendment is merely a pretext for changing the other part which has been already adopted by the committee, it is out of order, and the Chair could not entertain it.

Mr. PERKINS. I wish to state frankly, Mr. Chairman, what is desired to be accomplished by this amendment. I desire, in the first place, to extend the time when this item of the bill shall go into effect, and I also wish to increase the duty on that particular article. Both these objects are sought by the amendment, and if in the judgment of the Chair the entire substitute can not be offered, then I ask unanimous consent that we may return to it with the privilege of offering the amendment so as to take the judgment of the committee upon the question submitted.

Mr. BRECKINRIDGE, of Arkansas. What is the purpose of the gentleman?

The CHAIRMAN. The gentleman from Kansas desires to ask unanimous consent to offer a substitute for the line, which the Chair holds is not strictly in order.

Mr. PERKINS. I only ask the privilege of offering it, so as to take the sense of the committee upon it. I do not ask unanimous consent that it be accepted, but simply to offer it for the judgment of the committee as a substitute for the line.

The CHAIRMAN. Without objection, the gentleman will be permitted to offer the amendment.

There was no objection.

Mr. PERKINS. In support of the substitute, Mr. Chairman, I desire to say in addition to what has been already said that this is to the agriculturist of the West an exceedingly important matter. Under the protection afforded by the duty the growth and cultivation of flaxseed has increased as an agricultural product in the West from about 700,000 bushels to 12,000,000 bushels annually, and as has been argued, if the duty imposed on flaxseed-oil is removed or reduced as contemplated here, then this product must to a great extent cease to be profitable to the farmers of the West.

It is now, Mr. Chairman, scarcely profitable, and yet at Kansas City, at St. Louis, and other cities throughout the West, oil-mills have been established, which are successfully operating, engaged in producing oil from the seed, and thereby affording a market to the farmers for the product, giving them a fair and reasonable return for their toil. This business will be considerably hampered, if not entirely destroyed, by the change proposed here. It does not seem that there is any demand anywhere for a reduction of the duty on flaxseed or flaxseed-oil.

The other portion of the amendment refers to the time. I ask that the time when this bill shall go into effect as to this article shall be extended to January 1, 1889, for the reason that the farmers have sown their crop and are now harvesting and gathering it in some sections of the country, and it is only proper and fair that as to this crop at least the duty shall remain as heretofore. When the farmers put the seed in the ground they had a right to believe that they would be given the privilege of reaping the advantage of their labor without embarrassment from the Government, and hence it seems wrong for Congress to now step in and do them such a serious wrong as this bill proposes—to greatly destroy the value of their crop and to add to the burdens already imposed upon the farmers of the West.

If, therefore, the duty is to be reduced, then I ask that the date shall be so fixed that the present crop may be gathered and marketed and not unnecessarily affected by the provision.

This seems, and I think will be admitted by all, to be only just and proper.

I also ask that instead of reducing the duty from 25 cents a bushel to 10 or 15 cents a bushel, it shall be reduced to but 20 cents. I ask this, Mr. Chairman, in the name of the farmers that I represent and of the West generally. It is an important industry to them. They are diversifying their crops, and, as has been suggested, in Kansas, in Iowa, in Minnesota, and other agricultural States, farming at best has not been profitable during the past few years, and our farmers who expect to succeed are compelled to resort to the method of diversifying their crops, and the growing of flaxseed has become an important item to our people and does much to enable the farmers to meet the expenses and carry on the operations of the farm.

Mr. BYNUM. But there is no change in the rate of duty on the seed.

Mr. PERKINS. I am speaking generally of the subject and referring specially to the duty on oil. If the oil-mills are destroyed and the market for the seed is taken from the farmer then the crop becomes worthless, as it is only valuable as they can sell the seed to be manufactured into oil. If the price of oil is so low that the manufacturers can not pay a fair price for the seed the growing of flax must cease and our farmers become the sufferers. The bill proposes to reduce the duty on oil over 50 per cent. I ask that it shall only be reduced to 20 cents a gallon, and that it shall not go into effect until January 1, 1889, so that the farmers, I repeat, may have the privilege of garnering their present crop with the law as it was when the seed was sown, and as they had a right to expect the law would remain. It is a reasonable request and I hope there will be no objection.

The amendment I offer reduces the duty 25 per cent., and in the name of the farmers of the great West I protest against a further reduction. We ask that our farmers shall be protected against the pauper labor of India. The flaxseed of India is of a better quality than that raised by our people and yields 4 per cent. more oil, and with the insignificant sum paid for labor in India our mills must close and our farmers must cease to grow flax unless they can be protected substantially as now.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I think the position taken by the gentleman from Kansas can be very well explained in connection with the figures given by the gentleman from Illinois

[Mr. ADAMS] who addressed the House a few minutes ago. I think the gentleman's figures were entirely correct. The price of foreign oil is 45 cents a gallon, the price of domestic 50, showing——

Mr. ADAMS. From 50 to 52 cents for the last year.

Mr. BRECKINRIDGE, of Arkansas. Very well, that is a very good indication of the price. Say 52 cents, showing that while the protection was 25 cents a gallon, less something that would take from it by way of duty on seed, yet they were only appropriating 7 cents a gallon. Now, we propose to leave them 15 cents a gallon. In other words, we leave them twice as much as they are appropriating. We do not leave them as much, of course, as under a trust that could be sufficiently strongly formed to give them a larger appropriation, but we leave twice as much as they now appropriate.

Mr. ADAMS. Allow me to call the attention of the gentleman to these figures again. Foreign flaxseed oil is 45 cents a gallon; the tariff duty is 25 cents. The President of the United States says that these figures represent the cost here. I ask, therefore, if that would not make the cost 70 cents a gallon in this country?

Mr. BRECKINRIDGE, of Arkansas. If it were all collected, of course it would; but that is one instance where the domestic product is only enhanced a part of the tax on the foreign product.

Mr. ADAMS. Does the President say so?

Mr. BRECKINRIDGE, of Arkansas. I am not disputing the President.

Mr. BYNUM. The President does not say so.

Mr. BRECKINRIDGE, of Arkansas. That is not, however, if my friend will permit me, exactly what we are dealing with at this moment. I do not care to revive what the President has said. The question with us is whether we are properly adjusting the relation between the tax on the seed and the tax on the oil. I submit, as shown by the figures of the gentleman himself, we are leaving a tax on the oil that affords a protection of 7 cents a gallon more than the manufacturers at this time show they need. If that be the case, the proposed rates of course can not work them any harm. I think, therefore, the rates that have been proposed are very safe and prudent rates.

Mr. ADAMS. I hope the gentleman will allow me to state, to avoid misapprehension, that I do not say positively whether 15 cents is too high or too low. I do not profess a familiarity with the subject. What I said was that the talk of the gentleman from Minnesota, that a trust existed, could not mean a trust in the odious sense of inordinately increasing the price; because it was proved by the figures that even if a trust did exist it had not succeeded in raising the price more than 7 cents beyond the foreign price. But on the point whether 15 cents is a proper duty or not I do not profess any familiarity. I do not profess to say what should be the duty. That matter I leave to others who are more familiar with the subject.

Mr. BRECKINRIDGE, of Arkansas. I agree that while the gentlemen who are in this trust make no concealment of it, it has not resulted in an excessively oppressive price.

Mr. ADAMS. If it has not, then is not the main argument which is used here when they say the tariff duty causes trusts a fallacious argument, so far as illustrated by this particular subject?

Mr. BRECKINRIDGE, of Kentucky. So far as temporarily illustrated by this particular case, that practical effect would be of course borne out. But as a matter of course, as long as we give them the power, they have the power under the law to go further than at present they have gone. But I do not care to enter into that phase of the discussion at this time.

Mr. ADAMS. For information I will ask one other question, in view of the fact that the gentleman used the word "temporarily." I ask for information whether the price of 52 cents a gallon is a fair average price, or is it an exceptional price?

Mr. BRECKINRIDGE, of Arkansas. I am not able to inform the gentleman.

Mr. WILLIAMS. Will the gentleman from Arkansas permit me a question?

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. WILLIAMS. I renew it.

Mr. JACKSON. I have a motion to make.

Mr. WILLIAMS. I desire to ask the gentleman a question.

The CHAIRMAN. No other amendment is in order until the present amendment is disposed of. The Chair will put the question of the gentleman from Kansas [Mr. PERKINS], to strike out and insert the words which have been read by the Clerk.

The Chair put the question and was in doubt as to the result.

Mr. PERKINS. I call for a division.

The committee divided; and there were—ayes 64, noes 62.

Mr. BRECKINRIDGE, of Arkansas. I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers reported—ayes 60, noes 76.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Ohio to strike out the line.

The motion was rejected.

Mr. JACKSON. Is a further amendment in order?

The CHAIRMAN. The Chair thinks not.

The Clerk read as follows:

Licorice, paste or rolls, 4 cents per pound.

Mr. JACKSON. Mr. Chairman, I move to strike out that line.

Mr. BRECKINRIDGE, of Arkansas. I move to amend the line so that the rate shall be 5 cents instead of 4 cents.

Mr. JACKSON. Am I entitled to the floor?

The CHAIRMAN. The amendment of the gentleman from Arkansas takes precedence. That is first in order.

Mr. BRECKINRIDGE, of Arkansas. Let us vote on it.

The CHAIRMAN. If the gentleman from Arkansas does not desire to speak, the Chair will recognize the gentleman from Pennsylvania [Mr. JACKSON].

Mr. JACKSON. Mr. Chairman, I have made this formal amendment for the purpose of submitting a few remarks immediately in connection with the debate that has just been closed. I want to call attention to another reason in favor of the proposition to give adequate protection to flaxseed and flaxseed-oil. The reason I give is that it tends to encourage the production of flax for its fiber. I would like to call the attention of the people of the United States to an industry that has been too long neglected in our country. It is truthfully called an infant industry so far as its extent is concerned, although it was sufficiently tested at an early date in our history to show that our country is well adapted to it. I refer to the manufacture and use of the fiber of flax and hemp in the United States. It is one of the industries that has been too long neglected. I agree that there is sufficient reason for protection in behalf of those who raise flax for its seed to be made into oil. But I want to call the attention of the committee and the country to the fact that there was last year destroyed in this country, largely in the Northwest, 150,000 tons or more of the fiber of flax, a large part of which at least should have been utilized in this country in the manufacture of twine, yarn, and cloth.

That fiber ought to have been worth to the farmers of this country twenty or thirty millions of dollars. Our friends on the other side are accustomed frequently to call our attention to the prosperity of free-trade England. I would like in this connection to remind them that for many years England protected the cultivation and growth of flax by bounties and by duties. These bounties and duties gave a protection higher than any asked by the strongest protectionist in this country. They did this by successive and repeated acts of Parliament, the preambles to which show that they did it for the very same purpose that protectionists in the United States to-day ask to have their industries protected. I believe, Mr. Chairman, that if we were to place flax, flaxseed, and flaxseed-oils upon the free-list there would be hereafter none of this product in the United States for use as fiber, and only a very small quantity raised for its seed. It could not be profitably raised, and of course it would not be raised. Flax and hemp fiber and substitutes that are used for them if placed on the free-list can be imported from Russia and the far-off countries of India and other places at prices which would render it impossible to raise and manufacture them in this country. The cheap labor of those countries enables this to be done. The preparation of the fiber by the farmer is an industry that requires special care and skill and a special training of the people who engage in it.

It can not be commenced one year and dropped the next and resumed again the year following. It is an industry that has to be encouraged and carefully built up by long years of protection and attention. In the district which I have the honor to represent we have for many years had a small establishment for the manufacture of flax and hemp of American growth. It is in the hands of gentlemen competent to judge from experience, and they pronounce the American flax as fully equal in fiber for all purposes to Irish flax. This establishment has grown for successive years until to-day it gives employment to perhaps two hundred men. The people who are employed are a good class of citizens who receive fair and most of them good wages. It is an industry which lives and thrives only by the protection which the present law gives it. If you place flax on the free-list and also flaxseed and flaxseed-oil, the farmers will cease to raise flaxseed and there will be no American fiber to manufacture, and this establishment must go out of business. We have been so fortunately situated in this country heretofore that we have been prodigal of our resources. We have done but little to encourage entirely new industries. Our people seemed to think that it was not necessary to look after anything so small as the flax and linen business; but this is a great mistake. It ought to be and can be made a great industry in our country.

We have been recklessly consuming the bounties that Providence and nature have given us. But, Mr. Chairman, the time is coming, and, in fact, it is now at hand, when we must look to many of these matters heretofore consided small and unimportant for the prosperity and welfare of the country. The United States ought to manufacture all its linen thread. We ought to manufacture out of the fiber raised within our own country all the twine we use. We ought to do more. We ought to enter now upon the manufacture of the finest linens. Our soil and climate are well adapted to raising the fiber and we have labor that would soon become skilled in its manufacture. With protection equal to that England gave her people in this industry the business would soon become one of great importance with us.

There is no reason why we should not manufacture all that we need

and all that we use of these goods right at home; and it would bring money not only to the men engaged in the manufacture but also to those engaged in raising flax and hemp.

The CHAIRMAN. The time of the gentleman has expired. The question is first on the amendment of the gentleman from Arkansas [Mr. BRECKINRIDGE] to strike out "four" and insert "five."

The amendment was agreed to.

The CHAIRMAN. The question now is on the motion to strike out the paragraph.

The motion was rejected.

The Clerk read as follows:

Cement, Roman, Portland, and all other, 10 per cent. ad valorem.

Mr. SOWDEN. Mr. Chairman, I move to strike out, in lines 16 and 17, the words "10 per cent. ad valorem," and to insert instead "10 cents per 100 pounds."

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I suggest that this item be passed over informally. I think the chairman of the committee has some understanding as to a change in the paragraph, but I am not prepared to speak positively, and therefore I ask the gentleman to let it be passed over for the present.

Mr. SOWDEN. I shall have to object, Mr. Chairman, because I want to leave the House, and may not be present when it is reached later. Mr. Chairman, speaking for this industry in the Lehigh districts, which represents an annual output of 400,000 barrels, and an investment of $500,000, giving employment to about six hundred hands. I desire simply to submit a few facts against any reduction of the tariff on cement, and in favor of my amendment making the duty specific instead of ad valorem. The importations of foreign cement in 1886 aggregated 645,197 barrels, valued at $722,579, or an average of $1.11 per barrel, against a valuation of $1.25 in 1882. In 1887 the total amount of imports was 1,070,400 barrels, valued at $1,102,532.40, the average valuation being about $1.03 cents per barrel.

This has been occasioned by the decision of the Treasury Department excluding the cost of the barrel in arriving at the value, and by the further fact that in order to get the lowest duty the foreign manufacturer invoices his barrel at a high figure and his cement at a low one, adding his profit to the non-dutiable barrel instead of to the dutiable cement.

The reduction in the price of foreign cement in the American market, which fell from $4 in 1876, when American Portland began to be manufactured, to $1.85 and $2 in 1887, when American competition became stronger, is evidence of the fact that foreign makers with cheap labor are selling their goods here lower than at home to hold the market, and are driven even to undervaluation to maintain their hold in face of the American competition which, though but a small industry, is slowly becoming established. No reduction of the duty can safely be made in this case without doing a great injury to a native industry, representing, in all its branches, many millions of dollars and some ten or twelve thousand laborers.

Mr. Chairman, the duty collected on the importations of this article in 1887 amounted to $220,506.48. The duty under the act of 1883 is 20 per cent. ad valorem; the proposition is now to reduce it to 10 per cent. ad valorem; and the Committee on Ways and Means contemplate, by this operation, to reduce the surplus to the extent of $110,253,24. Will this be the result of the reduction? It seems to me that exactly the opposite effect from that contemplated by the committee will be accomplished, because the reduction will necessarily tend to stimulate importation, and thereby not only injure our domestic industry, but add to the surplus.

[Here the hammer fell.]

Mr. STAHLNECKER. I ask unanimous consent that the time of the gentleman from Pennsylvania [Mr. SOWDEN] be extended for five minutes.

There was no objection.

Mr. SOWDEN. Mr. Chairman, I send to the Clerk's desk, to be read as a part of my remarks, a letter written by Mr. Ackerman on this subject, and published in one of the New York papers of April 17, 1888.

The Clerk read as follows:

POPULAR OBSERVATIONS—CEMENT AND THE TARIFF—GROWTH AND CONDITION OF AN INDUSTRY WHICH THE MILLS BILL WOULD RUIN.

To the Editor of the Tribune:

SIR: I observe that the Ways and Means Committee has decided to strike out cements from the free-list and restore them to the dutiable list at one-half the present rate of duty. I would like to lay before your readers some facts which I think will show that the duty on cements should not be reduced at all, but instead restored to 20 per cent. ad valorem, to be computed on the value of the cement, package, and freight at the port of entry in the United States.

Last year upon the importations of foreign Portland cement, which name is used as a general term to include all importations of foreign cement, there was collected a revenue of about $220,000, which alongside of a surplus of $100,000,000 is apparently an insignificant thing, but very seriously will an important American industry be affected if the duty is in the least reduced. Since 1856 there have been manufactured in Rosendale, Ulster County, New York, alone, over 36,500,000 barrels of building cement, which at the very low average of $1 per barrel would be $36,500,000. In manufacturing cement there is but one item other than labor that enters into its cost, namely, the wooden barrel.

Estimating the value of the cooperage at an average of 25 cents per barrel, making a total of about $9,000,000, we can safely say that a balance amounting to over $23,000,000 has been paid out for labor in that locality alone, being an average of nearly $800,000 per year for the thirty years; but this business, which in 1856 amounted to but 500,000 barrels, in 1887 amounted to over 2,300,000 barrels, employing over 3,500 hands, and paying out for wages nearly $1,500,000. Nearly all this cooperage that is used by the Rosendale cement industry comes from Maine, and its value is annually over $300,000. Thus it can be readily seen that the cement business is in every particular a native industry.

It is hardly possible to conceive of a business that is conducted on a closer margin than this is at present. The manufacturers actually give away their stone, reckoning it as nothing in estimating the cost of production; and even then, taking this into consideration, they do not now make legal interest upon their investment. The instances are numerous where a manufacturer has failed in this business by not being able to cope with the strong competition, and it is safe to say, therefore, that no one having capital to invest would now think of going into the business if he for one moment realized the excessive competition and difficulties he would have to encounter.

The duty on Portland cement, which formerly was 45 or 50 cents per barrel, now amounts to but 18 or 20 cents, as under various Treasury rulings the duty on the package and freight has been removed, and now the duty is only computed on the bulk value of the cement at the place of manufacture. Freights from London to New York are now about 8 shillings ($2) per ton, or 10 cents per barrel; and very good Portland cement can be laid down in New York City now for $2.10 to $2.15 for 400 pounds, and this figure is not a very low one. Deducting one-fifth of this amount to make the quantity equal to a Rosendale barrel, which weighs 320 pounds, as against 400 pounds for the Portland, would give $1.68 to $1.72 per barrel. Now take the duty off of this, and we have $1.50 to $1.54 as the price per barrel. But several years ago cement could be transported from London to New York for 1 shilling (25 cents) per ton or 5 cents per barrel, which is less than the rate Rosendale manufacturers have to pay from Rondout to New York, and if this state of affairs should exist again, it would make the equivalent price of Portland cement $1.15 to $1.19 per barrel, or equal to that of Rosendale.

Then another thing, the price of Portland cement has been steadily decreasing ever since it was introduced into this country. Only four or five years ago it was worth $3.50 to $4 per barrel in New York, now it is 40 per cent. cheaper, and the probabilities are that it will still go lower; yet in spite of all these facts, when an industry in this country, even under the most careful management, is scarcely able to live, the free-traders propose to ruin it entirely by reducing the duty which is absolutely necessary to the continuance of a manufacture in which in Ulster County, New York, alone over $3,000,000 of capital is invested, and 3,500 men are employed, whose daily wages amount to nearly $6,000, producing annually over $2,000,000 of manufactures.

The wages that are paid here are good living wages, but the Knights of Labor do not seem to be satisfied, and are now issuing their circulars asking for an increase. How preposterous! Instead of an increase, there will certainly have to be a very large decrease if the duty on cement is at all reduced; indeed, it is not at all improbable that the business in this country will have to be suspended altogether if the proposed Mills tariff bill become a law. Otherwise wages will have to be reduced to the standard of European pauper labor. I do not suppose many workingmen would want to see that state of affairs existing.

I have spoken above only of the cement that is manufactured in the Rosendale district, omitting all mention of the cement industries in this State near Syracuse, Buffalo and Akron, near Allentown and Pittsburgh, Pa.; in Hancock and Cumberland, Md., on the James River and other points in Virginia, near South Bend, Ind., and in the Louisville district in Kentucky, which latter locality alone produces nearly 2,000,000 barrels per year. These industries would all alike feel the disastrous effect consequent on a reduction of the tariff on cement; and the 7,000 workmen that are therein employed would either be thrown out of employment or have their wages largely reduced.

Too many blows have already been aimed at the cement interest by the various reductions in the duty from time to time. It is now not only time to call a peremptory halt in any further reductions, but in order that the business may live, and pay even the present wages, it is necessary that the duty be restored to at least its original figure, *i. e.*, 20 per cent. on the cost value at the port of entry in the United States. If any industry deserves reasonable protection it is surely one which has made a desolate valley teem with life and energy, causing the barrenness of the silent hills to yield the plentiful means of subsistence to 12,000 inhabitants.

Yours, very respectfully,

ERNEST R. ACKERMAN,
General Sales Agent Lawrence Cement Company.

NEW YORK, *March* 26, 1888.

Mr. HOPKINS, of New York. Mr. Chairman, I move to amend by striking out lines 16 and 17. In the town of Rosendale, in my district, three thousand five hundred men are employed in this industry. The cooperage, which alone amounts to $300,000 per year, comes entirely from Maine. The amount of wages paid in that town is $6,000 per day. The effect of this bill, as now proposed to be passed, will be to close all the manufactories of Rosendale cement and to throw out of employment from four thousand to six thousand men in the State of New York alone.

I ask the Clerk to read the newspaper article which I send to the desk.

The Clerk read as follows:

THE CEMENT INDUSTRY.

The manufacture of cement is not a local industry. It is national. Works exist in Maine, Connecticut, New York, Pennsylvania, Ohio, Maryland, Virginia, Washington, Oregon, Alabama, Colorado, Texas, California, Illinois, Wisconsin, West Virginia, Kentucky, Indiana, and Michigan. It stands seventh on the list of non-metallic products of the United States. It ranks just below lime and salt. It employs a capital of $8,000,000, has an output of over 5,000,000 barrels per annum, and gives work to about 12,000 laborers. The largest works are in New York State, where nearly 3,000,000 barrels are made and 8,000 men employed; in Kentucky, where nearly 1,000,000 barrels are made and 1,500 men employed; and in Pennsylvania, where nearly 400,000 barrels are made and 600 men are employed.

MANUFACTURE AND CLASSIFICATION.

"Roman" cement is a natural rock, quarried, burnt in kilns, and ground. "Portland" cement is an artificial cement made by mixing chalk and clay, or limestone and clay, in varying proportion, grinding this to powder, making a brick or ball out of this moistened powder; and after calcining, at high heat, this artificially-made new stone, by grinding the resultant clinkers to powder. The "Roman" corresponds substantially to the Rosendale, Louisville, and the majority of American cements. The "Portland" corresponds to the American "Portland." It has been claimed that this grade of cement could not be made in this country for want of material.

After fifteen years of experimenting, and after a loss running into millions, this statement has been controverted, and for five years past American "Portland" cements, "of a quality equal to any imported," and made in Pennsylvania, in Ohio, in New York, in Indiana, and in Texas, have been used on Government work (*vide* Reports Engineer-Commissioner District of Columbia for 1883, 1884,

1885) and other public work with entire success and in competition with foreign cements. The Eads jetties are built with American Portland cement (*vide* Captain Eads' Report on Mississippi Jetties); and the London and Southwestern Railroad of England actually, after a test, bought American-Portland for one of its bridges (Engineering News, volume 1887). This cement must sell at a lower price than the imported because of the established reputation of the older foreign brands; but with the abundance of limestone and clay in this country American manufacture will develop, and its product become established also.

STATISTICS OF MANUFACTURE.

From the "Mineral Resources of the United States," United States Geological Survey, 1885, the following figures are given of the production of cement made from natural rock in the United States from 1882 to 1885:

Years.	Barrels of 300 pounds.	Averge price per barrel.	Total value.
1882	3,165,000	$1.10	$3,481,500
1883	4,100,000	1.00	4,100,000
1884	3,900,000	.90	3,510,000
1885	4,000,000	.80	3,200,000

In reference to American-Portland the following estimates are made in the same work from 1882 to 1885:

Years.	Barrels of 400 pounds.	Average price per barrel.	Total value.
1882	85,000	$2.25	$191,250
1883	90,000	2.15	193,500
1884	100,000	2.10	210,000
1885	150,000	1.95	292,500

The total production of all kinds of cement, according to the same authority, from 1882 to 1885:

Years.	Barrels.	Value.
1882	3,250,000	$3,672,750
1883	4,190,000	4,293,500
1884	4,000,000	3,720,000
1885	4,150,000	3,492,500

From leading trade authorities it has been ascertained that the output of natural cement has increased to 5,000,000 barrels in 1887, with an average price of 75 cents, and the Portland cement industry has not appreciably increased, though prices have gone down as low as $1.85.

IMPORTATIONS OF CEMENT.

From reports of Bureau of Statistics, the following are the imports of cement of all kinds into the United States for the past ten years:

Imports of cement.

Years ending June 30—	Barrels of 400 pounds.	Value.
1878	*92,000	$204,422
1879	*106,000	205,074
1880	*187,000	373,601
1881	*221,000	440,025
1882	337,793	675,587
1883	472,865	817,346
1884	582,623	829,098
1885	578,141	908,581
1886	645,197	722,579
1887	1,079,944	1,198,819

* Estimate of Geological Survey.

CONCLUSIONS FROM THE FIGURES.

The American manufacture has remained practically stationary since 1883, actually decreasing in 1885, and increasing slightly to 1887. The price fell, however, each year, so that the 4,150,000 barrels of 1885 netted less to the makers than the 3,250,000 barrels of 1882, and the 5,000,000 of 1887 barely as much as the smaller output of 1882. On the other hand, the imports of foreign cement have increased tenfold since 1878, and in the period since 1882 have actually trebled. In the last-named period the invoice price has fallen from $1.77 in 1884, to $1.01 in 1887, owing to taking duty off of barrel.

THE CAUSE OF HEAVY IMPORTS AND CHECKED PRODUCTION.

Three causes have led to the increase of imports and checked home production: First, low ocean freights; second, a practical reduction of the duty, nearly one-half, in 1885, by the decision of the Secretary of the Treasury relieving the foreign article from duty on the barrel and on foreign inland transportation to tide water; third, the higher wages paid American labor. On the first point it may be stated as a fact that the freight from Europe to nearly all tide-water points in the United States and to many lake points is less than the rates from American cement works to similar points. The reason for this is that cement comes from Europe as ballast. On the second point, the figures of imports above given show a reduction of 75 cents in invoice value of cement imported from the year 1884 to 1887. This is due to the taking off the duty on the barrel, and has actually, by an Executive act, without action of Congress, reduced the duty from 35 to 20 cents per barrel. On the third point, in order to compete with the foreign maker there remains no other possibility of reducing cost except by reducing the wages of labor, as the constant reduction necessary to keep a foothold since 1882 has exhausted all other margins and means. A number of failures have proven this fact. The labor is at least 50 per cent. less abroad.

COMPARATIVE LABOR FIGURES.

Cement is nearly all labor.

In the United States—	Per cent.
Quarrying represents	40
Burning represents	6
Grinding represents	6
Moving, etc., represents	5
Packing represents	3
Coal and coke, staves and heading, all the product of labor, represents	27
Making of labor	87

This labor represents on an average for—	Per day.
Quarrymen	$1.50 to $2.00
Laborers	1.30 to 1.50
Millers	2.00 to 2.50
Millwrights	2.50 to 3.00
Engineers	2.00 to 2.50
Coopers	1.50 to 2.00

And all the labor is that of men.

In Europe both men and women are employed in cement works. The wages paid, as gathered from investigation made in European cement works and from consular reports of 1884, are as follows:

Laborers.	France.	Germany.	Belgium.	England.
	Per day.	*Per day.*	*Per day.*	*Per day.*
Miner	$0.87	$0.52	$0.60	$0.52
Millers	.48 to .87	.65	.88½	1.00
Women millers	.39 to .39	.....	.....	.....
Millwrights	1.12½	.70	.83½	1.16
Laborers	.76	.60	.66	.78
Women laborers	.38½	.24	.57	.....
Engineers	.97	.73	1.03	1.10
Coopers	.93	.66	.86	1.13

AMERICAN MALE VS. GERMAN FEMALE LABOR.

From United States Consular Reports, Ex. Doc., Forty-eighth Congress, page 464, one German Portland cement manufactory in Silesia employed in 1884, according to its pay-roll, in its whole works:

	Per day.
Three workmen	$0.36
Sixty-six workmen	.24
Seventy men and women	.24

A total daily pay-roll of $33.72.

An American works of same number of hands employs according to its books:

	Per day.
Two engineers, at	$2.00
Four millers, at	2.50
Two millwrights, at	3.00
Thirty coopers, at	1.75
Fifty-one laborers, at	1.30
Fifty quarrymen, at	1.75

A total daily pay-roll of $226.30.

A daily difference in favor of German manufacturer and against American manufacturer of $192.50 in labor alone.

DUTY SHOULD BE RETAINED.

Clearly, under these facts, the duty on cement should be retained under that clause of the Democratic platform of 1884, which says: "Necessary reduction in taxation can and must be effected without depriving American labor of the ability to successfully compete with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country."

During the reading of the foregoing extract, when the time of Mr. HOPKINS, of New York, had expired,

Mr. MILLIKEN said: I ask unanimous consent that the time of the gentleman be extended sufficiently to complete the reading of this article.

Mr. BRECKINRIDGE, of Arkansas. I do not understand that the gentleman from New York desires anything more than that the remainder of the article be printed in the RECORD.

Mr. MILLIKEN. I understand he desires to have it read.

Mr. BRECKINRIDGE, of Arkansas. If so, I make no objection.

The reading of the article was resumed and concluded.

Mr. HOPKINS, of New York. With the understanding that, at the request of the gentleman from Arkansas [Mr. BRECKINRIDGE], this paragraph is to be informally passed over, to be considered at a future time, I do not wish to press this matter further now.

The CHAIRMAN. The gentleman from New York [Mr. HOPKINS] renews the request of the gentleman from Arkansas that this paragraph, with the pending amendments, be informally passed over, to be called up hereafter. If there be no objection, that order will be made.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

Whiting and Paris white, 20 per cent. ad valorem.
Chromate of potash, 2½ cents per pound.

Mr. BRECKINRIDGE, of Arkansas. I desire to offer an amendment which should have come in a few lines earlier.

The Clerk read as follows:

Insert after the pending paragraph the following: "Licorice juice, 35 per cent. ad valorem."

The amendment was agreed to.

The CHAIRMAN. If there be no objection the amendment just adopted will be inserted after line 13, which relates to licorice.

There was no objection.

The Clerk read as follows:

Whiting and Paris white, 20 per cent. ad valorem.

Mr. BRECKINRIDGE, of Arkansas. Line 18, I am informed, the chairman of the committee has some amendment in relation thereto, and I ask it be passed over informally.

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

Chromate of potash, 2½ cents per pound.
Bichromate of potash, 2½ cents per pound.

Mr. DINGLEY. I move to strike out "2½ cents" and insert "1 cent."

Mr. Chairman, I regret that the gentleman from Baltimore [Mr. RAYNER] is not present to-day, because of his special opposition to trusts and monopolies, as I desired to call his attention to this paragraph, which fosters the most absolute monopoly in the country, and that, too, located in his district. If I am informed correctly, the only establishment in the United States in which bichromate of potash and bichromate of soda are manufactured is situated in Baltimore, and that establishment has the control of every bed of chrome ore in this country, therefore making it a complete monopoly.

I understand further that this establishment has made an arrangement with the foreign manufacturers of bichromate of potash and of soda not to export beyond a given quantity of their products to the United States, and to maintain certain prices.

I would like to inquire of the gentlemen of the committee if they have received any information in this direction.

I regret the gentleman from Maryland [Mr. RAYNER], who is in special charge of this subject of trusts and monopolies, is not here to-day, as it appears from this information that we have, in the city of Baltimore, and in this particular manufacture, almost the only instance of an absolute monopoly of a manufacture secured by the control of every bed of ore which exists in this country, and aided to the extent of the duty. If it is true, as alleged, that there can be no competition in this country in the manufacture of bichromate of potash and of soda, that it is an article especially needed as a mordaunt in the dyeing of cottons and woolens, and that the principle of protection can in no way apply to it because there can be no competition in the manufacture, it seems to me the majority of the Committee on Ways and Means and the House should take this opportunity to break down monopolies—an absolute monopoly which prevents all competition and which by means of a duty of 2½ cents per pound is able to maintain the price higher than would be obtained if there was competition in its manufacture in this country. I send to the Clerk's desk to have read an extract from the New York Herald, containing an interview with James Dempsey, esq., agent of the Lewiston (Me.) Bleachery and Dye Works, a gentleman personally known to me as thoroughly acquainted with this subject, and of the highest character:

Now we come to bichromate of potash and bichromate of soda, both of which are essentials in dyeing and printing fabrics. The Herald has already exposed the iniquity of the Tyson monopoly and combination on it. The Baltimore Chrome Works has laid its heavy hand upon the bodies of ore recently discovered on the Pacific coast, and every load of ore mined goes straight to Maryland. In fact, this man, under the compact which you have already exposed, controls the bichromate of potash market as he pleases.

The Scotch are about Tyson's only competitors in the world, and he permits the syndicate to import just so much and no more. If they break their agreement he can afford to spend $2,000,000 and drive them out of the country. The other day when he put the screws on the Philadelphia concern which had started the manufacture, and then bought them out, a little printed notice made its appearance at once announcing that the price had been advanced 1 cent per pound. He has lately raised the price three-quarters of a cent a pound without even giving us notice that he intended to do so. He charges that much more and we have to pay it. That's all there is about it. The present price of bichromate of potash is 9½ cents a pound and bichromate of soda 8½ cents, the specific duty on each being 3 cents a pound.

Here's the copy of an invoice, which has been paid, which will enforce my meaning stronger:

BALTIMORE, *November* 11, 1887.

Lewiston Bleachery and Dye Works, Lewiston, Me., bought of Baltimore Chrome Works—

Thirty-three casks bichromate soda, 23,113 pounds net, at 8½ cents.....	$1,796.42
Less freight, at 40 cents per 100 pounds.....	92.45
	1,703.97

Specific duty on 20,828 pounds of this at 3 cents paid $624.84. This I contend should be reduced to 1 cent a pound to start with.

[Here the hammer fell.]

Mr. ADAMS. I rise to oppose the amendment for the purpose of inquiring of the gentleman from Maine whether the price of bichromate of potash at 9½ cents a pound was the foreign price or the price in this country?

Mr. DINGLEY. Two and a half cents per pound is 30 per cent. ad-valorem.

Mr. ADAMS. I understand the importations largely increased during the last year. I understand, also, that the price sank from 30 to 6 cents in 1867, yet for some occult cause it has risen to 10 or 12 cents at the present day.

Mr. KELLEY. That is under the control of Tyson's monopoly.

Mr. ADAMS. All I wish is information. I want to understand the operation of the bill.

Mr. KELLEY. I would like to give you the information. Beds of chrome ore in California were purchased and a factory established in Philadelphia, which is referred to in the article from the New York Herald. The price was put by the Scotch-American Company combination, of which Tyson is the American element, so low that they could not use the California beds to make bichromate in Philadelphia as proposed, and Mr. Tyson bought them out at his own terms, as the concern was a losing one.

Then it went up from the 6 cents, to which he reduced it in order to freeze his only American competitor out, and he has recouped himself by steadily raising the price. If on God's footstool there is an absolute monopoly between two houses, one foreign and one American, with an arrangement that they shall determine the price, that they shall determine the amount of Scotch product put into this country, or receive a certain sum in compensation for not putting any in, it is this bichromate of potash monopoly. I heard on one occasion the American owner, Mr. Tyson, I think it is Mr. Jesse Tyson, say that it should be remembered that they had to keep a great deal of dead capital with which to prevent opposition, and that they did not use these mines. They had had to purchase all the new mines in California. I had that information direct from the lips of Mr. Tyson, one of the two copartners in this trust.

Reduce this duty to 1 cent per pound and you will probably free the market, so that the next man who buys a bed of chrome ore and builds a factory can be frozen out about as soon as the poor Philadelphians were.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. BAYNE. I move to amend by making it 2 cents a pound, for the purpose of making some observations with regard to the manner in which this bill is draughted. I want to call attention specifically to the progress we are making in the development of a tendency towards ad valorem instead of specific duties.

I notice, upon a comparison of the existing law with the terms of the Mills bill now pending, that in a great number of cases specific duties are being changed into ad valorem. It is notorious that under the ad valorem system of duties undervaluations and frauds have been committed upon the Government for a great many years past; and they were so conspicuous and manifest during the present Administration that the first Secretary of the Treasury thought fit to commend to Congress a change in that respect of the existing tariff system, and to recommend that specific duties be substituted for ad valorem duties as far as it was practicable to do so in fixing the tariff rates.

The present Secretary of the Treasury has also made, I believe, the same recommendations; but Secretary Manning was very emphatic upon that point; and I desire to have the Clerk read the recommendations of the late Daniel Manning, Secretary of the Treasury, as appears in Executive Document No. 72 of the Forty-ninth Congress.

The Clerk read as follows:

Page 36. Whatever successful contrivances are in operation to-day to evade the revenue by false invoices, or by undervaluations, or by any other means, under an ad valorem system, will not cease even if the ad valorem rates shall have been largely reduced. They are incontestably, they are even notoriously inherent in that system.

Page 40. One advantage, and perhaps the chief advantage, of a specific over an ad valorem system is in the fact that under the former duties are levied by a positive test, which can be applied by our officers while the merchandise is in possession of the Government, and according to a standard which is altogether national and domestic. That would be partially true of an ad valorem system levied upon "home value;" but there are constitutional impediments in the way of such a system which appear to be insuperable. But under an ad valorem system the facts to which the ad valorem rate is to be applied must be gathered in places many thousand miles away and under circumstances most unfavorable to the administration of justice. One hears it often said that if our ad valorem rates did not exceed 25 or 30 per cent. undervaluation and temptation to undervaluation would disappear; but the records of this Department for the years 1817, 1840, and 1857 do not uphold that conclusion.

Page xli. Consigned merchandise: "The sending to New York of merchandise by foreign manufacturers and presenting it there for sale, or the taking in this country of orders on samples of merchandise to be delivered in New York at duty-paid prices arranged in our currency, is a growing fact which this Government must face in selecting and prescribing rates of duty. Just as manufacturers in other States of our Union send their merchandise on consignment to their own agents to sell in New York, so do, and so will, European manufacturers. The ledgers of commerce and trade will more and more be written and kept in that city, and laws of taxation, State or national, immediately probable, are not likely greatly to impede or change the current. As buyers in New York do not go to New England to buy her staple manufactures, but find all the elements of buying in New York, so it will naturally be with European productions. If that is to be the case, I do not think our existing ad valorem rates can in the future be honestly or satisfactorily worked under the existing conditions of our invoice law, our appraising law, and the force of consular and appraising officers we now have."

Respectfully, yours,

DANIEL MANNING,
Secretary.

The Hon. the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. ADAMS. I desire to oppose the amendment.

I have noticed, Mr. Chairman, with a great deal of regret, the number of instances in which the Committee on Ways and Means have adopted the ad valorem instead of the specific rate of duties on imports. I notice with equal regret that the committee in its report seems to defend the use of ad valorem duties. Now, I think the question should be plainly presented, and that is my desire, and I suppose the desire of all.

I am free to admit that in two respects specific duties are open to objection. They are open to objection when applied to a class of goods of which there are several grades, the lower being used by the poorer

classes and the higher grades by the rich. If a specific duty by weight were applied to woolen underclothing, for instance, the heavy flannel shirt of the poor man would pay a heavier tax than the light gauze or woolen undershirt of the rich man. That this would be wrong we all admit. But how can the Committee on Ways and Means apply this principle to a substance like whiting? Can it be said that there is one kind of whiting or one kind of cement or any other of these materials used in construction which are employed exclusively by the poor, or which come within their reach, and another and higher grade which are used by the rich?

Now, I think the committee may be commended when they apply ad valorem duties to avoid the evil to which I have referred; but I think it is a mistake, and will lead to numerous frauds on the Treasury and to greater expense in the collection of the revenue, when ad valorem duties are applied to a subject to which, in the nature of things, they are not applicable. Both Secretary Manning and Secretary Fairchild have recommended the abolition of the ad valorem system; and Secretary Fairchild, in a letter addressed to Mr. Morrison, the former chairman of the Committee on Ways and Means, discussed at some considerable length the whole question of undervaluation in its connection with specific and ad valorem duties. The Senate have also discussed the same subject; but the Senate, not having jurisdiction to change the system of duties, sought the remedy in new machinery of the law in the various ports of entry and in new modes of fixing the valuation of imported goods. It is almost futile, however, and the only adequate remedy is to apply specific rates of duty. I repeat, therefore, what I said in the beginning. I regret the committee saw fit to adopt the ad valorem system to the extent they have in this bill when there is no necessity for it and no demand at the ports of entry of any of these goods.

The CHAIRMAN. The *pro forma* amendment is withdrawn, and the question recurs on the motion of the gentleman from Maine.

Mr. BRECKINRIDGE, of Arkansas. Is debate in order?

The CHAIRMAN. Debate on the amendment has been exhausted.

Mr. BRECKINRIDGE, of Arkansas. I move to strike out the last word.

I want to say in regard to this amendment that the committee proposes a reduction of 20 per cent. of the existing tax on this article, and that seems to the committee as far as it would be prudent to go at this time. There may be a trust in this article. The gentleman from Pennsylvania [Mr. KELLEY] states that there is a trust which exists abroad and in this country, and that it is one and the same trust. For my part, I have no conclusive evidence of the fact. If that were true, of course it would be wholly immaterial whether or not the article were put on the free-list, for it would belong to one international firm or concern. But I do not think this House has the full information in regard to the state of trade on this subject that is necessary as a basis for the proposed action.

Now, sir, whatever may be our hostility to trusts, we must always remember that when we wish to take away from a trust the power to oppress the people, we must not do that which may so injure the industry as to destroy its existence. The committee followed that course with the sugar trust. They have lowered the margin of profit. But if they put refined sugar on the free-list and leave a tax on raw sugar every gentleman knows perfectly well it would not only destroy the trust but it would utterly obliterate the sugar-refining industry, because it would tax the raw material and leave no equivalent tax upon the finished product. That is only analogous as a line of action; not strictly analogous to this case in other features. We reduce the tax here until we bring the price of the domestic article and the price of the foreign article within 1½ cents of each other. The difference at other times has been very great. It has been as great as 2 and 3 cents a pound.

At one time the price in the United States was 15½, and abroad it was 13. At one time it was 9½ here, while abroad it was only 6½. We find now it is 9½ abroad and 10½ here. If we take off half a cent, we bring it from 9½ to 10, which is a difference of one cent and a half.

Now, sir, I think it is more prudent (this being a substantial reduction) to go only this far until we find exactly the abuses that may exist, instead of going further than industrial prudence would dictate. Therefore I think the amendment ought to be rejected. We must not be precipitate or impulsive.

Mr. ADAMS. I desire to oppose the amendment of the gentleman from Arkansas. I wish simply to congratulate the gentleman from Arkansas on having announced that it is illogical and inadmissible to place a tax on the raw material when you put the finished product on the free-list. I only regret that when the subject of crude glycerine and caustic soda was under discussion this bill was not in his charge, but in the charge of another member of the Ways and Means Committee.

I also congratulate the gentleman on having discovered that where a trust exists it is not always a remedy to put the articles subject to that trust on the free-list. That is what many of us have said, because we judged the tariff has no logical connection with trusts. The truth seems, if I judge rightly and understand the gentleman rightly, to be already dawning on his mind.

Mr. BRECKINRIDGE, of Arkansas. The gentleman's construction of my position is in the main entirely incorrect, but I do not think it is necessary to make any reply.

The CHAIRMAN. Debate on the pending amendment is exhausted. If there be no objection, the formal amendment will be withdrawn, and the question recurs on the amendment of the gentleman from Maine.

Mr. DINGLEY. I renew the motion to strike out the last word for the purpose of reading portions of a communication from a prominent manufacturer of Providence, R. I.:

Bichromate of potash is manufactured for commerce from a mineral deposit which has until recently been found only in Maryland in quantity and condition to make it practical to work economically. This Maryland deposit has been controlled by the Tysons for more than thirty years to my knowledge, how much longer I do not know. During that time they have been practically the only manufacturers in this country and have been protected by a large duty. Under this protection the Tysons have become very rich. The business now is carried on by the Baltimore Chrome Works, owned by the Tyson family. It would seem that this concern was now in condition to bear a much reduced duty, from the fact that a considerable portion of their product has been exported and placed on the foreign markets in direct competition with the Scotch manufacturers, their only competitors. Of course in selling their goods abroad they lose the benefit of the duty, which gives them additional margin of profits here, amounting to nearly 70 per cent. on the cost value of the manufactured product. There has been within the past five years another small manufacturer called the Kallion Company of Philadelphia, but the production of this company is so small as to be hardly worth considering, and is not much of a competitor of the Baltimore Chrome Works.

A very large proportion of the consumption of bichromate of potash is of the Scotch manufacture, and even when the duty was 4 cents per pound the Scotch manufacturers were such strong competitors of the American that prices were forced down to 8½ cents per pound two or three years ago, and to bring the Scotch manufacturers to terms the Baltimore Chrome Works shipped large quantities abroad, and by becoming competitors abroad brought about some kind of an understanding or agreement, whereby it is generally understood that the Scotch manufacturers only send a certain quantity into this market and the Baltimore people either send none or a limited quantity to the foreign markets. As a result of this arrangement prices at once advanced about 1½ cents per pound, and now the uniform price of both the Scotch and American products is 10½ cents per pound, with no discount on quantity up to twenty-five casks, and a discount of 1 per cent. on larger quantities. Among the New England dealers or middlemen there is an agreement making price to consumers for one or two casks 10¾ cents, three or four casks 10½ cents, and five casks 10¼ cents. So you see the manufacturers give the dealers no margin whatever on five-cask lots, and we get a profit of only one-fourth of a cent per pound on single casks. The Scotch bichrome is shipped to only one agent in New York. There probably is no other one article which enters so largely into the cost of textile and other manufactures as bichromate of potash. It is used very largely by all calico printers, in all dye-houses, both cotton and wool, and also very largely in the manufacture of dry colors and pigments for paper manufacturers, and also for colors dry and ground in oil for paints, such as chrome green, chrome yellow, etc.

I call the attention of gentlemen to the fact that this article is used in making the poor man's cloth; it is used for the poor man's paper with which he covers the walls of the rooms which make him a home.

It would certainly seem that consistency in tariff reform would call for a reduction in the duty on bichromate of potash and bichromate of soda, both made from the same ore.

Mr. DOCKERY. The question is on the motion to strike out "two and a half" and insert "one cent" per pound.

The question was taken; and there were—ayes 43, noes 40.

Mr. BRECKINRIDGE, of Arkansas. I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. DINGLEY, and Mr. BRECKINRIDGE of Arkansas, to act as tellers.

The committee again divided; and the tellers reported—ayes 54, noes 68.

So the amendment was rejected.

The Clerk read as follows:

Acetate of lead, brown, 2 cents per pound.

Mr. BAYNE. I move to strike out "two" and insert "four."

Mr. FARQUHAR. Mr. Chairman, if the majority of the Committee on Ways and Means will agree, I think we had better take the whole of the lead products at once and have the discussion on all of them together, beginning with line 21 down to and including line 28.

Mr. BRECKINRIDGE, of Arkansas. Of course there has to be a proportion between these several items, and whatever action is taken at the initial step will probably guide and determine the action upon each subsequent item.

Mr. FARQUHAR. If the committee will consent to deal with these lines in that way I will offer amendments to the several items.

Mr. BRECKINRIDGE, of Arkansas. Let the Clerk read down to and including line 28.

Mr. FARQUHAR. That is right.

The Clerk read as follows:

Acetate of lead, brown, 2 cents per pound.
Acetate of lead, white, 3 cents per pound.
White lead, when dry or in pulp, or when ground or mixed in oil, 2 cents per pound.
Orange, mineral, and red lead, 1½ cents per pound.
Litharge, 1½ cents per pound.
Nitrate of lead, 2 cents per pound.

Mr. FARQUHAR. I move to strike out in line 21 the word "two" and insert "three;" in line 22, to strike out "three" and insert "five;" in line 24, to strike out "two" and insert "three;" in line 25, to strike out "one and a half" and insert "three;" in line 27, to strike out "one and a half" and insert "three;" in line 28, to strike out "two" and insert "three."

Now, I yield the floor to the gentleman from Pennsylvania [Mr. BAYNE] and will also ask time for myself on these amendments.

Mr. BAYNE. Mr. Chairman, I confess to a want of familiarity with this subject, but I desire to express the wish of my constituents who are engaged in this business, and to say a word in behalf of the amendment suggested by the gentleman from New York [Mr. FARQUHAR]. In the city of Allegheny, which is a part of my Congressional district, and in the city of Pittsburgh, which is represented by my colleague [Mr. DALZELL], there are several establishments engaged in this business, and they protest that the reduction of duty proposed by the Mills bill would seriously injure and cripple their business. This business is a very large one throughout the country; it is one wherein good wages are paid; it is one that subjects the employés to considerable hazard by reason of the chemical properties of the materials with which they deal; it is one representing a vast amount of capital; and, in view of these facts, it is but fair and just that those who are engaged in it, and those who are willing to pursue it, should have a protection equal to what they fairly require in order that they may successfully continue their business. I therefore express the hope that the amendment proposed by the gentleman from New York [Mr. FARQUHAR] may be adopted and become a part of this bill.

It has been pointed out to me that there are inconsistencies in the duties on the different articles upon this list, some of them being at a higher rate of duty than they should be if the lower rates proposed for other articles shall obtain. I find that to be in keeping with the general tenor and course of the Mills bill, and although, according to Governor Hill, of New York, the bill is intended to correct the absurdities and incongruities in the existing law, I venture to say that we have never had a tariff law from the foundation of the Government up to this time which contained so many absurdities and incongruities as are to be found in this bill.

If this bill should ever become a law and the executive department of the Government should seek to enforce it, these incongruities and absurdities will come out so conspicuously that the framers of the bill will be heartily ashamed of it.

Mr. HERMANN. I would like to suggest to the gentleman from Pennsylvania that, as a further result of the reduction here proposed, the silver mines of the Pacific coast will virtually be compelled to close, for the simple reason that a large portion of the silver product has with it a very considerable percentage of lead, which pays largely for the refining.

Mr. BAYNE. I suggest that the gentleman from Missouri [Mr. BLAND] ought to be here and to vote for an increase of these duties; for if we close up the silver mines his occupation will be gone.

Mr. BLAND. I suppose that the closing of those mines would not grieve the gentleman from Pennsylvania very much; for he has always voted against silver in every shape and form on all occasions and at all times, and no doubt he will continue to do so, notwithstanding the platform of his party.

Mr. HERMANN. That is begging the question.

Mr. DALZELL. Mr. Chairman, as has been stated by my colleague [Mr. BAYNE], the paragraph under consideration has relation to certain industries which prevail in my district. Therefore, without intending to occupy much time, I beg to call attention to some facts in connection with the tariff as it now exists with respect to these articles and the tariff as proposed in the present bill.

All the subjects covered by lines 21 to 28, inclusive, are chemical products from lead; and they bear, therefore, a certain relation to each other. This relation is recognized in the existing rates of duties; and I therefore beg to call attention to the nature of the changes proposed in the Mills bill.

Pig-lead, which is the foundation of these products, bears at present a duty of 2 cents per pound, whereas by the present bill, in lines 291-2, the duty is reduced to 1½ cents per pound. White lead, under existing law, bears a duty of 5 cents; under the Mills bill the proposed duty is 2 cents. The existing duty upon litharge is 3 cents a pound; the proposed duty under the Mills bill 1½ cents a pound. Red lead now pays a duty of 3 cents a pound; the Mills bill proposes it shall pay only 1½ cents a pound. Orange mineral, under the present law, bears a duty of 3 cents a pound; the Mills bill proposes a reduction to 1½ cents. White sugar of lead pays 6 cents a pound duty under the present law; the duty proposed in the Mills bill is 3 cents a pound. Brown sugar of lead pays a duty of 4 cents a pound under the present law; the Mills bill proposes to make the duty 2 cents a pound. On nitrate of lead the present duty is 3 cents a pound; under the Mills bill it is to be 2 cents a pound.

The first observation I have to make with respect to this bill is that it strikes down the natural relation existing between these various products and the substance from which they are produced. Upon this subject I have the testimony of a number of lead manufacturers in my district. Without stopping to detain the committee I shall read an extract from one of these letters as a sample of the whole:

President Davis, of the "Davis-Chambers Lead Company," of Pittsburgh, a very large manufacturing establishment, says:

One-quarter of a cent per pound on red lead, litharge, and orange mineral over the duty on pig-lead is not adequate protection to enable American manufacturers to compete with Europe unless at a very great reduction in wages as compared with those now paid, and which it is hardly to be expected the men would submit to.

In addition to the testimony of these manufacturers, we have the experience to be drawn from the state of the manufacture itself under the existing law. Although it is claimed by these manufacturers that the protection under existing law is not high enough, still, even with that protection, the lead industry has flourished and is a growing industry. To cut down the duty would, necessarily, as has already been pointed out with reference to other things, increase the importations, depriving our capital of its returns and our laborers of their opportunity to earn wages in this industry.

I do not stop to repeat with respect to this particular industry the arguments which are familiar in regard to all others as to the employment of capital and labor, but I call attention to the fact that as the proposed reductions can not be expected to decrease the revenue, the blow aimed at our industries by the provisions of the bill is needless and uncalled for, and can only prove disastrous.

And I only stop further to point out the inconsistency which places a less duty on orange mineral, the final product, than is placed on the white lead from which it is made. This is another instance, of which there are many in the bill, where raw material is not placed on the free-list, or made subject to lower duties, while the product representing skill and labor is either made free or brought in at a lesser duty.

[Here the hammer fell.]

The CHAIRMAN. If there be no objection, the *pro forma* amendment will be considered as withdrawn. The Chair hears no objection.

Mr. FARQUHAR. First of all, Mr. Chairman, I wish to say that the amendment I have proposed to these various paragraphs is in line with the present duty, and also in harmony with the policy of lessening the duty in respect to that part of the lead manufacture which has developed itself until it is strong enough to reduce prices. I know that we shall probably be met by the committee on the threshold with the remark that in the matter of white lead, sugar of lead, brown and white, and orange mineral they are proposing to reduce the prices to the consumer. Sir, my own knowledge of large white-lead works in my own district and elsewhere leads me to say fairly before this Committee of the Whole that the days of making fortunes out of the white-lead manufacture are past; the competition is too close and severe for that. The matter is in just this position, that when you make these reductions you simply bring into operation the competition of the wages of some other land against the American workingman.

At the same time I desire to call attention to some signal incongruities in reference to this matter; and I would like to have the attention of the gentleman from Arkansas [Mr. BRECKINRIDGE], who is leading this morning the majority of the committee. I would like him to state a business reason why orange mineral and red lead are placed in this bill at 1½ cents a pound, while white lead is placed at 2 cents. I ask this question because, according to my practical knowledge of this business, it takes 116 pounds of white lead to make 100 pounds of orange mineral. The latter, being the highest product, is placed at 1½ cents a pound, while the lowest product is placed at 2 cents a pound. I would like to hear from the committee on this subject. Some statement on the other side may possibly explain some other incongruities to which I wish to call attention, but above all I desire information on this point.

I would like the gentleman from Arkansas to explain how it is possible in fairness that he can put mineral orange at 1½ cents per pound duty and white lead at 2 cents a pound duty, when it takes 116 pounds of white lead to make 100 pounds of orange mineral.

Mr. BRECKINRIDGE, of Arkansas. Under the existing law white lead has a duty equivalent to 40 per cent., and the duty on orange mineral is equivalent to 70 per cent., which is quite an inequality in the tariff. It seems to me unjust.

Mr. FARQUHAR. But that does not reach the point I make. I understand that of orange mineral 2,000,000 pounds were imported in 1877. I grant that. Is it to increase this importation or cut it down you put this orange mineral at this low price?

Mr. BRECKINRIDGE, of Arkansas. What does the gentleman say?

Mr. FARQUHAR. The gentleman can not do that. He makes it 1½ cents on orange mineral and 2 cents on white lead. I state it takes over 109 pounds, at 2 cents, of white lead to make 100 pounds, at 1½ cents, of orange mineral. I can not see through it; I can not understand it.

Mr. BRECKINRIDGE, of Arkansas. The gentleman will find this applies to specific duty on about the same basis. It leaves nearly the same specific margin which existed before. So far as the gentleman's argument is concerned as to the relation between the specific rates, what was right before may well be said to be right now.

Mr. FARQUHAR. Ah, let us see whether it is.

The CHAIRMAN. The gentleman's time has expired. The Chair will recognize the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. FARQUHAR. This is a material matter, and if it can be corrected it ought to be corrected. The gentleman tells us they are brought down to specific duties, but that is just what I can not see—why the higher price, the one which needs the most labor and carries the most cost, should go at the less figure, when we have the other one at a half cent per pound more. That I can not understand.

Mr. BRECKINRIDGE, of Arkansas. I believe it is conceded to be

true of a very cheap product, that that which is the lower product may be at a specific which gives it a high ad valorem, and the finished product may be at a somewhat larger specific rate, which will give it a much lower ad valorem. And yet the difference, while the lower product may have a higher ad valorem, will give a sufficient margin under a specific tax to cover the cost of conversion.

I have not found it observable, as a rule, that you could justly have a higher ad valorem arising from a specific tax on the finished product than you have on the lower product.

To return, then, it not unfrequently happens, as you find most conspicuously in the metal schedule when tracing the tariff, that you have higher ad valorem rates on some of the lower products than you have on the more finished products, and yet have an abundant margin to cover the cost of conversion. Here, however, the higher equivalent rate is on the finished product and not on the base.

Mr. BYNUM. If the gentleman will permit me one question——

Mr. FARQUHAR. I am not speaking for myself. I have the authority of five of the largest firms in America who are engaged in this business who tell me that it is a blunder. I do not mean merely to air my rhetoric. I think it can be remedied now before we go further. One of the largest white-lead manufacturers and all the others have made the same expression in regard to this mistake.

Mr. BYNUM rose.

Mr. FARQUHAR. Let me call attention to another fact. The duty we received on orange mineral last year was $148,000, while on white lead we received only $22,000.

Mr. BYNUM. The gentleman will notice that 2 cents on white lead amounts to 26 per cent. ad valorem, and the 1½ cents on the orange mineral is equal to 38 per cent. ad valorem.

Mr. FARQUHAR. Certainly. I understand that, if your figures are correct, but——

Mr. BYNUM. And so the highest specific rate is really the lowest ad valorem by nearly 50 per cent.

Mr. FARQUHAR. Yes; but you have the difference of 27 per cent. on white lead taken from the 35 per cent., and where do you find your one-half cent? The gentleman's arithmetic, I think, will not stand the test.

Mr. BYNUM. But I am speaking of the reduction of these specific rates to the ad valorem rates.

Mr. FARQUHAR. Very well.

Mr. BRECKINRIDGE, of Arkansas. I wish to say to the gentleman from New York that the question of the relation between the parts of a list like this is of course wholly independent of any opinion that may exist in the minds of gentlemen as to the rate that ought to be established. If we in any manner agree upon what is a sufficient tax for the base of the industry or what ought to be the rate, then the same law of relation as between these various parts will obtain, whether the tax on the base be high or low, because it becomes merely a business question of relation of one to the other, and not a question of taxation in a political sense. The first thing, then, to settle is the main question, and then the relationship of the parts follow as a mere matter of business detail.

Now, I think it probable if the gentleman from New York and myself could sit down together with some person thoroughly familiar with the whole paint business, after having agreed that a certain base rate is to obtain, whether it be a high or a low rate, we would not have a particle of difficulty in establishing the relationship of these different branches on that understood original basis. The gentleman knows as well as I that there are a good many intricate questions in connection with this part of the list.

I have received since these rates were agreed upon some very intelligent suggestions from gentlemen in the paint business. I have looked over them, and they are well worthy of serious consideration. They appear reasonable, but they are in conflict with the views of other experts.

I am not now prepared, however, to pass judgment upon them or to change my present views, having come to this relationship between the parts after consideration and conference and consultation of the papers of experts. I would not be disposed to alter the relationship without a very thorough investigation outside of the House, more thorough, in fact, than we can possibly give to the question in the House.

I do not suppose that there is a gentleman here who is fully prepared to say, or who is entirely competent to advise any one of us about all of the features of the case here presented. It is a very technical matter, and is so understood; and the information upon the subject is necessarily technical in character, so technical indeed that if I had it read now in the hearing of the House I doubt if there are more than a very few gentlemen present who would be able to comprehend it. But I repeat I am not certain that some changes ought not to be made; but if so I am not certain just what they ought to be, and we could not be certain, if there are any necessary, until we make a more careful inquiry than we are able to make here.

Mr. FARQUHAR. Then your argument leads to the conclusion that when you are not certain you take refuge behind the Democratic vote and leave the duty as it is in the bill?

Mr. BRECKINRIDGE, of Arkansas. I can not consider what we are now talking about as being in any sense a political question. The gentleman is not talking of the rate of taxation, as I understand it, but of the relationship of the parts to that rate after it is agreed upon. I say that that is a mere business question, and after the rate is determined there should be no politics in it. If the gentleman takes the rate fixed as the basis, then of course there is no ground of political difference. The other becomes a mere question of business as fixing the relationship between the conditions. But as I have said, Mr. Chairman, I would not be willing to change the present relationship except upon mature consideration of the whole question; and while the gentleman from New York might be able to convince me, for I am sure he talks very sensibly upon the subject, still until I had an opportunity to give more careful thought to it than we can now give here I see no reason to make the change; and if at the moment he convinced me that this part or the other is slightly out of line, still I would want to reflect upon it, to let it go for awhile if necessary and return to it again; but up to this time he has not convinced me, and I believe from the information we have that the present rate is about what it ought to be. Possibly the Senate may advise some modified adjustment; and there are always some details for final and careful consideration. They are getting down to very few in number.

Mr. FARQUHAR. I want to say, Mr. Chairman, as I said at the beginning of the general debate in this House, that the way this bill has been framed, the character of the framers, the very explanation made now by the gentleman from Arkansas, all confirm me more and more in the opinion that no tariff bill ought to come into any Congress unless there are business men and business experience back of it. I say that no set of politicians——

Mr. BRECKINRIDGE, of Arkansas. This measure was drawn upon very careful business advice, and I do not want to depart from it on every unconsidered presentation of the case.

Mr. FARQUHAR. No set of politicians, Democrats or Republicans, can make a bill that will suit the American people. If I were to advise in such a matter I would take a committee of fifteen. On that committee I would put, possibly, two lawyers, then a first-class newspaper man, and twelve business men. As far as I am concerned, as an American citizen and a business man, I would be willing, even as a Republican, to put twelve Democrats, if they were good business men, on that committee, and I would have justice and fair play. As I say here to-day, it is a practical business fact that there is an incongruity in this bill no man can properly explain.

Mr. Chairman, these are the first general words I have uttered in this debate. I speak merely in the interest of the manufacturers of my district and cognate industries all over the land. When we have good authority we ought not to take the position of the gentleman from Arkansas [Mr. BRECKINRIDGE], and wait for further light from that great clearing house, the Senate; but as a matter of business, when we know we are wrong we ought to settle it here, even if it does touch the committee's pride a little bit.

Mr. BRECKINRIDGE, of Arkansas. I would say in reply to the gentleman from New York that I do not think he exactly apprehends what I stated. There can be no such matter of pride here, and I am not prepared to admit that this adjustment is wrong even in any detail. I know no stronger representations were ever made to us than those of men engaged in this business that the present law is exceedingly unjust and unequal. I do not suppose you would ever get a schedule so arranged but that certain business men engaged, as they are, in the different competitive parts of the business, would say it was unequal and unjust.

After ample consideration this was the best arrangement at which we could arrive. I do not pretend to say no fault is found with it by business men; but I am not prepared to say that the fault which they find is a just fault, because other business men say it is unjust. I believe, whatever may be its faults, it is far more perfect than the present law. Some people will always call your work faulty. At all stages gentlemen, and able gentlemen, engaged in competitive features of a business like this will come to you with very plausible arguments to show that what is to their advantage is just and ought to be done. I say that such gentlemen have presented papers recently. I have received several. They have not convinced me. I think whatever there is in their pleas that they do not affect the question of the amount of the general reduction, but only a few details that likely other business men would equally complain of. I am not prepared to say that any suggestion they have made ought to be accepted. But I am prepared, of course, always to say that if they can prove it of course it ought to be accepted, after it has been carefully considered.

Mr. BAYNE. Will the gentleman yield for an inquiry?

Mr. BRECKINRIDGE, of Arkansas. Yes, sir.

Mr. BAYNE. Secretary Manning and Secretary Fairchild have both recommended that specific instead of ad valorem duties should be adopted in a tariff where practicable. Now in this bill specific duties are largely overborne and ad valorem duties restored, the very thing of which they complain.

Mr. BRECKINRIDGE, of Arkansas. Does my friend mean to say that in the list of subjects under consideration, which we are considering now as a unit, there is a single ad valorem duty?

Mr. BAYNE. Not these particular articles.

Mr. BRECKINRIDGE, of Arkansas. I see no reason for going off on something that does not apply.

Mr. BAYNE. The general question is applicable. My friend was arguing the general question.

Mr. BRECKINRIDGE, of Arkansas. Not at all.

Mr. BAYNE. As to what recommendations should be made, if any should be made.

Mr. BRECKINRIDGE, of Arkansas. The gentleman certainly does not want to put this article upon an ad valorem basis.

Mr. BAYNE. No, sir; I do not. I want a specific duty wherever it will apply.

Mr. BRECKINRIDGE, of Arkansas. We are proposing to do so here.

Mr. BAYNE. I want specific duties wherever they will apply. I want to follow the advice of the Democratic Secretary of the Treasury, Mr. Manning, and the Democratic Secretary of the Treasury, Mr. Fairchild——

Mr. BRECKINRIDGE, of Arkansas. I trust my friend will follow their advice in more ways than one.

Mr. BAYNE. With reference to specific instead of ad valorem duties.

Mr. BRECKINRIDGE, of Arkansas. The advice of Mr. Fairchild and of Mr. Manning is for specific taxes as an administrative business method wherever it can be fairly done, and also for a reduction of rates. Now, here you have them both combined, so let us join hands and vote it through. [Laughter.]

Now, here are specific rates, and also a reduction of rates, and I hope my friend will follow the advice of those distinguished Democrats of whom he has spoken, and vote for both. [Laughter.]

Mr. BAYNE. I am opposed to the reduction of rates, but I am not opposed to the specific rates.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, as to this matter there are one or two statements that probably had better go into the RECORD, so as to make the facts known. There is no considerable quantity of orange mineral manufactured in America. I hold in my hand a paper prepared by the Chemical Committee of the Manufacturers' Club of Philadelphia—the high protective tariff manufacturers' club—a paper prepared with great skill and labor, in which the statement is made that the amount of this product manufactured in the United States is inconsiderable; so that as to orange mineral there can be no industry in this country injured by this change in the tariff.

I make that statement upon the authority of this manufacturers' club, in response to the statement made by the gentleman from New York [Mr. FARQUHAR]. In response to the gentleman's statement that the duty put upon white lead is higher than the duty upon orange mineral, I have to say that there is a specific duty on each, but when reduced to its equivalent ad valorem rate, the duty on orange mineral is larger by nearly 50 per cent. than the duty on white lead; so that if the duty were an ad valorem instead of a specific duty, it would stand in the proposed bill: "on white led 26 per cent.; on orange mineral 42 per cent.," showing a duty higher by 16 per cent. on orange mineral.

Mr. FARQUHAR. Let me correct the gentleman. The figures are 27 per cent. on white led, and 35 on orange mineral. That is the equivalent ad valorem duty as figured out in this official book which I hold in my hand.

Mr. BRECKINRIDGE, of Kentucky. I am using the working figures of the Ways and Means Committee.

Mr. BRECKINRIDGE, of Arkansas. I think the gentleman from New York [Mr. FARQUHAR] has the figures for 1886 instead of 1887.

Mr. BRECKINRIDGE, of Kentucky. I am using the figures in the small pamphlet, which make the rates 26 per cent. on white lead and 42 per cent. on orange mineral.

Mr. BUCHANAN. The figures are 27 and 35.

Mr. BRECKINRIDGE, of Arkansas. According to the estimate of the expert of the Treasury, which is the estimate that the gentleman from New Jersey [Mr. BUCHANAN] holds in his hand, the figures are 26.80 on one, and 35 on the other. So that according to the estimate made by one expert the rates are as 26 to 42; and according to the estimate of the other expert they are 26.80 to 35. In either case, therefore, whichever estimate is correct, the duty on the orange mineral is higher ad valorem than the duty on white lead.

Now the facts as they appear from these statements are that orange mineral is not made in the United States except in inconsiderable quantity——

Mr. BAYNE. I beg the gentleman's pardon.

Mr. FARQUHAR. On what does the gentleman make that statement?

Mr. BRECKINRIDGE, of Kentucky. I make it upon the authority of a statement prepared by the chemical committee of the Manufacturers' Club of Philadelphia, which I hold in my hand and which, under the head of "orange mineral," says: "Quantity manufactured in the United States inconsiderable." And they give their judgment as to the reason why the orange is inconsiderable; they say it is "due to duty being the same as on raw material."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN. Will the gentleman answer a question?

Mr. BRECKINRIDGE, of Kentucky. I will.

Mr. BUCHANAN. I know the gentleman does not mean to misstate anything.

Mr. BRECKINRIDGE, of Kentucky. Certainly not.

Mr. BUCHANAN. I have the same schedule here, and I notice that in the bill this paragraph comprises not only orange mineral but red lead; and I find by this schedule which the gentleman refers to that the quantity of imported or red lead was 435,336 pounds, whereas the quantity manufactured in the United States was 4,300 to 5,000 tons, or 10,000,000 pounds.

Mr. BRECKINRIDGE, of Kentucky. I spoke of orange mineral.

Mr. BUCHANAN. I know that; but the paragraph includes both, and I simply call the gentleman's attention to the whole of the facts.

Mr. BRECKINRIDGE, of Kentucky. I was speaking of orange mineral, and my time expired before I got to red lead. The gentleman's statement that the duty on the base is higher than on the manufactured product is still more inaccurate with reference to red lead. The duty on red lead, according to this statement which I hold in my hand, is 38.46 per cent., whereas the duty on the base is 26.8 per cent., a difference of nearly 50 per cent. These are the facts. I do not mean to say that upon the philosophy of the gentleman from New York [Mr. FARQUHAR] we ought not to put the duty on the base higher than on the product. His philosophy is that when you put a duty upon an article it diminishes the cost, that the effect of a duty is to lower the cost; and, therefore, what you want to do for the person who has to buy the product is to increase the duty which he pays so that he may buy the article cheaper and manufacture it cheaper. [Laughter.] That is the practical application of the gentleman's philosophy, and I am sorry to see him depart from it when he has an opportunity to put it in practice. [Laughter on the Democratic side.]

The committee, not believing in the theory that the greater the cost of production the lower the cost to the purchaser, did not follow out that theory in practice; therefore they have fixed the duty 50 per cent. lower in the case of red lead and about 30 per cent. lower in the case of orange mineral.

Mr. FARQUHAR. However entertaining the general remarks of the gentleman may be, the rudimentary features of his philosophy do not appeal very strongly to my reason. For the last twenty-five years I have heard that kind of talk, and it is not calculated to affect a good tariff man like myself.

I wish to say to the committee in general terms that this is a home industry all through. Every State which produces lead is interested in this question. We are simply dealing now with the question of the labor and the capital and the machinery employed in producing these oxides. That is the question. I am not discussing foreign tariffs, but the American wages and the American product, and the question of fair play to the men who are engaged in this business.

I want to know whether the Committee on Ways and Means has a single letter which will show there are extortions in any of these five or seven lines now under discussion. I want to know why the products of German manufacturers should be brought in here as against the American products. That is where I stand. I wish to vindicate business men in saying that they can not stand these cuts. I wish to urge the claim of the wage-workers that their wages must go down if the changes here proposed are made.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, if the gentleman will do me the honor to read a brief analysis which I made of the chemical schedule, and which will be found in my speech delivered during the general debate, he will see exactly how much of the tariff is appropriated and enjoyed by the manufacturers of chemical products. He will find that according to recent figures, even with a tax upon many articles which are to these manufacturers a raw material, and allowing all the wages they now pay, together with a fair interest on their capital and the cost of keeping up the integrity of their plant—if they had been upon a free-trade basis they would have fallen short only something like $250,000, while as it is they made nearly the entire amount of the tax paid, which amounted to some millions of dollars, and only $250,000 of which could be said to be appropriated by the laboring people. And if the gentleman will go back to the census of 1880 he will find still more striking figures, showing that by the admirable manner in which they managed their business they virtually appropriated every cent of the protection over and above what they paid to their wage-workers. I think there is no industry more strikingly illustrative of the effects of excessive rates of tariff taxation than our chemical industries. They are managed by a body of admirable business men. I believe, if the statements in the public prints are to be relied upon, all the articles produced in this line are kept in close communication and sold by card rates; that the consumption of these articles is handicapped a good many millions of dollars a year over and above what is necessary to pay the wages received, to maintain the integrity of the plant, to pay interest on capital and a fair 10 per cent. profit on the business. I think the gentleman will find these things very clearly shown from the official figures.

Mr. FARQUHAR. The gentleman from Arkansas misapprehends one feature in regard to the business of manufacturing chemicals, and

that is, first of all, it is not a business you can take up and drop in twelve months if it does not pay. That is the difficulty to begin with. No man in this country pretends to go into the manufacture of chemicals to-day, whether dyes or leads or anything of that kind, without putting in something like $500,000. More than that, in this business you must pay the highest wages. Very few men of the grade of common laborers are employed; they are used only for the manual labor of transporting articles from one part of the works to another. The other employés are high-priced men, receiving $7 to $10 a day. It is a risky business at best for any one to go into, but American capitalists have tried it. The gentleman from Arkansas knows (for he and I have consulted together with gentlemen who are in the chemical business) that the least change in the chemical schedule might work harm to such an extent that the business could not be restored to a prosperous basis; while on the other hand many of these manufacturers who have come to this House have said that if the business is let alone they can build up their industry in America to compete against anything that Europe can produce. It is not a question of making money on their capital, because I know that three or four great establishments in this country have been obliged to call for installments on their stock in order to keep their business alive. There are too many million dollars invested in this branch of business to be swept away by the stroke of a pen or a mere whim.

Mr. ROGERS. I would like to occupy the floor for the remaining two minutes of time.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas.

Mr. ROGERS. Mr. Chairman, I admire the candor of the gentleman from New York in stating his position. He says he represents the manufacturersand their employés and the capital invested. There are some of us, Mr. Chairman, that represent the consumers, the great masses of American society, and I simply rise to repudiate any definition of American labor which draws the line between any of the industrial classes of the country. I know no reason which can be assigned why these people engaged in manufactures shall be raised up to a privileged class. I know no reason why they should be exalted above every other class of honest labor which is to be found in this country, including agriculturists.

We are told about seventeen millions of people are engaged in the various industries of this country. Seven millions of these are in agriculture, and of course they are the consumers of these manufactured goods; and I hope the gentleman, whose candor excels that of his party, when he tells us he represents the manufacturers and them only here, will expand and broaden the scope of his political horizon so as to have some little consideration for those persons who consume your manufactured goods, but who do not manufacture.

Mr. FARQUHAR. I will only take half a minute to reply to the gentleman from Arkansas, and I wish to say to him in all candor that I recognize the producers first in this country, and I have nothing for the nonproducers. I take care first of all of the man who makes and earns and pays, and who pays the fees of lawyers and doctors and ministers. [Laughter.] When you come to the income class, like professors of colleges, who talk free trade, let them take care of themselves, and when these colleges do not want them let them go to work and earn something by the sweat of their brow. [Laughter and applause.]

Mr. ROGERS. What do you say about agriculturists?

Mr. FARQUHAR. They are the best in the world. I was born on a farm myself.

Mr. ROGERS. Then you ought to take care of them in your philosophy.

Mr. FARQUHAR. I do as much as the gentleman from Arkansas.

The CHAIRMAN. There being no objection, the formal amendments will be considered as withdrawn.

Mr. BURROWS. Mr. Chairman, it is to be regretted a bill should be brought in here striking at the great chemical interests of the United States on so confessedly slight information. No industry in this country has grown with such marvelous rapidity as the chemical industry under our protective system. Yet gentlemen representing the majority of the committee in lowering these duties, who strike at these industries, are unable to answer the simplest question in reference to this schedule.

In 1860 there were but 4 establishments in the United States, but under the wise system of protection established, in 1880 they numbered 1,349. The number of people employed in these chemical industries in the United States in 1860 were only 3,936, but by the census of 1880 they gave employment to more than 29,500.

The capital invested in the chemical industries in the United States in 1860 was a little over $7,000,000. In 1880 there was invested capital in chemical industries in this country of more than $85,000,000. We paid in wages in 1850 a trifle over a million of dollars, but in 1880 the chemical industries of the United States paid nearly $12,000,000 to American labor engaged in them.

The material used in the chemical industries of the United States in 1850 was a trifle over eight millions, and in 1880 we used seventy-seven millions of material in our chemical industries. We produced in 1850 a trifle over fourteen millions of chemical products, and in 1880 we produced more than one hundred and seventy millions of products.

And this industry embraced in this schedule the majority of this committee propose to strike down, and the gentleman from Arkansas and others have said that they do this because it is a tax on the consumers of these articles. I challenge them to name one single article in this schedule which can not be purchased cheaper to-day by the consumer than before the tariff was imposed. I challenge them to name one single article in this schedule that is not now produced cheaper than before the tariff upon it was imposed. I claim there is not one.

Why, take this very question of soda ash to which I have alluded. In 1881 we did not produce a pound of it in the United States. You say that a duty adds to the cost. We imposed a duty of $5 a ton on soda ash, and what was the result? We commenced the manufacture of that chemical product in the United States and the price went down from $48 to $28 in less than three years. What, then, do you mean by saying that a duty adds to the cost? Before we had that product in the United States we were at the mercy of the foreign producers, who could levy tribute upon us at their will; but the moment we protected the industry we built it up in the United States and reduced the price one-half, and are holding it there to-day for the benefit of the consumer. This is only a single instance; but the principle prevails all through the catalogue.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

Mr. ADAMS. Has debate been exhausted?

The CHAIRMAN. The gentleman can move to strike out the last word.

Mr. ADAMS. I make that motion.

I only desire to say that the proposition of the gentleman from Michigan is not only true in regard to States which have heretofore been regarded as the manufacturing States of this country, but that this particular form of manufacture has gone so far to the westward that in the very State I have the honor in part to represent upon this floor it has become not only one of the important industries, but that the city of Chicago is one of the important centers of the chemical industry of the United States. In that city alone there were employed during the last year about one thousand workingmen in this class of manufactures alone, and the capital invested amounted to between eight and nine millions of dollars. So that this is not a question of an exclusive class in some of the older Eastern States of the country; and it is not a question of raising a certain class of laboring men into what the gentleman from Arkansas calls a reserve, exclusive, or preferred class; but the effect of a radical change in the duty on this chemical in this country will be felt not only in the Eastern States, but also in the Northwest, where I am somewhat familiar with the condition of things.

I withdraw the *pro forma* amendment.

Mr. BURROWS. I desire to renew the *pro forma* amendment for the purpose of performing a duty that I feel called upon to perform, that is in having read a letter addressed to me, signed by two or three of the most responsible gentlemen in New York, in connection with this bill, showing that it will destroy and ruin the industry in which they are engaged. The communication is as follows:

NEW YORK, *February* 3, 1888.

Hon. J. C. BURROWS:

We are manufacturers of white acetate or sugar of lead, and the only manufacturers in the United States. The apparatus for making this article is costly and unfitted for other purposes. The demand is very fluctuating, notwithstanding which an expensive plant must be kept in order for any sudden demand. The article is used in the manufacture of colors and as a mordant. It costs the manufacturer between 10½ and 10¼ cents per pound to make. The selling price is 12½ cents per pound, net.

With cheap raw material and cheap labor it is made in Germany for 5¼ cents per pound, while the price of the materials alone to the American manufacturer is 8½ cents per pound, not counting labor.

The materials used in the manufacture of white acetate of lead are as follows: Pig lead and acetic acid and the present duties on the same are:

Pig-lead, 2 cents per pound., equivalent to over 75 per cent. on the average European price of pig-lead for the past three years. Acetic acid, 2 cents per pound, which is prohibitory on its importation.

The foreign manufacturers substitute alcohol for acetic acid, which, at the cost to them, is an important saving over the use of acetic acid.

The balance of the enhanced cost to the American manufacturer is the difference in the cost of labor. We pay from $7.50 to $9.50 per week for laboring men, and have men in our employ at $9.50 per week who have worked for years in the same capacity in sugar or acetate of lead factories in Germany for $2.40 per week.

The present rate of duty (6 cents per pound) should be retained, and any reduction to less than 6 cents per pound will put a stop to this industry. The industries mainly affected by the stoppage of this manufacture will be the producers of pig-lead, coal, sulphuric and muriatic acids, and of acetate of lime.

The amount of capital endangered by this contemplated reduction of duty certainly exceeds one-quarter of a million dollars, and a reduction of the present duty of acetate of lead will allow the foreign manufacturers to absorb the trade here, and in consequence will make an increase of revenue instead of a decrease to the United States Government.

F. BREDT & COMPANY,
194 *Fulton Street.*
BROOKLYN WHITE LEAD COMPANY,
174 *Front Street, Brooklyn.*
LOCKWOOD CHEMICAL COMPANY, Limited,
276 *Pearl Street.*

Mr. BURROWS (before the Clerk had concluded the reading of the above). I was having that read, Mr. Chairman, for the benefit of gen-

tlemen on the other side. As they are giving no attention to it, I shall ask the Clerk to discontinue the reading and print it in the RECORD.

Speaking of the industry of soda-ash, I desire to state how imposing a duty upon it does benefit the consumer by reducing the price one-half after the imposition of the duty, but that one industry in Syracuse is employing a capital of $1,500,000. It has paid in wages annually $800,000. It has paid in freights $140,000 a year to the railroads and $12,000 a year to the canal companies. It consumes annually 70,000 tons of coal, 100,000 tons of limestone, 10,000 tons of coke, 100,000 tons of salt, and employs 1,500 people. This is one industry built up by the imposition of the duty of $5 a ton, by which duty soda-ash manufacture has been established in this country at the point named, the only one existing this side of the Atlantic; and while it has given employment to labor and distributed this amount of money, and provided for the use of our materials—coal, coke, salt—to these numerous amounts, it has at the same time reduced the price of the product to the American consumer one-half in three years.

The question being taken on the amendment of Mr. FARQUHAR, the committee divided; and there were—ayes 48, noes 53.

So the amendment was rejected.

The Clerk read as follows:

Magnesia, calcined, 7 cents per pound.
Magnesia, sulphate of, or Epsom salts, one-fourth of 1 cent per pound.
Prussiate of potash, red, 7 cents per pound.
Prussiate of potash, yellow, 3 cents per pound.
Nitrate of potash, refined, or refined saltpeter, 1 cent per pound.

Mr. BAYNE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After line 37 insert the following:
"Alumina—alum, patent alum, alum substitute, sulphate of alumina, and aluminous cake and alum in crystals or ground, six-tenths cent per pound."

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I reserve the point of order against that amendment. That section has already been passed.

Mr. BAYNE. I would like to know what point of order can be raised upon putting those articles on the dutiable-list.

Mr. BRECKINRIDGE, of Kentucky. As far as I could catch the amendment, the articles have been put on the free-list by action of the committee. There may be some additional names that I did not catch; but the amendment seems to be in regard to articles already on the free-list.

Mr. BAYNE. That makes no difference.

The CHAIRMAN. The Clerk will report the amendment again, so that it may be fully understood.

The Clerk again reported the amendment.

Mr. BRECKINRIDGE, of Kentucky. The point I make is that this is precisely a copy of lines 69, 70, and 71 on page 4 of the free-list; and this committee has already decided upon the free-list. We have passed from that point.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to speak to the point of order?

Mr. BAYNE. Undoubtedly. That is not the proposition on page 4. The gentleman will find the proposition quite distinct. The proposition on page 4, line 69, places alumina, alum, etc., on the free-list. My proposition places them on the dutiable list with a duty attached.

Mr. BRECKINRIDGE, of Kentucky. Does the gentleman say this proposition places them on the free-list with a duty attached?

Mr. BAYNE. No, sir; on the dutiable list with a duty attached.

The CHAIRMAN. The Chair would like to hear the gentleman on the point of order.

Mr. BAYNE. The proposition on page 4 places alumina, alum, etc., upon the free-list. The proposition which I have sent to the Clerk's desk to be read places alumina, alum, etc., on the dutiable-list with a duty attached. They are not the same propositions. They are very different propositions. The proposition on page 4 admits these substances free of duty. The proposition which I send to the Clerk's desk places a duty upon these substances. There is all the difference in the world. Now, if the gentleman could stand upon the technology of his own bill there might be something in the point of order; but it has been admitted already that something will have to be done to rectify the want of meaning in that bill which will preserve the duty upon things not enumerated in this bill. That is admitted.

Mr. BRECKINRIDGE, of Arkansas. Oh, no.

Mr. BAYNE. The chairman of the committee proposed and had read——

The CHAIRMAN. The gentlemen will confine themselves to the discussion of the point of order.

Mr. BAYNE. I am confining myself to that proposition. I say this: That the Mills bill as it stands before the House to-day will put alum on the free-list.

I propose to make alum pay a duty. The contention of the chairman of the Committee on Ways and Means is that there is some ambiguity in the bill.

Mr. BRECKINRIDGE, of Arkansas. Not a bit.

Mr. BAYNE. He admitted it, as I understand.

Mr. BRECKINRIDGE, of Kentucky. The gentleman is not speaking on the point of order.

The CHAIRMAN. The gentleman will confine himself to the point of order.

Mr. BAYNE. I think I can make myself understood. It will save time if you will let me go on, for I can say what I have to say in a moment. The chairman of the committee admitted that there is some ambiguity in the bill, which if it should become a law in its present form would not include anything in the existing law that is not enumerated, because on the last page of the bill, I think it is section 41, it is provided that all laws and parts of laws inconsistent with that law are hereby repealed. The bill itself proposes to fix a dutiable-list and a free-list. Therefore any other dutiable-list and any other free-list that might now exist, being in existing law, are hereby repealed. That seems to me to be plain enough. I do not see how any lawyer could construe it otherwise. That being the case I want a chance to vote upon this proposition to make alum pay a duty, and I ask the gentleman from Kentucky to point me to any rule of the House of Representatives applicable to the Committee of the Whole on the state of the Union that precludes my right to have a vote upon that proposition.

Mr. ADAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. ADAMS. I desire to discuss the point of order.

The CHAIRMAN. The Chair will hear the gentleman briefly on the point of order.

Mr. ADAMS. I shall be brief. The rules of parliamentary procedure were not intended to be applied to tariff bills. They are general in their character. I think the Chairman, before he construes this amendment to be out of order, must point to some principle of parliamentary law which declares that the subsequent part of the bill shall not be inconsistent with the former part of the bill.

I respectfully submit that there is no such principle known to parliamentary law. It may be a reason for refusing to adopt this amendment that it is inconsistent with something which the House has already done, but it does not follow that it is subject to a point of order; because neither in any specific rule of this House nor in any principle of the general parliamentary law can the gentleman find any rule whatever which prohibits the House from saying or doing something in a subsequent part of a bill which in the opinion of the Chair or in the opinion of the gentleman is inconsistent with something that already exists in the bill.

The CHAIRMAN. The Chair is ready to rule on the question. The committee has already adopted a provision putting the articles named in the amendment of the gentleman from Pennsylvania on the free-list.

Mr. REED. That is something for the committee to determine.

Mr. DOCKERY. That action has been taken by the committee. It will be conceded that a motion to reconsider can not be entertained when the House is in Committee of the Whole. The effect of this amendment, therefore, is to reconsider the action heretofore taken by which these articles were placed on the free-list.

Mr. REED. The Chair is assuming that fact.

The CHAIRMAN. But it is a fact, and the Chair will therefore be compelled to hold that the point of order is well taken; but if the gentleman desires, he can take the opinion of the committee.

Mr. REED. Oh, we shall not take any appeal. We are not going to appeal from Philip sober. [Laughter.]

The Clerk read as follows:

Sal soda or soda crystals, one-eighth of 1 cent per pound.

Mr. BAYNE. I move to strike out, in line 38, the words "one-eighth," and to insert "one-fourth."

Mr. Chairman, when the "alum" item was considered I unfortunately had left for Chicago, or I should have moved to strike from the free-list the proposition which placed "alum" upon it. These various articles which are collated here in the bill are the productions of the same mills, and they amount to a very large industry in this country. There are about twenty-five firms and establishments engaged in the production of alum and soda of various kinds. They consume a vast amount of material which is the product of labor. They consume salt to the extent of 500,000 tons, sulphuric acid 513,000 tons, lime and limestone 700,000 tons, coal 800,000 tons, nitrate soda 17,000 tons, alum clay 50,000 tons, sulphate of ammonia 25,000 tons, pyrites 500,000 tons, and packages 2,610,000 barrels.

There is no industry in the whole country producing a manufactured article in which labor is more immediately concerned than it is in these industries. The establishments are scattered over various sections of the country. The United States consume 37 per cent. of the world's production, and in the United States at present we produce about 18 per cent. of the total consumption. We import, therefore, about as much as we produce. In my district there is one of these establishments. It employs between three hundred and four hundred men. It has struggled for a great many years to build up the industry, and it has finally succeeded, and there are other establishments in different States of the Union which have undergone the same struggle and have also succeeded. The accomplishments brought about by American production have re-

duced the price of this commodity to the American consumer away below what it was before our home industry was established.

The effect which flows from protection has been felt in this respect, as it has been in many other respects. Now, this bill proposes to strike this industry, to discharge these men from their employment, and to invite into this country the products of the foreign manufacturer instead of consuming the products of our own people.

This is not good political economy. Tested on business principles it would not meet with the favor of anybody. It is worse than bad political economy; it is cruelty to the people of this country to discriminate thus against men engaged in these industries, and to foster, as this bill proposes, the industries of foreign countries.

Nobody in this country is complaining of the cost of these articles. I challenge a single member on the Ways and Means Committee, or any gentleman on the other side of the House, to produce anybody who complains of the price that is paid. No complaint has come to us. We have simply the arbitrary decision of the gentlemen upon the Ways and Means Committee, not one of whom representing the majority knew anything about this industry.

[Here the hammer fell.]

Mr. BAYNE. I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks five minutes additional. The Chairs hears no objection.

Mr. BYNUM. There is a general leave to print.

Mr. BAYNE. Yes, there is leave to print. I do not suppose I can make any impression on these gentlemen upon the other side. I suppose they intend to put this bill through as it is with some slight changes—notably one obtained on behalf of my good-looking friend before me from Chicago [Mr. LAWLER], and some other changes that may be proposed. We witnessed but a few minutes ago a proposition to keep bichromate of potash up to 2½ cents a pound. In that case, where a Baltimore firm had a monopoly of the whole business, the duty was kept up stiff and high enough.

Mr. BLAND. How many firms are engaged in the business the gentleman is now speaking about?

Mr. BAYNE. In this soda and alum business there are twenty-five to thirty firms scattered all over this country. There is no "trust," no combination, no monopoly. But unfortunately the gentlemen engaged in these branches of business throughout the country are not situated in the right localities.

Mr. BLAND. I did not suppose the gentleman would concede there could be a "monopoly" under the tariff.

Mr. BAYNE. If these industries were in Baltimore, Md., or in the district of my friend from Chicago [Mr. LAWLER], who seems to have considerable influence with the committee——

Mr. LAWLER. We will make the same concession to you if you will vote for this bill.

Mr. BAYNE. Or in many other localities which might be pointed out, then these industries might not need any advocacy on our side.

Mr. DINGLEY. What did the gentleman from Chicago [Mr. LAWLER] say was the concession which he made in order to obtain the removal of glue from the free-list? The gentleman from Chicago, I understood, informed the gentleman from Pennsylvania a moment ago of a certain concession which he made in order to have glue taken from the free-list, and stated that a similar concession made by the gentleman from Pennsylvania might be to his advantage.

Mr. LAWLER. I was going to say this: The committee did make a concession; that is, it is so supposed; I did not understand they did. I was going to suggest to the gentleman now on the floor whether, if we make one concession to him, he will stop talking and let this bill come to a vote. We will make a concession, if he will agree to do that.

Mr. DINGLEY. The gentleman said that the concession to be made was to vote for the bill.

Mr. BAYNE. The gentleman from Illinois [Mr. LAWLER] is very kind. But this bill affects many industries in Pennsylvania. A greater variety of industries are represented in Pennsylvania than in any other section of the country. But I am glad to hear my friend from Chicago say that a concession was made to him.

Mr. LAWLER. I do not say that. It is so understood. I do not claim that it was.

Mr. BAYNE. For most concessions there is a *quid pro quo*. No doubt the concession here involved a *quid pro quo*, because when this bill was first discussed the gentleman was placed among the twenty-five or twenty-six protectionists on the Democratic side who would vote against the bill. Now, those twenty-five or twenty-six protectionists, as I understand, have dwindled down to two or three at the very outside. Glue brought over one——

Mr. LAWLER. I will answer the gentleman, if he will allow me, by stating——

Mr. BAYNE. I have no doubt bichromate of potash brought over another. So it goes. I say that my constituents are exceedingly unfortunate in the fact that some of these establishments are not located in districts represented by gentlemen on the other side who have influence with the Committee on Ways and Means. Mr. Chairman, the glue industry is a good one, a big one, one which I would like to protect. It deserves protection, and shall cordially receive it, so far as I am concerned. But the alum industry is a large industry, representing a great amount of labor and a large amount of capital, the percentage of labor in the actual product being as much, almost, as in any product embraced in the tariff bill. Why should not these men receive proteciton? Why should their industries be stricken down? I would appeal (if an appeal would amount to anything) to gentlemen on the other side to consider this question and to vote for such duties as will simply keep this industry at its present degree of prosperity. But I know such an appeal is in vain. I know that the edict has gone forth that this bill is to pass this House substantially as now framed, with such amendments as have been agreed upon by the Committee on Ways and Means; that it is to come out of the Committee of the Whole substantially as now framed, and be sent to the Senate. The hope of the country is in the Republican Senate, and the country so feels. I could wish that gentlemen on the other side would submit this whole question to the voters of the United States next November, and let the people pass upon it before a decision is reached in this House.

They are unwilling to do that. I venture to predict to you now, gentlemen on the other side, that the next House of Representatives will contain from twenty to thirty Republican majority, and the Republican nominees for President and Vice-President will carry every Northern State on this issue. [Applause.]

The question recurred on Mr. BAYNE'S amendment.

The committee divided; and there were—ayes 36, noes 46.

So the amendment was rejected.

The Clerk read as follows:

Bicarbonate of or super-carbonate of soda, and saleratus, calcined or pearl ash, three-fourths of 1 cent per pound.

Mr. BAKER, of New York. I move to amend by striking out "three-quarters of a cent per pound" and inserting "1½ cents per pound."

Now, Mr. Chairman, I undertook yesterday to make an amendment by way of addition to the free-list. My friend on the other side of the House, while admitting he knew nothing about the subject, advised his colleagues to vote against that amendment, and for that reason the amendment was rejected. Now I propose an amendment of a different character. It is to put back the duty as it is at present on the article of bicarbonate of soda and saleratus.

I wish to say to my Democratic friends on the other side of the House that I am advised by good Democratic authority the proposed reduction of duty would destroy the manufacture of soda in America. If that be true, it would be a great outrage to enact this reduction of duty on saleratus and bicarbonate of soda.

As to the history of this industry, I am told that about forty years ago English soda was the only kind used in America; its annual sales did not exceed 100 tons and the price ranged from 9 to 12 cents per pound. Even as late as 1872 the price of English soda ruled as high as 7 cents per pound in the American market. To-day American manufacturers make and sell in the United States about 50,000 tons annually, the demand for which has been created by their own time, labor, and expense. The price has been reduced from 7 cents to 3½ cents per pound solely by home competition. The quality has been improved, so that now the American manufacturer makes a better article than the English ever made. This result has only been accomplished by years of labor and invention and the expenditure of large amounts of money.

In 1842 American ingenuity discovered the present process of making bicarbonate of soda. At first the machinery was crude, and for many years American manufacturers struggled to overcome the defects which were everywhere manifest in the process and the results.

Upwards of from four millions to five millions of dollars are invested in the manufacture of soda and saleratus in the United States, almost entirely represented by the value of the plants.

My distinguished friend from Michigan [Mr. BURROWS] has given you some facts and figures which fell upon dull ears upon the other side of the House as to the production of soda ash, the value of the materials used therein, and the amount expended in labor. He showed that to destroy it would be an irreparable injury to an important industry.

Now, the bill does not change the duty on the raw material, but if the duty on the manufactured article is reduced it would be a serious blow to the labor employed in the manufacture of bicarbonate of soda and saleratus. I learn that two soda manufacturers of Brooklyn give employment, directly or indirectly, to about one thousand hands; the entire number dependent upon them is several times larger. One of the two Brooklyn firms pays more money annually to its employés than is derived by the Government in the same time from the tariff on the articles in question.

I have alluded to the manufacture of soda-ash, a material from which bicarbonate of soda is made. A reduction of the tariff on the manufactured article would kill a new-born industry.

I wish to call attention to another fact. I wish to impress on the minds of my friends on the other side that this information comes from high Democratic authority, from men who have stood high in the Democratic councils, and who are to-day among the largest producers of these articles.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAKER, of New York. I hope I will be permitted to occupy five minutes longer.

The CHAIRMAN. The Chair hears no objection, and the gentleman will proceed.

Mr. BAKER, of New York. Now, if the manufacture of bicarbonate of soda is crippled this new industry—which bids fair to make us entirely independent of Europe for this almost indispensable article—will be strangled at its birth, while on the other hand the manufacture of our own soda-ash insures future and permanent cheapness of the articles into which it is manufactured.

The immense importance of the soda manufacture to the United States will be seen when we consider that it is an article of universal use. Not a family in the country but what uses it in some manner or shape; not a physician but what uses it in some of his prescriptions as an important ingredient, and in the arts and sciences it is indispensable.

If the American manufacture is crushed and wiped out and our supplies are henceforth to be taken from the foreigner under the delusion that we shall get them cheaper, then in the event of a war with any European power our supply would be cut off and the United States, so far as soda is concerned, would be in the same helpless condition as that in which the late civil war found the Southern States.

Let me read from the memorial of those engaged in this manufacture. Here is what they say:

Lastly. We respectfully submit that the duty on bicarbonate of soda and saleratus should remain as it is, for the following reasons:
1. A reduction of duty would stop the manufacture of these articles in this country.
2. It would immediately depreciate valuable machinery and property now used in this manufacture.
3. It would throttle a new American industry, the manufacture of the raw material (soda-ash), which bids fair to be of large proportions in a short time.
4. It would eventually give the entire trade in this article to foreign manufacturers, who would control the market and price, certainly not for the consumers' benefit.
5. It would ruin an industry which is distinctly American—a notion of America—the product of American genius, aided by American energy.

Very respectfully,

JOHN DWIGHT & CO., *New York City.*
CHURCH & CO., *Brooklyn, N. Y.*
J. MONROE TAYLOR, *Brooklyn, N. Y.*
DELAND & CO., *Fairport, N. Y.*

MARCH 22, 1886.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

Mr. BURROWS. I desire to be heard for a moment upon this question.

The manufacture of soda-ash was commenced in this country in 1861. Bicarbonate of soda is the common baking-powder, and is used in every household. The present duty is 1½ cents per pound, or $33.60 a ton. This bill proposes to reduce the duty by one-half, or $16.80 a ton.

The Solvay Process Company of Syracuse, N. Y., commenced the manufacture of bicarbonate of soda two years ago, or in 1886. The result of the beginning of this manufacture of bicarbonate of soda in 1886 was first to reduce the price. The price then in the American market was $76.16 per ton, and to-day it is $68.20 per ton, or a reduction of $7.96 on a ton by reason of the inauguration of this domestic manufacture.

We consume in the United States about 40,000 tons annually, so it will be observed that by starting this industry we have saved to the people of the United States $358,400. We import now annually about 1,100 tons. If the present rate of duty is continued we can evidently supply the home demand at the reduced price. If this duty is reduced as proposed by this bill the manufacturers say that it will probably stimulate importation so that we shall import at least one-half of the demand. If that be so, it will increase the revenue $310,000. The Solvay Process Company of Syracuse, N. Y., as I have said, have entered upon the manufacture of this product in connection with their establishment at a heavy outlay for machinery; and, as I have already stated, the result of that is to reduce the price. What motive could have actuated the majority of the committee of this House to strike down an industry that has by its operation reduced and is reducing the price of a necessary product to the consumers of this country I must confess myself utterly unable to conceive.

I call attention to these facts, furnished me by the Solvay Process Company, and a statement submitted by them to the effect that it will cripple them, if not absolutely ruin the industry now entered upon within the last few years.

Mr. BAKER, of New York. Mr. Chairman, I will temporarily withdraw the amendment I have offered for the purpose——

The CHAIRMAN (Mr. DOCKERY). The Chair desires to overrule himself for the purpose of correcting an error in reference to the decision made on the point of order by the gentleman from Kentucky a few moments since.

After consultation with the permanent chairman of this committee, who is of opinion that the ruling was not in order, the Chair will entertain the proposition of the gentleman from Pennsylvania [Mr. BAYNE], which the Clerk will read.

Mr. BAYNE. I move the adoption of this amendment.

The Clerk read as follows:

After line 39:
"Alumina—alum, patent alum, alum substitute, sulphate of alumina, and aluminous cake, and alum in crystals or ground, six-tenths cent per pound."

The amendment was rejected.

Mr. BAKER, of New York. I now renew the amendment to strike out, in line 41, "three-fourths of a cent" and insert 1½ cents.

The question being taken, there were on a division—ayes 28, noes 13.

Mr. BAKER, of New York. Is it in order to make the point of no quorum?

The CHAIRMAN. It is in order.

Mr. BAKER, of New York. Then I will not make it. [Laughter.]

So (no further count being demanded) the amendment was rejected.

Mr. BAYNE. I offer the amendment I send to the desk to come in after this line.

The Clerk read as follows:

After line 41:
"Sulphate of soda, known as salt cake, crude or refined, or niter cake, crude or refined, and Glauber's-salt, 20 per cent. ad valorem."

Mr. BAYNE. I have about the same remarks to make on this proposition as on the other, and I shall not repeat them, but ask to have the reasons, which are stated in much better form than I can give them, as will appear in a communication addressed to the House of Representatives from reputable manufacturers, printed in the RECORD.

The statement referred to by Mr. BAYNE is as follows:

To the honorable the House of Representatives:

The following argument is respectfully submitted as to the duties on alum and sodas:

The present duties are as follows:

	Cents.
Alum ..... per pound ...	½
Sal soda ..... do ...	¼
Bicarbonate of soda ..... do	1½
Caustic soda ..... do	1
Soda ash ..... do	½

Twenty per cent. ad valorem on sulphate of soda.

The proposed duties, per bill introduced by the honorable chairman of the Ways and Means Committee, are as follows:

	Cent.
Sal soda ..... per pound ...	¼
Bicarbonate of soda ..... do	½
Caustic soda ..... do	½
Soda ash ..... do	¼

Alum is placed on the free-list.

Sulphate of soda is placed on the free-list.

Should this bill become a law, it would destroy one of the most important of our industries, as all of the articles are absolutely essential; and until the last few years we have been entirely dependent upon England for the supply of these manufactures.

In 1887 the importations were 198,419 tons.

In 1887 the quantity made here was 194,000 tons.

The excess of imports, we submit, is a good reason why the present rates should remain.

The prices of soda and alum under practical free trade, compared with prices under the existing tariff, are as follows:

Articles.	Year.	Average market price per pound.	Duty per pound.		Excess of market price under practical free trade.
		Cents.			*Per cent.*
Soda ash	1858	2.80	4 per cent. =	.11 cent.	150
	1888	1.12		.25 cent.	
Sal soda	1858	2.02	4 per cent. =	.07 cent.	113
	1888	.95		.25 cent.	
Bicarbonate soda	1858	4.45	8 per cent. =	.33 cent.	62
	1888	2.75		1.50 cents.	
Caustic soda	1858	7.13	4 per cent. =	.27 cent.	191
	1888	2.45		1.00 cent.	
Alum	1858	3.75	4 per cent. =	.13 cent.	114
	1888	1.75		.06 cent.	

The average prices are taken from the New York commercial papers, and are lower than ever before. The total value of 392,419 tons is $16,600,000, about equally divided between our own country and Europe. The quantity of raw material required is about as follows:

Salt ..... tons ...		500,000
Sulphuric acid ..... do		513,000
Lime and limestone ..... do		700,000
Coal ..... do		800,000
Nitrate soda ..... do		17,000
Alum clay ..... do		50,000
Sulphate of ammonia ..... do		25,000
Pyrites ..... do		500,000
Packages ..... barrels ...		2,610,000

About half of the above articles are produced in this country from mines and factories in close proximity to the soda and alum works. In a few years the other half would also be produced here if your honorable body favorably consider the retention of the present duty.

Among the multitude of reasons why the duty should not be changed are the following:

Because—Many collateral industries and trades will be affected.

Because—We are on the eve of the extension and adoption of the ammonia process for making soda, and it is hoped that this important chemical reagent will not be annihilated at the outset.

Because—We are about erecting plants at the great coke works with a view of

catching the sulphate of ammonia contained in the escaping gases, all of which is now wasted.

Because—We are now working the vast deposits of native sulphate and other forms of soda existing in the Western States and Territories, notably Wyoming, Nevada and Utah.

Because—We are working the pyrites mines of Virginia, Massachusetts, and Vermont, for sulphur ore, in place of Sicilian sulphur, formerly used in making Sulphuric acid.

Because—We do not want to resume the humiliating position of obtaining our consumption of alum and alkali from foreign sources.

Because—Labor is a most important item in the cost of all forms of soda and alum, as large masses of material have to be handled and dealt with. The average labor paid here amounts to 39 per cent. of value of product, against an average of 15.6 per cent. in similar establishments in Europe. The above labor includes only that paid at factories. The contingent industries, which amount to a very large sum, are omitted.

Because—The grinding down of wages (as we should be compelled to do) is an objectionable feature and can not commend itself to enlightened citizens of the United States. We aim not only to pay sufficient wages for mere existence in providing food and clothing, but also to allow of the education and bringing up of the children of the operatives in a proper manner, thus making them better and more enlightened citizens of the Republic.

Because—The amount of duties on soda and alum since their original imposition is considerably less than was paid at first, owing to the fact of the foreign manufacturers being quick to perceive that by concentration of those articles the duties might be considerably reduced.

Because—The glass, soap, and paper manufacturers, who are the largest consumers, are united on the propriety of the present duties, as lower rates would tend to prevent an increase in their manufacture in this country, and the saving in cost of production of glass, soap, and paper by the reduction in duty would come to so small a fraction as to be quite inappreciable, and would hardly find its way into the pocket of the consumer.

Because—The alum and sulphate of soda manufacture would cease entirely, as those articles are placed on the free-list. The revenue from the other forms of soda would be greatly increased in consequence of reducing the duty one-half, as England is forwarding half our supply under the present duty.

Because—Ten millions of dollars are invested in the alum and soda works and half as much additional in contingent and allied industries. Fifty thousand people are dependent upon them for support. The manufacturer, the laborer, the consumer, the mine-owner, and the carrier would see their money drained out of the country, and their requisites would be vastly diminished.

Because—The alum clay deposits of Indiana, Alabama, South Carolina, and Virginia are now being developed, and this would cease with alum on the free-list.

Because—The British manufacturers are deeply concerned over the threatening evils to their alum, alkali, and soda industries by reason of the rapid development of those industries in this country. Mr. Weldon, in a paper read in London in 1883, gave the soda production of the world at 710,000 tons, of which 432,000 tons were made in England. The United States by long odds is the heaviest consumer.

Because—In consequence of the permanent depression in market values owing to sharp and active competition, the profit on soda and alum in the old established factories amounts to less than 6 per cent. upon invested capital. Several of the new companies, although in operation two or three years, have paid no dividends at all.

Because—Heavy chemicals are brought to the United States as ballast, the freight costing only the expenses of handling. These vessels are sent over for grain and petroleum cargoes; hence sea freight affords no protection.

Because there are many towns that were brought into existence and the people and neighboring farmers supported solely by the chemical industries established in their midst. In view of the evil results that must follow the placing of alum and sulphate of soda on the free-list and the reduction in duty on sodas, we most earnestly request that no change or alteration be made in the existing duties, as it will, in reduced wages and reduced employment, seriously and vitally affect the interests of the respective communities, and without any commensurate gain to any American interest.

THE TARIFF COMMITTEE REPRESENTING THE INTERESTS AFFECTED.
HENRY BOWER, *Secretary.*

PHILADELPHIA, *April* 17, 1888.

The amendment was rejected.

The Clerk read as follows:

Line 42: Hydrate or caustic soda, one-half of 1 cent per pound.

Mr. BURROWS. I move, Mr. Chairman, to strike out "one-half of 1 cent per pound" and insert "1 cent per pound," the present rate of duty.

This is an infant industry. It was born in 1887. It is about a year old. It was born at Syracuse, N. Y. Its birth cost $200,000; and I will ask the Clerk to read the account of its origin, which I hope will be listened to attentively by gentlemen on the other side of the House.

Let me say first that in 1887, last year, the Solvay Process Company of Syracuse, N. Y., attached to their plant machinery that cost them $200,000 for the manufacture of this substance, and they have just commenced its production. Until they began it there was never an ounce made in the United States; and as they say, this will prove destructive to that industry and destroy the outlay of $200,000 invested. The very fact that they have added to their works machinery to make the product has already reduced the price of the material. I ask the Clerk now to read the communication, and hope the majority will listen to it.

The Clerk read as follows:

Caustic soda is a hydrate of soda. It is used in manufacture of soap, paper, woodpulp, and all scouring operations in many other manufactures.

	Tons.
Imports, 1887	46,000

Price January, 1887, 2¼ cents	$65.33
Price January, 1888, 2¼ cents	58.80
Price April, 1888, 2¼ cents	57.00
Total fall since January, 1887	8.33

This is probably the effect of the new enterprise of the Solvay Process Company, which was begun in March, 1887, and has only within a few days turned out the first caustic soda ever produced in the United States.

The Solvay Process Company has expended on caustic soda works more than $200,000.

Argument of the Solvay Process Company, Syracuse, N. Y., against the reduction of the present duty on caustic soda.

	Per ton.
Present duty 1 cent per pound	$22.40
Proposed duty, ¾ cent per pound	16.80
Proposed reduction	5.60

Up to the present time the entire consumption of caustic soda in the United States (with the exception of a very insignificant quantity) has been supplied by importations, and almost exclusively from England. For the past four years these imports have been as follows:

	Revenue.
1884, 34,990 tons, a duty of $22.40 per ton	$783,776
1885, 37,740 tons, a duty of $22.40 per ton	845,376
1886, 38,855 tons, a duty of $22.40 per ton	870,352
1887, 40,000 tons, a duty of $22.40 per ton	896,000

The official figures for 1887 are not yet obtainable, but it may be safely assumed that the imports will certainly reach the figures above given of 40,000 tons.

The selling price of 70 per cent. caustic in January, 1887, was about 2½ cents per pound for 60 per cent., which corresponds to $65.33 per ton of 70 per cent. caustic.

During the year 1887 the Solvay Process Company has expended, now $200,000, nearly $150,000 in building and equipping extensive caustic soda works, in which it is intended to produce from 6,000 to 10,000 tons per year, which quantity will be increased if found practicable. This enterprise will produce from 16 per cent. to 25 per cent. of the consumption of the United States.

Although not a single pound has yet been turned out by these works, owing to their present incomplete condition, still the mere prospect of this new source of supply has caused the selling price to fall to 2¼ cents per pound, which corresponds to $58.80 per ton of 70 per cent.

January, 1887. Selling price 2¼ cents	$65.33
January, 1888. Selling price 2¼ cents	58.80
Difference	6.53

From this it would appear that the saving effected to the consumers of caustic soda has been $6.53 per ton on 40,000 tons=$261,200, and that the new enterprise of the Solvay Process Company has already benefited the country.

If the duty on caustic soda is reduced, the immediate effect will be disastrous to this new enterprise. In passing it may be noticed that no such undertaking has ever before been attempted in the United States.

The foreign makers will be able to introduce their products cheaper than they are now doing, and will be able to destroy competition by the Solvay Process Company, after which there will be no inducement for them to lower their prices, and it would be entirely within the range of possibilities that the price should rise again to the same point as in January, 1887, where this home competition first began to threaten the foreign market.

If the duty is maintained as at present, the Solvay Process Company will probably produce 6,000 tons during 1888. This will be sold at home and must necessarily decrease imports by just that amount, less the natural increase in the consumption of the country. Calling this increase 4 per cent. on 40,000 tons, 1,600 tons, then the result of the operation of the Solvay Process Company will be a decrease in the imports of 6,000. Six thousand tons at duty of $22.40 per ton, $134,400—which sum will go toward decreasing the revenue and the surplus.

If, however, the duty is reduced, as is proposed, the Solvay Process Company will produce no caustic soda, because it can not afford to do so, and the natural increase in consumption must be entirely made up by increased imports. We shall then import at least 41,600 tons, and probably more. Under the reduced duty the revenue from this source will be—

41,600 tons at $16.80 per ton	$698,880
40,000 tons at $22.40 per ton	896,000
Showing a decrease in revenue of	197,120

This decrease is $62,720 more than the decrease which would be effected by the operations of the Solvay Process Company, and at first sight it would seem more desirable to accomplish it in this way; but it must be remembered that the consumption of the country is increasing at the rate of from 3 per cent. to 5 per cent. per year, and it will only take a few years to more than effect this temporary reduction. Again, the Solvay Process Company intends, if possible, to increase its production as speedily as possible to 18,000 tons per year, which would cut off, say, 40 per cent. to 45 per cent. of the present imports, and would correspondingly reduce the revenue from this article. This is no vague promise, but is made understandingly, and with the determined purpose of carrying it out if the conditions of duty will admit of doing so. This can only result in good to the country at large and in a still further reduction of the revenue surplus.

It may be further urged that the Solvay Process Company has put its capital into caustic soda works in good faith and on the supposition that the existing state of affairs would not be changed. If, however, a change is made, it will most disastrously affect this branch of its business, and may render its plant of no value whatever.

If there ever was a case of an "infant industry" this is one. It seems hardly just to change the conditions before the infant has fairly begun to breathe, or has produced the first pound of the article for which it was created. Against this weakling are pitted the strong and well-established industries of like nature in England and elsewhere industries which have flourished for years, and which have the notable advantage of having both managers and employés who have grown up with them. The skill and experience of years is all in their favor. They ought to produce their goods cheaper than we can on this account alone, leaving out of consideration the question of relative wages, which, however, is in itself a most important one, as labor in one form or another may safely be considered as forming at least 95 per cent. of the cost of caustic soda.

In conclusion the Solvay Process Company, asks a continuance of the present rate of duty (1 cent per pound) on caustic soda, for the following reasons:

1. It will eventually materially reduce the surplus revenue.
2. The cost of this article is already lessened to the consumer, and will probably be further decreased.
3. A healthy competition will be possible. This is always an advantage to the country at large.
4. This is a new and "infant industry," born under the protection of existing circumstances.

All of which is respectfully submitted by,

THE SOLVAY PROCESS COMPANY.
F. R. HAZARD, *Treasurer.*

NEW YORK, *January* 27, 1888.

The total number of men (from 750 to 1,000) in the actual employ of The Solvay Process Company does not, by any means, represent the workmen who are employed by those who furnish supplies necessary for the several manufactures carried on by it. Thus:

Miners, coal, salt; quarrymen, limestone; coke workers, coke; gas-house men, ammonia; wood-workers, barrels, etc.; iron-workers, drums for caustic; cotton-workers, bags for soda; and many others who are required to furnish the innumerable small supplies, from a tack to a locomotive, which are in daily use.

During the reading of the article the hammer fell.

Mr. BURROWS. I would like to have the rest of the article read, but I will not detain the committee.

The CHAIRMAN. It may be printed in the RECORD.

Mr. BURROWS. Sufficient has been read to show that the industry was started last year, that it has reduced the price materially, that the company have invested $200,000, and that to reduce the duty will destroy the industry.

Mr. OUTHWAITE. Has it reduced the price more than the reduction of the duty?

Mr. BURROWS. I have not calculated that. It has reduced the price very largely. The company is just entering upon the production.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan [Mr. BURROWS], which the Clerk will again report.

The Clerk again reported the amendment.

The Chair put the question, and was in doubt as to the result.

Mr. BURROWS. I ask for a division.

The committee divided; and there were—ayes 35.

Mr. BURROWS (while the noes were being counted). I do not care for any further count, Mr. Chairman.

The CHAIRMAN. The amendment is rejected.

Mr. BAYNE. Mr. Chairman, I offer an amendment to come in after line 43.

The Clerk read as follows:

After line 43 insert:
"Copper, sulphate of, or blue vitrol, 2 cents per pound."

Mr. BAYNE. Mr. Chairman, there is a small importation of that material, but a very considerable manufacture. The amount imported is about 462 pounds, I believe. The amount manufactured in this country is about 7,000 tons. This article is used, as I understand, for colors, dyeing, electrical batteries, and printing. The price in the United States is 4, 5, and as high as 8 cents per pound. The present duty is 3 cents per pound. The cost of manufacturing it abroad is said to be 3 cents per pound. It must be perfectly obvious that if the duty is taken off it will result in large importations; and so far as it results in importations it will cripple the industry here at home. That is the plain logic of the situation. If gentlemen are willing to be persuaded by the logic of facts and experience they will vote for this amendment. If they have made up their minds to put this bill through headlong, without regard to reason, rhyme, or any other consideration, they will vote against it. I ask for a vote on the proposition.

The amendment was rejected.

Mr. BAYNE. Mr. Chairman, I propose another amendment. I will send it to the Clerk's desk.

The Clerk read as follows:

After line 43 insert:
"Strike out lines 83 and 84. Sulphate of soda, known as salt cakes, crude or refined, or niter cakes, crude or refined, and Glauber's-salt, 20 cents per hundred pounds."

Mr. BRECKINRIDGE, of Kentucky. I make the point of order against that amendment.

Mr. BAYNE. That is a point of order raised a little while ago and overruled by the Chair. I have been offering these propositions since.

Mr. BRECKINRIDGE, of Kentucky. The proposition is expressly to strike out two lines we have already gone over.

The CHAIRMAN. The Chair is of opinion this would be returning to a portion of the bill already passed. That can only be done by unanimous consent.

Mr. BAYNE. It is an entire change. It is providing a duty different from existing law. There is no motion to strike out at all.

The CHAIRMAN. The Clerk will report the amendment again.

The Clerk again reported the amendment.

Mr. BAYNE. There is a mistake in wording the amendment. The words "Strike out lines 83 and 84" should not be there.

Mr. BRECKINRIDGE, of Kentucky. I made the point of order against the amendment. On page 4, lines 83 and 84, will be found precisely what the gentleman has put in this amendment.

Mr. BAYNE. Oh, no; I put a duty on it.

Mr. BRECKINRIDGE, of Kentucky. Those lines are precisely what will be found in this amendment. The only difference is that one is on the free-list and the other has a duty provided.

Mr. BAYNE. That makes a different proposition entirely.

Mr. BLAND. If motions to put on the dutiable-list articles now on the free-list are in order we would have to go over the whole bill again.

The CHAIRMAN. The gentleman from Kentucky [Mr. BRECKINRIDGE] has the floor.

Mr. BRECKINRIDGE, of Kentucky. It is exactly the same language. This is not an amendment which is inconsistent with a former amendment and comes under that rule. The proposition is to recur to a subject already settled concerning which the committee has voted and from which it has passed. This can not be done except by unanimous consent. That is my point.

Mr. DOCKERY. When temporarily occupying the chair a few moments since, a proposition involving the same point of order was presented by the gentleman from Pennsylvania [Mr. BAYNE] on another paragraph of the bill. I then decided in substance that the proposition was out of order, because it was in effect a consideration of a proposition that had already been passed upon by the committee, and a motion to reconsider not being in order in Committee of the Whole, the proposition of the gentleman from Pennsylvania was therefore not in order. In other words, that it was recurring to a matter that had already been passed upon by the committee. Upon subsequent consultation with the distinguished Chairman of the committee [Mr. SPRINGER] I concluded that I was perhaps in error, and so admitted the amendment; but upon further examination I am satisfied that the original decision ought to stand as the judgment of the committee.

Mr. ADAMS. May I be allowed to ask the gentleman from Missouri whether he has consulted any authorities on the subject?

Mr. DOCKERY. None, except the very able Chairman of this committee [Mr. SPRINGER], who is one of the best authorities in this body upon parliamentary law, and who was at first of the opinion that my decision was wrong, but who, I am inclined to think, has changed his views and will so announce.

Mr. ADAMS. It may be inconvenient to have this rule stand, but after all, that is not the question——

Mr. DOCKERY. Certainly not. The question is whether it is right.

Mr. ADAMS. The question is whether, according to the rules of this House on the principles of general parliamentary law, a proposition can be put in a subsequent part of a bill which is inconsistent with a proposition in a preceding part of the bill. I have glanced through Jefferson's Manual, and I am pretty sure that there is no rule of the House on the subject, and I am strongly of the opinion that it must be remitted to the general principles of parliamentary law. Although I have not had an opportunity to consult Cushing's Manual, I have a very strong impression that there is a statement there that the insertion of something that is inconsistent with something else which is already in the bill is a matter of policy for the Committee of the Whole to consider; but that the inconsistency is not a reason why the proposition should be stricken out or kept out on a point of order.

Mr. DOCKERY. A motion to reconsider is not in order in Committee of the Whole. Now, if the gentleman's position is correct and should be sustained by a majority of the committee, let us look at the position in which it would put the bill. In one part of the bill you would have an item on the free-list, while in a subsequent part of the measure the same item would appear on the dutiable list—a most absurd and ridiculous result.

Mr. ADAMS. Admitted.

Mr. DOCKERY. And parliamentary law should not be construed so as to permit such an absurdity.

Mr. ADAMS. But Cushing says exactly the contrary. He says that it is not a sufficient reason for excluding a proposition from a bill under a rule of parliamentary law that it results in a ridiculous or absurd form of the bill. I desire to call the attention of the Chair to the fact that when the gentleman from Missouri [Mr. DOCKERY] discusses this question he puts it upon the ground that the amendment is equivalent to a motion to reconsider. Not at all. This is the insertion of an amendment which the gentleman thinks, and I think, might probably lead hereafter in the House to a motion to reconsider the one or the other of the two inconsistent propositions; but when you have repeated precedents from Cushing's Manual of Parliamentary Law showing that you can put in an inconsistent provision in a subsequent part of a parliamentary proposition, how can you say that the insertion of it is subject to a point of order on the ground that it is equivalent to a motion to reconsider? It is not. The only argument the gentleman makes is that probably a motion to reconsider might, on the grounds of propriety, be made hereafter. That is a very different thing from a point of order. I simply ask the gentleman whether there is any rule of the House, or any principle of parliamentary law, in support of his view that is relied on or to be relied on, and if so what it is.

Mr. BLAND. Why, Mr. Chairman, there is the very plain principle of common sense that when the committee has considered a subject-matter and agreed to it in any form it can not be brought up again. This is a subject-matter that this committee has already passed upon. It is a provision of the bill that we have agreed upon and passed, and it can not be reconsidered and brought back again. Otherwise we could never legislate at all. We might come together and consider proposition after proposition and dispose of them and get through the bill, and then we could turn around and consider the whole bill again by amendments. The subject-matter of the free-list has been gone through with and acted upon by the committee, and if we could be brought in this way to go over the whole subject again we never could legislate at all. Rules are supposed to be made to facilitate legislation, but if, after having passed a subject, we can turn back and bring up every item from one end of the bill to the other in this way, we had better have no rules. This is a simple, plain proposition of common sense which no parliamentary rules would ever contravene. No legislation could be had unless it was understood that when we have passed upon a subject-matter in committee and agreed upon it, that is the end of it. Unless that is so, you would never have an end of any disputed measure.

Mr. BAYNE. Mr. Chairman, I differ so widely from my friend

from Missouri that I think the adoption of such a rule as he suggests would indicate a lack of common sense, would deprive the Committee of the Whole of the power to perfect this bill, and would leave it in a dilemma when the bill came to be presented to the House. For instance, in the wisdom of the committee it might be desirable to make a change with reference to some article in a tariff bill like this, which article might have been previously put on the free-list or an article nearly related to it might be on the free-list. An article might be taken from the free-list and a duty put upon it, and the article upon the free-list might be the result of a higher stage of manufacture than the one that had the duty upon it.

Then you would have the anomaly of a manufactured article on the free-list, while a constituent of that manufactured article would be on the dutiable list. The proposition of the gentleman on the other side would entirely disable the committee from rectifying such a mistake. As we progress with the discussion of this bill and elucidate, as we suppose, the principles upon which our tariff legislation should be formulated, we should not lose control of the subject; we should not lose the power to amend and change and perfect the bill all the way through. These different paragraphs can not be treated as different bills; they form parts of an entire measure, and the power of the Committee of the Whole to control this legislation and report this measure to the House in such shape as it may deem best, should be, it seems to me absolute. If there were a power to reconsider in the Committee of the Whole, a matter of this kind could be easily remedied; but there is no power to reconsider. Why, sir, suppose that both pig-metal and iron ore should, in the framing of a bill by the Committee of the Whole, be placed on the free-list. Suppose when the Committee of the Whole came to the pig-metal it should be retained on the free-list, but the very next article, iron ore, should be left off the free-list and a duty of 75 cents a ton put upon it. How would you rectify a matter of that kind? When you come to a vote on the measure in the House you could not vote upon putting pig-metal on the dutiable list, because it is a part of the bill; and you could not call for a vote on a proposition to put iron ore on the free-list. But suppose it should be the sense of the House that iron ore should pay a duty of 75 cents a ton and pig-metal a duty of $6 a ton; the House, according to the position of gentlemen on the other side, would be absolutely powerless under parliamentary law to carry out its wishes. There is neither reason nor common sense in any such position. We must keep control of this bill from one end to the other, so that we may rectify and revise its provisions all the way through, thereby being enabled to report to the House a complete measure without contradictions or stultifications within itself.

Mr. JOSEPH D. TAYLOR. The gentleman will remember that we have already passed on the free-list the subject of woolen rags. Now, when we come to the subject of wool, our action on that matter might render it necessary to go back to the subject of woolen rags.

Mr. BAYNE. The suggestion of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] shows how necessary it is that our power over all parts of the bill should be retained. Gentlemen on the other side have asked that certain things should be passed over until we come to certain other things which bear on the same subject.

Mr. BRECKINRIDGE, of Kentucky. That has been done by unanimous consent.

Mr. BAYNE. But anybody could have opposed it.

Mr. BRECKINRIDGE, of Kentucky. Then it would have had to be done by order of the committee, or not at all.

Mr. BAYNE. Then I submit to the gentleman from Kentucky the control of the action of the committee would be substantially placed in the hands of one man who would have the power to object.

Mr. BRECKINRIDGE, of Kentucky. Undoubtedly.

Mr. BAYNE. Well, I do not think that is parliamentary law or good sense.

Mr. BLAND. According to the gentleman's rule we can go back and place upon the dutiable-list everything that has been placed on the free-list.

Mr. BAYNE. I have no proposition to recur generally to matters already passed. But these are all subjects relating to each other. There is nothing else on the free-list which I propose to call up. These matters are all connected, and therefore I would like a vote on this proposition.

Mr. BRECKINRIDGE, of Kentucky. The question of parliamentary power here involved is a very important one. Personally, I would be perfectly willing that the gentleman should have a vote on this proposition.

Mr. BAYNE. Then it had better be held open.

Mr. BRECKINRIDGE, of Kentucky. I think, however, that the point of order against this amendment is perfectly sound; it seems to me clearer the more I think about it. I base my position upon this statement of the Digest:

> Where a bill is being considered by clauses or sections, and the committee has passed from the consideration of a particular clause or section, it is not in order to recur thereto.

Now, what is a clause or section of this bill? It is each particular line or subject; and certain of these we have already agreed upon. What is the amendment which the gentleman has offered?

> Sulphate of soda, known as salt-cake, crude or refined, or niter-cake, crude or refined, and Glauber's-salt, 20 cents per 100 pounds.

In a preceding clause of the bill this subject has been considered and passed upon. Now, the rule is that "it is not in order to recur thereto."

Mr. ADAMS. Will the gentleman recite once more the paragraph which he read from the Digest, and give us the reference?

Mr. BRECKINRIDGE, of Kentucky. It will be found on page 315 of the Digest.

Mr. ADAMS. Is it one of the rules?

Mr. BRECKINRIDGE, of Kentucky. It is a decision under Rule XXIII, clauses 1 and 8, which relate to the order of business in the Committee of the Whole. It reads—

> Where a bill is being considered by clauses or sections, and the committee has passed from the consideration of a particular clause or section, it is not in order to recur thereto.

Mr. ADAMS. "To recur thereto;" that is, to recur to that clause or section.

Mr. BRECKINRIDGE, of Kentucky. Now, this is a clause or section which relates to the subject of "sulphate of soda, known as salt-cake, crude or refined, or niter-cake, crude or refined, and Glauber's-salt."

Mr. ADAMS. Will the gentleman allow me to make a distinction? What he speaks of is the subject of the clause, not the clause itself. The rule does not declare that you shall not recur to the subject of a clause.

Mr. BRECKINRIDGE, of Kentucky. The rule is that you shall not recur to a clause or section which has already been passed, unless you have unanimous consent to do so; and the reason of this is perfectly apparent—that there is no such thing as reconsideration in Committee of the Whole; and there must be an end of this preliminary business done in Committee of the Whole. In order that the measure may be enacted into legislation it is necessary that there be an end of its consideration in Committee of the Whole, and that when a clause or section has been considered it shall be regarded as passed.

The contention of the gentleman from Illinois is, that while you can not go back to take up that clause or section again directly you can copy it verbatim, and have it put into a subsequent part of the bill, not by recurring to it in that sense, but indirectly by nominally making an original section of it.

Mr. ADAMS. Pardon me, the gentleman from Pennsylvania did not copy it verbatim.

Mr. BRECKINRIDGE, of Kentucky. But he does copy it verbatim, as to the substance.

Mr. ADAMS. Exactly, but——

Mr. BRECKINRIDGE, of Kentucky. It is precisely as in Committee of the Whole on an appropriation bill, if the committee should decide that the salary of the Secretary of the Navy was to be fixed at $4,000, and when we passed to the building of the ships a clause should be put in that the Secretary of the Navy should receive $2,000; and when we got lower down to the general supplies, that it should be $1,000. Now the clause under consideration is the salary of the Secretary of the Navy. That is the clause; and there is no mental legerdemain that can by any possible mode of construction escape the conclusion that you make this rule absolutely nugatory, if by clause you mean every word in the clause. For the very thing you do in passing from a clause is to vote down somebody's proposition, or to vote in somebody's proposition.

Mr. BAYNE. Is not this subject different from that proposed in the former line of the bill?

Mr. BRECKINRIDGE, of Kentucky. Precisely not. It is precisely the same subject.

Mr. BAYNE. Does the gentleman pretend that the fixing of a duty of 20 per cent. ad valorem is the predicate, and that the alum is the subject?

Mr. BRECKINRIDGE, of Kentucky. The subject of legislation is what shall be done with sulphate of soda.

Mr. BAYNE. Ah!

Mr. BRECKINRIDGE, of Kentucky. Sulphate of soda is the subject, and legislation by way of taxation is the method by which we are dealing with that subject. Now, I repeat, the clause is sulphate of soda. The result of the consideration of that subject is that it shall be put upon the free-list. The action of the committee is, then, to pass from that clause to consider another subject and determine what shall be done with the other subject. The contention of the gentleman, however, is that you can go back, not directly, not recur to it openly, but that by indirection you can go back to the same subject, to wit, what shall be done with sulphate of soda and the tax upon it?

Mr. BAYNE. I beg the gentleman's pardon; I did not go back to that at all. I say when you add a duty of 20 per cent. ad valorem or any other duty on an article that is free, it becomes part of a new specific and substantive proposition. It is not, as the gentleman from Kentucky would try to make it appear to be, a predicate on which to

base as in logic a conclusion, but it becomes a new subject for consideration by the committee. The 20 per cent. tax is a part of a substantive proposition and the whole thing is the subject. You couple a new condition to a condition that already exists, and after having coupled it you make the entire matter a new and different subject from what you put upon the bill.

Mr. BRECKINRIDGE, of Kentucky. That simply means that gentlemen here can move to amend every schedule in this bill by changing what the committee have done on every clause or section of the bill after it is passed.

Mr. BAYNE. Oh, no; not at all.

Mr. BRECKINRIDGE, of Kentucky. So that when we come to the end of the bill all that is necessary for the gentleman from Pennsylvania to do is to simply move to insert some clause with an addition to it of a different rate of duty, and that motion thereby changes the subject of the clause and makes an entire new provision.

Mr. BAYNE. But it does not mean that at all.

Mr. BRECKINRIDGE, of Kentucky. I do not mean to say that that is his purpose, for the gentleman says that he has but one amendment to offer here and I accept his statement as candid; but it is in the power of any gentleman to do so if this point shall be admitted.

Mr. BAYNE. Assume that even to be true, is it worse than the repeating of *pro forma* amendments, by which the debate could be carried on indefinitely?

Mr. BRECKINRIDGE, of Kentucky. I think it is a very bad thing to start with. The other has been already started.

Mr. ADAMS. I ask the attention of the gentleman from Kentucky while I read one paragraph from the Digest, on page 271, which I think has a direct reference to this subject, and I will state to the gentleman that my volume is of the second session of the Forty-ninth Congress, and possibly the pages of his may not conform to mine.

Mr. BRECKINRIDGE, of Kentucky. I have the same, my later volume being in the hands of the gentleman from Pennsylvania [Mr. BUCKALEW].

Mr. ADAMS. I find this language:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress it as if it were against order.

Everything that the gentleman has said in regard to the inconvenience of this style of logic I do not question. It may be all true. But what I say is, that although the committee might be possibly prepared to adopt some rule which should apply to bills of this kind, that rule has not yet been adopted, nor has it yet been laid down as a general principle of parliamentary law, whatever the preferences of gentlemen may be, and I hold that the law is precisely what I said this morning—simply to put in the discretion of the House power to regulate an amendment which may be inconsistent with something already passed in the House, but it does not make such an amendment liable to the point of order.

Mr. BLAND. The point is that it is not inconsistent with anything the committee has considered. The point is that we are going back to consider something that has been already considered.

Mr. ADAMS. Oh, no. The gentleman adopts that form of statement.

Mr. BLAND. If we were on the free-list where that came in and one amendment had been offered and another inconsistent amendment had been offered it would not be against the rules; but having passed it, and the free-list having been adopted by the committee, there is no power to go back. Otherwise we could go back and travel over this bill from one month to the other and from one year to the other.

Mr. ADAMS. We do not propose to go back. We are on the dutiable-list.

Mr. BLAND. I know that; you want to take from the free-list what has already been put there and put it on the dutiable-list. While the free-list was under consideration it would have been perfectly proper to offer any inconsistent amendment, but not now.

Mr. ADAMS. The gentleman tries to change his reasoning simply by changing the mode of stating the proposition.

Mr. BLAND. Not at all.

Mr. ADAMS. I think so.

Mr. BLAND. Your amendment, if inconsistent when that subject-matter was up, would be very proper under the rule.

Mr. ADAMS. I will ask the Chair to consider the subject.

The CHAIRMAN. The gentleman from Pennsylvania has moved to insert after line 43 the words which the Clerk will read.

The Clerk again reported the amendment.

The CHAIRMAN. Against this amendment the gentleman from Kentucky [Mr. BRECKINRIDGE] has made the point of order that the subject-matter of the amendment is embraced in lines 83 and 84, page 4, of this bill, which has been passed, and that therefore it is substantially a recurrence to a previous portion of the bill. If this were a question of mere inconsistency of a subsequent amendment with a former matter the Chair would not hesitate to hold, under the rule laid down in Jefferson's Manual, and also in the Digest, that the mere inconsistency of a proposed amendment with something already done was not cause for the suppression of the amendment by the Chair, but was a question directed solely to the discretion of the committee and of the House; but this is more than a question of consistency between the amendment proposed and the previous action of the committee. It is a recurrence to a portion of the bill already passed over. That recurrence of course would not be necessary if the committee were simply to do what it had already done; but the recurrence is for the purpose of undoing what the committee has already done, and that can not be asked except for the purpose of reconsidering in effect the action of the committee already had. The question of consistency would come up on ordinary legislation. But in considering bills making appropriations and revenue bills, the question whether the subject-matter has been passed over heretofore and considered in a previous part of the bill would be better illustrated perhaps by referring to the sundry civil bill. On page 9 of the last bill you will find a clause, as follows:

Court-house at Santa Fé, N. Mex.: For approaches complete, $12,000.

If that portion of the bill had been passed it would not be in order to move to insert $20,000 for the same purpose. It would be in effect recurring to the subject-matter already passed over and disposed of.

So in this case it is not a mere question of inconsistency, but of recurrence to a former portion of the bill and a proposition to make a different rate of duty upon a particular subject-matter already considered than that to which the committee had agreed. Therefore the Chair sustains the point of order on principle and also as a matter of convenience, which the Chair perhaps need not necessarily refer to. If the amendment was in order it would be in order to move to insert every item heretofore passed and there would be no end to legislation. Rules were made to bring about results and not to prevent results from being brought about. The gentleman from Kentucky [Mr. BRECKINRIDGE] calls the attention of the Chair to a decision in January, 1859, which is found on page 1429 of the Congressional Globe, and which sustains the position the Chair has taken.

Mr. BRECKINRIDGE, of Kentucky. I do not ask to have the decision read.

Mr. BAYNE. I now ask unanimous consent that a vote be taken on this proposition.

Mr. BRECKINRIDGE, of Kentucky. I have no objection.

Mr. BAYNE. Now, I want to occupy one minute in addressing the House.

There are large quantities of this article imported. The amount is now about 8,000 tons per annum. To put it on the free-list will undoubtedly swell the importations and thus deprive our own people of the opportunity to manufacture, as they are now doing. In view of that fact I protest on behalf of these manufacturers against putting the article on the free-list, and I think it should remain as it is in existing law. That is all I have to say.

The question was taken on the amendment of Mr. BAYNE, and it was rejected.

The Clerk read as follows:

Soda silicate or other alkaline silicate, one-fourth of 1 cent per pound.
Sulphur, sublimed or flowers of, $12 per ton.
Ultramarine, 3 cents per pound.

Mr. LEHLBACH. I move to amend by striking out "three" and inserting "five."

The CHAIRMAN. That is the present rate. The gentleman may move to strike out the line.

Mr. BUCHANAN. I rise to a parliamentary inquiry. What is to prevent my colleague from moving to strike out "three" and insert "five," if he desires to make that motion?

The CHAIRMAN. Nothing at all. It is simply a matter of convenience. The Chair will entertain the amendment in that form if the gentleman prefers it.

Mr. LEHLBACH. I do not intend to take up time in asking this committee to adopt this amendment, which would leave the duty on ultramarine the same as it is at present. I merely wish to call attention to the fact that since this article has been manufactured in the United States, which has been for only a few years past, the price has declined from 30 cents a pound to 12½ cents a pound. Previous to that the sale of ultramarine had been in the hands of a wealthy importer, and I understand that at his suggestion this reduction and many other reductions in the chemical list have been made by the Committee on Ways and Means. I send to the Clerk's desk a letter which was sent to the chairman of that committee, a public letter, which I am afraid the committee did not read or consider, and I ask to have it read here now. It will be very interesting reading for this committee and for the country. If the present duty is reduced, I am afraid it will not be for the benefit of the consumer, but for the benefit of the importer, and when this American industry is completely destroyed the prices will be advanced by these importers, and the consumers will have to pay higher prices.

The letter was read, as follows:

To the Chairman of the Committee of Ways and Means:

A letter of Mr. William Pickhardt, of New York, to the Secretary of the Treasury has been found of sufficient importance to be presented to your honorable committee; for that reason we ask your permission to reply to the same.

The letter shows that Mr. Pickhardt is not a good authority, as most of his statements are incorrect and strained; besides, we consider him ill-fitted to pose as a benefactor of the textile industries of this county, after having exacted

from them between eight and ten millions of dollars in the course of thirteen years as an emolument for a patent on one of his commodities, which, after a long law suit, was declared invalid.

Mr. Pickhardt says that unprotected farm labor supplies Europe with cereals, beef, etc. If he had compared the map and population of Europe with that of the United States he would understand why the Europeans have to buy a portion of their bread, beef, etc., from us, and why farm labor and factory labor can not be compared in tariff discussions in this country.

Mr. Pickhardt also speaks of chemicals and dye-stuffs, and says it would be a matter of great importance to the textile manufacturers whether they have to spend $100 or only $60 for the production of their goods, thus insinuating that the duties on chemicals and dye-stuffs produced such a difference in the cost of textile goods. Such was not the case even when Mr. Pickhardt charged $1.25 per pound for alizarine, which was sold all over Europe for 25 cents, which product Mr. Pickhardt succeeded in getting on the free-list, and immediately added his own private tariff of over 400 per cent. His remark that acid magenta is probably the only monopoly in coal-tar dyes does not come with good grace from a man who was one of the owners of the great monopoly above mentioned, and who struggled hard to hold the patent for acid magenta against the English owners of the United States patent, and lost his title thereto by decision of the court.

Mr. Pickhardt seems to be poorly informed in regard to the history of the chemical industry, or he would not state that of the artificial colors only ultramarine was known before 1860. He forgets chrome colors, Prussian blues, cobalt, Paris green, carmine, vermilion, in fact very few new colors have been added to the list since that time, except coal-tar dyes.

His statement in regard to the American aniline dye industry is also incorrect. He asserts that we have had the principal raw material for coal-tar dyes free since 1870. He knows, or should know, that aniline oil, the only raw material of the kind on the free-list, is the raw material for not even one-tenth of the coal-tar dyes used, and that all the other coal-tar products, not dyes, pay 20 per cent. duty, which amounts in the practical use to from 30 to 40 per cent. When the specific duty of 50 cents per pound on coal-tar dyes was taken off four factories established by European houses had to close, because 35 per cent. on coal-tar colors was more than counterbalanced by the duty on raw materials, chemicals, and price of labor.

The four factories now in existence continued hoping for a change, and have been successful in preventing almost entirely the importation of such goods as they could produce by reason of the aniline oil being free. Had they the same favorable opportunity for the production of other coal-tar colors, the industry would have been increased to a large extent.

The reasons why the coal-tar dye industry has not flourished are—

1. Capitalists were too timid to invest much money in expensive factories under the uncertainties of tariff laws.

2. That skilled chemical talent was difficult, almost impossible to procure. Inexperienced chemical help which could be procured in German laboratories for the asking would come to this country only at high wages, and caused much disappointment to American manufacturers.

3. That American labor and cost of plant in this branch, as in many other, are about two or three times as high as in Europe.

Mr. Pickhardt's remarks about ultramarine are just as misleading as anything he says in regard to coal-tar dyes. He knows very well that he sold his fine paper ultramarine at 30 cents until the American manufacturers forced him down to 16 cents. The present price of the American is 12½ cents; other grades have declined in a similar manner.

His statement of the great bulk of ultramarine being sold in Europe for 5 cents is based on the highly adulterated grades, for which qualities the American manufacturers find very limited demand. These goods do not compare with the articles sold in this country for 9 cents. The low prices of pure ultramarine in Europe are only for the purpose of meeting American competition and to dispose of surplus stock, which would be sold at high prices as soon as American competition disappeared.

The cost of an ultramarine plant is enormous in comparison to its production.

If reasonable protective duties can produce such results as these have done in the ultramarine trade, they should be the policy of this country.

These industries have been started under certain tariff regulations, they have grown to great importance, and would become, if fully developed, immense consumers of chemicals. They are a source of employment to much skilled and unskilled labor, and, as in Europe, form an excellent practical school for young chemists and an opportunity for inventive talent. The success of American manufacturers always forces European, and consequently American, prices down.

For these reasons it would not be good policy to strangle these industries, one of which has already suffered so severely by the tariff reduction of 1883.

Respectfully submitted by the American coal-tar, dye, and ultramarine manufacturers.

THE SCHOELLKOPF ANILINE AND CHEMICAL COMPANY, *Buffalo, N. Y.*
THE ALBANY ANILINE COMPANY, *Albany, N. Y.*
HUDSON RIVER ANILINE AND COLOR WORKS, *Albany, N. Y.*
HELLER & MERZ, *Newark, N. J.*
INTERNATIONAL ULTRAMARINE WORKS, LIMITED.
GERMANIA ULTRAMARINE WORKS.
AMERICAN ULTRAMARINE WORKS.

Mr. BURROWS. I have a letter from gentlemen who are familiar with the industry affected by this provision of the bill, transmitting to me a statement of the effect upon the industry should the provision be adopted. I ask to have the statement inserted in the RECORD, that the committee may know to-morrow the mistake it has made to-day. [Laughter.]

The statement was read, as follows:

ULTRAMARINE.

DEAR SIR: Allow us a few words on ultramarine with regard to the proposed change of tariff.

The price of ultramarine was about 50 to 100 per cent. higher before the change of tariff of 1870 from 25 per cent. ad valorem to 6 cents per pound went into effect.

The price reduction was the consequence of our competition, only no improvements in the manufacture having been made in that time.

European manufacturers since preferred to place their surplus product at cost or less in this country and wherever else we tried to sell and take the benefit of cheaper because larger production on the sales in their own country. Of course driving them out of our market meant still lower prices for us, and thus the American consumer was benefited during the last ten years to the extent of over $1,000,000 on former prices.

The difference in cost of labor, plant, wear and tear, selling, and office expense between the United States and Europe is so large that we could not compete against Europe without protection. Labor in this industry in Europe is at the highest 2.50 marks = 60 cents per day. In our country $10 per week is the lowest pay. This will be a—

Difference on 60 men per annum	$20,000
Difference in selling and office expense	8,000
Interest, wear, and tear	15,000
Duty on china clay	1,800
Duty on soda ash	3,360
Duty on silica, etc.	500
Total	48,660

on 15,000 hundredweight of ultramarine, or 3¼ cents per pound. Interest and wear and tear account is so high because the plant is an enormous one, costing about $250,000 for a comparatively small production.

You will readily see that 4½ cents duty per pound will leave us very little profit, while 3 cents per pound would force us to shut down.

As there are not many manufacturers in Europe who can adapt themselves to the American market, and each one has his specialties not competing with the others, prices would be advanced as soon as this industry was abolished here.

We hope this statement will give you a clear view of our position and induce you to give us such help in the coming struggle as will be consistent with your duties and patriotism.

Yours, respectfully,

HELLER & MERZ.

NEW YORK, *April* 12, 1888.

The question was taken on the amendment of Mr. LEHLBACH, and it was rejected—ayes 36, noes 52.

MESSAGE FROM THE SENATE.

The committee rose informally to receive a message from the Senate.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had appointed Mr. ALLISON a conferee on the part of the Senate on the disagreeing votes of the two Houses on the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889, in place of Mr. HALE.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the sixteenth amendment of the Senate to the bill (H. R. 6833).

TARIFF.

The Committee of the Whole resumed its session.

Mr. BAYNE. Mr. Chairman, we have reached now some matters which I hope the committee will not enter upon so late on Saturday afternoon.

The CHAIRMAN. Does the gentleman desire to move an amendment in line 76 in regard to china?

Mr. BAYNE. I hope the committee will rise without proceeding with the consideration of these subjects to-day.

Mr. MCMILLIN. Have the lines to which the gentleman refers been read?

Mr. BAYNE. No.

Mr. MCMILLIN. Let them be read, and then we can probably come to some understanding.

The Clerk read as follows:

China, porcelain, parian, and bisque, earthen, stone, or crockery ware composed of earthy or mineral substance, including plaques, ornaments, charms, vases, and statuettes, painted, printed, enameled, or gilded, or otherwise decorated in any manner, 45 per cent. ad valorem.

Mr. BAYNE. Now, I hope the gentleman will let the committee rise.

Mr. MCMILLIN. No; we want to go on with work, but we may be able to come to some terms concerning this provision.

Mr. BUCHANAN. Mr. Chairman, I ask unanimous consent that lines 76 to 94 inclusive be passed over informally. I make that request for the reason that the gentleman from Ohio [Mr. GROSVENOR] and the gentleman from West Virginia [Mr. GOFF] who are interested in these provisions are not present.

Mr. MCMILLIN. If it will be any accommodation to gentlemen we have no objection to that, and the Clerk can go on with the reading, beginning with line 95.

The CHAIRMAN. The gentleman from New Jersey makes a request for unanimous consent that line 76 to line 94 inclusive be passed over informally for the present, the committee recurring to them hereafter.

There was no objection, and it was so ordered.

Mr. MCMILLIN. Now let the Clerk read line 95.

The Clerk read as follows:

Paving tiles, not encaustic, 20 per cent. ad valorem.
Encaustic tiles, not glazed or enameled, 30 per cent. ad valorem.

Mr. BAYNE. I move to strike out the last word. Mr. Chairman, I was serious in the expression of the hope that we should not proceed with the consideration of this clause to-day. There are some gentlemen representing interests involved who are not now present.

Mr. MCMILLIN. Let the gentlemen be present.

Mr. BAYNE. It is very well to say that, but they are not present.

Mr. MCMILLIN. We have had no request of the kind indicated by the gentleman.

Mr. BYNUM. I think, in regard to the reduction here proposed, there is no controversy.

Mr. BAYNE. There will be controversy the moment we strike the next page.

Mr. McMILLIN. Then let the Clerk read, and when we come to a controverted paragraph it will be time enough to meet the difficulty.

The CHAIRMAN. What is the request of the gentleman from Pennsylvania?

Mr. BAYNE. Having moved to strike out the last word, I was occupying my five minutes in an effort to reach a conclusion by which we should not proceed further with this bill this evening, but resume it at this point on Monday or Tuesday or whenever the Committee of the Whole shall again sit.

Mr. McMILLIN. I do not think that is the best thing to be done. It does not appear to me a reasonable request. We certainly can proceed further with the bill this evening.

Mr. BRECKINRIDGE, of Kentucky. I wish to say to the gentleman from Pennsylvania that while we want to be as accommodating and courteous as possible toward gentlemen who are absent, the gentleman from Indiana [Mr. BYNUM] on this side, who is immediately interested in this clause, desires to leave the city to-night.

Mr. BAYNE. That is all right.

The CHAIRMAN. The Chair did not hear the arrangement proposed.

Mr. McMILLIN. There is no arrangement. It was merely stated that the gentleman from Indiana [Mr. BYNUM] is about to leave the city and wanted these questions disposed of before he leaves. Let the Clerk read.

Mr. BAYNE. I thought we were to discuss the question of encaustic tiles.

The Clerk read as follows:

All glazed or enameled tiles, 50 per cent. ad valorem.

Mr. BYNUM. I move to amend by striking out "fifty" and inserting "forty-five," so that the clause will read:

All glazed or enameled tiles, 45 per cent. ad valorem.

Mr. BUCHANAN. I would like to hear some reason for that proposed change.

Mr. BYNUM. The reason is that the duty named here is higher than in the earthenware schedule. While there has been here a reduction from 55 per cent. to 50, I understand there is no objection to a reduction to 45 per cent., so as to make this matter uniform with the earthenware schedule.

Mr. BUCHANAN. I do not understand that 45 per cent. is a reduction. I understand that it is an increase, and a very proper increase.

Mr. BYNUM. There is a controversy about the construction of the law. The Secretary of the Treasury has ruled that enameled or glazed tiles shall pay a duty of 55 per cent.; but the importers are continually contesting that decision, and a great deal of litigation has resulted. It is a very doubtful construction. The manufacturers are willing to have the matter settled by fixing the duty at 45 per cent., being really a reduction from 55 per cent. to 45 per cent., which I think a fair and equitable rate of duty.

Mr. ADAMS. Will the gentleman tell me what is the average price of these tiles? I may as well state my purpose in asking this question. The gentleman speaks of a difficulty at the Treasury Department with regard to the construction of the law. Has the question of undervaluation ever arisen in connection with these tiles?

Mr. BYNUM. Oh, no; there has been no question of undervaluation. The present law really contains nothing in connection with this subject except the encaustic tiles, and the Treasury Department has ruled that glazed or enameled tiles come in under the clause relating to "decorated earthenware," and must pay a duty of 55 per cent. But that construction is very doubtful.

Mr. ADAMS. Is the price of these tiles uniform, or do they vary in grade?

Mr. BYNUM. They vary in grade. The glazed or enameled tiles are a much higher class than the encaustic tiles or the paving tiles.

Mr. ADAMS. I am aware of that; but taking one class by itself—the glazed or enameled tiles—is there a variation in the grade?

Mr. BYNUM. There is no great variation unless there is some decoration put upon the tiles besides enameling and glazing.

Mr. ADAMS. Is there objection to the adoption of a specific duty applicable to them?

Mr. BYNUM. A specific duty could not be placed upon them at all. They embrace a rather wide class.

Mr. BUCHANAN. Mr. Chairman, the present law provides for a duty of 35 per cent. ad valorem upon encaustic tiles. As the gentleman from Indiana [Mr. BYNUM] has stated, the Secretary of the Treasury, in construing the existing law, has ruled that glazed tiles shall come in as "decorated earthenware." I believe, with the gentleman from Indiana, that this is a strained construction, because the articles are different commercially; still glazed or enameled tiles are enjoying this protection at present, and under the benefit of it the industry has become very large and flourishing in my own city. These tiles have been made there in very considerable quantities during the past two years, and the industry is giving employment to a large number of people; it is a growing industry. It seems to me that the first thought of the Committee on Ways and Means, which was to place these tiles in the bill at 50 per cent., was the better thought, and that the motion now made to fix the duty at 45 per cent. is really retrogression. I wish to express my firm belief that if the duty be left at 50 per cent., the surplus in the Treasury, resulting from duties upon these articles, will be less than if the duty be fixed at 45 per cent. It means just the difference between importing and not importing. In other words, I think that a 45 per cent. duty will reach the danger-point, whereas 50 per cent. will accord a proper protection. I hope, therefore, the amendment will not be agreed to.

The gentleman says that the manufacturers are content with 45 per cent. I was talking the other day with one who expressed no such content. I think he had no information that it was the intention of the Committee on Ways and Means to move a change in the bill in this respect. We had no knowledge that committee would make a change in the bill. Why do the committee wish to go back on their own work?

Mr. BYNUM. A gentleman engaged in manufacturing in the gentleman's State, formerly a constituent of mine, said they could get along with 45 per cent.

Mr. BUCHANAN. To whom does the gentleman refer?

Mr. BYNUM. To a resident of the gentleman's State of New Jersey, who was formerly a constituent of mine—Mr. Mathershead, who lives in your own town and who lived formerly in Indiana—who states they could get along with 45 per cent.

Mr. BUCHANAN. I undertake to say that the rate of wages in that factory, owned almost entirely by gentlemen of a political faith other than mine, is as high as that paid to operatives of skill in other occupations. I do not see the necessity, therefore, for this action. Farmers do not use them. They are not the necessaries of life.

The question recurred on Mr. BYNUM's amendment.

The committee divided; and there were—ayes 54, noes 37.

Mr. HOPKINS, of New York. No quorum has voted.

The CHAIRMAN appointed as tellers Mr. BYNUM, and Mr. HOPKINS of New York.

The committee again divided; and the tellers reported—ayes 62, noes 37.

So the amendment was agreed to.

The Clerk read as follows:

Slates, slate pencils, slate chimney pieces, mantels, slabs for tables, and all other manufactures of slate, 20 per cent. ad valorem.

Mr. FARQUHAR. I move to strike out "20" and insert "30." Mr. Chairman, the industry of slate mantels is purely American. It is entirely labor from the beginning of the slate all through. All the ornamentation is labor. Year in and year out the cost to the consumer has been reduced by American competition. There are $9,000 of revenue out of this last year, just little enough to protect measurably the American workingman in this industry. I have no additional remarks to make. I say it is a cut on an American industry which should not be made by an American Congress.

The question recurred on Mr. FARQUHAR'S amendment.

Mr. FARQUHAR demanded a division.

The committee divided; and there were—ayes 55, noes 59.

So the amendment was disagreed to.

The Clerk proceeded to read the next paragraph.

Mr. BAYNE rose.

Mr. McMILLIN. Finish the reading of the paragraph.

Mr BAYNE. It seems, Mr. Chairman, properly divisible into four or five. I think, for the purpose of having it well understood and clearly defined, we should take each one of these as a separate paragraph.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order to the effect that the paragraph beginning with line 103 and ending with line 117 should terminate with the word "pound," in line 107. Is that correct?

Mr. BAYNE. I do not hear the Chair.

The CHAIRMAN. The Chair understands the gentleman from Pennsylvania to make the point of order that the paragraph beginning with line 103 should end with line 107. Is that the point?

Mr. BAYNE. It is.

The CHAIRMAN. The definition of the paragraph given in Webster's Dictionary——

Mr. McMILLIN. Before you get to that I wish to know of the gentleman what he would make of the balance of the paragraph.

The CHAIRMAN. The Chair was about to state his decision. The definition of the word "paragraph" in Webster's Dictionary is that it is a complete sentence, a substantive proposition. If that proposition were divided at the point indicated by the gentleman, the subsequent portion of it would be meaningless. They are so nearly related they are one paragraph down to the end of it.

Mr. FARQUHAR. Does the Chair say a paragraph is only a complete sentence?

The CHAIRMAN. It relates to one subject; that is, it can not be divided and leave sense in the remaining part.

The Clerk will read the paragraph.

The Clerk read as follows:

Green and colored glass bottles, vials, demijohns, and carboys (covered or un-

covered), pickle or preserve jars, and other plain, molded, or pressed green and colored bottle-glass, not cut, engraved, or painted, and not specially enumerated or provided for, three-fourths of 1 cent per pound; if filled, and not otherwise provided for, and the contents are subject to an ad valorem duty, or to a rate of duty based on their value, the value of such bottles, vials, or other vessels shall be added to the value of the contents for the ascertainment of the dutiable value of the latter; but if filled and not otherwise provided for, and the contents are not subject to an ad valorem duty or to a rate of duty based on their value, they shall pay a duty of three-fourths of 1 cent per pound in addition to the duty, if any, on their contents.

Mr. McMILLIN. I move to strike out that paragraph.

Mr. BAYNE. Now, Mr. Chairman——

The CHAIRMAN. Does the gentleman rise to oppose the amendment?

Mr. BAYNE. I rise to state that the gentleman from Wisconsin [Mr. GUENTHER] was desirous of proposing some amendments to this proposition in reference to filled bottles. What the amendments are I do not know; but I know that he was exceedingly anxious to present them and have a vote upon them.

Mr. McMILLIN. Well, I presume that was on the impression that the section was to remain in the bill.

Mr. REED. No; there is something in the present law that needs rectification in that regard, but I am not familiar with the details.

I think the effect of the present law is to allow the importation of bottles free when filled with certain substances, and that provision is taken advantage of to avoid the tariff tax upon the bottles.

Mr. McMILLIN. Well, I am very glad to find that there is one thing at least in the present law which is admitted to be defective by the gentleman on the other side.

Mr. REED. The gentleman has come to that knowledge newly, I assume, and therefore I do not wonder that he jumped to his feet with such alacrity to proclaim the discovery.

Mr. McMILLIN. Because it has been a matter of surprise to those who have witnessed the conduct of the gentleman from Maine, and heard his expressions in these debates, to find there is no defect in the existing law or any reason why there should be a change in anything connected with it.

Mr. REED. The trouble with the gentleman may arise, not from what has been done, but from a defect in the perceptive faculties.

Mr. McMILLIN. I may not have perceptive powers equal to those of the distinguished gentleman from Maine, but one thing, I never will boast of what I have, as he habitually does.

Mr. REED. I would not if I were in your place. [Laughter.]

Mr. ADAMS. Will the gentleman from Tennessee tell us what the existing law is?

Mr. McMILLIN. One cent.

Mr. ADAMS. I mean in relation to filled bottles.

If the gentleman from Tennessee can not give the information will some other member of the committee be kind enough to do so?

Mr. McMILLIN. The following is the existing law in this respect:

Flint and lime glass bottles, and vials——

Mr. FARQUHAR. Let me call the gentleman's attention to the fact that that is not the paragraph.

Mr. McMILLIN. No; this is the paragraph, just preceding that:

Green and colored glass bottles, vials, demijohns, and carboys (covered or uncovered), pickle or preserve jars, and other plain, molded, or pressed green and colored bottle-glass, not cut, engraved, or painted, and not specially enumerated or provided for in this act, 1 cent per pound; if filled, and not otherwise in this act provided for, said articles shall pay 30 per cent. ad valorem in addition to the duty on the contents.

That is the existing law.

Mr. BAYNE. Now, as I have said, I do not know what the difficulty is exactly, but my impression is that certain commodities are admitted into this country under this clause "glass bottles," under that very provision, at a far less rate of duty than would be chargeable to them if they came into the country in another form. I know that the gentleman from Wisconsin [Mr. GUENTHER] desires to be heard on that proposition. He is a manufacturer and can explain this thing very thoroughly. It is now very nearly 5 o'clock and I am desirous that the gentleman from Wisconsin shall have a hearing before action is taken on the paragraph. I do not ask that it may be passed over, or that we may go to the next subject, because the next and the succeeding will all be more or less discussed I presume. My request is that we may not enter upon that discussion this evening at all; and I would like to ask the gentleman in charge of the bill to let the committee now rise and this thing to go over for the present.

Mr. McMILLIN. We can not pass everything over.

Mr. BAYNE. Very well, then, if you can not, I want to perfect this before we proceed.

Mr. McMILLIN. Well, proceed to perfect it.

Mr. BAYNE. I move that the words "three-fourths," in line 107, be stricken out and that "one" be substituted, so that the duty will be 1 cent per pound.

Now I tell the gentleman he will have to have a quorum to determine that matter.

Mr. McMILLIN. I will state to the gentleman that that is the effect of the amendment I have offered. That leaves it as it is under existing law and does not change it.

Mr. BAYNE. But I propose an amendment further down that will not make it in accordance with the existing law.

Mr. BUCHANAN. Will the gentleman yield to me for a suggestion?

Mr. McMILLIN. Certainly.

Mr. BUCHANAN. I would like to call attention to the fact that the gentleman from Tennessee, I suppose through inadvertence, did not read the proviso which must be taken in connection with the words read by him in the old law, which is as follows:

All glass bottles, and decanters and other like vessels of glass, shall, if filled, pay the same rates of duty, in addition to any duty chargeable on the contents, as if not filled, except as in this act otherwise specially provided for.

That proviso must be taken in connection with the words the gentleman from Tennessee [Mr. McMILLIN] read. Standing disconnected from those words, I can easily understand how you overlooked it.

Mr. ADAMS. Is it true that under the existing law certain classes of bottles are let in free colorably filled, in order to evade the duty?

Mr. BUCHANAN. I would suggest that these words should be considered not only in connection with the words read by the gentleman from Tennessee, but also with the next proviso in the old law, which refers to flint and lime glass bottles, etc. So it will be seen that those two paragraphs and this proviso are to be taken in connection in determining the effect of the old law with reference to the admission of bottles free, or with reference to the amount of duty to be charged upon them when they are filled with dutiable contents.

Mr. ADAMS. If that is all stricken out will there not remain a defect in the existing law which ought to be changed?

Mr. BUCHANAN. I have not determined as to that. I rose simply for the purpose of calling the attention of the gentleman from Pennsylvania to the fact that all the information had not yet been given.

Mr. BAYNE. That proviso, as I understand it, is a provision of existing law.

Mr. BUCHANAN. Yes, sir. It comes in after the paragraph with reference to green bottles and a paragraph with reference to flint and lime glass bottles.

Mr. FARQUHAR. I would inquire of the gentleman from Tennessee if it is the intention of the committee to move to strike out the succeeding paragraph also—the flint-glass paragraph?

Mr. McMILLIN. No, sir.

Mr. FARQUHAR. You do not mean to strike that out?

Mr. McMILLIN. No, sir.

Mr. FARQUHAR. Then is it the intention that the original proviso, though a law, shall remain with the paragraph stricken out?

Mr. McMILLIN. The intention is to strike out this paragraph and to leave the remaining portion, down as far as line 134, as it is in the bill.

Mr. FARQUHAR. Then I would inquire of the gentleman if this is simply meant as a restoration of the old law?

Mr. McMILLIN. It will restore the old law as to what is embraced in that paragraph.

Mr. FARQUHAR. In that paragraph alone?

Mr. McMILLIN. In that paragraph alone.

Mr. FARQUHAR. The proviso still remains in the old law?

Mr. McMILLIN. I have not looked at the proviso.

Mr. FARQUHAR. That is the question now being discussed on this side.

Mr. McMILLIN. It has been discussed in such a low tone of voice and in such a fraternal way among our friends on the other side that we have not been able to hear it here.

Mr. BUCHANAN. So far as I am concerned I will say my voice generally reaches the other side.

Mr. McMILLIN. The gentleman did not employ his usual thundering tones in this case.

Mr. BAYNE. Explain it over again.

Mr. BUCHANAN. I simply called the attention of the gentleman from Tennessee to the fact that the paragraph he read was qualified by a proviso which appears further on in the old act, and that therefore escaped his attention; also to the fact that that proviso in the old law also followed the provision in reference to flint and lime glass bottles and seemed to qualify both the provision with reference to green-glass bottles and flint and lime glass bottles; and that the three must be construed together in order to determine the effect of the old law. Then I desired to know what the effect would be of striking out the provision from this bill with reference to the green and colored glass bottles, retaining the flint and lime glass bottles, and not touching the proviso. We desire to know the effect of it, and upon the spur of the moment we could not without some explanation tell, because it takes a little time to look into the matter.

Mr. McMILLIN. To what proviso does the gentleman refer?

Mr. BUCHANAN. To the proviso in these words:

All glass bottles and decanters and other like vessels of glass shall, if filled, pay the same rate of duty in addition to the duty chargeable on the contents as if not filled, except as in this act otherwise specially provided for.

I am not personally familiar with the subject.

Mr. McMILLIN. I will state to the gentleman that I do not think that there is a clause in the existing bill which repeals the proviso to

which he refers. I do not recall one now. But it was called to my attention now for the first time, and I may be in error. I do not think I am.

Mr. BUCHANAN. But it has been stated here that this bill does not propose to repeal anything in the old law by inference; that what this bill does not specifically change will stand, and that a general provision is to be added to that effect. I want to know what the effect will be upon the provision which he proposes to have remain in the bill of this proviso which will remain untouched in the old law.

Mr. MCMILLIN. If this section is stricken out, section 133 of the tariff compilation, the existing law, will remain as it is now.

Mr. BAYNE. I would like to say to the gentleman from Tennessee that the very thing complained of is that proviso; that is my impression.

Mr. MCMILLIN. Does the gentleman propose an amendment to repeal the proviso?

Mr. BAYNE. I have frankly stated that I do not know the situation of the case; but the gentleman from Wisconsin [Mr. GUENTHER] does, and I would like to have him here when it is considered.

Mr. MCMILLIN. We do not desire to do anything that is improper in connection with this matter. The committee can proceed to the next paragraph, passing this over informally.

Mr. REED. It is ten minutes of 5 now.

Mr. MCMILLIN. Well, we want to get along as far as possible. If it is desired to pass this over informally, let the Clerk read the next paragraph.

Mr. MCKINLEY. I call the attention of the gentleman from Tennessee to section 2, on page 8 of the bill, and I suggest to him whether the language there used would not repeal existing law. It reads "that on and after the 1st day of July, 1888, in lieu of the duties heretofore imposed on the articles hereinafter mentioned, there shall be levied, collected, and paid the following rates of duty on said articles severally;" and the gentleman will remember that so far as the schedule touching earthen and glass ware is concerned all the articles named in the present law are named in the pending bill. I simply call the gentleman's attention to that in connection with other suggestions that have been made touching the effect of the proviso that is found in the existing law.

Mr. MCMILLIN. I will state to my friend from Ohio that according to section 2, which he has just read, if there is a part of the glass schedule that is untouched in this bill, or that, having been touched, is stricken out and nothing is said concerning it, it will carry the rate of duty provided in the old law.

The CHAIRMAN. The gentleman from Tennessee [Mr. MCMILLIN] asks unanimous consent that from line 103 down to and including line 117, on page 13 of the bill, be passed over for the present.

There was no objection, and it was so ordered.

The Clerk read as follows:

Flint and lime glass bottles and vials, and other plain, molded, or pressed flint or lime glassware, not specially enumerated or provided for, 30 per cent. ad valorem; if filled, and not otherwise provided for, and the contents are subject to an ad valorem duty, or to a rate of duty based on their value, the value of such flint or lime glass bottles or vials, or other vessels of like material above provided for, shall be added to the value of the contents for the ascertainment of the dutiable value of the latter; but if filled, and not otherwise provided for, and the contents are not subject to an ad valorem duty, or to a rate of duty based on their value, they shall pay a duty of 30 per cent. ad valorem in addition to the duty, if any, on their contents.

Mr. ADAMS. I want to understand this matter of the defect in the existing law, and I have an impression that there is in the pending bill an attempt to remedy that defect. Therefore, if the gentleman really desires the existing law as to rates to stand, instead of striking out the paragraph on page 13—I speak of it now because there is precisely the same provision in the paragraph just read—it would achieve his purpose, and it would be better to simply restore the existing rates in this paragraph and leave the language of the paragraph to stand; because in the language of the paragraph I believe (although I am not familiar with the subject) will be found the remedy for the defect in the existing law which has been under discussion.

Mr. MCMILLIN. We passed over informally the paragraph upon which discussion arose, and the Clerk has just read the next paragraph.

Mr. BURROWS. Is it understood that that paragraph is passed over informally?

Mr. MCMILLIN. Which one?

Mr. BURROWS. The one which has just been read.

Mr. MCMILLIN. No, sir.

Mr. BURROWS. Then we have something to say about it. Mr. Chairman, I move that the committee do now rise.

The question was taken on the motion of Mr. BURROWS; and it was rejected—ayes 37, noes 50.

Mr. BURROWS. This is an important matter, Mr. Chairman, and I think we had better have tellers. [Laughter.]

Tellers were ordered.

The committee again divided; and the tellers proceeded with the count.

The CHAIRMAN (before the completion of the count). The hour fixed by order of the House for adjournment having arrived, the committee will rise.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. KILGORE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution of the House of the following title; when the Speaker signed the same, namely:

Joint resolution (H. Res. 188) authorizing the loan of tents and camp equipage to the veteran organizations of the Society of the Army of the Potomac.

The House then (at 5 o'clock and 2 minutes p. m.) adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BOUTELLE: A bill (H. R. 10660) granting a pension to Chloe A. Page—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 10661) granting a pension to Mrs. Sophia Vogelsang—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10662) to allow John Winchell arrears of pension—to the Committee on Pensions.

By Mr. COGSWELL: A bill (H. R. 10663) granting a pension to Julia A. Gilman—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 10664) for the relief of Mattie W. House—to the Committee on Pensions.

By Mr. DORSEY: A bill (H. R. 10665) granting a pension to Andrew H. Hazlett—to the Committee on Invalid Pensions.

By Mr. HERBERT: A bill (H. R. 10666) for the relief of John W. Durr—to the Committee on Claims.

By Mr. HOUK: A bill (H. R. 10667) granting a pension to William Bean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10668) granting a pension to G. S. Hackworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10669) granting a pension to W. G. McAdoo—to the Committee on Pensions.

Also, a bill (H. R. 10670) granting a pension to Joseph Houston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10671) for the relief of Rachel Armentrout—to the Committee on War Claims.

By Mr. MACDONALD: A bill (H. R. 10672) granting a pension to Mighill H. Patten—to the Committee on Pensions.

By Mr. MCCREARY: A bill (H. R. 10673) for the relief of A. Carson—to the Committee on Claims.

Also, a bill (H. R. 10674) granting an increase of pension to William Cumpton—to the Committee on Pensions.

By Mr. MATSON: A bill (H. R. 10675) for the relief of John Davis—to the Committee on War Claims.

By Mr. PETERS: A bill (H. R. 10676) granting a pension to Adelbert D. Monroe—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 10677) granting a pension to Mrs. Tabitha Oliver—to the Committee on Pensions.

By Mr. CLARDY: A bill (H. R. 10678) for the relief of August Muetzelfeld—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Petition of Invincible Council, No. 33, of Allegheny; of McKeesport Council, No. 109, and of Manchester Council, No. 124, of Pennsylvania, Junior Order of United American Mechanics, for the passage of Senate bill No. 555, known as the Palmer bill—to the Committee on Foreign Affairs.

By Mr. CONGER: Affidavit to accompany House bill No. 157—to the Committee on Military Affairs.

By Mr. DOUGHERTY: Petition of D. E. Lowell and 1,039 others, citizens of the Second district of Florida, in favor of a system of Government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. HOOKER: Petition of E. F. Hudnall, of Rankin County, Mississippi, for reference of the claim of Joseph Hudnall to the Court of Claims—to the Committee on War Claims.

By Mr. HOUK: Petition of citizens of Tennessee, for a pension for W. A. McCubb—to the Committee on Invalid Pensions.

Also, petition of J. B. McCullum, and of administrator of James Currier, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition praying for the reinstatement of E. W. Bass—to the Committee on Military Affairs.

By Mr. JACKSON: Affidavits and evidence in the case of S. S. McFerron, for relief—to the Committee on Claims.

By Mr. MATSON: Petition of Robert Applewhite and 245 others, soldiers and citizens of Jackson County, Indiana, for arrears of pensions—to the Committee on Invalid Pensions.

By Mr. OSBORNE: Petition of James E. Burr and 32 others, citizens of Carbondale, Pa., favoring amendments to the interstate-commerce law—to the Committee on Commerce.

Also, memorial of the New York Yearly Meeting of Friends, for a court of international arbitration—to the Committee on Foreign Affairs.

By Mr. STEELE: Petition of C. M. Wade and 18 others, ministers of the Methodist Episcopal Church, for the repeal of the liquor tax—to the Committee on Ways and Means.

By Mr. STOCKDALE: Petition of A. H. M. Smith, heir of William Smith, of Amite County, Mississippi, for reference of his claim to Court of Claims—to the Committee on War Claims.

By Mr. G. M. THOMAS: Petition of Nelson R. Lee, for relief—to the Committee on War Claims.

By Mr. TOWNSHEND: Paper to accompany bill to grant increase of pension to Levi T. E. Johnson—to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: Petition of William Shadden, of Maury County, Tennessee, for relief—to the Committee on War Claims.

By Mr. W. L. WILSON: Petition of William Baker, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. VOORHEES: Resolution of Typographical Union No. 202, of Washington Territory, in favor of the Chace international copyright bill—to the Committee on Patents.

The following petitions for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, were received and severally referred to the Committee on the Public Lands:

By NUTTING: Of 23 citizens of Oswego, N. Y.

By Mr. VANCE: Of the Canton Rifle Club and the Collinsville Gun Club, and of J. D. Andrews and 19 others, citizens of Collinsville, Conn.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. BOUTELLE: Of 83 citizens of Piscataquis County, Maine.

SENATE.

MONDAY, *July* 2, 1888.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Kansas praying that certain amendments of the interstate-commerce law may be made; which was referred to the Committee on Interstate Commerce.

Mr. QUAY presented resolutions adopted by the Junior Order of United American Mechanics of Greble Council, No. 13; Ellsworth Council, No. 14; Diligent Council, No. 4; American Star Council, No. 49; and Fredonia Council, No. 47, of Philadelphia; Birmingham Council, No. 260; General Putnam Council, No. 125; and Laurel Council, No. 126, of Pittsburgh; Manchester Council, No. 124, of Allegheny; Middletown Council, No. 156, of Middletown; Wilkinsburgh Council, No. 92, of Wilkinsburgh; Invincible Council, No. 33, of Allegheny; Philos Council, No. 188, of Madison; Dawson Council, No. 75, of Dawson; Shickshinny Council, No. 203, of Shickshinny; Good Will Council, No. 42, of Tyrone; Scottdale Council, No. 102, of Scottdale; Warden Council, No. 182, of Stoners; and Orient Council, No. 72, of Johnstown, all in the State of Pennsylvania, in favor of the passage of Senate bill 553 to restrict immigration; which were referred to the Committee on Foreign Relations.

Mr. QUAY. I also present resolutions adopted by the Pittsburgh Coal Exchange and others, favoring the purchase of lock and dam No. 7 of the Monongahela Navigation Company, and remonstrating against the improvement of the Ohio River by means of movable dams. For the information of the people of the Ohio valley, I ask unanimous consent that the resolutions may be printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks that the resolutions of the Pittsburgh Coal Exchange and others may be printed in the RECORD. If there be no objection it is so ordered; and as the bill to which the resolutions relate has been reported they will lie on the table.

The resolutions are as follows:

At a meeting of the coal operatives, shippers, and the Pittsburgh Coal Exchange held Saturday, June 30, 1888, the following preamble and resolutions were unanimously adopted:

Whereas we learn with surprise and regret that the appropriation in the river and harbor bill for the purchase of lock and dam number 7 of the Monongahela Navigation Company has been stricken out by the United States Senate and an appropriation for $100,000 inserted for the purpose of purchasing sites for building a lock and dam at Beaver, Pa.: and

Whereas the construction of a dam at Beaver, Pa., would not be of any benefit to navigation, as the fall of the Ohio River from Pittsburgh to Beaver, Pa., is 24 feet 6 inches, and in order to make sufficient water for navigation from Pittsburgh to Beaver would require the construction of not less than four locks and dams, including the one now at Davis Island. The improvement would, therefore, be useless, admitting that to lock and dam the Ohio River would be a benefit to navigation, which it would not, but be a great injury and largely increase the expense of transporting coal and other merchandise; besides each dam would cost from one to two millions of dollars, and under any and all circumstances the appropriation would be a useless expenditure of the public money to begin at Beaver. The proper location would be immediately below the present dam at Davis Island. Therefore why Beaver is selected as the place to build the second dam, and which should be not less than the fourth, is to all river men a mystery. The insertion of this appropriation was made without the knowledge or desire of those whose occupation and business is the navigation of the Ohio River and is entirely in opposition to their wishes. We therefore most respectfully protest against the appropriation (as it now stands) for a dam at Beaver, Pa., and ask your honorable bodies to make an appropriation for the purchase of the locks and dams on the Monongahela River, and place us on the same footing as the coal operators of the Great Kanawha River, and we think in all fairness that we have a right to ask this, at least when we observe that other States are receiving appropriations for the improvement of the rivers which empty into the Ohio River. For example, the Great Kanawha River is now having (in the present bill) an appropriation of $350,000, in addition to the large amounts that have been already expended in building locks and dams by the Government to make it (the Kanawha) navigable, while the Monongahela River has never had a dollar appropriated and expended on its improvement in this State. The locks and dams having been built by a stock company, to whom tolls have to be paid on all coal and other merchandise, and boats that navigate said river which is (and always has been) a very heavy tax, thereby placing a burden on the trade and shipping interests of the Monongahela valley, while those navigating the Great Kanawha are relieved from any tax or charges, the improvements having been made by the Government. We therefore think in all fairness that the business of the Monongahela River and valley should be placed on the same footing as any other navigators are on other rivers under control of the United States Government.

We therefore hope and pray that this portion of the Monongahela River which is not in the State of Virginia will not prevent it from receiving the same benefits from the Government as Virginia has received and is now receiving.

Respectfully, yours,

THOMAS FAWCETT,
President pro tem.

Attest:
RICHARD BARROWS,
Secretary.

Mr. BROWN. I presented some days since a petition of citizens of Summerville, Ga., praying that an appropriation be made to bore and construct an artesian well at the Augusta arsenal, in Georgia. I desire to supplement that petition this morning by presenting a very full statement by Col. Charles C. Jones, jr., one of the prominent citizens of Augusta, and also a statement made by Maj. J. W. Reilly, who is in command at the arsenal, and a petition of the city council of Augusta, Ga., all praying that an appropriation be made for that purpose.

I move the reference of these papers to the Committee on Appropriations.

The motion was agreed to.

Mr. DANIEL presented the petition of M. M. Lewis and others, citizens of Virginia, praying for the repeal of that portion of the internal-revenue laws which classes druggists as liquor dealers, and that the tax on spirits used in the arts and medicines may be reduced; which was referred to the Committee on Finance.

Mr. BLAIR. I present a memorial of District Assembly, No. 66, Knights of Labor, of this city, remonstrating against the striking out of some provisions for increase of teachers' salaries in the District. As the matter is now in conference, I move that the memorial be referred to the Committee on Appropriations.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 2430) explanatory of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States, and for other purposes," reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Military Affairs, to whom was referred the bill (S. 1019) to authorize and direct the Secretary of War to place on file in the War Department the names of the officers and members of the Frontier Guards, mustered into the volunteer military service of the United States on the 18th day of April, 1861, and issue discharges to the same, reported it with amendments, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7647) to incorporate the Georgetown and Tennallytown Railway Company of the District of Columbia, reported it without amendment.

DISPOSAL OF PUBLIC LANDS.

Mr. PLUMB. I report from the Committee on Public Lands favorably, with an amendment, the joint resolution (H. Res. 184) to amend the joint resolution approved May 14, 1888, relating to the disposal of public lands in certain States, and I ask the unanimous consent of the Senate that it may be considered now.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information.

The Chief Clerk read the joint resolution, as follows:

Resolved, etc., That the joint resolution relating to the disposal of public lands

in certain States approved May 14, 1888, be, and the same is hereby, amended so as to extend the provisions thereof to the States of Florida and Louisiana.

Mr. PLUMB. The joint resolution approved May 14, 1888, to which reference is made, is in these words:

That the public lands of the United States in the States of Mississippi, Arkansas, and Alabama now subject to private sale as offered lands shall be disposed of under and according to the provisions of the homestead laws only until the pending legislation affecting such lands shall be disposed of or the present session of Congress shall adjourn.

Then follows a proviso to the effect that isolated or disconnected tracts may continue to be sold at a dollar and a quarter an acre.

This House joint resolution extends the provisions of the joint resolution which I have read to the States of Florida and Louisiana. The Senate Committee on Public Lands have recommended an amendment to extend the joint resolution as amended, not until the adjournment of the present session of Congress, as originally contemplated, but until the adjournment of the present Congress. It has been shown that by reason of the passage of the joint resolution persons are proceeding to take lands under the private-entry law who have heretofore been buying in the States of Arkansas, Alabama, Mississippi, and so on, and have gone in great numbers into the States of Louisiana and Florida.

Congress will adjourn within a few weeks undoubtedly, and it is altogether probable that no legislation on the subject will be obtained. With the notice which has been given of the intention of Congress to limit entries to the homestead law, it is feared that persons will flock in there in great numbers and take up all of the lands in those States at private entry, and thus leave none to be entered under the homestead law, unless this resolution is passed.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the joint resolution, having been this day reported, may be now considered. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment reported by the Committee on Public Lands was, after the word "Louisiana," in line 7, to insert:

And the provisions of said joint resolution as hereby amended are extended until the close of the present Congress.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. PLUMB. I move that a committee of conference be requested upon the joint resolution and amendment.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate ask for a conference on the joint resolution and amendment.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. WALTHALL, and Mr. BERRY were appointed.

RELATIONS WITH CANADA.

Mr. PADDOCK, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. FRYE June 27, 1888, reported it without amendment; and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Foreign Relations be authorized to employ the necessary assistants for the examination and revision of the statistical and other information collected by the said committee in response to a resolution of the Senate which passed February 8, 1888, directing the said committee to prepare for the use of the Senate certain information touching the commercial relations of the Dominion of Canada and the United States, and other subjects, as are fully set forth in said resolution, and that the necessary expenses thereof be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 3247) to grant the right of way through a part of the military reservation at Fort Morgan, Ala., to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3248) for the relief of John W. Durr; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 3249) for the relief of Zo. S. Cook; which was read twice by its title, and referred to the Committee on Pensions.

Mr. QUAY introduced a bill (S. 3250) to authorize the construction and operation of a bridge and its approaches at New York City over the Hudson River, in and between the States of New York and New Jersey, and to confer upon the same the character and privileges of a post-route; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. STEWART introduced a bill (S. 3251) for the relief of Col. Jonathan D. Stevenson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3252) to place Col. Jonathan D. Stevenson on the retired-list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO BILLS.

Mr. TELLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. MORGAN and Mr. DANIEL submitted amendments intended to be proposed by them, respectively, to the bill (H. R. 2952) to allow certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which were ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PADDOCK (for Mr. MANDERSON) submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs.

He also (for Mr. MANDERSON) submitted two amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

He also (for Mr. MANDERSON) submitted an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds.

Mr. DANIEL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KENNA submitted two amendments intended to be proposed by him to the bill (H. R. 2952) to allow certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which were referred to the Committee on Claims, and ordered to be printed.

TRAFFIC OVER CANADIAN RAILWAYS.

Mr. FRYE submitted the following resolution; which was considered, by unanimous consent, and agreed to:

Ordered, That the Secretary of the Treasury transmit to the Senate all correspondence and information in his Department relative to the arrangement made for traffic between Suspension Bridge and Detroit, whereby merchandise was allowed to be conveyed over the Great Western Railway of Canada without payment of duty upon the completion of the railroad bridge across the Niagara River in 1855.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. The Senate conferees on the legislative, executive, and judicial appropriation bill authorize me to make a report which I send to the desk.

The PRESIDENT *pro tempore*. Does the Senator ask that it be now considered?

Mr. ALLISON. Yes, sir.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk proceeded to read the report.

Mr. ALLISON. I do not know that the Senate is especially interested in the reading of the report in detail. There are no material changes made in the bill. They all relate to surrenders of clerks here and there, and unless there is some objection I ask that the report be adopted without being read.

The PRESIDENT *pro tempore*. Unless there be inquiry about any specified amendment. The report will be printed in the RECORD.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its amendments numbered 8, 34, 55, 56, 58, 59, 67, 68, 69, 78, 80, 83, 91, 92, 93, 94, 95, 108, 109, 112, 113, 116, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 146, 147, 149, 151, 152, 153, 154, 155, 156, 157, 158, 159, and 171.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 10, 11, 12, 13, 14, 15, 28, 50, 51, 52, 60, 61, 62, 72, 73, 74, 75, 76, 77, 81, 82, 85, 86, 87, 88, 96, 97, 98, 104, 105, 110, 111, 129, 130, 142, 143, 144, 145, 160, 164, 166, 167, 168, and 169, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$322,915.30;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment, and in line 1, page 4, of the bill strike out "twenty-seven" and insert in lieu thereof "twenty-eight;" and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$83,472.40;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the number proposed insert "eight," and after the word "each," in line 4, page 14 of the bill, insert "one of whom shall be in charge of international exchanges," and in line 5, page 14 of the bill, strike out the following: "one at $900;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an

amendment as follows: In lieu of the sum proposed insert "$39,000;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$116,070;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "For indexing records, one clerk of class two, $1,400;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$64,319;" and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,100;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert "For legislative expenses, namely: For rent of secretary's office, hire of messenger, light, fuel, stationery, postage, office furniture, repairs, and other incidentals, $1,500;" and the Senate agree to the same.

Amendment numbered 99: That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen;" and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$513,600;" and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by said amendment insert "two clerks of class 1;" and in line 27, page 59, of the bill strike out the following: "One clerk of class 1;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$6,280;" and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted, insert the following: "$1,200;" and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$19,320;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows: In lieu of the amended paragraph insert the following:

"For connected and separate United States and other maps prepared in the General Land Office, $15,000; and 2,500 copies of said maps shall be delivered to the Senate, and 5,000 to the House of Representatives for distribution."

And the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate 128, and agree to the same with an amendment as follows: Add at the end of the amended paragraph the following:

"*Provided*, That five special examiners, or clerks detailed and acting as supervising examiners, and special examiners or clerks detailed as such, not exceeding three in number, with headquarters in the District of Columbia, may be allowed, in addition to their salaries and in lieu of per diem and all expenses for subsistence, a sum not exceeding $900 each per annum: *Provided further*, That the salary and such allowance to each shall in no case exceed $2,400 per annum."

And the Senate agree to the same.

Amendments numbered 134 to 140: That the House recede from its disagreement to the amendments of the Senate numbered 134 to 140, inclusive, and agree to the same with amendments as follows: In lieu of the amended paragraph insert the following: "For rent of building for the Interior Department, namely: For the Geological Survey, $10,000; for store-room for documents, $360; for Indian Office, $5,500; for General Land Office, $1,800, which may also be occupied by the Railroad Office until not later than December 1, 1888; and for the Bureau of Education until not later than December 1, 1888, $1,667; in all, $19,327;" and strike out line 20, on page 74 of the bill; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$116,880;" and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed, in lines 6 and 7 of said amendment, insert the following: "43,500;" and the Senate agree to the same.

Amendment numbered 170: That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "35,000;" and the Senate agree to the same.

W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.
WM. H. FORNEY,
SAM'L J. RANDALL,
J. G. CANNON,
Managers on the part of the House.

Mr. ALLISON. I shall be glad to answer any questions respecting the bill.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in.

DISTRICT STEAM-RAILROADS.

The PRESIDENT *pro tempore*. If there is no further morning business, that order is closed.

Mr. MORRILL. Mr. President, I ask leave to call up Senate bill 2919.

The PRESIDENT *pro tempore*. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 2919) to define the routes of steam-railroads in the District of Columbia, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MORRILL. I send to the desk an amendment in the nature of a substitute.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause, and insert:

That from and after the 1st day of January, A. D. 1894, it shall be unlawful for the Baltimore and Ohio Railroad Company and the Baltimore and Potomac Railroad Company, and each of them, to maintain their tracks, or any of them, or to run their trains, or any of them, into or within the city of Washington, in the District of Columbia, except upon and over the routes hereinafter specified and provided, any existing provisions of the law or of the charters of said companies, or either of them, to the contrary notwithstanding; that from and after said date no variation of, or departure from, or extension of the tracks hereinafter provided for shall be made without the consent of Congress thereto previously obtained; and that on or before said date all other tracks, buildings, and structures of any and every description now occupied or used by the said companies, or either of them, in any street, avenue, or public space in said city, except such of them as may conform to the provisions of this act, shall be removed, and if any such track shall not be removed by the railroad company maintaining the same within ten days after notice from the District commissioners so to do, the same shall be summarily removed by the said commissioners at the expense of said railway company, such expense, if not paid, to be recovered at the suit of the United States in any court of competent jurisdiction.

SEC. 2. That from and after the date aforesaid the tracks of the Baltimore and Ohio Railroad shall enter the said city from the north at the northern line of Boundary street at or near its intersection with Third street east, and proceed thence as follows: Southwardly along and over Third street east, with a double track, by means of open cut, to such point as shall be determined by the engineer commissioner of the District of Columbia, subject to the approval of the commissioners of the District of Columbia; thence by means of tunnel to or near the northeast corner of reservation numbered 17; thence westwardly through said reservation on as direct a curved line as is practicable, subject to the approval of said commissioners, to the nearest convenient point on the north to the tracks of the Baltimore and Potomac Railroad on Canal street and Virginia avenue; thence alongside the northward of the said tracks of the Baltimore and Potomac Railroad Company westwardly to a passenger station to be constructed south of the intersection of Virginia and Maryland avenues, as hereinafter provided for, and thence through and from said station westwardly along and over Maryland avenue alongside the tracks of the Baltimore and Potomac Railroad to the Long bridge, so called, over the Potomac River, at the foot of Fourteenth street west. The entire new line of railway which the said Baltimore and Ohio Railroad Company is authorized and required to construct under this section shall be taken and considered to be a new and wholly separate line of railway belonging to said company, and said company shall have power to mortgage the said new line of railway, and all buildings, structures, and yards used in connection therewith, to secure any moneys loaned to said company, or bonds or evidences of debt issued for the purposes of aiding in the construction of said separate line of railway and works.

SEC. 3. That from and after said date the tracks of the Baltimore and Potomac Railroad Company shall enter said city from the north and east, along the northern shore of the Eastern Branch of the Potomac River, at a point between L and M streets south, and shall proceed thence westwardly, with a double track, on and under K street south, Canal street, and Virginia avenue, alongside and parallel with the route hereinbefore prescribed for the Baltimore and Ohio Railroad from the point of approximation of the two routes, as aforesaid, to the said passenger station south of the intersection of Virginia and Maryland avenues, as aforesaid, and thence from said station westwardly along and over Maryland avenue to said Long bridge aforesaid.

SEC. 4. That the present tracks of the Washington and Metropolitan branches of the said Baltimore and Ohio Railroad lying within the said District, and outside of the limits of the said city, shall, under the supervision of the said commissioners, as aforesaid, subject to appeal to the Secretary of War, be changed and relocated as may be found necessary and convenient to unite the same outside the city limits; that the said Baltimore and Ohio Railroad Company may, under the supervision and subject to the appeal aforesaid, locate, construct, and maintain, as near said point as may conveniently be, but beyond the city limits, the necessary yards and other equipments for the transaction of its freight business; and also may, under the supervision aforesaid, locate, construct, and maintain a passenger station for local business as near as conveniently may be to the point aforesaid, on Third street east, at which the tunnel aforesaid shall or may begin; and shall also have the right to cross the Potomac River on and over the Long bridge aforesaid, upon and over the said tracks of said Baltimore and Potomac Railroad to the southern or Virginia shore of said river; and is hereby authorized and empowered to use the said tracks in common with the said Baltimore and Potomac Railroad Company upon such fair and equitable terms as may be agreed upon by said companies; and in the event the said companies fail to agree upon satisfactory terms, either of said companies may apply by petition to the supreme court of the District of Columbia, which shall provide for proper notice to and hearing of all parties interested and shall have power to determine the terms and conditions upon which and the regulations under which the said Baltimore and Ohio Company shall be entitled so to use and enjoy the said tracks and the amount and manner of compensation to be paid therefor; and the said Baltimore and Potomac Railroad Company may also, under the supervision aforesaid, locate, construct, and maintain at such point or points within the said city aforesaid, and to the southward of its tracks and the said station south of the intersection of Virginia and Maryland avenues southwest, such yards and other equipments as may be necessary for the transaction of its freight business.

SEC. 5. That the entire route of each of said railroads within the said city shall be inclosed by an iron fence or railing upon a stone parapet, and of such construction as shall be approved by the commissioners as aforesaid, with an opening therein at each street crossing or intersection, protected by guard gates

or other device, under the supervision aforesaid, and by a watchman to be employed by the said companies, or one of them, as the case may be; and also at such point or points as may be prescribed, under the supervision aforesaid, suitable bridge or bridges shall be constructed at the joint cost of said companies on the lines of the streets crossing or intersecting the said routes; that from and after passing South Capitol street in their course westward, as aforesaid, to said station or stations, the several tracks of both said Baltimore and Ohio and said Baltimore and Potomac Railroad shall be depressed below the adjacent surface grades, under the supervision and subject to the appeal as aforesaid, and all the tracks herein provided for shall, throughout their entire course through said city, be laid upon such grades as shall be determined by said commissioners, subject to appeal, as aforesaid; and that the construction of the tunnel of the said Baltimore and Ohio Railroad aforesaid, and all other details of construction of any of the tracks, yards, or equipments in this act mentioned and provided for, shall be under the supervision aforesaid: *Provided, however*, That the width of roadway to be occupied by the tracks aforesaid on or in any street, avenue, or public space in said city shall not exceed 50 feet.

SEC. 6. That the said Baltimore and Ohio Railroad Company and Baltimore and Potomac Railroad Company shall, on or before the date aforesaid, respectively abandon and remove their respective stations and depots now located at New Jersey avenue and C street northwest and on the public reservation at Sixth and B streets northwest, in said city, and in lieu thereof the said companies shall each, under the supervision aforesaid, construct and maintain, at the intersection of Virginia and Maryland avenues aforesaid, upon land described as squares 464, 434, 410, and 386, or any part thereof, to be secured by purchase or condemnation as aforesaid, south of said intersection, a passenger station or stations of such extent, architectural design, and arrangement as may be found advisable and necessary, as nearly uniform as practical, however: *Provided, however*, That the said companies shall have equal and independent ground spaces for their respective accommodation in the said station or stations, and that the Baltimore and Ohio Railroad Company shall be entitled to the western half and the Baltimore and Potomac Railroad Company to the eastern half of said station.

SEC. 7. That for the purpose of locating, constructing, and maintaining the yards, stations, and facilities hereinbefore provided for, each and either of said companies aforesaid is hereby authorized and empowered to take, acquire, and hold the land necessary to such purposes; but before proceeding so to do the said companies, and each of them, shall first obtain the assent of the commissioners of the District, with the approval of the Secretary of War and of the owner or owners of such land, and if such owner shall be absent from said District or shall refuse to give such assent on such terms as the said company shall approve, or in case of infancy, coverture, insanity, or any other cause, shall be legally incapable of giving such assent, it shall be lawful for said company to apply to a justice of the peace of the District of Columbia, who shall thereupon issue a warrant under his hand and seal, directed to the marshal of said District, requiring him to summon a jury of twenty citizens, being freeholders of said District, none of whom shall be interested or related to any person interested in such land, or a stockholder or related to any stockholder in said companies, or either of them, to meet on the land so required on a day named in such warrant, not less than ten nor more than twenty days after issue of the same, to proceed to estimate, after viewing the premises and hearing the allegations of the parties, the value of the land so proposed to be taken by the said company and the damages consequent upon such taking; and if at said time and place any of the said jurors summoned do not attend, the marshal shall immediately summon as many persons, similarly qualified, as, together with those in attendance, will furnish a panel of twenty jurors in attendance, and from such panel each party, his, her, its, or their agent or attorney, or, if either or any party be not present in person or by agent, the said marshal, for him, her, it, or them, may strike off four persons, and the remaining twelve shall act as a jury on the inquisition of damages; and to each, before he acts as such juror, the said marshal shall administer an oath or affirmation that he will justly and impartially estimate the damages that the owner or owners of such land will sustain by the occupation of the same by the said company; and the jury shall reduce its inquisition to writing and sign and seal the same, and it shall then be returned by said marshal to the clerk of the supreme court of the District of Columbia and be filed by said clerk in his office, and shall be confirmed by the said court holding a general term at any time that it may be in session after thirty days from and after such return, unless an appeal from such inquisition shall have been taken and perfected as hereinafter provided; and either party may appeal to the said court, holding a general term as aforesaid, within thirty days from and after the said return of the said inquisition to the said clerk as aforesaid, and in all cases where the said company shall so appeal it shall, within ten days, give bond to the party or parties claiming and entitled to damages in a penalty at least double the sum found by the jury, with a condition that the said company shall pay or cause to be paid such amount of damages and costs as the party may be entitled to received on the judgment of said court without delay, and on which bond ample and sufficient sureties shall be given, to be approved by said court conformably to its rules, and in all cases where the party or parties claimant shall appeal it shall be lawful for the said company, if it shall require the immediate use of the property condemned and valued as aforesaid, before such appeal can be heard and decided, to execute and tender a bond to the party or parties aforesaid in at least double the sum found by the jury, with sureties to be approved by the said court, in manner aforesaid, with a condition to pay without delay such sum and costs as may be awarded by the said court without further delay; and upon the delivery and tender of such bond, and the payment into court of the sum awarded by said jury, the said company may proceed to the construction of its said yards and equipment aforesaid, as if the parties claimant and the said company had agreed upon the compensation to be paid for the land therefor to be used; and in all cases where the said company shall appeal and give bond and make payment as aforesaid it shall have the power to proceed in the construction of the said yards and equipments and appropriation of the land for the uses thereof as if no appeal had been taken and the parties had agreed upon compensation for the land so acquired; and in all cases where the said company and the parties agree upon the price to be paid for such land the same shall be paid before the land shall be taken and used; and if no such appeal shall have been taken and the said inquisition accordingly confirmed as hereinbefore provided in such cases, or if upon such appeal the said court shall be of the opinion that the said inquisition should be confirmed, the same shall be confirmed, and when confirmed, in either manner, the same shall be recorded by the clerk of court aforesaid at the expense of the said company, or if upon such appeal the same be set aside, the said court shall direct another inquisition to be taken and proceeded upon in the manner above described; the inquisition shall in every case describe the property taken or the bounds of the lands condemned and the quality or duration of the interest in the same valued for the said company, and such valuation, when paid or tendered to the owner or owners of the property, his, her, or their legal representatives, shall entitle the said company to the interest and estate in the same so valued as if it had been legally conveyed by the owner or owners of the same, for the uses and purposes of such railway, and so long only as it shall be so used, and the value, if not received when tendered, may at any time thereafter be received without cost from said company by the owner or owners, or his, her, or their legal representatives; and the said supreme court of the District of Columbia is hereby given jurisdiction in all such cases, and is authorized and empowered to hear and determine the same, and shall so hear and determine the same after notice to the parties, and the judgment of the said court shall be final, subject to the appeal as in other cases. And each and either of the said companies shall be, and hereby is, authorized and empowered to construct and maintain tracks to and into the yards and stations aforesaid, and any of them in connection with the tracks or any of them hereinbefore prescribed. And in all cases in which the traversing or crossing of any street, avenue, or public space in the said city is rendered necessary in the carrying out of the provisions of this act, such traversing, crossing, and use of such street, avenue, or public space are hereby authorized and empowered: *Provided, however*, That the natural and free use of said street, avenue, or public space shall not be thereby impaired more than is absolutely unavoidable in the premises.

SEC. 8. That every railway company now owning or operating or hereafter constructing a railway into said city, in conformity to law, so situated that it can use the said tracks and the said stations, shall, as well as its successors, lessees, and assigns, have the right to use said tracks and stations for its passenger, mail, and express business only, upon such terms as to rental and under such rules and regulations as may be agreed upon between the company so desiring to use said facilities and the company owning the same; or, if they can not agree, upon such terms as shall be fixed by the supreme court of the District of Columbia, upon petition and hearing thereon: *Provided*, That such joint use is compatible with the adequate and safe use of said property by the owner and its lessees, to be determined by said court.

SEC. 9. That the commissioners of the District of Columbia are hereby authorized and directed to carry out the provisions of this act, and each and every thing done or requisite to be done in the execution thereof shall be, except as herein otherwise provided, under the supervision and control of the said commissioners, subject to the approval of the Secretary of War; but all costs arising under this act shall in every case be borne by the company on whose account the same is or may become necessary in conformity to the provisions and requirements hereof.

SEC. 10. That there shall be paid by the United States to the said Baltimore and Potomac Railroad Company for the depot building and bridge on the public reservation at Sixth and B streets northwest, as hereinbefore provided, such reasonable sum, as the value thereof, as may be agreed upon by and between said Baltimore and Potomac Railroad Company and the commissioners of the District of Columbia; and in case of failure of the said company and commissioners to agree upon the sum so to be paid the said commissioners shall apply by petition to the supreme court of the District of Columbia sitting in general term, which is hereby given authority and jurisdiction in the premises. And the said court shall, upon such petition, provide for proper notice to and hearing of the said company and commissioners in the premises, and shall have power to determine in such manner as it may deem proper the price so to be paid as aforesaid; and the Secretary of the Treasury is hereby authorized and directed to pay to the said Baltimore and Potomac Railroad Company, when it shall have vacated its station on Sixth street, out of any moneys in the Treasury not otherwise appropriated, such sum as is herein provided for when the same shall have been ascertained, determined, and adjudged according to the provisions hereof.

SEC. 11. That for the purpose of locating, constructing, and maintaining the yards, stations, and facilities of the said Baltimore and Potomac Railroad Company and of the said Baltimore and Ohio Railroad Company they are hereby authorized and empowered each company for itself to take, acquire, and hold in fee-simple by purchase or condemnation the land necessary for such purposes; but before proceeding to do so, the said company shall first obtain the assent of the owner or owners of such lands, and if such owner or owners shall be absent from said District, or shall fail to agree on terms for the same with the said company, or in case of infancy, coverture, insanity, or any other cause, shall be legally incapable of giving his, her, or their assent, it shall be lawful for said company to apply at once to the supreme court of the District of Columbia, or a judge thereof, who shall thereupon issue a warrant directed to the marshal of said District, requiring him to summon a jury of twenty disinterested citizens of said District to meet on the land so required on a day named in such warrant, not less than ten or more than twenty days after the issue of the same, upon such notice to the owners of, and persons interested in, the premises proposed to be taken as the said court or judge shall direct, to proceed to estimate after viewing the premises the value of the land so proposed to be taken by the said company, and the damages, if any, consequent upon such taking and use, and if, at said time and place, any of the said jurors summoned do not attend, the marshal shall immediately summon as many persons, similarly qualified, as, together with those in attendance, will furnish a panel of twenty jurors in attendance, and from such panel, each party, his, her, its, or their agent or attorney, or if either or any party be not present in person or by agent, the said marshal for him, her, it, or them, may strike off four persons, and the remaining twelve shall act as a jury on the inquisition aforesaid; and to each, before he acts as such juror, the said marshal shall administer an oath or affirmation that he will justly and impartially estimate the compensation that the owner or owners of such land will be entitled to by the acquisition and occupation of the same by the said company; and the jury shall reduce its inquisition to writing and sign and seal the same, it shall then be returned by said marshal to the clerk of the supreme court of the District of Columbia, and be filed by said clerk in his office, and notice of such filing shall be given by the clerk, personally or by publication, in such manner as the court or judge shall direct, to the persons interested in said award who shall not have appeared at said inquisition, and shall be confirmed by the said court holding a general term at any time that it may be in session after thirty days from and after such return, unless an appeal from such inquisition shall have been taken and perfected as hereinafter provided; and either party may appeal to the said court holding a general term as aforesaid, within thirty days from and after the said return of the said inquisition to the said clerk as aforesaid, and in all cases where the said company shall so appeal it shall, within ten days, pay to the clerk of said court the amount awarded by said jury, and give bond to the party or parties claiming and entitled to compensation in a penalty at least double the sum found by the jury, with a condition that the said company shall pay or cause to be paid such amount of compensation and costs as the party may be entitled to receive on the judgment of the said court without delay, and on which bond ample and sufficient sureties shall be given, to be approved by said court conformably to its rules, and in all cases where the party or parties claimant shall appeal, it shall be lawful for the said company, if it shall require the immediate use of the property condemned and valued as aforesaid, before such appeal can be heard and decided, to execute and tender a bond to the parties aforesaid in at least double the sum found by the jury, with sureties to be approved by the said court in manner aforesaid, with a condition to pay without delay such sum and costs as may be awarded by the said court without further delay; and upon the delivery and tender of such bond the said company, such payment into court having been made, the consent of the commissioners of the District, with the approval of the Secretary of War, being first had and obtained, may proceed to the construction of its said yards and facilities as if the parties claimant and the said company had agreed upon the compensation to be paid for the land therefor to be used; and in all cases where the said company shall appeal, make said payment, and give bond as aforesaid, it may have the power to proceed in the construction of the said yards and facilities and appropriation of the land for the uses thereof as if no appeal had been taken and the parties had agreed upon compensation for the land so acquired; and in all cases where the said company and the parties agree upon the price to be paid for such land, the same shall be paid and the assent of the commissioners of the District, with the approval of the Secretary of War, obtained to the use thereof before the land shall be used; and if no appeal shall have been taken and the said inquisition accordingly confirmed

as hereinbefore provided in such cases, or if upon such appeal the said court shall be of opinion that the said inquisition should be confirmed, the same shall be confirmed, and when confirmed, in either manner, the same shall be recorded by the clerk of court aforesaid at the expense of the said company; or if upon such appeal the same be set aside, the court shall direct another inquisition to be taken and proceeded upon in the manner above described; the inquisition shall in every case attach a plan of the property taken and such valuation tendered to the owner or owners of the property, his, her, or their legal representatives, and if not accepted by said owner or owners paid into court as aforesaid, shall entitle the said company to permanently occupy the said premises by itself, its successors and assigns, for railway purposes, and the value, if not received when tendered, may at any time thereafter be received without cost from the said company by the owner or owners, or his, her, or their legal representatives; and the said supreme court of the District of Columbia is hereby given jurisdiction in all such cases, and is authorized and empowered to hear and determine the same, after notice to the parties, without the intervention of a jury, and either party shall have a right to trial by jury in accordance with the practice prevailing in said court, and, subject to the laws of the United States, to an appeal to the Supreme Court of the United States. And the said companies shall be, and are hereby, authorized and empowered to construct and maintain tracks to and into the yards and stations aforesaid, and any of them, in connection with the authorized tracks of said company. And in all cases in which the traversing or crossing of any street, avenue, or public space in said city is rendered necessary in the carrying out of the provisions of this act, such traversing, crossing, and use of such street, avenue, or public space are hereby authorized and empowered: *Provided, however*, That the natural and free use of said street or avenue or public space shall not thereby be impaired more than is absolutely unavoidable in the premises.

SEC. 12. That the commissioners of the District of Columbia are hereby authorized and directed to supervise the carrying out of the provisions of this act, and each and everything done in the carrying out thereof shall be under the supervision and control of the said commissioners, with the approval of the Secretary of War; but no expense on account thereof shall be incurred or paid by the United States or by the District of Columbia, but shall in every case be borne by either or both of said railroad companies affected thereby.

SEC. 13. All supervision and action of the commissioners of the District of Columbia under or by virtue of the provisions of this act shall be subject to the approval of the Secretary of War.

SEC. 14. That the owner of any interest in any real estate which may be injuriously affected by the exercise of any of the powers or authority by this act granted (in cases in which no part of such real estate is taken or occupied under the authority of this act) shall be paid the damage done to his interest in such real estate so injuriously affected as aforesaid by the corporation or other person or persons who shall cause such injury. To this end any such owner may apply by short petition to the supreme court of the District of Columbia, at any general term thereof, stating the case and the amount of the damages claimed, and said court shall, upon reasonable notice to the party complained against, thereupon appoint three competent and disinterested persons commissioners to examine the property alleged to have been so injuriously affected, and hear evidence on the subject, and to decide and report to the court what amount of damages, if any, has been or is likely to be done to such interest in such property by the exercise of the powers of this act granted. The court may confirm, modify, or set aside such report as may be conformable to law and justice, and render judgment accordingly, with costs. Any sum so finally adjudged any such petitioner shall be paid to him by the party against whom the judgment shall be rendered, and execution may issue therefor. And if any such judgment shall not be satisfied within sixty days after its rendition, the said court shall have power, and it shall be its duty, upon petition therefor by the party aggrieved, to enjoin the further exercise of the powers and the operation of the works in respect of which such damages were adjudged.

SEC. 15. That Congress may at any time amend, alter, or repeal this act; and all existing laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. MORRILL Mr. President, were I to consult my own comfort alone, or that of my fellow-Senators, I should not inflict a railroad speech upon the Senate to-day, but what seems to be a stern duty must not be shirked.

To our great hurt we here appear to have subsidized, so to say, the most wealthy and powerful railroad corporation of the country, by permitting one of its many feeders or branches to enter the city of Washington rampant, there to be petted as a spoiled child with legislative sugar-plums, and to strangle with an iron garrote a public park of much promise to the city, and to overrun and practically swallow up other important reservations, as well as large avenues and streets, which have often been stained with human blood by numerous railroad homicides.

Ought we not to have some faith, even though we could wish it were stronger, that the representatives of States and of the people will courageously declare this unfortunate railroad land grant unearned—treating the case with the same measure of even-handed justice we award to other unearned land grants elsewhere—and restore it to the city of Washington, to which it rightfully belongs, as a precious and inalienable gift from its founders?

The substitute offered by me for the steam-railroad bill will be recognized by the Committee on the District of Columbia in its main features as the previous laborious work of a most respectable number of that committee; and, while it may not all be beyond amendment, it appeared to me so well and fairly drawn that I have taken the liberty to present it, with the hope that it may find some favor with the committee and much more with the Senate. It is, however, in some respects a transcript of the bill for which it is offered as a substitute, except the provision that the tracks on Sixth street are to be removed, and that the depots, instead of being on the park, are to be south of the intersection of Virginia and Maryland avenues, or nearly as originally intended by Congress and asked for by the road in 1878. Some of the provisions of the bill reported by the Senator from Illinois, granting extraordinary additional privileges to the Baltimore and Potomac Railroad, may be tolerated, but, if all were to be granted, there would hardly be room left for any other railroad accommodations in that part of the city.

The substitute will largely not only relieve the northeastern part of the city from unnecessary occupation of streets and avenues, but wholly relieve the park from present absolute railroad domination.

With the passenger stations placed, as proposed by the substitute, south of the intersection of Virginia and Maryland avenues, they would be nearer to some of the principal hotels of the city, and not one-third of a mile or more than three minutes farther away from any. The cost of reaching the stations from hotels would not be increased a single farthing, and the great Maryland and Virginia avenues, as well as some reservations, would be released from some part of their present unlawful occupation. The hotels were mostly in their present positions long before the Baltimore and Potomac Railroad was introduced here; and if this road were to be removed from Sixth street, the hotels would still remain where their original proprietors chose to plant them, and would still retain any small advantage to be found in the shorter distance to the railroad stations.

The hotels now existing or which may hereafter exist, can safely be left to adjust their own relations to railroad depots. Transient visitors coming here by railroad, seldom oftener than once a year, or once in a lifetime, should have proper consideration, but not more, rather less, than the life-long residents of the city whose welfare and property are to be oftener, more seriously, and permanently affected; and not so much as national legislators, whose reputation for wearing no badge of corporation servitude, and for sound judgment and impartial justice should not be exposed to any disparagement.

Like the distinguished Senator from Connecticut, I willingly credit the Pennsylvania Railroad Company with being managed by the most astute and accomplished railroad men of the country, and with dealing handsomely with the public in most all other localities but that of Washington, where it stands ready to higgle and quarrel with Congress and with everybody for the ninth part of a hair. In Philadelphia it is lavish in its display of accommodations in the heart of the city, and there ungrudgingly assumes the expenditure of millions of dollars. Here, on the contrary, it seems parsimonious and to rely upon the bounties of the Government, and, after that, upon grabbing like a freebooter, as I shall hereafter show, what ever it can get hold of.

On the great thoroughfare between Washington and the city of New York, the Pennsylvania Railroad appears to have an iron-bound monopoly, impenetrable at either end by any rivals proposing competition. The accommodations on their limited express trains are unsurpassable, and, if the charges for fares are not also unsurpassable, they are very much more than the charges per mile to Chicago and much more than the rates allowed on the great lines in the State of New York.

No one appreciates more than I do the power of the gigantic Pennsylvania Railroad Company, or more fully comprehends the difficulty that Congress must meet in doing anything in relation to the interests of that company to which it does not freely consent. It has eminent and very reputable friends. To escape any new competition, and to maintain any lawful advantages it now holds, I do not say that it has retained in the District or will retain a single attorney; but it is safe to say that it is able to retain every attorney in Washington to see to it that the smell of fire shall not touch the hem of its garments. It has got its foot on the neck of the park, and it has come to stay, if it can, but it would not willingly consent to a joint occupancy of even Naboth's vineyard, and has no idea of loving any railroad neighbor like itself.

I have no personal grievance whatever against this or any other railroad company, but I feel that the people of every State have some interest in the matter now pending, and will hold Congress to a rigid accountability for any action that does not point to the permanent well being of the city of Washington and especially to the preservation of the old Mall, as it was handed down to us by the Father of his Country, to be maintained as a national park, such as decorate all other national capitals, and a decoration of which very few of the principal American cities are now destitute.

In order, it would seem, that no evidence should be wanting of the absolute cleavage and wide disintegration of the park, the bill in charge of the Senator from West Virginia provides that, on the east and west sides of the strips 1,000 feet long by 100 feet wide of the park, which are to be freshly granted, the railroads shall erect substantial walls 10 feet high! These walls, therefore, are to inclose a space, including Sixth street, of over 300 feet wide and 1,000 feet long, in order, as the bill without a blush confesses, to make two parks, east and west, where there is scant room for one, or "that a view of the trains upon said tracks shall be shut out from the view of persons using the public parks lying east and west of the said railroad tracks." The present bridge over Sixth street is also to be extended over the additional "strips of the public reservations granted," and as described, with "proper ornamentation and side-guards to prevent a view of the engines passing under said bridge by persons or animals using the same." Engines, however, under this narrow bridge, to hide their diminished heads, should be of the Tom Thumb variety, not the Big Moguls, and any ornamentation to conceal their approach must be a rare example of high-art, but no "side-guards" will be likely to deaden or spike the ears of persons or animals when exposed to the calliope music of the steam-whistle.

It is undoubtedly true that a large portion of the public has been asking for a bill from the Committee on the District of Columbia which would remove the depot and all tracks from Sixth street. Instead of this they present a bill to increase the wretched existing outrage by doubling the tracks on Sixth street and by planting on the opposite side another depot, also upon the park, and finally by surrendering Sixth

street altogether to two railroad companies. Instead of sixty trains a day moving across the park, we are thus hereafter to have not less than one hundred and twenty. The people asked for bread, and instead they have presented to them stones, difficult to swallow and wholly indigestible. They asked for the restoration of the parcel of ground occupied on the park by the Baltimore and Potomac Railroad, and instead it is proposed to rob the park of further large and valuable strips of land, and to bestow them with royal munificence as a free gift upon two railroad corporations instead of one. We are as unfortunate as the boy who got one thumb into his muskrat trap, and in trying to get that out got his other thumb into the trap. But most assuredly we can not afford to pretend to amend a grievance while manifestly buttressing and perpetuating it by more than doubling its magnitude. I do not believe that any member of the majority of the Committee on the District of Columbia can be entirely satisfied with their own bill as reported. They must have consented to it in order to get rid of the subject, as some maidens consent to wed an annoying suitor in order to get rid of him, but soon find it best to seek for a divorce.

I confess that I do not like to have comparisons with past generations made against the present. When Mr. Douglas, that eminent and brilliant Senator from Illinois, was chairman of the Committee on Public Buildings and Grounds, he proposed, in order to perfect and to preserve the park, to extend its limits between Sixth street and First street, so as to make it more nearly of equal width towards the Capitol, and to remove what seemed to be invasions upon its proper boundaries. Then it might have been done perhaps at trifling expense. Now the expense would be great. Senator Douglas had no fear of being charged with having too much of sentiment and pride in behalf of the capital of his country. If I have no power to increase respect for Congress, I hope I have still less to drag it down, and trust the time may never come when men will say as a reproach, "See! The Fiftieth Congress did this."

Congress originally authorized the Baltimore and Potomac Railroad in 1867, to enter the city, gave it a most valuable franchise, but prohibited the occupation of any lot or square owned by the United States, and the right was also reserved to grant equal privileges to any other roads. In 1869 the company was given its choice of two lines in entering the city, neither of them, however, further north than Virginia and Maryland avenues.

In 1870 the company was empowered to take Long Bridge and its draws, to be held in perpetuity by keeping the same in repair and by giving other railroad companies also the right to pass over the bridge.

In 1871 the company was authorized by Congress (and it was the extreme limit of the railroad company's demands) to erect a passenger depot on Virginia avenue, between West Sixth street and West Seventh street, of the same style of architecture as that of the Pennsylvania road at Lancaster, with the assent of the notable and forever to be distinguished board of aldermen of this city, who, with "quick conception and easy delivery," proposed, instead of this, to outdo Congress and to give so much of the Mall and of Sixth street as might satisfy the railroad company. The amazing gift was promptly and hilariously accepted. But the board having no more legal authority to place the company under so heavy a load of gratitude than Satan had to give away the kingdom of the world, application had now to be made to Congress, and the reckless action of the board was at length submissively confirmed in 1872. Touching this action the earnest prayer of many people is now made, "Good Lord, deliver us!"

I have obtained, from the courtesy of the commissioners of the District, a statement in detail of the amount of real estate now held, including what is held at the pleasure of the Government, and of the amount of taxes respectively paid by each of the steam railroads now entering the city of Washington, and the documents will be found interesting reading. Washington does not own the railroads, and I hope the railroads are not to own Washington. By this statement it appears that the Baltimore and Ohio Railroad Company hold and are taxed upon eighty-eight pieces or parcels of land, containing 490,480 feet within the city and 45,193 feet in the country, of which the assessed value is placed at $190,813, and upon which the company pays a tax of $2,799.36. It also pays a personal tax upon the tracks and equipments of $2,079.18. In this is included ground and improvements in the city other than the depot and grounds, valued at $64,018.

The statement concerning the Baltimore and Potomac Railroad Company shows the assessed value of the depot to be $125,000, and of the land occupied by the depot, at the pleasure of the Government, is $240,690, and that they hold in all one hundred and thirty-four pieces or parcels of land, containing 751,231 feet in the city and 8.89 acres in the country, and the assessed value of the whole, including the depot land not paid for, is $496,481, upon which a tax is levied of $7,440.27. They also pay a personal tax upon tracks and equipments of $2,470.

Of course these statements do not cover the large amount of avenues and streets occupied by the tracks of these roads. It will be seen at once that the taxes paid by the roads are a mere bagatelle compared with the rates and amount which would be paid if improved and occupied by citizens of the city. The amount invested here, however extensive the area covered by these companies for their accommodation, appears incredibly small, and unless the cost of these numerous parcels of land has been greatly in excess of the assessed value, if the companies were willing to dispose of them, they might reap very handsome profits. The amount of present taxation certainly does not greatly diminish the burdens of the people.

The General Government is here compelled to pay the cost value of sites for buildings constantly required for additional accommodations, and would it be any hardship for rich railroad corporations to submit to the same terms to which our Government itself is inexorably subjected?

It should not be accounted a trivial or minor matter that the Baltimore and Potomac Railroad Company appears to have long disregarded with entire impunity many of the conditions imposed upon it by the original act of Congress. Some of these broken conditions have been reported by the very competent Commissioner of Public Buildings and Grounds to the district attorney, with a request for judicial action in the premises, but little or no attention has been paid to these official requests. The company has doubtless felt sure of a condoning or healing act on the part of Congress, whenever it should be needed, as it appears now to be tendered unasked by the bill under consideration. The sharpest criticism, perhaps, ever made is that of facts. I do not intend to indulge in any slovenliness in statements of facts, but shall submit a catalogue of charges which appear to me to be based on ample authority. If they are true, they would not seem to justify haste on the part of Congress in the bestowal of large additional railroad land bounties upon the offending party.

1. The speed of steam-railroads within the District has long been regulated by law, and yet the law is constantly, recklessly, and notoriously violated. The police sometimes stop fast-going horses, but apparently they have enough to do to look out for themselves when a locomotive heaves in sight; and the district attorney also lacks courage to seize the bridle of a locomotive. Within ten days a coroner's jury has rendered a verdict of manslaughter on account of a man killed by a Baltimore and Potomac Railroad train going at more than double the rate of speed allowed by law.

2. One of the conditions imposed by Congress upon the Baltimore and Potomac Railroad was as follows:

> That while trains are moving to and from Virginia avenue, along Sixth street and said depot, the said railroad company shall keep flagmen at the several street-crossings to warn people of danger.

The danger has never been absent, but that can hardly be said of invisible flagmen; for if they have not been often absent how is the record of human slaughter and the long list of serious injuries to persons and property to be accounted for? The number of persons killed since November 12, 1872, on the Baltimore and Potomac Railroad, as given to me by the District commissioners, has been 33, of which 28 were in the city and 5 in the country. Besides these bloody tragedies there were 101 serious accidents, of which 95 were in the city, making a sad list of 80 persons suffering from mashed heads or broken noses or crushed arms, feet, and legs, or from other bodily injuries. The number of persons killed by the Baltimore and Ohio Railroad has also been fearfully large, being 24 since July 12, 1873, of which 16 were in the city and 12 in the country. In addition to these there were 59 other serious accidents, with a list of 47 maimed and mangled in the usual rough style of railroad smash-ups, not easily to be dwelt upon with composure by the victims or by their friends.

By this bloody record it appears that there have been 57 human beings killed in the District within a little more than a dozen years by these railroads, and 127 cases of serious personal injury. In connection with this large and apparently increasing slashing and slaughtering of the people of this District, where the Baltimore and Potomac road appears to have the pre-eminence, it should not be forgotten that until the passage of the Poland act of 1884 the families of those who were actually killed were left without remedy for damages even for the grossest wrong or neglect of the railroads, although the common law, not any statute law, furnished a remedy for personal injury when less than that of death. The railroads were scot-free, and had entire impunity if they only succeeded in actually killing their passengers.

In addition to the occupancy of important portions of Delaware, Virginia, and Maryland avenues, there are now within the city more than sixty crossings of streets and avenues at grade by these steam railroads as perilous as sixty spring-gun traps, and all tending greatly to the depreciation of the value of real estate in the city, as well as to the multiplication of deplorable accidents. With the changes now proposed these crossings will be reduced to the minimum and, with additional safeguards, the recurrence of life-taking accidents, it is to be hoped, may cease.

It has been suggested that Philadelphia, a larger city than Washington, permits steam railroads to traverse many streets and to cross public parks. To show the results of this permission it is only necessary to quote an extract from one of the Philadelphia newspapers, as follows:

> The startling statement is made that fifty-two lives, or one a week, were sacrificed last year in Philadelphia by the crossing of the city streets at grade by steam railroads. In no other civilized nation is this practice tolerated, and as our population becomes more crowded our regulations must conform to those which a due regard for the safety of human life has decreed elsewhere. It will be remembered that the constantly recurring homicides on the surface tracks leading into the heart of New York City led to the sinking of the road-bed at

an expense of many million dollars. But the outlay was not only required by humanity, but proved to be a judicious step financially. Railroads would probably find it to their advantage to adopt the same system generally, as they would make up in speed, convenience, and security for the additional expenditure.

These are wise words, but whether any other city tolerates being railroad-ridden or not furnishes no reason for thus humiliating or punishing the national capital.

A reform in relation to the railroad tracks crossing streets at grade is loudly demanded, and especially from the hostile occupation of the right flank and center of the city, where many streets are perpetually blockaded, we ought to be forever relieved. An insufficient remedy is proposed by the bill of the committee; but on or south of Maryland and Virginia avenues the elevation of the ground is sufficient to permit the tracks to be sunk below the surface and to be walled in and made wholly safe.

So destructive of human life have been the railroads leading into the city of Buffalo on a grade level with the streets that the governor of New York has just approved an act of the Legislature by which seven leading roads will be compelled to enter that city by elevated tracks, which will subject the roads to a very large expenditure of money.

3. The Baltimore and Potomac Company were also to pay all damages to the owners of private property on Sixth street, the owners of property elsewhere apparently having to take their chances at common law, and yet seventeen years have elapsed and these damages are not yet fully paid. The bill under consideration does not provide a remedy as the substitute does for damages of this sort.

4. An extraordinarily fine bridge was to have been erected over Sixth street at a cost, as its friends asserted, of $75,000, "a thing of beauty;" but after long years of delay we have a narrow iron structure to which only "distance lends enchantment to the view," and it rather aggravates than diminishes the danger. An untold number of engines at this point are constantly spouting fire, panting and pirouetting one way or the other, sixty or more trains in every twenty-four hours; and no breed of horses is so destitute of mettle as not to snuff the battle of fire, smoke, and steam when directly under the nose, or not to hear the steam-whistle when screeching in their front. Instead of having to dodge one engine, while approaching and crossing the bridge, the horses dodge and sheer right and left at every one in sight, and become as frantic as any we have in the city made of bronze, and one puffy drum-major engine would seem forever on parade-drill, leading the music of several more which give out the discordant signals of incoming or outgoing trains. Every carriage driver at the bridge is found to be the "Man-afraid-of-his-horses." In fact, even among horses, the bridge is the veritable *pons asinorum*, where the whole class are wont to balk.

5. The Baltimore and Potomac Railroad Company have placed a freight depot on square 386 without any authority of law, and in spite of notice of objections against the selection of the site. They have also invaded reservations 174, 178, 241, and 309, although prohibited from entering any lot or square owned by the United States, and it appears to be the readiest land-jumper of the age. Between New Jersey avenue and South Capitol street, where, by the map of 1872, it would appear that one track only was authorized or contemplated; there are now not less than eight tracks, some of which even trench upon the side-walk of reservation 17. In addition to this four tracks cross and cover reservation 174; four other tracks cover reservation 178, and four more tracks cross and cover reservation 241. All of these, as well as the track across New Jersey avenue to square 737, though short, have been made without the slightest authority and in defiance of law. These reservations are of the triangular shape peculiar to Washington, and are greatly appreciated by its citizens, but the aggressive war powers of appropriation by this steam railroad seem to be autocratic, and an act of Congress is looked upon apparently with contempt.

The four tracks which go over reservation 174, also cross New Jersey avenue and First street southeast, without any legal authority whatever, nor is there any authority of law for the four tracks which have invaded reservation 178 to cross Half street southeast. There is still another branch of tracks over the small reservation 109, which crosses F street without authority of law. Having only an implied right to pass through the large reservation 101, of 2½ acres, with one track, or at most with two, they have placed upon it a large group of tracks, which are constantly covered with trains or with loaded or empty cars. Their principal freight delivery is here and on the public avenues and streets. Heavy freight is daily unloaded from daylight until dark along Virginia avenue from Sixth to Seventh streets and along Maryland avenue from Ninth to Thirteen-and-one-half streets, for which there is no authority of law. The most important reservation as well as many minor ones in the south part of the city have thus been seized by the railroad company, and instead of being improved and made a possible decoration they have been made a positive nuisance. The desecration is keenly felt by citizens in this vicinity, who observe that favors such as were granted and protected elsewhere are here denied. The value of property in this locality, it is declared, is less than it was thirty years ago, while values only two squares away have been quadrupled. There are further weighty considerations affecting business interests. A committee of the citizens of Washington reported as follows:

The constant obstruction of these avenues at the transverse streets by shifting engines and trains practically cuts in two the business of the city, so that merchants and business men have almost ceased to look to the river [Potomac] as a means of transportation because of the inconvenience and delay experienced in transferring it after leaving the wharf.

The lawful rights of those who have purchased lots and have built residences near to any of these reservations with the just expectation, according to the original plan of the city, that they would remain forever open spaces, have been rudely invaded if not destroyed. The vested rights, however, of these residents are not inferior to those of any railroad, and they are entitled to some proper remedy.

The interest and convenience of the company appear to have been the only limits of authority to do whatever it chooses, and its audacity, it will be seen, has been amazing even for a corporation.

That I have not overstated the infractions of its charter or of the willful trespasses upon the public grounds by the Baltimore and Potomac Railroad Company may be seen by reference to the repeated annual reports of Colonel Wilson, the able and faithful Commissioner of Public Buildings and Grounds.

In one instance it is understood that the company claims to have had the consent of the District commissioners for its lawless action, of which, however, there is no record; and, if such there were, it would have no more legal value than the consent of the Superintendent of the Insane Asylum. The law binds the commissioners as well as railroads.

6. Again, it was provided—

That the tracks of said company shall turn out of Sixth street and enter the said depot with suitable curvature at the south end thereof; and the said depot shall not extend beyond B street north, nor shall the tracks ever extend beyond B street north.

Obviously it was intended the tracks should enter the depot grounds by a curvature "at the south end thereof." This has not only not been done, but tracks without "curvature" have been extended outside the depot grounds nearly the whole length of Sixth street for the sole purpose of obtaining standing room for cars, and there in grim and stubborn self-assertion, it seems. "they also serve who only stand and wait." It is clearly a bald usurpation, or an attempt by slopping over to get possession of more than was granted.

The criminal case reported of the United States against the Baltimore and Potomac Railroad Company, indicted by the grand jury for maintaining a nuisance by allowing cars to stand on the street, and there loading and unloading the same, was recently decided in general term against the company. But it is not understood that the company shows any more obedience to the court than it has shown to the laws of Congress.

The proof of there flagrant abuses is so abounding, as to show that the Baltimore and Potomac Railroad Company has willfully broken its so-called charter and would justify its forfeiture under the most summary process by the courts; but full power having been especially reserved to alter or amend, it is incontestable that the road is now as amenable to the discretion of Congress as it would be if now, for the first time, it were asking for permission to enter the District.

I have no chronic hostility to railroads; I often patronize them; I own stock in some of them, and would own more if able, but this does not change my opinion that they owe obedience to public laws quite as much as private citizens. Laws should not be made, according to the venerable proverb, like cobwebs, only to catch flies and let the hornets go free.

A tunnel for the Baltimore and Ohio Railroad Company under Capitol Hill so far removed as Third or Ninth street east does not appear to me so very objectionable. When it was proposed by a majority of the committee some years ago to have a big tunnel much nearer to the Capitol and in front of the new Library, the question might then have been asked, If we were to get it and should not like it, what could we do with it? However prone to escape from it we might be, it would certainly be a difficult hole to creep out of. Great bores are not easily dismissed. I regret that the Baltimore and Ohio Railroad Company are no longer willing, as President Garrett formerly appeared to be, to place all their tracks outside of the boundary, and then to enter the city by the Eastern Branch.

When the national capital was established here railroads had not been invented, and no provision was made for their introduction. Now all arrangements for them must be laboriously studied and carefully fixed, so far as possible for all time, where they will do the least harm and most promote the convenience and future welfare of the city.

The permanent interests of the roads can only be secured by a removal from their present inharmonious relations with each other, and with a large portion of the people of the city, by some radical change of their too extensive occupation and hostile obstruction of streets and avenues, and by a just and final adjustment of their own mutual and clashing rivalries. The present railroad stations are both, as to their sites and approaches, almost equally scandalous and unsatisfactory, and only less so as to the character of the depot buildings. Removal and reform should alike impartially overtake them both together. There is no reason why we should be sooner rid of one abomination than the other, save that the youngest and latest is the more aggressive offender. "Asking nothing but what is right and submitting to nothing wrong," we may, if need be, use either road to drive out the other—

Even as heat another heat expels,
As one nail by strength drives out another.

We can not afford to treat one road as a pet and crucify the other, nor can we afford to trim and limit our action to less than one-half of our duty and trust the future to unknown contingencies and to the well-known potential influences of the railroad higher powers concentrated and made operative here through even very distant connections. Their dominance, if longer submitted to, I fear will show that Congress itself has not yet found constitutional relief from "involuntary servitude."

Pardon me for saying, if these ill-planted depots and incongruous sites could anywhere appear and compete at a World's Exhibition for the primacy among miscreated railroad-passenger "dumping-places," they would swoop the foremost premium and win the grand medal. Ill-advised and ill-perpetuated as they have been, we should still feel some regret were a cyclone to tear them up by the roots, but none whatever when it is only proposed to give them an evolutionary chance for a new birth where each one may come forth not only a greater convenience, but, I trust, even as an ornament creditable to both the city and the railroads.

In the measure presented by the substitute to remedy these manifest wrongs it is not proposed to involve the Government in any expense except at a single point, and there a full and most opportune equivalent—a building appropriate for the city government—will be received; but it is proposed to emancipate from railroad bondage a goodly number of avenues and streets now unnecessarily occupied, to give the city worthier accommodations, less obnoxious to the public sense of decency, and, beyond this, to restore to the city, as well as to the whole country, a portion of its ancient and invaluable public reservations.

It may be innocently said that we are interfering with the chartered rights of corporations, but that would be wholly untrue. We are only interfering exactly as the charters provide that Congress may interfere; and we are interfering, not with their rights, but with palpable public wrongs—with a defiant and stubborn monopoly which tramples upon the rights of the people who are suffering under the formal sanction of our authority and of our prolonged acquiescence. It is, therefore, our highest duty, as it appears to me, to interfere and to redress flagrant wrongs where Congress itself has by no means been altogether an innocent looker-on.

Both of the steam railroads have large holdings of real estate obtained here at a cost supposed to be much below their present value. Each of the roads claims to have a large surplus standing to its credit. Both are the recipients of large revenues derived from the much-coveted passenger and freight business of the city, and both at least have redundant capital and credit to meet all necessary expenditures. They stand in no need of charity or largesses. The Baltimore and Potomac road is but one of many branches of the great Briarean Pennsylvania Railroad Company, drawing abundant nutrition from many States, and whose annual gross earnings are greater than the revenues of many considerable nations. The earnings of the branch to this city the past year were over $200,000 greater than the previous year. In 1884 the total mileage of railroads in the United States was 125,000 miles, and the total earnings $770,684,908. The mileage of the Pennsylvania road then being 7,122 miles, and its gross earnings $97,849,875, or, with less than 6 per cent. of mileage, the company had 13 per cent. of the total gross earnings of all the railroads in the United States! Behind fat dividends to its stockholders and behind its millions of annual surplus profits the company is here intrenched, and will not budge until forced by the strong arm of the law.

These corporations are not paupers, and are abundantly able to pay for the new and larger accommodations required by the public, but required quite as much by the railroads, and which will never be obtained by an outlay more moderate at any future day.

A change as proposed by the amendment now offered as a substitute, or by some other measure of a more rigorous character hereafter, I must venture to say is as fixed as will be its obvious and everlasting propriety. It may be evaded and postponed, but if postponed to-day it will haunt our legislative halls again and again hereafter to the greater ultimate loss of the railroads as well as of the city. What is now asked for is a minimum never to be reduced.

The city of Washington was not made solely for the benefit of railroads, but railroads were made for the benefit of the city, whose honor and welfare, as well as that of the people at large, should be considerately cared for and resolutely protected to the very front line of all their rights and privileges in the national capital.

That it would be an immense improvement to diminish the circuitous length of these roads into and through the city and diminish the large number of street-crossings will not be denied by anybody. It will also be just, in any permanent arrangement which may be made, that absolutely equal privileges shall be extended to all railroads now asking or hereafter to ask for proper accommodations. Means of a freer communication with the rapidly growing enterprise of our fellow-citizens in the Southern States, whose property has so marvelously increased, almost by billions, within a half dozen years, should not be withheld, postponed, or monopolized by any single corporation. Here is a great continental gateway of commerce and travel between the North and South, and it should be open to the world with a wide and generous policy, and wholly liberated from the narrow dog-in-the-manger jealousies of a single corporation.

May I not be pardoned for appearing to urge as a worthy incident of a worthy measure the rescue of our public park from railroad spoliation? If not rescued as proposed by the substitute for the bill of the committee we shall ere long have it absorbed by irresistible demands for miscellaneous public buildings, and we shall certainly be importuned, as Congress has been already, to spend millions of the public money for a distant, more pretentious, but not a more appropriate public park elsewhere. The loss to the park here from the disconnection of the grounds of the Capitol from those of the Executive Mansion can never find compensation in a new park, whether near or remote. As a question of pure economy, looking before and after, the park should be preserved.

Congress very reluctantly, and not without the most cogent reasons, allows a railroad to trespass upon or to cross Indian reservations; and if the reasons are less urgent why such trespasses should not be permitted on reservations here in the very lap of the capital, it would seem to argue that we have less love for our own people than for the Choctaws and Arapahoes.

It is not too much to claim for the health and adornment of the capital of the American people what appears to have been universally accorded to the people of other enlightened nations. In other lands railroads are often only permitted to approach the outskirts of their capitals. At London, Paris, Vienna, and Madrid they are wholly excluded from all parks. In London no railroads cut through Regent's Park, Hyde Park, St. James Park, or any others.

When Queen Caroline, consort of George II, inquired of the elder Mr. Pitt, afterwards Earl of Chatham, how much it would cost to shut up the parks of London as private grounds, he replied, "Three crowns, Your Majesty." She took the hint, and it is hardly necessary to add that the British public still go and come at pleasure over all the London parks. Yet the park in the capital of our Republic is cut in twain, 50 acres of the head and neck severed from the body, by a railroad which seems to have no fears of being uncrowned, though daily and hourly guilty of shutting up the park of Washington.

Were a railroad and depot to be thrust any day upon and across the beautiful Common of Boston, the petted gem of that city, it would be likely to prove a signal for another "Boston Tea Party," and before the break of another day the débris of the railroad would be found steeped in the deep sea.

In London their numerous parks are esteemed as breathing places, or the lungs of the city, and, as everywhere else, they are held to be absolutely essential to the public health.

Perhaps the greatest service to the people of England by Mr. Ruskin, the eloquent writer upon art, architecture, and other related topics, will be found in his successful efforts, brought to bear upon public opinion, to preserve public parks and open spaces from the invasion of railroads, and especially the widely known region usually termed the "lake country." If that has been accomplished in England, on that little island where it has been said an American must be constantly on the lookout lest he should step off into the sea, it should not be impossible here to rescue a small park in Washington from its only formidable invaders, from corporations which have been often charged with being destitute of both sentiment and conscience.

This railroad-bemangled park, now almost and soon to be wholly ruined, if the bill of the committee shall be accepted, by an ill-starred severance into comparatively useless fragments, will soon have many acres of ground and some small but glittering sheets of water added to its western boundary by reclamation from the Potomac, as well as from the shameless cupidity of bootless and bottomless land-jumpers. The expenditures for this noble work have been large, but they will have been made with a clipped wing, if not improvidently, if there is to be not only no reclamation of the original park from the iron grasp of the great Pennsylvania Railroad corporation, but that the also great Baltimore and Ohio corporation shall be invited to lend a hand to the spoliation, leaving the widowed fragments to be fritted away, or to "survive, no longer loved, no longer whole."

In the present obtrusive position of a depot and railroad tracks upon the public park and other reservations, with many branches diverging from the main stem, prominent as they are, but yet so awkward and incomplete for business purposes, there is a suggestion of meanness akin to that of a wealthy skinflint who plants a pig-pen on the open space in front of his house rather than to occupy any rear ground which might possibly bear a root crop worth sixpence. Let us agree and declare that the original open space in front and in sight of the doors and windows of the Capitol shall be restored. It is too much to expect that the public and Congress can be forever reconciled to its present degradation.

The park, as reserved one hundred years ago—reserved not for one generation, but as an eternal possession for all succeeding generations—if it had now to be purchased, as have been recently the parks in many other American cities, would cost millions of dollars; but all that is asked for now by the people of Washington, as well as by the disinterested voice of the nation, is that we shall rescue the park we have from pitiless railroad domination. We are not asked to be as liberal

as New York has been, nor as liberal as Chicago, Buffalo, and Boston have been, nor even as liberal as many rural towns have been; but we may be expected to be not wholly strangers to their refinement and public spirit, and expected to reclaim the modest little park we own and once possessed.

We are professing to revere the memory of Washington by a monument on the western portion of this ground, which lacks nothing of sublimity in its unequaled height and dimensions, completed at a cost of more than a million dollars; but all who may hereafter ascend to its lofty summit and look out upon the wonderful panorama presented—where men are reduced to the size of pigmies, where we seem to "take up the isles as a very little thing," and to "lay the earth in a balance"—will often have their eyes riveted upon the park once as dear to Washington as the apple of his eye, and not less dear to us as the painstaking work of Jefferson, now proposed to be completely beheaded, the head forever separated from the trunk, by an impassable and walled gulf from which the steam, smoke and soot of a rookery of engines will be continually ascending, and will wonder why an American Congress should permit so foul a blotch to besmirch the face of so grand a picture, and more wonder why the reverence paid to Washington should be so blasphemed on the ground where his memory was intended to be forever consecrated.

Ought we not to have the privilege to visit the monument directly from the Capitol, without peril and without going a roundabout zigzag way to it through back streets?

We spare no expenditure for the preservation of a National Park on the Yellowstone, which comparatively few Americans will ever see, and yet we are almost hopelessly contending for the preservation, without any expenditure, of a park in the National Capital, which all good Americans hope to see before they die.

Washington and Jefferson had most to do with the location and plan of the city of Washington. They looked upon it as it would appear after the march of centuries. It was to be the city where would be lodged the power and government of the chief part of North America; and Washington, more elated than was in accord with his usual temper, wrote in 1791 to Mrs. Fairfax, that—

> A century hence, if this country keeps united, it will produce a city, though not as large as London, yet of a magnitude inferior to few others in Europe.

Jefferson, a great lover of the natural beauty of American scenery, had resided some years abroad, where he acquired much of his artistic taste and liberal culture, and, though he was a theoretical republican of the straitest sect, he brought home plans of a dozen of the most famous capitals of Europe with which to supply some ambitious hints for the capital of the New World. Jefferson would be content with nothing inferior to the Old World, and with nothing short of scientific accuracy as to the points of the compass of the streets north and south, east and west; but for all this he demanded the rigid standard of republican economy, and would pay the engineer for laying out the ground, according to the plan already adopted, $5 per day only. The excellence of the original plan secured its prompt acceptance—an excellence more and more appreciated as the skeleton plan gradually puts on its beautiful garments and practically displays the symmetry of advancing maturity and completed proportions.

In these early days the Government had no embarrassment of riches; there was no surplus revenue to perplex Congress or with which even to build the proposed new and more Southern capital, and, therefore, Virginia donated for this object $120,000 and Maryland $72,000 more; but these sums were not enough, and, after many fruitless attempts to raise more money, the President made a personal appeal to the State of Maryland for a loan of $100,000. The credit of the United States Government, however, was then so feeble and uncertain that the State absolutely refused the loan without an additional personal guaranty from the three building commissioners, which was at length given; and Washington said, although it looked "strange," that "the necessity of the case justified the obtaining of it on almost any terms." The indorsed paper was in due time paid to the State of Maryland, although the records of the Treasury Department, having thrice been destroyed by fire, do not now show the details of the transaction.

Strained as our Government then was for funds, and as rampant as was the speculative demand here for city lots, the Government did not part with one jot or tittle of Jefferson's darling park, then called the Mall, but it was held intact, as sacred as the garden of the Hesperides, in order "to form," as it was declared—

> A broad and uninterrupted landscape connection between the square on which were to be placed the executive buildings and the grounds for the future site of the Capitol.

We hold this ancient park in trust from the original proprietors, and can not afford to do less than to hand over the heritage with deferential fealty to our successors, whole and unincumbered.

We hold the park for the health and happiness of the greatest number of people, of those destitute of horses and carriages, and unable to incur daily expense for their hire, but who, with their families, when through with the labors and fatigues of the day, or of sedentary life, including weary brain-workers, would often gladly seek one of the dearest pleasures of life—fresh air and restored vigor—on terms which they could accept. It is a park close at hand, in the very heart of the city, with a landscape and walks to be made sweet and attractive by the foliage and fragrance of all the trees and shrubs which thrive in this favored latitude with a natural splendor of health and beauty.

It is true that the suburbs of Washington are sweetened by the charming rural scenery of the Soldiers' Home, brimming with rhododendrons and the odors of the forest, and those who can afford the expense occasionally also may visit the rare and silent beauty of Oak Hill and Arlington—those silent cities of the dead; but these hallowed grounds so far away, are chiefly visited by mourners, who sadly bring their tributes of tears and flowers, and are only rarely seen by weary citizens, or by playing children in the buoyant pursuit of health and happiness. These must have their joys near home or have nothing.

The city of Washington belongs to the nation and should be guarded by the representatives of the nation with at least as much patriotic pride as the capitals of States are guarded by State representatives.

Little heed appears to have been given to former petitions, or to later protests, of large numbers of the most substantial citizens of Washington, and therefore the non-resident capitalists and promoters of the destruction of the park appear to expect Congress will respond to every fresh demand that may be made by railroad potentates. It was not enough that the park should receive a fatal stab from one railroad corporation, but it is proposed to inflict some punishment after death by a division and distribution of its garments among those assumed to be willing to become equal partners in the outrage. The bill in charge of the Senator from West Virginia is based on the idea that not enough has been done for the benefit of the Baltimore and Potomac Company. We granted, beyond a valuable franchise, the use of avenues and streets, without cost for their tracks. We gave the company the Long Bridge in perpetuity, and have let them have the use of depot land assessed at $240,000 (but worth much more) for sixteen years, subject to the payment of taxes. The appetite of the corporation has grown upon what it has fed, and the ability of the United States to furnish further bounties is assumed to be equal to the greed of the company. By this bill further large slices of the park, to be cut "nearest to the heart," on each side of Sixth street, 100 feet wide and 1,000 feet long, and then further extended through the park with a width of 50 feet, are offered as an additional half-million inducement to the railroads not to abandon the public park. A still further royal bounty is offered in the complete surrender of Sixth street to the railroad companies to be occupied by their tracks and sheds. Lots, wherever the companies think necessary, in any direction and almost without limitation, are also authorized to be acquired. The era of railroad ascendancy may not yet have passed away, and, if ticket-offices within the Capitol were to be demanded, I am not sure they would not be refused with some regret, as they would be so neighborly and so convenient.

The improvident provisions of the grant, and I hope to be pardoned for resurrecting the fact, were originally made by justly exasperated Congressmen to punish one railroad corporation for a witless refusal to make close and proper connections with another; but our bitter experience, like that of Æsop's frogs, has shown that we can not afford to change King Log for King Stork, and let us admit that few human punishments, even of railroad sinners, should be everlasting. The past offenses of omission are more easily condoned than those of present actual and obstinate transgression. Self-interest possibly might have been trusted in the long run to remedy disjointed railroad connections, and to have supplied brass checks for through baggage; but it rarely makes haste without coercion to remedy a grievance that yields dividends, and therefore the people of Washington have been compelled with almost a united voice to come to Congress and humbly pray relief. Congress must be held responsible for the beginning, and I hope will obtain credit for the ending of this long-endured and rank-growing grievance.

The Baltimore and Potomac Railroad, while asking unstinted favors of Congress, four times from 1867 to 1871, never hinted at a depot on the park, but was content with the act of Congress which placed the depot no nearer than Virginia avenue; but the city aldermen here, the clay in the hands of the potters, ordered it otherwise, and gave the railroad the freedom of the park, supposing themselves superior to Congress, and Congress in 1872 jumped to the same conclusion. On an appeal, now, from that decision, the question is shall it be affirmed by the sober second thought of Congress?

The danger to life and limb from tracks placed on the surface of streets and crossings needs no further illustration by the railroads, certainly not by me, and the question is, shall it be indefinitely continued?

If the Baltimore and Potomac Railroad has repeatedly violated the conditions of its charter, as I think has been fully shown, in what quarter is it to summon pity, when there is no purpose of vengeance, nor of injustice, but only a purpose to confer upon the road all the proper privileges which could be claimed even by a corporation adorned with modesty and all the virtues?

The steam-railroads here appear to be eager and extensive purchasers of lots and parcels of land, evidently having great confidence in such investments, and able to pay for more. Then why should the city of Washington be called upon to donate land in half million lumps for their benefit? Is there a city in the country with 200,000 inhabitants which has ever donated any part of a central public reservation to a

steam-railroad years after the construction of its main stem to be used as a passenger depot? The city nearly doubles its population at every decade, and is likely to hold 400,000 within the next dozen years.

Conceited foreign critics with compassionate superiority often sweetly remind Americans of many short-comings, of making the "almighty dollar" the gauge of every man's eminence, of having no interest in anything which does not add to the bulk of material prosperity, and of being wholly destitute of the instincts which respond to letters, to the arts, and to the love of beauty. However gross and unsubstantial these charges may be, would not Congress and the American people incur a more merited reproach were we now to prefer the distinction of intrusive railroad stations in the foreground of the National Capitol to that of a clean, interesting, and beautiful park, and a park hallowed with all the memories of the dawn of our Republic? Would it not show some decadence of public spirit from that of our ancestors?

But, leaving the park wholly outside of the question, I am persuaded that any competent board of engineers, acting in the interest of the roads as well as of the public, would locate the railroad stations south of the intersection of Maryland and Virginia avenues. It would be a great boon to the roads. There they would no longer be cramped for room, nor would the public, and there the elevated ground would permit the sinking of the tracks below the surface and out of the way of all danger. The railroads can afford to treat the city of Washington generously. They can not afford to leave the question as to the proper site of stations in a condition to excite unrest and perpetual discontent; nor can railroads afford to augment their capital by the diminution of one of the most conspicuous resources of Washington to rank and precedence among the foremost national capitals of the world.

Mr. President, I offer the following resolution:

Resolved, That the Senate bill No. 2916, to define the routes of steam-railroads in the District of Columbia and for other purposes, and all amendments thereto, together with the substitute proposed, and Senate bill No. 2615, to authorize the Baltimore and Potomac Railroad Company to acquire and use real estate for railway purposes in the District of Columbia, with all amendments proposed thereto, be recommitted to the Committee on the District of Columbia, with instructions to report a bill:

First. Appropriating one street only to tracks of the Baltimore and Ohio Railroad Company in the northeastern part of the city, and authorizing a tunnel under Capitol Hill to a point on the north side of the Baltimore and Potomac Railroad tracks.

Second. Providing equal sites for stations of the Baltimore and Ohio Railroad Company and the Baltimore and Potomac Railroad Company south of the intersection of Maryland and Virginia avenues.

Third. Providing equal privileges to acquire real estate adjoining their lines for their railway use and accommodation.

Fourth. Providing for the removal of tracks and sheds on Sixth street, and for the payment to the Baltimore and Potomac Railroad Company for the depot and bridge on Sixth street.

Fifth. For placing all railroad tracks as far as possible below the surface of any streets and avenues.

Sixth. Providing for the payment to abutting lot-owners or occupants for any and all damages that they may sustain by reason of the construction, maintenance, and operation of the said railroad or any tracks thereof.

The PRESIDENT *pro tempore*. Does the Senator from Vermont desire immediate action upon the resolution?

Mr. MORRILL. No, let it lie over.

The PRESIDENT *pro tempore*. The resolution will lie on the table, and be printed.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. On Thursday last the Senate ordered that the consideration of the resolutions of the Senator from Alabama [Mr. MORGAN] and the fisheries treaty should be resumed at the conclusion of the routine morning business to-day, the Senator from Massachusetts [Mr. HOAR] being entitled to the floor.

Mr. MORGAN. If the Senator from Massachusetts will allow me, I will say that it is necessary in order to consider the treaty that we should go into open executive session.

The PRESIDENT *pro tempore*. The Chair so understands.

Mr. MORGAN. I make that motion.

The PRESIDENT *pro tempore*. A motion will be necessary to proceed to the consideration of the treaty in open executive session.

Mr. HOAR. It was my purpose to make that motion, but the Senator from Alabama anticipated me.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Alabama.

Mr. FRYE. Mr. President——

The PRESIDENT *pro tempore*. The motion not being debatable, the Senator from Maine can proceed only by unanimous consent. Is there objection? The Chair hears none.

Mr. FRYE. I am compelled by the situation of the river and harbor bill to ask further indulgence on the part of the Senator from Massachusetts, and that he will permit us to proceed with that bill this morning, as it is in the Senate and all the amendments have been concurred in but two or three.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the order for the consideration of the resolutions of the Senator from Alabama and the fisheries treaty made on Thursday last may be informally laid aside to enable the Senate to proceed with the consideration of the river and harbor bill.

Mr. HOAR. I understand that the river and harbor bill was fully discussed last week and reported to the Senate, and all the amendments concurred in except three, which have been fully discussed, but which are of an important character, and on which a yea-and-nay vote was desired. If we can have an understanding that we shall come to a vote on those amendments, I shall be very glad to agree to the suggestion.

The PRESIDENT *pro tempore*. The number of amendments reserved for separate action was five. Does the Senator from Massachusetts ask for any understanding?

Mr. HOAR. I should like to have an understanding that the amendments be voted upon without debate.

Mr. TELLER. They can not be acted on without some discussion. The Senator from Missouri [Mr. VEST] reserved the right to call for a separate vote on the Hennepin Canal and the Illinois River amendments, and they will certainly lead to some discussion.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Colorado to object to any agreement or understanding——

Mr. TELLER. I shall have to object.

The PRESIDENT *pro tempore*. That the vote shall be taken on the reserved amendments——

Mr. TELLER. Without debate.

The PRESIDENT *pro tempore*. In the Senate without debate. The Senator from Maine [Mr. FRYE] asks unanimous consent that the order of Thursday last may be informally suspended so that the consideration of the river and harbor bill may be resumed. Is there objection?

Mr. TELLER. I do not think that a vote ought to be taken upon the Illinois and Hennepin Canal propositions in the Senate without a further presentation of the facts in the case. I do not want to delay the Senator from Maine, who wishes to go away, I understand, but neither of the Senators who had this matter in charge is here. When it came up in the Senate I was illy prepared to present the matter; the Senator from Iowa [Mr. ALLISON], who is interested in it, was engaged in the Committee on Appropriations; and it does not seem to me, if the Senator from Missouri insists on calling for a vote in the Senate, that it ought to be allowed to pass without some further attention. If the Senator will withdraw his call and let it stand on the vote that we gave as in Committee of the Whole, I am satisfied then to let the matter go.

Mr. VEST. I am anxious to take up the river and harbor bill and dispose of it, and I shall not insist upon a vote in the Senate. I will let the vote stand and risk the conference committee on it.

Mr. ALLISON. I hope the conference will not regard the proposition as having been passed without a judgment of the Senate on the question.

Mr. VEST. Oh, well, if you are going to have a debate, let us go into it.

Mr. ALLISON. I do not want a debate. I am ready for a debate, however.

Mr. VEST. Well, I am. I am ready, too, to leave it to the conference; but if the Senator is not we shall go into a debate, that is all.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Missouri to withdraw his demand for a separate vote on the Hennepin Canal amendment.

Mr. HOAR. Then I suppose there will be no objection to having a vote on the other amendments without debate.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent that the order of Thursday last may be informally laid aside and that the consideration of the river and harbor bill may be resumed. Is there objection? The Chair hears none.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 29th ultimo, approved and signed the following acts:

An act (S. 901) for the relief of Sophia W. Wright;

An act (S. 1241) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses;

An act (S. 2882) to pay Aaron Friedheim the rebate due him under the act of March 3, A. D. 1883; and

An act (S. 2930) to authorize the Paris, Choctaw and Little Rock Railway Company to construct a bridge across Red River at or near Hook's Ferry, Red River County, Texas.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT *pro tempore*. The first reserved amendment will be stated.

The amendment made as in Committee of the Whole, reserved for a separate vote, was, in section 1, page 6, line 128, after the words "New York," to strike out "continuing" and insert "to complete;" and in line 129, after the word "improvement," to strike out "one hundred" and insert "ninety-five;" so as to make the clause read:

Improving Buttermilk Channel, New York: To complete improvement, $95,000.

Mr. EVARTS. I hope the Senate will refuse to concur in this amendment.

Mr. FRYE. I will make a suggestion. Since the committee reported that amendment a report from the engineer has been presented to me, one more recent than we had, which shows that on account of the time consumed in this improvement it will take more than the $95,000 they reported would have completed the work six months ago. They now report that it will take at least $110,000 to complete it. Therefore the words "to complete" would be improper. I ask unanimous consent that the vote adopting this amendment may be reconsidered, and that the amendment may be non-concurred in.

The PRESIDENT *pro tempore*. If there be no objection, the amendment made as in Committee of the Whole will be non-concurred in in the Senate. It is non-concurred in. The next reserved amendment will be stated.

The CHIEF CLERK. On page 49, line 1180, after the word "harbor," the Senate, as in Committee of the Whole, struck out the clause extending to line 1188.

The PRESIDENT *pro tempore*. The amendment proposed by the committee was rejected by the Senate. The Chair understood the Senator from Kentucky [Mr. BECK] to desire to have some action taken in the Senate.

Mr. BECK. I do. I have a letter that I desire the chairman to read.

Mr. HOAR. If an amendment proposed by a committee is rejected, whether by recommendation of the committee who reported the bill or in any other way, in the Committee of the Whole, there is nothing before the Senate on that subject.

The PRESIDENT *pro tempore*. The Senator from Kentucky gave notice that at that point he desired to move an amendment in the Senate.

Mr. HOAR. That requires a new motion.

The PRESIDENT *pro tempore*. It does. Does the Senator from Kentucky desire to submit an amendment in the Senate?

Mr. BECK. I have one suggestion to make. I have a letter here, and if the chairman does not think after reading the communication that that clause ought to go in I will consent that it may be stricken out in the conference. It is a matter merely in the discretion of the Secretary of War.

Mr. FRYE. It does not increase or decrease the amount appropriated. I shall not object to allowing the amendment of the committee to be agreed to, with the understanding that in the committee of conference it will be rejected if the committee is not satisfied from the letter given to me that the amendment ought to be made.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to amend the bill by inserting what will be read.

The CHIEF CLERK. In line 1179, after the word "harbor," insert:

And $30,000 of said sum of $380,000, or so much thereof as may be necessary, may be expended in the discretion of the Secretary of War in repairing the dam at the head of Cumberland Island, and building a dam from the head of Dog Island to the Illinois shore; and $30,000 of said sum of $380,000 may be expended in protecting the harbor at Cairo, Ill., in the discretion of the Secretary of War.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The next reserved amendment was, in section 1, line 1138, to strike out the word "continuing" and insert:

For the purchase of the improvements known as the Green and Barren River improvements, $135,000: *Provided*, That no part of said sum shall be expended until a full and absolute conveyance of said improvements, together with rights of way, easements, piers, docks, and appurtenances of every nature belonging to or connected with said improvements, by the owner or owners thereof, and the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect.

The PRESIDENT *pro tempore*. This amendment having been agreed to as in Committee of the Whole, and the amendment having been reserved by the chairman of the Committee, the question recurs upon concurring in the same in the Senate. [Putting the question.] The ayes appear to have it.

Mr. FRYE. I think that there ought to be a yea-and-nay vote on concurring in the amendment, because there is another amendment pending, known as the Portage Lake improvement, which certainly ought to go into the bill if this one does. I shall feel, so far as I am concerned, instructed by the vote of the Senate on this amendment as to the other.

The PRESIDENT *pro tempore*. The Senator from Maine asks that upon concurring in this amendment the yeas and nays may be entered on the Journal.

Mr. KENNA. I hope the Senator from Maine will not insist on the yeas and nays. Let this stand as it is now carried, and should the other proposition be voted on and rejected, I shall move to reconsider the vote by which this amendment was concurred in. I agree entirely with the Senator from Maine that these two things stand in precisely the same category. They are both important; they both impose heavy taxes now on commerce, which everywhere else in the country is free. I fully agree with him that they ought to go together, but I think the course I suggest will enable us to apply the sense of the Senate as it may be indicated in the one instance alike to the other.

Mr. TELLER. Both ought to go in?

Mr. KENNA. Yes.

The PRESIDENT *pro tempore*. If there be no objection, the amendment will be regarded as concurred in by the Senate.

Mr. VEST. If both these appropriations are right, then both ought to go on the bill. If one is right and the other is wrong, the one that is right ought to go on the bill and the other ought to be rejected. There is no sort of logical or geographical connection between them—none whatever. I do not care about discussing either one of them, but I certainly dissent from the proposition of the gentleman from West Virginia. Let the chairman of the committee explain these appropriations and then let the Senate vote upon them by a yea-and-nay vote.

Mr. KENNA. I quite agree with the Senator from Missouri that there is no geographical connection between these two improvements. There is, however, in the relationship which they bear to commerce precisely the same connection, and I trust the Senate will adopt them both.

Mr. EDMUNDS. What is the pending question?

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 47, line 1138, the Senate, as in Committee of the Whole, struck out the word "continuing" and inserted:

For the purchase of the improvements known as the Green and Barren River improvements, $135,000——

Mr. EDMUNDS. That is enough.

The PRESIDENT *pro tempore*. The Senator from Maine asks that on the question of concurring in this amendment the yeas and nays may be entered on the Journal.

Mr. EDMUNDS. I second the demand.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. GEORGE. What is the question?

The PRESIDENT *pro tempore*. The Chief Clerk will again report the amendment.

The CHIEF CLERK. On page 47, line 1138, the Senate, as in Committee of the Whole, struck out the word "continuing" and inserted:

For the purchase of the improvements known as the Green and Barren River improvements, $135,000, etc.

The PRESIDENT *pro tempore*. This amendment was inserted as in Committee of the Whole. It was reserved for a separate vote, and the question now recurs on concurring in the Senate in the amendment made as in Committee of the Whole, upon which the yeas and nays have been ordered.

Mr. GEORGE. It is the amendment offered by the Senator from Kentucky?

The PRESIDENT *pro tempore*. It was offered by the Senator from Kentucky.

Mr. TELLER. It is a motion to amend the bill by inserting this appropriation?

The PRESIDENT *pro tempore*. The bill was amended as in Committee of the Whole upon the motion of the Senator from Kentucky by inserting the language that has been read at the desk. The question recurs in the Senate upon concurring in the amendment made as in Committee of the Whole. The Secretary will call the roll on concurring in the amendment.

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE].

Mr. COKE (when his name was called). I am paired on this question with the Senator from Minnesota [Mr. SABIN]. If he were here, I should vote "nay."

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM]. I do not know how he would vote on this question, and I therefore withhold my vote.

Mr. MORRILL (when his name was called). On this and all other questions I am paired with the Senator from Tennessee [Mr. HARRIS].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

Mr. PAYNE (when his name was called). I am paired with the Senator from Nevada [Mr. JONES] on party questions. As I do not understand that there is any partisanship in this question, I vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from West Virginia [Mr. FAULKNER.] I am not aware how he would vote on this question. I suppose his colleague [Mr. KENNA] can inform me.

Mr. KENNA. I have no positive knowledge on the subject, but I think my colleague would vote "yea." I will take the responsibility of relieving the Senator from Pennsylvania of his pair if he desires to vote.

Mr. QUAY. Then I vote "yea."

The roll-call was concluded.

Mr. CALL. I am paired with the Senator from Connecticut [Mr. PLATT] upon party questions, but not considering this to be a political question, I vote "yea."

Mr. HISCOCK. I am paired with the Senator from Tennessee [Mr. HARRIS].

The PRESIDENT *pro tempore*. The Chair would call the attention of the Senator from New York to the fact that a previous pair had been

announced with the Senator from Tennessee [Mr. HARRIS]. Does the Senator desire to have his vote recorded?

Mr. HISCOCK. Then I vote "yea."

The result was announced—yeas 35, nays 6; as follows:

YEAS—35.

Allison,	Evarts,	Kenna,	Sherman,
Bate,	George,	Morgan,	Spooner,
Beck,	Gibson,	Paddock,	Stewart,
Blair,	Hampton,	Palmer,	Teller,
Brown,	Hawley,	Payne,	Turpie,
Call,	Hearst,	Plumb,	Voorhees,
Chace,	Hiscock,	Pugh,	Walthall,
Chandler,	Hoar,	Quay,	Wilson of Iowa.
Daniel,	Jones of Arkansas,	Ransom,	

NAYS—6.

Davis,	Edmunds,	Reagan,	Vest.
Dolph,	Frye,		

ABSENT—35.

Aldrich,	Colquitt,	Harris,	Riddleberger,
Berry,	Cullom,	Ingalls,	Sabin,
Blackburn,	Dawes,	Jones of Nevada,	Saulsbury,
Blodgett,	Eustis,	McPherson,	Sawyer,
Bowen,	Farwell,	Manderson,	Stanford,
Butler,	Faulkner,	Mitchell,	Stockbridge,
Cameron,	Gorman,	Morrill,	Vance,
Cockrell,	Gray,	Pasco,	Wilson of Md.
Coke,	Hale,	Platt,	

So the amendment was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The CHIEF CLERK. After line 1600—

Mr. SHERMAN. Before the vote is taken on the next reserved amendment I wish to reserve, if I am not too late, and if I am too late I wish to enter a motion to reconsider the vote on the Hennepin Canal amendment.

The PRESIDENT *pro tempore*. The Chair will consider the right of the Senator to ask for a separate vote as reserved.

Mr. SHERMAN. I was absent on duty of the Senate in a conference committee when the reservations were made.

Mr. TELLER. If that is done I shall then regard it as the right of the friends of the canal to discuss the proposition further, notwithstanding the inconvenience it may cause to the Senator from Massachusetts. It was agreed in the absence of the Senator from Ohio that the call for a separate vote on concurring in the amendment should be withdrawn and that it might go to a vote.

Mr. SHERMAN. I have no desire to discuss it. I simply desire to record my vote on it.

The PRESIDENT *pro tempore*. The next reserved amendment will be stated.

The next reserved amendment was stated to be, in section 1, after line 1600, to insert:

That so much of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884, creating the Missouri River Commission, defining its powers and duties, be, and the same is hereby, repealed.

The PRESIDENT *pro tempore*. Shall the amendment made as in Committee of the Whole be concurred in in the Senate?

Mr. PADDOCK. I hope this amendment will not be concurred in. I think the Committee on Commerce is not tenacious as to the adoption of the amendment. As I stated Saturday, this subject is under consideration by the Committee on the Improvement of the Mississippi River and its Tributaries, and until we shall have an opportunity to complete that investigation and make our report I do not think that so radical a change as this ought to be made.

Mr. VEST. I suppose I am responsible for the amendment. I am not at all exigent about the matter. If the Senators upon the Upper Missouri River who have some steam-boats left want to try this commission until another river and harbor bill is prepared, I have no disposition to detain the Senate. I suggest to the Senator from Nebraska, however, if this amendment repealing the law creating the commission be not agreed to, then he will have to amend the text of the amendment of the committee by inserting, after the words "Secretary of War," in line 1568, the words "in accordance with the plans, specifications, and recommendations of the Missouri River Commission."

Mr. FRYE. That is right. That ought to be done.

Mr. VEST. When it was proposed to repeal the act creating the Missouri River Commission, as a matter of course those words were taken out of the bill as it came from the House; but they will have to be put back if the commission is retained.

Mr. PADDOCK. If the amendment is not concurred in that will have to be done.

Mr. VEST. If the amendment repealing the act that creates the commission be not agreed to, that is, if the action of the Commerce Committee is overruled as to that amendment repealing the act approved July 5, 1884, it will be necessary then to add at the end of line 1568, "in accordance with the plans, specifications, and recommendations of the Missouri River Commission."

Mr. ALLISON. "Except as herein modified." It may be possible that some of the subsequent provisions may modify their plan. I suggest to the Senator from Missouri to add "except as herein modified."

Mr. VEST. I have no objection to that.

The PRESIDENT *pro tempore*. The Chair will treat the two propositions as one question, if there be no objection, and the amendment proposed in line 1568 will be stated.

The CHIEF CLERK. Add to line 1568 the words:

In accordance with the plans, specifications, and recommendations of the Missouri River Commission.

Mr. ALLISON. "Except as herein modified." That may not be necessary, but I think it would be safer to insert those words.

The CHIEF CLERK. Add to line 1568 the following words:

In accordance with the plans, specifications, and recommendations of the Missouri River Commission, except as herein modified.

The PRESIDENT *pro tempore*. The amendment will be agreed to, and the amendment on page 66, between line 1601 and line 1607, inclusive, made as in Committee of the Whole, will be non-concurred in in the Senate.

Mr. PLUMB. I do not understand that these questions are being put to a vote. I understood that the clerks were getting the motion ready to be stated. I should like to have it understood that I do not mean the amendment made as in Committee of the Whole to be voted down without having something to say about it.

The PRESIDENT *pro tempore*. The Chair understood that it was an agreement or understanding which had been reached on the subject.

Mr. PLUMB. Not at all; I was only waiting to have the question stated.

The PRESIDENT *pro tempore*. Then the announcement of the agreement to the amendment to line 1568 will be reconsidered, and the question recurs on concurring in the amendment made as in Committee of the Whole, inserting the clause from line 1601 to line 1607, inclusive.

Mr. PLUMB. I do not know what the understanding may have been among those who are potential in this body, but I can not allow the amendment to be non-concurred in without entering my protest against it.

For a number of years the Missouri River has been under the control of this commission, and I do not think there has ever been any time in the history of that river when it has been so badly taken care of for the amount that has been appropriated as it has been during the administration of that commission.

But aside from that, the theory upon which the commission proceeds, the theory upon which the appropriations were made measurably for the use of that commission, is destructive of private interests along the banks of that river. I was not present the other day, but I read in the RECORD a statement coming, I believe, from the Senator from Missouri [Mr. VEST] to the effect that there was no navigation practically on the river, and that is true.

Mr. VEST. On the lower part.

Mr. PLUMB. On the lower part of it, and that is the part on which this money is to be expended, and the part in which I have deep concern, as the people of Kansas have.

To improve the Missouri River from Omaha to St. Louis so as to answer the reasonable purposes of navigation would probably cost $10,000,000 or $15,000,000. I believe the commission have estimated $10,000,000, and we all know that the estimates are within rather than without the requirements of the situation. That amount of money will never be appropriated; that is, it will not be for many years to come, at all events not in time to do any good. In the mean time we are casting into that turbid stream half a million dollars a year, over a million this year, and with no perceptible effect upon any interest which can be said to relate to that stream. Meanwhile the stream is cutting away the banks at important places. It is destroying every year hundreds of thousands of dollars' worth of property located upon its banks, and that is going on notwithstanding Congress has done everything except to order the Commission to do something to prevent it.

Congress gave them an admonition in the river and harbor bill that the money should be, or at least might be expended, if it was not an exact direction that it should be expended—I do not know but that it said that so much as they deemed necessary should be expended at certain specified points. The result was that they expended none. At St. Joseph, at Atchison, and at Leavenworth great interests are in peril, large property interests, interests of individuals, interests of railroad companies, and interests of bridge companies, and interests of private persons, and unless something is done at once the destruction there will be irremediable, and we might just as well not have it done at all unless it is done very soon.

Mr. PADDOCK. I should like to ask the Senator a question. I ask him if that is not due to the fact, as stated by the Senator from Missouri on Saturday, that the commission had not been supported by proper appropriations by Congress; that it had made its recommendations, and that Congress uniformly had refused to grant its requests? I do not propose to indorse the *personnel* of the commission; I do not know anything about it. My desire is simply to keep it until something better can be secured.

Mr. PLUMB. The commission adopted a theory that they would

begin at the mouth of the river and work up with their improvements. That is all right as a theory; but while they were working it out under any appropriation Congress could be induced to give the upper portion of the river was being destroyed—that is, the properties of which I have spoken were being destroyed.

Now, it is absolutely improbable, it is totally out of the anticipation of anybody, that Congress is going to appropriate the money to improve that river according to the plan of the commission. It only needs to be said that it will take ten or fifteen million dollars to improve the river to have it understood at once that the money is not going to be given within any reasonable period of time. A million dollars a year can not be expended on that river, according to the theory of the commission, so as to do it any good.

While the improvement of the lower river is going on, where there is no navigation and where there is to be no navigation, the river, as I said, is destroying the estates of individual citizens and corporations a few miles above. I understood that the Committee on Commerce had acceded to this proposition, that as long as the present scale of appropriations was to be indulged in the money was to be used in places where it could protect the property that has been located on the banks of the river, at the places named in this part of the bill, and that that was to be the main effort and the main result to be reached through these appropriations, believing that to be, as of course it would be to a certain extent, an improvement of the general navigation of the river and a part of some general system which might hereafter be carried out. That is to say, to improve the banks of the river at Atchison and other points, to prevent the encroachment of the river on the shore, to prevent the destruction of the packing-houses and of the railroad bridges and railroad tracks and the dwellings and farms which are on the river, would of itself tend to confine the channel of the river, and would to that extent improve the navigation at those points. Of course it might be said to be an infinitesimal part of the general system of improvement of the entire river, but at all events it would do some good, it would prevent property from being destroyed, and it would be a recognition of the obligation of the Government to keep its own highway from working damage to its own citizens.

Mr. VEST. The Senator will permit me to suggest that if we are to appropriate for local improvements $25,000 here and $50,000 there why not let the money be spent under the general discretion of the commission if it will tend to the improvement of the navigation of the river?

Mr. PLUMB. I do not think that would do, because we had in the last river and harbor bill that very provision.

Mr. VEST. No; that was a different provision. That was that they might expend. Now we say that they shall expend.

Mr. PLUMB. But it is to be done under plans to be prepared by them.

Mr. VEST. I prepared a clause following that precedent, but Senators from the Upper Missouri insisted on a specification of places where money should be expended. The whole question is, whether it shall be spent by the Engineer Bureau or whether it shall be spent on the plans of the commission. The discussion here amounts to very little, because the commission is composed of three engineer officers and two civilians, and if it is put back under the supervision of the Engineer Bureau the thing will still be exactly where it is to-day.

Mr. PLUMB. It might or it might not be, because it is now in the hands of a commission in which the engineers constitute a majority. I think the Senator is mistaken as to the number; I think there are two engineers and one civilian.

Mr. VEST. No; three engineers and two civilians, one from Nebraska and one from Missouri.

Mr. PLUMB. But the fact remains that they are constituted as a separate board, and they are not under the responsibility that the Secretary of War would be if he were commanded to do this thing, and should be at liberty to use his instrumentalities to work it out. As it is now it is to be in accordance with the plans of the commission——

Mr. VEST. Oh, no.

Mr. PLUMB. If he is not to accept their plans of what good are they?

Mr. VEST. That is what I suggested to the Senate the other day.

Mr. PADDOCK. Certainly that is a wrong position. The board is subordinate in all its work to the Secretary of War and reports to him, and its plans have to be approved by the Secretary of War before a dollar can be expended. The whole matter is with the Secretary of War, except that he has this special agency to investigate and report.

Mr. PLUMB. According to this provision the improvement is to be made on their plans, and I venture the prediction that if that provision is retained there will never be any improvement of the river at these points, because the commission is organized to do the other thing. It is organized against expenditures of that kind. There was never a commission that was so determined not to carry out the will of Congress. I do not care whether you speak of them as a totality or of the individual composition; that spirit has appeared to permeate the action of the commission from the beginning. The work it did at Kansas City subjected the commission to great imputations respecting its reliability and ability to make contracts to serve the public interests. Things occurred there which, if they had been carried on by anybody else but Army officers, would have led to but one general conclusion, and that was that the board was corrupt.

But I do not care to go into that feature of the case. I only say that hereafter as heretofore there will be no improvement of these specific points on the river so long as the commission are left to draw the plans and the Secretary of War is to carry out the plans they draw. For that reason I am in favor of abolishing the commission.

I repeat that under this course of proceeding the Missouri River will not be improved in such a way as to become navigable and will not be navigable during the lifetime of any person now living. Therefore, whatever money we put upon it we ought to expend it in such a way as to prevent the destruction of property primarily, of course, expending it as far as possible with a view to its being a part of the general system which in time may be adopted for the river, if any system ever is adopted which Congress is willing to vote the money to carry out in a comprehensive and practical way.

As it is now it is simply a question whether we shall expend this money in such a way as to do no good, absolutely bringing no return whatever to anybody in the United States, and meanwhile allow the river to go on sweeping away the accumulations of individuals along its banks. That is the question which is to be met, as I think, by this amendment. If anybody wants a pension from the Government of the United States or anybody wants a salary, for heaven's sake put it somewhere else, put him under the Civil Service Bureau, but do not ask us to put him in a position where by his obstinacy, by his lack of judgment or knowledge, or his corrupt determination not to do the thing which Congress has directed to be done, he obstructs beneficial action.

Mr. VEST. Mr. President, I do not care to have what I said quoted incorrectly, and I do not assent to the remarks of the Senator from Kansas. I do not know anything about the contracts made by the commission at Kansas City. I know but one member of the commission—Mr. Broadhead, of Kansas City, who is as reputable a man as exists on the face of the earth. There is no question in regard to that.

My idea in proposing to abolish this commission was simply that it had become unnecessary, because Congress paid not the slightest attention to any recommendation it made. I drew the amendment to the river and harbor bill of 1884 creating the commission. They recommended that the Missouri River be improved by reaches upon a plan similar to that adopted on the Mississippi, but immediately there was antagonism to that plan in favor of what are called local improvements—that is to say, the encroachment of the river on the respective banks should be prevented at different localities to preserve railroad corporation property and private property.

The Mississippi River Commission has reported over and over again, and so has the Missouri River Commission—and the whole Engineer Bureau is solid on the proposition—that these appropriations for local improvements are antagonistic to a general system of improvements for a stream and its navigability, and that antagonism has existed in regard to both great rivers from the beginning and will continue. I believe myself that the Missouri River Commission was right. I believe the only way we can make these streams navigable to the largest and fullest extent is by systematic improvements, and that sporadic and local improvements and appropriations are simply throwing money away. We have brought on us here from year to year in the river and harbor bill appropriations for $50,000 at one point, $75,000 at another, and so on, and each year the improvement done the year before is washed away.

Mr. PLUMB. Was not that because enough was not appropriated?

Mr. VEST. That may be so, but still it was all Congress would give. The commission have estimated a million dollars. Congress say, "We will not give you a million dollars, but we will give you half a million dollars to be expended at certain points. We impeach either your capacity or your honesty, and we will take the matter into our own hands." When I found, by long experience on the Commerce Committee in the Senate, that it was perfectly useless to resist any such item in regard to the provisions of the bill, I yielded reluctantly and drew the amendment abolishing the commission, because I believed Congress would not accept the judgment of the commission in view of this local antagonism or rather this desire for improvement at localities, and therefore I drew the amendment which Senators on the upper river object to.

I may be wrong. I had no real intention to destroy the commission, but I know the result. I know it just as well now as if the bill had passed. The result will be that all their recommendations for the next year will be ignored, and every locality will come in and demand a specific appropriation and one Senator will ask another Senator to help him. "Help me, Cassius, or I sink. Liberty lies bleeding in the streets if I do not get this for my town." The other says, "I will do it if you help me," and so by agreement——

A SENATOR. Log-rolling.

Mr. VEST. Yes, log-rolling, and no Commerce Committee can resist such things for a minute.

Mr. PADDOCK. I should like to inquire of the Senator if his criticism of the commission is against the plan which has been attempted to be forced upon it in place of its own plan, and that the money ap-

propriated shall be expended at local points instead of carrying out its general plan, which involves an improvement of the whole river with the idea of securing permanent navigation.

Mr. VEST. I believe the river ought to be improved according to the plan of the commission, and systematically, but I agree with the Senator from Kansas that it will not be done in our generation. Congress is not going to appropriate $10,000,000 for the Missouri River.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. VEST. Certainly.

Mr. EDMUNDS. I should like to have the Senator from Missouri explain to the Senate on what principle it is that the United States is under any obligation, constitutional, legal, legislative, or moral, to protect the banks of this river for the benefit of private property, as stated by the Senator from Kansas?

Mr. VEST. None at all. But I would suggest to the Senator from Vermont that if he will look at the reports of the Engineer Bureau he will see that they always find that cheap local improvements help the general navigation of the river. That is the way the money is spent. No Senator will get up here and say "I want $50,000 to save a railroad bridge."

Mr. EDMUNDS. That, in substance, has been said.

Mr. VEST. "Or $75,000 to save a town in my State."

Mr. HOAR. May I ask the Senator a question? If the flood overflows the bank from the body of the stream, is it not of course improving the navigation of the stream to confine the river to its channel? Is it not true in the cases which have been specified in reports from the Committee on Commerce where the banks have been protected that navigation has been kept secure?

Mr. VEST. That is part of the argument made.

Mr. HOAR. I want to know if it is not the fact?

Mr. VEST. I suppose it is. They say it is true. I have heard the same argument made on the Mississippi River.

Mr. HOAR. The river and harbor bill is reported to the Senate year after year by men of personal honor, men of personal character, men who have usually no large interests of their constituencies involved, like my honorable friend from Maine [Mr. FRYE], and I have got sick, for one, of hearing Senators get up here and try to blacken the character of their own associates in public life by charging that it is a bill made up in considerable part through log-rolling and cheating. I have not any interest in it as a Massachusetts citizen; but I examined one of the most attacked and vilified river and harbor bills that ever was before the public, and went over it item by item with the reports of the engineers and such other facts as I could get. I took the editors of some newspapers and presented the bill to them with the reports. One gentleman of very high standing and distinction went over the items. Another newspaper which had joined in this talk, which gets its indorsement, I am ashamed to say, from gentlemen who sit in seats here, employed one of the ablest men on its editorial staff to answer a letter which I wrote to my constituents on the subject; got him all the documents, intending to make an attack upon my record, and the editor reported to his principal that "Mr. HOAR was entirely right," and he would not write the article.

I say it is a vile slander upon the trusted representatives of the American people to declare that these river and harbor bills to any considerable extent, to any appreciable extent, to an extent amounting to 5 per cent., contain provisions which are not thoroughly defensible upon their face as demanded by the interests of international or interstate commerce, and I never have heard any of the gentlemen who indulge in this vilification get up and point to items on which they could put their fingers.

Mr. President, if the bill which is before the Senate at this moment contained items of that sort in any considerable number, my honorable friend from Maine, with a character as unsullied as any man who walks this continent, is either unfit for his place in the Senate by reason of want of capacity or by reason of the want of integrity. There is no alternative; and when Senators make these charges they ought to be able to substantiate them against their associates.

Mr. VEST. I do not know that I have given any occasion for this onslaught on the part of the Senator from Massachusetts. I made no such charges.

Mr. HOAR. I did not understand my friend from Missouri to do so.

Mr. VEST. I take the full responsibility of saying that our legislation in regard to rivers and harbors is not free from the criticism that has been made upon it. Not to say log-rolling, agreements, combinations made; that is to say one Senator goes to another and says "You stand by my amendment and I will stand by your amendment."

I undertake to say this much for the Committee on Commerce, on which I have served for ten years, that we have honestly tried to do our duty. We have put appropriations in here against our own judgment in many instances, certainly against my judgment, because we have been overwhelmed by personal solicitation and the effect of personal solicitation; and I say from my seat that of all the duties that I perform here as a Senator the most disagreeable are those connected with the river and harbor bill. I have made some, I will not say enemies—but I have drawn more criticism from friends, more antagonism by doing my duty on this committee than by the performance of all my other Senatorial duties. It seems to be impossible for Senators to eliminate from the duty they owe to the United States Government the local interests of the people who sent them here. It is inseparable from humanity that this bill should be what it is.

For myself, I have ceased to hope that it will ever become any better. If some Senator could invent a system by which the rivers and harbors of the country could be improved without these general appropriation bills; if some rule, some system could be adopted, he would be the greatest benefactor ever known in the history of this country. That is all I have to say about it.

Now, Mr. President, in regard to this commission, I shall only add a single word. If Senators on the upper part of the Missouri River desire to try this commission for another year, I have not any objection, but our experience will be the next year exactly what it is now; the recommendations of the commission will be ignored, and the criticisms, such as we have heard from the Senator from Kansas to-day, will be continued.

Mr. REAGAN. Mr. President, I shall sustain the amendment in the Senate, not because I have thoroughly investigated the subject, but because of the arguments which we have heard.

I understand from what was said by the Senator from Kansas that he believes a large portion of this money ought to be spent in local improvements in the preservation of town fronts, bridges, railroad tracks, and other private property, and he objects that the Army part of the commission want to improve the navigation of the river while the civilian part of it want to improve private property; and he argues, therefore, that if the private property is to be improved we must dispense with the commission, abandon the theory of opening the Missouri River to navigation, and devote the public money to private benefaction.

Now, sir, if that is the policy, it seems to me that we have gone outside of the authority given to Congress to appropriate money for the improvement of rivers and harbors.

Mr. VEST. Does the Senator from Texas say that I stated any such thing?

Mr. REAGAN. No, sir; I referred to the Senator from Kansas; but I did understand the argument of the Senator from Missouri to go partially to the same extent.

Mr. PLUMB. I disavow any such statement.

Mr. REAGAN. I do not know how the Senators understood me. I think I know what I said. Undoubtedly the Senator from Kansas did appeal to us on the ground that we should never get this private property improved for the preservation of bridges, and railroad tracks, and private property that was drifting down.

Mr. PLUMB. The Senator said that this commission divided, the Army officers in favor of improving the navigation and the civilians in favor of improving private property.

Mr. REAGAN. That was what I said I had understood the Senator from Kansas to state.

Mr. PLUMB. If the Senator will state that on his own authority it may be all right, but if he states it on my authority he is incorrect, because I do not know anything of that kind to exist.

Mr. REAGAN. I stated what the Senator from Kansas said, but from the drift of the argument of those Senators it was fairly inferable that the trouble was that the Army part of the commission was for the improvement of the navigation of the Missouri River, and the civilian part for the improvement of private property.

Mr. PADDOCK. The criticism of the Senator from Kansas upon the commission is that it adheres persistently to the plan of general improvement rather than the plan of the improvement of local points and places, and the fact is beyond any question that the majority of the commission has insisted upon adhering to such plan of general improvement from the beginning to the end. Therefore the conclusion of the Senator from Texas, if I understand him, is incorrect, that on account of this division in the commission to which allusion has been made there has resulted this state of things, of which he complains that there must necessarily be expenditures for local points without reference to improving navigation, or that nothing at all can be done. While there may have been differences in the commission, the plan, whether right or wrong, has been a consistent one.

Mr. REAGAN. I feel responsible for my own statement, and Senators who heard it will know whether I have correctly stated the fact or not. I have no qualification to make.

Mr. President, in the Forty-fourth Congress the first item in a river and harbor bill went for a purely local improvement—$80,000. At the time I protested against it as a system that would ultimately break down the river and harbor bill; but the popularity of the member proposing it secured its adoption. We have gone on increasing the number of local projects for the expenditure of public money from that time up to the present until a large number of such works have been provided for. The present bill does not contain the catalogue we have usually had in such bills of late years. It does contain something of a catalogue, however, but it varies the purpose to bring it within the possible bounds of legality. It provides for the appropriation of $1,100,000 for the improvement of the Missouri River, and I desire to say right here that while it may be possible to improve the navigation of

the Missouri River, it is a very difficult problem. It is a bad stream. Its channel is shifting. It will be difficult to improve its navigation permanently, and it never can be done short of a very large appropriation.

Mr. PADDOCK. I should like to inquire of the Senator if it is any different from the Mississippi River itself.

Mr. REAGAN. Yes, sir; it is very materially different from the Mississippi, unless you speak of the Upper Mississippi.

Mr. PADDOCK. It is exactly the same character of stream as the Mississippi below the mouth of the Missouri. Really it should have been the Missouri all the way down, for the characteristics from the headwaters of the Missouri to the mouth of the Mississippi are the same.

Mr. REAGAN. It took many years to investigate that subject, but I do not understand it as the Senator from Nebraska does. I only mean to say that it will be very difficult to improve the navigation of the Missouri River, and it never can be done without very great expense. I was, however, speaking of the number of local points that we are asked to appropriate money for, to protect town fronts, to protect railroad bridges, to protect private property. There is no one familiar with the river and harbor bills passed but knows that hundreds of thousands of dollars have been, under one pretense or another, employed to protect and preserve private property. It is a wrong, it is an injustice to the public, and it is endangering our great system of the improvement of the internal navigation of the country.

As I was saying, this bill appropriates $1,100,000 for the improvement of the Missouri River, and then it goes on to say:

> Out of the above sum the following amounts shall be applied to the purposes hereinafter specified, namely: One hundred and fifty thousand dollars, or so much thereof as may be needed, shall be expended on that portion of the Missouri River lying between the cities of Council Bluffs, Iowa, and Omaha, Nebr., and a point 5 miles above the bridge of the Omaha and Council Bluffs Bridge Company, by the course of said river; that the sum of $100,000 or so much thereof as may be needed, shall be expended on said river at Sioux City, Iowa, and in Nebraska, opposite said city; that the sum of $50,000, or so much thereof as may be needed, shall be expended on said river at or near Plattsmouth, Nebr.; that the sum of $50,000, or so much thereof as may be needed, shall be expended on said river at or near Rulo, Nebr.; that the sum of $75,000, or so much thereof as may be needed, shall be expended on said river at or near Nebraska City, Nebr.; that the sum of $75,000, or so much thereof as may be necessary, shall be expended on said river at or near Kansas City, Mo.; that the sum of $75,000, or so much thereof as may be necessary, shall be expended on said river at or near St. Joseph, Mo.; that the sum of $50,000, or so much thereof as may be necessary, shall be expended on said river at or near Arrow Rock, Mo.; that the sum of $75,000, or so much thereof as may be necessary, shall be expended on said river at or near Leavenworth, Kans.; that the sum of $75,000, or so much thereof as may be necessary, shall be expended on said river at or near Atchison, Kans.

It will be seen that instead of appropriating $1,100,000 for the improvement of the navigation of the Missouri River and leaving it to the commission to expend that money where it should be expended to the best advantage for the improvement of the navigation of the river, Congress undertakes to distribute it out and require the commission in the improvement of the navigation of the river to expend much of the money on mere local works for the protection and preservation of private property.

Mr. ALLISON. Will the Senator allow me to interrupt him?

Mr. REAGAN. Certainly.

Mr. ALLISON. At every one of the points named the improvement will constitute a part of the plan of the Missouri River Commission for the general improvement of the river.

Mr. REAGAN. It may be that it may have some effect of that kind. I do not know what information was before the committee in acting on this bill, but I do know that the committees who investigated this subject before had the impression that the object of making these local appropriations was the protection and preservation of private property. I have no doubt that the navigation of the river may perhaps receive some incidental benefit from it, but if the purpose had been to improve the navigation of the Missouri River, after appointing a commission of three United States Army engineers and two civilians, Congress would have allowed them the power to use the appropriation where it could be used to the best advantage for improving the navigation of the river.

Mr. PADDOCK. Will the Senator allow me a word?

Mr. REAGAN. Yes, sir.

Mr. PADDOCK. There is not an appropriation that the Senator criticises or speaks of that is not based on estimates made by this very commission in and for each and every case that has received the attention of the Committee of Commerce.

Mr. REAGAN. I am aware that such estimates are asked from the engineers, but they are not the estimates which are adopted or originated by the judgment of the engineers; they are those presented on application and solicitation for local improvements.

Mr. PADDOCK. They are part and parcel of their general plan.

Mr. REAGAN. Of course the Senator has his notions about that. I have had considerable experience with these bills and considerable information about them, and I only say that my judgment is that this river ought to be improved; and if we should deal rightly with this clause of the bill, we would strike out all after the appropriation of $1,100,000 for the improvement of the Missouri River, and leave the commission to improve the navigation, and not undertake to compel them to expend money on local points and threaten them with dismissal from the service if they attempted to improve the river and refused to expend this money in the improvement of local points.

Mr. FRYE. Mr. President, the river and harbor bill has now progressed by the indulgence of the Senator from Massachusetts [Mr. HOAR], who is getting very anxious to have the floor, and if this debate continues any longer the river and harbor bill will be obliged to go over for a fortnight.

Mr. PADDOCK. If the Senator will allow me to say about a dozen words, I think we shall soon get through.

In answer to what my friend the Senator from Kansas [Mr. PLUMB] said about the interest some might have in the *personnel* of the commission, I desire to say for myself that I have no interest whatever in any person who is upon this commission. In fact, there is one gentleman who is a member of the commission who is personally somewhat offensive to me. There is another person upon the commission that I did not think of as being upon it until a few days ago. I mean the member spoken of from Nebraska. I have no interest whatever in him as a member of the commission.

The only consideration that has influenced me in opposing the amendment is this: There is a standing committee of the Senate which has special charge of the improvement of the Mississippi River and its tributaries, of which I have the honor to be chairman. Under an instruction of the Senate given a short time ago through a resolution adopted to that end, this committee—the Committee on the Improvement of the Mississippi River and its Tributaries—was directed to inquire into and examine this whole subject of commission work. It has been prosecuting that inquiry with great diligence, particularly in respect to the work of the Mississippi River Commission, but generally with respect to both. We are in the midst of that investigation at the present time. It will be a thorough and exhaustive investigation of the whole subject.

The president of the Mississippi River Commission has been before the committee and given his testimony. The officer under him, having the principal charge of the work between St. Louis and the Gulf for ten years, has also been before the committee and made a most elaborate and a most intelligent statement. Other gentlemen connected with the steam-boat business upon the Mississippi River and in other branches of business upon the river, who are specially interested in its navigation, have also testified before the committee, having a contrary view, with respect to the commission work, from those who testified on its behalf.

The general subject of the Missouri River work has also come up and the committee desire to investigate that further, the object being to secure all the knowledge that is possible to be obtained by the committee on the whole subject, and to be able to advise the Senate as to what should be done at as early a date as possible in the future with respect to this whole matter. And, sir, I think I may say that hardly any subject of legislation can come before the Senate of greater importance than that of improving the navigation of these two great streams. The Missouri River itself is navigable 3,000 miles above its mouth, and of course everybody knows about the Mississippi River. Everybody knows that it is one of the greatest water ways on this continent. They are both great rivers. They drain an enormous district of country.

The great corn belt, the immense wheat-growing region of the Northwest, is drained entirely by these rivers. Were they sufficiently improved to admit of safe and easy transportation of successful commerce upon them, it would be, if nothing more, a menace to, or perhaps I should say a restraint upon the railroads, and in that respect an important competitive factor for lower rates of transportation for the products of that vast region to the seaboard, and to the consumers of the whole country.

I do not know about this commission; I do not know whether it is the best thing or not; I am not prepared to indorse it; I am not prepared to condemn it. I am not prepared to indorse the Mississippi River Commission. I do not know but that this committee may recommend the abolishment of both commissions; it may recommend the consolidation of both of them into one; or it may recommend some other agency under the Secretary of War to take charge of this whole work; but I think it is due, in fact only decent treatment of this committee, which has been charged with the responsibility of investigating the subject by the Senate, that it should be left alone, that there should be no radical change in respect to these instrumentalities and agencies until it shall have concluded its labor which the Senate instructed it to perform, and shall have made its report to the Senate.

It may be truly said of the committee that it has not in time past given any particular attention to the subject which it has had in charge. But this subject belongs to it to deal with primarily and the Senate should sustain it. It is irregular and in bad form for the Committee on Commerce to assume exclusive charge of this subject, considering that there is a committee charged specially by the Senate with the duty and the responsibility of looking after this very matter.

Mr. FRYE. I hope we shall have a vote.

Mr. EDMUNDS. Mr. President, I think that the United States are not the proprietors of the Missouri River or the Mississippi River as you

or I may be of a horse or a locomotive or something else that is going to injure another man's property by the way we use our own. The people of the United States have the right of navigating those streams, and Congress, under its power to regulate commerce and navigation, has the power to aid that navigation; and so far as any money can be spent justly to aid that navigation I am for it, but under color of aiding navigation I do not believe in taking money from the Treasury of the United States and using it for the benefit of private owners of property along the banks of these streams or any other.

My honorable friend from Massachusetts [Mr. HOAR], who has fallen in love with all river and harbor bills, that continue to be good, at least, says that if you do not protect the bank the sand and the silt will fall in.

The Senator says that he did not say so. I will put it, then, in another way, if my friend will allow me, so that it will be satisfactory to him. I will say that I understand my honorable friend to have said in substance that the falling in of the bank would naturally and necessarily put earth into the body of the river, and that if the earth went into the body of the river that might impede navigation, if it stopped in the proper place to impede navigation. I will state it with the utmost circumspection.

Mr. HOAR. My honorable friend will allow me to correct him. I asked the Senator from Missouri, in reference to the case of which he was speaking, where the banks were falling in, whether or not the raising of the banks tended to improve the navigation, and then whether in that case appropriations were or were not proper?

Mr. EDMUNDS. I take it that the RECORD will show to-morrow what we all say, because my friend from Massachusetts will not change what the RECORD shows him to have said.

This is not the first time this has happened; for years and years there has been an effort from somebody and from somewhere to persuade the Committee on Commerce and the Senate that the public interest in navigation required the appropriation of sums of money that could be used, and sums were authorized to be used to protect the banks of these streams and to protect them chiefly and practically, not at the places where swamps and worthless lands and mere wild forests existed, where the undermining was going on, perhaps, in many places faster than anywhere else—none of these places are mentioned—but where there is a railroad bridge or a town or a wharf or some improved private property the owner of which finds the water cutting into the shore that is his, and where no United States engineer officer has a lawful right to set foot upon it without his consent, and to have that protected for the benefit of his warehouses or his railroad bridge at the expense of the United States, not because the water is not 20 feet deep for a mile in front of him up and down, or 40 feet, it may be, for the deeper it is the more easy it is for the current to cut away the bank and to tumble in the fine silt that composes these shores; and what is left of it that does not get over the shores goes to the mouth of the Mississippi, where Captain Eads is washing it out into the almost bottomless Gulf of Mexico, where I think we can hope it will stay when it gets there.

So my belief is—and I have searched in the documents to find something to show that I am wrong in my belief—that in most of the places which are named the navigation of the river is good now; that is to say, the water is deep enough for all the purposes of navigation; and that the real benefit, ninety-nine one-hundredths of the benefit to any possible interest, is the benefit to the railroad company that has got to embank around its bridge to protect its shore-line, the benefit of the wharf-owner and the warehouse-owner and the property-owner in these towns that will have to rip-rap his bank at his own expense to keep his warehouse or whatever it may be from being undermined. If that is so, as I believe it is, I think, with great respect to everybody, that it ought not to be done. I do not believe that we have the right; I admit we have the power; we can give away the people's money just as we choose, in point of law; but I do not believe we have any moral right, as responsible for the care of money that is not our own but belongs to the people, to expend it for private benefit unless we do it openly and fairly as a matter of charity, as we sometimes do. I hope everybody agrees with me. Believing as I do that this scheme of compelling the appropriation of this money, as read by the Senator from Texas, is a scheme, ninety-nine dollars of every hundred of which is to be expended for private benefit only, it ought not to be agreed to.

If the Mississippi River is such a stupendous monster that the interest of the whole nation is concerned in building a wall from its upper waters to the Gulf on either side of it to keep it from overflowing and keep it from undermining, if it were a possibility, that would be one thing. Nobody supposes that. It has not been suggested that an embankment ought to be made from the mouth or very near the mouth up to Cairo and that the United States ought to do it. That has not got force enough yet to even attract attention in this body, but—and if I am incorrect in this position I should be glad to be corrected by the documents—we are doing in detail what nobody would pretend we ought to do as a whole, and we are expending this money substantially purely for the benefit of private interests that ought to do it themselves. The same principle would apply to the shores of the ocean, over which we have exactly the same rights and in respect to which we have the same duties, as this bill shows, and it would be just as well to provide that a wall should be built in front of Long Branch, where I see that in a recent storm the shore has been washed down, and so at Coney Island, where houses had to be moved back because the navigable waters of the United States are encroaching upon the land. If they are our navigable waters and if it is our duty to keep them within bounds, why not? I do not believe in that, and therefore I can not vote for it.

Mr. PLUMB. The difference between the Senator from Vermont and myself is clear. The Government of the United States has undertaken formally to improve the Missouri River. There is no question at all that under the system it has adopted and carried on it should go to the points that have been mentioned, and finding the condition of the banks there as it is, it would do exactly what is proposed in this bill; and the only question now is whether, having determined to do these things, it shall anticipate the final completion of the work in consideration of valuable interests involved by doing it now rather than waiting ten years from now. That is all there is about it.

Believing as I do that the river ought to be improved, not because I expect to see navigation on it to a very great extent, but because, as has often been said, it can be made to a certain extent a competitor of railroads, I am willing to vote money for its improvement; but seeing, as I do, by reason partly of the result of the action of the commission, partly from the fact that Congress is not willing to act on the question in a large way by giving the money necessary to complete the improvement of the river at once, I say that we ought to reverse the order of the improvement there, and vote the money appropriated for the river in such a way as to anticipate the time when, under the ordinary system, we should come to those particular improvements and make them now. I would not think a great deal of a government which had anything to do if it should hesitate in the order of doing it because it would reverse the usual order so as to accommodate some of its own people.

On the general question, I do not know that I have ever voted for a river and harbor bill. I have not indulged in any log-rolling or any combination or any swap of any kind in regard to any item that ever appeared in any one of these bills, and I do not mean to do so. When I say that, I do not mean to say that I am a person of superior virtue, but it is simply because there is not so much navigable water in the State in which I live as to make it worth while for me to negotiate in that sort of thing. But I have always been willing to vote more money than any river and harbor bill pending in Congress contained if I could only be reasonably assured that the money would be properly spent.

In the first place, I do not believe in doing things by driblets, casting $5,000 into a stream at this point and $10,000 at another point, or $15,000 or $50,000 for the entire stream, knowing as I do that the result will be imperfect work and a destruction of a large portion of it each year. I personally know of a harbor on Lake Erie where the engineer originally estimated that he could make the harbor accessible for vessels of a certain draught of water at a cost of $100,000, where the Government has spent $175,000, and $30,000 are in this bill now for that harbor.

Mr. PADDOCK. Where is that?

Mr. PLUMB. A harbor on Lake Erie. Thirty thousand dollars are in this bill now for that improvement, and it will cost $250,000 at least—$150,000 more than was deemed necessary if the money had been properly appropriated and properly spent. One wing of a jetty will be put out one year at an expenditure of twenty or thirty thousand dollars. The storm will come and destroy a portion of it, which is incomplete of course, and then comes in the sand from the lake, and the next spring 15 or 20 or 30 per cent. of the next appropriation must be devoted to dredging that out and making the necessary repairs before new work can be commenced. Congress is at fault for that. I have objected to that method of expending the public money; and I have objected to it for another reason. I believe that instead of taking up every single object of appropriation we could find, we ought to adopt some system whereby the most important works would be taken up first and completed. For that purpose I have been willing to put in the hands of the President of the United States a lump sum at any time. I would not object to giving $50,000,000 in a year on a good showing.

It ought to go without saying that the Government has the means to meet what is needed, and I distrust, more than that, the establishment—the engineer establishment—that is to spend this money. In the first place, they are not engineers for this purpose. They are military engineers; they are not civil engineers. They can not have that practical experience which they ought to have in such matters. They spent at the harbor of Galveston, in the State of the Senator from Texas, $5,000,000, and besides that more than half a million dollars given by private contributions in that city, and what is the result? The necessary water is not there. They are military engineers. They are not engineers having by experience and education the qualifications necessary for this work. Besides, the very nature of their calling, their fixed tenure, the fact that promotion does not depend upon merit, but depends upon death, is enough in itself to check their ambition and to prevent the exercise of genius in doing the work they are supposed to be doing. They employ, of course, some civil engineers to do the work

and make plans in the various localities. They do not do the work themselves, and yet they are responsible for it; and if you had put the Mississippi River improvement in the hands of the Engineer Corps of the Army alone the commerce of the Mississippi River would have been standing still to-day.

A Senator told me the other day that the only thing which gave any hope of the improvement of the harbor at Galveston under the Army management was that since the death of Eads, since he was out of the way with the proposition he had made to Congress to improve that harbor for a certain number of millions, they had in a grudging sort of way partially adopted his plan. Of course they only adopted it partially. That is the only assurance that great city has that it ever will have a harbor, because these people have reluctantly taken up the plan of Captain Eads, which they had not the ability or the genius to invent.

If we could have a system of river and harbor improvement under which some responsible authority should expend the money just as rapidly on such works as should be selected for the purpose as could be done economically, it would pay this country to give twice, or three times even, as much as it gives every year for this purpose, and we should make money out of it in a commercial sense. It not only would improve property—of course that the Senator from Vermont [Mr. EDMUNDS] is afraid of; it would contribute to the benefit of somebody in spite of him—but, more than that, it would contribute to the promotion of the commerce of the country at large to an extent which would compensate every year for the money spent; but we shall never have anything unless what we have now if we go on as we are doing.

The Engineer Corps is intrusted with this expenditure. It may be because of the conspicuous lack of ability they have displayed heretofore in these things and their utter disregard of the interests of the public Treasury. They have a facile way of doing business. Thus many items, not necessarily bad items of appropriation, but those which are relatively unimportant (of which there are numerous instances in this present bill), creep in. If I cared to go into that I might take the reports of the engineers themselves and show that there are items of appropriation here which are not justified, which are of no importance at all compared with the Mississippi River, or with the Missouri River, or with the Ohio River, or with hundreds of other improvements where we spend money.

And yet it can not be said that the river and harbor appropriations are vicious wholly. Now and then a bill will be vetoed and then there will be a temptation to make the bill as small as possible the next year to escape another veto; and as long as we pursue this system we shall be perfectly certain that we are wasting at least one-half of all the money we appropriate, while at the same time we are postponing the accomplishment of that which we ought to have first in mind; that is to say, the improvement of rivers and harbors where they will accommodate the commerce of the country. Whenever a bill with that view is presented I shall vote for it.

When I say this I am not saying that which is new, I am not saying that which is not confessed all around; but driven by these various local applications of which I am speaking, we are led to extremes contrary to the general sense of the Senate, and I think of Congress. When we come to the true basis of these bills we shall have no trouble about the money.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the sixteenth amendment of the Senate to the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.

The message further announced that the House had passed the bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; in which it requested the concurrence of the Senate.

BRIDGE AT NATCHEZ, MISS.

Mr. VEST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company, of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

G. G. VEST,
J. N. DOLPH,
Managers on the part of the Senate.

CHARLES F. CRISP,
JAMES PHELAN,
A. R. ANDERSON,
Managers on the part of the House.

Mr. EDMUNDS. Is the bill here? Let the action of the House on the report be read.

Mr. VEST. The message has just come from the House informing us of the adoption of the report by that body.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, *July* 2, 1888.

Resolved, That the House concur in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to Senate bill 1669.

The report was concurred in.

AMENDMENTS TO BILLS.

Mr. EVARTS, from the Committee on the Library, reported seven amendments intended to be proposed to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

RIVER AND HARBOR BILL.

The Senate resumed the consideration of the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. FRYE. I should like to have a vote.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The question is on concurring in the amendment made as in Committee of Whole striking out the clause.

Mr. FRYE. Included in line 1601 to line 1607, inclusive.

The PRESIDING OFFICER. Yes, which abolishes the Missouri River Commission.

The amendment was non-concurred in.

Mr. FRYE. Now, in line 1568, there must necessarily be an amendment, which the Senator from Missouri [Mr. VEST] will suggest.

Mr. VEST. At the end of line 1568, of section 1, I move to insert:

In accordance with the plans, specifications, and recommendations of the Missouri River Commission except as herein modified.

Mr. PLUMB. Does that apply to recommendations already made?

Mr. VEST. It is an amendment suggested by the Senator from Iowa [Mr. ALLISON] which refers to the recommendations of the commission as modified by the action of the Senate.

Mr. EDMUNDS. I have their last report here, and in that the Missouri River Commission, referring to the appropriations in the last river and harbor bill, say:

The current act, while materially reducing this estimate, directs that "necessary work" shall also be done at nine specified localities according to plans and estimates to be presented by the Missouri River Commision. What this necessary work consists in is not stated, but the commission infer that the protection of land exposed to the encroachments of the river is what was intended.

So this language is asked for to accomplish the purpose the commissioners understand to be in view.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri [Mr. VEST].

The amendment was agreed to.

Mr. FRYE. On page 15, at the bottom of the page, beginning in line 355 of section 1, there was a committee amendment which was not concurred in, touching the leasing to a certain railroad company of the pier at the mouth of Grand River.

Mr. EDMUNDS. Where is Grand River?

Mr. FRYE. On Lake Erie, in Ohio. That matter has been further investigated. The two Senators from Ohio have agreed upon the following amendment, which, it seems to me, ought to be adopted in this place. It is to insert, after the word "River" at the end of line 354 of section 1, the words:

That the owners of such property abutting on Grand River at the mouth thereof shall have the right to load and unload coal, ore, and other freight over so much of the east Government pier as lies north of the present low-water mark, under such limitations as to time and use as shall be approved by the Secretary of War.

Mr. EDMUNDS. I move to amend that amendment by inserting in the proper place:

And on the payment of such compensation as the Secretary of War shall determine.

The PRESIDING OFFICER. The Senator from Vermont offers an amendment to the amendment.

Mr. EDMUNDS. If we are going into the business of connecting ourselves with private enterprises, if the United States furnishes the dock, I think the coal operators ought to pay something reasonable for the use of it.

Mr. FRYE. I do not think that is a proper amendment. Here is a Government pier and the only purpose is to authorize the carrying of goods across this Government pier, so that the great portion of the harbor can be used for coal and ore. I do not believe there ought to be any compensation.

Mr. EDMUNDS. Why should the United States provide the means of unloading coal for the operators?

Mr. FRYE. They do not propose to unload it on the Government pier. They want to cross the Government pier.

Mr. EDMUNDS. But they have to go across the Government pier to carry it across. The pier is not between two parts of dry land, I take it. At any rate, I offer the amendment.

The PRESIDING OFFICER. The amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Senator from Maine [Mr. FRYE] will be read.

The SECRETARY. At the end of the amendment of Mr. FRYE it is proposed to add:

On the payment of such compensation as the Secretary of War shall determine.

Mr. FRYE. I do not care anything about it. Let it go.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PALMER. I offer the following amendment, to come in after line 1257 of section 1:

For the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal, and the Lake Superior Ship-Canal, Railway, and Iron Company Canal, being the improved harbors of refuge and the water communication across Keweenaw Point from Keweenaw Bay to Lake Superior, by way of Portage River and Lake, in the State of Michigan, and to make the same a free passage-way and harbors of refuge to commerce and navigation, $350,000: *Provided*, That no part of said sum shall be expended until a full and absolute conveyance of said two harbors of refuge, canals, easements, rights of way, piers, docks, and appurtenances of every nature belonging to or connected with said works, or either of them, has been made to the United States by the owner or owners thereof, and the Attorney-General of the United States shall have certified to the Secretary of War that the title is perfect. And when such title shall have been acquired, the said canals and harbors of refuge shall thereafter be subject to the provisions of section 4 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 5, 1884.

Mr. FRYE. Mr. President, I was opposed to putting the Green and Barren improvement on this bill, and also opposed to putting the Portage Lake improvement question on our river and harbor bill. The Senate, by a very decisive vote, as much as a two-thirds vote at least, has now placed upon the bill the purchase of the Green and Barren River improvement. Where there is one reason existing for that action there are at least five in favor of this, and I shall withdraw any opposition I have to this proposition.

Mr. REAGAN. Mr. President, I have not examined this subject carefully, but when I voted against the Green and Barren River improvement proposition I undoubtedly knew that the improvement would accommodate the commerce of those two rivers. In this case the estimate is that $182,500 will be required for the completion of the existing project, and $70,239.44 has been expended already. The report of the engineer shows that "neither the present nor prospective commercial importance of this point would of itself seem to justify so large an expenditure by the General Government," but it goes on to say that it may be justified as a harbor of refuge. We have quite a number of harbors of refuge around the borders, and whenever there is a place where there is no other ground on which it is to be improved it is stated to be a harbor of refuge. It is not for the improvement of commerce; it is not a harbor improvement in any sense that justifies an appropriation in this bill.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Michigan [Mr. PALMER].

The amendment was agreed to.

Mr. CALL. I have an amendment to offer on line 916 of section 1, by striking out "one" before the word "hundred" and inserting "two;" so as to read:

Improving St. John's River, Florida, from Jacksonville to the ocean, $250,000.

Mr. FRYE. Does the Senator desire to discuss that? It was discussed in Committee of the Whole.

Mr. CALL. No, I shall not detain the Senate.

Mr. FRYE. I want to get the bill out of the way of the Senator from Massachusetts [Mr. HOAR].

Mr. CALL. The letter of the engineer in charge of this work states the fact that $150,000 is absolutely necessary for the preservation of the work already done, and it is upon that ground this amendment should be made increasing the amount of the appropriation to $250,000.

If the report of the engineer who has had charge of the work from the beginning is true, the money which is appropriated by this bill and that which has already been appropriated and expended in former years will be thrown away unless the additional $100,000 is given. The entire further progress of this work must be stopped because the present amount is only sufficient to preserve what has already been done.

This is one of the most important rivers in the whole bill, and although there are places of larger commerce than Jacksonville and the St. John's River, there are none that present greater possibilities, and this amount is a very small portion of the amount which will be annually saved in the reduction of charges for freight and transportation on the business now transacted on the river.

I call attention to the fact that the commerce has grown largely in the last few years on account of the improvement, and this is the most successful jetty work on the Atlantic coast, according to the reports of the engineer, and this additional $100,000 is an absolute necessity for the preservation of the work already done.

Mr. PASCO. I hope the Senate will agree to the amendment proposed by my colleague. He has substantially stated the facts in the case, but I should like to add a little to what I said when the matter was before the Committee of the Whole last week. The jetty work at the mouth of the St. John's River benefits not the people of Jacksonville alone, but the inhabitants of the entire country watered by the St. John's River and its tributaries, extending for hundreds of miles into the interior. There are nearly 5,000 miles of railroad communication centering on different points on the St. John's River that will be benefited by this improvement. A large amount of money, more than half a million dollars, has already been expended on the work.

The commerce of the St. John's River is not a local commerce. It extends to nearly every portion of the Union. Vessels come there from nearly all the seaboard States. It does not concern the State of Florida alone. There are few works in this entire river and harbor bill that are so general in their character as this, and if any one will study the reports of the engineer in charge as to the amount of this commerce and the extent of it, he will see that it is a commerce mutually advantageous to Florida and the States with which she interchanges her products, amounting to many millions of dollars annually, in which nearly every State in the Union is interested.

In addition to the letter from the engineer read by my colleague as to the necessity for an early and liberal appropriation, I wish to call attention to the report of Captain Black, made officially as engineer of this work, on pages 1213 and 1214, part 2, of the report of the Secretary of War. He gives some important reasons for an enlarged appropriation, which I will read:

The sources of loss to the United States on this work arising from the irregularity in the prosecution of the work are as follows:

1. The deterioration of the unfinished work.

2. The additional work needed to repair damages caused during the time when no funds are available by the partly controlled currents cutting around the ends of the jetties and pouring over the low portions, causing scour and settlement. The cost of 600 feet of shore extension of the north jetty may be placed under this head.

3. The uneconomical methods rendered necessary. Under the present system, since he can not know when his plant can be used again, the contractor must arrange his prices so that the profits under each contract will cover the value of the plant required, in addition to the customary allowances made for interest on money invested, for risks run, and for time consumed. Should the work be done by the United States by hired labor, during the intervals of idleness the plant must be cared for and its deterioration paid for, as under the law it can not be sold for the benefit of the appropriation.

The straight and steadily deepening channel already formed is a guaranty of the final success of the work. In the interests of economy it should be vigorously pushed to completion.

Hundreds of thousands of dollars have already been expended upon this work. It has been a great success, and is so pronounced both by those who have examined and reported upon it in their official capacity and those who have visited and inspected it because of their interest in the work. I have myself had opportunities to give it a careful examination, and I can testify to its value and the great results that have been already accomplished. Any one who studies the hydrography of the Florida coast and the contour of the shore line can see how the entrances to the rivers in that section are affected by the forces of nature, which invariably force the channels in a southerly direction. This jetty work has changed the direction of the channel of the St. John's, but the same forces are still operating now to force it again to the south, and there is very great danger that the northern jetty, which has been pushed out more than 4,000 feet into the ocean, may, if these ordinary forces should be aided by the storms which sometimes prevail, be washed across the new channel, blocking it up and rendering absolutely worthless all that has been already accomplished, causing an injury to the river in place of a benefit.

The amount estimated as necessary to complete this work can be more beneficially and economically expended by appropriating a larger sum now, sufficient to secure what has already been accomplished, than by doling it out in driblets from year to year.

I do not wish to take up any great length of time in discussing the matter at this stage of the bill, as the Senator from Massachusetts is anxious to consider another subject, and will not delay the Senate further now. But in view of its importance, in view of the great injury that may result to this great national work because the appropriation in the bill is so small, I hope that the amendment offered by my colleague will be adopted, and that the appropriation will be increased.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Florida. [Putting the question.] The noes appear to have it.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE].

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. PASCO (when his name was called). I am paired with the Senator from Illinois [Mr. FARWELL].

The roll-call was concluded.

Mr. GRAY. On the assurance of the chairman of the committee as to the attitude of the Senator from Illinois [Mr. CULLOM] I vote "yea."

Mr. PASCO. As my pair with the Senator from Illinois [Mr. FAR-

WELL] has been transferred to the Senator from New Jersey [Mr. BLODGETT], I vote "yea."

The result was announced—yeas 23, nays 18; as follows:

YEAS—23.

Bate,	Faulkner,	Pasco,	Turpie,
Beck,	George,	Payne,	Vance,
Brown,	Gray,	Pugh,	Voorhees,
Call,	Hearst,	Quay,	Walthall,
Chandler,	Jones of Arkansas,	Ransom,	Wilson of Md.
Daniel,	Morgan,	Spooner,	

NAYS—18.

Aldrich,	Dolph,	Hiscock,	Sherman,
Allison,	Edmunds,	Hoar,	Vest,
Chace,	Frye,	Kenna,	Wilson of Iowa.
Cockrell,	Gibson,	Reagan,	
Coke,	Hawley,	Sawyer,	

ABSENT—35.

Berry,	Davis,	Ingalls,	Plumb,
Blackburn,	Dawes,	Jones of Nevada,	Riddleberger,
Blair,	Eustis,	McPherson,	Sabin,
Blodgett,	Evarts,	Manderson,	Saulsbury,
Bowen,	Farwell,	Mitchell,	Stanford,
Butler,	Gorman,	Morrill,	Stewart,
Cameron,	Hale,	Paddock,	Stockbridge,
Colquitt,	Hampton,	Palmer,	Teller.
Cullom,	Harris,	Platt,	

So the amendment was agreed to.

Mr. VEST. An amendment which was adopted ought to be modified as to the amount of the appropriation. On line 1587, page 65, a change should be made in the amount from $75,000 to $65,000.

The PRESIDENT *pro tempore*. The amendment will be stated.

The CHIEF CLERK. On page 65, line 1587, of section 1, before the word "thousand," it is proposed to strike out "seventy-five" and insert "sixty-five;" so as to read:

That the sum of $65,000, or so much thereof as may be necessary, shall be expended on said river at or near Kansas City, Mo.

The amendment was agreed to.

Mr. VEST. Another is necessary in line 1590. I move to strike out "seventy-five" before "thousand" and insert "sixty-five;" so as to read:

That the sum of $65,000, or so much thereof as may be necessary, shall be expended on said river at or near St. Joseph, Mo.

The amendment was agreed to.

Mr. VEST. In line 1592 I move to strke out "fifty" and insert "forty-five;" so as to read:

That the sum of $45,000, or so much thereof as may be necessary, shall be expended on said river at or near Arrow Rock, Mo.

The amendment was agreed to.

Mr. VEST. At the end of line 1600, on page 66, I move to add:

And that the sum of $25,000, or so much thereof as may be necessary, shall be expended on said river at or near Miami, Mo.

This is to carry out the allotment.

The amendment was agreed to.

Mr. CALL. I move to amend, on page 38, after line 926, by inserting:

For improvement of the Indian River, of Florida, $25,000; $10,000, or so much thereof as may be necessary, to be expended in the construction of a water way and steam-boat channel not less than 6 feet in depth between Jupiter Creek and Lake Worth, the remainder to be expended in deepening and straightening the channel from a point at or near the island known as "Grant's Farm" to the southern termination of Jupiter Narrows.

Mr. FRYE. I do not understand that that amendment has ever been before the Committee on Commerce.

Mr. CALL. It has been.

Mr. FRYE. Then I move to lay it on the table.

Mr. CALL. I will modify the amendment.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. On page 38, after line 926, it is proposed to insert:

For improvement of the Indian River, of Florida, $10,000; $5,000, or so much thereof as may be necessary, to be expended in the construction of a water way and steam-boat channel not less than 6 feet in depth between Jupiter Creek and Lake Worth, the remainder to be expended in deepening and straightening the channel from a point at or near the island known as "Grant's Farm" to the southern termination of Jupiter Narrows.

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. FRYE] moves to lay the amendment on the table.

Mr. CALL. I ask the Senator from Maine to withdraw that motion for a moment.

Mr. FRYE. I desire to get through with the bill and let the Senator from Massachusetts [Mr. HOAR] have the floor. The State of Florida will absorb everything it can get if this is kept on.

Mr. CALL. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable. The Senator from Florida can proceed only by unanimous consent.

Mr. QUAY. I trust the chairman of the Committee on Commerce will withdraw his motion to enable me to say one word.

Mr. FRYE. If I withdraw the motion for the Senator from Pennsylvania I shall be obliged to do so for the Senator from Florida [Mr. CALL] and then for the other Senator from Florida [Mr. PASCO].

The PRESIDENT *pro tempore*. The question is on the motion to lay the amendment on the table.

Mr. FRYE. The amendment has been considered carefully by the committee.

The PRESIDENT *pro tempore*. The question is not debatable.

Mr. FRYE. I beg pardon. I was wrong.

The PRESIDENT *pro tempore*. The question is on the motion to lay on the table.

The question being put, a division was called for; and the ayes were 19.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT *pro tempore*. On the division a quorum did not vote. The Chair will put the question again and have the division retaken.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FRYE. If the Senator desires to occupy five minutes I would a good deal rather he would occupy it than to have a call of the yeas and nays, which would take fifteen minutes.

Mr. CALL. All right.

The PRESIDENT *pro tempore*. The call for the yeas and nays is withdrawn by unanimous consent.

Mr. CALL. In the first place I wish to say that I do not think there should be such urgent haste to lay upon the table propositions to amend the bill which the committee have reported. There is no fair nor proper legislation in that method of proceeding.

Now all I wish to say about the amendment is that this subject has received the favorable consideration of the Congress of the United States for a period dating back some forty-five years. It will be found in the reports of engineers and in the statutes of the United States that this project of opening an inland communication along the coast of Florida through Key West is one of the most important that can be presented, and that it has at every period of the history of this Government received its favorable consideration.

I have a report here from the Chief of Engineers, after having made a survey and an estimate of a part of that river. The Senator from Pennsylvania [Mr. QUAY] having introduced this amendment, we have simply asked for a small sum of money for an improvement which is one of the most important in the whole country, both in a military and in a commercial point of view.

Five thousand dollars will open that river for the ordinary purposes of navigation, and the other $5,000 will open the Lake Worth country, which is settled now by a large and enterprising colony of people from all parts of the country, engaged in the production of fruits and vegetables which are absolutely necessary to the comfort of the people in the cities of the East, and who are doing a large trade there, and are cut off from all means of communication except the open ocean.

Without saying anything further on this subject, I ask that the communication which I have from Mr. Colonna, of the Coast Survey, may be printed in the RECORD without troubling the Senate to read it. This communication was given to me by Mr. B. A. Colonna, the assistant officer in charge of the United States Coast and Geodetic Survey. It consists of observations made by him while surveying the coast and that river. It gives the history of the settlements upon the river, the present development, and the practicability of the improvement. I desire to have it appear in the RECORD as an interesting and valuable contribution to a work of internal improvement sought to be appropriated for by this bill.

The PRESIDENT *pro tempore*. The communication will be printed in the RECORD if there be no objection.

The communication is as follows:

CANAL ALONG THE EAST COAST OF FLORIDA.

The inside passage or water way along the Atlantic coast from Charleston, S. C., to the southward is interrupted at the St. John's River, Florida. For although it runs parallel with the coast, it is so far inland as to form no part of a continuation of the coast-line, inside water way.

Eighteen miles south of the St. John's commences a series of lagoons with inlets through which the waters from the sea enter in larger or smaller quantities. From St. Augustine southward for hundreds of miles these lagoons form an almost uninterrupted water way to Jupiter Inlet. From thence to Lake Worth there is an inside passage, the improvement of which will open up thousands of acres of land that will produce anything grown in the tropics, and Lake Worth itself connects to the southward with the waters of Hillsborough Lagoon, New River, and Key Biscayne Bay, which, at its southward extremity, opens into the inside passage of the Florida Keys direct to Key West.

Garden spots in Florida have been so frequently described that I shall not designate this east coast by that name. After the bloody Indian wars it remained for years depopulated and almost forgotten except by a few officers and soldiers who remembered its delightful climate and fruitful soil, and when the late civil war closed most of these veterans had passed away.

With the return of peace home-hunters, spurning every privation, made inroads into this isolated region. The Indian River country was soon sending its delicious oranges, pineapples, and bananas into the Northern market in spite of portages and difficult navigation, and land which a few years before was part of the public domain began to bring very fair prices, ranging from $10 to $1,000 per acre, according to location and quality, and there has never been a boom, either.

Settlers soon reached Lake Worth, the most eastern point in Florida, the shores of which are washed by the waters of the Gulf Stream. Here are great cocoa-nut groves, the farthest cultivated ones to the northward in this country (the most northern cocoa-nut trees growing out of doors in the United States being two at Indian River Inlet, 40 miles north of Lake Worth. They grew from

drift seed, and prove conclusively that the cocoa-nut will flourish at least this far north). Frost on Lake Worth is absolutely unknown. Even the most delicate of tropical fruits grow luxuriantly, and its ocean beach is a favorite place for the green turtle to deposit its eggs.

Fifty miles south of Lake Worth is a beautiful sheet of water, known as Key Biscayne Bay. In its bounds are the northern limit of the sponge fisheries in the United States. Its shores are high. The soil is a sandy loam and readily improved. There grows wild in the woods a bulbous plant from which is manufactured an article which in trade is called compte, a kind of starch much sought after by confectioners in the manufacture of their choicest delicacies.

The south end of Key Biscayne Bay opens through Cæsar's Creek and other channels into the great inside passage along the Florida Keys, a beautiful water way, on which you appear to have only the boundless ocean to the eastward, but the Florida Reef is between you and the Gulf Stream that is ever pouring northward through the Strait of Florida, and that gives you a great water way along the edge of the Strait of Florida, more placid than any great bay or strait can ever be. It is walled off to itself.

The waters of this whole coast, inside and out, from the mouth of the St. John's southward to Key West, teem with the most delightful fish. The bluefish is caught with its roe fully matured—a fact in which the late Fish Commissioner, Professor Baird, was deeply interested. It is generally supposed that fish can not be salted so far South, but such is not the fact. From the month of October to the month of April they can be cured as well as upon the shores of Newfoundland. It is seldom done, because the fresh fish are always to be taken, but it has been done repeatedly by an amateur of my acquaintance merely as an experiment.

The east coast of Florida is the boatman's paradise the year round. On the ocean shore the waves do not break upon marsh lands or outlying islands, but upon a beautiful sandy beach, between which and the lagoons or rivers, as they are called, lies a strip of land generally from a quarter to 1 mile wide, and it is this strip which furnishes the most delightful abodes for man from about October to April.

The western shores of the bayous or rivers are generally high sand-hills or coquina rock, and stretch back about a mile before you come to the fresh-water ponds that lie in between the sand-ridges. The water percolates under the hills through the sand and forms beautiful springs of clear water wherever a hole is dug and a barrel set in the ground at the foot of a bluff.

When these waters are opened up one of the most productive industries will be the making of potash from the mangroves that grow all along the salt-water shores within the lagoons. It is an industry not thought of as yet by the people, but bound to come to enrich them. Private enterprise was not long in discovering the great natural advantage of the inside water way from the St. John's southward, and a company was formed and secured important rights from the State in consideration of its improving these natural water ways.

St. Augustine is now in direct communication with the Indian River through channels improved by this company, but the progress has been slow because the enterprise has been in the hands of parties who lacked the means. The corporation is dignified by the name of Canal Company, but is such only to a very limited extent, the work being with few exceptions the improvement of natural water courses. Beginning at St. John's River there is—

		Miles.
First. Pablo Creek, to improve natural water way	about	10
Second. Of canal, to dredge through sand	do	10
Third. North River water way, to improve	do	20
Fourth. Matanzas River water way, now improved	do	25
Fifth. Matanzas River to Halifax Creek, canal already cut	do	10
Sixth. Halifax River and Mosquito Lagoon, improved	do	57
Seventh. Canal at Haulover from Mosquito Lagoon into Indian River, already cut	about	2
Eighth. Indian River to Jupiter Inlet, to be improved	do	130
Ninth. Canal, Jupiter Inlet to Lake Worth, through streams already flowing	about	10
Tenth. Lake Worth, to be improved	do	20
Eleventh. Natural streams to be improved from Lake Worth to Key Biscayne Bay	about	40
Twelfth. Key Biscayne Bay, to be improved	do	30
Thirteenth. Key Biscayne to Key West, no improvement	do	125
In all, from the St. John's via the Florida inland and seaboard route to Key West	about	489

And I estimate roughly that to give a channel 200 feet wide and 8 feet deep throughout the whole distance of 489 miles along that coast will only cost about $5,000,000, and it will drain land worth many times that amount, besides what it otherwise brings in the market.

The enterprise as a Government undertaking commends itself to every disinterested person who knows the country and its resources. When done it will be a national highway traversed by many in the pursuit of business, health, or pleasure.

Mr. CALL. I hope that this small amount of money will be allowed.

Mr. QUAY. Mr. President, I do not desire to occupy the time of the Senate, but merely to indorse all that the Senator from Florida has said in regard to the importance of this improvement. I visit the Indian River and traverse annually the ground covered by this proposed appropriation, and I assure the chairman of the Committee on Commerce that no money appropriated by this bill would be more wisely and beneficially expended than the small pittance contemplated in the amendment of the Senator from Florida.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was rejected, there being on a division—ayes 21, noes 22.

Mr. ALLISON. On page 79, line 92, of section 7, I move to strike out the words "on the Illinois side of said river." I think the Senator in charge of this bill will agree to this amendment. It is merely to give the engineers an opportunity of making an original survey.

Mr. EDMUNDS. Will the Senator please explain his amendment so that we may understand it?

Mr. ALLISON. There is here a proposition to authorize a survey for a canal along the Rock Island Rapids. The provision as it reads now would confine the surveyor to a particular line on one side of the river. I do not know but that it is the right side. However, I want to leave the right to survey on either side. So I move to strike out, in line 92, the words "on the Illinois side of said river."

The amendment was agreed to.

Mr. ALLISON. On page 79, line 93, of section 7, I move to strike out the words "near Rapids City, Ill."

Mr. EDMUNDS. Is that a part of the same amendment?

Mr. ALLISON. It is part of the same survey.

The amendment was agreed to.

Mr. SHERMAN. Upon the statement made by the Senator from Colorado [Mr. TELLER], in the absence of the two Senators from Illinois, I shall not insist upon calling for the yeas and nays upon the Hennepin Canal amendment, hoping that the House will disagree to it, although I wish now to record my opposition to it. In their absence, and with the understanding which was had when I was absent, I do not feel at liberty to call for the yeas and nays on that amendment, although I am opposed to it.

Mr. EDMUNDS. Is the amendment still pending?

The PRESIDENT *pro tempore*. The amendment was agreed to as in Committee of the Whole and concurred in in the Senate.

Mr. DANIEL. On page 29, in line 691, of section 1, I move to reconsider the vote by which the Senate struck out "twenty-five" in the appropriation for the James River.

The PRESIDENT *pro tempore*. The Senator desires a separate vote on concurring in that amendment in the Senate?

Mr. DANIEL. Yes, sir.

The PRESIDENT *pro tempore*. By unanimous consent that can be ordered.

Mr. FRYE. That amendment was agreed to as in Committee of the Whole and it has been concurred in in the Senate.

The PRESIDENT *pro tempore*. The more formal way would be a motion to reconsider, but the shortest way would be to allow a separate vote to be taken on concurring in the amendment.

Mr. EDMUNDS. We may as well take it that way.

Mr. FRYE. I shall not make any objection to the mode of putting the question suggested by the Chair. The amount allowed by the bill is a very large amount for that river.

The PRESIDENT *pro tempore*. The Senator from Virginia desires a separate vote on concurring in the amendment made as in Committee of the Whole.

Mr. EDMUNDS. Let the amendment be stated.

The PRESIDENT *pro tempore*. The amendment made as in Committee of the Whole will be stated.

The CHIEF CLERK. On page 29, in line 691 of section 1, the Senate as in Committee of the Whole struck out the words "and twenty-five" before "thousand;" so as to read:

Improving James River, Virginia: Continuing improvement below Richmond, $200,000.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment striking out the words "twenty-five," leaving the appropriation $200,000.

Mr. DANIEL. The clause of the bill to which I refer is a clause as it came from the House, appropriating $225,000 for the improvement of James River below Richmond. The Senate Committee on Commerce reduced the appropriation $25,000, and it is a separate vote upon that proposition of the committee that I ask the Senate to take.

The appropriations in this bill for the water ways of Virginia are not large. On the contrary, they are rather small, considering the number of water ways she has, their needs, and the magnitude of the general appropriation. Therefore I do not feel that I am trenching upon the liberality of the Senate in asking them to confirm the judgment of the House of Representatives as to what should be a fair appropriation for the benefit of the James River.

It is, as is well known, the greatest river in our State. It is one whose commerce already is large, and it has a great future. The railroads that connect the capital city of Virginia with the West are yearly, almost daily, increasing their facilities and their connections with the West, and are pouring into the valley of the James River a tremendous Western commerce. It is a shorter line to the West than from some of the great commercial cities of the North. Every dollar of this appropriation will be well spent for a public improvement of permanent value to the whole country.

If any of the appropriations are to be reduced in this bill, it would be much better to strike out this sum from some of the small creeks and insignificant waterways, which are in some cases liberally provided for, rather than to stint this great highway of commerce.

It is local in a certain sense, in that it lies within the boundaries of one State, but it is essentially national in its uses to the commerce of the country.

I hope it may be the pleasure of the Senate to confirm the judgment of the House of Representatives as to this appropriation.

Mr. FRYE. The amendment of the committee ought to be concurred in, as it was before. The James River gets its full proportion, considering the interests of commerce, the divisions among the States, and everything.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole. An affirmative vote leaves the appropriation $200,000; a negative vote restores the appropriation as it was in the bill originally.

The question being put, there were, on a division—ayes 15, noes 21; no quorum voting.

Mr. EDMUNDS. Let us have the yeas and nays. That will settle the question of a quorum.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that upon this question the yeas and nays may be entered on the Journal.

Mr. FRYE. I should hope that the vote might be taken once more by a division.

Mr. EDMUNDS. I ask for the yeas and nays.

Mr. FRYE. Let us trust the thing on time, if the Senator wants very much to occupy it.

Mr. EDMUNDS. But you want to get the bill through.

Mr. FRYE. It will go by in a very few minutes.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the yeas and nays may be entered on the Journal on concurring in the amendment made as in Committee of the Whole.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE].

The roll-call having been concluded, the result was announced—yeas 19, nays 22; as follows:

YEAS—19.

Allison,	Dolph,	Hiscock,	Sherman,
Blair,	Edmunds,	Hoar,	Teller,
Chace,	Frye,	Jones of Arkansas,	Vest,
Chandler,	Gorman,	Palmer,	Wilson of Iowa,
Davis,	Hawley,	Sawyer,	

NAYS—22.

Bate,	Daniel,	Pasco,	Vance,
Beck,	Faulkner,	Payne,	Voorhees,
Brown,	George,	Pugh,	Walthall,
Call,	Gray,	Quay,	Wilson of Md.
Coke,	Hampton,	Reagan,	
Colquitt,	Morgan,	Turpie,	

ABSENT—35.

Aldrich,	Dawes,	Jones of Nevada,	Ransom,
Berry,	Eustis,	Kenna,	Riddleberger,
Blackburn,	Evarts,	McPherson,	Sabin,
Blodgett,	Farwell,	Manderson,	Saulsbury,
Bowen,	Gibson,	Mitchell,	Spooner,
Butler,	Hale,	Morrill,	Stanford,
Cameron,	Harris,	Paddock,	Stewart,
Cockrell,	Hearst,	Platt,	Stockbridge.
Cullom,	Ingalls,	Plumb,	

So the amendment was non-concurred in.

Mr. CALL. On page 38, after line 926 of section 1, I move to amend the bill by inserting:

For the improvement of Indian River from Gilbert's Bar to the mouth, $5,000.

I hope there will be no objection to this amendment.

The question being put, there were on a division—ayes 11, noes 22; no quorum voting.

Mr. CALL. I hope the Senator from Maine will withdraw his objection to this amendment. Forty-five years ago the Congress of the United States passed an act for the improvement of that river.

The PRESIDENT *pro tempore*. The Chair can not entertain debate while less than a quorum is present.

Mr. EDMUNDS. Let us take the question by yeas and nays; that is the shortest way.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CALL. I very earnestly ask the Senator from Maine not to resist this amendment. This is a very small amount of money. This improvement has been recommended and it has been approved in the legislation of this country for forty-five years. The United States have a canal now, the Haulover, to Indian River, and should maintain it as a military necessity for the country. This great stream runs 200 or more miles down the coast of Florida, and connects with the inland navigation inside the reefs to Key West. I have only asked that the small sum of $5,000 be appropriated for the removal of the obstruction at Gilbert's Bar.

Both sides of Indian River are now being settled and cultivated. It is one of the most beautiful regions of the world. It is visited every year by tens of thousands of people from all over this country, and contributes largely in its fruits and vegetables to the health and comfort of the cities in the North and the East. This little obstruction is now a barrier to the commerce of those people, as will be shown in the communication which I have had put in the RECORD from Mr. Colonna, an accomplished officer of the Coast Survey, inclosing them, so that they can not get to market with their supplies, their perishable trade. This little appropriation of $5,000 will remove the obstacle so that navigation may be had there and those people brought into communication with the world.

The PRESIDENT *pro tempore*. The roll-call will proceed on the question of agreeing to the amendment of the Senator from Florida [Mr. CALL].

The Secretary proceeded to call the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Michigan [Mr. STOCKBRIDGE].

The roll-call having been concluded, the result was announced—yeas 13, nays 29; as follows:

YEAS—13.

Allison,	Gray,	Stewart,	Voorhees.
Brown,	Paddock,	Teller,	
Call,	Pasco,	Turpie,	
Daniel.	Quay,	Vance,	

NAYS—29.

Aldrich,	Davis,	Hawley,	Sawyer,
Bate,	Dolph,	Hiscock,	Vest,
Beck,	Edmunds,	Hoar,	Walthall,
Blair,	Evarts,	Jones of Arkansas,	Wilson of Iowa,
Chace,	Faulkner,	Morgan,	Wilson of Md.
Chandler,	Frye,	Palmer,	
Cockrell,	Gorman,	Pugh,	
Coke,	Hampton,	Reagan,	

ABSENT—34.

Berry,	Eustis,	Kenna,	Riddleberger,
Blackburn,	Farwell,	McPherson,	Sabin,
Blodgett,	George,	Manderson,	Saulsbury,
Bowen,	Gibson,	Mitchell,	Sherman,
Butler,	Hale,	Morrill,	Spooner,
Cameron,	Harris,	Payne,	Stanford,
Colquitt,	Hearst,	Platt,	Stockbridge.
Cullom,	Ingalls,	Plumb,	
Dawes,	Jones of Nevada,	Ransom,	

So the amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I move that the Senate insist upon its amendments and ask for a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized o appoint the conferees on the part of the Senate; and Mr. FRYE, Mr. DOLPH, and Mr. RANSOM were appointed.

Mr. FRYE. I move that the bill be printed as amended by the Senate.

The motion was agreed to.

THE FISHERIES TREATY.

Mr. EDMUNDS. It is desirable that there should be an executive session, and I move it accordingly.

Mr. HOAR. I think I am entitled to the floor.

The PRESIDENT *pro tempore*. The Senator from Massachusetts is entitled to the floor under the agreement of the Senate.

Mr. EDMUNDS. I thought it would be agreeable to the Senator from Massachusetts. I withdraw the motion.

Mr. HOAR. I gave way to the Senator from Maine [Mr. FRYE], who desired to go away to-night, at the risk of a good deal of personal inconvenience to myself, for I also desire to be absent from the city for some days, on the expectation which he, I know, entertained, as I did, that the river and harbor bill would be disposed of in a very short time this morning. I also gave way to the Senator from Vermont [Mr. MORRILL], whose convenience every Senator will respect. It is now so late an hour in the afternoon that I doubt whether the Senate would like to remain here and hear a speech of any considerable length to be begun at this time. I should like to have some understanding as to a day when the fisheries treaty may be taken up again, that I may address the Senate. I suggest, if there be no objection, that the fisheries treaty be set down, by unanimous consent, for Tuesday of next week, after the routine morning business.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the consideration of the resolutions of the Senator from Alabama [Mr. MORGAN] and of the fisheries treaty, assigned for this day, at the conclusion of the formal morning business, be fixed for Tuesday, the 10th instant, immediately after the conclusion of the morning business. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

The bill (H. R. 6514) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department was read twice by its title, and referred to the Committee on Claims.

PRESIDENT'S ANNUAL MESSAGE.

Mr. EDMUNDS. I renew my motion for an executive session.

Mr. TURPIE rose.

The PRESIDENT *pro tempore*. The Senator from Indiana [Mr. TURPIE] gave notice of his intention to speak to-day.

Mr. EDMUNDS. All right. I yield to the Senator from Indiana, if he desires to submit some remarks.

Mr. TURPIE. I move to take up the resolution of the Senator from Ohio [Mr. SHERMAN] to refer the President's message.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. SHERMAN December 19, 1887, as follows:

Resolved, That the President's annual message be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. If there be no objection, the resolution is before the Senate, and the Senator from Indiana will proceed.

Mr. TURPIE. Mr. President, the Federal Constitution forbids the States to levy taxes upon imports. Congress alone is authorized "to lay and collect" such duties. Our earliest statesmen, illustrious by their labors in the camp and in the Cabinet, worthy to be not only the founders of a nation, but the authors of its form of Government, devised a fiscal policy of characteristic simplicity. It is that of absolute free trade between the States, fair trade with all the world besides.

To direct a levy of taxes without collection would seem an idle ordinance in so grave an instrument. In their regulation of foreign commerce our fathers avoided both free trade and prohibition. They wisely chose the middle ground of safety. Their method so established is like the Union they made, in contemplation of law perpetual. The first acts of Congress on this subject show no trace of mere inhibition. That idea, the growth of a later period, appears most distinctly in 1861. The overwhelming exigencies of the civil war may have excused or justified a departure so radical, but the legislators of 1883, in virtually re-enacting the rates of the war tariff, designed, not a temporary use of this novel expedient; rather a permanent change of policy. There is somewhat, very much, in our present condition which may give us pause, may induce us to retrace our steps, to stand once more within constitutional bounds and limitations.

Congress some years ago provided what was deemed to be, if not a generous, at least a reasonable supply of money for the use of the people. The volume or quantity of currency thus furnished was carefully guarded against diminution—so much in Treasury notes, fixed at an amount not to be lessened; so much in coined silver to be regularly enlarged by a monthly increment; so much in other forms, that the country might not again be embarrassed for want of a circulating medium. Sorely vexed by this, the influential and theretofore governing classes who had profited so largely by a different policy, cast about for means to thwart this legislation and to defeat its purpose. Beaten in the open contest for monetary freedom, they yet sought by indirection to deprive the people of the use of that currency so provided for them. They cast about for some such means; they found it close at hand. They found the leaders of the party then in power, with full knowledge of their ulterior design, ready to aid them therein; they found all parties at that time willing and ready to help them in their apparent purpose. The revision of the war tariff had become a part of the text of all political platforms and associations—a household word, expressive of a household want in every section of the country. This they eagerly seized upon, not with a view of correcting the injustice of the existing law, but with an elaborate pretension of so doing, to effect the contrary. The numerous sections, clauses, and lines of the tariff act of 1883, the tediously hypocritical parentheses of pseudo-reduction and revision held in solution a single design, the forced accumulation of a surplus—a dead surplus—buried in the vaults of the Treasury, which should drive the country once more to the verge of a money famine.

The whole of the effective operative provisions of that law of 1883 are subordinated to a paragraph of a few lines obscurely placed in the section of an appropriation act concerning the surplus. By textual arrangement this paragraph is remote, distant from the statute to which it relates; it might have actually served as a preamble to their bill. But this would have been a dangerous juxtaposition. The terms of this paragraph are not subjunctive nor conditional; they contemplate no contingency. Expenditure of the surplus is spoken of as an assured and certain requirement, well known and foreseen. That this accumulation was deliberately prepared and intended is evident from the language of the clause authorizing not only the redemption but the purchase of United States bonds; the perfected plan and completed project being to tax the products of land and labor in such degree as without doubt to induce in the volume of the currency a scarcity only to be relieved by paying large premiums to the public creditor, offering him such a generous and liberal largess as might tempt him to transmute his bonds into money.

The power to buy bonds was doubtless intended to create a sort of waste-weir for the overflow or excess of moneys taken from the people by taxation; yet even this may not return to the regular course and channel of circulation without being tolled by the holder of our public securities. A precise analysis of the whole system is this: to tax all the people for the benefit of a few protected classes up to the danger-line of monetary restriction; then to tax all again for the sake of another class still less numerous and more highly favored.

It might indeed have been said, "The public creditor can wait until his debt is due—he has his interest, and is satisfied; his bond, and he is content." But such a course would have afforded no excuse for this needless accumulation. The excess must in some way be disposed of; it would be dangerously in the way; it would create a demand for less taxation. Let the boudholders have it—it will thus disappear. Then it is asked, "Do you not wish to pay off the national debt?" Certainly, but we did not expect to pay for the privilege of paying it; to pay large amounts above the principal and interest—premiums unearned, for which there is no return. The exorbitant tariff now laid upon imports thus subserves the double purpose, first, of releasing our protected classes from their just share of the public burdens, then of depriving the people of the money provided by law for circulation.

The supply of currency to-day—upon what does it depend? Upon the action or inaction of a single person, the Secretary of the Treasury; or upon the whim, caprice, or rapacity of the holder of national bonds. Is that a wise, efficient, or patriotic financial policy which has reduced the country to the very narrow straits of such a monetary dilemma?

Then we have manifold schemes for expending the surplus, endless diatribes against an invisible phantom, as if the Secretary of the Treasury, Mr. CARLISLE, or any other charged with the duties of administration of affairs had proposed free trade—mere pretexts to prevent the reduction of taxes. We hear criticisms of the President and of the party which supports him concerning the power to buy bonds and the use of it, as if either the President or the Democratic party had enacted the law giving that power, or had imposed the necessity of its exercise. These things have come down to us as legislative heirlooms from a former régime. It is true the President was chosen by the people to administer upon the estate of that famous partisan called Republican, lately deceased. He is as yet, however, much embarrassed by the will, codicils, contracts, and especially by the profuse bequests and legacies left by the decedent in his lifetime to his various friends and allies, by statute of strict entail, yet in force.

These pressing necessities, originating from former evils, will be removed.

LABOR.

It has been written there is a perennial sacredness about work. The Lord of all the harvests has said, "The laborer is worthy of his hire." It is not so said of others, as some may receive hire not deserving it.

The system of tariff laws now in force imposes a most unjust and needless assessment upon the wages of labor. We know in part, in part we do not know the amount of this exaction. The known amount of this tax laid and collected per day, as shown by the receipt of customs duties for the year 1887, was, in round numbers, $600,000. It is now no less. For the seventeen millions of workers in all branches of industry in the United States the rate per capita amounts to 30 per cent. of average daily earnings. With the other expenses of living, for these the wages of the day pay, and do hardly pay, the taxes for the day. The tide of tax and time keep equal pace, save that on the seventh day, the day of rest, when wages are not paid, taxes are.

When such a contribution is levied, as it is, upon the kitchen and the cupboard, upon bed and board, upon hunger, thirst, and nakedness—when every living soul within our borders becomes a tax-payer, enormous receipts accrue and the surplus gathers like the snowball in a thaw. In the ordinary household of five persons where there is one wage-earner and five tax-payers they are not encumbered with unused deposits. The collector of this tax keeps no delinquent list; there is no delay, and there can be no default.

If a man eat, drink, or wear, he must pay; if he move, breathe, or live, he must pay; death scarcely brings relief. The tax-gatherer clips wages, be they ever so small; no pittance escapes. The amount of this collection is a direct daily charge upon wages fund—that portion of the wealth of the country which is in transit day by day from those who employ to those who are employed. The moneys due to labor are thus seized in passing. Any reduction of the amount thus exacted, and especially any readjustment thereof as to the list of taxed articles, would shift the burden from this wages fund in transit to wealth *in situ*, to wealth accumulated—mainly to the wealth accumulated by the beneficiaries of the present law. There is the rub; there is the hitch and hurt; this is where and how the shoe of reform pinches the foot of monopoly. Now, it is not intended to be said hereby that there may be anything wrong in the general policy of requiring all those who live in the United States to contribute somewhat to the support of the Government.

But it is asked, nevertheless, why should a penny be taken from any one beyond what is needed for that support, and why, as to the sum needed, should it be levied so largely and exclusively upon those classes of our fellow-citizens least able to spare and to pay it?

At such time as the Government takes from the laborer by taxation upon his food and raiment, upon the ordinary comforts and conveniences of life, more than is necessary for the public use, then we say, "The laborer is not worthy of his hire"—we have found those more worthy thereof. Who are these? The law-made rich, the most worthless and grasping of all Mammon's sons, misers of that unblessed lucre unjustly wrung from the sweat of other men's faces.

It would be impossible for these favored classes, although they have succeeded in controlling the policy and organization of a certain political party, although they have procured the Government of the United States to act as salesman in their marts and stores, to stand behind their counters, and to fix prices upon their wares—it would be impossible for them to make an open avowal of their purposes. They could not say to labor: "Go to; let us take for the nonce a portion of your wages without return—without recompense." They have a saving amount of caution, of complaisance, or of cowardice. But they cry, "Pay us this tribute, as for some time past you have been. It will enable us to make our profits large, still larger, wherewith we will certainly in some way requite you."

Is it a thing taught or shown by human experience that those classes of men who have, by the mere operation of statutes, heaped up for

themselves riches which moth and rust may corrupt, but which the tax-gatherer leaves untouched, have shared such gains with the victims of their injustice?

This feeble pretense is founded upon the manifest fallacy that such men will, against their own interest, do that they ought or should because they can. They might afford to pay better and higher wages, because their law has imposed taxes which enable them to fix their own prices upon their goods. Have they ever done so? Whence comes the strike, that most remarkable social phenomenon of the century? It originates from the circumstance that those who might pay fair wages will not do so; will resort to any means to avoid doing so. It springs from the fact that the incorporated and tariff-clad shareholder refuses to divide his profits current or long since accrued with his workmen.

Before the passage of the law forbidding the importation of workmen under passage contracts, and even since, in violation thereof, these classes brought the low-priced laborers of Europe, of Asia, hither to take the places of their own countrymen, Americans whom they had discharged. Foiled in this they have invented and organized the "trust," a syndicate of corporations, which, like the Six Companies of China, checks production, foreshortens the wage-time of labor, by this means destroying both external and internal competition and securing the unlimited and absolute control of the prices of both labor and commodities. Such is their aim and end. The Dynasty of Pelf, a costly rule founded upon craft, cant, and cunning. An impartial history of this highly privileged order will show their course and conduct to have been uniformly the same—to reduce wages to the lowest figure, to maintain taxes at the highest—to retain their employés as dependents, upon the line of bare subsistence.

I do very well recollect how last April when the honorable Senator from Texas was speaking upon this subject he caused to be read at the Secretary's desk, in this presence, the testimony of one Thomas O'Donnell, from evidence taken by the Senate Committee upon Labor, as to the condition of the operatives in the factories at Fall River, Mass., in the year 1885. Mr. O'Donnell was a skilled laborer, in an establishment whose wares have been protected for many years up to the point of the prohibitory line. His case is in no wise peculiar; he testifies that one thousand others of his fellow workmen live as he does, not any better. He was a cotton-spinner—a very good one, a peaceable man, had no trouble with the company or their men. There had been a strike three years before; he had not been in it. He was healthy, industrious, temperate, frugal to the last degree. Here, then, is an American laborer, protected, secured, guarded, and inclosed by the plenary providence of the prohibitory tariff.

His gross earnings were $133 per year. With this he must pay rents and procure the daily necessaries of life for himself, his wife, two children—a family of four. He could not get work more than half the time. The company, with fear of glut of goods in the markets, laid its hand upon the wheel and piston. They stopped from time to time; with them wages ceased.

What an extravagant practice the people of this country had twenty-five or thirty years ago of eating meats—beef, pork, mutton served every meal, three times a day.

O'Donnell was protected from this dangerous excess; he could only afford meat three or four times a year on Sundays. He dug and gathered clams from the sands to eke out this scanty supply. His fuel he got mostly from the same source; coal he could not buy; one-quarter ton for the winter must serve. The wife was poorly clad, the children worse. The little ones went barefoot in summer—of course this would be different in the cold weather of a New England winter—yes, in summer the children went barefoot, in winter they had no shoes. The father had not the money to buy them. On the day he was examined as a witness he had no money in the house—the same supply of bread, but the mother had gone out somewhere in the morning and had gotten a loaf for the children, who were crying with hunger. Would he move away? Would he go West? Willingly, but he had no means of doing so. He remained, bound like Ixion to his wheel, without hope, without help, a skilled artisan, with his thousand comrades, waging a doubtful contest between living and starvation.

As for the multitude of unskilled laborers, the corporators of the prohibitory tariff trust do not employ them. But let us be candid, they do not overlook or neglect them—with impartial greed they tax them as they do all others. Not anything is less creditable to our race than the impunity with which privilege has always imposed upon labor the fiscal burdens of Government. These modern defenders of exclusive privilege are only copyists. They scorn because they have injured the whole order of unskilled labor. This order is the oldest in the world. It is one of the most venerable, one of the most honorable, and it is the most numerous of human societies. There is no ceremony of initiation, neither sign nor pass-word; any one may enter it at any time; only those do who must. Occasionally persons are demitted from this order, but its numbers are never diminished; accessions are constant, and those who join remain for the most part life-members.

This order, ages ago, builded the stately tower of Babel, unskilled, using brick for stone, slime for mortar. They worked at the founding of the Pyramids, and may yet look upon their ruins. The canal of Suez, the dikes of Holland, the tree-grown mounds in the valley of the Great River of the West are theirs. The character of the society is that of its work, durability. Moreover, it is a class more generous, less self-seeking than any other, not unintelligent, but not wary, not suspicious. Here, upon these, the inquisitors of the tariff-tithes have fallen devouring their substance without even the paltry pretense that they are to receive either increase of work or wages thereby.

AGRICULTURE.

Much is heard now about the business of the country. If the meaning of the phrase is to be closely scanned, certainly it might be correctly defined as that vocation in which the largest number of our citizens are engaged.

The capital invested in this pursuit, comprising as it does the immense acreage under tilth and the improvements thereon, is many times larger than that employed in any other.

Seven millions of the people of the United States are found at work in planting and farming. If to this number be added those employed in the manufacture and sale of agricultural implements and machinery, in the transportation and preparation of farm products for the market, who are really as directly interested therein as if they held the plow, it will appear that the number of those engaged in agriculture far exceeds that found in any other calling, and is equal to the whole number of those in all other industrial pursuits combined. There are also some plain, unmistakable indications that not the finger but the whole hand of destiny designed this.

We have in the domain of the United States the largest area of tillable soil ever embraced within the limits of a single Government, greater than that of the Roman Empire at its period of widest extension. This area of land is situate in a kindly climate, it is facile of cultivation, fertile, productive, and is placed by that errant daughter of the flood and fire, called steam, at a much less distance from the densely populated portions of the globe than the granaries of Egypt or the Euxine were from Italy and its ancient metropolis. More than this; we know that in years not long gone by, American wheat, corn, and cotton and their secondary products did command and dominate the market for these staples in the emporiums of the world. That period, not yet passed, is passing away.

From what causes? Commerce doubtless began between nations, as among individuals, with barter. With all its modifications, improvements, and dependencies it is barter yet. But we now barter debts, and exchange accounts, for the commodities which have been disposed of, instead of the commodities themselves. The balance struck, always a small sum compared with the whole amount of transactions, is paid in money by the debtor. Nor is this balance of trade always accounted as a loss by those who pay it. The really commercial nations neither shun this balance nor its payment. They pay the balance because they have received something for their money worth more than that they parted with. But they decline to trade or pay except of necessity where they are forbidden to trade in return. A commercial people, needing such supplies, will buy their wheat, cotton, and other staples where they may sell, or have an opportunity to sell, or at least are not forbidden to sell their own merchandise.

By long years of a highly restrictive policy as to duties upon imports we have driven the trading people of the globe to the Black Sea, to the Baltic, even to India, for wheat, to Egypt, to Bengal, to the uttermost isles of the sea for cotton. This policy returns to plague us. The plague is manifest in the great and steady reduction in the demand and consequently in the price of our farm products.

The friends of this restrictive policy tell us in answer of the home demand and of our domestic resources.

There is no man who this spring drew a furrow expecting to raise more than enough for his own use who does not know that the value of the surplus of his crop, and consequently of his labor, depends not upon his own settlement or neighborhood. He will find the price set upon what he has to spare and sell is fixed at the county seat or the railroad station; there it depends upon the price at New York or Chicago or elsewhere, and at these points upon the price at London or Liverpool or other trade centers of the world. The price of our surplus produce is fixed by those who need it, not by those who do not. The farmer can organize no trusts, and the ever-bountiful forces of nature are not lessened by fear of overproduction. It is true that American staples are yet purchased—they are the best and most useful of these articles. But they are purchased at reduced prices and in less quantity. The foreign buyer does not purchase as under circumstances of fair trade he would or might, but only when he must.

A return to our former policy, that of fair trade, would bring with it that superiority in the market of the great agricultural products which we once enjoyed. Nor can any one truly say that a reasonable reduction in the duty-list upon imports could injure any other interests. No period in the history of our country can be found when agriculture highly flourished and manufactures declined or commerce decayed. When the pecuniary advantage of the majority is subserved, that of all others will be aggrandized. The abundant and diversified products of the soil, these constitute our largest material for export,

have always done so; the highest price for the largest quantity, this is the grammar of our commercial life.

There is no array of statistics, there is no fiction of labored calculation, there is no romance of arithmetic which will demonstrate that a nation has ever grown rich and prosperous by a continued disparagement and depression of its chief industrial occupation.

Even American manufactures are wholly competent for and now require a more extended outlet. We have during the present session appropriated money and authorized the appointment of commissions to attend expositions of trade and mechanism abroad. To what purpose, if the present system is to be continued? We can imagine the American commissioner at Melbourne, at Paris, or at Barcelona, surrounded by his exhibits, preaching the deep philosophy of mercantile restriction and embargo: "The articles you see before you are specimens of the products and manufactures of the United States—they are only to be seen. Like the famous pictures by the old masters at the art shows, they are not for sale. Our breadstuffs, our utensils and machinery are meant and made but for Americans. We care naught for purchasers—we seek no sales outside. We sigh only for the gains, the profits, and the dividends of the home market."

Was there ever a superstition more strange or more irrational than the notion of converting the whole body of our farmers, artisans, and manufacturers into a mass of cloistered hermits, employed solely in furnishing each other with supplies, and when by this distorted conversion large portions of the wealth of the country are transferred from the many to the selected and protected classes to call this national prosperity? Whereas by this transfer not one jot or tittle is added to the nation's wealth; there is merely a change of its possession—a change of the persons holding the fund.

It is not perceived how manufactures are to be really fostered and encouraged by unnecessary and excessive taxation upon the materials used therein, upon the cost of subsistence of the men using them, or by a stinted market for their sale. No doubt these methods protect and enrich the owners of the stocks and shares; but a Government charged with the duty of promoting the general welfare can not be bound forever to the fortune of a small minority. These processes must be regarded as in deadly hostility to the true and real interests of manufactures by all except that intelligent contraband of commerce who will only hear of the imposing and impossible myth of exclusive domestic consumption. The farmer, the skilled artisan, the laborer find now a large part of their moneys needlessly impounded in the public Treasury.

Many are the sayings of the wise, consolatories writ, to comfort the losers by this confiscation. There is an eternal jeremiad concerning the pauper labor of Europe. The farmers and planters of the United States have now for many years been competing with the pauper labor of Europe, of Asia, of Africa; with that of the peasant of the Nile delta, who works for 10 cents a day. The existing policy of so-called protection has forced that competition. What has thus cheapened and pauperized labor in India, in Egypt, in China, or elsewhere? Long ages of commercial restriction and repression; the entire inhibition of foreign traffic; a constant isolation and seclusion of manufactures; an exclusively internal consumption, both of work and wares, the dry rot, and ataxia of national enterprise.

Yet it is seriously proposed that this nation, new born, in its strength and youth, should receive its lessons in political economy and the practical rules of its revenue administration from the archaic and moldering systems of the Mikado and the Mandarin. The trade of Great Britain with our near neighbor, Mexico, and the countries south thereof last year very much exceeded the entire foreign commerce of the United States. The countries of South America, lying near us and many of them closely related to us by the similarity of their governmental forms, have a large external trade, but not with us—it is with England, Germany, Italy, and France. Is this because the pottery, cutlery, utensils, textiles, or machinery of these countries are better than our own?

The South American will himself say no; but he will also say that the duty-rates here upon the products of his own country, which he has in abundance, which we lack, are so high that they can not profitably be exported hither; and these being his material and stock in trade, he must buy where he can make some disposal of them, not elsewhere. But although all inquiry into the causes of the wealth of nations, the experience and observation of mankind, have alike shown that an extensive foreign commerce is a chief element in national thrift, and especially in that of manufactures, the prohibitory protectionist will none of this; he prefers discoursing upon the imaginary free-trade tendencies of Mr. MILLS or Mr. COX, both of whom are this very moment urging the passage of a bill imposing the highest duties ever known as peace-rates in the history of this country. Protection, like fire or water, is a good servant, but a bad master. Overprotection leads by every way and road to overproduction, to consequent stagnation and decay.

It can not be shown or proven that any person or corporation in good faith engaged in the business of manufacturing will be injured by the reasonable reduction of duties, or that any employé of such an one will be so harmed. That they will be is only a prediction made by a very small school of the prophets, whom the narrowest self-interest has prompted to assume the rôle of Amos or of Malachi.

The emancipation of labor from the operation of unjust laws, the liberation of agriculture, commerce, and manufactures from inequitable and impoverishing restrictions, the restoration of the people to their ancient commercial rights and franchises—this is what is proposed by the message of the President. The enjoyment of these rights and franchises by the multitude of dealers, whom no man can number, buyers and sellers not known at the board-room or on 'change, the men and women who chaffer daily wage for daily bread, whereof the consummation will not be retarded or prevented by the recent action at Chicago. The platform and the nominee of the convention held there are alike exponents of the views and interests of those privileged castes who have so long, under loud and false clamor of protecting others, cared only for themselves, who have learned nothing of popular interests except to betray them.

The candidate is a well-beloved and chosen representative of that rank and lawless growth of incorporated power whose insolence his principal rival in our State did so much to curb, and which this new aspirant favors. He would faithfully befriend, protect, and encourage American industries—by the highest, most prohibitory, and unnecessary restrictions, and by the permitted migration hither of the cheap alien labor of the Chinaman. A man of no inconsiderable capacity, of great mental force and acumen, he has that not often found with these—a harsh intolerance which treats dissent as idiocy. Deeply touched and tinged with the prejudices of an exclusive class aristocracy, he belongs to that group of reactionary statesmen, traditional paternalists, whom the people have so often rejected, and will again.

Justice to the greater number in this commonwealth of States can injure no others. As uncommercial and unsophisticated as the notion may appear, simple justice, to those who by the work of their hands create and produce it, is a principal ingredient, a necessary element in the accumulation of national wealth.

A free people cheered to their labors by the assurance of a fit reward, vexed by no unnecessary exactions or the fear of them, will not be lacking in skill or diligence. They will have the genius to wrest from nature the best use of her best forces; tact to take advantage of opportunity in watching the grand economic and commercial changes which sweep from time to time across the disk of civilization; they will have the courage to meet hand to hand and face to face the nations of the earth, and in those contests for supremacy, whether in arts or arms, which attend the progress of humanity, they will come forth more than conquerors.

ADJOURNMENT OVER FOURTH OF JULY.

Mr. VEST. I move that when the Senate adjourn to-day it be to meet on Thursday next.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. DOLPH. What is the regular business before the Senate?

The PRESIDENT *pro tempore*. The bill (H. R. 10234) making appropriations for the support of the Army for the fiscal year ending June 30, 1889, and for other purposes, upon which the pending question is the amendment proposed by the Senator from Connecticut [Mr. HAWLEY]. Is the Senate ready for the question?

EXECUTIVE SESSION.

Mr. COCKRELL. The Senator from Vermont [Mr. EDMUNDS] indicated just before the Senator from Indiana [Mr. TURPIE] took the floor that an executive session was necessary.

The PRESIDENT *pro tempore*. The Senator from Vermont withdrew the motion for the convenience of the Senator from Indiana.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 22 minutes p. m.) the Senate adjourned until Thursday, July 5, 1888, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate July 2, 1888.

UNITED STATES MARSHAL.

Peter F. Knight, of Florida, to be marshal of the United States for the southern district of Florida, *vice* Fernando J. Moreno, resigned.

CONSUL.

Charles de Blanc, of Louisiana, to be consul of the United States at Puerto Cabello, *vice* David N. Burke, transferred to Bahia.

CONFIRMATION.

Executive nomination confirmed by the Senate July 2, 1888.

UNITED STATES DISTRICT JUDGE.

James G. Jenkins, of Wisconsin, to be United States judge for the eastern district of Wisconsin.

HOUSE OF REPRESENTATIVES.

MONDAY, *July* 2, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. DIBBLE, for ten days, on account of important business.

To Mr. HOGG, until the 28th instant, on account of important business.

To Mr. HATCH, Mr. DAVIDSON, of Alabama, and Mr. CONGER, from the sessions of the House to-day, to attend the sessions of the conference committee on the agricultural appropriation bill.

To Mr. LANE, for five days, on account of sickness in his family.

To Mr. PENINGTON, for two days, on account o sickness.

To Mr. OSBORNE, for four days, to attend the Gettysburgh reunion.

To Mr. MCCLAMMY, for five days, on account of important business.

To Mr. BYNUM, for ten days, on account of important business.

To Mr. MCCULLOGH, until the 9th instant, on account of important business.

To Mr. MORROW, for one week, on account of important business.

To Mr. LAIDLAW, for five days, on account of important business.

To Mr. STEPHENSON, for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. ANDERSON, of Illinois, to withdraw from the files of the House petitions and papers filed in support of House bill 6305, Forty-seventh Congress, first session, for the relief of Robert Fillson.

CORRECTION OF THE JOURNAL.

Mr. CANNON. Mr. Speaker, I desire to ask an amendment of the Journal. I send to the Clerk's desk the RECORD of the proceedings of June 14, and ask to have read a portion of it with reference to the appointment of tellers and the vote on a motion submitted by the gentleman from Texas [Mr. MILLS] on that day.

The Clerk read as follows:

PROPOSED EVENING SESSIONS.

Mr. MILLS. Mr. Speaker, I move to suspend the rules and pass the resolution I send to the desk.

The Clerk read as follows:

"*Resolved*, That the House will, on the days mentioned below, take a recess at 5 o'clock p. m. until 8 o'clock p. m., and that the evening sessions shall be devoted exclusively to bills and measures reported from the committee indicated in the order to be designated by such committees, namely:

"On Saturday evening, June 9, to the Committee on the Public Lands.

"On Monday evening, June 11, to the Committee on Military Affairs.

"On Tuesday evening, June 12, to the Committee on Pacific Railroads.

"On Wednesday evening, June 13, to the Committee on the Territories.

"On Thursday and Saturday evenings, June 14 and 16, to the Committee on Commerce.

"On Tuesday evening, July 10, to the Committee on the Territories.

"And that, if at the adjournment of the House on either of the evenings indicated any bill called up should remain undisposed of, such bill shall be considered in the House on the succeeding legislative day, immediately after the reading of the Journal, and, after one hour's debate thereon—except on Wednesday, June 13, when three hours' debate shall be allowed, to be equally divided between those in favor of and those opposed to the bill—the House shall proceed to vote upon all pending amendments and on the final passage of the bill without any intervening motion or business."

Mr. CANNON. Before demanding a second, I ask the gentleman from Texas to withhold the resolution a moment, in order to permit an amendment giving two days to the Committee on Invalid Pensions for the consideration of general pension bills.

Mr. MILLS. Regular order.

The SPEAKER *pro tempore*. Is a second demanded?

Mr. CANNON. I demand a second.

Mr. CANNON. That is sufficient. A little lower down on the same page the following occurs:

The SPEAKER *pro tempore*. Debate is not in order. The Chair will appoint as tellers the gentleman from Texas, Mr. MILLS, and the gentleman from Illinois, Mr. CANNON.

The House divided; and the tellers reported—ayes 95, noes 2.

Mr. CANNON. No quorum.

Mr. MILLS. I withdraw the resolution.

I want to suggest to the Chair that the Journal does not show this motion, or anything touching it; and I ask, therefore, that the Journal be amended to show ——

Mr. MILLS. What?

Mr. CANNON. The motion——

Mr. MILLS. What about it?

Mr. CANNON. That it was submitted and withdrawn, and all that occurred in relation thereto.

The SPEAKER. The Journal should show that the gentleman from Texas moved to suspend the rules and pass the resolution; that a second was demanded, and that pending the demand for the second, the point of order being made that no quorum had voted, the resolution was withdrawn. That entry will be made in the Journal if there be no objection.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. MILLS. I ask unanimous consent that the hour of adjournment, fixed for to-day at 5 o'clock, may be modified so as to provide that at 6 o'clock to-day the House shall adjourn, unless ordered otherwise by the House.

Mr. HOPKINS, of New York. I object.

Mr. MILLS. Then I move that the House take a recess to-day from 5 o'clock until one minute past 5 o'clock, with a view to continuing the session until 6 o'clock.

Mr. HOPKINS, of New York. I object.

The SPEAKER. The Chair will state that this could only be done by unanimous consent. The motion for a recess could not be ordered in advance, except by unanimous consent. At any time before 5 o'clock it will, of course, be in order to move that the House now take a recess.

Mr. MILLS. Then I move to suspend the rules and fix the hour for adjournment this evening at 6 o'clock instead of 5.

Mr. ANDERSON, of Kansas. I make the point of order that this is not a motion which can be received except by unanimous consent. The motion to suspend the rules is not in order until after the call of States and Territories for the introduction and reference of bills.

The SPEAKER. The gentleman from Kansas is correct.

Mr. TOWNSHEND. Then let us have the regular order.

The SPEAKER. The regular order is the call of States for the introduction and reference of bills and joint resolutions.

FORT MORGAN MILITARY RESERVATION.

Mr. HERBERT introduced a bill (H. R. 10679) to grant the right of way through the military reservation at Fort Morgan to the Birmingham, Mobile and Navy Cove Harbor Railway Company, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. LAWLER. I ask to have read the heading of the petition which I send to the desk.

The SPEAKER. A petition is not in order under this call.

Mr. LAWLER. My object is to ascertain where the petition should be sent. I have some doubts in regard to the proper reference.

The SPEAKER. The Chair will examine the petition; but it goes in the petition-box under the rules.

Mr. LAWLER. Well, I will withdraw it.

IMPROVEMENT OF WABASH RIVER.

Mr. LANDES introduced a bill (H. R. 10680) authorizing the removal of certain obstructions in the Wabash River, opposite Mount Carmel, Ill.; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

VENTILATION OF THE HALL.

Mr. LANDES also introduced the following resolution; which was referred to the Committee on Ventilation and Acoustics:

Resolved, That the Architect of the Capitol be directed to close all perforations in the floor of the Hall of Representatives where such may be practicable, and to enlarge the openings in the floor along the walls of the Hall, and to procure seats or sofas to be placed along these walls. The cost of said work and the purchase of seats shall not exceed $3,000, to be paid for out of the contingent fund of the House of Representatives.

CONTROL OF FORFEITED RAILROADS, ETC.

Mr. ANDERSON, of Iowa, introduced a bill (H. R. 10681) providing for the control and regulation of railroads acquired by the United States under judicial foreclosure or forfeiture, and for other purposes; which was read a first time.

Mr. ANDERSON, of Iowa. I ask that this bill be read in full.

The Clerk proceeded to read the bill.

Mr. BLAND (interrupting the reading). Mr. Speaker, I desire to know whether it is now in order to move that the House adjourn.

Mr. ANDERSON, of Kansas. I make the point that it is not in order pending the reading of this bill.

The SPEAKER *pro tempore* (Mr. MCCREARY). The Clerk will proceed with the reading of the bill.

The Clerk resumed the reading of the bill, but before it was concluded

Mr. BELMONT said: Mr. Speaker, I rise to present a privileged report, the report of a committee of conference. I believe that is now in order under the rules.

Mr. ANDERSON, of Kansas. I make the point of order that the reading of the bill of the gentleman from Iowa [Mr. ANDERSON] must be concluded.

Mr. MCCREARY. If there is any doubt on this question I would like to have Rule XXIX read.

The SPEAKER *pro tempore* (Mr. DUNN). The gentleman from New York [Mr. BELMONT] states that he rises to submit a conference report.

Mr. ANDERSON, of Kansas. I make the point that the conference report can not interrupt the reading of this bill.

The SPEAKER *pro tempore*. The gentleman from Kansas makes the point of order that the reading of this bill can not be interrupted by the presentation of a conference report. The Chair hardly thinks it necessary to have the rule read. The rule provides that a conference report is always in order, except during the reading of the Journal, during a call of the roll, or while the House is dividing. The Chair thinks that the gentleman from New York [Mr. BELMONT] is in order in presenting at this time the conference report.

Mr. BELMONT. It will not take long to dispose of the report.

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry. Does not the consideration and disposition of this conference report act simply as an interruption of the regular order?

The SPEAKER *pro tempore*. That is all. The House will resume its regular business just where it left off, and in the same order.

Mr. ANDERSON, of Kansas. All right.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER *pro tempore*. The Clerk will read the conference report.

Mr. BELMONT. The bill has already been agreed upon with the exception of one amendment.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on amendment numbered 16 of the Senate to the bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following:

"For salary and expenses of a commercial agent at Boma, in the Lower Congo Basin, with authority to visit and report upon the commercial resources of the Upper and Lower Congo Basin, their products, their minerals, their vegetable wealth, the openings for American trade, and to collect such information on the subject of that country as shall be thought of interest to the United States, $4,000."

And the Senate agree to the same.

PERRY BELMONT,
JAMES B. McCREARY,
WILLIAM W. MORROW,
Managers on the part of the House.

W. B. ALLISON,
JOHN SHERMAN,
JOHN T. MORGAN,
Managers on the part of the Senate.

The following statement of the House conferees, submitted under the rule, was read:

JUNE 30, 1888.

The managers on the part of the House submit the following statement to accompany the conference report on the disagreeing votes of the two Houses on the diplomatic and consular appropriation bill. As indicated by the previous report an agreement was reached upon all points of difference except upon the following amendment inserted by the Senate:

"For salaries and expenses of a scientific commission of three persons, to consist of one officer of the Army or Navy competent for such service, a geologists and mineralogist, and a naturalist, to visit and report upon the commercial resources of the Upper Congo Basin, its products, its minerals, its vegetable wealth, the openings for American trade, and to collect such information on the subject of that country as shall be thought of interest to the United States, $25,000; and the President may fix the salaries and compensation of the members of this commission at such sum, not exceeding $6,000, as he may deem proper; and said commission shall expire on the the 30th day of June, 1889."

The Senate has receded from that amendment, and the House conferees have agreed, as a compromise, to an appropriation of $4,000 for the salary and expenses of a commercial agent, to be stationed at Boma, in the Lower Congo Basin, with authority to report upon the resources of the country.

PERRY BELMONT,
JAMES B. McCREARY,
WILLIAM W. MORROW,
Managers on the part of the House.

Mr. BELMONT. Mr. Speaker, the House conferees considered it to be their duty to oppose firmly the Senate amendment of $25,000 for an exploring expedition to the Congo region, on the ground that such expenditure would be unnecessary and fruitless; and inasmuch as according to the Senate provision the commission would expire on June 30, 1889, even should such an expedition be undertaken, the time would not be sufficient to produce the result desired. After two conferences on this subject the House conferees agreed to a compromise. Considering that there are American interests to be protected in this region and that American missionaries are there at present, it seems important to have an American representative there. The other powers are represented by commercial agents to the Congo Free State. We could not send a consul because the peculiar nature of the Government of the Free State would not permit us to send a consul who could be received. We therefore have followed the example of other Governments and propose to send a commercial agent. The salary is placed at $4,000 because the duty of the commercial agent would according to this provision be to report upon the resources of that comparatively unknown region; and the expenditures necessary for obtaining information would certainly make it important he should receive a sufficient salary.

The Senate wished, I believe, to place the salary at a much higher rate. I notice when the report was made in the Senate the sum here provided was considered inadequate. Still we feel confident $4,000 will be sufficient. I trust the House will so consider it, and that the report will be adopted.

Mr. ROGERS. Mr. Speaker, a good deal has been said in the press and at the other end of the Capitol in regard to the prospective commerce of the Congo Basin. I think it is due to the country that some explanation should be made of the prospective commerce of that country, which makes it necessary for the creation of an office and the appointment of an officer of this character.

Mr. McCREARY. Mr. Speaker, in response to the gentleman from Arkansas I will say that the Senate amendment ordinarily provided for $25,000 to pay for the employment of three commissioners to visit the upper and lower Congo Basin in Africa. Two gentlemen have been sent from this country to that country within the last few years. I hold in my hand the report made by Mr. Tisdel. He says in regard to that country:

It is my belief that in all the world there is not a richer territory than that which borders the sea, commencing at the Senegal River, in latitude 16° north, and extending to latitude 18° 30′ south, and inland an average distance of 100 miles.

The most valuable productions of the country and for which there is an ever-increasing demand are rubber, palm kernels and palm oil, gum, copal, ground nuts, and wax.

The report also shows that that country is very rich in ivory; rich also in gold and silver. It has attracted much attention in the last few years, and England, Belgium, Germany, Italy, and Sweden have sent their commercial agents to that country. On account of its importance and of its prospective wealth great interest has been manifested, and it has been deemed best that our country should not be behind other countries, but that we should send an agent there to investigate and report on its commercial interests, and on its mineral and its vegetable products, and ascertain what benefit that country might be made to ours.

The Senate in its amendment asked for $25,000, but we thought after conference $4,000 would be enough for us to send to that country a commercial agent who would make report to us on its commercial interests and on its mineral and vegetable products and attractions. The committee believe after lengthy conferences we have arrived at a very proper conclusion. If this is the great basin it is represented to be, and if there is to be the great development in that country that some persons think, and if other countries are sending commercial agents there to make explorations and report, it is certainly proper for us to send a commercial agent there to report to our country.

Mr. BELMONT. I move the adoption of the report.

The motion was agreed to.

Mr. BELMONT moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS MISSISSIPPI RIVER NEAR NATCHEZ.

Mr. CRISP. Mr. Speaker, I desire to submit a privileged report, a conference report.

The SPEAKER *pro tempore*. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1669) authorizing the Mississippi and Louisiana Bridge and Railroad Company of Natchez, Miss., to construct a bridge across the Mississippi River at or near Natchez, Miss., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendment of the House numbered 2 and agree to the same.

CHARLES F. CRISP,
JAMES PHELAN,
A. R. ANDERSON,
Managers on the part of the House.

G. G. VEST,
J. N. DOLPH,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on the disagreeing votes of the two Houses on Senate bill No. 1669, submit the following in explanation of their report:

The first amendment of the House looked only to the more perfect protection of the navigation of the river; a careful examination of the matter has satisfied us that the provisions of the Senate bill are sufficient for that purpose.

The Senate recedes from its disagreement to the second House amendment.

CHARLES F. CRISP,
JAMES PHELAN,
A. R. ANDERSON,
Managers on the part of the House.

Mr. CRISP. I move the adoption of the report.

The motion was agreed to.

Mr. CRISP moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The message also announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. 9610) to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across Tombigbee River in Alabama;

A bill (H. R. 231) to increase the pension of Edmund Ashworth;

A bill (H. R. 362) to increase the pension of Charles W. Sanborn;

A bill (H. R. 964) granting a pension to James Turner;

A bill (H. R. 2046) for the relief of William E. Wheeler;

A bill (H. R. 2064) granting a pension to Jacob F. Joseph;

A bill (H. R. 2193) granting a pension to Elisha Wilkins;
A bill (H. R. 2495) for the relief of Ruth Clark;
A bill (H. R. 2530) granting a pension to John E. Wagoner;
A bill (H. R. 2640) for the relief of Judith A. Kinsey;
A bill (H. R. 2641) granting a pension to Emily W. Ogden;
A bill (H. R. 3537) granting a pension to Cullen W. Green;
A bill (H. R. 3722) for the relief of Jennie D. Rice;
A bill (H. R. 3772) granting a pension to Perry D. Martin;
A bill (H. R. 3836) granting a pension to Hiram Bateman;
A bill (H. R. 4762) granting a pension to Benjamin F. Howard;
A bill (H. R. 4788) granting an increase of pension to William Winans;
A bill (H. R. 5913) granting a pension to Thomas Shannon;
A bill (H. R. 6057) to increase the pension of Edward Healy;
A bill (H. R. 6273) for the relief of Hiram Chilson;
A bill (H. R. 6334) granting a pension to John F. G. Mittag;
A bill (H. R. 6603) to grant a pension to the minor children of Levi M. Hunter, deceased;
A bill (H. R. 7491) granting a pension to Lewis Telyea;
A bill (H. R. 8078) granting a pension to Theresa Herbst, widow of John Herbst, late private Company G, One hundred and fortieth Regiment of New York Volunteers;
A bill (H. R. 8455) for the relief of Elizabeth Terralls;
A bill (H. R. 8704) granting a pension to Julia Bryan, late nurse at Jeffersonville Hospital;
A bill (H. R. 8930) for the relief of J. H. Corn;
A bill (H. R. 8984) granting a pension to Griswold Rogers;
A bill (H. R. 9174) granting a pension to Woodford M. Houchin;
A bill (H. R. 9340) granting a pension to Lucy A. Noel;
A bill (H. R. 9346) granting a pension to Frank H. Reed;
A bill (H. R. 9520) for the relief of Mary Fitzmorris;
A bill (H. R. 9523) for the relief of Margaret Lahey;
A bill (H. R. 9587) granting a pension to Louise F. D. Hoit;
A bill (H. R. 9649) granting a pension to Milton Merwin;
A bill (H. R. 9679) for the relief of William N. Robb;
A bill (H. R. 10212) to amend an act granting a pension to John Etzell, approved March 3, 1879; and
A bill (H. R. 10356) granting a pension to J. T. Vincent.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, House joint resolution and bills of the following titles:

Joint resolution (H. Res. 184) to amend the joint resolution approved May 14, 1888, relating to the disposal of public lands in certain States;
A bill (H. R. 5096) authorizing the construction of a bridge across Flint River, in the State of Georgia;
A bill (H. R. 7708) to increase the pension of Annie Gibson Yates; and
A bill (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 35) to authorize the promotion of certain assistant surgeons of the Army after twenty years' service;
A bill (S. 59) for the relief of George E. W. Sharretts;
A bill (S. 705) to establish additional life-saving stations;
A bill (S. 707) providing for the purchase of a site and the construction of a wharf in Astoria, Oregon, for the use of the Light-House Establishment;
A bill (S. 1257) for the relief of Mrs. Sarah H. Wood;
A bill (S. 1438) to provide for the appointment of assistants to chiefs of bureaus of the Navy Department;
A bill (S. 1521) for the relief of M. C. Mordecai;
A bill (S. 2778) making an appropriation for the purchase of a site and the construction of a light-house on the headlands near the mouth of the Umpqua River, in the State of Oregon; and
A bill (S. 2949) granting a pension to the widow of G. K. Warren.

ORDER OF BUSINESS.

Mr. ANDERSON, of Kansas. Regular order.

The SPEAKER *pro tempore*. The Clerk will resume the reading of the bill.

Mr. BLAND (before the conclusion of the reading). I move that the House take a recess for fifteen minutes. I make this motion in the hope that we may come to some understanding by which we can proceed with business.

Mr. ANDERSON, of Kansas. I make the point of order that that motion is not in order while a bill is being read.

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Kansas that a motion to adjourn and a motion to take a recess are always in order.

Mr. ANDERSON, of Kansas. Does the Chair hold that while a gentleman has the floor, as the gentleman from Iowa [Mr. ANDERSON] has, when he has introduced a bill, and has called for the reading of that bill, and the bill is being read, he can be taken off the floor by a motion to take a recess?

Mr. BLAND. If the gentleman from Kansas were right a man might introduce a bill here which it would take a week to read.

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. ANDERSON] has not the floor. The bill is being read in accordance with the rule, but the rules of the House provide that a motion to adjourn and a motion to take a recess are always in order.

Mr. ANDERSON, of Kansas. The motion to take a recess would undoubtedly be in order if the gentleman had the floor to make it, but my point is that the gentleman from Iowa [Mr. ANDERSON] holds the floor.

The SPEAKER *pro tempore*. There is where the gentleman from Kansas is mistaken. The gentleman from Iowa has not the floor. The bill is being read in accordance with the rules of the House, and not in the time of any gentleman. The gentleman from Iowa could not possibly have held the floor for this length of time under the call of States for the introduction of bills. No gentleman has the floor on this call except to introduce his bill. The gentleman from Iowa demanded the reading of this bill under the rule, and it is being read in accordance with the rule, but it is not being read in any gentleman's time, and no debate is in order. The point of order is overruled.

Mr. MCCREARY. Mr. Speaker, I agree with the Chair in his ruling that a motion to take a recess is in order, as would be also a motion to adjourn; but I hope that my friend from Missouri [Mr. BLAND] will withdraw his motion for a recess. It is now only 1 o'clock; we have been in session only a short time; this day is set apart for particular business; the call of the States for the introduction of bills is the first thing in order, and we are engaged in that business now, reading a bill which has been introduced under the call, and I can not see that any good will be accomplished either by taking a recess or adjourning. I hope, therefore, that we shall go on with the regular order.

Mr. BLAND. I proposed a recess for only fifteen minutes, in order to see if we could not arrange to proceed with the business of the House.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Missouri [Mr. BLAND] that the House take a recess for fifteen minutes.

Mr. BUCHANAN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUCHANAN. If the motion for a recess is carried——

Mr. BLAND. I withdraw the motion.

Mr. BUCHANAN. Of course my parliamentary inquiry falls with the motion.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. FORNEY, from the committee of conference on the legislative, executive, and judicial appropriation bill, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9377) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 34, 55, 56, 58, 59, 67, 68, 69, 78, 80, 83, 91, 92, 93, 94, 95, 108, 109, 112, 113, 116, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 146, 147, 149, 151, 152, 153, 154, 155, 156, 157, 158, 159, 171.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 6, 7, 10, 11, 12, 13, 14, 15, 28, 50, 51, 52, 60, 61, 62, 72, 73, 74, 75, 76, 77, 81, 82, 85, 86, 87, 88, 96, 97, 98, 104, 105, 110, 111, 129, 130, 142, 143, 144, 145, 160, 164, 166, 167, 168, and 169; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$322,015.30;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: Strike out the matter proposed to be inserted by said amendment, and in line 1, page 4 of the bill, strike out "twenty-seven" and insert in lieu thereof "twenty-eight;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$93,472.43;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with amendments as follows: In lieu of the number proposed insert "eight," and after the word "each," in line 4, page 14, of the bill insert: "One of whom shall be in charge of international exchanges;" and in line 5, page 14, of the bill, "one at $960;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$39,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$116,070;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "For indexing records, one clerk of class 2, $1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the number proposed insert "seven;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$64,319;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$41,100;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert "for legislative expenses—namely, for rent of secretary's office, hire of a messenger, light, fuel, stationery, postage, office furniture, repairs, and other incidentals, $1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 99, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$513,600;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "two clerks of class 1;" and in line 27, page 59, of the bill, strike out the following: "One clerk of class 1;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,280;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "One computer, $1,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,320;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For connected and separate United States and other maps prepared in the General Land Office, $15,000; and 2,500 copies of said maps shall be delivered to the Senate, and 5,000 to the House of Representatives for distribution."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows:

Add at the end of the amended paragraph the following:

"*Provided*, That five special examiners or clerks detailed and acting as supervising examiners and special examiners or clerks detailed as such, not exceeding three in number, with headquarters in the District of Columbia, may be allowed, in addition to their salaries and in lieu of per diem and all expenses for subsistence, a sum not exceeding $900 each per annum: *Provided further*, That the salary and such allowance to each shall in no case exceed $2,400 per annum;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 134 to 140 inclusive, and agree to the same with amendments as follows: In lieu of the amended paragraph insert the following: "For rent of buildings for Interior Department, namely: for the Geological Survey, $10,000; for store-room for documents, $360; for Indian Office, $5,500; for General Land Office, $1,800, which may also be occupied by the Railroad Office until not later than December 1, 1888; and for the Bureau of Education until not later than December 1, 1888, $1,667; in all, $19,327;" and strike out line 2, on page 74 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$116,880;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed in lines 6 and 7 of said amendment insert the following: "$43,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 170, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$5,000;" and the Senate agree to the same.

WILLIAM H. FORNEY,
SAMUEL J. RANDALL,
J. G. CANNON,
Managers on the part of the House.

W. B. ALLISON,
F. M. COCKRELL,
Managers on the part of the Senate.

The following statement, submitted by the House conferees under the rule, was read:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1889 submit the following written statement in explanation of the action recommended on the amendments as compared with the bill as it passed the House:

On amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 28, relating to the Senate: Provides for annual clerks, at $2,220, to the Committees on Education and Labor, Territories, and Rules; provides for two additional messengers, one at $1,800 and one at $1,440; two carpenters at $960 each; one additional page, at $2.50 per day; for an assistant in the document-room, at $1,200, in lieu of a page at $900; for an additional conductor of the elevator, at $1,200; one machinist and assistant conductor of the elevator, at $1,000; and for an additional laborer in the engineer's department, at $720; places the engineer's department of the Senate under the control of the Architect of the Capitol; and increases the amount for miscellaneous expenses from $15,000 to $25,000.

On amendments 34, 35, 36, 37, and 38: Provides for an additional assistant librarian, at $1,400, in the Library of Congress, to have charge of international exchanges, in lieu of an assistant, at $960; and increases the amount for the purchase of books for the Library from $3,000 to $4,000.

On amendments 44, 45, and 46: Provides for an additional assistant messenger and for a clerk, at $1,400, to index records in the Department of State.

On amendments 47, 48, and 49: Provides for an additional clerk of class 4, and one of class 1, in the division of loans and currency of the Treasury.

On amendments 50, 51, and 52: Provides for one clerk at $1,000, instead of a clerk of class 2 in the miscellaneous division of the Treasury.

On amendments 55 and 56: Restores one clerk of class 4, proposed to be stricken out by the Senate, in the office of the Second Comptroller.

On amendment 57: Provides that the Secretary of War shall prepare and submit to Congress for the fiscal year 1890 estimates in detail for the support and maintenance of the Soldiers' Home.

On amendments 58 and 59: Restores one laborer, proposed to be stricken out by the Senate, in the office of the Third Auditor.

On amendments 60, 61, and 62: Provides for one messenger, at $840, in lieu of a clerk, at $1,000, in the office of the Fourth Auditor.

On amendment 67: Strikes out proposed increase from $7,000 to $8,000 of the amount for expenses connected with the collection of facts relative to internal and foreign commerce.

On amendments 68 and 69: Strikes out proposed increase of $200 in the salary of the translator in the office of the Director of the Mint.

On amendment 72: Increases the amount from $8,000 to $9,000 for paper for interest and other checks and drafts for use of the Treasurer of the United States.

On amendments 73, 74, 75, 76, and 77: Provides for the expenses of the mint at Carson, Nev., in accordance with the appropriations for the fiscal year 1887.

On amendments 78 and 79: Strikes out proposed increase of $200 in each of the salaries for the book-keeper, abstract clerk, weigh clerk, and warrant clerk in the mint at San Francisco.

On amendment 80: Strikes out proposed increase from $7,500 to $10,000 for incidental expenses of the assay office at Boisé City.

On amendments 81 and 82: Provides for an additional associate judge in the Territory of Utah.

On amendment 83: Strikes out proposed increase from $7,000 to $10,000 for traveling and other expenses of the Utah Commission.

On amendment 84: Strikes out the entire provision for expenses of the twelfth biennial session of the Legislative Assembly of the Territory of Washington, and appropriates $1,500 for miscellaneous expenses in the office of the secretary of that Territory.

On amendments 85, 86, 87, and 88: Provides for a clerk of class 3, or stenographer, at $1,600, for the General of the Army.

On amendments 91, 92, 93, 94, and 95: Leaves the provision for the office of the Quartermaster-General just as passed by the House.

On amendments 96, 97, and 98: Provides for an additional assistant messenger in the office of the Commissary-General.

On amendments 99 and 100: Provides for an additional laborer in the office of the Surgeon-General.

On amendments 103, 104, 105, 106: Provides for an additional clerk of class 1, and three copyists at $720 each, in the office of the Naval Records of the War of the Rebellion.

On amendments 108 and 109: Strikes out the proposed increase in the amount for rent of buildings and other expenses of the Hydrographic Office, including expenses of removal, from $1,500 to $6,000.

On amendments 110 and 111: Reduces the amount for contingent expenses of branch office of the Hydrographic Office in certain cities from $15,500 to $11,000.

On amendments 112, 113, 114, and 115: Strikes out proposed increase in pay to the assistant astronomers in the Naval Observatory, and provides for one computer at $1,200.

On amendments 116, 117, and 118: Strikes out proposed increase of one clerk of class 3 to assist in the preparation of work for the Board of Pension Appeals, and restores the two carpenters at $900 each proposed to be stricken out under the office of the Secretary of the Interior.

On amendment 119: Strikes out the proposed reduction from $15,000 to $7,000 for United States maps, and provides that 2,500 of said maps shall be delivered to the Senate, and 5,000 to the House of Representatives for distribution.

On amendments 120, 121, 122, 123, 124, and 125: Leaves the provision for the force in the Pension Office as it passed the House.

On amendments 126, 127, 128, and 129: Restores the limitation requiring that the diem shall be paid to pension examiners only when absent from home and traveling on duty outside the District of Columbia; provides for assistance to such examiners, and authorizes per diem in lieu of subsistence to five special examiners or clerks detailed to act as supervising examiners and special examiners or clerks detailed as such, not exceeding three in number, with headquarters in the District of Columbia, in addition to their salaries not exceeding $900 each per annum; but providing that the salary and such allowance to each shall in no case exceed $2,400 per annum.

On amendment 130: Appropriates $2,400 for the share of the United States in conducting the international bureau at Berne, Switzerland, for the protection of industrial property.

On amendments 134, 135, 136, 137, 138, 139, and 140: Appropriates for the rent of buildings for the General Land Office for the entire year and for the Bureau of Education and Railway Office until not later than December 1, 1888.

On amendments 142, 143, 144, and 145: Provides for an additional clerk of class 2, three clerks of class 1, and one laborer in the office of the First Assistant Postmaster-General.

On amendments 146 and 147: Strikes out proposed additional laborer in the office of the Third Assistant Postmaster-General.

On amendments 149 and 150: Strikes out proposed increase of three additional clerks at $900 each in the Dead-Letter Office.

On amendments 151, 152, 153, 154, 155, 156, and 157: Strikes out provision for rent of an additional building for the use of the Division of Post-Office Supplies of the Post-Office Department, and the additional force and expense of caring for the same.

On amendment 158: Strikes out proposed reduction of amount from $18,200 to $18,000 for publication of the Official Postal Guide.

On amendment 159, restores the provision proposed to be stricken out, requiring that one of the Assistant Attorneys-General shall take charge of business in the Court of Claims under the Bowman act.

On amendment 160, appropriates $1,000 for purchase of session laws and statutes of States and Territories for the Department of Justice.

On amendments 164, 165, 166, 167, 168, 169, 170, and 171, makes provision for the expenses of the Department of Labor, recently established by law, as proposed by the Senate, except the amount for per diem in lieu of subsistence of special agents, is reduced from $47,500 to $43,500; the amount for contingent expenses is reduced from $6,000 to $5,000, and the provision for street-car tickets is stricken out.

The bill as agreed to in conference appropriates $20,653,445.57, being $75,775 less than as it passed the Senate, $130,290.47 more than as it passed the House, $7,301.90 more than the last appropriation act, and $846,675.23 less than the estimates submitted for the fiscal year 1889.

WM. H. FORNEY,
SAM. J. RANDALL,
J. G. CANNON,
Managers on the part of the House.

Mr. ADAMS. I desire to call the attention of the gentleman from Alabama [Mr. FORNEY] to amendment numbered 103. According to the statement as read by the Clerk, it appeared that the House had receded from its disagreement to that amendment of the Senate, with an amendment the effect of which was to strike out something in regard to which the House and Senate had agreed. Is that so?

Mr. FORNEY. The case is simply this: The Senate provided for a clerk of class 2; and we thought a clerk of class 1 was sufficient. That was the only difference. There is the same force, but the amount of salary is $200 less.

Mr. ADAMS. It makes not the slightest difference to me whether this particular amendment is adopted or not; but it ought to make a considerable difference to all of us whether a conference committee shall be permitted to strike from a bill anything in regard to which the two Houses have come to an agreement. I submit to the gentleman that a conference committee has no more right to strike out a provision of that kind than I have.

Mr. FORNEY. We have not done so. The Senate added that amendment; and of course we had the right to amend the Senate amendment.

Mr. ADAMS. Let us see whether I understand the case. The House in that part of the bill provided for one clerk of class 1. The Senate proposed to add to that provision one clerk of class 2. As I understood the reading of the report, the House conferees agreed to the insertion of one clerk of class 2, with a provision that a clerk of class 1 be stricken out. Is that correct?

Mr. FORNEY. No, sir.

Mr. ADAMS. What is the provision? Are there two clerks of class 1?

Mr. FORNEY. Only one clerk of class 1. We refused to concur in the amendment of the Senate. We have increased the force one clerk of class 1 and three copyists.

Mr. ADAMS. Then you did not accede to the proposition of the Senate there should be any addition of one clerk of class 2?

Mr. FORNEY. Only one clerk of class 1.

Mr. ADAMS. You struck it out.

Mr. FORNEY. We compromised by giving three copyists instead of one.

Mr. ADAMS. How many clerks of class 2 will remain in consequence of the adoption of the conference report?

Mr. FORNEY. Two of class 1, none of class 2, one of $1,000, and three copyists.

Mr. ADAMS. All right.

Mr. FORNEY. We think that is a sufficient force. I move the conference report be adopted.

The conference report was adopted.

Mr. FORNEY moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLAND. I move that the States and Territories be called and the call be completed with the understanding and agreement that there shall be no motion made to suspend the rules.

Mr. BURROWS. There will be no objection to that if we can be permitted to suspend the rules and pass the dependent pension bill.

Objection was made.

Mr. BURROWS. I understand there is no objection to that.

The SPEAKER *pro tempore*. The Chair heard objection to the request.

Mr. BURROWS. Who made it?

The SPEAKER *pro tempore*. The gentleman from New York [Mr. HOPKINS].

Mr. CLARDY. I move to proceed with the consideration of Senate bill 1305, to incorporate the Maritime Company of Nicaragua

Mr. BURROWS. Who objected to my proposition?

The SPEAKER *pro tempore*. Several gentlemen objected. The gentleman from New York [Mr. HOPKINS] objected.

Mr. ANDERSON, of Kansas. My understanding is if consent be given to that bill then we will be taken out of the position in which we now are.

Mr. CLARDY. No.

The SPEAKER *pro tempore*. The reading of the bill to which the gentleman refers will be resumed when the call of the States is resumed.

Mr. ANDERSON, of Kansas. Without any business coming in?

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri?

Mr. HAYDEN. I object.

Mr. WARNER. I ask unanimous consent to take up a bill to organize the Territory of Oklahoma, and for other purposes, to which there can be no valid objection.

The SPEAKER *pro tempore*. The regular order is demanded.

Mr. WARNER. Perhaps the gentleman might withdraw it.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri?

Mr. CLARDY. The gentleman from Massachusetts will not object to this bill. It has been indorsed by the Chicago Convention. I do not think any objection will come from that side of the House.

The SPEAKER *pro tempore*. Does the gentleman withdraw his objection? The Chair understands the gentleman does not withdraw his objection.

The Clerk will proceed with the reading of the bill.

The reading of the bill introduced by Mr. ANDERSON, of Iowa, was concluded; and it was referred to the Committee on the Pacific Railroads, and ordered to be printed.

MUNICIPAL CODE FOR THE DISTRICT.

Mr. ANDERSON, of Iowa. I ask, by unanimous consent, to introduce a bill (H. R. ——) to establish a municipal code for the District of Columbia.

The bill was read a first and second time.

Mr. ANDERSON, of Iowa. I ask for the reading of the bill *in extenso*.

Mr. BUCKALEW. I rise to ask, by unanimous consent, that the House pass to the consideration of the bill (H. R. 9051) for the reduction of the revenue. It is evident unless this motion is adopted we will transact no business to-day.

Mr. ANDERSON, of Iowa. If there is——

Mr. OUTHWAITE. I demand the regular order.

Mr. BLAND. I move to take a recess for twenty minutes.

The SPEAKER *pro tempore*. Is there objection.

Mr. ANDERSON, of Kansas. I move an amendment so we may take a recess until one minute before 5 o'clock.

Mr. MACDONALD. I ask the gentleman from Kansas to yield to allow me to pass a little bill that will not take a minute. It is merely to correct the description of a piece of land.

Mr. ANDERSON, of Kansas. I have no possible objection, so far as I am concerned, if it does not interfere in any way with our rights under the call of States.

Mr. MACDONALD. Then I ask consent——

The SPEAKER *pro tempore*. The Chair would remind the gentleman from Minnesota that the gentleman from Missouri [Mr. BLAND] made the motion to take the recess. The gentleman from Kansas, who moved an amendment to that motion, can not withdraw the pending motion; and until that is withdrawn the Chair can entertain no requests for unanimous consent.

Mr. MACDONALD. I only ask the gentleman to yield to me long enough to allow the consideration of this bill.

The SPEAKER *pro tempore*. The only question is on the motion of the gentleman from Kansas as an amendment to the pending motion of the gentleman from Missouri, that the House take a recess until one minute to 5 o'clock to-day.

Mr. MACDONALD. The gentleman from Missouri consents that I may call this bill up. [Cries of "Regular order!"]

Mr. SPRINGER. Before the question is taken on the motion, I think perhaps we might reach some agreement by which business could be transacted to-day. It is evident that the House at this late time in the session and at the present stage of its business does not desire to waste this day in useless dilatory proceedings.

Mr. HOLMAN. I rise to a question of order.

Mr. OUTHWAITE. I demand the regular order.

Mr. HOLMAN. I rise to a question of order. I ask unanimous consent to take up the land-forfeiture bill——

Mr. CANNON. And I ask unanimous consent to take up the dependent pension bill. [Laughter.]

Mr. FORD. The ruling passion strong in death.

Mr. SPRINGER. I have no objection to taking up any bill that we can agree upon and dispose of it——

Mr. BAYNE. Very well. Then, Mr. Speaker, I ask——

Mr. SPRINGER. But I do object to wasting the time of the House for the whole day.

The SPEAKER *pro tempore*. The Chair will remind the gentleman that it can not entertain any matter by unanimous consent pending the motion for a recess. The regular order being demanded——

Mr. ROGERS. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROGERS. The gentleman from Missouri [Mr. BLAND] assented to the withdrawal of his motion for the purpose of permitting the motion of the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER *pro tempore*. The Chair did not so understand the gentleman; and in addition to that a gentleman in front of the Chair has demanded the regular order. Now, if the motion for a recess is withdrawn, then the regular order of business will be the proceeding under the call of States.

Mr. ANDERSON, of Iowa. I demand the regular order.

Mr. HOLMAN. I submit a point of order——

The SPEAKER *pro tempore*. The Chair will remind the gentleman that the regular order has been demanded, which is on the motion of the gentleman from Kansas that the House take a recess until one minute to 5 o'clock.

Mr. HOLMAN. But I wish to submit a question of order.

Mr. ANDERSON, of Kansas. If the gentleman from Missouri who made the motion to take a recess for thirty minutes will withdraw his motion I will withdraw mine.

Mr. BLAND. Very well; I will withdraw the motion.

The SPEAKER *pro tempore*. The motion for a recess having been withdrawn, the regular order is the proceeding under the call of States. The gentleman from Iowa demands the reading of the bill.

Mr. BAYNE. I understand that the regular order is not insisted upon. I want the House now to agree to take up and consider——

The SPEAKER *pro tempore*. But the regular order is demanded.

Mr. BAYNE. I understood the gentleman from Iowa to withdraw the demand for the regular order.

Mr. TOWNSHEND. I did not so understand him.

The SPEAKER *pro tempore*. The gentleman from Ohio has also demanded the regular order.

Mr. BLAND. Very well; I renew my motion for a recess.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMAN. It is to ask unanimous consent that the House take up and consider the bill declaring the forfeiture——

The SPEAKER *pro tempore*. The Chair will remind the gentleman from Indiana that the regular order is demanded, and that the Chair can not entertain any request.

Mr. HOLMAN. But my question involves one of order which I desire to submit to the Chair.

The SPEAKER *pro tempore*. The gentleman will state his question of order.

Mr. HOLMAN. It is that I have asked unanimous consent to take up the bill declaring the forfeiture of certain land grants. I submit, sir, that the presentation of that request entitles me to have it submitted to the House.

The SPEAKER *pro tempore*. The Chair overrules the point of order; and the question is on the motion of the gentleman from Missouri.

Mr. ANDERSON, of Kansas. And I renew the amendment.

Mr. HOLMAN. But, Mr. Speaker——

The SPEAKER *pro tempore*. The Chair desires to remind the gentleman from Indiana, because the Chair wishes to be perfectly patient and respectful to the gentleman, that the regular order was demanded before the Chair had an opportunity of recognizing the gentleman to submit his request.

Mr. HOLMAN. Will the Chair state who has demanded it?

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. OUTHWAITE] in front of the Chair for one, and the Chair has heard several gentlemen make the same demand from different parts of the Hall.

Mr. ANDERSON, of Kansas. I renew the amendment that the House take a recess until one minute to 5 o'clock.

Mr. O'NEILL, of Missouri. And that members be permitted to file their bills with the Clerk.

Mr. ANDERSON, of Kansas. That is not my motion.

Mr. BAYNE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BAYNE. Is it not in order for the Chair to recognize a member to ask unanimous consent that a special bill be taken up and made the regular order of business for the day?

The SPEAKER *pro tempore*. Not when the regular order has been demanded.

Mr. BAYNE. Will not the request, if granted, supersede the demand for the regular order?

The SPEAKER *pro tempore*. It will not.

Mr. BAYNE. If unanimous consent be given will not that supersede——

The SPEAKER *pro tempore*. The Chair has not the liberty to entertain a request for unanimous consent.

Mr. BAYNE. I desire to make a parliamentary inquiry. I propose to ask that the dependent pension bill be taken up, to which there will be no objection on either side of the House. I propose to ask unanimous consent for the consideration of the dependent pension bill.

The SPEAKER *pro tempore*. The Chair can not entertain the motion pending the demand for the regular order. The question is upon the amendment of the gentleman from Kansas [Mr. ANDERSON] that the House take a recess until one minute to 5 o'clock.

Mr. O'NEILL, of Missouri. The suggestion was accepted by the gentleman from Kansas that members be allowed to file bills with the Clerk.

The SPEAKER *pro tempore*. The Chair can not entertain requests for unanimous consent pending the demand for the regular order.

The amendment was rejected.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Missouri [Mr. BLAND] that the House take a recess for thirty minutes.

Mr. DOCKERY. That is for the purpose of giving the reading clerks a rest.

The Chair put the question and was in doubt as to the result.

Mr. BLAND. I call for a division.

The House divided; and there were—ayes 23, noes 75.

Mr. BLAND. No quorum.

Mr. HOPKINS, of New York. I ask for tellers, Mr. Speaker.

Mr. HOPKINS, of Illinois. I move that the House do now adjourn.

Mr. McSHANE. On that motion I ask for a division.

The House divided; and there were—ayes 35, noes 70.

So the motion was rejected.

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from Pennsylvania [Mr. BAYNE].

Tha House again divided; and there were—ayes 13, noes 58.

Mr. HOPKINS, of New York. No quorum.

The SPEAKER *pro tempore*. No quorum has yet voted. The tellers will retain their places.

Mr. BAYNE. I suggest we have a call of the House.

The SPEAKER *pro tempore*. The Chair can not adopt the suggestion. It requires a vote.

The Chair put the question and was in doubt as to the result.

Mr. BAYNE. Division.

The House divided; and there were—ayes 15, noes 69.

Mr. BLAND. I ask unanimous consent that the House resolve itself into Committee of the Whole to consider the tariff bill.

The SPEAKER *pro tempore*. The Chair can not entertain a request for unanimous consent when there is a demand for the regular order.

Mr. HOPKINS, of New York. I call for the regular order.

Mr. BAYNE. I move that there be a call of the House.

Mr. HOPKINS, of New York. I second the motion.

Mr. BAYNE. On that motion I call for a division.

The House divided; and there were—ayes 22, noes 20.

Mr. BLAND. No quorum.

Mr. BAYNE. It is not necessary to have a quorum.

The SPEAKER *pro tempore*. A call is ordered. The Clerk will call the roll.

The Clerk called the roll; and the following members failed to answer to their names:

Allen, Mass.	Enloe,	Lynch,	Randall,
Allen, Miss.	Ermentrout,	Maffett,	Reed,
Atkinson,	Felton,	Mahoney,	Rockwell,
Belden,	Finley,	Maish,	Russell, Conn.
Biggs,	Fitch,	Mansur,	Rusk,
Bingham,	Flood,	Mason,	Sawyer,
Bliss,	Foran,	McClammy,	Sherman,
Bowden,	Gaines,	McComas,	Spinola,
Browne, Ind.	Glover,	McCormick,	Stephenson,
Brown, Ohio	Goff,	McCreary,	Stewart, Tex.
Brumm,	Granger,	McCullogh,	Stewart, Vt.
Bryce,	Greenman,	McKinney,	Struble,
Butler,	Guenther,	McMillin,	Tarsney,
Campbell, F., N. Y.	Hayes,	Merriman,	Taulbee,
Campbell, T. J., N. Y.	Hemphill,	Montgomery,	Thomas, Ill.
Carlton,	Henderson, Iowa,	Morgan,	Thompson, Cal.
Cockran,	Hitt,	Morrill,	West,
Cooper,	Hogg,	Morrow,	White, Ind.
Cox,	Hooker,	Morse,	Whiting, Mich.
Crain,	Hudd,	Neal,	Wilber,
Cutcheon,	Hunter,	O'Neall, Ind.	Wilkins,
Darlington,	Johnston, N. C.	Osborne,	Woodburn,
Davenport,	Kean,	Penington,	Yardley,
De Lano,	Laidlaw,	Perry,	Yoder.
Dibble,	Lane,	Phelan,	
Dougherty,	Lodge,	Pidcock,	
Dunham,	Lyman,	Post,	

Mr. WHITTHORNE. My colleague [Mr. NEAL] is sick and absent by leave of the House.

Mr. BREWER. My colleague [Mr. WHITING] is absent on account of illness in his family. I ask that he be excused.

The SPEAKER *pro tempore*. If there be no objection, the gentleman will be excused. The Chair hears no objection.

Mr. McKENNA. My colleague [Mr. BIGGS] left the House some time ago, sick. I ask that he be excused.

The SPEAKER *pro tempore*. If there be no objection, the gentleman will be excused. The Chair hears no objection.

Mr. ANDERSON, of Kansas. I ask that my colleague [Mr. MORRILL] be excused on account of absence from the city on important business.

The SPEAKER *pro tempore*. If there be no objection, the gentleman will be excused. The Chair hears no objection.

Mr. HENDERSON, of North Carolina. My colleague [Mr. JOHNSTON] is detained at his room on account of sickness. I ask that he be excused.

The SPEAKER *pro tempore*. If there be no objection, the gentleman will be excused. The Chair hears no objection.

Mr. GEAR. I ask that my colleague [Mr. HENDERSON, of Iowa] be excused on account of sickness.

The SPEAKER *pro tempore* (Mr. DUNN). In the absence of objection, the gentleman will be excused.

Mr. BRECKINRIDGE, of Kentucky. I ask that my colleague [Mr. TAULBEE] be excused on account of sickness.

The SPEAKER *pro tempore*. The gentleman will be excused, if there be no objection. The Chair hears none. The roll-call discloses the presence of 218 members, being more than a quorum.

Mr. WEAVER. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. ANDERSON, of Iowa. I call for the regular order.

Mr. MILLS. I move that the House now adjourn.

Mr. HOPKINS, of New York. On that I call for the yeas and nays.

The SPEAKER *pro tempore*. The yeas and nays are called for. Those in favor of ordering the yeas and nays will rise and stand until counted.

Mr. HOPKINS, of New York. I withdraw the call.

The SPEAKER *pro tempore* (having put the question on the motion to adjourn). The ayes seem to have it.

Mr. HOPKINS, of New York. - call for a division.

The question being again taken, there were—ayes 90, noes 38.

Mr. WARNER, Mr. SPRINGER, Mr. ANDERSON, of Iowa, and others called for the yeas and nays.

The yeas and nays were ordered; there being—ayes 28, noes 90; more than one-fifth voting in the affirmative.

The question being taken on the motion of Mr. MILLS that the House adjourn, it was decided in the negative—yeas 88, nays 105, not voting 131; as follows:

YEAS—88.

Abbott,	Crain,	Jones,	Robertson,
Anderson, Miss.	Crisp,	Lagan,	Rogers,
Anderson, Ill.	Culberson,	Landes,	Rowland,
Bacon,	Dalzell,	Lanham,	Rusk,
Bankhead,	Dargan,	Latham,	Sayers,
Barnes,	Davidson, Ala.	Lee,	Scott,
Barry,	Davidson, Fla.	Lind,	Seney,
Bland,	Dougherty,	Martin,	Shaw,
Bliss,	Elliott,	McAdoo,	Snyder,
Blount,	Ford,	McMillin,	Sowden,
Breckinridge, Ark.	Forney,	Merriman,	Stahlnecker,
Breckinridge, Ky.	French,	Mills,	Stewart, Tex.
Buckalew,	Gest,	Moore,	Stewart, Ga.
Burnett,	Grimes,	Nelson,	Tillman,
Bynum,	Hall,	Newton,	Townshend,
Candler,	Hare,	Nichols,	Vance,
Caruth,	Hatch,	Oates,	Walker,
Catchings,	Hayes,	O'Ferrall,	Wheeler,
Chipman,	Heard,	O'Neall, Ind.	Whitthorne,
Cobb,	Herbert,	Outhwaite,	Wilkinson,
Collins,	Howard,	Parker,	Wilson, W. Va.
Cothran,	Hudd,	Richardson,	Wise.

NAYS—105.

Adams,	Fisher,	Laird,	Shively,
Anderson, Iowa	Fuller,	Lawler,	Smith,
Anderson, Kans.	Funston,	Lehlbach,	Springer,
Arnold,	Gallinger,	Long,	Steele,
Baker, N. Y.	Gear,	Macdonald,	Stockdale,
Baker, Ill.	Glass,	Matson,	Stone, Ky.
Bayne,	Groswenor,	McKenna,	Stone, Mo.
Bingham,	Haugen,	McKinley,	Symes,
Bowen,	Hayden,	McRae,	Taylor, J. D., Ohio
Brewer,	Henderson, Ill.	McShane,	Thomas, Ky.
Brower,	Hermann,	Moffitt,	Thomas, Wis.
Browne, T. H. B., Va.	Hires,	Morse,	Tracey,
Brown, J. R., Va.	Holman,	O'Donnell,	Turner, Kans.
Buchanan,	Holmes,	O'Neill, Pa.	Vandever,
Bunnell,	Hopkins, Ill.	Owen,	Wade
Burrows,	Hopkins, Va.	Patton,	Warner,
Cannon,	Hopkins, N. Y.	Payson,	Weaver,
Caswell,	Houk,	Peel,	Weber,
Cheadle,	Hovey,	Perkins,	White, N. Y.
Clardy,	Jackson,	Peters,	Whiting, Mass.
Clements,	Johnston, Ind.	Phelps,	Wickham,
Conger,	Kelley,	Plumb,	Williams,
Davis,	Kennedy,	Pugsley,	Wilson, Minn.
Dingley,	Kerr,	Romeis,	Yost.
Dorsey,	Ketcham,	Rowell,	
Dunn.	Kilgore,	Russell, Mass.	
Farquhar,	La Follette,	Seymour,	

NOT VOTING—131.

Allen, Mass.	Darlington,	Kean,	Randall,
Allen, Mich.	Davenport,	Laffoon,	Rayner,
Allen, Miss.	De Lano,	Laidlaw,	Reed,
Atkinson,	Dibble,	Lane,	Rice,
Belden,	Dockery,	Lodge,	Rockwell,
Belmont,	Dunham,	Lyman,	Russell, Conn.
Biggs,	Enloe,	Lynch,	Ryan,
Blanchard,	Ermentrout,	Maffett,	Sawyer,
Boothman,	Felton,	Mahoney,	Scull,
Bound,	Finley,	Maish,	Sherman,
Boutelle,	Fitch,	Mansur,	Simmons,
Bowden,	Flood,	Mason,	Spinola,
Browne, Ind.	Foran,	McClammy,	Spooner,
Brown, Ohio	Gaines,	McComas,	Stephenson,
Brumm,	Gay,	McCormick,	Stewart, Vt.
Bryce,	Gibson,	McCreary,	Struble,
Burnes,	Glover,	McCullogh,	Tarsney,
Butler,	Goff,	McKinney,	Taulbee,
Butterworth,	Granger,	Milliken,	Taylor, E. B., Ohio
Campbell, T. J., N. Y.	Greenman,	Montgomery,	Thomas, Ill.
Campbell, F., N. Y.	Grout,	Morgan,	Thompson, Ohio
Campbell, Ohio	Guenther,	Morrill,	Thompson, Cal.
Carlton,	Harmer,	Morrow,	Turner, Ga.
Clark,	Hemphill,	Neal,	Washington,
Cockran,	Henderson, Iowa	Norwood,	West,
Cogswell,	Henderson, N. C.	Nutting,	White, Ind.
Compton,	Hiestand,	O'Neill, Mo.	Whiting, Mich.
Cooper,	Hitt,	Osborne,	Wilber,
Cowles,	Hogg,	Penington,	Wilkins,
Cox.	Hooker,	Perry,	Woodburn,
Crouse,	Hunter,	Phelan,	Yardley,
Cummings,	Hutton,	Pidcock,	Yoder.
Cutcheon,	Johnston, N. C.	Post,	

So the House refused to adjourn.

The SPEAKER *pro tempore*. The Clerk will announce the pairs.

The following-named members were announced as paired on all political questions until further notice:

Mr. COX with Mr. EZRA B. TAYLOR.
Mr. BACON with Mr. DAVENPORT.
Mr. CAMPBELL, of Ohio, with Mr. BUTTERWORTH.
Mr. GLOVER with Mr. GOFF.
Mr. TIMOTHY J. CAMPBELL with Mr. BELDEN.
Mr. TAULBEE with Mr. SHERMAN.
Mr. HOWARD with Mr. BROWN, of Ohio.
Mr. PIDCOCK with Mr. PHELPS.
Mr. HUTTON with Mr. STRUBLE.
Mr. NORWOOD with Mr. COOPER.
Mr. HENDERSON, of North Carolina, with Mr. FLOOD.
Mr. MCSHANE with Mr. GUENTHER.
Mr. WHITE, of New York, with Mr. COCKRAN.
Mr. GREENMAN with Mr. THOMAS, of Illinois.
Mr. FORAN with Mr. WEST.
Mr. STEWART, of Vermont, with Mr. OATES.
Mr. DOUGHERTY with Mr. PETERS.
Mr. CARLTON with Mr. RUSSELL, of Connecticut.
Mr. HEMPHILL with Mr. MCCULLOGH.
Mr. GRANGER with Mr. ROCKWELL.
Mr. CUMMINGS with Mr. MCCORMICK.
Mr. ENLOE with Mr. BUTLER.
Mr. BURNETT with Mr. ALLEN, of Massachusetts.
Mr. WILKINS with Mr. DE LANO.
Mr. NEAL with Mr. MORRILL.
Mr. PERRY with Mr. BRUMM.
Mr. BRYCE with Mr. LAIDLAW.
Mr. MAHONEY with Mr. OSBORNE.
Mr. FELIX CAMPBELL with Mr. MCCOMAS.
Mr. MORGAN with Mr. ATKINSON.
Mr. MCCLAMMY with Mr. NICHOLS.
Mr. O'NEILL, of Missouri, with Mr. WOODBURN.
Mr. LANE with Mr. WILBER.
Mr. FORAN with Mr. DUNHAM.
Mr. REED with Mr. DOCKERY.
Mr. WHITING, of Michigan, with Mr. ALLEN, of Michigan.
Mr. FISHER with Mr. CUTCHEON.
Mr. BLOUNT with Mr. BINGHAM.
Mr. BURNES with Mr. HENDERSON, of Iowa.
Mr. ERMENTROUT with Mr. LODGE.
Mr. BYNUM with Mr. STEVENSON.

The following-named members were announced as paired for this day:

Mr. SPINOLA with Mr. YARDLEY.
Mr. RANDALL with Mr. HARMER.
Mr. HOOKER with Mr. FITCH.
Mr. DIBBLE with Mr. BOWDEN.
Mr. COWLES with Mr. BOOTHMAN.
Mr. HOGG with Mr. TURNER, of Kansas.

The following-named members were announced as paired for two days:

Mr. PENINGTON with Mr. FINLEY.

The result of the vote was announced as above stated.

Mr. MILLS. Regular order.

Mr. ANDERSON, of Iowa. I call for the reading of the bill which I have already sent to the desk.

Mr. WILLIAMS. Let us take up the dependent pension bill.

The SPEAKER *pro tempore*. The reading of the bill introduced by the gentleman from Iowa is asked for, and the Clerk will proceed to read it.

Mr. HATCH. I ask the Chair whether under the order of the House we will not adjourn at 5 o'clock?

The SPEAKER *pro tempore*. That is the standing order.

Mr. HATCH. It is certain this bill can not be read between now and 5 o'clock, and in the interest of the reading clerks I hope gentlemen will agree to the motion to adjourn. I make that motion.

The motion was agreed to; and accordingly (at 3 o'clock and 20 minutes p. m.) the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. ABBOTT: A bill (H. R. 10682) for the relief of Cynthia J. Lewis—to the Committee on War Claims.

By Mr. BINGHAM (by request): A bill (H. R. 10683) for the relief of William Brice & Co. and others—to the Committee on Claims.

By Mr. BOOTHMAN: A bill (H. R. 10684) granting a pension to Christian Shaffer—to the Committee on Invalid Pensions.

By Mr. BREWER: A bill (H. R. 10685) granting a pension to Columbus C. Patrick—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 10686) granting a pension to John L. Treanor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10687) granting a pension to Charles Junot—to the Committee on Pensions.

Also, a bill (H. R. 10688) granting a pension to John K. Ferguson—to the Committee on Pensions.

Also, a bill (H. R. 10689) for the relief of Mrs. Emily Oldham—to the Committee on War Claims.

Also, a bill (H. R. 10690) for the relief of Joseph F. Hawley—to the Committee on War Claims.

By Mr. GALLINGER: A bill (H. R. 10691) to increase the pension of Mary A. Bedel—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 10692) granting a pension to Ellen D. Scott—to the Committee on Invalid Pensions.

By Mr. HOUK: A bill (H. R. 10693) to remove the charge of desertion from the military record of William Sexton—to the Committee on Military Affairs.

By Mr. JOSEPH: A bill (H. R. 10694) granting a pension to John W. Ellis—to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 10695) granting an increase of pension to Caroline V. English—to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 10696) for the relief of Mrs. Sallie Ball—to the Committee on Claims.

By Mr. LONG: A bill (H. R. 10697) for the relief of Elizabeth G. Mitchell—to the Committee on Military Affairs.

By Mr. McSHANE: A bill (H. R. 10698) granting a pension to Daniel Sarver—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 10699) granting a pension to Charles Thurston—to the Committee on Invalid Pensions.

By Mr. PEEL: A bill (H. R. 10700) granting a pension to John M. Bailey—to the Committee on Pensions.

Also, a bill (H. R. 10701) for the relief of Mrs. Barbara A. Skeen—to the Committee on War Claims.

By Mr. J. D. STEWART (by request): A bill (H. R. 10702) granting a pension to Emilio Caraleri—to the Committee on Invalid Pensions.

By Mr. CHARLES STEWART: A bill (H. R. 10703) for the relief of the heirs of John Wooten, deceased—to the Committee on Claims.

By Mr. WADE: A bill (H. R. 10704) granting an increase of pension to Joshua H. Graves—to the Committee on Invalid Pensions.

By Mr. WEBER: A bill (H. R. 10705) granting a pension to Mary L. Tanner—to the Committee on Invalid Pensions.

By Mr. WILKINSON: A bill (H. R. 10706) for the relief of Alphonse Desmarc—to the Committee on War Claims.

By Mr. YODER: A bill (H. R. 10707) authorizing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Hot Springs Mountain reservation, which had been condemned by the Hot Springs Commission and afterwards burned, and to fix a reasonable value for each of said buildings from the evidence now on file in the Interior Department—to the Committee on Claims.

Also, a bill (H. R. 10708) granting a pension to Jane E. Knoble—to the Committee on Invalid Pensions.

By Mr. GLASS: Joint resolution (H. Res. 190) referring the claims of F. F. Bailey and Jordon Broadaway to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ABBOTT: Petition of Cynthia J. Lewis, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. CARUTH: Papers to accompany bill for the relief of Mrs. Emily Oldham—to the Committee on War Claims.

Also, papers relating to the claim of John K. Ferguson and of Charles Junot—to the Committee on Pensions.

Also, papers to accompany House bill No. 3679 to pension Priscilla Prime—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to John S. Manor—to the Committee on Invalid Pensions.

By Mr. CLARK: Petition of Hollis Stedman and others, of Green Lake County, Wisconsin, for better protection to wool and woolen manufacturing interests of the country—to the Committee on Ways and Means.

By Mr. COLLINS: Memorial and resolution of the board of aldermen and common council of Boston, Mass., for the passage of joint resolution granting the use of Castle Island to the city for park purposes notwithstanding the President's veto—to the Committee on Military Affairs.

By Mr. GLASS: Petition of Ned Bright, of Squire Gardner, of Elizabeth E. Jordan, of M. D. L. Jordan, administrators of William Jordan; of estate of J. Robinson, of Mary J. Light, of William H. Landrum, and of James Cronan, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GROSVENOR: Joint memorial of the Board of Trade, Commercial, Maritime, and Drug Exchanges, and Vessel-Owners and Captains' Association opposing Senate bill No. 1448 and House bill No. 4923—to the Committee on Rivers and Harbors.

By Mr. HERMANN: Petition of wool-growers of Oregon, asking for revision of the law classifying worsteds, so as to make them woolen cloths—to the Committee on Ways and Means.

By Mr. HOVEY (by request): Petition of Solomon Salin, of Troy, Ind., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. LIND: Memorial of the Zach. Taylor Post, Grand Army of the Republic, of Fulda, Minn., praying for the passage of the dependent pension bill—to the Committee on Invalid Pensions.

By Mr. LONG: Petition of Boston Board of Marine Underwriters and others, in favor of House bill No. 10183, for a light-ship off Nantucket, Mass.—to the Committee on Commerce.

Also, petition of Elizabeth G. Mitchell, for removal of charge of desertion—to the Committee on Military Affairs.

By Mr. MILLIKEN: Petition of Charles Thurston, for a pension—to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: Petition of Eli H. Stone and others, for amendments to the interstate-commerce act—to the Committee on Commerce.

By Mr. O'FERRALL: Petition of Mary F. Lewis, of Clarke County, Virginia, for reference of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. J. O'NEILL: Petition of James M. White and others, employés of the Government Printing Office, urgently requesting the Committee on Labor to visit that office and make a personal inspection of its wants and necessities as a workshop wherein the Government work is performed, and as to its capacity and conveniences for the employment of men and women in mechanical trades—to the Committee on Labor.

By Mr. PEEL: Petition of citizens of Baxter County, Arkansas, for needful amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of B. A. Skeen, widow of Wilson Skeen, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. RICHARDSON: Petition of Nancy Farris, of Elizabeth B. Dickey, of Elizabeth Duncan, of Charles L. Jones, of Thomas B. McElroy, of A. W. Bowers, of William B. Jennings, of Jacob Vanhoover, of Rachael Fanning, of Margaret Kines, of Mrs. A. J. Collins, and of David Hamilton, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. STOCKDALE: Petition of Willis Carter, of Natchez, Miss., for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. THOMPSON: Petition of citizens of Gallia County, Ohio, for protection to wool-growing and woolen-manufacturing industries of the country—to the Committee on Ways and Means.

By Mr. WILKINSON: Petition of James E. Chappel, for a pension—to the Committee on Invalid Pensions.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. FRENCH: Of citizens of Portland, Conn.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. GEAR: Of 132 citizens of Des Moines and Washington Counties, Iowa.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 3, 1888.

The House was called to order at 11 o'clock a. m. by Mr. CRISP, as Speaker *pro tempore*, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 3, 1888.

SIR: I hereby designate Hon. CHARLES F. CRISP to preside as Speaker *pro tempore* at the session of the House of Representatives to-day.

J. G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read, corrected, and approved.

AMENDMENT OF LAND LAWS.

The SPEAKER *pro tempore* laid before the House the joint resolution (H. Res. 184) to amend the joint resolution approved May 14, 1888, relating to the disposal of public lands in certain States.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *July* 2, 1888.

Resolved, That this joint resolution pass with an amendment.

Mr. ROBERTSON. I ask unanimous consent that the House concur in the Senate amendment to the resolution which has just been read.

The Clerk reported the amendment, as follows:

Page 1, at the end of line 4, add:

"And the provisions of said joint resolution as hereby amended are extended until the close of the present Congress."

Mr. HOLMAN. I hope that amendment will be concurred in.

There was no objection, and the amendment was agreed to.

Mr. ROBERTSON moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS FLINT RIVER, GEORGIA.

The SPEAKER *pro tempore* also laid before the House the bill (H.

R. 5096) authorizing the construction of a bridge across the Flint River, in the State of Georgia.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June* 30, 1888.

Resolved, That this bill pass, with amendments.

Mr. ROGERS. On behalf of the presiding officer [Mr. CRISP] I ask unanimous consent to concur in the Senate amendments to the House bill.

The Clerk reported the amendments, as follows:

Page 2, line 18, after the word "war," insert "the construction of."
Page 2, line 18, strike out "built" and insert "commenced."
Page 3, line 1, strike out "Congress" and insert "the Secretary of War."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the Senate amendments? The Chair hears none.

The amendments were agreed to.

BRIDGE AT FORT SMITH, ARK.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June* 30, 1888.

Resolved, That this bill pass, with amendments.

Mr. ROGERS. Mr. Speaker, there are two formal amendments to this bill, one simply changing the word "Congress" to the "Secretary of War," and the other providing that if the bridge is not constructed within three years it shall be forfeited without any judicial or legislative act.

I ask unanimous consent to concur in these two amendments.

The SPEAKER *pro tempore*. The Clerk will report the amendments.

The Clerk reported the amendments as follows:

Page 3, line 26, strike out "Congress" and insert "Secretary of War."
Page 4, line 4, after "bridge," insert "under the provision of this act."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the Senate amendments? The Chair hears none.

The amendments were agreed to.

Mr. ROGERS moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANNIE GIBSON YATES.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 7708) to increase the pension of Annie Gibson Yates.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June* 30, 1888.

Resolved, That this bill pass with an amendment.

Referred to the Committee on Invalid Pensions.

PROMOTION OF ASSISTANT SURGEONS, UNITED STATES ARMY.

The SPEAKER *pro tempore* also laid before the House the bill (S. 35) to authorize the promotion of certain assistant surgeons of the Army after twenty years' service; which was read a first and second time, and referred to the Committee on Military Affairs.

GEORGE E. W. SHARRATTS.

The SPEAKER *pro tempore* also laid before the House the bill (S. 59) for the relief of George E. W. Sharratts; which was read a first and second time, and referred to the Committee on Claims.

LIFE-SAVING STATIONS.

The SPEAKER *pro tempore* also laid before the House the bill (S. 705) to establish additional life-saving stations; which was read a first and second time, and referred to the Committee on Commerce.

LIGHT-HOUSE WHARF, ASTORIA, OREGON.

The SPEAKER *pro tempore* also laid before the House the bill (S. 707) providing for the purchase of a site and the construction of a wharf at Astoria, Oregon, for the use of the light-house establishment; which was read a first and second time, and referred to the Committee on Commerce.

SENATE BILLS REFERRED.

The SPEAKER *pro tempore* also laid before the House Senate bills of the following titles; which were severally read twice, and referred as indicated below:

The bill (S. 2449) granting a pension to the widow of G. K. Warren—to the Committee on Pensions.

The bill (S. 2778) making an appropriation for the purchase of a site and the construction of a light-house on the headlands near the mouth of the Umpqua River in the State of Oregon—to the Committee on Commerce.

The bill (S. 1521) for the relief of M. C. Mordecai—to the Committee on Claims.

The bill (S. 1438) providing for the appointment of assistants to the chiefs of bureaus of the Navy Department—to the Committee on Naval Affairs.

The bill (S. 1257) for the relief of Mrs. Sarah H. Wood—to the Committee on War Claims.

REPRESENTATIVES OF HENRY S. FRENCH.

The SPEAKER *pro tempore* also laid before the House the bill (S. 82) for the relief of the legal representatives of Henry S. French.

Mr. WASHINGTON. Mr. Speaker, I ask unanimous consent that that bill be now put upon its passage. It merely provides to refer the case to the Court of Claims for adjudication. The claim has been favorably reported to this House, and it has been acted upon favorably by both Houses in previous Congresses.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, etc., That the legal representatives of Henry S. French, deceased, late of Nashville, Tenn., be, and are hereby, authorized to bring suit in the Court of Claims for the recovery of the net proceeds of 230 bales of cotton taken at Jonesborough, Ga., in September, 1864, by General William G. Le Duc, by order of General Sherman, and turned over to the Treasury agent, and by him sold and the proceeds paid into the Treasury of the United States; and for this purpose jurisdiction is hereby conferred upon said court to hear and determine and render judgment in conformity with the rights of the respective parties: *Provided*, That an appeal shall lie in said cause from said court to the Supreme Court as in other cases.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. SPRINGER. I would like to have the report read, reserving the right to object.

The SPEAKER *pro tempore*. It is a Senate bill which has just been laid before the House, and of course there is no House report.

Mr. SPRINGER. Is there a House bill for the same purpose?

The SPEAKER *pro tempore*. The Chair is not informed as to that.

Mr. KERR. Has the case been referred to a committee?

Mr. WASHINGTON. The case has been favorably reported to the House by Mr. GAINES, of Virginia.

Mr. THOMPSON, of Ohio. I move that the bill be referred to the Committee on War Claims.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Tennessee [Mr. WASHINGTON] that this bill be now considered?

Mr. BYNUM. I object.

ANCHORAGE OF VESSELS OFF THE PORT OF NEW YORK.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a report and submitting an estimate of an appropriation for carrying into effect the provisions of the act in relation to the anchorage of vessels off the port of New York; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. BACON, indefinitely, on account of important business.

To Mr. JOHNSTON, of North Carolina, indefinitely, on account of sickness.

To Mr. CARLTON, indefinitely, on account of sickness in his family.

To Mr. SMITH, of Wisconsin, for ten days, on account of important business.

To Mr. HAYDEN, indefinitely, on account of important business.

To Mr. LANDES, indefinitely, on account of important business.

REPRESENTATIVES OF HENRY S. FRENCH.

Mr. WASHINGTON. Mr. Speaker, I ask unanimous consent that the bill (S. 82) for the relief of Henry S. French lie for the present on the Speaker's table.

There was no objection, and it was so ordered.

CHANGE OF REFERENCE.

By unanimous consent the Committee on Expenditures in the Treasury Department was discharged from the further consideration of the bill (S. 653) defining the positions and salaries of assistant astronomers at the United States Naval Observatory, and for other purposes; and it was referred to the Committee on Naval Affairs.

POST-OFFICE APPROPRIATION BILL.

Mr. BLOUNT. I am directed by the Committee on the Post-Office and Post-Roads to report back the Post-Office appropriation bill with the Senate amendments and certain recommendations of the committee.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9345) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1889.

Mr. BLOUNT. There were seven amendments made by the Senate to the Post-Office appropriation bill.

The first amendment strikes out the paragraph providing "for compensation to clerks in post-offices for unusual business, as contemplated by Revised Statutes, section 3863, $50,000." The House committee recommend non-concurrence in the amendment of the Senate striking out that item.

The second amendment of the Senate strikes out the appropriation "for rent, light, and fuel to post-offices of the third class, $650,607," and proposes to insert in lieu thereof "$450,000." The committee recommend non-concurrence in that amendment.

The third Senate amendment is the insertion of a proviso in connection with the appropriation for rent, light, and fuel to post-offices of the third class, which proviso is in these words:

Provided, That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of $300, nor more than $60 for fuel and lights in any one year, nor shall any contract be made calling for the payment of either rent, or fuel, or lights beyond the fiscal year 1889.

The committee recommend non-concurrence in the amendment.

The fourth amendment made by the Senate strikes out the following provision in the House bill:

The Postmaster-General in his discretion may hereafter allow rent, light, and fuel at offices of the third class, in the same manner he does now at offices of the first and second classes.

The committee recommend non-concurrence in this amendment.

The fifth amendment of the Senate is—

For the additional expense of the free-delivery service made necessary by the act entitled "An act to limit the hours that letter-carriers in cities shall be employed per day," approved May 24, 1888, $1,000,000.

The committee recommend concurrence in this amendment.

The sixth amendment of the Senate provides—

That hereafter the postage on seeds, cuttings, bulbs, roots, and scions shall be charged at the rate of 1 cent for each eight ounces or fraction thereof, subject in all other respects to the existing law.

I beg to call attention to the fact that under the terms of this amendment the postage on seeds, cuttings, bulbs, etc., would be reduced to 2 cents a pound, while the debate in the Senate discloses the fact that the purpose of the Senate in adopting the amendment, as of the gentleman who offered it, was that the rate should be 8 cents a pound. By some clerical error the rate has been fixed in this amendment at 2 cents a pound. The committee recommend non-concurrence in this amendment.

Mr. STEELE. What is the present rate?

Mr. BLOUNT. Sixteen cents a pound.

The seventh amendment is what some of us term the "subsidy amendment," though other gentlemen might prefer some other designation. I will read the amendment:

To provide more efficient mail service between the United States and Central and South America and the West Indies, $800,000. To promote the purposes of this appropriation the Postmaster-General is hereby authorized and directed to contract with American built and registered steam-ships for the transportation of the United States mails to such ports in said countries as in his judgment will best subserve said postal service. Said contracts shall be for a period of not less than five nor more than ten years, at a compensation not exceeding for each outward trip $1 per nautical mile of the distance in the most direct and feasible sailing course between the terminal points as shall be found expedient and desirable to secure the ends above set forth.

The Postmaster-General shall cause schedules to be furnished by the contractors stating dates of departure of steam-ships from the United States six months in advance, and in case of unreasonable failure of any steam-ship or steam-ships to depart with mails on the date or dates therein stated, the Postmaster-General may withhold from the contractor or contractors as penalty one-half the contract price for said trip or trips, and in the event of continued failure to depart on dates stated in the schedule the Postmaster-General may annul the contract or contracts, or the same may be terminated by Congress.

The committee recommend non-concurrence in this amendment. There is a division of opinion in the committee in relation to the merits of the amendment; but I believe there is a unanimous feeling on the part of all the members of the committee that at this stage of proceeding it is better to non-concur in the amendment and let it go to the committee of conference. It is believed that in reference to all the amendments, save what I have designated as the "subsidy amendment," there has not been the fullest information in the possession of the Senate—at least not so full information as was in the possession of the House, and which was not, by reason of the limitations on debate, brought to light in the discussion upon the passage of the bill.

It is therefore deemed best to non-concur in all these amendments, trusting that we shall reach in the committee of conference a conclusion satisfactory to the House.

Mr. HOLMAN. Is it proposed to non-concur in the letter-carrier amendment?

Mr. BLOUNT. We recommend concurrence in the fifth amendment with relation to letter-carriers, because a careful estimate made under the direction of the Postmaster-General discloses the fact that the appropriation proposed in that amendment is the least sum that can be got along with in order to execute the law; and the House committee agree entirely with the Senate in thinking it advisable to get that matter out of the way. The committee therefore recommend non-concurrence in all the amendments, numbering seven, except the fifth amendment. Therefore, unless some gentleman desires a separate vote, I will move to non-concur in all the amendments except the fifth, and ask a committee of conference.

I also ask to be permitted to print in the RECORD the views of the Postmaster-General in reference to all these amendments.

The SPEAKER *pro tempore*. The gentleman from Georgia asks leave to print in the RECORD a letter of the Postmaster-General in relation to the pending amendments. Is there objection? The Chair hears none.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., July 2, 1888.

SIR: In compliance with your request I have the honor to return herewith H. R. 9345, with my views upon the several amendments, which appear by erasures and italics, and are numbered 1, 2, 3, 4, 5, 6, and 7.

1. "For compensation to clerks in post-offices for unusual business, as contemplated by Revised Statutes, section 3963, $50,000."

In my opinion, this provision of the appropriation bill should be retained. Very early in my administration of this Department my attention was called to many cases where visitors attracted by business enterprise, in pursuit of health, or for other considerations, had been drawn in such numbers to localities as to completely overwhelm the ordinary means and facilities provided by the Department for the service of the mails at such places. In one place the population increased from 20,000 to 80,000 in four months. The result was that not only were there no adequate means to serve the public at the local post-offices, but what there were, were prostrated. By the ordinary legal methods under which allowances might be increased at such places, by an advance in class—third and fourth class offices—there could be no advance, and consequent allowances to such offices, except upon quarterly returns of business; and even then unless the office reached the grade of second-class upon such returns no allowance could be made for such an exigency, to enable it to employ clerks, or to provide adequate quarters for conducting the increased business. There was no fund on hand from which an extraordinary allowance could be made under the statute above referred to. There had been no fund provided from which it could be allowed. And even if the appropriation for clerk-hire of first and second class offices could have been drawn upon legally, which a proper construction of the statute would not permit, there was no fund in that appropriation which could be spared. Obligations for which no appropriation had been made could not be incurred. In this state of things I had the honor to submit to Congress an estimate for an urgent deficiency appropriation embracing an amount to relieve these cases. That appropriation was promptly voted and relief was granted, after great hardship borne by a very large number of citizens from the delay.

Every observant citizen knows that in this country, with an exceptionally restless and enterprising people, with facilities for rapid and safe travel to every part of the land, the conditions above described frequently occur, and must continue to do so. Power and means should be at hand to give instant relief. In so far as the Government serves its citizens it should care for them whether at home, at summer or winter resorts, upon their travels, in their business enterprises, and at all places which know them. It has been suggested that this small sum provided might be used to increase the salaries of postmasters under the statute above cited; but the estimate, and the bill as drawn, provide for nothing but clerical assistance in the extraordinary cases specified. The appropriation should be made separately, so that there may be no confusion and no trenching upon the regular appropriation for clerk-hire, which is barely sufficient for the purposes for which it is appropriated with a properly economical administration of the fund. Applicants for this relief should know that the fund is limited, and that the case must be one strictly within the object of the appropriation before it can be trenched upon.

2 and 3. "For rent, light, and fuel to post-offices of the third class, $450,000: *Provided*, That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of $300, nor more than $60 for fuel and light in any one year; nor shall any contract be made calling for the payment of either rent or fuel or lights beyond the fiscal year 1889."

In my opinion the item for rent, fuel, and light for post-offices of the third class should be restored as originally fixed, to $650,607. There should be no arbitrary limitation of the allowances from the fund to the ten different grades of this class as proposed. There are 1,908 third-class offices, the aggregate of whose gross receipts reaches $7,202,808, an amount equal to the gross receipts of all the more favored second-class offices. The business of these offices differs in amount and largely differs in the work imposed. The gross receipts range from $1,900 to $8,000. The business of separating and preparing mail to send out to other points on star routes or railroad routes does not appear in gross receipts. In the majority of the third-class offices mails are received, not for local distribution, but for retransmission, without new payment of postage, for distribution on subroutes of which the third-class office is the local terminus. If the limit named in the proviso for rent, fuel, and lights were assigned to each of the third-class offices the amount required would be $688,889, but many, in all fairness in the interest of good service, would require more than that limit, and many would require less. Certain it is, that if relief at all is to be given to these offices, which constitute over 75 per cent. of the Presidential post-offices of the country, and on whom rests the chief burden of the business outside the great cities, the amount should be at least the original estimate.

Under the present law, on the face of the relations between the Government and the third-class postmasters, the Government offers each a salary of from one thousand to two thousand dollars. Practically, however, the supposed recipient of the salary does receive it, but pays it out again—save as he may be relieved by special but wholly inadequate allowances for separating service—to secure quarters for the proper transaction of the public business, and for necessary help or clerk-hire to enable him to properly serve the mails, and for furniture, fixtures, and stationery.

As I have before had occasion to state, after a careful consideration of the whole subject, the policy pursued by the Government towards those who serve in the capacity of third and fourth class postmasters has not been such as is worthy of this enlightened, liberal, prosperous, and just Republic. The treatment of the fifty-six thousand seven hundred and eighty-five offices of the third and fourth classes, who do the business of the country at large, does not compare favorably with the properly liberal policy pursued toward the less than six hundred offices of the first and second classes, comprising those which transact the business in the cities.

As well stated by my distinguished predecessor, the late Hon. T. O. Howe—

"Every postmaster receiving less than $2,000 per annum finds his own office, furniture, warms and lights it, does his own work, and buys his own stationery; but the moment his salary reaches $2,000 the whole condition is changed. Then the office may be, and usually is, provided by the Government; is furnished, warmed, and lighted by the Government. His stationery and his clerks are paid for by the Government. In possible if not actual cases the salary is a mere sinecure for which no service is rendered beyond signing the official papers."

It may be said, too, of the fourth-class offices that through all reductions of postage the amount of postage received has furnished the standard of compensation. No other standard has been adopted and no other readjustment of compensation has been made which in justice is required, especially when the increased labor imposed by increased business has resulted from lower postage, which has at the same time reduced compensations.

There are now first and second class offices as follows:

First-class	97
Second-class	497
	594
Of these there are in Government buildings paying no rent	91
	503

Irrespective of the comparatively large salaries paid to Presidential postmasters of these two classes, the following are the appropriations made for their maintenance:

Rent, fuel, and light for but 503 offices, including stations	$550,000
Compensation to clerks, 594 offices	5,950,000
Free-delivery service for same	7,000,000
Furniture for same	25,000
Such post-office supplies as in which third-class offices do not share (estimated)	40,000
	14,565,000
Salaries to first and second class postmasters are	1,318,500
	15,883,000

The gross receipts of the first and second class offices are 31,246,413

It will be seen that there is paid out for the business of first and second class offices about 50 per cent. of the gross receipts.

The aggregate of the gross receipts of the third-class offices is $7,202,308

They have no allowances for rent, fuel, and light. No allowances for clerk-hire (save as may be assigned under a special statute for separating service,

amounting in the aggregate to but $268,734). So that the nineteen hundred and eight third-class offices can claim nothing but the salaries aggregating $2,561,300.

I append herewith the tables furnished me by the chief of the salary and allowance division from which the above figures have been gathered.

If it is still contemplated to afford any amendment to the condition of the fourth-class offices, I may add for your information that on returns just completed for the four quarters ended March 31, 1888, the aggregate postal revenues from those offices was $13,031,190.90.

The postal revenue of the third and fourth class offices together for the same period is $20,233,498.90; of the first class for that period it is $23,316,337.

"4. The Postmaster-General, in his discretion, may hereafter allow rent, light, and fuel at offices of the third class in the same manner he does now at offices of the first and second classes."

For the reasons I have heretofore given, I do not think there should be an arbitrary limitation on the Postmaster-General's discretion as provided in the provision (3) above quoted. The provision, however, should be amended, for the reason that the standard applied to first and second class offices would not serve for third class offices, as the system of compensation by box-rents and commissions does not apply. In my opinion, a limitation upon the discretion of the Department should be imposed by providing a maximum allowance by a system of percentages on the gross receipts, and I suggest that this be fixed at 8 per cent. with a proviso that nothing herein contained shall be construed as taking away the power of the Postmaster-General to allow for separating as at present; such allowances to come from this fund.

5. "For the additional expense of the free-delivery service, made necessary by the act entitled 'An act to limit the hours that letter-carriers in cities shall be employed per day,' approved May 24, 1888, $1,000,000."

You have already had my views that the appropriation of $1,000,000 to carry out the provisions of the eight-hour law is adequate and needed.

6. "That hereafter the postage on seeds, cuttings, bulbs, roots, and cions shall be charged at the rate of 1 cent for each 8 ounces or fraction thereof, subject in all other respects to existing law."

I have had the honor to express my views on the subject of postage on seeds, cuttings, bulbs, roots, and cions in several previous communications. I can not doubt that the amendment inserted in the accompanying bill, as printed, inasmuch as it provides that the postage shall be "at the rate of 1 cent for each 8 ounces or fraction thereof" is a clerical error. I do not understand that it has ever been contemplated that this postage should be reduced more than one-half. I have not before heard that it had been suggested to reduce that postage to 2 cents per pound.

SUBSIDY.

The remaining provision of the bill is as follows:

7. "To provide more efficient mail service between the United States and Central and South America and the West Indies, $800,000. To promote the purposes of this appropriation the Postmaster-General is hereby authorized and directed to contract with American built and registered steam-ships for the transportation of the United States mails to such ports in said countries as in his judgment will best subserve said postal service. Said contracts shall be for a period of not less than five nor more than ten years, at a compensation not exceeding, for each outward trip, $1 per nautical mile of the distance in the most direct and feasible sailing course to secure the ends above set forth.

"The Postmaster-General shall cause schedules to be furnished by the contractors, stating dates of departure of steam-ships from the United States six months in advance, and in case of unreasonable failure of any steam-ships to depart with mails on the date or dates therein stated the Postmaster-General may withhold from the contractor or contractors as penalty one-half the contract price for said trip or trips, and in the event of continued failure to depart on dates stated in the schedule the Postmaster-General may annul the contract or contracts, or the same may be terminated by Congress."

It will hardly be claimed for this legislation that it is either demanded or required, or that it can be utilized for the benefit of the postal service merely. The resources and powers of the Department have proved entirely adequate to afford to the citizens of the United States a foreign mail service equal to, and in most cases superior to, that of any nation in the world. Nine-tenths of our foreign letter mail crosses the Atlantic, and the settled policy of the Department has been to employ the swiftest vessels from week to week for carrying the mails. The Department, at the request of prominent merchants, importers, and bankers of the United States having commercial relations with foreign countries, has endeavored to induce foreign postal administrations to adopt a similar policy to promote expedition and security in correspondence.

Under the present system, on routes other than to European ports, mails have been carried in American steam-ships at four times the rates paid for transatlantic service, although no foreign vessel has ever refused or hesitated to accept the sea postage, or one-fourth the rate paid to American bottoms. Under the present conditions the Central and South American letter mail increases at the rate of about 10 per cent. in weight a year, and the number of sailings to West Indian and Central and South American ports from the three ports of New York, New Orleans, and San Francisco increased in the fiscal year ending June 30, 1887, from 712 to 831. In addition to the compensation paid in money, all common carriers by water are greatly benefited by carrying the mail. Provision for their benefit in Brazilian ports are as follows: Mail steamers are allowed to immediately discharge their cargoes, preference being given them before any other vessel and before they have been entered at the custom-house, both on week days and on Sundays or holidays.

They may sail at any hour, day or night, after they have received the mail, and can not be detained under any pretext whatever beyond the hour fixed for sailing. Similar benefits are provided for mail steamers at other West Indian and Central and South American ports. While the Department in every case has given the preference to American ships at four times the cost of carriage on competing foreign ships as permitted by law, yet in very many cases because of very much greater expedition or because of the absence of proper facilities in American steamers, or because of very great delays, the other ships offering have been given the business at the lower rate on the principle that the first duty of the Department to our citizens under the law was to give them the best, most expeditious, and certain mail facilities within its resources.

If there shall be superadded to the functions of postal administration that of administering a subsidy or a bounty for the promotion of American shipping interests I can readily see why, in practice, these two offices must so conflict that, so far from being of advantage to and promoter of efficient mail service, such a subsidy, with such a purpose, in the hands of the Postmaster-General must antagonize and overbear the primary object of his office, which is to give to the correspondence of our citizens the best expedition and certain transmission. If the bounty or bonus system is to be revived, it should be done without involving this Department in the complications certain to arise from administering it, and without hampering its fundamental rule of action, which is that the mails must go at all events.

While we granted aid to Pacific railroads, with conditions imposed that the mails should be carried for a credit on the debt, yet the Department was left free to employ better or more expeditious routes in its discretion. The proposed legislation will be in effect a mandate to the Postmaster-General to contract with American-built as well as American-registered steam-ships for the transportation of the mails to the ports of Central and South America and the West Indies for a period of not less than five years and with a compensation for each outward trip of $1 per mile. There is no condition for advertisement, and indeed, unlike even the British subsidy acts, competition is not contemplated or permitted, as the contracts are to be limited to American ships, and as to these will be practically limited to those now in existence, between whom there is comparatively no competition because of the number which can be employed in the service.

In the present conditions the proposed law might as well have named the few persons to whom this money is to be paid. Even the laws (Revised Statutes, sections 3976 and 4203) under which American ships might be compelled to carry the mails have been repealed (23 United States Statutes at Large, 58), and it goes without saying that the proposed legislation intends the Department to pay the maximum rate provided, *i. e.*, $1 per nautical mile for five years, to these few persons, without troubling them with any negotiations as to terms, and, indeed, as you will observe, without even the lodgment of discretion in the Department to designate from what ports of the United States the mails shall sail. It may be said in passing that presumably the "terminal points" from which sailings will be made, if self-interest, as is usually the case, governs, will be those from which the greatest number of nautical miles may be computed, rather than from those at which the convenience and needs of the service would be suited. It may be noted also that the schedules of sailings are to be furnished by the contractors, and not by the Postmaster-General; altogether from an analysis of the proposed legislation it would seem to exclude the exercise of any power of any representative of this Government to provide for this mail service in the interest of the people, except after contract, which must be on the carrier's own terms and after the carriers have fixed the schedules according to their ideas of what the mail service should be, to compel them to conform to their own expressed views and decision as to the public convenience and the public interests.

I beg you to believe that in this criticism of the bill I am not commenting unfavorably at this place upon a policy of granting bounties to American ships. I do think, however, that the carrying out of that policy should not be involved in the postal administration. Such gifts should be voted and given directly, if the Government shall determine to pursue a policy of engaging in this branch of private business. With very great respect, however, to the framers of the bill, I do seriously object to that provision of the proposed legislation which places the mail service at the mercy of any firm, individual, or corporation. While, indeed, the subsidized lines might be compelled to carry the mails if tendered, yet the Department should be independent, and should at all times be enabled to send the mails by the most expeditious routes and make use of the best facilities afforded for that purpose from among all carriers offering. The Department should be free to take advantage of all sailings, of increased facilities coming from increased business, of changes for the better wrought by time, extension of commerce, and competition, and should not be tied up for a decade to single lines of communication, unstimulated to improvement and all progress by the existence of a settled, inordinate, and certain income.

Herewith I furnish you two tables, marked "A" and "B." From them you will see that the mails of this country were carried to Central and South America and the West Indies for the fiscal year ended June 30, 1887, by foreign steamers at a cost of $7,936.27 at the single rate, and by steamers of American register at a cost of $39,381.57. The number of miles sailed by the foreign ships employed was 666,448; the miles sailed by the ships of American register employed were 546,758. It will be seen, on the plan of payment proposed, which is fixed without regard to the amount of mail carried, that the service, which cost us in the fiscal year 1887 $47,317.84, would have cost us, if paid for as proposed, $1,213,206. It is estimated that the weight of mails will be for the next fiscal year increased 20 per cent. over these figures, and from what I have before shown it will be seen that the number of sailings will be increased in about the same ratio over the figures given in Tables A and B. The total cost of the sailings under this bill, predicated upon the business of 1887, can be but an approximate standard by which to estimate the cost under a provision of $1 for every nautical mile for each outward trip.

But without regard to the cost, it is perfectly evident, from an examination of these tables and from the experience of the Department in affording the best attainable service, that "American-built ships" alone, with whom the Department can now contract under this bill, and with which it must contract for a term of years, can not perform the service absolutely essential. Heretofore, as I have said, whenever it has been possible and consistent with the best interests of the public which this Department serves, American ships have been employed to carry the mails at four times the rate paid to foreign ships; yet with this policy steadily maintained, to give proper service at all it has been necessary to employ other carriers, as shown by Schedule A. One of the most serious disadvantages from connecting the proposed subsidy with this Department will be that, even in cases where service is not furnished to certain ports by American ships at all, carriers that might be had will hardly suffer the enormous discrimination in compensation for the carriage of the mails. The conditions would certainly predispose human nature to refuse to perform the service at all.

Again, it will not commend itself to our people if, with this enormous compensation, avowedly for the carriage of the mails, frequency of transmission shall be largely curtailed, even to ports touched by American ships, as must be the case where we pay one carrier about two hundred and fifty times as much as we offer for the same service to another. In my opinion the bill would not be advantageous to the service, but the disadvantages would be positive in so far as this Department is concerned; while if it shall become a law, the Department will of course faithfully administer the fund in accordance with the spirit of the act. I feel confident that such administration will result only in a very great pecuniary benefit to a dozen individuals, at the expense and embarrassment of good service, and of inconvenience, injustice, and material injury to the great body of the people, whose money will be used in the purchase of those results.

Considering this as a subsidy pure and simple, unconnected with the postal service, it becomes a question of general policy with which this Department has nothing to do. The subject has been ably and exhaustively discussed in Congress, notably in the Thirty-fifth, Forty-fifth, Forty-sixth, and Forty-ninth. You, sir, and other distinguished members of the Post-Office Committee as at present constituted, have on the floor of the House presented the learning which the history of the subject, political economy, or the experience of legislation can teach. It has been frequently demonstrated by the experience of this and other countries that to enable one line by Government aid to carry more cheaply and thus to destroy competition, does not promote commerce.* The most successful ocean steamship lines of the Continent—those of Hamburg and Bremen—receive no pay from the government other than the moderate postage rates.† The British precedent is not in point and would not be even if Great Britain did not offer her mail service to the carriers of the world. "Her aims are political and not commercial. She must have constant communication with the colonies, and she has spent large sums for this object. She must have an efficient and capable transport service for the protection of those colonies."‡ The views of that government are stated in Mr. Scudemore's report (Parl. Papers 1867-'8 XII, 131) as follows:

"The question (mail subsidy service) can not be dealt with on commercial principles. * * * For the sake of keeping up such communication with the East as the nation requires they must set commercial principles at defiance, and cost what it may the nation must either pay them what they lose thereby or forego the communication."

* Mercantile marines of foreign countries, Forty-ninth Congress, Ex. Doc. No. 172.

† Forty-fifth Congress, second session, Ex. Doc. No. 38. Forty-sixth Congress, third session, House committee report No. 342.

‡ Hadley.

Of course England may subsidize lines of ships to open up new markets for her surplus, because she freely exchanges commodities with such markets, and her policy is after establishing the commerce to steadily decrease the subsidy. If the policy of giving bounties to promote commercial relations with other countries be ever adopted again after the failures in our history, it would seem that its adoption should be deferred until closer commercial relations with those countries can be maintained, and are not antagonized by an opposing system of laws. Commerce in the very essence of its meaning is exchange. It is not to sell and never to buy. The individual or nation does not exist that will buy all one has to sell for cash with no reciprocal return in profitable exchange. Cargoes out and cargoes back are needed for the creation of a merchant marine. The cargo out will not be bought unless we buy in exchange, and it will be bought if we are willing to trade. Until these conditions come, subsidies may maintain a line so long as the subsidy lasts and then the line will go down for want of legitimate trade. If, however, the subsidy policy is to be pursued, I venture to suggest the Mexican method. When a ship arrives with a cargo the tariff tax is divided with the ship-owner, the latter taking 50 per cent. of the duty on the goods he brings in payment on account of his subsidy. The trading-ship is thus enabled to remit to the consignor, if he will employ his ship, a portion of the government duties, and thus the ship-owner is indeed enabled to promote trade with foreign countries directly. An improvement upon the Mexican method in the interest of the promotion of trade and of the building of ships to conduct it, would be to enable the owners and the builders to receive at the port of consignment in that country still a greater proportion of the duties imposed by the government upon the cargo.

In this way the Mexican ship would be enabled to get her cargo, charge a fair profit for carriage, and sell to the Mexican consumer at a price at which he could conveniently buy, take out a cargo for exchange, and repeat the process, to the cultivation of much closer commercial relations with foreign countries, and to the maintenance of Mexican shipping. Of course, the Mexican method is somewhat cumbersome, and the same end might be reached without indirection and without the payment of a subsidy by the removal or reduction of the Mexican tariff on imports.

While on the subject of closer commercial relations with South and Central America, for the promotion of which the bill under consideration is doubtless intended, I call your attention to some interesting figures. Our total trade with Brazil for the year ended June 30, 1887, was as follows:

Total imports	$52,955,591
Our total exports to Brazil were	8,137,794
Of the imports we imposed no tariff upon	47,076,473
We did impose a tariff upon	5,876,703

Our total trade with Central America for the same period was as follows:

Total imports	$7,706,978
Total exports	3,006,714
Of the imports we imposed no tariff upon	7,195,705
We did impose a tariff upon	441,916

Our total trade with Venezuela was as follows:

Total imports	$8,444,967
Total exports	5,504,215
Of the imports we imposed no tariff upon	8,248,450
We did impose a tariff upon	12,786

Our total trade with the United States of Colombia was as follows:

Total imports	$4,771,303
Total exports	7,158,235
Of the imports we imposed no tariff upon	3,934,559
We did impose a tariff upon	16,594

Our total trade with the Argentine Republic was as follows:

Total imports	$4,104,102
Total exports	6,364,545
Of the imports we imposed no tariff upon	3,347,936
We imposed a tariff upon	752,256

Our total trade with Chili was as follows:

Total imports	$2,863,233
Total exports	2,060,138
Of the imports we imposed no tariff upon	2,634,396
We did impose a tariff upon	228,897

These illustrate the universal rule by which the limitations upon commercial relations and the carrying trade with all the countries of Central and South America may be measured. A comparison of the amount brought into the country free of tariff with what we send in exchange is instructive. It should be noted that of the Brazilian imports free of duty, the large proportion value is the item of coffee, after deducting which the lesson on exchange of trade as bearing on closer relations with all these countries is the same, and the universal one.

I have the honor to be, sir, your obedient servant,

DON M. DICKINSON,
Postmaster-General.

Hon. JAS. H. BLOUNT,
Chairman of the Committee on the Post-Office and Post-Roads, House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., June 28, 1888.

Statement showing the aggregate gross receipts for the four quarters ended March 31, 1888, and the number of Presidential post-offices from July 1, 1888, arranged by first, second, and third classes.

Class.	Number.	Gross receipts.
First	97	$23,816,337
Second	497	7,480,076
Third	1,908	7,202,308
Total	2,502	38,498,721

ALBERT H. SCOTT, *Chief.*

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., June 28, 1888.

PRESIDENTIAL POST-OFFICES.

Statement showing number of post-offices assigned to the first, second, and third classes.

First class:			
Total number June 30, 1888			82
Number relegated to second class, July 1, 1888	1		
Number of second advanced to first, July 1, 1888	16		
Net increase, first class, July 1, 1888		15	15
Total number first class, July 1, 1888			97
Second class:			
Total number June 30, 1888			436
Number of second advanced to first, July 1, 1888	16		
Number of second relegated to third, July 1, 1888	3		
Number of first relegated to second, July 1, 1888	1		
Number of third advanced to second, July 1, 1888	79		
Net increase, second class, July 1, 1888		61	61
Total number second class, July 1, 1888			497
Third class:			
Total number June 30, 1888			1,979
Number of third advanced to second, July 1, 1888	79		
Number of third relegated to fourth, July 1, 1888	28		
Number of second relegated to third, July 1, 1888	3		
Number of fourth advanced to third, July 1, 1888	42		
Net decrease third class, July 1, 1888		62	62
Total number third class, July 1, 1888			1,908
Grand total Presidential post-offices (first, second, and third classes), July 1, 1888			2,502

ALBERT H. SCOTT, *Chief.*

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., July 2, 1888.

Class.	Aggregate of salaries, Presidential postmasters (by classes).			Aggregate of gross receipts, Presidential post-offices (by classes).		
	1887.	1888.	Increase.	March 31, 1887.	March 31, 1888.	Increase.
First	$293,000	$341,200	$48,200	$21,598,951	$23,816,337	$2,217,386
Second	1,025,500	1,160,100	134,600	6,829,659	7,480,076	650,417
Third	2,561,800	2,701,100	139,300	6,747,552	7,202,308	454,756
Total	3,880,300	4,202,400	322,100	35,176,162	38,498,721	3,322,559

ALBERT H. SCOTT, *Chief.*

Statement showing the number of Presidential post-offices in the several States and Territories, and the aggregate salaries of the postmasters thereat as adjusted to take effect July 1, 1888.

States.	Number of Presidential post-offices adjustment of July 1, 1888.	Aggregate salaries of postmasters.	Aggregate receipts four quarters ended March 31, 1888.
Alabama	20	$35,700	$217,864.13
Alaska			
Arizona	4	6,900	23,850.60
Arkansas	20	31,800	134,186.91
California	74	127,100	1,229,224.56
Colorado	34	57,500	375,268.52
Connecticut	58	103,300	745,367.44
Dakota	48	72,200	231,733.93
Delaware	8	12,500	77,888.93
District of Columbia	1	5,000	341,091.24
Florida	17	30,700	148,737.88
Georgia	29	50,800	380,913.66
Idaho	6	7,900	19,468.93
Illinois	187	302,300	3,620,049.55
Indiana	94	157,000	836,265.25
Indian Territory			
Iowa	129	208,100	967,833.58
Kansas	127	202,000	812,731.91
Kentucky	42	68,500	492,111.42
Louisiana	12	19,300	344,229.33
Maine	40	66,400	376,328.10
Maryland	20	34,200	632,337.44
Massachusetts	133	229,600	3,634,070.08
Michigan	124	205,100	1,224,579.97
Minnesota	57	90,200	946,079.27
Mississippi	25	37,200	122,705.43
Missouri	80	128,400	1,713,422.29
Montana	12	20,400	94,864.91

Statement showing the number of Presidential post-offices in the several States and Territories—Continued.

States.	Number of Presidential post-offices, adjustment of July 1, 1888.	Aggregate salaries of postmasters.	Aggregate receipts four quarters ended March 31, 1888.
Nebraska	78	$116,500	$570,043.57
Nevada	7	10,200	31,403.46
New Hampshire	33	53,000	227,650.02
New Jersey	66	123,800	870,980.63
New Mexico	9	14,500	44,950.06
New York	225	400,400	8,125,343.64
North Carolina	25	41,200	160,639.91
Ohio	141	255,000	2,403,142.44
Oregon	15	24,600	152,527.10
Pennsylvania	183	313,100	3,621,152.27
Rhode Island	12	24,000	310,756.11
South Carolina	20	30,200	147,165.77
Tennessee	28	46,900	412,459.15
Texas	74	120,000	571,491.81
Utah	5	9,400	65,673.38
Vermont	26	43,100	176,849.19
Virginia	36	61,600	396,470.75
Washington Territory	13	22,200	95,339.08
West Virginia	16	26,100	117,752.07
Wisconsin	83	136,100	807,980.70
Wyoming	6	9,700	36,744.80
Totals	2,502	4,202,400	38,498,720.56

Grand total gross receipts $38,498,720.56
Grand total postmasters' salaries 4,202,400.00
Percentage of gross receipts absorbed by salaries 10.92

The grand total of gross receipts of Presidential offices for the four quarters ended March 31, 1888, amounts to —— per cent. of the revenue of the Post-Office Department for the same period.

A.—*Statement showing lines of foreign steamers plying between the United States and Central and South America and the West Indies, length of each route, number of trips performed, weight of mails conveyed, rates of compensation, total amount paid each line, and total amount if paid at $1 per mile, during the fiscal year ended June 30, 1887.*

Name of line.	Route. From—	Route. To—	Weight of mails. Letters.	Weight of mails. Papers.	Total amount paid.	Distance between terminal points.	Number of trips.	Total number of miles traveled outward.	Total amount if paid at $1 per mile.
			Grams.	*Grams.*		*Miles.*			
Kiel	New York	Montevideo	26,315	1,109,430	$132.45	7,915	2	15,830	$15,830.00
J. L. Phelps & Co	New Orleans	Port Limon	186,440	2,428,008	414.22	1,350	41	55,350	55,350.00
New Orleans and Central American.	do	do	18,765	117,690	29.47	1,350	9	12,150	12,150.00
Proceida	Baltimore	Rio de Janeiro	34,287	791,697	102.73	5,339	1	5,339	5,339.00
Oteri Pioneer	New Orleans	Truxillo	34,280	373,875	69.15	945	20	18,900	18,900.00
Dominican	New York	San Domingo City	58,575	716,575	135.32	1,740	9	15,660	15,660.00
Eon	Philadelphia	Santiago	5,620	35,577	8.85	1,472	36	52,992	52,992.00
Williams & Rankine	New York	Aspinwall	49,515	472,375	93.36	2,600	16	32,000	32,000.00
Harrison's	New Orleans	do	14,830	88,335	22.83	1,400	6	8,400	8,400.00
United States and Brazil Mail	New York	Rio de Janeiro	131,879	1,424,473	264.73	5,339	4	21,356	21,356.00
Atlas	do	Kingston	887,280	9,335,235	1,767.07	1,460	33	48,180	48,180.00
Do	do	Aspinwall	94,225	1,980,530	282.65	2,000	4	8,000	8,000.00
Amethyst	do	do	1,300	8,920	2.12	2,000	4	8,000	8,000.00
New York and Jamaica	do	Kingston	253,470	3,097,405	543.50	1,460	20	43,800	43,800.00
Do	do	Aspinwall	139,670	3,478,085	468.68	2,000	5	10,000	10,000.00
Elcano	do	Port au Prince	62,810	217,195	81.57	1,600	9	14,400	14,400.00
Winchester & Co	do	Montevideo	38,777	1,089,476	142.55	7,915	1	7,915	7,915.00
Thebauds	do	Campano	14,380	220,345	35.14	2,150	7	15,050	15,050.00
Quebec	do	Hamilton	740,635	6,781,490	1,269.11	678	40	27,120	27,120.00
Do	do	Trinidad	582,475	5,424,870	1,185.60	2,174	24	52,176	52,176.00
Atlantic and West Indies	do	do	197,565	1,955,195	379.32	2,174	12	26,088	26,088.00
Booth	do	Rio de Janeiro	83,280	745,595	152.32	5,339	17	90,763	90,763.00
Red Cross	do	do	103,994	957,898	192.80	5,339	11	58,729	58,729.00
Shadwan	do	Montevideo	43,015	935,000	131.74	7,915	1	7,915	7,915.00
Chrystal's	do	La Guayra	17,280	251,005	40.90	2,067	5	10,335	10,335.00
			3,819,862	43,067,279	7,936.27		347	666,448	666,448.00
Total number of pounds			8,422	94,933					
At rate of 44 cents for letters					3,705.68				
At rate of 4.6 cent for papers					4,230.59				
Total amount					7,936.27				

B.—*Statement showing lines of steamers of American register plying between the United States and Central and South America and the West Indies, length of each route, number of trips performed, weight of mails conveyed, rates of compensation, and total amount paid each line, and total amount if paid at $1 per mile, during the fiscal year ended June 30, 1887.*

Name of line.	Route. From—	Route. To—	Weight of mail. Letters.	Weight of mail. Papers.	Total amount paid at the rate of $1.60 and 8 cents per pound for letters and papers.	Distance between terminal points.	Number of trips.	Total number of miles traveled outward.	Total amount if paid at $1 per mile.
			Pounds.	*Pounds.*		*Miles.*			
Pacific Mail	San Francisco	Panama	876	5,402	$1,833.00	3,240	40	129,600	$129,600.00
Do	New York	Aspinwall	5,464	82,468	15,340.62	2,000	38	76,000	76,000.00
Tampa	Key West	Havana	31	48	52.97	90	8	720	720.00
Lizzie Henderson	Tampa, via Key West	Nassau	101	837	228.37	540	25	13,500	13,500.00
Nassau Mail	Jacksonville	do	92	970	224.71	400	11	4,400	4,400.00
New Orleans and Central American.	New Orleans	Port Limon	55	966	165.65	1,350	7	9,450	9,450.00
Hoadley & Co	do	Aspinwall	11	69	23.39	1,400	2	2,800	2,800.00
Oteri's Pioneer	do	Truxillo	57	481	130.40	945	24	22,680	22,680.00
Royal Mail	do	Puerto Cortez	1,545	17,707	3,887.77	1,065	35	37,275	37,275.00
Haytien Republic	New York	Cape Hayti	64	1,280	205.30	1,315	8	10,520	10,520.00
United States and Brazil Mail	do	Rio de Janeiro	3,752	60,024	10,804.35	5,339	15	80,085	80,085.00
Morgan	New Orleans	Havana	95	506	192.81	620	41	25,420	25,420.00
Blanch Henderson	New York	Hamilton	4	56	10.79	678	1	678	678.00
Clyde	do	San Domingo City	380	4,395	960.08	1,740	17	29,580	29,580.00
Leacraft & Co	do	Puerto Cortez	8	225	30.32	2,550	2	5,100	5,100.00
Winchester & Co	do	Porto Rico	99	620	207.79	1,600	6	9,600	9,600.00
Lord & Austin	do	Cape Hayti	27	462	79.42	1,315	4	5,260	5,260.00
New York and Cuba Mail	do	Santiago	66	232	124.88	1,472	15	22,080	22,080.00
Do	do	Nassau	357	3,907	331.48	957	18	17,226	17,226.00
Red D	do	La Guayra	1,900	18,845	4,547.47	2,067	30	62,010	62,010.00
Total			14,994	199,500	39,381.57		347	546,758	546,758.00

NICHOLAS M. BELL, *Superintendent of Foreign Mails.*

Mr. DINGLEY. As I understand, the gentleman proposes to non-concur in all the Senate amendments, except the fifth, and his motion to non-concur includes the amendment relating to foreign mail service. What about the discussion upon that particular matter?

Mr. BLOUNT. The committee have thought that the views of the Senate were perhaps quite different from those of the House, and that a conclusion might be better promoted by having the debate later on.

Mr. DINGLEY. Then it is the understanding that there shall be a full debate upon that point if there shall remain a difference between the two Houses when the committee of conference reports?

Mr. BLOUNT. Yes, sir; if the conferees can not agree in reference to that item the matter will of course come back to the House. The committee think it will be proper to have it fully debated, and the deliberate action of the House taken on the question.

Mr. BINGHAM. That meets with the views also of the minority of the committee.

Mr. DINGLEY. That is entirely satisfactory.

Mr. ADAMS. I propose to vote for the gentleman's motion, not only with the understanding that there shall be a full debate on this question when it comes back, but also with the confident expectation that it will come back, because I am heartily in favor of the Senate amendment. I vote for the present motion simply to expedite the business of the House, and with the confident hope that we shall have the debate, as the gentleman from Georgia has expressed it, at a later stage.

Mr. WHITE, of New York. Will the gentleman from Georgia pardon me for making one suggestion in respect to the amendment of 2 cents per pound provided upon seeds, roots, and cuttings as the rate of postage offered by the Senate. I should not speak at this time were it not I am clear my colleague on the committee has made a mistake in the suggestion that the Senate intended to fix the rate at 8 cents per pound. On the contrary, the Senate have already passed a bill which is now pending in this House fixing that rate at 4 cents per pound, and this House, Mr. Speaker, stands prepared by a vote of two to one to ratify that amendment of the Senate whenever it can be got out of the Committee on Post-Offices and Post-Roads in order that a vote may be taken. In regard to the non-concurrence, so far as the 2 cents per pound is concerned, I desire, when the conferees meet and the report comes back, that the question whether the rate shall be 2, 4, 8, or 16 cents shall be thoroughly discussed, because I am sure that this House concurs in the sentiment of those who have already expressed their views in favor of 4 cents per pound.

Mr. BLOUNT. My friend need have no question about the purpose of the Senate. If he will examine the report of the discussion of this bill and this clause in the Senate he will find the motion was made by the Senator from Kansas [Mr. PLUMB], and in presenting it to the Senate he announced the rate as 8 cents per pound. I will say to my friend that that matter has been examined by the committee fully. I believe he was not present on that occasion; but other members of the committee, majority and minority both, will bear me out. I did not expect any dispute upon this question, or I should have brought with me the records of the debate in the Senate. If confirmation were lacking, I am quite confirmed in my position by the statement of the Senator from Kansas himself to me, and also by the chairman of the Committee on Post-Offices and Post-Roads of the Senate, both of whom advocated it, showing that at the time the Senate passed the bill providing for the 4-cent rate on seeds, bulbs, etc., the late treaty with Canada had not been made. The countries were on a different footing. So I am quite sure there can be no mistake in relation to that matter, and trust the motion will prevail.

Mr. WHITE, of New York. All I want is the privilege of debate when the report comes back.

Mr. BLOUNT. With the utmost frankness to my friend in relation to this matter I wish to say I have no idea this question will come back here in shape for debate. It may. I will not undertake to say as to that. It is possible, for instance, that there may be an agreement on every item in this bill except the subsidy clause. I am inclined to think there will be. If that should be the case, it is possible my friend might not have an opportunity to debate the amendment except by voting down the whole report; and I think it is only fair to my friend to say so. I ask the previous question on the motion.

The SPEAKER *pro tempore*. The gentleman from Georgia moves to concur in the fifth amendment of the Senate and to non-concur in the other amendments. On that question the previous question is demanded.

The previous question was ordered.

The SPEAKER *pro tempore*. The question will first be put on agreeing to the fifth amendment of the Senate.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is now as to non-concurring in the other Senate amendments. Is there a demand for a separate vote? The Chair hears no such demand. The question will be put on the amendments in gross.

The amendments were non-concurred in.

Mr. BLOUNT. I hope the Chair will announce the conferees on this matter.

The SPEAKER *pro tempore*. The Chair will name as conferees the gentleman from Georgia [Mr. BLOUNT], the gentleman from Missouri [Mr. DOCKERY], and the gentleman from Pennsylvania [Mr. BINGHAM].

ORDER OF BUSINESS.

Mr. MILLS. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

Mr. MILLS. I move to dispense with the morning hour for the call of committees.

The motion was agreed to.

Mr. MILLS. I now move that when the House adjourn it adjourn to meet on Thursday next, to-morrow being the Fourth of July.

The motion was agreed to.

Mr. MILLS. I yield for a moment to the gentleman from Alabama [Mr. FORNEY], who desires to introduce a joint resolution.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. FORNEY submitted the following joint resolution (H. Res. 191):

Resolved by the House of Representatives (the Senate concurring therein), That the Clerk of the House be, and he is hereby, directed in the enrollment of the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, to insert under the head of appropriations "In the Signal Office" the following: "Four copyists at $600 each;" so that said paragraph may read as follows:

"In the Signal Office: For one professor of meteorology, at $4,000; three assistant professors of meteorology, at $1,800 each; two clerks of class 4; one bibliographer and librarian, at $1,600; one clerk of class 2; one lithographer, at $1,200; one clerk, at $1,000; four clerks of class 1; one translator and type-writer, at $840; four copyists, at $720 each; four copyists, at $600 each; four copyists, at $480 each; one messenger; one assistant messenger; one watchman; one carpenter, at $660; one messenger, at $600; one messenger, at $480; two laborers, at $600; two laborers, at $450 each; two stitchers and folders, at $480 each; and for the services of such other messengers, mechanics, laborers, and such other services as the Secretary of War may deem necessary, in the office of the Chief Signal Officer, to carry into effect the appropriations made for the support of the Signal Service, $2,540; in all, $40,460."

The words directed to be inserted having been omitted by error when the bill was engrossed.

Mr. FORNEY. This item for these four copyists passed the House in the bill, but the enrolling clerk failed to insert it, so it did not go to the Senate, which makes it necessary to pass this joint resolution.

Mr. ADAMS. Did this provision pass both Houses?

Mr. FORNEY. No, sir; it passed this House.

Mr. ADAMS. The provision passed this House, but did not pass the Senate.

Mr. FORNEY. It did not pass the Senate, because it was not enrolled in the bill as it went to the Senate.

Mr. ADAMS. I understand; but is there any precedent for a joint resolution like this?

Mr. FORNEY. I do not know; but this is the only way we can correct the mistake. These four copyists are necessary, and this joint resolution proposes that the Clerk shall put the item in the bill before it goes to the President.

Mr. ADAMS. Could not this money be appropriated by joint resolution without mutilating the bill as it passed both Houses?

Mr. FORNEY. This is the quickest way to do it.

Mr. SPRINGER. This is intended to make the enrolled bill correspond with the facts.

Mr. ADAMS. No, sir; it is to make the bill claim to correspond to the facts.

Mr. RYAN. No; it is to make the bill correspond with the facts.

Mr. FORNEY. I ask the adoption of the joint resolution.

The SPEAKER *pro tempore*. The question is on ordering the joint resolution to be engrossed and read a third time.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FORNEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOUSE PAGES.

Mr. FORNEY. I desire to introduce another joint resolution in relation to the pages of the House. It is provided in the legislative bill that the pages shall not be less than twelve years of age, but there are three employed here who are under twelve, and we propose to change the bill so as not to interfere with the present roll of pages. For that purpose I propose the joint resolution which I send to the desk.

The joint resolution (H. Res. 192) was read, as follows:

Resolved by the Senate and House of Representatives, etc., That so much of the act making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, as requires that the pages of the House of Representatives shall not be under twelve years of age shall not apply to pages in the employment of the House on the 1st day of July, 1888.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FORNEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MILLS. The House has agreed to adjourn over until Thursday

morning; and as some of the members of the Committee on Ways and Means on both sides expect to be absent until Friday morning, I ask unanimous consent that after to-day the consideration of the tariff bill may not be resumed until Friday.

Mr. BURROWS. I hope there will be no objection to that proposition.

The SPEAKER *pro tempore*. The gentleman from Texas asks unanimous consent that after to-day the tariff bill be not taken up until next Friday.

Mr. BLAND. I hope it may be further understood that the tariff bill shall be considered on Friday to the exclusion of private business.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas. The Chair hears none, and it is so ordered.

TARIFF.

Mr. MILLS. I move that the House now resolve itself into Committee of the Whole on the state of the Union for the further consideration of the tariff bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The CHAIRMAN. The Clerk will report the pending paragraph.

The Clerk read as follows:

The pending paragraph is lines 118 to 130, inclusive, page 13.

The Clerk also read as follows:

Cylinder and crown glass, polished, above 24 by 30 inches square and not exceeding 24 by 60 inches square, 15 cents per square foot; all above that, 25 cents per square foot.

Mr. BUCHANAN. I think there is some mistake. According to my recollection, a motion made by the gentleman from Tennessee to strike out lines 103 to 117 was pending.

The CHAIRMAN. That was passed over by unanimous consent.

The Clerk read as follows:

Unpolished cylinder, crown, and common window-glass, not exceeding 10 by 15 inches square, 1 cent per pound; above that, and not exceeding 16 by 24 inches square, 1½ cents per pound; above that, and not exceeding 24 by 30 inches square, 1½ cents per pound; all above that, 1¾ cents per pound.

Mr. McMILLIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 140, page 14, strike out "one and one-half" and insert "two;" in line 141 strike out "one and three-fourths" and insert "two and one-half;" so as to read "above that and not exceeding 24 by 30 inches square, 2 cents per pound; all above that 2½ cents per pound."

Mr. PLUMB. As an amendment to the amendment I offer the proposition which I send to the desk.

The Clerk read as follows:

In line 136, page 14, after the word "one," insert "three-eighths;" in line 138, strike out "one-fourth" and insert "seven-eighths;" in line 140, strike out "one and one-half" and insert "two and three-eighths;" in line 141 strike out "one and three-fourths" and insert "two and seven-eighths;" so that the paragraph will read:

Unpolished cylinder, crown, and common window-glass, not exceeding 10 by 15 inches square, 1¼ cents per pound; above that, and not exceeding 16 by 24 inches square, 1¾ cents per pound; above that, and not exceeding 24 by 30 inches square, 2¼ cents per pound; all above that, 2¾ cents per pound.

Mr. PLUMB. Mr. Chairman, I ask the Committee of the Whole House to adopt the amendment just offered for the following reasons:

To pass the bill as it now stands will cause the ruin of a very important American industry. There are in this country 140 window-glass furnaces in fifteen States and Territories, with 1,246 pots, 1,100 of which are now running. These factories have a capacity of over three and three-quarter millions of boxes on ten months' run, which is more than the largest consumption of both American and foreign glass in any year in the United States, and nearly a million of boxes beyond the average consumption of the past ten years. There are about 8,500 workmen employed directly by common window-glass manufacturers, in addition to the large number indirectly engaged in mining and preparing the sand, lime, coal, lumber, clay, and soda necessarily consumed. In fact, 80 per cent. of the entire cost of glass is for labor.

Such is the magnitude and extent of the industry which this bill assails, and if it becomes a law will at once suspend, if not entirely destroy, a fate which nothing can avert except a cruel and unjust reduction in wages paid to workmen.

Prior to the tariff revision of 1883 the duty on unpolished cylinder, crown, and common window-glass 10 by 15 inches and upward was 1½ cents per pound; 16 by 24 inches and upward, was 2 cents per pound; 24 by 30 inches and upward, was 2½ cents per pound; 30 inches and upward, was 3 cents per pound. By that revision it was reduced one-eighth of a cent per pound. This bill proposes a further reduction of three-eighths cent, or three times the reduction of 1883. Now, I have before me the statistics furnished by the Government, which I will give, and which will assist the committee in casting aside theory and enable it to consider the condition which confronts us in respect to the proposed reduction.

The facts given show that the reduction of 1883 is all that this industry can possibly bear. In fact, as is well known to all who are familiar with the subject, the great increase in the demand for glass above 30 inches calls for a still higher rate on the larger size window-glass.

I invite the careful and candid attention of gentlemen on this floor to the effect of the reduction of 1883 on the quantity of foreign glass used since that period.

Copy of statement by W. F. Switzler, Chief of Bureau of Statistics, Washington, D. C., January 4, 1888, showing the quantity, value, and amount of duty collected on imports of cylinder window glass, unpolished (entered for consumption in the United States), during each year ending June 30—from 1880 to 1887.

Cylinder window-glass, unpolished.	1880.			1881.		
	Quantity	Value.	Duty.	Quantity	Value.	Duty.
	Pounds.			*Pounds.*		
Window-glass, cylinder, crown, and common, unpolished—						
Not above 10 by 15 inches (1½ cents per pound)	12,041,215	$308,978	$180,618	12,700,930	$333,712	$190,514
Above 10 by 15 and not above 16 by 24 inches (2 cents per pound)	11,077,758	333,063	221,555	12,253,212	366,840	245,064
Above 16 by 24 and not above 24 by 30 inches (2½ cents per pound)	10,693,808	351,464	267,345	10,953,733	363,541	273,843
Above 24 by 30 inches (3 cents per pound)	10,137,070	412,472	304,112	9,654,822	361,268	289,645
Total	43,949,851	1,405,977	973,630	45,562,697	1,425,361	999,066

Cylinder window-glass, unpolished.	1882.			1883.		
	Quantity	Value.	Duty.	Quantity	Value.	Duty.
	Pounds.			*Pounds.*		
Window-glass, cylinder, crown, and common, unpolished—						
Not above 10 by 15 inches (1½ cents per pound)	11,520,220	$289,335	$172,803	12,141,858	$312,633	$182,128
Above 10 by 15 and not above 16 by 24 inches (2 cents per pound)	13,176,799	355,378	263,536	13,439,103	382,340	268,782
Above 16 by 24 and not above 24 by 30 inches (2¼ cents per pound	12,062,663	366,300	301,567	13,049,852	407,805	326,246
Above 24 by 30 inches (3 cents per pound)	12,541,991	443,820	376,260	12,317,077	479,691	369,512
Total	49,301,673	1,454,833	1,114,166	50,947,890	1,582,469	4,146,668

Cylinder window-glass, unpolished.	1884.			1885.		
	Quantity	Value.	Duty.	Quantity	Value.	Duty.
	Pounds.			*Pounds.*		
Window-glass, cylinder, crown, and common, unpolished—						
Not above 10 by 15 inches (1½ cents per pound)	19,213,741	$504,501	$264,189	13,396,899	$341,740	$184,207
Above 10 by 15 and not above 16 by 24 inches (1¾ cents per pound)	18,541,511	529,245	347,653	14,820,548	393,641	277,885
Above 16 by 24 and not above 24 by 30 inches (2¼ cents per pound)	19,432,932	622,600	461,532	16,024,772	451,487	380,588
Above 24 by 30 inches (2¾ cents per pound)	20,736,483	761,381	596,174	15,693,788	514,469	451,196
Total	77,924,667	2,417,727	1,669,548	59,936,007	1,701,337	1,293,876

Cylinder window-glass, unpolished.	1886.			1887.		
	Quantity	Value.	Duty.	Quantity	Value.	Duty.
	Pounds.			*Pounds.*		
Window-glass, cylinder, crown and common, unpolished—						
Not above 10 by 15 inches (1½ cents per pound)	12,646,385	$280,796	$173,888	14,117,875	$319,729	$194,121
Above 10 by 15 and not above 16 by 24 inches (1¾ cents per pound)	12,879,413	299,251	241,489	13,481,668	271,495	152,781
Above 16 by 24 and not above 24 by 30 inches (2¾ cents per pound)	15,212,878	388,978	361,306	16,419,970	367,146	389,974
Above 24 by 30 inches (2¾ cents per pound)	13,831,579	394,398	397,658	17,608,435	466,604	506,243
Total	54,570,255	1,363,423	1,174,341	61,627,948	1,424,964	1,343,119

Copy of statement by W. F. Switzler, etc.—Continued.

	Quantity.	Duty.
	Pounds.	
Total, four years, 1880-1883	189,762,111	$4,233,530
Total, four years, 1884-1887	254,058,877	5,480,884
Increase since reduction of duty	64,296,766	1,247,354

From this official statement it appears that the reduction of one-eighth cent per pound in 1883 has resulted in an increase of foreign importation of window-glass amounting to 64,296,766 pounds in four years, and a net increase of revenue amounting in the same period to $1,247,354. Mr. Chairman, if the honest purpose of this bill is to reduce the surplus, my amendment must be adopted, or it will assuredly fail of accomplishing that result; for, if the slight reduction of one-eighth cent per pound has added to the surplus a million and a quarter of dollars in four years, how much will a reduction of three times as great add to the surplus? I contend that it will give the American market over to the foreigner, and that the revenue from window-glass alone will be more than four times what it now is.

Sir, coal and natural gas for fuel abound in this country; we have sand, limestone, and clay of the best quality, and these materials are generally found wherever there are coal deposits. We now produce our own soda, and with these raw materials we can make glass in competition with any other people on the globe, upon one condition only, and that is with as cheap labor as other glass-making countries have; and just here lies the difference—we have not the cheap labor, and for one I do not want it. Now, the wages to the different classes of workmen are from two to three times higher in this country than are paid in Belgium, from whence comes the most of the glass imported. According to the report of "Glass manufacture in Europe" (Department of State No. 29, page 329), the rates paid there as compared with the same class here are as follows:

Employés.	Belgium.	United States.
	Per month.	*Per month.*
Blowers	$50.00 to $100.00	$100.00 to $150.00
Blowers' assistant	25.00 to 30.00	67.00 to 100.00
Flatteners	25.00 to 26.50	100.00 to 150.00
Flatteners' assistant	8.00 to 15.00	30.00 to 40.00
Cutters	25.00 to 30.00	75.00 to 100.00
Shearers	30.00 to 35.00	80.00 to 100.00

The wages in Belgium are for a much greater number of hours daily, and for the whole year, while in the United States, the longest time worked is ten months, the average for past four years being less than eight months' blast.

No later official data for this class of labor are accessible, but from general information, and because 1882 was a year of activity and high prices abroad, it is believed the difference is greater now against the United States.

In order to be certain whether the present wage paid differs materially from that of 1882, I have procured the following statement from a very reliable officer of a window-glass company in my district, in which he says:

DEAR SIR: In answer to your favor of the 13th instant. It is difficult to get the exact wages paid in Belgium, as reports from private sources do not agree with consular reports, but I think the statement made below is about correct. I also give you the average wages in Pittsburgh and the West.

Some blowers will make much more than the amount stated, but that is exceptional.

Employés.	Belgium.	Pittsburgh and the West.
	Per month.	*Per month.*
Blowers, about	$75	$125 to $150
Gatherers, about	25	70 to 90
Flatteners, about	25	100 to 140
Flatteners' assistants	12	45
Cutters	25	90 to 130
Master shearers	30	90
Shearers	15	45
Pot-makers		90
Laborers		35 to 40

The wages in Belgium are for much longer hours and a greater number of days per annum. The workmen in the United States have averaged only about thirty-two weeks per year since 1883.

THOMAS D. CATLIN, *Secretary.*

Hon. RALPH PLUMB, *Washington, D. C.*

Now, the reduction provided for in this bill is three-eighths cent per pound, or about 35 per cent. on the value of the glass, and to meet this reduction would require a cut of not less than 50 per cent. in the wages of skilled labor. The profits of this industry to the capitalist have been fitful, uncertain, and entirely unsatisfactory since 1883. In my own city a window-glass factory has been established with a valuable plant which would cost from $75,000 to $100,000 to reproduce. It has been in operation about five years, and although the plant has been somewhat improved, it has never paid a dividend. Glass is made there under favorable conditions. The best sand is delivered in the factory at $1.15 per ton; the melting is largely done with coal screenings at 50 cents per ton; the facilities for transportation are excellent, and the quality of goods made is first class. There is a market at the current price, but this price can not be advanced for the reason that foreign glass, even at the present rate of duties, will come in and take the market if an advance is attempted.

Sir, let this bill pass without this amendment, and either window-glass making must cease or wages must be reduced, and this I protest should not be done. The work of the glass-blower is of the hardest. He is exposed to excessive heat, from which there is no escape during the blow, which often continues for ten hours, and the skill required for good work is almost scientific. The wage paid for this service is good, and I am glad it is so, for it is honestly earned. No consumer of window-glass who knows the character of the labor required to make it will begrudge to these workmen the wages now paid them, nor will he thank the tariff reformer for transferring this business to a foreign land. He will say, let our raw materials which we possess in such abundance be used; let the labor required be well paid; let us do the work among ourselves and for ourselves, and if the price is somewhat enhanced by such a policy, we shall reap more than equal advantage from making what we consume, and consuming what we make.

Protection to the window-glass industry has cheapened the manufacture of that article in the United States to such an extent as to reduce by competition the price of both the American and foreign product, so that the selling price of American glass has been reduced, as the following tables will show:

American glass.

SINGLE THICK.

Sizes.	Price, 1860.	Price, 1888.
8 by 10 third	$1.95	$1.78
8 by 10 fourth	1.80	1.66
10 by 14 second	2.40	1.90
10 by 14 third	2.10	1.78
12 by 18 first	3.00	2.38
12 by 18 third	2.40	2.08
18 by 24 second	3.60	2.73
22 by 28 second	3.60	2.73
	20.85	17.04

Fifteen per cent. less price in 1888=$3.81.

DOUBLE THICK.

Sizes.	Price, 1860.	Price, 1888.
8 by 10 first	$4.50	$2.93
16 by 20 second	6.00	3.15
18 by 30 first	9.00	4.38
18 by 22 second	7.20	4.00
20 by 30 second	7.20	4.00
30 by 40 second	10.20	4.78
32 by 44 second	12.00	5.18
	56.10	28.42

Fifty per cent. less price in 1888=$27.68.

Imported glass has also been reduced in cost by American competition.

The foreign (invoice) cost, per statement of Bureau of Statistics, averaged for year to July, 1877, 4.10 cents per pound, averaged for year to July, 1887, 2.27 cents per pound.

The duty being specific, this large reduction in foreign cost (45 per cent. in ten years), increases the equivalent ad valorem rate, but is no real advance, and foreign manufacturers have practically paid all the duty.

Mr. Chairman, pass this bill as it stands and break down, as you will, the window-glass industry of the United States, and permit foreign makers to supply the American market, who does not know that the price would soon be advanced by combines among foreign makers to the present price, if not higher prices still?

Sir, if you want to destroy this industry refuse to pass this amendment and then pass the bill. If you want to protect the glass-workers of the country amend this bill as is now proposed. If you want to increase the surplus in the Treasury reject this amendment and pass the bill. If you want to deprive 8,500 workingmen of good wages in glass-making and force them into other employments already overcrowded—a proceeding that in the end must largely increase the number of agriculturists and so add to the surplus of their product while you lessen the number of consumers—refuse to adopt the amendment and pass this bill.

Sir, I do not plead for the capital employed in the window-glass business. If this industry is crushed and the investment made in the plant is lost, that will entail no burden on capital that can not be borne. It would inflict an unjustifiable outrage upon the owners, but capital can take care of itself, and it will do so without special protection for its interests. It is labor that is in danger. One of the most important movements of the present period is the organization of labor for its own protection. Whenever capital is employed in operations, whether requiring labor to carry them forward or not, it seeks organization under corporate authority, that it may the more effectually carry on those operations and protect its interests.

Labor in this country has become intelligent, and it also is combining. Organized labor is contending against organized capital. Who will deny its perfect right to do so? What just government will refuse in such a contest to extend the ægis of its protection to that grand army of wealth-producers, whether organized or not organized, who constitute the great body of our people, from the banker at his counter to the wage-worker with his pick and shovel? We call garnered money capital, and so it is, but it is by no means the only thing entitled to that name. It is, however, garnered money, whether held by individuals or by corporations, which is too often heartless in regard to the just demands of the laboring man. The rich manufacturer of to-day may look with indifference on the great struggle now impending. Nay, he may even prefer free trade, for he knows that if all protection of Government is withdrawn from the laboring man who has a stomach demanding food, who has limbs to clothe, who has a soul to aspire, or a family he loves dependent on his labor and effort, must resume his old place and take for his wage whatever capital may be able to give.

For testimony on this point I will give here the declaration of a well-known wealthy Western glass-maker.

Here is an interview with Judge Caton, of Illinois, one of the large manufacturers in our State, published in the Chicago Tribune shortly after the President's message was given to the country:

INTERVIEW.

Have you read the President's message?
It has been read to me.
What do you think of it?
It is a remarkable document, in view of what a message is supposed to be.
What will be the result of it?
The tariff question is now squarely brought before the country as a national, a political, and a Presidential issue. A notice has been served that the Treasury is sucking up the money which ought to be in circulation, and that the business and commercial prosperity of the country is at stake, and must be considered in preference to other questions.
You seem to be in favor of a reduction of the tariff?
I am at the present time.
Why?
Well, among other things, I am a manufacturer.
And as a manufacturer you believe that the tariff should be reduced?
I do; and for a reason which I think has not been advanced. The manufacturer is not making any money, and does not profit by the tariff. The skilled laborer gets the profit. Advance the tariff on the manufactured article, and the confederation of trades advances his wages often above the tariff advance.
You say you have had experience. In what direction?
As a glass manufacturer. I think we have in Ottawa the best glass-works in the country. We seem to be busy at all times. Up to date I have never received a dividend. On the contrary, in order to preserve our plant and the capital invested in it, I have advanced funds from time to time, and the several works instead of paying me a profit are in debt to me perhaps a hundred thousand dollars or more. The high tariff imposed for our protection has all gone to the skilled laborer. The blower, lowest in the scale of usefulness, gets $4 per day, and the best men $8 per day. The blowers are like the iron puddlers at the blast-furnaces, who get from $8 to $12 per day. I believe if the tariff were abolished and our works shut down for a year, as they would have to be, the laborer would return to reason and allow our business to be conducted with some profit to the manufacturer. I am not alone in this view. I think you will find the sentiment growing among manufacturers that their invested money brings no return, but rather outlay, and that the only remedy is in the abolition of the tariff and a general suspension of manufacturing until the labor system shall be placed on a paying basis to capital.

Democracy denies the right of Government to protect any industry. It declares that the struggle should go on without let or hinderance; that the "survival of the fittest" is the law which applies to man and to the Government, as well as to the lower forms of life. *Laissez faire* is the cry of Democracy, while Republicanism calls on us to listen to the voice of Him who spoke as never man spake, and who said, "Whatsoever ye would that men should do to you, do ye even so to them."

[During the delivery of the foregoing remarks, when Mr. PLUMB'S five minutes had expired, Mr. MCKINLEY asked and obtained unanimous consent that Mr. PLUMB'S time be extended.]

Mr. MCMILLIN. The effect of the amendment of the gentleman from Illinois [Mr. PLUMB] would be to maintain the present rate of duty on common window-glass of all classes mentioned in this paragraph which, under existing law, bear respectively 106 and 108 per cent. duty. I do not think it would be proper or wise to adopt the amendment of the gentleman. There is no excuse for doubling the cost of window-glass by legislation. The demand for a reduction ought to be heeded; and therefore I trust the amendment of the gentleman from Illinois will not be adopted.

Mr. DALZELL. I send to the Clerk's desk to be read a letter from the president of the Window-Glass Workers' Association of America respecting the duties proposed in this paragraph.

The Clerk read as follows:

I herewith submit to you a statement in relation to the tariff on window-glass, and reasons why it should not be reduced as proposed by Mills bill, as reported by the Ways and Means Committee.

First. The present tariff schedule on common window-glass was adopted in 1842. At that time 24 by 30 inches in common window-glass was as large as was made anywhere in the world, while at the present time there is common window-glass made as large as 50 by 76 inches, and the schedule that would apply to common window-glass forty-six years ago will not answer as a criterion in determining as to what is a just and fair measure at the present time, the surroundings of the case are so much changed in the period of forty-six years.

Second. There was a reduction of the tariff on window-glass in 1883, and since the reduction the importation of window-glass has increased very materially, thereby increasing the revenue in the Treasury from this source.

Third. The workingmen engaged in this branch of industry have had to work for less wages in consequence of the reduction of the tariff in 1883, and from the large increase in the imported article and the cheapness of the same. Even at the present time with the present duty one-fourth of the glass consumed in this country is imported from Europe. It is but natural to suppose that with a decrease in the duty that these imports would increase, and also as a natural result the imported article would displace that made at home, and must of necessity cause the workmen to lay idle or suffer a further reduction in order to meet the competition from the imported article.

Fourth. The wages in Europe in this industry are exceedingly low. Two years ago, while passing through Belgium on a tour of observation in the interest of the window-glass workers' organization, I saw women wheeling in coal, carrying in glass in the sheet. Their wages ranged from $2 to $3 per week, while here in America this class of work is performed by men whose wages range from $9 to $12 per week; and about the same ratio of difference prevails in all the skilled branches of the industry between the prices paid in Europe and America. I feel in view of this fact that with a reduction of 35 per cent., as proposed by the Mills bill, the difference will have to be met by a large reduction in the matter of wages by the workmen in the window-glass industry of this country.

In the annual report of the chief of the bureau of imported merchandise for the years of 1886 and 1887 you will find the following statement of the importation of window-glass for the year 1887: Glass of the dimensions of 10 by 15 inches amounted to 14,117,875 pounds, valued at $319,798.94; value per unit quantity, .023; ad valorem, rate, 60.71. The price of the glass of the 10 by 15 inches ranges from $9.50 up to $14.50 per box. The amount imported in the class that runs from 24 by 30 inches up to 50 by 76 was 17,608,435 pounds, valued at $466,603.55; value per unit of quantity, .026; ad valorem rate, 108½.

The price of the glass in the 24 by 30 inches up to 50 by 76 ranges from $15 up to $76 and upwards per box. The value of unit of quantity in the 10 by 15 inches is 2.3 cents, and the price does not go above $14.50. The 24 by 30 inches up to 50 by 76 is valued at 2.6 cents, which only makes a difference of three tenths cents per value, while the price runs from $15 to upwards of $76 above. There is imported of the class of 24 by 30 inches up to 50 by 76, 3,490,560 pounds more than there was of the 10 by 15 inch grade, and is only valued at $146,804.61 more than the cheaper glass. For what reason it is done, no one can dispute; it is undervaluation in order to make the ad valorem duty higher.

If the Mills bill should become a law, with the low wages in Europe, the cheapness of ocean freights between Europe and America, with a 35 per cent. reduction in the tariff duties, there will be no other alternative for the American workmen but to accept a reduction in wages or surrender the market to the goods imported from abroad.

As before stated, more than one-fourth of the window-glass consumed in this country is imported, and from the above statement of facts there is no doubt but what the tariff should be increased in order to better foster and protect home industry.

These facts that I have stated I feel can not be successfully controverted, and I submit them to you for your careful consideration.

I remain, yours respectfully,

JAMES CAMPBELL,
President of the Window Glass Workers' Association of America.

Mr. DALZELL. In substantiation of the propositions set forth in that letter I submit to be printed in the RECORD a statement of W. F. Switzler, Chief of the Bureau of Statistics, showing the quantity and value of importations of cylinder window-glass, unpolished, during each year ending June 30, from 1880 to 1887, together with the amount of duty. This statement shows conclusively that the proposed reduction of duty upon this article, instead of reducing the surplus, will increase it. Such has been our experience since the legislation of 1883. This statement also demonstrates the utter falsity of the figures set out in the statement furnished by the Committee on Ways and Means in connection with this subject.

Copy of statement by W. F. Switzler, Chief of Bureau of Statistics, Washington, D. C., January 4, 1888, showing the quantity, value, and amount of duty collected on imports of cylinder window-glass, unpolished (entered for consumption in the United States), during each year ending June 30—from 1880 to 1887.

Cylinder window-glass, unpolished.	1880.			1881.			1882.			1883.			Total for four years.	
	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.	Quantity.	Duty.
Window-glass, cylinder, crown, or common, unpolished—	*Pounds.*			*Pounds.*			*Pounds.*			*Pounds.*			*Pounds.*	
Not above 10 by 15 inches	12,041,215	$308,978	$180,618	12,700,930	$333,712	$190,514	11,520,220	$289,335	$172,803	12,141,858	$312,633	$182,128	48,404,223	$720,063
Above 10 by 15 and not above 16 by 24 inches	11,077,758	333,063	221,555	12,253,212	366,840	245,064	13,176,799	355,378	263,536	13,439,103	382,340	268,782	49,946,872	998,937
Above 16 by 24 and not above 24 by 30 inches	10,693,808	351,464	267,345	10,953,733	363,541	273,843	12,062,663	366,300	301,567	13,049,852	407,805	326,246	46,760,056	1,169,001
Above 24 by 30 inches	10,137,070	412,472	304,112	9,654,822	361,268	289,645	12,541,991	443,820	376,260	12,317,077	479,691	369,512	44,650,960	1,339,529
Total													189,762,111	4,227,530

Copy of statement by W. F. Switzler, Chief of Bureau of Statistics, etc.—Continued.

Cylinder window-glass, unpolished.	1884.			1885.			1886.			1887.			Total for four years.	
	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.	Quantity.	Value.	Duty.	Quantity.	Duty.
	Pounds.			*Pounds.*			*Pounds.*			*Pounds.*			*Pounds.*	
Window-glass, cylinder, crown, or common, unpolished—														
Not above 10 by 15 inches	19,213,741	$504,501	$264,189	13,396,899	$341,740	$184,207	12,646,385	$280,796	$173,888	14,117,875	$319,729	$194,121	59,374,900	$816,405
Above 10 by 15, and not above 19 by 24 inches	18,541,511	529,645	347,653	14,820,548	393,641	277,885	12,879,413	299,251	241,489	13,481,668	271,485	252,781	59,723,140	1,119,808
Above 16 by 24, and not above 24 by 30 inches	19,432,932	622,600	461,532	16,024,772	451,487	380,588	15,212,878	388,978	361,306	16,419,970	367,146	389,974	67,090,552	1,593,400
Above 24 by 30 inches	20,736,483	761,381	596,174	15,693,788	514,469	451,196	13,831,579	394,398	397,658	17,608,435	466,604	506,243	67,870,285	1,951,271
Total													254,058,877	5,480,884
Increase since reduction of duties July, 1883													64,296,766	1,247,354

Mr. McKINLEY. Without occupying the time of the Committee of the Whole, I ask that the communication which I send to the desk be published in the RECORD.

The CHAIRMAN. If there be no objection, that order will be made. The Chair hears none.

The communication is as follows:

Cylinder window-glass, unpolished, is a manufacture natural to the United States, because all materials required exist in widely extended territory.

The manufacture is largely developed, and the capacity of furnaces now existing is greater than the total consumption of both American and imported glass.

These furnaces are distributed through fifteen States, as follows: Massachusetts, 1; New York, 17; New Jersey, 25; Pennsylvania, 44; Delaware, 2; Maryland, 9; West Virginia, 2; Ohio, 20; Indiana, 6; Illinois, 8; Michigan, 1; Wisconsin, 1; Missouri, 2; Kansas, 1; Wyoming Territory, 1. Total, 140 furnaces in fifteen States and Territories.

There are about 8,500 workmen employed directly by manufacturers, in addition to the large number indirectly engaged in mining and preparing the sand, lime, coal, lumber, clay, and soda consumed. The cost of these materials is almost entirely for labor, in mining and transporting to furnaces.

The necessity for duty on imported glass arises from the greater cost of raw materials, because of higher labor cost in preparing them, as well as from the higher wages paid by manufacturers in the United States.

The wages paid for material amount to about 20 per cent. of the total cost; the wages paid by manufacturers amount to about 60 per cent. of the total cost making the total amount paid for labor in manufacturing window-glass 80 per cent.

The wages to the different classes of workmen are from two to three times those paid in Belgium, from whence comes most of the glass imported.

According to the report of "Glass Manufacture in Europe," Department of State, No. 29, page 389, the rates paid there are as follows, compared with same class here:

Employés.	Belgium.	United States.
	Per month.	*Per month.*
Blowers	$50.00 to $100.00	$100.00 to $150.00
Blowers' assistant	25.00 to 30.00	67.00 to 100.00
Flatteners	25.00 to 26.50	100.00 to 150.00
Flatteners' assistant	8.00 to 15.00	30.00 to 40.00
Cutters	25.00 to 30.00	75.00 to 100.00
Shearers	30.00 to 35.00	80.00 to 100.00

The wages in Belgium are for a much greater number of hours daily, and for the whole year, while in the United States the longest time worked is ten months, the average for past four years being less then eight months' blast.

No later official data for this class of labor are accessible, but from general information, and because 1882 was a year of activity and high prices abroad, it is believed the difference is greater now against the United States.

Since the reduction, July 1, 1883, of the duty on cylinder window-glass, manufacturers have averaged running less than three-fourths the usual length of blast.

Wages of workmen have been reduced;

Imports have greatly increased, and the

Revenue for four years since July, 1883, has been $1,250,000 greater than for the same period before that date.

The rates of duty proposed by the Ways and Means Committee, in House of Representatives bill No. 9051, make a reduction averaging on the actual imports last year, 39 cents per half-box, or about 35 per cent., and could only be met by a reduction of over 50 per cent. in wages of skilled labor.

Imports of window-glass have largely increased since the reduction of duty, and foreign glass is now a much larger percentage of the total consumption, having advanced from the annual rate of from 16 to 29 per cent. before 1883, to 29 to 38 per cent. since 1883.

The effect of the largely developed manufacture in the United States has been to reduce the price of American product and of the foreign glass, so that the selling price of American glass was lower January 1, 1888, than in 1860, as will appear from the following comparison of prices for the two periods:

American glass.

SINGLE THICK.

Sizes.	Price, 1860.	Price, 1888.
8 by 10 third	$1.95	$1.78
8 by 10 fourth	1.80	1.66
10 by 14 second	2.40	1.90
10 by 14 third	2.10	1.78
12 by 18 first	3.00	2.38
12 by 18 third	2.40	2.06
18 by 24 second	3.60	2.73
22 by 28 second	3.60	2.73
	20.85	17.04

Fifteen per cent. less price in 1888=$3.81.

DOUBLE THICK.

Sizes.	Price, 1860.	Price, 1888.
8 by 10 first	$4.50	$2.93
16 by 20 second	6.00	3.15
18 by 30 first	9.00	4.38
18 by 22 second	7.20	4.00
20 by 30 second	7.20	4.00
30 by 40 second	10.20	4.78
32 by 44 second	12.00	5.18
	56.10	28.42

Fifty per cent. less price in 1888=$27.68.

Imported glass has also been reduced in cost by American competition.

The foreign (invoice) cost, per statement of Bureau of Statistics, averaged for year to July, 1877, 4.10 cents per pound, averaged for year to July, 1887, 2.27 cents per pound.

The duty being specific, this large reduction in foreign cost (45 per cent. in ten years) increases the equivalent ad valorem rate, but is no real advance, and foreign manufacturers have practically paid all the duty.

Since the adoption of the sizes now specified in the tariff laws there has been a material change in the amounts consumed, so that a large quantity is required of large sizes.

The cost of such sizes is greatly increased, and just discrimination and protection requires they be added to the tariff schedule with proportionate rates of duty.

Decreased duty will increase the importation, inevitably and largely diminish the American product, and reduce wages, besides reducing the number and time of workmen employed, and increase the revenue, now in excess.

Instead of lower duties, necessary and fair protection of manufactures and the interests of workmen and consumers require the present rates on the actual weight of glass, with proportionate rate to cover additional larger sizes now used.

For these reasons it is asked that the proposed bill be amended to read, on cylinder window-glass (unpolished), as below:

"Not exceeding 10 by 15 inches square, 1¼ cents per pound; above that and not exceeding 16 by 24 inches square, 1⅝ cents per pound; above that and not exceeding 20 by 30 inches square, 2¼ cents per pound; above that and not exceeding 24 by 36 inches square, 2⅞ cents per pound; above that and not exceeding 30 by 50 inches square, 3½ cents per pound; above that and not exceeding 40 by 60 inches square, 3¾ cents per pound; above 40 by 60 inches square, 3¾ cents per pound."

AMERICAN WINDOW GLASS MANUFACTURING ASSOCIATION,
F. L. BODINE, *President.*

PHILADELPHIA, *March*, 1888.

Copy of statement, by W. F. Switzler, Chief of Bureau of Statistics, Washington, D. C., January 4, 1888, showing the quantity, value, and amount of duty collected on imports of cylinder window-glass, unpolished (entered for consumption in the United States), during each year ending June 30—from 1880 to 1887.

Cylinder window-glass, unpolished.	1880.			1881.		
	Quantity	Value.	Duty.	Quantity	Value.	Duty.
	Pounds.			*Pounds.*		
Window-glass, cylinder, crown, and common, unpolished—						
Not above 10 by 15 inches (1¼ cents per pound)	12,041,215	$308,978	$180,618	12,709,930	$333,712	$190,514
Above 10 by 15 and not above 16 by 24 inches (2 cents per pound)	11,077,758	333,063	221,555	12,253,212	366,840	245,064
Above 16 by 24 and not above 24 by 30 inches (2¾ cents per pound)	10,693,808	351,464	267,345	10,953,723	363,541	273,843
Above 24 by 30 inches (3 cents per pound)	10,137,070	412,472	304,112	9,654,822	361,268	289,645
Total	43,949,851	1,405,977	973,630	45,562,697	1,425,361	999,066

Copy of statement, by W. F. Switzler, Chief of Bureau of Statistics—Continued.

Cylinder window-glass, unpolished.	1882.			1883.		
	Quantity	Value.	Duty.	Quantity	Value.	Duty.
	Pounds.			*Pounds.*		
Window-glass, cylinder, crown, and common, unpolished—						
Not above 10 by 15 inches (1½ cents per pound)	11,520,220	$289,335	$172,803	12,141,858	$312,633	$182,128
Above 10 by 15 and not above 16 by 24 inches (2 cents per pound)	13,176,799	355,378	263,536	13,439,103	382,340	268,782
Above 16 by 24 and not above 24 by 30 inches (2½ cents per pound)	12,062,663	366,300	301,567	13,049,852	407,805	326,246
Above 24 by 30 inches (3 cents per pound)	12,541,991	443 ?	376,260	12,317,077	479,691	369,512
Total	49,301,673	1,454,833	1,114,166	50,947,890	1,582,469	1,146,668

Cylinder window-glass, unpolished.	1884.			1885.		
	Quantity	Value.	Duty.	Quantity	Value.	Duty.
	Pounds.			*Pounds.*		
Window-glass, cylinder, crown, and common, unpolished—						
Not above 10 by 15 inches (1½ cents per pound)	19,213,741	$504,501	$264,189	13,396,899	$341,740	$184,207
Above 10 by 15 and not above 16 by 24 inches (1¾ cents per pound)	18,541,511	529,245	347,653	14,820,548	393,641	277,885
Above 16 by 24 and not above 24 by 30 inches (2¼ cents per pound)	19,432,932	622,600	461,532	16,024,772	451,467	380,588
Above 24 by 30 inches (2½ cents per pound.)	20,736,483	761,381	596,174	15,693,788	514,469	451,196
Total	77,924,667	2,417,727	1,669,548	59,936,007	1,701,337	1,293,876

Cylinder window-glass, unpolished.	1886.			1887.		
	Quantity	Value.	Duty.	Quantity	Value.	Duty.
	Pounds.			*Pounds.*		
Window-glass, cylinder, crown, and common, unpolished—						
Not above 10 by 15 inches (1½ cents per pound)	12,646,385	$280,796	$173,888	14,117,875	$319,729	$194,121
Above 10 by 15 and not above 16 by 24 inches (1¾ cents per pound)	12,879,413	299,251	241,489	13,481,668	271,485	152,781
Above 16 by 24 and not above 24 by 30 inches (2¼ cents per pound)	15,212,878	383,978	361,306	16,419,970	367,146	389,974
Above 24 by 30 inches (2½ cents per pound)	13,831,579	394,398	397,658	17,608,435	466,604	506,243
Total	54,570,255	1,363,423	1,174,341	61,627,948	1,424,964	1,343,119

	Quantity.	Duty.
	Pounds.	
Total, four years—1880–1883	189,762,111	$4,233,530
Total, four years—1884–1887	254,058,877	5,480,884
Increase since reduction of duty	64,296,766	1,247,354

The CHAIRMAN. The question is upon the motion of the gentleman from Illinois [Mr. PLUMB] to amend the amendment of the gentleman from Tennessee [Mr. MCMILLIN].

Mr. PLUMB'S amendment to the amendment was again read.

Mr. STEELE. I hope the amendment proposed by the gentleman from Illinois [Mr. PLUMB] will be agreed to.

The question recurred on Mr. PLUMB'S amendment to the amendment.

The committee divided; and there were—ayes 56, noes 72.

Mr. MCKINLEY. I demand tellers.

Mr. STEELE. No quorum has voted and the gentleman is entitled to tellers.

Mr. MCKINLEY. I do not make the point of no quorum.

Tellers were ordered, and Mr. PLUMB and Mr. MCMILLIN were appointed.

The committee again divided; and the tellers reported—ayes 63, noes 73.

Mr. BAYNE. I move to strike out the last word. I rise more particularly for the purpose of making an inquiry of the chairman of the Ways and Means Committee. I find the paragraph upon which we are just voting to be somewhat different from the original law in this respect; that is, to that proposition in the original law there is a proviso which admits 55 pounds of glass in a box as if it were 50 pounds. That proviso seems to be a substantive proposition—that is, it seems to contain a certain exception in favor of glass that is put up in a certain form. What I want to know is, in the event of the passage of this bill, will that proviso be repealed, or will that proviso stand as a part of the law in the Mills bill?

Mr. MCMILLIN. In answer to the gentleman, I will say, of course, that those which are not touched will remain as they are.

Mr. BAYNE. The gentleman misapprehends the proposition. This proposition relates to unpolished cylinder, crown, and common window glass of certain descriptions. To that proposition in the original law there is appended a proviso which admits unpolished crown and window glass for boxes of 55 pounds——

A MEMBER. Fifty square feet.

Mr. BAYNE. As if it were 50 pounds.

A MEMBER. Fifty square feet.

Mr. BAYNE. As if it were 50 square feet. Does that proviso stand as a part of the law added to this bill in the event of its passage?

Mr. FARQUHAR. Stick to it; make them answer that question.

Mr. BAYNE. Unless that information can be given by the Ways and Means Committee——

Mr. MCMILLIN. I have already stated to the gentleman that those parts of the existing law not touched by the pending bill are left as in the existing law. This is an amendment to the tariff, and the proviso would stand as applicable to that not touched. But so far as the amendments made by the committee affect the proviso, they would to that extent change and repeal the proviso, of course.

Mr. BAYNE. I understand the gentleman to state this proviso relating to the particular subject-matter under discussion will stand as a part of the existing law in the event of the Mills bill becoming a law n the subject.

Mr. MCMILLIN. The gentleman does not state me correctly. What I said was this: that it was the intention of the existing law to stand so far as not changed by this bill, but so far as the section now under discussion does change the existing law it would repeal the proviso, but beyond that the proviso would stand.

Mr. BAYNE. That I must characterize as a glittering generality. What I wish to know is, will the proviso stand?

Mr. ADAMS. I understand the gentleman's answer to be this: It stands as to things which are not repealed by this section.

Mr. BAYNE. Will that proviso stand?

Mr. MCMILLLN. I have answered the gentleman.

Mr. ADAMS. There are different sizes in the existing bill and there is a different provision for each different size. Some of them are touched and some of them unchanged. Now, will this proviso in the original law apply to these sizes you have changed?

Mr. MCMILLIN. Unquestionably——

Mr. BAYNE. It will remain as part of the law, as a proviso to that part of the law which you have not changed. Will it be an existing proviso?

Mr. MCMILLIN. Wherein the section is inserted it changes the proviso. Of course it will be repealed, but not beyond that.

Mr. BAYNE. I wish to make one remark. I do not believe there is a gentleman in this body—and there are able lawyers in this body—I do not believe there is a gentleman in this body who can say whether this proviso will stand or whether it will fall in the event of the adoption of this bill. I do not believe there is a lawyer in this body who would hazard an opinion about that subject the way this bill is being managed in reference to the existing law.

That proviso makes a change upon the very subject now under discussion, and a very important change, and yet there is not a gentleman on the Ways and Means Committee, or any other gentleman in this House, who will hazard the opinion as to whether that provision will stand as a part of the new law if this becomes a law or not. This is all I desired to say.

Mr. ADAMS. The point of the gentleman from Pennsylvania is as to whether the words of the provision embodied in the existing law would apply to the several sizes of window-glass in view of this proposed modification. Let us call them, for the sake of convenience, sizes 1, 2, 3, and 4, so as to make the point clear. This proviso applies to all those sizes. The committee change, we will say, size 4, leaving unchanged sizes 1, 2, and 3. Now it might be argued that this proviso still remains as to sizes 1, 2, and 3, and as to that probably the committee is correct; but it is certainly important to find out whether it

applies to size 4, which has ceased to be a part of the provision to which the proviso attaches, as a part of the new bill which takes effect this year. I doubt whether that question could be answered. It has not yet been.

[Here the hammer fell.]

The CHAIRMAN. Debate upon the pending amendment is exhausted. If there be no objection, the Chair will regard the *pro forma* amendment as having been withdrawn.

There was no objection.

Mr. HIRES. I move to strike out the last word.

I send to the desk, Mr. Chairman, and ask to have read in my time the body of a petition, which is but a sample of a vast number which have come to me from various sections, bearing upon this question.

The Clerk read as follows:

PETITION.

To the Representative in Congress of the United States representing the First Congressional district from the State of New Jersey:

We, the undersigned citizens, most respectfully petition you to enter this our protest against the proposed reduction of the tariff on window-glass, and request that you vote against any reduction of the tariff on the same, but use every effort to have the rates of 1882 restored, for the following reasons, namely:

1. The tariff was reduced in 1883.

2. Since said reduction, the importation of window-glass has increased to such an extent, that over one-fourth of the window-glass consumed in this country is imported and the revenue has increased over $1,000,000, in consequence of which the earnings of the workingmen have been materially reduced.

Mr. HIRES. I also send to the desk and ask to have read a letter from D. J. Partello, United States consul at Dusseldorf, in a report sent by him to the Department of State on the manufacture of glass bottles in Germany. This relates to the manufacture of glass bottles, but it has a very important bearing upon the question of window-glass, which is now under consideration.

The Clerk read as follows:

A GREAT GERMAN BOTTLE FACTORY

D. J. Partello, United States consul at Dusseldorf, sends a report to the Department of State upon the "Manufacture of Glass Bottles in Germany," and the American Manufacturer reviews the report as follows:

"The glass-bottle manufactory of Fred. Heye, at Gerresheim, about 5 miles from Dusseldorf, is claimed to be the largest establishment of the kind in the world operated by one individual. Within a few hundred yards of the establishment are immense quantities of the best quality of sand, both yellow and white, which may be had at the cost of hauling. The buildings and grounds of the works in actual use cover an area of about 60 acres.

The grounds are laid off in divisions, squares, and streets, and graded and paved where necessary. There are ten stacks, having an average height of 100 feet. The grounds are surrounded by a heavy brick wall, and no one is admitted without permission. Adjoining the works, and within the inclosure of a park, laid out into squares and streets, are about 400 dwelling-houses, two stories in height, uniform in color and appearance, provided for homes for those who choose to occupy them at a low rent. Two, and sometimes three, families occupy a house. Those who occupy the houses are furnished fuel and light at cost prices.

The capacity of the works is about 300,000 bottles per day, but the number usually made is 200,000. It is a fact significant to our domestic manufacturers that a good share of the work under present contract is for the American market. For a year or two past the orders from America were small, but since the 1st of January the shipments have increased until they amount at the present time to 300,000 to 500,000 bottles weekly, which are invoiced at the Dusseldorf consulate consigned to dealers in New York, St. Louis, Milwaukee, Chicago, and Cincinnati, in bills of about 1,000 gross each.

About 5,000 different varieties of bottles are made, which include nearly every kind and shape of bottle in existence. It was shown by the books, says the consul, that a London firm had ordered annually for years past 10,000,000 to 15,000,000 of a certain kind of mineral-water bottle for mineral water procured from German springs and shipped from London to all parts of the world.

The sample rooms, fitted up with shelves, contain 10,000 to 15,000 bottles, all arranged according to size, number, and quality, and properly labeled, with the number of the mold also noted. The samples include duplicates of all bottles made at the works, besides a complete set of samples of foreign manufactures.

The consul was handed from the shelves bottles made at the glass-works of Baltimore, Md., and with them the same character of bottle made at Gerresheim. The main points of difference, the consul says, would be readily observed, the principal one being the seam always found running up the side of the American bottle and marring its appearance, which by the manner of blowing was obviated at Gerresheim. The claim was also made that the American bottle was inferior in other respects. If these points of inferiority really exist in the American, and are of any consequence, our manufacturers can no doubt overcome them easily.

The entire place is lighted by electricity, which system of lighting is fast finding its way throughout Germany. As previously stated, sand is found within a hundred yards of the works; a small adjoining town furnishes its labor, and the coal mines of Westphalia, in the neighborhood, supply the required coal at a low price. The production of the "Westphalia mines" last year amounted to about 27,000,000 tons. The ability of these works to compete with the domestic works in the United States is explained by their excellent location near a base of supplies, exceedingly low price of labor, and good management on the part of the conductors of the enterprise, avoiding strikes or any interruption in the steady and regular course of business. The number of persons employed in the entire works varies from 1,800 to 3,000, including many females.

The blowers are paid by the piece, or according to the number of bottles blown. Each workman has one apprentice allotted him to learn the trade and act as his assistant, and the bottles are all specially marked to show by which set of workmen made. If the houses of the employés belong to Mr. Heye the rent is small, about 4 per cent. on the cost of the building, not including the ground, which is charged against their weekly pay. Their food consists of beer, bread, coffee, tea, cheese, vegetables, with meat about once a week. The highest daily pay of the blowers averages from 87 cents to $1.20. The furnaces that are kept going night and day are run by three sets of hands, who keep the work steady for the twenty-four hours of the day. The wages of apprentices are about 12½ cents per day for the first year, with a slight increase each year; the women not generally over 48 cents; other employés from 35½ cents to 71½ cents per day, according to the special class of work employed upon, 50 cents being about the average pay of general employés.

During the reading of the above, the hammer fell.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HIRES. I ask unanimous consent that the remainder of that communication be printed.

There was no objection.

[The petition is printed above.]

Mr. HIRES. Mr. Chairman, the article just read gives to this House no doubt a true and correct statement as to the rates of wages paid not only in Germany but also in Belgium and France by the manufacturers of both bottles and window-glass.

As it has already been stated on the floor of this House the reduction made in the tariff on window-glass in 1883 had not only the effect to largely increase the importations but also to largely increase the revenue, and I venture the prediction, if the reduction proposed on window-glass by the majority of the Committee of Ways and Means should be passed by this Congress and become a law, the revenue from this source would be still largely increased by increased importations, which would certainly drive many concerns out of business and throw out of employment thousands of honest and willing workmen or reduce them to wages but little if any above those paid in Germany and other countries.

Mr. McMILLIN. As there seems to be some doubt as to what the effect of the amendment of the committee would be in regard to the proviso to which reference has been made, and it has not been the intention of the committee to repeal that proviso, I will move to amend my amendment by adding the proviso to it.

The CHAIRMAN. The gentleman will send it to the desk.

Mr. McMILLIN. I send the amendment to the desk to be copied from the present law.

Mr. ADAMS. I would ask the attention of the gentleman from Tennessee to the fact that this proviso contains two different propositions, one relating to the single thickness of glass, and the other to the double thickness.

Mr. McMILLIN. I propose to embody the whole proviso, and ask the Clerk to read it.

Mr. ADAMS. The first part of the proviso relates to 50 feet of single-thick glass, not exceeding 55 pounds weight, which shall be entered and computed as 50 pounds only, and the other to 50 feet, double thick, not exceeding 90 pounds weight, to be entered and computed as 80 pounds only.

Mr. FARQUHAR. Does the gentleman from Tennessee propose to adopt the whole proviso as it stands?

Mr. McMILLIN. That is exactly what I have proposed. I ask the Clerk to read the proviso.

The Clerk read as follows:

Provided, That unpolished cylinder, crown, and common window-glass imported in boxes containing 50 square feet, as nearly as sizes will permit, now known and commercially designated as 50 feet of glass, single thick, and weighing not to exceed 55 pounds of glass per box, shall be entered and computed as 50 pounds of glass only.

Mr. FARQUHAR. Now, that, if the gentleman will examine, does not embody the whole proviso, but he will discover there are six lines left out.

The CHAIRMAN. The Clerk will read the remainder of the proviso.

Mr. McMILLIN. I want the Clerk to read it all.

The Clerk read as follows:

And that said kinds of glass imported in boxes containing, as nearly as sizes will permit, 50 feet of glass, now known and commercially designated as 50 feet of glass, double thick and not exceeding 90 pounds in weight, shall be entered and computed as 80 pounds of glass only; but in all other cases the duty shall be computed according to the actual weight of glass.

Mr. McMILLIN. The proviso is simply the administrative feature of the provision. It was not the intention of the committee to repeal that; and, therefore, in order that there may be no confusion and to remove all doubt, we propose to insert the entire administrative feature of the present law in the pending bill.

Mr. FARQUHAR. If the gentleman from Tennessee will permit, I would like to have the Clerk read a part of the testimony taken before the Ways and Means Committee of the last Congress that is quite germane to the very question under consideration, and explains a good deal of this proviso. I would state that the Mr. Campbell who was before the committee is the same Mr. Campbell whose communication has just been read, the president of the Window-Glass Workers' Association of America.

The Clerk read as follows:

Mr. CAMPBELL. There is one thing that I wish to explain. The American manufacturers, in the price-lists that they send out, state that they will give so many lights for 50 feet to their customers in order to meet the French glass. In some sizes we have to do one-half more work to-day than we did in 1876 in order to meet foreign competition. They send in three lights for a box, and it runs all the way through for about forty or fifty sizes; for we have to add two lights per box in order to get the trade of this country; and we do that work for nothing, in addition to this reduction of wages.

Mr. REED. So that you are doing one-half more work?

Mr. CAMPBELL. In some sizes.

Mr. REED. And that is a material reduction from your apparent wages at present.

Mr. CAMPBELL. Certainly it is.

Mr. BRECKINRIDGE, of Kentucky. What is the proportion of the increased work in these boxes to your entire work?

Mr. CAMPBELL. The skilled part of it is in the neighborhood of forty or fifty different sizes, to which we have to add two more sizes per hundred feet in order to meet foreign competition; the American manufacturer, in filling orders for glass 40 by 52 feet, used to put in three lights; but a Western customer, in

sending on a large order, would say that he could get foreign glass with eight lights in the box of glass, and that if the American manufacturer would take the order at the same price and furnish the same number of lights as the foreign manufacturer did, they would give the order, otherwise not. So the American manufacturer was forced, in order to hold his orders, to put this increased work upon his workmen, and we have to submit to it; we can not do otherwise.

Mr. FARQUHAR. I simply want to say, in the absence of Mr. MCCULLOGH, the Representative from the Twenty-first Pennsylvania district, that he left with me three petitions like the petitions which have been presented this morning and ordered to be printed in the RECORD. As they are just like the others it will not be necessary to have them printed, but I will place them in the petition-box.

Mr. BAYNE. I desire, on behalf of my colleague [Mr. MCCORMICK], of the Sixteenth district of Pennsylvania, also to present some petitions, he not being present. I think one printing will be sufficient.

Mr. FARQUHAR. I have only one word to say in reply to the gentleman from Tennessee [Mr. MCMILLIN] when he opened the discussion on this paragraph this morning by what seemed to be a characterization that window-glass ought to be made cheaper to the American consumer. I am not aware under all the examinations made before our committee that the glass-blowers of this country have a scale disproportionately greater than any other class of workingmen. I think considering their lay-off, considering that they do not work the whole year around, though they apparently receive very large wages during the time they are engaged, their wages for an average of the whole twelve months will compare reasonably well with the wages of any skilled mechanics in the country. I want simply to read a comparison of the American wages and the European wages, put in an official shape:

	Pittsburgh average.	Belgium average.
	Per week.	*Per week.*
Blowers	$40.09	$20.00
Gatherers	23.03	6.25
Flatteners	34.45	6.25
Cutters	27.59	5.00

Now, Mr. Chairman, the report of the Secretary of the Treasury of one year ago, which is in the hands and for the use of every member of Congress, dated February 16, 1886, contains page after page on this wage question and the cost of production. There was also before the late Ways and Means Committee, or the one preceding it, in the Forty-ninth Congress, pages and pages of testimony all pointing to the fact that even the cut that was made in 1883, which was very small, probably about one-eighth, positively reduced the wages. When you come to the cut proposed in this bill, I say at once, considering these are what are commercially known as fixed plants, the only cut this bill can make will be in the wages.

The CHAIRMAN. Debate on the *pro forma* amendment is exhausted. If there be no objection, the Chair will assume that the *pro forma* amendment is withdrawn. The question is on the amendment submitted by the gentleman from Tennessee as modified.

Mr. DALZELL. Mr. Chairman, I have eight petitions from the glass-blowers of my district, containing the names of several hundred men. I send one to the Clerk's desk as a sample of the whole.

The petition is as follows:

PETITION.

To the Representative in Congress of the United States representing the Twenty-second Congressional district from the State of Pennsylvania:

We, the undersigned citizens, most respectfully petition you to enter this our protest against the proposed reduction of the tariff on window-glass, and request that you vote against any reduction of the tariff on the same, but use every effort to have the rates of 1882 restored, for the following reasons, namely:

First. The tariff was reduced in 1883.

Second. Since said reduction the importation of window-glass has increased to such an extent that over one-fourth of the window-glass consumed in this country is imported and the revenue has increased over $1,000,000, in consequence of which the earnings of the workingmen have been materially reduced.

Mr. DALZELL. I also ask to have printed as part of my remarks the paper which I send to the Clerk's desk.

[The paper referred to, in relation to cylinder glass, is the same that was submitted this morning by Mr. MCKINLEY, and is printed above.]

Mr. ADAMS. I rise to oppose the amendment, and I ask to have read from the desk a short letter which I have received on this subject on behalf of the Illinois Glass Company.

The letter was read, as follows:

ST. LOUIS, *March* 13, 1888.

DEAR SIR: Will you be so kind as to use your influence to prevent any reduction of the present tariff on bottles or window-glass. Any reduction which may be made in the present tariff must be entirely borne by labor, as these goods are already made on the closest possible margin. Our close-selling prices are dictated by the German manufacturers, with whom, at present rates of labor, we can only compete by the closest economy.

There are about twenty factories in Illinois with large capital invested, and the majority of these factories must be closed in case of tariff reduction.

Your kind attention will much oblige your obedient servant,

WM. ELIOT SMITH.

Hon. GEORGE E. ADAMS, M. C.,
Washington, D. C.

Mr. ADAMS. I simply wish to add that although that letter is dated St. Louis, the glass works are in Illinois. I withdraw the formal amendment.

Mr. JOSEPH D. TAYLOR. I renew the amendment.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I desire to make a suggestion. I believe there is no difference of opinion between the two sides of the House in regard to the adoption of the pending proviso. As regards the rates in this paragraph of the bill there are two or three changes that have been determined upon by the committee and have been put in my charge, but the memorandum of them is temporarily mislaid. I therefore ask unanimous consent that after we adopt the proviso, which we all desire to adopt, this paragraph of the bill be passed over informally until I can refer to my notes and propose the changes determined upon by the committee.

Mr. FARQUHAR. That is all right.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] asks unanimous consent that the vote be now taken on that portion of the amendment of the gentleman from Tennessee [Mr. MCMILLIN] embraced in the proviso, and that thereafter this paragraph be passed over informally for the present.

Mr. BUCHANAN. The proviso is a part of the amendment of the gentleman from Tennessee.

The CHAIRMAN. Yes; but the gentleman from Arkansas [Mr. BRECKINRIDGE] asks for a division of the question. He asks that the proviso be now passed upon, and then that the remainder of the paragraph be passed over informally.

Mr. MCMILLIN. I have no objection to the proviso going over also, if it is desired.

The request of Mr. BRECKINRIDGE, of Arkansas, was agreed to. The proviso was adopted and the remainder of the paragraph was passed over informally.

The Clerk read as follows:

Cast polished plate-glass, unsilvered, above 24 by 30 inches square and not exceeding 24 by 60 inches square, 20 cents per square foot; all above that, 40 cents per square foot.

Mr. MCMILLIN. I move to strike out that paragraph.

Mr. BAYNE. I do not rise exactly to oppose the amendment; but I do rise to show that at an early stage how fortunate it is for some of these manufacturers to have their works located in certain districts. I understand that there is a large establishment of this kind located in the State of Missouri in a district represented on this floor by a very worthy gentleman, and that under the benignant and persuasive influence of that gentleman the old duty upon this manufacture is to be restored. [Laughter.] I congratulate the district upon having so worthy a representative, and the Committee on Ways and Means on having so much consideration for gentlemen who belong to the political persuasion of the majority of that committee. In this connection, and by way of explanation, I desire to have read a brief letter as a part of my remarks.

The letter was read, as follows:

DEAR SIR: I am a Democrat and have always voted the Democratic ticket. I am engaged in the manufacture of ——— and employ ——— men, nearly all of whom vote the Democratic ticket. The profits of the manufacture are all very small and the business is carefully adjusted to the existing tariff. If the Mills bill should become a law it would be impossible for me to continue in this business. The industry would be destroyed. Can not you prevail upon the Committee on Ways and Means to exempt this particular industry from the operations of the Mills bill.

[Laughter.]

Mr. CLARDY. I beg leave to say to my friend from Pennsylvania [Mr. BAYNE], what the country knows, that the only aspiration of those who sought to influence and did influence the Democratic members of the Committee on Ways and Means to accept amendments to the bill under consideration was to so adjust the duties which the bill imposes as to be least oppressive, and to lift the burden of unnecessary and therefore unjust taxation from the shoulders of the people.

The Democratic members of the committee are not infallible, and they do not affect to be. They did not think it improper to submit the result of their long and arduous labors to their party associates, who, like themselves, are pledged to revise the tariff laws in the interest of the people who elected us all.

Democrats believe now, as they have always believed, that the provision of the Constitution which declares that Congress shall have power "to lay and collect taxes, duties, and imposts, to provide for the common defense and general welfare," means what Mr. Justice Story says it means, that Congress shall have power to lay and collect taxes, duties, and imposts in order to provide for the common defense and general welfare; but they deny that Congress has the right to lay and collect taxes in order to promote private fortunes. They also believe that taxation should bear heaviest on articles of luxury and lightest on articles of necessity, and so they have determined that the plate-glass used by rich people should bear a heavier rate of duty than the common window-glass that the poor people of the country buy and use.

I would not have been surprised, Mr. Chairman, if my friend from Pennsylvania and his party associates had favored a substantial reduction of the duty on plate-glass. A party that put mahogany and rosewood on the free-list, and left taxed every piece of timber the poor man uses, from the cradle to the coffin, might be expected to demand cheap plate-glass for the millionaire. In answer to the letter which

the gentleman has caused to be read, it is sufficient for me to say that it could not come from persons engaged in the plate-glass industry in my district, for while they are liberal-minded gentlemen they are Republicans in politics, and on all occasions manifest their fealty to their party.

Mr. BAYNE. If the gentleman will permit a suggestion, while it may be true that the members of the firm to which he refers are Republicans, they have a large number of employés who may not be Republicans.

Mr. CLARDY. Oh, yes; all workingmen in my country are Democrats. [Laughter and applause on the Democratic side.]

The amendment was agreed to.

The Clerk read as follows:

Porcelain and Bohemian glass, chemical glassware, painted glassware, stained glass, and all other manufactures of glass, or of which glass shall be the component material of chief value, not specially enumerated or provided for, 40 per cent. ad valorem.

Mr. FARQUHAR. I move to strike out "40" and insert "45," so as to make the duty 45 per cent. ad valorem. I wish simply to say that this amendment is in a line with petitions that have flooded our petition-box from the glass manufacturers of the United States, all asserting that it would be impossible to compete with a certain class of imported goods if a reduction of even 5 per cent. was made. Without going into the argument, I wish to say that these men ought to have a respectful hearing. The business is not very large, but it is growing rapidly in the land, and I think this House ought to give proper care and protection to an industry which has educated so many young men in this business.

Mr. BUCHANAN. Mr. Chairman, the only reason given for a reduction of the duties on glass and glassware has been the simple assertion that those duties are too high. It does not seem to me that a duty is too high which permits a vast and increasing importation of the foreign articles. By turning to the last report on commerce and navigation I find that in the year 1882 there was imported into this country of glass and glassware $6,634,371 worth; in 1887 the importation had increased to $7,319,895; and for the ten months ending April 30, 1888, the importation was $6,484,190. If we estimate the importation for the two remaining months of the year at the same rate, we shall find that for the year just closing this importation has increased to the amount of $7,564,887.

Now, it certainly does seem to me, Mr. Chairman, that this country ought to be able to make its own glass and glassware. It comprises articles for the production of which we should not be dependent upon any other country. I do know that we have the skill, the capital, and the enterprise to make these articles ourselves; and instead of passing a bill which will increase the importation by lowering the rates of duty, and thus adding to the surplus, I submit that some other action would be far more in consonance with the sound principles of statesmanship.

Mr. FARQUHAR. I wish to put a question to the gentleman from Tennessee [Mr. McMILLIN], whom I now see rising to address the committee. In the interest of what class of American consumers is this reduction of 5 per cent. made in this schedule? I will also ask him whether it will not increase importations.

Mr. McMILLIN. Mr. Chairman, I will state to the gentleman from New York [Mr. FARQUHAR] that the amount of duties received from this class of articles during the fiscal year ending June 30, 1887, was $360,608. By the proposed reduction there will be $45,000 less of taxes flowing into the Treasury to be locked up. The Government does not need the money, and even under the amendment proposed by the Committee on Ways and Means there will be an average rate of 40 per cent. duty on this class of articles.

Mr. FARQUHAR. Is it not certainly a premium on importation to lower this schedule on this class of articles? Is not all this schedule for the benefit of the rich? Is it not for the millionaire? The poor man is not interested at all in this schedule—Bohemian ware, porcelain, and stained glass. Any reduction of duty must be simply for the benefit of those who are well able to pay taxes for the support of the Government. I undertake to say, too, that this reduction of 5 per cent. is an invitation for increased importation.

Mr. McMILLIN. The gentleman can not make any capital out of the proposition——

Mr. FARQUHAR. I am not trying to "make any capital."

Mr. McMILLIN. The gentleman is talking freely about the interests of the rich while he seems to be profoundly ignorant of the fact that the very tariff law which his party passed and under which we are now operating puts silk velvets at only about half the rate of duty which is put on woolen goods.

Mr. FARQUHAR. We are not discussing silk and woolen goods now, but porcelain and Bohemian glass.

Mr. McMILLIN. But I was showing that the gentleman is not consistent in his point.

Mr. FARQUHAR. Consistency on this paragraph is what I desire of the gentleman from Tennessee.

Mr. McMILLIN. There is no necessity whatever for the amount of money that is now raised from this tax, and it is proposed to reduce the duty in the bill under consideration to an average rate of 40 per cent.

Mr. BUCHANAN. Does the gentleman honestly believe that lowering the rate of duty from 45 per cent. to 40 per cent. will at the expiration of the year during which the reduction may operate show a reduction of the amount received from this item?

Mr. McMILLIN. I have no doubt of it.

Mr. BUCHANAN. I simply wanted to ascertain the extent of the gentleman's faith; I might call it credulity, but I do not want to be discourteous.

Mr. McMILLIN. The gentleman can call it anything he wishes; he can satisfy his own mind on that subject. I shall not disturb myself by his utterances.

Mr. ADAMS. But, Mr. Chairman, the gentleman's reasoning, as I understand, rests on the assumption that precisely the same amount of this class of glass will be imported under a reduced duty as under that now existing. Is that a fair assumption?

Mr. McMILLIN. I did not state that there would be exactly the same importation; but the idea I do intend to convey is that there will not be a sufficient increase of importation to make up the difference caused by the reduction.

Mr. ADAMS. Then the gentleman does not think that the reduction will be as much as is stated in the report?

Mr. McMILLIN. It may not be; you can only guess at that—only time can tell.

Mr. HOPKINS, of New York. I would like to ask the gentleman a question.

Mr. McMILLIN. I shall take pleasure in answering the gentleman if he will speak so that I can hear him.

Mr. BLAND. This is all very interesting, but some of us would like to have a vote and proceed with business.

Mr. HOPKINS, of New York. Does not the gentleman's amendment increase the revenues of the Government for the benefit of the rich?

Mr. McMILLIN. I would take great delight in answering the question of the gentleman if I could hear it; but he speaks in so low a tone that, with the confusion prevailing in the Hall, I can not hear him.

The CHAIRMAN. The gentleman from New York [Mr. HOPKINS] is suffering with a complaint of the throat and can not speak in a loud tone.

The question being taken on the amendment of Mr. BUCHANAN, it was rejected; there being—ayes 60, noes 66.

The Clerk read as follows:

Iron in pigs, iron kentledge, $6 a ton.

Mr. McKINLEY. I move to insert after the word "dollars" the words "and seventy-two cents;" so it will read:

Iron in pigs, iron kentledge, $6.72 a ton.

That is the present duty.

Mr. BURROWS. I move to strike out line 155 for the purpose of having printed in the RECORD an abstract of testimony taken before the Tariff Commission, which is the last information we have on the subject of glass. I desire to have that printed in the RECORD.

The CHAIRMAN. The gentleman has that right under the general leave granted by the House.

Mr. BURROWS. The abstract of testimony to which I have referred is as follows:

GLASS.

[Tariff Commission.]

Mr. De Pauw, of New Albany, Ind., testifies before the commission: "We manufacture two-thirds of all the plate-glass in the United States. The price of some sizes is only two-thirds and others one-half of what it was when we started. Regarding the tariff, I would say the cause of increase in importations is our competition in this country. We have invested $1,250,000, and employ 1,000 men.

"Plate-glass is made of the raw materials sand, soda-ash, and lime.

"Our industry is only about ten years old in this country; if a reduction is made in tariff we must then reduce our labor expenses, as everything else is run as cheaply as possible. A reduction of 25 per cent. would stop the industry."

Mr. Hitchcock, of the St. Louis Plate Glass Company, states: "We desire that the duty on plate-glass should remain as it is; it is a new industry; there are only four or five factories in this country; we have struggled along through ten or twelve years, and the profits amount to almost nothing. Eventually we will be able to stand without protection, but not yet. We pay in this country as compared with England, Belgium, and France all the way from two to four and a five hundred per cent. increased wages. In this year, 1882, we have a capacity of 2,000,000 feet, about one-half the consumption of the United States. The importation ranges from two to four millions.

"The establishing of these plate-glass factories in this country has reduced the cost to consumer from $2.50 to $1.

"Plate-glass mostly imported from Belgium and France; most extensive works in France. The moment duty on plate-glass is reduced, foreign manufactories will do exactly what they did before our factories were started. They may deny this, but it can be proven. Combinations were made in England, France, and Belgium not to sell to American consumers except at a certain price, and we were at their mercy. At present it will do them no good to combine against us, for our manufactories hold them in check.

"The French Government not only protects its manufactories of plate-glass by a protective duty, but it gave them a subsidy for years. We do not ask for subsidy; all we want is a reasonable protection.

"It has been stated that duty on plate-glass is 100 per cent. This is not so; it varies, according to size of the plate, from 2½ cents a square foot up to 50 cents a square foot. From statistics furnished by Mr. Nimmo it is shown that from 1870

to 1881 there were $26,000,000 worth of plate-glass imported, on which there was a duty paid of $13,000,000, showing average of those years about 50 per cent.

"Amount of capital invested in this country, two and one-half or three millions of dollars."

Mr. W. C. De Pauw, father of one already heard, stated some valuable information to the committee which they ordered printed. I went to Europe with my son and spent 13 months in studying foreign plate-glass industry. This information has been obtained after long, patient investigation and after many refusals. Americans do not realize the jealousy existing abroad against our manufacturing establishments; especially is this true of England, where we are regarded as her greatest rival.

I regret to say that plate-glass manufacturers in Europe who had been shown through my establishment at New Albany, Ind., flatly refused to let me look in their establishments, although I had letters from their largest customers in America and some of the most prominent men in America; hence I resorted to government officials and records.

In England from 1671 to 1856 the tariff actually prohibited the importation of plate-glass. From 1671 to 1714 duty was $1.29 per square foot; from 1819 to 1829 duty increased to $1.60, and then from $ .50 to $2.75 per square foot. In 1845 this extreme rate of duty was lowered, but is still prohibitory. These duties are more than five times as high as the highest duty ever levied by the United States.

In France up to 1860 importation of window-glass prohibited; plate-glass prohibited under severest penalty; for instance, in the law which was annulled in 1786 we find this: "Importation of mirrors prohibited under pain of confiscation and £3,000 penalty." Since that time it has always had a tariff duty double as high as ever levied in the United States.

In this way France, Belgium, and England built up and maintained the largest and most successful glass manufactories in the world.

Americans are paying about half as much for plate-glass to-day as they did prior to the time we manufactured it in this country.

All money put into this business prior to 1879 was a total loss. This was the experience of some of the shrewdest and most energetic business men of Boston, New York, Philadelphia, Detroit, Chicago, St. Louis, and Louisville.

The general agent for France, Belgium, and Germany, at Paris, said to Hon. J. J. Brown, of Indiana, "Shippers understand how to evade tariffs."

Mr. Bodine, of Pittsburgh, before the committee said, "I represent the American Association of Window-Glass Manufacturers. Consumption of window-glass in the United States amounts to 3,000,000 boxes per annum, both American and imported; of this three-fourths is American, one-fourth foreign. The capacity of American factories is or would be equal to the total consumption. The number of window-glass factories in the United States is 92 furnaces, with 836 pots; these are distributed through States as follows." (See page 1999 Tariff Commission, vol. 2.)

The manufacture of window-glass is a product of labor without machinery and from crude materials. Our labor competition is mostly with Belgium, where labor is cheaper than anywhere else in Europe.

The effect of the present duty on window-glass is unfavorable to none. The producer is benefited by the direct labor employed; the whole country is benefited by the consumption of native crude material and the giving of employment to our labor.

Window-glass is known as "double-thick" and "single-thick;" double-thick 50 per cent. thicker than single-thick.

The price per pound, as shown in this table (page 2004, Tariff Commission, volume 2), for imported glass proves that American competition drove down the price abroad for American shipments 5¼ cents per pound in 1873 and 1874; to 3.1 cents in 1881.

We have made attempts to ascertain wages accurately abroad, but owing to the fact that, as they expressed it, "the American tariff was not favorable to them," they have refused any information. As nearly as we can find, however, the wages are 33 per cent. higher here than in Belgium.

Mr. Hitchcock, of St. Louis, before the Morrison committee, in 1886, made another very able statement of the industry:

"Large plates which in 1872-'73 would sell for $2.50 per square foot and upwards now sell for 90 cents and $1. This decline in price is directly attributable to American competition, as whenever American manufacturers have suspended production occasionally foreign manufacturers have immediately put up the price."

[Treasury report.]

Five firms ask that the duty on beveled glass be the same as cut-glass, as the process is the same; now it is the same as plate-glass.

Four firms concur in this.

Mr. Ford, president of the Pittsburgh Plate-Glass Company, said:

We use in this manufacture—

	Per ton.
White sand	$3.00
Soda ash (domestic)	35.00
Sulphate of soda (domestic)	17.00
Limestone	3.40
Arsenic (imported)	62.00
Salt	20.00

Cost of labor, from 35 to 40 cents per square foot. Operating expenses average $42,000 per month. There are other elements in composition. (See page 155, if wanted.)

We believe the tax is being evaded from the fact that plate-glass can not be imported and sold at present prices without a heavy loss to the importers. If this is incorrect, why is it that merchants outside of seaport cities never import plate-glass? An importer informed a Western merchant who was going to attempt it, "You do not understand working custom officials."

The cost of production was so great when plate-glass was first manufactured that, though it was $2 per square foot and the duty was the same, yet every dollar invested prior to 1880 was lost.

Had it not been for the protection of the Government, not a foot of plate-glass would have ever been made in this country.

The CHAIRMAN. The committee is now upon line 156, "iron in pigs, iron kentledge, $6 a ton," to which the gentleman from Ohio [Mr. MCKINLEY] has moved an amendment to insert after the word "dollars" "and seventy-two cents."

Mr. DALZELL. Mr. Chairman, there seems to be some misunderstanding in reference to lines 118 to 130.

The CHAIRMAN. That paragraph was disposed of, no amendment being offered to it. The preceding paragraph was passed over by consent.

Mr. DALZELL. The members on this side of the House do not so understand, but both paragraphs were passed over to be recurred to hereafter.

The CHAIRMAN. They were read at the last meeting of the committee, and no amendment was offered, and they were read again this morning, but no amendment was offered, whereupon the committee proceeded to the next paragraph.

Mr. ADAMS. It will be found there is an understanding on both sides of the House that these two paragraphs were to be passed over to be recurred to hereafter. I have made inquiries on both sides of the House and find that to be the understanding.

The CHAIRMAN. From lines 103 to 117 were passed over to be recurred to hereafter.

It is as follows:

Green and colored glass bottles, vials, and demijohns and carboys (covered or uncovered), pickle or preserve jars, and other plain, molded, or pressed green and colored bottle-glass, not cut, engraved, or painted, and not specially enumerated or provided for, three-fourths of 1 cent per pound; if filled, and not otherwise provided for, and the contents are subject to an ad valorem duty, or to a rate of duty based on their value, the value of such bottles, vials, or other vessels shall be added to the value of the contents for the ascertainment of the dutiable value of the latter; but if filled and not otherwise provided for, and the contents are not subject to an ad valorem duty or to a rate of duty based on their value, they shall pay a duty of three-fourths of 1 cent per pound in addition to the duty, if any, on their contents.

The next paragraph, which was disposed of, is as follows:

Flint and lime glass bottles and vials, and other plain, molded, or pressed flint or lime glassware, not specially enumerated or provided for, 30 per cent. ad valorem; if filled, and not otherwise provided for, and the contents are subject to an ad valorem duty, or to a rate of duty based on their value, the value of such flint or lime glass bottles or vials, or other vessels of like material above provided for, shall be added to the value of the contents for the ascertainment of the dutiable value of the latter; but if filled, and not otherwise provided for, and the contents are not subject to an ad valorem duty, or to a rate of duty based on their value, they shall pay a duty of 30 per cent. ad valorem in addition to the duty, if any, on their contents.

Mr. DALZELL. The understanding on this side of the House was that both paragraphs were to be passed over, to be recurred to hereafter.

Mr. DOCKERY. It will be remembered that refusal to make that agreement was the occasion of the dilatory tactics on Saturday evening.

Mr. REED. The gentleman from Missouri will not call those dilatory tactics.

The CHAIRMAN. The pending question before the committee is the amendment of the gentleman from Ohio [Mr. MCKINLEY].

Mr. REED. It is evident there was a misunderstanding as to that paragraph, and I ask, by unanimous consent, it be passed over, to be considered with the preceding paragraph.

The CHAIRMAN. The gentleman from Maine asks that the paragraph embraced in lines 118 to 130 be passed over, to be recurred to hereafter.

Mr. MCMILLIN. I will state to the gentleman from Maine that was disposed of by the committee. There was no purpose to pass it over informally. We would prefer to dispose of it now.

Mr. REED. It relates to the same subject as the preceding paragraph, and we ask they may be considered together.

Mr. MCMILLIN. What is the objection to disposing of it now?

Mr. REED. It has been desired to have the gentleman from Wisconsin [Mr. GUENTHER] present when the preceding paragraph was disposed of. I do not know whether he is concerned with this or not.

Mr. MCMILLIN. I do not know.

Mr. REED. If there is any doubt about it, Mr. Chairman, I think it should be passed over, and I ask, by unanimous consent, that be the understanding.

Mr. BLAND. How many lines does it include?

The CHAIRMAN. It includes from line 118 to 130.

Mr. BLAND. If we are constantly to recur to what we have disposed of, we will never get through with legislation. I object.

Mr. REED. It all relates to one subject.

Mr. BLAND. I do not care; we have disposed of it.

Mr. REED. In the confusion the Clerk sometimes reads so rapidly that we do not understand.

Mr. MCMILLIN. What has become of the paragraph included between lines 135 and 141?

The CHAIRMAN. That has been passed over.

Mr. DOCKERY. While I have not objected to the request of the gentleman from Maine [Mr. REED], I have sent for the RECORD and find it is in exact harmony with my statement in reference to this matter. It is as follows:

The Clerk read as follows:

"Flint and lime glass bottles and vials, and other plain, molded, or pressed flint or lime glassware, not specially enumerated or provided for, 30 per cent. ad valorem; if filled, and not otherwise provided for, and the contents are subject to an ad valorem duty, or to a rate of duty based on their value, the value of such flint or lime glass bottles or vials, or other vessels of like material above provided for, shall be added to the value of the contents for the ascertainment of the dutiable value of the latter; but if filled, and not otherwise provided for, and the contents are not subject to an ad valorem duty, or to a rate of duty based on their value, they shall pay a duty of 30 per cent. ad valorem in addition to the duty, if any, on their contents."

Mr. ADAMS. I want to understand this matter of the defect in the existing law, and I have an impression that there is in the pending bill an attempt to remedy that defect. Therefore, if the gentleman really desires the existing law as to rates to stand, instead of striking out the paragraph on page 13—I speak of it now because there is precisely the same provision in the paragraph just read—it would achieve his purpose, and it would be better to simply restore the existing rates in this paragraph and leave the language of the paragraph to stand; because in the language of the paragraph I believe (although I am not familiar with the subject) will be found the remedy for the defect in the existing law which has been under discussion.

Mr. MCMILLIN. We passed over informally the paragraph upon which discussion arose, and the Clerk has just read the next paragraph.

Mr. BURROWS. Is it understood that that paragraph is passed over informally?
Mr. MCMILLIN. Which one?
Mr. BURROWS. The one which has just been read.
Mr. MCMILLIN. No, sir.
Mr. BURROWS. Then we have something to say about it. Mr. Chairman, I move that the committee do now rise.

Mr. REED. It may be that you are correct, but that has not been the understanding on this side of the House.

Mr. DOCKERY. I only stated this to show what occurred; but I have no objection to the request of the gentleman from Maine.

The CHAIRMAN. The gentleman from Missouri objects.

Mr. DOCKERY. No, I do not object.

The CHAIRMAN. The gentleman from Missouri [Mr. BLAND] has objected.

The question is on agreeing to the amendment of the gentleman from Ohio [Mr. MCKINLEY].

Mr. MCKINLEY. I want to say, Mr. Chairman, that my amendment is simply the existing law; and the duty fixed by existing law is none too high for the successful prosecution of this industry. The importations last year were very large, competition was very sharp, and there is not a consumer in the country who is complaining of the price of pig-iron. The reduction proposed on this article in the bill will, of necessity, come out of the labor employed in the industry. I hope, therefore, the amendment I have offered will be adopted.

Mr. MCMILLIN. The present rate of duty on pig-iron is equivalent to 50.51 per cent., being $6.72 per ton. The reduction that is proposed is only 72 cents a ton, a very mild, a very moderate and reasonable reduction; and I do not think it would be either proper or wise, when there is an inevitable necessity and great demand for the reduction of the revenue, to restore the present rate of duty.

The question was taken on the amendment of Mr. MCKINLEY; and on a division there were—ayes 64, noes 69.

Mr. HOPKINS, of New York. No quorum.

Mr. MCMILLIN. I demand tellers.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. MCKINLEY and Mr. MCMILLIN were appointed tellers.

Mr. HOPKINS, of New York. I withdraw the point of no quorum; I did not understand the announcement of the Chair.

The CHAIRMAN. Tellers have been demanded.

Mr. MCMILLIN. I renew the point of order, in order to save time.

The committee again divided; and the tellers reported—ayes 68, noes 77.

So the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRISP having resumed the chair as Speaker *pro tempore*, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. 9859) making appropriations for the preservation, repair, and improvement of certain public works on rivers and harbors, and for other purposes, for the fiscal year ending June 30, 1889, and requested a conference with the House thereon; and had appointed Mr. FRYE, Mr. DOLPH, and Mr. RANSOM managers of the conference on the part of the Senate.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 1669) to authorize the Mississippi and Louisiana Bridge and Railroad Company, of Natchez, Miss., to construct a bridge over the Mississippi River at or near Natchez, Miss.

THE TARIFF.

The Committee of the Whole resumed its session.

The Clerk read as follows:

Iron railway bars weighing more than 25 pounds to the yard, $11 per ton.

Mr. MCKINLEY. I move to strike out lines 157 and 158.

The question was taken; and on a division there were—ayes 47, noes 54.

Mr. HOPKINS, of New York. No quorum.

Mr. MCKINLEY. I hope the gentleman from New York will withdraw the point of order, and I will demand tellers.

Mr. HOPKINS, of New York. Very well.

Mr. MCKINLEY. Now I demand tellers.

Tellers were ordered.

Mr. MCKINLEY and Mr. MCMILLIN were appointed tellers.

The committee proceeded to divide, but before the announcement of the result,

Mr. MCKINLEY (one of the tellers) said: I withdraw the demand for a further count.

So (no further count being demanded) the amendment was rejected.

The Clerk read as follows:

Steel railway bars and railway bars made in part of steel, weighing more than 25 pounds to the yard, and slabs and billets of steel, $11 per ton.

Mr. MCMILLIN. I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out, in line 161, the words "and slabs and billets of steel."

Mr. BAYNE. What is the reason of the amendment?

Mr. MCMILLIN. One reason, and a very important reason, is that the railway bar is the advanced product of the billets, and we do not think it is proper to fix the same rate of duty on the slabs and billets that is fixed upon the more advanced product, namely, the railway bar that is made from steel in that shape.

Mr. BAYNE. What duty is proposed to be placed upon the slabs?

Mr. MCMILLIN. The present rate of duty will remain in force if these words are stricken out.

Mr. BAYNE. What is the present rate of duty?

Mr. MCMILLIN. Forty-five per cent.

Mr. MCKINLEY. Let the amendment be again reported.

The amendment was again read.

Mr. MCKINLEY. I wish to ask the gentleman a question. That leaves the steel billets as under the present law?

Mr. MCMILLIN. That is the effect of the amendment.

Mr. MCKINLEY. Forty-five per cent. ad valorem?

Mr. MCMILLIN. That is the present rate.

Mr. BAYNE. That is the equivalent, I understand, of about $8 per ton. At the present selling rate it is about $1.28 more per ton upon pig metal, and it is——

Mr. MCMILLIN. It is exactly as we find the existing law.

Mr. BAYNE. But are you not willing to correct inequalities or errors in the present law if you should find any? If there are defects in the law, do you propose to correct them? There seems to be a good deal of indisposition on the part of the committee to rectify any mistake or omission or error of any kind, however grievous, which they may find in the present law.

Here is an obvious case. Here is a place where soft steel should be raised and a duty of at least $10 or $12 a ton be put upon it, in order to bring it up to its proper rating in comparison with the other ratings of the iron and steel schedule. Yet there is no disposition whatever to do that. I regret to say that this is one case perhaps in which a Representative from a Democratic district has failed. This industry is represented in the State of West Virginia by a very excellent gentleman [Mr. WILSON], who is a member of the Ways and Means Committee. When the bill was first reported it was put in good form, and if it had passed the committee in that shape it would have been all right. But a discovery was made that it raised the duty. It properly raised the duty. The gentleman from West Virginia was quite right when he had that amendment put into the bill which raised the duty above the existing law. It was a proper thing to do. But it was discovered by the majority of his colleagues that the duty was being raised. That was enough. It was like shaking a red bandana before a good Republican or a red rag before a bull. It was cut out, and now you relegate steel slabs down to the low rate of duty which they pay under existing law. That rate of duty is too low. It is not right. There ought to be some disposition to rectify this error and put steel slabs at a proper rate of duty. But there is no such disposition.

Mr. MCMILLIN. In response to the gentleman's statement that there is no disposition to rectify errors in existing law, I need only state that the whole bill is framed to rectify mistakes in existing law. We can not hope, however, to rectify every mistake that has been made in the last twenty-five years.

Mr. BAYNE. Is 45 per cent. ad valorem a duty proportionate to the duty paid by the other articles on the iron and steel schedule under existing law?

Mr. MCMILLIN. I can not state about that; but we have given a very material reduction in steel rails—from $17 a ton to $11 a ton. At the same time we do feel a little disinclined to increase the cost of the material out of which they are made.

Mr. BAYNE. But you put in your bill $6 a ton for pig-metal.

Mr. MCMILLIN. Exactly.

Mr. BAYNE. And $8 a ton on, or about that for, steel slabs.

Mr. MCMILLIN. That is in the existing law.

Mr. BAYNE. I know it is, but it needs rectification in that respect.

Mr. MCMILLIN. The gentleman would rectify by raising duties. I have never known the gentleman to propose to rectify by lowering duties.

Mr. BAYNE. The only rectification you would make would be by lowering.

Mr. MCMILLIN. I say you have never proposed to rectify any duty by lowering. That was my remark.

Mr. BAYNE. I will refer the gentleman to bichromate of potash.

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last word. The present paragraph as it stands provides:

Steel railway-bars and railway-bars made in part of steel, weighing more than 25 pounds to the yard, and slabs and billets of steel, $11 a ton.

The gentleman from Tennessee moves to strike out from the bill the words:

And slabs and billets of steel.

The reason he gives for that motion is that it is, as it now stands, placing the manufactured product and the article of which the manufactured product is made upon the list at the same rate. That is true, but I desire to call his attention to the fact that when this bill was framed slabs and billets of steel were not a manufactured product any more than they are to-day, and that railway bars were just as much

a manufactured product. If the bill was correct then, his amendment is wrong now. If his amendment is correct, the bill was wrong when it was indorsed by the St. Louis convention.

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn.

Mr. DALZELL. In a speech delivered in this House on the 11th day of May last, the gentleman who represents the Erie district of Pennsylvania [Mr. SCOTT] made certain statements with respect to the cost of the manufacture of Bessemer-steel rails, and certain statements also with respect to profits derived from that industry.

I think the cause of truth demands that those statements should be met, and as I can not cover the ground in five minutes I ask leave to print, and will furnish to the Clerk, for the RECORD, an article upon that subject treating of these two propositions of the gentleman from Pennsylvania. This, with the changes that I make, I adopt as my own.

The gentleman from the Erie district of Pennsylvania said:

The following is the cost of manufacturing a ton of steel rails, of 2,240 pounds, at the Edgar Thomson Steel Works, located near Pittsburgh, Pa., during the year 1887, one of the largest establishments of the kind in the United States:

Market price of 1 ton of No. 1 Bessemer pig-iron at the mill		$18.00
Converting same, per ton		1.50
Blooming, per ton		.72
Finishing, per ton		1.87
1¼ tons Connellsville coke, average $1.35 per ton		1.62
		23.71
Add for net loss on material, first to last, 13 per cent		3.08
Total		26.79
Divided as follows:		
Labor	$4.09	
Material and waste	22.70	
		26.79

The percentage of labor cost to the cost of production is 15.26 per cent. The percentage of labor cost to the average selling price of steel rails, namely, selling price of rails, $37.50; labor, per ton, $4.09, is 10.9 per cent. The present rate of $17 per ton duty on steel rails is equal, under the present tariff, to an ad valorem duty of 85 per cent.

Referring to the figures thus given of the alleged cost of producing a ton of steel rails at the Edgar Thomson Works in 1887, which the gentleman places at $26.79, it is noticeable that he makes no allowance for the labor cost of producing the iron ore, coke, limestone, pig-iron, and other raw materials which enter into the production of steel rails, nor for the labor cost of transporting these raw materials, thus disingenuously attempting to create the impression that labor receives many times less than its due share of the price of the finished product. This labor cost of the production and transportation of raw materials is as much a part of the labor cost of producing a ton of steel rails as that which enters into the final manipulation of the raw materials in the converting department and in the rail-mill. Instead, therefore, of the labor cost of producing a ton of steel rails in 1887 being $4.09, as stated by the gentleman from Erie [Mr. SCOTT], it was many times that sum.

It is also noticeable that he makes no allowance in his table for spiegeleisen or ferromanganese in the production of steel rails. The manufacture of steel rails is not possible without the use of one or the other of these raw materials, both of which in 1887 cost much more per ton than the Bessemer pig-iron referred to in the first line of the gentleman's table. His subsequent incidental reference to spiegeleisen as an element in the production of steel rails which costs "very little" would be ridiculous if it were not wicked. The cost of spiegeleisen or ferromanganese in every ton of steel rails produced in this country in 1887 was about $3. Assuming that the gentleman's calculation of the cost of a ton of steel rails in 1887, namely, $26.79, was correct as far as it embraced the details of such cost, there must be added about $3 for spiegeleisen or ferromanganese, thus making the cost of a ton of steel rails in 1887, according to his own showing, not less than $29.79.

But the very first line of his table contains so serious an error that no confidence ought to be placed in any of his statements. His table pretends to give the cost of producing a ton of steel rails in 1887. In the first line of the table he gives the "market price of one ton of No. 1 Bessemer pig-iron at the mill" as $18. The market price of Bessemer pig-iron in this country in 1887 was at no time as low as $18. At the beginning of the year the price was $21.50 per ton; at the middle of the year it was $21.25 per ton; as late as November it was $20; and at the close of the year it was $19. These are quotations at Pittsburgh, where the Edgar Thomson Works are located. A fair average for the whole year would be not less than $20, or $2 per ton more than the price given by the gentleman.

He distinctly states that "the cost to produce a ton of steel rails at the Edgar Thomson Steel Works in 1877 was $26.79." It has been shown that in omitting the spiegeleisen or ferromanganese and in misstating the cost of a ton of Bessemer pig-iron his figures are at least $5 too low. To these serious miscalculations should be added the cost of the steam-power, which is not included in his table, and also the cost of all repairs, the cost of general management, taxes, insurance, and other elements of cost which he has omitted. The gentleman's calculations being grossly inaccurate, his conclusions are entirely without value.

The gentleman is said to be a millionaire many times over. He would resent as an impertinence any inquiry on the floor of the House into his profits in any particular year, yet he did not hesitate to refer to the alleged profits of Mr. Andrew Carnegie, the principal owner of the Edgar Thomson Steel Works, in the following language:

One of the members of the Edgar Thomson Steel Works, Limited, admitted to me within the past month, within 200 feet of where I now stand, that a statement, made by myself in the fall of 1886, was correct, namely, that he drew out of the company as dividends in one year the sum of $1,500,000, the equivalent of $5,000 per day for three hundred days in the year, and this was but one member of the firm, with no statement of profits undivided. No intelligent business man will put the profits of this company at less than $5,000,000 in prosperous years, and we will allow them to employ 7,500 wage-workers.

Mr. Carnegie, not being a member of Congress, and not being in Washington when these charges were made, could not promptly contradict them. He, however, wrote the following letter, which places the gentleman's reputation for candor and fair dealing in a very unenviable light:

CARNEGIE BROTHERS & CO., LIMITED, BRANCH OFFICE,
No. 48 Fifth Avenue, Pittsburgh, May 16, 1888.

DEAR SIR: In reply to your inquiry I beg to state exactly what occurred between Mr. SCOTT and myself in the room of the Ways and Means Committee, at Washington.

I said to Mr. SCOTT: "You have been making speeches around the country saying that I would not consent to become an American citizen, and that I was a foreigner profiting by the high tariff." Mr. SCOTT said that he had made that statement "under a misapprehension," and he now knew "it was not true." He had "read Triumphant Democracy," and knew that I was an intensely patriotic American. He promised not to repeat it.

I said: "There is another statement you have made which is equally incorrect, namely, that I took a million and a half of dollars of dividends from my manufacturing interests in one year." I gave away in one year a million of dollars to found three public libraries, and had given about half a million before, and I explained to Mr. SCOTT that these libraries would not be finished for several years. Mr. SCOTT appeared satisfied with the explanation, and said that I was entitled to credit for the disposition I had made and was making of my means.

So far from ever having drawn a million and a half from our firm in any one year, I have never drawn a million, nor half a million, nor any sum approaching it. The money that we have earned has mainly gone into new and improved works, to develop still further the resources of this great Republic.

So far from the steel-rail industry in this country having been excessively profitable, the capital invested has scarcely yet received a moderate return. There are eleven large steel-rail manufacturing works in America, and of these five have failed and been reorganized, two of them twice.

There is no steel-rail monopoly; anybody is free to enter upon the manufacture of steel rails. There are no patents. If Mr. Scott really believed the profits of the iron and steel business were beyond the average it is strange that he did not continue to operate the iron mill at Erie in which he once embarked. He can to-day purchase the shares of most of the steel-rail manufacturing concerns in this country for less money than there is capital invested.

As for one steel-rail manufacturing concern making $5,000,000 per annum, all the steel-rail companies of this country will not make $5,000,000 profit this year, nor anything like so great a sum.

With a capacity to manufacture double the amount of rails required, the steel-rail mills of this country have nothing to look forward to for some time but a severe struggle to run part of their works and maintain their organizations. The present price of rails ($30 at works) shows what we have to expect.

Yours, very respectfully,
ANDREW CARNEGIE.

Mr. JAMES M. SWANK, *Philadelphia, Pa.*

The CHAIRMAN. The formal amendment having been withdrawn, the question recurs on the amendment submitted by the gentleman from Tennessee [Mr. MCMILLIN].

Mr. BAYNE. Let it be reported.

The Clerk reported the amendment.

The amendment was agreed to.

Mr. BAYNE. Before further progress is made with the provisions of this bill relating to iron I ask that these provisions be passed over until my colleague [Judge KELLEY] is present. He is not here. I am certain he felt that this——

Mr. BLAND. We have already thrown away one day and given away two. I object to passing over anything more. If we are to get through with this bill before the dog-days let us go on and get through with it. I protest against any passing over or recurring on behalf of anybody.

The CHAIRMAN. Objection is heard.

Mr. BAYNE. I hope that objection will be withdrawn.

Mr. BLAND. I hope it will not, and I enter my protest now against delaying the bill in this way or passing over anything.

The Clerk read as follows:

Bar-iron, rolled or hammered, comprising flats not less than 1 inch wide nor less than three-eighths of 1 inch thick, seven-tenths of 1 cent per pound; comprising round iron not less than three-fourths of 1 inch in diameter, and square iron not less than three-fourths of 1 inch square, and flats less than 1 inch wide or less than three-eighths of 1 inch thick, round iron less than three-fourths of 1 inch and not less than seven-sixteenths of 1 inch in diameter, and square iron less than three-fourths of 1 inch square, 1 cent per pound: *Provided*, That all iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig-iron, except castings, shall be rated as iron in bars, and pay a duty accordingly; and none of the above iron shall pay a less rate of duty than 35 per cent. ad valorem: *Provided further*, That all iron bars, blooms, billets, or sizes or shapes of any kind, in the manufacture of which charcoal is used as fuel, shall be subject to a duty of not less than $20 per ton.

Mr. MOFFITT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Line 179, page 16, after the word "twenty" insert "two."

Mr. MOFFITT. Mr. Chairman, I am satisfied that if the committee fully understood the process of manufacturing charcoal iron and the great amount of labor reqnired to produce a ton of it, this amendment would be agreed to.

As I have been actively engaged in this branch of the iron industry during the past sixteen years, if the committee will give me their attention for a few moments, I will briefly explain the cost of manufacturing a ton of charcoal bloom iron in the Lake Champlain district of New York, which I have the honor to represent, which is as follows, namely:

7½ cords of coal wood on the stump (which is the amount required to manufacture a ton of iron)		$0.75
Cutting and hauling, at $1.50 per cord		11.25
Coaling and delivering 340 bushels of charcoal		7.00
Mining, separating, and transporting 2 tons of ore		13.00
Making and hammering the iron, including superintendence		8.00
Maintenance of plant		2.00
Total		42.00
Deduct value of wood on the stump	$0.75	
And ore in the ground	.30	
		1.05
Labor cost in each ton		40.95

And I am authorized to say that the manufacturers of this article in my district would and will pay a good commission to any man who will at this time sell their product at its cost to them.

I would state to the committee that the Lake Champlain district of New York furnishes to-day nineteen-twentieths of all the charcoal bloom iron that is now made in this country. I would further state that I am unable to name a single manufacturer engaged in this industry who has during the past six months been able to get a new dollar for an old one. Those who have had the courage to run at all have done so at a loss for the purpose of retaining their old and valued employés, hoping to drift on to better times. They have also been obliged to carry nine-tenths of their product in hopes that this bill would not pass, and that their old customers would again be in the market for at least a part of their iron. The consumers, upon the other hand, "fight shy," to use a trade term, and purchase in small lots from a hand-to-mouth character, thinking that if the Mills bill should pass they could purchase charcoal iron at $2 per ton less.

The total output of blooms and billets made in the United States with charcoal in 1887 was 43,306 tons. In 1887 there were 37 bloomaries prepared to make blooms from scraps and pig-iron, and their output was 22,018 net tons. There were also 48 forges arranged to make iron direct from the ore, and these produced, in 1887, 15,088 net tons, of which 15,043 net tons were made in my district. Forges of this kind were once numerous in the mountainous districts of North Carolina and Tennessee. Barely a half dozen are ever actively at work in both these States. Those which are occasionally active make a very few tons of blooms, which are hammered into bar-iron for local use.

The following table shows the proportion of ore blooms and billets made in New York in the past thirteen years as compared with the production of the whole country, and the proportion of the production in the United States of pig and scrap blooms which was made in Pennsylvania in the same time:

Years.	Net tons of 2,000 pounds.			
	Ore blooms and billets made in New York.	Total make of ore blooms and billets.	Pig and scrap blooms made in Pennsylvania.	Total make of pig and scrap blooms.
1875	23,666	24,416	19,032	24,827
1876	20,202	20,784	13,401	23,844
1877	23,466	24,227	16,517	23,073
1878	22,829	24,139	15,121	25,906
1879	27,290	30,282	23,956	32,071
1880	34,351	40,652	24,319	33,937
1881	39,892	45,369	28,342	39,237
1882	43,911	48,354	29,408	42,939
1883	31,347	35,237	28,190	39,521
1884	27,745	29,789	19,992	27,216
1885	18,981	19,887	15,462	21,813
1886	15,507	15,878	20,836	26,031
1887	15,043	15,088	21,982	28,218

The output of the charcoal-iron workers of the country would suffer with all other iron industries by any tariff reduction which admits into competition manufactures of iron at a less rate than is now paid. By reference to this table you will notice the crippled condition of the charcoal branch of this once prosperous industry, brought about by foreign competition, which the present duties permit.

The whole commercial struggle in this industry now is between the United States and foreign countries, and the question between them is, who shall finally be able to secure and hold control of the American market?

Why, Mr. Chairman, only a short time ago we had in the Lake Champlain district one hundred and seventy-five forge fires in full blast making charcoal bloom-iron. The employés then engaged in this industry were well paid and their families well provided for. A large number of the more industrious owned a horse and carriage and had accumulated a surplus over and above living expenses, which was placed to their credit in the savings-banks of the district. While to-day, owing to the depressed condition of the iron market, scarcely forty forge fires are in blast. The skilled labor that had formerly been engaged in this industry have been obliged in many instances to obtain work elsewhere at common labor. The iron produced in this valley has the reputation of being equal to any produced in the world, and with proper protection the output can be increased to satisfy the wants of our own people, without calling on the manufacturers of Great Britain, Germany, Belgium, Norway, and Sweden. The duty, instead of being diminished, should be increased. But, Mr. Chairman, I doubt not that the gentlemen upon the other side, who favor a reduction of the tariff, will say that this state of affairs was brought about by an overproduction of iron, while upon the other hand we hold that foreign importations, manufactured by the cheap labor of Europe, is the prime cause of our trouble.

I quote from the Annual Statistical Report of the American Iron and Steel Association for 1887, page 53, statistics of the foreign iron trade for 1887:

GENERAL SUMMARY FOR 1887 AND FOR PART OF 1888.

In our last annual report reference was mde to depression in the iron and steel industries of Europe, which commenced in 1883 and continued until the latter part of 1886, when a general improvement began, the demand increasing and prices advancing. This improvement was largely due to the active demand for iron and steel which then prevailed in the United States; the iron and steel manufacturers of Great Britain, Germany, and Belgium receiving large orders for their products from this country, some of which were not filled until 1887. The improvement in the iron and steel industries of Great Britain was most noticeable. The year 1887 witnessed in the main a continuance of the improved condition of the iron and steel industries of both Great Britain and the Continent. The demand for iron and steel very gradually increased—large quantities going to the United States; prices, however, fluctuated considerably during the year, although in the aggregate they were better maintained than in immediately preceding years.

This shows the cause of depression here to have been, not overproduction by our mills, but excess of foreign importations rendered possible by pauper labor. In 1886 Sweden and Norway manufactured 442,457 metric tons of charcoal pig-iron, a large part of which finds its way into the United States under the present rate of duty and undersells our manufactures in open market.

I wish to say to the gentlemen upon the other side who favor a reduction of the tariff that all claims for overproduction of pig or bloom iron amount to nothing when statistics are taken into account, for you will find that our stocks of pig-iron carried over are practically offset by the importations of foreign pig-iron, showing that our domestic industry is sensitive enough to take care of itself but not to provide for foreign importations.

Our production in 1887 was 6,417,148 gross tons—our imports during the year amounted to 467,522 gross tons, the unsold domestic stock with which we began the year amounted to 225,629 gross tons, and the unsold stocks with which we closed the year amounted to 301,913 gross tons. Tabulating these details we have the following as the probable consumption of pig-iron in this country in 1887 in gross tons:

Domestic production in 1887	6,417,148
Imported in 1887	467,522
Stocks on hand January 1, 1887	225,629
Total	7,110,299
Domestic stocks on hand December 31, 1887	301,913
Probable consumption in 1887 in gross tons	6,808,386

At the close of 1887 the quantity of foreign pig-iron in bonded warehouse and not sold was so small that it need not be considered, and our exports of pig-iron in the same year need not be considered for a like reason.

In and about the iron works in the Champlain Valley common labor gets $7 a week, while skilled labor gets from $10 to $18 per week.

In Belgium in the iron and steel works $4 a week would furnish an ample supply of common labor, while skilled labor seldom if ever averages more than $6.

Wages all over Great Britain are low and decreasing. Two shillings, and in favored localities two and six pence a day, equivalent to about 61 cents of our money, are the highest wages paid to common men laborers, and I am credibly informed that skilled labor receive less than one-half the compensation actually paid for like service in Northern New York.

Thus, Mr. Chairman, the fact is conclusively shown to the mind of any man having a practical knowledge of this industry that the passage of this bill will be a re-enforcement to our foreign competitor of such formidable strength as to turn the tide of the commercial battle now being waged between us in favor of the foreign producer.

Great Britain, Belgium, Norway, and Sweden are just as certainly sure of obtaining our market in this particular if this bill passes as if they already had it. Is it any wonder that the capital invested, the wage-worker employed in, and the industries dependent upon this branch of American manufactures are all crying out against this deliberate, premeditated, and thoroughly destructive blow at this leading and important source of national and individual wealth?

In my opinion no American who is proud of his country and desires to see it prosper can remain silent while such a deadly design is contemplated, or fail to raise his voice and cast his vote against it; and while I do not expect that any considerations I can urge will at all affect the organized bludgeon of the free-trade majority of this House, now so threateningly and ruthlessly raised against the business interests of this

Union, I can at least here enter my most earnest and emphatic protest against the proposed action. And this I do, Mr. Chairman, accompanying it with the prophecy that when the people of this Union are heard upon this subject they will so speak that this House will no longer have the wish or the votes to annihilate the American market for any of our industries in favor of the foreign competitor, who owes no allegiance and gives no support to our Government.

During the delivery of the foregoing remarks the following proceedings took place:

The CHAIRMAN. The time of the gentleman from New York [Mr. MOFFITT] has expired.

Mr. MCKINLEY. I ask unanimous consent that the gentleman be allowed to continue for five minutes longer.

There was no objection, and it was so ordered.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York [Mr. MOFFITT].

The amendment was rejected—ayes 54, noes 66.

Mr. MCKINLEY. I move to strike out the whole paragraph down to and including line 180.

Mr. BURROWS. Mr. Chairman, I hope that amendment will prevail. We are now dealing with a very important schedule, namely, the metal schedule, and when we consider how rapidly the industries embraced in it have grown it seems to me that we ought not to take any step that will cripple or destroy those industries. In 1850 we had only 1,434 establishments in this country engaged in these industries, while in 1880 there were 3,532. In 1850 there were but 22,000 hands employed; in 1880 there were 298,862. In 1850 the capital invested in these industries was, in round numbers, $16,000,000; in 1880 the capital invested was over $416,000,000. They paid in wages in these industries in 1850 only $7,000,000; in 1880 they paid more than $122,000,000. The value of the material used in 1850 was $43,797,854; in 1880 it was over $380,000,000. The value of the product of 1850 was, in round numbers, but $83,000,000; in 1880 it was more than $604,000,000.

And, Mr. Chairman, it is a significant fact that while these industries have grown so rapidly and have given employment to labor and investment to capital, there is not a single item in the schedule that has not been reduced in cost to the consumer. In confirmation of that statement I desire to have printed an abstract of testimony given before the Tariff Commission, showing not only the growth of the industries but also how the prices to the consumer of the articles embraced in this schedule have been reduced.

The following is the abstract:

IRON AND STEEL.

[Tariff Commission Report.]

Mr. S. J. Loughran testified before the Commission. "There is not much imported iron or steel used in our city of Des Moines. Common English is inferior to common American iron.

"American machinery steel is taking the place of iron in construction of machinery. The quality is excellent, and competition among American manufacturers has reduced the price as low as that of superior iron.

"The protective tariff has improved the quality and lowered the price of iron and steel in all their forms. The cost of iron and steel can be reduced permanently only by American competition and free trade at home, not with foreign nations.

"Admitting reduction of tariff on some articles as necessary, we dread the result of any reduction that would close mines or mills. The panic of 1873 would again be felt in every home."

[Some extracts, page 1127, Tariff Commission, volume 1.]

Charles A. McNair, St. Louis, representing Missouri Furnace Company, said: "The iron manufacturers of the United States have just held a convention at Cresson, Pa. Our interests demand protection. Much capital invested here; our blast-furnaces have all been built since 1870."

John Roach, Chester, Pa., testified before the Commission, as follows: "The iron interest is national, not sectional. To the three great wants of man, bread, clothing, and fuel, must be added a fourth—iron. What has it not done for civilization? The nation that makes no use of iron is a barbarous nation. The nation that can not produce iron must forever be a weak and dependent nation without the means of self-defense."

England early recognized this, and is far ahead of other nations in her iron and coal interests. This it is which has made her the richest nation of the world.

Production of pig-iron in principal countries is as follows:

	Tons.
Great Britain	7,721,833
United States	4,295,414
Prussia	1,950,000
France	1,733,102
Belgium	610,000
Total	16,310,349

England alone produced nearly one-half of the total. Can we afford to let England increase and the United States decrease till we, with the rest, shall be almost dependent upon her?

I believe that were it not for iron and the use we have made of it we could not hold this vast territory known as United States under one central government; our brethren would say, "We can not suffer the great inconvenience incident upon going to make laws for the nation; we must have a government of our own."

When we have the iron shall we leave it in the mine undeveloped? There is but one answer. We must continue to give iron the protection needed to develop the vast resources yet undiscovered. This interest in this country to-day gives employment to one-sixth our actual working population. Much has been said about "monopoly" in connection with this interest; indeed, it is called the "father of monopolies." I have been engaged in this interest more extensively perhaps than any other and I have never found out yet where the monopoly is. In 1880 we imported $80,483,365 worth of iron and steel, showing that we required that much more than we could produce. Yet capital was perfectly free to go into the production of iron. Why was not the capital found to supply from our own mines and furnaces the $80,000,000 worth? From 1870 to 1880 we imported $430,223,753 worth. Why was not capital forthcoming to produce that supply at home? Three reasons why:

1. Maps of England, Scotland, and Wales, showing iron, coal, and limestone deposits, and the distance and location of iron centers from market: Great Britain has these within smaller space, and hence possesses advantages of location which render it impossible for other nations to compete with her without protection.

2. Labor: I am now going to tell you some stubborn facts which I have experienced within the last year. I have just completed a modern blast-furnace at a cost of over $250,000. Everything that could be done in reduction and compression of labor was done, and probably there is no other furnace in the world to-day that can produce pig-iron with fewer hours' labor per ton. But this furnace is composed of iron, stone, and brick. What shape was the iron in when I began the enterprise? Ore in the mine. Where lay the stone? Coarse rock in the quarry. What were the bricks? Clay. You know, gentlemen, the value of clay when you begin to make brick out of it.

These materials before labor was put into them was not over 5 per cent. of the furnaces' cost. The balance that made up the cost was labor. In England, France, and Germany the cost of this labor is 60 per cent. less than in this country. Hence the furnace built in those countries would cost 60 per cent. less ($150,000) while mine cost $250,000.

3. In sections of the United States where the iron interest is yet not entirely developed, the cost of capital would average 8 per cent., or $20,000 a year on $250,000, while in England, France, and Germany it would be only 3½ per cent., or $5,250 on the $150,000.

There were other difficulties, among them the constant hue and cry, which rendered capital frightened and uncertain over tariff legislation. This cry was raised chiefly by a class who have no interest in American development or in anything but selling the goods of foreign nations over the counter. Notwithstanding all this the industry is not crushed.

Shall we leave these 22,000,000 tons of ore, coal, and limestone buried in our own soil and encourage their development in a foreign land simply because labor is cheaper, and consequently productions of all kinds cheaper. What will the effect be to this nation of drawing each year from our financial resources and sending it abroad to purchase our iron supply? Will not this increase the cost of iron in the country we purchase it from?

From 1850 to 1860 (low tariff):

	Cents.
Ship-iron	4
Flange-iron	5
Angle-iron	3½
Rivets, iron	5
Average	4½

From 1870 to 1881 (high tariff):

Ship or tank plates	2¼
Flange-iron	4
Angle-iron	2½
Rivets	4½
Average	3½

Or 25 per cent. less than 1850 to 1860.

From 1870 to 1880, years of high tariff, the iron products of this country increased about 100 per cent. In those years it would be supposed increased demand would create an increased price, yet though wages were higher by 20 per cent. during the latter period the price of iron was reduced, as is seen, 25 per cent. This proves that cheap iron does not depend upon a foreign market, but upon competition, energy, and enterprise of our own people.

Much is heard of the steel rail monopoly.

James Park, president iron and steel convention at Cresson, Pa., testified:

"In 1860, the last year preceding the adoption of our present tariff policy the country's production of pig-iron amounted to 821,223 gross tons, its production of rails to 183,069 tons, and steel, 10,569 tons. In 1881, the last of the twenty-one years during which the present policy has been in force, our production of pig-iron was 4,144,254 gross tons; steel rails, 1,646,518 tons; steel, 1,588,314 tons."

When the Morrill tariff was adopted this country had not produced one pound of Bessemer steel, and it was not until 1867 that its manufacture in the United States as a commercial product may be said to have been established.

Our railroads consume more than one-half of all the iron and steel that the country produces or buys abroad. At the beginning of 1861 only 30,635 miles of railroad had been built in the United States; beginning of 1882, 75,000 miles more than in 1861.

It will be asked whether or not the prices of iron and steel have been reduced to consumers under our protective policy. Protection by encouraging competition has always reduced the prices of manufactured articles, but the occurrence of our civil war and the consequent creation of our greenback currency have retarded the cheapening effect which would otherwise have been produced.

But the test of cheapness is not the true test to apply to any economic policy. Everything bought or sold may be cheap in money price, and yet those who buy and those who sell may be very far from prosperous. It has been well remarked by a recent writer that in countries where prices are lowest the people are generally poor and ignorant, and that the blessings of low prices are nowhere so likely to be found as among a people who clothe themselves in breechclouts and grass mats and live on wild fruits and insects. The products of both agriculture and manufacture may be high in price, and yet consumer as well as producer be prosperous. An economic policy must be judged by its general prosperity of the people, and not by prices. If the consumption of iron and steel under present tariff has been so much in excess of all former times the inference is irresistible that the country was prosperous under protection or it could not have required so much and be able to pay for them regardless of price.

The ability to purchase and not the price of a commodity governs all trade operations. But protection does cheapen prices.

Let us see what protection has done for the industries of Great Britain, particularly iron and steel. The perfection which she gave to her iron industry after Cort had perfected for her the puddling-furnace and the rolling-mill, and the owners of these furnaces had generally introduced use of mineral fuel is especially noticeable. Prior to this time Great Britain had not made enough iron to supply her own wants. Now she could do this.

TESTIMONY BEFORE THE MORRISON COMMITTEE.

Mr. B. F. Jones, president of Iron and Steel Association and seventeen witnesses testify regarding iron and steel industry, and recommend continued protection. Why should iron ore be placed on free-list, or any reduction in tariff be made when new iron-ore fields are being discovered and developed in this country every year.

Lake Superior mines furnish about one-third pig-iron for United States. Capital employed in mining is:

Marquette district	$33,000,000
Menominee	18,000,000
Total	51,000,000

Fifteen thousand men are directly employed in mining, and these districts support 50,000 people.

Under a duty fully protective, home consumption can be relied upon to meet the wants of our iron and steel manufacturers with every variety of ore at lowest cost consistent with fair wages to American labor. Reliance upon importations would be dangerous and impossible. American ore can never be exported; it is entitled to a home market.

Mr. Wharton, on steel rails: "The profits had been large during four or five years; but altered conditions of trade have brought the prices of steel rails to a point where profits have vanished and losses have occurred; and looking at the question as a question of to-day, we say that to-day we are on a very narrow margin.

"There are twenty Bessemer steel rail works in operation in this country."

Mr. McMILLIN. The present rate of duty on bars, blooms, etc., is 51 per cent. on one grade, 58 per cent. on the next, and on the third 69 per cent. The proposed rates are: on the first grade, 46 per cent., and on the second 51 per cent. Therefore it can not be justly claimed that there is an unreasonable reduction here.

Mr. TOWNSHEND. I move to strike out the last word. I notice that my friend from Michigan [Mr. BURROWS] is still laboring under the delusion or superstition that protection benefits the manufacturers and the laborers employed in manufacturing establishments. In order to disabuse his mind of that idea, I ask to have read by the Clerk an interview had yesterday in New York with one of the most prominent manufacturers in St. Louis.

The Clerk read as follows:

A TARIFF-REFORM CONVERT—ONE OF THE BEST-KNOWN BRASS MANUFACTURERS ABANDONS HIS OLD REPUBLICAN FRIENDS.

One of the best-known manufacturers of brass and iron goods in the West, Mr. N. O. Nelson, of the N. O. Nelson Manufacturing Company of St. Louis, is the latest to bolt the Republican platform and its close communion protection plank. Mr. Nelson has never voted for a Democrat and, as he says himself, was born a Republican, but he can not stand the Chicago platform.

He employs three hundred men and manufactures machinery and steam and plumbing goods. A World reporter saw Mr. Nelson at the Murray Hill Hotel last night, and he was outspoken in his disapproval of what he termed, "so manifestly a party slogan, a catch."

"This country doesn't need the sort of protection they propose," he said. "It is un-American. It is intended to be prohibitory and to cut off our trade with other countries. It is, in fact, belittling America by assuming that she has not got surplus brains enough to compete with the simple cheap labor of other countries. We are doing a very considerable export business now. Eastern manufacturers in my own line send quantities of goods to Europe, and American lathes and tools, iron pumps, pipe-fittings, steam-valves, and the like are exported regularly and largely, notwithstanding the alleged excessive cost of our raw material. The radical mistake the party made at Chicago was in setting their face against reform of any sort or proper revision, which they had promised in their platform of 1884."

"Then you are not one of those manufacturers who tell their employés that in case Harrison is not elected wages will be cut in two and half the mills will be shut down?"

"That sort of talk is the sheerest and purest nonsense. Any manufacturer knows that it isn't the poorest and lowest-priced labor that is the most profitable. That is well illustrated by the fact that the slave labor at the South could not compete with the North, nor can convict labor compete with free labor now."

Mr. Nelson said that he has already met scores of his Republican friends who thought as he did in the matter. He sails on the Alaska to-day for a two months' European vacation.

Mr. Nelson is one of the few manufacturers who share their profits with their workmen.

Mr. NUTTING. I send to the Clerk's desk to be read the letter which I have marked.

The Clerk proceeded to read the following, from the Tariff League Bulletin:

A LETTER FOR WORKINGMEN TO READ.

The following letter ought to be read by every workingman in this country. It speaks honestly and plainly.

"*To the Editor of the Bulletin:*

"DEAR SIR: I am very much interested in the present tariff bill now pending, which prompts me to write this letter to you. I am satisfied if the Mills bill passes both Houses that my wages will be reduced at least one-half. I am a mechanic, and have had a vote ever since 1871, and have always cast it for the Democratic party, but I will not vote for Mr. Cleveland or any other man that will reduce my wages. I am perfectly disgusted to think that I have supported that party so long and was so anxious to see them get into power; and the very first thing they they want to do is to ruin our industries and pull down our wages! If they are honest and conscientious in their views on the tariff I suppose they will be willing to have their salaries reduced in the same proportion that our wages are reduced.

"The proposition that I would like to make to Cleveland, Mills & Co. is this: That the wages of the President, members of the Cabinet, members of Congress, and every employé in the Government service, without a single exception, be reduced in the same proportion as the workingmen's wages of this country. I will refer you to an article published in the New York Herald on Sunday, November 21, 1886, under the head of "The Toiler." It tells of the wages, customs, etc., of the brick and stone masons of England, France, and Germany, and how they are obliged to live; and also tells how the same class live here, what wages they receive, etc. If these people think that the iron, glass, or pottery business is such a monopoly, let them go into the business and find out. They will find that there is enough competition to keep their eyes wide open, and will be very fortunate if they do not lose what they put into it.

"Who favored the working classes during the last panic? Not Grover Cleveland or Mr. MILLS. Not the men who were afraid of losing their money in banks or business. No, sir; it was the gentlemen of this country who, by keeping their money in the mills and factories, kept God knows how many good people from starving! The wages were small, it is true, but I believe in most instances the men made as much as the owners, and in some instances the men made more than the owners, as in case of a failure—and there were plenty of them—all of which the present low-tariff men escaped. Why did they escape? Because they would not put their money up and risk it to give you or I a day's work. What was the working class in this country before the war, and what were their wages? What have the working classes been since the war, and what have their wages been? Every person can answer this. I suppose they want good old Democratic times and slavery again.

"They say that if our wages are lowered we can buy cheaper. How can we buy when we have no work and no money? They want to stop the wheels that make our living in this country and start the idle wheels of Europe. I see enough of European customs without being forced to buy their goods. I am opposed to any person coming here from Europe and substituting their customs for ours in any way, shape, or form. At what per cent. did this country advance before the war? What was the farmer with his log house, rail fence, imported furniture, and no carpets on his floor before the war? And what is the farmer to-day, and what has he been since the war, with his mansion to live in, furnished with American goods made by American workmen, and surrounded by stylish, improved fences, with a barn worth ten times as much as his old house? And he does not allow his children to do as he did in the olden time.

"It is not fashionable enough with good farms, stock, carriages, etc., and yet Mr. Cleveland says the poor farmer is imposed upon. At least they want us to have a change, but they do not cite us any favorable precedent. They do not give us any facts or figures. Remember I am speaking from a workingman's standpoint, and I believe I speak the sentiments of a great majority if not of all the workingmen in this country. They want us to change a sure thing for an uncertainty. They say that our expenses will be reduced in proportion to our receipts, but they do not tell us that we shall have as much work then as now. We know just exactly how much we have paid for everything we are and have been using since we have had a tariff. We know just exactly what to expect if the tariff is kept on. They do not tell us what the cost will be if we have Mr. MILLS's new way.

"He does not agree to put down sugar trusts, grain trusts, and, worst of all, newspaper trusts, such as the New York World and other papers, which in this city have raised their price 25 per cent. on some of the papers and reduced the profits of the dealers 25 per cent.; and yet the World is always howling about monopolies and trusts. People who live in glass houses ought not to throw stones. I haven't the least idea that the profits of any iron or steel works, glass works, or pottery works are as profitable for the amount of money invested as the clear gains of some of the New York newspapers; yet the editor of the World wants low tariff and goods that are manufactured in Europe, although he does not tell us that he would be satisfied if his receipts were reduced 50 per cent. On the contrary he has raised the price of his paper. Will Standard oil be any cheaper?

"Will Western Union rates be any cheaper? Will New York papers lower their price? Will all of the members of Congress that vote for the Mills bill be willing to reduce their own salaries, possibly 50 per cent.? No, sir! They are not that kind of people. If I can save enough money out of my earnings I will take the stump this fall against Cleveland, Mills & Co., and talk to the working classes. The building interest in this city is almost dead, and in Brooklyn the same, compared with last year, and from what I can hear it is so all over the country. I am satisfied Mr. MILLS's new tariff bill is the cause of most all of it, for no one wants to build a house at the American price and sell it at an English, French, or German price. There is no merchant to-day who wants to buy iron, steel, glass, or pottery ware at the American price and perhaps sell it at a foreign or Mr. MILLS's price. One is as bad as the other.

"Very respectfully,

"J. W. McGRANAHAN,
"*877 Eighth Avenue, New York City.*"

Mr. NUTTING (during the reading of the foregoing, when five minutes had expired) said: I ask for three minutes more, so that the reading of this letter may be concluded.

The CHAIRMAN. The gentleman can have the letter printed in the RECORD; it would take some time to finish the reading. Debate on the pending amendments is exhausted. If there be no objection, the *pro forma* amendment submitted by the gentleman from Michigan [Mr. BURROWS] will be withdrawn.

Mr. DINGLEY. I renew the *pro forma* amendment. The gentleman from Illinois [Mr. TOWNSHEND] has sent to the Clerk's desk to be read what purports to be an interview with a manufacturer, who asserts that the cost of labor in manufacturing in this country, when compared by results accomplished, is no greater than in foreign countries. I wish to call the attention of the gentleman from Illinois to the statistics which I presented the other day as to the cost of labor in the manufacture of lime, but which accord with those which may be presented in reference to every other industry of this country.

The gentleman from Texas [Mr. MILLS] has frequently asserted on this floor that notwithstanding the weekly or daily wages of labor in manufacturing establishments in this country are from 38 to 100 per cent. more than in Great Britain—77 per cent. higher on the average—yet the labor cost of producing an article is no greater in this country than abroad, because our labor is more efficient.

Now, I obtained and had read to the House the other day statistics in the lime-manufacturing industry, obtained from manufacturing establishments in my own district, and statistics obtained in the same industry at St. Johns, in Canada, and they showed this fact, which every other industry will show, that precisely the same number of hours' labor are required to produce 100 casks of lime in the State of Maine as on the St. Johns, in Canada, and that this labor cost 10½ cents or 60 per cent. more per cask in the State of Maine than on the St. Johns.

In view of these facts—facts which may be demonstrated by reference to any other industry in this country—of what avail is it for gentlemen to rise on this floor and say that, notwithstanding the official statistics show that our labor costs on the average 60 per cent. more per day or per hour, yet the result obtained is 60 per cent. more, when the statistics show that not only in the lime manufacturing industry, but in most other industries, a given amount of labor costs 38 to 100 per cent. more in this country than in Great Britain? In this particular industry to which I have alluded, where the figures were given for each item and the number of hours' labor, it was shown conclusively that the labor-cost was 10 cents, or 60 per cent., per cask more in the State of Maine than in the Dominion of Canada.

Notwithstanding the presentation of these facts, and in the face of the protestations of gentlemen on the other side that they are willing to adopt a duty equivalent to the difference in the cost of labor, this House deliberately refused to increase a duty of only 3 cents per cask on lime so as to make it cover the difference in the cost of labor, to say nothing of the difference of cost of materials. Of what avail then, Mr. Chairman, are these protestations of willingness to cover the difference

in the cost of labor if, whenever facts are presented, the majority on the other side of the House deliberately refuse to give a duty which covers that difference?

Of what avail are these protestations that a protective duty can not benefit the laborer, when it is shown in this particular industry, for example, that 10 cents more per cask is paid for labor in this country than in Canada, and that a failure to make the duty equivalent to this difference is gradually destroying this industry.

I am assured, Mr. Chairman, that whenever comparisons are made in any industry in this country, it will be found that labor receives, for effective results accomplished, at least 50 per cent. more than the same labor receives in Great Britain. And when protective duties are removed in all our industries, we must either give them up or reduce the wages of our labor to the foreign standard.

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted, and the *pro forma* amendment will be regarded as withdrawn.

Mr. BAYNE. I move *pro forma* to amend by striking out the last word. Mr. Chairman, I voted against the tariff act of 1883; I was one of ten or eleven Republicans in this House who so voted. I did so because I did not assent to the conclusion of the Tariff Commission that there should be any reduction of duties. I do not think there exists now any necessity for reduction of tariff duties. I frankly admit there is a necessity for a reduction of the revenues of the Government. The revenues of the Government, however, can be reduced without touching the tariff at all, by taking off a sufficient amount from the internal taxes, the tobacco taxes and other taxes, the taxation on alcohol used in the arts, etc. In this way a sufficient reduction can be made to bring down the surplus revenue of the Government forty or fifty million dollars.

Mr. BYNUM. What are those taxes which you would reduce besides the tobacco tax?

Mr. BAYNE. I would take the tax off domestic tobacco entirely; and I would also take off the tax on alcohol used in the arts. That would make a reduction of about $40,000,000.

Mr. BYNUM. Where would you get the other $40,000,000?

Mr. BAYNE. We do not want a reduction of $40,000,000 more. If this Government is true to its disabled soldiers and the dependent widows and children of its deceased soldiers, and if this Government will build such a navy as it should have, $40,000,000 will be a sufficient reduction.

I was opposed to the reduction of the tariff in 1883; and I then predicted that it would cause an increase in importations. It has done so. The importations for domestic use for the calendar year 1887 exceed the exportations. The reduction of the tariff has caused that condition. The reduction proposed in this bill, if it goes into effect, will cause a further increase of importations. What is the effect? To drain this country of its gold and silver, and to take away from that business man whose interview was read the currency wherewith to manage and conduct his business.

That is the result of it. But how any business man who understands single-entry book-keeping can be in favor of a system which will encourage importations in excess of our exports is a mystery to me. The usual imports are consumed and disappear in a year, while gold and silver are enduring wealth. Some of the gold we now have doubtless circulated in the time of Alexander the Great. It is folly to adopt a policy that will drain us of this.

Mr. BRECKINRIDGE, of Kentucky. The imports of gold exceeded the exports of gold over $29,000,000 during the eleven months of the fiscal year 1887–'88.

As the gentleman from Pennsylvania [Mr. BAYNE] has referred to the increased imports and decreased exports during the fiscal year which has just ended, it may not be out of place to call the attention of the committee more fully to the figures reported.

I hold in my hand the monthly statement of our foreign commerce issued by the Bureau of Statistics and corrected to June 20. It shows that—

Our merchandise imports in the first five months of 1888 amounted to $309,686,376, and our exports to $266,409,988. Here is an adverse balance in round numbers of forty-three millions, against an adverse balance of fourteen millions in 1886, an adverse balance of three millions in 1885, a favorable balance of fifty-six millions in 1884, a favorable balance of ten millions in 1883, and a favorable balance of fifty-six millions in 1882.

In the twelve months ended May 31 our merchandise exports amounted to $669,278,898 and our merchandise imports to $722,257,106. Here is an adverse balance of $23,000,000 against a favorable balance of $39,000,000 in 1886–'87, a favorable balance of $42,000,000 in 1885–'86, a favorable balance of $167,000,000 in 1884, a favorable balance of $61,000,000 in 1883, and a favorable balance of $99,000,000 in 1882.

In the first eleven months of the fiscal year, beginning with July, there was an adverse balance of $10,000,000 against a favorable balance of $37,000,000 in 1886–'87, a favorable balance of $42,000,000 in 1885–'86, a favorable balance of $65,000,000 in 1884–'85, a favorable balance of $72,000,000 in 1883–'84, and a favorable balance of $111,000,000 in 1882–'83.

It has been claimed on this floor that there was no causal relation whatever between our imports and exports, and yet it has also been claimed with equal confidence that the "balance of trade," the apparent difference between the appraised value of our exports and of our imports had been in our favor for years because of our protective tariff. I leave to gentlemen on the other side to reconcile these claims. Over 70 per cent. of our exports are cotton and breadstuffs, provisions and petroleum. It will be found on closer examination that the quantities of these exports have not thus decreased; it is their value which has decreased. We sell abroad as much produce, but we sell at lower prices.

Under the present tariff, whether because of it or not, the selling price, which is the purchasing power, of our agricultural exports has steadily declined. This system, it has been demonstrated, can not prevent, if it indeed does not cause this constant and steady decline. With these exports we must pay the bulk of our foreign purchases. Whatever is not paid by exports must be paid in money, or in the sale of securities on which we must pay interest. The true balance of trade is far different from the so-called "balance of trade" that our opponents prate of so much, as Bastiat has conclusively shown. Indeed, perhaps the very largest net profit resulting from "trade"—commerce—is to those who handle, in its broadest sense, merchandise—the merchant, the insurance company, the shipper, the warehouseman; nearly all of which profit our system has robbed us of and given to foreigners.

Yet it is true that he who annually pays out more than he makes must in the end become bankrupt; and it is the value, not the quantity, of what he makes that is of essence here. For years the value of the bulk of our products has under our system steadily declined. Under the same system we are compelled to import what our wage-workers ought to manufacture here. With free crude materials our manufacturers could drive from our markets much the larger part of the imported finished products which are imported. This would give that increased labor to our workmen and increased capacity to purchase here the produce of agriculture which now must seek a foreign market. It would also permit our manufacturers to sell in foreign markets, and to the extent to which they could do this that much more labor is furnished to the American workman and that much wider market to the American tiller of the soil. The true "home market" America must have is to be found in selling her finished products abroad. Whenever we so alter our laws as to be able to export our finished products instead of our raw cotton and unground wheat we will have conquered the true and profitable "home market." During these eleven months in which our imports of merchandise have exceeded our exports of merchandise our imports of gold exceeded our exports of gold by $29,937,830, while our exports of silver have exceeded our imports of silver $12,605,686, notwithstanding the constant predictions that we would be drained of all gold and become the dumping-ground for all the European silver.

With a sound revenue tariff and freer and fairer trade relations with those countries whose crude material we need, and who need our manufactures, our silver would be at par with gold, and we would become the commercial center of the world; New York would take the place of London as the great clearing-house of the world's balances, and on the shores of our ports would be the warehouses in which the products of all the world await the purchaser.

Mr. BAYNE. I am aware of that; but how long will that continue? How long did it continue under a low tariff? There was not a period when we had a low tariff that we were not drained of our precious metals; not one. History will sustain that proposition all the way through. There has not been a period of high tariff when precious metals have not greatly increased in volume.

No, sir; we want to adhere to that system which will keep with us our precious metals, develop our own industries, and preserve for ourselves our home markets. That is the meaning of the protective tariff. We want America for Americans. The two tickets now running for election in next November represent emphatically these two ideas—one, the American idea that America should be for Americans and American markets for Americans; and the other, the American market should be open to the whole world.

[Here the hammer fell.]

Mr. SCOTT. I move to strike out the last word. I desire to ask my colleague from Pennsylvania [Mr. BAYNE] a question in connection with the statement he has just made. I ask him whether the Republican party of to-day stands on the same platform they did in 1884 on the tariff question; whether the Republican party of 1888 have not deserted their platform of 1884, and now come before this people asking them for their suffrages on a principle in connection with the tariff which they have never heretofore advocated?

I ask further, sir, when he says the Republican party is in favor of a policy in connection with the tariff question of "American markets for Americans" and the protection of American industries and American labor, whether under that policy he proposes to so carry out the tariff system in this country that is to protect 1,500,000 wage-workers in this country as against 16,000,000? That is the question I want to have answered.

If the census of 1880 is reliable, the adult population in this country engaged in various pursuits amount to about 17,000,000 of our people, and under those census returns about 1,500,000 of our population were engaged in what you may call the manufacturing interests of this country. Does the gentleman get up here now and announce to the country that the policy of the Republican party to-day is to carry on this Government and inaugurate a system of taxation that under any cir-

cumstances, even if it were practicable and could be carried out, would be simply in the interest of 1,500,000 of the wage-workers of this country and ignore the remaining 16,000,000 which such a system can not possibly protect?

Sir, those are the questions I would like to ask my colleague from Pennsylvania [Mr. BAYNE] to answer me. If we go back to 1884, in the Republican platform they pledged themselves to what? To a revision of the tariff. [Derisive cries on the Republican side of the House.] To-day, sir, they come out and announce to the American people they have but one policy in connection with the tariff issues now before this people, and that is protection to one class, a small portion of the American wage-workers, to the totally ignoring of the other sixteen millions.

[Here the hammer fell.]

Mr. REED. Mr. Chairman, it is very delightful to see the gentleman from Pennsylvania [Mr. SCOTT] come back from his other occupations to attend to his occasional business as member of Congress, because he gives us such a breezy air of outdoor life. [Laughter.] It really quite awakens us, and it does not trouble him any because he does not know these questions have all been discussed during his absence, and the House has a certain familiarity with them which he believes fit for the eloquence of the kind which he uses. [Great laughter.] He says that our platform was a declaration for revision. I say it was for the correction of the inequalities of the existing tariff. The gentleman is surely aware of that fact when he makes his assertion.

But, Mr. Chairman, that has been repeated so many times that I thought any gentleman who honors us with his presence for a sufficiently long time to have an opportunity to become acquainted with the subject would scarcely have reiterated it; and I should not, were it not that the gentleman from Pennsylvania is so valuable a member of the House, have felt it necessary to take up the time to instruct him as they do the belated scholars in the public schools. [Laughter on the Republican side.] He undertakes to say and to repeat again as if it were something entirely new, as if it had not been exhausted again and again upon the other side of the House, that this tariff is for the benefit of the manufacturing classes simply.

Mr. Chairman, the gentleman comes back again with his old idea that the American nation is composed of consumers entirely instead of a certain class of people following a great and needed industry, and in his mode of arguing all industries not immediately under discussion are barred; that is, that they are consumers merely and non-producers. He proceeds upon that idea, gravely repeats the same old story that has been repeated here over and over again, that we are a nation of sixty million consumers, with two hundred producers in this industry reaping the benefit of the tariff, all the rest left out; sixty million consumers, with two hundred or five hundred or two thousand, as the case may be, employed as producers, and all of the rest of the sixty millions are consumers, and then says, "Oh, what a terrible average!"

Is it not time that men came to the conclusion that the American people are not a set of sluggards and drones who are eating up the productions of a certain set of people who are outsiders, who do not belong to the American people, but who live somewhere in the clouds, and whom the gentleman wants displaced for the sake of, I suppose, some country he knows, to wit, the Government of Great Britain and Ireland. [Laughter and applause on the Republican side.]

Why, Mr. Chairman, the American people are producers. They make everything, and the question is, what is the benefit of protection? We have shown conclusively and repeatedly that it is for the interest of America, and for the interest of the consumers of America, who are the American people, and the producers of America, who are also the American people, to have a market for America. We have proved that it conduces to cheapness, and that it gives low prices. We have also shown, even with the consent of the chairman of the Committee on Ways and Means, that it gives good wages to the workingmen, that it supports business, keeps up competition, and that it makes prosperous and rich this great country. [Applause on the Republican side.]

Now, I am sorry to have had to trouble the committee again with a repetition of this matter, but it really seemed necessary for the benefit of the gentleman from Pennsylvania, and for his special information.

Mr. SCOTT. Mr. Chairman, this is not the first occasion that the gentleman from Maine, in referring to myself, has made it an opportunity to speak of my absence, sir, from this Hall. [Derisive laughter on the Republican side.]

No, sir; I have not been absent from this Hall any longer or for a greater number of days from the day that the House met than the gentleman himself has been absent; and because, sir, I have not on this floor detained this committee in the progress of this bill by interjecting the objections that he has made, and making dilatory motions and speeches, and trying to delay the progress of the bill under consideration, the gentleman has (apparently and naturally) come to the conclusion that I have not been present. If he had taken the trouble to look upon this side of the House he could have found out or very easily ascertained that from the day the House met after the holidays I have not been absent for fifteen days all put together, and that although I may be ignorant of the question that has been discussed here, as he alleges, my ignorance does not arise from my being absent from the House. [Derisive laughter on the Republican side.]

The gentleman from Maine knows that in his manner of discussing this bill, when a fair and square proposition is put to him, he has adopted his usual method of endeavoring to turn it off as a joke, or as a matter which was being discussed with him by somebody who did not understand the question presented. I say, sir, that the statement that I have made here in regard to the position of the Republican party now and in connection with their tariff plank as compared with that presented in 1884 is substantially correct, and the gentleman from Maine can not deny that assertion. It is susceptible of proof. I say further, sir, to the gentleman from Maine that when he gets up in this House and makes the statement that the policy laid down by the Republican party upon this floor in connection with the revision of the tariff is in the interest of the consuming classes of this country, he knows he is making a statement that he can not sustain or substantiate. I ask him to go to the great Northwestern sections of our country, where the farmers are toiling in their fields plowing, sowing, and reaping.

Mr. REED. Does the gentleman mean to refer to Oregon? [Laughter and applause on the Republican side.]

Mr. SCOTT. No, sir; I refer to the great grain regions of the West. I ask the gentleman to go to the men who are furnishing the labor by which the great bulk of the commodities which we export are produced, that labor which makes the balance of trade so greatly in our favor, and ask him to show to those men wherein his system of protection in any wise conforms to the promises of the Republican party and affords any relief to that class of our people.

He can not do it; but it is robbery to this class. It adds to the cost of every possible commodity that he has to consume, that he has to purchase, or that he has to use by your system of taxation, by adding from 30 to 40, 50 and 60 per cent. to the cost of everything he consumes. And yet, sir, when he has raised his crop and seeks a market he has to look abroad to Europe to take from 25 to 30 per cent. of his produce; and there he comes in competition with the cheapest labor in the world. What he produces and what he has to sell in that market is sold, and the price that he gets for it is regulated by the competition he meets there. The gentleman's system of tariff reform and protection to home industries, as he puts it, is simply a robbery and extortion against sixty millions of the wage-workers and the farmers of this country as against less than one million five hundred thousand of the adult population.

The CHAIRMAN. Debate on the amendment is exhausted. If there be no objection, the *pro forma* amendment will be considered as withdrawn.

Mr. REED. Mr. Chairman, the gentleman from Pennsylvania, amid all his declamation as to promptness of attendance here, has furnished us with two plain proofs that he has not been present during the discussion. In the first place, he charges me with having made dilatory speeches. This House knows better. He also repeats here a great deal of the discourse about the impoverished farmer, which shows that he does not know or he would not be guilty of repeating what has been said here a dozen times already. It is very curious what a *bouleversement* having a seat in this House makes in the world.

It is astonishing how all the protectors of farmers that come before us are as a class like the gentleman from Pennsylvania [Mr. SCOTT], who has never before been recognized as a great protector of farmers, but who on the other hand has been recognized as belonging to the great industrial interests, which, in this House at least, have been deemed to be antagonistic to farmers. But whenever a gentleman on the other side finds himself under a stress of weather he goes off into the regular well-known course which enables him to have the wind full against the sails of the prosperous farmer that is to be under the manipulations that are going to take place in this tariff. He points out how terribly the farmer is taxed by this system. I venture to say that if he is one of the next batch of Democratic orators sent to New York he will explain that he is not in the least against the system; that he is in favor of almost all of it except a little which he will say there is in the Mills bill. Now, it is a hard thing for the country that they can not listen to some of the gentlemen on this floor where we know them. They go over to New York, where they are not very well known, and they tell the New York people that they are really just as much in favor of protection as anybody else, only incidentally they would like to do one or two things.

Then they come back here and denounce the whole system. They use language in favor of this bill which can only be used in favor of the utter abolition of the tariff. They declaim against protection day in and day out. But the moment they stray beyond the borders of this House and actually face the people they begin to hedge, they begin to insist that they would not harm our industries if they could not help them; in other words, they begin to behave just exactly like Democratic platforms, one side in one place and the other side in the other. [Laughter on the Republican side.]

Now the gentleman complains I did not answer him. He says I got off in my usual manner and trifled with the deep seriousness of what he was saying. [Laughter on the Republican side.] Whenever a

gentleman commences that way I always recognize the actual position of mind he is in. He knows he has been saying something which has been said so often that everybody knows it by heart; everybody is tired to death of it, and everybody likes to be relieved by having it put in its real, proper light. I really think the gentleman from Pennsylvania had better accept the explanation I made to the country that his absence is the proper excuse for these things. Surely if he should search with all the industry he has and all the industry that he can buy [laughter on the Republican side] he would find no better excuse than that which I have presented for him. I beg of him to understand that it was not done in any personal unkindliness, but out of a tender regard for his fame in the House, which has sprung up so suddenly to such very large proportions [laughter on the Republican side], almost commensurate to his distinguished reputation outside, which is very great, and to which I am sure this country will be ready at all times to pay the tribute of respect. I sincerely hope he will accept that explanation so that he will not be misunderstood. [Renewed laughter on the Republican side.]

Mr. BAYNE. My colleague put what I thought were pertinent inquiries, and his effort was to show that the home market was not what I claim the home market to be. Now, sir, of the total production of all things in this country the American people consume over 90 per cent. Only about 8 per cent. of the total production of the farm, the workshop, the mine, and the mill goes abroad.

Ninety-two to 95 per cent. of the productions of this country are consumed at home, and leaving out the one item of cotton, 92 per cent. of the product of the farm is consumed at home. Now, the question is whether you are going to destroy that home market which consumes 92 per cent. of the product of the farm, and whether you are going to open up our market to the foreign manufacturer? He will take no greater percentage of our products than he takes now, because in any case he will take simply what he needs. If anybody is under the delusion that by having a reduction in our rates of duty, and thus increasing our imports, we shall increase our exports, he is fearfully mistaken, because the people of Europe will buy of us what they need, and they will buy nothing but what they do need. Their wants regulate their purchases, whether of farm products or anything else. There are some additional reasons now why the home market should be preserved that did not exist a few years ago. A few years ago the United States had substantially the control of the European market for her grain surplus.

Her rivals were few and insignificant as rivals—Russia to a limited extent, Australia to a limited extent, and that was all. But how is it now? The American producer of wheat now has to compete with a most formidable rival. India, Russia, Australia have increased their exports. The sale of wheat from India in the European markets runs up to 50,000,000 bushels a year, whereas a short time ago it was only two or three million bushels. And the cost of the production of wheat in India is absolutely trifling compared with its cost in the United States, because men work there for 10 and 15 cents a day.

A MEMBER. Six cents a day.

Mr. BAYNE. Six cents a day, a friend suggests; but whether it is 6, or 10, or 15, no one will work for such pay here; and the sale in Europe of wheat brought from India is increasing year by year, and none of us can tell how largely it may increase in a very few years. If, then, the American farmer is forced to compete with the Indian and the Australian and the Russian producers of wheat, is it not the part of good sense for us to save as far as possible our own home market and to encourage manufacturing, mining, railroad transportation, and all the other branches of business that furnish home consumers for our agricultural products? That is one of the great ideas underlying the system of protection; and it strikes me that it is as simple a proposition as single-entry book-keeping that our proper course is to sell more abroad than we buy, and the way to do that is to keep up a good stiff tariff.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. Mr. Chairman, I want to say a word by way of explanation. My colleague from Pennsylvania [Mr. BAYNE], in giving certain statistics here, has spoken of the home market and of the exportation of our products, and has made statements that are misleading and that call for correction. Let us take, for instance, the hay crop of this country, which the gentleman undoubtedly includes in his statistics of production and of the home consumption. I presume, sir, that when the gentleman comes to estimate the exports of this country in comparison with the demands of the home market he includes the hay crop, and that balances up and very nearly equalizes the entire wheat crop of this country. But, sir, when you come down to the article of wheat, and look at the quantity produced in the United States and the quantity exported, you find that our exports are 27 per cent. of our entire production.

Mr. BAYNE. That is all right.

Mr. SCOTT. The gentleman talks about only 2 and 2½ and 3 per cent. of our products being sent abroad, which can possibly be and which is exported, is not correct, and he eliminates the cotton crop from his calculation. Of course the cotton-planter of the South is not entitled to any consideration here at all.

Mr. BAYNE. Oh, yes, he is.

Mr. SCOTT. Oh, no, he is not; not on your theory.

Then when you come to the article of cheese in the great dairy industry of this country you find that the exports of cheese are nearly 10 per cent. of the amount produced in the United States; and when you come to butter, you find that the exports are from 5 to 7 per cent. of the entire product. Then, sir, it is a well-known fact that the products which are exported determine to a very great extent the home prices. But there is another question that I want to bring to the consideration of the gentleman from Pennsylvania. To-day, in our State, there are fifty thousand men who have been thrown out of work within the last week.

Mr. BAYNE. Yes.

Mr. SCOTT. One minute, sir; I have the floor. To-day, sir, those men are out of employment, and in what class of industries in this country have those fifty thousand laboring men been thrown out of work? In the protected industries which the gentleman and the party on the other side of the House are now standing up for and defending. And those men have been driven out of employment, how? Simply by their employers insisting upon a reduction of 10 per cent. on their wages. Why should the manufacturers of our State demand to-day that these men should submit to a reduction of 10 per cent. in their wages?

Is the state of the country at all different to-day from what it was last year? Has any tariff bill yet passed this House looking to a reduction of duties such as could possibly affect these men's wages? Is there not, sir, a Republican Senate at the other end of the Capitol; and if any bill detrimental to the wage-workers, as gentlemen claim this bill is, should pass this House, will it not be in the power of that Republican Senate to pigeon-hole it or smother it in committee, so that it will never see daylight again?

Why, then, I ask, is this universal demand made upon the wage-workers of this country for a reduction of their wages? I would like the gentleman from Pennsylvania to answer me that question. I wish to know why the manufacturers of Pennsylvania, especially those whose business is covered by the metal schedules of the tariff, where there is a protection of 50 to 80 and 100 per cent., must now demand of their employés a reduction of 10 per cent. and drive them out of their mills because they will not submit to it?

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted. The *pro forma* amendment will be regarded as withdrawn.

Mr. KERR rose.

Mr. BAYNE. I would like to reply to my colleague [Mr. SCOTT].

Mr. COMPTON. The gentleman from Pennsylvania can reply to his colleague when I am through. I think I am entitled to the floor.

The CHAIRMAN. The gentleman from Maryland [Mr. COMPTON] is recognized.

Mr. COMPTON. Mr. Chairman, I desire very briefly to call back the attention of the House to the question propounded by the gentleman from Pennsylvania and the answer made by the gentleman from Maine. The gentleman from Pennsylvania charged distinctly and unequivocally that the present position of the Republican party on the tariff is inconsistent with the position maintained by that party in its platform of 1884 and previous platforms; and the answer which the gentleman from Pennsylvania gets is the quibble from the gentleman from Maine denying the proposition that the Republican party is inconsistent with itself, and asserting that it is in favor simply of correcting the "inequalities of the tariff." I say, sir, that is a suggestion unworthy to be presented by the gentleman from Maine or any other gentleman to the mind of any intelligent assembly.

With reference to the position of the Republican party on this question, will the gentleman from Maine, or any other gentleman on the Republican side, deny the fact that every President, from Grant down, in every message presented to Congress—and none so forcibly as President Arthur—has urged upon Congress the right and the duty of reducing the rate of tariff taxation?

Will gentlemen on the other side deny that in every platform up to the last they advocated not a correction of the "inequalities of the tariff," but a revision and reduction of the tariff? They can not deny it, for the language employed in their platforms is so plain that the wayfaring man, though a fool, may read as he runs.

Nor is this all. When the Republican party held possession of these halls, and when popular sentiment was demanding a revision of the tariff, what did they do toward correcting the "inequalities of the tariff?" Did they march up to their duty and obey the demand of the people by a proper revision of the tariff? No, sir; they appointed a commission composed almost exclusively of Republicans, there being only a single Democrat upon it so far as I remember. What did that Republican commission recommend? Did they recommend a correction of the "inequalities of the tariff?" No, sir. They recommended a reduction of 20 per cent. along the entire line. Yet that Republican Congress had not the courage and manhood to march up to the recommendation of their own commission. Shall it be said that the other side of the House, composed, as it is, of men prominent in the country—men like the gentleman from Maine, with his national reputation—had not the ability to make the revision which was demanded? The opportunity was there, and the duty was upon them, if they had recognized it, to present a proposition for the correction of "inequalities of taxation." Where is the bill that they presented? They cry

out against the Mills bill that it is a free-trade measure. They know better. Will they dare to go before the intelligent people of this country and tell them that a reduction of about 7 per cent along the whole line is a free-trade measure? No, Mr. Chairman, they know better; the people know better, and can not be deceived with any such proposition.

In what sort of a position do gentlemen on the other side stand here? How inconsistent with the language which falls from their lips. They say that the Republican party is in favor of correcting the "inequalities of the tariff." What do they do in their conventions and on this floor? They say in words as plain as the English language will enable them to use that they are in favor of retaining the present tariff and striking off if need be, the entire tax from whisky and tobacco. Is that an equalization of the "inequalities of the tariff?" If it is, it is more than I can see.

[Here the hammer fell.]

Mr. KERR. Gentlemen on that side of the House are trying to establish the proposition that the Republican party is inconsistent in its present platform as compared with its former position, and they rely upon an expression in the former platform to establish that proposition, namely: "The Republican party pledges itself to correct the inequalities of the tariff." Let us read the old position of the Republican party on that question. Here is the tariff plank of four years ago:

It is the first duty of a good government to protect the rights and promote the interests of its own people. The largest diversity of industry is most productive of general prosperity and of the comfort and independence of the people. We therefore demand that the imposition of duties on foreign imports shall be made not "for revenue only," but that in raising the requisite revenues for the Government such duties shall be so levied as to afford security to our diversified industries and protection to the rights and wages of the laborer, to the end that active and intelligent labor as well as capital may have its just reward and the laboring man his full share in the national prosperity. Against the so-called economic system of the Democratic party, which would degrade our labor to the foreign standard, we enter our earnest protest.

That was the position of the Republican party in 1884.

A MEMBER. Is that all?

Mr. KERR. That is all the tariff part of our platform of 1884. There is another sentence in another plank which says: "We propose to correct the inequalities of the tariff." And that is all that is said on the subject. Any gentleman who states the contrary can produce the proof by referring to the platform, but he will not find it there. As to the position of the Democratic party on that question, did they dare four years ago to take issue with us on that question? No, sir. What did they say? They did not take issue with the Republican party; shirking the issue, they said:

All taxation should be limited to the requirements of economical government.

That is good sound doctrine.

They say further:

The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

Now, that was the position of the Democratic party four years ago, but they come into this Congress in favor of the Mills bill. They never considered a single item to determine whether American labor was to be protected as they had promised. They never received a single sentence of testimony from any source on that question, and they stand before the American people with a bill which had not been considered in any one of its features, and they would have indorsed it at St. Louis if they had not heard the news from Oregon. [Laughter.]

A MEMBER. They did indorse it.

Mr. KERR. But they indorsed it with a qualification which went back and re-indorsed the contradictory platform of 1884, and another contradictory position assumed by the President opposing any change in the internal-revenue system. The Democratic platform of 1888 contains three contradictory propositions, but the Mills bill would have been fully indorsed had they not heard from Oregon.

[Here the hammer fell.]

Mr. BLAND. I would like to see some votes taken and some progress made in this bill. We have had debate now for three months, and it is about time it stopped. I would like the committee to get through this bill, so we may go home.

Mr. MANSUR. Mr. Chairman, inasmuch as I have done so much talking and my colleague so little, I hope the committee will bear with me for once. I wish to pay attention particularly to the gentleman from Ohio. Now, when the doctrine of protection to American industries was first announced by Henry Clay it was put distinctly upon the ground that it was necessary that our infant manufactures should be protected in this country. But when we built them up it was supposed farming and all kindred industries would be made prosperous. But, sir, when we built them up, instead of removing the burdens from their shoulders we find that when these interests had been fostered and strengthened and grown great by the protection of the Government, and had become rich and powerful, they then caught the farming and other kindred interests by the throat. I had a letter from a farmer a short while ago in which he told me that three-quarters of the farms in his township were under mortgage to insurance and other loan agencies all over the country, and there was scarcely a farmer in the township who could pay, and that unless they could get extension there would be a foreclosure of all their titles.

Now, when the gentleman talks about the farmers who ship their grain and the product of their toil to foreign countries and to foreign nations—their surplus—that which absolutely settles the price in this country beyond question, where it comes into competition with the pauper labor of the globe, then, I say, it is time for us to begin to think that we have protected the manufacturers long enough, and that it is time for us to turn the legislative thought to the perfection of some system of legislation which will just a little benefit the farmers of this country.

Mr. Chairman, they number some 7,500,000 directly and those engaged with them in the industry, and every particle of protection given to the protected industries of this country must come in directly out of them.

Now, another fact. If we have protected our industries until they have grown and become wealthy; if, according to the statistics of the census as shown by a comparison between 1870 and 1880, the total increase in the number of manufacturing industries in the whole United States was only 1,704, whereas in Missouri, Illinois, and Iowa there were practically three times that amount, for we know that the manufacturing industries of the East are less in number but vaster in wealth and capital and in the capacity to employ labor—only 1,704 new establishments from 1870 to 1880, an average of less than four to every State in the United States per year for the whole decade; but when you come to see the result in dollars and in the number of laborers employed, you find that there was the cash capital in these manufacturing industries of $700,000,000, and an increase in round numbers of 700,000 men employed in connection with them.

They have prospered; they have grown wealthy, so much so indeed that I have heard it stated by gentlemen competent to know, but whether it is true or not I do not know, that Mr. Carnegie, who is riding around through England in greater state than a lord of the realm, and carrying the great champion of the doctrine of protection, Mr. Blaine, made his fortune principally during that period and under the operation of that system.

[Here the hammer fell.]

Mr. RANDALL. I hope the time of the gentleman will be extended by unanimous consent for five minutes.

There was no objection.

Mr. MANSUR. I repeat, sir, that I have heard it stated, although I do not of course know it to be true, that Mr. Carnegie, twenty or twenty-five years ago, was a poor man, and was a telegraph operator.

He is now worth many millions, and is living in grand style in a foreign country, as the outgrowth of our system of protection to manufacturers in this country. I ask in that connection, can any one of you point to any one farmer who, out of the 7,500,000, has made one-half of that amount of money in that length of time? There is not one. Will it be insisted that out of the 7,500,000 farmers there can not be found the same degree of intelligence, the same capacity, the same industry to enable them, or any one of them, to build up such a fortune? It can not be said with truth. Many of them are men of a very high order of intelligence and ability. It is evident, therefore, that it must have been done under the operation of law.

In this connection let me say that for the first time in forty years I passed through the State of Pennsylvania—not having passed through it before since my boyhood days—over the great Pennsylvania Railroad. As I came into Pittsburgh and went out of the city in daylight, I stood on the rear of the train and saw on every hilltop villa after villa, beautiful enough to attract the admiration of any person.

But I would turn my eyes instinctively to the hollows, where in my country you would scarce put a pig-pen, and found they were filled with cottages, no, not cottages, but the commonest excuse for a house you ever saw, the mere semblance of a human habitation. They were stuck in these hollows by the hundreds, two or three families apparently occupying each of them; and on the rocky hillsides, where a man had to be almost a goat or a sheep to climb, I saw cabins tenanted by these laborers, where at the sacrifice of health, comfort, and of wages they paid for the palaces that stood on the hills around them. I could not help being impressed with the idea, Mr. Chairman, that for every wealthy man living in one of these palaces on the hilltop it was at the discomfort, the inconvenience, and the hard-earned wages of a hundred other helpless families, who were being robbed under the operation of law made in the interest of wealth and for the purpose of affording protection to the industries which would enable the capitalists to live in these palatial residences.

Mr. BAYNE. I renew the *pro forma* amendment. The gentleman from Missouri is so far mistaken about Pittsburgh workmen that he simply knows nothing at all about it. The property owned by the workingmen in Pittsburgh, by the operatives in the mills and the factories, is of more value than all the property in your Congressional district. I tell the gentleman that, and do not let him forget it. Do not you undertake to discount the Pittsburgh workmen. Do not undertake to say that they do not live well. They carry as big a market basket home every Saturday evening as the best living man in the State of Missouri; and they have an abundance of money in the savings banks.

Do not undertake therefore to disparage them. They live on the very fat of the land; and let me tell the gentleman that a great many of these men make from $2,000 to $3,000 a year, nearly as much as a member of Congress, and when his political assessments are taken out they make more at the end of the year.

But, Mr. Chairman, I want to refer now for a few moments to the remarks of my colleague [Mr. SCOTT]. When my colleague came back from St. Louis he said that he wanted to go ahead with this bill and get it through and not delay its consideration in the House, because the mere discussion of the bill was disturbing the business and the industries of the country; and right he was. To-day my colleague cites the fact that a hundred thousand men are now out of employment, and if the mere discussion of the question has turned out a hundred thousand——

Mr. SCOTT. I did not say it.

Mr. BAYNE. I give the gentleman the benefit of his denial, but logic is logic, and you must couple the two propositions together. If the discussion of this bill has disturbed the business of the country, it would seem as if the discharge of 100,000 men from employment were the corollary.

A MEMBER (on the Republican side). What will the passage of the bill do?

Mr. BAYNE. Yes, what will the passage of the bill do? My colleague may or may not have intended to say what he did. I am wont to treat him with perfect fairness, as he has always treated me. Some one in the progress of this debate has referred to the fact that one or two manufacturers of Pittsburgh wanted free trade, that one or two of them had prayed for the day when free trade would come. They wanted wages reduced. But why, if such is the fact, did they want wages reduced? Besause they said it would obviate strikes. Why would it obviate strikes? Because it would make their operatives so poor they could not maintain themselves during a strike.

That is what it meant. It meant that and nothing more. I think a letter was produced here by the gentleman from Kentucky [Mr. BRECKINRIDGE] some time during this debate, from a manufacturer, to the effect that he would welcome free trade. Why? Because it will reduce the wages of workingmen to such a degree that they will not be able to hoard anything up against either a rainy day or a strike.

Mr. OUTHWAITE. Was that in the letter?

Mr. BAYNE. I think it was not; but he advocated that proposition, and that was the real argument. That was fallacious. I call the attention of the gentleman from Missouri to the fact that in free-trade England the people live in hovels, and not only live in hovels, but they have strikes in England.

Mr. BRECKINRIDGE, of Kentucky. I did not catch the reference I understand the gentleman made to me.

Mr. BAYNE. I said I thought it was the gentleman from Kentucky who had produced a letter here some time during the progress of this debate from a manufacturer, in which he advocated free trade as an antidote or remedy for strikes.

Mr. BRECKINRIDGE, of Kentucky. Oh, no.

Mr. BAYNE. It was some other gentleman.

Mr. BRECKINRIDGE, of Kentucky. I have no recollection of it.

Mr. BAYNE. Then somebody else produced it.

Mr. BLAND. Mr. Chairman, I propose to put in a word, if I can, for a long-suffering, down-trodden, and oppressed portion of the American people that seem to have had very little sympathy here or elsewhere. I refer to nine-tenths of the members of this House, who want to proceed to business and get through with this bill before the dog-days, who are tired of hearing this political discussion which has continued for over three months, and which has been repeated over and over again, day in and day out, until there is nothing new to be heard under the sun upon it.

Mr. BAYNE. Will the gentleman yield for a question; only one question?

The CHAIRMAN. The gentleman declines to yield.

Mr. BLAND. Mr. Chairman, we did nothing yesterday. We met here this morning and agreed to adjourn over to-morrow, and on Thursday not to take up this bill; so that practically it will be near the middle of the month before we proceed to it again. Do gentlemen suppose that the members of the House on this side desire to remain in here to listen to a political discussion? For two months we have been hearing stories told over and over again until we are sick and tired of them. Let gentlemen go home upon the hustings. People there may be interested in these stories. That is the proper place to discuss them. Pittsburgh is notorious for gas. There gas is the natural product.

Mr. BAYNE. Will not the gentleman yield for one question?

Mr. BLAND. I say, Mr. Chairman, in the interest of the down-trodden members suffering in this House, and that want to do business, that there are four or five members here who are keeping us, doing nothing but repeating over and over again old stories that we have heard so often. In the interest of those down-trodden and oppressed members, nine-tenths of the House, I say let us have a vote. [Applause on the Democratic side.]

Mr. BAYNE. I would like to ask the gentleman one question.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HOPKINS, of Illinois. I move to strike out the last word.

It would have been fortunate, Mr. Chairman, for the members of this House, and for the country too, if the idea which seems to possess the gentleman from Missouri [Mr. BLAND] had occurred to him earlier in the session. But I rise not to make a response to the statement made by the gentleman from Missouri, but to call attention to some of the remarks which were uttered by the gentleman from Maryland in regard to the position of the Republican party on the tariff question. Any person listening to his statement would suppose the Republican party to-day is in favor of a high protective tariff upon all the articles that were ingrafted upon the bill during the war and immediately following the close of the war, and would suppose from his statement, too, that the Republican party had insisted upon maintaining a high protective tariff upon these different articles.

Now if the gentleman had taken time to look over the history of the party, even if he had taken time to read the minority report of the Committee on Ways and Means, he would have found that since the close of the war the Republican party has reduced the taxes to the amount of three hundred and sixty-two million five hundred and some odd thousand dollars. That is the record the Republican party has made in the reduction of taxation in this country. It has done that during the eleven years which it has had control in this House since the close of the war.

Now, whenever these figures are presented, or whenever a member of the Republican party gets up to protest against the Mills bill you find a Democrat popping up somewhere to say "what have you to offer as a substitute?" At the time the Republicans were thus reducing the war taxes they met with opposition again and again from the Democratic party, but the Republicans did not answer the Democrats with this childish cry. They went sturdily forward in the interest of the people of this country and passed their laws, as the Democrats have the power here, if they are united, of passing the Mills bill. The Republican party is not opposing this bill because it reduces taxation, as our friends on the other side of the House claim, but because it is a bill which, as I stated in a speech a short time ago, "keeps the word of promise to the ear and breaks it to the hope."

It is because it puts certain articles upon the free-list that should be protected, and because it is sectional in character. As has been stated before by me upon this floor, no argument can be adduced by any gentleman showing why wool should be put upon the free-list, and yet rice be protected. There is no reason why the Southern planter should be protected in the cultivation of rice any more than the Northern farmer should be protected in the production of some of the articles of farm products which are here put upon the free-list. Take, for instance, potatoes, beans, pease, and fresh vegetables, meats, game, etc., which are put upon the free-list by the Mills bill. How does that affect the farmers along the Canadian border?

Mr. WILSON, of West Virginia. Potatoes are not put on the free-list, and the potato crop of the North is larger than the rice crop of the South.

A MEMBER on the Democratic side. It would be well if they were.

Mr. HOPKINS, of Illinois. Well, beans, pease, vegetables, etc., are put upon the free-list, while rice is protected. That is one of the reasons why we claim this bill is sectional. No reason can be given why rice should be protected any more than any one of the articles which I have enumerated. The statistics show——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, I hope we shall now have a vote on the paragraph.

Mr. ROGERS. Mr. Chairman, I dissent from the views expressed by my friend from Missouri [Mr. BLAND] that we are not learning anything from this discussion. It is true I may be a little unsophisticated, but I have picked up a good deal of information as this debate has run along. I sat here the other day and heard the gentleman from Maine [Mr. REED] and the gentleman from Pennsylvania [Mr. BAYNE] both ridicule the idea that a tariff was a tax. In my simplicity of mind, resulting from some early reading, I had supposed that a tariff was a tax, and when I heard those gentlemen ridicule that proposition I thought I would go back and look at the text-books a little and see what the writers had to say upon that subject. I introduce this now for the purpose of construing later the meaning of the Republican platform of 1884. Judge Story, in his work on the Constitution, which in the earlier and better days of the Republic, when the old Whig party opposed the Democratic party, was thought to be good authority against the doctrines held by the Democratic party then as now, says:

> The language of the Constitution is, "Congress shall have power to lay and collect taxes, duties, imposts, and excises," etc.; "but all duties, imposts, and excises shall be uniform throughout the United States." A distinction is here taken between taxes and duties, imposts, and excises; and, indeed, there are other parts of the Constitution respecting the taxing power (as will presently be more fully seen), such as the regulations respecting direct taxes, the prohibition of taxes or duties on exports by the United States, and the prohibition of imposts or duties by the States on imports or exports, which require an attention to this distinction.
>
> In a general sense all contributions imposed by the Government upon individuals for the service of the State are called taxes, by whatever name they may be known, whether by the name of tribute, tithe, tallage, impost, duty, gabel, custom, subsidy, aid, supply, excise, or other name. In this sense they are usually divided into two great classes—those which are direct and those which

are indirect. Under the former denomination are included taxes on land or real property, and under the latter taxes on articles of consumption.

The Constitution by giving the power to lay and collect taxes in general terms doubtless meant to include all sorts of taxes, whether direct or indirect. But it may be asked, if such was the intention, why were the subsequent words "duties, imports, and excises," added in the clause? Two reasons may be suggested: the first, that it was done to avoid all possibility of doubt in the construction of the clause, since in common parlance the word "taxes" is sometimes applied in contradistinction to duties, imposts, and excises, and in the delegation of so vital a power it was desirable to avoid all possible misconception of this sort and accordingly we find in the very first draught of the Constitution these explanatory words are added. Another reason was, that the Constitution prescribed different rules of laying taxes in different cases, and therefore it was indispensable to make a discrimination between the classes to which each rule was meant to apply.

The second section of the first article, which has been already commented on for another purpose, declares that "direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers." The fourth clause of the ninth section (which would regularly be commented on in a future page) declares that "no capitation, or other direct tax, shall be laid unless in proportion to the census or enumeration hereinbefore directed to be taken," and the clause now under consideration that all duties, imposts, and excises shall be uniform throughout the United States." Here, then, two rules are prescribed—the rule of apportionment (as it is called) for direct taxes, and the rule of uniformity for duties, imposts, and excises. If there are any other kinds of taxes not embraced in one or the other of these two classes (and it is certainly difficult to give full effect to the words of the Constitution without supposing them to exist), it would seem that Congress is left at full liberty to levy the same by either rule, or by a mixture of both rules, or perhaps by any other rule not inconsistent with the general purposes of the Constitution.

It is evident that "duties, imposts, and excises" are indirect taxes in the sense of the Constitution. But the difficulty still remains to ascertain what taxes are comprehended under this description, and what under the description of direct taxes. It has been remarked by Adam Smith that the private revenue of individuals arises ultimately from three different sources—rent, profit, and wages—and that every public tax must be finally paid from some one or all of these different sorts of revenue. He treats all taxes upon land or the produce of land, or upon houses or parts or appendages thereof (such as hearth taxes and window taxes), under the head of taxes upon rent; all taxes upon stock and money at interest, upon other personal property yielding an income, and upon particular employments or branches of trade and business, under the head of taxes on profits; and taxes upon salaries under the head of wages. He treats capitation taxes and taxes on consumable articles as mixed taxes, falling upon all or any of the different species of revenue. A full consideration of these different classifications of taxes belongs more properly to a treatise upon political economy than upon constitutional law.

And I find my usually fair and lucid friend from Ohio [Mr. McKINLEY], the leader on the other side of the House upon this subject at least, saying in his recent speech upon the floor of the House:

First, what is a revenue tariff? Upon what principle does it rest? It is a tariff or a tax placed upon such articles of foreign production imported here as will produce the largest revenue with the smallest tax.

That is the definition of the gentleman from Ohio, and I accept it as true. But, Mr. Chairman, the Republican party have reached a point where they deny what Story laid down as the law and as the meaning of this provision of the Constitution, and where they have repudiated also the definition of my friend from Ohio. They hold now that a tariff is not a tax, and construed by that principle the Chicago platform of 1884 is as clear as mud.

The CHAIRMAN. The time of the gentleman has expired.

On motion of Mr. MONTGOMERY, by unanimous consent, the time of Mr. ROGERS was extended for five minutes.

Mr. ROGERS. I am thankful to the gentleman from Kentucky, and as I have had nothing to say upon the tariff so far, I shall be glad to be indulged for a few minutes longer, perhaps even beyond the additional five minutes allotted to me. In view of the definition given us by the gentleman from Maine and the gentleman from Pennsylvania, I proceed to read the Republican platform of 1884. I read now the part of it which the gentleman from Iowa [Mr. KERR] neglected to read, and following the paragraph which he read:

The Democratic party has failed completely to relieve the people of the burden of unnecessary taxation by a wise reduction of the surplus.

It can not be said that any complaint has ever been made of the Republican party of a failure to reduce the surplus. They have great talent in that particular direction and ample disposition to exercise it to its fullest capacity. But how hollow and disingenuous is this charge when it is remembered that it was they, with the assistance of a very few Democrats, that struck out the enacting clause of the Morrison bill and defeated thereby not only a wise reduction of the surplus, but that which, if possible, is of paramount importance—unwise and indefensible taxation, far in excess of the needs of the Government.

But let us read the next paragraph of the platform of 1884:

The Republican party pledges itself to correct the inequalities of the tariff and to reduce the surplus, not by the vicious and indiscriminate process of horizontal reduction, but by such method as will relieve the tax-payers without injuring the laborer or the great productive interests in the country.

I am willing to admit, Mr. Chairman, that I really supposed that the party intended to have the country believe—not that they intended to do it—that their purpose was to correct the inequalities, so notorious in the present law, by reducing the tax on such articles as were too high. But the gentleman from Maine [Mr. REED] now says that is a mistake, and I accept his interpretation as being in accord with what I then thought was their intentions, but not what the platform was intended to proclaim. But let us look at this production analytically for a moment.

The Republican party pledges itself to correct the inequalities of the tariff—

The gentleman from Maine [Mr. REED] says not to reduce it—

and to reduce the surplus—

Why, Mr. Chairman, who will not recognize, in view of the history and practice of that party, the utter superfluousness of that pledge? Why, that is a part of their scheme to keep up taxation—"the reduction of the surplus"—not by reducing taxation, however. But to continue—

not by the vicious and indiscriminate process of horizontal reduction—

Striking at the Morrison bill, which contemplated a horizontal reduction of taxation, as well as the reduction of the surplus—

but by such method as will relieve the tax-payer without injuring the laborer or the great productive interests in the country.

Mr. Chairman, who is the tax-payer, if he is not the laborer? In my simplicity I thought they were the same man. I should like to see the laborer who is not a tax-payer. He does not exist in this country, unless he lives on air and water exclusively and goes naked. The only man in this country who does not pay his full share of the taxes under existing law is the capitalist, the millionaire, the bondholder, the corporations and trusts.

No laborer escapes; no laborer can escape. He is emphatically the tax-payer. But what is this last pledge? It is—

to reduce the surplus * * * by such method as will relieve the tax-payer, etc.

"Relieve the tax-payer!" Mr. Chairman, that is just what the Republican party has been doing for the tax-payer for the last twenty-five years—relieving him of not less than 30 per cent. of all his earnings, and for several years past when there was no need for it. That is precisely what the tax-payer complains of now, that you do not stop relieving him after that method. But if he wants consolation let him read the late Chicago platform, and scan these debates, and find that that same method is not only to continue, but to continue on a higher scale, provided always the Republican party can have its way. Yes, they have kept their pledge "to reduce the surplus," so far as the Democratic party in the House of Representatives would permit; for if any appropriation has been proposed, from that day to this, unless perchance it was the payment of some war claim or something of that character at the South, that they have not been ready to sustain, it does not occur to me now.

No, their platform in 1884 and now means just what the gentleman from Maine says they do—that is, that they do not intend to reduce tariff taxation. If we have accomplished nothing else, we have at least arrived at this gratifying result: we know what they mean. These gentlemen representing the Republican party now proclaim, not only in their platform, but upon the floor of this House, their determination to maintain this system of tariff taxation just where it is now, or if they do anything at all, to increase the taxation and keep out any competition in foreign goods.

Mr. STEELE. Will the gentleman tell us what the President in his message says the platform means?

Mr. ROGERS. The gentleman will pardon me; that is out of the line of my discussion.

It is and has been repeatedly said on the floor of this House that gentlemen who stand here advocating the Mills bill advocate free trade, but when they get outside of the House take some other position, and begin to hedge—that no gentleman has stood up here and denied that fact. Why, Mr. Chairman, the Speaker of this House, in his speech on this subject, said:

No, sir; we do not want another China here; nor do we want or expect absolute free trade. We all recognize the fact, which I suppose even the gentleman from Maine will concede, that the Government must have a revenue for its support, and that this revenue must be raised by taxation in some form or other.

Now, Mr. Chairman, let me call attention for one moment to the Democratic platform of 1884, to which reference has been made:

From the foundation of this Government taxes collected at the custom-house have been the chief source of Federal revenue; such they must continue to be.

And the St. Louis platform indorsed that declaration.

[Here the hammer fell.]

Mr. ROGERS. I ask unanimous consent for an extension of five minutes. I have not before occupied time in this discussion.

The CHAIRMAN. Is there objection to extending the time of the gentleman for five minutes?

There was no objection.

Mr. ROGERS. Let me read further from this platform:

Moreover, many industries have come to rely on legislation for successful continuance.

I recently saw, in this connection, a document published by the manufacturers of Philadelphia, in which they announced, in advance of the Chicago platform, the principle that the tariff taxation must be increased or else some of these industries must perish. The uniform cry from all sources—"Tray, Blanch, Sweetheart," and all—is that they do not intend to reduce taxation at all; and that if we do it, every industry in the country affected by the Mills bill is to be destroyed.

Why, sir, these stereotyped letters from manufacturers have been read until one can almost repeat them from beginning to end, making only the necessary changes in order to conform to the particular industry interested. You go so far as to draw the line between manufacturing industries and the other industries of the country, as if farming were not an industry, as if every man who is a laborer in this country is not entitled to equality and justice under equal laws.

Moreover, many industries have come to rely on legislation for successful continuance, so that any change of law must be at every step regardful of the labor and capital thus involved.

The Democratic party, understanding this, knowing that those industries occupy under existing law an abnormal condition, and careful that they be not destroyed or swept away by any sudden legislative change, announced then, as it announces now, that it is not the purpose to break down or to destroy any industry, but to reduce taxation in such a way that all industries may adjust themselves to the changed condition of the law.

The process of reform must be subject in the execution to this plain dictate of justice. All taxation shall be limited to the requirements of an economical government. The necessary reduction in taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor, and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country. Sufficient revenue to pay all the expenses of the Federal Government economically administered, including pensions, interest, and principal of the public debt, can be got, under our present system of taxation, from custom-house taxes on fewer imported articles of luxury and bearing lightest on articles of necessity.

Mr. KERR. Will the gentleman yield for a question?

Mr. ROGERS. No; I decline to yield.

We therefore denounce the abuses of the existing tariff; and subject to the preceding limitations, we demand that Federal taxation shall be exclusively for public purposes and shall not exceed the needs of the Government economically administered.

On this platform we went before the people in 1884; and the result is known to the country. We stand on this platform to-day, and we appeal to the country again that we shall be vindicated in all our efforts to maintain and uphold the principles laid down in this platform.

Mr. Chairman, we have three alternatives. We can violate these pledges to the people by refusing to reduce taxation. That is one way. Nothing would shed so much sunshine in the hearts of gentlemen on the opposite side of the House as to find us at the close of this Congress in that condition. We shall not gratify you. We can also raise taxes as gentlemen on the opposite side desire, so as, to use the figurative language in the speech of the gentleman from Maine to which I have already referred, "to build up a Chinese wall," and thereby further cripple and shackle the commerce of the country. It is to this suicidal and criminal policy you invite us. We decline your invitation, and this is the second alternative. The third alternative is to reduce taxation, and thereby reduce the surplus, affording, at one stroke, relief to the people by relieving them of the unjust burdens of taxation, and, at the same time, leaving their earnings in their pockets in the future, that it may go into the channels of business instead of being locked up in the vaults of the Treasury.

No charges that we are free-traders, will deter us in the discharge of this duty. We can not reduce taxation without traveling in the direction of free trade! Nor can you increase taxation without increasing the burdens of the people. No special pleading, no specious arguments, no fallacy, no sophistry, can avoid these results, or deceive the people. They know, as you know, as the world knows, that if the tariff did not enable the manufacturers to sell their goods higher than they could sell them without the tariff, they would not want it, but would be the first to clamor for its repeal. But you say the tariff has made goods cheaper. Do you need law to help you sell your goods cheap? the consumers of your goods will facilitate your efforts in that direction. They will buy just as cheap as you can afford to sell; you need no law for that, except the laws of nature. No, Mr. Chairman, nearly three-fourths of the cotton of the South, and perhaps 10 per cent. of the grain produced in this country, are sold in the free markets of the world, and those who produce them are told that they must buy in the home market, at greatly increased prices, almost every article they use. Indeed, Mr. Chairman, the prices of all our surplus products are fixed in Liverpool, in a free market, while what our people consume is fixed in a very large degree by statutory laws, regardless of the cost of production or the necessities of the Government which enacted them. For this order of things no parallel can be found.

We choose to keep our pledges if we can. If we fail the responsibility must be with the other side. On this, we go to the country for the vindication of our course.

[Here the hammer fell.]

Mr. DINGLEY. Mr. Chairman, I am sure if the gentleman from Arkansas [Mr. ROGERS] and the gentleman from Pennsylvania [Mr. SCOTT] had candidly listened to the utterances of gentlemen on this side of the House setting forth our views as to tariff duties they would not have perverted or at least misapprehended our position in reference to that question so much as their remarks indicate they have.

It has been said over and over again on this side of the House that a duty levied upon an imported article which can be produced here without climatic difficulties to the extent of our needs is not a tax which increases burdens on the consumer, but that on the contrary it has the effect to encourage home industry and labor, and in giving to our producers our home markets that ultimately the effect is to produce greater prosperity and lessen the burdens on the people; and that in the case of such articles the price is not the foreign cost plus the duty, but the lowest point to which it can be brought by home competition.

But it at the same time has been added on this side that revenue duties imposed on articles which can not be produced here, like coffee, tea, and spices, are taxes which increase the burdens on the consumer precisely to the extent of the duty, and that duties imposed on articles which we can produce here to only a limited extent, and which we must import in large part in order to meet the consumption, like sugar, where the price is determined, not by home competition, but by the cost abroad, the duty is a tax nearly to the extent that it is imposed.

A duty imposed, for example, on cotton goods which we can produce here to the extent of our wants is not a tax which increases the burdens of the people, as was shown in the remarks I made in the general debate in reference to standard sheeting and common prints. I exhibited on this floor two specimens of common prints, one of which was purchased in Manchester, England, and the other in the city of Washington, of the same quality, and both purchased at 5 cents a yard, notwithstanding there is a duty of 4½ per cent. a yard on imported prints. If I had purchased standard sheeting in London and in Washington I should have found the price identical in the two cities, notwithstanding the duty.

I imagine some one will say, "Why place a duty on articles which we are making here as low as abroad?" My reply is that if the protective duty had not been laid on these articles and kept there continuously since 1824 (for coarse cottons have been amply protected for sixty-four years), we should not have been able to manufacture them here as cheaply as in Great Britain, or at all. The absolute protection which our manufacturers of coarse cottons have had for sixty years has enabled them to perfect their mills and reduce the cost to the lowest limit. But if all duties on even coarse cottons should be removed to-day, foreign manufacturers would immediately go to work and glut our markets and break down our mills, hoping to recoup themselves for present losses by future control of our markets.

And in the case of articles which we can make here to the extent of our wants, in which the proportion of labor is so large that we can not make them at the same money cost that they can be made abroad, there is not one which can not be bought here for fewer days' work, less service, or less of other products than it can be in free-trade Great Britain, or than it could be here if we should imitate England's free-trade policy.

Mr. Chairman, gentlemen on the other side who are insisting that in this Mills bill there shall be retained a duty of 68 per cent. on sugar, which we produce here to so small an extent that our domestic production has but little effect in determining the price, are practically taking the position that you will tax the people of this country 68 per cent. on the sugar they consume—an article of common necessity, like flour and other articles which enter into the food of the nation.

And you are concealing the imposition of so heavy a duty on an important article of food, where the duty is inevitably nearly all added to price and to the burdens on the people, by loud denunciations of protective duties imposed on articles which we can produce here to the extent of our wants, where the main effect of the duty will be to encourage our own industries, give better wages to labor, and higher prosperity to all our people.

It is claimed, Mr. Chairman, by the gentleman from Pennsylvania [Mr. SCOTT] that the Mills bill is not a free-trade tariff. There are fifty-three industries which in this bill you have put on the free-list. Certainly as to those industries there can be no question that you have adopted free trade. Heretofore these industries have been encouraged and maintained by protective duties, but now in this bill you place every one of them upon the free-list. These industries, including the wool and other farm products placed on the free-list, enriched the country last year with products valued at $500,000,000 and gave employment to many thousands of workmen. This is a big slice of free trade for one bill, not taking into account the damage that will be done by reductions of duties that will invite injurious foreign competition to other industries.

[Here the hammer fell.]

Mr. GEAR. I ask that the gentleman's time be extended.

Mr. BLAND. Can not we have a vote?

The CHAIRMAN. Is there objection to extending the gentleman's time?

Mr. KERR. I hope there will be no objection.

Mr. BLAND. I hope then we may have some understanding when a vote may be taken.

Mr. DINGLEY. I wish the gentleman had made that suggestion before. When the gentleman from Illinois [Mr. TOWNSHEND], or the gentleman from Arkansas [Mr. ROGERS], or the gentleman from Pennsylvania [Mr. SCOTT] were criticising protection.

Mr. SCOTT. I ask that the gentleman be permitted to proceed.

The CHAIRMAN. Is there objection to extending the gentleman's time?

Mr. BLAND. We have heard this discussion for three months, and all of it. There is no need to go over it again. Why do gentlemen want to repeat it?

The CHAIRMAN. The gentleman from Maine will proceed.

Mr. DINGLEY. I can appreciate the position of the gentleman from Missouri, for, if I remember correctly, he was the first member

of the House who started political discussion in the direction of the tariff; and for months, when other measures were before the House, persisted in repeating his tariff speeches. To-day the gentleman from Illinois [Mr. TOWNSHEND], on the other side of the House, started the discussion in the vein in which it has been proceeding, without any remark by the gentleman from Mirsouri, and it is rather late now for the gentleman to discover that replies coming from this side of the House are objectionable.

Mr. BLAND. I think gentlemen have all had their say on this question. We have been at it now for several months, and I think it is time that we should get to business.

Mr. DINGLEY. I was remarking, Mr. Chairman, that the bill before the House places on the free-list fifty-three industries in this country, industries of the utmost importance, too, and that you have inaugurated free trade with reference to them. You have inaugurated free trade as to industries that have far more labor in them in the Northern States, or in Republican States or districts, than in many industries in the South, or in Democratic districts or States, which you still retain on the dutiable list. And I desire to call the attention of gentlemen to the fact that there is a policy in this. I asked a gentleman, a member of this House, a day or two ago why he voted to place on the free-list an industry in the Northern States, or a Republican district, in which there was a very large proportion of labor, while in another industry, in a Democratic State or district, there was no attempt to put other industries, with a less proportion of labor in them, on a similar basis? "Oh," said he, "we will get to the other States and districts soon."

We have got to approach this thing by steps in whatever we can get the votes, and we will have those of you that we put on the free-trade list to-day to help us two years hence to place other articles on the free-list.

I call attention to the fact that the policy inaugurated in this bill, which puts 53 industries under the influence of free trade, will be used two years hence to help to put 53 other industries into the free-trade column. I warn gentlemen interested in industries which have been protected by this bill, and who are looking on quietly and coolly, or who are aiding in this legislation which places 53 industries on the free-list, to take warning, because their own industries in their own particular State or district will be the next ones to be marked for the slaughter if this bill succeeds. And especially do I warn gentlemen interested in the industries which have been cared for, because Democratic Representatives have assured Democratic caucuses that they could be returned with the aid of those industries if this should be done, that they are treading on dangerous ground when they propose to aid in electing men to destroy other industries, but to save their own. For protection can stand here or elsewhere only as a general policy.

If the majority of the people of this country, as I believe they do, favor the protective policy, if that is to be the system under which we are still to live, as I pray it may be, then it must apply to all industries without exception; it must cover all interests.

Mr. Chairman, the gentleman from Pennsylvania [Mr. SCOTT] has said that the farmers are not protected. Mr. Chairman, my district is largely composed of farmers. I knew that district when almost its sole industry was farming, and I know it to-day since manufacturing industries have come in. And I say that there is not a farmer in my district who does not appreciate that the building up of manufacturing industries there has obtained for him a better market—a home market—and highes rates for his products than he had before. I know that farmers forty years ago found it almost impossible to obtain cash for the products of their farms. They went out and bartered them at almost any price to obtain those things that they were compelled to have.

That condition of things has been altered. The farmer now has a ready market for all of his products at good prices near his home. The young men and young women who formerly found it impossible to obtain employment without going to other States, now find employment, to a great extent, near home. The trouble with the farmers of the far West, so far as they find themselves less prosperous than they could desire, is their remoteness from markets, and if you would make them more prosperous establish manufacturing enterprises in their midst.

The Mills bill, however, comes in to discourage domestic industries, to encourage importations, and to encourage Canadian farmers at the expense of our own by admitting wool, beans, pease, vegetables, meats, poultry, and many other farm products into our markets free of duty to compete with similar products of our own farmers.

[Here the hammer fell.]

Mr. SCOTT. Mr. Chairman, I hardly think the criticism that has been made by my friend from Missouri [Mr. BLAND] is entirely fair, or that this discussion has not developed some points of interest to the people of this country. I believe that the discussion has brought out certain questions and certain facts that the country takes an interest in and wants to know about.

Now, sir, addressing my colleague from Pennsylvania [Mr. BAYNE] I put to him certain questions, and I want to get back to those questions again. Sir, I made the statement that to-day in the great States of Pennsylvania, West Virginia, and Ohio from seventy-five thousand to one hundred thousand wage-earners have left their mills and their factories and are on a strike.

If protection protects the wage-workers of this country, as gentlemen on the other side of the House say it does, I ask my colleague [Mr. BAYNE] what has brought about the strike of one hundred thousand wage-workers in the protected industries of the country during the past week, with the chances that they will not return to work for months to come? And I desire, sir, to call the attention of this committee and the country to what I believe to be substantially correct: that the labor of this country in the unprotected industries was never more fully employed and better paid than to-day, and that the only class of wage-workers amongst which strikes exist to-day is, as I have said, among the protected industries of the country. I again ask what has brought about this strike? It is, sir, a demand on the part of the proprietors of these protected industries that the wages of the wage-workers engaged in the same shall be reduced 10 per cent. Sir, the one hundred and twenty-five thousand coal miners of my State are not only fully employed at fair wages, but I do not know of a single strike among them.

I say that all the other wage-workers in our State not protected by the theory of protection, engaged in the various industries of our State are fully employed and well paid. It is only in the protected industries of our State that we find sixty thousand of our wage-workers unemployed and thrown out of a job. Why is this so? From the fact that their employers have demanded a reduction of 10 per cent. in the wages of these wage-workers, to which they have refused to accede, and the employers in the various mills and factories have forced the men out of their mills and now propose to starve them into submission.

Mr. BAYNE. Coal is protected.

Mr. SCOTT. Protected how?

Mr. BAYNE. By 75 cents a ton.

Mr. SCOTT. The quantity of coal that is used in this country in the manufacturing industries (even if you could construe it in that way) is not more than 10 per cent. of the entire amount of coal produced; and the 75 cents a ton does not protect our coal. On the remaining 90 per cent. used in the United States, so far as I am interested, I do not ask you for any protection on coal.

Mr. BAYNE. It is just the price given the miners; it is fully equivalent to the wages you pay for mining the coal.

The CHAIRMAN. Debate on the amendment is exhausted. If there be no objection the formal amendment will be considered as withdrawn, and the question recurs on the amendment offered by the gentleman from Ohio [Mr. MCKINLEY] to strike out this section.

The question being put, the Chair was in doubt as to the result.

Mr. MCKINLEY. I ask for a division.

The committee divided; and there were—ayes 56, noes 70.

So the amendment was rejected.

The Clerk read as follows:

Iron or steel T-rails, weighing not over 25 pounds to the yard, $14 per ton; iron or steel flat rails, punched, $15 per ton.

Mr. SOWDEN. Mr. Chairman, I move to strike out in line 182 "$14," and insert in lieu thereof "$17.92;" and in line 183 I move to strike out "$15," and insert instead thereof "$20.16."

The Clerk reported the amendment.

[Mr. SOWDEN withholds his remarks for revision. See APPENDIX.]

The CHAIRMAN. The time of the gentleman has expired.

The amendment was rejected—ayes 48, noes 62.

The Clerk read as follows:

Round iron, in coils or rods, less than seven-sixteenths of 1 inch in diameter, and bars or shapes of rolled iron, not specially enumerated or provided for, 1 cent per pound.

Mr. BRECKINRIDGE, of Arkansas. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After line 186 insert: "Iron or steel, flat, with longitudinal ribs, for the manufacture of fences, four-tenths of a cent per pound."

Mr. BUCHANAN. Mr. Chairman, with reference to the paragraph just read, I would like to ask the gentleman in charge of the bill whether it does not in effect propose an increase, or at least a change of duty on one class of rods. By the present law round iron, in coils or rods less than seven-sixteenths of 1 inch in diameter, bear a duty of 1.2 cents per pound. The present bill puts the duty at 1 cent per pound. So far in ascertaining the meaning there would be plain sailing. But in the old law there is the following additional provision:

Iron or steel rivet, screw, rail, and fence-wire rods, round, in coils or loops, not lighter than No. 5 wire gauge, valued at 3½ cents or less per pound, six-tenths of 1 cent per pound.

Now, I want to know whether the effect of the provision in the present bill would not be to advance the rate on those rods which are between seven-sixteenths of an inch in diameter and No. 5 wire gauge from six-tenths of a cent to 1 cent per pound. Do you not by this provision in this bill, which will supersede the old law so far as the two cover the same thing, take all rods between seven-sixteenths of an inch and No. 5 wire gauge out of the other provision, where they are at six-tenths of a cent per pound, and put them in this bill at 1 cent per pound? I ask for information.

Mr. BRECKINRIDGE, of Arkansas. I can only answer the gentleman by saying that that matter was very carefully considered by the committee, and that they do not believe the bill has that effect. It does not touch the classes of iron of which the gentleman has just spoken.

Mr. BUCHANAN. But how can it help having that effect? The words are there. However much it may have been the intention of the committee not to touch these sizes of rods, the words they have used do so, and we must read a law as it is written. The words are primarily considered, and if no ambiguity then appears the words are decisive, and intention can not be inquired into.

Mr. BRECKINRIDGE, of Arkansas. The gentleman is, I think, mistaken about that. The words of the present law bearing upon those items are not changed. The words are changed only with reference to the items which we enumerate; and as to that which we do not enumerate we do not change it at all. I do not see how I can make the case any plainer to my friend from New Jersey.

Mr. BUCHANAN. But I think these words do change the existing law to the extent I have indicated. I so understand them, at least. Being the latest legislative utterance, they would be held to embrace all sizes below seven-sixteenths of an inch diameter.

Mr. BRECKINRIDGE, of Arkansas. We do not understand them that way.

Mr. BUCHANAN. It is easy enough to say that they do not; but if they do, they do. These sizes seem to be included.

Mr. ROGERS. And if they do not, they do not.

Mr. BRECKINRIDGE, of Arkansas. But the gentleman from New Jersey will observe that the items inclusive of those which he has enumerated are not in the bill, and consequently they remain unchanged as in the present law.

Mr. HERBERT. If those words do have the effect to raise the duty, why does the gentleman from New Jersey object? Is it not a little out of character?

Mr. BUCHANAN. Mr. Chairman, I have not objected. I was inquiring as to the effect of these words, because to-day there is a decision of the Treasury Department——

Mr. BRECKINRIDGE, of Arkansas. I think the gentleman's inquiry was a perfectly legitimate and proper one.

Mr. BUCHANAN. I thought so. I thought it was an inquiry I had a right to make without having another inquiry interjected by the gentleman's colleague [Mr. HERBERT]. I made the inquiry now because the present law is the subject of a construction by the Treasury Department, which to some does not seem to be well founded, and because I wanted to get the construction of the committee upon this provision, *i. e.*, as to whether it covered rivet, screw, nail, and fence-wire rods, as we passed along to-day without any reference whatever to the question whether there should be a higher or a lower rate of duty. Therefore the point of the gentleman from Alabama falls harmless. The words certainly include these rods, not by name, it is true, but by sizes, and would not the sizes govern in construing the latest legislative utterance?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. BRECKINRIDGE], which will be read.

The Clerk read as follows:

After line 186 insert "iron or steel, flat, with longitudinal ribs, for the manufacture of fencing, four-tenths of a cent per pound."

The amendment was agreed to.

The Clerk read as follows:

Sheet-iron, common or black, thinner than 1 inch and not thinner than No. 20 wire gauge, 1 cent per pound; thinner than No. 20 wire gauge and not thinner than No. 25 wire gauge, one and one-tenth of 1 per cent. per pound; thinner than No. 25 wire gauge and not thinner than No. 29 wire gauge, one and one-fourth of 1 per cent. per pound; thinner than No. 29 wire gauge, and all iron commercially known as common or black taggers iron, whether put up in boxes or bundles or not, 30 per cent. ad valorem: *Provided*, That on all such iron and steel sheets or plates aforesaid excepting on what are known commercially as tin-plates, terne-plates, and taggers tin, when galvanized or coated with zinc or spelter, or other metals, or any alloy of those metals, one-fourth of 1 cent per pound additional when not thinner than No. 20 wire gauge; thinner than No. 20 wire gauge and not thinner than No. 25 wire gauge, one-half cent per pound additional, and when thinner than 25 wire gauge, three-fourths of 1 cent per pound additional.

Mr. MCKINLEY. I move to amend by striking out the paragraph just read.

The motion was rejected, there being—ayes 49, noes 63.

The Clerk read as follows:

Hoop, or band, or scroll, or other iron, 8 inches or less in width, and not thinner than No. 10 wire gauge, 1 cent per pound; thinner than No. 10 wire gauge and not thinner than No. 20 wire gauge, 1.1 cents per pound; thinner than No. 20 wire gauge, 1.3 cents per pound: *Provided*, That all articles not specially enumerated or provided for, whether wholly or partly manufactured, made from sheet, plate, hoop, band, or scroll iron herein provided for, or of which such sheet, plate, hoop, band, or scroll iron shall be the material of chief value, shall pay one-fourth of 1 cent per pound more duty than that imposed on the iron from which they are made, or which shall be such material of chief value.

Mr. MCKINLEY. I move to strike out the entire paragraph last read.

Mr. BAYNE. Mr. Chairman, I am in favor of striking out this paragraph, of course; but I want to call attention to the fact that the farmers out in the Western country, when they buy hoop-iron to put on their barrels, or for any of the various purposes for which hoop-iron is used, if they should import that hoop-iron, would have to pay under this bill a duty of 1 cent per pound, or at the rate of $22.40 a ton, while those who buy hoop-iron in the Southern States, the cotton-growing States, for the purpose of baling their cotton, if they should import that hoop-iron, will get it free of duty.

Mr. WEBER. The same kind of iron?

Mr. BAYNE. Precisely the same kind of iron—the same quality, the same in every respect. In the one case the declaration that this hoop-iron is to go upon a cotton-bale admits the iron free to the farmer or agricultural producer of the South, while the declaration of the farmer in the West that he needs this hoop-iron for putting on a barrel or for the other purposes for which the farmer of the West may require it, subjects this iron, if it be imported, to the payment of a duty of 1 cent a pound.

Mr. HOVEY. He may want the iron to put on hay bales.

Mr. BAYNE. Yes, sir; and if he wants it for hay bales, he must pay the duty in the same way.

One word more. When the Southern producer of cotton ships it to Providence, R. I., or sends it over to Liverpool, he gets the same price (10 cents a pound, or whatever the price of cotton may be) for his hoop-iron as for his cotton. But the farmer out West who puts his hoop-iron on a barrel may use that barrel, perhaps, for a number of years, or, if he sells the barrel, the hoop-iron goes with the barrel. The man who, if he imports his cotton-ties, gets them free of duty, sells them almost immediately for 8, or 9, or 10, or 11 cents per pound (whatever may be the price of cotton), while the Western farmer never gets anything back for his hoop-iron at all. If there is not considerable favoritism in this bill—if it is not very sectional in its operations—I would like to know what it is. This is all I have to say.

Mr. BLANCHARD. I wish to reply to the remark made by the gentleman from Pennsylvania [Mr. BAYNE], that the cotton-planter or farmer of the South buys his cotton-ties at 3 or 4 cents a pound——

Mr. BAYNE. I did not say what he pays for them.

Mr. BLANCHARD. And sells them at the price of cotton—10 or 12 cents a pound. That argument is old in this House. It was made here in the second session of the Forty-seventh Congress, when the question of the duty upon cotton-ties was under consideration; and it was then and there exploded. It is true that when a bale of cotton is weighed and sold, no deduction is made for the weight of the bagging and the ties which surround the cotton; but I will remind my friend from Pennsylvania of a fact which he already knows, that the price of cotton is fixed in the great cotton marts of the world, Manchester and Liverpool; the price as fixed there is based upon the supposition of so many bales of cotton being raised each year throughout the world; and from that is deducted a tare of 22 pounds per bale, which includes the bagging and ties. So that the cotton-planter in the South gets nothing for the weight of the bagging or the ties which surround the bale of cotton that he sends to market.

Mr. BAYNE. Are you speaking now of the markets of Manchester and Liverpool?

Mr. BLANCHARD. I am saying this: That the price of cotton is fixed in the great cotton marts of Manchester and Liverpool; and there, where the price is fixed, allowance is made for the weight of the bagging and the ties surrounding each bale.

Mr. BAYNE. No allowance of that kind is made at Providence, R. I.

Mr. BLANCHARD. Well, Mr. Chairman, the price of the cotton in Providence, R. I., is fixed in the cotton marts of Manchester and Liverpool, where such an allowance is made.

Mr. BAYNE. I do not think the price is fixed there. I think the American consumption has as much to do with fixing the price of cotton as anything occurring in Manchester or Liverpool.

Mr. BLANCHARD. Two-thirds of the cotton we raise goes abroad; and the price of the commodity abroad fixes the price at home.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. As debate is exhausted on this paragraph, I wish only to say that the question of cotton-ties will be reached in another paragraph of the bill.

The question being taken on the amendment of Mr. MCKINLEY, it was rejected.

The Clerk read as follows:

Cut tacks, brads, or sprigs, 35 per cent. ad valorem.

Mr. BAYNE. I move to strike out that paragraph.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Pennsylvania.

Mr. ADAMS. I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania has offered an amendment to strike out the paragraph.

Mr. ADAMS. Then I will address myself to the amendment of my friend from Pennsylvania.

To those who regard this bill as being mainly for a reduction of the surplus revenue, it may be interesting to note that according to the calculations of the committee this will reduce the surplus revenue $2.20.

But it is perfectly evident that if the reduction of the duty increases the importations the surplus would either be increased or else it will be reduced by a sum smaller than $2.20.

But, sir, I desire to ask some member of the Committee on Ways and Means why they saw fit to adopt here for the first time in the iron schedule an ad valorem rate? The existing tax is a specific one.

Mr. BRECKINRIDGE, of Arkansas. To what item is the gentleman addressing himself?

Mr. ADAMS. I am talking now of the item "Cut tacks, brads, or sprigs." The existing law, taking into account the difference in sizes, provides as follows:

Cut tacks, brads, or sprigs, not exceeding 16 ounces to the thousand, 2½ cents per thousand; exceeding 16 ounces to the thousand, 3 cents per pound.

I do not now discuss the propriety of reducing the tax. I am not discussing the question of a revenue tariff. But if desirable to reduce the tax, why not, let me ask the gentlemen framing the bill, take the specific rate for which the equivalent ad valorem is inserted and fix that as the rate?

We heard from the gentleman from Maine the other day [Mr. DINGLEY] that the lime manufacturers of this country could not compete with the lime producers of Canada because of the fact that owing to certain undervaluations and to a ruling of the Treasury Department it has been rendered possible to bring this lime in at manifestly a much lower rate than was contemplated when the duty was fixed. Is it not altogether possible that the Committee on Ways and Means are affording the same facility to the producers of these articles?

Mr. BRECKINRIDGE, of Arkansas. I would like to ask the gentleman from Illinois what specific rate he would apply for the duty in this case, so as to make about the equivalent of 35 per cent. ad valorem fixed by the committee?

Mr. ADAMS. The question I wish to ask, and that is a point on which, I presume, the Committee on Ways and Means ought to be able to give information, is as to what is the difference between the 35 per cent. tax ad valorem which the committee have adopted and that specific duty which would be equivalent thereto?

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman state the difference?

Mr. ADAMS. I think the committee ought to inform the House.

Mr. DINGLEY. Two and a half cents per thousand is the specific rate.

Mr. BRECKINRIDGE, of Arkansas. I know; but that does not tell the difference between what the gentleman from Illinois thinks should be the specific rate and 35 per cent. ad valorem, as fixed by the committee. The gentleman from Maine refers to the present duty. I think the gentleman will find that it is impossible to determine upon that particular item, the present tax being either prohibitory, if there be any manufacture of these articles abroad, or else there is no manufacture of the articles abroad to come in at any price, and hence it would be difficult, if not impossible, to fix the specific rate. The gentleman will ascertain and admit upon an examination that there are a great many inequalities in the metal schedule under existing law.

Mr. ADAMS. In what?

Mr. BRECKINRIDGE, of Arkansas. In the metal schedule, all through it. If the gentleman will run his eye down the table of imports he will be struck with the almost startling inconsistencies that it contains. He will observe that, taking the average of these various items, 35 per cent. is a very fair rate here, as there is no guide and no record of any statistics which would give the specific equivalent of a fair ad valorem rate; and therefore there was nothing else for the committee to do than to give up entirely trying to find a specific rate, and upon this particular item to fix the ad valorem rate established by the bill, which is the ad valorem equivalent of the specifics of the various items to which I have referred.

Mr. ADAMS. But suppose it is assumed that you want to leave the tax equivalent to 35 per cent. ad valorem, can you not ascertain the actual cost of such tacks and brads as have been imported into this country, or their price in the foreign market, if none have come in?

Mr. BRECKINRIDGE, of Arkansas. Not unless we have the statistics of importation. If none are imported that is not attainable.

Mr. ADAMS. I presumed that the Committee on Ways and Means, with the assistance of the Treasury officials, who were at their disposal, might have been able to obtain the information.

Mr. BRECKINRIDGE, of Arkansas. But there was no information attainable other than I have stated.

Mr. DINGLEY. Mr. Chairman, I desire to say a few things in reference to specific and ad valorem rates of duty. I am certainly surprised to find that in many parts of this bill there is a tendency on the part of the Committee on Ways and Means to make a change from existing specific duties to ad valorem rates. Of course, the gentleman from Arkansas has read the report of Secretary Manning upon the subject of specific and ad valorem rates, and also Secretary Fairchild's approval of it. Mr. Manning states that the ad valorem system places it almost entirely within the power of the foreign manufacturer and exporter to determine what the rate of duty shall be by means of undervaluations in his invoices; and I send to the desk and ask to have read a portion of Secretary Manning's remarks upon that subject.

It seems to me, in view of the fact that the distinguished ex-Secretary of the Treasury, after examining our tariff system, has given such an emphatic indorsement of the specific as against the ad valorem system, that the committee can hardly find justification in making so many changes from ad valorem to specific duties.

Indeed, Mr. Chairman, an English manufacturer said to me last autumn, during a conversation in reference to the tariff, that if we maintained the ad valorem system, he did not care how high we made our duties, as they would fix the duty for themselves in making their invoices.

Now, in view of the fact, I repeat, that the Secretary of the Treasury has advised against ad valorem and for the maintenance of specific duties, we do not want to fall into the hands of the foreign manufacturer and give him an opportunity to fix by undervaluation of his invoices what the duty shall be. I ask the Clerk to read the extract from Secretary Manning's report to which I have referred.

The Clerk read as follows:

Whatever successful contrivances are in operation to-day to evade the revenue by false invoices, or by undervaluations, or by any other means, under an ad valorem system, will not cease even if the ad valorem rates shall have been largely reduced. They are incontestably, they are even notoriously inherent in that system.

One advantage, and perhaps the chief advantage of a specific over an ad valorem system is in the fact that, under the former, duties are levied by a positive test, which can be applied by our officers while the merchandise is in possession of the Government, and according to a standard which is altogether national and domestic. That would be partially true of an ad valorem system levied upon "home value;" but there are constitutional impediments in the way of such a system, which appear to be insuperable. But under an ad valorem system, the facts to which the ad valorem rate is to be applied must be gathered in places many thousand miles away, and under circumstances most unfavorable to the administration of justice. One hears it often said that if our ad valorem rates did not exceed 25 or 30 per cent. undervaluation and temptation to undervaluation would disappear; but the records of this Department for the years 1817, 1840, and 1857 do not uphold that conclusion.

Mr. DINGLEY. I want to add that the same manufacturer to whom I referred said, with reference to woolens, that an ad valorem duty—bearing in mind that all ad valorem duties are imposed on the foreign invoice value and not on the value here—that an ad valorem duty of 40 per cent. would not operate upon them as unfavorably as a specific duty equivalent to 30 per cent., because they have the power of determining practically what the article should be invoiced at. In the case of textiles it is almost impossible for the appraisers in our custom-houses to determine the matter accurately.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. The gentleman from Maine [Mr. DINGLEY] will observe that two of these items are preceded and followed by specific duties. This is a case in the list where one is made ad valorem for special reasons which I gave in my remarks to the gentleman from Illinois: that the kind of data which is usually determinate in fixing the rates, namely the official reports, was wholly wanting in this case. But we have in other items very accurate data as to what is the ad valorem equivalent. I do not know that it is necessary to go into a general discussion of the ad valorem and specific systems. We found that nearly all consumers, nearly all the masses of the people, want an ad valorem system pure and simple.

The manufacturers, who are of course the beneficiaries and get whatever benefit arises out of tariff taxes, prefer specific duties because they make more certain the benefits contemplated by the law. The administrative part of the Government, in view of the many difficulties of properly administering an ad valorem system of taxation, nearly always concur in favor of specific duties. I believe that where specific duties can be laid in a manner not unjust to consumers it is best to lay them. And I am free to say that my opposition to specific duties so far as that is concerned is not as general and as comprehensive as it once was. I see certain very marked benefits from a specific duty; but I also see some evils that the administrators of the law and the manufacturers do not seem to attach much weight to. Therefore, for my part I occupy about a middle ground, believing more in it than I formerly believed, but not so much as do the officials of the Treasury Department and the manufacturers. In the Forty-eighth Congress the Committee on Ways and Means turned over the silk schedule to the Treasury Department, and told Mr. Manning if he could figure out a specific system that would apply to silk we would recommend it. The Treasury Department gave it up in absolute despair after putting all their experts upon it. They could not get a system that they thought would be a fair and workable system.

Now, take our specific system in the case of cotton goods. I do not mean of course to anticipate the cotton schedule. It is very defective. It is full of unjust and hurtful inequalities. To be at all just upon a specific basis it would have to be elaborated to a very great extent. The French have probably done better than we have on this feature.

[Here the hammer fell.]

Mr. ADAMS. I move to strike out the last word. If there is any dependence to be placed on the figures which are contained in this large book prepared by the Committee on Ways and Means, then there is not the slightest difficulty in ascertaining what the specific duty would be.

Mr. BRECKINRIDGE, of Arkansas. Will the gentleman state what it would be.

Mr. ADAMS. I can not give it exactly without going minutely into the matter; but I will show, as I say, what it is if dependence can be

placed on these figures. It may be that I am wrong. If you know the value of the importation then you know how much the goods are worth on an average per pound.

Mr. BRECKINRIDGE, of Kentucky. That does not apply except to one branch.

Mr. ADAMS. I will admit that.

Mr. BRECKINRIDGE, of Kentucky. I do not want to take up the gentleman's time, but I will say that a specific duty has this disadvantage: That it does not rise and fall with the cost of production of the article, although it of course affects its selling price. For instance, 2½ cents per pound on a certain form of metallic product is precisely the same in amount, but not the same in relation when by some new invention or by a cheapening of the cost of production the value of the article is decreased.

The ad valorem duty does adjust itself to the fluctuating cost of production. So that what happens as one of the results of the specific duty is that as discoveries in the industrial arts take place and new inventions reduce the cost of production the specific duty makes the American purchaser pay precisely the same for the article as he did for the higher-priced article and inures improperly to the benefit of the American manufacturer.

Mr. ADAMS. Then the remedy is to change the duty.

Mr. BRECKINRIDGE, of Kentucky. It may occur to the disadvantage of the manufacturer as well as to his advantage in a certain class of cases, as is particularly illustrated by the worsted schedule.

Mr. ADAMS. Oh, I admit that for the woolen and worsted schedules specific duties are altogether inapplicable; but it seems to me they are not inapplicable to iron.

Mr. DINGLEY. Why inapplicable? We have always had them.

Mr. ADAMS. But now let me call the attention of the gentleman from Kentucky [Mr. BRECKINRIDGE] to the fact that prior to 1883 the duty on coal and iron was ad valorem. It was then made specific. Why? Because of undervaluation. For that express reason the change was made in 1883, and that change has been adhered to by the present Committee on Ways and Means.

Mr. BRECKINRIDGE, of Kentucky. Partly, and partly not. We have adhered to the specific duties in certain cases. In the iron schedules, as a rule, we have adhered to specific duties.

Mr. ADAMS. Iron ore is what I mean.

Mr. BRECKINRIDGE, of Kentucky. You said the iron schedules.

Mr. ADAMS. Iron ore and coal.

Mr. BRECKINRIDGE, of Kentucky. Well, as to those we did not adhere at all.

Mr. ADAMS. I mean you retained it.

Mr. BRECKINRIDGE, of Kentucky. No, we did not retain it. We simply did not pass upon it at all. We have never made any recommendation upon that point. We have left it as it is in the existing law; we have taken no affirmative action about it at all.

Mr. MCKINLEY. Mr. Chairman, what is the pending amendment?

The CHAIRMAN. There is a formal amendment which, if there is no objection, will be regarded as withdrawn. The pending substantial amendment is a motion to strike out the paragraph.

Mr. BRECKINRIDGE, of Kentucky. Although we have not reached the woolen schedule, yet I desire to put in the RECORD the following articles, known to be from Mr. Beach, of Hartford, Conn., a well-known and successful manufacturer. The statements and tables are valuable, and they can be relied upon:

WOOL DUTIES.

You will notice this list does not bear out the assertion of the wool-growers that a high duty on wool has by any means resulted in better prices. Upon the whole, so far as it has had any effect, it appears to be quite the contrary. But there are so many other elements which regulate market prices that it is difficult to make a very strong argument for either side out of the statistics, unless we take into consideration other matters affecting the business at the several periods. The remarks of Mr. Harris, reported by Old Carder, were made under very different conditions from those now ruling. Australian imports into Europe have increased 50 per cent. since 1878, an increase of 400,000 bales, about 160,000,000 pounds, in that short time from Australasia alone; also a very large increase from Cape of Good Hope and River Plate, mostly of fine merino wools. In fact, the quantity available is six or seven times as much as it was in 1860, 806,000,000 pounds in 1886 against 112,000,000 in 1860.

This enormous production has to be consumed. Of course, the number of consumers must be very greatly enlarged. In order to reach the ability of this increased number, prices must be reduced. You can see this in every article of merchandise. Prices abroad are reduced as much as they are here, even more in many articles, without regard to our tariff. In wool-growing countries the business has been constantly getting better systematized, and they are enabled to produce cheaper and cheaper. In this country, if wool-growing is to be made a business by itself, the same general principles must be adopted, but the probability is that in the older States our farmers will look more and more to the production of food lamb and mutton, with less and less regard for the wool. This will put the business upon the footing adapted to our circumstances. Old Carder wants to know why silks are so cheap here. It is because the free raw material has allowed our manufacturers to go into the business upon somewhere near an equal footing with foreign countries.

Steel rails are cheap because, in the first place, of the discovery of the Bessemer process and still later improvements; and then, the patents on these being now free to the world, there is more competition. Probably steel rails can be made for less than one-quarter the cost of a few years ago. It is the same with soda ash since the discovery of the ammonia process. This decreases the cost wonderfully, and of course all other makers, by whatever process they manufacture, must meet this competition. The price may or may not be lower if manufactured this side of the water. It should be, on account of the saving in freight, if for no other reason. But where there is competition to sell at the point of consumption, from whatever quarter it may come, prices are usually reduced to a point of only moderate profits. To illustrate this, take the article of tin-plates, where the competition is wholly that of the foreign manufacturers between themselves.

Still it has caused a constant reduction in price, nearly 25 per cent. since 1882; so that although the duty that year was 1.1 cents per pound, it was only 29 per cent., whereas the nominally reduced rate to 1 cent in 1887 was actually 33.80 per cent. Consumption of the United States increased from 439,746,895 pounds to 570,643,389 pounds in the five years. The duty was a tax on our industries of over $5,700,000 in each of the last two years, of which the canning business alone paid over $1,000,000 in 1887. We are making great progress in this country, as we certainly ought, for we have more advantages and stimulus than any other on the globe. We claim, too, that we are the smartest and most industrious people in the world. But we should not load our industries down with unnecessary burdens. There are other countries progressing also, and when we handicap ourselves we must expect them to take advantage of our folly.

Our efforts are mainly directed to the saving of labor and to inventions which will enable us to make it more productive, so that we can produce the largest quantity with the smallest number of operatives. In foreign countries the aim is to get their materials at the lowest possible cost, then to saving them and by improved processes getting the best quality of product, to get the most money from the materials used. They have a surplus of labor. If they should leave half the people unemployed by the use of machinery, they must still support them all; and it would cost as much to do this if half were idle as to have all at work, each earning his portion of the money that can be allotted to the labor cost of the productions. The price of labor is a matter of locality and, like everything else, based upon the supply and demand. Legislation can not govern this. In different localities in this country, under the same tariff laws, and in different towns in the same States there is often one-half difference paid for doing the same work.

All of us who have had much experience know this, but we have heard so much about what is called protection making the price of wages that we frequently accept the statements without much examination as to what is really protection and as to what are the actual effects of measures so named. It is easy enough to figure that except for the duty of 20 cents per bushel on wheat, the East Indian working at 3 cents per day would supply our markets; and to say this duty protects the farmer, when the fact remains that we can and do overcome this difference in the nominal price of labor, and meet the wheat markets of the whole world successfully. So on coarse undyed cottons and on many other goods the tariff does not give our mills a fraction of 1 per cent. better price. We can export these in competition with other countries, and could do so to even better advantage without the tariff. It is impossible that it can help us to better wages for making articles of export.

When we come to woolen goods, the state of the case changes. We have only a half supply of wool in this country, and we must procure it from elsewhere or we have to import the goods ready made. For a large portion of the deficit we can get a supply of cheap material from the cotton-fields and the crop of old clothes, rags, etc., but this would confine our manufacture to the lower grades of goods. To make the better grades that our people demand, we must have foreign wools. It would take more than a hundred million pounds above what we now import, if we would control our home market for fine woolens, in addition to every pound that we raise in this country. We have, however, cut ourselves off from getting this supply by a prohibitory tariff on nine-tenths of that which is available to our foreign competitors. What is the consequence? They supply our own markets, and of course have full control of the other markets of the world.

We protect the European manufacturer from our competition in the markets where they get their supply of raw material. This does not help our factory labor; it hurts it by transferring the work to other countries. We could only meet this competition by reducing the price of labor or taking off the tax on materials, so that we should be upon somewhere near the same footing with our competitors, the same as we are in the silk business, or else a much higher duty on fine fabrics. Which is the best course? The effort to overcome this difference by a high tariff on fabrics has proved a failure so far as the medium and finer grades are affected. It would need to be at least 100 per cent. to give us a fair show with the present duties on materials. Probably the consumers of fabrics would object to this. In our opinion it would be useless to ask for increased duties. It appears very much as if the only cure for the present trouble, if the present rates remain, must come through still lower prices for fine wools, nearly down to the import cost, free of duty. If not, what? B.

Duties on clothing wools by the several tariff acts in force from 1830 to 1885, with average price for fine merino wool on the 1st of July under the several rates.

[From Wade's Fiber and Fabric, Boston.]

Date of tariff.	Rates of duty.	Remarks.	No. of years.	Market price per pound. Average for July 1.	
				Year.	*Cents.*
1830, July 1	4 cents per pound, and 50 per cent.	July 1 prices: 1830, 60 cents; 1831, 75 cents; 1832, 50 cents.	3	1830-'32	61⅓
1833, Mar. 2	Not over 8 cents per pound, free; over 8 cents value, 4 cents per pound, and 40 per cent., equal to reduction of 10 per cent., with gradual reduction for several years, to 1842, July 1, 4 cents, and 20 per cent.	Prices advanced from 50 cents in 1832 to 63 cents in April, 1833, 61 cents in July, 65 cents in October; highest in January, 1834, 70 cents, and January, 1837, 74 cents.	10	1833-'42	54.7
1842, Aug. 30	Value not over 7 cents per pound, 5 per cent.; over 7 cents, 3 cents per pound and 30 per cent. Increase of duty.	This was the high "protective tariff of 1842." Prices declined to an average for	4	1842-'46	39¼
1846, Dec. 1	Wools of all kinds, 30 per cent. ad valorem. Reduced rate.	Called the "free-trade tariff of '46." Prices of fine wool advanced.	11	1846-'57	47¼

Duty on clothing wools by the several tariff acts in force from 1830 to 1883, etc.—Continued.

[From Wade's Fiber and Fabric, Boston.]

Date of tariff	Rates of duty.	Remarks.	No. of years.	Market price per pound. Average for July 1.	
				Year.	*Cents.*
1857, July 1	Above 20 cents per pound, 24 per cent.; under 20 cents per pound, free. Reduction in rates of duty.	Average prices slightly advanced	4	1857–'61	48
1861, Apr. 2	Under 18 cents per pound, 5 per cent. = increase on low grades; do. on 18 to 20 cents. Value 18 to 24 cents per pound, 3 cents per pound = reduction on 20 to 24 cents. Above 24 cents per pound, 9 cents per pound. Reduction on above 28 cents per pound; increase on 24 to 38.	An average decrease of the duty on fine wools, with a great advance in price, much of it being the premium on gold.	3	1861–'64	74½
1864, July 1	Value 12 cents and less per pound, 3 cents. Value 12 cents to 24 cents per pound, 6 cents. Value 24 to 32 cents per pound, compound duty and 10 cents per pound, 10 per cent. ad valorem. Value above 32 cents, compound duty and 12 cents per pound, 10 per cent. advalorem. This was a great increase in rate of duty.	This was an increase on all fine wools, and although prices advanced to 103 cents in October, 1864, they declined to 55 cents in July, 1867.	3	1864–'67	66½
1867, Mar. 2	Present classification. Class 1. Merino and clothing. Increased rates on fine clothing sorts: Value not above 32 cents, 10 cents per pound, and 11 per cent.; value above 32 cents, 12 cents per pound, and 10 per cent. Washed, double rates. Class 2. Combing. Increased rates on fine clothing sorts: Value 32 cents or less, 10 cents pound, and 11 per cent.; above 32 cents, 12 cents pound, and 10 per cent. Carpet. Value 12 cents or less, 3 cents pound; above 12 cents, 6 cents pound. Scoured, of all classes, three times above rates.	Prices declined in 1867 from 68 cents in January to 60 cents in April, 55 cents in July, and 48 cents in October. In 1868, 48 cents, 50 cents, 46 cents, and 48 cents, for the four quarters. 1869, average, 49 cents. 1870, declined to 46 cents in July; average, 47¾ cents. 1871, declined to 47 cents in January, advanced to 50 cents in April, 62 cents in July, and 63 cents in October. 1872, 70 cents in January, 89 cents in April, and 72 cents in July.	5	1867–'72	54½
1872, Aug. 1	Reduction of 10 per cent. on above rates	1872, in October price declined to 66 cents, advanced to 70 cents in January, 1873, declined to 56 cents in April, 50 cents in July, advanced in October to 54 cents, to 58 cents in January, 1874. Average, 55 cents for 12 months.	3	1872–'75	51½
1875, Mar. 3	10 per cent. restored; 1867 rates in force. These are the higest rates by any tariff since 1830.	Steady decline in price to 38 cents in July, 1876, advanced to 50 cents in July, 1877, then declined to 34 cents in January and April, 1879;* advanced in the "boom" years of 1879–'80, highest in April, 1880, 55 cents, declined to 40 cents in January, 1883.	8	1875–'83	41½
1883, July 1	Class 1. Not above 30 cents pound, 10 cents pound. Class 2. Above 30 cents pound, 12 cents pound. Class 3. Not over 12 cents, 5 cents pound; over 12 cents, 2½ cents pound.	Prices continued to decline, owing to lower prices in Europe than ever known and lower duty on woolen goods, and appear still to be above the ability of manufacturers to purchase.			

* In 1879 prices of Australian wools in London were 25 to 30 per cent. higher than they have been for two years, 1886 to 1888, and we can see no good reason why the prices of domestic fine fleeces will not rule relatively as low in this country now, compared with Europe, as then.

"IT HAS SET US TO THINKING."

In Fiber and Fabric of April 14, page 56, Old Carder asks some questions, and thinks there should be more study of the tariff. The inclosed, on the other side of the question from the one on which most manufacturers appear disposed to do their thinking, may at least serve to throw light, and we hope bring out the truth. These figures are not theories, but actual facts, to which a theory, to be good for anything, must be fitted. The proposed tariff would reduce revenue by taking off the duty on wool. That is clear. There is no doubt it would reduce revenue now obtained by duties on woolen goods, because there would be made here a large quantity of such as are now imported.

That is theory in part; but it is based so strongly on the actual workings of the business that it can not help being pretty nearly correct. The proposed bill now before Congress we consider more really protective to the manufacturing interests than any tariff we have ever had. Certainly New England should be the last section of the country to oppose it. Friends of the present tariff claim that compound duties on woolen goods, and the specific rates in particular, are the only safeguards upon which we can rely to prevent importations from undervaluation. This claim has been made so persistently that manufacturers have pretty generally accepted it as being correct, with little or no examination as to its merits.

This compound principle has been held to be something sacred. Its friends would not allow there were two sides to the question. Dissenters have been consigned to purgatory, or to still lower depths, to have their place with "free-traders." Those who have complained that the finer and most expensive all-wool fabrics were not fairly treated in the deal, having from only half to no protection, when, if there was to be any discrimination, they really needed and were entitled to double, have not been listened to, or have been told that to ask for their fair share would endanger the whole system. It has been in vain that they have pointed out that after a time the trouble must reach beyond their own particular specialties, and that the next grades must take their turn in depression.

They were sneered at for supposing that there was any danger to be apprehended from a worsted cloth valued at not exceeding 80 cents per pound, or even that fine worsted yarns could be imported at so low cost as to seriously interfere with the home manufacture. Their numbers were insignificant, and they were not listened to when they showed that the legitimate effect of the schedule was to discourage the manufacture and improvement of fine fabrics, and to drive all the mills into the increased use of cotton, shoddy, and other substitutes for making goods sold as woolens. Neither were they given any more attention when they pointed out the fact that so far from being a preventive of fraud on the part of importers, the specific duty, more than all else, made it an object to undervalue, as it gave them from six to eight times as much profit on the operation as it would if the duties were only ad valorem.

For example, take a piece of worsted cloth, for which the true value is 85 cents. Under the present duty if invoiced honestly the duty would be 69 cents per pound, but if undervalued only 5 cents and invoiced at 80 cents the duty will be only 52 cents, a saving to the importer of 17 cents per pound, or 20 per cent. on the business, a handsome profit in itself. Under the proposed bill, which is stated by the opposition to open the door to fraudulent importations, the saving to the importer for the same undervaluation would be only 2 cents per pound; not enough to pay him for running the risk.

The actual working of this tariff for the past six years is shown by the inclosed figures of imports of worsted yarns and cloths. If there has been any such undervaluation going on, as has been asserted by some of our manufacturers, who have been trying to explain what is the matter with the woolen business, a study of these figures will show the reason and the temptation. Is it not time for a reform?

IMPORTS OF WORSTED YARNS.

	Above 80 cents per pound.		Above 60 cents, not exceeding 80 cents per pound.		Above 40 cents, not exceeding 60 cents per pound.	
	Pounds.		*Pounds.*		*Pounds.*	
1882	346,591	$102,840	16,503	$12,226	1,289	$825
1883	326,468	366,975	87,467	64,759	1,958	999
1884	324,426	356,517	679,430	502,181	194,762	98,275
1885	218,278	232,542	430,251	309,123	164,538	83,918
1886	180,020	228,569	1,196,202	819,258	1,353,837	733,584
1887	157,886	191,912	1,275,844	875,280	753,993	410,264

Imports of worsted cloths entered for consumption for fiscal years ending June 30.

Year.	Above 60 cents and not exceeding 80 cents.	Exceeding 80 cents per pound.
	Pounds.	*Pounds.*
1882	114,928	423,195
1883	374,523	438,755
1884	777,327	1,234,677
1885	1,407,051	1,274,736
1886	2,795,244	1,483,811
1887	3,785,987	1,343,256

Mr. BAYNE. I move to strike out the last word of the pending paragraph.

The CHAIRMAN. That amendment has already been submitted, and debate upon it is exhausted.

Mr. BAYNE. Well, I move to strike out the last two words. Now, as to cut tacks, brads, or sprigs exceeding 16 ounces to the thousand, the equivalent to the per cent. duty, as shown by this book, is 80.20 per cent., but you propose by this bill to put the duty at 35 per cent. ad valorem, which is a good deal less than one-half.

Mr. BRECKINRIDGE, of Arkansas. Yes; and the gentleman will find, if he will turn to the wire schedule, that a good many of them are not over 10 per cent. now. They run from 7, 8, 10, 12, and 15 per cent., and some as high as 150 per cent. The gentleman will find that the rate which he cites is one of those "mountain peaks" which General Garfield spoke of when he told how he would revise the tariff by striking them off so as to equalize the duties.

Mr. BAYNE. Then this book is evidently misleading?

Mr. BRECKINRIDGE, of Arkansas. No, I think not.

Mr. BAYNE. Then 80 per cent. ad valorem is not the equivalent of the present duty?

Mr. BRECKINRIDGE, of Arkansas. I think it is.

Mr. BAYNE. And you propose to make the duty 35 per cent., which is less than one-half the present rate?

Mr. BRECKINRIDGE, of Arkansas. Yes.

Mr. BAYNE. And you make it ad valorem in place of specific?

Mr. BRECKINRIDGE, of Arkansas. Yes, on those two items.

Mr. BAYNE. And thus you bring down the duty even lower than 35 per cent.

Mr. BRECKINRIDGE, of Arkansas. These rates are fixed by way of equalizing the duties; and we make them just 35 per cent.

Mr. DALZELL rose.

Mr. BAYNE. I withdraw the formal amendment.

Mr. DOCKERY. Mr. Chairman, I renew it if the gentleman from Pennsylvania [Mr. DALZELL] desires to be heard.

Mr. DALZELL. Mr. Chairman, I rise not for the purpose of discussing this particular paragraph, but in order to get an opportunity to say what I would like to have said a few moments ago, when the the paragraph relating to hoop-iron was under discussion, and would have said if I had not mislaid my memoranda. The gentleman from Louisiana [Mr. BLANCHARD] says that the argument that the seller of cotton makes money by the sale of the cotton-ties has been long since exploded——

Mr. TURNER, of Georgia. If the gentleman will yield to me for a moment I wish to remind him that the subject of cotton-ties has been passed over for the convenience of another gentleman on his side of the House, and I suggest that the whole subject be postponed until a later day.

Mr. MCKINLEY. I hope that will be done.

Mr. DALZELL. Very well.

The CHAIRMAN. In the absence of objection the formal amendment will be regarded as withdrawn, and the question is on striking out the paragraph.

The Clerk read as follows:

Iron or steel railway fish-plates or splice-bars, eight-tenths of 1 cent per pound.

Mr. BUCHANAN. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 228 and 229 strike out "eight-tenths of."

Mr. BUCHANAN. The present rate upon iron and steel railway fish-plates or splice-bars is 1¼ cents per pound. The bill proposes to reduce that duty to eight-tenths of 1 cent. By turning to a previous part of the bill it will be found that bar-iron, rolled or hammered, is put at from seven-tenths to 1 cent per pound, and it is further provided—

That all iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig-iron, except castings, shall be rated as iron in bars, and pay a duty accordingly.

The result of these clauses taken together is that the rate upon the material from which fish-plates or splice-bars are to be made is seven-tenths of a cent per pound up to 1 cent per pound; and the rate proposed in this bill for these bars and plates is eight-tenths of a cent per pound after manufacture. There will be almost or quite that much loss in the material in manufacturing, so that the cost of the raw material to the maker of the fish-plates or splice-bars will be equivalent to the value of the product, leaving nothing for labor, nothing for plant, and nothing for coal. Now, if the Committee on Ways and Means desire to do anything approaching the fair thing in this matter, I think they will not hesitate to accept my amendment, which still makes a very material reduction in the rate, but leaves a slightly higher rate on these bars or plates than upon the material of which they are composed.

My proposition, as I have said, is to strike out "eight-tenths," leaving the duty at 1 cent per pound, which will be a reduction of one-fourth of a cent upon the present rate, but will raise the duty a little above the rate on the material out of which these bars and plates are made. Certainly no one will seriously contend that the rate on the product should be as low as the rate on the material. My amendment would leave the duty far too low upon the product, but it would be a little better than the bill as it now stands.

Mr. DOCKERY. Mr. Chairman, in view of the rapidly augmenting revenues in the public Treasury and the consequent necessity for a speedy reduction of the surplus, the demand for immediate action is so urgent that I will not trespass at any length upon the time of the committee at this hour. I am in hearty sympathy with the eminent Chairman of this committee [Mr. SPRINGER] and the members on this side of the House who desire to press this bill to a conclusion and reach a final vote upon its passage.

When Congress assembled in December last it was confronted with a surplus in the National Treasury (including subsidiary coin) of $79,466,695.30. That surplus, notwithstanding the purchases of Government bonds made since the 23d of April last and the payment of the ordinary expenses of the Government, has increased until it aggregated, at the close of business last Saturday (June 30, 1888), the appalling sum of $129,272,205.90. In other words, Mr. Chairman, notwithstanding the purchase of $32,386,800.40 worth of Government bonds, the people's money in the Treasury has increased since the 1st day of December last to the extent of $49,805,510.60. The purchase of bonds as a means of reducing the surplus began under the circular of the Secretary of the Treasury on the 23d of April last, and since that date the Secretary has purchased 4 per cent. bonds, maturing July 1, 1907, to the amount of $18,383,800, and has paid upon them in premiums $4,963,944.20.

During the same period he has also purchased 4½ per cent. bonds maturing September 1, 1891, in the sum of $8,393,050; and on this last class of bonds he paid premiums aggregating $646,006.20. To state the case plainly, Mr. Chairman, because of this surplus in the public Treasury, which the other side of the House has steadily refused to reduce, the Secretary has been compelled to purchase Government bonds, paying therefor an average premium of 27 per cent. on the 4 percents and 7 per cent. on the 4½ percents, the result being that for $26,776,850 of bonds purchased he has paid $32,386,800.40, or premiums amounting in all to $5,609,950.40, while the surplus, which amounted to $135,320,592.37 when the purchase of bonds began, had only been reduced $6,048,386.47; and but for the exceptionally large payment for pensions there would have been no reduction at all, but, on the contrary, an actual increase.

It is therefore manifest that under the present unjust system we are taxing the people of the United States to purchase an indebtedness not yet due, and in so doing we are paying on that indebtedness a very large premium. This policy is unbusiness-like and unjust both to capital and labor; and so long as it continues, the practical remedies are but in two directions—one is the purchase of indebtedness not yet matured at a high rate of premium, and the other is the distribution of a part of the surplus among the national banks of the country. The Secretary of the Treasury, to prevent a stringency in the money market, and consequent financial disaster, has been forced to distribute sixty millions of this surplus among the national banks. Sir, I appeal to the other side of the House to know whether they intend to compel the Administration to continue this policy Speaking for myself, and I believe voicing the conviction of the Democratic party, I say that I am unalterably opposed to the continuance of the present system, which requires bond purchases and the distribution of the people's money among the national banks; believing that the highest interests of the whole people imperatively demand that money not needed by the Government for its legitimate expenses should be left in the pockets of the tax-payers, and not piled up in the coffers of the Federal Treasury and the vaults of the national banks.

Sir, this constantly augmenting surplus in the public Treasury is one of the unrelenting "conditions which confronts" the business interests of the country; and yet, with this situation of fiscal affairs, we have occupied in general debate on this bill twenty-three days and eight evening sessions. There were consumed in the day debate one hundred and eleven hours and fifty-four minutes, fifty-six hours eighteen minutes by Democrats, and fifty-five hours thirty-six minutes by Republicans, in all one hundred and fifty-one speeches being made. The debate upon the bill by paragraphs began May 31, since which time there have been consumed sixteen days, or in all exactly seventy-three hours, with only twelve out of the sixty-seven pages of the bill passed over. At this rate of progress it will yet require seventy-seven days to complete the full consideration of the bill.

Mr. Chairman, I do not charge our friends on the other side of the Chamber with having up to this moment indulged to any considerable extent in dilatory tactics, but I do insist that no one upon the other side has exhibited any fervid desire to reach the conclusion of this debate. They stand here day after day discussing and rediscussing the items of this bill, while the money of the people is piling up in the Treasury at an average daily rate of $1,215,128.63, whilst the average daily bond purchases have been only $453,844.91.

Sir, I begin to understand the significance of the observation of the gentleman from Pennsylvania [Mr. BAYNE] when he declared a few days since on this floor that—

Fair play requires that this issue shall go to the people next November, and if the people then elect a Democratic President and a Democratic House of Representatives, and they come in here and choose to revise the tariff, I will offer no objection or obstruction to their managing that matter in their own way.

Sir, I quite agree that there ought to be a full discussion of the essential items of this bill, but day after day, and hour after hour, the gentleman from Pennsylvania who has announced his opposition to any tariff revision has occupied the floor in the dissection of almost every non-essential item presented in the measure.

Sir, I say that "fair play" to the business interests of the country requires that we reach a speedy conclusion and send this bill to the Senate, and if a conference be necessary that we should make an honest effort to reconcile all differences between the two Houses. The Democratic party in convention at St. Louis has formally approved this measure and our efforts to secure its passage. The Republican party has in national convention opposed the propositions contained in the bill. The issue is thus joined by the two great parties. Then, sir, why the necessity for further discussion of trivial and unimportant items and the delay necessarily occasioned thereby. Mr. Chairman, more than four hours of the time occupied in debate have been con-

sumed by the Republican side in demanding a prohibitory duty on tin-plate, and yet they conceded that there was to-day not one tin-plate manufactory in the United States, and therefore not a single American laborer employed in that industry.

The proposition was thus boldly presented to use the taxing power of the Government for the purpose, not of protecting an industry already in existence, but for the avowed purpose of creating one. This position is in harmony with the recent Republican platform adopted at Chicago and is a departure from the position heretofore taken by the leaders of the Republican party. This fact is so clearly and ably set forth in a recent editorial utterance of the St. Louis Republic that I shall ask the Clerk to read it, as expressive of my views upon this question.

The Clerk read as follows:

SUMPTUARY TAXATION.

The tariff section of the Chicago platform is the most significant and aggressive platform utterance of the Republican party since it has had a party existence. It is a bold and open departure from the theory hitherto held by all parties alike that government taxation is for revenue. It plainly sets forth the doctrine that tariff taxation should be for prohibition of imports.

This is unmistakable. Not one who reads the platform can fail to see it and understand that the Republican party holds now what it never held before—what no party of Americans ever held before—that the Federal Government has the unqualified right to say what style and make of clothing the citizens shall and shall not wear; what kind and make of tools he shall and shall not use in his trade; what furniture he shall and shall not put in his house; what food he shall and shall not eat.

Judged by any American standard, even by the standards of the old Republican party, it is revolution. The party of 1888 was too cowardly to apply the sumptuary principle to the purchase and use of intoxicants manufactured within the custom-house lines, but it showed the courage of desperate lunacy in applying the same sumptuary principle to all articles except intoxicants. Never before has it dared so much. The doctrine of all its previous platforms has been that tariff taxation is levied to raise revenue for the Government. It declared so plainly in its tariff plank of 1876:

"The revenue necessary for current expenditures and the obligations of the public debt must be largely derived from duties upon importations, which so far as possible should be adjusted to promote the interests of American labor and advance the prosperity of the whole country."

This doctrine of tariff for revenue, it reiterated in 1880, in even more explicit terms:

"We reaffirm the belief expressed in 1876 that the duties levied for the purpose of revenue should so discriminate as to favor American labor."

Again in 1884 it declared its continued adherence to the same principle:

"The Republican party pledges itself to correct the inequalities of the tariff and to reduce the surplus, not by the vicious and indiscriminate method of horizontal reduction, but by such methods as will relieve the tax-payer without injuring the labor or the great productive interests of the country."

Here the declarations of 1876 and 1880 in favor of the revenue principle of taxation are reinforced by the declaration of 1884 that tariff taxes were so high that there was necessity of immediate relief for the "tax-payer." The position of the party now is that tariff duties are not taxes on the people, but are paid by the "foreign manufacturer," and if it were consistent it would have to admit that the foreign manufacturer is the "tax-payer" to whom it pledged relief in 1884.

But it is not consistent. It is openly, boldly, and radically inconsistent. It has cut loose from all its own traditions. It has dared to change front under fire. Its old ground has been abandoned. It is no more the party of the platforms of 1876 and 1880 than it is of 1856 and 1860.

Where it stood in 1876 the Democratic party stands now with its policy of free raw material and gradual reduction of the taxes on the necessaries of life. This ground of vantage; this sure key to the situation; this guaranty of victory, the Republican party with incredible folly has surrendered. It declares for free luxuries—for free whisky, free tobacco, free anything and everything, rather than abate a jot or tittle of the import taxes. Read its monstrous declaration:

"If [after prohibiting imports of all such articles as are made in the United States] there shall still remain a larger revenue than is requisite for the wants of the Government, we favor the entire repeal of internal taxes rather than surrender any part of our protective system."

Coupled with this is the declaration that duties should be raised above the possibility of import, so as to "check imports of such articles as are produced by our people," and on all these articles—99 per cent. of the list of taxables—to do away entirely with the revenue feature of taxation.

The issue here presented has never before been presented in American politics. True, the prohibitory principle of taxation has been advocated by a few extremists, but no party has been insane enough to adopt it as a party tenet and to boldly declare that it is not only the right but the duty of government to use its taxing power and revenue machinery, not to collect revenue, but for the sumptuary regulation of the citizen.

Mr. DOCKERY. Mr. Chairman, I will also ask to incorporate in my remarks an editorial from the Chicago Tribune of June 23, 1888, demanding that the committee on resolutions report an amendment to the platform (kepublican national convention being still in session) "striking out the plank in favor of free whisky." The Tribune is the leading Republican organ of the Northwest; but the convention lacked the courage to thus concede its own folly, and the "frightful blunder," in the opinion of the Tribune, "will cost the Republican party tens and possibly hundreds of thousands of votes." The editorial is in the following terms:

A GRAVE BLUNDER IN THE PLATFORM.

* * * * * * *

The Tribune does not propose at this time to enter into any discussion of the Republican tariff plank; but desires before it is too late to ask the attention of the delegates to the extraordinary demand for the repeal of the whisky tax. The platform first declares in favor of repealing the tax on alcohol used in the arts and for mechanical purposes—a policy which has always been met with the objection that it would be impossible of enforcement on account of frauds, and would amount virtually to free whisky. However that may be, the platform goes on to declare further:

"If there should still remain a larger revenue than is requisite for the wants of the Government, we favor the entire repeal of internal taxes [whisky and tobacco] rather than the surrender of any part of our protective system at the joint behest of the whisky trust and the agents of foreign manufacturers."

Four years ago the Republican party pledged itself to correct the inequalities of the tariff and reduce the surplus. Now it is made to demand the placing of whisky and tobacco on the free-list in order to prevent any reduction of the surplus by correcting the inequalities of the tariff or by reducing the sugar tax. The Republican tariff platform of 1884 in substance declared:

"The Democratic party has failed completely to relieve the people of the burden of unnecessary taxation by a wise reduction of the surplus. The Republican party pledges itself to correct the inequalities of the tariff and to reduce the surplus."

Is putting whisky on the free-list an honest redemption of this pledge?

It is hard to believe that the convention intended to repudiate the pledge in the platform of 1884 and to substitute a demand for free whisky. It is still more difficult to believe that Republican voters favor such an extraordinary flop, or will under any circumstances approve the policy of cheapening intoxicating drink as a method of getting rid of the surplus when there are so many other and better ways. Can the party leaders venture to go before the people with such a platform and hope that the fearful blunder committed by the framers of the platform will be overlooked or excused? Certainly the Democrats will not ignore it. If the blunder in the platform is not corrected before adjournment every Democratic procession this fall will carry banners stigmatizing the Republican party as a free-whisky organization committed to the doctrine of cheap rum and dear sugar. There is no precedent for recalling and amending a platform after its adoption and promulgation, but it ought to be done in this instance.

A precedent should be made. The committee on resolutions ought to report an amendment striking out the plank in favor of free whisky, and declaring instead that the tax on liquor and tobacco shall be retained to meet the increasing expenditures for pensions and for the defrayment of service pensions.

Correction can be made and adopted by the convention in a few minutes. If the frightful blunder into which the convention was misled is not corrected, it will cost the Republican party tens and possibly hundreds of thousands of votes.

The Tribune desires to go on record as insisting with the utmost emphasis that before final adjournment the convention shall recall and correct the blunder in question.

Mr. DOCKERY. Mr. Chairman, I will not attempt to emphasize the "new departure" of the Republican party as it is presented in the Chicago platform further than to quote the views of Mr. Blaine in his Paris interview, December 7, 1887, in which, in response to the direct question whether he would advise the repeal of the whisky tax, he said:

No, I would not. Other considerations than those of financial administration are to be taken into account with regard to whisky. There is a moral side to it. To cheapen the price of whisky is to increase its consumption enormously. There would be no sense in urging the reform wrought by high license in many States if the National Government neutralizes the good effect by making whisky within reach of every one at 20 cents a gallon. Whisky would be everywhere distilled if the surveillance of the Government were withdrawn by the remission of the tax, and illicit sales could not then be prevented, even by a policy as rigorous and searching as that with which Russia pursues the Nihilists. It would destroy high license at once in all the States. * * * So long as there is whisky to tax I would tax it. * * * The tax on whisky by the Federal Government, with its suppression of all illicit distillation and consequent enhancement of price, has been a powerful agent in the temperance reform by putting it beyond the reach of so many.

Mr. Chairman, it will be observed that he says—

So long as there is whisky to tax, I would tax it.

The Chicago platform declares the opposite view and says:

The Republican party would effect all needed reduction of the national revenue by repealing the taxes upon tobacco, which are an annoyance and burden to agriculture, and the tax upon spirits used in the arts and for mechanical purposes; and by such revision of the tariff laws as will tend to check imports of such articles as are produced by our people, the production of which gives employment to our labor and releases from import duties those articles of foreign production (except luxuries) the like of which can not be produced at home. If there shall still remain a larger revenue than is requisite for the wants of the Government, we favor the entire repeal of internal taxes—

Internal taxes are the taxes levied on whisky, tobacco, and oleomargarine.

rather than the surrender of any part of our protective system at the joint behest of the whisky trusts and the agents of foreign manufacturers.

Sir, so much has already been said upon this question of tariff taxation that I am unwilling to pursue it further at this time. The issue between the two great political parties is squarely joined. The Republican party is in favor of reducing the surplus by repealing all taxes upon tobacco, the taxes upon spirits used in the arts and for mechanical purposes, and by probibitory duties upon foreign importations. Failing to reduce the surplus by these methods, they courageously pronounce in favor of striking the tax from whisky. The Democratic party is unalterably opposed to "free whisky;" is willing to strike the tax from tobacco (except its manufactures of cigars, cheroots, and cigarettes); is in favor of repealing all taxes upon the actual necessaries of life, and as far as possible the duties upon raw materials used by our manufacturers. We favor cheap food, cheap clothing, and cheap shelter, rather than cheap whisky.

APPENDIX.

[Extract from the speech of Hon. JOHN G. CARLISLE at the Academy of Music, New York, Thursday evening, June 28, 1888.]

THE DEMOCRACY NOT FOR FREE TRADE.

Upon the one great question which now attracts the almost undivided attention of the country—the question of revenue reduction—the Republican party has clearly and explicitly committed itself in favor of free tobacco and free whisky, and increased taxation upon food and clothing and the medicines of the people, and upon the raw material used in their manufacturing industries. Upon this issue it appeals to the people for their judgment at the ensuing election, but it confesses its want of confidence in the justice of its own cause by grossly misrepresenting the position of its opponent at the very beginning of the contest. While we cheerfully admit the right of the Republican party to define its own position, we utterly deny its right to define ours.

Whoever asserts that the Democratic party is in favor of free trade in this country, or that the present Administration has adopted or recommended a free-trade policy, or that the bill now pending in the House of Representatives is a free-trade measure, is either ignorant of the terms he uses or he is so blinded by partisan prejudice as to be incapable of doing justice to his political opponents. Ever since the organization of this Government the larger part of its revenue

has been raised by the imposition of duties upon imported goods, mainly manufactured goods, and no political party has ever advocated an abandonment of that policy. It is not probable that it will ever be abandoned. From this source and from the taxes imposed by the internal-revenue laws the Government is now and for several years has been collecting a much larger amount of money than is required to defray its ordinary expenses and discharge its matured obligations; and consequently, in order to relieve the people from unnecessary taxation and prevent the accumulation of large sums in the Treasury, to the great injury of the public and private interests, it became the duty of Congress to repeal or modify some of the laws under which these collections were made.

After a careful investigation of the whole subject, it was thought best to propose the abolition of the internal-revenue taxes upon manufactured chewing and smoking tobaccos, not including cigars, cigarettes, and cheroots, and the repeal of the tariff taxes on certain articles of necessity, with moderate reductions in the rates of duty upon others where the existing rates were unusually high; and accordingly the measure now so widely known as the Mills bill was prepared and reported.

I think it is safe to say that nine-tenths of the people who are daily denouncing the bill in the public press and otherwise as a free-trade measure have never read a single line of it, and perhaps they would not understand it if they had. There has been such misunderstanding and misrepresentation concerning the provisions and purposes of this bill that I may be excused for referring to it a moment. It does not propose a general revision of the tariff. It affects comparatively a very few of the many articles now subject to taxation under our customs laws. It places a number of articles, principally the materials used in our manufactures, on the free-list, and it reduces the rates of duty, as I have said, on some others. For instance, it places all raw wool on the free-list, and makes a corresponding reduction in the rates of duty upon woolen goods, for, strange as it may appear to our Republican friends, the Democrats in Congress are of the opinion that cheap woolen clothing would be more beneficial to the people than cheap whisky.

THE MEASURE OF REDUCTION.

The present average rate of duty upon articles which the bill proposes to reduce is nearly 66 per cent., and if the measure should become a law the average rate upon these articles would still be over 48 per cent., while the average rate upon all dutiable importations would be 40 per cent. Therefore, notwithstanding the passage of this bill, the average tariff rates of duty upon dutiable goods imported into this country will still remain higher than they ever were previous to 1864, when the rates were greatly increased, not for protection, but for revenue to carry on the war. They will still be five times as high as they were under the first tariff law enacted in 1789, when our industries were really in their infancy. Notwithstanding the passage of this bill the average rate of duty upon dutiable goods will remain higher than the rates under the protective tariff of 1816; higher than the protective tariff of 1824; higher than the protective tariff of 1828; higher than the protective tariff of 1842; and higher than the protective tariff of 1861, known as the Morrill tariff.

We have been told over and over again in the most glowing and extravagant terms of the wonderful prosperity of our manufacturing industries under the various tariffs to which I have referred, and unless, therefore, it can be shown that these industries are growing weaker as they grow older, that they become more dependent under high tariffs than under low tariffs, it is difficult to see how they can now be injured by the passage of a measure which still leaves them a greater degree of protection than they ever had before the great civil war. The average rate of duty upon dutiable goods under the tariff of 1824 was not less than 38 per cent.; under the act of 1828 it was not less than 40 per cent.; under the act of 1842 it was only a little over 32 per cent., and under the Morrill tariff act of 1861 it was not less than 35½ per cent.

If the authors of the bill now pending in the House of Representatives are free-traders, then Mr. Clay and his associates were still more radical free-traders, because they never at any time proposed to fix the duties upon imported goods as high as this bill will leave them. If the Democratic party and the President of the United States are the enemies of American industry and the allies of British merchants and British manufactures, then the statesmen who framed the protective tariffs of 1816, 1824, 1828, 1842, and 1861 were much greater enemies of those industries and much more valuable allies of British interests.

THE DEMOCRATIC POLICY.

The Democratic party does not advocate free trade, but it believes that the interests of all our manufacturing and other industries would be advanced, that the wages of all our laborers would be increased, and the general welfare of the whole country would be greatly promoted by repealing as far as possible the taxes upon raw materials, and reducing or repealing the taxes upon the actual necessaries of life; and upon these simple propositions it proposes to stand or fall in the great contest now before it.

We believe that such a policy would so reduce the cost of production in this country as to enable our manufacturers to compete successfully with their rivals, not only in our home market but in the markets abroad, and especially in the markets of the great and growing States and republics of South America and Mexico, which, although they lie at our very doors, now make their largest purchases in Europe; that it would secure for our laboring people in every branch of industry more steady employment, better wages, and greater opportunities for the improvement of their condition; and that it would do more to encourage the building of ships and the restoration of the American carrying trade on the high seas than all the subsidies and bounties the most extravagant Congress could grant. Whatever may be said to the contrary, we know that all labor is paid for in the market where its products are sold, and that the more these markets are restricted the less demand there will be for labor and the less wages it will receive.

The following interesting circular, with the editorial comments thereon, appears in the St. Louis Republic of recent date:

"BOODLE."

[Confidential—dictated.]

HEADQUARTERS OF THE REPUBLICAN LEAGUE
OF THE UNITED STATES,
New York, May 24, 1888.

MY DEAR SIR: The Republican League of the United States desire to bring you face to face with the startling fact that the coming Presidential election is not to be fought on the old party lines which have heretofore divided Democrats and Republicans, but upon the direct issue of free trade *versus* protection.

It may not be of your personal knowledge, but it is a fact nevertheless that the manufacturers of the United States who are most benefited by our tariff laws have been the least willing to contribute to the success of the party which gave them protection and which is about to engage in a life and death struggle with free trade.

A Republican United States Senator from a State which never had a Democratic representative in either House of Congress or a Democratic State officer, in speaking of the well-known disposition of the manufacturing interests to lock up its money, fold its hands, and look on while somebody else fights for its success, says:

"The campaign which we are about to enter will concern more than anybody else the manufacturers of this country. They have heretofore been laggard in their contributions to the Republican cause. Indeed, if I could punish them without punishing the cause of protection itself I would consign them to the hottest place I could think of on account of their cravenal parsimony. If this class of people do not care to contribute to the success of the Republican party they are welcome to try their chances under a Democratic administration. I can stand it as long as they can. I was solicited to contribute to a protective tariff league, and I replied that if the manufacturers of the United States in their associated capacity were an eleemosynary institution I would vote to give them a pension, but that I did not propose myself to contribute money to advance the interests of men who were getting practically the sole benefit, or at least the most directly important benefits, of the tariff laws. I am in favor of protection; not precisely the kind we are having, but I might be willing to keep that rather than not to have any, but I am sure I can get along without any of it fully as well as the manufacturers can, and if they think the Republican party is going to maintain a high protective corps for their benefit, and the men who do the work in that party are going to keep up the expenses of a campaign out of their own pockets, leaving them to reap the fruits of the tariff policy without any deduction for political expenses, they are greatly mistaken. I understand that in a general way the manufacturers of New England have been more liberal in their contribution than those of Pennsylvania.

"In fact, I have it from the best possible source that the manufacturers of Pennsylvania, who are more highly protected than anybody else, and who make large fortunes every year when times are prosperous, practically give nothing towards the maintenance of the ascendency of the Republican party. Of course I shall not violate what I consider to be a proper principle of action; but, if I had my way about it, I would put the manufacturers of Pennsylvania under the fire and fry all the fat out of them. If the Mills tariff bill comes to the Senate there will be some votes cast there which will open the eyes of some of these people who have, while gathering their millions, treated the Republican party as their humble servant."

These are strong words, and bitter, but they are true; and it now remains with you and your associates to determine whether they are reiterated after the campaign is over and protection has, through your apathy, been struck its death-blow. If you give us the means to win the victory we will do it. Are you willing?

Yours truly,

JAMES P. FOSTER, *President.*

This circular, sent everywhere to manufacturers "in confidence," was made public by one of them by way of protest against the blackmailing spirit of the Republican party. While many manufacturers will be manly enough to refuse to submit to blackmail, others will be held under the fire until the fat fries out in sufficient quantities to grease the Republican machine.

* * * * * * *

In this desperate strait, the party hopes to win by buying votes with money contributed by the rings, pools, and trusts represented by the Thurstons, Depews, and Haymonds, who dictated the nominations at Chicago.

"Boodle" can do much. There are votes for sale and boodle can buy them, but there are not enough boodle-givers or boodle-takers in the United States to elect a President.

MANUFACTURERS FURNISH THE MONEY.

The Tariff League Bulletin, of New York, a protection organ, of date June 8, 1888, indignantly denies the statement of James P. Foster, President of the Republican League, charging that the manufacturers have been laggard in their contributions to the Republican cause, and says: "We affirm that more than three-fourths of all the money used in support of Republicanism and protection has come from men directly or indirectly engaged in manufactures. The records of the Republican party prove it."

Mr. JOHNSTON, of Indiana, was recognized.

Mr. BUCHANAN. I hope there will be a vote upon my amendment before it is forgotten.

Mr. BAYNE. I desire to submit a few observations if the gentleman from Indiana [Mr. JOHNSTON] does not wish to proceed.

Mr. BRECKINRIDGE, of Arkansas. I desire to move that the committee rise, as there are some things that must be attended to.

Mr. JOHNSTON, of Indiana. I desire to occupy my five minutes in making reply to the gentleman from Missouri [Mr. DOCKERY]. I have not been heard in this debate so far.

Mr. BRECKINRIDGE, of Arkansas. It is now near the hour of adjournment, and there are some things that must be attended to in the House. Will the gentleman from Indiana yield for a motion that the committee rise? He will be entitled to the floor when the committee resumes its session.

Mr. JOHNSTON, of Indiana. I will yield for that purpose.

Mr. BRECKINRIDGE, of Arkansas. I move the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. SPRINGER, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and had come to no resolution thereon.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BLANCHARD. I move that the amendments of the Senate to the river and harbor appropriation bill (H. R. 9050) be taken from the Speaker's table and non-concurred in, and the request of the Senate for a conference on the disagreeing votes of the two House be agreed to.

Mr. HOVEY. I object.

Mr. BLANCHARD. I hope the gentleman will withdraw his objection.

Mr. HOVEY. I have not been in favor of the bill.

Mr. FARQUHAR. It is material the bill should pass, as all the works are stopped.

Mr. CLARDY. I ask unanimous consent that Thursday next, after the reading of the Journal——

Mr. HOVEY. I withdraw my objection.

Mr. KERR. I renew it.

The SPEAKER *pro tempore*. The Chair will again put the request of the gentleman from Louisiana to the House. Is there objection to the taking the amendments of the Senate to the river and harbor ap-

propriation bill from the table and sending them to a committee of conference on the disagreeing votes of the two Houses?

Mr. KERR. I wish to say that I do not make objection simply for delay, but because I am opposed to the bill; and if the only effect of my objection will be to postpone action then I will withdraw it.

The amendments of the Senate were taken from the table, non-concurred in, and the request of the Senate for a conference was agreed to.

The SPEAKER *pro tempore* appointed as managers of the conference on the part of the House Mr. BLANCHARD, Mr. CATCHINGS, and Mr. HENDERSON of Illinois.

ORDER OF BUSINESS.

Mr. CLARDY. I move, by unanimous consent, that Thursday next, after the reading of the Journal, be set apart for the consideration of bills reported by the Committee on Commerce. I will state that one of the bills I desire to have considered at that time is the bill to incorporate the Maritime Company of Nicaragua.

Mr. STEELE. I object.

Mr. SPRINGER. Then I ask, by unanimous consent, that Thursday next, for two hours, be given for the consideration of the bill for the organization of the Territory of Oklahoma.

Mr. BARNES. I object.

And then, on motion of Mr. SPRINGER (at 4 o'clock and 54 minutes p. m.) the House adjourned until Thursday, the 5th of July.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED AND REFERRED.

Under the rule private bills and resolutions of the following titles were introduced and referred as indicated below:

By Mr. HATCH: A joint resolution (H. Res. 192) providing for the ascertainment and report by the Secretary of State of the claim of the legal representatives of Walter H. Stevens, deceased—to the Committee on the Judiciary.

By Mr. DARLINGTON: A bill (H. R. 10709) granting a pension to Susan C. Brown—to the Committee on Invalid Pensions.

By Mr. FUNSTON: A bill (H. R. 10710) granting a pension to J. H. Spicer—to the Committee on Invalid Pensions.

By Mr. GEAR: A bill (H. R. 10711) granting a pension to Ada D. Fleming—to the Committee on Invalid Pensions.

By Mr. HATCH: A bill (H. R. 10712) granting a pension to Ignatius W. Burns—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 10713) for the relief of the legal representatives of William W. Ellzey, deceased—to the Committee on War Claims.

By Mr. MONTGOMERY: A bill (H. R. 10714) for the relief of James C. Poston—to the Committee on Private Land Claims.

By Mr. PERKINS: A bill (H. R. 10715) granting an increase of pension to John H. Woodring—to the Committee on Pensions.

Also, a bill (H. R. 10716) granting a pension to Charles Bays—to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 10717) to refer the claim of John H. Elliott to the Court of Claims—to the Committee on War Claims.

By Mr. S. V. WHITE: A bill (H. R. 10718) to remove the charge of desertion from George H. Rogers—to the Committee on Military Affairs.

Also, a bill (H. R. 10719) to place the name of John Lightell upon the retired-list—to the Committee on Naval Affairs.

Also (by request), a bill (H. R. 10720) for the relief of Edgar H. Bates—to the Committee on the District of Columbia.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. E. P. ALLEN: Petition of H. R. Wheeler and 125 other citizens of Hillsdale, and of H. S. Wyman and 95 other citizens of Lenawee County, Michigan, for certain amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. BELMONT: Petition of 143 citizens of Babylon, N. Y., in favor of pension for Major B. Gessler, an honorably discharged Union soldier—to the Committee on Invalid Pensions.

By Mr. BLANCHARD: Papers relating to the claim of Joseph J. B. Kirk—to the Committee on Claims.

By Mr. BLAND: Petition of Hays Gaskill, for change of record and honorable discharge—to the Committee on Military Affairs.

By Mr. ENLOE: Petition of Mary L. Edwards, of William Cassey, of A. and L. Goodall, of Mrs. Mary A. Gamewell, of Hugh Nance, of Luke Cassey, and of Thomas Lomax, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. GEAR: Petition of J. D. Irish and H. Ingram, for the passage of Senate bill to promote the political and commercial prosperity of the American nations—to the Committee on Foreign Affairs.

By Mr. KETCHAM: Petition of M. Jansen, of Garrison's, N. Y., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. McCORMICK: Petition of citizens of the Sixteenth district of Pennsylvania, against the proposed reduction of tariff on window-glass—to the Committee on Ways and Means.

By Mr. McCULLOGH: Remonstrance of Dennis Riley and others, of Edward Ensell and others, and of James B. Le Cleve and others, citizens of Pennsylvania, against the proposed reduction of the tariff on window-glass—to the Committee on Ways and Means.

By Mr. McKINLEY: Petition of the Liverpool Provision Trade Association, relative to the adulteration of lard—to the Committee on Agriculture.

By Mr. McMILLIN: Petition of Lewis T. White, of Sumner County, Tennessee, for reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. PETERS: Petition of H. M. Bacon and 95 others, citizens of Grant County, Kansas, favoring the restoration of duty on wool—to the Committee on Ways and Means.

Also, petition for a pension to William Perry—to the Committee on Invalid Pensions.

By Mr. PHELAN: Petition of Andrew M. Davis, of P. H. Cole, of D. W. Hulder, of Robert F. Jarmon, of George M. Grant, of Calvin Jones, of D. W. McKenzie, of Alexander McConnell, of Sidney M. Edwards, of Thomas N. Doyle, administrator of Newsom Doyle; of John C. Kimbrough, of Patrick Dewyer, of L. F. Coulter, of John Currie, of Thomas R. Harvey, of Andrew J. Hunter, of P. W. Coopwood, of B. F. Dowdy, of John Kannell, of Richard D. Cross, of John Hunter, and of John W. Richmond, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, papers in the case of B. B. Neville—to the Committee on War Claims.

By Mr. A. C. THOMPSON: Petition for an appropriation to purchase head-stones for deceased soldiers—to the Committee on Appropriations.

By Mr. WALKER: Petition of William C. Moore and of John Hacker, of Missouri, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WASHINGTON: Petition of administrator of D. A. Whitsett, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of James C. Terry, of Davidson County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of Mary F. Lee; of estate of Harvey Dame; of Catherine Cook; of Michael Kieff; of Mary W. King; of Hugh Carothers; of Francis M. Freeman, and of James A. Douglass, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINS: Petition of J. J. Roll and 802 others, citizens of the Sixteenth district of Ohio, in favor of a system of Government telegraph—to the Committee on the Post-Office and Post-Roads.

The following petition for the more effectual protection of agriculture, by the means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. WICKHAM: Of 33 citizens of Londonville, Ohio.

The following petition, praying for the enactment of a law providing temporary aid for common schools, to be disbursed on the basis of illiteracy, was referred to the Committee on Education:

By Mr. T. J. HENDERSON: Of 113 citizens of Whiteside County, Illinois.

SENATE.

THURSDAY, *July* 5, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Monday last was read and approved.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 2d instant approved and signed the following bills:

An act (S. 2575) granting a pension to Elizabeth Dettis;
An act (S. 2230) granting a pension to D. P. Houghland;
An act (S. 2108) granting a pension to George W. De Motte;
An act (S. 2064) granting a pension to Titus Wilder;
An act (S. 1343) granting a pension to Cordelia Emery;
An act (S. 1267) granting a pension to Joseph B. Tingley;
An act (S. 1266) granting a pension to Shelton Flaningam;
An act (S. 1018) granting a pension to Joseph W. Eubank;
An act (S. 767) granting a pension to Robert H. Sturgess; and
An act (S. 1086) granting a pension to Jacob Kintz, alias John Walters.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy in response to a resolution of April 11, 1888, requesting that officer to furnish the Senate with the amount paid to retired

officers of the Navy to the present time; which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of citizens of Kansas, a petition of citizens of Pennsylvania, and a petition of citizens of Alabama, praying for an amendment of the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. WILSON, of Iowa, presented the petition of James Harlan and 21 others, citizens of Mount Pleasant, Iowa, praying for the passage of a bill granting a pension to Mrs. Sarah E. Bradley, only surviving daughter of John Hollingsworth, an officer in the war of 1812; which was referred to the Committee on Pensions.

He also presented the petition of William Sheldon, late a private in Company A, Thirtieth Regiment Iowa Infantry Volunteers, praying for the removal of the charge of desertion against his military record; which was referred to the Committee on Military Affairs.

Mr. QUAY presented a petition of the Young Woman's Christian Temperance Union of Newburgh, N. Y.; which was read, and referred to the Committee on Finance, as follows:

> The Young Woman's Christian Temperance Union of Newburgh, N. Y., having pledged itself to use all lawful means for the suppression of the liquor traffic, and believing that the internal-revenue tax is a protection to the manufacture of intoxicating beverages, and not a restraint upon it, do earnestly beg you to vote for the entire repeal of the internal-revenue tax on liquor.
>
> Signed for the Union,
>
> ANNA M. RAMSAY,
> *Corresponding Secretary.*
>
> JUNE, 1888.

Mr. QUAY presented resolutions adopted by the Junior Order of United American Mechanics of the State of Pennsylvania, as follows: Duquesne Council, No. 110, of Pittsburgh; Fidelity Council, No. 21, of Bristol; Resolute Council, No. 27, of Reading; Shawnee Council, No. 34, of Hazleton; Black Creek Council, No. 51, of Weatherly; Harmony Council, No. 53, of Philadelphia; Star Lodge Council, No. 68, of Slatington; Dawson Council, No. 75, of Dawson; Chosen Friends' Council, No. 86, of Philadelphia; Coopersdale Council, No. 97, of Coopersdale; McKeesport Council, No. 109, of McKeesport; Dravosburgh Council, No. 141, of Dravosburgh; Mountaineer Council, No. 111, of Mahanoy City; Bridesburgh Council, No. 135, of Philadelphia; McLellan Council, No. 150, of Verona; General Marion Council, No. 154, of Pittsburgh; Bethany Council, No. 155, of Ruff's Dale; J. B. Clark Council, No. 186, of Allegheny; Climax Council, No. 195, of Smithton; New Tripoli Grand Council, No. 204, of New Tripoli; and Howell Council, No. 210, of Stauffer, praying for the passage of Senate bill 553, to restrict foreign immigration.

The petitions were referred to the Committee on Foreign Relations.

Mr. PUGH presented a petition of officers and privates of the Montgomery (Ala.) Field Artillery, praying for the passage of an act to increase the efficiency of the artillery of the United States; which was referred to the Committee on Military Affairs.

Mr. TURPIE presented a petition of the Milton trustees of the Indiana State Grange and other citizens of Indiana, praying for the passage of certain amendments to the interstate-commerce act which shall protect the public from the gross violations of that act by the railway companies of the country and prevent any further encroachments on the rights of the people by them; which was referred to the Committee on Interstate Commerce.

Mr. PASCO presented a memorial of the Board of Trade of St. Augustine, Fla., remonstrating against the proposed consolidation of the internal-revenue districts of Georgia and Florida on the ground that it would be detrimental to the tobacco interests of Florida; which was referred to the Committee on Finance.

Mr. FARWELL presented the petition of Dr. Alexander Dunbar, of Washington City, praying for the purchase by the Government of certain remedies discovered by him for dangerous diseases, in order that they may become the property of the Government to all intents and purposes; which was referred to the Committee on Education and Labor.

Mr. SAWYER presented the petition of Leander Ferguson, of Brandon, Wis., praying for the passage of amendments to the act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces; which was referred to the Committee on Military Affairs.

Mr. COCKRELL. I present the petition of William A. Roath, James H. Harris, and other citizens of St. Clair County, Missouri, praying Congress to enact additional amendments to the interstate-commerce law, providing that it shall be unlawful for any common carrier subject to the provisions of that act to carry or transport any commodity for any shipper in a car or vehicle owned, leased, or in any way controlled by such shipper; and that it shall be unlawful for any shipper to make any contract with any carrier to convey the property of such shipper in cars or vehicles owned or controlled by such shipper; and that in all prosecutions under the act the complainant may receive a part of the amount that may be imposed as a fine. I move that the petition be referred to the Committee on Interstate Commerce.

The motion was agreed to.

DUTY ON LEAD ORE.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary to make a report in obedience to a resolution submitted by the Senator from Nevada [Mr. STEWART] and adopted June 11, 1888, directing an inquiry into the state of the law on the subject of the customs duties imposable upon ores containing lead and also gold and silver. I present in answer to that resolution a written report, which I ask may be placed on file. It needs no action of the Senate that I am aware of.

The PRESIDENT *pro tempore*. The report will be placed on file and printed.

ADJOURNMENT TO MONDAY.

Mr. EDMUNDS. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (H. R. 6232) for the relief of Nancy G. Alexander, reported it without amendment.

Mr. SAWYER, from the Committee on Commerce, to whom was referred the bill (S. 3215) to authorize the construction of a bridge across the Arkansas River at or near Cummings's Landing, Lincoln County, Arkansas, reported it with amendments.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 3131) granting a pension to Mrs. Caroline G. Seyfforth;
A bill (S. 2895) granting a pension to W. J. Sawyer; and
A bill (S. 3129) granting a pension to Archibald Bennett.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7713) granting a pension to James McIntire;
A bill (H. R. 5413) granting a pension to Isaac N. Johnson;
A bill (H. R. 185) granting a pension to Samuel F. C. Garrison;
A bill (H. R. 7111) granting a pension to Caroline Pautel;
A bill (H. R. 8428) granting a pension to James T. Bourland;
A bill (H. R. 8761) granting a pension to Mrs. Anna Butterfield;
A bill (S. 3144) granting a pension to Nathan A. Hayes;
A bill (S. 3118) for the relief of Mathew O. Regan;
A bill (S. 3186) granting a pension to Christian Winkel;
A bill (S. 2864) granting a pension to James B. Bray;
A bill (H. R. 9126) granting a pension to Mrs. Caroline G. Seyfforth;
A bill (S. 2858) granting a pension to William Church;
A bill (S. 3035) to grant a pension to William Thields;
A bill (S. 3145) for the relief of the heirs of John M. Powell;
A bill (S. 3030) granting a pension to Mary J. Foster;
A bill (S. 3059) granting a pension to Rachel Dixon, mother of James Dixon, deceased;
A bill (S. 3141) granting an increase of pension to Jonas Doering;
A bill (S. 2977) granting a pension to Henrietta Brown;
A bill (S. 2049) granting a pension to Nicholas T. Lawrence;
A bill (S. 3013) granting a pension to William Meyer;
A bill (S. 2932) granting a pension to the minor children of Levi M. Hunter; and
A bill (S. 1683) granting a pension to Mrs. Jane Flynn.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (S. 3175) granting a pension to Mrs. Caroline Taylor, reported it without amendment.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 3117) granting a pension to Edwin Hollister; and
A bill (S. 2760) granting a pension to Albert O. Thomas.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2321) granting a pension to John V. Hennessey;
A bill (H. R. 9318) granting an increase of pension to Charles Jewett;
A bill (H. R. 9729) granting a pension to Malinda Hardin;
A bill (H. R. 9467) granting a pension to William M. Dicken;
A bill (H. R. 9344) granting a pension to James C. White; and
A bill (H. R. 9183) granting a pension to William P. Riddle.

Mr. PADDOCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 737) granting a pension to Joseph Peve;
A bill (H. R. 149) granting a pension to Rachel Barnes;
A bill (H. R. 3521) granting a pension to Manuel Garcia;
A bill (H. R. 5383) granting a pension to George W. Flowers;
A bill (H. R. 154) restoring to the pension-roll the name of Cynthia J. Carlton;
A bill (H. R. 8150) for the relief of John H. Claus;
A bill (S. 3052) granting an increase of pension to George W. Durfee;
A bill (S. 3018) granting an increase of pension to John N. Bovee; and
A bill (S. 2050) granting a pension to Mrs. Bridget Hackett.

VETOED PENSION BILLS.

Mr. TURPIE. I ask leave at this time to file the views of the minority of the Committee on Pensions on the subject of certain private pension bills vetoed by the President of the United States, which were referred to the Committee on Pensions. The report of the majority was submitted to the Senate and printed in the RECORD and ordered to be printed as a separate document. I ask that the same order may be made in connection with the views of the minority also.

The PRESIDENT *pro tempore*. The views of the minority of the committee will be printed in the RECORD and referred to the Committee on Printing, taking the same course as the report of the majority of the committee on the same subject. The two reports will be printed together as one document, if there be no objection.

The views of the minority are as follows:

The undersigned dissent from that part of the report of the majority of said committee which treats generally of the veto power. We regard that power as a qualified negative upon that of Congress, not derogatory to their rights or action. Neither the power or its exercise can be regarded as an encroachment upon the province of Congress since both are provided for in the Constitution. Mr. Story, in his justly celebrated commentary upon that instrument, says respecting it: "The power is important, as an additional security against the enactment of rash, immature, and improper laws." Speaking of the action of the Executive therein the same author remarks: "His view, if not more wise or more elevated, will at least be independent and under an entirely different responsibility to the nation from what belongs to Congress. He is the representative of the whole nation in the aggregate; they are the representatives only of distinct parts."

We do not think the frequency of the exercise of this power upon the subject of private bills, even if it were a legitimate objection thereto, is at all made out as charged. Out of the large numbers of such bills a very small percentage have been returned with objections. The frequency bears a very inconsiderable proportion to the number of the applications. As to the means of information made use of by the Executive as a basis for his objections, the President has certainly the same right to make use of the records, files, reports, and opinions of the Pension Bureau as members of Congress. The money of the people in the Treasury, the fund out of which pensions are paid, is a fund of such quality as that it can not be guarded too carefully against immature legislation. The President, equally with any member of the legislative bodies, has the right and duty imposed upon him to form and express his opinion with respect to the justice of a pecuniary claim against this fund, being answerable under his oath and conscience only to the constituency of the nation for his action therein. As to the merits of the particular bills recited in the committee's report, we deem it here unnecessary for us to express an opinion at this time, being willing to do so at such time as the question properly arises upon the final passage thereof.

D. TURPIE.
RUFUS BLODGETT.
CHAS. J. FAULKNER.
E. K. WILSON.

MARY M. BRIGGS.

Mr. SAWYER. I move that the House of Representatives be requested to return to the Senate the bill (S. 899) for the relief of Mary M. Briggs.

The motion was agreed to.

Mr. EDMUNDS. Should not a motion be entered to reconsider the vote by which the bill was passed?

Mr. SAWYER. When the bill is returned I shall move to reconsider the vote by which it was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution directing the Clerk of the House of Representatives to amend the enrollment of the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes; in which the concurrence of the Senate was requested.

The message also requested the Senate to furnish the House of Representatives with a copy of the Senate amendments to House bill 3300, as passed by the Senate.

The message further announced that the House had concurred in the amendments of the Senate to the following bills and joint resolution:

A bill (H. R. 5096) authorizing the construction of a bridge across the Flint River, in the State of Georgia;

A bill (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark.; and

Joint resolution (H. Res. 184) to amend the joint resolution approved May 14, 1888, relating to the disposal of public lands in certain States.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The message further announced that the House had concurred in the fifth and non-concurred in the other amendments of the Senate to the bill (H. R. 9345) making appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1889; asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLOUNT, of Georgia, Mr. DOCKERY, of Missouri, and Mr. BINGHAM, of Pennsylvania, managers of the conference on the part of the House.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 9859) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appointed Mr. BLANCHARD, Mr. CATCHINGS, and Mr. HENDERSON, of Illinois, managers of the conference on the part of the House.

The message further announced that the House had passed the joint resolution (S. R. 96) authorizing the District commissioners to designate a site for a statue of Benjamin Franklin.

The message also announced that the House had passed a joint resolution (H. Res. 191) relating to the pages of the House; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 251) to increase the pension of Edmund Asworth;
A bill (H. R. 362) to increase the pension of Charles W. Sanborn;
A bill (H. R. 964) for the relief of James Turner;
A bill (H. R. 2046) for the relief of William E. Wheeler;
A bill (H. R. 2064) granting a pension to Jacob F. Joseph;
A bill (H. R. 2193) granting a pension to Elisha Wilkins;
A bill (H. R. 2495) for the relief of Ruth Clark;
A bill (H. R. 2530) granting a pension to John C. Wagoner;
A bill (H. R. 2641) granting a pension to Emily W. Ogden;
A bill (H. R. 2640) for the relief of Judith A. Kinsey;
A bill (H. R. 3537) granting a pension to Cullen W. Green;
A bill (H. R. 3722) for the relief of Jennie D. Rice;
A bill (H. R. 3772) granting a pension to Perry D. Martin;
A bill (H. R. 3836) granting a pension to Hiram Bateman;
A bill (H. R. 4762) granting a pension to Benjamin F. Howard;
A bill (H. R. 4788) granting an increase of pension to William Winans;
A bill (H. R. 5913) granting a pension to Thomas Shannon;
A bill (H. R. 6057) to increase the pension of Edward Healy;
A bill (H. R. 6273) for the relief of Hiram Chilson;
A bill (H. R. 6434) granting a pension to John F. G. Mittag;
A bill (H. R. 6603) granting a pension to the minor children of Levi M. Hunter, deceased;
A bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889;
A bill (H. R. 7491) granting a pension to Louis Telyea;
A bill (H. R. 8078) granting a pension to Teresa Herbert;
A bill (H. R. 8455) for the relief of Elizabeth Terrals;
A bill (H. R. 8704) granting a pension to Julia Brown;
A bill (H. R. 8930) for the relief of J. H. Cove;
A bill (H. R. 8984) granting a pension to Griswold Rogers;
A bill (H. R. 9174) granting a pension to Woodford H. Houchin;
A bill (H. R. 9340) granting a pension to Lucy A. Noel;
A bill (H. R. 9346) granting a pension to Frank H. Reed;
A bill (H. R. 9520) for the relief of Mary Fitzmorris;
A bill (H. R. 9523) for the relief of Margaret Lahey;
A bill (H. R. 9587) granting a pension to Louis F. D. Hait;
A bill (H. R. 9610) to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River, in Alabama;
A bill (H. R. 9649) granting a pension to Milton Merwin;
A bill (H. R. 9679) for the relief of William S. Robb;
A bill (H. R. 10212) to amend an act granting a pension to John Etzell;
A bill (S. 121) granting a pension to Tobias Baney;
A bill (S. 322) to authorize the Southwestern Arkansas and Indian Territory Railroad Company to build a bridge across the Ouachita River, in Arkansas;
A bill (S. 341) granting pensions to William Knight, Jacob Parrott, and John Whollam;
A bill (S. 470) granting a pension to Amanda F. Deck;
A bill (S. 560) to authorize the Columbia River Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post-road;
A bill (S. 667) authorizing the construction of a bridge across the Red River of the North;
A bill (S. 996) granting a pension to Caroline Ruppert;
A bill (S. 898) for the relief of Frank Oredsnik;
A bill (S. 1258) granting a pension to Sarah Ann Waters;
A bill (S. 1307) to increase the pension of Washington T. Otey;
A bill (S. 1404) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;
A bill (S. 1405) to authorize the construction of a bridge across the Mississippi River at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road;
A bill (S. 1435) granting a pension to Emil Schattle;
A bill (S. 1524) to authorize the construction of a bridge over the Tennessee River, between Bridgeport and Sheffield, Ala.;
A bill (S. 1526) to authorize the construction of a bridge over the Caney Fork River, between Rock Island and Carthage, in Tennessee;

A bill (S. 1539) to increase the pension of James E. Gott;
A bill (S. 1613) granting a pension to John F. Ballier;
A bill (S. 1742) granting a pension to W. A. Hicks;
A bill (S. 1882) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Clinton, Iowa;
A bill (S. 1883) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Muscatine, Iowa;
A bill (S. 1935) for the relief of Andrew T. McReynolds;
A bill (S. 2199) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across Bayou D'Arbonne, in Louisiana;
A bill (S. 2301) to increase the pension of Manhatton Pickett;
A bill (S. 2385) granting a pension to Caroline R. Hazeltine;
A bill (S. 2674) authorizing the construction of a bridge across the Missouri River at or near the city of Nebraska City, Nebr., and for other purposes; and
Joint resolution (H. Res. 184) to amend the joint resolution approved May 14, 1888, relating to the disposal of public lands in certain States.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 899) for the relief of Mary M. Briggs.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 3253) granting a pension to Harriet B. Coffin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3254) granting a pension to Sanford A. Beach; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FARWELL introduced a bill (S. 3255) granting a pension to Mary E. Cotrill, widow of Hugh B. Cotrill; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES (by request) introduced a bill (S. 3256) for the relief of Dr. D. Willard Bliss; which was read twice by its title, and referred to the Committee on Claims.

Mr. PUGH introduced a bill (S. 3257) authorizing the United States engineer in charge of the harbor improvement of Mobile River and Bay to act as a member of the Mobile River Commission, as established by the laws of the State of Alabama; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

He also introduced a bill (S. 3258) for the relief of Dr. John B. Read; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. JONES, of Arkansas, introduced a bill (S. 3259) in relation to claims arising under the provisions of the captured and abandoned property acts, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 3260) to prohibit the adulteration of food, drink, or medicine, and for other purposes; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 3261) to remove the charge of desertion from the record of James Boyle; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3262) to remove the charge of desertion from the record of William Sheldon; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3263) granting a pension to Charles Avery; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3264) granting a pension to Mrs. Ellen Hand; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3265) granting a pension to Mrs. Sarah E. Bradley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. PLUMB. I offer certain amendments intended to be proposed to the sundry civil appropriation bill, which I ask may be read, printed, and referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The amendments will be read.

The CHIEF CLERK. It is proposed to amend the sundry civil appropriation bill by inserting:

That the Architect of the Capitol be directed to erect at some suitable and convenient place in the Capitol building a drinking fountain for public use, and for this purpose the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated.

For the repair of the road leading to the national cemetery near Fort Scott, Kans., $5,000.

For the purpose of erecting a suitable monument at the national cemetery located at Mound City, Kans., under the direction of the Secretary of War, $3,000.

The PRESIDENT *pro tempore*. The proposed amendments will be printed and referred to the Committee on Appropriations.

Mr. CALL, Mr. WILSON, of Iowa, and Mr. STOCKBRIDGE submitted amendments intended to be proposed by them respectively to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO CLAIMS BILL.

Mr. BATE and Mr. QUAY submitted amendments intended to be proposed by them respectively to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims under the provisions of the act of March 3, 1883, known as the Bowman act; which were referred to the Committee on Claims, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. CULLOM. I give notice that on Monday next I shall ask the Senate to take up the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887. I shall ask the Senate at that time to proceed to the consideration of the bill and to continue its consideration until it is disposed of by the Senate.

DISTRICT STEAM-RAILROADS.

The PRESIDENT *pro tempore*. If there are no concurrent or other resolutions, the Chair lays before the Senate the resolution submitted by the Senator from Vermont [Mr. MORRILL] July 2, 1888, in relation to the routes of steam-railroads in the District of Columbia. The resolution will be placed on the Calendar, if there be no objection.

MARY ANN DOUGHERTY—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 1547, entitled "An act granting a pension to Mary Ann Dougherty."

A large share of the report of the Senate committee to which this bill was referred, and which report is adopted by the Committee of the House, as is usual in such cases, consists of a petition signed by Mary Ann Dougherty, addressed to the Congress, in which she states that she resides in Washington, having removed here with her husband in 1863 from New Jersey; that shortly after their arrival in this city her husband, Daniel Dougherty, returned to New Jersey and enlisted in the Thirty-fourth Regiment New Jersey Volunteers; that she obtained employment in the United States arsenal making cartridges, and that while so engaged she was injured by an explosion.

She also states that she had a young son killed by machinery in the navy-yard, and that at the grand review of the Army after the close of the war another son, six years old, was stolen by an officer of the Army, and has not been heard of since. She further says that her husband left his home in 1865 and has not been heard of since, and that she believes he deserted her on account of her infirmities.

It is alleged in the report that she received a pension as the widow of Daniel Dougherty until it was discovered that he was alive, when her name was dropped from the rolls.

The petition of this woman is indorsed by the Admiral and several other officers of the Navy and a distinguished clergyman of Washington, certifying that they know Mrs. Dougherty, and believe the facts stated to be true.

There is no pretense made now that this beneficiary is a widow, though she at one time claimed to be, and was allowed a pension on that allegation. Her present claim rests entirely upon injuries received by her when she was concededly not employed in the military service. If the pension now proposed is allowed her it will be a mere act of charity.

Her husband, Daniel Dougherty, is now living in Philadelphia, and is a pensioner in his own right for disability alleged to have been incurred while serving in the Thirty-fourth New Jersey Volunteers. Of this fact this beneficiary has been repeatedly informed. And yet she states in her petition that her husband deserted her in 1865, and has not been heard of since.

It is alleged in the Pension Bureau that, in 1878, she succeeded in securing a pension as the widow of Daniel Dougherty, through fraudulent testimony and much false swearing on her part.

The police records of the precinct in which she has lived for years show that she is a woman of very bad character, and that she has been under arrest nine times for drunkenness, larceny, creating disturbance, and misdemeanors of that sort.

It happens that this claimant, by reason of her residence here, has been easily traced, and her character and untruthfulness discovered. But there is much reason to fear that this case will find its parallel in many that have reached a successful conclusion.

I can not spell out any principle upon which the bounty of the Government is bestowed through the instrumentality of the flood of private pension bills that reach me. The theory seems to have been adopted that no man who served in the Army can be the subject of death or impaired health except they are chargeable to his service. Medical theories are set at naught and the most startling relation is claimed between alleged incidents of military service and disability or death. Fatal apoplexy is admitted as the result of quite insignificant wounds, heart disease is attributed to chronic diarrhea, consumption to hernia, and suicide is traced to army service in a wonderfully devious and curious way.

Adjudications of the Pension Bureau are overruled in the most peremptory fashion by these special acts of Congress, since nearly all the beneficiaries named in these bills have unsuccessfully applied to that bureau for relief.

This course of special legislation operates very unfairly.

Those with certain influence or friends to push their claims procure pensions, and those who have neither friends nor influence must be content with their fate under general laws. It operates unfairly by increasing in numerous instances the pensions of those already on the roll, while many other more deserving cases, from the lack of fortunate advocacy, are obliged to be content with the sum provided by general laws.

The apprehension may well be entertained that the freedom with which these private pension bills are passed furnishes an inducement to fraud and imposition, while it certainly teaches the vicious lesson to our people that the Treasury of the National Government invites the approach of private need.

None of us should be in the least wanting in regard for the veteran soldier, and I will yield to no man in a desire to see those who defended the Government when it needed defenders liberally treated. Unfriendliness to our veterans is a charge easily and sometimes dishonestly made.

I insist that the true soldier is a good citizen, and that he will be satisfied with generous, fair, and equal consideration for those who are worthily entitled to help.

I have considered the pension-list of the Republic a roll of honor bearing names inscribed by national gratitude and not by improvident and indiscriminate alms-giving.

I have conceived the prevention of the complete discredit which must ensue

from the unreasonable, unfair, and reckless granting of pensions by special acts to be the best service I can render our veterans.

In the discharge of what has seemed to me my duty as related to legislation and in the interest of all the veterans of the Union Army, I have attempted to stem the tide of improvident pension enactments, though I confess to a full share of responsibility for some of these laws that should not have been passed.

I am far from denying that there are cases of merit which can not be reached except by special enactment; but I do not believe there is a member of either House of Congress who will not admit that this kind of legislation has been carried too far.

I have now before me more than one hundred special pension bills which can hardly be examined within the time allowed for that purpose.

My aim has been at all times, in dealing with bills of this character, to give the applicant for a pension the benefit of any doubt that might arise and which balanced the propriety of granting a pension, if there seemed any just foundation for the application; but when it seemed entirely outside of every rule, in its nature or the proof supporting it, I have supposed I only did my duty in interposing an objection.

It seems to me that it would be well if our general pensions laws should be revised with a view of meeting every meritorious case that can arise. Our experience and knowledge of any existing deficiencies ought to make the enactment of a complete pension code possible.

In the absence of such a revision, and if pensions are to be granted upon equitable grounds and without regard to general laws, the present methods would be greatly improved by the establishment of some tribunal to examine the facts in every case and determine upon the merits of the application.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1888.

The PRESIDENT *pro tempore*. Shall this bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DAVIS. I move that the message and the bill be referred to the Committee on Pensions.

The motion was agreed to.

SIGNAL-OFFICE APPROPRIATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives (the Senate concurring therein), That the Clerk of the House be, and he is hereby, directed in the enrollment of the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes, to insert under the head of appropriations "In the Signal Office" the following: "Four copyists, at $600 each;" so that said paragraph may read as follows:

"In the Signal Office: For one professor of meteorology, at $4,000; three assistant professors of meteorology, at $1,800 each; two clerks of class 4; one bibliographer and librarian, at $1,600; one clerk of class 2; one lithographer, at $1,200; one clerk, at $1,000; four clerks of class 1; one translator and type-writer, at $840; four copyists, at $720 each; four copyists, at $600 each; four copyists, at $480 each; one messenger; one assistant messenger; one watchman; one carpenter, at $660; one messenger, at $600; one messenger, at $480; two laborers, at $600; two laborers, at $450 each; two stitchers and folders, at $480 each; and for the services of such other messengers, mechanics, laborers, and such other services as the Secretary of War may deem necessary, in the office of the Chief Signal Officer, to carry into effect the appropriations made for the support of the Signal Service, $2,540; in all, $40,460."

The words directed to be inserted having been omitted by error when the bill was engrossed.

Mr. ALLISON. This is intended to cure a defect, it will be seen, in the engrossment of the House bill. That bill came to the Senate specifically appropriating for the clerks in the Signal Office. It omitted, however, to insert "four copyists, at $600 each," as passed by the House. The error was not discovered in the Senate, inasmuch as the Senate Committee on Appropriations sent this portion of the bill to the Secretary of War asking him if the arrangement by the House for clerical services in the Signal Office was satisfactory, and the committee received an answer saying that the arrangement for the office of the Signal Service was satisfactory to the War Department. The error was not discovered until the bill had passed the Senate and after its return to the House.

The conferees on the part of the House desired that provision for these four copyists should be inserted in the bill, but the Senate conferees insisted that the two Houses having concurred in the paragraph and there being no amendment to it, it was impossible for the conferees to take jurisdiction of it.

In order to correct the error the House sends to us this concurrent resolution. It is claimed by Senators on the floor, who have examined the resolution, that this provision never having been considered in the Senate, the resolution should be a joint resolution and not a concurrent one. In accordance with that view I move to strike out the words "Resolved by the House of Representatives (the Senate concurring therein)," and to insert in lieu thereof the usual words of a joint resolution, namely, "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

The PRESIDENT *pro tempore*. The words will be inserted by the clerks, if there be no objection, changing the frame of the resolution from concurrent to joint.

Mr. ALLISON. With that amendment, I ask for the passage of the joint resolution.

Mr. EDMUNDS. Having been changed, it should be read three times.

The PRESIDENT *pro tempore*. The Chair so understands. The joint resolution will be read the first time by its title.

The CHIEF CLERK. A joint resolution (H. Res. —) directing the Clerk of the House of Representatives to amend the enrollment of the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

The PRESIDENT *pro tempore*. Having been read at length, the second reading will be considered as having been made by title, if there be no objection, and the joint resolution is before the Senate as in Committee of the Whole, and open to amendment.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POLLY H. SMITH—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I return without approval Senate bill No. 43, entitled "An act granting a pension to Polly H. Smith."

John H. Smith, the husband of the beneficiary named in this bill, enlisted in the regular Army in 1854 and served until the year 1870.

In 1868 a fistula developed, which was probably the result of quite continuous riding in the saddle. In 1870 he was placed upon the retired-list as first lieutenant on account of the incapacity arising from such fistula.

In September, 1885, fifteen years after his retirement, he died suddenly at Portland, Oregon, of heart disease, while attempting to raise a trunk to his shoulder.

I can not see how the cause of death can be connected with his service or with the incapacity for which he was placed upon the retired-list.

The application made by the widow for a pension is still pending before the Pension Bureau, and I understand that she or her friends prefer taking the chance of favorable consideration there to the approval of this bill.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. DOLPH. I move that the message and bill be referred to the Committee on Pensions.

The motion was agreed to.

JOEL B. MORTON—VETO MESSAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return without approval Senate bill No. 432, entitled "An act for the relief of Joel B. Morton."

Calvin Morton, the son of the beneficiary named in this bill, enlisted in the Volunteer Infantry in 1861, and after his discharge again enlisted in the United States Cavalry, from which he was discharged in 1867.

It is alleged by his father that he was killed in the battle with the Indians at Little Big Horn, called the "Custer massacre," June 25, 1876.

His name does not appear in any record of the soldiers engaged in that battle. The casualty records of the affair are reported as very complete, but they contain no mention of any soldier of that name.

His father claims, in his application before the Pension Bureau, to have had a letter from his son in the fall of 1875, dated at some place in the Black Hills, stating that he was a lieutenant in the army under General Custer, but that the letter was lost. He also alleges that he read an account of the massacre in a newspaper, the name of which he has forgotten, and that his son was there mentioned as among the slain.

The report of the House committee states that the only evidence of the death of this soldier is found in a letter of Anderson G. Shaw, who writes that he was present on the field of the battle mentioned when the killed were buried, and that one of the burial party called a corpse found there Morton's. It is further claimed that the description of this body agreed with that given by the father of his son.

Considering the complete list of the casualties attending this battle now in the War Department, it must be conceded that the death of the son of the beneficiary is far from being satisfactorily established.

The claim of the father is still pending in the Pension Bureau, and perhaps with further effort more information on the subject can be obtained.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 5, 1888.

The PRESIDENT *pro tempore*. Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. PADDOCK. I move that the message and bill be referred to the Committee on Pensions.

The motion was agreed to.

HOUSE PAGES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. Res. 191) relating to the pages of the House of Representatives was read the first time by its title.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That so much of the act making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, as requires that the pages of the House of Representatives shall not be under twelve years of age shall not apply to pages in the employment of the House on the 1st day of July, 1888.

Mr. ALLISON. I ask unanimous consent that the joint resolution be put upon its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. ALLISON. I will say in respect to this joint resolution that the legislative, executive, and judicial appropriation bill provides that House pages could not be appointed under twelve years of age. It turns out on examination that some of the pages now in the service of the House of Representatives are under twelve years of age. This provision met the same fate as the one which was just under consideration respecting clerks in the Signal Office. The paragraph having passed both Houses, the Senate conferees refused to consider the question of making this exception, so that the joint resolution is necessary in order to retain the pages now in service in the House.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN DENVER.

The PRESIDENT *pro tempore* laid before the Senate the following resolution of the House of Representatives; which was read:

IN THE HOUSE OF REPRESENTATIVES, *July* 5, 1888.

Resolved, That the Senate be requested to furnish this House with a copy of the Senate amendments to House bill 3300 as passed the Senate, the said bill and Senate amendments having been lost since its reception by this body.

Mr. EDMUNDS. What bill is that?

The PRESIDENT *pro tempore*. The number of the bill only is given.

Mr. EDMUNDS. Let it lie on the table until we can find what the bill is.

MARY M. BRIGGS.

The PRESIDENT *pro tempore*. The Senate adopted an order this morning requesting the House of Representatives to return the bill (S. 899) for the relief of Mary M. Briggs. The bill having been passed by the House of Representatives, signed by the Speaker, and returned to the Senate, the order requesting its return will be rescinded, if there be no objection, and further action will be taken upon the bill as may be indicated by the Committee on Pensions. The bill will lie on the table.

Mr. CULLOM. I was going to suggest that the bill lie on the table for the present until I see the party from Illinois interested, so that I can ascertain what the facts are in reference to it.

The PRESIDENT *pro tempore*. The Chair thinks, to enable the Senate to resume jurisdiction, a concurrent resolution should be passed directing the cancellation of the enrollment and of the signature of the Speaker of the House of Representatives.

Mr. CULLOM. I so understand; but unless the facts seem to be very strong, I shall not ask the Senate, so far as I am concerned, to do anything with it.

AGRICULTURAL APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 12, and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 14, 15, 17, 19, 20, 21, 22, 23, 26, 27, 28, and 29, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "One clerk to disbursing officer, $1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: In lieu of the matter stricken out by said amendment insert the following: "One assistant botanist, $1,200;" and strike out, in line 13, page 2 of the bill, the word "two" and insert in lieu thereof the word "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Of which $10,000, or so much thereof as may be necessary, may be applied to the investigation of the disease in peach-trees known as yellows and remedies therefor;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with amendments, as follows: Strike out, in line 26, page 7 of the bill, the words "Joseph Neuman and associates" and insert in lieu thereof "Joseph Neumann;" strike out, in line 1, page 8 of the bill, the words "Joseph Neuman" and insert in lieu thereof "Joseph Neumann."

Strike out lines 14, 15, 16, and 17, on page 10 of the bill, and insert in lieu thereof the following: "Printing seed-pockets, labels, postal-cards, etc., labor, paper, ink, type, and other necessary material for printing, and for purchasing and repairing presses, $4,200; in all, $104,200;" and insert, after the word "thousand," in line 9, page 11 of the bill, the words "three hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the said amendment insert the following: "And of this sum an amount not exceeding $15,000 may be applied to the payment of expenses incurred during the fiscal year 1888;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$595,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with amendments as follows: Strike out the period (.) at the end of the amended paragraph and strike out the word "And" where it first occurs in said amendment, and insert in lieu thereof "and;" and the Senate agree to the same.

On amendment numbered 30, the committee of conference has been unable to agree.

P. B. PLUMB,
C. B. FARWELL,
WILKINSON CALL,
Managers on the part of the Senate.
W. H. HATCH,
A. C. DAVIDSON,
E. H. CONGER,
Managers on the part of the House.

Mr. EDMUNDS. I should like to have the Senator in charge explain the state of affairs.

Mr. PLUMB. The amendment numbered 1, as made by the Senate, was to strike out the provision for one assistant disbursing officer at $1,400. The Senate conferees receded from that with an amendment providing a clerk in place of an assistant disbursing officer.

The House increased the appropriation for compensation of the librarian from $1,400 to $1,800, that being the statutory compensation. The Senate amended by making the sum $1,600. The Senate conferees receded, leaving the compensation of the librarian exactly as fixed by law, but an increase of $400 beyond the amount heretofore received.

The salary of the superintendent of the folding-room was increased from $1,200 to $1,400 by the House. The Senate struck out the increase, and the Senate conferees yielded on an investigation which seemed to determine that the salary as proposed by the House was not too large.

The House inserted under the head of the "Botanical Division" an assistant botanist at $1,400. As there was already an assistant botanist in that division receiving a salary of $1,200 the Senate thought it wise to strike out the new one, so as to make an inquiry and ascertain whether this was to be simply a place provided for some special person, a new person to be carried into the Department at a larger salary than persons now in service there. In conference the order of things was changed in such a way that the assistant botanist now in the Department receives $1,400 and the new assistant botanist is to receive $1,200.

In the pomological division the Senate struck out the provision for an artist and for an assistant pomologist. The House conferees agreed to that amendment.

The Senate amended in the chemical division by increasing the salary of one assistant chemist from $1,600 to $1,800 and of another assistant chemist from $1,400 to $1,600, and the House conferees receded.

The House fixed the compensation of the chief of the seeds division at $2,000. The Senate reduced it to $1,800, and the Senate conferees yielded to the House upon that point.

Mr. EDMUNDS. Is that fixed by law?

Mr. PLUMB. It is fixed by law, I think. That is my recollection; but at all events, after a little more thorough investigation than we were able to give it while the bill was in the Committee on Appropriations, on account of the haste we were under to try and get the bill through before the 1st day of July, as much attention was not given to this matter as was given subsequently, and the conferees were satisfied that the compensation was not an unreasonable one, but that it was rather a more responsible office than we had supposed.

Under the head of the "Forestry Division" the House inserted "one assistant at $1,200; one clerk at $900;" which the Senate struck out, and the House recede.

Under the head of "Miscellaneous," sub-title "Botanical investigations and experiments," the Senate inserted "including the establishment and maintenance of experimental grass stations," and increased the appropriation to $25,000 in order to establish and maintain these grass stations. The House receded from that amendment with an amendment naming the sum of $20,000 in place of $25,000, making a net increase of $17,500 for this purpose.

Mr. EDMUNDS. How many grass stations are there now?

Mr. PLUMB. None.

Mr. EDMUNDS. It is experimental?

Mr. PLUMB. The experiments have been carried on in a way, and they have demonstrated to the head of that division, and, I think, also to the judgment of a great many people who have observed the question, that grass stations can be established with profit, and while the Senate committee did not believe that the amount now named in the bill was enough to in any way insure a thoroughly successful result, at the same time they thought it was enough to make a start, and we should be better advised after the operations of a year as to what further would be necessary.

Under the "Section of vegetable pathology" the Senate inserted an amendment increasing the appropriation for "practical work of the investigation" from $5,000 to $15,000, and providing that $10,000 "might be applied to the investigation of the disease and its remedy in peach trees known as yellows," and in the conference that was agreed to, with a verbal amendment.

Under the clause in relation to the "pomological division" the Senate amended the bill by striking out—

For artists' materials and other apparatus necessary in the work of the division; for preparation of papers upon subjects of a pomological nature, and expenses incurred in making investigations for the same; and for colored illustrations of fruits to be used in the special publications of the division—

and the House has agreed to this action.

The House inserted a provision directing the proper accounting officers of the Treasury to allow credit to the present Commissioner of Agriculture for $1,800.16 for certain accounts disallowed by the First Comptroller of the Treasury, and the Senate inserted a similar provision in regard to the former Commissioner of Agriculture, only the sum was $20,807.80; and the House has agreed to it.

Under the "entomological division," and in that part of the appropriation bill providing for the collection and dissemination of information in regard to silk-culture, the Senate inserted a provision "and for expenses of stations in connection therewith," and increased the sum from $15,000 to $20,000; and the House recede.

I ought to state that in two portions of this report the conferees

agreed to insert in the bill something which was not actually in controversy between the two Houses, and that I do for the purpose of asking unanimous consent of the Senate that the amendments which the conferees themselves agreed to may be agreed to by the Senate.

We found on investigation that it had been the practice heretofore, and a necessary practice, for the Department to print its own seed pockets and seed labels. For that purpose it has had a press for a number of years in the Department of Agriculture. It is not possible to have this work done in the Government Printing Office, because it must be done at a certain time of the year, and if it is done over there it is liable to be crowded out for the benefit of the current work of Congress or other work for the Departments. The Commissioner had estimated for an expenditure for this press, which became necessary if the printing is to be done at the Department as heretofore. The Senate conferees, on the information they had, felt obliged to insert the appropriation, and on investigation and after protracted conference with the House on the subject and some inquiry at the Department the conferees were satisfied that it was a necessary amendment, and it was agreed to and should be inserted, and the attention of both Houses specially called to it and unanimous consent asked.

Under the head of "salaries and expenses Bureau of Animal Industry" the House inserted a provision to the effect that $100,000 of the half million dollars appropriated for the extermination of pleuropneumonia might be immediately available. That provision was stricken out by the Senate because it became apparent that so much money could not be used prior to the 1st day of July even if the bill had passed at the time it was expected it would pass. The bill not yet having become a law of course no expenditure could have been made under this provision if it had been retained, but in the mean time the bureau has contracted a debt; that is, it has employed persons and purchased supplies to the amount of $15,000 in excess of the appropriation for last year.

Mr. EDMUNDS. In violation of law?

Mr. PLUMB. The Senator will make the question much more comprehensive if he will apply it generally; but the fact is that this expense, in common with other expenses of Departments of the Government, is represented by a contract made and which was necessary to be made, as I think, and it was made in anticipation of the insertion by the House of the appropriation of $100,000 to be immediately available. It was stated to us by the head of the bureau that on account of the progress the work had made in New York and in other places, it could not be cut off wholly without great damage.

In addition to that the head of the bureau stated that the exact result in the way of expenditure could not always be determined at the time the work was entered upon. It was sometimes overrun and sometimes underrun, and something had to be left to chance on that point. The Senate conferees agreed to insert in the place where the provision occurs which the Senate had stricken out, making $100,000 immediately available, these words:

> And of this amount not exceeding $15,000 may be applied to the payment of expenses incurred during the fiscal year 1888.

Under the head of "Division of Forestry" the House inserted a provision——

Mr. EDMUNDS. Did the Commissioner of Agriculture direct this expenditure to be made?

Mr. PLUMB. The Commissioner of Agriculture did.

Mr. EDMUNDS. Without authority of the President?

Mr. PLUMB. I suppose all he does is practically as the adjutant of the President of the United States. But it is fair to say that in matters of this kind, where the subjects of expenditure are variant and can not be fixed, and the appropriation is a lump sum, the liability to expend more than was at first contemplated is very great, and, to some extent, can not be prevented. The amount was not large enough to induce any special inquiry, although we had the tables showing the places where the money was expended, the number of persons employed, and the number of cattle purchased and killed, and so on, under the law.

While I do not know that the work is beyond reproach, while these expenditures are not out of the line that is common, and which I do not mean to say is wholly defensible except as to the matter of precedent, I anticipated long ago such an objection in the consideration of the deficiency bill. I believe myself that there has grown up a laxity which is discreditable and which ought to be in some way stopped, if it can be.

Under the head of "Division of Forestry" the House inserted a very comprehensive provision to this effect:

> For investigations into the structural differences of important timbers and the factors that influence their quality, their biology; miscellaneous reports; expense of experimental grounds; collection, purchase, and distribution of forest-tree seeds and seedlings in aid of forest culture; and for ascertaining the area, amount, and condition of the remaining white-pine supplies in the Northwestern States; and for working collection and apparatus, traveling and other expenses, $10,000.

The Senate struck that provision out and substituted the old provision to the effect that the money should be used to continue investigations and reports on the subject of forestry. The census of 1880 contains all that has been available in the way of knowledge in regard to the white-pine supply in the Northwestern States, and we shall have another census in a very short period of time, and the amount of money appropriated was totally inadequate to obtain the information called for, which could not probably be obtained before similar information will be had as the result of the census of 1890; and so the House agreed to our action.

The Senate inserted a provision appropriating $100,000 "to enable the Commissioner of Agriculture to continue experiments in the manufacture of sugar from sorghum cane, including the purchase and transportation of samples and supplies." The House did not agree to that, and that is the only point of irreconcilable difference between the House and the Senate conferees.

Under the head of "Experimental Stations" the House inserted $15,000 to enable the Commissioner of Agriculture to carry out the provisions of section 3 of the act of March 2, 1887, providing for the establishment of experimental stations in connection with the agricultural colleges. Section 3 is to the effect that the Commissioner of Agriculture shall furnish forms for the tabulation of results, and that he shall give to the agricultural experimental stations the benefit of suggestions as to their work. The House inserted $15,000 for that purpose. The Senate did not think so much money was necessary and limited the amount to $5,000, and added a provision requiring the Commissioner of Agriculture to compare, edit, and publish such of the results of the experiments made at these stations as appeared to him to be valuable. In the conference a compromise was reached whereby the sum was fixed at $10,000 instead of $5,000.

As I have said, the only difference that remains between the two Houses on this bill if the conference report should be agreed to, is the appropriation of $100,000 for continuing the experiments as to the manufacture of sugar from sorghum. In my belief that is worth as much, I was going to say, as all the remaining portions of the bill. Perhaps that would be too strong a statement, but I will say that the work heretofore carried on, although carried on extravagantly, improvidently, and with some unnecessary delay, has been of the greatest possible value. It would have warranted the expenditure of a million dollars in place of $150,000 that they spent if so much had been necessary for that purpose. Very great progress has been made, so great, in fact, that there are to-day erected and in process of erection four large sugar factories having a capacity among them of about 5,000,000 pounds of sugar, and it is confidently believed that the results of their work will still further establish the fact that from sorghum can in a very short period be produced all the sugar the people can consume, from this very common and very valuable plant, that is to say valuable in other directions, valuable as a forage plant as well as for sugar. There is much experimental work yet to be done. There is a large portion of what is now the refuse of cane known to contain quantities of sugar, no process for the extraction of which is yet available. The experiment of last year, while in its nature conclusive, still left some points to be determined, and there is much in the way of instruction to persons who are operating these factories if they are to be erected hereafter which ought to be done at once; and inasmuch as the Government has given the first stimulus to this industry the committee thought, as I believe the Senate thought, it advisable to continue it for this year at least.

Mr. EDMUNDS. Mr. President, I make the point of order that this report is irregular in changing the text of a clause that had already been agreed upon by the two Houses. It has been stated by the chairman of our conference with great candor that the conferees have changed the text of the bill in points and in respects that both Houses had already agreed upon and where nothing was left open for action by the committees of conference. I merely make the point of order against the report.

Mr. PLUMB. It ought to be stated that according to an authority which is often appealed to by the Committee on Appropriations, which I will not here name, the conference committee had jurisdiction of the paragraph in which this appropriation occurs, although there had been no recorded difference between the two Houses upon the particular item under consideration. That authority has been recognized to the extent of doing, I think, substantially what has been done in this conference report without attention being called to it.

I want to say that for myself I disagree with the authority; and when it was done in this conference it was done with the distinct understanding that it was in violation of the proper rule to be observed in conference committees, and that the attention of both Houses would be called to it, in order that it might not go unnoticed and that unanimous consent might be invited to an agreement of the two Houses to what the conference had agreed upon.

Mr. EDMUNDS. I am very glad to hear what the Senator from Kansas says not only as to reporting it to this body but also his own opinion, for the rule is clear and nothing is more dangerous in legislation than—I say it without any imputation on the gentlemen who are appointed members of the committee—the great danger in the haste of legislation of allowing committees of conference on disagreeing votes of the two Houses to go to changing those parts of the bill where the Houses did not disagree, but did agree; and therefore, without a disposition to complain of what the committee wish to accomplish in this

respect, I feel it a duty, as a matter of order and precedent, to make the point; and then if it be sustained afterwards the question of unanimous consent will come up.

The PRESIDENT *pro tempore*. The Chair has no doubt upon the question of order, arising not under the rules of the Senate but under general parliamentary law, that committees of conference can not alter a part of the bill to which both Houses have agreed. So if the report shows that upon a proposition or amendment to which both Houses had agreed, and which therefore was not left open, the conferees added words, it would not be according to the general parliamentary practice. The Chair thinks, however, that it is for the Senate to decide whether they will or will not agree to the report of the committee of conference.

Mr. EDMUNDS. I wish the Chair would take the time to consider that point. I am going to withdraw the point of order, but I think it has been held——

The PRESIDENT *pro tempore*. The Senator will indulge the Chair one moment. The Chair will state his position in order that it may not be misunderstood.

The practice of the Senate has been to decide points of order in accordance with the desire of the majority. A proposition that at one time would be held out of order is at another time, by vote of the Senate, held to be in order, and while the Chair expresses this opinion and thinks the question is not an open one, it is the purpose of the Chair to submit the question to the Senate for its decision.

Mr. EDMUNDS. The Chair submits the question whether the report is in order. Then I do not need to go into any discussion with the Chair, because that is a right the Chair has and the Chair's views are clear and perfectly correct; but I wish to take the judgment of the Senate upon it as a precedent, and if the judgment of the Senate corresponds with the clear parliamentary law and the clear safety that we ought to guard in respect to these bills, I shall then, if I may, waive my point of order. I do not like to have this pass, now that it is called to our attention, as a mere vote of the Senate agreeing to this report, as if it were not a question of fundamental order.

The PRESIDENT *pro tempore*. The question submitted to the Senate is, Is the point of order made by the Senator from Vermont well taken?

Mr. CALL. I do not think this point of order has any merit. The committee of conference certainly have no power to alter the text of the bill agreed upon by the two Houses; but the committee of each House can make a recommendation to the House, not claiming any right on the part of the conference to take jurisdiction of the matter, but it can bring a matter to the attention of either House and ask unanimous consent for what is not a material change of the bill.

Mr. EDMUNDS. The answer to that is that it does appear distinctly on the face of the bill as engrossed and the amendments as engrossed that the two Houses agreed to the clause and upon the whole subject that the committee has changed, and I am only making the point of order now, because I care nothing about the particular instance, in order that the Journal of the Senate shall show that the Senate understands that it was contrary to order, and having decided it to be contrary to order, as I hope it may, and it must, of course, because there is no doubt about it, I shall then, as I say, withdraw any objection in this particular instance; but I do not wish instances of this kind to multiply into precedents which will always plague us.

Mr. BLAIR. I should like to ask the Senator from Vermont whether he believes it the right thing for the Senate to do after having decided by a formal vote that the point of order is well taken, to go on and legislate by sanctioning the action of the committee on conference in violation of order? Can we do it properly? Can he by withdrawing his point of order make that in order which the Senate has decided to be out of order?

Mr. EDMUNDS. It is a thing that the Senate in its practice for a hundred years has done a good many times each session. The point of order is raised and the President of the Senate either decides it himself or leaves it to the Senate, and sustains the point of order. Then the person who makes the point of order is appealed to for one reason or another to waive it, and he does waive it, and if nobody else renews it it goes on.

Mr. CALL. The point of order the Senator from Vermont makes in this case is not that the committee of conference have or have not the right to change the text of a bill where the two Houses have agreed, for they have not done that; but the point of order is that they have no right to report to the Houses and ask unanimous consent of the Houses to an immaterial change in the bill. That is the point of order.

Mr. EDMUNDS. The Senator is mistaken. The committee of conference has made no report asking unanimous consent. It has only stated in its report, when you take the report and read the bill with it, that it has changed a part of the bill that both Houses had already agreed upon. Then the Senator making the report asked unanimous consent, stating with the candor which characterizes him that they had transgressed the rule, and therefore unanimous consent was necessary. I made the point of order in order to test the sense of the Senate, the first time it has been called to such a question for five or six years. It was then called to it, and the report was declined to be received, and the conferees left that part out in order that the Senate might not in the Journal appear to have recognized this irregularity, and then, as far as I am concerned, it will be waived.

The PRESIDENT *pro tempore*. The question recurs upon the point of order raised by the Senator from Vermont [Mr. EDMUNDS] upon the report of the committee of conference, whether having changed an amendment that had been agreed to by both Houses the report of the committee is in order. Senators in the affirmative will say "ay," the negative "no." [Putting the question.] The noes appear to have it. The noes have it.

Mr. EDMUNDS. I ask unanimous consent now to waive the point of order and let it go for this time.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the point of order may be waived and that the question may be taken now upon agreeing to the report of the conference committee. Is there objection? The Chair hears none. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. PLUMB. Now I move that the Senate further insist on its amendment, which is in disagreement between the two Houses, amendment No. 30, and ask for a further conference with the House of Representatives thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. FARWELL, and Mr. CALL were appointed.

SWAMP-LAND SELECTIONS.

Mr. CALL. I ask leave, out of order, to offer a resolution.

The PRESIDENT *pro tempore*. The resolution will be received if there be no objection.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior report to the Senate such information as he has showing improper and unlawful selections under the swamp and overflowed grant of 1850 and subsequent years; also a statement of the amount that will be necessary to pay the States indemnity for swamp and overflowed lands claimed to have been sold by the United States.

The resolution was considered by unanimous consent and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the concurrent resolution of the House relating to the enrollment of the legislative, etc., appropriation bill.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 5932) providing for the holding of terms of United States courts in the district of Minnesota; asked for a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEWART, of Georgia, Mr. HENDERSON, of North Carolina, and Mr. ADAMS, of Illinois, managers at the conference on its part.

POST-OFFICE APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889, concurring in the fifth and non-concurring in the other amendments of the Senate to the bill and asking for a conference on the disagreeing votes of the two Houses.

Mr. ALLISON. I move that the Senate insist on its amendments to the bill disagreed to by the House, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. PLUMB, Mr. ALLISON, and Mr. BECK were appointed.

RECESS.

The PRESIDENT *pro tempore*. The first bill on the Calendar under Rule VIII will be stated.

Order of Business 1414, being the bill (H. R. 5870) to amend the Revised Statutes relating to the District of Columbia, for the protection of girls and for the punishment of the crime of rape, was announced as first in order.

Mr. COCKRELL. I move that the Senate do now adjourn.

Mr. ALLISON. I hope the Senator from Missouri will withdraw that motion. It is important that the joint resolutions which we passed relating to the legislative, executive, and judicial appropriation bill should be signed by the presiding officers before we adjourn to-day, so that they may go to the President.

Mr. COCKRELL. I move, then, that the Senate take a recess until 2 o'clock.

Mr. ALLISON. I am told by the Clerk of the House that those two resolutions will be ready for the signature of the Presiding Officer within an hour. Perhaps it would be better to say 3 o'clock.

Several SENATORS. Say half past 2.

Mr. COCKRELL. Very well.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate take a recess until half past 2 o'clock.

The motion was agreed to; and (at 1 o'clock and 38 minutes p. m.) the Senate took a recess until half past 2 o'clock, at which hour it reassembled.

COURTS AT DULUTH, MINN.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 5932) providing for the holding of the terms of the United States courts in the district of Minnesota, and asking for a conference on the disagreeing votes of the two Houses thereon.

Mr. EDMUNDS. I move that the Senate insist upon its amendments to the House bill and agree to the conference asked by that body.

The motion was agreed to.

By unanimous consent the President *pro tempore* was authorized to appoint the managers at the conference on the part of the Senate, and Mr. EDMUNDS, Mr. WILSON, of Iowa, and Mr. PUGH were appointed

WITHDRAWAL OF PAPERS.

On motion of Mr. BATE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Mrs. E. A. Brownlow.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 43 minutes p. m.) the Senate adjourned until Monday, July 9, 1888, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July* 5, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Tuesday was read and approved.

REFERENCE OF SENATE BILL.

The SPEAKER laid before the House the bill (S. 1580) to amend an act entitled "An act to incorporate the Capitol, North O Street and South Washington Street Railway Company;" which was read twice, and referred to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. PLUMB, for ten days, on account of important business.

To Mr. O'DONNELL, for one week from to-day, on account of sickness in his family.

STATUE OF BENJAMIN FRANKLIN.

Mr. O NEILL, of Pennsylvania. Mr. Speaker, I am requested by the Joint Committee on the Library, and also by the House Library Committee, to ask unanimous consent this morning to put on its passage the joint resolution (S. R. 96) accepting, as a gift from Mr. Stilson Hutchins, an Italian marble statue, of colossal size, of Benjamin Franklin.

I will say that it requires an act of Congress to enable the acceptance of this generous gift on the part of Mr. Hutchins, a liberal-minded and public-spirited citizen, who not only proposes to donate the statue, but at his own expense to have constructed a suitable base or pedestal on which to place it.

I hope there will be no objection to the passage of the joint resolution.

Mr. BRECKINRIDGE, of Arkansas. I demand the regular order.

Mr. WEAVER. I presume this will not take up any considerable time.

Mr. O'NEILL, of Pennsylvania. It will not take up any time.

I will state to the gentleman from Arkansas that it requires an authorization on the part of Congress to accept this gift.

It is a very liberal donation, and I have no doubt will be a valuable addition to the statuary now adorning the city. I hope there will be no objection to passing the joint resolution.

Mr. BRECKINRIDGE, of Arkansas. I withdraw the objection.

The report of the committee (by Mr. O'NEILL, of Pennsylvania) was read, as follows:

The Committee on the Library reports favorably Senate resolution No. 96 to accept from Mr. Stilson Hutchins his gift of the colossal statue of Benjamin Franklin, and recommends its passage by the House. This well-known citizen of Washington is entitled to the thanks of all lovers of art for his noble and costly contribution to the statuary already ornamenting so many prominent public locations in this the capital city of our country. His selection of the statue of Benjamin Franklin shows a refinement of taste and culture, and his gift commemorates in marble for all time to come the citizen who was distinguished in so many of the "walks of life." Visitors to Philadelphia go to look upon the plain marble slabs over the separate but adjoining graves in an ancient burial ground in that city, bearing upon each of them, respectively, the inscription "Benjamin Franklin," "Deborah Franklin," where have rested their remains since the burial of each of them; but in the early future in Washington the countless numbers of sight-seers will pause to look upon the statue of Benjamin Franklin, a most skillful work of a skilled and successful sculptor, and while impressed with his creation will in their hearts thank the generous donor, Mr. Stilson Hutchins, for his gift to his countrymen.

There being no further objection, the joint resolution was considered ordered to a third reading; and it was accordingly read the third time, and passed.

It is as follows:

Whereas Stilson Hutchins has offered to donate to the United States a colossal statue of Benjamin Franklin in white Italian marble and erect a pedestal therefor of Massachusetts granite at his own expense, after plans which have been submitted to the Joint Committee on the Library: Therefore,

It is resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That authority is given to erect the statue, under the supervision and direction of the commissioners of the District of Columbia, upon such part of the streets or public spaces in the city of Washington, D. C., as the said commissioners may designate.

Mr. O'NEILL, of Pennsylvania, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPOINTMENT OF CONFEREES.

The SPEAKER. The Chair will appoint as managers on the part of the House at the conference on the bill (H. R. 5932) providing for the holding of the terms of the United States courts in the district of Minnesota, the gentleman from Georgia, Mr. STEWART, and the gentleman from North Carolina, Mr. HENDERSON, in lieu of the gentleman from Massachusetts, Mr. COLLINS, and the gentleman from Missouri, Mr. GLOVER, both of whom are absent from the city and are unable to serve.

Mr. RANDALL. Regular order.

LOSS OF A HOUSE BILL.

Mr. PAYSON. Mr. Speaker, I rise to submit a privileged motion.

I send to the desk and ask to have read a resolution asking the Senate to furnish a copy of certain amendments to a House bill, and a resolution asking the Clerk to furnish the conference committee with the copy of a bill which has been lost.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

Resolved, That the Senate be requested to furnish the House with a copy of the Senate amendments to the bill H. R. 3300 as it passed the Senate; said bill (and Senate amendments) having been lost since its reception by this body.

Resolved, That the Clerk furnish the conference committee appointed on the bill H. R. 3300 with a copy of said bill as engrossed, the said bill having been lost.

The resolutions were adopted.

Mr. PAYSON moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I now demand the regular order.

Mr. HOLMAN. I move that the call of committees be dispensed with, and that gentlemen having reports to file may be permitted to hand them in at the desk.

Mr. MATSON. I shall object, Mr. Speaker, unless only favorable reports are submitted. The adverse reports are otherwise referred to the Calendar and simply cumber it.

Mr. RANDALL. But any one member can take an adverse report to the Calendar.

The SPEAKER. The Clerk would not, of course, take the responsibility of laying a bill adversely reported upon the table, nor would the Chair do so without consent of the House. But any member has a right to demand that an adverse report shall be placed upon the Calendar. If these reports are placed upon the Calendar they can be removed afterwards.

Mr. MATSON. If it is understood that only the favorable reports shall go to the Calendar I will not object.

Mr. RANDALL. That is not understood. That would place in the hands of the clerks absolutely the determination of the question.

Mr. MATSON. I have no objection to the reports going upon the Calendar if any member requests that course should be taken.

Mr. RANDALL. Let them all go on the Calendar.

The SPEAKER. The Clerk of course would not know what course to pursue or how to discriminate between reports that should go on the Calendar and those that should not go.

The gentleman from Indiana objects.

Mr. HOLMAN. I believe the motion to dispense with the morning hour requires a two-thirds vote?

The question being taken on the motion of Mr. HOLMAN, and two-thirds voting in favor thereof, the morning hour was dispensed with.

ASSISTANT SECRETARY OF THE NAVY.

Mr. HERBERT, by unanimous consent, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 10453) to authorize the appointment of an assistant secretary of the Navy; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LAND OFFICE FOLSOM, N. MEX.

Mr. JACKSON, by unanimous consent, from the Committee on the Public Lands, reported back favorably the bill (S. 2040) to establish a land office at Folsom, in the Territory of New Mexico; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GRADE OF COMMANDER IN THE NAVY.

Mr. ABBOTT, by unanimous consent, from the Committee on Naval Affairs, reported back with an adverse recommendation the bill (S. 1226) touching the grade of commander in the Navy, and to correct an error in relation to an appointment therein; which was referred to the House Calendar, and, with the adverse report, ordered to be printed.

Mr. DUNN. If these matters are to come in by unanimous consent I think it would facilitate things to allow members to present their reports from committees at the desk.

The SPEAKER. The gentleman from Indiana has objected to filing reports at the desk.

WESLEY MONTGOMERY.

Mr. DORSEY, by unanimous consent, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 3829) for the relief of Wesley Montgomery; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS ARKANSAS RIVER NEAR CUMMINGS'S LANDING.

Mr. CRISP, from the Committee on Commerce, reported, as a substitute for the bill H. R. 10609, a bill (H. R. 10721) to authorize the construction of a bridge across the Arkansas River at or near Cummings's Landing, Lincoln County, Arkansas; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The original bill (H. R. 10609) was laid on the table.

QUARANTINE SERVICE.

Mr. CRISP also, from the Committee on Commerce, reported back favorably the bill (S. 2493) to perfect the quarantine service of the United States; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

E. D. EASTON.

Mr. THOMPSON, of Ohio, by unanimous consent, submitted a resolution to pay Edward D. Easton, as reporter, etc., out of the contingent fund of the House; which was referred to the Committee on Accounts.

PRIVATE LAND CLAIMS IN FLORIDA, LOUISIANA, AND MISSOURI.

Mr. ANDERSON, of Mississippi, by unanimous consent, introduced a bill (H. R. 10722) to extend the provisions of an act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri," and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills and a joint resolution of the House and bills of the Senate of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 184) to amend the joint resolution approved May 14, 1888, relating to the disposal of public lands in certain States;

A bill (H. R. 231) to increase the pension of Edmund Asworth;

A bill (H. R. 362) to increase the pension of Charles W. Sanborn;

A bill (H. R. 964) for the relief of James Turner;

A bill (H. R. 2046) for the relief of William E. Wheeler;

A bill (H. R. 2064) granting a pension to Jacob F. Joseph;

A bill (H. R. 2193) granting a pension to Elisha Wilkins;

A bill (H. R. 2495) for the relief of Ruth Clark;

A bill (H. R. 2530) granting a pension to John C. Wagoner;

A bill (H. R. 2640) for the relief of Judith A. Kinsey;

A bill (H. R. 2641) granting a pension to Emily W. Ogden;

A bill (H. R. 3537) granting a pension to Cullen W. Green;

A bill (H. R. 3722) for the relief of Jennie R. Rice;

A bill (H. R. 3772) granting a pension to Perry D. Martin;

A bill (H. R. 3836) granting a pension to Hiram Bateman;

A bill (H. R. 4762) granting a pension to Benjamin F. Howard;

A bill (H. R. 4788) granting an increase of pension to William Winans;

A bill (H. R. 5913) granting a pension to Thomas Shannon;

A bill (H. R. 6057) to increase the pension of Edward Healy;

A bill (H. R. 6273) for the relief of Hiram Chilson;

A bill (H. R. 6434) granting a pension to John F. G. Mittag;

A bill (H. R. 6603) granting a pension to the minor children of Levi M. Hunter, deceased;

A bill (H. R. 6833) making appropriations for the diplomatic and consular service of the United States for the fiscal year 1889;

A bill (H. R. 7491) granting a pension to Louis Telyea;

A bill (H. R. 8078) granting a pension to Teresa Herbst;

A bill (H. R. 8455) for the relief of Elizabeth Terrals;

A bill (H. R. 8704) granting a pension to Julia Bryan;

A bill (H. R. 8930) for the relief of J. H. Corn;

A bill (H. R. 8984) granting a pension to Griswold Rogers;

A bill (H. R. 9174) granting a pension to Woodford H. Houchin;

A bill (H. R. 9340) granting a pension to Lucy A. Noel;

A bill (H. R. 9346) granting a pension to Frank H. Reed;

A bill (H. R. 9520) for the relief of Mary Fitzmorris;

A bill (H. R. 9523) for the relief of Margaret Lahey;

A bill (H. R. 9587) granting a pension to Louise F. D. Hait;

A bill (H. R. 9610) to authorize the Birmingham, Selma and New Orleans Railroad Company to build a bridge across the Tombigbee River, in Alabama;

A bill (H. R. 9649) granting a pension to Milton Merwin;

A bill (H. R. 9679) for the relief of William S. Robb;

A bill (H. R. 10212) to amend an act granting a pension to John Etzell;

A bill (S. 121) granting a pension to Tobias Baney;

A bill (S. 322) to authorize the Southwestern Arkansas and Indian Territory Railroad Company to build a bridge across the Ouachita River, in Arkansas;

A bill (S. 341) granting a pension to William Knight, Jacob Parrott, and John Whollam;

A bill (S. 470) granting a pension to Amanda F. Deck;

A bill (S. 560) to authorize the Columbia River Bridge Company to construct and maintain a bridge across the Columbia River between the State of Oregon and the Territory of Washington, and to establish it as a post-road;

A bill (S. 667) authorizing the construction of a bridge across the Red River of the North;

A bill (S. 898) for the relief of Frank Oredsnik;

A bill (S. 899) for the relief of Mary M. Briggs;

A bill (S. 996) granting a pension to Caroline Ruppert;

A bill (S. 1258) granting a pension to Sarah Ann Waters;

A bill (S. 1307) to increase the pension of Washington T. Otey;

A bill (S. 1404) to authorize the construction of a bridge across the Missouri River, and to establish it as a post-road;

A bill (S. 1405) to authorize the construction of a bridge across the Mississippi River, at or near the city of Oquawka, in the State of Illinois, and to establish it as a post-road;

A bill (S. 1435) granting a pension to Emil Schattle;

A bill (S. 1524) to authorize the construction of a bridge over the Tennessee River, between Bridgeport and Sheffield, Ala.;

A bill (S. 1526) to authorize the construction of a bridge over the Caney Fork River, between Rock Island and Carthage, Tenn.;

A bill (S. 1539) to increase the pension of James E. Gott;

A bill (S. 1613) granting an increase of pension to John F. Ballier;

A bill (S. 1742) granting a pension to W. A. Hicks;

A bill (S. 1882) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Clinton, Iowa;

A bill (S. 1883) to authorize the construction of a railroad, wagon, and foot-passenger bridge across the Mississippi River at or near Muscatine, Iowa;

A bill (S. 1935) for the relief of Andrew T. McReynolds;

A bill (S. 2109) authorizing the Little Rock and Alexandria Railway Company to maintain and construct a bridge across Bayou D'Arbonne, in Louisiana;

A bill (S. 2301) to increase the pension of Manhatton Pickett;

A bill (S. 2385) granting a pension to Caroline R. Haseltine; and

A bill (S. 2674) authorizing the construction of a bridge across the Missouri River at or near the city of Nebraska City, Nebr., and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the hour for the consideration of bills.

Mr. HOLMAN. I ask unanimous consent that the hour be dispensed with.

Mr. STEELE. I object.

Mr. HOLMAN. Does it require unanimous consent to dispense with this hour?

The SPEAKER. It can only be done by unanimous consent. There is no provision in the rules for dispensing with the hour by a vote. The call rests with the Committee on Claims.

Mr. DAVIDSON, of Florida. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 3255.

Mr. HOLMAN. I hope that will not be done, as it was understood that to-day was to be set apart for the consideration of the general forfeiture bill.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, informed the House that the Senate insisted on its amendments to the bill (H. R. 5932) providing for holding terms of the United States courts in the district of Minnesota; agreed to the conference asked by the House, and had appointed as conferees on the part of the Senate Mr. EDMUNDS, Mr. WILSON, of Iowa, and Mr. PUGH.

The message also announced that the Senate had agreed to the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. 10233) mak-

ing an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes, and insisted on its thirtieth amendment to said bill.

Mr. STEELE. I demand the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded.

Mr. DOUGHERTY. I will state to the gentleman from Indiana [Mr. HOLMAN] that so far as the Committee on Claims is concerned it is not particular about going on with this bill at this time; but the gentleman from Indiana [Mr. STEELE] objects to giving unanimous consent to passing this hour over, so the committee has no other alternative. It must go on with the bill.

The SPEAKER. There may be unanimous consent given to pass over the Committee on Claims.

Mr. BLOUNT. I hope that will not be done.

Mr. HOLMAN. I hope my colleague will allow the general forfeiture bill to come up.

Mr. STEELE. If my colleague will allow me to call up and pass a bill which will save $100,000 to the Government, I will cheerfully grant his request. There will be no debate on it whatever. It is a bill providing for the sale of the Omaha reservation of 80 acres and the purchase of 600 acres. The 80 acres will sell for enough to purchase all the other land and will save $100,000 to the Government.

Mr. CANNON. That is a very proper bill.

Mr. HOLMAN. I call for the regular order.

Mr. STEELE. I ask unanimous consent to call up and pass the bill, with the understanding that the hour will then be given up.

Mr. BLOUNT. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. I wish to know if this committee shall be passed over we will not go to some other committee; and is not the hour to be consumed anyhow?

The SPEAKER. The Chair has so stated, unless the hour is dispensed with.

Mr. BLOUNT. I so understood; and therefore I do not see what my friend from Indiana is to make in the way of time.

Mr. DAVIDSON, of Florida. I now renew my motion that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill (H. R. 3255) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes.

The motion was agreed to.

The SPEAKER. The hour begins at 20 minutes past 11. The gentleman from Tennessee [Mr. RICHARDSON] will please take the chair.

EXPENDITURES IN SUPPRESSING INDIAN HOSTILITIES.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. RICHARDSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 3255) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes.

Mr. KERR. I have some objections to the passage of that bill, which I wish to state at the proper time.

Mr. DAVIDSON, of Florida. The proper time to state the objections is now. I ask that the bill be read for the information of the House.

The CHAIRMAN. The bill will be reported.

The Clerk read the bill, as follows:

Whereas under the joint resolution of Congress approved March 3, 1881, directing the Secretary of War to investigate the claim of the State of Florida against the United States for the suppression of Indian hostilities, between the years 1855 and 1860, the said Secretary of War did investigate said claim and ascertain the amount due to the said State to be $224,648.09, as returned to Congress in the letter of the Secretary of War, dated May 22, 1882, in Executive Document No. 203; and

Whereas there were certain items in said State claim which the Judge-Advocate of the United States Army deemed best to "be passed upon by the accounting officers of the Treasury under proper equitable rules, provided by legislation in that behalf;" and

Whereas there is now held by the Treasury of the United States, in trust for the Indian trust fund, certain bonds of the State of Florida aggregating the sum of $132,000; and

Whereas there has been credited upon the account of said bonds of the State of Florida certain moneys due said State under the act approved March 3, 1845, entitled "An act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes;" and

Whereas certain other moneys are due said State under the act approved March 2, 1855, entitled "An act for the relief of purchasers of swamp and overflowed lands:" Now, therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle and adjust the claim of the said State of Florida as found and reported in said letter of the Secretary of War, dated March 22, 1882, and under the acts above cited, and to pay to the said State such sum of money as he may find to be due the said State (under the aforesaid letter and acts, and also any further sum that may be found to be due the said State on any other account), and in making such settlement he shall retain the whole, or so much thereof as may be necessary, of said allowance or settlement and apply the same to the payment of the principal and interest, or either, of said bonds of the State of Florida, held as aforesaid, or to the reimbursement of the United States of moneys advanced by the United States on account of interest due on such bonds, and shall demand of said State, and allow to it, upon said claim or claims for the purpose of such settlement, the rate of interest stipulated in said bonds.

SEC. 2. That the Secretary of the Treasury shall allow said State to file such further evidence as the State may have; to establish the right of the State to demand of the United States the payment of the items of said claim disallowed or suspended by the Secretary of War in the said report of the Judge-Advocate of the United States Army, and to include in such evidence all other payments made by said State for services, and shall settle and adjust the claim of the State therefor, and shall pay such sum as may be ascertained to be due the State thereon; and there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to enable the Secretary of the Treasury to carry out the provisions of this act: *Provided*, That the balance remaining due of the direct-tax act of August 5, 1861, be held and treated as a proper set-off against the claims of the State of Florida, in the adjustment herein required, unless Congress shall otherwise provide by general law, releasing all claims for said direct tax, or for refunding all payments of such tax heretofore paid.

SEC. 3. That this act shall take effect immediately upon its passage.

Mr. DAVIDSON, of Florida. The gentleman from Iowa [Mr. KERR] has said that he has some objections to this bill. I am willing now to yield the floor to him in order that he may state his objections, and I will ask the gentleman how much time he desires.

Mr. KERR. I think there are some other gentlemen on this side who also desire to present objections to the bill, and I have an amendment that I wish to propose.

Mr. DAVIDSON, of Florida. Will fifteen minutes be sufficient for the gentleman? I am willing to yield him that time if it is satisfactory.

Mr. KERR. I would like to be recognized in my own right, because, as I have said, there are some other gentlemen on this side who desire to present objections.

Mr. DAVIDSON, of Florida. Then I yield to my colleague [Mr. DOUGHERTY], who had the floor when the bill was last under consideration.

Mr. DOUGHERTY. Mr. Chairman, when the last hour during which this bill was under consideration expired I was proceeding to make a plain statement of the facts in the case as found by the committee. This bill is somewhat different from most bills of its nature that come before this House. It is not a bill to settle any claim between an individual and the Government of the United States, but its purpose is to bring about a settlement between a State and this Government. Fortunately for the State of Florida, every question that can possibly be raised with reference to the passage of this bill is a matter of record. Connected with the whole subject there is not one single word of oral testimony. Most claims which come before the House of Representatives or before Congress for settlement have attached to them some little suspicion, but if the records of the State of Florida be true, if the records of the Government of the United States be records of facts, then there is no denial which can be successfully made anywhere that the Government owes the State of Florida this money. The only question which has ever been raised in opposition to the passage of this bill is the question of emergency, the question whether or not there existed a necessity for the use of the troops which were called out by the governor of the State of Florida.

As conclusive of the existence of that necessity, if gentlemen upon both sides of the House will read the report they will find that those troops were called out by the Secretary of War under the orders of the President of the United States. The decision of this question of emergency has been upon two occasions (which are cited in the report) submitted to the Supreme Court of the United States, and the Supreme Court, by a unanimous opinion, has decided that the governor of the State, being on the ground, was the proper judge as to the emergency. It is fair to state to the House that this bill, though it passed the House at the second session of the Forty-ninth Congress without a division, met with an adverse report in the Senate, solely upon the ground that the Senate committee took the view that the emergency did not exist. Now, it is a question which can be properly submitted to this House whether or not a Senate committee sitting here years after this emergency was said to have arisen is a better judge as to the necessity of the use of the troops than the governor who was on the ground at the time. The United States Government, by its properly constituted authorities, not only called out those troops, but it subsequently approved of their employment, and orders were sent to the commanding officer in the State of Florida to muster the troops into the service in order that they might be paid as the other United States troops with whom they served were paid. What action, therefore, could this Government take which would settle more conclusively than the action it did take settled the question of emergency? Congress in submitting this matter to the Secretary of War for a report did so in a carefully-worded resolution.

The Secretary of War followed out the terms of that resolution to the letter, and he reported that according to the records of his Department there was due to the State of Florida the sum of $224,000. Against that the United States Government holds $132,000 of the bonds of the State of Florida bearing interest at the rate of 7 per cent. The State has never defaulted upon that interest. She has stood ready to pay her debt, principal and interest, whenever the Government would settle with her the debt which its own authorities admit is due her. That is the whole case. This question of emergency is merely a quibble. The United States garrison, or a portion of it, in the State of Florida had been massacred by the Indians, and yet this Senate committee say in their report that there was no emergency! The settlers

had been driven from their homes; the United States governmental authorities admitted that they had not the troops in the field with which to keep the Indians in check, and in view of these circumstances the governor issued his call. The State of Florida is not before this House in the attitude of a beggar. She is not here supplicating anything at the hands of this Government. All that she does ask is that the Government of the United States now, after this lapse of time, shall deal with her in the same manner in which, by virtue of its position, it has forced her to deal with it. Gentlemen upon the other side during the last Congress examined minutely into this bill, and one distinguished member, who has occupied a high position in his State, in this House, and in this country, and who is admittedly a good lawyer, said, after a careful examination of the matter, that it was a disgrace that the Government had not sooner liquidated this debt. It seems to me useless, Mr. Chairman, to take up further time in talking about this measure. Like my colleague [Mr. DAVIDSON] I am willing to yield to gentlemen who object to the bill, in order that they may state their objections. It is true that I may look at this bill from the standpoint of partiality. I hope I do not. Most assuredly as a member of the Committee on Claims I examined it as impartially as I would any other claim against this Government, and upon making that examination I, too, like the distinguished gentleman to whom I have just alluded, was astonished that the Government should have been so tardy in dealing out justice to one of the members of this Union.

Mr. DAVIDSON, of Florida. I now yield five minutes, or so much time as he may find necessary, to the gentleman from Tennessee [Mr. WHITTHORNE].

Mr. WHITTHORNE. Mr. Chairman, it was my fortune at one time to examine into the merits of this claim. Whilst a member of another branch of the legislative department of the Government it became my duty to do so. Without now undertaking to recall the details of the case with any method or exactness, I express the impression I then formed that the Government of the United States had recognized its liability in various ways to the State of Florida for the amount, and even more than the amount, of the claim mentioned in this bill. According to my recollection, the whole matter in controversy turned upon this question—whether the governor of the State of Florida acted in the discharge of his legitimate official duty in calling into service the militia or volunteer forces of the State for the defense and protection of the property and lives of its citizens. As I remember, the facts and circumstances existing at that time made it the imperative duty of that executive officer to thus call into service the militia; and he having done so in pursuance of his official authority and in the exercise of a sound discretion, and the authorities of the United States having recognized the performance of that duty, the liability of the United States Government is complete.

Shall it be said that the governor of a State or Territory of this Union, in case of imminent danger of an attack by hostile foes, must deliberate and go through all the formal steps which might be proper in reference to a duty devolving upon him in time of peace? Shall he sacrifice the property and lives of those whose protection is committed to his hands, in order that he may wait to see every matter of detail executed in exact form? Mr. Chairman, I conceive that such would not be a proper and patriotic exercise of official duty. When an officer charged with these high functions undertakes to perform his duty in the exercise of a sound and patriotic discretion, and the circumstances in all their force are recognized by the authorities of the General Government, no clearer legal liability, in my view, can be created on the part of that Government. These, Mr. Chairman, are the impressions which I formed in the examination of the merits of this claim; and hence I am now, as I was then, in favor of its payment.

Mr. DAVIDSON, of Florida. Mr. Chairman, this bill is not a stranger to gentlemen here who were members of this House in the Forty-ninth Congress. A bill exactly similar in its provisions to this passed the House in that Congress, but was lost in the Senate. Florida is here again asking of Congress the payment of this claim, which is justly due her for expenses incurred in the suppression of Indian hostilities in the years 1855, 1856, and 1857. There was at that time an outbreak of Indians in that State. The United States troops were not sufficient in number to suppress that outbreak. It was necessary to call into service the Florida troops. This was done with the approval of the Secretary of War and the President of the United States. The service was rendered by the State troops. The hostilities were suppressed. The State paid her troops. But the United States Government has never yet settled with the State.

There can be no question about the liability. Every member of this House knows that it is the duty of the United States, under the Constitution, to protect the States from invasion. Here was an Indian invasion. The expenses of repelling that invasion have been, I repeat, paid by the State, which now calls upon Congress for reimbursement.

There are numerous precedents for this bill. Many States have been paid under similar circumstances. Not long since, as the House will remember, a million dollars, or nearly that amount, was appropriated to reimburse the State of Texas for expenses incurred in the suppression of Indian hostilities. Shall we be so unjust toward the State I have the honor in part to represent as to refuse similar redress to her?

Gentlemen now here who were members of the last House have approved this bill, which was then passed and sent to the Senate. We present the same bill here to-day. I do not wish to consume time, for we have but an hour in which to dispose of this measure, and I am particularly anxious that we shall reach a vote. This claim of the State of Florida has been investigated by the War Department and a report made thereon. That investigation was made under a joint resolution of Congress, approved March 3, 1881, providing—

That the Secretary of War be, and he is hereby, authorized and directed to investigate, ascertain, and report to Congress, as soon as practicable, the amount of the claims of the State of Florida for expenditures made in suppressing Indian hostilities in that State between the 1st day of December, 1855, and the 1st day of January, 1860. In making such investigation the said Secretary is directed to receive and consider such testimony as he may deem necessary or proper for or against claims, including the muster-rolls of the State troops, and such other official data as may be on file in the War Department.

In accordance with that resolution, the Secretary of War made an investigation, and has long since reported that there was due to the State at least $224,648.09. One of the Departments of the Government having thus investigated this claim and made a favorable report upon it, and the House having heretofore passed the bill, I deem it unnecessary to consume any more time than may be required to read the conclusions reached by the House committee, as forcibly stated in their report:

1. That the services were rendered by the troops of the State of Florida in connection with the Army of the United States.
2. These services were recognized and approved by the President and Secretary of War, and the Secretary of War issued orders that the troops be mustered in and out of the service of the United States, for the purpose of paying for such service in the usual and regular way.
3. That before the orders for mustering in and out of service reached Florida the State troops had been disbanded, and they could not be actually mustered, and the officers of the Army decided that there could not be a constructive muster, which was right and proper, and which brought the claim to Congress.
4. The report of the Secretary of War excludes all claims and charges except those usually allowed to the regular Army under similar circumstances.
5. The amendments recommended continue to shut out these claims and claims heretofore allowed or disallowed under other appropriations.
6. The law has been decided to be that where a State pays interest on disbursements for the United States, that in allowing the claim interest shall be allowed.

And just there I say the books are full of cases where Congress has paid interest, and particularly where the State had not the money in its treasury and had to borrow it, as was the case with the State of Florida, which had to borrow $132,000 from the Indian trust funds, on which it has been paying 7 per cent. interest. We ask that amount be set off against the State of Florida, and that Congress shall pay the balance.

Mr. Chairman, this is a just claim, and I hope this House will agree to pass it. I hope, too, my friends on the other side will not consume the entire hour if they can state their objections and allow us to have action within that time.

Mr. RYAN. What is the amount of the claim on the part of the State of Florida?

Mr. DAVIDSON, of Florida. Between $200,000 and $300,000.

Mr. COBB. All told?

Mr. DAVIDSON, of Florida. All told.

Mr. BUCKALEW. Will the gentleman yield to me?

Mr. DAVIDSON, of Florida. Certainly.

Mr. BUCKALEW. I desire to suggest to the gentleman in charge of the bill that the last section ought to be struck out. It is entirely unnecessary. It provides that this act shall take effect from its passage. That will be the effect at any rate.

Mr. DAVIDSON, of Florida. Yes, sir; I do not know why it was put in.

Mr. BUCKALEW. With the gentleman's permission, I will move to strike out that section.

Mr. DAVIDSON, of Florida. The chairman of the committee is in favor of it.

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

Mr. KERR obtained the floor.

Mr. DAVIDSON, of Florida. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIDSON, of Florida. Have I the right to this hour? I do not wish to take up the whole hour. Have I the right to the hour, and can I yield the floor?

The CHAIRMAN. The gentleman is entitled to the floor for this hour.

Mr. DAVIDSON, of Florida. Then I will reserve my hour.

Mr. KERR. There are others who are opposed to this bill that wish to be heard.

The CHAIRMAN. The gentleman will proceed.

Mr. KERR. When this bill was being considered, and was reported from the committee, I was unavoidably absent, or I should then have asked consent to file a minority report. The bill is very peculiar in its provisions. It seems the Government of the United States loaned the State of Florida certain sums of money, and it has never yet been paid by the State of Florida. The claim against Florida amounts to $92,000, with interest on that sum until the present day.

In 1856 the State of Florida called out certain militia to suppress

some Indian hostilities, but the troops were never needed and were never actually mustered into the service of the United States.

Mr. DOUGHERTY. Will the gentleman yield to me?

Mr. KERR. Certainly.

Mr. DOUGHERTY. I will state to the gentleman from Iowa he is inaccurate in his statement. If he will read the report of the committee of which he was a member he will find they were employed and served with the United States troops.

Mr. KERR. I will say the gentleman is more familiar with the facts than I am in this case. I was not present in the committee when the case was considered. However that may be, the gentleman will not dispute the proposition that they were never mustered into the service of the United States, and under the law at that time the Government was under no legal obligation to pay for the services of these troops. The claim, however, has been submitted to a commission which was appointed to investigate it, and they reported the claim of Florida for services amounts to $224,684. The services were performed in 1855, 1856, and 1857. They claim the State of Florida had to borrow the sum of $232,000.

Mr. DAVIDSON, of Florida. No, $132,000.

Mr. KERR. That is correct. They have ever since been paying interest on that money at 7 per cent. They ask the Government of the United States to allow them upon this $132,000 interest at 7 per cent. from the year 1856.

What I wish to say is this, that in no claim I know of has the Government of the United States allowed the States interest on expenditures they made to assist in the execution of the United States laws and to protect the integrity of the United States territory. I know in the case of the State of Iowa we still have a claim pending in this Congress for interest we actually paid in Iowa on money borrowed for the purpose of aiding in the equipment of United States troops.

Mr. DAVIDSON, of Florida. Do you think the Government should pay that claim of the State of Iowa?

Mr. KERR. I think whenever the Government of the United States adopts a certain policy it ought to be made applicable to all the States, and whenever a general rule is adopted which will be applicable to all the States and will allow to every one the same remedy provided here for the State of Florida, I am willing to act upon it.

Mr. DAVIDSON, of Florida. If the gentleman will permit me, I will state that the Government of the United States has uniformly paid interest where States have borrowed money on which they paid interest. I cite you here a dozen acts of Congress.

Mr. KERR. In the State of Iowa it has not been the case.

Mr. DAVIDSON, of Florida. It has not been determined; but there is pending a bill to settle it.

Mr. KERR. There are bills by a number of States making the same claim, but I think before we pay this claim we ought to settle upon some general law applicable to all the States.

I do not think the Government of the United States ought to be made to suffer for the want of credit on the part of a State. I say a State has not the right to depreciate its own credit in the face of the world by paying exorbitant interest for a loan which it has negotiated and then ask the Government of the United States to pay that high interest rendered necessary by the State's want of credit.

Mr. DAVIDSON, of Florida. The gentleman must bear in mind that this indebtedness was incurred long before the war, and I hope that the gentleman will not reflect upon the State that I have the honor to represent in part in this House.

Mr. KERR. I thank the gentleman from Florida for the suggestion. That is just what I want to call the attention of the House to. The Government of the United States does not pay 7 per cent. upon its own indebtedness. This bill, however, provides that 7 per cent. shall be computed on the indebtedness from 1856, that is, upon the balance remaining due. Now, I say that this is neither just nor fair, if the State of Florida had no right to make the Government of the United States pay such a large rate of interest; and if the State had credit and had borrowed the money at a proper rate of interest the indebtedness would have been much less.

I repeat, the Government of the United States ought not to pay 7 per cent. interest to the State of Florida, when it has been borrowing money at 4 per cent. Why the Government should pay this amount to the State, an amount of interest which has been accumulating, and will with the principal reach two or three hundred thousand dollars or more by this time, is not clear to me.

The bill, although it appears to bear upon its face only the sum of $92,000, yet considering the method of computation herein provided, will much exceed that sum, and probably reach $300,000.

Mr. DAVIDSON, of Florida. Do you mean in addition to the amount provided by the bill?

Mr. KERR. No, sir; but by computing the interest in the method here provided and attaching that to the principal, you will make a sum in the neighborhood of $400,000, I take it.

Mr. DAVIDSON, of Florida. The gentleman is entirely mistaken according to the method of calculation that I have followed.

Mr. KERR. Well, I can not say that I have made a very careful examination, but in a general way have computed it, and I know something about arithmetic. I know that 7 per cent. upon $92,000 computed for a period of thirty years will amount to a very considerable sum of money, in fact it will about double the principal twice over.

I have stated that I did not think the Government of the United States ought to be required or ought to be expected to pay to the State of Florida as large an indebtedness as this on interest account, by reason of a failure on the part of the State to borrow money and pay the debt at a lower rate. While it may not be wrong to pay interest, an unsettled interest claim should not be allowed to run against the Government only for a few years.

But besides that, the bill itself calls attention particularly to the remainder of the direct tax due by the State of Florida, which is to be used as an offset against this claim.

Now, in regard to this bill I wish to say this: That we have on the part of the Northern States called attention to claims which they have against the Government for moneys advanced by them in arming and equipping troops. We have large claims in almost all of the Northern States, amounting in the aggregate to something like $17,000,000, perhaps more; and it was proposed to be refunded to them in a bill which was pending before this House on an occasion which gentlemen will not soon forget, because by obstructive tactics on the part of our friends on the other side its consideration was prevented.

These claims ought to have been paid, and I do not know of any other method by which we can get an opportunity to induce gentlemen on that side of the House to do the fair thing in regard to these matters but to present our claims and say that when the settlement is made with these other States it shall be made all around. We insist that equal justice shall be done to the Northern States as to these Southern States. We on this side have not resorted to obstructive tactics to prevent the passage of any of these bills. That has been the peculiar privilege of men on the other side. I know when the gentleman from Illinois [Mr. CANNON] some time ago argued that a bill for the reimbursement of the State of Texas should be referred to the committee and be properly considered, with a view to investigating the expenditure, it was rushed through the House before it could be considered as such a bill ought to be considered. It was rushed through with the greatest haste, and I think we understand now better than we did then the reasons for that haste, because if that bill had not passed at that time perhaps the State of Texas and the Representatives of the State of Texas might have had additional reasons for not resorting to obstructive tactics to prevent the direct-tax bill from being considered. If Florida is to be allowed 1, or 2, or 3, or 4 per cent. interest, or any interest at all, upon sums expended upon an adjudicated claim alleged to be justly due by a disbursing officer of the Government, then the same principle ought to apply equally and at the same time in regard to the other States which have expended similar sums for similar purposes.

But, sir, there is another thing I wish to say in this connection. The Government of the United States should scrutinize with more care the bills contracted on the part of these States and presented by them for the suppression of Indian hostilities or for resisting invasion. I do not know why Texas spent millions of dollars to resist Indian raids, or why Florida should have expended $132,000 in 1856 for resisting a small band of outlaws which is generally understood to have amounted to only twenty or thirty men.

Mr. LANHAM. If the gentleman had been familiar with the condition of affairs in Texas during the time that this expenditure was made, he would not have found it necessary to submit such an inquiry.

Mr. KERR. Well, perhaps the gentleman is right; but I repeat it is a matter that ought to be more carefully scrutinized, and if a few men engaged in an enterprise in a swamp in some of the Southern States can create a condition of apprehension in the minds of the people that will involve the expenditure of several hundred thousand dollars, then I think it becomes a matter into which the Government of the United States, if it is finally to pay the debt, ought to have a sufficient interest to inquire whether there was any reason for the scare or not.

Mr. DAVIDSON, of Florida. Let me remind the gentleman that they were called out by the approval of the President of the United States and the Secretary of War.

Mr. KERR. The troops of the State were not called out by the Secretary of War.

Mr. DOUGHERTY. Will the gentleman yield to me for a moment?

Mr. KERR. I will yield to the gentleman for a minute for a statement.

Mr. DOUGHERTY. Less than a minute.

Mr. KERR. Very well.

Mr. DOUGHERTY. The gentleman states—I can not quote him exactly—something about some to-do by persons in the swamps in Florida. I will say to the gentleman again what I said in the few remarks I made, that the emergency which, in the opinion of the governor, called for the use of these troops was the massacre of a portion of the garrison of the United States Army there; the massacre of troops of the United States Government.

Mr. KERR. I now yield fifteen minutes to the gentleman from Pennsylvania [Mr. JACKSON].

Mr. DAVIDSON, of Florida. Mr. Chairman, I rise to a question of

order. Has the gentleman from Iowa any right to further time? I reserved my time.

The CHAIRMAN. The gentleman is entitled to his time; but the gentleman from Iowa having taken the floor is entitled to an hour under the rule.

Mr. DAVIDSON, of Florida. Before commencing the debate I asked whether or not I was entitled to an hour and the Chair decided that I was. I yielded, reserving the balance of my time.

The CHAIRMAN. The gentleman from Florida is correct in stating that the Chair said he was entitled to an hour; but the gentleman from Florida yielded the floor to the gentleman from Iowa.

Mr. DAVIDSON, of Florida. I reserved the balance of my time.

The CHAIRMAN. And the gentleman from Iowa is entitled to the floor for an hour under the rule. He now yields to the gentleman from Pennsylvania.

Mr. DAVIDSON, of Florida. I did not understand the ruling of the Chair to be that way.

Mr. JACKSON. Mr. Chairman, there are certain general features of this bill that I do not expect to discuss, as my attention has only recently been called to it. It contains a number of provisions that I consider very objectionable, and on some points I desire to be heard. I do not consider it a question of abstract right, but at most a question of equity that the General Government should settle with this State for moneys it voluntarily expended without authority. So far as the claim expressly enumerated in the title is concerned it may be that the United States ought to settle with Florida. But it is a principle well recognized that those who invoke the equity powers of a court or of a government ought to come with clean hands ready to do equity. I regret very much that the representatives of the State of Florida on this floor—the advocates of this bill—have within the present term of Congress joined with a few others, and by dilatory motions, and by what is called filibustering, obstructed legislation in this House and prevented the consideration and passage of a general law for the settlement and adjustment of claims between the Government of the United States and the different States. I refer, as the gentlemen well know, to the dead-lock on the direct-tax bill. And it comes now in bad grace for them to ask a special act in their favor. Upon its merits, Mr. Chairman, the State of Florida in its claim for suppressing Indian hostilities, as alleged in this bill, had no real question of right. There was no authority to call out the troops for the suppression of this insurrection or disturbance, no matter how necessary or reasonable it may have been to call them out. But the policy of the Government is to deal equitably and fairly with the several States in such matters, and I raise no question upon that point. But I do complain that the State of Florida, by its representatives here, if I do not charge them wrongfully, this session have taken part in obstructive measures to prevent legislation for the settlement of accounts between the Government of the United States and the different States; that it is largely their fault that we do not now have, so far as this House is concerned, a general law covering such cases. This general law would have done justice to many of the States.

Mr. DAVIDSON, of Florida. Will the gentleman allow me to interrupt him for a moment?

Mr. JACKSON. Yes, sir.

Mr. DAVIDSON, of Florida. Does he not know this bill provides for the settlement of the matter? Florida is so anxious to have a settlement that it is provided in this bill the direct tax shall be paid out of the amount due the State.

Mr. JACKSON. Perhaps that is true so far as Florida is concerned; although I must say that the wording of the bill on that point is so indefinite that it can not be said to be certain. But, Mr. Chairman, that does not relieve the gentleman of the charge of having been a party here to proceedings to prevent the Government from obtaining just settlement with a large number of States. He, himself, by obstructive measures—if he took part in the opposition I have referred to, and I am assuming he did—is responsible for this state of affairs.

Mr. DAVIDSON, of Florida. That was not a settlement. There was no claim.

Mr. JACKSON. That does not answer my question nor my point. The gentleman has not been acting in such a way as to entitle him to equity here. His State, with others, by a general law, might have had a settlement with the Government, but the gentleman did not want it. The reason is apparent. If all matters were taken into account his State, or the people in it subject to the direct tax, would have been found indebted to the General Government. Still more, many of the Northern States would have been entitled to have money refunded to them by the General Government—moneys justly due them, moneys advanced the Government to enable it to suppress rebellion. Until Congress is ready by general law to settle fairly with loyal States, I think other States have no good claim for special legislation in their favor.

But, Mr. Chairman, I would like to pass by that subject and go to the objections I have to the bill itself. This legislation is bad legislation, and the bill is, in my judgment, a very objectionable one. I want to call the attention of the House to some of the provisions of this bill, for I think I can show that it is loosely framed, and that instead of being, as it apparently purports on its face, an appropriation to cover $224,000 of audited claims, it is a bill under which millions may be, and, in my judgment, should it become law, probably will be, taken out of the Treasury. It is worded in such a way as to cover a great many things besides the claim referred to in its title. I will call attention to a few of them.

First. It purports at one place to authorize an appropriation to be made based upon the theory that the Secretary of War and other officials of the Government have investigated the claims of Florida and the expense incurred by that State in calling out these troops. And the impression is given that this amount alone is appropriated and to be disbursed, being a fixed amount of $224,648. But I turn to the second section and I find—

That the Secretary of the Treasury shall allow said State to file such further evidence as the State may have to establish the right of the State to demand of the United States the payment of the items of said claim, disallowed or suspended, by the Secretary of War.

That is, having had an investigation of these claims to the amount of $224,000, they want that amount paid with interest, as I understand it, and then they are to have a second trial to prove other and additional amounts.

They want further to have the power of a court given to the Secretary of the Treasury to hear testimony and to allow and settle without appeal these other claims. Who knows or can estimate to what size these claims may be swelled? But I take it that these additional claims growing out of the Indian insurrection is only a small part of the large amount of money which may be taken out of the Treasury of the United States under this bill. On reading the preamble of the bill I find, besides the Indian insurrection claim named in the title, that there are sundry acts recited as a foundation for other claims under the bill. One of these reads in this way:

Whereas certain other moneys are due said State under the act approved March 2, 1855, entitled "An act for the relief of purchasers of swamp and overflowed lands," etc.

That is one of the acts that the Secretary of the Treasury is allowed to inquire about. I will not now enter at length into the discussion of the question of the payment by the Government under these swamp-land-grant acts. I do say that if there ever shall be a settlement of those claims, which is perhaps doubtful, it should be made by a general bill. So far as I am concerned I am opposed to any payments under the swamp-grant acts. Great injustice has already been done the General Government by grants of good lands under the claim of being swamp and overflowed lands, and the payment of indemnity is unjust and uncalled for. The amount of these claims is indefinite and almost unlimited.

Mr. DAVIDSON, of Florida. If the gentleman will allow me to interrupt him, I can save him all that part of his speech. The committee recommend an amendment striking out, in lines 10 and 11 of the bill, the words "and also any further sum that may be found to be due the said State on any other account." Therefore, the gentleman will see that the part of the bill which he is criticising is all done away with.

Mr. JACKSON. The gentleman is entirely mistaken. That amendment does not remove my objection. That is a striking out that is more likely to mislead the casual reader than to effect any substantial object.

Mr. DAVIDSON, of Florida. I am not a member of the Committee on Claims, but I have no idea that that committee, which is composed of respectable gentlemen, would come in here with any measure calculated to deceive the House, and I am told that the purpose of that amendment was to do away with the objection which the gentleman urges.

Mr. JACKSON. I have no intention of charging the committee with any purpose of deception, nor does it make any difference in the effect of the bill what the purpose of the committee was in striking out these words. The bill is to be judged as it stands.

I am free to say that the Committee on Claims have not made any attempt to deceive the House. On the contrary, they have given us due notice, by the very wording of this bill, that it covers a large number of subjects. That it is capable of great expansion, and is a most dangerous piece of legislation. All I ask is that members read the bill as it is recommended by the committee. We are easily deceived if we let the bill pass upon any other theory than that it covers very much more than the $224,648. If the House does not mean it to cover more this measure should be defeated.

The words to which the gentleman has called attention, and which the committee propose to strike out, are mere surplusage. Before those words in the bill there are words sufficient to carry claims under every act recited in the preamble to the bill. The first section of the bill reads this way:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to settle and adjust the claim of the said State of Florida as found and reported in said letter of the Secretary of War, dated March 22, 1882, and under the acts above cited, and to pay to the said State such sum of money as he may find to be due the said State (under the aforesaid letter and acts).

The words which the gentleman says are to be stricken out do not lessen the scope of the provisions of the bill at all. The bill authorizes the payment of claims "under the acts above cited," and "the acts above cited" are "An act for the relief of purchasers of swamp and

overflowed lands," and "An act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes."

These are in addition to the claim for expenses in suppressing the Indian insurrection.

There is no question in my mind of the scope of the bill, and I do not see how there can be any question in the mind of any one who reads it attentively.

Mr. DAVIDSON, of Florida. What section is the gentleman reading?

Mr. JACKSON. I have been reading the first section in connection with the preamble. Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has occupied ten minutes.

Mr. JACKSON. I will ask the Chair to stop me when I shall have occupied three minutes more, as I desire to reserve two minutes. I see that I shall not have time to call attention to all the faulty provisions of this bill so I hasten to conclude, and in conclusion I call attention to lines 20, 21, and 22 of the second section, which contain a most extraordinary provision.

I have never yet heard of an equitable and just settlement of any claim between parties but what it was understood that all payments that had been made upon the claim or subject-matter should be taken into consideration in the settlement.

Mr. KERR. Mr. Chairman, how much time have we occupied on this side?

The CHAIRMAN. Twenty-nine minutes.

Mr. KERR. Then I yield ten minutes more to the gentleman from Pennsylvania [Mr. JACKSON].

Mr. JACKSON. I thank the gentleman from Iowa [Mr. KERR] for his kindness in giving me additional time. To resume, then, I call attention to lines 20, 21, and 22 of section 2 of this bill, which provide that "no portion of any claim heretofore paid said State under any appropriation by Congress shall be considered in said settlement." Now, why should that provision be made? If this is to be an equitable settlement which is to do justice between the Government and the State of Florida, why should not appropriations heretofore made to the State upon the very matters under consideration be considered in the settlement?

Mr. DOUGHERTY. I will answer the question of the gentleman. It is because the purpose of this act was to regard every settlement that had been made with the State of Florida under any former act final, not to be reopened or considered in making this settlement.

Mr. JACKSON. But that is a very inequitable way of making a settlement. Everything is to be final as against the Government; but everything is to be entirely open in favor of the State. Quite likely I may suppose that heretofore Congress has made appropriations that were then supposed to be in full of some if not all of these claims. I am certainly justified in calling this a most extraordinary bill.

Mr. DAVIDSON, of Florida. Not at all.

Mr. JACKSON. I do not know what settlements have been made nor what appropriations may be referred to. But this bill at least opens the door for injustice to the Government. That is why I object to this legislation. I object to it because it appears to me to be entirely one-sided, even if you concede there may be justice in the bill for expenses for suppressing the Indian insurrection.

Mr. DAVIDSON, of Florida. If the gentleman will allow me——

Mr. JACKSON. I assure the gentleman that I dislike very much to have to oppose this legislation, because I know how much the Representatives of the State of Florida feel interested in it.

I have no doubt that the transfer of money from the national Treasury to that of Florida would be popular in that State. It is almost a thankless job on my part to oppose this bill. Nothing but a clear sense of duty would induce me to do it.

I know very well how glad the gentleman representing that State would feel to have this bill pass, and if the payment proposed had been limited to something like a quarter of a million dollars for the claim named in the title, possibly with a favorable report from the Committee on Claims I would have been willing, so far as I am concerned, to have appropriated that much for the sake of the era of peace, good will, and fraternity. But I do not wish to be understood as agreeing even to that. To the bill as it stands I am entirely opposed.

Mr. DAVIDSON, of Florida. As the time allowed for the consideration of this bill has nearly expired, and of course I understand the object of the gentleman, I want to ask him in the utmost kindness one question, which I hope he will answer fairly. Would he not probably have supported this bill if we had not opposed the bill for refunding the direct tax?

Mr. JACKSON. I do not think I would. I will say this, however, to my friend from Florida [Mr. DAVIDSON], that, in my opinion, the country would have felt that you had a much better claim for asking the passage of a private or special bill like this if you had shown a willingness to pass a general law to have all matters settled fairly between the General Government and the different States. I am opposed to this bill on its merits.

Mr. KERR. The gentleman from Florida will allow me to say that I am opposed to the principle of this bill, and would have opposed its passage in any event. I do not believe that the Government of the United States ought to pay interest on an unsettled account which has been running for thirty years. It ought never to allow an account to run at interest for more than a few years—four or five at the outside.

Mr. DAVIDSON, of Florida. The gentleman will allow me to ask him whether he is not a member of the Committee on Claims.

Mr. KERR. I am.

Mr. DAVIDSON, of Florida. Did the gentleman present any minority report against this bill?

Mr. KERR. I was not present, as I presume the gentleman knows, when the bill was reported. I made that explanation in the opening of my remarks.

Mr. JACKSON. To sum up my objections to this bill: It proposes payment to an indefinite amount, about which we can now make only the wildest guess. It proposes the settlement of claims of different sorts, some of which have received no discussion, and, so far as I can find in the report of the committee, no consideration. The amount to be paid must necessarily be large.

Those arising under the swamp-land act and some others, I am utterly opposed to paying under any circumstances. I am not satisfied that there is justice in any item covered by it. This bill allows these whole matters to be opened up, large sums to be passed on by officers of the Government without trial in the courts and without appeal. It is dangerous legislation, and in my judgment the bill ought not under any consideration whatever to pass.

I reserve the remainder of my twenty-five minutes. The Chair will recollect that I had ten minutes additional. How much time have I left?

The CHAIRMAN. Only three minutes of the hour remain for the discussion of this measure.

Mr. KERR. I wish to occupy the three minutes of the hour remaining by saying in regard to this question of interest, that while a number of cases are cited in which interest has been allowed, the authorities have not been brought to our attention. I understand it is a settled policy of this Government not to allow interest on claims; and such allowances have very rarely been made. In respect to claims made by other States for money advanced by them in equipping United States troops during the war, we have never been allowed anything more than the bare sum of money paid out, without any interest. There are now pending on the part of a number of States claims for interest which they actually paid and which has not been refunded to them; and the interest in those cases runs over only a few years, and they only ask the interest they actually paid. By the phraseology of this bill, we are required to pay interest for over thirty years on an unsettled balance in favor of the State of Florida, and this interest is at a high rate—7 per cent. I say there is no precedent for anything of this kind in the whole history of our Government.

[Here the hammer fell.]

The CHAIRMAN. The hour for the consideration of bills called up by committees has expired, and the Committee of the Whole, in accordance with the rule, will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 3255) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes, and had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. FISHER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled the joint resolution (H. Res. 184) to amend the joint resolution approved May 14, 1888, relating to the disposal of public lands in certain States; when the Speaker signed the same.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. HOLMAN. I now call up for present consideration Senate bill 1430, with the amendments of the Committee on Public Lands thereto.

The SPEAKER. The gentleman from Indiana calls up a privileged report from the Committee on Public Lands. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

Mr. WEAVER. I share the anxiety of the chairman of the Committee on Public Lands [Mr. HOLMAN] that this bill shall pass promptly, if it is what I understand it to be. I would like him to designate some time within which the debate on the question shall close and the House come to a vote.

Mr. HOLMAN. I suggest to my friend from Iowa [Mr. WEAVER] that it is best to postpone fixing a limitation upon debate until certain amendments have been read. I ask that the bill itself be read with the amendment in the nature of a substitute reported by the Committee on Public Lands.

Mr. WEAVER. Very well. I understand, then, the gentleman from Indiana will endeavor to secure a proper limitation of time?

The SPEAKER. The Clerk will report the bill.

Mr. HERBERT. Will the gentleman from Indiana allow me to have read an amendment which I propose to offer?

Mr. HOLMAN. I hope the gentleman will withhold that for the present.

The SPEAKER. The bill must be read first.

The Clerk read as follows:

Be it enacted, etc., That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and coterminous with the portion of any such railroad not now completed and in operation, for the construction or benefit of which lands have heretofore been granted; and all such lands are declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes," approved March 3, 1887, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title: *And provided further*, That nothing herein contained shall be construed to except from forfeiture that portion of the grant made by "An act making a grant of alternate sections of the public lands to the State of Michigan to aid in the construction of certain railroads in said State, and for other purposes," approved June 3, 1856, or acts amendatory thereof, conferred by the State of Michigan on the Marquette and Ontonagon Railroad Company, lying west of L'Anse, in said State.

SEC. 2. That in all cases where persons are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed in good faith prior to January 1, 1886, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of $2.50 per acre, at any time within two years from the passage of this act, and on making requsite proofs and payment to receive patents therefor: *Provided*, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of, and have made improvements upon any of the lands hereby resumed and restored and are not entitled to enter the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *And provided further*, That the provisions of this section shall not apply to any lands situate in the State of Iowa, on which any person, in good faith, has made, or asserted the right to make, a pre-emption or homestead settlement.

SEC. 3. That if it shall be found that any lands heretofore granted to the Northern Pacific Railroad Company and so resumed by the United States and restored to the public domain lie north of the line known as the "Harrison line," being a line drawn from Wallula, Wash. Ter., easterly to the southeast corner of the northeast one-fourth of the southeast quarter of section 27, in township 7 north, of range 37 east of the Willamette meridian; all persons who had acquired in good faith the title of the Northern Pacific Railroad Company to any portion of said lands prior to July 1, 1885, or who at said date were in possession of any portion of said lands or had improved the same, claiming the same under written contract with said company, executed in good faith, or their heirs or assigns, as the case may be, shall be entitled to purchase the lands so acquired, possessed, or improved, from the United States, at any time prior to the expiration of one year after it shall be finally determined that such lands are restored to the public domain by the provisions of this act, at the rate of $2.50 per acre, and to receive patents therefor upon proof before the proper land office of the fact of such acquistion, possession, or improvement, and payment therefor, without limitation as to quantity: *Provided*, That the rights of way and riparian rights heretofore attempted to be conveyed to the city of Portland, in the State of Oregon, by the Northern Pacific Railroad Company and the Central Trust Company of New York, by deed of conveyance dated August 8, 1886, and which are described as follows: A strip of land 50 feet in width, being 25 feet on each side of the center line of a water-pipe line, as the same is staked out and located, or as it shall be hereafter finally located according to the provisions of an act of the Legislative Assembly of the State of Oregon approved November 25, 1885, providing for the means to supply the city of Portland with an abundance of good, pure, and wholesome water over and across the following-described tracts of land: Sections 19 and 31, in township 1 south, of range 6 east; sections 25, 31, 33, and 35, in township 1 south, of range 5 east; sections 3 and 5, in township 2 south, of range 5 east; section 1, in township 2 south, of range 4 east; sections 23, 25, and 35, in township 1 south, of range 4 east of the Willamette meridian, in the State of Oregon, forfeited by this act, are hereby granted and confirmed unto the said city of Portland, in the State of Oregon, its successors and assigns forever, with the right to enter on the hereinbefore-described strip of land, over and across the above-described sections, for the purpose of constructing, maintaining, and repairing a water-pipe line as aforesaid.

SEC. 4. That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant, or as forfeiting any lands that have been heretofore earned by the construction of any portion of a railroad under any act of Congress making a grant of public lands: *Provided*, That this act shall not be constructed to prejudice any right of the Portage Lake Canal Company, or the Ontonagon and Brulé River Railroad Company, or any person claiming under them, to apply hereafter to the courts or to Congress for any legal or equitable relief to which they may be now entitled, nor to prejudice any right of forfeiture or recovery of the United States in respect of any of the lands claimed by said companies, nor to the prejudice of the rtght of any person claiming adversely to said companies or their assigns, under the laws of the United States.

SEC. 5. That this act shall not take effect except as to lands which were entered under the homestead and pre-emption laws and at private entry while the same were held by the Interior Department to be subject to such entry until January 1, 1889, as to a grant of land to the State of Mississippi for the purpose of aiding in the construction of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad, nor as to a grant of land to the State of Alabama for the purpose of aiding in the construction of a railroad from the Tennessee River at or near Gunter's Landing to Gadsden, on the Coosa River, and in all cases where any of the lands excepted as aforesaid in this section have been sold by the proper officers of the United States for cash, or with the allowance and approval of such officer have been entered in good faith under the homestead or pre-emption laws, the right and title of the persons holding or claiming any such lands under such sales or entries are hereby confirmed.

SEC. 6. The price of the even sections of the public lands not reserved within the limits of the portions of the several grants hereby forfeited, and within the limits of all grants or portions of grants heretofore forfeited, and of all lands hereby and heretofore forfeited, is hereby fixed at $1.25 per acre.

SEC. 7. That section 5 of an act entitled "An act for a grant of lands to the State of Iowa in alternate sections, to aid in the construction of a railroad in said State," approved May 12, 1864, and section 7 of an act entitled "An act extending the time for the completion of certain land-grant railroads in the States of Minnesota and Iowa, and for other purposes," approved March 3, 1865; and also section 5 of an act entitled "An act making an additional grant of lands to the State of Minnesota in alternate sections, to aid in the construction of railroads in said State," approved July 4, 1866, so far as said sections are applicable to lands embraced within the indemnity limits of said grants, be, and the same are hereby, repealed; and so much of the provisions of section 4 of an act approved June 2, 1864, and entitled "An act to amend an act entitled 'An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State,' approved May 15, 1856," be, and the same are hereby, repealed so far as they require the Secretary of the Interior to reserve any lands but the odd sections within the primary or 6 miles granted limits of the roads mentioned in said act of June 2, 1864, or the act to which the same is amendatory.

SEC. 8. That all actual settlers on any of the public lands in the State of Florida affected by the grants, who made actual settlement on any of said lands, after the time limited in the granting act for the construction of the said road, and before May 1, 1888, shall have the right to perfect their entries respectively under the homestead or pre-emption laws: *Provided*, That the title to the land described in the act entitled "An act granting lands to the States of Alabama and Florida to aid in the construction of certain lines of railway in said States," approved the 17th of May, 1856, which lies adjacent to the part of the lines of railroad built under and in pursuance of the act of the State of Florida entitled "An act to encourage a liberal system of internal improvements in the State of Florida," approved January 5, 1855, within the time limited by Congress in the granting act, and which were granted to any of the said companies by the Legislature of the State of Florida in accordance with said act of Congress, and are held by purchase in good faith from said companies, made before the year 1866, are hereby confirmed to such purchasers: *Provided*, That a mortgage or pledge of said lands by any of said companies shall not be considered as a sale for the purpose of this act.

SEC. 9. That in all cases when any of the lands forfeited by the first section of this act, or when any lands relinquished to or for any cause resumed by the United States from grants for railroad purposes heretofore made to the State of Michigan, have heretofore been disposed of by the proper officers of the United States, under color of the public-land laws, or under State selections in Michigan confirmed by the Secretary of the Interior, where the consideration received therefor is still retained by the Government, the right and title of all persons holding or claiming under such disposals shall be, and is hereby, confirmed: *Provided, however*, That where the original cash purchasers are the present owners this act shall be operative to confirm the title only of such said cash purchasers as the Secretary of the Interior shall be satisfied have purchased without fraud and in the belief that they were thereby obtaining valid title from the United States. That nothing herein contained shall be construed to confirm any sales or entries of lands, or any tract in any such State selection, upon which there were bona fide pre-emption or homestead claims on the 1st day of May, 1888, arising or asserted under color of the laws of the United States, and all such pre-emption and homestead claims are hereby confirmed.

During the reading of the foregoing bill,

Mr. HOLMAN said: The real substance of the bill is in the first section, the balance being remedial, and I ask by unanimous consent the further reading be dispensed with.

Mr. PAYSON. I hope that may be done. The gentleman from Indiana has stated the position accurately.

Mr. DOUGHERTY. I object.

The reading of the bill was then concluded.

The substitute of the committee was read, as follows:

That all lands heretofore granted by Congress to any State or to any corporation to aid in the construction of a railroad or a railroad and telegraph line opposite to and coterminous with the portion of any such railroad not constructed and contemplated within the time specified in the act making the grant for the construction and completion of the whole of such railroad are hereby declared forfeited to the United States, and the United States resumes title thereto, and all such lands so granted lying opposite to and coterminous with the portion of any such railroad not constructed and completed within the time prescribed by the act of Congress making such grant for the construction and completion of the whole railroad as provided for by such act is hereby restored to the public domain and declared to be a portion thereof: *Provided, however*, That the forfeiture hereby declared shall not extend to the right of way of any such railroad through the remainder of the route, including the necessary grounds for depots, switches, side-tracks, machine-shops, and turn-tables, or to lands included in any village, town, or city within the limits of the lands hereby declared forfeited.

SEC. 2. That the forfeiture hereby declared shall not extend to lands adjacent to and coterminous with any portion of any such railroad which is now completed which were sold by the State or corporation to which any such grant was made, or by the corporation controlling or owning such railroad prior to January 1, 1888, to bona fide purchasers for a good and valuable consideration, but the title to such lands are hereby confirmed to such purchasers, their heirs or assigns, upon condition that all persons claiming the benefit of this section shall, within one year from the passage of this act, make and file before the register and receiver of the proper land office, subject to an appeal to the Commissioner of the General Land Office, proof of the good faith, consideration, date, and extent of his or her purchase; and after hearing such proofs and investigating each case the register and receiver shall determine whether any alleged purchase was in fact made in good faith, for a good and valuable consideration, prior to January 1, 1888, and shall note the finding in each case on the records of the local land office, and shall thereafter certify the same to the Commissioner of the General Land Office: *Provided*, That nothing herein contained shall be construed to confirm any such purchases of land upon which there were prior bona fide pre-emption or homestead claims, valid and subsisting on the 1st day of January, 1888, arising or asserted under color of the laws of the United States, and all such pre-emption and homestead claims are hereby confirmed: *Provided*, That a mortgage or pledge of any of said lands shall not be considered a sale for the purposes of this act.

SEC. 3. That all bona fide settlers upon any of the land forfeited by this act are hereby permitted and authorized to acquire title to not exceeding 160 acres in each case, as a homestead, under and pursuant to the laws relating thereto, and in making final proof of such homestead, the settler shall be allowed for the time he has already resided upon and cultivated the same, and if such settler is not entitled to the benefits of the homestead law he or she shall have the prior right to enter the tract settled on not exceeding 160 acres at $1.25 per acre.

SEC. 4. That no lands declared forfeited to the United States by this act shall inure to the benefit of any State or corporation to which lands may have been granted by Congress; nor shall this act be construed to enlarge the area of land originally covered by any such grant, or to waive or release in any way any right of the United States to have other lands granted by them as recited in the

first section forfeited for any failure past or future to comply with the conditions of the grant.

SEC. 5. That all lists of lands heretofore certified and all patents issued to any State, or to any corporation, for lands embraced in any grant beyond the portion thereof coterminous with the railroad actually completed within the time prescribed by law for its entire completion are hereby declared inoperative and void except as to bona fide purchasers as provided for by the second section of this act, and excepting land included in any village, town, or city, and the proper proceedings shall be instituted by the Attorney-General to annul the same.

SEC. 6. That all acts in conflict with this act are repealed.

Mr. STONE, of Missouri. According to the understanding of the Committee on Public Lands I offer the following amendment.

The SPEAKER *pro tempore* (Mr. MCMILLIN in the chair). Is the amendment to the substitute, or is it to the original bill?

Mr. STONE, of Missouri. It is an amendment to the substitute which has just been read.

The SPEAKER *pro tempore*. The Clerk will read the amendment.

The Clerk read as follows:

Strike out of the committee amendment the following words in lines 5 and 6 of section 1:

"Opposite to and coterminous with the portion of any such railroad."

And the following words in lines 11, 12, 13, 14, and 15 of said section:

"Lying opposite to and coterminous with the portion of any such railroad not constructed and completed within the time prescribed by the act of Congress making such grant for the construction and completion of the whole railroad as provided for by such act."

Mr. HOLMAN. I believe that no other amendment can now be offered, according to the course of parliamentary proceedings; but I ask unanimous consent that the amendment in the nature of a substitute of the gentleman from Illinois [Mr. PAYSON], the gentleman from Mississippi [Mr. STOCKDALE], and also the gentleman from Alabama [Mr. HERBERT] be now considered as pending in the order in which they were offered, that of the gentleman from Illinois first.

The SPEAKER *pro tempore*. Is there objection?

Mr. ROGERS. I am willing they shall be read subject to objection. I do not know what they are.

Mr. STOCKDALE. I do not consent to that.

Mr. PAYSON. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. As I understand the situation, the majority of the committee recommend a substitute bill. My inquiry is whether two amendments are not in order to that substitute.

The SPEAKER *pro tempore*. The Chair will state that only one is in order, that offered by the gentleman from Missouri.

Mr. PAYSON. My impression was two were in order.

The SPEAKER *pro tempore*. The substitute and an amendment to the substitute are in order.

Mr. PAYSON. Then I ask to have my proposition read, and at the proper time I will move its adoption.

Mr. STONE, of Missouri. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. STONE, of Missouri. The proposition read by the Clerk as coming from the majority of the Committee on Public Lands I understand is not a substitute, but is an amendment to the Senate bill.

The SPEAKER *pro tempore*. An amendment in the nature of a substitute.

Mr. STONE, of Missouri. The Speaker of the House held differently when it was offered.

Mr. OATES. As I understand it the proposition offered by the gentleman from Missouri is not in the nature of a substitute, but an amendment of the bill reported by the gentleman from Indiana from the committee; and the gentleman from Illinois [Mr. PAYSON] offers a proposition which I understand to be a substitute for the report made by the committee. The point I wish to make is that the proposition of the gentleman from Illinois is now in order, because it is a substitute for the original proposition, and also the amendment offered by the gentleman from Missouri.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. PAYSON] is recognized for the purpose of having his amendment read. The gentleman from Arkansas [Mr. ROGERS] reserves the right to object or to raise the question of the propriety of its introduction.

Mr. ROGERS. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROGERS. As I understand, the Committee on Public Lands present a substitute for the Senate bill. To that substitute one amendment has been offered. The gentleman from Illinois now offers a substitute. The parliamentary inquiry is, is not that substitute now in order?

The SPEAKER *pro tempore*. The Chair thinks that there can not be two substitutes pending at the same time.

Mr. ROGERS. Then I reserve the point of order when the substitute is read.

Mr. OATES. I think the Chair has fallen into an error; that the proposition offered by the gentleman from Missouri is not a substitute, but only amendment of the original proposition.

The SPEAKER *pro tempore*. The gentleman from Alabama is correct. This is an amendment to the substitute offered by the gentleman from Indiana [Mr. HOLMAN], and is in order.

Mr. OATES. If the proposition of the gentleman from Indiana is offered as a substitute the Chair is right. I was regarding it as an original proposition.

The SPEAKER *pro tempore*. The present occupant of the chair was not in the chair at the time the bill was taken up for consideration; but was informed by the Speaker as to the status of the bill; that the bill was pending and that a substitute for the bill had been offered.

Mr. PAYSON. Before this matter is finally disposed of I desire to make a suggestion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. The matter which has been reported from the Committee on the Public Lands, while technically, perhaps, a substitute for the Senate bill, comes here as an original proposition from that committee, does it not?

The SPEAKER *pro tempore*. It comes as a substitute proposition. The Chair thinks it is an amendment in the nature of a substitute.

Mr. PAYSON. In that view only two amendments are in order.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Illinois to introduce his proposition, to be read subject to the point of order and objection. The Clerk will report the substitute. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent that this proposition be considered as pending.

Mr. OATES. As this is being done out of order, I ask that the amendment of my colleague [Mr. HERBERT] be also read and considered as pending.

Mr. HOLMAN. Let us take one at a time.

The SPEAKER *pro tempore*. When the Chair recognized the gentleman from Indiana to make the request that these amendments be considered as pending, the amendment of the gentleman from Alabama [Mr. HERBERT] was included in the request. The amendments will be read, after which objection will be called for.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby forfeited to the United States, and the United States hereby resumes the title thereto, all lands heretofore granted to any State or to any corporation to aid in the construction of a railroad opposite to and coterminous with the portion of any such railroad not now completed and in operation, for the construction or benefit of which lands have heretofore been granted; and all such lands are declared to be a part of the public domain: *Provided*, That this act shall not be construed as forfeiting the right of way or depot grounds of any railroad company heretofore granted, or lands included in any city, town, or village site.

SEC. 2. That all persons who, at the date of the passage of this act, are actual settlers in good faith on any of the lands hereby forfeited and are otherwise qualified, on making due claim on said lands under the homestead law, within six months after the passage of this act, shall be entitled to a preference right to enter the same under the provisions of the homestead law and this act, and shall be regarded as such actual settlers from the date of actual settlement or occupation; and any person who has not heretofore had the benefit of the homestead or pre-emption law, or who has failed from any cause to perfect the title to a tract of land heretofore entered by him under either of said laws, may make a second homestead entry under the provisions of this act.

The Secretary of the Interior will make such rules as will secure to such actual settlers these rights.

SEC. 3. That nothing in this act shall be construed to waive or release in any way any right of the United States to have any other lands granted by them, as recited in the first section, forfeited for any failure, past or future, to comply with the conditions of the grant.

The SPEAKER *pro tempore*. Is there objection to considering the amendment as pending?

Mr. ROGERS. I withdraw my objection.

The SPEAKER *pro tempore*. The amendment in the nature of a substitute offered by the gentleman from Illinois will be considered then as pending.

Mr. STOCKDALE. I now offer this amendment, in reference to which the gentleman from Indiana [Mr. HOLMAN] makes the same request.

The Clerk read as follows:

After line 22, page 11, add the following:

"*Provided*, That this act shall not take effect, except as to lands which were entered under the homestead and pre-emption laws, and at private entry, while the same were held by the Interior Department to be subject to such entry, until January 1, 1889; as to the grant of land made to the State of Mississippi, for the purpose of aiding in the construction of a railway from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship-Island Railroad."

The SPEAKER *pro tempore*. Is there objection to considering this amendment as pending?

Mr. ROGERS. Before withdrawing my point of order I desire to know in view of the fact that these several amendments are not presented in conformity to any parliamentary rule, what will be the order in voting upon them?

The SPEAKER *pro tempore*. The Chair thinks that under the rule the vote would first be taken on the amendment offered by the gentleman from Mississippi, because it is an amendment to the substitute offered by the committee, and then on the amendment of the gentleman from Illinois.

Mr. HOLMAN. I suggest that of the amendments submitted up to this time the amendment of the gentleman from Missouri would have priority over those of the gentleman from Mississippi and the gentleman from Illinois.

The SPEAKER *pro tempore*. Is there objection to the request of the

gentleman from Mississippi that this amendment be considered as pending?

Mr. ROGERS. I withdraw my objection.

There was no further objection.

Mr. HERBERT. Now I offer this amendment.

The SPEAKER *pro tempore*. The gentleman from Indiana makes the same request in reference to the amendment which the Clerk will now read.

The Clerk read as follows:

Add at the end of section 1 of the committee's substitute:

"*Provided*, That all sales or leases of any lands granted to the State of Alabama by the act of Congress approved June 3, 1856, to aid in the construction of the Girard and Mobile Railroad, which, after the said lands were certified to the State of Alabama for the benefit of said railroad, were sold by the Mobile and Girard, or the Girard and Mobile Railroad Company, or by, through, or under either of them, and all purchases of any of said lands under tax sales held by the county tax collector are hereby validated and confirmed."

Mr. HERBERT. Now I ask the Clerk to read the next amendment, to be offered in lieu of this one in the event of the failure of the first.

The Clerk read as follows:

Add to section 1 of the committee's substitute:

"*Provided, however*, That all of the lands granted to the State of Alabama by the act of Congress approved June 3, 1856, to aid in the construction of the Girard and Mobile Railroad, and which have been sold by the Mobile and Girard Railroad Company or by the Girard and Mobile Railroad Company, or which have been sold as the property of said railroad company for State and county taxes thereon, and purchased by actual settlers, are hereby excepted from said forfeiture to the extent of 320 acres, and the titles to said lands, to the extent so excepted, are hereby confirmed and made valid to such purchasers, their heirs or assigns; and if any such purchaser shall have purchased more than 320 acres for the uses of actual settlement, he shall select said 320 acres herein excepted from forfeiture within one year from the approval of this act, and file notice of such selection with the register of the land office at Montgomery, Ala.; and any such purchaser who shall fail to make such selection and file said notice shall not thereafter have the benefit of the exception herein made: *Provided further*, That when any such purchaser shall have purchased in excess of 320 acres for the purpose of actual settlement, or in cases where any of the lands hereinbefore forfeited have been sold and conveyed by said railroad company, or sold and conveyed, as the property of said railroad company, for State and county taxes thereon, and purchased by other than actual settlers, all such purchasers shall have a prior right to purchase said lands from the United States at the price and sum of $1.25 per acre, which prior right of purchase shall continue for one year after the approval of this act, and not longer: *Provided further*, That all such purchasers, or their assigns, shall each, within one year after the approval of this act, make proof, before the register of the land office at Montgomery, Ala., of the amount of land purchased, from whom, the title received, and the amount paid therefor, and when: *Provided also*, That such proof may also be made before a judge of probate or clerk of the circuit court, under the seal of office, and forwarded by mail to said register: *And provided further*, That the above-named privileges to purchasers are granted only on condition that no claim shall ever be made by them or any of them against the State of Alabama, or any county, school district, or municipality thereof, for taxes erroneously assessed and collected on any of said lands, whether the same were paid voluntarily or not."

The SPEAKER *pro tempore*. Is there objection to considering this amendment also as pending?

There was no objection.

Mr. HOLMAN. I hope also, Mr. Speaker, that an amendment to be submitted by the gentleman from Minnesota [Mr. LIND] may be considered as pending.

The SPEAKER *pro tempore*. The amendment will be read.

The Clerk read as follows:

Add before the word "but" in line 5 of section 2 of the committee's substitute:

"And which lands, so sold, were not at the time of such sale in the actual possession of or had improvements made thereon by a person other than such purchaser."

There being no objection, the amendment was considered as pending.

Mr. HOLMAN. Mr. Speaker, in making a statement as to the effect of the proposition pending now before the House I will not refer to the several amendments in detail. I will state, however, the effect of the various propositions substantially as they stand before the House; but before doing so I would like to have some understanding in advance as to the amount of time to be occupied in debate; and I ask unanimous consent that the debate shall terminate upon the bill and amendments at 3 o'clock, and that the previous question be regarded as ordered at that hour.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

Mr. PAYSON. Before that is done I wish to make a suggestion to my colleague on the committee. The request the gentleman makes allows only two hours here for debate on this bill, and there are three substantial propositions coming from the committee: The report made by the chairman of the committee, which is made by a bare majority; the substitute which I have had the honor of submitting on behalf of the minority of the committee, and the further proposition of the gentleman from Missouri, signed by two members of the committee. There are, therefore, three substantial propositions to be discussed in this debate, and it does seem to me that two hours' debate is not adequate in view of the fact that this involves some $200,000,000 worth of property.

Mr. HOLMAN. What time does the gentleman suggest?

Mr. PAYSON. I would suggest not later than 4 o'clock.

Mr. HOLMAN. I hope that coupled with that will be a request that the time of the session to-day shall be extended beyond 5 o'clock, until the bill and amendments shall be disposed of.

Mr. PAYSON. I am willing that that shall be done.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana [Mr. HOLMAN] that all debate on the bill and amendments shall be considered as closed at 4 o'clock, that the previous question shall be ordered, that the order for the adjournment of the House at 5 o'clock shall be revoked, and the session extended long enough to complete the consideration of the bill?

Mr. BIGGS. I object.

Mr. HOLMAN. I ask that the previous question shall be considered as ordered at half past 3.

Mr. PAYSON. It should be at 4 o'clock, with the further understanding that the intervening time shall be controlled equally by the friends of the three propositions.

Mr. HOLMAN. Mr. Speaker, it is very manifest that this bill will not pass if we continue debate as late as 4 o'clock. It is obvious that there will be two or three votes taken in the House—probably two or three yea-and-nay votes—and if we extend the time for debate to 4 o'clock the effect will be that the bill will fail. I therefore ask unanimous consent that debate shall come to an end at half past 3 o'clock, and that the time shall be divided equally between the advocates of the three propositions.

Mr. PAYSON. Before that question is put, let me suggest to the gentleman that if the previous question shall be ordered at any time before adjournment to-day the bill will come up here hereafter as unfinished business.

Mr. HOLMAN. No; because the previous question will not have been ordered on the passage, but only on the amendments and the engrossment of the bill.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. If the previous question should be ordered at 4 o'clock, or by unanimous consent should be regarded as ordered on the bill and pending amendments, and the vote should not be taken to-day, would not the bill come up as unfinished business on the next legislative day? That has been the practice of the House ever since I have been in Congress.

The SPEAKER *pro tempore*. The Chair will state to the gentleman that if the previous question were ordered upon the final passage of the bill it would come up as unfinished business; otherwise it would not.

Mr. HOLMAN. I desire to make one other effort to come to an understanding. I ask consent that the debate be continued until 4 o'clock, that the previous question be regarded as ordered upon the bill and amendments and upon the final passage of the bill, and that the time intervening between now and 4 o'clock be divided between the advocates of the different propositions.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

Mr. PAYSON. I am content with that.

There was no objection, and it was so ordered.

Mr. HOLMAN. I ask unanimous consent that gentlemen desiring to print remarks upon these several propositions shall have leave to do so.

There was no objection, and it was so ordered.

Mr. HOLMAN. I further ask that if the consideration of this bill be not completed at 5 o'clock the session be extended, but not beyond 6 o'clock.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

Mr. SPRINGER. I object for a moment. I suggest that unanimous consent be given that the House remain in session to-day until it adjourn. That is a matter that can always be controlled, and it has been the rule until this session, and it ought to be the rule now. Here is an important bill that we desire to consider, and let us remain in session until we adjourn.

The SPEAKER *pro tempore*. The Chair thinks the proposition of the gentleman from Indiana [Mr. HOLMAN] is substantially the same as that indicated by the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. No; it is so confused with other matters that we can not understand it.

The SPEAKER *pro tempore*. The Chair thinks the House remains in session anyway until it adjourns. [Laughter.]

Mr. SPRINGER. No, it does not. It stays in session until 5 o'clock, and then the rules adjourn it.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] asks unanimous consent that the order for the adjournment of the House this afternoon at 5 o'clock be revoked, and that the House continue in session until the consideration of this bill is completed.

Mr. RANDALL. The session to be extended for this bill only.

There was no objection, and it was so ordered.

Mr. HOLMAN. Mr. Speaker, the division of the time which was last mentioned by the Chair refers of course to the request which I made that the time should be equally divided among the advocates respectively of the three propositions coming from the Committee on Public Lands. Of course the members of the committee will yield to other gentlemen as far as they can.

Mr. HERBERT. I did not so understand the proposition or I should have objected. The proposition, as it was stated, was that the time was to be divided among the advocates of the different amendments.

Mr. HOLMAN. Oh, no, not amendments.

Mr. HERBERT. I do not care to occupy of course as much time as the chairman of the committee; I do not ask that, but do ask to be heard for a reasonable time upon my amendment.

Mr. HOLMAN. I think that my request was, inasmuch as there were three substantial propositions from the Committee on Public Lands, these other amendments being all incidental, that the time be divided between those three propositions. That was the request I made; and I think the Chair so understood.

Mr. HERBERT. The request was not granted at the time; and sometime afterward it was stated in different form by the Chair, as will be found by reference to the stenographer's notes. The proposition then stated was that the time should be divided among the different propositions. If that language had not been used, I should have objected.

The SPEAKER *pro tempore*. The proposition of the gentleman from Indiana [Mr. HOLMAN] was, as indicated by him, that the time be divided between the three substantial propositions offered; but in stating the request subsequently the Chair did not embrace the full statement of the gentleman from Indiana, it having been covered by the previous statement. The Chair simply asked whether there was objection to the request of the gentleman from Indiana.

Mr. HERBERT. I shall not object further, upon the understanding that the gentleman from Indiana will give me time.

Mr. HOLMAN. I will try to do so. I will do the best I can.

Mr. STOCKDALE. I want to be heard also.

Mr. HOLMAN. There are three hours to be divided among us; I have no doubt that these different gentlemen will have an opportunity to be heard.

Mr. HERBERT. I have no idea that there is any intention on the part of the chairman of the Committee on Public Lands to deprive us of the right of debate. That right I shall certainly insist upon.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Indiana [Mr. HOLMAN] to control one-third of the time upon the substitute offered by the Committee on Public Lands.

Mr. HOLMAN. Mr. Speaker, the bill of the Senate declares the forfeiture of all lands heretofore granted by Congress to aid in the construction of railroads which are coterminous with portions of the railroads not now completed. That is the proposition of the Senate. The amendment submitted to the House by the Committee on Public Lands proposes to declare the forfeiture of all such lands coterminous with the portions of the railroads not completed at the expiration of the period within which the entire road was required to be completed by the law making the grant. The propositions submitted by the gentleman from Missouri [Mr. STONE] and the gentleman from Arkansas [Mr. MCRAE], members of the committee, propose to amend the substitute reported by the committee, by providing in effect that as to all roads not completed within the time prescribed by law the forfeiture shall cover the entire grant. The amendment submitted by Messrs. PAYSON, MCKENNA, TURNER, of Kansas, and HERMANN, members of the committee, is in effect the same as the Senate bill. That is the substance of the Senate bill and propositions submitted by the House Committee and by members of the Committee on Public Lands. The effect of all these propositions, however, is to confirm all bona fide sales of land lying opposite to the portions of the railroads now completed made for a good and valuable consideration by the State or corporation to which the grant was made prior to the 1st of January, 1888. This provision is embraced in all the measures pending before the House.

Mr. SCOTT. I wish to ask the gentleman from Indiana what is the effect of the proposition in this respect; where patents to lands have been issued by the Government to these corporations, does this bill propose to forfeit those patents?

Mr. HOLMAN. Yes, sir, where the railroad was not constructed in conformity with the law making the grant, except as to bona fide purchasers for a valuable consideration.

Mr. SCOTT. Then it makes no difference between lands patented and those not patented?

Mr. HOLMAN. Oh, no; the lands have not generally been patented, but only certified, but no difference is made. Lands whether patented or not are declared forfeited unless the corporation had fulfilled its engagements. All these propositions of the Senate and House propose that all bona fide sales to purchasers for value of lands opposite to and coterminous with portions of the roads which are now completed, made prior to the 1st of January last, shall be held valid. The effect will be to make the question of forfeiture simply one between the railroad corporation and the United States. The House measures all eliminate from consideration all questions as to bona fide sales made prior to January 1, 1888, of land lying opposite to portions of the roads which are now completed. Eliminating all questions affecting bona fide purchases, the question of forfeiture is made one pure and simple between the United States and the railroad corporations to whom these various grants have been made. The rights of all other persons are protected.

The result of these several measures is fairly stated in a communication from the General Land Office, to which I invite the attention of the House for a moment. The Senate bill forfeits 5,627,436 acres. The amendment reported by the Committee on Public Lands of the House, in the nature of a substitute, would declare the forfeiture of 54,323,996 acres, while the amendments proposed by the gentleman from Missouri [Mr. STONE] and the gentleman from Arkansas [Mr. MCRAE] would result in the declaration of the forfeiture of 78,503,088 acres, as will appear from the following table:

Name of railroad.	Estimated number of acres which will be forfeited—		
	By Senate bill.	By House bill.	In event of forfeiture of entire grant.
Gulf and Ship Island	652,800	652,800	652,800
Coosa and Tennessee	140,160	140,160	140,160
Coosa and Chattooga	144,000	144,000	144,000
Mobile and Girard	536,064	651,264	858,624
Selma, Rome and Dalton*	89,932	258,624	642,624
Atlantic, Gulf and West India Transit	76,800	676,000	1,171,200
Pensacola and Georgia	None	679,680	1,178,880
Vicksburg, Shreveport and Texas	None	364,800	725,760
Jackson, Lansing and Saginaw	None	176,256	898,560
Marquette, Houghton and Ontonagon	294,400	294,400	627,200
Ontonagon and Brule River	211,200	288,000	288,000
LaCrosse and Milwaukee	None	195,724	235,773
Chicago, St. Paul, Minneapolis and Omaha	None	1,446,400	1,446,400
Wisconsin Central	406,880	464,480	1,840,000
St. Vincent Extension, St. Paul and Pacific (now St. Paul, Minneapolis and Manitoba)	None	1,113,600	2,000,600
Western Railroad	None	243,712	243,712
Southern Minnesota Railway Extension	None	832,115	1,787,955
Hastings and Dakota	None	819,840	1,293,440
Northern Pacific	2,000,000	36,907,741	46,947,200
California and Oregon	None	1,740,800	3,686,400
Oregon and California	None	2,086,400	4,608,000
Southern Pacific	1,075,200	4,147,200	7,116,800
Total	5,627,436	54,323,996	78,503,088

*Lands certified to State for this road prior to May 23, 1872, amounting to 440,700.16 acres, were confirmed to State by act of that date (17 Stat. L., 159) for sole use and benefit of the Selma, Rome and Dalton Railroad Company. The lands so confirmed may not be subject to forfeiture.

The aggregates of the lands named are all to be qualified by the fact that in all the measures there is recognized the validity of bona fide sales made for value prior to January 1, 1888, opposite portions of the roads now completed.

I shall esteem myself fortunate if the propositions I have mentioned, complicated as they are, are sufficiently clear. The objection to the amendments of the gentleman from Missouri [Mr. STONE] and the gentleman from Arkansas [Mr. MCRAE] is found in this, that in most of grants made by the Government to railroad corporations, except to the Pacific roads, the railroad corporations took one hundred and twenty sections at once, being the alternate sections of land for the first 20 miles of the road. The title, I think, vested under this legislation at once, and it became the property of the State or corporation manifestly, whether subsequently the obligations of the charter were complied with or not. Of course you can not declare these lands forfeited, however unjust and unreasonable the grants were. I wish we could forfeit them to that extent.

Further, most of these grants provide that as each successive 20 miles of road were completed, if completed in time, patents should issue and the title shall vest in the State or corporation. Manifestly it would be inequitable to declare them forfeited, even if Congress had the power to do so. It is the opinion of the majority of the Committee on Public Lands that the forfeiture should not be carried to that extent, but should be limited to the extent of lands opposite to and coterminous with those portions of the road not completed within the time prescribed by the several statutes making the grants.

Mr. CASWELL. If the road is now completed or any portion of it?

Mr. HOLMAN. Yes, sir. As to the Senate bill, however, that apparently applies to portions of land where no railroad has been completed up to the present hour. The proposition of the Committee on the Public Lands in declaring these forfeitures is not complicated in any degree with questions growing out of bona fide sales. That is unfortunate, however, especially as to lands of the North Pacific Railroad, which were sold to foreign capitalists who came to this country, it is said, on the invitation of the railroad corporations, and sold, too, in large tracts at a less price than the actual settlers were compelled to pay. It is to be regretted that such sales should be confirmed. The committee have reached the conclusion, however, that as to all these sales which were made bona fide and for valuable consideration of land lying opposite completed portion of a railroad prior to January 1, 1888, the title should be confirmed.

Mr. COBB. I ask the gentleman whether after any grant title passed to the company before the completion of the road?

Mr. HOLMAN. Yet it is true that in many instances patents or certified lists were issued before the railroads were constructed, and in some instances before they were commenced.

Mr. SPRINGER. When 20 miles of the road were completed?

Mr. COBB. But beyond that?

Mr. HOLMAN. There are many instances.

Mr. COBB. Not under authority of law?

Mr. WEAVER. But in such cases it passed no title.

Mr. COBB. If no title was passed, why then should we legislate that they shall be exempted from forfeiture?

Mr. HOLMAN. Simply because they are coterminous with the portion of the railroad which has been completed.

Mr. ANDERSON, of Kansas. Does the gentleman mean portions of the road which have been completed at the time the charter required them to be completed?

Mr. HOLMAN. No; to portions of the railroad now completed. A large portion of these grants were under the provisions of law which I will read.

Mr. RYAN. I think my friend from Indiana did not understand the question. It is whether the gentleman proposes to forfeit the lands only which are opposite the uncompleted roads, or opposite the roads completed out of the time prescribed by their charters?

Mr. HOLMAN. I stated that the House proposition confirms bona fide sales for value opposite completed portions of the several railroads now completed. As to the corporation the House proposition does not confirm any grant.

Mr. RYAN. I understand that, but——

Mr. HOLMAN. If the road was completed in time, as prescribed by law, then no confirmation is necessary. But as to bona fide purchases of land opposite roads which have been completed, their titles are not disturbed.

Mr. COBB. But as I understand it, in some instances there is a forfeiture where roads have been completed.

Mr. HOLMAN. Oh, certainly; if not completed in conformity with law, but completed without reference to law.

Mr. COBB. Now completed, but not completed within the time?

Mr. HOLMAN. Yes. The House proposition is substantially a declaration of forfeiture against the delinquent corporations, but not against the purchasers. We save the rights of all bona fide purchasers.

Now I shall seek to read the section of law to which I have referred during the course of this discussion. This will be found to be embodied in substance in the larger portion of the grants made by Congress in aid of railroads, especially the grants to States, but not generally to the Pacific railroads.

That the lands hereby granted to said State shall be disposed by said State only in manner following, that is to say: That a quantity of land not exceeding one hundred and twenty sections for each of said roads, and included within a continuous length of 20 miles of each of said roads, may be sold; and when the governor of said State shall certify to the Secretary of the Interior that any continuous 20 miles of either of said roads is completed then another like quantity of land hereby granted, not exceeding one hundred and twenty sections for such road, may be sold, and so from time to time until said roads are completed; and if said roads are not completed within ten years no further sales shall be made, and the lands unsold shall revert to the United States.

It will be seen that there ought to be no embarrassment here in the forfeiture which the House proposition contemplates; because, whether the title vested or not, according to the decision of the Supreme Court in the Schulenberg case, whether the title vested or not or whether the condition was precedent or subsequent as to the completion of the road within the time prescribed there is in common honesty and fairness no difficulty in the way as to this class of grants, because there was an absolute absence of power on the part of the corporation to sell. So that if the clause declaring that "the lands unsold shall revert to the United States" was incorporated or not, or operative or not, there is an absolute absence of power on the part of the corporation to sell, that power being expressly withheld.

I repeat, therefore, that there can be no reasonable question as to the power of Congress to declare the forfeiture, inasmuch as any sale would have been null and void. But, as I have said, the House proposition to avoid any possible injustice confirms all bona fide sales of land lying opposite completed portions of the railroads.

Mr. PAYSON. Will the gentleman yield to me for a question?

Mr. HOLMAN. Certainly.

Mr. PAYSON. Does not the Supreme Court, in the very case to which the gentleman refers, Schulenberg *vs.* Harriman, announce just precisely the other doctrine; that is to say, that until Congress shall affirmatively act to reassert its power over this property and formally declare a forfeiture of the lands, the power to sell does continue in the company, and that the power is limited only by the object of the grant, to wit, the building of the railroad?

Mr. HOLMAN. I do not so understand the decision and will not; it would seem impossible that the United States Supreme Court or any other judicial tribunal, with the law before it, should have taken any such ground.

Mr. PAYSON. If the gentleman desires to be absolutely correct, I will be very glad to furnish him the language of the decision. I have it here before me in brief.

Mr. HOLMAN. My friend will have ample time and I will be cramped for time, and though I dislike very much to decline to yield to the gentleman now, I must refuse for the present. I only state my view of the case. I ask how it is possible that court could have decided as the gentleman has suggested, when Congress had declared, in words which can not admit of misconstruction, that if the railroad was not completed in time "no further sales shall be made;" and in view of this explicit language how could the Supreme Court intend to declare that the sales made in defiance of this express provision were valid and would pass title to the purchaser? Why, Congress might as well abandon all legislative power whatever if the "art of definition" is to make the law. It may as well give up the idea of seeking to frame legislation to restrict a granted power or to protect any public interest. If its guarded language and clear reservation of power here employed is capable of such a construction as the gentleman alleges the Supreme Court gives that law—a construction so manifestly incompatible with the intent of Congress as this—no legislation can express the public will. If Congress can not enact a provision that will effect its object in restraining the disposition of an unearned land grant, as is here done, then it had better abandon its legislative function. But as all the propositions recognize the sales made in good faith of lands lying opposite completed portions of the railroads up to the 1st day of last January, the question raised is of little practical importance.

But I do not understand that the Supreme Court of the United States has decided that a sale of land where there was an express prohibition to sell would pass a valid title.

Mr. MCKENNA rose.

Mr. HOLMAN. Let me read again this section of law.

Mr. MCKENNA. Will the gentleman permit me to propound a question?

Mr. HOLMAN. Let me complete my sentence.

And if said roads are not completed within ten years no other sale shall be made, and the lands unsold shall revert to the United States.

Is it possible that there can be any question as to the meaning of that language?

Now I admit that the last clause, according to the decision of the Supreme Court, would not be operative until Congress exercised its power to declare a forfeiture, or there was a judicial forfeiture; but as to the power to sell and pass title, I undertake to say that the decision of the Supreme Court could not and should not be construed as declaring that a sale made in defiance of the law was operative and valid.

Mr. MCKENNA. Then, if your construction be correct, what avail is that provision of the bill saving the rights of bona fide purchasers?

Mr. HOLMAN. The gentleman will certainly agree that Congress may, even in declaring the forfeiture of the land, protect those persons who in good faith have purchased it even if they have no title, much less confirm an invalid sale. We have been daily engaged in giving validity to claims of a similar character. We confirm titles that are questionable or invalid if justice requires it.

Mr. MCKENNA. Did you not say that you only confirmed those titles where the road was completed and the face of the country was notice to a party that the title was in the road?

Mr. HOLMAN. Yes, in effect.

Mr. MCKENNA. Now you construe the granting act itself to forbid power of sale.

Mr. HOLMAN. Certainly. My friend may see inconsistency there, but I am not able to see it. To protect even an equitable right or one colorably so is certainly within the power of Congress.

The House proposition covers all of the remaining grants. It would have the effect in the case of the Northern Pacific road and all the others to restore to the people a large body of land, an aggregate of lands double the area of the great State of Ohio, subject, however, to bona fide sales. Is there an absence of power in Congress to do this? Is it inequitable? This House has decided more than once that it was within its power to declare these forfeitures. The most important of these grants, that of the Northern Pacific Railroad, has been under the consideration of Congress before. The House has heretofore passed a bill declaring that the lands not earned within the time prescribed by law should be forfeited and restored to the public domain. Why not? Take the case of the Northern Pacific. What is in brief the history of that road? I shall refer to it, although it will be more elaborately discussed hereafter. That grant, involving 42,500,000 acres of land, a large portion of it land of great value, with vast coal fields and magnificent forests, the very heart of that fertile region of country stretching westward from Lake Superior to the Pacific Ocean, 2,400 miles in length, was made on the 2d of July, 1864. The grant is 12,800 acres per mile in the States of Wisconsin and Minnesota; 25,600 acres per mile in Dakota, Montana, Idaho, and Washington Territories. That road, according to the terms of the law, was to be completed entire on the 4th of July, 1876, yet 225 miles of that railroad are uncompleted twenty-four years after the grant was made. In 1866 you extended the time two years for the commencement of the work. In 1868 you extended the time two years for commencement, when not a shovel of earth had been moved. The law extending the time, on the 1st of July, 1868, four years after the original grant, is as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8 of an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast," is hereby so amended as to read as follows: "That each and every grant, right, and privilege herein are so made and given to, and accepted by, said Northern and Pacific Railroad Company upon and subject to the following conditions, namely: That the said company shall commence the work on said road within two years from and after the 2nd

day of July, 1863, and shall complete not less than 100 miles per year after the second year thereafter, and shall construct, equip, furnish and complete the whole road by the 4th day of July, A. D. 1877."

In the construction of the several statutes by the Secretary of the Interior the time for the completion of the road was extended until the 4th of July, 1879. Yet after these successive extensions of time, a definite location of that railroad or any part of it was not even made until November 21, 1871; and when the time finally elapsed, after all these extensions, this extraordinary favoritism and forbearance on the part of Congress, on the 4th of July, 1879, when the whole railroad was to be completed by the terms of the law making the grant, but 530½ of 2,400 miles had been completed. Can any person say it is unjust to restore those lands to the public domain, subject, of course, to the equities that might arise on behalf of the purchasers of land opposite to completed railroad?

I speak of it as a naked question between that corporation and the people. Is there any possible injustice in declaring the land unearned under the law forfeited? Gentlemen say there is an estoppel here, because the Government did not interpose at once when the time expired. There can be no estoppel where the parties stand upon exactly the same footing and are equally informed of the facts. The laches of the Federal officers can not operate injuriously to the Government. The grantees of this imperial grant were fully informed of the nature of the grant and the conditions on which it was made. Time was expressly made as of the essence of the grant; that it was made on the idea of opening up the country; yet in defiance of the Government and in utter disregard of its obligations, apparently relying on its power to control Congress, it permitted the period to expire within which, by express terms of the law, the whole railroad should be completed.

How then does the case stand? This corporation applied time after time for an extension of its grant before a spadeful of earth had been thrown. Congress, unmindful of public interests, granted the extension from year to year. And yet, acting as if this imperial grant was its own private estate to enrich its stockholders, to be disposed of for its own private benefit, that corporation postponed even commencing its railroad until the country was swarming with a hardy and enterprising people; until a railroad starting from Portland, Oregon, had been constructed eastward 225 miles without a dollar of aid from the Government; until railroads running west from the Mississippi River were opening that magnificent country and industry was on every hand invading that region.

The country was teeming with people and the great land grant increasing in value under their enterprise and labor before this railroad corporation thought proper to even take the first step toward completing in good faith its part of the engagement, to construct this railroad. The facts were known to the corporation as to the nature of their grant and the object for which it was made, as well as to Congress or to the officers of the Government. No laches of Congress or of the Government officers can impair the rights of the people. They have a right to demand that if the contract was not carried out in good faith it should be declared void. I think the right and duty of Congress to declare this forfeiture is clear beyond question upon every consideration of law and justice, and I am confident it is sound upon the high consideration of public policy, for the grant was made without justification, to build up private fortunes, and not for the public good.

Indeed, sir, that grant can not be defended. Can any just man defend any of these grants?

I admit that so far as the Union Pacific road is concerned it stands solitary and alone. Its construction was authorized for a purely political reason, in the midst of great public disorders, and when it was deemed essential for high public reasons that there should be closer relations between the Atlantic and the Pacific States. I admit that at the beginning there was some uncertainty whether the bond subsidy which the Government provided for the construction of that road would be sufficient, but when the act of 1864 finally passed, under which the road was completed, then all men knew that the grant of 28,000,400 acres of land in addition to the enormous subsidy in bonds was without any possible justification, for it was well known at that time that the two series of bonds authorized were more than sufficient to complete the road. The land grant was a naked gift. That grant was opposed on this floor by Mr. E. B. Washburne with the great ability and marvelous energy of which he was the master. I was glad to follow his lead. He opposed these grants as earnestly as the distinguished gentleman from the same State [Mr. PAYSON] has favored their forfeiture.

This Union Pacific grant was passed on the very heels of the homestead law, and was the beginning of that extraordinary system of land grants to corporations which has so fearfully reduced in a few years your public domain. Grants followed in rapid succession. This Northern Pacific grant was one of them. Look at the time when these events occurred.

While your people were watching with patriotic solicitude the movements of your armies, while those the most interested of all men in the public domain were rushing into the ranks of your armies to steady and uphold the tottering pillars of the Union, at that very time ex-governors of States, ex-members of Congress, men of high social and political standing were here upon this floor lobbying for these grants and securing by the favor of Congress vast portions of your national wealth—your public lands—of especial and inestimable value to the men—the laboring men of the country—who were then imperiling their lives in the national defense. In that unpatriotic and mercenary spirit these grants were obtained by which the people were robbed of their rights and imperial fortunes were secured.

Congress was engaged in the work of parceling out among mercenary capitalists your public domain when the clash of arms could almost be heard in this Hall!

Are great grants of land obtained under such circumstances to be carefully guarded by Congress and the courts of justice? Will Congress refuse to declare their forfeiture when a just ground for forfeiture is presented? You have a right to declare the forfeiture of these millions of the public land wrongfully granted, and justice demands that it shall be done.

The extraordinary hold of the land-grant lobby on Congress was seen by a vote in this House on the 18th day of January, 1869. On that day I submitted the following resolution:

Resolved, That grants of the public lands to corporations ought to be discontinued, and the whole of such lands ought to be held as a sacred trust to secure homesteads to actual settlers, and for no other purpose whatever.

Mr. H. D. Washburn moved that it be laid on the table. The question being put, it was decided in the affirmative—ayes 110, nays 55. Among those voting in the affirmative were WILLIAM B. ALLISON, Oakes Ames, John Coburn, SHELBY M. CULLOM, James A. Garfield, W. D. KELLEY, CHARLES O'NEILL, Luke P. Poland, Green B. Raum, and William Windom. Of the gentlemen still in this House, Mr. KELLEY and Mr. O'NEILL, of Pennsylvania, and Mr. BUTLER, of Tennessee, voted to lay on the table; Mr. RANDALL, Mr. BAKER, of Illinois, and myself against it.

I do not wish to enter into a political discussion over this matter of the public lands, but gentlemen in a recent debate here talked as though the Democratic party had no special reason for championing measures for the annulment of these grants. I think the Democratic party have a special interest in the subject; that party can look back with great satisfaction to the record of its representative men on the land question. When, by the patriotic act of Virginia and other States, the public domain was placed under the control of Congress, it extended from the original thirteen States westward to the Mississippi River. Its whole area, including the original States, was only 531,200,000 acres; while an empire of land extending from the mouth of the Mississippi to the Columbia River and Pacific Ocean, a region of country larger than the whole original thirteen States and their possessions by more than 200,000,000 acres, commanding the Mississippi River and covering our entire Western frontier was held by a foreign power.

Mr. Jefferson's foresight in acquiring that vast territory was one of the grandest acts of statesmanship in the history of nations. With that territory in the possession of Great Britain, or of any other great power, the peace, progress, and security of the United States would have been continually imperiled; standing armies, as in Europe, would have patroled the borders of hostile states. By the purchase of that magnificent region of country under the administration of Mr. Jefferson the future security and greatness of the United States were absolutely assured. An outlet to the Gulf, a grand frontage on the Pacific Ocean, and the most fertile portion of the globe was ours.

During the negotiations of Mr. Monroe, our then minister to France, with that power for this territory Bonaparte said that whatever nation controlled the Mississippi River and the Gulf would be the foremost of the great nations.

This being accomplished, it was only a question of time when the Floridas would become a part of the United States, and this was accomplished under Mr. Monroe's administration. By treaties and honest purchase under the administrations of Mr. Polk and Mr. Pierce we established the present boundary between the United States and Mexico, securing a vast extent of country, an enlarged frontage on the Pacific coast, and its magnificent Bay of San Francisco, one of the grandest harbors of the globe. These territorial acquisitions, now divided into fourteen States and eight great Territories, and the Indian Territory of 41,000,000 acres, were acquired under the policy of the party which is now asking that these land grants be declared forfeited and the lands restored to the people. Under the auspices of that party the great State of Texas was added to the Union.

Certainly, sir, a party so related to the public domain would feel an earnest interest in whatever concerned the public land.

The following table shows the auspices under which the public domain has been acquired (land controlled by the United States):

		Acres.
Ceded to the United States by Virginia and other States east of the Mississippi		259,171,787
Acquired under Democratic administrations:		
The Louisiana purchase, April 30, 1803	756,961,280	
East and West Florida, February 22, 1819	37,931,520	
By treaty from Mexico, February 2, 1848	334,443,520	
By treaty from Mexico, December 30, 1853	29,142,400	
Total under Democratic administrations		1,158,478,720
Under Whig administration:		
By purchase from Texas, November 25, 1850		61,892,480
Under Republican administration:		
Alaska, March 30, 1867		369,529,600
Grand total		1,849,072,587

All this territory was acquired by the United States by fair treaty and honest purchase, at a final cost of $88,157,389.98.

This vast public domain, with the original thirteen States and Vermont, Kentucky, Tennessee, and Maine, never a part of the public domain proper, constitute the territory of the United States.

This public domain of virgin lands has been the pride and glory of the United States, and the source of their unexampled progress and greatness. It was guarded with vigilance by our fathers and by all of the old political parties into which the country had been divided for the future freeholds of our ever-growing population. Under the auspices of Jefferson, as expressed in the famous ordinance of 1787, the old feudal tenures, entailments, and rights of primogenture, which had fostered great landed estates and a nation of vassals in Europe, were swept away, and the public domain was dedicated forever to independent freehold estates. Land monopoly, the curse of the Old World, was abhorred. Never in all our former history, even when our fathers were sorely pressed for money to meet demands incident to the Revolution, were lands ever sold in large bodies, except in two instances—one to the Ohio Company, in 1785, of 822,000 acres, and the other to John Cleves Symmes, of 248,540 acres, in 1787. This policy of our fathers of hoarding the public lands for freeholds of the people substantially controlled the land system under all political parties down to the year 1862, and yet, as will be seen, liberal grants were made to the soldiers of the Republic and for education. In a few instances great military services were rewarded with grants of land. In 1803 General Lafayette was rewarded for his great services in behalf of American independence with 11,520 acres, and in 1824 with a township of land in Louisiana.

But going back for a moment to another phase of this question, the Republican party justly claims the honor of the final passage of the homestead law, which was approved by President Lincoln on the 20th of May, 1862, one of the noblest and most humane laws ever enacted. That measure had been introduced in the Senate by Andrew Johnson in 1857, but it was only reported back to the Senate and did not pass. It was passed, however, during Mr. Buchanan's administration, and met the veto of the President, partly upon the ground that, by a strange oversight, persons of foreign birth might enter lands without being the heads of families, while native-born citizens could not make entries unless they were heads of families. That was one of the grounds on which President Buchanan vetoed the bill.

Mr. PAYSON. But it was not the principal ground.

Mr. HOLMAN. No; it was not. The principal ground was the one to which my friend manifestly refers, that the President was opposed to the measure. The same bill, with the defect named corrected, was introduced into the next Congress and passed both Houses. It passed the House by 107 votes to 16. There are three members in this House who were members of that Congress—Mr. COX, Mr. KELLEY, and myself—all of whom voted for the bill. It passed the Senate by 33 votes to 7, and was approved by President Lincoln on the 20th of May, 1862. I voted for it as a member of this House with infinite satisfaction. All men hoped and expected that it dedicated the public lands forever to actual settlers. The prompt introduction of the homestead bill in the first Congress controlled by the Republican party seemed to give that promise. But such, unhappily, was not the result.

While the bill was pending in the House on the 18th day of December, 1861, I submitted a proposition that the act of March 3, 1855, which had secured allotments of public land to the soldiers of every successive war prior to that which was then waging, should be extended to the soldiers of the then existing war for the Union. That proposition was made in view of the uniform policy of our Government in all former wars, and because no act could be more becoming a Republic than to invest the soldiers who fought in its defense a freehold in the soil of their country. The argument against it was that its tendency would be to monopolize the public lands, that bounty-land warrants assignable would certainly produce that result. That was the only argument that could be urged against it, for the public lands were then ample for the purpose; but it was successful, and my provision failed by the action of the gentleman who controlled the bill in the House. The debate on my proposition to grant bounty lands to the soldiers of the war for the Union, in view of the results, was one of the most interesting debates that occurred during the war. Mr. Potter, of Wisconsin, who controlled the bill, indignantly declared, in his speech against my amendment, that "the issue of land warrants under previous acts has absorbed nearly 100,000,000 acres of our public lands and thrown nearly that amount into the hands of speculators." Mr. Windom, of Minnesota, was still more indignant, and declared, in substance, that it was mere demagogism. Hon. James A. Cravens, of Indiana, a gallant soldier of the Mexican war, was the only member who stood by me with a speech. This debate will be found in the Congressional Globe, second session Thirty-seventh Congress, volume 67.

But, Mr. Speaker, what an extraordinary result followed! Within ten years afterward grants of public lands to an extent unexampled in the history of any country were made to corporations, commencing with the same Congress. How does the account stand? I have before me a statement from the General Land Office. Let us consider all the grants of land made for military services, for education, and military wagon-roads, and to States for railroads from 1787 to 1861—a period of seventy-four years—and including all grants for education, down to the present time, and compare all these grants combined with the grants made during ten years after the Republican party came into power, on the 4th day of March, 1861, for railroads and military roads alone, and what is the result? The grants prior to March 4, 1861, are as follows. Let us see the result by comparison.

All grants made up to this time for military service and education are as follows:

	Acres.
Military services, Revolutionary war	2,165,000
Military services, war of 1812	4,930,192
Military services, war with Mexico, act of March 3, 1855	61,028,430
Total for military services	68,123,622
Granted to States and reserved for Territories for school purposes	67,893,919
Universities	1,165,520
Agricultural colleges, act of July 2, 1862	9,600,000
Total for education	78,659,439
In all for military services and education	146,783,061

GRANTS AFTER MARCH 4, 1861.

	Acres.
To States to aid in the construction of railroads	17,775,624
To corporations	163,643,944
Grand total since March 4, 1861	181,419,569

It appears, therefore, that while it was not thought proper on February 22, 1862, to grant bounty lands to the soldiers of the Union Army on account of its tendency to land monopoly, yet beginning with July 2, 1862, with a grant of 28,000,400 acres to the Union Pacific Railroad corporations, Congress within ten years gave directly to corporations and to States for corporations 181,419,569 acres of land, a territory eight times greater than the State of Indiana. All this in ten years! While from the year 1787 down to this day all the grants made by Congress for common schools, the foundation of the grandest system of education the world has ever seen, including the sixteenth section of every township of the public domain down to the formation of the Territory of Oregon, and the sixteenth and thirty-sixth sections in every township of every State and Territory organized since, including also all grants for universities and colleges, and all grants for military services in all the wars from the Revolution down to the war with Mexico, aggregate 146,678,061. This aggregate of 146,678,061 for education and military services covers the grants of our entire history.

As to grants prior to March 4, 1861, and subsequent to that date under all parties, Democratic, Whig, and Republican, to aid in the construction of railroads and military wagon-roads, I submit the following table, prepared at the General Land Office. A glance will show the extraordinary contrast between the policy of the Democratic party and the Whig party and all other parties on the one hand and the Republican party on the other in relation to the public land, the most valuable wealth a nation can possess. It will be seen that the largest grant ever made prior to March 4, 1861, was that to the State of Illinois for the construction of the Illinois Central Railroad of 2,595,053 acres.

Statement showing land grants made by Congress to aid in the construction of railroads and wagon-roads prior and subsequent to March 4, 1861.

[Compiled from the official records of the General Land Office.]

Names of companies.	State.	Mile limits.	Date of granting act.	Estimated area of entire grant.*	Area certified or patented up to June 30, 1888.
Grants to States prior to March 4, 1861.				*Acres.*	*Acres.*
Illinois Central	Illinois	6 and 15	Sept. 20, 1850	2,595,053.00	2,595,053.00
Mobile and Ohio River	Mississippi	do	do	1,004,640.00	737,130.29
Do	Alabama	do	do	230,400.00	419,528.44
Hannibal and St. Joseph	Missouri	do	June 10, 1852	781,944.00	603,186.34
Pacific (Southwest branch)	do	do	do	1,161,235.07	1,161,164.51

* The figures of this column are approximately correct, being based on the estimate of the annual report of the Commissioner of the General Land Office of 1875.

Statement showing land grants made by Congress to aid in the construction of railroads and wagon-roads, etc.—Continued.

Names of companies.	State.	Mile limits.	Date of granting act.	Estimated area of entire grant.*	Area certified or patented up to June 30, 1888.
Grants to States subsequent to March 4, 1861.					
				Acres.	*Acres.*
Cairo and Fulton	Missouri and Arkansas.	6 and 15	Feb. 9, 1853	1,178,411.05	1,178,411.05
Little Rock and Fort Smith	do	do	do	550,584.09	559,534.09
Memphis and Little Rock	do	do	do	438,646.00	127,238.00
Burlington and Missouri River	Iowa	do	May 15, 1856	948,643.65	388,934.08
Mississippi and Missouri [Chicago, Rock Island and Pacific]	do	do	do	1,261,181.00	607,461.68
Iowa Central Air Line [Cedar Rapids and Missouri River]	do	do	do	1,298,739.00	1,032,363.28
Dubuque and Pacific	do	do	do	1,226,163.00	1,155,956.54
Florida, Atlantic and Gulf [Pensacola and Florida]	Florida	do	May 17, 1856	1,568,729.07	1,304,963.70
Florida, now Atlantic, Gulf and West India Transit	do	do	do	290,183.28	290,183.28
Alabama and Florida	do	do	do	165,688.00	165,688.00
Do	Alabama	do	do	419,520.00	394,522.99
Tennessee and Coosa	do	do	June 3, 1856	132,480.00	67,784.96
Coosa and Chattooga	do	do	do	144,000.00	
Wills Valley and Northeast and Southwestern (now Alabama and Chattanooga)	do	do	do	897,920.00	649,676.98
Mobile and Girard	do	do	do	840,880.00	504,145.86
Tennessee and Alabama Central [South and North Alabama]	do	do	do	576,000.00	438,905.99
Alabama and Tennessee Rivers [Selma, Rome and Dalton]	do	do	do	481,920.00	457,215.37
Bay de Noquet and Marquette (now Marquette, Houghton and Ontonagon)	Michigan	do	do	128,000.00	128,000.00
Marquette and Ontonagon	do	do	do	331,509.15	262,446.78
Ontonagon State Line [Brulé River]	do	do	do	217,916.95	
Marquette and State Line, afterwards known as the Chicago, St. Paul and Fond du Lac [Chicago and Northwestern].	do	do	do	360,000.00	240,000.00
Amboy, Lansing and Traverse Bay	do	do	do	1,052,469.19	743,009.36
Grand Rapids and Indiana	do	do	do	852,960.12	852,960.12
Detroit and Milwaukee	do	do	do	355,420.19	30,998.75
Port Huron and Milwaukee	do	do	do	312,384.00	6,468.68
Flint and Pere Marquette	do	do	do	586,828.72	512,337.03
La Crosse and Milwaukee, afterwards Madison and Portage	Wisconsin			3,550.00	1,115.88
La Crosse and Milwaukee, afterwards Farm Mortgage Land Company	do			230,546.88	228,661.43
La Crosse and Milwaukee, afterwards West Wisconsin	do			297,654.32	296,654.32
St. Croix and Lake Superior, now Chicago, St. Paul, Minneapolis and Omaha:					
Main line	do			495,047.24	495,047.24
Bayfield Branch	do	6 and 15		319,962.89	319,962.89
Chicago, St. Paul and Fond du Lac [Chicago and Northwestern]	do	do	June 3, 1865	565,575.76	545,575.76
Vicksburg, Shreveport and Texas (now Vicksburg, Shreveport and Pacific)	Louisiana	do	do	610,880.00	358,212.68
New Orleans, Opelousas and Great Western	do	do	do	967,840.00	51,452.03
Southern [Vicksburg and Meridian]	Mississippi	do	Aug. 11, 1856	404,800.00	198,028.41
Gulf and Ship Island	do	do	do	652,800.00	
Minnesota and Pacific, afterwards St. Paul and Pacific	Minnesota	do	Mar. 3, 1857	749,183.37	750,627.68
Minnesota and Pacific [St. Paul, Minneapolis and Manitoba]	do	do	do	885,000.00	388,223.09
Southern Minnesota and Minnesota Valley [St. Paul and Sioux City]	do	do	do	606,000.00	688,133.11
Minneapolis and Cedar Valley [Minnesota Central]	do	do	do	386,041.80	107,823.97
Winona and St. Peter	do	do	do	846,000.00	1,006,672.39
Southern Minnesota	do	do	do	59,619.45	59,619.45
Total to States prior to March 4, 1861				30,470,920.25	23,105,467.98
Leavenworth, Lawrence and Galveston	Kansas	10 and 20	Mar. 3, 1863	800,000.00	60,104.55
Atchison, Topeka and Santa Fé	do	do	do	3,000,000.00	2,934,522.86
Union Pacific, Southern Branch, afterwards the Missouri, Kansas and Texas	do	do	do	1,520,000.00	712,895.18
St. Joseph and Denver City	do	do	July 23, 1866	1,700,000.00	462,573.24
Portage, Winnebago and Lake Superior, Wisconsin Central	Wisconsin	do	May 5, 1864	1,800,000.00	786,190.68
La Crosse and Milwaukee, afterwards West Wisconsin, now Chicago, St. Paul, Minneapolis and Omaha.			do	624,843.21	478,321.03
St. Croix and Lake Superior, now Chicago, St. Paul, Minneapolis and Omaha:					
Main line			do	291,799.26	287,644.64
Bayfield Branch			do	144,399.51	142,692.24
Lake Superior and Mississippi, now St. Paul and Duluth	Minnesota	10 and 20	May 5, 1864	920,000.00	828,581.00
Sioux City and St. Paul	Iowa	do	May 12, 1864	524,800.00	381,852.88
McGregor Western	do	do	do	1,536,000.00	324,014.07
Grand Rapids and Indiana	Michigan	do	June 7, 1864	852,960.00	852,960.12
Southern Minnesota and Minnesota Valley	Minnesota	do	May 12, 1864	404,000.00	458,755.41
Bay de Noquet and Marquette [Marquette, Houghton and Ontonagon]	Michigan	do	Mar. 3, 1865		
Marquette and Ontonagon [Marquette, Houghton and Ontonagon.]	do	do	do	221,606.10	164,964.52
Peninsula [Chicago and Northwestern]. (*See* Marquette and State line.)	do	6, 15, and 20	July 5, 1862 / Mar. 3, 1865	240,000.00	207,130.24
Minnesota and Pacific, afterwards St. Paul and Pacific	Minnesota	20	do	590,000.00	258,815.39
Do	do	do	do	499,455.58	300,418.45
Minneapolis and Cedar Valley [Minnesota Central]	do	do	do	257,361.20	71,882.65
Winona and St. Peter's	do	do	do	564,000.00	670,714.92
Southern Minnesota	do	do	July 4, 1866	735,000.00	454,562.38
Hastings, Minnesota and Red River of the North, now Hastings and Dakota	do	do	do	550,000.00	312,770.77
Total				17,775,624.86	11,360,367.57
Grants to corporations subsequent to March 4, 1861.					
Union Pacific		20	July 1, 1862 / July 2, 1864	12,000,000.00	2,616,258.08
Leavenworth, Pawnee and Western:					
Denver Pacific		do	July 1, 1862	1,000,460.00	164,721.51
Kansas Pacific		do	do	6,000,000.00	963,714.02
Central Pacific and Western		do	July 1, 1861 / July 2, 1864	9,000,000.00	1,040,210.59 / 447,768.03
Hannibal and St. Joseph [Union Pacific, Central Branch]		do	do	781,944.83	218,250.08
Sioux City and Pacific		10	do	60,000.00	41,398.23
Burlington and Missouri River		No limits	July 2, 1864	2,441,600.00	2,373,290.77
Northern Pacific		20, 30, 40, and 50	do	47,000,000.00	1,037,359.21
California and Oregon [Central Pacific]		20 and 30	July 23, 1866	3,500,000.00	1,362,433.61
Oregon Central [Oregon and California]		do	July 25, 1866	3,500,000.00	322,062.40
Atlantic and Pacific		20, 30, 40, and 50	July 27, 1866	42,000,000.00	959,206.87
Southern Pacific		20, 30, and 50	do	9,520,000.00	1,040,430.03
Oregon Central [Oregon and California] forfeited		20 and 25	May 4, 1870	1,200,000.00	
Southern Pacific, Branch line		20 and 30	Mar. 3, 1871	3,520,000.00	187,719.65
New Orleans, Baton Rouge and Vicksburg		do	do	3,800,000.00	679,287.64
Texas Pacific		20, 30, 40, and 50	do	18,000,000.00	
Stockton and Copperopolis		10 and 20	Mar. 2, 1867	320,000.00	
Total				163,643,944.83	13,454,111.02

* The figures of this column are approximately correct, being based on the estimate of the annual report of the Commissioner of the General Land Office of 1875.

Land grants made by Congress in aid of the construction of military wagon-roads prior and subsequent to March 4, 1861.

Route of road.	State.	Mile limits.	Date of granting act.	Estimated area of entire route.*	Area certified or patented up to June 30, 1888.
Grants for wagon-roads prior to March 4, 1861.					
				Acres.	*Acres.*
From the Lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut reserve	Ohio		Feb. 28, 1823	49,177.45	49,177.45
From Columbus to Sandusky	do		Mar. 2, 1827	31,596.09	31,596.09
From Lake Michigan, via Indianapolis, to some convenient point on the Ohio River	Indiana	One section per mile.	do	170,580.24	170,580.24
Total grants prior to 1861				251,353.78	251,353.78
Grants for wagon-roads subsequent to March 4, 1861.					
From Fort Wilkins, Copper Harbor, Mich., to Green Bay, Wis	Michigan	3 and 15	Mar. 3, 1863	221,013.36	221,013.36
Do	Wisconsin	do	do	302,930.96	302,930.96
From Saginaw to the Straits of Mackinaw	Michigan		June 20, 1864		
From Grand Rapids to the Straits of Mackinaw	do				
From Wausau to Lake Superior	Wisconsin		June 25, 1864		
From Eugene City, Oregon, to the eastern boundary of State [Oregon Central military road].	Oregon		July 2, 1864	720,000.00	402,240.67
Do	do		Dec. 26, 1866		
From Corvallis to Yaquina Bay	do	3	July 4, 1866	76,885.98	76,885.98
From Albany, Oregon, to eastern boundary of said State [Willamette Valley and Cascade Mountain].	do		July 5, 1866	548,749.53	548,749.53
From Dalles City to Fort Boisé	do	3 and 10	Feb. 25, 1867	556,800.00	126,910.23
From Coos Bay to Roseburgh	do	3 and 6	May 3, 1869	104,000.01	104,000.01
Total grants subsequent to 1861				2,530,379.84	1,782,730.74
Grand aggregate				2,781,733.62	2,034,084.52

* The figures of this column are approximately correct, being based on the estimate of the annual report of the Commissioner of the General Land Office of 1875

Recapitulation of land grants made by Congress to States and corporations for railroads and wagon-road purposes prior and subsequent to March 4, 1861.

Grants.	Acreage granted.	Acreage certified or patented.
Prior to March 4, 1861.		
TO STATES.		
	Acres.	*Acres.*
Grants for railroad purposes	30,470,920.25	23,105,467.98
Grants for wagon purposes	251,353.78	251,353.78
Total	30,722,274.03	23,356,821.76
[No grants to corporations were made by Congress during the above period.]		
Subsequent to March 4, 1861.		
TO STATES.		
Grants for railroad purposes	17,775,624.86	11,360,367.57
Grants for wagon-road purposes	2,530,379.84	1,782,730.74
Total	20,306,004.70	13,143,098.31
TO CORPORATIONS.		
Grants for railroad purposes	163,643,944.83	13,454,111.02
Total	183,949,949.53	26,597,209.33
Excess in acres of grants to States and corporations subsequent to March 4, 1861	153,227,675.50	3,240,387.57

But gentlemen suggest that time was not of the essence of the grants, and that the railroad corporations might hold the land until, by the industry and energy of the whole people, the country should be settled up and the lands increased in value. If this view be correct, then the infamy of these grants is the more apparent; instead of being grants to "aid" in the construction of railroads and open up the country, these grants should be designated as gifts of Congress to wealthy gentlemen to be enhanced in value by the labor of the American people. If time was not of the essence of these grants, why did the Northern Pacific and the others ask for an extension of time which Congress graciously granted? Let us look at this matter further. Take the case of the Northern Pacific Railroad. According to the last report of the Commissioner of Railroads, this company had received up to December 31, 1886, patents for 13,845,072 acres, and had sold 5,977,060.99 acres, for which there was received in cash $21,324,039.07; still due, $3,758,836.63, making in all for these 5,977,060.99 acres granted to that corporation the sum of $25,082,000. The words of the Commissioner are as follows:

The total number of acres of land received by this company from the Government by patent and certification, December 31, 1886, was 13,845,072.50, of which 5,977,060.99 acres have been sold. From these sales the company has received $21,324,039.07, and there are outstanding on time sales $3,758,836.63.

Assuming that the residue of the 13,845,072 acres patented to that road shows the same return, something more than $3.50 an acre, what will be realized from the lands for which that company has already obtained patents from the General Land Office? The enormous sum of $48,457,742, a sum within $27,000,000 of the cost of the entire road from Lake Superior to Portland, Oregon, with the branch across the Cascade range of mountains to Puget Sound, an imperial possession. The whole cost of the entire system is estimated by the Commissioner of Railroads at $75,000,000. The Commissioner tells us in his report that the corporation has reserved its coal and timber lands. Of course these public-spirited gentlemen who have obtained this grant of 42,500,000 acres of the people's land will withhold the valuable coal and timber land to enlarge the imperial wealth a benevolent Congress has given them out of the patrimony of the people. Yet gentlemen think the remainder of this imperial grant should not be forfeited back to the people.

Gentlemen think injustice would be done to this corporation if we declare the forfeiture here proposed. I think the injustice was in making the grant. The natural results of such a fostering of wealth by law made its appearance in due time. Instead of these grants ever operating for the benefit of the settler, the result was exactly the reverse. Before the homesteader was ready to move, before the landless

citizen could gather his family around him and start on the journey for a home on your public domain, the prospectors, land-jobbers, and capitalists from Europe as well as America had invaded all that country within the reach of the railroad and appropriated in large estates the very cream of the fertile lands. Take Dakota. You could travel there years ago for weary miles and miles and see on every hand the virgin soil untouched. Yet every acre of that land had been entered years before, and that too by a well organized system of frauds humiliating to our people and dishonoring to our Government. Besides, was it not natural, when we undertook to imitate the policy of European nations, of great subsidies enarging the wealth of the favored few, that just such events should transpire as those which caused the people of this country a few years ago to blush in beholding the fruits of these imperial grants inuring to the benefit of the capitalists and nobility of Europe? And how natural it was when the celebration of the alleged completion of this railroad occurred that the favored class of Europe should be the guests of that corporation. You can not make such grants without reaping a harvest of misfortune, without producing the same disastrous results which have reduced Europe to a land of palaces and huts. The fruits of subsidy in all nations are the same—the wealth and luxury of the favored class, the poverty and wretchedness of the people.

The time for the completion of the last railroad under this extraordinary system of land grants was the 4th day of July, 1882, in the midst of the Forty-seventh Congress. It was the Texas Pacific, with a grant of 18,500,000. In anticipation of that event, on the 16th of January, 1862, I introduced House bill No. 2878 for a general forfeiture of unearned land grants, in substance the same as the pending amendment of the House Committee on Public Lands. On the 6th of February, 1862, Mr. Cobb, of Indiana, introduced a similar bill; both were referred to the Committee on Public Lands. Many bills declaring the forfeiture of particular grants were referred to the Judiciary Committee. On the latter committee Mr. Proctor Knott, Judge PAYSON, and other members demanded a hearing on these bills. Yet from the first day to the last of that House of Representatives, over which Speaker Keifer presided as Speaker, notwithstanding persistent effort, the more urgent as many thousand miles of these land-grant railroads were then subject to forfeiture without the least shadow of defense, not one single vote could be obtained on any bill declaring a forfeiture. The members of the House demanding these forfeitures were absolutely ignored by the Speaker and the controlling majority. It seems just to assert that this House in the Forty-seventh Congress was organized with express reference to the defeat of all attempts to declare the forfeiture of these lands.

As soon as the Forty-eighth Congress was fully organized, with Mr. CARLISLE Speaker, the policy of this House as to these grants was instantly reversed. The following resolutions, which I had the honor to submit to the House on the 21st day of January, 1884, were promptly adopted. I think they fully express the principles of the Democratic party in relation to the public lands:

Resolved, That, in the judgment of this House, all the public lands heretofore granted to States and corporations to aid in the construction of railroads, so far as the same are now subject to forfeiture by reason of the nonfulfillment of the conditions on which the grants were made, ought to be declared forfeited to the United States and restored to the public domain.

Resolved, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and bona fide settlers, and disposed of under the provisions of the homestead laws only.

Resolved, That the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions; that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills, and the same shall in like order be entitled to consideration.

No revolution was ever more complete than that witnessed in the organization of this House in the Forty-eighth Congress. The foregoing resolutions were adopted and became from thence to the present hour, the rule of the House of Repesentatives. Under this policy the following land-grants have been forfeited and the land restored to the people.

Congressional action on land-grant forfeiture bills.

Name of railroad.	Congress.	Acres.
Oregon Central	Forty-eighth	810,880
Texas Pacific	....do	18,500,000
Iron Mountain of Missouri	....do	390,000
Atlantic and Pacific	Forty-ninth	23,871,360
Tuscaloosa and Mobile		
Mobile and New Orleans		
Elyton and Beard's Bluff		
Memphis and Charleston		*7,000,000
Savannah and Albany		
New Orleans and State Line		
Iron Mountain of Arkansas		
Total		50,482,240

*Estimated.

A careful inquiry will reveal the fact that the present Administration has absolutely reversed the land policy of the Republican administrations. Instead of a policy that favored the grants to railroad corporations, the Spanish and Mexican grants, and the enormous claims under entries made for speculation, every effort is now made consistent with justice to restore the public lands to the bona fide settler. General Sparks and his able successor, Col. A. M. Stockslager, pursuing the same line of policy under the earnest approval of the President, have restored by Executive order 52,437,373 acres to the public domain, as will be seen by the following table:

Land actually restored to the public domain.	Acreage.
Lands in granted railroad limits restored	2,108,417.38
Railroad indemnity lands restored	21,323,600.00
Private land claims; withdrawn lands restored	576,000.00
Entries under pre-emption, homestead, timber-culture, desert, mineral, and timber land laws canceled in regular course of examination and proceedings in General Land Office for abandonment, illegality, and other causes	27,460,608.74
Invalid State selections restored to United States	968,747.52
Total actually restored to the public domain and opened to entry and settlement	52,437,373.64

You have, gentlemen, at the present session of Congress passed a bill for the first time classifying the public lands and securing to actual settlers all the remaining public lands adapted to agriculture, protecting your remaining coal fields, and streams of water from monopoly, protecting your forest from destruction, and repealing all laws under which speculation in the public lands is possible. You have declared in that bill that the public lands shall be held to secure homes for our people, and for no other purpose. Had that bill been passed as a part of the homestead measure of May 20, 1862, how many generations would elapse before the peril would approach that comes to a nation from a homeless, hopeless, and discontented people! The promise of a home on your public lands has through generations past inspired with hope the hearts of millions of laboring men of the United States. Every laborer at the forge, in the shop, and every where has been buoyed up with the hope that after awhile by patient industry he might secure for his family an independent freehold upon the public domain. It has been not only the source of your greatness, but the ark of your safety. But, unfortunately, the spirit that inspired the homestead law died with its enactment; the vast body of your public lands were left exposed to speculation for the benefit of those for whom the homestead law was not intended.

In that bill you have passed a homestead measure which does not leave one acre of public land open to the speculator. By that bill you have set apart your public lands for homes for your people. If the Senate, yielding to just public sentiment, should pass that bill, and this measure now pending of public justice should become a law, much will have been done to retrieve the past.

Let this measure proposed by your Committee on Public Lands pass. Let it become a law. Restore the land to the people from whom it has been unjustly taken; restore to them these millions of acres which have been so unwisely and improvidently granted to favored parties; restore the land to its rightful owners and dedicate your remaining lands for homes for your people and then those whose praise is most to be desired, the unfortunate, the poor, the landless, will rise up and pronounce their blessings upon the Fiftieth Congress of the United States. [Great applause.]

Mr. STONE, of Missouri. Mr. Speaker, from an early period in our national history, at least as far back as 1823, the Congress of the United States had been in the habit of making grants of the public lands to the various States of the Union, especially to the younger States just coming into the Union, to aid them in the struggles incident to the formative period, in the construction of works of internal improvement inaugurated with a view to their development. In the beginning of these grants they were intended to assist in, and were confined wholly to, the construction of wagon-roads and canals, and in improving the navigation of rivers. At a later period grants were also made to certain States with authority to use the lands in the construction of railroads. The first grant of this latter kind was made in 1850 to the State of Illinois, and the lands were subsequently granted by the Legislature of that State to the Illinois Central Railroad Company, to induce and assist that company to construct a railroad through the State from the city of Chicago to the southern boundary thereof.

After that a number of grants were made to the different States for similar purposes. Up to 1862 the policy of Congress had been to make grants, not directly to corporations, but to the States, conferring power and authority upon the States, as grantees, to use the lands for specific purposes and within certain limitations for the good of the entire State as a public community. The purpose was to benefit the States and the whole people thereof by putting into their own hands certain public properties, to be used by them in advancing enterprises of great local importance—enterprises inaugurated by authority of the States themselves and subject to their control. The policy of making grants, even

of that character, was stubbornly resisted by many of the greatest and wisest men in our parliamentary history, and the wisdom of that resistance has been made manifest by the evil and disastrous consequences which have in later years grown out of it.

No serious objection, perhaps, could be urged to the mere act of granting a limited amount of land to new States struggling in their infancy against the difficulties, inconveniences, and poverty incident to communities upon the frontier in the formative period, and placing it in the hands of the community itself, to be used wisely and judiciously in the development of the country, if the policy of making such grants should stop there and go no further. But it was thought in the beginning of these grants that to make them, or that the right to make them, was doubtful under a proper construction of the constitutional powers of Congress, and that if even a seeming infraction of the Constitution in this regard was permitted, though for a purpose at that time apparently beneficent, it would be a breach in the wall through which future inroads upon a larger scale and far more dangerous in character would be made; and I repeat now that the wisdom of that opposition has been unfortunately verified by the events which have since occurred, for in 1861 a political party came into power and assumed control of public affairs in this country whose whole history before and since shows its utter disregard of constitutional restraint. The Constitution has never stood in the way of that party when it sought an end; and if it did it was so much the worse for the Constitution. Where the disposition and the power are combined it is always easy enough to evade the law. When a party, latitudinarian in its construction of constitutional limitations and powers, is pushing forward to the achievement of the purposes it has in view, every mistake made in the past is widened and widened in its scope and effect, until it is made not only a precedent, but the rule of action. So the Republican party, coming into power in 1861, looked back over the history of the past and saw that other parties, the Democratic party among them, had from time to time granted more or less lands to States, which the States had in turn used in divers ways, frequently by grants of their legislatures to private corporations, to aid in the prosecution of local enterprises, took a step in advance, and, putting the States aside, made enormous grants of the public lands directly to railroad corporations.

It may not be uninteresting, Mr. Speaker, in this connection to give a brief history of our public domain and the connection which the two great political parties of this day have had with it. At the outstart I make this statement, that without claiming aught of credit for the cession of the great Northwestern Territory and the cessions made to the Federal Government by Georgia and other States at the beginning of our national history, or without claiming ought on account of the purchase from the State of Texas, only a small part of which is embraced in the public domain, every acre of the public domain of the United States was acquired under Democratic administrations except Alaska, that *terra incognito* of the north, and even that was acquired under the administration of Andrew Johnson, who fled from the contaminations of his own party to seek fellowship and die forgiven in the arms of the old party of constitutional government. More than that, these public lands were not accidentally acquired while Democratic administrations happened to be in power, and as mere incidents of those administrations, but they were acquired as a part of the fixed and settled policy of the Democratic party, often in the face of turbulent opposition.

What was acquired in this way and by this party? First, the Louisiana purchase, made in 1803, during the administration of Mr. Jefferson, embracing 1,182,752 square miles, or 756,961,280 acres; second, the Florida purchase, made during the administration of Mr. Monroe, in 1819, embracing 52,268 square miles, or 37,931,560 acres; third, the lands acquired from Mexico by the treaty of Guadalupe Hidalgo, made in 1848, during the administration of Mr. Polk, and by the Gadsden purchase, made in 1853, during the administration of Mr. Pierce, embracing 568,103 square miles, or 363,585,920 acres. The total of all these acquisitions aggregate 1,810,123 square miles, or 1,158,478,720 acres. Out of this magnificent empire the following States and Territories have been created and organized, namely: Parts of the States of Alabama and Mississippi, and all of the States of Florida, Louisiana, Arkansas, Missouri, Kansas, Iowa, Nebraska, Minnesota, Colorado, Oregon, Nevada, and California; and the Territories of Washington, Wyoming, Montana, Dakota, Idaho, Utah, Arizona, and New Mexico.

This noble empire, unparalleled in fertility, picturesqueness, and beauty, as well as in the diversity and possibilities of its productions, is the gift of the Democratic party to the United States. If this were all the good this party had ever done, and though it could be truly said it had otherwise done much that was wrong, this one thing alone ought to embalm it in the grateful and affectionate memory of the country through all the generations who are to enjoy the rich fruits of this precious heritage. Where in all the history of all the empires, principalities, and powers that have risen and fallen in all the ages of the world has any public achievement been wrought so full of possible blessings to mankind? It gives us command of the South Atlantic, the Gulf, the Pacific, and the Great Lakes, and puts within our almost boundless territory the mightiest rivers of the earth. It gives to us mountains whose sublimity, plains whose extent and fertility, valleys whose beauty and fecundity are almost without rivals on the globe.

It gives to us the most extensive and marvelously productive mineral deposits, including the precious metals and minerals of all kinds, which have been yet discovered; and puts at our command, as a part of our national possessions, a coal area greater than that of all Europe. The glory of this splendid achievement belongs alone to the Democratic party, a glory in which no other political party is entitled to share. Nor is that all; for more than fifty years the Democratic party, which had acquired this princely estate of more than a thousand million acres, continued to manage it for the people. The hardy sons of our native land, and those of other lands coming to us from abroad, have swarmed over this territory, and State after State has sprung like magic into being.

There are homes in this Territory for 400,000,000 people. We could take the entire population of the United States according to the census of 1880, and put every living soul in the Territory of New Mexico, or in the Territory of Dakota, and the population would not then be as dense as it now is in some of the most enlightened countries of Europe. I say the Democratic party, after acquiring these lands, managed them for the people of the country for more than fifty years, and managed them well. During that eventful half century who ever heard of land rings, land syndicates, land corporations, or land steals? Who ever heard of the Interior Department being converted into a place of secret resort where thieves did congregate to devise and perfect schemes for public plunder? During all those years we heard no complaints, for there were no complaints, that the public land laws were being used for the purposes of wholesale theft. During all those years we heard of no grants of public lands to private corporations.

The only mistake made, if indeed that was a mistake, was in granting lands to the States, with authority to use them in the prosecution of local enterprises by regranting them to private individuals and local corporations. Though it is true that some grants of that description were made to the States during Democratic supremacy, the power to do it was doubted, and it was used with great prudence and in no instance abused; for during our whole national history from 1789 to 1861, all the administrations of all political parties in power in this country through that long and eventful period, granted of the public lands only 35,131,433.91 acres to the States, and not an acre to corporations. Of that amount about two-thirds were granted under Democratic administrations, and the remainder under Federal and Whig administrations. When the Republican party ascended into power and took control of public affairs in 1861, an entirely new policy concerning the disposition of our public lands was inaugurated. In 1862, while that party was yet on its first legs, when little more than one year of its administration had been completed, it granted 23,504,001.61 acres of our finest lands directly to railroad corporations.

In one year it granted nearly as much as had been granted by all other parties combined in the whole previous history of the Republic. From 1861 to 1874 the Republican party was the undisputed master of the situation. It controlled both branches of Congress, the executive, and the judiciary. Every department of the Government was in its hands. In eleven years during that interval a Republican Congress passed, and a Republican executive approved, bills granting directly and indirectly to private corporations 185,218,966.86 acres of the public lands. I have here a long table, prepared at my request by the accommodating Commissioner of the General Land Office, which is an epitome of the history of these land grants. It covers all the grants made by Congress to the States for the purposes of internal improvement, and all grants made to corporations. It shows the date and the purpose of each grant, the name of the grantee, the number of acres covered by the grant, and the number of acres which have been certified or patented.

The table is also compiled so as to show the extent of the grants made prior to March 4, 1861, and the extent of the grants made subsequent to that date. I have not time to read the whole table, but I will insert it in my remarks at this point. It will be observed that a large number of grants were made prior to 1861, but they were comparatively small in extent. The policy which then prevailed was to make small grants to the States to aid their local enterprises. After 1861, though the grants were not so numerous, they were all made in a short period of time, were increased vastly in extent, and made, in the greater part, for private use and benefit.

[See table on next page.]

The great State of Missouri, one district of which I have the honor to represent in this House, is about 300 miles in length, east and west, and a similar distance north and south. In that great State there are 44,425,600 acres, or about one-fourth as much as was granted in eleven years to a dozen or more corporations. By the census of 1880 the population of the United States amounted to 50,155,783. That entire population could be given homes and domiciled upon these granted lands and the population would not be as dense as in any of the great powers of Europe.

Not only so, Mr. Speaker, but these enormous grants of land made by the Republican party to corporations were supplemented by what has turned out to be a gift of bonds to the amount of $64,623,512, bearing 6 per cent. interest.

Statement showing land grants made by Congress to aid in the construction of railroads and wagon-roads and canals, and to aid in river improvement prior and subsequent to March 4, 1861.

[Compiled from the official records of the General Land Office.]

FIRST.—TO AID IN THE CONSTRUCTION OF RAILROADS.

Names of companies.	State.	Mile limits.	Date of granting act.	Estimated area of entire grant.*	Area certified or patented up to June 30, 1888.
Grants to States made prior to March 4, 1861.				*Acres.*	*Acres.*
Illinois Central	Illinois	6 and 15	Sept. 20, 1850	2,595,053.00	2,595,053.00
Mobile and Ohio River	Mississippi	do	do	1,004,640.00	737,139.29
Do	Alabama	do	do	230,400.00	419,528.44
Hannibal and St. Joseph	Missouri	do	June 10, 1852	781,944.00	603,186.34
Pacific (Southwest branch)	do	do	do	1,161,235.07	1,154,164.51
Cairo and Fulton	do / Arkansas	do	Feb. 9, 1853	1,178,411.65	1,178,411.65
Little Rock and Fort Smith	do	do	do	550,584.09	550,534.09
Memphis and Little Rock	do	do	do	438,646.00	127,238.00
Burlington and Missouri River	Iowa	do	May 15, 1856	948,643.66	388,934.68
Mississippi and Missouri [Chicago, Rock Island and Pacific]	do	do	do	1,261,181.00	607,461.68
Iowa Central Air Line [Cedar Rapids and Missouri River]	do	do	do	1,228,739.00	1,032,363.28
Dubuque and Pacific	do	do	do	1,226,163.00	1,155,956.54
Florida, Atlantic and Gulf [Pensacola and Florida]	Florida	do	May 17, 1856	1,568,729.07	1,304,963.70
Florida, now Atlantic, Gulf and West India Transit	do	do	do	280,183.28	280,183.28
Alabama and Florida	do	do	do	165,688.00	165,688.00
Do	Alabama	do	do	419,520.00	304,522.99
Tennessee and Coosa	do	do	June 3, 1856	132,480.00	67,784.95
Coosa and Chattooga	do	do	do	144,000.00	
Wills Valley and Northeast and Southwestern [now Alabama and Chattanooga]	do	do	do	897,920.00	649,676.98
Mobile and Girard	do	do	do	840,880.00	504,175.86
Tennessee and Alabama Central [South and North Alabama]	do	do	do	576,000.00	438,905.99
Alabama and Tennessee Rivers [Selma, Rome and Dalton]	do	do	do	441,920.00	437,215.37
Bay de Noquet and Marquette [now Marquette, Houghton and Ontonagon]	Michigan	do	do	128,000.00	128,000.00
Marquette and Ontonagon	do	do	do	331,509.15	262,446.78
Ontonagon State Line [Brulé River]	do	do	do	217,916.95	
Marquette and State Line, afterwards known as the Chicago, St. Paul and Fond du Lac [Chicago and Northwestern].	do	do	do	360,000.00	240,000.00
Amboy, Lansing and Traverse Bay	do	do	do	1,052,469.19	747,009.36
Grand Rapids and Indiana	do	do	do	852,960.12	852,960.12
Detroit and Milwaukee	do	do	do	355,420.19	30,998.75
Port Huron and Milwaukee	do	do	do	312,384.00	6,468.68
Flint and Pere Marquette	do	do	do	586,828.72	512,337.03
La Crosse and Milwaukee, afterwards Madison and Portage	Wisconsin			3,550.00	1,115.38
La Crosse and Milwaukee, afterwards Farm Mortgage Land Company	do			230,546.88	228,661.43
La Crosse and Milwaukee, afterwards West Wisconsin	do	6 and 15	June 3, 1856	297,654.32	296,654.32
St. Croix and Lake Superior, now Chicago, St. Paul, Mineapolis and Omaha:					
Main line	do			495,047.24	495,047.24
Bayfield Branch	do	6 and 15		319,962.89	319,962.89
Chicago, St. Paul, and Fond du Lac [Chicago and Northwestern]	do	do	June 3, 1856	565,575.76	545,575.76
Vicksburg, Shreveport and Texas (now Vicksburg, Shreveport and Pacific)	Louisiana	do	do	610,880.00	353,212.68
New Orleans, Opelousas and Great Western	do	do	do	967,840.00	51,452.03
Southern [Vicksburg and Meridian]	Mississippi	do	Aug. 11, 1856	404,800.00	198,628.41
Gulf and Ship Island	do	do	do	652,800.00	
Minnesota and Pacific, afterwards St. Paul and Pacific	Minnesota	do	Mar. 3, 1857	749,183.37	750,627.68
Minnesota and Pacific [St. Paul, Minneapolis and Manitoba]	do	do	do	885,000.00	388,223.09
Southern Minnesota and Minnesota Valley [St. Paul and Sioux City]	do	do	do	666,000.00	688,153.11
Minneapolis and Cedar Valley [Minnesota Central]	do	do	do	386,041.80	107,823.97
Winona and St. Peter	do	do	do	846,000.00	1,006,072.39
Southern Minnesota	do	do	do	59,619.45	59,619.45
Total to States prior to March 4, 1861				30,479,920.25	23,105,467.98
Grants to States made subsequent to March, 4, 1861.					
Leavenworth, Lawrence and Galveston	Kansas	10 and 20	Mar. 3, 1863	800,000.90	69,104.95
Atchison, Topeka and Santa Fé	do	do	do	3,000,000.00	2,934,522.86
Union Pacific, Southern Branch, afterwards the Missouri, Kansas and Texas	do	do	do	1,520,000.00	712,895.18
St. Joseph and Denver City	do	do	July 23, 1866	1,700,000.00	452,373.24
Portage, Winnebago and Lake Superior, Wisconsin Central	Wisconsin	do	May 5, 1864	1,800,000.00	785,190.68
La Crosse and Milwaukee, afterwards West Wisconsin, now Chicago, St. Paul, Minneapolis and Omaha.			do	624,843.21	478,321.03
St. Croix and Lake Superior, now Chicago, St. Paul, Minneapolis and Omaha:					
Main line			do	291,799.26	287,644.64
Bayfield Branch			do	144,399.51	142,692.24
Lake Superior and Mississippi, now St. Paul and Duluth	Minnesota	10 and 20	do	920,000.00	828,581.00
Sioux City and St. Paul	Iowa	do	May 12, 1864	524,800.00	381,852.88
McGregor Western	do	do	do	1,536,000.00	324,014.07
Grand Rapids and Indiana	Michigan	do	June 7, 1864	852,960.00	852,960.12
Southern Minnesota and Minnesota Valley	Minnesota	do	May 12, 1864	404,000.00	458,755.41
Bay de Noquet, and Marquette [Marquette, Houghton and Ontonagon]	Michigan	do	Mar. 3, 1865		
Marquette and Ontonagon [Marquette, Houghton and Ontonagon]	do	do	do	221,096.10	164,964.52
Peninsula [Chicago and Northwestern]. (*See* Marquette and State line.)	do	6, 15, and 20	July 5, 1862 / Mar. 3, 1865	240,000.00	207,130.24
Minnesota and Pacific, afterwards St. Paul and Pacific	Minnesota	20	do	560,000.00	258,815.39
Do	do	do	do	499,455.58	500,418.45
Minneapolis and Cedar Valley [Minnesota Central]	do	do	do	257,361.20	71,882.65
Winona and St. Peter's	do	do	do	564,000.00	679,714.92
Southern Minnesota	do	do	July 4, 1866	735,000.00	454,562.38
Hastings, Minnesota and Red River of the North, now Hastings and Dakota	do	do	do	550,000.00	312,770.77
Total				17,775,624.86	11,360,307.57
Grants directly to corporations made subsequent to March 4, 1861.					
Union Pacific		20	July 1, 1862 / July 2, 1864	12,000,000.00	2,616,258.08
Leavenworth, Pawnee and Western:					
Denver Pacific		do	July 1, 1862	1,000,400.00	164,721.51
Kansas Pacific		do	do	6,000,000.00	964,714.02
Central Pacific and Western		do	July 1, 1861 / July 2, 1864	9,000,000.00	1,640,210.59 / 447,768.63
Hannibal and St. Joseph [Union Pacific, Central Branch]		do	do	781,944.83	218,250.08
Sioux City and Pacific		10	do	60,060.00	41,398.23
Burlington and Missouri River		No limits	do	2,441,600.00	2,373,260.77
Northern Pacific		20, 30, 40, and 50	do	47,000,000.00	1,037,359.21
California and Oregon [Central Pacific]		20 and 30	July 23, 1866	3,500,000.00	1,362,433.61
Oregon Central [Oregon and California]		do	July 25, 1866	3,500,000.00	322,062.40

*The figures of this column are approximately correct, being based on the estimate of the annual report of the Commissioner of the General Land Office of 1875.

Statement showing land grants made by Congress to aid in the construction of railroads and wagon-roads and canals, etc.—Continued.

FIRST.—TO AID IN THE CONSTRUCTION OF RAILROADS—continued.

Names of companies.	State.	Mile limits.	Date of granting act.	Estimated area of entire grant.*	Area certified or patented up to June 30, 1888.
				Acres.	*Acres.*
Atlantic and Pacific		20, 30, 40, and 50	July 27, 1866	42,000,000.00	959,206.87
Southern Pacific		20, 30, and 50	do	9,520,000.00	1,040,430.03
Oregon Central [Oregon and California] forfeited		20 and 25	May 4, 1870	1,200,000.00	
Southern Pacific, branch line		20 and 30	Mar. 3, 1871	3,520,000.00	187,719.65
New Orleans, Baton Rouge and Vicksburg		do	do	3,800,000.00	679,287.64
Texas Pacific		20, 30, 40 and 50	do	18,000,000.00	
Stockton and Copperopolis		10 and 20	Mar. 2, 1867	320,000.00	
Total				163,643,944.83	13,454,111.02

SECOND.—LAND GRANTS MADE BY CONGRESS IN AID OF THE CONSTRUCTION OF MILITARY WAGON-ROADS.

Route of road.	State.	Mile limits.	Date of granting act.	Estimated area of entire route.*	Area certified or patented up to June 30, 1888.
Grants for wagon-roads prior to March 4, 1861.					
From the Lower Rapids of the Miami of Lake Erie to the western boundary of the Connecticut reserve.	Ohio		Feb. 28, 1823	49,177.45	49,177.45
From Columbus to Sandusky	do		Mar. 2, 1827	31,596.09	31,596.09
From Lake Michigan, via Indianapolis, to some convenient point on the Ohio River	Indiana	One section per mile.	do	170,580.24	170,580.24
Total grants prior to 1861				251,353.78	251,353.78
Grants for wagon-roads subsequent to March 4, 1861.					
From Fort Wilkins, Copper Harbor, Mich., to Green Bay, Wis.	Michigan	3 and 15	Mar. 3, 1863	221,013.36	221,013.36
Do	Wisconsin	do	do	302,930.96	302,930.96
From Saginaw to the Straits of Mackinaw	Michigan		June 20, 1864		
From Grand Rapids to the Straits of Mackinaw	do				
From Wausau to Lake Superior	Wisconsin		June 25, 1864		
From Eugene City, Oregon, to the eastern boundary of State [Oregon Central military road].	Oregon		July 2, 1864 / Dec. 26, 1866	720,000.00	402,240.67
From Corvallis to Yaquina Bay	do	3	July 4, 1866	76,885.98	76,885.98
From Albany, Oregon, to eastern boundary of said State [Willamette Valley and Cascade Mountain].	do		July 5, 1866	548,749.53	548,749.53
From Dalles City to Fort Boisé	do	3 and 10	Feb. 25, 1867	556,800.00	126,910.23
From Coos Bay to Roseburgh	do	3 and 6	May 3, 1869	104,000.01	104,000.01
Total grants subsequent to 1861				2,530,379.84	1,782,730.74
Grand aggregate				2,781,733.62	2,034,084.52

* The figures of this column are approximately correct, being based on the estimate of the annual report of the Commissioner of the General Land Office of 1875.

THIRD.—LAND GRANTS MADE BY CONGRESS TO STATES IN AID OF THE CONSTRUCTION OF CANALS.

Date of grant.	Object of grant.	Grantee.	Number of acres grant'd and certified.
	Grants prior to March 4, 1861.		
Mar. 2, 1827	To aid in opening a canal to unite at navigable points the waters of the Wabash River with those of Lake Erie.	State of Indiana	234,246.73
May 29, 1830	do	do	29,552.50
Feb. 27, 1841	Same as above, but relating to that part of canal between Tippecanoe Creek and Terre Haute	do	259,368.48
Aug. 29, 1842	In aid of that part of canal covered by act of 1827	do	24,219.83
Mar. 3, 1845	To aid in extending and completing the Wabash and Erie Canal from Terre Haute to the Ohio River at Evansville.	do	796,630.19
May 9, 1848	For entire length of canal as above described	do	113,348.33
Mar. 2, 1827	To aid in opening a canal to unite at navigable points the waters of the Wabash River with those of Lake Erie (so far as the same is in the State of Ohio).	do	292,223.51
June 30, 1834	do	State of Ohio	
Aug. 31, 1852	do	do	
Mar. 2, 1827	To aid in opening a canal to unite the waters of the Illinois River with those of Lake Michigan	State of Illinois	285,669.11
Aug. 29, 1842	do	do	5,755.26
Aug. 3, 1854	do	do	32,898.31
May 24, 1828	To aid in extending the Miami Canal from Dayton to the Maumee River at the mouth of the Auglaize River.	State of Ohio	438,301.32
April 2, 1830	do		
Aug. 31, 1852	do		
Mar. 2, 1855	do		
May 24, 1828	SEC. 5. To aid in the construction of canals in the State of Ohio	State of Ohio	499,997.12
June 18, 1838	To aid in opening a canal to unite the waters of Lake Michigan at Milwaukee with those of Rock River, between the point of intersection with said river of the line dividing townships 7 and 8 and the Lake Koshkonong.	Territory of Wisconsin	138,995.99
Aug. 26, 1852	To aid in construction of a ship-canal around the falls of the St. Mary's River	State of Michigan	749,983.06
	Total grants prior to 1861		3,901,189.74
	Grants subsequent to March 4, 1861.		
Mar. 3, 1865	To aid in construction of breakwater and harbor and ship-canal through any public lands upon the neck of land known as "The Portage."	State of Michigan	399,992.40
July 3, 1866	do	do	
Apr. 10, 1866	To aid in construction of breakwater and harbor and ship-canal to connect the waters of Green Bay with those of Lake Michigan.	State of Wisconsin	190,630.98
July 3, 1866	To aid the construction of a ship-canal to connect the waters of Lake Superior with the lake known as Lac La Belle.	State of Michigan	100,011.67
	Total grants subsequent to 1861		699,635.05
	Grand total		4,600,824.79

Statement showing land grants made by Congress to aid in the construction of railroads and wagon-roads and canals, etc.—Continued.

FOURTH.—LAND GRANTS MADE BY CONGRESS TO STATES IN AID OF RIVER IMPROVEMENT.

Date of grant.	Object of grant.	Grantee.	Number of acres certified under grant.
	Grants prior to March 4, 1861.		
May 23, 1828	To aid in the improvement of the Tennessee River, State of Alabama, etc.	State of Alabama	400,016.19
Aug. 8, 1846	To aid in improving the Fox and Wisconsin Rivers, in Wisconsin, and constructing canal to unite said rivers, etc.	Territory of Wisconsin	685,802.43
Aug. 3, 1854	....do....		
Mar. 3, 1855	....do....		
Aug. 8, 1846	The improvement of the Des Moines River, below Raccoon Fork	State of Iowa	322,392.18
	Total grants prior to 1861		1,408,210.80
	Grants subsequent to March 4, 1861.		
July 12, 1862	Extended grant above Raccoon Fork, for improvement of the river, and the construction of a railroad along the river bank.	State of Iowa	569,382.28
	Total grants subsequent to 1861		569,382.28
	Grand total		1,975,593.08

Recapitulation of land grants made by Congress to States and corporations for railroads and wagon-road purposes prior and subsequent to March 4, 1861.

Grants.	Acreage granted.	Acreage certified or patented.
Prior to March 4, 1861.		
TO STATES.		
Grants for railroad purposes	30,470,920.25	23,105,467.98
Grants for wagon purposes	251,353.78	251,353.78
Grants for canal purposes	3,901,189.74	3,901,189.74
Grants for river-improvement purposes	1,406,210.80	1,406,210.80
Total	36,029,674.57	28,664,222.30
(No grants to corporations were made by Congress prior to 1861.)		
Subsequent to March 4, 1861.		
TO STATES.		
Grants for railroad purposes	17,775,624.86	11,360,367.57
Grants for wagon-road purposes	2,530,379.84	1,782,730.74
Grants for canal purposes	6[illegible]9,635.05	699,635.05
Grants for river-improvement purposes	569,382.28	569,382.28
Total	21,575,022.03	14,412,115.64
DIRECTLY TO CORPORATIONS.		
Grants for railroad purposes	163,643,944.83	13,454,111.02
Total of all grants made subsequent to March 4, 1861	185,218,966.86	27,866,226.66
Excess in acres of grants to States and corporations made subsequent to March 4, 1861, over those made prior thereto	149,189,292.29	

That is to say, a Republican Congress, after donating over 185,000,000 of acres of the public lands to these corporations, went further and loaned them the credit of the Government, by guaranteeing the payment of the bonds of certain companies to the amount I have stated. These bonds, principal and interest, now amount to $122,482,106.32, which is an existing debt of the United States, for which the Government is now practically without security. Why without security? When these bonds were first issued the Government took a first mortgage lein on the roads to indemnify it against loss by reason of its guaranty, but afterwards the railroad managers came here to Washington and induced a Republican Congress to pass and a Republican President to sign a bill releasing the first mortgage which had been taken, and to take a second mortgage lien instead. That was done so that the companies might issue additional mortgage bonds, and be enabled to dispose of them at a better price. The companies did issue additional bonds, secured by a first mortgage, and sold them upon the markets of this country and Europe in amounts large enough practically to cover the entire value of the roads, thereby leaving the Government of the United States in the cold with an empty bag to hold.

Was ever such a proceeding, publicly done in the light of day—boldly and defiantly done before the very eyes of the country—ever heard of before or since in parliamentary history? Who would not give his good right arm if this foul blot could be effaced from the pages of American history? These shameful transactions sound like a revival of the olden times, when titled lords were sent out by the monarchs of Europe with royal charters in their hands, giving to them estates of vast extent and of immense value here in the New World. Against that abominable and accursed practice of the Crown our fathers rose in protest, and terminated it by a successful war.

The Republican party, forgetting or ignoring the history of the past, created corporations by Congressional enactment, invested them with great privileges and powers, and put charters into their hands which authorized them to go out upon the fairest domain on the earth—the property of the American people, acquired and until then held by the Democratic party as the future homes of our fast increasing population—and appropriate it by the tens of millions of acres; and not content with that, they must issue them more than half a hundred millions of bonds, bearing a high rate of interest, to be paid out of the earnings of honest labor. Instead of having landlords among the titled nobility of Europe, holding by authority of the Crown, we have corporation landlords, holding by authority of a Republican Congress—corporations whose stock is largely owned and held in Europe.

This system of corporation landlordism is, if anything, more dangerous than the one against which our fathers drew the sword. It is full of menace and danger to every man who looks into the future of our country. The very idea of a single corporation, especially one whose stock and bonds are principally owned abroad, like the Northern Pacific, holding as the free gift of the Government of the United States a territory as large as the fifth State in the Union and capable of sustaining twenty-five or thirty millions of people, can not but excite the gravest apprehensions in the minds of thoughtful men.

These grants, Mr. Speaker, were not only wasteful and extravagant but they are dangerous to the happiness of our people and the prosperity of the country, and are subversive of the true principles of a republican form of government.

There is another feature of our public-land history scarcely less important than the one to which I have alluded in connection with land grants. The general laws provide a great many ways for the disposition of the public lands. We have the homestead law, with a right to commute for cash; and we have the pre-emption, timber culture, mineral, and desert-land laws, and others besides. All of these laws have many excellent and meritorious features in them, and could be made the instruments of great good to the country if they were honestly observed and administered.

During the era of Democratic supremacy these various statutes were administered with such rigorous scrutiny and care as to reduce frauds committed under them to the minimum. But under the lax and collusive methods which obtained in the administration of the General Land Office and of the Interior Department by Republican officials, fraud became not only easy, but opportunity to commit it seems not unfrequently to have been offered.

All of these laws were enacted with a view to serving the needs of

actual settlement. They were intended to facilitate actual occupation of the public lands, and to promote the interest of those who should venture to establish homes upon the frontier and lay the foundations of great commonwealths. It is undeniably true that these well-intended statutes have been a great blessing to many thousands of poor men who have found homes under their provisions; but in later years they have also been grossly abused by the grasping and the vicious in a way totally at variance with the public right, the public interest, and the public weal.

Rich men, syndicates, and corporations have employed thousands of people to make fraudulent entries for their benefit under the pre-emption, desert-land, and other laws, by means of bribery and perjury. The laws have been evaded and many millions of acres of the public domain have been literally stolen. Laws that were intended to protect the public lands from speculation and preserve them as free homes for the homeless, have been so administered under administrations previous to the present one as to enable a favored few to acquire lordly estates, amounting to tens of thousands of acres. I have not time to go into this phase of the question with anything like detail. It is sufficient to say that so startling and universal had fraud become, and such a storm of protest was rising from the people against loose and dishonest methods of administration, that President Cleveland, after having had a thorough and exhaustive examination made into the subject, in his first message to Congress asserted that the tide of fraud and corruption had risen so high and become so strong that the only remedy was to repeal the laws under which such things were made possible.

I think to-day hardly any man can be found who has read the President's message on this subject or the more recent reports of the Interior Department, or who has given himself any trouble to look into this question, who will not acknowledge the commanding necessity of legislation which will protect what is left of our public domain from the eager and almost irrepressible greed of the plunderer.

Only so much have I time to say on this occasion by way of comparing the management of our public domain by the Democratic party up to 1861 and its management by the Republican party from that date to 1874. In 1874, for the first time in many years, a Democratic House was elected, and from the hour that the Democratic party marched back with triumphant banners into this wing of the Capitol no grants of the public lands have been made; and since the inauguration of President Cleveland no conspiracy for fraudulent appropriations of the public lands by any means has been even attempted.

The business of granting lands to private corporations ceased in 1874 upon the reappearance of the Democratic party as a controlling power in this branch of the national assembly, and the land-thieves sought shelter the very day a Democratic President first crossed the threshold of the White House. This is not the statement of poetic license, but it is an indisputable fact. One of the very first acts of the first Democratic House after the war was the adoption of the following resolution, introduced by Mr. HOLMAN, then as now, a distinguished Democratic Representative from Indiana, with only three Democratic votes against it:

Resolved, That grants of the public lands to corporations ought to be discontinued, and the remainder of the lands ought to be held as a sacred trust to secure homesteads to actual settlers, and for no other purpose whatever.

That resolution was simply a reassertion of the policy of the Democratic party with reference to our public lands; and it has been steadily and stubbornly adhered to at all times. But we did not stop with the mere declaration of the policy outlined by that resolution. By the terms of many of the larger grants the corporations receiving them were given until 1878 or 1879 to construct their lines of road, and thereby acquire title to the land through a compliance with the terms of the grants. Many of the companies have never complied with the terms of the grants by building their roads in accordance with the requirements of the granting acts. In 1882 the first forfeiture bill was introduced in the House. It was intended to forfeit the lands granted to the Northern Pacific Railway Company, because of its failure to complete its line of road within the time limited by the act granting the lands in aid of its construction.

The completion of the road was made a condition of the grant. If the road was not completed from one end to the other, within a certain time fixed by the granting act and acts supplementary thereto, the title of the lands did not pass to the corporation but remained in the Government. The road, as I have said, was not completed—it is not even yet completed—and so the bill forfeiting the granted lands and restoring them to the public domain was introduced in the House in 1882, and referred by the Speaker to the Committee on the Judiciary. That was in the Forty-seventh Congress, and the House was then in the control of the Republican party, and was presided over by Mr. Keifer, of Ohio. The Republican majority of the Judiciary Committee reported the bill back to the House with a recommendation that it do not pass. The report was made by Mr. REED, of Maine, then chairman of the Judiciary Committee, and now the acknowledged leader of the Republican minority of this House. He took the ground, in his report, that Congress had no right or power to forfeit the lands, and made a long argument to maintain his position.

The Democratic minority of that committee, with Judge PAYSON, a Republican Representative from Illinois, filed a minority report, and took the ground boldly, and clearly demonstrated its correctness by argument and authority, that Congress did have both the right and the power to declare the forfeiture. Nothing further, however, was done with the bill during that Congress. The House of the next or Forty-eighth Congress was Democratic. A number of forfeiture bills were again introduced, and the Democratic committee of that House reported them back with a favorable recommendation.

A number of them passed the House after a heated struggle, and went to the Senate, where the most of them died, though a part of them, with great difficulty, were forced through that body. Again, in the Forty-ninth Congress a large number of forfeiture bills were introduced, and again reported favorably by Democratic committees of the House and passed through that body and went to the Senate; and again, though some important measures succeeded in getting through the Senate, a large number of them were smothered. Here is a table showing in detail what portion of these granted lands have been recovered and restored by Congressional enactment.

Forfeiture bills passed by the Forty-eighth Congress.

Date.	Company.	Acres.
June 28, 1884	Iron Mountain of Missouri	300,000
Jan. 31, 1885	Oregon Central	810,880
Feb. 28, 1885	Texas Pacific	18,500,000
	Total	19,610,880

Forfeiture bills passed by the Forty-ninth Congress.

Date.	Company.	Acres.
July 6, 1886	Atlantic and Pacific	23,871,360
July 10, 1886	Tuscaloosa and Mobile	7,000,000
	Mobile and New Orleans	
	Elyton and Beard's Bluff	
	Memphis and Charleston	
	Savannah and Albany	
	New Orleans and State Line	
	Iron Mountain of Arkansas	
	Total	30,871,360

Grand total by both Congresses, 50,482,240 acres.

All of the forfeiture bills introduced were Democratic measures, originating in a Democratic House, reported by a Democratic committee, and urged as a part of the fixed legislative policy of that party. They were obstructed and hindered in the House, and most of them were literally buried in the Republican Senate. So much for what has been already accomplished in the way of recovering the lands granted to aid in the construction of railroads.

But that is not all. Following the lead of the President, and in the spirit of his message, the Democratic House of the Forty-ninth Congress passed a bill, reported from the Democratic Committee on the Public Lands, repealing the commutation clause of the homestead law, the pre-emption law, and other laws under which the public lands had been fraudulently appropriated during a long series of years, and holding whatever was left of the public domain exclusively for actual settlement.

That bill was sent over to the Senate, and that Republican house of lords refused to concur in the measure unless the House would agree to insert a provision confirming all entries, without regard to their character, which had been made up to that time. That the House refused to do, because it was a known fact, ascertained as the result of exhaustive investigations begun and prosecuted by the officers of the present Administration, that frauds upon a large scale had been committed. Many fraudulent entries, involving millions of acres, were then hanging up in the General Land Office, undergoing investigation, with a view to cancellation because of their fraudulent character. The House would not consent by an act of confirmation to sweep all of that work of the Department aside, and permit the thieves to walk off with the plunder, bearing the sanction of our approval; and hence the bill did not become a law.

None the less the President, through his subordinates, has been going steadily on with the work of investigation, canceling fraudulent entries, eradicating evils of various kinds, and perfecting the methods of administering the laws. Here is a table which shows the magnificent result of this great work. In addition to the forfeitures made by the Forty-eighth and Forty-ninth Congresses, the Interior Department, by executive action, during the present Administration has restored over 52,000,000 acres to settlement. Here is the table:

Land actually restored to the public domain.	Acreage.
Lands in granted railroad limits restored	2,108,417.38
Railroad indemnity lands restored	21,323,600.00
Private land claims; withdrawn lands restored	576,000.00
Entries under pre-emption, homestead, timber-culture, desert, mineral, and timber land laws canceled in regular course of examination and proceedings in General Land Office for abandonment, illegality, and other causes	27,460,608.74
Invalid State selections restored to United States	968,747.52
Total actually restored to the public domain and opened to entry and settlement	52,437,373.59

The land thieves had a harvest of twenty years, and they made hay while the sun shone. But the blizzard came with Cleveland. Under his administration the first staggering blow in twenty years was struck at this monstrous corruption. The wolves showed their teeth, snarled and snapped, but the "man of destiny" at the White House has been steadily beating them back. A distinguished representative of the Republican party in official life recently said of the President—

That the nomination and election of Grover Cleveland have made the pretensions of any American citizen respectable. There is no man in this country whose ignorance is so profound, whose antecedents are so degraded, and whose obscurity is so impenetrable that he may not aspire to a Presidential nomination by the Democratic party.

However that may be, this same Grover Cleveland is a "holy terror" to that army of thieves who grew round, sleek, and oily under the easy opportunities offered them during the heyday of Republican exaltation.

The President and his able subordinates in the Land Department have been misrepresented, maligned, and abused with great ingenuity and with unexampled maliciousness. Fighting for the settlers, he has been represented as fighting against them. Striving to protect the public lands against speculation and fraud, he has been charged with desiring to harass honest men and despoil them of their homes. Mud to the right, mud to the left, mud in front, mud everywhere, thrown by all sorts of men at this stalwart champion of the people and brave defender of the public right. But he has kept right on striking sturdy, sledge-hammer blows until his enemies are falling away before him; and this Democratic House, being equally vigilant and active, has gone with him, step by step, in all his efforts to correct these public abuses. The Democratic party has a glorious history in connection with the acquisition and control of the public domain of the Republic. It acquired that matchless domain and has fought many a heroic battle to preserve it for the people. Its achievements in this respect alone are more than sufficient to endear it to the hearts of patriotic and right-thinking men everywhere.

But how different is it with the Republican party in this respect. We might pass by the Credit Mobilier frauds, the whisky frauds, the Navy frauds, and frauds of all kinds great and small, that swept through Congress, hung upon the skirts of the Cabinet, and left a stain like the imprint of a bloody hand upon the inner wall of the White House; we might pass by the corruption of the judiciary and the theft of the Presidency; we might close our lips against the national banks, those insolent masters of the people's currency, and say naught more against the tariff, that plundering scheme smartly devised by cunning rogues to confer special privileges upon a few and enrich one class and one section, while in the name of labor it impoverishes another; we might pass by all things else, and the history which the Republican party has made, and is still making, in connection with our public lands, ought alone to condemn it before all enlightened men as an organization no longer worthy of public confidence, which has long outlived its usefulness, and lags superfluous upon the stage as a putrid reminiscence of an ancient event commemorated by the "bloody shirt." [Applause.]

I come now, Mr. Speaker, to consider briefly the bill immediately under consideration. At the beginning of this Congress a number of bills were introduced in the House to forfeit lands granted in aid of the construction of railroads, which have been favorably reported, and are now pending on the Calendar of the House. Some six weeks ago the Senate passed a bill entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes." That bill has been considered by the House Committee on the Public Lands, and, as it is general in its character, it has been made the basis of the pending measure.

The Public Lands Committee have reported it back to the House with amendments. Indeed, there are three reports from that committee. It may not be inappropriate to remark that a consideration of those reports will forcibly illustrate the position of the Democratic and Republican parties on the subject of forfeiting these railroad land grants.

The bill, as it came from the Senate, proposes to forfeit and restore to the public domain all that part, and only that part, of the lands granted by Congress to aid in the construction of railroads which lie along that portion of the routes over which no road has been built up to this date. That is the bill our committee have been considering. Out of it three propositions have grown and are brought here into the House by the various members of the Public Lands Committee.

First. Four distinguished Republican members of that committee, namely, Messrs. PAYSON, MCKENNA, TURNER of Kansas, and HERMANN, file a report in which they recommend the passage of the Senate bill.

Second. A majority of the committee, through Judge HOLMAN, file a report in which they recommend an amendment to the Senate bill extending its scope so as to embrace and forfeit not only the lands where no road has been yet built, but also all lands across which no road had been built at the expiration of the period limited in the granting acts for the completion of the whole road.

Third. My colleague on the committee, Mr. MCRAE, of Arkansas, and myself have filed a separate report, in which we recommend a forfeiture of the entire grant where there has been a failure of compliance by the corporations with the terms and conditions of the grant. We propose simply to go a little further than the majority recommend in the report filed by Judge HOLMAN.

Let me take one of the roads affected by the bill with which to illustrate the difference in the three propositions. I will take the Southern Pacific of California. On July 27, 1866, Congress granted to the Southern Pacific Company every alternate odd-numbered section, to the amount of ten alternate sections per mile on each side of its line of road, to aid the company in the construction of its road from San Francisco to a point on the Colorado River near the southeastern boundary of California. The grant was made and accepted on the express condition that the whole road, from one end to the other, should be "constructed, equipped, furnished, and completed" by the 4th day of July, 1878.

On July 4, 1878, the company had completed only about 232 miles of the road, which covered little more than one-third of the entire length. Since July 4, 1878, the company has constructed an additional 242 miles of the road, leaving still, at this time, about 150 miles unconstructed.

Now, the Senate bill, the passage of which, substantially without change, is recommended by the four Republican members of the committee who file a minority report, proposes to forfeit only that part of the granted lands lying along the 150 miles of the route where no road has been yet built.

The amendment reported by Judge HOLMAN, on behalf of the majority, proposes to forfeit the lands covered by the Senate bill, and also to go further and forfeit the lands lying along the 242 miles of road constructed since July 4, 1878—the date fixed for the completion of the whole road.

The amendment which I propose embraces all the lands covered by both of these propositions, and goes still farther and seeks to embrace as a part of the forfeiture the lands lying along the 232 miles of road constructed prior to July 4, 1878. In other words, I maintain that where there has been non-compliance with the conditions of the grant, as in the case I have been referring to, the entire grant should be forfeited, and not merely a part of it.

With a view to ascertaining the practical difference in the three propositions, I requested the Commissioner of the General Land Office to have the matter examined and report to me what roads, and the number of acres claimed by each, would be affected by each of the three propositions. In response to that request I received the following letter, accompanied by a table disclosing the information I desired. The letter and the table are as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 13, 1888.

SIR: I have the honor to transmit herewith a copy of the statement showing:

1. The number of acres that would be restored to the public domain by an act declaring forfeited all lands opposite the uncompleted portions of land grant railroads at this date.

2. The number of acres which would be restored by an act declaring forfeited all granted lands opposite the portions of lines uncompleted at the expiration of the time limited by the granting act.

3. The number of acres that would be restored by an act declaring the entire grants forfeited of all roads which had failed to complete their lines within the time fixed by the granting acts.

Respectfully,

T. J. ANDERSON,
Acting Commissioner.

Hon. WM. J. STONE, M. C., *City.*

Name of railroad.	Estimated number of acres which will be forfeited.		
	By Senate bill.	By House committee amendment.	In event of forfeiture of entire grant.
Gulf and Ship Island	652,800	652,800	652,800
Coosa and Tennessee	140,160	140,160	140,160
Coosa and Chattooga	144,000	144,000	144,000
Mobile and Girard	536,064	651,264	858,624
Selma, Rome and Dalton*	89,952	258,624	642,624
Atlantic, Gulf and West India Transit	76,800	676,000	1,171,200
Pensacola and Georgia	None	679,680	1,178,880
Vicksburg, Shreveport and Texas	None	364,800	725,760
Jackson, Lansing and Saginaw	None	176,256	898,560
Marquette, Houghton and Ontonagon	294,400	294,400	627,200
Ontonagon and Brulé River	211,200	288,000	288,000
La Crosse and Milwaukee	None	195,724	235,773
Chicago, St. Paul, Minneapolis and Omaha	None	1,446,400	4,446,400
Wisconsin Central	469,880	464,480	1,800,000
St. Vincent extension St. Paul and Pacific (now St. Paul, Minneapolis and Manitoba)	None	1,113,600	2,009,600
Western railroad	None	243,712	243,712
Southern Minnesota Railway extension	None	832,115	1,787,955
Hastings and Dakota	None	819,840	1,293,440
Northern Pacific	2,000,000	36,907,741	46,947,200
California and Oregon	None	1,740,800	3,686,400
Oregon and California	None	2,086,400	4,608,000
Southern Pacific	1,075,200	4,147,200	7,116,800
Total	5,627,456	54,323,996	78,503,088

*Lands certified to State for this road prior to May 23, 1872, amounting to 440,700.16 acres, were confirmed to State by act of that date (17 Statute Laws, 159) for sole use and benefit of the Selma, Rome and Dalton Railroad Company. The lands so confirmed may not be subject to forfeiture.

Thus it will be seen that if the Senate proposition should prevail, the forfeiture would amount to 5,627,436 acres. If the majority amendment should prevail, the forfeiture would amount to 54,323,996 acres—a difference of 49,696,560 acres. If my proposition should be adopted the forfeiture would amount to 78,503,088 acres, or 72,875,662 acres in excess of that covered by the Senate bill, and 24,179,092 acres in excess of that covered by the majority amendment.

As to most of the features of the bill proposed by the House committee we are all substantially agreed. We propose to except from the forfeiture the rights of way of the companies, and sufficient lands for depots, machine-shops, and so forth. We also except from the forfeiture all lands appropriated for town sites, lands in the possession of actual settlers, and all lands held by bona fide purchasers for value. I am in favor of all that. The committee is in accord as to that. I would freely give to the companies whatever lands are reasonably necessary to the convenient operation of their roads. I would not disturb titles and create confusion where towns and cities have been built; nor would I disturb or distress actual settlers, or persons who have in good faith purchased lands from any of the companies for a valuable consideration. Whatever defect there may be in such titles I would remove by an act of confirmation. The reasons for such a course, I assume, are too manifest to require elaboration.

If the companies are protected in their rights of way; if town sites are left undisturbed because excepted from the forfeiture; if honest actual settlers and bona fide purchasers for value are protected from harm by having their titles confirmed; if all equities and all questions of this character are eliminated from the legislation proposed, then there is nothing left but a naked and unincumbered issue between the Government of the United States, representing the people on the one hand, and the railroad companies on the other. It is a simple issue between the grantor and the grantee, with all intervening rights protected. And here arises the only disagreement I have with the majority of my colleagues on the committee, a disagreement predicated on the policy to be pursued with reference to the extent of the forfeitures.

I do not antagonize the amendment proposed by Judge HOLMAN on behalf of the majority. It is offered in good faith and in the spirit of compromise by gentlemen who believe it may prove to be a practical proposition, where a more extreme step might be unavailing. Without doubt it is infinitely better than the Senate bill, because it is far more comprehensive in its scope. My only objection is it does not go far enough, and I am in no mood to accept a compromise touching a question which I regard as involving so much that is momentous and vital to the well-being of the country. The Senate bill is a mere subterfuge. It amounts to nothing. It proposes to restore to the public only the depleted tail-ends of the vast grants made by Congress to railroad companies—the discarded remnants abandoned and thrown aside by the companies because they were esteemed worthless, or because they were not considered sufficiently valuable to justify the expense of "earning" them. That bill proposes graciously to give the roads all they claim and to take back what, as a rule, they do not want. It is a very accommodating measure from a very accommodating, albeit a very exalted, source.

I agree that the amendment reported by the majority is a beneficent and meritorious legislative proposition. It means something. If it should become a law it would be a measure upon which the country would have occasion to congratulate itself. But for all that I insist it does not go far enough. Take the Southern Pacific again as an example. What did this company do? Within the time limited for the construction of the road the company built its line for a distance of 50 miles through a magnificent country on the west side of the Coast Range of mountains, and then leaped clear across the mountains and built another section of 182 miles through a fertile region on the east side of the range.

Thus it endeavored to cover and secure the most valuable lands in the grant. Since 1878 it has extended its line to the Colorado River so as to form its eastern connections with the Atlantic and Pacific road. The Senate bill, if it should become a law, would forfeit only the rough mountain lands, across which no road has been constructed, and which are of little or no value. The majority amendment would cover the same lands, and also the lands lying along the 242 miles constructed since 1878; but the lands adjacent to the 242 miles are of little value as compared to those lying along the 232 miles constructed prior to 1878. The 232 miles cover the cream of the grant. The road will get the best end of the bargain under either the Senate bill or the majority amendment.

Now, if this company did not comply with the conditions of this grant—a grant which it was infamous to have made in the first place—if the title to the lands has not passed irrevocably to the company, if the Government has the legal right to reclaim these lands, then why not do so? Why give to the company all that is of real value and say to a justly outraged public opinion that it must be content to take the meaner share? Mark you, no innocent resident on any of these lands, no innocent purchaser of any of these lands, is in peril here. It is a question between the original parties to the transaction—the Government which made and the corporation which accepted the grant. No other person and no other interest is involved. If it be conceded that Congress has the legal right or power to reclaim these lands and restore them to the public, I can find no satisfactory excuse for failing to do so. If the corporations receiving the grants have any equities to urge in their own behalf, they have neglected their opportunities to do so, though they may expect to have it done for them upon the floors of the House and Senate. In the committee-room they have combated the forfeitures upon purely legal grounds. They claim the lands as a matter of legal right, and deny the power of Congress to disturb them. And it is purely a question of law. I claim that the grants were made upon such conditions as vest in the Government the right to re-enter and take possession after a breach thereof.

I shall not discuss the legal phases of the proposed forfeitures at this time. During the first session of the Forty-ninth Congress I had the honor to report a bill forfeiting the entire grant made to the Southern Pacific, and in that report I took occasion to discuss the legal aspects of the case at great length. Similar reports were made on similar measures during the Forty-seventh, Forty-eighth, and Forth-ninth Congresses by Messrs. Cobb, Henley, PAYSON, and others. The RECORD is full of speeches made by the best lawyers in the House upon the same subject; and as all those reports and speeches are accessible to the members of the House, and as I have no doubt that this whole question has been attentively considered by every gentleman who hears me, I would esteem it an act of supererogation to venture into it again at this time. I shall quote but one authority, that of the distinguished gentleman from Illinois [Mr. PAYSON], who wrote the minority report on the pending measure, in which he advises the House to adopt the Senate bill. During the Forty-seventh Congress that gentleman was a member of the Judiciary Committee. A bill had been introduced and referred to that committee forfeiting the lands granted to the Northern Pacific. That was the pioneer forfeiture bill. That company was required to complete its road in 1879. Its grant was made upon the condition that it should do so. It did not construct its entire road by 1879. At the expiration of the period limited for its completion only a comparatively small part had been constructed. The road is yet unconstructed, and so the question of forfeiture was fairly presented in the bill to which I have alluded. The gentleman from Maine [Mr. REED] was then chairman of the Judiciary Committee, and, acting for the majority of that committee, made an adverse report upon the bill. I have already referred to that report in an earlier stage of my remarks. The gentleman from Illinois [Mr. PAYSON], acting with the Democratic minority, prepared and presented a minority report advocating the passage of the bill. From that report, made July 24, 1882, I quote:

> Two questions are presented in the bill before us: First, is there the right of forfeiture as to all unpatented lands within the limits of the grant to this road, so that the United States may revest itself with the title thereto, as in its former estate, by declaration of forfeiture; and, second, if the right of such forfeiture is found to exist, is it policy to exercise it? * * *
>
> We assert that the power to declare an absolute forfeiture of this land grant is in Congress. * * *

Again:

> We conclude, then, on the legal question of power in Congress, that it has the right to declare the title to all unpatented lands in the grant forfeited and revest the United States with it, so that it can be restored to the public domain, open to sale and settlement under existing laws.

That is what the gentleman from Illinois had to say in 1882 about the power of Congress to make these forfeitures.

While a similar bill forfeiting the same lands was being discussed in the House in 1886, during the Forty-ninth Congress, he referred to his report from which I have quoted, and reaffirmed the position he had then taken. During that debate in 1886, in which that distinguished gentleman bore a part so conspicuous and honorable, he said:

> I am only now discussing the question of power, of strict legal right. We had the power to assert this (right of forfeiture) in 1879, and the authorities I have cited show that we have it now beyond question.

Again in the same speech:

> I have shown, sir, that under the law we have the power, the legal right, to assert this forfeiture.

Later on in the same debate and in the same speech, addressing himself to the policy of the forfeiture, and estimating the value of the lands involved in that measure at $100,000,000, the gentleman from Illinois gave vehement expression to this eloquent and forcible observation:

> I said, also, that if this land belongs to the people, nothing should constrain us to yield it to the company except the strongest equitable considerations; equities which are equal to legal obligations. With confidence I submit that with what the House bill proposes, the liberality of its provisions in what it permits the company to retain, the facts in the history of the building of the road, and the action of the company toward the people—monopolistic, exacting, and unyielding always—I earnestly insist that to make this additional donation of one hundred millions of property would be an act of stupendous folly.

With all these declarations of the gentleman from Illinois I agreed then, and I agree now. I hope, Mr. Speaker, I may say without offense, for I am sure no offense is intended, that it has been to me and to others a source of profound regret that the erudite, able, and distinguished gentleman from Illinois should apparently give up the fight, strike his colors, and surrender to the enemy against whom he has struck so many valiant blows in the past. In his minority report he says:

> The views of the Senate are now well understood.
>
> It has taken the ground that no power exists to declare such forfeitures as are proposed by the majority, and would not agree to the policy if the power existed.

But it agrees, by the bill sent us, to a forfeiture of all lands opposite unconstructed road.

But there is nothing new in that. We have all understood from time almost immemorial that that was the position of the Republican Senate; and that is the very position against which, until now, the gentleman from Illinois has waged open and aggressive war. Sir, I repeat, it is an occasion for grave regret to me that my distinguished friend has deemed it his duty to throw the great weight of his name and influence upon that side of this important contention which he has so often and so eloquently denounced. I have never parted company with any man with more reluctance or with greater regret. But if my friend hesitates and halts because he has lost heart and hope, I am consoled with the knowledge that there are many brave men in the ranks of the Democratic party who have sworn never to yield an inch, and who will go on with this fight until victory is won and right is triumphant. [Applause.] For myself I insist as a matter of law, as a matter of equity and good conscience, as well as of public right, that there should be no half-way measures of compromise in this business.

In the integrity and correctness of my position I feel the most unhesitating confidence. I believe we should go forward fearlessly and discharge our duty, and if this important legislation should fail again, as it has failed in the past, let the responsibility rest upon those who obstruct and prevent it. The Democratic party, against great odds, has already accomplished much. During the Forty-eighth and Forty-ninth Congresses we originated and succeeded in passing bills forfeiting 50,482,240 acres, and since March 4, 1885, the Interor Department has by canceling fraudulent entries, opening railroad indemnity lands to settlement, and by other means, restored 52,437,373 acres to the public domain, making a total restoration in a little over three years of 102,929,613 acres.

We have also during this Congress passed through the House a bill, as we did in the last Congress, repealing all laws under which frauds have been committed against the public lands, and so remodeled and perfected our whole system of laws on this subject as to protect the remainder of our public lands from unlawful appropriation, and preserve them to the beneficent uses of actual settlement. That bill is now in the Senate.

This is a proud work we have accomplished, and now, my Democratic friends, let us complete it by passing this amendment which I propose, adding over 78,000,000 of acres more to the great total of lands restored. The people of the country expect us to do this. It is our duty to do it. The Democratic party is the anchor of hope to the common people of this Republic. They look to it and watch it as a wanderer watches the star which guides his way. There need be no fear. The struggle which this old party is making for the people against entrenched privilege, become arrogant and powerful by long indulgence, may be so prolonged and arduous as to test the endurance and courage of the bravest; but we are as sure to win as that God reigns and upholds the right with His omnipotent hand. The Democratic party needs only to be brave and faithful. And it will be. Olea bore the proud banner of his knightly chieftain down upon the red field of de la Espina, and yielding there to unequal combat, fighting step by step until all his wearied comrades had fled or fallen, stood at last alone against all Aragon, till

They hew'd the hauberk from his breast,
The helmet from his head

And then fell with his wild war-cry upon his bloody but defiant lips. Mr. Speaker, Candespina's intrepid standard-bearer was not more devoted, faithful, or steadfast than the Democratic party has been, and shall be, in the cause of guarding the free homes of our free people upon this noble empire in the West, acquired by the prowess of its arms and the genius of its statesmanship. [Great applause.]

Mr. RICE. I believe the substitute of the majority of the committee is bad in law and equity, and bad in morals, and can never be enforced in any court of christendom.

The Senate bill is a practical measure, legal and equitable and just to all interests, rendering no titles insecure nor disturbing securities in the hands of the innumerable investors of small means whose money was used in the construction of these railroads, and it will forever settle the vexed questions which have too long harassed the people settled along the lines of these great highways and perplexed Congress for so many years.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the joint resolution (H. Res. 192) relating to the pages of the House of Representatives.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the concurrent resolution (H. Res. 191) relating to the enrollment of the bill (H. R. 9377) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

Mr. FORNEY. Mr. Speaker, I ask that the House concur in the Senate amendment, which is simply to make the resolution joint instead of concurrent. This becomes necessary in order to send the resolution to the President.

The amendment was agreed to.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President, by Mr. PRUDEN, one of his secretaries.

The message further announced that a bill of the following title had become a law without the approval of the President:

An act (H. R. 2656) to increase the pension of John Taylor.

The message further announced that he had approved and signed bills and joint resolutions of the House of the following titles, namely:

An act (H. R. 8565) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1889, and for other purposes;

An act (H. R. 878) for the relief of John D. Maxted and Robert J. B. Newcombe;

An act (H. R. 7255) for the relief of A. B. Tyan;

An act (H. R. 4691) for the relief of John P. Hageman;

An act (H. R. 8343) to authorize the construction of a wagon and foot-passenger bridge across the Noxubee River at or near Gainesville, in the State of Alabama;

An act (H. R. 2097) to authorize the construction of a bridge across Trail Creek, in the city of Michigan City, Ind.;

An act (H. R. 2528) authorizing the construction of a railroad bridge across the Red River of the North by the North Dakota and Pacific Railroad Company;

An act (H. R. 2527) authorizing the construction of a bridge across the Red River of the North by the Duluth, Rainy Lake River and Southwestern Railway Company;

An act (H. R. 4320) to authorize the construction of a graveled or macadamized road from the city of New Berne, N. C., to the national cemetery near said city;

Joint resolution (H. Res. 187) to provide temporarily for the expenditures of the Government;

Joint resolution (H. Res. 188) authorizing the loan of tents and camp equipage to the veteran organizations of the Society of the Army of the Potomac;

Joint resolution (H. Res. 178) granting leave of absence to certain persons employed in the service of the United States;

An act (H. R. 7665) granting a pension to John E. Lewis;

An act (H. R. 7577) granting a pension to Lewis C. Keck;

An act (H. R. 7025) granting a pension to Eva Lina;

An act (H. R. 6478) granting a pension to Elizabeth Smith;

An act (H. R. 6302) granting a pension to Benjamin Contel;

An act (H. R. 6300) granting a pension to Samson M. David;

An act (H. R. 9487) granting a pension to Mrs. Aurelia P. Hall;

An act (H. R. 9321) granting a pension to Ruth Ann Potter;

An act (H. R. 9200) granting a pension to John F. Huckaba;

An act (H. R. 7815) granting a pension to Mary A. West;

An act (H. R. 8779) granting a pension to Mary Dickinson;

An act (H. R. 6006) granting a pension to Mary Flora;

An act (H. R. 3868) granting a pension to Cynthia Wetherell;

An act (H. R. 5544) granting a pension to John Shine;

An act (H. R. 5789) granting a pension to Ellen M. Thiers;

An act (H. R. 5787) granting a pension to Charlotte E. Dilley;

An act (H. R. 5792) granting a pension to Mary E. Wells;

An act (H. R. 4744) granting a pension to Mathew H. Reynolds;

An act (H. R. 128) for the relief of John Fletcher; and

An act (H. R. 8372) authorizing the sale of a portion of the Winnebago reservation, in the State of Nebraska.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate further insisted upon its amendment, disagreed to by the House of Representatives, to the bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes; asked a conference with the House thereon, and had appointed Mr. PLUMB, Mr. FARWELL, and Mr. CALL managers on the part of the Senate.

Also that the Senate insisted upon its amendments, disagreed to by the House, to the bill (H. R. 9345) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1889, and for other purposes; asked a conference with the House thereon, and had appointed Mr. PLUMB, Mr. ALLISON, and Mr. BECK managers on the part of the Senate.

FORFEITURE OF CERTAIN LAND GRANTS.

[Mr. PAYSON withholds his remarks for revision. See APPENDIX.]

Mr. STONE, of Missouri. Whatever time I have remaining I yield to the gentleman from Arkansas.

Mr. McRAE. I desire to yield one minute to the gentleman from Illinois [Mr. TOWNSHEND].

[Mr. TOWNSHEND withholds his remarks for revision. See APPENDIX.]

Mr. McRAE. I yield to the gentleman from Kentucky [Mr. MONTGOMERY].

[Mr. MONTGOMERY withholds his remarks for revision. See APPENDIX.]

Mr. MCRAE. I yield for twelve minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, I have offered two amendments. One is an alternative proposition to the other, both relating to the grant of land to the Mobile and Girard Railroad Company, made on the 3d day of June, 1856; the purpose of each is—one going a little further than the other—not to prevent a forfeiture of the lands, but to protect in one case the purchaser, and in the other to protect those purchasers who are also settlers.

These lands are peculiarly circumstanced. The act, as I have said, was passed on the 3d day of June, 1856, granting alternate sections, six sections to the mile. Between April 26, 1860, and January 3, 1861, the Land Department of the Government certified to the State of Alabama, under the grant, all these lands as if they had been fully earned. These certificates, according to the decisions of the Supreme Court, had the effect really of patents, or such effect as patents would have had.

Now, the first 84 miles, beginning at Girard and running southwest as far as Troy, were completed by 1870. Then there is a gap of uncompleted road. These 84 miles to Troy were completed by the Mobile and Girard Railroad Company under its charter and in compliance with the terms of the act; but there were 63 miles completed from the Mobile end in the direction of Troy that were not built by the Girard Railroad Company, but by another company, the Mobile and Great Northern, under a contract and agreement with the Mobile and Girard Railroad Company that the Mobile and Great Northern should be entitled to the land grant if it should complete that portion of the road extending from Mobile to Pollard. The Mobile and Girard was to meet the Mobile and Great Northern at Pollard.

That is one peculiarity of this case; that part of the completed road was not built by the company to which the grant was made, but by another company. In equity and justice it amounts to the same thing. Congress granted the land in order to secure the construction of the road, but legally the Mobile and Great Northern was not the company to which the grant had been made, and so it could not in law claim any portion of the lands. The company to which the lands had been granted sold many of them, many of which were coterminous with the line of uncompleted road, that is, along the lines where the road had not been completed, but all along the line it had been laid down and definitely located. The purchasers of these lands had a right to rely on the titles they purchased, for according to the decision of the Supreme Court in the case of the Railroad Land Company *vs.* Courtright, in 21 Wallace, the right of the railroad company to sell was not confined to those lands lying contiguous to and coterminous with the completed portion of its line. I read from the syllabus:

It was held under a statute exactly similar to that making the grant in this case:

First. That the act of Congress authorized the sale of one hundred and twenty sections in advance of the construction of any part of the road, and that it was only as to the sale of the remaining sections that the provision requiring a previous completion of 20 miles applied.

Second. That there was no restriction upon the State as to the place where the 120 sections should be selected along the line of the road, except that they should be included within a continuous length of 20 miles on each side, and that they might be selected from lands adjoining the eastern end of the road or the western end, or along the central portion.

Now, if gentlemen have followed me, this case fits the circumstances exactly. The Mobile and Girard Railroad Company had the right to sell land not only along the completed portion of the road, but also between Troy and Pollard, and between Pollard and Mobile.

Now, Mr. Speaker, the first amendment which I sent up provides for the protection and confirmation of the titles of those who bought that land. The grant had been made by Congress embracing these lands. According to the granting act the Commissioner of the General Land Office was to certify the lands to the State when they had been earned. The Commissioner made that certificate. The State of Alabama was to cede them when the railroad company was entitled to them. The State had ceded them. What more could a purchaser ask? What better guaranty of title could he demand? Here was pledged the good faith of the State. Here was pledged the good faith of the Federal Government by the action of the Commissioner of the General Land Office. I insist, sir, that in equity and good conscience these purchasers had a full and complete right to rely on these acts of the State government and of the Federal Government, and when they paid their money for these lands this Government ought to protect them. I ought to have more than twelve minutes to argue these two amendments, but the facts are so plain I do not see how the House can mistake them. But if this amendment should be voted down my alternative proposition is to protect all actual settlers who have color of title, either by purchase from the railroad company or at tax sale. In the Forty-ninth Congress I introduced a bill forfeiting these lands and protecting purchasers and settlers. The committee considered the whole question and finally reported a bill which protected the settlers on that land as fully and as completely as I now ask by the terms of this second amendment.

In fact I have simply taken the bill as reported by the Public Lands Committee of the Forty-ninth Congress and asked the House to vote upon and ratify what the Public Lands Committee of the Forty-ninth Congress, when they considered this question particularly and fully, decided unanimously was right and proper. That is the second amendment—the alternative amendment I offer; and I desire the attention of the House particularly to that. Its only purpose is, to use the language frequently used in this debate, to save to free men free homes. The Public Lands Committee of the Forty-ninth Congress decided that under the circumstances Congress ought to ratify the title of every one of these settlers up to the extent of 320 acres each.

Now, a homestead, it is true, is only 160 acres. This amendment undertakes to protect settlers up to the extent of 320 acres; but the amendment is exactly in the words of the bill of the Forty-eighth Congress, reported unanimously by every member of the committee, Republican and Democrat. Why did that committee come to that conclusion after full consideration? Because those lands, though fit for agricultural purposes, are really poor lands. Their value as grazing lands would help them out as farming lands, but a settler would require more acres to make a farm than if the lands were rich. The committee heard testimony. They considered the case fully. They thought, under the circumstances, where parties had bought these lands and settled upon them, the Government could afford to allow them 320 acres each. It is nothing but simple justice, the plainest equity, I demand for these honest settlers. By honest toil they have built homes for themselves. In the sweat of their faces they are earning their bread. I appeal to this House not to turn them out shelterless on the world.

It is true, sir, that the bill if passed by the Senate will allow these parties to homestead this land. But why should they be compelled to pay again what they have already paid? Why should we force them to pay the fees required by law to the officers of the land office, to make all the proof and to reside there five years, when evidence has already been adduced completely satisfactory to every member of the Public Lands Committee of the Forty-ninth Congress, who examined this question carefully, that they have bought and paid in good faith for that land?

Here then, Mr. Speaker, are the two amendments. I will not detain the House with further discussion; but in conclusion will simply repeat that the first of these amendments seeks to protect the purchaser, those who purchased in good faith, under the peculiar circumstances surrounding this grant. If that is voted down the second amendment asks simply that the titles of actual bona fide settlers up to the amount of 320 acres of that poor land shall be confirmed. I certainly think these amendments will commend themselves to the House.

I reserve the remaining two minutes of my time.

Mr. MCRAE. I yield to the gentleman from Georgia [Mr. CLEMENTS].

[Mr. CLEMENTS withholds his remarks for revision. See APPENDIX.]

Mr. MCRAE. I believe I have ten minutes left. I will use five minutes now.

The SPEAKER *pro tempore*. The gentleman has ten minutes left.

Mr. MCRAE. Mr. Speaker, in closing the debate on the amendment proposed by my friend from Missouri [Mr. STONE] and myself I shall deal with the bill and amendments and not undertake to discuss at length the legal questions involved. I discussd the question of the power to forfeit in my report upon the Northern Pacific grant and now refer to what I then said upan that subject There is such a variety of opinion as to what can be done and so little difference of opinion as to what ought to be done that I think Congress, the law-making power, should not hesitate to do what it thinks right and just rather than quibble over technical legal questions. It is the duty of Congress to make laws and the duty of the courts to construe them. Let us pass the bill and leave the construction to be placed on it to the courts. Under the leave to print I may hereafter have something more to say upon the legal phase of the case as well as the political features of the forfeitures.

Ten minutes is too short a time for me to undertake it to-day even if it were necessary.

We have heard and read much about the law bearing upon the question of power, and of conditions-precedent and conditions-subsequent. But the great central fact stands out in bold relief that the grants were upon the condition that the roads were to be constructed on or before a fixed time, and that this condition was not performed as the Government and the people had a right to expect.

If the positions were reversed the corporations would have no scruples about declaring a forfeiture. It is perfectly clear that nothing can be accomplished without a legislative forfeiture, and we are all agreed that some bill should be passed by this Congress. The important question to be settled to-day is the extent to which we will go. We have three propositions now pending:

1. The Senate proposition, which is concurred in by four Republican members of the House committee, to forfeit the lands where no road has been built, involving less than 6,000,000 acres as is shown by the Department table read by the gentleman from Missouri.

2. The substitute of the majority of the House committee to forfeit all lands except for road constructed within the time fixed in the granting acts, involving over 50,000,000 acres.

3. The proposition which my colleague and I insist upon, to forfeit the entire grant where there has been a failure to perform the conditions of the grant, involving about 70,000,000 acres.

As for myself, I insist that as a matter of law, as a matter of equity and good conscience, as well as of public right, there should be no compromise in this matter, and therefore feel it my duty to insist, as I did in the last Congress, upon a forfeiture of the entire grant where there was a failure to perform the conditions imposed. If it is not done I shall wash my hands of responsibility for such failure. I am for the third proposition as stated. If it is rejected then I want the second or committee proposition. These different propositions have each been fairly and ably presented by gentlemen who have preceded me in this debate; the first by the gentleman from Illinois [Mr. PAYSON]; the second by the chairman of the committee [Mr. HOLMAN]; and the third by my eloquent and forcible friend from Missouri [Mr. STONE]. I fully agree to all he has said. They all agree that Congress has the power under the law and the decisions to forfeit the whole of the grant where there was a failure to perform the conditions made and accepted.

The rights of purchasers and settlers have been carefully protected in the committee bill, and will not be affected by any of the amendments. The gentleman from Illinois [Mr. PAYSON] does not claim that the roads are entitled to any equitable consideration, but rather confesses that none is due them. He thinks the Senate proposition is all that we will be able to pass; and is therefore willing to yield and take almost nothing when at the same time he asserts that nothing more can ever be done. He says that the Senate will never agree to forfeit any land for constructed road.

Mr. PAYSON. I did not say that. Quote me fairly.

Mr. McRAE. What did you say?

Mr. PAYSON. I said that none ever had been forfeited.

Mr. McRAE. And you said more than that. You will remember that when you made the statement I interrupted you and asked you why, with such views, you wanted the reservation that is contained in your third section? I will ask you the same question now.

Mr. PAYSON. I do not believe the Senate will vote such a forfeiture, but I think the House may. Quote me fairly.

Mr. McRAE. I quoted you just as you state your position and belief now. I did not represent you as saying that the House would not pass any bill forfeiting more than you now propose, because I know that you would make no such statement in the face of the record heretofore made by the House upon this question. The House has passed such bills, and I believe it will pass this one. Why should we fail to do our duty because the Senate does not agree to what we think is right.

Have we been trifling with the people upon this question for the last eight years? After the hard fight we have had, shall we give the country a valueless forfeiture of the odds and ends of such land as the roads do not want and some of them would like to be relieved of when those who present such a proposition say that nothing more can ever be done? Mr. Speaker, I trust a roll-call will give back an emphatic negative to this question. How comes the sudden change in my friend from Illinois? Since the Forty-seventh Congress he has stubbornly refused to yield to the demands of the Senate, but now surrenders without a contest. If the fight has been kept up that the companies might earn more land only to be abandoned when they get such as they desire, then it ought never to have been commenced. We ought to make the roads complete their lines over the mountains and deserts or forfeit the whole line for the failure to do so.

Is it right to let them take their own time in building, and to only build when and where it suits them, and thus take all the lands of any value and leave the people without either land or road? The Government expected continuous lines of road over which its mails could be carried at reduced rates, over which the commerce of the country could be transported across the deserts and over the mountains of the west. It has waited more than twenty years, and now we are told that a part of the country is too rough to build over and that so much may be forfeited and that the other is "earned." I deny that any is earned until the line is completed. We have no power to make them build, but can and should retake the whole estate when they have not. Nothing less will satisfy an outraged people whose lands have been withheld from them so long by such methods. I hope the Democrats will look this proposition squarely in the face, and meet it with an emphasis that will not be misunderstood by the country. There is nothing in it except a naked issue between the United States on the one hand and the defaulting, grasping corporations on the other.

There are no settlers and purchasers behind whom the roads can longer take shelter. We protect them fully. Answer by your votes whether you are for the people's rights or the roads. In the late Republican platform our friends on the other side take some credit for what has been done in the way of forfeitures. Your action here to-day will test the sincerity of that declaration. Let us have no evasion or dodging. The issue is joined, and if we can not win in this tribunal we will let the people know the reason why. If it be true that the Senate as it is now organized will not pass this bill, let us do our duty, and if we fail then appeal to the country and elect a Senate that will. I reserve the balance of my time. [Applause.]

Mr. PAYSON. I yield fifteen minutes to the gentleman from Alabama [Mr. OATES.]

Mr. OATES. Mr. Speaker, it is indeed remarkable to my mind that a law-making body like this should on so many occasions have proven itself utterly regardless of existing law. It would not do to say that members of such a high and dignified body were ignorant, but they certainly have in many instances, in respect to this particular kind of legislation, been regardless of the law and legal rules of procedure. When this question of the forfeiture of railroad land grants first came up in the Forty-eighth Congress I declared in favor of the forfeiture of every acre of land granted to railroad corporations which could be legally forfeited, and I have never varied from that declaration.

But, sir, I did not mean to include in that declaration a proposition or intention to engage in a scheme to confiscate private property. The legal questions involved in this matter have not been discussed on this occasion, but they have been briefly and correctly stated by the gentleman from Illinois [Mr. PAYSON], who is one of the best informed members of this House on the questions now in hand. All the grants to railroad corporations, directly or indirectly, have been made upon condition. Every lawyer who has not forgotten what he read in the hornbooks of the law remembers the definition of estates upon condition. They are of two kinds, one on condition-precedent and the other on condition-subsequent. Now, if any gentleman earnestly and honestly desires to arrive at a proper conclusion as to what lands he should vote to forfeit, if he will but observe and properly apply these principles he will easily ascertain.

Observe the well-defined distinction between the different kinds of conditions and he can not be mistaken as to what lands are forfeitable and what are non-forfeitable. A grant of an estate upon condition-subsequent vests the title in the grantee, subject to be defeated by the grantor only for a failure to perform some condition attached to it. No one but the grantor can claim the return of the estate for the failure of the grantee, and the estate remains in the grantee unimpaired until the grantor takes advantage of the failure to perform the condition.

The position of the gentleman from Arkansas [Mr. McRAE] and the gentleman from Missouri [Mr. STONE] in their proposition to forfeit all lands granted to every railroad corporation where all the conditions have not been performed, is a logical position, if their premises are correct. They assume that these grants were upon conditions precedent; and it is a correct legal principle that wherever an estate is granted upon conditions precedent, the title does not and can not vest until all the conditions are performed. But, unfortunately for their position, the courts have held every time the question has come before them—and the question has been adjudged in more than one case by the Supreme Court—that these grants are made upon conditions subsequent. This disposes of the position of those two gentlemen and shows it to be utterly untenable.

Now, as to the position of the distinguished chairman of the Public Lands Committee, the gentleman from Indiana [Mr. HOLMAN], I am constrained to remark that his is the most utterly illogical position that any lawyer in any proceeding ever assumed. I say in "any proceeding," because while this is partly a legislative it is partly a judicial proceeding. It is similar in many respects to the common-law proceeding of "office found;" as, for instance, in the case of forfeiture of lands claimed by an alien. At common law, where an estate was granted to a private individual on conditions subsequent, the grantor, if those conditions were not performed, had but to re-enter upon the land, whereby he was reinvested with his entire former estate. By a misapplication of this principle to these railroad land grants many gentlemen have been misled.

These grants are different from a grant at common law in this respect: Every one of them contains a section providing that when the railroad company performs the conditions by constructing a road to the extent of a section of 20, 30, or 50 miles, and the same is inspected and accepted as provided by law, the coterminous lands are earned and the company is entited to patents therefor. Only therein do these grants differ from a grant at common law. Such a provision in the grant severs or chops up the contract into sections, and in law is a separate grant, but on the same terms for each section.

Now, whenever the time expires within which the road is to be constructed, the right of the Government to declare a forfeiture as to all lands not coterminous with the portion of the road then constructed is perfect and complete, saving and excepting lieu lands within indemnity limits for those not found in place. The United States can not re-enter as an individual grantor could, but by judicial proceeding or legislative enactment can declare the forfeiture; that is to declare the resumption of title for conditions broken; and then the Government becomes repossessed of the title, not to all the lands, but all with which the contract permits the Government to reinvest itself.

To illustrate: A grant of land was made for a road to be constructed in four sections, of 25 miles each, within two years. At the expiration of the time, two sections or 50 miles only have been completed and accepted. Congress declares a forfeiture. Of what portion of the grant are the United States thereby reinvested? Only with the lands along the 50 miles where no road has been built.

The gentleman from Indiana in his report, speaking as the organ of a majority of his committee, asserts truly that nearly all the granting acts contain a provision substantially that "if said road is not com-

plered within — years, no further sales shall be made and the lands unsold shall revert to the United States."

The language employed is in substance that if the road is not completed within a prescribed number of years no further sales shall be made, and the lands of the grant unsold shall revert to the United States; and then he proceeds to give a construction to that language which, if he has not forgotten all the law he ever knew, he must know is erroneous. He takes the words according to their literal and usual import, not according to their legal signification. He ignores the universal principle of construction that wherever words used in a statute or deed have a well-known technical signification or a well-defined statutory definition, they must receive that construction. The Supreme Court in the case of Schulenberg *vs.* Harriman, 21 Wallace, held that a grant of this character possesses the common-law attributes of a grant *in presenti* upon conditions-subsequent, and that the provision that no further sales should be made if the road should not be completed within the time limited, and the lands unsold should revert to the United States, did not reinvest them with the title, but that something more was necessary, an affirmative act, a legislative declaration of forfeiture or a judicial proceeding, was necessary to recover the title.

Yet in the face of that decision (reaffirmed in Van Wyck *vs.* Kneavels, 106 United States Reports) the gentleman from Indiana in his report quotes from all these different grants, and says it was manifestly the intention of Congress that if the condition was not performed by building the roads within the time named the Government should repossess itself of the titles to these lands. That is what I call sinning against light and knowledge. No one is so blind as those who refuse to see. We must be honest and law-abiding if we would command the respect and confidence of the intelligent, patriotic, and substantial people of this country. Nothing good is to be accomplished by demagoging for the votes of the commune and the tramps.

> This above all—To thine ownself be true;
> And it must follow, as the night the day,
> Thou canst not then be false to any man.

I ask only that we shall follow the law as it has been adjudged. The fact that a great many of these grants were improvident and ought not to have been made is of no consequence. The question is what shall we do with them as they now stand? In the Forty-eighth Congress I made the first report—a minority report of the Committee on Public Lands—against this proposition of wholesale forfeiture, in the case of the Louisiana "backbone" land grant. The legal questions raised in that case were referred to the Judiciary Committee and a report was made by the then chairman of that committee, the distinguished gentleman from Virginia, Mr. J. Randolph Tucker, 13 members concurring with him in holding that under the circumstances the Government had no right to declare the forfeiture.

Mr. ROGERS. And no power.

Mr. OATES. When I say "no right" I mean no power. After an elaborate debate upon that proposition to forfeit that grant the House voted down the measure and refused to declare the forfeiture. Yet if you pass the substitute reported by the gentleman from Indiana, representing the majority of the Committee on Public Lands, you vote to forfeit every acre of that grant, as well as many others. In that case the road was all constructed five years after the time named in the granting act had expired; and the bill to declare a forfeiture was introduced more than a year after the cars were running from one end of the line to the other. The United States, by act of Congress, had fixed a lower allowance of compensation to the company for carrying the mails on it, in consequence of the land grant, and the House properly refused to declare a forfeiture. But the substitute for the Senate bill now under consideration goes behind that decision and forfeits every acre of that grant. It proposes the forfeiture of all the lands coterminous with 1,500 miles of completed road on the Northern Pacific, and also forfeits the grant in part to more than a dozen other completed roads.

The gentleman from Indiana [Mr. HOLMAN] has been in public life almost continuously for forty-five years, and during the earlier part of that period as the judge of a court and expounder of the law. All through his long and honorable service he has at all times exhibited a high order of intelligence, large and varied information, in view of which I am amazed at his assumed ignorance of the law touching these railroad land grants and their liability to forfeiture. He admits that they are grants upon conditions-subsequent. He knows that the title was vested in the grantees subject to be defeated only for non-performance of the conditions, and that no one but the grantor could take advantage of the breach of the condition, and that the title of the grantee is not impaired by the lapse of time until the grantor actually declares the forfeiture, which may never be done. (See Blackstone's Commentaries on Conditional Estates, and 4 Kent, 138.) The distinguished gentleman can not be ignorant of these fundamental legal principles. He is presumed to be familiar with them, and yet he contends that "time is of the essence of the grants." He deduces from his premise the conclusion that "even if title did vest in the railroad company, there was an absolute want of power to make sales beyond the lands earned within the specified periods," which is a complete travesty of the plainest provisions and principles of the law. In the case of Denny *vs.* Dodson, in 32 Federal Reporter, decided by the United States circuit court for the State of Oregon last November, the very question involved in the substitute by its provision for the forfeiture of lands coterminous with sections of road constructed and accepted after the expiration of the time named in the granting act for the completion of the road was decided, Justice Field delivering the opinion and Judge Deady concurring. The action was to recover a tract of land which the plaintiff acquired from the Northern Pacific Railroad Company. It was of the grant made to that company by Congress and coterminous with a section of that road constructed, completed, inspected, and accepted after the time for the completion of the entire road had expired.

The court said:

> The contention of the defendant is that, upon failure of the company to complete the entire road within the period fixed by the act, or the supplementary act, the title to the land not then earned failed, and could be restored to the company only by affirmative action on the part of Congress; in other words, that the completion of the entire road within the time designated was a condition precedent to the vesting of title to all lands not previously earned by the construction of a road coterminous with them. For this position we find no warrant in any provision of the act. The conditions attached to the grant are conditions subsequent, and not precedent. * * * While a legal title to the sections described, as distinguished from a merely equitable or an inchoate interest, passed to the railroad company by the act of July 2, 1864, it was not a title which could be disposed of by the company without the consent of Congress, except as each 25-mile section of the road was completed and accepted by the President, so as to cut off the right of the United States to compel the application of the lands to the purposes for which they were granted, or to prevent their forfeiture in case of the company's failure to perform the conditions of the grant. The road opposite to the premises in controversy having been completed and accepted, the title, however imperfect whilst incumbered, if it may be so termed, by the uses to which the lands were to be applied, has become perfect and indefeasible.

It is contended by the advocates of the Holman substitute that there can be no such thing as a waiver or estoppel of the Government. That is true in the sense that it has the physical power to do as it pleases. It is true upon the doctrine of monarchical governments that the king can do no wrong. But that dogma has and ought to have but a very limited application to ours, which is the people's Government, and all the officers, legislative, judicial, and executive, from the President down, are but the trusted servants of the people. Nor is it the practice of our Government to seek shelter from responsibility to its citizens by the invocation of such undemocratic doctrine as that it is exempt from liability under legal principles which would make a citizen suitor liable. The United States allow suits to be brought against them in all matters of contract, and as defendant to a suit have no advantages in law over the humblest citizen. These railroad land grants are contracts, and are determinable by the same laws and rules of construction that are applicable to the cases of individuals, with one exception: the deed or grant of an individual is to be taken most strongly against the grantor.

A legislative grant is to be taken and constructed most strictly against the grantee. That is so, because a legislative grant to an individual or corporation is partial; it is supposed to be favoritism and against the interest of the body-politic. Hence the grantee must show affirmatively and clearly that what he claims to have passed to him by the grant actually did pass, and if there be doubt the court will solve it by deciding for the grantor. But this goes only to the construction of the deed or granting act; it is the rule by which to determine what passed by it, and furnishes no aid whatever in determining whether a condition-subsequent attached to the deed or grant has or has not been performed.

Mr. Speaker, I have maintained the same opinion I now hold in respect to these land-grant forfeitures ever since I investigated them for months in the first session of the Forty-eighth Congress. I spoke and voted in that Congress and the Forty-ninth as I do now, to forfeit every acre of lands granted to any railroad company which is legally forfeitable.

But because many of the grants were improvidently and, it may be, corruptly made is not a good reason why I should now violate the law by voting to divest vested rights. The Supreme Court of the United States decided before I was born that it was wrong to undertake to do that. But the position of the gentleman from Indiana is explainable on his supposition of consistency. He was in Congress and voted against nearly every one of the grants twenty-five or thirty years ago, and he is continuing the fight he then made regardless of the changes that have taken place in the mean time. He is industriously and persistently trying to dig up yesterday, and from present indications he is likely to succeed, so far as this House is concerned, regardless of consequences.

The gentleman from Illinois [Mr. PAYSON] in his very able minority report presents a substitute which is in substance the bill which the Senate passed upon this subject and which proposes the forfeiture of all lands granted to railroad companies where they have not up to this time constructed any road. To illustrate: where lands were granted to build a road 100 miles long and the company has built only 50 miles, that bill proposes to allow the company to retain one-half the grant and to forfeit the other half. It gives them the lands they earned and takes away from them what they have not earned. I think that will strike the mind of the average citizen of old-fashioned honesty as a pretty fair proposition.

My friend from Illinois has been severely criticised by the gentleman from Missouri [Mr. STONE] for an alleged inconsistency in his course on this question. Judge PAYSON is quite able to take care of himself and does not need assistance from me. But I will say in this connection that he is the best informed member of this House touching land-grants to railroads and has been as zealous and able an advocate of forfeitures as any here, and I think has contributed more to that end than any present member of this House.

He may not always have been perfectly consistent. He differed with me in some cases where I thought he was in the wrong, and proposed to go too far; but it does not lie in the mouths of those who now criticise him to find fault with him, for if he has erred in the past it was on their side of the question.

He very forcibly presented in his minority report the waiver of the right of forfeiture as to sections of road constructed after the expiration of the time named in the grant for the completion of the whole road by Congress—the very organization now attempting to declare such forfeiture—requiring the railroad company to carry the mails at reduced rates on account of the land grant over the identical sections of the road which they now say were not built in time, and for that reason they will take the lands away from them.

I fully concur in the views of the gentleman from Illinois, who wants practical business legislation on this subject. I will cheerfully vote for his substitute, or the Senate bill. I spoke in advocacy of the Senate bill declaring a forfeiture of the unearned lands of the Northern Pacific two years ago, when just such a substitute as that now proposed was adopted by the House. The Senate refused to concur, and no forfeiture was made. It was as good to that company as a new grant, for they have gone on constructing their road and earning the lands.

The law requires the President to appoint inspectors to inspect it whenever any land-grant company reports the completion of a section of new road, and if they report favorably the section is accepted. Whenever Congress creates a tribunal or commission to determine any matter or controversy to which the Government is a party, the decision, being within the jurisdiction conferred, is conclusive and final, unless set aside by a court of equity for fraud. (Johnson *vs.* Townsley, 13 Wallace.)

Mr. Speaker, I do not believe in the policy nor politics of making war upon railroad companies unnecessarily and illegally. I would hold them to a strict observance of the law, and for every breach of it I would make them pay the penalty according to the law of the land in its regular and orderly course of administration. That is the really wise, politic, and just thing to do. In the summary of the gentleman from Indiana of the forfeitures declared by Congress he has fallen into an error of 7,000,000 acres claimed to have been forfeited from the Memphis and Charleston Railroad Company. That company never accepted the grant, not an acre of it, and no lands were ever withdrawn from market on account of that grant. By an examination or inquiry at the General Land Office the gentleman will find what I say to be true.

The grant to another road in Alabama, which is now known as the Selma, Rome and Dalton, is in part proposed to be forfeited by the substitute reported by the gentleman from Indiana, notwithstanding the fact that Congress in 1872 passed an act, which I hold in my hand, confirming to said company all of the lands which had been certified to the State for its benefit.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. GROUT. I ask unanimous consent that the gentleman have five minutes longer.

Mr. HOLMAN. Will that extend the time beyond 4 o'clock?

The SPEAKER *pro tempore*. It will.

Mr. HOLMAN. Then I must object.

Mr. OATES. If the gentleman from Indiana will not object I will call his attention to some other features in this bill which I think he will be willing to amend.

Mr. HOLMAN. I will not object to extending the time for ten minutes, five to be allotted to each side.

The SPEAKER *pro tempore*. Is there further objection to extending the time for ten minutes?

There was no objection.

Mr. OATES. Mr. Speaker, the next objection I make to the substitute proposed by the majority of the Committee on Public Lands goes to the second section, which reads as follows:

That the forfeiture hereby declared shall not extend to lands adjacent to and coterminous with any portion of any such railroad which is now completed which were sold by the State or corporation to which any such grant was made, or by the corporation controlling or owning such railroad prior to January 1, 1888, to bona fide purchasers for a good and valuable consideration.

Now, to illustrate the operation of that provision, take the case of the railroad through my district, the road of which my colleague [Mr. HERBERT] spoke awhile ago—the Mobile and Girard. It extends 84 miles from Columbus, Ga., to Troy, Pike County, Alabama.

It was completed within the time named in the granting act to Union Springs, a distance of 54 miles. The war came on and prevented the company from doing more until after the peace, when they constructed 30 miles more. This substitute would forfeit all except the lands earned by the construction of the 54 miles. There were no public lands, or but a very small quantity, within the 6 miles on either side or the 15-mile indemnity limit, coterminous with the constructed portion of the road which the company could take. The grant was according to the construction of a similar act by the Supreme Court—a grant of a certain quantity of sections of land, and if they can not be found in place, may be selected the nearest that is practicable anywhere within the indemnity limits.

The company necessarily took these lands along the line beyond the point where the road had been completed, because there were no lands, or not sufficient lands, adjacent to the completed portions which were available. These lands they have sold to settlers, poor but honest farmers; and yet by the very provisions of the pending substitute which the gentleman from Indiana wants this House to adopt, every acre of the lands these people are living on will be forfeited.

Mr. HOLMAN. Are they not expressly authorized to take under the homestead law?

Mr. OATES. Oh, yes; the gentleman's substitute authorizes them to take under the homestead law, it is true; but these are men who have paid their money for these lands, good citizens, having lived there for years, and made their improvements thereon; and it would be an act of bad faith on the part of the Government to undertake now to deprive them of their property. Instead of securing them in their rights, the gentleman would deprive them altogether of their homes, and for what? To give them back under the homestead law.

Mr. HOLMAN. No, sir; this bill secures the right of every settler. The question presented by the bill is between the railroad company and the Government, and not between the Government and the settlers.

Mr. OATES. If you gave the railroad company the lands which it has earned, then under the provisions of your bill you would not disturb the settlers because the company has not sold as much land as it earned.

But you do not propose to do that. Your bill says that—

The forfeitures hereby declared shall not extend to lands adjacent to and coterminous with any portion of any such railroad which is now completed.

These lands, although earned, are not adjacent to and coterminous with that road. Therefore your bill forfeits them, and with the forfeiture it deprives these settlers and purchasers of the rights to which they are entitled.

Mr. HOLMAN. How could that be done if the road has been constructed?

Mr. OATES. It has been constructed for some 84 miles.

Mr. HOLMAN. Then, of course, it would not affect those lands.

Mr. OATES. Oh, but as I have said, these lands were not adjacent to the constructed portions. I have already stated that there were no lands or an insufficient quantity in place alongside of the road because they had been already taken up, and under the provisions of this grant the company had the right to take the lands earned anywhere along the line, and they took them beyond the point where the road was constructed, but within the limits of the grant. Your bill, therefore, does not protect the purchasers and settlers on those lands.

Mr. HOLMAN. But they had no right to go beyond the place where the road was constructed.

Mr. OATES. They had no right?

Mr. HOLMAN. No, not beyond the completed portions of the road.

Mr. OATES. Why, it has been decided that they could take lands earned anywhere within the indemnity limits when they can not be found in place. Van Wyck *vs.* Kneavals, 16 Otto, 365, and in other cases.

Mr. HOLMAN. They had no right to take any lands not coterminous with the constructed portion of the road. But out of abundant caution we have secured every acre to the present settlers upon them.

Mr. OATES. I deny that proposition.

Mr. HOLMAN. It is a naked proposition now between the Government and the corporation.

Mr. OATES. I deny that proposition. Your bill does not say anything of the kind. It forfeits the lands of purcharers unless they are coterminous with the completed portion of the road.

Mr. HOLMAN. Read the second section.

Mr. OATES. I have read it.

That the forfeiture hereby declared shall not extend to land adjacent to and coterminous with any portion of any such railroad which is now completed——

Mr. HOLMAN. And then go on further, where provision is made for bona fide settlers.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time of the gentleman from Alabama has expired.

Mr. OATES. Well, Mr. Speaker, I was unfortunately willing to allow the previous question to be ordered at a fixed hour, which cuts me off.

Mr. Speaker, in conclusion allow me to say that I do hope that this House will adopt the amendment offered by my colleague, because if they do not, and this substitute should become a law, quite a number of men who have purchased and are living upon the lands which the Mobile and Girard Railroad Company has earned will be turned out of their homes and will have to resort to homesteading in order to get

the land upon which they have lived for many years. They bought the land from the railroad company, and the company had the right to sell 120 sections in advance of and beyond the construction of the road under a decision made by the Department of Interior, on the opinion of Mr. Black, of Pennsylvania, when he was Attorney-General. All these lands granted to the railroad company were certified to the governor of the State of Alabama. The title passed from the United States to the trustee.

The company constructed 84 miles of the road. It has sold a less number of acres by 50,000 than it is entitled to for the road constructed. Now, is it right or just to forfeit this land and take it from those men who have bought it from the railroad company and paid their money for it and occupied it for years past? I think this House will say it is not, and, if so, will adopt the amendment which my colleague has offered. If the purpose of the gentleman from Indiana and his committee is to reclaim lands from railroad corporations for the purpose of giving them to homesteaders, the forfeiture of the lands sold by this company to present occupants would defeat its object in this case, and I have no doubt but that there are others, and would require of them to do an unnecessary and foolish thing—to homestead their own homes. I am in favor of the immediate forfeiture of all the unearned lands granted to this company. The people want them for homes, and I introduced a bill in the last and in this Congress for that purpose and urged its passage.

But my bill saved the rights of purchasers in good faith. Instead of giving me a favorable report as did the Committee on the Public Lands in this last Congress, the present committee treats the subject in a general omnibus bill, which in respect to this particular grant is worse than no bill.

Mr. MCRAE. I have one minute remaining, I believe. I will yield that to the gentleman from Washington Territory [Mr. VOORHEES].

Mr. HOLMAN. I also yield the gentleman one minute.

Mr. VOORHEES. Mr. Speaker, I come to this House with a letter of authority from a constituency as widely cursed by the shameless villainy of railroad domination as any constituency represented upon this floor. I come from such a constituency instructed to labor, in season and out of season, to restore to the public domain every acre of land heretofore improvidently granted to the railroad corporations of this country, stopping only at the limit beyond which the law itself declares we may not go.

The Northern Pacific Railroad Company, a freebooting combination organized in 1864 for rapine and spoils, and from that time to this a loyal adherent to this fundamental principle of its organization, long since impressed upon that constituency the unequaled atrocity of railroad dominion over vast landed estates, and they can well understand and sympathize with the ill-faring condition of all who are so unfortunate as to be groaning under a like despotism. It is not strange, therefore, that my letter of credit to this body should contain instructions so comprehensive and unequivocal.

Mr. Speaker, the time has not yet come when even a temporary retreat should be sounded at corporate dictation. Such an expedient should not even be considered until the Senate shall have been forced to emphasize its monopolistic tendencies by openly proclaiming its subservience to corporation interests. I rigidly adhere to the attitude which I assumed in the Forty-ninth Congress when I discussed this question somewhat *in extenso*. I am not in favor of taking any step backward thus early in the fight. The time will undoubtedly come when a Republican Senate will determine that we must yield to the railroad corporations of this country. Then, and not until then, will I be in favor of retreating a single step, as a temporary expedient, from the position which the Democratic party has always maintained upon this great question. In such an event I would be willing for the time-being to accept, in conference, the slight concession which could be obtained, and in the future I would vigorously prosecute the conflict until the last vestige of this most unrighteous legislation shall have been swept from the statute-books. Could I have my way, and the power to do so is undoubted, I would go to the full extent suggested by my friends, Messrs. STONE and MCRAE, of the Committee on Public Lands, and take from these corporations every acre of land which has not been earned by a completion of the roads in the precise time prescribed in the granting acts.

[Here the hammer fell.]

Mr. PAYSON. I have eight minutes remaining.

The SPEAKER *pro tempore*. There was a loss of seven minutes by interruptions.

Mr. PAYSON. That ought not to be charged to me.

The SPEAKER *pro tempore*. It will not be charged to the gentleman except in the proportion that the lost time bears to the whole time.

Mr. PAYSON. Then how much time have I remaining?

The SPEAKER *pro tempore*. Seven minutes.

Mr. PAYSON. I yield three minutes to the gentleman from Florida [Mr. DOUGHERTY].

Mr. DOUGHERTY. Mr. Speaker, as a general proposition I believe it to be right and proper to forfeit every unearned land grant in the United States; but in making the report the committee uses this language:

The name of each railroad company and the number of miles of the respective railroads remaining unconstructed when the time expired within which, according to the terms of the grant, it should have been completed, are as follows: The Florida, Atlantic and Northern Central Railroad Company, 181 miles.

What are the facts in reference to that land grant? They are simply these, that under the laws of the State of Florida a company now known as the Pensacola and Atlantic Railroad Company was incorporated, the act of incorporation extending to that company all of the privileges of the Florida, Atlantic and Gulf Central Railroad Company. Now, while it might be true that the road to be constructed under the act here alluded to was not constructed within the limit of time specified in the grant, yet it is equally true that every mile of road contemplated under that original act has now been constructed; yet, according to the terms of this bill, it is proposed to step in after that railroad has been completed and has been in operation for several years and forfeit this land grant. The result of such action will be not only to put the lands that have been sold to settlers into the courts for adjudication, or into the land office—and they might just as well be in the courts—but the remaining portion of the grant, which under the law of the State of Florida this company has earned, will also be put into the courts, and settlers desiring to purchase or to settle upon those lands will never know when their titles are secure.

With reference to the second railroad grant proposed to be forfeited, that company was interrupted in the construction of its road by the unfortunate war between the States——

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. PAYSON. I will yield another minute to the gentleman from Florida.

Mr. DOUGHERTY. That company, I say, was interrupted in the construction of its road by the civil war. The Confederate government took up off its line several miles of railroad iron, for which the company never received a single, solitary cent, because when the Confederate government collapsed there was nothing in existence from which they could obtain a settlement. Nevertheless, the company went on and constructed the line of railroad as fast as it was possible to do so, because the results of the war placed the lines formerly controlled by that company into the hands of the United States courts, and they have but recently gotten out.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The gentleman from Illinois [Mr. PAYSON] has three minutes remaining.

[Mr. PAYSON withholds his remarks for revision. See APPENDIX.]

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. HOLMAN. I yield one minute to the gentlemen from Iowa [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I have uniformly, before my constituents and elsewhere throughout the Union, taken the position, which I believe to be sound in law and in good policy, that these railroad companies, by reason of their not having complied with the terms of the grants, have forfeited their right to the lands granted to them, and I hold that it is the duty of Congress to forfeit such grants and restore the lands to homestead settlement. I have heard nothing in the argument this afternoon that convinces me that I have been wrong; and having investigated the subject for myself, I wish to say, sir, that I shall vote first for the substitute offered by the gentleman from Missouri [Mr. STONE] and the gentleman from Arkansas [Mr. MCRAE] to forfeit every acre of land granted to these railroad companies. If adopted, the bill thus amended will forfeit over 70,000,000 acres and restore that amount to the people for homestead settlement. It is the patriotic duty of Congress to do this. The corporations have never complied with the terms of the grants nor earned an acre of the land embraced in this substitute, and it is the equitable right of the people to reinvest themselves with the title to this land. If the proposition of the gentleman from Missouri [Mr. STONE] should not prevail, I shall then vote for the committee's substitute for the Senate bill as the next best thing; but I want to say emphatically that I shall never vote for the Senate bill. It forfeits barely 5,000,000 acres that the corporations do not want—a mere contemptible remnant, which they now wish to throw into the faces of the people as they walk off triumphantly with their plunder. They want me as a Representative to give my assent to this crime. Sir, I will never do it, and I warn this House not to do it. Let the proposition be rejected with indignation.

If we can not forfeit the 70,000,000 acres, as proposed by the gentleman from Missouri [Mr. STONE], then let us pass the proposition of the committee to forfeit 52,000,000 acres. The people will be satisfied with nothing less.

[Here the hammer fell.]

Mr. HOLMAN. I yield one minute to the gentleman from New Jersey [Mr. MCADOO].

[Mr. MCADOO withholds his remarks for revision. See APPENDIX.]

Mr. HOLMAN. I yield two minutes to the gentleman from Mississippi [Mr. STOCKDALE].

[Mr. STOCKDALE withholds his remarks for revision. See APPENDIX.]

The SPEAKER *pro tempore*. The time agreed upon has expired.

Mr. HOLMAN. I reserved four minutes of my time, and with the permission of the House I will occupy that time.

Now, Mr. Speaker, the Senate bill amounts to nothing. It would be a fraud on the country to pass that bill in its present form. It virtually comprehends nothing. It will only affect lands which are worth nothing. You will deceive the country if you carry it through.

I have not time to devote to the legal hair-splitting of my friend from Alabama [Mr. OATES] and my friend from Illinois [Mr. PAYSON], but I appeal to the House; here at least, in the midst of a body representing the people of the country, the laboring masses—that in this body at least a great wrong shall not be perpetrated by refusing on the part of the House to reclaim for the people that which is justly their own.

One bill involving this same question, declaring this same forfeiture in the North Pacific case two years ago on the 27th day of this month, was passed by a majority of 187 votes to 47. The gentleman from Alabama [Mr. OATES] is consistent, for he was found voting for corporations then as he is found speaking for them now.

But the gentleman is committed, as I believe, by the solemn pledge, made after a struggle here in the Forty-seventh Congress to get a vote for the land-grant forfeitures. I think he is committed by the policy adopted on the 21st day of January, 1884, wherein the House by an overwhelming majority declared in favor of the principle of forfeiture of unearned grants.

Mr. OATES. I have been trying to make a suggestion to the gentleman, but his speech is all one sentence. He does not want, I presume, to do me an injustice?

Mr. HOLMAN. Certainly not.

Mr. OATES. I voted in the case to which the gentleman refers for what I believed the law was.

Mr. HOLMAN. Nobody doubts that; but I want to say that the gentleman, if he will be consistent, should also vote against a forfeiture in every case presenting similar conditions, having voted against the forfeiture in that case.

Mr. OATES. Yes, sir, and spoke against it; and if the gentleman wants time to meet the legal argument to which he has referred I hope it will be granted to him.

Mr. HOLMAN. But the House voted that the forfeiture should be declared upon the basis of the majority report; and I am sure the constituency of no gentleman on this floor, Democrat or Republican, has ever condemned him for that vote.

The SPEAKER *pro tempore*. The time fixed for debate has expired, and by unanimous consent the previous question is considered as ordered. If there be no objection, the amendments offered to the substitute will be reported by the Clerk in the order in which they would be inserted in the substitute.

Mr. HERBERT. My amendment was to the substitute—that is to say, to either the majority or minority substitute, whichever it may be the will of the House to adopt; so it ought to come after the vote is taken upon the minority substitute for the report of the majority.

The SPEAKER *pro tempore*. The gentleman will have to withhold it and offer it as an amendment to the substitute offered by the gentleman from Illinois.

Mr. HERBERT. I withhold it, then, for the purpose of offering it to the substitute, whichever one may be adopted, whether that of the gentleman from Illinois or the majority of the committee, for the Senate bill.

Mr. HOLMAN. I rise to a question of order. Does not the amendment of the gentleman from Alabama come in as an amendment to the amendment in the nature of a substitute reported by the majority? And if so, of course it must be voted upon before the proposition of the gentleman from Illinois, which is in the nature of a substitute for the majority substitute.

The SPEAKER *pro tempore*. The Chair thinks the gentleman is correct in that.

Mr. HERBERT. My purpose is to offer it to whichever of these may prevail. It does not matter which; for my amendment is for the purpose of protecting the rights of these purchasers and settlers under either of the pending propositions

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Alabama that it will be pending to whatever it is properly applicable; but it could only be offered by the gentleman by unanimous consent after the substitute was adopted, because the adoption of the substitute of the gentleman from Illinois [Mr. PAYSON] will be the last thing voted upon by the House so far as amendments are concerned. His object could only be accomplished by obtaining unanimous consent.

Mr. HERBERT. Then I ask unanimous consent to withhold the proposition, and offer it after the substitute is acted upon.

Mr. PAYSON. If I can have the attention of the gentleman from Alabama for a moment, I wish to make an inquiry as to whether it would not be in order for him to have his amendment pending as to both the substitute and the bill reported by the majority of the committee?

Mr. HERBERT. That is just what I want to do.

The SPEAKER *pro tempore*. That can only be done by unanimous consent.

Mr. HERBERT. Then I ask that unanimous consent.

Mr. HOLMAN. I object.

Mr. COBB. I rise to a parliamentary inquiry: Whether any further amendments are allowable under the rule?

The SPEAKER *pro tempore*. There are no amendments now allowable, the previous question having been ordered by unanimous consent of the House. The first question is on the amendment, which the Clerk will now report, proposed by the gentleman from Missouri [Mr. STONE].

The Clerk read as follows:

Strike out of the committee amendment the following words in lines 5 and 6 of section 1: "Opposite to or coterminous with the portion of any such railroad;" and the following words in lines 11, 12, 13, 14, and 15 of said section: "Lying opposite to and coterminous with the portion of any such railroad not constructed and completed within the time prescribed by the act of Congress making such grant for the construction and completion of the whole railroad provided for by such act."

Mr. McRAE. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. McCREARY. I would like to ask the gentleman who offered the amendment, as I was not here to hear his explanation of it, what amount of land the amendment would forfeit? [Cries of "Regular order!"]

Mr. McRAE. Something over 70,000,000 of acres.

The SPEAKER *pro tempore*. The question is on the amendment just read, on which the yeas and nays have been ordered.

The Clerk will call the roll.

The question was taken; and there were—yeas 60, nays 106, not voting 158; as follows:

YEAS—60.

Abbott,	Fuller,	Matson,	Rowland,
Anderson, Iowa	Glass,	McAdoo,	Sayers,
Anderson, Miss.	Hatch,	McCreary,	Simmons,
Anderson, Kans.	Hayes,	McKinney,	Springer,
Bankhead,	Heard,	McRae,	Stewart, Ga.
Barnes,	Hiestand,	McShane,	Stone, Ky.
Bland,	Johnston, Ind.	Montgomery,	Stone, Mo.
Bound,	Kerr,	Moore,	Tillman,
Breckinridge, Ark.	Kilgore,	Newton,	Tracey,
Candler,	Laird,	O'Neall, Ind.	Townshend,
Caruth,	Lanham,	Peel,	Vance,
Clements,	Latham,	Penington,	Walker,
Cothran,	Lee,	Peters,	Weaver,
Cummings,	Maish,	Richardson,	Whiting, Mich.
Dockery,	Mansur,	Robertson,	Yoder.

NAYS—106.

Adams,	Davidson, Fla.	Hudd,	Rowell,
Allen, Mich.	Dorsey,	Hunter,	Russell, Mass.
Arnold,	Dougherty,	Jackson,	Ryan,
Baker, Ill.	Dunn,	Jones,	Scull,
Bayne,	Elliott,	Kean,	Seymour,
Biggs,	Farquhar,	Kennedy,	Sowden,
Blanchard,	Fisher,	Ketcham,	Spooner,
Boothman,	Flood,	Laffoon,	Stewart, Vt.
Brewer,	Forney,	La Follette,	Stockdale,
Browne, T. H. B., Va.	Gay,	Lehlbach,	Taylor, J. D., Ohio
Buckalew,	Gear,	Lind,	Thomas, Ky.
Bunnell,	Gest,	Long,	Thomas, Wis.
Butler,	Grimes,	Macdonald,	Turner, Ga.
Cannon,	Grout,	Martin,	Turner, Kans.
Caswell,	Hall,	McComas,	Vandever,
Catchings,	Haugen,	McKenna,	Warner,
Cheadle,	Henderson, N. C.	Mofflitt,	Washington,
Clardy,	Henderson, Ill.	Oates,	Weber,
Clark,	Herbert,	O'Neill, Pa.	Wheeler,
Cobb,	Hermann,	Owen,	White, Ind.
Conger,	Hires,	Patton,	Whitthorne,
Cowles,	Hitt,	Payson,	Wickham,
Crisp,	Holman,	Perkins,	Williams,
Crouse,	Holmes,	Reed,	Wilson, Minn.
Culberson,	Houk,	Rice,	Yost.
Darlington,	Hovey,	Rogers,	
Davidson, Ala.	Howard,	Romeis,	

NOT VOTING—158.

Allen, Mass.	Carlton,	Goff,	McCullogh,
Allen, Miss.	Chipman,	Granger,	McKinley,
Anderson, Ill.	Cockran,	Greenman,	McMillin,
Atkinson,	Cogswell,	Grosvenor,	Merriman,
Bacon,	Collins,	Guenther,	Milliken,
Baker, N. Y.	Compton,	Hare,	Mills,
Barry,	Cooper,	Harmer,	Morgan,
Belden,	Cox,	Hayden,	Morrill,
Belmont,	Crain,	Hemphill,	Morrow,
Bingham,	Cutcheon,	Henderson, Iowa	Morse,
Bliss,	Dalzell,	Hogg,	Neal,
Blount,	Dargan,	Hooker,	Nelson,
Boutelle,	Davenport,	Hopkins, Ill.	Nichols,
Bowden,	Davis,	Hopkins, Va.	Norwood,
Bowen,	De Lano,	Hopkins, N. Y.	Nutting,
Breckinridge, Ky.	Dibble,	Hutton,	O'Donnell,
Brower,	Dingley,	Johnston, N. C.	O'Ferrall,
Browne, Ind.	Dunham,	Kelley,	O'Neill, Mo.
Brown, Ohio	Enloe,	Lagan,	Osborne,
Brown, J. R., Va.	Ermentrout,	Laidlaw,	Outhwaite,
Brumm,	Felton,	Landes,	Parker,
Bryce,	Finley,	Lane,	Perry,
Buchanan,	Fitch,	Lawler,	Phelan,
Burnes,	Foran,	Lodge,	Phelps,
Burnett,	Ford,	Lyman,	Pidcock,
Burrows,	French,	Lynch,	Plumb,
Butterworth,	Funston,	Maffett,	Post,
Bynum,	Gaines,	Mahoney,	Pugsley,
Campbell, F., N. Y.	Gallinger,	Mason,	Randall,
Campbell, Ohio	Gibson,	McClammy,	Rayner,
Campbell, T. J., N. Y.	Glover,	McCormick,	Rockwell,

Russell, Conn.	Snyder,	Taulbee,	Wilber,
Rusk,	Spinola,	Taylor, E. B., Ohio	Wilkins,
Sawyer,	Stahlnecker,	Thomas, Ill.	Wilkinson,
Scott,	Steele,	Thompson, Ohio	Wilson, W. Va.
Seney,	Stephenson,	Thompson, Cal.	Wise,
Shaw,	Stewart, Tex.	Wade,	Woodburn,
Sherman,	Struble,	West,	Yardley.
Shively,	Symes,	White, N. Y.	
Smith,	Tarsney,	Whiting, Mass.	

So the amendment was rejected.

Mr. BIGGS. I am paired with my colleague [Mr. MORROW]. He would have voted "no" on this proposition, and I also voted "no." I wish to make an explanation of why I voted.

Mr. ANDERSON, of Illinois. I am paired with the gentleman from Pennsylvania [Mr. SCOTT]. If he were present, I would vote "ay."

The Clerk announced the following pairs:

Mr. FISHER with Mr. CUTCHEON.
Mr. HUTTON with Mr. STRUBLE.
Mr. NORWOOD with Mr. COOPER.
Mr. WHITE, of New York, with Mr. COCKRAN.
Mr. GREENMAN with Mr. THOMAS, of Illinois.
Mr. PHELAN with Mr. WEST.
Mr. DOUGHERTY with Mr. PETERS.
Mr. CARLTON with Mr. RUSSELL, of Connecticut.
Mr. HEMPHILL with Mr. MCCULLOGH.
Mr. GRANGER with Mr. ROCKWELL.
Mr. CUMMINGS with Mr. MCCORMICK.
Mr. ENLOE with Mr. BUTLER.
Mr. BURNETT with Mr. ALLEN, of Massachusetts.
Mr. WILKINS with Mr. DE LANO.
Mr. NEAL with Mr. MORRILL.
Mr. PERRY with Mr. BRUMM.
Mr. BRYCE with Mr. LAIDLAW.
Mr. MAHONEY with Mr. OSBORNE.
Mr. HUDD with Mr. CLARK.
Mr. OUTHWAITE with Mr. GROSVENOR.
Mr. WHITING, of Michigan, with Mr. ALLEN, of Michigan.
Mr. STEELE with Mr. SHIVELY.
Mr. LANDES with Mr. O'DONNELL.
Mr. THOMPSON, of California, with Mr. FELTON.
Mr. ALLEN, of Mississippi, with Mr. WADE.
Mr. WISE with Mr. HAYDEN.
Mr. BYNUM with Mr. STEPHENSON.
Mr. ERMENTROUT with Mr. LODGE.
Mr. BURNES with Mr. HENDERSON, of Iowa.
Mr. FORAN with Mr. DUNHAM.
Mr. LANE with Mr. WILBER.
Mr. O'NEILL, of Missouri, with Mr. WOODBURN.
Mr. MCCLAMMY with Mr. NICHOLS.
Mr. MORGAN with Mr. ATKINSON.
Mr. COX with Mr. EZRA B. TAYLOR.
Mr. BACON with Mr. DAVENPORT.
Mr. CAMPBELL, of Ohio, with Mr. BUTTERWORTH.
Mr. GLOVER with Mr. GOFF.
Mr. TIMOTHY J. CAMPBELL with Mr. BELDEN.
Mr. TAULBEE with Mr. SHERMAN.
Mr. PIDCOCK with Mr. PHELPS.
Mr. MCMILLIN with Mr. BURROWS.
Mr. LAWLER with Mr. FUNSTON.
Mr. TARSNEY with Mr. GUENTHER, for this bill.
Mr. DARGAN with Mr. HOPKINS, of Illinois.
Mr. RANDALL with Mr. BOUTELLE, for this bill. Mr. RANDALL would vote for the bill and Mr. BOUTELLE against it.
Mr. SENEY with Mr. THOMPSON, of Ohio, for this bill. Mr. SENEY would vote for the majority report and Mr. THOMPSON for the minority report.
Mr. HARE with Mr. BAKER, of New York. Mr. HARE would vote for the Holman bill and Mr. BAKER would vote for the Payson bill.
Mr. SCOTT and Mr. ANDERSON, of Illinois, on this bill.
Mr. MILLS with Mr. KELLEY.
Mr. COWLES with Mr. SYMES.
Mr. WILKINSON with Mr. BOWDEN.
Mr. RUSK with Mr. DALZELL.
Mr. MERRIMAN with Mr. FITCH.
Mr. HOPKINS, of Virginia, with Mr. DAVIS.
Mr. FELIX CAMPBELL with Mr. HOPKINS, of New York.
Mr. BARRY with Mr. GALLINGER.
Mr. BLOUNT with Mr. BINGHAM.
Mr. CHIPMAN with Mr. FINLEY.

Mr. WILKINSON. I desire to withdraw my vote, as I am paired.

Mr. ALLEN, of Michigan. Mr. WHITING and myself were paired, but I supposed of course as he was present the pair was withdrawn. If he had not voted I would withdraw my vote; but as it is I will let it stand.

Mr. NORWOOD. I wish to withdraw my vote. I had forgotten I was paired.

Mr. WADE. I desire to withdraw my vote, as I am paired with Mr. ALLEN, of Mississippi.

Mr. HUDD. My pair ought not to have been declared, as it was withdrawn nearly a week ago.

Mr. HOLMES. I thought I heard my name announced as being paired. I do not find it on the list and was not aware of it. If I am paired I will withdraw my vote.

Mr. MCMILLIN. I desire to withdraw my vote. I voted forgetting the fact that I was paired with the gentleman from Michigan [Mr. BURROWS].

Mr. HOWARD. I was paired, but I think the pair is off, as I understood it was to last only during the convention.

The SPEAKER *pro tempore*. If there be no objection the pair will be withdrawn and the gentleman's vote will stand.

Mr. MCKINLEY. Mr. Speaker, I am paired, and I desire to withdraw my vote. If I were not paired I would vote "no" on this proposition, and would vote for the substitute advocated by the gentleman from Illinois [Mr. PAYSON].

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment proposed by Mr. STOCKDALE:
After line 12, page 11, add the following:
"*Provided*, That this act shall not take effect except as to lands which were entered under the homestead and pre-emption laws and at private entry while the same were held by the Interior Department to be subject to such entry, until January 1, 1889, as to a grant of land made to the State of Mississippi for the purpose of aiding in the construction of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad."

The question was taken; and the Speaker *pro tempore* declared that the noes seemed to have it.

Mr. STOCKDALE demanded a division, but subsequently withdrew the demand.

The amendment was rejected.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment proposed by Mr. HERBERT:
Add at the end of section 1 of the substitute of the committee the following:
"*Provided*, That all sales or leases of any of the lands granted to the State of Alabama by the act of Congress approved June 3, A. D. 1856, to aid in the construction of the Girard and Mobile Railroad which, after the said lands were certified to the State of Alabama for the benefit of said railroad, were sold by the Mobile and Girard or the Girard and Mobile Railroad Company, or by, through, or under either of them, and all purchases of any of said lands under tax sales held by county tax collectors, are hereby validated and confirmed."

The amendment was rejected—ayes 53, noes 67.

Mr. HERBERT. Now let us have the alternative amendment, the one that was agreed upon by the committee unanimously in the last Congress.

The amendment was read, as follows:

Add to section 1 of the committee's substitute, at the conclusion thereof, the following:
"*Provided, however*, All of the lands granted to the State of Alabama by the act of Congress approved June 3, 1856, to aid in the construction of the Mobile and Girard Railroad, and which have been sold by the Mobile and Girard Railroad Company, or which have been sold as the property of said railroad company for State and county taxes thereon, and purchased by actual settlers, are hereby excepted from said forfeiture to the extent of 320 acres, and the titles to said lands, to the extent so excepted, are hereby confirmed and made valid to such purchasers, their heirs or assigns; and if any such purchaser shall have purchased more than 320 acres for the uses of actual settlement, he shall select said 320 acres herein excepted from forfeiture within one year from the approval of this act, and file notice of such selection with the register of the land office at Montgomery, Ala.; and any such purchaser who shall fail to make such selection and file said notice shall not thereafter have the benefit of the exception herein made: *Provided further*, That when any such purchaser shall have purchased in excess of 320 acres for the purpose of actual settlement, or in cases where any of the lands hereinbefore forfeited have been sold and conveyed by said railroad company, or sold and conveyed, as the property of said railroad company, for State and county taxes thereon, and purchased by other than actual settlers, all such purchasers shall have a prior right to purchase said lands from the United States at the price and sum of $1.25 per acre, which prior right of purchase shall continue for one year after the approval of this act, and not longer: *Provided further*, That all such purchasers, or their assigns, shall each, within one year after the approval of this act, make proof, before the register of the land office at Montgomery, Ala., of the amount of land purchased, from whom, the title received, and the amount paid therefor, and when: *Provided also*, That such proof may also be made before a judge of probate or clerk of the circuit court, under the seal of office, and forwarded by mail to said register: *And provided further*, That the above-named privileges to purchasers are granted only on condition that no claim shall ever be made by them or any of them against the State of Alabama, or any county, school district, or municipality thereof, for taxes erroneously assessed and collected on any of said lands, whether the same were paid voluntarily or not.

The amendment was rejected—ayes 53, noes 80.

The SPEAKER *pro tempore*. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment proposed by Mr. LIND:
"Add before the word 'but,' in line 8 of section 2 of the committee's substitute, 'and which lands so sold were not at the time of such sale in the actual possession of or had improvements made thereon by a person other than such purchaser.'"

Mr. LIND. I have had no opportunity to explain the import of that amendment, otherwise I should have done it cheerfully, of course.

The amendment was rejected.

The SPEAKER *pro tempore*. The Clerk will report the next amend-

ment, which is the substitute proposed by the minority of the committee.

Mr. PAYSON. The House understands the substitute, and I ask that, in order to save time, the reading of it be dispensed with.

Mr. HOLMAN and others. It is the Senate bill.

Mr. PAYSON. It is not the Senate bill. It is the substitute proposed by the minority of the committee.

Mr. BIGGS. I will ask the gentleman from Illinois if this is not the Senate bill.

Mr. PAYSON. It is the substance of the Senate bill.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois that the reading of the substitute be dispensed with?

There was no objection, and it was so ordered.

The question was taken on the adoption of the substitute, and there were—ayes 72, noes 83.

Mr. PAYSON. I think we had better have the yeas and nays on this.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 71, nays 92, not voting 161; as follows:

YEAS—71.

Adams,	Davidson, Fla.	Hunter,	Romeis,
Arnold,	Dorsey,	Jackson,	Rowell,
Bayne,	Dougherty,	Kean,	Russell, Mass.
Boothman,	Dunn,	Kennedy,	Scull,
Brewer,	Farquhar,	Ketcham,	Seymour,
Browne, T. H. B., Va.	Flood,	Lehlbach,	Spooner,
Bunnell,	Funston,	Lind,	Stewart, Vt.
Butler,	Gay,	Long,	Thomas, Ky.
Cannon,	Gear,	McKenna,	Thomas, Wis.
Caswell,	Gest,	Moffitt,	Turner, Kans.
Catchings,	Grout,	Norwood,	Turner, Ga.
Clark,	Haugen,	Nutting,	Vandever,
Cobb,	Henderson, Ill.	Oates,	Wade,
Conger,	Hermann,	O'Neill, Pa.	Weber,
Crouse,	Hitt,	Payson,	Wickham,
Culberson,	Holmes,	Reed,	Wilson, Minn.
Dargan,	Houk,	Rice,	Yost.
Darlington,	Hovey,	Rogers,	

NAYS—92.

Abbott,	Dockery,	Lawler,	Robertson,
Allen, Mich.	Elliott,	Macdonald,	Rowland,
Anderson, Iowa	Fisher,	Maish,	Ryan,
Anderson, Miss.	Forney,	Mansur,	Sayers,
Anderson, Ill.	Fuller,	Martin,	Simmons,
Anderson, Kans.	Grimes,	Matson,	Sowden,
Baker, Ill.	Hall,	McAdoo,	Springer,
Bankhead,	Hatch,	McComas,	Stewart, Ga.
Barnes,	Heard,	McCreary,	Stockdale,
Bland,	Henderson, N. C.	McKinney,	Stone, Ky.
Bound,	Herbert,	McMillin,	Stone, Mo.
Breckinridge, Ark.	Hiestand,	McRae,	Tillman,
Buckalew,	Holman,	McShane,	Tracey,
Candler,	Howard,	Montgomery,	Townshend,
Caruth,	Johnston, Ind.	Moore,	Vance,
Cheadle,	Jones,	Newton,	Walker,
Clardy,	Kerr,	O'Neall, Ind.	Warner,
Clements,	Kilgore,	Owen,	Weaver,
Cothran,	Laffoon,	Peel,	Wheeler,
Cowles,	La Follette,	Penington,	Whiting, Mich.
Crisp,	Laird,	Perkins,	Williams,
Cummings,	Lanham,	Peters,	Wilson, W. Va.
Davidson, Ala.	Latham,	Richardson,	Yoder.

NOT VOTING—161.

Allen, Mass.	Cutcheon,	Kelley,	Rayner,
Allen, Miss.	Dalzell,	Lagan,	Rockwell,
Atkinson,	Davenport,	Laidlaw,	Russell, Conn.
Bacon,	Davis,	Landes,	Rusk,
Baker, N. Y.	De Lano,	Lane,	Sawyer,
Barry,	Dibble,	Lee,	Scott,
Belden,	Dingley,	Lodge,	Seney,
Belmont,	Dunham,	Lyman,	Shaw,
Biggs,	Enloe,	Lynch,	Sherman,
Bingham,	Ermentrout,	Maffett,	Shively,
Blanchard,	Felton,	Mahoney,	Smith,
Bliss,	Finley,	Mason,	Snyder,
Blount,	Fitch,	McClammy,	Spinola,
Boutelle,	Foran,	McCormick,	Stahlnecker,
Bowden,	Ford,	McCullogh,	Steele,
Bowen,	French,	McKinley,	Stephenson,
Breckinridge, Ky.	Gaines,	Merriman,	Stewart, Tex.
Brower,	Gallinger,	Milliken,	Struble,
Browne, Ind.	Gibson,	Mills,	Symes,
Brown, Ohio	Glass,	Morgan,	Tarsney,
Brown, J. R., Va.	Glover,	Morrill,	Taulbee,
Brumm,	Goff,	Morrow,	Taylor, E. B., Ohio
Bryce,	Granger,	Morse,	Taylor, J. D., Ohio
Buchanan,	Greenman,	Neal,	Thomas, Ill.
Burnes,	Grosvenor,	Nelson,	Thompson, Ohio
Burnett,	Guenther,	Nichols,	Thompson, Cal.
Burrows,	Hare,	O'Donnell,	Washington,
Butterworth,	Harmer,	O'Ferrall,	West,
Bynum,	Hayden,	O'Neill, Mo.	White, Ind.
Campbell, F., N. Y.	Hayes,	Osborne,	White, N. Y.
Campbell, Ohio	Hemphill,	Outhwaite,	Whiting, Mass.
Campbell, T. J., N. Y.	Henderson, Iowa	Parker,	Whittborne,
Carlton,	Hires,	Patton,	Wilber,
Chipman,	Hogg,	Perry,	Wilkins,
Cockran,	Hooker,	Phelan,	Wilkinson,
Cogswell,	Hopkins, Ill.	Phelps,	Wise,
Collins,	Hopkins, Va.	Pidcock,	Woodburn,
Compton,	Hopkins, N. Y.	Plumb,	Yardley.
Cooper,	Hudd,	Post,	
Cox,	Hutton,	Pugsley,	
Crain,	Johnston, N. C.	Randall,	

So the substitute submitted by Mr. PAYSON was rejected.

The following additional pairs were announced for the rest of the day:

Mr. LEE with Mr. BURROWS.

Mr. WHITTHORNE with Mr. HOUK.

Mr. WASHINGTON with Mr. JOSEPH D. TAYLOR.

Before the result of the vote was announced the following proceedings took place:

Mr. HOUK. I am paired; but as I understand a quorum has not yet voted, I ask to have my vote recorded.

The SPEAKER *pro tempore*. If there be no objection, the vote of the gentleman from Tennessee will be recorded.

There was no objection.

Mr. NORWOOD. I am paired with the gentleman from Ohio [Mr. COOPER], but as I understand that he, if present, would vote "ay," I ask to have my vote recorded in the affirmative.

There being no objection, Mr. NORWOOD'S vote was recorded.

Mr. ANDERSON, of Illinois. I am paired, but my pair reserves the right to vote if necessary to make a quorum. Understanding that to be now the case, I desire to vote "no."

There being no objection, the vote of Mr. ANDERSON, of Illinois, was recorded.

Mr. DARGAN. I am paired with the gentleman from Illinois [Mr. HOPKINS], but in order to make a quorum I vote "ay."

There being no objection, the vote of Mr. DARGAN was recorded.

Mr. WADE. I am paired with the gentleman from Mississippi [Mr. ALLEN], but as I understand he would vote in the affirmative, I will, in order to make a quorum, vote the same way.

There being no objection, Mr. WADE'S vote was recorded.

Mr. RICHARDSON. My colleague [Mr. GLASS], who voted on the last call, was afterward taken sick, and has gone home, desiring to be excused for the rest of the day.

Mr. STEELE. As I expected to leave for Cincinnati, as a member of the commission appointed by the Speaker, I asked my colleague [Mr. SHIVELY] to pair with me until Monday next. So I presume he is at home attending to his correspondence, thinking I am absent.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The question now recurs on the substitute reported by the majority of the Committee on the Public Lands.

Mr. HOLMAN. Inasmuch as that substitute has been read several times, I ask that its reading at this time be dispensed with.

Mr. CANNON. As I understand, the committee's proposition is a substitute for the Senate bill, and the Senate bill is substantially the same as the amendment of my colleague [Mr. PAYSON].

Several MEMBERS. Yes.

The SPEAKER *pro tempore*. If there be no objection, the reading of the substitute will be dispensed with.

There was no objection.

The SPEAKER *pro tempore* (having put the question on agreeing to the substitute reported by the majority of the Committee on the Public Lands) said: The ayes seem to have it.

Mr. PAYSON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CANNON. I move to reconsider the vote by which the yeas and nays were ordered; and I desire to suggest to my colleague [Mr. PAYSON] that after the adoption of this substitute the vote will come directly upon the passage of the bill, on which the yeas and nays can be taken.

Mr. PAYSON. I ask the Chair to state the parliamentary position of the question.

The SPEAKER *pro tempore*. This question is simply upon the substitution of the report of the majority of the Committee on the Public Lands for the Senate bill. The adoption of this substitute would not be a final determination of the question, but there would afterward be a vote upon the passage of the Senate bill as amended.

Mr. PAYSON. With that understanding, I do not desire to insist on the call for the yeas and nays.

The SPEAKER *pro tempore*. The yeas and nays having been ordered, can not be dispensed with without the action of the House.

Mr. CANNON. I have made a motion to reconsider the vote by which the yeas and nays were ordered.

The motion to reconsider was agreed to.

The question recurring on ordering the yeas and nays, the yeas and nays were not ordered.

The substitute reported by the majority of the Committee on the Public Lands was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

The question was taken; and there were—yeas 141, nays 12, not voting 171; as follows:

YEAS—141.

Abbott,	Baker, Ill.	Breckinridge, Ark.	Cannon,
Adams,	Bankhead,	Brewer,	Caruth,
Allen, Mich.	Barnes,	Browne, T. H. B., Va.	Catchings,
Anderson, Iowa	Bayne,	Buchanan,	Cheadle,
Anderson, Miss.	Bland,	Buckalew,	Clardy,
Anderson, Ill.	Boothman,	Bunnell,	Clark,
Anderson, Kans.	Bound,	Candler,	Clements,

Cobb,	Herbert,	McComas,	Sowden,
Conger,	Hermann,	McCreary,	Springer,
Cothran,	Hiestand,	McKenna,	Steele,
Cowles,	Hires,	McKinney,	Stewart, Ga.
Crisp,	Holman,	McMillin,	Stockdale,
Crouse,	Holmes,	McRae,	Stone, Ky.
Cummings,	Hovey,	McShane,	Stone, Mo.
Dargan,	Hunter,	Moffitt,	Thomas, Ky.
Davidson, Ala.	Jackson,	Montgomery,	Thomas, Wis.
Davidson, Fla.	Johnston, Ind.	Moore,	Tillman,
Dockery,	Jones,	Newton,	Tracey,
Dorsey,	Kean,	Norwood,	Townshend,
Dunn,	Kennedy,	Nutting,	Turner, Kans.
Elliott,	Kerr,	O'Neall, Ind.	Vance,
Farquhar,	Ketcham,	Owen,	Wade,
Fisher,	Kilgore,	Payson,	Walker,
Flood,	Laffoon,	Peel,	Warner,
Forney,	La Follette,	Penington,	Weaver,
Fuller,	Lanham,	Perkins,	Weber,
Funston,	Latham,	Peters,	Wheeler,
Gear,	Lawler,	Post,	Whiting, Mich.
Gest,	Lehlbach,	Richardson,	Williams,
Grimes,	Lind,	Robertson,	Wilson, Minn.
Hall,	Macdonald,	Romeis,	Wilson, W. Va.
Hatch,	Maish,	Rowland,	Yoder,
Haugen,	Mansur,	Ryan,	Yost.
Heard,	Martin,	Sayers,	
Henderson, N. C.	Matson,	Seymour,	
Henderson, Ill.	McAdoo,	Simmons,	

NAYS—12.

Butler,	Dougherty,	O'Neill, Pa.	Scull,
Caswell,	Gay,	Rice,	Turner, Ga.
Culberson,	Laird,	Rogers,	Wickham.

NOT VOTING—171.

Allen, Mass.	Darlington,	Kelley,	Reed,
Allen, Miss.	Davenport,	Lagan,	Rockwell,
Arnold,	Davis,	Laidlaw,	Rowell,
Atkinson,	De Lano,	Landes,	Russell, Conn.
Bacon,	Dibble,	Lane,	Russell, Mass.
Baker, N. Y.	Dingley,	Lee,	Rusk,
Barry,	Dunham,	Lodge,	Sawyer,
Belden,	Enloe,	Long,	Scott,
Belmont,	Ermentrout,	Lyman,	Seney,
Biggs,	Felton,	Lynch,	Shaw,
Bingham,	Finley,	Maffett,	Sherman,
Blanchard,	Fitch,	Mahoney,	Shively,
Bliss,	Foran,	Mason,	Smith,
Blount,	Ford,	McClammy,	Snyder,
Boutelle,	French,	McCormick,	Spinola,
Bowden,	Gaines,	McCullogh,	Spooner,
Bowen,	Gallinger,	McKinley,	Stahlnecker,
Breckinridge, Ky.	Gibson,	Merriman,	Stephenson,
Brower,	Glass,	Milliken,	Stewart, Tex.
Browne, Ind.	Glover,	Mills,	Stewart, Vt.
Brown, Ohio	Goff,	Morgan,	Struble,
Brown, J. R., Va.	Granger,	Morrill,	Symes,
Brumm,	Greenman,	Morrow,	Tarsney,
Bryce,	Grosvenor,	Morse,	Taulbee,
Burnes,	Grout,	Neal,	Taylor, E. B., Ohio
Burnett,	Guenther,	Nelson,	Taylor, J. D., Ohio
Burrows,	Hare,	Nichols,	Thomas, Ill.
Butterworth,	Harmer,	Oates,	Thompson, Ohio
Bynum,	Hayden,	O'Donnell,	Thompson, Cal.
Campbell, F., N. Y.	Hayes,	O'Ferrall,	Vandever,
Campbell, Ohio	Hemphill,	O'Neill, Mo.	Washington,
Campbell, T. J., N. Y.	Henderson, Iowa	Osborne,	West,
Carlton,	Hitt,	Outhwaite,	White, Ind.
Chipman,	Hogg,	Parker,	White, N. Y.
Cockran,	Hooker,	Patton,	Whiting, Mass.
Cogswell,	Hopkins, Ill.	Perry,	Whitthorne,
Collins,	Hopkins, Va.	Phelan,	Wilber,
Compton,	Hopkins, N. Y.	Phelps,	Wilkins,
Cooper,	Houk,	Pidcock,	Wilkinson,
Cox,	Howard,	Plumb,	Wise,
Crain,	Hudd,	Pugsley,	Woodburn,
Cutcheon,	Hutton,	Randall,	Yardley.
Dalzell,	Johnston, N. C.	Rayner,	

No quorum voted.

By unanimous consent Mr. MCKINLEY was granted leave of absence on account of sickness in his family.

Mr. HOLMAN. Inasmuch as this will come up for completion in the morning, I will move that the House do now adjourn.

The SPEAKER *pro tempore*. The hour of 6 o'clock having arrived, the House is adjourned, in accordance with previous order.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. BREWER: A bill (H. R. 10723) granting a pension to John T. Ballard—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 10724) to remove the charge of desertion from Bluford Knight, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 10725) to increase pension of Elizabeth M. Allen—to the Committee on Pensions.

Also, a bill (H. R. 10726) to increase the pension of Thomas J. McGoldrick—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: A bill (H. R. 10727) for the relief of Margaret Morris—to the Committee on War Claims.

By Mr. JOSEPH: A bill (H. R. 10728) for the relief of A. E. Ealy—to the Committee on Indian Affairs.

By Mr. LAGAN: A bill (H. R. 10729) for the relief of the survivors of the Mexican war—to the Committee on Pensions.

By Mr. NUTTING: A bill (H. R. 10730) for the relief of William J. Hitchcock—to the Committee on War Claims.

By Mr. CHARLES STEWART: A bill (H. R. 10731) granting a pension to Mrs. Elenor Dixon—to the Committee on Pensions.

By Mr. STONE, of Missouri: A bill (H. R. 10732) for the relief of Mrs. Julia A. Faught, late Shirrod—to the Committee on War Claims.

By Mr. WALKER: A bill (H. R. 10733) for the relief of James M. Lovan—to the Committee on War Claims.

By Mr. WHEELER: A bill (H. R. 10734) to refer the claim against the United States of E. R. Chattin to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINSON: A bill (H. R. 10735) to remove the political disabilities of Theodore Lewis—to the Committee on the Judiciary.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BROWER: Petition of Isaac W. Lewis, of Craven County, and of Louisa E. Burroughs, of Orange County, North Carolina, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. BUTLER: Petition of T. J. Doyle, of Elizabeth Jane Oneal, of John Neil, of Henderson Lynch, of Martha A. Saunders, and of Mack Fulton, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. CAREY: Petition of citizens of Wyoming Territory, for right of way to the Wyoming Midland Railroad across the Wind River Indian reservation—to the Committee on Indian Affairs.

By Mr. CLEMENTS: Petition of Edward Curtin, and of heirs of John C. Lee, of Walker County, Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. DORSEY: Petition of citizens of Loup City, of Norfolk, of Fremont, of West Point, and of Wesner, Nebr., in favor of the system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. GLASS: Petition of Nathaniel Porter, of James Burrows, of heirs of Elizabeth Palmer, of Hortense Allain, of Wyatt W. Wilkerson, of Jacob C. Faulks, and of Martha Johnson, widow of Clem Johnson, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, papers in the claims of Hortense Allain, of James A. Bowling, of R. W. Winbourn, of John Bradley, of Ellen Savage, of Nancy P. Garison, and of James M. Becket, of Tennessee—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Resolution of the Board of Trade of Council Bluffs, Iowa, favoring the Outhwaite bill—to the Committee on Pacific Railroads.

By Mr. HIESTAND: Petition of sundry citizens of the Ninth district of Pennsylvania, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HIRES: Petition of citizens of Salem County, New Jersey, for amendments to the interstate-commerce law—to the Committee on Commerce.

By Mr. MCKINLEY: Resolution of the Grand Army of the Republic of Ohio, for appropriation for headstones at soldiers' graves—to the Committee on Military Affairs.

By Mr. MCMILLIN: Petition of John McClavin and of Sarah E. Wilkes, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. MANSUR: Petition of Elizabeth A. Eads, and of heirs of J. F. Bates, of Randolph County, Missouri, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. NORWOOD: Petition of Joshua Biddenback, of Allen N. Kieffer, of Jacob Volaski, and of John Walsh, of Georgia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. PATTON: Memorial for reimbursement for expenses of Pennsylvania State Agricultural Society in holding international sheep and wool show in 1880—to the Committee on Appropriations.

By Mr. PEEL: Petition of Richard Leach, of Washington County, Arkansas, for reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of Arkansas, for a Government telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. PHELAN: Petition of Malcolm McEachim, of Sarah W. Taylor, administratrix of William H. Avett; of Temperance Howell, of John Clark, of Alphonso Corson, of Calvin Homes, of Harrison Irby, administrator of James R. Hart; of Mary W. Shelton, widow of Florian B. Crenshaw; of David Keistler, of Mary R. Kirkpatrick, and of Mariana F. Goyer, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. SCULL: Petition of the Cambria Iron Company and others, for the passage of House bill 8716 to protect free labor from convict labor—to the Committee on Labor.

By Mr. STONE, of Missouri: Petition of Julia A. Faught, for refer-

ence of her claim to the Court of Claims—to the Committee on War Claims.

By Mr. WASHINGTON: Petition of L. D. Hogle, of John Doherty, of Lucy T. Robertson, of P. H. Davis, and of E. H. McNeil, of Tennessee, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of Jonathan Chesnut, of Cherokee County, Alabama, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHITTHORNE: Petition of administrator of Calvin A. Reynolds, of Giles County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petition for the proper protection of the Yellowstone National Park, as proposed in Senate bill 283, was received and referred to the Committee on the Public Lands:

By Mr. BOUTELLE: Of W. C. Kendall and others, of Maine.

The following petition for the more effectual protection of agriculture, by the means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. E. P. ALLEN: Of A. C. Chaney and 16 others, citizens of Michigan.

The following petitions, indorsing the per diem rated service-pension bill, based on the principle of paying all soldiers, sailors, and marines of the late war a monthly pension of 1 cent a day for each day they were in the service, were severally referred to the Committee on Invalid Pensions:

By Mr. BAYNE: Of 305 Union soldiers of Indiana, Armstrong, and Clearfield Counties, Pennsylvania.

By Mr. CUTCHEON: Memorial of ex-soldiers and sailors of Morley, Mich.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 6*, 1888.

The House was called to order at 11 o'clock a. m. by Mr. CRISP, as Speaker *pro tempore*, who directed the reading of the following communication:

WASHINGTON, D. C., *July 6*, 1888.

SIR: I hereby designate Hon. CHARLES F. CRISP to preside as Speaker *pro tempore* at the session of the House to-day.

J. G. CARLISLE, *Speaker*.

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

VETO MESSAGE—JULIA WELCH.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States; which was read, and referred to the Committee on Invalid Pensions:

To the House of Representatives:

I return without approval House bill No. 8291, entitled "An act granting a pension to Julia Welch."

The husband of the beneficiary named in this bill served in the Army from December, 1863, to May, 1866.

He never filed an application for pension, and died February 24, 1880, of inflammation of the lungs.

The claim filed by his widow for pension alleged that her husband suffered from chronic diarrhea and disease of the heart and lungs, as results of his Army service.

The claim was rejected by the Pension Bureau on the ground that the soldier died from an acute disease which bore no relation to any complaint contracted in the Army.

I think the action of the bureau was correct.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5*, 1888.

VETO MESSAGE—MARY ANN LANG.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and referred to the Committee on Invalid Pensions:

To the House of Representatives:

I return without approval House bill No. 7907, entitled "An act granting a pension to Mary Ann Lang."

The husband of this beneficiary was wounded in the nose on the 1st day of June, 1864, and was mustered out of the service July 8, 1865. He was pensioned on account of this wound and died February 21, 1881. Prior to his death he had executed a declaration claiming pension also for rheumatism, but the application was not filed before he died.

The cause of his death was dropsy. The widow filed her claim for pension in 1884, which was rejected on the ground that the soldier's fatal disease was not the result of his military service.

A physician of good repute, who appears to have attended him more than any other physician for a number of years prior to his death, gives an account of rheumatic ailments and other troubles, and states that about a year and a half before he died he had a liver trouble which resulted in dropsy which caused his death. He adds that the soldier was a man who drank beer and at times to excess, and that he drank harder towards the last of his life. He further states that he is unable to connect the liver trouble with his rheumatism, and could not give any other reason for it except his long use of beer and liquor, and if that was not the cause it greatly aggravated it; that he had cautioned him about drinking, and at times he heeded the advice.

An appeal was taken from the action rejecting the claim and the case was submitted to the medical referee of the Pension Bureau, who decided upon all the testimony that the soldier's fatal disease, dropsy, was due to disease of the liver, which was not a sequence of rheumatism, and was the result of excessive use of alcoholic stimulants.

It will be observed that no claim is made that death in any way resulted from the wound for which a pension had been allowed, and that even if rheumatism was connected with the death its incurrence in the Army had never been established.

I am satisfied that this case was properly disposed of by the Pension Bureau.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July 5*, 1888.

LIGHT-HOUSE APPROPRIATION.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board relative to the inadequacy of the appropriation for the Light-House Service in the sundry civil bill for the fiscal year 1889; which was referred to the Committee on Appropriations, and ordered to be printed.

DANIEL V. O'LEARY.

The SPEAKER *pro tempore* also laid before the House a letter from the Postmaster-General, transmitting papers relative to the claim of Daniel V. O'Leary, postmaster at Albany, N. Y., and recommending an appropriation for his relief; which was referred to the Committee on Claims.

AGRICULTURAL APPROPRIATION BILL.

The SPEAKER *pro tempore* also laid before the House the bill (H. R. 10233) with Senate amendments.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *July 5*, 1888.

Resolved, That the Senate further insist on its thirtieth amendment to the bill of the House 10233, making appropriations for the Agricultural Department for the fiscal year ending June 30, 1889, and for other purposes, disagreed to by the House of Representatives, and asks a further conference with the House on the disagreeing votes of the two Houses thereon.

Ordered, That Messrs. PLUMB, FARWELL, and CALL be the conferees on the part of the Senate.

Mr. HATCH. Mr. Speaker, I send to the desk the conference report, which I ask may be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10233) making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 12, and 13.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 14, 15, 17, 19, 20, 21, 22, 23, 26, 27, 28, and 29; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "One clerk to disbursing officer, $1,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with amendments as follows: In lieu of the matter stricken out by said amendment insert the following: "One assistant botanist, $1,200;" and strike out, in line 13, page 2 of the bill, the word "two" and insert in lieu thereof the word "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Of which $10,000, or so much thereof as may be necessary, may be applied to the investigation of the disease in peach-trees known as yellows and remedies therefor;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with amendments as follows: Strike out, in line 26, page 7 of the bill, the words "Joseph Neuman and associates" and insert in lieu thereof "Joseph Neumann;" strike out, in line 1, page 8 of the bill, the words "Joseph Neuman" and insert in lieu thereof "Joseph Neumann."

Strike out lines 14, 15, 16, and 17, on page 10 of the bill, and insert in lieu thereof the following: "Printing seed-packets, labels, postal-cards, etc., labor, paper, ink, type, and other necessary material for printing, and for purchasing and repairing presses, $4,200; in all, $104,200;" and insert, after the word "thousand," in line 9, page 11 of the bill, the words "three hundred and fifty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the said amendment insert the following: "And of this sum an amount not exceeding $15,000 may be applied to the payment of expenses incurred during the fiscal year 1888;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$595,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with amendments as follows: Strike out the period (.) at the end of the amended paragraph and strike out the word "And" where it first occurs in said amendment, and insert in lieu thereof "and;" and the Senate agree to the same.

On amendment numbered 30 the committee of conference has been unable to agree.

W. H. HATCH,
A. C. DAVIDSON,
E. H. CONGER,
Managers on part of the House.

P. B. PLUMB,
C. B. FARWELL,
WILKINSON CALL,
Managers on part of the Senate.

STATEMENT.

The conferees on the part of the House respectfully report that they have agreed to the accompanying conference report, and herewith submit their action to the House for its approval.

The only Senate amendments of importance agreed to by the House conferees are as follows:

Numbers 15 and 16, providing for the establishment and maintenance of experimental grass stations in connection with the Botanical Division, which is agreed to with an amendment reducing the amount from $25,000 to $20,000.

Numbers 17 and 18, increasing from five to fifteen thousand dollars the appropriation for the section of vegetable pathology, so as to include an investigation of the disease in peach-trees known as yellows and remedies therefor, is agreed to with an amendment changing the verbiage of the appropriation.

Number 21 amends the proviso relating to the accounts of the present Commissioner of Agriculture by including relief for the ex-Commissioner, George B. Loring, from a similar misapplication of funds. It makes no appropriation in either case, but authorizes an expenditure in one division to be charged to another, so as to correct the accounts as they appear in the First Comptroller's office of the Treasury.

To the amendment number 30, appropriating $100,000 to continue experiments in the manufacture of sugar from sorghum cane, including the purchase and transportation of samples and supplies, the conferees could not agree, and report their action to the House, asking that the House insist upon its disagreement to this amendment and agree to a conference thereon.

Amendments 31, 32, and 33 relate to an appropriation to enable the Commissioner of Agriculture to carry into effect certain provisions of the act known as the experimental-station act, and are agreed to with an amendment increasing the amount fixed by the Senate from five to ten thousand dollars.

All of which is respectfully reported.

W. H. HATCH,
A. C. DAVIDSON,
E. H. CONGER,
Conferees on the part of the House.

Mr. HATCH. Mr. Speaker, I move the adoption of the conference report, and further, that the House insist upon its disagreement to the amendment of the Senate numbered 30, and agree to the conference thereon asked for by the Senate. Upon this motion I demand the previous question.

Mr. RYAN. What is the amendment numbered 30?

Mr. HATCH. It is the sugar amendment.

The previous question was ordered.

The report was adopted.

Mr. HATCH moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. If there be no objection, an order will be made that the House further insist upon its disagreement to the Senate amendment and agree to the conference asked for.

There was no objection, and it was so ordered.

The SPEAKER *pro tempore*. The Chair will appoint as conferees on the part of the House, Messrs. HATCH, DAVIDSON of Alabama, and CONGER.

PUBLIC BUILDING AT OPELOUSAS, LA.

Mr. ROBERTSON. I ask, by unanimous consent, to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill (H. R. 8183) for the erection of a public building at Opelousas, La., and that the same may be now considered.

The SPEAKER *pro tempore*. The gentleman from Louisiana asks unanimous consent to discharge the Committee of the Whole on the state of the Union from the consideration of House bill 8183, and asks for its present consideration. The bill will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, acquire by condemnation, or otherwise provide a site, and cause to be erected thereon a substantial and commodious building, with fire-proof vaults, for the use and accommodation of the United States district and circuit courts, post-office, internal-revenue office, and for other Government uses, at Opelousas, La. The site and building thereon, when completed upon plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed in cost the sum of $50,000; nor shall any site be purchased until estimates for the erection of a building which will furnish sufficient accommodations for the transaction of the public business, and which shall not exceed in cost the balance of the sum herein limited after the site shall have been purchased and paid for, shall have been approved by the Secretary of the Treasury; and no purchase of site, nor plan for said building, shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum of $50,000 for site and building; and the site purchased shall leave the building unexposed to danger from fire by an open space of at least 40 feet, including streets and alleys: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, nor until the State of Louisiana shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State, and the service of civil process therein.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BLAND. I demand the regular order.

Mr. ROBERTSON. Will not the gentleman withdraw his objection to permit me to make an explanation?

The SPEAKER *pro tempore*. The regular order is demanded. The regular order is the call of committees for reports.

COUNTY OF SAN JUAN, NEW MEXICO.

Mr. KILGORE. I desire to present a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House 1983, to ratify an act entitled "An act creating the county of San Juan, in the Territory of New Mexico," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

C. B. KILGORE,
WM. M. SPRINGER,
WM. WARNER,
Managers on the part of the House.

C. K. DAVIS,
WM. M. STEWART,
M. C. BUTLER,
Managers on the part of the Senate.

Also the following statement:

The conferees on the part of the House on the bill H. R. 1983, entitled "An act to ratify an act entitled 'An act creating the county of San Juan, in the Territory of New Mexico,'" submit the following statement as to the effect of the report herewith submitted:

The Senate recedes from its amendment numbered 1, which located the county seat of the new county at Aztec until otherwise provided by law. The effect of this action will be to leave the matter of locating the county seat to the people of the proposed county by popular vote, as provided in the original bill.

The House recedes from its disagreement to Senate amendment numbered 2 and agrees to the same. The effect of this action will be to provide that the act of Congress mentioned in said amendment shall not be construed to deprive the Legislatures of the Territories of the power to create new counties and to provide for the location of the county seats. This power should remain in the Territories, and the effect of the bill, if passed as recommended, will be to so provide.

C. B. KILGORE,
WM. M. SPRINGER,
WM. WARNER,
Managers on the part of the House.

Mr. KILGORE. I move that the report of the committee of conference be adopted.

The motion was agreed to.

Mr. KILGORE moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, OPELOUSAS, LA.

Mr. ROBERTSON. Mr. Speaker, the gentleman from Missouri [Mr. BLAND] withdraws his objection to the bill which I called up awhile ago. The report in the case is very short, and I ask that it be read.

The SPEAKER *pro tempore*. The report will be read, after which the Chair will ask for objections.

The report (by Mr. DIBBLE) was read, as follows:

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 7490) providing for the erection of a public building at Opelousas, La., submits the following report:

Opelousas is the parish seat of St. Landry, the largest and most populous parish in the State, except the one in which New Orleans is situated. The parish contains a population of over 40,000, and is rapidly growing. So large is the law business transacted at Opelousas that the State courts are in almost continual session there. The district court of the State rarely adjourns, except for a short time during the summer months, or for the sessions of the court of appeals and the supreme court, both of which are held at that place.

The United States district court and the State court of appeals are required by law to hold their terms at Opelousas at the same time. Thus at every term these two courts are put to a great deal of inconvenience and trouble in making such arrangements that the business of each may be carried on without interrupting the other. In this way a great deal of time is lost. This can not well be avoided, for there is no suitable building in the place which can be rented and used for a court-house. The disadvantages to which the Federal officers are thus driven is without excuse. The business in the court at Opelousas is large and constantly increasing, and there is no reason why a building should not be provided for its officers and records. The recent loss of the State court-house at that place by fire demonstrates the necessity of having a safe building for the records of the Federal courts.

A bill for a court-house at Opelousas passed both the Senate and the House during the Forty-eighth Congress, but too late to be enrolled before adjournment.

In the Forty-ninth Congress this measure passed the Senate, and was reported to the House by its committee on Public Buildings favorably. (House Report No. 1357, first session Forty-ninth Congress, on S. 324.)

Considering the foregoing facts, your committee respectfully report this bill favorably, by substitute, and recommend the passage of the substitute.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BLAND. Mr. Speaker, I understand that the Federal courts are held at this point, and while I do not consider that it is necessary to have a public building at every place where Federal courts are held I think it probably is desirable in this case, and therefore I withdraw my objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROBERTSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, EMPORIA, KANS.

Mr. RYAN. Mr. Speaker, I ask unanimous consent that the Committee on Public Buildings and Grounds be discharged from the further consideration of the Senate bill which I send to the desk, providing for a public building at Emporia, Kans., and that the bill be now considered.

The SPEAKER *pro tempore*. The bill will be read, after which the Chair will ask for objections.

Mr. HOLMAN. I wish to say to the House that after this bill is disposed of I will call for the regular order.

The bill (S. 1913) was read.

Mr. BLAND. Mr. Speaker, I would like to know whether the Federal courts are held at this place.

Mr. RYAN. I will say to the gentleman that the Federal courts are not held there at the present time, but the population of the place is about 15,000, and the receipts of the office are over $15,000 a year.

Mr. BLAND. Mr. Speaker, I shall have to object.

Mr. HOLMAN. Let us have the regular order.

Mr. RYAN. I want to say to my friend from Missouri——

The SPEAKER *pro tempore*. The regular order is demanded. The regular order is the taking of the vote on the bill which was pending when the House adjourned yesterday.

Mr. PAYSON. Mr. Speaker, I rise to a privileged motion.

Mr. BUCHANAN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUCHANAN. Who demands the regular order? I want to know where this one sided business comes from?

The SPEAKER *pro tempore*. The regular order has been demanded by several gentlemen.

Mr. RYAN. On several occasions recognition has been permitted on that side of the House for similar bills, and when recognition has been sought on this side of the House objection has been made. It is time that that cease.

The SPEAKER *pro tempore*. Debate is out of order.

Mr. PAYSON. I move the adoption of the resolution which I send to the desk. I desire to say that it is merely a supplement to the resolution which I offered yesterday with reference to the loss of a bill in its transmission between the Senate and the House. The resolution will explain itself.

Mr. BUCHANAN. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUCHANAN. I desire to know who demanded the regular order.

The SPEAKER *pro tempore*. The Chair does not understand that that is a parliamentary inquiry.

Mr. RYAN. It was the same gentleman who withdrew his objection to the other public building bill.

The SPEAKER *pro tempore*. The regular order is demanded, and that is the conclusion of that question unless the gentleman disputes the fact. The Clerk will report the resolution offered by the gentleman from Illinois [Mr. PAYSON].

DUPLICATE OF LOST BILL.

The Clerk read as follows:

Resolved, That the Clerk be directed to prepare a duplicate engrossed copy of the bill (H. R. 3300) to amend an act to enable the city of Denver to purchase certain lands for cemetery purposes, and deliver the same to the Senate and request that body to furnish the House with a duplicate copy of the amendments of the Senate to said bill, and indorse on the duplicate engrossed bill and amendments the action had in the Senate thereon, and return the same to the House; the original bill and amendments having been lost.

The resolution was adopted.

Mr. PAYSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LAND GRANT FORFEITURES.

Mr. HOLMAN. Regular order.

The SPEAKER *pro tempore*. The regular order is demanded. The regular order is the taking of the vote upon the passage of the bill the title of which will be reported by the Clerk.

The Clerk read as follows:

A bill (S. 1439) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes.

The SPEAKER *pro tempore*. On this question the yeas and nays were ordered, but upon taking the vote the fact was developed that no quorum was present. The roll will now be again called.

Mr. OATES. Before the roll is called I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. OATES. On yesterday when this bill was under consideration general leave was granted to members to print remarks upon the bill. I desire to know whether that leave is broad enough to give permission to-day to explain the vote that I propose to cast. If not, I ask unanimous consent to print in the RECORD an explanation of my vote.

The SPEAKER *pro tempore*. The Chair understands that general leave has been given to print remarks upon the subject without limit, but if there be any doubt about it the Chair will submit the question again.

Mr. HOLMAN. I think there is no doubt about the permission already given being broad enough, but let the question be again taken.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Alabama [Mr. OATES] that general leave be granted to print in the RECORD remarks upon the pending bill?

There was no objection, and it was so ordered.

Mr. OATES. If this was the final passage of the bill I would not vote for it, because it contains so many objectionable provisions, one of which is the forfeiture of lands granted to the Mobile and Girard Railroad Company, which have been sold to and are now being improved by honest purchasers. I am very desirous that the lands granted to that company and every other railroad company which have not been earned, shall be forfeited to the United States and held for homestead settlers. The Senate bill provides for such forfeiture, and hence I vote for that bill as amended, as it will go to a committee of conference, and I do not believe that the Senate will ever agree to the substitute of the House Committee on Public Lands which has been adopted.

The question was taken; and there were—yeas 179, nays 8, not voting 137; as follows:

YEAS—179.

Abbott,	Crisp,	Hunter,	Richardson,
Adams,	Crouse,	Jackson,	Rowell,
Allen, Mich.	Culberson,	Johnston, Ind.	Rowland,
Anderson, Iowa	Cummings,	Jones,	Ryan,
Anderson, Miss.	Cutcheon,	Kean,	Sayers,
Anderson, Kans.	Dalzell,	Kerr,	Seymour,
Atkinson,	Dargan,	Ketcham,	Shively,
Baker, N. Y.	Darlington,	Kilgore,	Simmons,
Baker, Ill.	Davidson, Ala.	Laffoon,	Snyder,
Bankhead,	Dingley,	Lagan,	Sowden,
Barnes,	Dockery,	Lanham,	Springer,
Barry,	Dorsey,	Latham,	Stahlnecker,
Bayne,	Dunn,	Lawler,	Steele,
Biggs,	Elliott,	Lee,	Stewart, Ga.
Blanchard,	Enloe,	Lehlbach,	Stewart, Vt.
Bland,	Farquhar,	Lind,	Stockdale,
Blount,	Ford,	Lyman,	Stone, Ky.
Boothman,	Forney,	Macdonald,	Stone, Mo.
Bound,	Fuller,	Maish,	Taylor, E. B., Ohio
Boutelle,	Gallinger,	Martin,	Taylor, J. D., Ohio
Bowen,	Gear,	Matson,	Thomas, Ky.
Breckinridge, Ark.	Gest,	McComas,	Thomas, Wis.
Brewer,	Gibson	McCreary,	Thompson, Ohio
Browne, T. H. B., Va.	Grimes,	McKenna,	Tillman,
Buchanan,	Grout,	McKinney,	Tracey,
Burnes,	Guenther,	McMillin,	Townshend,
Burrows,	Hall,	McRae,	Turner, Kans.
Campbell, F., N. Y.	Hare,	McShane,	Vance,
Candler,	Hatch,	Mills,	Vandever,
Cannon,	Haugen,	Moffitt,	Walker,
Caruth,	Hayes,	Montgomery,	Warner,
Catchings,	Heard,	Moore,	Washington,
Cheadle,	Henderson, Iowa	Nelson,	Weaver,
Chipman,	Henderson, N. C.	Newton,	Weber,
Clardy,	Henderson, Ill.	Nutting,	Wheeler,
Clark,	Herbert,	Oates,	White, Ind.
Clements,	Hiestand,	O'Neall, Ind.	Whiting, Mass.
Cobb,	Hitt,	Osborne,	Whitthorne,
Cogswell,	Holman,	Owen,	Wilkins,
Compton,	Hooker,	Patton,	Wilkinson,
Conger,	Hopkins, Ill.	Payson,	Williams,
Cothran,	Houk,	Peel,	Wilson, Minn.
Cowles,	Hovey,	Peters,	Yoder,
Cox,	Howard,	Phelps,	Yost.
Crain,	Hudd,	Randall,	

NAYS—8.

Arnold,	Gay,	Rice,	Spooner,
French,	O'Neill, Pa.	Scull,	Turner, Ga.

NOT VOTING—137.

Allen, Mass.	Dunham,	Long,	Robertson,
Allen, Miss.	Ermentrout,	Lynch,	Rockwell,
Anderson, Ill.	Felton,	Maffett,	Rogers,
Bacon,	Finley,	Mahoney,	Romeis,
Belden,	Fisher,	Mansur,	Russell, Conn.
Belmont,	Fitch,	Mason,	Russell, Mass.
Bingham,	Flood,	McAdoo,	Rusk,
Bliss,	Foran,	McClammy,	Sawyer,
Bowden,	Funston,	McCormick,	Scott,
Breckinridge, Ky.	Gaines,	McCullogh,	Seney,
Brower,	Glass,	McKinley,	Shaw,
Browne, Ind.	Glover,	Merriman,	Sherman,
Brown, Ohio	Goff,	Milliken,	Smith,
Brown, J. R., Va.	Granger,	Morgan,	Spinola,
Brumm,	Greenman,	Morrill,	Stephenson,
Bryce,	Grosvenor,	Morrow,	Stewart, Tex.
Buckalew,	Harmer,	Morse,	Struble,
Bunnell,	Hayden,	Neal,	Symes,
Burnett,	Heimphill,	Nichols,	Tarsney,
Butler,	Hermann,	Norwood,	Taulbee,
Butterworth,	Hires,	O'Donnell,	Thomas, Ill.
Bynum,	Hogg,	O'Ferrall,	Thompson, Cal.
Campbell, Ohio	Holmes,	O'Neill, Mo.	Wade,
Campbell, T. J., N. Y.	Hopkins, Va.	Outhwaite,	West,
Carlton,	Hopkins, N. Y.	Parker,	White, N. Y.
Caswell,	Hutton,	Pennington,	Whiting, Mich.
Cockran,	Johnston, N. C.	Perkins,	Wickham,
Collins,	Kelley,	Perry,	Wilber,
Cooper,	Kennedy,	Phelan,	Wilson, W. Va.
Davenport,	La Follette,	Pidcock,	Wise,
Davidson, Fla.	Laidlaw,	Plumb,	Woodburn,
Davis,	Laird,	Post,	Yardley.
De Lano,	Landes,	Pugsley,	
Dibble,	Lane,	Rayner,	
Dougherty,	Lodge	Reed,	

So the bill was passed.

The following pairs were announced until further notice:

Mr. FISHER with Mr. CUTCHEON.

Mr. HUTTON with Mr. STRUBLE.

Mr. NORWOOD with Mr. COOPER.

Mr. WHITE, of New York, with Mr. COCKRAN.

Mr. GREENMAN with Mr. THOMAS, of Illinois.
Mr. PHELAN with Mr. WEST.
Mr. CARLTON with Mr. RUSSELL, of Connecticut.
Mr. HEMPHILL with Mr. MCCULLOGH.
Mr. GRANGER with Mr. ROCKWELL.
Mr. CUMMINGS with Mr. MCCORMICK.
Mr. ENLOE with Mr. BUTLER.
Mr. BURNETT with Mr. ALLEN, of Massachusetts.
Mr. NEAL with Mr. MORRILL.
Mr. PERRY with Mr. BRUMM.
Mr. BRYCE with Mr. LAIDLAW.
Mr. OUTHWAITE with Mr. GROSVENOR.
Mr. LANDES with Mr. O'DONNELL.
Mr. THOMPSON, of California, with Mr. FELTON.
Mr. ALLEN, of Mississippi, with Mr. WADE.
Mr. WISE with Mr. HAYDEN.
Mr. BYNUM with Mr. STEPHENSON.
Mr. ERMENTROUT with Mr. LODGE.
Mr. BURNES with Mr. HENDERSON, of Iowa.
Mr. FORAN with Mr. DUNHAM.
Mr. LANE with Mr. WILBER.
Mr. O'NEILL, of Missouri, with Mr. WOODBURN.
Mr. MCCLAMMY with Mr. NICHOLS.
Mr. MORGAN with Mr. ATKINSON.
Mr. BACON with Mr. DAVENPORT.
Mr. CAMPBELL, of Ohio, with Mr. BUTTERWORTH.
Mr. GLOVER with Mr. GOFF.
Mr. TIMOTHY J. CAMPBELL with Mr. BELDEN.
Mr. TAULBEE with Mr. SHERMAN.
Mr. BIGGS with Mr. MORROW.
Mr. GROSVENOR with Mr. OUTHWAITE, on all political questions, until further notice.
Mr. ROGERS with Mr. DAVIDSON, of Florida, on this vote.
Mr. MAHONEY with Mr. DINGLEY, on this vote.
Mr. THOMPSON, of California, with Mr. FELTON, for this day.
Mr. MERRIMAN with Mr. LONG, for this day.
Mr. ANDERSON, of Illinois, with Mr. SCOTT, on this bill.
Mr. HOPKINS, of Virginia, with Mr. DE LANO, on this bill.
Mr. MANSUR with Mr. HARMER, for this day.
Mr. BRECKINRIDGE, of Kentucky, with Mr. HOPKINS, of New York, for to-day.
Mr. RUSK with Mr. SYMES, for this day.
Mr. WILSON, of West Virginia, with Mr. KETCHAM, for this day.

Mr. BIGGS. I voted, although I am paired with Judge MORROW. I am informed that if he were present he would have voted, and consequently I will allow my vote to stand.

Mr. WISE. I am paired with the gentleman from Massachusetts [Mr. HAYDEN]. If he were present, I would vote "ay."

Mr. CUTCHEON. I am announced as being paired with the gentleman from Michigan [Mr. FISHER], but understanding that he would vote in the affirmative, I have voted on this question myself.

Mr. ANDERSON, of Illinois. I am paired with the gentleman from Pennsylvania [Mr. SCOTT]. If he were present, I would vote "ay" on this question.

Mr. ATKINSON. I am paired with the gentleman from Mississippi [Mr. MORGAN]. If he were present, I believe he would vote "ay," and considering this a non-political question, I have also voted in the affirmative.

Mr. DINGLEY. I am paired with the gentleman from New York [Mr. MAHONEY], but understanding that he would so vote, I have voted in the affirmative.

Mr. GROSVENOR. I am announced as being paired with my colleague [Mr. OUTHWAITE]. I understand that if he were present he would vote "no;" I therefore uphold the pair, and would have voted in the affirmative.

Mr. CUTCHEON. I wish to say in behalf of my colleague [Mr. O'DONNELL] that he is absent by leave of the House. If present, he would vote "ay."

Mr. ENLOE. On the first call of the roll I answered in the affirmative. I am announced as being paired with Judge BUTLER, but informed him this morning that the pair was off.

Mr. THOMPSON, of California. I am paired with the gentleman from California [Mr. FELTON]. If he were present, I would vote "ay."

Mr. TIMOTHY J. CAMPBELL. I am announced as being paired with the gentleman from New York [Mr. BELDEN]. If I had an opportunity I would vote in favor of this bill.

Mr. ROGERS. I voted "no" on this bill, but being paired withdraw my vote.

Mr. WADE. I voted, but being paired with the gentleman from Mississippi [Mr. ALLEN], I withdraw my vote.

The result of the vote was then announced as above recorded.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ERECTION OF BARRACKS AND QUARTERS.

Mr. MAISH (by request), by unanimous consent, introduced a joint resolution (H. Res. 194) providing for the erection of barracks and quarters at Forts Warren, Adams, Hamilton, and Monroe; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 2823) to authorize the building of a railroad bridge at Fort Smith, Ark.; in which the concurrence of the House was requested.

ORDER OF BUSINESS.

Mr. MILLS. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of bills raising revenue.

The SPEAKER *pro tempore*. The Chair will state that the regular order is the call of committees for reports.

Mr. MILLS. I yield for the morning hour for the presentation of reports.

LEAVE OF ABSENCE.

Mr. STEWART, of Texas, by unanimous consent, obtained indefinite leave of absence on account of important business.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports; and this being Friday, only reports of a private nature are in order.

JAMES E. ANDREWS.

Mr. WILKINS, from the Committee on Banking and Currency, reported back with amendment the bill (H. R. 8847) to authorize the Secretary of the Treasury to issue certain duplicate bonds to James E. Andrews in place of certain bonds destroyed by fire; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN CURTIN KENT.

Mr. BELMONT, from the Committee on Foreign Affairs, reported back favorably a resolution of inquiry in the case of John Curtin Kent; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARGARET S. HEINTZELMAN.

Mr. LYNCH (by Mr. THOMPSON, of Ohio), from the Committee on Invalid Pensions, reported back favorably the bill (S. 2726) granting an increase of pension to Margaret S. Heintzelman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FANNIE A. KIMBALL.

Mr. SPOONER, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2890) granting a pension to Fannie A. Kimball; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARGARET B. TODD.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 645) granting a pension to Mrs. Margaret B. Todd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WALTER N. SMITH.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back favorably the bill (S. 2981) granting a pension to Walter N. Smith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

COL. J. M. FOX.

Mr. SPOONER also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 1819) granting increase of pension to Col. J. M. Fox; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BENJAMIN T. BAKER.

Mr. GALLINGER, from the Committee on Invalid Pensions, reported back with amendment the bill (S. 2825) granting an increase of pension to Benjamin T. Baker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM S. LATHAM.

Mr. HUNTER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 10563) granting a pension to William S. Latham; which was referred to the Committee of the Whole House on

the Private Calendar, and, with the accompanying report, ordered to be printed.

W. H. C. M'KINSTER.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6751) for the relief of W. H. C. McKinster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. B. STOKES.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 2908) to increase the pension of W. B. Stokes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. NANCY ANN PROFFITT FLIPPIN.

Mr. HUNTER also, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 6225) granting a pension to Mrs. Nancy Ann Proffitt Flippin, of Monroe County, Kentucky; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN J. MITCHELL.

Mr. YODER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8460) to place the name of John J. Mitchell on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELNATHAN MEADE.

Mr. YODER also, from the Committee on Invalid Pensions, reported back adversely the bill (S. 1427) granting an increase of pension to Elnathan Meade; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN D. ADAMS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with amendment the bill (H. R. 69) for the relief of John D. Adams; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WAR CLAIMS.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported the bill (H. R. 10736) for the allowance of certain claims for stores and supplies taken and used by the United States Army, as reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT DUDLEY FRAYSER AND OTHERS.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the joint resolution (H. Res. 126) referring the claims of Robert Dudley Frayser, administrator of Fletcher Lane, deceased, C. S. Farrar, administrator of Gray W. Smith, deceased, Lucy E. Dowdy, and W. A. Galloway, to the Court of Claims; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS T. OWEN.

Mr. STONE, of Kentucky, also, from the Committee on War Claims, reported back favorably the bill (H. R. 8612) for the relief of Thomas T. Owen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN FINN.

On motion of Mr. STONE, of Kentucky, by unanimous consent, the Committee on War Claims was discharged from the further consideration of the bill (S. 489) for the relief of John Finn; and the same was referred to the Committee on Claims.

PUBLIC DRUNKENNESS.

Mr. ATKINSON. I am directed by the Committee on the District of Columbia to report back favorably the bill (H. R. 9769) to punish public drunkenness in the District of Columbia.

The SPEAKER *pro tempore*. That is a public bill, and it can only be reported to-day by unanimous consent.

Mr. ATKINSON. I ask unanimous consent, then, for that purpose.

There was no objection.

Mr. ATKINSON. I am directed to report the bill back favorably and to move that it be placed upon the House Calendar.

The bill was referred accordingly, and, with the accompanying report, ordered to be printed.

NATIONAL ACADEMY OF SCIENCE.

Mr. HIESTAND. I am directed by the Committee on Printing to report back favorably a resolution authorizing the printing of the report of the National Academy of Science for the years 1886 and 1887.

The SPEAKER *pro tempore*. This does not seem to be a public matter and is not in order during this call.

Mr. HIESTAND. I ask unanimous consent to submit the report.

There was no objection, and the report was received and referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. COX. I ask, by unanimous consent, to be allowed to present some reports which I have sent for to the committee-room.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman as soon as the reports are ready. The call of committees for reports has now been concluded, and the Chair will recognize gentlemen who were not in when their committees were called.

WYOMING MIDLAND RAILWAY COMPANY.

Mr. PEEL, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 10028) granting to the Wyoming Midland Railway Company the right of way through the Wind River or Shoshone Indian reservation; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL ACADEMY OF DENTAL SCIENCE.

Mr. OATES. I ask, by unanimous consent, to withdraw an adverse report from the Committee on the Judiciary, made this morning on the bill (S. 2941) to incorporate the National Academy of Dental Science, and to move that the bill be referred to the Committee on the District of Columbia. This is done at the suggestion of a Senator who is interested in the subject.

There was no objection, and it was ordered accordingly.

TO ANNUL TITLES ACQUIRED BY JUDICIAL PROCEEDINGS.

Mr. KILGORE. I ask, by unanimous consent, for the present consideration of the bill (H. R. 1887) to annul certain titles to land acquired by judicial proceedings in the courts of the United States in Texas, and for other purposes.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The Clerk proceeded to read the bill.

Mr. BLAND. I call for the regular order of business, and will object to everything until we get through with the tariff bill.

Mr. KILGORE. This bill will not take a minute, and it ought to be passed at once.

Mr. BLAND. I do insist on the regular order, and will do so until the tariff bill has been gotten out of the way.

TARIFF.

Mr. MILLS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. SPRINGER in the chair.

The CHAIRMAN. The Clerk will read the pending paragraph.

The Clerk read as follows:

Iron or steel railway fish-plates or splice-bars, eight-tenths of 1 cent per pound.

The CHAIRMAN. The pending question is on the motion to strike out the paragraph.

Mr. BUCHANAN. The pending amendment is to strike out "eight-tenths;" so it will read "1 cent per pound."

The CHAIRMAN. The gentleman is correct. Debate on the pending amendment is exhausted.

The amendment was disagreed to.

Mr. BUCHANAN. I move to strike out the paragraph. I do it because the Committee of the Whole having refused to increase the rate in this paragraph, the rate on these manufactures is put at just about the rate on the material of which they are made. The rate of the material is, at the lowest, seven-tenths of a cent per pound. The proposition here is to make it eight-tenths on the product. There will be that much wastage in the manufacture, and it seems to me there ought to be some difference in favor of the more advanced stages of the manufacture. I therefore move to strike out the whole paragraph.

The CHAIRMAN declared the noes had it.

Mr. BUCHANAN demanded a division.

The committee divided; and there were—ayes 64, noes 73.

So the motion was disagreed to.

The Clerk read as follows:

Wrought-iron or steel spikes, nuts and washers, and horse, mule, or ox shoes, 1½ cents per pound.

Mr. BAYNE. I move to strike out that paragraph.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

Mr. BAYNE. The object of this bill, Mr. Chairman, it is claimed by its friends, is to reduce the surplus revenues of the Government so

they will not accumulate in the Treasury. According to the exhibit of imports of the articles embraced in this paragraph last year, there would be a reduction of duty, if they were made entirely free, of $10.63; namely, 82 cents on nuts, $3.92 on horseshoes, and $5.89 on spikes; and inasmuch as the reduction of the surplus is not likely to be facilitated to any great extent by embodying this proposition in the bill, I hope the committee will see its way clear to striking it out.

The motion of Mr. BAYNE, to strike out the paragraph, was rejected.

The Clerk read as follows:

Iron or steel rivets, bolts, with or without threads or nuts, or bolt blanks, and finished hinges or hinge blanks, 1½ cents per pound.

Mr. BUCHANAN. I offer the amendment I send to the desk.

The Clerk read as follows:

Page 18, after line 240, insert new paragraph, as follows:
"Iron or steel rivet, screw, nail, and fence wire rods, round, in coils and loops, not lighter than number 5 wire gauge, valued at 3½ cents or less per pound, 1 cent per pound."

Mr. BUCHANAN. I offer that amendment in order to make the two provisions in reference to the iron-rods clause of the law, wherein relation is had to certain sizes, harmonize. In the old law there is a discrepancy in this respect. In the Forty-ninth Congress I introduced a bill to rectify that discrepancy. The sizes of iron rods between number 5 wire gauge and seven-tenths of an inch in diameter are put in one part of the law at one rate of duty, and in another part at another rate. In the present bill but one of these provisions is copied, and in that provision there is a rate fixed of 1 cent per pound. I offer this amendment to make the rates uniform, to wit, that these rods falling between the two sizes named shall be put at the same rate in each provision. The amendment will rectify one of the inconsistencies of the present law, and will prevent this bill from perpetuating that inconsistency.

The amendment was rejected.

The Clerk read as follows:

Horseshoe nails, hob-nails, and wire nails, and all other wrought-iron or steel nails, not specially enumerated or provided for, 2½ cents per pound.

Mr. BAYNE. I move to strike out the paragraph just read.

The amendment was rejected.

The Clerk read as follows:

Boiler-tubes, or other tubes, or flues, or stays, of wrought-iron or steel, 1½ cents per pound.

Mr. BAYNE. I move to strike out lines 250 and 251.

The amendment was rejected.

The Clerk read as follows:

Chain or chains, of all kinds, made of iron or steel, less than three-fourths of 1 inch in diameter, 1½ cents per pound; less than three-fourths of 1 inch and not less than three-eighths of 1 inch in diameter, 1½ cents per pound; less than three-eighths of 1 inch in diameter, 2 cents per pound.

Mr. BUCHANAN. I move to strike out that paragraph.

The present rate of duty on chains varies from 1½ cents up to 2 cents per pound, according to size. It will be seen, therefore, that this provision contemplates a material reduction.

When it is taken into account that the material of which chains are composed pays a duty of from seven-tenths to 1½ cents per pound, it will be seen that the rate of protection upon chains in the present law is not large. These chains are made by hand labor. There is a great deal of labor expended in the making of this product. Each man, at his own forge, works at his own anvil, and slowly and with continued labor adds link to link, welding each separately; and I undertake to say that the rate by this bill on the manufactured product over the rate on the material is not equal or anything like equal to what it should be to afford proper remuneration to that labor.

I ask that in this instance at least the Committee on Ways and Means will swerve from their predetermined ideas of allowing no amendment to this bill not previously sanctioned by the caucus and will permit this section to be stricken out in view of the importance of the matter to which I have called their attention. I ask it in the interest of the men who toil daily in my own city in the making of chains, who certainly deserve recognition, and whose interests deserve attention and consideration at the hands of the American Congress. I am here to ask this for them at your hands.

The question being taken on the amendment of Mr. BUCHANAN, there were, on a division—ayes 53, noes 61.

So the amendment was rejected.

The Clerk read as follows:

Hand, back, and all other saws, not specially enumerated or provided for, 30 per cent. ad valorem.

Mr. JACKSON. Mr. Chairman, I move to strike out that paragraph.

The Clerk reported the amendment, as follows:

Strike out lines 259 and 260.

Mr. JACKSON. Mr. Chairman, while the duty upon these importations is reduced by the proposed bill from the present rate, I see that by the table of rates and estimates furnished to us, but a small reduction is anticipated in the revenue that will be realized. Knowing that this item would not have been placed in the bill except upon the theory that it would reduce the revenue, I ask to have it stricken out, as it will be a very considerable disadvantage to the manufacturers of saws, a very important industry in our part of the country.

The Chair put the question, and was in doubt as to the result.

Mr. JACKSON. I ask for a division.

The committee divided; and there were—ayes 55, noes 58.

So the amendment was rejected.

The Clerk read as follows:

Files, file-blanks, rasps, and floats of all cuts and kinds, 35 per cent. ad valorem.

Mr. FARQUHAR. I move to strike out the lines last read and to insert in lieu thereof the words I send to the Clerk's desk.

The Clerk read as follows:

Files, file-blanks, rasps, and floats of all cuts and kinds, 4 inches in length and under, 35 cents per dozen; over 4 inches in length and under 9 inches, 75 cents per dozen; 9 inches in length and under 14 inches, $1.50 per dozen; 14 inches in length and over, $2.50 per dozen.

Mr. FARQUHAR. Now, Mr. Chairman, I desire to call the attention of the committee to this paragraph, particularly from the fact that the committee have entirely abolished the specific duty, and in lieu thereof have provided 35 per cent. ad valorem for the four classifications of files. Without discussing the impropriety and injustice to American manufacturers and mechanics of striking out a specific duty, especially on a class of this kind, which naturally is fitted for specific and unfitted for ad valorem duties, I wish to call the attention of the committee to the fact that the average ad valorem of the four classes of files provided for by the committee at 35 per cent. stands in the present tariff law as 56.70; so that, independent of taking away the benefit of the specific duty, the change would amount to a cut of almost 40 per cent. Without further controversy as to the merits of the paragraph, and having a desire to go forward with the discussion, I desire to have the Clerk read in my time a few remarks of Mr. W. T. Nicholson, manager of the great Nicholson File Works of Providence, probably the best expert and more thoroughly conversant with this trade than any other man in the United States—perhaps the best file-maker in the world. I want to call the attention of gentlemen on the other side to the fact that the protective duty imposed by the Morrill tariff has wrought a most remarkable change in the price of files in this country. I grant that files are of universal use, and I know very well the arguments that can be made, that every poor man, every carpenter, every blacksmith uses them. That is all true; but I want the committee to listen to the words of a man who gives the exact data as to how the protective duty brought down the price of files from $6.50 a dozen to the present rate of $2.50.

The Clerk read as follows:

When I entered this business in 1865 there was the same import duty on the coarser classes of goods which now rules. At that time the English list price for these goods was $7 per dozen. The market then was $7, ten off, or $6.30 per dozen, and it was at that price I began selling. To-day I sell the same goods for $2.30 per dozen. The market price to-day is $7 (the old English list price), seventy off, or $2.10. I get a little more than some, perhaps, owing to the long-established reputation of my make. Now, this immense reduction is owing entirely to the heavy domestic competition stimulated by the protective system. Twenty-five years ago the Englishmen had control of our market, and could afford to pay our duty of $2.50. It all came out of the consumer. To-day we sell the goods at a lower figure than the tax itself. When that much-condoled-with farmer is told that he files his saw with a "highly-taxed file," I hope he will remember that it is only and precisely because a high duty is levied on it that he is able to buy it so cheap.

Of course the necessity for continuing the tariff lies in the fact that wage-workers demand and receive much higher wages in this country than abroad. And so we get back to the main question, whether it is for the best interest of the country to continue under the high-wage or to sink to the cheap-wage plan.

It is certain that if files were put on the free-list the price of labor must rapidly come down to a level with that paid in England or we must close our shops. In the latter event I wonder how long it would be before the price of files would react to the old English list price of $7 per dozen, where the Morrill tariff found it twenty-six years ago?

It may be that the price of labor would come down rapidly. Probably it would have to come down as rapidly as it could. But I can imagine no more dismal prospect for the American employer than to have to face his men and force them, step by step, down to the level of the foreign operative. I have noticed that people who have never been there are prone to the habit of talking about hell in a rather flippant fashion. Just so with a certain class of theoretical people in respect to this question. They speak of approaching free trade in much the same way as they would mention the coming of summer. But I can tell the college professors and professional men generally who talk so trippingly on this subject that the no-tariff summer which they hail will prove to them as well as to us manufacturers the bleakest winter of discontent we have ever experienced.

Mr. FARQUHAR. I wish merely to add that the rate of wages of file-makers in this country is from twelve to fifteen dollars per week, and in England it is from six to seven dollars and a half; so that the contrast as between the 35 per cent. ad valorem which the committee have put in this bill and the legitimate duty, which I should regard as 55 per cent., is too wide a cut in my opinion. I simply leave the matter with the committee.

Mr. MILLS. Let us have a vote.

Mr. ADAMS. Mr. Chairman, in the pending paragraph the committee have improperly, as I think, made a change not merely in the rate but in the character of the duty. The existing duty is specific. The committee have changed it into an ad valorem duty. If the existing specific duty is too high, why not replace it with a lower specific duty? To extend unnecessarily the scope of ad valorem duties is go-

ing a step in the wrong direction. It is going against the experience of other nations and against the repeated warnings of our own Treasury officials.

Consumers, American manufacturers, honest American importers, and honest Treasury officials are all interested on the side of specific duties. Dishonest custom-house officers and foreign manufacturers and their New York agents, who make perjury a part of their business, are the only persons interested in favor of the extension of the ad valorem system.

The objection to ad valorem duties is that they give rise to fraudulent undervaluations of imported goods. It is practically impossible to prevent these frauds so long as we adhere to the ad valorem system. So said Secretary Manning; so says Secretary Fairchild; so say the witnesses examined by the Senate Committee on Finance who investigated the whole subject of undervaluations last summer. The testimony taken by them is to be found in Senate Document No. 1990, Forty-ninth Congress, second session. Let me cite what some of these witnesses say. Bear in mind that the Senate committee had no jurisdiction to change the rate or the character of customs duties and that the witnesses examined by them were repeatedly reminded of the fact. Their testimony is all the more valuable on that account. They could not help testifying to what they regarded as, after all, the only adequate remedy for the evil which the Senate committee was investigating.

Collector Hedden, of the port of New York, says (page 2), speaking of undervaluations:

You will never have anything else so long as you retain the ad valorem system. We always have had it and always will have it until you reform human nature and have all men become honest.

Naval Officer Burt says (page 23):

A heavy customs tax can be collected with uniformity and ease only by specific rates.

P. H. Leonard, crockery importer and member of a special committee of the New York Chamber of Commerce, says (page 40):

Mr. Chairman, I was just going to say that having given the matter some consideration I can come to only one conclusion, that there is no change connected with the present law of appraising goods which will remedy the evil. I believe that we must adopt the specific system entirely in order to do justice to the Government and at the same time do justice to every citizen who desires to do right by the Government. There is no escape if that system is adopted, because it is then a question of weights alone—and we have the example of every continental government. France, Germany, Austria, and Italy, they weigh everything, even to the single cup and saucer, that enters their respective countries.

Mr. Woodhouse, resident partner in New York of Marshall, Field & Co., of Chicago, says (page 44), speaking of silks:

Q. Are you importers?
A. Not so particularly, as that business of undervaluations has become so well established as to have driven us out of the business. We can not import a dollar's worth, except a little in novelties. The goods are either bought in Chicago or here or of a Paris house, the agents of these manufacturers. We buy in dollars and cents and so much a yard. We can not import the goods. They will not sell them to us in foreign currency.

Subsequently (page 45)—

Q. What would you do, Mr. Woodhouse?
A. My only remedy is the specific duty.

Mr. Thurber says (page 46):

I believe in a specific duty, so far as it is applicable. I should advise the extension of the principle so far as progress can be made in that direction.

Mr. Henry S. Briggs, general appraiser, stationed at Boston, testified as follows (page 59):

Q. Why are the importations of silk in Boston limited?
A. Because they have found it impossible to purchase there and compete with the merchants in New York who get their goods on consignment. There was an organized effort of a few concerns—Field, Leiter & Co., of Chicago, and others—to see if they could not establish a standard of values by actual purchases and break up this system of purchases on consignment. They gave it up, having found that they could not purchase silk and compete with the trade there.

J. M. Fiske, deputy collector at the port of Boston, testified as follows (page 144):

Q. Consignments have become the rule in New York from what I hear?
A. I should suppose so, sir.
Q. How would you alter the present system so as to reduce that condition of things to the minimum?
A. If I was going to put the knife right in to the hilt I would make the duties as near specific rates as possible.

Mr. Chairman, there can be no question of the existence or of the magnitude of the evil of fraudulent undervaluations of goods consigned by European manufacturers to their own agents who reside in this country for the sole purpose of defrauding the United States Treasury. There is just as little question in my mind that the only adequate remedy for the evil is to adopt the system of specific duties wherever it is applicable.

I wish now to notice the remarks made the other day on the subject of ad valorem duties by the gentleman from Kentucky [Mr. BRECKINRIDGE]. He stated it as an advantage of this form of duty that the duty bears a uniform relation of value to the foreign price of the article upon which it is laid. When the foreign price of the article rises or falls the duty rises or falls to correspond. But why is this an advantage? What justice is done or injustice prevented by maintaining this constant relation between the amount of the duty and the price of the article? I believe it to be, on the whole, a serious disadvantage, whether we regard it from the protection or the revenue-tariff point of view.

First, let us suppose the duty to be a strictly revenue duty, levied upon an article the like of which is not produced in this country. In this case, to quote the gentleman from Ohio [Mr. MCKINLEY], "it may be truthfully said the tax is added to the foreign cost, and is paid by the consumer." For the sake of clearness let us leave out of view such items as freight, insurance, and commissions, and assume that the price of the article in the American market is the foreign price with the duty added. If the article is worth abroad $1 a pound and there is levied on it a specific duty of 50 cents a pound, the cost to the American consumer is $1.50 a pound. If the foreign price falls to 50 cents a pound, the specific duty remains as before, and the cost to the consumer is $1 a pound. If the foreign price rises from $1 to $1.50, the specific duty remains as before, and the cost to the consumer rises to $2 a pound. But if the duty, instead of being a specific duty of 50 cents per pound, were an ad valorem duty of 50 per cent., the same fluctuation in the foreign price of the article would cause the price to the American consumer to fluctuate from 75 cents at the lowest to $2.25 per pound at the highest.

When the article becomes scarce in Europe the effect of the scarcity is enhanced to the American consumer. But what happens when there is a temporary oversupply of the article in Europe? Does the American consumer immediately get the benefit of the fall in the foreign price and the corresponding fall in the ad valorem duty? Theoretically he does, but practically he does not. Professor Cairnes and John Stuart Mill have pointed out that retail prices paid by the consumer are so largely a matter of habit that the benefit of a fall in the cost does not reach the consumer till after a considerable interval. It simply enlarges the profits of the retail dealer. The effect, therefore, of adopting the ad valorem instead of the specific rate in the case of a strictly revenue duty is simply to exaggerate the fluctuations in the foreign price of the article on which it is laid. If the fluctuation is upward the consumer assumes the burden at once; the retail dealer knows enough to lay it on him. If the fluctuation is downward the consumer does not get the benefit at once; the retail dealer puts it in his own pocket. Fluctuations in price are therefore an evil to the consumer. Whatever exaggerates such fluctuations, as an ad valorem duty certainly does, is also an evil.

Mr. Chairman, I admit that there is one kind of change in the foreign cost, to which the gentleman from Kentucky referred, and which can not fairly be called a fluctuation—I mean a permanent reduction in the cost of producing the article, due, for instance, to the discovery of a new process of manufacture. Such a permanent reduction in the cost is of itself a benefit to the consumer. Is it a great hardship on him that having received this benefit by a reduction in the foreign cost of the article he does not at once receive a further and additional benefit by means of a reduction of the duty? What the consumer mainly cares for is the retail price which he has to pay. If that retail price is on the whole a reasonable one the consumer does not care how it is made up. If the price has fallen from a dollar and a half to a dollar by a reduction in the foreign cost, the duty remaining unchanged, the saving of fifty cents a pound in the price which the consumer pays is what chiefly interests him.

If he chooses to analyze the dollar price which he pays into its component parts; that is, into foreign cost and customs duty, is he likely to complain merely because he finds that while by means of the customs duty he contributes precisely the same amount of 50 cents per pound to the support of his own Government, he pays a good deal less than before to the foreign producer of the goods? I should suppose he would be gratified. I should suppose that as an American citizen he would be glad to know not only that the total price he pays is lower than before, but also that a larger proportion of that lower price goes into the Treasury, while a smaller proportion goes to the foreign producer. Yet it is the opposite assumption, the assumption that the consumer is outraged by a reduction in the price he pays for an imported article, unless that reduction is ratably borne by the United States Treasury and the foreign producer, which forms the basis of four-fifths of the arguments we hear against the existing tariff. I submit, further, that even if these arguments are sound, even if the duty ought to be reduced when the foreign cost of the article has permanently declined, it is far better to effect this reduction by revising the tariff from time to time, substituting a lower specific duty for the higher specific duty, than to submit to the inevitable and unquestionable evils incident to the ad valorem system.

Mr. Chairman, I have said that the specific duty is preferable to the ad valorem duty, whether regarded from the protection point of view or from the revenue tariff point of view. Now let us consider the differences between the two kinds of duty when applied to a protective duty. The need of a protective duty arises out of the difference between the cost of production in the United States and the selling price of the competing article in Europe. If the margin between the two is a wide one a higher protective duty is required. If the margin is narrow a lower duty will suffice. But this margin between the cost of production in this country and the selling price in Europe is likely to be widened or

narrowed by fluctuations in the European market. As the ad valorem duty intensifies the effect of such fluctuations on the price at which the foreign article can be imported into this country, it follows that the ad valorem duty affords less protection against a downward fluctuation of the foreign price than would be afforded by a specific duty, which at the normal price in Europe would be exactly equivalent to it. Suppose the cost of producing the article in the United States is 13 cents a pound; suppose the normal selling price of the competing article in Europe is 10 cents a pound. Disregarding for the sake of clearness, such items as freight, insurance, and commissions, a duty of 3 cents a pound would just make good the difference. Suppose that in order to provide against fluctuations, we decide to impose a duty equal to 5 cents a pound. If the European price remains at 10 cents a pound, and if the ad valorem duty can be honestly collected, it makes no difference whether we adopt the specific or the ad valorem form. We can call it 5 cents a pound or 50 per cent. ad valorem. But how will it be if by reason of a war or panic the European article is thrown on the market at 8 cents a pound? There is now a difference of 5 cents a pound between the cost of production in the United States and the selling price in Europe. The specific duty of 5 cents a pound would just make good that difference. The ad valorem duty of 50 per cent. would not. As the price of the article falls from 10 to 8 cents, the ad valorem duty falls from 5 to 4 cents.

Now take the case of an upward fluctuation in the European price. Suppose it rises from 10 cents to 12 cents a pound by reason of an increase in the European demand. There is now a difference of only 1 cent a pound between the selling price in Europe and the cost of production in the United States. Less protection is needed than before. But the ad valorem duty of 50 per cent. affords more protection than before. It has risen from 5 cents to 6 cents a pound. It is evident, therefore, that the ad valorem duty has certain disadvantages when considered as a protective duty. When by reason of a downward fluctuation in the European price the American producer needs more protection the ad valorem duty protects less. When by reason of an upward fluctuation he needs less protection the ad valorem duty protects more.

A German author has recently said that the ideal protective duty would be one which would sink as the price of the foreign article rises and rise as the price sinks. The specific duty, remaining constant amid all fluctuations of the foreign price, at least comes nearer to this ideal than the ad valorem duty, which gives the American producer the least protection when the most is needed, and gives the most when no protection is needed at all. Like Shakespeare's braggart,

Ever strong upon the stronger side,

it slinks to the rear when it is most needed at the front, and stalks gallantly to the front when little or no fighting is going on.

Finally, I wish to notice an objection frequently made against the specific duty, that it works a discrimination in favor of the rich and against the poor, by bearing most heavily upon the lower grades of goods. I admit that this is a valid objection if applied to a duty levied on an article the like of which is not produced in this country, when the article includes several grades, of which the lower grades are necessities of the poor, while the higher grades are luxuries of the rich. How many of such articles are there in our tariff-list? Very few, I think. If, however, the article be one the like of which is produced in this country, it is quite possible that the heavier duty on the lower grades simply results in the development of the American manufactures of these lower grades, by which they are cheapened to the consumer. I believe many illustrations of this could be found in the existing tariff.

But, after all, we can not escape discriminations against the poor and in favor of the rich merely by resorting to ad valorem duties. In fact, this odious discrimination is a necessary incident to the ad valorem system. The reason is that under the ad valorem system it is impossible to prevent undervaluation. Now, undervaluation is practiced usually and with the greatest effect upon the higher grades of goods. It is easier to persuade a customs officer that an article of the highest grade belongs to an intermediate grade than it is to persuade him that the lowest grade of all belongs to a grade lower than is known in the market.

For these reasons I believe that the ad valorem system of customs duties is inherently vicious. It defrauds the Treasury, increases the expense of collecting the revenue, and tends to corrupt the officers of the customs. It injures the American producer, the American importer, and the American consumer. It ought as far as possible to be abandoned.

The CHAIRMAN. Without objection, the formal amendment will be regarded as withdrawn.

Mr. SPOONER. Mr. Chairman, I move to strike out the last word.

Mr. MILLS. I move that the committee rise to limit debate on this paragraph.

Mr. BURROWS. I suggest to the chairman of the Committee on Ways and Means that the gentleman from Rhode Island desires to speak on this subject, which concerns an industry in his own city.

Mr. JOSEPH D. TAYLOR. And the gentleman from Rhode Island has the floor.

Mr. SPOONER. Mr. Chairman, as has been already said by the gentleman from New York [Mr. FARQUHAR], this manufacture admirably illustrates the advantage that has been gained in this country under the protection of the Morrill tariff and the laws in the same direction which have been subsequently enacted. Not many years ago all the finer classes of files which were used in this country were imported from abroad. It is only within the last seven years, I think, that the manufacture of the finer kinds of files in this country by the Nicholson File Company, of my own city, which has been referred to, has been successfully carried on, with the effect of very largely decreasing the cost of such files to the consumer, while giving employment to a large amount of American capital and labor.

I think the table which has been furnished by the Committee on Ways and Means, and which I have in my hand, giving, among other things, the amounts of duties collected upon various articles in these schedules during the fiscal year ending June 30, 1887, very well illustrates, with regard to this particular manufacture, the point that I attempted to make the other day while discussing another matter relating to this same bill. I then suggested that the amount of duty collected upon an article illustrated the operation of the law, and that where a considerable amount of duty was collected on the importation from abroad of any given article, the like of which was manufactured in this country, that fact indicated that the article was not highly protected by the tariff, because otherwise the importation would not be so large, and consequently the amount of duty collected thereon would not be so large.

Under the existing law the tariff duties upon the several classes of files have been regulated according to their length, which is believed by file manufacturers to be the proper method, and which, I think, all of us who believe that specific rather than ad valorem duties should be imposed, will agree is in the direction of preventing frauds upon the revenue. Now, the amount of duties collected during the fiscal year ending June 30, 1887, on the first two classes of files, those 4 inches in length and under, and those over 4 inches in length and under 9 inches, is an amount which tends to show very clearly, as it seems to me, that the duties imposed under existing law upon those classes of files are not excessively or improperly high, because the rate of duty (averaging about 58 per cent.) has not prevented a considerably large importation.

The reduction of this duty as proposed by the bill under consideration to 35 per cent. ad valorem can not but have the effect of increasing the importations, and necessarily assisting to that extent in increasing the surplus which it is claimed to be the purpose of this bill to reduce. Now gentlemen must not forget that in the manufacture of these files labor is the important interest concerned. This is illustrated by the recital of certain facts which I have from unquestionable authority. A pound of steel, from which the finest grades of these files are made, costs 40 cents, and when made into files its value is enhanced to $59.35, an increase of 14,740 per cent.! The great cost of this manufacture is in the labor employed; and it is principally for the protection of that labor that such protective duties as existing law provides are required. Upon 1 pound of steel used in the manufacture of medium grades of files, costing 38 cents, the value is increased by manufacture into such files to $18.20, an increase of 4,690 per cent.; and in the coarser grades of files a pound of steel costing 6 cents is enhanced in value by manufacture 1,640 per cent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURROWS. I ask unanimous consent that the gentleman from Rhode Island be permitted to conclude what he has to say.

There was no objection.

Mr. SPOONER. To state it briefly, Mr. Chairman, the "cut" in this proposed reduction is almost wholly upon the labor employed in this manufacture—a class of labor highly skilled; a class of labor which has been educated in this industry during the time it has been fostered and brought to its present prosperity under the provisions of existing law. I ask that the committee carefully and reasonably consider the claims which are here made in behalf of this industry, and in behalf of the labor employed in its successful prosecution. Gentlemen should also understand that, under the provisions of this incongruous bill, the steel out of which files are made is protected by a higher rate of duty than the finished files into which it is manufactured!

The cost of labor and wages in this industry in this country is more then double what it is in Europe, where articles of a similar kind are manufactured. The cost of the plant and machinery and the capital necessarily employed in the manufacture in this country is not less than double what it is in Europe. If it is the intention of the American Congress to protect American interests; if it is the intention of this Congress to protect American labor; if it is the purpose of this bill to provide reduction, if you please, in certain directions, but without injuring the labor employed, let gentlemen on the other side who are advocating the passage of this bill as it is explain to me why this reduction of duties upon this particular article of manufacture is attempted; or if they can not intelligently explain it, let them concede that the amendment which has been offered by the gentleman from New York [Mr. FARQUHAR], and which I indorse, should be adopted by this committee and by the House.

The question being taken on Mr. FARQUHAR'S amendment, there were—ayes 64, noes 61.

Mr. MILLS. I call for tellers.

Tellers were ordered; and Mr. MILLS and Mr. FARQUHAR were appointed.

The committee again divided; and the tellers reported—ayes 63, noes 70.

So the amendment was rejected.

The Clerk read as follows:

Iron or steel beams, girders, joists, angles, channels, car-truck channels, TT columns and posts, or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, six-tenths of 1 cent per pound.

Mr. LONG. I ask unanimous consent that lines 226 and 227 in relation to "cut tacks, brads or sprigs," upon which this bill proposes a duty of "35 per cent. ad valorem," be read again, in order that I may submit a letter on the subject. I know it is hopeless to move any amendment, but I would like to have this letter read.

The CHAIRMAN. The gentleman may move a *pro forma* amendment to the pending paragraph, and have the letter read as a part of his remarks.

Mr. LONG. Very well.

The CHAIRMAN. The gentleman from Massachusetts [Mr. LONG] moves to strike out the last word.

Mr. LONG. I now ask that the letter which I send to the desk be read.

The Clerk read as follows:

PLYMOUTH, MASS., *April* 18, 1888.

DEAR SIR: Permit us to call your attention to the effect the Mills tariff bill would have on our business if it becomes a law. The present duty on tacks is 2½ cents per thousand on sizes 14-ounce and smaller, and 3 cents a pound on sizes 16-ounce and over. The Mills bill proposes 35 per cent. ad valorem duty. Iron tack-plate costs English tack manufacturers from 1½ to 1¾ cents a pound. Ours costs us 2 cents a pound, or about 33⅓ per cent. more. English tack manufacturers pay their tack-makers 1*s.* 3*d.*, or say 31 cents per 100,000, while we pay 50, 60, and 75 cents per 100,000; *i. e.*, for the same quantity and grade of work we pay 100 per cent. for cutting. If the duty is reduced to 35 per cent. ad valorem we must reduce the wages of our help at least 33⅓ per cent. to compete.

We remain, very respectfully yours,

LORING & PARKS.
COBB & DREW,
THE PLYMOUTH MILLS,
By WM. STODDARD, *Treasurer*.

Hon. JOHN D. LONG, M. C.,
Washington, D. C.

The CHAIRMAN. In the absence of objection, the formal amendment will be considered as withdrawn.

There was no objection.

Mr. BAYNE. I move to amend the pending paragraph by striking out the words "six-tenths of;" so as to make the duty 1 cent per pound. I have no remarks to make.

The amendment was rejected.

Mr. BUCHANAN. I move to strike out the pending paragraph, and I send to the desk a letter which I desire to have read. It is from an officer of the New Jersey Steel and Iron Company.

The Clerk read as follows:

TRENTON, N. J., *June* 7, 1888.

Hon. JAMES BUCHANAN, M. C.,
Washington, D. C.:

DEAR SIR: I do not know whether there is any probability of the Mills bill becoming a law, but the cut in the duty on beams and structural iron is an outrage and strikes directly at Trenton. That a product like beams, expensive to manufacture and used only in buildings of the highest class, should be subject to a less duty than ordinary beam-iron used by everybody and easily manufactured, is directly contrary to any theory of tariff rates that I have ever heard of.

Mr. BUCHANAN. The Clerk need not read any further. That is all that is germane to my present purpose. Bar-iron is put up seven-tenths to 1 cent per pound.

Mr. Chairman, this letter is from one of the officials of a company which employs about fifteen hundred men. The rate of duty proposed in this bill on bar-iron is, as I have said, from seven-tenths of a cent to 1 cent per pound; the rate proposed on these iron or steel beams, girders, joists, angles, and channels, which are far more difficult to roll, because of the varying sizes and shapes and lengths, is six-tenths of 1 cent per pound. That can not be fair. If this bill is to "correct inequalities" let it correct them, not make or perpetuate them. Either the proposed duty on bar-iron is too high, or that proposed on these shapes is too low. I have moved to strike out the paragraph because, as the Committee of the Whole has already refused to change the rate, that is the only course left me.

Mr. MILLS. I believe the existing duty is equivalent to 102 per cent.; and the gentleman says that this bill, which proposes to reduce it to 49 per cent., is an outrage. Let us vote.

Mr. BUCHANAN. Mr. Chairman, the amendment proposed by the gentleman from Pittsburgh [Mr. BAYNE] was a very material reduction upon present rates, and that was not accepted by the House. I stated that I moved to strike out the paragraph because that was the only course left me to pursue, the amendment of the gentleman from Pittsburgh having been voted down. Can the gentleman from Texas tell me where he obtains his information as to the present duty being 102 per cent.?

Mr. MILLS. Right here in the book before us, where it is run out—102 per cent.

Mr. BUCHANAN. That is the book which has been furnished to us, and which also tells us that the ad valorem rate on lead at 2 cents per pound is less than the ad valorem on orange mineral at 1½ cents per pound, although 100 pounds of orange mineral contains the product of 114 to 116 pounds of lead. Since seeing that statement I have ceased to regard this book as authority.

The question being taken on the motion of Mr. BUCHANAN to strike out the paragraph, it was rejected.

The Clerk read as follows:

Steel wheels and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, and other railway tires, or parts thereof, wholly or partly manufactured, 2 cents per pound; iron or steel ingots, cogged ingots, blooms or blanks for the same, without regard to the degree of manufacture, 1¼ cents per pound.

Mr. BURROWS. I move to strike out the paragraph just read.

The motion was rejected.

The Clerk read as follows:

Screws commonly called wood-screws, 35 per cent. ad valorem.

Mr. VANCE. I move to strike out the paragraph just read.

Mr. MILLS. We have no objection to that.

The motion of Mr. VANCE was agreed to.

The Clerk read as follows:

Iron and steel wire and iron and steel wire galvanized, and all manufactures of iron and steel wire and of iron and steel wire galvanized, shall pay the duties now provided by law: *Provided*, That no such duty shall be in excess of 60 per cent. ad valorem.

Clippings from new copper fit only for manufacture, 1 cent per pound.

Copper, in plates, bars, ingots, Chili or other pigs, and in other forms, not manufactured, 2 cents per pound; in rolled plates, called braziers' copper, sheets, rods, pipes, and copper bottoms, 30 per cent. ad valorem.

Lead ore and lead dross, three-fourths of 1 cent per pound.

Mr. DUBOIS. I move to strike out lines 288 and 289, and in lieu thereof to insert what I send to the Clerk's desk.

Mr. CLARDY. I ask, by unanimous consent, that that paragraph and the subsequent paragraph be passed over, to be recurred to hereafter.

The subsequent paragraph is as follows:

Lead, in pigs and bars, molten and old refuse lead run into blocks, and bars and old scrap lead fit only to be remanufactured, 1½ cents per pound. Lead in sheets, pipes, or shot, 2½ cents per pound.

I ask that both paragraphs be passed over to be recurred to hereafter.

Mr. MILLS. I have no objection to that.

Mr. DUBOIS. Let my amendment be read.

The CHAIRMAN. The amendment of the gentleman from Idaho will be read.

The Clerk read as follows:

Strike out lines 288, 289, as follows:

"Lead ore and lead dross, three-quarters of 1 cent per pound."

And in lieu thereof insert as follows:

"A combination of lead ore with silver or gold ore shall not exempt such lead ore from payment of said duty."

The CHAIRMAN. The gentleman from Missouri asks that the paragraph and the succeeding paragraph be passed over, to be recurred to hereafter.

Mr. DUBOIS. I will consent to that with the understanding that I am to be recognized as having the floor when the subject is again resumed.

The CHAIRMAN. The Chair will recognize the gentleman from Idaho.

Mr. PERKINS. I ask that if these paragraphs are to be passed over that we also pass over from line 295 to 303, which is as follows:

Zinc ore, 20 per cent. ad valorem.

Zinc, spelter, or tutenegue, in blocks or pigs, and old worn-out zinc fit only to be remanufactured, 1¼ cents per pound; zinc, spelter, or tutenegue in sheets, 2 cents per pound.

Everything pertaining to zinc should be passed over until we consider the paragraphs in reference to lead ore.

Mr. WARNER. That should be done.

Mr. PERKINS. I ask these two paragraphs be passed over for the present.

Mr. MILLS. I can not consent to that.

Mr. WARNER. I ask that zinc be also passed over. It is taken out of the same mine from which we take lead ore. They are intimately connected. You can not discuss one without discussing the other. I hope there will be no objection to it.

Mr. MILLS. I object to passing these paragraphs over.

The CHAIRMAN. The question is on the amendment of the gentleman from Idaho [Mr. DUBOIS].

Mr. MILLS. I do not object to passing over the paragraphs in relation to lead ore, but I do object to passing over the paragraph in reference to zinc.

Mr. OWEN. I object to passing any over unless both are passed over.

Mr. EZRA B. TAYLOR. If there be no objection to passing over the paragraphs in reference to zinc, there will be no objection to passing over the paragraphs in reference to lead ore.

Several MEMBERS. Who objected to passing over the paragraphs in relation to lead ore?

The CHAIRMAN. The gentleman from Indiana [Mr. OWEN].

Mr. OWEN. At the request of gentlemen who are interested I will withdraw my objection.

Mr. EZRA B. TAYLOR. I object unless the paragraphs in reference to zinc can also be passed over.

Mr. TOWNSHEND. Let us have the regular order, then.

Mr. CLARDY. Was there objection to the request I submitted?

The CHAIRMAN. The Chair submitted it and it was objected to by the call for the regular order.

Mr. DUBOIS. I ask that my amendment be read again.

The amendment was again read.

The CHAIRMAN. Does the gentleman add to the paragraph the words in his amendment?

Mr. DUBOIS. I move to strike out the paragraph and add the words in my amendment to the duty under the present law.

Mr. Chairman, I have already submitted some remarks in regard to the proposed reduction in this bill, and I would not take up the time of the committee did not the pending proposition vitally affect not only my own Territory, but every other Territory in the Union. I am surprised my colleagues from Montana, New Mexico, and Arizona do not rise in their places and protest against this proposed reduction.

Mr. TOWNSHEND. They have not had a chance.

Mr. DUBOIS. They know it is as vital to their Territories as it is to mine. Of the lead ore produced in this country at least five-sixths comes from the Territories. We are so far from market we can scarcely compete with lead brought in from foreign countries. The cost of transportation is great and the price of labor is necessarily high. They are so high in our mountain districts it is hard indeed for us to compete with the foreign production.

In addition to this fact is the further one that all of our low-grade silver mines are dependent upon the price of lead for their successful working. It will be absolutely impossible to work our silver mines if this reduction of the tariff on lead as proposed here is made.

I wish now to submit, for the Clerk to read, a few letters, which will show that I do not exaggerate when I say that I represent everybody in the Territory on this particular question.

The Clerk read as follows:

JOHN M. BURKE HAS NOT WITHDRAWN—HE WILL BE A CANDIDATE FOR CONGRESS.

Editor Evening Inter-Idaho:

In a recent issue of the Butte (Mont.) Inter-Mountain it was stated that Hon. John M. Burke had withdrawn from the Congressional canvass for the reason that he could not indorse certain party measures relating to tariff, hurtful to the interests of the Territory. This statement, which has been pretty generally copied and commented on by the Territorial press, and which showed up Mr. Burke in a most favorable light as a man to whom principle is dearer than personal ambition, no doubt correctly embodied Mr. Burke's views. From the following letter, however, which explains itself, it will be seen that Mr. Burke is still a candidate for the Delegateship, and it is to be hoped his many Democratic friends will not abate their efforts to secure so suitable and so strong a man for the head of the ticket.

ORLANDO B. BATTEN.

WARDNER, *June* 6, 1888.

O. B. BATTEN, *Ketchum, Idaho:*

DEAR SIR: I have just returned from Chicago, where I have been ever since I saw you, with a very sick wife, whom I have had to leave there in the hospital, and I may have to return any day, and I am trying to get my mining business in shape so as to give as much of my time as possible to the campaign after the 22d of August. Before that time I shall not be able to give politics any personal attention. Our court meets here on the 14th instant, and I have several mining cases before it. Now, taking all of these things into consideration, I have concluded to take this course: I will attend the Territorial convention; I will do my best to get the following plank in the Democratic platform:

1. Against the reduction of tariff on lead.

Mr. DUBOIS. I send to the desk now the following extract from the same paper, of the succeeding day, merely remarking that this is the leading Democratic paper of the Territory, a strong supporter of President Cleveland, and a rank free-trader when it does not interfere with the industry of its own people.

The Clerk read as follows:

[Inter-Idaho, Hailey, Idaho, June 18, 1888.]

HON. JOHN M. BURKE'S LETTER.

The letter of Hon. J. M. Burke, which we published yesterday, is a fair and frank expression of the general Democratic sentiment of this Territory. It is not merely the opinion of Mr. Burke as a Congressional candidate, on which he is desirous of taking his personal chances for an election; but it is justly representative of the ideas and interests of the great mass of the people, who, if they nominate him, or any other man for Congress, they propose to elect.

Mr. Burke is for the retention of the duty on foreign lead. We know of no Democrat who is not. With a Congress likely soon to be Democratic, and a Democratic Executive, one who sympathizes with the predominant political organization, much more than a partisan opponent, would have the power to influence the legislation requisite to retain that duty.

Mr. DUBOIS. Now, I would like to ask the distinguished chairman of the Committee on Ways and Means, or some member on that side of the House, if that is a correct statement with reference to the political question involved in this tariff legislation, and whether it would affect the action of the committee on this question if the political complexion of the Delegate was different.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MCKENNA. I ask unanimous consent that the gentleman from Idaho be permitted to proceed for five minutes longer.

There was no objection.

Mr. DUBOIS. I say, Mr. Chairman, I would like to ask the distinguished chairman of the Committee on Ways and Means if that is a correct statement, and whether the Democratic party is legislating upon this subject on principle, or whether, as I have said, it is a question of the political faith of the Delegate?

Mr. MILLS. I ask that we have a vote upon the amendment.

Mr. DUBOIS. I ask the gentleman first to answer my question.

Mr. MILLS. What has that got to do with the duty on lead?

Mr. DUBOIS. It has got a great deal to do with it in that Territory; and I ask the gentleman if the statement of the Inter-Idaho is correct?

Mr. MILLS. The gentleman and his associates on that side and myself can probably take occasion to talk this question of politics over after we get through with this bill. I want to pass the bill now.

Mr. DUBOIS. I ask if it is not a fair question, whether this is the Democratic idea which prevails in the enactment of this tariff legislation?

I ask the gentleman if he will answer it.

Mr. MILLS. Make your own statement, and I will take my own time to answer it.

Mr. DUBOIS. Refusing to answer it, I am forced to assume that it is not a correct statement, for I would be loth to believe that the Democratic party is guided by merely personal and partisan motives in this legislation. I am not surprised to know that the Inter-Idaho's statement is not correct.

Mr. Chairman, there were 144,000 tons of lead produced in the United States last year. Twenty thousand tons of this came from my Territory. They are taking 3,000 tons a month now from the Cœur d'Alene district alone. But while the lead industry is one of vast importance to the people of that Territory, it is well known that nobody will be benefited by the reduction of duty as proposed in this bill. Not a single individual in this country is interested in that reduction except in so far as it injures him in his occupation; and, as I say, when you strike down the lead industry in my Territory and the others you also strike down the silver-mining industry.

We took out twenty-nine millions of silver last year in Arizona, New Mexico, Montana, Utah, and Idaho alone, and there is not a mining superintendent in any Territory of this Union or in any one of the States who will not tell you if you make this reduction on lead that you close the silver mines. There is a long list of them to which I could call attention, and I am a little surprised that we do not have all of the silver men on that side of the House coming forward to support the amendment. The substitute I offer is in the interest of this industry in the United States. It is for the purpose of protecting that industry. They bring the lead ores now from Mexico under a ruling of the Department which provides that if silver is a chief component of the importation, or rather if silver is the component of chief value, that the entry of the other ores combined with it shall be free. They down there in the custom-houses determine what is the component of chief value, and lead has no value at all in that country.

The consequence is that all the lead ore comes in free and we are compelled to compete with the peons of Mexico under this ruling of the Department. This is so in regard to lead coming from European countries also. If gold or silver is the component of chief value, the lead comes in free. You are making a double attack, therefore, upon the industry of the Pacific coast, and I ask you in fairness and in candor—and challenge any Democratic Delegate on this floor to controvert any word of what I have said—I ask you in fairness and candor to adopt the substitute and strike out these two lines.

Mr. MILLS. Now let us have a vote.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Idaho.

Mr. PERKINS. I move to strike out the last word.

Mr. Chairman, I had supposed—perhaps they intend to do so yet—I had supposed that some gentleman representing some of the mining interests of Missouri would have spoken in favor of the amendment just submitted, because it not only concerns the Territories of the West, but some of our great interior States. In Missouri and the State of Kansas much lead is mined, and the amendment is not only important to the region spoken of by the gentleman from Idaho, but to the States I have named. In Southwest Missouri and in Southeast Kansas some 30,000,000 pounds of lead are mined annually, of the aggregate value of $800,000, giving employment to thousands of men.

This, it may be suggested upon the other side, is a raw material, and hence should be put upon the free-list, or else the duty now imposed upon it should be greatly reduced.

As raw material what is its value? As found in the ground it is comparatively worthless. It only becomes valuable after labor is expended upon it and it is dug from the bowels of the earth. When dug from the ground it represents labor, and the honest, industrious toil engaged in mining it should commend it to the thoughtful consideration of this House, and by our votes, it seems to me, we should do what we can to protect it.

As was suggested by the gentleman from Idaho [Mr. DUBOIS], under the rulings of the Department lead is admitted to-day free of duty all along the Mexican border, and also all along the Canadian line. Where there is silver or gold found in the ore of predominating value the ore

is admitted free of duty notwithstanding the great quantity of lead in the ores. This is because gold and silver are upon the free-list, and under the construction given by the Treasury Department to the existing law the ore is admitted as gold or silver ore and no duty is collected upon the lead it contains, and thus our lead-miners are put in competition with free lead ore.

Let us look a little further. In 1870 there were introduced or imported into this country 85,897,720 pounds of lead. At that time lead was worth $6.30 per hundred pounds. Last year there were imported only 12,016,694 pounds of dutiable lead. Why? Because lead was of less value than in 1870. Lead was then worth only $4.50 per hundred pounds. Hence there was not as much imported as in 1870. But take the tariff off of lead or reduce it so that it can be profitably imported, and we will again find the figures that we found in 1870 representing the importations. Is there, as has been suggested, any excuse for this? Is there any reason for it addressed to the conscience of this House or to its judgment? As has been suggested, it must be apparent to every intelligent man that the reduction of the import duty results in increased imports. Reducing the import duty does not reduce the surplus realized from this metal, but instead of that would add to the surplus now accumulating in the Treasury. It will necessarily add to the imports, as is shown by the imports of 1870 and other years that I could name.

Now, if gentlemen are sincere in wanting to reduce this revenue, this surplus in the Treasury of which they complain, why is it that by their proposed legislation they strive to increase imports and thus increase the amount received upon the importations? That must be the effect of this proposed legislation. No gentleman upon the other side of the House who has given this subject thoughtful consideration can deny the proposition I make.

For the reasons suggested by the gentleman from Idaho, as well as for the reasons I have hastily given, I hope the amendment offered by the gentleman from Idaho can be accepted, as it should be. Why should we permit the lead that is mined by the peons and by the cheap labor of Mexico to be introduced into our country free of duty under this construction given to the law by the Treasury Department? Let us exclude it or make it pay the duty that it would pay if brought through the port of New York as lead ore. Let us retain the duty as as it is now, and correct this unfortunate construction, because no one can say that the miners engaged in mining lead get better compensation or realize more from their labor than they should realize.

[Here the hammer fell.]

Mr. PERKINS. Mr. Chairman, I would like to have two minutes more.

Mr. MILLS. Let us have a vote. There has been no debate on this side. All the time has been taken on the other side. The gentleman can extend his remarks in the RECORD if he desires.

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn.

Mr. ADAMS. Mr. Chairman, I renew it. I want to ask a question of the gentleman from Idaho. Perhaps I did not understand him. I understood his amendment to be so framed as to prevent the free importation of lead in a particular combination with precious metals.

Mr. DUBOIS. Yes, sir; but also to retain the present duty on lead.

Mr. ADAMS. I want to ask him also whether in all the mining States and Territories a very large proportion of the silver ore is not what is called galena ore, containing a large proportion of lead?

Mr. DUBOIS. That is a fact. There is in my Territory an average of 70 per cent. of lead.

Mr. ADAMS. Is it not a fact, as has been repeatedly stated, that the price of lead has determined the question whether a silver mine could be run or could not be run?

Mr. DUBOIS. Absolutely.

Mr. PERKINS. That was what I was about to suggest if I had been given two minutes more.

Mr. ADAMS. I yield the remainder of my time to the gentleman from Kansas.

Mr. PERKINS. Many mines in Colorado, Idaho, and elsewhere, are to-day worked for gold and silver because the lead realized from the mines pays the operating expenses or nearly so. If the duty on lead is stricken off, so that lead ceases to be valuable, those mines can not be worked, the laborers will be thrown out of employment, and the capital invested will be entirely lost, and the yield of silver greatly lessened, and thus great harm wrought to the country. I have here some reports from superintendents of mines in the West which I will have incorporated as part of my remarks, and printed in the RECORD. In the name of the miners of the West, I ask this House to stand by American labor and American interests, and to vote for the amendment offered by the gentleman from Idaho [Mr. DUBOIS].

The reports are as follows:

REMARKS FROM SUPERINTENDENTS OF THE PRINCIPAL MINES OF UTAH WITH REFERENCE TO THE EFFECT A REDUCTION OF THE TARIFF WOULD HAVE UPON THE MINING INDUSTRY.

R. C. Chambers, superintendent of the Ontario mine, Park City, Utah:

"If Congress should admit raw materials free of duty, or remove, or materially reduce the present rariff on foreign lead, the effect upon the mine above named would, in my opinion, reduce the product so that the profits would be inadequate to pay the operating expenses of our mine."

John J. Daly, superintendent of the Daly mine, Park City, Utah:

"If Congress should remove the present tariff on foreign lead it would so reduce the profits as to be totally insufficient for the risks run."

A. Hanauer, manager Lead mine:

"The removal or material reduction of present tariff on lead would shut down the mine and stop the concentrating works."

W. F. James, superintendent Maxfield mine, Big Cottonwood Cañon:

"A reduction of the tariff on lead would, in my opinion, compel us to close until such time as the wages of employés were reduced one-half, and the other operating expenses in the same proportion. Of $165,565 taken from the mine, $99,263 were paid for labor, and $21,077 for freights, etc."

L. U. Colbath, superintendent City of Rocks mine, Little Cottonwood Cañon, Utah:

"If Congress should admit lead free, it would close our mine."

Charles E. Mitchener, manager Honorine mine, Tooele County, Utah:

"To remove the present tariff on lead would close our mine and mill."

Alex. Niedringhaus, superintendent Calumet and Muscatine and Silver King mines, Tooele County, Utah:

"The value of the lead in our ores nearly equals that of the silver and gold. The profits are in the lead. If the tariff be reduced, the mine will be compelled to lie idle unless wages and freights are greatly reduced."

Charles W. Watson, superintendent of the Nast mine, Bingham Cañon, Utah:

"The removal of the present tariff on lead would stop production."

C. Lavajnino, superintendent Old Telegraph mine, Bingham Cañon, Utah:

"A reduction of the lead tariff would indefinitely suspend operations."

J. Q. Packard, superintendent Eureka mine, Tintic, Utah:

"In my opinion the reduction of the tariff, especially upon lead, would be disastrous to the mining industry."

Edward P. Ferry, vice-president and manager Anchor Mining Company:

"My judgment is clear that the reduction of the tariff on lead would be disastrous to the mining interests of the United States and of incalculable injury to that branch of industry."

The CHAIRMAN. If there be no objection, the formal amendment will be considered as withdrawn.

Mr. STONE, of Missouri. What is the amendment pending?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk reported the amendment.

The question was put, and the Chair was in doubt as to the result.

Mr. PERKINS. I ask for a division.

The committee divided; and there were—ayes 62, noes 62.

So the amendment was rejected.

Mr. STONE, of Missouri. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to line 289 the following:

"Provided that the combination of lead with silver in ores shall not exempt the lead therein from the duty."

Mr. McMILLIN. I make the point that that is the amendment that we have just voted upon.

The CHAIRMAN. No it is not the same amendment. The amendment voted upon was a motion to strike out these lines. This is an amendment proposing to add to the paragraph the words just read by the Clerk.

Mr. BAYNE. I would like to hear an explanation of that amendment.

Mr. WARNER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WARNER. If this amendment should be voted down, a separate motion to strike out these two lines would be in order, I suppose?

The CHAIRMAN. Certainly.

Mr. STONE, of Missouri. Mr. Chairman, the present law fixes a duty of 1½ cents per pound on lead ores, and 2 cents per pound on pig-lead. This bill reduces the duty on ores from 1½ cents to three-quarters of 1 cent, and on pig-lead from 2 cents to 1¼ cents per pound. There are six or seven smelting establishments in the district I represent. They are important establishments, and a large capital is required to operate them. They buy and smelt a great many tons of lead ore—just how many I am not prepared to say. What I seek to do by the amendment I propose is to correct an inequality which exists under the present law, and which would exist under this bill if it should pass in its present form.

I ask no advantage over anybody in this country engaged in smelting, or engaged in anything else; I ask no advantage over anybody on the globe; but I do insist that the people I represent, and the people of my State, who are largely interested in these enterprises shall be put upon terms of absolute equality under the law with the constituents of every other gentleman upon this floor. I shall protest, as it is my right and duty to do, against the continuance of an inequality in the law which gives an advantage to enterprises in one section of the country over similar enterprises in another. Now, the fact is, that these smelting establishments in Missouri are buying and reducing lead ores which are covered and protected by a duty. At present the duty is 1½ cents per pound, and if this bill shall become a law the duty would be three-quarters of 1 cent per pound. All I ask is that similar establishments situated anywhere else within the limits of this country shall be put upon terms of absolute equality with us, and not be given an undue advantage by the letter of the law, or by a departmental construction of the law. There is now coming into the United States, imported from Mexico, a large quantity of lead ores. I read from the Engineering and Mining Journal on this subject:

Our correspondent calls attention on another page to the large imports of Mexican lead, which come in free of duty as silver ore and are smelted in this country. While this unquestionably benefits the smelters who can compete for this ore, who are so situated as to take advantage of it, it will presently af-

fect the market for the products of our own mines by adding to our supplies of the metal.

The writer estimates the amount of lead that has come into the United States in this way during the past year at over 10,000 tons, and there are other estimates putting the amount at from ten to fifteen thousand tons.

Mr. FARQUHAR. It is 15,000, according to the official figures.

Mr. STONE, of Missouri. This lead ore is brought in across the Rio Grande, associated and combined with a low grade of silver ore, and, under the construction of the law by the Treasury Department, if the preponderance of value in the combination is with the precious metal the whole mass is admitted free as silver ore. If the preponderance of value is with the base metal, then the whole mass is subject to duty. But we all understand that it takes very little silver to exceed in value a great deal of lead, and hence a great deal of lead can be brought in free under the cover of very little silver.

The CHAIRMAN. The time of the gentleman has expired.

By unanimous consent, Mr. STONE, of Missouri, was permitted to continue his remarks for five minutes longer.

Mr. STONE, of Missouri. These low-grade silver ores are being brought in from Mexico in large quantities. They contain a large amount of lead mixed with them, and, in fact, the ores are really purchased and imported for the lead they contain. Now, how does that work?

Mr. REED. Does it not work for the benefit of the consumer?

Mr. STONE, of Missouri. Yes; I suppose it does. I presume it does work for the benefit of the consumer. I am not discussing that view of the case. Lead ores are not put upon the free-list, but unless the present law is amended it would be more logical to do so.

Mr. REED. Which are you for?

Mr. STONE, of Missouri. I am not discussing that view of the case.

Mr. REED. Evidently not.

I am in favor of reducing the burdens of taxation. I am for the Mills bill, but I am also in favor of equality and fair play. I think here is a defect that ought to be cured. The proposition I make is that the smelting establishments in my State shallbe put upon terms of equality with the smelting establishments elsewhere. That is what I am asking for.

Now, how does it operate? The present duty is 1½ cents per pound, or $30 per ton, upon lead ore. The smelting establishments in Missouri, Kansas, and Illinois are purchasing ores covered by that duty of $30 per ton. Under the construction of the law made by the Treasury Department, by which these low-grade ores from Mexico are admitted free of duty, a large number of smelting works have been built up along the Rio Grande River at various points in Texas for the purpose of utilizing these Mexican ores; and they are doing it. They are enabled to use these ores brought in free of duty, whilst the smelters in my district must purchase ores which are covered by the duty; they can not buy those ores which pay no duty, because of the difference in the cost of transportation.

Mr. BLAND. If my colleague will allow me——

Mr. STONE, of Missouri. My time is too limited to permit me to yield. I am not seeking a controversy with anybody. I am simply contending for what I believe to be right.

Mr. BLAND. I simply wanted to call attention to the fact that these ores come from Mexico to Missouri, and are manufactured there, so that Missouri suffers no disadvantage.

Mr. STONE, of Missouri. I very much doubt the correctness of the statement of my colleague. I am not aware that a pound of these Mexican ores goes to Missouri.

Mr. BLAND. In St. Louis there are large reduction works where both the silver and the lead coming from Mexico are reduced.

Mr. STONE, of Missouri. The provision which I offer, to come in at this part of the bill, will simply have the effect of placing a duty upon leads of the character I have mentioned. I can see no reason why lead ores lwhich are not combined with other ores should pay a duty when imported, whilst lead ores mixed with silver should come in without paying a duty. Import a mass of ore, 51 per cent. of which in value is silver and 49 per cent. lead, and the whole is admitted free. When this ore is sold in any market it is sold with reference to the relative value of every mineral in it; it has a lead value and a silver value, and it is purchased as much for the lead as for the silver. On the same train with such ores as I have described there may be a car-load of ore in which the relative value of the two metals is reversed. There may be a car-load where 49 per cent. is silver and 51 per cent. is lead, and another car where 49 per cent. is lead and 51 per cent. is silver. In the one instance a duty is paid; in the other it is not. I can see no reason for anything of that sort. Besides, it is absolutely a fraud upon the revenue. Somewhere between ten thousand and fifteen thousand tons of these ores were imported last year. At $30 a ton the duty collected on those ores should have been $300,000 to $450,000. I think that the provision I have submitted ought to be adopted as a matter of simple justice to all sections of the country, and as a protection against fraud upon the revenue.

[Here the hammer fell.]

Mr. BRECKINRIDGE, of Arkansas. Mr. Chairman, the proposition involved in the pending amendment is to impose more tax than is now levied upon a raw material; for if anything be raw material, lead ore confessedly is. It may be well for us to consider the origin of this tax, as well as the need of it, when we are determining the merits of the pending proposition. The existing tax on lead ore was laid in 1861. There was no tax in 1846; there was no tax in 1857; there was no tax in the Morrill bill of 1861; but in a subsequent tax bill of that year—a bill which was introduced into this House as a "temporary increase" of the tariff, and which was confessedly and professedly at that time in excess of all the needs of protection; in that bill, which in its very title stated its purpose to lay only temporary taxation, this tax on lead ore was imposed. It was not needed for the protection or the production of lead ore in this country, for this was then an old industry; and it is not needed now. If the Democratic party be justly subject to any criticism in regard to lead ore it is that they have not put it upon the free-list, the existing tax upon it being, as I stated, a war tax and a temporary measure; and now, after nearly thirty years, the tax is still continued in part.

Our imports of lead ore and dross in the last fiscal year—I mean the dutiable part—were less than $1,500, a mere incident in the trade. Our exports of lead and manufactures of lead were nearly three-quarters of a million dollars. It is perfectly obvious that we do not need any tax on this article. It is perfectly obvious that the only effect a tax can have is to put prices up beyond what is proper with reference to consumption, thus limiting the consumption of the product in this country, and thus lowering wages. We sent over $44,000 worth of lead and the manufactures of lead to England alone, and there is no item in the whole tax-list which in reality is better fitted for the free-list than lead ore.

Gentlemen talk now of the slave or peon labor system of Mexico competing against the free labor of America. Mr. Chairman, it is late for anybody in this century, and especially in free America in this century, to contend that slave, peon, or any form of degraded or oppressed labor can compete economically and successfully with free labor anywhere. Is there a gentleman from Missouri or from any Southern State who does not know that we are more prosperous under free labor than we were with the same laborers when they worked for us for nothing but their victuals and clothes? You may call it paradoxical, if you please; but in the economy of God there is profit all around in liberty, and He conspires on the side of freedom.

If freedom were not profitable slavery would never have ceased in this or in any other country. Yet gentlemen say, protect our freemen from slaves, from peons, and from paupers. But, sir, by proofs we have of the North compared with the South under the two systems of free labor upon the one hand and of even slave labor upon the other, by all the proofs we have of the prosperity of the South in excess of what she enjoyed under a system of even worse than peon or pauper labor—by all these proofs, backed by the statistical facts I have adduced, I confidently affirm that we have nothing to fear, and that the proposed increase of this tax ought not to be adopted.

[Here the hammer fell.]

Mr. MILLS. I move that the committee rise for the purpose of closing debate on this paragraph.

Mr. REED. I would like to be heard.

Mr. MILLS. I will then withdraw my motion.

Mr. REED. Mr. Chairman, I certainly do not propose to differ with the gentleman from Arkansas [Mr. BRECKINRIDGE] in his statement of the superiority of free labor over slave labor, but I should think while he was enunciating that principle some other ideas properly connected with it would have occurred to his mind, that he would have remembered that he and his section battled as strenuously for slave labor and the products of it as he now stands for foreign labor and the products of it. [Laughter and applause.] Having been conspicuously convicted before the community and before himself of having entertained totally wrong ideas on that subject, I should think he would hesitate somewhat in this persistent imposing on the American nation of mistaken ideas which were correlative to those ideas which he has just condemned.

Now it is perfectly apparent there ought to be some system running through the legislation on this question, that they ought to take plain ground on the one side or the other, or else plainly admit they are proceeding one step at a time in the direction of free trade. [Applause.]

If all these arguments about our duty to the consumer are true, then the argument which the gentleman from Missouri [Mr. STONE] has addressed to his side of the House naturally falls upon deaf ears, and rightly, too, because if they can smuggle in one-half of the lead ore which is used in this country free of duty under Treasury decision or under the decision of his party in the House, they have accomplished one-half of their purpose. If they can not enjoy entire free trade they are going to get partial free trade and bide their time.

I hope the gentlemen on the other side will in the remainder of the bill adopt some plain principle in regard to it, and if these things are burdens on the people—if they are really tariff taxes, as they are so anxious to have us understand—they will make us all as free of them as they can and declare the purpose they entertain to make us free as to the rest. [Laughter and applause.]

I hope they may make some declaration so plain here on the floor of the House they will not be able to go over to New York and proclaim the contrary. [Laughter and applause.]

And I hope the chairman of the committee, when he was last in New York, plainly stated his views on the subject, and did not disguise them. He has been reaping in certain Democratic papers a great deal of praise for his manly boldness in resisting his constituents on the subject of wool, and I hope he was not afraid before strangers to declare what he believes to be the whole counsel of the Lord. [Laughter.] Or if he did falter, overcome by a strange climate, I hope that on coming back here and touching his native earth again he may have got strength enough to get up in his place now and frankly say what his position is. [Laughter and applause.]

[Here the hammer fell.]

Mr. MILLS. I hope, Mr. Chairman, I will always have the courage to stand by my own convictions and be true to my own sentiments, and that when I believe a thing to be true I will not cowardly run away from it whenever the enemy delivers his first shot. [Applause.]

The gentleman has talked of what I said over at New York. I have said at New York what I have said to the people of my State. I hope my friends on the other side will have the same courage to stand by the whisky platform they made at the Chicago convention. [Laughter and applause.] I see some little intimation that the bill the gentlemen are preparing so cautiously and have been so carefully nursing for several weeks is to make a flank movement on that whisky platform—[laughter and applause]—that it is going to stop with alcohol in the arts and make the balance of the reduction by a cut on sugar of 50 per cent. [Laughter.]

I speak of that provision in their platform which declared that they intended to repeal the last particle of the internal-revenue taxes before they would reduce the taxation which afforded protection to any one article of domestic manufacture. Here is one of the favored articles which they have been standing by for years; and when it comes to the time that the Democratic battalions are getting on the march, and delivering their shots in the face of their advancing regiments they turn quickly about and say that they did not mean exactly so much whisky as they thought they did, but that they meant to take some sugar in it, and a good deal of sugar at that. [Laughter and applause on the Democratic side.]

They say if we are to sacrifice some of our products, we are going to sacrifice, not Carnegie's steel-rails, but we are going to take some of that little product of American labor down in Louisiana. Mr. Chairman, they want some courage on that side of the House, as well as on this side. Yes, sir; I said I would make wool free, and it is my intention to stand by my word; and this lead ought to be free also. I am not afraid of what the people of the country will do in connection with this matter. My people in State convention have indorsed me, and my constituents will send me back here again on that very platform. [Applause on the Democratic side.]

I am not afraid to stand by some of my Democratic friends in Tammany Hall, as I would stand by the Democrats on the prairies of Texas. It is as good in one place for a Democrat to stand on as in the other; and it will be a good enough platform to lay your side out in November, if you have the courage to stand by your whisky platform. [Applause on the Democratic side.]

The amendment was rejected.

Mr. REED. Mr. Chairman, I am disappointed in the speech of the gentleman from Texas. [Laughter on the Democratic side.] I had really expected, after the challenge I made him, that he would not have contented himself with simply commenting upon the Republican platform, or comparing it with the Democratic platform, or at least, if he had done so, that he would have repeated the Republican platform aright, if he did not have the courage to repeat the Democratic one correctly. I supposed he would have made some such declaration as this:

God grant that the day may soon come when American ships, freighted with American commerce, shall again go to sea under the shield and protection of our own flag.

He meant the American flag then. [Laughter.]

But if that day is to come it must be preceded by a reversal of the policy of commercial restriction. We must remove both by legislation and diplomacy—

Not merely the House of Representatives, but by the American minister to England also—

every hindering cause that prevents the free exchange of the products of our labor in all the markets of the world.

We must unfetter every arm and let every muscle strike for the highest remuneration for its toil.

Mr. ROGERS. That is sound. [Applause on the Democratic side.] The gentleman ought to read it every day.

Mr. REED:

We must let wealth, the creation of labor, grow up in all the homes of our people. Then every industry will spring forward at a bound, and wealth, prosperity, and power will bless the land that is dedicated to free men, free labor, and free trade. [Loud applause.]

[Loud applause on the Democratic side.]

Now hear the applause on the Democratic side. I am glad to hear that [renewed laughter and applause on the Democratic side], because it shows that they recognize the courage which their leader had four years ago, and which he seems to be deprived of to-day. That was the speech I expected him to make. Instead of that, however, he treats us to declarations of how brave he is, and then shows how brave he is not. [Laughter on the Republican side.] Why should he not have stood up here to-day and reiterated the sentiments which awakened so much applause on his side of the House on that occasion? Why, it is because of his recent visit to New York. I do not know what he said there, but if I can judge by what other Democratic patriots are now busy saying to the country he went there for the purpose of denying that he is a free-trader. He went over there for the purpose of assuring the Democracy of that region that they need not be troubled with any idea of free trade from him.

Is it not strange what effect climate has upon gentlemen's courage and upon their terms of expression? Under the sweltering sun of New York, surrounded by importers, he recollected that he was in the largest manufacturing city of the United States; not a word of this bold, brave talk with which he says he always treats people was heard on that occasion, I venture to say. And when I challenge him here to repeat it he does not seem to have exhibited that alacrity which would correspond to the proclamation of courage he has been kind enough to make. He therefore imposes upon me the duty of repeating the courage which he exhibited in the long-gone days of four years ago.

Mr. MILLS. I will give my friend the last word. Let us have a vote upon this proposition.

Mr. BURROWS. One moment. I move to strike out the last word.

Mr. MILLS. I insist upon a vote. That is my speech. I suppose the gentleman wants to put in the rest.

Mr. REED. We had better have the whole of it, so that there will be no misunderstanding. I think it will come in well on whisky and sugar.

Mr. BURROWS. I think, with the gentleman from Maine, that it is high time the chairman of the Committee on Ways and Means, as the leader of the Democratic majority, should plant himself and his party on the real ground they occupy. The gentleman from Texas [Mr. MILLS] a few years ago so clearly outlined the policy of his party, and so clearly foreshadowed the bill that he now champions, that I desire to read a few words from a speech delivered by him in this House, showing that it is the purpose of the Democratic party to land this country ultimately upon free trade. The gentleman said:

The committee could have imposed duties at 20 per cent., as a general rule, making a few exceptions above that standard and many below, and raised one hundred millions instead of one hundred and forty-one. The next year the same duties would bring one hundred and twenty millions, because the imports would be largely increased by the low duties.

Just what we have charged will be the effect of this bill if it should become a law.

Our policy should be to take the smallest amount of taxes that we can by customs—

Now mark this language—

and we should gradually decrease the amount until our customs taxes come alone from non-competing articles entering our custom-houses.

There is the distinct declaration of free trade. First, by lowering the duties you will increase the importations, and year after year as the importations increase and the revenues grow, the policy is to strike the duties still lower, until, what? Until the time comes when there shall be no duty levied upon any article that comes in competition with an American product. That is the declaration of the gentleman from Texas, the chairman of the Committee on Ways and Means. It is upon that theory that this bill is framed, and the gentleman himself has confessed that the practical effect of the measure will be, first, to stimulate importations, increase the revenue, and drive the country to free trade.

Mr. REED. The definition shows the gentleman knew what free trade was when he saw it.

Mr. BURROWS. Certainly.

Another thing. Speaking of whisky and tobacco, to which the gentleman has alluded to-day, falsely charging that the Republican party has committed itself to the doctrine of free whisky, the gentleman had something to say. It was this:

We now have over a hundred millions from whisky and tobacco and other internal taxes, but they are on the same principle as the tariff taxes on consumption, and fall on the poor, and should be largely decreased.

[Applause on the Republican side.]

[Here the hammer fell.]

Mr. MILLS. I want to yield two minutes to the gentleman to permit him to continue that reading a little further.

Mr. BURROWS. That covers all you said on this point.

Mr. MILLS. No; there are a few sentences following.

Mr. BURROWS. The balance is in the same line.

The amendment was rejected.

Mr. WARNER and Mr. KELLEY rose.

Mr. WARNER. I wish to offer an amendment, but I will yield to the gentleman from Pennsylvania.

Mr. KELLEY. I was called from the city on Tuesday by a case of extreme illness in my family, and had no idea that the iron schedule would be passed so quickly. I hastened back as soon as I could, and desire either now or at some time when more agreeable to the

committee in the course of the debate to make a statement in connection with one point in this schedule which I alone, as an indifferent witness, am able to make. I shall not call for a vote nor attempt to provoke one. I ask not over ten minutes at the most.

Mr. MILLS. I have no objection.

Mr. KELLEY. Mr. Chairman, I send to the Clerk's desk the speech delivered by my colleague from the Erie district, Mr. WILLIAM L. SCOTT, in this House on the 10th of May last, and ask that the Clerk read the marked passage. I hope that my colleague is in the House.

Mr. MILLS. The gentleman from Erie [Mr. SCOTT] is not present.

Mr. KELLEY. Then I shall be obliged to avail myself of the leave given me, and proceed in his absence. If I make a misstatement he can correct it when he returns. The Clerk will please read.

The Clerk read as follows:

One of the members of the Edgar Thomson Steel Works, Limited, admitted to me within the past month, within 200 feet of where I now stand, that a statement, made by myself in the fall of 1886, was correct, namely, that he drew out of the company as dividends in one year the sum of $1,500,000, the equivalent of $5,000 per day for three hundred days in the year, and this was but one member of the firm, with no statement of profits undivided. No intelligent business man will put the profits of this company at less than $5,000,000 in prosperous years, and we will allow them to employ 7,500 wage-workers.

Mr. KELLEY. Mr. Chairman, I came to Washington a day earlier than I otherwise would have done in order to contradict that statement, and hoping to get here before the question of the rate of duty on rails should be reached. The statement is not only not in accordance with the facts as they occurred in my presence and hearing, but absolutely falsifies them.

The truth is, the object of the interview was to contradict the very statements that my colleague renewed in the paragraph of his speech which I have caused to be read, though there was no allegation on his part in the course of the interview that they were not as false as Mr. Carnegie assured him they were. Thus my colleague represents Mr. Carnegie as affirming what he expressly denied, and to deny which, he, as I have already stated, sought the interview. I was the only official person present at the interview. It occurred in this way: Mr. Carnegie, with Hon. David Dudley Field and Mr. Charles A. Peabody, representing a committee appointed by the mayor of the city of New York, appeared before a subcommittee of the Senate Committee on Foreign Affairs on the 10th day of February last.

These gentlemen came here in the morning and left for New York in the afternoon. Meanwhile Mr. Carnegie had an appointment with me in the room of the Committee on Ways and Means. Observing that Mr. SCOTT and he did not recognize each other, I said to Mr. Carnegie, *sotto voce*, "There is Mr. WILLIAM L. SCOTT." "Indeed," said Mr. Carnegie; "introduce me to him, will you, that I may briefly correct some of his misrepresentations." I hastened to introduce them, and after the formal salutations consequent upon presentation, Mr. Carnegie said to Mr. SCOTT, "You made an address on such an occasion in which you did me the injustice to say that I was a Scotchman who refused American citizenship. My father brought me to this country when I was but a young child. He was naturalized as soon as he could be, and, the child following the citizenship of the father, I was naturalized by his act, and have ever since I came to manhood religiously exercised my political rights."

Mr. SCOTT having expressed regret that he should have misrepresented the facts, Mr. Carnegie proceeded to say, "And you represented me as having taken profits from our rail-mills to the amount of a million and a half dollars in a single year. I have never received any such profit as that from my investments in rail-mills. Most of my money has been made by fortunate investments. Our rail business, including that of all the concerns in which I am interested, has never yielded a million and a half of profits in a year." Mr. Carnegie then spoke of other sources of income, and added: "We make a great variety of work; we own our own ore mines and coal beds, but we have never derived in any year a profit of a million and a half from all our concerns together." He then proceeded to say, as if contrasting his conduct with that of a man who manages more miles of railroad than any other American citizen ever had done, and publishes himself as having been largely interested in the manufacture of iron and the mining of coal, but of whose liberal gifts he had not heard, "You should have remembered when thus exaggerating my profits to state that I gave in one year for the benefit of the people of Pittsburgh, the city in which I grew up, half a million dollars, and to its little sister of Allegheny nearly $300,000; and I reiterate the assertion that our concerns never made a million and a half on rails in any year, and that if we had done so it would have been less than 7 per cent. on the capital invested by the firms of which I am a member."

Mr. MILLS. I hope we shall now have a vote.

Mr. WARNER. I wish to offer an amendment to line 288.

The amendment was read, as follows:

Strike out "three-fourths of 1 cent per pound," in lines 288 and 289, and insert in lieu thereof "one and a half cents per pound."

Mr. WARNER. Mr. Chairman, the effect of this amendment, if adopted, would be to leave the present duty upon this article. I am not here, sir, to say that lead is entitled to protection over and above all other articles, but I am here to say a word for this lead industry, because it is one of the important industries of my State and of the Western Territories, and because, also, I was somewhat at a loss to understand, when my colleague from Missouri [Mr. STONE] was making his able argument upon this question a while ago, whether or not he tended to free trade or to protection. I recognize fully the great injustice done to the lead miners of Missouri and of the Territories by the unjust ruling of the Treasury Department.

But, sir, I think it will not remedy that injustice, but will only impose additional burdens upon them, burdens too grievous to be borne, should the proposition contained in this bill be carried out, striking off one-half of the existing duty upon lead ore. It is a fact well known to every man who is familiar with lead mines—and I happen to have been reared in their midst, in the State of Wisconsin; it is, I say, a fact well known to every man familiar with the lead-mining business that there are no men anywhere who work harder than these miners; there are no men who earn every cent they receive better than do those men who go down into the bowels of the earth and bring up the lead ore to the surface and to the market. And taking the position cited by the gentleman from Michigan [Mr. BURROWS], as taken by the distinguished chairman of the Committee on Ways and Means only a few years since, namely, that to decrease the duty is to increase the importation, this change simply means that while this purports to be a bill to reduce the surplus, it is, in fact, in this respect, a bill to increase the revenue. Upon the articles mentioned the duties collected in the last year for which we have figures amounted to only $12,000.

The estimate given by the Committee on Ways and Means of the effect of the passage of this part of their bill is that if it becomes law it will decrease the revenue by the almost infinitesimal amount of $6,000; and I submit to every gentleman upon the other side of the House that should they reduce this duty three-fourths of a cent per pound they will throw down the barrier now set up against the importation of Spanish lead into this country; they will break down a great leading industry of Missouri; they will cripple the mines of Missouri and Kansas; they will close many of the silver mines of New Mexico and of the other Territories, and they will do all this for what purpose? Simply for the purpose of giving free entrance to a foreign material. Now, let me say to my Democratic friends from Missouri that I stand here as the distinguished Senator from their State stood in 1884, when he said that he was not here to help Massachusetts, Connecticut, or Pennsylvania, but that there was an infant industry in his State—the lead industry and zinc industry—and that if in the line of a tariff for revenue he could protect those interests he proposed to do so.

In the district represented by my colleague [Mr. STONE] there are cities whose prosperity, whose existence almost, depends upon this industry. Strike it down and you strike them down. Not one pound of this article is produced in my district; but, sir, the prosperity of every other district in that great State is inseparably interwoven with the prosperity of the great commercial city which I in part represent upon this floor, and our people simply demand fair treatment. Why strike down this industry when, even by your own figures, you save only $6,000? Why do it? Let me say further, that if you close the lead mines of the West and admit your foreign ore free of duty you will transfer the lead-pipe manufacture, the sheet-lead manufacture, the white-lead manufacture, the shot manufacture, all from the Mississippi Valley to the Atlantic seaboard, and I do trust that gentlemen representing this Western country will stand up here for its interests. While other industries are being protected why should we not stand up for the laboring man of Southwestern Missouri? Why should we not demand that the laborer there shall be protected, and that his industry shall not be stricken down?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. If I can be recognized, I will yield to the gentleman to complete his remarks.

Mr. WARNER. I do not care to take further time of the committee, but I wish to have read for the information of members a letter addressed to me in regard to this lead industry.

Mr. MILLS. Let it be printed in the RECORD, and let us go on.

Mr. WARNER. Well, Mr. Chairman, my objection to that is that I am simple enough, coming as I do from a rural community, to believe that evidence will change even the prejudices of some members of this body, and I wish to have the letter read for the sake of the information it conveys, and not merely for the purpose of getting it into the RECORD.

The letter was read, as follows:

KANSAS CITY, MO., *February* 4, 1888.

DEAR SIR: I sent you by mail yesterday a chart showing the price of pig-lead in England for the last century, and also prices for American pig. The tariff on lead, as you know, is 2 cents.

My observations during the time that I have been engaged in the lead business have convinced me that a protection is an absolute necessity. The price of pig-lead in the United States is not at the present time governed entirely by the European price, nor has that been the case, as a rule, since the United States produced about as much as our home consumption. Foreign lead, duty paid, can not as a rule be laid down in New York within ¼ a cent per pound of the domestic article. The statements which I have sent you show that the lead imported in pig into the United States during the years 1884, 1885, 1886, and 1887, is a very small proportion of the total consumption, and hence it is clear that the price of pig-lead is at least influenced by the relation between demand and supply at home. You will also have noticed a very decided decline in the price of lead since 1877, which decline has been of course in proportion to the decline of the world's price of pig-lead.

So far as manufacturers are concerned who use lead, they will not be affected of course by any reduction in the present duty, and the sufferers will be the men who dig the lead out of the ground, and I think I am stating the exact truth when I say that the Western States and Territories can not produce lead profitably at prices very much below those ruling at the present time. The only advantage to be gained by a reduction in the tariff on lead, in my opinion, would be in removing the lead-manufacturing establishments, which at the present time are located almost entirely in the West, to the East. At the present time the entire supply of lead consumed in the United States is produced in the State of Missouri and west of the Missouri River, and the manufacturers of the various products of lead, such as white lead, lead pipe, shot, etc., must buy their lead paying, for instance, the St. Louis price plus freight to New York. The consequence is that the Western users of lead are enabled, after supplying at profitable rates their home market, to dump their surplus goods in the East. A reduction of the tariff would probably change this in such a way as to give the Eastern users of lead the advantage which the Western users have now; that is to say, the imported foreign lead would fix the Eastern price and the price in the West would probably be New York plus the freight to St. Louis. The largest lead users, *i. e.*, manufacturers of white lead, lead pipe, and shot, are located at St. Louis, Cincinnati, and Chicago.

The mining of lead gives employment to a great many people, and I wish to say in this connection that a very large percentage of ores mined are only profitable on account of their contents of both lead and silver at the same time. If either the silver or the lead was to be made unprofitable the ores could not be mined, so that a reduction in the duty on lead might possibly have a much more serious effect than merely a reduction in the production of lead ores.

There is one more feature which I think it would be well to mention, and that is, that the Spanish lead mines, which are the most extensive in the world, can be worked very cheaply on account of cheap labor and large bodies of ore, and in addition to this these mines are located so close to the coast that the cost of transportation to the United States would be a trifle as compared to the transportation charges which lead in our country pays from the Rocky Mountains to the Atlantic coast. This business of mining ores and carrying them has, within the last few years, assumed very large proportions, and is the basis of the prosperity of Colorado, New Mexico, Utah, and Idaho, and any change in the tariff affecting this industry, it seems to me, should be avoided.

I ask that the matter of the linseed-oil trust, and what I have said with reference to the Collier White Lead Company, of St. Louis, be considered confidential.

Yours, very truly,

A. R. MEYER, *President.*

Hon. WILLIAM WARNER,
Washington, D. C.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. WARNER].

The question was taken; and the Chairman declared that the ayes seemed to have it.

The committee divided; and there were—ayes 67, noes 64. [Applause on the Republican side and laughter.]

Mr. MILLS. Let us have tellers.

Mr. REED. Oh, do not delay the passage of the bill. [Laughter.]

Tellers were ordered; and the Chairman appointed Mr. MILLS and Mr. WARNER to act as tellers.

The committee again divided; and there were—ayes 78, noes 81.

So the amendment was rejected.

The Clerk read as follows:

Lead, in pigs and bars, molten and old refuse lead run into blocks, and bars and old scrap lead, fit only to be remanufactured, 1½ cents per pound. Lead in sheet, pipes, or shot, 2½ cents per pound.

Mr. PERKINS. I move to amend by striking out, in line 292, the words "one and one-quarter cent" and inserting "2 cents;" so as to leave the duty on lead in pigs and bars, etc., as it now is—2 cents per pound.

The amendment was rejected.

Mr. PERKINS. I move to amend by striking out, in line 293, "two and one-quarter" and inserting "three;" so as to make the duty on lead in sheets, pipes, or shot 3 cents per pound.

The amendment was rejected.

The Clerk read as follows:

Zinc, spelter, or tutenegue, in blocks or pigs, and old worn-out zinc, fit only to be remanufactured, 1½ cents per pound; zinc, spelter, or tutepegue in sheets, 2 cents per pound.

Mr. WARNER. I move to amend by striking out, in lines 301 and 302, the words "one and one-quarter" and inserting "one and one-half;" so as to make the duty 1½ cents per pound on zinc, spelter, or tutenegue in blocks or pigs, etc. Mr. Chairman, I certainly do not wish to enter into an argument on this question. I apprehend that the chairman of the Committee on Ways and Means will accept this amendment.

Mr. MILLS. No, sir.

Mr. WARNER. The reduction proposed in the bill makes so small a decrease in the revenue as hardly to be perceptible; indeed, it will virtually make an increase; but according to the estimate of the committee there will be collected under the rate of duty proposed by them $92,906.13, while at present the amount of annual revenue is $111,000. This is an industry which has just sprung up within the last ten or eleven years. It is now prospering. Men have expended fortunes in the purchase of machinery and mechanical appliances for the development of this industry. It does seem to me, therefore, that in common fairness the duty should not be reduced as here proposed. It is not in fact a reduction of the revenue; it is simply striking down an industry. It is perhaps unfortunate for my State that we are too reliable on one side politically. If Missouri were among the doubtful States her industries would not thus be trampled under foot in this House, presumably the house of her friends.

Mr. PERKINS. I move to amend the amendment by striking out the last word. I desire to ask the chairman of the Committee on Ways and Means what is the object of the reduction here proposed.

Mr. MILLS. Just a reduction of the surplus.

Mr. PERKINS. It seems to me, as suggested by the gentleman from Missouri [Mr. WARNER], that the only effect must be to encourage importation. The revenue derived under existing law is $111,000 a year. The estimate of the committee is that if the duty proposed in this bill should be adopted the revenue would be $92,906. That estimate does not take into consideration, however, the increase of importations; that is ignored entirely in the computation. The object, therefore, of making this reduction, it seems to me, must be to encourage importation.

In my own State there are more than 9,000 tons of spelter manufactured each year. This is with us a recent industry. Capital has gone into my State from the East and has constructed extensive zinc works, in which many operatives are being employed at good wages. They are engaged in reducing this ore and manufacturing it into spelter. In this way employment is given to thousands of men.

It is not even suggested by the chairman of the Committee on Ways and Means that the present duty is too high, or that the manufacturers are making too much upon the capital invested, or that the laborers are receiving too high wages, too much compensation for their toil. The only reason suggested for the reduction is that we may reduce the revenue. In other words, the position of the chairman of the Committee on Ways and Means appears to be that this industry should be prostrated, if by prostrating it the revenue can be reduced. That is the logic of the gentleman's position, and against such a position I protest.

This bill should be entitled an "An act to encourage foreign importations and to pauperize American labor." There is no demand anywhere for the reduction proposed in this paragraph of the bill, and in the name of the new enterprises now building in my State, as well as in the name of the old ones engaged in manufacturing zinc spelter, and in the name of the laboring men they give employment to, I ask that this reduction shall not occur. I withdraw the verbal amendment and hope that the amendment of the gentleman from Missouri [Mr. WARNER] will prevail.

The question being taken on the amendment of Mr. WARNER, it was rejected; there being—ayes 68, noes 73.

Mr. WARNER. I move to amend by inserting after the word "two," in line 303, the words "and one-half;" so as to make the duty 2½ cents per pound on zinc, spelter, or tutenegue in sheets.

The amendment was rejected.

The Clerk read as follows:

Needles for knitting and sewing machines, 20 per cent. ad valorem.

Mr. FARQUHAR. I move to amend the paragraph just read by striking out "twenty" and inserting "thirty-five;" so as to make the duty 35 per cent. ad valorem. I present to the committee the arguments of a well-known New England Democrat, who, so far as I am concerned, will do all the talking for this amendment.

The Clerk read as follows:

WASHINGTON, *March 22.*

George H. Bleloch, of Springfield, Mass., well known as one of the most prominent Democrats in the State, has written a letter to Chairman MILLS, giving that worthy some information on the subject of the tariff on needles, which the committee does not seem to have had in its possession in preparing the tariff bill. He says:

"I beg leave to communicate some of the reasons why the duty on sewing-machine needles should not be reduced from the present one of 35 per cent. to 20 per cent. ad valorem, as proposed in your bill, while it leaves the duty on steel wire, the needle-makers' raw material, at the present rate.

"Fifteen years ago the average wholesale price of machine needles was $45 a thousand and the retail price was from 10 cents to 15 cents each. To-day, the wholesale price of the same kind of needles, but greatly improved in quality, averages $10 a thousand, and the retail price is from 1 to 3 cents each. This great reduction in the price of American-made machine needles has been brought about by the invention and application of automatic machinery.

"A finished machine needle, when ready for the market, represents in its cost 80 per cent. in skilled labor and 20 per cent. in materials and supplies. By unfair means, such as undervaluation, some machine needles are at the present time imported to this country from Germany and England, and unless the present duty on machine needles is maintained, or our raw materials are allowed to enter on a large reduction from present duties, German and English needle-makers will capture the American market and cripple American needle manufacturers to such an extent that they will be compelled to retire from the field.

"There are thirteen manufacturers of machine needles in the country, with about $800,000 invested capital, employing about 1,500 operatives, and the earnings will not exceed 7 per cent. on the investment. A reduction of the duty to the extent proposed will be a serious blow to the manufacturers and operatives who are engaged in the industry, and the duties realized from importation of foreign machine needles, which will follow the reduction, will aggravate the present congested condition of the Treasury by increasing the surplus, while the users of machine needles will receive no benefit whatever in the way of lower retail prices."

The question being taken on the amendment of Mr. FARQUHAR, it was rejected, there being—ayes 53, noes 70.

The Clerk read as follows:

Pen-knives, pocket-knives of all kinds, and razors, 35 per cent. ad valorem.

Mr. MILLS. I move to strike out the lines just read.

The amendment was agreed to.

The Clerk read as follows:

Pens, metallic, 35 per cent. ad valorem.

Mr. ADAMS. I move to amend the line just read by striking out "35 per cent. ad valorem" and inserting "10 cents per gross." The

duty under the existing law is 12 cents per gross. The committee seem to think it necessary to make a reduction. I do not know why it is necessary, but I suppose a reduction will be insisted upon. If a reduction is to be made, it is more scientific tariff reform to substitute a lower specific duty rather than resort to the vicious and infamous ad valorem system without the slightest necessity therefor. I find the committee has estimated that the existing duty of 12 cents per gross is equivalent to 43.1 per cent. The committee want a 35 per cent. duty, which will be found to be about 9.8 cents per gross. The amendment which I have proposed accedes to the demand of the committee that there should be a reduction, but simply puts it in the form of a lower specific duty.

Mr. BURROWS. Mr. Chairman, the pending paragraph of this bill, if it should prevail, will simply destroy this industry. There are in the United States only three establishments making metallic pens, and there are not over a dozen such establishments in the world. The cost of making these pens in Birmingham is only 8 cents per gross, that being the aggregate of the material and labor.

It costs in the United States to make the same pen, by reason of the increased cost of labor, 20 cents a gross. By taking off the duty of 12 cents a gross upon the foreign pen the foreign pen comes into this country on an exact level with the domestic product. If we take the duty off, of 12 cents a gross, the foreign producer of the pen can put the product in this market at so low a figure, as it costs 20 cents here to produce it, as actually to destroy this industry.

Then the proposed duty of 35 per cent. is a little over 2.8, making under this bill the cost of the pen to the foreigner in this market only 10.8 cents.

Mr. ADAMS. Let me suggest that the duty of 35 per cent. ad valorem, because of the inevitable undervaluations which occur, will be equal to a duty, say, of 7 or 8 cents per gross.

Mr. BURROWS. Yes, but it is proposed to admit the foreign pen, which can be put in this market at 10 cents a gross, when it can not be produced in this country at less than 20 cents a gross, and are sold at 25 cents a gross, being a margin of 5 cents. It simply closes the industry.

I desire to have the Clerk read a communication I received from gentlemen familiar with this matter, and I hope the majority will listen to it, because it contains some information on the subject.

The Clerk read as follows:

CAMDEN, N. J., *February* 15, 1888.

ESTEEMED FRIEND: Replying to thy inquiry of the 10th instant, the manufacture of metallic pens in this country was started in 1853, at which time there was no protective duty. This effort was unsuccessful. Between the years 1853 and 1860 several attempts were made to establish this trade, but all were abandoned, it being impossible to compete with the cheap labor of Europe, without a duty to equalize the difference in wages.

The average price in 1860 to 1870, to the dealer, of pens known in the trade as "imprint pens," that is, pens with stationer's or dealer's names, as, for instance, "Eaton and Lyon's Owl Falcon," or "Richmond, Backus & Co.'s Falcon," was about 40 cents per gross; the price for same goods now would not average more than 25 cents per gross, showing that through the instrumentality of American manufacturers the price has been reduced on an average at least 30 per cent.

The wages paid our operatives here are from 100 to 150 per cent. higher than are paid for the same work in Birmingham, England.

Labor constitutes fully three-fifths of the cost of producing the pens.

It is a noticeable fact that upon every occasion when the subject of reducing the duty on pens has arisen the demand for it has come not from consumers, but from foreign manufacturers represented by their agents in this country. This is the whole secret of it, however presented.

For some time previous to 1883 the duty on metallic pens was 25 per cent. ad valorem and 10 cents per gross specific.

When the change was made in 1883 we urged that a specific duty should be retained, and it was fixed at 12 cents per gross specific, and the ad valorem portion removed. This change caused a reduction of duty of about 31 per cent. at that time.

What we need and earnestly urge is that the duty shall be continued specific (for obvious reasons), and at the same rate, namely, 12 cents per gross.

The pen trade is peculiar and may be classed under two heads, namely, pens bearing the name of the manufacturer, and those having the imprint of the dealer stamped upon them.

The cost of the average styles of pens does not vary more than about 10 cents per gross, while the selling price may differ 50 cents or more per gross. This is governed by the degree of popularity they may have attained through advertising or other means. Some foreign makers and their agents in this country have for years held the market of high-priced goods, and have succeeded in obtaining the trade of the schools through various means, at prices twice as high as the American-made pens, of equal quality, could be supplied at, the manufacturers here in the mean time having to struggle along with the lower priced "imprint" trade while making a name for their own stamp goods.

Now, the foreign interests having, as they think, the most profitable part of the trade of the country, they are endeavoring to get the duty removed, or reduced, hoping then to carry off the "imprint" trade, and thus destroy our industry here, when they could control the market and obtain their own prices.

The foreign interests argue that it is unfair to have a specific duty, so that "low-priced" pens shall pay the same duty as "high-priced."

This is a delusion, as shown by our statement as to the cost of the pens. We are quite satisfied to take all the risk of lack of proportionate duty on "high-priced" pens.

There are several metallic pen manufacturers in this country, and, as we have shown, they have been instrumental in reducing the cost of pens to the consumer at least 30 per cent. And while we are inconspicuous, we are, nevertheless, an important branch of American industry, and do not want that our protection shall be regulated by those whose interests are entirely on the other side of the ocean, and the country can not afford to turn us over to their tender mercies.

Very respectfully,

ESTERBROOK STEEL PEN MANUFACTURING CO.,
ALEX. C. WOOD, *Treasurer*.

Hon. J. C. BURROWS,
House of Representatives, Washington, D. C.

[Here the hammer fell.]

The question recurred on Mr. ADAMS'S amendment, and it was rejected.

Mr. BURROWS. I move to strike out the paragraph, and ask attention to the following statement:

STEEL PENS.

In considering the question of the duty on steel pens particular attention is called to the fact that no demand for a reduction of duty on these goods comes from consumers, and if there is any such demand it emanates from the agents of foreign manufacturers, and also that the bulk of the business of both foreign and American manufacturers is with large jobbing houses; thus makers in either case have nothing to do with the prices paid by the consumer. Large users of pens have no difficulty in making purchases at a very low price, while parties who buy a dozen pens at a time must pay not only for the pens, but also for the time consumed in making the sale, as differently estimated by each retailer throughout the country. While the protection of 12 cents per gross is of the greatest importance to American manufacturers, its entire removal would probably make no difference whatever in the prices charged by the thousands of retailers who deal them out in 5 and 10 cent quantities. There are a few numbers of widely-advertised pens which, as the result of such notoriety, command and must sell for a high price to cover the cost of such advertising, but the great volume of business in pens is based upon the figures given in the accompanying statement.

Steel-pen manufacturing is a comparatively small industry in this country.

Nine-tenths of the labor is performed by girls and women.

It is a light, pleasant employment, and while the total average wages of females is $4.50 per week, many, expert in the business, earn much more, and the slower and less experienced ones earn correspondingly less.

This statement is carefully compiled from the results of all the American makers, and they earnestly request that some method will be found of reducing the revenue in some other way than by insisting upon a reduction of 60 per cent. in the wages of industrious girls who are employed in this clean and healthful occupation, and that the duty on steel and metallic pens be continued at 12 cents per gross, specific.

Respectfully,

THE ESTERBROOK STEEL PEN COMPANY, *Camden, N. J.*
MILLER BROS., *Meriden, Conn.*
TURNER & HARRISON, *Philadelphia, Pa.*

The average cost of pens in Europe is 8 cents per gross, of which—

		Cents.
Labor is	per gross...	5
Material is	do.....	2
Incidental expenses	do.....	1
Total		8

Nine-tenths of the labor is done by females at an average of $1.75 per week; one-tenth by males at an average of $8 per week.

The average cost of American pens is 20 cents per gross, of which—

		Cents.
Labor is	per gross...	15
Material is	do.....	03
Incidental expenses	do.....	02
Total cost		20

There are 500 persons employed by the three American steel-pen manufacturers—

450 of whom are females at an average of	per week...	$4.50
50 of whom are males at an average of	do.....	15.00

The average price at which the great bulk of pens is sold to the jobbing trade is 25 cents per gross.

This allows the manufacturer a margin of 5 cents a gross for advertising, selling expenses, and profit.

Present duty and effect of proposed change:

		Cents.
Average cost of pens in Europe	per gross...	8
Present duty, specific	do.....	12
Present cost laid down here	do.....	20

They can now be sold in fair competition with American pens at 25 cents per gross.

		Cents.
Average cost of pens in Europe	per gross...	8.0
The proposed duty of 25 per cent. ad valorem added	do.....	2.8
Making cost laid down here	do.....	10.8
The present duty is specific	do.....	12.0
The proposed duty of 35 per cent. ad valorem amounts to	do.....	2.8
Making a reduction of 76⅔ per cent. from present duty	do.....	9.2

To meet the reduction proposed, besides sacrificing the manufacturers' margin of 5 cents a gross, as shown above, it would be necessary for American makers to reduce female wages 60 per cent. per week, from $4.50 to $1.80; male wages 60 per cent. per week, from $15 to $6.

In connection with that I desire to state the difference of wages here and in Birmingham, England:

Occupation.	Prices paid in Birmingham.	Prices paid in Camden, N. J.
Cutting	$0.20	$0.50
Piercing	.32	$0.95 to 1.00
Marking	.30	.75 to .90
Raising	.53	1.20 to 1.40
S. grinding	.40	.95 to 1.00
Cross grinding	$0.80 to 1.00	2.00 to 2.50
Slitting	.35	.95 to 1.10
Examining	.48	.85 to 1.00

It will be readily observed that a reduction from 12 cents a gross to 2 cents a gross will utterly destroy this industry, in view of the difference of wages between the two countries.

The committee divided; and there were—ayes 67, noes 72.

So the amendment was disagreed to.

The Clerk read as follows:

Type metal, 15 per cent. ad valorem.

Mr. MILLS. I offer the following amendment, to come in after line 311.

The Clerk read as follows:

After line 311, insert:
"New type for printing, 15 per cent. ad valorem."

Mr. FARQUHAR. I move to amend by making it 20 per cent. ad valorem.

Mr. Chairman, I wish to be heard for a moment on the amendment.

Whether the provision inserted here by the committee is to be adopted as a part of the law, or whether some other provision shall be incorporated in relation to this subject, there is one thing certain, that the United States stands confessedly at the head of the type founders of the world.

This pre-eminence, Mr. Chairman, has been reached, to my own personal knowledge, at a very large expense of time and money on the part of the manufacturers of this country who are engaged in this industry. Our foundries are equipped with the very finest machines and materials of all kinds and the best and most expert workmen to be found anywhere in the world. I simply submit, therefore, as a part of a patriotic sentiment which I should hope would prevail in the Congress of the United States, that the committee will take into consideration this condition of things, and, with some degree of pride in this manufacture, endeavor by suitable legislation to keep it upon its present prosperous basis, and not by a provision upon a tariff bill jeopardize if not entirely destroy it.

The amendment to the amendment was rejected.

The question recurring upon the amendment of Mr. MILLS, it was adopted.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, a message from the President, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries.

The message also announced the approval of House bills of the following titles:

An act (H. R. 10267) granting a pension to William P. Gordon;
An act (H. R. 8694) granting a pension to Isabella F. Dyke;
An act (H. R. 2690) granting a pension to Augustus Axmacher;
An act (H. R. 4100) granting a pension to Martha B. Perry;
An act (H. R. 5759) granting a pension to John H. Rountree.
An act (H. R. 215) granting a pension to James McCaffrey;
An act (H. R. 618) granting a pension to James W. Harriman;
An act (H. R. 891) granting a pension to Eliza Ann Shaver;
An act (H. R. 2475) granting a pension to Adelaide L. Jessup;
An act (H. R. 2529) granting a pension to Mary Monti;
An act (H. R. 2234) granting a pension to Henry P. Alexander;
An act (H. R. 2116) granting a pension to Johanna Eckhardt;
An act (H. R. 1069) granting a pension to Robert McClean;
An act (H. R. 962) granting a pension to Robert Lisle;
An act (H. R. 6761) for the relief of James H. Orr;
An act (H. R. 6976) for the relief of Anna M. Thiele;
An act (H. R. 9127) for the relief of Chloe Fraily;
An act (H. R. 927) for the relief of Friedericke Raff;
An act (H. R. 722) for the relief of Marquis D. Davis;
An act (H. R. 2478) for the relief of Samuel E. Wyman;
An act (H. R. 6907) granting an increase of pension to Elias Shafer;
An act (H. R. 6070) granting an increase of pension to Thomas Benson;
An act (H. R. 9877) granting an increase of pension to Mary L. Cleveland;
An act (H. R. 8762) granting an increase of pension to Charles H. Ordway;
An act (H. R. 8673) to increase the pension of John R. Stiles;
An act (H. R. 8607) to increase the pension of Lucius B. Varney;
An act (H. R. 4743) granting a pension to Ada Piatt, Leota Piatt, and Jessie Piatt; and
An act (H. R. 4653) granting a pension to Joanna Barry.

THE TARIFF.

The Committee of the Whole resumed its session.

The Clerk read as follows:

Manufactures, articles, or wares, not specially enumerated or provided for, composed wholly or in part of copper, 35 per cent. ad valorem; manufactures, articles, or wares not specially enumerated or provided for, composed of iron, steel, lead, nickel, pewter, tin, zinc, gold, silver, platinum, or any other metal, or of which any of the foregoing metals may be the component material of chief value, and whether partly or wholly manufactured, 40 per cent. ad valorem.

Mr. BUCHANAN. I move to strike out the last word, and I do this for the purpose of calling the attention of the committee to what I conceive must be the necessary effect of this provision if it be adopted; and I would like to have the attention of the gentleman in charge of this bill particularly for a few moments, while I state what I believe will be its effect, an effect which I do not believe the committee intend or expect it to have.

This clause says that all manufactures, articles, or wares, not specially enumerated or provided for, composed of iron, steel, etc., shall pay a duty of 40 per cent. ad valorem. "Not specially enumerated or provided for," are the words to which I wish to call attention. These words, of course, refer to the bill under consideration—not specially enumerated or provided for in this bill. That is to say, that manufactured articles not specially enumerated or provided for in this bill are to pay 40 per cent. ad valorem. As the bill now stands I have no doubt that would be the construction placed upon it by any court. Now, it is true that these words are taken largely from the old law; but, as I remarked the other day, the schedules of the old law are much fuller than are the schedules in this bill. For instance, in the schedules of the old law provision is made for "cast-iron vessels, plates, stove-plates, andirons, sad-irons, tailors' irons, hatters' irons," etc., all of which are specially enumerated and at particular rates, whereas in the schedules of the present bill these are not specifically named.

I find, further, that circular-saws are enumerated in the schedules of the old law and not in the present.

I find, further, that wood-screws are enumerated; and in connection with that I desire the attention of the gentleman from Connecticut, who is interested in this article. I find that wood-screws, I repeat, are enumerated in the schedules of the old law, whereas in the present bill as it stands after the adoption of his amendment wood-screws are not enumerated, and the result is that these words "not specially enumerated or provided for" would include these articles in the general provision at 40 per cent. ad valorem. True we have been told that the committee propose to add a proviso or limitation to their bill. I have considered the words of the provision as they have been printed in the RECORD very carefully, and it does seem to me that the words are not sufficient to cover the contingency that I have spoken of, and that the words here in this provision would necessarily put these articles of which I have spoken, notwithstanding the qualifying clause, on the dutiable list at the rate of 40 per cent. ad valorem, instead of at the old rates under the old law. I call attention to it in the hope that the committee will be enabled in some way to draught some provision which will prevent the consequences of which I have spoken, especially if they desire to protect the wood-screws of Connecticut.

I withdraw the *pro forma* amendment.

The Clerk read as follows:

All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic test as follows, namely:

Mr. CANNON addressed the Chair.

Mr. WEBER. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WEBER. I desire to submit an amendment to the sugar schedule in the nature of a reclassification of the schedule, and wish to ask the Chair if it would be in order to offer it here or after the conclusion of the reading of the lines from 329 to 340, inclusive?

Mr. CANNON. I rose for the same purpose; and for the further purpose of stating that it would be manifestly proper, either by a ruling of the Chair, in my opinion, or by unanimous consent, that all of these provisions from line 329 to 361, inclusive, should be considered together, because they are necessarily interwoven one with the other, and I think perhaps treated as a single paragraph all could be discussed together, and the amendments which are to be offered can be presented to any part of the provision.

Mr. MILLS. I have no objection to that.

The CHAIRMAN. If there be no objection——

Mr. BAYNE. Well, if that be read in that way, of course we can recur to the paragraphs for amendment?

The CHAIRMAN. Of course.

Mr. WEBER. Will the Chair indicate what time it will be proper for me to offer the amendment I have suggested?

The CHAIRMAN. When the paragraph is read the Chair will recognize gentlemen to offer amendments in proper order. The Clerk will read the paragraphs referred to.

The Clerk read as follows:

All sugars not above No. 13 Dutch standard in color shall pay duty on their polariscopic test as follows, namely:

All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, shall pay a duty of 1.15 cents per pound, and for every additional degree or fraction of a degree shown by the polariscopic test they shall pay thirty-two thousandths of a cent per pound additional.

All sugars above No. 13 Dutch standard in color shall be classified by the Dutch standard of color, and pay duty as follows, namely:

All sugars above No. 13 and not above No. 16 Dutch standard, 2.20 cents per pound.

All sugar above No. 16 and not above No. 20 Dutch standard, 2.40 cents per pound.

All sugars above No. 20 Dutch standard, 2.80 cents per pound.

Molasses testing not above fifty-six degrees by the polariscope, shall pay a duty of 4 cents per gallon; molasses testing above fifty-six degrees shall pay a duty of 6 cents per gallon: *Provided*, That if an export duty shall hereafter be laid upon sugar or molasses by any country from whence the same may be imported, such sugar or molasses so imported shall be subject to duty as provided by law at the date of the passage of this act.

Sugar candy, not colored, 5 cents per pound.

All other confectionery, 40 per cent. ad valorem.

Mr. CANNON. I desire to offer an amendment, which I send to the desk.

The Clerk read as follows:

Strike out lines 329 to 361, inclusive, of section 2 and insert as follows:

"All sugars not above No. 16 Dutch standard in color, all tank bottoms, sirups of cane juice or beet juice, melada, concentrated melada, concrete and concentrated molasses, and all molasses testing not above fifty-six degrees by the polariscope, not otherwise specially enumerated or provided for in the act shall be exempt from duty: *Provided*, That if an export duty shall hereafter be laid upon sugar or molasses by any country from whence the same may be imported, such sugar or molasses so imported shall be subject to duty at the rates provided by law at the date of the passage of this act."

All sugars above No. 16 Dutch standard in color, three-tenths of 1 cent per pound. Molasses, testing above fifty-six degrees by the polariscope, 1½ cents per gallon.

Maple sugar, 2 cents per pound of crystallizable sugar contained therein as ascertained by polariscope.

Maple sirup or molasses, 4 cents per gallon.

Glucose or grape sugar, 1 cent per pound. Sugar candy, not colored, 5 cents per pound; all other confectionery, not specially enumerated or provided for, made wholly or in part of sugar, and on sugars after being refined when tinctured, colored, or in any other way adulterated, and on all chocolate confectionery, 10 cents per pound: *Provided*, That if an export duty shall hereafter be laid upon sugar or molasses by any country from whence the same may be imported, such sugar or molasses so imported shall be subject to duty as provided by law at the date of the passage of this act: *Provided further*, That for the encouragement of the production of sugar and molasses there shall be paid a bounty to the producers thereof in the United States, when made from beets, sorghum, imphee, or other sugar-cane raised in the United States, as follows:

On sugar, 2 cents per each pound of crystallizable sugar contained therein as ascertained by the polariscope.

On molasses, testing above fifty-six degrees by the polariscope, 6 cents per gallon; testing not above fifty-six degrees by the polariscope, 4 cents per gallon.

And the bounties provided for in this act shall be paid out of any moneys in the Treasury not otherwise appropriated, under such regulations as the Secretary of the Treasury shall prescribe.

Mr. CANNON. Mr. Chairman, it is impossible in five minutes to state the different propositions in connection with levying a duty upon sugar. I do not know whether the request would be received with favor by the House that a little more than five minutes be granted.

Mr. MILLS. This is a very important matter, and I have no objection to the extension. I would suggest that on this sugar schedule the debate be closed at 1 o'clock to-morrow.

Mr. CANNON. I do not think that would be just to the House. For instance, I can not myself begin to state the different propositions touching this matter, dealing in facts all the while, in less than thirty minutes. A number of gentlemen on this side of the House I know are desirous of offering amendments and of being heard touching the matter. However, I will state there is no disposition to do anything else than talk to the merits of the question. I would rather not have the time limited just now. We will hurry along as fast as possible.

Mr. MILLS. Will the gentleman suggest a time he will be willing to agree to.

Mr. CANNON. I hope the debate will be allowed to run along to-day without limit. I should be glad to have thirty minutes.

Mr. MILLS. My friend very well knows the difficulty of allowing a debate to run along. I have no desire to cut off the debate. I am willing to be liberal; but I think there ought to be a limit fixed and that it ought to be fixed now.

Mr. KELLEY. I was about to suggest that inasmuch as we run from line 329 to line 351, a good deal of time would be consumed if each paragraph were discussed. I do not want to speak at all that I know of. I am not therefore pleading for time for myself. But this is a very complicated question, coming up as it does now, and it would be very hard to say in advance how much time will be required.

Mr. BAYNE. I think if the gentleman from Texas will consent that the debate run along it will not occupy so much time as he imagines. The gentleman from Illinois [Mr. CANNON] will explain fully the position of our friends on this side of the House, and then there will be some short speeches from others. I think the debate will not be so long as the gentleman anticipates.

Mr. MILLS. Some of our friends want to be absent attending to business elsewhere. It is hard to keep Representatives here all the time. I suggest that we agree not to vote on the matter this evening, but go on with the debate until the time of adjournment and take it up to-morrow.

Mr. CANNON. That is all right.

The CHAIRMAN. In view of the statement of the gentleman from Texas [Mr. MILLS], if there be no objection, the Chair will recognize the gentleman from Illinois [Mr. CANNON] for thirty minutes.

Mr. MILLS. I suggest that gentlemen control their own time on the other side of the House, without reference to the five-minute rule. If they wish to take that course I have no objection.

The CHAIRMAN. The Chair hears no objection.

Mr. CANNON. Mr. Chairman, even in thirty minutes I can not hope to do more than present in the briefest manner a small number of facts touching the production of sugar, its importation, refining, and consumption in connection with the present law, the amendment proposed in the Mills bill, and the amendment which I have submitted. Without further introduction I will say that there are two ways or tests fixed by law and by the Mills bill in levying and collecting the tariff upon sugar imported into the United States. One is by the Dutch standard and the other by the polariscope. The Dutch standard is a color test alone, and pays no attention to the amount of saccharine matter on the one hand or adulteration on the other hand in the sugar, while the polariscope pays no attention to the color of the sugar, but ascertains the amount of saccharine matter contained in the sugar imported.

I hold in my hand four small glass bottles filled with sugar of different colors prepared in Holland, and hence called the Dutch standard. The bottle containing the darkest colored sugar is labeled No. 13; the next is labeled No. 16; the next No. 18; the next No. 20. The law prior to 1883 provided that sugar of the color of No. 13 Dutch standard and below should pay a certain duty above No. 13, and below 16 a higher duty. That above No. 16 and below No. 20 a still higher duty, and that above No. 20 a still higher duty. The sugar when imported was to be compared in color with that contained in the bottles, and a duty levied upon it according to its color as tested by the Dutch standard.

This law worked very well as long as the sugar-planter and the importer were honest, for if no artificial means were used the color of the sugar fairly indicated the amount of saccharine matter in it; that is to say, the more saccharine matter and the less dirt there was in it the whiter it would be, so the color fairly indicated the saccharine strength of the sugar. But as the darkest sugar had the least saccharine strength in it and paid the lowest duty, dishonest men resorted to artificially coloring the sugar on the plantation so as to make a sugar with a very high per cent. of saccharine matter in it of the color of No. 13 or below, and it then paid the lowest duty; when, in fact, if they had not evaded the law they would have had to pay a higher rate of duty upon it.

They called it business; I call it fraud and deceit. After it was imported they would take it and put it through the cheap process of refining and have for a profit the difference between the duty on No. 13 and No. 20 and above, which profit amounted to largely over a cent a pound. This fraud led to the enactment of the present law, in 1883, by which it was enacted that all sugar imported not above No. 13 Dutch standard in color, testing by the polariscope not above seventy-five degrees—that is, 75 per cent. of saccharine strength—should pay a duty of 1.4 cents a pound, and for each degree or fraction thereof in addition, as shown by the polariscope, four one-hundredths of a cent per pound. That would make a pound of sugar that was all saccharine matter—one hundred degrees—pay 2.4 cents a pound duty. But on sugars from No. 13 to No. 16 the duty was fixed at 2¾ cents a pound; from No. 16 to No. 20, 3 cents a pound, and all sugars above No. 20, at 3½ cents a pound; but the polariscope is not applied to any of these sugars above No. 13; so the law of 1883, which is the present law, does not correct the evil it was intended to correct.

Let me illustrate. I have here a pound of sugar known as "Cuba centrifugal," imported by one of the assistant secretaries of State. I ask members to look at it. In color you will observe it is No. 13 Dutch standard, but it is 96 per cent. saccharine strength. Now, by ordinary treatment on the plantation it would have been at least as high as No. 16 in color. It is called "centrifugal sugar," and was made by the vacuum-pan process and then whirled about the pan with great velocity, so as to throw off all sirup. See it is composed of pure sugar crystals. Great care was taken in making it, by the use of an extra amount of lime to get it as low as No. 13 in color, for with that color and strength it only had to pay a duty of 2.24 cents a pound; whereas if it had been above No. 13 it would have had to pay a duty of 2¾ cents a pound, and if over No. 20, 3½ cents a pound. What is the result? The result is that practically no sugar is imported into this country except sugar No. 13 Dutch standard and below.

A MEMBER. Not 1 per cent is above that.

Mr. KELLEY. Not a tenth of 1 per cent. The gentleman will permit me to state that of sugars below No. 13 there was imported last year $67,868,380 worth; of sugars above No. 13 there was imported $13,101 worth. Those are the proportions.

Mr. BRECKINRIDGE, of Kentucky. Does not that simply show that all the refined sugars, which are the only sugars used in America, except for manufacturing purposes, are refined in this country?

Mr. CANNON. Certainly.

Mr. BRECKINRIDGE, of Kentucky. So that all the labor which is performed in making these unrefined sugars fit for use is performed in American establishments and by American workingmen. Is not that the fact?

Mr. KELLEY. Yes; so that the advantage accrues to the benefit of the "sugar trust"—not of the sugar consumers of the country.

Mr. BRECKINRIDGE, of Kentucky. Then there is a "trust?"

Mr. KELLEY. So it is said on the other side.

Mr. BRECKINRIDGE, of Kentucky. Then in making that statement we are not telling a lie to the people?

Mr. KELLEY. Not so far as sugar or whisky are concerned.

Mr. CANNON. I am glad the gentleman from Kentucky has asked this question. I have no hesitation in answering that all the sugar imported into the country passes through our refineries. I will go a step further in answering the gentleman's question. Under the law as it stands upon the statute-book and under the Mills bill a premium or bribe of 1 cent a pound is given to the sugar refiner in the United States and the producer abroad to make the sugar with much greater care than he otherwise would to give it this color, No. 13 Dutch standard (illustrating), so that it may come in at the low duty and be compelled to pass through our refineries before it is ready for market.

Mr. WILKINSON. The gentleman from Illinois says a premium is paid under the Mills bill to the refiners of about 1 cent a pound. Most of the sugar the refiners get is at a test of ninety-five degrees. That sugar at ninety-five degrees under the Mills bill is dutiable at 1.79 of a cent per pound. The highest duty under the Mills bill is 2.80. The total margin between these two grades is 1 cent and one-hundredth per pound. That is the total margin. Out of this margin of one and one-hundredth cents per pound between the grades named, that the tariff affords, how is he to pay all the expenses of refining and still derive a profit of 1 cent a pound from the tariff.

Mr. CANNON. If gentlemen will allow me to make my statement step by step, I think they will be answered touching the facts surrounding the law and the consumption of sugar.

Mr. WILKINSON. Answer my question.

Mr. CANNON. I will tell the gentleman exactly how it operates. Under the present law a cargo of sugar, "Cuba centrifugals" like this imported by the Assistant Secretary of State, 96 per cent. saccharine matter, costs when landed in New York, 3.13 cents a pound; the duty is 2.24 cents a pound; .40 cent is more than it costs to refine it. Total, 5.77 cents, then, is the cost to the American refiner of a pound of white granulated sugar, which he sells to the merchant at the present price of 6.9 cents a pound, leaving a clean profit after all expenses of refining and handling are paid of 1.13 cents a pound. The American refiners handle the whole amount imported, 3,000,000,000 pounds annually, which if you will take your pencils and figure it, you will find the profit amounts to over $33,000,000 annually.

Now let us inquire what it costs to import a pound of this same refined granulated sugar into the United States. This sugar, called "Cuba centrifugals," No. 13 in color, 96 per cent. saccharine matter, costs the foreign refiner the same as it costs the American refiner,

	Cents a pound.
That is	3.13
Cost of refining abroad	.35
Duty when imported	3.50
Total	6.98

In other words, by the artful arrangement of the tariff on sugars, the pound of white granulated sugar that costs the American refiner 5.77 cents a pound costs the American merchant or consumer 6.98 cents a pound to import. The result is that the American refiner can add 1.13 cents a pound to his sugar and then sell it in the American market eight one-hundredths of a cent a pound lower than it can be imported for. Of course he monopolizes the market, makes his enormous profits, and 68,000,000 of people pay not only the duties upon the raw sugar of $60,000,000 a year, but the annual profit of over $30,000,000 to the refiners.

This unjust monopoly is intrenched in the law; foreign competition can not break it down, and to prevent home competition the few sugar refiners in the United States meet, form their trust, and agree what the amount of their production and price shall be.

Mr. WILKINSON rose.

Mr. CANNON. I can not yield. Gentlemen will have time to say what they desire to on this subject when they get the floor.

Now, take the Mills bill. On this point what does it do? It perpetuates this outrage, injustice, and fraud.

Mr. MCKENNA. Answer this question. How is it in testing sugar that it is admitted at so low a duty?

Mr. CANNON. The law provides for that.

Mr. MCKENNA. Explain it.

Mr. CANNON. If the gentleman will get a copy of the Mills bill he can study it out for himself. I have already explained it.

Mr. MCKENNA. Is the sole test the color?

Mr. CANNON. Both the color and the polariscope up to No. 13 Dutch standard, but beyond No. 13 the only test is the color.

Mr. WILKINSON. I think the gentleman ought to answer my question.

Mr. MCKENNA. Let me ask——

Mr. CANNON. I must decline to yield any further.

Mr. MCKENNA. Is it not that the defect is in the machinery provided by the law, instead of in the law itself?

Mr. CANNON. By no means. The defect is in the law, written either by accident or else without sufficient knowledge of the effect of the law.

But, Mr. Chairman, the Mills bill; let us see what it does in this connection. Take a pound of the same sugar, No. 13, costing 3.13 cents per pound to import; the duty under the Mills bill for 96 per cent. of saccharine matter is 1.82 cents instead of 2.40, as under the present law, refining forty one-hundredths of a cent, so that a pound of refined granulated sugar would cost the refiner 5.35 cents Now, take the foreign refiner, the same cost of sugar, 3.13 cents a pound, raw sugar, refining 3½ mills a pound, duty 2.80 cents, so that the foreign producer or the domestic importer would have to pay 6.28 cents a pound for each pound of refined granulated sugar imported into the United States.

This leaves a margin of ninety-three one-hundredths of a cent per pound profit for the American refiner, which on the total product of 3,000,000,000 pounds annually amounts to over $27,000,000.

So you see that the Mills bill instead of breaking up the monopoly perpetuates it.

Mr. Chairman, at this point I will call attention to a strange circumstance in connection with the preparation and presentation of the Mills bill. In that bill, as it was originally prepared for the consideration of the Ways and Means Committee, it provided that all sugars below No. 16 in color should be imported at the lowest rate of duty. The effect of this provision would have been to stop the artificial and fraudulent coloring of sugar on the plantation, and have given the mass of the people a marketable and far better sugar than they now buy for a much less price, a sugar that would not have to be refined.

This was fully understood by the Democrats on the Ways and Means Committee, for by interviews and through the papers they boasted of this feature of their bill. But when the bill was reported to the House it had been changed so as to fix the low duties on sugar below No. 13 in color as the present law provides, and rendering it necessary that all the sugar imported should pass through the refineries before it was fit for use, thereby prohibiting that monopoly.

The Mills bill, as originally drawn, also prohibited the allowance of drawbacks on the exportation of refined sugars, but I find in the bill reported to the House that that provision is stricken out.

I want to ask, with all respect and with all earnestness and candor, the chairman of the Committee on Ways and Means and the membership of that committee, what change came over the spirit of your dream that you struck these provisions out of your bill? What revelation came to you to warrant you in making these changes—changes which drive all these sugars through the refineries, increase their cost to the people nearly a cent a pound, and do not increase the revenues to the Government one cent? That is a fair question. It ought to demand a fair, frank answer. Your bill was right in that respect so far as it went. I hope it will be the pleasure of this House, if they do not adopt my amendment, to see to it that the low duty on sugar is made under No. 16 rather than under No. 13.

Now, one further query. Why did that committee strike from this bill the provision prohibiting the payment of drawbacks upon sugar exported? What is the fact about it? Why, sugar which has 100 per cent. of saccharine matter, instead of 96, brings a duty of 2 cents and 4 mills a pound; the law says that upon being exported they shall have the drawback of the duties paid less 1 per cent. Now, what is the drawback fixed at? Two cents and six mills. Two cents and four mills per pound pay the duty on 100 per cent. of saccharine matter when it comes in. Yet when it passes through the refinery and is exported they get a drawback of the duty paid and 2 mills a pound more. "Well," says somebody, "what is that for?" As I said before, I give it up. I do not know. I tell you what the Treasury experts say. They say that there is no loss of saccharine matter in the refining of this sugar. They reported that they were informed and so believe, and I have the report here.

Why is it that after you deduct the 1 per cent. of the money-duty paid they get 2 cents and 6 mills out of the Treasury, but they only paid 2 cents and 4 mills when it came into the country under the law?

Mr. WEBER. I simply want to suggest that the gentleman may make it clear by stating that it comes in originally fraudulently under the polariscope test and goes out under the color test.

Mr. CANNON. I will say as to that, if gentlemen will allow me, that I do not desire to stand in my place in public or private and charge public officials with fraud. But I do say from the Treasury reports transmitted to Congress by Hon. Daniel Manning, I have a right to believe and state my belief that in the matter of the imports of sugar from the time that they get to the dock in New York up to the time that they are re-exported there is, to say the least of it, a good chance for fraud at every step.

Why, gentlemen, let me read just one line from the testimony of one of the inspectors whose duty it was to inspect the refined sugar that was exported. He states that he has no knowledge of the contents of the packages at the time of lading, whether they are sugar or sand. Then if you will run through these reports you will find when sugars are imported that formerly and, as I understand it, now, low-priced customs officials at low salaries alone test them; that the lighter is run up to the dock of the sugar company and the sugar is dumped off without any sufficient knowledge on the part of anybody that it is properly tested. I am not charging the officials with fraud, except to state what this report states and to state my belief that in the manner of the import and the export of sugar for a great many years past fraud has existed at every step from the time it landed to the time it left our shores. I have not time to go into that matter further, and will close this branch of the case with the statement I have made.

Now, gentlemen, who is damaged by my amendment? I think the propriety of some legislation is apparent. My amendment is to let all sugar under No. 16 Dutch standard—not No. 13—come in free. This would let the people take it as it is turned out from the sugar plantations and let it go into consumption without first paying a toll of a cent a pound and over in addition to the cost of refining by passing through the refineries. My proposition is to stop this fraudulent and expensive coloring of the sugar and let it come in as it comes from the factory. Free sugar under No. 16 standard would do that exactly.

But I fancy I hear somebody saying, "Are you not going to take care of the refineries?" Yes; I will take care properly of every industry in this country so far as I can by legislation. But I will only take care of them. I will not go further than that. I will not by law put

money in their pockets arbitrarily. So when I come to sugar above No. 16 in color, to the sugars that have to pass, either at home or abroad, through the refineries, my amendment provides that there shall be a tariff of 3 mills a pound. The Mills bill says 2 cents and 8 mills. My amendment says 3 mills a pound. "A dollar a barrel," says my friend from Iowa, "is that enough for protection?" Yes; more than enough. I have gone to the line and over the line in my desire to afford adequate protection to the refining interests of this country, for fear, amongst other things, that my prejudice against that interest might make me do an injustice to it.

What will 3 mills do? There are 6,000 laborers in the refineries of this country, most of them unskilled. Five hundred dollars a year is as much as they receive. That would amount to $3,000,000. How much protection does 3 mills a pound give? One mill a pound on the total product of 3,000,000,000 pounds would give $3,000,000. That would pay for all the labor, and I think more too. Under the amendment which I propose at least half of the sugar would come in and not go through the refineries. That would cut off half the labor. If half the sugar did not go through the refineries that would save $16,000,000 a year to the consumer, instead of letting the refiner have it. If the other half went through the refineries, 3 mills a pound duty would give protection to the refining interest of $4,500,000 per annum.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired. If there be no objection he will be allowed to continue.

There was no objection.

Mr. CANNON. I will state my proposition again, as there is inquiry around me. According to my amendment all sugar under No. 16 comes in free, so that the refiner gets the raw product without any tariff at all, and at the same time the people thus get a sugar that does not have to pass through the refinery, at 1 cent a pound less than they now buy it for, and of better quality, with more saccharine matter in it than there is in the sugar they now buy.

It is far better sugar than they get now from the refiners; not quite so pretty, but with greater saccharine strength. Then, as to the sugar above 16, from 16 to 20, and above, to protect the refining interests, I would levy a duty upon the refined article above No. 16 that is imported of 3 mills per pound. That would amount to about four millions and a half dollars, on the supposition that one-half the sugar that was consumed would go through the refineries. That is protection enough. The true test in these matters is to levy enough duty to protect our labor, to protect for the difference in the cost of capital here and abroad, and if the industry is a new one to leave a little margin to protect it from powerful competition while it is being established and built up. Now, you may measure this by any scale you please, and the 3 mills a pound duty proposed by my amendment upon refined sugar is enough to give ample protection. It is true there will not be any $30,000,000 a year made by the refiners, but there will be a fair living profit to the refiner and good wages to the laborer, and that is as far as we ought to go.

Mr. FUNSTON. While you are protecting labor, why not protect the farmer who is producing sugar from sorghum?

Mr. CANNON. I am glad my friend asked me that question. I was coming to that point.

Mr. FUNSTON. That is all under 16, is it not; the kind of sugar that you propose to bring in free?

Mr. CANNON. For the sake of the argument let us say that it is all under No. 16.

Mr. FUNSTON. Then you do not give the producer of that sugar any protection?

Mr. CANNON. If my friend will bear with me, I will answer him on that point. Let us consider the case of the farmer. The total production of sugar in the United States is, in round numbers, 300,000,000 pounds. Nearly all of that is made in Louisiana, and for five years past the production in the United States has been far less than it was for the five years before 1860. So that the production of sugar in this country is decreasing instead of increasing. Now has it been properly protected? Listen to one statement, and then decide. The value of the sugar imported into the United States in seventeen years was twelve hundred million dollars. Keep that fact in mind, that in seventeen years the value of the sugar imported into this country amounted to twelve hundred million dollars. In that same seventeen years the duty paid upon that sugar was over $700,000,000. Protection! Never from the foundation of this Government to the present time did any article, or articles, receive as much continuous protection as sugar has received during the last one hundred years. It receives an equivalent of 82 per cent. ad valorem of protection under the present law.

Does that increase the production? No. Does it enhance the price of sugar? Yes; and for this reason: Less than one-tenth of the sugar we consume is produced in this country. The greater controls the less. The earth controls the moon, the sun controls the earth. The greater always controls the less, and as over nine-tenths of the sugar we consume are made abroad and less than one-tenth is produced at home, instead of that one-tenth pulling the price down the nine-tenths pull it up. That is the fact as to sugar. It has not been so with iron and steel and the textiles.

Those industries have been developed by the tariff, and now those products, the great bulk of what we consume, are produced in this country at a far less rate than they could have been bought for when the tariff was first levied. In those instances protection has protected, but in the case of sugar it has not. Let me give you another illustration. Under the treaty with the Sandwich Islands sugar comes in free. The importation of sugar in 1887 from the Sandwich Islands was $9,000,000 worth. How many pounds was that? Just enough at four cents and a half a pound to make the amount I have named. In other words, you could take the sugar that we imported from Cuba and from Germany and add to it the duty, and you would have the value of the sugar imported from the Sandwich Islands as set down in the commerce and navigation reports. That was the small quantity, and the large quantity controlled it and raised the price, and under the terms of the treaty the Sandwich Islands sugar-men (who, I am informed, are California capitalists) have a profit every year of over $4,000,000.

Mr. KELLEY. Why do not we abrogate that treaty?

Mr. CANNON. Why did the Senate and the President renew it? I wish I could get a lick at it, I would help to abrogate it. If I was in the Senate I would kick pretty lively on that. [Laughter.]

Now, let me go a step further and answer the question of the gentleman from Kansas [Mr. FUNSTON]. Is it politic, is it right to levy a tax upon every man, woman, and child in the United States, rich and poor, and pretty evenly upon rich and poor because the poor use as much sugar as the rich—is it politic or proper, I ask, to levy tax on every man, woman, and child, rich and poor, on an average to the amount not only of the duty, $60,000,000 a year, but also to add to that the $30,000,000 of refiners' profit, making ninety millions in all? And what for? First, to protect the refiners and enable them to keep up the price, and, second, to do what? To protect the Louisiana sugar-planter and the man who grows beets and sorghum. I do not think it is right.

I do not mean to forsake the Louisiana planter; nor do I mean to forsake the farmer in my own State who raises sorghum or the farmers in different parts of the United States who raise the beet. What is your protection now? Taking the average rate upon sugar it is about 2 cents a pound. That is the duty that produces this enormous revenue, if you please, because it is almost strictly a revenue tax. You get $6,000,000 of protection; it costs the country $90,000,000 to pay it. Rather expensive protection! What is the sensible business proposition? Let sugar come in free; then pursue a policy which will give the Louisiana planter and the California beet grower, the Kansas and Illinois sorghum grower as much protection as they now have. My amendment does this. It provides that for each pound of crystallizable sugar produced in the United States from cane or sorghum or beets there shall be paid from the Treasury 2 cents a pound. Will that break us up? It will cost just $6,000,000 a year, in round numbers, and will save the people $90,000,000 a year; and you know we do not need the money in the Treasury, as we are told constantly on each side of the House.

But, says some one, "We do not want to pay a bounty. Why not pay the man who raises corn, or oats, or wheat a bounty?" Because those industries are established and do not need a bounty. Gentlemen, while I would throw off "this old man of the sea" that is about our necks—this sugar duty and sugar "trust"—yet I would not forget that Germany, which less than a generation ago did not produce a pound of sugar, produces now from the beet alone, by reason of a judicious system of bounties, over one-half of all the sugar that is used in the world.

Mr. GEAR. And raised on land worth $600 an acre.

Mr. CANNON. Yes, as the gentleman suggests, raised on land worth $600 an acre.

I am willing by this proposed legislation to save this money to the people, to break up this sugar "trust," to encourage and protect the Louisiana planter, the Kansas and Illinois sorghum grower, and the grower of the beet, wherever he is disposed to try to make sugar from it. My proposition gives just as high a grade of protection as this other system; and when gentlemen say that they do not want to vote for such a proposition it shows, in my judgment, one of two things: either they do not understand the proposition and are not willing to do the fair thing, or they have in fact more interest in the refiner than they have in the producer. I do not mean improperly so, for I think it proper and right for gentlemen to represent their constituents here; and they must do it as long as we have a republican form of Government. But I am stating how the matter appears to me.

Imperfectly and hurriedly I have now explained this matter. No doubt I have omitted to speak of many things which I should and would have mentioned if I had had time under the ordinary rules of debate. My colleague [Mr. HITT] asks me to state how the sugar "trust" is formed. I attempted to explain that before; if I did not make it sufficiently plain, I will go over it briefly again, and then I will take my seat.

What does the Mills bill say on this subject? The Mills bill says that a pound of sugar like that which I hold in my hand, No. 13 Dutch standard, having 96 per cent. of saccharine matter, shall pay a duty of 1.82 cents per pound. It costs 3.13 before the duty is paid; it costs

say 4 mills to refine it; so that a pound of white granulated sugar costs the refiner 5.35 cents per pound. What does it cost to import it now? The raw sugar costs the foreign refiner 3.13 cents a pound; the refining costs him 3½ mills. When he ships the sugar to the United States it can not land and enter into consumption here until he pays 2.8 cents a pound duty on the refined product. That runs the price up to 6.28 cents. So that white sugar refined abroad and landed here costs 6.28 cents a pound, while to produce the white sugar in the United States costs 5.35 cents a pound, the difference arising from the low duty upon that sugar [illustrating] and the high duty upon the refined sugar. The difference is .93 of a cent a pound, amounting to nearly $30,000,000 a year on the amount handled. Do you not see that the American refiners can add that cent a pound to the cost of the sugar before the foreign refiner can bring in his sugar and sell it to our people?

That explains the "trust." The only thing to be looked after among those who constitute the "trust" is to control each other so as to prohibit any man who refines sugar in the United States from refining enough to glut the market. They get together and agree about that; and then (though the Committee on Manufactures, no doubt, can tell better about this matter than I can) they break down those people who will not come into the "trust." And there, ever present under the Mills bill, is that cent a pound, nearly $30,000,000 premium upon the formation and enforcement of that trust.

I thank the committee for its attention. [Applause.]

Mr. O'NEILL, of Pennsylvania. Before the gentleman takes his seat I wish to ask him a question for information. I read his amendment, or substitute for the lines mentioned, and I find that in it you have put molasses not above fifty-six degrees by the polariscope test upon the free-list. You then state in a line afterwards that there shall be a bounty of 4 cents a gallon upon the molasses. I do not know why the gentleman proposes to put molasses upon the free-list and afterwards proposes to allow a bounty of 4 cents, or whether that will about equalize the matter when compared with the operation of the other features of the amendment.

Mr. CANNON. If my friend had listened to my remarks I think perhaps he would have found the question answered.

Mr. O'NEILL, of Pennsylvania. I have listened to the remarks——

Mr. CANNON. For I have made the suggestion in reference to that amendment that is to put sugar and molasses upon the free-list of that grade, because if one comes both come. You can make sugar from the molasses, and I put them upon the free-list for the reason that I can save to the people of this country in sugar and molasses over $30,000,000 a year tax they now pay. Oh, yes, $60,000,000 tax they pay, and $30,000,000 of profit to the refiners, making $90,000,000 in all, and can pay a bounty on all the sugar and molasses that is produced in this country at the rate my amendment fixes, which is equal to all the protection they now get, for an expenditure of $6,000,000. That can be done, and yet save to the people of this country in round numbers the sum of $84,000,000 a year.

Mr. O'NEILL, of Pennsylvania. The object of my inquiry is this: I am seeking with reference to all of the clauses and lines in this bill relating to molasses, that there shall be a proper differential rate as compared with the duty on sugar proposed to be imposed in the Mills bill, or with the decreased duty that that bill now proposes over the present law.

Mr. CANNON. As far as I am concerned I do not want any differential rate touching sugar or molasses. I want to make sugar free below No. 16, which will allow everybody to get the sugar they want at the very smallest rate, unless their stomachs are particularly nice and they want perfectly white sugar, in which case, of course, they would have to pay the difference.

Mr. O'NEILL, of Pennsylvania. I am only asking this information with a view to looking afterwards to a proper differential duty in case the amendment should not be adopted.

Mr. CANNON. Of course if my amendment is not adopted, then we must do the next best thing we can.

Mr. GAY rose.

The CHAIRMAN. The gentleman from Illinois has occupied fifty-five minutes. The Chair will now recognize the gentleman from Louisiana [Mr. GAY].

Mr. GAY. I want to ask my friend from Illinois, for whose good judgment and kindly feelings I have a very great appreciation—I want to ask him, in carrying out this idea of securing the extended production of sugar in the United States, whether in foreign countries they have not built up that industry by legislation, and whether it has not always been connected with the idea of a very large import tax upon the article? For instance, Germany has recently built up a most tremendous production of sugar. Now, the beginning of that idea, I think, was founded upon a tax or import duty of 3½ cents on the sugar.

Mr. LONG. On foreign sugar.

Mr. CANNON. I will answer the gentleman and state it is true that in relation to both Germany and France large import taxes have been placed upon sugar; but it is also true that the real protection and encouragement in Germany and in other countries for the production of sugar arose out of a bounty paid by the government for the sugar produced from the beet. She gave a bounty on the production and then accompanied it with a consumption tax to raise money to pay it. That bounty in Germany, after the consumption tax was paid, amounted in the palmiest days of the industry to less than a half a cent a pound to the producers.

Mr. GAY. I would like to ask whether Germany pays any bounty whatever?

Mr. CANNON. She pays a bounty now, and it is quite a small bounty, much smaller than that which was formerly paid. But in a convention held in London some time ago it was agreed between the treaty-making powers that this bounty should be abolished, and that treaty as soon as it has been ratified, for I presume it will be ratified, leaves the industry practically without any bounty at all.

Mr. GAY. What I ask is whether the production of sugar in Germany is not a matter of great revenue to the government by a tax upon the sugar raised of not less than 4 cents per pound? And when you speak of bounty, is it not only upon the exports? That all sugar exported (for they now make more than double the consumption of that country) shall have remitted the tax paid upon the manufacture; and in the estimate of the rebate allowed the manufacturer, is it not a liberal estimate based upon the estimated product from a ton of beets?

Now, owing to the great improvement in the manufacture of sugar by means of the science cultivated and built up in Germany, say that 1 ton of beets would make 150 pounds of sugar. Now, when science makes 200 pounds they get on every 150 pounds exported the price of a ton of beets. That is a tax that has been collected, but they export more sugar, and therefore get a bounty that way.

Mr. CANNON. If my friend will allow me, he is not quite correct, as I understand the subject. I have taken great care to inquire, and believe my information is correct. The bounty on exports, as it is called, now paid by Germany is less than one-fifth of a cent a pound, and, everything considered, is less than the bounty the United States pays to the refiner on exports of refined sugar.

Mr. GAY. They do refund on all exports the taxes, therefore, collected on the beets.

Mr. CANNON. The matter is quite complicated. In connection with Mr. Adee, the most intelligent gentleman I have found anywhere touching this subject, I have run the matter down, and from official data have given substantially the conclusion of the investigation.

Mr. KELLEY. I would like my friend to yield to me for one moment. I think I can simplify this matter of the payment of bounties. Originally, bounties were paid for the production of sugar from the beet; two classes of bounty, a bounty to the farmer who produced the most sugar to the acre and a bounty to the chemist who produced the most available saccharine matter from the beet. It was only for a short period in the history of beet sugar that either France or Germany paid a bounty for the production of beets or of sugar.

In a few years after the industry was established came the system which prevails now, and to which my friend from Illinois referred, of paying bounty on sugar exported. In order to understand the argument properly the distinction should be borne in mind that bounty on the production of sugar has ceased long ago. It is now a bounty on the export of sugar.

Mr. GAY. Mr. Chairman, I am no apologists for trusts. I have no interest in them, nor have I ever had. But I now wish to make a statement. This sugar trust we understand went into operation in New York probably during the month of September last. I have a list of the wholesale prices of sugar from a reliable source, certified to by Mr. Spofford, the Librarian of Congress, showing the actual value of ninety-six tests of refining sugar in New York during every month of 1887, and also the actual value of granulated sugar, which is the highest grade of refined sugar common now in this country. I would like to read the table for the information of the House.

In January, 1887, in New York, the wholesale price for 96 tests centrifugal foreign sugar was $5\frac{3}{16}$ cents.

Mr. CANNON. That was duty-paid.

Mr. GAY. Duty-paid. I am not taking any position with regard to the duty. As an American citizen I take the law as it exists. It is under the present law. Whether the law is to be changed and there is to be a change of operation I do not say; but taking the actual state of things, the wholesale price of that sugar was $5\frac{3}{16}$ cents. Now, the price of granulated sugar during the same time ranged from $5\frac{7}{8}$ to $5\frac{7}{8}$, leaving a margin of nine-sixteenths, one-half a cent and one-sixteenth over.

Mr. CANNON. To what month does the gentleman refer?

Mr. GAY. The month of January, 1887. In February, 1887, the price of this imported sugar was $5\frac{1}{8}$ and the price of granulated sugar from $5\frac{5}{8}$ to $5\frac{13}{16}$, leaving a margin on an average of three-fourths of a cent. In March the wholesale price was $5\frac{1}{8}$ for imported sugar and from $5\frac{1}{16}$ to $5\frac{3}{4}$ for granulated, leaving a margin on an average of five-eighths of a cent between the actual cost of refining sugar and the selling price of the granulated sugar in the same market. In April the former was $5\frac{3}{16}$ and the granulated from $5\frac{11}{16}$ to $5\frac{3}{4}$, leaving a margin of five-eighths of a cent a pound. In May the imported was $5\frac{3}{16}$ and the granulated from $5\frac{11}{16}$ to $5\frac{7}{8}$, leaving an average margin of nine-sixteenths, one-sixteenth over half a cent. In June the price of imported sugar

was $5\frac{3}{16}$; the price of granulated sugar was from $5\frac{3}{4}$ to $5\frac{15}{16}$, leaving a margin of three-fourths of a cent. In July there was a margin of three-fourths of a cent. In August there was a margin of five-eighths of a cent. In September, the month in which I have heard it stated here the price of granulated sugar was advanced $1\frac{1}{2}$ cents per pound, making fabulous fortunes taken from the consumers of the country, the entire margin was three-fourths of a cent between the actual cost of refining sugar of that grade and the cost of granulated sugar.

Now, the price of refining sugar is fixed antagonistically to the refiner who buys. The refiner is anxious to get it as low as he can. The price is fixed on the cost in Cuba with the duty added. In October the price of the imported sugar was from $5\frac{3}{4}$ to 6, and the price of the granulated from 6 to $6\frac{1}{16}$. In November there was a margin of three-fourths of a cent between the actual price of refining sugar and the selling price of granulated sugar. In December the price of refining sugar was $5\frac{7}{8}$ and the price of granulated sugar from $6\frac{1}{4}$ to 7, giving an average margin of a cent a pound.

There has been an impression in this country and in this House that these refiners take advantage of the situation and advance the price of sugar. But I wish to say for the truth of history that it was discovered in the early fall of 1887 from statistics carefully gathered that the beet-root crop showed a falling off to an estimated amount of 350,000 tons.

Now, London is the great central sensitive point where they watch these things, and immediately the price of sugar was advanced in London from one-half to five-eighths of a cent., and that advance continued until December. Being interested in the price of sugar as a sugar-planter I watched the course of the market, and I can say that the advance which took place during last fall grew out of a supposed and actual shortage of the beet crop of Europe in 1887.

Mr. BAYNE. Mr. Chairman, I am in favor of the amendment proposed by the gentleman from Illinois [Mr. CANNON]. It commends itself all the more strongly to me because a bounty of 2 cents a pound is proposed by it for home production, and I feel that the sugar-planters of Louisiana and the sorghum and sugar-beet growers of Kansas and of the Pacific coast will all meet with a protection equal to that now afforded by the existing tariff, in the event of the proposition of the gentleman from Illinois becoming a part of the law of the land. It is very evident to anybody who has given attention to the question that the sugar industry in this country does not fall legitimately within the theory of protection. It has been announced all along, ever since we began the protection of industries in the country, that protection would result in the development of those industries to such an extent that they would be able in time to supply, or nearly to supply, the wants of the people of this country, and if the protection afforded to the sugar industry had brought about that result nobody would have rejoiced more than myself at that consummation; but years and years of high protection have failed to develop that industry into anything like proportions commensurate with the wants of our people, and it must now be quite evident to everybody that there is little or no hope of securing that result, however high the duty may be made. We produce I believe about one-eleventh of the sugar that we consume.

Before the war we produced about one-half of what we consumed. The production is running in inverse proportion to the consumption, and when on the other side of the House they speak of these tariff duties as a tax they make no misapplication of the term "tax" when they apply it to the duty upon sugar, because the duty upon sugar is certainly a tax upon all the consumers of the country to almost its entire extent. Of course I believe that the duties put upon sugar have encouraged to a certain extent the production of sugar in this country. I believe that more sugar is produced in Louisiana than there would be if there were no duty, and I believe that the effort to produce sugar from sorghum and from the beet in Kansas and on the Pacific coast would not have been made at all if it had not been for the duty on sugar.

I do not wish to strike down this industry either in Louisiana or in Kansas or on the Pacific coast.

On the contrary, I wish to encourage them; but I do not wish to encourage them at so great a cost to the people of the country. If we paid a bounty of 2 cents a pound, as proposed by the amendment of the gentleman from Illinois [Mr. CANNON], it would amount to an outlay of probably five or six million dollars a year upon the sugar production of this country.

Mr. KELLEY. What would it amount to if we should develop cane and sorghum and beet and corn so that we could produce our own sugar supply? The five or six millions would be for what we now produce.

Mr. BAYNE. For what we now produce. As the amount increases of course the amount of the bounty increases. If we double the amount of our product we double the amount of the bounty. Now, to give to every producer of sugar in this country 2 cents a pound is to treat him fairly and encourage an infant industry, at least an industry which is "infant" so far as sorghum and beet sugar production are concerned.

Mr. WEBER. And it would cost no more than we pay now.

Mr. BAYNE. And it would cost us no more than we pay now. But to make the consumers of this country pay $58,000,000 a year by way of a tax upon the sugar they consume for the purpose of protecting the production of 300,000,000 pounds of sugar at home is absolutely inconsistent with the whole theory of protection, and is almost as bad as it would be to put a tax upon tea and coffee, not one ounce of which we produce or can produce.

Mr. FUNSTON. Why do you ignore entirely the production of sorghum sugar?

Mr. BAYNE. I think I do not. I do not want to.

Mr. FUNSTON. You have done it throughout your remarks. Now let me call your attention to some facts. I hold in my hand a report of the secretary of the agricultural department of the State of Kansas, setting forth the results of sugar production in Kansas, especially at Fort Scott, in which he shows that there are 750 pounds of good sugar produced from every acre of ground cultivated in sorghum. Now, if you multiply that by 640 acres, and multiply that by 200 miles north and south, and 400 miles east and west, the size of the State of Kansas, you get a product of 38,000,000,000 pounds of sugar. [Laughter.]

Mr. BAYNE. All the better for the United States, if that industry can be developed in Kansas or on the Pacific coast.

Mr. FUNSTON. It is developed.

Mr. BAYNE. If it can be developed to an extent to supply the wants of the consumers of this country, as I have already said, nobody will rejoice more over that fact than I will.

But will not a bounty of 2 cents a pound to the producers of sugar in Kansas and on the Pacific coast be better than even the present duty, because it would be a direct sum going into the pocket of the sugar producer, and he would have no fear of losing it by failure of his enterprise or anything of that kind.

Mr. FUNSTON. Would you be satisfied with a bounty on pig-iron?

Mr. BAYNE. If the pig-iron industry of this country were in the same position that the sugar industry of this country is now in, I for one should not advocate for a moment a protective tariff on pig-iron.

Mr. RYAN. It was in such a condition at one time.

Mr. BAYNE. It was at one time; yet the difference is this: the pig-iron industry began building up and growing stronger and stronger until now we can produce sufficient pig-iron to supply the needs of all the people of this country, while the sugar industry of the United States has been running in a contrary direction.

Mr. PETERS. But it is now starting in the other direction.

Mr. BAYNE. The amount of sugar now produced in this country is less than it was in 1860.

Mr. RYAN. But according to all the evidences we shall soon be able to produce enough sugar in this country for our own consumption.

Mr. BAYNE. I hope we shall.

Mr. RYAN. Then why strike down the tariff at this particular time?

Mr. BAYNE. I do not propose to strike down the tariff. I want to give a bounty of 2 cents a pound to the sugar producer. If that is not enough make it $2\frac{1}{2}$ or 3 cents a pound; I will join in making it that.

Mr. PETERS. If you had treated other industries, when they were infant industries, in the same way that you now propose to treat the sugar industry, they would not show the development which they do to-day.

Mr. BAYNE. It must be borne in mind that the sugar industry in this country is not an "infant industry," except so far as concerns beet sugar and sorghum sugar.

Mr. KELLEY. Will my colleague allow me to say a word? The agricultural interests of this country at the present time are undergoing an almost unparalleled depression. To raise a bushel of wheat costs more to day in the average wheat-growing States than it ever did; so, too, with corn; and the market price the world over runs down each year. Now there is a chance to relieve agriculture. There are around the Gulf States jute and ramie lands from which vast quantities of fiber may be grown, giving material for an industry amounting to millions. Sorghum and beets are being planted throughout the whole country. The sugar lands of Florida are being planted by the thousands of acres, and just when by the introduction of these new industries the agriculture of our country is to be diversified, gentlemen say, "Let us try a new experiment, and tempt the American people into giving bounties to our manufactures." I do not believe in it. [Applause.]

Mr. BAYNE. Mr. Chairman, my colleague [Mr. KELLEY] shall not outdo me in consideration toward the farmer. He can not show a disposition to do more for the farmer than I would do. When my colleague voted a bounty to the ship industries and big corporations of this country that were running ships, I voted against it——

Mr. KELLEY. When was that?

Mr. BAYNE. And I was willing to bestow a bounty upon the farmers of this country, instead of subsidizing those big ship industries.

Mr. KELLEY. When was it I voted for bounties to any industry?

Mr. BAYNE. It has been my province while in public life, so far as I had the ability and wisdom to do so, to look well to the interests of the poor and struggling as against the rich. That is my position to-day, and there I shall stand so long as I may remain in public life.

Mr. KELLEY. When did I vote for bounties?

Mr. BAYNE. I am opposed to giving bounties to wealthy corporations. I am willing to give a bounty to the sugar producers of this country, and if there be any farming industries which are languishing and suffering, and if a bounty can rescue them from that condition, none would vote for such a proposition more cheerfully than myself.

Mr. FUNSTON. They do not want your bounty.

Mr. BAYNE. That is the trouble.

Mr. FUNSTON. We want to be protected just as you are protected.

Mr. BAYNE. I understand that feeling to a certain extent, and I admire that independent spirit which would declare itself reluctant to receive a bounty.

Mr. MCKENNA. Why do you want to force a bounty upon them?

Mr. BAYNE. This bounty system has been tried in Germany; it has been tried in France; it has been tried in the State of New Jersey. There is no reason in the world why the Government of the United States should not resort to it, and these industries, by means of such a system, be placed upon their feet and made stronger and stronger. As I have said, I am willing that the bounty in this case shall be 2 cents a pound, or 2½ cents a pound, or 3 cents a pound.

Mr. CANNON. If my friend from Pennsylvania [Mr. BAYNE] will allow me, I will ask the gentleman from Kansas whether it is not true that the State of Kansas itself has voted a bounty on the production of sugar?

Mr. FUNSTON. I will answer that question; and I will say that if the General Government undertakes to pay a bounty the result will be just what it has been in Kansas, a dissatisfied people. The people will rise up and say, "We do not want any more of it." You can not point to a single instance where a bounty has stood for five years, and the people who paid the bounty have approved of it, whether it was a bounty for wolf scalps or rabbit scalps or anything else. [Laughter.]

Mr. HITT. Our Government paid a fishing bounty for a long series of years.

Mr. KELLEY. That was a measure looking to the fostering of our Navy.

Mr. HITT. Still, it was a bounty.

Mr. KELLEY. It looked to establishing a school for American seamen.

Mr. BAYNE. I now take *cum grano salis* the statement of my friend from Kansas [Mr. FUNSTON] that the people of his State do not want a bounty. I find that the sugar-producers there have already accepted one. I did not know that fact before. Their objection to a bounty from the National Government does not arise from a feeling of pride or independence, as I had imagined, but from the fact that there is a lingering fear in the minds of the people of Kansas that they might not get their bounty for any continued period of time.

Mr. PETERS. Allow me to say——

Mr. BAYNE. I can not. The people of Kansas will not feel the bounty paid by the Federal Government. Nobody has felt the tariff duties in this country. Even the sugar duty paid by the consumers to the extent of $58,000,000 is not felt by the mass of the consumers. They hardly know they are paying it. Those who make the calculation and look into the matter know they are paying it, of course. The duty placed on sugar to foster that industry has not resulted in its development to the extent of supplying the wants of the consumers of the country. If there be a chance for the development of that industry so as to enable the producers of sugar to supply the wants of the people of the United States, you can reach that end only by paying a bounty.

Mr. PETERS. Will the capital of the country furnish plants in Kansas, for instance, to make sugar under a bounty as well as under a protective duty?

Mr. BAYNE. Why not?

Mr. PETERS. But will it?

Mr. BAYNE. Why not? If this proposition becomes a law it will be as much a law of the United States as the present law or the Mills bill if it becomes a law.

Mr. PETERS. You do not regard it as stable as the tariff?

Mr. BAYNE. I should regard myself placed in this position, I should regard the party placed in this position, I should regard the Government as committed to this position, that if the duty be taken off of sugar and a bounty be given to the producers of sugar, one would be the consideration for the other; and if the bounty were ever repealed, it would be the bounden duty of the Government to restore the duty.

Mr. PETERS. Is it not a fact the moment your production reached within one-half of what was necessary to supply the consumption in this country there would be a cry raised for its repeal?

Mr. BAYNE. No, I think not. When that time comes that the sugar producers produce one-half of the sugar consumed in the country, I am in favor of restoring the duty, because it would look then as if we were going to produce the amount necessary to supply the wants of the consumers.

Mr. PETERS. Actuated by that fear capital will not furnish the plants necessary for sugar production.

Mr. BAYNE. I do not think capital will be apprehensive if we make a law and put it upon the statute-book. The credit of the Government is committed to it and capital will know that all they have to do is to go to the Treasury and get their pay.

Mr. PETERS. I know this to be the fact, that instead of ten plants we expected in Kansas this year we will only have three, and the main reason is the fear that the tariff on sugar will be reduced. They have put them off until next year to see what the Mills bill will do.

Mr. BAYNE. That has been the effect of the Mills bill on all the industries of the country.

Mr. ANDERSON, of Kansas. Are you able to put iron and glass on precisely the same footing you propose to place sugar; that is, to take them off the free-list and give a bounty to those who produce them?

Mr. BAYNE. I have already stated that I am in favor of protecting every industry in this country where the home producer can supply the wants of the country or nearly supply them. As to iron and glass, the home manufacture can supply the wants of the country fully. As to the sugar consumption and production, they have been running in an inverse ratio to each other; that is to say, the consumption has been constantly increasing while the production has been as constantly running down.

Mr. ANDERSON, of Kansas. Does not my friend from Pennsylvania know that the sorghum process has not only been established and developed, but it has been established and developed to such an extent that the result in Kansas and elsewhere has been to show we have now obtained a process by which a very large amount, and perhaps all, of the sugar required in the United States can be produced by our own people? Does not the gentleman know in reference to the production of sugar we have reached within the last twelve months an entirely new era in that regard?

Mr. BAYNE. I do not know those facts. They may be correct. I hope they are correct; but what I want to do is to relieve the taxpayers of this country of $58,000,000 a year——

Mr. MILLS. I ask the gentleman to yield to permit a motion that the committee now rise. It is near 5 o'clock.

Mr. BAYNE. I want to finish this sentence.

I repeat, I wish to relieve the tax-payers of $58,000,000 a year, and I want to pay the home producer of sugar 2 or 3 cents a pound to enable us to do so.

Mr. ANDERSON, of Kansas. Would the gentleman apply the same principle to manufacturers of glass?

Mr. RYAN. Why not apply it also to tin-plate? Would the gentleman agree to pay a bounty upon the manufacture of tin-plate? None of it is produced here.

Mr. MILLS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the tariff bill, had come to no resolution thereon. And then (the hour of 5 o'clock having arrived) the House, in obedience to its previous order, took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) was called to order by Mr. MCMILLIN, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., July 6, 1888.

SIR: Hon. BENTON MCMILLIN is designated to preside as Speaker *pro tempore* at the session of the House this evening.

JOHN G. CARLISLE, *Speaker.*

Hon. JOHN B. CLARK,
Clerk House of Representatives.

Mr. MACDONALD. I move that the House resolve itself into Committee of the Whole under the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

Mr. SPOONER. Mr. Chairman, I ask unanimous consent that the order of business be pursued to-night that was adopted on last Friday night, each member present being permitted to call up one bill from the Calendar.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection, and it was so ordered.

WILLIAM C. LORD.

Mr. REED. I call up the bill (H. R. 7202) granting a pension to William C. Lord.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, directed to place on the pension-rolls the name of William C. Lord, of Portland, Me., at the rate of $12 per month.

Mr. MCMILLIN. Let us have the report.

The report (by Mr. GALLINGER) was read, as follows:

The essential facts in this case are set forth in claimant's memorial, herewith appended:

"I, William C. Lord, of Portland, in the county of Cumberland, State of Maine,

aged seventy-eight years, certify on oath that I enlisted in the United States Navy in the month of March, 1840, and served on the sloop of war Concord about three years and two months. Said sloop was wrecked in the Mozambique Channel 1842. At that time we lost our captain, purser, and thirty men. I remained on said wreck about two months; was then taken off by a Spanish brig named Union. I have made diligent inquiry to ascertain the whereabouts of any survivors of that wreck, and from the information I have been able to obtain I have reason to believe that I am the only survivor of that wreck.

"Again, in 1858, I enlisted in the United States Navy and served on board the following vessels, namely: On the Delaware, about three months; on the Hartford, some over two years; again on the Niagara, about eighteen months; was finally discharged from the service in April, 1862. The dates above given are as nearly correct as I can now remember. I refer Congress to the records of the Navy Department for a verification of my service in the Navy.

"WM. C. LORD.

"STATE OF MAINE, *Cumberland, ss:*

"PORTLAND, *March* 3, 1888.

"Subscribed and sworn before me. The affiant is reputable. I have no interest in this claim.

"WILLIAM H. MOTLEY,
"*Justice of the Peace.*"

The following affidavits set forth the necessities of the claimant:

"I, Jacob McLellan, of Portland, in the county of Cumberland and State of Maine, aged eighty years, certify on oath that I have been acquainted with William C. Lord for the past seventy years. In or about the year 1840 he enlisted in the United States Navy, and served therein for a number of years (off and on). Mr. Lord is now about seventy-eight years old; he lost his wife in the early part of this winter, and is now left alone in the world; he has no property whatever, and is now wholly dependent upon his daily labor for self-support; he has no children or relative to look to for aid in his declining years; therefore, by reason of his long and faithful service in the Navy and by reason of his age and dependent condition, it would be an act of mercy, as well as justice, on the part of Congress to grant him a naval pension.

"JACOB McLELLAN.

"STATE OF MAINE, *County of Cumberland, ss:*

"Subscribed and sworn to before me. The affiant is reputable and credible.

"WILLIAM H. MOTLEY,
"*Justice of the Peace.*

"PORTLAND, *March* 3, 1888.

"Certificate of justice on file in Pension Office."

"I, Charles B. Varney, of Portland, Me., merchant, aged sixty-three years, certify on oath that I have been acquainted with William C. Lord for about forty-five years. In about 1840 he enlisted in the United States Navy, and served therein, off and on, until about 1862. Mr. Lord is now about seventy-eight years old. He has no wife, children, or relative to aid him in his declining years; neither has he any property from which he derives any income, but is wholly dependent upon his daily labor for support. I have personal knowledge of the facts herein stated, and that knowledge was acquired by reason of my long acquaintance with him. I have no interest in this claim whatever.

"CHARLES B. VARNEY.

"STATE OF MAINE, *Cumberland, ss:*

"Subscribed and sworn to before me. The affiant is reputable and entitled to full credit.

"WILLIAM H. MOTLEY,
"*Justice of the Peace.*

"PORTLAND, *March* 3, 1888.

"Certificate of justice on file in Pension Department."

Claimant does not allege that he incurred any pensionable disability in the service; but in view of his long service, commencing in 1840, the hardships incurred, and his old age and necessitous circumstances, your committee feel justified in reporting the bill back favorably and recommending its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MATILDA WILKINS EMORY.

Mr. RANDALL. I ask to call up the bill (S. 2547) to increase the pension of Mrs. Matilda Wilkins Emory.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Matilda Wilkins Emory, widow of the late Brig. Gen. William H. Emory, United States Army, and to pay her a pension of $50 per month from the passage of this act, in lieu of the pension she now receives.

The Clerk proceeded to read the report.

Mr. CHEADLE. Mr. Chairman, I ask that the same order be made in this case as in the others heretofore reported to the House by the Committee of the Whole with the recommendation that their consideration be postponed until the 12th day of July, the previous question being ordered with the privilege of debate for a limited time upon them, and also in some cases the right of amendment.

Mr. RANDALL. I have no objection to that order being made.

Mr. McMILLIN. Let the report be read. That ought to be done in order to show that even a recommendation of that kind on the part of the committee is proper.

The Clerk resumed the reading of the report. Before the completion of it,

Mr. CONGER said: I think the committee have heard enough of this report, without proceeding further with that part of it relating to the military service.

Mr. RANDALL. I owe the committee an apology. I did not write the report. If I had done so, it would not be so lengthy.

Mr. McMILLIN. As this seems to be quite a lengthy report, and as a considerable portion of it has already been read, I shall not insist upon the further reading, but ask that the entire report be printed in the RECORD.

Mr. RANDALL. Let it be printed in the RECORD, and go over, at the suggestion of the gentleman from Indiana, to be voted upon in a full House.

Mr. CHEADLE. That is the suggestion.

Mr. RANDALL. The gentleman from Indiana and myself have conferred together, and I ask unanimous consent, in consequence of that conference, that this bill may be reported to the House on the same day with those bills that have heretofore been made a special order.

Mr. CHEADLE. On the 12th of July.

Mr. RANDALL. And under the same conditions with the other bills.

Mr. CHEADLE. I hope that will be done.

There was no objection, and it was so ordered.

The report (by Mr. LYNCH), which was ordered to be printed in the RECORD, is as follows:

General Emory was graduated at the United States Military Academy and appointed brevet second lieutenant, Fourth Artillery, July 1, 1831, and from that time was in continual active service until his death, on the 1st day of December, 1887. He had been promoted step by step for gallant and meritorious services in the field, and was at the time of his death brevet major-general.

Mrs. Emory, the widow, is now nearly seventy years of age. She has no one to assist her in earning a living. She now supports two daughters and herself from the small pension of $30 which she is now receiving from the Government.

Your committee believe the bill a meritorious one and within the line of numerous cases passed by this committee. We therefore recommend that the bill do pass.

The committee beg leave to attach to and make part of this report the statement of the military service of William H. Emory, compiled from the records of the office of the Adjutant-General, and also the letter of the surgeon of the United States Army showing the cause of General Emory's death.

OFFICE OF THE ATTENDING SURGEON, UNITED STATES ARMY,
No. 1814 G STREET NORTHWEST,
Washington, D. C., January 30, 1888.

SIR: At the suggestion of General Augur, I have the honor to inform you that the death of General W. H. Emory was attributed to renal cirrhosis, a form of Bright's disease. It was in my opinion an expression of a general degeneration induced by premature senility caused by hard work and exposure endured by General Emory in the military service.

I am, sir, very respectfully, your obedient servant,

R. M. O'REILLY,
Surgeon U. S. Army.

The ADJUTANT-GENERAL UNITED STATES ARMY.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March, 1888.

Statement of the military service of William H. Emory, late of the United States Army, compiled from the records of this office.

He was graduated at the United States Military Academy and appointed brevet second lieutenant Fourth Artillery July 1, 1831; promoted second lieutenant July 1, 1831; resigned September 30, 1836; appointed first lieutenant Topographical Engineers July 7, 1838; and promoted captain April 24, 1851; appointed major Second Cavalry March 3, 1855; transferred to First Cavalry May 26, 1855; promoted lieutenant-colonel First Cavalry January 31, 1861; resigned May 9, 1861; appointed lieutenant-colonel Sixth Cavalry May 14, 1861; promoted colonel Fifth Cavalry October 27, 1863; retired with the rank of brigadier-general July 1, 1876, under act of Congress approved June 26, 1876.

He was appointed brigadier-general of volunteers March 17, 1862, and major-general of volunteers September 25, 1865. He was honorably mustered out of the volunteer service July 15, 1866. He received the brevets of captain United States Army December 6, 1846, "for gallant and meritorious conduct in the battle of San Pasqual;" of major United States Army January 9, 1847, "for gallant and meritorious conduct in the battle of San Gabriel and the Plains of Mesa;" of lieutenant-colonel United States Army October 19, 1857, "for meritorious and distinguished services as commissioner for running the boundary line between the United States and the Republic of Mexico;" of colonel United States Army May 27, 1862, "for gallant and meritorious services in the battle of Hanover Court-House, Va.;" of brigadier-general United States Army March 13, 1865, "for gallant and meritorious services in the battle of Fisher's Hill and in the campaign of the Shenandoah Valley, Virginia;" and of major-general United States Army March 13, 1865, "for gallant and meritorious services in the battle of Cedar Creek, Virginia."

He was on graduating leave from July 1, 1831, to November 4, 1831; with regiment at Forts McHenry and Severn, Md., to December 14, 1832; at Fort Moultrie, S. C., to April 25, 1833; at Forts Hamilton and La Fayette, New York Harbor, from May 7, 1833 (on leave October 12, 1834, to January 18, 1835), to May 21, 1836, and in the Creek Nation, Alabama, from June 14 to September 30, 1836.

Upon re-entering the service he served as assistant topographical engineer on improvements of harbors in the Delaware River from some time in February, 1839 (on leave September, 1842, to January, 1843), to some time in March, 1843; in the Topographical Bureau at Washington, D. C., to some time in May, 1844; as assistant in the Northeastern boundary survey to some time in June, 1846; with General Kearny's expedition (in the war with Mexico) as chief topographical engineer and acting assistant adjutant-general to some time in February, 1847, and at Washington, D. C., preparing his report of the expedition to some time in December, 1847; in the war with Mexico as lieutenant-colonel of Hughes's Regiment of Maryland and District of Columbia Volunteers to some time in July, 1848; awaiting orders at Washington, D. C., to some time in December, 1848; astronomer for the demarcation of the boundary line between California and New Mexico to November, 1851; in charge of the Mexican boundary survey and commissioner for running the boundary line between the United States and Mexico to some time in October, 1857; with regiment at Fort Riley, Kans., from November 23, 1857, to April 29, 1858; in the Utah expedition to July 12, 1858; *en route* to and at Fort Arbuckle, Ind. T., to July 4, 1859; on scout against hostile Indians to September 23, 1859, and at Fort Cobb, Ind. T., to December 20, 1859; on leave to January 12, 1860; member of a board to revise the programme of instructions at the United States Military Academy to April 24, 1860; on a tour of inspection in the Department of the Pacific to some time in March, 1861; *en route* to and commanding regiment and engaged in concentrating troops at Forts Smith, Ark., and Cobb, Arbuckle, and Washita, Ind. T., and retreating with them to Fort Leavenworth, Kans., where he arrived May 31, 1861, when he ascertained that his resignation had been accepted May 9, 1861. He proceeded to Washington, D. C., and was appointed lieutenant-colonel Sixth Cavalry, to date May 14, 1861; recruiting and organizing his regiment to October, 1861, which he commanded in the defenses of Washington, D. C., and in the Army of the Potomac to March 27, 1862; commanding a brigade of cavalry in the Army of the Potomac to July 5, 1862, and the First Brigade, Second Division, Fourth Army Corps to September 28, 1862; commanding United States troops, also engaged in the organization of a division of infantry at Baltimore, Md., to November 10, 1862; commanding United States troops *en route* to and in the Department of the Gulf to January 3, 1863; the Third Division, Nineteenth Army Corps to May 20, 1863; the defenses of New Orleans, La., to August 31, 1863, and the Third Division, Nine-

teenth Army Corps, to September 20, 1863; on sick leave to November 5, 1863; commanding First Division, Nineteenth Army Corps, to May 2, 1864; the Nineteenth Army Corps to July 6, 1864; and a detachment of the Nineteenth Army Corps *en route* to Washington, D. C., in the Army of the Shenandoah, and in the Middle Military Division, to March 20, 1865; commanding United States troops in the Middle Military Division to April 22, 1865; the Department of West Virginia to August 5, 1865, and the District of West Virginia to January 15, 1866, when mustered out of the volunteer service.

He was on leave from January 16 to February 15, 1866; commanding regiment (and in addition the garrison of Washington from October 11, 1866, to August 30, 1867, and the Department of Washington from August 31, 1867, to August 14, 1868, and from March 12 to 16, 1869), at Washington, D. C., to July 10, 1869, and at Fort McPherson, Nebr. (on leave May 25 to July 19, 1870), to November 22, 1871; commanding the Department of the Gulf November 28, 1871, to March 27, 1875; awaiting orders to October 11, 1875; president of a retiring board at Washington, D. C., to July 1, 1876, when he was retired as a brigadier-general by act of Congress approved June 26, 1876. By direction of the President he was assigned to duty according to his brevet rank of major-general while exercising the command of the Department of Washington, by paragraph 25, Special Orders No. 426, Headquarters of the Army, Adjutant-General's Office, August 27, 1867.

He was again, by direction of the President, assigned to the command of the same department according to his brevet rank of major-general, by General Orders No. 10, Headquarters of the Army, Adjutant-General's Office, March 5, 1869. By General Orders No. 66, November 1, 1871, from War Department, Adjutant-General's Office, he was assigned to the command of the Department of the Gulf, and by paragraph 3, Special Orders No. 429, War Department, Adjutant-General's Office, November 3, 1871, he was, by direction of the President, assigned to duty according to his commission of brevet major-general.

He died December 1, 1887, at Washington, D. C.

R. C. DRUM, *Adjutant-General.*

WILLIAM A. HUMES.

Mr. HUNTER. I call up the bill (H. R. 9731) granting a pension to William A. Humes.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William A. Humes, late a private of Company —, Thirteenth Regiment of Kentucky Volunteer Cavalry.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9731) granting a pension to William A. Humes, have had the same under consideration, and make the following report:

It is shown by the proof on file in this case that claimant was enrolled and duly mustered into the United States service for three years at Lexington, Ky., as a private in Company I, Twenty-first Regiment of Kentucky Volunteer Infantry, on the 3d day of October, 1861. That while serving in that command at Columbia, Ky., in January, 1862, he contracted typhoid fever which resulted in rheumatism of back, or lumbago, on account of which he obtained a furlough and went to his home. That after he recovered sufficiently for military duty he enlisted as a private in Company I, Thirteenth Regiment of Kentucky Volunteer Cavalry, and was honorably discharged therefrom on the 10th day of January, 1865.

He filed an application for pension on the 26th day of April, 1883, and alleged in his declaration disease of back, as a result of typhoid fever, but the claim was rejected on the 2d day of December, 1885, on the ground of desertion and the refusal of the Adjutant-General of the Army to remove that charge from his military record.

The proof is conclusive as to the origin of the disease, its continuance since discharge, and existence at the present time, and it is quite manifest that claimant joined the most convenient command when able for military duty with no other than a high patriotic motive, and with no intention whatever of violating any military or other law in so doing.

In view of the foregoing facts your committee feel that this is a meritorious claim, and recommend the passage of the bill with the following amendment: Add the letter "I" after "Company," in the sixth line.

The amendment recommended by the committee was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

BELLE R. CLEMENTS.

Mr. HUTTON. I call up the bill (S. 2549) for the relief of Belle R. Clements.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of Belle R. Clements, widow of the late Bennett A. Clements, surgeon United States Army, and pay her a pension at the rate of $50 per month from and after the passage of this act.

The report (by Mr. HUTTON) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2549) granting an increase of pension to Mary Isabella R. Clements, have considered the same, and report the bill back to the House with the recommendation that it do pass.

The report of the Senate committee fully sets forth the facts in the case. They are as follows:

"[Senate Report 1424, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 2549) for the relief of Belle R. Clements, have re-examined the same and report:

"This claim was reported adversely May 8, 1888, on the ground that 'there is no testimony on file showing that the pension she is now receiving is not adequate for the present support of claimant, and her own statement that she is entitled to $50 per month, on account of her late husband's long and faithful service, is not deemed sufficient to warrant favorable action.'

"The bill was recommitted May 25, 1888, additional testimony having been filed as follows: In affidavit executed May 22, 1888, claimant states that she was married under the name of May Isabelle Clements, but that, her maiden name being Rutherford, the initial R. has since been habitually inserted in her correspondence and so used as a part of her name, and that the name Belle is simply a contraction of Isabelle; that at the time of her late husband's death he was the senior major in the Medical Corps of the Army, and had been for three months eligible and entitled to promotion to the grade of lieutenant-colonel, which vacancy was caused by the retirement of Surg. Gen. Robert Murray, and that he failed to receive his promotion for the reason that the vacancy in the grade of Surgeon-General remained unfilled for several months; that the late surgeon's service was exceptional, owing to his long marches on the frontier, in the Seminole war, and the war of the rebellion; that he was principal operator in the field hospitals of the Army of the Potomac, and was constantly engaged in most difficult and trying surgical operations; that the constant strain to which he was subjected undermined his health and made him less able to resist the attacks of disease than he otherwise would have been; that his death was due primarily to pneumonia, which resulted in the rupture of a blood vessel; that she has no other source of income than that now allowed by the Government; and that she has two minor children receiving each a pension of $2 per month; that her necessities are pressing and hard to endure.

"In a letter dated May 23, 1888, John Moore, Surgeon-General United States Army, states that he knew the late officer from the first year of his service in the swamps of Florida to the time of his death; that there was not another medical officer in the Army who was so continuously on duty, or so frequently on kinds of duty where great hardships were undergone or great responsibility incurred; that during his thirty years of service, with the exception of three or four months at the close of the war, when broken down by sickness, he never had but three months' leave of absence; in this respect a record unequaled in the service; that as there is no similar example of devotion to duty in the medical service in the Army there can be no good reason to fear that this increase of pension would become a precedent for other claimants; that the widow is greatly in need of the increase asked for, and that the writer sincerely hopes the claim may receive favorable consideration.

"Claimant's explanation of her change of signature, referred to in the former report, a copy of which is hereto appended, seems to be satisfactory, as all of the papers signed by her are in the same handwriting; and her statement that her necessities are pressing and hard to endure is corroborated by Surgeon-General Moore, General George Crook, and Surg. Gen. John B. Hamilton, of Marine-Hospital Service.

"The facts in the claim seem to warrant favorable action, and your committee therefore recommend the passage of the bill."

Mr. CHEADLE. Mr. Chairman, this is another of the increase bills, and I ask unanimous consent that the same order be made in this case as in the preceding one; that is, that it be made a special order for July 12 under the same conditions as the other bills.

There was no objection, and it was so ordered.

MRS. CATHARINE SINNOTT.

Mr. SPOONER. I ask to call up the bill 5490, granting a pension to Mrs. Catharine Sinnott.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension-roll the name of Mrs. Catharine Sinnott, widow of Patrick Sinnott, otherwise known as Edward Clark, late a member of Company F, Fortieth Regiment of Massachusetts Volunteers, and pay her a pension, subject to the provisions and limitations of the pension laws.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5490) granting a pension to Mrs. Catharine Sinnott, respectfully report:

Mrs. Catharine Sinnott is the widow of Patrick Sinnott, who enlisted and served as a private, under the name of Edward Clark, in Company F, Fortieth Regiment Massachusetts Volunteers.

The evidence on file in the Pension Office seems to satisfactorily show that the soldier, prior to his enlistment, was a healthy, able-bodied man. From the records of the Surgeon-General's Office it appears that during the last month of his military service he was sick in hospital at Richmond, Va., with intermittent fever, until the time of his final discharge May 24, 1865.

It also appears in evidence that from the time of his discharge the soldier was an enfeebled, broken man, incapacitated in body and mind.

He died November 4, 1867, less than two and one-half years after the termination of his army service.

There is a discrepancy concerning the immediate cause of his death—the public record stating it as "consumption," and the attending physician as "inflammation of the brain." There is also other testimony on file, of acquaintances and neighbors, that after his discharge from the service the soldier labored under apparent brain difficulties as well as physical infirmities.

The case, in brief, is this:

A healthy, able-bodied young man, twenty-three years of age, enlisted in the Army; he was in hospital sick with intermittent fever from April 24, 1865, to May 24, 1865, when he was discharged the service; he returned home broken and disabled in body and mind, and, after lingering in that condition through less than two and one-half years, died either of consumption or inflammation of the brain, and in the circumstances disclosed your committee think it of slight importance to determine which was the immediate cause of death. He leaves surviving him his widow, poor and dependent upon her own manual labor for her support.

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. DELILAH WHIPPS.

Mr. MACDONALD. I call up the bill (H. R. 3764) for the relief of Mrs. Delilah Whipps.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to place the name of Mrs. Delilah Whipps, widow of Lloyd Whipps, late a private in Capt. Joseph J. Jones's company, in the war of 1812, on the pension-roll, subject to the provisions and limitations of the pension laws.

The report (by Mr. HENDERSON, of North Carolina) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3764) granting a pension to Delilah Whipps, have considered the same, and report as follows:

The husband of the claimant, Lloyd Whipps, was a member of Capt. Joseph T. Jones's Company, of Colonel Bowie's Thirty-fourth Regiment of Maryland Militia, from July 22 to July 25, 1814, and in Captains Veich's and Jackson's companies from July 25 to July 31, 1814. He was granted a land warrant, No. 88729. His widow's claim for pension under the general laws was rejected on the ground of insufficient service.

It appears by a report from the Third Auditor, United States Treasury Department, that four days' pay was allowed to privates in Captain Jones's company for going to rendezvous and returning home. By counting the days of enlistment and of discharge we have ten days of actual service with the companies, which, with four days' travel, make the requisite period of fourteen days required in this class of cases under the general law.

The claimant is seventy-eight years of age, and in poor financial circumstances.

Your committee are of the opinion that the soldier's service was sufficient to warrant the allowance of a pension to his aged widow.

They recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HIRAM R. ELLIS.

Mr. FORD. I call up the bill (H. R. 881) granting a pension to Hiram R. Ellis.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hiram R. Ellis, formerly first lieutenant and adjutant of the Twenty-eighth Michigan Infantry, and pay him a pension as of the rank of first lieutenant, in lieu of the pension allowed him under the general pension law of the rank of sergeant of Company I, Fifth Michigan Cavalry, from and after the passage of this act.

The report (by Mr. CHIPMAN) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 881) having considered the same, beg leave to report as follows:

The claimant was a sergeant in Company I of the Fifth Regiment Michigan Cavalry during the war of the rebellion. In September, 1864, he was promoted to be first lieutenant and adjutant of the Twenty-eighth Regiment Michigan Infantry, in which capacity he served until the close of the war.

He afterwards applied for a pension upon the ground of a disability from hemorrhoids contracted in the line of duty. A pension was granted him by the Bureau of Pensions as of the rank of sergeant. He now seeks to be pensioned as of the rank of first lieutenant.

From the papers on file in the Pension Office and from numerous affidavits submitted to the committee, they find the following facts:

That Ellis was first annoyed with hemorrhoids in July, 1863, while he was serving in the capacity of sergeant, but that he speedily recovered from said ailment and continued in the performance of his duties without intermission or recurrence of said disability until after he was promoted to the rank of first lieutenant. That at the time of his said promotion he was in good health and performed the duties of his position without physical hindrance until he went on a march with his command from a point 20 miles north of Gallatin, Ky., to Nashville, Tenn., on or about the 4th and 5th of December, 1864. Said march was a continuous one and occupied about thirty hours' continuous time. After said march and upon his arrival at Nashville, the claimant discovered he had contracted a serious case of hemorrhoids, caused by the exertion and exhaustion consequent upon said march. That thereupon and thereafter said disability became permanent and firmly established.

The above facts have been substantiated by affidavits submitted to this committee, two of which affidavits are hereto annexed. Your committee believe that the disability from hemorrhoids which Ellis contracted while he was serving as a sergeant had been entirely cured a long time before he was promoted to be first lieutenant, and that the disability from which he now suffers was incurred originally while acting as first lieutenant as aforesaid, and they therefore recommend that the bill do pass.

STATE OF MICHIGAN, *County of Allegan, ss:*

In the matter of petition of Hiram R. Ellis, late first lieutenant and adjutant Twenty-eighth Regiment Michigan Infantry Volunteers.

Personally appeared before me, a notary public duly authorized to administer oaths in said county and State, William B. Williams, who, being duly sworn, deposes and says: That affiant was camp commandant of the said regiment of Kalamazoo, Mich., during the months of August, September, and October, 1864; that during that time and on and after some time in August the petitioner was first lieutenant and adjutant of said regiment, and was almost constantly in my presence at headquarters while on duty; that I had good opportunities to become informed as to his physical condition; that I have every reason to believe, and do believe, it was good—at least he performed the duties of his office in a very satisfactory manner; that had he been affected with any ailment or disease to a noticeable degree during the period above named, I should probably have observed it; that his apparent good health continued until the regiment left Kalamazoo for Louisville, Ky., on the last of October, 1864. I saw petitioner subsequently at Louisville, Ky., early in the following November, and he was then in the enjoyment of his usual good health, and was as active and interested in the performance of his duties as usual.

Affiant further states that he has no interest, either direct or indirect, in the presentation of this petition, and that he makes this affidavit solely for the purpose of aiding in doing justice to a good soldier and worthy citizen.

W. B. WILLIAMS.

STATE OF MICHIGAN, *County of Allegan, ss:*

Sworn to and subscribed before me this 4th day of January, A. D. 1888; and I further certify that I read said affidavit to said affiant before he signed the same, and that I have no interest, direct or indirect, in the matter of this petition.

F. E. FISH,
Notary Public in and for Allegan County, Michigan.

STATE OF MICHIGAN, *County of Calhoun, ss:*

In the matter of petition of Hiram R. Ellis, late first lieutenant and adjutant Twenty-eighth Regiment Michigan Infantry, for change of rank.

Personally came before me, a notary public in and for said county and State, Norris J. Frink, whose residence and post-office address is Marshall, Mich., and who, being duly sworn, declares in relation to the aforesaid petitioner as follows:

At the organization of the aforesaid regiment I was captain of Company A, and my official duties with the adjutant were necessarily frequent, to such an extent that I saw and conversed with him during the months of September, October, and November, 1864, several times each and every day. Aside from that, we were together socially much of the time, and I am confident that if the petitioner had at that time been in ill health or suffering from disease of any kind to an appreciable extent I should have known it. What I wish to say is that if he was in any way afflicted with disease it did not prevent him from performing his duties in an active and energetic manner.

He continued to be as active and energetic as almost any officer in the command, until while the regiment was engaged in conducting a wagon train from Camp Nelson, Ky., to Nashville, Tenn., in the month of November and early part of December, 1864, the petitioner was subjected to a severe and exhaustive strain upon his body by continuous saddle riding, and particularly the day and night before reaching Nashville, Tenn., he was continuously in the saddle, and after that complained of severe suffering from piles, as the result of the exhaustive nature of his duties on the occasion referred to. I was constantly associated with him from that time on until the regiment was mustered out in June, 1866, and know that he at times complained of suffering from piles while the command was in the service.

I believe that his permanent disability from piles was the result of the arduous duties he performed on or about the 4th or 5th days of December, 1864, and that his disability, if he had any, prior to that time, would not be considered as affecting him to a pensionable degree.

I know the petitioner to be a man of good reputation, and one whose statements can be relied upon, and make this affidavit solely that justice may be done a worthy ex-soldier and a worthy man.

I further declare that I have no interest in his petition, except as above stated, and am not concerned in its prosecution.

NORRIS J. FRINK,
Late Major Twenty-eighth Michigan Infantry.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said claim, nor am I concerned in its prosecution.

Witness my hand and seal this 13th day of January, 1888.

[SEAL.] JAMES M. PARSONS,
Notary Public, Calhoun County, Michigan.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARSHALL BURTRAM.

Mr. THOMAS, of Kentucky. I call up the bill (H. R. 9029) for the relief of Marshall Burtram.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Marshall Burtram, of Lewis County, Kentucky, late first sergeant in Company K, Fortieth Kentucky Volunteers.

The report (by Mr. HUNTER) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9029) for the relief of Marshall Burtram, have had the same under consideration and make the following report:

Marshall Burtram, Company K, Fortieth Regiment Kentucky Volunteers, was enrolled on the 19th day of August, 1863, at Grayson, Ky., and was honorably mustered out with company December 30, 1864, as first sergeant.

While at Camp Lebanon, Ky., October 15, 1864, from lying on the ground and other exposure he contracted a severe cold, which resulted in lung disease. He was treated in the hospital at Lexington, Ky. He has taken medicine since his discharge from the Army, but has not improved in health. From the affidavits of his comrades his statements are sustained as to his exposure and cold and lung disease.

Jarrett and John Zurus state that they were intimately acquainted with claimant for a number of years prior to his enlistment, and to the best of their knowledge he was a stout, healthy man.

John Patten, a comrade, was on guard some time with claimant, and says:

"The night being damp and cold, claimant contracted a severe cold. He was very hoarse and complained of his lungs during the remainder of his term of service; affiant was with him during the time above referred to."

This was in October, 1864. The said Patten further stated that "claimant was ordered to a certain cross-road on the road leading from Lebanon to Salt River, in command of a guard of ten men; they remained on guard some time," and while so on guard and in line of duty he contracted the cold complained of and disease of lungs.

Lieut. H. E. Evans, of Lexington, Ky., states that—

"At Lebanon, Ky., October 15, 1864, claimant contracted a severe cold, which affiant believes affected his lungs. Prior to this time claimant was a stout, healthy young man, and after October 15, 1864, he complained more or less of his lungs until he was discharged."

Jarrett and John Zornes say that they believe that claimant is not able to earn enough to support his family, and they are well acquainted with him and have been for many years.

Dr. Lewis A. Grimes, the examining surgeon, certifies:

"In this applicant I find pain (slight) at base of chest and beneath the sternum; frequent cough, attended with expectoration of pearl-colored sputa, not readily mixing with water; deep and full inspiration, provoking severe cough, moist bronchial rales, resonance percussion, and the vocal resonance not materially affected, respiratory member somewhat weakened over upper portion on both sides, fast walking for fifteen minutes in front of my office provoking cough attended with sputa; a little or very small streak of blood. Should say applicant had chronic bronchitis."

The claimant applied for a pension—No. 349068. His claim was rejected because the Commissioner decided that his disease was not contracted in the service.

Your committee therefore make this favorable report, and recommend the passage of the bill with the following amendment:

Strike out "Burtram" wherever that name occurs in the bill and insert "Burtrum."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. CATHARINE K. WHITTLESEY.

Mr. VOORHEES. I call up the bill (S. 2274) granting a pension to Mrs. Catharine K. Whittlesey.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Catharine K. Whittlesey, widow of the late Maj. J. H. Whittlesey, United States Army, and pay her a pension at the rate of $25 per month in lieu of the pension she is now receiving.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6289) introduced by Mr. VOORHEES, have considered the same in connection with bill S. 2274, and report back the latter bill (S. 2274) with the recommendation that it pass as a substitute for the House bill referred to.

They adopt as their report the statement of facts correctly set forth in the report of the Senate Committee on Pensions, as follows:

"[Senate Report No. 966, Fiftieth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 2274) granting an increase of pension to Catharine K. Whittlesey, have carefully examined the same, and report:

"The claimant, Catharine K. Whittlesey, widow of Maj. James H. Whittlesey, filed her declaration for a pension, by reason of the death of her husband of disease contracted in the service of the Government, September 2, 1886. A pension was granted January 28, 1887, "for malarial poison and resulting disease of the liver," rating the pension to which she was entitled at $17 per month, commence-

ing August 2, 1886. The bill asks that the widow be pensioned by special act of Congress at the rate of $10 per month.

"The husband of the claimant graduated in 1844; promoted a second lieutenant September 18, 1845, first lieutenant October, 1847, captain October 22, 1854, and major of the Fifth Cavalry November 12, 1861; retired as major November 30, 1863. He was in active service of the Government in Louisiana in 1845; in the military occupation of Texas to January 29, 1846; in Kansas June, 1846; served in the Mexican war, 1848; on field service in New Mexico to November 13, 1851; stationed in Kansas in 1854; New Mexico in 1855; in Oregon in 1861; with the Fifth Cavalry in the Army of the Potomac to May, 1862; on special duty at Harrisburg to February, 1863; mustering and disbursing officer at Concord, N. H., to February, 1865; commanding Camp Randolph, Madison, Wis., to July 3, 1865; recruiting service to February 4, 1867; on special service at Winchester, Va., to June, 1868; professor of military science, etc., at Cornell University, New York, to February 21, 1870; secretary and treasurer of the Soldiers' Home near Washington, D. C., to July 5, 1881.

"The above record shows that Major Whittlesey was continuously in active service from 1844 to May 21, 1867; that he was on frontier duty; that he served in the Mexican war, and was especially noticed for gallantry at the battle of Buena Vista. The evidence in the papers further shows that he was in numerous Indian engagements, and exposed to severe hardships during these expeditions; that after he had been retired by reason of physical disability he was assigned to special duty for nineteen years, in all of which positions he gave satisfaction to his superior officers. There are but few that can show a prouder or more honorable record in the service of his Government than Major Whittlesey.

"The Commissioner of Pensions, under what he construes to have been the cause of the death of Major Whittlesey, as shown by certificate of disability dated in 1852 and under the strict letter of the law, has given the widow the pension only of the widow of a first lieutenant, while the record shows that he held the rank of captain in active service for nine years and of major for two years before he was retired, and that he was in active service or assigned to special duty with the rank of major from 1861 to 1881, a period of twenty years. The cause of death, as certified, was malarial fever, and the record shows that after his service in the Army of the Potomac in the Peninsula he was granted sick leave for malarial trouble. At that time and for a year anterior to it he held the rank of major. D. L. Huntington, surgeon, United States Army, certifies, under date of August 28, 1886, as follows:

"'This is to certify that I was the medical attendant of Maj. J. H. Whittlesey, United States Army (retired), during the years from 1876 to 1880, both inclusive, while he was an officer of the Soldiers' Home, near this city. During this period he suffered more or less continuously and severely from chronic inflammation of the liver, and with attacks of acute inflammation of the deodenum. I am inclined to believe from his condition and history that this trouble orignated in the line of his duty while an officer of the Army in active service, and was due to exposures incurred in the early part of the civil war.'

"If this certificate is to be taken as true, the widow of Major Whittlesey, under the law and as a matter of right would be entitled to a pension at the rate of $25 per month, the rate allowed the widow of a major.

"Your committee would recommend that Senate bill 2274 be amended, in line 8, by striking out the word 'forty' and inserting in lieu thereof the word 'twenty-five,' and as amended the bill is reported favorably, with the recommendation that it do pass."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. CATHARINE PETERSON.

Mr. WICKHAM. I call up the bill (H. R. 3913) granting a pension to Mrs. Catharine Peterson.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Catharine Peterson, widow of Anthony Peterson, late first lieutenant Company F, Thirty-seventh Regiment Ohio Volunteers, to date from the 1st day of July, A. D. 1880, the date of the death of said Anthony.

The report (by Mr. THOMPSON, of Ohio) is as follows:

The Committee on Invalid Pensions, to whom was referred House bill 3913, beg leave to submit the following report:

Anton Peterson, the husband of the applicant, who is a widow, was a first lieutenant in Company F, Thirty-seventh Regiment Ohio Volunteer Infantry, and also a captain of Company G, One hundred and seventh Regiment Ohio Volunteer Infantry. At the time of his death he was receiving pension for hernia incurred while such lieutenant.

The application for a pension by the widow has been rejected by the Pension Bureau, on the ground that the disease, angina pectoris, of which her husband is said to have died, had no pathological connection with the hernia for which he had been pensioned. This determination was based upon a report made by medical referee, to whom the case had been referred. In his report the referee used the following language:

"I consider it best to adhere to the rejection of this claim. In the first place, hernia is not one of the causes that of itself is likely to produce the effect on the nervous system which is herein described, and it has not so far been recognized as a cause of angina pectoris by any authority in medicine. * * * In my opinion, no pathological sequence can be established between hernia and angina pectoris."

Much evidence of medical gentlemen acquainted with the deceased, and his condition for a long period prior to death, was taken.

Dr. Charles H. Rockwood testified, November 4, 1880, that he had practiced medicine fourteen years; that he had been well acquainted with the deceased for eight years prior to that date, and knew that he had suffered a long time with hernia; had been unable to work on account of it, and that he had died on the 1st day of July, 1880, from angina pectoris, superinduced by his physical condition and hernia.

In another affidavit filed in August, 1881, he says that three or four days before his death the soldier described to him his symptoms, as follows:

"Sharp, cutting pains in right inguinal region, and darting and shooting pains affecting the right and left thoracic region, especially the left, in the region of the heart; severe pain in the left shoulder and extending down the arm. Did not see the soldier again till called to his death bed. Held a *post mortem* and found heart in a healthy condition, but somewhat atrophied; hernia not strangulated; stomach and intestines in healthy condition. From all symptoms gathered from friends and personal observation, affiant pronounces it a case of angina pectoris, superinduced by an excessively nervous condition of the system, originating primarily from the hernia and its surroundings."

The same gentleman, in another affidavit dated March 14, 1883, says that he lived "next neighbor" to the soldier two or three years, and "presumes that he saw him every day" during that time; that he "had many talks with the soldier about his complaints;" was aware that he suffered a great share of the time on account of hernia and effects upon a naturally nervous temperament; that the soldier told him, affiant, that he "often suffered from severe pains from the hernia and surrounding parts, such as severe darting and cutting pains through various parts of the body, as the abdomen, legs, arms, shoulders, and chest;" that as stated by the affiant in former affidavit, three or four days before soldier's death he had a conversation with him in which he described his feelings as follows: That he had "sharp, cutting pains in right inguinal region, darting and shooting pains affecting the right and left thoracic region, especially the left, in region of the heart, and that taking everything into consideration, affiant sincerely believes that soldier's nervous prostration was occasioned by hernia; that he died from the effects of the hernia upon an exceedingly nervous temperament in the form of neuralgia of the heart or angina pectoris."

The same witness further testifies, in an affidavit filed January 2, 1884, substantially as in former affidavits, adding that from all the symptoms as described to him, the soldier's pains from the hernia, together with an exceedingly nervous condition of the system, originating directly from the hernia, he pronounced it a case of angina pectoris. The hernia, with the shooting and darting pains, produced and was the cause of the same.

Dr. Allen Cross also testified, in an affidavit filed September 3, 1881, that he had been practicing medicine for thirty-nine years; that he knew the soldier well and intimately; knew that he was suffering from hernia in inguinal region, and compelled to wear a truss; that he, affiant, had been consulted in the case; and that he had "no doubt that the rupture was the cause of the soldier's death, as it ofttimes prostrated him, causing exhausting pains and symptoms of angina pectoris."

Dr. N. S. S. Cromwell testified, in an affidavit filed January 2, 1884, that he had practiced medicine for five years; that he had been acquainted with the soldier four or five years; that he agrees with Dr. Rockwood's statement that under existing circumstances and the condition of the soldier when accompanied with the pains, as stated by Dr. Rockwood, and in affiant's opinion, death would ensue from the cause named (hernia), which would produce angina pectoris, as in the case of the soldier.

Dr. R. B. Collier testifies, in an affidavit filed January 2, 1884, that he is a regularly educated physician in actual practice; that he is acquainted with Dr. Rockwood, and concurs with him in regard to the soldier's case.

Your committee are led irresistibly to the conclusion that the death of the husband of the applicant was caused by the hernia which originated in the service, and for which he was at his death receiving a pension.

The medical referee in his decision proceeds on the theory that the soldier died of angina pectoris, which he says could not pathologically proceed from hernia. It will be observed that the physicians in charge and acquainted with the soldier's case do not say without qualification that he died of angina pectoris. Dr. Cross says that the rupture "caused exhausting pains and symptoms of angina pectoris." Dr. Rockwood says that from all the symptoms, etc., "he pronounces it a case of angina pectoris." But while they say this, all the doctors who testify, four in number, are united and confident in the opinion that the soldier's death proceeded from the hernia. Their evidence shows conclusively that for years he suffered in the inguinal region severe and continued pains; that they extended to the other parts of the body, including the left thoracic region; that he constantly grew weaker, the pains continuing until his death. No other cause of his death appears, nor is it even hinted at in any of the evidence in the case, nor in the medical referee's report.

If there could be any reasonable doubt that the continued, excessive, and prostrating pains from the hernia, having their legitimate effect upon a naturally nervous temperament, caused the death of the soldier through their effect upon his heart, such doubt, your committee feel, should be solved in favor of the applicant, and they do therefore recommend the passage of the accompanying bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. FANNIE A. BOYD.

Mr. RUSSELL, of Massachusetts. I call up the bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd, widow of Capt. O. B. Boyd.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Fannie A. Boyd, widow of Capt. O. B. Boyd, Eighth United States Cavalry, to $30 per month, in lieu of the pension she is now receiving, to date from the passage of this act.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9963) granting an increase of pension to Mrs. Fannie A. Boyd, have considered the same and report as follows:

Capt. Orsemus B. Boyd entered the military service of the United States as a corporal in Company I, Eighty-ninth New York Volunteer Infantry, on the 16th day of September, 1861. He was then but seventeen years of age. He was in active service and was mentioned for gallantry at Roanoke Island, N. C., in battle. For his bravery he was promoted to the rank of second lieutenant of Company D, One hundred and forty-fourth New York Volunteers, on September 5, 1862. It is stated that in this company he commanded his father and elder brother, who were private soldiers therein.

On February 14, 1863, he was honorably discharged from the One hundred and forty-fourth New York Volunteers, having accepted a cadetship at the Military Academy at West Point, N. Y. He was graduated therefrom and appointed a second lieutenant, Eighth Cavalry, June 17, 1867; promoted first lieutenant October 13, 1868, and captain June 26, 1882. He died in camp, near Grafton, N. Mex., July 23, 1885, of "acute dysentery incurred in line of duty." Nearly all of his period of service was spent with his regiment in Arizona, Texas, and New Mexico, where he assisted in developing our great inland resources. He died at the early age of forty-one, after twenty-four years of faithful and gallant services in the interest of his country.

The claimant, Mrs. Boyd, is now a pensioner as the widow of Captain Boyd, at the rate of $20 per month. Her late husband left her no property of any kind, and she has none of her own. She is herself in ill health, brought on, as she claims, by the exposure which she endured while with her husband in the Southern Territories. Her family physician, Dr. J. S. McLain, certifies that "she is suffering from a physical disability which would prevent her gaining a livelihood by her own endeavor." Her children are not old enough to render her a support, but rather to demand a mother's attention and care.

Your committee report the bill back to the House with the recommendation that it do pass, amended, however, by striking out the word "fifty," in line 6, and inserting in lieu thereof the word "forty."

Mr. CHEADLE. Mr. Chairman, I move that the bill be sent over to the full House under the same conditions as in the other cases.

There was no objection, and it was so ordered.

CATHARINE PETERSON.

Mr. McMILLIN. Mr. Chairman, the bill (H. R. 3913) has already been acted upon by the committee, but I ask unanimous consent to recur to it in order to move an amendment.

The CHAIRMAN. Is there objection? The Chair hears none. The

permission asked by the gentleman from Tennessee [Mr. MCMILLIN] is granted.

Mr. MCMILLIN. I move to amend the bill by striking out all of the bill after the words "Ohio Volunteers," in the eighth line.

Mr. WICKHAM. I do not object to the amendment of the bill so as to eliminate the provision for arrears.

The Clerk reported the amendment, as follows:

After "Ohio Volunteers," in line 8, strike out "to date from the 1st day of July, A. D. 1880, the date of the death of said Anthony."

Mr. MCMILLIN. It has been the custom of Congress for ten years to grant no arrears in these cases.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER J. COLLINGE.

Mr. CONGER. I call up for consideration the bill (H. R. 2176) granting a pension to Alexander J. Collinge.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alexander J. Collinge, late a member of Company A, Thirty-ninth Regiment Illinois Volunteers.

The report (by Mr. SPOONER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2176) granting a pension to Alexander J. Collinge, respectfully report:

That Alexander J. Collinge was a sergeant in Company A, Thirty-ninth Regiment Illinois Volunteers. He enlisted in September, 1861; re-enlisted as a veteran in 1864, and was finally discharged December 16, 1865.

Upon re-enlisting, he was granted the usual furlough promised and given to veterans upon their re-enlistment, and furnished Government transportation to Chicago, Ill.; and, while traveling to his home upon said furlough, in April, 1864, he was injured by an accident to the railroad train upon which he was. The soldier, in his affidavit, states the circumstances of said accident as follows:

"When passing through the State of Ohio, near Crestline, the train on which he was met with an accident, which he understood was caused by cattle on the track. He knows he was thrown from his seat in a coach, and the next circumstance he has any remembrance of was he was in a hotel in Crestline in a bed, cared for by some parties not known to him. He was told that he was pinned in between two seats when found."

The permanent injury to the soldier by said accident was a serious double hernia.

Dr. Charles M. Clark, late surgeon of the soldier's regiment, testifies:

"He (said Collinge) reported to me the 26th day of May, 1864, with a double inguinal hernia (oblique) while I was at Bermuda Hundred, Va., the said hernia being caused by railway accident while on his way home on veteran furlough. He was a sound man at date of enlistment. The circumstances of his case I remember by reason of having applied truss, etc."

His claim for pension has been rejected upon the ground that the soldier was not in the line of duty at the time of receiving said injury, because section 4700 of the Revised Statutes provides that soldiers on veteran furlough, while "with the organization to which they belong, shall be regarded in the administration of the pension laws in the same manner as if they were in the field or hospital."

The ground upon which rejection in this case was founded seems to your committee extremely technical and inequitable. The facts are that veteran furloughs were offered as inducements to re-enlistment; that Collinge was upon detached service at the time the members of his regimental organization re-enlisted and departed upon their veteran furlough; that he also re-enlisted, but started upon his furlough at a little later date than his comrades, because they had already gone when he rejoined his regiment from said detached service; that he received the same veteran furlough as his comrades and was furnished Government transportation in the same manner; that his injury, which has most seriously disabled him (as appears by the report of the examining board of surgeons, on file), was received through no fault or negligence upon his part.

Your committee think that, in view of the circumstances above mentioned, the soldier's claim for pension is equitably entitled to the same consideration as if, at the time of receiving said injury, he had been "with the organization" to which he belonged. They therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARIA HULSE.

Mr. CARUTH. I call up for consideration the bill (H. R. 9911) granting a pension to Mrs. Maria Hulse.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Maria Hulse, dependent mother of Silas Hulse, who was a soldier in the Mexican war, and subsequently joined the regular Army of the United States, and was killed in the service of his country.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 9911) granting a pension to Mrs. Maria Hulse, have considered the same, and report as follows:

The claimant is the mother of Silas Hulse, who was a private in the Mexican war under Major Churchill, and subsequently enlisted in Company D, Third United States Infantry (February 27, 1849), and was killed accidentally by a wound at Sante Fé, N. Mex., August 23, 1849. The records are incomplete as to full circumstances of death, but it is accepted at the War Department as being accidental and in line of duty.

The claimant, Mrs. Hulse, is now in her eightieth year, in destitute circumstances, almost blind, and dependent upon the charity of her friends and neighbors, and she has been dependent upon her own manual labor for support ever since the death of the soldier, her only son. She had two daughters, but they are now dead.

Many prominent citizens of Louisville, Ky., unite in a petition for her relief.

Her claim was rejected by the Pension Bureau because there is no general law allowing a pension to mothers or widows of soldiers who died prior to March 4, 1861. In a similar case the honorable Commissioner of Pensions has recommended the passage of a special act to meet the deficiency of the general law.

Your committee believe that a pension should be granted to this old and destitute mother, whose son's death in the military service of his country has deprived her of his assistance in her time of need.

Your committee recommend the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

C. T. MAPHET.

Mr. PETERS. I call up for consideration the bill (H. R. 217) granting a pension to C. T. Maphet.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-rolls C. T. Maphet, subject to the provisions and limitations of the pension laws, he having been a private in Company D, Fifteenth Regiment Kansas Cavalry, and now living at Olcott, in Reno County, Kansas.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 217) granting a pension to C. T. Maphet, submit the following report:

Charles T. Maphet enlisted August 12, 1863, as a private in Company D, Fifteenth Kansas Cavalry, and was discharged for disability January 27, 1865, on account of sore eyes. The evidence of the disability of eyes in service and since discharge is complete. Dr. W. D. Hoover, who had charge of the hospital at Paola, Kans., in 1864, says that his eyes were badly inflamed and that he treated them. First Lieut. Abraham Ellis, of the same company, says that in the latter part of November or fore part of December, 1863, the soldier took some inflammatory disease, which resulted in sore eyes.

The case at the Pension Office was rejected because it was claimed that the disease existed prior to enlistment; but Dr. J. B. Davis, his family physician, says he knew him from 1861 and he was sound at enlistment, and that he was entirely free from any ailment of the eyes at or prior to that time. The only evidence of weak eyes is the opinion of the surgeon recommending his discharge. We think, however, the evidence of the family physician, who knew him at the date of his enlistment and who says he was sound, should be taken in preference to the opinion of the surgeon, who did not know him at enlistment, and who can only express an opinion at the time of his discharge. But admitting that the soldier's eyes were weak at the time of enlistment, the fact remains that the Government accepted his service in the condition he then was, and for eighteen months he discharged all the duties imposed upon him.

It is not a violent assumption that if the soldier had remained at home receiving proper care he would have soon entirely recovered from the disability, even if it existed. The Government accepted his services, and it resulted in a very serious injury to his eyes, for it is abundantly shown that the disability was much more serious when he was discharged than it was claimed to be when he enlisted.

Your committee insist that eighteen months' faithful service ought to act as an estoppel on the Government from setting up a claim of prior disability.

Your committee therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

MARTIN N. KELLOGG.

Mr. RICE. I call up for consideration the bill (S. 1556) granting a pension to Martin N. Kellogg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martin N. Kellogg, a Mexican war veteran, who served in Company H, Sixth Regiment United States Infantry, and to pay him a pension of $72 a month, in lieu of the pension he is now receiving.

On motion of Mr. CHEADLE, by unanimous consent, the reading of the report was dispensed with, and it was ordered to be printed in the RECORD.

The report (by Mr. BLISS) is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1556) granting an increase of pension to Martin N. Kellogg, have considered the same, and report, adopting the statement of facts as presented in the report of the Senate Committee on Pensions, as follows:

"[Senate Report No. 346, Fiftieth Congress, first session.]

"Martin N. Kellogg, late of the Sixth regular United States Infantry, has been in receipt of a Mexican war survivor's service pension since the 29th January, 1887, under the act of that date, at $8 per month. His disability is that of total blindness, with which he has been afflicted many years; and his condition, aside from such pension, is that of helplessness and entire dependence on his wife and minor daughters.

"His character and conduct during over thirty years' residence in Minnesota have been without reproach, and are favorably certified to from personal knowledge by Messrs. Ramsey, Sibley, and Marshall, three ex-governors of that State, with whose testimony the member of the committee making this report would, if permissible, most cordially concur. The act in question makes no provision for allowances based upon degrees of disability, and the rate is limited to that he now receives. The pensioner is sixty-six years of age, and in his disabled condition can not long be a recipient of the public bounty.

"During his closing years the country can better afford to make him comfortable than to permit him to remain in want; and to that end the committee report favorably upon the bill and recommend its passage."

Your committee also deem it proper to present the statements of ex-Governor Marshall in full, as follows:

"ST. PAUL, *January* 10, 1888.

"I certify, on honor, that I have known Martin N. Kellogg, who has made the within affidavit, for about thirty-seven years. I believe him to be a man of truth and veracity. He is a man of strictly temperate habits and of good moral character. From his general physical appearance in all the years I have known him, I believe he has been a man of impaired health, and think it quite credible that his affliction of blindness has come indirectly from the exposure and sickness which he had in the Army, as he states. I know the truth of what he says about his indigent circumstances.

"WM. R. MARSHALL,
"*Ex-Governor of Minnesota.*"

This statement is concurred in by ex-Governors Alexander Ramsey and Henry H. Sibley and ex-United States Senator Henry M. Rice.

Your committee report the bill back to the House with the recommendation that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE E. WELLS.

Mr. BOOTHMAN. I call up for consideration the bill (H. R. 965) granting a pension to George E. Wells.

The bill was read, as follows:

Be it enacted, etc., That the name of George E. Wells, late a member of the Sixth Ohio Independent Battery, be placed on the pension-roll of the United States, by the Secretary of the Interior; and that he be allowed and paid hereafter the sum of $24 per month, as in the case of other pensioners.

The Committee on Invalid Pensions recommended an amendment adding at the end of the bill the words, "subject to the provisions and limitations of the pension laws."

Mr. BOOTHMAN. Mr. Chairman, I move that the amendment be not agreed to, and that there be inserted in lieu of the words recommended by the committee the following: "And that he be paid a pension of $8 per month from the date of the passage and approval of this bill." The report in this case is quite long and I think I can make a statement which will present the facts more briefly. The whole question in the case is as to whether or not at the present time the claimant is disabled in a pensionable degree. He was granted a pension until July 5, 1882, at the rate of $4 per month. It was proven by the evidence that when discharged in 1865 he was discharged because of paralysis incurred in the service. The proof was strong upon that point; there was no question about it; and the pension was granted in 1882 at the rate of $4 per month, carrying arrears up to July 5, 1882, when it was to cease because of a so-called lapse in the evidence at that time. He applied to be reinstated.

I should say, by the way, that within a couple of years after he came home from the Army, having served in the artillery branch of the service, he participated in a celebration which took place in his town, and was so unfortunate as to have his right arm blown off above the elbow. Of course, he does not claim a pension on account of the loss of his arm, but his case is one which justifies at least reasonable latitude in passing upon the merits of the claim and the evidence by which it is supported. As I said before, the whole question is whether the disability exists now in a pensionable degree. The committee in their report find from the testimony in the case that he is totally disabled for the performance of manual labor. It is proper to say, too, that there was certain evidence before the committee which was not before the Pension Department. The committee propose to amend the bill by inserting the words "subject to the provisions and limitations of the pension laws." That would place the claimant in this position: He must go back to the Department and fight over again the old question as to whether there is a pensionable degree of disability. I would rather have the bill thrown aside entirely than passed in that form, because the controversy on that point has already been carried on for several years between the claimant and the Department. Therefore, I propose that the amendment of the committee be rejected, and that in lieu thereof there be inserted a provision granting a pension at $8 per month.

The amendment of Mr. BOOTHMAN was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY KELLEY.

Mr. HIRES. I call up for consideration the bill (H. R. 945) granting a pension to Mary Kelley.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Mary Kelley, widow of Daniel Kelley, late private of Company B, of the Eighth Regiment of Pennsylvania Cavalry Volunteers, on the pension-roll, and pay to her a pension, subject to the rules and regulations of the Pension Office.

The report (by Mr. PIDCOCK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 945) granting a pension to Mary Kelley, have had the same under consideration, and beg leave to submit the following report:

Mary Kelley is the widow of Daniel Kelley, who served as a private in Company B, Eighth Regiment Pennsylvania Cavalry, from July 23, 1861, to July 26, 1864. Her claim for pension has been rejected by the Pension Bureau, on the ground that the fatal disease, inflammation of stomach, of which he died September 16, 1876, was not chargeable to the military service.

Is is alleged that the disease was a sequence of chronic rheumatism contracted in the service. This claim is not admitted by the medical referee.

It is of record that the soldier contracted anasarca and rheumatism, and was treated therefor in the service; and that he was a great sufferer from the latter until death, is conceded. It is also shown that for some weeks prior to death he was hardly able to move without assistance, and while in this condition received a severe fall, after which he was never able to get up again. The fall caused a stoppage of the bowels, and finally died of gastritis, as diagnosed by the attending physician, who, however, had no knowledge of the soldier's previous condition.

In support of the claimant's allegation that chronic rheumatism was the principal factor in the soldier's death cause, she has filed an able medical opinion of Dr. E. H. Bell, of Philadelphia, Pa., a medical expert upon this class of cases, in which it is held that rheumatism might superinduce gastritis and death. He also refers to several medical authorities, among which, G. B. Wood's Practice, volume I, page 535; Dacosta's Medical Diagnosis, third edition, page 444; Chomel, Des Dyspepsies, and J. Russel Reynolds's System of Medicine, 1880, volume 3, pages 53 and 55. He quotes from the latter as follows:

"Weakened states of general system or of the stomach, which diminishes the secretion of the gastric juice, are also frequent causes of inflammatory irritation. Inflammation of the stomach has also been observed to follow the retrocession of gout and acute rheumatism. Reference is also made to Audral, Clin. Med., vol. 2, page —, where the author states, 'I have observed a case where the retrocession of the pains from the joints was followed by vomiting and diarrhea.'"

Of this, however, the medical referee says there is no evidence. The death of the attending physician from discharge to death precludes the possibility of procuring medical evidence on that point. Being established, however, beyond any question that the soldier was reduced by reason of rheumatism to such an extent as likely to produce the results admitted by the highest medical authorities as sequential thereto, it is the opinion of your committee that whatever doubts there may remain should be solved in favor of this poor and aged claimant, and therefore report favorably on the accompanying bill, and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. VIRGINIA GRIER.

Mr. MAISH. I call up for consideration the bill (S. 123) granting a pension to Mrs. Virginia Grier.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Virginia Grier, widow of William N. Grier, late brevet brigadier-general and colonel of the United States Army; the pension of the said Mrs. Virginia Grier to be at the rate of $30 per month.

On motion of Mr. GALLINGER, by unanimous consent, the reading of the report was dispensed with, and it was ordered to be printed in the RECORD, as follows:

The Committee on Pensions, to whom was referred the bill (S. 123) granting a pension to Mrs. Virginia Grier, have examined the same and report as follows, to wit:

In view of the advanced age of the claimant (she being nearty seventy years old), and in view of the long and honorable services of her late husband, General William N. Grier (exhibited in the annexed statement from the Acting Adjutant-General), your committee recommend that the accompanying bill do pass.

The military record of General Grier is attached hereto and made part of this report.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 11, 1888.

Statement of the military service of William N. Grier, late of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy from September 1, 1831, to July 1, 1835, when graduated and appointed brevet second lieutenant First Dragoons; promoted second lieutenant June 15, 1836; first lieutenant April 14, 1838; captain August 23, 1846; major Second Dragoons April 20, 1861; lieutenant-colonel First Cavalry February 15, 1862; and colonel Third Cavalry August 31, 1866; retired December 15, 1870.

He received the brevets of major March 16, 1848, "for gallant and meritorious conduct in the battle of Santa Cruz de Rosales:" of colonel May 5, 1862, "for gallant and meritorious services in the battle of Williamsburgh, Va.," and of brigadier-general March 13, 1865, "for faithful and meritorious services during the war."

He joined his regiment in October, 1835, and served therewith in the Indian Territory to October, 1837; on leave to March, 1838; on recruiting service to June, 1839; with regiment in the Indian Territory to September, 1840; on duty at the United States Military Academy from September 14, 1840, to June 20, 1841; with regiment in Kansas, the Indian Territory, and Iowa to June, 1846, and in the war with Mexico to July, 1848; on leave and conducting recruits *en route* to regiment to July, 1849; with regiment in New Mexico to (participating in expedition against Apache Indians, being engaged in the skirmish at "Too-koon-kurré Butte," Red River, New Mexico, November 17, 1849, where he was wounded in the left breast) June, 1852; on recruiting service to October, 1854; with regiment in New Mexico to August, 1856; on the march to and in California to April, 1857; on leave to October, 1857; with regiment in Washington Territory and Oregon (being engaged in expeditions against the Spokane and other hostile Indians) to August, 1861; *en route* to Washington, D. C., and from October 11, 1861, to April 21, 1862, was inspector of cavalry in the Army of the Potomac; he commanded his regiment in that army to August 4, 1862, being engaged in the Peninsular campaign, and was wounded in the battle of Williamsburgh, Va., May 4, 1862; superintendent volunteer recruiting service and chief mustering and disbursing officer for the State of Ohio to September, 1862; on court-martial duty at St. Louis, Mo., to February, 1863; superintendent volunteer recruiting service and chief mustering and disbursing officer for the State of Iowa to June 12, 1865; assistant provost-marshal-general, superintendent volunteer recruiting service, and chief mustering and disbursing officer for the western division, State of Pennsylvania, to April, 1866; superintendent mounted recruiting service to May, 1868; conducting recruits to and from July 12, 1868, commanding his regiment in New Mexico to May, 1870, and in Nevada to October 16, 1870; and under surgical treatment at San Francisco, Cal., to November 27, 1870; with regiment at Camp Halleck, Nev., to December 15, 1870, upon which date he was retired, at his own request, after thirty years' service, under the act of July 15, 1870.

He died at Napa Springs, Cal., July 8, 1885.

J. C. KELTON,
Acting Adjutant-General.

There being no objection, the bill was ordered to be laid aside and reported to the House with a recommendation that it do pass.

MRS. LOANDA SHERMAN.

Mr. GEST. I call up for consideration the bill (S. 2604) granting a pension to Mrs. Loanda Sherman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Loanda Sherman, widow of Urial Sherman, who was a private in Company A, of the One hundred and eighteenth Regiment Illinois Volunteer Infantry.

The report (by Mr. LANE) is as follows:

The committee beg leave to report that they have considered this case and adopt the Senate report herein as their report, and recommend that this bill do pass.

[Senate Report No. 1253, Fiftieth Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 2604) granting a pension to Mrs. Loanda Sherman, have examined the same, and report:

Claimant is the widow of Urial Sherman, who enlisted as a private in Company A, One hundred and eighteenth Illinois Volunteer Infantry, August 15, 1862, and was transferred to Veteran Reserve Corps August 31, 1864, and mustered out of the service September 2, 1865.

Claim was rejected December 28, 1887, on the ground that the cause of the soldier's death, pneumonia, was not due to the rheumatism or chronic diarrhea of service origin; neither claimed nor shown to have been otherwise chargeable to his military service.

The testimony in the case is as follows: In her affidavit, filed February 20, 1886, claimant states that she is unable to furnish the testimony of her family physician, showing the continuance of her late husband's disabilities each year since

he returned from the Army, for the reason that he was disgusted with treatment while in the service, and consequently had no medical treatment until the time Dr. Ferris attended him, whose affidavit is already on file.

The records of the War Department show the late soldier treated for hemorrhoids, chronic rheumatism, and lumbago while in the service.

In affidavit filed August 29, 1885, Henry M. Fortney, of New Sharon, Iowa, testifies that the soldier contracted chronic diarrhea in the service, disabling him for military duty.

In affidavit filed August 29, 1885, John Wright, of Blandinsville, Ill., testifies that the soldier was a sound and able-bodied man prior to his enlistment into the service; that he contracted chronic diarrhea and rheumatism in the service, and continued to suffer from the said disabilities to the date of his death, in 1874.

In affidavit filed August 29, 1885, N. A. Alton, of Blandinsville, Ill., testifies that the soldier was suffering with chronic diarrhea at the date of his return from the service, and so continued to suffer to the time of his death.

In affidavit filed August 29, 1885, George W. Conkey, of Fountain Green, Ill., testifies that the soldier was a perfectly sound man at the date of his enlistment into the service, and that he continued to suffer from chronic diarrhea and general debility from the time of his return from the service to April, 1874, the date of his death.

In affidavit filed August 29, 1885, Dr. Leonard F. Ferris, of Fountain Green, Ill., testifies that he was well acquainted with the soldier for several years before his enlistment into the service, and he believes that said soldier was in good physical health, and if he had been otherwise affiant would have known it; that he treated him in July and August, 1868, for chronic diarrhea and general debility, and for the same cause in April, 1873; that the soldier had considerable derangement of the liver and frequent attacks of rheumatism, for which he took more or less patent medicine; that he treated the soldier again in January, 1874, for the same form of disease, and at this time he had, in addition to his former disease, a form of bronchitis; that he began treating the soldier again on April 1, 1874, for bronchitis and pneumonia, and treated him on April 3, 4, 5, 6, and 7, on which last-mentioned day he died; that the case was so complicated and the soldier's general disability was such that he could not be relieved.

In affidavit filed May 9, 1886, Dr. Ferris testifies that at the time of the soldier's last sickness his system was much worn out by diarrhea and rheumatic attacks from which he had been suffering, and that for a considerable time before his last attack he had been having a form of bronchitis, and that the soldier took cold, which brought on pneumonia, which, owing to his weak condition, resulted in death; that the soldier's health had become so impaired by chronic diarrhea and rheumatism, and his vitality so reduced, that the final attack of disabilities mentioned proved fatal.

In affidavit filed November 3, 1887, Dr. Ferris testifies substantially as above.

It is shown by the evidence in the case that the late soldier contracted chronic diarrhea and rheumatism in the service, and continued to suffer from the said disabilities to the date of his death. His case was also complicated with bronchitis and pneumonia, believed by the physician who attended him during his illness to have been superinduced by a debilitated condition of his physical system, consequent upon continued attacks of chronic diarrhea and rheumatism.

The cause of rejection is not warranted by the facts in the claim, and the case should have been allowed under the general pension laws, in accordance with the recommendation of the examiner who submitted it for admission.

The evidence is sufficient to have granted the soldier a pension on account of chronic diarrhea and rheumatism from the date of his discharge from the service to the time of his death, had he applied. It is nowhere shown that the claimant's death was caused by pneumonia alone, but all the proof is to the effect that he died from a complication of diseases, among which was chronic diarrhea and rheumatism.

The claim seems to be a meritorious one in every respect, and your committee therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JANE ANN BURNS.

Mr. CUMMINGS. I ask for the consideration of the bill (H. R. 3897) for the relief of the widow of Col. M. W. Burns.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Jane Ann Burns, widow of Michael W. Burns, late lieutenant-colonel Seventy-third Regiment New York Volunteers, at the rate of $50 per month, from and after the passage of this act (subject to all other limitations and provisions of the pension laws), the same to be in lieu of all other pension paid him.

The report (by Mr. CHIPMAN) is as follows:

The claimant herein, Jane Ann Burns, is the widow of Lieut. Col. Michael W. Burns, of Seventy-third New York Volunteers, whose death from disabilities incurred in the service occurred December 7, 1883. Previous to his death, in 1880, he filed declaration for pension, alleging gunshot wound in left breast, August 27, 1862, at the battle of Kettle Run, Va. It was a contusion, and caused him great trouble and pain, and was the cause of constant suffering until he died, as above stated. The claim was allowed in favor of the widow for gunshot wound and resulting heart and kidney disease, and the rate was fixed at $20 per month.

The bill under consideration asks that the pension of claimant be increased to $50 per month, on the ground of long and faithful and efficient services of the dead soldier and the needy condition of the claimant.

His army services were marked by great energy, and he was always found in the front ranks leading and encouraging his men on to victory. The committee deem it unnecessary to go into details in regard to Colonel Burns's military career while serving his country in the late war.

The following letter addressed to the chairman of this committee will show the value of his services:

"WASHINGTON, D. C., *June* 18, 1888.

"DEAR SIR: Understanding that a bill is before your committee to increase the pension of the widow of General Michael Burns, deceased, I have the honor to state that this officer entered the Army as a subordinate in the Second Fire Zouaves, New York, in April or May, 1861, which regiment was the fourth raised by me, forming part of the Excelsior Brigade. He continued to serve under my command in the Second Division of the Third Army Corps, and afterward in the Third Army Corps until the last campaign, when he served under Hancock in the Second Corps until the close of the war. He was an officer of great merit and distinction, rising almost from the ranks to the grade of colonel and brevet brigadier-general. Each promotion was given him for meritorious and gallant conduct in battle.

"Beloved and appreciated by his regiment and the troops of the division and corps in which he served, his memory is warmly cherished by his comrades and by a host of personal friends in New York, to whom he was well known, and all of them, comrades and friends, deeply sympathize with his widow in her bereavement. General Burns was a generous, open-handed soldier, earning his own living in civil life after the war, and refused to ask for a pension, although deserving it for the severe disabilities from which he suffered and which prematurely shortened his life by reason of exposure and pulmonary affection contracted in service.

"Deprived of her only support in consequence of the death of her husband, caused by disease contracted in the service, the small addition of $30 a month to her pension now asked for is only a slight recompense and recognition of the gallant services rendered by General Burns. General Burns left no estate, and his widow is solely dependent on her pension for support.

"Very respectfully,

"D. E. SICKLES,
"*Major-General, United States Army (retired).*

"Col. C. C. MATSON,
"*Chairman Invalid Pension Committee.*"

In view of Colonel Burns's valuable services and the further fact that his widow, by his death, is left without adequate means of support, the committee believe the relief asked for in the bill ought to be granted. We therefore submit a favorable report and recommend the passage of the bill.

Mr. CUMMINGS. I move to amend this by bill striking out, in lines 8 and 9, the words "subject to all other limitations and provisions of the pension laws," which seem to be surplusage; and also to amend at the end of the bill by inserting "her" instead of "him," which is a typographical error.

Mr. MACDONALD. In regard to the first amendment proposed by the gentleman, I suggest it may operate against his bill. In one case this session I had occasion to have those words inserted. If it should be necessary under the bill to ask for an increase the pensioner would not get it unless words of this kind were in the bill.

Mr. CUMMINGS. Very well; I withdraw the first amendment, and ask a vote on the amendment to strike out "him" and insert "her."

The amendment was agreed to.

Mr. CHEADLE. I ask that this bill go over to be considered with others of similar character on the evening of July 12.

The CHAIRMAN. If there be no objection, the bill will take that course. The Chair hears none.

CARRIE V. MILLER.

Mr. THOMAS, of Wisconsin. I call up the bill (S. 3021) granting a pension to Carrie V. Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Carrie V. Miller, a volunteer nurse in the late war, and pay her at the rate of $25 per month.

The report (by Mr. MORRILL) is as follows:

Your committee adopt the report of the Committee on Pensions in the Senate, and recommend the passage of the bill.

[Senate Report No. 1466, Fiftieth Congress, first session.]

Among the testimonials which accompany the petition in support of the bill granting a pension to Mrs. Carrie V. Miller, as a volunteer nurse during the late civil war, is the following from the eminent physician, Dr. D. W. Bliss, dated May 2, 1884:

"I recall with great pleasure the efficient and most valuable service performed by Mrs. C. V. Miller as a volunteer hospital nurse in the Department of Washington during the late war. I am sure much suffering was prevented and many lives saved by her timely and judicious personal attention. She spent her time and money without stint, and deserves special consideration for the sacrifices she made in expressing and sustaining a vigorous Union sentiment. This was the more noticeable from the fact that she was a Virginian by birth and education, and the only member of her family who cultivated Union sentiments.

"Very respectfully, etc.

"D. W. BLISS."

The above from Dr. Bliss explains very satisfactorily, in general terms, the character and quality of Mrs. Miller's services. But no general language can convey a distinct impression of her works of charity and beneficence. This can be gained only from narratives of individual experience, such as is furnished by Corporal Francis F. Downing, of Company F, One hundred and eighth New York Volunteers, who, under date of June 16, 1879, wrote as follows of Mrs. Miller to the late President Garfield:

"I was a corporal of the One hundred and eighth New York State Volunteers, Company F, and lost my right leg at Fredericksburgh on the 17th day of December, 1862, under Major-General Burnside. On Christmas Day I arrived at Washington, and for a period of six months lay first at Trinity Church and then at St. Elizabeth's Hospital. Typhoid fever set in when I was exhausted by loss of blood and exposure, and my life was despaired of by the doctors. But this good woman nursed me back to strength and life.

"It was her money which brought my wife from Rochester, N. Y., to my bedside and maintained her during three weeks of waiting for the crisis in my fever, and then at her own expense returned her to Rochester, besides giving her $36 in cash. Mine was not an exceptional case by any means, but this noble lady, who was simply a volunteer nurse, spent her time and her fortune in the care of the wounded soldiers, furnishing at her own expense wines and delicacies not otherwise to be procured. It is my earnest wish that you will assist this good woman, to whom I owe my life. I am not alone in wishing her well, and many names should sign this letter instead of mine alone, but that I know not where my comrades are; some are dead; all are scattered.

"Yours, respectfully,

"FRANCIS F. DOWNING."

In addition to the above, and other evidence not quoted, General Augur, retired, called on the chairman of the committee and corroborated the statements made as to the value and efficiency of Mrs. Miller's services as voluntary nurse during the war, and of her contributions to the comfort of invalid soldiers, and stated that the same occurred within his observation and official knowledge.

A case so clear and meritorious as this needs only to be dealt with on the basis of justice; and it is not to excite sympathy, but merely to state truth, that the committee add that ill health and reverses have brought the beneficiary under the bill to great need.

The committee, cordially approving the bill, recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH RIDDLE.

Mr. JOSEPH. I desire to call up the bill (H. R. 9732) granting a pension to Sarah Riddle.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions

and limitations of the pension laws, the name of Sarah Riddle, mother of James H. Riddle, late a private of Company J, First Regiment of Kentucky Volunteer Cavalry.

The report (by Mr. HUNTER) is as follows:

It appears from the evidence on file in this case in the Pension Bureau that the husband of claimant, James M. Riddle, was enrolled as a private of Company E, of the Fifth Regiment of Kentucky Volunteer Cavalry, on the 12th day of October, 1861, and died in service on the 25th day of October, 1863; that on account of the death of said soldier claimant's name was placed on the pension-roll, and remained there until the 29th day of April, 1865, when it was stricken off because of her marriage with William Owen. This union proved to be quite an unfortunate one for claimant, as her husband, who was a trifling, worthless fellow, soon deserted her, leaving her in destitute circumstances, with five helpless children to support.

She applied for and obtained a decree of divorce, which restored her to the name of her first husband (Riddle), and she now asks to be placed on the pension-roll as dependent mother of James H. Riddle. It is shown by the records of the War Department that claimant's son was enrolled and mustered into the United States service as a private of Company J, First Regiment Kentucky Cavalry, August 20, 1861, at Cumberland County, Kentucky, to serve three years; was taken prisoner at Philadelphia, Tenn., October 20, 1863; died October 29, 1864, at Andersonville, Ga., while a prisoner of war.

She, as the mother of the above-named soldier, filed application for pension on the 12th day of September, 1883, and alleged in her declaration that her son died of scurvy, in Andersonville prison, Georgia. Claimant can not state date of death.

Notwithstanding the strong proof hereinafter quoted in support of the case, the claim was, by the Commissioner of Pensions, rejected upon the following grounds, to wit: That there is no period for which pension could be allowed claimant, she having remarried, as shown by her statement, April 29, 1865, and failed to file her claim for pension until after June 30, 1880.

In support of this allegation, claimant filed the affidavit of Charles W. Simpson, Cumberland County, Kentucky, who states that he saw James H. Riddle while he was dead, and saw him buried on or about the 20th December, 1862. Affiant was a member of the First Kentucky Cavalry.

Also, the affidavit of Isaac Garner, which is on file, states that he saw James H. Riddle when he was dead, and saw him buried on or about the 20th of December, 1862.

J. C. Riddle, of Cumberland County, Kentucky, late comrade of claimant's son, states that he was a private in Company J, First Kentucky Cavalry; was acquainted with James H. Riddle in said company; that James H. Riddle was a son of J. M. and Sarah Riddle; that on or about the — day of April, 1863, he was captured and paroled and went back to his company and was sent to his home, and when he started to his home in Cumberland County, Kentucky, James H. Riddle give to him $20, and told him to give it to his mother, which he did, and that the said son, James H. Riddle, contributed to his mother's support prior to said time by working on a little farm.

Ruth J. Johnson, of Clinton County, Kentucky, states that she was personally acquainted with Sarah Riddle and also her son James H. Riddle, and prior to and at the time he enlisted in the United States service he contributed to his mother's support.

J. S. Johnson, of Cumberland County, Kentucky, states that he was acquainted with Sarah Riddle and her son James H. Riddle several years before he enlisted in the service, and that said James H. Riddle, to his (affiant's) own knowledge contributed to his mother's support prior to his enlistment in the service by working on a small farm then in the possession of the mother's husband.

The committee find that applicant was the mother of deceased; that her son was an unmarried man, as stated in her application; and that she was dependent on him for support.

In view of which your committee feel that the case appeals strongly to the generosity of Congress, and therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM JACK.

Mr. GROSVENOR. I call up the bill (H. R. 2776) granting a pension to William Jack.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Jack, late a private in the Seventy-third Ohio Volunteer Infantry.

The report (by Mr. THOMPSON, of Ohio) is as follows:

This soldier was granted a pension of $8 per month, commencing May 12, 1871, for chronic rheumatism, which was afterwards increased to $12 per month, commencing May 28, 1877. Afterwards, on the 29th day of November, 1879, on complaint that his disability was not contracted in the military service of the United States, he was dropped from the roll of pensioners.

A great deal of testimony has been taken and filed in the Pension Office in support of the original application, in support of the complaint upon which he was dropped from the rolls, and in support of an application to restore him to the rolls, which was rejected.

From this evidence it appears that William Jack enlisted on the 12th day of November, 1861, in Company H, Seventy-third Ohio Volunteer Infantry, and was honorably discharged therefrom on the 21st day of November, 1862, on surgeon's certificate of disability. The surgeon's certificate describes the disability as follows:

"Laxity and weakness of the ligamentous tissues surrounding the ankle-joints, rendering him unable to march any distance."

The soldier claimed, and in support of his original application satisfied the Pension Office, that this condition, which has grown worse ever since his discharge, together with a similar affection of the hands, was caused by rheumatism contracted in the line of his duty as a soldier, near Falls Church, Va., about the 5th day of October, 1862.

Three different examining surgeons reported in the case—Dr. Charles L. Wilson, February 2, 1871; Dr. R. W. Enon, September 4, 1873; and Dr. A. B. Frame, September 6, 1875, and May 28, 1877—and all agreed that the disability resulted from rheumatism, and their opinions were corroborated by the testimony of neighbors of the soldier, who had known him from childhood, showing that he never had rheumatism prior to his enlistment, but suffered with it continuously from the time of his return from the Army. Pending the proceeding to drop him from the rolls a special examiner took the testimony of eighteen witnesses, among whom were a number of those who had before testified in support of the soldier's claim, and notwithstanding they had before testified that he had been afflicted with rheumatism from the time of his return from the Army, and notwithstanding the instructions to the special examiner provided that he should inquire "whether he (the soldier) had rheumatism or any disability to his lower extremities," yet the question as to whether he had rheumatism was hardly referred to during the examination of these witnesses, and the fair inference is that the fact that he was so afflicted could not be successfully questioned.

The examiner, however, sought to show that the soldier's feet were deformed from birth, and the evidence taken by him undoubtedly does show that the soldier, in the language of his neighbors, was "pigeon-toed" or "reel-footed," and very awkward of movement. Yet he was accepted as a soldier, served more than a year, was in battle, and came home so disabled in his hands and feet as to be incapacitated for manual labor, and we are of opinion that the doubts which arise upon the evidence should be resolved in his favor. Jeremiah C. Woodyard, who made the complaint upon which he was dropped from the rolls, afterwards testified in support of an application to restore him to the rolls that, "upon full investigation, he is satisfied that said claimant is entitled to pension by reason of the existence of the disability alleged," and in a letter to the Commissioner of Pensions, dated May 26, 1884, said:

"He is poor and very illiterate. He could work some before he went in service, but could do nothing to amount to anything after he came out. Some shark told him to claim his feet were twisted in the service; hence I reported him. On investigation I found that he had been disabled (or at least I think so) in the service. I should have called your attention to the matter sooner, but I supposed that it was final. You will receive testimony from other parties soon. He should have applied for rheumatism and general debility."

Now, if Mr. Woodyard had investigated properly before he made his complaint he would have learned that the soldier did apply on the ground that his disability was caused by rheumatism, and upon that ground the pension was granted and none other.

There is a strong affidavit on file from Dr. G. H. Carpenter, who was his family physician before and after his army service, supporting his claim for restoration, which reads as follows:

"I hereby certify that I have recently seen William Jack, late private in Company H, Seventy-third Regiment Ohio Volunteer Infantry, and state in addition to my former affidavit that the said claimant is now not only disabled in his feet, but also in his hands, all of which members are so distorted by rheumatism that he is unable to perform any manual labor whatever.

"I understand his pension was withdrawn by reason of a belief that an operation on his feet caused his deformity. I was in Athens at the time the operation was performed and advised him against it. The operation did no good, but was not the cause of his deformity. In proof of this is the accompanying deformity of his hands, which has gradually increased since his discharge. The operation spoken of was, to the best of my recollection, about two years after his discharge from the service. He had no rheumatism prior to enlistment, and no hereditary predisposition thereto. I was family physician for some years prior and subsequent to his enlistment, and have no knowledge of there being rheumatism in the family.

"I regard the case of William Jack a meritorious one, and his rheumatism was undoubtedly contracted in the service. Instead of his pension being withdrawn, it should, in my judgment, have been largely increased. I further state I have no interest in the prosecution of his pension claim. My post-office is Cleveland, Ohio.

"G. H. CARPENTER, M. D.,
"*Late Surgeon Ninety-first Regiment Ohio Volunteer Infantry.*

"CLEVELAND, OHIO, *August* 11, 1885.

"Subscribed in my presence and sworn to before me this 11th day of August, 1885.

"[SEAL.] L. E. MEACHAM."

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS STRODDER.

Mr. CHIPMAN. I ask the consideration of the bill (H. R. 8087) for the relief of Thomas Strodder.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, directed to place the name of Thomas Strodder, late of Company K, Fourth Regiment United States Colored Volunteers, on the pension-rolls, subject to the limitations and provisions of the pension laws.

The report (by Mr. CHIPMAN) is as follows:

The claimant, Thomas Strodder, enlisted September 2, 1864, in Company K, Fourth United States Colored Troops, and was discharged September 5, 1865, on muster-out of his regiment. He claimed a pension on the ground of gunshot wound in left leg and right shoulder and saber wound of left arm. His claim was rejected by the Pension Office on the ground that he did not receive the wounds in the service.

There is undoubtedly some conflict in the testimony, but much of it arises from the hearsay character of some of it from different people not giving the same literal account of the same transaction, and from mere negative testimony opposed to positive statements.

Witness after witness testifies to the reception of the wounds by the claimant, some as eye-witnesses serving with him at the time, others as observers of his condition immediately afterward, others as dressing the wounds in his tent, and others still as attending him in Detroit after his discharge, during a period of illness and enfeeblement, arising from his injuries, of several months' duration. For some reason the special examiner refers to most of these witnesses as of doubtful character and their testimony as "rambling," "confused," etc. The last statement is not sustained by the depositions on file, for as a rule they are clear accounts of the facts testified to.

There may be uncertainty as to a date, a minute or a second, or as to whether a wound was in the foot or ankle, or on the left or right side, uncertainties as to matters which no person used to legal proceedings would give any weight to, because, after a long lapse of time, as every one knows, and in a matter not of personal interest, witnesses are apt to be uncertain. So true is this that absolute agreement as to details is regarded as an indication of a manufactured story.

As to the credibility of the witnesses, those who are assailed are assailed by unsworn testimony—mere expressions of opinion, without a showing of the means of knowledge of the persons making them. As an example, certain witnesses in Windsor, Ontario, are reported untrustworthy because the chief of police of Windsor says that they are, and that they have gone into the employ of a sleeping-car company on the cars. As every one knows, these companies are particular as to the integrity of their employés and require testimonials from responsible persons before employing them. Strodder's own statement is very straightforward.

He was examined by the examiner personally, and his story bears the intrinsic marks of truth. He is a colored man, uneducated, and not over-bright; his witnesses are men of his own color, laborers, whitewashers, boarding-house keepers, and other people in an humble station. There is only one way to ascertain the truth, namely, to weigh the inherent worth of the statements obtained by the special examiner against his opinion as to their credibility. Some of the people he believes untruthful are known to the member making this report to be truthful.

Strodder is very much incapacitated by his wounds. He is in advanced age and has been trying for nearly ten years to secure relief.

We recommend that the bill do pass.

Mr. CHIPMAN. I move to amend the bill by inserting before the

word "fourth," in line 5, the words "One hundred and," so as to read "One hundred and fourth Regiment."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANNA M. ARNOLD.

Mr. ADAMS. I call up the bill (H. R. 8075) granting a pension to Anna M. Arnold, widow of John Arnold.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to place upon the pension-rolls the name of Anna M. Arnold, widow of John Arnold, late of Company C, Forty-first New York Volunteers, and to pay her a pension at the rate of $12 per month.

The report (by Mr. LANE) is as follows:

The committee beg leave to report that they have considered this case, and find that the soldier, John Arnold, husband of the claimant, enlisted June 6, 1861, in Company C, Forty-first Illinois Volunteers, and received a shell wound in action, which resulted in amputation of the right arm, for which he was pensioned. The stump of the right arm never healed, causing irritation and necrosis of the bone, and ultimately convulsions, which caused his death December 2, 1886.

The claim of the widow for a pension was rejected on the ground that the soldier's death from convulsions was not the result of amputation of the right arm, for which he was pensioned, and that his death was not due to his military service.

The testimony in this case shows that the soldier was sound physically and free from convulsions prior to his enlistment, and that it was not a hereditary disease in his family. The stump was a short one, the dressing ragged, as the arm was torn away by a shell, and resulted in inflammation of the bone, necrosis of bone, and convulsions, and then death.

The soldier left the claimant, his widow, and five children under sixteen years of age, and left nothing to support them when the pension he drew was stopped at his death.

The committee think that a liberal consideration of the testimony warrants the conclusion that the soldier's death was traceable to his army service, and therefore recommend that this bill do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMILY J. STANNARD.

Mr. GROUT. I desire to call up the bill (S. 2657) granting an increase of pension to Emily J. Stannard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Emily J. Stannard, widow of the late George J. Stannard, brevet major-general of volunteers, and to pay her a pension at the rate of $100 per month, from and after the passage of this act, instead of the pension she is now receiving.

The report (by Mr. GALLINGER) was read, as follows:

A similar bill, granting a pension of $75 per month to Mrs. General Stannard, has been favorably reported by this committee, and is now awaiting the action of the House.

Believing the case to be eminently meritorious, the bill is herewith returned, with the recommendation that it pass; amended, however, by striking out the word "one," in line 5, and the word "hundred," in line 6, and inserting therein instead the words "seventy-five."

Mr. MCMILLIN. I believe this bill is of the same class as those which have been passed over.

Mr. GROUT. I think if the gentleman will examine the bill he will see that it is not of the same class. The report which has been read is the report on the Senate bill. The report upon the House bill states the circumstances more fully.

Mr. MCMILLIN. It is one of those cases where an increase of pension is proposed.

Mr. GROUT. But there are special grounds for the increase asked in this case. This application is based upon the invalidism of Mrs. Stannard, who is paralyzed, and can neither feed nor dress herself. She has also an invalid daughter. In the report upon the House bill there is a letter which more fully explains the grounds on which it is proposed to allow this increase.

This is not the usual case of pensioning a widow who is in ordinary health; the special circumstances in this case are that this widow, besides being entirely destitute, is in a helpless condition physically, and has also an invalid daughter.

Mr. MCMILLIN. I happen to remember the case of General Paul, who was shot in such a way as to cause blindness during the remainder of his life, and who for a period of twenty years was a great sufferer. The bill to pension his widow is now on the Calendar, but it goes over.

Mr. GROUT. In that case is the widow disabled?

Mr. MCMILLIN. She is not.

Mr. GROUT. But this widow is disabled.

Mr. MCMILLIN. We do not pension widows on the ground of their disability, but on account of their relation to the soldier who may have been disabled or killed.

Mr. GROUT. Yes; and we take their children and pension them when they are disabled. Here is a daughter; the pension is not in her name, but is granted to the mother, covering the whole ground of disability, the daughter being a helpless invalid as well as the mother. A reputable surgeon of the city of Burlington certifies the mother can neither feed nor dress herself.

The chairman of the Committee on Invalid Pensions reported in this case favorably a pension for $75 a month, the only one he will consent to. The special grounds which are stated are taken as entirely sufficient to justify the exception. The gentleman, I hope, will see that it need not go over on that account.

Mr. MCMILLIN. Let us hear the House report read.

Mr. GROUT. The Senate report was read.

Mr. MCMILLIN. You stated there were additional facts.

Mr. GROUT. Only what I have stated as in the House report.

Mr. MCMILLIN. I understood you to state there were additional facts.

Mr. GROUT. I have stated them from the report of the House Committee. This is a Senate bill.

Mr. GALLINGER. I have made a report on both the Senate and House bills. General Stannard was one of the most distinguished officers of the war. His widow is incurably paralyzed, and the daughter is a permanent and incurable invalid. On that state of facts an increase of $75 a month was recommended. One or more of the members of the Committee on Invalid Pensions who have heretofore voted against increase of pension voted for this one, saying it was an unusual and extraordinary case. The report is a long one.

The CHAIRMAN. What is the wish of the committee?

Mr. GROUT. I move the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. MCMILLIN. Let the House vote on it.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. There being no objection, the House bill 9543 will be reported to the House with the recommendation that it be laid upon the table.

There was no objection, and it was ordered accordingly.

MRS. MINERVA EAGLE.

On motion of Mr. WHEELER, the bill (H. R. 8988) to increase the pension of Mrs. Minerva Eagle was called up for consideration.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized to increase the pension to $50 per month of Mrs. Minerva Eagle, widow of Commodore Henry Eagle, who was an officer of the Navy of the United States from 1818 to 1882.

The report (by Mr. BLISS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8988) granting an increase of pension to Mrs. Minerva Eagle, have considered the same and submit the following report:

The record shows that Henry Eagle, the late husband of the applicant, was appointed a midshipman in the Navy January 1, 1818; served in succession on the Independence, the Macedonian, Washington, and Erie until promoted to lieutenant, to rank from March 3, 1827; then served on the Natchez, the receiving ship at New York; the Erie, at the naval rendezvous, New York; and on the Yorktown until commissioned commander, to rank from June 4, 1844. Performed land duty until October, 1847, when ordered to the home squadron. During the period of eight months he was military and civil governor of Frontera, Tobasco, Mexico; also collector of the port.

In September, 1849, he was ordered to special duty under the Bureau of Construction, and remained there until December, 1852. He then was ordered to command the Princeton, and on September 14, 1855, was promoted to captain. April 25, 1861, mail and telegraph communication being interrupted between Washington, D. C., and New York, he volunteered to the commandant navy-yard, New York, to carry dispatches to the Navy Department; on arrival at the Department he volunteered for the command of the gunboat Monticello (late Star), and was ordered to command that vessel.

May 19, 1861, he was engaged in the attack on Sewell's Point Battery, Virginia; May 31, 1861, he was ordered to command the Santee; August 4, 1862, he was promoted to commodore from July 16, 1862; and on January 1, 1863, was placed on the retired list; April 21, 1863, ordered to special duty at Washington, D. C.; October 7, 1865, detached and ordered as inspector of the eighth light-house district; July 21, 1866, he was detached and placed on sick leave. He died at New York on the 26th of November, 1882.

His widow is pensioned at $8 per month under the Mexican pension act of January 29, 1887. She was married to the officer in August, 1833, and is now in her seventy-second year.

Your committee recommend that the bill do pass.

Mr. WHEELER. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. CHEADLE. Let it go over to be considered July 12, under the same conditions as the bills already postponed to that date.

Mr. WHEELER. I am willing to accept $30 a month, rather than let it go over, as it can not be considered then, there being twenty cases already postponed to that time.

Mr. CHEADLE. Very well.

Mr. WHEELER. The gentleman consents to let it go through at $30 a month.

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

RALPH P. WILBORN.

On motion of Mr. OSBORNE, by unanimous consent, the committee took up for consideration the bill (H. R. 9733) granting a pension to Ralph P. Wilborn.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ralph P. Wilborn, late a private in Company F, Twenty-first Regiment of Kentucky Volunteer Infantry.

Mr. ATKINSON. I move to dispense with the reading of the report.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. HUNTER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9733)

granting a pension to Ralph P. Wilborn, having had the same under consideration, make the following report:

It appears from the records of the War Department that claimant was enrolled and mustered into the United States service at Camp Andy Johnson, September 30, 1861, as private of Company F, Second Regiment Kentucky Infantry, to serve three years, and was mustered out with company at Victoria, Tex., December 9, 1865.

He filed an application for pension on the 24th day of March, 1880, and alleged in his declaration that while he was in the service and at home on furlough in the State of Kentucky on or about the 15th day of February, 1864, he was wounded by gunshot by guerrillas, and further stated that said parties attempted to rob and murder him by shooting at and wounding him in the left arm 2 inches below the shoulder-joint.

Notwithstanding the strong proof hereinafter stated in support of the case, the claim was rejected by the Pension Office upon the following grounds, to wit:

"The claimant was not in the line of duty when he received the gunshot wound."

In support of the said allegation the claimant, Ralph P. Wilborn, makes oath and says that on or about February 15, 1864, while at home on furlough, in the State of Kentucky, he received a gunshot wound at the hands of a party of guerrillas, who attempted to rob and murder him by shooting him in the left arm 2 inches below the shoulder-joint; that he was in line of duty and under the charge of Capt. John Evans when he received said wound, and that he is only able to work about half of his time.

He also states in an affidavit, filed September 14, 1883, that there was no person at his house at the time said guerrillas came there except his family, consisting of his wife and three small children.

John R. and Nancy Lyons, of Barren County, Kentucky, state on their oath as follows: That they are well acquainted with Ralph P. Wilborn, and have been for the last forty years past, and know that he enlisted as a private in Company F, Twenty-first Regiment Kentucky Infantry, and that while in the service of the United States as a soldier, in February, 1864, while he was at his home in Barren County, Kentucky, he received a gunshot wound. The affiant, Nancy Lyons, says that on or about February 15, 1864, at night, the applicant came to her father's, Joseph Lyon's, house, Barren County, Kentucky, and he had a fresh wound of left arm; seemed to have been done by gun or pistol shot. Applicant told this affiant and her father's family at the time that a squad of guerrillas had come to his house and arrested him, and as they started out of his house he broke loose from them and ran; while running they fired at him, wounding him in four places, but none of the wounds were of a serious nature, except the wound of the left arm.

James Briggs and A. C. Jones, of Barren County, Kentucky, state on oath as follows:

That they were at applicant's house, in Barren County, Kentucky, in February, 1864; applicant was then suffering with gunshot wound of left arm. The applicant and his family told them at the time that the applicant had been arrested the day before by some guerrillas, and, in making his escape from them, he was wounded in his left arm.

They also state in their affidavit that they know the above statement to be true and correct, by reason of their acquaintance with the applicant, by reason of living close neighbors to the applicant prior to and subsequent to the late war, and by being members of the same company and regiment, and by being at their homes, in Barren County, Kentucky, on furlough at the time applicant was wounded as aforesaid.

Hon. D. L. Hawkins, Assistant Secretary of the Interior Department, to whom this claim was appealed after being rejected by the Commissioner of Pensions, and after affirming the decision of the Commissioner of Pensions, closes up his opinion by using the following language, to wit:

"If the applicant can show to the satisfaction of Congress that the wound was received at the time alleged, without any fault or improper conduct on his part, and because of his connection with the service, the claim would seem to be one for favorable legislative action."

The committee have carefully considered all the evidence in the case, and find that the soldier re-enlisted as veteran volunteer January 3, 1864, and that he was granted thirty days' veteran furlough, and while at home on said furlough was wounded by a band of guerrillas, from no fault or negligence on his part.

Your committee therefore report back the bill and recommend its passage.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

ABEL G. RANKIN.

Mr. McKINNEY. I ask consent to call up for present consideration the bill (S. 2866) granting a pension to Abel G. Rankin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abel G. Rankin, late of Company F, Tenth Maine Volunteers, and pay him a pension at the rate of $72 per month, in lieu of the pension he is now receiving.

The report (by Mr. GALLINGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2866) granting a pension to Abel G. Rankin, having considered the same, beg leave to adopt the report of the Senate committee as its own, which is as follows:

"This claimant is now receiving a pension of $50 a month for total and permanent disability, requiring the constant aid and attendance of another person, under the act of June 18, 1874. The act of June 16, 1880, provided that all persons then on the rolls at $50 a month should thereafter receive $72 a month instead; but it made no provision for such pensioners as might subsequently to its passage become disabled to the same degree.

"Rankin's case in such a one. He became totally disabled since the passage of the said act, and consequently receives only $50 for the same disability that would entitle him to $72 if it had reached the total and permanent degree previous to its passage.

"Abel G. Rankin enlisted May 3, 1861, as a private in Company F, Tenth Maine Volunteers, and served until July 20, 1866, being mustered out as brevet major, having received his commission to that rank from President Johnson, in recognition of his gallant and meritorious services, and having won his way from a private up, through all the intermediate ranks, on his own merit. He served in all over five years and three months. He is now paralyzed and unable to help himself at all. His physician, Dr. J. F. Robinson, testifies that 'he has been in an entirely helpless condition since January, 1886, and I have no reason to believe that he can recover.'

"Several cases involving the same principle have been reported favorably by this committee during this session, and a general bill correcting the discrepancy in the present law has passed the Senate and is now before the House.

"The condition of Mr. Rankin is such that early action appears to be necessary, as his early decease is apprehended."

Your committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARTHA J. RUSHFORD.

Mr. CASWELL. I ask to call up the bill (H. R. 9540) granting a pension to Martha J. Rushford, widow of John Rushford.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Martha J. Rushford, widow of John Rushford, late of Company F, Sixteenth Wisconsin Volunteers.

The report (by Mr. SAWYER) was read, as follows:

The claimant, Martha J. Rushford, was the wife of John Rushford at the time he was mustered out of the service, May 13, 1865. The soldier was a private in Company F, Sixteenth Wisconsin Volunteers, in the late war, having enlisted December 28, 1863. The soldier drew a pension at the time of his death for asthma contracted while in the Army. He died January 29, 1881. Claimant filed application March 31, 1881.

It appears that the deceased had the measles while in the Army and was under treatment therefor, which greatly injured his health; that a discharge on that account was tendered him, which he refused to accept, and remained in the service to the close of the war. His family physician testifies that after his discharge his health was very poor; that he frequently treated him for bronchial difficulties and for catarrh of the stomach and bowels and general impairment of the system.

Dr. Clark Gapen, of Madison, Wis., the State member of board of examining surgeons, after examination of the soldier, states in a letter:

"They, the board, find him dying of cancer of neck, but that the asthmatic attack claimed in his application was abundantly vouched for by the family and townspeople."

Dr. John A. Rice testifies he visited the deceased a short time before his death. He found him very low and weak "from the combined effects of tuberculosis of the lungs and from cancer of the face, and from which troubles he thought said soldier would die."

Dr. D. O. Bennett examined him about one year previous to his death and found him suffering from a cancer, at which time he understood from the patient that his left lung was diseased. He noticed he had a bad cough at the time, but made no examination of his lungs.

The soldier's pension was rejected on the ground that the soldier died from a cancer not contracted in the service.

It is apparent that the diseased condition of the soldier as he came from the army promoted, if it did not wholly give rise to, the cancer, and that the diseased lungs and asthma contributed largely to his death. The claimant is poor and was left with a large family of children, and it is quite apparent if the deceased had not entered the military service his chances to live till the present day were as good as other healthy men.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HANNAH BABB HUTCHINS.

The next pension business on the Private Calendar (called up by Mr. DOCKERY, the Chairman) was the bill (H. R. 5098) granting a pension to Hannah Babb Hutchins.

The CHAIRMAN. There is a Senate bill, No. 1540, of the same title, which the Clerk will report, if there be no objection, in lieu of the House bill.

There was no objection.

The Senate bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Hannah Babb Hutchins, a volunteer nurse in the war of the rebellion, and pay her a pension during life of $25 per month, in lieu of the one now received by her.

The report on the House bill (by Mr. GALLINGER) was read, as follows:

Mrs. Hutchens is now drawing a pension at the rate of $12 per month, and asks by this bill to have it increased to $25. The records show that Mrs. Hutchens entered the service as a nurse almost at the beginning of the war, and continued her valuable services until July 31, 1865. It also appears that while acting as nurse, at the Harewood Hospital, in Washington, she received a severe fall, thereby fracturing her ribs and injuring herself otherwise severely, from which injury she has never recovered.

During her long service as a nurse she spent money freely to relieve the necessities of the soldiers in the hospitals. In this way, according to the testimony of many distinguished persons connected with the hospital service, she spent more money than she received from the Government.

Mrs. Hutchens is now about seventy-eight years of age, in a condition of absolute destitution and ill-health. She is indorsed by physicians, by the Army Nurse Association, and by prominent citizens of the State of Maine.

That her services were exceptional and that she incurred a very severe disability in the service is conceded. She can not, in the very nature of things, live many years, and as there are precedents for granting to nurses the rate of pension asked for in this bill there seems to be no good reason why this faithful and distinguished nurse should not receive the increase of pension asked for.

There being no objection, the Senate bill was considered, an amendment striking out the words "during life," in the seventh line, adopted, and the bill as amended laid aside to be reported to the House with the recommendation that it do pass.

The bill H. R. 5098 was ordered to be reported to the House to be laid on the table.

JEPTHA A. JONES.

Mr. CHEADLE. I ask unanimous consent to consider the bill (S. 1173) increasing the pension of Jeptha A. Jones.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jeptha A. Jones, late lieutenant and captain in the Eighty-fourth and One hundred and thirty-ninth New York Volunteers, and increase the pension paid to him to $72 per month.

The report (by Mr. MATSON) was read, as follows:

This committee adopts the Senate report, and recommends the passage of the bill:

"The claimant, Jeptha A. Jones, while serving as lieutenant in Company D, Eighty-fourth New York Volunteers, was severely wounded in the head at the

battle of Bull Run. The wound affected his mind, and on account of this he was discharged; after remaining out of service for about a year, however, he re-enlisted as captain of Company G, One hundred and thirty-ninth New York Volunteers, and remained with his regiment until November, 1863, when his old wound compelled him to resign his commission.

"On account of his injuries he was, about a year ago, stricken with partial paralysis and his mind and speech have become affected so that there is no hope of his recovery. There is no doubt about his being totally and permanently disabled. He is now drawing a pension of $50 a month for total helplessness, under the act of June 18, 1874. By the act of June 16, 1880, all pensioners who were then on the rolls at $50 receive $72 a month; but those that have since become totally disabled receive but $50 a month. Thus, by a discrepancy in the law, he receives only $50, while others who have the same degree of disability are receiving $72. There is a general bill (S. 1000) which has passed the Senate whose object it is to remedy this defect.

"Your committee, in view of the exceptional urgency of this case, recommend the passage of the bill."

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL K. HARRIS.

Mr. SHIVELY. I ask consent to call up the bill (H. R. 9920) granting a pension to Daniel K. Harris.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel K. Harris, late a member of Company I, Fifty-eighth Indiana Volunteer Infantry.

The report (by Mr. MATSON) was read, as follows:

The claimant herein was enrolled on the 23d day of September, 1864, in Company I, Fifty-eighth Regiment Indiana Volunteers, and was honorably discharged on the 25th day of June, 1865. In application for pension filed May 27, 1880, he alleges that while on the march from Richmond, Va., to Alexandria, Va., on or about the 18th of May, 1865, by reason of the long marches and heavy loads he was compelled to carry, he contracted piles, which grew worse on his going into camp at Washington, D. C.; that the piles as above stated continued to affect him badly until discharged and have seriously affected him ever since. He was not treated in hospital for the reason that they were on the march, and he was, four weeks later, discharged. The claim was approved for rejection January 4, 1883, on the ground of—

"No record or medical evidence of the existence of piles in service or at date of discharge, and claimant's inability to furnish satisfactory evidence of origin in service and in line of duty."

Dr. William A. Bailey, examining surgeon, says:

"I find Daniel K. Harris is in good health except hemorrhoidal tumors that sometimes bleed; pain in bowels and thin in flesh. Judging from his present condition and from the evidence before me, it is my belief that the said disability did originate in the service aforesaid in the line of duty. In my opinion the said Daniel K. Harris is one-fourth of total incapacitated for obtaining his subsistence by manual labor from the cause above stated."

The evidence produced substantiates the fact that the claimant was sound prior to and at the time of enlistment, and free from piles.

Thomas S. Andrews testifies that he has been a near neighbor of claimant's since 1852; has lived with and worked for him, and says from his own knowledge that when claimant was enrolled in the service he was a sound, hearty man, and free from any disease whatever, and that he was and always has been free from piles.

James A. English, James Green, and Charles W. Morgan testify substantially as above.

The claimant testifies that he can not get the affidavit of the surgeon or assistant surgeon of his regiment, for the reason that he was not treated by them for the piles. Also, that his company officers did not know what was the matter with him, and that he himself did not know the full nature of his disease until immediately after his return home, when he was examined by his family physician, Dr. J. D. Gray, who treated him from discharge, off and on, for said disease, until his death in 1870.

James Green and Charles W. Morgan, who were members of the same company, testify that while claimant was in service and in line of duty, on or about May 18, 1865, on the march from Richmond, Va., to Washington, he contracted piles. They also testify that they have seen claimant every few days since his discharge, and know that said piles have continued to affect said claimant from the time he contracted same to the present time, greatly incapacitating him from following manual labor for a living.

Thomas A. Anders and James Green also testify as to the continuance of said disability up to the present time.

Dr. George R. Reynolds treated claimant for piles from 1871 to 1876. He says he remembers this case quite well aside from the data of his books, and knows that from his first treatment, in 1871 until the last two or three years, there has been a time nearly every year when claimant would have serious trouble, lasting from one to three or four weeks, with piles. He can not state how much he has been continuously incapacitated for manual labor, but he does know that claimant has been wholly unable to work at times for a number of years because of piles.

After a careful consideration of the case, the committee are of the opinion that the evidence establishes the fact—

1. That claimant was sound and free from piles prior to and at the time of enrollment.

2. That it is substantially proven, and all the circumstances point to the fact, that claimant's disability occurred in the Army, and in line of duty, as stated.

3. That said disability had been continuous to the present time, as shown by neighbors who have seen him almost daily since discharged, and by medical evidence, except from date of discharge to 1870, when his family physician died.

The committee therefore believe this to be a meritorious case, and submit a favorable report and recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

LYDIA CALHOUN.

Mr. ROMEIS. I ask consent to call up the bill (H. R. 486) granting a restoration of pension to Lydia Calhoun.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lydia Calhoun, widow of William Calhoun, of Company I, Twelfth Michigan Volunteers.

The report (by Mr. YODER) was read, as follows:

Lydia Calhoun, or Calhoon, was pensioned November 29, 1864, as the widow of William Calhoon, who was killed at the battle of Shiloh, April 6, 1862, while serving as private in Company I, Twelfth Regiment of Michigan Volunteers. She continued to draw her pension until March 30, 1868, when she remarried to one Josiah H. McElfatrick, whereupon her two minor children by the soldier were placed upon the pension-roll and continued to draw pension until March 25, 1877, when the younger child became sixteen years of age.

The second marriage of Mrs. Calhoun was not a happy one. For years prior to her separation from her second husband, by reason of his neglect to support her, she was compelled to take in washing and sewing to provide for the necessaries of life. At the January (1881) term of the court of common pleas of Lucas County, Ohio, this claimant was granted a divorce from said Josiah H. McElfatrick, on the ground of neglect and adultery, the decree of said court restoring to her the name of Calhoun. Shortly after this divorce McElfatrick died.

The claimant is dependent upon her own efforts for support, and being now fifty-eight years of age, after years of hard toil, her strength is failing her.

Her good character is certified to by the mayor of Toledo, Ohio, where she resides, and many other prominent citizens, all of whom join in the request to Congress to grant her relief in her declining years.

The case seems meritorious, and Congress having granted relief in similar cases, your committee feel justified in returning the accompanying bill with the recommendation that it do pass, amended, however, by striking out the words "restoration of" in the title of the same, also strike out the words "restore to," in line 4, and insert therein the words "place on."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LEWIS DAVIS.

The CHAIRMAN. The Clerk calls the attention of the Chair to the fact that the bill (H. R. 5903) for the relief of Lewis Davis, a soldier of the war of 1812, is a bill which was returned by the Senate with an amendment, in which amendment concurrence is recommended by the House committee. The Clerk will report the amendment.

The Clerk read as follows:

Amend the bill, on page 1, line 4, after the word "month," by inserting "in lieu of the pension he is now receiving."

The CHAIRMAN. If there be no objection, this will be reported to the House with the recommendation that the Senate amendment be concurred in.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. CHIPMAN. I move that the committee do now rise.

Mr. PERKINS. Before that motion is submitted, I would like to ask if it is the understanding that those members not recognized to-night will be recognized in their order at the next pension evening?

The CHAIRMAN. That is a matter entirely in the discretion of the Chair; but if the same order is adopted, the Chair will certainly follow that order.

Mr. PERKINS. I was asking if such an order had been agreed upon to-night?

The CHAIRMAN. It has not.

Mr. MAISH. Recognitions are altogether in the discretion of the Chair.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Michigan.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. DOCKERY reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report sundry pension bills with various recommendations.

HOUSE BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7202) granting a pension to William C. Lord;
A bill (H. R. 5490) granting a pension to Mrs. Catharine Sinnott;
A bill (H. R. 3764) for the relief of Mrs. Delila Whipps;
A bill (H. R. 881) granting a pension to Hiram R. Ellis;
A bill (H. R. 2176) granting a pension to Alexander Collinge;
A bill (H. R. 9911) granting a pension to Mrs. Maria Hulse;
A bill (H. R. 217) granting a pension to C. T. Maphet;
A bill (H. R. 945) granting a pension to Mary Kelley;
A bill (H. R. 9732) granting a pension to Sarah Riddle;
A bill (H. R. 2776) granting a pension to William Jack;
A bill (H. R. 8076) granting a pension to Ann M. Arnold, widow of John Arnold;
A bill (H. R. 9733) granting a pension to Ralph P. Wilborn;
A bill (H. R. 9540) granting a pension to Martha J. Rushford, widow of John Rushford; and
A bill (H. R. 9920) granting a pension to Daniel K. Harris.

Amendments to bills of the following titles, reported from the Committee of the Whole House, were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 9731) granting a pension to William A. Humes;
A bill (H. R. 3913) granting a pension to Mrs. Catharine Peterson;
A bill (H. R. 965) granting a pension to George E. Wells;
A bill (H. R. 8087) for the relief of Thomas Strodder;
A bill (H. R. 8988) to increase the pension of Mrs. Minerva Eagle;
A bill (H. R. 5903) for the relief of Lewis Davis, a soldier of the war of 1812;
A bill (H. R. 9029) for the relief of Marshall Bertram; and

A bill (H. R. 486) granting a restoration of pension to Lydia Calhoun.

The titles of the last two bills were amended to conform.

BILLS LAID ON THE TABLE.

Bills of the following titles, reported from the Committee of the Whole House, were severally laid on the table:

A bill (H. R. 5098) granting a pension to Hannah Babb Hutchins; and

A bill (H. R. 9543) increasing the pension of Emily J. Stannard.

SENATE BILLS PASSED.

Senate bills of the following titles, reported from the Committee of the Whole House, were severally ordered to a third reading; and they were accordingly read the third time, and passed, namely:

A bill (S. 2274) granting a pension to Mrs. Catharine K. Whittlesey;

A bill (S. 1556) granting a pension to Martin N. Kellogg;

A bill (S. 123) granting a pension to Mrs. Virginia Grier;

A bill (S. 2604) granting a pension to Mrs. Loanda Sherman;

A bill (S. 3021) granting a pension to Carrie V. Miller;

A bill (S. 2866) granting a pension to Abel G. Rankin; and

A bill (S. 1173) granting a pension to Jeptha A. Jones.

Amendments to Senate bills of the following titles, reported from the Committee of the Whole House, were severally agreed to, and the bills as amended were ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 2657) granting an increase of pension to Emily J. Stannard; and

A bill (S. 1540) granting a pension to Hannah Babb Hutchins.

Mr. SPOONER moved to reconsider the several votes; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS POSTPONED.

Bills of the following titles, in accordance with the recommendation of the Committee of the Whole House, were postponed to the evening session of July 12 next, under the order heretofore made:

A bill (S. 2547) for the relief of Mrs. Matilda Wilkins Emory;

A bill (S. 2549) for the relief of Mary Isabel R. Clements;

A bill (H. R. 9963) to increase the pension of Mrs. Fannie A. Boyd, widow of Capt. O. B. Boyd;

A bill (H. R. 8142) increasing the pension of Mrs. Rochie Brien Buell;

A bill (H. R. 3897) for the relief of the widow of Lieut. Col. M. W. Burnes.

WILLIAM C. TILLY.

Mr. BUTLER. I call up the bill (H. R. 4270) granting a pension to William C. Tilly, and ask unanimous consent for its present consideration.

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to inscribe on the pension-rolls the name of William C. Tilly, late a private of Company B, Fourth Tennessee Infantry Volunteers, subject to the provisions and limitations of the pension laws.

Mr. BUTLER. I offer the following amendment.

The Clerk reported the amendment as follows:

Strike out all after the word "Volunteers," in the sixth line, and insert "at the rate of $8 per month from and after the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER *pro tempore*. The hour for adjournment having arrived, the House stands adjourned until to-morrow morning at 11 o'clock.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. G. A. ANDERSON: A bill (H. R. 10737) granting a pension to John Linkogle—to the Committee on Invalid Pensions.

By Mr. JEHU BAKER: A bill (H. R. 10738) to increase the pension of George C. Quick—to the Committee on Pensions.

By Mr. BUTLER: A bill (H. R. 10739) granting a pension to Mary A. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10740) granting a pension to Elizabeth Burke—to the Committee on Invalid Pensions.

By Mr. COMPTON: A bill (H. R. 10741) to provide apparatus wagons for the Life-Saving Service—to the Committee on Commerce.

By Mr. DAVENPORT: A bill (H. R. 10742) granting a pension to Michael Kirby—to the Committee on Invalid Pensions.

By Mr. GEST: A bill (H. R. 10743) to grant to Arthur W. Marsh Post, No. 343, Grand Army of the Republic, Department of Illinois, one bronze 6-pound field piece and a stand of balls therewith—to the Committee on Military Affairs.

By Mr. LEE: A bill (H. R. 10744) granting a pension to Ada H. Thomas—to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 10745) for the relief of Lemuel Rodgers—to the Committee on War Claims.

Also, a bill (H. R. 10746) for the relief of William N. Childers—to the Committee on War Claims.

By Mr. A. C. THOMPSON: A bill (H. R. 10747) granting a pension to Rebecca Klinkel—to the Committee on Invalid Pensions.

By Mr. THOMAS WILSON: A bill (H. R. 10748) granting a pension to David E. Pierce—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. L. ANDERSON: Petition of J. B. Bailey and 43 others, citizens of Newton County, Mississippi, for certain amendments of the interstate-commerce act—to the Committee on Commerce.

By Mr. T. M. BROWNE: Petition of Milton Trusler and 46 others, citizens of Fayette County, Indiana, for amendments to the interstate-commerce law—to the Committee on Commerce.

Also, petition of John T. Hamilton and 90 others, farmers of Indiana, for increased duty on agricultural products—to the Committee on Ways and Means.

By Mr. BUTLER: Petition of citizens of Tennessee and North Carolina, for a pension for John Miller, late a private of Company A, North Carolina Mounted Infantry—to the Committee on Invalid Pensions.

By Mr. A. C. DAVIDSON: Papers in the claim of James M. Phillips, of Alabama—to the Committee on War Claims.

By Mr. DINGLEY: Petition of James Grierson, for amendment of the interstate-commerce law—to the Committee on Commerce.

By Mr. DUNHAM: Petition of H. C. and C. Durand and others, of Chicago, Ill., urging reduction of duties on rice—to the Committee on Ways and Means.

By Mr. FORD: Petition of E. M. Woodman and others, citizens of the Fifth district of Michigan, for prohibition of the liquor traffic in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. GROSVENOR: Memorial of John W. Hare and 50 others, of New Matamoras, Ohio, for prohibition in the District of Columbia—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. HERMANN: Petition of citizens of Grant County, Oregon, for increase of duty on foreign wool, and that worsteds be classified as woolen cloths—to the Committee on Ways and Means.

By Mr. MORSE: Petition of the Boston (Mass.) Board of Marine Underwriters and 9 other corporations, for the passage of House bill No. 10183 to construct and establish a light-ship for Great Round Shoal, near Nantucket, Mass.—to the Committee on Commerce.

By Mr. RICHARDSON: Petition of administrator of J. M. K. Clark, of Rutherford County, Tennessee, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. J. E. RUSSELL: Petition of the Washburn and Moen Manufacturing Company and others, of Worcester, Mass., in favor of House bill No. 8716, to protect free labor from the effects of convict labor—to the Committee on Labor.

By Mr. SNYDER: Petition of Joseph Jarrett, of Samuel Rust, and of James R. Buster, administrator of Thomas S. Buster, of West Virginia, for reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of members of the Presbyterian Church of French Creek, W. Va., for relief—to the Committee on War Claims.

By Mr. G. M. THOMAS: Petition of J. H. Bower, for relief—to the Committee on Patents.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July* 7, 1888.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

WILLIAM M. CAMPBELL, JR.

The SPEAKER laid before the House the following message from the President:

To the House of Representatives:

I return without approval House bill No. 9181, entitled "An act granting a pension to William M. Campbell, jr."

This beneficiary was not enrolled in the service of the United States until August 5, 1862. Previous to that time he had been a member of the same regiment in which he was so enrolled, and was in the service of the State of Kentucky.

He alleges that in the month of February, 1862, he was vaccinated with impure virus, and in the same month contracted mumps. He claims that as a result of these troubles he has been afflicted with ulcers and other serious consequences.

It is perfectly clear that at the time these disabilities were incurred, if they were incurred, the claimant was not in the military service of the United States.

The records show that he deserted September 16, 1862, a little more than a month after he was mustered into the United States service; that he was arrested April 25, 1864, one year and seven months after his desertion: that he was

restored to duty by general court-martial with loss of pay and allowance during absence—the time lost by desertion to be made good—and that he was mustered out July 16, 1865.

This enactment seems neither to have law nor meritorious equity to support it.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1888.

On motion of Mr. MATSON, the message and the accompanying bill were referred to the Committee on Invalid Pensions.

HARRIET E. COOPER.

The SPEAKER also laid before the House the following message from the President:

To the House of Representatives:

I return without approval House bill No. 8807, entitled "An act granting a pension to Harriet E. Cooper."

The husband of this beneficiary served as a major in an Illinois regiment from September 3, 1862, to April 1, 1863, when his resignation was accepted, it having been tendered on account of business affairs.

He was pensioned for rheumatism from April, 1863, and died October 3, 1883.

It is admitted on all hands that Major Cooper drank a good deal, but the committee allege that they can not arrive at the conclusion that death was attributable to that cause.

There is some medical testimony tending to show that death was caused from rheumatism, but one physician gives it as his opinion that death resulted from rheumatism and chronic alcoholism.

The physician who last attended the soldier testifies that the cause of death was chronic alcoholism. This should be the most reliable of all the medical testimony, and, taken in connection with the conceded intemperate habits of the deceased and the fact that the brain was involved, it satisfies me that the rejection of the widow's claim by the Pension Bureau on the ground that the cause of death was mainly intemperance was correct.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1888.

On motion of Mr. MATSON, the message and the accompanying bill were referred to the Committee on Invalid Pensions.

VAN BUREN BROWN.

The SPEAKER also laid before the House the following message from the President:

To the House of Representatives:

I return without approval House bill No. 6431, entitled "An act for the relief of Van Buren Brown."

The beneficiary named in this bill was discharged from the Army September 11, 1865.

He filed an application for pension in the Pension Bureau May 19, 1883, alleging chronic diarrhea, rheumatism, spinal disease, the result of an injury, and deafness.

His claim was very thoroughly examined and reopened and examined again after rejection and rejected a second time.

The case is full of uncertainty and contradiction. Without discussing these features, I am entirely satisfied that a pension should not be allowed for the reason, among others, that three careful medical examinations made in 1883, 1884, and 1886, failed to disclose any pensionable disability.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1888.

On motion of Mr. MATSON, the message and the accompanying bill were referred to the Committee on Invalid Pensions.

NATHANIEL D. CHASE.

The SPEAKER also laid before the House the following message from the President:

To the House of Representatives:

I return without approval House bill No. 367, entitled "An act granting a pension to Nathaniel D. Chase."

This beneficiary enlisted September 3, 1863. The records show that he was admitted to a hospital March 3, 1864, with a disease of a discreditable nature, and by no means connected with the military service, and that he was discharged from the Army May 20, 1864, upon a certificate of paralysis of left arm which came on suddenly February 20, 1864, and that the cause was unknown, but believed not to be incident to the service.

He filed an application for a pension in June, 1864, alleging paralysis of the left arm from causes unknown to him.

This claim was not prosecuted at that time, and the claimant re-enlisted in January, 1865, and served until September 5, 1865, without any evidence of disability appearing upon the records.

He renewed his claim in 1870, stating that he was first taken with a pain in his left arm about March 1, 1864, and that it became partially paralyzed.

It will be observed that thus far in his application he gives no explanation of the incurrence of his disability which leads to the belief that it was related to his service.

In a letter dated May 31, 1864, his captain states that he can but think that the disability of the claimant was the result of his folly and indiscretion, and that he feels it his duty to decline giving him a certificate.

In 1880 the claimant stated the cause of his disability was an injury to his arm while expelling a soldier from a railroad train at Augusta, Me., he acting as provost guard at the time.

Upon this allegation the case was reopened at the Pension Bureau.

In reply to a letter from the bureau, the captain of claimant's company stated that he had no knowledge of such an injury. The same officer, in a letter dated February 25, 1887, expresses the belief that the disability of the applicant, if any existed, was caused by the injudicious use of mercurial medicine, self-administered, for venereal disease contracted at Augusta, Me., in January, 1864, and that such was the rumor among his comrades when he was sent to the hospital.

I can not believe that an injury was sustained such as was specified by the applicant in 1880, and that nothing was said of it either in the claim made in 1864 or in 1870. In the absence of this or some other definite cause consistent with an honest claim, we are left in the face of some contrary evidence to guess that his arm was injured in the service.

The application of this beneficiary is still pending in the Pension Bureau awaiting further information.

GROVER CLEVELAND.

EXECUTIVE MANSION, *July* 6, 1888.

On motion of Mr. MATSON, the message and the accompanying bill were referred to the Committee on Invalid Pensions.

JULIA A. THOMAS.

The SPEAKER also laid before the House a letter from the clerk of the Court of Claims, transmitting findings of fact in the case of Julia A. Thomas, administratrix, etc., *vs.* The United States; which was referred to the Committee on War Claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCCORMICK, for one week.

To Mr. SCULL, till July 11, on account of important business.

To Mr. GLASS, for this day, on account of sickness.

ORDER OF BUSINESS.

Mr. BLAND. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. MILLS. I move to dispense with the morning hour for reports of committees.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. MILLS. The Committee on Military Affairs has been deprived for some time of the morning hour which belongs to them; and I propose to yield to them this morning.

The SPEAKER. The regular order, then, is the consideration, for one hour, of business called up by committees. The call rests with the Committee on Military Affairs, which was passed over informally on account of the absence of the chairman.

SALE OF FORT OMAHA, NEBRASKA.

Mr. STEELE. I ask unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of Senate bill No. 671, and that it be now considered in the House.

The Clerk read the title of the bill, as follows:

A bill (S. 761) to provide for the sale of the site at Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration of this bill, and that it be considered in the House. Is there objection?

Mr. RANDALL. I think we had better consider the bill in Committee of the Whole.

Mr. STEELE. I move, then, that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. COX in the chair), and proceeded to the consideration of the bill (S. 671) to provide for the sale of the site at Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to sell the military reservation known as Fort Omaha, near the city of Omaha, in the State of Nebraska, and such of the buildings and improvements thereon as can not be economically removed to the new site herein provided for. In disposing of said property the Secretary of War shall cause the grounds to be platted in blocks, streets, and alleys, if in his judgment it would inure to the benefit of the Government in making sale of said site, having due reference to the requirements of the houses and buildings located on said grounds, in such cases as they may be sold with the ground. The Secretary of War shall also cause the lots, lands, and buildings to be appraised and sold at public or private sale, and not less than the appraised value, having first been offered at public sale. The expense of advertising, appraisement, survey, and sale shall be paid out of the proceeds of said sale, and the balance paid into the Treasury of the United States.

SEC. 2. That the Secretary of War is authorized and shall purchase suitable grounds of not less than 320 nor more than 640 acres in extent, to be situate within a distance of ten miles of the limits of said city of Omaha, in the State of Nebraska, and construct thereon the necessary buildings, with appurtenances, sufficient for a ten-company military post, to be known as Fort Omaha, in accordance with estimates to be prepared by the War Department; and a sufficient sum of money, not exceeding $200,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to comply with the provisions of this act: *Provided*, That the title to the lands authorized to be purchased under the second section of this act shall be approved by the Attorney-General.

SEC. 3. That section 1 of this act shall be of effect when the purchase of a new site provided for in section 2 shall have been effected.

Mr. STEELE. I yield to the gentleman from Nebraska [Mr. MCSHANE].

Mr. MCSHANE. I move that this bill be laid aside to be reported favorably to the House.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. STEELE. I now yield to the gentleman from Pennsylvania [Mr. MAISH].

Mr. MAISH. I yield to the gentleman from Michigan [Mr. FORD].

Mr. FORD. In the absence of the chairman of the committee, I desire to call up the bill (S. 186) to amend section 1225 of the Revised Statutes concerning details of officers of the Army and Navy to educational institutions, etc.

The bill was read, as follows:

Be it enacted, etc., That section 1225 of the Revised Statutes of the United States,

as amended by an act of Congress approved July 5, 1884, be, and the same is hereby, further amended, so as to read as follows:

"SEC. 1225. The President may, upon the application of any established college, or university, within the United States having capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof, but the number of officers so detailed shall not exceed fifty from the Army, and ten from the Navy, being a maximum of sixty, at any time, and they shall be apportioned throughout the United States, first, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that, said details to be distributed, as nearly as may be practicable, according to population. Officers so detailed shall be governed by general rules prescribed from time to time by the President. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section, and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required."

SEC. 2. That the said section 1225 of the Revised Statutes of the United States, as amended by the said act of Congress approved July 5, 1884, and all acts and parts of acts inconsistent or in conflict with the provisions of this act be, and the same are hereby, repealed, saving always, however, all acts and things done under the said amended section as heretofore existing.

The amendments reported by the Committee on Military Affairs were read, as follows:

In line 9 of section 1, before the word "college," insert "academy."

In line 12 of the same section, after "Army," insert "or Navy."

After the word "required," in line 36 of the same section, insert the following:

"*Provided*, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges, as now provided by act of Congress approved February 26, 1879, entitled 'An act to promote a knowledge of steam-engineering and iron-ship building among the students of scientific schools or colleges in the United States;' and the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government on the terms and conditions hereinbefore provided to any college or university at which a retired officer of the Army may be assigned as provided by section 1260 of the Revised Statutes."

Mr. STEELE. Mr. Chairman, this bill is in the House. I therefore move that the committee rise.

The CHAIRMAN. This bill is in the House—not in the Committee of the Whole.

Mr. FORD. The effect of the bill is to appropriate money.

The CHAIRMAN. That is a question for the House to decide. The gentleman from Indiana [Mr. STEELE] moves that the committee rise.

Mr. TOWNSHEND. There are other bills of our committee in the Committee of the Whole. I think we had better consider those bills before the committee rises. Here is a bill which I desire to call up.

The CHAIRMAN. Does the gentleman from Indiana [Mr. STEELE] withdraw his motion?

Mr. TOWNSHEND. The bill just read is not the only one of the committee's bills in Committee of the Whole. I have another bill.

The CHAIRMAN. Does the gentleman from Indiana withdraw his motion?

Mr. STEELE. No, sir.

Mr. TOWNSHEND. I hope the motion will be voted down.

Mr. STEELE. There is nothing to keep us from going back into Committee of the Whole immediately after this bill is disposed of.

Mr. TOWNSHEND. We may have trouble in the House in doing so.

Mr. STEELE. Not at all. This hour is given to us. I hope the chairman of the committee will not press this motion.

Mr. TOWNSHEND. I have one bill which it will take but a single moment to consider.

The question being taken on the motion of Mr. STEELE that the committee rise, there were—ayes 57, noes 25.

Mr. TOWNSHEND. I make the point that no quorum has voted.

Mr. STEELE. I withdraw the motion.

Mr. TOWNSHEND. I call up for consideration the bill (H. R. 7452) for the relief of the Southern Illinois Normal University.

The CHAIRMAN. The Chair is informed by the Clerk that this bill is on the Private Calendar.

Mr. TOWNSHEND. It is on the Calendar of the Committee of the Whole House on the state of the Union, as I understand.

The CHAIRMAN. The Committee of the Whole House on the state of the Union is now in session; but the bill in question is on the Private Calendar.

Mr. TOWNSHEND. I withdraw the bill.

Mr. STEELE. I now renew my motion that the committee rise.

Mr. GEAR. There is a bill (H. R. 1387) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry which should be taken up; it is in the committee.

Mr. TOWNSHEND. Mr. Chairman, the gentleman from Iowa calls up the bill which is specified, and which is in Committee of the Whole.

The CHAIRMAN. It is also on the Private Calendar.

The motion of Mr. STEELE that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. COX reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill S. 671, had directed him to report the same to the House with a favorable recommendation.

FORT OMAHA, NEBRASKA.

Mr. HOLMAN. I suppose the reading of that bill will be now in order.

Mr. STEELE. It has been read.

The SPEAKER. Not in the House. The gentleman has the right to have it read.

The bill was again reported.

Mr. RANDALL. Has the report been read?

The SPEAKER. It has not been read, the Chair is informed.

Mr. RANDALL. Let us have the report. There is no limitation, as far as I can understand, upon the amount to be expended in the purchase of the site.

Mr. STEELE. Will the gentleman from Pennsylvania be satisfied with a statement of the facts?

Mr. RANDALL. I think we had better have the report read. I want to know whether there is any limitation as to the cost of the site.

The report (by Mr. LAIRD) was read, as follows:

Your committee have considered the same subject-matter in H. R. 1618, and favorably reported the same to the House prior to the passage of the Senate bill.

Your committee now recommend that Senate bill 671 be substituted for the House bill 1618, and that the House bill 1618 lie on the table.

Mr. RANDALL. That gives no information.

Mr. STEELE. The bill provides that it shall not exceed $200,000.

Mr. RANDALL. Let that part of the bill be reported.

The Clerk read as follows:

And a sufficient sum of money, not exceeding $200,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to comply with the provisions of this act.

Mr. RANDALL. That is not a limitation upon the purchase of the site at all. It is open to the construction that there may be under the operation of this bill an expenditure of $200,000 for the purchase of a site; and then we would be necessitated to break the limit as stipulated there for the erection of the buildings.

Mr. STEELE. Will the gentleman from Pennsylvania suggest an amendment?

Mr. RANDALL. I have not prepared an amendment, but there ought to be a limitation upon the cost of the site, so that there will be enough left to complete the buildings, keeping the whole appropriation within the amount specified in the bill.

Mr. HOLMAN. I would suggest that the language be used, the cost of the site and buildings not to exceed a certain sum.

Mr. RANDALL. That is already fixed in the bill.

Mr. HOLMAN. No; it is not. I ask the gentleman's attention to the language:

And a sufficient sum of money, not exceeding $200,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, etc.

Now, that is not a limitation, I think.

Mr. STEELE. Suppose that you insert an amendment providing that a certain amount of this shall be used for the purchase of a site and the remainder for the buildings.

Mr. HOLMAN. That the cost of the site and buildings included shall not exceed $200,000.

Mr. RANDALL. But I think there ought to be some estimate as to the cost of the site.

Mr. STEELE. Then let an estimate be made first with the understanding that the estimated cost of the site and of the buildings shall not exceed $200,000.

Mr. HOLMAN. I would suggest an amendment of that character, that the site and buildings shall not exceed $200,000.

Mr. STEELE. I accept that.

Mr. RANDALL. But that is not sufficiently explicit. What I want to provide is that the cost of the site shall be, say, 33 per cent., and then that the remaining 66 per cent. may be used in the construction of the ten-company post, and that the total shall not exceed $200,000.

The SPEAKER. The gentleman can accomplish his purpose by providing that not more than one-third of the appropriation may be expended for the site.

Mr. RANDALL. Yes, and that the other two-thirds may be expended in the construction of barracks for a ten-company post, as I understand it is to be.

Mr. STEELE. Let me suggest that you limit the cost of the ground to a certain percentage of the total amount, and the balance to be appropriated to the construction of the buildings, which shall not exceed the remainder.

The SPEAKER. The Chair will direct the Clerk to prepare the amendment in accordance with the idea suggested by the gentleman from Pennsylvania.

The amendment of Mr. RANDALL was read, as follows:

Provided, That not more than one-third of the said sum shall be expended in

the purchase of the site, and the whole expenditure for the site and improvements shall not exceed $200,000.

The amendment was adopted.

The bill as amended was ordered to a third reading; and being read the third time, was passed.

Mr. McSHANE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. In the absence of objection, the bill H. R. 1618, on the same subject, will be laid on the table.

DETAILS OF OFFICERS OF THE ARMY AND NAVY.

Mr. TOWNSHEND. I yield to the gentleman from Michigan [Mr. FORD].

Mr. FORD. Mr. Speaker, I call up Senate bill 186 to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc. This bill has been read once in Committee of the Whole. If it is desired, I can explain it.

Mr. TOWNSHEND. I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The bill is in the House and no point of order has been made on it so far.

Mr. KERR. Mr. Speaker, I make the point of order that the bill has not been considered in Committee of the Whole.

Mr. FORD. It was not referred to the Committee of the Whole.

The SPEAKER. But the gentleman makes the point of order that it must go there under the rules of the House.

Mr. TOWNSHEND. I believe every member on this floor will vote for the bill if he understands the effect of it. It has already been read. It simply provides for the detail of certain additional officers. It makes no appropriation.

Mr. STEELE. It makes no appropriation and does not make additional detail. It only fixes the status of officers now detailed. Under a bill previously passed engineers of the Navy were cut out of detail, so that it is necessary to pass this bill.

Mr. TOWNSHEND. It simply relates to the detail of officers.

Mr. KERR. I hope this bill will be considered in Committee of the Whole, because I wish to make an amendment.

Mr. STEELE. The amendment can be made in the House.

Mr. KERR. I do not want to delay the passage of the bill, but simply to make an amendment to the bill.

Mr. STEELE. You can do that in the House just as well as in Committee of the Whole.

Mr. KERR. If I can offer the amendment in the House, very well.

The SPEAKER. The Chair, of course, can only give the bill a very hasty examination under the circumstances, but it does not appear from such an examination that the bill makes an appropriation or requires one to be made.

Mr. SPRINGER. That is true.

The SPEAKER. The gentleman from Iowa desires to offer an amendment.

Mr. KERR. I move to strike out of the bill all that part beginning after the word "first," in line 16, and ending at the word "distributed," in line 24.

Mr. FORD. What is the effect of the amendment?

Mr. KERR. To let the President in the appointment of these officers use his own discretion as to where they shall go. We have an institution in my district with five hundred students, and there is a detail there.

Mr. TOWNSHEND. I desire to say to the gentleman from Iowa [Mr. KERR] that if this bill leads to protracted discussion it will be withdrawn. We have but a few minutes left.

Mr. KERR. That is all I have to say. I offer the amendment and ask for its consideration. Our agricultural colleges under the provisions of their grants are required to have officers detailed there for instruction in military affairs and military tactics. That is the condition of the grant. I do not think such a provision ought to be placed in the bill.

Mr. STEELE. Let the amendment go in. There will be no objection to it.

The SPEAKER. The Clerk will report the amendment.

The Clerk reported the amendment, as follows:

After the word "first," in line 16, strike out as follows:

"To those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that said details to be distributed."

Mr. RANDALL. How will the bill read as amended?

Mr. FORD. It leaves the detail in the discretion of the President.

Mr. RANDALL. I want the bill read as amended.

The Clerk read as follows:

And ten from the Navy, being a maximum of sixty at any time, and they shall be apportioned throughout the United States as nearly as may be practicable according to population.

Mr. RANDALL. That proposes to take from the active-list and the active service so many naval officers and so many Army officers. It does not apply to the retired officers of the Army or the Navy.

Mr. GEAR. There is a clause that does.

Mr. RANDALL. The gentleman states the law provides for it now.

Mr. GEAR. If the gentleman will read the last section he will see.

Mr. RANDALL. Let the Clerk read it.

The Clerk read section 2 of the bill, as follows:

SEC. 2. That the said section 1225 of the Revised Statutes of the United States, as amended by the said act of Congress approved July 5, 1884, and all acts and parts of acts inconsistent or in conflict with the provisions of this act be, and the same are hereby, repealed, saving always, however, all acts and things done under the said amended section as heretofore existing.

Mr. NELSON. I am opposed to the amendment as I understand it. The clause it is intended to strike out ought, above all others, to remain in the bill. Under the grant made by Congress to States, known as the agricultural college grant, the colleges were required to give military instruction in order to avail themselves of the grant.

Mr. TOWNSHEND. I am sure my friend from Minnesota does not desire to imperil the passage of the bill.

Mr. NELSON. That provision ought not to be struck out.

Mr. FORD. The bill provides that in the distribution of these details of officers agricultural colleges shall have the preference because they are institutions having Government and State aid, and it was thought best by the committee to give such institutions the preference over any mere private enterprise. I move the previous question on the engrossment and third reading of the bill.

Mr. NELSON. I yielded to the gentleman only for a minute, and he cannot move the previous question. I wish to make one statement, and then I will yield to him for that purpose. The provision proposed by the gentleman from Iowa to be stricken out vitally affects our State university. We have been trying for years to get a military instructor, and striking this out will put us in a worse position than we have been in before. I hope the amendment will not be agreed to. I yield now to the gentleman from Michigan [Mr. FORD].

Mr. FORD. I demand the previous question upon the amendment and upon ordering the bill to be engrossed and read a third time.

Mr. OATES. I hope the previous question will not be ordered upon the bill, because I desire to offer an amendment.

The question was taken on ordering the previous question, and the Speaker declared that the ayes seemed to have it.

Mr. BRECKINRIDGE, of Kentucky, and Mr. OATES called for a division.

The House divided; and there were—ayes 69, noes 13.

Mr. OATES. No quorum.

Mr. TOWNSHEND. Mr. Speaker, I withdraw the bill from consideration.

The SPEAKER. The gentleman can do that only by unanimous consent. Amendments have been offered and the previous question has been ordered, so far as the House in the absence of a quorum could order it.

Mr. TOWNSHEND. Then I ask unanimous consent that the bill be laid aside.

There was no objection, and it was so ordered.

Mr. TOWNSHEND. I now yield to my colleague on the committee, the gentleman from Pennsylvania [Mr. MAISH].

Mr. MAISH. Mr. Speaker, I ask unanimous consent to report at this time from the Committee on Military Affairs the joint resolution which I send to the desk.

There was no objection.

The Clerk read as follows:

Joint resolution (H. Res. 195) electing managers of the National Home for Disabled Volunteer Soldiers to fill vacancies caused by the expiration of the terms of office of members of the present board of managers on the 21st day of April, 1888.

Resolved by the Senate and House of Representatives, etc., That Col. Leonard A. Harris, of the State of Ohio; General John A. Martin, of the State of Kansas; and General John F. Hartranft, of the State of Pennsylvania, be, and they are hereby, elected managers of the National Home for Disabled Volunteer Soldiers, to fill vacancies caused by expiration of the terms of office of the present board of managers on the 21st day of April, A. D. 1888.

Mr. MAISH. I ask that the joint resolution be now put upon its passage.

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAISH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL WILLIAM F. SMITH.

Mr. TOWNSHEND. I now call up for consideration the bill (H. R. 9396) for the relief of General William F. Smith.

The SPEAKER. This is a private bill.

Mr. TOWNSHEND. I ask unanimous consent that it be considered at this time.

Mr. ROGERS. Let the bill be read, subject to objection.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND]

asks unanimous consent that this private bill be considered in this hour. The bill will be read, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint William F. Smith, late major-general United States volunteers, to the position of major-general in the Army of the United States, and to place him on the retired-list of the Army as of that grade, the retired-list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only: *Provided*, That from and after the passage of this act no pension shall be paid to the said William F. Smith, but this proviso shall be no bar to any claims for pension that the widow or children or other heirs of said William F. Smith may have after his decease.

Mr. ROGERS. I understand that the beneficiary of this bill is not now in the Army, and that the object of the bill is to restore him to the Army and put him upon the retired-list.

Mr. TOWNSHEND. That is the object of the bill.

Mr. ROGERS. The effect, therefore, will be to restore the salary connected with the office.

Mr. TOWNSHEND. Three-fourths of the salary.

Mr. ROGERS. Then you put an officer who has resigned back upon the retired-list, and pay him the salary?

Mr. ROGERS. This proposition is to put back upon the rolls an officer who has resigned and pay him two-thirds of the regular salary.

Mr. TOWNSHEND. We are simply following precedents of this session. General Pleasonton and others have been put on the retired-list in this way.

Mr. ROGERS. I will not press any objection; but I wanted the House to understand the proposition.

Mr. OATES. Mr. Speaker, is it in order to consider this bill on this call?

The SPEAKER. The Chair, having just stated that the bill could only be considered by unanimous consent, has caused the bill to be read, and has asked whether there is objection.

Mr. OATES. I object.

Mr. TOWNSHEND. Then I move to go into Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair will state to the gentleman from Illinois that under the rule prescribing the course of business for this hour no private bill can be considered. The hour is only for the consideration of public bills which have been previously reported by committees.

Mr. TOWNSHEND. Then, if the gentleman from Alabama thinks it necessary to object, I withdraw the bill.

The SPEAKER. The bill is not before the House.

Mr. TOWNSHEND. I yield to the gentleman from Iowa [Mr. GEAR].

RELIEF OF IOWA VOLUNTEERS.

Mr. GEAR. I move that the House concur in the amendment of the Senate to the bill which I send to the desk.

The SPEAKER. This is also a private bill. The gentleman from Iowa [Mr. GEAR] asks unanimous consent to concur in the amendment of the Senate to the bill (H. R. 1387) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry. The amendment of the Senate to the bill will be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the act entitled 'An act in relation to bounties,' approved April 22, 1872, be amended by striking out the words "before August 6, 1861;" and said act, as hereby amended, shall have full force and effect from April 22, 1872.

"SEC. 2. That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to reconsider the claims of all soldiers and their heirs who may have been denied the bounty of $100 granted by the act of April 22, 1872, under any construction of said act which has since been modified or rescinded, and such claims shall, if found correct and just, be allowed and paid, provided the soldiers were enrolled or enlisted for three years prior to July 22, 1861, under the proclamation of the President of the United States of May 3, 1861, and the orders of the War Department issued in pursuance thereof, and were actually mustered into the service of the United States and honorably discharged."

Mr. SPRINGER. This appears to have been originally a private bill, but by the Senate amendment it is made general.

The SPEAKER. The House passed a private bill, and the Senate, by this amendment, proposes to make it a public bill.

Mr. SPRINGER. I think this bill ought to be duly considered. It seems to be very sweeping in its provisions.

Mr. GEAR. The House passed a bill for the relief of members of the Fourth Iowa Volunteer Infantry. The Senate amended it by making it apply to about 1,500 persons. The auditor of the State of Iowa, Hon. William A. Day, in a letter to Senator ALLISON, has urged the passage of the bill. That letter can be read, if desired.

Mr. SPRINGER. Has this amendment been considered by the Committee on Military Affairs?

Mr. TOWNSHEND. Yes, sir; and reported favorably.

Mr. GEAR. The report is unanimous.

The SPEAKER. Is there objection to the consideration of the Senate amendment at this time? The Chair hears none.

The question being taken, the amendment of the Senate was concurred in.

Mr. GEAR moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I ask unanimous consent for the consideration of the bill which I send to the desk, which involves the payment of about $600, due to a college in Illinois. I do not think there will be any objection to it.

Mr. BLAND. Has the consideration hour expired?

The SPEAKER. It has not.

Mr. BLAND. I object to anything in this hour except the regular order.

Mr. TOWNSHEND. Then I yield to the gentleman from Nebraska [Mr. LAIRD].

Mr. BLAND. I will hear the bill read.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] withdraws his objection until the bill has been read.

The Clerk read as follows:

A bill (H. R. 7452) for the relief of the Southern Illinois Normal University.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to relieve the Southern Illinois Normal University, at Carbondale, Ill., from all money responsibility for so much of the ordnance and ordnance stores issued to said university under bond dated August 21, 1878, as was destroyed by fire on November 25, 1883.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. BURROWS. It seems to me this hour ought not to be taken up with the consideration of private bills. If the committee has not any public measure to present, it should give way to another committee.

Mr. TOWNSHEND. I hope the gentleman will not object.

Mr. BURROWS. I am not going to object; but I think the time of the House ought not to be occupied in this way.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I now yield to the gentleman from Louisiana [Mr. ROBERTSON], who desires to make a request for unanimous consent.

Mr. BRECKINRIDGE, of Arkansas. I call for the regular order.

The SPEAKER. The call for the regular order cuts off all requests for unanimous consent.

Mr. LAIRD. I move to discharge the Committee of the Whole from the further consideration of the bill which I send to the desk——

The SPEAKER. The gentleman can not make his proposition in that form. He can ask unanimous consent to discharge the Committee of the Whole. The gentleman asks unanimous consent that the Committee of the Whole on the state of the Union be discharged from the further consideration——

Mr. BRECKINRIDGE, of Arkansas. Is this a privileged matter?

The SPEAKER. It is not. The rule provides that this hour shall be set apart for the consideration of public bills previously reported. As the Chair now understands, this bill has not been reported, but the gentleman from Nebraska desires to discharge the Committee on Military Affairs from its further consideration.

Mr. BRECKINRIDGE, of Arkansas. I call for the regular order.

Mr. TOWNSHEND. Is it not in order to move to go into Committee of the Whole to consider the bill?

The SPEAKER. It is not, if the bill is still in the hands of the Committee on Military Affairs.

Mr. LAIRD. This bill has been reported from the Committee on Military Affairs.

The SPEAKER. The bill does not appear on the Calendar.

Mr. LAIRD. This is a Senate bill; a House bill similar in purport has been reported by the Committee on Military Affairs. I call up the House bill.

The SPEAKER. The gentleman asks to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill the title of which will be read.

Mr. SPRINGER. Let the whole bill be read.

The SPEAKER. The Chair will suspend the business of the House until order is restored.

Mr. BLAND. I understood the gentleman from Illinois moved to go into Committee of the Whole House on the state of the Union.

The SPEAKER. It is now in order to call up this bill for consideration, but the bill is in committee, and the request of the gentleman from Nebraska [Mr. LAIRD] is to discharge the committee from the further consideration of the bill, and that the House proceed to its consideration.

Mr. BRECKINRIDGE, of Arkansas. Let the bill be read subject to objection.

The SPEAKER. The bill is not upon either Calendar, and is, therefore, not before the House.

DETAILS OF OFFICERS TO EDUCATIONAL INSTITUTIONS.

Mr. FORD. I now call up from the House Calendar the bill (S. 186) to amend section 1225 of the Revised Statutes, concerning details of officers of the Army and Navy to educational institutions, etc. In accordance

with the previous understanding, I will withdraw the demand for the previous question and allow amendments to be submitted.

The SPEAKER. The amendments of the committee will be reported.

Mr. HOLMAN. Let the bill be read.

The SPEAKER. The bill has already been read. There are amendments pending reported by the committee, and an amendment proposed by the gentleman from Iowa [Mr. KERR].

Mr. HOLMAN. But the bill has now been renewed, and it ought to be read; but I will not insist upon that.

Mr. FORD. Let the amendments of the committee be reported.

The bill was read, as follows:

Be it enacted, etc., That section 1225 of the Revised Statutes of the United States, as amended by an act of Congress approved July 5, 1884, be, and the same is hereby, further amended so as to read as follows:

"SEC. 1225. The President may, upon the application of any established college or university within the United States having capacity to educate at the same time not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof, but the number of officers so detailed shall not exceed fifty from the Army and ten from the Navy, being a maximum of sixty, at any time, and they shall be apportioned throughout the United States, first, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that said details to be distributed, as nearly as may be practicable, according to population. Officers so detailed shall be governed by general rules prescribed from time to time by the President. The Secretary of War is authorized to issue, at his discretion and under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice by the students of any college or university under the provisions of this section, and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof and for the return of the same when required."

SEC. 2. That the said section 1225 of the Revised Statutes of the United States, as amended by the said act of Congress approved July 5, 1884, and all acts and parts of acts inconsistent or in conflict with the provisions of this act be, and the same are hereby, repealed, saving always, however, all acts and things done under the said amended section as heretofore existing.

The amendments of the Committee on Military Affairs were reported, as follows:

Add to the first section the following proviso:

"*Provided*, That nothing in this act shall be so construed as to prevent the detail of officers of the Engineer Corps of the Navy as professors in scientific schools or colleges as now provided by act of Congress approved February 26, 1879, entitled 'An act to promote a knowledge of steam-engineering and ironship building among the students of scientific schools or colleges in the United States;' and the Secretary of War is hereby authorized to issue ordnance and ordnance stores belonging to the Government on the terms and conditions hereinbefore provided to any college or university at which a retired officer of the Army may be assigned as provided by section 1260 of the Revised Statutes."

Also, after the word "established," and before the word "college," insert the word "academy."

Also, after the word "Army," in line 12, insert "or Navy."

The SPEAKER. If there be no objection, the vote on the amendments of the committee will be taken in gross.

There was no objection, and the amendments were agreed to.

Mr. KERR's amendment was read, as follows:

Strike out all after the words "United States," in line 16, down to and including the word "distributed," in line 24, as follows: "First, to those State institutions applying for such detail that are required to provide instruction in military tactics under the provisions of the act of Congress of July 2, 1862, donating lands for the establishment of colleges where the leading object shall be the practical instruction of the industrial classes in agriculture and the mechanic arts, including military tactics; and after that, said details to be distributed."

The House divided; and there were—ayes 13, noes 69.

So the amendment was rejected.

The SPEAKER. The hour for the consideration of bills has expired.

Mr. OATES. I move an amendment, to which I think there will be no objection. I move to strike out, in lines 25 and 26, the following words:

Officers so detailed shall be governed by general rules prescribed from time to time by the President.

Mr. FORD. There is no objection to that amendment.

The SPEAKER. The hour for the consideration of bills has expired.

Mr. TOWNSHEND. What will be the status of this bill?

The SPEAKER. It is unfinished business and will come up the first thing in the next hour assigned to the consideration of bills, and the Committee on Military Affairs has time to complete this bill if it can be done in an hour.

Mr. TOWNSHEND. I hope there will be an extension of the hour for five minutes in order to complete this bill now.

Objection was made.

TARIFF.

Mr. MILLS. I move that the House resolve itself into Committee of the Whole on the state of the Union to resume the consideration of the tariff bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 9051) to reduce taxation and simplify the laws in relation to the collection of the revenue, and the pending amendment is that moved by the gentleman from Illinois [Mr. CANNON], which will be read.

The Clerk read as follows:

Strike out lines 329 to 361, inclusive, of section 2, and insert as follows:

"All sugars not above No. 16 Dutch standard in color, all tank-bottoms, sirups of cane juice or beet juice, melada, concentrated melada, concrete and concentrated molasses, and all molasses testing not above fifty-six degrees by the polariscope, not otherwise specially enumerated or provided for in the act, shall be exempt from duty: *Provided*, That if an export duty shall hereafter be laid upon sugar or molasses by any country from whence the same may be imported, such sugar or molasses so imported shall be subject to duty at the rates provided by law at the date of the passage of this act.

"All sugars above No. 16 Dutch standard in color, three-tenths of 1 cent per pound. Molasses, testing above fifty-six degrees by the polariscope, 1½ cents per gallon.

"Maple sugar, 2 cents per pound of crystallizable sugar contained therein as ascertained by polariscope.

"Maple sirup or molasses, 4 cents per gallon.

"Glucose or grape sugar, 1 cent per pound. Sugar candy, not colored, 5 cents per pound; all other confectionery, not specially enumerated or provided for, made wholly or in part of sugar, and on sugars after being refined, when tinctured, colored, or in any other way adulterated, and on all chocolate confectionery, 10 cents per pound: *Provided*, That if an export duty shall hereafter be laid upon sugar or molasses by any country from whence the same may be imported, such sugar or molasses so imported shall be subject to duty as provided by law at the date of the passage of this act: *Provided further*, That for the encouragement of the production of sugar and molasses there shall be paid a bounty to the producers thereof in the United States, when made from beets, sorghum, imphee, or other sugar-cane raised in the United States, as follows:

"On sugar, 2 cents per each pound of crystallizable sugar contained therein as ascertained by the polariscope.

"On molasses, testing above fifty-six degrees by the polariscope, 6 cents per gallon; testing not above fifty-six degrees by the polariscope, 4 cents per gallon.

"And the bounties provided for in this act shall be paid out of any moneys in the Treasury not otherwise appropriated, under such regulations as the Secretary of the Treasury shall prescribe."

Mr. KELLEY rose.

The CHAIRMAN. If the gentleman from Pennsylvania desires to occupy more than five minutes, the Chair would suggest some agreement had better be come to now on that subject.

Mr. KELLEY. I certainly shall desire more than five minutes, but how much I can not tell.

Mr. KERR. I move that the gentleman be allowed thirty minutes.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent to print as a portion of my remarks of July 3 the following editorial from the Chicago Tribune of June 23, 1888, the leading Republican paper of the Northwest.

The CHAIRMAN. The gentleman may do so under the general leave to print on this bill.

The editorial is as follows:

A GRAVE BLUNDER IN THE PLATFORM.

* * * * * * *

The Tribune does not propose at this time to enter into any discussion of the Republican tariff plank; but desires before it is too late to ask the attention of the delegates to the extraordinary demand for the repeal of the whisky tax. The platform first declares in favor of repealing the tax on alcohol used in the arts and for mechanical purposes—a policy which has always been met with the objection that it would be impossible of enforcement on account of frauds, and would amount virtually to free whisky. However that may be, the platform goes on to declare further:

"If there should still remain a larger revenue than is requisite for the wants of the Government, we favor the entire repeal of internal taxes [whisky and tobacco] rather than the surrender of any part of our protective system at the joint behest of the whisky trust and the agents of foreign manufacturers."

Four years ago the Republican party pledged itself to correct the inequalities of the tariff and reduce the surplus. Now it is made to demand the placing of whisky and tobacco on the free-list in order to prevent any reduction of the surplus by correcting the inequalities of the tariff or by reducing the sugar tax. The Republican tariff platform of 1884 in substance declared:

"The Democratic party has failed completely to relieve the people of the burden of unnecessary taxation by a wise reduction of the surplus. The Republican party pledges itself to correct the inequalities of the tariff and to reduce the surplus."

Is putting whisky on the free-list an honest redemption of this pledge?

It is hard to believe that the convention intended to repudiate the pledge in the platform of 1884 and to substitute a demand for free whisky. It is still more difficult to believe that Republican voters favor such an extraordinary flop, or will under any circumstances approve the policy of cheapening intoxicating drink as a method of getting rid of the surplus when there are so many other and better ways. Can the party leaders venture to go before the people with such a platform and hope that the fearful blunder committed by the framers of the platform will be overlooked or excused? Certainly the Democrats will not ignore it. If the blunder in the platform is not corrected before adjournment every Democratic procession this fall will carry banners stigmatizing the Republican party as a free-whisky organization committed to the doctrine of cheap rum and dear sugar. There is no precedent for recalling and amending a platform after its adoption and promulgation, but it ought to be done in this instance.

A precedent should be made. The committee on resolutions ought to report an amendment striking out the plank in favor of free whisky, and declaring instead that the tax on liquor and tobacco shall be retained to meet the increasing expenditures for pensions and for the defrayment of service pensions.

Correction can be made and adopted by the convention in a few minutes. If the frightful blunder into which the convention was misled is not corrected, it will cost the Republican party tens and possibly hundreds of thousands of votes.

The Tribune desires to go on record as insisting with the utmost emphasis that before final adjournment the convention shall recall and correct the blunder in question.

The CHAIRMAN. How much time does the gentleman from Pennsylvania want?

Mr. KELLEY. I can not tell how much; I may be interrupted by questions; but I shall not exceed a half hour, and I want to occupy the time continuously as far as possible to reply to speeches assailing the Republican platform and the system of protection made by the gentleman from Illinois and my colleague from the Twenty-third district.

The CHAIRMAN. If there be no objection, the Chair will recognize the gentleman for thirty minutes.

Mr. KELLEY. Mr. Chairman, I am a Republican and am devoted to the doctrines of my party and the declarations of its national conventions. I am a protectionist, and believe that the system of protective duties has exalted our country to its present magnificent industrial position, and that it is essential to the maintenance of that position and the further development and progress of our country. I was therefore no little surprised to hear my friends, the gentleman from Illinois [Mr. CANNON] and my colleague from the Twenty-third district [Mr. BAYNE], make direct assaults upon the platform recently adopted by the Republican party at Chicago and upon the protective system, and practically deny its capability of doing in all industries what they admit it has done in some of them.

The recent Republican convention had evidently had its attention called to the assault that was proposed to be made on the American protective system, and in favor of the antiquated and now abandoned system of imperial bounties. The language of the platform, though it does not refer in express terms to the proposed system of bounties, does say:

> We are uncompromisingly in favor of the American system of protection; we protest against its destruction as proposed by the President and his party. They serve the interests of Europe; we will support the interests of America.

The American Government has never fallen in with the imperial habit of granting bounties in support of industries. The system was proposed to the country under the highest auspices under which it could have been proposed, for it was under the auspices of George Washington, the then first President of the United States, in a plan developed by his remarkable Secretary of the Treasury, Alexander Hamilton. Ninety-eight years have passed since then, and in no instance has a bounty been granted as a direct stimulus to an industry.

We sustained the infant fisheries by bounties avowedly as a school for a volunteer navy. It was an administrative measure of the Government, and not in connection with any branch of the general industrial system of the country.

But, Mr. Chairman, the convention did not stop with the extract I read. It went on to say:

> The Republican party would effect all needed reduction of the national revenue by repealing the taxes upon tobacco, which are an annoyance and burden to agriculture, and the tax upon spirits used in the arts and for mechanical purposes, and by such revision of the tariff laws as will tend to check imports of such articles as are produced by our people, the production of which gives employment to our labor, and release from import duties those articles of foreign production (except luxuries) the like of which can not be produced at home. If there shall still remain a larger revenue than is requisite for the wants of the Government we favor the entire repeal of internal taxes rather than the surrender of any part of our protective system.

That is the latest authoritative declaration of the doctrine of the Republican party, and it is assailed vitally here in the seats of Republican members, from whose suggestions I dissent in the name of the Republican party, at whose birth I was, and to whose interests I have been devoted from that time to this.

But it is said that sugar constitutes an exceptional case, in that we are paying extraordinary and inordinate duties on that commodity. If that be so, graduate the duties, make them right and proper, but remember your party declares not for the establishment of the imperial system of bounties, but for the maintenance of the American protective system. That is the duty you owe if you are liege party men and respect the last declaration of your party's creed.

It is argued, and has been asserted in this debate, that protection does not so operate as to stimulate development of the sugar industry. When honest John Swartz, an old farmer, was elected from Berks County, Pennsylvania, by beating that scholarly gentleman and diplomatist, J. Glancy Jones, who had avowed himself a free-trader, the tariff was under revision. The story went through Pennsylvania, and Mr. Swartz never contradicted it in social circles, that when his party friends gathered around him to persuade him that duties were added to the cost of imported articles, and would make out a seeming case, honest old John would wait patiently and listen to the end—and my friend from New York [Mr. COX], who does me the honor to listen, probably remembers the incident of Mr. Swartz's membership of the House—and say "Vell, it does look very much dot vay mit dem dings. I can't contradict you mit dem. But I tell you von ding, it don't work dot vay mit pig-iron." [Laughter.]

And doubtless my friends who favor this bounty project are thoroughly convinced that though protective duties operate that way with everything else, they do not "work so" with sugar, whether it be grown or made from sorghum produced in the States in the heart of the continent or from beets along the Pacific shores or upon the newly redeemed lands from cane in Florida, where they are draining and redeeming swamp and overflowed lands which are capable of producing sugar-cane equal to the finest that has ever been produced upon the island of Cuba, where they can produce cane with two months' additional growth over that of Louisiana, so that a stalk in a Florida cane-field that does not tassel is a curiosity, while a stalk in a Louisiana cane-field that does under ordinary circumstances tassel is a curiosity. In other words, that the cane of Florida is worth 25 per cent. more for sugar producing than the cane of Louisiana.

Mr. BAYNE. What is the life of cane in Florida?

Mr. KELLEY. Its season is two months longer than it is in Louisiana. I did not calculate the exact number of days. I have it from a report made by Louisiana experts who had been sent to Florida by the sugar exchange.

Mr. BAYNE. How many years?

Mr. KELLEY. I saw one bed that had not been replanted in seventeen years.

Mr. BAYNE. In Florida?

Mr. KELLEY. In Florida. Twenty years is the extreme life of a Cuban bed, and they say that in Southern Florida it will run longer. There may be some exaggeration in the statement. In Louisiana I think they plant every third or fourth year.

Mr. BAYNE. Three years is the average in Louisiana.

Mr. KELLEY. I know, but the two months' difference in growing time gives Florida as long a sugar season as Cuba has. I am not speaking lightly.

Now, my friend from Illinois [Mr. CANNON] was not quite candid when he said protection did not stimulate the production of sugar in Louisiana. Sir, war is the science of destruction carried into practice by nations. Louisiana is even now recovering from five years of war, during which her cane-fields were overgrown and her machinery and the buildings that housed it went to decay. Impoverished by war, ruined as the people of all the Confederate States were, their banks gone, their insurance companies without capital, their private fortunes exhausted, a people who had been making about 500,000,000 pounds of sugar per year found that in 1864–'65 they could produce but 10,800,000 pounds, though in 1861–'62 they had produced 528,000,000 pounds. Now, sir, beginning at the close of the war with wasted estates and fortunes broken, they have, under protection, raised the crop from less than 11,000,000 pounds to 303,000,000 pounds in 1882–'83. In the decade from 1867 to 1876, inclusive, they raised 1,121,000,000 pounds of sugar. In the next decade the 1,100,000,000 had grown to 2,297,000,000 pounds, or largely more than doubled in a decade. Sir, I would plant myself upon the record of Louisiana's sugar growing since the close of the war to prove the beneficence of the American protective system which gentlemen propose to set aside in favor of what the American people would not adopt for Hamilton and Washington and what they would not sustain if this House could be tempted to perpetrate the folly of trying to put the industries of the country under such a form of protection.

Mr. Chairman, a few days ago I denounced our friends on the other side of the House as humiliating me, and destroying the generous conception I had had of my country's attainments and possibilities; there was nothing we proposed to do that they would admit we could do, and said that many things ought, therefore, to be put on the free-list. Little did I then think I should hear Republican echoes of those anti-American suggestions. "We do not want protection on sugar, because in this barren country, with no competent people to occupy it, we can not do what every people east of the Atlantic are doing and have successfully done for themselves and their country—make our own sugar!" Why should we in this country, with that Pacific Slope more fertile on the average for all its vast area than Sicily herself is within her contracted limits; with those interior States so like to Germany and the portions of France in which the beet thrives and sugar is the main source of personal wealth and national revenue, cry, "Oh, no, the Germans and the French can do it but Americans can not grow cane, beets, or sorghum and make sugar?" Give these industries fair play among the protected industries of the country and in ten years there will be no outcry that you are paying duties on foreign sugars or to enrich a sugar trust.

Take the sorghum industry. In the district of my friend from Kansas [Mr. FUNSTON] they have been struggling for years. It is three or four years since Mr. Harkinson, an old friend of mine before he became a citizen of Kansas, returned with three of his fellow-citizens from investigating the growing of sugar beets and the manufacture of sugar in Germany, and sat an hour with me in yonder cloak-room. Last year, having introduced under the supervision of the Government the distributive process which that committee had brought home with them, sorghum was grown and manufactured with a profit of more than 100 per cent. beyond that derivable from wheat or corn in the neighborhood in which it was grown. The sugar was made successfully in commercial quantities and sold at profitable prices in the markets of Kansas and neighboring States. The success was so great that ten factories were to have been planted in different parts of Kansas, mainly, if not exclusively, by New England capital.

This brings me to the great advance recently made in the methods of sugar growing and sugar manufacturing. With sorghum the factory must be in the center of an area, not extending more than 6 miles around. Sorghum, unlike cane, will not bear distant transportation; and therefore the establishment of the sugar industry in a State plants in the midst of the farmers a factory and a non-agricultural laboring people and furnishes home markets for those other products of the farm which will not bear distant transportation—vegetables, fruits, butter, lamb, veal, and other articles, many of which are the charge, not of the farmer, but of his wife and daughters. There is no more beneficial ob-

ject that can be placed before our American farmers than the production of sugar in our Northern States, whether from beets or sorghum.

Sir, the seed of a fair crop of sorghum is almost as valuable as a crop of corn, and more valuable than an average crop of oats. More people have been fed on sorghum flour, ground from the seed of that sugar-bearing plant, than have been fed on wheat. So historians say; so scientists say. And where sorghum is grown abundantly for its seed, its fodder, its sugar, and its paper "stock" obtained from the refuse after the saccharine juice has been extracted, the seed alone is often worth more than an ordinary crop of oats. Now, why, at this time, when science has come forward and by its new method of manufacture added from 20 to 25 per cent. to the value of the sorghum cane, of the ordinary sugar cane, and of the beet; why, when in Germany and other lands they are abandoning the old system of large plantations and expensive works, and are establishing central factories to take the productions of the farmers within 6 miles around and convert them into commercial sugar; why, I ask, shall Republican voices be raised in slander of their party's platform, saying: "No; we can not make sugar; we are incompetent, but we are willing that you may give bounties to those who produce the few pounds of sugar we have shown ourselves able to make?" I am not that kind of a Republican. I am not that kind of a protectionist. Since the close of the war prostrate Louisiana has built up her sugar industry to almost equal what it was before, and now millions of dollars are being invested in separate establishments in Florida and California, and hundred of thousands in separate establishments in Kansas. Protection is doing its just and proper work, and if the people who have within a few months past taken to reading Hamilton's advocacy of the bounty system will let us go on, we shall collect no duties on sugar and give no bounties to "trusts" upon the seaboard when our sugar shall be grown and made over the whole surface of our country.

Mr. NELSON. I should like to ask the gentleman a question, but I do not wish to annoy him.

Mr. KELLEY. You do not annoy me, sir.

Mr. NELSON. I want to say as preliminary to my question that I feel that the gentleman from Pennsylvania who now has the floor [Mr. KELLEY] is about the only one in this Chamber who was thoroughly indorsed by the Chicago platform. [Laughter and applause.] And now I want to ask him this question: Is it not a fact that under that platform as adopted we have no right to cut down or disturb the existing tariff on sugar?

Mr. KELLEY. Oh, no. That platform pledges tariff amendment.

When I made my speech, opening what I thought the Republican side of the argument, in response to the gentleman from Texas [Mr. MILLS], a distinguished editor of Chicago denounced me as a "chattering old crank," and that eminent editor of my own city who presides over the Philadelphia Times published it for the edification of my children, under the heading of "What a Republican editor thinks of Judge KELLEY." Yet when the convention came together delegates did as the gentleman [Mr. NELSON] has suggested. They said: "Here is a man who since 1881 has pleaded with his countrymen, argued with them, has stumped the country, has almost impoverished himself by publishing pamphlets demanding that we should follow the example of the fathers of the country and leave internal taxes as a reserve for the National Government for time of war; that we abolish them; that we put the accursed thing, whisky and alcohol in all its forms, under the charge of the respective States of the Union, where it can be both taxed and policed, and where, if States, cities, and counties wish to derive revenue from such sources, the revenue derived from the causes of drunkenness and crime will go into the treasuries that have to bear the expense of vice and idleness and hereditary insanity engendered by taxed but unpoliced whisky." Yes, the convention did indorse me, and I am now ready to say, in the language of Simeon of old, Lord, lettest Thou now Thy servant depart in peace, for mine eyes have seen the glory of the Republican party. [Applause.]

Mr. MCKENNA obtained the floor.

The CHAIRMAN. As no time has been fixed for the closing of this debate, the Chair, in the absence of objection, has allowed the gentleman from Pennsylvania [Mr. KELLEY] to speak for thirty minutes. If there be no objection, the gentleman from California [Mr. MCKENNA] will be allowed to occupy the same length of time. The Chair hears no objection.

Mr. CANNON. I would like——

Mr. MCKENNA. I can not hear the gentleman.

Mr. CANNON. The gentleman from Pennsylvania [Mr. KELLEY] has seen proper to place an unwarranted construction upon the platform of my party, and then to arraign me for not accepting it. I would like time to make reply to the gentleman.

Mr. MCKENNA. I do not yield to the gentleman.

The CHAIRMAN. The gentleman from California [Mr. MCKENNA] will proceed.

[Mr. MCKENNA withholds his remarks for revision. See APPENDIX.]

Mr. CANNON. Mr. Chairman——

Mr. PETERS. Mr. Chairman, I should like to have some understanding as to the time. I want a little time myself on this question.

The CHAIRMAN. Debate has not been limited on this paragraph. Does the gentleman from Illinois [Mr. CANNON] desire to speak beyond the five-minute limit?

Mr. CANNON. I think I shall want ten or fifteen minutes.

Mr. BRECKINRIDGE, of Kentucky. I ask unanimous consent that the gentleman from Illinois be allowed fifteen minutes.

There was no objection, and it was so ordered.

Mr. CANNON. Mr. Chairman, when I concluded my remarks yesterday upon what to my mind was a plain business proposition, in harmony with the Republican platform, with good legislation, I did not expect to speak further on this subject, and I would not now were it not that the gentleman from Pennsylvania [Mr. KELLEY], who has so much more reputation in the country than I have, has seen proper to arraign this amendment which I have offered and my position upon it as un-Republican. Now, if the gentleman is correct about that, if the Chicago platform means what he says—and he alone of the sixty millions of people in the United States has the right to construe it—if I can not combat his right to construe it for me, then, to be consistent, I should get off the platform and not pretend to stand upon it. I want to speak in all kindness, for I have no feeling of unkindness towards the gentleman, nor have I ever during my service in the House of Representatives entertained any feeling of unkindness towards him, and if I differ with him radically and positively in his construction of the platform, I beg to assure him I do it respectfully. He would not ask me to sit still in the House and hear him place the party to which he and I belong in a position which to my mind it does not occupy, and if he did I would not comply with his request.

Now, then, what is the platform? The gentleman read a portion of it. There are several resolutions. I am not going to read much of the platform, but as I read it touching the tariff it is substantially as follows: It declares in favor of "such revision of the tariff laws as will tend to check imports of such articles as are produced by our people, the production of which gives employment to labor, and releases from import duties those articles of foreign production, except luxuries, the like of which can not be produced at home."

That is the platform on that point. With that declaration I am in entire harmony, according to my best judgment, and the amendment which I offered yesterday is in entire harmony with that declaration of the principle. There are two kinds of customs duties recognized by the platform, one protective, the other for revenue only. It will be remembered that our Democratic friends, when they had more courage than they have now and did not want to cheat anybody, put into two of their platforms a declaration in favor of "a tariff for revenue only."

Now, what is a tariff for revenue only, and what is a tariff for protection? I will say a word upon this point, and then pass on and apply it. A tariff for revenue only is a tariff levied upon articles that we do not and can not practically produce in this country in sufficient quantity to substantially satisfy the demand of our own people, while a tariff for protection is a tariff levied upon such articles as we do practically produce in this country, or while it is evident we can by following the protective policy in a reasonable time—not in twenty-five years or a hundred years, but in a reasonable time—produce them in sufficient quantities to substantially satisfy the demand therefor in our own country, thereby giving profitable employment to labor and in the end cheapening the product to the consumer.

The Republican platform, as I understand it, condemns the tariff for revenue only and indorses the tariff for protection.

If it means anything else, I am not for it, If it means that, I am for it. The gentleman from Pennsylvania [Mr. KELLEY] and the gentleman from California [Mr. MCKENNA] say, "Why do you not propose to pay a bounty on steel and wool and articles of that kind?" The answer is that substantially the steel and iron industries, and the woolen and the cotton industries, and a great many others, under a far less protection than sugar has received, have been so developed in this country that they do practically supply the home demand and are growing year by year; and I propose a bounty for the production of sugar in the United States, not that I am in favor of a system of bounties, but for the reason that a bounty would only cost $6,000,000 and free sugar would relieve the people of $60,000,000 of taxation annually and from $30,000,000 of profits they are compelled to pay to the sugar trust annually, and for the additional reason that under nearly a century of enormous protection a sugar interest has been built up in Louisiana that produces one-tenth of the sugar we consume and it may not be just to forsake even that small industry, and for the additional reason that in some parts of the country, Kansas and California, it is alleged they can develop a sugar-producing interest from sorghum and beets, and I am willing to give them a fair trial, especially as the people would save $84,000,000 annually by trying the experiment.

I say again I am not in favor of bounties as a rule, but I think under all the circumstances this is a proper exception. Nor are we without precedents in this matter, for we have given bounties for the promotion of the fisheries for many, many years, bounties for the establishment of the salt industry in Michigan, bounties for the construction of railways and canals, bounties for the establishment of our merchant marine, bounties for the promotion of agriculture, and for many other purposes.

But if the voting a bounty for the production of sugar in the United States is a stumbling-block in the way of gentlemen, while I am willing to vote it, yet I am for free sugar, with or without a bounty.

Now I will speak to my Democratic friends a moment, and I will ask them, what is the reason you leave the tariff on sugar? What is the reason that in cutting the duty down from 82 per cent. you still leave it at 68 per cent. ad valorem, higher than the duty on any other class of goods? You have said several times and you say now that you do that because it is a tariff for revenue and not for protection. In that you are entirely consistent with the principles you have enunciated, namely, that in revising the tariff you will not have free trade at once all along the line, nor a revenue tariff only, at once, on everything, but that you will travel in the direction of a tariff for revenue only. I believe I represent you properly. That is the reason you keep it.

Now, what are the facts about sugar? I spoke of them yesterday. I say that practically this tariff upon sugar is substantially a tariff for revenue only. "But," says my friend Judge KELLEY, "we can produce sugar in this country." Yes, sir; and we can produce tea in this country. Would you therefore argue because our former Commissioner of Agriculture induced people to try to produce tea in this country that we should levy a tax on tea? The platform does not mean that.

Mr. KELLEY. My statement was that we could produce sugar commercially and at a profit, not merely that we could produce it.

Mr. CANNON. I answer the gentleman as I have answered heretofore, that for almost a century sugar has received continuous protection, an average of two, yes, three times higher rate than any other class of articles, yet we produce less than one-tenth of what we consume. We produce far less than we did thirty years ago, and while we imported before the war 500,000,000 pounds yearly, we now year by year import over 3,000,000,000 pounds, and it is increasing all the while. I deny that we are substantially producing sugar commercially at a profit or that there is any prospect of our doing so. We do not need the revenue from sugar, and if you will put sugar on the free-list the people could afford to buy every pound of sugar produced in this country and throw it into the sea, and they would then save yearly $75,000,000 by the operation.

Resuming my remarks, I want to say again that the tariff now standing upon sugar is equivalent to 82 per cent. ad valorem. You Democrats propose in the Mills bill to reduce it to 68 per cent. ad valorem, whereas in that bill the average rate of duty, including the duty on sugar, is 48.31 per cent. Why do you fix the duty on sugar away up above everything else? You say it is a revenue tax—a tax substantially for revenue only.

Now, just one word about this. Judge KELLEY said that in the last ten years there has been a great increase in the production of sugar. Let us see about that. I was surprised that my friend Judge KELLEY should pick out an exceptional year in that period of ten years and read the figures to this House as an evidence of the increased production of sugar in the State of Louisiana. I have before me a table; I will take these statistics in periods of five years.

Mr. KELLEY. . I took them in periods of ten years.

Mr. CANNON. I will take them every fifth year. In 1870–'71, 144,000 hogsheads of sugar were produced in Louisiana; in 1875–'76, 144,000 hogsheads; in 1880–'81, 218,000 hogsheads; in 1886–'87 145,000 hogsheads—substantially the same that was produced seventeen years before. And yet, a quarter of a century after the war has closed, the gentleman talks about the "ravages of war" and its effect upon this industry. Does not the gentleman know that, commencing with the close of the war and the breaking up of slave labor, the South, under a system of free labor, has, in respect to cotton and nearly all its products except sugar, bounded forward 50, 100, and sometimes 200 per cent.? I say again, as I said yesterday, that in seventeen years there has been paid into the Treasury of the United States $700,000,000 of taxes upon sugar, and the importation has been $1,200,000,000. I say again that during the last thirty years the imports on sugar have been substantially two thousand millions of dollars, and the tariff upon that importation $1,000,000,000 and more.

Of the three thousand million pounds consumed in this country, how much do you think is produced here? Three hundred million pounds. From these facts I say that the sugar tax, from the protection standpoint, when it claims to legitimately stand among the protected industries of the country, is a bastard and an intruder and a fraud. It is a free-trade cuckoo's egg in the protection bluebird's nest and should be rolled out. [Applause.]

I again call attention to the Mills bill and the schedules. What do they show? We find the sugar tax now at 82 per cent ad valorem, and it is proposed to reduce it to 68 per cent. Then there are various reductions along through the schedules, and these reductions, including sugar, leave an average rate of 48 per cent. ad valorem. My amendment, if adopted, will make a further reduction to less than 35 per cent. When you Democrats go home and enter your canvass you will say, "Ah, there is 48 per cent. of protection enforced upon the people of this country." Yet over one-fourth of all the duties paid in this country come from sugar; and you propose to maintain that duty, with but a small reduction, because it is a revenue tax and a revenue tax only. And, in view of all these facts, the gentleman from Pennsylvania rises in his place and says that not only is he the father of the Chicago platform, but that this is the construction, and that every man claiming to be a Republican must stand on that platform according to that construction. I accept and indorse the platform, but repudiate the construction. [Applause.]

Mr. KELLEY. You are the only gentleman in the House who understood me to say that.

Mr. CANNON. Then I will take it all back, if you did not say it. I always inquire for the motives of men when they disagree with me or my own motives when I disagree with them. It is a safe thing to do.

Who are interested in this matter? The sugar man of Louisiana? No; the bounty proposed takes care of him. The sugar men from sorghum in Kansas and elsewhere? No; the bounty takes care of them. Who is interested in it?

Mr. KELLEY. There is no bounty and there never will be one. [Applause.]

Mr. CANNON. The gentleman knew when I spoke of bounty I merely spoke of the proposition in reference to a bounty. The gentleman is too big a man to interject such a statement upon any such pretense.

Mr. KELLEY. You did not put it, "the bounty will take care," but "the bounty does take care."

Mr. CANNON. The gentleman may posture in that way, playing upon words, if he chooses to do so. I had to respectfully differ with the gentleman in former years. I respect his character and defer to him on account of his experience, but it is not the first time in the House of Representatives when he undertook to draw the line and to say this is Republicanism and that is Republicanism, and when I refused to go with him——

The CHAIRMAN. The gentleman's time has expired.

Mr. BRECKINRIDGE, of Kentucky. I hope the gentleman's time will be extended.

Mr. KELLEY. I suggest that the gentleman be allowed to proceed *ad libitum* until he concludes his remarks. He will not transcend the rules.

The CHAIRMAN. Is there objection to the gentleman proceeding to the conclusion of his remarks?

There was no objection, and it was ordered accordingly.

Mr. CANNON. I was trying to find out the motive of gentlemen who have spoken to-day. If my amendment is adopted one thing will happen. I explained Saturday the one and thirteen one-hundredths of a cent of profit now obtained by the sugar refiners on each pound of sugar. They stand in the Mills bill and will continue to extort by its provisions. I explained that their profits amounted to $30,000,000 a year. My amendment will affect the sugar refineries in the gentleman's city of Philadelphia. It affects the sugar refineries in New York City. It will affect them in San Francisco. I can not help that. I respect the gentlemen for representing their constituents; but I do not want them to undertake to read me out of the party because I do not altogether agree with them. So much for the sugar refineries, and I say to the gentleman from California [Mr. MCKENNA], when he attempts to read me out of the party, that $9,000,000 worth of sugar came in free under the reciprocity treaty every year from Hawaii to San Francisco from plantations owned and farmed, I am told, by Californians, which has its value substantially doubled by the tariff on sugar the moment it is landed free of duty in that port. The greater always controls the less.

Mr. MCKENNA. If that principle of gravitation applies to prices as you contend it does, why are you afraid of the Canadian smaller product pushing out the larger American product? Why did you not vote for free lumber if you believe in the principle?

Mr. CANNON. I have refused to yield. When I have plenty of time I do not object to yielding, but when somebody jumps up and chips in with something 10 miles off from what I am talking about my patience then gives way a little. [Laughter and applause.] I was asking what would happen in case my amendment is adopted? It is plain the men who own the plantations in the Sandwich Islands and who raise sugar there bring it into the United States free, and then substantially have it doubled by the tariff law operating on all the rest of the sugar imported the moment it arrives in San Francisco. They would lose four millions a year profit cut off by amendment—profit which comes without any equivalent. But the gentleman from California says that this whole problem is solved, that under the guidance of Claus Spreckels California will lead in the production of beet sugar in sufficient quantity to supply the consumption in the United States.

If you are going to solve the sugar question while your distinguished citizen, Claus Spreckels, is posturing and going to build the biggest refinery in the world at Philadelphia; if you are going to supply the entire consumption by sugar made out of beets in California, there is nothing left to talk about. But if that is so, why does Mr. Spreckels build a refinery in Philadelphia?

There are several planks in the Republican platform, and I moved this amendment in harmony with them. A tariff for revenue only is the kind of tax this is. There is another plank in the Republican platform in reference to trusts which I wish to have read. I ask my colleague [Mr. HITT] to read it for me.

Mr. HITT read as follows:

We declare our opposition to all combinations of capital organized in "trusts" or otherwise to control arbitrarily the condition of trade among our citizens, and we recommend to Congress and to the State Legislatures in their respective jurisdictions such legislation as will prevent the execution of all schemes to oppress the people by undue charges on their supplies or by unjust rates for transportation of their products to market. We approve legislation by Congress to prevent alike unjust burdens and unfair discriminations between the States.

Mr. CANNON. I commend that plank in the Republican platform to the consideration of the gentleman from Pennsylvania and to the gentleman from California; and more, Mr. Chairman, I commend it to the consideration of the other side of this House. Here is a trust, as everybody knows and acknowledges, and is necessarily so, because after a generation has passed the sugar imported into the United States is found to be increasing, while the sugar produced in the United States is decreasing in quantity. Come, now, and let us cut that trust up by the roots.

A MEMBER. How about the coffee trust?

Mr. CANNON. There is no tariff upon coffee. There may be a trust, but it takes care of itself and breaks up the men who go into it. This trust has its feet planted in the law, and I want to take the foundation away from it. Let us do our part. That is what I am for.

But, Mr. Chairman, one further remark and I am done. Much legislation can be had, ought to be had, and will be had, as I said the other day; the Navy will be built up, the fortifications will be constructed, the ordnance made or purchased, our great sea-ports will be fortified, and we will be able to protect the citizens of our country at home and abroad by economical, just, and proper expenditures of the public money.

General pension legislation will be had to do even-handed justice to the soldiers of the late war, and when these things are done and when we have reduced the revenues, taking it off of articles where it produces revenue only and off tobacco, then in the course of time if anything else is to be taken off, rather than turn the laborer back upon the small wage, rather than forsake the protective system, and then only, we will take the tax off of spirits. [Applause on the Republican side.] Why does the gentleman from Pennsylvania say that is heresy? I tell you now, in the presence of the House and the country, so far as the country will take notice, and in the presence of my constituency, before whom I stand for re-election, asking them for their ballots, if now or hereafter I have got to choose between taking the tax off of sugar, which is a revenue tax only, and taking the tax off of spirits, I will take the tax off of sugar. [Applause on the Republican side.]

In conclusion, I appeal from the construction placed upon the platform by the gentleman from Pennsylvania to the platform itself, and so far as I am concerned I am ready for a vote upon the amendment. [Applause.]

Mr. PETERS. Mr. Chairman, coming from a section of the country interested in the production of sugar, in which marvelous progress has been made in that production from sorghum cane, I naturally feel a deep interest in the amendment proposed by the gentleman from Illinois [Mr. CANNON].

If I understand the doctrine of protection, it aims to protect every product that can be successfully produced in the United States. If that be the doctrine of protection, then so far as it applies to this question of producing sugar, we will inquire, first, can sugar be successfully produced in the United States? And if it can be, then no friend of protection will understandingly or knowingly oppose giving protection of some kind to the industry.

I know that it has been charged in this debate that the production of sugar has been decreasing for a number of years; that the product of sugar in the United States to-day is not equal to what it was prior to the war. But that does not do away with the fact that sugar can be successfully produced in the United States. That fact, in my judgment, has been demonstrated beyond question. Concede that certain circumstances which are ulterior in their character, which are outside and independent of the interest itself, have resulted in decreasing the production of sugar for the last six, eight, or ten years, this does not by any means substantiate the position that the decrease will continue from now on, in the same, or in anything like the same proportion. On the contrary, we have every reason to believe that the interest is increasing and will increase. Concede that there is a decrease, no man in favor of protection can even withhold that protection, and be consistent, in my judgment, although he is satisfied the production of sugar will be confined exclusively to Louisiana. I would be for protection for sugar to-day, if there was not a pound of sugar made outside of Louisiana, because in order to be a consistent protectionist, I would have to support a law that would protect that industry, even though it existed in only a single State of the Union. Whenever you denationalize protection you destroy its power and its potency in promoting American industries.

It is upon that ground I have argued in favor of protection of industries in which, perhaps, my own State was not directly but only indirectly interested. I can not understand the position taken by gentlemen upon the other side who insist strenuously upon protecting this industry so far as it applies to Louisiana, and yet ignore the doctrine of protection as to all other States. I will state in all candor to my friends from Louisiana, that when they insist upon protection for sugar, because it is a product of the State of Louisiana, they can not, in my opinion, be consistent, without standing by the Republican party in protecting American industries in all the States.

Now, I want to speak of this question with reference to the sorghum industry, because that is the industry in which my people are more directly interested. I assert, without the fear of contradiction, that so far as experience is concerned, so far as past experiments can demonstrate anything, the production of sugar in the United States will from this time on continue to increase, until within the next ten years, we shall not only produce sugar for the consumption of the United States, but we will produce sugar for export to foreign nations.

We are paying out now to European countries——

[Here the hammer fell.]

Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for twenty-five minutes.

Mr. BRECKINRIDGE, of Kentucky. I ask that the gentleman be given unanimous consent to complete his remarks, whether the time be longer or shorter than twenty-five minutes.

There was no objection.

Mr. PETERS. There is an area of country in the United States adapted to the cultivation of sorghum, that is sufficient to produce the sugar of the world. The point has long been demonstrated that sugar can be made from sorghum. That was demonstrated years ago. Sugar of the very highest quality, as my friend from Kansas on my left suggests, sugar that polarizes 98.1 per cent. of sweetness, is made from sorghum. There is no sugar that polarizes as high as the sugar that was made in Kansas from sorghum last year. You can not find it in Germany; you can not find it in France; you can not find it in New Orleans; you can not find it anywhere in the world. You can not find sugar made in any of these countries that polarizes 98.1 per cent. Yet under a skillful chemist from the Agricultural Department, who applied this test, sugar that was made at Fort Scott last year, polarized 98.1 per cent.

Now, I come to the question whether sugar can be successfully made from sorghum so as to increase the product. Prior to the experiments at Fort Scott, the juice had been extracted from the cane by the roller process, or the pressure process, which had been used to extract juice from the cane in Louisiana. But the difficulty with that machinery, although it was the most perfect that human ingenuity could make, was that it extracted only about 55 per cent. of the saccharine matter. There was an absolute loss of saccharine matter of 45 per cent. That was one reason why sugar could not be profitably produced from sorghum. The genius of man at once went to work to devise some method by which more of this saccharine matter could be extracted from the cane. Attention was directed to other countries, and finally it was ascertained that by the diffusion process more of this saccharine matter could be extracted. That diffusion process was brought two years ago to Fort Scott.

It was demonstrated that it did extract a much larger per cent. of the saccharine matter; but because of too much scientific knowledge, the making of sugar was not a success, even after the saccharine matter had been extracted from the cane. It seemed to be a theory of scientists that this saccharine matter must be manipulated in a certain way in order to produce sugar in paying quantities, and instead of giving it a decent and respectable chance to make sugar, its very production was curtailed by scientific manipulation; so all the investigations and the experiments two years ago in Kansas proved a failure, not because we were unable to extract a sufficient amount of saccharine matter, but because, after having done so, we could not produce enough sugar to make the industry profitable.

But this was overcome last year, and the diffusion process was more thoroughly tried and experimented upon, and as a result, instead of securing only 55 per cent. of the saccharine matter from cane, we secured by the diffusion process 97 per cent., and instead of securing from this saccharine matter about 56 pounds of sugar to the ton, we secured over 100 pounds of sugar to the ton in addition to the sirup that was also made from the same matter, from 15 to 25 gallons per ton.

Mr. GEAR. How many tons are raised to the acre?

Mr. PETERS. An average of 12 tons to the acre.

Mr. BAYNE. Will the gentleman allow me to ask him a question?

Mr. PETERS. Yes.

Mr. BAYNE. Did you undertake to produce or did you produce sugar in Kansas before you had a bounty?

Mr. PETERS. Oh, yes; we produced sugar from sorghum in Kansas six years ago.

Mr. BAYNE. In any considerable quantity?

Mr. PETERS. Yes, sir.

Mr. BAYNE. How much is the bounty?

Mr. PETERS. Two cents a pound upon all that polarizes above 90; but that bounty is limited in amount to $15,000 annually.

Mr. BAYNE. So that you have protection and also a bounty of 2 cents a pound on your Kansas sugar.

Mr. PETERS. Yes, sir. I want to state, however, in answer to that, that the bounty has had no effect whatever upon the production of sugar in Kansas; not a particle.

Mr. HERMANN. Did not the Commissioner of Agriculture, after numerous tests and experiments and a great deal of investigation, almost despair of being able to produce sugar successfully in Kansas or elsewhere from sorghum?

Mr. PETERS. That was two years ago; but in his report on the experiments last year, he emphatically declares that the question is settled beyond peradventure.

Mr. HERMANN. And were not those experiments largely assisted by the bounty which was offered by the Legislative Assembly?

Mr. PETERS. Not in the least.

Mr. RYAN. Not at all.

Mr. PETERS. The bounty has had nothing to do with the development of the industry, so far as it was developed last year.

Mr. HENDERSON, of Iowa. How much aid had you from the General Government?

Mr. PETERS. I can not answer the gentleman from Iowa as to the exact amount; but I am informed by my colleague [Mr. RYAN] that about $60,000 was expended of the last appropriation. A considerable proportion of that went for the purchase of machinery.

Mr. HENDERSON, of Iowa. Will my friend state how much sugar has been produced in Kansas for consumption in the last six years?

Mr. PETERS. I can not state exactly. The works at Fort Scott worked up about 600 acres of cane last year, and my colleague from the Fort Scott district [Mr. FUNSTON] says that they produced 235,000 pounds of sugar.

Mr. FUNSTON. C sugar.

Mr. PETERS. Yes, coffee C sugar. Anybody who knows what that is can understand just the kind of sugar that was made at the Fort Scott works.

Now I want to go on with my statement in relation to the production of this sugar. As I said before, last year we were able to produce over a hundred pounds and in many instances 115 pounds the first run from a ton of cane, and in addition to that from 5 to 20 gallons of sirup.

To show what the interest of the farmer is in this industry, I state that any farmer with a team can plant and grow and harvest, 50 acres of this cane, and the average yield per acre in Kansas was about 12 tons. That gives for one farmer 600 tons of cane, which sold last year at $2 per ton, yielding him $1,200 for the labor of himself and team upon 50 acres of ground, and requiring at the outside only about four months' time to plant, grow, and harvest the crop. Every one can see at a glance why it is that the farmers in the belt of country where this cane can be raised, are interested in the development of the industry.

Mr. FUNSTON. And none are interested more than the people of Illinois.

Mr. PETERS. And, as my colleague says, none are interested more than the farmers of Illinois, and the farmers of the entire Union, wherever they live within the belt in which the cane can be successfully produced.

Aside from this, there is another very important item to be taken into consideration, and that is that the cane is almost a certain crop. Drought does not materially affect it; the grasshopper does not affect it. It can be raised almost surely every year in this belt of country, regardless of rainfall or of atmospheric or climatic influences.

I have said that two years ago we had too much science, and therefore did not produce sugar successfully after we had obtained the saccharine matter; but last year it was left to work itself out, passing from the diffusion battery into the vacuum pan, and from that into the centrifugal, and from the centrifugal into the barrel. I made a trip to Fort Scott during the sugar season last year. I went to the field and saw the cane cut; I saw it loaded on the wagon; I saw it hauled upon the scale; I saw it taken to where it was cut up into small pieces; I saw it go into the diffusion battery, and from that into the vacuum pan, and then into the centrifugal, and I saw it come out sugar in the barrels; so that I know what I am talking about, because seeing is believing, and I not only know that sugar was made, but I know that it was made in the quantities I have stated, because I saw the ton of cane weighed and saw the sugar that was produced weighed. Not only that, but I saw the Government chemist from the Agricultural Department here polarize it; and it polarized 98.1 per cent.

Is there any use in talking to a Kansas farmer or a Kansas man who has had a practical eye-witness knowledge of this matter, about doing away with that tariff, because, forsooth, we can not increase the production of sugar in the United States? I say—and I believe it is the feeling not only of the Commissioner of Agriculture, but of the people of Kansas, and of every citizen who has investigated the subject—that only a few more years of protection are needed to make Kansas the sugar State of the world. That is what we are fighting for; that is why we are opposed to this proposition of bounty.

I would be glad if some man could tell me with the assurance of certainty, that a bounty would step in and take the place of the tariff and insure us the capital to develop this infant industry of Kansas. But there is no man who can give me such assurance. Logic can not give it; eloquence can not give it; argument can not give it. Logic is a power in the forum, but it can not command capital. Capital is ever sensitive; and when you go to it with your fine speeches and your eloquent sentences, capital turns to the experience of the past and says: "Notwithstanding your logic, notwithstanding your eloquence, which falls pleasantly upon the ear, business principles tell us we can rely only on the experience of the past." So the Kansas farmer, the man interested in the development of this industry, says: "We know that the capital will be forthcoming to furnish the plant to develop this industry in the United States if reasonable protection is continued; we do not know, we can not tell, that this capital will be forthcoming if you do away with this protection and substitute for it a bounty." In short, it is better to rely upon a certainty than to experiment upon an uncertainty.

As I stated yesterday, after the result of these experiments in Kansas last year, preparations were made for the establishing of numerous plants to manufacture sugar in Kansas, four of them in the district from which I come. Yet because of untoward circumstances, because of the threat involved in this very cry for tariff revision, because of this to a large extent, but two of these plants are being put in to-day. The capitalists of the East, who promised the money with which to put in these plants, have said: "We will wait another year; we will wait until we see what Congress will do; we will wait until we see whether the tariff is to be so changed that capital can not reasonably expect profitable remuneration for its investment." So this year is to be passed over. A plant is being put in at Topeka, the capital of my State; the plant at Fort Scott is being enlarged, and a plant at Conway Springs, in my district, is being put in. This is the extent of the present operations.

I plead on behalf of my people, that you will not strike down this infant industry, which presents to the agricultural portion of my State so grand an outlook for the future. I plead with my friends on this floor that they will not by their act strike down this industry, throttle it in its very infancy—an industry which promises so much relief to the agricultural people of this country, who need the fostering care of the Government.

There is another point to which I wish to call attention in connection with this question of bounty. I have said I am not in favor of a bounty, because it is an uncertainty. We do not know that under the uncertain stimulus of a bounty, capital will furnish the money to put in these plants. A bounty is unstable; and for this reason, capital, being timid, will not take the chances under a bounty law. Capitalists know also that if the production of sugar should increase until this bounty, instead of amounting to five or six million dollars annually, should reach thirty or forty million dollars, there would come up a cry from all parts of the United States demanding the repeal of the bounty act, and it would be repealed. The experience of every legislator in this House teaches him that this must be the effect if such an increased amount of bounty should be paid by the General Government.

But there is another consideration connected with this question. When you do away with the protective duty upon sugar and put in its stead a bounty, you place the consumers of the United States in the power of the foreign producer of sugar. If there is a foreign trust—and there are foreign trusts, because the Empire of Germany is nothing more nor less than a sugar trust—if there are foreign trusts, then in doing away with this protection and substituting a bounty, you place the consumers of the United States in the power of these foreign trusts. Do away with these $52,000,000 of revenue—I believe that was the amount—derived from the importation of sugar in 1887——

Mr. KELLEY. Sixty-eight millions.

Mr. NELSON. Fifty-six millions.

Mr. PETERS. Do away with these fifty-two millions or fifty-six millions or sixty-eight millions of revenue, paid as duty upon sugar; let this money be used, as it would be used, to crush out the production of sugar in the United States, and how soon would every plant that produces sugar in this country be destroyed?

Do away with the tax now provided by law, and foreign sugar, temporarily reduced in price below cost, would flood this country, and the Louisiana planter and the Kansas manufacturer could not produce sugar to compete with the price. The great foreign sugar trusts, the great amount of capital engaged in the production of sugar outside of the United States, would say, we can afford to lose a cent on every pound of sugar we send into the United States next year if we can crush out the product—which, I understand, was 300,000,000 pounds last year. When every sugar plant in Louisiana, when every sugar plant in Kansas, New Jersey, California, and Texas has been closed up, then we would be in the power of these men, who are sending us millions of pounds of sugar every year—we would be in their power, because we would have no product of sugar to regulate the price in the United States.

Thus, having suffered a loss of a cent a pound for one year, and having destroyed the sugar industry in this country, they could turn round next year and make up the loss, by raising the price high enough to reimburse themselves fully. That will be the natural result.

I have heard so much about this question of trusts, I am sorry that the gentleman from Maryland [Mr. RAYNER] is not in his seat, because he has been so grandiloquent upon this question.

One of the charges is, that the Republican party fosters and encourages trusts. Now, the facts in history refute the charges which

are made. Men throughout the country who seek to fasten the charge on the Republican party of dereliction in this regard, lose sight of the great fact that the Republican party has not held power in this House, but for two years since 1875.

When you talk on the other side about trusts, I wish to say to you, the greatest and most iniquitous trusts to-day are Democratic trusts. Take the Standard Oil Company; it is a Democratic trust. It has representatives high up near the Democratic throne. Take the sugar trust in America to-day, and it is a Democratic trust. Take the iron trust, and it is a Democratic trust.

When you come to charge this question of trusts upon the Republican party, as my friend from Maryland [Mr. RAYNER] did, you will close your eyes to the facts.

A MEMBER. Do not forget the whisky trust.

Mr. PETERS. And there is the whisky trust, which is also a Democratic trust. That trust, which is so dear to the Democratic heart, has its inspiration, its motive power direct from the Democratic party. So gentlemen who go on enumerating trusts as having been fostered and encouraged, should know they are Democratic in their inception and Democratic in their tendencies and exist by the grace and permission of the Democratic party.

I want to call attention to the fact to which I have already alluded, that the Forty-fourth Congress, the first in which the Democratic party obtained power since the war, came in on the 4th of March, 1875, with 74 Democratic majority in the House. The Forty-fifth Congress, which came into power on the 4th of March, 1877, had 18 Democratic majority in the House. The Forty-sixth Congress, which came into power on the 4th of March, 1879, had 22 Democratic majority in the House. The Forty-seventh Congress, which came into power on the 4th of March, 1881, had 16 Republican majority, and this was the only Republican House we have had in this country since 1874.

How was it in the Forty-eighth Congress? That Congress, which came into power March 4, 1883, had 81 Democratic majority in the House. The Forty-ninth Congress was reduced almost one-half, with only 42 Democratic majority, which came in March 4, 1885; and the Fiftieth Congress has 15 Democratic majority in the House, showing that the majority is growing beautifully less; and in the coming election it will disappear entirely and the majority will be placed where it ought to be, on this side of the House. [Applause on the Republican side.]

But I say to you that if trusts have been fostered and encouraged by the Republican party, why is it that your side with its majority in all these years has not brought forward some proposition to crush them out? No sooner can a law be brought before the House for the purpose of strangling every trust in the United States than I will jump to my feet in its support, and by my voice and my vote render what aid I can, to secure its passage. I have been ready and hoping for something of that kind for years. I have been hoping that the investigation on the part of our Committee on Manufactures would have borne some good fruit. But it seems to me that this long session of the Fiftieth Congress is to pass away without results from that investigation.

I appeal to my friends and to every man who is in favor of protection, either local or national, to stand by this industry and give us a chance to develop it. Let us save to the people of the United States and to the Government of the United States this $100,000,000 of money that we have been annually paying out to foreign countries for the sugar consumed here. Let us produce it for ourselves, and we will not only save the amount of money I have suggested, but it will employ in the avenues of labor thousands upon thousands of the working classes of to-day.

I believe as firmly as I can believe anything that if the law is allowed to stand as it is that in the course of ten years we will produce a sufficient quantity of sugar to meet the wants of our consumption in the United States. That is what I am pleading for. I plead, because it is not only in the interest of the Kansas farmer, in the interest of the Kansas business man, but because it is in the interest of the poor men throughout the United States, and because it is in the interest of the laboring men all over the country.

I beseech you now, under the cry that there may be an exorbitant profit in the trust, not to strike at the interests of farmers and the laboring men of this country. [Applause on on the Republican side.]

Mr. WEBER. I desire to offer an amendment, Mr. Chairman, which does not affect the question of rates, but is designed to effect a classification of the sugar schedule. I wish to have that voted upon after the proposition now pending before the committee has been disposed of, for it is evident that if the amendment of the gentleman from Illinois is adopted by the House, no classification or schedule will be necessary. I presume that the remainder of this evening will be devoted to the proposition now before the committee, and if I may have the permission I would simply offer the amendment, because it is offered in good faith, and I believe will commend itself even to gentlemen on the other side, that it may be printed in the RECORD, and that I may have the floor on Monday for the purpose of explaining its provisions. If that arrangement can be made I have no desire now to interject something that is not pertinent to the subject that is before the House.

The CHAIRMAN. The Chair can not undertake at this time to promise recognition to the gentleman on Monday. There is a long list of those desiring recognition.

Does the gentleman wish to offer the amendment now?

Mr. WEBER. I would like to submit it to be printed for the information of the House.

Mr. DINGLEY. It is offered only for information now?

Mr. WEBER. The discussion of the amendment at this time will perhaps divert the minds of gentlemen from the question immediately under consideration.

Mr. DINGLEY. Let it be printed in the RECORD.

Mr. WEBER. And I presume that our friends on the other side of the House are not particularly desirous, judging from the liberality with which they have extended the time for the discussion to this side of the House, in order that Republicans could air their contentions before the country—I say, that they are not immediately desirous of disturbing that procedure, but seem perfectly willing that these gentlemen should go on; and acting upon that assumption, that it will go on and occupy the remainder of the evening, I do not desire to interfere with the amusement or enjoyment of gentlemen on the other side, but will simply ask consent to submit the amendment now, to be taken up when it is in order for action. I offer it as a practical measure and desire to be heard in support of it and hope to convince gentlemen on the other side, if the proposition of the gentleman from Illinois fails, that here is a way to strike at the trusts and without disturbing the rate of duty proposed by gentlemen on that side.

The CHAIRMAN. Does the gentleman desire to have the amendment read or printed in the RECORD?

Mr. WEBER. Let it be read.

The Clerk read the amendment, as follows:

Strike out lines 329 to 346 inclusive and insert the following:

"All sugars not above No. 16 Dutch standard in color shall pay duty on their polariscopic test as follows, namely:

"All sugars not above No. 13 Dutch standard in color, all tank bottoms, sirups of cane juice or of beet juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, shall pay a duty of 1.15 cents per pound, and for every additional degree or fraction of a degree not above ninety degrees shown by the polariscopic test they shall pay thirty-two thousandths of a cent per pound additional.

"All sugars not above No. 16 Dutch standard in color, testing by the polariscope above ninety degrees and not above ninety-one degrees, shall pay a duty of 1.90 cents per pound, and for every additional degree or fraction of a degree not above ninety-seven degrees shown by the polariscopic test they shall pay five-hundredths of a cent per pound additional.

"All sugars testing by the polariscope above ninety-seven degrees shall be classified with sugars above No. 16 Dutch standard in color.

"All sugars above No. 16 Dutch standard in color shall be classified by the Dutch standard of color and pay duty as follows, namely:"

Mr. WEBER. I ask unanimous consent that I may be heard upon this amendment after the pending amendment has been voted on.

Mr. DINGLEY. You do not need unanimous consent for that.

The CHAIRMAN. The Chair understands this to be an amendment to the amendment of the gentleman from Illinois [Mr. CANNON].

Mr. WEBER. I do not understand the parliamentary effect; but I desire to have the amendment voted on in good faith after the pending proposition has been disposed of. It is clear if the proposition offered by the gentleman from Illinois [Mr. CANNON] be adopted, this will be of no use. If it be not adopted, I submit my amendment as a reclassification of the schedule offered by the committee.

The CHAIRMAN. Then the gentleman simply has the amendment read at this time for information, and later on will offer it. The Chair understands that to be the situation. Does the gentleman yield the floor?

Mr. WEBER. I yield the floor upon that understanding.

Mr. GEAR. Mr. Chairman, I am for the Cannon amendment for the reason that to me it is a sound, practical business proposition. Given that by the adoption of that amendment you save, first, to the consumers of this country about sixty millions of money which is now levied by the tariff; second, that you save a direct contribution taken from the people of this country which is now given to the sugar-refining trusts in profits of $30,000,000 annually, and by the imposition of a bounty or the contribution of a bounty you appropriate only six or seven million dollars; and therefore the great saving to the people is between eighty and eighty-four million dollars annually.

Now, it seems to me that the proposition should commend itself to the good sense of people on both sides of the House. It is not a question of Republicanism or Democracy. It is simply the application of a business principle to a business interest.

Mr. Chairman, I criticise the arrangement of the tariff on sugar from two standpoints: First, 90 per cent. of it is a tariff for revenue, because 90 per cent. of the sugar we use is not grown in this country. It is in the nature of a direct tax on the people the same as if we levied a tax on coffee, tea, spices, or any other thing which we do not grow or produce in this country. Take the acreage of sugar to-day. Why, sir, there were in 1880 but 227,000 acres in cane. In the State of Louisiana there were but 181,000 acres. Reduce that in the way we compute acreage in our country. Every county in the West has sixteen townships, making 378,000 acres of land. Now, there were in sugar in 1880 in Louisiana only eight townships; not quite half the acreage of the county in which I have lived for many years. In this whole country there are only ten townships engaged in the cultivation of sugar. Gen-

tlemen from Kansas and elsewhere object to a bounty, and say they have no right to believe there will be anything stable about a bounty. Let me ask those gentlemen if, in case the Democratic party comes into power in this House and in the Senate in the Fifty-first Congress, they expect any continued protection to sugar or anything else, if gentlemen on the other side are to be believed in their arguments?

Mr. CONGER. They will protect sugar if they do not protect anything else.

Mr. LAIRD. They will protect Louisiana.

Mr. GEAR. It may be so, but I do not believe it. They will not do it if their arguments on the Mills bill are true.

The crop of sugar has been constantly reduced from year to year. People may stand up here and talk until they are dumb, but they can not disguise the fact that there is less sugar produced in this country than there was years ago. The production of the last five years as compared with the production of the five years previous to the war shows 25 per cent. less in hogsheads and value. The whole value of the sugar produced in this country from 1823 to 1887, inclusive, at the present market rate only amounted to a little more than $600,000,000. Think of that! And yet the people of this country have paid in the shape of a direct tax in the last seventeen years over $700,000,000!

Is not that a direct tax on the people? Out of the $60,000,000 collected during the year 1887, my State of Iowa paid one twenty-ninth of the tax, or $2,000,000. They ask me by my vote here to help to relieve them of that tax, and I stand ready to do it so long as I am honored by a seat in Congress.

Now, Mr. Chairman, with regard to a bounty. We in Iowa can raise sorghum as well as they can in Kansas. We can raise sorghum to the limit of 200 miles north of the north line of Kansas. You can raise it up to the center of Minnesota. You can raise it in Wisconsin. Let me say to gentlemen on the floor that the beet, of which they talk so much in California, can be raised up to the Forty-second parallel of latitude, and contains 1 per cent. more of saccharine matter than it does in Europe; equally as much as in California; and we of Iowa are as much interested in that development as you of Kansas and California.

[Here the hammer fell.]

Mr. ANDERSON, of Iowa. I ask unanimous consent that the time of the gentleman be extended.

The CHAIRMAN. How much time does the gentleman from Iowa desire?

Mr. GEAR. I think I shall want about ten or fifteen minutes.

The CHAIRMAN. If there be no objection, the time of the gentleman will be extended according to his request.

There was no objection, and it was so ordered.

Mr. GEAR. The sugar-cane in this country is an exotic. It is not indigenous to this country, as it is to Cuba, and it can not be raised here by any means so long as we have our present climatic influences. If you will take the standard author [Mr. Bouchoreau], whom every gentleman upon this floor who has investigated this question will recognize as an authority upon this subject, you will find that he runs over a period of years, commencing in 1823 and extending up to the present time, and tells when and how the cane was damaged or ruined in Louisiana by frost, when and how it was damaged and ruined in that country by rain; and you will find from the facts he produces that you can not produce it in this country as it can be grown in Cuba and elsewhere. Therefore it seems to me that we should use all means in our power to give our people this article of great and prime necessity at the lowest possible price that we can.

That is one of the reasons why I support the amendment offered by the gentleman from Illinois [Mr. CANNON]. My friend from Louisiana [Mr. GAY], whom I have known for many years and whose name in the Mississippi Valley during the last half century has been a synonym for integrity and high business standing, will, I think, indorse the statement that they can not burn as fuel the refuse cane in his State as they do in Cuba without resorting to very large expenditures for a certain kind of furnace. In Cuba they take the cane and throw it out upon the ground, and in five or six days they can use it as fuel, but in Louisiana they have to use this by a new process. Until they employed it a large proportion of their fuel was obtained from the floods of the great river which penetrates their State. Now, however, by large expenditure they are enabled to obtain fuel from the refuse cane.

Another reason why I am in favor of the amendment of the gentleman from Illinois [Mr. CANNON] is this:

The present arrangement of the tariff schedule is an outrage upon the people of America. Thirteen years ago I was here as the representative of a business association of Western and New York merchants trying to get the then Committee on Ways and Means to so adjust the tariff that the common sugars might be admitted at lower rates of duty instead of having the trade thrown into the hands of the great refining trust. Mr. Chairman, there has not been in twenty years a single hogshead of sugar imported into the United States of the quality known as grocers' sugar. My friend, Mr. GAY, who has been a planter for a great many years, recollects well when he used to make sugars which were described as "fair," "fully fair," "good," "prime," and "choice." Those were the sugars that were used almost exclusively among the farmers in the Mississippi Valley, and the numbers that the amendment of the gentleman from Illinois [Mr. CANNON] proposes to admit free—12, 13, 14, 15, and 16—are of that class; yet every man, woman, and child in this country is compelled to pay to the great refining trust $2.40 a hundred for the use of that kind of sugar. Sugar is not as cheap here as it is in Europe, and it is almost the only article that goes into the consumption of a family of which that can be said.

In England, in France, or in Germany, you can buy sugar of that kind at the rate of from 20 to 25 pounds for a dollar—that is the way we sell sugar out West, so many pounds for a dollar—as against 10 or 12 or 15 pounds for a dollar in this country, and that difference is owing to the arrangement of the tariff schedule. Now, under the amendment proposed by the gentleman from Illinois [Mr. CANNON], sugars of these grades come in free, and at the same time those who wish to use higher grades of sugar like white A, crushed, or granulated, can get them cheaper than they do now, because his amendment provides for a duty of only three-tenths of a cent. per pound. That amounts to a dollar a barrel, and, on the sugars used in this country, it amounts to $10,000,000 a year, which seems to me ample protection for the sugar-refining interest in this country. It should be remembered that the labor employed in that industry is largely unskilled. It is only the chemists and the skilled sugar boilers who handle the sugar in New York and Philadelphia and Baltimore that receive high wages. The remainder of the labor employed in the business is the lowest priced labor known to us in this country, and it seems to me that a difference of $10,000,000 is ample to protect the refiners in their trade.

Sir, I will go as far as any man in protecting the legitimate industries of this country; and I stand fair and square on the Chicago platform. I need no certificate for my Republicanism. It does not need that I, who have stood up in Iowa for Republican principles for thirty-five years, who helped to wrest the State from the Democratic party and to keep it in line as the banner State of Republicanism, should say that I stand in full harmony with that platform. But, sir, there is not one jot or tittle of the amendment of the gentleman from Illinois [Mr. CANNON] that disagrees, in my judgment, with the Chicago platform. While I know that gentlemen may differ honestly in that regard, I can not be read out of the Republican party because I am in favor of giving free sugar to my people, even if the measure be coupled with a bounty. I believe that the effect of this bounty would be beneficial to the country. I believe that every farmer in my district who has a farm adapted, as all our farms are, to the cultivation of sorghum or beets, and I also believe that every farmer who tills any part of the 33,000,000 acres of choice land in Iowa of which we boast so much, will rejoice to see the Fiftieth Congress vote a bounty of 2 cents a pound on sugar, in accordance with the amendment of the gentleman from Illinois, and a corresponding bounty on molasses. Why? Because he can then go to the Treasury of the United States and get that money as fast as he produces the certificates of his product.

Why, sir, my State, with Kansas, took the lead last year in this matter of bounties. We are an enterprising people out there; we believe in developing our State. And the General Assembly of Iowa at its last session made an appropriation to promote the development of this product. This is not a new question with our people; and so long as I retain a seat here I propose to vote in favor of giving the one hundred and ninety thousand people whom I represent on this floor a reduction of tax on that which is a necessary article on the breakfast-table and the tea-table of every American family; and I wish to extend the benefits of this system to the people not only of my district but of the State and of the country at large. This will be a vast saving of money. It is, in my judgment, the easiest way to reduce this much-talked-of surplus. At one sweep of the pen you can save a direct tax of $58,000,000, less the six or seven million dollars proposed to be given as a bounty. Do our Louisiana friends want a better bounty than that? Will not a bounty of 2 cents a pound stimulate every planter in Louisiana to advance the production of sugar? And, by the way, there are only twelve hundred of those planters. Think of it! Sixty million people are taxed annually $58,000,000 for the benefit of twelve hundred people in a section of country embracing nine or ten townships! Again, the profits of the sugar trust, under this classification, are estimated at $30,000,000 annually. Much has been said about the vast amount of capital used in refining sugar and the large number of hands employed in the sugar refineries. Why, sir, the number of refineries in 1880 was only 49; the number of hands employed 5,357; wages paid annually, $2,875,032. Think of it, again, an additional tax $30,000,000 a year levied on the consumers for the sole benefit of this sugar trust.

Mr. Chairman, I say, in justice to ourselves, in justice to the consumers of sugar, that they should be relieved from this enormous tax on this, which is one of the prime necessities for every man, woman, and child in the country.

I do not doubt what my friend from Pennsylvania [Mr. KELLEY] said in regard to the future of Florida; but I have been waiting to see the development of Florida and Louisiana on the sugar question until now I am getting to be somewhat advanced in years. I take up from year to year the reports made in regard to that industry, and I find that, instead of progressing as we do in the West, instead of the annual product of sugar increasing, as does our annual production of hogs and

cattle and wheat and oats and dairy products, the sugar production of Louisiana is going down, down, down. And there is a reason for this decline. The sole reason is to be found in the fact that their climate is not adapted to the production. No man can raise a sugar crop in Louisiana when the season is adverse. Again, if this amendment shall be adopted you at once put an end to the frauds which so notoriously exist in the coloring and undervaluation of sugars in New York and at other ports. Therefore, Mr. Chairman, I favor the amendment offered by my friend from Illinois [Mr. CANNON] and I trust in all earnestness that every Republican—ay, and every Democrat—on this floor will vote heartily in favor of that amendment as a business proposition. There is no politics in it.

Mr. Chairman, if I have any time remaining, I yield it to my colleague [Mr. HENDERSON].

The CHAIRMAN. The gentleman from Iowa [Mr. GEAR] asks unanimous consent to yield the remainder of his time to his colleague. Is there objection? The Chair hears none.

Mr. HENDERSON, of Iowa. Mr. Chairman, I had intended to discuss this subject somewhat fully; but my colleague has presented my views so much more ably than I could do that I will content myself with submitting a few additional suggestions.

For one I do not intend to remain silent in my place, on the theory advanced perhaps by some that we should keep silent on the sugar question and let the matter go over to the Republican Senate. A man by silence may tacitly commend an evil proposition. If the tax on sugar should be reduced, our duty is clear, as well as the duty of the Senators. For one I concur in the amendment of the gentleman from Illinois [Mr. CANNON], and thank him for his courage and ability in submitting the views which he has presented. It will certainly be news to any member of this House who was a member of the late Republican national convention to be told that in advocating this amendment he is acting in the teeth of the Republican platform. No gentleman has yet indicated wherein the amendment of the gentleman from Illinois conflicts with that platform; and I challenge any one here and now to show such conflict. That platform declares in substance that whatever revision or reduction is necessary shall be taken from our import duties. Does it name any particular article that is to be made the subject of the reduction? Does it name sugar, iron, or any of the articles covered by your import duties? Not one; such questions are left to the wisdom of Congress.

Mr. BAYNE. My friend will allow me to remind him that the Chicago platform does not say that any reduction which may be made shall be taken from import duties; it favors a repeal of the tobacco tax and a revision of the tariff in such a manner as to protect articles of home production and to take the duties off such things as we do not produce.

Mr. HENDERSON, of Iowa. Very good; that is exactly what I say in substance, and what the platform meant to say, that the revision of the tariff should be so made as not to endanger American industries. That is the Chicago platform—nothing more and nothing less. Now, the only question for us to consider in dealing with this question of sugar is whether it comes within the range of the Republican doctrine of protection. If it does, I am opposed to touching the sugar industry.

But no gentleman has shown here that sugar should longer be protected by this Government. Our protection has utterly failed to bring sugar within the range of our protective policy. Why? Because it has been demonstrated that it is an industry that can not be built up and has not been built up to meet the wants of our people. If it can be demonstrated that it will meet the wants of our people, then it is an industry which comes within the range of our protective policy, and should have that recognition.

Mr. FUNSTON. It has been shown. It has been done in the last twelve months, at Fort Scott, in Kansas.

Mr. HENDERSON, of Iowa. Now, my good friend from Kansas [Mr. FUNSTON] brings me to the very proposition in my mind. The only ones who have attempted to meet this question as presented in this discussion are the gentleman from California [Mr. MCKENNA] and the gentleman from Kansas [Mr. PETERS], the one claiming that California, with its beets, and the other that Kansas and the other great Western States, with sorghum, practically can meet the conditions demanded by our people in regard to the consumption of sugar. But have they given us one scintilla of proof of their ability to do so?

Mr. FUNSTON. Yes.

Mr. HENDERSON, of Iowa. Have they given us any evidence in support of the statements they have made?

Mr. PETERS. Yes, abundant evidence.

Mr. RYAN. There is no doubt about it.

Mr. HENDERSON, of Iowa. No, gentlemen, you have not given us any evidence. You have been experimenting for a number of years. You have admitted yourselves that your own State of Kansas gave you annual bounty of $15,000; you admit that the General Government came to your aid with $60,000 in Kansas; and yet when I ask what you have done to show that you are capable of producing sugar even to meet a small proportion of the wants of your own people for domestic consumption I have no response.

Mr. FUNSTON. Oh, yes, you have.

Mr. HENDERSON, of Iowa. None that meets the question. And not only that, but I hold in my hand a statement just received from the clerk of the Committee on Appropriations showing that $299,500 have been paid out up to and including 1888, and expended for the purpose of making tests of the different kinds of sugar produced, including the sorghum sugar, in this country; and it is admitted that $60,000—I think it is $90,000—have gone to the State of Kansas on that account. And yet, Mr. Chairman, with all of this in aid of your system, my eloquent friend from Kansas asks for five, six, or seven years more of experimental work to demonstrate what he believes can be done.

Mr. PETERS. Oh, no.

Mr. HENDERSON, of Iowa. What! shall we hold up to the people of this country a proposition to pay out $90,000,000 annually to protect this industry which will not meet their wants in any proper degree?

Mr. FUNSTON. We do not want another hour.

Mr. HENDERSON, of Iowa. And when you confess that you have utterly failed to meet the wants of the people for consumption?

Mr. FUNSTON. We have only had three months to work in, and we have developed 750 pounds of sugar to 1 acre of cane.

Mr. GEAR. And it cost 25 cents a pound to produce it

Mr. FUNSTON. If you plant every sixteenth acre in the State of Kansas in sorghum you will produce as much sugar as you import today, and in five years you will produce the sugar at 2½ cents a pound, if you will just let us alone and not interfere with our progress.

Mr. HENDERSON, of Iowa. You may boil down all of your arguments and the sum of them can be epitomized by singing "in the sweet by and by." [Laughter.] It is all you can do, give promises for the future.

Mr. FUNSTON. We have already done it.

Mr. HENDERSON, of Iowa. We have been dumping money into your experimental works and we have no results. You do not do what you promised.

Now listen, gentlemen; we have the law in our hands. We meet again here in December. This is not going to be the last American Congress. The argument on facts which appeal to our senses will be quick to reach our understanding in the way of producing suitable legislation upon this subject in the future. Let your arguments be based on the facts as you will then have developed them. If you gentlemen can make the sugar, if this is not still an infant industry that you can wean, one that you can take its mouth from the nursing bottle, we will be here to take care of you. I have as much interest in this as my good friend from Kansas has. The soil of Iowa will go further than Kansas to raise sorghum.

Mr. FUNSTON. Oh, no; I beg pardon.

Mr. HENDERSON, of Iowa. No gentleman need beg my pardon for telling an incontrovertible fact. The soil of Iowa surpasses in fertility the soil in any part of the country.

Mr. ANDERSON, of Kansas. Oh!

[Here the hammer fell.]

Mr. ANDERSON, of Iowa. I ask unanimous consent that the time of my colleague be extended. Our Republican friends have been hearing from their constituents. I ask that the time be extended fifteen minutes.

There was no objection.

Mr. HENDERSON, of Iowa. I am very much obliged to my colleague for his request for an extension of my time and to the committee for its indulgence; but I had declared myself on this subject before even my good friend from Iowa opened his lips on the subject of the tariff, so that I am in the logical attitude of the speech I made in this House, and if the gentleman will find what my record was in Iowa, he will ascertain that I have been advocating this very doctrine upon the stump for years past. I stand by the record that I then made, and I do not see any reason to change that position at this time.

But, Mr. Chairman, I have said that I do not think our friends from California or from Kansas have shown that this sugar they talk of producing has been so far a successful experiment, or that it can be produced in sufficient quantities to meet the wants of our people.

They have not brought themselves within the rule to claim the benefit of the great economic principle of protection. When they do I will be swift to throw my voice and vote and influence in favor of protecting them. But until that time comes I protest against a tribute of $100,000,000 to foreign pockets, taken from the pockets of the people of my district and of my country. I want that distinctly understood. No matter what difference may exist around us we should kindly and courageously meet our duty, and he who flinches from that duty will have the harder time in the future, in my judgment. [Cries of "Vote!" "Vote!"]

Mr. KERR. Mr. Chairman, I have listened with some interest to the remarks of my colleagues from Iowa, Colonel HENDERSON and Governor GEAR. I dislike very much to differ from these gentlemen on any question; but on this question of sugar I think there is room for a difference of opinion. I do not agree with my friend, Judge KELLEY, in saying that a man can not stand upon the Republican platform and hold that it is right to have free sugar. The question is one of fact. But if there is reason to believe the American producers of sugar can

ultimately produce enough to supply the American market they ought to be encouraged by a protective duty; but it ought to be a reasonable duty. If you examine this proposed tariff schedule you will find that the average duty on the whole list is, as is claimed, about 41 per cent. Now, we ought to be just in our tariff. If they would reduce the tariff on sugar to 40 per cent., one-half the present rate, it would reduce the surplus to the extent of $28,000,000 a year. That would be a considerable reduction, and at the same time it would afford as much protection to the sugar industry of the United States as the average of the protective duties placed upon other articles. That seems to me the correct position on this question, for I do think we have reason to believe we can produce our own sugar.

The other side of the House say they will maintain a duty of 68 per cent. upon sugar, while they propose to put a number of Iowa products upon the free-list. I appeal to gentlemen and ask, is that just? I hold it is not. Our friends on the other side of the House are wonderfully disturbed about free whisky. The gentleman from Texas [Mr. MILLS], the chairman of the Ways and Means Committee, is especially excited on the subject, and yet four years ago he expressed the same sentiments I hold to-day upon the subject. He then said:

We now have over $100,000,000 from whisky and tobacco and other internal-revenue taxes; but they are on the same principle as the tariff taxes, on consumption, and fall on the poor, and should be largely decreased.

When I made the statement on three or four occasions formerly before this House declaring this position I am sorry gentlemen on the other side did not utter a whisper of approval. I thank the gentleman from Michigan [Mr. BURROWS] for calling the attention of the country to the fact that when the chairman of the Committee on Ways and Means assails the position of the Republican party on this question to-day he is assailing his own position as declared four years ago.

In regard to this question of sugar I shall ask leave to print as part of my remarks a letter I received from a gentleman in Iowa, a man who has given this matter some attention, who has produced a good quality of sugar from sorghum by an apparatus of his own invention and manufacture. He has a patent on an instrument for eliminating the moisture from the sirup, and has sold a good article of sugar in my own town for years. I will not detain the House any longer, but will ask leave to print the letter as part of my remarks. I do not approve of it in full, but it shows that the position of the Iowa Legislature giving a bounty of 2 cents a pound in Iowa for the production of sugar is, in his judgment, sound. The position of my colleagues from Iowa is that the protection by the Government should be taken off while the State is putting a bounty on. This does not seem to be harmonious policy.

The letter is as follows:

TRAER, IOWA, *May* 6, 1888.

SIR: Mr. E. E. Taylor tells me that you wish to know what I think about taking the tariff off sugar, and also what I think about paying a premium on sugar manufactured in the United States. I am not in the business, and therefore have no personal ax to grind. The experiments last season have proven that with sugar at present prices, using the diffusion battery and vacuum-pan, sugar can be made from sorghum anywhere where corn will mature, but with the tariff off it is not likely that the necessary capital would be invested in an enterprise while there is no certainty that even present prices will be maintained for any length of time in the future. Even the planters in the South were afraid to put in the best machinery on account of the continual racket about high tariff and free trade, but give them assurance that the tariff on sugar will not be reduced for the next ten or even five years, or if it should be reduced a premium of say 2 cents per pound would be paid by Government on home-made sugar, and other States should do as Kansas and Iowa have done, pay a State bounty, it would be but a short time till factories would spring up all through the East, West, and South, and give us sugar at such rates that beet sugar could not compete. In my opinion the proper thing to do would be to let the tariff on sugar alone and use the proceeds to stimulate home manufacture. You will notice that whether sugar is put on the free-list or not, the Government should pay a bounty on home-made sugar. The Hawaiian sugar, under the reciprocity treaty, comes in free. There they get all the way from 3 to 7 tons sugar to the acre of cane, and still they claim they can hardly make ends meet. There is no other nation on earth has as great an extent of sugar country as the United States, and it is a pity that we only make about 12 per cent. of the sweets we consume. Please excuse my using a pencil, as my hand is too unsteady to use a pen.

With much respect, I remain, yours truly,

JOHN STUART.

To Mr. DANIEL KERR.

Mr. HENDERSON, of Iowa. I would like to ask my colleague a question. Does not the Cannon proposition include a bounty?

Mr. KERR. Yes, sir. I will do my friend the justice to say that there is no proposition on this side of the House that will take away the protection from any American industry. But they propose to put it in a form that I do not believe will meet with the approval of the American people. The Government has never yet given a bounty, and it never will maintain bounties as a permanent line of policy.

[Here the hammer fell.]

Mr. GEAR. I would like to ask the gentleman a question. I happen to know the gentleman who wrote that letter to my colleague. I would like to ask my colleague if that man would not be just as well off with a bounty of 2 cents from the Government as with a tariff of 2 cents?

Mr. KERR. Of course, so far as that particular man is concerned, it would be just the same.

Mr. ANDERSON, of Kansas. I wish to express my opposition to the amendment of the gentleman from Illinois [Mr. CANNON] for the reason that in my judgment it proposes a system entirely different from that of protection, and enunciates that system, in so far as the gentleman can do so, as a measure of the Republican party and as a doctrine of the Republican party.

I suppose I inherit my belief in the doctrine of protection. I was taught it in college, and as a college president taught it to classes. My belief in it is intelligent, thorough, and sincere; and just because of that belief to-day I am opposed to what seems to me an entirely novel and a wholly alien policy proposed by this amendment as Republicanism. In the Forty-seventh Congress some gentlemen may remember that as a protectionist, and just because of my sincerity and earnestness as a protectionist, I resisted measures which seemed to me to be an imposition upon protection, to be counterfeit and unjust.

With that same sincerity and earnestness to-day I oppose this attempt to initiate a system of bounties in lieu of the system of protection. It is not Republican in my judgment. I am frank to accord to every gentleman the same right which I claim for myself to make his own interpretation of the Republican platforms, all of which I hold when fairly and correctly interpreted, and to follow his own judgment in applying them to legislation; but I express my own judgment by protesting against this proposition. This new doctrine—new, I mean, in the Republican fold, new as a Republican policy—this new doctrine is proposed to us for the avowed purpose of reducing the revenue of sixty or even of ninety million dollars, as the gentleman from Illinois [Mr. CANNON] states it, which is now paid upon sugar by the consumers, and the impression is sought to be made upon the House that unless this new bounty theory, this monarchical and imperial method, be adopted, that burden can not be reduced. Why in the world can we not reduce this revenue under the doctrine of protection by reducing the duty on sugar?

Mr. BAYNE. Are not bounties also a Kansas method as well as a monarchical and imperial one? [Laughter.]

Mr. ANDERSON, of Kansas. After the sorghum industry had been established the Legislature of Kansas voted a small bounty, but that bounty has had no more to do with the development of the sugar industry in the State of Kansas, as gentlemen have repeatedly alleged in this debate, than a fly has to do with the turning of a wagon-wheel, or than tin-plate has to do with the true doctrine of protection, and my friend can take the tin-plate and roll it under his tongue as a sweet morsel if it does not cut him. [Laughter.]

Mr. CANNON. Will the gentleman allow me a question?

Mr. ANDERSON, of Kansas. Yes, sir.

Mr. CANNON. Is my friend in favor of free sugar without a bounty?

Mr. ANDERSON, of Kansas. Well, I do not believe I am. [Laughter.] Nor with a bounty.

Mr. CANNON. Is my friend in favor of reducing the tax upon sugar one-half or two-thirds?

Mr. ANDERSON, of Kansas. Oh, well, if my friend from Illinois [Mr. CANNON] will allow me. Those are simply matters of detail. But what he proposes is not a matter of detail, but of principle and doctrine, and may be illustrated thus. The majority of the members of this House in going to their rooms take the street-cars. That conveyance is akin to the established doctrine of protection as held by the Republican party and as applied to the collection of revenues; but my friend now proposes to say that we must all hire carriages—that is, must adopt his bounty method. That is an illustration of his position on this bounty business as distinguished from the system of protection. And the gentleman says that in order to reduce the sixty millions of revenues from sugar we must adopt that method. I say that the revenue can be reduced by lowering the existing duties, and I am ready to reduce them on sugar.

Mr. CANNON. How much?

Mr. ANDERSON, of Kansas. Oh, now just keep your seat. [Laughter.] My friend will please pardon me, but I want to go on. That is a mere matter of detail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON, of Kansas. I have not occupied time on these questions, and should like about ten minutes more.

There was no objection, and it was so ordered.

Mr. ANDERSON, of Kansas. That, Mr. Chairman, is a mere matter of detail. The question as to whether sugar shall be made free, or whether the duty shall be reduced, and, if so, to what extent, are questions of detail, and when we come to deal with details I will be ready to express my belief by my vote, or to come as near expressing it as one can by a vote in this House. But that is a wholly different proposition from the one which the gentleman from Illinois [Mr. CANNON] submits. He proposes by this amendment that we shall throw aside the doctrine of protection, shall abandon the great system under which for decades the nation has prospered, and shall take up a new doctrine and adopt a new system and shibboleth, that of bounties. Now, as a protectionist I am opposed to that new shibboleth. I stand here as a protectionist and claim that whatever is fair as to any other article included in the great American system of industries is fair as to sugar, and that whatever rule should be applied to other articles should be applied in this case also.

The statement has been made upon the floor that our sugar product is decreasing. I was shown a few moments ago by the gentleman from

Louisiana [Mr. GAY] some figures which demonstrate that the crop this year is 310,000 hogsheads—I think more than double the amount which has been heretofore stated, namely, 145,000. But be that as it may, as was said by my colleague before me [Mr. PETERS], the development of the sorghum process has really placed the sugar industry of our country in the attitude of an infant industry, in so far as sorghum and beet sugar are concerned; so that it runs directly in conflict with the idea of the gentleman from Pennsylvania [Mr. BAYNE], for if I understood him correctly yesterday he claims that the doctrine of protection applies only to industries which are already so far developed that they can supply the demands of the people of this country.

Mr. BAYNE. Oh, no.

Mr. ANDERSON, of Kansas. I so understood the gentleman.

Mr. BAYNE. My claim was that the theory of protection applies in this way: However limited the industry, give it a fair trial; and if after fair trial it meets the wants of the country, then it is worthy of protection. I claim that the sugar industry has had a fair trial, and has failed to show any such result.

Mr. ANDERSON, of Kansas. Very well; take that statement of the gentleman. Within two years this late process has been discovered, tested, and established as successful. Therefore, whatever may have been the experience with the sugar industry prior to that time, you now begin a new era; and I believe that the State of Kansas alone, if a proper duty be retained upon sugar, will within ten years be able to supply to our whole people all the sugar of that class which they can use.

Mr. BAYNE. How much did it produce last year?

Mr. ANDERSON, of Kansas. I do not know, and I do not care. You might as well have asked when the telephone was invented, "How many telephones are in use?" The question in such a case would not be how many telephones were used, but whether the telephone had proved successful in transmitting sound. I do not care if there was but a single hogshead of sugar produced last year in Kansas. My colleague [Mr. FUNSTON] can give the exact figures.

Mr. FUNSTON. Two hundred and thirty-five thousand pounds were produced in three months of last year, at a profit of $15,000.

Mr. ANDERSON, of Kansas. But as I said, that is an immaterial matter. The question is whether this new process, if properly nurtured, does not bid fair to supply the American market. I call the attention of gentlemen on the other side of the House to this fact—that precisely what is true as to the increased percentage of production from the sorghum cane is also true as to the increased production of saccharine matter from the sugar cane. I have not the least doubt that this new process will add about 20 per cent.—perhaps more, perhaps less—to the product from the Louisiana cane. But my point is this: enough has been developed, enough is to-day known, to justify the House in at least continuing the application of the doctrine and system of protection, as against this new-fangled theory of bounty, and in so adapting the duties under the doctrine of protection as to relieve such burdens as should be relieved and at the same time protect this industry.

As to "trusts," there is no man in this House who is more opposed to them than I am, as is very well known. Besides, any man who intelligently and really understands this doctrine of protection must see that it contains within itself the safeguard for the consumer and for the throttling of any "trust," in securing competition among manufacturers. I am ready to cut down the duty on the refined article to such an extent as will wholly destroy any possible "trust;" but I am not ready to break down an industry which affects the whole West and every farmer in it, which proposes to give to America in all decades to come what sugar it will need, and in that way prevent the continued payment of the many millions which in past years have been raised on imported sugar. A grander opportunity for diversifying agriculture, for opening a new, profitable, and certain crop to our farmers, has not occurred since the invention of the cotton-gin. And both as an advocate of the greatest of American industries and as a thorough protectionist and Republican, I am vigorously opposed to the bounty theory embodied in the amendment.

Mr. HOLMES. So far as concerns the question that has been raised in this discussion, of whether a man who advocates a particular amendment stands on the Republican platform, I wish to say this is not the time nor the place to discuss that proposition.

With respect to the merits of the amendment of the gentleman from Illinois [Mr. CANNON], I am opposed to any proposition that demands bounties for an industry of any kind, and particularly the sugar industry. I think I express the sentiment of the people of my district when I say we are not prepared to foster by a bounty one agricultural industry at the expense of another. I know of but two recognized principles in reference to this question—one is protection, the other is free trade. This matter of a bounty presents neither protection nor free trade; and while it may or may not be recognized in the Republican platform, I think such a system bad policy, bad ethics, and bad financial legislation. If the farmers of my State are to pay the farmers of Kansas or the sugar-growers of Louisiana or any other State a certain amount upon the beets or the sugar-cane which they raise, are we not entitled to a similar allowance for every bushel of wheat or oats that we raise? If bounties are to be paid on one branch of agricultural industry, are we not entitled to bounties on all? Will not the farmers who are expected to pay this bounty be the first to rise and say, "We want a bounty on everything we raise?"

The farmers of Kansas, we will say, get 2 cents a pound bounty on sugar. They get 2 cents protection by the tariff. That makes 4 cents. That makes it reasonable, if we consider the worth of property at all. In Louisiana they are raising sugar year by year. They are raising less now than in 1861 and 1862. The philosophy of protection has had no effect upon it. It is not an infant industry.

I introduced a bill at the beginning of Congress to put sugar on the free-list. I stand by that proposition now. I am in favor of it. It is no longer a question of protection. The gentlemen who are in favor of putting our flax on the free-list, as well as everything else we raise, should try free trade in reference to their particular productions; and if it works well let us try it still further.

Now, sir, I am opposed to all bounties upon agricultural products. It involves an evil we can not see the beginning or end of. I should like to agree with my able colleagues, Colonel HENDERSON and Governor GEAR, on this question, but I can not do so. I should regard it as a great evil to introduce a system of subsidies and bounties to foster the growth of our industries.

I say as soon as the surplus is gone, when there is no more surplus to provide bounties, it will be one of the crying questions of the hour how to get rid of them. If we give a bounty to the producers of sugar now, it will not be long before we will have other producers asking from the Congress of the United States bounties also upon their productions.

Another thing. This whole sugar industry is embodied in a trust. It has been denied there is any trust. Gentlemen get up here with countenances child-like and bland and deny the existence of any such trusts. They deny that the effect of those trusts is to establish a monopoly and make prices higher.

Now, sir, I know there are trusts, and every man of ordinary intelligence in this House and throughout the country knows there are trusts, and that there is no more gigantic monopoly than the sugar trust. It is gotten up for the benefit of twelve hundred planters in Louisiana. It is high time, therefore, we began to destroy that trust. It is time the House should put itself upon record against the continuance of that trust, and against the continuance of any of these trusts or combinations. It is time their influence over the people of the country should be put an end to.

[Here the hammer fell.]

Mr. RYAN. Mr. Chairman, I do not take the floor for the purpose of entering upon an elaborate discussion of the question before the House, but simply to correct some errors under which some gentlemen seem to be still laboring. I do not care to refer to the political feature of this discussion further than to say that in my judgment it will be a sorry day for the great American system of protection when we apply the bounty system to any of the industries of this country.

Some gentlemen seem to be laboring under the impression that as yet there have not been any developments arising from experimentation with sorghum which justifies the declaration that we can produce in this country sugar adequate in quantity for our home consumption. They forget that those results which promise the most grow out of experiments which have been commenced only in recent years.

The experiments with sorghum are of recent date. When Dr. Colyer was in the Agricultural Department he undertook experiments in that line. They were experiments simply in the laboratory of the Agricultural Department. They were commenced only in 1878 and continued by him up to 1882. They were followed by other experiments under Professor Wylie, if I remember aright. Those experiments were so promising that in 1885 Congress made an appropriation of $50,000 to continue them. The results of the experiments under that appropriation were so encouraging that some gentlemen engaged in the industry in my own State. They did not succeed, for they encountered the difficulty of extracting from the cane a sufficient quantity of the saccharine matter to make it profitable. Still Congress, following up the appropriation of 1885, made another appropriation in 1886 of $94,000 for further experimentation.

The present Commissioner of the Agricultural Department had given this subject the most careful attention. It was his judgment, and he did not hesitate to declare it, that by proper experiments processes could be discovered that would make sorghum sugar manufacture successful in this country. Hence when that $94,000 was appropriated his whole heart and intelligence were devoted to the accomplishment of that desired result.

The CHAIRMAN. The gentleman's time has expired.

Mr. MCKENNA. I move, by unanimous consent, that the gentleman be allowed to proceed until he has concluded his remarks.

There was no objection, and it was ordered accordingly.

Mr. RYAN. The commissioner abandoned the old process; and of the $94,000 he expended $60,000, or about that, in the State of Kansas. Much was expended in producing a diffusion battery and other machinery for experimental purposes.

He put in that establishment one of the most intelligent experts in this country with the most favorable results. It was developed by ex-

periment there that, whereas in the past by other processes not more than 66 pounds of sugar could be made from a ton of cane, over 100 pounds could be made and was made, averaging, I believe, if I remember aright, for the entire season 115 pounds to the ton.

I want to call attention to the report made by this officer of the result of his experiments at the Fort Scott mill, under the administration of the present head of the Agricultural Department; and if he be at all reliable, if we can trust to the official information received from him, the question is settled that sorghum sugar can be profitably produced. I will then call attention to the report of Mr. Parkinson upon the subject, a most intelligent gentleman, who was at the head of that establishment. He who reads these reports will have no longer any doubts in his mind about the fact that the question of the profitable production of sorghum sugar in this country has been settled. Of course there have been many difficulties to encounter, and we will have yet many to encounter before we reach anything like perfection. In the first place, the industry has in this country very few skilled or trained men competent to take charge of a mill. You can not operate such an industry successfully without trained men, but that is a difficulty which in the very nature of things time will overcome.

There are some other difficulties. There is a large field for improvement of the machinery which has already produced the results to which I have referred, and further improvements will unquestionably be attained by experiments. Experiments in the development of the quality of the cane itself would be advantageous. These are desirable in order to attain the highest degree of success.

In an industry of this kind, in this crude condition, of this magnitude, of this complex character, it will take some years of scientific endeavor to develop it to a degree of perfection; but at a time when we have demonstrated that sugar can be made from sorghum profitably there ought not to be on the part of those who are in favor of protection to American industries any hesitation whatever in maintaining it among all the other industries of the country covered by the great national system of protection.

Now, Mr. Chairman, I will call the attention of the committee to a portion of the report of Mr. Swenson, the intelligent expert who was sent out there by the Government, and whose skillful efforts produced the results very largely to which I have referred, and I shall ask the Clerk to read the marked portions, and hope my friend from Iowa [Mr. HENDERSON] will listen, for I think he will not then repeat what he said a little while ago, that there was no evidence that we could produce sorghum sugar profitably in this country.

The Clerk read as follows:

Owing to the fact that we were unable to secure a sufficient supply of cane, the work progressed very irregularly. Only twice during the entire season was the battery kept in operation continuously for twenty hours, and during the sugar-making season the diffusion battery was emptied sixty-two times. This entailed no inconsiderable loss, amounting to from 1 to 2 tons of clean cane each time a stoppage occurred.

CANE WORKED FOR SUGAR.

The total amount of cane worked for sugar was 2,610 tons. In this is included all that was used for experiments in filtration and defecation during the first part of the season. I have no record of the exact amount lost in this way. The total amount of first sugar made was 235,476 pounds. This sugar was all washed, and polarized on an average 96 per cent. The total amount of molasses produced was 51,000 gallons.

TRIAL RUNS.

In order to ascertain as nearly as possible the average yield of sugar per ton of cane two trial runs were made.

FIRST TRIAL.

On September 15 a strike was made from 133 tons of clean cane. In order to obtain a better grain 2,600 pounds of sugar were added to the juice after it had been defecated; 2,200 pounds of juice were drawn from each cell.

The following is a record of this experiment:

Sucrose in mill, juice from chips	10
Glucose in mill, juice from chips	3.41
Solids not sugar, juice from chips	3.20
Ratio of sucrose to glucose	2.94
Co-efficient of purity	60.03
Sucrose in diffusion juice	7.91
Glucose in diffusion juice	2.60
Solids not sugar, diffusion juice	2.59
Ratio of sucrose to glucose	3.04
Co-efficient of purity	60.04
Sucrose in defecated juice	8.34
Glucose in defecated juice	2.4
Solids not sugar, defecated juice	2.46
Ratio of sucrose to glucose	3.47
Co-efficient of purity	63.6
Total weight of first sugar ..... pounds	17,608
Sugar added to juice ..... do	2,600
Total yield of first sugar ..... do	15,008
Total yield of second sugar ..... do	2,330
Total yield of molasses ..... gallons	2,230
Yield per ton:	
First sugar ..... pounds	113
Second sugar ..... do	17.5
Molasses ..... gallons	15.5
First sugar polarized	93
Second sugar polarized	88.7

Temperature in battery was between 75° and 80° C.

SECOND TRIAL.

Eighty-six tons of clean cane were worked, 54 tons on October 1 and 32 tons on October 2. All was boiled in one strike. No analyses were made on October 2, and unfortunately the complete data can not therefore be given. The juice was not enriched, as in the previous trial.

The following are the results:

Yield of first sugar ..... pounds	9,222
Yield of second sugar ..... do	1,988
Yield of molasses ..... gallons	1,462
Yield per ton:	
First sugar ..... pounds	108
Second sugar ..... do	23
Molasses ..... gallons	17
First sugar polarized	97
Second sugar polarized	88

AVERAGE YIELD OF SUGAR.

Making fair allowance for cane and juice lost in experiments during the first part of the season, the average yield of first sugars will be fully 100 pounds per ton, polarizing 97. A strike of average molasses boiled to string proof yielded 12½ per cent. of the weight of the *masse cuite* in sugar, containing 88 per cent. of sucrose. This is at the rate of 28 pounds per ton of cane. Had the entire crop been boiled for seconds the average yield per ton of cane would not have been less than 128 pounds of sugar and 16 gallons of molasses. From a financial standpoint, the advantage of working for seconds depends entirely on the sirup market. In my judgment it would not have paid this season, as the market is better than for years past. The entire product of 51,000 gallons has already been sold at a good price.

AVAILABLE SUGAR.

It is at once apparent that the old method of calculating available sugar must be abandoned. According to this rule there would be but 61.6 pounds available sugar per ton of cane in the diffusion juice of the first trial, when, as a matter of fact, 130½ pounds were obtained. It would therefore seem that instead of preventing an equal weight of cane-sugar from crystallizing, the glucose and other solids not sugar in the juice prevented only two-fifths of their weight of cane-sugar from crystallizing. This is also borne out by the data furnished by the analysis of the juices during the entire season.

* * * * * * *

CONCLUSIONS.

In reviewing the work the most important point suggested is the complete success of the experiments in demonstrating the commercial practicability of manufacturing sugar from sorghum cane.

2. That sugar was produced uniformly throughout the entire season.

3. That this was not due to any extraordinary content of sugar in the cane, but, on the contrary, the cane was much injured by severe drought and chinchbugs.

4. That the value of the sugar and molasses obtained this year per ton of sorghum cane will compare favorably with that of the highest yields obtained in Louisiana from sugar-cane; and, taking into consideration the much greater cost of the sugar-cane, and that it has no equivalent to the 2 bushels of seed yielded per ton of sorghum cane, also our much cheaper fuel, I say without hesitancy that sugar can be produced as cheaply in Kansas as in Louisiana.

M. SWENSON.

Now I call attention to the report of Mr. Parkinson. Here it is:

To the Board of Directors Parkinson Sugar Company:

GENTLEMEN: I respectfully submit for your consideration the following report of the operations of the works of your company for the season just closing:

It is provided in our contract with the United States Department of Agriculture that certain experiments in sugar-making shall be made by the Department with certain machinery of its own and at its own expense, using the company's plant and machinery. * * *

As you are aware, the crop of cane contracted for last spring was very much less than the capacity of our works to consume. It was considered prudent to limit our danger from loss, by reason of the experimental nature of the work, and at the same time to have sufficient cane to determine thoroughly the value of the work on a practical manufacturing basis. This has been done, though it is now apparent that had the crop been twice as large, the expenses for working it would have been relatively much less. Indeed, a crop double the size of the one just finished could have been worked in about the same time, and at a comparatively trifling additional expense.

The plans, methods, and processes which have made the work of the season successful beyond our most sanguine expectations were adopted early in the season, so that the risks incident to experiments taken into account when contracting for a crop were reduced to the minimum. The fact that at least a portion of these highly successful processes were not tried and adopted last season was no fault of your company, nor of any one connected with this season's work.

To arrive at the cost per ton of cane worked, let us take the working of a single average day, when in full operation, and apart from the cost of experiments referred to.

The capacity of our factory, aside from deficient centrifugals, is limited to the capacity of the diffusion battery. Working twenty-two hours per day, this battery can comfortably handle 135 tons of chip or cleaned cane. This represents a capacity of field cane, or cane with seed tops and blades, of about 170 tons. To handle this, aside from curing and handling seed, cost us per day of twenty-two hours, when running regularly, as follows:

1 weighmaster, at $2	$2.00
1 team, pulling cane onto storage racks, at $2.50	2.50
5 men, unloading and getting cane to cutters, 22 hours, at 12½ cents	13.75
1 man, cutting machine, at 15 cents	3.30
1 man, cleaning machine, at 12½ cents	2.75
1 man, grinder, etc., at 15 cents	3.30
1 man, oiler, at 15 cents	3.30
3 men, diffusion battery, 1 at car and 2 above, at 12½ cents	8.25
1 man, diffusion battery, director of battery, at 20 cents	4.40
2 men, defecating, at 15 cents	6.60
2 men, double effects, at 15 cents	6.60
1 man, strike-pan, at $5	5.00
1 man, hot room, at 12½ cents	2.75
1 man, barreler, at 12½ cents	2.75
2 men, centrifugals, at 15 cents	6.60
1 man, machinist, at $3	3.00
2 men, engineers, at 20 cents	4.40
5 men, firemen, at 15 cents	16.50
2 men, roustabouts, at 12½ cents	5.50
1 man, water-boy	2.00
1 man, night watch	1.50
2 men, foremen, at $2.50	5.00
Total cost of labor	111.75
Oil, etc	2.50
Coal, 23 tons slack, at 90 cents	20.70
Total	134.75

This makes the cost of working a ton of cleaned cane, with a factory of the

capacity of ours, about $1 per ton for labor and fuel, or 90 cents per ton of field cane. The cost per ton for salaries, insurance, wear and tear, etc., must depend, of course, not only upon the size of the salaries and other general expenses, but the number of tons worked. This plant, rated as above, is capable, in seventy days, of working 9,450 tons of chips, or 11,900 tons of field cane. There is necessarily considerable expense in preparing for the season's work, and again in closing up. Allowing liberally for this and for the proper management and control of the works, we may still bring our total expenses, outside the cost of labor and fuel, at $1 per ton upon the above basis. Add to this the cost of labor and fuel, and we have $2 per ton as the total cost per ton of working cleaned cane.

These figures are fully verified by our pay-rolls, coal bills, and other expenses while working to our capacity during the season, separated from expenditures in the completion and changing of machinery directly connected with experiments made. And to work a factory with a capacity at least one-half greater than this one would require very little additional expense except in the matter of fuel, and that would be relatively less. It seems to me a very conservative basis, with a factory of the capacity of ours, to place the actual cost of manufacture at $2 per ton of cane; and with such a factory as I have indicated, and with a season of, say, seventy days, it is safe to place the cost of manufacture at considerably less than that sum. It requires but little figuring upon this basis, and with the cost of cane at $2 per ton, and the yield of cane and product secured this year, to show that we have here developed a business of great interest and profit to our State and nation.

To run a factory at the maximum profit it must be operated constantly during the working season. The loss this season by reason of the irregular operation of the factory for the want of sufficient cane was very considerable. During the whole season the factory was operated but three whole days of twenty-two hours each. Some idea of the loss from this source may be gathered from the fact that not less than 2 tons of chips were lost at each break in the operation of the diffusion battery. Sixty-five such breaks or stoppages were made while running for sugar. With a larger crop of cane and better arrangements for delivery upon the part of the larger contractors, but little or no difficulty from this source need be apprehended in the future.

	Tons.
Total cane bought	3,840
Total seed-tops bought	437
Total field cane	4,277

This represents the crop, less about 30 tons of seed-tops yet to come in, from about 450 acres of land. There were something over 500 acres planted. Some of it failed to come at all, some "fell upon the rocky places, where they had not much earth, and when the sun was risen they were scorched;" so that, as nearly we can estimate, about 450 acres of cane were actually harvested and delivered at the works. This would make the average yield of cane 9½ tons per acre, or $19 per acre in dollars and cents. * * *

Of the total cane worked, 162 tons were consumed in experiments with our cutters and cleaning machinery before the cane was ripe enough for use for either sirup or sugar. No product whatever, not even seed, was saved from this, nor from 10 tons additional brought in since the factory closed down. About 300 tons of mostly down and inferior cane was worked in the early part of the season on the crushers, and without diffusion. The only product from this was molasses, and of that but a small quantity. About 375 tons were also worked for molasses only on the diffusion battery. This, with the exception of 50 tons at the close of the season, and which came in too irregularly to be worked for sugar, was worked before the sugar season began, and comprised such down patches and poorer quality of cane as could be gathered, mainly on the lands belonging to the company. It was an open question whether very poor cane could be worked successfully, even for sirups, on a diffusion battery. Nothing in this direction had hitherto been attempted. The total yield of molasses from this source, and from which no sugar has been taken, is 4,157 gallons. From this are sold 3,157 gallons, for $726.71 net. The remaining 1,000 gallons are still on hand, and are worth 25 cents per gallon.

	Tons.
Deducting from total tonnage, less seed	3,840
Amount not worked for sugar	897
We have total cane and leaves for sugar	2,943

The total number of diffusion cells worked for sugar is 2,643. The weight of a cell of chips is 1,975 pounds. With this as a basis there was worked by diffusion for sugar 2,610 tons of clean cane as it entered the cells. Deducting this from 2,943 tons of cane with leaves and blades, and we have 333 tons of leaves and blades. The latter are to us a dead loss. A small portion has been hauled away by farmers for feed, but the bulk of this large tonnage is now fit only for manure. This waste was considerably increased by the failure of our separating-machines, especially in the early part of the season, to properly discharge their duties. This whole subject was new; machines had to be devised, and their adjustment, which is not yet perfect, caused considerable loss of cane. The weight of blades and leaves will not be far from 10 per cent. of field cane. For either feed or fuel, especially where the latter is much of an object, the blades can be utilized so as to at least cover their own cost. At present we figure the loss from this source to seed account.

SEED.

There have been delivered of seed tops 437 tons. As nearly as we can estimate, there are yet to be delivered 30 tons, making in all 467 tons. From the best calculations we can make, and judging from our experience in former years, seed yields about 70 per cent. of the weight of heads, as bought in over the scales, in cleaned seed. Putting it at 60 per cent., and with 56 pounds to the bushel, we shall have 10,000 bushels of cleaned seed. A portion of this, estimated at 1,000 bushels, has, at considerable additional expense, been picked over by hand, head by head, tied into small bundles, and hung up in the dry. This has been done to provide ourselves with pure seed of the different varieties for planting, and to supply a probable want in the same direction from others. For this hand-picked seed we expect to get not less than $2 per bushel. The cost of handling the seed has not been kept separate from the cost of running the factory. The total cost of curing, stacking, and hand-picking will not be far from $700, fully $200 of which has been expended in securing pure and perfectly cured seed for ourselves and others willing to pay the extra price. To thrash and prepare the seed for market the seed will cost about 6 cents per bushel additional. I estimate that we shall get for our seed crop $7,000 net. There will be left of seed tops, after thrashing, fully 100 tons. These are good for feed or fuel.

SIRUPS.

The bulk of our sirups are stored in the large cistern or cellar under the warehouse. The amount on hand we estimate at 50,000 gallons. This includes the whole crop, except the 3,157 gallons sold in early part of season. Of this we have sold, to be delivered within thirty days, and one car-load of which has already gone, 250 barrels, or about 12,500 gallons, at a price that will net us here 20 cents. This sale includes the bulk of our poorest sirups. I think we can safely estimate our sirup product, exclusive of packages, at $10,000. Considering the condition of our factory for work in cold weather, and the limited capacity of our centrifugal machinery, I recommend their sale, without boiling for seconds.

* * * * * * *

W. L. PARKINSON.

Now listen to extracts from the report of the Commissioner of Agriculture upon the subject:

THE PRESENT STATE OF THE INDUSTRY.

The experiments in making sugar from sorghum, which, as above shown, have been in progress for several years at the expense of private capital and the United States Department of Agriculture, have this year reached so favorable results as to place the manufacture of sorghum sugar on the basis of a profitable business.

The success has been due to, first, the almost complete extraction of the sugars from the cane by the diffusion process; second, the prompt and proper treatment of the juice in defecating and evaporating; third, the efficient manner in which the sugar was boiled to grain in the strike-pan. That these results may be duplicated and improved upon will be readily understood from the showing made in Mr. Parkinson's report, and the descriptions of methods and processes used, and the discussion of the same as they appear in the subsequent pages of this paper.

* * * * * * *

THE YIELD OBTAINED AT FORT SCOTT.

The actual yield obtained was 234,607 pounds of first sugar, from 2,501 cells. If, now, the cell be taken as a ton, the yield of first sugar was 234,607 ÷ 2,501 = 93.8 pounds. Enough of the molasses was reboiled for a second crop of crystals, and the sugar separated, to ascertain that 15 to 20 pounds per ton of cane represented could be obtained. Calling it 15, we have for the entire yield 93.8 + 15 = 108.8 pounds per ton of cleaned cane. This is a larger yield than is obtainable according to the heretofore accepted theory. There is some uncertainty about the weight of a cell, which may account for the discrepancy between the theoretical and the actual results. It is possible, however, that the theory may need reconstruction. In any case the yield actually obtained is most gratifying.

I have made no mention in the above of the exceptionally large yields of some special strikes made during the season. One strike gave 109 pounds of merchantable sugar for each cellful of chips. The seconds from this would doubtless have brought the yield up to 130 pounds. But the general reader and the prospective manufacturer are more interested in average than in special results. It seems safe to assume that a mean of 100 pounds of sugar and 12 gallons of molasses can be made from each ton of cleaned sorghum cane of average richness.

Science suggests several methods for the complete separation of the cane sugar from the grape sugar and the "not sugar," and further experiments in this direction should be the work of the near future. As yet almost nothing has been done towards the development of methods of separating the grape sugar from the not sugar. This subject presents a most inviting field for the chemist.

THE FUTURE OF THE SORGHUM-SUGAR INDUSTRY.

The sorghum-sugar industry now seems to have an assured future. The quantities of sugar and molasses and other valuable products obtained from each ton of the cane and from each acre of land well remunerate the farmer for his crop and the manufacturer for his investment and the labor and skill required to operate the factory.

An acre of land cultivated in sorghum yields a greater tonnage of valuable products than in any other crop, with the possible exception of hay. Under ordinary methods of cultivation, 10 tons of cleaned cane per acre is somewhat above the average, but the larger varieties often exceed 12, while the small Early Amber sometimes goes below 8 tons per acre. Let 7½ tons of cleaned cane per acre be assumed for the illustration. This corresponds to a gross yield of 10 tons for the farmer, and at $2 per ton gives him $20 per acre for his crop. These 7½ tons of clean cane will yield—

	Pounds.
Sugar	750
Molasses	1,000
Seed	900
Fodder (green leaves)	1,500
Exhausted chips (dried)	1,500
Total	5,650

The first three items, which are as likely to be transported as wheat or corn, aggregate 2,650 pounds per acre.

Sorghum will yield 7½ tons of cleaned cane per acre more surely than corn will yield 30 bushels or wheat 15 bushels per acre.

In the comparison, then, of products which bear transportation, these crops stand as follows:

Sorghum, at 7½ tons, 2,650 pounds per acre.
Corn, at 30 bushels, 1,680 pounds per acre.
Wheat, at 15 bushels, 900 pounds per acre.

The sugar from the sorghum is worth, say, 5 cents per pound; the molasses, 1¾ cents per pound; the seed, one-half cent per pound.

The products give market values as follows:

750 pounds of sugar, at, say, 5 cents	$37.50
1,000 pounds molasses, at, say, 1¾ cents	17.50
900 pounds seeds, at, say, one-half cent	4.50
Total value of sorghum, less fodder	59.50
The corn crop gives 1,680 pounds, at one-half cent	7.40
The wheat crop gives 900 pounds, at 1 cent	9.00

Thus it will be seen that the sorghum yields to the farmer more than twice as much per acre as either of the leading cereals, and as a gross product of agriculture and manufacture on our own soil more than six times as much per acre as is usually realized from either of these standard crops.

In order to use to the best advantage the services of the specialists of the business, it has been proposed to establish at convenient places auxiliary factories which shall carry the processes so far as to prepare sirup for the strike-pan. This sirup will be stored in suitable tanks or cisterns and worked for sugar after the close of the season for handling cane. In this way the working season for the central factory may be prolonged to occupy almost the entire year. The auxiliary factories will cost about half or two-thirds as much as the complete factory, capable of taking care of the same amount of cane. As thus arranged, the central factory will, in addition to its own regular season's work, take care of the sirup from two or three of these sirup factories.

Mr. RYAN. Mr. Chairman, here is the most satisfactory evidence regarding the success of the sorghum-sugar industry. The conclusion of Mr. Swenson is that the experiments have developed the fact that sorghum sugar can be made as profitable as cane sugar is made in New Orleans, and perhaps more so. Now this, you must bear in mind, gentlemen, is but the discovery of yesterday as it were. As yet there has been no time or opportunity for further development; no time or opportunity for the investment of capital in this enterprise. Capital will be slow to engage in an enterprise and an industry of that kind, even with the fact scientifically ascertained that sugar can be made profitably from sorghum. Capital is timid. It always invests in new enterprises slowly and with reluctance. It finds difficulties here to en-

counter. It finds it difficult in this industry to get skilled labor to operate the mills. But capital will in due time engage in this enterprise; it will engage in it when the conditions of protection are stable and will warrant and invite the investment of capital. But so long as the friends of protection are assailing this industry on the one hand and the enemies of protection are in power on the other we can not expect capital to engage in it.

Putting sugar on the free-list is fatal to the industry. Isolating it from all the other industries protected by a tariff and applying to it the bounty system exposes it to constant menace. You would scarcely embark with fair success upon the manufacture before a howl would go up from the consumers for a repeal of the bounty. It would at once become the foot-ball of politics. That doubtful and uncertain sort of protection would be fatal to it, for capital would not touch it. If it is worthy of the fostering care of Government at all it should be left to the guardianship of the same protective system that fosters all the other industries of our country. If not, then it should go upon the free-list. I repeat, it has been demonstrated that sorghum sugar can be made in this country a great commercial success. I confidently look for the States of Illinois, Iowa, Nebraska, Missouri, Arkansas, Texas, and Kansas to manufacture sugar for the world ten years hence. It is certain to be a source of profit to the farmers of those States beyond all calculation, and I regard it as one of the most important objects to which Government can extend aid in this country, for it will give to agriculture millions of dollars annually, and employment to thousands upon thousands of our people.

Now we are paying over a hundred millions annually to other countries for sugar. As we increase in population our consumption increases and the more we pay to other countries. If we are true to our own agriculture, if we are true to this industry, if we are true to ourselves, the time is near at hand when those millions will be paid to our own farmers and laborers instead of, as now, to the farmers and laborers of foreign countries.

The Mills bill strikes a vicious blow at all agricultural products except this and rice. To the extent this industry, of such vast promise, needs protection, let it be in common with all our other great industries by the American system of tariff protection. Doubtless the present tariff on sugar is far above protection point. Let us then ascertain the exact rate of duty required for its protection and then make that rate the law.

The CHAIRMAN. The gentleman from Nebraska is next on the list.

Mr. LAIRD. I do not care to speak at present.

Mr. BAYNE. Mr. Chairman, I would like about fifteen minutes. I do not think I shall occupy all that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none.

Mr. BAYNE. Mr. Chairman, my colleague from Pennsylvania [Mr. KELLEY], who is not now in his seat, proposed to put an interpretation upon the platform adopted in Chicago. To that interpretation I object. I dissent from his construction entirely. It is his privilege, as it is that of every American citizen, to put his own construction upon that platform and upon everything else. I for one accord the largest liberty upon these subjects. But if the platform of the Republican party adopted at Chicago means anything it means substantially to support the proposition of the gentleman from Illinois [Mr. CANNON]. One of the propositions in that platform is that the Republican party declares itself in favor of such revision of the tariff as releases from import duties articles of foreign production except the luxuries, the like of which can not be produced at home. Sugar is just one of those things.

Mr. WEAVER. Can not we produce it?

Mr. BAYNE. We can not produce it in anything like adequate quantities. We can produce tea here in a hot-house; but does any one pretend to say that because we can produce tea in a hot-house, therefore we will protect it, and make it pay a duty?

Mr. WEAVER. Tea is not an established industry; sugar is.

Mr. BAYNE. Sugar is an established industry only in the sense of being a partially established industry, one that has had a long trial, and yet we have failed to produce it to such an extent as to supply the wants of the American people. That is all there is to it.

Mr. WASHINGTON. Is tin-plate an established industry?

Mr. DINGLEY. It was until the duty was reduced.

Mr. WASHINGTON. Is it protected?

Mr. BAYNE. No; because the duty is too low. We can produce all the tin-plate in this country that the American people will consume if you will put the duty up to 2.2 cents per pound.

Mr. WEAVER. Could we not do the same thing on sugar?

Mr. BAYNE. No; not even if you put the duty up to 5 cents a pound. I will tell you why. I was in favor of a bounty on sugar, and I am still in favor of it. I was in favor of that bounty in the interest of California, Kansas, and Louisiana. I did not want to deprive the industry in either of those States of the advantage which it is deriving now from the protective tariff. I prefer giving that industry a bounty in those States in order that it may build itself up; make itself a strong industry, if it lies in the power of the people of this country to make it such. But can it be made such since we have got down to this proposition? I do not believe you will ever make the sugar industry in this country one that will supply the wants of the American people, though you may place the tariff at 4, 5, or 6 cents per pound and pay a bounty as large almost as you can think of, a bounty of 4 or 5 cents a pound. I do not believe it can be done in this country. Why? Because there is a law of nature intervening between that industry and its prosperity in this country which no act of Congress can overrule. I had occasion in 1883, being one of the very few members here who were in favor of free sugar, to say that that was one thing settled, so far as this matter is concerned, by law of nature, and no act of Congress can overcome that law.

Now, take the case of Florida, cited by my colleague [Mr. KELLEY]. You plant cane in Florida. Perhaps Florida is more favored than Louisiana. I do not know whether it is or not; but cane will live there three or four years.

What is the average life of the cane in Louisiana? Three years. What do you ascertain when you go across to the little island of Cuba? You will find that the average of the cane there is eighteen years.

Mr. GEAR. The average life of the cane in Louisiana is three years, unless interrupted by frosts or by wet spells.

Mr. BAYNE. The gentleman from Iowa tells me that the average life of the cane in Louisiana is three years, unless interrupted by frosts or wet weather. What is the average life of the cane in Florida? Three or four years, perhaps a little more favorably adapted to the culture than Louisiana. The average life in Cuba I have shown is eighteen years.

Now what is the condition of that industry in Cuba? I am told but one-twentieth of the lands of Cuba, susceptible of cultivation for the production of this cane for the manufacture of sugar, is in cultivation; and that nineteen-twentieths of that island susceptible of the cultivation of cane remains uncultivated. Now what folly does it seem to talk of producing cane in Louisiana or Florida, where the average life of the cane is but three or four years at best, and of producing sugar from sorghum or from beets in this country when but one-twentieth of the island of Cuba adapted to the cultivation of sugar is being worked, and nineteen-twentieths of it susceptible of cultivation, has not been touched! You are simply trying to controvert wholly a law of nature by a law of Congress. It is antagonizing a law of nature by a law of Congress. The effort will prove utterly futile. Notwithstanding my assertion that it will prove utterly futile, that there is no hope of producing the sugar we consume, I was willing to pay a bounty to the people of Louisiana, California, and Kansas on the sugar they produce and give them a chance to build up that industry for the future; but I do not think that the sugar manufacturer of California, the big sugar manufacturer of California, ever intends to make his sugar out of the product of the beet of California. Your big sugar manufacturer of California has gone to Philadelphia and has located and established there. Does he intend to take the beet all the way from California around to Philadelphia and there manufacture it into sugar?

Would he not save the cost of transportation if he put that plant in California and manufactured his sugar there? Why, it is evident that he is not placing his reliance upon the beet of California. The man who knows more about sugar-making than perhaps any other man in California, and far more than any man upon this floor, takes his big five-million plant away from California and locates it in Philadelphia. Where is he going to get the sugar that he proposes to refine? Not from California, but from Cuba and the Sandwich Islands and other countries that export it to us.

Mr. MCKENNA. Will the gentleman permit a question?

Mr. BAYNE. Yes, sir.

Mr. MCKENNA. Do you think that Mr. Spreckels is such an awful ass as to put $500,000 into a factory that he does not expect to use?

Mr. BAYNE. I understand he has put five millions into a plant in Philadelphia.

Mr. MCKENNA. And he expects to use that, if you will permit him. He has taken $5,000,000 to your State, which has been built up to prosperity under the protective system, and now one of its Representatives here is among the first to strike a blow at this industry.

Mr. BAYNE. I did not yield for a speech. I say the fact that he has put that plant in Philadelphia shows that he intends to manufacture sugar obtained from the cane of Cuba and the Sandwich Islands and other countries from which we import sugar. That is obviously his intention, because I can not believe, as my friend suggests, that Mr. Spreckels would be such an ass as to put up a costly plant of that kind in Philadelphia and bring the beets all the way from California to Philadelphia to manufacture them there into sugar, thus incurring the vast cost of transporting them across the continent, when he might avoid it by manufacturing them where they are grown. It is perfectly obvious that he does not intend to depend upon California for his material.

Mr. MCKENNA. He does not have to do that. There is enough sugar beet produced in California to employ his factory there also. The great trouble with the gentleman from Pennsylvania is that he

will not receive proof of anything. If anybody should tell him that the Pacific Ocean sloshes on the western side of the continent he would probably decline to believe it or to accept proof of the fact.

Mr. BAYNE. We are altogether without proof. We have had sugar bounties paid in Iowa for several years; we have bounties paid in New Jersey for a number of years; we have had a bounty of 2 cents a pound in Kansas for I do not know how many years.

Mr. PETERS. Sixteen months.

Mr. BAYNE. Sixteen months; is that all? Well, we have had this sugar bounty paid in several States, and yet the sugar industry of New Jersey is languishing.

Mr. BUCHANAN. Do you want to know the reason?

Mr. BAYNE. No, I do not want to know the reason. [Laughter.] I know the fact. The sugar industry of New Jersey, I say, is languishing; the sugar industry of Iowa amounts to nothing; the sugar industry of Kansas is full of promise and hope, as described by the worthy Representatives of that State upon this floor, but the sugar industry of Kansas will "peter out" just as the sugar industry of New Jersey has done, and just as the sugar industry of Iowa has done.

Mr. KERR. I wish to say——

Mr. BAYNE. Well, I "wish to say," too, and I have the floor. [Laughter.] The reason is that the attempt to nourish the sugar industry by protection, and the attempt to build it up by the aid of experimental schools and appropriations from the Treasury for the purpose of ascertaining the best methods of taking the saccharine matter out of the beet or the sorghum—all these are attempts to overthrow a law of nature. The law of nature is that the cane plant will grow better in a warm climate like Cuba or the Sandwich Islands, will have a longer life, and will yield far more saccharine matter than it will in this country. That is nature's law and you can not overcome it, and it is perfect folly to attempt to do so.

A MEMBER. Then how did they succeed in making sugar in France and Germany and other countries of Europe?

Mr. BAYNE. Simply because labor over there was so cheap that they could afford to make sugar at almost any disadvantage, and yet supply their own wants.

Mr. GAY. Will the gentleman permit me to ask him a question?

Mr. BAYNE. Yes.

Mr. GAY. Does the law of nature in Russia prevent the successful cultivation of the beet, and the successful manufacture of beet sugar?

Mr. BAYNE. I think not.

Mr. GAY. Have we any climate in the United States, from East to West, within the vast range of our territory, that is not more desirable for almost any article of cultivation than the climate of Russia?

Mr. BAYNE. I believe that our climate is altogether more favorable to the production of the beet and sorghum, and of other things also. I fully agree to that. But it will be borne in mind that Russia gave a bounty.

We are all aware that Russia gave a bounty, Germany gave a bounty, France gave a bounty. The sugar industry in each of those countries has been fostered for a great many years by bounties, and by means of this encouragement large quantities of sugar have been produced, France and Germany actually exporting sugar. But it should be remembered that the geographical position of those countries is such that they can not avail themselves, as we can, of proximity to the Island of Cuba, to the Sandwich Islands, and points in the South American States where the cane grows and has long life, and where the saccharine matter can be obtained with infinitely less labor and cost. By reason of our proximity to the Island of Cuba we can readily obtain from that island the raw material; or if we reduce the tariff duties as proposed in the amendment of the gentleman from Illinois, we can import sugar so that it can be supplied to the American consumer at a very low figure.

Mr. GAY. Is the gentleman aware that the Island of Cuba has never produced one-half of the amount of the consumption of the United States?

Mr. BAYNE. I believe that is the fact; but I am told (though I may be wrong about this) that of the land adapted to sugar production in Cuba not more than one-twentieth is in a state of cultivation.

Mr. GAY. Do you believe in building up the Island of Cuba at the expense of the sugar-producer of America?

Mr. BAYNE. I have said over and over again that, although I believe we can never succeed in producing sugar enough in this country to supply our own wants, I do not wish to abandon the sugar industry in Louisiana or Kansas or California. I want to pay that industry a bounty of 2 cents a pound. If gentlemen representing those States say 2 cent will not be enough, I am willing to give 2½ cents a pound, or if that is not enough, 3 cents a pound.

Mr. WILKINSON. The gentleman is very generous!

Mr. BAYNE. I do not wish to abandon the sugar industry of the United States. I do not wish to do anything prejudicial to the prosperity of Louisiana or Kansas or California. I want to strike down no industry. But I do not want the people of the United States to continue to be taxed to the amount of $60,000,000 a year for the purpose of protecting one-eleventh of the sugar that is consumed in this country. That is not in the line of the theory of protection at all. The theory of protection is that the protected industry must either be able to supply the home demand, or must be of such a character that it may within a reasonable time be so built up and strengthened as to be able to supply the domestic consumption.

Mr. KERR. Does any government ever give bounties except with the view of creating a permanent source of supply of the particular article?

Mr. BAYNE. I do not know whether any government ever does that or not; it does not make any difference to me. I am not guided by what may have been done.

Mr. KERR. If the gentleman does not believe we can ever produce in this country our own supply of sugar why should he propose to begin now a system of bounties, when according to his own doctrine it will be a waste of money?

Mr. BAYNE. Because these people think they can build up their industries; they promise that they will do so, and I want to give them a chance. It is fair to keep faith with them in this respect, and I want to do so.

Talking about bounties, I want to say that a great many of us seem to be disposed to give bounties in certain directions. We have been voting, I do not know how many years (I am not responsible for it), in favor of giving bounties to the shipping industries of the country.

Mr. KERR. Because——

Mr. BAYNE. Never mind; I know the reason why. We have voted bounties, as suggested yesterday by my friend from Illinois [Mr. HITT], to the fishing industry. We seem to have an inclination to give bounties in different directions.

A MEMBER. A bounty was given on salt in Michigan.

Mr. BAYNE. Yes; a bounty was given in Michigan for the production of salt.

[Here the hammer fell.]

Mr. BAYNE. Just one word more. While I do not object to a bounty, I do object to compelling the people of this country to pay upon sugar $60,000,000 of taxation which ought not to be imposed upon them.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I do not desire to submit any remarks at this time on the political aspect of this question, nor as to what is the proper construction of the Republican platform. I leave that for the present to my venerable friend from Pennsylvania, Judge KELLEY, and to the experienced and distinguished gentleman from Illinois [Mr. CANNON], and to the various gentlemen on the other side who have ranged themselves under the hostile banners of those two eminent and redoubtable leaders. When they settle their family difficulty among themselves and agree upon the proper interpretation of their platform, then possibly we may desire to discuss it.

The sugar tariff as a business proposition is an important matter. There are several observations I desire to submit before this debate is ended. The sugar industries stand in a peculiar relation. We raise in America, in the State of Louisiana, a certain amount of sugar, I presume fairly to be estimated at about 9 per cent. of what is used by our people. We import under our reciprocity treaty with the Hawaiian Islands about 8 per cent. of the amount used in America. And we import, subject to duty, 83 per cent.

I do not mean to say that these figures are absolutely accurate, but they are approximately so. The amount of duty paid by the American people last year was over fifty-six millions of dollars ($56,515,601.57).

Now that is only one-half of this question, large as that is. On the other hand, every pound of sugar imported into America upon which duty is paid is raw sugar. The present schedule was so framed that no sugar is imported in its refined state. The importation of refined sugar is so small as to be comparatively nothing.

Mr. DINGLEY. Will not that be the result of the bill framed by the Committee on Ways and Means?

Mr. BRECKINRIDGE, of Kentucky. The schedule in the present law remains untouched in its nature by the Mills bill. The sugars upon which duty is paid are imported in their raw state and are refined in America.

The sugar-refining business, therefore, is a very large industry, in which many millions of dollars have been invested.

Mr. BRECKINRIDGE, of Arkansas. Will not the margin between raw and refined sugar which exists under the present law be materially diminished by the Mills bill, so that there may be imports of refined sugar?

Mr. DINGLEY. I do not believe there would be such imports under the schedule framed here. Is not the margin left so that there would be no imports?

Mr. BRECKINRIDGE, of Arkansas. That is conjectural. We materially reduce the margin, but whether we reduce it enough to permit imports remains to be seen. There can be if we reduce the margin. We have reduced the margin $1 a barrel.

Mr. BRECKINRIDGE, of Kentucky. I was going on to say that on the sugar question the first half is different from the second half; the interest of Louisiana and the southern portions of America in the production of cane sugar is entirely different from the interest of

sugar refineries, which under our tariff is very large. Many millions of dollars are invested in these refineries. They employ a large number of workmen. To each of these two halves of this question are attached incidental questions of great complexity.

Mr. GEAR. Will the gentleman permit me to interrupt him?

Mr. BRECKINRIDGE, of Kentucky. Not now. The agricultural side of this question is that contingent possibility of great increase in the production of sugar in Louisiana, Texas, and Florida, by the growth of cane, the great increase under scientific researches and industrial improvement by the culture of sorghum, which can be raised in all parts of America, and the still more promising possibility growing out of beet culture in California and elsewhere. Each of these affects a large part of the American agricultural population.

To the other half of this question is attached the fact that there is indubitably a compact trust of great power, by means of which a tax can be laid on the American consumers of sugar, which results in a large profit to the trust and a considerable addition to the burden of the American people. Therefore, when the Committee of the Whole comes to consider this question, it has to consider it in the light of these various aspects. It is one, therefore, I hope outside, as it struck the Committee on Ways and Means and strikes me this afternoon, of the temporary struggles of contending parties and beyond the new sectional aspect of particular agricultural interests alone, although this is most important. It is to be considered in a broader view, and our action taken with a purpose to do what is the best under all the circumstances surrounding Congress now.

We can not shut our eyes to the fact, however much we may dispute about it here in the committee, that there are annoyances, inequalities, and burdens to the manufacturers of America growing out of this tariff; and that there are burdens which we ought to remove from other industries. We can not shut our eyes to the fact that the various organizations of labor in this country have grown up out of the spirit of discontent and restlessness because of the present condition of affairs.

Now, to take the entire $56,000,000, which is the net revenue from sugar, and the $31,000,000 of revenue, which is about that derived from tobacco, making $87,000,000 in all, absolutely renders this Congress unable to take any burden elsewhere off the manufacturers of America, or give relief to the tax-payers and consumers in any other direction, and thus remedy any just cause of discontent that labor which has organized itself into these bodies may have. It necessarily postpones for the present, if it does not indefinitely put off the day of, a true revision of the tariff.

It, therefore, was impossible, in our view of the case, to take all these duties off. It seemed unjust to do it in the light of the teachings of the last twenty-seven years with justice to the interests of the sugar refiners. It was impossible to do it in justice, in view of the teachings of years past, to the sugar producers of Louisiana; but higher than either of these interests in the minds of some of us, it was impossible to do it without deliberately determining to leave this whole tariff untouched, including all of its inequalities, exactions, and burdens, exactly as it now stands, and have all hope of any revision postponed, by the simple reduction from the public revenue of this $56,000,000.

[Here the hammer fell.]

Mr. BURROWS. I ask that the gentleman be permitted to proceed without interruption.

Mr. BRECKINRIDGE, of Kentucky. I should like to have a few moments longer.

The CHAIRMAN. Without objection the gentleman from Kentucky will proceed.

There was no objection.

Mr. BRECKINRIDGE, of Kentucky. For this does not light a single furnace fire; it does not put into operation a single wheel; it does not give a single hour of added labor to the wage-earner; it is simply a reduction of revenue by so much by a reduction of taxation. Of course it is a relief to the tax-payers of the amount of the duty, for indubitably the duty on sugar is added to the cost of the sugar; and it would be, without that duty, cheaper, unless the destruction, if that would follow, of our sugar refineries or of our sugar-producing interests in the country might thereby, by the want of, or by the lessening of, competition, raise temporarily the price we might have to pay to those who produce and refine it.

But this would be all. Undoubtedly it would to that extent tend to relieve; and that is the whole extent of the relief it would afford. It is therefore a question when we come to make sugar free, as to whether the American Congress will relieve the consumers of the country by no other possible remedy; whether it will remove from the manufacturers, who have to pay enormous duties for the crude material, that duty which prevents them from competition with the other foreign producers. We believed, we now believe, that as there must come into the market, as there must be used by the American citizens, a certain amount of finished product, that the true wisdom for this Congress, seeking to reduce the public revenues, was to let our system be so altered with such moderate, conservative, and cautious changes, as would admit into our country the crude material rather than the finished product, so that the American worker could take that crude material and fashion it into the finished fabric; and that the profit of that manufacture should go to the American manufacturer, rather than to continue this system unchanged, by which the crude material is largely excluded and the finished product largely imported, whereby the American workingman does not get the benefit of that much labor, and the American manufacturer is cut off from the profit of that much manufacture, while the American consumer pays the difference between that which may be cheaply and profitably manufactured here in America and what he has to pay by reason of the duty and increased cost. Our proposition all through runs in that direction.

Now, the proposition of the gentleman from Illinois, and all propositions tending to free sugar, run in precisely the opposite direction. Whether you call it a tariff for revenue only, or by whatever name you choose to designate it, whatever political figure it may cut in the canvass as a business proposition, the proposition of the Ways and Means Committee is, so far as the revision goes, whatever distance it goes, which is but a short distance, in the direction of furnishing to the American manufacturer the crude material which he must work up into the finished product, that thereby he may become prosperous, that thereby the added labor may be furnished to the wage-workers of America; and as the manufacturer becomes prosperous, and the laborer becomes prosperous and contented, more material will be needed.

That material the American producer will find a market for. The man in America who has the material to sell can sell it to no one but a prosperous manufacturer. There can be no prosperous manufacturer without contented labor, so that our recommendation is in the line of prosperous manufactories built on cheap raw material for the purpose of furnishing to the American laborer and the American producer of raw material a stable, a constant, and a profitable market. The proposition on the other side leads in precisely the opposite direction.

Therefore the consideration of the duty imposed on sugar raises the whole issue as to the proper methods of tariff taxation, and, indeed, of all national taxation. It raises not only the question as to the effect of this tax upon sugar, but it forces upon us a consideration of the burden of this tax as compared to other taxes which must either be substituted or maintained in order to make up for the loss of revenue which the repeal of this tax would bring about.

It is unquestionably true that there should be and will be an abatement of taxation in order that the present excess of revenue may cease, that the expenditures may be more carefully revised, and that there shall be no idle accumulation in the public Treasury. But in the consideration of the method of such reduction of revenue it is important to consider the burden of each tax, and to discriminate among all the taxes now imposed, in order that the relief given shall not be limited only to the sum of the tax now paid, and which the Government receives, but may also relieve the people from a heavy tax which the people now pay, but which the Government does not receive.

Every tax, no matter on what levied or how collected, must be paid by the productive industry of the country. It must also be paid out of the current product; it is so much taken from the income—the reward of labor of each year—and must be subtracted from that gross income before the support of the people is taken therefrom. To whomsoever paid, whether to the Government, to the manufacturer, or by some mysterious process of distribution divided among the Government, the manufacturer, the importer, the laborer, and the consumer, it must be deducted from the income produced by labor before any part of that income can be applied to either the necessities or comforts of life.

No tax is a blessing—every tax is a burden; and the only possible defense for the exercise of the sovereign power of taxation is the inexorable demand of public necessity. The money must be absolutely needed for governmental purposes, and as the amount thus needed can be raised in the end only by taxation, such taxes ought to be laid as will bear with the greatest impartiality and uniformity and the least burden. The duty upon sugar is a tax. The Louisiana sugar being about 9 per cent. of the quantity used in America, the burden of this tax can be correctly estimated and exactly measured.

This tax practically imposes no incidental and additional burdens which unjustly weigh upon the payers of the taxes, imposed in reality for the benefit of classes and to aid other and no more deserving citizens in building up these private enterprises and making profit thereon. It is impartially distributed and equitably imposed. No tax can be more uniformly and widely laid. It is a tax on consumption. It is unfortunately a tax on what has become a necessary of life, and therefore relatively the poor pay more than the rich. As I believe all taxes are burdens, I do not advocate the sugar duty as a good thing; but as revenue must be raised by taxation, I do assert that in the present condition of our industrial enterprises and of our Treasury that in the assortment of taxes it is most unwise to repeal the duty on sugar; that of all our tariff taxes it is the easiest to be borne, the most uniform and impartial, and producing the largest revenue at the smallest cost and the least hardship.

The proposed bill takes from the revenue from sugar $11,346,707.98, and an average reduction on the present rates of 16.40 per cent. This is larger than the average reduction proposed by the committee in the pending bill, and, under all the circumstances, seemed the best that

could be done. And I do not hesitate to appeal to the Committee of the Whole to vote down all amendments to this proposed schedule, which is the result of much labor, of frequent consultations, and of an earnest desire to reach a safe and just conclusion.

One word about bounties. The day for bounties is over. We might as well look these questions squarely in the face. The drift and current of public thought and the development of mankind are all in one direction.

The day is over when out of the National Treasury money taken from the people by taxation shall be paid to one private individual as a bonus to him for his private enterprise. It may temporarily survive in some of the States. It may be tried as some doctors try enormous doses of calomel or great bleeding. But it is over. It can not last. It is absolutely illusive. It is more so than the temptations on the Mount of Temptation. If the gentleman's proposition were adopted to-day and a bounty was given on sugar it would not last as long as the gentleman's term to which he will be re-elected. That is at an end.

It is true a protective tariff and a bounty are in some respects alike. Each is a bonus paid in the end by taxation upon the people for the private benefit of persons interested in enterprises that the Government thinks it due to the general good that they should be encouraged, but the result is private profit, private aggrandizement. Each is based on the conception that Government is paternal, and has a right to raise by taxation money for private purposes. The difference is that in the case of a bounty it is openly done. It is done by name. It is paid by the public Treasury. It is paid confessedly out of the money raised by taxation. It is so done that it can be accurately measured. If it be honest, if it be legitimate and the cause be proper, it may be made to appear plausible. The country knows how much it is paying; it knows to whom it is paying; it knows for what it is paying.

The protective tariff is a bonus paid to persons interested in these industrial enterprises. It is paid indirectly. So far as the amount is in the shape of duties and goes into the Treasury it is added to the cost of the foreign article, but exactly how much is added the purchaser never ascertains. So far as it operates upon a domestic article which comes in competition with the article upon which the duty is laid it is paid to the manufacturer, but the consumer does not know how much is paid, nor does he know to whom he pays—whether to the producer, that is, the manufacturer, or whether by some mysterious process of distribution part goes to the Government, part to the manufacturer, and part to the laborer. He pays it in an indirect way. The pill is sugar-coated. He would not pay it, and the system would not live ten years, if the amount that he had to pay thus indirectly and the person to whom he paid it could be definitely ascertained and definitely known.

But the day of the bounty is over. It is a mere illusion. Whatever votes it may obtain in this House, whatever strength it may have in the other House—and, of course, I mean no disrespect, it will operate as a pure sham. It is only a shadow; altogether a shadow. It will do no good to anybody except in one aspect. It will be an object-lesson by which the American people will somehow be more apt to learn what is a protective tariff and a bonus under it.

But it will not be adopted. It will not be adopted in this House. I do not believe even it will come as an affirmative proposition from the Senate. But if it does I have no idea it will be adopted by this Congress or any other Congress. It is simply a salve to the conscience of a protectionist who wants to get rid of the sugar duty, but does not exactly see how he can consistently do it, or it is to enable such a protectionist to get votes from somebody to help him carry it out.

Really at the bottom the reason for the repeal of the sugar duty, whether it be consciously realized or not, is with most of the gentlemen who are in favor of it simply because it holds out the hope that a duty so large if removed will give safety to the other protected industries which ask for duty. They imitate the ship-owner throwing over the least valuable of his goods to prevent his ship from foundering in a storm. It is like a man sacrificing part of his load to the wolves that are behind him to delay them in their progress. It is solely that so much revenue being taken away and the surplus being so much reduced this reformation, this revision of the tariff may be prevented.

I did not mean to take up so much time, Mr. Chairman. I only want to say in conclusion that I do not believe this question can be settled by the repeal of the tobacco and sugar tax; that in my judgment the American people, without regard to politics, have made up their minds that this tariff shall be revised; that these duties which are too great shall be reduced, and that those industries which have been built up under this tariff shall be cautiously and justly treated, that there shall be no recklessness in it. I believe the reason why the Mills bill, so much denounced, so often ridiculed, spoken of so lightly by gentlemen on the other side, has steadily grown in popular commendation [derisive laughter on the Republican side] is because it is a moderate, conservative, fair offer of a tentative proposition which can not injure any industry and which may be a benefit to all.

Mr. REED. What does the gentleman mean by a tentative proposition? On the way; on the road; a temporary stopping-place on the road?

Mr. BRECKINRIDGE, of Kentucky. Has the gentleman finished his question?

Mr. REED. Yes.

Mr. BRECKINRIDGE, of Kentucky. "Tentative," according to my view, does not mean anything about stopping on the road; nor is this bill a stopping on the road, nor is it meant to be, so far as I am concerned. It is meant to be an honest effort to revise the present tariff as to the matters that are touched by it, and will on the one hand give to the industries which at present have protection a fair and just protection according to that system which they believe in, and yet on the other hand will give to the purchaser of the goods which they manufacture the chance to have a fair and open competition in the American markets, so that trusts, monopolies, and combines can not take advantage of our acts and our tariff to make higher prices than are fair and just. That is what I mean. I trust it is satisfactory.

Mr. REED. Fair competition in the American markets with what?

Mr. BRECKINRIDGE, of Kentucky. A fair competition in the American markets in all the necessities of life which have to be bought by the American people.

Mr. REED. Fair competition with what?

Mr. BRECKINRIDGE, of Kentucky. With what?

Mr. REED. Yes; with goods from where?

Mr. BRECKINRIDGE, of Kentucky. From wherever may be necessary in order to give a fair price to the man who earns his money and pays for the goods. [Applause on the Democratic side.] We propose that the man who is an American citizen, laboring for the support of himself and his family, shall not be compelled by the operation of American laws to give an exorbitant price for that which he has to buy. That is what I mean. I mean only that, but I mean that frankly; there is no concealment about it.

And now I want to say in conclusion, as the gentleman has asked his question, that as to the matters which this bill has touched (leaving those untouched for future adjustment) our hope is, our belief is—I say it with whatever value it may carry, which may be little in the eyes of the gentleman, but it is the result of much study and of great labor—we do believe that this bill if passed will, as to its more important schedules, as, for instance, the woolen schedule, result in giving to the woolen manufacturer a new and brighter day of prosperity, will drive from the American market the products that now come in from the foreign manufacturers, and will give the wool-grower of America a stable market; and I am in favor of it because I am in favor of the American workmen and the American wool-grower rather than of the foreign workman and the foreign wool-grower. [Jeers and derisive applause on the Republican side.]

Mr. COX. I am sure that the gentlemen on the other side, after having had the debate all to themselves throughout the day, will let us have a little say here without interruption.

Mr. BOUTELLE. I hope the gentleman will have unlimited time.

Mr. COX. We have greatly enjoyed the debate of Republican gentlemen. Although you seem to be on different sides, yet, after all, you are together on the main idea connected with the tariff. In the earlier discussions upon this theme, years ago, when Mr. Speaker Kerr and Mr. Senator BECK and others were debating it here, I remember that gentlemen on this side who believed in the liberalities of commerce and the revision of our custom duties, often used the significant word "bounty." They undertook to express by it the per cent. of the tariff tax that was paid by the consumers, and not to the Treasury, but paid to parties and classes outside the Treasury.

"Bounty," sir, was the word. It has received new meaning to-day. In those discussions it was vehemently denied that the Republican party believed that the tax levied on the people in the shape of protection was a gratuity. But ah! how "truth creeps unawares upon caution!" Some of you proclaim to-day, openly and boldly, that you favor a bounty of some $6,000,000 to aid the sugar interest in lieu of "protection." When you desire to place sugar on the free-list, or partially so, you mean to be just to your idea of protection, by what? Why, by giving a bounty. In making that proposition the gentleman from Illinois [Mr. CANNON] is by no means inconsistent.

After all, is not a protective tariff based on bounties? Is not the tax, however insidiously, paid in cash? We all know that a tariff, by its peculiar operation, is more indirect and elastic in its boutifulness than a mere percentage on so much a pound, as on sugar, bestowed on the planter. Still, in the long run, it is no less a bonus or bounty. It is a sum given by the Government gratis, for the purpose of encouraging a peculiar kind of industry which otherwise would not exist or would fail.

In other words, gentlemen, your proposition makes the Treasury an eleemosynary institution. It pauperizes an honorable occupation. How proud and glad I was to see my highly respected friend from Pennsylvania [Mr. BAYNE], in the present tense and first person singular, offer to give away my constituents' money out of the Treasury to foster one occupation, and to the amount of $6,000,000 [laughter]. He tendered it without their asking for it, or asking us for it. Oh, how benevolent these gentlemen are with other people's money! Now, whether it be a bounty indirect in the form of protection, or a bounty

direct, at so much a pound from the Treasury, its maintenance signally and logically illustrates the sophistry of all your fallacy in favor of protection, when you audaciously deny that a large proportion of the money taken from the people by the tariff never enters the Treasury, but goes to fatten the greed of the manufacturer.

It can be demonstrated that on all of the various articles that make up the tariff schedules five times as much of the unwarranted tax goes to interested and selfish parties outside of the Treasury as the amount that goes into the Treasury for revenue.

Sugar is a peculiar article. Sugar brings into the Treasury some $56,000,000 a year. All of that sum is revenue except some six millions. That sum is very kindly provided by the bountiful amendment of the gentleman from Illinois [Mr. CANNON]. The fifty million of dollars which sugar brings into the Treasury is "revenue only." As a Democrat I believe in the doctrine of a tariff for revenue only. I applaud any proposition that creates such a relation as that to sugar.

But I would not pay a bounty in any guise on the production of sugar. I could not do that consistently with principle and platform. As one who does not believe in the creed of protection, I can not vote for bounties. They have no possible or constructive warrant. I would not do it in any way, however generous it might seem. As soon as you commence paying bounties on one article, where can you justly stop? You have to pay them on another and another, and so on without end. You can not help it. It is the only route to reach reasonable equality in the mode and fact of taxation; and when you reach that equality, all are burdened and no one aided.

Mr. HOPKINS, of Illinois. Would you make sugar free?

Mr. COX. Now let me go right along. You had a good time on your side, all among yourselves, to-day. We were so happy to see you enjoying it. [Laughter.] You were like two colored people I have heard of down in Florida. They disputed all day about something, although they were both on the same side of the question. [Laughter.] That was the case with our Republican brethren here to-day. [Laughter.] They were each and all for protection—each and all for a bounty—one by an outlay of money, the other by adding to the cost of the article to the consumer, which, all the same, the producer received. Both desired the exaction, only they differed as to the mode.

Mr. DOUGHERTY. Why does the gentleman locate that story in Florida? [Laughter.]

Mr. COX. Well, you may locate it in New Orleans, if you please. [Laughter.] On a former occasion I undertook to show what would be the percentage of bounty paid on pig-iron, cotton goods, and various other articles under the tariff. From the calculation then made I concluded that my proposition was approximately correct when I said that the great body of the tax paid by the people under the tariff never entered the Treasury, and that in effect the Treasury became a great charitable institution—the almoner of the people's money to help favored classes.

Gentlemen on the Ways and Means Committee have had in sugar a difficult subject to deal with. Sugar is a useful article in life. As an "infant" industry it is a good thing when made into candy [laughter], and I only wish that some of my friends on the other side—I am not looking at the gentleman from Maine [Mr. REED]—had had a little more saccharine matter in their early days. [Laughter.]

Mr. REED. You are like all Democrats. You look right at me and then say you are not doing it. [Laughter.]

Mr. COX. I am a little cross-eyed. I was looking at another man. [Laughter.]

If the tax on this necessary article of sugar, amounting to upwards of fifty millions of dollars, were the only tax paid on this article by the people, we might be more content, but there are vast sums, which I once computed here, paid under our protective system to the sugar refineries. The percentage of profit has been enormous, even before the trusts began to combine. Hence, the question has come to be one of popular interest beyond ordinary tariff schedules. It is a question whether protection has aided the home sugar production. If protection has not aided it, what will? No wonder gentlemen in good faith turn to bounties. If protection has failed to supply one-tenth of the sugar needed for home consumption, will bounties do any good to that end?

I am free to say, sir, that as between protective bounties and bounties in cash, I would, in case I were compelled to choose between them, prefer the open and candid bounties in cash. But I am not bound to choose either on principle or by the Constitution. I would prefer, in case of a choice, to do as we used to do with codfish, pay a bounty outright, and make a precious pretense of helping some remote interest.

The existing sugar duties well illustrate the theory of tariff protection in its most favorable aspect, yet they totally fail to accomplish their ostensible object. The gentleman from Illinois [Mr. CANNON] would make the protective theory effective and plain to the commonest understanding by taking out of the pockets of the people $6,000,000 and paying that sum flagrantly to the sugar-growers. This is an operation that would perhaps if sugar were freed save sugar consumers $50,000,000 next year, and a proportionately larger sum each year following.

By this method, if applied to other tax-protected products, we could soon reduce the surplus revenues while "protecting" home industries! For example, we might pay directly to the constituents of the gentleman from Pennsylvania [Mr. KELLEY] $6.72 for each ton of pig-iron produced, and $22 per ton for charcoal bars and blooms, and from $17 to $22 per ton for iron and steel rails. It would only be doing directly what we have been doing indirectly. But I fear the people would not, when the facts were patent, go in that direction. At preset gentlemen draw the bounty-line at sugar and molasses.

I am not sanguine that any system of protection or bounty can save the sugar producing interest in the South. There are reasons for this remark on which I can not now dilate. Planters are unsettled in their condition. They are looking for changes to relieve them. The Times-Democrat, of New Orleans, of 7th January, 1887, said:

> Three years of ruinous prices have demonstrated the fact that however immutable the laws and methods of cultivation may be, the manufacturing business must be progressive here as it is in other portions of the world.

Is it true that this sugar industry is decaying? Can it be that it has no future which tariffs, however high, can help? If so, what good will bounties do to aid them?

Doubtless the sums paid into and outside of the Treasury do have the effect to stimulate the industries, at least for a time. Like other stimulus, it is not lasting and healthy. It defeats the object. Tariffs in giving bounties indirectly are more or less stimulative, just as a direct sum is stimulative to producers; and though the sum may not amount to the full sum of the cash bounty, yet in the end the large amounts paid by the consumer do go into the hands of men outside; otherwise why so much urgency and anxiety about protection?

Sugar is as indispensable as bread. Let us not wonder, therefore, that gentlemen who would cultivate the graces so as to be returned to Congress should seek to reduce largely the tax on sugar. It seems at first to be a popular measure and taking shibboleth. It is very sure to have a large support amongst the people, who will not reflect upon its object and consequences.

I should like to cut off, if I could justly to all other interests, more than $12,000,000 provided by the pending bill.

A MEMBER. Cut off 40 per cent. of duty.

Mr. COX. I do not know what I would cut if sugar only were the means or article for the surplus reduction. The Committee on Ways and Means have done their best, looking over the whole field, in taking off twelve millions, considering the various ramifications of the tariff all through our varied industries.

I was about to say, sir, that sugar is indispensable to human life. It is "necessary" for the nutrition of our bodies. It is needed by all, from the child who uses it in various forms of sweetness, to the man who wants it in his coffee—or I may say who craves it for his "free whisky." [Laughter and applause.] It helps to make blood. It preserves health. It prolongs life.

I have been told by old campaigners—and I see many around me here—by men who used to cross the plains, that they preferred a pound of sugar to that much flour in their emergencies on the route for the sustentation of the body. If you impose on this industry a bounty, then you have only shifting sand upon which to build your economic policy. It will have no permanency. You can not build on it as if it were a rock against which our political elements may beat, and beat in vain. You will be changing it from year to year. Such a policy, therefore, will unsettle business. Bounties have been tried in other countries and have failed. The system always will fail, even when not complicated by trusts and combinations. People will find in time that bounties will not sustain except temporarily their industries.

This sugar question is complicated otherwise than by various grades, standards, refineries, and greediness. I know what gentlemen mean when they talk about trusts. There are in the United States some fourteen sugar refineries. They have an aggregate capital of fifty millions. They control almost the entire consumption and production of refined sugar in our country.

There are trusts in and around the city of New York of potential and perilous magnitude. But the people of that city, led by Democratic and patriotic men, have recently petitioned the attorney-general of that State to take cognizance of the sugar trusts. They contended in their appeal that corporations which have made combinations and monopolies to manage and enhance the price of sugar are amenable to the criminal law. Their appeal to the attorney-general has been heeded. That officer answers them that he agrees with them. If the law be fearlessly executed, these conspirators against the people in their social needs will be penitentiarized. I hope that the officials of that State of New York will so take care of the interests of the people that these chartered or unchartered spoilers of fair and just trade may be suppressed.

Now, gentlemen, I did not intend to speak this warm afternoon. I say again, this side of the House thanks you for your intelligent disputations amongst yourselves this afternoon. [Laughter.] You have given us great satisfaction. In time the truth will arise from such discussions, and if truth prevails we will have no bounties of any kind, direct or indirect, by our legislation. [Laughter and applause.]

Mr. REED. It is a great satisfaction to have had a whole day of truth, even if it was followed by twenty-five minutes on the other side. [Laughter.]

Mr. MILLS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the tariff bill, had come to no resolution thereon.

BRIDGE ACROSS THE MISSOURI, NEAR KANSAS CITY.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to discharge the Calendar from the further consideration of the bill (H. R. 10628) to authorize the construction of a bridge across the Missouri River between Clay County and Jackson County, Missouri, at a point to be selected consistent with the interests of river navigation, between Kansas City, Mo., and a point within 5 miles below said city, and put it upon its passage. I will say that this bill is in the usual form, approved by the Secretary of War and the Chief of Engineers, and I ask that the reading of it be dispensed with. There are two formal amendments suggested by the Committee on Commerce, which I ask to have adopted.

Mr. ADAMS. Let us hear what this is.

Mr. ROGERS. It is a bridge bill.

Mr. ADAMS. Where?

Mr. ROGERS. Across the Missouri River. It is reported by the Committee on Commerce.

Mr. ADAMS. Where to be located?

Mr. ROGERS. Five miles below Kansas City.

Mr. BAYNE. What is the width of the span proposed?

Mr. ROGERS. Four hundred feet, I think.

Mr. BAYNE. Is it approved by the Secretary of War?

Mr. ROGERS. Yes, sir, and the Chief of Engineers. It is in the usual form of bridge bills.

Mr. ADAMS. Is it a high bridge or a draw bridge?

Mr. ROGERS. A draw bridge.

Mr. ADAMS. What are the Senate amendments?

Mr. ROGERS. The first is that—

Equal privileges in the use of said bridge shall be granted to all telegraph companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

And the second is an additional section:

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof.

Mr. ADAMS. I have no objection.

There being no objection, the bill was considered, the amendments concurred in, and the bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CENTENNIAL EXPOSITION, OHIO VALLEY.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to introduce a joint resolution at this time, and ask its immediate consideration. I would like to state simply that some days ago the House passed a bill in reference to the centennial exhibition in Cincinnati. There was a proviso to that bill, which requires a declaration on the part of Congress. This resolution is to supply the omission.

The SPEAKER *pro tempore*. The joint resolution will be read, subject to objection.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the true intent and meaning of the act of Congress passed May 9, 1888, and approved by the President of the United States, entitled "An act making appropriations to enable the several Executive Departments of the Government, and the Bureau of Agriculture, and the Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Centennial Exposition of the Ohio Valley and Central States, to be held at Cincinnati, Ohio, from July 4 to October 7, 1888," that the President of the United States may in his discretion make an order directing that any documents, papers, maps, books, or other exhibits which properly and pertinently relate to the establishment of civil government in the Territory Northwest of the Ohio River, may be sent upon an executive order from any of the several Departments in said act named, or from the exhibits now at Cincinnati; and that the appropriation of money in said act to defray the expenses of such exhibits may be applicable, in so far as the President of the United States may direct, to the payment of the expenses of the care, transportation to and return of such exhibits from Marietta; and the same shall be paid from such fund heretofore set apart for each Department, as the President may order.

There being no objection, the joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 9, 1888, was read a first and second time, and ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. GROSVENOR moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMS AND EQUIPMENTS, DISTRICT MILITIA.

Mr. MCADOO. Mr. Speaker, I ask unanimous consent to pass the joint resolution (H. Res. 161) to authorize the Secretary of War to issue arms and equipments to the militia of the District of Columbia.

The SPEAKER *pro tempore*. The joint resolution will be read, subject to objection.

The joint resolution was read, as follows:

Resolved by the Senate, etc., That the Secretary of War be, and he is hereby, authorized to issue from the stores of the Army such arms, ordnance stores, quartermaster's stores, and camp equipage, to the militia of the District of Columbia as he may deem necessary for their proper equipment and instruction. The property so issued shall remain and continue to be the property of the United States, and shall be annually accounted for in such manner as the Secretary of War may require.

Mr. ADAMS. Is this an authorization or a direction?

Mr. MCADOO. It simply authorizes the Secretary of War.

There being no objection, the joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCADOO moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTH CUMBERLAND BATTALION, KENTUCKY STATE TROOPS.

Mr. HUNTER. I ask unanimous consent to call up for present consideration the bill (H. R. 9701) for the relief of the officers and enlisted men, and the widows, children, and dependent parents of the officers and enlisted men who served in the South Cumberland Battalion of Kentucky State Troops during the late war of the rebellion.

The SPEAKER *pro tempore*. The bill will be read, subject to objection. The bill was read at length.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. KILGORE. I object.

Mr. BUCHANAN. I give notice that this one-sided business will be stopped after this.

ELEVENTH CENSUS.

Mr. COX, from the Committee on the Eleventh Census, by unanimous consent, reported back with amendments the bill (H. R. 1659) to provide for taking the Eleventh and subsequent censuses; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

And then (the hour of 5 o'clock having arrived) the Speaker *pro tempore* declared the House adjourned.

PRIVATE BILLS INTRODUCED AND REFERRED.

Under the rule private bills of the following titles were introduced and referred as indicated below:

By Mr. CLARDY: A bill (H. R. 10749) for the relief of Charles Maschmeyer—to the Committee on Invalid Pensions.

By Mr. MORRILL: A bill (H. R. 10750) for the relief of Joseph H. Lyon—to the Committee on Military Affairs.

By Mr. WICKHAM: A bill (H. R. 10751) granting a pension to Mary L. Udell—to the Committee on Invalid Pensions.

By Mr. YODER: A bill (H. R. 10752) granting a pension to Robert S. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10753) granting a pension to Delilah Hennick—to the Committee on Invalid Pensions.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolution of North Side Council and of Col. J. R. Clark Council, Junior Order United American Mechanics, of Allegheny County, Pennsylvania, in favor of Senate bill 553—to the Committee on Foreign Affairs.

By Mr. COBB: Petition of the heirs of Isaiah Attaway, for reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. HOLMAN: Petition of J. A. Applegate and 54 others, citizens of Franklin County, Indiana, for an amendment of the interstate-commerce law—to the Committee on Commerce.

By Mr. RANDALL: Petition of S. S. White Dental Manufacturing Company, to reduce the postage on merchandise to 1 cent for 2 ounces—to the Committee on the Post-Office and Post-Roads.

By Mr. SYMES: Petition against the passage of the international copyright bill—to the Committee on Patents.

By Mr. WARNER: Petition of Elijah Gates and others, asking for a pension to Julia B. Russell—to the Committee on Invalid Pensions.

By Mr. THOMAS WILSON: Protest of the St. Paul (Minn.) Chamber of Commerce, against bridging the Detroit River—to the Committee on Commerce.

The following petition for the more effectual protection of agriculture, by means of certain import duties, was received and referred to the Committee on Ways and Means:

By Mr. HOUK: Of citizens of Lincoln County, Tennessee.

The following petition for the repeal or modification of the internal-revenue tax of $25 levied on druggists was received and referred to the Committee on Ways and Means:

By Mr. HALL: Of citizens of Crawford County, Pennsylvania.

SENATE.

MONDAY, *July* 9, 1888.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on motion of Mr. HALE, and by unanimous consent, its further reading was dispensed with.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate for distinctive paper for United States securities for 1889, and urging the amendment of the sundry civil appropriation in accordance with such estimate; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. HALE presented a petition of the General Conference of the Congregational Churches in Maine, praying for the repeal of all legislation which sustains and protects the manufacture or sale of intoxicating liquors to be used as beverages, and praying for further legislation prohibiting the importation and exportation of such liquors; which was referred to the Committee on Finance.

He also presented a petition of citizens of Knox County, Maine, praying for the passage of such amendments to the interstate-commerce law as will protect the public from existing evils which vitally affect their interests, and prevent further encroachments on their rights; which was referred to the Committee on Interstate Commerce.

Mr. DAWES. I present the petition of C. Brownell, of Washington, D. C., praying for the passage of Senate bill 2772, in relation to creating and establishing United States courts in the Indian Territory. This petition contains very valuable information, and is the result of the investigation of the treaties and authorities which have reference to the passage of that bill. This petition is so full of valuable information that I venture to ask that it be printed in document form for the use of the Senate.

There being no objection, the petition was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. QUAY presented a petition of physicians and druggists, citizens of Pennsylvania, praying for the repeal of the law classifying druggists as liquor dealers, and which requires them to take out a license of $25 therefor; which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Philadelphia, Penn., and a petition of the Maritime Exchange, of Philadelphia, Penn., praying that an appropriation be made for the improvement of League Island navy-yard; which were referred to the Committee on Appropriations.

He also presented the petitions of 12 councils of the Junior Order of United American Mechanics, located in the State of Pennsylvania, praying for the passage of Senate bill 553, to restrict foreign immigration; which were referred to the Committee on Foreign Relations.

Mr. STOCKBRIDGE presented a petition of 66 citizens of Berrian County, Michigan, praying for certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. COLQUITT presented a petition of citizens of Harris County, Georgia, praying that amendments be made to the interstate-commerce law whereby certain evils now suffered by the public may be prevented and further encroachments on their rights prevented; which was referred to the Committee on Interstate Commerce.

Mr. REAGAN presented the petition of J. H. Rose and 50 other citizens of Van Zandt County, Texas, praying for the passage of a law to prevent common carriers from transporting commodities in cars and other means of conveyance owned by the shipper, and to give informers the fines imposed for violations of the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. WALTHALL presented a petition of citizens of Newton County, Mississippi, praying that certain amendments may be made to the interstate-commerce act; which was referred to the Committee on Interstate Commerce.

Mr. VOORHEES. I present a petition of sundry citizens of Howard County, Indiana, praying for the passage of certain amendments of the interstate-commerce law to protect them "from any more railway piracy," to use their own language. I move that the petition be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. VOORHEES presented a petition of ex-soldiers of the Union Army, praying for the purchase by Congress of the portrait of General George H. Thomas, painted by Miss Ransom; which was referred to the Committee on the Library.

He also presented a petition of ex-Union soldiers, citizens of Lowell, Ind., praying for the passage of the per diem rated service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of 52 citizens of the Fifth and Tenth Congressional districts of Indiana, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MITCHELL presented a petition of the Chamber of Commerce of Astoria, Oregon, praying that an appropriation be made to sustain the revenue-marine service; which was referred to the Committee on Commerce.

He also presented a petition of the Grand Encampment of Indian War Veterans of the North Pacific Coast, praying for the passage of bills for the payment of Indian depredation claims as allowed by the commission composed of Generals Ingalls and Smith and Hon. L. F. Grover; which was referred to the Committee on Military Affairs.

Mr. FARWELL presented the petition of John George Ryan, of Chicago, Ill., praying to be indemnified in the sum of $100,000 because of false arrest, long imprisonment in chains, cruelty, danger to life, injury to health, and other hardships by United States officials while the petitioner was on his parole of honor and consequently under protection of the Government of the United States; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented a petition of 26 citizens of Fair Play, Polk County, Missouri, praying for prohibition in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented a petition of 42 citizens of Washington County, Ohio, praying for the passage of certain amendments to the interstate-commerce act; which was referred to the Committee on Interstate Commerce.

Mr. CULLOM presented the petition of Wesley W. Taylor, of Paris, Ill., praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SABIN presented a petition of the Winona (Minn.) Board of Trade, praying for the passage of the House bill authorizing the Winona and Southwestern Railway Company to construct a bridge across the Mississippi River at Winona; which was referred to the Committee on Commerce.

Mr. GORMAN presented the petition of Charles Hughes and others; the petition of David Fetters and others; the petition of Daniel Lineberger and others, and the petition of Max Borneman and others, all citizens of Baltimore, Md., praying for the retention of the present duty on window-glass; whith were referred to the Committee on Finance.

He also presented a petition of citizens of Montgomery County, Maryland, praying for the better protection of the Yellowstone National Park; which was ordered to lie on the table.

He also presented the petition of F. E. Meekins and others, of Baltimore, Md., praying for the passage of the bill (H. R. 1539) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was referred to the Committee on Education and Labor.

He also presented the petition of Morris Golding and other citizens of New Castle County, Delaware, praying for the retention of the present duty on china clay and kaolin; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Education and Labor, to whom was referred the joint resolution (S. R. 12) proposing an amendment of the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors, reported it without amendment, and submitted a report thereon.

Mr. BOWEN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 110) for the relief of Horace A. W. Tabor, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 685) for the relief of Royal M. Hubbard, reported it with amendments, and submitted a report thereon.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (S. 2783) for the relief of the sureties of George W. Hook, deceased, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 775) to regulate the compensation of the chief-justice and judges of the Court of Claims, and of the justices of the supreme court of the District of Columbia, reported it with amendments.

Mr. MORGAN, from the Committee on Public Lands, to whom was referred the bill (S. 3248) for the relief of John W. Durr, reported it without amendment.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 2627) granting land-warrants to soldiers and sailors in the United States service in the Seminole Indian war of 1856, their widows and orphans, reported adversely thereon; and the bill was postponed indefinitely.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 763) to promote the efficiency of the General Land Office, reported it with amendments.

Mr. TELLER. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 2386) explanatory of an act entitled "An act to settle certain accounts between the United States and the State of Mississippi and other States, and for other purposes," to report

it adversely, another bill of the same character having been reported to the Senate and being now on the Calendar.

The bill was postponed indefinitely.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. 3136) to amend section 1014 of the Revised Statutes of the United States, reported it with amendments.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 217) granting a pension to C. T. Maphet;
A bill (H. R. 486) granting a pension to Lydia Calhoun;
A bill (H. R. 881) granting a pension to Hiram R. Ellis;
A bill (H. R. 945) granting a pension to Mary Kelley;
A bill (H. R. 965) granting a pension to George E. Wells;
A bill (H. R. 2176) granting a pension to Alexander Collinge;
A bill (H. R. 2776) granting a pension to William Jack;
A bill (H. R. 3764) for the relief of Mrs. Delila Whipps;
A bill (H. R. 3913) granting a pension to Mrs. Catharine Peterson;
A bill (H. R. 4270) granting a pension to William C. Tilly;
A bill (H. R. 5490) granting a pension to Mrs. Catharine Sinnott;
A bill (H. R. 7202) granting a pension to William C. Lord;
A bill (H. R. 8183) for the erection of a public building at Opelousas, La.;
A bill (H. R. 7452) for the relief of the Southern Illinois Normal University;
A bill (H. R. 8075) granting a pension to Ann M. Arnold, widow of John Arnold;
A bill (H. R. 8087) for the relief of Thomas Strodder;
A bill (H. R. 8988) to increase the pension of Mrs. Minerva Eagle;
A bill (H. R. 9029) for the relief of Marshall Burtrum;
A bill (H. R. 9540) granting a pension to Martha J. Rushford, widow of John Rushford;
A bill (H. R. 9731) granting a pension to William A. Humes;
A bill (H. R. 9732) granting a pension to Sarah Riddle;
A bill (H. R. 9733) granting a pension to Ralph P. Wilborn;
A bill (H. R. 9911) granting a pension to Mrs. Maria Hulse;
A bill (H. R. 9920) granting a pension to Daniel K. Harris;
A bill (H. R. 10628) to authorize the construction of a bridge across the Missouri River between Clay County and Jackson County, Missouri, at a point to be selected consistent with the interests of river navigation, between Kansas City, Mo., and a point within 5 miles below said city;
Joint resolution (H. Res. 161) to authorize the Secretary of War to issue arms and equipments to the militia of the District of Columbia;
Joint resolution (H. Res. 195) electing managers of the National Home for Disabled Volunteer Soldiers to fill vacancies caused by the expiration of the terms of office of members of the present board of managers on the 21st day of April, 1888; and
Joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 9, 1888.

The message also announced that the House had passed the following bills:

A bill (S. 123) granting a pension to Mrs. Virginia Grier;
A bill (S. 1173) increasing the pension to Jeptha A. Jones;
A bill (S. 1556) granting a pension to Martin N. Kellogg;
A bill (S. 2274) granting a pension to Mrs. Catharine K. Whittlesey;
A bill (S. 2604) granting a pension to Mrs. Loanda Sherman;
A bill (S. 2866) granting a pension to Abel G. Rankin; and
A bill (S. 3021) granting a pension to Carrie V. Miller.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan" in the Territory of New Mexico.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10233) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1889, and for other purposes; that it further insisted on its disagreement to the thirtieth amendment of the Senate to the bill; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HATCH, Mr. DAVIDSON of Florida, and Mr. CONGER managers at the further conference on the part of the House.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 1387) for the relief of the Fourth Regiment of Iowa Infantry; and
A bill (H. R. 5903) for the relief of Lewis Davis, a soldier of the war of 1812.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

A bill (S. 671) to provide for the sale of the site of Fort Omaha, Nebr., the sale or removal of the improvements thereof, and for a new site and the construction of suitable buildings thereon;
A bill (S. 1430) to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes;
A bill (S. 1540) granting a pension to Hannah Babb Hutchins; and
A bill (S. 2657) granting an increase of pension to Emily J. Stannard.

The message further announced that the House had passed a resolution directing the Clerk to prepare a duplicate engrossed copy of the bill (H. R. 3300) "to amend an act to enable the city of Denver to purchase certain land for cemetery purposes," and deliver the same to the Senate, and request that body to furnish the House with a duplicate copy of the amendments of the Senate to said bill and indorse on the duplicate engrossed bill and amendments the action had in the Senate thereon, and return the same to the House, the original bill and amendments having been lost.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1387) for the relief of certain volunteer soldiers;
A bill (H. R. 5096) authorizing the construction of a bridge across Flint River, in the State of Georgia;
A bill (H. R. 5903) for the relief of Lewis Davis, a soldier of the war of 1812;
A bill (H. R. 9816) to authorize the building of a railroad bridge at Fort Smith, Ark.;
Joint resolution (H. Res. 191) relating to the pages of the House of Representatives; and
Joint resolution (H. Res. 193) directing the Clerk of the House of Representatives to amend the enrollment of the bill (H. R. 9377) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1889, and for other purposes.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3266) granting a pension to Mrs. Adelaide H. Woodall; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 3267) for the relief of Willis Benefield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 3268) to ascertain and pay for loss of property sustained by Lieut. J. C. Colwell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3269) granting a pension to Theresia Fichter; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3270) to amend the military record of Valentine Hitchcock; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FARWELL introduced a bill (S. 3271) for the relief and protection of saleswomen in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3272) extending the tracks of the Capitol, North O Street and South Washington Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SHERMAN introduced a bill (S. 3273) for the relief of Frederick W. Snell; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3274) for the relief of James A. Stewart; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3275) for the relief of John Shafer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3276) granting restoration of pension to Sarah A. Woodbridge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RIDDLEBERGER. I introduce two bills, which should properly go to the Committee on Commerce, but they are, in effect, laws now except that they require an appropriation. I therefore ask unanimous consent that they be referred directly to the Committee on Appropriations for their consideration.

The PRESIDENT *pro tempore.* That order will be made if there be no objection.

Mr. RIDDLEBERGER introduced a bill (S. 3277) for the establishment of a light-house at or near Tangier Island, Chesapeake Bay; which was read twice by its title, and referred to the Committee on Appropriations.

He also introduced a bill (S. 3278) making an appropriation for the establishment of a light-house at the mouth of the Great Wicomico

River, Virginia; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. BECK introduced a bill (S. 3279) granting a pension to James Carroll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3280) making an appropriation for the purchase of a site and the construction of a light-house at Heceta Head, Siuslaw River, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3281) making an appropriation for the purchase of a site and the construction of a light-house on Gray's Harbor, Washington Territory; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3282) making an appropriation for the purchase of a site and the construction of a light-house and fog-signal on Patos Island, Washington Territory; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAWYER introduced a bill (S. 3283) granting a pension to Reuben Ash; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 3284) to authorize the construction of a bridge across Bayou Bartholomew, at or near Ward's Ferry, Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3285) to authorize the construction of a bridge across the Tensas River, at or near Kirk's Ferry, Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. EVARTS introduced a bill (S. 3286) granting a pension to John H. Tunney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. EDMUNDS (by request) introduced a bill (S. 3287) to authorize the appointment and retirement of Nathanial C. Sawyer, late United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 3288) for the relief of the Baltimore Steam Packet Company; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3289) for the relief of Emily J. Fardy, of Baltimore, Md.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3290) for the relief of the Grace Methodist Episcopal Church of the District of Columbia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. DANIEL introduced a bill (S. 3291) authorizing the President of the United States to appoint a board to report the five best obtainable sites for the fabrication of guns and armor plate, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3292) authorizing and directing certain Departments and bureaus to make exhibits at the Virginia Agricultural, Mechanical, and Tobacco Exposition, and making appropriation therefor; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 3293) authorizing the Secretary of the Treasury to purchase fifty McLellan apparatus wagons for use in the Life-Saving Service; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. VANCE introduced a bill (S. 3294) to provide for the construction of a macadamized road to the national cemetery near Wilmington, N. C., and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAWES introduced a joint resolution (S. R. 98) authorizing the Secretary of the Interior to accept the surrender of and cancel land patents to Indians in certain cases; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. BUTLER, Mr. EVARTS, and Mr. BLAIR submitted amendments intended to be proposed by them, respectively, to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENT TO CLAIMS BILL.

Mr. QUAY submitted an amendment intended to be proposed by him to the bill (H. R. 2952) for the allowance of certain claims for stores and supplies taken and used by the United States Army, and reported by the Court of Claims, under the provisions of the act of March 3, 1883, known as the Bowman act; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MARY M. BRIGGS.

Mr. SAWYER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution of the Senate agreeing to the amendment of the House to the bill (S. 899) for the relief of Mary M. Briggs.

WIDOW OF JOHN A. TURLEY—VETO MESSAGE.

Mr. DAVIS. I move that the bill (S. 845) granting a pension to the widow of John A. Turley, with the message of the President of the United States, be referred to the Committee on Pensions.

The PRESIDENT *pro tempore*. The bill, with the veto message of the President of the United States, will be referred to the Committee on Pensions, if there be no objection, the message having been already read at length.

Mr. STEWART. Mr. President, I should like to make one remark about the bill and message. I am unwilling to allow these vetoes to pass without a serious protest. I think it is changing our form of Government very rapidly. The fact that it excites no attention is one of the most alarming features.

There have been, in round numbers, since the present Administration came into power, about two hundred vetoes. They have been mainly vetoes of private pension bills. The average pensions are $12 a month, and two hundred such bills would make $24,000 a year. That is about the expense that would be involved if they had all passed.

Now, admitting that they are all wrong, that they ought not to have passed, that the committees of the two Houses are remiss in their duty, that they are negligent and their conduct reprehensible, and that the two Houses are inattentive to the responsibilities which are devolved upon them—admitting all that, is the emergency so great, the necessity so great to save from a few poor people the sum of $20,000 or $30,000 a year sufficient to warrant the Executive in assuming to act as a legislator upon every measure that is presented to him, to vote upon it as he would if in Congress?

It seems to me that no one has suggested or can suggest a reason for changing our form of government to save this pittance. It may be that the committees make mistakes; it may be that there are cases where the death did not ensue or the disability was not the result of injury received in the war, but there were special reasons given, and the committees acted undoubtedly conscientiously in coming to a conclusion.

The persons proposed to be relieved in all these cases are persons in great need, and in nearly all, I think, of the cases some of their relatives, a father, a husband, or a son, served the country in the war. They are poor and needy, and the committees have come to the conclusion conscientiously that they ought to receive this money. There may have been mistakes, but the pittance is so small, and the mistakes, if any, so slight and the necessities of the parties so great, they being poor and needy, and the expense to the Government so trifling, it seems to me that there is no such emergency as warrants the subversion of the whole theory of the Government and warrants the President in assuming the power of a legislator to make an argument against these bills.

There are few bills that pass Congress where a good argument can not be made against them. We hear such arguments made daily. To hear that argument alone seems conclusive; and very likely the President can assign reasons and make good arguments against many bills which pass, which would have considerable weight in a legislative body, because they are argued pro and con, and finally passed by a concurrence of the majority of sentiment. But because the President can make an argument against these poor people and in some cases show mistakes on the part of the committee, does it follow that he should subvert the design of the Government? The use of the power was only given to prevent unconstitutional measures and to protect the Executive from usurpation by Congress. I ask if that is a sufficient reason?

Has he assigned in these vetoes at any time a sufficient reason why the theory of our Government should be subverted? We had better pay millions of dollars every year than to have the precedent established that the President of the United States is at liberty to veto a bill whenever he differs as to the policy of it, when he differs as to the propriety of it, whenever he thinks that if he were in Congress he would vote against the bill.

I simply rose to enter my protest against the exercise of that power. It is simply a difference on a question of fact. He is as liable to be mistaken as the committee. It was never intended that the President should set up his judgment against the investigation of committees on questions of fact. The thing was never thought of in the discussions in the convention which framed the Constitution.

The reason why this power was admitted in the Constitution was to protect the Executive in great emergencies where there should be a unanimity of opinion that the necessity existed. It was stated by Hamilton and others as the reason why this might be safely intrusted to the Executive that it would be rarely exercised, and reference was made to the British Government where it had not been exercised by the Crown since the revolution. It had fallen into disuse, and there was no danger of it being used in this country except in great emergencies. But if it had been contemplated that it should be used where there was simply a difference of opinion it would not have received a vote in the convention that framed the Constitution. This is a new order of things, and I desire for one to protest against it.

Mr. VEST. Mr. President, it is not proper that a statement like that

made by the Senator from Nevada should pass unchallenged. If the conclusion arrived at by that Senator be correct, then the autonomy of our Government is entirely different from what was intended by the framers or as it has been understood by those who have come after them. The plain language of the Constitution is that every bill which passes both Houses of Congress shall be presented to the President and by him approved or returned with his objections to the house in which it originated.

The novel proposition that the amount of money involved in any bill limits and construes the duty of the Executive is so monstrous that to my mind it does not bear even a simple statement. If we are now to assume that only in great emergencies, as the Senator from Nevada says, can the President exercise the executive veto, then what tribunal is to determine when these emergencies arise? Who is to do away with the plain letter of the constitutional provision that every bill, whether it appropriates $1 or $5,000,000, shall receive the approval of the President or be by him returned with his objections to the house in which it originated?

The President of the United States, under his oath of office, is as much required to scrutinize the smallest pension bill that passes this and the other body of Congress and give it his approval or return it with his objections, as to pass upon the largest appropriation bill that was ever enacted in Congress in any year; and to hold anything else is simply to render that provision of the Constitution absolutely nugatory, and to make this what Mr. Hamilton intended it to be, a Government of unlimited Congressional power without any check upon both branches of Congress if they saw proper to pass any bill which came within their idea of what was for the general welfare of the country.

I simply want to say here now that this novel proposition that the amount appropriated in a bill is to construe the Constitution, it seems to me is absolutely without foundation and can not be sustained by any sort of argument.

Mr. STEWART. I think that the Senator from Missouri must have overlooked the discussion which took place when this provision was placed in the Constitution. The discussions all pointed to great emergencies, when the constitutional power of the Executive should be invaded, and not to ordinary legislation. For the President of the United States to occupy his time in determining whether an injury received twenty-five years ago in the war resulted in death, after testimony has been taken by a committee upon that subject investigating it as an original question, I say is a novel proposition, never heard of before, never dreamed of by the framers of the Constitution, and never practiced by the earlier Presidents.

Washington vetoed but two bills, one because he thought it was in conflict with the Constitution, the other because it was a mistake. Jefferson during his eight years vetoed none. John Quincy Adams vetoed none. I can not give the exact number, but up to 1830 there were only a few, eight or ten bills vetoed in all, and up to the commencement of this administration there were only one hundred and thirty-three bills vetoed by the Presidents of the United States during ninety-six years, and in less than three years since this administration commenced we have the enormous number of two hundred, in round numbers.

It seems to me this is a departure from the earlier history. Be it remembered, too, that during the time of all the earlier administrations there were pension bills constantly passed for soldiers of the Revolutionary war, for the war of 1812, and for the Mexican war. The old Committee on Revolutionary Claims is still in existence, and in the earlier period it granted private pensions constantly, and no President put his veto upon one of the pension bills that was passed by Congress. I say of all the private pension bills for the Revolution, for the last war with Great Britain, and for the Mexican war, not one was vetoed, and it was reserved for this Administration to veto in three years two hundred pension bills.

This is the beginning of the veto of pension bills, but it is not the beginning of pension bills, for they were among the first that were passed under Washington's administration, and every one was signed. Jefferson did the same, and so did all the earlier Presidents. During all the history of this country only five pension bills were vetoed previous to the present Administration, and those President Grant vetoed for mistakes made against the interest of the pensioners, for the purpose of correcting such mistakes and doing justice to the persons intended to be benefited.

It seems to me that the understanding of the Presidents of the earlier times of the Constitution as it was is something to be considered, and that this is a new departure. This veto of pension bills, for the purpose of depriving needy beneficiaries who have served their country of a pittance awarded by Congress, as charity or otherwise, is something unheard of in the history of this country. It has been hitherto left to Congress to consider exceptional cases—cases that the general law did not provide for, but which seemed to present peculiar instances of hardship and distress which it was the duty of Congress to relieve. The practice, I say, of passing private pension bills was pursued for a hundred years, and they were never met by vetoes until now.

The PRESIDENT *pro tempore*. The bill, with the accompanying message of the President of the United States, having been read at length, will be referred to the Committee on Pensions.

THE FISHERIES TREATY.

Mr. GEORGE. I desire to give notice that on Wednesday morning after the morning hour I shall address the Senate upon the treaty now pending between the United States and Great Britain.

OHIO VALLEY CENTENNIAL EXPOSITION.

Mr. PAYNE. I ask unanimous consent that the Senate consider House joint resolution 196, which has just come from the other House.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a joint resolution from the House of Representatives.

The CHIEF CLERK. A joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 9, 1888.

The PRESIDENT *pro tempore*. The joint resolution will be read at length as in Committee of the Whole, if there be no objection.

Mr. EDMUNDS. We shall hear it read for information.

The PRESIDENT *pro tempore*. The joint resolution will be read for information, subject to objection.

The joint resolution was read the first time by its title and the second time at length, as follows:

Resolved, etc., That it is the true intent and meaning of the act of Congress passed May 9, 1888, and approved by the President of the United States, entitled "An act making appropriations to enable the several Executive Departments of the Government, and the Bureau of Agriculture, and the Smithsonian Institution, including the National Museum and the Commission of Fish and Fisheries, to participate in the Centennial Exposition of the Ohio Valley and Central States, to be held at Cincinnati, Ohio, from July 4 to October 7, 1888," that the President of the United States may in his discretion make an order directing that any documents, papers, maps, books, or other exhibits which properly and pertinently relate to the establishment of civil government in the Territory Northwest of the Ohio River, may be sent upon an executive order from any of the several Departments in said act named, or from the exhibits now at Cincinnati; and that the appropriation of money in said act to defray the expenses of such exhibits may be made applicable, in so far as the President of the United States may direct, to the payment of the expenses of the care, transportation to and return of such exhibits from Marietta; and the same shall be paid from such fund heretofore set apart for each Department, as the President may order.

Mr. PAYNE. I can explain the joint resolution in a moment.

Mr. EDMUNDS. I think I understand it. It ought to go to a committee.

Mr. PAYNE. Some doubt arose under the act whether the expense for transporting some of these exhibits from Cincinnati to Marietta and returning them should be paid out of that fund.

Mr. EDMUNDS. If it were only that, I should certainly be in favor of it, because it is clearly the meaning and intent of the original act, but the joint resolution is so drawn that it will authorize the President of the United States, and almost invite him, to send the original ordinance of 1787 establishing the Territory Northwest of the Ohio to Marietta for exhibition. For one I do not want to trust that precious historic document out of the fire-proof place in the District of Columbia where it is kept, because there is danger in respect of any original document of great historic interest in its being carried round the country from place to place for exhibition. I do not want to vote in favor of allowing the President of the United States to send that document from the place where it is now kept, for any purpose whatever.

Mr. PAYNE. I wish to correct the Senator. There is not the remotest possibility of anything of that kind occurring. The exhibits are already at Cincinnati, and the question now arises whether the expense of transporting such as may be selected to Marietta and returning them shall be paid out of the appropriation. It involves no new expenditure whatever.

Mr. EDMUNDS. There is no objection to the matter of expense (we are all for the expense always), but the joint resolution is so drawn that it will give the President authority to do the thing I have described and that was spoken of before the passage of the original joint resolution in regard to the exposition, and which, as I remember it, was opposed (I do not mean in debate, but in conversation about it) by those who thought that it was not a wise thing to intrust to anybody original papers of that character.

I wish, therefore, that my friend would let the joint resolution lie for a few minutes until I can look at the original act and see if it goes any further.

Mr. PAYNE. I should like to get it through this morning. I have an amendment that I wish to offer to it.

Mr. EDMUNDS Let it lie for a few minutes.

Mr. PAYNE. I will send the amendment I propose to the desk.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. EDMUNDS. I object for the present. Just let it lie aside, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Vermont objects, and the joint resolution will lie on the table without being referred.

Mr. SHERMAN. Let the amendment be read.

Mr. EDMUNDS. Yes, the amendment may be read.

The PRESIDENT *pro tempore*. The Senator from Ohio [Mr. PAYNE] offers an amendment to be proposed to the joint resolution when it is up for consideration, which will be read.

The CHIEF CLERK. It is proposed to add to the joint resolution:

Nothing in this act shall be construed to prevent the completion or modification of series of objects which in the judgment of the heads of Departments are necessary for the purposes of the act providing for these exhibitions.

Mr. PAYNE. I wish to explain the amendment. One of the Auditors of the Treasury has raised some question whether a canoe which is now nearly completed after the model of one a hundred years ago can be completed at the expense of that fund. It is a very simple thing; I do not think it amounts to much; but it is the desire that this provision be made.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 217) granting a pension to C. T. Maphet;
A bill (H. R. 486) granting a pension to Lydia Calhoun;
A bill (H. R. 881) granting a pension to Hiram R. Ellis;
A bill (H. R. 945) granting a pension to Mary Kelley;
A bill (H. R. 965) granting a pension to George E. Wells;
A bill (H. R. 2176) granting a pension to Alexander Collinge;
A bill (H. R. 2776) granting a pension to William Jack;
A bill (H. R. 3764) for the relief of Mrs. Delila Whipps;
A bill (H. R. 3913) granting a pension to Mrs. Catharine Peterson;
A bill (H. R. 4270) granting a pension to William C. Tilly;
A bill (H. R. 5490) granting a pension to Mrs. Catharine Sinnott;
A bill (H. R. 7202) granting a pension to William C. Lord;
A bill (H. R. 8075) granting a pension to Ann M. Arnold, widow of John Arnold;
A bill (H. R. 8087) for the relief of Thomas Strodder;
A bill (H. R. 8988) to increase the pension of Mrs. Minerva Eagle;
A bill (H. R. 9029) for the relief of Marshall Burtrum;
A bill (H. R. 9540) granting a pension to Martha J. Rushford, widow of John Rushford;
A bill (H. R. 9731) granting a pension to William A. Humes;
A bill (H. R. 9732) granting a pension to Sarah Riddle;
A bill (H. R. 9733) granting a pension to Ralph P. Wilborn;
A bill (H. R. 9911) granting a pension to Mrs. Maria Hulse; and
A bill (H. R. 9920) granting a pension to Daniel K. Harris.

The bill (H. R. 8183) for the erection of a public building at Opelousas, La., was referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 10628) to authorize the construction of a bridge across the Missouri River, between Clay County and Jackson County, Missouri, at a point to be selected consistent with the interests of river navigation, between Kansas City, Mo., and a point within 5 miles below said city, was referred to the Committee on Commerce.

The following bills and joint resolutions were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 7452) for the relief of the Southern Illinois Normal University;

Joint resolution (H. Res. 161) to authorize the Secretary of War to issue arms and equipments to the militia of the District of Columbia; and

Joint resolution (H. Res. 195) electing managers of the National Home for Disabled Volunteer Soldiers to fill vacancies caused by the expiration of the terms of office of members of the present board of managers on the 21st day of April, 1888.

SAN JUAN COUNTY, NEW MEXICO.

Mr. DAVIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1983) to ratify an act entitled "An act creating the county of San Juan," in the Territory of New Mexico, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

C. K. DAVIS,
WM. M. STEWART,
M. C. BUTLER,
Managers on the part of the Senate.

C. B. KILGORE,
W. M. SPRINGER,
WM. WARNER,
Managers on the part of the House.

The report was concurred in.

OHIO VALLEY CENTENNIAL EXPOSITION.

Mr. EDMUNDS. I ask that the joint resolution relative to the Ohio Valley centennial exposition may now have consideration. I propose to amend the proposition, to fix a limitation.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the Senate proceed to the consideration of the joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 9, 1888.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. EDMUNDS. I move to amend the text in line 12, after the word "maps," by inserting "not original;" so as to read:

Documents, papers, maps (not original), books, or other exhibits, etc.

The amendment was agreed to.

Mr. EDMUNDS. The Senator from Ohio [Mr. PAYNE] moved an amendment which I wish to amend.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Ohio he has a right to modify. The amendment as modified will be read.

The CHIEF CLERK. It is proposed to add to the joint resolution:

And nothing in this act shall be construed to prevent the completion or modification of series of objects which, in the judgment of the heads of Departments, are necessary for the purposes of the act providing for these exhibitions, nor to authorize the removal from their places of deposit in Washington City of any original papers or documents or laws or ordinances whatever.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. SHERMAN subsequently said: I ask that the joint resolution in regard to the Ohio Valley centennial exposition be withheld for the present. I wish to move a reconsideration.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to reconsider the vote by which the joint resolution (H. Res. 196) declaring the true intent and meaning of the act approved May 9, 1888, was passed.

Mr. SHERMAN. It is merely for the purpose of making an inquiry.

THE INTERSTATE-COMMERCE LAW.

Mr. CULLOM. If there is no further morning business, I move to take up Senate bill 2851 for consideration at this time.

The PRESIDENT *pro tempore*. If there be no further morning business, that order is closed, and the Calendar under Rule VIII being in order, the Senator from Illinois moves that the Senate proceed to the consideration of the bill (S. 2851) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill having been read at length is open to amendment.

Mr. CULLOM. I have nothing to say beyond what I said before I left the city some days ago. I was not aware that the bill had been read at length.

The PRESIDENT *pro tempore*. It was read at length on the 12th of June. The question is on the first amendment of the Committee on Interstate Commerce, which will be stated.

The CHIEF CLERK. In section 1, line 8, after the word "keep," the Committee on Interstate Commerce reported an amendment to strike out "for" and insert "open to;" in line 12, after the words "upon its," to strike out "railroad, as defined by the first section of this act," and insert "route;" in line 16, after the word "force," to strike out "upon such railroad;" in line 21, after the word "type," to strike out "of at least the size of ordinary pica;" in line 22, after the word "depot," to strike out "or station upon any such railroad" and insert "station or office of such carrier where passengers or freight, respectively, so received for transportation;" and in line 25, after the word "they," to insert "shall be accessible to the public and;" so as to read:

That section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, be, and it is hereby, amended so as to read as follows:

"SEC. 6. That every common carrier subject to the provisions of this act shall print and keep open to public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any such common carrier has established and which are in force at the time upon its route. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately the terminal charges and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type and copies for the use of the public shall be kept in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such places and in such form that they shall be accessible to the public and can be conveniently inspected."

The amendment was agreed to.

The next amendment was, in section 1, line 30, after the word "keep," to strike out "for" and insert "open to;" and in line 31, after the word "depot," to insert "or office;" so as to read:

Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to custom duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

The amendment was agreed to.

The next amendment was, in section 1, line 51, after the word "kept," to strike out "for" and insert "open to;" so as to read:

No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid by any common carrier in compliance

with the requirements of this section, except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection.

The amendment was agreed to.

The next amendment was, in section 1, line 51, after the word "inspection," to strike out:

Reductions in such published rates, fares, or charges may be made without previous public notice; but whenever any such reduction is made, notice of the same shall immediately be publicly posted, and the changes made shall immediately be made public by printing new schedules, or shall immediately be plainly indicated upon the schedules at the time in force and kept for public inspection.

And in lieu thereof to insert:

Reductions in such published rates, fares, or charges shall only be made after three days' previous public notice, to be given in the same manner that notice of an advance in rates must be given.

The amendment was agreed to.

The next amendment was, in section 1, after the word "published," in line 95, to strike out:

But no common carrier, party to any such joint tariff, shall be liable for the failure of any other common carrier, party thereto, to observe and adhere to the rates, fares, or charges thus made and published.

So as to make the clause read:

Every common carrier subject to the provisions of this act shall file with the commission hereinafter provided for copies of its schedule of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said commission of all changes made in the same. Every such common carrier shall also file with said commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such continuous lines or routes, copies of such joint tariffs shall also, in like manner, be filed with said commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carrier when directed by said commission, in so far as may, in the judgment of the commission, be deemed practicable; and said commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published.

The amendment was agreed to.

The next amendment was, in section 1, after line 99, to insert:

No advance shall be made in joint rates, fares, and charges, shown upon joint tariffs, except after ten days' notice to the commission, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect. No reduction shall be made in joint rates, fares, and charges, except after three days' notice, to be given to the commission as is above provided in the case of an advance of joint rates. The commission may make public such proposed advances, or such reductions, in such manner as may, in its judgment, be deemed practicable, and may prescribe from time to time the measure of publicity which common carriers shall give to advances or reductions in joint tariffs.

The amendment was agreed to.

The next amendment was, in section 1, after line 113, to insert:

It shall be unlawful for any common carrier, party to any joint tariff, to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of persons or property, or for any service in connection therewith, between any points as to which a joint rate, fare, or charge is named thereon than is specified in the schedule filed with the commission in force at the time.

The amendment was agreed to.

The next amendment was, in section 1, after line 120, to insert:

The commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged, and may change the form from time to time as shall be found expedient.

The amendment was agreed to.

The next amendment was, in section 2, line 21, after the word "offense," to insert:

Provided, That if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination in rates, fares, or charges for the transportation of passengers or property, such person shall, in addition to the fine hereinbefore provided for, be liable to imprisonment for a term not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

Mr. CULLOM. I do not know that I am authorized by the committee, but there seems to be some doubt as to the meaning of the language used, whether it means "imprisonment in the penitentiary" or not. I think the judgment was that it did, but I am inclined to think it may not, and I am therefore willing that the Senate shall insert, after the word "imprisonment," in line 26, the words "in the penitentiary."

The PRESIDENT *pro tempore*. The Senator from Illinois proposes to amend the amendment by inserting, after the word "imprisonment," in line 26, the words "in the penitentiary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Interstate Commerce was, in section 2, after line 28, to insert:

Any common carrier subject to the provisions of this act, or, whenever such common carrier is a corporation, any officer or agent thereof, or any person acting for or employed by such corporation, who, by means of false billing, false classification, false weighing, or false report of weight, or by any other device or means, shall knowingly and willfully assist, or shall willingly suffer or permit, any person or persons to obtain transportation for property at less than the regular rates then established and in force on the line of transportation of such common carrier, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject to a fine of not exceeding $5,000, or imprisonment for a term of not exceeding two years, or both, in the discretion of the court, for each offense.

Mr. CULLOM. I ask that the same words be inserted in line 42, after the word "imprisonment." I move to insert there the words "in the penitentiary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Interstate Commerce was, in section 2, after line 44, to insert:

Any person and any officer or agent of any corporation or company who shall deliver property for transportation to any common carrier, subject to the provisions of this act, or for whom as consignor or consignee any such carrier shall transport property, who shall knowingly and willfully, by false billing, false classification, false weighing, or false report of weight, or by any other device or means, whether with or without the consent or connivance of the carrier, its agent or agents, obtain transportation for such property at less than the regular rates then established and in force on the line of transportation, shall be deemed guilty of fraud, which is hereby declared to be a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district in which such offense was committed, be subject for each offense to a fine of not exceeding $5,000, or imprisonment for a term of not exceeding two years, or both, in the discretion of the court.

Mr. CULLOM. After the word "imprisonment," in line 60, in the amendment, I move to insert the words "in the penitentiary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Interstate Commerce was, in section 2, after line 61, to insert:

If any such person, or any officer or agent of any such corporation or company, shall, by payment of money or other thing of value, solicitation, or otherwise, induce any common carrier subject to the provisions of this act, or any of its officers or agents, to discriminate unjustly in his, its, or their favor as against any other consignor or consignee in the transportation of property, or shall aid or abet any common carrier in any such unjust discrimination, such person, or such officer or agent of such corporation or company, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent authority within the district in which such offense was committed, be subject to a fine of not exceeding $5,000, or imprisonment for a term of not exceeding two years, or both, in the discretion of the court, for each offense; and such person, corporation, or company shall also, together with said common carrier, be liable, jointly or severally, in an action on the case to be brought by any consignor or consignee discriminated against in any court of the United States of competent jurisdiction for all damages caused by or resulting therefrom.

Mr. CULLOM. After the word "imprisonment," in line 75 of the amendment, I move to insert the words "in the penitentiary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Interstate Commerce was, in section 3, line 12, after the word "require," to insert "by subpœna;" in line 15, after the words "investigation and," to strike out "to that end" and insert "in case of disobedience to a subpœna, the commission, or any party to a proceeding before the commission;" so as to read:

SEC. 3. That section 12 of said act is hereby amended so as to read as follows:

"SEC. 12. That the commission hereby created shall have authority to inquire into the management of the business of all common carriers subject to the provisions of this act, and shall keep itself informed as to the manner and methods in which the same is conducted, and shall have the right to obtain from such common carriers full and complete information necessary to enable the commission to perform the duties and carry out the objects for which it was created; and for the purposes of this act the commission shall have power to require, by subpœna, the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements, and documents relating to any matter under investigation, and in case of disobedience to a subpœna, the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section."

The amendment was agreed to.

The next amendment of the Committee on Interstate Commerce was, in section 4, after line 15, to insert:

The commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the commission therein contained, in all courts of the United States and of the several States, without any further proof or authentication thereof. The commission may also cause to be printed for early distribution its annual reports.

The amendment was agreed to.

The next amendment was, in section 5, line 20, after the word "affirmations," to insert "and sign subpœnas;" so as to read:

Either of the members of the commission may administer oaths and affirmations and sign subpœnas.

The amendment was agreed to.

The next amendment was, in section 6, line 11, after the word "duties," to strike out:

Subject to the approval of the Secretary of the Interior. The commission shall be furnished by the Secretary of the Interior with suitable offices and all necessary office supplies.

And insert:

Until otherwise provided by law, the commission may hire suitable offices for its use, and shall have authority to procure all necessary office supplies.

So as to read:

SEC. 6. That section 18 of said act is hereby amended so as to read as follows:

"SEC. 18. That each commissioner shall receive an annual salary of $7,500, payable in the same manner as the salaries of judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $3,500, payable in like manner. The commission shall have authority

